

# *Division Eight - Procedures*

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# Article 800

## PROCEDURES: TITLE AND CONTENTS

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### Sections:

110.800.00	Title
110.800.05	Contents

**Section 110.800.00 Title.** Division Eight of Chapter 110, Development Code, is entitled Procedures.

**Section 110.800.05 Contents.** Division Eight consists of the following articles:

(a) ARTICLE 800 PROCEDURES: TITLE AND CONTENTS

*[Article 802 entitled "Administrative Waivers" repealed by Ord. 959, provisions eff. 7/26/96.]*

(c) ARTICLE 804 VARIANCES

(d) ARTICLE 806 VACATIONS AND ABANDONMENTS OF EASEMENTS OR STREETS

(e) ARTICLE 808 ADMINISTRATIVE PERMITS

(f) ARTICLE 809 ADMINISTRATIVE REVIEW PERMITS

(g) ARTICLE 810 SPECIAL USE PERMITS

(h) ARTICLE 812 PROJECTS OF REGIONAL SIGNIFICANCE

(i) ARTICLE 814 DEVELOPMENT AGREEMENTS

(j) ARTICLE 818 AMENDMENT OF DEVELOPMENT CODE

(k) ARTICLE 820 AMENDMENT OF MASTER PLAN

(l) ARTICLE 821 AMENDMENT OF REGULATORY ZONE

*[Article 822 entitled "Provisions for Amendments to Local Master Plans and Zone Changes in Areas Subject to Cooperative Planning Under the Regional Plan Settlement Agreement" removed by Ord. 1660, provisions eff. 1/22/21.]*

*[Amended by Ord. 959, provisions eff. 7/26/96; Ord. 1200, provisions eff. 6/6/03; Ord. 1660, provisions eff. 1/22/21, Ord. 1665, provisions eff. 4/15/21.]*



# Article 804

## VARIANCES

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### Sections:

110.804.00	Purpose
110.804.05	Requirements for Application
110.804.10	Supplemental Guideline, Standards and Criteria
110.804.15	Review Procedures
110.804.20	Notice
110.804.25	Findings
110.804.30	Projects of Regional Significance
110.804.35	Minor Deviations
110.804.40	Appeals
110.804.45	One Year Wait on Denials
110.804.50	Modification of a Variance
110.804.55	Expiration
110.804.60	Revocation

**Section 110.804.00 Purpose.** The purpose of this article, Article 804, Variances, is to provide a means of altering the requirements of this chapter in specific instances where the strict application of those requirements would deprive a property of privileges enjoyed by other properties with the identical regulatory zone because of special features or constraints unique to the property involved. This article does not give the power to take action which, in effect, allows a land use in contravention of the applicable regulatory zone or in any other way changes the applicable regulatory zone. This article cannot be used to vary the standards contained in Division Five, Signs, of this Development Code. Additionally, this article cannot be used to vary the maximum size of a detached accessory dwelling except as stipulated in Article 306, Accessory Uses and Structures.

*[Amended by Ord. 873, provisions eff. 6/7/93; Ord. 939, provisions eff. 11/1/95.]*

**Section 110.804.05 Requirements for Application.** Applications for variances may be initiated by the Board of County Commissioners, the property owner or a property owner's authorized agent. Applications shall be filed with the Department of Community Development. A request for a variance shall include a site plan which clearly delineates the locations and extent of the regulation to be varied. In addition, the applicant shall provide evidence showing how the findings required in this article can be met. No variance shall be processed until the information necessary to review and decide upon the proposed variance is deemed complete by the Director of Community Development.

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

**Section 110.804.10 Supplemental Guidelines, Standards and Criteria.** In addition to the standards and findings set forth in the Development Code, the Department of Community Development may prepare supplemental guidelines for the submission of applications and minimum standards and criteria for approval of applications.

**Section 110.804.15 Review Procedures.** The Board of Adjustment, the Planning Commission or a hearing examiner shall review variances in accordance with the provisions of this section.

- (a) General Provisions. The Board of Adjustment, the Planning Commission or a hearing examiner shall conduct a public hearing with notification for the purpose of receiving oral and written evidence relative to the application. The evidence shall be reviewed to determine if the application is consistent with existing policies, standards and required findings.
- (b) Concurrent Processing of Applications. A variance request related to additional Development Code action(s) which requires Board of Adjustment, Planning Commission or hearing examiner review shall be consolidated into one hearing before the appropriate approval authority for the major request being considered.
- (c) Time Period for Hearing. Public hearings conducted by the Board of Adjustment, the Planning Commission or a hearing examiner shall be held within sixty-five (65) days from the date of acceptance of the complete application.
- (d) Time Period for Action. The Board of Adjustment, the Planning Commission or a hearing examiner may take action on the proposed variance at the conclusion of the public hearing, but shall take action no later than ninety-five (95) days after the complete application was accepted. An extension of time for the Board of Adjustment, the Planning Commission or hearing examiner action may be granted if mutually agreed upon between the applicant and the Director of Community Development.
- (e) Action. The Board of Adjustment, the Planning Commission or hearing examiner may take action to approve, approve with conditions, modify, modify with conditions, or deny the variance request. Failure of the Board of Adjustment, the Planning Commission or hearing examiner to hold a public hearing or take action within the time frames provided in this article shall constitute approval of the application.
- (f) Effective Date of Action. Action on the variance application, unless otherwise specified, shall be effective upon expiration of the appeal period.

*[Amended by Ord. 873, provisions eff. 6/7/93; Ord. 959, provisions eff. 7/26/96.]*

**Section 110.804.20 Notice.** Notice shall be given in accordance with the provisions of this section.

- (a) Notice of Property Owners by Mail. A notice setting forth the time, place, purpose of hearing, and map or physical description of the land involved shall be sent by mail at least ten (10) days before the meeting to the following persons:
  - (1) All owners of real property that are the subject of the variance;
  - (2) Advisory boards created by the Board of County Commissioners for the area in which the property that is the subject of the variance is located;
  - (3) All owners of real property:

- (i) Within one hundred (100) feet of the property which is the subject of the variance when the variance request is for a deviation of thirty (30) percent or less; or
  - (ii) Within five hundred (500) feet of the property which is the subject of the variance when the variance request is for a deviation of thirty-one (31) percent or more.
- (4) All tenants of any mobile home park that is located:
- (i) Within one hundred (100) feet of the property which is the subject of the variance when the variance request is for a deviation of thirty (30) percent or less; or
  - (ii) Within five hundred (500) feet of the property which is the subject of the variance when the variance request is for a deviation of thirty-one (31) percent or more.
- (5) All General Improvement Districts (GID) for the area in which the property that is the subject of the variance is located.
- (6) The commander or administrator of a military installation, as defined in Article 902, that is within three thousand (3,000) feet of the property which is the subject of the variance application.
- (b) Notice of Property Owners by Electronic Means. If requested by a party pursuant to subsection (a) of this section and if receipt can be verified, an electronic notice must be provided at least ten (10) days before the meeting, setting forth the time, place, purpose of hearing, and map or physical description of the land involved.
- (c) Number of Notices. If the number of notices sent pursuant to this section does not identify thirty (30) or more separate property owners, the County shall send out additional notices to achieve a total of at least thirty (30) separate property owners. These notices shall be sent to owners of real property that are closest to the property in question, not including those owners provided notice pursuant to subsection (a) of this section.
- (d) Compliance with Noticing Requirements. Owners of all real property to be noticed pursuant to this section shall be those owners identified on the latest County Assessor's ownership maps and records. Such notice is complied with when notice is sent to the last known addresses of such real property owners as identified in the latest County Assessor's records. Any person who attends the public hearing shall be considered to be legally noticed unless those persons can provide evidence that they were not notified according to the provisions of this section.

*[Amended by Ord. 873, provisions eff. 6/7/93; Ord. 924, provisions eff. 2/6/95; Ord. 951, provisions eff. 6/7/96; Ord. 1088, provisions eff. 1/28/00; Ord. 1156, provisions eff. 3/22/02; Ord. 1347, provisions eff. 11/2/07.]*

**Section 110.804.25 Findings.** Prior to approving an application for a variance, the Board of Adjustment, the Planning Commission or hearing examiner shall find that findings (a) through (d) apply to the property and, if a military installation is required to be noticed, finding (e):

- (a) Special Circumstances. Because of the special circumstances applicable to the property, including either the:
- (1) Exceptional narrowness, shallowness or shape of the specific piece of property, or
  - (2) By reason of exceptional topographic conditions, or
  - (3) Other extraordinary and exceptional situation or condition of the property and/or location of surroundings,
- the strict application of the regulation results in exceptional and undue hardships upon the owner of the property;
- (b) No Detriment. The relief will not create a substantial detriment to the public good, substantially impair affected natural resources or impair the intent and purpose of the Development Code or applicable policies under which the variance is granted;
- (c) No Special Privileges. The granting of the variance will not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and the identical regulatory zone in which the property is situated; and
- (d) Use Authorized. The variance will not authorize a use or activity which is not otherwise expressly authorized by the regulation governing the parcel of property.
- (e) Effect on a Military Installation. The variance will not have a detrimental effect on the location, purpose and mission of the military installation.

*[Amended by Ord. 873, provisions eff. 6/7/93; Ord. 959, provisions eff. 7/26/96; Ord. 1108, provisions eff. 12/15/00; Ord. 1347, provisions eff. 11/2/07.]*

**Section 110.804.30 Projects of Regional Significance.** If a variance approval is for a project of regional significance or if the approval would cause the project to become a project of regional significance, no permit for development or use of the property pursuant to the variance shall be issued until the Regional Planning Commission and/or the Regional Planning Governing Board has taken final action on the project of regional significance.

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

**Section 110.804.35 Minor Deviations.** The Director of the Planning and Building Division may grant a minor deviation of standards to this chapter for deviations less than 10 percent of the applicable Development Code standard pursuant NRS 278.319.

- (a) Application. The applicant must file a Director's Modification of Standards application, accompanied by the appropriate fee, with the Planning and Building Division, and must clearly describe the extenuating circumstances or unique physical conditions on the project site to justify the need for the requested deviation. The applicant must provide a description of the requested deviation, and how the request will remedy the circumstances and/or conditions. As part of the application submittal, the applicant must provide written consent from the owner(s) of real property that would be affected by the request. At minimum, affected property owners means those owners of parcels that immediately abut



the location of the proposed minor deviation. The Director may require the written consent from additional owner(s) of real property if deemed necessary by the Director to provide notice to all owners of affected real property.

- (b) Director's Decision. The Director shall provide a written decision on the application for a minor deviation within 15 working days of receipt of a completed application. The Director may grant or deny the application, or may determine that the application exceeds the 10% threshold and require submission of a Variance application pursuant to this Article. The findings specified in section 804.25 of this Code are not required for minor deviations but the Director must find that the requested minor deviation does not result in a substantial detriment to the public good and does not impair the purpose of the zoning district or any regulations adopted by Washoe County. The Director's decision may be appealed following the provisions of section 804.40 of this Code.

*[Added by Ord. 1604, provisions eff. 12/8/17.]*

**Section 110.804.40 Appeals.** An action of the Board of Adjustment, Planning Commission or hearing examiner made pursuant to this article may be appealed to the Board of County Commissioners in accordance with the provisions of Section 110.912.20 of the Development Code.

*[Amended by Ord. 873, provisions eff. 6/7/93; Ord. 959, provisions eff. 7/26/96; Ord. 1156, provisions eff. 3/22/02; Ord. 1346, provisions eff. 11/2/07; Ord. 1555, provisions eff. 5/8/15.]*

**Section 110.804.45 One Year Wait on Denials.** After the denial of a variance, no application for a variance for the same or similar regulation may be accepted for one (1) year immediately following the denial. This section shall not apply to applications denied without prejudice, which may be refiled within one (1) year.

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

**Section 110.804.50 Modification of a Variance.** Modification of the terms of the approved variance itself or the waiver or alteration of conditions imposed incident to the granting of the variance shall require a new application following the same procedure required for the initial variance.

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

**Section 110.804.55 Expiration.** A variance shall expire as provided in this section.

- (a) Time Period. A variance shall expire and become null and void at the time specified therein. If no time is specified, the following shall apply:
- (1) The variance shall expire and become null and void in eighteen (18) months after its effective date except where construction and/or use in reliance on such variance has commenced prior to its expiration; or
  - (2) The variance shall expire and become null and void in five (5) years if any required building permit associated with the variance has not been extended or has lapsed and become void.
- (b) Extension. The time period in subsection (a) of this section may be extended for an addition of twelve (12) months by the Board of Adjustment or hearing examiner. Requests for time extensions shall be in writing and shall be

submitted prior to the expiration date. The request shall state the reason for the extension.

*[Amended by Ord. 873, provisions eff. 6/7/93; Ord. 959, provisions eff. 7/26/96.]*

**Section 110.804.60 Revocation.** Revocation of a variance shall be subject to the requirements of this section.

- (a) Initiation of Action. The Board of Adjustment or Board of County Commissioners may initiate an action to revoke a variance.
- (b) Grounds for Revocation. A variance may be revoked pursuant to the provisions of this section upon a finding of any one (1) or more of the following grounds:
  - (1) That the variance approval was obtained or extended by fraud; or
  - (2) That one (1) or more of the conditions upon which such development approval was granted have been violated.
- (c) Board of Adjustment Public Hearing. The Board of Adjustment shall hold a public hearing upon the revocation of the variance. The hearing shall be noticed in accordance with this article. The Board of Adjustment shall submit findings based on any one or more of the grounds listed in subsection (b) of this section and shall forward a recommendation on revocation to the Board of County Commissioners. The person or persons to whom the variance has been issued shall be notified of such recommendations not later than three (3) days after submission of the report to the Clerk of the Board of County Commissioners.
- (d) Board of County Commissioners' Action. The Board of County Commissioners shall hold a public hearing upon the revocation of the variance. The hearing shall be noticed in accordance with this article. After the public hearing and consideration of the recommendation of the Board of Adjustment, the Board of County Commissioners may take action to revoke the variance. The action of the Board of County Commissioners shall be by an affirmative vote of a majority of the entire membership of the Board. In the case of a tie due to the absence of a member, the action shall be continued to a future meeting unless requested otherwise by the person to whom the variance was granted. The final action of the Board of County Commissioners shall be considered final for the purposes of judicial review.

*[Amended by Ord. 873, provisions eff. 6/7/93; Ord. 1156, provisions eff. 3/22/02]*

*[Section 110.804.40 entitled "Standard Conditions" repealed by Ord. 873, provisions eff. 6/7/93. Section 110.804.35 entitled "Conformance with Chapter" amended by Ord. 873, provisions eff. 6/7/93 and repealed by Ord. 1040, provisions eff. 11/1/98.]*

# Article 806

## VACATIONS AND ABANDONMENTS OF EASEMENTS OR STREETS

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### Sections:

110.806.00	Purpose
110.806.05	Requirements for Application
110.806.10	Supplemental Guidelines, Standards and Criteria
110.806.15	Review Procedures of Planning Commission
110.806.20	Findings
110.806.25	Hearing of Appeal by Board
110.806.30	Notice of Board Hearing
110.806.35	Appeals to Board of County Commissions
110.806.40	Utility or Community Antenna Television Company Easement
110.806.45	Legal Description
110.806.50	Recordation
110.806.55	Sale of Vacated Portion
110.806.60	Payments
110.806.65	Light and Air
110.806.70	Reservations
110.806.75	Consistency with Plan
110.806.80	Reapplication

**Section 110.806.00 Purpose.** The purpose of this article, Article 806, Vacations and Abandonments of Easements or Streets, is to provide for the vacation or abandonment of easements or streets.

**Section 110.806.05 Requirements for Application.** Applications for the vacation or abandonment of a street or easement owned by the County, or a government patent easement, may be initiated by the Board of County Commissioners, Planning Commission, the Director of Community Development or an owner of real property abutting an easement or public street right-of-way through an application to the Department of Community Development or as part of a tentative subdivision map application if the abandonment or vacation application is related to the tentative map proposal. If the application for the vacation or abandonment of an easement or street is included as part of a tentative subdivision application, the noticing of the tentative subdivision map application shall include a description of the street or easement to be vacated or abandoned. No application shall be processed when the information necessary to review and decide upon it is deemed to be incomplete by the Director of Community Development.

*[Amended by Ord. 873, provisions eff. 6/7/93; Ord. 1041, provisions eff. 12/1/98; Ord. 1156, provisions eff. 3/22/02]*

**Section 110.806.10 Supplemental Guidelines, Standards and Criteria.** In addition to the standards and findings set forth in the Development Code, the Director of Community Development may prepare supplemental guidelines for the submission of applications and minimum standards and criteria for approval of applications.

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

**Section 110.806.15 Review Procedures of Planning Commission.** The Planning Commission shall review applications for abandonments and vacations in accordance with the provisions of this section.

- (a) General Provisions. The Planning Commission shall conduct a public hearing for the purpose of receiving evidence relative to the application. The evidence shall be reviewed to determine if the application is consistent with existing policies, standards and required findings.
- (b) Time Period for Hearing and Action. The Planning Commission shall hold a public hearing on the application for vacation or abandonment of an easement or street not less than 10 business days after the newspaper notice as required below is first published.
- (c) Notice of Planning Commission Hearing.
  - (1) Notice of Vacation or Abandonment, Only. Notice of a vacation or abandonment application to be heard by the Planning Commission shall be given by mailing to each owner of property abutting or connected to the proposed vacation or abandonment a notice of the proposed vacation or abandonment application through a delivery method that does not require signature or receipt of the notice by the abutting property owner, but does confirm delivery of the notice to the abutting property owner. Mailing of the notice shall occur at least 10 business days prior to the date of the Planning Commission's public hearing. Furthermore, a notice shall be published at least once in a newspaper of general circulation in the County not less than 10 business days prior to the date of the Planning Commission's public hearing.
  - (2) Notice of Vacation or Abandonment Combined with Tentative Subdivision Map Application. If the vacation or abandonment application is part of a tentative subdivision map application, the notice of the proposed vacation or abandonment shall be contained in the notice for the tentative subdivision map, and each owner of property abutting or connected to the proposed vacation or abandonment shall be provided notice of the combined proposed vacation or abandonment and tentative subdivision notice pursuant to the requirements of subsection (1). Notice shall be published at least once in a newspaper of general circulation in the County pursuant to the requirements of subsection (1).
  - (3) Notice of Public Utility and Community Antenna Television Company. Each public utility as defined in NRS 360.815 and each community antenna television company as defined in NRS 711.030 serving the area in which an easement or street is proposed to be abandoned shall receive a notice no later than 10 business days prior to the date of the Planning Commission's public hearing on the application. Accompanying the application shall be a request that the public utility and/or community antenna television company indicate in writing whether that entity wishes to have an easement for its purposes provided.

- (d) Action by the Planning Commission. Except as provided in Section 110.806.40, if, upon public hearing, the Planning Commission is satisfied that the public will not be materially injured by the proposed vacation, it shall order the street or easement vacated. The Planning Commission may make the order conditional, and the order becomes effective only upon the fulfillment of the conditions prescribed. Notwithstanding the final decision of the Planning Commission, if a public utility and/or community antenna television company requests an easement for its purposes pursuant to the notice provided in subsection (c)(3), an easement in favor of the public utility and/or community antenna television company shall be provided and the County shall ensure recordation of same.

*[Added by Ord. 873, provisions eff. 6/7/93. Amended by Ord. 1041, provisions eff. 12/1/98; Ord. 1288, provisions eff. 3/24/06; Ord. 1346 and 1347, provisions eff. 11/2/07; Ord. 1555, provisions eff. 5/8/15.]*

**Section 110.806.20 Findings.** Prior to recommending approval of an application for an abandonment or vacation, the Planning Commission shall find that all of the following are true:

- (a) Master Plan. The abandonment or vacation is consistent with the policies, action programs, standards and maps of the Master Plan and the applicable area plans;
- (b) No Detriment. The abandonment or vacation does not result in a material injury to the public; and
- (c) Existing Easements. Existing public utility easements in the area to be abandoned or vacated can be reasonably relocated to provide similar or enhanced service.

