

SUMMARY: An ordinance amending Washoe County Code at chapter 110 by making the code easier for the general public to understand and interpret, establishing an enforcement mechanism that incentivizes voluntary compliance, creating a clear system of minor and major grading activities to reduce the number of required special use permits and providing other matters properly relating thereto.

BILL NO. 1680

ORDINANCE NO. 1499

AN ORDINANCE AMENDING THE WASHOE COUNTY CODE AT CHAPTER 110, DEVELOPMENT CODE, ARTICLE 438, GRADING STANDARDS, TO MAKE THE CODE EASIER FOR THE GENERAL PUBLIC TO UNDERSTAND AND INTERPRET, ESTABLISH AN ENFORCEMENT MECHANISM THAT INCENTIVIZES VOLUNTARY COMPLIANCE, CREATES A CLEAR SYSTEM OF MINOR AND MAJOR GRADING ACTIVITIES TO REDUCE THE NUMBER OF REQUIRED SPECIAL USE PERMITS, AND INCORPORATE OTHER BENEFICIAL CHANGES AS MAY BE IDENTIFIED DURING THE PUBLIC HEARING PROCESS AND PROPERLY RELATED TO THE EFFICIENT ADMINISTRATION OF ARTICLE 438 OF THE DEVELOPMENT CODE.

WHEREAS:

A. THIS ORDINANCE IS ADOPTED PURSUANT TO A PROVISION IN NRS CHAPTER 278 AND THEREFORE IS NOT A "RULE" AS DEFINED IN NRS 237.060.

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

SECTION 1. Article 438, Grading Standards, of the Washoe County Code, as previously adopted and proposed for replacement in its entirety by the text provided in Section 3 of this Ordinance.

SECTION 2. Article 438, Grading Standards, of the Washoe County Code is hereby amended in its entirety to read as follows:

## **Article 438**

# **GRADING STANDARDS**

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### **Sections:**

110.438.00	Purpose
110.438.05	Scope
110.438.10	Permits Required
110.438.15	Grading Fees
110.438.20	Exempted Work
110.438.25	Definitions
110.438.30	Hazards
110.438.35	Major Grading Permit Thresholds
110.438.36	Major Grading Permit Application Requirements
110.438.37	Minor Grading Permit Thresholds
110.438.38	Minor Grading Permit Application Requirements
110.438.39	Financial Assurances For Grading
110.438.40	Unpermitted Grading, Stop Activity Order, Notice of Violation and Enforcement, Penalties and Procedures
110.438.41	Serial Grading Not Requiring Grading Permits
110.438.45	Grading of Slopes
110.438.50	Cuts
110.438.55	Fills
110.438.60	Setbacks
110.438.65	Drainage and Terracing
110.438.70	Erosion Control
110.438.75	Grading Inspection
110.438.77	Phasing and Stabilization of Grading
110.438.80	Notification of Completion of Work
110.438.85	Grading within Floodplains and Drainage Ways
110.438.95	Grading Plan for Tentative Maps
110.438.100	NDEP Permits

Section 110.438.00 Purpose. The purpose of this article is to safeguard life, limb, property and the public welfare as well as set standards that conserve the natural character of our hillsides and minimize disruption of the natural landscape, by regulating grading on private and public property.

Section 110.438.05 Scope. This article sets forth rules and regulations to control grading which includes clearing and grubbing, excavation, grading and earthwork construction, fills and embankments;

establishes the administrative procedure for issuance of permits; establishes the administrative procedure to respond to grading completed without first obtaining appropriate permits and provides for approval of plans and inspection of grading construction. The appropriate American Society for Testing and Materials (ASTM) materials testing standards or equivalent as approved by the County Engineer will be used as required to verify grading and earthwork construction. This article is enforceable by the County Engineer, Director of Community Development and the County Building Official as appropriate.

Section 110.438.10 Permits Required. Except as specified in Section 110.438.20, no person shall do any grading in excess of fifty (50) cubic yards of material or 10,000 square feet of grading without first having obtained a grading permit from the Building Official as enforceable under the powers of Chapter 100 and from the Department of Community Development and the County Engineer as enforceable under the powers of Chapter 110. A separate permit shall be obtained for each site, and may cover both excavations and fills.

Table 110.438.10.1  
Permits Required\*

Grading of any amount within a special flood hazard area as defined by the County Engineer or within any Drainage Facility as defined herein	Grading permit** issued by the Washoe County and possible Special Use Permit*** depending upon the amount proposed to be graded.
Grading of 50 cubic yards or less or 10,000 square feet of grading or less (outside a special flood hazard area as defined by the County Engineer and outside of any Drainage Facility)	No permit required
Minor Grading as defined at Section 110.438.37*	Grading permit issued by Washoe County
Major Grading as defined at Section 110.438.35(a)	Special Use Permit approved by the Washoe County Board of Adjustment, or Planning Commission, followed by a grading permit issued by Washoe County

\*Except as provided for in Section 110.438.20

\*\*A Grading Permit is an administrative approval through the Department of Building and Safety with the approval of the Department of Community Development and the Engineering Division.

\*\*\*A Special Use Permit requires the approval of the Board of Adjustment or Planning Commission after a public hearing.

Section 110.438.15 Grading Fees. Grading fees shall be in accordance with Chapter 100.

Section 110.438.20 Exempted Work. Exemption from the permit requirements of this article shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this article or any other laws or ordinances of this jurisdiction. A grading permit is not required for the following:

- (a) An excavation below finished grade for basements and footings of a building, retaining wall or other structure authorized by a valid building permit. This shall not exempt any fill made with the material from such excavation or exempt any excavation having an unsupported height greater than five (5) feet after the completion of such structure.
- (b) Cemetery graves.

- (c) Refuse disposal sites controlled by other regulations.
- (d) Excavations for wells.
- (e) Excavations for utilities serving individual properties.
- (f) Mining, quarrying, excavating, processing or stockpiling of rock, sand, gravel, aggregate or clay where established and provided for by law, provided such operations do not affect the lateral support or increase the stresses in or pressure upon any adjacent or contiguous property.
- (g) Exploratory excavations under the direction of soil engineers or engineering geologists.
- (h) Surface grading for leveling and maintaining existing roadways and driveways.
- (i) Excavation for sanitary septic systems.
- (j) Surface grading which does not alter the contour of the land for Crop Production use type.
- (k) Clearing of vegetation within the recommended defensible space distance of a structure for fire protection, upon the approval of a defensible space plan by the applicable fire agency, in conformance with the currently adopted International Wildland-Urban Interface Code.

Section 110.438.25 Definitions. For the purposes of this article, the definitions listed hereunder shall be construed as specified in this section.

Approval. "Approval" shall mean a determination in writing that the proposed work or completed work conforms to this article in the opinion of the County Engineer, Director of Community Development, Board of Adjustment or Planning Commission as identified in the applicable Code section.

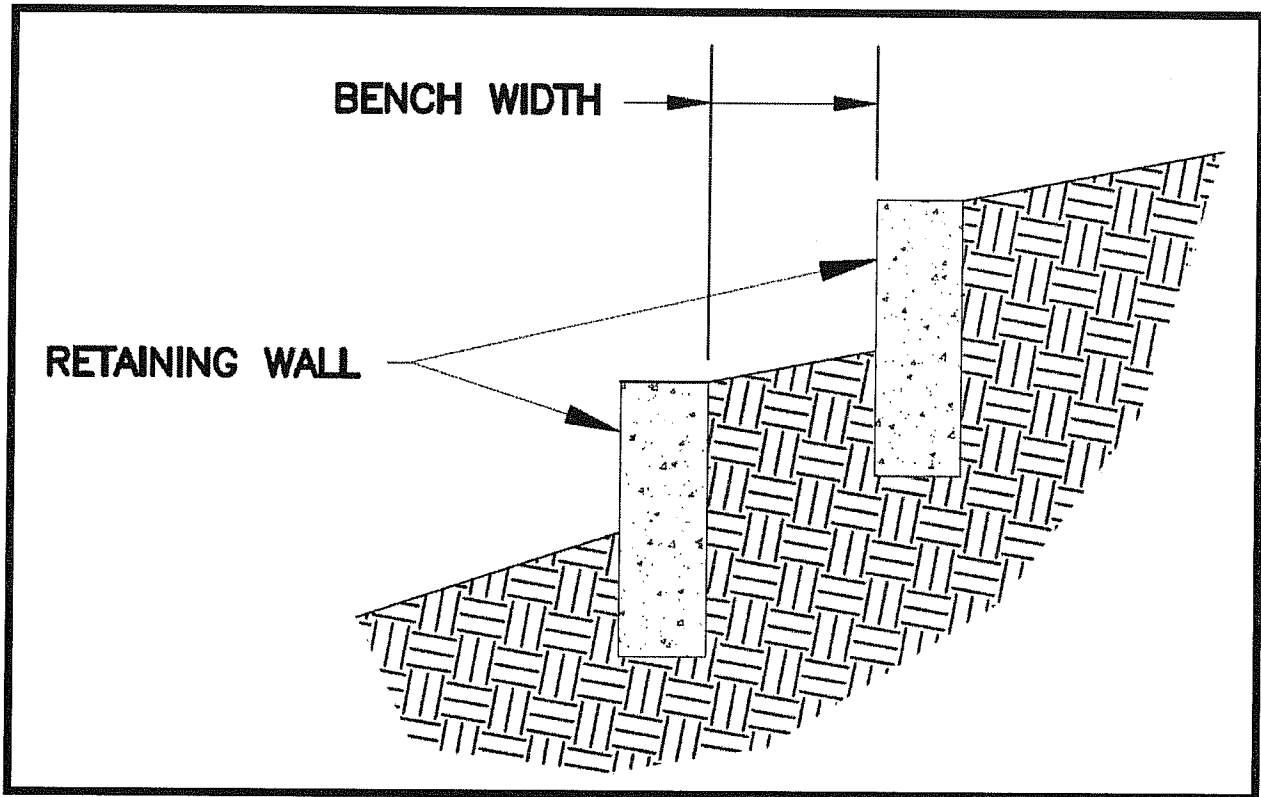
As-Graded. "As-graded" is the extent of surface conditions on completion of grading.

