

SUMMARY: An ordinance amending Washoe County Code at chapter 110, by amending the entirety of the Development Code, including but not limited to implementation of the naming conventions of "Master Plan," "Regulatory Zone," and "Zoning" which replace "Comprehensive Plan," "Land Use Designation," and "Planned Land Use" where appropriate, and deleting or deleting and replacing obsolete references and data, and accurately reflecting the County's organizational structure; deletion of Article 816, Specific Plans as obsolete; changes to Division One, Article 106, Regulatory Zones to define Master Plan Categories and Regulatory Zones and to define the relationships therein, and to establish the location of the Washoe County Regulatory Zone Map; Division Three, Article 302, Allowed Uses to include "Low Density Suburban 2 (LDS2) and "Medium Density Suburban 4 (MDS4)" as new zoning designations; Division Four, Article 406 Building Placement Standards to provide development standards for Low Density Suburban 2 (LDS2) and Medium Density Suburban 4 (MDS4); Division 8, Article 820, Amendment of Comprehensive Plan to define procedures and standards for amending the new master Plan; and finally the creation of Article 821, Amendment of Regulatory Zone, to establish the procedures and standards for the amendment of regulatory zone boundaries, otherwise known as amendments to the zoning map, and providing other matters properly relating thereto..

BILL NO. 1628

ORDINANCE NO. 447

AN ORDINANCE AMENDING THE WASHOE COUNTY CODE AT CHAPTER 110, BY AMENDING THE ENTIRETY OF THE DEVELOPMENT CODE, INCLUDING BUT NOT LIMITED TO IMPLEMENTATION OF THE NAMING CONVENTIONS OF "MASTER PLAN," "REGULATORY ZONE," AND "ZONING" WHICH REPLACE "COMPREHENSIVE PLAN," "LAND USE DESIGNATION," AND "PLANNED LAND USE" WHERE APPROPRIATE, AND DELETING OR DELETING AND REPLACING OBSOLETE REFERENCES AND DATA, AND ACCURATELY REFLECTING THE COUNTY'S ORGANIZATIONAL STRUCTURE; DELETION OF ARTICLE 816, SPECIFIC PLANS AS OBSOLETE; CHANGES TO DIVISION ONE, ARTICLE 106, REGULATORY ZONES TO DEFINE MASTER PLAN CATEGORIES AND REGULATORY ZONES AND TO DEFINE THE RELATIONSHIPS THEREIN, AND TO ESTABLISH THE LOCATION OF THE WASHOE COUNTY REGULATORY ZONE MAP; DIVISION THREE,

ARTICLE 302, ALLOWED USES TO INCLUDE "LOW DENSITY SUBURBAN 2 (LDS2)" AND "MEDIUM DENSITY SUBURBAN 4 (MDS4)" AS NEW ZONING DESIGNATIONS; DIVISION FOUR, ARTICLE 406 BUILDING PLACEMENT STANDARDS TO PROVIDE DEVELOPMENT STANDARDS FOR LOW DENSITY SUBURBAN 2 (LDS2) AND MEDIUM DENSITY SUBURBAN 4 (MDS4); DIVISION 8, ARTICLE 820, AMENDMENT OF COMPREHENSIVE PLAN TO DEFINE PROCEDURES AND STANDARDS FOR AMENDING THE NEW MASTER PLAN; AND FINALLY THE CREATION OF ARTICLE 821, AMENDMENT OF REGULATORY ZONE, TO ESTABLISH THE PROCEDURES AND STANDARDS FOR THE AMENDMENT OF REGULATORY ZONE BOUNDARIES, OTHERWISE KNOWN AS AMENDMENTS TO THE ZONING MAP, AND PROVIDING OTHER MATTERS PROPERLY RELATING THERETO.

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

SECTION 1. Chapter 110, Division One, Articles 100, 102, 104 and 106 of the Washoe County Code is hereby amended as follows:

Division One - Introduction and Organization

Article 100

INTRODUCTION AND ORGANIZATION: TITLE AND CONTENTS

Sections:

110.100.00	Title
110.100.05	Applicability
110.100.10	Infrastructure
110.100.15	Conformance with Plan
110.100.20	References
110.100.25	Common Definitions
110.100.30	Contents
110.100.35	Acceptance of Applications

Section 110.100.00 Title. Chapter 110 of the Washoe County Code is entitled Development Code. Division One of Chapter 110 is entitled Introduction and Organization.

Section 110.100.05 Applicability. All development and subdivision of land within the unincorporated area of Washoe County shall be subject to the provisions of the Development Code. Any use not specifically enumerated as permitted in a regulatory zone pursuant to the Development Code, or interpreted by the Director of Community Development as permitted in a regulatory zone pursuant to Section 110.304.10, Authority and Responsibility, shall be considered to be prohibited in any regulatory zone for which the use is not enumerated.

[Amended by Ord. 899, provisions eff. 5/31/94.]

Section 110.100.10 Infrastructure. The provision of infrastructure to support and service development is subject to the provisions of the Development Code and the Capital Improvements Program.

Section 110.100.15 Conformance with Plan. Pursuant to NRS 278, any action of the County relating to development, zoning, the subdivision of land, or capital improvements must conform to the Washoe County Master Plan.

Section 110.100.20 References. Unless otherwise indicated, all references to articles or sections are to articles or sections in Chapter 110.

Section 110.100.25 Common Definitions. Unless otherwise provided, common definitions shall be used throughout the Development Code. Definitions are contained in Article 902.

Section 110.100.30 Contents. Division One consists of the following articles:

- (a) ARTICLE 100 INTRODUCTION AND ORGANIZATION: TITLE AND CONTENTS
- (b) ARTICLE 102 STATE AND REGIONAL REGULATORY SYSTEM
- (c) ARTICLE 104 COUNTY GROWTH MANAGEMENT SYSTEM
- (d) ARTICLE 106 MASTER PLAN CATEGORIES AND REGULATORY ZONES

Section 110.100.35 Acceptance of Applications. All applications authorized by this chapter and the accompanying filing fee shall be returned to an applicant upon a finding that the application is incomplete. Return of the application due to its being incomplete shall cease all further processing of the application and shall require a new application and accompanying filing fee to be submitted pursuant to the application dates established by the Department of Community Development. The following procedures shall be followed:

- (a) A determination that an application is incomplete shall be made within three (3) working days after the final date on which an application may be submitted.
- (b) If an application is deemed incomplete, a statement describing the information required to make the application complete shall accompany the return of the application and any accompanying filing fee. Upon request of the applicant, the statement will include an explanation as to why the information is required.

[Added by Ord. 1347, provisions eff. 11/2/07].

Article 102

STATE AND REGIONAL REGULATORY SYSTEM

Sections:

110.102.00	Purpose
110.102.05	State of Nevada
110.102.10	Tahoe Regional Planning Agency
110.102.15	Lake Tahoe Regional Plan
110.102.20	Truckee Meadows Regional Planning Agency
110.102.25	Truckee Meadows Regional Plan

Section 110.102.00 Purpose. The purpose of this article, Article 102, State and Regional Regulatory System, is to describe, for the convenience of the user of the Development Code, the state and regional framework of the land development system that applies to Washoe County. The legal authority of the state and regional agencies is contained in the Nevada Revised Statutes.

Section 110.102.05 State of Nevada. The authority for Washoe County to control land use and development comes from the State of Nevada as expressed in the Nevada Revised Statutes (NRS). In addition, the State of Nevada established or participated in establishing two regional agencies that affect the ability of Washoe County to control land use and development. These regional agencies are described in Section 110.102.10 and Section 110.102.20 of this article.

Section 110.102.10 Tahoe Regional Planning Agency. The Tahoe Regional Planning Agency (TRPA) was created by the States of Nevada and California to protect the waters of Lake Tahoe.

- (a) **TRPA Governing Board.** The Tahoe Regional Planning Agency Governing Board governs the Tahoe Regional Planning Agency. It has fourteen (14) members, one of whom is appointed by the Washoe County Board of County Commissioners.
- (b) **Advisory Planning Commission.** The Tahoe Advisory Planning Commission advises the Governing Board. The Washoe County Director of Community Development is a member of the Advisory Planning Commission.

Section 110.102.15 Lake Tahoe Regional Plan. The Regional Plan for the Lake Tahoe Basin has been adopted by the Governing Board of the Tahoe Regional Planning Agency pursuant to NRS 277. The Regional Plan for the Lake Tahoe Basin consists of several documents, the central one being the Regional Goals and Policies Plan. The Code of Ordinances implements the policies set forth in the Regional Goals and Policies Plan by regulating land development within the Tahoe Basin. If there is a conflict within the Tahoe Basin between County regulations and those of the Tahoe Regional Planning Agency, the most restrictive shall apply pursuant to NRS 277, with the exception of determining building height. Due to the unique topography in the Tahoe Basin, the most recent version of Tahoe Regional Planning Agency Ordinance, Chapter 22, Height Standards, shall be used to regulate building height in the Tahoe Basin.. The Plan Area Statements and the Scenic Quality Improvement Program also provide policies and

regulations referenced by the Tahoe Regional Planning Agency. The area subject to the jurisdiction of the Tahoe Regional Planning Agency is the same as that subject to the Tahoe Area Plan, a part of the Washoe County Master Plan.

Section 110.102.20 Truckee Meadows Regional Planning Agency. The Truckee Meadows Regional Planning Agency was created by the State of Nevada to provide master planning for the entire area within the boundaries of Washoe County except for the Lake Tahoe Basin. All incorporated cities within the County boundaries, except within the Tahoe Basin, are also subject to the jurisdiction of the Regional Planning Agency.

- (a) Regional Planning Governing Board. The Truckee Meadows Regional Planning Governing Board governs the Truckee Meadows Regional Planning Agency. It appoints the Executive Director of the Regional Planning Agency and may appoint advisory committees. Three members of the Regional Planning Governing Board are appointed by the Washoe County Board of County Commissioners.
- (b) Regional Planning Commission. The Truckee Meadows Regional Planning Commission has the responsibility of developing the Truckee Meadows Regional Plan, reviewing the County Master Plan for conformity to the Regional Plan, and approving projects of regional significance. Three members of the Regional Planning Commission are also members of the Washoe County Planning Commission.

Section 110.102.25 Truckee Meadows Regional Plan. The Truckee Meadows Regional Plan has been adopted by the Governing Board of the Truckee Meadows Regional Planning Agency pursuant to NRS 278. This plan covers Washoe County, except for the Lake Tahoe Basin, and the Cities of Reno and Sparks. The Truckee Meadows Regional Plan provides a policy guide and planning basis for land use planning, service provision, and capital investment decisions. The Washoe County Master Plan, excluding those portions of the Master Plan applicable only to the Tahoe Basin, and projects of regional significance must conform to the Truckee Meadows Regional Plan.

Article 104

COUNTY GROWTH MANAGEMENT SYSTEM

Sections:

110.104.00	Purpose
110.104.05	Washoe County Board of County Commissioners
110.104.10	Washoe County Planning Commission
110.104.15	Washoe County Board of Adjustment
110.104.20	Washoe County Master Plan
110.104.25	Washoe County Capital Improvements Program
110.104.30	Washoe County Development Code
110.104.35	Washoe County Departments
110.104.40	Other Agencies

Section 110.104.00 Purpose. The purpose of this article, Article 104, County Growth Management System, is to describe the Washoe County system for ensuring that growth occurs in a responsible manner in order to protect the health, safety, and welfare of the County and its residents.

Section 110.104.05 Washoe County Board of County Commissioners. The Washoe County Board of County Commissioners is responsible for overall governance of the County. It is authorized to appoint members to entities such as the Tahoe Regional Planning Agency Governing Board, Truckee Meadows Regional Planning Governing Board, Washoe County Planning Commission, and Washoe County Board of Adjustment. The Board of County Commissioners adopts the Master Plan, Capital Improvements Program, and Development Code. It acts as an appeal body from decisions of the Planning Commission and the Board of Adjustment, and exercises other responsibilities as set forth in this Development Code.

Section 110.104.10 Washoe County Planning Commission. The Washoe County Planning Commission acts as an advisory body to the Board of County Commissioners in such areas as adoption of the Master Plan, Capital Improvements Program, Development Code, and Regulatory Zone map amendments. The Planning Commission makes decisions on Special Use Permits, approves tentative subdivision maps, and exercises other responsibilities as set forth in this Development Code. The Planning Commission is established by Article 912, Establishment of Commissions, Boards and Hearing Examiners.

Section 110.104.15 Washoe County Board of Adjustment. The Washoe County Board of Adjustment acts as an appeal body for all decisions rendered by an appointed official that relate to the use of land and structures, and exercises other responsibilities as set forth in this Development Code. The Board of Adjustment is established by Article 912, Establishment of Commissions, Boards and Hearing Examiners.

Section 110.104.20 Washoe County Master Plan. The Washoe County Master Plan is the first major element of the County's Growth Management System. The Master Plan has been adopted by the Washoe County Board of County Commissioners pursuant to NRS 278. This plan covers the entire unincorporated area of Washoe County and includes both elements and area plans.

The Master Plan is required to be in conformance with the Truckee Meadows Regional Plan for all areas except the Lake Tahoe Basin, and the Tahoe Regional Plan for the Lake Tahoe Basin. The purpose of the Master Plan is to conserve and promote the public health, safety and general welfare of residents of Washoe County. The Washoe County Master Plan maps are a component of each Area Plan of Volume Two of the Washoe County Master Plan, and cover the planning area depicted in each Area Plan. These maps establish the Master Plan categories applicable to all properties located within the unincorporated area of Washoe County and are the basis for desired patterns of community design and physical development. All regulatory zones, and the certified Washoe County Regulatory Zone map on file in the Department of Community Development, must be consistent with the Master Plan categories depicted on the Washoe County Master Plan maps. A proposal to amend a Washoe County Master Plan map shall constitute an amendment to the applicable Area Plan and shall be processed in accordance with Article 820, Amendment of Master Plan.

[Amended by Ord. 873, provisions eff. 6/7/93.]

Section 110.104.25 Washoe County Capital Improvements Program. The Washoe County Capital Improvements Program is the second major element of the County's Growth Management System. The Capital Improvements Program has been adopted by the Washoe County Board of County Commissioners pursuant to NRS 278B. It determines the timing for public services and facilities that will help implement the Master Plan. The Capital Improvements Program is updated and adopted annually. It serves as the preliminary capital budget for the first year following adoption and as a policy document for the following five (5) years. The Capital Improvements Program must conform to the Master Plan pursuant to NRS 278.

Section 110.104.30 Washoe County Development Code. The Washoe County Development Code is the third major element in the County's Growth Management System. The Development Code has been adopted by the Washoe County Board of County Commissioners pursuant to NRS 278 and 278A. The Development Code regulates the subdivision and development of land, and the use of land and structures. The Development Code must conform to the Master Plan pursuant to NRS 278.

[Amended by Ord. 873, provisions eff. 6/7/93; Ord. 1065, provisions eff. 7/1/99.]

Section 110.104.35 Washoe County Departments.

- (a) **Department of Community Development.** The Washoe County Department of Community Development is responsible for preparing and updating the Master Plan, including all area plans and elements, maintaining and administering the Development Code and issuing other permits. Hearing examiners may be appointed to assist in administering the Development Code. The Department of Community Development is established by Article 914, Establishment of Department.
- (b) **Department of Public Works.** The Washoe County Department of Public Works is responsible for managing divisions dealing with engineering and roads. The Department of Public Works is established by Chapter 80 of the Washoe County Code.
- (c) **Department of Water Resources.** The Washoe County Department of Water Resources is responsible for managing divisions dealing with the resource planning and management, and operation of water resources, including, but not limited to, water, sewer, flood control and drainage. The Department of Water Resources is established by Chapter 40 of the Washoe County Code.

[Amended by Ord. 1234, provisions eff. 5/21/04.]

Section 110.104.40 Other Agencies.

- (a) District Health Department. The Washoe County District Health Department, which has its own governing board, enforces regulations on subjects such as solid and hazardous waste, wastewater, safe drinking water, and air quality. The District Health Department is established by NRS 439 and by an interlocal agreement.

- (b) Regional Transportation Commission. The Regional Transportation Commission is the designated Metropolitan Planning Organization (MPO) and is responsible for regional transportation planning such as developing standards for arterial roads, and operating transit service. The Regional Transportation Commission is established by NRS 373.

- (c) Park Commission. The Washoe County Park Commission is the designated appointed body for review of park and recreation plans for the unincorporated portion of Washoe County. The Park Commission is a recommending body to the Board of County Commissioners. The Park Commission is established by NRS 244. For the purpose of this Development Code, the Park Commission is authorized to approve discretionary permits for Active Recreation Uses, provided that its noticing and meeting procedures are equal to, or exceed, the minimum requirements enumerated in this Development Code for the issuance of said permit.

[Amended by Ord. 873, provisions eff. 6/7/93.]

Article 106

MASTER PLAN CATEGORIES AND REGULATORY ZONES

Sections:

110.106.00	Purpose
110.106.05	Establishment of Master Plan Categories and Regulatory Zones
110.106.10	Master Plan Categories
110.106.15	Regulatory Zones
110.106.20	Common Development Standards For Residential Regulatory Zones
110.106.25	Common Development Standards For Non-Residential Regulatory Zones
110.106.30	Use of Land within Spheres of Influence

Section 110.106.00 Purpose. The purpose of this article, Article 106, Master Plan Categories and Regulatory Zones, is to provide general descriptions of the Master Plan categories and Regulatory Zones of this Development Code, and the nature of uses therein.

Section 110.106.05 Establishment of Master Plan Categories and Regulatory Zones. The Master Plan categories and Regulatory Zones described in Section 110.106.10 through Section 110.106.30 are hereby established. Table 110.106.05.1 shows the range of Regulatory Zones allowed within each Master Plan category. Through the identification of Character Management Areas, individual area plans may further restrict or modify the range of Regulatory Zones allowed in a Master Plan category. The community vision articulated in each area plan shall be a guide to the application of Master Plan categories in each planning area. From time to time and in order to implement a community's Area Plan, Master Plan categories may be applied to parcels with existing zoning that is inconsistent with the new Master Plan category. In no case shall a Regulatory Zone be applied to a parcel if that parcel's Master Plan category is inconsistent with the new Regulatory Zone.

- (a) Master Plan and Regulatory Zone Maps. The regulatory zones implement and are consistent with the master plan categories as shown on the Washoe County Master Plan maps included within each Area Plan of Volume Two of the Washoe County Master Plan. An amendment to a Master Plan map is an amendment to the Area plan and shall be processed in accordance with the provisions of Division 8, Article 820, Amendment of master Plan, of the Washoe county Development Code. An official certified copy of the Washoe County Regulatory Zone map, otherwise known as the "zoning map," is kept and maintained by the Washoe County Department of Community Development. An amendment to the Regulatory Zone map is processed in accordance with the provisions of Division Eight, Article 821, Amendment of Regulatory Zone, of the Washoe County Development Code.
- (b) Interpretation of Boundaries. When uncertainty exists as to the boundaries of either the Master Plan categories or the regulatory zones, the following rules shall apply in the order listed:

- (1) Boundaries shown as following or approximately following any street shall be construed as following the centerline of the dedicated right-of-way;
 - (2) Boundaries shown as following or approximately following any lot line or other property line shall be construed as following such line;
 - (3) Boundaries shown as following or approximately following sections lines, half-section lines, or quarter-section lines shall be construed as following such lines; and
 - (4) Boundaries shown as following or approximately following natural features shall be construed as following such features.
- (c) Further Uncertainties. In the event of further uncertainty as to the boundaries of a regulatory zone, the Director of Community Development shall make an interpretation. In addition, at the discretion of the Director of Community Development, all map interpretations, including minor technical clarifications that reflect prior Board of County Commission actions, shall be shown on adopted Land Use Plan maps.

[Amended by Ord. 873, provisions eff. 6/7/93; Ord. 978, provisions eff. 5/1/97.]

Table 110.106.05.1

TABLE OF MASTER PLAN CATEGORIES AND ALLOWED REGULATORY ZONES

Master Plan category	Regulatory Zones Allowed
<u>Rural</u>	<ul style="list-style-type: none"> • General Rural • General Rural Residential • Public and Semi-Public Facilities • Parks and Recreation • Specific Plan • Open Space
<u>Rural Residential</u>	<ul style="list-style-type: none"> • Low Density Rural • Medium Density Rural • High Density Rural • Public and Semi-Public Facilities • Specific Plan • Parks and Recreation • Open Space
<u>Suburban Residential</u>	<ul style="list-style-type: none"> • Low Density Suburban • Low Density Suburban/2 • Medium Density Suburban • Medium Density Suburban/4 • High Density Suburban • Public and Semi-Public Facilities • Specific Plan • Parks and Recreation • Open Space

Table 110.106.05.1 (continued)

TABLE OF MASTER PLAN CATEGORIES AND ALLOWED REGULATORY ZONES

Master Plan category	Regulatory Zones Allowed
<u>Urban Residential</u>	<ul style="list-style-type: none"> • Low Density Urban • Medium Density Urban • High Density Urban • Public and Semi-Public Facilities • Specific Plan • Parks and Recreation • Open Space
<u>Commercial</u>	<ul style="list-style-type: none"> • Neighborhood Commercial/Office • General Commercial • Tourist Commercial • Public and Semi-Public Facilities • Specific Plan • Parks and Recreation • Open Space
<u>Industrial</u>	<ul style="list-style-type: none"> • Industrial • Public and Semi-Public Facilities • Specific Plan • Parks and Recreation • Open Space
<u>Open Space</u>	<ul style="list-style-type: none"> • Open Space • Public and Semi-Public Facilities • Parks and Recreation

Section 110.106.10 Master Plan Categories.

- (a) Rural. The rural master plan category is intended for areas of the County that are remote, have minimal infrastructure, contain significant amounts of open spaces, and which are suitable for commercial agricultural and grazing uses, extraction industries, natural resource conservation, energy production, rural commerce, and large lot residential uses. A residential density of one (1) dwelling unit per forty (40) acres and greater is typical within the rural master plan category. The following regulatory zones are allowed in and are consistent with the rural master plan category: General Rural, General Rural Residential, Public and Semi-Public Facilities, Specific Plan, Parks and Recreation, and Open Space.
- (b) Rural Residential. The rural residential master plan category is intended primarily for larger lot residential uses, small scale agricultural uses, natural resource conservation, and rural commerce, with allowed densities ranging from one (1) dwelling unit per forty (40) acres up to one (1) dwelling unit per five (5) acres. A density of one (1) dwelling unit per two and a half (2.5) acres is allowed within the rural residential category provided the property is within the Truckee Meadows Services Area, as amended. Divisions of land and the provision of services outside the Truckee Meadows Services Area, as defined in the Truckee

Meadows Regional Plan, must be consistent with the provisions of that plan. The following regulatory zones are allowed in and are consistent with the rural residential master plan category: Low Density Rural, Medium Density Rural, High Density Rural, Public and Semi-Public Facilities, Specific Plan, Parks and Recreation, and Open Space.

- (c) Suburban Residential. The suburban residential master plan category is intended primarily for residential uses of low to medium densities. Supporting neighborhood scale commercial uses and mixed use village center development is allowed with approval of a discretionary permit. The following regulatory zones are allowed in and are consistent with the suburban residential master plan category: Low Density Suburban One, Low Density Suburban Two, Medium Density Suburban, Medium Density Suburban Four, High Density Suburban, Public and Semi-Public Facilities, Specific Plan, Parks and Recreation, and Open Space.
- (d) Urban Residential. The urban residential master plan category is intended primarily for higher density residential areas, mixed use village centers, and secondary transit corridors. A more extensive mix of residential, commercial, and employment opportunities is encouraged in the urban master plan category. The following regulatory zones are allowed in and are consistent with the urban residential master plan category: Low Density Urban, Medium Density Urban, High Density Urban, Public and Semi-Public Facilities, Specific Plan, Parks and Recreation, and Open Space.
- (e) Commercial. The commercial master plan category is primarily intended to create and preserve areas for businesses that provide a variety of wholesale and retail goods and services, serve a neighborhood or community market, and which are created in conjunction with residential uses to create a mixed-use community. Commercial uses may include wholesale and retail stores, shopping centers, specialty shops, tourism, gaming, personal services and automobile services, offices, restaurants, theaters and other compatible activities that serve a neighborhood or community area. Strip commercial development is strongly discouraged unless the development is part of a mixed-use area, transit-oriented corridor (or similar district), and designed for pedestrian use. Business parks containing professional, medical, educational, financial and insurance services and supportive commercial activities are also appropriate under this category. The following regulatory zones are allowed in and are consistent with the commercial master plan category: Neighborhood Commercial/Office, General Commercial, Tourist Commercial, Public and Semi-Public Facilities, Specific Plan, Parks and Recreation, and Open Space.
- (f) Industrial. The industrial master plan category is intended to provide for industrial uses of all types such as manufacturing, warehousing, mining and construction. The industrial category is intended to create an environment in which industrial operations may be conducted with minimal impact on the natural environment and surrounding land uses. The following regulatory zones are allowed in and are consistent with the industrial master plan category: Industrial, Public and Semi-Public Facilities, Specific Plan, Parks and Recreation, and Open Space.
- (g) Open Space. The open space master plan category is intended to create, preserve, and connect areas of natural, cultural, and scenic resources, including but not limited to, ridges, stream corridors, natural shoreline, scenic views,

agricultural, or other land devoted exclusively to open-space uses. The following regulatory zones are allowed in and are consistent with the open space master plan category: Open Space, Public and Semi-Public Facilities, and Parks and Recreation.

Section 110.106.15 Regulatory Zones.

- (a) General Rural Regulatory Zone. The General Rural (GR) Regulatory Zone is intended to identify areas that are:
- (1) Remote and will have no or very low density development (i.e. one (1) dwelling unit per forty (40) acres),
 - (2) Remote but where unique developments may occur (e.g. destination resorts),
 - (3) Suitable for more intensive resource extraction, including energy production, and
 - (4) Suitable for large scale agricultural and/or grazing operations. This regulatory zone identifies areas that may have one or more of the following characteristics:
 - (i) Floodplains. The parcel or area is within the 100-year floodplain identified on the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps (FIRM) or other potential floodplain areas identified by the Washoe County Department of Public Works.
 - (ii) Potential Wetlands. The parcel or area is within a "potential wetland area" as identified by the U.S. Army Corps of Engineers (COE) or other potential wetland areas identified by the Washoe County Department of Community Development and the Washoe County Department of Public Works.
 - (iii) Slopes. The parcel or area has moderate slopes (between fifteen (15) and thirty (30) percent) or steep slopes (thirty (30) percent or steeper) based on the best available topographic information.
 - (iv) Public Ownership. The parcel or area is under public ownership.
 - (v) Remote Location Lacking Infrastructure. The parcel or area is in a remote location that does not have public infrastructure adjacent to or near the site.
 - (vi) Agriculture and Grazing. The parcel or area is actively engaged in agricultural production or livestock grazing.
 - (vii) Resource Extraction and Energy Production. The parcel or area is suitable for, or is currently engaged in, resource extraction related uses or energy production.

- (viii) Conservation of Natural Resources and Open Space. The parcel or area has unique natural resources, scenic quality, habitat value, or open spaces.

[Amended by Ord. 873, provisions eff. 6/7/93.]

- (b) General Rural Residential Regulatory Zone. The General Rural Residential (GRR) Regulatory Zone is intended to preserve areas where large lot residential uses, open space, and to a lesser extent agricultural and grazing uses, predominate. Mining, natural resource extraction, and other similar uses are not encouraged in the GRR regulatory zone to avoid incompatibility with the desired large lot residential character. Single-family dwellings and associated accessory uses located on lots forty (40) acres in size or larger, with limited public services and facilities, is the desired land use pattern in the GRR regulatory zone. The maximum number of primary dwelling units that may be located in the GRR regulatory zone is one (1) unit per forty (40) acres. The minimum lot area in the GRR regulatory zone is forty (40) acres.
- (c) Low Density Rural Regulatory Zone. The Low Density Rural (LDR) Regulatory Zone is designed to preserve areas where agriculture, grazing, and/or open space predominate. Single-family, detached dwellings are permitted on large lots; single-family dwellings may be clustered to retain open space and agricultural uses. The maximum number of dwelling units that may be located in this regulatory zone is one (1) unit per ten (10) acres. The minimum lot area in this regulatory zone is eight (8) acres.

[Amended by Ord. 873, provisions eff. 6/7/93.]

- (d) Medium Density Rural Regulatory Zone. The Medium Density Rural (MDR) Regulatory Zone is intended to preserve areas where agriculture, grazing and/or open space predominate. Single-family, detached residences in this area are generally on five (5)-acre lots and have limited public services and facilities available. Multi-family residences are not appropriate, but single-family homes may be clustered to retain open space and agricultural uses. The maximum number of dwelling units that may be located in this regulatory zone is one (1) unit per five (5) acres. The minimum lot area in this regulatory zone is four (4) acres.

[Amended by Ord. 873, provisions eff. 6/7/93.]

- (e) High Density Rural Regulatory Zone. The High Density Rural (HDR) Regulatory Zone is intended to preserve and create areas of single-family, detached dwellings in a semi-rural setting. Livestock grazing and agricultural activities are common secondary uses.

[Amended by Ord. 873, provisions eff. 6/7/93.]

- (f) Low Density Suburban Regulatory Zone. The Low Density Suburban (LDS) Regulatory Zone is intended to create and preserve areas where single-family, detached homes on one (1)-acre lots are predominant. Small neighborhood commercial uses may be permitted when they serve the needs of residents and are compatible with the residential character of the area. The maximum number of dwelling units that may be located in this regulatory zone is one (1) unit per

one (1) acre. The minimum lot area in this regulatory zone is thirty-five thousand (35,000) square feet.

[Amended by Ord. 873, provisions eff. 6/7/93.]

- (g) Low Density Suburban Two Regulatory Zone. The Low Density Suburban Two (LDS 2) Regulatory Zone is intended to create and preserve areas where single-family, detached homes on half-acre lots are predominant. Small neighborhood commercial uses may be permitted when they serve the needs of residents and are compatible with the residential character of the area. The maximum number of dwelling units that may be located in this regulatory zone is two units per one (1) acre. The minimum lot area in this regulatory zone is seventeen thousand five-hundred (17,500) square feet.
- (h) Medium Density Suburban Regulatory Zone. The Medium Density Suburban (MDS) Regulatory Zone is intended to create and preserve areas where the predominant dwelling type is single-family, detached units at three (3) units per acre. Small neighborhood commercial and civic uses may be permitted when they serve the needs of the residents and are compatible with the residential character of the area. The maximum number of dwelling units that may be located in this regulatory zone is three (3) units per one (1) acre. The minimum lot area in this regulatory zone is twelve thousand (12,000) square feet.

[Amended by Ord. 873, provisions eff. 6/7/93.]

- (i) Medium Density Suburban Four Regulatory Zone. The Medium Density Suburban Four (MDS 4) Regulatory Zone is intended to create and preserve areas where the predominant dwelling type is single-family, detached units at four (4) units per acre. Small neighborhood commercial and civic uses may be permitted when they serve the needs of the residents and are compatible with the residential character of the area. The maximum number of dwelling units that may be located in this regulatory zone is four (4) units per one (1) acre. The minimum lot area in this regulatory zone is nine thousand (9,000) square feet.
- (j) High Density Suburban Regulatory Zone. The High Density Suburban (HDS) Regulatory Zone is intended to create and preserve neighborhoods where the predominant housing type is single-family, detached units at seven (7) units per acre. Attached single-family units are also permitted at nine (9) units per acre, subject to special review. Small neighborhood commercial and civic uses may be permitted when they serve the needs of the residents and are compatible with the residential character of the area. The maximum number of dwelling units that may be located in this regulatory zone is seven (7) units per one (1) acre for single-family detached; and nine (9) units per one (1) acre for attached single family and mobile home parks. The minimum lot area in this regulatory zone is five thousand (5,000) square feet.

[Amended by Ord. 873, provisions eff. 6/7/93.]

- (k) Low Density Urban Regulatory Zone. The Low Density Urban (LDU) Regulatory Zone is intended to create and preserve areas where single-family dwellings (at ten (10) units per acre) and multi-family dwellings (at fourteen (14) units per acre) are located. Some commercial, professional and civic uses may be permitted when they serve the needs of local residents and are compatible with the residential environment. The maximum number of dwelling units that may be

located in this regulatory zone is ten (10) units per one (1) acre for single-family; fourteen (14) units per one (1) acre for multi-family; and twelve (12) units per one (1) acre for mobile home parks. The minimum lot area in this regulatory zone is eight thousand (8,000) square feet, with two (2) dwelling units (attached) per lot. The minimum lot area for an individual dwelling unit in this regulatory zone is three thousand seven hundred (3,700) square feet.

[Amended by Ord. 873, provisions eff. 6/7/93.]

- (l) Medium Density Urban Regulatory Zone. The Medium Density Urban (MDU) Regulatory Zone creates and preserves areas where the predominant housing type is multi-family dwellings at twenty-one (21) units per acre. In Medium Density Urban areas, commercial, professional, and civic uses are permitted when they serve the needs of the local residents and are compatible with the residential environment. The maximum number of dwelling units that may be located in this regulatory zone is twenty-one (21) units per one (1) acre. The minimum lot area in this regulatory zone is eight thousand (8,000) square feet, with four (4) multi-family units per lot. The minimum lot area for an individual dwelling unit in this regulatory zone is three thousand seven hundred (3,700) square feet.

[Amended by Ord. 873, provisions eff. 6/7/93.]

- (m) High Density Urban Regulatory Zone. The High Density Urban (HDU) Regulatory Zone is intended to create and preserve areas where multi-family dwellings at forty-two (42) units per acre are predominant. In High Density Urban areas, commercial, professional, and civic uses are permitted when they serve the needs of local residents and are compatible with the residential environment. The maximum number of dwelling units that may be located in this regulatory zone is forty-two (42) units per one (1) acre. The minimum lot area in this regulatory zone is eight thousand (8,000) square feet with eight (8) multi-family units allowed per lot. The minimum lot area for an individual dwelling unit in this regulatory zone is three thousand seven hundred (3,700) square feet.

[Amended by Ord. 873, provisions eff. 6/7/93.]

- (n) Open Space Regulatory Zone. The Open Space (OS) Regulatory Zone is intended to create and protect areas of natural, cultural and scenic resources, including but not limited to, ridges, stream corridors, natural shoreline, scenic views, wetlands, agricultural, or other land devoted exclusively to open-space uses that are owned, controlled, or leased by public or non-profit agencies. The Open Space Regulatory Zone may also be applied to common open space areas created through the common open space development process set forth in Article 408, Common Open Space Development. There is no minimum lot area for this regulatory zone. Uses compatible with the Open Space Regulatory Zone category include:

- (1) Natural and Scenic Resource Preservation. The preservation and restoration of land to conserve and enhance natural or scenic resources;
- (2) Sensitive Area Protection. The protection of streams and stream environment zones, watersheds, wetlands, natural vegetation, and wildlife habitat zones;

- (3) Flood Control. The development, restoration and maintenance of natural and man-made features that control and mitigate floodwaters;
- (4) Cultural Resource Preservation. The preservation of historic and pre-historic resources and sites that are designated the Nevada State Historic Preservation Office;
- (5) Recreation. The development of facilities needed for passive recreational uses;
- (6) Energy Production. Energy production refers to the commercial production of electricity.
- (7) Federal Land Management. Uses that are not listed as allowed uses in the Table of Uses (Table 110.302.05.1-5) for the Open Space Regulatory Zone, but that are otherwise allowed by the Resource are allowed. Management Plans and/or policies of federal agencies managing lands within the Open Space Regulatory Zone, may be determined allowable uses following consultation and concurrence with the County by the applicable federal agency.

[Amended by Ord. 873, provisions eff. 6/7/93.]

- (o) Parks and Recreation Regulatory Zone. The Parks and Recreation (PR) Regulatory Zone is intended for parks, golf courses, ski resorts and other active and passive recreational areas. This category includes uses developed either by public or private capital which may be public or may be restricted, as in the case of private clubs. There is no minimum lot area for this regulatory zone.

[Amended by Ord. 873, provisions eff. 6/7/93.]

- (p) Public/Semi-Public Facilities Regulatory Zone. The Public/Semi-Public Facilities (PSP) Regulatory Zone is intended for public or semi-public facilities such as schools, churches, fire stations, hospitals, civic and community buildings, and utility buildings and facilities. This category includes uses developed either by public or private capital which may be public or may be restricted, as in the case of private clubs, but in both cases, a large number of people use the facility and the use is essentially public in nature. There is no minimum lot area for this regulatory zone.

[Amended by Ord. 873, provisions eff. 6/7/93.]

- (q) Neighborhood Commercial/Office Regulatory Zone. The Neighborhood Commercial/Office (NC) Regulatory Zone is intended to create and preserve areas for businesses and business parks containing professional, medical, educational, financial and insurance services, and supportive commercial activities having related and compatible functions. This category is also intended to provide a transition or buffer between other more intensive and less intensive uses or between major highways and adjacent residential uses. This regulatory zone also is intended to create and preserve areas for residential uses, including multi-family and neighborhood commercial uses that are complementary to surrounding residential communities. The area is to be developed in a low-intensity, park-like setting. The minimum lot area for this regulatory zone is ten

thousand (10,000) square feet, unless the provisions of Section 110.106.30 are met.

[Amended by Ord. 873, provisions eff. 6/7/93; Ord. 1023, provisions eff. 7/1/98.]

- (r) General Commercial Regulatory Zone. The General Commercial (GC) Regulatory Zone is intended to create and preserve areas for businesses that provide a variety of wholesale and retail goods and services and serve a community or regional market. The primary uses may include wholesale and retail stores, shopping centers, specialty shops, personal services, and automobile services. Other uses include offices, restaurants, theaters, and other compatible activities. Only limited gaming is allowed. Limited gaming is defined as an establishment which contains no more than fifteen (15) slot machines (and no other game or gaming device) where the operation of the slot machines is incidental to the primary business of the establishment. The minimum lot area for this regulatory zone is ten thousand (10,000) square feet, unless the provisions of Section 110.106.25 are met.

[Amended by Ord. 873, provisions eff. 6/7/93.]

- (s) Tourist Commercial Regulatory Zone. The Tourist Commercial (TC) Regulatory Zone is intended to create and preserve areas for commercial establishments that meet the needs of those employees who reside at the resort, transient residents or patrons of a resort, amusement or recreational area, and areas for gaming. Additionally, this category provides a location for ancillary retail activities such as restaurants and shopping. The minimum lot area for this regulatory zone is ten thousand (10,000) square feet, unless the provisions of Section 110.106.25(c) are met.

[Amended by Ord. 873, provisions eff. 6/7/93.]

- (t) Industrial Regulatory Zone. The Industrial (I) Regulatory Zone is intended to create and preserve areas for high intensity activities such as manufacturing, warehousing, mining and construction. The Industrial category is intended to create an environment in which industrial operations may be conducted with minimal impact on the natural environment and surrounding land uses. The minimum lot area for this regulatory zone is ten thousand (10,000) square feet, unless the provisions of Section 110.106.25(c) are met.

[Amended by Ord. 873, provisions eff. 6/7/93.]

- (u) Specific Plan Regulatory Zone. The Specific Plan (SP) Regulatory Zone is intended to identify areas where detailed study and planning are required to address the unique conditions and needs of an area, the landowners, and the community. The Specific Plan regulatory zone is appropriate for redeveloping existing suburban, urban, commercial and industrial areas; re-planning areas that have already begun to develop in an unplanned or uncoordinated manner, planning environmentally sensitive areas, planning for a mixture of land uses and planning new communities. When adopted by the Washoe County Board of County Commissioners, the Specific Plan Regulatory Zone identifies areas where unique planning conditions and needs have been shown to exist and where special considerations are required to more effectively implement the Master Plan. The availability of the Specific Plan Regulatory Zone is not subject to exclusion from specific Character Management Areas and remains available for

potential application anywhere in the unincorporated county regardless of its appearance or lack of appearance on lists of available regulatory zones contained within individual area plans.

- (1) All lands in the Specific Plan Regulatory Zone must be accompanied by a Design Standards Manual (DSM) before any use of the land will be authorized, unless the property is currently subject to a Specific Plan document that is part of Volume Three of the Washoe County Master Plan or contained within the applicable area plan. The Design Standards Manual, or specific plan document if one exists, serves as the regulatory framework and vision for development within the Specific Plan area by identifying the appropriate land uses and associated infrastructure necessary to support development.
- (2) An important function of an adopted Design Standards Manual within the Specific Plan Regulatory Zone is to tailor the design guidelines and specific development regulations for the proposed land uses to address the unique conditions and needs identified on the property and for the specific mix of uses and development patterns proposed. The required Design Standards Manual shall be submitted as a component of the application for Specific Plan regulatory zone. The DSM will be reviewed as a component of the zone change request. Amendments to an adopted DSM are regulatory zone amendment requests and as such will be processed in accordance with Article 821, Amendment of Regulatory Zone, of the Washoe County Development Code.
- (3) At a minimum the DSM shall include the following components:
 - (i) A Land Use map depicting the distribution of land uses throughout the proposed development.
 - (ii) Statement of the plan and purpose of the development and how the proposal is consistent with the community character as articulated in the Area Plan.
 - (iii) Policies to implement specific goals contained within the development plan.
 - (iv) Provision and timing of utilities.
 - (v) Traffic access, parking, and a traffic and pedestrian circulation plan.
 - (vi) Architectural guidelines;
 - (vii) Building Siting and setbacks;
 - (viii) Landscape and fencing guidelines;
 - (ix) Land use compatibility within the proposed development, and with adjacent land uses and zoning. Where adjacent land uses are not compatible (according to the Washoe County Master Plan), a list of appropriate measures that shall be taken for buffering, screening, including the use of open space, for the purpose of protecting adjacent uses shall be detailed;
 - (x) Energy supply and conservation;

- (xi) Land grading, erosion and flood control;
 - (xii) Natural features of and natural hazards on the site;
 - (xiii) Fire protection;
 - (xiv) Maintenance and enhancement of air quality;
 - (xv) Wildlife and fisheries preservation;
 - (xvi) Historic, cultural and archaeological resources preservation;
 - (xvii) Recreation amenities;
 - (xviii) Trails and open space provisions and maintenance;
 - (ixx) Infrastructure Financing Plan; and
 - (xx) Procedures for the implementation of the development standards and for minor amendments of the development standards handbook.
- (4) All discretionary permit applications processed for the subject area must be consistent with the provisions of the approved Design Standards Manual and the types of uses that have been approved during the Specific Plan Regulatory Zone approval process. While the Specific Plan Regulatory Zone is allowed within all Master Plan categories the resulting Design Standards Manual must demonstrate general consistency with the Master Plan categories assigned to the subject area and compatibility with surrounding land uses and community character. There is no minimum lot area for this regulatory zone.

[Amended by Ord. 873, provisions eff. 6/7/93; Ord. 978, provisions eff. 5/1/97.]

Section 110.106.20 Common Development Standards For Residential Regulatory Zones.

The following criteria are common to all residential regulatory zones:

- (a) Site Suitability. The area designated has slope, soil, geology and other physical conditions that make it suitable for the density of residential development.
- (b) Noise. Article 414, Noise and Lighting Standards, of the Washoe County Development Code addresses noise standards for all of unincorporated Washoe County.
- (c) Special Development Options. The following special development option is allowed for all residential categories: the grouping of residential structures is permitted on lots smaller than those allowed within each regulatory zone, providing that the provisions of Article 408: Common Open Space Development, are met.

Section 110.106.25 Common Development Standards For Non-Residential Regulatory Zones. The following criteria are common to all non-residential regulatory zones:

- (a) Site Suitability. The area designated has slope, soil, geology, and other physical conditions that make it suitable for the use being proposed.

- (b) Noise. Article 414, Noise and Lighting Standards, of the Washoe County Development Code addresses noise standards for all of unincorporated Washoe County.
- (c) Special Development Options. The following special development option is allowed for all non-residential categories: the development of non-residential uses is permitted on lots smaller than those allowed within each regulatory zone, providing that at least one of the following provisions are met:
 - (1) Common Open Space Development. The provisions of Article 408: Common Open Space Development, are met.
 - (2) Development Regulations Demonstrated. It is demonstrated that the non-residential development of the lot can meet all applicable development regulations of this Development Code.

[Amended by Ord. 873, provisions eff. 6/7/93; Ord. 1023, provisions eff. 7/1/98.]

Section 110.106.30 Use of Land within Spheres of Influence. Within the spheres of influence created pursuant to the Truckee Meadows Regional Plan, the allowable uses and density for those parcels for which no regulatory zone (i.e. zoning) has been identified, either by Washoe County or the respective City, on the Regulatory Zone maps shall only be those identified by Washoe County Code, Chapter 110, in effect prior to May 26, 1993. The standards of development for those parcels with no identified regulatory zone designation shall be those of the comparable regulatory zone as defined in Table 110.106.30.1, Table of Comparable Regulatory Zones and Pre-1993 Zoning Ordinance Districts. The provisions of this section shall be in effect for a parcel within a sphere of influence that has no regulatory zone category until one of the following has occurred:

- (a) Approval of Regulatory Zone Designation for Parcel. A parcel receives a regulatory zone category through the approval of a Regulatory Zone map amendment processed pursuant to Article 821, Amendment of Regulatory Zone.
- (b) Assumption of Development Review Responsibilities by City. The city for whom the sphere of influence is designated assumes development review authority for the parcel pursuant to the Truckee Meadows Regional Plan through written notification to the County.
- (c) Adoption of Plan for Joint Planning Area. The city for whom the sphere of influence is designated and Washoe County adopt a plan for the joint planning area.
- (d) Annexation of Parcel. The city for whom the sphere of influence is designated annexes the parcel of land.

Table 110.106.30.1

TABLE OF COMPARABLE REGULATORY ZONES AND PRE-1993 ZONING ORDINANCE DISTRICTS

Regulatory Zone	Comparable Pre-1993 Zoning Ordinance District
Low Density Rural	A-5, A-6, A-7, A-8, A-9, A-10, A-11, M-3
Medium Density Rural	A-4, A-5, A-6, A-7, A-8, A-9, A-10, A-11, M-3, E-5
High Density Rural	A-2, A-4, A-5, A-6, A-7, A-8, A-9, A-10, A-11, M-3, E-4, E-5
Low Density Suburban and Low Density Suburban Two	A-1, A-2, A-4, A-5, A-6, A-7, A-8, A-9, A-10, A-11, M-3, E-3, E-4, E-5, C-1
Medium Density Suburban and Medium Density Suburban Four	A-1, A-2, A-3, A-4, A-5, A-6, A-7, A-8, A-9, A-10, A-11, M-3, E-1, E-2, E-4, E-5, C-1
High Density Suburban	R-1, R1-a, R-1b, A-1, A-2, A-3, A-4, A-5, A-6, A-7, A-8, A-9, A-10, A-11, M-3, E-1, E-2, E-4, E-5, C-1
Low Density Urban	R-1, R-1a, R-1b, R-2, R-2a, R-3, A-1, A-2, A-3, A-4, A-5, A-6, A-7, A-8, A-9, A-10, A-11, M-3, E-1, E-2, E-4, E-5, C-1
Medium Density Urban	R-1, R-1a, R-1b, R-2, R-2a, R-3, A-1, A-2, A-3, A-4, A-5, A-6, A-7, A-8, A-9, A-10, A-11, M-3, E-1, E-2, E-4, E-5, C-1
High Density Urban	R-1, R-1a, R-1b, R-2, R-2a, R-3, A-1, A-2, A-3, A-4, A-5, A-6, A-7, A-8, A-9, A-10, A-11, M-3, E-1, E-2, E-4, E-5, C-1
General Commercial	C-1, C-2
Neighborhood Commercial/Office	C-1, C-2
Tourist Commercial	R-H, TC, C-2
Industrial	M-1, ME, MS, MW, C-2
Public/Semi-Public Facilities	A-R, L-R
Parks and Recreation	A-R, L-R
General Rural	A-7, A-8, A-9, A-10, A-11, M-3
General Rural Residential	A-7, A-8, A-9, A-10, A-11
Specific Plan	Any zone if included in an adopted Development Agreement.

Source: Washoe County Department of Community Development

[Added by Ord. 889, provisions eff. 11/29/93. Amended by Ord. 906, provisions eff. 7/27/94; Ord. 1288, provisions eff. 3/24/06.]

[Section 110.106.10 amended by Ord. 873, provisions eff. 6/7/93; Ord. 978, provisions eff. 5/1/97; Ord. 1023, provisions eff. 7/1/98; 1087, provisions eff. 1/28/00; repealed by Ord. 1288, provisions eff. 3/24/06.]

SECTION 2. Chapter 110, Division Two, Articles 202, 204, 206, 208, 210, 212, 214, 216, 218, 220, 222, 224, and 226 of the Washoe County Code is hereby amended as follows:

Division Two - Area Plan Regulations

CONTENTS

	Page
Area Plan Regulations: Title and Contents	200-1
Area Plan General Regulations	202-1
Forest Area	204-1
High Desert Area	206-1
North Valleys Area	208-1
South Valleys Area	210-1
Southeast Truckee Meadows Area	212-1
Southwest Truckee Meadows Area	214-1
Spanish Springs Area	216-1
Sun Valley Area	218-1
Tahoe Area	220-1
Truckee Canyon Area	222-1
Verdi Area	224-1
Warm Springs Area	226-1
LIST OF FIGURES	
Figure 110.212.10.1: Typical Setback at Existing Residence	212-3
LIST OF MAPS	
Washoe County Planning Areas	202-4
Map 110.210.05.1: South Valleys Area Plan and Hydrobasins	210-2
Map 110.212.10.1: Hidden Valley Community Area Modifiers Location Map	212-2
Map 110.222.15.1: Wadsworth Community Area Modifier Location Map	222-3

Article 200

AREA PLAN REGULATIONS: TITLE AND CONTENTS

Sections:

110.200.00	Title
110.200.05	Contents

Section 110.200.00 Title. Division Two of Chapter 110, Development Code, is entitled Area Plan Regulations.

Section 110.200.05 Contents. Division Two consists of the following articles:

- (a) ARTICLE 200 AREA PLAN REGULATIONS: TITLE AND CONTENTS
- (b) ARTICLE 202 AREA PLAN GENERAL REGULATIONS
- (c) ARTICLE 204 FOREST AREA
- (d) ARTICLE 206 HIGH DESERT AREA
- (e) ARTICLE 208 NORTH VALLEYS AREA
- (f) ARTICLE 210 SOUTH VALLEYS AREA
- (g) ARTICLE 212 SOUTHEAST TRUCKEE MEADOWS AREA
- (h) ARTICLE 214 SOUTHWEST TRUCKEE MEADOWS AREA
- (i) ARTICLE 216 SPANISH SPRINGS AREA
- (j) ARTICLE 218 SUN VALLEY AREA
- (k) ARTICLE 220 TAHOE AREA
- (l) ARTICLE 222 TRUCKEE CANYON AREA
- (m) ARTICLE 224 VERDI AREA
- (n) ARTICLE 226 WARM SPRINGS AREA

Article 202

AREA PLAN GENERAL REGULATIONS

Sections:

110.202.00	Purpose
110.202.05	Compliance with Area Plans
110.202.10	Area Plans
110.202.15	Regulatory Zones
110.202.20	Uses
110.202.25	Development Standards
110.202.30	Signs
110.202.35	Subdivisions
110.202.40	Infrastructure
110.202.45	Development Approvals
110.202.50	Definitions
110.202.55	Nonconformities
110.202.60	Other Regulations
110.202.65	Special Regulations

Section 110.202.00 Purpose. The purpose of this article, Article 202, Area Plan General Regulations, is to set forth general regulations to implement the area plans contained in Volume Two of the Master Plan and the other applicable plan elements contained in Volume One of the Master Plan.

Section 110.202.05 Compliance with Area Plans. All development shall substantially comply with the text, policies and various maps of the Washoe County Master Plan, including Volume Two: Area Plans.

[Amended by Ord. 875, provisions eff. 8/3/93.]

Section 110.202.10 Area Plans. The area plans subject to the provisions of this article include:

- (a) Forest Area Plan;
- (b) High Desert Area Plan;
- (c) North Valleys Area Plan;
- (d) South Valleys Area Plan;
- (e) Southeast Truckee Meadows Area Plan;
- (f) Southwest Truckee Meadows Area Plan;
- (g) Spanish Springs Area Plan;
- (h) Sun Valley Area Plan;

- (i) Tahoe Area Plan;
- (j) Truckee Canyon Area Plan;
- (k) Verdi Area Plan; and
- (l) Warm Springs Area Plan.

[Refer to the Washoe County Planning Areas map to generally identify the planning areas listed.]

[Renumbered from 110.202.05 and amended by Ord. 875, provisions eff. 8/3/93.]

Section 110.202.15 Regulatory Zones. The regulatory zones for each area plan are identical to the regulatory zone categories as shown on the Regulatory Zone map in each respective area plan.

[Renumbered from 110.202.10 by Ord. 875, provisions eff. 8/3/93.]

Section 110.202.20 Uses. Uses in the area plans shall comply with this section.

- (a) Primary Allowed Uses. Provisions for primary allowed uses are set forth in Article 302, Allowed Uses.
- (b) Accessory Uses. Provisions for uses which are accessory to the primary uses are set forth in Article 306, Accessory Uses and Structures.
- (c) Temporary Uses and Structures. Provisions for temporary uses and temporary structures are set forth in Article 310, Temporary Uses and Structures.
- (d) Other Regulations on Uses. Additional regulations for specific uses are set forth in the other articles in Division Three.
- (e) Special Provisions for Uses. Special provisions specific to individual area plans are set forth in Articles 204 through 226.

[Renumbered from 110.202.15 and amended by Ord. 875, provisions eff. 8/3/93.]

Section 110.202.25 Development Standards. All development in the area plans shall comply with this section.

- (a) Density and Intensity Standards. Maximum number of units allowed per acre, site coverage, and height of structures are set forth in Article 402, Density/Intensity Standards.
- (b) Lot Standards. Minimum and maximum size of lots and the minimum average lot width are set forth in Article 404, Lot Standards.
- (c) Building Placement Standards. Building setbacks and yard requirements are set forth in Article 406, Building Placement Standards.
- (d) Common Open Space Development. Provisions for common open space development are set forth in Article 408, Common Open Space Development.

- (e) Other Development Standards. Additional development standards are set forth in the other articles in Division Four.
- (f) Special Provisions for Development Standards. Special provisions specific to individual area plans are set forth in Articles 204 through 226.

[Renumbered from 110.202.20 by Ord. 875, provisions eff. 8/3/93.]

Section 110.202.30 Signs. Signs within the area plans shall comply with Division Five.

[Renumbered from 110.202.25 by Ord. 875, provisions eff. 8/3/93.]

Section 110.202.35 Subdivisions. Subdivisions within the area plans shall comply with Division Six.

[Renumbered from 110.202.30 by Ord. 875, provisions eff. 8/3/93.]

Section 110.202.40 Infrastructure. The provision of infrastructure within the area plans shall comply with Division Seven.

[Amended by Ord. 875, provisions eff. 8/3/93.]

Section 110.202.45 Development Approvals. Development approval procedures within the area plans are set forth in Division Eight.

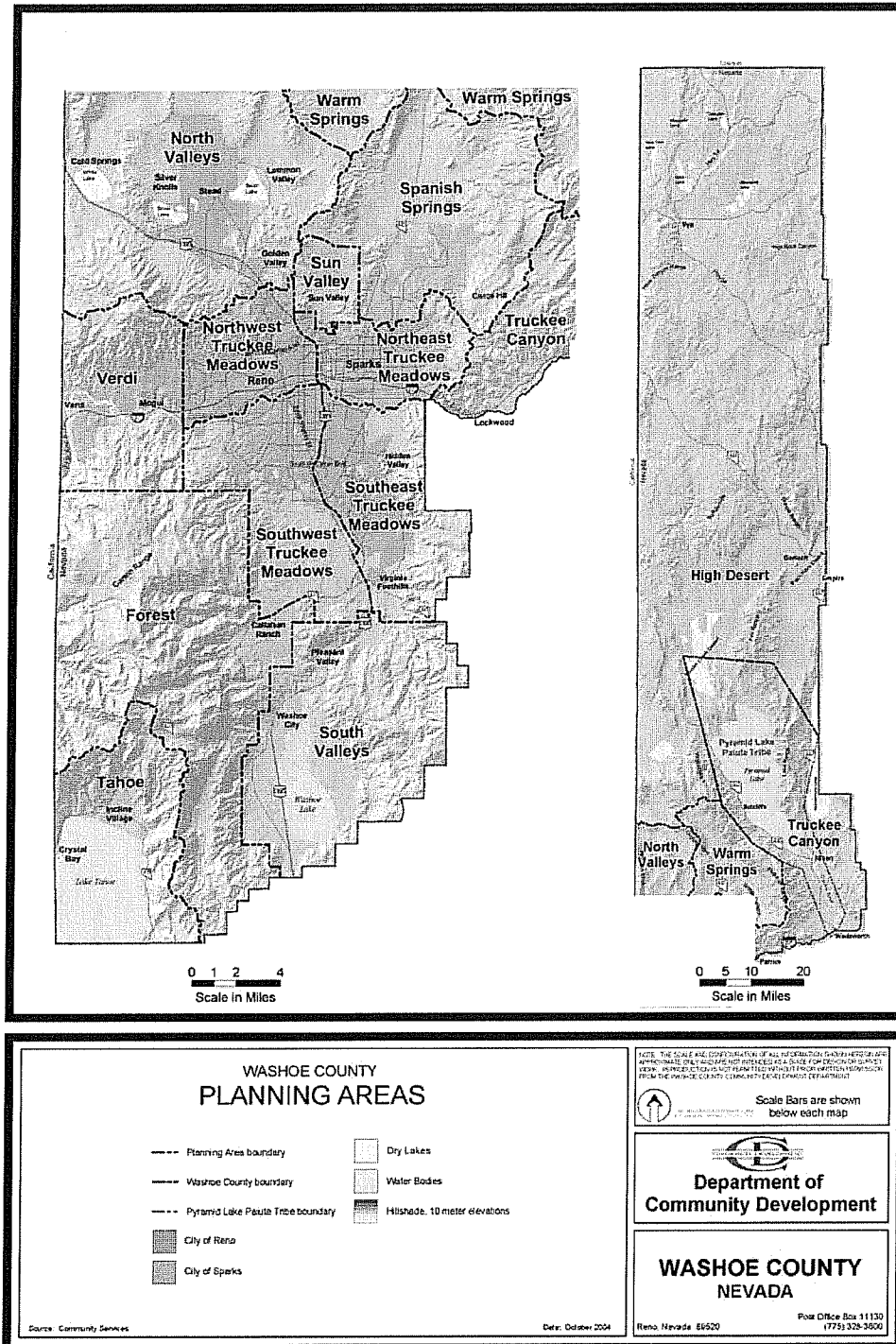
Section 110.202.50 Definitions. Definitions of words used throughout the Development Code are set forth in Article 902, Definitions.

Section 110.202.55 Nonconformities. Regulations for nonconforming uses, nonconforming structures, and nonconforming lots are set forth in Article 904, Nonconformance.

Section 110.202.60 Other Regulations. Other regulations that may be applicable to the administration of the Development Code are set forth in the other articles in Division Nine.

Section 110.202.65 Special Regulations. Special development regulations specific to individual area plans are set forth in Articles 204 through 226.

[The Washoe County Planning Areas map is not a part of the Washoe County Development Code, but is included for reference only as a visual aid to generally identify the planning areas listed in Section 110.202.10.]



Article 204

FOREST AREA

Sections:

110.204.00	Purpose
110.204.05	Mt. Rose Highway Scenic Roadway Corridor Standards
110.204.10	Open Space
110.204.15	Development Adjacent to Galena Creek Park

Section 110.204.00 Purpose. The purpose of this article, Article 204, Forest Area, is to set forth special regulations to supplement the general regulations set forth in Article 202, Area Plan General Regulations, and to implement the Forest Area Plan contained in Volume Two of the Master Plan and the other applicable plan elements contained in Volume One of the Master Plan.

Section 110.204.05 Mt. Rose Highway Scenic Roadway Corridor Standards. The purpose of this section, Mt. Rose Highway Scenic Roadway Corridor Standards, is to establish regulations to develop, preserve and protect the inherent aesthetic quality of this scenic roadway.

- (a) **Applicability.** The Mt. Rose Highway scenic roadway corridor extends from the intersection with South Virginia Street to the jurisdictional line of the Tahoe Regional Planning Agency.
- (1) All new residential, civic, commercial, industrial and agricultural use types established within five hundred (500) feet of the centerline of Mt. Rose Highway shall comply with this section. No variance to this boundary, pursuant to Article 804, Variances, shall be processed or approved.
 - (2) The following use types are exempt from the provisions of this section:
 - (i) Construction, enlargement and use of any single family, detached, residence, and all related accessory uses (e.g. garages, barns, corrals, storage sheds) on a parcel entitled to one dwelling unit legally recorded as of April 1, 1996.
 - (ii) All existing tentative maps and phased final maps, currently active (not expired) and having obtained approval prior to April 1, 1996 are exempt from the provisions of this section.
 - (iii) All projects with an approved special use permit, design standards handbook and/or development agreement, currently active (not expired) and having obtained approval prior to April 1, 1996 are exempt from the provisions of this section.
- (b) **Building Height.** The maximum allowable height of buildings and structures shall be thirty-five (35) feet. If the underlying building pad has a slope in excess of fifteen (15) percent, an additional six (6) feet shall be added to the thirty-five (35) foot maximum. The Uniform Building Code (UBC), as currently enacted, shall be

used as the measuring standard. Those structures and uses identified in Section 110.402.10, Heights, Special Provisions, are not subject to this section.

- (c) Setback. A minimum setback of thirty (30) feet shall be provided along any property line adjoining the Mt. Rose Highway.
 - (1) Structures shall not be permitted within the setback area. A freestanding sign is not considered a structure.

- (d) Parking and Loading. Parking and loading shall be in conformance with Article 410, Parking and Loading, and Article 412, Landscaping, and the following provisions:
 - (1) Adjacent to the Mt. Rose Highway, all uses proposing one hundred (100) or more parking spaces, parking areas between the right-of-way property line and the main structure shall be limited in size to fifty (50) parking spaces, resulting in a series of smaller parking courts. Parking courts shall be separated by a minimum width of five (5) feet of landscaped area, excluding access drive lanes.
 - (2) Adjacent to the Mt. Rose Highway, all surface parking areas between the right-of-way property line and the main structure shall provide adequate landscaping material (e.g. shrubs and trees) so as to provide a minimum of fifty (50) percent screening within five (5) years of planting to visually screen parked vehicles. Landscaping material placement and mature height shall be considered to protect distant views, where appropriate.
 - (3) Adjacent to the Mt. Rose Highway, all delivery bays, loading docks, roll-up doors, trash enclosures, heating and ventilation equipment and other accessory equipment shall be located in such a manner as not to be visible from the Mt. Rose Highway, or shall be fully screened pursuant to Article 412, Landscaping, and provisions of this section.
 - (4) Compliance with the minimum provisions of this section shall occur within the confines of the boundaries of the affected parcel(s) and shall not be satisfied by the use of public right-of-way.

- (e) Access. Access onto Mt. Rose Highway shall be in conformance with Nevada Department of Transportation regulations, Washoe County Development Code Article 436, Street Design Standards, and the following provisions:
 - (1) Access to any development shall be restricted to one (1) point for each property or two (2) points provided they are at least two hundred (200) feet apart.
 - (2) If a two-way, divided driveway is proposed, it shall be considered as one (1) access point.

- (f) Fences, Walls and Berms. Fences, walls and berms shall be in conformance with Article 406, Building Placement Standards, and Article 412, Landscaping, and the following provisions:
 - (1) Within the setback area, solid fences, walls or berms shall be permitted provided they do not exceed four-and-one-half (4.5) feet in overall

height. Fences and walls shall be constructed of wood, masonry, stone, decorative concrete block, or other textured surfaces. Berms shall be constructed of soil suitable for planting landscaping. Untextured cinder block walls and chain-link or cyclone fences are prohibited on parcels adjacent to the Mt. Rose Highway between the right-of-way property line and the main structure.

- (2) Outside the setback area, fences and walls shall not exceed six (6) feet in height and shall be constructed of wood, masonry, stone, decorative concrete block, or other textured surfaces. Untextured cinder block walls and chain-link or cyclone fences are prohibited on parcels adjacent to the Mt. Rose Highway between the right-of-way property line and the main structure.
 - (3) Multiple retaining walls shall be separated horizontally by a distance equal to at least the height of the lower retaining wall.
 - (4) The use of color shall be limited to earth tones so that the color blends in with natural surroundings.
 - (5) Compliance with the minimum provisions of this section shall occur within the confines of the boundaries of the affected parcel(s) and shall not be satisfied by the use of public right-of-way.
- (g) Sign. All development shall comply with the following outdoor sign design standards. No variance to these sign standards, pursuant to Article 804, Variances, shall be processed or approved.
- (1) Neon signage shall be prohibited.
 - (2) Sign structures (e.g. supports, poles, sign boxes, etc.) shall be covered and trimmed with wood and/or stone materials.
 - (3) Illumination, if any, shall be of diffused light that is stationary and of constant intensity.
 - (4) Exterior sign illumination sources shall be shielded from view.
 - (5) Street-front signs shall be a monument style with a maximum height of ten (10) feet and a maximum surface area per side of sixty (60) square feet.
 - (6) Exterior signage design for individual businesses within a building or a shopping complex shall be consistent.
 - (7) Only one (1) freestanding sign is allowed per project within the boundary of the Mt. Rose Highway scenic roadway corridor.
 - (8) Temporary Project Sales Signs must be located on-site with a maximum height of eight (8) feet and a maximum surface area per side of fifty (50) square feet. Temporary Project Sales Signs shall not be mobile or portable, or be mounted on any type of vehicle or trailer.

- (h) Architecture. The architectural design standards of this section shall apply to civic type uses, commercial type uses and multiple family type uses.
- (1) The exterior siding and finishing shall be of wood, stone or stucco.
 - (2) The use of color shall be limited to earth tones so that the color blends in with natural surroundings.
 - (3) Roofs shall be of fire resistant material and earth tone in color. Shiny metal roofs shall be prohibited.
- (i) Electrical Transmission Lines. Transmission lines of up to 100 kilovolt that parallel the Mt. Rose Highway and new electrical distribution lines of up to 200 amperes shall be placed underground.

[Amended by Ord. 875, provisions eff. 8/3/93. Renamed from "Mt. Rose Highway" and amended by Ord. 942, provisions eff. 4-1-96.]

Section 110.204.10 Open Space. Residential development in the Galena Forest Estates-Callahan Ranch area (defined as those portions south of State Route 431 of T18N, R19E, Sections 34, 35 and 36, and T17N, R19E, Sections 2, 3, 4, 9, 10 and 11, which includes the area south and east of State Route 431, north of the Forest planning area boundary, and west of Fawn Lane) shall include a system of greenbelts along the various creeks. This open space shall be integrated with existing and approved greenbelts in adjacent developments, and shall be offered for dedication to the County.

[Amended by Ord. 875, provisions eff. 8/3/93.]

Section 110.204.15 Development Adjacent to Galena Creek Park. Any development adjacent to the Galena Creek Park shall provide appropriate screening and buffering to maintain the rural, natural forest character of the park.

Article 206

HIGH DESERT AREA

Sections:

110.206.00	Purpose
110.206.05	Mobile Home and Manufactured Home Placement Standards, Development Standards and Design Standards
110.206.10	General Rural Regulatory Zone Area Modifier

Section 110.206.00 Purpose. The purpose of this article, Article 206, High Desert Area, is to set forth special regulations to supplement the general regulations set forth in Article 202, Area Plan General Regulations, and to implement the High Desert Area Plan contained in Volume Two of the Master Plan and the other applicable plan elements contained in Volume One of the Master Plan.

Section 110.206.05 Mobile Home and Manufactured Home Placement Standards, Development Standards and Design Standards. Mobile home and manufactured home placement standards, development standards and design standards in the High Desert planning area shall be regulated by the following provisions, and are exempt from the provisions of Article 312, Fabricated Housing:

- (a) **Placement Standards.** Mobile homes and manufactured homes may be placed on any residential regulatory zone parcel in the High Desert planning area, including any Trailer (TR) Overlay zone in effect prior to May 26, 1993 with the exception of TR parcels that have the current regulatory zones of either General Commercial, Neighborhood Commercial/Office, Tourist Commercial, Industrial, Open Space, Parks and Recreation, or Public/Semi-Public Facility. Mobile homes and manufactured homes may also be placed on any General Rural Regulatory Zone parcel in the High Desert planning area.
- (b) **Development Standards.** All new placements of mobile homes and manufactured homes, including set-ups and installations, shall comply with the following development standards:
 - (1) **Density and Intensity Standards.** Mobile homes and manufactured homes shall be subject to the maximum number of units allowed per acre, site coverage and height of structures as set forth in Article 402, Density/Intensity Standards, for the regulatory zone in which they are located.
 - (2) **Lot Standards.** Mobile homes and manufactured homes shall be subject to the minimum and maximum size of lots and the minimum average lot width as set forth in Article 404, Lot Standards, for the regulatory zone in which they are located.
 - (3) **Building Placement Standards.** Mobile homes and manufactured homes shall be subject to the building setbacks and yard requirements as set

forth in Article 406, Building Placement Standards, for the regulatory zone in which they are located.

- (4) Parking. Properties on which mobile homes and manufactured homes are placed shall contain at least two (2) off-street parking spaces. These parking spaces do not have to be located in an enclosed garage or carport.
 - (5) Skirting. Complete perimeter solid skirting, of a material and color complimentary to the mobile home or manufactured home, shall be provided from the bottom of the mobile home or manufactured home to the ground surface within sixty (60) days of the set-up date. The exterior covering of the mobile home or manufactured home can be used to satisfy the skirting requirement, except that, when a solid concrete or masonry perimeter foundation is used, the exterior covering material need not extend below the top of the foundation.
 - (6) Foundations. The foundation system must be safe and secure and must comply with the manufacturer's set-up instructions or a federal agency's (HUD/FHA, VA, FNMA or FmHA) approved mobile home and manufactured home foundation system. The foundation system must be set so that the height at the perimeter does not exceed a maximum of thirty-six (36) inches as measured from the bottom of the frame (e.g. support I-beam) to the surrounding finished grade, with at least one (1) section of the perimeter not exceeding sixteen (16) inches in height. The transportation hitch and wheels must be removed from the mobile home or manufactured home within sixty (60) days of occupancy, and the equipment must be either physically removed from the parcel or stored under the unit and be completely concealed by the skirting.
 - (7) Flood Areas. Mobile homes and manufactured homes located in flood hazard areas or limited flooding areas shall comply with the requirements of Article 416, Flood Hazards.
- (c) Design Standards. All new placements of mobile homes and manufactured homes, including set-ups and installations, shall comply with the following appearance standards to ensure aesthetic compatibility with development in the High Desert planning area:
- (1) Exterior Siding. Exterior siding of the mobile home or manufactured home shall be made of a non-reflective material.
 - (2) Roofing Material. The roof of the mobile home or manufactured home shall be constructed of non-reflective materials. Tarps, cloth or other temporary weatherproofing material shall not be allowed as a permanent roof.

[Added by Ord. 875, provisions eff. 8/3/93. Amended by Ord. 939, provisions eff. 11/1/95; Ord. 1023, provisions eff. 7/1/98.]

Section 110.206.10 General Rural Regulatory Zone Area Modifier. In addition to the regulations of the General Rural Regulatory Zone described in Article 106, Regulatory Zones, and the allowed uses described in Article 302, Allowed Uses, the following regulation modifiers shall apply in the High Desert planning area:

(a) Allowed Uses:

(1) Residential Use Types:

- (i) Family residential - attached accessory dwelling;
- (ii) Family residential - detached accessory dwelling;
- (iii) Manufactured home parks; and
- (iv) Residential group home.

(2) Civic Use Types:

- (i) Administrative services;
- (ii) Child care - family daycare;
- (iii) Community center;
- (iv) Convalescent services; and
- (v) Postal services.

(3) Commercial Use Types:

- (i) Administrative offices;
- (ii) Animal sales and services - veterinary services, agricultural;
- (iii) Animal sales and services - veterinary services, pets;
- (iv) Commercial educational services;
- (v) Commercial recreation - commercial campground facilities;
- (vi) Lodging services - bed and breakfast inns;
- (vii) Medical services;
- (viii) Nursery sales - retail;
- (ix) Personal services;
- (x) Personal storage;
- (xi) Recycle center - remote collection facility;
- (xii) Repair services, consumer; and
- (xiii) Retail sales - convenience.

(4) Agricultural Use Types:

- (i) Agricultural processing;
 - (ii) Agricultural sales; and
 - (iii) Produce sales.
- (5) Multi-Uses:
- (i) Company towns, bunkhouse and permanent employee housing;
 - (ii) Livestock camps; and
 - (iii) Railroad camps, highway camps and temporary employee housing.
- (b) Requiring a Board of Adjustment Approved Special Use Permit Subject to the Provisions of Article 810, Special Use Permits:
- (1) Civic Use Types:
- (i) Hospital services.
- (2) Commercial Use Types:
- (i) Adult entertainment;
 - (ii) Automotive and equipment - automotive repair;
 - (iii) Automotive and equipment - cleaning;
 - (iv) Automotive and equipment - equipment repair and sales;
 - (v) Automotive and equipment - storage of operable vehicles;
 - (vi) Automotive and equipment – truck stops;
 - (vii) Commercial centers – neighborhood centers;
 - (viii) Commercial recreation - indoor entertainment;
 - (ix) Commercial recreation - indoor sports and recreation;
 - (x) Commercial recreation – limited gaming facilities;
 - (xi) Construction sales and services;
 - (xii) Eating and drinking establishments - convenience;
 - (xiii) Eating and drinking establishments - full service;
 - (xiv) Liquor sales – off-premises;
 - (xv) Liquor sales – on-premises;

- (xvi) Retail sales - specialty stores;
 - (xvii) Recycle center – full service recycle center;
 - (xviii) Recycle center – residential hazardous substance recycle center;
 - (xix) Secondhand sales; and
 - (xx) Transportation services.
- (3) Multi-Uses:
- (i) Private air strips and glider ports.
- (4) Industrial Use Types:
- (i) General industrial – heavy;
 - (ii) General industrial – intermediate;
 - (iii) General industrial – limited;
 - (iv) Inoperable vehicle storage;
 - (v) Laundry services;
 - (vi) Salvage yards;
 - (vii) Wholesaling, storage and distribution – heavy; and;
 - (viii) Wholesaling, storage and distribution – light.
- (5) Agricultural Use Types:
- (i) Animal slaughtering, commercial.

[Added by Ord. 916, provisions eff. retro. to 5/26/93, amended by Ord. 1378, provisions eff. 8/1/08.]

Article 208

NORTH VALLEYS AREA

Sections:

110.208.00	Purpose
110.208.10	Residential Subdivision Landscaping
110.208.15	Neighborhood Commercial
110.208.20	Signs
110.208.25	Architecture
110.208.30	Height Restrictions
110.208.35	Water Rights Dedication Requirements
110.208.40	Community Water and Sewer Service Requirements
110.208.45	Master Plan Amendments Findings

Section 110.208.00 Purpose. The purpose of this article, Article 208, North Valleys Area, is to set forth special regulations to supplement the general regulations set forth in Article 202, Area Plan General Regulations, and to implement the North Valleys Area Plan contained in Volume Two of the Master Plan and the other applicable plan elements contained in Volume One of the Master Plan.

Section 110.208.10 Residential Subdivision Landscaping. All new residential subdivisions approved pursuant to Article 608, Tentative Subdivision Maps, shall include a requirement for the subdivider to install climatic adaptive landscaping in the front yard area between the front property line and the main building of each new residential lot.

[Renumbered and renamed from 110.208.20 entitled "Landscaping" and amended by Ord. 867, provisions eff. 5/27/93. Amended by Ord. 875, provisions eff. 8/3/93.]

Section 110.208.15 Neighborhood Commercial. Commercial uses in a residential land use regulatory zone shall be allowed only along existing or proposed collector or arterial streets.

[Renumbered from 110.208.25 by Ord. 867, provisions eff. 5/27/93.]

Section 110.208.20 Signs. All development shall comply with the following outdoor sign design standards:

- (a) Neon signage shall be prohibited;
- (b) Signs shall be of wood and/or stone construction;
- (c) Illumination, if any, shall be of diffused light that is stationary and of constant intensity;
- (d) No uplighting shall be allowed;
- (e) Street-front signs shall be a maximum height of eight (8) feet and a maximum surface area per side of forty (40) square feet; and

- (f) Exterior signage design for individual businesses within a building or a shopping complex shall be consistent.

[Renumbered from 110.208.30 by Ord. 867, provisions eff. 5/27/93. Amended by Ord. 875, provisions eff. 8/3/93.]

Section 110.208.25 Architecture. The architectural design standards of this section shall apply to civic type uses, commercial type uses and multiple family type uses.

- (a) The exterior siding and finishing shall be of wood or stone.
- (b) The use of color shall be limited to earth tones so that the color blends in with natural surroundings.
- (c) Roofs shall be of fire resistant material and earth tone in color. Shiny metal roofs shall be prohibited.

[Renumbered from 110.208.40 by Ord. 867, provisions eff. 5/27/93.]

Section 110.208.30 Height Restrictions. In addition to height restrictions established in Article 402, Density/Intensity Standards, and Article 406, Building Placement Standards, all new structures are limited to two stories in height, except where height in excess of two stories is critical to the function of the structure, such as in the case of communication towers and other similar structures.

[Renumbered from 110.208.40 by Ord. 867, provisions eff. 5/27/93. Amended by Ord. 875, provisions eff. 8/3/93.]

Section 110.208.35 Water Rights Dedication Requirements.

- (a) Lemmon Valley Hydrographic Basin. Proof of sufficient certificated water rights, or imported water rights for other hydrographic basins, or "will serve" letters when served by a water purveyor, shall be submitted with the following applications for development: final division of land maps, final parcel maps, final subdivision maps, special use permits, and applications for building permits in the Lemmon Valley Hydrographic Basin, whichever occurs first. Applications for development that do not demonstrate proof of adequate water resources to serve the proposed development shall be rejected.
- (b) Cold Springs Hydrographic Basin, Red Rock Hydrographic Basin, Long Valley Hydrographic Basin, Antelope Valley Hydrographic Basin, and Bedell Flat Hydrographic Basin. Proof of sufficient certificated or permitted water rights, or imported water rights for other hydrographic basins, or "will serve" letters when served by a water purveyor, shall be submitted with all applications for development, including division of land maps, parcel maps, subdivision maps, special use permits, and Master Plan land use change applications in the Cold Springs Hydrographic Basin, Red Rock Hydrographic Basin, Long Valley Hydrographic Basin, Antelope Valley Hydrographic Basin, and Bedell Flat Hydrographic Basin. Applications for development that do not demonstrate proof of adequate water resources to serve the proposed development shall be rejected.

[Renumbered from 110.208.45 by Ord. 867, provisions eff. 5/27/93. Renamed from "Lemmon Valley Water Rights" and amended by Ord. 948, provisions eff. 5/1/96. Amended by Ord. 1067, provisions eff. 6/25/99.]

Section 110.208.40 Community Water and Sewer Service Requirements.

- (a) All parcel maps and subdivision maps in the Low Density Suburban (LDS: max. 1 du/ac) and greater density land use designations (i.e. regulatory zones), and common open space development subdivisions creating net densities greater than one dwelling per acre, shall require either the installation of dry-line sanitary sewer laterals from the edge of the subdivision boundary to each new residence, or installation of Advanced Environmental Denitrification Treatment (AEDT), on-site sewage disposal systems as approved by Nevada Division of Environmental Protection, Washoe County District Health Department and Washoe County Utility Services Division. Use of AEDT systems require provisions for long-term maintenance as part of the subdivision approval.
- (b) The Washoe County District Health Department and/or the Nevada Division of Environmental Protection may require immediate connection to a community sewer treatment service if their adopted regulations and local site conditions do not warrant the use of on-site sewage disposal systems.
- (c) All new commercial and industrial development(s) requiring an on-site sewage disposal system tank capacity greater than 1,500 gallons per acre, based on Washoe County District Health Department fixture calculations, shall connect to a community sewer system.

[Added by Ord. 948, provisions eff. 5/1/96.]

Section 110.208.45 Master Plan Amendment Findings. In addition to the findings identified in Article 820, Amendment of Master Plan, applications to amend the North Valleys Area Plan shall include a finding demonstrating adequate future infrastructure capacity to serve the additional projected demand for the requested land use designation (i.e. regulatory zone).

[Added by Ord. 948, provisions eff. 5/1/96.]

[Previous Section 110.208.05 entitled "U.S. 395" renumbered from 110.208.10 by Ord. 867, provisions eff. 5/27/93; amended by Ord. 875, provisions eff. 8/3/93; and repealed by Ord. 949, provisions eff. 5/1/96. Previous Section 110.208.35 entitled "Parking Lots and Other Paved Areas" repealed by Ord. 867, provisions eff. 5/27/93.]

Article 210

SOUTH VALLEYS AREA

Sections:

110.210.00	Purpose
110.210.05	Water Rights Dedication Requirements
110.210.10	General Commercial Modifier

Section 110.210.00 Purpose. The purpose of this article, Article 210, South Valleys Area, is to set forth special regulations to supplement the general regulations set forth in Article 202, Area Plan General Regulations, and to implement the South Valleys Area Plan contained in Volume Two of the Master Plan and the other applicable plan elements contained in Volume One of the Master Plan.

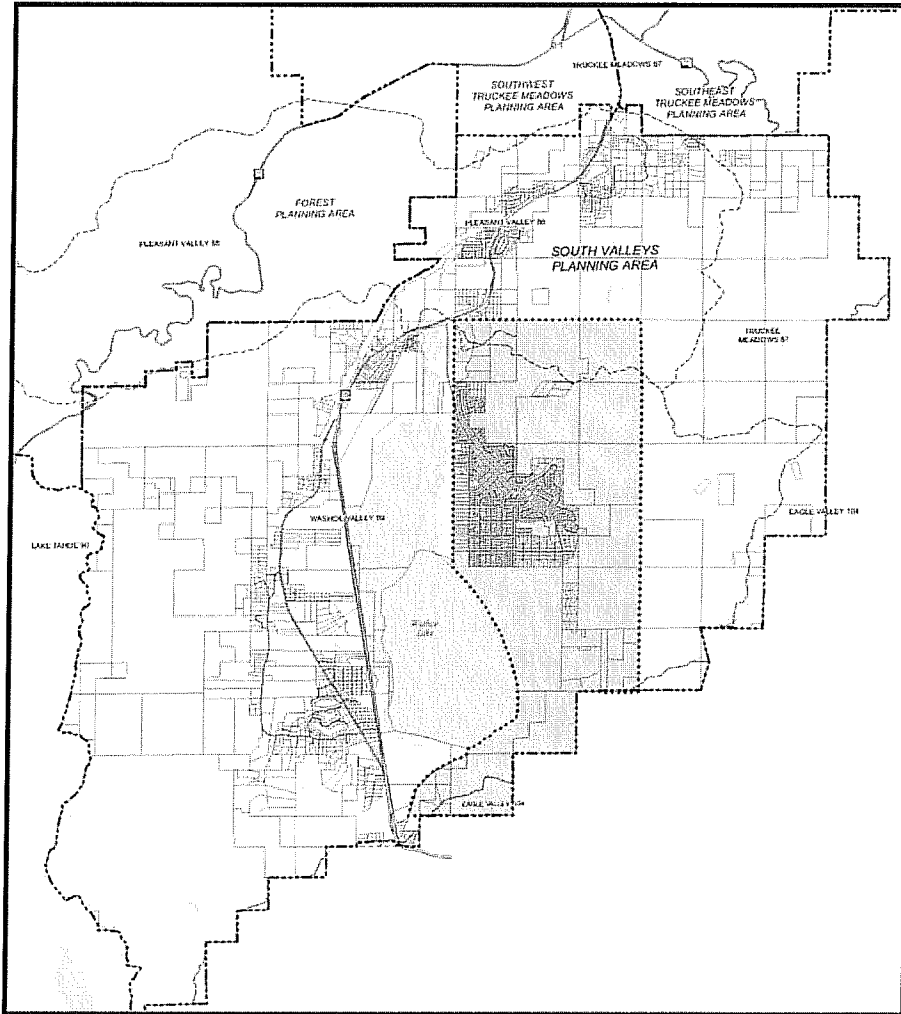
Section 110.210.05 Water Rights Dedication Requirements.