*[Added by Ord. 873, provisions eff. 6/7/93. Amended by Ord. 1156, provisions eff. 3/22/02; Ord. 1447, provisions eff. 9/9/10.]*

**Section 110.806.35 Appeals to Board of County Commissioners.**

- (a) An appeal of the Planning Commission's decision regarding a vacation or abandonment of an easement or street may be appealed to the Board of County Commissioners following the procedure set out in WCC 110.912.20 of the Development Code.
- (b) Except as provided in Section 110.806.40, if, upon public hearing on the appeal of the Planning Commission's final action on an abandonment or vacation of an easement or street, the Board is satisfied that the public will not be materially injured by the proposed vacation, it shall order the street or easement vacated. The Board may make the order conditional, and the order becomes effective only upon the fulfillment of the conditions prescribed. The action of the Board of County Commissioners shall be final for the purposes of judicial review. Notwithstanding the final decision of the Board of County Commissioners, if a public utility and/or community antenna television company requests an easement for its purposes pursuant to the notice provided in subsection 110.806.15(c)(3), an easement in favor of the public utility and/or community antenna television company shall be provided and the County shall ensure recordation of same.

*[Amended by Ord. 873, provisions eff. 6/7/93; Ord. 1041, provisions eff. 12/1/98; Ord. 1156, provisions eff. 3/22/02; Ord. 1347, provisions eff. 11/2/07; Ord. 1555, provisions eff. 5/8/15.]*

**Section 110.806.40 Utility or Community Antenna Television Company Easement.** If a public utility or community antenna television company has an easement over the property, the Planning Commission or the Board, after a hearing on the appeal of the Planning Commission final action, shall provide in its order for the continuation of that easement.

*[Amended by Ord. 873, provisions eff. 6/7/93; Ord. 1041, provisions eff. 12/1/98; Ord. 1347, provisions eff. 11/2/07.]*

**Section 110.806.45 Legal Description.** The applicant shall submit to the Engineering Division, a legal description for the area of the vacation or abandonment prepared by a Nevada Professional Land Surveyor, prior to publication of the order of vacation or abandonment, to the satisfaction of the Engineering Division.

*[Added by Ord. 873, provisions eff. 6/7/93; Ord. 1041, provisions eff. 12/1/98.]*

**Section 110.806.50 Recordation.** The order must be recorded in the Office of the County Recorder if all the conditions of the order have been fulfilled and, upon the recordation, title to the street or easement reverts to the abutting property owners in the approximate proportion that the property was dedicated by the abutting property owners or their predecessors in interest.

*[Amended by Ord. 873, provisions eff. 6/7/93; Ord. 1041, provisions eff. 12/1/98.]*

**Section 110.806.55 Sale of Vacated Portion.** In the event of a partial vacation of a street where the vacated portion is separated from the property from which it was acquired by the unvacated portion of it, the Board may sell the vacated portion upon such terms and conditions as it deems desirable and in the best interests of the County. If the Board sells the vacated portion, it shall afford the right of first refusal to each abutting property owner as to that part of the vacated portion which abuts his/her property, but no action may be taken by the Board to force the owner to purchase the portion and that portion may not be sold to any person other than the owner if the sale would result in a complete loss of access to a street from the abutting property.

*[Amended by Ord. 873, provisions eff. 6/7/93; Ord. 1041, provisions eff. 12/1/98.]*

**Section 110.806.60 Payments.** If the street was acquired by dedication from the abutting property owners or their predecessors in interest, no payment is required for title to the proportionate part of the street reverted to each abutting property owner. If the street was not acquired by dedication, the Planning Commission or Board, after a hearing on an appeal of the Planning Commission's final action, may make its order conditional upon payment by the abutting property owners for their proportionate part of the street of such consideration as the Planning Commission or Board, after a hearing on an appeal of the Planning Commission's final action, determines to be reasonable. If the Planning Commission or Board, after a hearing on an appeal of the Planning Commission's final action, determines that the vacation has a public benefit, it may apply the benefit as an offset against any determination of reasonable consideration which did not take into account the public benefit.

*[Amended by Ord. 873, provisions eff. 6/7/93; Ord. 1041, provisions eff. 12/1/98.]*

**Section 110.806.65 Light and Air.** Any easement for light and air adjacent to any vacated street is vacated upon the vacation of the street.

*[Amended by Ord. 873, provisions eff. 6/7/93; Ord. 1041, provisions eff. 12/1/98.]*

**Section 110.806.70 Reservations.** In any vacation or abandonment of any street or portion of it, the Planning Commission or Board, after a hearing on an appeal of the Planning Commission's

final action, may reserve and except therefrom any easements, rights, or interests therein which it deems desirable for the use of the County or any public utility. The abandonment or vacation of a government patent easement pursuant to this section addresses only the County's interest in the subject easement and cannot be relied upon for purposes of clearing title to the property.

*[Amended by Ord. 873, provisions eff. 6/7/93; Ord. 1041, provisions eff. 12/1/98; Ord. 1156, provisions eff. 3/22/02]*

**Section 110.806.75 Consistency with Plan.** No procedures or approvals that are provided for in this article may be in contravention to the Master Plan.

*[Amended by Ord. 873, provisions eff. 6/7/93; Ord. 1041, provisions eff. 12/1/98; Ord. 1447, provisions eff. 9/9/10.]*

**Section 110.806.80 Reapplication.** When an application for a vacation or abandonment of an easement or street has been denied, a subsequent application for the same easement or street right-of-way shall not be submitted for the next six (6) consecutive months commencing from the date of the final action by the Planning Commission or Board of County Commissioners, whichever is later.

*[Amended by Ord. 873, provisions eff. 6/7/93; Ord. 1041, provisions eff. 12/1/98.]*

*[Section 110.806.10, entitled "Recommendation by Planning Commission" repealed by Ord. 873, provisions eff. 6/7/93. Section 110.806.25 entitled "Transmittal of Planning Commission Recommendation to Board of County Commissioners" added by Ord. 873, provisions eff. 6/7/93 and repealed by Ord. 1041, provisions eff. 12/1/98.]*





# Article 808

## ADMINISTRATIVE PERMITS

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### Sections:

110.808.00	Purpose
110.808.05	Requirements for Application
110.808.10	Supplemental Guidelines, Standards and Criteria
110.808.15	Concurrent Processing
110.808.20	Projects of Regional Significance
110.808.25	Findings
110.808.30	Review Procedures
110.808.35	Review by the Hearing Examiner
110.808.40	Review by the Board of Adjustment
110.808.45	Appeals
110.808.50	One Year Wait on Denials
110.808.55	Modification of an Administrative Permit
110.808.60	Expiration
110.808.65	Revocation

**Section 110.808.00 Purpose.** The purpose of this article, Article 808, Administrative Permits, is to provide methods for reviewing proposed uses which possess characteristics that require special appraisal in order to determine if the uses have the potential to adversely affect other land uses, transportation or facilities in the vicinity. The Board of County Commissioners, the Board of Adjustment, or the hearing examiner, as established in Article 912, Establishment of Commissions, Boards and Hearing Examiners, may require conditions of approval necessary to eliminate, mitigate, or minimize to an acceptable level any potentially adverse effects of a use or to specify the terms under which commencement and operation of the use must comply.

*[Amended by Ord. 873, provisions eff. 6/7/93; Ord. 1040, provisions eff. 11/1/98; Ord. 1234, provisions eff. 5/21/04.]*

**Section 110.808.05 Requirements for Application.** Applications for administrative permits may be initiated by the property owner or authorized agent of the property owner. Applications shall be filed with the Department of Community Development. A request for an administrative permit shall include a site plan which clearly delineates the location and characteristics of the proposed use. No administrative permit shall be processed until the information necessary to review and decide upon the proposed administrative permit is deemed complete by the Department of Community Development.

*[Amended by Ord. 873, provisions eff. 6/7/93; Ord. 1040, provisions eff. 11/1/98.]*

**Section 110.808.10 Supplemental Guidelines, Standards and Criteria.** In addition to the standards and findings set forth in the Development Code, the Department of Community Development may prepare supplemental guidelines for the submission of applications and minimum standards and criteria for approval of applications.

**Section 110.808.15 Concurrent Processing.** An administrative permit application which also requires additional action by the Board of Adjustment or Planning Commission, such as a

variance or special use permit, shall be consolidated into one review before the appropriate approval authority. Subsequent references to the hearing examiner or the Board of Adjustment within this article will also apply to the Planning Commission when that body is the approval authority.

*[Added by Ord. 1040, provisions eff. 11/1/98. Amended by Ord. 1234, provisions eff. 5/21/04.]*

**Section 110.808.20 Projects of Regional Significance.** If an administrative permit approval is for a project of regional significance or if the approval would cause the project to become a project of regional significance, no permit for development or use of the property pursuant to the administrative permit shall be issued until the Regional Planning Commission and/or the Regional Planning Governing Board has taken final action on the project of regional significance.

*[Renumbered from 110.808.30 and amended by Ord. 873, provisions eff. 6/7/93.]*

**Section 110.808.25 Findings.** Prior to approving an application for an administrative permit, the hearing examiner or the Board of Adjustment shall find that all of the following, if applicable, are true:

- (a) **Consistency.** The proposed use is consistent with the policies, action programs, standards and maps of the Master Plan and the applicable area plan;
- (b) **Improvements.** Adequate utilities, roadway improvements, sanitation, water supply, drainage, and other necessary facilities have been or will be provided, the proposed improvements are properly related to existing and proposed roadways, and an adequate public facilities determination has been made in accordance with Division Seven;
- (c) **Site Suitability.** The site is physically suitable for the type of development and for the intensity of the development;
- (d) **Issuance Not Detrimental.** Issuance of the permit will not be significantly detrimental to the public health, safety or welfare; injurious to the property or improvements of adjacent properties; or detrimental to the character of the surrounding area; and
- (e) **Effect on a Military Installation.** If a military installation is required to be noticed pursuant to this article, the effect of the issuance of the permit will not be detrimental to the location, purpose and mission of the military installation.

*[Renumbered from 110.808.40 by Ord. 873, provisions eff. 6/7/93; renumbered from 110.808.30 by Ord. 1040, provisions eff. 11/1/98. Amended by Ord. 1234, provisions eff. 5/21/04; Ord. 1347, provisions eff. 11/2/07; Ord. 1447, provisions eff. 9/9/10.]*

**Section 110.808.30 Review Procedures.** Two separate review procedures are available for the processing of administrative permits. These review procedures shall not be administered concurrently.

- (a) **Hearing Examiner Review.** The first procedure, review by the hearing examiner, requires an applicant for an administrative permit to obtain the written consent of the administrative permit from each owner of any real property that would be affected and, unless appealed, does not require a public hearing. The procedures in Section 110.808.35 shall be followed.

- (b) Board of Adjustment Review. The second procedure requires a public hearing before the Board of Adjustment and is similar to the process for a special use permit, although the review time is shortened. The procedures in Section 110.808.40 shall be followed.

*[Amended by Ord. 873, provisions eff. 6/7/93. Renumbered from 110.808.15 and amended by Ord. 1040, provisions eff. 11/1/98. Amended by Ord. 1234, provisions eff. 5/21/04.]*

**Section 110.808.35 Review by the Hearing Examiner.** The hearing examiner shall review administrative permits and take the appropriate action in accordance with the provisions of this section. The hearing examiner may approve, approve with conditions, modify, modify with conditions, or deny the administrative permit request. All decisions of the hearing examiner shall be in writing.

- (a) Affected Property Owners. Upon receipt of a complete application, the hearing examiner shall determine the owners of real property that may be affected by the proposed use and provide the applicant with a written list and a consent form for signature within five (5) working days of receipt. All property owners within five hundred (500) feet of the proposed use, homeowners associations or Architectural Control Committees that are registered with the Building and Safety Division of the County; and all military installations as defined in Article 902 that are within three thousand (3,000) feet of the property that is the subject of the administrative permit application will be considered affected property owners.
- (b) Written Consent. The applicant for the administrative permit shall obtain the signature of all affected property owners on the consent forms provided by the hearing examiner. Once all signatures have been obtained, the applicant shall submit the consent forms to the Department of Community Development.
- (c) Processing. Upon receipt of the signed consent forms forwarded to affected property owners, the hearing examiner shall commence processing the administrative permit. The hearing examiner shall review the administrative permit to determine its consistency with existing policies, standards and required findings. A decision shall be rendered within five (5) working days of receipt of the signed consent forms. An extension of time for hearing examiner action may be granted in writing if mutually agreed upon by the applicant and the hearing examiner. No hearing is required for the completion of this process.
- (d) Effective Date of Action. Action on the administrative permit application, unless otherwise specified, shall be effective upon expiration of the appeal period.
- (e) Notice of Decision.
  - (1) Recipients of Notice - Approval. Within five (5) working days of approval or conditional approval by the hearing examiner, the following persons shall be notified by mail of the final decision on the administrative permit:
    - (i) All individuals with addresses listed on the application for the administrative permit and the property owner.
    - (ii) All affected property owners for whom consent signatures were required.

- (iii) Advisory boards created by the Board of County Commissioners for the area in which the property that is the subject of the administrative permit is located.
  - (iv) All General Improvement Districts (GIDs) for the area in which the property that is the subject of the administrative permit is located.
- (2) Recipients of Notice - Denial. Within five (5) working days of the denial of the request by the hearing examiner, the following persons shall be notified by mail of the final decision on the administrative permit:
- (i) All individuals with addresses listed on the application for the administrative permit and the property owner.
  - (ii) All affected property owners for whom consent signatures were required.
- (3) Contents of Notice - Approval or Denial. Such notice shall describe the proposed administrative permit request; describe the lot, parcel, properties, or area that are the subject of the administrative permit; describe the decision of the hearing examiner and, if the administrative permit has been approved, any conditions made part of the administrative permit; the appellate procedures that can be taken regarding the decision of the hearing examiner; and the closing date of filing an appeal of the decision.
- (4) Compliance with Noticing Requirements. All owners of real property to be noticed pursuant to this section shall be those owners identified on the latest ownership maps and records of the Washoe County Assessor. Compliance with the noticing requirements is established when notice is mailed to the last known address listed on the records of the Assessor, or if requested by a party to whom notice must be provided, by electronic means if receipt of such an electronic notice can be verified.

*[Added by Ord. 1040, provisions eff. 11/1/98. Amended by Ord. 1088, provisions eff. 1/28/00; Ord 1234, provisions eff. 5/21/04; Ord. 1347, provisions eff. 11/2/07.]*

**Section 110.808.40 Review by the Board of Adjustment.** The Board of Adjustment, or the Planning Commission on concurrent applications requiring their review, shall review administrative permits in accordance with the provisions of this section.

- (a) General Provisions. The Board of Adjustment shall conduct a public hearing with notification for the purpose of receiving oral and written evidence relative to the application. The evidence shall be reviewed to determine if the application is consistent with existing policies, standards and required findings.
- (b) Time Period for Hearing. Public hearings before the Board of Adjustment shall be held at the next available meeting for which the requirements of noticing can be satisfied. Such time frame shall consider the time necessary to circulate the applications to the reviewing agencies, prepare the notices, obtain the mailing labels, and deliver the notices to the required individuals, but shall not exceed sixty-five (65) days.

- (c) Notice. Notice shall be given in accordance with the provisions of this section.
- (1) Notice of Property Owners by Mail. A notice setting forth the time, place, purpose of hearing, and map or physical description of the land involved shall be sent by mail at least ten (10) days before the meeting to the following persons:
- (i) All owners of real property that are the subject of the administrative permit.
  - (ii) Advisory boards created by the Board of County Commissioners for the area in which the property that is the subject of the administrative permit is located.
  - (iii) All owners of real property within five hundred (500) feet of the property which is the subject of the administrative permit.
  - (iv) All tenants of any mobile home park that is located within five hundred (500) feet of the property which is the subject of the administrative permit.
  - (v) All General Improvement Districts (GIDs) for the area in which the property that is the subject of the administrative permit is located.
  - (vi) The commander or administrator of a military installation, as defined in Article 902, that is located within three thousand (3,000) feet of the property which is the subject of the administrative permit application.
- (2) Notice of Property Owners by Electronic Means. If requested by a party pursuant to subsection (a) of this section and if receipt can be verified, an electronic notice must be provided at least ten (10) days before the meeting, setting forth the time, place, purpose of hearing, and map or physical description of the land involved.
- (3) Number of Notices. If the number of notices sent pursuant to this section does not total thirty (30) or more, the County shall send out additional notices to make the total number at least thirty (30). These notices shall be sent to owners of real property that are closest to the property in question, not including those owners engaged in acquiring the administrative permit.
- (4) Compliance with Noticing Requirements. All owners of real property to be noticed pursuant to this section shall be those owners identified on the latest ownership maps and records of the County Assessor. Compliance with the noticing requirements is established when notice is sent to the last known address on the records of the County Assessor.
- (d) Time Period for Action. The Board of Adjustment shall take action on the proposed administrative permit at the conclusion of the public hearing. An extension of time for the Board of Adjustment action may be granted if mutually agreed upon by the applicant and the Board of Adjustment.

- (e) Action. The Board of Adjustment may take action to approve, approve with conditions, modify, modify with conditions, or deny the administrative permit request. Failure of the Board of Adjustment to hold a public hearing or take action within the specified time frames shall constitute an automatic appeal to the Board of County Commissioners.
- (f) Effective Date of Action. Action on the administrative permit application, unless otherwise specified, shall be effective upon expiration of the appeal period.

*[Added by Ord. 1040, provisions eff. 11/1/98. Amended by Ord. 1088, provisions eff. 1/28/00; Ord. 1234, provisions eff. 5/21/04; Ord. 1347, provisions eff. 11/2/07; Ord 1603, provisions eff 12/8/17.]*

**Section 110.808.45 Appeals.** An action of the hearing examiner or Board of Adjustment made pursuant to this article may be appealed to the Board of County Commissioners in accordance with the provisions of Section 110.912.20 of the Development Code.

*[Renumbered from 110.808.55 and amended by Ord. 873, provisions eff. 6/7/93. Renumbered from 110.808.40 and amended by Ord. 1040, provisions eff. 11/1/98. Amended by Ord. 1234, provisions eff. 5/21/04; Ord. 1346, provisions eff. 11/2/07; Ord. 1555, provisions eff. 5/8/15.]*

**Section 110.808.50 One Year Wait on Denials.** After the denial of an administrative permit, no application for an administrative permit for the same or similar use may be accepted for one (1) year immediately following the denial. This section shall not apply to applications denied without prejudice, which may be refiled within one (1) year.

*[Renumbered from 110.808.60 by Ord. 873, provisions eff. 6/7/93. Renumbered from 110.808.45 by Ord. 1040, provisions eff. 11/1/98.]*

**Section 110.808.55 Modification of an Administrative Permit.** Proposed modifications of approved administrative permits shall be subject to the requirements in this section.

- (a) Required Conditions. The Director of Community Development may approve plans for an alteration of the approved use when the alteration complies with all of the following conditions:
  - (1) The building or use expansion is incidental to the existing use;
  - (2) The building or use expansion does not result in a change of use;
  - (3) No building expansion involves more than ten (10) percent increase in floor area covered by existing structures associated with the use;
  - (4) No use expansion involves more than ten (10) percent increase in the overall site area covered by the existing use;
  - (5) The building or use expansion, in the opinion of the Director of Community Development, would not have a substantial adverse effect on adjacent property; and
  - (6) The building or use expansion complies with existing requirements of agencies having jurisdiction and any other appropriate regulatory agency as determined by the Director of Community Development.

