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 Publishers of
RENO GAZETTE-JOURNAL
 955 Kuenzli St. P.O.Box 22000 RENO, NV 89520 PHONE: (775) 788-6200
 Legal Advertising Office (775) 788-6394

Customer Account # 349008
 PO# /ID# 943
 Legal Ad Cost \$120.26

- Washoe County
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STATE OF NEVADA
 COUNTY OF WASHOE MAR 31 2003

ss: Julia Ketcham

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:

Bill 1370

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

March 14, 21, 2003

Signed: *Julia Ketcham*

Subscribed and sworn to before me this
MAR 26 2003

Tana Ciccotti

 TANA CICCOTTI
 Notary Public - State of Nevada
 Appointment Recorded in Washoe County
 No: 02-75259-2 - Expires May 16, 2006

**NOTICE OF ADOPTION
 WASHOE COUNTY
 ORDINANCE NO. 1191**
 NOTICE IS HEREBY GIVEN
 THAT: Bill No. 1370, Ordinance No. 1191 entitled
 An Ordinance amending provisions relating to Washoe County Code Chapter 110, Article 434, regional development standards within Washoe County and cooperative planning areas, by incorporating standards to address site compatibility between existing built environment and new development within unincorporated Washoe County. The standards will also apply to cooperative planning amendments within the post-May 8, 2002 sphere of influence and lands annexed by the City of Reno and Sparks under the provisions of NRS 268.670 in the regional plan except those lands identified in the settlement agreement in Nevada Supreme Court Case 38749 (also known as the Verdi matter). The proposed amendment includes reference to lot adjacency standards of single family residential to single family residential including parcel size matching, and buffering; lot adjacency standards from multi-family to single family residential; lot adjacency standards of residential to non-residential; lot adjacency standards of non-residential to non-residential; grading; protection of ridgelines, earthquake fault areas, and other matters properly relating thereto.
 was adopted on Tuesday, March 11, 2003 by Commissioners Galloway, Sferrazza and Weber. This ordinance shall be in full force and effect from and after March 21, 2003.
 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 and
 Clerk of the Board of County
 Commissioners
 No.943 Mar 14, 21, 2003

SUMMARY: Amends Washoe County Code by adding Article 434, Regional Development Standards within Washoe County and Cooperative Planning Areas, and other matters properly relating thereto.

BILL NO. 1370

ORDINANCE NO. 1191

AN ORDINANCE AMENDING PROVISIONS RELATING TO WASHOE COUNTY CODE CHAPTER 110, ARTICLE 434, REGIONAL DEVELOPMENT STANDARDS WITHIN WASHOE COUNTY AND COOPERATIVE PLANNING AREAS, BY INCORPORATING STANDARDS TO ADDRESS SITE COMPATIBILITY BETWEEN EXISTING BUILT ENVIRONMENT AND NEW DEVELOPMENT WITHIN UNINCORPORATED WASHOE COUNTY. THE STANDARDS WILL ALSO APPLY TO COOPERATIVE PLANNING AMENDMENTS WITHIN THE POST-MAY 8, 2002 SPHERE OF INFLUENCE AND LANDS ANNEXED BY THE CITY OF RENO AND SPARKS UNDER THE PROVISIONS OF NRS 268.670 IN THE REGIONAL PLAN EXCEPT THOSE LANDS IDENTIFIED IN THE SETTLEMENT AGREEMENT IN NEVADA SUPREME COURT CASE 38749 (ALSO KNOWN AS THE VERDI MATTER). THE PROPOSED AMENDMENT INCLUDES REFERENCE TO LOT ADJACENCY STANDARDS OF SINGLE FAMILY RESIDENTIAL TO SINGLE FAMILY RESIDENTIAL INCLUDING PARCEL SIZE MATCHING, AND BUFFERING; LOT ADJACENCY STANDARDS FROM MULTI-FAMILY TO SINGLE FAMILY RESIDENTIAL; LOT ADJACENCY STANDARDS OF RESIDENTIAL TO NON-RESIDENTIAL; LOT ADJACENCY STANDARDS OF NON-RESIDENTIAL TO NON-RESIDENTIAL; GRADING; PROTECTION OF RIDGELINES, EARTHQUAKE FAULT AREAS, AND OTHER MATTERS PROPERLY RELATING THERETO.