- (a) Washoe Valley Hydrographic Basin. Dedication of sufficient certificated water rights from the Washoe Valley Hydrographic Basin, or imported water rights from an adjoining hydrographic basin when a parcel is split by the Washoe Valley Hydrographic Basin, or "will serve" letters when served by a water purveyor, shall be provided for all development in the Washoe Valley Hydrographic Basin, including maps of division into large parcels, parcel maps, and subdivision maps, and new civic, commercial and industrial use types.
 - (1) Proposed parcel maps and tentative subdivision maps in the East Lake area of the Washoe Valley Hydrographic Basin shall not create parcels of less than five (5) acres until a new imported surface or groundwater water source from a different hydrographic basin is available and approved by the County. Refer to Map 110.210.05.1, South Valleys Area Plan and Hydrobasins, to identify the East Washoe Valley 5 Acre Parcel Limitation Boundary.

- (b) Pleasant Valley Hydrographic Basin, Eagle Valley Hydrographic Basin, and Truckee Meadows Hydrographic Basin. Dedication of sufficient certificated or permitted water rights from the specified hydrographic basins, or imported water rights from an adjoining hydrographic basin when a parcel is split by the specified hydrographic basins, or "will serve" letters when served by a water purveyor, shall be provided for all development in the Pleasant Valley Hydrographic Basin, Eagle Valley Hydrographic Basin, and Truckee Meadows Hydrographic Basin, including division of land maps, parcel maps, subdivision maps, and new civic, commercial and industrial use types.

Map 110.210.05.1

SOUTH VALLEYS AREA PLAN AND HYDROBASINS



<p>SOUTH VALLEYS AREA PLAN AND HYDROBASINS</p>		<p>NOTE: THE QUALITY AND COMPLETION OF ALL INFORMATION ON THIS MAP AND ANY INFORMATION ONLY AND ARE NOT INTENDED AS A GUARANTEE OR WARRANTY. WASHOE COUNTY DOES NOT WARRANT AGAINST THIRD PARTY INFORMATION FROM THE WASHOE COUNTY COMPAKED DEVELOPMENT DEPARTMENT.</p> <p>0 0.5 1 2 Miles</p>
<p>--- AREA PLAN BOUNDARIES</p> <p>▭ PARCELS</p> <p>--- HYDROBASIN BOUNDARIES WITH STATE CODES (#)</p> <p>--- EAST WASHOE VALLEY 5-ACRE PARCEL LIMITATION</p> <p>--- BOUNDARY (per Nevada State Engineer)</p>	<p style="text-align: center;"> Department of Community Development </p> <p style="text-align: center;"> WASHOE COUNTY NEVADA </p> <p style="font-size: small;"> Post Office Box 11133 Reno, Nevada 89520 (775) 325-2620 </p>	
<p>Source: Community Services Program and Nevada State Engineer/Washoe County Department of Water Resources</p> <p>Date: January 2007</p>		

Source: Department of Water Resources and Department of Community Development.

[Renumbered from Section 110.210.10 and amended by Ord. 875, provisions eff. 8/3/93. Renamed from "Water Resources" and amended by Ord. 1043, provisions eff. 12/1/98; Map 110.210.05.1 updated with Ord. 1378, provisions eff. 8/1/08.]

Section 110.210.10 General Commercial Modifier. In addition to the regulations of the General Commercial Regulatory Zone described in Article 106, Regulatory Zones, and the allowed uses described in Article 302, Allowed Uses, the following regulation modifiers shall apply for those parcels designated General Commercial on the Regulatory Zone map in the vicinity of U.S. Highway 395, Washoe City, in the South Valleys planning area, Sections 23 and 24, T17N, R19E:

(a) Requiring a Board of Adjustment Approved Special Use Permit Subject to the Provisions of Article 810, Special Use Permits:

(1) Civic Use Types:

- (i) Hospital services; and
- (ii) Public parking services.

(2) Commercial Use Types:

- (i) Automotive and equipment – automotive sales and rentals;
- (ii) Automotive and equipment – cleaning;
- (iii) Automotive and equipment – commercial parking;
- (iv) Commercial recreation – indoor entertainment;
- (v) Secondhand sales; and
- (vi) Transportation services.

(3) Industrial Use Types:

- (i) Laundry services.

[Added by Ord. 923, provisions eff. 2/6/95, amended by Ord. 1378, provisions eff. 8/1/08.]

Article 212

SOUTHEAST TRUCKEE MEADOWS AREA

Sections:

110.212.00	Purpose
110.212.05	Medium Density Suburban Area Modifier
110.212.10	Hidden Valley Community Area Modifiers

Section 110.212.00 Purpose. The purpose of this article, Article 212, Southeast Truckee Meadows Area, is to set forth special regulations to supplement the general regulations set forth in Article 202, Area Plan General Regulations, and to implement the Southeast Truckee Meadows Area Plan within Volume Two of the Master Plan and the other applicable plan elements within Volume One of the Master Plan.

[Amended by Ord. 1151, provisions eff. 3/31/02].

Section 110.212.05 Medium Density Suburban Area Modifier. In addition to the regulations of the regulatory zones described in Article 106, Regulatory Zones, in any area designated Medium Density Suburban in the Southeast Truckee Meadows planning area, the following regulations shall apply.

- (a) **Density.** The maximum number of dwelling units that may be located in the Medium Density Suburban Regulatory Zone in the Southeast Truckee Meadows planning area is two (2) units per acre.
- (b) **Minimum Lot Area.** The minimum lot area allowed in the Medium Density Suburban Regulatory Zone in the Southeast Truckee Meadows planning area is fourteen thousand three hundred seventy-five (14,375) square feet, with the following exceptions:
 - (1) When abutting a developed Medium Density Suburban area with one-half (1/2) acre or greater lot sizes, the minimum lot area shall be one-half (1/2) acre for all exterior, abutting lots (roads or Open Space regulatory zone do not create non-abutting parcels), and;
 - (2) Exterior lots may have a minimum lot area of fourteen thousand three hundred seventy-five (14,375) square feet when abutting a developed higher intensity land use designation or a ten (10) acre or larger undeveloped Medium Density Suburban development.

[Amended by Ord. 1151, provisions eff. 3/31/02].

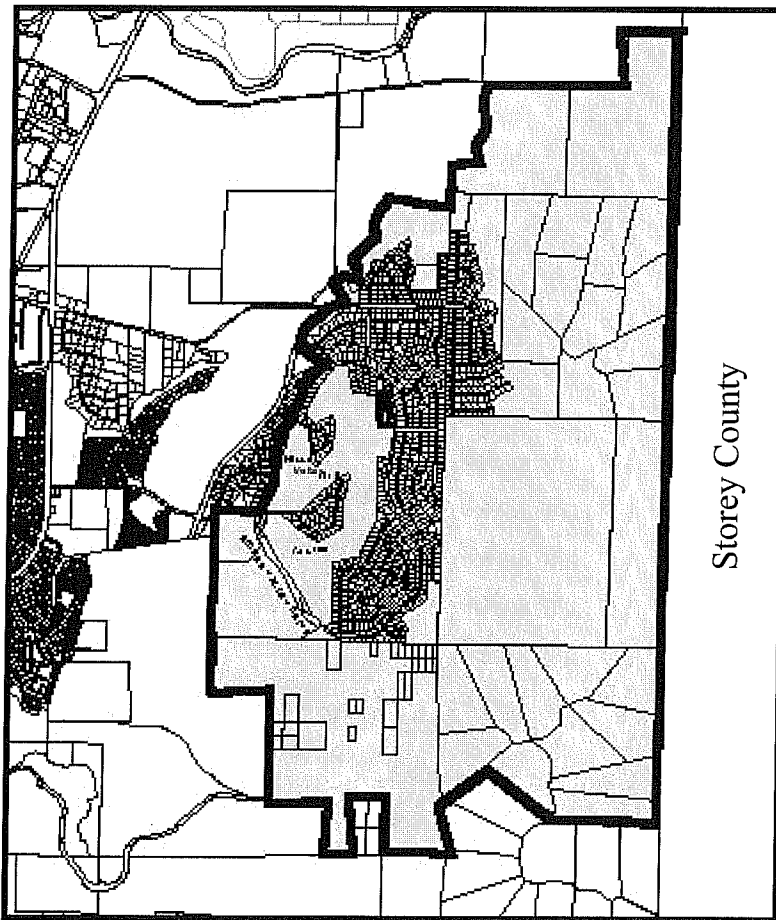
110.212.10 Hidden Valley Community Area Modifiers. The purpose of this section, Hidden Valley Community Area Modifiers, is to establish regulations to promote development consistent with the existing built environment of Hidden Valley; to preserve the scenic characteristics,

wildlife and cultural resources; and sustain the residential tranquility of the community by the residents.

- (a) Applicability. The shaded areas shown on the parcel base Map 110.212.10.1, Hidden Valley Community Area Modifiers Location Map, delineates all parcels within the Hidden Valley Community Area Modifiers.

Map 110.212.10.1

HIDDEN VALLEY COMMUNITY AREA MODIFIERS LOCATION MAP



Source: Washoe County Department of Community Development.

- (1) All development standards and use type restrictions apply other than the following:
 - (i) The Director of the Department of Community Development may waive the standards of development or use type limitations on a portion of a parcel shown on a topographic map prepared by a registered land surveyor or engineer licensed in the State of Nevada to be beyond the ridgelines of the vistas of Hidden Valley.

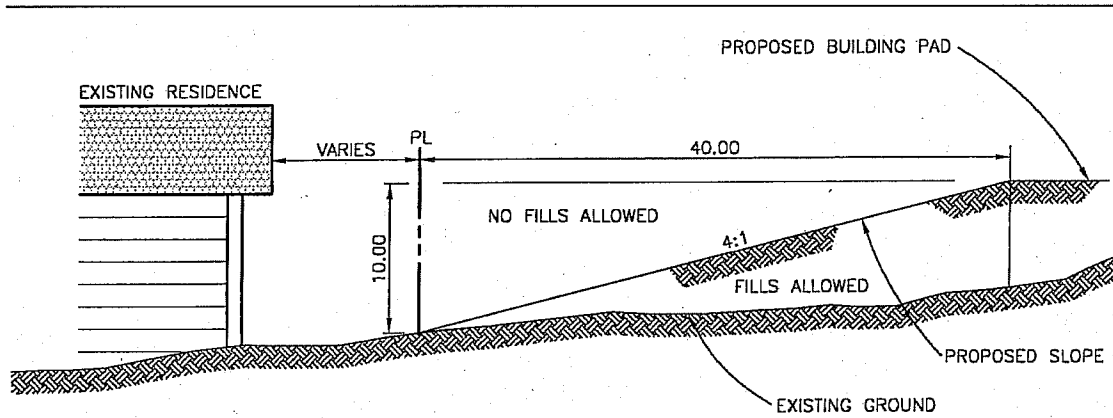
(ii) All General Rural (GR) land use designations, existing tentative maps and phased final maps, applications accepted for processing prior to the effective date of this Ordinance (March 31, 2002), all projects with an approved special use permit, design standards handbook and/or development agreement, currently active (not expired) and having obtained approval prior to the effective date of this Ordinance (March 31, 2002) are exempt from the provisions of this section.

(b) Grading. Grading for subdivision improvements, minor or major special use permits or other discretionary or building permits shall:

- (1) Not result in slopes on fill in excess of or steeper than four to one (4:1).
- (2) Not result in elevations or fill that differ from the natural grade by more than forty-eight (48) inches or when grading occurs adjacent to an existing residence, fills shall not be placed within an area that exceeds a projected slope of four to one (4:1) for a distance of forty (40) feet from the common property line. Refer to Figure 110.212.10.1, Typical Setback at Existing Residence.

Figure 110.212.10.1

TYPICAL SETBACK AT EXISTING RESIDENCE



Sources: Summit Engineering Corporation and Washoe County Department of Community Development.

- (3) Be limited on cut slopes to equal to, or steeper than, three to one (3:1) and may include a rockery or manufactured masonry retaining wall with a maximum height of eight (8) feet. If necessary, one (1) additional retaining wall set back eight (8) feet from the first wall will be allowed.

Or,

- (4) If the applicant proposes cut, fills or slopes in excess of the standard, the applicant shall address compatibility with adjacent lots and visual impacts to the community and propose design criteria, landscaping and buffering to mitigate impacts on adjacent property owners and the

community's scenic character. The mitigation shall be reviewed by the Design Review Committee prior to any ground-disturbing activities.

- (c) Cut Slope Stabilization and Revegetation. A slope stabilization plan and a revegetation plan shall be submitted for all ground-disturbing activities requiring a grading or building permit that results in a cut or fill slope. The Department of Community Development may require the plan be reviewed by the Design Review Committee at the next available scheduled meeting whenever mitigation of potential erosion onto adjacent property or exposure of significant cuts is required.

- (d) Buffers. Whenever a proposed new residential subdivision includes lots smaller than fourteen thousand three hundred seventy-five (14,375) net square feet abutting existing lots larger than fourteen thousand three hundred seventy-five (14,375) net square feet, a landscape buffer zone must be created. The buffer zone shall be a minimum of fifty (50) feet in width and shall run along all existing adjacent lots. Financial assurance shall be provided for installation of the ornamental landscaping and perpetual maintenance shall be assured prior to the recordation of a final map.
 - (1) The minimum fifty (50) foot wide ornamental landscaping buffer strip, including an irrigation plan, shall be reviewed and approved by the Design Review Committee.
 - (2) The buffer must include a minimum of one (1) evergreen tree per fifteen (15) linear feet.
 - (3) Other ornamental vegetation shall be sufficient to provide an all-season screening of the development from adjacent properties within five (5) years of installation.
 - (4) The ornamental landscape buffer strip shall be designated Common Area on the final map.
 - (5) A district established to guarantee maintenance of the landscaping in perpetuity at no expense to Washoe County must be created prior to the recordation of the first final subdivision map to maintain landscaping and assure compliance with the mandated screening, as provided under Nevada Revised Statutes (NRS) 278.4789.

- (e) Sidewalks. The construction of new concrete sidewalks or other multi-purpose paths in all subdivisions with final maps recorded after the effective date of this Ordinance (March 31, 2002) are prohibited unless installed and maintained by Washoe County and at no expense or liability to the adjacent property owner.

- (f) Allowed Uses. The Table of Uses as set forth in Section 110.302.05 is modified in the following manner:
 - (1) Residential Use Types. The following residential use types as listed in Table 110.302.05.1, Table of Uses (Residential Use Types), shall be prohibited:
 - (i) Duplex;

- (ii) Multi Family;
 - (iii) Single Family, Attached; and
 - (iv) Manufactured Home Parks.
- (2) Civic Use Types. The following civic use types as listed in Table 110.302.05.2, Table of Uses (Civic Use Types), shall be prohibited:
- (i) Administrative Services;
 - (ii) Large-Family Daycare;
 - (iii) Child Daycare;
 - (iv) Community Center over two thousand (2,000) square feet, with the exception of facilities approved by the Park and Recreation Commission for the Hidden Valley Regional Park;
 - (v) Convalescent Services;
 - (vi) Cultural and Library Services, unless existing facilities;
 - (vii) Group Care
 - (viii) Hospital Services;
 - (ix) Major Public Facilities;
 - (x) Nature Center;
 - (xi) Postal Services; and
 - (xii) Public Parking Facilities.
- (3) Commercial Use Types. All commercial use types as listed in Table 110.302.05.3, Table of Uses (Commercial Use Types), shall be prohibited with the exception of golf courses and ancillary uses commonly associated with golf courses and their club houses.
- (4) Industrial Use Types. All industrial use types as listed in Table 110.302.05.4, Table of Uses (Industrial Use Types), are prohibited.
- (5) Agricultural Use Types. All agricultural use types as listed in Table 110.302.05.5, Table of Uses (Agricultural Use Types), are prohibited with the exception of animal grazing and crop production of hay.
- (6) Federal or State Law Mandated Allowed Uses. Federal or state law mandated allowed uses are exempt from this restriction.
- (g) Reflective Building Materials. Reflective or shiny metal sidings and roofs shall be prohibited on all structures.

- (h) Building Height. Lots in subdivisions recorded after the effective date of this Ordinance (March 31, 2002) and which abut a previously developed and recorded lot shall not erect structures which exceed the number of stories of the adjacent developed lot(s).
- (1) Structures limited to one (1) story shall not exceed twenty-five (25) feet in height as measured by the Uniform Building Code (UBC) and Section 110.902.15, Definitions, of the Washoe County Development Code.
- (2) Two (2) story structures, when permitted, shall be restricted to thirty-five (35) feet in height as measured by the Uniform Building Code (UBC) and Section 110.902.15, Definitions, of the Washoe County Development Code.
- (i) Setbacks. Setbacks for the main structure on lots recorded prior to the effective date of this Ordinance (March 31, 2002) shall be thirty (30) feet for the front and twenty (20) feet for the rear yards. Lots with two (2) front yards shall maintain the setback for both front yards. Side yard setbacks for the main structure shall be eight (8) feet for parcels less than .4 acres and fifteen (15) feet for parcels more than .4 acres. Setbacks for structures on lots recorded after the effective date of this Ordinance (March 31, 2002) shall require the lots adjacent to developed lots to adhere to this setback standard.
- (j) Streetlights. The erection of new streetlights shall be prohibited on local residential streets. Replacement of existing streetlights is allowed.

[Added by Ord. 1151, provisions eff. 3/31/02].

Article 214

SOUTHWEST TRUCKEE MEADOWS AREA

Sections:

110.214.00	Purpose
110.214.05	Mt. Rose Highway Scenic Roadway Corridor Standards
110.214.10	Height Restrictions
110.214.15	Industrial Development

Section 110.214.00 Purpose. The purpose of this article, Article 214, Southwest Truckee Meadows Area, is to set forth special regulations to supplement the general regulations set forth in Article 202, Area Plan General Regulations, and to implement the Southwest Truckee Meadows Area Plan contained in Volume Two of the Master Plan and the other applicable plan elements contained in Volume One of the Master Plan.

Section 110.214.05 Mt. Rose Highway Scenic Roadway Corridor Standards. The purpose of this section, Mt. Rose Highway Scenic Roadway Corridor Standards, is to establish regulations to develop, preserve and protect the inherent aesthetic quality of this scenic roadway.

- (a) **Applicability.** The Mt. Rose Highway scenic roadway corridor extends from the intersection with South Virginia Street to the jurisdictional line of the Tahoe Regional Planning Agency.
- (1) All new residential, civic, commercial, industrial and agricultural use types established within five hundred (500) feet of the centerline of Mt. Rose Highway shall comply with this section. No variance to this boundary, pursuant to Article 804, Variances, shall be processed or approved.
- (2) The following use types are exempt from the provisions of this section:
- (i) Construction, enlargement and use of any single family, detached, residence, and all related accessory uses (e.g. garages, barns, corrals, storage sheds) on a parcel entitled to one dwelling unit legally recorded as of April 1, 1996.
- (ii) All existing tentative maps and phased final maps, currently active (not expired) and having obtained approval prior to April 1, 1996 are exempt from the provisions of this section.
- (iii) All projects with an approved special use permit, design standards handbook and/or development agreement, currently active (not expired) and having obtained approval prior to April 1, 1996 are exempt from the provisions of this section.

- (b) Building Height. The maximum allowable height of buildings and structures shall be thirty-five (35) feet. If the underlying building pad has a slope in excess of fifteen (15) percent, an additional six (6) feet shall be added to the thirty-five (35) foot maximum. The Uniform Building Code (UBC), as currently enacted, shall be used as the measuring standard. Those structures and uses identified in Section 110.402.10, Heights, Special Provisions, are not subject to this section.
- (c) Setback. A minimum setback of thirty (30) feet shall be provided along any property line adjoining the Mt. Rose Highway.
 - (1) Structures shall not be permitted within the setback area. A freestanding sign is not considered a structure.
- (d) Parking and Loading. Parking and loading shall be in conformance with Article 410, Parking and Loading, and Article 412, Landscaping, and the following provisions:
 - (1) Adjacent to the Mt. Rose Highway, all uses proposing one hundred (100) or more parking spaces, parking areas between the right-of-way property line and the main structure shall be limited in size to fifty (50) parking spaces, resulting in a series of smaller parking courts. Parking courts shall be separated by a minimum width of five (5) feet of landscaped area, excluding access drive lanes.
 - (2) Adjacent to the Mt. Rose Highway, all surface parking areas between the right-of-way property line and the main structure shall provide adequate landscaping material (e.g. shrubs and trees) so as to provide a minimum of fifty (50) percent screening within five (5) years of planting to visually screen parked vehicles. Landscaping material placement and mature height shall be considered to protect distant views, where appropriate.
 - (3) Adjacent to the Mt. Rose Highway, all delivery bays, loading docks, roll-up doors, trash enclosures, heating and ventilation equipment and other accessory equipment shall be located in such a manner as not to be visible from the Mt. Rose Highway, or shall be fully screened pursuant to Article 412, Landscaping, and provisions of this section.
 - (4) Compliance with the minimum provisions of this section shall occur within the confines of the boundaries of the affected parcel(s) and shall not be satisfied by the use of public right-of-way.
- (e) Access. Access onto Mt. Rose Highway shall be in conformance with Nevada Department of Transportation regulations, Washoe County Development Code Article 436, Street Design Standards, and the following provisions:
 - (1) Access to any development shall be restricted to one (1) point for each property or two (2) points provided they are at least two hundred (200) feet apart.
 - (2) If a two-way, divided driveway is proposed, it shall be considered as one (1) access point.

- (f) Fences, Walls and Berms. Fences, walls and berms shall be in conformance with Article 406, Building Placement Standards, and Article 412, Landscaping, and the following provisions:
- (1) Within the setback area, solid fences, walls or berms shall be permitted provided they do not exceed four-and-one-half (4.5) feet in overall height. Fences and walls shall be constructed of wood, masonry, stone, decorative concrete block, or other textured surfaces. Berms shall be constructed of soil suitable for planting landscaping. Untextured cinder block walls and chain-link or cyclone fences are prohibited on parcels adjacent to the Mt. Rose Highway between the right-of-way property line and the main structure.
 - (2) Outside the setback area, fences and walls shall not exceed six (6) feet in height and shall be constructed of wood, masonry, stone, decorative concrete block, or other textured surfaces. Untextured cinder block walls and chain-link or cyclone fences are prohibited on parcels adjacent to the Mt. Rose Highway between the right-of-way property line and the main structure.
 - (3) Multiple retaining walls shall be separated horizontally by a distance equal to at least the height of the lower retaining wall.
 - (4) The use of color shall be limited to earth tones so that the color blends in with natural surroundings.
 - (5) Compliance with the minimum provisions of this section shall occur within the confines of the boundaries of the affected parcel(s) and shall not be satisfied by the use of public right-of-way.
- (g) Sign. All development shall comply with the following outdoor sign design standards. No variance to these sign standards, pursuant to Article 804, Variances, shall be processed or approved.
- (1) Neon signage shall be prohibited.
 - (2) Sign structures (e.g. supports, poles, sign boxes, etc.) shall be covered and trimmed with wood and/or stone materials.
 - (3) Illumination, if any, shall be of diffused light that is stationary and of constant intensity.
 - (4) Exterior sign illumination sources shall be shielded from view.
 - (5) Street-front signs shall be a monument style with a maximum height of ten (10) feet and a maximum surface area per side of sixty (60) square feet.
 - (6) Exterior signage design for individual businesses within a building or a shopping complex shall be consistent.
 - (7) Only one (1) freestanding sign is allowed per project within the boundary of the Mt. Rose Highway scenic roadway corridor.

- (8) Temporary Project Sales Signs must be located on-site with a maximum height of eight (8) feet and a maximum surface area per side of fifty (50) square feet. Temporary Project Sales Signs shall not be mobile or portable, or be mounted on any type of vehicle or trailer.
- (h) Architecture. The architectural design standards of this section shall apply to civic type uses, commercial type uses and multiple family type uses.
 - (1) The exterior siding and finishing shall be of wood, stone or stucco.
 - (2) The use of color shall be limited to earth tones so that the color blends in with natural surroundings.
 - (3) Roofs shall be of fire resistant materials and earth tone in color. Shiny metal roofs shall be prohibited.
- (i) Electrical Transmission Lines. Transmission lines of up to 100 kilovolt that parallel the Mt. Rose Highway and new electrical distribution lines of up to 200 amperes shall be placed underground.

[Amended by Ord. 875, provisions eff. 8/3/93. Renamed from "Mt. Rose Highway" and amended by Ord. 942, provisions eff. 4-1-96.]

Section 110.214.10 Height Restrictions. In addition to height restrictions established in Article 402, Density/Intensity Standards, and Article 406, Building Placement Standards, all new commercial structures in commercial or residential regulatory zones are limited to two stories in height, not to exceed thirty-five (35) feet in height. If the underlying building pad has a slope in excess of fifteen (15) percent, an additional six (6) feet shall be added to the thirty-five (35) foot maximum. The Uniform Building Code (UBC), as currently enacted, shall be used as the measuring standard. Those structures and uses identified in Section 110.402.10, Heights, Special Provisions, are not subject to this section.

[Amended by Ord. 875, provisions eff. 8/3/93; Ord. 942, provisions eff. 4-1-96.]

Section 110.214.15 Industrial Development. Within the Southwest Truckee Meadows planning area, new long-term industrial development shall only be located within the Specific Plan Regulatory Zone.

[Amended by Ord. 875, provisions eff. 8/3/93.]

Article 216

SPANISH SPRINGS AREA

Sections:

110.216.00	Purpose
110.216.05	Pyramid Lake Highway
110.216.10	Buffers
110.216.15	Commercial Center Development Standards
110.216.20	Commercial Center Development Application Requirements
110.216.25	Commercial Center Development Site Plan Requirements
110.216.30	Agricultural Uses
110.216.35	Air Pollution
110.216.40	Industrial Development
110.216.45	Water Rights Requirements
110.216.50	Ornamental Water Features
110.216.55	Spanish Springs Water Detention Facility

Section 110.216.00 Purpose. The purpose of this article, Article 216, Spanish Springs Area, is to set forth special regulations to supplement the general regulations set forth in Article 202, Area Plan General Regulations, and to implement the Spanish Springs Area Plan contained in Volume Two of the Master Plan and the other applicable plan elements contained in Volume One of the Master Plan.

Section 110.216.05 Pyramid Lake Highway. Development along the Pyramid Lake Highway shall comply with the following:

- (a) **Access.** Direct egress or ingress onto new individual parcels in addition to that existing on the May 26, 1993 is prohibited, unless no other alternative egress or ingress can be shown.

[Amended by Ord. 875, provisions eff. 8/3/93; Ord. 949, provisions eff. 5/1/96.]

Section 110.216.10 Buffers. A minimum twenty-five (25) foot open space/scenic view buffer shall be provided on parcels along all arterial rights-of-way, measured in from the street edge property line. No fences, walls or structures shall be permitted in the buffer areas. Such buffer areas shall be included in the calculation of allowable density.

[Amended by Ord. 875, provisions eff. 8/3/93.]

Section 110.216.15 Commercial Center Development Standards. The standards of this section shall apply to all commercial centers.

- (a) **Allowed Uses.** Most uses allowed in Table 110.302.05.3, Table of Uses, in the General Commercial Regulatory Zone are allowed as a principal use in a commercial center. In addition, a restrictive covenant in favor of the County will be required to prohibit billboards, dwellings or dwelling units, bars, used car lots, cocktail lounges, taverns and other uses which are, in the opinion of the Director of Community Development, similar or accessory to the specified uses. A

neighborhood commercial center in the Spanish Springs planning area requires a Board of Adjustment approved special use permit as set forth in Article 810, Special Use Permits.

- (b) Site Area. Any commercial center shall be located on a parcel having an area of at least five (5) acres.
- (c) Height Limitation. In addition to height restrictions set forth in Article 402, Density/Intensity Standards, and Article 406, Building Placement Standards, structures within a commercial center shall be limited to a maximum height of two (2) stories in height.
- (d) Maximum Lot Coverage. The total ground area, occupied by all principal buildings, together with all accessory buildings, shall not exceed twenty-five (25) percent of the total area of the site.
- (e) Building Setback Line. All buildings shall be sited a minimum of eighty (80) feet from all street rights-of-way. A strip twenty (20) feet deep along the front property line shall be maintained as a landscaped buffer strip. The remaining area may be used for parking.
- (f) Side and Rear Yards. Each commercial center site shall have side and rear yards of at least fifty (50) feet in width. A strip twenty (20) feet in width or depth along the side and rear lot lines shall be maintained as a landscaped buffer strip. The remaining area may be used for parking.
- (g) Buffer Requirements Adjacent to Residential Areas. Along any boundary line adjacent to a residential area, an appropriate buffer area shall be provided to screen or block vision, glare, odors or other negative by-products associated with the commercial use. Buffer areas may be utilized for stormwater containment and infiltration.
- (h) Access Ways. Each commercial center site shall have not more than two (2) access points to any street, unless unusual circumstances demonstrate the need for additional access ways is demonstrated. Access to Pyramid Lake Highway (SR 445) shall be permitted only from existing streets or street extensions, unless no other access can be provided. No part of any access shall be closer than two hundred (200) feet to the intersection of any two street right-of-way lines.
- (i) Access Barrier. Each commercial center site, with its buildings, other structures, and parking and loading areas, shall be physically separated from each adjoining street by a curb or other suitable barrier against unchanneled motor vehicle ingress and egress. Except for permitted access ways, the barrier shall be continuous for the entire length of the property line.
- (j) Off-Street Parking and Loading Areas. All off-street parking and loading areas shall comply with Article 410, Parking and Loading.
- (k) Lighting. All parking areas and access ways shall be flood lighted at night during business hours. All outside lighting shall be arranged and shielded to prevent glare or reflection, nuisance, inconvenience or hazardous interference of any kind on adjoining streets or residential properties.

- (l) Waste Pens and Incinerators. Each building shall be provided with an enclosed waste pen of sufficient size to accommodate all trash and waste generated and/or stored on the premises. Waste pens and refuse receptacles shall be designed to ensure adequate odor control and the prevention of wind-blown debris from leaving the site. There shall be no burning of refuse on the premises.

[Amended by Ord. 875, provisions eff. 8/3/93; Ord. 1040, provisions eff. 11/1/98; Ord. 1288, provisions eff. 3/24/06, Ord. 1378, provisions eff. 8/1/08.]

Section 110.216.20 Commercial Center Development Application Requirements. The application submittal requirements of this section shall apply to proposed commercial centers. The application requirements include the following:

- (a) Ownership. Ownership to include all owners with ten (10) percent or greater interest.
- (b) Legal Description. Legal description for site and for proposed regulatory zones.
- (c) Market Analysis. A market analysis that includes the following:
 - (1) Trade area of proposed shopping center;
 - (2) Population of trade area, present and projected;
 - (3) Effective buying power, present and projected;
 - (4) Net potential customer buying power for proposed stores and, on the basis of such buying power, the recommended store types and store floor area; and
 - (5) Residual amount of buying power and how it may be expected to be expanded in existing business areas serving the proposed area.
- (d) Site Location Evaluation. Site location evaluation to include access, size and shape, site preparation requirements, utilities, drainage and environmental considerations.
- (e) Key Tenant Commitments. A description of key tenant commitments that includes the following:
 - (1) Copy of prospectus provided to prospective tenants;
 - (2) Letter of intent, lease or occupancy agreement; and
 - (3) Prospective tenant list of requirements for proposed center.
- (f) Financial Commitment. Financial commitment in the form of a forfeitable, site restoration bond for one hundred fifty thousand dollars (\$150,000) or one (1) percent of the development costs, whichever is greater.
- (g) Water Rights. Proof of sufficient water rights pursuant to Section 110.216.45.

[Amended by Ord. 875, provisions eff. 8/3/93.]

Section 110.216.25 Commercial Center Development Site Plan Requirements. The site plan submittal requirements of this section shall apply to commercial centers. All site plans shall include appropriate titles, name and address of preparer, north arrow, scale not less than 1 inch = 100 feet, contours at two (2) foot intervals, and vicinity map.

- (a) Existing Conditions. The site plan shall show the following existing conditions:
- (1) Boundary line, existing zoning, acreage by zone and total acreage of site;
 - (2) Size and location of existing water mains, sewers, culverts, manholes and other underground facilities within the site;
 - (3) Location, widths and names of all existing or prior platted streets and utility rights-of-way within five hundred (500) feet of the outside boundary of the site;
 - (4) Park and other public open spaces within five hundred (500) feet of the outside boundary of the site;
 - (5) Permanent buildings and structures within five hundred (500) feet of the outside boundary of the site; and
 - (6) Parcels (with ownership indicated), easements and section lines within five hundred (500) feet of the outside boundary of the site.
- (b) Proposed Development. The site plan shall show the following with respect to proposed development:
- (1) Location, layout and dimensions of principal and accessory buildings;
 - (2) Traffic circulation within the confines of the center;
 - (3) Location and dimensions of vehicular drives, entrances, exits, and acceleration and deceleration lanes;
 - (4) Location, arrangement and dimensions of both customer and employee parking spaces; and width of aisles, width of bays and angle of parking;
 - (5) Location, arrangement and dimensions of truck loading and unloading spaces and docks;
 - (6) Location and dimensions of pedestrian entrances, exits and walks;
 - (7) Architectural sketches of the proposed buildings;
 - (8) Drainage and sanitary systems;
 - (9) Location, height, materials and color of walls, fencing and screen plantings;
 - (10) Ground cover, finished grades, slopes and banks;

- (11) Location, size, height, materials, illumination, color and orientation of all commercial signs;
- (12) Proposed standards for unspecified, tenant building facade signs;
- (13) Stages of development with commencement and completion dates and reservations for future development; and
- (14) Traffic impact analysis and proposed mitigation measures.

[Amended by Ord. 875, provisions eff. 8/3/93.]

Section 110.216.30 Agricultural Uses. Agricultural uses as defined in Article 304, Use Classification System, shall be considered compatible with all allowed uses within the Spanish Springs planning area.

Section 110.216.35 Air Pollution. All new development shall comply with all applicable Washoe County District Health Department regulations regarding air pollution and woodburning devices.

[Amended by Ord. 875, provisions eff. 8/3/93.]

Section 110.216.40 Industrial Development. Within the Spanish Springs planning area, new long-term industrial development shall only be located within the Specific Plan Regulatory Zone.

[Amended by Ord. 875, provisions eff. 8/3/93.]

Section 110.216.45 Water Rights Requirements. Residential and commercial development in the Spanish Springs planning area shall provide proof of sufficient water rights based upon the following:

- (a) Deeded Truckee River water rights when used in an appropriate drought yield discount as determined by the State Engineer;
- (b) Imported groundwater from a source that is replenished in sufficient quantity to meet demands placed upon a source without groundwater mining; and
- (c) Certificated groundwater rights or permitted quasi-municipal groundwater rights (that existed as of May 22, 1990) matched by imported, decreed surface water, from a source such as the Truckee River, equal to one-half (1/2) of the groundwater rights.

[Amended by Ord. 875, provisions eff. 8/3/93.]

Section 110.216.50 Ornamental Water Features. The use of groundwater for new ornamental surface water features such as ponds and fountains is prohibited.

Section 110.216.55 Spanish Springs Water Detention Facility. All proposed development in the Spanish Springs planning area shall evaluate and develop storm drainage improvements which ensure the Spanish Springs Water Detention Facility remains hydraulically equivalent to the design parameters of the facility existing at the time of adoption of this section.

Article 218

SUN VALLEY AREA

Sections:

110.218.00	Purpose
110.218.05	Community Water and Sewer
110.218.10	Architecture
110.218.15	Air Pollution
110.218.20	Height Restrictions
110.218.25	New Parcel Restrictions
110.218.30	Development in Spanish Springs Hydrographic Basin
110.218.35	Mobile Home and Manufactured Home Placement Standards, Development Standards and Design Standards
110.218.40	Neighborhood Commercial Regulatory Zone Area Modifier

Section 110.218.00 Purpose. The purpose of this article, Article 218, Sun Valley Area, is to set forth special regulations to supplement the general regulations set forth in Article 202, Area Plan General Regulations, and to implement the Sun Valley Area Plan contained in Volume Two of the Master Plan and the other applicable plan elements contained in Volume One of the Master Plan.

Section 110.218.05 Community Water and Sewer. The following types of development shall be served by community water and sewer facilities:

- (a) Residential development of one (1) unit or more per acre;
- (b) All commercial development; and
- (c) All industrial development.

Section 110.218.10 Architecture. All commercial development shall comply with the architectural design standards of this section.

- (a) The exterior siding and finish for individual businesses within a building or a complex shall be uniform.
- (b) Signage design for individual businesses within a building or a complex shall be uniform.

[Renumbered from 110.218.15 by Ord. 867, provisions eff. 5/27/93.]

Section 110.218.15 Air Pollution. All new development shall comply with all applicable Washoe County District Health Department regulations regarding air pollution and woodburning devices.

[Renumbered from 110.218.20 by Ord. 867, provisions eff. 5/27/93. Amended by Ord. 875, provisions eff. 8/3/93.]

Section 110.218.20 Height Restrictions. In addition to height restrictions established in Article 402, Density/Intensity Standards, and Article 406, Building Placement Standards, all new residential, commercial and industrial structures are limited to two stories in height.

[Renumbered from 110.218.25 by Ord. 867, provisions eff. 5/27/93. Amended by Ord. 875, provisions eff. 8/3/93.]

Section 110.218.25 New Parcel Restrictions. The creation of additional parcels in any regulatory zone within the Sun Valley planning area is restricted to areas within the service area of recognized water purveyors.

[Renumbered from 110.218.30 by Ord. 867, provisions eff. 5/27/93. Amended by Ord. 875, provisions eff. 8/3/93.]

Section 110.218.30 Development in Spanish Springs Hydrographic Basin. Development in the Sun Valley planning area proposing to utilize groundwater resources from the Spanish Springs Hydrographic Basin is required to follow the water supply policies and action programs in the Spanish Springs Area Plan regulations.

[Renumbered from 110.218.35 by Ord. 867, provisions eff. 5/27/93. Amended by Ord. 875, provisions eff. 8/3/93.]

Section 110.218.35 Mobile Home and Manufactured Home Placement Standards, Development Standards and Design Standards. Mobile home and manufactured home placement standards, development standards and design standards in the Sun Valley planning area shall be regulated by the following provisions, and are exempt from the provisions of Article 312, Fabricated Housing:

- (a) **Placement Standards.** Mobile homes and manufactured homes may be placed on any residential regulatory zone parcel in the Sun Valley planning area, including any Trailer (TR) Overlay zone in effect prior to May 26, 1993 with the exception of TR parcels that have the current regulatory zones of either General Commercial, Neighborhood Commercial/Office, Tourist Commercial, Industrial, Open Space, Parks and Recreation, or Public/Semi-Public Facility.
- (b) **Development Standards.** All new placements of mobile homes and manufactured homes, including set-ups and installations, shall comply with the following development standards:
 - (1) **Density and Intensity Standards.** Mobile homes and manufactured homes shall be subject to the maximum number of units allowed per acre, site coverage and height of structures as set forth in Article 402, Density/Intensity Standards, for the regulatory zone in which they are located.
 - (2) **Lot Standards.** Mobile homes and manufactured homes shall be subject to the minimum and maximum size of lots and the minimum average lot width as set forth in Article 404, Lot Standards, for the regulatory zone in which they are located.
 - (3) **Building Placement Standards.** Mobile homes and manufactured homes shall be subject to the building setbacks and yard requirements as set forth in Article 406, Building Placement Standards, for the regulatory zone in which they are located.

- (4) Parking. Properties on which mobile homes and manufactured homes are placed shall contain at least two (2) off-street parking spaces. These parking spaces do not have to be located in an enclosed garage or carport.
 - (5) Skirting. Complete perimeter solid skirting, of a material and color complimentary to the mobile home or manufactured home, shall be provided from the bottom of the mobile home or manufactured home to the ground surface within sixty (60) days of the set-up date. The exterior covering of the mobile home or manufactured home can be used to satisfy the skirting requirement, except that, when a solid concrete or masonry perimeter foundation is used, the exterior covering material need not extend below the bottom of the foundation.
 - (6) Foundations. The foundation system must be safe and secure and must comply with the manufacturer's set-up instructions or a federal agency's (HUD/FHA, VA, FNMA or FmHA) approved mobile home and manufactured home foundation system. The foundation system must be set so that the height at the perimeter does not exceed a maximum of thirty-six (36) inches as measured from the bottom of the frame (e.g. support I-beam) to the surrounding finished grade, with at least one (1) section of the perimeter not exceeding sixteen (16) inches in height. The transportation hitch and wheels must be removed from the mobile home or manufactured home within sixty (60) days of occupancy, and the equipment must be either physically removed from the parcel or stored under the unit and be completely concealed by the skirting.
 - (7) Flood Areas. Mobile homes and manufactured homes located in flood hazard areas or limited flooding areas shall comply with the requirements of Article 416, Flood Hazards.
- (c) Design Standards. All new placements of mobile homes and manufactured homes, including set-ups and installations, shall comply with the following appearance standards to ensure aesthetic compatibility with development in the Sun Valley planning area:
- (1) Exterior Siding. Exterior siding of the mobile home or manufactured home shall be made of a non-reflective material.
 - (2) Roofing Material. The roof of the mobile home or manufactured home shall be constructed of non-reflective materials. Tarps, cloth or other temporary weatherproofing material shall not be allowed as a permanent roof.

[Added by Ord. 875, provisions eff. 8/3/93. Amended by Ord. 939, provisions eff. 11/1/95; Ord. 1023, provisions eff. 7/1/98.]

[Previous Section 110.218.10 entitled "Commercial and Industrial Landscaping" repealed by Ord. 867, provisions eff. 5/27/93.]

Section 110.218.40 Neighborhood Commercial Regulatory Zone Area Modifier. In addition to the regulations of the Neighborhood Commercial (NC) regulatory zone described in Article 106, Regulatory Zones, and the allowed uses described in Article 302, Allowed Uses, the

regulation modifier shall apply to the Neighborhood Commercial Regulatory Zone in the Sun Valley planning area:

(a) Allowed Use:

(1) Commercial Use Type:

(i) Secondhand sales.

[Added by Ord. 1377, provisions eff. 8/1/08.]

Article 220

TAHOE AREA

Sections:

110.220.00	Purpose
110.220.05	Development Standards
110.220.10	Removal of Abandoned Foundation or Structure
110.220.15	Height of Structures
110.220.20	Detached Accessory Structures
110.220.25	Requirements for the Construction of a Garage
110.220.30	At or Below Grade Parking Decks, Walkways and Decks
110.220.35	Construction Below a Parking Deck
110.220.40	Conformance of Setbacks on Existing Residences
110.220.45	Historic Site Overview

Section 110.220.00 Purpose. The purpose of this article, Article 220, Tahoe Area, is to set forth special regulations to supplement the general regulations set forth in Article 202, Area Plan General Regulations, and to implement the Tahoe Area Plan contained in Volume Two of the Master Plan and the other applicable plan elements contained in Volume One of the Master Plan.

Section 110.220.05 Development Standards. The standards for development in the Tahoe planning area shall be the development standards of either the Tahoe Regional Planning Agency or Washoe County, whichever is more restrictive.

[Amended by Ord. 1017, provisions eff. 6/1/98.]

Section 110.220.10 Removal of Abandoned Foundation or Structure. Prior to the issuance of a building permit for a new structure, any existing abandoned or unfinished foundation or structure, not being incorporated into the new structure, shall be removed. Any portion of an existing foundation incorporated into the new structure shall be certified for structural integrity by a civil or structural engineer registered in the State of Nevada.

[Amended by Ord. 982, provisions eff. 6/1/97.]

Section 110.220.15 Height of Structures. The maximum building height for any structure shall be calculated by the Tahoe Regional Planning Agency Ordinance, Chapter 22, Height Standards, in effect at the time of issuance of a building permit.

[Added by Ord. 1017, provisions eff. 6/1/98.]

Section 110.220.20 Detached Accessory Structures. The following development requirements shall apply to detached accessory structures:

- (a) **Property Line Setback.** Accessory structures one (1) story in height, with maximum ten (10) feet high walls (measured from grade level to top plate) and a maximum roof pitch of 7/12, shall maintain a five (5) foot minimum setback from the rear and side property line. When the height of an accessory structure

exceeds this height limitation, the structure shall maintain the yard setbacks for the main dwelling units stipulated in Article 406, Building Placement Standards.

(b) Height and Story Limit.

- (1) The maximum building height for any accessory structure erected outside the required yard setbacks shall be calculated by the Tahoe Regional Planning Agency Ordinance, Chapter 22, Height Standards, in effect at the time of issuance of a building permit.
- (2) An accessory structure within the front yard shall not exceed one (1) story.
- (3) An accessory structure may be two (2) stories in height when the main dwelling unit is two (2) stories, the structure is erected outside the required yard setbacks, and the slope of the front half of the lot is greater than a two (2) foot rise (or fall) for every ten (10) feet above (or below) the established street grade.
 - (i) Plumbing shall be limited to one (1) sink unit and one (1) toilet; and
 - (ii) A deed restriction must be recorded on the property declaring the space shall not be used in a fashion as to constitute a secondary residence or separate residential unit. The area shall not be leased, rented or used separate from the primary residence on the property.

(c) Below Grade Story. When the structure is at or below street grade, a first story may be constructed below grade providing the ceiling height is no greater than nine-and-one-half (9.5) feet.

- (1) Plumbing shall be limited to one (1) sink unit and one (1) toilet; and
- (2) A deed restriction must be recorded on the property declaring the space shall not be used in a fashion as to constitute a secondary residence or separate residential unit. The area shall not be leased, rented or used separate from the primary residence on the property.

(d) Siting. Any accessory structure shall comply with the following siting requirements:

- (1) In the case of a corner lot abutting two (2) streets, no detached accessory structure shall be erected so as to encroach upon the front yard setbacks; and
- (2) A detached accessory structure, used as a private garage, may be built to the front property line on any corner lot when built no closer than sixty (60) feet from the corner, and on any interior or through lot where the slope of the front half of the lot is greater than a two (2) foot rise (or fall) for every ten (10) feet above (or below) the established street grade. The structure shall conform to the height and story limits provided within this section.

- (i) The Engineering Division must be able to determine that County snow removal operations will not be impeded or sufficient measures have been incorporated in the structure's design to mitigate an impediment to County snow removal operations and/or the County has been held harmless from liability resulting from its snow removal operations;
 - (ii) The Engineering Division must be able to determine that the speed of traffic and the volume of traffic on the street is such that the placing of the garage at the property line will not cause a safety problem for vehicles using the street; and
 - (iii) The Engineering Division must be able to determine that the placement of the garage at the property line will not impede the ability of the County to widen the street in accordance with the adopted Capital Improvements Program, or in accordance with a possible widening of the street as shown in the adopted Master Plan.
 - (iv) The placement of the garage is not sited closer than fifteen (15) feet from the edge of pavement of the abutting street.
 - (v) The maximum square footage of the structure shall not exceed 576 square feet.
 - (vi) There is no existing garage or structure, or portion thereof, built as a garage that has been converted to another use.
- (e) **Building Setback.** A detached accessory structure shall be located not closer than ten (10) feet to any main building on an adjoining parcel.

[Added by Ord. 982, provisions eff. 6/1/97. Renumbered from 110.220.15 and amended by Ord. 1017, provisions eff. 6/1/98. Amended by Ord. 1290, provisions eff. 3/24/06.]

Section 110.220.25 Requirements for the Construction of a Garage. An enclosed garage shall not be required to be constructed in accordance with Article 410, Parking and Loading, when an existing dwelling unit is enlarged and one (1) of the following conditions exist:

- (a) There is no Tahoe Regional Planning Agency land coverage available for purchase within the land capability necessary for transfer;
- (b) Within a common open space subdivision or multi-family project, there is no new coverage or no relocation of coverage; or
- (c) Within a single family dwelling, there is no new coverage or no relocation of coverage.

[Added by Ord. 1017, provisions eff. 6/1/98.]

Section 110.220.30 At or Below Grade Parking Decks, Walkways and Decks. On any downslope lot, a parking deck, walkway or deck with handrails may be constructed within the front setback provided:

- (a) A parking deck, not utilized as a driveway to a garage, begins at the edge of pavement and has no greater upslope than one (1) percent;
- (b) A parking deck, utilized as a driveway to a garage, may begin at the edge of pavement and have no greater upslope than fourteen (14) percent; or
- (c) A walkway or entry deck is no higher than eighteen (18) inches above grade at the edge of pavement.

[Added by Ord. 1017, provisions eff. 6/1/98.]

Section 110.220.35 Construction Below a Parking Deck. On a downslope lot, the area below an allowed parking deck may be utilized for habitable space within the front setback provided:

- (a) The Engineering Division is able to determine that:
 - (1) County snow removal operations will not be impeded or sufficient measures have been incorporated in the structure's design to mitigate an impediment to County snow removal operations and/or the County has been held harmless from liability resulting from its snow removal operations; and
 - (2) Construction of the habitable space below the parking deck in the front yard will not impede the ability of the County to widen the street in accordance with the adopted Capital Improvements Program, or in accordance with a possible widening of the street as shown in the adopted Master Plan.
- (b) Electrical and mechanical rooms as accessory to the main dwelling unit may be established.
- (c) The habitable space contains no plumbing fixtures.

[Added by Ord. 1017, provisions eff. 6/1/98.]

Section 110.220.40 Conformance of Setbacks on Existing Residences. The existing setbacks for a home constructed prior to 1990 shall be legal and conforming when:

- (a) The building pad is not delineated on the final subdivision map;
- (b) The home was constructed with all required permits prior to 1990;
- (c) No further intrusion into the setback is requested; and
- (d) The Engineering Division is able to determine that County snow removal operations will not be impeded and/or the County has been held harmless from liability resulting from its snow removal operations.

[Added by Ord. 1017, provisions eff. 6/1/98.]

Section 110.220.45 Historic Site Overview. The purpose of the Historic Site Overview is to preserve buildings and sites which have been listed on a national or state registry of historic places and to provide for appropriate uses other than those permitted in the underlying regulatory zone as an aid to the owners' efforts to preserve the historic or landmark value.

- (a) The owner shall provide documentation that the structure(s) or site(s) has been listed on a National or State of Nevada historic registry. If the documentation supporting the designation on the historic registry does not enumerate the specific significance and location of historic importance, the applicant shall submit supplemental information to identify the significance (e.g. architecture, site of a historic event, and location).
- (b) An operations plan must be submitted to the Department of Community Development prior to the issuance of a general business license.
 - (1) The plan shall indicate proposed uses and the days and hours of operation.
 - (2) The plan shall include a sketch, to scale, of the exterior grounds and/or interior space to be used for the proposed uses.
 - (3) The plan shall include a parking plan indicating the maximum number of vehicles to be parked on and off the site, projected needs for parking at the site and means to satisfy the projected needs. If parking is proposed off-site, the parking plan shall identify how visitors will access the site (e.g. bus or shuttle route including pickup location, hours and frequency of operation). In no case shall a parking plan be approved which obstructs public and/or emergency vehicles or relies on street parking either on state highways or local streets adjacent to neighboring residential properties.
 - (4) The plan shall include a written statement from the applicants agreeing to adhere to the provisions of Section 110.220.45 and the conditions placed on the business license.
 - (5) The operations plan shall be reviewed and may be approved, modified or approved with conditions by the Director of Community Development or his/her authorized representative. The final operations plan will serve as the conditions placed on the business license.
 - (6) The Director shall find that the proposed uses shall not be detrimental to the neighborhood and shall contribute to the protection and preservation of the historic significance of the structure(s) or site(s).
- (c) No modifications may be made to historic structure(s) or site(s) which would have the effect of compromising the historical significance of the property's structure(s) or site(s).
- (d) Notwithstanding the provisions of this section, the proposed operations and uses of the structures within the Historic Site Overlay shall meet all applicable building safety and building code requirements, fire regulations and Washoe County District Health Department regulations applicable to the operations plan submitted under subsection (b) of this section.
- (e) Prior to issuance of a business license, the approved operations plan shall be mailed to all property owners pursuant to Section 110.810.25, Notice (Special Use Permits). An appeal may be filed within ten (10) days of the mailing of notice pursuant to Section 110.810.50, Appeals (Special Use Permits).

[Added by Ord. 1241, provisions eff. 6/18/04.]

[Previous Section 110.220.20 entitled "Additions" added by Ord. 982, provisions eff. 6/1/97 and repealed by Ord. 1017, provisions eff. 6/1/98.]

Article 222

TRUCKEE CANYON AREA

Sections:

110.222.00	Purpose
110.222.05	Buffers
110.222.10	Truckee River Corridor Standards
110.222.15	Wadsworth Community Area Modifier

Section 110.222.00 Purpose. The purpose of this article, Article 222, Truckee Canyon Area, is to set forth special regulations to supplement the general regulations set forth in Article 202, Area Plan General Regulations, and to implement the Truckee Canyon Area Plan contained in Volume Two of the Master Plan and the other applicable plan elements contained in Volume One of the Master Plan.

Section 110.222.05 Buffers. A minimum twenty-five (25) foot open space/scenic buffer shall be provided on parcels along all arterial rights-of-way, and the I-80 right-of-way, measured in from the street edge property line. No fences, walls or structures shall be permitted in the buffer areas. Such buffer areas shall be included in the calculation of allowable density.

[Amended by Ord. 875, provisions eff. 8/3/93; Ord. 1005, provisions eff. 2/1/98]

Section 110.222.10 Truckee River Corridor Standards. The purpose of this section, Truckee River Corridor Standards, is to establish regulations to develop, preserve, protect and improve the inherent water quality of the river.

- (a) **Applicability.** The Truckee River corridor extends from the U.S. Geological Survey - Vista gauge to the jurisdictional line of the Pyramid Lake Paiute Reservation.
- (1) All new residential developments which result in over eighty (80) peak hour trips on the local and regional streets and highways system; new civic, commercial and industrial use types; and agricultural processing and commercial animal slaughtering uses established within one (1) mile of the center of the Truckee River shall comply with this section. No variance to this boundary, pursuant to Article 804, Variances, shall be processed or approved.
- (2) The following use types are exempt from the provisions of this section:
- (i) All new residential developments which create less than eighty (80) peak hour trips on the local and regional streets and highways system, and construction, enlargement and use of any single family, detached, residence, and all related accessory uses (e.g. garages, barns, corrals, storage sheds) on a parcel entitled to one (1) dwelling unit created prior to January 1, 1998.

- (ii) All projects with an approved special use permit, design standards handbook and/or development agreement, currently active (not expired) and having obtained approval prior to January 1, 1998.
 - (iii) Agricultural use types, excluding agricultural processing and commercial animal slaughtering uses are exempt from the provisions of this section.
 - (iv) Any expansion of an existing use or structure that will not increase the gross floor area of the building structure by twenty-five (25) percent, or expand the use of the parcel by twenty-five (25) percent.
- (b) Grading. A special use permit, as enumerated in Article 810, Special Use Permits, approved by the Washoe County Board of Adjustment, shall be required for all grading and earthmoving activities within the 100-year floodplain, or within three hundred (300) feet of the center of the Truckee River, whichever is greater.
- (c) Structural Setback. No permanent building structures shall be erected within the 100-year floodplain, or within three hundred (300) feet of the center of the Truckee River, whichever is greater.
- (d) Water Quality Report. All projects subject to the applicability of this section shall provide a water quality report describing the mitigation measures that will be constructed or provided to produce no measurable increase over the river's reach of regulated water quality parameters (total dissolved solids, nitrogen, phosphorous, ambient temperature, etc.) as established by the Nevada Division of Environmental Protection. This report shall be submitted with any application for approval by the County, including new business license applications and new construction building permits.
- (e) Development Agreement. A development agreement, as enumerated in Article 814, Development Agreements, shall be required for all of the following circumstances:
- (1) Developments which are projects of regional significance, as enumerated in Article 812, Projects of Regional Significance.
 - (2) Projects which result in over eighty (80) peak hour trips on the local and regional streets and highways system.
 - (3) Developments which require connection to either a community water system or a community wastewater treatment plant.

[Added by Ord. 1005, provisions eff. 2/1/98, amended by Ord. 1378, provisions eff. 8/1/08.]

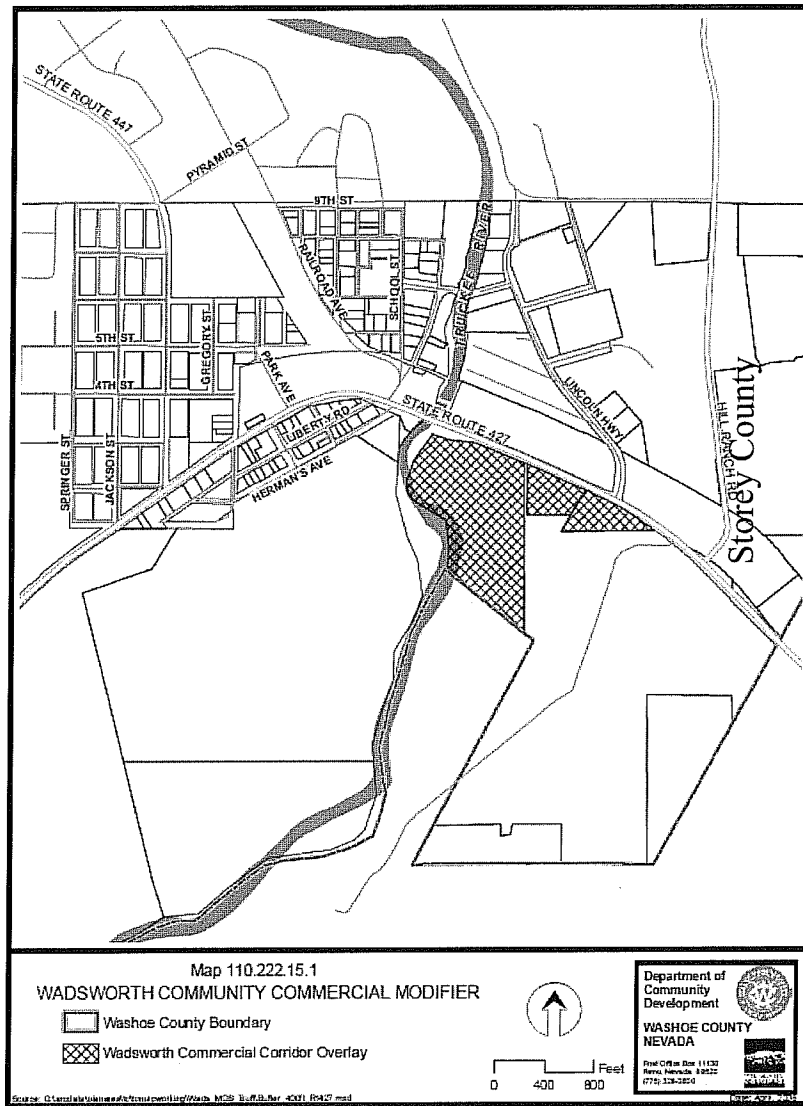
[Previous Section 110.222.10 entitled "Interstate 80" renamed to "Interstate 80 Corridor"; amended by Ord. 875, provisions eff. 8/3/93; and repealed by Ord. 949, provisions eff. 5/1/96.]

110.222.15 Wadsworth Community Area Modifier. The purpose of this section is to establish regulations to support limited commercial development within a specific area of the Wadsworth community.

- (a) **Applicability.** Limited commercial development shall be restricted to parcels located within the Wadsworth Commercial Corridor Overlay as outlined in Map 110.222.15.1 designated with a Medium Density Suburban (MDS) regulatory zone with an approved special use permit by the Washoe County Board of Adjustment pursuant to Article 810.

Map 110.222.15.1

WADSWORTH COMMUNITY AREA MODIFIER LOCATION MAP



Source: Washoe County Department of Community Development.

- (1) Allowed Uses. The Table of Uses as set forth in Section 110.302.05 is modified in the following manner:
 - (i) Commercial Use Type. The following commercial use type as listed in Table 110.302.05.3, Table of Uses (Commercial Use Types), shall be allowed with a Special Use Permit approved by the Board of Adjustment:
 - (1) Equipment Repair and Sales.

[Added by Ord. 1379, provisions eff. 8/1/08.]

Article 224

VERDI AREA

Sections:

110.224.00	Purpose
110.224.10	Low Density Suburban Area Modifier
110.224.15	Water Resource Requirements
110.224.20	Agricultural Uses
110.224.25	Air Pollution

Section 110.224.00 Purpose. The purpose of this article, Article 224, Verdi Area, is to set forth special regulations to supplement the general regulations set forth in Article 202, Area Plan General Regulations, and to implement the Verdi Area Plan contained in Volume Two of the Master Plan and the other applicable plan elements contained in Volume One of the Master Plan.

Section 110.224.10 Low Density Suburban Area Modifier. In addition to the regulations of the regulatory zones described in Article 106, Regulatory Zones, in any area designated Low Density Suburban in the Verdi planning area, the following regulations shall apply:

- (a) **Community Water System.** With the exception of parcel maps, subdivisions with lots averaging one and seventy-five hundredths (1.75) acre, and with a minimum lot size of one (1) acre, are not required to have a community water system serve the subdivision. Subdivisions not meeting this standard shall connect to a community water system.

[Amended by Ord. 875, provisions eff. 8/3/93.]

Section 110.224.15 Water Resource Requirements. In addition to provisions of Article 422, Water and Sewer Resource Requirements, when submitting applications for subdivisions, parcel maps and other projects in the Verdi planning area, the applicant must identify the following:

- (a) The source of the water supply;
- (b) The quality of the water supply;
- (c) The quantity of the water supply; and
- (d) The basis of water rights and/or the name of the water service provider.

[Amended by Ord. 875, provisions eff. 8/3/93.]

Section 110.224.20 Agricultural Uses. Agricultural uses as defined in Article 304, Use Classification System, shall be considered compatible with all allowed uses within the Verdi planning area.

Section 110.224.25 Air Pollution. All new development shall comply with all applicable Washoe County District Health Department regulations regarding air pollution and woodburning devices.

[Amended by Ord. 875, provisions eff. 8/3/93.]

[Section 110.224.05 entitled "Interstate 80 Corridor" amended by Ord. 875, provisions eff. 8/3/93; and repealed by Ord. 949, provisions eff. 5/1/96.]

Article 226

WARM SPRINGS AREA

Sections:

110.226.00	Purpose
110.226.05	Pyramid Lake Highway
110.226.10	Water Resources
110.226.15	General Rural Residential Area Modifier
110.226.20	Industrial Development
110.226.25	Road Access Permits
110.226.30	Ornamental Water Features
110.226.35	Disposal of Sludge

Section 110.226.00 Purpose. The purpose of this article, Article 226, Warm Springs Area, is to set forth special regulations to supplement the general regulations set forth in Article 202, Area Plan General Regulations, and to implement the Warm Springs Area Plan contained in Volume Two of the Master Plan and the other applicable plan elements contained in Volume One of the Master Plan.

Section 110.226.05 Pyramid Lake Highway. Development along Pyramid Lake Highway shall comply with the following:

- (a) **Access.** Direct egress or ingress onto new individual parcels in addition to that existing on May 26, 1993 is prohibited, unless no other alternative egress or ingress can be shown.

[Amended by Ord. 875, provisions eff. 8/3/93; Ord. 949, provisions eff. 5/1/96; Ord. 1017, provisions eff. 6/1/98.]

Section 110.226.10 Water Resources. The applicant shall demonstrate, at the time of application for amendment to the Master Plan, projects of regional significance, tentative subdivision maps, parcel maps, and division of land maps, that the following water resources criteria can be met:

- (a) Existing certificated and permitted agricultural and stockwater groundwater rights, issued as of July 31, 1990, are utilized in a proportional amount to serve proposed residential development. In order to balance the existing, issued groundwater rights with the planning perennial yield of the basin, two-and-one-half (2-1/2) acre feet of groundwater rights per dwelling unit will be dedicated to Washoe County. A maximum of three thousand ninety-seven (3,097) residential dwelling units on individual wells may be developed in the Warm Springs Valley Hydrographic Basin based on the planning perennial yield of groundwater. Additional water rights will be dedicated to Washoe County for such purposes as common landscaped areas, community swimming pools, and pastures within residential developments.
- (b) Parcels created by applications submitted through September 4, 1990 may develop for residential uses without the requirement for dedication of water

rights. When existing parcels are subdivided, new parcels will require the dedication of water rights; however, one (1) parcel will be designated as existing and will not have to dedicate water rights. The Department of Community Development will track the date of parcel subdivisions.

- (c) Commercial and industrial development, to include uses such as public facilities and golf courses, will be required to document project water demand and supply sufficient groundwater rights for the project. If existing certificated and/or permitted irrigation or stock-watering groundwater rights, issued as of July 31, 1990, are used to serve the proposed project, water rights will be dedicated to Washoe County at a ratio of forty-three (43) percent of existing groundwater rights to one (1) acre foot of demand. This ratio is necessary to balance the existing, issued groundwater rights with the planning perennial yield of the basin.
- (d) Water rights for all development in the Warm Springs planning area will be dedicated to Washoe County at the time of parcel map filing or project recordation. These water rights will be irrevocably tied to the Warm Springs Valley Hydrographic Basin.
- (e) The creation of parcels and lots in the Warm Springs Valley Hydrographic Basin shall require dedication of water rights to Washoe County in quantities that are consistent with Article 422, Water and Sewer Resource Requirements of this Development Code and the policies adopted in the Warm Springs Area Plan.
- (f) Residential, commercial and industrial development shall be based upon perennial yield groundwater resources without reliance upon groundwater mining or recharge from agricultural uses. The Washoe County Board of County Commissioners shall not approve these types of development if the demands upon the proposed permanent source of water supply exceed the perennial yield of the hydrographic basin or exceed artificial recharge as authorized by the State Engineer under a recharge/recovery permit.

[Amended by Ord. 875, provisions eff. 8/3/93.]

Section 110.226.15 General Rural Residential Area Modifier. In addition to the regulations of the regulatory zones described in Article 106, Regulatory Zones, and Article 302, Allowed Uses, in any area designated General Rural Residential in the Warm Springs planning area, the following regulations shall apply:

- (a) **Allowed Uses:**
 - (1) One permanent single-family, residential dwelling. All new main residential dwellings shall have a minimum one (1) car enclosed garage that matches the architecture of the dwelling for personal vehicle storage and security. Garages attached to the main dwelling shall be offset at least four (4) feet from the front building line of the dwelling.
 - (2) One attached or detached accessory dwelling unit per parcel. The detached accessory dwelling is NOT limited to the minimum or maximum floor area requirements as specified in Article 306, Accessory Uses and Structures.
 - (3) Four (4) or fewer motorized vehicles owned by, and registered to, the occupants of the single-family, detached residential dwelling unit and

used for commercial activities conducted away from the residence, may be parked on the property, provided they are operable and registered under the provisions of the Nevada Vehicle Code for street travel. All commercial vehicles shall be parked within an enclosed garage or behind a screened enclosure.

(b) Uses Requiring a Board of Adjustment Approved Special Use Permit Subject to the Provisions of Article 810, Special Use Permits:

- (1) Private air strips, glider ports and personal landing fields.
- (2) Five (5) or more motorized vehicles owned by, and registered to, the occupants of the single-family, detached residential dwelling unit and used for commercial activities conducted away from the residence, may be parked on the property, provided they are operable and registered under the provisions of the Nevada Vehicle Code for street travel. All commercial vehicles shall be parked within an enclosed garage or behind a screened enclosure.

(c) Prohibited Uses:

- (1) Disposal of human waste sludge and other sewage treatment by-products as land fill;
- (2) Any industrial land uses or industrial processes;
- (3) Any commercial land uses or activities which are not stated in the permitted uses;
- (4) Natural resource utilization uses (e.g. aggregate pit operations, mining, ore processing, etc.) for commercial, industrial or private use;
- (5) Sanitariums; lodges for hunting, fishing and skiing; public camp grounds; cemeteries; memorial parks; and maintenance camps for highway and public utilities;
- (6) Commercial motorized vehicle raceway or sponsored motorized vehicle racing events (e.g. motorcycles, off-road vehicles, etc.); and
- (7) Salvage yards, auto wrecking businesses and commercial junk yard operations.

(d) General Standards:

- (1) Access for equestrian, vehicular and pedestrian traffic shall be limited to appropriate, dedicated easements.

[Amended by Ord. 875, provisions eff. 8/3/93; Ord. 1076, provisions eff. 10/1/99.]

Section 110.226.20 Industrial Development. Within the Warm Springs planning area, new industrial development shall be limited to light industrial use types and shall be located only within areas designated with the Industrial Regulatory Zone as of May 1, 1991.

[Amended by Ord. 875, provisions eff. 8/3/93.]

Section 110.226.25 Road Access Permits. Prior to final approval of any development proposed within the boundaries of the Palomino Valley General Improvement District, the applicant shall obtain any needed road access permit from the appropriate entity.

[Amended by Ord. 875, provisions eff. 8/3/93.]

Section 110.226.30 Ornamental Water Features. The use of groundwater for new ornamental surface water features such as ponds and fountains is prohibited.

Section 110.226.35 Disposal of Sludge. The disposal of sludge shall be restricted to land application for agricultural purposes only. Sludge shall not be disposed of as landfill material.

SECTION 3. Chapter 110, Division Three, Articles 302, 306, and 328 of the Washoe County Code is hereby amended as follows:

Division Three - Regulation of Uses

Article 302

ALLOWED USES

Sections:

110.302.00	Purpose
110.302.05	Table of Uses
110.302.10	Use Classification System
110.302.15	Types of Review
110.302.20	Projects of Regional Significance
110.302.25	Accessory Uses and Structures
110.302.30	Temporary Uses and Structures
110.302.35	Uses in Airport Critical Areas
110.302.40	Uses in River Corridor

Section 110.302.00 Purpose. The purpose of this article, Article 302, Allowed Uses, is to prescribe the uses that are allowed in each regulatory zone. Any variance to the Table of Uses (Table 110.302.05.1 through Table 110.302.05.5) would constitute an action that would allow a land use in contravention to the applicable regulatory zone. Such actions are prohibited by Article 804, Variances, and a variance application cannot be accepted.

[Amended by Ord. 1040, provisions eff. 11/1/98.]

Section 110.302.05 Table of Uses. The uses that are allowed in each regulatory zone are set forth in Table 110.302.05.1 through Table 110.302.05.5. The regulatory zones are indicated in Table 110.302.05.1 through Table 110.302.05.5 as follows:

- (a) Low Density Rural is indicated as "LDR";
- (b) Medium Density Rural is indicated as "MDR";
- (c) High Density Rural is indicated as "HDR";
- (d) Low Density Suburban is indicated as "LDS";
- (e) Medium Density Suburban is indicated as "MDS";
- (f) High Density Suburban is indicated as "HDS";
- (g) Low Density Urban is indicated as "LDU";
- (h) Medium Density Urban is indicated as "MDU";

- (i) High Density Urban is indicated as "HDU";
- (j) General Commercial is indicated as "GC";
- (k) Neighborhood Commercial/Office is indicated as "NC";
- (l) Tourist Commercial is indicated as "TC";
- (m) Industrial is indicated as "I";
- (n) Public/Semi-Public Facilities is indicated as "PSP";
- (o) Parks and Recreation is indicated as "PR";
- (p) Open Space is indicated as "OS";
- (q) General Rural is indicated as "GR"; and
- (r) General Rural Residential is indicated as "GRR."

Table 110.302.05.1

TABLE OF USES (Residential Use Types)
(See Sections 110.302.10 and 110.302.15 for explanation)

Residential Use Types (Section 110.304.15)	LDR	MDR	HDR	LDS/ LDS 2	MDS/ MDS 4	HDS	LDU	MDU	HDU	GC	NC	TC	I	PSP	PR	OS	GR	GRR**
Family Residential																		
Attached Accessory Dwelling	A	A	A	A	A	A	A	A	A	--	--	--	--	--	--	--	A	A
Detached Accessory Dwelling	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	P	P	A	--	--	--	--	--	--	--	S ₂	A
Detached Accessory Structure	A	A	A	A	A	A	A	A	A	--	A	--	--	--	--	--	A	A
Duplex	--	--	--	P	P	P	P	P	A	--	S ₂	--	--	--	--	--	--	--
Multi Family	--	--	--	--	--	--	P	P	A	--	S ₂	--	--	--	--	--	--	--
Single Family, Attached	--	--	--	A	A	A	A	A	A	--	S ₂	--	--	--	P	--	--	--
Single Family, Detached	A	A	A	A	A	A	A	S ₂	S ₂	--	S ₂	--	--	--	P	--	A	A
Non-municipal Air Strips and Glider Ports (Accessory Use)	S ₂	--	--	--	--	--	--	--	--	--	--	S ₂	S ₂	S ₂	--	--	S ₂	--
Personal Landing Field (Accessory Use)	S ₂	--	--	--	--	--	--	--	--	--	--	S ₂	S ₂	S ₂	--	--	S ₂	--
Manufactured Home Parks	*	*	*	*	*	S ₂	S ₂	*	*	--	--	--	--	--	--	--	*	--
Residential Group Home	A	A	A	A	A	A	A	A	A	--	S ₂	--	--	--	--	--	--	--

Key: -- = Not allowed; A = Allowed; P = Administrative Permit; PR = Park Commission Approval pursuant to 110.104.40(c); S₁ = Planning Commission Special Use Permit; S₂ = Board of Adjustment Special Use Permit; * = Allowed with a Board of Adjustment Special Use Permit in areas designated Trailer (TR) Overlay zone prior to adoption of this Development Code.

Sources: Sedway Cooke Associates and Washoe County Department of Community Development.

Table 110.302.05.2

TABLE OF USES (Civic Use Types)
 (See Sections 110.302.10 and 110.302.15 for explanation)

Civic Use Types (Section 110.304.20)	LDR	MDR	HDR	LDS/ LDS 2	MDS/ MDS 4	HDS	LDU	MDU	HDU	GC	NC	TC	I	PSP	PR	OS	GR	GRR**	
Administrative Services	--	--	--	--	--	--	P	P	P	A	A	A	A	A	P	--	--	--	
Child Care																			
Family Daycare	A	A	A	A	A	A	A	A	A	--	P	--	--	--	--	--	--	A	
Large-Family Daycare	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	--	S ₂	--	--	--	--	--	P	--	
Child Daycare	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	P	P	P	P	P	S ₂	--	S ₂	--	
Community Center	--	--	--	--	--	--	P	P	P	A	S ₂	A	--	A	A	--	--	--	
Convalescent Services	--	--	--	S ₂	S ₂	S ₂	P	P	P	P	S ₂	--	--	P	--	--	--	--	
Cultural and Library Services	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	A	A	A	A	A	--	A	A	--	A	--	
Education	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	--	S ₂	S ₂	--	S ₂	--	
Group Care	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	P	P	--	--	--	--	--	S ₂	--	
Hospital Services	--	--	--	--	--	--	--	--	--	A	S ₂	--	--	A	--	--	--	--	
Major Services and Utilities																			
Utility Services	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	--
Major Public Facilities	--	--	--	--	--	--	--	--	--	S ₂	--	S ₂	S ₂	S ₂	S ₂	--	S ₂	--	
Nature Center	--	--	--	--	--	--	--	--	--	S ₂	--	S ₂	--	--	S ₂	--	S ₂	--	
Parks and Recreation																			
Active Recreation	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	A	A	--	PR	--
Passive Recreation	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	--
Postal Services	--	--	--	--	--	--	P	P	P	A	A	A	A	A	--	--	--	--	
Public Parking Services	--	--	--	--	--	--	--	A	A	A	A	A	A	A	--	--	--	--	
Public Service Yard	--	--	--	--	--	--	--	--	--	--	--	--	A	S ₂	--	--	S ₂	--	
Religious Assembly	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	P	P	P	P	P	P	--	S ₂	--	
Safety Services	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	--	S ₂	--	

Key: -- = Not allowed; A = Allowed; P = Administrative Permit; PR = Park Commission Approval pursuant to 110.104.40(c); S₁ = Planning Commission Special Use Permit; S₂ = Board of Adjustment Special Use Permit.

Sources: Sedway Cooke Associates and Washoe County Department of Community Development.

Table 110.302.05.3

TABLE OF USES (Commercial Use Types)
 (See Sections 110.302.10 and 110.302.15 for explanation)

Commercial Use Types (Section 110.304.25)	LDR	MDR	HDR	LDS/ LDS 2	MDS/ MDS 4	HDS	LDU	MDU	HDU	GC	NC	TC	I	PSP	PR	OS	GR	GRR**
Administrative Offices	--	--	--	--	--	--	P	P	P	A	A	A	A	A	P	--	--	--
Adult Characterized Business (see Chapter 25, Washoe County Code)	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--
Animal Sales and Services																		
Commercial Kennels	S ₂	S ₂	S ₂	S ₂	--	--	--	--	--	S ₂	--	--	S ₂	--	--	--	S ₂	S ₂
Commercial Stables	S ₂	S ₂	S ₂	S ₂	--	--	--	--	--	--	--	S ₂	--	--	S ₂	--	S ₂	S ₂
Dog Training Services (see Article 330)	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A
Grooming and Pet Stores	--	--	--	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	A	A	--	--	--	--	--	--	--
Pet Cemeteries	P	P	P	--	--	--	--	--	--	S ₂	--	--	--	A	--	--	P	--
Veterinary Services, Agricultural	P	P	P	P	--	--	--	--	--	S ₂	--	--	--	--	--	--	S ₂	S ₂
Veterinary Services, Pets	--	--	--	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	A	A	--	P	--	--	--	--	--
Automotive and Equipment																		
Automotive Repair	--	--	--	--	--	--	--	--	--	P	--	--	A	--	--	--	--	--
Automotive Sales and Rentals	--	--	--	--	--	--	--	--	S ₂	A	A	A	A	--	--	--	--	--
Cleaning	--	--	--	--	--	--	S ₂	S ₂	S ₂	A	A	A	A	--	--	--	--	--
Commercial Parking	--	--	--	--	--	--	P	P	P	A	A	A	A	P	--	--	--	--
Equipment Repair and Sales	--	--	--	--	--	--	--	--	--	S ₂	--	--	A	--	--	--	--	--
Fabricated Housing Sales	--	--	--	--	--	--	--	--	--	A	--	--	A	--	--	--	--	--
Storage of Operable Vehicles	--	--	--	--	--	--	--	--	--	S ₂	--	--	A	--	--	--	--	--
Truck Stops	--	--	--	--	--	--	--	--	--	S ₂	--	S ₂	S ₂	--	--	--	--	--
Building Maintenance Services	--	--	--	--	--	--	--	--	--	A	A	--	A	--	--	--	--	--
Commercial Centers																		
Neighborhood Centers	--	--	--	S ₂	S ₂	S ₂	P	P	P	A	A	A	A	--	--	--	--	--
Community Centers	--	--	--	--	--	--	--	--	--	S ₂	S ₂	S ₂	--	--	--	--	--	--
Regional Centers	--	--	--	--	--	--	--	--	--	S ₂	--	S ₂	--	--	--	--	--	--
Commercial Educational Services	--	--	--	--	--	--	P	P	P	A	A	--	A	A	--	--	--	--
Commercial Recreation																		
Commercial Campground Facilities/RV Park	--	--	--	--	--	--	--	--	--	--	--	S ₂	--	--	S ₂	--	S ₂	--
Destination Resorts	--	--	--	--	--	--	--	--	--	--	--	S ₂	--	--	S ₂	--	S ₂	--
Indoor Entertainment	--	--	--	--	--	--	--	--	--	A	P	A	--	P	--	--	--	--
Indoor Sports and Recreation	--	--	--	--	--	--	--	--	--	S ₂	S ₂	P	S ₂	P	P	--	--	--
Limited Gaming Facilities	--	--	--	--	--	--	--	--	--	P	P	P	S ₂	--	--	--	--	--
Marinas	--	--	--	--	--	--	--	--	--	P	--	P	--	P	P	--	P	--
Outdoor Entertainment	--	--	--	--	--	--	--	--	--	--	--	S ₂	S ₂	--	S ₂	--	--	--
Outdoor Sports and Recreation	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	P	P	P	P	S ₂	P	--	P	--
Outdoor Sports Club	S ₂	--	--	--	--	--	--	--	--	--	--	S ₂	--	S ₂	P	--	S ₂	S ₂
Unlimited Gaming Facilities	--	--	--	--	--	--	--	--	--	--	--	S ₂	--	--	--	--	--	--

Key: -- = Not allowed; A = Allowed; P = Administrative Permit; PR = Park Commission Approval pursuant to 110.104.40(c); S₁ = Planning Commission Special Use Permit; S₂ = Board of Adjustment Special Use Permit.

Table 110.302.05.3 (continued)

TABLE OF USES (Commercial Use Types)
 (See Sections 110.302.10 and 110.302.15 for explanation)

Commercial Use Types (Section 110.304.25)	LDR	MDR	HDR	LDS/ LDS 2	MDS/ MDS 4	HDS	LDU	MDU	HDU	GC	NC	TC	I	PSP	PR	OS	GR	GRR**
Communication Facilities																		
Commercial Antennas	S ₂	S ₂	S ₂	--	--	--	--	--	--	S ₂	S ₂	--	S ₂	S ₂	--	--	S ₂	--
Satellite Dish Antennas	See Article 324																	
Wireless Communication Facilities	See Article 324																	
Construction Sales and Services	--	--	--	--	--	--	--	--	--	S ₂	--	--	A	--	--	--	--	--
Continuum of Care Facilities, Seniors	--	--	--	--	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	--	--	--	--	--	--	--
Convention and Meeting Facilities	--	--	--	--	--	--	--	--	--	P	P	P	--	P	S ₂	--	--	--
Eating and Drinking Establishments																		
Convenience	--	--	--	--	--	--	S ₂	S ₂	S ₂	A	A	A	P	--	--	--	--	--
Full Service	--	--	--	--	--	--	S ₂	S ₂	S ₂	A	A	A	P	--	--	--	--	--
Financial Services	--	--	--	--	--	--	S ₂	S ₂	S ₂	A	A	A	P	--	--	--	--	--
Funeral and Internment Services																		
Cemeteries	P	P	P	--	--	--	--	--	--	S ₂	--	--	--	A	--	--	P	--
Undertaking	--	--	--	--	--	--	--	--	--	A	A	--	--	--	--	--	--	--
Gasoline Sales and Service Stations	--	--	--	--	--	--	S ₂	S ₂	S ₂	A	A	A	A	--	--	--	S ₂	--
Helicopter Services																		
Heliport	--	--	--	--	--	--	--	--	--	S ₂	--	--	S ₂	S ₂	--	--	S ₂	--
Helistop	S ₂	--	--	--	--	--	--	--	--	S ₂	S ₂	S ₂	S ₂	S ₂	--	--	S ₂	--
Liquor Sales																		
Off-Premises	--	--	--	--	--	--	P	P	P	A	A	A	P	--	--	--	--	--
On-Premises	--	--	--	--	--	--	P	P	P	A	P	A	P	--	--	--	--	--
Lodging Services																		
Bed and Breakfast Inns	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	--	P	--	--	--	--	S ₂	S ₂
Condominium Hotel	--	--	--	--	--	--	--	--	--	A	S ₂	A	--	--	--	--	--	--
Hostels	--	--	--	--	--	--	--	--	--	--	--	P	--	--	P	--	--	--
Hotels and Motels	--	--	--	--	--	--	--	--	--	A	S ₂	A	--	--	--	--	--	--
Vacation Time Shares	--	--	--	--	--	--	--	--	--	--	--	P	--	--	--	--	--	--
Medical Services	--	--	--	--	--	--	S ₂	S ₂	S ₂	A	A	--	--	A	--	--	--	--
Nursery Sales																		
Retail	--	--	--	--	--	--	--	--	--	A	A	--	A	--	--	--	--	--
Wholesale	S ₂	S ₂	S ₂	--	--	--	--	--	--	A	--	--	A	--	--	--	S ₂	S ₂
Personal Services	--	--	--	--	--	--	P	P	P	A	A	A	--	--	--	--	--	--
Personal Storage	--	--	--	--	--	--	S ₂	S ₂	S ₂	A	S ₂	--	A	--	--	--	--	--
Professional Services	--	--	--	--	--	--	P	P	P	A	A	--	P	--	--	--	--	--

Key: -- = Not allowed; A = Allowed; P = Administrative Permit; PR = Park Commission Approval pursuant to 110.104.40(c);
 S₁ = Planning Commission Special Use Permit; S₂ = Board of Adjustment Special Use Permit.

