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PROOF OF PUBLICATION

STATE OF NEVADA  
COUNTY OF WASHOE

ss Tana Ciccotti

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

Ordinance 1155

has published in each regular and entire  
issue of said newspaper on the following  
dates to wit:

March 15, 22, 2002

Signed

*T. Ciccotti*

Subscribed and sworn to before me this

MAR 27 2002

*Susan V. Dummar*

Notary Public

**NOTICE OF ADOPTION  
WASHOE COUNTY  
ORDINANCE NO. 1155**

NOTICE IS HEREBY GIVEN THAT: Bill No.1331, Ordinance No. 1155, entitled

AN ORDINANCE AMENDING PROVISIONS RELATING TO WASHOE COUNTY CODE CHAPTER 110, ARTICLE 814, DEVELOPMENT AGREEMENT AND ARTICLE 816, SPECIFIC PLANS, BY DELETING A SUBSTANTIAL NUMBER OF DEVELOPMENT REQUIREMENTS FROM ARTICLE 814 AND PLACING THEM IN ARTICLE 816, AND OTHER MATTERS PROPERLY RELATING THERETO.


was adopted on Tuesday, March 12, 2002 by Commissioners Pete Sferrazza, Joanne Bond, Jim Galloway, Jim Shaw and Ted Short. This ordinance shall be in full force and effect from and after Friday, March 22, 2002.

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

AMY HARVEY,  
Washoe County Clerk

No.994 Mar.15,22, 2002

MAR 29 2002

 SUSAN V. DUMMAR  
Notary Public - State of Nevada  
Appointment Recorded in Washoe County  
No: 98-4006-2 - Expires August 17, 2002

SUMMARY: Amends Washoe County Code by amending the Development Code by transferring development requirements from the development agreement regulations to the specific plan regulations, and other matters properly relating thereto.

BILL NO. 1331

ORDINANCE NO. 1155

AN ORDINANCE AMENDING PROVISIONS RELATING TO WASHOE COUNTY CODE CHAPTER 110, ARTICLE 814, DEVELOPMENT AGREEMENT AND ARTICLE 816, SPECIFIC PLANS, BY DELETING A SUBSTANTIAL NUMBER OF DEVELOPMENT REQUIREMENTS FROM ARTICLE 814 AND PLACING THEM IN ARTICLE 816, AND OTHER MATTERS PROPERLY RELATING THERETO.

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

SECTION 1.

Article 814, "Development Agreements" of Chapter 110 of the Washoe County Code is hereby amended as set forth in Exhibit A which is attached and incorporated by reference.

SECTION 2.

Article 816, "Specific Plans" of Chapter 110 of the Washoe County Code is hereby amended as set forth in Exhibit B which is attached and incorporated by reference.

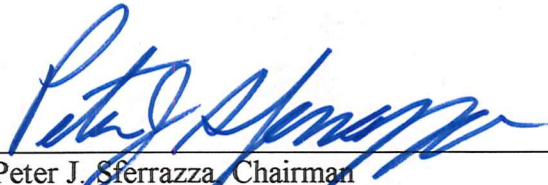
Proposed on the 19th day of February, 2002.  
Proposed by Commissioner Galloway  
Passed on the 12th day of March, 2002.

Vote:


Ayes: Commissioners Sferrazza, Shaw, Galloway, Bond & Short

Nays:

Absent:

  
Peter J. Sferrazza, Chairman  
Washoe County Commission

ATTEST:

  
County Clerk

This ordinance shall be in force and effect from and after the 22nd day of March, 2002

# Article 814

## DEVELOPMENT AGREEMENTS

[This Article amended in its entirety by Ord. 873, provisions eff. 6/7/93; Ord. 1041, provisions eff. 12/1/98; Ord. 1088, provisions eff. 1/28/00.]

### 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 specified 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.

**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 Comprehensive 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.

**Section 110.814.25 Processing of Other Approvals.** Applications for a development agreement may be processed concurrently with or after, but not prior to, an application for a special use permit, tentative map, specific plan, or other discretionary permit.

