



Planning Commission Staff Report

Meeting Date: June 4, 2024

Agenda Item: 9C

DEVELOPMENT CODE AMENDMENT CASE NUMBER: WDCA24-0001 (Articles 438, 810, & 902)

BRIEF SUMMARY OF REQUEST: To amend Article 438, Grading, Article 810, Special Use Permits, and Article 902 Definitions

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CASE DESCRIPTION

For hearing, discussion and possible action to initiate an amendment to Washoe County Code Chapter 110 (Development Code) in Article 438 Grading Standards, Article 810 Special Use Permits, and Article 902 Definitions to update provisions related to grading. The amendments include: deleting sections in Article 438 related to Grading Fees, Definitions, Grading of Slopes, Cuts, Fills, and Phasing and Stabilization of Grading; revising existing sections in Article 438 related to Scope, Required Permits, Exempted Work, Major Grading Permit Thresholds, Major Grading Permit Application Requirements, Minor Grading Permit Thresholds, Minor Grading Permit Application Requirements, Financial Security for Grading, Unpermitted Grading, Stop Activity Orders, Notice of Violations and Enforcement, Penalties and Procedures, Grading & Retaining Walls within Setbacks, Drainage and Terracing, Erosion Control, Grading Inspections, Notification of Completion of Work, Grading Within Floodplains, Drainage Ways and Closed Hydrologic Basins; and adding sections in Article 438 related to Grading Standards and Rockery Walls; adding a section to Article 810 related to Determinations of Substantial Conformance for Major Grading; and revising an existing section in Article 902 to add and/or revise various Definitions; and all matters necessarily connected therewith and pertaining thereto.

If the proposed amendments are initiated, the Planning Commission may recommend approval of the ordinance as submitted, recommend approval with modifications based on input and discussion at the public hearing, or recommend denial. If approval is recommended the Planning Commission is asked to authorize the Chair to sign a resolution to that effect.

Development Code: Authorized in Article 818, Amendment of Development Code
Commission District: All Districts

STAFF RECOMMENDATION

INITIATE

INITIATE AND RECOMMEND APPROVAL

DO NOT
INITIATE

POSSIBLE MOTION

I move that, after giving reasoned consideration to the information contained in the staff report and information received during the public hearing, the Washoe County Planning Commission recommend approval of WDCA24-0001, to amend Washoe County Chapter 110 (Development Code) within Article 438, Grading, Article 810, Special Use Permits, and Article 902 Definitions, as reflected in the proposed ordinance contained in Attachment A-1. I further move to authorize the Chair to sign the resolution contained in Exhibit A on behalf of the Washoe County Planning Commission and to direct staff to present a report of this Commission’s recommendation to the Washoe County Board of County Commissioners within 60 days of today’s date. This initiation and recommendation for approval is based on all of the four findings in accordance with Washoe County Code Section 110.818.15(e).

(Motion with Findings on Page 5)

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Development Code Amendments

The Washoe County development code is Chapter 110 of the Washoe County Code (WCC). The development code broadly regulates allowable and permitted land uses, subdivision of land, planning permit requirements and procedures, signage, infrastructure availability, land use development standards, and other related matters. Because the development code covers so many varying aspects of land use and development standards, it is expected that from time to time it may be necessary to change or amend one or more portions of the Development Code to keep it up to date with the most current and desirable trends in planning and development.

The development code amendment process provides a method of review and analysis for such proposed changes. Development code amendments may be initiated by the Washoe County Commission, the Washoe County Planning Commission, or an owner of real property. Development code amendments are initiated by resolution of the Washoe County Commission or the Planning Commission. Real property owners may submit an application to initiate a development code amendment.

After initiation, the Planning Commission considers the proposed amendment in a public hearing. The Planning Commission may recommend approval, approval with modifications or denial of the proposed amendment. The Planning Commission records its recommendation by resolution.

The Washoe County Commission hears all amendments recommended for approval, and amendments recommended for denial upon appeal. The County Commission will hold a first reading and introduction of the ordinance (proposed amendment), followed by a second reading and possible ordinance adoption in a public hearing at a second meeting at least two weeks after the first reading. Unless otherwise specified, ordinances are effective 10 days after adoption.

Background and Proposed Amendments

BACKGROUND ON PROPOSED CODE CHANGES

In early 2023, Washoe County staff began reviewing Article 438 , Grading. Staff met with outside local planning and engineering consultants to determine their issues and concerns with Article 438. From this meeting and correspondence received, information was gathered and many of the areas of concern were identified. Staff then began to meet internally for the next year to review Article 438 and work on draft amendments. A draft of the updated Article 438 was distributed to Washoe County staff for review. Staff then met again with the outside planning and engineering consultants to review the proposed changes. The proposed draft language is a result of all those meetings.

PROPOSED AMENDMENTS

The intent of the updated Article was to simplify the grading requirements and make them workable in today's world. Article 438 had not had a major update in many years and had become cumbersome for staff and the public. The outdated language and references did not reflect current standards, and the grading requirements made it difficult for developers to comply with current industry standards and grading practices. The update is intended to also address the many grading applications that are received by the Planning department. The requirements that triggered many of the special use permits (SUPs) were identified and some of the requirements were removed or simplified, which should have the effect of decreasing the numbers of SUPs required.

Almost of the Sections in Article 438 are being amended and/or renumbered. Staff is recommending a reorganization of the numbering of Article 438, to have the Section flow in a more orderly way. Some of the changes are minor and including: identifying new titles and new organizations and adding clarifying and current language. Other changes are more substantial

and include simplifying and streamlining minor grading and major grading standards, allowing slopes steeper than 3:1, being more consistent with neighboring jurisdiction requirements, and addressing issues that have typically required entitlements and building applications, to eliminate unnecessary delays. Two new sections are Rockery Walls and Grading Standards. These were Sections that had been identified during various meeting. There are requirements in Article 438 for these subjects, however these new Sections group the requirements and provide further guidance.

The other proposed changes include deleting the following Sections: 438.15 Grading Fees; 438.25 Definitions; 438.45, Grading of Slopes, 438.50 Cuts; 438.55, Fills; and 438.77 Phasing and Stabilization of Grading. The definitions (Section 438.25) were reviewed and many definitions were moved to Article 902, Definitions, as a more appropriate place in Code for the definitions. Some of the definitions were combined with existing definitions within Article 902; others were added; and others were deleted. The Sections 438.45, Grading of Slopes; 438.50, Cuts and 438.55, Fills were combined with other Sections. Section 438.15 Grading Fees and 438.77, Phasing and Stabilization of Grading were deemed as no longer needed.

The request also proposes to update Article 810, Special Use Permits. The amendment specifies that the County Engineer determines if final grading plans are in substantial conformance with approved special use permits (SUPs) involving major grading.

Community Meeting & Public Notice

A community meeting was held by Zoom on February 20, 2024, from 5:00 p.m. to 6:00 p.m. The meeting had 17 attendees. Staff presented the proposed changes and the attendees had various questions about the proposed changes, including:

- What are the main changes;
- How would the proposal impact the current requirements;
- Setbacks;
- When will the new code become active; and
- When does grading need a special use permit.

Pursuant to Washoe County Code Section 110.818.20, notice of this public hearing was published in the newspaper at least 10 days prior to this meeting.

Findings

Washoe County Code Section 110.818.15(e) requires the Planning Commission to make at least one of the following findings of fact. Staff provides the following evaluation for each of the findings of fact and recommends that the Planning Commission make all four findings in support of the proposed Development Code amendment.

1. Consistency with Master Plan. The proposed development code amendment is in substantial compliance with the policies and action programs of the Washoe County Master Plan.

Staff comment: The Master Plan establishes policies governing properties in Washoe County, which are then regulated through the development code. This amendment is consistent with the newly adopted Envision Washoe 2040 Master Plan. This proposal does not conflict with any of the policies or action programs of the Master Plan.

2. Promotes the Purpose of the Development Code. 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.

Staff comment: The proposed amendment will amend and update Article 438, Article 810 and Article 902. The updated development code will address safety with current and up to date requirements mainly concerning grading within Washoe County. The update for Article 810 and Article 902 is the outcome of the update to Article 438. The proposal updated is the outcome of numerous meetings with Washoe County staff and the community. The changes are proposed to provide safer grading standards, that will not adversely impact public health, safety or welfare. And the proposed changes will further promote the purpose of the Development Code, by having current and up to date requirements.

3. Response to Changed Conditions. 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.

Staff comment: The proposed amendment will amend and update Article 438, Article 810 and Article 902. There has been an overall desire to update the requirements of Article 438. The grading standards and conditions have changed over the years and the proposed update is the outcome of numerous meetings with Washoe County staff and the community. The proposal will prove current standards to guide grading throughout Washoe County. The update for Article 810 and Article 902 is the outcome of the update to Article 438.

4. No Adverse Affects. 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.

Staff comment: The Conservation Element and the Population Element are not adversely affected by this proposed amendment. There are no goals or policies that address updating Article 438, Article 810 and Article 902.

Public Notice

Pursuant to Washoe County Code Section 110.818.20, notice of this public hearing was published in the newspaper at least 10 days prior to this meeting.

Recommendation

It is recommended that the Washoe County Planning Commission recommend approval of WDCA24-0001, to amend Washoe County Chapter 110 (Development Code) within Article 438, Grading, Article 810, Special Use Permit, and Article 902 Definitions. The following motion is provided for your consideration.

Motion

I move that, after giving reasoned consideration to the information contained in the staff report and information received during the public hearing, the Washoe County Planning Commission recommend approval of WDCA24-0001, to amend Washoe County Code Chapter 110 (Development Code) within Article 438, Grading, Article 810, Special Use Permits, and Article 902 Definitions, as reflected in the proposed ordinance contained in Attachment A-1. I further move to authorize the Chair to sign the resolution contained in Exhibit A on behalf of the Washoe County Planning Commission and to direct staff to present a report of this Commission's recommendation to the Washoe County Board of County Commissioners within 60 days of

today's date. This initiation and recommendation for approval is based on all of the four findings in accordance with Washoe County Code Section 110.818.15(e):

1. Consistency with Master Plan. The proposed Development Code amendment is in substantial compliance with the policies and action programs of the Washoe County Master Plan;
2. Promotes the Purpose of the Development Code. 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;
3. Response to Changed Conditions. 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; and,
4. No Adverse Affects. 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.

Appeal Process

An appeal of the Planning Commission's denial of a development code amendment may be made to the Washoe County Board of County Commissioners within 10 calendar from the date that the Planning Commission's decision is filed with the Secretary to the Planning Commission, pursuant to Washoe County Code Section 110.818.25 and Washoe County Code Section 110.912.20.



RESOLUTION OF THE WASHOE COUNTY PLANNING COMMISSION

INITIATING AND RECOMMENDING APPROVAL OF AN AMENDMENT TO WASHOE COUNTY CODE CHAPTER 110 (DEVELOPMENT CODE) IN ARTICLE 438 GRADING STANDARDS, ARTICLE 810 SPECIAL USE PERMITS, AND ARTICLE 902 DEFINITIONS TO UPDATE PROVISIONS RELATED TO GRADING. THE AMENDMENTS INCLUDE: DELETING SECTIONS IN ARTICLE 438 RELATED TO GRADING FEES, DEFINITIONS, GRADING OF SLOPES, CUTS, FILLS, AND PHASING AND STABILIZATION OF GRADING; REVISING EXISTING SECTIONS IN ARTICLE 438 RELATED TO SCOPE, REQUIRED PERMITS, EXEMPTED WORK, MAJOR GRADING PERMIT THRESHOLDS, MAJOR GRADING PERMIT APPLICATION REQUIREMENTS, MINOR GRADING PERMIT THRESHOLDS, MINOR GRADING PERMIT APPLICATION REQUIREMENTS, FINANCIAL SECURITY FOR GRADING, UNPERMITTED GRADING, STOP ACTIVITY ORDERS, NOTICE OF VIOLATIONS AND ENFORCEMENT, PENALTIES AND PROCEDURES, GRADING & RETAINING WALLS WITHIN SETBACKS, DRAINAGE AND TERRACING, EROSION CONTROL, GRADING INSPECTIONS, NOTIFICATION OF COMPLETION OF WORK, GRADING WITHIN FLOODPLAINS, DRAINAGE WAYS AND CLOSED HYDROLOGIC BASINS; AND ADDING SECTIONS IN ARTICLE 438 RELATED TO GRADING STANDARDS AND ROCKERY WALLS; ADDING A SECTION TO ARTICLE 810 RELATED TO DETERMINATIONS OF SUBSTANTIAL CONFORMANCE FOR MAJOR GRADING; AND REVISING AN EXISTING SECTION IN ARTICLE 902 TO ADD AND/OR REVISE VARIOUS DEFINITIONS; AND ALL MATTERS NECESSARILY CONNECTED THEREWITH AND PERTAINING THERETO.

Resolution Number 24-01

WHEREAS

- A. Washoe County Code Section 110.818.05 requires that amendments to Washoe County Code Chapter 110 (Development Code) be initiated by resolution of the Washoe County Board of Commissioners or the Washoe County Planning Commission; and
- B. The Washoe County Planning Commission initiated amendments to Washoe County Code Chapter 110 (Development Code) in Article 438, Grading, Article 810 Special Use Permits, and Division Nine - Article 902, Definitions, on June 4, 2024 as fully described in Exhibit A-1 to this resolution; and
- C. Development Code Amendment Case Number WDCA24-0001, came before the Washoe County Planning Commission for a duly noticed public hearing on June 4, 2024; and
- D. The Washoe County Planning Commission gave reasoned consideration to the information it received regarding the proposed Development Code Amendment; and
- E. Whereas, pursuant to Washoe County Code Section 110.818.15(e), the Washoe County Planning Commission made the following findings necessary to support its recommendation for adoption of the proposed Development Code amendment Case Number WDCA24-0001:

1. Consistency with Master Plan. The proposed amendment is in substantial compliance with the policies and action programs of the Washoe County Master Plan;
2. Promotes the Purpose of the Development Code. 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;
3. Response to Changed Conditions. 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; and,
4. No Adverse Affects. 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.

NOW, THEREFORE, BE IT RESOLVED that the Washoe County Planning Commission recommends approval of the ordinance attached hereto as Exhibit A-1.

A report describing this amendment, discussion at this public hearing, this recommendation, and the vote on the recommendation will be forwarded to the Washoe County Board of County Commissioners within 60 days of this resolution's adoption date.

ADOPTED on June 4.

WASHOE COUNTY PLANNING COMMISSION

ATTEST:

Trevor Lloyd, Secretary

Rob Pierce, Chair

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REGULAR TEXT: NO CHANGE IN LANGUAGE

~~STRIKEOUT TEXT: DELETE LANGUAGE~~

BOLD TEXT: NEW LANGUAGE

Notice: Per NRS 239B.030, this document does not contain personal information as defined in NRS 603A.040

Summary: Amends Washoe County Code Chapter 110 (Development Code) in Article 438 Grading Standards, Article 810 Special Use Permits, and Article 902 Definitions to update and amend regulations related to grading.

BILL NO. _____

ORDINANCE NO. _____

Title:

AN ORDINANCE AMENDING WASHOE COUNTY CODE CHAPTER 110 (DEVELOPMENT CODE) IN ARTICLE 438 GRADING STANDARDS, ARTICLE 810 SPECIAL USE PERMITS, AND ARTICLE 902 DEFINITIONS TO UPDATE PROVISIONS RELATED TO GRADING. THE AMENDMENTS INCLUDE: DELETING SECTIONS IN ARTICLE 438 RELATED TO GRADING FEES, DEFINITIONS, GRADING OF SLOPES, CUTS, FILLS, AND PHASING AND STABILIZATION OF GRADING; REVISING EXISTING SECTIONS IN ARTICLE 438 RELATED TO SCOPE, REQUIRED PERMITS, EXEMPTED WORK, MAJOR GRADING PERMIT THRESHOLDS, MAJOR GRADING PERMIT APPLICATION REQUIREMENTS, MINOR GRADING PERMIT THRESHOLDS, MINOR GRADING PERMIT APPLICATION REQUIREMENTS, FINANCIAL SECURITY FOR GRADING, UNPERMITTED GRADING, STOP ACTIVITY ORDERS, NOTICE OF VIOLATIONS AND ENFORCEMENT, PENALTIES AND PROCEDURES, GRADING & RETAINING WALLS WITHIN SETBACKS, DRAINAGE AND TERRACING, EROSION CONTROL, GRADING INSPECTIONS, NOTIFICATION OF COMPLETION OF WORK, GRADING WITHIN FLOODPLAINS, DRAINAGE WAYS AND CLOSED HYDROLOGIC BASINS; AND ADDING SECTIONS IN ARTICLE 438 RELATED TO GRADING STANDARDS AND ROCKERY WALLS; ADDING A SECTION TO ARTICLE 810 RELATED TO DETERMINATIONS OF SUBSTANTIAL CONFORMANCE FOR MAJOR GRADING; AND REVISING AN EXISTING SECTION IN ARTICLE 902 TO ADD AND/OR REVISE

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VARIOUS DEFINITIONS; AND ALL MATTERS NECESSARILY CONNECTED THEREWITH AND PERTAINING THERETO.

WHEREAS:

- A. This Commission desires to amend Article 438 Grading Standards, Article 810 Special Use Permits and Article 902 Definitions of the Washoe County Development Code (Chapter 110 of the Washoe County Code) in order to update and amend regulations related to grading; and
- B. The Washoe County Planning Commission held a duly noticed public hearing for WDCA24-0001 and initiated the proposed amendments to the Washoe County Development Code, Article 438 Grading Standards, Article 810 Special Use Permits and Article 902 Definitions by Resolution Number XX-XX on June 4, 2024; and
- C. The amendments and this ordinance were drafted in concert with the District Attorney; and
- D. Following a first reading and publication as required by NRS 244.100(1), and after a duly noticed public hearing, this Commission desires to adopt this Ordinance; and
- E. This Commission has determined that this ordinance is being adopted pursuant to requirements set forth in Chapter 278 of NRS, therefore it is not a "rule" as defined in NRS 237.060 requiring a business impact statement.

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

SECTION 1. Sections 110.438.15 (Grading Fees), 110.438.25 (Definitions), 110.438.45 (Grading of Slopes), 110.438.50 (Cuts), 110.438.55 (Fills), and 110.438.77 (Phasing and Stabilization of Grading) of the Washoe County Code are hereby deleted in their entirety.

SECTION 2. Section 110.438.05 of the Washoe County Code is hereby amended to read as follows:

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Section 110.438.05 Scope. This article sets forth rules and regulations to control grading which includes clearing and grubbing, excavation, grading, earthwork construction, fills, and embankments; establishes the administrative procedure for issuance of permits; establishes the administrative procedure to respond to grading completed without first obtaining appropriate permits and provides for approval of plans and inspection of grading construction. The appropriate American Society for Testing and Materials (ASTM) materials testing standards or equivalent as approved by the County Engineer will be used as required to verify grading and earthwork construction. This article is enforceable by the County Engineer, ~~the Director of Community Development~~ **the Planning and Building Division** and the County Building Official, as appropriate. **The standards of this article may be modified by the Director of Planning and Building, with the agreement of the County Engineer, when there are project-specific circumstances whereby the standards set forth herein may require special consideration beyond the standards requirements. However, in modifying the standards, the Director may not waive the requirement for a grading permit or a special use permit.**

SECTION 3. Section 110.438.10 of the Washoe County Code is hereby amended to read as follows:

Section 110.438.10 Permits Required. Except as specified in Section 110.438.20, no person shall do any grading in excess of fifty (50) cubic yards of material or 10,000 square feet of grading without first having obtained a grading permit from the Building Official as enforceable under the powers of Chapter 100 and from the ~~Department of Community Development~~ **Director of Planning and Building** and the County Engineer as enforceable under the powers of Chapter 110. A separate permit shall be obtained for each site and may cover both excavations and fills.

Table 110.438.10.1
Permits Required*

Grading of any amount within a special flood hazard area as defined by the County Engineer or within any drainage facility as defined herein	Grading permit** issued by Washoe County and possibly special use permit*** depending upon the amount proposed to be graded
Grading of fifty (50) cubic yards or less or ten thousand (10,000) square feet of grading or less (outside a special flood hazard area as defined by the County Engineer and outside of any drainage facility)	No permit required
Minor grading as defined at Section 110.438.37*	Grading permit issued by Washoe County
Major grading as defined at Section 110.438.35(a)	Special use permit approved by the Washoe County Board of Adjustment, or Planning Commission, followed by a grading permit issued by Washoe County

Type of Work	Grading Permit Required	Special Use Permit per 110.438.28
Grading less than 50 cubic yard/ 10,000 sf	No	No
Grading more than 50 cubic	Yes	No

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yard/ 10,000 sf (Minor Grading as defined in 110.438.26)		
Major Grading as defined in 110.438.28	Yes	Yes
Grading within a special flood hazard area	Yes	Yes/No**

* Except as provided for in Section 110.438.20, Exempted Work.

** ~~A grading permit is an administrative approval through the Department of Building and Safety with the approval of the Department of Community Development and the Engineering Division.~~ **Special Use Permit required as provided for in Section 110.438.28, Major Grading Permit Thresholds.**

~~*** A special use permit requires the approval of the Board of Adjustment or Planning Commission after a public hearing.~~

SECTION 4. Section 110.438.20 of the Washoe County Code is hereby amended to read as follows:

Section 110.438.20 Exempted Work. Exemption from the permit requirements of this article shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this article or any other laws or ordinances of this jurisdiction. A grading permit is not required for the following:

- ~~(a) An excavation below finished grade for basements and footings of a building, retaining wall or other structure authorized by a valid building permit. This shall not exempt any fill made with the material from such excavation or exempt any excavation having an unsupported height greater than five (5) feet after the completion of such structure.~~
- (ba) Cemetery graves.
- (eb) Refuse disposal sites controlled by other regulations.
- (ec) Excavations for wells. **(Note: all roads to service the well require a separate permit application.)**
- (ed) Excavations for utilities serving individual properties. **(Note: all roads to service the utility excavation require a separate permit application.)**
- (fe) Mining, quarrying, excavating, processing or stockpiling of rock, sand, gravel, aggregate or clay where established and provided for by law, provided such operations do not affect the lateral support or increase the stresses in or pressure upon any adjacent or contiguous property.
- (gf) Exploratory excavations under the direction of ~~soil~~ **geotechnical** engineers ~~or engineering geologists.~~

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- (hg) ~~Surface grading for leveling and maintaining existing roadways and driveways~~ **Grading for leveling and maintaining existing roadways and driveways and associated drainage facilities, which includes the grading of native soil, or imported aggregate/base material for the purpose of re-establishing historic roadway and drainage profile and cross section.**
- (hh) Excavation for sanitary septic systems. **(Note: all roads to service the utility excavation require a separate permit application.)**
- (ji) Surface grading which does not alter the contour of the land for crop production use type.
- (kj) ~~Clearing of vegetation within the recommended defensible space distance of a structure for fire protection, upon the approval of a defensible space plan by the applicable fire agency, in conformance with the currently adopted International Wildland-Urban Interface Code~~ **by a public fire-fighting agency on public and private property, in accordance with a fire defensible space mitigation plan or similar document as approved by a governing Fire Board.**
- (k) **Grading which requires federal or state permitting for either scientific research or conservation activities, including but not limited to water quality monitoring and stream flow gauging.**
- (l) **Maintenance clearing of vegetation, removal of sediment and similar activity to reestablish engineered profile and cross section of existing irrigation ditches, detention or retention ponds, or engineered conveyance channels.**

SECTION 5. Section 110.438.30 of the Washoe County Code is hereby amended to be renumbered as Section 110.438.43.

SECTION 6. Section 110.438.35 of the Washoe County Code is hereby amended to read as follows and shall be renumbered as Section 110.438.28.

Section 110.438.3528 Major Grading Permit Thresholds.

- (a) Major Grading Permits (Grading Requiring a Special Use Permit). A special use permit, pursuant to Article 810, is required for all major grading. Major grading is any clearing, excavating, cutting, filling, grading, ~~earthwork construction, earthen structures~~ **berming, and storage of earth stockpiling**, including fills and embankments that meet or exceed any one (1) or more of the following thresholds (for the purposes of this section the County Engineer shall determine the slope of the project area):
 - (1) ~~Grading on slopes of less than (flatter than) fifteen (15) percent~~ **Projects resulting in:**
 - (i) Area:
 - (A) Grading of an area of one (1) acre (43,560 square feet) or more on parcels less than six (6) acres in size; or
 - (B) Grading of twenty (20) percent or more (up to a maximum of four (4) acres) of the area of the parcel on parcels six (6) acres or greater in size;-or

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- ~~(C) Grading of and area of more than four (4) acres on a parcel of any size; or~~
- (ii) Volume:
 - (A) ~~Excavation of five thousand (5,000)~~ **Grading of fifteen thousand (15,000)** cubic yards or more whether the material is intended to be permanently located on the project site or temporarily stored on a site for relocation to another, final site, or;
 - (B) ~~Importation or export~~ of five thousand (5,000) cubic yards or more whether the material is intended to be permanently located on the project site or temporarily stored on a site for relocation to another, final site; or
- (iii) Depth:
 - (A) **Cut below existing legal ground greater than twenty (20) feet; or**
 - (B) **Fill above existing legal ground greater than ten (10) feet; or**
- (2) ~~Grading on slopes of fifteen (15) percent or greater (steeper):~~
 - ~~(i) Area:~~
 - ~~(A) Grading of one-half (0.5) acre (21,780 square feet) or more on parcels less than six (6) acres in size; or~~
 - ~~(B) Grading of ten (10) percent or more of the area of the parcel on parcels six (6) acres or greater in size; or~~
 - ~~(C) Grading of more than two (2) acres on any size parcel; or~~
 - ~~(ii) Volume:~~
 - ~~(A) Excavation of one thousand (1,000) cubic yards or more whether the material is intended to be permanently located on the project site or temporarily stored on a site for relocation to another, final site, or;~~
 - ~~(B) Importation of one thousand (1,000) cubic yards or more whether the material is intended to be permanently located on the project site or temporarily stored on a site for relocation to another, final site; or~~
- (2) **Any project which proposes rock crushing used within the project of record (i.e., the approved tentative map, special use permit or building permit); or**
- (3) Any driveway or road that traverses any slope of thirty (30) percent or greater (steeper) **along a cumulative linear distance of fifty (50) feet or more; or**

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- (4) Grading to construct a ~~permanent earthen structure~~ **berm** greater than four and one-half (4.5) feet in height within the required front yard setback, ~~or greater than six (6) feet in height on the remainder of the property. The height of an earthen structure is measured from existing grade at the time of permit issuance; or~~
 - (5) Grading within a special flood hazard area that results in importation and placement of more than one thousand (1,000) cubic yards of fill material; or
 - (6) ~~The creation of a dam structure that holds (retains) more than twenty five thousand (25,000) cubic feet of water; or~~
 - (7) Any grading in the Critical Stream Zone Buffer Area (CSZBA) of any Significant Hydrologic Resource (SHR) as defined by Article 418, Significant Hydrologic Resources.
- (b) A special use permit is not required for:
- (1) Earthwork performed by the subdivider or developer of an approved subdivision, or other projects that has completed a hearing process and review pursuant to which mitigation conditions could have been attached in the same manner as in the special use permit process.
 - (2) **Trenching and/or backfilling for public or private utilities.** ~~within the public right of way or a public utility easement.~~
 - (3) The area under a building footprint, paved roadway or paved parking lot on natural slopes less than (flatter than) thirty (30) percent.
 - (4) The area and volume of excavation required for landscaped areas devoted to and maintained with a mixture of new native and ornamental plants such as turf, groundcover, shrubs, flowers, vines and trees, as well as additional complementary decorative features such as rocks, decorative pavement, fountains, pools, sculpture and decorative walls, as shown on approved grading plans, that include landscaping in accordance with standards for commercial uses pursuant to Article 412, Landscaping.
 - (5) Areas disturbed by animal production, crop production, and the growing and harvesting of forest products that does not result in a change in elevation greater than three (3) feet.
 - (6) ~~The area and volume of excavation required for the traveled way of driveways to single family residences, on slopes less than fifteen (15) percent. Where native soil provides inadequate stabilization, the driveway shall be stabilized with a surfacing material and method satisfactory to the County Engineer. This does not exempt the area and volume of any adjacent cut and fill slopes.~~ **Temporary stockpiles associated with an approved entitlement with specific information identifying the general location, height, and duration of the stockpile.**
 - (7) Grading for stabilization and restoration of areas damaged by natural disasters such as wildfire or flooding. ~~Plans must include detailed stabilization specifications to the satisfaction of the County Engineer.~~

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SECTION 7. Section 110.438.36 of the Washoe County Code is hereby amended to read as follows and shall be renumbered as Section 110.438.29.

Section 110.438.3629 Major Grading Permit Application Requirements.

- (a) Major Grading Permit Application Requirements. Major grading is equal to or greater than the limiting quantities for a special use permit as in Section 110.438.3528. Application for a special use permit for grading (major grading) requires the following:
- (1) Application for a major grading permit shall be accompanied by plans and specifications and supporting data consisting of a ~~soils engineering~~ **geotechnical** report and, when required by the County Engineer, ~~an engineering geology report~~. The plans and specifications shall be prepared and signed by an individual licensed by the State of Nevada to prepare such plans or specifications. This individual shall be considered as the engineer or architect of record unless otherwise approved by the County Engineer.
 - (2) Specifications shall contain information covering construction and material requirements.
 - (3) Plans shall be drawn to scale and shall be of sufficient clarity to indicate the nature and extent of the work proposed and show in detail that the work will conform to the provisions of this code and all relevant laws, ordinances, rules and regulations. The first sheet of each set of plans shall give the location of the work, the name and address of the owner, and the person by whom they were prepared.
 - (4) Financial assurances acceptable to the County Engineer, prior to approval of a grading permit to commence work in accordance with an estimate acceptable to the County Engineer for completion of the grading request as defined at Section 110.438.3949.
 - (5) The plans shall include the following information:
 - (i) General vicinity of the proposed site.
 - (ii) Property limits and accurate contours of existing ground and details of terrain and area drainage.
 - (iii) All finish grade elevations, high point locations, limiting dimensions, and finished contours to be achieved by grading, and all drainage swales, natural drainage ways, and drainage easement locations both on-site and immediately off-site as needed to verify the proposed drainage system.
 - (iv) Detailed plans of all surface and subsurface drainage devices, walls, cribbing, dams, and other protective devices to be constructed with, or as a part of, the proposed work, together with a map showing the drainage area and the estimated runoff of the area served by any drains. All disturbed areas and cut and fill volumes shall be quantified and shown on the plans. Plans shall include diversion of runoff away from denuded

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- slopes or other critical areas, as determined by the County Engineer, by means of barriers or ditches.
- (v) Location of any buildings or structures on the property where work is to be performed and the location of any buildings or structures on land of adjacent owners that are within fifteen (15) feet of the property line or that may be affected by the proposed grading operations.
 - (vi) Recommendations included in the ~~soils engineering report and the engineering geology~~ **geotechnical** report shall be incorporated in the grading plans or specifications. When approved by the County Engineer, specific recommendations contained in the ~~soils engineering~~ **geotechnical** report ~~and the engineering geology report~~, which are applicable to grading, may be included by reference.
 - (vii) The dates of the ~~soils engineering and engineering geology~~ **geotechnical** reports together with the names, addresses and phone numbers of the firms or individuals who prepared the reports.
 - (viii) The destination of excavated material not used on site, how it will be used at its end destination and the location of temporary material storage site(s).
 - (ix) Plans shall provide for preservation of trees and natural vegetation, wherever practical.
 - (x) One (1) set of the following application materials and information shall be submitted in digital format. The digital files provided shall match those used for any exhibits and/or acreage information contained in the original paper application. Preferred file format will be compatible with ESRI Geographic Information System (GIS) software technology (AutoCAD files are acceptable but should only include the relevant layer information necessary to satisfy the requirements noted and be formatted in a coordinate system acceptable to Washoe County).
 - (A) The location and limits of all grading work to be done including proposed contours, cuts, and fills (i.e. finished grade elevations);
 - (B) Proposed drainage patterns (if altering existing drainage patterns) and any walls or terraces (with proposed height); and,
 - (C) The location of proposed buildings and building envelopes.
 - (xi) **Any projects proposing importing or exporting material in the excess of 5,000 cubic yards, require the applicant to provide a haul route mitigation plan for review and approval by the County Engineer.**
- (6) Soils Geotechnical Engineering Report. The ~~soils~~ **geotechnical** report required by Section 110.438.3629(a)(1) shall include data regarding the nature, distribution and strength of existing soils, conclusions and recommendations for grading procedures and design criteria for corrective measures, including buttress fills, when necessary, and opinion on adequacy for the intended use of

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site to be developed by the proposed grading as affected by soils engineering factors, including the stability of slopes.

~~(7) Engineering Geology Report. The engineering geology report required by Section 110.438.36(a) shall include an adequate description of the geology of the site, conclusions and recommendations regarding the effect of geologic conditions on the proposed development, and opinion on the adequacy for the intended use of sites to be developed by the proposed grading, as affected by geologic factors.~~

(87) Liquefaction Study. The County Engineer may require a geotechnical investigation and report addressing the potential for liquefaction, for construction of a dam or when, during the course of an investigation, both of the following circumstances are discovered:

- (i) Shallow groundwater, fifty (50) feet or less, and
- (ii) Unconsolidated sandy alluvium.

(98) Plans for major grading associated with the development of a commercial or industrial project or a residential subdivision shall include a plan to ensure that all disturbed areas are quickly stabilized to minimize the impact to human health by reducing or eliminating erosion and fugitive dust emissions. ~~The Director of Community Development~~ **County Engineer** may require submittal of a phasing plan to avoid mass grading, where appropriate.

(409) Shall include specifications for final stabilization of all disturbed areas.

SECTION 8. Section 110.438.37 of the Washoe County Code is hereby amended to read as follows and shall be renumbered as Section 110.438.26 .

Section 110.438.3726 Minor Grading Permit Thresholds. A permit for minor grading is required for **grading** fifty (50) cubic yards of earthen material or greater or **grading** an area of ten thousand (10,000) square feet **or more.** ~~of grading of the land surface or greater, but less than the thresholds established for major grading.~~

SECTION 9. Section 110.438.38 of the Washoe County Code is hereby amended to read as follows and shall be renumbered as Section 110.438.27.

Section 110.438.3827 Minor Grading Permit Application Requirements.