- (b) Conditions Not Met. If a proposed expansion does not comply with the conditions in subsection (a) of this section, a new permit shall be required following the same procedure required for the initial application.
- (c) New Permit Required. Modification of the terms of the approved administrative permit itself or the waiver or alteration of conditions imposed incident to the granting of the permit shall require a new application following the same procedure required for the initial permit.

*[Renumbered from 110.808.65 and amended by Ord. 873, provisions eff. 6/7/93. Renumbered from 110.808.50 by Ord. 1040, provisions eff. 11/1/98.]*

**Section 110.808.60 Expiration.** An administrative permit shall expire as provided in this section.

- (a) Time Period. An administrative permit shall expire and become null and void at the time specified in the permit, or if not specified, two (2) years from the final date of approval.
- (b) Extension. The time specified in the administrative permit may be extended by the hearing examiner. Requests for time extensions shall be in writing and shall be submitted prior to the expiration date. The request shall state the reason for the extension.
- (c) Discontinuance. An administrative permit shall expire and become null and void twelve (12) months after the purpose for which it was granted has been discontinued or abandoned. During this twelve (12) month period, any operational conditions of approval shall remain in force and effect.

*[Renumbered from 110.808.70 and amended by Ord. 873, provisions eff. 6/7/93. Renumbered from 110.808.55 by Ord. 1040, provisions eff. 11/1/98. Amended by Ord. 1234, provisions eff. 5/21/04.]*

**Section 110.808.65 Revocation.** Revocation of an administrative permit shall be subject to the requirements of this section.

- (a) Initiation of Action. The hearing examiner, Board of Adjustment, Planning Commission, or Board of County Commissioners may initiate an action to revoke an administrative permit.
- (b) Grounds for Revocation. An administrative permit may be revoked pursuant to the provisions of this section upon a finding of any one (1) or more of the following grounds:
  - (1) That the administrative permit approval was fraudulently obtained or extended;
  - (2) That one (1) or more of the conditions upon which such development approval was granted have been violated; or
  - (3) That the use or facility for which the development approval was granted is so conducted or maintained as to be detrimental to the public health or safety, or as to be a public nuisance.

- (c) Action by the Board of County Commissioners. The Board of County Commissioners shall hold a public hearing upon the revocation of the administrative permit. The hearing shall be noticed in accordance with Section 110.808.40. After the public hearing, and upon considering the evidence submitted, the Board of County Commissioners may take action to revoke the administrative permit.

*[Renumbered from 110.808.75 and amended by Ord. 873, provisions eff. 6/7/93. Renumbered from 110.808.60 and amended by Ord. 1040, provisions eff. 11/1/98. Amended by Ord. 1234, provisions eff. 5/21/04.]*

*[Section 110.808.20 entitled "Notice", Section 110.808.25 entitled "Public Comment" and Section 110.808.45 entitled "Standard Conditions" repealed by Ord. 873, provisions eff. 6/7/93. Section 110.808.25 entitled "Conformance with Chapter" renumbered from 110.808.35 and repealed by Ord. 1040, provisions eff. 11/1/98.]*

*[Section 110.808.35 entitled "Notice of Decision" renumbered from 110.808.50 and amended by Ord. 873, provisions eff. 6/7/93.]*



## Article 809

# ADMINISTRATIVE REVIEW PERMITS

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### Sections:

110.809.00	Purpose
110.809.05	Requirements for Application
110.809.10	Supplemental Guidelines, Standards and Criteria
110.809.15	Review Procedures
110.809.20	Appeals
110.809.25	Modifications of an Administrative Review Permit
110.809.30	Revocation

**Section 110.809.00 Purpose.** The purpose of Article 809, Administrative Review Permits, is to provide methods for reviewing proposed uses which possess characteristics that require special appraisal in order to determine if the use(s) have the potential to adversely impact other land uses, transportation or services and facilities in the vicinity. The Board of County Commissioners, the Board of Adjustment, or the Planning and Building Division Director may require conditions of approval necessary to eliminate, mitigate, or minimize to an acceptable level any potentially adverse effects of a use or to specify the terms under which commencement and operation of the use must comply.

**Section 110.809.05 Requirements for Application.** Applications for administrative review permits may be initiated by the property owner or authorized agent of the property owner. Applications shall be filed with the Planning and Building Division. A request for an administrative review permit shall include the appropriate application, supplemental materials and site plan which clearly delineates the location and characteristics of the proposed use. No administrative review permit shall be processed until the information necessary to review and decide upon the proposed administrative review permit is deemed complete by the Planning and Building Division.

**Section 110.809.10 Supplemental Guidelines, Standards and Criteria.** In addition to the standards and findings set forth in the Development Code, the Planning and Building Division may prepare supplemental guidelines for the submission of applications and minimum standards and criteria for approval of applications.

**Section 110.809.15 Review Procedures.** The Director, or her/his designee, shall review an administrative review application request for compliance with the Development Code while also taking into consideration any testimony offered by affected property owners and the applicant, as well as characteristics of the property. The Director, or her/his designee, may approve, approve with conditions, modify, modify with conditions, or deny the request. All administrative decisions shall be in writing. The administrative decision may be appealed per the procedures set forth in this article.

- (a) **Affected Property Owners.** Upon receipt of a complete Administrative Review Permit application, the Director, or her/his designee, shall determine the owners of real property that may be affected by the proposed use. All property owners within five hundred (500) feet of the subject parcel, Citizen Advisory Board members, homeowners associations, or County-registered architectural control/construction committees within common-interest communities registered with the State of Nevada; and all military installations as defined in Article 902, Definitions, that are within three thousand (3,000) feet of the property that

is the subject of the proposed use will be considered affected property owners. A minimum of ten (10) adjacent property owners shall be noticed.

- (b) Processing. Upon receipt of a complete Administrative Review Permit application, the Director, or her/his designee, shall commence processing and reviewing the request. Affected property owners may provide written testimony on the application for consideration in the review process and inclusion into the public record. The applicant shall be given an opportunity to respond to any testimony provided. All testimony provided shall be considered by the Director, or her/his designee, in rendering a decision.
- (1) Notice. An application must be deemed complete or incomplete within three (3) working days of receipt of the application. Notice will be mailed to affected property owners within three (3) working days of the determination that the application is complete.
  - (2) Affected Property Owner Comment Period. Written testimony from affected property owners must be received by the division within fifteen (15) calendar days of notices being mailed. If the end of the affected property owner period falls on a non-business day, then comments shall be due the next business day.
  - (3) Applicant Responses to Affected Property Owner Comments. Written responses from the applicant must be received by the division within seven (7) calendar days of the end of the affected property owner comment period. If the end of the applicant response period falls on a non-business day, then responses shall be due the next business day.
  - (4) Issuance of Written Decision on the Application. A written decision shall be issued and mailed by the Director, or his designee, within ten (10) working days of the division receiving the applicant responses. The applicant may choose not to respond and begin this ten (10) working day period immediately following the affected property owner comment period. The written decision shall be mailed to all individuals with addresses listed on the application, the property owner of record, and all affected property owners (as defined in subsection (2) above).
  - (5) Public Hearing Not Required. No public hearing is required for the completion of this process, unless the Administrative Review Permit decision is appealed in accordance with the procedures set forth in this article.
- (c) Effective Date of Action. Action on the application request, unless otherwise specified, shall be effective upon expiration of the appeal period. For Administrative Review Permits associated with a short-term rental permit, the applicant must also successfully obtain a short-term rental permit prior to advertising or operation.
- (d) Contents of Notice – Approval or Denial. Such notice shall describe the proposed application request; describe the lot, parcel, properties, or area that are the subject of the application request; describe the decision of the Director, or his designee; and, if the application has been approved, any conditions made part of the approval; the appeal and/or appellate procedures that can be taken regarding the decision; and the closing date of filing an appeal of the decision.
- (e) Compliance with Noticing Requirements. All owners of real property to be noticed pursuant to this section shall be those owners identified on the latest ownership maps and records of the Washoe County Assessor. Compliance with the noticing requirements is established when notice is mailed to the last known address listed on the records of the

Assessor, or if requested by a party to whom notice must be provided, by electronic means if receipt of such an electronic notice can be verified.

**Section 110.809.20 Appeals.** An Administrative Review Permit decision of the Director, or her/his designee, made pursuant to this article may be appealed in accordance with the following provisions:

- (a) An appeal of the Administrative Review Permit decision shall be made within ten (10) calendar days from the date of the notice of decision was mailed. If filed, an appeal stays any further action on the decision until final resolution of the appeal. If the end of the appeal period falls on a non-business day, the appeal period shall be extended to include the next business day.
- (b) Appeals may be filed only by the applicant or the applicant's authorized agent or by an affected property owner (as defined in this article).
- (c) An Appeal of Decision application shall be filed with the Planning and Building Division, accompanied by a filing fee. The appeal shall be in writing and state the basis of the appeal by citing the inadequacy of the decision, reasons for denial, and/or conditions of approval made in the decision.
- (d) Appeals of Administrative Review Permit decisions for short-term rentals shall be heard by the Board of County Commissioners. The Planning and Building Division shall schedule a public hearing within sixty (60) calendar days of the filing date of the appeal. The public hearing on the appeal shall be noticed pursuant to Section 110.912.20. The notice shall state that an appeal has been filed; describe the request being appealed; describe the lot, parcel, property or areas that are the subject of the application; describe the Director's final Administrative Review Permit decision on the request; and note other necessary pertinent information. The Board of County Commissioners shall consider only those items cited in the appeal. In its deliberation, it may use the record and any additional evidence relative to the application and may confirm, reverse, or modify the appealed action based upon its interpretation of the standards required and the evidence submitted.
- (e) All other appeals of Administrative Review Permit decisions shall be heard by the Board of Adjustment. The Planning and Building Division shall schedule a public hearing on the appeal for the next available meeting date of the Board of Adjustment. The public hearing on the appeal shall be noticed pursuant to Section 110.808.40. The notice shall state that an appeal has been filed; describe the request being appealed; describe the lot, parcel, property or areas that are the subject of the application; describe the Director's final Administrative Review Permit decision on the request; and note other pertinent information. The Board of Adjustment shall consider only those items cited in the appeal. In its deliberation, it may use the record and any additional evidence relative to the application and may confirm, reverse, or modify the appealed action based upon its interpretation of the standards required and the evidence submitted. The action of the Board of Adjustment may be appealed to the Washoe County Commission for a final determination.

**Section 110.809.25 Modification of an Administrative Review Permit.** Modification of the terms and/or conditions of an Administrative Review Permit approval shall not be allowed. Proposals to modify the terms and/or conditions of an administrative decision shall require a new application following the same procedure required for the initial application.

**Section 110.809.30 Revocation.** The Board of Adjustment (or Board of County Commissioners, for Administrative Review Permits associated with a short-term rental) may initiate an action to revoke an administrative review approval issued pursuant to this section. The Board of

Adjustment shall hold a public hearing on the revocation of the Administrative Review Permit approval and provide notice as set forth in Section 110.808.40. For items heard by the Board of County Commissioners, that Board shall hold a public hearing on the revocation of the Administrative Review Permit approval and provide notice as set forth in Section 110.912.20. After the public hearing, and upon considering the evidence submitted, the applicable board may take action to revoke the Administrative Review Permit approval based upon a finding of any one (1) or more of the following grounds:

- (a) That the Administrative Review Permit approval was fraudulently obtained or extended;
- (b) That one (1) or more of the conditions upon which such development approval was granted have been violated, and the applicable board finds that those violations are substantial in nature, unduly and negatively affecting neighboring property owners, or relating directly to public health, safety or welfare; or
- (c) That the use or facility for which the development approval was granted is so conducted or maintained as to be detrimental to the public health or safety, or as to be a public nuisance, or in the case of an Administrative Review Permit associated with a short-term rental, that unauthorized/unpermitted alteration of required life safety elements has occurred.

*[Article 809 added by Ord. 1665, provisions eff. 4/15/21.]*

# Article 810

## SPECIAL USE PERMITS

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### Sections:

110.810.00	Purpose
110.810.05	Review of Special Use Permits
110.810.10	Requirements for Application
110.810.15	Supplemental Guidelines, Standards and Criteria
110.810.20	Review Procedures
110.810.25	Notice
110.810.30	Findings
110.810.35	Development of Natural Resources
110.810.40	Projects of Regional Significance
110.810.42	Hazardous Materials
110.810.50	Appeals
110.810.55	One Year Wait on Denials
110.810.60	Modification of a Special Use Permit
110.810.65	Expiration
110.810.70	Revocation

**Section 110.810.00 Purpose.** The purpose of this article, Article 810, Special Use Permits, is to provide a method of reviewing proposed uses as listed in Article 302, Allowed Uses, which possess characteristics that require special appraisal in order to determine if the uses have the potential to adversely affect other land uses, transportation systems, or public facilities in the vicinity. The Planning Commission, Board of Adjustment or hearing examiner may require conditions of approval necessary to eliminate or minimize to an acceptable level any potentially adverse effects of the use.

*[Amended by Ord. 873, provisions eff. 6/7/93; Ord. 1234, provisions eff. 5/21/04.]*

**Section 110.810.05 Review of Special Use Permits.** Section 110.302.15 and Section 110.810.20(b) of this Development Code shall be used to determine whether the Planning Commission, the Board of Adjustment or a hearing examiner shall review an application for a special use permit according to the procedures of this article.

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

**Section 110.810.10 Requirements for Application.** Applications for special use permits may be initiated by the Board of County Commissioners, a property owner or the property owner's authorized agent. Applications shall be filed with the Department of Community Development. A request for a special use permit shall include a site plan which clearly delineates the location and characteristics of the proposed use. No special use permit shall be processed until the information necessary to review and decide upon the proposed special use permit is deemed complete by the Director of Community Development.

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

**Section 110.810.15 Supplemental Guidelines, Standards and Criteria.** In addition to the standards and findings set forth in the Development Code, the Department of Community Development may prepare supplemental guidelines for the submission of applications and minimum standards and criteria for approval of applications.

**Section 110.810.20 Review Procedures.** The Planning Commission, Board of Adjustment or a hearing examiner shall review special use permits in accordance with the provisions of this section.

- (a) **General Provisions.** The Planning Commission, Board of Adjustment or a hearing examiner shall conduct a public hearing with notification for the purpose of receiving oral and written evidence relative to the application. The evidence shall be reviewed to determine if the application is consistent with existing policies, standards and required findings.
- (b) **Concurrent Processing of Applications.** A special use permit request related to additional Development Code action(s) which requires Board of Adjustment, Planning Commission or hearing examiner review shall be consolidated into one hearing before the appropriate approval authority for the major request being considered.
- (c) **Time Period for Hearing.** Public hearings conducted by the Planning Commission, Board of Adjustment or a hearing examiner shall be held within sixty-five (65) days from the date of acceptance of the complete application.
- (d) **Time Period for Action.** The Planning Commission, Board of Adjustment or a hearing examiner may take action on the proposed special use permit at the conclusion of the public hearing, but shall take action no later than ninety-five (95) days after the complete application was accepted. An extension of time for Planning Commission, Board of Adjustment or hearing examiner action may be granted if mutually agreed upon between the applicant and the Director of Community Development.
- (e) **Action.** The Planning Commission, Board of Adjustment or a hearing examiner may take action to approve, approve with conditions, modify, modify with conditions, or deny the special use permit request. The Planning Commission, Board of Adjustment or a hearing examiner may also vary standards of the Development Code as part of the approval of a special use permit application. Failure of the Planning Commission, Board of Adjustment or a hearing examiner to hold a public hearing or take action within the time frames provided in this article shall constitute approval of the application.
- (f) **Effective Date of Action.** Action on the special use permit application, unless otherwise specified, shall be effective upon expiration of the appeal period.

*[Amended by Ord. 873, provisions eff. 6/7/93; Ord. 1156, provisions eff. 3/22/02; Ord. 1234, provisions eff. 5/21/04, Ord. 1378, provisions eff. 8/1/08.]*

**Section 110.810.25 Notice.** Notice shall be given in accordance with the provisions of this section.

- (a) **Notice of Property Owners by Mail.** A notice setting forth the time, place, purpose of hearing, and map or physical description of the land involved shall be sent by mail at least ten (10) days before the meeting to the following persons:

- (1) All owners of real property that are the subject of the special use permit.
  - (2) Advisory boards created by the Board of County Commissioners for the area in which the property that is the subject of the special use permit is located.
  - (3) All owners of real property:
    - (i) Within five hundred (500) feet of the property which is the subject of the special use permit; or
    - (ii) Within seven hundred fifty (750) feet of the property which is the subject of a special use permit for a project of regional significance.
  - (4) All tenants of any mobile home park that is located:
    - (i) Within five hundred (500) feet of the property which is the subject of the special use permit; or
    - (ii) Within seven hundred fifty (750) feet of the property which is the subject of a special use permit for a project of regional significance.
  - (5) All General Improvement Districts (GID) for the area in which the property that is the subject of the special use permit is located.
  - (6) The commander or administrator of a military installation, as defined in Article 902, that is within three thousand (3,000) feet of the property that is the subject of the special use permit application.
- (b) Notice of Property Owners by Electronic Means. If requested by a party pursuant to subsection (a) of this section and if receipt can be verified, an electronic notice must be provided at least ten (10) days before the meeting, setting forth the time, place, purpose of hearing, and map or physical description of the land involved.
  - (c) Number of Notices. If the number of notices sent pursuant to this section does not identify thirty (30) or more separate property owners, the County shall send out additional notices to achieve a total of at least thirty (30) separate property owners. These notices shall be sent to owners of real property that are closest to the property in question, not including those owners provided notice pursuant to subsection (a) of this section.
  - (d) Compliance with Noticing Requirements. Owners of all real property to be noticed pursuant to this section shall be those owners identified on the latest County Assessor's ownership maps and records. Such notice is complied with when notice is sent to the last known addresses of such real property owners as identified in the latest County Assessor's records. Any person who attends the public hearing shall be considered to be legally noticed unless those persons can provide evidence that they were not notified according to the provisions of this section.

*[Amended by Ord. 873, provisions eff. 6/7/93; Ord. 924, provisions eff. 2/6/95; Ord. 951, provisions eff. 6/7/96; Ord. 1088, provisions eff. 1/28/00; Ord. 1156, provisions eff. 3/22/02; Ord. 1347, provisions eff. 11/2/07.]*

**Section 110.810.30 Findings.** Prior to approving an application for a special use permit, the Planning Commission, Board of Adjustment or a hearing examiner shall find that all of the following are true:

- (a) **Consistency.** The proposed use is consistent with the action programs, policies, standards and maps of the Master Plan and the applicable area plan;
- (b) **Improvements.** Adequate utilities, roadway improvements, sanitation, water supply, drainage, and other necessary facilities have been provided, the proposed improvements are properly related to existing and proposed roadways, and an adequate public facilities determination has been made in accordance with Division Seven;
- (c) **Site Suitability.** The site is physically suitable for the type of development and for the intensity of development;
- (d) **Issuance Not Detrimental.** Issuance of the permit will not be significantly detrimental to the public health, safety or welfare; injurious to the property or improvements of adjacent properties; or detrimental to the character of the surrounding area; and
- (e) **Effect on a Military Installation.** Issuance of the permit will not have a detrimental effect on the location, purpose or mission of the military installation.

*[Amended by Ord. 873, provisions eff. 6/7/93; Ord. 1234, provisions eff. 5/21/04; Ord. 1347, provisions eff. 11/2/07; Ord. 1447, provisions eff. 9/9/10.]*

**Section 110.810.35 Development of Natural Resources.** All natural resources development shall require a special use permit reviewed by the Board of Adjustment. Natural resources development includes energy production, mining operations, petroleum gas extraction, and forest products production. In addition to the findings required in other sections of this article, issuance of a special use permit for development of natural resources shall be contingent on the Board of Adjustment making the following findings:

- (a) That the proposed development is not unduly detrimental to surrounding properties, land uses and the environment in general;
- (b) That the proposed development will not unduly block scenic views or degrade any surrounding scenic resources; and
- (c) That the proposed development will reclaim the site and all affected areas at the conclusion of the operation.