Bedrock. "Bedrock" is in-place solid rock.

Bench. "Bench" is a relatively level step excavated into earth material.

Bench Width. "Bench Width" is measured from the closest points of two adjacent retaining walls, as shown in Figure 110.438.25.BW.

Figure110.438.25.BW



Source: Washoe County Engineering Division

Borrow. "Borrow" is earth material acquired from an off-site location for use in grading on a site.

Civil Engineer. "Civil Engineer" is a professional engineer registered in Nevada to practice in the field of civil works.

Civil Engineering. "Civil Engineering" is the application of the knowledge of the forces of nature, principles of mechanics and the properties of materials to the evaluation, design and construction of civil works.

Clearing. "Clearing" means the removal of surface vegetation from an area or tract of land.

Cut. "Cut" means a portion of land surface which earth has been removed or will be removed by excavation.

Compaction. "Compaction" is the densification of a fill or subgrade by mechanical means.

Denuded. "Denuded" means an area that has been divested of covering or made bare.

Drainage Facility. "Drainage facility" means an engineered water conveyance facility which can include but not be limited to a paved or unpaved graded swale, a paved or unpaved graded ditch, a gutter, a culvert, a trench drain, a catch basin, a drop inlet, a bio retention swale, a detention/retention basin, an infiltration basin, a dam, a pond (especially those in a series), a wetland or a natural drainage-way with the approval of the County Engineer.

Earth Material. "Earth material" is any rock, natural soil or fill or any combination thereof.

Earthen Structure, Permanent. "Permanent earthen structure" means earthen material placed so as to create a berm, bench or similar structures: (1) which the plans show will remain at the completion of the work; or (2) which will remain for more than one year under separate permit and approvals for purposes of storage until a use for the soil is found elsewhere.

Earthen Structure, Temporary. "Temporary earthen structure" means earthen material placed so as to create a berm, bench or similar structures that the plans show will not remain at the completion of the work.

Engineering Geologist. "Engineering geologist" is a geologist experienced and knowledgeable in engineering geology.

Engineering Geology. "Engineering geology" is the application of geologic knowledge and principles in the investigation and evaluation of naturally occurring rock and soil for use in the design of civil works.

Erosion. "Erosion" is the wearing away of the ground surface as a result of the movement of wind, water or ice.

Excavation. "Excavation" is the mechanical removal of earth material.

Existing Grade. "Existing grade" is the grade prior to new grading activity.

Fill. "Fill" is a deposit of earth material placed by artificial means.

Final Stabilization. "Final stabilization" means the placement of permanent structures, pavement, parking areas, landscaped areas, revegetation and other required improvements upon areas previously disturbed by grading activity.

Finish Grade. "Finish grade" is the final grade of the site that conforms to the approved plan.

Gabion. "Gabion" means a container or basket fabricated of thick galvanized wire, filled with stone.

Geotechnical Engineer. See "soils engineer."

Grade. "Grade" is the vertical location of the ground surface.

Grading. "Grading" is any clearing, excavation, cutting, filling, or other disturbance of the natural state of the landform or natural vegetation and/or any combination thereof.

Grading, Major. "Major Grading" is defined in Section 110.438.35.

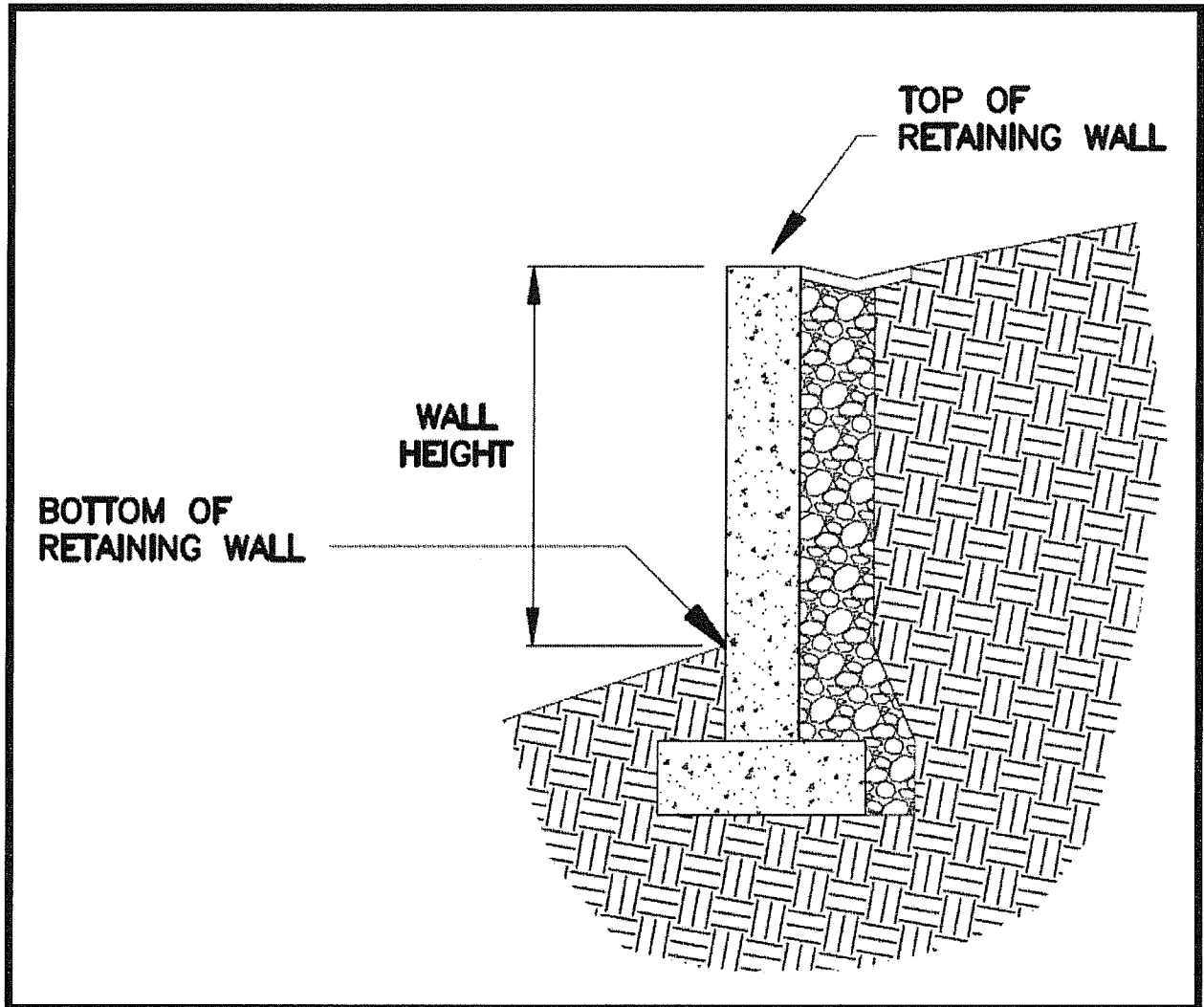
Grading, Minor. "Minor Grading" is defined in Section 110.438.37.

Key. "Key" is a designed compacted fill placed in a trench excavated in earth material beneath the toe of a proposed fill slope.

Professional Inspection. "Professional inspection" is the inspection required by this code to be performed by a civil engineer, soils engineer or engineering geologist licensed in Nevada. Such inspections include that performed by persons supervised by such engineers or geologists and shall be sufficient to form an opinion relating to the conduct of the work.

Retaining Wall Height. "Retaining wall height" is the exposed height of the retaining wall from finished grade at the bottom of the wall to the top of the wall (see Figure 110.438.25.RWH)

Figure 110.438.25.RWH



Source: Washoe County Engineering Division

Riprap. "Riprap" consists of large pieces of angular rock [usually six (6) to thirty (30) inches in diameter] which have undergone only primary crushing and sizing, or larger, uncrushed pieces. Riprap is used to permanently stabilize slopes and construct erosion-control structures.

Rough Grade. "Rough grade" is the stage at which the grade approximately conforms to the approved plan.

Site. "Site" is any lot or parcel of land or contiguous combination thereof, under the same ownership, where grading is performed or permitted.

Slope. "Slope" is an inclined ground surface, the inclination of which is expressed as a ratio of horizontal distance to vertical distance.

Soil. "Soil" is naturally occurring superficial deposits overlying bedrock.

Soils Engineer (or Geotechnical Engineer). "Soils engineer" or "geotechnical engineer" is an engineer experienced and knowledgeable in the practice of soils engineering (geotechnical engineering).

Soils Engineering (Geotechnical Engineering). "Soils engineering" or "geotechnical engineering" is the application of the principles of soils mechanics in the investigation, evaluation and design of civil works involving the use of earth materials and the inspection or testing of the construction thereof.

Special Flood Hazard Area. "Special flood hazard area" means the land area covered by the floodwaters of the base flood is the Special Flood Hazard Area (SFHA) on NFIP (National Flood Insurance Program) maps. The SFHA is the area where the NFIP's floodplain management regulations must be enforced and the area where the purchase of flood insurance is mandatory.

