

NEVADA STATE JOURNAL

PROOF OF PUBLICATION

STATE OF NEVADA }
COUNTY OF WASHOE } ss.

SUSAN KLEBENOW

being first duly sworn, deposes and says: That she is the legal clerk of THE NEVADA STATE JOURNAL, a daily newspaper published at Reno, in Washoe County, in the State of Nevada.

That the notice . /397.....

.....
of which a copy is hereto attached, was first published in said newspaper in its issue dated the .. 5th day of ... September, 19..74. and .. September 12


the full period of 2 days, the last publication thereof being in the issue dated the ... 12th day of September, 19..74..

Signed *Susan Klebenow*

Subscribed and sworn to before me this
12th day of September, 19..74

Hugh E. Robinson
Notary Public.

NOTICE OF COUNTY ORDINANCE
Notice is hereby given that Bill No. 397, adopting Ordinance No. 239, entitled "An Ordinance establishing minimum standards and providing regulations governing the conservation of trees on land devoted or to be devoted primarily to uses other than the commercial harvesting of timber in the Tahoe Region, providing for the issuance of permits; providing for minimum standards and conditions of approval of permits, including restrictions on attachment of appurtenances; providing for minimum standards and conditions of approval of tentative and final subdivision maps with regard to tree removal and conservation of vegetation; providing for removal of diseased, infested, or hazardous trees; providing for variances, providing for stop work orders; providing for penalties for the violation thereof; and other matters properly relating thereto," was adopted on August 26, 1974 by Commissioners Rusk, Nelson, Pagni and Scott all voting aye, with Commissioner Gray being absent.
Typeset copies of the Ordinance are available for inspection by all interested persons at the office of the County Clerk.
H. K. BROWN, COUNTY CLERK
33-900-397 Sept. 5-12

 HUGH E. ROBINSON
Notary Public — State of Nevada
Washoe County
My Commission Expires Dec. 1, 1976

SUMMARY: Establishes minimum standards of conservation of as many healthy trees as possible in the Tahoe region; provides for procedures to be followed in applying for and approval of a tree cutting permit and the requirements in connection therewith; provides minimum standards and conditions of approval of tentative and final subdivision maps with regard to tree removal and conservation of vegetation; provides for variances; provides for stop work orders, and provides for penalties for any violation thereof.

BILL NO. 397

ORDINANCE NO. 239

AN ORDINANCE ESTABLISHING MINIMUM STANDARDS AND PROVIDING REGULATIONS GOVERNING THE CONSERVATION OF TREES ON LAND DEVOTED OR TO BE DEVOTED PRIMARILY TO USES OTHER THAN THE COMMERCIAL HARVESTING OF TIMBER IN THE TAHOE REGION; PROVIDING FOR THE ISSUANCE OF PERMITS; PROVIDING FOR MINIMUM STANDARDS AND CONDITIONS OF APPROVAL OF PERMITS, INCLUDING RESTRICTIONS ON ATTACHMENT OF APPURTENANCES; PROVIDING FOR MINIMUM STANDARDS AND CONDITIONS OF APPROVAL OF TENTATIVE AND FINAL SUBDIVISION MAPS WITH REGARD TO TREE REMOVAL AND CONSERVATION OF VEGETATION; PROVIDING FOR REMOVAL OF DISEASED, INFESTED, OR HAZARDOUS TREES; PROVIDING FOR VARIANCES; PROVIDING FOR STOP WORK ORDERS; PROVIDING FOR PENALTIES FOR THE VIOLATION THEREOF, AND OTHER MATTERS PROPERLY RELATING THERETO.

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

SECTION 1. Purpose and Scope.

The purpose of this Ordinance is to prevent the wanton and unnecessary cutting of healthy trees in the developed and developable areas of the Tahoe Region; to provide for the conservation of as many healthy trees in the Region as possible, consonant with permissible development; and to provide for the control of disease and insect infestation in the Region.

SECTION 2. General Considerations.

