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STATE OF NEVADA
 COUNTY OF WASHOE

ss Tana Ciccotti

Being first duly sworn, deposes and says:
 That as the legal clerk of the RENO
 GAZETTE-JOURNAL, a daily newspaper
 published in Reno, Washoe County,
 State of Nevada, that the notice:

Ordinance 1148

has published in each regular and entire
 issue of said newspaper on the following
 dates to wit:
Feb. 15, 26, 2002

Signed T Ciccotti

Subscribed and sworn to before me this
FEB 27 2002

Susan V. Dummar
 Notary Public

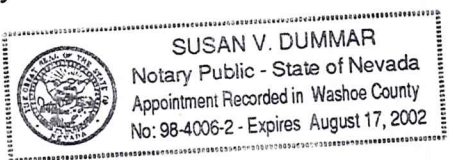
PROOF OF PUBLICATION

NOTICE OF ADOPTION
 WASHOE COUNTY
 ORDINANCE NO. 1148

NOTICE IS HEREBY GIVEN THAT: Bill No.1324, Ordinance No. 1148 entitled: "AN ORDINANCE AMENDING PROVISIONS RELATING TO WASHOE COUNTY CODE, CHAPTER 110, DEVELOPMENT CODE, ARTICLE 818, AMENDMENT OF DEVELOPMENT CODE, BY ADDING A PROVISION FOR TECHNICAL REVISIONS OF THE CODE, AND OTHER MATTERS PROPERLY RELATING THERETO." was adopted on February 12, 2002 by Commissioners Bond, Galloway, Sferazza, Shaw and Short. This ordinance shall be in full force and effect from and after February 26, 2002.

Typewritten copies of the ordinance are available for inspection by all interested persons at the office of the County Clerk, 75 Court Street, Reno, Nevada.

AMY HARVEY,
 Washoe County Clerk
 No.582 Feb.15,26, 2002



000101
 FEB 0 1 2002

SUMMARY: Amends Washoe County Code by adding a technical revision process for the Development Code, and other matters properly relating thereto.

BILL NO. 1324

ORDINANCE NO. 1148

AN ORDINANCE AMENDING PROVISIONS RELATING TO WASHOE COUNTY CODE, CHAPTER 110, DEVELOPMENT CODE, ARTICLE 818, AMENDMENT OF DEVELOPMENT CODE, BY ADDING A PROVISION FOR TECHNICAL REVISIONS OF THE CODE, AND OTHER MATTERS PROPERLY RELATING THERETO.

THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF WASHOE DO ORDAIN:

SECTION 1.

Article 818, "Amendment of Development Code" of Chapter 110 of the Washoe County Code is hereby amended as set forth in Exhibit A which is attached and incorporated by reference.

Proposed on the 15th day of JANUARY, 2002.

Proposed by Commissioner BOND.

Passed on the 12th day of February, 2002.

Vote:

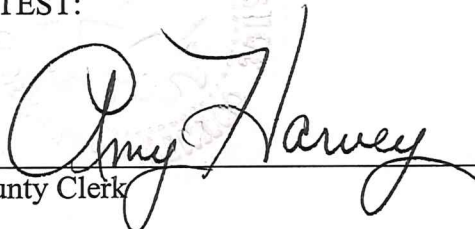
- Ayes: Pete Sferrazza
- Joanne Bond
- Jim GALLOWAY
- Jim Shaw
- Ted Short

NAYS: none

Absent: none


 _____, Chairman
 Washoe County Commission

ATTEST:



 County Clerk

This ordinance shall be in force and effect from and after the 26th day of February, 2002

Article 818

AMENDMENT OF DEVELOPMENT CODE

[This Article amended in its entirety by Ord. 873, provisions eff. 6/7/93; Ord. 1088, provisions eff. 1/28/00.]

