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**SUMMARY:** *Amends Washoe County Code Chapter 110 (Development Code), Article 820, Amendment of Master Plan, to establish and clarify procedures and requirements for Planning Commission consideration of master plan amendments (including a change in findings required), and for the Board of County Commissioners when considering appeals (including a change of voting requirements) of Planning Commission decisions and when considering master plan amendments that have been adopted by the Planning Commission; and, also changes definitions and terms to reflect the reorganization of the Community Development Department as the Planning and Development Division of the Community Services Department.*

BILL NO. 1734

ORDINANCE NO. 1553

An ordinance amending Washoe County Code Chapter 110 (Development Code) at Article 820, *Amendment of Master Plan*, to clarify Planning Commission procedures for adopting, denying or not taking action on a proposed master plan amendment; to change findings of fact required when the Planning Commission denies a master plan amendment; to establish the procedures, change voting requirements, and clarify possible actions when a decision of the Planning Commission is appealed to the Board of County Commissioners; to clarify procedures and standards for the Board of County Commissioners when adopting, modifying or denying master plan amendments; to provide for conditional resolutions approving master plan amendments pending conformance review by a regional planning commission; and, to change names and titles to reflect the reorganization of the Community Development Department. Recommendations include other matters properly relating thereto.

WHEREAS:

- A. Changes to Article 820 (Amendment of Master Plan) of the Washoe County Development Code (Chapter 110) are desired to improve procedures for Master Plan amendments and implement statutory provisions and decisions of the Nevada Supreme Court;

- B. As authorized by Washoe County Code Section 110.818.05, the Washoe County Planning Commission initiated amendments to the Development Code for Article 820 by resolution on April 1, 2014. The amendments and this ordinance were drafted by the District Attorney, and the Planning Commission held a duly noticed public hearing for DCA 14-006 on July 1, 2014, and adopted a resolution recommending adoption of this ordinance.
- C. Following a first reading and publication as required by NRS 244.100 (1), and after a duly noticed public hearing, this Board of County Commissioners desires to adopt this Ordinance; and
- D. This Commission has determined that this ordinance is being adopted pursuant to requirements set forth in Chapter 278 of NRS, therefore is not a "rule" as defined in NRS 237.060 requiring a business impact statement.

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

SECTION 1. A new Section 110.820.02 of the Washoe County Code is hereby added to read as follows:

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.

SECTION 2. Section 110.820.00 of the Washoe County Code is hereby amended to read as follows:

**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.

SECTION 3. Section 110.820.05 of the Washoe County Code is hereby amended to read as follows:

**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.

SECTION 4. Section 110.820.10 of the Washoe County Code is hereby amended to read as follows:

**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.

SECTION 5. Section 110.820.15 of the Washoe County Code is hereby amended to read as follows:

**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.

SECTION 6. Section 110.820.20 of the Washoe County Code is hereby amended to read as follows:

**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.

SECTION 7. Section 110.820.23 of the Washoe County Code is hereby amended to read as follows:

**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.

SECTION 8. Section 110.820.25 of the Washoe County Code is hereby amended to read as follows:

**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.

SECTION 9. Section 110.820.30 of the Washoe County Code is hereby amended to read as follows:

**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.

SECTION 10. Section 110.820.35 of the Washoe County Code is hereby amended to read as follows:

**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.

SECTION 11. Section 110.820.40 of the Washoe County Code is hereby amended to read as follows:

**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.

SECTION 12. Section 110.820.45 of the Washoe County Code is hereby amended to read as follows:

**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.

SECTION 13. Section 110.820.50 of the Washoe County Code is hereby amended to read as follows:

**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.

SECTION 14. Section 110.820.55 of the Washoe County Code is hereby amended to read as follows:

**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).

SECTION 15. Section 110.820.60 of the Washoe County Code is hereby amended to read as follows:

**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.

SECTION 16. Section 110.820.65 of the Washoe County Code is hereby amended to read as follows:

**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.

SECTION 17. Section 110.820.70 of the Washoe County Code is hereby amended to read as follows:

**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.

#### SECTION 18. General Terms.

1. All actions, proceedings, matters, and things heretofore taken, had and done by the County and its officers not inconsistent with the provisions of this Ordinance are ratified and approved.
2. The Chairman of the Board and officers of the County are authorized and directed to take all action necessary or appropriate to effectuate the provisions of this Ordinance. The District Attorney is authorized to make non-substantive edits and corrections to this Ordinance.

3. All ordinances, resolutions, bylaws and orders, or parts thereof, in conflict with the provisions of this Ordinance are hereby repealed to the extent only of such inconsistency. This repealer shall not be construed to revive any ordinance, resolution, bylaw or order, or part thereof, heretofore repealed.
4. This Ordinance shall be in effect after it is signed by the Chair of the Board of County Commissioners, attested by the County Clerk and published by title as required by NRS 244.100.
5. Each term and provision of this Ordinance shall be valid and shall be enforced to the extent permitted by law. If any term or provision of this Ordinance or the application thereof shall be deemed by a court of competent jurisdiction to be in violation of law or public policy, then it shall be deemed modified, ipso facto, to bring it within the limits of validity or enforceability, but if it cannot be so modified, then the offending provision or term shall be excised from this Ordinance. In any event, the remainder of this Ordinance, or the application of such term or provision to circumstances other than those to which it is invalid or unenforceable, shall not be affected.