Table 110.302.05.3 (continued)

TABLE OF USES (Commercial Use Types)
 (See Sections 110.302.10 and 110.302.15 for explanation)

Commercial Use Types (Section 110.304.25)	LDR	MDR	HDR	LDS/ LDS 2	MDS/ MDS 4	HDS	LDU	MDU	HDU	GC	NC	TC	I	PSP	PR	OS	GR	GRR**
Recycle Center																		
Full Service Recycle Center	--	--	--	--	--	--	--	--	--	S ₂	--	--	A	--	--	--	--	--
Remote Collection Facility	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	P	P	P	P	P	P	A	P	P	--	--	--
Residential Hazardous Substance Recycle Center	--	--	--	--	--	--	--	--	--	S ₂	--	--	S ₂	--	--	--	--	--
Repair Services, Consumer	--	--	--	--	--	--	--	--	--	A	A	--	A	--	--	--	--	--
Retail Sales																		
Convenience	--	--	--	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	A	A	A	A	--	--	--	--	--
Specialty Stores	--	--	--	--	--	--	--	--	--	A	P	A	--	--	--	--	--	--
Comparison Shopping Centers	--	--	--	--	--	--	--	--	--	A	--	A	--	--	--	--	--	--
Secondhand Sales	--	--	--	--	--	--	--	--	--	A	--	--	--	--	--	--	--	--
Transportation Services	--	--	--	--	--	--	--	--	--	A	A	A	A	--	--	--	--	--

Key: -- = Not allowed; A = Allowed; P = Administrative Permit; PR = Park Commission Approval pursuant to 110.104.40(c);
 S₁ = Planning Commission Special Use Permit; S₂ = Board of Adjustment Special Use Permit.

Sources: Sedway Cooke Associates and Washoe County Department of Community Development.

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Table 110.302.05.4

TABLE OF USES (Industrial Use Types)
 (See Sections 110.302.10 and 110.302.15 for explanation)

Industrial Use Types (Section 110.304.30)	LDR	MDR	HDR	LDS/ LDS 2	MDS/ MDS 4	HDS	LDU	MDU	HDU	GC	NC	TC	I	PSP	PR	OS	GR	GRR**	
Aggregate Facilities																			
Permanent	S ₂	--	--	--	--	--	--	--	--	--	--	--	S ₂	--	--	--	S ₂	--	
Temporary	See Article 332																		
Custom Manufacturing	S ₂	S ₂	S ₂	--	--	--	--	--	--	S ₂	--	S ₂	A	--	--	--	S ₂	--	
Energy Production																			
Non-Renewable*	S ₂	S ₂	--	--	--	--	--	--	--	--	--	--	S ₂	S ₂	--	S ₂	S ₂	--	
Renewable*	S ₂	S ₂	--	--	--	--	--	--	--	S ₂	--	S ₂	S ₂	S ₂	--	S ₂	S ₂	S ₂	
General Industrial																			
Limited	--	--	--	--	--	--	--	--	--	--	--	--	A	--	--	--	--	--	
Intermediate	--	--	--	--	--	--	--	--	--	--	--	--	A	--	--	--	--	--	
Heavy	--	--	--	--	--	--	--	--	--	--	--	--	S ₂	--	--	--	--	--	
High Technology Industry	--	--	--	--	--	--	--	--	--	S ₂	S ₂	--	A	--	--	--	S ₂	--	
Inoperable Vehicle Storage	--	--	--	--	--	--	--	--	--	--	--	--	S ₂	--	--	--	--	--	
Laundry Services	--	--	--	--	--	--	--	--	--	P	--	--	A	--	--	--	--	--	
Mining Operations	S ₂	--	--	--	--	--	--	--	--	--	--	--	S ₂	--	--	--	S ₂	--	
Petroleum Gas Extraction	--	--	--	--	--	--	--	--	--	--	--	--	S ₂	--	--	S ₂	S ₂	--	
Salvage Yards	--	--	--	--	--	--	--	--	--	--	--	--	S ₂	--	--	--	--	--	
Wholesaling, Storage and Distribution																			
Light	--	--	--	--	--	--	--	--	--	--	--	--	A	--	--	--	--	--	
Heavy	--	--	--	--	--	--	--	--	--	--	--	--	P	--	--	--	--	--	

Key: -- = Not allowed; A = Allowed; P = Administrative Permit; PR = Park Commission Approval pursuant to 110.104.40(c); S₁ = Planning Commission Special Use Permit; S₂ = Board of Adjustment Special Use Permit.

Note: * If a special use permit for an energy production project meets the criteria for a project of regional significance, that special use permit will be reviewed by the Washoe County Planning Commission.

Sources: Sedway Cooke Associates and Washoe County Department of Community Development.

Table 110.302.05.5
TABLE OF USES (Agricultural Use Types)
(See Sections 110.302.10 and 110.302.15 for explanation)

Agricultural Use Types (Section 110.304.15)	LDR	MDR	HDR	LDS/ LDS 2	MDS/ MDS 4	HDS	LDU	MDU	HDU	GC	NC	TC	I	PSP	PR	OS	GR	GRR**
Agricultural Processing	--	--	--	--	--	--	--	--	--	--	--	--	A	--	--	--	S ₂	A
Agricultural Sales	S ₂	S ₂	S ₂	S ₂	--	--	--	--	--	A	--	--	A	--	--	--	S ₂	A
Animal Production	A	A	A	A	--	--	--	--	--	--	--	--	--	--	S ₂	S ₂	A	A
Animal Slaughtering, Agricultural	A	A	A	A	--	--	--	--	--	--	--	--	--	--	A	A	A	A
Animal Slaughtering, Commercial	--	--	--	--	--	--	--	--	--	--	--	--	S ₂	--	--	--	--	--
Animal Slaughtering, Mobile	S ₂	S ₂	S ₂	S ₂	--	--	--	--	--	--	--	--	--	--	--	--	S ₂	S ₂
Crop Production	A	A	A	A	--	--	--	--	--	--	--	--	--	--	S ₂	S ₂	A	A
Forest Products	S ₂	S ₂	S ₂	--	--	--	--	--	--	--	--	--	--	--	--	S ₂	P	--
Game Farms	S ₂	S ₂	S ₂	--	--	--	--	--	--	--	--	--	--	--	--	S ₂	S ₂	S ₂
Produce Sales	S ₂	S ₂	S ₂	S ₂	--	--	--	--	--	--	--	--	--	--	--	--	S ₂	A

Key: -- = Not allowed; A = Allowed; P = Administrative Permit; PR = Park Commission Approval pursuant to 110.104.40(c); S₁ = Planning Commission Special Use Permit; S₂ = Board of Adjustment Special Use Permit.

Sources: Sedway Cooke Associates and Washoe County Department of Community Development.

[Amended by Ord. 875, provisions eff. 8/3/93; Ord. 890, provisions eff. 11/29/93; Ord. 895, provisions eff. 1/24/94; Ord. 899, provisions eff. 5/31/94; Ord. 906, provisions eff. 7/27/94; Ord. 959, provisions eff. 7/26/96; Ord. 1004, provisions eff. 1/30/98; Ord. 1023, provisions eff. 7/1/98; Ord. 1039, provisions eff. 11/1/98; Ord. 1097, provisions eff. 7/28/00; Ord. 1179, provisions eff. 12/6/02; Ord. 1238, provisions eff. 6/4/04; Ord. 1347, provisions eff. 11/2/07; Ord. 1368, provisions eff. 6/20/08; Ord. 1378, provisions eff. 8/1/08; Ord. 1433, provisions eff. 3/5/10; Ord. 1443, provisions eff. 7/2/10.]

Section 110.302.10 Use Classification System. The land use categories that are listed in Table 110.302.05.1 through Table 110.302.05.5 are described in Article 304, Use Classification System.

[Amended by Ord. 875, provisions eff. 8/3/93.]

Section 110.302.15 Types of Review. Table 110.302.05.1 through Table 110.302.05.5 indicate the types of review required as follows:

- (a) Allowed Use. A letter "A" indicates that a use is allowed but the use shall comply with the provisions of the Development Code.
- (b) Administrative Permit. A letter "P" indicates that a use is allowed only upon approval of an administrative permit pursuant to Article 808, Administrative Permits.
- (c) Planning Commission Special Use Permit. A letter "S₁" indicates that a use is allowed only upon approval of a special use permit approved by the Planning Commission pursuant to Article 810, Special Use Permits.

- (d) Board of Adjustment Special Use Permit. A letter "S₂" indicates that a use is allowed only upon approval of a special use permit approved by the Board of Adjustment pursuant to Article 810, Special Use Permits.
- (e) Uses Not Allowed. A designation "--" indicates that a use is not allowed within the regulatory zone.

[Amended by Ord. 875, provisions eff. 8/3/93.]

Section 110.302.20 Projects of Regional Significance. Projects of regional significance are subject to the provisions of Article 812, Projects of Regional Significance, which requires additional review.

Section 110.302.25 Accessory Uses and Structures. Accessory uses and accessory structures are governed by Article 306, Accessory Uses and Structures.

[Section 110.302.25 renamed from "Accessory Uses" and amended by Ord. 875, provisions eff. 8/3/93.]

Section 110.302.30 Temporary Uses and Structures. Temporary uses and temporary structures are governed by Article 310, Temporary Uses and Structures.

[Section 110.302.30 renamed from "Temporary Uses" and amended by Ord. 875, provisions eff. 8/3/93.]

Section 110.302.35 Uses in Airport Critical Areas. In addition to the provisions of this article, uses with the following characteristics shall be prohibited in an airport critical area, as adopted in the Washoe County Master Plan:

- (a) High Density. Uses with high residential, labor or other high population concentration characteristics of a permanent or extended duration.
- (b) Special Populations. Uses that concentrate people unable to respond to emergency situations such as children, elderly and handicapped persons.
- (c) Areawide Utilities. Uses that involve the provision of utilities and services provided for areawide population where disruption would have an adverse impact (such as telephone, gas, etc.).
- (d) Hazardous Characteristics. Uses that involve explosives, fire, toxic materials, corrosive materials or other hazardous characteristics.
- (e) Hazards to Aircraft. Uses that pose particular hazards to aircraft, as identified and adopted by the Executive Board of the Airport Authority of Washoe County and adopted herein.

[Amended by Ord. 875, provisions eff. 8/3/93.]

Section 110.302.40 Uses in River Corridor. In addition to the provisions of this article, all uses in a river corridor, as designated in the Washoe County Master Plan, shall comply with the provisions of Article 430, River Corridor Development.

[Amended by Ord. 875, provisions eff. 8/3/93.]

[Section 110.302.45 entitled "Excavation and Grading" added by Ord. 875, provisions eff. 8/3/93 and repealed by Ord. 1236, provisions eff. 5/21/04.]

Article 306

ACCESSORY USES AND STRUCTURES

Sections:

110.306.00	Purpose
110.306.05	Applicability
110.306.10	Detached Accessory Structures
110.306.15	Main Structures Required
110.306.20	Attached Accessory Dwellings
110.306.25	Detached Accessory Dwellings
110.306.35	Outdoor Storage/Outdoor Display
110.306.45	Personal Landing Fields
110.306.50	Non-municipal Air Strips and Glider Ports
110.306.55	Nonconformance

Section 110.306.00 Purpose. The purpose of this article, Article 306, Accessory Uses and Structures, is to allow accessory uses and structures and provide standards and conditions for regulating them.

Section 110.306.05 Applicability. Accessory uses and structures normally incidental to principal uses and main structures are allowed in all regulatory zones except as otherwise provided herein. This is not to be construed as permitting any commercial uses, including the storage of commercial vehicles, in residential regulatory zones unless specifically allowed by this Development Code.

Section 110.306.10 Detached Accessory Structures. The following development requirements shall apply to detached accessory structures:

- (a) **Buildable Area.** A detached accessory structure may occupy no more than fifty (50) percent of the area between the rear property line and the rear of the main structure or twenty-five (25) percent of the area between the side property line and the side of the main structure.
- (b) **Property Line Setback.** Accessory structures less than twelve (12) feet in height shall maintain a five (5) foot minimum setback from the rear and side property line. Accessory structures more than twelve (12) feet in height shall maintain the yard setbacks for the main dwelling units stipulated in Article 406, Building Placement Standards.
- (c) **Height Limits.** Accessory structures shall not contain more than one (1) story. The height of an accessory structure shall not exceed twelve (12) feet when the structure is erected within the required yard setbacks. The height of an accessory structure shall not exceed thirty-five (35) feet when the structure is erected outside the required yard setbacks.
- (d) **Siting.** Any accessory structure shall comply with the following siting requirements. In no event shall any detached accessory structure occupy the

front yard of any lot, except a detached accessory structure, used as a private garage, may be built to the property line on any interior lot where the slope of the front half of the lot is greater than a two (2) foot rise (or fall) for every ten (10) feet above (or below) the established street grade, provided such structure shall not exceed fifteen (15) feet in interior height when measured from parking surface and providing the Engineering Division has been able to determine that:

- (1) County snow removal operations will not be impeded or sufficient measures have been incorporated in the structure's design to mitigate an impediment to County snow removal operations and/or the County has been held harmless from liability resulting from the County's snow removal operations;
 - (2) The speed of traffic and the volume of traffic on the street is such that the placing of the garage at the property line will not cause a safety problem for vehicles using the street; and
 - (3) The placement of the garage at the property line will not impede the ability of the County to widen the street in accordance with the adopted Capital Improvements Program, or in accordance with a possible widening of the street as shown in the adopted Master Plan.
- (e) Building Setback. A detached accessory structure shall be located not closer than ten (10) feet to any main building on an adjoining parcel.
- (f) Cargo Containers, to include Sea-land Containers, Cargo Containers or Other Portable Storage Containers not Designed for Independent or "In-tow Trailer" Highway Use. Cargo containers designed and constructed as a standardized, reusable vessel to be loaded on a truck, rail car or ship may be established as a detached accessory structure for the sole purpose of storage with the following restrictions:
- (1) Must meet all Washoe County placement standards for a detached accessory structure;
 - (2) Only one cargo container shall be allowed on a parcel of land having less than five (5) acres in size, and shall not exceed a maximum size of ten (10) feet wide by nine (9) feet high by forty (40) feet in length;
 - (3) In the "suburban" and "urban" regulatory zones, the cargo container shall be located within an area fenced by either a six (6) foot high slatted chain link fence, wooden fence or other acceptable fencing, or by existing solid vegetation having a minimum height of six (6) feet. If existing landscaping is used as screening, it shall be indicated on the building plans and photos shall be submitted as evidence;
 - (4) All cargo containers shall be free from damage, shall not be structurally altered, shall be free from severe rust, and shall not have exposed bare metal;
 - (5) Shall not include plumbing fixtures;
 - (6) Shall not be stacked; except in the Commercial and Industrial land use designations, and then not stacked above two (2) high. Setback

requirements shall be determined by the total height of the stacked structure;

- (7) Shall not display off-premise advertising, company logos, names, or other markings painted on, or otherwise attached to, the exterior of the cargo container;
- (8) Shall not occupy any required off-street parking spaces for the site;
- (9) Shall not be placed between a residence and any adjoining street or road right-of-way;
- (10) Shall be separated from any other structure, storage shed or other cargo containers by a minimum of ten (10) feet, when located within one hundred (100) feet of any property line;
- (11) A cargo container may be allowed in a Commercial or Industrial land use regulatory zone for storage purposes if there is a lawful, principal established use on the property where it is located, is located to the rear of any principal use, is not located adjacent to a street, does not impact required parking, and is located behind a slatted chain link fence, wooden fence or other acceptable fencing having a minimum height of eight (8) feet, or existing solid vegetation having a minimum height of eight (8) feet;
- (12) Shall obtain an appropriate permit from the Department of Building and Safety if the unit is over one-hundred twenty (120) square feet; and
- (13) The Department of Building and Safety may additionally require foundations, tie-downs or other safety apparatus to assure compliance with wind load and other safety standards. Any electrical wiring shall require a building permit from the Department of Building and Safety.

[Section 110.306.10 renamed from "Accessory Structures" and amended by Ord. 875, provisions eff. 8/3/93. Amended by Ord. 889, provisions eff. 11/29/93; Ord. 899, provisions eff. 5/31/94; Ord. 926, provisions eff. retro to 5/31/94; Ord. 939, provisions eff. 11/1/95; Ord. 1218, provisions eff. 10/24/03; Ord. 1288, provisions eff. 3/24/06; Ord. 1352, provisions eff. 11/23/07; Ord. 1412, provisions eff. 7/3/09.]

Section 110.306.15 Main Structures Required. Except as otherwise provided in Section 110.306.30, it is unlawful to construct, erect or locate private garages or other accessory structures in any "Rural," "Suburban" or "Urban" Residential Regulatory Zone without a permissive main structure.

[Amended by Ord. 926, provisions eff. retro to 5/31/94.]

Section 110.306.20 Attached Accessory Dwellings. Attached accessory dwellings are permitted in the General Rural, Rural, Suburban, and Urban Regulatory Zones, pursuant to all of the following regulations:

- (a) A main residential unit exists.
- (b) A minimum lot area of 5,000 square feet exists.
- (c) Setback and height standards of the regulatory zone shall be maintained.

- (d) The attached accessory unit shall not exceed twenty-five (25) percent of the floor area of the main unit.
- (e) Any exterior entrance to the attached accessory dwelling shall not be located along the same wall as the main entrance to the main unit.
- (f) A minimum of one (1) off-street parking space shall be added, in addition to the applicable parking requirements of the main unit. Additional parking beyond the one (1) off-street parking space added may be required pursuant to the provisions of Article 410, Parking and Loading.
- (g) There shall be not more than one (1) attached or detached accessory dwelling unit per parcel.

[Amended by Ord. 875, provisions eff. 8/3/93; Ord. 926, provisions eff. retro to 5/31/94; Ord. 939, provisions eff. 11/1/95.]

Section 110.306.25 Detached Accessory Dwellings. Detached accessory dwellings are allowed in the High Density Urban Regulatory Zones, and permitted in the General Rural, Rural, and Suburban Regulatory Zones, subject to a special use permit reviewed by the Board of Adjustment, and in the Low Density and Medium Density Urban Regulatory Zones, subject to an administrative permit, pursuant to the applicable provisions of Section 110.306.05 and the following requirements:

- (a) A main residential unit exists.
- (b) A minimum lot area of one (1) acre exists.
- (c) Setback and height standards of the regulatory zone shall be maintained.
- (d) The detached accessory unit shall include at least six hundred forty (640) square feet of livable floor area, but shall not exceed twelve hundred (1,200) square feet of livable floor area, or fifty (50) percent of the livable floor area of the main unit, whichever is less. The livable floor area refers to the interior area of a dwelling unit designed for human occupancy and includes rooms for living, sleeping, cooking, study, toilet and bathing areas, laundry, household closets, hallways and similar circulation spaces. The gross livable floor area shall not include garages, utility/mechanical rooms, storage rooms, crawl space, cellars, attics or basements which are not designed for human occupancy, only if such excluded areas are in scale with and are for uses normally appurtenant to a detached accessory dwelling. The maximum permitted livable floor area of a detached accessory unit shall not be increased by use of the variance process contained in Article 804, Variances, except for conversion of a guest house, that was legally constructed prior to May 26, 1993, to a detached accessory unit.
- (e) A manufactured home constructed within five (5) years of the date of its placement and a modular home are permitted as detached accessory units in any regulatory zone in which a single family residence is permitted provided that the unit is permanently affixed to the property, its foundation system is masked and the unit is converted to real property pursuant to the provisions of Article 312, Fabricated Housing, at the time of the final inspection date. Fabricated homes are permitted as detached accessory units in a manufactured home subdivision.

- (f) A minimum of one (1) off-street parking space shall be added, in addition to the applicable parking requirements of the main unit. Additional parking beyond the one (1) off-street parking space added may be required pursuant to the provisions of Article 410, Parking and Loading.
- (g) There shall be not more than one (1) attached or detached accessory dwelling unit per parcel.
- (h) A parcel containing a detached accessory dwelling unit shall not be subdivided to place the detached accessory dwelling unit on a lot subdivided from the original parcel, if in creating such a subdivision, any of the existing or new parcels have a lot area less than the required minimum lot area of the regulatory zone in which the parcel exists.
- (i) Conditions of approval of a special use permit for a detached accessory dwelling unit shall include the requirement of the installation of a water meter should the detached accessory dwelling unit use a domestic well as its source of water.

[Amended by Ord. 875, provisions eff. 8/3/93; Ord. 926, provisions eff. retro to 5/31/94; Ord. 939, provisions eff. 11/1/95; Ord. 1089, provisions eff. retro to 1/1/00; Ord. 1331, provisions eff. 6/22/07; Ord. 1347, provisions eff. 11/2/07.]

Section 110.306.35 Outdoor Storage/Outdoor Display.

- (a) General Requirements, Storage. No area visible from a street shall be used for outdoor storage of inoperable vehicles. No area visible from a street shall be used for outdoor storage of building materials, appliances, containerized trash or similar materials, except as provided in this section, or:
 - (1) When being temporarily stored for the purpose of construction pursuant to and during the time permitted by a valid building permit;
 - (2) When in conjunction with a yard/garage sale with a duration of no more than five (5) consecutive days or three (3) consecutive weekends; or
 - (3) When the covered trash containers are approved by the disposal company for weekly or other regularly scheduled domestic disposal.
- (b) Trash Storage Method and Location. The provisions of this subsection shall apply to all developments except single-family dwellings and duplexes.
 - (1) Trash enclosure locations shall be located in the side or rear yard unless the Director of Community Development can make a finding that the location of the enclosure in one of these yards would prevent accessibility by a refuse-collecting vehicle.
 - (2) Trash enclosures shall be constructed in accordance with the following standards:
 - (i) They shall be fully constructed prior to occupancy of the development;

- (ii) They shall be screened on three (3) sides by a solid masonry or wood wall of six (6) feet in height and on one (1) side by a slatted fenced gate (with wheels) of equal height;
 - (iii) They shall be screened from view from public rights-of-way; and
 - (iv) Their enclosure locations shall be accessible to refuse-collecting vehicles.
- (c) Electrical Cage Enclosures and Storage Tanks. All exterior electrical cage enclosures and storage tanks are to be screened from view from access ways, adjacent streets and residential neighborhoods by a solid fence, wall or mature landscape materials. Any solid fence or wall shall be screened by landscaping.
- (d) Inoperable Vehicle Defined. An inoperable vehicle is defined as a vehicle that cannot be licensed by the State of Nevada Department of Motor Vehicles, or a vehicle that is not registered by the State of Nevada Department of Motor Vehicles, or a vehicle that is in a state of being dismantled, or a vehicle that is missing one or more parts that permit it to be operable or safely operated.
- (e) General Requirements, Outdoor Display. A use in a Commercial or Industrial Regulatory Zone may display products sold or manufactured on-site in the area between the property line and the face of the main building, except that the display shall not be closer than fifteen (15) feet to the front property line.
- (f) Outdoor Display for Merchandise. Except for the uses enumerated in (g) of this section, the outdoor display of merchandise in the area between the front and side property lines and the front and side faces of the main building shall not cover more than fifty (50) percent of this area.
- (g) Outdoor Display for Automobiles, Boats, Recreational Vehicles and Heavy Equipment. The outdoor display of automobiles, boats, recreational vehicles and heavy equipment shall not cover more than eighty-five (85) percent of the area between the front and side property lines and the front and side faces of the main building.

[Section 110.306.35 renamed from "Outdoor Storage" and amended by Ord. 875, provisions eff. 8/3/93. Amended by Ord. 889, provisions eff. 11/29/93; Ord. 899, provisions eff. 5/31/94; Ord. 926, provisions eff. retro to 5/31/94.]

Section 110.306.45 Personal Landing Fields. Personal landing fields are permitted as an accessory use in the General Rural, Low Density Rural, Tourist Commercial; Industrial, and the Public/Semi-Public Facilities Regulatory Zones, subject to a special use permit (see Table 110.302.05.1). Personal landing fields established prior to July 1, 2000 as documented with either the Federal Aviation Administration and/or the Nevada Department of Transportation are exempt from the special use permit and minimum development standard requirements. Aircraft hired on a temporary basis for agricultural spraying operations, and not owned by or based on the property owner's parcel, are exempt from the special use permit and minimum development standard requirements. The following minimum development standards are necessary to establish a new personal landing field:

- (a) The edge of the runway/helicopter pad landing surface shall be located to maintain a minimum separation of three hundred (300) feet from any exterior property line to maintain a noise standard of sixty-five (65) decibels Ldn as

measured at the property line. Additional landing surface/property line separation may be required as a special use permit condition of approval based on the operational and noise characteristics of the aircraft utilizing the facility.

- (b) The property owner shall submit a report by a Nevada registered engineer or erosion control specialist documenting the type of landing surface treatment and maintenance necessary for dust control and erosion control purposes for the weight of aircraft and frequency of landings, and shall provide for adequate drainage consistent with Article 420, Storm Drainage Standards.
- (c) A maximum of two (2) aircraft may be stored at a personal landing field.
- (d) The personal landing field shall operate as a private facility, for the exclusive use of the landowner, and shall not be operated for commercial purposes. Leasing or rental of airplane hangers or tie-down spaces to any third-party user will not be allowed.
- (e) The owner of the personal landing field shall submit documentation to the Federal Aviation Administration so the location of the facility can be published on the FAA Sectional Aeronautical Chart.
- (f) The owner of the personal landing field shall maintain a commercially issued general liability insurance policy with a minimum coverage of \$1,000,000 combined single limit. The owner shall maintain on file with Washoe County a certificate of insurance and an original endorsement adding Washoe County as an additional insured. Increased amounts of coverage may be based upon usage and level of activity. Washoe County shall determine when increased amounts of liability insurance coverage are required.

[Added by Ord. 1102, provisions eff. 8/11/00, amended by Ord. 1378, provisions eff. 8/1/08.]

Section 110.306.50 Non-municipal Air Strips and Glider Ports. Non-municipal air strips and glider ports are permitted as an accessory use in the General Rural, Low Density Rural, Tourist Commercial, Industrial, and the Public/Semi-Public Facilities Regulatory Zones, subject to a special use permit (see Table 110.302.05.1). Non-municipal air strips and glider ports established prior to July 1, 2000 as documented with either the Federal Aviation Administration and/or the Nevada Department of Transportation are exempt from the special use permit and minimum development standard requirements. The following minimum development standards are necessary to establish a new non-municipal air strip or glider port:

- (a) The edge of the runway/helicopter pad landing surface shall be located to maintain a minimum separation of three hundred (300) feet from any exterior property line to maintain a noise standard of sixty-five (65) decibels Ldn as measured at the property line. Additional landing surface/property line separation may be required as a special use permit condition of approval based on the operational and noise characteristics of the aircraft utilizing the facility.
- (b) The property owner shall submit a report by a Nevada registered engineer or erosion control specialist documenting the type of landing surface treatment and maintenance necessary for dust control and erosion control purposes for the weight of aircraft and frequency of landings, and shall provide for adequate drainage consistent with Article 420, Storm Drainage Standards.

- (c) In addition to the vehicle parking requirements for any other uses on the property, one (1) vehicle parking space will be provided for every aircraft which is stored, or for which tie-down space is provided, at the non-municipal air strip and/or glider port.
- (d) The owner of the non-municipal air strip and/or glider port shall submit documentation to the Federal Aviation Administration so the location of the facility can be published on the FAA Sectional Aeronautical Chart.
- (e) The owner of the non-municipal air strip and/or glider port shall maintain a commercially issued general liability insurance policy with a minimum coverage of \$1,000,000 combined single limit. The owner shall maintain on file with Washoe County a certificate of insurance and an original endorsement adding Washoe County as an additional insured. Increased amounts of coverage may be based upon usage and level of activity. Washoe County shall determine when increased amounts of liability insurance coverage are required.

[Added by Ord. 1102, provisions eff. 8/11/00, amended by Ord. 1378, provisions eff. 8/1/08.]

Section 110.306.55 Nonconformance. Any accessory use in full compliance with Washoe County Code prior to the adoption of this article, but not in full compliance with this article, shall be considered a nonconforming use subject to the provisions of Article 904, Nonconformance. For the purpose of this article, the nonconforming status shall remain with the parcel (not the property owner), so long as the principal use does not change. When the nonconforming status is due to an accessory use related to keeping animals, the nonconforming status shall remain with the parcel, not the individual animals.

[Added by Ord. 875, provisions eff. 8/3/93. Amended by Ord. 926, provisions eff. retro to 5/31/94; Ord. 1102, provisions eff. 8/11/00.]

[Section 110.306.30 "Agricultural Buildings" renamed from "Agricultural Buildings and Uses" and amended by Ord. 899, provisions eff. 5/31/94; amended by Ord. 926, provisions eff. retro to 5/31/94; and repealed by Ord. 1238, provisions eff. 6/4/04.]

[Section 110.306.40 entitled "Temporary Office Trailers"; Section 110.306.45 entitled "Commercial Coaches"; and Section 110.306.55 entitled "Utilities" repealed by Ord. 875, provisions eff. 8/3/93.]

[Section 110.306.40 "Animals" amended by Ord. 875, provisions eff. 8/3/93; Ord. 926, provisions eff. retro to 5/31/94; and repealed by Ord. 1238, provisions eff. 6/4/04.]

Article 328

GEOTHERMAL RESOURCES

Sections:

110.328.00	Purpose
110.328.05	Applicability
110.328.10	Required Permits
110.328.15	Geothermal Gradient and Exploration/Development Test Wells
110.328.20	Geothermal Wellfield Gathering Systems and Power Generation Facilities
110.328.25	Geothermal Direct Use Wells

Section 110.328.00 Purpose. The purpose of this article, Article 328, Geothermal Resources, is to manage the exploration, development and use of geothermal resources pursuant to the provisions set forth by NRS 534A.

Section 110.328.05 Applicability. The provisions of this article shall apply to all geothermal projects within the unincorporated areas of the County. All geothermal development for commercial, industrial, residential and private domestic uses shall require an administrative permit pursuant to Article 808, Administrative Permits, unless otherwise specified in the provisions of this article. A geothermal development project consists of all wells, access roads, surface equipment, facilities, pipelines and electric transmission lines on one parcel or two or more contiguous parcels.

Section 110.328.10 Required Permits. All geothermal development shall be required to obtain all necessary permits from the Nevada Department of Minerals, the Nevada Division of Environmental Protection, the Nevada Division of Water Resources, the Washoe County District Health Department and, if the geothermal development is located on any federal lands, the U.S. Bureau of Land Management or U.S. Forest Service prior to the issuance of any building permits for the project.

Section 110.328.15 Geothermal Gradient and Exploration/Development Test Wells. The provisions of this section shall apply to the location and development of geothermal temperature gradient and exploration/development test wells.

- (a) **Fluid or Steam Production.** No fluid or steam shall be used for energy production from the geothermal temperature gradient and exploration/development test well(s).
- (b) **Drilling Materials.** No toxic materials, such as chromate, shall be used in the drilling fluid.
- (c) **Proximity to Water Wells.** Geothermal temperature gradient and exploration/development test wells shall be situated with a minimum separation of five hundred (500) feet from any adjacent private domestic well(s) or state permitted municipal and industrial or quasi-municipal and industrial purpose well(s) unless a monitoring well is required by another permitting agency.

- (d) Reclamation of Site. Upon abandonment, in accordance with the Nevada Department of Mineral requirements, the temperature gradient and exploration/development well pad site shall be revegetated and returned to approximately its original condition. In Washoe County designated scenic corridor areas, any access road constructed to serve the site(s) and thereafter abandoned shall be revegetated and returned to approximately its original condition.
- (e) Special Use Permit Requirements. All geothermal temperature gradient and exploration/development well projects within five hundred (500) feet of an adjacent parcel with an occupied dwelling unit shall require a special use permit pursuant to Article 810, Special Use Permits, instead of an administrative permit pursuant to Article 808, Administrative Permits.

Section 110.328.20 Geothermal Wellfield Gathering Systems and Power Generation Facilities. The provisions of this section shall apply to geothermal wellfield gathering systems and related power generation facilities. This includes the use of fluid or steam for energy production from any geothermal well(s).

- (a) Siting of Geothermal Wellfield Gathering Systems and Power Generation Facilities. Geothermal wellfield gathering systems and related power generation facilities shall be sited in areas designated as either Industrial or General Rural on the Washoe County Regulatory Zone map(s). If necessary, a Master Plan and/or Regulatory Zone map amendment will be requested and obtained prior to any permits for the geothermal wellfield gathering system being issued.
- (b) Drilling Materials. No toxic materials, such as chromate, shall be used in the drilling fluid.
- (c) Proximity to Water Wells. Geothermal wellfield gathering system wells shall be situated with a minimum separation of five hundred (500) feet from any adjacent private domestic well(s) or state permitted municipal and industrial or quasi-municipal and industrial purpose well(s) unless a monitoring well is required by another permitting agency.
- (d) Reclamation of Site. Upon abandonment, in accordance with the Nevada Department of Mineral requirements, a geothermal wellfield gathering system site shall be revegetated and returned to approximately its original condition. In Washoe County designated scenic corridor areas, any access road constructed to serve the site(s) and thereafter abandoned shall be revegetated and returned to approximately its original condition.
- (e) Minimum Standards. A geothermal wellfield gathering system and all related surface structures for power generation will satisfy the following minimum standards:
 - (1) Visual Appearance. Placement of facilities on peaks, ridgelines, bluffs and other prominent topographic features as viewed from the property line of the parcel shall be avoided in order to minimize the impact on the visual character of the site.
 - (2) Height Limits. All facilities shall comply with the Industrial Regulatory Zone height standards as per Table 110.406.05.1, Standards.

- (3) Landscaping and Screening. Landscaping and/or opaque screening with a minimum height of six (6) feet shall be placed around the immediate perimeter of all power generation equipment pursuant to Article 412, Landscaping. Landscaping and/or opaque screening with a minimum height of six (6) feet shall also be required on all property boundaries that are immediately adjacent to public rights-of-way and any immediately adjacent residential developments pursuant to Article 412.
- (4) Noise. All geothermal wellfield gathering system wells and power generation equipment shall not emit noise levels in excess of sixty-five (65) dba as measured at the property line. Acoustical shielding shall be required for all wellheads and equipment to comply with this standard.
- (5) Air Quality. All geothermal wellfield gathering system wells and power generation equipment shall not violate federal, state and Washoe County District Health Department air quality standards.
- (f) Special Use Permit Requirements. All geothermal wellfield gathering systems and power generating facilities require a special use permit pursuant to Article 810, Special Use Permits, instead of an administrative permit pursuant to Article 808, Administrative Permits.

Section 110.328.25 Geothermal Direct Use Wells. The provisions of this section shall apply to the location and development of geothermal direct use wells for domestic, residential, commercial or industrial space heating and food dehydration applications, and all related wellfield gathering systems.

- (a) Drilling Materials. No toxic materials, such as chromate, shall be used in the drilling fluid.
- (b) Processing of Project. Geothermal direct use facilities proposed in conjunction with a project requiring a special use permit or development approval (e.g. parcel map, subdivision map, development agreements, projects of regional significance, etc.) shall be processed with the larger project.
- (c) Proximity to Water Wells. Geothermal direct use wells shall be situated with a minimum separation of five hundred (500) feet from any adjacent private domestic well(s) or state permitted municipal and industrial or quasi-municipal and industrial purpose well(s) unless a monitoring well is required by another permitting agency.
- (d) Reclamation of Site. Upon abandonment, in accordance with the Nevada Department of Mineral requirements, a geothermal direct use well pad site shall be revegetated and returned to approximately its original condition. In Washoe County designated scenic corridor areas, any access road constructed to serve the site(s) and thereafter abandoned shall be revegetated and returned to approximately its original condition.
- (e) Minimum Standards. A geothermal direct use well and all related heat transfer structures will satisfy the following minimum standards:
 - (1) Visual Appearance. Placement of facilities on peaks, ridgelines, bluffs and other prominent topographic features as viewed from the property

line of the parcel shall be avoided in order to minimize the impact on the visual character of the site.

- (2) Height Limits. All facilities shall comply with the Industrial Regulatory Zone height standards as per Table 110.406.05.1, Standards.
- (3) Landscaping and Screening. Landscaping and/or opaque screening with a minimum height of six (6) feet shall be placed around the immediate perimeter of all geothermal direct use wells and all related heat transfer structures pursuant to Article 412, Landscaping. Landscaping and/or opaque screening with a minimum height of six (6) feet shall also be required on all property boundaries that are immediately adjacent to public rights-of-way and any immediately adjacent residential developments pursuant to Article 412.
- (4) Noise. All geothermal direct use wells and all related heat transfer structures shall not emit noise levels in excess of sixty-five (65) dba as measured at the property line. Acoustical shielding shall be required for all wellheads and equipment to comply with this standard.
- (5) Air Quality. All geothermal direct use wells and all related heat transfer structures shall not violate federal, state and Washoe County District Health Department air quality standards.
- (f) Special Use Permit Requirements. Geothermal direct use wells and all related heat transfer structures within five hundred (500) feet of an adjacent parcel with an occupied dwelling unit require a special use permit pursuant to Article 810, Special Use Permits, instead of an administrative permit pursuant to Article 808, Administrative Permits.

SECTION 4. Chapter 110, Division Four, Articles 406, 412, 416, 424, 432, and 436 of the Washoe County Code is hereby amended as follows:

Division Four - Development Standards
Article 406

BUILDING PLACEMENT STANDARDS

Sections:

110.406.00	Purpose
110.406.05	General
110.406.10	TRPA Standards
110.406.15	Double Counting Yards
110.406.20	Combining Lots
110.406.25	Unobstructed Yards
110.406.30	Front Yards
110.406.35	Side Yards
110.406.40	Rear Yards
110.406.45	Lot Width
110.406.50	Fences, Walls or Perimeter Planting

Section 110.406.00 Purpose. The purpose of this article, Article 406, Building Placement Standards, is to set forth the regulations governing the placement of buildings on a lot.

Section 110.406.05 General. The yard requirements and setback dimensions are set forth in Part Three of Table 110.406.05.1. These requirements may be modified pursuant to Article 408, Common Open Space Development. All required yard setbacks are measured from the property line with the following exception: when an access easement traverses a portion of a property and has a total width of twenty (20) feet or more, or is maintained by the County, the required yard setback is measured from the easement edge closest to the proposed structure.

Table 110.406.05.1

STANDARDS

Part One: Density/ Intensity Standards	LDR	MDR	HDR	LDS	LSD 2	MDS	MDS 4	HDS	LDU	MDU	HDU	GC	NC	TC	I	PSP	PR	OS	GR
Dwelling Unit Per Acre (du/ac)	0.1	0.2	0.4	1	2	3	4	7a	10b	21c	42c	n/a	5	n/a	n/a	n/a	n/a	n/a	0.025
Height (feet)	35	35	35	35	35	35	35	35	40	70	70	80	60	45	65	65	65	n/a	35

Notes:
 a - 7 dwelling units per acre single-family detached; 9 dwelling units per acre for attached single-family and mobile home parks.
 b - 10 dwelling units per acre for single-family detached; 14 dwelling units per acre for multi-family and 12 units per acre for mobile home parks.
 c - Multi-family.

Part Two: Lot Size	LDR	MDR	HDR	LDS	LSD 2	MDS	MDS 4	HDS	LDU	MDU	HDU	GC	NC	TC	I	PSP	PR	OS	GR
Minimum Lot Area (1,000's of sq. ft. unless otherwise indicated)	8ac	4ac	2ac	35	17.5	12	9	5	3.7d	8e	8f	10	10	10	10	n/a	n/a	n/a	40ac
Minimum Lot Width (feet)	250	200	150	120	100	80	70	60	60	60	60	75	75	100	100	100	n/a	n/a	660

Notes:
 d - 3,700 square feet for single-family detached and 8,000 square feet with two (2) attached single-family dwelling units.
 e - 3,700 square feet for single-family detached and 8,000 square feet with four (4) multi-family units.
 f - 3,700 square feet for single-family detached and 8,000 square feet with eight (8) multi-family units.
 g - 40 acres nominally = 1/16 section.

Part Three: Yard and Setback Dimensions	LDR	MDR	HDR	LDS	LSD 2	MDS	MDS 4	HDS	LDU	MDU	HDU	GC	NC	TC	I	PSP	PR	OS	GR
Front Yard (feet)	30	30	30	30	30	20	20	20	15	15	20	10	15	20	15	20	20	n/a	30
Side Yards (feet)	50	15	15	12	10	8	7	5	5	5	5	10	15	10	10	15	15	n/a	50
Rear Yard (feet)	30	30	30	30	30	20	20	20	10	20	20	10	20	10	15	20	20	n/a	30

Source: Sedway Cooke Associates.

[Amended by Ord. 939, provisions eff. 11/1/95; Ord. 1023, provisions eff. 7/1/98; Ord. 1140, provisions eff. 12/31/01; Ord. 1290, provisions eff. 3/24/06.]

Section 110.406.10 TRPA Standards. Requirements for development occurring in the Tahoe area including, but not limited to, building placement standards shall be the most restrictive of Tahoe Regional Planning Agency standards and Washoe County standards.

Section 110.406.15 Double Counting Yards. No required yard or open space around any building shall be considered a yard or open space for any other building on an adjoining lot or parcel.

Section 110.406.20 Combining Lots. If two (2) or more lots must be combined to meet the minimum yard requirements of this article, the lots shall be legally merged into one (1) lot before a building permit will be issued.

[Amended by Ord. 876, provisions eff. 7/7/93.]

Section 110.406.25 Unobstructed Yards. Any yard required by the Development Code shall be open and unobstructed from the ground to the sky except as provided in this article.

Section 110.406.30 Front Yards. Front yards shall comply with the provisions of this section.

- (a) **Through Lots.** On through lots, either end lot line may be considered the front line, except when the access would be from a street classified as a collector or an arterial. The minimum rear yard shall not be less than the required front yard in the regulatory zone in which such lot is located. After development of the lot has occurred, the yard chosen as the front yard shall remain the front yard for all further development on the lot.
- (b) **Interior Lots.** On any interior lot in any residential land use category or general rural or general rural residential zone, the front yard requirement shall be fifteen (15) feet where the slope of the front half of the lot is greater than a two (2) foot rise (or fall) above (or below) the established street grade for every ten (10) feet of horizontal distance. Plans submitted must be specific enough to establish conformance with these provisions.
- (c) **Corner Lots.** On a corner lot, all yards abutting streets, other than collectors or arterials, shall be considered as front yards. Corner lots are required to have a side yard.
- (d) **Obstructions to Vision.** There shall be no fences or other obstruction to vision more than eighteen (18) inches higher than curb level within the visibility triangle defined in Section 110.412.30, Public Safety.
- (e) **Architectural Features.** Cornices, canopies, chimneys, eaves or other similar architectural features may extend into a required front yard not to exceed two (2) feet.
- (f) **Detached Garages.** Detached garages may be located behind the required front setback.
- (g) **Decks.** Decks which are less than eighteen (18) inches in height from the finished grade are not counted as a structure for front yard setback purposes.

[Amended by Ord. 876, provisions eff. 7/7/93; Ord. 939, provisions eff. 11/1/95; Ord. 899, provisions eff. 5/31/94; Ord. 1023, provisions eff. 7/1/98.]

Section 110.406.35 Side Yards. Side yards shall comply with the provisions of this section.

- (a) **Outside Stairs.** Outside stairs or landing places, if unroofed or unenclosed, may extend into a required side yard for a distance not to exceed three (3) feet.
- (b) **Architectural Features.** Cornices, canopies, chimneys, eaves or other similar architectural features may extend into a required side yard not to exceed two (2) feet.
- (c) **Accessory Structures.** Accessory structures may be located in a side yard as provided in Article 306, Accessory Uses and Structures, except that a guest building shall not be located in a side yard.
- (d) **Decks.** Decks which are less than eighteen (18) inches in height from the finished grade are not counted as a structure for side yard setback purposes.

- (e) Prior Zoning. Side yard requirements for lots created under the zoning in effect prior to May 26, 1993, may use the setbacks of the land use category comparable to the parcel size.

[Amended by Ord. 876, provisions eff. 7/7/93; Ord. 939, provisions eff. 11/1/95; Ord. 1023, provisions eff. 7/1/98.]

Section 110.406.40 Rear Yards. Rear yards shall comply with the provisions of this section.

- (a) Outside Stairs. Outside stairs or landing places, if unroofed or unenclosed, may extend into a required rear yard for a distance of not to exceed five (5) feet.
- (b) Architectural Features. Cornices, canopies, chimneys, eaves or other similar architectural features may extend into a required rear yard not to exceed two (2) feet.
- (c) Accessory Structures. Accessory structures may be located in a rear yard as provided in Article 306, Accessory Uses and Structures.
- (d) Decks. Decks which are less than eighteen (18) inches in height from the finished grade are not counted as a structure for rear yard setback purposes.

[Amended by Ord. 876, provisions eff. 7/7/93; Ord. 939, provisions eff. 11/1/95.]

Section 110.406.45 Lot Width.

- (a) Modification of Standards. The Community Development Director may modify the standards of lot width to a lesser standard when, in his determination, there are compelling environmental considerations of topography or geology which necessitate a minor variation and do not result in parcel configurations inconsistent with the intent of these regulations. Such constraints may include: hillsides, creeks, wetlands, faults, rock outcroppings or other major constraints. The modification of the standard must facilitate superior building sites. This modification may not be granted for subsequent divisions of the same parcel.
- (b) Flag Lots. The "pole" portion of any lot shall not be included either in the required minimum lot size or width calculations. The "pole" portion shall be a minimum of twenty (20) feet in width and a maximum of thirty (30) feet in width.

[Added by Ord. 1140, provisions eff. 12/31/01.]

Section 110.406.50 Fences, Walls or Perimeter Planting.

- (a) Residential Use Types. The maximum height for fences, walls or perimeter planting is limited to four-and-one-half (4.5) feet in the required front yard setback except as noted by Section 110.406.30, Front Yards. The maximum height for fences, walls or perimeter planting for the remainder of the residential property is six (6) feet. Where two (2) or more of a property's frontages constitute front yards on a corner lot, one (1) of the yards shall be deemed to be the main entrance and all other yards with street frontage shall be considered modified side yards where fences, walls or perimeter planting can have a maximum height of six (6) feet as long as such fences, walls or perimeter planting are located at least ten (10) feet from the modified side yard property line. Barbed wire or razor

wire livestock fencing in front yards is allowed only on lots with a size greater than one (1) acre.

- (b) Commercial and Industrial Use Types. The fences, walls or perimeter planting in commercial and industrial development adjoining residential uses shall be at least six (6) feet but not more than eight (8) feet in height, in accordance with Article 412, Landscaping. The fences, walls or perimeter planting adjoining a street may be a maximum of six (6) feet in height. The fences, walls or perimeter planting adjoining non-residential uses may be a maximum of eight (8) feet in height.
- (c) Specialty Fences. Specialty fences are permitted in all regulatory zones with the following provisions:
 - (1) A specialty fence shall only be for the purposes of enclosing a tennis court, racquetball court, basketball court or other court-type recreational activity, and for exotic animals when a fence is pursuant to the issuance of a permit from the Washoe County Exotic Animal Board.
 - (2) A specialty fence shall comply with the following provisions:
 - (i) The court or enclosure for which the fence is erected shall be located entirely to the side or rear of the main structure permitted on the property.
 - (ii) The fence may not be greater than ten (10) feet in height.
 - (iii) The fence may not prevent viewing through the fence. It may not be solid.
 - (iv) The fence must be of a color that blends with the background and in no instance may it be of a reflective material.
 - (v) The fence shall not be located closer than five (5) feet to the side or rear property lines.
- (d) Entry Gate and Entry Columns. An entry gate and entry columns are permitted in all regulatory zones and are subject to the following provision:
 - (a) An entry gate and entry columns may exceed the allowable height of the fencing on adjacent fence panels by a maximum of eighteen (18) inches. Lighting fixtures may be placed on top of the entry column in excess of the height limitation.

[Added by Ord. 939, provisions eff. 11/1/95. Amended by Ord. 959, provisions eff. 7/26/96; Ord. 1023, provisions eff. 7/1/98.]

[Section 110.406.45 entitled "Visual Obstructions" amended by Ord. 876, provisions eff. 7/7/93; Ord. 899, provisions eff. 5/31/94 and repealed by Ord. 939, provisions eff. 11/1/95.]

Article 412

LANDSCAPING

Sections:

110.412.00	Purpose
110.412.05	Applicability
110.412.10	Exemptions
110.412.15	Required Plans
110.412.20	Water Conservation
110.412.25	Existing Vegetation
110.412.30	Public Safety
110.412.35	Residential Use Types
110.412.40	Civic and Commercial Use Types
110.412.45	Industrial and Agricultural Use Types
110.412.50	Parking and Loading Areas
110.412.55	Other Screening Requirements
110.412.60	Planting Standards
110.412.65	Irrigation Standards
110.412.70	General Requirements
110.412.75	Maintenance
110.412.80	Guarantee of Completion

Section 110.412.00 Purpose. The purpose of this article, Article 412, Landscaping, is to establish regulations for the development, installation and maintenance of landscaped areas within Washoe County, without inhibiting creative landscape design. The intent of these regulations is to protect the public health, safety and welfare by:

- (a) Increasing compatibility between residential, commercial and industrial land uses;
- (b) Enhancing the economic viability of the County and the quality of living for residents and visitors by creating an attractive appearance of development along streets and highways;
- (c) Reducing heat, glare, noise, erosion, pollutants and dust by increasing the amount of vegetation;
- (d) Preserving significant ecological communities, and desirable existing trees and vegetation best suited for the local microclimate; and
- (e) Maximizing water conservation through established conservation principles and practices, and through proper landscape and irrigation planning, design and management.

[This Section added by Ord. 867, provisions eff. 5/27/93.]

Section 110.412.05 Applicability. The provisions set forth in this article shall apply as follows:

- (a) New Development. This article applies to new development that requires permitting or review by the County.
- (b) Expanding Development. This article applies to expansion of floor area of existing development, except as otherwise provided below:
 - (1) If the expansion is less than fifty (50) percent, this article shall apply to the developable lot area associated with the proposed expansion only and the remainder of the use or structure shall be governed by regulations in force at the time of the original approval; and
 - (2) If the expansion or subsequent expansions cumulatively results in a fifty (50) percent or greater increase, the entire development shall be required to comply with this article, unless the Director of Community Development waives this requirement, in whole or in part, prior to the expansion.
- (c) Duplicate Ordinances. If the provisions of this article are in conflict with other ordinances or regulations, the more stringent limitation or requirement shall prevail to the extent of the conflict. The provisions of this article may be waived by the Director of Community Development for development in areas under the jurisdiction of the Tahoe Regional Planning Agency (TRPA) if the proposed landscaping and impervious surface coverage violates a TRPA Ordinance or Procedure.
- (d) Review of Extenuating Circumstances. The applicant may appeal to the Director of Community Development for special review resulting from extenuating circumstances or physical conditions on the proposed project site.

[This Section added by Ord. 867, provisions eff. 5/27/93.]

Section 110.412.10 Exemptions. The following uses are exempt from the provisions of this article:

- (a) Residential Use Types. The required front, side or rear yard areas of existing and new detached single family residential lots, unless front yard landscaping is required under any article found in Division Two, Area Plan Regulations, of the Washoe County Development Code.
- (b) Civic Use Types. Uses classified under the parks and recreation use type are exempt, except for parking and loading areas associated with these uses.
- (c) Commercial Use Types. Uses classified under the commercial recreation: outdoor sports club use type and nursery sales use type are exempt, except for parking and loading areas associated with these uses.
- (d) Industrial Use Types. No uses are exempt. However, the provisions of this article may be waived during the approval process for use types classified under energy production, mining operations, and petroleum gas extraction.
- (e) Agricultural Use Types. Uses classified under the animal production, crop production, forest products, game farms, and produce sales use types are exempt, except for parking and loading areas associated with these uses.

- (f) Open Space Regulatory Zones. Uses classified under the Open Space regulatory zone are exempt.

[This Section added by Ord. 867, provisions eff. 5/27/93.]

Section 110.412.15 Required Plans. A site plan, planting plan and an irrigation plan are required, and a soil analysis is strongly encouraged for all non-exempt development. These plans shall be prepared by a licensed landscape architect or other persons permitted to prepare landscaping and irrigation plans pursuant to Nevada Revised Statutes Chapter 623A and submitted to, and approved by, the Director of Community Development.

- (a) Site Plan. A site plan is required to ensure that the proposed landscape improvements are in conformance with the standards and requirements of this article. A copy of the approved site plan shall be kept on the project site until the project is inspected and accepted by the County. A site plan, drawn at a scale appropriate to the proposed project, including dimensions and distances, shall include at a minimum:
- (1) Location and configuration of proposed and existing buildings, and site improvements on a base map with existing and proposed topography; and
 - (2) Location and amount of proposed and existing parking spaces and other paved areas, public rights-of-way and impervious surfaces.
- (b) Planting Plan. A planting plan is required to ensure that the proposed plantings are in conformance with the standards and requirements of this article. The planting plan must include all necessary information to satisfy Section 110.412.60, Planting Standards, of this article. A planting plan shall include at a minimum:
- (1) Location, spacing, size, and genus and/or species of proposed plantings, and identification of existing plants;
 - (2) Existing vegetation, natural features and site improvements on adjoining properties within ten (10) feet of the property line; and
 - (3) Plant list which includes the following: quantity of proposed plants; existing plants to remain; number of proposed trees; number of existing trees to be preserved; amount of paved area; and the amount of turf.
- (c) Irrigation Plan. An irrigation plan is required to ensure sufficient and timely watering necessary for the survival of newly installed plants. A copy of the approved irrigation plan shall be kept on the project site until the project is inspected and accepted by the County. The irrigation plan must include all necessary information to satisfy Section 110.412.65, Irrigation Standards, of this article. An irrigation plan, drawn at a scale identical to the required site plan, shall include at a minimum:
- (1) Location, size and specifications of water source(s), water mains, meter(s), valves and the controller;
 - (2) Temporary or permanent water irrigation systems;

- (3) Specifications of irrigation equipment identified by manufacturer's name and equipment identification number; and
 - (4) An approved backflow prevention device is required on all landscape irrigation systems.
- (d) Soil Analysis. A horticultural suitability analysis with appropriate recommendations is strongly encouraged to assist in proper selection of plant materials and soil amendment as necessary to enhance the health and growing capabilities of the plants.

[This Section added by Ord. 867, provisions eff. 5/27/93.]

Section 110.412.20 Water Conservation. To promote resource-efficient landscaping for the conservation of water and other natural resources, the following principles and practices are encouraged:

- (a) Practical turf areas;
- (b) The use of water-conserving plant material;
- (c) The grouping of plants with similar water requirements;
- (d) An irrigation system designed to meet plant needs;
- (e) The installation of permeable hard surfaces to encourage groundwater recharge and re-use, and to discourage run-off;
- (f) The use of water harvesting techniques;
- (g) The use of mulches;
- (h) The use of soil amendments based on soil analysis; and
- (i) The use of reclaimed water. When reclaimed water is available and when a distribution master plan indicating the availability of reclaimed water in the future has been adopted by either the County or a special district, the applicant shall incorporate the use of reclaimed water into the project design, except in the vicinity of any location where food is served or consumed.

[This Section added by Ord. 867, provisions eff. 5/27/93.]

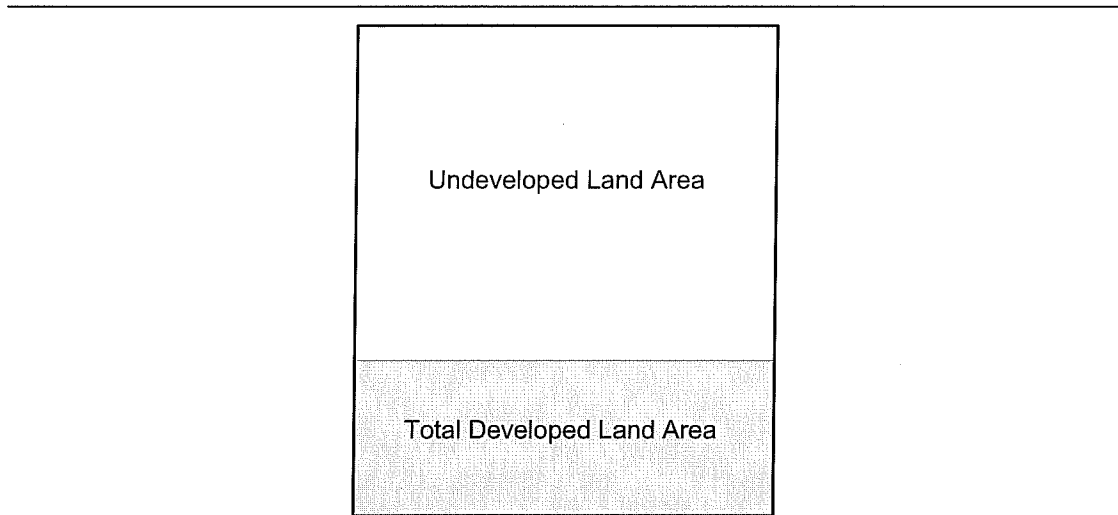
Section 110.412.25 Existing Vegetation. Existing vegetation within the total developed land area, as generally depicted in Figure 110.412.25.1, shall be preserved as set forth in this section and may contribute toward all landscaping required by this article, including:


- (a) Existing Vegetation. Existing vegetation and ecological communities shall be protected and preserved where appropriate and as feasible;
- (b) Preservation of Protected and Endangered Vegetation. Protected and endangered vegetation as defined in the Conservation Element of the Washoe County Master Plan; and

- (c) Preservation of Significant Trees. Existing trees with a caliper greater than six (6) inches, as measured fifty-four (54) inches from grade, shall be preserved if feasible. Protection measures, including non-disturbance around the drip-line and/or root zone, shall be incorporated into the landscaping plan.

Figure 110.412.25.1

TOTAL DEVELOPED LAND AREA



Note:  Area used in calculating the amount of required landscaping and screening.

Source: Sedway Cooke Associates.

[This Section added by Ord. 867, provisions eff. 5/27/93.]

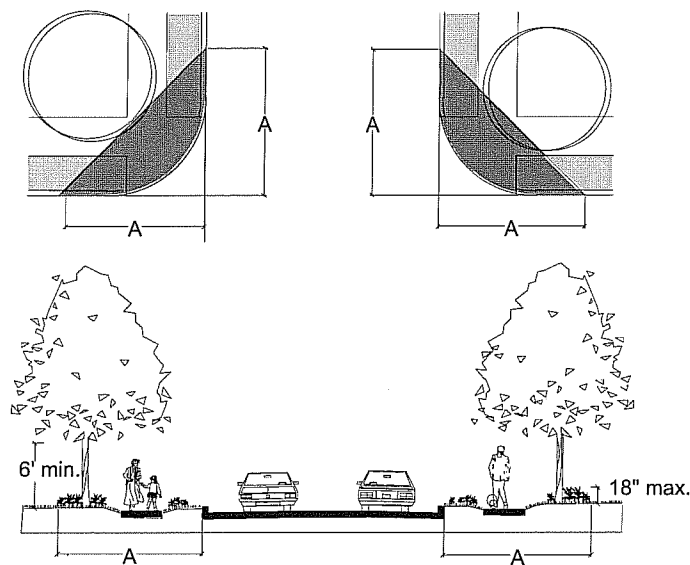
Section 110.412.30 Public Safety. All provisions of this article shall comply with the public safety requirements set forth in this section.

- (a) General. Landscaping shall meet the following safety requirements:
- (1) Landscaping elements shall not be permitted if they pose a public health or safety threat; and
 - (2) The height, spread and growth habit of all plants shall not interfere with or obstruct ease of movement or impede a public right-of-way.
- (b) Special Areas. The use of thorny plants is prohibited along public bicycle and pedestrian paths, and the use of poisonous and/or thorny plants is prohibited on properties used primarily by children such as schools, day care centers and nurseries.
- (c) Intersection Visibility. As illustrated in Figure 110.412.30.1, all trees shall be pruned such that no branches extend lower than six (6) feet above curb level and other plants shall not exceed eighteen (18) inches in height above any street curb under the following conditions:

- (1) Street Intersection: Within a thirty (30) foot visibility triangle.
- (2) Commercial Driveway or Alleyway: Within a fifteen (15) foot visibility triangle.
- (3) Residential Driveway: Within a ten (10) foot visibility triangle.

Figure 110.412.30.1

INTERSECTION VISIBILITY



Note: A = Distance measured from street curb as set forth in Section 110.412.30 (c)(1), (c)(2), and (c)(3).

Source: Sedway Cooke Associates.

[This Section added by Ord. 867, provisions eff. 5/27/93.]

Section 110.412.35 Residential Use Types. The following landscaping requirements shall apply to residential uses including duplex and multiplex residential subdivision lots and multi-family developments, except those exempted by Section 110.412.10, Exemptions. Any landscaping required in this section may contribute toward the minimum requirements.

- (a) **Coverage.** A minimum twenty (20) percent of the total developed land area shall be landscaped.
- (b) **Required Yards Adjoining Streets.** All required front, rear or side yards which adjoin a public street shall be landscaped and shall include at least one (1) tree for every fifty (50) linear feet of street frontage, or fraction thereof.
- (c) **Subdivision Perimeters.** New residential subdivisions, regardless of the number of dwelling units per parcel, shall provide at least one (1) tree for every fifty (50) linear feet of perimeter frontage adjoining an arterial or collector identified in the Washoe County Master Plan Streets and Highways System Plan map.

- (d) Model Homes. Model homes for all residential subdivisions shall install landscaping that demonstrates appropriate landscape techniques suitable for the local micro-climate and soil conditions.

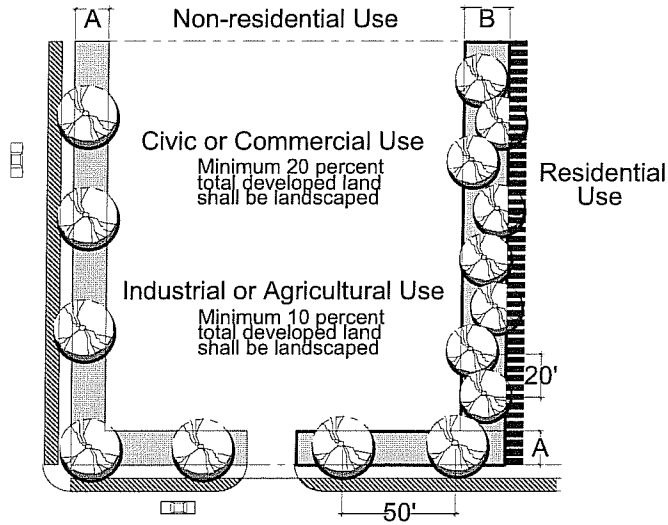
[This Section added by Ord. 867, provisions eff. 5/27/93.]

Section 110.412.40 Civic and Commercial Use Types. The following minimum landscaping requirements shall apply to the total developed land area for civic and commercial uses, except those exempted by Section 110.412.10, Exemptions. The total developed land area is illustrated in Figure 110.412.25.1. Any landscaping required in this section may contribute toward the minimum requirements, including a mixture of building and buffer landscaping. These requirements are generally depicted in Figure 110.412.40.1.

- (a) Coverage. A minimum twenty (20) percent of the total developed land area shall be landscaped. Any disturbance to undeveloped portions of a site shall be mitigated.
- (b) Required Yards Adjoining Streets. All required yards which adjoin a public street shall be landscaped and shall include at least one (1) tree for every fifty (50) linear feet of street frontage, or fraction thereof.
- (c) Landscaped Buffers Adjoining Residential Uses. When a civic or commercial use adjoins a residential use, a landscaped buffer is required as follows:
 - (1) The buffer shall be the width of the required front, side or rear yard for the entire length of the adjoining common property line; and
 - (2) The buffer shall include at least one (1) tree every twenty (20) linear feet of property frontage, or fraction thereof, planted in off-set rows or groupings to achieve maximum screening.
- (d) Screening Adjoining Residential Uses. When a civic or commercial use adjoins a residential use, a solid decorative wall or fence shall be erected along the entire length of the common property line. This wall or fence shall be at least six (6) feet but not more than seven (7) feet in height.

Figure 110.412.40.1

**LANDSCAPING AND SCREENING FOR CIVIC, COMMERCIAL,
INDUSTRIAL AND AGRICULTURAL USE TYPES**



- Notes:
- A = Landscaping in required yard adjoining a street.
 - B = Landscaped buffer adjoining a residential use.
 - = Screening adjoining a residential use.

Source: Sedway Cooke Associates.

[This Section added by Ord. 867, provisions eff. 5/27/93.]

Section 110.412.45 Industrial and Agricultural Use Types. The following minimum landscaping requirements shall apply to the total developed land area for industrial and agricultural uses, except those exempted by Section 110.412.10, Exemptions. The total developed land area is illustrated in Figure 110.412.25.1. Any landscaping required in this section may contribute toward the minimum requirements, including a mixture of building and buffer landscaping. These requirements are generally depicted in Figure 110.412.40.1.

- (a) **Coverage.** A minimum ten (10) percent of the total developed land area shall be landscaped. Any disturbance to undeveloped portions of a site shall be mitigated.
- (b) **Required Yards Adjoining Streets.** All required yards which adjoin a street shall be landscaped and shall include at least one (1) tree for every fifty (50) linear feet, or fraction thereof.
- (c) **Landscaped Buffers Adjoining Residential Uses.** When an industrial or agricultural use adjoins a residential use, a landscaped buffer is required as follows:
 - (1) The buffer shall be the width of the required yard for the entire length of the adjoining common property line; and

- (2) The buffer shall include at least one (1) tree every twenty (20) linear feet of property frontage, or fraction thereof, planted in off-set rows or other methods to achieve maximum buffering.
- (d) Screening Adjoining Residential Uses. When any industrial or agricultural use adjoins a residential use, a solid decorative wall or solid decorative fence shall be erected along the entire length of the common property line. This wall or fence shall be at least six (6) feet but not more than seven (7) feet in height.

[This Section added by Ord. 867, provisions eff. 5/27/93.]

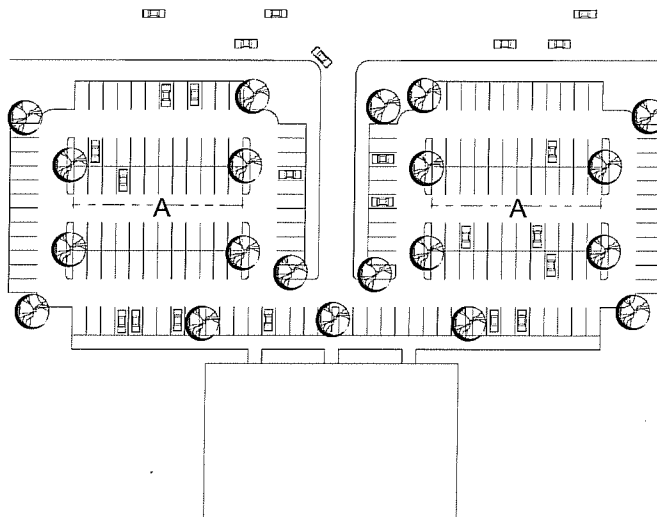
Section 110.412.50 Parking and Loading Areas. In addition to other required landscaping, all parking and loading areas shall provide minimum landscaping as set forth in this section. Any trees required in Sections 110.412.35 through 110.412.45 may contribute toward the minimum coverage requirement.

- (a) Coverage. At least one (1) tree shall be provided for every ten (10) parking spaces, provided the distance between required trees does not exceed twelve (12) spaces in a row and the trees are evenly distributed throughout the paved area, as generally depicted in Figure 110.412.50.1.
- (b) Required Yards Adjoining Streets. When a parking or loading area adjoins a street, a landscaped berm and/or decorative wall or fence shall be provided within all required yards adjacent to the parking or loading area, not to exceed three (3) feet.
- (c) Landscaped Buffers Adjoining Residential Uses. As generally depicted in Figure 110.412.50.2, when a parking or loading area adjoins a residential use, a landscaped buffer is required as follows:
 - (1) The buffer shall be the width of the required yard for the entire length of the adjoining common property line; and
 - (2) The buffer shall include at least one (1) tree every twenty (20) linear feet, or fraction thereof, planted in off-set rows.
- (d) Screening Adjoining Residential Uses. As generally depicted in Figure 110.412.50.2, when a parking or loading area adjoins a rear or non-street side yard of a residential use, a solid decorative wall or fence shall be erected along the entire length of the property line. This wall or fence shall be at least six (6) feet but not more than seven (7) feet in height.
- (e) Existing Parking and Loading Areas. When a parking or loading area existing prior to the effective date of this article is enlarged by one or more expansions in area greater than fifty (50) percent, the minimum landscaping requirements of this article shall be met for the total (existing and enlarged) area.
- (f) Standards. The following standards shall apply within parking and loading areas:
 - (1) Planted areas shall be protected by curb, wheel stops or other appropriate means, to prevent injury to plants from pedestrian or vehicle traffic; and

- (2) Planting areas which abut the side of parking stalls shall include a minimum eighteen (18) inch wide paved strip to allow access to and from vehicles.
- (g) Exceptions. Required landscaping shall not apply where parking and loading areas are:
 - (1) Completely screened from surrounding properties by intervening buildings or structures;
 - (2) Located under, on or within buildings; or
 - (3) Devoted to display parking for automobile dealerships.

Figure 110.412.50.1

REQUIRED TREES WITHIN PARKING AND LOADING AREAS

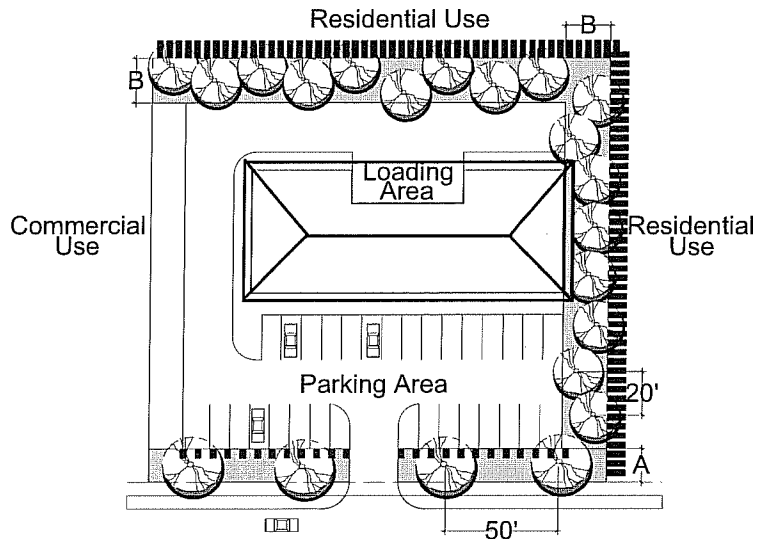


Notes: A = Maximum 12 parking spaces between trees.
 Provide at least one tree for every 10 parking spaces (i.e. if 200 parking spaces are provided, then 20 trees are required).

Source: Sedway Cooke Associates.

Figure 110.412.50.2

LANDSCAPING AND SCREENING FOR PARKING AND LOADING AREAS



- Notes:
- A = Landscaping in required yard adjoining a street.
 - B = Landscaped buffer adjoining a residential use.
 - |||||| = Screening adjoining a residential use.
 - = Screening of a parking area adjoining a street.

Source: Sedway Cooke Associates.

[This Section added by Ord. 867, provisions eff. 5/27/93.]

Section 110.412.55 Other Screening Requirements. In addition to screening requirements established in Sections 110.412.35 through 110.412.50, screens shall comply with the minimum requirements of this section.

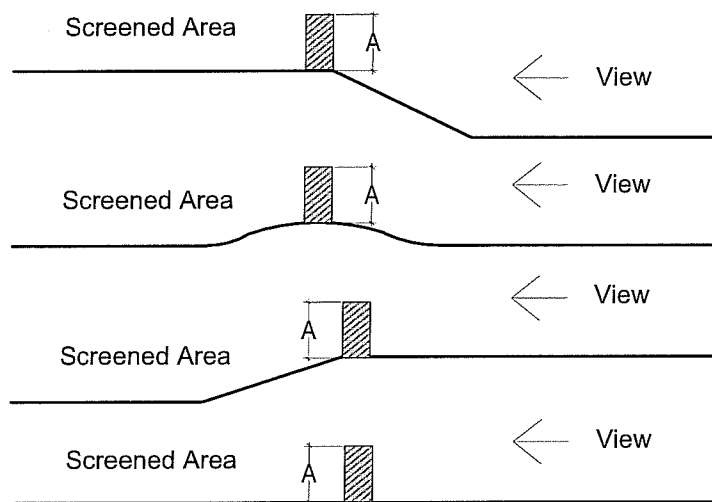
- (a) **Open Storage Areas.** The following screens are required for open storage areas:
- (1) Open storage areas shall be enclosed by a screen at least six (6) feet but not more than seven (7) feet in height;
 - (2) Items stored within one hundred (100) feet of a street or residential use shall not be stacked higher than the required screen;
 - (3) Screens to enclose storage areas between adjoining side or rear yards may be deleted by mutual agreement of the property owners involved;
 - (4) Exterior electrical cage enclosures and storage tanks shall be screened from view from an adjacent street and residential use; and
 - (5) The location of trash enclosures, as specified on the site plan, shall be subject to the approval of the Director of Community Development. Such enclosures and gates shall be of solid construction and shall be in accordance with County standards and the *Uniform Fire Code*.

- (b) Manufactured Home Parks. A decorative wall or fence shall be erected along the entire length of the property line of a manufactured home park as follows:
 - (1) The wall or fence shall be at least six (6) feet but not more than seven (7) feet in height along property lines not adjoining a street.
- (c) Commercial Campground Facilities. In Tourist Commercial designated areas, a decorative wall or fence shall be erected along the entire length of the property line of commercial campground facilities and recreational vehicle parks as follows:
 - (1) When a recreational vehicle park adjoins a street, the wall or fence shall be four (4) feet or more in height; and
 - (2) The wall or fence shall be at least six (6) feet but not more than seven (7) feet in height along property lines not adjoining a street.
- (d) Mechanical Equipment. All mechanical equipment, tanks, ventilating fans or similar equipment, whether located on a roof or on the ground, shall be screened from view from adjoining properties and streets. Screens shall be integrated into the overall architectural style of the associated building and shall be measured from the highest point of the object being screened.
- (e) Swimming Pools. Barriers shall be erected for swimming pools, spas and hot tubs in accordance with the current edition of the adopted Washoe County Building Code as referenced in Chapter 100.
- (f) Materials. Screens shall include the installation and maintenance of at least one (1) or a combination of the following elements:
 - (1) Dense plants, such as hedges;
 - (2) Chain link fencing, except along streets, with inserts of wood, metal or other acceptable material;
 - (3) Decorative fences constructed to maintain an opaque condition. Alternating slats are encouraged to accommodate windy extremes; or
 - (4) Decorative walls consisting of either brick, rock or block, and maintaining a width of at least eight (8) inches.
- (g) Opaqueness. Plants used for screens shall be:
 - (1) Of a type which will provide a year-round barrier at the prescribed height;
 - (2) Planted at a spacing necessary to achieve one hundred (100) percent opacity within five (5) years; and
 - (3) Supplemented or replaced with other dense landscaping or an appropriate fence of wall, if it fails to retain such opaqueness any time after the initial two (2) year period.

- (h) **Height Measurements.** Screening materials shall be located to maximize the benefit of the screen, and prescribed heights shall be measured from finished grade, as illustrated in Figure 110.412.55.1.

Figure 110.412.55.1

PLACEMENT AND MEASUREMENT TECHNIQUES FOR SCREENING MATERIAL



Note: A = Screen height measured from finished grade.

Source: Sedway Cooke Associates.

[This Section added by Ord. 867, provisions eff. 5/27/93; Ord. 1178, provisions eff. 12/6/02.]

Section 110.412.60 Planting Standards. All required landscaping, including parking and loading areas, shall comply with the minimum standards established in this section.

- (a) **Composition.** The use of climatic adaptive planting material is encouraged. A suggested climatic adaptive plant list is available from the Washoe County Cooperative Extension, or any other sources approved by the Director of Community Development.
- (b) **Compatibility.** Development shall relate harmoniously to the surrounding topography and provide for the preservation of natural features such as water courses, wooded areas and rough terrain.
- (c) **Compatible Water Use Zones.** Trees and plants having similar climatic, water, soil and maintenance requirements shall be organized in distinct and compatible planting zones as defined below:
 - (1) High water use zones include plants which require moist soils and supplemental water in addition to natural rainfall to survive at maturity;
 - (2) Moderate water use zones include plants which survive on natural rainfall with supplemental water during seasonal dry periods at maturity; and

- (3) Low water use zones include plants which survive on natural rainfall without supplemental water at maturity.
- (d) Nursery Standards. Plants shall meet the standards for sizes and grades of plant materials as listed in the latest edition of the American Standard for Nursery Stock released by the American Association of Nurserymen.
- (e) Non-Interference. The location of trees and vegetation shall not adversely affect utility easements, service lines or solar access of neighboring sites. If necessary, the width of the planting areas shall be increased so that the tree locations do not interfere with utilities or solar access.
- (f) Public Rights-of-Way. Any tree planted within five (5) feet of publicly maintained curbing, pavement or sidewalks shall install a root control barrier as prescribed by the County. Landscaping for a private development may be placed in a public right-of-way subject to the issuance of a valid encroachment permit.
- (g) General. The following general standards shall apply to all new planting areas:
- (1) Planting areas with trees within parking and loading areas shall be at least eight (8) feet wide at the base of the tree in all directions;
 - (2) Planting areas without trees within parking and loading areas shall be at least five (5) feet wide;
 - (3) Ground cover or mulch shall be used in all planting areas. Turf is not allowed in parking lot tree planters; and
 - (4) Planted areas shall be protected by curb, wheel stops or other appropriate means to prevent injury to plants from pedestrian or vehicle traffic.
- (h) Trees. New trees shall meet the following standards:
- (1) The composition of trees shall represent a mixture of deciduous and coniferous varieties;
 - (2) At least one-half (1/2) of all evergreen trees shall be at least seven (7) feet in height, and the remainder must be at least five (5) feet in height at the time of planting; and
 - (3) At least one-half (1/2) of the required number of the deciduous trees shall be at least two (2) inch caliper per American Nursery Standards at the time of planting. The remaining number of required deciduous trees shall be at least one (1) inch caliper at the time of planting.
- (i) Shrubs and Hedges. New shrubs and hedges shall meet the following standards:
- (1) Shrubs shall be comprised of a mixture of sizes, but not less than number one (1) size containers.
- (j) Ground Cover. New ground cover shall meet the following standards:

- (1) Living ground cover shall be planted to achieve a minimum planting area coverage of fifty (50) percent within one (1) year of installation and shall achieve one hundred (100) percent coverage within three (3) years of installation;
 - (2) Wood chips, bark, decorative rock or other appropriate inert materials may also be used provided it does not exceed fifty (50) percent of the total planting area; and
 - (3) Plastic, steel or other appropriate edging material shall be provided around ground cover areas to retain loose materials.
- (k) Turf. Turf, when used appropriately, offers aesthetic appeal, environmental cooling, oxygen production and a safe activity surface for a variety of recreational uses. Areas with turf shall meet the following standards:
- (1) Irrigation for turf areas shall minimize runoff and inadvertent watering of non-turf areas;
 - (2) Use of turf shall be consolidated to those areas that receive significant pedestrian traffic, provide for recreational uses, assist in soil erosion control such as on slopes or in swales, and other functional use areas;
 - (3) Turf areas shall be dethatched and aerated as needed to promote effective water infiltration into the soil, to minimize water runoff and to promote deep, healthy roots;
 - (4) In multi-family residential use types, turf areas shall be provided at a minimum of fifty (50) percent of the required landscaping area in a practical configuration for recreational uses and shall be balanced with other landscaping materials;
 - (5) In commercial and industrial use types, turf areas shall be balanced with other landscaping materials;
 - (6) Turf shall be comprised of drought-resistant and hardy varieties which, when properly installed and maintained, are capable of surviving under conditions of restricted water use;
 - (7) Any turf area must be capable of being watered with minimum overspray or runoff; and
 - (8) Where turf is used in areas subject to erosion or in swales, it shall be sodded rather than seeded.
- (l) Earth Berms. Earth berms shall comply with the following standards:
- (1) An earth berm may contribute toward the prescribed height of any planting, fencing or wall;
 - (2) Mounds of earth used for planting shall not exceed horizontal to vertical slopes of two to one (2:1); and

- (3) Turf planted slopes shall not exceed horizontal to vertical slopes of four to one (4:1).
- (m) Soil Preparation. Soil shall comply with the following standards:
 - (1) Required landscaping shall be installed using a planting soil mix comprised of a type appropriate to the individual proposed plants and the native soil found on the site;
 - (2) Where necessary, soil amendments such as manure, straw, peat moss or compost shall be used to improve water drainage, moisture penetration and water holding capacity as recommended in the soil analysis report pursuant to Section 110.412.15, Required Plans; and
 - (3) Deep ripping and tilling of landscape areas is encouraged to facilitate deep water penetration and soil oxygenation.
- (n) Mulch. Permanent mulch shall be applied to and maintained in all planting areas to assist soils in retaining moisture, reducing weed growth and minimizing erosion as follows:
 - (1) A minimum three (3) inch layer of organic mulch material shall be installed in all planting areas except turf areas and meadow planted areas;
 - (2) Mulch may consist of wood products, stone and other non-toxic recyclable materials;
 - (3) Non-porous materials, such as plastic sheets, shall not be placed under the mulch; and
 - (4) The use of woven types of geofabric weed barriers is required in all planter areas not devoted to turf or meadow planted areas.
- (o) Height Measurements. Prescribed heights shall be measured from finished grade at the base of the plant material.

[This Section added by Ord. 867, provisions eff. 5/27/93.]

Section 110.412.65 Irrigation Standards. Required irrigation shall comply with the minimum standards established in this section.

- (a) Separate Water Meter. All irrigation systems required for landscaping of all non-exempt development shall be connected to a water meter installed on the main line of the irrigation system upstream of the control valves to measure water delivery separate from water delivered for other forms of interior or exterior consumptive use.
- (b) Compatible Water Use Zones. Irrigation systems shall be designed to correlate with the composition of trees and plants and their related water use. High water use zones shall be provided with central automatic irrigation systems.
- (c) Coverage Requirements. Coverage requirements apply to all temporary and permanent irrigation systems as follows:

- (1) Spray irrigation systems shall be designed for head-to-head coverage;
 - (2) Sprinkler heads must have matched precipitation rates within each control valve circuit; and
 - (3) Drip systems shall be designed to be expandable to adequately water the mature plants.
- (d) Control Systems. The following requirements apply to all irrigation control systems:
- (1) Controlled irrigation systems shall be operated by an irrigation controller capable of irrigating high water demand areas on a different schedule from low water demand areas;
 - (2) Controllers must have multiple cycle start capacity and a flexible calendar program above to be set to comply with local or water management district restrictions; and
 - (3) Moisture sensor and/or rain shut-off equipment is encouraged to avoid irrigation during periods of sufficient rainfall. Such equipment shall have the capability to override the irrigation cycle of the sprinkler system when adequate rainfall has occurred.
- (e) Cross Connection Devices. All non-exempt development shall have either a pressure vacuum breaker or a reduced pressure principle backflow preventer device installed on the main line of the irrigation system upstream of the control valves.
- (f) Size of Irrigation Lines. Irrigation lines shall be classified as follows:
- (1) Schedule 40 P.V.C. is required for all pressure lines and as sleeving under all paved areas;
 - (2) Lateral line piping shall be installed at least twelve (12) inches underground for non-pressurized irrigation lines;
 - (3) Mainline piping shall be installed at least eighteen (18) inches underground for constant pressure irrigation lines; and
 - (4) Manual and automatic drains shall be used to prevent freeze damage.
- (g) Water Application Schedules. Irrigation system schedules should include the following standards:
- (1) Turf shall be irrigated on separate irrigation schedules; and
 - (2) Sprinkler systems with spray heads should not operate during times of high wind or high temperatures.
- (h) Maintenance. Irrigation systems shall be maintained as follows:

- (1) Irrigation systems shall be maintained regularly to eliminate the waste of water due to loss from damaged, missing or improperly operating portions of the system;
- (2) Controllers shall be adjusted to allow for the seasonal water requirements of the plants; and
- (3) Systems shall be winterized to prevent freeze damage, including draining lines and backflow prevention devices as necessary.