Sections:

110.818.00	Purpose
110.818.05	Requirements for Application
110.818.10	Supplemental Guidelines, Standards and Criteria
110.818.15	Review Procedures
110.818.20	Notice
110.818.25	Appeal of Denial
110.818.30	Action by Board
110.818.35	Written Record
110.818.40	Effective Date
110.818.45	One Year Wait on Denials
110.818.50	Modification of a Development Code Amendment
110.818.55	Moratorium
110.818.60	Technical Revision of Development Code

Section 110.818.00 Purpose. The purpose of this article, Article 818, Amendment of Development Code, is to provide for the method for amending the Development Code. Requests to change a regulatory zone affecting a parcel of land, or a portion of a parcel, are processed under Article 820, Amendment of Comprehensive Plan.

Section 110.818.05 Requirements for Application.

- (a) **Initiation of Amendment.** Except as provided in Section 110.818.60, amendments shall be initiated as provided in this subsection. The Board of County Commissioners or the Planning Commission may initiate an amendment to the Development Code through resolution. An owner of real property or the property owner's authorized agent may initiate an amendment through an application to the Planning Commission. Citizen advisory boards established by the Board of County Commissioners may petition the Planning Commission to initiate an amendment to the Development Code.
- (b) **Completeness.** No Development Code amendment shall be processed until the information necessary to review and decide upon the proposed Development Code amendment is deemed complete by the Director of Community Development.

Section 110.818.10 Supplemental Guidelines, Standards and Criteria. In addition to the standards and findings set forth in the Development Code, the Director of Community Development may prepare supplemental guidelines for the submission of applications and minimum standards and criteria for approval applications.

Section 110.818.15 Review Procedures. Except as provided in Section 110.818.60 the Planning Commission shall review a Development Code amendment in conformance with this section.

- (a) General Provisions. The Planning Commission shall conduct at least one (1) public hearing with notification for the purpose of receiving oral and written evidence relative to the application. The evidence shall be reviewed to determine if the Development Code amendment request is consistent with the Washoe County Comprehensive Plan. The Planning Commission shall recommend approval, conditional approval, or denial of the application based on the results of this review.
- (b) Time Period for Hearing. Public hearings conducted by the Planning Commission shall be held within one-hundred and twenty-five (125) days from the date the resolution was adopted or the complete application was accepted.
- (c) Time Period for Action. The Planning Commission may take action on the proposed Development Code amendment at the conclusion of the public hearing, but shall take action no later than one-hundred and eighty (180) days after the resolution was adopted or the complete application was accepted. An extension of time for Planning Commission action may be granted if mutually agreed upon between the applicant and the Director of Community Development.
- (d) Action. The Planning Commission may take action to recommend approval or deny the Development Code amendment request. A recommendation of approval of a Development Code amendment request shall be by resolution based upon a simple majority vote of the quorum present. Failure of the Planning Commission to hold a public hearing or take action within the time frames provided in this article shall constitute a recommendation of approval of the Development Code amendment application.
- (e) Findings. When making its recommendation to the Board of County Commissioners for approval, modification of an amendment, or denial, the Planning Commission shall, at a minimum, make at least one of the following findings of fact:
 - (1) Consistency with Comprehensive Plan.
 - (i) Approval: The proposed Development Code amendment is in substantial compliance with the policies and action programs of the Washoe County Comprehensive Plan.
 - (ii) Denial: The proposed Development Code amendment is not in substantial compliance with the policies and action programs of the Comprehensive Plan.
 - (2) Promotes the Purpose of the Development Code.
 - (i) Approval: The proposed Development Code amendment will not adversely impact the public health, safety or welfare, and will promote the original purposes for the Development Code as expressed in Article 918, Adoption of Development Code.

