



Planning Commission Staff Report

Meeting Date: October 6, 2020

Agenda Item: 8B

DEVELOPMENT CODE AMENDMENT CASE NUMBER: WDCA20-0003 (Article 434 & 822)

BRIEF SUMMARY OF REQUEST: Amending Article 434, Regional Development Standards within Cooperative Planning Areas and All of Washoe County AND Article 822, Provisions for Amendments to Local Master Plans and Zone Changes in Areas Subject to Cooperative Planning Under the Regional Plan Settlement Agreement

STAFF PLANNER: Planner's Name: Julee Olander
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APPLICANT: Washoe County

Development Code Amendment Case Number WDCA20-0003 (Article 434 & 822) – For possible action, hearing and discussion to initiate an amendment to Washoe County Code at Chapter 110 (Development Code), to remove:

Article 434, *Regional Development Standards within Cooperative Planning Areas and All of Washoe County* and remove all sections within the Article including: 434.00, Introduction; 434.05, Purpose; 434.10, Applicability; 434.15, Definitions; 434.20, Density; 434.25, Lot Adjacency; 434.30 Ridgelines; and 434.35 Earthquake Fault Areas.

And Remove

Article 822, *Provisions for Amendments to Local Master Plans and Zone Changes in Areas Subject to Cooperative Planning Under the Regional Plan Settlement Agreement* and remove all sections within the Article including: 822.00, Introduction; 822.05, Purpose; 822.10, Applicability; 822.15, Definitions; 822.20, Master Plan Policies and Goals, and Zoning Amendments Criteria; 822.25, Findings for Regional Form and Pattern including Open Space; 822.30, Findings for Housing; 822.35, Findings for Concurrence, Timing and Phasing of Infrastructure; 822.40, Findings for Public Service Levels and Fiscal Effect; and 822.45, Findings for Open Space, Resource Constraints and Cooperative Planning Considerations Not Elsewhere Addressed.

If the proposed amendment is initiated, public hearing and further possible action to deny or recommend approval of the proposed amendment will occur and, if approval is recommended, to authorize the Chair to sign a resolution to that effect. These amendments are designed to comport with the 2019 amendment to the Truckee Meadows Regional Plan, which eliminated cooperative planning areas.

- ♦ Location: County wide
- ♦ Dev Code: Authorized in Article 818
- ♦ Comm. District: All Commissioners

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 initiate Development Code Amendment WDCA20-0003, recommend approval, and authorize the Chair to sign the attached resolution.

(Motions 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

The 2002 Truckee Meadows Regional Plan (TMRP) created cooperative planning areas, which were areas within the Truckee Meadows where more than one jurisdiction had an interest in the density, intensity, or character of development. Cooperative planning areas were created in response to the Regional Plan Settlement Agreement Case No. CV02-03469 (See Exhibit C) which required local jurisdictions to collaborate on the creation of a cooperative planning process and associated development standards. These areas included land within Washoe County that were outside the expanded spheres of influence(SOI), but within the Truckee Meadows Service Area (TMSA) and were identified by the cities of Reno and Sparks as areas of interest. The settlement agreement along with the 2002 TMRP policies further explain the development review process in these areas. Washoe County Development Code added Article 434, *Regional Development Standards within Cooperative Planning Areas and All of Washoe County* and Article 822, *Provisions for Amendments to Local Master Plans and Zone Changes in Areas Subject to Cooperative Planning Under the Regional Plan Settlement Agreement* to add specific standards and requirements as agreed to by the jurisdictions during post settlement agreement negotiations. Article 434 provides development standards, including density and lot adjacency requirements to minimize potential negative impacts. Article 822 provides findings for cooperative planning areas for compliance with regional plan policies. In the purpose of both articles it is stated “ Articles 434 and 822 are intended to implement certain portions of the October 17, 2002 Regional Plan Settlement Agreement and to function as the master documents for the settlement agreement.” The purposes go on further stating the reasons for the articles to be in place for the “full term of the 2002 Regional Plan” and that the Washoe County code must provide requirements to uphold the Settlement Agreement.