- (a) Each application for a minor grading permit shall include grading plans that are drawn to scale and must be of sufficient clarity to indicate the nature and extent of the work proposed and show in detail that the work will conform to the provisions of this code and all relevant laws, ordinances, rules, and regulations. The first sheet of each set of plans shall give the location of the work, the name and address of the owner, and the person by whom they were prepared. The plan shall include, as a minimum, the following information:

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- (1) General vicinity of the proposed site.
 - (2) ~~Limiting dimensions and depth of cut and fill, including~~ **The limits of disturbance** ~~the quantities of all disturbed areas and volumes of cut and fill.~~
 - (3) Location of any buildings or structures where work is to be performed, and the location of any buildings or structures within fifteen (15) feet of the proposed grading.
 - (4) Location of all on-site drainage swales, natural drainage ways, and drainage easements both on-site and sufficient off-site locations as needed to verify the proposed drainage system.
 - (5) Property boundaries and accurate contours of existing ground and details of terrain and area drainage.
 - (6) Accurate contours of existing and proposed finish grading.
 - (7) Financial assurances as required in Section 110.438.3649 for any grading in excess of one (1) acre.
 - (8) Specifications for final stabilization of all disturbed areas.
- (b) Any application for a minor grading permit that lacks sufficient detail and clarity, in the opinion of the County Engineer, may result in the imposition of any or all requirements for plans for major grading as specified in Section 110.438.3629, specifically including the requirement for submission of plans prepared by an individual licensed by the State of Nevada to prepare such plans.

SECTION 10. Section 110.438.39 of the Washoe County Code is hereby amended to read as follows and shall be renumbered as Section 110.438.49.

Section 110.438.3949 Financial Security for Grading.

- (a) Financial security in the amount required in **this** Section ~~110.438.36 (a)(4) and in Section 110.438.38 (a)(7)~~ shall be provided to the County Engineer to assure that the work, if not completed in accordance with the approved plans and specifications, will be corrected to eliminate hazardous conditions, to assure completion of the work, to assure reclamation for uncompleted or completed work, and to assure correction of illegal or nonconforming work.
- (1) The amount of the financial security shall be the higher of:
 - (i) Two thousand dollars (\$2,000) per acre of disturbed area: or
 - (ii) A reclamation cost estimate ~~when required and~~ **including the cost for backbone drainage infrastructure construction costs completed by a licensed professional in the State of Nevada** and approved by the County Engineer.

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- (2) The County Engineer may use the financial security at any point after cessation of work. The County Engineer may choose to suspend use of the bond or financial assurance if:
 - (i) Due diligence is shown to the County Engineer;
 - (ii) The County Engineer accepts a revised schedule for completion; or
 - (iii) Events beyond control of the permittee occur.
- (3) The applicant shall include an agreement with the County that grading shall be done as shown on the approved plans or the applicant shall restore the project site to its original undisturbed condition.
- (4) The financial security shall be released upon determination by the County Engineer of:
 - (i) Completion of work;
 - (ii) Completion of reclamation; or
 - (iii) Correction of illegal or nonconforming work.
- (5) After financial security is spent in whole or in part on reclamation of uncompleted work, additional financial security will be required prior to resumption of work.

SECTION 11. Section 110.438.40 of the Washoe County Code is hereby amended to read as follows and shall be renumbered as Section 110.438.51.

Section 110.438.4051 Unpermitted Grading, Stop Activity Order, Notice of Violation and Enforcement, Penalties and Procedures. Any major or minor grading, conducted prior to issuance of the appropriate permits as described in this article and any grading inconsistent with the amount, location and/or contour approved by such a permit, is unlawful, a misdemeanor, and a public nuisance under Washoe County Code 50.308.13. This article may be enforced by any of the remedies or procedures set out in Article 910, Enforcement. However, due to the major and irreversible impacts that grading may have on the lands of the County, special enforcement and stop activity order provisions set forth below apply:

- (a) Special Enforcement Provisions. The procedural provisions in Article 910, Enforcement, regarding criminal, civil, or administrative enforcement apply to enforcement of grading violations, except as follows:
 - (1) The County Engineer or his/her designee is hereby designated as an "enforcement official" for enforcement of this article, in addition to a peace officer, or any person authorized to issue citations in Article 910, Enforcement. ~~The County Engineer or his/her designee shall be the primary enforcement official charged with enforcement of this article.~~
 - (2) A Notice of Correction shall not be used. If a violation of this article is observed, the enforcement official will bypass the notice of correction and issue a notice of violation or notice of abatement.
 - (3) Mediation is not authorized in grading violation cases.

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- (4) If administrative enforcement procedures are used, a hearing before a hearing officer shall automatically be scheduled to occur within forty-five (45) days after the notice of violation or abatement is issued.
 - (5) If an appeal of the issuance of a notice of violation or notice of abatement is made to the Board of Adjustment or an appeal (judicial review) of the Board of Adjustment's decision is requested, during the time period in which that appeal or judicial review takes place:
 - (i) Unless otherwise agreed, all grading work in progress must stop pending the outcome of the appeal and the enforcement official may issue and enforce a stop activity order;
 - (ii) All criminal, civil or administrative proceedings shall be suspended pending the outcome of the Board of Adjustment appeal hearing, except for the issuance or enforcement of a stop activity order, and further except for the commencement of abatement proceedings as provided below.
 - (iii) If the Board of Adjustment affirms the issuance of the notice of violation or abatement, the criminal, civil or administrative procedures shall be resumed in order to obtain an order directing abatement and/or assessing penalties. If the Board or Court reverses the issuance of the notice of violation/abatement, all proceedings shall be terminated.
 - (6) The enforcement official may suspend or amend any provision in a stop activity order or notice of violation/abatement.
 - (7) During any of the proceedings described above, if the grading in question has caused or imminently will cause a dangerous condition as defined in NRS 244.3605, the County may, abate the condition to the extent necessary to avoid causing injury to or endangering the health, life, property or safety of the general public. An example would be grading that obstructs or interferes with drainage facilities.
- (b) Stop Activity Order. Upon reasonable suspicion that unpermitted grading has occurred or is occurring, a stop activity order may be issued by a peace officer, any person authorized to issue citations in Article 910, Enforcement, or the County Engineer and/or the County Engineer's designee (the "enforcement official"). Upon issuance of a stop activity order all grading activity on the subject site must cease. Any person who has been served with a stop activity order and continues to do any work in violation of the order, except work that is directed or approved by the enforcement official and is immediately necessary to remove a violation or unsafe condition, shall be guilty of a misdemeanor, and each day or part of a day that the person continues to perform the work shall be a separate offense.
- (1) The stop activity order shall:
 - (i) Describe the location and nature of grading observed and allege that it requires a grading permit or amendment of a grading permit.
 - (ii) Direct that all grading activities immediately stop until further notice and that violation of the stop activity order is punishable as a public nuisance.

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- (iii) Direct that the property owner or designee appear before the County Engineer within a specified number of working days [not to exceed ten (10)] to demonstrate that his/her conduct does not violate this code, or to appear before the County Building Official and/or the ~~Director of Community Development~~ **Director of the Planning and Building Division** to apply for the appropriate grading permit or other required authorization.
 - (iv) State the possible consequences of a failure to obey the order.
- (2) Remediation Order. The County Engineer and/or— the County Engineer’s designee may modify the stop activity order by issuance of a “remediation order” to include immediate steps to be taken, and a time schedule for those steps, to remediate any identified threats to the health, safety, and welfare of the public caused by the unpermitted grading. Failure to comply with the remediation order may result in Washoe County undertaking the necessary civil, criminal and/or administrative actions as determined by the County Engineer and/or the enforcement official and authorized by Section 110.438.3043.
- (3) Rescinding of Stop Activity Order. A stop activity order may only be rescinded by:
- (i) The enforcement official, when sufficient information has been provided for the County Engineer to determine that a grading permit is not required or upon the acquisition of all necessary permits, by the violator, or upon other circumstances at the discretion of the enforcement official when the intent of this code has been met, or
 - (ii) Order of an administrative hearing officer pursuant to Washoe County Code Chapter 125, or
 - (iii) Order of a court of competent jurisdiction.
- (4) If the violator does not immediately stop the work described in the stop activity order the County may seek an immediate civil injunction against further grading and possible appropriate remedies to abate unpermitted grading or may pursue other criminal remedies.

SECTION 12. Section 110.438.41 of the Washoe County Code is hereby shall be renumbered as 110.438.46.

SECTION 13. Section 110.438.60 of the Washoe County Code is hereby amended to read as follows and shall be renumbered as 110.438.32.

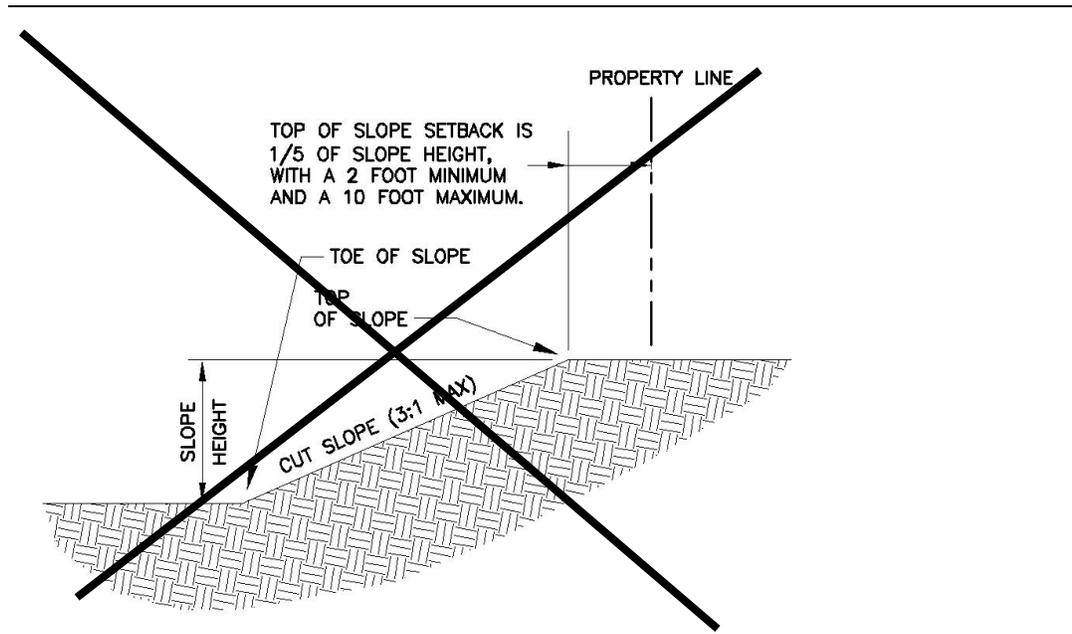
Section 110.438.6032 Grading & Retaining Walls Within Setbacks. ~~Cut and fill slopes shall be set back from site boundaries in accordance with this section.~~ **Earthwork and retaining walls within building setbacks shall adhere to this section.** Setback dimensions shall be horizontal distances measured perpendicular to the site boundary. **The setback standards of this section may be reduced with the approval of a director’s modification of standards by the Director of Planning and Building upon recommendation by the County Engineer.**

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- (a) ~~Top of Cut Slope.~~ The top of cut slopes shall not be made nearer to a site boundary line than one-fifth ($1/5$) of the vertical height of cut with a minimum of two (2) feet and a maximum of ten (10) feet. The setback may need to be increased for any required interceptor drains (see Figure 110.438.60.TOCS). **Exemption.** This section shall not apply when the grading is for roadways or if adjoining properties are under the same ownership or permit.

Figure 110.438.60.TOCS

TOP OF CUT SLOPE



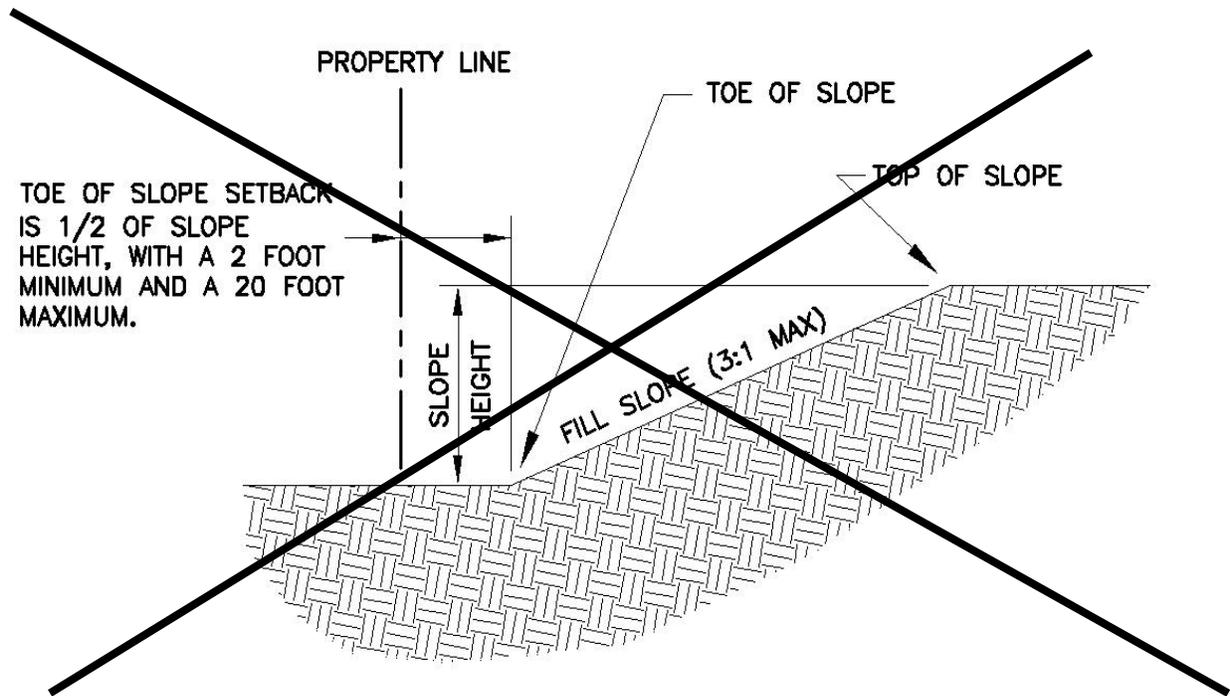
Source: Washoe County Engineering Division

- (b) ~~Toe of Fill Slope Front Setbacks.~~ The required setback from the toe of the slope to the site boundary line shall be one-half ($1/2$) the height of the slope with a minimum of two (2) feet and a maximum required setback not to exceed twenty (20) feet (see Figure 110.438.60.TOFS). Where a fill slope is to be located near the site boundary and the adjacent off-site property is developed, special precautions shall be incorporated in the work as the Building Official or County Engineer deems necessary to protect the adjoining property from damage as a result of such grading. These precautions may include but are not limited to: **The following standards apply to retaining walls and/or berms within the front setbacks:**

- (1) ~~Additional setbacks.~~ **Residential Use.** Retaining walls and/or berms within the front setbacks for residential uses are limited to a maximum exposed height of four and one-half (4.5) feet. Retaining walls may be greater than 4.5 feet for the construction of a driveway.
- (2) ~~Provisions for retaining walls or slough walls.~~ **Commercial or Industrial Uses.** Retaining walls and/or berms within the front setback for commercial or industrial uses are limited to a maximum exposed height of six (6) feet.
- (3) ~~Mechanical or chemical treatment of the fill slope surface to minimize erosion.~~

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~~(4) Provisions for the control of surface waters.~~

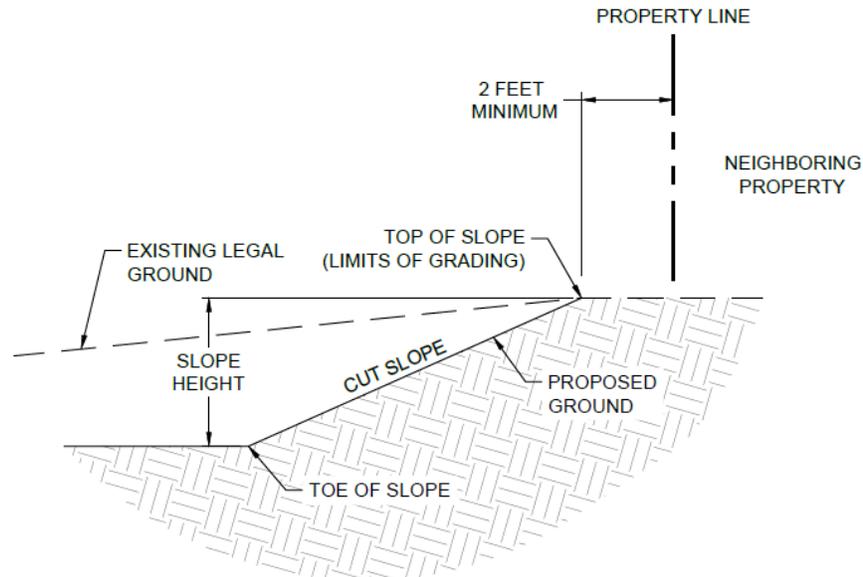


Source: Washoe County Engineering Division

- (c) Modification of Slope Location Side and Rear Setbacks. The Building Official or County Engineer may approve alternate setbacks subject to the approval of a director's modification of standards by the Director of Community Development, upon recommendation by the County Engineer. The Building Official or County Engineer may require an investigation and recommendation by a qualified professional to demonstrate that the intent of this section has been satisfied. The following standards apply to retaining wall and/or berms within the side and rear setbacks:
- (1) Residential Use. Retaining walls and/or berms within the side or rear setbacks for residential uses are limited to a maximum exposed height of six (6) feet.
 - (2) Commercial or Industrial Uses. Retaining walls and/or berms within the side or rear setbacks for commercial or industrial uses are limited to a maximum exposed height of eight (8) feet.
 - (3) All Zoning. Within all regulatory zones, finish grade shall not differ from the existing legal ground by more than four and one-half (4.5) feet within 10 feet horizontally from the side and rear property lines (See Figure 110.438.31.1).
- (d) Top of Cut Slope. The top of cut slopes shall be a minimum of two (2) feet from the property line. The setback may need to be increased for any required interceptor drains (See Figure 110.438.32.1 TOCS).

Figure 110.438.32.1TOCS
TOP OF CUT SLOPE

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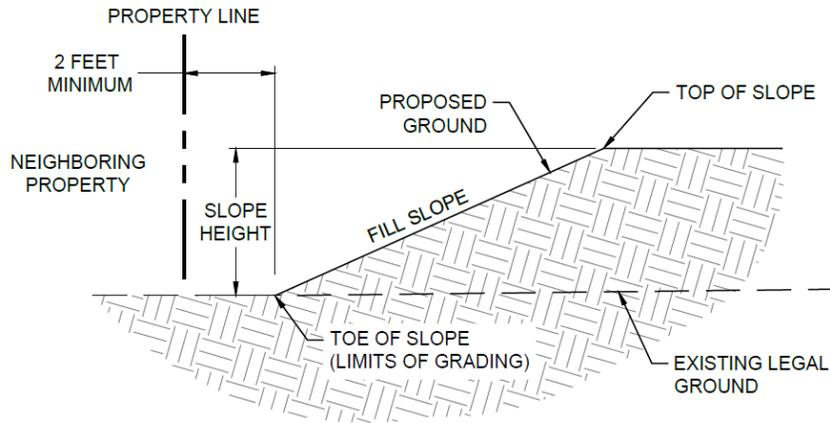


(e) **Toe of Fill Slope.** The toe of fill slopes shall be a minimum of two (2) feet from the property line (See Figure 110.438.45.32.2 TOFS). Where a fill slope is to be located near the site boundary and the adjacent off-site property is developed, special precautions shall be incorporated in the work as the Building Official or County Engineer deems necessary to protect the adjoining property from damage as a result of such grading. These precautions may include, but are not limited to:

- (i) Additional setbacks.
- (ii) Provisions for retaining walls or interceptor drains.
- (iii) Mechanical or chemical treatment of the fill slope surface to minimize erosion.
- (iv) Provisions for the control of surface waters.

Figure 110.438.32.2 TOFS
TOE OF FILL SLOPE

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- (f) **Modification of Slope Location.** The setback standards of this section may be reduced with the approval of a director's modification of standards by the Director of Planning and Building, upon recommendation by the County Engineer. The Building Official or County Engineer may require an investigation and recommendation by a qualified professional to demonstrate that the intent of this section has been satisfied.

SECTION 14. Section 110.438.65 of the Washoe County Code is hereby amended to read as follows and shall be renumbered as Section 110.438.33.

Section 110.438.6533 Drainage and Terracing. Drainage facilities and terracing shall be shown on the approved grading plan.

- (a) Subsurface Drainage. Cut and fill slopes shall be provided with subsurface and surface drainage as necessary for stability.
- (b) Drainage Disposal. All drainage facilities shall be designed to carry waters to the nearest acceptable drainage way approved by the Building Official or County Engineer. Erosion of ground in the area of discharge shall be prevented by installation of erosion control facilities. Building pads shall have a drainage gradient of two (2) percent toward approved drainage facilities, unless waived by the Building Official or County Engineer.
- (c) Interceptor Drains. ~~Paved~~ Interceptor drains shall be installed along the top of cut slopes and/or within terraces as recommended in the approved ~~soils~~ **geotechnical** report.

SECTION 15. Section 110.438.70 of the Washoe County Code is hereby amended to read as follows and shall be renumbered as Section 110.438.34.

Section 110.438.7034 Erosion Control. Except in the case where bedrock is exposed, the faces of cut and fill slopes shall be prepared and maintained with landscaping and/or revegetation to control against erosion. This control may consist of plantings such as native grasses, and drought-resistant trees, shrubs, and ground covers, which shall be planted in random groupings to reduce the constructed character of manufactured slopes. Bark mulches and stone cobble may be allowed to cover fifty (50) percent of exposed bare ground. The landscaping protection for the slopes shall be installed as soon as practicable. However, the slopes shall be treated with a dust palliative if left undeveloped for more than thirty (30) days and shall be revegetated if left undeveloped for more than ninety (90) days. Where

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necessary, check dams, cribbing, or other devices or methods shall be employed to control erosion and provide safety. Any grading operation which will disturb an area of one (1) acre or more also requires a Nevada Department of Environmental Protection (NDEP) permit as per Section 110.438.40053 and a dust control permit issued by the ~~Washoe County Health Department,~~ **Northern Nevada Public Health,** Air Quality Management Division.

SECTION 16. Section 110.438.75 of the Washoe County Code is hereby amended to read as follows and shall be renumbered as Section 110.438.47.

Section 110.438.7547 Grading Inspection. Major grading operations for which a permit is required shall be subject to inspection by the Building Official and/or County Engineer. Professional inspection of grading operations shall be provided by the civil engineer, ~~soils and the geotechnical engineer, and engineering geologist~~ retained to provide such services in accordance with Section 110.438.75(d), and as required by the Building Official or County Engineer for minor grading [Section 110.438.35(e)].

- (a) Civil Engineer. The civil engineer shall provide professional inspection within such engineer's area of technical specialty, which shall consist of observation and review as to the establishment of line, grade and surface drainage of the development area. If revised plans are required during the course of the work, they shall be prepared by the engineer of record.
- (b) Soils ~~Geotechnical~~ Engineer. The ~~soils~~ **geotechnical** engineer shall provide professional inspection within such engineer's area of technical specialty, which shall consist of observation during grading and testing for required compaction. The ~~soils~~ **geotechnical** engineer shall provide sufficient observation during the preparation of the natural ground and placement and compaction of the fill to verify that such work is being performed in accordance with the conditions of the approved plan and the appropriate requirements of this section. Revised recommendations relating to conditions differing from the approved ~~soils engineering and geotechnical engineering geology~~ reports shall be submitted to the permittee, the Building Official or County Engineer and the engineer of record.
- (c) Engineering Geologist. ~~The engineering geologist shall provide professional inspection within such engineer's area of technical specialty, which shall include professional inspection of the bedrock excavation to determine if conditions encountered are in conformance with the approved report. Revised recommendations relating to conditions differing from the approved engineering geology report shall be submitted to the soils geotechnical engineer.~~
- (dc) Permittee. The permittee shall be responsible for the work to be performed in accordance with the approved plans and specifications and in conformance with the provisions of this code, and the permittee shall engage consultants to provide professional inspections on a timely basis. The permittee shall act as a coordinator between the consultants, the contractor and the Building Official or County Engineer. In the event of changed conditions, the permittee shall be responsible for informing the Building Official or County Engineer of such change and shall provide revised plans for approval.
- (ed) Building Official. The Building Official and/or County Engineer shall inspect the project at the various stages of work requiring approval to determine that adequate control is being exercised by the professional consultants.

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- (fe) Notification of Noncompliance. If, in the course of fulfilling their respective duties under this article, the civil engineer, the ~~soils~~ **geotechnical** engineer ~~or the engineering geologist~~ find that the work is not being done in conformance with this article or the approved grading plans, the discrepancies shall be reported immediately in writing to the permittee and to the Building Official or County Engineer.
- (gf) Transfer of Responsibility. If the civil engineer, the ~~soils~~ **geotechnical** engineer ~~or the engineering geologist~~ of record is changed during grading, the work shall be stopped until the replacement has agreed in writing to accept their responsibility within the area of technical competence for approval upon completion of the work. It shall be the duty of the permittee to notify the Building Official or County Engineer in writing of such change prior to the recommencement of such grading.

SECTION 17. Section 110.438.80 of the Washoe County Code is hereby amended to read as follows and shall be renumbered as Section 110.438.48.

Section 110.438.8048 Notification of Completion of Work.

- (a) Restrictions Pending Completion. Notification and inspection is required before the expiration of the permit to determine whether work is completed in accordance with the final approved grading plan. No final permit, final inspection or certificate of occupancy may be issued for other structures on the property until the grading permit has received a final inspection to determine that the grading work is complete or, if uncompleted, that reclamation work has been completed.
- (b) Engineering Certification. Prior to the scheduling of certain inspections, the Building Official or County Engineer shall require that a Nevada registered civil engineer or a Nevada registered land surveyor submit a certification letter on all parcels for the following:
 - (1) ~~Soils~~ **Geotechnical** ~~engineering investigation~~ report indicating soils classification and design prior to the foundation inspection.
 - (2) Elevation, grading, and drainage certification per the approved construction plans prior to the issuance of a certificate of occupancy. Exception: On parcels two (2) acres or more which do not affect the drainage on other properties, the Building Official or County Engineer may waive this certification requirement.
 - (3) Foundation elevation and building setback certification as per the approved plot plan prior to the foundation inspection.
- (c) Permittee Notification to Building Official ~~Or~~ County Engineer. The permittee or his agent shall provide written verification to the Building Official or County Engineer that the grading work has been completed in accordance with approved plans and specifications. Final approval shall not be given until all work, including installation of all drainage facilities and their protective devices, and all erosion control measures have been completed in accordance with the final approved grading plan and the required reports have been submitted to the Building Official and/or County Engineer by the permittee or his agent.

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SECTION 18. Section 110.438.85 of the Washoe County Code is hereby amended to read as follows and shall be renumbered as Section 110.438.44.

Section 110.438.8544 Grading within Floodplains, and Drainage Ways, and Closed Hydrologic Basins.

- (a) Grading for development within Federal Emergency Management Agency (FEMA) designated floodplains shall comply with Article 416, Flood Hazards.
- (b) Grading for development within floodplains other than those designated by FEMA and within natural drainage ways shall comply with Article 420, Storm Drainage Standards.
- (c) **Grading, including fill, within FEMA's Special Flood Hazard Area (SFHA) of Swan Lake, Silver Lake, White Lake, Boneyard Flat, or other closed basin flood pools as identified by the County Engineer, shall require a minimum volume mitigation ratio of 1.3:1.**

SECTION 19. Section 110.438.95 of the Washoe County Code is hereby shall be renumbered as Section 110.438.52.

SECTION 20. Section 110.438.100 of the Washoe County Code is hereby shall be renumbered as Section 110.438.53.

SECTION 21. Section Chapter 110 of the Washoe County Code is hereby amended by adding a new section which shall be labeled 110.438.31 Grading Standards and read as follows:

Section 110.438.31 Grading Standards. The standards in this section shall apply to all grading for subdivision improvements, special use permits or other discretionary permits, and building permits for residential, commercial, or industrial projects. When required by provisions in this code or by the Washoe County Engineer, a geotechnical report prepared by a licensed professional engineer shall be submitted. Cut and fill slope design and construction shall be based on a geotechnical report as required by Section 110.438.28 and with the following requirements:

- (a) **Preparation of Ground.** The ground surface shall be prepared to receive fill in accordance with the following requirements:
 - (1) All vegetation shall be cleared and removed from the fill area;
 - (2) All existing fills shall be removed if deemed unsuitable by a geotechnical report and by the County Engineer;
 - (3) Remove topsoil and other unsuitable materials;
 - (4) Scarify existing ground to a minimum depth of eight (8) inches; and
 - (5) Benching within sound bedrock or other competent material as determined by the geotechnical engineer shall be provided for fill slopes steeper than five units horizontal to one unit vertical (5:1) and a height greater than five (5) feet. Fill slopes shall not be constructed on natural slopes steeper than two units horizontal to one unit vertical (2:1). When fill is to be placed over a cut or bench, the cut or bench shall

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be reviewed and approved by the geotechnical engineer as a suitable foundation for fill prior to fill placement.

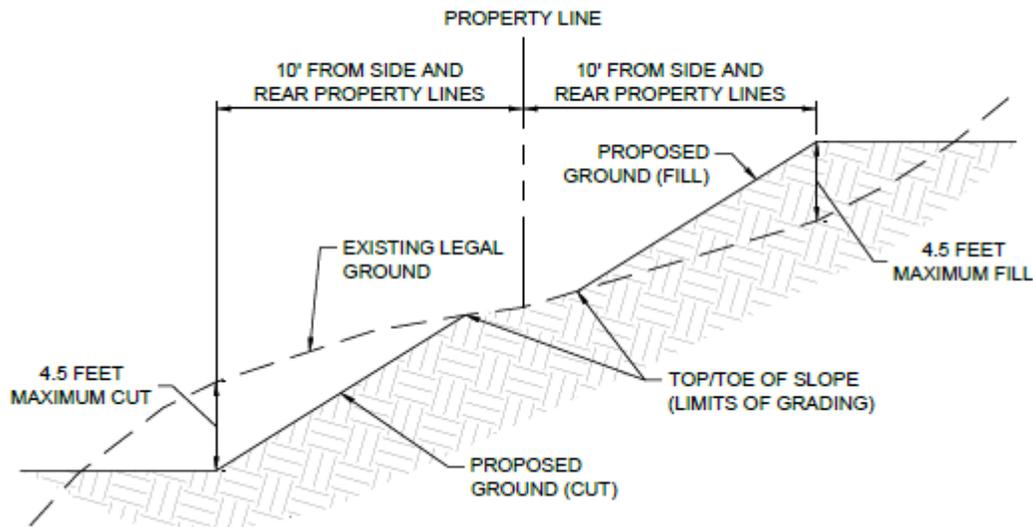
- (b) **Fill Material.** Detrimental amounts of organic material, as determined by the geotechnical engineer, shall not be permitted in fills. Except as permitted by the Building Official or County Engineer, no rock or similar irreducible material with a maximum dimension greater than twelve (12) inches shall be buried or placed in fills. Exception: The Building Official or County Engineer may permit placement of larger rock when the geotechnical engineer properly devises a method of placement, and continuously inspects its placement and approves the fill stability. The following conditions shall also apply:
- (1) Prior to issuance of the grading permit, potential rock disposal areas shall be delineated on the grading plan.
 - (2) Rock sizes greater than twelve (12) inches in maximum dimension shall be ten (10) feet or more below grade, measured vertically.
 - (3) Rocks shall be placed to ensure filling of all voids with well-graded soil.
- (c) **Compaction.** All fills shall be compacted to a minimum of ninety (90) percent of maximum dry density and in accordance with the project geotechnical report.
- (d) **Cut and Fill Slopes.** Cut and fill slope design and construction shall be in accordance with the following standards:
- (1) Grading of slopes of three horizontal to one vertical (3:1) or flatter shall be stabilized and protected from erosion by appropriate revegetation or other means acceptable to the County Engineer.
 - (2) Grading of slopes steeper than three horizontal to one vertical (3:1) may be allowed in accordance with the following requirements:
 - i. Cut and fill slopes less than thirty (30) inches in height: No geotechnical analysis required. Slope shall be mechanically stabilized using rock rip-rap or other method as approved by the County Engineer.
 - ii. Cut and fill slopes thirty (30) inches or greater in height shall require a geotechnical analysis prepared by a licensed engineer in the State of Nevada addressing global slope stability, and mechanical stabilization methods for erosion protection.
 - iii. Rock rip-rap visual mitigation measures shall be implemented to reduce visual impacts for slope heights greater than 10 feet in height for slopes adjacent to roadways, within commercial and industrial development or for public facility projects.
 - iv. The use of gabions as a mechanical stabilization for slopes is prohibited.
 - (3) Drainage facilities shall be provided at the toe of fills.
 - (4) Utilize a gradual transition or “rounding or contouring” of the slope at the intersection of an engineered cut or fill slope and a natural slope.

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- (5) Cut and/or fill slopes for channels/ditches adjacent to roadways shall be designed in accordance with the latest edition of the American Associates of State Highway Transportation Officials (AASHTO) clear zone recommendations.
- (e) Grading for Street Improvements.
- (1) Subgrade soils within the right-of-way prism shall be a minimum R-value of 30.
 - (2) Expansive subgrade soils shall be removed and replaced with non-expansive structural fill having a minimum R-value of 30.

Figure 110.438.31.1

GRADING



Source: Washoe County Engineering Division

SECTION 22. Section Chapter 110 of the Washoe County Code is hereby amended by adding a new section which shall be labeled 110.438.42 and read as follows:

Section 110.438.42 Rockery Walls. For the purpose of this section, wall heights shall be defined as the distance from the bottom of the bottom rock (bottom of footing) to the adjacent grade at the top of the wall. Individual and tiered rockery walls shall not exceed 8 feet in height except per Section 110.438.42(d) Exceptions and all rockery walls shall be embedded below the frost line (24 inches below exposed finish grade).