- (ii) Denial: The proposed Development Code amendment would adversely impact the public health, safety or welfare, and will not promote the original purposes for the Development Code as expressed in Article 918, Adoption of Development Code.
- (3) Response to Changed Conditions.
- (i) Approval: The proposed Development Code amendment responds to changed conditions or further studies that have occurred since the Development Code was adopted by the Board of County Commissioners, and the requested amendment allow for a more desirable utilization of land within the regulatory zones.
 - (ii) Denial: The proposed Development Code amendment does not identify and respond to changed conditions or further studies that have occurred since the Development Code was adopted by the Board of County Commissioners, and the requested amendment does not create a more desirable utilization of land within the regulatory zones.
- (4) No Adverse Affects.
- (i) Approval: The proposed Development Code amendment will not adversely affect the implementation of the policies and action programs of the Conservation Element or the Population Element of the Washoe County Comprehensive Plan.
 - (ii) Denial: The proposed Development Code amendment will adversely affect the implementation of the policies and action programs of the Conservation Element or the Population Element of the Washoe County Comprehensive Plan.
- (f) Effect of Planning Commission Denial. In the event the Planning Commission denies a Development Code amendment application, that action is final unless appealed to the Board of County Commissioners.
- (g) Planning Commission Report. Within forty (40) days of the action by the Planning Commission on the Development Code amendment, a report describing the amendment, discussion at the public hearing, and recommendation and vote of the Planning Commission shall be transmitted to the Board of County Commissioners. If the Planning Commission does not recommend approval, it shall state why it could not make the findings for approval in Subsection (f) of this section.

Section 110.818.20 Notice. Except as provided in Section 110.818.60, notice for all Development Code amendments shall be given in accordance with the provisions of this section.

- (a) Notice in the Newspaper. A notice setting forth the date, time and place of the public hearing shall be published in a newspaper of general circulation in Washoe County not less than ten (10) days prior to the public hearing date. The notice shall describe the proposed Development Code amendment request and other pertinent information in such a manner that the Development Code amendment request and its effect(s) can be clearly identified.

(b) Notice to Citizen Advisory Boards.

- (1) Notice to Citizen Advisory Board Chairperson. A notice setting forth the date, time and place shall be sent either by mail or, if requested by the citizen advisory board chairperson, by electronic means if receipt of such an electronic notice can be verified, to every chairperson of a citizen advisory board created by the Board of County Commissioners not less than ten (10) days prior to the hearing date. The notice shall describe the proposed Development Code amendment request, include the specific amendment language, and other pertinent information in such a manner that the Development Code amendment request and its effect(s) can be clearly identified.
- (2) Notice to Citizen Advisory Board Members. A notice setting forth the date, time and place shall be sent either by mail or, if requested by the citizen advisory board member, by electronic means if receipt of such an electronic notice can be verified, to every member of a citizen advisory board created by the Board of County Commissioners not less than ten (10) days prior to the hearing date. The notice shall describe the proposed Development Code amendment request, and other pertinent information in such a manner that the Development Code amendment request and its effect(s) can be clearly identified. Upon request, a complete copy of the specific amendment language will be forwarded to any citizen advisory board member. This request shall not be considered a violation of the time period enumerated in this subsection.

Section 110.818.25 Appeal of Denial. A denial action of the Planning Commission made pursuant to this article may be appealed in accordance with the provisions of this section.

- (a) Appeal Period. An appeal of the Planning Commission's denial of a Development Code amendment request may be made to the Board of County Commissioners within fifteen (15) days after the date of the decision. If the end of the appeal period falls on a non-business day, the appeal period shall be extended to include the next business day.
- (b) Who Can Appeal. Appeals may be filed by the Board of County Commissioners, applicant, or applicant's authorized agent.
- (c) Appeal by Applicant or Applicant's Agent. An appeal by the applicant or the applicant's authorized agent shall be filed with the Director of Community Development, accompanied by a filing fee. The appeal shall be in writing and state the basis of the appeal by citing the inadequacy of the findings made by the Planning Commission. Such reasons shall be based upon the evidence presented to the Planning Commission at the original hearing. Failure of the appellant to present such reasons shall be deemed cause for denial of the appeal.
- (d) Action on Appeal. The appeal of the Planning Commission's denial of a Development Code amendment request shall be processed pursuant to this article.

Section 110.818.30 Action by Board. Except as provided in section 110.818.60, the Board of County Commissioners shall review proposed Development Code amendments in conformance with this section.