[This Section added by Ord. 867, provisions eff. 5/27/93.]

Section 110.412.70 General Requirements. All landscaping and screening shall meet the general requirements of this section.

- (a) **Bonding Value.** Landscaping, irrigation and screening shall be completely installed prior to issuance of a Certificate of Occupancy unless the applicant posts a bond of three (3) dollars per square foot of landscaping at base year value of 1993, or other appropriate financial assurances.
- (b) **Deferrals.** Request for deferrals shall be submitted in writing to the Director of Community Development and shall include the bond amount or other appropriate financial assurances. The request must explain the need for such deferral and the estimated time for completion.
- (c) **Dust Control.** The following dust control measures shall be used:
 - (1) For temporary coverage to control dust for less than one (1) year: hydroseed with fast-growing temporary grasses; apply mulch or weed prevention netting; apply other slope stabilization materials; and install temporary irrigation system, if required, subject to the approval of the Director of Community Development; and
 - (2) For coverage to control dust for more than one (1) year: land clearing shall be minimized and permanent planting as required by this article shall apply.
- (d) **Erosion Control.** Erosion shall be controlled by slowing stormwater runoff and assisting in groundwater recharge as follows:
 - (1) To minimize erosion during construction, straw or other appropriate material shall be applied to slopes susceptible to water runoff; and
 - (2) Erosion shall be controlled on all graded sites which remain vacant prior to building construction.
- (e) **Stormwater Runoff.** Stormwater runoff shall be minimized in landscaped areas as follows:
 - (1) Stormwater detention/retention basins not integrated with paved areas shall be landscaped to enhance the natural configuration of the basin and plants located within the lower one-third (1/3) portion of the basin must withstand periodic submersion;

- (2) Where appropriate, grading and landscaping shall incorporate on-site stormwater runoff for supplemental on-site irrigation;
- (3) Where water is dispersed to natural ground or channels, appropriate energy dissipators shall be installed to prevent erosion at the point of discharge;
- (4) Runoff from disturbed areas shall be detained or filtered by earth berms, planting strips, catch basins or other appropriate methods to prevent sedimentation from the disturbed area from obstructing natural or artificial channels or deposition on paved areas; and
- (5) No earth, organic or construction material shall be deposited in or placed where it may be directly carried into a stream, lake or wetlands area.

[This Section added by Ord. 867, provisions eff. 5/27/93.]

Section 110.412.75 Maintenance. All landscaping, irrigation and screening shall be maintained at all times to conform to the regulations established in this article.

- (a) **Responsibilities.** Landscaping and related equipment including, but not limited to, plants, screens, walkways, benches, fountains and irrigation systems shall be maintained by the applicant or subsequent owner of the property.
- (b) **Agreement.** Prior to the issuance of a Certificate of Occupancy, the applicant shall file a Maintenance Agreement or access easement to enter and maintain the property, subject to the approval of the County District Attorney. Such a document shall ensure that if the property owner fails to maintain the requirements set forth in this article, the County will be able to file an appropriate lien(s) against the property in order to achieve the required maintenance.
- (c) **Plants.** Required plants shall be maintained in healthy, vigorous, and disease and pest-free conditions so as to present a neat and healthy appearance free of refuse, debris and weeds. Plants shall be fertilized, cultivated and pruned on a regular basis and sound horticultural principles shall be practiced.
- (d) **Staking.** Plants shall be staked, tied or otherwise supported as necessary. Supports shall be regularly monitored to avoid damage to plants and removed when appropriate.
- (e) **Pruning.** Pruning shall be accomplished in accordance with accepted arboriculture standards.
- (f) **Turf Edge Trimming.** Roadways, curbs and sidewalks shall be edged to prevent encroachment from the adjacent turfed areas. Line trimmers shall not be used to trim turf abutting trees or other plants. All turf within a twenty-four (24) inch radius of any tree trunk shall be removed.
- (g) **Replacement.** Landscaping which is not maintained in a manner consistent with this article shall be replaced as follows:
 - (1) Replacement includes, but is not limited to, replacing plants damaged by insects, disease, vehicular traffic, vandalism, storm damage and natural disaster or occurrence;

- (2) If the required landscaping is not living within one (1) year of a Certificate of Occupancy, it shall be replaced with equivalent vegetation;
- (3) If the existing landscaping which was preserved is not living within two (2) years of a Certificate of Occupancy, it shall be replaced with equivalent new landscaping; and
- (4) Replacement landscaping shall be installed within thirty (30) days following notification by the Director of Community Development that a violation of this article has occurred.

[This Section added by Ord. 867, provisions eff. 5/27/93.]

Section 110.412.80 Guarantee of Completion. To ensure proper installation and compliance with approved plans required in Section 110.412.15, Required Plans, the person responsible for preparation of the required plans, or a qualified designated representative of the individual or firm which prepared the plans, shall conduct a final field inspection prior to issuance of a Certificate of Occupancy. It shall be unlawful to occupy the premises unless the required landscaping, irrigation and screening is installed in accordance with these regulations, or a faithful performance bond or other satisfactory guarantee of completion insuring the faithful performance of all work, is accepted by the Director of Community Development. If any person fails to complete any improvement as specified in the approved plans, and as agreed within the time specified, the Board of County Commissioners may cause the bond to be forfeited in the amount necessary to finish the uncompleted portion of the work.

[This Section added by Ord. 867, provisions eff. 5/27/93.]

Article 416

FLOOD HAZARDS

Sections:

110.416.00	Purpose
110.416.05	Limitations of Liability
110.416.10	Applicability
110.416.15	Areas of Special Flood Hazard
110.416.18	Critical Flood Storage Areas
110.416.20	Compliance
110.416.25	Relation to Other Restrictions
110.416.30	Interpretation
110.416.35	Letter of Map Amendment
110.416.40	Application Requirements for Permits
110.416.45	Owner/Developer Responsibilities
110.416.50	County Responsibilities
110.416.55	Standards for Subdivision
110.416.57	Standards for All Development in Critical Flood Storage Zones
110.416.60	Construction Standards
110.416.65	Flood Zone Requirements
110.416.70	Flood Hazard Reduction: Prohibited Uses and Structures within Floodways
110.416.75	Appeals
110.416.80	Penalties for Violations

Section 110.416.00 Purpose. The purpose of this article, Article 416, Flood Hazards, is to promote the public health, safety and welfare by establishing guidelines and requirements for the development of property within areas determined to be subject to flood damage.

Section 110.416.05 Limitations of Liability. This section provides for limitations of County liability.

- (a) **Rationale for Article.** The degree of flood protection required by this article is considered reasonable for purposes of complying with the minimum standards required by the Federal Insurance Administration for maintaining eligibility for Washoe County property owners who desire flood insurance, the availability of which, or the rates for which, may be dependent upon the existence of this article, and for maintaining eligibility for the Washoe County area for federal disaster relief.
- (b) **Responsibility of Washoe County.** The degree of flood protection required by this article is not intended to create a standard or duty of care on the part of Washoe County or any other person or entity related to the design, construction, inspection or maintenance of flood or drainage facilities. This article does not imply that land outside flood hazard areas or uses permitted within such areas will be free from flooding or flood damage. Larger floods can and will occur. This article shall not create liability on the part of Washoe County, any officer or employee thereof or the Federal Insurance Administration, for any flood

damages that result from reliance on this article or any administrative decision lawfully made thereunder.

- (c) Flood Control Facilities. Nothing in this article may be construed as a determination that any flood or drainage facility is adequate in any respect including, without limitation, adequacy of design, construction, inspection or maintenance. Failure of any person or entity to comply with this article is not intended to provide a basis for negligence or any other type of claim for relief; failure to comply has the sole effect of jeopardizing eligibility for federal funding or other federal assistance respecting flood damage or flood insurance.
- (d) Property Rights. This article is not intended to alter the rights, obligations or liabilities of property owners who develop real estate in areas subject to this article or in areas subject to flooding. Such legal status shall remain as provided by other law, without reference to this article. The minimum standards of this article do not relieve a property owner of the responsibility to do more than this article requires if more is required to provide adequate protection for the property being developed and for other properties that may be affected.
- (e) Severability. This article and the various parts thereof are hereby declared to be severable. Should any section of this article be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the article as a whole, or any portion thereof other than the section so declared to be unconstitutional or invalid.

[Amended by Ord. 1091, provisions eff. 4/28/00.]

Section 110.416.10 Applicability. This article applies to all flood hazard areas, including critical flood storage Zone 1, within the unincorporated areas of Washoe County, pursuant to NRS 543.

[Amended by Ord. 1091, provisions eff. 4/28/00; Ord. 1259, provisions eff. 2/4/05.]

Section 110.416.15 Areas of Special Flood Hazard. The flood hazard areas identified by the Federal Insurance Administration through the Federal Emergency Management Agency in a scientific and engineering report entitled "Flood Insurance Study for Washoe County, Nevada, Unincorporated Areas" dated February 1, 1984, with the accompanying Flood Insurance Rate Maps and all subsequent revisions and amendments, are hereby adopted and incorporated into the provisions of this article. The "Flood Insurance Study for Washoe County, Nevada, Unincorporated Areas" with the accompanying Flood Insurance Rate Maps and all subsequent revisions and amendments are on file at the office of the Washoe County Department of Public Works.

[Amended by Ord. 1091, provisions eff. 4/28/00; Ord. 1356, provisions eff. 12/21/07.]

Section 110.416.18 Critical Flood Storage Areas. The Washoe County Department of Water Resources maintains detailed information concerning the Truckee Meadows Flood Plain Storage Zones and critical flood storage Zone 1 identified in Policy 3.1.b of the Washoe County Comprehensive Water Management Plan, as amended. These provisions are hereby adopted and incorporated into the provisions of this article.

[Amended by Ord. 1356, provisions eff. 12/21/07.]

Section 110.416.20 Compliance. All structures or land constructed, located, extended, converted or altered after August 1, 1984 shall be in full compliance with this article and other applicable laws and regulations.

Section 110.416.25 Relation to Other Restrictions. This article is not intended to repeal, abrogate or impair any existing easements, covenants or deed restrictions. If those sections or an article of this Development Code or any easement, covenant or deed restriction conflict or overlap, whichever imposes the more stringent requirement shall prevail.

Section 110.416.30 Interpretation. In the interpretation and application of this article, all provisions shall be considered as minimum requirements, shall be liberally construed in favor of Washoe County, and shall be deemed to neither limit nor repeal any other powers granted under state or local statute, ordinance or regulation. Definitions contained in Article 920, Definitions for Floodplain Management shall control.

[Amended by Ord. 1356, provisions eff. 12/21/07.]

Section 110.416.35 Letter of Map Amendment. If an owner or developer of property believes the property to be inappropriately designated as being in a flood hazard area on the Flood Insurance Rate Maps, appeal may be made to the Federal Emergency Management Agency (FEMA).

- (a) **Appeals Procedure.** All appeals must be submitted to the Public Works Director for review. The Public Works Director shall transmit the appeals to the Federal Emergency Management Agency for its consideration. Appeals must include the provisions set forth in this subsection and current FEMA regulations.
- (1) An actual stamped copy of the recorded plat of the property showing official recordation and proper citation, or a photocopy of the property's legal description as shown on the recorded deed (e.g. lot, block and plot number, etc.), together with a photocopy of the appropriate page of the County Assessor's parcel map.
 - (2) A copy of the Flood Insurance Rate Map (FIRM) with the location of the property identified.
 - (3) Certification by a Nevada registered engineer or surveyor stating:
 - (i) The type of structure;
 - (ii) The elevation of the lowest adjacent grade (LAG) to the structure, which must be above the base flood elevation; and
 - (iii) The elevation of the top of the lowest floor.
 - (4) When appealing the elevation or boundaries of the base flood, a thorough technical hydrological study, certified by a Nevada registered engineer, of the contributing area which will substantiate the appeal shall be submitted.
 - (5) A signed copy of the statement asserting the accuracy of the information, submitted on the form entitled "Request for Letter of Map Amendment."

- (b) Letter of Map Amendment. If the appellant shows that the lowest adjacent grade (LAG) is higher in elevation than the base flood, that the elevation of the base flood is incorrect, or that the boundaries of the base flood are incorrect, the Federal Emergency Management Agency will provide the owner or developer with a Letter of Map Amendment (LOMA) which will exempt the property from the requirements of this article, and which may exempt the owner from the mandatory purchase of flood insurance.

[Amended by Ord. 876, provisions eff. 7/7/93. Amended by Ord. 1091, provisions eff. 4/28/00.]

Section 110.416.40 Application Requirements for Permits. Any person desiring to construct, locate, extend, convert or alter a structure or alter any land within any flood hazard area must obtain a building permit, grading permit and/or a special use permit. The Washoe County Department of Public Works shall determine whether the proposed development is within any flood hazard area. If the development is within any flood hazard area, the procedures and requirements set forth in Sections 110.416.45 to 110.416.80, inclusive, must be satisfied before either a building permit, grading permit, and/or a special use permit, is issued.

[Amended by Ord. 1091, provisions eff. 4/28/00.]

Section 110.416.45 Owner/Developer Responsibilities. The responsibilities of the owner and developer are as set forth in this section.

- (a) Information Requirements. The owner or developer shall submit the information contained within this subsection for review by the Department of Public Works:
- (1) The elevation of the base flood at each site proposed for development within a flood hazard area;
 - (2) In Zones AE and AH, proposed elevation in relation to mean sea level of the top of the lowest floor of all structures, certified by a Nevada registered engineer or land surveyor; in Zone A and Zone AO, elevation of highest existing grade and proposed elevation of the top of the lowest floor of all structures, certified by a Nevada registered engineer or land surveyor;
 - (3) Proposed elevation in relation to mean sea level to which any structure will be floodproofed, certified by a Nevada registered engineer or land surveyor;
 - (4) Certification by a Nevada registered engineer that the floodproofing methods used for any nonresidential structure meet the floodproofing criteria in Section 110.416.65;
 - (5) Plans for any watercourse proposed to be altered or relocated, which must be designed by a Nevada registered engineer in conformance with the requirements of Washoe County. The flood carrying capacity of the unaltered watercourse shall be maintained in the altered watercourse;
 - (6) An operation and maintenance plan for any acceptable flood protection measures (e.g. levees, dams, dikes, reservoirs); and

- (7) Within six (6) months, notify FEMA of changes in the base flood elevation by submitting technical or scientific data to assure that insurance and floodplain management is based on current data.
- (b) Permit Requirement. The owner or developer shall obtain all applicable permits from the State of Nevada Division of State Lands, Nevada Division of Environmental Protection, and all other state and federal agencies. Permits must be obtained before altering or relocating any waterway under the jurisdiction of such agency. A copy of the permit will be provided to the Department of Public Works.
- (c) Certification Requirements. The owner or developer is responsible for compliance with all provisions of this article. Additionally, the owner or developer shall provide the Department of Public Works with "as-built" certification by a Nevada registered engineer or land surveyor as to the elevation requirements or, if floodproofing is a permissible means of compliance, shall provide the Department of Public Works with "as-built" certification by a Nevada registered engineer as to the floodproofing requirements for any applicable nonresidential structure. Said certification shall be provided prior to issuance of a Certificate of Occupancy. Certification requirements by a Nevada registered engineer or land surveyor as required in this article shall be provided on a FEMA "Elevation Certificate" form. Signing of the Elevation Certificate by a Nevada registered engineer or land surveyor constitutes their assurance that compliance with all requirements of this article have been met.

[Amended by Ord. 1091, provisions eff. 4/28/00; Ord. 1356, provisions eff. 12/21/07.]

Section 110.416.50 County Responsibilities. The responsibilities of the County are as set forth in this section.

- (a) Floodplain Administrator. The Public Works Director or assigned designee is hereby appointed Floodplain Administrator to administer and implement the requirements set forth for the development in the floodplains.
- (b) Permit Review. The Department of Public Works shall review all permit applications to determine:
- (1) That the requirements of Sections 110.416.00 to 110.416.80, inclusive, have been satisfied;
 - (2) That the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one (1) foot at any point; and
 - (3) That construction methods and practices are utilized to minimize flood damage for all proposed construction and other developments.
- (c) Availability of Certifications. The Department of Public Works shall maintain for public inspection and make available as needed for flood insurance policies all certifications required by this article.
- (d) Notification Requirements. The Department of Public Works shall insure that adjacent affected communities and the Nevada Department of Conservation,

Division of Water Planning are notified prior to any alteration or relocation of a watercourse and submit evidence of such notification to the Federal Emergency Management Agency.

- (e) Flood Hazard Area and Critical Flood Storage Zone Delineation. The Department of Public Works shall provide interpretations, where needed, as to the location of the boundaries of the flood hazard areas, critical flood storage zones and the elevation of the base flood, if known.
- (f) Flood Elevation Determination. If base flood elevation data have not been provided in accordance with Section 110.416.15, the Department of Public Works shall obtain, review and reasonably utilize any base flood elevation and floodway data available from federal, state or other acceptable sources as criteria for requiring that new construction, substantial improvements or other improvements in flood hazard areas as shown on the existing Flood Insurance Rate Maps meet the standards in Sections 110.416.55 to 110.416.80. If deemed necessary by the Department of Public Works, the owner or developer may be required to provide an engineered hydrological study to determine the base flood flow and elevations.
- (g) Availability of Plans. The Department of Public Works shall maintain on file all operation and maintenance plans submitted by the developer for every acceptable flood protection measure.

[Amended by Ord. 1091, provisions eff. 4/28/00; Ord. 1259, provisions eff. 2/4/05; Ord. 1356, provisions eff. 12/21/07.]

Section 110.416.55 Standards for Subdivision. The standards for subdivisions subject to flood damage are as set forth in this section.

- (a) All new subdivision proposals and other proposed developments (including proposals for manufactured home parks and subdivisions) greater than fifty (50) lots or five (5) acres, shall provide base flood elevation data.
- (b) All subdivision improvement plans shall identify the flood hazard area, the elevation of the base flood, and the elevation of every proposed structure, pad and adjacent grade. If the site is filled above the base flood, the final pad elevation shall be certified by a Nevada registered engineer or land surveyor and provided to the Department of Public Works.
- (c) All subdivision proposals shall be consistent with the need to minimize flood damage.
- (d) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.
- (e) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage.
- (f) No subdivision improvement shall be placed in a floodway, except as provided in Section 110.416.70.

[Amended by Ord. 1091, provisions eff. 4/28/00.]

Section 110.416.57 Standards for All Development in Critical Flood Storage Zones. The standards for development in critical flood storage zones are set forth in this section.

- (a) Any activity that decreases the volume of flood storage in Zone 1 shall be prohibited.
- (b) All development located in critical flood storage Zone 1 shall provide compensatory storage at a one to one (1:1) ratio on the project site, or in a hydrologically connected basin, as determined by the Department of Public Works.
- (c) Compensatory storage may be, but is not required to be, hydrologically connected to on-site drainage designs required under Article 420 of the Development Code.
- (d) No critical facilities will be allowed in critical flood storage Zone 1.
- (e) Compensatory storage on a one to one (1:1) ratio may be allowed in an existing hydrologically connected regional storage mitigation facility determined adequate by the Department of Public Works.

[Added by Ord. 1259, provisions eff. 2/4/05.]

Section 110.416.60 Construction Standards. In all flood hazard areas, the required minimum standards for construction materials and methods are set forth in this section. The terms (as defined by FEMA) are set forth in Article 920.

- (a) **All Construction.** All new construction and substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy; and be elevated on stemwalls, pilings, columns or armored fill so that the top of the lowest floor is elevated in conformance with provisions of Section 110.416.65, Flood Zone Requirements.
- (b) **Manufactured Homes.** All manufactured homes shall meet the anchoring standards of Section 110.416.65, Flood Zone Requirements.
- (c) **Materials.** All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
- (d) **Methods.** All new construction and substantial improvements shall use methods and practices that minimize flood damage; and provide adequate drainage paths around structures on slopes to guide flood waters around and away from proposed structures.
- (e) **Mechanical and Electrical.** All elements that function as part of the structure (such as furnace, water heater, air conditioner and other electrical equipment) shall be elevated to one (1) foot or more above the base flood elevation or depth number specified on the Flood Insurance Rate Maps or shall be designed and/or located so as to prevent water from entering or accumulating within components during conditions of flooding.
- (f) **Methods of Hydrostatic Equalization.** All new construction and substantial improvements, which have fully enclosed areas below the lowest floor that are

subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement shall be certified by a Nevada registered engineer and must meet or exceed the provisions of this subsection.

- (1) A minimum of two (2) openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding shall be provided.
 - (2) The bottom of all openings shall be no higher than one (1) foot above original grade. Openings may be equipped with screens, louvers or other cover devices, provided that they permit the automatic entry and exit of floodwaters.
 - (3) The exterior walls of all new construction and substantial improvements which have fully enclosed areas below the lowest floor that are subject to impact forces and drag forces shall also be designed by a Nevada registered engineer to withstand these and all hydrodynamic flood forces.
- (g) Utilities. The construction standards for utilities shall be as set forth below:
- (1) Water and Wastewater Systems. All new and replacement water supply and sanitary sewerage systems shall be designed to minimize or eliminate infiltration of floodwaters into the system and discharge from systems into floodwaters.
 - (2) On-site Systems. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.
- (h) Crawlspace Construction. All new construction and substantial improvements, which have fully enclosed areas below the lowest floor and below the lowest adjacent exterior grade (for frost protection) shall be constructed in accordance with FEMA Technical Bulletin 11-01 and subsequent revisions.

[Added by Ord. 922, provisions eff. retro to 9/30/94. Amended by Ord. 1091, provisions eff. 4/28/00; Ord. 1356, provisions eff. 12/21/07.]

Section 110.416.65 Flood Zone Requirements. In all flood hazard areas, elevation and floodproofing standards shall be in accordance with the provisions of this section. Elevations shall be certified by a Nevada registered engineer or land surveyor.

- (a) Zones AE and AH Requirements. In Zones AE and AH, new construction and substantial improvement of any structure shall have the top of the lowest floor (including basement floor) elevated to one (1) foot or more above the base flood elevation unless the construction of a crawlspace is in accordance with Section 110.416.60(h). Nonresidential structures must meet the standards in subsection (f) of this section.
- (b) Zone AO Requirements. Zone AO, areas subject to alluvial fan flooding, have irregular flow paths that result in erosion of existing channels and the undermining of fill material. In every such zone, the provisions of this subsection shall be met.

- (1) All structures must be securely anchored to minimize the impact of the flood and sediment damage.
 - (2) New construction and substantial improvement to any structure shall have the top of the lowest floor (including basement floor) elevated to at least one (1) foot above the depth number specified on the Flood Insurance Rate Maps unless the construction of a crawlspace is in accordance with Section 110.416.60(h). Nonresidential structures must meet the standards in subsection (f) of this section.
 - (3) Use of all fill materials must be armored to protect the material from the velocity of the flood flow.
 - (4) All proposals for subdivision development must provide a mitigation plan that identifies the engineering methods used to:
 - (i) Protect structures from erosion and scour caused by the velocity of the flood flow; and
 - (ii) Capture or transport flood and sediment flow through the subdivision to a point of deposition that will not create a health or safety hazard.
- (c) Zone A Requirements. In an unnumbered Zone A, new construction and substantial improvement to any structure shall have the top of the lowest floor (including basement floor) elevated to either of the standards in this subsection unless the construction of a crawlspace is in accordance with Section 110.416.60(h). Non-residential structures must meet the standards in subsection (f) of this section.
- (1) A height of at least two (2) feet above the highest adjacent undisturbed ground elevation if no base flood elevation has been determined; or
 - (2) A height of at least one (1) foot above the base flood elevation as determined by an engineered hydrological study provided by the owner or developer, if deemed necessary by the Department of Public Works.
- (d) Fabricated Housing Requirements. All fabricated homes, as specified in Article 312, Fabricated Housing, and additions to fabricated homes shall be constructed using methods and practices in conformance with subsections (a), (b) or (c) of this section to minimize flood damage. Fabricated homes will be set on a securely anchored permanent foundation system to resist flotation, collapse and lateral movement. The foundation shall be designed by a registered engineer.
- (e) Recreational Vehicle Requirements. All recreational vehicles placed on sites within Zones A, AH, AE and AO shall meet the following requirements:
- (1) Be on site for fewer than one hundred eighty (180) days;
 - (2) Be fully licensed and ready for highway use; or
 - (3) Meet the standards in subsection (d) of this section.

- (f) **Nonresidential Requirements.** Nonresidential construction shall either be elevated in conformance with subsection (a), (b), or (c) of this section, or together with attendant utility and sanitary facilities, be floodproofed to the same appropriate elevations as the top of the lowest floor elevations as indicated in subsection (a), (b), or (c) of this section. All floodproofing measures shall be designed by a Nevada registered engineer. Examples of floodproofing include, but are not limited to:
- (1) Installation of watertight doors, bulkheads and shutters;
 - (2) Reinforcement of walls to resist water pressure;
 - (3) Use of paints, membranes or mortars to reduce seepage through walls;
 - (4) Addition of mass or weight to the structure to resist flotation; and
 - (5) Armor protection of all fill materials from scour and erosion.
- (g) **Attached or Detached Garage Requirements.** All garages, attached or detached, shall either be elevated in conformance with subsection (a), (b) or (c) of this section or shall provide for hydrostatic equalization in accordance with Section 110.416.60(f).

[Renumbered and renamed from Section 110.416.70 entitled "Construction Standards: Elevation and Floodproofing" and amended by Ord. 922, provisions eff. retro to 9/30/94. Amended by Ord. 1091, provisions eff. 4/28/00; Ord. 1356, provisions eff. 12/21/07.]

Section 110.416.70 Flood Hazard Reduction: Prohibited Uses and Structures within Floodways.

- (a) **Prohibited Floodway Encroachments.** Every new encroachment, including fill, new construction, substantial improvement and other development, is prohibited in a designated floodway, except as provided in subsection (b) of this section.
- (b) **Exceptions.** Improvements may be allowed in the floodway if it is demonstrated through hydrologic and hydraulic analysis and certified by a Nevada registered engineer that the proposed improvements will not result in any increase in flood levels during the occurrence of the base flood discharge, and that the improvements meet the standards in Sections 110.416.55 to 110.416.65 inclusive.

[Renumbered from 110.416.80 by Ord. 922, provisions eff. retro to 9/30/94. Amended by Ord. 1091, provisions eff. 4/28/00.]

Section 110.416.75 Appeals. Appeals shall be as set forth in this section.

- (a) **Appeals for Variances.** The Board of County Commissioners shall hear and decide appeals and requests for variances from the requirements of this article.
- (b) **Appeals for Errors.** The Board of County Commissioners shall hear and decide appeals when it is alleged there is an error in any requirement, decision or determination.

(c) Appeals Considerations. In passing upon such applications, the Board of County Commissioners shall consider all technical evaluations and all relevant requirements, factors and standards specified in this article and shall also consider the provisions of this subsection:

- (1) The danger that materials may be swept onto other lands to the injury of others;
- (2) The danger to life and property due to flooding or erosion damage;
- (3) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
- (4) The importance of the services provided by the proposed facility to the community;
- (5) The necessity to the facility of a waterfront location, where applicable;
- (6) The availability of alternative locations that are not subject to flooding or erosion damage and would suffice for the proposed use;
- (7) The compatibility of the proposed use with existing and anticipated development;
- (8) The relationship of the proposed use to the Master Plan and floodplain management program for that area;
- (9) The safety of access to the property in times of flood, for ordinary and emergency vehicles;
- (10) The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters expected at the site; and
- (11) The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities (such as sewer, gas, electrical and water systems, and streets and bridges).

(d) Issuance of Variance. Variances shall only be issued when in compliance with the provisions of this section.

- (1) A showing of good and sufficient cause such as renovation, rehabilitation or reconstruction. It is not good and sufficient cause for a variance to be issued upon the basis of economic considerations, aesthetics or because variances have been used in the past.
- (2) A determination that failure to grant the variance would result in exceptional hardship to the applicant.
- (3) A determination that the granting of a variance will not result in additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization to the public, or conflict with existing local laws or ordinances.

- (e) Extent of Variance. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- (f) Conditions of Variance. Upon consideration of the factors set forth in subsection (c) of this section and the purpose of this article, the Board of County Commissioners may attach such conditions to the granting of variances as it deems necessary to further the purpose of this article.
- (g) Historic Resources. Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places without regard to the procedures set forth in this section.
- (h) Increase in Flood Levels. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
- (i) Written Notice. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and that the cost of flood insurance may be commensurate with the increased risk resulting from the reduced lowest floor elevation. The variance does not remove the obligation by the owner to keep and maintain flood insurance.
- (j) Responsibilities of Department of Public Works. The Washoe County Department of Public Works shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency upon request.

[Renumbered from 110.416.85 by Ord. 922, provisions eff. retro to 9/30/94. Amended by Ord. 1091, provisions eff. 4/28/00.]

Section 110.416.80 Penalties for Violations. Any violation of this article shall be enforced as provided in Chapters 110 and 125 of the Washoe County Code, including without limitation prosecution as a misdemeanor.

[Renumbered from 110.416.90 by Ord. 922, provisions eff. retro to 9/30/94. Amended by Ord. 1356, provisions eff. 12/21/07.]

[Previous Section 110.416.60 entitled "Construction Standards: Anchoring," amended by Ord. 876, provisions eff. 7/7/93, repealed by Ord. 922, provisions eff. retro to 9/30/94. Previous Section 110.516.65 entitled "Construction Standards: Materials and Methods" repealed by Ord. 922, provisions eff. retro to 9/30/94. Previous Section 110.416.75 entitled "Construction Standards: Utilities" repealed by Ord. 922, provisions eff. retro to 9/30/94. Previous Map 110.416.18.1 entitled "Truckee Meadows Flood Plain Storage Zones" added by Ord. 1259, provisions eff. 2/4/05 was repealed by Ord. 1356, provisions eff. 12/21/07.]

Article 424

HILLSIDE DEVELOPMENT

Sections:

110.424.00	Purpose
110.424.05	Applicability
110.424.10	Exemptions
110.424.15	Application Requirements and Procedures
110.424.20	Determination of Developable Area
110.424.25	Protected Open Space Areas
110.424.30	Site Development Standards
110.424.35	Grading and Drainage Standards
110.424.40	Vegetation Preservation and Restoration Standards
110.424.45	Street Standards
110.424.50	Fire Safety Standards

Section 110.424.00 Purpose. The purpose of this article, Article 424, Hillside Development, is to regulate hillsides in a manner different from regulation of flat terrain. This article establishes provisions for developing, preserving and protecting hillsides and ridgelines within Washoe County. The intent of these regulations is to protect the public health, safety and welfare by:

- (a) Minimizing use of slopes subject to instability, erosion, landslide, flood hazards or drainage problems;
- (b) Minimizing the careless alteration of and disruption to the natural topography and landscape;
- (c) Providing safe and adequate vehicular and pedestrian access to and within hillside areas, including emergency access;
- (d) Establishing stormwater runoff and erosion control techniques to minimize adverse water quality impacts resulting from non-point runoff;
- (e) Encouraging innovative grading techniques and building design which respond to the hillside terrain and natural contours of the land;
- (f) Minimizing impacts on existing trees and vegetation which reduce erosion, stabilize steep hillsides, enhance visual quality, protect water quality and preserve critical watershed recharge areas;
- (g) Encouraging the transfer of density to avoid hazardous areas and to protect environmentally sensitive and open space areas; and
- (h) Minimizing impacts on prominent ridgelines, significant viewsheds, canyons and visually prominent rock outcroppings which reflect the visual value and scenic character of hillside areas.

[Added by Ord. 893, provisions eff. 3/4/94.]

Section 110.424.05 Applicability. The provisions set forth in this article shall apply as follows:

- (a) Hillside and Ridgeline Development. This article applies to all new development that requires permitting or review by the County and meets the following criteria:
 - (1) Properties containing slopes in excess of fifteen (15) percent or greater on 20 percent or more of the site.
- (b) Relationship to Other Articles. The requirements established in this article shall supplement requirements found in other articles of the Washoe County Development Code. If the provisions of this article are in conflict with other statutes, ordinances or regulations, the more stringent limitation or requirement shall prevail to the extent of the conflict.
- (c) Application of this Article to the Tahoe Planning Area. The provisions of this article may be waived by the Director of Community Development for development in areas under the jurisdiction of the Tahoe Regional Planning Agency (TRPA).

[Added by Ord. 893, provisions eff. 3/4/94.]

Section 110.424.10 Exemptions. The following use types are exempt from the provisions of this article:

- (a) Residential Use Types. The following residential use types are exempt from the provisions of this article:
 - (1) Minor subdivisions as specified in Article 606, Parcel Maps, are exempt from the provisions of this article with the exception of Section 110.424.45, Street Standards. The exemption of minor subdivisions applies only to the first parcel map on any one parcel. Any subsequent divisions on the original or newly created parcels are not exempt from the provisions of this article.
 - (2) A parcel entitled to one dwelling unit legally recorded as of January 18, 1994, the adoption date of this article.
 - (3) All existing tentative maps and phased final maps, currently unexpired and having obtained preliminary approval prior to January 18, 1994, the adoption date of this article, are exempt from the provisions of this article.
 - (4) All projects with an approved design standards handbook and/or development agreement, currently unexpired and having obtained preliminary approval prior to January 18, 1994, the adoption date of this article, are exempt from the provisions of this article.
- (b) Civic Use Types. Uses classified under the parks and recreation use type are exempt.
- (c) Commercial Use Types. Uses classified under the nursery sales use type are exempt.

- (d) Industrial Use Types. Uses classified under the mining operations use type, excluding aggregate mining operations, and addressed under the provisions of Article 334, Mining, are exempt.
- (e) Agricultural Use Types. Uses classified under the animal production, crop production, forest products, game farms, and produce sales use types are exempt.
- (f) Open Space Regulatory Zones. Uses classified under the open space regulatory zone are exempt.

[Added by Ord. 893, provisions eff. 3/4/94.]

Section 110.424.15 Application Requirements and Procedures. Supplemental to all other application requirements found in the Washoe County Development Code, the following submittals shall be required for all hillside development:

- (a) Site Analysis. A site analysis, prepared by a qualified engineer, planner, landscape architect or architect shall be submitted. This analysis shall provide the basis for assessing the opportunities and constraints of the site for development and shall be in the form of a design standards handbook incorporating both textual and graphical representations of the requested action. At a minimum, a site analysis shall indicate:
 - (1) Major topographic conditions including ridgelines, ravines, canyons and knolls;
 - (2) Preliminary geological conditions including major rock outcroppings, slide areas and areas underlain with faults that have been active during the Holocene epoch of geological time;
 - (3) Preliminary soil conditions including soil type, expansiveness, slumping, erodibility and permeability;
 - (4) Significant surface hydrological conditions including natural drainage courses, perennial streams, floodplains, wetlands and ponding areas;
 - (5) The location and types of significant vegetation including known rare and endangered plant species and general plant communities;
 - (6) Habitat areas for rare or endangered animal species;
 - (7) Preliminary viewshed analysis including cross sections of views to and from the development site from all major roadways within one (1) mile of the project site, and from major focal points on the project site;
 - (8) How the development responds to the unique conditions of the hillside; and
 - (9) A slope analysis, submitted on a topographic map with contour intervals of at least five (5) feet for planning purposes. This analysis shall indicate the location and amount of land included within the following slope categories, tabulated in acres:

- (i) 0 - 15 percent;
 - (ii) 15 - 20 percent;
 - (iii) 20 - 25 percent;
 - (iv) 25 - 30 percent; and
 - (v) Greater than 30 percent.
- (b) Developable Area Map. A developable area map, prepared pursuant to Section 110.424.20(b).
- (c) Constraint and Mitigation Analysis. A detailed analysis of how the identified constraints will be mitigated and incorporated into the project's design.
- (d) Washoe County Master Plan Amendment. All applicants proposing a hillside development requiring a Washoe County Master Plan amendment shall enter into a development agreement with Washoe County pursuant to Article 814, Development Agreements. Supplemental to all other requirements, development agreements for hillside development shall contain the following:
- (1) Agreement by the applicant to seek a Washoe County Master Plan amendment;
 - (2) Agreement by Washoe County to process a Washoe County Master Plan amendment request pursuant to the requirements listed in Article 820, Amendment of Master Plan;
 - (3) Site analysis as required under Section 110.424.15(a);
 - (4) Developable area analysis as required under Section 110.424.20; and
 - (5) Calculation and location of density being proposed.
- (e) Detailed Contour Analysis. As determined through a pre-application meeting between the applicant and the Department of Community Development, a topographic map with more or less detailed contour intervals may be required by the Director of Community Development for design purposes.

[Added by Ord. 893, provisions eff. 3/4/94.]

Section 110.424.20 Determination of Developable Area. To determine the location and amount of land suitable to support development, a developable area analysis is required on a hillside property.

- (a) Purpose. The purpose of identifying the developable area of a hillside is to designate those areas suited for development and construction as evidenced by soils, geotechnical, biological and hydrological investigations and studies. A developable area analysis is required to ensure that the proposed project complies with the intent, standards and requirements of this article.
- (b) Developable Area Map. The developable area analysis shall be in the form of a developable area map; shall be drawn at a scale appropriate to the project; shall

identify the location and amount of total land area suitable for development pursuant to Section 110.424.20(c); and shall be prepared by a qualified engineer, planner, landscape architect or architect.

- (c) Determination of Developable Area. Areas considered less suitable for development include:
- (1) Slopes greater than thirty (30) percent, based on a slope analysis pursuant to Section 110.424.15(a);
 - (2) Areas of landslides or landslide potential;
 - (3) Areas underlain with faults that have been active during the Holocene epoch of geological time;
 - (4) Habitat areas of known rare or endangered plant or animal species; and
 - (5) Significant streams, ravines and drainageways.
- (d) Exceptions. Development shall be permitted within areas of a hillside property considered less suitable for development by the Director of Community Development due to extenuating circumstances, provided the applicant can demonstrate that:
- (1) The purposes of this article will not be compromised;
 - (2) Unstable slopes proposed for development will be sufficiently stabilized;
 - (3) Areas of landslide or landslide potential proposed for development will be stabilized;
 - (4) Earthquake resistant structures will be constructed on development sites proposed on potential earthquake areas;
 - (5) Areas of rare and endangered animal or plant habitat proposed for development will be relocated and mitigation measures adhered to; and
 - (6) Significant ridgelines, rock outcroppings, canyons and landforms will be protected to the greatest extent possible.

[Added by Ord. 893, provisions eff. 3/4/94.]

Section 110.424.25 Protected Open Space Areas. Any portion of a hillside development which has been deemed unsuitable for development pursuant to Section 110.424.20(c) shall be designated as permanent open space and shall be subject to the following provisions:

- (a) Permitted Uses. Uses permitted within the permanent open space areas shall be those that are directly related to the open space function of the land, are necessary to provide community services, or are necessary for the health, safety or welfare of the public. The following uses and facilities shall be permitted in the permanent open space areas:
- (1) Paved and unpaved pedestrian, equestrian and bicycle paths and trails;

- (2) Outdoor recreational uses and facilities such as golfing, skiing, fishing, hunting, boating, swimming, horseback riding, nature observation, community parks and picnic areas;
 - (3) Roads, bridges and culverts for vehicles, pedestrians, bicyclists or equestrians used to provide access to permitted open space uses or to developable areas, pursuant to Section 110.424.20(b);
 - (4) Installation, maintenance and operation of typical utilities; and
 - (5) Dams, swales, detention ponds and impoundment areas, wetlands and wetlands mitigation sites, and other structures necessary to prevent flooding and erosion, and to protect water quality.
- (b) Land Restriction. A deed restriction, easement, offer of dedication, or other conveyance describing limitations placed on the permanent open space areas of the property shall be recorded concurrent with the issuance of a development permit. The restriction shall include provisions for the management and maintenance of the property.

[Added by Ord. 893, provisions eff. 3/4/94.]

Section 110.424.30 Site Development Standards. This section sets forth development standards to address the physical and technical conditions unique to hillside and ridgeline property. In case of conflict between the provisions of this section and those of any other section of the Washoe County Development Code, the provisions of this section shall prevail unless otherwise determined by the Director of Community Development, County Engineer, or designated staff from the appropriate fire protection agency.

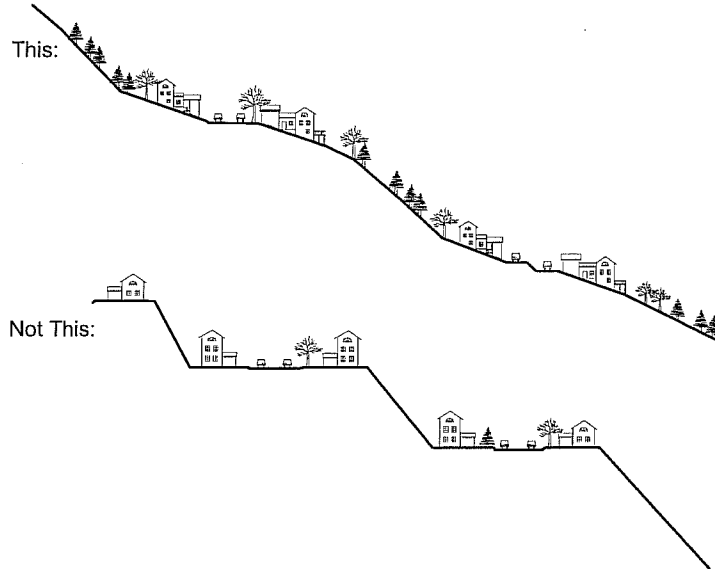
- (a) Building Location. The following standards are intended to encourage compatibility between development and the existing hillside and vegetation character:
- (1) Structures should be located on the natural slope of the land rather than on man-made pads and terraces as shown in Figure 110.424.30.1;
 - (2) Structures should be located in such a manner so as to retain or enhance views, particularly views from public places as identified in the required viewshed analysis pursuant to Section 110.424.15(a) and individual residential dwelling units;
 - (3) Development clusters shall be permitted, where appropriate, to preserve natural features, reduce grading and impervious surface area, increase usable open space areas, and preserve views of the hillsides;
 - (4) The character and profile of the hillside should be preserved by using existing, disturbed areas for building envelopes rather than undisturbed areas; and
 - (5) For projects with multiple buildings, structures should be sited in staggered arrangements and height variation to minimize a "walled" effect.

- (b) Building Design. The following standards are intended to encourage building design that is compatible to the character of hillsides and ridgelines and minimize alteration of the natural landforms:
- (1) Split-pad and stepped foundation shall be encouraged so that buildings step-down or step-up with the natural slope to avoid padding and terracing as shown in Figure 110.424.30.2;
 - (2) The use of decks and small patios shall be encouraged to reduce the amount of grading;
 - (3) Structures shall be designed to blend into the natural character of the hillside by reducing the visual bulk through landscaping, terraced building forms and height variations; and
 - (4) A series of smaller, visually distinct roofs, specifically pitched, gabled and hipped roofs, shall be encouraged to reflect the visual diversity of the natural hillsides.
- (c) Building Height. Buildings shall not exceed the maximum allowable height standards established in Article 402, Density/Intensity Standards.
- (d) Yards. The following standards are intended to ensure sloped yards are adequately maintained by the dwelling unit physically and visually accessing them:
- (1) Cut or fill slopes should be designed such that they are visible from the residence on the property in which they are located as shown in Figure 110.424.30.3. This will encourage property owners to stabilize, maintain and treat slopes to prevent erosion.
 - (2) Slopes adjacent to a roadway should be designed and maintained in a uniform manner.
 - (3) To promote creative site planning design, residential yard requirements as established in Article 406, Building Placement Standards, may be reduced by the Director of Community Development provided the applicant can demonstrate that the reduction:
 - (i) Does not diminish solar access to the primary living space or yard area of an adjoining residence;
 - (ii) Does not block views from adjoining lots and streets beyond that which would have occurred without the reduced yard allowance; and
 - (iii) Is consistent with the natural hillside character.
- (e) Parking and Sidewalks. The following standards are intended to ensure safe and adequate access to residential hillside development areas and to minimize the width of hillside roadways where feasible and as appropriate:

- (1) On lots fronting a street with on-street parking prohibited on both sides of the street, one (1) additional off-street parking space shall be provided per unit;
 - (2) The width of a driveway at curb cut shall not exceed twenty four (24) feet, and the distance between two (2) or more curb cuts on the same property shall be at least twenty (20) feet;
 - (3) To reduce the number of curb cuts, amount of grading, impervious surface area, and site disturbance, use of common driveways shall be encouraged by the Director of Community Development, provided that a common easement maintenance agreement is secured; and
 - (4) Tandem parking may be permitted by the Director of Community Development provided that the applicant can demonstrate that such configuration will reduce the amount of grading.
- (f) Lot Configuration. The following standards are intended to ensure platting of new lots which reflect the natural character of hillside properties as shown in Figure 110.424.30.4:
- (1) Stable and sufficiently usable areas of land for development shall be provided for each created lot;
 - (2) Building envelopes, disturbed areas and areas to remain undisturbed for each created lot shall be shown on the tentative and final maps;
 - (3) Reasonably safe and adequate access from public streets without requiring massive grading or substantial vegetation removal shall be required for each created lot; and
 - (4) Lot patterns which offer a variety of configurations shall be encouraged.
- (g) Fences and Walls. The following standards are intended to minimize the visual effect of excessive fencing and retaining walls in hillside and ridgeline development:
- (1) Multiple retaining walls shall be separated horizontally by a distance equal to at least the height of the lower retaining wall; and
 - (2) A series of smaller retaining walls shall be encouraged rather than one (1) large, uninterrupted wall.
- (h) Significant Natural Features. Significant natural features shall be protected and preserved where appropriate and feasible including, but not limited to, ridgelines, canyons, ravines, streams and creeks, natural drainages and rock outcroppings.
- (i) Open Space and Recreational Trails. Open space areas and recreational trails provided as part of a hillside development proposal shall be consistent with the adopted Washoe County policies and regulations for open space and recreational trails.

Figure 110.424.30.1

BUILDING LOCATION STANDARDS



Note: Encourage use of natural slope; discourage cut and fill development.

Source: Washoe County Department of Community Development.

Figure 110.424.30.2

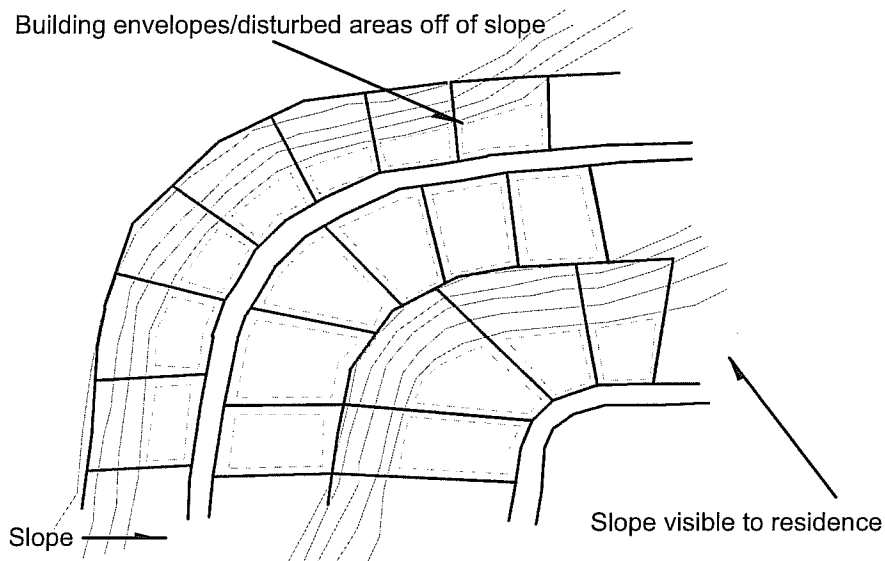
EXAMPLE OF SPLIT PAD AND STEPPED FOUNDATION DESIGN



Source: Washoe County Department of Community Development.

Figure 110.424.30.3

SLOPE OWNERSHIP

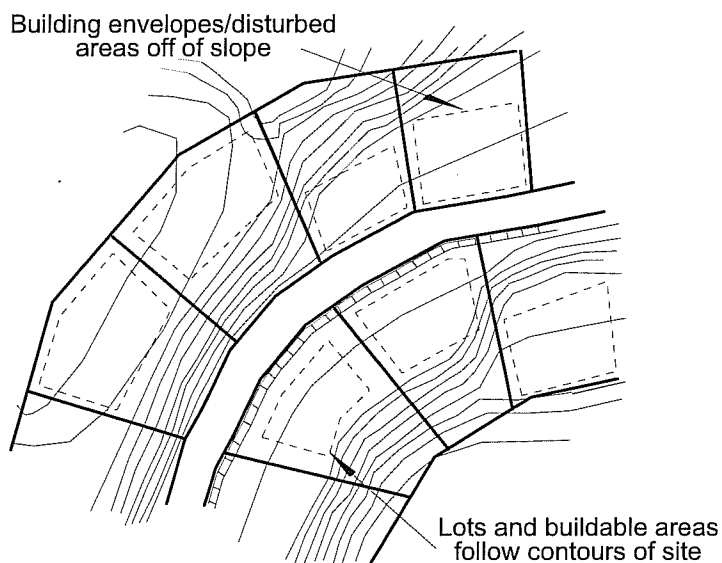


Note: Slopes visible from residence on property ensures slope maintenance.

Source: Washoe County Department of Community Development.

Figure 110.424.30.4

BUILDING LOCATION STANDARDS



Source: Washoe County Department of Community Development.

[Added by Ord. 893, provisions eff. 3/4/94.]

Section 110.424.35 Grading and Drainage Standards. This section sets forth development standards for grading and drainage of hillside and ridgeline properties.

- (a) **Grading.** These grading standards are applicable to hillside and ridgeline development only if a special use permit for grading is required pursuant to Washoe County Ordinance 811. The following standards are intended to preserve natural topographic features, foster resource preservation and minimize degradation of the visual character of hillsides:
 - (1) Grading shall relate to the natural topography with the natural topography maintained to the greatest extent possible;
 - (2) Where alteration to the natural topography is necessary, graded slopes shall be contoured to provide a smooth and gradual transition of grading and natural slopes, while maintaining the basic character of the terrain;
 - (3) Standard pad grading or terracing which results in grading outside the building footprint and access area shall be discouraged;
 - (4) Grading of knolls, ridgelines or toes of slopes shall be rounded to conform with the natural grade and to provided a smooth transition to the natural slope;
 - (5) Grading shall create varying gradients in order to avoid a "manufactured" appearance;
 - (6) Grading in environmentally sensitive habitat areas shall occur only when necessary to protect, maintain, enhance or restore the habitat; and
 - (7) A slope stability and scarring mitigation plan, certificated by the project engineer, shall be reviewed and approved by the Director of Community Development and the Public Works Department prior to initiation of grading.
- (b) **Drainage and Erosion Control.** All hillside development shall satisfy current Washoe County Code for drainage and erosion control.

[Added by Ord. 893, provisions eff. 3/4/94.]

Section 110.424.40 Vegetation Preservation and Restoration Standards. This section sets forth development standards to ensure maximum preservation and restoration of existing trees and vegetation on hillsides and ridgelines, reduce damage from sediment and runoff, improve wildlife habitat, and retain the desirable qualities of hillsides.

- (a) **Existing Native Trees and Vegetation.** Existing native trees and vegetation shall be retained and integrated into the site development plan to the maximum extent feasible so as to maintain the natural surface drainage system, protect and preserve ecological communities, and enhance the natural scenic and visual quality.
- (b) **Disturbed Areas.** Where existing trees or plants have been removed from hillside or ridgeline properties, the following standards shall apply:

- (1) Existing vegetation shall not be destroyed, removed or disturbed more than fifteen (15) days before grading is scheduled to begin; and
- (2) All graded or disturbed areas, exposed slopes and areas of soil or landform disturbance not designated for development shall be revegetated and replanted immediately after grading in order to mitigate adverse visual impacts, improve soil conditions, minimize erosion and stabilize necessary cut and fill slopes with plant roots.

[Added by Ord. 893, provisions eff. 3/4/94.]

Section 110.424.45 Street Standards. This section sets forth development standards to ensure streets and roadways are adequate for serving the unique conditions of hillside areas.

- (a) **Applicability.** Street standards for hillside and ridgeline properties shall be subject to the provisions of Article 436, Street Design Standards, and be in accordance with a detailed geotechnical engineering investigation that provides recommendations for the following:
 - (1) Design of cut and fill slopes;
 - (2) Design of roadway drainage systems;
 - (3) Protection of slopes from erosion;
 - (4) Pavement and structural design; and
 - (5) Construction procedures and methods to be used during site grading and roadway construction.
- (b) **Standards Waiver.** The street standards in Article 436, Street Design Standards, may be modified for hillside development if the geotechnical investigation indicates that other roadway cross sections are more suitable for the proposed development. Any modifications to the standards must be designed in accordance with Washoe County Codes and to the satisfaction of the Director of Community Development, County Engineer and staff from the appropriate fire protection agency.

[Added by Ord. 893, provisions eff. 3/4/94.]

Section 110.424.50 Fire Safety Standards. This section sets forth development standards to minimize the potential of fire spread and ensure fire safety to hillside areas through the provision of adequate water supply and sources, fuel breaks and fire-resistant landscaping.

- (a) **Water Provisions.** The applicant shall demonstrate that adequate fire line water supply, flow and pressure are available and consistent with standards established by the appropriate fire protection agency, and that all applicable fire hydrant requirements have been fulfilled.
- (b) **Building Materials.** Fire retardant roofing and decking shall be required.
- (c) **Fuel Breaks.** Fuel breaks shall be provided to reduce the risk of spread of wildfire and the opportunity of ignition, and to assure emergency access to the hillside development. The fuel breaks shall be established around all buildings

and community facilities, and at appropriate intervals and locations within a hillside development in order to provide safer access for fire fighting and to reduce the rate of fire spread, as follows:

- (1) The perimeter of all buildings shall be cleared of underbrush and excess vegetation;
 - (2) Lot size and building placement shall allow adequate clearance of hazardous flammable vegetation; and
 - (3) Fuel breaks shall allow safe access for fire-fighting personnel and equipment.
- (d) Fire-Resistant Planting. In high-risk fire areas, the following standards shall apply:
- (1) Existing fire-resistant and fire-retardant plants shall be retained where feasible;
 - (2) The use of fire-resistant and fire-retardant plants shall be encouraged, and the use of highly flammable plants shall be prohibited;
 - (3) New trees shall be planted at least fifteen (15) feet from existing and proposed structures. Where this setback is infeasible due to yard requirements or other physical constraints, the use of fire-resistant trees shall be required;
 - (4) Trees shall be pruned such that no dead branches or foliage extend lower than six (6) feet above finished grade or within ten (10) feet of a chimney; and
 - (5) Yard areas shall be regularly maintained to remove excessive dry wood, debris, weeds and other highly flammable materials.

[Added by Ord. 893, provisions eff. 3/4/94.]

Article 432

OPEN SPACE STANDARDS

Sections:

110.432.00	Purpose
110.432.05	Applicability
110.432.10	Residential Private Open Space
110.432.15	Residential Common Open Space
110.432.20	Commercial Open Space
110.432.25	General Standards
110.432.30	Pedestrian Access and Circulation
110.432.35	Environmentally Sensitive Habitat

Section 110.432.00 Purpose. The purpose of this article, Article 432, Open Space Standards, is to establish regulations to develop, preserve and protect recreational and environmentally sensitive open space areas within Washoe County. The intent of these regulations is to protect the public health, safety and welfare by:

- (a) Protecting existing, and providing new, recreation and scenic areas for the use and enjoyment of residents and visitors;
- (b) Establishing usable space and facilities for outdoor living and recreation;
- (c) Encouraging open space buffers and greenbelt areas to help define boundaries between development areas, communities or neighborhoods so that all development does not run together in a suburban sprawl pattern; and
- (d) Protecting environmentally sensitive habitat.

[Added by Ord. 949, provisions eff. 5/1/96].

Section 110.432.05 Applicability. This section sets forth the application provisions of this article.

- (a) Application.
 - (1) This article, except for Sections 110.432.20, Commercial Open Space, and 110.432.35, Environmentally Sensitive Habitat, shall apply to all new multi-family development and the expansion of multi-family development except for those uses which are classified as follows:
 - (i) Residential group home land use types; and
 - (ii) Child care land use types.
 - (2) Section 110.432.20, Commercial Open Space, shall apply to commercial land uses.

- (3) Section 110.432.35, Environmentally Sensitive Habitat, shall apply to all new development and the expansion of development.
- (b) Duplicate Regulations. Unless otherwise specifically stated, if the provisions of this article are in conflict with other statutes, ordinances or regulations, the more stringent limitation or requirement shall prevail to the extent of the conflict.

[Added by Ord. 949, provisions eff. 5/1/96].

Section 110.432.10 Residential Private Open Space. This section sets forth development standards to provide sufficient and quality private open space for residential uses in Washoe County. These standards are intended to provide for the development and maintenance of private open space areas which serve the need for leisure, space and privacy.

- (a) Types of Private Open Space. Private open space shall be comprised of one (1) or more of the following:
- (1) Rear yard;
 - (2) Patio;
 - (3) Balcony;
 - (4) Deck; or
 - (5) Side yard (not at the zero setback).
- (b) Requirement. The amount of private open space required per dwelling unit shall be as follows:
- (1) Ground floor rear yards shall be at least four hundred (400) square feet;
 - (2) Ground floor patios shall be at least one hundred fifty (150) square feet; and
 - (3) Upper level balconies or decks shall be at least seventy (70) square feet.
- (c) Minimum Dimension. The minimum dimension at any point of a private open space shall be as follows:
- (1) Ground floor patio or deck shall be at least ten (10) feet wide; and
 - (2) Above- or below-ground floor balcony or deck shall be at least six (6) feet wide.
- (d) Location. Private open space shall be located as follows:
- (1) Private open space shall be adjacent to, and not more than four (4) feet above or below, the living units it serves except for rooftop private open space;
 - (2) Above-ground floor private open space shall not be located within five (5) feet of an interior side property line; and

- (3) Below-ground floor private open space shall not be located within a required minimum front yard.
- (e) Screening. Residential ground floor private open space shall be screened from adjoining incompatible uses and public rights-of-way pursuant to Article 412, Landscaping.
- (f) Special Provisions for Rooftop Private Open Space. When private open space is located on a roof:
 - (1) Rooftop private open space shall be adjacent to, and not more than one (1) story above or below, the living units it serves;
 - (2) Adequate safety provisions, such as railings or other protective devices, shall be provided, and shall be constructed such that ladder-like use is impossible; and
 - (3) The area occupied by vents and other structures which do not enhance the usability of the space shall not be counted toward the required minimum square footage.

[Added by Ord. 949, provisions eff. 5/1/96].

Section 110.432.15 Residential Common Open Space. This section sets forth development standards to provide sufficient and quality common open space for residential uses in Washoe County. These standards are intended to provide for the development and maintenance of common open space areas which serve the need for leisure, space and recreation.

- (a) Types of Common Open Space. Common open space may be comprised of one (1) or more of the following:
 - (1) Courtyard;
 - (2) Large lawn area;
 - (3) Playground;
 - (4) Tennis court;
 - (5) Basketball court;
 - (6) Swimming pool; and
 - (7) Similar outdoor recreation facilities as approved by the Director of Community Development.
- (b) Requirement. At least two hundred (200) square feet of common open space shall be required per dwelling unit for developments of twelve (12) or more units.
- (c) Location. Common open space shall be located as follows:
 - (1) The space shall be accessible to all the living units it serves; and

- (2) Not more than twenty (20) percent of the required space may be located on the roof of any building, attached garage or carport.

[Added by Ord. 949, provisions eff. 5/1/96].

Section 110.432.20 Commercial Open Space. This section sets forth development standards to provide sufficient and quality open space for commercial uses in Washoe County. These standards are intended to provide for the development and maintenance of public open space areas for the use and enjoyment by workers, residents and visitors.

- (a) Types of Commercial Open Space. Commercial open space shall be comprised of one (1) or more of the following:
 - (1) Plaza;
 - (2) Park;
 - (3) Garden;
 - (4) View/sun terrace;
 - (5) Greenhouse;
 - (6) Atrium;
 - (7) Galleria;
 - (8) Arcade; or
 - (9) Similar open space as approved by the Director of Community Development.
- (b) Requirement. All commercial uses shall provide usable public open space in an amount proportional to the building size as follows:
 - (1) For every one hundred (100) gross square foot of non-residential floor area, at least one (1) square foot of public open space shall be provided; and
 - (2) Residential floor area shall be excluded for calculation purposes; however, the requirements set forth in Sections 110.432.10, Residential Private Open Space, and 110.432.15, Residential Common Open Space, shall apply to the residential portion of a mixed-use development.
- (c) Minimum Dimension. The minimum dimension at any point of a commercial public open space area shall be fifteen (15) feet.
- (d) Location. Commercial public open space shall be located on the same site as the building or on private or public property within five hundred (500) feet of the building.
- (e) Standards. Commercial open space shall be:

- (1) Located in such a manner as to provide easy, safe and convenient access to the general public;
- (2) Landscaped and, where appropriate, furnished with a display of public art;
- (3) Protected from excessive heat, wind and sunlight;
- (4) Well lit, if intended for nighttime use;
- (5) Open to the general public at times when it is reasonable to expect public use;
- (6) Designed for user safety and security; and
- (7) Maintained at no public expense.

[Added by Ord. 949, provisions eff. 5/1/96].

Section 110.432.25 General Standards. This section sets forth standards to ensure the usability of all required open space.

- (a) **Excluded Areas.** The following areas shall not be counted toward the required amount of private or common open space:
 - (1) Hallways;
 - (2) Entrances;
 - (3) Front porches;
 - (4) Off-street parking and loading areas;
 - (5) Driveways; and
 - (6) Loading and service areas.
- (b) **Surface Material.** The surface material shall allow convenient and safe use for outdoor activity and shall consist of any practicable combination of turf, landscaping, flagstone, wood planking, concrete, asphalt, decomposed granite or other serviceable surfacing.
- (c) **Maintenance.** The property owner, or his/her designee, shall permanently maintain all private open space associated with his/her property.

[Added by Ord. 949, provisions eff. 5/1/96].

Section 110.432.30 Pedestrian Access and Circulation. This section sets forth development standards to allow public access to public open space areas, while protecting the established rights of private property owners.

- (a) **Pedestrian Access and Circulation Plan.** All development subject to this section shall provide for pedestrian access and circulation consistent with provisions set

forth in the appropriate area plan contained in Volume Two: Area Plans of the Master Plan.

- (b) Development Standards. The following development standards shall apply to all required access:
- (1) The edge of all access easements shall be at least twenty-five (25) feet from any existing or proposed residence to provide separation between pedestrian access points and circulation routes, and to protect the privacy and security of residents and homes;
 - (2) Access easements shall be at least ten (10) feet wide and shall include a minimum four (4) foot wide trail;
 - (3) Access through environmentally sensitive habitat areas shall comply with the provisions established in Section 110.432.35, Environmentally Sensitive Habitat;
 - (4) Access improvements such as trails, ramps, railings, viewing areas, restrooms and parking facilities shall be sited and designed to be compatible with the natural character of the surrounding landscape, and to be accessible to people of limited mobility to the maximum extent feasible; and
 - (5) Access signs shall identify access location, destination areas, environmentally sensitive habitat and hazardous conditions, and shall be compatible with the natural character of the surrounding landscape by using appropriate color, size, form and material.

[Added by Ord. 949, provisions eff. 5/1/96].

Section 110.432.35 Environmentally Sensitive Habitat. This section sets forth development standards to preserve environmentally sensitive habitat resources in Washoe County.

- (a) Required Survey. A habitat survey, prepared by a qualified biologist or botanist, may be required to determine the exact location of environmentally sensitive habitat areas and to recommend mitigation measures that address potential impacts to the habitat. This survey shall be submitted to the Director of Community Development for all new development that meets one (1) of the following criteria:
- (1) The project site is located within a habitat area of a threatened and endangered fauna or flora species identified in Appendix A of the Conservation Element of the Master Plan, or through on-site investigation and review of resource information; or
 - (2) The project site is or may be located within one hundred (100) feet of a threatened and endangered fauna or flora species identified in the Conservation Element of the Master Plan, and/or has the potential to negatively impact the long-term maintenance of such habitat.
- (b) Survey Contents. All habitat surveys shall include, at a minimum, the following information:

- (1) Survey methodology;
 - (2) Location map and topographical site plan indicating all existing and proposed structures and roads;
 - (3) Any rare and/or endangered plant and animal species, including the habitat envelope and the number of species observed;
 - (4) Delineation of all wetlands, streams and water bodies;
 - (5) Direct threats to habitat resulting from new development;
 - (6) Delineation of a habitat buffer area to be provided along the periphery of the primary habitat; and
 - (7) Mitigation measures to reduce impacts and to allow for the long-term maintenance of environmentally sensitive habitats.
- (c) Development Standards. The following standards are intended to protect, maintain, enhance and restore sensitive fauna and flora habitat:
- (1) No new development shall be permitted within a recognized primary habitat area of an endangered species.
 - (2) Limited new development may be permitted within a recognized habitat buffer area, as defined in the required habitat survey, subject to the following standards:
 - (i) Public access shall be limited to low-intensity recreational, scientific or educational uses, provided that it is strictly managed, controlled and confined to designated trails and paths;
 - (ii) During breeding season, public access and construction activities shall be prohibited or controlled as recommended in the habitat survey;
 - (iii) Alteration of the natural topography shall be discouraged;
 - (iv) Runoff and sedimentation shall not adversely affect habitat areas;
 - (v) Alteration of landscaping shall be discouraged unless the alteration is associated with restoration and enhancement of the habitat;
 - (vi) Where required, necessary permits shall be obtained from the Nevada Department of Wildlife and/or the United States Fish and Wildlife Service;
 - (vii) All portions of the buffer shall be protected pursuant to Article 424, Hillside Development;
 - (viii) Contiguous open space adjacent to habitat shall be encouraged;

- (ix) Potential impacts identified in the habitat survey shall be mitigated to a level of insignificance where feasible; and
- (x) Mitigation measures identified in the habitat survey shall be made conditions of project approval where necessary to mitigate impacts.

[Added by Ord. 949, provisions eff. 5/1/96].

Article 436

STREET DESIGN STANDARDS

Sections:

110.436.00	Purpose
110.436.05	Applicability
110.436.10	Relation to Other Standards
110.436.15	Authorization of Alternative Standards
110.436.20	General Requirements
110.436.25	Street Sections
110.436.30	Grades
110.436.35	Street Intersections
110.436.40	Street Crowns
110.436.45	Street Curves
110.436.50	Curbs and Gutters
110.436.55	Arterial Median Openings
110.436.60	Paving
110.436.65	Temporary Patches
110.436.70	Retaining Walls
110.436.75	Street Signs
110.436.80	Hazard Locations
110.436.85	Bus Turnouts
110.436.90	Dead-End Streets
110.436.95	Emergency Access Roads
110.436.100	Improved Maintenance Access
110.436.105	Private Access
110.436.110	Private Streets
110.436.115	Driveways
110.436.120	Cul-de-sacs and Knuckles
110.436.125	Partial Width Streets
110.436.130	Street Extensions
110.436.135	Pedestrian and Bicycle Ways
110.436.140	Street Improvement Plans: General Requirements
110.436.145	Street Improvement Plans: Contents
110.436.150	Street Improvement Plans: Plan and Profile Sheets

Section 110.436.00 Purpose. The purpose of this article, Article 436, Street Design Standards, is to provide safe, properly designed, attractive streets that minimize environmental disturbance, including impacts on water quality, and minimize maintenance costs for the street system within Washoe County.

[Added by Ord. 908, provisions eff. 10/15/94.]

Section 110.436.05 Applicability. The provisions of this article shall apply to public and private street improvements for projects including, but not limited to, the following:

- (a) Projects that will be subject to this article are:

- (1) Public Works projects;
 - (2) Subdivisions; and
 - (3) Subdivisions utilizing a Grading Permit.
- (b) Projects that may be subject to this article are:
- (1) Projects requiring a site plan review;
 - (2) Projects requiring a special use permit;
 - (3) Projects utilizing a development agreement; and
 - (4) Parcel maps.

[Added by Ord. 908, provisions eff. 10/15/94.]

Section 110.436.10 Relation to Other Standards. The requirements set forth in this article make reference to and are to be used in conjunction with the following standards and guidelines:

- (a) *The Standard Specifications for Public Works Construction and the Standard Details for Public Works Construction, latest editions;*
- (b) *The Washoe County Regional Transportation Commission (RTC) Planning for Transit: A Guide for Community and Site Planning;*
- (c) *The Institute of Traffic Engineers (ITE) guidelines;*
- (d) *The American Association of State Highway and Transportation Officials (AASHTO) guidelines;*
- (e) *The Manual of Uniform Traffic Control Devices (MUTCD); and*
- (f) *The Americans with Disabilities Act (ADA) standards.*

[Added by Ord. 908, provisions eff. 10/15/94. Amended by Ord. 1064, provisions eff. 5/28/99.]

Section 110.436.15 Authorization of Alternative Standards. The following situations may result in the use of alternative standards:

- (a) In instances where unique topographical or other physical constraints suggest the use of streets and associated systems that are not provided for in this article, the County Engineer may authorize alternative standards, provided that the alternative standards are equivalent standards in accordance with accepted engineering practices, the *Standard Specifications for Public Works Construction*, and the *Standard Details for Public Works Construction*.
- (b) In instances where the street or road is on or eligible for inclusion on the Regional Road Impact Fee (RRIF) Network, these standards do not apply. Prior to commencing planning or design of RRIF Network facilities, a developer shall contact the County Engineer who will convene a meeting with the developer and the Regional Transportation Commission staff to establish appropriate design standards and provide guidance on a RRIF credit agreement application.

[Added by Ord. 908, provisions eff. 10/15/94. Amended by Ord. 1064, provisions eff. 5/28/99.]

Section 110.436.20 General Requirements. Street design requirements set forth in this section shall apply to all development subject to this article.

- (a) Level of Service. Streets shall be designed to meet a Level of Service (LOS) standard C, or as otherwise provided for by Regional Transportation Commission policy.
- (b) Street Improvements. All public and private streets within a development shall be improved to conform to the standards as set forth in this article.
- (c) Ingress and Egress. Unless otherwise approved by the County Engineer, at least two (2) means of ingress and egress built to County standards shall be provided to serve a subdivision development. Of the two (2) means, one (1) may be constructed to emergency access standards provided in Section 110.436.95, Emergency Access Roads.
- (d) Right-of-Way and Easement Acquisition. All necessary right-of-way or easement acquisition outside the boundaries of a proposed development, including any agreements pertaining to access, drainage, ownership and maintenance, shall be completed prior to the final map approval unless otherwise approved by the County Engineer.
- (e) Streets Adjacent to Property Boundaries. The location of streets adjacent to property boundaries shall comply with the following provisions:
 - (1) Unless otherwise approved by the County Engineer, a street shown by an adopted street pattern or indicated on the Streets and Highways System Plan map that lies along a boundary of a development is to be dedicated and constructed at full width and to County standards; and
 - (2) A proposed street, or streets or access adjacent to or necessary to serve a proposed development, which are not within the boundaries of the development, shall be improved full width with the development in accordance with County standards as required by the County Engineer.
- (f) Additional Right-of-Way. To facilitate turning movements near intersections, additional right-of-way shall be provided to the satisfaction of the County Engineer.
- (g) Partial Width Streets. Where permitted, partial width streets shall comply with the provisions set forth in Section 110.436.125, Partial Width Streets.
- (h) Street Extensions. Street extensions shall comply with the general provisions of this section and the provisions of Section 110.436.130, Street Extensions.
- (i) Asphalt Pavement Structural Section. Asphalt pavement structural sections shall be designed in accordance with AASHTO, Asphalt Institute or other industry standard design methods as may be approved by the County Engineer.
 - (1) Such design sections shall be prepared by a Nevada Registered Civil Engineer and submitted with street improvement plans; and

- (2) Boring logs shall be shown on street improvement plans.
- (j) Traffic Studies. All traffic studies and reports shall be prepared in accordance with current ITE and AASHTO guidelines. Said studies and reports shall be prepared and stamped by a Nevada Registered Civil Engineer experienced in traffic engineering.
- (k) Utilities. All new utilities shall be placed underground consistent with the street specifications provided in this article.
- (l) Construction Traffic. Prior to final map approval, a proposed construction traffic haul route plan shall be submitted to the County Engineer for review and approval. Construction traffic includes all vehicles weighing in excess of 8,000 pounds unladen weight that are used to construct both off-site and on-site improvements.
- (1) Existing residential streets that will be used as construction haul routes shall be evaluated by a geotechnical study to determine the existing pavement structural section and its load supporting capability; and
- (2) If the pavement section is inadequate to support the proposed construction loadings but would be adequate in the absence of this construction traffic, the roadway shall be rehabilitated to support the anticipated additional loadings or reconstructed after construction use as needed to restore the existing design life, as approved by the County Engineer.
- (m) Occupancy Permits. A Permit of Occupancy shall be obtained from the Nevada Department of Transportation (NDOT) for access to, from or under roads and highways maintained by the NDOT. Applicant shall submit approved Permits of Occupancy to the County Engineer.
- (n) Signs. Signs and permanent markings shall be in accordance with the requirements of Section 110.436.75, Street Signs.

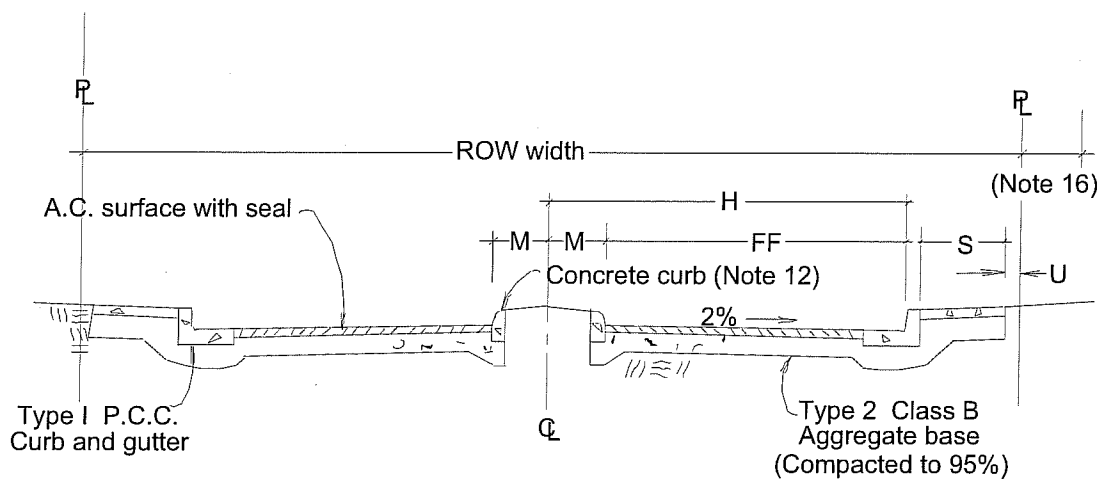
[Added by Ord. 908, provisions eff. 10/15/94. Amended by Ord. 1064, provisions eff. 5/28/99.]

Section 110.436.25 Street Sections. All roadways dedicated and improved in Washoe County shall be constructed in accordance with the street sections for urban, suburban and rural areas illustrated in Tables 110.436.25.1 to 110.436.25.4. These standards are to be used in conjunction with the Land Use and Transportation Element of the Master Plan and the standards set forth in this article.

- (a) Exception. Any roadway that will be in the Regional Roadway Impact Fee Network must be designed in accordance with Regional Transportation Commission standards and conditions as directed under Section 110.436.15(b).
- (b) Variance from Street Sections. The Planning Commission or hearing examiner may consider variations to the Street Section requirements under the provisions of Article 804, Variances, if appropriate considerations warrant different cross-section improvements.

Table 110.436.25.1

ROADWAY SECTIONS - A
GENERAL APPLICATIONS: ARTERIAL HIGHWAYS



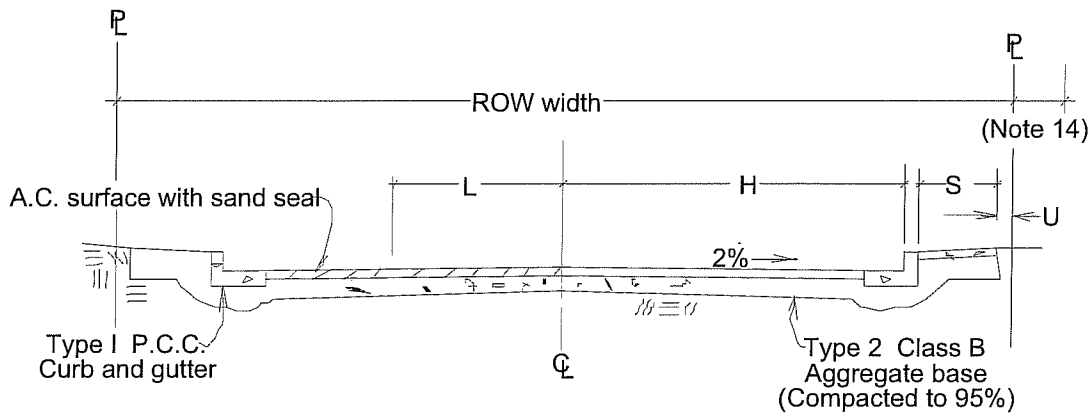
ROW	H	FF	M	S	U	ADT Maximum per 2 Travel Lanes	Remarks
100	44	36	8	5	0.5	12,100	Major Arterial
80	35	29.5		4	0.5	10,800	Minor Arterial

- Notes:
1. All widths are in feet.
 2. FF, H and M are measured to the front face of the curb. ROW is right-of-way; ADT is average daily traffic.
 3. ADT represents the design volume for a two (2) lane facility.
 4. Bicycle lanes shall be provided in accordance with the Bicycle and Pedestrian Element of the Regional Transportation Plan and to the satisfaction of the County Engineer.
 5. On street parking not allowed on arterials.
 6. Structural sections shall be designed by a registered engineer for a twenty (20) year life based on subgrade characteristics, as determined by a geotechnical investigation and anticipated traffic volume. Refer to Section 110.436.60(d) for minimum pavement section thickness.
 7. All curb and gutter is monolithic concrete and L shaped per standard detail.
 8. All sidewalk is concrete. Sidewalk shall be placed along both sides for arterials.
 9. All A.C. surfaces shall be sealed in accordance with Washoe County standards.
 10. Design of improvements to be done in accordance with Article 420, Storm Drainage Standards, and Article 436, Street Design Standards, of the *Washoe County Development Code*.
 11. All construction is to be done to current Washoe County standards and specifications.
 12. Median is concrete curb or other median construction approved by the County Engineer.
 13. Residential driveway access not allowed.
 14. Slope easements may be required in certain terrain to accommodate roadway section.
 15. Typical stripping is for twelve (12) foot lanes.
 16. A seven and one-half (7.5) foot public utility, traffic control signage and plowed snow easement on both sides of the ROW is required per standard detail.

Source: Washoe County Department of Public Works.

Table 110.436.25.2

ROADWAY SECTIONS - B
GENERAL APPLICATIONS: STREETS SERVING LOT SIZES LESS THAN 0.5 ACRES



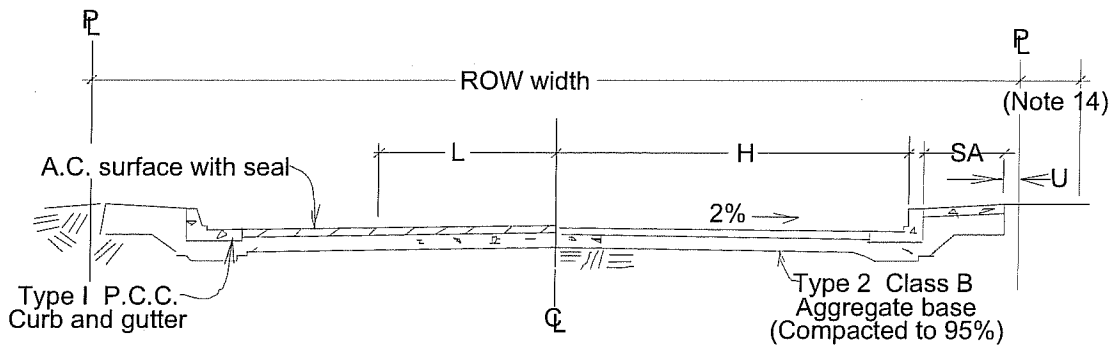
ROW	H	S	U	L	B	PL	ADT Maximum per 2 Travel Lanes	Remarks
52	20	5	0.5	12	4	0	9,600	Collector
42	16	4	0.5	11	0	2	1,000	Local

- Notes:
1. All widths are in feet.
 2. H is measured to the front face of the curb.
 3. L is travel lane; S is sidewalk; B is bicycle lane; PL is maximum number of parking lanes allowed; ROW is right-of-way, ADT is average daily traffic.
 4. ADT represents the design volume for a two (2) lane facility.
 5. Bicycle lanes shall be provided in accordance with the Bicycle and Pedestrian Element of the Regional Transportation Plan and to the satisfaction of the County Engineer.
 6. Structural sections shall be designed by a registered engineer for a twenty (20) year life based on subgrade characteristics, as determined by a geotechnical investigation and anticipated traffic volume. Refer to Section 110.436.60(d) for minimum pavement section thickness.
 7. All curb and gutter is monolithic concrete and L shaped per standard detail.
 8. Sidewalks are to be provided in accordance with Table 110.436.25.5.
 9. All A.C. surfaces shall be sealed in accordance with Washoe County standards.
 10. Residential driveway access not allowed to streets on which ten (10) year ADT design exceeds two thousand (2,000).
 11. Design of improvements to be done in accordance with Article 420, Storm Drainage Standards, and Article 436, Street Design Standards, of the *Washoe County Development Code*.
 12. All construction is to be done to current Washoe County standards and specifications.
 13. Slope easements may be required in certain terrain to accommodate roadway section.
 14. A seven and one-half (7.5) foot wide public utility, traffic control signage and plowed snow easement on both sides of the ROW is required per standard detail.

Source: Washoe County Department of Public Works.