*[Amended by Ord. 873, provisions eff. 6/7/93, Ord. 1378, provisions eff. 8/1/08.]*

**Section 110.810.40 Projects of Regional Significance.** If a special use permit approval is for a project of regional significance or if the approval would cause the project to become a project of regional significance, no permit for development or use of the property pursuant to the special use permit shall be issued until the Regional Planning Commission and/or the Regional Planning



Governing Board has taken final action on the project of regional significance.

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

**Section 110.810.42 Hazardous Materials.** Hazardous materials uses and types as defined in NRS 459.3816 and as permitted as a General Industrial Use-Heavy in Article 302 shall require a special use permit in accordance with the provisions of this section, except that mining and aggregate operations are excluded from these provisions.

- (a) Requirements for Application. Applications for a special use permit may be initiated by the Board of County Commissioners, a property owner or the property owner's authorized agent. Applications shall be filed with the Department of Community Development. A request for a special use permit shall include a site plan which clearly delineates the location and characteristics of the proposed use and the type of hazardous material to be manufactured, used and/or stored. No special use permit shall be processed until the information necessary to review and decide upon the proposed special use permit is deemed complete by the Director of Community Development.
  
- (b) Planning Commission Review Procedures. The Planning Commission shall first review the special use permit in accordance with the provisions of this section.
  - (1) General Provisions. The Planning Commission shall conduct a public hearing with notification for the purpose of receiving oral and written evidence relative to the application. The evidence shall be reviewed to determine if the application is consistent with existing policies, standards and required findings.
  
  - (2) Concurrent Processing of Applications. A special use permit request related to additional Development Code action(s) which requires Board of Adjustment or hearing examiner review shall be consolidated into one hearing before the Planning Commission.
  
  - (3) Consultation. The following persons and organizations shall be consulted prior to the public hearing:
    - (i) The Washoe County Director of Emergency Management and Homeland Security;
  
    - (ii) The Administrator of the Division of Environmental Protection of the Nevada State Department of Conservation and Natural Resources;
  
    - (iii) The Nevada State Fire Marshal;
  
    - (iv) The Administrator of the Division of Industrial Relations of the Nevada State Department of Business and Industry;
  
    - (v) The commander or administrator of a military installation, as defined in Article 902, that is within three thousand (3,000) feet of the property that is the subject of the special use permit application; and

- (vi) The governing body of any city or county that may be affected by the issuance of the special use permit.
- (4) Time Period for Hearing. The public hearing conducted by the Planning Commission shall be held within ninety (90) days from the date of acceptance of the complete application.
- (5) Time Period for Action. The Planning Commission may take action on the proposed special use permit at the conclusion of the public hearing, but shall take action no later than ninety (90) days after the complete application was accepted. An extension of time for action may be granted if mutually agreed upon between the applicant and the Director of Community Development.
- (6) Action. The Planning Commission may take action to recommend to the Board of County Commissioners approval, approval with conditions, modification, modification with conditions, or denial of the special use permit request. The Planning Commission may also vary standards of the Development Code as part of the approval of a special use permit application. Failure of the Planning Commission to hold a public hearing or take action within the time frames provided in this article shall constitute a recommendation of approval of the application.
- (7) Transmittal of Recommendation to Board of County Commissioners. Within thirty (30) days of the action taken by the Planning Commission, that action shall be transmitted to the Clerk of the Board of County Commissioners for the scheduling of a public hearing by the Board of County Commissioners.
- (c) Notice of Planning Commission Public Hearing. Notice shall be given in accordance with the provisions of this section.
  - (1) Notice by Mail. A notice setting forth the time, place, purpose of hearing, map or physical description of the land involved, and description of all explosives to be located on the property shall be sent by mail at least thirty (30) days before the meeting to the following persons:
    - (i) All owners of real property that are the subject of the special use permit;
    - (ii) Advisory boards created by the Board of County Commissioners for the area in which the property that is the subject of the special use permit is located;
    - (iii) All owners of real property within one thousand (1,000) feet of the property which is the subject of the special use permit;
    - (iv) All tenants of any mobile home park that is located within one thousand (1,000) feet of the property which is the subject of the special use permit;
    - (v) All General Improvement Districts (GIDs) for the area in which the property that is the subject of the special use permit is located;

- (vi) The commander or administrator of a military installation, as defined in Article 902, that is within three thousand (3,000) feet of the property that is the subject of the special use permit application;
  - (vii) The Administrator of the Division of Environmental Protection of the Nevada State Department of Conservation and Natural Resources;
  - (viii) The Nevada State Fire Marshal; and
  - (ix) The Administrator of the Division of Industrial Relations of the Nevada State Department of Business and Industry.
- (2) Notice by Electronic Means. If requested by a party pursuant to subsection (a) of this section and if receipt can be verified, an electronic notice must be provided at least thirty (30) days before the meeting, setting forth the time, place, purpose of hearing, and map or physical description of the land involved.
- (3) Number of Notices. If the number of notices sent pursuant to this section does not identify thirty (30) or more separate property owners, the County shall send out additional notices to achieve a total of at least thirty (30) separate property owners. These notices shall be sent to owners of real property that are closest to the property in question, not including those owners provided notice pursuant to subsection (a) of this section.
- (4) Compliance with Noticing Requirements. Owners of all real property to be noticed pursuant to this section shall be those owners identified on the latest County Assessor's ownership maps and records. Such notice is complied with when notice is sent to the last known addresses of such real property owners as identified in the latest County Assessor's records. Any person who attends the public hearing shall be considered to be legally noticed unless those persons can provide evidence that they were not notified according to the provisions of this section.
- (5) Notice in a Newspaper of General Circulation. A notice setting forth the time, place, purpose of hearing, map or physical description of the land involved, and description of all explosives to be located on the property shall be published at least thirty (30) days before the Planning Commission's scheduled public hearing on the special use permit in a newspaper of general circulation in which the property which is the subject of the special use permit is located.
- (d) Findings. Prior to recommending approval of the special use permit application, the Planning Commission shall find that subsections (1) through (4) are true, and if a military installation is required to be noticed, finding (5).
- (1) Consistency. The proposed use is consistent with the action programs, policies, standards and maps of the Master Plan and the applicable area plan;

- (2) Improvements. Adequate utilities, roadway improvements, sanitation, water supply, drainage, and other necessary facilities have been provided, the proposed improvements are properly related to existing and proposed roadways, and an adequate public facilities determination has been made in accordance with Division Seven.;
  - (3) Site Suitability. The site is physically suitable for the type of development and for the intensity of development; and
  - (4) Issuance Not Detrimental. Issuance of the permit will not be significantly detrimental to the public health, safety or welfare; injurious to the property or improvements of adjacent properties; or detrimental to the character of the surrounding area.
  - (5) Effect on a Military Installation. Issuance of the permit will not have a detrimental effect on the safety, security, location, purpose or mission of the military installation.
- (e) Board of County Commissioners Review Procedures. The Board of County Commissioners shall review the Planning Commission's recommendation on the special use permit in accordance with the provisions of this section.
- (1) Scheduling of Public Hearing. A public hearing on the recommendation of the Planning Commission on the special use permit shall be scheduled before the Board of County Commissioners no later than thirty (30) days of receipt by the Clerk of the Board of County Commissioners of the transmittal letter summarizing the recommendations of the Planning Commission.
  - (2) Notice. Notice of the Board of County Commissioners public hearing shall be in accordance with subsection (c) of this section.
  - (3) Effective Date of Action. The Board of County Commissioners shall grant or deny the special use permit no later than thirty (30) days after the date of the public hearing conducted by the Board of County Commissioners.

*[Added by Ord. 1347, provisions eff. 11/2/07. Amended by Ord. 1447, provisions eff. 9/9/10.]*

**Section 110.810.50 Appeals.** An action of the Planning Commission, Board of Adjustment or a hearing examiner made pursuant to this article may be appealed to the Board of County Commissioners in accordance with the provisions of Section 110.912.20 of the Development Code.

*[Amended by Ord. 873, provisions eff. 6/7/93; Ord. 1156, provisions eff. 3/22/02; Ord. 1234, provisions eff. 5/21/04; Ord. 1346, provisions eff. 11/2/07, Ord. 1378, provisions eff. 8/1/08; Ord. 1555, provisions eff. 5/8/15.]*

**Section 110.810.55 One Year Wait on Denials.** After the denial of a special use permit, no application for a special use permit for the same or similar use may be accepted for one (1) year immediately following the denial. This section shall not apply to applications denied without prejudice, which may be refiled within one (1) year.

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

**Section 110.810.60 Modification of a Special Use Permit.** Proposed modifications of approved special use permits shall be subject to the requirements in this section.

- (a) **Required Conditions.** The Director of the Planning and Building Division may approve plans for an alteration of the approved use when the alteration complies with all of the following conditions:
  - (1) The building or use alteration is incidental to the existing use;
  - (2) The building or use alteration does not result in a change of use;
  - (3) The building alteration involves less than ten (10) percent increase in floor area covered by existing structures associated with the use;
  - (4) The use alteration involves less than ten (10) percent increase in the overall site area covered by the existing use;
  - (5) The building or use alteration, in the opinion of the Director of the Planning and Building Division, would not have a substantial adverse effect on adjacent property; and
  - (6) The building or use alteration complies with existing requirements of agencies having jurisdiction and any other appropriate regulatory agency as determined by the Director of the Planning and Building Division.
- (b) **Conditions Not Met.** If a proposed alteration does not comply with the conditions in subsection (a) of this section, a new permit shall be required following the same procedure required for the initial application.
- (c) **New Permit Required.** Modification of the terms of the approved special use permit itself or the waiver or alteration of conditions imposed incident to the granting of the permit shall require a new application following the same procedure required for the initial permit.

*[Amended by Ord. 873, provisions eff. 6/7/93; Ord. 1630, provisions eff. 3/8/19.]*

**Section 110.810.65 Expiration.** A special use permit shall expire as provided in this section.

- (a) **Time Period.** A special use permit shall expire and become null and void at the time specified in the permit, or if not specified, two (2) years from the final date of approval.
- (b) **Extension.** The time period in subsection (a) of this section may be extended by the Planning Commission, Board of Adjustment, or a hearing examiner only for a special use permit originally acted upon by the Planning Commission, Board of Adjustment or a hearing examiner. Requests for time extensions shall be in writing and shall be submitted prior to the expiration date. The request shall state the reason for the extension.
- (c) **Discontinuance.** A special use permit shall expire and become null and void twelve (12) months after the purpose for which it was granted has been discontinued or abandoned. During this twelve (12) month period, any operational conditions of approval shall remain in force and effect.

*[Amended by Ord. 873, provisions eff. 6/7/93; Ord. 1234, provisions eff. 5/21/04.]*

**Section 110.810.70 Revocation.** Revocation of a special use permit shall be subject to the requirements of this section.

- (a) Initiation of Action. The Planning Commission or Board of County Commissioners may initiate an action to revoke a special use permit originally reviewed by the Planning Commission. The Board of Adjustment or Board of County Commissioners may initiate an action to revoke a special use permit originally reviewed by the Board of Adjustment. A hearing examiner or the Board of County Commissioners may initiate an action to revoke a special use permit originally reviewed by a hearing examiner.
- (b) Grounds for Revocation. A special use permit may be revoked pursuant to the provisions of this section upon a finding of any one (1) or more of the following grounds:
  - (1) That the special use permit approval was obtained or extended by fraud;
  - (2) That one (1) or more of the conditions upon which such development approval was granted have been violated; or
  - (3) That the use or facility for which the development approval was granted is so conducted or maintained as to be detrimental to the public health or safety, or as to be a public nuisance.
- (c) Public Hearing. The Planning Commission, Board of Adjustment or a hearing examiner shall hold a public hearing upon the revocation of the special use permit on which it had authority to review. The hearing shall be noticed in accordance with this article. The Planning Commission, Board of Adjustment or hearing examiner shall submit findings based on any one or more of the grounds listed in subsection (b) of this section and shall forward a recommendation on revocation to the Board of County Commissioners. The person or persons to whom the special use permit has been issued shall be notified of such recommendations not later than three (3) days after submission of the report to the Clerk of the Board of County Commissioners.
- (d) Board of County Commissioners' Action. The Board of County Commissioners shall hold a public hearing upon the revocation of the special use permit. The hearing shall be noticed in accordance with this article. After the public hearing and consideration of the recommendation of the Planning Commission, Board of Adjustment or the hearing examiner, the Board of County Commissioners may take action to revoke the special use permit. The action of the Board of County Commissioners shall be by an affirmative vote of a majority of the entire membership of the Board. In the case of a tie vote due to the absence of a member, the appeal shall be continued to a future meeting unless requested otherwise by the appellant. Said future meeting may be beyond the sixty (60) days required for a final decision. The final decision of the Board of County Commissioners shall be final for the purposes of judicial review.

*[Amended by Ord. 873, provisions eff. 6/7/93; Ord. 1156, provisions eff. 3/22/02; Ord. 1234, provisions eff. 5/21/04.]*

*[Section 110.810.50 entitled “Standard Conditions” repealed by Ord. 873, provisions eff. 6/7/93. Section 110.810.45 entitled “Conformance with Chapter” amended by Ord. 873, provisions eff. 6/7/93 and repealed by Ord. 1040, provisions eff. 11/1/98.]*





# Article 812

## PROJECTS OF REGIONAL SIGNIFICANCE

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

### Sections:

110.812.00	Purpose
110.812.05	Projects Included
110.812.10	Exception
110.812.15	Determination
110.812.20	Special Use Permit Required
110.812.25	Special Use Permits and Tentative Maps
110.812.30	Amendments
110.812.35	Combined Applications

**Section 110.812.00 Purpose.** The purpose of this article, Article 812, Projects of Regional Significance, is to prescribe the procedure that is required to review those projects defined by state statute as projects of regional significance.

**Section 110.812.05 Projects Included.** Projects of regional significance are those that require a change in the regulatory zone or other amendment to the Master Plan, special use permit, a tentative map, or other permit which, if approved, will have the effect of increasing:

- (a) Employment by not fewer than 938 employees;
- (b) Housing by not fewer than 625 units;
- (c) Hotel accommodations by not fewer than 625 rooms;
- (d) Sewage by not less than 187,500 gallons per day;
- (e) Water usage by not less than 625 acre feet per year; or
- (f) Traffic by not less than an average of 6,250 trips daily.

*[Amended by Ord. 1447, provisions eff. 9/9/10.]*

**Section 110.812.10 Exception.** Section 110.812.05 shall not apply to projects which, prior to June 17, 1989, have an approved tentative map, special use permit, or change in the adopted regulatory zone or other amendments to the Master Plan.

*[Amended by Ord. 1447, provisions eff. 9/9/10.]*

**Section 110.812.15 Determination.**

- (a) Responsible Entity. The Director of Community Development shall make the determination of whether a project is of regional significance based upon the criteria in Section 110.812.05.
- (b) Multi-Phased Projects. The determination for a project which is built in phases or built out over a number of years shall be based on the total size of the complete development and not on the size of individual phases or parts of the development.

**Section 110.812.20 Special Use Permit Required.** A special use permit shall be required for a project of regional significance, unless Sections 110.812.25 and 110.812.30 are applicable. A special use permit required by this section shall be processed according to the provisions of Article 810.

**Section 110.812.25 Special Use Permits and Tentative Maps.** In addition to the provisions of Articles 608 and 810, tentative maps and special use permits for projects of regional significance shall be processed pursuant to this section.

- (a) Notice. The Director of Community Development shall provide notice to the Truckee Meadows Regional Planning Agency of any public meeting involving a project of regional significance.
- (b) General Process. The application shall be processed according to the normal procedures as set forth in Article 608 or Article 810, up to the point of final Planning Commission action.
- (c) Planning Commission Action. The Planning Commission has the option of not approving or provisionally approving the application, with or without conditions.
- (d) Planning Commission Disapproval. If the Planning Commission does not provisionally approve the application, no further action is taken.
- (e) Forwarding Application. If the Planning Commission provisionally approves the application, the Director of Community Development shall forward the application, together with all supporting materials and the findings of the Planning Commission, to the Truckee Meadows Regional Planning Commission. The application will be processed by the Truckee Meadows Regional Planning Commission in accordance with state statutes and the procedures of the Regional Planning Agency.
- (f) Conformance. If the Truckee Meadows Regional Planning Commission finds the project to be in conformance with the Truckee Meadows Regional Plan or it fails to make any finding within sixty (60) days after the material in Subsection (e) of this section is sent by the County, the application shall be deemed approved.
- (g) Nonconformance. If the Truckee Meadows Regional Planning Commission finds the project to be not in conformance with the Truckee Meadows Regional Plan, the County or the applicant can appeal that decision to the Governing Board of the Truckee Meadows Regional Planning Agency. If the decision is not appealed, the application is deemed disapproved.

- (h) Appeals. Upon appeal, the Governing Board of the Truckee Meadows Regional Planning Agency may uphold the decision of the Regional Planning Commission, reverse the decision, or make recommendations to make the project consistent with the Regional Plan.
  - (1) If the decision is upheld, the project is deemed disapproved;
  - (2) If the decision is reversed, the project is deemed approved; or
  - (3) If the Governing Board makes recommendations to make the project consistent, the Washoe County Planning Commission shall consider such recommendations. It shall not approve the project until it directs changes or adds conditions to assure that the project is consistent with the Regional Plan, based on the recommendations of the Governing Board of the Truckee Meadows Regional Planning Agency.

**Section 110.812.30 Amendments.** Changes in the adopted regulatory zone or amendments to the Master Plan for projects of regional significance shall be processed pursuant to this section.

- (a) Notice. The Director of Community Development shall provide notice to the Truckee Meadows Regional Planning Agency of any public meeting involving a project of regional significance.
- (b) General Process. The application shall be processed according to the normal procedures as set forth in the respective Division Eight article up to the point of final Board of County Commissioners' action.
- (c) Board of County Commissioners' Action. The Board of County Commissioners has the option of not approving or provisionally approving the application, with or without conditions.
- (d) Board of County Commissioners' Disapproval. If the Board of County Commissioners does not provisionally approve the application, no further action is taken.
- (e) Forwarding Application. If the Board of County Commissioners provisionally approves the application, the Director of Community Development shall forward the application, together with all supporting materials, recommendation of the Planning Commission, and the findings of the Board of County Commissioners, to the Truckee Meadows Regional Planning Commission. The application will be processed by the Truckee Meadows Regional Planning Commission in accordance with state statutes and the procedures of the Regional Planning Agency.
- (f) Conformance. If the Truckee Meadows Regional Planning Commission finds the project to be consistent with the Truckee Meadows Regional Plan or it fails to make any finding within sixty (60) days after the material in Subsection (e) of this section is sent by the County, the application shall be deemed approved.
- (g) Nonconformance. If the Truckee Meadows Regional Planning Commission finds the project to be not in conformance with the Truckee Meadows Regional Plan, the County or the applicant can appeal that decision to the Governing Board of the Truckee Meadows Regional Planning Agency. If the decision is not appealed, the application is deemed disapproved.

- (h) Appeals. Upon appeal, the Governing Board of the Truckee Meadows Regional Planning Agency may uphold the decision of the Regional Planning Commission, reverse the decision, or make recommendations to make the project consistent with the Regional Plan.
- (1) If the decision is upheld, the project is deemed disapproved;
  - (2) If the decision is reversed, the project is deemed approved; or
  - (3) If the Governing Board makes recommendations to make the project consistent, the Board of County Commissioners shall consider such recommendations. It shall not approve the project until it directs changes or adds conditions to assure that the project is consistent with the Regional Plan, based on the recommendations of the Governing Board of the Truckee Meadows Regional Planning Agency. The Board of County Commissioners shall be required to hold a public hearing and notice this hearing before final action may be taken.