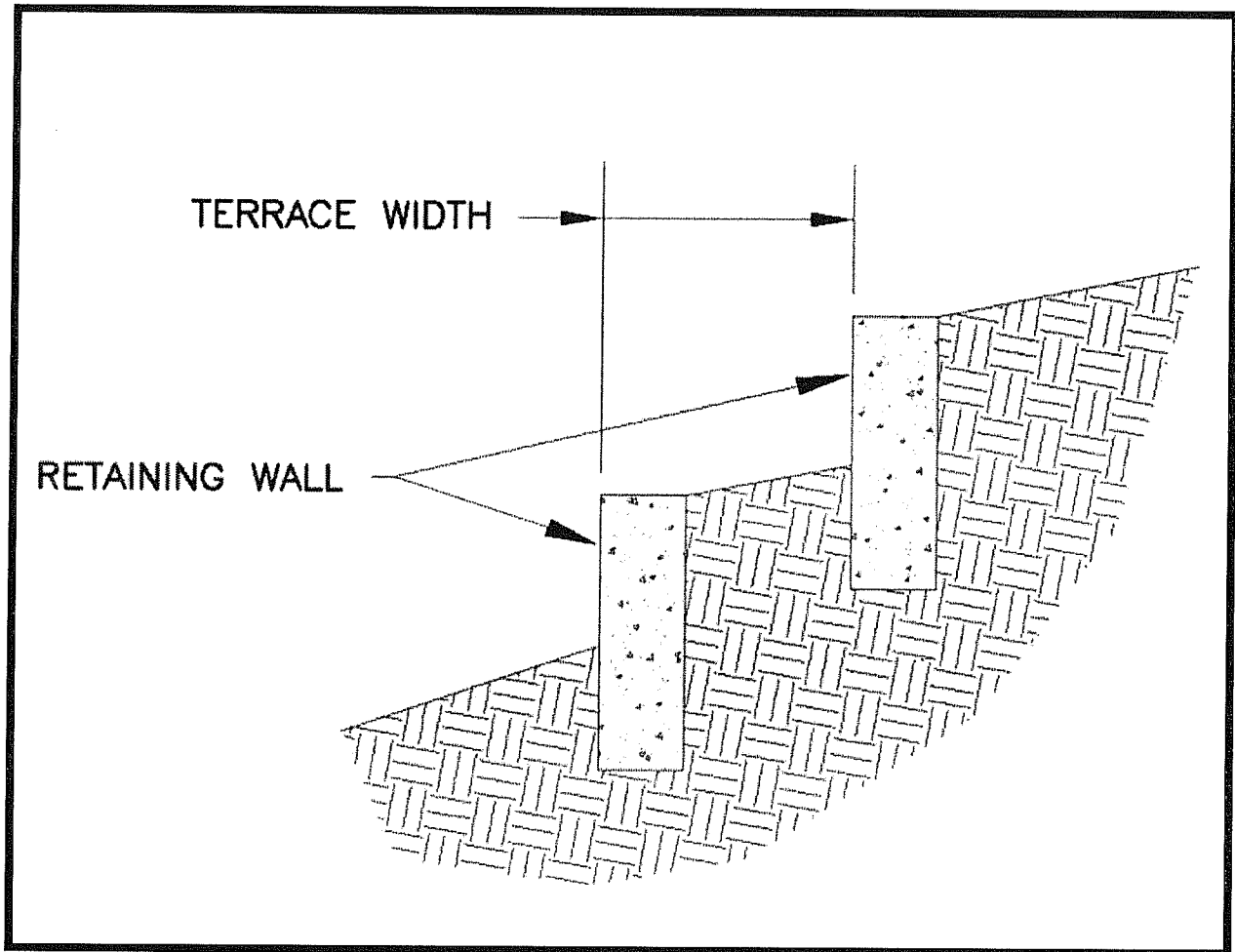
Stabilized Soil. "Stabilized soil" means earth or soil treated by the application of other materials such as rock, chemical palliatives or vegetation to inhibit creation of dust and erosion by wind or water.

Terrace. "Terrace" is a relatively level step constructed in the face of a graded slope surface for drainage and maintenance purposes.

Terrace Width. "Terrace Width" the width of a relatively level step constructed in the face of a graded slope or between two retaining walls (see Figure 110.438.25.TW).



Figure 110.438.25.TW



Source: Washoe County Engineering Division

Section 110.438.30 Hazards. Whenever the Building Official or County Engineer determines that any existing excavation or embankment or fill on private property has become a hazard to life and limb, or endangers property, or adversely affects the safety, use or stability of a public way or drainage channel, the owner of the property upon which the excavation or fill is located, or other person or agent in control of said property, upon receipt of notice in writing from the Building Official or County Engineer, shall within the period specified therein repair or eliminate such excavation or embankment to eliminate the hazard and to be in conformance with the requirements of this code.

Section 110.438.35 Major Grading Permit Thresholds.

- (a) Major Grading Permits (Grading Requiring a Special Use Permit). A special use permit, pursuant to Article 810, is required for all major grading. Major Grading is any clearing, excavating, cutting, filling, grading, earthwork construction, earthen structures and storage of earth, including fills and embankments that meet or exceed any one or more of the following thresholds (for the purposes of this Section the County Engineer shall determine the slope of the project area):

- (1) Grading on slopes of less than (flatter than) fifteen (15) percent :

- (i) Area:
  - (A) Grading of an area of one (1) acre (43,560 square feet) or more on parcels less than six (6) acres in size; or
  - (B) Grading of twenty (20) percent or more [up to a maximum of four (4) acres] of the area of the parcel on parcels six (6) acres or greater in size; or
  - (C) Grading of and area of more than four (4) acres on a parcel of any size; or

- (ii) Volume:
  - (A) Excavation of five thousand (5,000) cubic yards or more whether the material is intended to be permanently located on the project site or temporarily stored on a site for relocation to another, final site; or
  - (B) Importation of five thousand (5,000) cubic yards or more whether the material is intended to be permanently located on the project site or temporarily stored on a site for relocation to another, final site; or

(2) Grading on slopes of fifteen (15) percent or greater (steeper):

- (i) Area:
  - (A) Grading of one-half ( $\frac{1}{2}$ ) acre (21,780 square feet) or more on parcels less than six (6) acres in size; or
  - (B) Grading of ten (10) percent or more of the area of the parcel on parcels six (6) acres or greater in size; or
  - (C) Grading of more than two (2) acres on any size parcel; or

- (ii) Volume:
  - (A) Excavation of one thousand (1,000) cubic yards or more whether the material is intended to be permanently located on the project site or temporarily stored on a site for relocation to another, final site; or
  - (B) Importation of one thousand (1,000) cubic yards or more whether the material is intended to be permanently located on the project site or temporarily stored on a site for relocation to another, final site; or

- (3) Any driveway or road that traverses any slope of thirty (30) percent or greater (steeper); or
- (4) Grading to construct a permanent earthen structure greater than four and one-half (4.5) feet in height within the required front yard setback, or greater than six (6) feet in height on the remainder of the property. The height of an earthen structure is measured from existing grade at the time of permit issuance; or

- (5) Grading within a Special Flood Hazard Area that results in importation and placement of more than one thousand (1,000) cubic yards of fill material; or
  - (6) The creation of a dam structure that holds (retains) more than twenty-five thousand (25,000) cubic feet of water; or
  - (7) Any grading in the Critical Stream Zone Buffer Area (CSZBA) of any Significant Hydrologic Resource (SHR) as defined by Article 418, Significant Hydrologic Resources.
- (b) A special use permit is not required for:
- (1) Earthwork performed by the subdivider or developer of an approved subdivision, or other projects that has completed a hearing process and review pursuant to which mitigation conditions could have been attached in the same manner as in the special use permit process.
  - (2) Public utilities within the public right-of-way or a public utility easement.
  - (3) The area under a building footprint, paved roadway or paved parking lot on natural slopes less than (flatter than) thirty (30) percent .
  - (4) The area and volume of excavation required for landscaped areas devoted to and maintained with a mixture of new native and ornamental 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 walls, as shown on approved grading plans, that include landscaping in accordance with standards for commercial uses pursuant to Article 412, Landscaping.
  - (5) Areas disturbed by animal production, crop production, and the growing and harvesting of forest products that does not result in a change in elevation greater than three feet.
  - (6) The area and volume of excavation required for the traveled way of driveways to single-family residences, on slopes less than fifteen (15) percent. Where native soil provides inadequate stabilization, the driveway shall be stabilized with a surfacing material and method satisfactory to the County Engineer. This does not exempt the area and volume of any adjacent cut and fill slopes.
  - (7) Grading for stabilization and restoration of areas damaged by natural disaster such as wildfire or flooding. Plans must include detailed stabilization specifications to the satisfaction of the County Engineer.

Section 110.438.36 Major Grading Permit Application Requirements.

- (a) Major Grading Permit Application Requirements. Major grading is equal to or greater than the limiting quantities for a special use permit as in Section 110.438.35. Application for a special use permit for grading (major grading) requires the following:

- (1) Application for a major grading permit shall be accompanied by plans and specifications, and supporting data consisting of a soils engineering report and, when required by the County Engineer, an engineering geology report. The plans and specifications shall be prepared and signed by an individual licensed by the State of Nevada to prepare such plans or specifications. This individual shall be considered as the engineer or architect of record unless otherwise approved by the County Engineer.
- (2) Specifications shall contain information covering construction and material requirements.
- (3) Plans shall be drawn to scale and shall be of sufficient clarity to indicate the nature and extent of the work proposed and show in detail that the work will conform to the provisions of this code and all relevant laws, ordinances, rules and regulations. The first sheet of each set of plans shall give the location of the work, the name and address of the owner, and the person by whom they were prepared.
- (4) Financial Assurances acceptable to the County Engineer, prior to approval of a grading permit to commence work in accordance with an estimate acceptable to the County Engineer for completion of the grading request as defined at Section 110.438.39.
- (5) The plans shall include the following information:
  - (i) General vicinity of the proposed site.
  - (ii) Property limits and accurate contours of existing ground and details of terrain and area drainage.
  - (iii) All finish grade elevations, high point locations, limiting dimensions, and finished contours to be achieved by grading, and all drainage swales, natural drainage ways, and drainage easement locations both on-site and immediately off-site as needed to verify the proposed drainage system.
  - (iv) Detailed plans of all surface and subsurface drainage devices, walls, cribbing, dams and other protective devices to be constructed with, or as a part of, the proposed work, together with a map showing the drainage area and the estimated runoff of the area served by any drains. All disturbed areas and cut and fill volumes shall be quantified and shown on the plans. Plans shall include diversion of runoff away from denuded slopes or other critical areas, as determined by the County Engineer, by means of barriers or ditches.
  - (v) Location of any buildings or structures on the property where work is to be performed and the location of any buildings or structures on land of adjacent owners that are within fifteen (15) feet of the property line or that may be affected by the proposed grading operations.
  - (vi) Recommendations included in the soils engineering report and the engineering geology report shall be incorporated in the grading plans or specifications. When approved by the County Engineer, specific

recommendations contained in the soils engineering report and the engineering geology report, which are applicable to grading, may be included by reference.