- (a) Time Period for Hearing. The Clerk of the Board of County Commissioners shall schedule a public hearing before the Board of County Commissioners on the appeal of a denial or recommendation of approval of the Planning Commission within thirty (30) days of the filing of the appeal or receipt of the Planning Commission's action.
- (b) Notice of Hearing. The public hearing on the appeal shall be noticed as required by this article.
- (c) Board of County Commissioners' Action.
 - (1) If the Board of County Commissioners is considering an appeal from a denial of a Development Code amendment request, it may use the record and any additional evidence relative to the application and may confirm or reverse the denial based upon its interpretation of the findings required and the evidence submitted. Final action to approve the amendment shall require a two-thirds (2/3) vote of the total membership of the Board.
 - (2) If the Board of County Commissioners is considering a recommendation of approval, it may take final action to adopt, adopt with conditions, or deny the Development Code amendment, after consideration of the Planning Commission's recommendation. Final action to approve the amendment shall require a simple majority vote of the total membership of the Board.
 - (3) If the Board of County Commissioners proposes to modify the recommendation of approval from the Planning Commission, the proposed modification shall be referred to the Planning Commission for consideration. The Planning Commission shall not be required to hold a public hearing on the modification. The Planning Commission shall submit a report on the proposed modification to the Board of County Commissioners within ninety (90) days from the date of referral by the Board of County Commissioners. Failure to report shall be deemed a recommendation of approval. Prior to making a final decision, the Board of County Commissioners shall be required to conduct a public hearing and notice this hearing pursuant to this article. If the Planning Commission does not recommend approval, approval of the proposed modification shall require a two-thirds (2/3) vote of the total membership of the Board.

Section 110.818.35 Written Record. When taking final action on the Planning Commission's recommendation, or final action as permitted in Section 110.818.60, the Board of County Commissioners shall make part of the record their affirmation, modification or rejection of either the findings of fact provided in the Planning Commission's final recommendation, or findings of fact under Section 10.818.60, as applicable, as well as any other findings of fact that the Board of County Commissioners deems to be relevant.

Section 110.818.40 Effective Date. A Development Code amendment shall become effective in accordance with the provisions of this section.

- (a) NRS Requirements. Pursuant to NRS 244, an amendment to the Development Code shall only become effective after at least twenty five (25) copies of the amended Development Code have been reproduced; at least three (3) copies of

the amended Development Code have been filed with the County Clerk; and, the ordinance adopting the amendment is published by title only once a week for a period of two (2) weeks in a newspaper of general circulation in the County, and the publications state the code may be examined by the general public at the Office of the County Clerk.

Section 110.818.45 One Year Wait on Denials. After the denial of a Development Code amendment, no application for a Development Code amendment for the same or similar amendment may be accepted for one (1) year immediately following the denial. This section shall not apply to applications denied without prejudice, which may be refiled within one (1) year.

Section 110.818.50 Modification of a Development Code Amendment. Proposed modifications of approved Development Code amendments shall required a new application following the same procedure required for the initial application, except that if a modification of a technical revision does not meet the requirements of Section 110.818.60, the modification must follow the procedures enumerated in Sections 110.818.05 through 110.818.45..

Section 110.818.55 Moratorium. The Board of County Commissioners may declare a moratorium on the acceptance and processing of planning applications and/or issuance of building permits for a specific geographical area and for a specified length of time for the purposes of preparing an amendment to the Development Code.