The 2012 TMRP continued identifying cooperative planning areas as shown on Map 7 (see Exhibit C). The 2019 TMRP, however, eliminated existing cooperative planning areas from Map 7, but reserved a blank Map 7 for any future cooperative plans that may be created by the jurisdictions. The 2019 TMRP envisions the creation of such plans, if any, as a method of cooperatively planning a given area with unique interests to multiple jurisdictions but not as a “joint plan” as defined in NRS. The 2019 TMRP policy RC 4 does speak to a possibility of the need for cooperative plans to allow local governments to collaborate. However, the plan states, “the Plan currently does not currently have any areas designated in this way”.

PROPOSED AMENDMENTS

The 2019 TMRP did not continue identifying cooperative planning areas and it has been deemed that cooperative planning requirements are no longer needed within the Washoe County development code. Washoe County staff is proposing to remove the articles, since the 2019 TMRP no longer designates cooperative planning areas. (See Exhibit A)

Findings

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: This amendment will remove all requirements for cooperative planning from the Development Code, which 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 development code amendment will remove all requirements for cooperative planning within the Development Code and this change will not adversely impact public health, safety or welfare.

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 is responding to the changes in the 2019 TMRP which no longer identifies cooperative planning areas and therefore no longer requires Washoe County to have a cooperative planning process within the Development Code for cooperative planning areas. These articles is no longer required by the Regional Plan.

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 impacted by this proposed amendment for cooperative planning areas.

Public Notice

Pursuant to WCC Section 110.818.20, notice of this public hearing was published in the newspaper at least 10 days prior to this meeting, and the Chairs and membership of all Citizen Advisory Boards were likewise notified of the public hearing. A public workshop was held through Zoom on September 1, 2020 for this application and there were 4 attendees. There were questions concerning the reason to remove Articles 434 and 822 and the status of cooperative planning.

Recommendation

It is recommended that the Planning Commission initiate and subsequently recommend approval of WDCA20-0003, to amend the development code removing Article 434 and Article 822. The following motions are provided for the Planning Commission's consideration:

Motions***Initiation***

I move that, after giving reasoned consideration to the information contained in the staff report and received during the public hearing, the Washoe County Planning Commission initiate the amendment to Washoe County Code Chapter 110 to remove all sections within Article 434, *Regional Development Standards within Cooperative Planning Areas and All of Washoe County* and Article 822, *Provisions for Amendments to Local Master Plans and Zone Changes in Areas Subject to Cooperative Planning Under the Regional Plan Settlement Agreement*, as described in the staff report for WDCA20-0003.

Amendment

I move that, after giving reasoned consideration to the information contained in the staff report and received during the public hearing, the Washoe County Planning Commission recommend approval of WDCA20-0003, to amend Washoe County Code Chapter 110 to remove all sections within Article 434, *Regional Development Standards within Cooperative Planning Areas and All of Washoe County* and Article 822, *Provisions for Amendments to Local Master Plans and Zone Changes in Areas Subject to Cooperative Planning Under the Regional Plan Settlement Agreement*, as described in the staff report for this matter. 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 recommendation for approval is based on all of the following 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.

xc: Dave Solaro, Assistant County Manager
 Nate Edwards, Deputy District Attorney
 Mojra Hauenstein, Planning and Building Director



RESOLUTION OF THE WASHOE COUNTY PLANNING COMMISSION

INITIATING AND RECOMMENDING APPROVAL OF AN AMENDMENT TO WASHOE COUNTY CODE AT CHAPTER 110 (DEVELOPMENT CODE), TO REMOVE:

ARTICLE 434, *REGIONAL DEVELOPMENT STANDARDS WITHIN COOPERATIVE PLANNING AREAS AND ALL OF WASHOE COUNTY* AND REMOVE ALL SECTIONS WITHIN THE ARTICLE INCLUDING: 434.00, INTRODUCTION; 434.05, PURPOSE; 434.10, APPLICABILITY; 434.15, DEFINITIONS; 434.20, DENSITY; 434.25, LOT ADJACENCY; 434.30 RIDGELINES; AND 434.35 EARTHQUAKE FAULT AREAS .