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

SECTION 1.

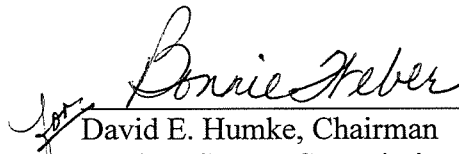
Article 434, "Regional Design and Development Standards within Cooperative Planning Areas" of Chapter 110 of the Washoe County Code is hereby amended as set forth in Exhibit A which is attached and incorporated by reference.

Proposed on the 25 day of February, 2003.
Proposed by Commissioner Galloway.
Passed on the 11 day of March, 2003.

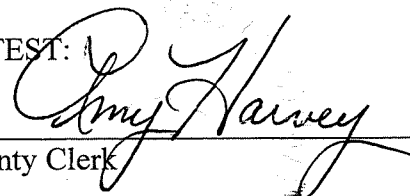
Vote: **3-0**
Ayes: **Galloway, Sferrazza, Weber**

Nays:

Absent: **Humke, Shaw**



David E. Humke, Chairman
Washoe County Commission

ATTEST: 

County Clerk

This ordinance shall be in force and effect from and after the 21 day of March, 2003

Article 434

REGIONAL DEVELOPMENT STANDARDS WITHIN COOPERATIVE PLANNING AREAS AND ALL OF WASHOE COUNTY

Sections:

| | |
|-------------------|--------------------------------|
| 110.434.00 | Introduction |
| 110.434.05 | Purpose |
| 110.434.10 | Applicability |
| 110.434.15 | Definitions |
| 110.434.20 | Density |
| 110.434.25 | Lot Adjacency Standards |
| 110.434.30 | Grading |
| 110.434.35 | Ridgelines |
| 110.434.40 | Earthquake Fault Areas |

Section 110.434.00 Introduction. Subsequent to adoption of the updated 2002 Truckee Meadows Regional Plan, the Regional Plan Settlement Agreement Case No. CV02-03469 (hereinafter referred to as "settlement agreement") was reached that disposed of certain litigation over the Regional Plan and related matters. Among subsequent actions required by the settlement agreement was development of certain specific objective criteria that would establish findings necessary for zone changes within areas defined as "cooperative planning areas" in the Truckee Meadows. This is addressed in Article 822, Provisions for Amendments to Local Master Plans and Zone Changes in Areas Subject to Cooperative Planning Under the Regional Plan Settlement Agreement. The settlement agreement also required development of certain minimum development standards common throughout the entire cooperative planning area to minimize potential negative impacts of new development on existing development within the incorporated and unincorporated areas. These common minimum standards are addressed in this article. Together, Articles 434 and 822 are intended to promote effective implementation of the Truckee Meadows Regional Plan of 2002 by applying specific standards and criteria, and requiring findings during the local zoning and master plan amendment process. Principle #1 of the Regional Plan, adopted May 9, 2002, states that the plan:

"...aims to limit the spread of the urban footprint and direct more development of homes and jobs toward the traditional core of the region—its downtowns, its designated Regional Centers, and its traditional transportation corridors. This strategy will redirect growth that might otherwise occur at the urban fringe; make more efficient use of land, natural resources and community services; save money on infrastructure; reduce dependence on the private automobile; promote multi-modal transportation choices; protect air quality; conserve energy; preserve designated open space; and create more affordable communities. This strategy, which will result in a more compact form of future development, as well as a more diverse mix of uses, will provide a variety of living and working situations, and will promote human, natural and economic capital, strengthen our communities and ensure that the region's assets are accessible to all."

[This Section added by Ord. _____, provisions eff. __/__/__]

Section 110.434.05 Purpose.