Table 110.436.25.3

ROADWAY SECTIONS - C
GENERAL APPLICATIONS: STREETS SERVING LOT SIZES 0.5 - 1.5 ACRES



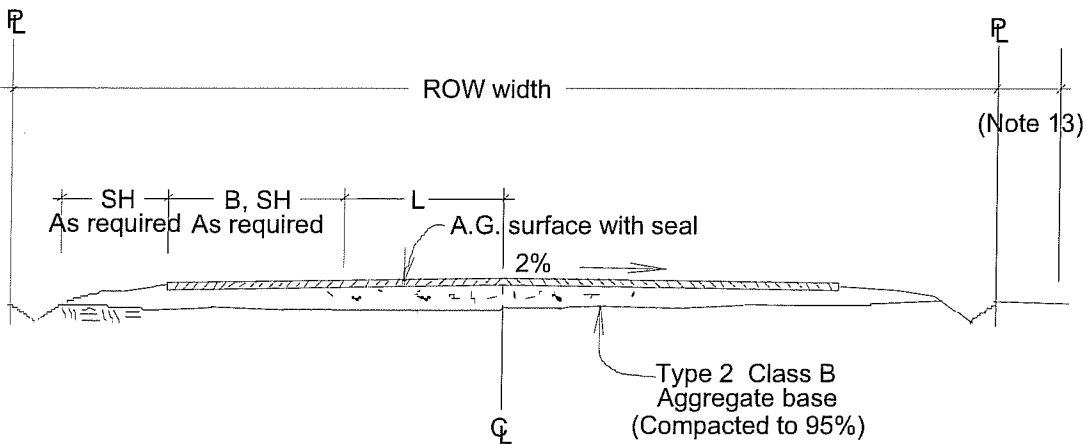
ROW	H	SA	U	L	B	PL	ADT Maximum per 2 Travel Lanes	Remarks
52	20	5	0.5	12	4	0	9,600	Collector
42	16	4	0.5	11	0	2	1,000	Local

- Notes:
1. All widths are in feet.
 2. H is measured to the front face of the curb.
 3. L is travel lane; SA is sidewalk area; B is bicycle lane; ROW is right-of-way; PL is maximum number of parking lanes; ADT is average daily traffic.
 4. ADT represents the design volume for a two (2) lane facility.
 5. Bicycle lanes shall be provided in accordance with the Bicycle and Pedestrian Element of the Regional Transportation Plan and to the satisfaction of the County Engineer.
 6. Structural sections shall be designed by a registered engineer for a twenty (20) year life based on subgrade characteristics, as determined by a geotechnical investigation and anticipated traffic volume. Refer to Section 110.436.60(d) for minimum pavement section thickness.
 7. All curb and gutter is monolithic concrete and L shaped per standard detail.
 8. Sidewalks in residential areas are to be provided in accordance with Table 110.436.25.5.
 9. All A.C. surfaces shall be sealed in accordance with Washoe County standards.
 10. Residential access is not allowed to streets on which ten (10) year design ADT exceeds two thousand (2,000).
 11. Design of improvements to be done in accordance with Article 420, Storm Drainage Standards, and Article 436, Street Design Standards, of the *Washoe County Development Code*.
 12. All construction is to be done to current Washoe County standards and specifications.
 13. Slope easements may be required in certain terrain to accommodate roadway section.
 14. A seven and one-half (7.5) foot wide public utility, traffic control signage and plowed snow easement on both sides of the ROW is required per standard detail.

Source: Washoe County Department of Public Works.

Table 110.436.25.4

ROADWAY SECTIONS - D
GENERAL APPLICATIONS: STREETS SERVING LOT SIZES GREATER THAN 1.5 ACRES



ROW	L	B	SH	ADT Maximum per 2 Travel Lanes	Remarks
60	12	0	0	9,600	Collector
50	11	0	0	1,000	Local

- Notes:
1. All widths are in feet.
 2. L is travel lane; B is bicycle lane; SH is shoulder; ROW is right-of-way; ADT is average daily traffic.
 3. ADT represents the design volume for a two (2) lane facility.
 4. Bicycle lanes shall be provided in accordance with the Bicycle and Pedestrian Element of the Regional Transportation Plan and to the satisfaction of the County Engineer.
 5. Structural sections shall be designed by a registered engineer for a twenty (20) year life based on subgrade characteristics, as determined by a geotechnical investigation and anticipated traffic volume. Refer to Section 110.436.60(d) for minimum pavement section thickness.
 6. All A.C. surfaces shall be sealed in accordance with Washoe County standards.
 7. Residential access not allowed to streets on which ten (10) year design ADT exceeds two thousand (2,000).
 8. The minimum paved shoulder width shall be two (2) feet, otherwise, the shoulder shall be engineered, Type 2 Class B aggregate base course or A.C. structural section as above, as required by the County Engineer.
 9. Erosion protection required for drainage ditches.
 10. Design of improvements to be done in accordance with Article 420, Storm Drainage Standards, and Article 436, Street Design Standards, of the *Washoe County Development Code*.
 11. All construction to be done to current Washoe County standards and specifications.
 12. Slope easements may be required in certain terrain to accommodate roadway section.
 13. A seven and one-half (7.5) foot public utility, traffic control signage and plowed snow easement on both sides of the ROW is required per standard detail.

Source: Washoe County Department of Public Works.

Table 110.436.25.5

SIDEWALK REQUIREMENTS

Factor	Sidewalk Both Sides	Sidewalk One Side	No Sidewalk
Street function	Collector ⁽¹⁾	Collector	Local/access/ cul-de-sac ⁽³⁾
Traffic volume (ADT)	1,000+	251 to 1,000	250 or less
Comprehensive pedestrian plan ⁽²⁾	Per plan	Per plan	Per plan

- Notes:
1. May be limited to one side if separated from roadway improvements.
 2. Any sidewalk/pedestrianway requirements may be supplemented with a pedestrian circulation plan at the request of the County Engineer.
 3. Proximity of known or anticipated schools, shopping centers, etc., will be anticipated.

Source: Washoe County Department of Public Works.

[Added by Ord. 908, provisions eff. 10/15/94. Amended by Ord. 1064, provisions eff. 5/28/99, Ord. 1378, provisions eff. 8/1/08.]

Section 110.436.30 Grades. Street design shall comply with the following standards for minimum and maximum grades.

- (a) **Minimum Grades.** All streets shall have a minimum grade of five-tenths (0.5) of one (1) percent.
- (b) **Maximum Grades:**
 - (1) **Arterials.** Arterials shall have a maximum allowable grade of six (6) percent.
 - (2) **Residential and Collector Streets.** Residential collector and local streets shall have a maximum allowable grade of six (6) percent except as otherwise approved by the County Engineer, because of topographical constraints.
 - (3) **Residential Driveways.** The maximum grade for a driveway shall be fourteen (14) percent.
 - (4) **Street Grade Exceptions.** If approved by the County Engineer, the maximum grade for residential and collector streets may be increased as follows:
 - (i) Streets with a northern exposure may be allowed a maximum grade of nine (9) percent.
 - (ii) Streets with a southern exposure may be allowed a maximum grade of ten (10) percent.
 - (iii) All streets with grades greater than eight (8) percent shall be limited to a horizontal length of four hundred (400) feet, and shall

be provided with landings on both ends of the steeper section of the grade. The grade of the landings shall be six (6) percent or less and at least one hundred (100) feet in length.

- (c) Long Grades. On long grades, the steeper grades shall be near the bottom of the ascent wherever possible, with shallower grades near the top of the ascent.
- (d) Street Intersections. Street intersection grades shall conform to the provisions set forth in Section 110.436.35, Street Intersections, and in accordance with Washoe County *Standard Details for Public Works Construction* for grade changes at intersections.
- (e) Horizontal Curvature. Horizontal curves shall be designed in accordance with Section 110.436.45, Street Curves.
- (f) Undulating Streets. "Roller coaster" and "hidden dip" patterns are not allowed on through streets.

[Added by Ord. 908, provisions eff. 10/15/94.]

Section 110.436.35 Street Intersections. Street intersections shall be designed in accordance with the provisions of this section.

- (a) Street Grades. Street grades at intersections shall be as follows:
 - (1) Intersections shall not be allowed when the grade on the primary street exceeds six (6) percent on streets with a northern exposure and eight (8) percent on streets with a southern exposure, unless otherwise approved by the County Engineer; and
 - (2) Street grades on the minor legs of intersections shall not exceed four (4) percent for a minimum distance of fifty (50) feet, measured from the extension of the face of the curb of the primary street through the intersection as improved to full County standards, unless otherwise approved by the County Engineer.
- (b) Local Streets at Stop Condition. Street intersections of two (2) local streets in a stop condition shall not require a vertical curve at the intersection of the crown section with the street grade.
- (c) No Stop Condition. No stop street intersections shall require a vertical curve transition at the intersection of the crown section with the street grade.
- (d) Intersection Angles. Any street or highway intersecting any other street or highway shall intersect at an angle as near to a right angle as is practicable, but in no event shall it intersect at an angle of less than sixty (60) degrees, unless approved by the County Engineer.
- (e) Offset Intersections. An offset distance of two hundred (200) feet or less separating two (2) local streets shall not be permitted.
- (f) Intersection Grade Change. Grade changes at intersections shall be in accordance with Washoe County *Standard Details for Public Works Construction*.

[Added by Ord. 908, provisions eff. 10/15/94.]

Section 110.436.40 Street Crowns. Street crowns shall be designed in accordance with the provisions of this section.

- (a) **Definition.** Unless otherwise approved by the County Engineer, the street crown shall be at the centerline of the traveled way.
- (b) **Grade Specifications.** The normal street crown grades shall be two (2) percent from the centerline to the lip of the gutter. When approved by the County Engineer, street crown grades may be a minimum of one (1) percent to a maximum of four (4) percent.

[Added by Ord. 908, provisions eff. 10/15/94.]

Section 110.436.45 Street Curves. Street curves shall be designed in accordance with the provisions of this section. Consideration for adjusting the minimum design speeds may be given if warranted by topographic constraints.

- (a) **Vertical Curves.** Vertical curves shall be provided wherever the algebraic difference between two (2) intersecting grades is two (2) percent or more, excluding intersections, unless otherwise approved by the County Engineer. Such vertical curves shall be of sufficient length to provide the following:
 - (1) Minimum sight and stopping distances as established by AASHTO; and
 - (2) Minimum Design Speeds as follows:
 - (i) Twenty-five (25) mph (miles per hour) for local and collector streets;
 - (ii) Forty (40) mph for minor arterial streets; and
 - (iii) Fifty (50) mph for major arterials.
- (b) **Horizontal Curves.** Street design shall be consistent with the horizontal curve provisions set forth in this subsection.
 - (1) Horizontal curve radii shall be determined using the following design speeds:
 - (i) Fifteen (15) mph (miles per hour) for local streets of two hundred fifty (250) average daily trips (ADT) or less;
 - (ii) Twenty-five (25) mph for local and collector streets;
 - (iii) Forty (40) mph for minor arterials; and
 - (iv) Fifty (50) mph for major arterial and expressway streets.
 - (2) Horizontal curvatures shall not be introduced at or near the top of a pronounced crest vertical curve or near the bottom of a pronounced sag vertical curve.

- (3) The minimum design radius shall be determined using the following formula:

$$R_{min} = \frac{V^2}{15(e+f)}$$

- R = Centerline radius of roadway.
e = Super elevation rate, decimal (for a normal crown section, e is assumed negative for adverse side). Super elevation may be required by the County Engineer on higher speed streets. Maximum allowable super elevation shall be four (4) percent.
f = Friction factor from Table 110.436.45.1.
V = Design speed (mph)

- (4) The friction factor (f) used in Subsection (b) (3) of this section shall be determined as follows:

- (i) All collector and arterial streets shall be designed using the friction factor from the "High Speed Urban Streets" as set forth in Table 110.436.45.1; and
(ii) Local streets shall be designed using the friction factor from the "Low Speed Urban Streets" as set forth in Table 110.436.45.1.

- (5) Stopping sight distances shall be in accordance with AASHTO recommended guidelines.

- (c) Curve Separations. Curves on any street, except local streets, shall be separated by a tangent of not less than one hundred (100) feet.
- (d) Right Angle Intersections. At each right angle street intersection, the property line at each block corner shall be rounded with a curve that conforms to the curb return radii set forth in Subsection (f) of this section.
- (e) Less Than Right Angle Intersections. Where streets intersect at angles of less than right angles or where peculiar conditions of intersection occur, the County Engineer may require a different radius.
- (f) Curb Returns. Curb returns shall have minimum face of curb radii as follows:
- (1) Twenty (20) feet on local streets;
 - (2) Twenty-five (25) feet on collector streets;
 - (3) Thirty (30) feet on minor arterial streets; and
 - (4) Forty (40) feet on major arterial and expressway streets.

Table 110.436.45.1

AASHTO MINIMUM DESIGN RADIUS CRITERIA

Design Speed V (mph)	f (Friction Factor)	
	Low Speed Urban Streets	High Speed Urban Streets
20	0.30	
25	0.25	
30	0.22	0.16
40		0.15
50		0.14

Source: American Association of State Highways and Transportation Official Publication, *A Policy on Geometric Design of Highways and Streets*, 1984.

[Added by Ord. 908, provisions eff. 10/15/94.]

Section 110.436.50 Curbs and Gutters. Curbs and gutters shall be provided in accordance with the requirements of this section.

- (a) Installation and Maintenance. When existing improvements are deteriorated or displaced, new curb and gutter shall be installed, including paving between street cut and gutter line on all streets.
- (b) Pedestrian Ramps. Curb returns shall be provided with pedestrian ramps for the handicapped in accordance with County and ADA standards.
- (c) Construction Materials. Curbs and gutters shall be constructed in accordance with the *Standard Specifications for Public Works Construction* and *Standard Details for Public Works Construction*, latest editions, unless otherwise approved by the County Engineer.

[Added by Ord. 908, provisions eff. 10/15/94.]

Section 110.436.55 Arterial Median Openings. Median openings on arterial streets that have continuous raised center medians shall not be permitted unless all of the provisions of this section are met.

- (a) Major Traffic Generator. The property to be served is a major traffic generator and has a minimum continuous frontage of six hundred (600) feet along a major street, or access easements are recorded to allow use of the opening by a minimum of two (2) properties which combined generate sufficient traffic to warrant the opening.
- (b) Proximity to Arterial Streets. The median opening is not less than seven hundred (700) feet from an intersection with an arterial.
- (c) Proximity to Collector or Local Streets. The median opening is not less than four hundred (400) feet from an intersection with a collector or local street.
- (d) Mid-block Median Openings. The median opening is not less than six hundred (600) feet from any other existing or planned mid-block median opening.

- (e) Sight Distance. Sight distance is adequate for the design speed of the major street.
- (f) Costs. All costs such as base material, pavements, safety lighting, traffic signals, reconstruction, or utility relocation required by a mid-block opening will be borne by the requesting party.
- (g) Design. The design of median openings shall be subject to the requirements and approval of the County Engineer, including storage, lengths and tapers, and in accordance with the AASHTO and/or ITE requirements.

[Added by Ord. 908, provisions eff. 10/15/94.]

Section 110.436.60 Paving. Design of the structural section for asphalt concrete pavement for public and private streets shall be in accordance with the provisions of this section.

- (a) Consistency. The design of the paving sections shall be in accordance with AASHTO, Asphalt Institute or other industry standard design methods as may be approved by the County Engineer.
- (b) Approvals. All paving shall require the approval of the County Engineer and be confirmed as adequate by the applicable soils investigation.
- (c) Design. The minimum design life of the structural section shall be twenty (20) years. A detailed geotechnical analysis and report shall be submitted to the County Engineer for review and approval. The resultant pavement section thickness shall be based on the geotechnical report and traffic analysis if the report indicates a structural section stronger than the minimum is required.
- (d) Minimum Pavement Thickness. The criteria defining the minimum thickness of the structural sections for asphalt concrete pavement for streets are as follows unless other equivalent minimum structural sections are approved by the County Engineer based on a geotechnical report:
 - (1) Arterial Streets. Asphalt concrete structural sections for arterial streets shall be a minimum of five (5) inches of pavement over six (6) inches of Type 2 Class B aggregate gravel base;
 - (2) Collector Streets. Asphalt concrete structural sections for collector streets shall be a minimum of four (4) inches of pavement over six (6) inches of Type 2 Class B aggregate gravel base;
 - (3) Local Streets. Asphalt concrete structural sections for local streets shall be a minimum of three (3) inches of pavement over six (6) inches of Type 2 Class B aggregate gravel base;
 - (4) Bus Routes. Asphalt concrete structural sections for proposed bus routes shall be a minimum of five (5) inches of full width pavement over six (6) inches of Type 2 Class B aggregate gravel base; and
- (e) Construction Haul Route. All on-site streets, both public and private, which are to be utilized by construction vehicles during development, shall be paved in accordance with the standards contained in Section 110.436.20, General Requirements.

- (f) Seal. A seal for private and public streets shall be placed within twenty (20) days after the asphalt concrete pavement has been constructed unless the temperature is below fifty (50) degrees Fahrenheit or when weather conditions, in the opinion of the County Engineer, would prevent proper construction. The type of seal used shall be determined by the County Engineer.

[Added by Ord. 908, provisions eff. 10/15/94. Amended by Ord. 1064, provisions eff. 5/28/99.]

Section 110.436.65 Temporary Patches. Temporary patches shall be provided in accordance with the provisions of this section.

- (a) Thickness. Temporary patches shall be a minimum of two (2) inches thick and compacted in accordance with procedures acceptable to the County Engineer.
- (b) Elevation. Temporary patches shall not deviate more than three-fourths (3/4) inch above the existing pavement grade when measured from the bottom of a straight edge laid two (2) feet beyond the patch on both sides of the existing pavement. In no case shall the elevation of the patch be lower than the existing adjacent pavement elevation.
- (c) Loose Material. All loose material shall be removed from the temporary patch site immediately after completion of the patch.

[Added by Ord. 908, provisions eff. 10/15/94.]

Section 110.436.70 Retaining Walls. All retaining walls shall be constructed in accordance with the provisions of this section.

- (a) Design Calculations. Unless using standard County details, all retaining walls constructed within the public right-of-way and those which are to be maintained by the County shall have a complete set of design calculations submitted with the improvement plans for review. All calculations shall be signed and sealed by a Nevada Registered Civil Engineer.
- (b) Private Retaining Walls. Any retaining walls associated with private streets and constructed on private property shall be reviewed by the Chief Building Inspector and shall be subject to the *Uniform Building Code* (UBC) design criteria and the provisions of this section.
- (c) Anti-Graffiti Treatment. An anti-graffiti treatment shall be applied to all masonry or concrete retaining walls.

[Added by Ord. 908, provisions eff. 10/15/94.]

Section 110.436.75 Street Signs. Street signs shall conform to the provisions of this section.

- (a) Conformance. Signs and pavement markings shall conform with the most recent edition of the *Manual on Uniform Traffic Control Devices* (MUTCD), published by the Federal Highway Administration.
- (b) Intersections. Street signs designed to County standards shall be installed at all intersections.

- (c) Public Streets and Bikeways. Signs and pavement markings shall be installed on all public streets and bikeways, as required by the County Engineer.
- (d) Posted Speeds. Posted speeds on County streets shall be in accordance with the following subsections, unless designated otherwise by the County Engineer:
 - (1) Twenty-five (25) miles per hour (mph) on local and collector streets;
 - (2) Thirty-five (35) mph on minor arterial streets; and
 - (3) Forty-five (45) mph on major arterial streets.
- (e) Sign Layout. Proposed sign layouts shall be submitted with plans showing other public improvements (e.g. street improvement plans).
- (f) Private Streets. Street signs for private streets shall conform to the following requirements:
 - (1) Regulatory signs shall be installed at the juncture of all public streets with a private street, as approved by the County Engineer. Said sign shall state: "Private Street Not Maintained By County." All regulatory signs shall meet the *Manual on Uniform Traffic Control Devices* standards and be approved by the County Engineer.
 - (2) Private streets may be required by the County Engineer or Fire Marshal to be posted "No Parking" on one (1) or both sides, with the provision and maintenance of such signs being the responsibility of the homeowners or other association.

[Added by Ord. 908, provisions eff. 10/15/94.]

Section 110.436.80 Hazard Locations. High hazard locations along streets shall be mitigated by the use of protective devices approved by the County Engineer. Street right-of-way and width widening shall be provided where necessary for the installation of such protective devices.

[Added by Ord. 908, provisions eff. 10/15/94.]

Section 110.436.85 Bus Turnouts. Bus turnouts shall be provided when required by the County Engineer. The design of required bus turnouts shall be in accordance with Regional Transportation Commission (RTC) standards.

[Added by Ord. 908, provisions eff. 10/15/94.]

Section 110.436.90 Dead-End Streets. All dead-end streets shall be provided with a cul-de-sac in accordance with Section 110.436.120, Cul-de-sacs and Knuckles.

[Added by Ord. 908, provisions eff. 10/15/94.]

Section 110.436.95 Emergency Access Roads. Emergency access roads shall be designed in accordance with the provisions of this section.

- (a) Placement and Structural Design. Unless otherwise approved by the Fire Marshal, emergency access roads shall comply with the following standards:

- (1) Emergency access roads shall be placed within a minimum thirty (30) foot wide easement; and
- (2) The roadways shall be a minimum width of twenty (20) feet and structurally designed to support a tandem axle loading of twenty-five (25) tons, with a minimum outside turning radius of forty (40) feet.
- (b) Grades. Grades for emergency access roads shall not exceed the maximum for street grades, unless otherwise approved by the County Engineer.
- (c) Access. Access to such roadways shall be controlled by an emergency access control gate, and shall be posted with a sign stating "For Emergency Vehicles Only." Alternatives may be approved by the County Engineer.
- (d) Surfacing for Temporary Emergency Access Roads. Temporary emergency access roads shall be surfaced with a minimum of six (6) inches of Type 2 Class B aggregate base and sealed with a minimum of eight one-hundredths (0.08) gallon per square yard of asphalt or other alternative approved by the County Engineer, and shall be provided with adequate roadside drainage consistent with County standards, including Article 420, Storm Drainage Standards.
- (e) Surfacing for Permanent Emergency Access Roads. Permanent emergency access roads shall be paved with a minimum of two and one-half (2.5) inches of asphalt concrete pavement on an engineered gravel base and shall be provided with adequate roadside drainage consistent with County standards, including Article 420, Storm Drainage Standards.

[Added by Ord. 908, provisions eff. 10/15/94.]

Section 110.436.100 Improved Maintenance Access. Vehicular access for maintenance of County-owned sanitary sewers and storm drainage facilities, and their related appurtenances, shall be designed in general accordance with the provisions of this section.

- (a) Minimum Width. Access ways/roads shall be constructed to a minimum width of twelve (12) feet.
- (b) Structural Design. Access ways shall be constructed to support a tandem axle loading of ten (10) tons.
- (c) Roadside Drainage. Access ways shall be constructed to provide adequate roadside drainage consistent with County standards, including Article 420, Storm Drainage Standards.
- (d) Grades. Improved maintenance access ways shall be constructed with grades not exceeding twelve (12) percent, unless approved by the County Engineer.
- (e) Surfacing for Temporary Maintenance Access Roads. Temporary emergency access roads shall be surfaced with a minimum of four (4) inches of Type 2 Class B aggregate base or other equivalent as approved by the County Engineer.
- (f) Surfacing for Permanent Maintenance Access Roads. Permanent maintenance access roads shall be a four (4) inch minimum thickness Type 2 Class B compacted gravel base on a compacted subgrade and shall be provided with

adequate roadside drainage consistent with County standards, including Article 420, Storm Drainage Standards.

- (g) Snowplows. Snowplow maintenance turnarounds shall be located, and constructed to either permanent or temporary cul-de-sac standards, as determined by the County Engineer.

[Added by Ord. 908, provisions eff. 10/15/94.]

Section 110.436.105 Private Access. Private access roads serving not more than four (4) lots shall be designed in accordance with the following provisions:

- (a) Minimum Easement Width. Private access easements serving not more than four (4) residential units shall be a minimum of twenty (20) feet in width.
- (b) Improvement. Private access shall be improved to the satisfaction of the County Engineer.
- (c) Drainage. The access roadway shall be provided with adequate roadway drainage consistent with County standards, including Article 420, Storm Drainage Standards.

[Added by Ord. 908, provisions eff. 10/15/94.]

Section 110.436.110 Private Streets. Private streets for newly created subdivisions shall be designed in accordance with the provisions set forth in this section.

- (a) Street Section. The minimum pavement surface width for a private local street is twenty-two (22) feet and twenty-four (24) feet for a collector designated street. Concrete curb and gutter will be required for a lot size of less than 0.5 acres. The minimum required rights-of-way for these street sections shall be thirty-six (36) and thirty-eight (38) feet, respectively.
- (b) Street Signs. Street signs for private streets shall conform to the provisions of Section 110.436.75, Street Signs.
- (c) Traffic Carrying Capability. Lane widths of private streets shall be capable of safely carrying the projected traffic. This may need to be evidenced by a traffic report prepared by a Nevada Registered Civil Engineer, experienced in traffic engineering, to the satisfaction of the County Engineer.
- (d) Design and Construction. All private streets shall be geometrically designed and constructed to the applicable ITE and AASHTO criteria (e.g. curve radii, maximum slopes, setbacks) to the satisfaction of the County Engineer.
- (e) Right-of-Way. All street widths shall be sufficient to accommodate the projected traffic, attendant drainage, pedestrian demand, utilities, emergency vehicles, delivery and collection vehicles, and any bicycle lanes if planned by the developer, to the satisfaction of the County Engineer. The minimum right-of-way access widths shall be in accordance with Section 110.436.25, Street Sections, and this section.
- (f) Pavement Structural Section. The minimum pavement structural section shall be as provided for in Section 110.436.60, Paving.

- (g) CC&Rs. The conditions, covenants and restrictions (CC&Rs) shall prominently note to the satisfaction of the County Engineer that Washoe County will not assume responsibility for maintenance of the development's private street system or drainage system, or accept the streets for dedication to Washoe County unless the streets meet those Washoe County standards in effect at the time of offer for dedication.
- (h) Security Gates. Private streets that are designed with security gates shall have adequate on-site stacking space. The specific type and size of the stacking areas must be approved by and constructed to the satisfaction of the County Engineer.
- (i) Regulatory Signs. Signs must be posted in accordance with the provisions of Section 110.436.75, Street Signs.
- (j) 100-Year Flood. Private streets that are designed to permit passage of a portion of the 100-year flood over the roadway will be allowed, to the satisfaction of the County Engineer, if the following conditions are met:
 - (1) An alternate roadway access which is not susceptible to overtopping by the 100-year flood exists and is available for use;
 - (2) The overtopped roadway is designed to not be washed out by the 100-year flood; and
 - (3) Public safety will not be compromised.
- (k) Storm Drainage. Private streets for lot sizes of 0.5 acres or greater may be designed to use open drainage systems; all designs must be based on the requirements of Article 420, Storm Drainage Standards.
- (l) Final Map Notes. The applicable notes on the final map shall be modified to reflect the granting of the request for private streets to the satisfaction of the County Engineer. The map shall prominently note the private streets and drainages.
- (m) Turnarounds. Turnarounds shall be provided as needed.

[Added by Ord. 908, provisions eff. 10/15/94.]

Section 110.436.115 Driveways. Design and construction for driveways, approaches and curb cuts shall be in accordance with County standards and the provisions of this section.

- (a) Provision of Driveways. Where car storage or access for motor vehicles is desired in business, commercial or industrial districts, provisions shall be made for a driveway.
- (b) Commercial Driveways. Spacing from center to center shall be a minimum of two hundred thirty-five (235) feet on major arterials, one hundred fifty (150) feet on minor arterials, and fifty (50) feet on commercial collectors.
- (c) Driveway Approaches. All driveway approaches shall enter properties via a standard curb cut.

- (d) Unused Driveways. Unused driveways shall be replaced with new curb, gutter and sidewalks.

[Added by Ord. 908, provisions eff. 10/15/94.]

Section 110.436.120 Cul-de-sacs and Knuckles. Cul-de-sacs and knuckles shall be designed in accordance with the provisions of this section.

- (a) Minimum Grades. Minimum grades around cul-de-sacs and knuckle-type intersections shall be one-half of one (0.5) percent.
- (b) Street Crowns. The normal street crown may be increased to a maximum of four (4) percent from the centerline to the lip of the gutter.
- (c) Knuckle Turnouts. Without prior approval by the County Engineer, knuckle turnouts shall not be allowed on through streets or local streets serving more than twenty (20) lots.
- (d) Cul-de-sac Length. Cul-de-sacs shall not exceed fifteen hundred (1,500) feet in length as measured from the end of the cul-de-sac bulb to the intersecting street curb line. A maximum average daily traffic (ADT) of 300 is allowed.
- (e) Cul-de-sac Bulb Radius. The minimum turnaround radius of the cul-de-sac bulb shall be forty-eight (48) feet measured from the radius point to the face of the curb.
- (f) Cul-de-sac Bulb Right-of-Way. Minimum right-of-way for the cul-de-sac bulb shall be forty-eight (48) feet measured from the radius point to the right-of-way line.
- (g) Temporary Cul-de-sacs. Temporary cul-de-sacs shall comply with the provisions of this subsection.
 - (1) When located within the development, temporary cul-de-sacs shall be constructed with the structural section used for the associated street, unless otherwise approved by the County Engineer. Asphalt curbing shall be used.
 - (2) Temporary cul-de-sacs shall be provided with adequate drainage consistent with County standards, including Article 420, Storm Drainage Standards.
 - (3) All temporary cul-de-sacs shall have a minimum radius of forty-eight (48) feet.

[Added by Ord. 908, provisions eff. 10/15/94.]

Section 110.436.125 Partial Width Streets. Partial width streets shall not be permitted whenever the street is used for access to a development. Where permitted, partial width streets shall comply with the provisions of this section.

- (a) Property Boundaries. The location of partial width streets adjacent to property boundaries shall comply with Section 110.436.20, General Requirements.

- (b) Street Improvement Plans. Partial width streets shall be clearly designated on street improvement plans as required by the provisions of Sections 110.436.140, Street Improvement Plans: General Requirements; 110.436.145, Street Improvement Plans: Contents; and 110.436.150, Street Improvement Plans: Plan and Profile Sheets, as being only a portion of a street and not a street of full width.
- (c) Existing Partial Width Streets. Where a dedicated and recorded partial width street exists adjacent to proposed development, the other portion shall be dedicated with the proposed development to make the street complete.
- (d) Minimum Improvements. Partial width streets which are permitted along the boundary of a development shall be improved at least to half width, but in no instance shall the paved travel way be less than twenty-four (24) feet in width (with no on-street parking). Curb, gutter and sidewalk adjacent to the development, and a minimum two (2) foot shoulder opposite the development, shall be provided. The final width of improvements shall be determined by the County Engineer.
- (e) Grading and Drainage. Provisions for cut and/or fill slopes along the shoulder and any necessary sanitary sewer, storm drain or utility extensions shall be provided and constructed to County standards.
- (f) Future Saw Cut. A two (2) inch by six (6) inch redwood header shall be placed along the open pavement edge, or a one (1) foot additional width shall be added to the pavement for a future saw cut.

[Added by Ord. 908, provisions eff. 10/15/94.]

Section 110.436.130 Street Extensions. Street extensions shall comply with the provisions of this section.

- (a) Development Boundary. Streets constructed to full width improvements shall be extended to the development boundary for extension to future development, when required by the County Engineer.
- (b) Temporary Cul-de-sac. Streets extending to the development boundary, which are proposed for future extension, shall be provided with temporary cul-de-sacs, when required by the County Engineer,
- (c) Future Development. The future removal of temporary cul-de-sacs and their replacement to full width County standard street improvements shall be provided with the extension of the street by future development.

[Added by Ord. 908, provisions eff. 10/15/94.]

Section 110.436.135 Pedestrian and Bicycle Ways. Pedestrian and bicycle ways shall be designed in accordance with the provisions of this section.

- (a) Sidewalk Widths. In no instance shall sidewalks be less than four (4) feet in width. In commercial areas, sidewalks shall not be less than five (5) feet in width.

- (b) Bikeway Design. The design of bikeways shall conform to AASHTO *Guide for Development of New Bicycle Facilities*, latest edition, unless otherwise specified by the County Code; *Standard Specifications for Public Works Construction*; *Standard Details for Public Works Construction*; Regional Transportation Commission guidelines; or this section.
- (c) Structural Section. The structural section of public and private bicycle and pedestrian paths shall conform to the following provisions:
 - (1) The structural section shall be based on a soils report recommendation; and
 - (2) The minimum structural section shall be two and one-half (2.5) inches of Type 2 or Type 3 asphalt concrete pavement compacted to ninety-five (95) percent minimum density over an engineered subgrade. Drainage shall be consistent with County standards, including Article 420, Storm Drainage Standards. The pavement shall be sealed in accordance with Washoe County standards.
- (d) Obstructions. No obstruction (i.e. power poles, street lights, signal poles and controls, water meter boxes, pull boxes, mail boxes, etc.) shall be located within sidewalk areas or pedestrian ways, except as allowed by the County Engineer. Any necessary additional right-of-way that may be required for locating such obstructions at the back of sidewalks shall be dedicated or easements provided for, if needed (e.g. for mailboxes).
- (e) Cut and Fill Slopes. Cut and fill slopes shall be set back a minimum of one (1) foot from the back of the sidewalk. If no sidewalk exists, the setback shall be a minimum of five (5) feet from the back of the curb.

[Added by Ord. 908, provisions eff. 10/15/94.]

Section 110.436.140 Street Improvement Plans: General Requirements. All street improvement plans submitted to the County shall conform to the requirements of this section.

- (a) Plan Size. Plans shall be on standard twenty-four (24) inch by thirty-six (36) inch sheets.
- (b) Plan Information. Each sheet of the plans shall include the north arrow, scale and a title block including the following:
 - (1) The name of the project, owners and type of design shown on the plan;
 - (2) The name and seal of the Nevada Registered Professional Civil Engineer;
 - (3) The date, sheet number and total number of sheets; and
 - (4) Any information necessary to clarify the design.
- (c) Existing Conditions and Improvements. The plans shall clearly indicate, in plan and profile, the distinction between existing conditions and proposed improvements, and shall designate identified improvements as public or private.

- (d) Existing Paving. When showing existing pavement or concrete in relation to new work, suitable shading or delineation shall be made to highlight the proposed new work.
- (e) Adjacent Property. The plans shall show adjacent property owners.
- (f) Certification. All designs shall be certified by a Nevada Registered Professional Civil Engineer. Upon concurrence by the County with the plans, this engineer shall provide the County Engineer with reproducible sepia-mylar copies of the plans and at least one (1) set of prints of the plans, wet stamped and signed.

[Added by Ord. 908, provisions eff. 10/15/94.]

Section 110.436.145 Street Improvement Plans: Contents. The contents of the street improvement plan sheets shall include all items required by the County Engineer and the provisions of this section.

- (a) Title Sheet. Improvement plans shall include a title sheet which shows the entire project or assessment district and includes, at a minimum, the following:
 - (1) Index;
 - (2) Legend;
 - (3) Vicinity map with any city limits shown thereon;
 - (4) Owner;
 - (5) Engineer; and
 - (6) All pertinent notes.
- (b) Utility Index. Improvement plans shall include a utility index which consists of a single sheet of the subdivision or development showing the following:
 - (1) The general location of sanitary sewer and storm drain systems;
 - (2) All manholes and structures identified and numbered; and
 - (3) All improvements indicated as either public or private as appropriate, including all rear lot drainage ways and piping to off-site systems and drainage ways where required.
- (c) Easements. The following right-of-way and easement lines shall be properly dimensioned and noted on the plans:
 - (1) Right-of-way lines on both sides of all streets;
 - (2) Boundaries of lots fronting on both sides of all streets;
 - (3) Drainage and utility easements;
 - (4) Section lines and corners;

- (5) Land grant lines; and
 - (6) Temporary construction easements, both existing and proposed.
- (d) Topography and Improvements. All pertinent topographic features and improvements shall be shown including:
- (1) Street lines;
 - (2) Curbs, sidewalks and shoulders;
 - (3) Location and size of sanitary sewers, storm drains and drainage ditches;
 - (4) Location and sizes of utilities including water, gas, electrical, telephone lines, utility poles, and fire hydrants; and
 - (5) Structures, houses, trees and other flora, and all other features of the area which may affect the design.
- (e) Proposed Improvements. Where proposed improvements meet existing infrastructure facilities, the plan shall show all of the following for a minimum distance of three hundred (300) feet from any boundary of the development:
- (1) Pertinent existing elevations;
 - (2) Gutter grades;
 - (3) Centerline of pavement;
 - (4) Sewer and storm drain inverts;
 - (5) Driveway locations; and
 - (6) Traffic signal equipment, detection loops, etc.
- (f) Stationing and Orientation. The stationing on plan and profile shall be from south to north and west to east insofar as practical and shall include:
- (1) All street centerlines;
 - (2) Beginning of curves;
 - (3) Points of compound curves;
 - (4) End of curves; and
 - (5) Limits of work.
- (g) Curve Data. Curve data shall include:
- (1) Centerline radius;
 - (2) Length of curve; and

- (3) Delta or central angle and tangent distances.
- (h) Vertical Curves. Vertical curves shall include:
- (1) The length of the curve;
 - (2) BVC (Beginning of Vertical Curve) and EVC (End of Vertical Curve) station and elevation; and
 - (3) K-value used (rate of vertical curvature).
- (i) Benchmarks. Benchmarks shall be clearly indicated on the plans as to location, description, elevation and datum.
- (j) Typical Section. A typical section(s) for each type of street within the area to be improved shall be a part of the plans and shall include the following:
- (1) Structural features (delineated);
 - (2) Width of right-of-way;
 - (3) Improvement dimensions and details on both sides of all streets; and
 - (4) Boring logs from the soils report are to be included in the construction plans.
- (k) Cross Sections. Cross sections shall be included in the plans, when directed by the County Engineer. Normally, this would occur in limited areas with unusual topographic features or when special conditions occur that would affect the work.
- (l) Grading and Drainage. Plans shall include existing and proposed drainage conditions according to the following requirements:
- (1) Existing contours every five (5) feet as fine continuous or dashed lines and proposed contours every five (5) feet as solid lines;
 - (2) All cut and fill slopes;
 - (3) Retaining walls;
 - (4) Street grades in percent;
 - (5) Peak flows, for the 5-year and 100-year storms, entering and leaving the development and disposition of same;
 - (6) The 100-year flood line;
 - (7) Spot elevations on streets, top of curbs, retaining walls, lots and surface drainage improvements;
 - (8) Drainage arrows showing individual lot drainage; and
 - (9) Soil requirements printed thereon.

- (m) Plan and Profile Sheets. Plan and profile sheets shall be prepared in accordance with the requirements set forth in Section 110.436.150, Street Improvement Plans: Plan and Profile Sheets.
- (n) Details. All County standard details being used in the project shall be shown. Any additional details shall be shown as necessary for clarification of the improvements. Any necessary general notes shall be provided, including the following note: "All construction shall conform to County standards."
- (o) Permit. A Revocable Permit shall be obtained from the Nevada Department of Transportation for any facilities encroaching upon a state right-of-way or for any drainage disposal on the right-of-way. (Allow a minimum of 30 days for obtaining a permit.)
- (p) Drawings of Record. Drawings of record noting all of the changes in the improvements constructed from the design plan shall be provided. The drawings of record shall be submitted on a reproducible sepia-mylar reproduced from the original drawings that have been stamped and sealed thereon by a Nevada Registered Civil Engineer verifying the drawings of record conditions. The distance from the nearest sanitary sewer manhole to each "Y" or "T" intersection, and to the terminus of each service at the property line shall be shown.
- (q) Private Streets. The County will not assume maintenance responsibility for access and drainage facilities and their associated structures located outside the limits of dedicated street rights-of-way or public easements, or which are not constructed to County standards for public facilities. Private facilities for access and drainage located on private street, lots or parcels are to be owned and maintained by the property owners.

[Added by Ord. 908, provisions eff. 10/15/94. Amended by Ord. 1064, provisions eff. 5/28/99.]

Section 110.436.150 Street Improvement Plans: Plan and Profile Sheets. Plan and profile sheets shall conform to the requirements set forth in this section.

- (a) Scale. Minimum vertical scale shall be 1" = 10' and minimum horizontal scale shall be 1" = 40'.
- (b) Streets and Access Roads. All information for streets and access roads shall be located on the plan and profile sheets in accordance to the provisions of this subsection.
 - (1) Name of street(s);
 - (2) Plan sections shall show the following information:
 - (i) Monuments;
 - (ii) Right-of-way widths;
 - (iii) Improvements;
 - (iv) Traffic control devices;
 - (v) Intersecting street(s);

- (vi) Centerline stationing;
 - (vii) Horizontal curve data and stationing;
 - (viii) Benchmark locations and elevations; and
 - (ix) Existing facilities.
- (3) Profile sections shall show the following information:
- (i) Existing and proposed grades along centerline, including tangency slopes;
 - (ii) Vertical curve elevations and data;
 - (iii) Station and elevation of intersecting street(s); and
 - (iv) Existing facilities.
- (c) Storm Drains. If located within a public street section, all information for storm drains on the street plan and profile sheets shall be shown in accordance with the provisions of this subsection.
- (1) Plan sections showing storm drainage facilities shall include the following information:
- (i) Location of pipe in relation to street centerline and/or easements and property lines;
 - (ii) Type and location of manholes and catch basins, showing the station and number and rim elevations of each;
 - (iii) Size, class and type of pipes;
 - (iv) Type, location and 5-year storm flow of inlet and outlet structures;
 - (v) Location and type of maintenance access roads to manholes or structures, where required;
 - (vi) Typical channel section, where required;
 - (vii) Benchmark locations and elevations; and
 - (viii) Existing utilities.
- (2) Profile sections showing storm drainage facilities shall include the following information:
- (i) Existing and finished surface grades and pipe profile showing type, size, slope, Q^5 (Volume of runoff from 5-year storm event), velocity at Q^5 , and the hydraulic grade line if the pipe is under pressure;

- (ii) For channels, the depth of flow for the 5-year and 100-year storms;
 - (iii) Manhole station, number, rim elevation, and invert elevation of all pipes entering or exiting and distance between manholes; and
 - (iv) Existing utilities with pertinent elevations.
- (d) Sanitary Sewers. If located within a public street section, all information for sanitary sewers shall be shown on the street plan and profile sheets in accordance with the provisions of this subsection.
- (1) Plan sections showing sanitary sewers shall include the following information:
 - (i) Location of pipe in relation to street centerline and/or easements and property lines;
 - (ii) Type and location of manholes, showing the station and number and rim elevation of each;
 - (iii) Size, class and type of pipe;
 - (iv) Service lateral locations with reference to station and property lines;
 - (v) Location and type of maintenance access roads, where required;
 - (vi) Benchmark locations and elevations; and
 - (vii) Existing utilities.
 - (2) Profile sections showing sanitary sewers shall include the following information:
 - (i) Existing and finished surface grades;
 - (ii) Pipe profile showing type and class, size, slope and velocity at peak flow;
 - (iii) Manhole station, number, rim elevation, and invert elevation of all pipes entering or exiting;
 - (iv) Distance between manholes; and
 - (v) Existing utilities with pertinent elevations.

[Added by Ord. 908, provisions eff. 10/15/94. Amended by Ord. 1064, provisions eff. 5/28/99.]

SECTION 5. Chapter 110, Division Six, Articles 602, 604, 606, 608, 610, and 618 of the Washoe County Code is hereby amended as follows:

Division Six - Subdivision Regulations
Article 602

GENERAL SUBDIVISION PROVISIONS

Sections:

110.602.00	Purpose
110.602.05	Subdivision Regulations: Purpose
110.602.10	Statement of Policy
110.602.15	Applicability
110.602.20	Required Mapping
110.602.25	Compliance
110.602.30	Strict Conformance
110.602.35	Monument Locations
110.602.40	Monument Identification
110.602.45	Monument Physical Requirements
110.602.50	Monument Inspection
110.602.55	Proposed Street and Highway Names
110.602.60	Dedications Required
110.602.65	Animals

Section 110.602.00 Purpose. The purpose of this article, Article 602, General Subdivision Provisions, is to set forth definitions and other general provisions which shall apply throughout Division Six of the Development Code.

Section 110.602.05 Subdivision Regulations: Purpose. The purposes of the subdivision regulations are the following:

- (a) **Plan Implementation.** To implement the Washoe County Master Plan, including the area plans, and any specific plans adopted by the County;
- (b) **Orderly Process.** To establish reasonable standards of design and reasonable procedures for subdivision and re-subdivision in order to further the orderly layout and use of land and insure proper legal descriptions and monumenting of subdivided land; and
- (c) **Public Health, Safety and General Welfare.** To safeguard the public health, safety and general welfare by establishing minimum standards of design and development for any subdivision platted in the unincorporated area of Washoe County.

Section 110.602.10 Statement of Policy. It is the policy of Washoe County regarding subdivisions that:

- (a) County Control. The subdivision and subsequent development of land shall conform to the adopted Master Plan, including the area plans and any specific plans of Washoe County, and the other provisions of the Development Code;
- (b) Safety of Development. All subdivided land should be of such character that it can be used safely for building purposes by future holder of title without unreasonable danger to health or peril from fire, flooding or other hazards; and
- (c) Facilities and Services. In accordance with the Master Plan policies, provisions shall be made for water supply; runoff and wastewater management; streets, roads and highways; and other public facilities and services.

Section 110.602.15 Applicability. The regulations provided by the subdivision regulations shall apply to all subdivisions and parts of subdivisions hereafter made entirely or partially within the unincorporated territory of Washoe County except as provided next and as otherwise stated in Chapter 110, Development Code.

- (a) Exempt Subdivisions. Division Six of this Development Code, including without limitation, any requirements relating to the adjustment of boundary lines or the filing of a parcel map or record of survey, does not apply to the division, exchange or transfer of land for agricultural purposes if each resulting parcel meets all of the following requirements:
 - (1) Is ten (10) acres or more in size or meets the minimum lot size enumerated in Article 406, whichever is greater;
 - (2) Has a regulatory zoning classification that permits agricultural uses or is consistent with the designation in the Master Plan;
 - (3) Qualifies for an agricultural use assessment pursuant to NRS Chapter 361A and applicable regulations and any applicable regulations adopted pursuant thereto;
 - (4) Has permanent, documented, and code compliant access either by way of an existing public street or through adjacent property under the same ownership as the created parcel, covenanted for such purpose, or served by an irrevocable easement that is retained with the land through the created parcel;
 - (5) Its legal description is clear and complete with graphic depiction and by reference to the standard subdivisions used in the United States Public Land Survey System; and
 - (6) No new residential or commercial structures are proposed to be built on the property after the parcel is created.
- (b) Application Required and Deed. This exemption is established only upon approval by the Director of the Department of Community Development ("Director") of the owner's application therefore, prepared on a form authorized by the Director, and accompanied with proof to establish that each parcel resulting from such creation is deed restricted with disclosures about potential disqualification of this exemption and the consequences (including compliance with land division improvements under NRS Chapter 278 and deferred property tax recapture under NRS Chapter 361A). The proof must also establish that each

parcel resulting from such creation satisfies the requirements addressed in subsection (a) above. The Director shall determine in writing, in conjunction with applicable departments and within 30 working days of submission of the application, whether the proof is adequate and complete. Any related document to be recorded must be entitled "Deed of Division For Agriculture Purposes."

- (c) Disqualification of Exemption. The failure to prove all requirements for this exemption shall be grounds for denial of the application, and failure of a resulting parcel to maintain the requirement of Sections (a)(3) and (a)(6) above after the date of the division, exchange or transfer, shall disqualify such resulting parcel from this exemption by operation of law, in which case the current owner shall be required to comply with all applicable property tax and land division law, including without limitation the laws concerning survey, land improvements, and recapture of deferred property tax.

[Amended by Ord. 1364, provisions eff. 4/4/08.]

Section 110.602.20 Required Mapping. All subdivisions in Washoe County shall be recorded with either a final map, parcel map or division of land into large parcels.

Section 110.602.25 Compliance. If any property in a subdivision is offered for sale before a final map is recorded in the Office of the County Recorder for that property, the seller or his or her authorized agent shall disclose to any potential buyer that the final map has not yet been recorded. Any offer to sell, contract to sell, sale or transfer contrary to the provisions of NRS 278 is a misdemeanor, and shall be punished by a fine of not more than \$1,000.00.

Section 110.602.30 Strict Conformance. When strict conformance to the requirements of Division Six is impracticable or impossible, modifications which are not in violation of the spirit and purpose of the entire Development Code may be allowed pursuant to Article 804, Variances.

Section 110.602.35 Monument Locations. All monuments shall be located as set forth in this section.

- (a) Final Monument Locations. Final monuments shall be set at:
- (1) Each corner of the boundary of the subdivision and at intermediate points at approximately 1,000 feet or at lesser distances if topographical conditions warrant;
 - (2) Intersections of centerlines of streets;
 - (3) Sufficient locations along the centerlines of streets so that the centerline may be retraced; these locations may be at, or on an offset to, an angle to the centerline of a street, the center of a cul-de-sac, a point which defines a curve (the beginning or end of a curve or a point of intersection of a tangent) or an intersection with a boundary of the subdivision; and
 - (4) A position for a corner system of rectangular surveys directly relevant to property lines and corners of the subdivision.
- (b) Exceptions to Final Monument Locations. If a monument required by Subsection (a) of this section cannot be set because of steep terrain, water, marsh or existing structures, or if it would be obliterated as a result of proposed construction, one or more reference monuments must be set. In addition to the

physical requirements for a monument, the letter "RM" and "WC" must be stamped in the tablet, disc or cap. If only one reference monument is used, it must be set on the actual line or a prolongation thereof. Otherwise, at least two (2) reference monuments must be set. These monuments shall be deemed final monuments.

Section 110.602.40 Monument Identification. All monuments set as required herein shall be permanently marked or tagged with the letters "PLS" followed by the professional land surveyor's registration number that set the monument.

Section 110.602.45 Monument Physical Requirements. All monuments shall meet the physical requirements as set forth in this section.

- (a) **General Final Monument Requirements.** The final monument shall, except as otherwise provided in Subsections (b) and (c) of this section, consist of a nonferrous tablet, disc or cap securely attached to the top of a metallic shaft solidly imbedded in the ground, with a minimum diameter of five-eighths (5/8) of an inch and a length adequate to resist removal.
- (b) **Final Monuments in Paved Areas.** A final monument required by Section 110.602.35 which falls into a paved area shall consist of a well lid placed so that the top of the tablet, disc or cap of the monument is not less than four (4) inches below the surface of the pavement.
- (c) **Final Monuments on Bedrock or Concrete.** If a monument required by Section 110.602.35 falls on solid bedrock or on a concrete or stone roadway, curb, gutter or walk, a durable nonferrous metal tablet, disc or cap shall be securely anchored in the rock or concrete.

Section 110.602.50 Monument Inspection. All monuments shall be subject to inspection by the County Engineer.

Section 110.602.55 Proposed Street and Highway Names. The naming of all new streets and highways, or the proposed re-naming of streets and highways, shall conform to the procedures adopted by the Regional Street Naming Committee.

[Amended by Ord. 876, provisions eff. 7/7/93.]

Section 110.602.60 Dedications Required. Dedications for watercourse channels, streams or creeks may be required and the dedication of land for park, recreation, school or other public purposes in an amount and location consistent with the type, proposed character and location of such subdivision may be required as a condition precedent of tentative plat approval.

Section 110.602.65 Animals. Animals kept for private, non-commercial use in new subdivision developments are allowed as set forth in Article 306, Accessory Uses and Structures, and pursuant to all provisions of Washoe County Code, Chapter 55; all Washoe County District Health regulations; and NRS 574. Animals kept for commercial or agricultural uses are regulated by Article 304, Use Classification System.

[Added by Ord. 876, provisions eff. 7/7/93.]

Article 604

DESIGN REQUIREMENTS

Sections:

110.604.00	Purpose
110.604.05	Applicability
110.604.10	Streets
110.604.15	Setbacks
110.604.20	Intersections
110.604.25	Pedestrian Circulation and Access
110.604.30	Utilities
110.604.35	Street Lighting
110.604.40	Energy Conservation
110.604.45	Existing Vegetation
110.604.50	Snow Storage
110.604.55	Subdivisions Adjacent to Public Land
110.604.60	Conversion of Manufactured Home Park Spaces to Individually Owned Lots

Section 110.604.00 Purpose. The purpose of this article, Article 604, Design Requirements, is to set forth subdivision design requirements.

Section 110.604.05 Applicability. The design requirements within this article shall apply to all tentative subdivision maps, parcel maps and division into large parcels.

Section 110.604.10 Streets. Streets within the subdivision shall be designed in conformance with Article 436, Street Design Standards.

[Amended by Ord. 908, provisions eff. 10/15/94.]

Section 110.604.15 Setbacks. Setback requirements shall be in conformance with this section.

- (a) **Front Yard Setback Requirements.** A lot shall have a front yard setback as stated in Article 406, Building Placement Standards.
- (b) **Minimum Building Setback Requirements.** No building in any regulatory zone shall be constructed or altered closer than fifty (50) feet to the centerline of any major arterial, or forty (40) feet to the centerline of any minor arterial, or thirty (30) feet to the centerline of any through street.

Section 110.604.20 Intersections. Intersections within the subdivision shall be designed in conformance with Article 436, Street Design Standards.

[Amended by Ord. 908, provisions eff. 10/15/94.]

Section 110.604.25 Pedestrian Circulation and Access. In all subdivisions, a plan for pedestrian circulation and access in conformance with the appropriate area plan of the Washoe

County Master Plan shall be prepared and implemented to the satisfaction of the County Engineer.

Section 110.604.30 Utilities. All public utilities shall be placed underground, except in the case where underground placement of utilities is shown to not be feasible, in which case the County Engineer may approve exceptions to this requirement.

Section 110.604.35 Street Lighting. Street lights are required for major street intersections or hazardous street intersections. Major street intersections are those intersections having at least one intersecting street with a minimum designed vehicular speed limit of forty-five (45) miles per hour. Hazardous intersections are those intersections determined to be hazardous by the traffic-control committee because of detrimental physical characteristics. All street lighting shall be luminaries in accordance with local utility standards, and as determined appropriate by the County Engineer to be required. Light poles shall be either wooden or metal, or other material, as required by the County Engineer.

Section 110.604.40 Energy Conservation.

- (a) **Design.** The design of a subdivision for which a tentative map is required shall provide, to the extent feasible, for future passive or natural heating or cooling opportunities in the subdivision.
 - (1) Examples of passive or natural heating opportunities in subdivision design include design of lot size and configuration to permit orientation of a structure in an east-west alignment for southern exposure.
 - (2) Examples of passive or natural cooling opportunities in subdivision design include design of lot size and configuration to permit orientation of a structure to take advantage of shade or prevailing breezes.
- (b) **Considerations.** In providing for future passive or natural heating or cooling opportunities in the design of a subdivision, consideration shall be given to local climate, contour, configuration of the parcel to be divided and other design and improvement requirements. This provision shall not result in reducing allowable densities, or the percentage of a lot which may be occupied by a building or structure under applicable plans in force at the time the tentative map is filed.
- (c) **Exceptions.** The requirements of this section do not apply to condominium projects which consist of the subdivision of airspace in an existing building when no new structures are added.
- (d) **Definitions.** For the purposes of this section, "feasible" means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors.

Section 110.604.45 Existing Vegetation. The subdivision shall be designed to preserve the greatest practicable amount of existing vegetation, including trees with a trunk caliper of eight (8) inches or greater. Native or ornamental trees required to be preserved, as shown on the tentative map, shall not be damaged. Trees and other vegetation damaged, destroyed, or removed without prior authorization of the Director of Community Development shall be replaced by the subdivider. The size and species of the replacement vegetation shall be in accordance with the provisions of Article 412, Landscaping.

Section 110.604.50 Snow Storage. Site plans, parcel maps, and tentative maps shall provide snow storage areas appropriate for the elevation and historic snowfall amounts.

Section 110.604.55 Subdivisions Adjacent to Public Land. When shown to be in the public's best interest, any site plan, parcel map, and tentative subdivision map adjacent to publicly owned land shall provide access easements of an appropriate width to the public land. Said easements shall be offered for dedication to an appropriate public agency.

Section 110.604.60 Conversion of Manufactured Home Park Spaces to Individually Owned Lots. Should a tentative subdivision map be approved pursuant to Article 606, Parcel Maps, or Article 608, Tentative Subdivision Maps, for the conversion of existing manufactured home park spaces to individually owned lots, the approval may not alter the existing density, uses, space sizes, setbacks or other similar restrictions as existed when the property was used as a manufactured home park. An approval may impose reasonable conditions to address health and safety concerns.

[Previous Section 110.604.60 entitled "Open Space and Recreational Trails" amended by Ord. 876, provisions eff. 7/7/93; Ord. 908, provisions eff. 10/15/94; and repealed by Ord. 949, provisions eff. 5/1/96. Added by Ord. 1220, provisions eff. 11/7/03.]

Article 606

PARCEL MAPS

Sections:

110.606.00	Purpose
110.606.05	Parcel Map Required
110.606.10	Survey Required
110.606.15	Submittal of Tentative Parcel Map
110.606.20	Data to Accompany Tentative Parcel Map
110.606.25	Form of Tentative Parcel Map
110.606.30	Tentative Parcel Map Review Procedures
110.606.35	Submittal of Final Parcel Map
110.606.40	Form of Final Parcel Map
110.606.45	Contents of Final Parcel Map
110.606.50	Review Procedures for Final Parcel Map
110.606.55	Appeals
110.606.60	Certificates and Statements
110.606.65	Recordation
110.606.70	Expiration Date
110.606.75	Waiver of Parcel Map
110.606.80	Document Required if Parcel Map Waived

Section 110.606.00 Purpose. The purpose of this article, Article 606, Parcel Maps, is to prescribe the requirements for, and waiver of, parcel maps.

Section 110.606.05 Parcel Map Required. A parcel map shall be required as set forth in this section.

- (a) Parcel Map Required. A parcel map shall be required for all subdivisions, merger and re-subdivision of existing lots, and common-interest communities consisting of four (4) or fewer units, except as provided in this section.
- (b) Exempt Divisions. A parcel map is not required when the division is for the express purpose of:
- (1) The creation or realignment of a public right-of-way by a public agency;
 - (2) The creation or realignment of an easement;
 - (3) An adjustment of the boundary line between two (2) abutting parcels or the transfer of land between two owners of abutting parcels which does not result in the creation of any additional parcels;
 - (4) The purchase, transfer or development of space within an apartment building or an industrial or commercial building;
 - (5) Carrying out an order of any court of dividing land as a result of an operation of law;

- (6) Creation of cemetery plots; or
 - (7) Creation of a lot for agricultural purposes that complies with Section 110.602.15.
- (c) Exempt Transactions. A parcel map is not required for any of the following transactions involving land:
- (1) The creation of a lien, mortgage, deed of trust, or any other security instrument;
 - (2) The creation of a security or unit of interest in any investment trust regulated under the laws of this state or any other interest in an investment entity;
 - (3) Conveying an interest in oil, gas, minerals or building materials which are severed from the surface ownership of real property;
 - (4) Conveying an interest in land acquired by the Department of Transportation pursuant to Chapter 408 of NRS; or
 - (5) Filing a certificate of amendment.
- (d) Waiver. A parcel map may be waived pursuant to Section 110.606.75, Waiver of Parcel Map. The following division is eligible for consideration of a waiver: creation of sites for utility services, such as well sites, pump stations, transformer boxes, as long as the utility is a regulated utility or operated by a government entity. A waiver will require conformance with Section 110.606.80, Document Required if Parcel Map Waived.
- (e) Separate Lots. When two (2) or more separate lots, parcels, sites, units or plots of land are purchased, they remain separate for the purposes of this article.
- (f) Conveyance. When lots, parcels, sites, units or plots are resold or conveyed, they are exempt from the provisions of this article until further divided.

[Amended by Ord. 876, provisions eff. 7/7/93; Ord. 1088, provisions eff. 1/28/00; Ord. 1347, provisions eff. 11/2/07; Ord. 1364, provisions eff. 4/4/08.]

Section 110.606.10 Survey Required. A parcel map shall be based on a survey made for that purpose, unless this requirement is waived by the County Surveyor within forty-five (45) days of the submittal of an application for the waiver, unless this time is extended by mutual consent. The requirement of a survey may be waived if, in the judgment of the County Surveyor, a survey is not required to accomplish the purposes of this article. Failure of the County Surveyor to act on the waiver request within the time prescribed in this section shall result in approval of the waiver.

[Amended by Ord. 1041, provisions eff. 12/1/98; Ord. 1088, provisions eff. 1/28/00.]

Section 110.606.15 Submittal of Tentative Parcel Map. A tentative parcel map must be submitted to the Department of Community Development for the purpose of review prior to or concurrent with the final parcel map. Every tentative parcel map shall be prepared by a professional land surveyor and shall contain the following data:

- (a) Existing Parcels. Boundary lines and dimensions of the parcel being divided, regulatory zone designation, and date of creation of the parcel being proposed to be subdivided.
- (b) Pre-Existing Parcels. Pre-existing, contiguous parcels, held under the same ownership, may be merged into a single parcel with a simultaneous re-subdivision of that parcel as proposed in the tentative parcel map.
- (c) Proposed Parcels. Proposed division lines using solid lines with dimensions of each parcel being created and proposed yards of each parcel being created that meet the requirements of this chapter using lines that are not solid.
- (d) Area. The area of the original parcel and of each proposed new parcel.
- (e) Rights-of-Way. Names, locations and widths of all streets, alleys or rights-of-way adjoining the property showing relationships to the streets in the proposed minor subdivision.
- (f) Easements. The dimensions and approximate location of all existing or proposed road easements, sight triangles easements that preserve safe sighting at street intersections, slope and curve easements, conservation easements, open space easements, recreation or trail easements, drainage easements, sewer easements, irrigation ditch easements, or public utility easements, whether for public or private purposes.
- (g) Slope. A general indication of the slope of the land.
- (h) North Point and Scale. North arrow and scale of drawing.
- (i) Street Names. All street names, denoting if they are existing or proposed.
- (j) Parcel Data. Parcel designation and a graphic border around the proposed division. The area of each parcel and lot, and the total area of land to be divided. If the area is two (2) acres or more, the area shall be calculated to the nearest one-hundredth of an acre. If the area is less than two (2) acres, then the area shall be calculated in square feet.
- (k) Monuments. All monuments found, set, re-set, replaced or removed, describing their size and location and other data.
- (l) Bearings. Bearing or witness monuments, basis of bearings, bearing and length of lines, and scale of map.
- (m) Legal Designation. The name and legal designation of the tract or grant in which the survey is located and any ties to adjoining tracts.
- (n) Date of Survey. The date of the survey.
- (o) Owners. The owner or owners of the land to be divided.
- (p) Vicinity Map. A vicinity map of the location of the map.
- (q) Other Data. Any other data necessary for the intelligent interpretation of the various items and locations of the points, lines, area shown and required yards.

[Renamed from "Preliminary Parcel Maps" and amended by Ord. 876, provisions eff. 7/7/93. Amended by Ord. 1088, provisions eff. 1/28/00.]

Section 110.606.20 Data to Accompany Tentative Parcel Map. The following data shall accompany a tentative parcel map:

- (a) Owner. Name, legal address and telephone number of the owner of the land. In addition, an affidavit from the legal owner of the land acknowledging that a tentative parcel map is being prepared with his permission. If the subdivider of the land is different from the owner of the land, the name, legal address and telephone number of that person shall also be included.
- (b) Preparer. Name, address and telephone number of the person who prepared the map.
- (c) Legal Description. Legal description of original parcel. It is sufficient to give the County Recorder's book and page of deed and the County Assessor's parcel number.
- (d) Proposed Use. Proposed use of each parcel.
- (e) Water Supply and Sewage. Source of water supply and proposed method of sewage disposal for each parcel.
- (f) Survey Computations. A copy of all survey computations.
- (g) Existing Structures. If applicable, a map showing all structures located on the property and their distances from the proposed property lines and each other, and all septic and well locations.

[Renamed from "Data to Accompany Preliminary Parcel Map" and amended by Ord. 876, provisions eff. 7/7/93.]

Section 110.606.25 Form of Tentative Parcel Map. The tentative parcel map shall be legibly drawn. The size of each sheet must be twenty-four (24) by thirty-two (32) inches. A marginal line must be drawn completely around each sheet, leaving an entirely blank margin of one (1) inch at the top, bottom and right edges, and of two (2) inches at the left edge along the twenty-four (24) inch dimension.

[Added by Ord. 876, provisions eff. 7/7/93; Ord. 1088, provisions eff. 1/28/00.]

Section 110.606.30 Tentative Parcel Map Review Procedures. The review procedures for tentative parcel maps shall be as set forth in this section.

- (a) Filing. The subdivider shall file with the Department of Community Development a complete application and the required supporting materials as outlined in the application packet. The subdivider shall pay the required fees upon the filing of the application.
- (b) Application Review. The Community Development staff will review the submitted packet and accept or reject the application as complete within three (3) working days after the published application submittal date. If the application is complete, the Department of Community Development shall distribute the parcel map application to the Parcel Map Review Committee.

- (c) Action Required by the Parcel Map Review Committee. If the application is determined to be complete, the Parcel Map Review Committee shall approve, conditionally approve, or disapprove the tentative parcel map within sixty (60) days of the date that the application is determined to be complete, unless the time limit is extended in writing by the mutual consent of the subdivider and the Director of Community Development. Failure of the Parcel Map Review Committee to take action within the time prescribed in this section shall result in approval of the parcel map.
- (d) Notice of Property Owners by Mail of Submittal of Tentative Parcel Map (Second or Subsequent Tentative Parcel Maps). If the application for a tentative parcel map is for the subdividing of a lot or lots created within five (5) years of the recording of a map creating the original parcel, notice shall be provided to the following persons within ten (10) days of the meeting of the Parcel Map Review Committee, setting forth the time, place, purpose of hearing, and map or physical description of the land involved:
- (1) All owners of real property that are the subject of the tentative parcel map application;
 - (2) Advisory boards created by the Board of County Commissioners for the area in which the property that is the subject of the tentative parcel map application is located;
 - (3) All owners of real property within five hundred (500) feet of the property which is the subject of the tentative parcel map application;
 - (4) All tenants of any mobile home or manufactured home park that is located within five hundred (500) feet of the property which is the subject of the tentative subdivision map application; and
 - (5) All General Improvement Districts (GID) for the area in which the property that is the subject of the tentative parcel map application is located.
- (e) Notice of Property Owners by Electronic Means. If requested by a party pursuant to subsection (d) of this section and if receipt can be verified, an electronic notice must be provided at least ten (10) days before the meeting, setting forth the time, place, purpose of hearing, and map or physical description of the land involved.
- (f) Number of Notices. If the number of notices sent pursuant to this section does not identify thirty (30) or more separate property owners, the County shall send out additional notices to achieve a total of at least thirty (30) separate property owners. These notices shall be sent to owners of real property that are closest to the property in question, not including those owners provided notice pursuant to Subsection (d) of this section.
- (g) Compliance with Noticing Requirements. Owners of all real property to be noticed pursuant to this section shall be those owners identified on the latest County Assessor's ownership maps and records. Such notice is complied with when notice is sent to the last known addresses of such real property owners as identified in the latest County Assessor's records. Any person who attends the public hearing shall be considered to be legally noticed unless those persons can

provide evidence that they were not notified according to the provisions of this section.

- (h) Contents of Notice. Such notice as required by this section shall describe the proposed tentative parcel map's location and number of new lots to be created, describe the closing date for providing public comment to the Parcel Map Review Committee, and describe the content of public comment allowed to be considered by the Parcel Map Review Committee in making a decision.
- (i) Review Criteria. Prior to approving a tentative parcel map, the Parcel Map Review Committee shall determine that the following are or will be adequately provided for:
 - (1) General improvement considerations for all parcel maps including, but not limited to:
 - (i) Environmental and health laws and regulations concerning water and air pollution, the disposal of solid waste, facilities to supply water, community or public sewage disposal and, where applicable, individual systems for sewage disposal;
 - (ii) The availability of water which meets applicable health standards and is sufficient for the reasonably foreseeable needs of the subdivision;
 - (iii) The availability and accessibility of utilities;
 - (iv) The availability and accessibility of public services such as schools, police and fire protection, transportation, recreation and parks;
 - (v) Conformity with the zoning ordinances and master plan;
 - (vi) General conformity with the governing body's master plan of streets and highways;
 - (vii) The effect of the proposed subdivision on existing public streets and the need for new streets or highways to serve the subdivision;
 - (viii) Physical characteristics of the land such as floodplain, slope and soil;
 - (ix) The recommendations and comments of those entities reviewing the tentative parcel map pursuant to NRS 278.330 and 278.348, inclusive;
 - (x) The availability and accessibility of fire protection including, but not limited to, the availability and accessibility of water and services for the prevention and containment of fires including fires in wild lands;
 - (xi) Community antenna television (CATV) conduit and pull wire; and

- (xii) Recreation and trail easements.
- (2) Subdivision improvement considerations for second or subsequent parcel maps pursuant to Section 110.606.30(d) and which are in addition to the criteria listed above.
 - (j) Conditions. An approval of any tentative parcel map may be subject to conditions relating to the items specified in Section 110.606.30(f), Review Criteria, as are reasonably necessary. For all tentative parcel maps subject to the notice required in this article, subdivision improvements shall be required, unless the Parcel Map Review Committee makes a finding that they are not appropriate. In addition, dedications and easement relating to such items may be required as a condition of approval.
 - (k) Notice of Action. The applicant shall be notified in writing of the decision of the Parcel Map Review Committee. If the tentative parcel map is conditionally approved, the notice of decision shall contain a statement of all conditions imposed. If the tentative parcel map is disapproved, a statement of the reasons for such disapproval shall be included.
 - (l) Appeal. The applicant may appeal any conditions imposed on the tentative parcel map or a disapproval of the parcel map to the Board of County Commissioners as set forth in Section 110.606.55, Appeals.
 - (m) No Guarantee of Final Map Approval. Approval or conditional approval of a tentative parcel map imposes no obligation on the part of the Director of Community Development, or the Board of County Commissioners to approve the final parcel map or to accept any public dedication shown on the tentative or final parcel map.
 - (n) Cessation of Further Action. Failure to submit a complete final parcel map and pay the required fees within the two (2) year time period shall cease any further action on the map and shall render the tentative map as expired. The provisions of Section 110.606.65 and Section 110.606.70 are also applicable to the filing of a final parcel map.

[Renumbered and renamed from Section 110.606.25 "Preliminary Parcel Map Review Procedures" and amended by Ord. 876, provisions eff. 7/7/93. Amended by Ord. 1041, provisions eff. 12/1/98; Ord. 1088, provisions eff. 1/28/00; Ord. 1156, provisions eff. 3/22/02; Ord. 1288, provisions eff. 3/24/06.]

Section 110.606.35 Submittal of Final Parcel Map. After approval or conditional approval of the tentative parcel map, the applicant may submit a final parcel map for review.

[Renumbered and renamed from Section 110.606.30 "Submittal of Parcel Map" and amended by Ord. 876, provisions eff. 7/7/93. Amended by Ord. 1041, provisions eff. 12/1/98; Ord. 1088, provisions eff. 1/28/00; Ord. 1288, provisions eff. 3/24/06.]

Section 110.606.40 Form of Final Parcel Map. The final parcel map shall be legibly drawn in permanent black ink on tracing cloth or produced by the use of other materials of a permanent nature generally used for such purpose in the engineering profession. The size of each sheet must be twenty-four (24) by thirty-two (32) inches. A marginal line must be drawn completely around each sheet, leaving an entirely blank margin of one (1) inch at the top, bottom and right edges, and of two (2) inches at the left edge along the twenty-four (24) inch dimension.

[Renumbered and renamed from Section 110.606.35 "Form of Parcel Map" and amended by Ord. 876, provisions eff. 7/7/93.]

Section 110.606.45 Contents of Final Parcel Map. In addition to the information required by Sections 110.606.15 and 110.606.20, the following information must be shown on the final parcel map:

- (a) Monuments. All monuments found, set, reset, replaced or removed, describing their kind, location and giving other data relating thereto;
- (b) Oaths. A memorandum of oaths;
- (c) Surveyor. The signature of the surveyor;
- (d) Owners. The signature of the owner or owners of the land to be divided;
- (e) Easements and Dedications. Any easements granted or dedications made including, but not limited to, community water and wastewater systems; and
- (f) Survey. Name of the person or persons for whom the survey on which the map is based was made.

[Renumbered and renamed from Section 110.606.40 "Contents of Parcel Map" and amended by Ord. 876, provisions eff. 7/7/93. Amended by Ord. 1088, provisions eff. 1/28/00.]

Section 110.606.50 Review Procedures for Final Parcel Map. The review procedures for final parcel maps shall be as set forth in this section.

- (a) Filing. The subdivider shall file with the Department of Community Development and County Engineer a final parcel map and the required supporting materials showing that all conditions imposed by the Parcel Map Review Committee have been met within twenty-two (22) months from the date of approval of the tentative parcel map. The subdivider shall pay the required fees upon the filing of the final parcel map.
- (b) Application Review. The Community Development staff and County Engineer will review the submitted final parcel map and supporting materials and recommend to the Director or Community Development acceptance or rejection of the map as complete within fourteen (14) working days after submittal, unless the time limit is extended in writing by the mutual consent of the subdivider and the Director of Community Development.
- (c) Action Required by Director of Community Development. Within twenty-five (25) working days of submittal of the final map application, the Director of Community Development shall determine whether the conditions placed on the tentative parcel map approval have been met. The final map application shall be considered incomplete if the Director of Community Development cannot make a determination that all of the tentative map conditions have been met. If the final parcel map is determined to be complete, the Director of Community Development shall approve or disapprove the map within thirty (30) working days of the submittal date, unless the time limit is extended in writing by the mutual consent of the subdivider and the Director of Community Development.

- (d) **Review Criteria.** Prior to approving a final parcel map, the Director of Community Development shall determine that the following have been met:
- (1) Completion of all conditions imposed on the subdivision prior to approval of the final parcel map or, in the alternative, acceptance by the Director of Community Development of a satisfactory guarantee of completion and faithful performance of all conditions. The amount of the guarantee shall be in a sum which, in the opinion of the County Engineer, equals one hundred twenty (120) percent of the cost of performance of the conditions. If a subdivider fails to perform any condition within the time specified, the Board of County Commissioners, upon recommendation of the County Engineer, may cause the guarantee to be forfeited in an amount necessary to finish the uncompleted portion of the work. If a security was previously posted to guarantee completion of improvements for two (2) or more contiguous parcels and those improvements will not be completed because of a merger and subsequent re-subdivision pursuant to this article, a credit on a pro-rata basis of the security posted by the owner shall be credited toward the financial assurance required for the parcel map re-subdivision.
 - (2) Completion of all certificates and statements required by Section 110.606.60, excepting (a) of that section.
- (e) **Notice of Action.** The applicant shall be notified in writing of the decision of the Director of Community Development. If the final parcel map is disapproved, a statement of the reasons for such disapproval shall be included.
- (f) **Appeal.** The applicant may appeal a disapproval of the final parcel map to the Board of County Commissioners as set forth in Section 110.606.55, Appeals.

[Renumbered and renamed from Section 110.606.45 "Review Procedures for Parcel Maps" and amended by Ord. 876, provisions eff. 7/7/93. Amended by Ord. 899, provisions eff. 5/31/94; Ord. 1041, provisions eff. 12/1/98; Ord. 1088, provisions eff. 1/28/00; Ord. 1156, provisions eff. 3/22/02; Ord. 1288, provisions eff. 3/24/06.]

Section 110.606.55 Appeals. All appeals regarding tentative and final parcel maps shall be made as provided in this section.

- (a) **Process for Tentative Parcel Map.** For thirty (30) days following the notification of the decision, a decision of the Parcel Map Review Committee may be appealed to the Board of County Commissioners.
- (1) The statement of appeal shall be filed with the Department of Community Development, set forth the particular actions or conditions appealed, the reasons for the appeal, and shall be accompanied by all supporting documentation.
 - (2) The Department of Community Development shall set an appeal hearing before the Board of County Commissioners within thirty (30) days of receipt of a complete statement of appeal.
 - (3) If the Board of County Commissioners fails to render a decision after sixty (60) days of the scheduled appeal hearing, the appeal shall be deemed to have been decided in favor of the appellant.

- (b) Process for Final Parcel Map. For fifteen (15) days following the notification of the decision, a decision of the Director of Community Development to deny a final parcel map may be appealed to the Board of County Commissioners.
 - (1) The statement of appeal shall be filed with the Department of Community Development, set forth the particular actions or conditions appealed, the reasons for the appeal, and shall be accompanied by all supporting documentation.
 - (2) The Department of Community Development shall set an appeal hearing before the Board of County Commissioners within thirty (30) days of receipt of a complete statement of appeal.
 - (3) If the Board of County Commissioners fails to render a decision after sixty (60) days of the scheduled appeal hearing, the appeal shall be deemed to have been decided in favor of the appellant.
- (c) Final Action on Appeal. The Board of County Commissioners shall take action on the appeal within the time prescribed in Section 110.606.55, Appeals.
 - (1) The Board of County Commissioners may impose additional conditions on the parcel map, provided the conditions are related to the review criteria in Section 110.606.30.
 - (2) Any disapproval or conditional approval must include a statement of the reason for that action and must be acted upon by an affirmative vote of a majority of the full membership of the Board of County Commissioners. In the case of a tie vote due to the absence of a member, the appeal shall be continued to a future meeting unless requested otherwise by the appellant.
- (d) Notice of Final Action. Within ten (10) days of the final action, the Director of Community Development shall report to the applicant concerning the decision of the Board of County Commissioners. Such report shall contain, at a minimum, any additional conditions placed upon the parcel map, the statement of the reason for the final action, and a statement that the Board of County Commissioners' decision is final for the purpose of judicial review.

[Amended by Ord. 876, provisions eff. 7/7/93; Ord. 1041, provisions eff. 12/1/98; Ord. 1088, provisions eff. 1/28/00; Ord. 1156, provisions eff. 3/22/02.]

Section 110.606.60 Certificates and Statements. Language satisfying the intent of the following certificates and statements shall appear on a parcel map before it can be filed for record. Final parcel maps that have been approved for recordation prior to July 31, 1993, but which have not been recorded, shall not be required to comply with this section.

- (a) Certificate of Director of Community Development. A certificate for execution by the Director of Community Development stating that the map has been approved for subdivision purposes and accepted or rejected on behalf of the public any parcel of land, or portion of a parcel, offered for dedication for public use in conformity with the terms of the offer of dedication. If the final parcel map includes a merger of pre-existing lots and the re-subdivision of those lots, the certificate shall acknowledge that any public streets, easements or utility easements that will not remain were abandoned pursuant to Article 806.

- (b) Summary Statement of Conditions Required. A summary statement of the conditions imposed by the Parcel Map Review Committee or Planning Commission.
- (c) Certificate of Surveyor. A certificate by the surveyor responsible for the parcel map giving the date of survey on which the map is based, and stating that the survey was made by him or under his direction and setting forth the name of the owner who authorized him to make the survey, and that the parcel map is true and complete as shown. This certificate shall also state:
 - (1) That the monuments are of the character and occupy the position indicated or that they will be set in such positions and at such time as is agreed upon under the provisions of Chapter 278 of NRS;
 - (2) That the monuments are or will be sufficient to enable the survey to be retraced; and
 - (3) The completion date.
- (d) Certificate of Record Title Owner. A certificate signed and acknowledged by all persons having any record title in the land subdivided, evidencing their grant or permanent easements for utility installations and access, as designated on the map.
- (e) Certificate of Public Utilities Concerning Easements. A statement acknowledging such easements, signed by each public utility company or agency in whose favor the easements are created or whose utility services are to be required for the platted parcels. It is the responsibility of the applicant to obtain acknowledgement of serving utility companies as to location of any utility easements which are to be shown on the parcel map.
- (f) Statement from County Treasurer. A written statement by the County Treasurer indicating that all property taxes on the land have been paid for the period identified in NRS 278.
- (g) Guarantee of Title. A subdivision guarantee of title, in a form acceptable to the County Engineer and District Attorney, issued by a competent title company to and for the benefit and protection of the County. Said guarantee of title shall be continued complete up to the instant of filing the final map with the County Recorder, guaranteeing that the names of all persons whose consent is necessary to pass a clear title to the land being subdivided, and all public easement being offered for dedication, and all acknowledgements thereto, appear on the proper statements and are correctly shown on the map, both as to contents as to the making thereof and affidavits of dedication where necessary.
- (h) Certificate of Department of Water Resources, Utility Services Division, Concerning Water Right Dedications. A certificate for execution by the Chief Sanitary Engineer stating that the provisions of Article 422, Water and Sewer Resource Requirements, related to the dedication of water resources have been satisfied.

[Amended by Ord. 876, provisions eff. 7/7/93; Ord. 1088, provisions eff. 1/28/00.]

Section 110.606.65 Recordation. The approved parcel map with the certificates and statements set forth in Section 110.606.60 and the required filing fee advanced by the owner shall be transmitted to the County Recorder by the County Engineer for recording and filing. The land division is complete when the approved parcel map with its required certificates and statements have been filed in the Office of the County Recorder within two (2) years from the date of approval of the tentative map. There shall be no extension of this time period. The recordation time shall be extended as a part of the two (2) year time period set forth in this section should an appeal be filed until the date of the Board of County Commissioners action on the appeal plus an additional ten (10) days.

[Amended by Ord. 876, provisions eff. 7/7/93; Ord. 1041, provisions eff. 12/1/98; Ord. 1088, provisions eff. 1/28/00; Ord. 1156, provisions eff. 3/22/02.]

Section 110.606.70 Expiration Date. Failure of the applicant to record an approved parcel map within two (2) years from the date of approval of the tentative parcel map requires that all proceedings on the parcel map terminate, and a new application shall be required. There shall be no extension of this time frame. The expiration date shall be extended as part of the two (2) year time period set forth in this section should an appeal be filed until the date of the Board of County Commissioners action on the appeal plus an additional ten (10) days.

[Amended by Ord. 876, provisions eff. 7/7/93; Ord. 1041, provisions eff. 12/1/98; Ord. 1088, provisions eff. 1/28/00; Ord. 1156, provisions eff. 3/22/02.]

Section 110.606.75 Waiver of Parcel Map. The requirement for filing a parcel map for minor subdivisions may be waived by the Planning Commission, or an authorized subcommittee of the Planning Commission, if it finds all the following:

- (a) Conformity with Laws. That the proposed minor subdivision conforms with Chapter 278 of NRS and this Development Code;
- (b) Conformity with Regulations. That the proposed minor subdivision conforms to state and County requirements as to area, improvement and design, and flood water drainage control;
- (c) Environmental Effects. That the proposed minor subdivision will not have an adverse effect on the environment;
- (d) Conformity with Master Plan. That the proposed minor subdivision conforms to the Washoe County Master Plan, including the area plans and any specific plans adopted by the County;
- (e) Change in Nonconformity. That no existing nonconformity with the other divisions in this Development Code will be increased;
- (f) Conformity with Other Ordinances. That the proposed minor subdivision conforms with all other County ordinances;
- (g) Lack of Need. That unusual circumstances exist so that a parcel map is not necessary to insure proper legal description of property, location of property lines and monumenting of property lines; and
- (h) Facilities. That appropriate improved public roads, adequate sanitary disposal facilities, and adequate water supplies are available.

[Amended by Ord. 1041, provisions eff. 12/1/98; Ord. 1088, provisions eff. 1/28/00.]

Section 110.606.80 Document Required if Parcel Map Waived. If the requirement for a parcel map is waived by the Planning Commission or an authorized subcommittee of the Planning Commission, said requirement having been waived within sixty (60) days of the date of the request to waive the tentative map requirement, the applicant shall comply with the provisions of this section.

- (a) Document Recordation. The County Surveyor may require the applicant to prepare and record a document which contains:
 - (1) A legal description of all parts based on a system of rectangular surveys;
 - (2) A provision for the dedication or reservation of any road right-of-way or easement; and
 - (3) The approval of the authority which granted the waiver.
- (b) Description of Metes and Bounds. The County Surveyor shall require a description of metes and bounds if necessary to describe the parcel division. The description shall be prepared by a professional land surveyor with a signature and stamp.
- (c) Waiver. The person preparing the document shall include the following statement:

"This document was prepared from existing information (identifying it and stating where filed and recorded) and the undersigned assumes no responsibility for the existence of monuments or correctness of other information shown on or copied from any prior documents."
- (d) Statement Indicating That No Property Taxes Delinquent. A document recorded pursuant to this section shall be accompanied by a written statement by the County Treasurer indicating that all property taxes on the land have been paid pursuant to NRS 278.

[Amended by Ord. 876, provisions eff. 7/7/93; Ord. 1041, provisions eff. 12/1/98; Ord. 1088, provisions eff. 1/28/00; Ord. 1156, provisions eff. 3/22/02.]

[Previous Section 110.606.50 entitled "Planning Commission Action" repealed by Ord. 876, provisions eff. 7/7/93.]

Article 608

TENTATIVE SUBDIVISION MAPS

Sections:

110.608.00	Purpose
110.608.05	Requirement for Application
110.608.10	Contents
110.608.15	Review Procedures
110.608.16	Notice
110.608.20	Review Considerations
110.608.25	Findings
110.608.30	Expiration Date

Section 110.608.00 Purpose. The purpose of this article, Article 608, Tentative Subdivision Maps, is to prescribe rules and procedures for the regulation and approval of tentative subdivision maps.