AND REMOVE

ARTICLE 822, *PROVISIONS FOR AMENDMENTS TO LOCAL MASTER PLANS AND ZONE CHANGES IN AREAS SUBJECT TO COOPERATIVE PLANNING UNDER THE REGIONAL PLAN SETTLEMENT AGREEMENT* AND REMOVE ALL SECTIONS WITHIN THE ARTICLE INCLUDING: 822.00, INTRODUCTION; 822.05, PURPOSE; 822.10, APPLICABILITY; 822.15, DEFINITIONS; 822.20, MASTER PLAN POLICIES AND GOALS, AND ZONING AMENDMENTS CRITERIA; 822.25, FINDINGS FOR REGIONAL FORM AND PATTERN INCLUDING OPEN SPACE; 822.30, FINDINGS FOR HOUSING; 822.35, FINDINGS FOR CONCURRENCY, TIMING AND PHASING OF INFRASTRUCTURE; 822.40, FINDINGS FOR PUBLIC SERVICE LEVELS AND FISCAL EFFECT; AND 822.45, FINDINGS FOR OPEN SPACE, RESOURCE CONSTRAINTS AND COOPERATIVE PLANNING CONSIDERATIONS NOT ELSEWHERE ADDRESSED; AND OTHER MATTERS NECESSARILY CONNECTED THEREWITH AND PERTAINING THERETO.

Resolution Number 20-23

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 the Washoe County Code Chapter 110 (Development Code) to remove Article 434, *Regional Development Standards within Cooperative Planning Areas and All of Washoe County* and Article 822, *Provisions for Amendments to Local Master Plans and Zone Changes in Areas Subject to Cooperative Planning Under the Regional Plan Settlement Agreement*, on October 6, 2020 as fully described in Exhibit A-1 to this resolution; and
- C. Development Code Amendment Case Number WDCA20-0003, came before the Washoe County Planning Commission for a duly noticed public hearing on October 6, 2020; 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 WDCA20-0003:

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 October 6, 2020.

WASHOE COUNTY PLANNING COMMISSION

ATTEST:

Trevor Lloyd, Secretary

Larry Chesney, Chair

DRAFT: September 10, 2020

EXHIBIT A-1

WORKING COPY
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
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Summary: Amending the Washoe Development Code to remove all sections within Article 434, Regional Development Standards within Cooperative Planning Areas and All of Washoe County AND Article 822, Provisions for Amendments to Local Master Plans and Zone Changes in Areas Subject to Cooperative Planning Under the Regional Plan Settlement Agreement

BILL NO. _____

ORDINANCE NO. _____

Title:

An ordinance amending the Washoe County Code at Chapter 110 (Development Code), Article 434, *Regional Development Standards within Cooperative Planning Areas and All of Washoe County*, by remove all sections within the Article including: 434.00, Introduction; 434.05, Purpose; 434.10, Applicability; 434.15, Definitions; 434.20, Density; 434.25, Lot Adjacency; 434.30 Ridgelines; and 434.35 Earthquake Fault Areas.

And remove

Article 822, *Provisions for Amendments to Local Master Plans and Zone Changes in Areas Subject to Cooperative Planning Under the Regional Plan Settlement Agreement* and remove all sections within the Article including: 822.00, Introduction; 822.05, Purpose; 822.10, Applicability; 822.15, Definitions; 822.20, Master Plan Policies and Goals, and Zoning Amendments Criteria; 822.25, Findings for Regional Form and Pattern including Open Space; 822.30, Findings for Housing; 822.35, Findings for Concurrence, Timing and Phasing of Infrastructure; 822.40, Findings for Public Service Levels and Fiscal Effect;

DRAFT: September 10, 2020

EXHIBIT A-1

and 822.45, Findings for Open Space, Resource Constraints and Cooperative Planning Considerations Not Elsewhere Addressed.