- (a) Articles 434 and 822 are intended to implement certain portions of the October 17, 2002 Regional Plan Settlement Agreement and to function as the master documents for the settlement agreement. These standards will be on file with all settlement signatories and the Court.
- (b) The cooperative planning criteria and development standards have been developed and implemented to provide better assurance to the communities and citizens as to what, where, when and how development will occur within their neighborhoods and to what standards or criteria these areas will be developed.
- (c) For the full term of the 2002 Regional Plan, the codes of Reno, Sparks and Washoe County must contain all the provisions specified in Articles 434 and 822. Codes for any of these jurisdictions may exceed these requirements, but they shall contain no provisions that contradict or weaken the effect of these provisions. Any variance to the provisions contained within this article, including any proposed modifications pursuant to special use permit or other special exception, shall be processed only as specified in NRS 278.300 (1)(c) as that statutory provision is implemented in Article 110.804 of the Washoe County Development Code and [the] corresponding provisions of the City of Sparks and City of Reno codes. Specific Plans, Transit Oriented Development, Emerging Employment Centers, Planned Unit Development or any other area within the cooperative planning areas may not be exempted from these provisions. Neither the Regional Plan, nor any of the codes of the three jurisdictions, shall be amended in any way so as to negate the provisions of these articles during the term of the 2002 Regional Plan. Notwithstanding the above, any or all of these provisions may be amended through majority vote of each of the three local governing bodies.

[This Section added by Ord. ____, provisions eff. __/__/__.]

Section 110.434.10 Applicability. These standards apply for the entire term of the 2002 Regional Plan, are part of the settlement of litigation related to that plan, and may be amended only by agreement of all parties to that settlement.

- (a) The standards established in Section 110.434.25 of this article relate to potential negative impacts that may occur at or near the interface between incorporated or extra territorial jurisdiction areas and unincorporated areas outside the spheres of influence. Accordingly, these standards apply only to:
 - (1) New development proposed in cooperative planning areas after October 17, 2002 within five hundred (500) feet of the existing built environment, or within five hundred (500) feet of platted lots.
 - (2) New development within unincorporated Washoe County within five hundred (500) feet of the existing built environment, or within five hundred (500) feet of platted lots.
- (b) The standards established in Sections 110.434.20, 110.434.30 and 110.434.35 of this article relate to impacts that can have a more wide-ranging impact on the entire existing developed community. These standards apply to all cooperative planning areas.

[This Section added by Ord. ____, provisions eff. __/__/__.]

Section 110.434.15 Definitions. The definitions in Article 822 shall apply.

[This Section added by Ord. ____, provisions eff. __/__/__.]

Section 110.434.20 Density. To the extent that land in such areas affected by this standard would be buildable under federal, state or local regulations, the full eligible density may be utilized on other locations on the site. However, the codes of all entities must provide that:

- (a) No density transfers may be allowed from lands that are otherwise undevelopable.
- (b) Any land from which density is transferred in a subdivision map must be deed-restricted for open space, parks or recreational use with Washoe County and the applicable City as parties to the recorded restriction.

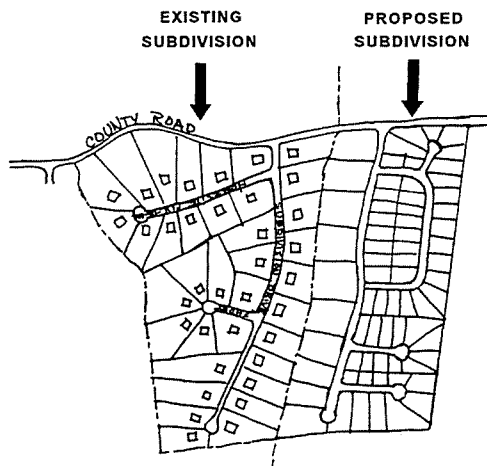
[This Section added by Ord. ____, provisions eff. __/__/__.]