Passage and Effective Date

This Ordinance was proposed on March 24, 2015 by Board Member Jung.

This Ordinance was passed on April 14, 2015

Those voting "aye" were Hartung, Lucey & Herman.

Those voting "nay" were none.

Those absent were BERKBIGLER & JUNG.

Those abstaining were none.

Marsha Berkbigler  
Marsha Berkbigler, Chair  
County Commission

ATTEST:

Jasmine Sellers, Deputy Clerk  
Nancy Parent, County Clerk

This Ordinance shall be in force and effect immediately upon the date of the second publication as required by NRS 244.100, which is April 24, 2015.



SSingleton 4/30/15

WASHOE COUNTY  
COMPTROLLER

2015 APR 29 AM 9: 57

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**Reno Gazette-Journal**

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STATE OF NEVADA  
COUNTY OF WASHOE

Being first duly sworn, deposes and says: That as the legal clerk of the Reno Gazette-Journal, a daily newspaper of general circulation published in Reno, Washoe County, State of Nevada, that the notice referenced below has published in each regular and entire issue of said newspaper between the dates: **4/17/2015 - 4/24/2015**, for exact publication dates please see last line of Proof of Publication below.

Subscribed and sworn to before me

Signed: Kmontalvo

 AMERICA ACEVEDO  
NOTARY PUBLIC STATE OF NEVADA  
My Commission Expires 06-26-2018  
Certificate No: 14-14488-2

**Proof of Publication**

NOTICE OF ADOPTION WASHOE COUNTY ORDINANCE NO. 1553 BILL NO. 1734  
NOTICE IS HEREBY GIVEN that typewritten copies of the above-numbered and entitled ordinance are available for inspection by the interested parties at the office of the County Clerk of Washoe County, Nevada, at her office in the Washoe County Complex, 1001 E. Ninth Street, Building A, Reno, Washoe County, Nevada; and that the ordinance was proposed on March 24, 2015 by Commissioner Jung and was passed and adopted without amendment at a regular meeting held on April 14, 2015 by the following vote of the Board of County Commissioners: An Ordinance amending Washoe County Code Chapter 110 (Development Code) at Article 820, Amendment of Master Plan, to clarify planning commission procedures for adopting, denying or not taking action on a proposed master plan amendment; to change findings of fact required when the planning commission denies a master plan amendment; to establish the procedures, change voting requirements, and clarify possible actions when a decision of the planning commission is appealed to the board of county commissioners; to clarify procedures and standards for the board of county commissioners when adopting, modifying or denying master plan amendments; to provide for conditional resolutions approving master plan amendments pending conformance review by a regional planning commission; and, to change names and titles

Ad Number: 2000054879

Page 1 of 2

1553 ✓

to reflect the reorganization of the Community Development Department. Recommendations include other matters properly relating thereto. (Bill No. 1734) Those Voting Aye: Vaughn Hartung, Jeanne Herman and Bob Lucey Those Absent: Marsha Berkgigler and Kitty Jung This Ordinance shall be in full force and effect from and after April 24, 2015. IN WITNESS WHEREOF, the Board of County Commissioners of Washoe County, Nevada, has caused this Ordinance to be published by title only. DATED April 15, 2015 Nancy Parent, Washoe County Clerk and Clerk of the Board of County Commissioners No. 54879 April 17, 24, 2015

**NOTICE OF ADOPTION  
WASHOE COUNTY ORDINANCE NO. 1553  
BILL NO. 1734**

NOTICE IS HEREBY GIVEN that typewritten copies of the above-numbered and entitled ordinance are available for inspection by the interested parties at the office of the County Clerk of Washoe County, Nevada, at her office in the Washoe County Complex, 1001 E. Ninth Street, Building A, Reno, Washoe County, Nevada; and that the ordinance was proposed on March 24, 2015 by Commissioner Jung and was passed and adopted without amendment at a regular meeting held on April 14, 2015 by the following vote of the Board of County Commissioners:

An Ordinance amending Washoe County Code Chapter 110 (Development Code) at Article 820, Amendment of Master Plan, to clarify planning commission procedures for adopting, denying or not taking action on a proposed master plan amendment; to change findings of fact required when the planning commission denies a master plan amendment; to establish the procedures, change voting requirements, and clarify possible actions when a decision of the planning commission is appealed to the board of county commissioners; to clarify procedures and standards for the board of county commissioners when adopting, modifying or denying master plan amendments; to provide for conditional resolutions approving master plan amendments pending conformance review by a regional planning commission; and, to change names and titles to reflect the reorganization of the Community Development Department. Recommendations include other matters properly relating thereto. (Bill No. 1734)

Those Voting Aye: Vaughn Hartung, Jeanne Herman and Bob Lucey

Those Absent: Marsha Berkgigler and Kitty Jung

This Ordinance shall be in full force and effect from and after April 24, 2015.

IN WITNESS WHEREOF, the Board of County Commissioners of Washoe County, Nevada, has caused this Ordinance to be published by title only.

DATED April 15, 2015

Nancy Parent, Washoe County Clerk and  
Clerk of the Board of County Commissioners

No. 54879

April 17, 24, 2015