- A. The cutting, moving, removing, killing or materially damaging of live trees six (6) inches d.b.h. or over, the removal of disease-infested and hazardous trees, and the attachment of appurtenances to trees shall be in compliance with the terms of this Ordinance, and permits respecting the same shall be granted or denied in conformity with the provisions of this Ordinance, provided, however, that this Ordinance shall not apply to lands devoted to the growing and harvesting of timber for commercial purposes for which permits have been granted permitting timber harvesting. All such tree cutting shall also conform to the provisions of this Ordinance regarding the approval of tentative and final maps of a subdivision.
- B. The provisions of this Ordinance shall be liberally construed to effectuate their purposes. If any section, clause, provision or portion of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.
- C. This Ordinance may be cited and referred to as the Tree Conservation Ordinance of the County of Washoe.

74-1350

SECTION 3. Definitions.

For the purposes of this Ordinance, certain terms or words used herein shall be interpreted as follows: Words in the present tense include the future; words in the singular number include the plural number, and words in the plural number include the singular number. The word "shall" is mandatory, not permissive, unless the context indicates that a directory meaning is indicated.

- A. Applicant: A person engaged in subdividing, who seeks the approval of tentative or final maps required by this Ordinance.
- B. Building Inspector: The Building and Safety Department.
- C. Building Site: A parcel or lot occupied or intended to be occupied by buildings or structures.
- D. d.b.h.: Diameter at breast height; the diameter of a tree measured at four and one-half (4½) feet above the ground on the high side of the tree. Circumference of nineteen (19) inches at d.b.h. may be treated as the equivalent of six (6) inches d.b.h.
- E. Final Map: A map of a subdivision intended to be placed on record in the Recorder's Office of Washoe County.
- F. Lands Devoted to the Growing and Harvesting of Timber for Commercial Purposes: Such lands that are devoted principally to the production of raw material for the forest products industry, or for silvicultural purposes, including Christmas tree harvest, but not including lands undergoing land use conversions or lands where timber is cut for fuel purposes.
- G. Land Use Conversion: The conversion to other uses of timberland as defined by statutes and regulations of Nevada and for which a timberland conversion certificate or approval is required by such statutes or regulations.
- H. Person: An individual, partnership, corporation, business association or group of individuals, and any governmental entity.
- I. Subdivision: Any real property, improved or unimproved, or a portion thereof, shown on the latest adopted tax roll of a local government as a unit or as contiguous units, which is divided for the purpose of use sale, lease or financing, whether immediate or future, into two or more condominiums or into five or more lots, or in which five or more undivided interests are created or are proposed to be created.
- J. Tahoe Region: Land Use Plan District Number 2, a part of the Master Plan of Washoe County, State of Nevada.
- K. Tentative Map: A preliminary map made to show lot lines, roads, buildings, rights-of-way, and other design factors of a proposed subdivision, including all the elements and matters covered by this Ordinance.

SECTION 4. Permit Procedure.

- A. No person shall cut down, move, remove, kill, or materially damage any live tree six (6) inches d.b.h. or over, or attach any appurtenance to a tree, without first having obtained a tree cutting permit from the Building Inspector, unless such tree is located on lands devoted to the growing and harvesting of timber for commercial purposes for which permits have

been granted permitting timber harvesting. Such permits shall be unnecessary for the removal of trees proposed to be removed as shown on a Vegetation Preservation and Protection Plan approved in connection with a tentative map consistent with standards set out in Section 5 of this Ordinance, except where such subdivision involves a land use conversion or for the removal of trees as permitted under a permit issued pursuant to the Tahoe Regional Planning Agency Grading Ordinance, provided, however, that the standards contained in this Ordinance shall also be applicable to the approval of a tentative and final subdivision map and to the issuance of a grading permit.

B. Applications required by this Ordinance shall be made as provided by the applicable provisions of the Rules and Procedures of the Building Inspector.