- (a) **Initiation.** Only the Board of County Commissioners or the Planning Commission through resolution may initiate the process for declaring a moratorium for this purpose. If the Board of County Commissioners initiates the process to declare a moratorium, it shall refer the matter to the Planning Commission for a recommendation.
- (b) **Planning Commission Hearing.** The Planning Commission shall conduct a public hearing within forty-five (45) days after it has resolved to declare a moratorium or within forty-five (45) days from the date of referral by the Board of County Commissioners.
- (c) **Notice of Planning Commission Hearing.** Notice of the date, time and place of the public hearing shall be published in a newspaper of general circulation in Washoe County not less than ten (10) days prior to the date of the public hearing to be conducted by the Planning Commission. Such notice shall describe why the moratorium is being proposed, what the proposed moratorium shall affect, the area that is affected by the moratorium, the anticipated length of time of the moratorium, and other pertinent information in such a manner that the moratorium and its effects can be clearly identified.
- (d) **Planning Commission Recommendation.** After completion of the public hearing by the Planning Commission, it may recommend to the Board of County Commissioners approval of a moratorium, modify the extent and area of the moratorium, or recommend that the moratorium not be imposed. A recommendation to declare a moratorium shall require a simple majority vote of the entire membership of the Planning Commission.
- (e) **Findings.** When making its recommendation for approval or modification, the Planning Commission shall, at a minimum, make the following findings of fact:
 - (1) The moratorium is necessary to promote the health, safety and welfare of the area described in the moratorium declaration;

- (2) The moratorium is necessary to permit the staff, Planning Commission, Board of County Commissioners and public to focus on the efficient and effective preparation of an amendment to the Development Code; and
 - (3) The moratorium is necessary because continued development during the proposed moratorium period possibly would result in development that may conflict with the code amendment.
- (f) Planning Commission Report. Within forty (40) days of the action by the Planning Commission, a report describing the proposed moratorium, discussion at the public hearing, and the action and vote by the Planning Commission shall be transmitted to the Board of County Commissioners. Failure to report within the time limit provided in this subsection or failure to schedule a hearing within forty-five (45) days of the date of referral of the matter by the Board of County Commissioners to the Planning Commission shall constitute a recommendation not to declare a moratorium.
 - (g) Board Hearing. The Clerk of the Board of County Commissioners shall schedule a public hearing before the Board of County Commissioners within thirty (30) days of receipt of the report describing the Planning Commission's action.
 - (h) Notice of Board Hearing. Notice of the date, time and place of the public hearing shall be published in a newspaper of general circulation in Washoe County not less than ten (10) days prior to the public hearing date. Such notice shall describe why the moratorium is being proposed, what the proposed moratorium shall affect, the area that is affected by the moratorium, the anticipated length of time of the moratorium, and other pertinent information in such a manner that the moratorium and its effects can be clearly identified.
 - (i) Required Vote. After completion of the public hearing by the Board of County Commissioners, it may declare a moratorium by a simple majority vote of its entire membership.
 - (j) Affirmation of Findings. In declaring a moratorium, the Board of County Commissioners shall, at a minimum, affirm the findings of fact contained in the Planning Commission's recommendation or, if the Planning Commission did not make these findings, shall, at a minimum, make the findings of fact in Subsection (e) of this section.
 - (k) Period in Effect. A moratorium declared by the Board of County Commissioners shall be in effect for a period of no less than ninety (90) days and no more than one hundred and eighty (180) days from the date of effectuation. The Board of County Commissioners may extend the moratorium for two (2) additional consecutive periods before holding another public hearing pursuant to the provisions of this section.

Section 110.818.60 Technical Revision to Development Code.

- (a) Purpose of Technical Revision. The purpose of the technical revision section is to provide a streamlined process for adopting changes that have no independent substantive effect on the Development Code.
- (b) Requirements for Inclusion. To qualify as a technical revision under the section, the change must be:

- (1) Mandated by state law, whether by statute or court decision, and when no significant discretion can be exercised by the county;
- (2) Mandated by Federal law, whether by statute or court decision, and when no significant discretion can be exercised by the county;
- (3) Required to avoid a sanction under federal law, and when no significant discretion can be exercised by the county;
- (4) Required to avoid disqualification from a Federal program and when no significant discretion can be exercised by the county;
- (5) To obtain a benefit under Federal law, and when no significant discretion can be exercised by the county;
- (6) Needed to conform to an action taken by another county agency even if that action does not result in a change in the Washoe County Code;
- (7) Needed to conform to a name change or other change made in the Washoe County Code; or
- (8) Needed to improved or clarify the Development Code when there is not substantive effect on the Development Code.