WHEREAS:

- A. This Commission desires to remove Article 434 and Article 822 of the Washoe County Development Code (Chapter 110) in order that both Articles are no longer part of the Washoe County Development Code (Chapter 110) and,
- B. The Washoe County Planning Commission initiated the proposed amendments to Washoe County Code Chapter 110, Development Code, by Resolution Number 20-23 on October 6, 2020; and,
- C. The amendments and this ordinance were drafted in concert with the District Attorney, and the Planning Commission held a duly noticed public hearing for WDCA20-0003 on October 6, 2020, and adopted Resolution Number 20-23 recommending adoption of this ordinance; 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. Section 434 of the Washoe County Code is hereby deleted in its entirety:

DRAFT: September 10, 2020

EXHIBIT A-1

Article 434

~~REGIONAL DEVELOPMENT STANDARDS
WITHIN COOPERATIVE PLANNING AREAS
AND ALL OF WASHOE COUNTY~~**Sections:**

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

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

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

~~**Section 110.434.05 Purpose.**~~

- ~~(a) Articles 434 and 822 are intended to implement certain portions of the October 17, 2002 Regional Plan Settlement Agreement and to function as the master documents for the~~

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EXHIBIT A-1

~~settlement agreement. These standards will be on file with all settlement signatories and the Court.~~

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

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

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

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

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

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

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

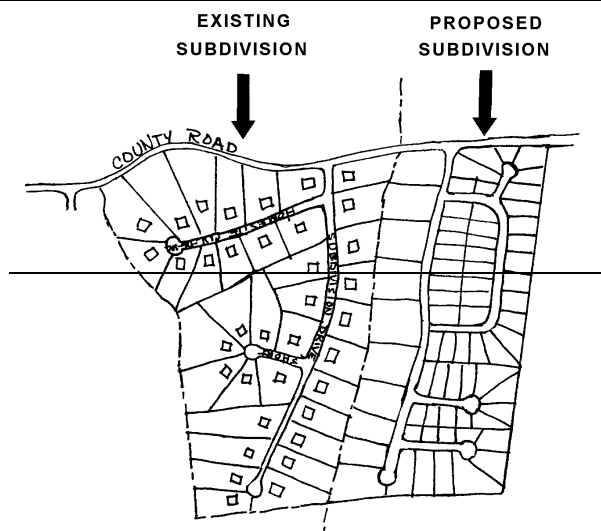
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EXHIBIT A-1

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

Figure 110.434.25.1

PARCEL SIZE MATCHING



— Or

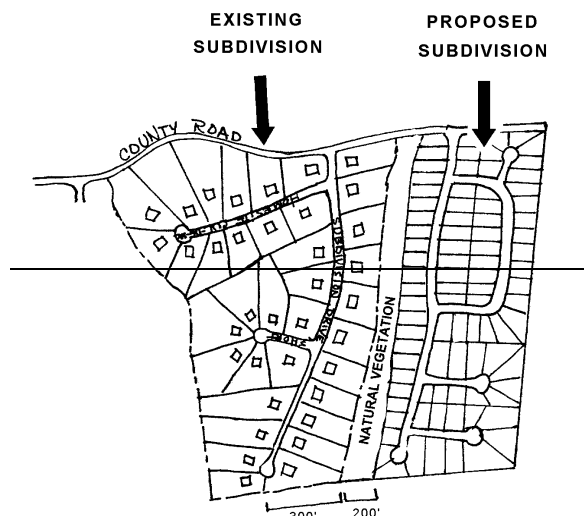
- (2) ~~Buffering.~~ A "buffer zone" shall be established. When the buffer remains natural vegetation, the buffer zone shall be equivalent to two hundred (200) feet or the average minimum lot depth of the adjoining developed property, whichever is greater (see Figure 110.434.25.2). The buffer zone may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

Figure 110.434.25.2

BUFFERING

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EXHIBIT A-1



Source: Washoe County Department of Community Development.