- (vii) The dates of the soils engineering and engineering geology reports together with the names, addresses and phone numbers of the firms or individuals who prepared the reports.
  - (viii) The destination of excavated material not used on site, how it will be used at its end destination and the location of temporary material storage site(s).
  - (ix) Plans shall provide for preservation of trees and natural vegetation, wherever practical.
  - (x) One (1) set of the following application materials and information shall be submitted in digital format. The digital files provided shall match those used for any exhibits and/or acreage information contained in the original paper application. Preferred file format will be compatible with ESRI Geographic Information System (GIS) software technology (AutoCAD files are acceptable but should only include the relevant layer information necessary to satisfy the requirements noted, and be formatted in a coordinate system acceptable to Washoe County).
    - (A) The location and limits of all grading work to be done including proposed contours, cuts, and fills (i.e. finished grade elevations).
    - (B) Proposed drainage patterns (if altering existing drainage patterns) and any walls or terraces (with proposed height); and,
    - (C) The location of proposed buildings and building envelopes.
- (6) Soils Engineering Report. The soils engineering report required by Section 110.438.36(a) shall include data regarding the nature, distribution and strength of existing soils, conclusions and recommendations for grading procedures and design criteria for corrective measures, including buttress fills, when necessary, and opinion on adequacy for the intended use of site to be developed by the proposed grading as affected by soils engineering factors, including the stability of slopes.
- (7) Engineering Geology Report. The engineering geology report required by Section 110.438.36(a) shall include an adequate description of the geology of the site, conclusions and recommendations regarding the effect of geologic conditions on the proposed development, and opinion on the adequacy for the intended use of sites to be developed by the proposed grading, as affected by geologic factors.
- (8) Liquefaction Study. The County Engineer may require a geotechnical investigation and report addressing the potential for liquefaction, for construction of a dam or when, during the course of an investigation, both of the following circumstances are discovered: shallow groundwater, fifty (50) feet or less and unconsolidated sandy alluvium.

- (9) Plans for major grading associated with the development of a commercial or industrial project or a residential subdivision shall include a plan to ensure that all disturbed areas are quickly stabilized to minimize the impact to human health by reducing or eliminating erosion and fugitive dust emissions. The Director of Community Development may require submittal of a phasing plan to avoid mass grading, where appropriate.
- (10) Shall include specifications for final stabilization of all disturbed areas.

**Section 110.438.37 Minor Grading Permit Thresholds.** A permit for minor grading is required for fifty (50) cubic yards of earthen material or greater or an area of ten thousand (10,000) square feet of grading of the land surface or greater, but less than the thresholds established for Major Grading.

**Section 110.438.38 Minor Grading Permit Application Requirements.**

- (a) Each application for a minor grading permit shall include grading plans that are drawn to scale and must be of sufficient clarity to indicate the nature and extent of the work proposed and show in detail that the work will conform to the provisions of this code and all relevant laws, ordinances, rules and regulations. The first sheet of each set of plans shall give the location of the work, the name and address of the owner, and the person by whom they were prepared. The plan shall include, as a minimum, the following information:
  - (1) General vicinity of the proposed site.
  - (2) Limiting dimensions and depth of cut and fill, including the quantities of all disturbed areas and volumes of cut and fill.
  - (3) Location of any buildings or structures where work is to be performed, and the location of any buildings or structures within fifteen (15) feet of the proposed grading.
  - (4) Location of all on-site drainage swales, natural drainage ways, and drainage easements both on-site and sufficient off-site locations as needed to verify the proposed drainage system.
  - (5) Property boundaries and accurate contours of existing ground and details of terrain and area drainage.
  - (6) Accurate contours of existing and proposed finish grading.
  - (7) Financial assurances as required in Section 110.438.36 for any grading in excess of one acre.
  - (8) Specifications for final stabilization of all disturbed areas.
- (b) Any application for a minor grading permit, that lacks sufficient detail and clarity, in the opinion of the County Engineer, may result in the imposition of any or all requirements for plans for Major Grading as specified in Section 110.438.36, specifically including the requirement for submission of plans prepared by a individual licensed by the State of Nevada to prepare such plans.

**Section 110.438.39 Financial Security For Grading.**

- (a) Financial security in the amount required in Section 110.438.36(a)(4) and in Section 110.438.38(a)(7) shall be provided to the County Engineer to assure that the work, if not completed in accordance with the approved plans and specifications, will be corrected to eliminate hazardous conditions, to assure completion of the work, to assure reclamation for uncompleted or completed work, and to assure correction of illegal or nonconforming work.
- (1) The amount of the financial security shall be the higher of:
    - (i) Two thousand dollars (\$2,000) per acre of disturbed area; or
    - (ii) A reclamation cost estimate when required and approved by the County Engineer.
  - (2) The County Engineer may use the financial security at any point after cessation of work. The County Engineer may choose to suspend use of the bond or financial assurance if:
    - (i) Due diligence is shown to the County Engineer;
    - (ii) The County Engineer accepts a revised schedule for completion; or
    - (iii) Events beyond control of the permittee occur.
  - (3) The applicant shall include an agreement with the County that grading shall be done as shown on the approved plans or the applicant shall restore the project site to its original undisturbed condition.
  - (4) The financial security shall be released upon determination by the County Engineer of:
    - (i) Completion of work;
    - (ii) Completion of reclamation; or
    - (iii) Correction of illegal or nonconforming work.
  - (5) After financial security is spent in whole or in part on reclamation of uncompleted work, additional financial security will be required prior to resumption of work.

Section 110.438.40 Unpermitted Grading, Stop Activity Order, Notice of Violation and Enforcement, Penalties and Procedures. Any major or minor grading, conducted prior to issuance of the appropriate permits as described in this Article and any grading inconsistent with the amount, location and/or contour approved by such a permit, is unlawful, a misdemeanor, and a public nuisance under Washoe County Code 50.308.13. This Article may be enforced by any of the remedies or procedures set out in Article 910, Enforcement. However, due to the major and irreversible impacts that grading may have on the lands of the County, special enforcement and Stop Activity Order provisions set forth below apply:

- (a) Special Enforcement Provisions. The procedural provisions in Article 910, Enforcement, regarding criminal, civil, or administrative enforcement apply to enforcement of grading violations, except as follows:

- (1) The County Engineer or his/her designee is hereby designated as an "Enforcement Official" for enforcement of this Article, in addition to a peace officer, or any person authorized to issue citations in Article 910, Enforcement. The County Engineer or his/her designee shall be the primary Enforcement Official charged with enforcement of this Article.
  - (2) A Notice of Correction shall not be used. If a violation of this Article is observed, the enforcement official will bypass the notice of correction and issue a Notice of Violation or Notice of Abatement.
  - (3) Mediation is not authorized in grading violation cases.
  - (4) If administrative enforcement procedures are used, a hearing before a hearing officer shall automatically be scheduled to occur within forty-five (45) days after the Notice of Violation or Abatement is issued.
  - (5) If an appeal of the issuance of a Notice of Violation or Notice of Abatement is made to the Board of Adjustment or an appeal (judicial review) of the Board of Adjustment's decision is requested, during the time period in which that appeal or judicial review takes place:
    - (i) Unless otherwise agreed, all grading work in progress must stop pending the outcome of the appeal and the Enforcement Official may issue and enforce a Stop Activity Order;
    - (ii) All criminal, civil or administrative proceedings shall be suspended pending the outcome of the Board of Adjustment appeal hearing, except for the issuance or enforcement of a Stop Activity Order, and further except for the commencement of abatement proceedings as provided below.
    - (iii) If the Board of Adjustment affirms the issuance of the Notice of Violation or Abatement, the criminal, civil or administrative procedures shall be resumed in order to obtain an order directing abatement and/or assessing penalties. If the Board or Court reverses the issuance of the Notice of Violation/Abatement, all proceedings shall be terminated.
  - (6) The Enforcement Official may suspend or amend any provision in a Stop Activity Order or Notice of Violation/Abatement.
  - (7) During any of the proceedings described above, if the grading in question has caused or imminently will cause a dangerous condition as defined in NRS 244.3605, the County may, abate the condition to the extent necessary to avoid causing injury to or endangering the health, life, property or safety of the general public. An example would be grading that obstructs or interferes with drainage facilities.
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- (b) Stop Activity Order. Upon reasonable suspicion that unpermitted grading has occurred or is occurring, a Stop Activity Order may be issued by a peace officer, any person authorized to issue citations in Article 910, Enforcement, or the County Engineer and/or the County Engineer's designee (the "Enforcement Official"). Upon issuance of a Stop Activity Order all grading activity on the subject site must cease. Any person who has been served with a Stop Activity Order and continues to do any work in violation of the order, except work that is directed or approved by the Enforcement Official and is immediately necessary to remove a violation or unsafe condition, shall be guilty of a misdemeanor, and each day or part of a day that the person continues to perform the work shall be a separate offense.