- (a) Rockery walls four (4) feet in height or less shall not require a building permit.
- (b) Rockery walls greater than four (4) feet and up to six (6) feet in height shall comply with the following requirements:

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- (1) Shall be engineered and include special inspection. Engineering analyses shall be performed by a professional engineer licensed in the State of Nevada. All rockery walls shall be analyzed for bearing, sliding, and overturning resistance, and global stability. Sliding and overturning resistance shall be analyzed at the bottom of each rock level. The maximum coefficient of friction between the rocks in the wall shall be 0.5. Passive resistance at the toe of the wall shall be neglected.
- (2) Shall not be subject to surcharges, such as building foundations, adjacent retaining structures, natural or proposed slopes, or vehicle loadings. All points of loading adjacent to rockery walls shall be setback not less than the height of the rockery wall. Setback distances shall be measured on the high side from the back of the wall and on the low side from the front of the wall.
- (3) The wall toe shall be level to near level with a maximum slope of ten horizontal to one vertical (10:1). Level ground shall extend at least the distance equal to the width of the foundation/base rock, but not less than 6 feet beyond the face of the wall.
- (4) Backslopes shall not be allowed unless the slope behind the wall is comprised of stable rock or is supported by soil nails, ground anchors, or mechanically stabilized earth (MSE) walls. Backslopes in cut shall not exceed two horizontal to one vertical (2:1). Backslopes in fill shall not exceed three horizontal to one vertical (3:1).
- (5) The surrounding area shall be graded or have brow ditches/berms installed such that water cannot flow over the top of the wall. Rockery walls shall be constructed in a continuous alignment without abrupt changes in direction. Terminations, intersections, and radii of rockery walls shall be included in the engineering analysis.
- (6) Shall not be constructed within utility easements.
- (7) Ornamental fences, guards, or screen walls shall be located a minimum of 2 feet from the back of the rockery wall, outside of the drainage blanket. Ornamental fences, guards, or screen walls shall have their own foundations and shall not rely on the rockery wall for structural support.
- (8) Minimum factors of safety for design are provided in Table 1.

Table 1: Minimum Factors of Safety

Failure Mode	Static Factor of Safety	Seismic Factory of Safety
Sliding	1.5	1.1
Overturning	1.5	1.1
Bearing	3.0	2.0
Global Stability	1.5	1.1

(c) Rockery Walls over six (6) feet and up to eight (8) feet in height shall meet the above requirements plus the following requirements:

- (1) Shall be designed for dynamic seismic lateral earth pressures due to design earthquake ground motion. For seismic loading conditions, the design earthquake ground motion shall be determined per Chapter 11 of ASCE-7.

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- (2) Stability analyses shall be performed for static and pseudo static (seismic) loading conditions. For stability analyses, walls shall not be modeled as a uniform mass of infinite strength but shall reflect the properties of dry stacked rock. Stability analyses shall check for failure through and below each wall and for global instability. For stability calculations, the pseudo static horizontal seismic coefficient (k_h) shall be determined using equation 11-18 per NCHRP Report 611, Seismic Analysis and Design of Retaining Walls, Buried Structures, Slopes, and Embankments (2008).
- (d) Exceptions – Rockery Walls over eight (8) feet in height up to a maximum of twelve (12) feet in height may be approved if the following requirements are met:
- (1) Rockery walls are designed in front of cuts in stable rock supported by an engineering report demonstrating no adverse slope conditions, bedding, jointing, or foliations.
 - (2) Are located in front of cuts or fills retained by soil nail walls, ground anchors, or mechanically stabilized earth (MSE) walls supported by an engineering report with MSE, soil nail, ground anchors, or MSE calculations demonstrating no horizontal load transfer to the rockery walls.

SECTION 23. Section Chapter 110 of the Washoe County Code is hereby amended by adding a new section which shall be labeled 110.810.57 and read as follows:

Section 110.810.57 Determination of Substantial Conformance. The County Engineer shall determine if final grading plans are in substantial conformance with approved special use permits involving major grading applications.

SECTION 24. Section 110.902.15 of the Washoe County Code is hereby amended to read as follows:

Section 110.902.15 General Definitions. Unless otherwise specified, the following definitions shall be applicable throughout the Development Code:

A-Weighted Sound Level. "A-weighted sound level" means the sound pressure level in decibels as measured on a sound level meter using the A-weighting filter network. Sounds measured with an A-weighted filter are abbreviated dba or db(a).

Accessory Structure. "Accessory structure" means a subordinate structure, the use of which is incidental to that of the main structure or potential main structure, or main dwelling.

Accessway. "Accessway" means vehicular ingress and egress to a property or use.

Adequate Public Facilities Management. "Adequate public facilities management" means a method for ensuring that the infrastructure necessary to support a development project will be available concurrently with the impacts of that development, without causing the level of service provided by said infrastructure to fall below adopted standards.

Affordable Housing. "Affordable housing" means housing which is affordable to low-income households (not exceeding eighty (80) percent of the County median income) or moderate-income households (not exceeding one-hundred twenty (120) percent of County median income).

Agricultural Building. "Agricultural building" is a structure designed and constructed to store farm implements and equipment or hay, grain, poultry, livestock, fruit and other agricultural products. Cold

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storage warehouses are not agricultural buildings. An agricultural building shall not be used for human habitation; processing, treating, packaging agricultural products; or as a place used by the public. The term shall not include dwellings, but does include greenhouses.

Approved Access. "Approved access" means a way or means of approach to a parcel from either an abutting public road or from a private road, street or right-of-way approved by the County.

Area of Shallow Flooding. "Area of shallow flooding" means a designated AO or AH Zone on the Flood Insurance Rate Maps. The base flood depths range from 1 to 3 feet, a clearly defined channel does not exist, the path of flooding is unpredictable and indeterminate, and velocity flow may be evident.

Area Plan. "Area plan" means plans adopted by Washoe County which cover specific subareas of the unincorporated County. These plans provide basic information on the natural features, resources and physical constraints that affect the development of the planning area. They also specify detailed land use designations which are then used to review specific development proposals and to plan services and facilities.

Arterial. "Arterial" means a main highway that is a through street.

Attached Accessory Dwelling Unit. "Attached accessory dwelling unit" means a portion of or an addition to a single family main dwelling that has been designed or configured to be used as a separate and independent dwelling unit. An attached accessory dwelling unit includes, at a minimum, permanent kitchen and bathroom (i.e. a toilet) facilities, but may also include living, sleeping, and eating facilities, all separated from the main unit by walls or ceiling and accessed through a lockable exterior or interior door. The attached accessory dwelling unit shall not exceed forty (40) percent of the total square footage of the main dwelling unit or one thousand (1,000) square feet, whichever is smaller. The square footage of garages, crawl spaces, cellars, attics, or basements not designed for human occupancy shall not be included when calculating the total square footage of the main dwelling unit, unless such areas have been legally converted into habitable space. An attached accessory dwelling may be created by converting part of, or adding on to, an existing single family main dwelling. To be considered attached, the accessory dwelling unit must abut (i.e. be on the opposite side of a wall or ceiling) the habitable space of the main dwelling, or the ceiling of a garage attached to the main dwelling. Incidental and accessory features such as trellises, decks, patios, breezeways, or tool sheds will not be considered as establishing an attached structure/dwelling. Attached accessory dwellings are often referred to as guest rooms, guest apartments and "granny flats."

Base Flood Calculation. "Base flood calculation" means a flood having a one (1) percent chance of being equaled or exceeded in any given year. See "Flood, One Hundred (100) Year."

Basement. "Basement" means the portion of a building between floor and ceiling, which is partly below and partly above grade, but so located that the vertical distance from grade to the floor below is less than the vertical distance from grade to ceiling.

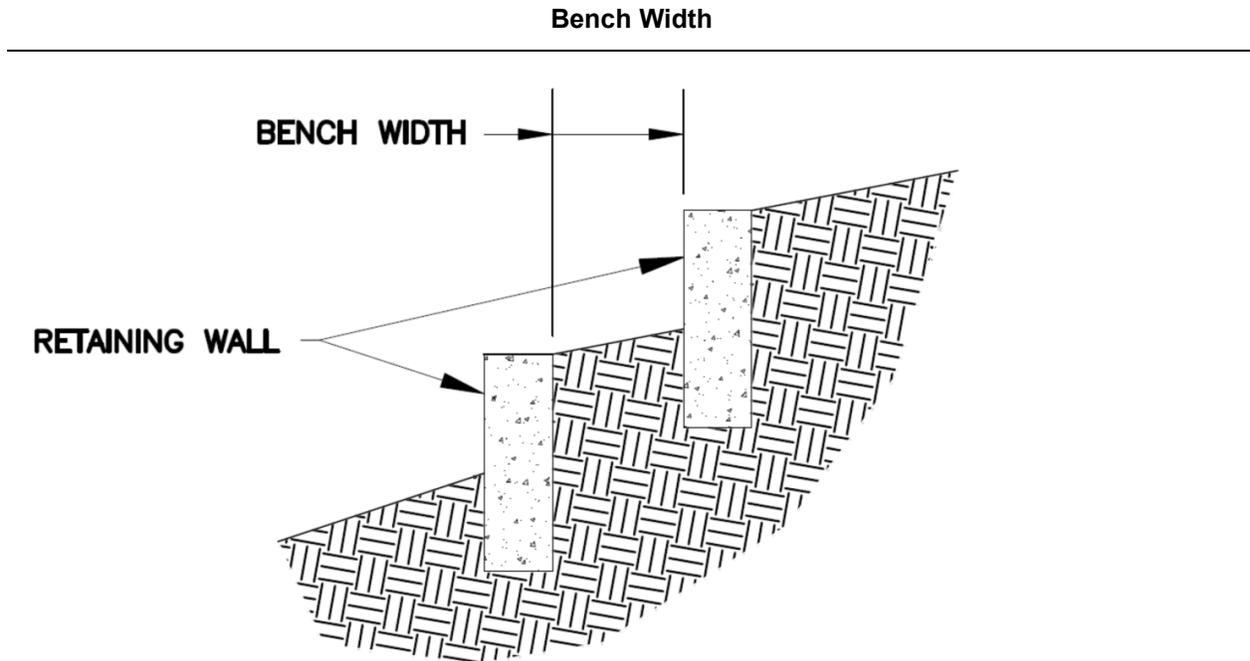
Bed and Breakfast Establishment. "Bed and breakfast establishment" means a single-family dwelling containing not more than five (5) guest rooms (no cooking facilities in guest rooms) where, for compensation, meals and lodging are provided.

Bench. "Bench" is a step excavated into earth material no steeper than five units horizontal to one unit vertical (5:1).

Bench Width. "Bench width" is measured from the closest points of two (2) adjacent retaining walls.

Figure 110.902.15.BW

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Source: Washoe County Engineering Division

Berm. "Berm" means ~~a mound or embankment of earth~~ **earthen material placed so as to create a bench or similar structures:**

- (1) **Which the plans show will remain at the completion of the work; or**
- (2) **Which will remain for more than one (1) year under separate permit and approvals for purposes of storage until a use for the soil is found elsewhere.**

Billboard. "Billboard" means an outdoor advertisement making a material or services known, such advertisement being remote from the point of sale of such material or service.

Board. "Board" refers to the Board of County Commissioners of Washoe County.

Boardinghouse. "Boardinghouse" means a building or portion thereof (not a motel) where, for compensation, meals and lodging are provided for more than three (3) guests.

Breezeway. A "breezeway" means a covered walkway, passageway, or corridor that has at least one (1) side entirely or partially open (except for necessary supporting columns), is not intended nor designed as habitable space, and which may or may not be connected to a structure.

Building. "Building" means any structure having a permanent foundation, a roof supported by columns or walls and used for the enclosure of persons, animals or chattels, but not including a trailer (mobile home) or tent.

Building Envelope. "Building envelope" means the area to be occupied by any structure and associated development.

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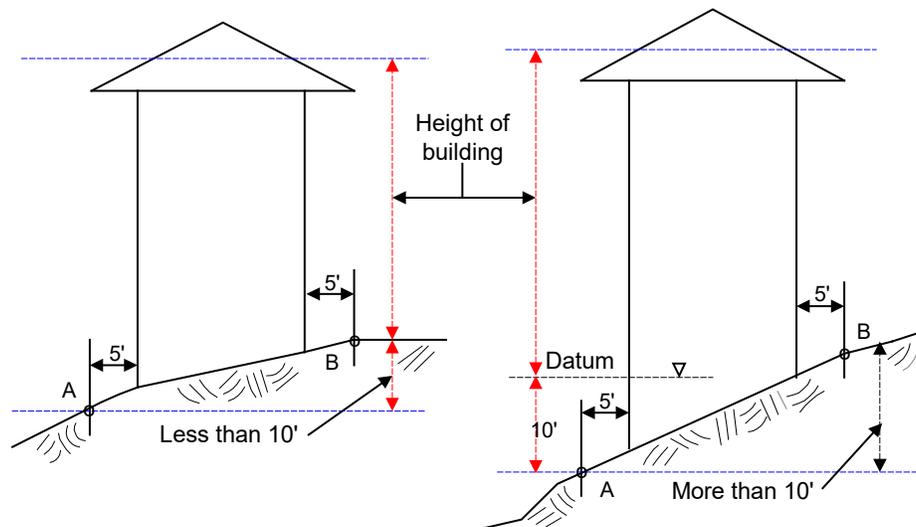
Building Height. "Building height" is the vertical distance above a reference datum measured to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the average height of the highest gable of a pitched or hipped roof. As illustrated in Figure 110.902.15.BH1, the reference datum shall be selected by either of the following, whichever yields a greater height of building:

- (a) The elevation of the highest adjoining sidewalk or ground surface within a five (5) foot horizontal distance of the exterior wall of the building when such sidewalk or ground surface is not more than ten (10) feet above lowest grade.
- (b) An elevation ten (10) feet higher than the lowest grade when the sidewalk or ground surface described in Item 1 above is more than ten (10) feet above lowest grade.

The height of a stepped or terraced building is the maximum height of any segment of the building.

Figure 110.902.15.BH1

DETERMINATION OF BUILDING HEIGHT IN FEET



Source: International Building Code Interpretation Manual.

Building Intensity. "Building intensity" refers to the bulk and concentration of physical development of uses permitted in a district. Lot coverage and height are examples of measures of building intensity.

Cargo Container. "Cargo Container" means an Intermodal Container, Sea-land Container, ISO Container, or Conex Box that is not designed for independent or "In-tow Trailer" highway use, and that was originally designed and constructed as a standardized, reusable storage and shipping vessel to be loaded on a truck, rail car or ship.

Cellar. "Cellar" means the portion of a building between floor and ceiling which is wholly or partially below grade and so located that vertical distance from grade to the floor below is equal to or greater than the vertical distance from grade to ceiling.

Certificated Water Rights. "Certificated water rights" means the right to put surface water or groundwater to beneficial use that is identified by a record document issued by the Nevada State Engineer after satisfactory proof of "perfection of application" for a permitted water right has been filed in accordance with NRS Chapter 533.

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Child Care Institution. "Child care institution" means a facility which provides care and shelter during the day and night and provides developmental guidance to sixteen (16) or more children who do not routinely return to the homes of their parents or guardians. Such an institution may also provide, without limitation:

- (a) Education to the children according to a curriculum approved by the Department of Education;
- (b) Services to children who have been diagnosed as severely emotionally disturbed as defined in NRS 433B.080, including, without limitation, services relating to mental health and education; or
- (c) Emergency shelter to children who have been placed in protective custody pursuant to Chapter 432B of NRS.

Civil Engineer. "Civil engineer" is a professional engineer licensed in Nevada to practice in the field of civil works.

Civil Engineering. "Civil engineering" is the application of the knowledge of the forces of nature, principles of mechanics and the properties of materials to the evaluation, design and construction of civil works.

Clearing. "Clearing" means the removal of surface vegetation from an area or tract of land.

Climatic Adaptive Planting Material. "Climatic adaptive planting material" means vegetation which is adapted to the climate or microclimate of the planting site and can flourish given the soil and water environment surrounding its roots. Microclimates, large bodies of water, soil drainage, soil pH, adequate moisture, the presence of soil salts, and both summer and winter wind affect a plant's ability to grow and survive.

Cluster or Clustered Development. See "Common Open Space Development."

Collector. "Collector" means the highest order of residential streets.

Commercial Coach. "Commercial coach" means structure without motive power which is designed and equipped for human occupancy for industrial, professional or commercial purposes.

Commercial Vehicle. "Commercial vehicle" means any vehicle designed, maintained or used for business, commercial, construction or industrial purposes that infringes on the residential character of residential districts; or for the transportation of property in furtherance of commercial enterprise; or having more than two (2) axles on the road; or, any vehicle in excess of eight thousand (8,000) pounds unladen weight. Commercial vehicles includes, but is not limited to: a cement truck, commercial tree-trimming equipment, construction equipment, dump truck, garbage truck, panel truck, semi-tractor, semi-trailer, stake bed truck, step delivery van, tank truck, tar truck, and other vehicles customarily used for commercial purposes.

Commission. "Commission" means the Washoe County Planning Commission.

Common Interest Community. "Common interest community" means real estate in which a person, by virtue of ownership of a unit, is obligated to pay for real estate other than that unit. "Ownership of a unit" does not include holding a leasehold interest of less than twenty (20) years in a unit, including options to renew.

Common Open Space Development. "Common open space development" means a technique whereby minimum lot sizes may be reduced below the regulatory zone requirements for residential and

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commercial use types, if compensating amounts of open space are provided within the same development (also called "cluster development"). This type of development allows for structures to be grouped on smaller lots, provided the total density for the development is not exceeded.

Compaction. "Compaction" is the densification of a fill or subgrade by mechanical means.

Company Town. "Company town" means employee housing and supporting commercial, office, recreational, professional, administrative and other ancillary uses associated with the functioning of an isolated industrial, mining, energy production, utilities, resorts or agricultural based use. This development may occur on a single parcel or multiple parcels.

Consistency. "Consistency" means free from variation or contradiction.

Constraints. "Constraints" mean limitations or actions which cannot be taken or which must be taken.

Construct. "Construct" includes "erect," "reconstruct," "alter," "move in" and "move upon."

Contiguous Parcel of Land. "Contiguous parcel of land" means a parcel of land either abutting directly on the boundary or separated by a street, alley, public right-of-way, creek, river or the right-of-way of a railroad or other public service corporation of another parcel of land.

Continuum of Care Unit. A unit that is within a continuum of care facility that includes living and sleeping facilities as defined by the Development Code, the International Building Code, and/or the National Manufactured Home and Safety Standards Act.

Corner Lot. See "Lot, Corner."

Cost. "Cost" means the price paid or what is given up in order to acquire, produce, accomplish or maintain anything.

County. "County" refers to the unincorporated area of Washoe County, Nevada.

County Standards. "County standards" means improvement standards set forth in this Development Code or adopted by the Board of County Commissioners.

Cross-Section. "Cross-section" is a drawing or photograph showing a cutting through something, especially at right angles to its axis. A cross section of a roadway usually indicates the width of the street, the number of lanes, and the width of any median, parkways, sidewalks and bicycle lanes.

Cumulative Impact. "Cumulative impact" means an effect which is a result of several related projects. Each increment from each project may not be noticeable but cumulative impacts may be noticeable when all increments are considered.

Cut. "Cut" means ~~shaping of the land surface by removing soil, rock or other materials~~ a portion of land surface which earth has been removed or will be removed by excavation.

Decibel. "Decibel" means a unit for describing the amplitude of sound, equal to twenty (20) times the logarithm to the base ten (10) of the ratio of the pressure of the sound measured to the reference pressure, which is twenty (20) micropascals (20 micronewtons per square meter).

Density or Residential Density. "Density" or "residential density" means the number of dwelling units per gross acre for residential uses as defined in Article 304, Use Classification System.

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Density Bonus. "Density bonus" means an increase in residential density over and above the density specified in the Development Code. A "density bonus unit" is one of the additional housing units built as a result of granting a density bonus.

Destination Resort. "Destination resort" is a self-contained development that provides for visitor-oriented accommodations and developed recreational facilities in a setting with high natural amenities. Visitor-oriented accommodations are overnight lodging and facilities designed for visitors, not permanent residents, and overnight lodging excludes RV and mobile home parks. Visitor accommodations must include meeting rooms and restaurants.

Detached Accessory Dwelling Unit. "Detached accessory dwelling unit" means a dwelling unit on the same lot as the main dwelling unit, but which is physically separated from the main dwelling unit. A detached accessory dwelling unit is designed and configured to provide independent living facilities for one or more persons, and includes, at a minimum, permanent kitchen and bathroom (i.e. toilet) facilities, but which may also include living, sleeping, and eating facilities. Except in the Medium Density Suburban (MDS) Regulatory Zone, a detached accessory dwelling unit shall not exceed fifteen hundred (1,500) square feet or fifty (50) percent of the total square footage of the main unit, whichever is smaller. In the Medium Density Suburban (MDS) Regulatory Zone, the detached accessory dwelling unit shall not exceed eight hundred (800) square feet or fifty (50) percent of the total square footage of the main dwelling unit, whichever is smaller. The square footage of garages, crawl spaces, cellars, attics, or basements not designed for human occupancy shall not be included when calculating the total square footage of the main dwelling unit, unless such areas have been legally converted into habitable space. Detached accessory dwelling unit are also commonly referred to as guest houses, second units, detached "granny flats" and caretaker's quarters.

Detached Accessory Structure. Except as provided for under Section 110.306.15, "detached accessory structure" means a building or structure on the same lot as the main residential structure and devoted to a use incidental to that main residential structure. A detached accessory structure is not designed, configured, or used for human habitation. The detached accessory structure may be connected to water and wastewater systems subject to the recordation of a deed restriction prohibiting the use of the structure as a dwelling unit. Installation of both a kitchen and a toilet in a detached accessory structure shall render the structure as a dwelling unit and subject to the accessory dwelling unit provisions contained in Article 306, Accessory Uses and Structures. Typical uses include storage buildings, sheds, barns, and detached garages.

Development. "Development" means any man-made change to improved or unimproved real estate including the construction of buildings or other structures, mining, dredging, filling, grading, paving, excavation, drilling operations or storage of equipment or materials.

Development Agreement. "Development agreement" means an agreement entered into by Washoe County and any person having a legal or equitable interest in land concerning the development of that land, pursuant to NRS Chapter 278.

Development Code. "Development Code" refers to Chapter 110 of the Washoe County Code which incorporates all County development-related ordinances and standards to ensure conformity with the Master Plan.

Division into Large Parcels. "Division into large parcels" means division of land if each proposed lot is at least forty (40) acres in area including roads and easements or at least one-sixteenth (1/16) of a section as described by a government land office.

Dog Training Center. "Dog training center" means a facility where dogs are boarded and trained for a long-term period of time.

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Dog Training Services. "Dog training services" means the training of dogs with their owners or owners' designee, where both owner and dog participate in dog training.

Domestic Water. "Domestic water" means water supplied to individual dwellings and other land uses which is suitable for drinking.

Dormitory/Bunkhouse. "Dormitory/bunkhouse" means a building or a portion of a building where, for compensation or a benefit of employment, meals and lodging are provided.

Drainage Facility. "Drainage facility" means an engineered water conveyance facility which can include, but not be limited to, a paved or unpaved graded swale, a paved or unpaved graded ditch, a gutter, a culvert, a trench drain, a catch basin, a drop inlet, a bio retention swale, a detention/retention basin, an infiltration basin, a dam, a pond (especially those in a series), a wetland, or a natural drainage-way with the approval of the County Engineer.

Drainage, Natural. "Natural drainage" means any channel, swale or depression which conducts water as part of the natural drainage pattern of a site.

Driveway, Residential. "Residential driveway" means a private paved or unpaved area used for ingress or egress of vehicles, and allowing access extending from a property line to a building or other structure or facility on the subject parcel.

Dwelling. "Dwelling" means any building or portion thereof used exclusively for residential purposes but does not include hotels, clubs, boardinghouses or rooming houses, fraternity or sorority houses, continuum of care facilities, or institutions.

Dwelling Unit. "Dwelling unit" means any building or portion thereof, including a fabricated home or portion thereof, which contains at a minimum permanent kitchen and bathroom (i.e. a toilet) facilities for residential use types as defined in Article 304, Use Classification System, but which may also include living, sleeping, and eating facilities as required by the Development Code, the International Building Code, and/or the National Manufactured Home and Safety Standards Act.

Earthen Material. "Earthen material" is any rock, natural soil or fill or any combination thereof.

Electronic Notice. "Electronic notice" means any notice required by law that is transmitted via electronic means and which provides a method of verifying receipt to the sender that the receiver has received the notice. Electronic includes, but is not limited to, e-mail, facsimile transmission that identify the receiver and have a time and date stamp.

Endangered Species. "Endangered species" means any species listed as such in the Federal Register which is in danger of extinction throughout all or a significant portion of its range.

Engineer. "Engineer" means a Nevada registered engineer pursuant to NRS Chapter 625.

Ephemeral Stream. "Ephemeral stream" means a stream that flows only in direct response to precipitation, and thus discontinues its flow during dry seasons. Such flow is usually of short duration. Most of the dry washes of more arid regions may be classified as ephemeral streams.

Erosion. "Erosion" ~~means the detachment and movement of soil from the land surface by wind, water or gravity.~~ **is the wearing away of the ground surface as a result of the movement of wind, water or ice.**

Excavation. "Excavation" is the mechanical removal of earth material.

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Existing Grade. “Existing grade” is the grade prior to new grading activity.

Fabricated Home. "Fabricated home" means a dwelling unit fabricated in an off-site manufacturing facility for installation or assembly at the building site. Fabricated homes include modular homes, manufactured homes and mobile homes. The term “fabricated home” does not include a “recreational vehicle.”

Facility for Transitional Living for Released Offenders. “Facility for transitional living for released offenders” means a residence that provides housing and a living environment for persons who have been released from prison and who require assistance with reintegration into the community, other than such a residence that is operated or maintained by a state or local government or an agency thereof. The term does not include a halfway house for recovering alcohol and drug abusers or a facility for the treatment of abuse of alcohol or drugs. As used in this section, person who has been released from prison means:

- (a) A parolee.
- (b) A person who is participating in:
 - (1) A judicial program pursuant to NRS 209.4886 or 213.625; or
 - (2) A correctional program pursuant to NRS 209.4888 or 213.371.
- (c) A person who is supervised by the Division of Parole and Probation of the Department of Public Safety through residential confinement.
- (d) A person who has been released from prison by expiration of his or her term of sentence.

Family. "Family" means one (1) or more persons related by blood, marriage or legal adoption, or a group of six (6) or fewer unrelated persons and two additional persons who act as house parents or guardians, living together in a dwelling unit.

Fence. "Fence" means a wall or barrier constructed of boards, masonry, wire or any other material for the purpose of enclosing space or separating parcels of land. The term "fence" does not include retaining walls, but does include fence gates and gateposts.

Fence, Security. “Security Fence” means a fence that is located on the property lines of a parcel of land that does not have a main use established and complies with WCC 110.406.50(e).

Fill. "Fill" means ~~shaping~~ **depositing of** to the land surface ~~by depositing~~ **of** soil, rock or other **earthen** materials.

Final Map. "Final map" means the map or recording instrument for subdivisions of land as described in Article 610. A final map may also be used to record an approved parcel map at the option of either the subdivider or the County.

Final Stabilization. “Final stabilization” means the placement of permanent structures, pavement, parking areas, landscaped areas, revegetation and other required improvements upon areas previously disturbed by grading activity.

Finish Grade. “Finish grade” is the final grade of the site that conforms to the approved plan.

Fire Management. "Fire management" means activities required for the protection of resources and values from fire, or the use of fire to meet land management goals and objectives.

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Flood or Flooding. "Flood" or "flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland waters; or the unusual and rapid accumulation of runoff of surface waters from any source.

Flood, One Hundred (100) Year. "One hundred (100) year flood" also called the "base flood" means a flood having a one (1) percent chance of being equaled or exceeded in any given year. The boundaries of the one hundred (100) year flood include both the floodway and the flood fringe areas as shown on the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps.

Flood Boundary and Floodway Maps (Floodway). "Flood Boundary and Floodway Maps" means the official maps on which the Federal Insurance Administration has delineated both the areas of flood hazard and the floodway.

Flood Elevation. "Flood elevation" means the elevation of the water surface of the base flood based on the National Geodetic Vertical Datum (NGVD) of 1929.

Flood Elevation, Increase In. "Increase in flood elevation" means an increase in flood elevation of more than one (1) foot at any point.

Flood Fringe. "Flood fringe" means the area of the one hundred (100) year flood, exclusive of the floodway, as shown on the Flood Insurance Rate Maps, and any area determined by the Floodplain Administrator to have a one (1) percent or greater probability of flood in a given year.

Flood Hazard Areas. "Flood hazard areas" means the area designated by the Federal Emergency Management Agency as being flooded by the base flood, and is designated as "Zone A, AO, AH, AE and A99" on the Flood Insurance Rate Maps.

Flood Height. "Flood height" means the depth of the floodwater during the one hundred (100) year flood, computed as the difference between the elevation of the one hundred (100) year floodwater surface and the elevation ground surface at a given point in the flooded area.

Flood Insurance Rate Maps (FIRM). "Flood Insurance Rate Maps" means the official maps on which the Federal Insurance Administration has delineated the flood hazard area, the limited flooding area and the risk premium zones applicable to the community.

Flood Insurance Study (FIS). "Flood Insurance Study" means the official report provided by the Federal Emergency Management Agency that includes flood profiles, the Flood Insurance Rate Maps, the Flood Boundary and Floodway Maps, and the water surface elevation of the base flood.

Floodplain. "Floodplain" means any land area susceptible to being inundated by water from any source.

Floodplain Administrator. "Floodplain Administrator" means the person appointed to administer and implement the provisions of Article 416 of this Development Code.

Floodplain Management. "Floodplain management" means the operation of an overall program of corrective and preventive measures for reducing flood damage.

Floodproofing. "Floodproofing" means any combination of structural and nonstructural additions, changes or adjustments to structures which reduce or eliminate flood damage to real estate or improved property, water and sanitary facilities, structures and their contents.

Floodway. "Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water

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surface elevation more than one (1) foot. The floodway is delineated on the Flood Boundary and Floodway Maps.

Floor Area Ratio (FAR). "Floor area ratio" means the ratio of floor area permitted on a lot to the size of the lot. For example, a permitted FAR of 6.0 on a 10,000 square foot lot would allow a building with a total floor area of 60,000 square feet.

Front Line. "Front line" means the narrowest lot dimension fronting on a street.

Front Yards. See "Yard, Front."

Fuel Management. "Fuel management" means treating or controlling any vegetative material which adversely affects meeting fire management direction based upon resource management goals and objectives.

Fuelbreak. "Fuelbreak" means a strip of land, strategically placed for fighting anticipated fires, where hazardous fuels have been replaced with less burnable fuels (like grass). They divide fire-prone areas into smaller parcels for easier fire control and provide access for fire fighting.

Fuels. "Fuels" mean any material capable of sustaining or carrying a wildfire, usually natural material both live and dead.

Gabion. "Gabion" means a container or basket fabricated of thick galvanized wire, filled with stone.

Gaming. "Gaming" means any legally constituted gambling enterprise authorized under the laws of the State of Nevada other than slot machines when such machines are operated incidentally to the conduct of a licensed retail business.

Geotechnical Engineer. "Geotechnical engineer" is an engineer experienced and knowledgeable in the practice of soils engineering (geotechnical engineering).

Geotechnical Engineering. "Geotechnical engineering" is the application of the principles of soils mechanics in the investigation, evaluation and design of civil works involving the use of earth materials and the inspection or testing of the construction thereof.

Geothermal Resource. "Geothermal resource" means the natural heat of the earth and the energy associated with the natural heat, pressure and all dissolved or entrained minerals, but excluding hydrocarbons and helium, that may be obtained from the medium used to transfer that heat.

Governing Body. "Governing body" refers to the Washoe County Board of County Commissioners, unless otherwise clearly indicated.

Government Patent Easement. "Government patent easement" means an easement granted through a patent by the federal government for a public purpose, generally for public access and utility purposes.

Grade. "Grade" is the lowest point of elevation of the finished surface of the ground, paving or sidewalk within the area between the building and the property line or, when the property line is more than 5 feet from the building, between the building and a line 5 feet from the building.

Gradient. "Gradient" is the slope of a lot measured as the difference in elevation of finished grade between the midpoint of the front property line and the farthest opposite point of the lot depth.

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Grading. "Grading" ~~means removal of trees and shrubs with surface soil grading for smoothness~~ **is any clearing, excavation, cutting, filling, or other disturbance of the natural state of the landform or natural vegetation and/or any combination thereof.**

Greenbelt. "Greenbelt" means an area where measures such as fuel management, land use planning and development standards are applied to mitigate fire, flood and erosion hazard. More traditionally, an irrigated landscaped buffer zone between development and wildlands, usually put to additional uses (e.g. golf course, park, etc.).

Gross Density. "Gross density" is the ratio of the total number of units to the total site area.

Ground Cover. "Ground cover" means low, dense-growing plants such as shrubs or vines, or inert materials such as rock or bark used to cover bare ground.

Ground Water Recharge. "Ground water recharge" means the infiltration of water into the earth. It may increase the total amount of water stored underground or only replenish the groundwater supply depleted through pumping or natural discharge. The natural or intentional infiltration of surface water into the Zone of Saturation (i.e. into the Ground Water). Also, the inflow of water to a ground water reservoir (Zone of Saturation) from the surface. Infiltration of precipitation and its movement to the water table is one form of natural recharge.

Group Foster Home. "Group foster home" means a natural person, partnership, firm, corporation or association who provides full-time care for seven (7) to fifteen (15) children who are:

- (a) Under eighteen (18) years of age;
- (b) Not related within the first degree of consanguinity or affinity to any natural person maintaining or operating the home; and received, cared for, and
- (c) Maintained for compensation or otherwise, including the provision of permanent free care.

Halfway House for Recovering Alcohol and Drug Abusers. "Halfway house for recovering alcohol and drug abusers" means a residence that provides housing and a living environment for recovering alcohol and drug abusers and is operated to facilitate their reintegration into the community, but does not provide any treatment for alcohol or drug abuse. The term does not include a facility for transitional living for released offenders.

Hallway. "Hallway" means a completely enclosed corridor, passageway, or other similar enclosed space that connects two (2) separate rooms, or ingress and egress points, and which is not intended nor designed as habitable space. A hallway shall not be used to connect two (2) separate dwelling units.

Hedge. "Hedge" means a dense row of plant material, such as shrubs, which are arranged to form a boundary or screen.

Highest Existing Grade. "Highest existing grade" means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

Hillside Development. "Hillside development" means any development including individual lots which has slopes greater than fifteen (15) percent on twenty (20) percent or more of the site.