Section 110.608.05 Requirement for Application. A tentative subdivision map shall be required for all requests for a subdivision, merger and re-subdivision of existing lots, or a common-interest community consisting of five (5) or more units, as defined in Article 902, Definitions, except for divisions of land into large parcels as defined in Article 612, Divisions of Land into Large Parcels, and except for the creation of a lot or parcel for agriculture purposes that complies with Section 110.602.15.

[Amended by Ord. 876, provisions eff. 7/7/93; Ord. 1088, provisions eff. 1/28/00; Ord. 1364, provisions eff. 4/4/08.]

Section 110.608.10 Contents. Tentative maps shall show the proposed subdivision's design and improvements and conditions existing in and around the subdivision, and shall contain information sufficient to allow the Planning Commission to make the findings required by Section 110.608.25. Tentative maps shall meet all requirements of NRS 278. The following information shall be shown on the tentative map and/or accompanying drawings:

- (a) **Names and Addresses.** Name and address of legal owner, subdivider, and person preparing the map and certificate of registration serial number of the person preparing the map;
- (b) **Pre-existing Parcels.** Pre-existing, contiguous parcels, held under the same ownership, may be merged into a single parcel with a simultaneous re-subdivision of that parcel as proposed in the tentative parcel map.
- (c) **Legal Description.** Sufficient legal description to define the boundary of the proposed subdivision and evidence of ownership of the property to be subdivided;
- (d) **Subdivision Name.** Name of subdivision (not to conflict with existing recorded subdivision maps);
- (e) **Property Lines.** Property lines, approximate distances and bearings;

- (f) Contours. Contours at five (5) foot intervals, or where, in the opinion of the County Engineer or the Director of Community Development, topography is a major factor in the subdivision design at two (2) foot contour intervals;
- (g) Land Uses. Existing and proposed land uses, existing regulatory zone designations;
- (h) Landmarks. Indication of prominent landmarks, areas of unique natural beauty, rock outcroppings, vistas and natural foliage which will be deciding considerations in the design of the subdivision;
- (i) Rights-of-Way. The width of right-of-way, proposed name and approximate grade of each highway, street, alley or public way within the proposed subdivision and approximate radius of all curves and diameter of each cul-de-sac;
- (j) Numbering Blocks. All blocks shall be numbered and block numbers shall be consecutive and shall begin with the number "one" or the letter "A";
- (k) Yards. The yards that are proposed for each lot in the subdivision shall be designated on the map;
- (l) Easements. The width, type and approximate locations of all existing or proposed road easements, sight triangles easements that preserve safe sighting at street intersections, slope and curve easements, conservation easements, open space easements, recreation or trail easements, drainage easements, irrigation ditch easements, or public utility easements for water, sewer, gas, electric, telecommunications and franchised community antenna television (where franchised service is permitted) services, whether for public or private purposes;
- (m) Public Use Lands. Location and size of any land to be reserved or dedicated for parks, recreation areas, common open space area, schools or other public uses;
- (n) Flooding Potential. If any portion of the land within the boundary of the subdivision is subject to inundation or storm water overflow, as shown on the adopted Federal Emergency Management Agency's Flood Boundary and Floodway Maps or as shown by a Nevada registered engineer's hydrologic analysis for the 100-year storm, that fact and the land so affected shall be clearly shown on the map by a prominent note on each sheet;
- (o) Flood Elevation. Information indicating the 100-year flood elevation as well as width and direction of flow of each water course within the boundaries of the subdivision;
- (p) Septic Tanks. If septic tanks are proposed, consistency with FEMA requirements as set forth in Article 416, Flood Hazards;
- (q) Existing Structures. The location and outline of each existing building or structure which is not to be moved in the development;
- (r) Vicinity Map. Vicinity map showing the proposed subdivision in relation to the surrounding area;

- (s) Dimensions and Acreage of Lots. Dimensions of each lot. Accurate measurements in square feet or acreage of the amount of land utilized in streets, parking, building site, and open space and/or recreation;
- (t) Date, North Point and Scale. Date, north point, scale and number of sheet in relation to the total number of sheets;
- (u) Snow Storage Areas. Location of snow storage area sufficient to handle snow removed from public and private streets, if applicable;
- (v) Potential Hazards. All known potential hazards including, but not limited to, earth slide areas, Holocene era geologic faults, avalanche areas or otherwise hazardous slopes shall be clearly designated on the map;
- (w) Master Plan of Storm Drainage. Preliminary master plan of storm drainage system, including pipe sizes, detention/retention/infiltration areas, and the location and magnitude of the ten (10) and one hundred (100) year storm flows entering and leaving the site;
- (x) Preliminary Grading Plan. Preliminary grading plan showing areas of phased excavation and fill including the depth of excavation or height of fill from the natural grade, the amounts of material estimated to be excavated and/or used for fill, the destination of excavated material not to be used on site and how it is to be used at its end destination, origin of material to be imported and used for fill, and the location of any temporary material storage site(s);
- (y) Soil Erosion and Sediment Control Plan. Preliminary plan for soil erosion and sediment control; and
- (z) Phasing Plan. Preliminary plan for the phased recordation of lots, if said phasing is contemplated by the subdivider.

[Amended by Ord. 876, provisions eff. 7/7/93; Ord. 1088, provisions eff. 1/28/00; Ord. 1220, provisions eff. 11/7/03.]

Section 110.608.15 Review Procedures. The review procedures for tentative maps shall be as set forth in this section.

- (a) Filing. The subdivider shall file with the Director of Community Development a complete application and the required supporting materials as outlined in the application packet.
- (b) Review. If the application is found to be complete, the Director of Community Development shall transmit one print of each tentative map to the County Engineer, any other public agency which may be affected by the proposed subdivision, and such other persons as the Director of Community Development may deem appropriate.
- (c) Action Required by the Planning Commission. The Planning Commission shall, within sixty (60) days after receipt of the complete tentative map application by the Director of Community Development, conduct a public hearing on the application and following the public hearing, approve, conditionally approve or deny the proposed map; said action being an affirmative vote of a majority of the full membership of the Planning Commission. At the public hearing, the Planning Commission may relieve the applicant of the requirement to provide an

easement for water, sewer, gas, electric, telecommunications and franchised community antenna television (where permitted to provide service) services if the applicant can demonstrate that there is not an essential nexus to the public purpose for the proposed dedication and the dedication would not be roughly proportional in nature and extent to the impact of the proposed development. Notice of the public hearing conducted by the Planning Commission shall be in accordance with the provisions of this article. Review time may be extended by mutual consent of the Director of Community Development and the applicant.

- (d) Appeal. Within ten (10) days after issuance of the decision, the decision of the Planning Commission may be appealed to the Board of County Commissioners by submitting the appropriate form and fee to the Director of Community Development.
- (e) Board of County Commissioners' Consideration of Appeals. Appeals of any Planning Commission decision shall be scheduled before the Board of County Commissioners within thirty (30) days of receiving the appeal. Action by the Board of County Commissioners on the appeal shall be by an affirmative vote of a majority of the full membership of the Board of County Commissioners. In the case of a tie vote due to the absence of a member, the appeal shall be continued to a future meeting unless requested otherwise by the appellant. The final action by the Board of County Commissioners shall be considered final for purposes of judicial review.
- (f) Time Limits. The time limits set forth in this section are suspended for a period, not to exceed one (1) year, during which the State of Nevada or the federal government takes any action to protect the environment or an endangered species which prohibits, stops or delays the processing of a tentative map.
- (g) No Guarantee of Final Map Approval. Approval by the Planning Commission or the Board of County Commissioners of a tentative map imposes no obligation on the part of the Planning Commission or the Board of County Commissioners to approve the final map or to accept any public dedication shown on the final map.

[Amended by Ord. 876, provisions eff. 7/7/93; Ord. 899, provisions eff. 5/31/94; Ord. 1041, provisions eff. 12/1/98; Ord. 1156, provisions eff. 3/22/02; Ord. 1220, provisions eff. 11/7/03.]

Section 110.608.16 Notice. Notice shall be given in accordance with the provisions of this section.

- (a) Notice of Property Owners by Mail. A notice setting forth the time, place, purpose of hearing, and map or physical description of the land involved shall be sent by mail at least ten (10) days before the meeting to the following persons:
 - (1) All owners of real property that are the subject of the tentative subdivision map application;
 - (2) Advisory boards created by the Board of County Commissioners for the area in which the property that is the subject of the tentative subdivision map application is located;
 - (3) All owners of real property within five hundred (500) feet of the property which is the subject of the tentative subdivision map application;

- (4) All tenants of any mobile home or manufactured home park that is located within five hundred (500) feet of the property which is the subject of the tentative subdivision map application; and
 - (5) All General Improvement Districts (GID) for the area in which the property that is the subject of the tentative subdivision map application is located.
- (b) Notice of Property Owners by Electronic Means. If requested by a party pursuant to subsection (a) of this section and if receipt can be verified, an electronic notice must be provided at least ten (10) days before the meeting, setting forth the time, place, purpose of hearing, and map or physical description of the land involved.
 - (c) Number of Notices. If the number of notices sent pursuant to this section does not identify thirty (30) or more separate property owners, the County shall send out additional notices to achieve a total of at least thirty (30) separate property owners. These notices shall be sent to owners of real property that are closest to the property in question, not including those owners provided notice pursuant to Subsection (a) of this section.
 - (d) Compliance with Noticing Requirements. Owners of all real property to be noticed pursuant to this section shall be those owners identified on the latest County Assessor's ownership maps and records. Such notice is complied with when notice is sent to the last known addresses of such real property owners as identified in the latest County Assessor's records. Any person who attends the public hearing shall be considered to be legally noticed unless those persons can provide evidence that they were not notified according to the provisions of this section.

[Added by Ord. 899, provisions eff. 5/31/94. Amended by Ord. 1088, provisions eff. 1/28/00; Ord. 1156, provisions eff. 3/22/02.]

Section 110.608.20 Review Considerations. Prior to approving an application for a tentative map, the Planning Commission or the Board of County Commissioners shall consider:

- (a) Environmental and Health Laws. Environmental and health laws and regulations concerning water and air pollution, the disposal of solid waste, facilities to supply water, community or public sewage disposal and, where applicable, individual systems for sewage disposal;
- (b) Availability of Water. The availability of water which meets applicable health standards as well as requirements for water rights, quality or will-serve commitments;
- (c) Utilities. The availability and accessibility of utilities;
- (d) Public Services. The availability and accessibility of public services such as schools, police and fire protection, transportation, recreation and parks;
- (e) Plan Consistency. General conformance with the Development Code and the Master Plan;
- (f) Impact on Existing Streets. The effect of the proposed subdivision on existing public streets and the need for new streets or highways to serve the subdivision;

- (g) Physical Characteristics. Physical characteristics of the land such as flood plain, slope and soil;
- (h) Agency Review. The recommendations and comments of the entities reviewing the tentative map; and
- (i) Impact on Existing Drainage System. The effect of the proposed subdivision on the existing natural and man-made drainage system.

[Amended by Ord. 876, provisions eff. 7/7/93.]

Section 110.608.25 Findings. Prior to approving an application for a tentative map, the Planning Commission shall find that all of the following are true:

- (a) Plan Consistency. That the proposed map is consistent with the Master Plan and any specific plan;
- (b) Design or Improvement. That the design or improvement of the proposed subdivision is consistent with the Master Plan and any specific plan;
- (c) Type of Development. That the site is physically suited for the type of development proposed;
- (d) Availability of Services. That the subdivision will meet the requirements of Article 702, Adequate Public Facilities Management System;
- (e) Fish or Wildlife. That neither the design of the subdivision nor any proposed improvements is likely to cause substantial environmental damage, or substantial and avoidable injury to any endangered plant, wildlife or their habitat;
- (f) Public Health. That the design of the subdivision or type of improvement is not likely to cause significant public health problems;
- (g) Easements. That the design of the subdivision or the type of improvements will not conflict with easements acquired by the public at large for access through, or use of property within, the proposed subdivision;
- (h) Access. That the design of the subdivision provides any necessary access to surrounding, adjacent lands and provides appropriate secondary access for emergency vehicles;
- (i) Dedications. That any land or improvements to be dedicated to the County is consistent with the Master Plan; and
- (j) Energy. That the design of the subdivision provides, to the extent feasible, for future passive or natural heating or cooling opportunities in the subdivision.

Section 110.608.30 Expiration Date. If the subdivider fails to record a final map for any portion of the tentative map within the time required by NRS 278, all proceedings are terminated and a new application is required. The Planning Commission may grant extensions as allowed by NRS.

[Amended by Ord. 876, provisions eff. 7/7/93.]

Article 610

FINAL SUBDIVISION MAPS

Sections:

110.610.00	Purpose
110.610.05	Requirement of Final Map
110.610.10	Form
110.610.15	Contents
110.610.20	Required Certificates and Statements
110.610.25	Dedication of Facilities and Water Rights
110.610.30	Improvements at the Expense of the Subdivider
110.610.35	Provision of CATV
110.610.40	Guarantee of Completion
110.610.45	Preliminary Submittal
110.610.50	Approval by the Director of Community Development

Section 110.610.00 Purpose. The purpose of this article, Article 610, Final Subdivision Maps, is to control the practices and procedures regarding the preparation and approval of final subdivision maps.

Section 110.610.05 Requirement of Final Map. A subdivider shall prepare a final map, in accordance with the tentative map, for the entire area for which a tentative map has been approved, or a series of final maps, each covering a portion of the approved tentative map.

Section 110.610.10 Form. The final map shall be clearly and legibly drawn in permanent black ink upon good tracing cloth or produced by the use of other materials of a permanent nature generally used for such purpose in the engineering profession, but affidavits, certificates and acknowledgement must be legibly stamped or printed upon the map with opaque ink. The size of each sheet shall be twenty-four (24) by thirty-two (32) inches. A marginal line must be drawn completely around each sheet, leaving an entirely blank margin of one (1) inch at the top, bottom and right edges, and of two (2) inches at the left edge along the twenty-four (24) inch dimension.

Section 110.610.15 Contents. Every final map shall show all data required for the tentative map except contour lines, position of buildings and prominent landmarks, relationship to streets and highways beyond the area shown on the map and the proposed use of lots, and shall contain the following additional data:

- (a) **Street Monuments.** Where the centerline has been established for any street, highway, alley or public way within an adjoining subdivision, all monuments along such street, highway, alley or public way within the proposed subdivision shall be located with reference to that centerline which is shown on the map;
- (b) **Centerlines.** The centerline of each highway, street, alley or public way within the proposed subdivision and the width on each side of the centerline and the width to be dedicated. There shall also appear the bearing, length of tangent, radius and central angle, and length of each curve for all centerlines;

- (c) Monuments. The location and description of monuments or other evidence formed upon the ground and used in determining the boundaries of the subdivision. If other subdivisions adjoin, the map shall show sufficient corners of such subdivisions sufficiently identified to locate precisely the limits of the proposed subdivision;
- (d) Block, Lot and Boundary Lines. The length and bearing of each block line, lot line and boundary line; the length, radius and central angle of each curve or the length of the curve and that portion of the central angle lying within each lot. Such data shall be shown in a manner satisfactory to the County Engineer;
- (e) Flooding Potential. If any portion of the land within the boundaries of a final map is subject to inundation or storm water overflow, as shown on the adopted Federal Emergency Management Agency's Flood Boundary and Floodway Maps or as shown by a Nevada registered engineer's hydrologic analysis for the 100-year storm, that fact and the land so affected shall be clearly shown on the final map by a prominent note on each sheet;
- (f) Seismic Hazard. If any portion of land within the boundaries of a final map is bisected by a post-Holocene era fault line, any such fault line shall be clearly shown on the final map and a prominent note shall indicate the fact the fault line exists and that any habitable structure shall be set back a minimum of ten (10) feet from the fault line;
- (g) Lot and Total Area. The area of each lot and total area of the land in the subdivision. If the area is two (2) acres or more, the area shall be to the nearest one-hundredth of an acre. If the area is less than two (2) acres, it shall be in square feet;
- (h) Easements. All easements approved on the tentative subdivision map; and
- (i) Phasing Plan. The phasing plan for the recordation of lots as approved by the Planning Commission or Board of County Commissioners.

[Amended by Ord. 876, provisions eff. 7/7/93.]

Section 110.610.20 Required Certificates and Statements. Language shall be provided on the final map that satisfies the intent of the following certificates. Other certificates and statements may be required in addition to those enumerated in this section. Final subdivision maps which have been approved for recordation prior to July 31, 1993, but which have not been recorded, shall not be required to comply with this section.

- (a) Certificate of Owner. A certificate signed and acknowledged by all persons having any record title in the land subdivided, evidencing their grant of permanent easements for utility installations and access, as designated on the map.
- (b) Certificate of Professional Land Surveyor. A certificate of the surveyor responsible for the survey. The certificate must be in the following form:

SURVEYOR'S CERTIFICATE

I, (Name of Surveyor), a Professional Land Surveyor registered in the State of Nevada, certify that:

1. This plat represents the results of a survey conducted under my direct supervision at the instance of (Owner, Trustee, Etc.)
2. The lands surveyed lie within
(Section, Township, Range, Meridian and, if required by the governing body, a description by metes and bounds for any subdivision which is divided into lots containing 5 acres in area or less),
and the survey was completed on
(Date)
3. This plat complies with the applicable state statutes and any local ordinances in effect on the date that the governing body gave its final approval.
4. The monuments depicted on the plat are of the character shown, occupy the positions indicated and are of sufficient number and durability.

(OR)

4. The monuments depicted on the plat will be of the character shown and occupy the positions indicated by (A day certain) and an appropriate financial guarantee will be posted with the governing body before recordation to assure the installation of the monuments.

.....
(Name of Surveyor)

Registration Number and Seal:

- (c) County Engineer or Surveyor Certificate. A certificate by the County Engineer or the County Surveyor stating that he or she has examined the final map; and that the map is technically correct and that if the monuments have not been set, that a proper performance bond has been deposited guaranteeing their setting on or before a day certain.
- (d) District Board of Health Certificate. A certificate by the local District Board of Health indicating that the final map is approved concerning sewage disposal, water pollution, water quality and water supply facilities.
- (e) Division of Water Resources Certificate. A certificate by the Division of Water Resources of the State Department of Conservation and Natural Resources, showing that the final map is approved concerning water supply.
- (f) Certificate of Director of Community Development. A certificate by the Director of Community Development stating that the final map was approved.
- (g) Statement from the County Treasurer. A statement from the County Treasurer indicating that all property taxes on the land have been paid for the period identified in NRS 278.
- (h) Guarantee of Title. A subdivision guarantee of title, in a form acceptable to the County Engineer and the District Attorney, issued by a competent title company for the benefit and protection of the County. Said guarantee of title shall be continued complete up to the instant of filing the final map with the County Recorder, guaranteeing that the names of all persons whose consent is necessary to pass a clear title to the land being subdivided; the fact there are no encumbrances, liens, delinquent taxes or assessments; and all public easements being offered for dedication, and all acknowledgements thereto, appear on the proper statements and are correctly shown on the map, both as to contents as to the making thereof and affidavits of dedication where necessary. Said guarantee of title also shall guarantee that there are no encumbrances, liens, delinquent taxes or assessments on the property.
- (i) Utility Companies' Certificate. A certificate by the appropriate public utility and (CATV) television companies that the shown utility easements have been checked and approved.
- (j) Certificate of the Department of Water Resources, Utility Services Division, Concerning Water Right Dedications. A certificate for execution by the Chief Sanitary Engineer stating that the provisions of Article 422, Water and Sewer Resource Requirements, related to the dedication of water resources have been satisfied.
- (k) Certificate of Director of Community Development or Board of County Commissioners. A certificate for execution by the Director of Community Development, or Board of County Commissioners if the tentative map was approved by that body, stating that the map conforms to all of the requirements of NRS 278.010 to NRS 278.630, inclusive, and any applicable Washoe County Code provisions; and accepting or rejecting any or all offers of dedications offered to Washoe County by the subdivider. If the final map includes a merger of pre-existing lots and the re-subdivision of those lots, the certificate shall acknowledge that any public streets, easements or utility easements that will not remain were abandoned pursuant to Article 806.

[Amended by Ord. 876, provisions eff. 7/7/93; Ord. 1041 provisions eff. 12/1/98; Ord. 1088, provisions eff. 1/28/00.]

Section 110.610.25 Dedications of Facilities and Water Rights. In addition to any land which is required to be dedicated pursuant to this Development Code, a subdivider shall be required to offer for dedication those facilities and water rights prescribed in this section prior to final map approval. The form of the offer of dedication shall be to the satisfaction of the Water Resources Department.

- (a) **Acceptance of Dedication.** The Department of Water Resources may accept a dedication pursuant to this section in a form acceptable to that department when the department has determined that the facilities conform to the requirements of this section and perform as designed.

[Amended by Ord. 876, provisions eff. 7/7/93.]

Section 110.610.30 Improvements at the Expense of the Subdivider. The subdivider shall make the improvements prescribed in this section at his own expense.

- (a) **Required Improvements.** The subdivider shall improve at his own expense, within a stated time, all land dedicated on a final map for streets, highways, public ways and easement(s) with such improvements as the Planning Commission or Board of County Commissioners may determine to be necessary for the general use of lot owners in the subdivision and local neighborhood traffic, water distribution, sanitary sewer and drainage needs.
- (b) **Utility Distribution System.** The subdivider shall provide for utility distribution service and facilities to service each lot of a subdivision including gas, water, electricity and communication. The subdivider shall make the necessary arrangements with the utility company or companies involved for the installation of the facilities in accordance with such applicable tariffs, rules and regulations of the companies as may be on file with the Public Services Commission of the State of Nevada and in accordance with any pertinent franchise arrangements, agreements or contracts.
- (c) **Improvements Not Normally Required.** Storm drain trunk lines, channels for general flood control purposes, improvements not solely for the benefit of the subdivision and full improvement of those routes shown on the Streets and Highways System Plan map for each of the area plans included within the Master Plan are not required by this section, unless agreed to by the subdivider.
- (d) **Street Lighting.** Street lighting installation is the financial responsibility of the subdivider. The subdivider shall make all necessary arrangements with the utility company involved for the installation of such street lights as are approved and required by the County Engineer.
- (e) **Street Improvement Standards.** All street improvements shall be graded, drained and surfaced in accordance with improvement plans approved by the County Engineer. All streets shall be surfaced with asphaltic concrete paving meeting the requirements of the Standard Specifications for Public Works Construction sponsored by Washoe County and be designed in accordance with the most recently adopted Washoe County Structural Pavement Section Design Manual unless an alternative method of street surfacing is approved by the Board of County Commissioners at the time of approval of the tentative subdivision map.

- (f) Ditch or Watercourse Hazard. Where any ditch or natural watercourse constitutes or creates a hazard, whether within or contiguous to a development, the subdivider shall provide and install a six (6) foot chain link or equivalent fence, the location and construction of which shall be approved by the County Engineer.

[Amended by Ord. 876, provisions eff. 7/7/93.]

Section 110.610.35 Provision of CATV. The subdivider shall provide for the installation of community antenna television (CATV) as prescribed in this section.

- (a) Installation. The subdivider shall provide, at his own expense, for the installation of community antenna television (CATV) cable conduit and pull wire to serve each dwelling in the subdivision. The installation of the conduit and pull wire must be accomplished as follows:
- (1) If a single CATV franchise exists to serve that area in which the subdivision is located, the subdivider shall install the conduit and pull wire in a manner which is compatible with and meets the standards of the franchise;
 - (2) If more than one CATV franchise exists to serve the area in which the subdivision is located, the subdivider shall select from among the franchisees and shall install the conduit and pull wire in a manner which is compatible with and meets the standards of the franchisee selected; or
 - (3) If no CATV franchise exists to serve the area in which the subdivision is located, the subdivider shall determine which CATV franchisee is closest geographically to the subdivision and shall install the conduit and pull wire in a manner which is compatible with and meets the standards of that franchisee.
- (b) Dedication. Upon completion of installation, ownership of the CATV cable conduit and pull wire shall be determined as follows:
- (1) If the subdivider applies to the Board of County Commissioners for a franchise to operate and actually operates a CATV system within the subdivision, the conduit and pull wire remain the property of the subdivider until such time as he determines not to operate or is unable to operate the system. At that time, the subdivider shall immediately offer for dedication all CATV cable, conduit and other appurtenant equipment he has installed to the franchisee; or
 - (2) If the subdivider does not operate a CATV system within the subdivision, he shall dedicate the conduit and pull wire to the franchisee immediately upon completion of installation.
- (c) Waiver/Modification. The Director of Community Development may recommend, and the Board of County Commissioners may grant, a waiver or modification of Subsection (a) if geographic, economic or other conditions make installation of CATV conduit and pull wire unreasonable or impractical. It is the responsibility of the subdivider to demonstrate, through adequate factual evidence, that the installation requirement is unreasonable or impractical.

[Amended by Ord. 1041, provisions eff. 12/1/98.]

Section 110.610.40 Guarantee of Completion. Each agreement made by the subdivider shall be accompanied by a faithful performance bond or other satisfactory guarantee of completion insuring the faithful performance of all work. The penal sum of the bond shall be in a sum which in the opinion of the County Engineer equals the cost, plus a contingency amount, of the improvements to which the subdivider has agreed. If any subdivider fails to complete any improvement as agreed within the time specified, the Board of County Commissioners may cause the bond to be forfeited in the amount necessary to finish the uncompleted portion of the work. If a security was previously posted to guarantee completion of improvements for two or more contiguous parcels and those improvements will not be completed because of a merger and subsequent re-subdivision pursuant to this article, a credit on a pro-rata basis of the security posted by the owner shall be credited toward the financial assurance required for the map re-subdivision.

[Amended by Ord. 1088, provisions eff. 1/28/00.]

Section 110.610.45 Preliminary Submittal. The Preliminary Submittal procedures for the final map shall be as set forth in this section.

- (a) **Submittal Requirements.** Not less than sixty (60) days prior to the filing of any final map with the Department of Community Development, the subdivider shall submit to the County Engineer:
 - (1) Three (3) prints of the proposed final map accompanied by the map checking fee;
 - (2) Data concerning closure calculations, constructions plans, estimates of quantities and the like, if the situation warrants;
 - (3) Plans and specifications for subdivision street improvements;
 - (4) Plans, profiles, specifications and necessary details of the proposed construction for streets, curb and gutter, water mains, culverts, bridges, sanitary sewers or storm drains which are to be installed as part of the subdivision; and
 - (5) Faithful performance bond estimate prepared by a Nevada registered engineer.
- (b) **Review by County Engineer or County Surveyor.** The County Engineer or County Surveyor shall check the map as to accuracy of dimensions, placing of monuments, establishment of survey records shown thereon and conformance of the final map with the tentative map approved by the Planning Commission or Board of County Commissioners. The County Engineer shall review the plans, specifications and bond estimates for the subdivision improvements for conformance with the tentative map conditions and Washoe County standards. The subdivider shall make corrections and/or additions until acceptable to the County Engineer or County Surveyor.
- (c) **Inspection Costs.** Prior to commencing any work, the subdivider shall deposit with the County Engineer a sum which the County Engineer estimates to be necessary to cover the inspection costs of all improvements under his jurisdiction.

- (d) Subdivision Improvement Agreement. Prior to approval of the final map by the County Engineer, a subdivision improvement agreement shall be submitted to the County Engineer.
- (e) Faithful Performance Guarantee. Prior to approval of the final map by the County Engineer, a bond or other form of faithful performance guarantee shall be submitted to the County Engineer.
- (f) Review by the Department of Community Development. The County Engineer, following his review and approval, shall transmit the map to the Department of Community Development for their review. The subdivider shall make corrections and/or additions until acceptable to the Department of Community Development.

[Amended by Ord. 876, provisions eff. 7/7/93; Ord. 1041, provisions eff. 12/1/98.]

Section 110.610.50 Approval by the Director of Community Development. The approval procedures for final maps shall be as set forth in this section.

- (a) Submittal. The subdivider shall submit to the Department of Community Development the original tracing of the map and any duplicates per County requirements, corrected to its final form and signed by all parties required to execute the statement on the map. Original signatures shall appear on the original drawing. The original tracing and any duplicates shall be forwarded to the County Engineer for a final review.
- (b) Approval. Upon notification by the County Engineer that the final map is correct and upon receipt of all required certificates and submittals, the Director of Community Development shall, before the expiration date of the tentative map, approve the map if it conforms to all the requirements of NRS 278 and the provisions of this Development Code. This approval shall include acceptance of financial assurances, subdivision agreements and offers of dedication. Upon approval by the Director of Community Development, the map shall be returned to the County Engineer for recording as soon as practicable in the Office of the County Recorder. The date of the signing of the final map by the Director of Community Development shall constitute the date of presentation of the final map for purposes of NRS 278.
- (c) Time Limits. The time limits set forth in this section are suspended for the following circumstances:
 - (1) The time limits set forth in this section are suspended for a period, not to exceed one (1) year, during which the State of Nevada or the federal government takes any action to protect the environment or an endangered species which prohibits, stops or delays the development, processing or recordation of a final map.
 - (2) The time limit for recording a final map is extended to ten (10) days after the date of a hearing by the Board of County Commissioners of an appeal of a decision by the Director of Community Development.
 - (3) The time limit for recording a final map is suspended for that period of time between the issuance of a court order halting any further action by the subdivider or the County and the time that the court vacates that order.

- (d) Water Meters. The Director of Community Development shall not approve any final maps for a subdivision served by a public water system, unless the subdivider has submitted plans which provide for the installation of water meters or other device which will measure water delivered to each water user in the subdivision.
- (e) Fees. Fees applicable to final maps shall be as established by the Board of County Commissioners through separate ordinance.
- (f) Appeal. A decision of the Director of Community Development to deny or add additional requirements to a final map may be appealed to the Board of County Commissioners within ten (10) days after action of the Director of Community Development by submitting the appropriate form and fee to the Department of Community Development.
 - (1) The Department of Community Development shall schedule an appeal hearing before the Board of County Commissioners within thirty (30) days of the submittal of a complete appeal form and fees.
 - (2) The Board of County Commissioners may approve or deny the recordation of the final map within sixty (60) days of the filing of the appeal with the Department of Community Development. The action shall be by an affirmative vote of a majority of the full membership of the Board of County Commissioners. In the case of a tie due to the absence of a member, the appeal hearing shall be continued to a future meeting unless requested otherwise by the appellant. Final action by the Board of County Commissioners is considered final for the purposes of judicial review.

[Amended by Ord. 876, provisions eff. 7/7/93; Ord. 899, provisions eff. 5/31/94; renamed from "Approval by the Planning Commission" and amended by Ord. 1041, provisions eff. 12/1/98; Ord. 1156, provisions eff. 3/22/02.]

Article 618

BOUNDARY LINE ADJUSTMENT

Sections:

110.618.00	Purpose
110.618.05	Applicability
110.618.10	Application
110.618.15	General Review and Approval Process
110.618.16	Review and Approval Process for a Boundary Line Adjustment which Results in Relocation of a Parcel
110.618.18	Notice for a Boundary Line Adjustment which Results in Relocation of a Parcel
110.618.19	Findings for a Boundary Line Adjustment which Results in Relocation of a Parcel
110.618.20	Requirements
110.618.25	Record of Survey
110.618.30	Recordation

Section 110.618.00 Purpose. The purpose of this article, Article 618, Boundary Line Adjustment, is to prescribe the procedures for adjusting boundary lines.

Section 110.618.05 Applicability. The provisions of this chapter apply to all boundary line adjustments, including those proposed pursuant to Section 110.606.05, except when part of the creation of a lot for agricultural purposes that complies with Section 110.602.15

[Amended by Ord. 1364, provisions eff. 4/4/08.]

Section 110.618.10 Application. A written application for a boundary line adjustment may be submitted to the Department of Community Development. The application shall be accompanied by a record of survey.

Section 110.618.15 General Review and Approval Process. The application shall be reviewed by the Department of Community Development and the County Engineer. Except as noted in Section 110.618.16, the Director of the Department of Community Development or the County Engineer or their representatives shall have the authority to approve a boundary line adjustment.

[Amended by Ord. 876, provisions eff. 7/7/93; renamed from "Review and Approval Process" and amended by Ord. 952, provisions eff. 6/7/96.]

Section 110.618.16 Review and Approval Process for a Boundary Line Adjustment which Results in Relocation of a Parcel. If a boundary line adjustment results in the relocation of a parcel, the Planning Commission shall review the request in accordance with the provisions of this section.

- (a) **Filing.** The subdivider shall file with the Director of Community Development a complete application and the required supporting materials as outlined in the application packet.

- (b) Review. If the application is found to be complete, the Director of Community Development shall distribute a copy of the application to the County Engineer, any other public agency which may be affected by the proposal, and such other persons as the Director of Community Development may deem appropriate.
- (c) Action Required by the Planning Commission. The Planning Commission shall, within forty-five (45) days after receipt of the complete application by the Director of Community Development, conduct a public hearing on the application and following the public hearing, approve, conditionally approve, or deny the proposed boundary line adjustment. The Planning Commission shall make the findings contained in Section 110.618.19 prior to approving a boundary line adjustment. Action review time may be extended by mutual consent of the Director of Community Development and the applicant.
- (d) Appeal. Within seven (7) days after issuance of the decision, the decision of the Planning Commission may be appealed to the Board of County Commissioners by submitting the appropriate form and fee to the Director of Community Development.
- (e) Board of County Commissioners' Consideration of Appeals. Appeals of any Planning Commission decision shall be heard by the Board of County Commissioners within thirty (30) days of receiving the appeal.

[Added by Ord. 952, provisions eff. 6/7/96.]

Section 110.618.18 Notice for a Boundary Line Adjustment which Results in Relocation of a Parcel. Notice shall be given in accordance with the provisions of this section.

- (a) Notice of Property Owners by Mail. A notice setting forth the time, place, purpose of hearing, and map or physical description of the land involved shall be sent by mail at least ten (10) days before the meeting to the following persons:
 - (1) All owners of real property that are the subject of the boundary line adjustment;
 - (2) Advisory boards created by the Board of County Commissioners for the area in which the property that is the subject of the boundary line adjustment is located;
 - (3) All owners of real property within three hundred (300) feet of the property which is the subject of the boundary line adjustment;
 - (4) All tenants of any mobile home park that is located within three hundred (300) feet of the property which is the subject of the boundary line adjustment; and
 - (5) All General Improvement Districts (GID) for the area in which the property that is the subject of the boundary line adjustment is located.
- (b) Number of Notices. If the number of notices sent pursuant to this section does not total thirty (30) or more, the County shall send out additional notices to make the total number at least thirty (30). These notices shall be sent to owners of real property that are closest to the property in question, not including those owners provided notice pursuant to Subsection (a) of this section.

- (c) Compliance with Noticing Requirements. Owners of all real property to be noticed pursuant to this section shall be those owners identified on the latest County Assessor's ownership maps and records. Such notice is complied with when notice is mailed to the last known addresses of such real property owners as identified in the latest County Assessor's records. Any person who attends the public hearing shall be considered to be legally noticed unless those persons can provide evidence that they were not notified according to the provisions of this section.

[Added by Ord. 952, provisions eff. 6/7/96.]

Section 110.618.19 Findings for a Boundary Line Adjustment which Results in Relocation of a Parcel. If a boundary line adjustment results in the relocation of a parcel, prior to approving such an application, the Planning Commission shall find that all of the following are true:

- (a) Past Government Action. The subject property is an existing parcel which does not meet the density and minimum size requirements of its land use designation due to past government action;
- (b) Physical Constraint. The development of the subject property is constrained by limited access, floodplains, wetlands, or steep slopes;
- (c) Proximity. The relocated parcel will not be more than 500 feet from its original location;
- (d) Adverse Impacts. The relocated parcel will not create significant adverse impacts to surrounding properties;
- (e) Plan Consistency. The parcel relocation does not promote a use which is inconsistent with the Master Plan or applicable area plan;
- (f) Availability of Services. The relocated parcel will meet the requirements of Article 702, Adequate Public Facilities Management System; and
- (g) Number of Substandard Lots. The boundary line adjustment will not result in an increase in the number of substandard lots.

[Added by Ord. 952, provisions eff. 6/7/96.]

Section 110.618.20 Requirements. The application shall not be approved unless it complies with the provisions of this section.

- (a) Number of Lots. No additional lots shall be created.
- (b) Minimum Area. No parcel shall be created that is smaller than that allowed by Article 404, Lot Standards, except as provided by Section 110.618.16.
- (c) Access. No parcel shall be created that does not have road access.
- (d) Encroachment. No encroachment into any public easement, right-of-way or required yard shall be allowed.
- (e) Other Requirements. The application shall comply with the other requirements of the Development Code.

[Amended by Ord. 952, provisions eff. 6/7/96.]

Section 110.618.25 Record of Survey. The record of survey shall be prepared by a professional land surveyor. It shall contain the elements as set forth in the section.

- (a) Surveyor's Certificates. A certificate by the professional surveyor who prepared the map stating that:
 - (1) He or she has performed a field survey of the boundaries of the affected parcels;
 - (2) That all corners and angle points of the adjusted boundary line have been set; and
 - (3) The map is not in conflict with the provisions of the Development Code.
- (b) Owners' Certificates. A certificate that is executed and acknowledged by each affected owner of the abutting parcels which states that:
 - (1) He or she has examined the plat and approves and authorizes the recordation thereof;
 - (2) He or she agrees to execute the required documents creating any easement which is shown;
 - (3) He or she agrees to execute the required documents abandoning any existing easement pursuant to Article 806, Vacations and Abandonments of Easements or Streets;
 - (4) All property taxes on the land for the fiscal year have been paid; and
 - (5) That any lender with an impound account for the payment of taxes has been notified of the adjustment of the boundary line or the transfer of the land.
- (c) County's Certificates. A certificate by the County Commission, Planning Commission, Director of the Department of Community Development or the County Engineer approving the adjustment of the boundary line.

[Amended by Ord. 876, provisions eff. 7/7/93; Ord. 952, provisions eff. 6/7/96.]

Section 110.618.30 Recordation. An approved application is not effective until the deed and record of survey are recorded and the provisions of NRS 625 are met.

SECTION 6. Chapter 110, Division Seven, Articles 702 and 706 of the Washoe County Code is hereby amended as follows:

*Division Seven - Infrastructure Availability and Financing
Article 702*

**ADEQUATE PUBLIC FACILITIES
MANAGEMENT SYSTEM**

Sections:

110.702.00	Purpose
110.702.05	Applicability
110.702.10	Adequate Public Facilities Determination
110.702.15	Final Development Approval
110.702.20	Vesting for Adequate Public Facilities Determination
110.702.25	Exempt Projects
110.702.30	Applications
110.702.35	Timing of Adequate Public Facilities Determination
110.702.40	Adequate Public Facilities Determination Process
110.702.45	Standards for Adequate Public Facilities
110.702.50	Transferability
110.702.55	Period of Validity
110.702.60	Revocation of Determination of Adequate Public Facilities
110.702.65	Revocation Process
110.702.70	Modification of Project

Section 110.702.00 Purpose. The purpose of this article, Article 702, Adequate Public Facilities Management System, is to ensure that the public infrastructure necessary to support a development project will be available concurrently with the impacts of that development without causing the level of service at which the infrastructure is provided to fall below adopted standards.

[Amended by Ord. 873, provisions eff. 6/7/93.]

Section 110.702.05 Applicability. Unless otherwise specifically excluded by Section 110.702.20 or Section 110.702.25, the provisions of this article shall apply to all development requiring one of the approvals listed in Section 110.702.15.

- (a) **Types of Infrastructure.** The provisions of this article shall apply to the following types of infrastructure:
 - (1) Sanitary Sewer.
- (b) **Supplemental Provisions.** Supplemental provisions for the infrastructure listed in Subsection (a) of this section are contained in the following articles:

- (1) Article 704, Adequate Public Facilities: Sanitary Sewer.

Section 110.702.10 Adequate Public Facilities Determination. All development subject to the provisions of this article shall require an adequate public facilities determination to ensure that infrastructure will be made available concurrent with the impacts of that development.

- (a) Positive Determination. If the adequate public facilities determination is positive, a Certificate of Adequate Public Facilities shall be issued.
- (b) Negative Determination. If the adequate public facilities determination is negative, the applicant shall be notified that a Certificate of Adequate Public Facilities cannot be issued. Grading or construction shall not begin nor shall the County issue a final development approval for a development project requiring an adequate public facilities determination until a Certificate of Adequate Public Facilities is issued.

Section 110.702.15 Final Development Approval. Final development approval as used in this article means the action required from the following list that effectuates the approval for the specific development project:

- (a) Tentative Parcel Map Approval (Article 606): the action is the recordation of a final map;
- (b) Tentative Subdivision Map Approval (Article 608): the action is the recordation of a final map;
- (c) Special Use Permit (Article 810): the action is the issuance of a grading permit, building permit or business license;
- (d) Development Agreement Approval (Article 814): the action is the recordation of the development agreement;
- (e) Site Plan Review : if not part of an approval process listed above, the action is the issuance of a grading permit, building permit or business license; or
- (f) Building Permit: the action is the issuance of the building permit.

[Amended by Ord. 873, provisions eff. 6/7/93.]

Section 110.702.20 Vesting for Adequate Public Facilities Determination. Development projects that are vested for an adequate public facilities determination at the effective date of this article are not subject to the Adequate Public Facilities Management System. All of the following must be met in order for a development project to be vested for an adequate public facilities determination:

- (a) The development project has received final approval as defined in Section 110.702.15 prior to the effective date of this Development Code;
- (b) The applicant has expended substantial sums of money or incurred substantial obligations in reliance upon the final approval (substantial is defined as more than five (5) percent of the total project cost; monies spent or obligations incurred before the issuance of the final approval are not included); and

- (c) Construction on the development project has commenced by visually apparent activities on the ground and has continued on a reasonable schedule, taking into account such factors as weather, labor availability, and local market demand.

[Amended by Ord. 873, provisions eff. 6/7/93.]

Section 110.702.25 Exempt Projects. The following development projects are exempt from the Adequate Public Facilities Management System:

- (a) Interior or exterior renovations, provided the use does not change and the size does not increase more than ten (10) percent of the total floor area;
- (b) Temporary construction trailers;
- (c) Relocation of temporary uses;
- (d) Signs;
- (e) Fences and walls;
- (f) Wells and septic tanks;
- (g) Driveway and parking lot resurfacing;
- (h) Single family dwellings built on individual lots created prior to the effective date of this article;
- (i) Agricultural uses;
- (j) Boundary Line Adjustments;
- (k) Abandonments;
- (l) Reversion to Acreage;
- (m) Amended maps, provided the amended map does not create additional parcels;
- (n) Large parcel (forty acres or larger) residential subdivisions, as defined in Article 612;
- (o) Attached accessory dwellings to a single family dwelling;
- (p) Replacement structures for those that were destroyed, provided the use does not change and the size does not increase; and
- (q) Temporary public facilities needed on an emergency or other essential basis to provide public facilities and services.

[Amended by Ord. 873, provisions eff. 6/7/93.]

Section 110.702.30 Applications. The applicant is responsible for providing sufficient information to enable the Washoe County Department of Community Development to make the adequate public facilities determination.

Section 110.702.35 Timing of Adequate Public Facilities Determination. Requests for an adequate public facilities determination shall be made as provided in this section.

- (a) **Preliminary Adequate Public Facilities Determinations.** The applicant may request a preliminary adequate public facilities determination at any point in the development review process as long as the project is, in the judgment of the Director of Community Development, sufficiently defined to permit a determination to be made. The purpose of the preliminary adequate public facilities determination is to assure the applicant that capacity is available before he or she proceeds with more detailed project planning and that another project will not be approved that will consume the capacity during the detailed project planning. A preliminary adequate public facilities determination reserves capacity for one (1) year. Up to two (2) extensions of up to six (6) months each may be granted by the Director of Community Development, upon a finding that the applicant is diligently pursuing the application.
- (b) **Final Adequate Public Facilities Determination.** A final adequate public facilities determination shall be made at the time of the final development approval. A final determination is deemed effective and reserves capacity, upon payment of the capacity reservation fee, until its expiration date as set forth in Section 110.702.55.
- (c) **Capacity Reservation Fee.** A capacity reservation fee shall be collected pursuant to Section 110.702.35(b) and as set forth in Article 906: Fees. The capacity reservation fee may be refunded at any time at the discretion of the Director of Community Development. At the time a capacity reservation fee is refunded, the final adequate public facilities determination shall be deemed void. At the time any hook-up or initial service fees are paid, the full amount of the capacity reservation fee shall be applied toward the balance of any such fees.
- (d) **Phased Projects.** The applicant may request an adequate public facilities determination for all phases or only the initial phase or phases of a multi-phased project. A Certificate of Adequate Public Facilities for the initial phase or phases of a project shall not establish a vested right to continue subsequent phases for which an adequate public facilities determination has not been made.

[Amended by Ord. 873, provisions eff. 6/7/93.]

Section 110.702.40 Adequate Public Facilities Determination Process. The adequate public facilities determination shall be made by comparing the available capacity of the facility or service to the demand created by the proposed project. Available capacity will be determined by adding together the total excess capacity of existing facilities and the total capacity of any new facilities which meet the previously defined standards and subtracting any capacity committed through projects that are vested for an adequate public facilities determination pursuant to Section 110.702.20, exempt projects pursuant to Section 110.702.25, and projects having a previously issued Certificate of Adequate Public Facilities.

Section 110.702.45 Standards for Adequate Public Facilities. A Certificate of Adequate Public Facilities will be issued only if the proposed development does not lower the level of service for those infrastructure facilities included in Subsection (a) of Section 110.702.05 below the adopted standards as set forth in the supplemental provisions listed in Subsection (b) Section 110.702.05.

Section 110.702.50 Transferability. A Certificate of Adequate Public Facilities shall be specific to a parcel or parcels of land and may be transferred with the land. A Certificate of Adequate Public Facilities shall not be transferable to other parcels of land.

Section 110.702.55 Period of Validity.

- (a) **Expiration Date.** The final adequate public facilities determination expires when the permit with which it is associated expires. If the permit is extended, the adequate public facilities determination is extended for the same period of time.
- (b) **Extension Due to Additional Permit or Approval.** If, in order to construct a project that has received a final adequate public facilities determination pursuant to the provisions of this article, an applicant must first obtain an additional permit or approval from Washoe County or another governmental agency before applying for a building permit, then, upon submission of appropriate documentation to the Director of the Department of Community Development, any time limit for the final adequate public facilities determination specified in this article shall be extended for the amount of time between the date the applicant submitted an application for the additional permit or approval and the date the additional permit or approval was granted.

[Amended by Ord. 873, provisions eff. 6/7/93.]

Section 110.702.60 Revocation of Determination of Adequate Public Facilities. In order to prevent capacity from being held by projects that are not completed in a timely manner, an action to revoke the adequate public facilities determination may be commenced under the following circumstances:

- (a) **Parcel Map Not Recorded in Timely Manner.** A parcel map is not recorded within the time frame enumerated in NRS;
- (b) **Final Map Not Recorded in Timely Manner.** A final subdivision map is not recorded within time frame enumerated in NRS;
- (c) **Special Use Permit.** Any condition of a special use permit is not met;
- (d) **Development Agreement Not Completed.** Any condition of a development agreement is not met; or
- (e) **Construction Not Completed in Timely Manner.** In the case of an adequate public facilities determination related to a building permit or a site plan, construction is not completed within the time specified in the permit.

[Amended by Ord. 873, provisions eff. 6/7/93.]

Section 110.702.65 Revocation Process. The procedure for revocation of a determination of adequate public facilities shall be that used for the revocation of an Administrative Permit, described in Article 808, except that the revocation shall be made upon a finding of any one (1) or more of the following grounds:

- (a) **Due Diligence to Record Maps.** The applicant, or the applicant's successors, has not pursued with due diligence the recordation of the required maps;

- (b) Condition of Special Use Permit Not Completed. A condition of a special use permit has not been met;
- (c) Development Agreement Not Completed. A condition of a development agreement has not been met; and/or
- (d) Due Diligence to Complete Construction. In the case of an adequate public facilities determination related to a building permit or a site plan, the applicant, or the applicant's successors, has not pursued with due diligence the completion of construction.

[Amended by Ord. 873, provisions eff. 6/7/93.]

Section 110.702.70 Modification of Project. If the project is modified after the final adequate public facilities determination is made and if the modification changes infrastructure demands, the County may require a new adequate public facilities determination be made and the capacity reservation fee be recalculated for partial refund or additional payment of capacity reservation fees.

Article 706

IMPACT FEES

Sections:

110.706.00	Purpose
110.706.05	Regional Road Impact Fee
110.706.10	Southeast Truckee Meadows Specific Plan Impact Fee

Section 110.706.00 Purpose. The purpose of this article, Article 706, Impact Fees, is to set forth regulations for imposition of impact fees adopted by ordinance to ensure that new development contributes its proportionate share of the cost of providing, and benefits from such provision of, required improvements to public infrastructure as identified in this article in accordance with NRS 278B.

[Added by Ord. 938, provisions eff. 2/15/96.]

Section 110.706.05 Regional Road Impact Fee.

- (a) **Short Title, Authority and Application.**
- (1) **Title.** This section shall be known and may be cited as the "Regional Road Impact Fee" (hereinafter "RRIF") section.
 - (2) **Authority.** The Board of County Commissioners of Washoe County has the authority to adopt this section pursuant to the Nevada Constitution, Sec. 278, *et. seq.*, NRS, Sec. 278B.010 - 278B.320, NRS, Sec. 244.155 and 244.195, NRS, and Sec. 277.080 - 277.180, NRS.
 - (3) **Application.** This section shall apply to all lands within unincorporated Washoe County that are within the Service Area, and pursuant to the Regional Road Impact Fee Ordinance Interlocal Cooperative Agreement (hereinafter "RRIF Interlocal Cooperative Agreement"), and all other lands within the boundaries of the City of Reno and the City of Sparks.
- (b) **Intent and Purpose.**
- (1) **Intent is to Implement Regional CIP, Local Road CIPs and Local Master Plans.** This section is intended to implement and be consistent with the Regional Road Impact Fee System Capital Improvements Plan (hereinafter "RRIF CIP"), the Washoe County Road Capital Improvements Plan (hereinafter "Local CIP") and Master Plan, and the Local CIPs and Master Plans of the other two (2) Participating Local Governments.
 - (2) **Purpose is to Establish Regionwide Impact Fee Program.** The purpose of this section is to establish a Regionwide Impact Fee Program by the establishment of a comprehensive and Regionwide system for the imposition of road impact fees to assure that new development

contributes its proportionate share of the cost of providing, and benefits from the provision of, the road capital improvements identified as needed to be built in the RRIF CIP which has been adopted as Washoe County's Local CIP, and the Local CIP of the other two (2) Participating Local Governments.

(c) Liberal Construction, Severability and Penalty Provisions.

- (1) Liberal Construction. The provisions of this section shall be literally construed to effectively carry out its purposes in the interest of the public health, safety, welfare and convenience.
- (2) Severability. If any subsection, phrase, sentence or portion of this section is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions.

(d) Adoption and Amendment of the Regional Road Impact Fee System General Administrative Manual. The Regional Road Impact Fee System General Administrative Manual (hereinafter "RRIF Manual") as amended and approved by the Regional Transportation Commission of Washoe County on June 15, 2007 and attached as Exhibit "1" and incorporated by reference, is hereby adopted. The RRIF Manual shall contain appropriate definitions, an independent fee calculation study, exemptions, credits, appeals and review sections for the effective administration of the program. It may subsequently be amended by a resolution approved by the Regional Transportation Commission Board and the Governing Bodies of each Participating Local Government.

Fees identified in Exhibit "1" shall be adjusted pursuant to the procedures enumerated below:

- (1) That except as provided in subsection (2), below, the columns designated "\$/VMT" and "Fees" in Exhibit "D" of the Regional Road Impact Fee System General Administrative Manual shall be increased automatically every twelve months by the RTC RRIF Administrator:
 - (i) By a percentage equal to the average annual percentage of increase in the Consumer Price Index for West Urban Consumers for the preceding five (5) calendar years; or
 - (ii) By 4.5 percent, whichever is less.
- (2) No increase authorized by subsection (1), above, shall occur within a twelve month period following action by the County to:
 - (i) Adopt any revisions to the Regional Road Impact Fee land use assumptions in accordance with NRS 278B.290; or
 - (ii) Adopt any ordinance that amends the Regional Road Impact Fee System Capital Improvement Plan; or
 - (iii) Otherwise increase the impact fee.

- (e) Adoption of the Regional Road Improvement Fee System Capital Improvement Plan ("RRIF CIP"). The RRIF CIP, as amended and adopted by the Regional Transportation Commission of Washoe County on June 15, 2007 and attached as Exhibit "2" and incorporated by reference, is hereby adopted. It may be amended only by subsequent ordinance.
- (f) Service Area and Benefit Districts. The area encompassed within the boundaries of the three (3) Benefit Districts is hereby designated as the Service Area for the imposition of regional road impact fees and the collection and expenditure of funds under the provisions of this section. The Service Area is identified in Figure 1 of the RRIF CIP, referred to in paragraph (e) of this section and is defined as:
- (1) Northwest Benefit District. Starting at the southwest corner of the district at the California-Nevada state line and Interstate 80, follow the state line north to the northern boundary of the Washoe County North Valleys planning area (i.e. northern boundary of the Red Rock Hydrographic Basin boundary), then east along the northern boundary of the North Valleys planning area (i.e. northern boundary of the Red Rock and Bedell Flat Hydrographic Basin boundary), then south along the eastern edge of the North Valleys planning area (i.e. eastern boundary of the Bedell Flat and Antelope Valley Hydrographic Basin boundary) to the western edge of the Washoe County Sun Valley planning area boundary, then continue south along the western edge of the Sun Valley planning area to U.S. 395 at the Sutro Street terminus, then southeast along the U.S. 395 alignment to Interstate 80, then west along Interstate 80 to the state line.
 - (2) Northeast Benefit District. Starting at the southwest corner of the district at the U.S. 395-Interstate 80 interchange, follow U.S. 395 northwest to the Sutro Street terminus, then continue north along the western edge of the Washoe County Sun Valley planning area to the eastern edge of the Washoe County North Valleys planning area, then north to the western edge of the Washoe County Warm Springs planning area, then north to the northwest corner of the Warm Springs planning area, then east along the northern boundary of the Warm Springs planning area, then southeast and south along the boundary of the Warm Springs planning area, then west along the southern boundary of the Warm Springs planning area to the eastern edge of the Washoe County Spanish Springs planning area and the Washoe County Truckee Canyon planning area, then southwest along the western edge of the Truckee Canyon planning area to Interstate 80, then west along Interstate 80 to U.S. 395.
 - (3) South Benefit District. Starting at the northwest corner of the district at the California-Nevada state line and Interstate 80, follow Interstate 80 east to the western edge of the Washoe County Truckee Canyon planning area, then south along the Washoe County-Storey County line to the Washoe County-Carson City line, then west along the Washoe County-Carson City line to the southern jurisdictional line of the Tahoe Regional Planning Agency and the Washoe County Tahoe planning area, then north along the California-Nevada state line to Interstate 80.

- (g) Impact Fees. The amount of the impact fees shall be determined by the Local RRIF Administrator in accordance with the applicable provisions of the RRIF Manual amended and adopted June 15, 2007 or as subsequently amended by resolution as provided herein and the application of the fee schedule identified in the relevant table of the RRIF CIP referred to in paragraph (e) of this section. Said fee schedule may only be modified by subsequent ordinance.
- (h) Use of Funds.
- (1) Establishment of Trust Fund. There is hereby established the Washoe County Regional Road Impact Fee Trust Fund (hereinafter "Washoe County RRIF Trust Fund") and the RTC Regional Road Impact Fee Trust Fund (hereinafter "RTC RRIF Trust Fund") for the purpose of ensuring that feepayers receive sufficient benefit for regional road impact fees paid.
- (2) Deposit in Trust Fund/General Requirements for Trust Fund.
- (i) All regional road impact fees collected by Washoe County's RRIF Administrator pursuant to this section shall be immediately deposited in the Washoe County RRIF Trust Fund.
- (ii) Any proceeds in the Washoe County RRIF Trust Fund not immediately necessary for expenditure shall be invested in an interest-bearing account. All income derived from these investments shall be retained in the Washoe County RRIF Trust Fund until transferred to the RTC RRIF Trust Fund. Record of the Washoe County RRIF Trust Fund accounts shall be available for public inspection in the Local Government RRIF Administrator's Office, during normal business hours.
- (iii) No less frequently than quarterly, and pursuant to the RRIF Interlocal Cooperative Agreement, the Washoe County RRIF Administrator shall transfer the impact fee funds in the Washoe County RRIF Trust Fund to the RTC RRIF Administrator, who shall deposit these funds in the RTC RRIF Trust Fund. All proceeds in the RTC RRIF Trust Fund not immediately necessary for expenditure shall be invested in an interest bearing account. Records of the RTC RRIF Trust Fund accounts shall be available for public inspection in the RTC RRIF Administrator's Office, during normal business hours.
- (3) Limitations on Expenditures.
- (i) Impact fee monies shall only be expended from funds drawn from the RTC RRIF Trust Fund.
- (ii) Funds shall only be expended on those projects selected by the RTC Board and approved by the RTC Board and the Participating Local Governments in the RRIF Interlocal Cooperative Agreement.
- (iii) The expenditure of impact fee funds shall be limited to those road capital improvement projects included in the RRIF CIP.

- (iv) For the purposes of determining whether impact fee funds have been spent or encumbered, the first fees collected shall be considered the first monies spent or encumbered.
 - (v) If impact fee funds transferred to the RTC RRIF Trust Fund are required to be refunded pursuant to Section VIII of the RRIF Manual, they shall be returned by the RTC RRIF Administrator to the Local RRIF Administrator for refund.
- (4) Benefit Districts. The Service Area is divided into three (3) Benefit Districts as described in the RRIF CIP. Impact fee funds shall be spent within the Benefit District from which the traffic generating land development activity paying the fee is located, except that:
- (i) Where a road on the RRIF Network as identified in the RRIF CIP is used to define Benefit District boundaries, the road demarcating the boundary shall be considered as part of both Benefit Districts that it bounds, the impact fees from both Benefit Districts may be used to fund road capital improvements for that road; or
 - (ii) Impact fee funds from all Benefit Districts may be used to fund road capital improvements identified on the RRIF CIP for McCarran Boulevard and Virginia Street; or
 - (iii) Impact fee funds may be used to fund a road capital improvement on the RRIF CIP outside the Benefit District from which the fees are collected if it is demonstrated by competent substantial evidence that the feepayers from the Benefit District from which the fees come will receive sufficient benefit from the road capital improvement.
- (i) Requirement for Initiating Resolution to Amend Article. The requirement of Section 110.818.05, Requirements for Application, does not apply to the amendment of this section.
 - (j) Effective Date of Regional Road Impact Fee Section. The RRIF section shall become effective thirty (30) days after this section and similar Ordinances are adopted by the City of Reno and the City of Sparks.

[Added by Ord. 938, provisions eff. 2/15/96. Amended by Ord. 1066, provisions eff. 7/9/99; Ord. 1201, provisions eff. 6-27-03; Ord.1307, provisions eff. 7-7-06; Ord. 1348, provisions eff. 11/2/07.]

Section 110.706.10 Southeast Truckee Meadows Specific Plan Impact Fee.

- (a) Purpose.
 - (1) The purpose of this section is to establish a comprehensive system of regulation for the imposition of drainage project impact fees to assure that new development in the Southeast Truckee Meadows Specific Plan area ("SETMSP") contributes its proportionate share of the cost of providing, and benefits from such provision of, required area drainage-related facilities.

- (2) The County, subsequent to the effective date of this ordinance (January 1, 1998), shall not impose any off-site drainage facility requirements or conditions for drainage facilities (detention facilities) covered by the fees imposed herein on any development approval for a project within the SETMSP service area, the boundaries of which service area are set forth in Map 110.706.10.1.
- (3) The intent herein is to impose an impact fee for the detention facilities shown and identified on Map 110.706.10.2. If it is determined that additional facilities or property must be included within the service area to assure the orderly construction of necessary drainage facilities, this section will be amended accordingly.
- (b) Administrative Manual. A "SETMSP Drainage Project Administrative Manual" may be adopted for the purpose of providing guidance in the administration of this section. The manual must be adopted and/or amended only after a public hearing by the Washoe County Planning Commission, acting in its capacity as capital improvements advisory committee, and adoption of a resolution by the Board of County Commissioners.
- (c) Definitions.

Building Permit. "Building permit" means that development permit issued by the Department of Community Development before any building or construction activity can be initiated on a parcel of land. This does not include any permits for demolition, grading or the construction of a foundation.

Board. "Board" means the Board of County Commissioners.

Commencement of Land Development Activity. "Commencement of land development activity" occurs upon the issuance of a building permit.

Committee. "Committee" means the capital improvements advisory committee established by the Board, pursuant to NRS 278B.150, whose duties are to determine conformance of the land use assumptions with the County's master plan; review the capital improvements plan, file annual reports concerning the progress of the County in carrying out the capital improvements plan; report to the Board any perceived inequities in the implementation of the capital improvements plan or the imposition of an impact fee; hear appeals from administrative decisions regarding impact fees, and advise the Board of the need to update or revise the land use assumptions, capital improvements plan and section imposing an impact fee.

Department. "Department" means the Department of Water Resources.

Feepayer. "Feepayer" means a person commencing impact-generating land development activity who is obligated to pay an impact fee in accordance with the terms of this section.

Impact-Generating Land Development Activity. "Impact-generating land development activity" is land development designed or intended to permit a use of the land which will increase the impervious surface of land within the service area.

Non-Site Related Improvements. "Non-site related improvements" means capital improvements and dedications of land for regional drainage facilities (detention facilities) that are not site-related improvements.

Service Area. "Service area" means the area identified on Map 110.706.10.1.

Service Unit. "Service unit" means a standardized measure of consumption which is attributable to an individual unit of development calculated for a particular category of capital improvements. The service unit for purposes of the SETMSP drainage facility (detention facilities) impact fee is a per acre unit.

Site-Related Improvements. "Site-related improvements" means those capital improvements and land dedications related directly to the development in question and include, without limitation, drainage channels and mitigations identified on the flood control facility master plan as approved by the Planning Commission and Board.

Specific Plan. "Specific plan" means the Master Plan for the Southeast Truckee Meadows Specific Plan area as identified in the Master Plan and as approved and adopted by the Planning Commission and Board.

- (d) Applicability. Upon enactment of this section, any person or governmental body who commences any land development activity in the SETMSP shall be obligated to pay an impact fee. All property owned by the Washoe County School District is exempt from the requirement of paying impact fees imposed pursuant to this section. The fee shall be determined and paid at the time of issuance of a building permit. The fee shall be computed separately for the amount of development covered by the permit, if the building permit is for less than the entire development, but must be computed to assure that the service unit cost is proportionately allocated to the total project acreage. The obligation to pay the impact fee shall run with the land.
- (e) Improvement Agreement. The Board may enter into an agreement with an owner of land prior to the issuance of a building permit for the dedication of land and/or construction of drainage facilities (detention facilities) which provides:
- (1) The costs incurred through dedication and/or construction of the drainage facilities (detention facilities) by the owner will be credited against impact fees due and such credit shall be based upon the cost of such drainage facility as used to determine the impact fee.
 - (2) If applicable, reimbursement will be made for costs exceeding credit as provided in (1) above from impact fees paid by other developments using those drainage facilities (detention facilities).
 - (3) Credit provided for costs in excess of impact fees due are transferable only within the SETMSP service area.
- (f) Fee Schedule.
- (1) Any person or governmental agency who initiates land development activity shall pay a drainage project impact fee in accordance with the following land use categories and fee schedule:

Land Use Category		Fee/Acre
LDS	Low Density Suburban	\$1,814
MDS	Medium Density Suburban	\$2,177
HDS	High Density Suburban	\$2,576
LDU	Low Density Urban	\$2,830
MDU	Medium Density Urban	\$2,830
OC/I	Office Commercial/Industrial	\$2,903
PR	Public/Recreational	\$1,089

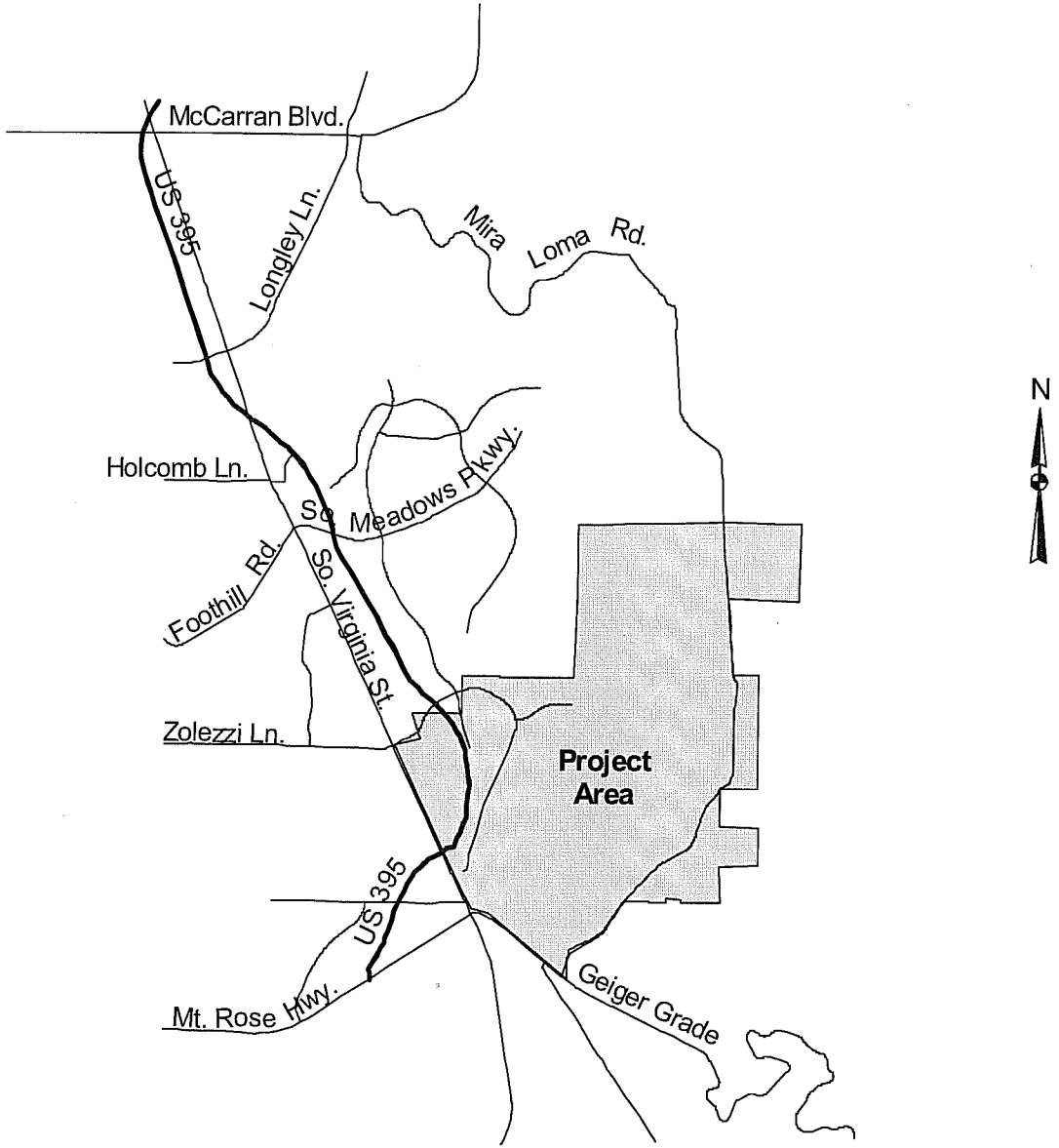
- (2) The fee must be calculated as follows:
- (i) For commercial, industrial and/or multi-residential development, by apportioning the fee per acre times the acreage contained in the parcel being developed.
 - (ii) For residential, by determining a per unit cost representing the acreage of the parcel or subject to a final map multiplied by the applicable fee per acre as set forth in (1) above and as divided by the number of lots.
- (3) The fee must be calculated based upon the land use category and density as approved in the specific plan as adopted or as amended.
- (g) Recalculation of Fee Schedule and Review. This section shall be reviewed and the fee schedule recalculated as follows:
- (1) At least every third year, the committee shall recommend to the Board whether changes should be made to the land use assumptions, impact fee Section 110.706.10 and capital improvements plan. The committee shall consider in making said recommendations factors that affect the fee schedule including, but not limited to, effects of inflation on the cost of facilities, additional drainage project facility needs, changes in land uses and any perceived inequities in the implementation of the fee schedule.
 - (2) Upon any amendment to the specific plan affecting either upward or downward the number of residential units and commercial/industrial acreage, the fee schedule shall be recalculated to reflect said amendments.
- (h) Pre-Development Review of Impact Fees. Any person contemplating establishing a land development activity may request a preliminary determination of the impact fees due from such development. A person requesting a pre-development review impact fee calculation shall complete and submit to the department the proper application form and any applicable fee. Using the information regarding the proposed project as submitted on the application, the department will provide, within fifteen (15) days, of the date of submittal of the completed application, a preliminary calculation of the impact fees due for the proposed project.
- (i) Appeal. Any feepayer affected by an administrative decision regarding impact fees owed or process utilized to determine the fee may appeal such decision to the committee by filing with the department within ten (10) days of the date of the written decision, a written notice stating and specifying briefly the grounds of the

appeal. The department shall place such appeal on the committee agenda for the next regularly scheduled meeting occurring at least twenty-one (21) days thereafter. The committee, after a public hearing, shall have the power to affirm or reverse such decision of the department. If the committee reverses the decision of the department, it shall direct the department to recalculate the fee in accordance with its findings. In no case shall the committee have the authority to negotiate the amount of the fee. If the committee affirms the decision of the department, the applicant may appeal to the Board within ten (10) days of the committee's decision by filing a notice of appeal with the County Clerk. The Board shall consider and render a decision on the appeal.

(j) SETMSP Special Revenue Fund.

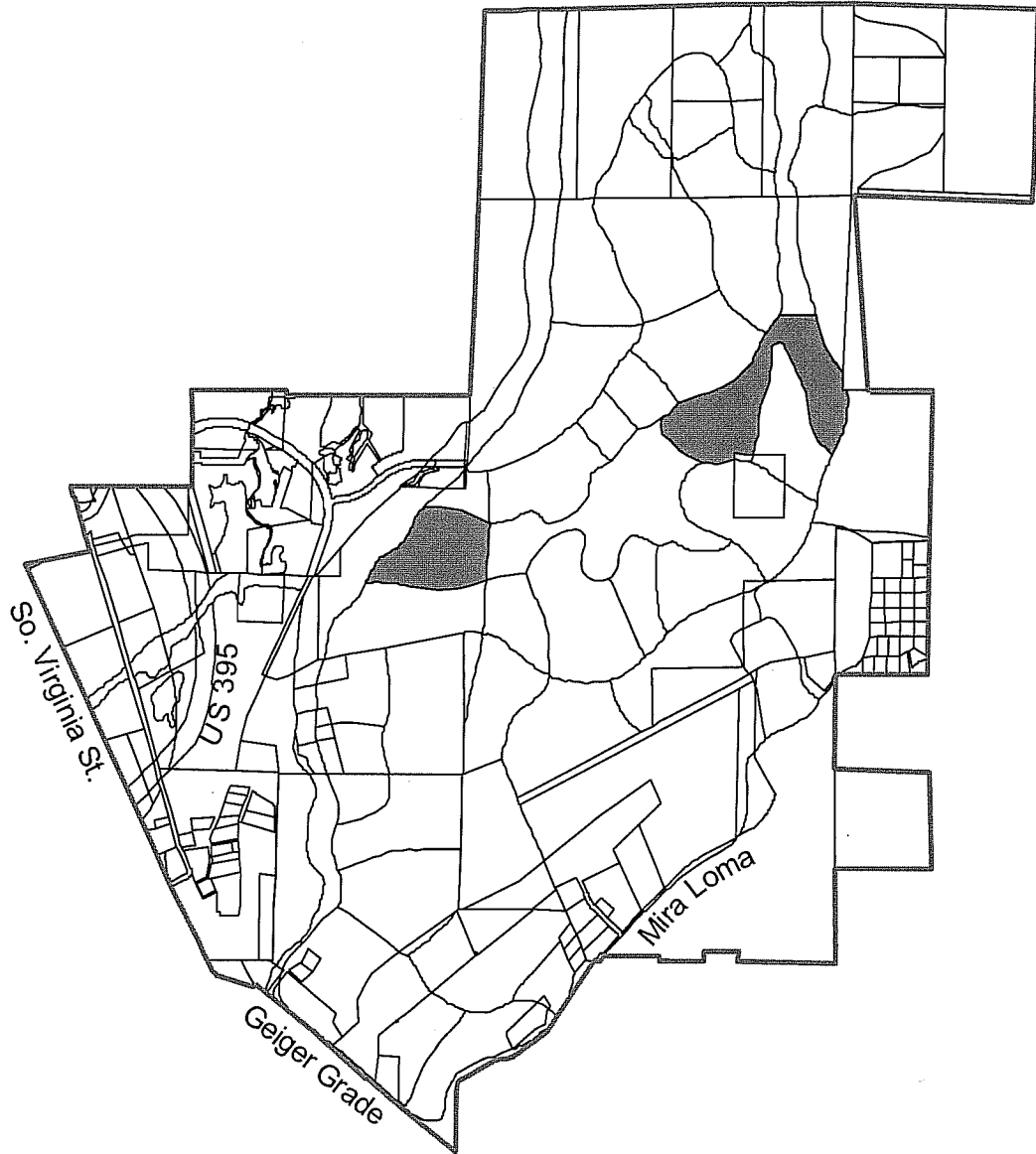
- (1) All fees collected pursuant to this section shall be placed in a special revenue fund. The department shall maintain a record to identify the development and/or parcel for which the fees were collected.
- (2) The expenditure of funds from the SETMSP drainage impact fee special revenue fund shall be limited to the detention facilities identified in the Southeast Truckee Meadows (SETM) flood control capital improvements plan, and shall be budgeted and appropriated through the County's annual capital improvements programming and budgeting process.

SOUTHEAST TRUCKEE MEADOWS SPECIFIC PLAN IMPACT FEE SERVICE AREA



Source: Washoe County Department of Community Development.

SOUTHEAST TRUCKEE MEADOWS SPECIFIC PLAN IMPACT FEE DETENTION BASINS



-  Detention Basins
-  Southeast Truckee Meadows Specific Plan Impact Fee Service Area

Source: Washoe County Department of Community Development.

[Added by Ord. 1003, provisions eff. 1/1/98. Amended by Ord. 1096, provisions eff. 7/28/00.]

SECTION 7. Chapter 110, Division Eight, Articles 806, 808, 810, 812, 814, 816, 818, and 820 of the Washoe County Code is hereby amended as follows:

Division Eight - Procedures

Article 806

VACATIONS AND ABANDONMENTS OF EASEMENTS OR STREETS

Sections:

110.806.00	Purpose
110.806.05	Requirements for Application
110.806.10	Supplemental Guidelines, Standards and Criteria
110.806.15	Review Procedures of Planning Commission
110.806.20	Findings
110.806.25	Hearing of Appeal by Board
110.806.30	Notice of Board Hearing
110.806.35	Action by Board
110.806.40	Utility or Community Antenna Television Company Easement
110.806.45	Legal Description
110.806.50	Recordation
110.806.55	Sale of Vacated Portion
110.806.60	Payments
110.806.65	Light and Air
110.806.70	Reservations
110.806.75	Consistency with Plan
110.806.80	Reapplication

Section 110.806.00 Purpose. The purpose of this article, Article 806, Vacations and Abandonments of Easements or Streets, is to provide for the vacation or abandonment of easements or streets.

Section 110.806.05 Requirements for Application. Applications for the vacation or abandonment of a street or easement owned by the County, or a government patent easement, may be initiated by the Board of County Commissioners, Planning Commission, the Director of Community Development or an owner of real property abutting an easement or public street right-of-way through an application to the Department of Community Development or as part of a tentative subdivision map application if the abandonment or vacation application is related to the tentative map proposal. If the application for the vacation or abandonment of an easement or street is included as part of a tentative subdivision application, the noticing of the tentative subdivision map application shall include a description of the street or easement to be vacated or abandoned. No application shall be processed when the information necessary to review and decide upon it is deemed to be incomplete by the Director of Community Development.

[Amended by Ord. 873, provisions eff. 6/7/93; Ord. 1041, provisions eff. 12/1/98; Ord. 1156, provisions eff. 3/22/02]

Section 110.806.10 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 of applications.

[Added by Ord. 873, provisions eff. 6/7/93.]

Section 110.806.15 Review Procedures of Planning Commission. The Planning Commission shall review applications for abandonments and vacations in accordance with the provisions of this section.

- (a) **General Provisions.** The Planning Commission shall conduct a public hearing for the purpose of receiving evidence relative to the application. The evidence shall be reviewed to determine if the application is consistent with existing policies, standards and required findings.
- (b) **Time Period for Hearing and Action.** The Planning Commission shall hold a public hearing on the application for vacation or abandonment of an easement or street not less than ten (10) business days after the newspaper notice as required below is first published.
- (c) **Notice of Planning Commission Hearing.**
 - (1) **Notice of Vacation or Abandonment, Only.** Notice of a vacation or abandonment application to be heard by the Planning Commission shall be given by mailing to each owner of property abutting the proposed vacation or abandonment a notice of the proposed vacation or abandonment application through a delivery method that does not require signature of receipt of the notice by the abutting property owner, but does confirm delivery of the notice to the abutting property owner. Mailing of the notice shall occur on a date that assures delivery was made ten (10) business days prior to the date of the Planning Commission's public hearing. Furthermore, a notice shall be published at least once in a newspaper of general circulation in the County not less than ten (10) business days prior to the date of the Planning Commission's public hearing.
 - (2) **Notice of Vacation or Abandonment Combined with Tentative Subdivision Map Application.** If the vacation or abandonment application is part of a tentative subdivision map application, the notice of the proposed vacation or abandonment shall be contained in the notice for the tentative subdivision map, and each owner of property abutting the proposed vacation or abandonment shall be provided notice of the combined proposed vacation or abandonment and tentative subdivision notice pursuant to the requirements of subsection (1). Notice shall be published at least once in a newspaper of general circulation in the County pursuant to the requirements of subsection (1).
 - (3) **Notice of Public Utility and Community Antenna Television Company.** Each public utility as defined in NRS 360.815 and each community antenna television company as defined in NRS 711.030 serving the

area in which an easement or street is proposed to be abandoned shall receive a notice no later than ten (10) business days prior to the date of the Planning Commission's public hearing on the application. Accompanying the application shall be a request that the public utility and/or community antenna television company indicate in writing whether that entity wishes to have an easement for its purposes provided.

- (d) Action by the Planning Commission. Except as provided in Section 110.806.40, if, upon public hearing, the Planning Commission is satisfied that the public will not be materially injured by the proposed vacation, it shall order the street or easement vacated. The Planning Commission may make the order conditional, and the order becomes effective only upon the fulfillment of the conditions prescribed. Notwithstanding the final decision of the Planning Commission, if a public utility and/or community antenna television company requests an easement for its purposes pursuant to the notice provided in subsection (c)(3), an easement in favor of the public utility and/or community antenna television company shall be provided and the County shall ensure recordation of same.
- (e) Appeal of Final Action of Planning Commission. An appeal of the Planning Commission's final action on an abandonment or vacation application may be appealed to the Board of County Commissioners within ten (10) days of the date of the final decision of the Planning Commission only by the following:
 - (1) The applicant or the applicant's authorized agent;
 - (2) An owner of real property who has received notice of the public hearing pursuant to Section 110.806.30 of the Development Code; or
 - (3) A person who may be adversely affected by the decision; and
 - (i) Has participated in the review process by submitting written testimony on the application prior to the public hearing before the Planning Commission;
 - (ii) Has participated in the review process by providing oral testimony at the public hearing before the Planning Commission on the application; or
 - (iii) Was prevented from participation in the review by circumstances beyond his/her control.
- (f) Denial of Appeal Application. A decision by County staff that a potential appellant does not meet the criteria in subsection (e)(3) of this section may be appealed to the Board of County Commissioners.

[Added by Ord. 873, provisions eff. 6/7/93. Amended by Ord. 1041, provisions eff. 12/1/98; Ord. 1288, provisions eff. 3/24/06; Ord. 1346 and 1347, provisions eff. 11/2/07.]

Section 110.806.20 Findings. Prior to recommending approval of an application for an abandonment or vacation, the Planning Commission shall find that all of the following are true:

- (a) Master Plan. The abandonment or vacation is consistent with the policies, action programs, standards and maps of the Master Plan and the applicable area plans;

- (b) No Detriment. The abandonment or vacation does not result in a material injury to the public; and
- (c) Existing Easements. Existing public utility easements in the area to be abandoned or vacated can be reasonably relocated to provide similar or enhanced service.

[Added by Ord. 873, provisions eff. 6/7/93. Amended by Ord. 1156, provisions eff. 3/22/02]

Section 110.806.25 Hearing of Appeal by Board. The Board of County Commissioners shall hold a public hearing on the appeal of the Planning Commission's final action on an application for vacation or abandonment of an easement or street after the notice as required in Section 110.806.30 is first published.

[Amended by Ord. 873, provisions eff. 6/7/93; Ord. 1041, provisions eff. 12/1/98; Ord. 1347, provisions eff. 11/2/07.]

Section 110.806.30 Notice of Board Hearing. Notice of an appeal of the Planning Commission's final action on a vacation or abandonment application to be heard by the Board of County Commissioners shall be provided pursuant to Section 110.806.15.

[Amended by Ord. 873, provisions eff. 6/7/93; Ord. 1041, provisions eff. 12/1/98; Ord. 1347, provisions eff. 11/2/07.]

Section 110.806.35 Action by Board. Except as provided in Section 110.806.40, if, upon public hearing on the appeal of the Planning Commission's final action on an abandonment or vacation of an easement or street, the Board is satisfied that the public will not be materially injured by the proposed vacation, it shall order the street or easement vacated. The Board may make the order conditional, and the order becomes effective only upon the fulfillment of the conditions prescribed. The action of the Board of County Commissioners shall be final for the purposes of judicial review. Notwithstanding the final decision of the Board of County Commissioners, if a public utility and/or community antenna television company requests an easement for its purposes pursuant to the notice provided in subsection 110.806.15(c)(3), an easement in favor of the public utility and/or community antenna television company shall be provided and the County shall ensure recordation of same.

[Amended by Ord. 873, provisions eff. 6/7/93; Ord. 1041, provisions eff. 12/1/98; Ord. 1156, provisions eff. 3/22/02; Ord. 1347, provisions eff. 11/2/07]

Section 110.806.40 Utility or Community Antenna Television Company Easement. If a public utility or community antenna television company has an easement over the property, the Planning Commission or the Board, after a hearing on the appeal of the Planning Commission final action, shall provide in its order for the continuation of that easement.

[Amended by Ord. 873, provisions eff. 6/7/93; Ord. 1041, provisions eff. 12/1/98; Ord. 1347, provisions eff. 11/2/07.]

Section 110.806.45 Legal Description. The applicant shall submit to the Engineering Division, a legal description for the area of the vacation or abandonment prepared by a Nevada Professional Land Surveyor, prior to publication of the order of vacation or abandonment, to the satisfaction of the Engineering Division.

[Added by Ord. 873, provisions eff. 6/7/93; Ord. 1041, provisions eff. 12/1/98.]

Section 110.806.50 Recordation. The order must be recorded in the Office of the County Recorder if all the conditions of the order have been fulfilled and, upon the recordation, title to the street or easement reverts to the abutting property owners in the approximate proportion that the property was dedicated by the abutting property owners or their predecessors in interest.

[Amended by Ord. 873, provisions eff. 6/7/93; Ord. 1041, provisions eff. 12/1/98.]

Section 110.806.55 Sale of Vacated Portion. In the event of a partial vacation of a street where the vacated portion is separated from the property from which it was acquired by the unvacated portion of it, the Board may sell the vacated portion upon such terms and conditions as it deems desirable and in the best interests of the County. If the Board sells the vacated portion, it shall afford the right of first refusal to each abutting property owner as to that part of the vacated portion which abuts his/her property, but no action may be taken by the Board to force the owner to purchase the portion and that portion may not be sold to any person other than the owner if the sale would result in a complete loss of access to a street from the abutting property.