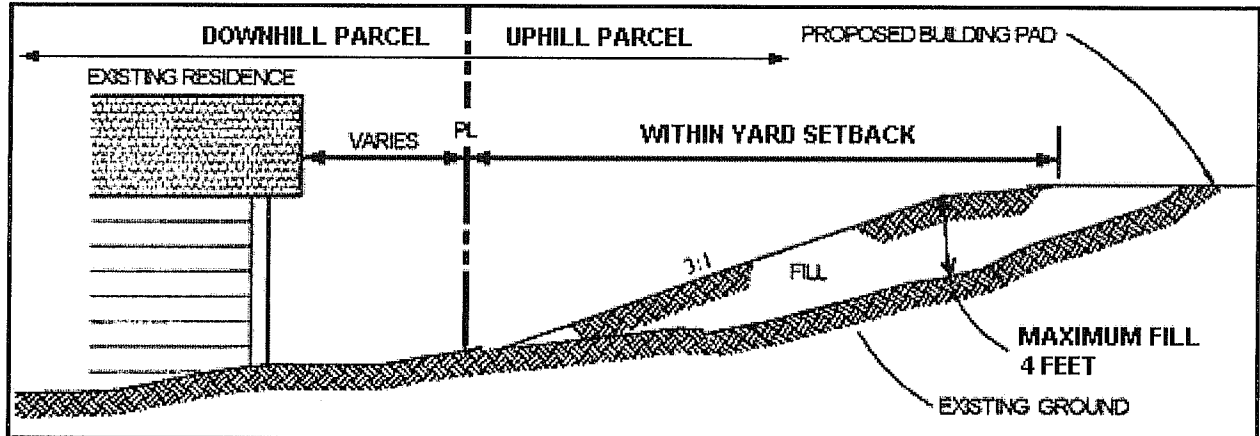
- (1) The Stop Activity Order shall:
  - (i) Describe the location and nature of grading observed and allege that it requires a grading permit or amendment of a grading permit.
  - (ii) Direct that all grading activities immediately stop until further notice and that violation of the Stop Activity Order is punishable as a public nuisance.
  - (iii) Direct that the property owner or designee appear before the County Engineer within a specified number of working days [not to exceed ten (10)] to demonstrate that his/her conduct does not violate this Code, or to appear before the County Building Official and/or the Director of Community Development to apply for the appropriate grading permit or other required authorization.
  - (iv) State the possible consequences of a failure to obey the order.
- (2) Remediation Order. The County Engineer and/or the County Engineer's designee may modify the Stop Activity Order by issuance of a "Remediation Order" to include immediate steps to be taken, and a time schedule for those steps, to remediate any identified threats to the health, safety, and welfare of the public caused by the unpermitted grading. Failure to comply with the remediation order may result in Washoe County undertaking the necessary civil, criminal and/or administrative actions as determined by the County Engineer and/or the Enforcement Official and authorized by Section 110.438.30.
- (3) Rescinding of Stop Activity Order. A Stop Activity Order may only be rescinded by:
  - (i) The Enforcement Official, when sufficient information has been provided for the County Engineer to determine that a grading permit is not required or upon the acquisition of all necessary permits, by the violator, or upon other circumstances at the discretion of the Enforcement Official when the intent of this Code has been met, or
  - (ii) Order of an Administrative Hearing Officer pursuant to Washoe County Code Chapter 125, or
  - (iii) Order of a court of competent jurisdiction.
- (4) If the violator does not immediately stop the work described in the Stop Activity Order the County may seek an immediate civil injunction against further grading and possible appropriate remedies to abate unpermitted grading or may pursue other criminal remedies.

**Section 110.438.41 Serial Grading Not Requiring Grading Permits.** Any grading of less than fifty (50) cubic yards and/or grading of less than ten thousand (10,000) square feet, shall be limited to one (1) grading project each three (3) years on any parcel of land without the issuance of a grading permit. Serial grading that results in a cumulative total greater than fifty (50) cubic yards and/or grading of more than ten thousand (10,000) square feet within any three (3) year period shall require approval of one (1) or more permits based upon the cumulative amount of all such grading.

Section 110.438.45 Grading of Slopes. The standards in this section shall apply to all grading for subdivision improvements, special use permits, or other discretionary permits. The standards in this section shall also apply to all grading for building and grading permits upon or adjacent to lots less than or equal to five (5) acres in size, and to all grading within one hundred (100) feet of all property lines on parcels greater than five (5) acres in size.

- (a) Grading shall not result in slopes in excess of, or steeper than, three horizontal to one vertical (3:1) except as provided below:
  - (1) Storm drainage improvements.
  - (2) Cut and fill slopes less than thirty (30) inches in height.
  - (3) Cut slopes proposed to be located behind civic, commercial and industrial buildings, when the cut slope is shorter than and substantially screened by the proposed building. Such slopes are subject to approval of a Director's Modification of Standards by the Director of Community Development.
  - (4) The County Engineer may waive this requirement for up to fifteen (15) percent of the length of the cut and/or fill where the presence of rock or, in his determination, other practical hardships exists.
- (b) Within the required yard setbacks fills shall not differ from the natural or existing grade by more than forty-eight (48) inches. (see Figure 110.438.45.1)

Figure 110.438.45.1  
GRADING

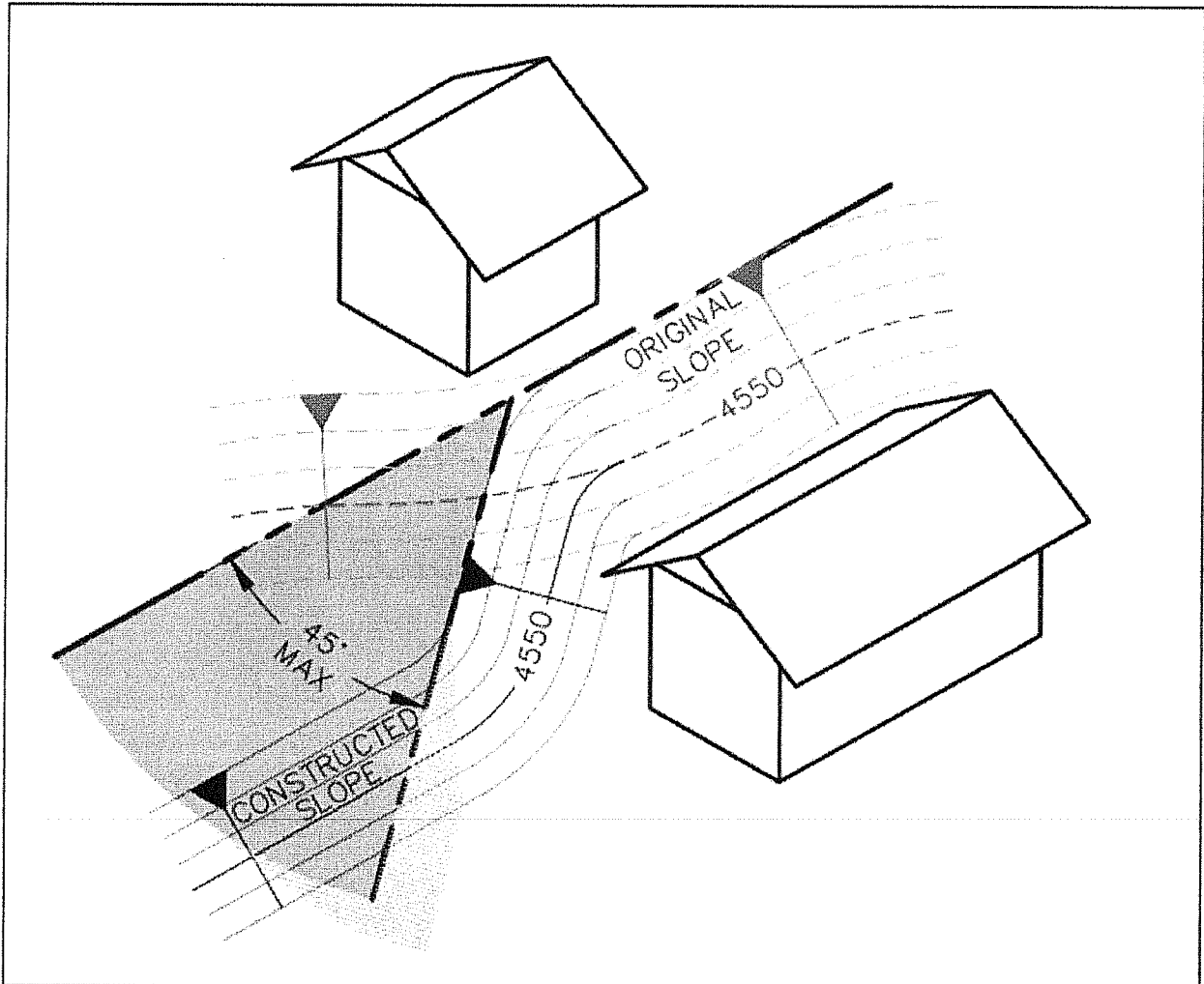


Source: Washoe County Engineering Division

- (c) Finish Grading shall not vary from the natural slope by more than ten (10) feet in elevation. Exposed finish grade slopes greater than ten (10) feet in height may be allowed upon the approval of a Director's Modification of Standards by the Director of Community Development upon recommendation by the County Engineer.
- (1) Approval of a Director's Modification of Standards requires a determination that:
    - (i) The proposed cut and/or fill slopes include stepped-back structural containment (retaining walls) that form terraces, and;
    - (ii) The proposed terraces include landscaping, are a minimum of six feet in width, and have a slope flatter than three horizontal to one vertical (3:1).
    - (iii) Retaining walls used to create terraces are limited to a maximum vertical height of ten (10) feet, when located outside any required yard setback.
    - (iv) Terrace widths shall be at least sixty (60) percent of the height of the higher of the two adjacent retaining walls.
    - (v) Bench widths shall be at least four (4) feet.
  - (2) An exception to the terrace width may be allowed subject to the approval of a Director's Modification of Standards by the Director of Community Development, upon recommendation by the County Engineer for cuts into stable rock, supported by a geotechnical report.
- (d) Within the front yard setback area of any parcel with a residential use or zoned for residential use, retaining walls are limited to a maximum height of four and one-half (4.5) feet.