Historic Structure. "Historic structure" means any structure that is:

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- (a) Listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- (b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historic significance of a registered historic district or a district preliminarily determined by the Secretary of the Interior to qualify as a registered historic district;
- (c) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
- (d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - (1) By an approved state program as determined by the Secretary of the Interior; or
 - (2) Directly by the Secretary of the Interior in states without approved programs.

Home for Individual Residential Care. "Home for individual residential care" means a home in which a natural person furnishes food, shelter, assistance and limited supervision, for compensation, to not more than two (2) persons with mental retardation or with disabilities or who are aged or infirm, unless the persons receiving those services are related within the third degree of consanguinity or affinity to the person providing those services. The term does not include:

- (a) A halfway house for recovering alcohol and drug abusers; or
- (b) A home in which supported living arrangement services are provided to assist individuals in maximizing his independence, including without limitation training and habitation services.

Hoop House/High Tunnel. "Hoop House" or "High Tunnel" means an enclosure that is used to cover and protect crops from sun, wind, excessive rainfall, or cold, to extend the growing season in an environmentally safe manner and having a life span of approximately 5 years. The coverings for these enclosures utilize flexible, not rigid materials.

Hotel. "Hotel" means a building occupied or intended to be occupied, for compensation, as the temporary residence for transient guests, primarily persons who have residence elsewhere, with an interior hall and lobby.

House Construction Factory. "House construction factory" means a building used for the construction of a single or multiple family dwelling, or the assembly of prefabricated single or multiple family dwelling components, or a combination of the above-described procedures, which results in a completed single or multiple family dwelling that can be transported to a lot for which service has been provided and which has been improved to accommodate the installation of the dwelling.

Household. "Household" means the person or persons occupying a housing unit.

Impervious Surface. "Impervious surface" means the surface through which water cannot penetrate, such as a roof, road, sidewalk or paved parking area.

Incorporated City. "Incorporated city" means a city incorporated under the laws of the State of Nevada.

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Infrastructure. "Infrastructure" means the basic facilities such as roads, schools, power plants, transmission lines, transportation and communication systems on which the continuance and growth of a community depends.

Inoperable Vehicle. "Inoperable vehicle" means a vehicle, as defined by NRS 482.135, which:

- (a) Does not display current license plates (from any state) registered to the vehicle; and,
- (b) Is visibly damaged, wrecked, dismantled, in serious disrepair, deteriorating (rusting, rotting) or missing major components, or is being salvaged, parted out, prepared for crushing, shredding or scrapping; and,
- (c) Is not awaiting disposition instructions as a result of a collision.

Interior Lot. See " Lot, Interior."

Junkyard. "Junkyard" means any space for storage, abandonment or sale of junk, scrap material or similar waste, including the dismantling, demolition or abandonment of automobiles, other vehicles, machinery or parts. Junkyard shall be synonymous with salvage yard.

Key. "Key" is a designed compacted fill placed in a trench excavated in earth material beneath the toe of a proposed fill slope.

Kitchen. "Kitchen" means a room or space within a room equipped with such electrical or gas hook up that would enable the installation of a range, oven, or like appliance using 220/40 volts or natural gas (or similar fuels, such as propane) for the preparation of food, and also containing either or both a refrigerator and sink for the washing and/or disposal of food.

Landscaped Buffer. "Landscaped buffer" means an area of landscaping which separates two (2) distinct land uses, or a land use and a public right-of-way, and which acts to soften or mitigate the effects of one (1) land use on the other.

Landscaping. "Landscaping" means an area devoted to and maintained with a mixture of existing or new native or exotic plants such as turf, groundcover, shrubs, flowers, vines and trees, as well as additional complementary decorative features such as rocks, decorative pavement, fountains, pools, sculpture and decorative wall.

Ldn. "Ldn" means the average equivalent A-weighted sound level during a 24-hour day obtained by adding ten decibels to the hourly noise levels measured during the night (10:00 p.m. to 7:00 a.m.). In this way, Ldn takes into account the lower tolerance of people for noise during nighttime periods. Ldn noise level measurements are typically plotted onto a map to identify noise contours around a significant noise generator (e.g. freeways, airports, etc.).

Limited Gaming. "Limited gaming" means gaming enterprises authorized by the State Gaming Control Board whereby any person or gaming establishment may be issued a limited gaming license or have such conditions placed on a gaming license as necessary to protect the public interest.

Livestock. "Livestock" means:

- (a) All cattle or animals of the bovine species;
- (b) All horses, mules, burros and asses or animals of the equine species;
- (c) All goats or animals of the caprine species;

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- (d) All swine or animals of the porcine species; and
- (e) All sheep or animals of the ovine species.

Loading Space. "Loading space" means an off-street space or berth on the same lot with a building or contiguous to a group of buildings for the temporary parking of vehicles while handling merchandise or materials.

Lot. "Lot" means a distinct part or parcel of land divided with the intent to transfer ownership or for building purposes, which abuts upon a permanent means of access and is assigned a single parcel number by the Washoe County Assessor's Office.

Lot, Corner. "Corner lot" means a lot situated at the intersection of two (2) or more streets or a lot that abuts one (1) street that changes directions, curves or turns around the lot with an interior angle of 135 degrees or less.

Lot, Interior. "Interior lot" means either (a) a lot bounded by a street on only one (1) side; or, (b) a lot situated at the intersection of (2) streets having an interior angle of one hundred thirty-five (135) degrees or more; or, (c) a lot that has continuous street frontage on only one (1) street and when the curvature of the lot along the street frontage exceeds one hundred thirty-five (135) degrees or more.

Lot, Through. "Through lot" means a lot bounded by two (2) streets that do not intersect at the boundaries of the lot.

Lot Coverage. "Lot coverage" is a measure of intensity of land use which represents the portion of a site that is impervious (i.e. does not absorb water). This portion includes, but is not limited to, all areas covered by buildings, parking structures, driveways, roads, sidewalks, and any areas of concrete asphalt. In the case of lumberyards, areas where lumber is stored also constitutes impervious surfaces.

Lot Depth. "Lot depth" is the distance between the front and rear lot lines measured in the mean direction of the side lines.

Lot Size. "Lot size" is the total square footage of a lot.

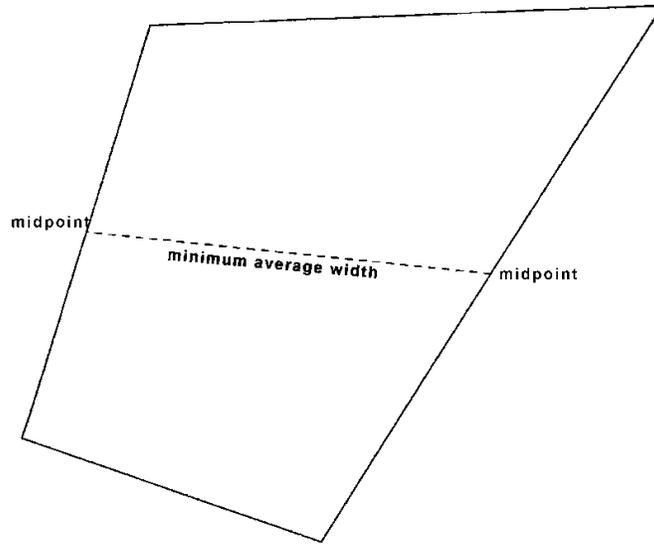
Lot Width. "Lot width" may be determined in one of the following three ways:

- (a) The distance between the side lot lines measured at right angles to the lot depth at a point midway between the front and rear line (see Figure 110.902.15LW1);

Figure 110.902.15.LW1

DISTANCE BETWEEN SIDE LOT LINES

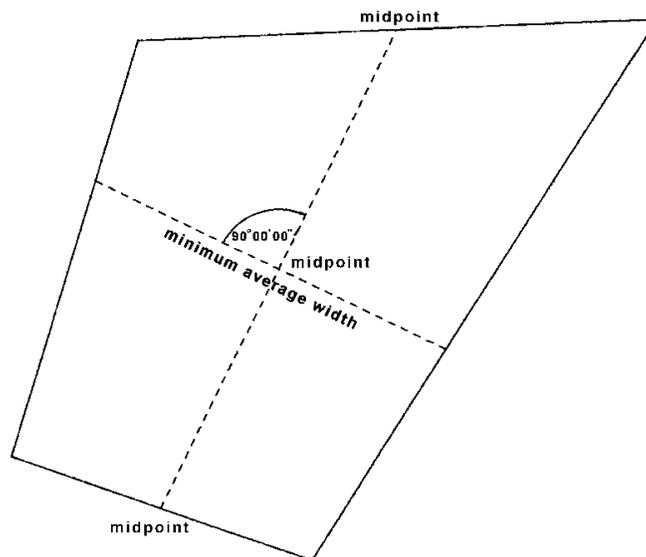
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Source: George Lindesmith, PLS.

- (b) The distance between the midpoints of the side lot lines (see Figure 110.902.15LW2); or
Figure 110.902.15.LW2

DISTANCE BETWEEN MIDPOINTS

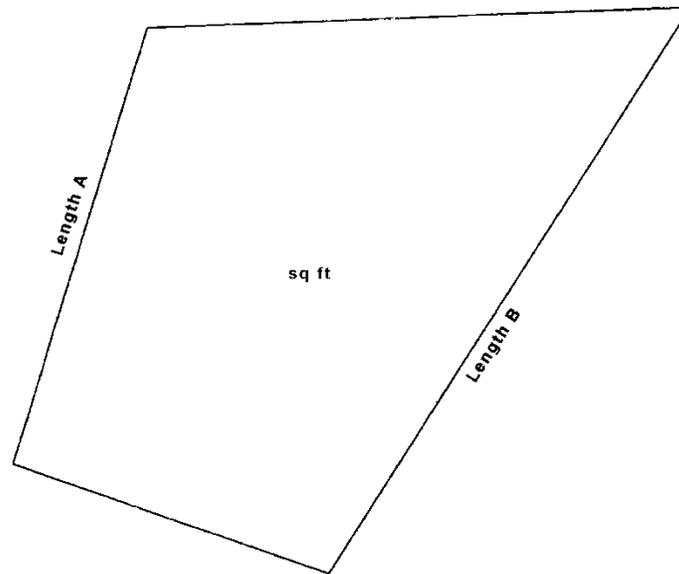


Source: George Lindesmith, PLS.

- (c) Area/Average Depth = Average Width (see Figure 110.902.15LW3).
Figure 110.902.15.LW3

AREA/AVERAGE WIDTH

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$$\text{Area/Average Depth} = \text{Average Width}$$
$$\text{Area Sq Ft} / \frac{\text{Length A} + \text{Length B}}{2} = \text{Average Width}$$

Source: George Lindesmith, PLS.

Lowest Floor. "Lowest floor" means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements.

Main Building. "Main building" means a building devoted to the principal use of the lot on which it is situated.

Major Subdivision. "Major subdivision" means a subdivision which contains five (5) or more lots, parcels, sites, units, plots or interests.

Manufactured Home. "Manufactured home" is a dwelling unit fabricated in an off-site manufacturing facility for installation or assembly at the building site, bearing the label certifying that it is built in compliance with the Federal Manufactured Housing Construction and Safety Standards in effect on the date of manufacture. A manufactured home is further defined by Nevada Revised Statute (NRS 489.113). A manufactured home is not a mobile home, nor a modular home.

Manufactured Home Park Site. "Manufactured home park site" is the entire tract of land used for a manufactured home park.

Manufactured Home Space. "Manufactured home space" is the area in a manufactured home park that is rented or leased to the occupant or occupants of a manufactured home.

Manufactured Home Subdivision. "Manufactured home subdivision" is a subdivision designed and/or intended for the sale of lots for siting manufactured homes.

Master Plan. "Master Plan" means the Washoe County Master Plan including both countywide elements and area plans, and a number of more detailed plans and studies related to the plans.

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Median Income or County Median Income. "Median income" or "County median income" means the level of income in Washoe County whereby one-half (1/2) of the population earns greater than that level of income and one-half (1/2) of the population earns less than that level of income. Median income is determined on a yearly basis by the Department of Housing and Urban Development.

Military Installation. "Military installation" means a base or facility at which or from which the Air Force, Army, Coast Guard, Marine Corps, Navy, Air Force Reserve, Army Reserve, Coast Guard Reserve, Marine Corps Reserve, Navy Reserve or National Guard conducts exercises, maneuvers, operations, patrols or training.

Minor Subdivision. "Minor subdivision" means a subdivision which contains four (4) or less lots, parcels, sites, units, plots or interests.

Minute Action. "Minute action" means an official final decision made by the Board of County Commissioners, as recorded in the County Clerk's minutes.

Mobile Home. "Mobile home" is a transportable, fabricated home, designed to be used as a year-round residential dwelling and built prior to enactment of the Federal Manufactured Housing Construction and Safety Standards Act of 1974, which became effective June 15, 1976. A mobile home, further defined by Nevada Revised Statute (NRS 489.120), does not bear an insignia of approval that the dwelling unit was built in compliance with NRS Chapter 461. A mobile home is not a manufactured home, nor a modular home.

Mobile Home Park. "Mobile home park" means a tract of land under single ownership within which two (2) or more manufactured homes are occupied as residences on a permanent or semi-permanent basis. The homes are located on spaces that are rented or leased. Special facilities for the common use of the occupants may be included.

Mobile Home Park Site. "Mobile home park site" is the entire tract of land used for a mobile home park.

Modular Home. "Modular home" is a dwelling unit fabricated in an off-site manufacturing facility for installation or assembly at the building site, bearing a label certifying that it is built in compliance with local International Building Code standards and further meets all requirements of County Code Chapter 100. Modular homes shall be subject to the same permit process as site-built homes. A modular home is not a manufactured home, but includes what is commonly referred to as a panelized home.

Motel. "Motel" means a building occupied or intended to be occupied, for compensation, as the temporary residence for transient guests, primarily persons who have residence elsewhere, with access to each room or unit from an outside porch or landing (whether or not such outside porch or landing is enclosed with screen, glass, plastic or similar material).

Mulch. "Mulch" means an organic or inorganic material applied to landscaped areas to help minimize evaporation from the soil, reduce weeds, moderate soil temperatures and slow erosion.

National Register of Historic Places. "National Register of Historic Places" means the listing maintained by the U.S. National Park Service of areas which have been designated as historically significant. The Register includes places of local and state significance, as well as those of value to the nation in general.

Natural Area. "Natural area" means a land area which is unimproved and not occupied by any structures or man-made elements, and set aside for the conservation of permanent, undisturbed open space.

Net Density. "Net density" is the ratio of the total number of units to the site area minus the area of the streets, parking areas and undevelopable land.

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Nevada Natural Heritage Site. "Nevada Natural Heritage Site" means areas of land or water which either:

- (a) Have unusual flora, fauna, geological, scenic or similar features of scientific, educational or recreational interest; or
- (b) Retain some degree, or have re-established, a natural character (although it need not be completely undisturbed).

Non-municipal Air Strips and Glider Ports. "Non-municipal air strips and glider ports" means any Federal Aviation Administration (FAA) recognized public use landing area, privately owned and operated for scheduled or non-scheduled air transportation activities, where commercial uses and aviation related commerce can occur. Such use may include provision of landing privileges, hangar and tie-down lease/rental spaces, fuel and lubrication service, flight instruction, plane rental, mechanical repairs, or any other form of aviation commerce. Uses can also include scenic and sightseeing transportation service including helicopter rides, glider plane rides, air balloon rides, ultra-light and experimental aircraft activities and aircraft charters. The term "non-municipal air strips and glider ports" does not apply to public airports operated by any federal, state or local government agencies. The term also does not apply to a personal landing field that is used for fixed-wing aircraft or helicopter landing operations that are incidental and ancillary to established allowable uses including, but not limited to, agricultural, ranching or mining activities, as long as no aviation related commerce is conducted at the personal landing fields.

NRS. "NRS" means Nevada Revised Statutes.

Open Space, Common. "Common open space" means the total land area, not individually owned or dedicated for public use, which is designed and intended for the common use or enjoyment of the residents or occupants of the development. Common open space includes swimming pools, putting greens and other recreational-leisure facilities; areas of scenic or natural beauty and habitat areas; hiking, riding or off-street bicycle trails; and landscaped areas adjacent to roads which are in excess of minimum required rights-of-way.

Open Space, Private. "Private open space" means the outdoor living area directly adjoining a dwelling unit or building which is intended for the private enjoyment of the residents or occupants of the dwelling unit or building and which is defined in such a manner that its boundaries are evident.

Open Space Use. "Open space use" means the current employment of land, the preservation of which use would conserve and enhance natural or scenic resources, protect streams and water supplies or preserve sites designated as historic pursuant to law, provided such land has a greater value for another use than for open space use.

Outdoor Storage. "Outdoor Storage" means the outside placement of items and materials that are incidental to the existing principal use of the property, except as provided for under Section 110.306.35(d), for a period of more than seventy-two (72) consecutive hours. Outdoor storage is further defined and regulated in the Washoe County Nuisance Code (WCC Sections 50.300 to 50.310, inclusive).

Parcel Map. "Parcel map" means a map for a minor subdivision.

Parcel of Land. "Parcel of land" means any unit or contiguous units of land assigned a single parcel number by the Washoe County Assessor's Office.

Parking Area. "Parking area" means an open area, excluding a street or other public right-of-way, used for the parking of vehicles and available to the public, whether for free or for compensation.

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Permanent Employee Housing. "Permanent employee housing" means housing for employees of an isolated industrial, mining, railroad, highway, utilities or agricultural based use where those employees occupy the housing on a permanent basis year round. This development may occur on a single parcel or multiple parcels.

Permitted Water Rights. "Permitted water rights" means the right, in accordance with NRS Chapter 533 and as approved by the Nevada State Engineer, to appropriate public waters, or to change the place of diversion, manner of use or place of use of water already appropriated.

Perennial Stream. "Perennial stream" means a stream that flows from source to mouth throughout the year. This definition does not apply to a man-made watercourse constructed for irrigation, aesthetic or other purposes.

Person. "Person" means a firm, association, corporation, partnership or an individual.

Personal Landing Field. "Personal landing field" means a private use aviation landing area that is used for fixed-wing aircraft or helicopter landing operations that are incidental and ancillary to established allowable land uses including, but not limited to, agricultural, ranching or mining activities, as long as no aviation related commerce is conducted at the personal landing fields. Personal landing fields do not engage in scheduled or non-scheduled air transportation activities, or in any scenic and sightseeing transportation service, or any other form of aviation commerce. The term "personal landing field" does not apply to "non-municipal air strips and glider ports," or to public airports operated by any federal, state or local government agencies.

Placement. "Placement" means the issuance of a set-up permit by the Building and Safety Department for a manufactured home or mobile home.

Planting Area. "Planting area" means an area devoted to or maintained predominantly with native or exotic plants including turf, groundcover, shrubs, flowers, vines and trees with a limited portion of complementary decorative features.

Plumbing Fixture. A "plumbing fixture" is a receptacle, device, or appliance that is supplied with water or which receives liquid or liquid-borne wastes, and which discharges into a drainage system to which it may be directly or indirectly connected.

Police Powers. "Police powers" means powers reserved to the states by the U.S. Constitution and delegated to cities and counties through the Nevada Constitution and the Nevada Revised Statutes; it is the authority to create and enforce ordinances and regulations that are not in conflict with general laws in order to promote the health, safety and general welfare of the public.

Print. "Print" means and includes a blueprint, photostat, direct process print or other copy which reproduces exactly the original drawing from which it was made.

Private Communication Antenna. "Private communication antenna" means any system of wires or poles or similar devices, excluding satellite dish antennas, used for the transmission or reception of electromagnetic waves by federally licensed amateur radio or citizen band radio operators, which system is external to or attached to the exterior of any building.

Private Garage. "Private garage" means a space intended for or used by the private automobiles of families resident upon the lot.

Professional Inspection. "Professional inspection" is the inspection required by this code to be performed by a civil engineer or geotechnical engineer licensed in Nevada. Such inspections

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include that performed by persons supervised by such engineers and shall be sufficient to form an opinion relating to the conduct of the work.

Public Garage. "Public garage" means a building for the repair, storage or hire of motor vehicles.

Rear Line. "Rear line" means the lot line most directly opposite the front line. A parcel of land may have only one (1) rear line.

Rear Yard. See "Yard, Rear."

Recreational Vehicle. "Recreational vehicle" means a vehicular structure that is primarily designed as temporary living quarters for travel, recreation and camping uses. A recreational vehicle can be self-propelled, mounted on, or towed by a separate vehicle.

Recreational Vehicle Park. "Recreational vehicle park" means a tract of land for the transient use by two or more recreational vehicles.

Regional Plan. "Regional Plan" means the Truckee Meadows Regional Plan.

Required Area. "Required area" means the minimum area of a lot or parcel necessary to permit its use under the provisions of the Development Code. Required area refers to:

- (a) Any lot shown as part of a subdivision recorded as a final plat in the manner provided by law;
- (b) Any parcel of land separated as a lot prior to the adoption and effective date of the original Washoe County Land Use Ordinance or the adoption of additional regulatory zones; or
- (c) Any lot or parcel of land which has an area not less than that required in the respective regulatory zone.

Residential Facility for Groups. "Residential facility for groups" means an establishment that furnishes food, shelter, assistance and limited supervision to a person with mental retardation or with a disability or a person who is aged or infirm. The term includes, without limitation, an assisted living facility. The term does not include:

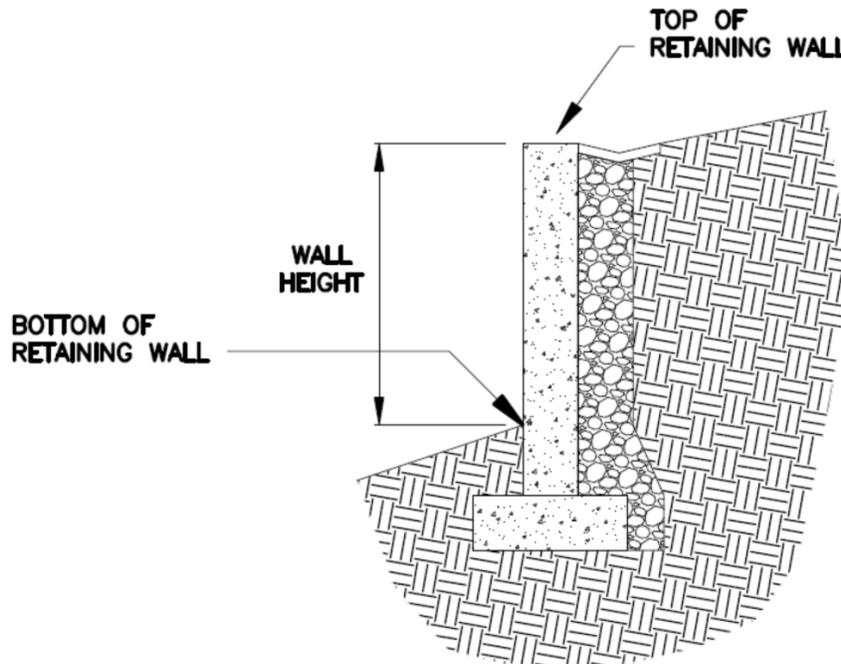
- (a) An establishment which provides care only during the day;
- (b) A natural person who provides care for no more than two (2) persons in his or her own home;
- (c) A natural person who provides care for one (1) or more persons related to him or her within the third degree of consanguinity or affinity;
- (d) A halfway house for recovering alcohol and drug abusers; or
- (e) A facility funded by a division or program of the Department of Health and Human Services.

Retaining Wall Height. "Retaining wall height" is the exposed height of the retaining wall from finished grade at the bottom of the wall to the top of the wall.

Figure 110.402.25.RWH

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Retaining Wall Height



Source: Washoe County Engineering Division

Revegetation. "Revegetation" means stabilizing disturbed or graded soils after construction by replanting with indigenous or natural appearing plants.

Ridgeline. "Ridgeline" means the topmost line connecting the series of highest elevation points of a ridge, running center and parallel to the long axis of the ridge and from which all water drains down.

Ridgeline, Significant. "Significant ridgeline" means the topmost line connecting the series of highest elevation points of a ridge, as identified on the Development Suitability map for each planning area included in Volume Two: Area Plans of the Washoe County Master Plan.

Right-of-Way. "Right-of-way" is a strip of land occupied or intended to be occupied by a publicly dedicated street, including the pavement, sidewalks and parkways, crosswalk, railroad, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, shade streets or other special use.

Riparian. "Riparian" means related to or located on the bank of a natural water course.

Riparian Habitat. "Riparian habitat" means the land and plants bordering a watercourse or lake.

Riprap. "Riprap" consists of large pieces of angular rock (usually six (6) to thirty (30) inches in diameter) which have undergone only primary crushing and sizing; or larger, uncrushed pieces. Riprap is used to permanently stabilize slopes and construct erosion-control structures.

Rock Crushing. The process of breaking down large rocks into smaller pieces or particles using mechanical force or explosives.

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Room. "Room" is space in a structure for living, sleeping, eating or cooking. Bathrooms, toilet compartments, closets, halls, storage or utility space, and similar areas, are not considered habitable space and therefore, not a room.

Roominghouse. "Roominghouse" means a building or portion thereof (not a motel) where, for compensation, lodging is provided for more than three (3) guests.

Runoff. "Runoff" means that part of precipitation which flows over the land without filtering into the soil.

Rural Regulatory Zones. "Rural regulatory zones" means the Low Density Rural Regulatory Zone, Medium Density Rural Regulatory Zone, and High Density Rural Regulatory Zone.

Satellite Dish Antenna. "Satellite dish antenna" means a device incorporating a reflective surface that is solid, open mesh or bar configured and is in the shape of a shallow dish, cone, horn or cornucopia. Such device shall be used to transmit and/or receive radio or electromagnetic waves between terrestrially and/or orbitally based uses. This definition is meant to include, but not be limited to, what are commonly referred to as satellite earth stations, TVROs (television reception only satellite dish antennas), and satellite microwave antennas.

Scenic Corridor. "Scenic corridor" means a roadway with recognized high quality visual amenities that include background vistas of mountains, open country or city.

School. "School" means an institution of learning which offers instructions in the several branches of learning required to be taught in the public schools of the State of Nevada.

Screen. "Screen" means to provide physical separation and complete visual obscuration of one area from another on all sides and in all seasons. Such separation must be at least six (6) feet high and includes, but is not limited to, the combination or individual use of a fence, decorative wall, structure, earth berm or dense landscaping.

Section 404 (Clean Water Act). "Section 404 (Clean Water Act)" means that section of the Clean Water Act delineating restrictions on the dredging and filling (only) of Wetlands in the United States. While Section 404 Permits are issued by the U.S. Army Corps of Engineers (COE), Section 404 regulations are written by the U.S. Environmental Protection Agency (EPA).

Section 404 (Clean Water Act) Permit. "Section 404 (Clean Water Act) Permit" means the Wetland dredge and fill permit issued under regulations written to conform to Section 404 of the Clean Water Act. The permit is actually granted by the U.S. Army Corps of Engineers (COE).

Sedimentation. "Sedimentation" means the act or process of depositing sediment from suspension in water. All the processes whereby particles of rock material are accumulated to form sedimentary deposits. Sedimentation, as commonly used, involves not only aqueous but also glacial, aeolian, and organic agents. (Water Quality) Letting solids settle out of wastewater by gravity during treatment.

Service Standards. "Service standards" means a measurement of municipal services used to monitor or compare services provided by the County and other service providers.

Setback. "Setback" means the required distance between every structure and the lot line of the lot on which the structure(s) is located.

Shrubs. "Shrubs" means a self-supporting woody species of plants characterized by persistent stems and branches springing from the base.

Side Yard. See "Yard, Side."

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Site. “Site” is any lot or parcel of land or contiguous combination thereof, under the same ownership, where grading is performed or permitted.

Site-Built Home. "Site-built home" means a dwelling unit where the major components are fabricated and assembled at the building site or a dwelling unit constructed at a house construction factory located within Washoe County. Site-built homes shall comply with Washoe County building codes and other adopted local codes.

Slope. "Slope" ~~means an inclined ground surface expressed as a ratio of horizontal distance to vertical distance~~ **is an inclined ground surface, the inclination of which is expressed as a ratio of horizontal distance to vertical distance.**

Slaughter House, Agricultural. "Agricultural slaughter house" means a building used as an ancillary structure on a farm or ranch for the non-profit slaughtering of animals raised on-site and the processing and storage of animal products and waste that results from a slaughtering process.

Slaughter House, Commercial. "Commercial slaughter house" means a building used for the for-profit slaughtering of animals that are either raised on-site or transported to the building and the processing and storage of animal products and waste that results from a slaughtering process.

Solar Energy. "Solar energy" means energy derived from the sun's rays.

Special Flood Hazard Area. “Special flood hazard area” means the land area covered by the floodwaters of the base flood is the Special Flood Hazard Area (SFHA) on NFIP (National Flood Insurance Program) maps. The SFHA is the area where the NFIP's floodplain management regulations must be enforced and the area where the purchase of flood insurance is mandatory.

Specific Plan. "Specific plan" means a plan prepared for a portion of an area plan which prescribes uses and development standards for that portion.

Stabilized Soil. “Stabilized soil” means earth or soil treated by the application of other materials such as rock, chemical palliatives or vegetation to inhibit creation of dust and erosion by wind or water.

Stockpile. “Stockpile” means any temporary storage of earth, soil, rock, or aggregate either excavated onsite from a permitted activity or imported from an offsite source to be to be utilized onsite for a permitted activity and will be removed at the completion of the construction project.

Story. "Story" is that portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above a usable or unused under-floor space is more than six (6) feet above grade as defined herein for more than fifty (50) percent of the total perimeter or is more than twelve (12) feet above grade as defined herein at any point, such usable or unused under-floor space shall be considered as a story.

Story, First. "First story" is the lowest story in a building which qualifies as a story, as defined herein, except that a floor level in a building having only one (1) floor level shall be classified as a first story, provided such floor level is not more than four (4) feet below grade, as defined herein, for more than fifty (50) percent of the total perimeter, or more than eight (8) feet below grade, as defined herein, at any point.

Stream. “Stream” means a general term for a body of flowing water; natural watercourse containing water at least part of the year. In hydrology, the term is generally applied to the water flowing in a natural channel as distinct from a canal. Some classifications of streams include, in relation to time:

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- (a) Ephemeral Streams. Streams that flow only in direct response to precipitation and whose channel is at all times above the water table.
- (b) Intermittent or Seasonal Streams. Streams that flow only at certain times of the year when it receives water from springs, rainfall, or from surface sources such as melting snow.
- (c) Perennial Streams. Streams that flow continuously.

Streambanks. "Streambanks" mean the usual boundaries, not the flood boundaries, of a stream channel. Right and left banks are named facing downstream (in the direction of flow).

Street. "Street" means a public right-of-way or easement which affords a primary means of access to abutting property.

Structure. "Structure" means a walled and roofed building or manufactured home, including a gas or liquid storage tank that is primarily above ground. "Structure" does not include a tent, trailer or vehicle.

Subdivider. "Subdivider" means any person or persons, firm, corporation, partnership or association that causes land to be divided into a subdivision for himself or itself or for others. A consultant, engineer or surveyor who does not hold title to the land is not considered a subdivider.

Subdivision. "Subdivision" means any land, vacant or improved, which is divided or proposed to be divided vacant or improved, into two (2) or more lots, parcels, sites, units or plots for the purposes of any transfer, development or any proposed transfer or development unless exempted by one of the following provisions:

- (a) "Subdivision" does not apply to any division of land which creates lots, parcels, sites, units or plots of land each of which comprise forty (40) or more acres of land, or 1/16 of a section, including roads and roadway easements, which is subject to the provisions of Article 612.
- (b) Any joint tenancy or tenancy in common shall be deemed a single interest in land.
- (c) Unless a method of disposition is adopted for the purpose of evading this Development Code or would have the effect of evading this Development Code, the term "subdivision" does not apply to:
 - (1) Any division of land which is ordered by any court in this state or created by operation of law;
 - (2) A lien, mortgage, deed of trust or any other security instrument;
 - (3) A security or unit of interest in any investment trust regulated under the laws of this state or any other interest in an investment entity;
 - (4) Cemetery lots; or
 - (5) An interest in oil, gas, minerals or building materials which are not or hereafter severed from the surface ownership or real property.
- (d) "Subdivision" does not apply to creation of parcels of more than (10) acres for agricultural purposes if a street, road or highway opening, widening or easement of any kind is not involved.

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- (e) For the purposes of the definition "subdivision," any interest in land created or established as joint tenancy or a tenancy in common shall be a single interest and not an interest in common, if, and only if, the use or development or the proposed use or development of such land would not be a subdivision as defined in this section if undertaken or proposed by a single entity, whether corporate or an individual. See "Major Subdivision" and "Minor Subdivision."

Substantial Improvement. "Substantial improvement" means any repair, reconstruction, additions or other improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure either before the improvement or addition is started or, if the structure has been damaged, before the damage occurred, regardless of the actual repair work performed. For the purpose of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. "Substantial improvement" does not include:

- (a) Any project for improvement of a structure to comply with existing state or local health, sanitary or safety code specifications; or
- (b) Any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.
 - (1) "Substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure; and
 - (2) "Substantial improvement" does not include improvement of a structure solely to comply with existing state or local health, sanitary or safety code specifications, or any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

Suburban Regulatory Zones. "Suburban regulatory zones" means the Low Density Suburban Regulatory Zone, Medium Density Suburban Regulatory Zone, and High Density Suburban Regulatory Zone.

Surface Runoff. "Surface runoff" means water that results from precipitation which is not absorbed by the soil, evaporated into the atmosphere or entrapped by ground surface depressions and vegetation, and which flows over the ground surface to adjoining properties, storm drains or waterways.

Surveyor. "Surveyor" means a land surveyor registered pursuant to NRS Chapter 625.

Temporary Employee Housing. "Temporary employee housing" means housing for employees of an isolated industrial, mining, railroad, highway, utilities or agricultural based use where those employees occupy the housing on a seasonal basis not more than six (6) months per year. This development may occur on a single parcel or multiple parcels.

Tentative Parcel Map. "Tentative parcel map" means a map which is filed pursuant to Article 606, conforming to the standards and requirements set forth therein.

Tentative Subdivision Map. "Tentative subdivision map" means a preliminary map made to show lot lines, roads, buildings, rights-of-ways and other design factors of a proposed subdivision.