(c) Administrative Process.

- (1) Initiating the Process. The Director of Community Development shall have the sole authority to initiate a technical revision to the Development Code.
- (2) Transmittal to Board of County Commissioners. Upon making the findings required under subsection (d) of this section, the Director of Community Development shall forward the technical revision to the Board of County Commissioners.

(d) Findings.

- (1) The Director of Community Development must find that the proposed technical revision meets one of the conditions enumerated under this section. If the enumerated condition is one of those set forth in 110.818.60 (a), subsection (1) through (5), the Director of Community Development must specifically identify the independent source of the substantive change the technical revision will have on the Development Code.
- (2) The Director of Community Development must also find that the proposed technical revision is consistent with all of the following:
 - (i) Nevada Revised Statutes,
 - (ii) The Truckee Meadows Regional Plan,
 - (iii) The Washoe County Comprehensive Plan,
 - (iv) The purposes of the Development Code.
- (3) If an independent legal authority mandates a change that is inconsistent with Nevada Revised Statutes, the Truckee Meadows Regional Plan, the Washoe County Comprehensive Plan, or the purposes of the Development Code; the Director of Community Development shall

specifically identify that independent legal authority and the provision with which the technical revision will be inconsistent.

- (e) Action by Board of County Commissioners. The Board of County Commissioners shall review proposed technical revisions to the Development Code in conformance with this section.
- (1) Time Period for Hearing. The Clerk of the Board of County Commissioners shall schedule a public hearing before the Board of County Commissioners on the recommendation of approval by the Director of Community Development of a technical revision to the Development Code within thirty (30) days of the filing of the recommended technical revision with the Clerk of the Board of County Commissioners.
- (2) Notice of Introduction of Ordinance and Public Hearing. The introduction of the ordinance and public hearing on the ordinance shall be noticed as follows:
- (i) Notice to Planning Commission. A notice setting forth the date, time and place of the introduction of the ordinance concerning the technical revision to the Development Code shall be sent either by mail, or if requested by a Washoe County Planning Commission member, by electronic means if receipt of such an electronic notice can be verified, to every member of the Washoe County Planning Commission not less than ten (10) days prior to the scheduled introduction of the ordinance. The notice shall describe the proposed technical revision to the Development Code, including the specific language and other pertinent information, in such a manner that the proposed technical revision to the Development Code and its effect(s) can be clearly identified. Any objections or comments from members of the planning commission must be provided to the Director of Community Development or the Board of County Commissioners no later than at the introduction of the ordinance.
- (ii) Notice to Citizen Advisory Boards. A notice setting forth the date, time and place of the introduction of the ordinance concerning the technical revision to the Development Code shall be sent either by mail, or if requested by a citizens advisory board member, by electronic means if receipt of such an electronic notice can be verified, to every chair person and member of citizens advisory board not less than ten (10) days prior to the scheduled introduction of the ordinance. The notice to the chair person shall describe the proposed technical revision to the Development Code, including the specific language and other pertinent information, in such a manner that the proposed technical revision to the Development Code and its effect(s) can be clearly identified. The notice to a citizens advisory board member, other than the chair person, shall describe the proposed technical revision to the Development Code in such a manner that the proposed technical revision to the Development Code and its effect(s) can be clearly identified. Any objections or comments from members of a citizens

advisory board must be provided to the Director of Community Development or the Board of County Commissioners no later than at the introduction of the ordinance.

(iii) Notice in the Newspaper. A notice setting forth the date, time and place of the public hearing shall be published in a newspaper of general circulation in Washoe County not less than ten (10) days prior to the public hearing date. The notice shall describe the proposed technical revision to the Development Code and other pertinent information in such a manner that the Development Code amendment request and its effect(s) can be clearly identified.

(3) Board of County Commissioners' Action. The Board of County Commissioners may take final action to adopt or deny the technical revision to the Development Code. Final action to approve the technical revision shall require a simple majority vote of the total membership of the Board.