- (e) Within the side and rear yard setback areas of any parcel with a residential use or zoned for residential use, as well as the front yard setback of any parcel zoned for commercial or industrial use, retaining walls are limited to a maximum height of six (6) feet.
- (f) Within the side and rear yard setback areas of any parcel zoned for commercial or industrial use, retaining walls are limited to a maximum height of eight (8) feet.
- (g) Utilize a gradual transition or "rounding or contouring" of the manufactured slope at the intersection of a manufactured cut or fill slope and a natural slope. Engineered slopes shall not intersect natural slopes at an angle greater than forty-five (45) degrees (see Figure 110.438.45.2).

**FIGURE 110.438.45.2**  
**SLOPE INTERSECTION**

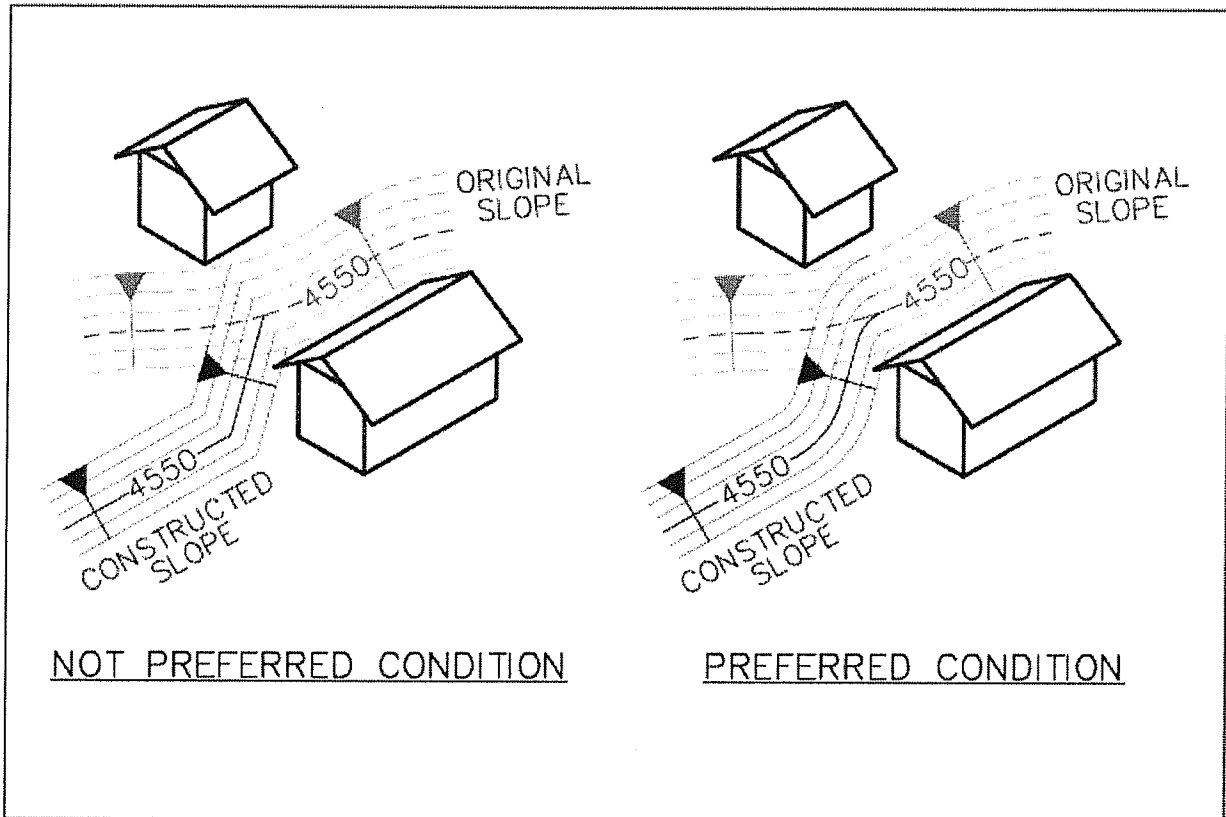


Source: Washoe County Engineering Division

- (h) Visually integrate all slope faces (cut or fill) into the natural terrain by a gradual transition or "contouring/rounding" of the manmade landforms into the natural terrain. To the extent

practicable ensure that hillside grading results in undulating naturalistic appearance, consistent with the surrounding undisturbed terrain (see Figure 110.438.45.3).

### FIGURE 110.438.45.3 SLOPE INTERSECTION



Source: Washoe County Engineering Division

- (i) Cut and/or fill slopes adjacent to roadways shall be flatter than three horizontal to one vertical (3:1) for the distance of the required American Associates of State Highway Transportation Officials (AASHTO) clear zone.
- (j) Ensure that when any cut is made for a structure pad, the exposed cut shall not exceed the height of the structure. The area of the cut that will be screened at buildout (by natural landscape, required landscaping and the structure) shall not be less than ninety (90) percent of the total area of the cut.
- (k) Proposed storm drainage improvements may include riprap and may include slopes steeper than three horizontal to one vertical (3:1) as approved by the County Engineer.

Section 110.438.50 Cuts. In addition to the requirements in Section 110.438.45, cut slope design and construction will also be based on a geotechnical report as required by Section 110.438.36 unless not required by the County Engineer.

- (a) The use of riprap and gabions as a mechanical stabilization for cut slopes is prohibited, except where essential for safe access, for passage within the rights-of-way of public roads, and for storm drainage control device(s).
- (b) Unless covered by soil and revegetated, all cuts into stable rock, greater than four (4) feet in height, and all riprap slopes constructed for roadways and utilities shall be treated with a permanent rock stain product to match the color of the adjacent undisturbed geology to the greatest extent practicable.
- (c) All cuts into stable rock, that are proposed to remain at the end of construction, shall be treated with a permanent rock stain product to match the color of the adjacent undisturbed geology to the greatest practical extent.
- (d) Modification or elimination of the standards in (b) and (c) above, may be allowed subject to the approval of a Directors Modification of Standards upon his/her determination that the cut will be in the character of the adjacent, undisturbed land.

Section 110.438.55 Fills. Fills shall be constructed in accordance with Section 110.438.45. Fill slope design and construction will also be based on a geotechnical report as in Section 110.438.36(a)(6) and (7) unless determined not required by the Building Official or the County Engineer and, as applicable, the following general specifications:

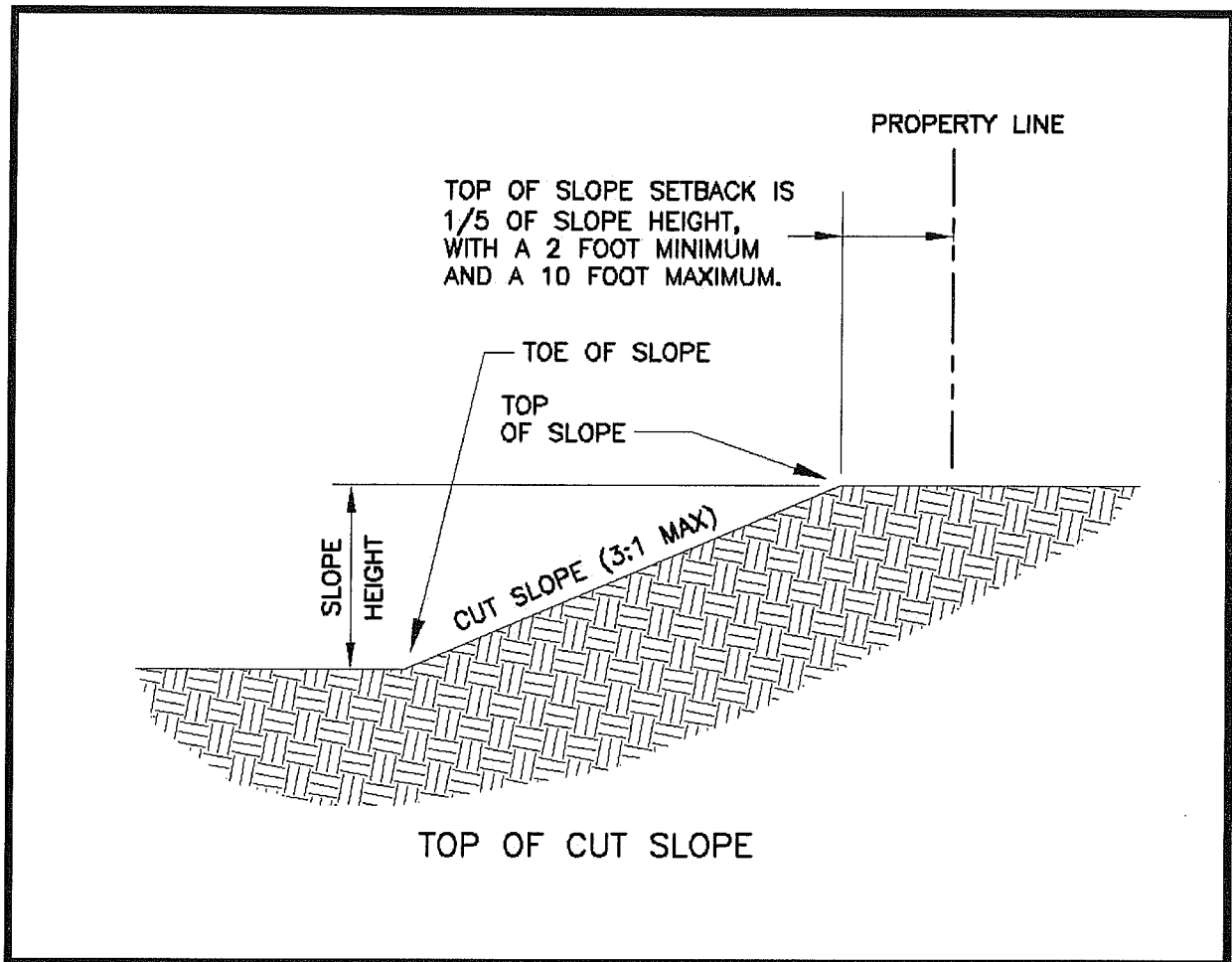
- (a) Preparation of Ground. Fill slopes shall not be constructed on natural slopes steeper than two units horizontal to one unit vertical (50 percent slope). The ground surface shall be prepared to receive fill by:
  - (1) Removing vegetation.
  - (2) Removing fill deemed unsuitable by the County Engineer.
  - (3) Removing topsoil and other unsuitable materials.
  - (4) By scarifying to provide bond with the new fill.
  - (5) Where slopes are steeper than five units horizontal to one unit vertical (20 percent slope) and the height is greater than five (5) feet, by benching into sound bedrock or other competent material as determined by the soils engineer.
  - (6) Drainage facilities shall be provided at the toe of fills in accordance with Section 110.438.65
  - (7) When fill is to be placed over a cut or bench, the cut or bench shall be accepted by the soils engineer or engineering geologist as a suitable foundation for fill prior to fill placement.
- (b) Fill Material. Detrimental amounts of organic material, as determined by the geotechnical engineer, shall not be permitted in fills. Except as permitted by the Building Official or County Engineer, no rock or similar irreducible material with a maximum dimension greater than twelve (12) inches shall be buried or placed in fills. Exception: The Building Official or County Engineer may permit placement of larger rock when the soils engineer properly devises a method of placement, and continuously inspects its placement and approves the fill stability. The following conditions shall also apply:

- (1) Prior to issuance of the grading permit, potential rock disposal areas shall be delineated on the grading plan.
  - (2) Rock sizes greater than twelve (12) inches in maximum dimension shall be ten (10) feet or more below grade, measured vertically.
  - (3) Rocks shall be placed so as to ensure filling of all voids with well-graded soil.
- (c) Compaction. All fills shall be compacted to a minimum of ninety (90) percent of maximum dry density and in accordance with the project soils report.

Section 110.438.60 Setbacks. Cut and fill slopes shall be set back from site boundaries in accordance with this section. Setback dimensions shall be horizontal distances measured perpendicular to the site boundary.

- (a) Top of Cut Slope. The top of cut slopes shall not be made nearer to a site boundary line than one-fifth (1/5) of the vertical height of cut with a minimum of two (2) feet and a maximum of ten (10) feet. The setback may need to be increased for any required interceptor drains. See Figure 110.438.60.TOCS

Figure 110.438.60.TOCS



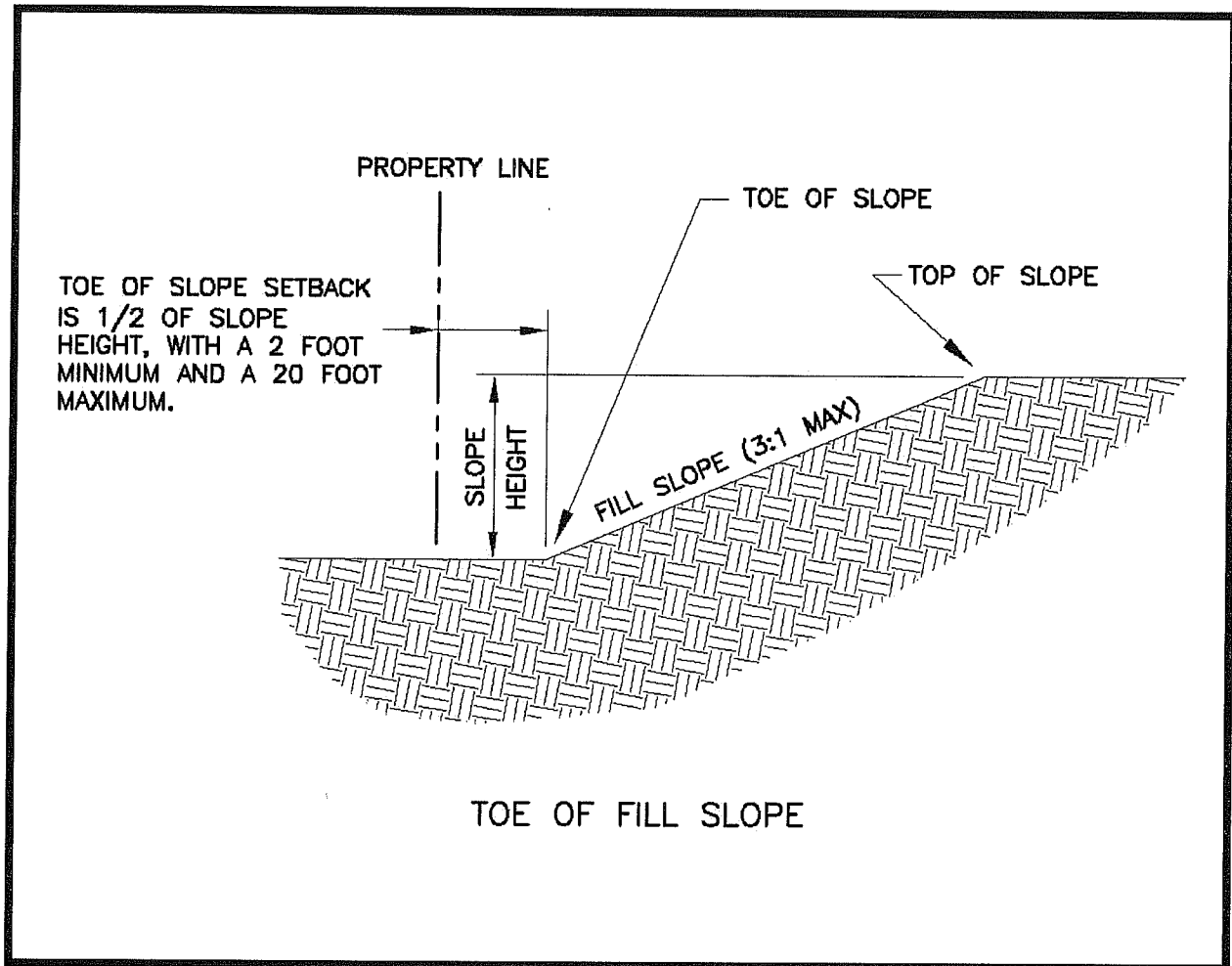
Source: Washoe County Engineering Division

- (b) Toe of Fill Slope. The required setback from the toe of the slope to the site boundary line shall be one-half (1/2) the height of the slope with a minimum of two (2) feet and a maximum required setback not to exceed twenty (20) feet. See Figure 110.438.60.TOFS. Where a fill slope is to be located near the site boundary and the adjacent off-site property is developed, special precautions shall be incorporated in the work as the Building Official or County Engineer deems necessary to protect the adjoining property from damage as a result of such grading. These precautions may include but are not limited to:

- (1) Additional setbacks.
- (2) Provisions for retaining walls or slough walls.
- (3) Mechanical or chemical treatment of the fill slope surface to minimize erosion.
- (4) Provisions for the control of surface waters.



Figure 110.438.60.TOFS



Source: Washoe County Engineering Division

- (c) Modification of Slope Location. The Building Official or County Engineer may approve alternate setbacks subject to the approval of a Director's Modification of Standards by the Director of Community Development, upon recommendation by the County Engineer. The Building Official or County Engineer may require an investigation and recommendation by a qualified professional to demonstrate that the intent of this section has been satisfied.

Section 110.438.65 Drainage and Terracing. Drainage facilities and terracing shall be shown on the approved grading plan.

- (a) Subsurface Drainage. Cut and fill slopes shall be provided with subsurface and surface drainage as necessary for stability.
- (b) Drainage Disposal. All drainage facilities shall be designed to carry waters to the nearest acceptable drainage way approved by the Building Official or County Engineer. Erosion of ground in the area of discharge shall be prevented by installation of erosion control facilities. Building pads shall have a drainage gradient of two (2) percent toward approved drainage facilities, unless waived by the Building Official or County Engineer.

- (c) Interceptor Drains. Paved interceptor drains shall be installed along the top of cut slopes and/or within terraces as recommended in the approved soils report.

Section 110.438.70 Erosion Control. Except in the case where bedrock is exposed, the faces of cut and fill slopes shall be prepared and maintained with landscaping and/or revegetation to control against erosion. This control may consist of plantings such as native grasses, and drought-resistant trees, shrubs, and ground covers, which shall be planted in random groupings to reduce the constructed character of manufactured slopes. Bark mulches and stone cobble may be allowed to cover fifty (50) percent of exposed bare ground. The landscaping protection for the slopes shall be installed as soon as practicable. However, the slopes shall be treated with a dust palliative if left undeveloped for more than thirty (30) days and shall be revegetated if left undeveloped for more than ninety (90) days. Where necessary, check dams, cribbing, or other devices or methods shall be employed to control erosion and provide safety. Any grading operation which will disturb an area of one (1) acre or more also requires a Nevada Department of Environmental Protection (NDEP) permit as per Section 110.438.100 and a dust control permit issued by the Washoe County Health Department, Air Quality Management Division.

Section 110.438.75 Grading Inspection. Major grading operations for which a permit is required shall be subject to inspection by the Building Official and/or County Engineer. Professional inspection of grading operations shall be provided by the civil engineer, soils engineer and the engineering geologist retained to provide such services in accordance with Section 110.438.75(d), and as required by the Building Official or County Engineer for minor grading [Section 110.438.35 (c)].