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

Section 110.434.30 Ridgelines.

- (a) For visually important ridgeline (VIR) areas, the development standards of the applicable VIR area will apply, as developed in accordance with Article 822, Section 110.822.25(j).
- (b) Where at buildout there will be a row of structures along a ridgeline, the setbacks must be staggered with a variation of at least twenty (20) feet in an irregular pattern to avoid creating a visual "wall." Uniformity in structures arrayed along ridgelines is to be discouraged and variation is to be encouraged.

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EXHIBIT A-1

- (c) ~~All other ridgeline design and development standards shall apply for Sparks, Reno and Washoe County as they were respectively in effect on October 17, 2002, except where a common code applies to all cooperative planning areas in accordance with Exhibit 3, Initial Criteria for Areas within Extended SOIs of the Regional Plan Settlement Agreement Case No. CV02-03469.~~

~~**Section 110.434.35 Earthquake Fault Areas.** Development in earthquake fault areas is to be discouraged. No habitable structure, or a structure whose integrity is critical to maintaining the public health and safety, shall be located on a fault that has been active during the Holocene Epoch of geologic time or as determined by a site specific geotechnical study.~~

Attachment 1

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

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

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EXHIBIT A-1

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

Attachment 2

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

	COUNTY	RENO	SPARKS
STRUCTURE HEIGHT	NC/O = 60 ft. GC = 80 ft. TC = 45 ft. I = 65 ft. 110.406.05.1	OP & NC = 35 ft. GC = 65 ft. HC 65 ft. I = 55 ft. max. 18.06.503 Table 2	OP & NC = 30 ft. C1 = 30 ft. C2 = 60' TC = No Max I = 55 ft. max. 20.80.030
SETBACKS	_____ F/ S/ R NC/O = 15/15/20 GC = 10/10/10 I = 15/10/15 110.406.05.1 None None	Adjoining Single Family Setback and add: 1:1 height/setback ratio over 15' Building height for 2 acre site or less add 1:3 height/ setback ratio over 15 feet for over 2 acres 18.06.506D	1:1 ratio of height/setback 20.83, .85 and .86
LANDSCAPING	20% of site for commercial, 10% industrial 1 tree/per 50 ft. frontage Living ground cover = 50% in 1 year Trees = mix conifers ½ 7 ft. & ½ 5 ft. tall Deciduous 50% 2" 50% 1" Preservation of Significant Trees	20% of site for OC/GO, NC, 15% for GC and I front yard with add on 18.06.702.1 1 tree/per 300 sq.ft. of landscaping Living ground cover = 75% in 3 years Tree = mix 60% large = 40' 60% 2 ½ caliper Existing Tree Preservation Entire abutting setback landscaped 18.06.700	25% of site for PO, 20% for C1, 15% for C2, 10% for TC 4 trees per 100 lineal feet Minimum 30' on center near residential Minimum planter 10' wide, 1 tree/5 shrubs ea. 25' Tree mix 50% = 6' 50% = 8 ft See Design Standards Guidelines 3.9 Perimeter Landscaping to residential
SCREENING	6-7 ft. fence Trash Enclosure screened	6 ft solid 5 feet of landscaping adjacent 1 tree/30 ft. Same	Solid and architecturally compatible, chain link with slats not allowed Same, metal doors Design Guidelines 3.9

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			Perimeter landscaping/screening to residential
SIGNAGE	Per sign ordinance	No signage in rear adjacent to single family	Per sign ordinance

Attachment 2 (continued)

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

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

SECTION 2. Article 822 of the Washoe County Code is hereby deleted in its entirety:

Article 822

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

Sections:

110.822.00	Introduction
110.822.05	Purpose
110.822.10	Applicability
110.822.15	Definitions
110.822.20	Master Plan Policies and Goals, and Zoning Amendments Criteria
110.822.25	Findings for Regional Form and Pattern including Open Space
110.822.30	Findings for Housing
110.822.35	Findings for Concurrency, Timing and Phasing of Infrastructure
110.822.40	Findings for Public Service Levels and Fiscal Effect

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~~110.822.45 Findings for Open Space, Resource Constraints and Cooperative Planning Considerations Not Elsewhere Addressed~~

~~**Section 110.822.00 Introduction.** Subsequent to adoption of the updated 2002 Truckee Meadows Regional Plan, the Regional Plan Settlement Agreement Case No. CV02-03469 (hereinafter referred to as "settlement agreement") was reached that disposed of certain litigation over the Regional Plan and related matters. Among subsequent actions required by the settlement agreement was the development of certain specific objective criteria that would establish findings necessary for zone changes within areas defined as "cooperative planning areas" in the Truckee Meadows. This is addressed in this article. The settlement agreement also required development of certain minimum development standards common throughout the entire cooperative planning area to minimize potential negative impacts of new development on existing development within the incorporated and unincorporated areas. These common minimum standards are addressed in Article 434, Regional Development Standards within Cooperative Planning Areas and all of Washoe County. Together, Articles 434 and 822 are intended to promote effective implementation of the Truckee Meadows Regional Plan of 2002 by applying specific standards and criteria, and requiring findings during the local zoning and master plan amendment process. Principle #1 of the Regional Plan, adopted May 9, 2002, states that the plan:~~

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

~~**Section 110.822.05 Purpose.**~~

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

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~~way so as to negate the provisions of these articles during the term of the 2002 Regional Plan. Notwithstanding the above, any or all of these provisions may be amended through majority vote of each of the three local governing bodies.~~

~~**Section 110.822.10 Applicability.** The following policies apply to amendments to local master plans and zoning changes throughout the cooperative planning areas of the Truckee Meadows region, including Transit Oriented Development areas and Emerging Employment Centers within cooperative planning areas, unless the text of the specific policy states otherwise. "Cooperative Planning Areas" means:~~

- ~~(a) The expanded city spheres of influence (SOIs), post-May 8, 2002;~~
- ~~(b) Land within the unincorporated area and outside the expanded spheres of influence, but within the Truckee Meadows Service Area (TMSA) that was identified by the cities as within the "areas of interest" in the settlement agreement; and~~
- ~~(c) Lands annexed by a city under the provisions of NRS 268.670 outside the pre-May 9, 2002 spheres of influence, except as prescribed in the settlement agreement in Nevada Supreme Court Case No. 38749 (also known as the Verdi matter).~~

~~**Section 110.822.15 Definitions.** Except as otherwise noted in this subsection or in a specific section that follows, the definitions of terms used in this article are the same as the definitions on pp. 54 through 64 of the Truckee Meadows Regional Plan adopted May 9, 2002.~~

- ~~(a) "Development constraints areas" shall also include "earthquake fault areas" and "natural recharge areas", as well as wetlands and areas with greater than thirty (30) percent slope.~~
- ~~(b) "Earthquake fault areas" are areas within fifty (50) feet of the line of a known earthquake fault.~~
- ~~(c) "Natural recharge areas" are areas that have been identified as a result of scientific study to be particularly important to maintaining the recharge of a particular hydrographic basin.~~

~~**Section 110.822.20 Master Plan Policies and Goals, and Zoning Amendments Criteria.** Local governments considering amendments within cooperative planning areas shall be required to make all the applicable findings identified in Sections 110.822.25 through 110.822.45.~~

~~**Section 110.822.25 Findings for Regional Form and Pattern including Open Space.**~~

- ~~(a) Findings for Regional Plan Policy 1.1.6 — Rural Development Area (for an amendment located within a Rural Development Area): (See subsection (i) for Truckee Meadows Service Area findings). The following findings must be made:
 - ~~(1) The amendment does not allow new divisions of land that would create a parcel less than five (5) acres in size, except as allowed by existing zoning/master plan classifications and District Health Regulations as of May 9, 2002.~~
 - ~~(2) The permitted uses do not require community water or sewage disposal systems or new publicly maintained roads or parks.~~~~
- ~~(b) Findings for Policies 1.1.8 and 2.1.1 — Development Constraints Area (for an amendment located within a Development Constraints Area). The following findings must be made:~~