C. An application fee of \$5.00 shall be charged.

D. All applicants for tree cutting permits shall file a report with the permit-issuing authority that states:

(1) The name, address and the phone number of applicant and the owner of record of the land on which the tree cutting is proposed;

(2) The consent of the owner of record of such land, if such owner is a person other than such applicant;

(3) The location of the land on which the cutting is proposed;

(4) The purpose of such tree cutting;

(5) The dates on which cutting and removal operations will take place;

(6) A drawing acceptable to the Building Inspector at a scale adequate to show the height, species, d.b.h., and location of all trees on the site over six (6) inches d.b.h. proposed to be cut, and a drawing or sketch indicating the general location, characteristics and densities of trees proposed to be left on the site.

E. Applicants for tree cutting permit, where the purpose of such tree cutting is to accomplish a land use conversion, in addition to the information required pursuant to Section 4D of this Ordinance, shall submit:

(1) A detailed statement describing how the standards and criteria of Section 5 shall be satisfied;

(2) A copy of the document approving the land use conversion issued by the applicable State Division of Forestry;

(3) In lieu of the drawing required by Section 4D, a map acceptable to the Building Inspector at a scale adequate to show the location of proposed and existing buildings and driveways, the location of proposed utility trenches and the height, species, d.b.h. and location of all trees over six (6) inches d.b.h. proposed to be cut, and a drawing or sketch indicating the general location, characteristics and densities of trees proposed to be left planted

on the site, provided, however, that all such tree cutting shall also conform to the provisions of this Ordinance regarding the approval of tentative and final subdivision maps.

- F. Permits required by this Ordinance and any other permit required by the Building Inspector, but not required by this Ordinance, shall become final without the necessity of review by the Tahoe Regional Planning Agency except for variances, as provided for in Section 9, and permits issued where the purpose of tree removal is to accomplish a land use conversion or to facilitate a subdivision as governed by the Washoe County Subdivision Ordinance and Section 5 of this Ordinance, or to facilitate a land development requiring an administrative permit pursuant to the Land Use Ordinance, provided, however, that the fact that a permit becomes final without the necessity of review by the Tahoe Regional Planning Agency shall not foreclose the issuance of a notice to stop work pursuant to Section 8 of this Ordinance or any judicial action authorized by the Tahoe Regional Planning Compact to enforce the provisions of the Tahoe Regional Planning Agency's Tree Conservation Ordinance.

SECTION 5. General Standards of Approval of Tentative or Final Subdivision Maps.

- A. All subdivisions shall be planned, designed, constructed and maintained so that:

- (1) Existing healthy trees and native vegetation on the site are preserved to the maximum extent feasible and are protected by adequate means during construction;
- (2) Existing native vegetation is not disturbed, injured or removed prior to site development, except to the extent necessary for the preparation of a tentative map;
- (3) Following construction, vegetation suitable to the site is planted in conformance with an approved Vegetation Preservation and Protection Plan;
- (4) Existing trees are preserved within any right-of-way when such trees are suitably located, healthy, and when approved grading allows;
- (5) No slash, dead trees, or uprooted stumps remain after development;
- (6) Appurtenances, such as television antennas, signs, and street lights are not attached to trees; and
- (7) Any topsoil removed from building sites, parking areas, driveways and other locations is temporarily stored for future use in accordance with the requirements of the Tahoe Regional Planning Agency Grading Ordinance.

- B. Vegetation Preservation and Protection Plan:

- (1) The applicant shall submit as part of the Information Report a survey prepared by a qualified person identifying tree coverage in the proposed subdivision in terms of type, weakness, maturity, potential hazard, infestation, vigor, density and spacing;

- (2) The applicant shall submit, as part of the Information Report, a Vegetation Preservation and Protection Plan that shows those trees proposed to be removed, those to remain, the types and locations of trees and other vegetation that are to be planted, and the measures to be taken to satisfy the standards stated in Section 5A.
- (3) The survey and plan required by Subsections (2) and (3) of Section 5B may be combined, where appropriate, with reports and plans required by the Tahoe Regional Planning Agency Grading Ordinance.