- (a) Civil Engineer. The civil engineer shall provide professional inspection within such engineer's area of technical specialty, which shall consist of observation and review as to the establishment of line, grade and surface drainage of the development area. If revised plans are required during the course of the work, they shall be prepared by the engineer of record.
- (b) Soils Engineer. The soils engineer shall provide professional inspection within such engineer's area of technical specialty, which shall consist of observation during grading and testing for required compaction. The soils engineer shall provide sufficient observation during the preparation of the natural ground and placement and compaction of the fill to verify that such work is being performed in accordance with the conditions of the approved plan and the appropriate requirements of this section. Revised recommendations relating to conditions differing from the approved soils engineering and engineering geology reports shall be submitted to the permittee, the Building Official or County Engineer and the engineer of record.
- (c) Engineering Geologist. The engineering geologist shall provide professional inspection within such engineer's area of technical specialty, which shall include professional inspection of the bedrock excavation to determine if conditions encountered are in conformance with the approved report. Revised recommendations relating to conditions differing from the approved engineering geology report shall be submitted to the soils engineer.
- (d) Permittee. The permittee shall be responsible for the work to be performed in accordance with the approved plans and specifications and in conformance with the provisions of this code, and the permittee shall engage consultants to provide professional inspections on a timely basis. The permittee shall act as a coordinator between the consultants, the contractor and the Building Official or County Engineer. In the event of changed conditions, the permittee shall be responsible for informing the Building Official or County Engineer of such change and shall provide revised plans for approval.

- (e) Building Official. The Building Official and/or County Engineer shall inspect the project at the various stages of work requiring approval to determine that adequate control is being exercised by the professional consultants.
- (f) Notification of Noncompliance. If, in the course of fulfilling their respective duties under this article, the civil engineer, the soils engineer or the engineering geologist find that the work is not being done in conformance with this article or the approved grading plans, the discrepancies shall be reported immediately in writing to the permittee and to the Building Official or County Engineer.
- (g) Transfer of Responsibility. If the civil engineer, the soils engineer or the engineering geologist of record is changed during grading, the work shall be stopped until the replacement has agreed in writing to accept their responsibility within the area of technical competence for approval upon completion of the work. It shall be the duty of the permittee to notify the Building Official or County Engineer in writing of such change prior to the recommencement of such grading.

Section 110.438.77 Phasing and Stabilization of Grading. Grading projects shall be completed in phases and quickly stabilized to minimize the impact to human health by reducing or eliminating the amount of erosion and fugitive dust emissions that may be created.

- (a) Required Phasing. Grading for all projects shall be designed and completed such that final stabilization shall commence immediately, for the entire disturbed area, upon completion of grading for each phase of the project. The plan for stabilization and phasing must be acceptable to the Director of Community Development and the County Engineer.
- (b) Non-Phased Projects. Grading projects may be completed in one phase, upon the determination by Washoe County Staff that all of the following are true:
  - (1) The project has been designed to be completed as one phase, and
  - (2) The entire project area will be stabilized by means of permanent structures, pavement, parking areas, landscaped areas, revegetated areas and other required improvements prior to the issuance of a certificate of occupancy for the proposed use, and
  - (3) Areas reserved for future building footprints within commercial and industrial developments are stabilized by means of appropriate soil stabilization methods to the satisfaction of the County Engineer.
  - (4) Financial assurances have been provided to the County Engineer to ensure appropriate continuous stabilization

Section 110.438.80 Notification of Completion of Work.

- (a) Restrictions Pending Completion. Notification and inspection is required before the expiration of the permit to determine whether work is completed in accordance with the final approved grading plan. No final permit, final inspection or certificate of occupancy may be issued for other structures on the property until the grading permit has received a final inspection to determine that the grading work is complete or, if uncompleted, that reclamation work has been completed.
- (b) Engineering Certification. Prior to the scheduling of certain inspections, the Building Official or County Engineer shall require that a Nevada registered civil engineer or a

Nevada registered land surveyor submit a certification letter on all parcels for the following:

- (1) Soils investigation report indicating soils classification and design prior to the foundation inspection.
  - (2) Elevation, grading and drainage certification per the approved construction plans prior to the issuance of a certificate of occupancy. *Exception: On parcels two (2) acres or more which do not affect the drainage on other properties, the Building Official or County Engineer may waive this certification requirement.*
  - (3) Foundation elevation and building setback certification as per the approved plot plan prior to the foundation inspection.
- (c) Permittee Notification to Building Official Or County Engineer. The permittee or his agent shall provide written verification to the Building Official or County Engineer that the grading work has been completed in accordance with approved plans and specifications. Final approval shall not be given until all work, including installation of all drainage facilities and their protective devices, and all erosion control measures have been completed in accordance with the final approved grading plan and the required reports have been submitted to the Building Official and/or County Engineer by the permittee or his agent.

Section 110.438.85 Grading within Floodplains and Drainage Ways.

- (a) Grading for development within Federal Emergency Management Agency (FEMA) designated floodplains shall comply with Article 416, Flood Hazards.
- (b) Grading for development within floodplains other than those designated by FEMA and within natural drainage ways shall comply with Article 420, Storm Drainage Standards.

Section 110.438.95 Grading Plan for Tentative Maps. Grading plan submittals for tentative maps shall be in accordance with Section 110.608.

Section 110.438.100 NDEP Permits. A permit from the Nevada Department of Environmental Protection (NDEP) is required when grading operations will disturb an area of one (1) acre or more. As a minimum, it is required that the receipt showing the NDEP permit fee has been paid shall be submitted to the County Engineer.

SECTION 3. General Terms.

1. BUSINESS IMPACT. This Ordinance shall be recorded in the Official Records of Washoe County.
2. RATIFICATION. All actions, proceedings, matters, and things heretofore taken, had and done by the County and its officers not inconsistent with the provisions of this Ordinance are ratified and approved.
3. IMPLEMENTATION; EDITING; CODIFICATION. The Chairman of the Board and officers of the County are authorized and directed to take all action necessary or appropriate to effectuate the provisions of this Ordinance. The District Attorney is authorized to make non-substantive edits and corrections to this Ordinance.
4. REPEALER. All ordinances, resolutions, bylaws and orders, or parts thereof, in conflict with the provisions of this Ordinance are hereby repealed to the extent only of such inconsistency. This repealer shall not be construed to revive any ordinance, resolution, bylaw or order, or part thereof, heretofore repealed.

5. EXECUTION; PUBLICATION; EFFECTIVE DATE. This Ordinance shall be in effect from and after its publication as hereinafter provided, and after this Ordinance is signed by the Chairman of the Board and attested and sealed by the District Attorney, this Ordinance shall be published by title only, together with the names of the board members voting for or against and with a statement that typewritten copies of said ordinance are available for inspection by all interested parties at the office of the County Clerk, such publication to be made in the Reno Gazette Journal, a newspaper published and having general circulation in the County, at least once a week for a period of two weeks by two insertions as required by NRS 244.100 and any other enabling laws.
6. SEVERABILITY. Each term and provision of this Ordinance shall be valid and shall be enforced to the extent permitted by law. If any term or provision of this Ordinance or the application thereof shall be deemed by a court of competent jurisdiction to be in violation of law or public policy, then it shall be deemed modified, ipso facto, to bring it within the limits of validity or enforceability, but if it cannot be so modified, then it shall be excised from this Ordinance. In any event, the remainder of this Ordinance, or the application of such term or provision to circumstances other than those to which it is invalid or unenforceable, shall not be affected.

**Passage and Effective Date**

This Ordinance was proposed on 9-25-12 by  
Commissioner Jung.

This Ordinance was passed on 10-23-12.

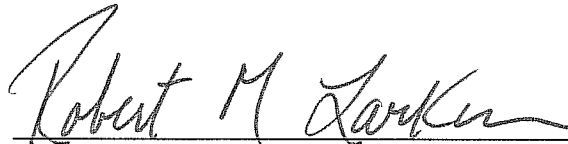
Those voting "aye" were Larkin, Weber, Brittenitz.

Those voting "nay" were none.

Those absent were Jung, Humke.

Those abstaining were none.

This Ordinance shall be in force and effect immediately upon the date of the second publication of such Ordinance as required by NRS 244.100.



Robert M. Larkin, Chairman  
Board of County Commissioners  
Washoe, County, Nevada

ATTEST:

  
Amy Harvey, County Clerk

This ordinance shall be in force and effect from and after the 2nd day of month November of STATE OF NEVADA 2012.

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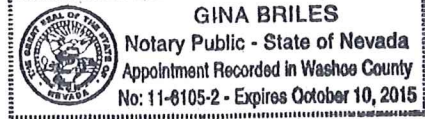
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STATE OF NEVADA  
COUNTY OF WASHOE

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: **10/26/2012 - 11/02/2012**, for exact publication dates please see last line of Proof of Publication below.

Subscribed and sworn to before me

Signed: *K. Kenstrom*



NOV 02 2012

*Gina Briles*

**Proof of Publication**

NOTICE OF ADOPTION WASHOE COUNTY ORDINANCE NO. 1499 BILL NO. 1680 An Ordinance amending Washoe County Code at Chapter 110, Development Code, Article 438, Grading Standards, to make the code easier for the general public to understand and interpret, establish an enforcement mechanism that incentivizes voluntary compliance, creates a clear system of minor and major grading activities to reduce the number of required special use permits, and incorporate other beneficial changes as may be identified during the public hearing process and properly related to the efficient administration of Article 438 of the Development Code. (Bill No. 1680) 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 in the Washoe County Complex, 1001 E. Ninth Street, Building A, Reno, Washoe County, Nevada; and that the ordinance was proposed on September 25, 2012 by Commissioner Jung and was passed and adopted without amendment at a regular meeting held on October 23, 2012 by the following vote of the Board of County Commissioners: Those Voting Aye: Bonnie Weber Robert Larkin John Breternitz Those Voting Nay: None Those Absent: David Humke and Kitty Jung This ordinance shall be in full force and effect after the date of the second publication of such

ordinance by its title only on November 2, 2012. IN WITNESS WHEREOF, the Board of  
County Commissioners of Washoe County, Nevada, has caused this ordinance to be published  
by title only. DATED: October 24, 2012. AMY HARVEY, Washoe County Clerk and Clerk of  
the Board of County Commissioners No. 789949 Oct 26, Nov 2, 2012