- (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 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.

**Section 110.814.35 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) The provisions, if any, for the dedication or reservation of any portion of the land for public use;
  - (7) Terms and conditions relating to construction and financing of necessary public improvements and facilities, including participation in special assessment district proceedings, if needed.
- (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.

**Section 110.814.60 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.

**Section 110.814.70 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 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.
  - (5) 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.

**Section 110.814.90 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.

**Section 110.814.95 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 Comprehensive 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.

**Section 110.814. 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.



# Article 816

## SPECIFIC PLANS

[This Article amended in its entirety by Ord. 873, provisions eff. 6/7/93.]

### Sections:

110.816.00	Purpose
110.816.05	Applicability
110.816.10	Contents
110.816.15	Processing
110.816.20	Cost of Preparation

### Section 110.816.00 Purpose.

The purpose of this article, Article 816, Specific Plans, is to set forth the regulations for the review and approval of specific plans. Specific plans are a planning and regulatory mechanism that allow more precise implementation of the Comprehensive Plan by requiring or permitting large-scale planning in order to protect the natural environment, ensure compatible uses, conserve energy, achieve coherent and diverse development patterns, and ensure that roads and other infrastructure are adequate to serve new development.

**Section 110.816.05 Applicability.** The provisions of this article shall apply in all Specific Plan Regulatory Zones.

**Section 110.816.10 Contents.** All specific plans shall include, as a minimum, the subjects set forth in this section.

- (a) Goals and objectives. Performance standards to achieve those goals and objectives.
- (b) The distribution, location and extent of land uses, including open space (including a Land Use Plan map and associated text).
- (c) The distribution, location and extent of major infrastructure systems to address transportation, sewage, water, drainage, solid waste and other essential services (including a Streets and Highways System Plan map and associated text and a Public Services and Facilities Plan map and associated text).
- (d) A plan for phasing the development of land uses and infrastructure.
- (e) A financing plan for proposed infrastructure.
- (f) Performance standards for the protection and conservation of natural resources.

- (g) Development Standards Handbook. A development standards handbook that provides development standards for the following:
- (1) Architectural guidelines;
  - (2) Landscape guidelines
  - (3) Where adjacent land uses are not compatible (according to the Washoe County Comprehensive Plan), appropriate performance standards for buffering, screening and open space to protect adjacent uses.
  - (4) Energy supply and conservation;
  - (5) Land grading, erosion and flood control;
  - (6) Natural hazards;
  - (7) Fire protection;
  - (8) Maintenance and enhancement of air quality;
  - (9) Wildlife and fisheries preservation;
  - (10) Historic, cultural and archaeological resources preservation;
  - (11) Recreational amenities;
  - (12) Open space provision and maintenance;
  - (13) Procedures for the implementation of the development standards and amendment of the development standards handbook;
- (h) Such other information which may be required to adequately review the application for conformance with the county Master Plan.

**Section 110.816.15 Processing.** A specific plan shall be processed as follows:

- (a) The applicant shall request a pre-applicant meeting with the Department of Community Development and the County Engineer to discuss the proposed project. Other agencies may be invited as applicable.
- (b) The applicant shall submit the application to the Department of Community Development for a determination that the application is complete. If the application is found to be complete, copies shall be distributed to the County Engineer, and other departments or agencies which may have an interest in the plan.
- (c) When an application for a specific plan is found complete, the specific plan shall be processed using the procedures for an amendment to the Comprehensive Plan, as set forth in Article 820, Amendment of Comprehensive Plan.

**Section 110.816.20 Cost of Preparation.** The cost of preparing a specific plan normally shall be paid by the applicant or applicants. In those instances where the County determines that it is in the public interest to prepare a specific plan at its expense, the County may impose a specific plan fee. This fee shall be applied to applicants seeking approvals for development within the area covered by the specific plan. The fee shall be a prorated amount based on the amount of land proposed for development expressed as a percentage of the total land included in the specific plan.