SECTION 6. Standards for Tree Cutting and Issuance and Revocation of Permits.

A. Permit Duration:

- (1) All tree cutting authorized by a tree cutting permit shall be completed within the length of time specified by the Building Inspector, not to exceed ninety (90) days.
- (2) An extension of the permit may be granted upon a showing by the permittee that the work was delayed by reasons beyond his control, or that an extension will not increase the risk of environmental damage caused by tree cutting.

B. A tree cutting permit may be issued upon any conditions necessary to assure compliance with the standards and criteria of this Ordinance.

C. A permit card issued to the permittee by the Building Inspector and stating any conditions of approval shall be displayed by the permittee in a conspicuous place at the cutting site, providing, however, that the tree cutting permit may be part of a building permit which is displayed at the site.

D. The Building Inspector shall revoke any permit whenever there has been a false statement or misrepresentation in the application as to any material fact on which the permit was based.

E. Minimum Standards and Conditions of Approval:

- (1) Existing healthy trees and native vegetation on the site shall be preserved in accordance with standards contained in a Tahoe Regional Planning Agency design manual, if any, and shall be protected by adequate means during any construction.
- (2) Existing trees shall be preserved within any right-of-way when such trees are suitably located, healthy, and when approved grading allows.
- (3) Appurtenances, except utility connections, such as television antennas, signs and outdoor lights, shall not be attached to trees.
- (4) Tree cutting within the 100-year flood plain of a perennial or intermittent stream shall be limited to cutting diseased or hazardous trees or to thinning needed to protect the health and vigor of remaining trees.

- (5) Damage to trees not to be cut and to residual vegetation shall be avoided. Damaged trees shall be repaired with tree sealer and any necessary tree surgery.
- (6) No tree shall be felled into a perennial or intermittent stream without specific approval of the Building Inspector.
- (7) Any stump to be left in the ground shall be treated with approved chemicals or methods to prevent the spread of forest tree diseases.
- (8) Ground skidding shall not be allowed.
- (9) Slash, debris, and non-merchantable timber generated by the operation shall be disposed of in the manner and to a location approved by the permit-issuing authority.
- (10) All tree removal sites shall be winterized before the end of the construction season or stabilized before the end of the construction season so as to prevent erosion and soil loss from the site.
- (11) In the case of land use conversion, approval shall be conditioned on compliance with all requirements of the timberland conversion certificate issued by the appropriate State Division of Forestry.

SECTION 7. Removal of Diseased or Hazardous Trees.

- A. The Building Inspector or the Tahoe Regional Planning Agency may determine, on the advice of the appropriate State Division of Forestry or other competent authority, that a tree or trees on private or public land is diseased, insect infested or hazardous to the public and may declare such diseased, infested or hazardous condition to constitute a public nuisance. Upon making such a determination, the Building Inspector or the Tahoe Regional Planning Agency shall, by written notice, notify the owner of the land on which the tree or trees is located, of the condition and of his duty to abate it within a specified period of time. If the owner refuses or fails to respond within the time specified, the Building Inspector shall abate the nuisance and charge the owner the cost, which shall be a lien on his property.
- B. In cutting trees for land use conversion, all diseased, infested or overmature trees shall be removed prior to construction.
- C. All diseased and bug-infested trees shall be treated prior to removal by approved methods to prevent the spread of such disease or infestation.

SECTION 8. Authority to Stop Work.

- A. Whenever any tree cutting or other activity regulated by this Ordinance is being done contrary to the provisions of this Ordinance or any other Washoe County or Tahoe Regional Planning Agency Ordinance, Rule or Regulation or any other law, the permit-issuing authority or the Tahoe Regional Planning Agency, by its executive officer or his designee, may issue a written notice to the responsible party to stop work on such tree cutting or other activity. The notice shall state the nature of the violation.