*[Amended by Ord. 1447, provisions eff. 9/9/10.]*

**Section 110.812.35 Combined Applications.** If the projects involve more than one of the types of applications described in Section 110.812.05, the applications shall be combined throughout the approval process. If the combined applications include those requiring Planning Commission approval and Board of County Commissioners' approval, all the applications shall be processed pursuant to Section 110.812.30.

# Article 814

## DEVELOPMENT AGREEMENTS

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### Sections:

110.814.00	Purpose
110.814.05	Applicability
110.814.10	Processing of Other Approvals
110.814.15	Application
110.814.20	Contents of Development Agreement
110.814.25	Notice
110.814.30	Action by Board
110.814.35	Periodic Review
110.814.40	Amendment or Cancellation of Development Agreement
110.814.45	Recordation

### Section 110.814.00 Purpose.

- (a) The purpose of this article is to provide procedures and minimum requirements for the review and consideration of development agreements upon application by, or on behalf of, property owners or other persons having a legal or equitable interest in the property subject to the agreement. A development agreement may be appropriate in situations where the property owners are proposing a large and/or complex project with phased build-out.
- (b) The intent of this article is to provide a mechanism, in return for specific public benefits, that gives assurance to a property owner who has obtained the necessary approvals for a project that he may proceed with and complete development as specified in and in accordance with the development agreement, under the land use laws, ordinances, codes, resolutions, rules, regulations, plans and conditions of approval adopted by the Board of County Commissioners and in effect at the time the project was originally approved.
- (c) It is intended that the provisions of this article shall be fully consistent, and in full compliance, with the provisions of state law (NRS 278) and shall be so construed.

*[Amended by Ord. 1155, provisions eff. 3/22/02.]*

**Section 110.814.05 Applicability.** A development agreement may be approved for land which is to be developed as a single entity. The development agreement may be entered into only after the subject property has received approval for a special use permit, tentative map, specific plan or other discretionary permit.

- (a) **Laws in Effect.** The allowed uses, densities and standards of the land subject to the development agreement shall be those in effect at the time the agreement is made, provided that all such uses, densities and standards are consistent with the Master Plan, including the area plans, and any specific plan, if applicable.

- (b) Subsequent Actions. A development agreement shall not prevent the County, in subsequent actions applicable to the property, from adopting new ordinances, resolutions or regulations that conflict with those ordinances, resolutions and regulations in effect at the time the development agreement is made, except that any subsequent action by the County shall not prevent the development of the land as set forth in the development agreement.
- (c) Emergency Situations. The County may suspend the issuance of building permits for the development project after a noticed public hearing if it finds in good faith that a clear and present emergency requires the suspension.
- (d) State or Federal Restrictions. In the event that state or federal laws or regulations enacted after a development agreement has been entered into, prevent or preclude compliance with one (1) or more of the provisions of the development agreement, such provisions shall be modified or suspended as may be necessary to comply with the new state or federal laws or regulations. Any such action shall be taken by the Board of County Commissioners after a noticed public hearing.

*[Amended by Ord. 1155, provisions eff. 3/22/02; Ord. 1447, provisions eff. 9/9/10.]*

**Section 110.814.10 Processing of Other Approvals.** Applications for a development agreement may be processed concurrently with an application for a special use permit, tentative map, regulatory zone amendment or other discretionary permit.

*[Amended by Ord. 1041, provisions eff. 12/-1/98; Ord. 1155, provisions eff. 3/22/02; Ord. 1447, provisions eff. 9/9/10.]*

**Section 110.814.15 Application.**

- (a) Initiated by Owner. Any owner of real property may request and apply through the Department of Community Development to enter into a development agreement provided the following:
  - (1) The status of the applicant as an owner of the property is established to the satisfaction of the Director of the Department of Community Development.
  - (2) The application is made on forms approved by and containing all information required by the Director of the Department of Community Development.
  - (3) The application is accompanied by all lawfully required documents, information and materials.
- (b) Director's Review. The Director of the Department of Community Development or his/her designee is authorized to receive, review and process all applications for development agreements.
- (c) Fees. Processing fees, as established by the County Commissioners, shall be collected for any application for a development agreement made in compliance with this article.

*[Added by Ord. 1155, provisions eff. 3/22/02.]*

**Section 110.814.20 Contents of Development Agreement.** The application shall contain the following:

- (a) Mandatory Contents. A development agreement entered into in compliance with this article shall contain the following provisions:
  - (1) A legal description of the land subject to the development agreement;
  - (2) The proposed duration of the development agreement;
  - (3) The permitted uses of the land;
  - (4) The density and/or intensity of uses;
  - (5) The maximum height and size of the proposed buildings;
  - (6) Any provisions, if any, for the dedication or reservation of any portion of the land for public use; and
  - (7) Terms and conditions relating to construction and financing of necessary public improvements and facilities, including participation in special assessment district proceedings, if necessary.
  
- (b) Permissive Contents. A development agreement entered into in compliance with this article may contain the following provisions:
  - (1) Provisions that require that construction shall commence within a specified time and that the project, or any individual phase, be completed within a specified time. If dates are specified, a process for extensions may be included.
  - (2) A negotiated level of protection from either a future growth control ordinance or a future increase in development fees, including impact fees.
  - (3) Any modifications to ordinances, codes and regulations that were previously approved through a discretionary permit shall be listed and explained. The explanation shall describe how the modifications are in the public interest.
  - (4) Restrictions on the assignability of the agreement by the applicant and, if assignable, provisions ensuring that the successor in interest assumes the obligations under the development agreement.
  - (5) Provisions for minor modifications of the development agreement.
  - (6) Any other terms, conditions and requirements the parties may deem necessary and proper, including requirements for ensuring, to the satisfaction of the County, performance of all provisions of the agreement in a timely manner by the applicant.

*[Amended by Ord. 873, provisions eff. 6/7/93; Ord. 1155, provisions eff. 3/22/02.]*

**Section 110.814.25 Notice.** Notice for all public hearings required by this article shall be given in accordance with the provisions of this section.

- (a) Notice of Property Owners by Mail. A notice setting forth the time, place, purpose of hearing, and map or physical description of the land involved shall be sent by mail at least ten (10) days before the meeting to the following persons:
  - (1) All owners of real property that are the subject of the development agreement;
  - (2) Advisory boards created by the Board of County Commissioners for the area in which the property that is the subject of the development agreement is located;
  - (3) All owners of real property within three hundred (300) feet of the property which is the subject of the development agreement;
  - (4) All tenants of any mobile home park that is located within three hundred (300) feet of the property which is the subject of the development agreement; and
  - (5) All General Improvement Districts (GID) for the area in which the property that is the subject of the development agreement is located.
- (b) Notice of Property Owners by Electronic Means. If requested by a party pursuant to subsection (a) of this section and if receipt can be verified, an electronic notice must be provided at least ten (10) days before the meeting, setting forth the time, place, purpose of hearing, and map or physical description of the land involved.
- (c) Number of Notices. If the number of notices sent pursuant to this section does not total thirty (30) or more, the County shall send out additional notices to make the total number at least thirty (30). These notices shall be sent to owners of real property that are closest to the property in question, not including those owners provided notice pursuant to Subsection (a) of this section.
- (d) Notice in the Newspaper. A notice setting forth the date, time and place of the public hearing shall be published in a newspaper of general circulation in Washoe County not less than ten (10) days prior to the public hearing date.
- (e) Compliance with Noticing Requirements. Owners of all real property to be noticed pursuant to this section shall be those owners identified on the latest County Assessor's ownership maps and records. Such notice is complied with when notice is sent to the last known addresses of such real property owners as identified in the latest County Assessor's records. Any person who attends the public hearing shall be considered to be legally noticed unless those persons can provide evidence that they were not notified according to the provisions of this section.

*[Amended by Ord. 873, provisions eff. 6/7/93; Ord. 1088, provisions eff. 1/28/00; Ord. 1155, provisions eff. 3/22/02.]*

**Section 110.814.30 Action by Board.** The Board of County Commissioners shall review a development agreement in accordance with the provisions of this section.



- (a) Time Period for Hearing. The Clerk of the Board of County Commissioners shall schedule a public hearing before the Board of County Commissioners within sixty (60) days from the date the Director finds the application for a development agreement complete.
- (b) Notice of Hearing. The public hearing shall be noticed as required by this article.
- (c) County Commission Action. Following the conclusion of the public hearing, the County Commission shall take one or more of the following actions:
  - (1) Approval of the development agreement;
  - (2) Approval subject to specified conditions not included in the agreement as submitted; or
  - (3) Deny approval of the development agreement.
  - (4) If approved, introduce an ordinance adopting the development agreement.
- (d) Findings. The approval or denial of the development agreement shall be accompanied by the following findings:
  - (1) The reasons why the development agreement would or would not be in the best interests of the County.
  - (2) The reasons why the development agreement would or would not promote the public interest and welfare of the County.
  - (3) The reasons why departures from Development Code regulations are or are not deemed to be in the public interest.
  - (4) In the case of a development agreement which proposes development over a period of years, the sufficiency of the terms and conditions intended to protect the interests of the public, residents and owners of the land subject to the development agreement in the integrity of the plan.

*[Amended by Ord. 873, provisions eff. 6/7/93; Ord. 1155, provisions eff. 3/22/02.]*

**Section 110.814.35 Periodic Review.** The Director of Community Development shall cause the development agreement to be reviewed every twenty-four (24) months and shall send a notice to the Board of County Commissioners whether or not the terms or conditions of the agreement are being complied with.

- (a) Good Faith Compliance. As part of the review, the applicant or successor in interest shall be required to demonstrate good faith compliance with the terms of the development agreement.
- (b) Termination or Modification. If the County finds and determines, on the basis of substantial evidence, that the applicant or successor in interest has not complied in good faith with the terms and/or conditions of the development agreement, the County may take action to terminate or modify the development agreement.

- (1) Action to terminate or modify a development agreement may be initiated only by the Planning Commission or Board of County Commissioners.
- (2) No action to terminate or modify a development agreement shall be taken without a public hearing noticed pursuant to this article.

*[Amended by Ord. 873, provisions eff. 6/7/93; Ord. 1155, provisions eff. 3/2/02.]*

**Section 110.814.40 Amendment or Cancellation of Development Agreement.** A development agreement may be amended or canceled, in whole or in part, by mutual consent of the parties to the agreement or their successors in interest, as set forth in this section.

- (a) **Notice of Intention.** Notice of intention to amend or cancel any portion of the development agreement must be published in a newspaper of general circulation in Washoe County.
- (b) **Approval of Amendment or Cancellation.** The Board of County Commissioners may approve an amendment to the development agreement by ordinance if the amendment is consistent with the Master Plan, including the area plans. The Board of County Commissioners may approve a cancellation of a development agreement if it determines that to do so is in the best interests of the County.

*[Amended by Ord. 1155, provisions eff. 3/2/02; Ord. 1447, provisions eff. 9/9/10.]*

**110.814.45 Recordation.** The County Clerk shall have the following filed in the records of the Office of the County Recorder at the applicant's expense:

- (a) The approved and executed development agreement;
- (b) Any approved and executed amendments to a development agreement; or
- (c) Notice of any action taken to cancel all or part of a development agreement.

*[Added by Ord. 1155, provisions eff. 3/22/02.]*

*[The following sections were repealed by Ord. 1155, provisions eff. 3/22/02: Section 110.814.15 heading entitled "Allowed Uses, Densities and Standards", with subparagraphs (a) through (d) becoming part of Section 110.814.05; Section 110.814.40 entitled "Concept Plan"; Section 110.814.45 entitled "Site Plan"; and Section 110.814.85 entitled "Recordation of Approved Final Documents". The following sections previously amended by Ord. 873, provisions eff. 6/7/93 were repealed by Ord. 1155, provisions eff. 3/22/02: Section 110.814.10 entitled "Requirements for Application"; Section 110.814.20 entitled "Review and Approval Process"; Section 110.814.30 entitled "Professional Assistance"; Section 110.814.50 entitled "Optional Contents"; Section 110.814.55 entitled "Planning Commission Review of Preliminary Development Agreement"; Section 110.814.65 entitled "Appeal of Denial"; Section 110.814.75 entitled "Contents of Final Development Agreement"; and Section 110.814.80 entitled "Approval Procedures for Final Development Agreement".]*

# Article 818

## AMENDMENT OF DEVELOPMENT CODE

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### Sections:

110.818.00	Purpose
110.818.05	Requirements for Application
110.818.10	Supplemental Guidelines, Standards and Criteria
110.818.15	Review Procedures
110.818.20	Notice
110.818.25	Appeal of Denial
110.818.30	Action by Board
110.818.35	Written Record
110.818.40	Effective Date
110.818.45	One Year Wait on Denials
110.818.50	Modification of a Development Code Amendment
110.818.55	Moratorium
110.818.60	Technical Revision of Development Code

**Section 110.818.00 Purpose.** The purpose of this article, Article 818, Amendment of Development Code, is to provide for the method for amending the Development Code.

*[Amended by Ord. 873, provisions eff. 6/7/93; Ord. 1447, provisions eff. 9/9/10.]*

### **Section 110.818.05 Requirements for Application.**

- (a) **Initiation of Amendment.** Except as provided in Section 110.818.60, amendments shall be initiated as provided in this subsection. The Board of County Commissioners or the Planning Commission may initiate an amendment to the Development Code through resolution. An owner of real property or the property owner's authorized agent may initiate an amendment through an application to the Planning Commission. Citizen advisory boards established by the Board of County Commissioners may petition the Planning Commission to initiate an amendment to the Development Code.
- (b) **Completeness.** No Development Code amendment shall be processed until the information necessary to review and decide upon the proposed Development Code amendment is deemed complete by the Director of Community Development.

*[Amended by Ord. 873, provisions eff. 6/7/93; Ord. 1148, provisions eff. 2/26/02.]*

**Section 110.818.10 Supplemental Guidelines, Standards and Criteria.** In addition to the standards and findings set forth in the Development Code, the Director of Community Development may prepare supplemental guidelines for the submission of applications and minimum standards and criteria for approval applications.

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

**Section 110.818.15 Review Procedures.** Except as provided in Section 110.818.60, the Planning Commission shall review a Development Code amendment in conformance with this section.

- (a) General Provisions. The Planning Commission shall conduct at least one (1) public hearing with notification for the purpose of receiving oral and written evidence relative to the application. The evidence shall be reviewed to determine if the Development Code amendment request is consistent with the Washoe County Master Plan. The Planning Commission shall recommend approval, conditional approval, or denial of the application based on the results of this review.
- (b) Time Period for Hearing. Public hearings conducted by the Planning Commission shall be held within one-hundred and twenty-five (125) days from the date the resolution was adopted or the complete application was accepted.
- (c) Time Period for Action. The Planning Commission may take action on the proposed Development Code amendment at the conclusion of the public hearing, but shall take action no later than one-hundred and eighty (180) days after the resolution was adopted or the complete application was accepted. An extension of time for Planning Commission action may be granted if mutually agreed upon between the applicant and the Director of Community Development.
- (d) Action. The Planning Commission may take action to recommend approval or deny the Development Code amendment request. A recommendation of approval of a Development Code amendment request shall be by resolution based upon a simple majority vote of the quorum present. Failure of the Planning Commission to hold a public hearing or take action within the time frames provided in this article shall constitute a recommendation of approval of the Development Code amendment application.
- (e) Findings. When making its recommendation to the Board of County Commissioners for approval, modification of an amendment, or denial, the Planning Commission shall, at a minimum, make at least one of the following findings of fact:
  - (1) Consistency with Master Plan.
    - (i) Approval: The proposed Development Code amendment is in substantial compliance with the policies and action programs of the Washoe County Master Plan.
    - (ii) Denial: The proposed Development Code amendment is not in substantial compliance with the policies and action programs of the Master Plan.
  - (2) Promotes the Purpose of the Development Code.
    - (i) Approval: The proposed Development Code amendment will not adversely impact the public health, safety or welfare, and will promote the original purposes for the Development Code as expressed in Article 918, Adoption of Development Code.

- (ii) Denial: The proposed Development Code amendment would adversely impact the public health, safety or welfare, and will not promote the original purposes for the Development Code as expressed in Article 918, Adoption of Development Code.
- (3) Response to Changed Conditions.
  - (i) Approval: The proposed Development Code amendment responds to changed conditions or further studies that have occurred since the Development Code was adopted by the Board of County Commissioners, and the requested amendment allow for a more desirable utilization of land within the regulatory zones.
  - (ii) Denial: The proposed Development Code amendment does not identify and respond to changed conditions or further studies that have occurred since the Development Code was adopted by the Board of County Commissioners, and the requested amendment does not create a more desirable utilization of land within the regulatory zones.
- (4) No Adverse Affects.
  - (i) Approval: The proposed Development Code amendment will not adversely affect the implementation of the policies and action programs of the Conservation Element or the Population Element of the Washoe County Master Plan.
  - (ii) Denial: The proposed Development Code amendment will adversely affect the implementation of the policies and action programs of the Conservation Element or the Population Element of the Washoe County Master Plan.
- (f) Effect of Planning Commission Denial. In the event the Planning Commission denies a Development Code amendment application, that action is final unless appealed to the Board of County Commissioners.
- (g) Planning Commission Report. Within sixty (60) days of the action by the Planning Commission on the Development Code amendment, a report describing the amendment, discussion at the public hearing, and recommendation and vote of the Planning Commission shall be transmitted to the Board of County Commissioners. If the Planning Commission does not recommend approval, it shall state why it could not make the findings for approval in Subsection (f) of this section.

*[Amended by Ord. 873, provisions eff. 6/7/93; Ord. 1148, provisions eff. 2/26/02; Ord. 1156, provisions eff. 3/22/02; Ord. 1447, provisions eff. 9/9/10.]*

**Section 110.818.20 Notice.** Except as provided in Section 110.818.60, notice for all Development Code amendments shall be given in accordance with the provisions of this section.

- (a) Notice in the Newspaper. A notice setting forth the date, time and place of the public hearing shall be published in a newspaper of general circulation in Washoe County not less than ten (10) days prior to the public hearing date. The

notice shall describe the proposed Development Code amendment request and other pertinent information in such a manner that the Development Code amendment request and its effect(s) can be clearly identified.

(b) Notice to Citizen Advisory Boards.

(1) Notice to Citizen Advisory Board Chairperson. A notice setting forth the date, time and place shall be sent either by mail or, if requested by the citizen advisory board chairperson, by electronic means if receipt of such an electronic notice can be verified, to every chairperson of a citizen advisory board created by the Board of County Commissioners not less than ten (10) days prior to the hearing date. The notice shall describe the proposed Development Code amendment request, include the specific amendment language, and other pertinent information in such a manner that the Development Code amendment request and its effect(s) can be clearly identified.

(2) Notice to Citizen Advisory Board Members. A notice setting forth the date, time and place shall be sent either by mail or, if requested by the citizen advisory board member, by electronic means if receipt of such electronic notice can be verified, to every member of a citizen advisory board created by the Board of County Commissioners not less than ten (10) days prior to the hearing date. The notice shall describe the proposed Development Code amendment request, and other pertinent information in such manner that the Development Code amendment request and its effect(s) can be clearly identified. Upon request, a complete copy of the specific amendment language will be forwarded to any citizen advisory board member. This request shall not be considered a violation of the time period enumerated in this subsection.

*[Amended by Ord. 873, provisions eff. 6/7/93; Ord. 1088, provisions eff. 1/28/00; Ord. 1148, provisions eff. 2/26/02.]*

**Section 110.818.25 Appeal of Denial.** A denial action of the Planning Commission made pursuant to this article may be appealed to the Board of County Commissioners in accordance with the provisions of Section 110.912.20 of the Development Code.

*[Amended by Ord. 873, provisions eff. 6/7/93; Ord. 1555, provisions eff. 5/8/15.]*

**Section 110.818.30 Action by Board.** Except as provided in Section 110.818.60, the Board of County Commissioners shall review proposed Development Code amendments in conformance with this section.