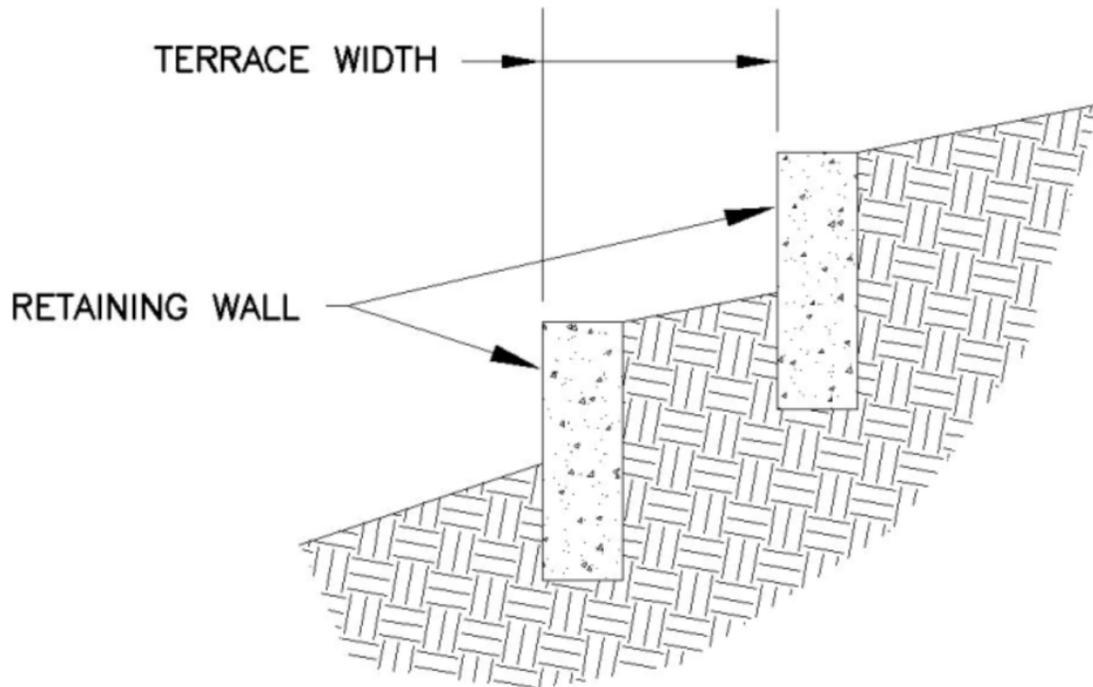
Terrace. "Terrace" means a relatively level step constructed in the face of a graded slope surface for drainage, maintenance and/or development purposes.

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Terrace Width. "Terrace width" the width of a relatively level step constructed in the face of a graded slope or between two (2) retaining walls.

Figure 110.902.15.TW

Terrace Width



Source: Washoe County Engineering Division

Threatened Species. "Threatened species" means any species which is likely to become an endangered species within the foreseeable future and which has been designated in the Federal Register as a threatened species.

Through Lot. See "Lot, Through."

Topography. "Topography" means configuration of a surface, including its relief and the position of natural and man-made features.

Topsoil. "Topsoil" means the upper part of the soil profile that is relatively rich in humus, known in agronomy as the "A-horizon."

Total Developed Land Area. "Total developed land area" means that portion of a property which is disturbed for development purposes including, but not limited to, areas covered by buildings, landscaping, impervious surfaces and other areas graded or excavated to support the development.

Trailer Coach. See "Mobile Home."

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Travel Trailer. See "Recreational Vehicle."

Tree. "Tree" means a large, woody perennial plant with one main trunk or multiple trunks, and many branches.

Unladen Weight. "Unladen weight" means the weight of any vehicle without load, but fully equipped with accessories and appliances belonging to and used by such vehicle in the transportation of persons or property.

Uplighting. "Uplighting" means a source of light where the center of the light beam is at an angle greater than the horizontal.

Urban Regulatory Zones. "Urban regulatory zones" means the Low Density Urban Regulatory Zone, Medium Density Urban Regulatory Zone, and High Density Urban Regulatory Zone.

Use or Land Use. "Use" or "land use" means the primary or primary and secondary use(s) of land such as single family residential, multi-family residential, commercial, industrial, agriculture, etc. The description of a particular land use should convey the dominant character of a geographic area and, thereby, establish types of activities which are appropriate and compatible with primary use(s).

Used. "Used" includes "arranged," "designed" or "intended to be used."

Vegetation, Native. "Native vegetation" means plants that grow naturally in Washoe County, Nevada and have adapted to the climate, soil, location and rainfall patterns of their area.

Vegetation, Natural. "Natural vegetation" means plants which exist on a site before clearing or grading.

Viewshed. "Viewshed" means the surface area that can be seen from a specific viewpoint.

Vista. "Vista" means an area of high ground or projecting earth from which there is a dominant and unobstructed view of surrounding areas.

Watercourse. "Watercourse" means any natural or artificial watercourse, stream, river, creek, ditch, channel, canal, conduit, culvert, drain, gully, ravine, arroyo or wash in which water flows in a definite channel, bed or bank.

Waters of the State (Defined) (Nevada Revised Statutes 445A.415). "Waters of the State" means all waters situated wholly or partly within or bordering upon the State of Nevada, including, but not limited to:

- (a) All streams, lakes, ponds, impounding reservoirs, marshes, water courses, waterways, wells, springs, irrigation systems and drainage systems; and
- (b) All bodies or accumulations of water, surface and underground, natural or artificial.

Wetland. "Wetland" means an area that is periodically inundated or saturated by surface or groundwater on an annual or seasonal basis, that displays hydric soils, and that typically supports or is capable of supporting hydrophytic vegetation.

Wetlands (COE and EPA) (Regulatory). "Wetlands (COE and EPA)" means the U.S. Army Corps of Engineers (COE) and the U.S. Environmental Protection Agency (EPA) have adopted a regulatory definition for administering the Section 404 permit program of the Clean Water Act (CWA) as follows: [Wetlands are] those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of

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vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas.

Wetlands (NRCS) (Technical). "Wetlands (NRCS)" mean the (U.S. Department of Agriculture) Natural Resources Conservation Service (NRCS) [formerly the Soil Conservation Service (SCS)] uses the following definition for identifying wetlands on agricultural land in assessing farmer eligibility for U.S. Department of Agriculture program benefits under the "Swampbuster" provision of the Food Security Act (FSA) of 1985. As amended in 1990, the FSA states that the term "wetland," except when such term is part of the term "converted wetland," means land that:

- (a) Has a predominance of hydric soils;
- (b) Is inundated or saturated by surface or ground water at a frequency and duration sufficient to support a prevalence of hydrophytic vegetation typically adapted for life in saturated soil conditions; and
- (c) Under normal circumstances does support a prevalence of such vegetation.

Will Serve Letter. "Will serve letter" means a letter from a utility purveyor assuring the provision of services for proposed development.

Yard. "Yard" means an open space on the same lot or parcel used with the building, extending from the setback line to the nearest lot line, to be unoccupied and unobstructed except as provided in the Development Code.

Yard, Front. "Front yard" means a yard lying between the setback line and the front lot line and extending across the full width of the lot or parcel. In the case of either a corner lot or an interior lot with multiple street frontages, all yards abutting streets, other than collectors or arterials, shall be considered as front yards.

Yard, Rear. "Rear yard" means a yard between the setback line and the rear lot line and extending across the full width of the lot or parcel. On a corner lot, the side opposite the shortest front yard width is considered the rear yard of the lot.

Yard, Side. "Side yard" means a yard lying between the setback line and the side lot line and extending from the front yard line to the rear yard line.

Zone or Regulatory Zone. "Zone" or "Regulatory Zone" means a portion of the unincorporated area of Washoe County which is specifically designated in Article 106 of this Development Code.

SECTION 23. 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 Chair 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.

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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. 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.

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Passage and Effective Date

Proposed on _____ (month) _____ (day), 2024.

Proposed by Commissioner _____.

Passed on _____ (month) _____ (day), 2024.

Vote:

Ayes:

Nays:

Absent:

Alexis Hill, Chair
County Commission

ATTEST:

Jan Galassini, County Clerk

This ordinance shall be in force and effect from and after the
_____ day of the month of _____ of the year _____.

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INFORMATION ONLY

REGULAR TEXT: NO CHANGE IN LANGUAGE

~~STRIKEOUT TEXT: DELETE LANGUAGE~~

BOLD TEXT: NEW LANGUAGE

Notice: Per NRS 239B.030, this document does not contain personal information as defined in NRS 603A.040

Summary: Amends Washoe County Code Chapter 110 (Development Code) in Article 438 Grading Standards, Article 810 Special Use Permits, and Article 902 Definitions to update and amend regulations related to grading.

BILL NO. _____

ORDINANCE NO. _____

Title:

AN ORDINANCE AMENDING WASHOE COUNTY CODE CHAPTER 110 (DEVELOPMENT CODE) IN ARTICLE 438 GRADING STANDARDS, ARTICLE 810 SPECIAL USE PERMITS, AND ARTICLE 902 DEFINITIONS TO UPDATE PROVISIONS RELATED TO GRADING. THE AMENDMENTS INCLUDE: DELETING SECTIONS IN ARTICLE 438 RELATED TO GRADING FEES, DEFINITIONS, GRADING OF SLOPES, CUTS, FILLS, AND PHASING AND STABILIZATION OF GRADING; REVISING EXISTING SECTIONS IN ARTICLE 438 RELATED TO SCOPE, REQUIRED PERMITS, EXEMPTED WORK, MAJOR GRADING PERMIT THRESHOLDS, MAJOR GRADING PERMIT APPLICATION REQUIREMENTS, MINOR GRADING PERMIT THRESHOLDS, MINOR GRADING PERMIT APPLICATION REQUIREMENTS, FINANCIAL SECURITY FOR GRADING, UNPERMITTED GRADING, STOP ACTIVITY ORDERS, NOTICE OF VIOLATIONS AND ENFORCEMENT, PENALTIES AND PROCEDURES, GRADING & RETAINING WALLS WITHIN SETBACKS, DRAINAGE AND TERRACING, EROSION CONTROL, GRADING INSPECTIONS, NOTIFICATION OF COMPLETION OF WORK, GRADING WITHIN FLOODPLAINS, DRAINAGE WAYS AND CLOSED HYDROLOGIC BASINS; AND ADDING SECTIONS IN ARTICLE 438 RELATED TO GRADING STANDARDS AND ROCKERY WALLS; ADDING A SECTION TO ARTICLE 810 RELATED TO DETERMINATIONS OF SUBSTANTIAL CONFORMANCE FOR MAJOR GRADING; AND REVISING AN EXISTING SECTION IN ARTICLE 902 TO ADD AND/OR REVISE

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VARIOUS DEFINITIONS; AND ALL MATTERS NECESSARILY CONNECTED THEREWITH AND PERTAINING THERETO.

WHEREAS:

- A. This Commission desires to amend Article 438 Grading Standards, Article 810 Special Use Permits and Article 902 Definitions of the Washoe County Development Code (Chapter 110 of the Washoe County Code) in order to update and amend regulations related to grading; and
- B. The Washoe County Planning Commission held a duly noticed public hearing for WDCA24-0001 and initiated the proposed amendments to the Washoe County Development Code, Article 438 Grading Standards, Article 810 Special Use Permits and Article 902 Definitions by Resolution Number XX-XX on June 4, 2024; and
- C. The amendments and this ordinance were drafted in concert with the District Attorney; and
- D. Following a first reading and publication as required by NRS 244.100(1), and after a duly noticed public hearing, this Commission desires to adopt this Ordinance; and
- E. This Commission has determined that this ordinance is being adopted pursuant to requirements set forth in Chapter 278 of NRS, therefore it is not a "rule" as defined in NRS 237.060 requiring a business impact statement.

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

SECTION 1. Sections 110.438.15 (Grading Fees), 110.438.25 (Definitions), 110.438.45 (Grading of Slopes), 110.438.50 (Cuts), 110.438.55 (Fills), and 110.438.77 (Phasing and Stabilization of Grading) of the Washoe County Code are hereby deleted in their entirety.

SECTION 2. Section 110.438.05 of the Washoe County Code is hereby amended to read as follows:

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Section 110.438.05 Scope. This article sets forth rules and regulations to control grading which includes clearing and grubbing, excavation, grading, earthwork construction, fills, and embankments; establishes the administrative procedure for issuance of permits; establishes the administrative procedure to respond to grading completed without first obtaining appropriate permits and provides for approval of plans and inspection of grading construction. The appropriate American Society for Testing and Materials (ASTM) materials testing standards or equivalent as approved by the County Engineer will be used as required to verify grading and earthwork construction. This article is enforceable by the County Engineer, ~~the Director of Community Development~~ **the Planning and Building Division** and the County Building Official, as appropriate. ****REMOVED****

SECTION 3. Section 110.438.10 of the Washoe County Code is hereby amended to read as follows:

Section 110.438.10 Permits Required. Except as specified in Section 110.438.20, no person shall do any grading in excess of fifty (50) cubic yards of material or 10,000 square feet of grading without first having obtained a grading permit from the Building Official as enforceable under the powers of Chapter 100 and from the ~~Department of Community Development~~ **Director of Planning and Building** and the County Engineer as enforceable under the powers of Chapter 110. A separate permit shall be obtained for each site and may cover both excavations and fills.

Table 110.438.10.1

Permits Required*

Grading of any amount within a special flood hazard area as defined by the County Engineer or within any drainage facility as defined herein	Grading permit** issued by Washoe County and possibly special use permit*** depending upon the amount proposed to be graded
Grading of fifty (50) cubic yards or less or ten thousand (10,000) square feet of grading or less (outside a special flood hazard area as defined by the County Engineer and outside of any drainage facility)	No permit required
Minor grading as defined at Section 110.438.37*	Grading permit issued by Washoe County
Major grading as defined at Section 110.438.35(a)	Special use permit approved by the Washoe County Board of Adjustment, or Planning Commission, followed by a grading permit issued by Washoe County

Type of Work	Grading Permit Required	Special Use Permit per 110.438.28
Grading less than 50 cubic yard/ 10,000 sf	No	No
Grading more than 50 cubic yard/ 10,000 sf (Minor Grading as defined in 110.438.26)	Yes	No
Major Grading as defined in	Yes	Yes

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110.438.28		
Grading within a special flood hazard area	Yes	Yes/No**

* Except as provided for in Section 110.438.20, Exempted Work.

** ~~A grading permit is an administrative approval through the Department of Building and Safety with the approval of the Department of Community Development and the Engineering Division.~~ **Special Use Permit required as provided for in Section 110.438.28, Major Grading Permit Thresholds.**

*** ~~A special use permit requires the approval of the Board of Adjustment or Planning Commission after a public hearing.~~

SECTION 4. Section 110.438.20 of the Washoe County Code is hereby amended to read as follows:

Section 110.438.20 Exempted Work. Exemption from the permit requirements of this article shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this article or any other laws or ordinances of this jurisdiction. A grading permit is not required for the following:

- ~~(a) An excavation below finished grade for basements and footings of a building, retaining wall or other structure authorized by a valid building permit. This shall not exempt any fill made with the material from such excavation or exempt any excavation having an unsupported height greater than five (5) feet after the completion of such structure.~~
- ~~(ba) Cemetery graves.~~
- ~~(cb) Refuse disposal sites controlled by other regulations.~~
- ~~(dc) Excavations for wells. (Note: all roads to service the well require a separate permit application.)~~
- ~~(ed) Excavations for utilities serving individual properties. (Note: all roads to service the utility excavation require a separate permit application.)~~
- ~~(fe) Mining, quarrying, excavating, processing or stockpiling of rock, sand, gravel, aggregate or clay where established and provided for by law, provided such operations do not affect the lateral support or increase the stresses in or pressure upon any adjacent or contiguous property.~~
- ~~(gf) Exploratory excavations under the direction of soil **geotechnical** engineers or ~~engineering geologists.~~~~
- ~~(hg) Surface grading for leveling and maintaining existing roadways and driveways~~ **Grading for leveling and maintaining existing roadways and driveways and associated drainage facilities, which includes the grading of native soil, or imported aggregate/base material for the purpose of re-establishing historic roadway and drainage profile and cross section.**

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- (h) Excavation for sanitary septic systems. **(Note: all roads to service the utility excavation require a separate permit application.)**
- (ji) Surface grading which does not alter the contour of the land for crop production use type.
- (kj) Clearing of vegetation ~~within the recommended defensible space distance of a structure for fire protection, upon the approval of a defensible space plan by the applicable fire agency, in conformance with the currently adopted International Wildland-Urban Interface Code~~ **by a public fire-fighting agency on public and private property, in accordance with a fire defensible space mitigation plan or similar document as approved by a governing Fire Board.**
- (k) **Grading which requires federal or state permitting for either scientific research or conservation activities, including but not limited to water quality monitoring and stream flow gauging.**
- (l) **Maintenance clearing of vegetation, removal of sediment and similar activity to reestablish engineered profile and cross section of existing irrigation ditches, detention or retention ponds, or engineered conveyance channels.**

SECTION 5. Section 110.438.30 of the Washoe County Code is hereby amended to be renumbered as Section 110.438.43.

SECTION 6. Section 110.438.35 of the Washoe County Code is hereby amended to read as follows and shall be renumbered as Section 110.438.28.

Section 110.438.3528 Major Grading Permit Thresholds.

- (a) Major Grading Permits (Grading Requiring a Special Use Permit). A special use permit, pursuant to Article 810, is required for all major grading. Major grading is any clearing, excavating, cutting, filling, grading, ~~earthwork construction, earthen structures~~ **berming**, and ~~storage of earth~~ **stockpiling**, including fills and embankments that meet or exceed any one (1) or more of the following thresholds (for the purposes of this section the County Engineer shall determine the slope of the project area):

~~(1) Grading on slopes of less than (flatter than) fifteen (15) percent~~ **Projects resulting in:**

(i) Area:

- (A) Grading of an area of one (1) acre (43,560 square feet) or more on parcels less than six (6) acres in size; or
- (B) Grading of twenty (20) percent or more (up to a maximum of four (4) acres) of the area of the parcel on parcels six (6) acres or greater in size;-or
- ~~(C) Grading of and area of more than four (4) acres on a parcel of any size; or~~

(ii) Volume:

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- (A) ~~Excavation of five thousand (5,000)~~ **Grading of fifteen thousand (15,000)** cubic yards or more whether the material is intended to be permanently located on the project site or temporarily stored on a site for relocation to another, final site, or;
- (B) ~~Importation or export~~ of five thousand (5,000) cubic yards or more whether the material is intended to be permanently located on the project site or temporarily stored on a site for relocation to another, final site; or
- (iii) **Depth:**
 - (A) **Cut below existing legal ground greater than twenty (20) feet; or**
 - (B) **Fill above existing legal ground greater than ten (10) feet; or**
- (2) ~~Grading on slopes of fifteen (15) percent or greater (steeper):~~
 - (i) ~~Area:~~
 - (A) ~~Grading of one-half (0.5) acre (21,780 square feet) or more on parcels less than six (6) acres in size; or~~
 - (B) ~~Grading of ten (10) percent or more of the area of the parcel on parcels six (6) acres or greater in size; or~~
 - (C) ~~Grading of more than two (2) acres on any size parcel; or~~
 - (ii) ~~Volume:~~
 - (A) ~~Excavation of one thousand (1,000) cubic yards or more whether the material is intended to be permanently located on the project site or temporarily stored on a site for relocation to another, final site, or;~~
 - (B) ~~Importation of one thousand (1,000) cubic yards or more whether the material is intended to be permanently located on the project site or temporarily stored on a site for relocation to another, final site; or~~
- (2) **Any project which proposes rock crushing used within the project of record (i.e., the approved tentative map, special use permit or building permit); or**
- (3) Any driveway or road that traverses any slope of thirty (30) percent or greater (steeper) **along a cumulative linear distance of fifty (50) feet or more; or**
- (4) Grading to construct a ~~permanent earthen structure~~ **berm** greater than four and one-half (4.5) feet in height within the required front yard setback, ~~or greater than six (6) feet in height on the remainder of the property. The height of an earthen structure is measured from existing grade at the time of permit issuance; or~~

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- (5) Grading within a special flood hazard area that results in importation and placement of more than one thousand (1,000) cubic yards of fill material; or
 - (6) ~~The creation of a dam structure that holds (retains) more than twenty-five thousand (25,000) cubic feet of water; or~~
 - (76) Any grading in the Critical Stream Zone Buffer Area (CSZBA) of any Significant Hydrologic Resource (SHR) as defined by Article 418, Significant Hydrologic Resources.
- (b) A special use permit is not required for:
- (1) Earthwork performed by the subdivider or developer of an approved subdivision, or other projects that has completed a hearing process and review pursuant to which mitigation conditions could have been attached in the same manner as in the special use permit process.
 - (2) **Trenching and/or backfilling for public or private utilities.** ~~within the public right-of-way or a public utility easement.~~
 - (3) The area under a building footprint, paved roadway or paved parking lot on natural slopes less than (flatter than) thirty (30) percent.
 - (4) The area and volume of excavation required for landscaped areas devoted to and maintained with a mixture of new native and ornamental plants such as turf, groundcover, shrubs, flowers, vines and trees, as well as additional complementary decorative features such as rocks, decorative pavement, fountains, pools, sculpture and decorative walls, as shown on approved grading plans, that include landscaping in accordance with standards for commercial uses pursuant to Article 412, Landscaping.
 - (5) Areas disturbed by animal production, crop production, and the growing and harvesting of forest products that does not result in a change in elevation greater than three (3) feet.
 - (6) ~~The area and volume of excavation required for the traveled way of driveways to single-family residences, on slopes less than fifteen (15) percent. Where native soil provides inadequate stabilization, the driveway shall be stabilized with a surfacing material and method satisfactory to the County Engineer. This does not exempt the area and volume of any adjacent cut and fill slopes.~~ **Temporary stockpiles associated with an approved entitlement with specific information identifying the general location, height, and duration of the stockpile.**
 - (7) Grading for stabilization and restoration of areas damaged by natural disasters such as wildfire or flooding. ~~Plans must include detailed stabilization specifications to the satisfaction of the County Engineer.~~

SECTION 7. Section 110.438.36 of the Washoe County Code is hereby amended to read as follows and shall be renumbered as Section 110.438.29.

Section 110.438.3629 Major Grading Permit Application Requirements.

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- (a) Major Grading Permit Application Requirements. Major grading is equal to or greater than the limiting quantities for a special use permit as in Section 110.438.3528. Application for a special use permit for grading (major grading) requires the following:
- (1) Application for a major grading permit shall be accompanied by plans and specifications and supporting data consisting of a ~~soils engineering~~ **geotechnical** report and, when required by the County Engineer, ~~an engineering geology report~~. The plans and specifications shall be prepared and signed by an individual licensed by the State of Nevada to prepare such plans or specifications. This individual shall be considered as the engineer or architect of record unless otherwise approved by the County Engineer.
 - (2) Specifications shall contain information covering construction and material requirements.
 - (3) Plans shall be drawn to scale and shall be of sufficient clarity to indicate the nature and extent of the work proposed and show in detail that the work will conform to the provisions of this code and all relevant laws, ordinances, rules and regulations. The first sheet of each set of plans shall give the location of the work, the name and address of the owner, and the person by whom they were prepared.
 - (4) Financial assurances acceptable to the County Engineer, prior to approval of a grading permit to commence work in accordance with an estimate acceptable to the County Engineer for completion of the grading request as defined at Section 110.438.3949.
 - (5) The plans shall include the following information:
 - (i) General vicinity of the proposed site.
 - (ii) Property limits and accurate contours of existing ground and details of terrain and area drainage.
 - (iii) All finish grade elevations, high point locations, limiting dimensions, and finished contours to be achieved by grading, and all drainage swales, natural drainage ways, and drainage easement locations both on-site and immediately off-site as needed to verify the proposed drainage system.
 - (iv) Detailed plans of all surface and subsurface drainage devices, walls, cribbing, dams, and other protective devices to be constructed with, or as a part of, the proposed work, together with a map showing the drainage area and the estimated runoff of the area served by any drains. All disturbed areas and cut and fill volumes shall be quantified and shown on the plans. Plans shall include diversion of runoff away from denuded slopes or other critical areas, as determined by the County Engineer, by means of barriers or ditches.
 - (v) Location of any buildings or structures on the property where work is to be performed and the location of any buildings or structures on land of adjacent owners that are within fifteen (15) feet of the property line or that may be affected by the proposed grading operations.

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- (vi) Recommendations included in the ~~soils engineering report and the engineering geology~~ **geotechnical** report shall be incorporated in the grading plans or specifications. When approved by the County Engineer, specific recommendations contained in the ~~soils engineering~~ **geotechnical** report ~~and the engineering geology report~~, which are applicable to grading, may be included by reference.
 - (vii) The dates of the ~~soils engineering and engineering geology~~ **geotechnical** reports together with the names, addresses and phone numbers of the firms or individuals who prepared the reports.
 - (viii) The destination of excavated material not used on site, how it will be used at its end destination and the location of temporary material storage site(s).
 - (ix) Plans shall provide for preservation of trees and natural vegetation, wherever practical.
 - (x) One (1) set of the following application materials and information shall be submitted in digital format. The digital files provided shall match those used for any exhibits and/or acreage information contained in the original paper application. Preferred file format will be compatible with ESRI Geographic Information System (GIS) software technology (AutoCAD files are acceptable but should only include the relevant layer information necessary to satisfy the requirements noted and be formatted in a coordinate system acceptable to Washoe County).
 - (A) The location and limits of all grading work to be done including proposed contours, cuts, and fills (i.e. finished grade elevations);
 - (B) Proposed drainage patterns (if altering existing drainage patterns) and any walls or terraces (with proposed height); and,
 - (C) The location of proposed buildings and building envelopes.
 - (xi) **Any projects proposing importing or exporting material in the excess of 5,000 cubic yards, require the applicant to provide a haul route mitigation plan for review and approval by the County Engineer.**
- (6) Soils Geotechnical Engineering Report. The ~~soils~~ **geotechnical** report required by Section 110.438.36**29**(a)(1) shall include data regarding the nature, distribution and strength of existing soils, conclusions and recommendations for grading procedures and design criteria for corrective measures, including buttress fills, when necessary, and opinion on adequacy for the intended use of site to be developed by the proposed grading as affected by soils engineering factors, including the stability of slopes.
- ~~(7) Engineering Geology Report. The engineering geology report required by Section 110.438.36(a) shall include an adequate description of the geology of the site, conclusions and recommendations regarding the effect of geologic conditions on the proposed development, and opinion on the adequacy for the intended use of sites to be developed by the proposed grading, as affected by geologic factors.~~

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- (87) Liquefaction Study. The County Engineer may require a geotechnical investigation and report addressing the potential for liquefaction, for construction of a dam or when, during the course of an investigation, both of the following circumstances are discovered:
- (i) Shallow groundwater, fifty (50) feet or less, and
 - (ii) Unconsolidated sandy alluvium.
- (98) Plans for major grading associated with the development of a commercial or industrial project or a residential subdivision shall include a plan to ensure that all disturbed areas are quickly stabilized to minimize the impact to human health by reducing or eliminating erosion and fugitive dust emissions. The ~~Director of Community Development~~ **County Engineer** may require submittal of a phasing plan to avoid mass grading, where appropriate.
- (409) Shall include specifications for final stabilization of all disturbed areas.

SECTION 8. Section 110.438.37 of the Washoe County Code is hereby amended to read as follows and shall be renumbered as Section 110.438.26 .

Section 110.438.3726 Minor Grading Permit Thresholds. A permit for minor grading is required for **grading** fifty (50) cubic yards of earthen material or greater or **grading** an area of ten thousand (10,000) square feet **or more.** ~~of grading of the land surface or greater, but less than the thresholds established for major grading.~~

SECTION 9. Section 110.438.38 of the Washoe County Code is hereby amended to read as follows and shall be renumbered as Section 110.438.27.

Section 110.438.3827 Minor Grading Permit Application Requirements.

- (a) Each application for a minor grading permit shall include grading plans that are drawn to scale and must be of sufficient clarity to indicate the nature and extent of the work proposed and show in detail that the work will conform to the provisions of this code and all relevant laws, ordinances, rules, and regulations. The first sheet of each set of plans shall give the location of the work, the name and address of the owner, and the person by whom they were prepared. The plan shall include, as a minimum, the following information:
- (1) General vicinity of the proposed site.
 - (2) ~~Limiting dimensions and depth of cut and fill, including~~ **The limits of disturbance** ~~the quantities of all disturbed areas~~ and volumes of cut and fill.
 - (3) Location of any buildings or structures where work is to be performed, and the location of any buildings or structures within fifteen (15) feet of the proposed grading.

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- (4) Location of all on-site drainage swales, natural drainage ways, and drainage easements both on-site and sufficient off-site locations as needed to verify the proposed drainage system.
 - (5) Property boundaries and accurate contours of existing ground and details of terrain and area drainage.
 - (6) Accurate contours of existing and proposed finish grading.
 - (7) Financial assurances as required in Section 110.438.3649 for any grading in excess of one (1) acre.
 - (8) Specifications for final stabilization of all disturbed areas.
- (b) Any application for a minor grading permit that lacks sufficient detail and clarity, in the opinion of the County Engineer, may result in the imposition of any or all requirements for plans for major grading as specified in Section 110.438.3629, specifically including the requirement for submission of plans prepared by an individual licensed by the State of Nevada to prepare such plans.

SECTION 10. Section 110.438.39 of the Washoe County Code is hereby amended to read as follows and shall be renumbered as Section 110.438.49.

Section 110.438.3949 Financial Security for Grading.

- (a) Financial security in the amount required in **this** Section 110.438.36 (a)(4) and in Section 110.438.38 (a)(7) shall be provided to the County Engineer to assure that the work, if not completed in accordance with the approved plans and specifications, will be corrected to eliminate hazardous conditions, to assure completion of the work, to assure reclamation for uncompleted or completed work, and to assure correction of illegal or nonconforming work.
- (1) The amount of the financial security shall be the higher of:
 - (i) Two thousand dollars (\$2,000) per acre of disturbed area: or
 - (ii) A reclamation cost estimate ~~when required and~~ **including the cost for backbone drainage infrastructure construction costs completed by a licensed professional in the State of Nevada** and approved by the County Engineer.
 - (2) The County Engineer may use the financial security at any point after cessation of work. The County Engineer may choose to suspend use of the bond or financial assurance if:
 - (i) Due diligence is shown to the County Engineer;
 - (ii) The County Engineer accepts a revised schedule for completion; or
 - (iii) Events beyond control of the permittee occur.

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- (3) The applicant shall include an agreement with the County that grading shall be done as shown on the approved plans or the applicant shall restore the project site to its original undisturbed condition.
- (4) The financial security shall be released upon determination by the County Engineer of:
 - (i) Completion of work;
 - (ii) Completion of reclamation; or
 - (iii) Correction of illegal or nonconforming work.
- (5) After financial security is spent in whole or in part on reclamation of uncompleted work, additional financial security will be required prior to resumption of work.

SECTION 11. Section 110.438.40 of the Washoe County Code is hereby amended to read as follows and shall be renumbered as Section 110.438.51.

Section 110.438.4051 Unpermitted Grading, Stop Activity Order, Notice of Violation and Enforcement, Penalties and Procedures. Any major or minor grading, conducted prior to issuance of the appropriate permits as described in this article and any grading inconsistent with the amount, location and/or contour approved by such a permit, is unlawful, a misdemeanor, and a public nuisance under Washoe County Code 50.308.13. This article may be enforced by any of the remedies or procedures set out in Article 910, Enforcement. However, due to the major and irreversible impacts that grading may have on the lands of the County, special enforcement and stop activity order provisions set forth below apply:

- (a) Special Enforcement Provisions. The procedural provisions in Article 910, Enforcement, regarding criminal, civil, or administrative enforcement apply to enforcement of grading violations, except as follows:
 - (1) The County Engineer or his/her designee is hereby designated as an "enforcement official" for enforcement of this article, in addition to a peace officer, or any person authorized to issue citations in Article 910, Enforcement. ~~The County Engineer or his/her designee shall be the primary enforcement official charged with enforcement of this article.~~
 - (2) A Notice of Correction shall not be used. If a violation of this article is observed, the enforcement official will bypass the notice of correction and issue a notice of violation or notice of abatement.
 - (3) Mediation is not authorized in grading violation cases.
 - (4) If administrative enforcement procedures are used, a hearing before a hearing officer shall automatically be scheduled to occur within forty-five (45) days after the notice of violation or abatement is issued.
 - (5) If an appeal of the issuance of a notice of violation or notice of abatement is made to the Board of Adjustment or an appeal (judicial review) of the Board of Adjustment's decision is requested, during the time period in which that appeal or judicial review takes place:

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- (i) Unless otherwise agreed, all grading work in progress must stop pending the outcome of the appeal and the enforcement official may issue and enforce a stop activity order;
 - (ii) All criminal, civil or administrative proceedings shall be suspended pending the outcome of the Board of Adjustment appeal hearing, except for the issuance or enforcement of a stop activity order, and further except for the commencement of abatement proceedings as provided below.
 - (iii) If the Board of Adjustment affirms the issuance of the notice of violation or abatement, the criminal, civil or administrative procedures shall be resumed in order to obtain an order directing abatement and/or assessing penalties. If the Board or Court reverses the issuance of the notice of violation/abatement, all proceedings shall be terminated.
- (6) The enforcement official may suspend or amend any provision in a stop activity order or notice of violation/abatement.
- (7) During any of the proceedings described above, if the grading in question has caused or imminently will cause a dangerous condition as defined in NRS 244.3605, the County may, abate the condition to the extent necessary to avoid causing injury to or endangering the health, life, property or safety of the general public. An example would be grading that obstructs or interferes with drainage facilities.
- (b) Stop Activity Order. Upon reasonable suspicion that unpermitted grading has occurred or is occurring, a stop activity order may be issued by a peace officer, any person authorized to issue citations in Article 910, Enforcement, or the County Engineer and/or the County Engineer's designee (the "enforcement official"). Upon issuance of a stop activity order all grading activity on the subject site must cease. Any person who has been served with a stop activity order and continues to do any work in violation of the order, except work that is directed or approved by the enforcement official and is immediately necessary to remove a violation or unsafe condition, shall be guilty of a misdemeanor, and each day or part of a day that the person continues to perform the work shall be a separate offense.
- (1) The stop activity order shall:
 - (i) Describe the location and nature of grading observed and allege that it requires a grading permit or amendment of a grading permit.
 - (ii) Direct that all grading activities immediately stop until further notice and that violation of the stop activity order is punishable as a public nuisance.
 - (iii) Direct that the property owner or designee appear before the County Engineer within a specified number of working days [not to exceed ten (10)] to demonstrate that his/her conduct does not violate this code, or to appear before the County Building Official and/or the ~~Director of Community Development~~ **Director of the Planning and Building Division** to apply for the appropriate grading permit or other required authorization.
 - (iv) State the possible consequences of a failure to obey the order.