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- ~~(1) — Allowed land uses are limited to communication facilities, recreational facilities, parks and open space, utilities, agriculture, forestry, mining, transportation infrastructure necessary to service development, and residential uses that are limited to a maximum density of one (1) unit per forty (40) acres or one (1) unit per parcel in existence on May 9, 2002.~~
- ~~(2) — Open space identified for future acquisition, parkland and natural recharge areas, to the extent known, shall be maintained at current densities and be identified in the Regional Open Space Plan, local master plans and local parks master plans of the entities with jurisdiction.~~
- ~~(3) — For any use not listed in finding (1) above: it must be found that the uses allowed by the proposed master plan and/or land use designation within the Development Constraints Area are isolated, enhance the overall design of a proposed project, and preserve as open space a two to one (2:1) ratio of non-constrained area for every constrained area that is developed.~~
- ~~(c) — Findings for Policies 1.1.9 and 2.2.1 — Slope Management (15 percent to 30 percent) (for an amendment with identified slopes in excess of 15 percent). The following findings must be made:~~
 - ~~(1) — The local government making the amendment already has in effect an applicable adopted Slope Management Plan for slopes greater than fifteen (15) percent but less than thirty (30) percent that includes the entire area in which the amendment is proposed and that has been found in conformance with the Regional Plan. To be found in conformance, that Slope Management Plan must contain, at a minimum:~~
 - ~~(i) — Provisions sufficient to ensure full compatibility with the development standards contained in Article 434 throughout the entire area of the Slope Management Plan.~~
 - ~~(ii) — Additional requirements, including proposed and prohibited land use (both master plan and zoning, if different) and a map, sufficient to mitigate the visual impact of the Visually Important Ridgeline area development on existing developed areas and ensure that, at a minimum, throughout the entire area of the Slope Management Plan and its plan. Development on such slopes will not degrade the scenic, public safety, and environmental values of the area to be developed, and the region as a whole.~~
 - ~~(●) — Development on such slopes incorporates on-site and off-site mitigation measures for impacts to habitat and water quality, and for fiscal effects associated with higher than normal costs of infrastructure, public safety facilities, and public safety services on slopes greater than fifteen (15) percent but less than thirty (30) percent.~~
 - ~~(●) — Recharge areas are protected; and development in recharge areas is discouraged and, if it occurs, the impact on recharge is fully mitigated.~~
 - ~~(●) — Activities comply with the terms of National Pollutant Discharge Elimination System (NPDES) permits.~~

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- ~~(iii) — An impact assessment that reasonably shows that, at buildout, the management strategy will assure that above requirements of subsection (ii) will be met.~~
- ~~(2) — The amendment is in conformance with that Slope Management Plan.~~
- ~~(d) — Findings for Policies 1.1.12 and 1.2.16 — Emerging Employment Centers (for an amendment in an area identified as an Emerging Employment Center). The following findings must be made:~~
 - ~~(1) — The local government making the amendment already has in effect an applicable adopted development plan for the entire Emerging Employment Center in which the amendment is proposed, and which has been found in conformance with the Regional Plan. To be found in conformance, that Emerging Employment Center plan must contain, at a minimum, applicable throughout the entire area of the Emerging Employment Center:~~
 - ~~(i) — Requirements, including proposed and prohibited land use (both master plan and zoning, if different) and a map, sufficient to mitigate the visual impact of the Emerging Employment Center area development on existing developed areas and ensure that, at a minimum, throughout the entire area of the Emerging Employment Center and its plan:~~
 - ~~(●) — Adequate non-residential land supply;~~
 - ~~(●) — Convenient access to major roads and/or freeways;~~
 - ~~(●) — Pedestrian connections throughout the areas and to nearby residential areas;~~
 - ~~(●) — A plan for transit service;~~
 - ~~(●) — Adequate residential land supply in the surrounding area to house the anticipated number of employees;~~
 - ~~(●) — Maintenance of the character of nearby standards; and~~
 - ~~(●) — Compatibility with reverse commute and trip reduction strategies.~~
 - ~~(ii) — An impact assessment that reasonably shows that, at buildout, the management strategy will assure that requirements of subsection (i) will be met.~~
 - ~~(iii) — A professional economic analysis has been provided that reasonably shows that, at buildout, the tax revenues for both the city and Washoe County, generated by the uses and resident population of the Emerging Employment Center, shall meet or exceed the costs of services provided by city and county government to the uses and to the resident population in the Emerging Employment Center. These costs shall include costs for both the maintenance and replacement of infrastructure. If this analysis requires intensity to meet this condition, the intensity is specifically required by the plan.~~