Section 110.434.25 Lot Adjacency Standards. Lots proposed within a new subdivision that share a common property line with an established subdivision shall not contain structures that exceed the maximum height of the adjacent equivalent zoning district or land use district.

- (a) Large Lot Single Family Residential to Large Lot Single Family Residential. To provide adequate transition between varying sizes of single-family residential parcels designated one (1) dwelling unit per five (5) acres to one (1) dwelling unit per acre, the minimum adjacent lot size shall be one (1) acre. In no instance will the depth of any proposed lot (the extent of that lot perpendicular to the boundary line) be less than two hundred (200) feet.
- (b) Single Family Residential to Single Family Residential. To provide adequate transition between varying sizes of single-family residential parcels designated as one (1) unit per acre or greater density, one of the following methods shall be utilized:
 - (1) Parcel Size Matching. The minimum lot sizes identified in the land use designation of the immediately adjacent developed subdivision shall be maintained at the edge of the proposed subdivision as depicted in Figure 110.434.25.1. In no instance will the depth of any proposed lot (the extent of that lot perpendicular to the boundary line) be less than that of any existing lot to which it is adjacent.

Figure 110.434.25.1

PARCEL SIZE MATCHING



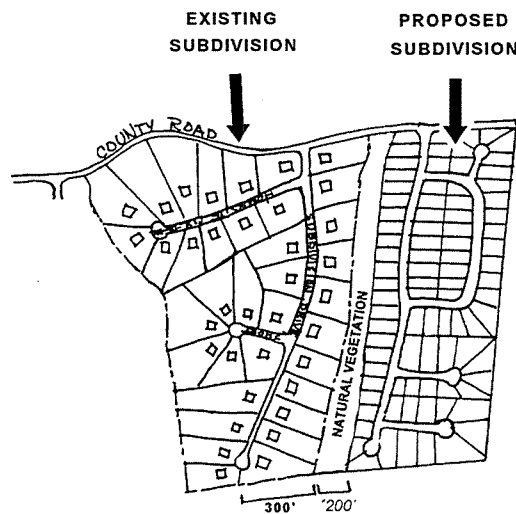
Source: Washoe County Department of Community Development.

Or

- (2) Buffering. A "buffer zone" shall be established. When the buffer remains natural vegetation, the buffer zone shall be equivalent to two hundred (200) feet or the average minimum lot depth of the adjoining developed property, whichever is greater (see Figure 110.434.25.2). The buffer zone may be common open space for the proposed subdivision. This common open space may not contain above ground utility lines but may include paths, equestrian trails, trees or benches. The buffer area and amenities must be maintained by the homeowners association or a lighting and landscaping district established pursuant to NRS 278.478.

Figure 110.434.25.2

BUFFERING



Source: Washoe County Department of Community Development.

- (c) Multi-family Residential to Single Family Residential. To provide adequate transition between multi-family and single-family residential parcels, the development code standards of the closest cooperative planning agency (City of Reno or City of Sparks) shall apply in those respective jurisdictions as those development code standards existed on October 17, 2002, except where a common code applies to all cooperative planning areas in accordance with standards provided for in the settlement agreement and in Exhibit 3, Initial Criteria for Areas within Extended SOIs of the Regional Plan Settlement Agreement Case No. CV02-03469.
- (d) Single Family Residential and Multi-family Residential to Non-residential. To provide adequate transition between non-residential parcels and multi-family residential parcels, and between non-residential parcels and single family residential parcels, the development code standards of the closest cooperative planning agency (City of Reno or City of Sparks) shall apply in those respective jurisdictions as those development code standards existed on October 17, 2002, except where a common code applies to all cooperative planning areas in accordance with Exhibit 3, Initial Criteria for Areas within Extended SOIs of the Regional Plan Settlement Agreement Case No. CV02-03469.

- (e) Non-residential to Non-residential. To provide adequate transition between varying uses on parcels designated non-residential, the side and rear setbacks shall be as required by the Washoe County Development Code on October 17, 2002, except where a common code applies to all cooperative planning areas in accordance with Exhibit 3, Initial Criteria for Areas within Extended SOIs of the Regional Plan Settlement Agreement Case No. CV02-03469.