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- (2) Remediation Order. The County Engineer and/or— the County Engineer’s designee may modify the stop activity order by issuance of a “remediation order” to include immediate steps to be taken, and a time schedule for those steps, to remediate any identified threats to the health, safety, and welfare of the public caused by the unpermitted grading. Failure to comply with the remediation order may result in Washoe County undertaking the necessary civil, criminal and/or administrative actions as determined by the County Engineer and/or the enforcement official and authorized by Section 110.438.3043.
- (3) Rescinding of Stop Activity Order. A stop activity order may only be rescinded by:
 - (i) The enforcement official, when sufficient information has been provided for the County Engineer to determine that a grading permit is not required or upon the acquisition of all necessary permits, by the violator, or upon other circumstances at the discretion of the enforcement official when the intent of this code has been met, or
 - (ii) Order of an administrative hearing officer pursuant to Washoe County Code Chapter 125, or
 - (iii) Order of a court of competent jurisdiction.
- (4) If the violator does not immediately stop the work described in the stop activity order the County may seek an immediate civil injunction against further grading and possible appropriate remedies to abate unpermitted grading or may pursue other criminal remedies.

SECTION 12. Section 110.438.41 of the Washoe County Code is hereby shall be renumbered as 110.438.46.

SECTION 13. Section 110.438.60 of the Washoe County Code is hereby amended to read as follows and shall be renumbered as 110.438.32.

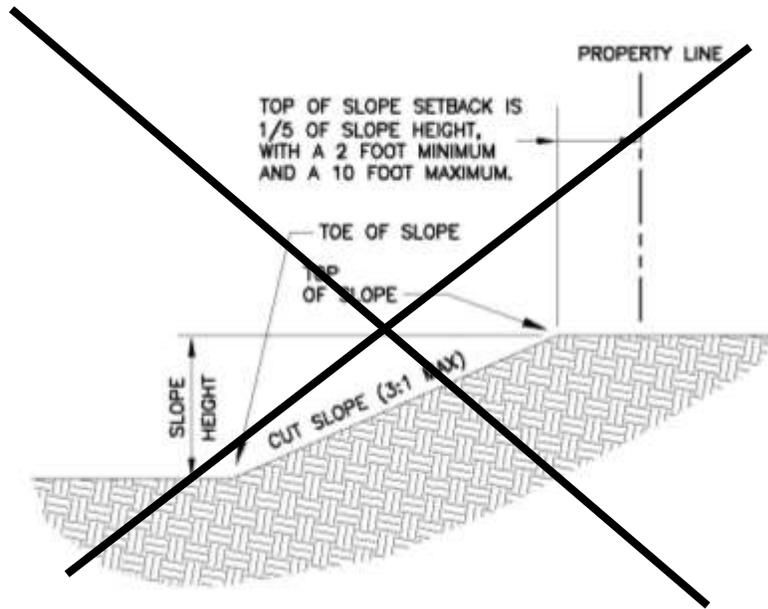
Section 110.438.6032 Grading & Retaining Walls Within Setbacks. ~~Cut and fill slopes shall be set back from site boundaries in accordance with this section.~~ **Earthwork and retaining walls within building setbacks shall adhere to this section.** Setback dimensions shall be horizontal distances measured perpendicular to the site boundary. **The setback standards of this section may be reduced with the approval of a director’s modification of standards by the Director of Planning and Building upon recommendation by the County Engineer.**

- (a) Top of Cut Slope. ~~The top of cut slopes shall not be made nearer to a site boundary line than one-fifth (1/5) of the vertical height of cut with a minimum of two (2) feet and a maximum of ten (10) feet. The setback may need to be increased for any required interceptor drains (see Figure 110.438.60.TOCS).~~ **Exemption. This section shall not apply when the grading is for roadways or if adjoining properties are under the same ownership or permit.**

Figure 110.438.60.TOCS

TOP OF CUT SLOPE

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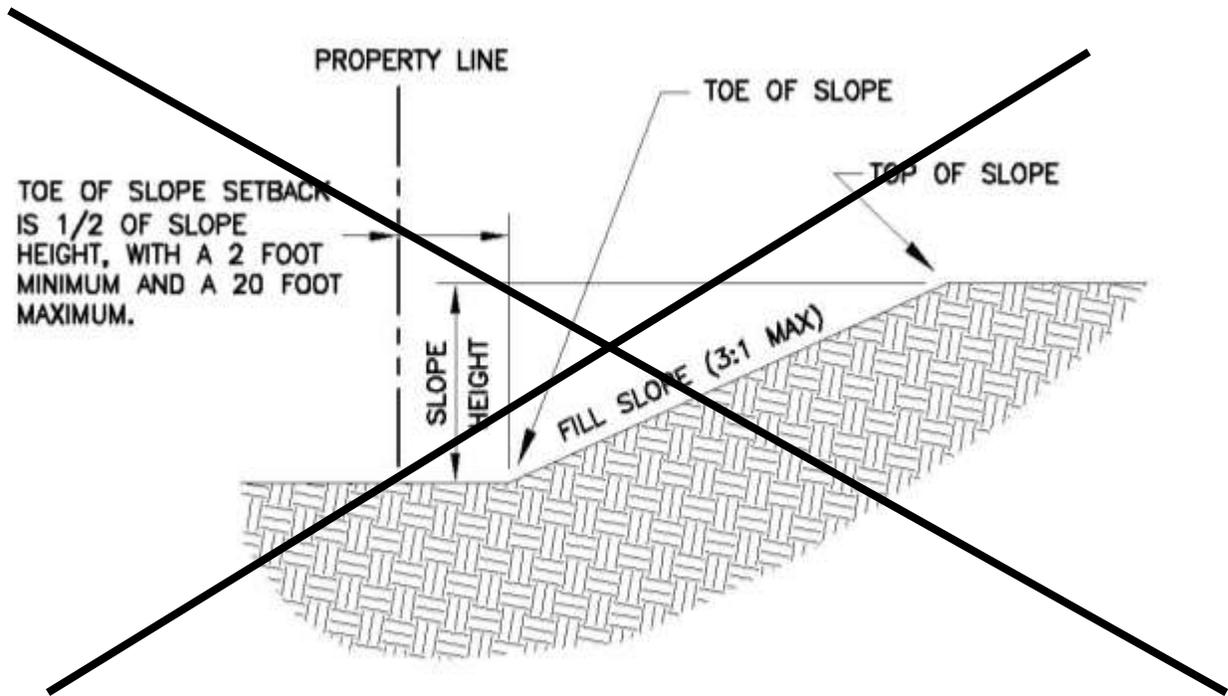


Source: Washoe County Engineering Division

(b) ~~Toe of Fill Slope Front Setbacks.~~ The required setback from the toe of the slope to the site boundary line shall be one-half (1/2) the height of the slope with a minimum of two (2) feet and a maximum required setback not to exceed twenty (20) feet (see Figure 110.438.60.TOFS). Where a fill slope is to be located near the site boundary and the adjacent off-site property is developed, special precautions shall be incorporated in the work as the Building Official or County Engineer deems necessary to protect the adjoining property from damage as a result of such grading. These precautions may include but are not limited to: **The following standards apply to retaining walls and/or berms within the front setbacks:**

- (1) ~~Additional setbacks.~~ **Residential Use.** Retaining walls and/or berms within the front setbacks for residential uses are limited to a maximum exposed height of four and one-half (4.5) feet. Retaining walls may be greater than 4.5 feet for the construction of a driveway.
- (2) ~~Provisions for retaining walls or slough walls.~~ **Commercial or Industrial Uses.** Retaining walls and/or berms within the front setback for commercial or industrial uses are limited to a maximum exposed height of six (6) feet.
- (3) ~~Mechanical or chemical treatment of the fill slope surface to minimize erosion.~~
- (4) ~~Provisions for the control of surface waters.~~

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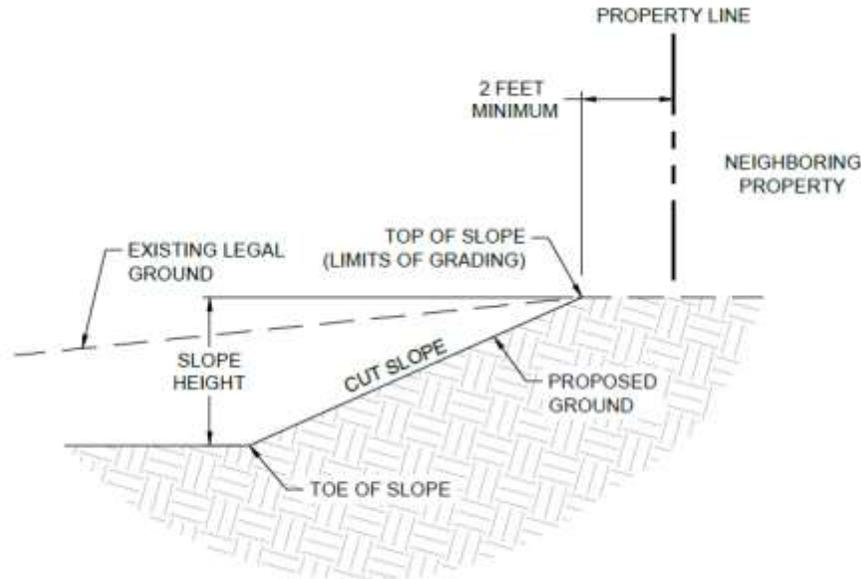


Source: Washoe County Engineering Division

- (c) Modification of Slope Location Side and Rear Setbacks. ~~The Building Official or County Engineer may approve alternate setbacks subject to the approval of a director's modification of standards by the Director of Community Development, upon recommendation by the County Engineer. The Building Official or County Engineer may require an investigation and recommendation by a qualified professional to demonstrate that the intent of this section has been satisfied. The following standards apply to retaining wall and/or berms within the side and rear setbacks:~~
- (1) Residential Use. Retaining walls and/or berms within the side or rear setbacks for residential uses are limited to a maximum exposed height of six (6) feet.
 - (2) Commercial or Industrial Uses. Retaining walls and/or berms within the side or rear setbacks for commercial or industrial uses are limited to a maximum exposed height of eight (8) feet.
 - (3) All Zoning. Within all regulatory zones, finish grade shall not differ from the existing legal ground by more than four and one-half (4.5) feet within 10 feet horizontally from the side and rear property lines (See Figure 110.438.31.1).
- (d) Top of Cut Slope. The top of cut slopes shall be a minimum of two (2) feet from the property line. The setback may need to be increased for any required interceptor drains (See Figure 110.438.32.1 TOCS).

Figure 110.438.32.1TOCS
TOP OF CUT SLOPE

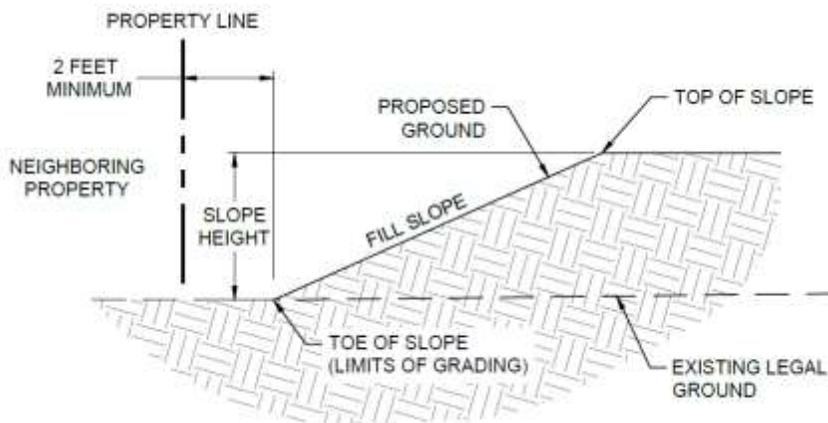
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(e) **Toe of Fill Slope.** The toe of fill slopes shall be a minimum of two (2) feet from the property line (See Figure 110.438.45.32.2 TOFS). Where a fill slope is to be located near the site boundary and the adjacent off-site property is developed, special precautions shall be incorporated in the work as the Building Official or County Engineer deems necessary to protect the adjoining property from damage as a result of such grading. These precautions may include, but are not limited to:

- (i) Additional setbacks.
- (ii) Provisions for retaining walls or interceptor drains.
- (iii) Mechanical or chemical treatment of the fill slope surface to minimize erosion.
- (iv) Provisions for the control of surface waters.

Figure 110.438.32.2 TOFS
TOE OF FILL SLOPE



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- (f) **Modification of Slope Location.** The setback standards of this section may be reduced with the approval of a director's modification of standards by the Director of Planning and Building, upon recommendation by the County Engineer. The Building Official or County Engineer may require an investigation and recommendation by a qualified professional to demonstrate that the intent of this section has been satisfied.

SECTION 14. Section 110.438.65 of the Washoe County Code is hereby amended to read as follows and shall be renumbered as Section 110.438.33.

Section 110.438.6533 Drainage and Terracing. Drainage facilities and terracing shall be shown on the approved grading plan.

- (a) Subsurface Drainage. Cut and fill slopes shall be provided with subsurface and surface drainage as necessary for stability.
- (b) Drainage Disposal. All drainage facilities shall be designed to carry waters to the nearest acceptable drainage way approved by the Building Official or County Engineer. Erosion of ground in the area of discharge shall be prevented by installation of erosion control facilities. Building pads shall have a drainage gradient of two (2) percent toward approved drainage facilities, unless waived by the Building Official or County Engineer.
- (c) Interceptor Drains. ~~Paved~~ Interceptor drains shall be installed along the top of cut slopes and/or within terraces as recommended in the approved ~~soils~~ **geotechnical** report.

SECTION 15. Section 110.438.70 of the Washoe County Code is hereby amended to read as follows and shall be renumbered as Section 110.438.34.

Section 110.438.7034 Erosion Control. Except in the case where bedrock is exposed, the faces of cut and fill slopes shall be prepared and maintained with landscaping and/or revegetation to control against erosion. This control may consist of plantings such as native grasses, and drought-resistant trees, shrubs, and ground covers, which shall be planted in random groupings to reduce the constructed character of manufactured slopes. Bark mulches and stone cobble may be allowed to cover fifty (50) percent of exposed bare ground. The landscaping protection for the slopes shall be installed as soon as practicable. However, the slopes shall be treated with a dust palliative if left undeveloped for more than thirty (30) days and shall be revegetated if left undeveloped for more than ninety (90) days. Where necessary, check dams, cribbing, or other devices or methods shall be employed to control erosion and provide safety. Any grading operation which will disturb an area of one (1) acre or more also requires a Nevada Department of Environmental Protection (NDEP) permit as per Section 110.438.40053 and a dust control permit issued by the ~~Washoe County Health Department,~~ **Northern Nevada Public Health,** Air Quality Management Division.

SECTION 16. Section 110.438.75 of the Washoe County Code is hereby amended to read as follows and shall be renumbered as Section 110.438.47.

Section 110.438.7547 Grading Inspection. Major grading operations for which a permit is required shall be subject to inspection by the Building Official and/or County Engineer. Professional inspection of grading operations shall be provided by the civil engineer, ~~soils~~ **and the geotechnical engineer,** and

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~~engineering geologist retained to provide such services in accordance with Section 110.438.75(d), and as required by the Building Official or County Engineer for minor grading [Section 110.438.35(e)].~~

- (a) Civil Engineer. The civil engineer shall provide professional inspection within such engineer's area of technical specialty, which shall consist of observation and review as to the establishment of line, grade and surface drainage of the development area. If revised plans are required during the course of the work, they shall be prepared by the engineer of record.
- (b) Soils ~~Geotechnical~~ Engineer. The ~~soils~~ **geotechnical** engineer shall provide professional inspection within such engineer's area of technical specialty, which shall consist of observation during grading and testing for required compaction. The ~~soils~~ **geotechnical** engineer shall provide sufficient observation during the preparation of the natural ground and placement and compaction of the fill to verify that such work is being performed in accordance with the conditions of the approved plan and the appropriate requirements of this section. Revised recommendations relating to conditions differing from the approved ~~soils engineering and geotechnical engineering geology~~ reports shall be submitted to the permittee, the Building Official or County Engineer and the engineer of record.
- ~~(c) Engineering Geologist. The engineering geologist shall provide professional inspection within such engineer's area of technical specialty, which shall include professional inspection of the bedrock excavation to determine if conditions encountered are in conformance with the approved report. Revised recommendations relating to conditions differing from the approved engineering geology report shall be submitted to the soils geotechnical engineer.~~
- (dc) Permittee. The permittee shall be responsible for the work to be performed in accordance with the approved plans and specifications and in conformance with the provisions of this code, and the permittee shall engage consultants to provide professional inspections on a timely basis. The permittee shall act as a coordinator between the consultants, the contractor and the Building Official or County Engineer. In the event of changed conditions, the permittee shall be responsible for informing the Building Official or County Engineer of such change and shall provide revised plans for approval.
- (ed) Building Official. The Building Official and/or County Engineer shall inspect the project at the various stages of work requiring approval to determine that adequate control is being exercised by the professional consultants.
- (fe) Notification of Noncompliance. If, in the course of fulfilling their respective duties under this article, the civil engineer, the ~~soils~~ **geotechnical** engineer ~~or the engineering geologist~~ find that the work is not being done in conformance with this article or the approved grading plans, the discrepancies shall be reported immediately in writing to the permittee and to the Building Official or County Engineer.
- (gf) Transfer of Responsibility. If the civil engineer, the ~~soils~~ **geotechnical** engineer ~~or the engineering geologist~~ of record is changed during grading, the work shall be stopped until the replacement has agreed in writing to accept their responsibility within the area of technical competence for approval upon completion of the work. It shall be the duty of the permittee to notify the Building Official or County Engineer in writing of such change prior to the recommencement of such grading.

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SECTION 17. Section 110.438.80 of the Washoe County Code is hereby amended to read as follows and shall be renumbered as Section 110.438.48.

Section 110.438.8048 Notification of Completion of Work.

- (a) Restrictions Pending Completion. Notification and inspection is required before the expiration of the permit to determine whether work is completed in accordance with the final approved grading plan. No final permit, final inspection or certificate of occupancy may be issued for other structures on the property until the grading permit has received a final inspection to determine that the grading work is complete or, if uncompleted, that reclamation work has been completed.
- (b) Engineering Certification. Prior to the scheduling of certain inspections, the Building Official or County Engineer shall require that a Nevada registered civil engineer or a Nevada registered land surveyor submit a certification letter on all parcels for the following:
 - (1) ~~Soils~~ **Geotechnical engineering investigation** report indicating soils classification and design prior to the foundation inspection.
 - (2) Elevation, grading, and drainage certification per the approved construction plans prior to the issuance of a certificate of occupancy. Exception: On parcels two (2) acres or more which do not affect the drainage on other properties, the Building Official or County Engineer may waive this certification requirement.
 - (3) Foundation elevation and building setback certification as per the approved plot plan prior to the foundation inspection.
- (c) Permittee Notification to Building Official ~~Or~~ County Engineer. The permittee or his agent shall provide written verification to the Building Official or County Engineer that the grading work has been completed in accordance with approved plans and specifications. Final approval shall not be given until all work, including installation of all drainage facilities and their protective devices, and all erosion control measures have been completed in accordance with the final approved grading plan and the required reports have been submitted to the Building Official and/or County Engineer by the permittee or his agent.

SECTION 18. Section 110.438.85 of the Washoe County Code is hereby amended to read as follows and shall be renumbered as Section 110.438.44.

Section 110.438.8544 Grading within Floodplains, and Drainage Ways, and Closed Hydrologic Basins.

- (a) Grading for development within Federal Emergency Management Agency (FEMA) designated floodplains shall comply with Article 416, Flood Hazards.
- (b) Grading for development within floodplains other than those designated by FEMA and within natural drainage ways shall comply with Article 420, Storm Drainage Standards.
- (c) **Grading, including fill, within FEMA's Special Flood Hazard Area (SFHA) of Swan Lake, Silver Lake, White Lake, Boneyard Flat, or other closed basin flood pools as**

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identified by the County Engineer, shall require a minimum volume mitigation ratio of 1.3:1.

SECTION 19. Section 110.438.95 of the Washoe County Code is hereby shall be renumbered as Section 110.438.52.

SECTION 20. Section 110.438.100 of the Washoe County Code is hereby shall be renumbered as Section 110.438.53.

SECTION 21. Section Chapter 110 of the Washoe County Code is hereby amended by adding a new section which shall be labeled 110.438.31 Grading Standards and read as follows:

Section 110.438.31 Grading Standards. The standards in this section shall apply to all grading for subdivision improvements, special use permits or other discretionary permits, and building permits for residential, commercial, or industrial projects. When required by provisions in this code or by the Washoe County Engineer, a geotechnical report prepared by a licensed professional engineer shall be submitted. Cut and fill slope design and construction shall be based on a geotechnical report as required by Section 110.438.28 and with the following requirements:

- (a) **Preparation of Ground.** The ground surface shall be prepared to receive fill in accordance with the following requirements:
- (1) All vegetation shall be cleared and removed from the fill area;
 - (2) All existing fills shall be removed if deemed unsuitable by a geotechnical report and by the County Engineer;
 - (3) Remove topsoil and other unsuitable materials;
 - (4) Scarify existing ground to a minimum depth of eight (8) inches; and
 - (5) Benching within sound bedrock or other competent material as determined by the geotechnical engineer shall be provided for fill slopes steeper than five units horizontal to one unit vertical (5:1) and a height greater than five (5) feet. Fill slopes shall not be constructed on natural slopes steeper than two units horizontal to one unit vertical (2:1). When fill is to be placed over a cut or bench, the cut or bench shall be reviewed and approved by the geotechnical engineer as a suitable foundation for fill prior to fill placement.
- (b) **Fill Material.** Detrimental amounts of organic material, as determined by the geotechnical engineer, shall not be permitted in fills. Except as permitted by the Building Official or County Engineer, no rock or similar irreducible material with a maximum dimension greater than twelve (12) inches shall be buried or placed in fills. Exception: The Building Official or County Engineer may permit placement of larger rock when the geotechnical engineer properly devises a method of placement, and continuously inspects its placement and approves the fill stability. The following conditions shall also apply:
- (1) Prior to issuance of the grading permit, potential rock disposal areas shall be delineated on the grading plan.

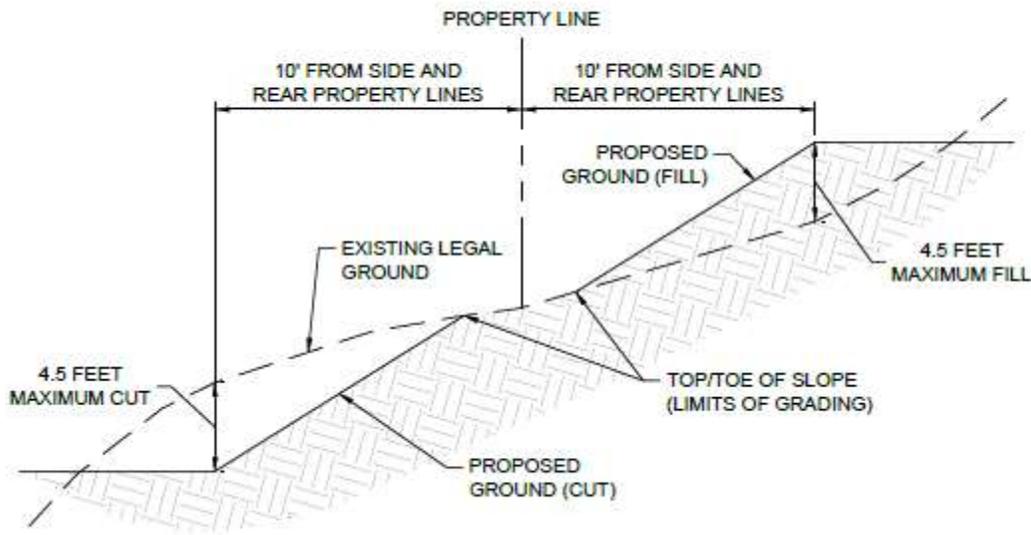
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- (2) Rock sizes greater than twelve (12) inches in maximum dimension shall be ten (10) feet or more below grade, measured vertically.
- (3) Rocks shall be placed to ensure filling of all voids with well-graded soil.
- (c) **Compaction.** All fills shall be compacted to a minimum of ninety (90) percent of maximum dry density and in accordance with the project geotechnical report.
- (d) **Cut and Fill Slopes.** Cut and fill slope design and construction shall be in accordance with the following standards:
 - (1) Grading of slopes of three horizontal to one vertical (3:1) or flatter shall be stabilized and protected from erosion by appropriate revegetation or other means acceptable to the County Engineer.
 - (2) Grading of slopes steeper than three horizontal to one vertical (3:1) may be allowed in accordance with the following requirements:
 - i. Cut and fill slopes less than thirty (30) inches in height: No geotechnical analysis required. Slope shall be mechanically stabilized using rock rip-rap or other method as approved by the County Engineer.
 - ii. Cut and fill slopes thirty (30) inches or greater in height shall require a geotechnical analysis prepared by a licensed engineer in the State of Nevada addressing global slope stability, and mechanical stabilization methods for erosion protection.
 - iii. Rock rip-rap visual mitigation measures shall be implemented to reduce visual impacts for slope heights greater than 10 feet in height for slopes adjacent to roadways, within commercial and industrial development or for public facility projects.
 - iv. The use of gabions as a mechanical stabilization for slopes is prohibited.
 - (3) Drainage facilities shall be provided at the toe of fills.
 - (4) Utilize a gradual transition or “rounding or contouring” of the slope at the intersection of an engineered cut or fill slope and a natural slope.
 - (5) Cut and/or fill slopes for channels/ditches adjacent to roadways shall be designed in accordance with the latest edition of the American Associates of State Highway Transportation Officials (AASHTO) clear zone recommendations.
- (e) **Grading for Street Improvements.**
 - (1) Subgrade soils within the right-of-way prism shall be a minimum R-value of 30.
 - (2) Expansive subgrade soils shall be removed and replaced with non-expansive structural fill having a minimum R-value of 30.

Figure 110.438.31.1

GRADING

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Source: Washoe County Engineering Division

SECTION 22. Section Chapter 110 of the Washoe County Code is hereby amended by adding a new section which shall be labeled 110.438.42 and read as follows:

Section 110.438.42 Rockery Walls. For the purpose of this section, wall heights shall be defined as the distance from the bottom of the bottom rock (bottom of footing) to the adjacent grade at the top of the wall. Individual and tiered rockery walls shall not exceed 8 feet in height except per Section 110.438.42(d) Exceptions and all rockery walls shall be embedded below the frost line (24 inches below exposed finish grade).

- (a) Rockery walls four (4) feet in height or less shall not require a building permit.
- (b) Rockery walls greater than four (4) feet and up to six (6) feet in height shall comply with the following requirements:
 - (1) Shall be engineered and include special inspection. Engineering analyses shall be performed by a professional engineer licensed in the State of Nevada. All rockery walls shall be analyzed for bearing, sliding, and overturning resistance, and global stability. Sliding and overturning resistance shall be analyzed at the bottom of each rock level. The maximum coefficient of friction between the rocks in the wall shall be 0.5. Passive resistance at the toe of the wall shall be neglected.
 - (2) Shall not be subject to surcharges, such as building foundations, adjacent retaining structures, natural or proposed slopes, or vehicle loadings. All points of loading adjacent to rockery walls shall be setback not less than the height of the rockery wall. Setback distances shall be measured on the high side from the back of the wall and on the low side from the front of the wall.

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- (3) The wall toe shall be level to near level with a maximum slope of ten horizontal to one vertical (10:1). Level ground shall extend at least the distance equal to the width of the foundation/base rock, but not less than 6 feet beyond the face of the wall.
- (4) Backslopes shall not be allowed unless the slope behind the wall is comprised of stable rock or is supported by soil nails, ground anchors, or mechanically stabilized earth (MSE) walls. Backslopes in cut shall not exceed two horizontal to one vertical (2:1). Backslopes in fill shall not exceed three horizontal to one vertical (3:1).
- (5) The surrounding area shall be graded or have brow ditches/berms installed such that water cannot flow over the top of the wall. Rockery walls shall be constructed in a continuous alignment without abrupt changes in direction. Terminations, intersections, and radii of rockery walls shall be included in the engineering analysis.
- (6) Shall not be constructed within utility easements.
- (7) Ornamental fences, guards, or screen walls shall be located a minimum of 2 feet from the back of the rockery wall, outside of the drainage blanket. Ornamental fences, guards, or screen walls shall have their own foundations and shall not rely on the rockery wall for structural support.
- (8) Minimum factors of safety for design are provided in Table 1.

Table 1: Minimum Factors of Safety

Failure Mode	Static Factor of Safety	Seismic Factory of Safety
Sliding	1.5	1.1
Overturning	1.5	1.1
Bearing	3.0	2.0
Global Stability	1.5	1.1

- (c) Rockery Walls over six (6) feet and up to eight (8) feet in height shall meet the above requirements plus the following requirements:
 - (1) Shall be designed for dynamic seismic lateral earth pressures due to design earthquake ground motion. For seismic loading conditions, the design earthquake ground motion shall be determined per Chapter 11 of ASCE-7.
 - (2) Stability analyses shall be performed for static and pseudo static (seismic) loading conditions. For stability analyses, walls shall not be modeled as a uniform mass of infinite strength but shall reflect the properties of dry stacked rock. Stability analyses shall check for failure through and below each wall and for global instability. For stability calculations, the pseudo static horizontal seismic coefficient (k_h) shall be determined using equation 11-18 per NCHRP Report 611, Seismic Analysis and Design of Retaining Walls, Buried Structures, Slopes, and Embankments (2008).
- (d) Exceptions – Rockery Walls over eight (8) feet in height up to a maximum of twelve (12) feet in height may be approved if the following requirements are met:
 - (1) Rockery walls are designed in front of cuts in stable rock supported by an engineering report demonstrating no adverse slope conditions, bedding, jointing, or foliations.

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- (2) Are located in front of cuts or fills retained by soil nail walls, ground anchors, or mechanically stabilized earth (MSE) walls supported by an engineering report with MSE, soil nail, ground anchors, or MSE calculations demonstrating no horizontal load transfer to the rockery walls.

SECTION 23. Section Chapter 110 of the Washoe County Code is hereby amended by adding a new section which shall be labeled 110.810.57 and read as follows:

Section 110.810.57 Determination of Substantial Conformance. The County Engineer shall determine if final grading plans are in substantial conformance with approved special use permits involving major grading applications.

SECTION 24. Section 110.902.15 of the Washoe County Code is hereby amended to read as follows:

Section 110.902.15 General Definitions. Unless otherwise specified, the following definitions shall be applicable throughout the Development Code:

A-Weighted Sound Level. "A-weighted sound level" means the sound pressure level in decibels as measured on a sound level meter using the A-weighting filter network. Sounds measured with an A-weighted filter are abbreviated dba or db(a).

Accessory Structure. "Accessory structure" means a subordinate structure, the use of which is incidental to that of the main structure or potential main structure, or main dwelling.

Accessway. "Accessway" means vehicular ingress and egress to a property or use.

Adequate Public Facilities Management. "Adequate public facilities management" means a method for ensuring that the infrastructure necessary to support a development project will be available concurrently with the impacts of that development, without causing the level of service provided by said infrastructure to fall below adopted standards.

Affordable Housing. "Affordable housing" means housing which is affordable to low-income households (not exceeding eighty (80) percent of the County median income) or moderate-income households (not exceeding one-hundred twenty (120) percent of County median income).

Agricultural Building. "Agricultural building" is a structure designed and constructed to store farm implements and equipment or hay, grain, poultry, livestock, fruit and other agricultural products. Cold storage warehouses are not agricultural buildings. An agricultural building shall not be used for human habitation; processing, treating, packaging agricultural products; or as a place used by the public. The term shall not include dwellings, but does include greenhouses.

Approved Access. "Approved access" means a way or means of approach to a parcel from either an abutting public road or from a private road, street or right-of-way approved by the County.

Area of Shallow Flooding. "Area of shallow flooding" means a designated AO or AH Zone on the Flood Insurance Rate Maps. The base flood depths range from 1 to 3 feet, a clearly defined channel does not exist, the path of flooding is unpredictable and indeterminate, and velocity flow may be evident.

Area Plan. "Area plan" means plans adopted by Washoe County which cover specific subareas of the unincorporated County. These plans provide basic information on the natural features, resources and physical constraints that affect the development of the planning area. They also specify detailed land use

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designations which are then used to review specific development proposals and to plan services and facilities.

Arterial. "Arterial" means a main highway that is a through street.

Attached Accessory Dwelling Unit. "Attached accessory dwelling unit" means a portion of or an addition to a single family main dwelling that has been designed or configured to be used as a separate and independent dwelling unit. An attached accessory dwelling unit includes, at a minimum, permanent kitchen and bathroom (i.e. a toilet) facilities, but may also include living, sleeping, and eating facilities, all separated from the main unit by walls or ceiling and accessed through a lockable exterior or interior door. The attached accessory dwelling unit shall not exceed forty (40) percent of the total square footage of the main dwelling unit or one thousand (1,000) square feet, whichever is smaller. The square footage of garages, crawl spaces, cellars, attics, or basements not designed for human occupancy shall not be included when calculating the total square footage of the main dwelling unit, unless such areas have been legally converted into habitable space. An attached accessory dwelling may be created by converting part of, or adding on to, an existing single family main dwelling. To be considered attached, the accessory dwelling unit must abut (i.e. be on the opposite side of a wall or ceiling) the habitable space of the main dwelling, or the ceiling of a garage attached to the main dwelling. Incidental and accessory features such as trellises, decks, patios, breezeways, or tool sheds will not be considered as establishing an attached structure/dwelling. Attached accessory dwellings are often referred to as guest rooms, guest apartments and "granny flats."

Base Flood Calculation. "Base flood calculation" means a flood having a one (1) percent chance of being equaled or exceeded in any given year. See "Flood, One Hundred (100) Year."