(a) Time Period for Hearing. The Clerk of the Board of County Commissioners shall schedule a public hearing before the Board of County Commissioners on the appeal of a denial or recommendation of approval of the Planning Commission within 60 days of the filing of the appeal or receipt of the Planning Commission's action.

(b) Notice of Hearing. The public hearing on the appeal shall be noticed as required by this article.

*[Amended by Ord. 873, provisions eff. 6/7/93; Ord. 1148, provisions eff. 2/26/02; Ord. 1156, provisions eff. 3/22/02; Ord. 1555, provisions eff. 5/8/15.]*

**Section 110.818.35 Written Record.** When taking final action on the Planning Commission's recommendation, or final action as permitted in Section 110.818.60, the Board of County Commissioners shall make part of the record their affirmation, modification or rejection of either the findings of fact provided in the Planning Commission's final recommendation, or findings of fact under Section 110.818.60, as applicable, as well as any other findings of fact that the Board of County Commissioners deems to be relevant.

*[Amended by Ord. 1148, provisions eff. 2/26/02.]*

**Section 110.818.40 Effective Date.** A Development Code amendment shall become effective in accordance with the provisions of this section.

- (a) **NRS Requirements.** Pursuant to NRS 244, an amendment to the Development Code shall only become effective after at least twenty five (25) copies of the amended Development Code have been reproduced; at least three (3) copies of the amended Development Code have been filed with the County Clerk; and, the ordinance adopting the amendment is published by title only once a week for a period of two (2) weeks in a newspaper of general circulation in the County, and the publications state the code may be examined by the general public at the Office of the County Clerk.

*[Amended by Ord. 873, provisions eff. 6/7/93; Ord. 1148, provisions eff. 2/26/02.]*

**Section 110.818.45 One Year Wait on Denials.** After the denial of a Development Code amendment, no application for a Development Code amendment for the same or similar amendment may be accepted for one (1) year immediately following the denial. This section shall not apply to applications denied without prejudice, which may be refiled within one (1) year.

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

**Section 110.818.50 Modification of a Development Code Amendment.** Proposed modifications of approved Development Code amendments shall required a new application following the same procedure required for the initial application, except that if a modification of a technical revision does not meet the requirements of Section 110.818.60, the modification must follow the procedures enumerated in Sections 110.818.05 through Sections 110.818.45.

*[Amended by Ord. 873, provisions eff. 6/7/93; Ord. 1148, provisions eff. 2/26/02.]*

**Section 110.818.55 Moratorium.** The Board of County Commissioners may declare a moratorium on the acceptance and processing of planning applications and/or issuance of building permits for a specific geographical area and for a specified length of time for the purposes of preparing an amendment to the Development Code.

- (a) **Initiation.** Only the Board of County Commissioners or the Planning Commission through resolution may initiate the process for declaring a moratorium for this purpose. If the Board of County Commissioners initiates the process to declare a moratorium, it shall refer the matter to the Planning Commission for a recommendation. A moratorium of no more than ninety (90) days shall exist from the date of approval of a resolution.
- (b) **Planning Commission Hearing.** The Planning Commission shall conduct a public hearing within sixty (60) days after it has resolved to declare a moratorium or within sixty (60) days from the date of referral by the Board of County Commissioners.

- (c) Notice of Planning Commission Hearing. Notice of the date, time and place of the public hearing shall be published in a newspaper of general circulation in Washoe County not less than ten (10) days prior to the date of the public hearing to be conducted by the Planning Commission. Such notice shall describe why the moratorium is being proposed, what the proposed moratorium shall affect, the area that is affected by the moratorium, the anticipated length of time of the moratorium, and other pertinent information in such a manner that the moratorium and its effects can be clearly identified.
- (d) Planning Commission Recommendation. After completion of the public hearing by the Planning Commission, it may recommend to the Board of County Commissioners approval of a moratorium, modify the extent and area of the moratorium, or recommend that the moratorium not be imposed. A recommendation to declare a moratorium shall require a simple majority vote of the entire membership of the Planning Commission.
- (e) Findings. When making its recommendation for approval or modification, the Planning Commission shall, at a minimum, make the following findings of fact:
  - (1) The moratorium is necessary to promote the health, safety and welfare of the area described in the moratorium declaration;
  - (2) The moratorium is necessary to permit the staff, Planning Commission, Board of County Commissioners and public to focus on the efficient and effective preparation of an amendment to the Development Code; and
  - (3) The moratorium is necessary because continued development during the proposed moratorium period possibly would result in development that may conflict with the code amendment.
- (f) Planning Commission Report. Within sixty (60) days of the action by the Planning Commission, a report describing the proposed moratorium, discussion at the public hearing, and the action and vote by the Planning Commission shall be transmitted to the Board of County Commissioners. Failure to report within the time limit provided in this subsection or failure to schedule a hearing within sixty (60) days of the date of referral of the matter by the Board of County Commissioners to the Planning Commission shall constitute a recommendation not to declare a moratorium.
- (g) Board Hearing. The Clerk of the Board of County Commissioners shall schedule a public hearing before the Board of County Commissioners within thirty (30) days of receipt of the report describing the Planning Commission's action.
- (h) Notice of Board Hearing. Notice of the date, time and place of the public hearing shall be published in a newspaper of general circulation in Washoe County not less than ten (10) days prior to the public hearing date. Such notice shall describe why the moratorium is being proposed, what the proposed moratorium shall affect, the area that is affected by the moratorium, the anticipated length of time of the moratorium, and other pertinent information in such a manner that the moratorium and its effects can be clearly identified.
- (i) Required Vote. After completion of the public hearing by the Board of County Commissioners, it may declare a moratorium by a simple majority vote of its



entire membership. The final action of the Board of County Commissioners shall be final for purposes of judicial review.

- (j) Affirmation of Findings. In declaring a moratorium, the Board of County Commissioners shall, at a minimum, affirm the findings of fact contained in the Planning Commission's recommendation or, if the Planning Commission did not make these findings, shall, at a minimum, make the findings of fact in Subsection (e) of this section.
- (k) Period in Effect. A moratorium declared by the Board of County Commissioners shall be in effect for a period of no less than ninety (90) days and no more than one hundred and eighty (180) days from the date that the Board of County Commissioners takes action on the recommendation of the Planning Commission. The Board of County Commissioners may extend the moratorium, upon an affirmation of findings as required in (j) hereinabove, for two (2) additional consecutive periods before holding another public hearing pursuant to the provisions of this section.

*[Amended by Ord. 873, provisions eff. 6/7/93; Ord. 1156, provisions eff. 3/22/02.]*

**Section 110.818.60 Technical Revision to Development Code.**

- (a) Purpose of Technical Revision. The purpose of the technical revision section is to provide a streamlined process for adopting changes that have no independent substantive effect on the Development Code.
- (b) Requirements for Inclusion. To qualify as a technical revision under this section, the change must be:
  - (1) Mandated by state law, whether by statute or court decision, and when no significant discretion can be exercised by the County;
  - (2) Mandated by federal law, whether by statute or court decision, and when no significant discretion can be exercised by the County;
  - (3) Required to avoid a sanction under federal law, and when no significant discretion can be exercised by the County;
  - (4) Required to avoid disqualification from a federal program, and when no significant discretion can be exercised by the County;
  - (5) To obtain a benefit under federal law, and when no significant discretion can be exercised by the County;
  - (6) Needed to conform to an action taken by another County agency even if that action does not result in a change in the Washoe County Code;
  - (7) Needed to conform to a name change or other change made in the Washoe County Code; or
  - (8) Needed to improve or clarify the Development Code when there is not substantive effect on the Development Code.
- (c) Administrative Process.

- (1) Initiating the Process. The Director of Community Development shall have the sole authority to initiate a technical revision to the Development Code.
  - (2) Transmittal to Board of County Commissioners. Upon making the findings required under subsection (d) of this section, the Director of Community Development shall forward the technical revision to the Board of County Commissioners.
- (d) Findings.
- (1) The Director of Community Development must find that the proposed technical revision meets one of the conditions enumerated under this section. If the enumerated condition is one of those set forth in Section 110.818.60 (b), subsection (1) through (5), the Director of Community Development must specifically identify the independent source of the substantive change the technical revision will have on the Development Code.
  - (2) The Director of Community Development must also find that the proposed technical revision is consistent with all of the following:
    - (i) Nevada Revised Statutes;
    - (ii) The Truckee Meadows Regional Plan;
    - (iii) The Washoe County Master Plan; and
    - (iv) The purposes of the Development Code.
  - (3) If an independent legal authority mandates a change that is inconsistent with Nevada Revised Statutes, the Truckee Meadows Regional Plan, the Washoe County Master Plan, or the purposes of the Development Code; the Director of Community Development shall specifically identify that independent legal authority and the provision with which the technical revision will be inconsistent.
- (e) Action by Board of County Commissioners. The Board of County Commissioners shall review proposed technical revisions to the Development Code in conformance with this section.
- (1) Time Period for Hearing. The Clerk of the Board of County Commissioners shall schedule a public hearing before the Board of County Commissioners on the recommendation of approval by the Director of Community Development of a technical revision to the Development Code within thirty (30) days of the filing of the recommended technical revision with the Clerk of the Board of County Commissioners.
  - (2) Notice of Introduction of Ordinance and Public Hearing. The introduction of the ordinance and public hearing on the ordinance shall be noticed as follows:

- (i) Notice to Planning Commission. A notice setting forth the date, time and place of the introduction of the ordinance concerning the technical revision to the Development Code shall be sent either by mail, or if requested by a Washoe County Planning Commission member, by electronic means if receipt of such an electronic notice can be verified, to every member of the Washoe County Planning Commission not less than ten (10) days prior to the scheduled introduction of the ordinance. The notice shall describe the proposed technical revision to the Development Code, including the specific language and other pertinent information, in such a manner that the proposed technical revision to the Development Code and its effect(s) can be clearly identified. Any objections or comments from members of the Planning Commission must be provided to the Director of Community Development or the Board of County Commissioners no later than at the introduction of the ordinance.
  
  - (ii) Notice to Citizen Advisory Boards. A notice setting forth the date, time and place of the introduction of the ordinance concerning the technical revision to the Development Code shall be sent either by mail, or if requested by a citizen advisory board member, by electronic means if receipt of such an electronic notice can be verified, to every chairperson and member of a citizen advisory board created by the Board of County Commissioners not less than ten (10) days prior to the scheduled introduction of the ordinance. The notice to the chairperson shall describe the proposed technical revision to the Development Code, including the specific language and other pertinent information, in such a manner that the proposed technical revision to the Development Code and its effect(s) can be clearly identified. The notice to a citizen advisory board member, other than the chairperson, shall describe the proposed technical revision to the Development Code in such a manner that the proposed technical revision to the Development Code and its effect(s) can be clearly identified. Any objections or comments from members of a citizen advisory board must be provided to the Director of Community Development or the Board of County Commissioners no later than at the introduction of the ordinance.
  
  - (iii) Notice in Newspaper. A notice setting forth the date, time and place of the public hearing shall be published in a newspaper of general circulation in Washoe County not less than ten (10) days prior to the public hearing date. The notice shall describe the proposed technical revision to the Development Code and other pertinent information in such a manner that the Development Code amendment request and its effect(s) can be clearly identified.
- (3) Board of County Commissioners' Action. The Board of County Commissioners may take final action to adopt or deny the technical revision to the Development Code. Final action to approve the technical revision shall require a simple majority vote of the total membership of the Board.

*[Added by Ord. 1148, provisions eff. 2/26/02. Amended by Ord. 1447, provisions eff. 9/9/10]*

*[Section 110.818.40 entitled "Projects of Regional Significance" repealed by Ord. 873, provisions eff. 6/7/93.]*

# Article 820

## AMENDMENT OF MASTER PLAN

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### Sections:

110.820.00	Purpose
110.820.02	Definitions
110.820.05	Requirements for Application
110.820.10	Supplemental Guidelines, Standards and Criteria
110.820.15	Review Procedures
110.820.20	Notice of Neighborhood Meeting
110.820.23	Notice
110.820.25	Appeal
110.820.30	Adoption of Master Plan Amendments by the Board of County Commissioners
110.820.35	Report by the Planning Commission
110.820.40	Referral for Conformance Review
110.820.45	Effective Date
110.820.50	One Year Wait on Denials
110.820.55	Modifications
110.820.60	Moratorium by the Board of County Commissioners
110.820.65	Certification by Electronic Means
110.820.70	Minor Amendment of Master Plan

**Section 110.820.00 Purpose.** The purpose of this article, Article 820, Amendment of Master Plan, is to provide for the method for amending the Master Plan, including requests to change a master plan designation affecting a parcel of land, or a portion of a parcel.

*[Amended by Ord. 873, provisions eff. 6/7/93; Ord. 1447, provisions eff. 9/9/10; Ordinance 1553, provisions eff. 4/24/15.]*

### **Section 110.820.02 Definitions.**

- (a) "Board" means the Board of County Commissioners.
- (b) "Commission" means the Planning Commission.
- (c) "Director" means the Director of the Division or the person or persons designated by the Director to do the action.
- (d) "Division" means the Planning and Development Division of the Department of Community Services for Washoe County.
- (e) "Secretary" means the Secretary to the Planning Commission.

*[Amended by Ord. 1553, provisions eff. 4/24/15.]*

**Section 110.820.05 Requirements for Application.**

- (a) Timing of Amendments. Each element and each area plan of the Master Plan may be amended by the Board of County Commissioners no more than four times per calendar year. Applications for Master Plan amendments shall only be accepted in January, May and September of each calendar year. Specific dates within these months shall be determined by the Director. For the purposes of this article, the restriction on the number of times that the Master Plan may be amended does not restrict the number of applications that may be submitted, but only refers to the number of times each component of the Master Plan may be modified by the Board of County Commissioners. The restriction on the number of times the Master Plan may be amended does not apply to minor amendments to the Master Plan as defined in Section 110.820.70.
- (b) Initiation of Amendments. A Master Plan amendment may be initiated by the Board of County Commissioners or the Planning Commission through resolution. An owner of real property or the property owner's authorized agent may initiate an amendment through an application filed with Division. Citizen advisory boards established by the Board may petition the Commission to initiate an amendment. The Director may initiate a minor amendment as defined in NRS 278.225 and Section 110.820.70.
- (c) Frequency of Amendment. Only the Board of County Commissioners or Planning Commission may initiate an amendment of the Master Plan for a parcel within 12 months after an amendment on that parcel has been approved or denied.
- (d) Completeness. No Master Plan amendment shall be processed until the information necessary to review and decide upon the proposed Master Plan amendment is deemed complete by the Director. The Director shall make this determination within three working days of receipt of an application.
- (e) Neighborhood Meeting. Before the application is submitted to the Planning Commission for a public hearing, the applicant must conduct a neighborhood meeting as required in Section 110.820.20, and the materials submitted to the Commission must include a report of the noticing for the meeting and comments received during the meeting.
- (f) Referral to Planning Commission. Following the neighborhood meeting, the Director shall prepare a report and recommendations and submit the application to the Commission.

*[Amended by Ord. 873, provisions eff. 6/7/93; Ord. 1156, provisions eff. 3/22/02; Ord. 1288, provisions eff. 3/24/06; Ord. 1447, provisions eff. 9/9/10.; Ord. 1553, provisions eff. 4/24/15.]*

**Section 110.820.10 Supplemental Guidelines, Standards and Criteria.** In addition to the standards and findings set forth in the Development Code, the Director may prepare supplemental guidelines for the submission of applications and minimum standards and criteria for approval applications.

*[Amended by Ord. 873, provisions eff. 6/7/93; Ord. 1553, provisions eff. 4/24/15.]*

**Section 110.820.15 Review Procedures.** The Planning Commission shall review a Master Plan amendment in conformance with this section.

- (a) Notice and Hearing: Comments by Planning Commissioners. The Commission shall hold at least one public hearing on a Master Plan amendment and may hold more in its discretion, especially if modifications are proposed at a public hearing and an amended application is required. Notice for each public hearing shall be given in accordance with Section 110.820.23. Following the public hearing, at least one Commissioner shall state for the record his/her comments on the proposed amendment and which findings under Section 110.820.15(d) that he/she can or cannot make.
- (b) Concurrent Processing of Applications. If a proposed project requires more than one application under the provisions of the Development Code, the applications may be filed at the same time and processed concurrently. If more than one review authority is involved, the Director shall determine the sequence for action by the review authorities.
- (c) Action. The Planning Commission may do any of the following:
  - (1) Adopt the Amendment. The amendment may be adopted by resolution which must be approved by an affirmative vote of at least 2/3 of the Commission's total membership. The resolution shall refer expressly to the maps, descriptive matter or other matter intended by the Commission to constitute the amendment, must include all the required findings, and shall be conditioned on:
    - (i) Adoption of the amendment by the Board, and
    - (ii) A determination by the Truckee Meadows Regional Planning Commission or, if required, the Tahoe Regional Planning Agency, as the case may be, that the amendment conforms to the applicable regional plan.

The action taken must be recorded on the map, plan, and descriptive matter with the signatures of the Chairman and Secretary to the Commission. A copy of the resolution shall be certified and sent to the Board, a copy shall be sent to the applicant and any other person who requests a copy, and a copy shall be date stamped and filed with the Secretary to the Commission. Adoption of a Master Plan amendment by the Commission is a final action subject to appeal to the Board, but failure to appeal does not preclude an aggrieved person from appearing before the Board when it considers the Master Plan amendment.

- (2) Deny the Amendment. A denial is deemed to occur when any of the following occurs. Each such denial is appealable to the Board but is not a final action subject to judicial review:
  - (i) A motion to adopt the amendment fails to receive the required votes for adoption. In this case, each member of the Commission should comment for the record the reason behind his/her vote and which findings could or could not be made. The statements will be included in the record if appealed to the Board.
  - (ii) A motion to deny the amendment is approved by a majority of the members of the Commission present at the meeting. The motion must state the reason for the denial and which findings cannot be made. If there is a disagreement on the reason for denial or which findings cannot be made, each Commissioner should comment on the reason and state which finding he/she

cannot make, and the motion may state that it is based on the individual comments.

- (iii) A motion to adopt or deny the amendment results in a tie vote and the applicant elects not to continue the matter under Planning Commission Rules. In this case, each member of the Commission should comment for the record the reason behind his/her vote and which findings could or could not be made. The statements will be included in the record if appealed to the Board.
  - (iv) No motion is made and seconded. In this case, since no action has been taken by the Commission, if it is appealed to the Board, it will be heard de novo by the Board. Individual Planning Commissioners may comment on the application for the record, but it is not required.
- (3) Written notice of any denial shall be sent to the applicant by regular mail or electronic communication if authorized by the applicant, and a copy shall be date stamped and filed with the Secretary to the Commission. The denial may be appealed to the Board.
- (d) Findings. When adopting an amendment, the Commission shall make all required findings contained in the area plan for the planning area in which the property that is the subject of the Master Plan amendment is located and, at a minimum, make at least three of the following findings of fact unless a military installation is required to be noticed, then in addition to the above, a finding of fact pursuant to subsection (6) shall also be made:
- (1) Consistency with Master Plan. The proposed amendment is in substantial compliance with the policies and action programs of the Master Plan.
  - (2) Compatible Land Uses. The proposed amendment will provide for land uses compatible with (existing or planned) adjacent land uses, and will not adversely impact the public health, safety or welfare.
  - (3) Response to Change Conditions. The proposed amendment responds to changed conditions or further studies that have occurred since the plan was adopted by the Board of County Commissioners, and the requested amendment represents a more desirable utilization of land.
  - (4) Availability of Facilities. There are or are planned to be adequate transportation, recreation, utility, and other facilities to accommodate the uses and densities permitted by the proposed Master Plan designation.
  - (5) Desired Pattern of Growth. The proposed amendment will promote the desired pattern for the orderly physical growth of the County and guides development of the County based on the projected population growth with the least amount of natural resource impairment and the efficient expenditure of funds for public services.
  - (6) Effect on a Military Installation. The proposed amendment will not affect the location, purpose and mission of the military installation.