- B. A notice to stop work shall stay in effect until revoked by the issuing authority, provided, however, that the party to whom the notice was issued may obtain review of the action. Such review, in the case of a notice to stop work issued by the Building Inspector, shall be provided by such authority. Such review, in the case of a notice to stop work issued by the Tahoe Regional Planning Agency, shall be by the governing body of such Agency. In the latter case, review shall be initiated by a request filed by such party and shall be heard at the next regular meeting of the governing body scheduled to be held not more than seven (7) days after the filing of such request. Upon such review, the governing body shall determine whether or not such tree cutting or other activity is in violation and shall confirm, modify or disaffirm the notice.

SECTION 9. Variances.

A. Procedure:

- (1) Any person requesting a variance shall file an application with the Board of Adjustment. Such application shall include:
 - (a) Provisions of this Ordinance from which the property is sought to be excepted;
 - (b) A legal description and street address of the property involved;
 - (c) The name, address and phone number of the applicant and the owner of record of the land on which the tree cutting is proposed;
 - (d) The purpose of such tree cutting.
- (2) All applications shall be verified before a Notary Public by the owner of the property or his authorized agent.
- (3) The applicant for a variance shall present adequate evidence showing:
 - (a) That a strict application deprives such property of privileges enjoyed by other similarly situated property; and
 - (b) That he cannot make any reasonable use of the property if such regulations are applied.

B. Powers and duties of the Board of Adjustment:

- (1) The Board of Adjustment shall investigate each application to assure that the proposal in each application is consistent with the intent and purpose of this Ordinance.
- (2) The Board of Adjustment may recommend or deny variances.
- (3) The variance permitted shall be the minimum departure from existing regulations necessary to avoid such deprivation of privileges enjoyed by such other property and to facilitate a reasonable use which will not create significant probabilities of harmful environmental consequences. In no case may a variance be granted

that will provide the applicant with any special privileges not enjoyed by other similarly regulated properties.

C. Hearing:

- (1) Shall be held within sixty (60) days of the date of filing the application.
- (2) Notice by mail of the time, place and purpose shall be given not less than ten (10) days prior to the date of hearing to the following:
 - (a) Applicant.
 - (b) Owner of the property if not the applicant.
 - (c) Building Department and Tahoe Regional Planning Agency.
 - (d) Owners of real property within three hundred (300) feet of the exterior boundaries of the property described in the application pursuant to Section 9A of this Ordinance. Said owners of real property shall be those owners indicated by the latest Assessor's ownership maps and said notice shall be complied with when the Board of Adjustment mails the same to the last known addresses of such real property owners as indicated by the latest Assessor's records.
- (3) The Board of Adjustment may hear facts from any person appearing and may consider written communications relative to the application.

D. The Board shall, within forty (40) days from the date of hearing, return its decision unless for good cause, an extension is granted.

E. The Board of Adjustment, in recommending approval of any variance, may require conditions which, in the Board's opinion, are necessary to insure consistency with the intent and purpose of this Ordinance. Any such conditions as required must be complied with, and any violation of the same shall result in revocation of the permission granted by variance.

SECTION 10. Exemptions.

The provisions of this Ordinance shall not be applicable to lands owned by the United States Government, or to trees cut in emergencies involving lives of persons and public safety, including the suppression of wildfires.

SECTION 11. Violation constitutes a misdemeanor.

Violation of any provision of this Ordinance constitutes a misdemeanor.

SECTION 12.

This Ordinance shall be in full force and effect from and after its passage, approval and publication as prescribed by NRS 244.100.

Proposed on the 15th day of August, 1974.
 Proposed by Commissioners Pagni, Nelson, Grow and Rusk.
 Passed on the 26th day of August, 1974.

Vote:

Ayes: Commissioners: Rusk, Nelson, Pagni and Scott.

Nays: Commissioners: None.

Absent: Commissioners: Grow.

[Handwritten Signature]

Chairman of the Board

ATTEST:

H.K. Brown, Clerk, By *[Signature]*, Deputy

County Clerk

This Ordinance shall be in force and effect from and after the 12th day of September, 1974.