Basement. "Basement" means the portion of a building between floor and ceiling, which is partly below and partly above grade, but so located that the vertical distance from grade to the floor below is less than the vertical distance from grade to ceiling.

Bed and Breakfast Establishment. "Bed and breakfast establishment" means a single-family dwelling containing not more than five (5) guest rooms (no cooking facilities in guest rooms) where, for compensation, meals and lodging are provided.

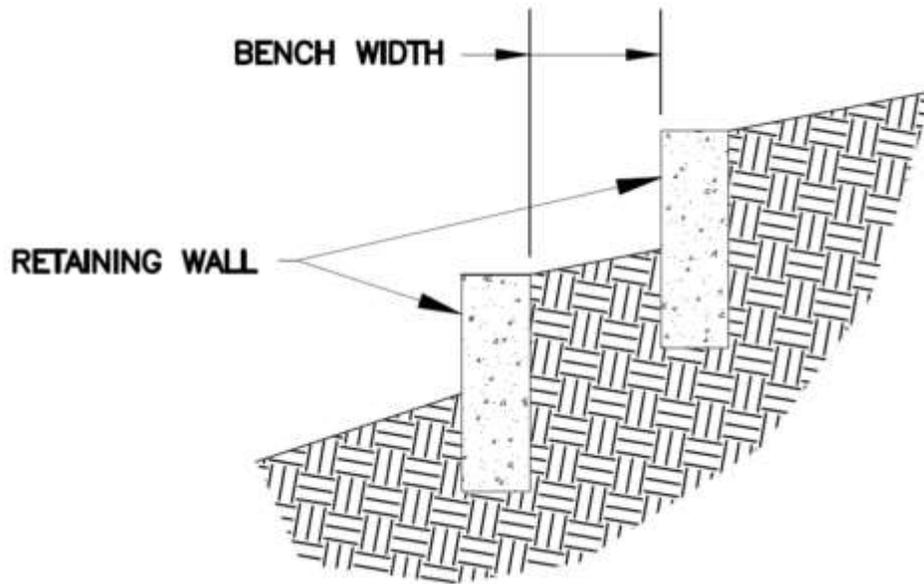
Bench. "Bench" means a step excavated into earth material no steeper than five units horizontal to one unit vertical (5:1).

Bench Width. "Bench width" means a measurement from the closest points of two (2) adjacent retaining walls.

Figure 110.902.15.BW

Bench Width

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Source: Washoe County Engineering Division

Berm. "Berm" means a mound or embankment of earth ~~earthen material placed so as to create a bench or similar structures:~~

- (1) Which the plans show will remain at the completion of the work; or
- (2) Which will remain for more than one (1) year under separate permit and approvals for purposes of storage until a use for the soil is found elsewhere.

Billboard. "Billboard" means an outdoor advertisement making a material or services known, such advertisement being remote from the point of sale of such material or service.

Board. "Board" refers to the Board of County Commissioners of Washoe County.

Boardinghouse. "Boardinghouse" means a building or portion thereof (not a motel) where, for compensation, meals and lodging are provided for more than three (3) guests.

Breezeway. A "breezeway" means a covered walkway, passageway, or corridor that has at least one (1) side entirely or partially open (except for necessary supporting columns), is not intended nor designed as habitable space, and which may or may not be connected to a structure.

Building. "Building" means any structure having a permanent foundation, a roof supported by columns or walls and used for the enclosure of persons, animals or chattels, but not including a trailer (mobile home) or tent.

Building Envelope. "Building envelope" means the area to be occupied by any structure and associated development.

Building Height. "Building height" is the vertical distance above a reference datum measured to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the average height of

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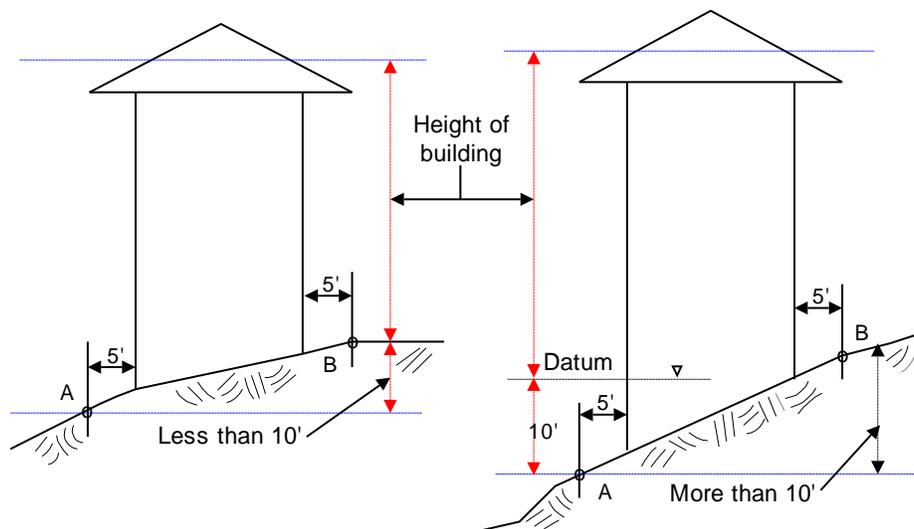
the highest gable of a pitched or hipped roof. As illustrated in Figure 110.902.15.BH1, the reference datum shall be selected by either of the following, whichever yields a greater height of building:

- (a) The elevation of the highest adjoining sidewalk or ground surface within a five (5) foot horizontal distance of the exterior wall of the building when such sidewalk or ground surface is not more than ten (10) feet above lowest grade.
- (b) An elevation ten (10) feet higher than the lowest grade when the sidewalk or ground surface described in Item 1 above is more than ten (10) feet above lowest grade.

The height of a stepped or terraced building is the maximum height of any segment of the building.

Figure 110.902.15.BH1

DETERMINATION OF BUILDING HEIGHT IN FEET



Source: International Building Code Interpretation Manual.

Building Intensity. "Building intensity" refers to the bulk and concentration of physical development of uses permitted in a district. Lot coverage and height are examples of measures of building intensity.

Cargo Container. "Cargo Container" means an Intermodal Container, Sea-land Container, ISO Container, or Conex Box that is not designed for independent or "In-tow Trailer" highway use, and that was originally designed and constructed as a standardized, reusable storage and shipping vessel to be loaded on a truck, rail car or ship.

Cellar. "Cellar" means the portion of a building between floor and ceiling which is wholly or partially below grade and so located that vertical distance from grade to the floor below is equal to or greater than the vertical distance from grade to ceiling.

Certificated Water Rights. "Certificated water rights" means the right to put surface water or groundwater to beneficial use that is identified by a record document issued by the Nevada State Engineer after satisfactory proof of "perfection of application" for a permitted water right has been filed in accordance with NRS Chapter 533.

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Child Care Institution. "Child care institution" means a facility which provides care and shelter during the day and night and provides developmental guidance to sixteen (16) or more children who do not routinely return to the homes of their parents or guardians. Such an institution may also provide, without limitation:

- (a) Education to the children according to a curriculum approved by the Department of Education;
- (b) Services to children who have been diagnosed as severely emotionally disturbed as defined in NRS 433B.080, including, without limitation, services relating to mental health and education; or
- (c) Emergency shelter to children who have been placed in protective custody pursuant to Chapter 432B of NRS.

Civil Engineer. "Civil Engineer" means a professional engineer licensed in Nevada to practice in the field of civil works.

Civil Engineering. "Civil engineering" means the application of the knowledge of the forces of nature, principles of mechanics and the properties of materials to the evaluation, design and construction of civil works.

Clearing. "Clearing" means the removal of surface vegetation from an area or tract of land.

Climatic Adaptive Planting Material. "Climatic adaptive planting material" means vegetation which is adapted to the climate or microclimate of the planting site and can flourish given the soil and water environment surrounding its roots. Microclimates, large bodies of water, soil drainage, soil pH, adequate moisture, the presence of soil salts, and both summer and winter wind affect a plant's ability to grow and survive.

Cluster or Clustered Development. See "Common Open Space Development."

Collector. "Collector" means the highest order of residential streets.

Commercial Coach. "Commercial coach" means structure without motive power which is designed and equipped for human occupancy for industrial, professional or commercial purposes.

Commercial Vehicle. "Commercial vehicle" means any vehicle designed, maintained or used for business, commercial, construction or industrial purposes that infringes on the residential character of residential districts; or for the transportation of property in furtherance of commercial enterprise; or having more than two (2) axles on the road; or, any vehicle in excess of eight thousand (8,000) pounds unladen weight. Commercial vehicles includes, but is not limited to: a cement truck, commercial tree-trimming equipment, construction equipment, dump truck, garbage truck, panel truck, semi-tractor, semi-trailer, stake bed truck, step delivery van, tank truck, tar truck, and other vehicles customarily used for commercial purposes.

Commission. "Commission" means the Washoe County Planning Commission.

Common Interest Community. "Common interest community" means real estate in which a person, by virtue of ownership of a unit, is obligated to pay for real estate other than that unit. "Ownership of a unit" does not include holding a leasehold interest of less than twenty (20) years in a unit, including options to renew.

Common Open Space Development. "Common open space development" means a technique whereby minimum lot sizes may be reduced below the regulatory zone requirements for residential and

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commercial use types, if compensating amounts of open space are provided within the same development (also called "cluster development"). This type of development allows for structures to be grouped on smaller lots, provided the total density for the development is not exceeded.

Compaction. "Compaction" means the densification of a fill or subgrade by mechanical means.

Company Town. "Company town" means employee housing and supporting commercial, office, recreational, professional, administrative and other ancillary uses associated with the functioning of an isolated industrial, mining, energy production, utilities, resorts or agricultural based use. This development may occur on a single parcel or multiple parcels.

Consistency. "Consistency" means free from variation or contradiction.

Constraints. "Constraints" mean limitations or actions which cannot be taken or which must be taken.

Construct. "Construct" includes "erect," "reconstruct," "alter," "move in" and "move upon."

Contiguous Parcel of Land. "Contiguous parcel of land" means a parcel of land either abutting directly on the boundary or separated by a street, alley, public right-of-way, creek, river or the right-of-way of a railroad or other public service corporation of another parcel of land.

Continuum of Care Unit. A unit that is within a continuum of care facility that includes living and sleeping facilities as defined by the Development Code, the International Building Code, and/or the National Manufactured Home and Safety Standards Act.

Corner Lot. See "Lot, Corner."

Cost. "Cost" means the price paid or what is given up in order to acquire, produce, accomplish or maintain anything.

County. "County" refers to the unincorporated area of Washoe County, Nevada.

County Standards. "County standards" means improvement standards set forth in this Development Code or adopted by the Board of County Commissioners.

Cross-Section. "Cross-section" is a drawing or photograph showing a cutting through something, especially at right angles to its axis. A cross section of a roadway usually indicates the width of the street, the number of lanes, and the width of any median, parkways, sidewalks and bicycle lanes.

Cumulative Impact. "Cumulative impact" means an effect which is a result of several related projects. Each increment from each project may not be noticeable but cumulative impacts may be noticeable when all increments are considered.

Cut. "Cut" means ~~shaping of the land surface by removing soil, rock or other materials~~ a portion of land surface which earth has been removed or will be removed by excavation.

Decibel. "Decibel" means a unit for describing the amplitude of sound, equal to twenty (20) times the logarithm to the base ten (10) of the ratio of the pressure of the sound measured to the reference pressure, which is twenty (20) micropascals (20 micronewtons per square meter).

Density or Residential Density. "Density" or "residential density" means the number of dwelling units per gross acre for residential uses as defined in Article 304, Use Classification System.

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Density Bonus. "Density bonus" means an increase in residential density over and above the density specified in the Development Code. A "density bonus unit" is one of the additional housing units built as a result of granting a density bonus.

Destination Resort. "Destination resort" is a self-contained development that provides for visitor-oriented accommodations and developed recreational facilities in a setting with high natural amenities. Visitor-oriented accommodations are overnight lodging and facilities designed for visitors, not permanent residents, and overnight lodging excludes RV and mobile home parks. Visitor accommodations must include meeting rooms and restaurants.

Detached Accessory Dwelling Unit. "Detached accessory dwelling unit" means a dwelling unit on the same lot as the main dwelling unit, but which is physically separated from the main dwelling unit. A detached accessory dwelling unit is designed and configured to provide independent living facilities for one or more persons, and includes, at a minimum, permanent kitchen and bathroom (i.e. toilet) facilities, but which may also include living, sleeping, and eating facilities. Except in the Medium Density Suburban (MDS) Regulatory Zone, a detached accessory dwelling unit shall not exceed fifteen hundred (1,500) square feet or fifty (50) percent of the total square footage of the main unit, whichever is smaller. In the Medium Density Suburban (MDS) Regulatory Zone, the detached accessory dwelling unit shall not exceed eight hundred (800) square feet or fifty (50) percent of the total square footage of the main dwelling unit, whichever is smaller. The square footage of garages, crawl spaces, cellars, attics, or basements not designed for human occupancy shall not be included when calculating the total square footage of the main dwelling unit, unless such areas have been legally converted into habitable space. Detached accessory dwelling unit are also commonly referred to as guest houses, second units, detached "granny flats" and caretaker's quarters.

Detached Accessory Structure. Except as provided for under Section 110.306.15, "detached accessory structure" means a building or structure on the same lot as the main residential structure and devoted to a use incidental to that main residential structure. A detached accessory structure is not designed, configured, or used for human habitation. The detached accessory structure may be connected to water and wastewater systems subject to the recordation of a deed restriction prohibiting the use of the structure as a dwelling unit. Installation of both a kitchen and a toilet in a detached accessory structure shall render the structure as a dwelling unit and subject to the accessory dwelling unit provisions contained in Article 306, Accessory Uses and Structures. Typical uses include storage buildings, sheds, barns, and detached garages.

Development. "Development" means any man-made change to improved or unimproved real estate including the construction of buildings or other structures, mining, dredging, filling, grading, paving, excavation, drilling operations or storage of equipment or materials.

Development Agreement. "Development agreement" means an agreement entered into by Washoe County and any person having a legal or equitable interest in land concerning the development of that land, pursuant to NRS Chapter 278.

Development Code. "Development Code" refers to Chapter 110 of the Washoe County Code which incorporates all County development-related ordinances and standards to ensure conformity with the Master Plan.

Division into Large Parcels. "Division into large parcels" means division of land if each proposed lot is at least forty (40) acres in area including roads and easements or at least one-sixteenth (1/16) of a section as described by a government land office.

Dog Training Center. "Dog training center" means a facility where dogs are boarded and trained for a long-term period of time.

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Dog Training Services. "Dog training services" means the training of dogs with their owners or owners' designee, where both owner and dog participate in dog training.

Domestic Water. "Domestic water" means water supplied to individual dwellings and other land uses which is suitable for drinking.

Dormitory/Bunkhouse. "Dormitory/bunkhouse" means a building or a portion of a building where, for compensation or a benefit of employment, meals and lodging are provided.

Drainage Facility. "Drainage facility" means an engineered water conveyance facility which can include, but not be limited to, a paved or unpaved graded swale, a paved or unpaved graded ditch, a gutter, a culvert, a trench drain, a catch basin, a drop inlet, a bio retention swale, a detention/retention basin, an infiltration basin, a dam, a pond (especially those in a series), a wetland, or a natural drainage-way with the approval of the County Engineer.

Drainage, Natural. "Natural drainage" means any channel, swale or depression which conducts water as part of the natural drainage pattern of a site.

Driveway, Residential. "Residential driveway" means a private paved or unpaved area used for ingress or egress of vehicles, and allowing access extending from a property line to a building or other structure or facility on the subject parcel.

Dwelling. "Dwelling" means any building or portion thereof used exclusively for residential purposes but does not include hotels, clubs, boardinghouses or rooming houses, fraternity or sorority houses, continuum of care facilities, or institutions.

Dwelling Unit. "Dwelling unit" means any building or portion thereof, including a fabricated home or portion thereof, which contains at a minimum permanent kitchen and bathroom (i.e. a toilet) facilities for residential use types as defined in Article 304, Use Classification System, but which may also include living, sleeping, and eating facilities as required by the Development Code, the International Building Code, and/or the National Manufactured Home and Safety Standards Act.

Earthen Material. "Earthen material" means any rock, natural soil or fill or any combination thereof.

Electronic Notice. "Electronic notice" means any notice required by law that is transmitted via electronic means and which provides a method of verifying receipt to the sender that the receiver has received the notice. Electronic includes, but is not limited to, e-mail, facsimile transmission that identify the receiver and have a time and date stamp.

Endangered Species. "Endangered species" means any species listed as such in the Federal Register which is in danger of extinction throughout all or a significant portion of its range.

Engineer. "Engineer" means a Nevada registered engineer pursuant to NRS Chapter 625.

Ephemeral Stream. "Ephemeral stream" means a stream that flows only in direct response to precipitation, and thus discontinues its flow during dry seasons. Such flow is usually of short duration. Most of the dry washes of more arid regions may be classified as ephemeral streams.

Erosion. "Erosion" means ~~the detachment and movement of soil from the land surface by wind, water or gravity.~~ **the wearing away of the ground surface as a result of the movement of wind, water or ice.**

Excavation. "Excavation" means the mechanical removal of earth material.

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Existing Grade. “Existing grade” means the grade prior to new grading activity.

Fabricated Home. "Fabricated home" means a dwelling unit fabricated in an off-site manufacturing facility for installation or assembly at the building site. Fabricated homes include modular homes, manufactured homes and mobile homes. The term “fabricated home” does not include a “recreational vehicle.”

Facility for Transitional Living for Released Offenders. “Facility for transitional living for released offenders” means a residence that provides housing and a living environment for persons who have been released from prison and who require assistance with reintegration into the community, other than such a residence that is operated or maintained by a state or local government or an agency thereof. The term does not include a halfway house for recovering alcohol and drug abusers or a facility for the treatment of abuse of alcohol or drugs. As used in this section, person who has been released from prison means:

- (a) A parolee.
- (b) A person who is participating in:
 - (1) A judicial program pursuant to NRS 209.4886 or 213.625; or
 - (2) A correctional program pursuant to NRS 209.4888 or 213.371.
- (c) A person who is supervised by the Division of Parole and Probation of the Department of Public Safety through residential confinement.
- (d) A person who has been released from prison by expiration of his or her term of sentence.

Family. "Family" means one (1) or more persons related by blood, marriage or legal adoption, or a group of six (6) or fewer unrelated persons and two additional persons who act as house parents or guardians, living together in a dwelling unit.

Fence. "Fence" means a wall or barrier constructed of boards, masonry, wire or any other material for the purpose of enclosing space or separating parcels of land. The term "fence" does not include retaining walls, but does include fence gates and gateposts.

Fence, Security. “Security Fence” means a fence that is located on the property lines of a parcel of land that does not have a main use established and complies with WCC 110.406.50(e).

Fill. "Fill" means ~~shaping~~ **depositing of** to the land surface ~~by depositing~~ **of** soil, rock or other **earthen** materials.

Final Map. "Final map" means the map or recording instrument for subdivisions of land as described in Article 610. A final map may also be used to record an approved parcel map at the option of either the subdivider or the County.

Final Stabilization. “Final stabilization” means the placement of permanent structures, pavement, parking areas, landscaped areas, revegetation and other required improvements upon areas previously disturbed by grading activity.

Finish Grade. “Finish grade” means the final grade of the site that conforms to the approved plan.

Fire Management. "Fire management" means activities required for the protection of resources and values from fire, or the use of fire to meet land management goals and objectives.

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Flood or Flooding. "Flood" or "flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland waters; or the unusual and rapid accumulation of runoff of surface waters from any source.

Flood, One Hundred (100) Year. "One hundred (100) year flood" also called the "base flood" means a flood having a one (1) percent chance of being equaled or exceeded in any given year. The boundaries of the one hundred (100) year flood include both the floodway and the flood fringe areas as shown on the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps.

Flood Boundary and Floodway Maps (Floodway). "Flood Boundary and Floodway Maps" means the official maps on which the Federal Insurance Administration has delineated both the areas of flood hazard and the floodway.

Flood Elevation. "Flood elevation" means the elevation of the water surface of the base flood based on the National Geodetic Vertical Datum (NGVD) of 1929.

Flood Elevation, Increase In. "Increase in flood elevation" means an increase in flood elevation of more than one (1) foot at any point.

Flood Fringe. "Flood fringe" means the area of the one hundred (100) year flood, exclusive of the floodway, as shown on the Flood Insurance Rate Maps, and any area determined by the Floodplain Administrator to have a one (1) percent or greater probability of flood in a given year.

Flood Hazard Areas. "Flood hazard areas" means the area designated by the Federal Emergency Management Agency as being flooded by the base flood, and is designated as "Zone A, AO, AH, AE and A99" on the Flood Insurance Rate Maps.

Flood Height. "Flood height" means the depth of the floodwater during the one hundred (100) year flood, computed as the difference between the elevation of the one hundred (100) year floodwater surface and the elevation ground surface at a given point in the flooded area.

Flood Insurance Rate Maps (FIRM). "Flood Insurance Rate Maps" means the official maps on which the Federal Insurance Administration has delineated the flood hazard area, the limited flooding area and the risk premium zones applicable to the community.

Flood Insurance Study (FIS). "Flood Insurance Study" means the official report provided by the Federal Emergency Management Agency that includes flood profiles, the Flood Insurance Rate Maps, the Flood Boundary and Floodway Maps, and the water surface elevation of the base flood.

Floodplain. "Floodplain" means any land area susceptible to being inundated by water from any source.

Floodplain Administrator. "Floodplain Administrator" means the person appointed to administer and implement the provisions of Article 416 of this Development Code.

Floodplain Management. "Floodplain management" means the operation of an overall program of corrective and preventive measures for reducing flood damage.

Floodproofing. "Floodproofing" means any combination of structural and nonstructural additions, changes or adjustments to structures which reduce or eliminate flood damage to real estate or improved property, water and sanitary facilities, structures and their contents.

Floodway. "Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water

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surface elevation more than one (1) foot. The floodway is delineated on the Flood Boundary and Floodway Maps.

Floor Area Ratio (FAR). "Floor area ratio" means the ratio of floor area permitted on a lot to the size of the lot. For example, a permitted FAR of 6.0 on a 10,000 square foot lot would allow a building with a total floor area of 60,000 square feet.

Front Line. "Front line" means the narrowest lot dimension fronting on a street.

Front Yards. See "Yard, Front."

Fuel Management. "Fuel management" means treating or controlling any vegetative material which adversely affects meeting fire management direction based upon resource management goals and objectives.

Fuelbreak. "Fuelbreak" means a strip of land, strategically placed for fighting anticipated fires, where hazardous fuels have been replaced with less burnable fuels (like grass). They divide fire-prone areas into smaller parcels for easier fire control and provide access for firefighting.

Fuels. "Fuels" mean any material capable of sustaining or carrying a wildfire, usually natural material both live and dead.

Gabion. "Gabion" means a container or basket fabricated of thick galvanized wire, filled with stone.

Gaming. "Gaming" means any legally constituted gambling enterprise authorized under the laws of the State of Nevada other than slot machines when such machines are operated incidentally to the conduct of a licensed retail business.

Geotechnical Engineer. "Geotechnical Engineer" means an engineer experienced and knowledgeable in the practice of soils engineering (geotechnical engineering).

Geotechnical Engineering. "Geotechnical engineering" means the application of the principles of soils mechanics in the investigation, evaluation and design of civil works involving the use of earth materials and the inspection or testing of the construction thereof.

Geothermal Resource. "Geothermal resource" means the natural heat of the earth and the energy associated with the natural heat, pressure and all dissolved or entrained minerals, but excluding hydrocarbons and helium, that may be obtained from the medium used to transfer that heat.

Governing Body. "Governing body" refers to the Washoe County Board of County Commissioners, unless otherwise clearly indicated.

Government Patent Easement. "Government patent easement" means an easement granted through a patent by the federal government for a public purpose, generally for public access and utility purposes.

Grade. "Grade" is the lowest point of elevation of the finished surface of the ground, paving or sidewalk within the area between the building and the property line or, when the property line is more than 5 feet from the building, between the building and a line 5 feet from the building.

Gradient. "Gradient" is the slope of a lot measured as the difference in elevation of finished grade between the midpoint of the front property line and the farthest opposite point of the lot depth.

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Grading. "Grading" means ~~removal of trees and shrubs with surface soil grading for smoothness~~ **any clearing, excavation, cutting, filling, or other disturbance of the natural state of the landform or natural vegetation and/or any combination thereof.**

Greenbelt. "Greenbelt" means an area where measures such as fuel management, land use planning and development standards are applied to mitigate fire, flood and erosion hazard. More traditionally, an irrigated landscaped buffer zone between development and wildlands, usually put to additional uses (e.g. golf course, park, etc.).

Gross Density. "Gross density" is the ratio of the total number of units to the total site area.

Ground Cover. "Ground cover" means low, dense-growing plants such as shrubs or vines, or inert materials such as rock or bark used to cover bare ground.

Ground Water Recharge. "Ground water recharge" means the infiltration of water into the earth. It may increase the total amount of water stored underground or only replenish the groundwater supply depleted through pumping or natural discharge. The natural or intentional infiltration of surface water into the Zone of Saturation (i.e. into the Ground Water). Also, the inflow of water to a ground water reservoir (Zone of Saturation) from the surface. Infiltration of precipitation and its movement to the water table is one form of natural recharge.

Group Foster Home. "Group foster home" means a natural person, partnership, firm, corporation or association who provides full-time care for seven (7) to fifteen (15) children who are:

- (a) Under eighteen (18) years of age;
- (b) Not related within the first degree of consanguinity or affinity to any natural person maintaining or operating the home; and received, cared for, and
- (c) Maintained for compensation or otherwise, including the provision of permanent free care.

Halfway House for Recovering Alcohol and Drug Abusers. "Halfway house for recovering alcohol and drug abusers" means a residence that provides housing and a living environment for recovering alcohol and drug abusers and is operated to facilitate their reintegration into the community, but does not provide any treatment for alcohol or drug abuse. The term does not include a facility for transitional living for released offenders.

Hallway. "Hallway" means a completely enclosed corridor, passageway, or other similar enclosed space that connects two (2) separate rooms, or ingress and egress points, and which is not intended nor designed as habitable space. A hallway shall not be used to connect two (2) separate dwelling units.

Hedge. "Hedge" means a dense row of plant material, such as shrubs, which are arranged to form a boundary or screen.

Highest Existing Grade. "Highest existing grade" means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

Hillside Development. "Hillside development" means any development including individual lots which has slopes greater than fifteen (15) percent on twenty (20) percent or more of the site.

Historic Structure. "Historic structure" means any structure that is:

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- (a) Listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- (b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historic significance of a registered historic district or a district preliminarily determined by the Secretary of the Interior to qualify as a registered historic district;
- (c) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
- (d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - (1) By an approved state program as determined by the Secretary of the Interior; or
 - (2) Directly by the Secretary of the Interior in states without approved programs.

Home for Individual Residential Care. "Home for individual residential care" means a home in which a natural person furnishes food, shelter, assistance and limited supervision, for compensation, to not more than two (2) persons with mental retardation or with disabilities or who are aged or infirm, unless the persons receiving those services are related within the third degree of consanguinity or affinity to the person providing those services. The term does not include:

- (a) A halfway house for recovering alcohol and drug abusers; or
- (b) A home in which supported living arrangement services are provided to assist individuals in maximizing his independence, including without limitation training and habitation services.

Hoop House/High Tunnel. "Hoop House" or "High Tunnel" means an enclosure that is used to cover and protect crops from sun, wind, excessive rainfall, or cold, to extend the growing season in an environmentally safe manner and having a life span of approximately 5 years. The coverings for these enclosures utilize flexible, not rigid materials.

Hotel. "Hotel" means a building occupied or intended to be occupied, for compensation, as the temporary residence for transient guests, primarily persons who have residence elsewhere, with an interior hall and lobby.

House Construction Factory. "House construction factory" means a building used for the construction of a single or multiple family dwelling, or the assembly of prefabricated single or multiple family dwelling components, or a combination of the above-described procedures, which results in a completed single or multiple family dwelling that can be transported to a lot for which service has been provided and which has been improved to accommodate the installation of the dwelling.

Household. "Household" means the person or persons occupying a housing unit.

Impervious Surface. "Impervious surface" means the surface through which water cannot penetrate, such as a roof, road, sidewalk or paved parking area.

Incorporated City. "Incorporated city" means a city incorporated under the laws of the State of Nevada.

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Infrastructure. "Infrastructure" means the basic facilities such as roads, schools, power plants, transmission lines, transportation and communication systems on which the continuance and growth of a community depends.

Inoperable Vehicle. "Inoperable vehicle" means a vehicle, as defined by NRS 482.135, which:

- (a) Does not display current license plates (from any state) registered to the vehicle; and,
- (b) Is visibly damaged, wrecked, dismantled, in serious disrepair, deteriorating (rusting, rotting) or missing major components, or is being salvaged, parted out, prepared for crushing, shredding or scrapping; and,
- (c) Is not awaiting disposition instructions as a result of a collision.

Interior Lot. See " Lot, Interior."

Junkyard. "Junkyard" means any space for storage, abandonment or sale of junk, scrap material or similar waste, including the dismantling, demolition or abandonment of automobiles, other vehicles, machinery or parts. Junkyard shall be synonymous with salvage yard.

Key. "Key" means a designed compacted fill placed in a trench excavated in earth material beneath the toe of a proposed fill slope.

Kitchen. "Kitchen" means a room or space within a room equipped with such electrical or gas hook up that would enable the installation of a range, oven, or like appliance using 220/40 volts or natural gas (or similar fuels, such as propane) for the preparation of food, and also containing either or both a refrigerator and sink for the washing and/or disposal of food.

Landscaped Buffer. "Landscaped buffer" means an area of landscaping which separates two (2) distinct land uses, or a land use and a public right-of-way, and which acts to soften or mitigate the effects of one (1) land use on the other.

Landscaping. "Landscaping" means an area devoted to and maintained with a mixture of existing or new native or exotic plants such as turf, groundcover, shrubs, flowers, vines and trees, as well as additional complementary decorative features such as rocks, decorative pavement, fountains, pools, sculpture and decorative wall.

Ldn. "Ldn" means the average equivalent A-weighted sound level during a 24-hour day obtained by adding ten decibels to the hourly noise levels measured during the night (10:00 p.m. to 7:00 a.m.). In this way, Ldn takes into account the lower tolerance of people for noise during nighttime periods. Ldn noise level measurements are typically plotted onto a map to identify noise contours around a significant noise generator (e.g. freeways, airports, etc.).

Limited Gaming. "Limited gaming" means gaming enterprises authorized by the State Gaming Control Board whereby any person or gaming establishment may be issued a limited gaming license or have such conditions placed on a gaming license as necessary to protect the public interest.

Livestock. "Livestock" means:

- (a) All cattle or animals of the bovine species;
- (b) All horses, mules, burros and asses or animals of the equine species;
- (c) All goats or animals of the caprine species;

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- (d) All swine or animals of the porcine species; and
- (e) All sheep or animals of the ovine species.

Loading Space. "Loading space" means an off-street space or berth on the same lot with a building or contiguous to a group of buildings for the temporary parking of vehicles while handling merchandise or materials.

Lot. "Lot" means a distinct part or parcel of land divided with the intent to transfer ownership or for building purposes, which abuts upon a permanent means of access and is assigned a single parcel number by the Washoe County Assessor's Office.

Lot, Corner. "Corner lot" means a lot situated at the intersection of two (2) or more streets or a lot that abuts one (1) street that changes directions, curves or turns around the lot with an interior angle of 135 degrees or less.

Lot, Interior. "Interior lot" means either (a) a lot bounded by a street on only one (1) side; or, (b) a lot situated at the intersection of (2) streets having an interior angle of one hundred thirty-five (135) degrees or more; or, (c) a lot that has continuous street frontage on only one (1) street and when the curvature of the lot along the street frontage exceeds one hundred thirty-five (135) degrees or more.

Lot, Through. "Through lot" means a lot bounded by two (2) streets that do not intersect at the boundaries of the lot.

Lot Coverage. "Lot coverage" is a measure of intensity of land use which represents the portion of a site that is impervious (i.e. does not absorb water). This portion includes, but is not limited to, all areas covered by buildings, parking structures, driveways, roads, sidewalks, and any areas of concrete asphalt. In the case of lumberyards, areas where lumber is stored also constitutes impervious surfaces.

Lot Depth. "Lot depth" is the distance between the front and rear lot lines measured in the mean direction of the side lines.

Lot Size. "Lot size" is the total square footage of a lot.

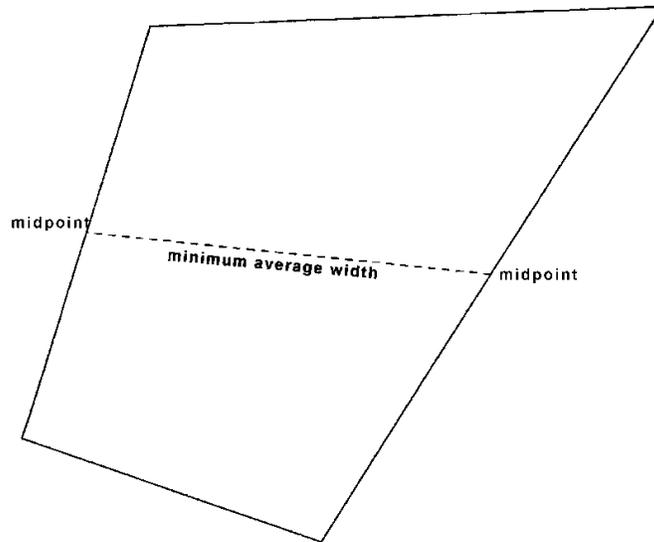
Lot Width. "Lot width" may be determined in one of the following three ways:

- (a) The distance between the side lot lines measured at right angles to the lot depth at a point midway between the front and rear line (see Figure 110.902.15LW1);

Figure 110.902.15.LW1

DISTANCE BETWEEN SIDE LOT LINES

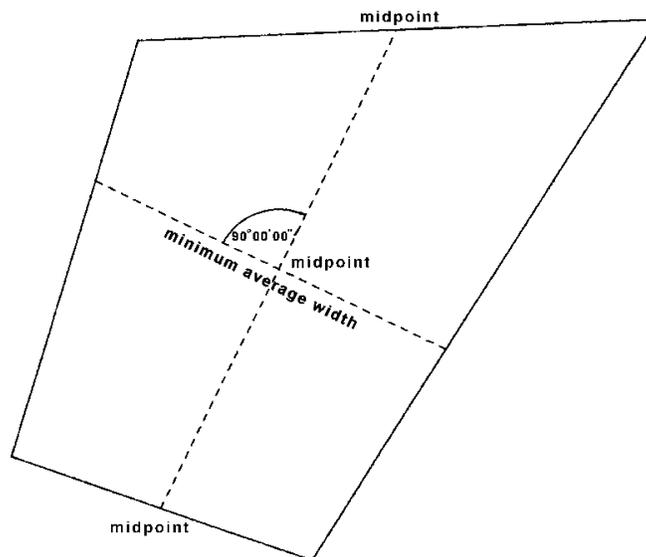
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Source: George Lindesmith, PLS.