*[Amended by Ord. 873, provisions eff. 6/7/93; Ord. 1347, provisions eff. 11/2/07; Ord. 1447, provisions eff. 9/9/10; Ord. 1553, provisions eff. 4/24/15.]*



**Section 110.820.20 Notice of Neighborhood Meeting.** If the proposed amendment applies to a particular area of land, a neighborhood meeting shall be noticed and conducted in accordance with this section.

- (a) **Notice and Meeting.** The County shall provide notice (at applicant's expense) and the applicant shall conduct a neighborhood meeting in accordance with NRS 278.210(2) as amended. The purpose of the neighborhood meeting is for the person who requested the proposed amendment to provide an explanation of the proposed amendment. A report on the neighborhood meeting shall be given to the Commission in the staff report for the public hearing on the proposed amendment.
- (b) **Compliance with Noticing Requirements.** Owners of all real property to be noticed pursuant to this section shall be those owners identified on the latest County Assessor's ownership maps and records. Such notice is complied with when notice is sent to the last known addresses of such real property owners as identified in the latest County Assessor's records. Any person who attends the public hearing shall be considered to be legally noticed unless those persons can provide evidence that they were not notified according to the provisions of this section.

*[Added by Ord. 1288, provisions eff. 3/24/06. Amended by Ord. 1447, provisions eff. 9/9/10; Ord. 1553, provisions eff. 4/24/15.]*

**Section 110.820.23 Notice.** Public notice for a Master Plan amendment shall be given by the Commission in accordance with the provisions of Nevada Revised Statutes (NRS) 278.210(1) and by the Board in accordance with NRS 278.220(3). The published notice shall give the date, time and place of the hearing, which provisions in the Master Plan are being considered for amendment, the areas that will be affected by the amendment(s), a brief description of the proposed amendment, and a statement that the Commission/Board may adopt the proposed amendment, may significantly modify the proposed amendment and adopt it as modified, or may deny the proposed amendment after the public hearing without further notice.

*[Amended by Ord. 873, provisions eff. 6/7/93; Ord. 1088, provisions eff. 1/28/00; Ord. 1156, provisions eff. 3/22/02; Ord. 1288, provisions eff. 3/24/06; Ord. 1347, provisions eff. 11/2/07; Ord. 1447, provisions eff. 9/9/10; Ord. 1553, provisions eff. 4/24/15.]*

**Section 110.820.25 Appeal.** A person who is aggrieved by a decision of the Commission on a Master Plan amendment may appeal to the Board in accordance with the provisions of this section.

- (a) **Appeal Period.** An appeal must be filed with the Division not later than close of business of the tenth calendar day after the Resolution or written notice is filed with the Secretary to the Commission. If the end of the appeal period falls on a non-business day, the appeal period shall be extended to include the next business day.
- (b) **Who Can Appeal.** Appeals may be filed by any aggrieved person as defined in Section 110.910.02, unless otherwise defined by a Nevada Court in applying NRS 278.3195.
- (c) **Appeal Filing.** An appeal shall be filed with the Director, accompanied by a filing fee. The appeal shall be in writing and state the reasons why the appellant believes that the Commission erred and should be overturned. The Director shall review the appeal within three working days and if the Director determines that

the information in the appeal is incomplete, the Director shall notify the appellant and the appellant shall have 10 days to resubmit the appeal.

- (d) Scheduling of Hearing Before Board. When an appeal is deemed complete by the Director, a copy of the appeal shall be immediately delivered to the County Clerk who shall schedule a public hearing on the appeal at the next available regular meeting of the Board consistent with scheduling policies and practices, but not later than 60 days from the date that the appeal is received by the County Clerk. The public hearing may be delayed by agreement with the appellant, and the appeal may be withdrawn by the appellant at any time. The Director shall prepare a staff report including a copy of all material submitted to the Commission, a report on the hearing and proceedings from the recording, a copy of the appeal material, and a discussion of the appeal process including possible motions. The Director's report may include recommendations. A copy shall be given to the appellant as soon as it is prepared.
- (e) Action Deadline. As required by NRS 2678.3195(2), the Board must take final action on the appeal within 60 days from the filing of the appeal with the County Clerk.
- (f) Hearing Procedures. During the hearing:
  - (1) The appellant may be represented by counsel.
  - (2) The Chair may decide evidence issues before or at the hearing, and may administer oaths. Any one or combination of the Nevada Rules of Evidence may be used as a guideline at the discretion of the Chair.
  - (3) The Director shall first explain the nature of the appeal, and what happened at the Commission hearing, the findings of the Commission, and the evidence supporting those findings. The Appellant shall be given an opportunity to respond and present his/her viewpoints.
  - (4) Each party shall be afforded an opportunity to comment and rebut the evidence. Questions of witnesses shall be conducted through the Chair.
  - (5) Public Comment will be heard before the Board moves into deliberation on the appeal.
- (g) Decision by the Board. The Board shall consider the appeal based on the record submitted and testimony and materials submitted at the public hearing. As required by NRS 278.3195(2)(f), the Board shall be guided by the statement of purpose underlying the regulation of improvement of land expressed in NRS 278.020 and other applicable provisions in NRS Chapter 278.
  - (1) The Board may affirm, modify or reverse the decision of the Commission, as explained in the subsections (h) and (i) below and may make its decisions based on its own interpretations of the findings, evidence and law.
  - (2) Decisions of the Board shall be by motion which must be approved by a simple majority of the total membership of the Board. The motion shall state the reasons for the motion. For the record, Board members should discuss their individual thoughts, conclusions and reasons.
  - (3) Decisions on appeals under this Section 110.820.25 are separate and independent from actions to adopt an amendment under Section 110.820.30. When the Board takes final action on an appeal, the Director shall prepare written notice thereof and shall file the notice with the County Clerk and mail a copy to the applicant. The filing with the

County Clerk starts the time period for filing for a judicial review of the Board's action.

- (4) As provided below, after taking final action on the appeal, the Board may then commence to consider adopting the proposed amendment under Section 110.820.30. If a judicial review is sought on the Board's decision on an appeal, then proceedings are suspended until the judicial review is completed.
- (h) Appeals of the Planning Commission's Denial of a Proposed Amendment. When considering an appeal of the Commission's denial of a proposed amendment, the Board may:
- (1) Affirm the Commission's denial. This would be a final decision subject to judicial review.
  - (2) Reverse the Commission's denial. This would be a final decision subject to judicial review. The Board may schedule a hearing to consider adopting the amendment under Section 110.820.30, but since a certified resolution has not been submitted by the Commission under NRS 278.210(6) and NRS 278.220(1), the Board must first send the proposed amendment (with any modifications desired by the Board) to the Commission for a report as required by NRS 278.220(4) and Section 110.820.35.
- (i) Appeals of the Planning Commission's Adoption of a Proposed Amendment. When considering an appeal of the Commission's adoption of a proposed amendment, the Board may:
- (1) Affirm the Commission's Adoption. This would be a final decision subject to judicial review. The Board may directly proceed to consider adoption of the amendment in accordance with NRS 278.220 and Section 110.820.30. If proper notice has been given, as provided in Section 110.820.23 by the Board, the adoption of the amendment may be considered at the same meeting when the appeal is heard.
  - (2) Modify the Commission's Adoption. The Board may consider modifying and approving the amendment adopted by the Commission, but must first send the proposed modification to the Commission for a report as required by NRS 278.220(4) and Section 110.820.35, and conduct a public hearing as required by NRS 278.220(3). The subsequent adoption/denial of the modified amendment is a final action subject to judicial review.
  - (3) Reverse the Commission's Adoption. This would be a final action subject to judicial review, and no further action can be taken on the proposed amendment by the Board unless the Board desires to modify the proposed amendment as provided next above.

*[Amended by Ord. 873, provisions eff. 6/7/93; Ord. 1447, provisions eff. 9/9/10; Ord. 1553, provisions eff. 4/24/15.]*

**Section 110.820.30 Adoption of Master Plan Amendments by the Board of County Commissioners.** After the Planning Commission has adopted a proposed Master Plan amendment under Section 110.820.15 or filed a report as required by Section 110.820.25, the Board of County Commissioners shall review a Master Plan amendment for possible adoption in accordance with the provisions of this section.

- (a) Public Hearing. The County Clerk shall schedule a public hearing before the Board.
- (b) Notice of Hearing. The public hearing shall be noticed as required by Section 110.820.23.
- (c) Action. The Board shall consider the recommendations, findings and reports of the Commission, and as authorized under NRS 278.220(1) may adopt any Master Plan amendment that the Board determines can practicably be applied to the development of the County within a reasonable period of time. Upon a motion to adopt or deny an approving resolution, members of the Board should individually discuss the reasons for their vote and which findings by the Commission can be affirmed, modified, or rejected by the Board.
- (d) Adoption by the Board. The Board may adopt the Master Plan amendment by resolution approved by a majority of the total membership of the Board. The resolution shall refer expressly to the maps, descriptive matter or other matter intended by the Board to constitute the amendment. The resolution shall be referred for conformance review in accordance with Section 110.820.40. The resolution is not considered as a final action until a favorable conformance review is received, the resolution is executed by the Chair and the County Clerk, and a copy is date stamped and filed with the County Clerk.
- (e) Modification/adoption. If the Board desires to modify a Master Plan amendment from what was adopted by the Commission, it must first send the modified amendment to the Commission for a report as required by NRS 278.220(4) and Section 110.820.35. If the Board desires to adopt the Master Plan amendment as modified, it shall do so by resolution approved by a majority of the total membership of the Board. The resolution shall be referred for conformance review as provided in Section 110.820.40 and is not considered as a final action until a favorable conformance review is received, the resolution is executed by the Chair and County Clerk, and a copy is date stamped and filed with the County Clerk.
- (f) Deny the amendment. A denial is deemed to occur when any of the following events occurs. Each such denial is a final action subject to judicial review:
  - (1) A motion to adopt the amendment fails to receive the required votes for adoption. In this case, each member of the Board should comment for the record the reason behind his/her vote and which findings could or could not be made. The statements will be included in the record on appeal if judicial review is sought.
  - (2) A motion to deny the amendment is approved by a majority of the Board. The motion must state the reason for the denial and which findings cannot be made. If there is a disagreement on the reason for denial or which findings cannot be made, each Board member should comment on the reason and state which finding he/she cannot make, and the motion may state that it is based on the individual comments.
  - (3) A motion to adopt or deny the amendment results in a tie vote. In this case, the applicant may ask to have the application reheard at the next regular meeting of the Board where an odd numbered of commissioners may be present. If the applicant does not request a rehearing, each member of the Board should comment for the record the reason behind his/her vote and which findings could or could not be made.

- (4) No motion is made, seconded or voted upon. If the matter is not tabled or continued to another date, this would be a final action subject to judicial review or other judicial proceeding.
- (g) Written notice of any denial shall be sent to the applicant by regular mail or electronic communication if authorized by the applicant, and a copy shall be date stamped and filed with the County Clerk. The time period for commencing an action for judicial review starts when the resolution or notice is filed with the County Clerk.

*[Amended by Ord. 873, provisions eff. 6/7/93; Ord. 1156, provisions eff. 3/22/02; Ord. 1447, provisions eff. 9/9/10; Ord. 1553, provisions eff. 4/24/15.]*

**Section 110.820.35 Report by the Planning Commission.** If a modification to a proposed Master Plan amendment is referred to the Commission for a report under NRS 278.220(4), the Commission is not required to hold a public hearing on the modification and shall submit a report within 90 days from the date of referral. Failure by the Commission to submit a report within 90 days shall be deemed as a recommendation of approval.

*[Amended by Ord. 1447, provisions eff. 9/9/10; Amended by Ord. 1553, provisions eff. 4/24/15.]*

**Section 110.820.40 Referral for Conformance Review.** As required by applicable law, a resolution adopting a Master Plan amendment shall be submitted to the Truckee Meadows Regional Planning Commission or the Tahoe Regional Planning Agency, as applicable, for appropriate conformance review.

- (a) If the reviewing agency determines that the proposed amendment conforms to the comprehensive regional plan, the adopting resolution shall be executed by the Chair and filed with the County Clerk which constitutes final action on the amendment.
- (b) If the reviewing agency determines that the proposed amendment does not conform to the comprehensive plan, the matter shall be immediately referred to the Board to ask for reconsideration or appeal. If the non-conformance determination by the reviewing agency becomes a final determination, the non-conforming amendment is deemed denied by the Board without prejudice. The Board may initiate a new amendment under Section 110.820.05(c) and direct the Division to receive a new application.

*[Amended by Ord. 1447, provisions eff. 9/9/10; Ord. 1553, provisions eff. 4/24/15.]*

**Section 110.820.45 Effective Date.** A Master Plan amendment shall become effective upon signing of the adopting resolution by the Board of County Commission Chairman after a determination by the Truckee Meadows Regional Planning Commission or the Tahoe Regional Planning Agency that the amendment is in conformance with the applicable regional plan. The resolution is deemed a final action when executed and a copy is filed with the County Clerk.

*[Amended by Ord. 1447, provisions eff. 9/9/10; Ord. 1553, provisions eff. 4/24/15.]*

**Section 110.820.50 One Year Wait on Denials.** Except as provided in Section 110.820.05(c), after the denial of a Master Plan amendment, no application for a Master Plan amendment for the same or similar amendment may be accepted for one year immediately following the denial. This section shall not apply to applications denied without prejudice, which may be refiled within one year.

*[Amended by Ord. 1447, provisions eff. 9/9/10; Ord. 1553, provisions eff. 4/24/15.]*

**Section 110.820.55 Modifications.**

- (a) At Planning Commission. An application for a Master Plan amendment may be amended or modified at any time by the applicant before final action is taken on it by the Commission. However, unless otherwise directed by the Director for minor modifications, an amended application package must be submitted with all exhibits and a full analysis of the impacts and findings as a new application. The Director may also charge additional fees based on the need for noticing and staff review of the amended application package. Unless otherwise directed by the Commission, new public hearings will be held on modified Master Plan amendments.
- (b) If the Commission has already adopted a Master Plan amendment and a subsequent modification is being considered by Board, unless otherwise directed by the Board, an amended application package must be submitted with all exhibits and a full analysis of the impacts and findings as a new application. If the modification includes a new change or addition to the master plan, the Board must either send the amended application back through the Commission proceedings, or request a report as allowed by NRS 278.220(4) and Section 110.820.30(e).

*[Amended by Ord. 1447, provisions eff. 9/9/10; Ord. 1553, provisions eff. 4/24/15.]*

**Section 110.820.60 Moratorium by the Board of County Commissioners.** The Board may declare a moratorium on the acceptance and processing of planning applications and/or issuance of building permits for a specific geographical area and for a specified length of time for the purposes of preparing an amendment to the Master Plan.

- (a) Initiation. Only the Board or the Commission through resolution may initiate the process for declaring a moratorium for this purpose. If the Board initiates the process to declare a moratorium, it shall refer the matter to the Commission for a recommendation. A moratorium of no more than 90 days shall exist from the date of approval of a resolution.
- (b) Planning Commission Hearing. The Commission shall conduct a public hearing within 60 days after it has resolved to declare a moratorium or within 60 days from the date of referral by the Board.
- (c) Notice of Planning Commission Hearing. Notice of the date, time and place of the public hearing shall be published in a newspaper of general circulation in Washoe County not less than 10 days prior to the date of the public hearing to be conducted by the Commission. Such notice shall describe why the moratorium is being proposed, what the proposed moratorium shall affect, the area that is affected by the moratorium, the anticipated length of time of the moratorium, and other pertinent information in such a manner that the moratorium and its effects can be clearly identified.
- (d) Planning Commission Recommendation. After completion of the public hearing by the Commission, it may recommend that the Board approve a moratorium, modify the extent and area of the moratorium, or that the moratorium not be imposed. A recommendation to declare a moratorium shall require a simple majority vote of the entire membership of the Commission.

- (e) Findings. When making its recommendation for approval or modification, the Commission shall, at a minimum, make the following findings of fact:
  - (1) The moratorium is necessary to promote the health, safety and welfare of the area described in the moratorium declaration;
  - (2) The moratorium is necessary to permit the staff, Commission, Board and public to focus on the efficient and effective preparation of an amendment to the Master Plan; and
  - (3) The moratorium is necessary because continued development during the proposed moratorium period possibly would result in development that may conflict with the plan amendment.
- (f) Planning Commission Report. Within 60 days of the action by the Commission, a report describing the proposed moratorium, discussion at the public hearing, and the action and vote by the Commission shall be transmitted to the Board. Failure to report within the time limit provided in this subsection or failure to schedule a hearing within 60 days of the date of referral of the matter by the Board to the Commission shall constitute a recommendation not to declare a moratorium.
- (g) Board of County Commissioners Hearing. The County Clerk of the Board shall schedule a public hearing before the Board within 30 days of receipt of the report describing the Commission's action.
- (h) Notice of Board of County Commissioner's Hearing. Notice of the date, time and place of the public hearing shall be published in a newspaper of general circulation in Washoe County not less than 10 days prior to the public hearing date. Such notice shall describe why the moratorium is being proposed, what the proposed moratorium shall affect, the area that is affected by the moratorium, the anticipated length of time of the moratorium, and other pertinent information in such a manner that the moratorium and its effects can be clearly identified.
- (i) Required Vote. After completion of the public hearing by the Board, it may declare a moratorium by a simple majority vote of its entire membership. The final action of the Board shall be considered final for purposes of judicial review.
- (j) Affirmation of Findings. In declaring a moratorium, the Board shall, at a minimum, affirm the findings of fact contained in the Commission's recommendation or, if the Commission did not make these findings, shall, at a minimum, make the findings of fact in subsection (e) of this section.
- (k) Period in Effect. A moratorium declared by the Board shall be in effect for a period of no less than 90 days and no more than 180 days from the date that the Board takes action on the recommendation of the Commission. The Board may extend the moratorium, upon an affirmation of findings as required under (j) hereinabove, for two additional consecutive periods before holding another public hearing pursuant to the provisions of this section.

*[Amended by Ord. 1156, provisions eff. 3/22/02; Ord. 1447, provisions eff. 9/9/10; Ord. 1553, provisions eff. 4/24/15.]*

**Section 110.820.65 Certification by Electronic Means.** Adopted Master Plan maps may be certified by the Director as true and accurate originals and copies through an electronic signature.

*[Added by Ord. 1156, provisions eff. 3/22/02; Ord. 1447, provisions eff. 9/9/10; Ord. 1553, provisions eff. 4/24/15.]*

**Section 110.820.70 Minor Amendment of Master Plan.**

- (a) Purpose of Minor Amendment. The purpose of the minor amendment section is to provide a streamlined process for adopting changes to the Master Plan that do not have a substantive effect on the intent of the plan.
- (b) Requirements for Inclusion. To qualify as a minor amendment under this section, the change must be:
  - (1) A change in a boundary that is based on a geographical feature, including, without limitation, topography, slopes, hydrographic features, wetland delineation and floodplains, when evidence is produced that the mapped location of the geographical feature is in error;
  - (2) A change made to reflect the alteration of the name of a jurisdiction, agency, department or district by the governing body, governing board or other governing authority of the jurisdiction, agency, department or district, as applicable, or by another entity authorized by law to make such an alteration; and
  - (3) An update of statistical information that is based on a new or revised study.
- (c) Administrative Process.
  - (1) Initiating the Process. The Director shall have the sole authority to initiate a minor amendment to the Master Plan.
  - (2) Transmittal to Board of County Commissioners. Upon making the findings required under subsection (d) of this section, the Director shall forward the minor amendment to the Board.
- (d) Findings.
  - (1) The Director must find that the proposed technical revision meets one of the conditions enumerated under section (b).
  - (2) The Director must also find that the proposed minor amendment is consistent with all of the following:
    - (i) Nevada Revised Statutes;
    - (ii) The Truckee Meadows Regional Plan; and
    - (iii) The Washoe County Master Plan.
- (e) Action by Board of County Commissioners. The Board shall review proposed minor amendments to the Master Plan in conformance with this section.
  - (1) Time Period for Hearing. The County Clerk of the Board shall schedule a public hearing before the Board on the recommendation of approval by the Director of a minor amendment to the Master Plan within 30 days of the filing of the recommended minor amendment with the County Clerk.
  - (2) Notice of Public Hearing of Minor Amendment to the Master Plan. The notice of the public hearing on the minor amendment shall be provided as follows:
    - (i) Notice to Planning Commission and Citizen Advisory Boards. A notice setting forth the date, time and place of the public hearing on the minor amendment to the Master Plan shall be sent either by mail, or if requested by a Commission member or Citizen



Advisory Board (“CAB”) member, by electronic communication if authorized by the recipient, to every member of the Commission and of the affected CAB not less than 10 days prior to the scheduled public hearing on the minor amendment. The notice shall describe the proposed minor amendment to the Master Plan, including the specific language and other pertinent information, in such a manner that the proposed minor amendment to the Master Plan and its effect(s) can be clearly identified. Any objections or comments from members of the Commission or CAB must be provided to the Director or the Board no later than the date of the public hearing on the minor amendment.