[Amended by Ord. 873, provisions eff. 6/7/93; Ord. 1041, provisions eff. 12/1/98.]

Section 110.806.60 Payments. If the street was acquired by dedication from the abutting property owners or their predecessors in interest, no payment is required for title to the proportionate part of the street reverted to each abutting property owner. If the street was not acquired by dedication, the Planning Commission or Board, after a hearing on an appeal of the Planning Commission's final action, may make its order conditional upon payment by the abutting property owners for their proportionate part of the street of such consideration as the Planning Commission or Board, after a hearing on an appeal of the Planning Commission's final action, determines to be reasonable. If the Planning Commission or Board, after a hearing on an appeal of the Planning Commission's final action, determines that the vacation has a public benefit, it may apply the benefit as an offset against any determination of reasonable consideration which did not take into account the public benefit.

[Amended by Ord. 873, provisions eff. 6/7/93; Ord. 1041, provisions eff. 12/1/98.]

Section 110.806.65 Light and Air. Any easement for light and air adjacent to any vacated street is vacated upon the vacation of the street.

[Amended by Ord. 873, provisions eff. 6/7/93; Ord. 1041, provisions eff. 12/1/98.]

Section 110.806.70 Reservations. In any vacation or abandonment of any street or portion of it, the Planning Commission or Board, after a hearing on an appeal of the Planning Commission's final action, may reserve and except therefrom any easements, rights, or interests therein which it deems desirable for the use of the County or any public utility. The abandonment or vacation of a government patent easement pursuant to this section addresses only the County's interest in the subject easement and cannot be relied upon for purposes of clearing title to the property.

[Amended by Ord. 873, provisions eff. 6/7/93; Ord. 1041, provisions eff. 12/1/98; Ord. 1156, provisions eff. 3/22/02]

Section 110.806.75 Consistency with Plan. No procedures or approvals that are provided for in this article may be in contravention to the Master Plan.

[Amended by Ord. 873, provisions eff. 6/7/93; Ord. 1041, provisions eff. 12/1/98.]

Section 110.806.80 Reapplication. When an application for a vacation or abandonment of an easement or street has been denied, a subsequent application for the same easement or street

right-of-way shall not be submitted for the next six (6) consecutive months commencing from the date of the final action by the Planning Commission or Board of County Commissioners, whichever is later.

[Amended by Ord. 873, provisions eff. 6/7/93; Ord. 1041, provisions eff. 12/1/98.]

[Section 110.806.10, entitled "Recommendation by Planning Commission" repealed by Ord. 873, provisions eff. 6/7/93. Section 110.806.25 entitled "Transmittal of Planning Commission Recommendation to Board of County Commissioners" added by Ord. 873, provisions eff. 6/7/93 and repealed by Ord. 1041, provisions eff. 12/1/98.]

Article 808

ADMINISTRATIVE PERMITS

Sections:

110.808.00	Purpose
110.808.05	Requirements for Application
110.808.10	Supplemental Guidelines, Standards and Criteria
110.808.15	Concurrent Processing
110.808.20	Projects of Regional Significance
110.808.25	Findings
110.808.30	Review Procedures
110.808.35	Review by the Hearing Examiner
110.808.40	Review by the Board of Adjustment
110.808.45	Appeals
110.808.50	One Year Wait on Denials
110.808.55	Modification of an Administrative Permit
110.808.60	Expiration
110.808.65	Revocation

Section 110.808.00 Purpose. The purpose of this article, Article 808, Administrative Permits, is to provide methods for reviewing proposed uses which possess characteristics that require special appraisal in order to determine if the uses have the potential to adversely affect other land uses, transportation or facilities in the vicinity. The Board of County Commissioners, the Board of Adjustment, or the hearing examiner, as established in Article 912, Establishment of Commissions, Boards and Hearing Examiners, may require conditions of approval necessary to eliminate, mitigate, or minimize to an acceptable level any potentially adverse effects of a use or to specify the terms under which commencement and operation of the use must comply.

[Amended by Ord. 873, provisions eff. 6/7/93; Ord. 1040, provisions eff. 11/1/98; Ord. 1234, provisions eff. 5/21/04.]

Section 110.808.05 Requirements for Application. Applications for administrative permits may be initiated by the property owner or authorized agent of the property owner. Applications shall be filed with the Department of Community Development. A request for an administrative permit shall include a site plan which clearly delineates the location and characteristics of the proposed use. No administrative permit shall be processed until the information necessary to review and decide upon the proposed administrative permit is deemed complete by the Department of Community Development.

[Amended by Ord. 873, provisions eff. 6/7/93; Ord. 1040, provisions eff. 11/1/98.]

Section 110.808.10 Supplemental Guidelines, Standards and Criteria. In addition to the standards and findings set forth in the Development Code, the Department of Community Development may prepare supplemental guidelines for the submission of applications and minimum standards and criteria for approval of applications.

Section 110.808.15 Concurrent Processing. An administrative permit application which also requires additional action by the Board of Adjustment or Planning Commission, such as a

variance or special use permit, shall be consolidated into one review before the appropriate approval authority. Subsequent references to the hearing examiner or the Board of Adjustment within this article will also apply to the Planning Commission when that body is the approval authority.

[Added by Ord. 1040, provisions eff. 11/1/98. Amended by Ord. 1234, provisions eff. 5/21/04.]

Section 110.808.20 Projects of Regional Significance. If an administrative permit approval is for a project of regional significance or if the approval would cause the project to become a project of regional significance, no permit for development or use of the property pursuant to the administrative permit shall be issued until the Regional Planning Commission and/or the Regional Planning Governing Board has taken final action on the project of regional significance.

[Renumbered from 110.808.30 and amended by Ord. 873, provisions eff. 6/7/93.]

Section 110.808.25 Findings. Prior to approving an application for an administrative permit, the hearing examiner or the Board of Adjustment shall find that all of the following, if applicable, are true:

- (a) **Consistency.** The proposed use is consistent with the policies, action programs, standards and maps of the Master Plan and the applicable area plan;
- (b) **Improvements.** Adequate utilities, roadway improvements, sanitation, water supply, drainage, and other necessary facilities have been or will be provided, the proposed improvements are properly related to existing and proposed roadways, and an adequate public facilities determination has been made in accordance with Division Seven;
- (c) **Site Suitability.** The site is physically suitable for the type of development and for the intensity of the development;
- (d) **Issuance Not Detrimental.** Issuance of the permit will not be significantly detrimental to the public health, safety or welfare; injurious to the property or improvements of adjacent properties; or detrimental to the character of the surrounding area; and
- (e) **Effect on a Military Installation.** If a military installation is required to be noticed pursuant to this article, the effect of the issuance of the permit will not be detrimental to the location, purpose and mission of the military installation.

[Renumbered from 110.808.40 by Ord. 873, provisions eff. 6/7/93; renumbered from 110.808.30 by Ord. 1040, provisions eff. 11/1/98. Amended by Ord. 1234, provisions eff. 5/21/04; Ord. 1347, provisions eff. 11/2/07.]

Section 110.808.30 Review Procedures. Two separate review procedures are available for the processing of administrative permits. These review procedures shall not be administered concurrently.

- (a) **Hearing Examiner Review.** The first procedure, review by the hearing examiner, requires an applicant for an administrative permit to obtain the written consent of the administrative permit from each owner of any real property that would be affected and, unless appealed, does not require a public hearing. The procedures in Section 110.808.35 shall be followed.

- (b) Board of Adjustment Review. The second procedure requires a public hearing before the Board of Adjustment and is similar to the process for a special use permit, although the review time is shortened. The procedures in Section 110.808.40 shall be followed.

[Amended by Ord. 873, provisions eff. 6/7/93. Renumbered from 110.808.15 and amended by Ord. 1040, provisions eff. 11/1/98. Amended by Ord. 1234, provisions eff. 5/21/04.]

Section 110.808.35 Review by the Hearing Examiner. The hearing examiner shall review administrative permits and take the appropriate action in accordance with the provisions of this section. The hearing examiner may approve, approve with conditions, modify, modify with conditions, or deny the administrative permit request. All decisions of the hearing examiner shall be in writing.

- (a) Affected Property Owners. Upon receipt of a complete application, the hearing examiner shall determine the owners of real property that may be affected by the proposed use and provide the applicant with a written list and a consent form for signature within five (5) working days of receipt. All property owners within five hundred (500) feet of the proposed use, homeowners associations or Architectural Control Committees that are registered with the Building and Safety Division of the County; and all military installations as defined in Article 902 that are within three thousand (3,000) feet of the property that is the subject of the administrative permit application will be considered affected property owners.
- (b) Written Consent. The applicant for the administrative permit shall obtain the signature of all affected property owners on the consent forms provided by the hearing examiner. Once all signatures have been obtained, the applicant shall submit the consent forms to the Department of Community Development.
- (c) Processing. Upon receipt of the signed consent forms forwarded to affected property owners, the hearing examiner shall commence processing the administrative permit. The hearing examiner shall review the administrative permit to determine its consistency with existing policies, standards and required findings. A decision shall be rendered within five (5) working days of receipt of the signed consent forms. An extension of time for hearing examiner action may be granted in writing if mutually agreed upon by the applicant and the hearing examiner. No hearing is required for the completion of this process.
- (d) Effective Date of Action. Action on the administrative permit application, unless otherwise specified, shall be effective upon expiration of the appeal period.
- (e) Notice of Decision.
- (1) Recipients of Notice - Approval. Within five (5) working days of approval or conditional approval by the hearing examiner, the following persons shall be notified by mail of the final decision on the administrative permit:
- (i) All individuals with addresses listed on the application for the administrative permit and the property owner.
- (ii) All affected property owners for whom consent signatures were required.

- (iii) Advisory boards created by the Board of County Commissioners for the area in which the property that is the subject of the administrative permit is located.
 - (iv) All General Improvement Districts (GIDs) for the area in which the property that is the subject of the administrative permit is located.
- (2) Recipients of Notice - Denial. Within five (5) working days of the denial of the request by the hearing examiner, the following persons shall be notified by mail of the final decision on the administrative permit:
- (i) All individuals with addresses listed on the application for the administrative permit and the property owner.
 - (ii) All affected property owners for whom consent signatures were required.
- (3) Contents of Notice - Approval or Denial. Such notice shall describe the proposed administrative permit request; describe the lot, parcel, properties, or area that are the subject of the administrative permit; describe the decision of the hearing examiner and, if the administrative permit has been approved, any conditions made part of the administrative permit; the appellate procedures that can be taken regarding the decision of the hearing examiner; and the closing date of filing an appeal of the decision.
- (4) Compliance with Noticing Requirements. All owners of real property to be noticed pursuant to this section shall be those owners identified on the latest ownership maps and records of the Washoe County Assessor. Compliance with the noticing requirements is established when notice is mailed to the last known address listed on the records of the Assessor, or if requested by a party to whom notice must be provided, by electronic means if receipt of such an electronic notice can be verified.

[Added by Ord. 1040, provisions eff. 11/1/98. Amended by Ord. 1088, provisions eff. 1/28/00; Ord 1234, provisions eff. 5/21/04; Ord. 1347, provisions eff. 11/2/07.]

Section 110.808.40 Review by the Board of Adjustment. The Board of Adjustment, or the Planning Commission on concurrent applications requiring their review, shall review administrative permits in accordance with the provisions of this section.

- (a) General Provisions. The Board of Adjustment shall conduct a 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 application is consistent with existing policies, standards and required findings.
- (b) Time Period for Hearing. Public hearings before the Board of Adjustment shall be held at the next available meeting for which the requirements of noticing can be satisfied. Such time frame shall consider the time necessary to circulate the applications to the reviewing agencies, prepare the notices, obtain the mailing labels, and deliver the notices to the required individuals, but shall not exceed fifty (50) days.

- (c) Notice. Notice shall be given in accordance with the provisions of this section.
- (1) Notice of Property Owners by Mail. A notice setting forth the time, place, purpose of hearing, and map or physical description of the land involved shall be sent by mail at least ten (10) days before the meeting to the following persons:
- (i) All owners of real property that are the subject of the administrative permit.
 - (ii) Advisory boards created by the Board of County Commissioners for the area in which the property that is the subject of the administrative permit is located.
 - (iii) All owners of real property within five hundred (500) feet of the property which is the subject of the administrative permit.
 - (iv) All tenants of any mobile home park that is located within five hundred (500) feet of the property which is the subject of the administrative permit.
 - (v) All General Improvement Districts (GIDs) for the area in which the property that is the subject of the administrative permit is located.
 - (vi) The commander or administrator of a military installation, as defined in Article 902, that is located within three thousand (3,000) feet of the property which is the subject of the administrative permit application.
- (2) Notice of Property Owners by Electronic Means. If requested by a party pursuant to subsection (a) of this section and if receipt can be verified, an electronic notice must be provided at least ten (10) days before the meeting, setting forth the time, place, purpose of hearing, and map or physical description of the land involved.
- (3) Number of Notices. If the number of notices sent pursuant to this section does not total thirty (30) or more, the County shall send out additional notices to make the total number at least thirty (30). These notices shall be sent to owners of real property that are closest to the property in question, not including those owners engaged in acquiring the administrative permit.
- (4) Compliance with Noticing Requirements. All owners of real property to be noticed pursuant to this section shall be those owners identified on the latest ownership maps and records of the County Assessor. Compliance with the noticing requirements is established when notice is sent to the last known address on the records of the County Assessor.
- (d) Time Period for Action. The Board of Adjustment shall take action on the proposed administrative permit at the conclusion of the public hearing. An extension of time for the Board of Adjustment action may be granted if mutually agreed upon by the applicant and the Board of Adjustment.

- (e) Action. The Board of Adjustment may take action to approve, approve with conditions, modify, modify with conditions, or deny the administrative permit request. Failure of the Board of Adjustment to hold a public hearing or take action within the specified time frames shall constitute an automatic appeal to the Board of County Commissioners.
- (f) Effective Date of Action. Action on the administrative permit application, unless otherwise specified, shall be effective upon expiration of the appeal period.

[Added by Ord. 1040, provisions eff. 11/1/98. Amended by Ord. 1088, provisions eff. 1/28/00; Ord. 1234, provisions eff. 5/21/04; Ord. 1347, provisions eff. 11/2/07.]

Section 110.808.45 Appeals. An action of the hearing examiner or Board of Adjustment made pursuant to this article may be appealed in accordance with the provisions of this section.

- (a) Appeal Period. An appeal of the decision of the hearing examiner or Board of Adjustment may be made to the Board of County Commissioners within fifteen (15) days from the date of the decision by the Board of Adjustment or the date of the notice of decision of the hearing examiner was mailed. If filed, an appeal stays any further action on the permit until final resolution of the appeal. 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 only by the following:
 - (1) The applicant or the applicant's authorized agent;
 - (2) An owner of real property who has received notice of the public hearing pursuant to subsection 110.808.40(c)(1)(iii) of the Development Code; or
 - (3) A person who may be adversely affected by the decision; and
 - (i) Has participated in the review process by submitting written testimony on the application prior to the public hearing before the Board of Adjustment or Planning Commission on the application;
 - (ii) Has participated in the review process by providing oral testimony on the application at the public hearing before the Board of Adjustment or Planning Commission;
 - (iii) Has submitted written testimony on the application to the hearing examiner prior to a decision; or
 - (iv) Was prevented from participating in the review by circumstances beyond his/her control.
- (c) Denial of Appeal Application. A decision by County staff that a potential appellant does not meet the criteria in subsection (b)(3) of this section may be appealed to the Board of County Commissioners.
- (d) Contents of Appeal. An appeal 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 hearing examiner or Board of Adjustment. Such reasons shall be based upon

the evidence presented to the hearing examiner or Board of Adjustment prior to the original decision. Failure of the appellant to present such reasons shall be deemed cause for denial of the appeal.

- (e) Time Period for Hearing. The Director of Community Development shall schedule a public hearing before the Board of County Commissioners on the appeal within thirty (30) days of the date of the filing of the appeal.
- (f) Notice of Hearing. The public hearing on the appeal shall be noticed as required by Section 110.808.40. The notice shall state that an appeal has been filed; describe the request being appealed; describe the lot, parcel, property or areas that are the subject of the administrative permit; describe the final decision on the request; and note other pertinent information.
- (g) Action by the Board of County Commissioners. The Board of County Commissioners shall consider only those items cited in the appeal. In its deliberation, it may use the record and any additional evidence relative to the application and may confirm, reverse, or modify the appealed action based upon its interpretation of the findings required and the evidence submitted. The action of the Board of County Commissioners shall be final.
- (h) Effective Date. The decision of the Board of County Commissioners on an appeal shall be effective immediately.

[Renumbered from 110.808.55 and amended by Ord. 873, provisions eff. 6/7/93. Renumbered from 110.808.40 and amended by Ord. 1040, provisions eff. 11/1/98. Amended by Ord. 1234, provisions eff. 5/21/04; Ord. 1346, provisions eff. 11/2/07.]

Section 110.808.50 One Year Wait on Denials. After the denial of an administrative permit, no application for an administrative permit for the same or similar use 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.

[Renumbered from 110.808.60 by Ord. 873, provisions eff. 6/7/93. Renumbered from 110.808.45 by Ord. 1040, provisions eff. 11/1/98.]

Section 110.808.55 Modification of an Administrative Permit. Proposed modifications of approved administrative permits shall be subject to the requirements in this section.

- (a) Required Conditions. The Director of Community Development may approve plans for an alteration of the approved use when the alteration complies with all of the following conditions:
 - (1) The building or use expansion is incidental to the existing use;
 - (2) The building or use expansion does not result in a change of use;
 - (3) No building expansion involves more than ten (10) percent increase in floor area covered by existing structures associated with the use;
 - (4) No use expansion involves more than ten (10) percent increase in the overall site area covered by the existing use;

- (5) The building or use expansion, in the opinion of the Director of Community Development, would not have a substantial adverse effect on adjacent property; and
 - (6) The building or use expansion complies with existing requirements of agencies having jurisdiction and any other appropriate regulatory agency as determined by the Director of Community Development.
- (b) Conditions Not Met. If a proposed expansion does not comply with the conditions in subsection (a) of this section, a new permit shall be required following the same procedure required for the initial application.
 - (c) New Permit Required. Modification of the terms of the approved administrative permit itself or the waiver or alteration of conditions imposed incident to the granting of the permit shall require a new application following the same procedure required for the initial permit.

[Renumbered from 110.808.65 and amended by Ord. 873, provisions eff. 6/7/93. Renumbered from 110.808.50 by Ord. 1040, provisions eff. 11/1/98.]

Section 110.808.60 Expiration. An administrative permit shall expire as provided in this section.

- (a) Time Period. An administrative permit shall expire and become null and void at the time specified in the permit, or if not specified, two (2) years from the final date of approval.
- (b) Extension. The time specified in the administrative permit may be extended by the hearing examiner. Requests for time extensions shall be in writing and shall be submitted prior to the expiration date. The request shall state the reason for the extension.
- (c) Discontinuance. An administrative permit shall expire and become null and void twelve (12) months after the purpose for which it was granted has been discontinued or abandoned. During this twelve (12) month period, any operational conditions of approval shall remain in force and effect.

[Renumbered from 110.808.70 and amended by Ord. 873, provisions eff. 6/7/93. Renumbered from 110.808.55 by Ord. 1040, provisions eff. 11/1/98. Amended by Ord. 1234, provisions eff. 5/21/04.]

Section 110.808.65 Revocation. Revocation of an administrative permit shall be subject to the requirements of this section.

- (a) Initiation of Action. The hearing examiner, Board of Adjustment, Planning Commission, or Board of County Commissioners may initiate an action to revoke an administrative permit.
- (b) Grounds for Revocation. An administrative permit may be revoked pursuant to the provisions of this section upon a finding of any one (1) or more of the following grounds:
 - (1) That the administrative permit approval was fraudulently obtained or extended;

- (2) That one (1) or more of the conditions upon which such development approval was granted have been violated; or
 - (3) That the use or facility for which the development approval was granted is so conducted or maintained as to be detrimental to the public health or safety, or as to be a public nuisance.
- (c) Action by the Board of County Commissioners. The Board of County Commissioners shall hold a public hearing upon the revocation of the administrative permit. The hearing shall be noticed in accordance with Section 110.808.40. After the public hearing, and upon considering the evidence submitted, the Board of County Commissioners may take action to revoke the administrative permit.

[Renumbered from 110.808.75 and amended by Ord. 873, provisions eff. 6/7/93. Renumbered from 110.808.60 and amended by Ord. 1040, provisions eff. 11/1/98. Amended by Ord. 1234, provisions eff. 5/21/04.]

[Section 110.808.20 entitled "Notice," Section 110.808.25 entitled "Public Comment" and Section 110.808.45 entitled "Standard Conditions" repealed by Ord. 873, provisions eff. 6/7/93. Section 110.808.25 entitled "Conformance with Chapter" renumbered from 110.808.35 and repealed by Ord. 1040, provisions eff. 11/1/98.]

Section 110.808.35 entitled "Notice of Decision" renumbered from 110.808.50 and amended by Ord. 873, provisions eff. 6/7/93.]

Article 810

SPECIAL USE PERMITS

Sections:

110.810.00	Purpose
110.810.05	Review of Special Use Permits
110.810.10	Requirements for Application
110.810.15	Supplemental Guidelines, Standards and Criteria
110.810.20	Review Procedures
110.810.25	Notice
110.810.30	Findings
110.810.35	Development of Natural Resources
110.810.40	Projects of Regional Significance
110.810.42	Hazardous Materials
110.810.50	Appeals
110.810.55	One Year Wait on Denials
110.810.60	Modification of a Special Use Permit
110.810.65	Expiration
110.810.70	Revocation

Section 110.810.00 Purpose. The purpose of this article, Article 810, Special Use Permits, is to provide a method of reviewing proposed uses as listed in Article 302, Allowed Uses, which possess characteristics that require special appraisal in order to determine if the uses have the potential to adversely affect other land uses, transportation systems, or public facilities in the vicinity. The Planning Commission, Board of Adjustment or hearing examiner may require conditions of approval necessary to eliminate or minimize to an acceptable level any potentially adverse effects of the use.

[Amended by Ord. 873, provisions eff. 6/7/93; Ord. 1234, provisions eff. 5/21/04.]

Section 110.810.05 Review of Special Use Permits. Section 110.302.15 and Section 110.810.20(b) of this Development Code shall be used to determine whether the Planning Commission, the Board of Adjustment or a hearing examiner shall review an application for a special use permit according to the procedures of this article.

[Amended by. 1234, provisions eff. 5/21/04.]

Section 110.810.10 Requirements for Application. Applications for special use permits may be initiated by the Board of County Commissioners, a property owner or the property owner's authorized agent. Applications shall be filed with the Department of Community Development. A request for a special use permit shall include a site plan which clearly delineates the location and characteristics of the proposed use. No special use permit shall be processed until the information necessary to review and decide upon the proposed special use permit is deemed complete by the Director of Community Development.

[Amended by Ord. 873, provisions eff. 6/7/93.]

Section 110.810.15 Supplemental Guidelines, Standards and Criteria. In addition to the standards and findings set forth in the Development Code, the Department of Community Development may prepare supplemental guidelines for the submission of applications and minimum standards and criteria for approval of applications.

Section 110.810.20 Review Procedures. The Planning Commission, Board of Adjustment or a hearing examiner shall review special use permits in accordance with the provisions of this section.

- (a) **General Provisions.** The Planning Commission, Board of Adjustment or a hearing examiner shall conduct a 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 application is consistent with existing policies, standards and required findings.
- (b) **Concurrent Processing of Applications.** A special use permit request related to additional Development Code action(s) which requires Board of Adjustment, Planning Commission or hearing examiner review shall be consolidated into one hearing before the appropriate approval authority for the major request being considered.
- (c) **Time Period for Hearing.** Public hearings conducted by the Planning Commission, Board of Adjustment or a hearing examiner shall be held within sixty-five (65) days from the date of acceptance of the complete application.
- (d) **Time Period for Action.** The Planning Commission, Board of Adjustment or a hearing examiner may take action on the proposed special use permit at the conclusion of the public hearing, but shall take action no later than ninety-five (95) days after the complete application was accepted. An extension of time for Planning Commission, Board of Adjustment or hearing examiner action may be granted if mutually agreed upon between the applicant and the Director of Community Development.
- (e) **Action.** The Planning Commission, Board of Adjustment or a hearing examiner may take action to approve, approve with conditions, modify, modify with conditions, or deny the special use permit request. The Planning Commission, Board of Adjustment or a hearing examiner may also vary standards of the Development Code as part of the approval of a special use permit application. Failure of the Planning Commission, Board of Adjustment or a hearing examiner to hold a public hearing or take action within the time frames provided in this article shall constitute approval of the application.
- (f) **Effective Date of Action.** Action on the special use permit application, unless otherwise specified, shall be effective upon expiration of the appeal period.

[Amended by Ord. 873, provisions eff. 6/7/93; Ord. 1156, provisions eff. 3/22/02; Ord. 1234, provisions eff. 5/21/04, Ord. 1378, provisions eff. 8/1/08.]

Section 110.810.25 Notice. Notice shall be given in accordance with the provisions of this section.

- (a) **Notice of Property Owners by Mail.** A notice setting forth the time, place, purpose of hearing, and map or physical description of the land involved shall be sent by mail at least ten (10) days before the meeting to the following persons:

- (1) All owners of real property that are the subject of the special use permit.
 - (2) Advisory boards created by the Board of County Commissioners for the area in which the property that is the subject of the special use permit is located.
 - (3) All owners of real property:
 - (i) Within five hundred (500) feet of the property which is the subject of the special use permit; or
 - (ii) Within seven hundred fifty (750) feet of the property which is the subject of a special use permit for a project of regional significance.
 - (4) All tenants of any mobile home park that is located:
 - (i) Within five hundred (500) feet of the property which is the subject of the special use permit; or
 - (ii) Within seven hundred fifty (750) feet of the property which is the subject of a special use permit for a project of regional significance.
 - (5) All General Improvement Districts (GID) for the area in which the property that is the subject of the special use permit is located.
 - (6) The commander or administrator of a military installation, as defined in Article 902, that is within three thousand (3,000) feet of the property that is the subject of the special use permit application.
- (b) Notice of Property Owners by Electronic Means. If requested by a party pursuant to subsection (a) of this section and if receipt can be verified, an electronic notice must be provided at least ten (10) days before the meeting, setting forth the time, place, purpose of hearing, and map or physical description of the land involved.
 - (c) Number of Notices. If the number of notices sent pursuant to this section does not identify thirty (30) or more separate property owners, the County shall send out additional notices to achieve a total of at least thirty (30) separate property owners. These notices shall be sent to owners of real property that are closest to the property in question, not including those owners provided notice pursuant to subsection (a) of this section.
 - (d) Compliance with Noticing Requirements. Owners of all real property to be noticed pursuant to this section shall be those owners identified on the latest County Assessor's ownership maps and records. Such notice is complied with when notice is sent to the last known addresses of such real property owners as identified in the latest County Assessor's records. Any person who attends the public hearing shall be considered to be legally noticed unless those persons can provide evidence that they were not notified according to the provisions of this section.

[Amended by Ord. 873, provisions eff. 6/7/93; Ord. 924, provisions eff. 2/6/95; Ord. 951, provisions eff. 6/7/96; Ord. 1088, provisions eff. 1/28/00; Ord. 1156, provisions eff. 3/22/02; Ord. 1347, provisions eff. 11/2/07.]

Section 110.810.30 Findings. Prior to approving an application for a special use permit, the Planning Commission, Board of Adjustment or a hearing examiner shall find that all of the following are true:

- (a) **Consistency.** The proposed use is consistent with the action programs, policies, standards and maps of the Master Plan and the applicable area plan;
- (b) **Improvements.** Adequate utilities, roadway improvements, sanitation, water supply, drainage, and other necessary facilities have been provided, the proposed improvements are properly related to existing and proposed roadways, and an adequate public facilities determination has been made in accordance with Division Seven;
- (c) **Site Suitability.** The site is physically suitable for the type of development and for the intensity of development;
- (d) **Issuance Not Detrimental.** Issuance of the permit will not be significantly detrimental to the public health, safety or welfare; injurious to the property or improvements of adjacent properties; or detrimental to the character of the surrounding area; and
- (e) **Effect on a Military Installation.** Issuance of the permit will not have a detrimental effect on the location, purpose or mission of the military installation.

[Amended by Ord. 873, provisions eff. 6/7/93; Ord. 1234, provisions eff. 5/21/04; Ord. 1347, provisions eff. 11/2/07.]

Section 110.810.35 Development of Natural Resources. All natural resources development shall require a special use permit reviewed by the Board of Adjustment. Natural resources development includes energy production, mining operations, petroleum gas extraction, and forest products production. In addition to the findings required in other sections of this article, issuance of a special use permit for development of natural resources shall be contingent on the Board of Adjustment making the following findings:

- (a) That the proposed development is not unduly detrimental to surrounding properties, land uses and the environment in general;
- (b) That the proposed development will not unduly block scenic views or degrade any surrounding scenic resources; and
- (c) That the proposed development will reclaim the site and all affected areas at the conclusion of the operation.

[Amended by Ord. 873, provisions eff. 6/7/93, Ord. 1378, provisions eff. 8/1/08.]

Section 110.810.40 Projects of Regional Significance. If a special use permit approval is for a project of regional significance or if the approval would cause the project to become a project of regional significance, no permit for development or use of the property pursuant to the special use permit shall be issued until the Regional Planning Commission and/or the Regional Planning Governing Board has taken final action on the project of regional significance.

[Amended by Ord. 873, provisions eff. 6/7/93.]

Section 110.810.42 Hazardous Materials. Hazardous materials uses and types as defined in NRS 459.3816 and as permitted as a General Industrial Use-Heavy in Article 302 shall require a special use permit in accordance with the provisions of this section, except that mining and aggregate operations are excluded from these provisions.

- (a) Requirements for Application. Applications for a special use permit may be initiated by the Board of County Commissioners, a property owner or the property owner's authorized agent. Applications shall be filed with the Department of Community Development. A request for a special use permit shall include a site plan which clearly delineates the location and characteristics of the proposed use and the type of hazardous material to be manufactured, used and/or stored. No special use permit shall be processed until the information necessary to review and decide upon the proposed special use permit is deemed complete by the Director of Community Development.

- (b) Planning Commission Review Procedures. The Planning Commission shall first review the special use permit in accordance with the provisions of this section.
 - (1) General Provisions. The Planning Commission shall conduct a 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 application is consistent with existing policies, standards and required findings.

 - (2) Concurrent Processing of Applications. A special use permit request related to additional Development Code action(s) which requires Board of Adjustment or hearing examiner review shall be consolidated into one hearing before the Planning Commission.

 - (3) Consultation. The following persons and organizations shall be consulted prior to the public hearing:
 - (i) The Washoe County Director of Emergency Management and Homeland Security;

 - (ii) The Administrator of the Division of Environmental Protection of the Nevada State Department of Conservation and Natural Resources;

 - (iii) The Nevada State Fire Marshal;

 - (iv) The Administrator of the Division of Industrial Relations of the Nevada State Department of Business and Industry;

 - (v) The commander or administrator of a military installation, as defined in Article 902, that is within three thousand (3,000) feet of the property that is the subject of the special use permit application; and

 - (vi) The governing body of any city or county that may be affected by the issuance of the special use permit.

- (4) Time Period for Hearing. The public hearing conducted by the Planning Commission shall be held within ninety (90) days from the date of acceptance of the complete application.
 - (5) Time Period for Action. The Planning Commission may take action on the proposed special use permit at the conclusion of the public hearing, but shall take action no later than ninety (90) days after the complete application was accepted. An extension of time for action may be granted if mutually agreed upon between the applicant and the Director of Community Development.
 - (6) Action. The Planning Commission may take action to recommend to the Board of County Commissioners approval, approval with conditions, modification, modification with conditions, or denial of the special use permit request. The Planning Commission may also vary standards of the Development Code as part of the approval of a special use permit application. 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 application.
 - (7) Transmittal of Recommendation to Board of County Commissioners. Within thirty (30) days of the action taken by the Planning Commission, that action shall be transmitted to the Clerk of the Board of County Commissioners for the scheduling of a public hearing by the Board of County Commissioners.
- (c) Notice of Planning Commission Public Hearing. Notice shall be given in accordance with the provisions of this section.
- (1) Notice by Mail. A notice setting forth the time, place, purpose of hearing, map or physical description of the land involved, and description of all explosives to be located on the property shall be sent by mail at least thirty (30) days before the meeting to the following persons:
 - (i) All owners of real property that are the subject of the special use permit;
 - (ii) Advisory boards created by the Board of County Commissioners for the area in which the property that is the subject of the special use permit is located;
 - (iii) All owners of real property within one thousand (1,000) feet of the property which is the subject of the special use permit;
 - (iv) All tenants of any mobile home park that is located within one thousand (1,000) feet of the property which is the subject of the special use permit;
 - (v) All General Improvement Districts (GIDs) for the area in which the property that is the subject of the special use permit is located;
 - (vi) The commander or administrator of a military installation, as defined in Article 902, that is within three thousand (3,000) feet

of the property that is the subject of the special use permit application;

- (vii) The Administrator of the Division of Environmental Protection of the Nevada State Department of Conservation and Natural Resources;
 - (viii) The Nevada State Fire Marshal; and
 - (ix) The Administrator of the Division of Industrial Relations of the Nevada State Department of Business and Industry.
- (2) Notice by Electronic Means. If requested by a party pursuant to subsection (a) of this section and if receipt can be verified, an electronic notice must be provided at least thirty (30) days before the meeting, setting forth the time, place, purpose of hearing, and map or physical description of the land involved.
- (3) Number of Notices. If the number of notices sent pursuant to this section does not identify thirty (30) or more separate property owners, the County shall send out additional notices to achieve a total of at least thirty (30) separate property owners. These notices shall be sent to owners of real property that are closest to the property in question, not including those owners provided notice pursuant to subsection (a) of this section.
- (4) Compliance with Noticing Requirements. Owners of all real property to be noticed pursuant to this section shall be those owners identified on the latest County Assessor's ownership maps and records. Such notice is complied with when notice is sent to the last known addresses of such real property owners as identified in the latest County Assessor's records. Any person who attends the public hearing shall be considered to be legally noticed unless those persons can provide evidence that they were not notified according to the provisions of this section.
- (5) Notice in a Newspaper of General Circulation. A notice setting forth the time, place, purpose of hearing, map or physical description of the land involved, and description of all explosives to be located on the property shall be published at least thirty (30) days before the Planning Commission's scheduled public hearing on the special use permit in a newspaper of general circulation in which the property which is the subject of the special use permit is located.
- (d) Findings. Prior to recommending approval of the special use permit application, the Planning Commission shall find that subsections (1) through (4) are true, and if a military installation is required to be noticed, finding (5).
- (1) Consistency. The proposed use is consistent with the action programs, policies, standards and maps of the Master Plan and the applicable area plan;
 - (2) Improvements. Adequate utilities, roadway improvements, sanitation, water supply, drainage, and other necessary facilities have been provided, the proposed improvements are properly related to existing

and proposed roadways, and an adequate public facilities determination has been made in accordance with Division Seven.;

- (3) Site Suitability. The site is physically suitable for the type of development and for the intensity of development; and
 - (4) Issuance Not Detrimental. Issuance of the permit will not be significantly detrimental to the public health, safety or welfare; injurious to the property or improvements of adjacent properties; or detrimental to the character of the surrounding area.
 - (5) Effect on a Military Installation. Issuance of the permit will not have a detrimental effect on the safety, security, location, purpose or mission of the military installation.
- (e) Board of County Commissioners Review Procedures. The Board of County Commissioners shall review the Planning Commission's recommendation on the special use permit in accordance with the provisions of this section.
- (1) Scheduling of Public Hearing. A public hearing on the recommendation of the Planning Commission on the special use permit shall be scheduled before the Board of County Commissioners no later than thirty (30) days of receipt by the Clerk of the Board of County Commissioners of the transmittal letter summarizing the recommendations of the Planning Commission.
 - (2) Notice. Notice of the Board of County Commissioners public hearing shall be in accordance with subsection (c) of this section.
 - (3) Effective Date of Action. The Board of County Commissioners shall grant or deny the special use permit no later than thirty (30) days after the date of the public hearing conducted by the Board of County Commissioners.

[Added by Ord. 1347, provisions eff. 11/2/07.]

Section 110.810.50 Appeals. An action of the Planning Commission, Board of Adjustment or a hearing examiner 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, Board of Adjustment's or a hearing examiner's final decision may be made to the Board of County Commissioners within ten (10) days after the date of the final decision. If filed, an appeal stays any further action on the permit until final resolution of the appeal. 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 only by the following:
 - (1) The applicant or the applicant's authorized agent;
 - (2) An owner of real property or tenant of a mobile home who has received notice of the public hearing pursuant to subsection 110.810.25(a)(3) or 110.810.(a)(4) of the Development Code; or

- (3) A person who may be adversely affected by the decision; and
- (i) Has participated in the review process by submitting written testimony on the application prior to the public hearing before the Board of Adjustment or hearing examiner;
 - (ii) Has participated in the review process by providing oral testimony on the application at the public hearing before the Board of Adjustment or hearing examiner; or
 - (iii) Was prevented from participating in the review by circumstances beyond his/her control.
- (c) Denial of Appeal Application. A decision by County staff that a potential appellant does not meet the criteria in subsection (b)(3) of this section may be appealed to the Board of County Commissioners.
- (d) Contents of Appeal. An appeal 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, Board of Adjustment or a hearing examiner. Such reasons shall be based upon the evidence presented to the Planning Commission, Board of Adjustment or a hearing examiner at the original hearing. Failure of the appellant to present such reasons shall be deemed cause for denial of the appeal.
- (e) Time Period for Hearing. The Clerk of the Board of County Commissioners shall schedule a public hearing on the appeal of the Planning Commission's, Board of Adjustment's or hearing examiner's final decision before the Board of County Commissioners within sixty (60) days of the date of the filing of the appeal with the Director of Community Development.
- (f) Notice of Hearing. The public hearing on the appeal shall be noticed as required by Section 110.810.25. The notice shall state that an appeal of the Planning Commission's, Board of Adjustment's or a hearing examiner's final decision has been filed; describe the final decision; describe the lot, parcel, property or areas that are the subject of the special use permit and the final decision on the request; and other pertinent information.
- (g) Action by the Board of County Commissioners. The Board of County Commissioners shall consider only those items cited in the appeal. In its deliberation, it may use the record and any additional evidence relative to the application and may confirm, reverse or modify the appealed actions based upon its interpretation of the findings required and the evidence submitted. The action of the Board of County Commissioners shall be by an affirmative vote of a majority of the entire membership of the Board. A final decision by the Board of County Commissioners shall be rendered within sixty (60) days of the appeal hearing. In the case of a tie vote due to the absence of a member, the appeal shall be continued to a future meeting unless requested otherwise by the appellant. Said future meeting may be beyond the sixty (60) days required for a final decision. The final decision of the Board of County Commissioners shall be final for purposes of judicial review.

- (h) Effective Date. The decision of the Board of County Commissioners on an appeal of the Planning Commission's, Board of Adjustment's or a hearing examiner's final decision shall be effective immediately.

[Amended by Ord. 873, provisions eff. 6/7/93; Ord. 1156, provisions eff. 3/22/02; Ord. 1234, provisions eff. 5/21/04; Ord. 1346, provisions eff. 11/2/07, Ord. 1378, provisions eff. 8/1/08.]

Section 110.810.55 One Year Wait on Denials. After the denial of a special use permit, no application for a special use permit for the same or similar use 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.

[Amended by Ord. 873, provisions eff. 6/7/93.]

Section 110.810.60 Modification of a Special Use Permit. Proposed modifications of approved special use permits shall be subject to the requirements in this section.

- (a) Required Conditions. The Director of Community Development may approve plans for an alteration of the approved use when the alteration complies with all of the following conditions:
- (1) The building or use alteration is incidental to the existing use;
 - (2) The building or use alteration does not result in a change of use;
 - (3) The building alteration involves more than ten (10) percent increase in floor area covered by existing structures associated with the use;
 - (4) The use alteration involves more than ten (10) percent increase in the overall site area covered by the existing use;
 - (5) The building or use alteration, in the opinion of the Director of Community Development, would not have a substantial adverse effect on adjacent property; and
 - (6) The building or use alteration complies with existing requirements of agencies having jurisdiction and any other appropriate regulatory agency as determined by the Director of Community Development.
- (b) Conditions Not Met. If a proposed alteration does not comply with the conditions in subsection (a) of this section, a new permit shall be required following the same procedure required for the initial application.
- (c) New Permit Required. Modification of the terms of the approved special use permit itself or the waiver or alteration of conditions imposed incident to the granting of the permit shall require a new application following the same procedure required for the initial permit.

[Amended by Ord. 873, provisions eff. 6/7/93.]

Section 110.810.65 Expiration. A special use permit shall expire as provided in this section.

- (a) **Time Period.** A special use permit shall expire and become null and void at the time specified in the permit, or if not specified, two (2) years from the final date of approval.
- (b) **Extension.** The time period in subsection (a) of this section may be extended by the Planning Commission, Board of Adjustment, or a hearing examiner only for a special use permit originally acted upon by the Planning Commission, Board of Adjustment or a hearing examiner. Requests for time extensions shall be in writing and shall be submitted prior to the expiration date. The request shall state the reason for the extension.
- (c) **Discontinuance.** A special use permit shall expire and become null and void twelve (12) months after the purpose for which it was granted has been discontinued or abandoned. During this twelve (12) month period, any operational conditions of approval shall remain in force and effect.

[Amended by Ord. 873, provisions eff. 6/7/93; Ord. 1234, provisions eff. 5/21/04.]

Section 110.810.70 Revocation. Revocation of a special use permit shall be subject to the requirements of this section.

- (a) **Initiation of Action.** The Planning Commission or Board of County Commissioners may initiate an action to revoke a special use permit originally reviewed by the Planning Commission. The Board of Adjustment or Board of County Commissioners may initiate an action to revoke a special use permit originally reviewed by the Board of Adjustment. A hearing examiner or the Board of County Commissioners may initiate an action to revoke a special use permit originally reviewed by a hearing examiner.
- (b) **Grounds for Revocation.** A special use permit may be revoked pursuant to the provisions of this section upon a finding of any one (1) or more of the following grounds:
 - (1) That the special use permit approval was obtained or extended by fraud;
 - (2) That one (1) or more of the conditions upon which such development approval was granted have been violated; or
 - (3) That the use or facility for which the development approval was granted is so conducted or maintained as to be detrimental to the public health or safety, or as to be a public nuisance.
- (c) **Public Hearing.** The Planning Commission, Board of Adjustment or a hearing examiner shall hold a public hearing upon the revocation of the special use permit on which it had authority to review. The hearing shall be noticed in accordance with this article. The Planning Commission, Board of Adjustment or hearing examiner shall submit findings based on any one or more of the grounds listed in subsection (b) of this section and shall forward a recommendation on revocation to the Board of County Commissioners. The person or persons to whom the special use permit has been issued shall be notified of such recommendations not later than three (3) days after submission of the report to the Clerk of the Board of County Commissioners.

- (d) Board of County Commissioners' Action. The Board of County Commissioners shall hold a public hearing upon the revocation of the special use permit. The hearing shall be noticed in accordance with this article. After the public hearing and consideration of the recommendation of the Planning Commission, Board of Adjustment or the hearing examiner, the Board of County Commissioners may take action to revoke the special use permit. The action of the Board of County Commissioners shall be by an affirmative vote of a majority of the entire membership of the Board. In the case of a tie vote due to the absence of a member, the appeal shall be continued to a future meeting unless requested otherwise by the appellant. Said future meeting may be beyond the sixty (60) days required for a final decision. The final decision of the Board of County Commissioners shall be final for the purposes of judicial review.

[Amended by Ord. 873, provisions eff. 6/7/93; Ord. 1156, provisions eff. 3/22/02; Ord. 1234, provisions eff. 5/21/04.]

[Section 110.810.50 entitled "Standard Conditions" repealed by Ord. 873, provisions eff. 6/7/93. Section 110.810.45 entitled "Conformance with Chapter" amended by Ord. 873, provisions eff. 6/7/93 and repealed by Ord. 1040, provisions eff. 11/1/98.]

Article 812

PROJECTS OF REGIONAL SIGNIFICANCE

[This Article amended in its entirety by Ord. 873, provisions eff. 6/7/93.]

Sections:

110.812.00	Purpose
110.812.05	Projects Included
110.812.10	Exception
110.812.15	Determination
110.812.20	Special Use Permit Required
110.812.25	Special Use Permits and Tentative Maps
110.812.30	Amendments
110.812.35	Combined Applications

Section 110.812.00 Purpose. The purpose of this article, Article 812, Projects of Regional Significance, is to prescribe the procedure that is required to review those projects defined by state statute as projects of regional significance.

Section 110.812.05 Projects Included. Projects of regional significance are those that require a change in the regulatory zone or other amendment to the Master Plan, special use permit, a tentative map, or other permit which, if approved, will have the effect of increasing:

- (a) Employment by not fewer than 938 employees;
- (b) Housing by not fewer than 625 units;
- (c) Hotel accommodations by not fewer than 625 rooms;
- (d) Sewage by not less than 187,500 gallons per day;
- (e) Water usage by not less than 625 acre feet per year; or
- (f) Traffic by not less than an average of 6,250 trips daily.

Section 110.812.10 Exception. Section 110.812.05 shall not apply to projects which, prior to June 17, 1989, have an approved tentative map, special use permit, or change in the adopted regulatory zone or other amendments to the Master Plan.

Section 110.812.15 Determination.

- (a) **Responsible Entity.** The Director of Community Development shall make the determination of whether a project is of regional significance based upon the criteria in Section 110.812.05.

- (b) Multi-Phased Projects. The determination for a project which is built in phases or built out over a number of years shall be based on the total size of the complete development and not on the size of individual phases or parts of the development.

Section 110.812.20 Special Use Permit Required. A special use permit shall be required for a project of regional significance, unless Sections 110.812.25 and 110.812.30 are applicable. A special use permit required by this section shall be processed according to the provisions of Article 810.

Section 110.812.25 Special Use Permits and Tentative Maps. In addition to the provisions of Articles 608 and 810, tentative maps and special use permits for projects of regional significance shall be processed pursuant to this section.

- (a) Notice. The Director of Community Development shall provide notice to the Truckee Meadows Regional Planning Agency of any public meeting involving a project of regional significance.
- (b) General Process. The application shall be processed according to the normal procedures as set forth in Article 608 or Article 810, up to the point of final Planning Commission action.
- (c) Planning Commission Action. The Planning Commission has the option of not approving or provisionally approving the application, with or without conditions.
- (d) Planning Commission Disapproval. If the Planning Commission does not provisionally approve the application, no further action is taken.
- (e) Forwarding Application. If the Planning Commission provisionally approves the application, the Director of Community Development shall forward the application, together with all supporting materials and the findings of the Planning Commission, to the Truckee Meadows Regional Planning Commission. The application will be processed by the Truckee Meadows Regional Planning Commission in accordance with state statutes and the procedures of the Regional Planning Agency.
- (f) Conformance. If the Truckee Meadows Regional Planning Commission finds the project to be in conformance with the Truckee Meadows Regional Plan or it fails to make any finding within sixty (60) days after the material in Subsection (e) of this section is sent by the County, the application shall be deemed approved.
- (g) Nonconformance. If the Truckee Meadows Regional Planning Commission finds the project to be not in conformance with the Truckee Meadows Regional Plan, the County or the applicant can appeal that decision to the Governing Board of the Truckee Meadows Regional Planning Agency. If the decision is not appealed, the application is deemed disapproved.
- (h) Appeals. Upon appeal, the Governing Board of the Truckee Meadows Regional Planning Agency may uphold the decision of the Regional Planning Commission, reverse the decision, or make recommendations to make the project consistent with the Regional Plan.
 - (1) If the decision is upheld, the project is deemed disapproved;

- (2) If the decision is reversed, the project is deemed approved; or
- (3) If the Governing Board makes recommendations to make the project consistent, the Washoe County Planning Commission shall consider such recommendations. It shall not approve the project until it directs changes or adds conditions to assure that the project is consistent with the Regional Plan, based on the recommendations of the Governing Board of the Truckee Meadows Regional Planning Agency.

Section 110.812.30 Amendments. Changes in the adopted regulatory zone or amendments to the Master Plan for projects of regional significance shall be processed pursuant to this section.

- (a) Notice. The Director of Community Development shall provide notice to the Truckee Meadows Regional Planning Agency of any public meeting involving a project of regional significance.
 - (b) General Process. The application shall be processed according to the normal procedures as set forth in the respective Division Eight Article up to the point of final Board of County Commissioners' action.
 - (c) Board of County Commissioners' Action. The Board of County Commissioners has the option of not approving or provisionally approving the application, with or without conditions.
 - (d) Board of County Commissioners' Disapproval. If the Board of County Commissioners does not provisionally approve the application, no further action is taken.
 - (e) Forwarding Application. If the Board of County Commissioners provisionally approves the application, the Director of Community Development shall forward the application, together with all supporting materials, recommendation of the Planning Commission, and the findings of the Board of County Commissioners, to the Truckee Meadows Regional Planning Commission. The application will be processed by the Truckee Meadows Regional Planning Commission in accordance with state statutes and the procedures of the Regional Planning Agency.
 - (f) Conformance. If the Truckee Meadows Regional Planning Commission finds the project to be consistent with the Truckee Meadows Regional Plan or it fails to make any finding within sixty (60) days after the material in Subsection (e) of this section is sent by the County, the application shall be deemed approved.
 - (g) Nonconformance. If the Truckee Meadows Regional Planning Commission finds the project to be not in conformance with the Truckee Meadows Regional Plan, the County or the applicant can appeal that decision to the Governing Board of the Truckee Meadows Regional Planning Agency. If the decision is not appealed, the application is deemed disapproved.
 - (h) Appeals. Upon appeal, the Governing Board of the Truckee Meadows Regional Planning Agency may uphold the decision of the Regional Planning Commission, reverse the decision, or make recommendations to make the project consistent with the Regional Plan.
- (1) If the decision is upheld, the project is deemed disapproved;

- (2) If the decision is reversed, the project is deemed approved; or
- (3) If the Governing Board makes recommendations to make the project consistent, the Board of County Commissioners shall consider such recommendations. It shall not approve the project until it directs changes or adds conditions to assure that the project is consistent with the Regional Plan, based on the recommendations of the Governing Board of the Truckee Meadows Regional Planning Agency. The Board of County Commissioners shall be required to hold a public hearing and notice this hearing before final action may be taken.

Section 110.812.35 Combined Applications. If the projects involve more than one of the types of applications described in Section 110.812.05, the applications shall be combined throughout the approval process. If the combined applications include those requiring Planning Commission approval and Board of County Commissioners' approval, all the applications shall be processed pursuant to Section 110.812.30.

Article 814

DEVELOPMENT AGREEMENTS

Sections:

110.814.00	Purpose
110.814.05	Applicability
110.814.10	Processing of Other Approvals
110.814.15	Application
110.814.20	Contents of Development Agreement
110.814.25	Notice
110.814.30	Action by Board
110.814.35	Periodic Review
110.814.40	Amendment or Cancellation of Development Agreement
110.814.45	Recordation

Section 110.814.00 Purpose.

- (a) The purpose of this article is to provide procedures and minimum requirements for the review and consideration of development agreements upon application by, or on behalf of, property owners or other persons having a legal or equitable interest in the property subject to the agreement. A development agreement may be appropriate in situations where the property owners are proposing a large and/or complex project with phased build-out.
- (b) The intent of this article is to provide a mechanism, in return for specific public benefits, that gives assurance to a property owner who has obtained the necessary approvals for a project that he may proceed with and complete development as specified in and in accordance with the development agreement, under the land use laws, ordinances, codes, resolutions, rules, regulations, plans and conditions of approval adopted by the Board of County Commissioners and in effect at the time the project was originally approved.
- (c) It is intended that the provisions of this article shall be fully consistent, and in full compliance, with the provisions of state law (NRS 278) and shall be so construed.

[Amended by Ord. 1155, provisions eff. 3/22/02.]

Section 110.814.05 Applicability. A development agreement may be approved for land which is to be developed as a single entity. The development agreement may be entered into only after the subject property has received approval for a special use permit, tentative map, specific plan or other discretionary permit.

- (a) **Laws in Effect.** The allowed uses, densities and standards of the land subject to the development agreement shall be those in effect at the time the agreement is made, provided that all such uses, densities and standards are consistent with the Master Plan, including the area plans, and any specific plan, if applicable.

- (b) Subsequent Actions. A development agreement shall not prevent the County, in subsequent actions applicable to the property, from adopting new ordinances, resolutions or regulations that conflict with those ordinances, resolutions and regulations in effect at the time the development agreement is made, except that any subsequent action by the County shall not prevent the development of the land as set forth in the development agreement.
- (c) Emergency Situations. The County may suspend the issuance of building permits for the development project after a noticed public hearing if it finds in good faith that a clear and present emergency requires the suspension.
- (d) State or Federal Restrictions. In the event that state or federal laws or regulations enacted after a development agreement has been entered into, prevent or preclude compliance with one (1) or more of the provisions of the development agreement, such provisions shall be modified or suspended as may be necessary to comply with the new state or federal laws or regulations. Any such action shall be taken by the Board of County Commissioners after a noticed public hearing.

[Amended by Ord. 1155, provisions eff. 3/22/02.]

Section 110.814.10 Processing of Other Approvals. Applications for a development agreement may be processed concurrently with an application for a special use permit, tentative map, regulatory zone amendment or other discretionary permit.

[Amended by Ord. 1041, provisions eff. 12-1-98; Ord. 1155, provisions eff. 3/22/02.]

Section 110.814.15 Application.

- (a) Initiated by Owner. Any owner of real property may request and apply through the Department of Community Development to enter into a development agreement provided the following:
 - (1) The status of the applicant as an owner of the property is established to the satisfaction of the Director of the Department of Community Development.
 - (2) The application is made on forms approved by and containing all information required by the Director of the Department of Community Development.
 - (3) The application is accompanied by all lawfully required documents, information and materials.
- (b) Director's Review. The Director of the Department of Community Development or his/her designee is authorized to receive, review and process all applications for development agreements.
- (c) Fees. Processing fees, as established by the County Commissioners, shall be collected for any application for a development agreement made in compliance with this article.

[Added by Ord. 1155, provisions eff. 3/22/02.]

Section 110.814.20 Contents of Development Agreement. The application shall contain the following:

- (a) **Mandatory Contents.** A development agreement entered into in compliance with this article shall contain the following provisions:
 - (1) A legal description of the land subject to the development agreement;
 - (2) The proposed duration of the development agreement;
 - (3) The permitted uses of the land;
 - (4) The density and/or intensity of uses;
 - (5) The maximum height and size of the proposed buildings;
 - (6) Any provisions, if any, for the dedication or reservation of any portion of the land for public use; and
 - (7) Terms and conditions relating to construction and financing of necessary public improvements and facilities, including participation in special assessment district proceedings, if necessary.

- (b) **Permissive Contents.** A development agreement entered into in compliance with this article may contain the following provisions:
 - (1) Provisions that require that construction shall commence within a specified time and that the project, or any individual phase, be completed within a specified time. If dates are specified, a process for extensions may be included.
 - (2) A negotiated level of protection from either a future growth control ordinance or a future increase in development fees, including impact fees.
 - (3) Any modifications to ordinances, codes and regulations that were previously approved through a discretionary permit shall be listed and explained. The explanation shall describe how the modifications are in the public interest.
 - (4) Restrictions on the assignability of the agreement by the applicant and, if assignable, provisions ensuring that the successor in interest assumes the obligations under the development agreement.
 - (5) Provisions for minor modifications of the development agreement.
 - (6) Any other terms, conditions and requirements the parties may deem necessary and proper, including requirements for ensuring, to the satisfaction of the County, performance of all provisions of the agreement in a timely manner by the applicant.

[Amended by Ord. 873, provisions eff. 6/7/93; Ord. 1155, provisions eff. 3/22/02.]

Section 110.814.25 Notice. Notice for all public hearings required by this article shall be given in accordance with the provisions of this section.

- (a) **Notice of Property Owners by Mail.** A notice setting forth the time, place, purpose of hearing, and map or physical description of the land involved shall be sent by mail at least ten (10) days before the meeting to the following persons:
 - (1) All owners of real property that are the subject of the development agreement;
 - (2) Advisory boards created by the Board of County Commissioners for the area in which the property that is the subject of the development agreement is located;
 - (3) All owners of real property within three hundred (300) feet of the property which is the subject of the development agreement;
 - (4) All tenants of any mobile home park that is located within three hundred (300) feet of the property which is the subject of the development agreement; and
 - (5) All General Improvement Districts (GID) for the area in which the property that is the subject of the development agreement is located.
- (b) **Notice of Property Owners by Electronic Means.** If requested by a party pursuant to subsection (a) of this section and if receipt can be verified, an electronic notice must be provided at least ten (10) days before the meeting, setting forth the time, place, purpose of hearing, and map or physical description of the land involved.
- (c) **Number of Notices.** If the number of notices sent pursuant to this section does not total thirty (30) or more, the County shall send out additional notices to make the total number at least thirty (30). These notices shall be sent to owners of real property that are closest to the property in question, not including those owners provided notice pursuant to Subsection (a) of this section.
- (d) **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.
- (e) **Compliance with Noticing Requirements.** Owners of all real property to be noticed pursuant to this section shall be those owners identified on the latest County Assessor's ownership maps and records. Such notice is complied with when notice is sent to the last known addresses of such real property owners as identified in the latest County Assessor's records. Any person who attends the public hearing shall be considered to be legally noticed unless those persons can provide evidence that they were not notified according to the provisions of this section.

[Amended by Ord. 873, provisions eff. 6/7/93; Ord. 1088, provisions eff. 1/28/00; Ord. 1155, provisions eff. 3/22/02.]

Section 110.814.30 Action by Board. The Board of County Commissioners shall review a development agreement in accordance with the provisions of 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 within sixty (60) days from the date the Director finds the application for a development agreement complete.
- (b) Notice of Hearing. The public hearing shall be noticed as required by this article.
- (c) County Commission Action. Following the conclusion of the public hearing, the County Commission shall take one or more of the following actions:
 - (1) Approval of the development agreement;
 - (2) Approval subject to specified conditions not included in the agreement as submitted; or
 - (3) Deny approval of the development agreement.
 - (4) If approved, introduce an ordinance adopting the development agreement.
- (d) Findings. The approval or denial of the development agreement shall be accompanied by the following findings:
 - (1) The reasons why the development agreement would or would not be in the best interests of the County.
 - (2) The reasons why the development agreement would or would not promote the public interest and welfare of the County.
 - (3) The reasons why departures from Development Code regulations are or are not deemed to be in the public interest.
 - (4) In the case of a development agreement which proposes development over a period of years, the sufficiency of the terms and conditions intended to protect the interests of the public, residents and owners of the land subject to the development agreement in the integrity of the plan.

[Amended by Ord. 873, provisions eff. 6/7/93; Ord. 1155, provisions eff. 3/22/02.]

Section 110.814.35 Periodic Review. The Director of Community Development shall cause the development agreement to be reviewed every twenty-four (24) months and shall send a notice to the Board of County Commissioners whether or not the terms or conditions of the agreement are being complied with.

- (a) Good Faith Compliance. As part of the review, the applicant or successor in interest shall be required to demonstrate good faith compliance with the terms of the development agreement.
- (b) Termination or Modification. If the County finds and determines, on the basis of substantial evidence, that the applicant or successor in interest has not complied in good faith with the terms and/or conditions of the development agreement, the County may take action to terminate or modify the development agreement.

- (1) Action to terminate or modify a development agreement may be initiated only by the Planning Commission or Board of County Commissioners.
- (2) No action to terminate or modify a development agreement shall be taken without a public hearing noticed pursuant to this article.

[Amended by Ord. 873, provisions eff. 6/7/93; Ord. 1155, provisions eff. 3/2/02.]

Section 110.814.40 Amendment or Cancellation of Development Agreement. A development agreement may be amended or canceled, in whole or in part, by mutual consent of the parties to the agreement or their successors in interest, as set forth in this section.

- (a) Notice of Intention. Notice of intention to amend or cancel any portion of the development agreement must be published in a newspaper of general circulation in Washoe County.
- (b) Approval of Amendment or Cancellation. The Board of County Commissioners may approve an amendment to the development agreement by ordinance if the amendment is consistent with the Master Plan, including the area plans. The Board of County Commissioners may approve a cancellation of a development agreement if it determines that to do so is in the best interests of the County.

[Amended by Ord. 1155, provisions eff. 3/2/02.]

110.814.45 Recordation. The County Clerk shall have the following filed in the records of the Office of the County Recorder at the applicant's expense:

- (a) The approved and executed development agreement;
- (b) Any approved and executed amendments to a development agreement; or
- (c) Notice of any action taken to cancel all or part of a development agreement.

[Added by Ord. 1155, provisions eff. 3/22/02.]

[The following sections were repealed by Ord. 1155, provisions eff. 3/22/02: Section 110.814.15 heading entitled "Allowed Uses, Densities and Standards," with subparagraphs (a) through (d) becoming part of Section 110.814.05; Section 110.814.40 entitled "Concept Plan"; Section 110.814.45 entitled "Site Plan"; and Section 110.814.85 entitled "Recordation of Approved Final Documents." The following sections previously amended by Ord. 873, provisions eff. 6/7/93 were repealed by Ord. 1155, provisions eff. 3/22/02: Section 110.814.10 entitled "Requirements for Application"; Section 110.814.20 entitled "Review and Approval Process"; Section 110.814.30 entitled "Professional Assistance"; Section 110.814.50 entitled "Optional Contents"; Section 110.814.55 entitled "Planning Commission Review of Preliminary Development Agreement"; Section 110.814.65 entitled "Appeal of Denial"; Section 110.814.75 entitled "Contents of Final Development Agreement"; and Section 110.814.80 entitled "Approval Procedures for Final Development Agreement."]

Article 818

AMENDMENT OF DEVELOPMENT CODE

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.

[Amended by Ord. 873, provisions eff. 6/7/93.]

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.

[Amended by Ord. 873, provisions eff. 6/7/93; Ord. 1148, provisions eff. 2/26/02.]

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.

[Amended by Ord. 873, provisions eff. 6/7/93.]

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 Master 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 Master Plan.
 - (i) Approval: The proposed Development Code amendment is in substantial compliance with the policies and action programs of the Washoe County Master Plan.
 - (ii) Denial: The proposed Development Code amendment is not in substantial compliance with the policies and action programs of the Master 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 Master 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 Master 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 sixty (60) 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.

[Amended by Ord. 873, provisions eff. 6/7/93; Ord. 1148, provisions eff. 2/26/02; Ord. 1156, provisions eff. 3/22/02.]

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 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 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.

[Amended by Ord. 873, provisions eff. 6/7/93; Ord. 1088, provisions eff. 1/28/00; Ord. 1148, provisions eff. 2/26/02.]

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.

[Amended by Ord. 873, provisions eff. 6/7/93.]

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 sixty (60) 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.
 - (4) The final action by the Board of County Commissioners shall be considered final for purposes of judicial review.

[Amended by Ord. 873, provisions eff. 6/7/93; Ord. 1148, provisions eff. 2/26/02; Ord. 1156, provisions eff. 3/22/02.]

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 110.818.60, as applicable, as well as any other findings of fact that the Board of County Commissioners deems to be relevant.

[Amended by Ord. 1148, provisions eff. 2/26/02.]

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.

[Amended by Ord. 873, provisions eff. 6/7/93; Ord. 1148, provisions eff. 2/26/02.]

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.

[Amended by Ord. 873, provisions eff. 6/7/93.]

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 Sections 110.818.45.

[Amended by Ord. 873, provisions eff. 6/7/93; Ord. 1148, provisions eff. 2/26/02.]

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. A moratorium of no more than ninety (90) days shall exist from the date of approval of a resolution.

- (b) Planning Commission Hearing. The Planning Commission shall conduct a public hearing within sixty (60) days after it has resolved to declare a moratorium or within sixty (60) 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 sixty (60) 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 sixty (60) 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. The final action of the Board of County Commissioners shall be final for purposes of judicial review.
- (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 that the Board of County Commissioners takes action on the recommendation of the Planning Commission. The Board of County Commissioners may extend the moratorium, upon an affirmation of findings as required in (j) hereinabove, for two (2) additional consecutive periods before holding another public hearing pursuant to the provisions of this section.

[Amended by Ord. 873, provisions eff. 6/7/93; Ord. 1156, provisions eff. 3/22/02.]

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 this 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 improve 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 Section 110.818.60 (b), 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 Master Plan; and
- (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 Master 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 citizen advisory board member, by electronic means if receipt of such an electronic notice can be verified, to every chairperson and member of a citizen advisory board created by the Board of County Commissioners not less than ten (10) days prior to the scheduled introduction of the ordinance. The notice to the chairperson 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 citizen advisory board member, other than the chairperson, 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 citizen 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 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.

[Added by Ord. 1148, provisions eff. 2/26/02.]

[Section 110.818.40 entitled "Projects of Regional Significance" repealed by Ord. 873, provisions eff. 6/7/93.]

Article 820

AMENDMENT OF MASTER PLAN

Sections:

110.820.00	Purpose
110.820.05	Requirements for Application
110.820.10	Supplemental Guidelines, Standards and Criteria
110.820.15	Review Procedures
110.820.20	Notice of Neighborhood Meeting
110.820.23	Notice
110.820.25	Appeal of Denial
110.820.30	Action by Board
110.820.35	Written Record
110.820.40	Projects of Regional Significance
110.820.45	Effective Date
110.820.50	One Year Wait on Denials
110.820.55	Modification of a Master Plan Amendment
110.820.60	Moratorium
110.820.65	Certification of Maps by Electronic Means
110.820.70	Minor Amendment of Master Plan

Section 110.820.00 Purpose. The purpose of this article, Article 820, Amendment of Master Plan, is to provide for the method for amending the Master Plan. Requests to change a master plan designation affecting a parcel of land, or a portion of a parcel, are processed under Article 820, Amendment of Master.

[Amended by Ord. 873, provisions eff. 6/7/93.]

Section 110.820.05 Requirements for Application.

- (a) **Timing of Amendments.** Each element and each area plan of the Master Plan may be amended by the Board of County Commissioners no more than four (4) times per calendar year. Applications for Master Plan amendments shall only be accepted in January, May and September of each calendar year. Specific dates within these months shall be determined by the Director of Community Development. For the purposes of this article, the restriction on the number of times that the Master Plan may be amended does not restrict the number of applications that may be submitted, but only refers to the number of times each component of the Master Plan may be modified by the Board of County Commissioners. The restriction on the number of times the Master Plan may be amended does not apply to:
- (1) Minor amendments to the Master Plan as defined in Section 110.820.70.
- (b) **Initiation of Amendments.** A Master Plan amendment may be initiated by the Board of County Commissioners or the Planning Commission through resolution.

An owner of real property or the property owner's authorized agent may initiate an amendment through an application filed with the Department of Community Development. The Director of Community Development may initiate a minor amendment as defined in NRS 278. Citizen advisory boards established by the Board of County Commissioners may petition the Planning Commission to initiate an amendment.

- (c) Frequency of Amendment. Only the Board of County Commissioners or Planning Commission may initiate an amendment of the Master Plan for a parcel within twelve (12) months after an amendment on that parcel has been approved or denied.
- (d) Completeness. No Master Plan amendment shall be processed until the information necessary to review and decide upon the proposed Master Plan amendment is deemed complete by the Director of Community Development. The Director shall make this determination within three (3) working days of receipt of an application.

[Amended by Ord. 873, provisions eff. 6/7/93; Ord. 1156, provisions eff. 3/22/02; Ord. 1288, provisions eff. 3/24/06.]

Section 110.820.10 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.

[Amended by Ord. 873, provisions eff. 6/7/93.]

Section 110.820.15 Review Procedures. The Planning Commission shall review a Master Plan 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 proposed amendment is internally consistent with existing policies and standards of the Master Plan. The Planning Commission shall adopt, modify or deny the application based on the results of this review.
- (b) Concurrent Processing of Applications. If a proposed project requires more than one (1) application under the provisions of the Development Code, the applications may be filed at the same time and processed concurrently. If more than one review authority is involved, the Director of Community Development shall determine the sequence for action by the review authorities.
- (c) Action. The Planning Commission may take action to adopt the resolution to amend the Master Plan or deny the Master Plan amendment request. Adoption of the Master Plan amendment shall be by resolution of the Planning Commission carried by the affirmative votes of not less than two-thirds (2/3) of the membership. The resolution shall refer expressly to the maps, descriptive matter, or other matter intended by the Planning Commission to constitute the amendment. The action taken must be recorded on the map, plan, and descriptive matter by the identifying signatures of the secretary and chairman of the Planning Commission. (d) Findings. When making its recommendation to the Board of County Commissioners for adoption, modification of an amendment

or denial, the Planning Commission shall make all required findings contained in the area plan for the planning area in which the property that is the subject of the Master Plan amendment is located and, at a minimum, make at least three (3) of the following findings of fact unless a military installation is required to be noticed, then in addition to the above, a finding of fact pursuant to subsection (6) shall also be made:

(1) Consistency with Master Plan.

- (i) Approval: The proposed amendment is in substantial compliance with the policies and action programs of the Master Plan.
- (ii) Denial: The proposed amendment is not in substantial compliance with the policies and action programs of the Master Plan.

(2) Compatible Land Uses.

- (i) Approval: The proposed amendment will provide for land uses compatible with (existing or planned) adjacent land uses, and will not adversely impact the public health, safety or welfare.
- (ii) Denial: The proposed amendment would result in land uses which are incompatible with (existing or planned) adjacent land uses, and would adversely impact the public health, safety or welfare.

(3) Response to Change Conditions.

- (i) Approval: The proposed amendment responds to changed conditions or further studies that have occurred since the plan was adopted by the Board of County Commissioners, and the requested amendment represents a more desirable utilization of land.
- (ii) Denial: The proposed amendment does not identify and respond to changed conditions or further studies that have occurred since the plan was adopted by the Board of County Commissioners, and the requested amendment does not represent a more desirable utilization of land.

(4) Availability of Facilities.

- (i) Approval: There are or are planned to be adequate transportation, recreation, utility, and other facilities to accommodate the uses and densities permitted by the proposed Master Plan designation.
- (ii) Denial: There are not nor are planned to be adequate transportation, recreation, utility, and other facilities to accommodate the uses and densities permitted by the proposed Master Plan designation.

(5) Desired Pattern of Growth.

- (i) Approval: The proposed amendment will promote the desired pattern for the orderly physical growth of the County and guides development of the County based on the projected population growth with the least amount of natural resource impairment and the efficient expenditure of funds for public services.
- (ii) Denial: The proposed amendment does not promote the desired pattern for the orderly physical growth of the County. The proposed amendment does not guide development of the County based on the projected population growth with the least amount of natural resource impairment and the efficient expenditure of funds for public services.

(6) Effect on a Military Installation.

- (i) Approval: The proposed amendment will not affect the location, purpose and mission of the military installation.
- (ii) Denial: The proposed amendment will affect the location, purpose and mission of the military installation.

- (g) Effect of Planning Commission Denial. In the event the Planning Commission denies a Master Plan amendment application, that action is final unless appealed to the Board of County Commissioners.

[Amended by Ord. 873, provisions eff. 6/7/93; Ord. 1347, provisions eff. 11/2/07.]

Section 110.820.20 Notice of Neighborhood Meeting. When applicable, the County shall require a neighborhood meeting to be held in accordance with the provisions of Nevada Revised Statutes 278.210(2) as amended. The purpose of the neighborhood meeting is for the person who requested the proposed amendment to provide an explanation of the proposed amendment. [Added by Ord. 1288, provisions eff. 3/24/06.]

Section 110.820.23 Notice. Notice for a Master Plan amendment shall be given in accordance with the provisions of Nevada Revised Statutes 278.210, as amended.

- (a) Compliance with Noticing Requirements. Owners of all real property to be noticed pursuant to this section shall be those owners identified on the latest County Assessor's ownership maps and records. Such notice is complied with when notice is sent to the last known addresses of such real property owners as identified in the latest County Assessor's records. Any person who attends the public hearing shall be considered to be legally noticed unless those persons can provide evidence that they were not notified according to the provisions of this section.

Section 110.820.25 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 Master Plan amendment request may be made to the Board of County Commissioners within ten (10) 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 any aggrieved person as defined in Nevada Revised Statutes 278.3195 as amended
- (c) Appeal Filing. An appeal 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 Master Plan amendment request shall be processed pursuant to this article.

[Amended by Ord. 873, provisions eff. 6/7/93.]

Section 110.820.30 Action by Board. The Board of County Commissioners shall review a Master Plan amendment in accordance with the provisions of 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 by the Planning Commission within sixty (60) days of the filing of the appeal or receipt of the Planning Commission's action.
- (b) Notice of Hearing. The public hearing 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 Master Plan 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 the Master Plan amendment as recommended by the Planning Commission if no modification of the Planning Commission's recommendation is proposed. 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 of the modification, approval of the proposed modification shall require a two-thirds (2/3) vote of the total membership of the Board.

- (4) The final action by the Board of County Commissioners shall be final for purposes of judicial review.

[Amended by Ord. 873, provisions eff. 6/7/93; Ord. 1156, provisions eff. 3/22/02.]

Section 110.820.35 Written Record. When taking final action on the Planning Commission's recommendation, the Board of County Commissioners shall make part of the record their affirmation, modification or rejection of the findings of fact provided in the Planning Commission's final recommendation, as well as any other findings of fact that the Board of County Commissioners deems to be relevant.

Section 110.820.40 Projects of Regional Significance. A Master Plan amendment that meets one of the thresholds for a project of regional significance as described in Article 812, Projects of Regional Significance, shall require additional review as set forth in that article before a final approval is effective.

Section 110.820.45 Effective Date. A Master Plan amendment shall become effective upon signing of the adopting resolution by the Board of County Commission Chairman after a determination by the Regional Planning Commission that the amendment is in conformance with the Regional Plan.

Section 110.820.50 One Year Wait on Denials. After the denial of a Master Plan amendment, no application for a Master Plan 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 110.820.55 Modification of a Master Plan Amendment. Proposed modifications of an approved Master Plan amendment shall require a new application following the same procedure required for the initial application.

Section 110.820.60 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 Master Plan.

- (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. A moratorium of no more than ninety (90) days shall exist from the date of approval of a resolution.
- (b) **Planning Commission Hearing.** The Planning Commission shall conduct a public hearing within sixty (60) days after it has resolved to declare a moratorium or within sixty (60) 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 that the Board of County Commissioners approve a moratorium, modify the extent and area of the moratorium, or 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 Master Plan; and
 - (3) The moratorium is necessary because continued development during the proposed moratorium period possibly would result in development that may conflict with the plan amendment.
- (f) Planning Commission Report. Within sixty (60) 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 sixty (60) 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. The final action of the Board of County Commissioners shall be considered final for purposes of judicial review.

- (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 that the Board of County Commissioners takes action on the recommendation of the Planning Commission. The Board of County Commissioners may extend the moratorium, upon an affirmation of findings as required under (j) hereinabove, for two (2) additional consecutive periods before holding another public hearing pursuant to the provisions of this section.

[Amended by Ord. 1156, provisions eff. 3/22/02.]

Section 110.820.65 Certification by Electronic Means. Adopted Master Plan maps may be certified by the Director of Community Development as true and accurate originals and copies through an electronic signature.

[Added by Ord. 1156, provisions eff. 3/22/02.]

Section 110.820.70 Minor Amendment of Master Plan.

- (a) Purpose of Minor Amendment. The purpose of the minor amendment section is to provide a streamlined process for adopting changes to the Master Plan that do not have a substantive effect on the intent of the plan.
- (b) Requirements for Inclusion. To qualify as a minor amendment under this section, the change must be:
 - (1) A change in a boundary that is based on a geographical feature, including, without limitation, topography, slopes, hydrographic features, wetland delineation and floodplains, when evidence is produced that the mapped location of the geographical feature is in error;
 - (2) A change made to reflect the alteration of the name of a jurisdiction, agency, department or district by the governing body, governing board or other governing authority of the jurisdiction, agency, department or district, as applicable, or by another entity authorized by law to make such an alteration; and
 - (3) An update of statistical information that is based on a new or revised study.
- (c) Administrative Process.
 - (1) Initiating the Process. The Director of Community Development shall have the sole authority to initiate a minor amendment to the Master Plan.

- (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 minor amendment 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 section (b).
- (2) The Director of Community Development must also find that the proposed minor amendment is consistent with all of the following:
- (i) Nevada Revised Statutes;
 - (ii) The Truckee Meadows Regional Plan; and
 - (iii) The Washoe County Master Plan.
- (e) Action by Board of County Commissioners. The Board of County Commissioners shall review proposed minor amendments to the Master Plan 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 minor amendment to the Master Plan within thirty (30) days of the filing of the recommended minor amendment with the Clerk of the Board of County Commissioners.
- (2) Notice of Public Hearing of Minor Amendment to the Master Plan. The notice of the public hearing on the minor amendment shall be provided as follows:
- (i) Notice to Planning Commission and Citizen Advisory Boards. A notice setting forth the date, time and place of the public hearing on the minor amendment to the Master Plan shall be sent either by mail, or if requested by a Washoe County Planning Commission member or Citizen Advisory Board ("CAB") member, by electronic means if receipt of such an electronic notice can be verified, to every member of the Washoe County Planning Commission and of the affected CAB not less than ten (10) days prior to the scheduled public hearing on the minor amendment. The notice shall describe the proposed minor amendment to the Master Plan, including the specific language and other pertinent information, in such a manner that the proposed minor amendment to the Master Plan and its effect(s) can be clearly identified. Any objections or comments from members of the Planning Commission or CAB must be provided to the Director of Community Development or the Board of County Commissioners no later than the date of the public hearing on the minor amendment.

- (ii) Notice to General Improvement District. A notice setting forth the date, time and place of the public hearing on the minor amendment to the Master Plan shall be sent either by mail, or if requested by a general improvement district, by electronic means if receipt of such an electronic notice can be verified, to the chief operating officer of the general improvement district not less than ten (10) days prior to the scheduled public hearing on the minor amendment. The notice to the general improvement district shall describe the proposed minor amendment to the Master Plan, including the specific language and other pertinent information, in such a manner that the proposed minor amendment to the Master Plan and its effect(s) can be clearly identified. Any objections or comments from a general improvement district must be provided to the Director of Community Development or the Board of County Commissioners no later than the date of the public hearing on the minor amendment.

- (iii) Notice in 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 minor amendment to the Master Plan and other pertinent information in such a manner that the Master Plan amendment request and its effect(s) can be clearly identified.

- (iv) Notice of Property Owners by Mail. For a minor amendment pursuant to subsection (b) (1), a notice setting forth the time, place, purpose of hearing, map or physical description of the land involved, existing and proposed land use designations, and a brief summary of the proposed change shall be sent by mail at least ten (10) days before the public hearing on the minor amendment to the following persons:
 - (1) All owners of real property that are the subject of the minor amendment;
 - (2) All owners of real property within seven hundred fifty (750) feet of the property which is the subject of the minor amendment; and
 - (3) All tenants of any mobile home park that is located within seven hundred fifty (750) feet of the property which is the subject of the minor amendment.
 - (4) The commander or administrator of a military installation, as defined in Article 902, that is within three thousand (3,000) feet of the property which is the subject of the minor amendment.

- (3) Board of County Commissioners' Action. The Board of County Commissioners may take final action to adopt or deny the minor amendment to the Master Plan. Final action to approve the technical

revision shall require a simple majority vote of the total membership of the Board.

[Added by Ord. 1288, provisions eff. 3/24/06. Amended by Ord. 1347, provisions eff. 11/2/07.]

SECTION 8. Chapter 110, Division Eight of the Washoe County Code is hereby amended as follows:

Article 821

AMENDMENT OF REGULATORY ZONE

Sections:

110.821.00	Purpose
110.821.05	Requirements for Application
110.821.10	Supplemental Guidelines, Standards and Criteria
110.821.15	Review Procedures
110.821.20	Notice
110.821.25	Appeal of Denial
110.821.30	Action by Board of County Commissioners on an Appeal
110.821.35	Written Record
110.821.40	One Year Wait on Denials
110.821.45	Modification of a Regulatory Zone Amendment
110.821.50	Moratorium
110.821.55	Certification of Maps by Electronic Means
110.821.60	Minor Amendment of Regulatory Zone Map

Section 110.821.00 Purpose. The purpose of this article, Article 821, Amendment of Regulatory Zone, is to provide for the method for amending the Regulatory Zone map. Requests to change a regulatory zone affecting a parcel of land, or a portion of a parcel, are processed under Article 821, Amendment of Regulatory Zone.

Section 110.821.05 Requirements for Application.

- (a) **Initiation of Amendments.** A Regulatory Zone amendment may be initiated by the Board of County Commissioners or the Planning Commission through action by a simple majority vote. An owner of real property or the property owner's authorized agent may initiate an amendment through an application filed with the Department of Community Development.
- (b) **Frequency of Amendment.** Only the Board of County Commissioners or Planning Commission may initiate an amendment of the Regulatory Zone for a parcel within twelve (12) months after an amendment on that parcel has been adopted or denied.
- (c) **Completeness.** No Regulatory Zone amendment shall be processed until the information necessary to review and decide upon the proposed Regulatory Zone amendment is deemed complete by the Director of Community Development. The Director shall make this determination within three (3) working days of receipt of an application.

Section 110.821.10 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 110.821.15 Review Procedures. The Planning Commission shall review a Regulatory Zone 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 proposed amendment is internally consistent with existing policies and standards of the Master Plan and the Regulatory Zone map. The Planning Commission shall recommend adoption, modification, or denial of the application to the Board of County Commissioners based on the results of this review.
- (b) **Concurrent Processing of Applications.** If a proposed project requires more than one (1) application under the provisions of the Development Code, the applications may be filed at the same time and processed concurrently. If more than one review authority is involved, the Director of Community Development shall determine the sequence for action by the review authorities.
- (c) **Action.** The Planning Commission may take action to recommend adoption, adoption with modifications or denial of the Regulatory Zone amendment request. Recommendations for approval or modification may include conditions deemed appropriate to address issues raised as part of the public hearing. The recommendation for approval, modification or denial by the Planning Commission shall be by the affirmative votes of a simple majority of the membership. A recommendation for approval shall refer expressly to the maps, descriptive matter, or other matter intended by the Planning Commission to constitute the amendment.
- (d) **Findings.** When making its recommendation for approval, or modification of an amendment, or denial, the Planning Commission shall make the following findings:
 - (1) **Consistency with Master Plan and Regulatory Zone map.**
 - (i) **Approval:** The proposed amendment is in substantial compliance with the policies and action programs of the Master Plan and the Regulatory Zone map.
 - (ii) **Denial:** The proposed amendment is not in substantial compliance with the policies and action programs of the Master Plan and the Regulatory Zone map.
 - (2) **Compatible Land Uses.**
 - (i) **Approval:** The proposed amendment will provide for land uses compatible with (existing or planned) adjacent land uses, and will not adversely impact the public health, safety or welfare.

- (ii) Denial: The proposed amendment would result in land uses which are incompatible with (existing or planned) adjacent land uses, and would adversely impact the public health, safety or welfare.
- (3) Response to Change Conditions.
 - (i) Approval: The proposed amendment responds to changed conditions or further studies that have occurred since the plan was adopted by the Board of County Commissioners, and the requested amendment represents a more desirable utilization of land.
 - (ii) Denial: The proposed amendment does not identify and respond to changed conditions or further studies that have occurred since the plan was adopted by the Board of County Commissioners, and the requested amendment does not represent a more desirable utilization of land.
- (4) Availability of Facilities
 - (i) Approval: There are or are planned to be adequate transportation, recreation, utility, and other facilities to accommodate the uses and densities permitted by the proposed amendment.
 - (ii) Denial: There are not nor are planned to be adequate transportation, recreation, utility, and other facilities to accommodate the uses and densities permitted by the proposed amendment.
- (5) No Adverse Affects.
 - (i) Approval: The proposed amendment will not adversely affect the implementation of the policies and action programs of the Washoe County Master Plan.
 - (ii) Denial: The proposed amendment will adversely affect the implementation of the policies and action programs of the Washoe County Master Plan.
- (6) Desired Pattern of Growth.
 - (i) Approval: The proposed amendment will promote the desired pattern for the orderly physical growth of the County and guides development of the County based on the projected population growth with the least amount of natural resource impairment and the efficient expenditure of funds for public services.
 - (ii) Denial: The proposed amendment does not promote the desired pattern for the orderly physical growth of the County. The proposed amendment does not guide development of the County based on the projected population growth with the least

amount of natural resource impairment and the efficient expenditure of funds for public services.