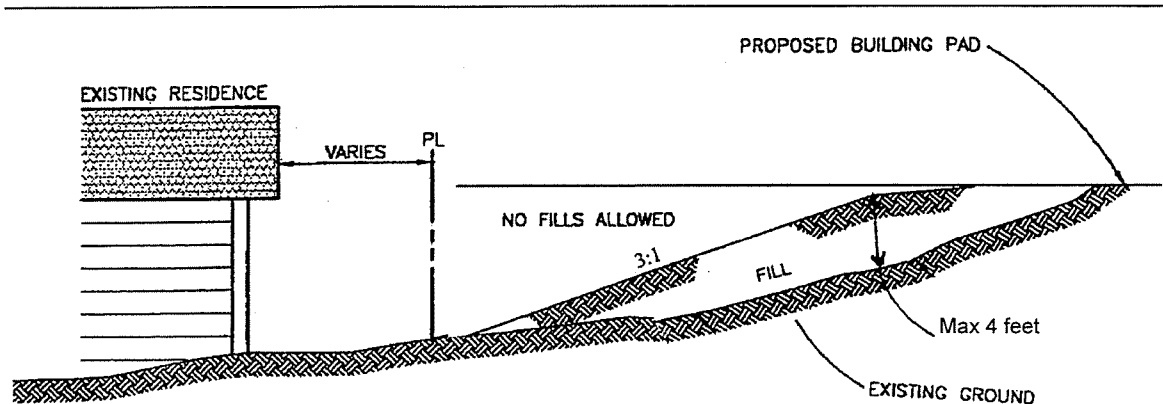
[This Section added by Ord. ____, provisions eff. __/__/__.]

Section 110.434.30 Grading.

- (a) Grading for subdivision improvements, minor or major special use permits, or other discretionary or building permits adjacent to lots less than or equal to five (5) acres in size shall:
- (1) Not result in slopes or fills in excess of, or steeper than, three horizontal to one vertical (3:1).
 - (2) For a distance of fifty (50) feet from the shared common property line with an existing residence (see Figure 110.434.30.1), fills shall not differ from the natural grade by more than forty-eight (48) inches and may not exceed a slope of three horizontal to one vertical (3:1).

Figure 110.434.30.1

GRADING



Source: Washoe County Department of Community Development.

- (3) Not result in slopes that differ from the natural grade by more than twenty (20) feet within five hundred (500) feet of a shared common property line with existing development.
- (4) Be limited on cut slopes to equal to, or less than, a slope of three horizontal to one vertical (3:1). However, major cut slopes, in excess of one hundred (100) lineal feet, shall be permitted when the cut slopes include stepped-back structural containment in the form of benches and terraces that include landscaping on the terraces. Rockery walls used to create benches are limited to a maximum vertical height of six (6) feet. The resulting terraces shall include a minimum horizontal width of six (6) feet to provide for the landscaped bench. An exception may be allowed for cuts into stable rock, supported by a geotechnical report.

- (5) 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.
 - (6) Visually integrate all slope faces (cut or fill) into the natural terrain by a gradual transition or "contouring/rounding" of the man-made landforms into the natural terrain to add sinuosity to the grading of the site.
 - (7) Prohibit the use of riprap and gabions as a mechanical stabilization for cut slopes, except where essential for safe access, for passage within the rights-of way of public roads, and for storm drainage control device(s).
 - (8) Require compatibility with adjacent lots, demonstrate visual impacts to the community, and propose design criteria, landscaping and buffering to mitigate impacts on adjacent property owners and the community's scenic character, if the applicant proposes cut, fills or slopes in excess of the requirements. Alternative materials and procedures supported by adequate engineering documentation may be approved, provided that they meet the aesthetic intent of these requirements and incorporate mitigation.
 - (9) Prohibit road cuts or road retaining walls in excess of six (6) feet in height, except where greater cuts are necessary to maintain AASHTO or local road standards. Grades above retaining walls or cuts shall not exceed three horizontal to one vertical (3:1). This exception shall not be granted when it is feasible to limit the wall height to six (6) feet by means of a slope layback above the wall, in which case the finished slope above the wall shall not exceed three horizontal to one vertical (3:1) and must be revegetated with sustainable growth.
 - (10) Ensure that when viewed from the horizontal opposite any cut made for a structure pad, the 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 90 percent of the total area of the cut when viewed from the horizontal.
- (b) All other grading standards shall apply for Sparks, Reno and Washoe County as they were respectively in effect on October 17, 2002, except where a common code applies to all cooperative planning areas in accordance with Exhibit 3, Initial Criteria for Areas within Extended SOIs of the Regional Plan Settlement Agreement Case No. CV02-03469.