- (ii) Notice to General Improvement District. A notice setting forth the date, time and place of the public hearing on the minor amendment to the Master Plan shall be sent either by mail, or if requested by a general improvement district, by electronic communication if authorized by the recipient, to the chief operating officer of the general improvement district not less than 10 days prior to the scheduled public hearing on the minor amendment. The notice to the general improvement district shall describe the proposed minor amendment to the Master Plan, including the specific language and other pertinent information, in such a manner that the proposed minor amendment to the Master Plan and its effect(s) can be clearly identified. Any objections or comments from a general improvement district must be provided to the Director or the Board no later than the date of the public hearing on the minor amendment.
- (iii) Notice in Newspaper. A notice setting forth the date, time and place of the public hearing shall be published in a newspaper of general circulation in Washoe County not less than 10 days prior to the public hearing date. The notice shall describe the proposed minor amendment to the Master Plan and other pertinent information in such a manner that the Master Plan amendment request and its effect(s) can be clearly identified.
- (iv) Notice of Property Owners by Mail. For a minor amendment pursuant to subsection (b)(1), a notice setting forth the time, place, purpose of hearing, map or physical description of the land involved, existing and proposed land use designations, and a brief summary of the proposed change shall be sent by mail at least 1) days before the public hearing on the minor amendment to the following persons:
  - (1) All owners of real property that are the subject of the minor amendment;
  - (2) All owners of real property within 750 feet of the property which is the subject of the minor amendment; and
  - (3) All tenants of any mobile home park that is located within 750 feet of the property which is the subject of the minor amendment.

- (4) The commander or administrator of a military installation, as defined in Article 902, that is within 3,000 feet of the property which is the subject of the minor amendment.
- (3) Board of County Commissioners' Action. The Board may take final action to adopt or deny the minor amendment to the Master Plan. Final action to approve the technical revision shall require a simple majority vote of the total membership of the Board.

*[Added by Ord. 1288, provisions eff. 3/24/06. Amended by Ord. 1347, provisions eff. 11/2/07; Ord. 1447, provisions eff. 9/9/10; Ord. 1553, provisions eff. 4/24/15]*

*[Article 820 renamed from "Amendment of Comprehensive Plan" to "Amendment of Master Plan" with Ord. 1447, provisions eff. 9/9/10.]*

# Article 821

## AMENDMENT OF REGULATORY ZONE

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### Sections:

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110.821.60	Minor Amendment of Regulatory Zone Map

**Section 110.821.00 Purpose.** The purpose of this article, Article 821, Amendment of Regulatory Zone, is to provide for the method for amending the Regulatory Zone map, including requests to change a Regulatory Zone affecting a parcel of land, or a portion of a parcel.

*[Amended by Ord. 1554, provisions eff. 4/24/15.]*

### **Section 110.821.02 Definitions.**

- (a) "Board" means the Board of County Commissioners.
- (b) "Commission" means the Planning Commission.
- (c) "Director" means the Director of the Division or the person or persons designated by the Director to do the action.
- (d) "Division" means the Planning and Development Division of the Department of Community Services for Washoe County, or other entity that administers land use planning policies and procedures for the county.
- (e) "Secretary" means the Secretary to the Planning Commission.

*[Amended by Ord. 1554, provisions eff. 4/24/15.]*

### **Section 110.821.05 Requirements for Application.**

- (a) **Initiation of Amendments.** A Regulatory Zone amendment may be initiated by the Board or the Commission through action by a simple majority vote, or by the Director. An owner of real property or the property owner's authorized agent may initiate an amendment through an application filed with the Division.

- (b) Frequency of Amendment. Only the Board or the Commission may initiate an amendment of a Regulatory Zone for a parcel within 12 months after an amendment on that parcel has been adopted or denied.
- (c) Completeness. No application for a Regulatory Zone amendment shall be processed until the information necessary to review and decide upon the proposed Regulatory Zone amendment is deemed complete by the Director. The Director shall make this determination within three working days of receipt of an application. Pre-application meetings between the applicant and the Director, or his/her designee, are encouraged.

*[Amended by Ord. 1554, provisions eff. 4/24/15.]*

**Section 110.821.10 Supplemental Guidelines, Standards and Criteria.** In addition to the standards and findings set forth in the Development Code, the Director may prepare supplemental guidelines for the submission of applications and minimum standards and criteria for approval applications.

*[Amended by Ord. 1554, provisions eff. 4/24/15.]*

**Section 110.821.15 Review by Planning Commission.** The Commission shall review a Regulatory Zone amendment in conformance with this section.

- (a) General Provisions. The Commission shall conduct a public hearing to receive oral and written evidence relative to the application. Notice for the hearing shall be provided as specified in section 110.821.20 below. Public comments and evidence shall be reviewed to determine whether or not the findings specified in subsection (d) below can be made. The Commission shall recommend adoption, modification, or denial of the application to the Board based on the results of this review.
- (b) Concurrent Processing of Applications. If a Master Plan amendment is necessary to authorize the proposed Regulatory Zone amendment, the Master Plan amendment and Regulatory Zone amendment may be processed and heard concurrently; however, the resolution recommending approval of the Regulatory Zone amendment must be expressly contingent on adoption of the Master Plan amendment and subsequent determination that it is in conformance with the Regional Plan as required by NRS 278.0282. Regulatory Zone amendments may also be processed concurrently with other applications (such as special use permits) and the Director shall decide the order of review.
- (c) Action. The Commission may do any of the following. A simple majority vote of the members of the Commission present at the hearing is required for a recommendation of adoption or a denial of the amendment.
  - (1) Recommend Adoption. The Commission may adopt a resolution making the required findings and recommending adoption of the Regulatory Zone amendment to the Board. The resolution shall refer expressly to the maps, descriptive matter, or other matter intended by the Commission to constitute the amendment. Since it is only a recommendation that must be acted on by the Board, the resolution is not a final action for purposes of appeal or judicial review.

- (2) Denial. If a motion to adopt the Regulatory Zone amendment does not achieve the required number of votes, or if a motion to deny the adoption is approved, the Regulatory Zone amendment is denied. If a Regulatory Zone amendment is denied, the Commission may (by separate motion if necessary) determine if the denial is with or without prejudice. When a Regulatory Zone amendment is denied, the Commission must give a reason why, including an explanation of which of the required findings cannot be made, either as a part of the motion, or by individual comments of the Planning Commissioners made for the record. A denial is a final action on the application and will not be referred to the Board unless appealed. A written notice of the denial shall be prepared by and filed with the Secretary, and sent to the applicant, at which time the denial may be appealed to the Board as provided in Section 110.912.20 of the Development Code.
  - (3) No Action. If no action is taken on a motion (i.e., no motion is made, all motions die for lack of a second, or a tie vote occurs and the applicant has not asked for a postponement under Commission Rules), any person aggrieved by the non-action may appeal to the Board for a decision. A written notice describing the attempts to take action shall be prepared by and filed with the Secretary, and sent to the applicant and when that is done, the non-action may be appealed to the Board as provided in Section 110.912.20 of the Development Code.
- (d) Findings. To make a recommendation for approval, all of the following findings must be made by the Commission:
- (1) Consistency with Master Plan. The proposed amendment is in substantial compliance with the policies and action programs of the Master Plan.
  - (2) Compatible Land Uses. The proposed amendment will provide for land uses compatible with (existing or planned) adjacent land uses, and will not adversely impact the public health, safety or welfare.
  - (3) Response to Change Conditions: more desirable use. The proposed amendment responds to changed conditions or further studies that have occurred since the plan was adopted by the Board of County Commissioners, and the requested amendment represents a more desirable utilization of land.
  - (4) Availability of Facilities. There are or are planned to be adequate transportation, recreation, utility, and other facilities to accommodate the uses and densities permitted by the proposed amendment.
  - (5) No Adverse Effects. The proposed amendment will not adversely effect the implementation of the policies and action programs of the Washoe County Master Plan.
  - (6) Desired Pattern of Growth. The proposed amendment will promote the desired pattern for the orderly physical growth of the County and guides development of the County based on the projected population growth with the least amount of natural resource impairment and the efficient expenditure of funds for public services.

- (7) Effect on a Military Installation When a Military Installation is Required to be Noticed. The proposed amendment will not affect the location, purpose and mission of a military installation.

*[Amended by Ord. 1554, provisions eff. 4/24/15.]*

**Section 110.821.20 Notice.** Notice for a Regulatory Zone amendment shall be given as required by NRS 278.260. 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.

- (a) In addition, a copy of the written notice shall be sent to the chief operating officer of any general improvement district serving the property.
- (b) In addition, if any part of the property is within 3,000 feet of a military installation, written notice must be given to the commander of the military installation.

*[Amended by Ord. 1554, provisions eff. 4/24/15.]*

**Section 110.821.25 Appeals to Board of County Commissioners.** Any person who is aggrieved by a final decision or non-action of the Planning Commission may appeal to the Board as provided in Section 110.912.20 of the Development Code.

*[Amended by Ord. 1554, provisions eff. 4/24/15.]*

**Section 110.821.30 Action by Board of County Commissioners.** If the Commission recommends approval of a Regulatory Zone amendment, a copy of the resolution shall be filed with the County Clerk, and the Board shall review the Regulatory Zone amendment in accordance with the provisions of this section.

- (a) Notice of Hearing. A public hearing shall be noticed as set forth in Section 110.821.20 of this article.
- (b) Time Period for Hearing. The County Clerk shall schedule a public hearing before the Board on the recommendation of the Commission to occur within 60 days of the filing of the Planning Commission's Resolution with the County Clerk.
- (c) Board Action.
- (1) The Board shall adopt, adopt with modifications, or deny the proposed amendment. An adoption or denial of a proposed Regulatory Zone amendment requires an affirmative vote of a simple majority of the total membership of the Board. If the Board denies an amendment, the reason for the denial (i.e., findings which cannot be made) shall either be stated in the motion or discussed on the record by individual Board members.
- (2) Adoption of a Regulatory Zone amendment shall be by resolution of the Board, which shall refer expressly to the maps, descriptive matter, or other matter intended by the Board to constitute the amendment. If the

Regulatory Zone amendment is processed concurrently with a Master Plan amendment, the approving motion shall state that the approval is subject to adoption of the Master Plan amendment. The resolution approving the Regulatory Zone amendment shall not be executed by the chair until the Master Plan amendment is adopted and a determination is made by the Regional Planning Commission that the proposed Master Plan amendment conforms to the Regional Plan.

- (3) If the Board denies a Regulatory Zone amendment, a written notice shall be prepared by the Director and sent to the applicant.
- (4) The final action (actual execution of a resolution to approve, or approval of a motion to deny) by the Board shall be final for purposes of judicial review. A written notice of the action by the Board shall be prepared by the Director and mailed to the applicant and a copy shall be filed with the County Clerk. The period for petitioning for judicial review then starts.

*[Amended by Ord. 1554, provisions eff. 4/24/15.]*

**Section 110.821.35 Findings.** When taking final action on the Commission's recommendation, the Board shall make part of the record its affirmation, modification or rejection of the findings of fact by the Commission, as well as any other findings of fact that the Board deems to be relevant. If the Commission made no findings, the Board shall either make the findings required for adoption of the Regulatory Zone amendment, or determine which findings cannot be made in the case of a denial either as a part of the motion or by comments of the individual Board members.

*[Amended by Ord. 1554, provisions eff. 4/24/15.]*

**Section 110.821.40 One Year Wait on Denials.** After the denial of a Regulatory Zone amendment, no application for a Regulatory Zone amendment for the same or similar amendment may be accepted for one (1) year immediately following the denial. This section shall not apply to applications denied without prejudice, which may be refiled within one (1) year.

**Section 110.821.45 Modification of a Regulatory Zone Amendment.** Proposed modifications of an adopted Regulatory Zone map amendment require a new application following the same procedure required for the initial application.

*[Amended by Ord. 1554, provisions eff. 4/24/15.]*

**Section 110.821.50 Moratorium.** The Board may declare a moratorium on the acceptance and processing of planning applications and/or issuance of building permits for a specific geographical area and for a specified length of time for the purposes of preparing an amendment to the Regulatory Zone map.

- (a) **Initiation.** Only the Board or the Commission through resolution may initiate the process for declaring a moratorium for this purpose. If the Board initiates the process to declare a moratorium, it shall refer the matter to the Commission for a recommendation. A moratorium of no more than 90 days shall exist from the date of approval of a resolution.
- (b) **Planning Commission Hearing.** The Commission shall conduct a public hearing within 60 days after it has resolved to declare a moratorium or within 60 days from the date of referral by the Board.

- (c) Notice of Planning Commission Hearing. Notice of the date, time and place of the public hearing shall be published in a newspaper of general circulation in Washoe County not less than 10 days prior to the date of the public hearing to be conducted by the Commission. Such notice shall describe why the moratorium is being proposed, what the proposed moratorium shall affect, the area that is affected by the moratorium, the anticipated length of time of the moratorium, and other pertinent information in such a manner that the moratorium and its effects can be clearly identified.
- (d) Planning Commission Recommendation. After completion of the public hearing by the Commission, it may recommend that the Board adopt a moratorium, modify the extent and area of the moratorium, or that the moratorium not be imposed. A recommendation to declare a moratorium shall require a simple majority vote of the members of the Commission present at the hearing.
- (e) Findings. When making its recommendation for approval or modification, the Commission shall, at a minimum, make the following findings of fact:
- (1) The moratorium is necessary to promote the health, safety and welfare of the area described in the moratorium declaration;
  - (2) The moratorium is necessary to permit the staff, Commission, Board and public to focus on the efficient and effective preparation of an amendment to the Regulatory Zone map; and
  - (3) The moratorium is necessary because continued development during the proposed moratorium period possibly would result in development that may conflict with the amendment.
- (f) Planning Commission Report. Within 60 days of the action by the Commission, a report describing the proposed moratorium, discussion at the public hearing, and the action and vote by the Commission shall be transmitted to the Board. Failure to report within the time limit provided in this subsection or failure to schedule a hearing within 60 days of the date of referral of the matter by the Board to the Commission shall constitute a recommendation not to declare a moratorium.
- (g) Board Hearing. The County Clerk shall schedule a public hearing before the Board within 30 days of receipt of the report describing the Commission's action.
- (h) Notice of Board Hearing. Notice of the date, time and place of the public hearing shall be published in a newspaper of general circulation in Washoe County not less than 10 days prior to the public hearing date. Such notice shall describe why the moratorium is being proposed, what the proposed moratorium shall affect, the area that is affected by the moratorium, the anticipated length of time of the moratorium, and other pertinent information in such a manner that the moratorium and its effects can be clearly identified.
- (i) Required Vote. After completion of the public hearing by the Board, the Board may declare a moratorium by a simple majority vote of its entire membership. The final action of the Board shall be considered final for purposes of judicial review.
- (j) Affirmation of Findings. In declaring a moratorium, the Board shall, at a minimum, affirm the findings of fact contained in the Commission's



recommendation or, if the Commission did not make these findings, shall, at a minimum, make the findings of fact in subsection (e) of this section.

- (k) Period in Effect. A moratorium declared by the Board shall be in effect for a period of no less than 90 days and no more than 180 days from the date that the Board takes action on the recommendation of the Commission. The Board may extend the moratorium, upon an affirmation of findings as required under (j) hereinabove, for two additional consecutive periods before holding another public hearing pursuant to the provisions of this section.

*[Amended by Ord. 1554, provisions eff. 4/24/15.]*

**Section 110.821.55 Certification of Maps by Electronic Means.** Adopted Regulatory Zone maps may be certified by the Director as true and accurate originals and copies through an electronic signature.

*[Amended by Ord. 1554, provisions eff. 4/24/15.]*

**Section 110.821.60 Minor Amendment of Regulatory Zone map.**

- (a) Purpose of Minor Amendment. The purpose of the minor amendment section is to provide a streamlined process for adopting changes to the Regulatory Zone map that do not have a substantive effect on the intent of the plan.
- (b) Requirements for Inclusion. To qualify as a minor amendment under this section, the change must be:
  - (1) A change in a boundary that is based on a geographical feature, including, without limitation, topography, slopes, hydrographic features, wetland delineation and floodplains, when evidence is produced that the mapped location of the geographical feature is in error;
  - (2) A change made to reflect the alteration of the name of a jurisdiction, agency, department or district by the governing body, governing board or other governing authority of the jurisdiction, agency, department or district, as applicable, or by another entity authorized by law to make such an alteration;
  - (3) An update of statistical information that is based on a new or revised study; or
  - (4) A change made to reflect Master Plan category amendments due to properties being included in or removed from a Sphere of Influence as established in the Truckee Meadows Regional Plan.
- (c) Administrative Process.
  - (1) Initiating the Process. The Director shall have the sole authority to initiate a minor amendment to the Regulatory Zone map.
  - (2) Transmittal to Board of County Commissioners. Upon making the findings required under subsection (d) of this section, the Director shall forward the minor amendment to the Board.

- (d) Findings.
- (1) The Director must find that the proposed technical revision meets one of the conditions enumerated under subsection (b).
  - (2) The Director must also find that the proposed minor amendment is consistent with all of the following:
    - (i) Nevada Revised Statutes;
    - (ii) The Truckee Meadows Regional Plan; and
    - (iii) The Washoe County Master Plan.
- (e) Action by Board of County Commissioners. The Board shall review proposed minor amendments to the Regulatory Zone map in conformance with this section.
- (1) Time Period for Hearing. The Board shall conduct a public hearing on the proposed minor amendment within 60 days of the filing of the proposed minor amendment with the County Clerk.
  - (2) Notice of Public Hearing of Minor Amendment to the Regulatory Zone map. The notice of the public hearing on the minor amendment shall be in accordance with Section 110.821.20 of this Article.
  - (3) Board of County Commissioners' Action. The Board may take final action to adopt or deny the minor amendment to the Regulatory Zone map. Final action to adopt the minor amendment shall be by a resolution approved by a simple majority vote of the total membership of the Board. The resolution shall refer expressly to the maps, descriptive matter, or other matter intended by the Board to constitute the minor amendment.

*[Article 821, Amendment of Regulatory Zone, created by Ord. 1447, provisions eff. 9/9/1; Amended by Ord. 1554, provisions eff. 4/24/15.]*

*Article 822*

**PROVISIONS FOR AMENDMENTS TO  
LOCAL MASTER PLANS AND ZONE  
CHANGES IN AREAS SUBJECT TO  
COOPERATIVE PLANNING UNDER THE  
REGIONAL PLAN SETTLEMENT  
AGREEMENT**

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*Article 822 removed by Ordinance 1660, provisions eff. 1/22/21.*