- (b) The distance between the midpoints of the side lot lines (see Figure 110.902.15LW2); or
Figure 110.902.15.LW2

DISTANCE BETWEEN MIDPOINTS



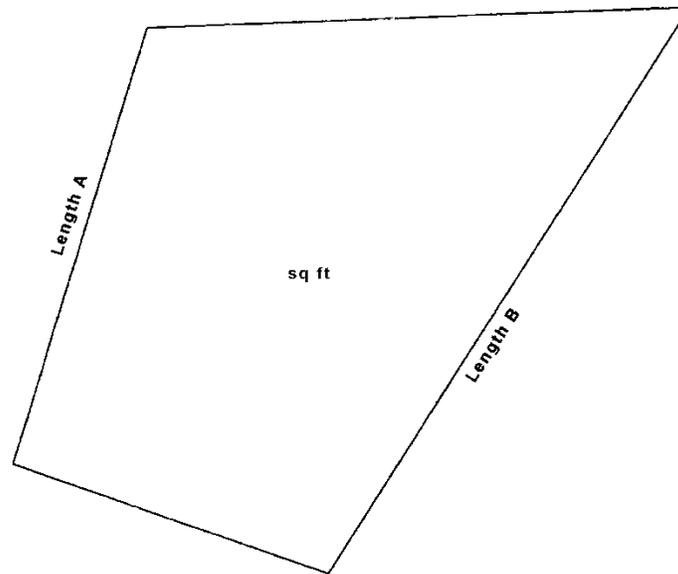
Source: George Lindesmith, PLS.

- (c) Area/Average Depth = Average Width (see Figure 110.902.15LW3).

Figure 110.902.15.LW3

AREA/AVERAGE WIDTH

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$$\text{Area/Average Depth} = \text{Average Width}$$
$$\text{Area Sq Ft} / \frac{\text{Length A} + \text{Length B}}{2} = \text{Average Width}$$

Source: George Lindesmith, PLS.

Lowest Floor. "Lowest floor" means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements.

Main Building. "Main building" means a building devoted to the principal use of the lot on which it is situated.

Major Subdivision. "Major subdivision" means a subdivision which contains five (5) or more lots, parcels, sites, units, plots or interests.

Manufactured Home. "Manufactured home" is a dwelling unit fabricated in an off-site manufacturing facility for installation or assembly at the building site, bearing the label certifying that it is built in compliance with the Federal Manufactured Housing Construction and Safety Standards in effect on the date of manufacture. A manufactured home is further defined by Nevada Revised Statute (NRS 489.113). A manufactured home is not a mobile home, nor a modular home.

Manufactured Home Park Site. "Manufactured home park site" is the entire tract of land used for a manufactured home park.

Manufactured Home Space. "Manufactured home space" is the area in a manufactured home park that is rented or leased to the occupant or occupants of a manufactured home.

Manufactured Home Subdivision. "Manufactured home subdivision" is a subdivision designed and/or intended for the sale of lots for siting manufactured homes.

Master Plan. "Master Plan" means the Washoe County Master Plan including both countywide elements and area plans, and a number of more detailed plans and studies related to the plans.

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Median Income or County Median Income. "Median income" or "County median income" means the level of income in Washoe County whereby one-half (1/2) of the population earns greater than that level of income and one-half (1/2) of the population earns less than that level of income. Median income is determined on a yearly basis by the Department of Housing and Urban Development.

Military Installation. "Military installation" means a base or facility at which or from which the Air Force, Army, Coast Guard, Marine Corps, Navy, Air Force Reserve, Army Reserve, Coast Guard Reserve, Marine Corps Reserve, Navy Reserve or National Guard conducts exercises, maneuvers, operations, patrols or training.

Minor Subdivision. "Minor subdivision" means a subdivision which contains four (4) or less lots, parcels, sites, units, plots or interests.

Minute Action. "Minute action" means an official final decision made by the Board of County Commissioners, as recorded in the County Clerk's minutes.

Mobile Home. "Mobile home" is a transportable, fabricated home, designed to be used as a year-round residential dwelling and built prior to enactment of the Federal Manufactured Housing Construction and Safety Standards Act of 1974, which became effective June 15, 1976. A mobile home, further defined by Nevada Revised Statute (NRS 489.120), does not bear an insignia of approval that the dwelling unit was built in compliance with NRS Chapter 461. A mobile home is not a manufactured home, nor a modular home.

Mobile Home Park. "Mobile home park" means a tract of land under single ownership within which two (2) or more manufactured homes are occupied as residences on a permanent or semi-permanent basis. The homes are located on spaces that are rented or leased. Special facilities for the common use of the occupants may be included.

Mobile Home Park Site. "Mobile home park site" is the entire tract of land used for a mobile home park.

Modular Home. "Modular home" is a dwelling unit fabricated in an off-site manufacturing facility for installation or assembly at the building site, bearing a label certifying that it is built in compliance with local International Building Code standards and further meets all requirements of County Code Chapter 100. Modular homes shall be subject to the same permit process as site-built homes. A modular home is not a manufactured home, but includes what is commonly referred to as a panelized home.

Motel. "Motel" means a building occupied or intended to be occupied, for compensation, as the temporary residence for transient guests, primarily persons who have residence elsewhere, with access to each room or unit from an outside porch or landing (whether or not such outside porch or landing is enclosed with screen, glass, plastic or similar material).

Mulch. "Mulch" means an organic or inorganic material applied to landscaped areas to help minimize evaporation from the soil, reduce weeds, moderate soil temperatures and slow erosion.

National Register of Historic Places. "National Register of Historic Places" means the listing maintained by the U.S. National Park Service of areas which have been designated as historically significant. The Register includes places of local and state significance, as well as those of value to the nation in general.

Natural Area. "Natural area" means a land area which is unimproved and not occupied by any structures or man-made elements, and set aside for the conservation of permanent, undisturbed open space.

Net Density. "Net density" is the ratio of the total number of units to the site area minus the area of the streets, parking areas and undevelopable land.

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Nevada Natural Heritage Site. "Nevada Natural Heritage Site" means areas of land or water which either:

- (a) Have unusual flora, fauna, geological, scenic or similar features of scientific, educational or recreational interest; or
- (b) Retain some degree, or have re-established, a natural character (although it need not be completely undisturbed).

Non-municipal Air Strips and Glider Ports. "Non-municipal air strips and glider ports" means any Federal Aviation Administration (FAA) recognized public use landing area, privately owned and operated for scheduled or non-scheduled air transportation activities, where commercial uses and aviation related commerce can occur. Such use may include provision of landing privileges, hangar and tie-down lease/rental spaces, fuel and lubrication service, flight instruction, plane rental, mechanical repairs, or any other form of aviation commerce. Uses can also include scenic and sightseeing transportation service including helicopter rides, glider plane rides, air balloon rides, ultra-light and experimental aircraft activities and aircraft charters. The term "non-municipal air strips and glider ports" does not apply to public airports operated by any federal, state or local government agencies. The term also does not apply to a personal landing field that is used for fixed-wing aircraft or helicopter landing operations that are incidental and ancillary to established allowable uses including, but not limited to, agricultural, ranching or mining activities, as long as no aviation related commerce is conducted at the personal landing fields.

NRS. "NRS" means Nevada Revised Statutes.

Open Space, Common. "Common open space" means the total land area, not individually owned or dedicated for public use, which is designed and intended for the common use or enjoyment of the residents or occupants of the development. Common open space includes swimming pools, putting greens and other recreational-leisure facilities; areas of scenic or natural beauty and habitat areas; hiking, riding or off-street bicycle trails; and landscaped areas adjacent to roads which are in excess of minimum required rights-of-way.

Open Space, Private. "Private open space" means the outdoor living area directly adjoining a dwelling unit or building which is intended for the private enjoyment of the residents or occupants of the dwelling unit or building and which is defined in such a manner that its boundaries are evident.

Open Space Use. "Open space use" means the current employment of land, the preservation of which use would conserve and enhance natural or scenic resources, protect streams and water supplies or preserve sites designated as historic pursuant to law, provided such land has a greater value for another use than for open space use.

Outdoor Storage. "Outdoor Storage" means the outside placement of items and materials that are incidental to the existing principal use of the property, except as provided for under Section 110.306.35(d), for a period of more than seventy-two (72) consecutive hours. Outdoor storage is further defined and regulated in the Washoe County Nuisance Code (WCC Sections 50.300 to 50.310, inclusive).

Parcel Map. "Parcel map" means a map for a minor subdivision.

Parcel of Land. "Parcel of land" means any unit or contiguous units of land assigned a single parcel number by the Washoe County Assessor's Office.

Parking Area. "Parking area" means an open area, excluding a street or other public right-of-way, used for the parking of vehicles and available to the public, whether for free or for compensation.

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Permanent Employee Housing. "Permanent employee housing" means housing for employees of an isolated industrial, mining, railroad, highway, utilities or agricultural based use where those employees occupy the housing on a permanent basis year round. This development may occur on a single parcel or multiple parcels.

Permitted Water Rights. "Permitted water rights" means the right, in accordance with NRS Chapter 533 and as approved by the Nevada State Engineer, to appropriate public waters, or to change the place of diversion, manner of use or place of use of water already appropriated.

Perennial Stream. "Perennial stream" means a stream that flows from source to mouth throughout the year. This definition does not apply to a man-made watercourse constructed for irrigation, aesthetic or other purposes.

Person. "Person" means a firm, association, corporation, partnership or an individual.

Personal Landing Field. "Personal landing field" means a private use aviation landing area that is used for fixed-wing aircraft or helicopter landing operations that are incidental and ancillary to established allowable land uses including, but not limited to, agricultural, ranching or mining activities, as long as no aviation related commerce is conducted at the personal landing fields. Personal landing fields do not engage in scheduled or non-scheduled air transportation activities, or in any scenic and sightseeing transportation service, or any other form of aviation commerce. The term "personal landing field" does not apply to "non-municipal air strips and glider ports," or to public airports operated by any federal, state or local government agencies.

Placement. "Placement" means the issuance of a set-up permit by the Building and Safety Department for a manufactured home or mobile home.

Planting Area. "Planting area" means an area devoted to or maintained predominantly with native or exotic plants including turf, groundcover, shrubs, flowers, vines and trees with a limited portion of complementary decorative features.

Plumbing Fixture. A "plumbing fixture" is a receptacle, device, or appliance that is supplied with water or which receives liquid or liquid-borne wastes, and which discharges into a drainage system to which it may be directly or indirectly connected.

Police Powers. "Police powers" means powers reserved to the states by the U.S. Constitution and delegated to cities and counties through the Nevada Constitution and the Nevada Revised Statutes; it is the authority to create and enforce ordinances and regulations that are not in conflict with general laws in order to promote the health, safety and general welfare of the public.

Print. "Print" means and includes a blueprint, photostat, direct process print or other copy which reproduces exactly the original drawing from which it was made.

Private Communication Antenna. "Private communication antenna" means any system of wires or poles or similar devices, excluding satellite dish antennas, used for the transmission or reception of electromagnetic waves by federally licensed amateur radio or citizen band radio operators, which system is external to or attached to the exterior of any building.

Private Garage. "Private garage" means a space intended for or used by the private automobiles of families resident upon the lot.

Professional Inspection. "Professional inspection" means the inspection required by this code to be performed by a civil engineer or geotechnical engineer licensed in Nevada. Such inspections

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include that performed by persons supervised by such engineers and shall be sufficient to form an opinion relating to the conduct of the work.

Public Garage. "Public garage" means a building for the repair, storage or hire of motor vehicles.

Rear Line. "Rear line" means the lot line most directly opposite the front line. A parcel of land may have only one (1) rear line.

Rear Yard. See "Yard, Rear."

Recreational Vehicle. "Recreational vehicle" means a vehicular structure that is primarily designed as temporary living quarters for travel, recreation and camping uses. A recreational vehicle can be self-propelled, mounted on, or towed by a separate vehicle.

Recreational Vehicle Park. "Recreational vehicle park" means a tract of land for the transient use by two or more recreational vehicles.

Regional Plan. "Regional Plan" means the Truckee Meadows Regional Plan.

Required Area. "Required area" means the minimum area of a lot or parcel necessary to permit its use under the provisions of the Development Code. Required area refers to:

- (a) Any lot shown as part of a subdivision recorded as a final plat in the manner provided by law;
- (b) Any parcel of land separated as a lot prior to the adoption and effective date of the original Washoe County Land Use Ordinance or the adoption of additional regulatory zones; or
- (c) Any lot or parcel of land which has an area not less than that required in the respective regulatory zone.

Residential Facility for Groups. "Residential facility for groups" means an establishment that furnishes food, shelter, assistance and limited supervision to a person with mental retardation or with a disability or a person who is aged or infirm. The term includes, without limitation, an assisted living facility. The term does not include:

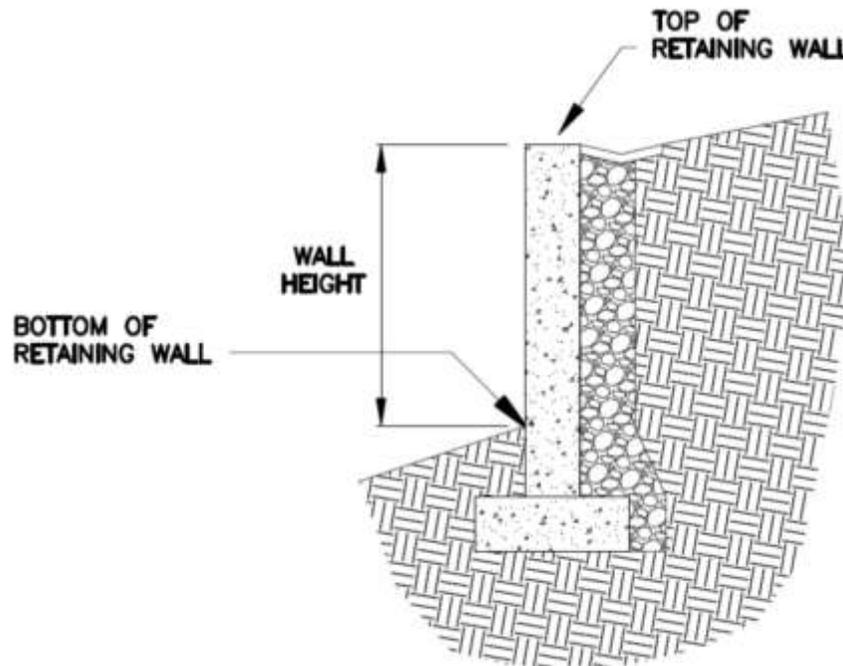
- (a) An establishment which provides care only during the day;
- (b) A natural person who provides care for no more than two (2) persons in his or her own home;
- (c) A natural person who provides care for one (1) or more persons related to him or her within the third degree of consanguinity or affinity;
- (d) A halfway house for recovering alcohol and drug abusers; or
- (e) A facility funded by a division or program of the Department of Health and Human Services.

Retaining Wall Height. "Retaining wall height" means the exposed height of the retaining wall from finished grade at the bottom of the wall to the top of the wall.

Figure 110.402.25.RWH

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Retaining Wall Height



Source: Washoe County Engineering Division

Revegetation. "Revegetation" means stabilizing disturbed or graded soils after construction by replanting with indigenous or natural appearing plants.

Ridgeline. "Ridgeline" means the topmost line connecting the series of highest elevation points of a ridge, running center and parallel to the long axis of the ridge and from which all water drains down.

Ridgeline, Significant. "Significant ridgeline" means the topmost line connecting the series of highest elevation points of a ridge, as identified on the Development Suitability map for each planning area included in Volume Two: Area Plans of the Washoe County Master Plan.

Right-of-Way. "Right-of-way" is a strip of land occupied or intended to be occupied by a publicly dedicated street, including the pavement, sidewalks and parkways, crosswalk, railroad, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, shade streets or other special use.

Riparian. "Riparian" means related to or located on the bank of a natural water course.

Riparian Habitat. "Riparian habitat" means the land and plants bordering a watercourse or lake.

Riprap. "Riprap" means consists of large pieces of angular rock (usually six (6) to thirty (30) inches in diameter) which have undergone only primary crushing and sizing; or larger, uncrushed pieces. Riprap is used to permanently stabilize slopes and construct erosion-control structures.

Rock Crushing. "Rock Crushing" mean the process of breaking down large rocks into smaller pieces or particles using mechanical force or explosives.

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Room. "Room" is space in a structure for living, sleeping, eating or cooking. Bathrooms, toilet compartments, closets, halls, storage or utility space, and similar areas, are not considered habitable space and therefore, not a room.

Roominghouse. "Roominghouse" means a building or portion thereof (not a motel) where, for compensation, lodging is provided for more than three (3) guests.

Runoff. "Runoff" means that part of precipitation which flows over the land without filtering into the soil.

Rural Regulatory Zones. "Rural regulatory zones" means the Low Density Rural Regulatory Zone, Medium Density Rural Regulatory Zone, and High Density Rural Regulatory Zone.

Satellite Dish Antenna. "Satellite dish antenna" means a device incorporating a reflective surface that is solid, open mesh or bar configured and is in the shape of a shallow dish, cone, horn or cornucopia. Such device shall be used to transmit and/or receive radio or electromagnetic waves between terrestrially and/or orbitally based uses. This definition is meant to include, but not be limited to, what are commonly referred to as satellite earth stations, TVROs (television reception only satellite dish antennas), and satellite microwave antennas.

Scenic Corridor. "Scenic corridor" means a roadway with recognized high quality visual amenities that include background vistas of mountains, open country or city.

School. "School" means an institution of learning which offers instructions in the several branches of learning required to be taught in the public schools of the State of Nevada.

Screen. "Screen" means to provide physical separation and complete visual obscuration of one area from another on all sides and in all seasons. Such separation must be at least six (6) feet high and includes, but is not limited to, the combination or individual use of a fence, decorative wall, structure, earth berm or dense landscaping.

Section 404 (Clean Water Act). "Section 404 (Clean Water Act)" means that section of the Clean Water Act delineating restrictions on the dredging and filling (only) of Wetlands in the United States. While Section 404 Permits are issued by the U.S. Army Corps of Engineers (COE), Section 404 regulations are written by the U.S. Environmental Protection Agency (EPA).

Section 404 (Clean Water Act) Permit. "Section 404 (Clean Water Act) Permit" means the Wetland dredge and fill permit issued under regulations written to conform to Section 404 of the Clean Water Act. The permit is actually granted by the U.S. Army Corps of Engineers (COE).

Sedimentation. "Sedimentation" means the act or process of depositing sediment from suspension in water. All the processes whereby particles of rock material are accumulated to form sedimentary deposits. Sedimentation, as commonly used, involves not only aqueous but also glacial, aeolian, and organic agents. (Water Quality) Letting solids settle out of wastewater by gravity during treatment.

Service Standards. "Service standards" means a measurement of municipal services used to monitor or compare services provided by the County and other service providers.

Setback. "Setback" means the required distance between every structure and the lot line of the lot on which the structure(s) is located.

Shrubs. "Shrubs" means a self-supporting woody species of plants characterized by persistent stems and branches springing from the base.

Side Yard. See "Yard, Side."

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Site. "Site" means any lot or parcel of land or contiguous combination thereof, under the same ownership, where grading is performed or permitted.

Site-Built Home. "Site-built home" means a dwelling unit where the major components are fabricated and assembled at the building site or a dwelling unit constructed at a house construction factory located within Washoe County. Site-built homes shall comply with Washoe County building codes and other adopted local codes.

Slope. "Slope" means ~~an inclined ground surface expressed as a ratio of horizontal distance to vertical distance~~ **an inclined ground surface, the inclination of which is expressed as a ratio of horizontal distance to vertical distance.**

Slaughter House, Agricultural. "Agricultural slaughter house" means a building used as an ancillary structure on a farm or ranch for the non-profit slaughtering of animals raised on-site and the processing and storage of animal products and waste that results from a slaughtering process.

Slaughter House, Commercial. "Commercial slaughter house" means a building used for the for-profit slaughtering of animals that are either raised on-site or transported to the building and the processing and storage of animal products and waste that results from a slaughtering process.

Solar Energy. "Solar energy" means energy derived from the sun's rays.

Special Flood Hazard Area. "Special flood hazard area" means the land area covered by the floodwaters of the base flood is the Special Flood Hazard Area (SFHA) on NFIP (National Flood Insurance Program) maps. The SFHA is the area where the NFIP's floodplain management regulations must be enforced and the area where the purchase of flood insurance is mandatory.

Specific Plan. "Specific plan" means a plan prepared for a portion of an area plan which prescribes uses and development standards for that portion.

Stabilized Soil. "Stabilized soil" means earth or soil treated by the application of other materials such as rock, chemical palliatives or vegetation to inhibit creation of dust and erosion by wind or water.

Stockpile. "Stockpile" means any temporary storage of earth, soil, rock, or aggregate either excavated onsite from a permitted activity or imported from an offsite source to be to be utilized onsite for a permitted activity and will be removed at the completion of the construction project.

Story. "Story" is that portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above a usable or unused under-floor space is more than six (6) feet above grade as defined herein for more than fifty (50) percent of the total perimeter or is more than twelve (12) feet above grade as defined herein at any point, such usable or unused under-floor space shall be considered as a story.

Story, First. "First story" is the lowest story in a building which qualifies as a story, as defined herein, except that a floor level in a building having only one (1) floor level shall be classified as a first story, provided such floor level is not more than four (4) feet below grade, as defined herein, for more than fifty (50) percent of the total perimeter, or more than eight (8) feet below grade, as defined herein, at any point.

Stream. "Stream" means a general term for a body of flowing water; natural watercourse containing water at least part of the year. In hydrology, the term is generally applied to the water flowing in a natural channel as distinct from a canal. Some classifications of streams include, in relation to time:

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- (a) Ephemeral Streams. Streams that flow only in direct response to precipitation and whose channel is at all times above the water table.
- (b) Intermittent or Seasonal Streams. Streams that flow only at certain times of the year when it receives water from springs, rainfall, or from surface sources such as melting snow.
- (c) Perennial Streams. Streams that flow continuously.

Streambanks. "Streambanks" mean the usual boundaries, not the flood boundaries, of a stream channel. Right and left banks are named facing downstream (in the direction of flow).

Street. "Street" means a public right-of-way or easement which affords a primary means of access to abutting property.

Structure. "Structure" means a walled and roofed building or manufactured home, including a gas or liquid storage tank that is primarily above ground. "Structure" does not include a tent, trailer or vehicle.

Subdivider. "Subdivider" means any person or persons, firm, corporation, partnership or association that causes land to be divided into a subdivision for himself or itself or for others. A consultant, engineer or surveyor who does not hold title to the land is not considered a subdivider.

Subdivision. "Subdivision" means any land, vacant or improved, which is divided or proposed to be divided vacant or improved, into two (2) or more lots, parcels, sites, units or plots for the purposes of any transfer, development or any proposed transfer or development unless exempted by one of the following provisions:

- (a) "Subdivision" does not apply to any division of land which creates lots, parcels, sites, units or plots of land each of which comprise forty (40) or more acres of land, or 1/16 of a section, including roads and roadway easements, which is subject to the provisions of Article 612.
- (b) Any joint tenancy or tenancy in common shall be deemed a single interest in land.
- (c) Unless a method of disposition is adopted for the purpose of evading this Development Code or would have the effect of evading this Development Code, the term "subdivision" does not apply to:
 - (1) Any division of land which is ordered by any court in this state or created by operation of law;
 - (2) A lien, mortgage, deed of trust or any other security instrument;
 - (3) A security or unit of interest in any investment trust regulated under the laws of this state or any other interest in an investment entity;
 - (4) Cemetery lots; or
 - (5) An interest in oil, gas, minerals or building materials which are not or hereafter severed from the surface ownership or real property.
- (d) "Subdivision" does not apply to creation of parcels of more than (10) acres for agricultural purposes if a street, road or highway opening, widening or easement of any kind is not involved.

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- (e) For the purposes of the definition "subdivision," any interest in land created or established as joint tenancy or a tenancy in common shall be a single interest and not an interest in common, if, and only if, the use or development or the proposed use or development of such land would not be a subdivision as defined in this section if undertaken or proposed by a single entity, whether corporate or an individual. See "Major Subdivision" and "Minor Subdivision."

Substantial Improvement. "Substantial improvement" means any repair, reconstruction, additions or other improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure either before the improvement or addition is started or, if the structure has been damaged, before the damage occurred, regardless of the actual repair work performed. For the purpose of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. "Substantial improvement" does not include:

- (a) Any project for improvement of a structure to comply with existing state or local health, sanitary or safety code specifications; or
- (b) Any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.
 - (1) "Substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure; and
 - (2) "Substantial improvement" does not include improvement of a structure solely to comply with existing state or local health, sanitary or safety code specifications, or any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

Suburban Regulatory Zones. "Suburban regulatory zones" means the Low Density Suburban Regulatory Zone, Medium Density Suburban Regulatory Zone, and High Density Suburban Regulatory Zone.

Surface Runoff. "Surface runoff" means water that results from precipitation which is not absorbed by the soil, evaporated into the atmosphere or entrapped by ground surface depressions and vegetation, and which flows over the ground surface to adjoining properties, storm drains or waterways.

Surveyor. "Surveyor" means a land surveyor registered pursuant to NRS Chapter 625.

Temporary Employee Housing. "Temporary employee housing" means housing for employees of an isolated industrial, mining, railroad, highway, utilities or agricultural based use where those employees occupy the housing on a seasonal basis not more than six (6) months per year. This development may occur on a single parcel or multiple parcels.

Tentative Parcel Map. "Tentative parcel map" means a map which is filed pursuant to Article 606, conforming to the standards and requirements set forth therein.

Tentative Subdivision Map. "Tentative subdivision map" means a preliminary map made to show lot lines, roads, buildings, rights-of-ways and other design factors of a proposed subdivision.

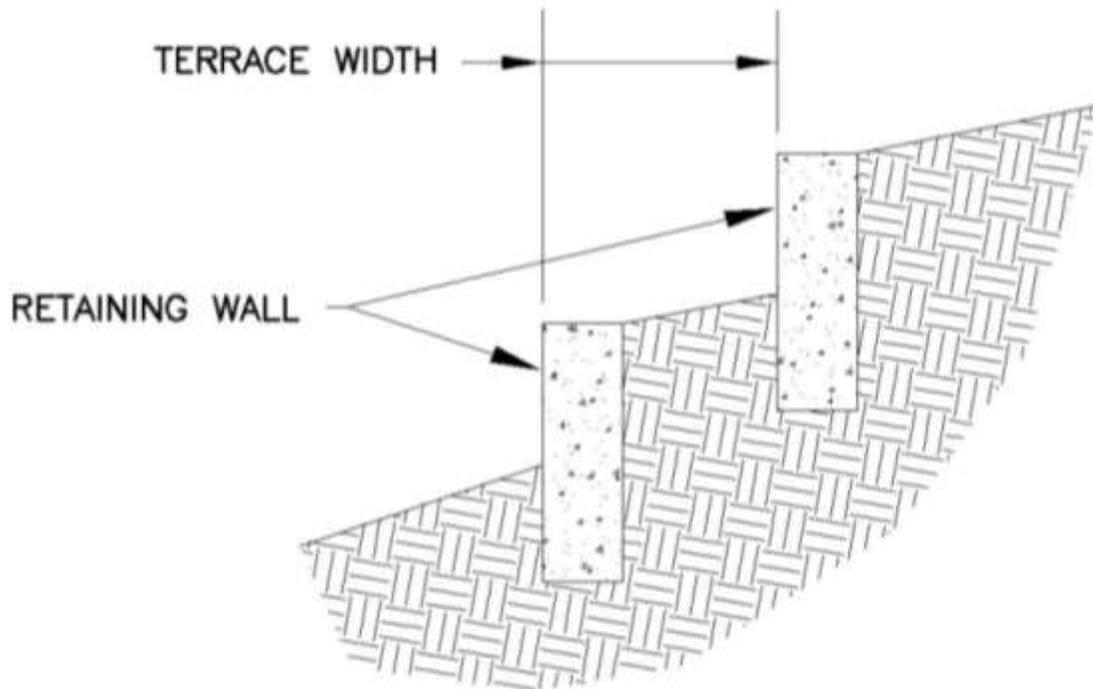
Terrace. "Terrace" means a relatively level step constructed in the face of a graded slope surface for drainage, maintenance and/or development purposes.

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Terrace Width. "Terrace width" means the width of a relatively level step constructed in the face of a graded slope or between two (2) retaining walls.

Figure 110.902.15.TW

Terrace Width



Source: Washoe County Engineering Division

Threatened Species. "Threatened species" means any species which is likely to become an endangered species within the foreseeable future and which has been designated in the Federal Register as a threatened species.

Through Lot. See "Lot, Through."

Topography. "Topography" means configuration of a surface, including its relief and the position of natural and man-made features.

Topsoil. "Topsoil" means the upper part of the soil profile that is relatively rich in humus, known in agronomy as the "A-horizon."

Total Developed Land Area. "Total developed land area" means that portion of a property which is disturbed for development purposes including, but not limited to, areas covered by buildings, landscaping, impervious surfaces and other areas graded or excavated to support the development.

Trailer Coach. See "Mobile Home."

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Travel Trailer. See "Recreational Vehicle."

Tree. "Tree" means a large, woody perennial plant with one main trunk or multiple trunks, and many branches.

Unladen Weight. "Unladen weight" means the weight of any vehicle without load, but fully equipped with accessories and appliances belonging to and used by such vehicle in the transportation of persons or property.

Uplighting. "Uplighting" means a source of light where the center of the light beam is at an angle greater than the horizontal.

Urban Regulatory Zones. "Urban regulatory zones" means the Low Density Urban Regulatory Zone, Medium Density Urban Regulatory Zone, and High Density Urban Regulatory Zone.

Use or Land Use. "Use" or "land use" means the primary or primary and secondary use(s) of land such as single family residential, multi-family residential, commercial, industrial, agriculture, etc. The description of a particular land use should convey the dominant character of a geographic area and, thereby, establish types of activities which are appropriate and compatible with primary use(s).

Used. "Used" includes "arranged," "designed" or "intended to be used."

Vegetation, Native. "Native vegetation" means plants that grow naturally in Washoe County, Nevada and have adapted to the climate, soil, location and rainfall patterns of their area.

Vegetation, Natural. "Natural vegetation" means plants which exist on a site before clearing or grading.

Viewshed. "Viewshed" means the surface area that can be seen from a specific viewpoint.

Vista. "Vista" means an area of high ground or projecting earth from which there is a dominant and unobstructed view of surrounding areas.

Watercourse. "Watercourse" means any natural or artificial watercourse, stream, river, creek, ditch, channel, canal, conduit, culvert, drain, gully, ravine, arroyo or wash in which water flows in a definite channel, bed or bank.

Waters of the State (Defined) (Nevada Revised Statutes 445A.415). "Waters of the State" means all waters situated wholly or partly within or bordering upon the State of Nevada, including, but not limited to:

- (a) All streams, lakes, ponds, impounding reservoirs, marshes, water courses, waterways, wells, springs, irrigation systems and drainage systems; and
- (b) All bodies or accumulations of water, surface and underground, natural or artificial.

Wetland. "Wetland" means an area that is periodically inundated or saturated by surface or groundwater on an annual or seasonal basis, that displays hydric soils, and that typically supports or is capable of supporting hydrophytic vegetation.

Wetlands (COE and EPA) (Regulatory). "Wetlands (COE and EPA)" means the U.S. Army Corps of Engineers (COE) and the U.S. Environmental Protection Agency (EPA) have adopted a regulatory definition for administering the Section 404 permit program of the Clean Water Act (CWA) as follows: [Wetlands are] those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of

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vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas.

Wetlands (NRCS) (Technical). "Wetlands (NRCS)" mean the (U.S. Department of Agriculture) Natural Resources Conservation Service (NRCS) [formerly the Soil Conservation Service (SCS)] uses the following definition for identifying wetlands on agricultural land in assessing farmer eligibility for U.S. Department of Agriculture program benefits under the "Swampbuster" provision of the Food Security Act (FSA) of 1985. As amended in 1990, the FSA states that the term "wetland," except when such term is part of the term "converted wetland," means land that:

- (a) Has a predominance of hydric soils;
- (b) Is inundated or saturated by surface or ground water at a frequency and duration sufficient to support a prevalence of hydrophytic vegetation typically adapted for life in saturated soil conditions; and
- (c) Under normal circumstances does support a prevalence of such vegetation.

Will Serve Letter. "Will serve letter" means a letter from a utility purveyor assuring the provision of services for proposed development.

Yard. "Yard" means an open space on the same lot or parcel used with the building, extending from the setback line to the nearest lot line, to be unoccupied and unobstructed except as provided in the Development Code.

Yard, Front. "Front yard" means a yard lying between the setback line and the front lot line and extending across the full width of the lot or parcel. In the case of either a corner lot or an interior lot with multiple street frontages, all yards abutting streets, other than collectors or arterials, shall be considered as front yards.

Yard, Rear. "Rear yard" means a yard between the setback line and the rear lot line and extending across the full width of the lot or parcel. On a corner lot, the side opposite the shortest front yard width is considered the rear yard of the lot.

Yard, Side. "Side yard" means a yard lying between the setback line and the side lot line and extending from the front yard line to the rear yard line.

Zone or Regulatory Zone. "Zone" or "Regulatory Zone" means a portion of the unincorporated area of Washoe County which is specifically designated in Article 106 of this Development Code.

SECTION 23. 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 Chair 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.

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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. 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.

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Passage and Effective Date

Proposed on _____ (month) _____ (day), 2024.

Proposed by Commissioner _____.

Passed on _____ (month) _____ (day), 2024.

Vote:

Ayes:

Nays:

Absent:

Alexis Hill, Chair
County Commission

ATTEST:

Jan Galassini, County Clerk

This ordinance shall be in force and effect from and after the
_____ day of the month of _____ of the year _____.