- (7) Effect on a Military Installation When a Military Installation is Required to be Noticed:
- (i) Approval: The proposed amendment will not affect the location, purpose and mission of the military installation.
 - (ii) Denial: The proposed amendment will affect the location, purpose and mission of the military installation.

Section 110.821.20 Notice. Notice for a zoning regulation, restriction, boundary or an amendment thereto, shall be given in accordance with the provisions of Nevada Revised Statutes 278.260 as amended.

- (a) Compliance with Noticing Requirements. Owners of all real property to be noticed pursuant to this section shall be those owners identified on the latest County Assessor's ownership maps and records. Such notice is complied with when notice is sent to the last known addresses of such real property owners as identified in the latest County Assessor's records. Any person who attends the public hearing shall be considered to be legally noticed unless those persons can provide evidence that they were not notified according to the provisions of this section.

Section 110.821.25 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 Master Plan amendment request may be made to the Board of County Commissioners within ten (10) 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 any aggrieved person as defined in Nevada Revised Statutes 278.3195 as amended.
- (c) Appeal Application. An appeal 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 Master Plan amendment request shall be processed pursuant to this article.

Section 110.821.30 Action by Board of County Commissioners on an Appeal. The Board of County Commissioners shall review a Regulatory Zone amendment in accordance with the provisions of this section.

- (a) Notice of Hearing. The public hearing shall be noticed as set forth in Section 110.821.20 of this article.

- (b) Time Period for Hearing. The Department of Community Development shall schedule a public hearing before the Board of County Commissioners on the recommendation of the Planning Commission within sixty (60) days of the filing of the appeal or the Planning Commission's action.
- (c) Board of County Commissioners' Action.
 - (1) The Board of County Commissioners shall act to adopt, adopt with modifications, or deny the proposed amendment. The Board will consider any conditions of approval as recommended by the Planning Commission. 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 Section 110.821.20 of this article. An adoption of a proposed Regulatory Zone amendment shall require a simple majority of the total membership of the Board.
 - (2) If the Board of County Commissioners is considering an appeal from a denial of a Regulatory Zone 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 simple majority of the total membership of the Board.
 - (3) The final action by the Board of County Commissioners shall be final for purposes of judicial review.

Section 110.821.35 Written Record. When taking final action on the Planning Commission's recommendation, the Board of County Commissioners shall make part of the record their affirmation, modification or rejection of the findings of fact provided in the Planning Commission's final recommendation, as well as any other findings of fact that the Board of County Commissioners deems to be relevant.

Section 110.821.40 One Year Wait on Denials. After the denial of a Regulatory Zone amendment, no application for a Regulatory Zone 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 110.821.45 Modification of a Regulatory Zone Amendment. Proposed modifications of an adopted Regulatory Zone map amendment shall require a new application following the same procedure required for the initial application.

Section 110.821.50 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 Regulatory Zone map.

- (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. A moratorium of no more than ninety (90) days shall exist from the date of approval of a resolution.

- (b) Planning Commission Hearing. The Planning Commission shall conduct a public hearing within sixty (60) days after it has resolved to declare a moratorium or within sixty (60) 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 that the Board of County Commissioners adopt a moratorium, modify the extent and area of the moratorium, or 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 Regulatory Zone map; and
 - (3) The moratorium is necessary because continued development during the proposed moratorium period possibly would result in development that may conflict with the plan amendment.
- (f) Planning Commission Report. Within sixty (60) 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 sixty (60) 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. The final action of the Board of County Commissioners shall be considered final for purposes of judicial review.
- (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 that the Board of County Commissioners takes action on the recommendation of the Planning Commission. The Board of County Commissioners may extend the moratorium, upon an affirmation of findings as required under (j) hereinabove, for two (2) additional consecutive periods before holding another public hearing pursuant to the provisions of this section.

Section 110.821.55 Certification of Maps by Electronic Means. Adopted Regulatory Zone maps may be certified by the Director of Community Development as true and accurate originals and copies through an electronic signature.

Section 110.821.60 Minor Amendment of Regulatory Zone map.

- (a) Purpose of Minor Amendment. The purpose of the minor amendment section is to provide a streamlined process for adopting changes to the Regulatory Zone map that do not have a substantive effect on the intent of the plan.
- (b) Requirements for Inclusion. To qualify as a minor amendment under this section, the change must be:
 - (1) A change in a boundary that is based on a geographical feature, including, without limitation, topography, slopes, hydrographic features, wetland delineation and floodplains, when evidence is produced that the mapped location of the geographical feature is in error;
 - (2) A change made to reflect the alteration of the name of a jurisdiction, agency, department or district by the governing body, governing board or other governing authority of the jurisdiction, agency, department or district, as applicable, or by another entity authorized by law to make such an alteration; and
 - (3) An update of statistical information that is based on a new or revised study.
- (c) Administrative Process.

- (1) Initiating the Process. The Director of Community Development shall have the sole authority to initiate a minor amendment to the Regulatory Zone map.
 - (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 minor amendment 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 section (b).
 - (2) The Director of Community Development must also find that the proposed minor amendment is consistent with all of the following:
 - (i) Nevada Revised Statutes;
 - (ii) The Truckee Meadows Regional Plan; and
 - (iii) The Washoe County Master Plan.
- (e) Action by Board of County Commissioners. The Board of County Commissioners shall review proposed minor amendments to the Regulatory Zone map in conformance with this section.
- (1) Time Period for Hearing. Public hearings conducted by the Board of County Commissioners on the recommendation of approval by the Director of Community Development of a minor amendment to the Regulatory Zone map within sixty (60) days of the filing of the recommended minor amendment.
 - (2) Notice of Public Hearing of Minor Amendment to the Regulatory Zone map. The notice of the public hearing on the minor amendment shall be provided as follows:
 - (i) Notice to Citizen Advisory Boards. A notice setting forth the date, time and place of the public hearing on the minor amendment to the Regulatory Zone map shall be sent either by mail, or if requested by a Citizen Advisory Board ("CAB") member, by electronic means if receipt of such an electronic notice can be verified, to every member of the affected CAB not less than ten (10) days prior to the scheduled public hearing on the minor amendment. The notice shall describe the proposed minor amendment to the Regulatory Zone map, including the specific language and other pertinent information, in such a manner that the proposed minor amendment to the Regulatory Zone map and its effect(s) can be clearly identified. Any objections or comments from members of the CAB must be provided to the Director of Community Development no later than the date of the public hearing on the minor amendment.

(ii) Notice to affected General Improvement District. A notice setting forth the date, time and place of the public hearing on the minor amendment to the Regulatory Zone map shall be sent either by mail, or if requested by a general improvement district, by electronic means if receipt of such an electronic notice can be verified, to the chief operating officer of the general improvement district not less than ten (10) days prior to the scheduled public hearing on the minor amendment. The notice to the general improvement district shall describe the proposed minor amendment to the Regulatory Zone map, including the specific language and other pertinent information, in such a manner that the proposed minor amendment to the Regulatory Zone map and its effect(s) can be clearly identified. Any objections or comments from a general improvement district must be provided to the Director of Community Development no later than the date of the public hearing on the minor amendment.

(iii) Notice in 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 minor amendment to the Regulatory Zone map and other pertinent information in such a manner that the Regulatory Zone amendment request and its effect(s) can be clearly identified.

(iv) Notice of Property Owners by Mail. For a minor amendment pursuant to subsection (b)(1), a notice setting forth the time, place, purpose of hearing, map or physical description of the land involved, existing and proposed land use designations, and a brief summary of the proposed change shall be sent by mail at least ten (10) days before the public hearing on the minor amendment to the following persons:

- (1) All owners of real property that are the subject of the minor amendment;
- (2) All owners of real property within seven hundred fifty (750) feet of the portion of the boundary being changed which is the subject of the minor amendment; and
- (3) All tenants of any mobile home park that is located within seven hundred fifty (750) feet of the property which is the subject of the minor amendment.
- (4) The commander or administrator of a military installation, as defined in Article 902, that is within three thousand (3,000) feet of the property which is the subject of the minor amendment.

(3) Board of County Commissioners' Action. The Board of County Commissioners may take final action to adopt or deny the minor amendment to the Regulatory Zone map. Final action to adopt the

technical revision shall require a simple majority vote of the total membership of the Board of County Commissioners.

SECTION 9. Chapter 110, Division Nine, Articles 902, 904, and 906 of the Washoe County Code is hereby amended as follows:

Division Nine - General Provisions

Article 902

DEFINITIONS

Sections:

110.902.00	Purpose
110.902.05	Applicability
110.902.10	Rules of Interpretation
110.902.15	General Definitions

Section 110.902.00 Purpose. The purpose of this article, Article 902, Definitions, is to promote consistency and precision in the interpretation of the Development Code.

Section 110.902.05 Applicability. The meaning and construction of words and phrases as set forth therein shall apply throughout the Development Code, except where the context of such words and phrases clearly indicates a different meaning or construction. Definitions contained in the adopted version of the International Building Code shall be applicable except when in conflict with definitions contained in the Development Code, in which case the Development Code definitions shall control. Additional definitions which apply only within one article or section may be contained within that article or section.

[Amended by Ord. 1356, provisions eff. 12/21/07].

Section 110.902.10 Rules of Interpretation. The following general rules of interpretation shall apply to the textual provisions of the Development Code:

- (a) **Article and Section References.** "Article" means an article of the ordinance codified in this Development Code unless some other ordinance is specifically mentioned. "Section" means a section of the ordinance codified in this Development Code unless some other ordinance is specifically mentioned. "Subsection" means a subsection of the section in which the term occurs unless some other section is specifically mentioned.
- (b) **Definitions.** The Director of Community Development shall have the authority to determine the applicable definition source (e.g. Webster's Collegiate Dictionary, International Building Code, International Fire Code, etc.) in the event of a conflict.
- (c) **Headings.** Section and subsection headings contained herein shall not be deemed to govern, limit, modify or in any manner affect the scope, meaning or intent of any provision of this Development Code.

- (d) Illustrations. In case of any differences of meaning or implication between the text of any section or article and any illustration, the text shall control.
- (e) Gender. The masculine gender includes the feminine and neuter.
- (f) Number. The singular number includes the plural, and the plural the singular.
- (g) Tense. The present tense includes the past and future tenses, and the future tense includes the present tense.
- (h) Oath and Affirmation. "Oath" includes "affirmation."
- (i) Shall and May. "Shall" is mandatory and "may" is permissive.
- (j) Signature or Subscription and Mark. "Signature" or "subscription" includes "mark" when the signer or subscriber cannot write, such signer's or subscriber's name being written near the mark by a witness who writes his own name near the signer's or subscriber's name; but a signature or subscription by mark can be acknowledged or can serve as a signature or subscription to a sworn statement only when two (2) witnesses so sign their own names thereto.
- (k) Statutory References. Whenever reference is made to any portion of the ordinance codified in this Development Code, or of any other ordinance of this County or of any law of this state, the reference applies to all amendments and additions now or hereafter made.

[Amended by Ord. 873, provisions eff. 6/7/93; Ord. 1356, provisions eff. 12/21/07].

Section 110.902.15 General Definitions. Unless otherwise specified, the following definitions shall be applicable throughout the Development Code:

A-Weighted Sound Level. "A-weighted sound level" means the sound pressure level in decibels as measured on a sound level meter using the A-weighting filter network. Sounds measured with an A-weighted filter are abbreviated dba or db(a).

Accessory Building. "Accessory building" means a subordinate building, the use of which is incidental to that of the main building or potential main building.

Accessway. "Accessway" means vehicular ingress and egress to a property or use.

Adequate Public Facilities Management. "Adequate public facilities management" means a method for ensuring that the infrastructure necessary to support a development project will be available concurrently with the impacts of that development, without causing the level of service provided by said infrastructure to fall below adopted standards.

Affordable Housing. "Affordable housing" means housing which is affordable to low-income households (not exceeding eighty (80) percent of the County median income) or moderate-income households (not exceeding one-hundred twenty (120) percent of County median income).

Agricultural Building. "Agricultural building" is a structure designed and constructed to store farm implements and equipment or hay, grain, poultry, livestock, fruit and other agricultural products. Cold storage warehouses are not agricultural buildings. An agricultural building shall not be used for human habitation; processing, treating, packaging agricultural products; or as a place used by the public. The term shall not include dwellings, but does include greenhouses.

Approved Access. "Approved access" means a way or means of approach to a parcel from either an abutting public road or from a private road, street or right-of-way approved by the County.

Area of Shallow Flooding. "Area of shallow flooding" means a designated AO or AH Zone on the Flood Insurance Rate Maps. The base flood depths range from 1 to 3 feet, a clearly defined channel does not exist, the path of flooding is unpredictable and indeterminate, and velocity flow may be evident.

Area Plan. "Area plan" means plans adopted by Washoe County which cover specific subareas of the unincorporated County. These plans provide basic information on the natural features, resources and physical constraints that affect the development of the planning area. They also specify detailed land use designations which are then used to review specific development proposals and to plan services and facilities.

Arterial. "Arterial" means a main highway that is a through street.

Attached Accessory Dwelling. "Attached accessory dwelling" means a portion of a single family dwelling that may provide complete, independent living facilities for living, sleeping, eating, cooking and sanitation within the main dwelling unit, but which is separate from the main dwelling unit's cooking area, bathroom(s) and living areas. An attached accessory dwelling does not exceed twenty-five (25) percent of the total square footage of the main dwelling unit. Attached accessory dwellings are often referred to as guest rooms, guest apartments and "granny flats."

Base Flood Calculation. "Base flood calculation" means a flood having a one (1) percent chance of being equaled or exceeded in any given year. See "Flood, One Hundred (100) Year."

Basement. "Basement" means the portion of a building between floor and ceiling, which is partly below and partly above grade, but so located that the vertical distance from grade to the floor below is less than the vertical distance from grade to ceiling.

Bed and Breakfast Establishment. "Bed and breakfast establishment" means a single-family dwelling containing not more than five (5) guest rooms (no cooking facilities in guest rooms) where, for compensation, meals and lodging are provided

Berm. "Berm" means a mound or embankment of earth.

Billboard. "Billboard" means an outdoor advertisement making a material or services known, such advertisement being remote from the point of sale of such material or service.

Board. "Board" refers to the Board of County Commissioners of Washoe County.

Boardinghouse. "Boardinghouse" means a building or portion thereof (not a motel) where, for compensation, meals and lodging are provided for more than three (3) guests.

Building. "Building" means any structure having a permanent foundation, a roof supported by columns or walls and used for the enclosure of persons, animals or chattels, but not including a trailer (mobile home) or tent.

Building Envelope. "Building envelope" means the area to be occupied by any structure and associated development.

Building Height. "Building height" is the vertical distance above a reference datum measured to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the average

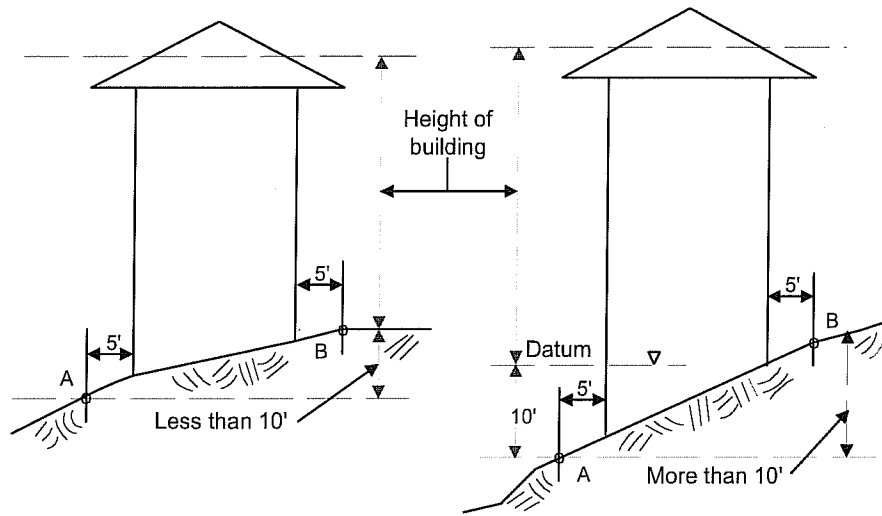
height of the highest gable of a pitched or hipped roof. As illustrated in Figure 110.902.15.BH1, the reference datum shall be selected by either of the following, whichever yields a greater height of building:

1. The elevation of the highest adjoining sidewalk or ground surface within a five (5) foot horizontal distance of the exterior wall of the building when such sidewalk or ground surface is not more than ten (10) feet above lowest grade.
2. An elevation ten (10) feet higher than the lowest grade when the sidewalk or ground surface described in Item 1 above is more than ten (10) feet above lowest grade.

The height of a stepped or terraced building is the maximum height of any segment of the building.

Figure 110.902.15.BH1

DETERMINATION OF BUILDING HEIGHT IN FEET



Source: International Building Code Interpretation Manual.

Building Intensity. "Building intensity" refers to the bulk and concentration of physical development of uses permitted in a district. Lot coverage and height are examples of measures of building intensity.

Cellar. "Cellar" means the portion of a building between floor and ceiling which is wholly or partially below grade and so located that vertical distance from grade to the floor below is equal to or greater than the vertical distance from grade to ceiling.

Certificated Water Rights. "Certificated water rights" means the right to put surface water or groundwater to beneficial use that is identified by a record document issued by the Nevada State Engineer after satisfactory proof of "perfection of application" for a permitted water right has been filed in accordance with NRS Chapter 533.

Climatic Adaptive Planting Material. "Climatic adaptive planting material" means vegetation which is adapted to the climate or microclimate of the planting site and can flourish given the soil and water environment surrounding its roots. Microclimates, large bodies of water, soil drainage,

soil pH, adequate moisture, the presence of soil salts, and both summer and winter wind affect a plant's ability to grow and survive.

Cluster or Clustered Development. See "Common Open Space Development."

Collector. "Collector" means the highest order of residential streets.

Commercial Coach. "Commercial coach" means structure without motive power which is designed and equipped for human occupancy for industrial, professional or commercial purposes.

Commission. "Commission" means the Washoe County Planning Commission.

Common Interest Community. "Common interest community" means real estate in which a person, by virtue of ownership of a unit, is obligated to pay for real estate other than that unit. "Ownership of a unit" does not include holding a leasehold interest of less than twenty (20) years in a unit, including options to renew.

Common Open Space Development. "Common open space development" means a technique whereby minimum lot sizes may be reduced below the regulatory zone requirements for residential and commercial use types, if compensating amounts of open space are provided within the same development (also called "cluster development"). This type of development allows for structures to be grouped on smaller lots, provided the total density for the development is not exceeded.

Company Town. "Company town" means employee housing and supporting commercial, office, recreational, professional, administrative and other ancillary uses associated with the functioning of an isolated industrial, mining, energy production, utilities, resorts or agricultural based use. This development may occur on a single parcel or multiple parcels.

Consistency. "Consistency" means free from variation or contradiction.

Constraints. "Constraints" mean limitations or actions which cannot be taken or which must be taken.

Construct. "Construct" includes "erect," "reconstruct," "alter," "move in" and "move upon."

Contiguous Parcel of Land. "Contiguous parcel of land" means a parcel of land either abutting directly on the boundary or separated by a street, alley, public right-of-way, creek, river or the right-of-way of a railroad or other public service corporation of another parcel of land.

Corner Lot. See "Lot, Corner."

Cost. "Cost" means the price paid or what is given up in order to acquire, produce, accomplish or maintain anything.

County. "County" refers to the unincorporated area of Washoe County, Nevada.

County Standards. "County standards" means improvement standards set forth in this Development Code or adopted by the Board of County Commissioners.

Cross-Section. "Cross-section" is a drawing or photograph showing a cutting through something, especially at right angles to its axis. A cross section of a roadway usually indicates the width of

the street, the number of lanes, and the width of any median, parkways, sidewalks and bicycle lanes.

Cumulative Impact. "Cumulative impact" means an effect which is a result of several related projects. Each increment from each project may not be noticeable but cumulative impacts may be noticeable when all increments are considered.

Cut. "Cut" means shaping of the land surface by removing soil, rock or other materials.

Decibel. "Decibel" means a unit for describing the amplitude of sound, equal to twenty (20) times the logarithm to the base ten (10) of the ratio of the pressure of the sound measured to the reference pressure, which is twenty (20) micropascals (20 micronewtons per square meter).

Density or Residential Density. "Density" or "residential density" means the number of dwelling units per gross acre for residential uses.

Density Bonus. "Density bonus" means an increase in residential density over and above the density specified in the Development Code. A "density bonus unit" is one of the additional housing units built as a result of granting a density bonus.

Destination Resort. "Destination resort" is a self-contained development that provides for visitor-oriented accommodations and developed recreational facilities in a setting with high natural amenities. Visitor-oriented accommodations are overnight lodging and facilities designed for visitors, not permanent residents, and overnight lodging excludes RV and mobile home parks. Visitor accommodations must include meeting rooms and restaurants.

Detached Accessory Dwelling. "Detached accessory dwelling" means a dwelling unit on the same lot as the primary dwelling unit, but physically separated from the primary dwelling unit. An accessory dwelling unit may provide complete, independent living facilities for one or more persons, including permanent facilities for living, sleeping, eating, cooking and sanitation. A detached accessory dwelling unit is at least six hundred forty (640) square feet, but does not exceed twelve hundred (1,200) square feet or fifty (50) percent of the floor area of the main unit, whichever is smaller. Detached accessory dwellings may also be referred to as guest houses, second units, detached "granny flats" and caretaker's quarters.

Development. "Development" means any man-made change to improved or unimproved real estate including the construction of buildings or other structures, mining, dredging, filling, grading, paving, excavation, drilling operations or storage of equipment or materials.

Development Agreement. "Development agreement" means an agreement entered into by Washoe County and any person having a legal or equitable interest in land concerning the development of that land, pursuant to NRS Chapter 278.

Development Code. "Development Code" refers to Chapter 110 of the Washoe County Code which incorporates all County development-related ordinances and standards to ensure conformity with the Master Plan.

Division into Large Parcels. "Division into large parcels" means division of land if each proposed lot is at least forty (40) acres in area including roads and easements or at least one-sixteenth (1/16) of a section as described by a government land office.

Dog Training Center. "Dog training center" means a facility where dogs are boarded and trained for a long-term period of time.

Dog Training Services. "Dog training services" means the training of dogs with their owners or owners' designee, where both owner and dog participate in dog training.

Domestic Water. "Domestic water" means water supplied to individual dwellings and other land uses which is suitable for drinking.

Dormitory/Bunkhouse. "Dormitory/bunkhouse" means a building or a portion of a building where, for compensation or a benefit of employment, meals and lodging are provided.

Drainage, Natural. "Natural drainage" means any channel, swale or depression which conducts water as part of the natural drainage pattern of a site.

Driveway, Residential. "Residential driveway" means a private paved or unpaved area used for ingress or egress of vehicles, and allowing access extending from a property line to a building or other structure or facility on the subject parcel.

Dwelling. "Dwelling" means any building or portion thereof used exclusively for residential purposes but does not include hotels, clubs, boardinghouses or rooming houses, fraternity or sorority houses, or institutions.

Dwelling Unit. "Dwelling unit" means any building or portion thereof, including a fabricated home or portion thereof, which contains living facilities including provisions for sleeping, eating, cooking and sanitation as required by the Development Code, the International Building Code, and/or the National Manufactured Home and Safety Standards Act.

Electronic Notice. "Electronic notice" means any notice required by law that is transmitted via electronic means and which provides a method of verifying receipt to the sender that the receiver has received the notice. Electronic includes, but is not limited to, e-mail, facsimile transmission that identify the receiver and have a time and date stamp.

Endangered Species. "Endangered species" means any species listed as such in the Federal Register which is in danger of extinction throughout all or a significant portion of its range.

Engineer. "Engineer" means a Nevada registered engineer pursuant to NRS Chapter 625.

Ephemeral Stream. "Ephemeral stream" means a stream that flows only in direct response to precipitation, and thus discontinues its flow during dry seasons. Such flow is usually of short duration. Most of the dry washes of more arid regions may be classified as ephemeral streams.

Erosion. "Erosion" means the detachment and movement of soil from the land surface by wind, water or gravity.

Fabricated Home. "Fabricated home" means a dwelling unit fabricated in an off-site manufacturing facility for installation or assembly at the building site. Fabricated homes include modular homes, manufactured homes and mobile homes. The term "fabricated home" does not include a "recreational vehicle."

Family. "Family" means one (1) or more persons related by blood, marriage or legal adoption, or a group of six (6) or fewer unrelated persons and two additional persons who act as house parents or guardians, living together in a dwelling unit.

Fence. "Fence" means a wall or barrier constructed of boards, masonry, wire or any other material for the purpose of enclosing space or separating parcels of land. The term "fence" does not include retaining walls, but does include fence gates and gateposts.

Fill. "Fill" means shaping of the land surface by depositing soil, rock or other materials.

Final Map. "Final map" means the map or recording instrument for subdivisions of land as described in Article 610. A final map may also be used to record an approved parcel map at the option of either the subdivider or the County.

Fire Management. "Fire management" means activities required for the protection of resources and values from fire, or the use of fire to meet land management goals and objectives.

Flood or Flooding. "Flood" or "flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland waters; or the unusual and rapid accumulation of runoff of surface waters from any source.

Flood, One Hundred (100) Year. "One hundred (100) year flood" also called the "base flood" means a flood having a one (1) percent chance of being equaled or exceeded in any given year. The boundaries of the one hundred (100) year flood include both the floodway and the flood fringe areas as shown on the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps.

Flood Boundary and Floodway Maps (Floodway). "Flood Boundary and Floodway Maps" means the official maps on which the Federal Insurance Administration has delineated both the areas of flood hazard and the floodway.

Flood Elevation. "Flood elevation" means the elevation of the water surface of the base flood based on the National Geodetic Vertical Datum (NGVD) of 1929.

Flood Elevation, Increase In. "Increase in flood elevation" means an increase in flood elevation of more than one (1) foot at any point.

Flood Fringe. "Flood fringe" means the area of the one hundred (100) year flood, exclusive of the floodway, as shown on the Flood Insurance Rate Maps, and any area determined by the Floodplain Administrator to have a one (1) percent or greater probability of flood in a given year.

Flood Hazard Areas. "Flood hazard areas" means the area designated by the Federal Emergency Management Agency as being flooded by the base flood, and is designated as "Zone A, AO, AH, AE and A99" on the Flood Insurance Rate Maps.

Flood Height. "Flood height" means the depth of the floodwater during the one hundred (100) year flood, computed as the difference between the elevation of the one hundred (100) year floodwater surface and the elevation ground surface at a given point in the flooded area.

Flood Insurance Rate Maps (FIRM). "Flood Insurance Rate Maps" means the official maps on which the Federal Insurance Administration has delineated the flood hazard area, the limited flooding area and the risk premium zones applicable to the community.

Flood Insurance Study (FIS). "Flood Insurance Study" means the official report provided by the Federal Emergency Management Agency that includes flood profiles, the Flood Insurance Rate Maps, the Flood Boundary and Floodway Maps, and the water surface elevation of the base flood.

Floodplain. "Floodplain" means any land area susceptible to being inundated by water from any source.

Floodplain Administrator. "Floodplain Administrator" means the person appointed to administer and implement the provisions of Article 416 of this Development Code.

Floodplain Management. "Floodplain management" means the operation of an overall program of corrective and preventive measures for reducing flood damage.

Floodproofing. "Floodproofing" means any combination of structural and nonstructural additions, changes or adjustments to structures which reduce or eliminate flood damage to real estate or improved property, water and sanitary facilities, structures and their contents.

Floodway. "Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot. The floodway is delineated on the Flood Boundary and Floodway Maps.

Floor Area Ratio (FAR). "Floor area ratio" means the ratio of floor area permitted on a lot to the size of the lot. For example, a permitted FAR of 6.0 on a 10,000 square foot lot would allow a building with a total floor area of 60,000 square feet.

Front Line. "Front line" means the narrowest lot dimension fronting on a street.

Front Yards. See "Yard, Front."

Fuel Management. "Fuel management" means treating or controlling any vegetative material which adversely affects meeting fire management direction based upon resource management goals and objectives.

Fuelbreak. "Fuelbreak" means a strip of land, strategically placed for fighting anticipated fires, where hazardous fuels have been replaced with less burnable fuels (like grass). They divide fire-prone areas into smaller parcels for easier fire control and provide access for fire fighting.

Fuels. "Fuels" mean any material capable of sustaining or carrying a wildfire, usually natural material both live and dead.

Gaming. "Gaming" means any legally constituted gambling enterprise authorized under the laws of the State of Nevada other than slot machines when such machines are operated incidentally to the conduct of a licensed retail business.

Geothermal Resource. "Geothermal resource" means the natural heat of the earth and the energy associated with the natural heat, pressure and all dissolved or entrained minerals, but excluding hydrocarbons and helium, that may be obtained from the medium used to transfer that heat.

Governing Body. "Governing body" refers to the Washoe County Board of County Commissioners, unless otherwise clearly indicated.

Government Patent Easement. "Government patent easement" means an easement granted through a patent by the federal government for a public purpose, generally for public access and utility purposes.

Grade. "Grade" is the lowest point of elevation of the finished surface of the ground, paving or sidewalk within the area between the building and the property line or, when the property line is more than 5 feet from the building, between the building and a line 5 feet from the building.

Gradient. "Gradient" is the slope of a lot measured as the difference in elevation of finished grade between the midpoint of the front property line and the farthest opposite point of the lot depth.

Grading. "Grading" means removal of trees and shrubs with surface soil grading for smoothness.

Greenbelt. "Greenbelt" means an area where measures such as fuel management, land use planning and development standards are applied to mitigate fire, flood and erosion hazard. More traditionally, an irrigated landscaped buffer zone between development and wildlands, usually put to additional uses (e.g. golf course, park, etc.).

Gross Density. "Gross density" is the ratio of the total number of units to the total site area.

Ground Cover. "Ground cover" means low, dense-growing plants such as shrubs or vines, or inert materials such as rock or bark used to cover bare ground.

Ground Water Recharge. "Ground water recharge" means the infiltration of water into the earth. It may increase the total amount of water stored underground or only replenish the groundwater supply depleted through pumping or natural discharge. The natural or intentional infiltration of surface water into the Zone of Saturation (i.e. into the Ground Water). Also, the inflow of water to a ground water reservoir (Zone of Saturation) from the surface. Infiltration of precipitation and its movement to the water table is one form of natural recharge.

Hedge. "Hedge" means a dense row of plant material, such as shrubs, which are arranged to form a boundary or screen.

Highest Existing Grade. "Highest existing grade" means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

Hillside Development. "Hillside development" means any development including individual lots which has slopes greater than fifteen (15) percent on twenty (20) percent or more of the site.

Historic Structure. "Historic structure" means any structure that is:

- (a) Listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- (b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historic significance of a registered historic district or a district preliminarily determined by the Secretary of the Interior to qualify as a registered historic district;
- (c) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
- (d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - (1) By an approved state program as determined by the Secretary of the Interior; or

- (2) Directly by the Secretary of the Interior in states without approved programs.

Hotel. "Hotel" means a building occupied or intended to be occupied, for compensation, as the temporary residence for transient guests, primarily persons who have residence elsewhere, with an interior hall and lobby.

House Construction Factory. "House construction factory" means a building used for the construction of a single or multiple family dwelling, or the assembly of prefabricated single or multiple family dwelling components, or a combination of the above-described procedures, which results in a completed single or multiple family dwelling that can be transported to a lot for which service has been provided and which has been improved to accommodate the installation of the dwelling.

Household. "Household" means the person or persons occupying a housing unit.

Impervious Surface. "Impervious surface" means the surface through which water cannot penetrate, such as a roof, road, sidewalk or paved parking area.

Incorporated City. "Incorporated city" means a city incorporated under the laws of the State of Nevada.

Infrastructure. "Infrastructure" means the basic facilities such as roads, schools, power plants, transmission lines, transportation and communication systems on which the continuance and growth of a community depends.

Interior Lot. See " Lot, Interior."

Junkyard. "Junkyard" means any space for storage, abandonment or sale of junk, scrap material or similar waste, including the dismantling, demolition or abandonment of automobiles, other vehicles, machinery or parts. Junkyard shall be synonymous with salvage yard.

Kitchen. "Kitchen" is an area within a dwelling containing facilities for the storage, preparation, cooking and disposal of food.

Landscaped Buffer. "Landscaped buffer" means an area of landscaping which separates two (2) distinct land uses, or a land use and a public right-of-way, and which acts to soften or mitigate the effects of one (1) land use on the other.

Landscaping. "Landscaping" means an area devoted to and maintained with a mixture of existing or new native or exotic plants such as turf, groundcover, shrubs, flowers, vines and trees, as well as additional complementary decorative features such as rocks, decorative pavement, fountains, pools, sculpture and decorative wall.

Ldn. "Ldn" means the average equivalent A-weighted sound level during a 24-hour day obtained by adding ten decibels to the hourly noise levels measured during the night (10:00 p.m. to 7:00 a.m.). In this way, Ldn takes into account the lower tolerance of people for noise during nighttime periods. Ldn noise level measurements are typically plotted onto a map to identify noise contours around a significant noise generator (e.g. freeways, airports, etc.).

Limited Gaming. "Limited gaming" means gaming enterprises authorized by the State Gaming Control Board whereby any person or gaming establishment may be issued a limited gaming license or have such conditions placed on a gaming license as necessary to protect the public interest.

Livestock. "Livestock" means:

- (a) All cattle or animals of the bovine species;
- (b) All horses, mules, burros and asses or animals of the equine species;
- (c) All goats or animals of the caprine species;
- (d) All swine or animals of the porcine species; and
- (e) All sheep or animals of the ovine species.

Loading Space. "Loading space" means an off-street space or berth on the same lot with a building or contiguous to a group of buildings for the temporary parking of vehicles while handling merchandise or materials.

Lot. "Lot" means a distinct part or parcel of land divided with the intent to transfer ownership or for building purposes and which abuts upon a permanent means of access.

Lot, Corner. "Corner lot" means a lot situated at the intersection of two (2) or more streets or a lot that abuts one (1) street that changes directions, curves or turns around the lot with an interior angle of 135 degrees or less.

Lot, Interior. "Interior lot" means a lot bounded by a street on only one (1) side or situated at the intersection of (2) streets having an interior angle of 135 degrees or more.

Lot, Through. "Through lot" means a lot bounded by two (2) streets that do not intersect at the boundaries of the lot.

Lot Coverage. "Lot coverage" is a measure of intensity of land use which represents the portion of a site that is impervious (i.e. does not absorb water). This portion includes, but is not limited to, all areas covered by buildings, parking structures, driveways, roads, sidewalks, and any areas of concrete asphalt. In the case of lumberyards, areas where lumber is stored also constitutes impervious surfaces.

Lot Depth. "Lot depth" is the distance between the front and rear lot lines measured in the mean direction of the side lines.

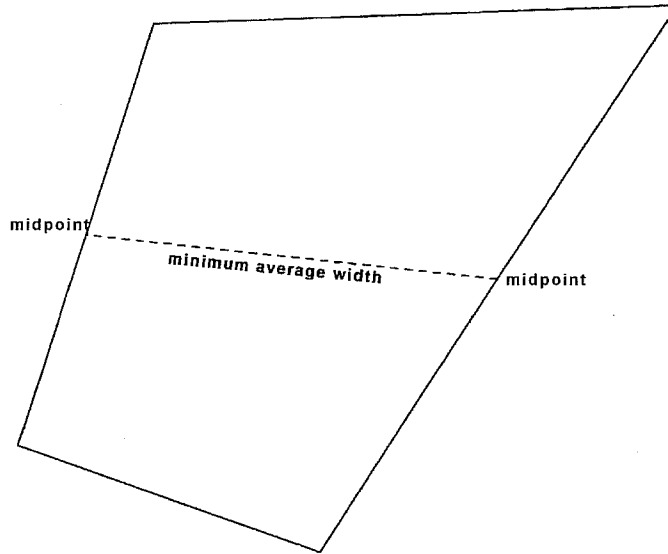
Lot Size. "Lot size" is the total square footage of a lot.

Lot Width. "Lot width" may be determined in one of the following three ways:

- (a) The distance between the side lot lines measured at right angles to the lot depth at a point midway between the front and rear line (see Figure 110.902.15LW1);

Figure 110.902.15.LW1

DISTANCE BETWEEN SIDE LOT LINES

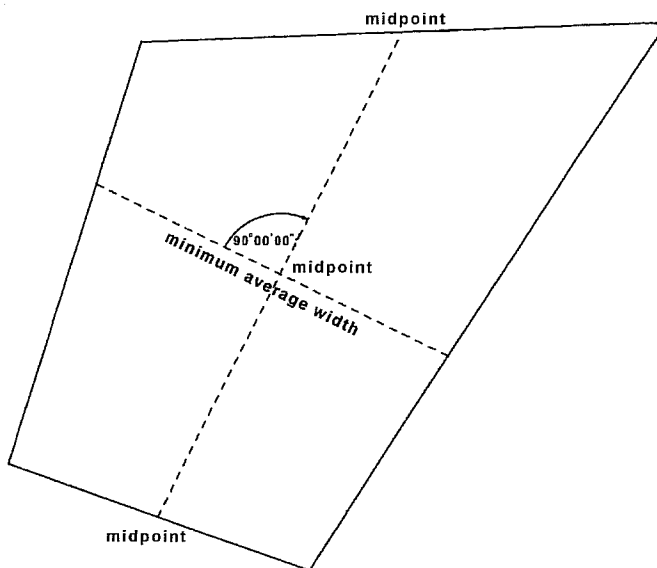


Source: George Lindesmith, PLS.

- (b) The distance between the midpoints of the side lot lines (see Figure 110.902.15LW2); or

Figure 110.902.15.LW2

DISTANCE BETWEEN MIDPOINTS

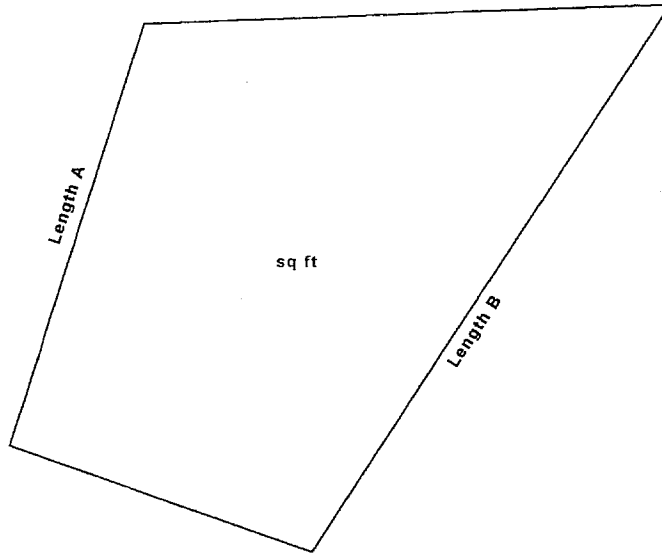


Source: George Lindesmith, PLS.

- (c) Area/Average Depth = Average Width (see Figure 110.902.15LW3).

Figure 110.902.15.LW3

AREA/AVERAGE WIDTH



$$\text{Area/Average Depth} = \text{Average Width}$$
$$\text{Area Sq Ft} / \frac{\text{Length A} + \text{Length B}}{2} = \text{Average Width}$$

Source: George Lindesmith, PLS.

Lowest Floor. "Lowest floor" means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements.

Main Building. "Main building" means a building devoted to the principal use of the lot on which it is situated.

Major Subdivision. "Major subdivision" means a subdivision which contains five (5) or more lots, parcels, sites, units, plots or interests.

Manufactured Home. "Manufactured home" is a dwelling unit fabricated in an off-site manufacturing facility for installation or assembly at the building site, bearing the label certifying that it is built in compliance with the Federal Manufactured Housing Construction and Safety Standards in effect on the date of manufacture. A manufactured home is further defined by Nevada Revised Statute (NRS 489.113). A manufactured home is not a mobile home, nor a modular home.

Manufactured Home Park Site. "Manufactured home park site" is the entire tract of land used for a manufactured home park.

Manufactured Home Space. "Manufactured home space" is the area in a manufactured home park that is rented or leased to the occupant or occupants of a manufactured home.

Manufactured Home Subdivision. "Manufactured home subdivision" is a subdivision designed and/or intended for the sale of lots for siting manufactured homes.

Master Plan. "Master Plan" means the Washoe County Master Plan including both countywide elements and area plans, and a number of more detailed plans and studies related to the plans.

Median Income or County Median Income. "Median income" or "County median income" means the level of income in Washoe County whereby one-half (1/2) of the population earns greater than that level of income and one-half (1/2) of the population earns less than that level of income. Median income is determined on a yearly basis by the Department of Housing and Urban Development.

Military Installation. "Military installation" means a base or facility at which or from which the Air Force, Army, Coast Guard, Marine Corps, Navy, Air Force Reserve, Army Reserve, Coast Guard Reserve, Marine Corps Reserve, Navy Reserve or National Guard conducts exercises, maneuvers, operations, patrols or training.

Minor Subdivision. "Minor subdivision" means a subdivision which contains four (4) or less lots, parcels, sites, units, plots or interests.

Minute Action. "Minute action" means an official final decision made by the Board of County Commissioners, as recorded in the County Clerk's minutes.

Mobile Home. "Mobile home" is a transportable, fabricated home, designed to be used as a year-round residential dwelling and built prior to enactment of the Federal Manufactured Housing Construction and Safety Standards Act of 1974, which became effective June 15, 1976. A mobile home, further defined by Nevada Revised Statute (NRS 489.120), does not bear an insignia of approval that the dwelling unit was built in compliance with NRS Chapter 461. A mobile home is not a manufactured home, nor a modular home.

Mobile Home Park. "Mobile home park" means a tract of land under single ownership within which two (2) or more manufactured homes are occupied as residences on a permanent or semi-permanent basis. The homes are located on spaces that are rented or leased. Special facilities for the common use of the occupants may be included.

Mobile Home Park Site. "Mobile home park site" is the entire tract of land used for a mobile home park.

Modular Home. "Modular home" is a dwelling unit fabricated in an off-site manufacturing facility for installation or assembly at the building site, bearing a label certifying that it is built in compliance with local International Building Code standards and further meets all requirements of County Code Chapter 100. Modular homes shall be subject to the same permit process as site-built homes. A modular home is not a manufactured home, but includes what is commonly referred to as a panelized home.

Motel. "Motel" means a building occupied or intended to be occupied, for compensation, as the temporary residence for transient guests, primarily persons who have residence elsewhere, with access to each room or unit from an outside porch or landing (whether or not such outside porch or landing is enclosed with screen, glass, plastic or similar material).

Mulch. "Mulch" means an organic or inorganic material applied to landscaped areas to help minimize evaporation from the soil, reduce weeds, moderate soil temperatures and slow erosion.

National Register of Historic Places. "National Register of Historic Places" means the listing maintained by the U.S. National Park Service of areas which have been designated as historically significant. The Register includes places of local and state significance, as well as those of value to the nation in general.

Natural Area. "Natural area" means a land area which is unimproved and not occupied by any structures or man-made elements, and set aside for the conservation of permanent, undisturbed open space.

Net Density. "Net Density" is the ratio of the total number of units to the site area minus the area of the streets, parking areas and undevelopable land.

Nevada Natural Heritage Site. "Nevada Natural Heritage Site" means areas of land or water which either:

- (a) Have unusual flora, fauna, geological, scenic or similar features of scientific, educational or recreational interest; or
- (b) Retain some degree, or have re-established, a natural character (although it need not be completely undisturbed).

Non-municipal Air Strips and Glider Ports. "Non-municipal air strips and glider ports" means any Federal Aviation Administration (FAA) recognized public use landing area, privately owned and operated for scheduled or non-scheduled air transportation activities, where commercial uses and aviation related commerce can occur. Such use may include provision of landing privileges, hangar and tie-down lease/rental spaces, fuel and lubrication service, flight instruction, plane rental, mechanical repairs, or any other form of aviation commerce. Uses can also include scenic and sightseeing transportation service including helicopter rides, glider plane rides, air balloon rides, ultra-light and experimental aircraft activities and aircraft charters. The term "non-municipal air strips and glider ports" does not apply to public airports operated by any federal, state or local government agencies. The term also does not apply to a personal landing field that is used for fixed-wing aircraft or helicopter landing operations that are incidental and ancillary to established allowable uses including, but not limited to, agricultural, ranching or mining activities, as long as no aviation related commerce is conducted at the personal landing fields.

NRS. "NRS" means Nevada Revised Statutes.

Open Space, Common. "Common open space" means the total land area, not individually owned or dedicated for public use, which is designed and intended for the common use or enjoyment of the residents or occupants of the development. Common open space includes swimming pools, putting greens and other recreational-leisure facilities; areas of scenic or natural beauty and habitat areas; hiking, riding or off-street bicycle trails; and landscaped areas adjacent to roads which are in excess of minimum required rights-of-way.

Open Space, Private. "Private open space" means the outdoor living area directly adjoining a dwelling unit or building which is intended for the private enjoyment of the residents or occupants of the dwelling unit or building and which is defined in such a manner that its boundaries are evident.

Open Space Use. "Open space use" means the current employment of land, the preservation of which use would conserve and enhance natural or scenic resources, protect streams and water supplies or preserve sites designated as historic pursuant to law, provided such land has a greater value for another use than for open space use.

Parcel Map. "Parcel map" means a map for a minor subdivision.

Parcel of Land. "Parcel of land" means any unit or contiguous units of land in the possession of or recorded as the property of one person.

Parking Area. "Parking area" means an open area, excluding a street or other public right-of-way, used for the parking of vehicles and available to the public, whether for free or for compensation.

Permanent Employee Housing. "Permanent employee housing" means housing for employees of an isolated industrial, mining, railroad, highway, utilities or agricultural based use where those employees occupy the housing on a permanent basis year round. This development may occur on a single parcel or multiple parcels.

Permitted Water Rights. "Permitted water rights" means the right, in accordance with NRS Chapter 533 and as approved by the Nevada State Engineer, to appropriate public waters, or to change the place of diversion, manner of use or place of use of water already appropriated.

Perennial Stream. "Perennial stream" means a stream that flows from source to mouth throughout the year. This definition does not apply to a man-made watercourse constructed for irrigation, aesthetic or other purposes.

Person. "Person" means a firm, association, corporation, partnership or an individual.

Personal Landing Field. "Personal landing field" means a private use aviation landing area that is used for fixed-wing aircraft or helicopter landing operations that are incidental and ancillary to established allowable land uses including, but not limited to, agricultural, ranching or mining activities, as long as no aviation related commerce is conducted at the personal landing fields. Personal landing fields do not engage in scheduled or non-scheduled air transportation activities, or in any scenic and sightseeing transportation service, or any other form of aviation commerce. The term "personal landing field" does not apply to "non-municipal air strips and glider ports," or to public airports operated by any federal, state or local government agencies.

Placement. "Placement" means the issuance of a set-up permit by the Building and Safety Department for a manufactured home or mobile home.

Planting Area. "Planting area" means an area devoted to or maintained predominantly with native or exotic plants including turf, groundcover, shrubs, flowers, vines and trees with a limited portion of complementary decorative features.

Police Powers. "Police powers" means powers reserved to the states by the U.S. Constitution and delegated to cities and counties through the Nevada Constitution and the Nevada Revised Statutes; it is the authority to create and enforce ordinances and regulations that are not in conflict with general laws in order to promote the health, safety and general welfare of the public.

Print. "Print" means and includes a blueprint, photostat, direct process print or other copy which reproduces exactly the original drawing from which it was made.

Private Communication Antenna. "Private communication antenna" means any system of wires or poles or similar devices, excluding satellite dish antennas, used for the transmission or reception of electromagnetic waves by federally licensed amateur radio or citizen band radio operators, which system is external to or attached to the exterior of any building.

Private Garage. "Private garage" means a space intended for or used by the private automobiles of families resident upon the lot.

Public Garage. "Public garage" means a building for the repair, storage or hire of motor vehicles.

Rear Line. "Rear line" means the lot line most directly opposite the front line. A parcel of land may have only one (1) rear line.

Rear Yard. See "Yard, Rear."

Recreational Vehicle. "Recreational vehicle" means a vehicular structure that is primarily designed as temporary living quarters for travel, recreation and camping uses. A recreational vehicle can be self-propelled, mounted on, or towed by a separate vehicle.

Recreational Vehicle Park. "Recreational vehicle park" means a tract of land for the transient use by two or more recreational vehicles.

Regional Plan. "Regional Plan" means the Truckee Meadows Regional Plan.

Required Area. "Required area" means the minimum area of a lot or parcel necessary to permit its use under the provisions of the Development Code. Required area refers to:

- (a) Any lot shown as part of a subdivision recorded as a final plat in the manner provided by law;
- (b) Any parcel of land separated as a lot prior to the adoption and effective date of the original Washoe County Land Use Ordinance or the adoption of additional regulatory zones; or
- (c) Any lot or parcel of land which has an area not less than that required in the respective regulatory zone.

Revegetation. "Revegetation" means stabilizing disturbed or graded soils after construction by replanting with indigenous or natural appearing plants.

Ridgeline. "Ridgeline" means the topmost line connecting the series of highest elevation points of a ridge, running center and parallel to the long axis of the ridge and from which all water drains down.

Ridgeline, Significant. "Significant ridgeline" means the topmost line connecting the series of highest elevation points of a ridge, as identified on the Development Suitability map for each planning area included in Volume Two: Area Plans of the Washoe County Master Plan.

Right-of-Way. "Right-of-way" is a strip of land occupied or intended to be occupied by a publicly dedicated street, including the pavement, sidewalks and parkways, crosswalk, railroad, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, shade streets or other special use.

Riparian. "Riparian" means related to or located on the bank of a natural water course.

Riparian Habitat. "Riparian habitat" means the land and plants bordering a watercourse or lake.

Room. "Room" is space in a structure for living, sleeping, eating or cooking. Bathrooms, toilet compartments, closets, halls, storage or utility space, and similar areas, are not considered habitable space and therefore, not a room.

Roominghouse. "Roominghouse" means a building or portion thereof (not a motel) where, for compensation, lodging is provided for more than three (3) guests.

Runoff. "Runoff" means that part of precipitation which flows over the land without filtering into the soil.

Rural Regulatory Zones. "Rural regulatory zones" means the Low Density Rural Regulatory Zone, Medium Density Rural Regulatory Zone, and High Density Rural Regulatory Zone.

Satellite Dish Antenna. "Satellite dish antenna" means a device incorporating a reflective surface that is solid, open mesh or bar configured and is in the shape of a shallow dish, cone, horn or cornucopia. Such device shall be used to transmit and/or receive radio or electromagnetic waves between terrestrially and/or orbitally based uses. This definition is meant to include, but not be limited to, what are commonly referred to as satellite earth stations, TVROs (television reception only satellite dish antennas), and satellite microwave antennas.

Scenic Corridor. "Scenic corridor" means a roadway with recognized high quality visual amenities that include background vistas of mountains, open country or city.

School. "School" means an institution of learning which offers instructions in the several branches of learning required to be taught in the public schools of the State of Nevada.

Screen. "Screen" means the combination or individual use of a fence, decorative wall, earth berm or dense landscaping to physically and visually separate one area from another area.

Section 404 (Clean Water Act). "Section 404 (Clean Water Act)" means that section of the Clean Water Act delineating restrictions on the dredging and filling (only) of Wetlands in the United States. While Section 404 Permits are issued by the U.S. Army Corps of Engineers (COE), Section 404 regulations are written by the U.S. Environmental Protection Agency (EPA).

Section 404 (Clean Water Act) Permit. "Section 404 (Clean Water Act) Permit" means the Wetland dredge and fill permit issued under regulations written to conform to Section 404 of the Clean Water Act. The permit is actually granted by the U.S. Army Corps of Engineers (COE).

Sedimentation. "Sedimentation" means the act or process of depositing sediment from suspension in water. All the processes whereby particles of rock material are accumulated to form sedimentary deposits. Sedimentation, as commonly used, involves not only aqueous but also glacial, aeolian, and organic agents. (Water Quality) Letting solids settle out of wastewater by gravity during treatment.

Service Standards. "Service standards" means a measurement of municipal services used to monitor or compare services provided by the County and other service providers.

Setback. "Setback" means the required distance between every structure and the lot line of the lot on which the structure(s) is located.

Shrubs. "Shrubs" means a self-supporting woody species of plants characterized by persistent stems and branches springing from the base.

Side Yard. See "Yard, Side."

Site-Built Home. "Site-built home" means a dwelling unit where the major components are fabricated and assembled at the building site or a dwelling unit constructed at a house construction factory located within Washoe County. Site-built homes shall comply with Washoe County building codes and other adopted local codes.

Slope. "Slope" means an inclined ground surface expressed as a ratio of horizontal distance to vertical distance.

Slaughter House, Agricultural. "Agricultural slaughter house" means a building used as an ancillary structure on a farm or ranch for the non-profit slaughtering of animals raised on-site and the processing and storage of animal products and waste that results from a slaughtering process.

Slaughter House, Commercial. "Commercial slaughter house" means a building used for the for-profit slaughtering of animals that are either raised on-site or transported to the building and the processing and storage of animal products and waste that results from a slaughtering process.

Solar Energy. "Solar energy" means energy derived from the sun's rays.

Specific Plan. "Specific plan" means a plan prepared for a portion of an area plan which prescribes uses and development standards for that portion.

Story. "Story" is that portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above a usable or unused under-floor space is more than six (6) feet above grade as defined herein for more than fifty (50) percent of the total perimeter or is more than twelve (12) feet above grade as defined herein at any point, such usable or unused under-floor space shall be considered as a story.

Story, First. "First story" is the lowest story in a building which qualifies as a story, as defined herein, except that a floor level in a building having only one (1) floor level shall be classified as a first story, provided such floor level is not more than four (4) feet below grade, as defined herein, for more than fifty (50) percent of the total perimeter, or more than eight (8) feet below grade, as defined herein, at any point.

Stream. "Stream" means a general term for a body of flowing water; natural watercourse containing water at least part of the year. In hydrology, the term is generally applied to the water flowing in a natural channel as distinct from a canal. Some classifications of streams include, in relation to time:

- (a) Ephemeral Streams. Streams that flow only in direct response to precipitation and whose channel is at all times above the water table.
- (b) Intermittent or Seasonal Streams. Streams that flow only at certain times of the year when it receives water from springs, rainfall, or from surface sources such as melting snow.
- (c) Perennial Streams. Streams that flow continuously.

Streambanks. "Streambanks" mean the usual boundaries, not the flood boundaries, of a stream channel. Right and left banks are named facing downstream (in the direction of flow).

Street. "Street" means a public right-of-way or easement which affords a primary means of access to abutting property.

Structure. "Structure" means a walled and roofed building or manufactured home, including a gas or liquid storage tank that is primarily above ground. "Structure" does not include a tent, trailer or vehicle.

Subdivider. "Subdivider" means any person or persons, firm, corporation, partnership or association that causes land to be divided into a subdivision for himself or itself or for others. A consultant, engineer or surveyor who does not hold title to the land is not considered a subdivider.

Subdivision. "Subdivision" means any land, vacant or improved, which is divided or proposed to be divided vacant or improved, into two (2) or more lots, parcels, sites, units or plots for the purposes of any transfer, development or any proposed transfer or development unless exempted by one of the following provisions:

- (a) "Subdivision" does not apply to any division of land which creates lots, parcels, sites, units or plots of land each of which comprise forty (40) or more acres of land, or 1/16 of a section, including roads and roadway easements, which is subject to the provisions of Article 612.
- (b) Any joint tenancy or tenancy in common shall be deemed a single interest in land.
- (c) Unless a method of disposition is adopted for the purpose of evading this Development Code or would have the effect of evading this Development Code, the term "subdivision" does not apply to:
 - (1) Any division of land which is ordered by any court in this state or created by operation of law;
 - (2) A lien, mortgage, deed of trust or any other security instrument;
 - (3) A security or unit of interest in any investment trust regulated under the laws of this state or any other interest in an investment entity;
 - (4) Cemetery lots; or
 - (5) An interest in oil, gas, minerals or building materials which are not or hereafter severed from the surface ownership or real property.
- (d) "Subdivision" does not apply to creation of parcels of more than (10) acres for agricultural purposes if a street, road or highway opening, widening or easement of any kind is not involved.
- (e) For the purposes of the definition "subdivision," any interest in land created or established as joint tenancy or a tenancy in common shall be a single interest and not an interest in common, if, and only if, the use or development or the proposed use or development of such land would not be a subdivision as defined in this section if undertaken or proposed by a single entity, whether corporate or an individual. See "Major Subdivision" and "Minor Subdivision."

Substantial Improvement. "Substantial improvement" means any repair, reconstruction, additions or other improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure either before the improvement or addition is started or, if the structure has been damaged, before the damage occurred, regardless of the actual repair work performed. For the purpose of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. "Substantial improvement" does not include:

- (a) Any project for improvement of a structure to comply with existing state or local health, sanitary or safety code specifications; or
- (b) Any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.
 - (1) "Substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure; and
 - (2) "Substantial improvement" does not include improvement of a structure solely to comply with existing state or local health, sanitary or safety code specifications, or any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

Suburban Regulatory Zones. "Suburban regulatory zones" means the Low Density Suburban Regulatory Zone, Medium Density Suburban Regulatory Zone, and High Density Suburban Regulatory Zone.

Surface Runoff. "Surface runoff" means water that results from precipitation which is not absorbed by the soil, evaporated into the atmosphere or entrapped by ground surface depressions and vegetation, and which flows over the ground surface to adjoining properties, storm drains or waterways.

Surveyor. "Surveyor" means a land surveyor registered pursuant to NRS Chapter 625.

Temporary Employee Housing. "Temporary employee housing" means housing for employees of an isolated industrial, mining, railroad, highway, utilities or agricultural based use where those employees occupy the housing on a seasonal basis not more than six (6) months per year. This development may occur on a single parcel or multiple parcels.

Tentative Parcel Map. "Tentative parcel map" means a map which is filed pursuant to Article 606, conforming to the standards and requirements set forth therein.

Tentative Subdivision Map. "Tentative subdivision map" means a preliminary map made to show lot lines, roads, buildings, rights-of-ways and other design factors of a proposed subdivision.

Terrace. "Terrace" means a relatively level step constructed in the face of a graded slope surface for drainage, maintenance and/or development purposes.

Threatened Species. "Threatened species" means any species which is likely to become an endangered species within the foreseeable future and which has been designated in the Federal Register as a threatened species.

Through Lot. See "Lot, Through."

Topography. "Topography" means configuration of a surface, including its relief and the position of natural and man-made features.

Topsoil. "Topsoil" means the upper part of the soil profile that is relatively rich in humus, known in agronomy as the "A-horizon."

Total Developed Land Area. "Total developed land area" means that portion of a property which is disturbed for development purposes including, but not limited to, areas covered by buildings, landscaping, impervious surfaces and other areas graded or excavated to support the development.

Trailer Coach. See "Mobile Home."

Travel Trailer. See "Recreational Vehicle."

Tree. "Tree" means a large, woody perennial plant with one main trunk or multiple trunks, and many branches.

Unladen Weight. "Unladen weight" means the weight of any vehicle without load, but fully equipped with accessories and appliances belonging to and used by such vehicle in the transportation of persons or property.

Uplighting. "Uplighting" means a source of light where the center of the light beam is at an angle greater than the horizontal.

Urban Regulatory Zones. "Urban regulatory zones" means the Low Density Urban Regulatory Zone, Medium Density Urban Regulatory Zone, and High Density Urban Regulatory Zone.

Use or Land Use. "Use" or "land use" means the primary or primary and secondary use(s) of land such as single family residential, multi-family residential, commercial, industrial, agriculture, etc. The description of a particular land use should convey the dominant character of a geographic area and, thereby, establish types of activities which are appropriate and compatible with primary use(s).

Used. "Used" includes "arranged," "designed" or "intended to be used."

Vegetation, Native. "Native vegetation" means plants that grow naturally in Washoe County, Nevada and have adapted to the climate, soil, location and rainfall patterns of their area.

Vegetation, Natural. "Natural vegetation" means plants which exist on a site before clearing or grading.

Viewshed. "Viewshed" means the surface area that can be seen from a specific viewpoint.

Vista. "Vista" means an area of high ground or projecting earth from which there is a dominant and unobstructed view of surrounding areas.

Watercourse. "Watercourse" means any natural or artificial watercourse, stream, river, creek, ditch, channel, canal, conduit, culvert, drain, gully, ravine, arroyo or wash in which water flows in a definite channel, bed or bank.

Waters of the State (Defined) (Nevada Revised Statutes 445A.415). "Waters of the State" means all waters situated wholly or partly within or bordering upon the State of Nevada, including, but not limited to:

- (a) All streams, lakes, ponds, impounding reservoirs, marshes, water courses, waterways, wells, springs, irrigation systems and drainage systems; and
- (b) All bodies or accumulations of water, surface and underground, natural or artificial.

Wetland. "Wetland" means an area that is periodically inundated or saturated by surface or groundwater on an annual or seasonal basis, that displays hydric soils, and that typically supports or is capable of supporting hydrophytic vegetation.

Wetlands (COE and EPA) (Regulatory). "Wetlands (COE and EPA)" means the U.S. Army Corps of Engineers (COE) and the U.S. Environmental Protection Agency (EPA) have adopted a regulatory definition for administering the Section 404 permit program of the Clean Water Act (CWA) as follows: [Wetlands are] those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas.

Wetlands (NRCS) (Technical). "Wetlands (NRCS)" mean the (U.S. Department of Agriculture) Natural Resources Conservation Service (NRCS) [formerly the Soil Conservation Service (SCS)] uses the following definition for identifying wetlands on agricultural land in assessing farmer eligibility for U.S. Department of Agriculture program benefits under the "Swampbuster" provision of the Food Security Act (FSA) of 1985. As amended in 1990, the FSA states that the term "wetland," except when such term is part of the term "converted wetland," means land that:

- (a) Has a predominance of hydric soils;
- (b) Is inundated or saturated by surface or ground water at a frequency and duration sufficient to support a prevalence of hydrophytic vegetation typically adapted for life in saturated soil conditions; and
- (c) Under normal circumstances does support a prevalence of such vegetation.

Will Serve Letter. "Will serve letter" means a letter from a utility purveyor assuring the provision of services for proposed development.

Yard. "Yard" means an open space on the same lot or parcel used with the building, extending from the setback line to the nearest lot line, to be unoccupied and unobstructed except as provided in the Development Code.

Yard, Front. "Front yard" means a yard lying between the setback line and the front lot line and extending across the full width of the lot or parcel.

Yard, Rear. "Rear yard" means a yard between the setback line and the rear lot line and extending across the full width of the lot or parcel.

Yard, Side. "Side yard" means a yard lying between the setback line and the side lot line and extending from the front yard line to the rear yard line.

Zone or Regulatory Zone. "Zone" or "regulatory zone" means a portion of the unincorporated area of Washoe County which is specifically designated in Article 106 of this Development Code.

[Amended by Ord. 867, provisions eff. 5/27/93; Ord. 873, provisions eff. 6/7/93; Ord. 890, provisions eff. 11/29/93; Ord. 893, provisions eff. 3/4/94; Ord. 899, provisions eff. 5/31/94; Ord. 916, provisions eff. retro. to 5/26/93; Ord. 942, provisions eff. 4/1/96; Ord. 965, provisions eff. 10/1/96; Ord. 1076, provisions eff. 10/1/99; Ord. 1088, provisions eff. 1/28/00; Ord. 1089, provisions eff. retro to 1/1/00; Ord. 1091, provisions eff. 4/28/00; Ord. 1102, provisions eff. 8/11/00; Ord. 1112, provisions eff. 2/15/01; Ord. 1140, provisions eff. 12/31/01; Ord. 1156, provisions eff. 3/22/02; Ord. 1234, provisions eff. 05/21/04; Ord. 1238, provisions eff. 6/4/04; Ord. 1288 and 1290, provisions eff. 3/24/06; Ord. 1347, provisions eff. 11/2/07; Ord. 1356, provisions eff. 12/21/07.]

Article 904

NONCONFORMANCE

[This Article amended in its entirety by Ord. 889, provisions eff. 11/29/93; Ord. 899, provisions eff. 5/31/94.]

Sections:

110.904.00	Purpose
110.904.05	Finding of Incompatibility
110.904.10	Types of Nonconformance
110.904.15	Nonconforming Lot
110.904.20	Nonconforming Use of Land
110.904.25	Nonconforming Use of a Structure
110.904.30	Nonconforming Structure
110.904.35	Nonconforming Development
110.904.40	Replacement Cost
110.904.45	Nonconforming Public Use
110.904.50	Historic Building, Structures or Sites
110.904.55	Illegal Lots and Use of Structures and Land within a Sphere of Influence
110.904.60	Requirement for Bringing a Nonconforming Use of Land or Nonconforming Use of a Structure into Compliance with the Provisions of the Development Code

Section 110.904.00 Purpose. The intent of this article, Article 904, Nonconformance, is to regulate lots, structures and uses of land and structures which were lawful before the adoption or amendment of this Development Code, but which no longer comply. The additional intent of this article is to permit those nonconformities to continue until they are removed or required to be terminated, but not to encourage their continuance.

Section 110.904.05 Finding of Incompatibility. Nonconforming uses and structures are declared to be incompatible with permitted uses, structure and standards in the regulatory zones involved. They shall not be enlarged upon, expanded, extended or replaced, not be used as ground for adding other structures or uses prohibited elsewhere in the same regulatory zone, except as may be expressly permitted in this article.

Section 110.904.10 Types of Nonconformance. This article regulates the categories of nonconformance listed below in this section. If a nonconforming use falls into two (2) or more categories, it shall be subject to the regulations of each category.

- (a) **Nonconforming Lot.** A lot which was legal when brought into existence but does not conform to the current lot size or shape requirements of the regulatory zone where it is located. A nonconforming lot is subject to the provisions of Section 110.904.15.
- (b) **Nonconforming Use of Land.** A use which does not involve a structure and which was legal when brought into existence but does not conform to the current

uses allowed in the regulatory zone where it is located. A nonconforming use of land is subject to the provisions of Section 110.904.20.

- (c) Nonconforming Use of a Structure. A use which is conducted at least partially within a structure and which was legal when brought into existence but does not conform to the current uses allowed in the regulatory zone where it is located. A nonconforming use of structure is subject to the provisions of Section 110.904.25.
- (d) Nonconforming Structure. A building or structure which was legal when brought into existence but does not conform to the current height, setback or coverage requirements of the regulatory zone where it is located. A nonconforming structure is subject to the provisions of Section 110.904.30.
- (e) Nonconforming Development. A development which was legal when brought into existence but does not conform to the current parking, loading or landscaping requirements of the regulatory zone where it is located. A nonconforming development is subject to the provisions of Section 110.904.35.

Section 110.904.15 Nonconforming Lot. A nonconforming lot containing a building or structure may continue to be used as a building site as long as other provisions of this article, including yard, coverage, sewer, water and drainage requirements, are met. A nonconforming lot may be used as a building site, provided the access requirements, building setback requirements, and infrastructure requirements of this Development Code are met.

Section 110.904.20 Nonconforming Use of Land. The nonconforming use of land shall be subject to the provisions of this section.

- (a) Continuation. A nonconforming use of land may be continued as long as it remains otherwise lawful, subject to the following provisions:
 - (1) Any structure associated with such use shall not be enlarged or increased more than ten (10) percent, nor the use extended to occupy an area of land greater than ten (10) percent than was occupied on the effective date of this article;
 - (2) If such a use ceases for any reason for a period of more than twelve (12) consecutive months, any subsequent use of such land shall conform to the requirements of this Development Code for the regulatory zone in which it is located; and
 - (3) The storage of inoperable vehicles in contravention to the provisions of the Development Code shall not be considered a nonconforming use and shall be required to conform to the provisions of this Development Code.
- (b) Adding New Uses or Structures. When a nonconforming use exists on any lot, no new use or structure shall be established or built on such lot unless the lot area, dimensions and yards provided for each existing and proposed use or structure conform to the requirements of this Development Code for the regulatory zone in which the lot is located.
- (c) Change to Another Nonconforming Use. A nonconforming use of land shall not be changed to another nonconforming use of land.

Section 110.904.25 Nonconforming Use of a Structure. The nonconforming use of a structure shall be subject to the provisions of the section.

- (a) **Continuation.** A nonconforming use of a structure may be continued as long as it remains otherwise lawful, subject to the following provisions:
- (1) A structure devoted to a nonconforming use shall not be enlarged more than ten (10) percent, extended, constructed, reconstructed, moved or structurally altered;
 - (2) Any structure in which a nonconforming use is superseded by an allowed use shall thereafter conform to the regulations for the regulatory zone in which such structure is located, and the nonconforming use may not thereafter be resumed;
 - (3) Any nonconforming use may be extended throughout such parts of a structure as were manifestly arranged or designed for such use at the time of adoption of this article, but no such use shall be extended to occupy any land outside such structure;
 - (4) When a nonconforming use of a structure is discontinued or abandoned for twelve (12) consecutive months, the structure shall not thereafter be used except in conformance with the regulations of the regulatory zone in which it is located; and
 - (5) When a nonconforming structure has been partially or totally destroyed, the nonconforming use of the structure may be rebuilt provided a building permit is acquired within six (6) months of the damaging event.
- (b) **Adding New Structures.** When a nonconforming use exists in any structure, no new use or structure shall be established or built on the lot where the structure is located unless the lot area, dimensions and yards provided for each existing and proposed use or structure conform to the requirements of this Development Code for the regulatory zone in which the lot is located.

Section 110.904.30 Nonconforming Structure. A nonconforming structure shall be subject to the provisions of this section.

- (a) **Continuation.** Any nonconforming structure may be continued as long as it remains otherwise lawful, subject to the following provisions:
- (1) Such structure may not be enlarged more than ten (10) percent or altered except as specifically provided for by this section;
 - (2) If the use ceases for any reason for more than twelve (12) consecutive months, any subsequent use of the structure shall conform to the requirements of the Development Code for the regulatory zone in which it is located;
 - (3) If a structure is partially or totally destroyed, the nonconforming use of the structure may be rebuilt, provided a building permit is acquired within six (6) months of the damaging event;

- (4) Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the regulatory zone in which it is located;
 - (5) Such structure may be remodeled or repaired provided that the cost of such remodeling or repair is not more than fifty (50) percent of its replacement cost and that the structure is not enlarged more than ten (10) percent, as it existed at the time of adoption or amendment of this Development Code;
 - (6) Nothing in this article shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any County or state official charged with protecting the public health or safety, upon order of such official; and
 - (7) On any property whose boundary was adjusted on or before June 13, 1981, a nonconforming structure which exists and is in nonconformance when this ordinance is adopted, and which is subsequently destroyed or removed from the property may be replaced by a structure appropriate to the same use within six (6) months.
- (b) Adding New Uses or Structures. When a nonconforming structure exists on any lot, no new use or structure shall be established or built on such land unless the lot area, dimensions and yards provided for each existing and proposed use or structure conform to the requirements of this Development Code for the regulatory zone in which the lot is located.

Section 110.904.35 Nonconforming Development. A nonconforming development shall be subject to the provisions of this section. Existing conforming buildings or uses whose off-street parking and loading do not conform to the provisions of this Development Code may be expanded or have facilities added, and one conforming use may be changed to another, provided that the requirements for off-street parking and loading spaces are complied with in accordance with Article 410.

Section 110.904.40 Replacement Cost. In the absence of proof to the contrary, replacement cost as used in this article shall mean the assessed value of the building or structure at the time of the destruction.

Section 110.904.45 Nonconforming Public Use. Additions, extensions or alterations may be made to any nonconforming public use including, but not limited to, schools, parks, libraries and fire stations, if the addition, extension or alteration meets the provisions of this section.

- (a) Expansion. The addition, extension or alteration shall not extend beyond the boundaries of the site in existence when the use became nonconforming.
- (b) Parking. The addition, extension or alteration shall not infringe upon any off-street parking required by this Development Code.

Section 110.904.50 Historic Building, Structures or Sites. Notwithstanding any other provisions of this article, a building, structure or site which is listed on the National Register of Historic Places or the State Register of Historic Places shall be allowed to continue to exist and be repaired, restored or reconstructed as long as it complies with federal and state regulations and statutes regarding historic buildings, structures and sites. The building, structure or site may be expanded upon approval of a special use permit.

Section 110.904.55 Illegal Lots and Use of Structures and Land within a Sphere of Influence. The creation of a lot, or the use of a structure or land, that occurred in contravention to the provisions of Section 110.106.30 and which was created prior to November 29, 1993 shall be considered an illegal use and not subject to the provisions of this article.

Section 110.904.60 Requirement for Bringing a Nonconforming Use of Land or Nonconforming Use of a Structure into Compliance with the Provisions of the Development Code. Except as provided for in this article, a nonconforming use of land or a nonconforming use of a structure shall be brought into conformance with the provisions of this Development Code at the time that a ministerial permit (e.g. building permit) is issued, or at the time that an approved discretionary permit (e.g. special use permit) becomes effective.

Article 906

FEES

*[Section 110.906.15 entitled "Simultaneous Applications" repealed by Ord. 959, provisions eff. 7/26/96.
This Article amended in its entirety by Ord. 1137, provisions eff. 12/1/01.]*

Sections:

110.906.00	Purpose
110.906.05	Fee Schedule
110.906.10	Exempt Entities
110.906.20	Expired Approval
110.906.25	Amendment to Approval
110.906.30	Specialists
110.906.35	Refund of Application Fees

Section 110.906.00 Purpose. The purpose of this article, Article 906, Fees, is to provide information on fees required for actions pursuant to this Development Code.

Section 110.906.05 Fee Schedule. The fees for processing applications shall be as set forth in the master fee schedule adopted by resolution by the Board of County Commissioners.

Section 110.906.10 Exempt Entities. No fees shall be required pursuant to this article of a governmental entity or agency thereof.

Section 110.906.20 Expired Approval. If an application is made for a Master Plan amendment, Regulatory Zone map amendment, or tentative subdivision map for which application has been previously made and has expired, and if the new application does not increase the scope or size of the change, map, project or the subject of the expired application, the applicant shall pay the application fee minus those amounts required to be paid for each dwelling unit, acre of land, or square foot of floor area.

Section 110.906.25 Amendment to Approval. If an applicant has previously received approval of, or a resolution of intent to approve, a Master Plan amendment, Regulatory Zone map amendment, or tentative subdivision map, and the applicant proposed an amendment to the approved Master Plan amendment, Regulatory Zone map amendment, or map or an amendment to the conditions contained in the resolutions of intent, the applicant shall submit an application for such amendment and shall pay the following:

- (a) The applicable fee minus the amounts payable for each dwelling unit, acre of land or square foot of floor area which was included in the original application; and
- (b) The applicable fee for each dwelling unit, acre of land or square foot of floor area which exceeds the number of units, acres or square feet included in the original application.

Section 110.906.30 Specialists. Whenever evaluation of any development application requires the use of professional assistance not available within County government, processing of the

application may be conditioned upon payment by the applicant of the reasonable cost of obtaining such assistance.

Section 110.906.35 Refund of Application Fees. The Director of the Department of Community Development shall refund development application fees based upon the following criteria:

- (a) One hundred percent (100%) of the total application fee shall be refunded if the following situations occur:
 - (1) The Director of the Department of Community Development determines that the application is not needed to accomplish the applicant's intent; or
 - (2) The applicant requests a voluntary withdrawal of the application before the application is circulated to reviewing agencies and/or the Citizen Advisory Boards, whichever first occurs.
- (b) Fifty percent (50%) of the application fee collected for services provided by the Department of Community Development shall be refunded if the applicant and the Director of the Department of Community Development mutually agree that the application should be withdrawn and that agreement is reached before the planning staff's analysis report for the application is started.
- (c) No refund (0%) of the total application fee, or the fee collected for services provided by the Department of Community Development, shall be granted once the written analysis of the application by the staff has been started.
- (d) The determination to refund, or not refund, fees may be appealed to the Board of County Commissioners within ten (10) days of the decision by the Director of the Department of Community Development.

Proposed June 22, 2010

Proposed by Commissioner Jung.

Passed July 13, 2010

Vote:

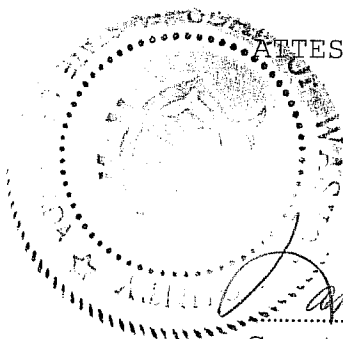
Ayes: Commissioners Humke, Weber, Yarkin, Jung & Bretowitz

Nays: Commissioners none

Absent: Commissioners none

Chairman
Washoe County Commission

ATTEST:



Jancy L. R. Chief Deputy
County Clerk

Sam Weber
Chairman of the Board



WASHOE COUNTY COMMISSION

1001 E. 9th Street
P.O. Box 11130
Reno, Nevada 89520
(775) 328-2005

**RESOLUTION
ADOPTING THE AMENDMENT TO THE
WASHOE COUNTY COMPREHENSIVE PLAN
(CP10-002 - CONVERSION TO TWO-MAP SYSTEM FOR LAND USE PLANNING),
AS CONTAINED IN EXHIBIT B**

WHEREAS, Sections 278.150, 278.170 and 278.210, Nevada Revised Statutes, specify that the Washoe County Planning Commission may prepare, adopt and amend a master (comprehensive) plan for all or any part of the County, subject to County Commission approval;

WHEREAS, Section 278.160, Nevada Revised Statutes, specifies that the master plan shall include the following subject matter or portions thereof as deemed appropriate: community design, conservation plan, economic plan, historic properties preservation plan, housing plan, land use plan, population plan, public buildings, public services and facilities, recreation plan, safety plan, seismic safety plan, solid waste disposal plan, streets and highways plan, transit plan, and transportation plan, and such other plans as judged necessary;

WHEREAS, A public hearing on the adoption of the amended WASHOE COUNTY COMPREHENSIVE PLAN, was held on May 20, 2010, by said Planning Commission;

WHEREAS, The Washoe County Planning Commission has found that the proposed amendment of the WASHOE COUNTY COMPREHENSIVE PLAN, together with the applicable maps and descriptive matter, provide a long-term general plan for the development of the County including the subject matter currently deemed appropriate for inclusion in the Comprehensive Plan, and has submitted the amendment to the WASHOE COUNTY COMPREHENSIVE PLAN to the Board of County Commissioners, Washoe County, with the recommendation for approval and adoption thereof;

WHEREAS, Section 278.220, Nevada Revised Statutes, specifies that the Board of County Commissioners of Washoe County, Nevada, may adopt and endorse plans for Washoe County as reported by the Planning Commission, in order to conserve and promote the public health, safety and general welfare;

WHEREAS, A public hearing on the adoption of the WASHOE COUNTY COMPREHENSIVE PLAN, was first held on May 21, 1991, with the most recent amendment to the WASHOE COUNTY COMPREHENSIVE PLAN being held on July 13, 2010, by the Board of County Commissioners of Washoe County, Nevada;

WHEREAS, at the conclusion of the public hearing, the Board of County Commissioners endorsed the amendment to the WASHOE COUNTY COMPREHENSIVE PLAN, pursuant to Section 278.0282, Nevada Revised Statutes, for conformance review with the Truckee Meadows Regional Plan;

10-682

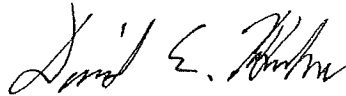
WHEREAS, A public hearing for the review of conformance of the WASHOE COUNTY COMPREHENSIVE PLAN, were first held on October 23, 1991, with the most recent amendment to the WASHOE COUNTY COMPREHENSIVE PLAN being held on September 8, 2010, by the Truckee Meadows Regional Planning Commission, at which time the plan was deemed in conformance with the Truckee Meadows Regional Plan; and

WHEREAS, The amendment to the WASHOE COUNTY COMPREHENSIVE PLAN, which is in conformance with the Truckee Meadows Regional Plan, has completed all the necessary requirements for adoption as specified in the Nevada Revised Statutes and Article 820, Amendment of Comprehensive Plan, of the Washoe County Development Code; now, therefore, it is hereby

RESOLVED, BY THE BOARD OF COUNTY COMMISSIONERS OF WASHOE COUNTY, NEVADA That the Board does hereby adopt and endorse the amended WASHOE COUNTY COMPREHENSIVE PLAN, to serve as a guide for the orderly growth and development of Washoe County, Nevada.



ADOPTED This 9th day of September, 2010.

WASHOE COUNTY COMMISSION



David E. Humke, Chair

ATTEST:

Amy Harvey, County Clerk

10-1087

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STATE OF NEVADA
COUNTY OF WASHOE

Being first duly sworn, deposes and says: That as the legal clerk of the Reno Gazette-Journal, a daily newspaper of general circulation published in Reno, Washoe County, State of Nevada, that the notice referenced below has published in each regular and entire issue of said newspaper between the dates: **07/16/2010 - 07/23/2010**, for exact publication dates please see last line of Proof of Publication below.

Signed:



JUL 23 2010

Subscribed and sworn to before me



Proof of Publication

NOTICE OF ADOPTION
WASHOE COUNTY ORDINANCE NO. 1447

BILL NO. 1628 An Ordinance amending the Washoe County Code at Chap-

ter 110, by amending the entirety of the Development
Code, including but not
limited to implementation of the
naming conventions of "Master Plan," "Regulatory

Zone," and "Zoning" which replace "Comprehensive
Plan," "Land Use
Designation," and "Planned Land
Use" where appropriate, and deleting or deleting and re-

placing obsolete references and data, and accurately re-
flecting the county's
organizational structure; deletion of
Article 816, specific plans as obsolete; changes to
Division
One, Article 106, regulatory zones to define master plan
categories and
regulatory zones and to define the relation-
ships therein, and to establish the location of
the Washoe
County regulatory zone map; Division Three, Article 302,
allowed uses
to include "Low Density Suburban 2 (LDS2)
and "Medium Density Suburban 4 (MDS4)"
as new zon-
ing designations; Division Four, Article 406 building
placement
standards to provide development standards
for Low Density Suburban 2 (LDS2) and
Medium Density
Suburban 4 (MDS4); Division 8, Article 820, amendment
of
comprehensive plan to define procedures and standards
for amending the new master plan;

1447 ✓

and finally the creation of Article 821, amendment of regulatory zone, to establish the procedures and standards for the amendment of regulatory zone boundaries, otherwise known as amendments to the zoning map, and providing other matters properly relating thereto. PUBLIC NOTICE IS HEREBY GIVEN that typewritten copies of the above-numbered and entitled ordinance are available for inspection by the interested parties at the office of the County Clerk of Washoe County, Nevada, at her office at the County Courthouse, 75 Court Street, Reno, Nevada; and that said ordinance was proposed by Commissioner Jung on June 22, 2010, and following a public hearing, was passed and adopted without amendment at a regular meeting on July 13, 2010, by the following vote of the Board of County Commissioners: Those Voting Aye: David Humke, Bonnie Weber, Bob Larkin, John Breternitz, Kitty Jung Those Voting Nay: None Those Absent: None This Ordinance shall be in full force and effect from the date the Board Chair signs the resolution adopting the Comprehensive Plan Amendments described in CP10-002. Such signature by the Chair to be made only after a determination of conformance with the 2007 Regional Plan by the Truckee Meadows Regional Planning Commission. IN WITNESS WHEREOF, the Board of County Commissioners of Washoe County, Nevada, has caused this Ordinance to be published by title only. DATED: July 14, 2010 AMY HARVEY, Washoe County Clerk and Clerk of the Board of County Commissioners No. 712006