[This Section added by Ord. ____, provisions eff. __/__/__]

Section 110.434.35 Ridgelines.

- (a) For visually important ridgeline (VIR) areas, the development standards of the applicable VIR area will apply, as developed in accordance with Article 822, Section 110.822.25(j).

- (b) Where at build-out there will be a row of structures along a ridgeline, the setbacks must be staggered with a variation of at least twenty (20) feet in an irregular pattern to avoid creating a visual "wall". Uniformity in structures arrayed along ridgelines is to be discouraged and variation is to be encouraged.
- (c) All other ridgeline design and development standards shall apply for Sparks, Reno and Washoe County as they were respectively in effect on October 17, 2002, except where a common code applies to all cooperative planning areas in accordance with Exhibit 3, Initial Criteria for Areas within Extended SOIs of the Regional Plan Settlement Agreement Case No. CV02-03469.

[This Section added by Ord. ____, provisions eff. __/__/__.]

Section 110.434.40 Earthquake Fault Areas. Development in earthquake fault areas is to be discouraged. No habitable structure, or a structure whose integrity is critical to maintaining the public health and safety, shall be located on a fault that has been active during the Holocene Epoch of geologic time or as determined by a site specific geotechnical study.

[This Section added by Ord. ____, provisions eff. __/__/__.]

Attachment 1

**MULTI-FAMILY RESIDENTIAL TO SINGLE FAMILY RESIDENTIAL
ADJACENCY STANDARDS**

| | COUNTY | RENO | SPARKS |
|-------------------------|---|--|--|
| STRUCTURE HEIGHT | 10du/ac = 40 ft. 21du/ac = 70 ft. 42du/ac = 70 ft. 110.406.05.1 | 14du/ac = 35 ft 21du/ac = 45 ft 30 du/ac = 45 ft. 18.06.503 Table 2 | Duplex = 30 ft. 20du/ac = 30 ft. 29du/ac = 35 ft. 20.76.030, 20.74 and 20.76 |
| SETBACKS | F/ S/ R 10du/ac = 15/5/10 21du/ac = 15/5/20 42du/ac = 20/5/20 110.406.05.1 None None | 15ft/30 if street 10 ft. side 20 rear 18.06.503 table two 10 foot side & rear setback then add 1:1 height/setback ratio over 15' Building height for 2 acre site or less and 1:3 height/setback ratio over 15 feet for over 2 acres 18.06.506D | 1ft height/ setback ratio 20.76.030, 20.74 and 20.76 |
| LANDSCAPING | 20% of site 1 tree/per 50 ft. frontage Living ground cover = 50% in 1 year Trees = mix conifers ½ 7 ft. & ½ 5 ft. tall Deciduous 50% 2" 50% 1" Preservation of Significant Trees Entire abutting setback area 110.412 | 20% of site 1 tree/per 300 sq.ft. of landscaping Living ground cover = 75% in 3 years Tree = mix 60% large = 10' 60% 2 ½ caliper Existing Tree Preservation Entire abutting setback landscaped 18.06.700 | 20% 1 tree/per 300 sq.ft. of landscaping 80% max turf Tree mix Conifer = 6 ft. Deciduous = 2" See Design Standards Guidelines 3-9 |
| SCREENING | 6-7 ft. fence Trash Enclosure screened | 6 ft solid 5 feet of landscaping adjacent 1 tree/30 ft. Same | Over 6 units SUP, address screening in review 15' periphery landscaping 4 trees, 24 shrubs per 100 lineal feet Same See Design Standards Guidelines 5-8 |

Attachment 1 (continued)

**MULTI-FAMILY RESIDENTIAL TO SINGLE FAMILY RESIDENTIAL
ADJACENCY STANDARDS**

| | COUNTY | RENO | SPARKS |
|-------------------------|------------------|---|---|
| SIGNAGE | Not addressed | No signage in rear adjacent to single family | Not addressed |
| DESIGN STANDARDS | None None | Building Façade fenestration Vertical to horizontal articulation | Horizontal/vertical articulation over 50' Roof variation Over 6 Units requires Special Use Permit, see Design Standards 5-4 |

Attachment 2

**NON-RESIDENTIAL TO SINGLE FAMILY RESIDENTIAL
ADJACENCY STANDARDS**

| | COUNTY | RENO | SPARKS |
|-------------------------|---|---|---|
| STRUCTURE HEIGHT | NC/O = 60 ft. GC = 80 ft. TC = 45 ft. I = 65 ft. 110.406.05.1 | OP & NC = 35 ft. GC = 65 ft. HC 65 ft. I = 55 ft. max. 18.06.503 Table 2 | OP & NC = 30 ft. C1 = 30 ft. C2 = 60' TC = No Max I = 55 ft. max. 20.80.030 |
| SETBACKS | F/ S/ R NC/O = 15/15/20 GC = 10/10/10 I = 15/10/15 110.406.05.1 None None | Adjoining Single Family Setback and add: 1:1 height/setback ratio over 15' Building height for 2 acre site or less add 1:3 height/ setback ratio over 15 feet for over 2 acres 18.06.506D | 1:1 ratio of height/setback 20.83, .85 and .86 |
| LANDSCAPING | 20% of site for commercial, 10% industrial 1 tree/per 50 ft. frontage Living ground cover = 50% in 1 year Trees = mix conifers ½ 7 ft. & ½ 5 ft. tall Deciduous 50% 2" 50% 1" Preservation of Significant Trees | 20% of site for OC/GO, NC, 15% for GC and I front yard with add on 18.06.702.1 1 tree/per 300 sq.ft. of landscaping Living ground cover = 75% in 3 years Tree = mix 60% large = 10' 60% 2 ½ caliper Existing Tree Preservation Entire abutting setback landscaped 18.06.700 | 25% of site for PO, 20% for C1, 15% for C2, 10% for TC 4 trees per 100 lineal feet Minimum 30' on center near residential Minimum planter 10' wide, 1 tree/5 shrubs ea. 25' Tree mix 50% = 6' 50% = 8 ft See Design Standards Guidelines 3.9 Perimeter Landscaping to residential |
| SCREENING | 6-7 ft. fence Trash Enclosure screened | 6 ft solid 5 feet of landscaping adjacent 1 tree/30 ft. Same | Solid and architecturally compatible, chain link with slats not allowed Same, metal doors Design Guidelines 3.9 Perimeter landscaping/screening to residential |

Attachment 2 (continued)

**NON-RESIDENTIAL TO SINGLE FAMILY RESIDENTIAL
ADJACENCY STANDARDS**

| | COUNTY | RENO | SPARKS |
|-------------------------|------------------------------|--|---|
| SIGNAGE | Per sign ordinance | No signage in rear adjacent to single family | Per sign ordinance |
| DESIGN STANDARDS | None None None | Building Façade fenestration Vertical to horizontal articulation Consistent architecture on all sides of structure | Land Use buffering to residential, segregate to maintain livable residential environment No direct line of sight window orientation Design Guidelines 3-2 through 3-4 |
| LOCATION | Per zoning | Per zoning | Noise, traffic or odor generating activities cannot be near residential uses |