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- ~~(iv) All utilities that will be providing services to the Emerging Employment Center have submitted statements that, under the rates and fee structure of the utility, the cost of providing service to the Emerging Employment Center will not be shifted onto ratepayers in other areas.~~
- ~~(2) The amendment is in conformance with that plan.~~
- ~~(e) Findings for Regional Plan Policy 1.2.1 – Desired population and employment distribution and Jobs/Housing balance. The amendment must demonstrate that it will contribute to, and further the achievement of the purposes of, Regional Plan Policy 1.2.1 through application of the following criteria:~~
 - ~~(1) The amendment shall provide a detailed up-to-date assessment of the impact on the desired population, housing and employment distribution articulated in Regional Plan Policy 1.2.1. The model for this review shall be developed, maintained and updated annually by the Truckee Meadows Regional Planning Agency, in cooperation with local governments and affected entities. This annual update shall also assess where and how the cost of housing has been impacted by the Regional Plan policies.~~
 - ~~(2) The amendment must make a finding that the distribution of population, housing and employment envisioned in Regional Plan Policy 1.2.1 will be reinforced by the proposed amendment. Infill projects inside the McCarran Ring should be encouraged, and development outside should be discouraged, until such time as the infill growth standard is met or exceeded.~~
- ~~(f) Findings for Regional Plan Policy 1.2.12 – Regional Centers (for an amendment within an identified Regional Center):~~
 - ~~(1) The local government making the amendment already has, in effect, an applicable adopted development plan for the entire Regional Center in which the amendment is proposed and that Regional Center plan has been found in conformance with the Regional Plan. To be found in conformance, that Regional Center plan must contain, at a minimum, applicable throughout the entire area of the Regional Center:~~
 - ~~(i) Requirements, including proposed and prohibited land use (both master plan and zoning, if different) and a map, sufficient to ensure that, at a minimum, applicable throughout the entire area of the Regional Center and its plan:~~
 - ~~(•) Minimum residential densities for new development of eighteen (18) units per acre of residential, residential and for average densities of thirty (30) units per acre of residential within the entire area of the Regional Center plan;~~
 - ~~(•) Minimum floor area ratios (FAR) for non-residential developments and mixed use developments of 1.5 FAR;~~
 - ~~(•) Multi-modal transportation including future transit support where called for by the Regional Transportation Commission planning (supporting statement by Regional Transportation Commission required); and~~

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- ~~(•) The required intensity and other features of the buildout under the plan is not detrimental to the character of any adjacent, existing communities.~~
- ~~(ii) An impact assessment that reasonably shows that, at buildout, the Regional Center plan will assure that requirements of subsection (i) will be met.~~
- ~~(iii) A professional economic analysis has been provided that reasonably shows that, at buildout, the tax revenues for both the city and Washoe County, generated by the uses and resident population of the Regional Center, shall meet or exceed the costs of services provided by city and county government to the uses and to the resident population in the Regional Center. These costs shall include costs for both the maintenance and replacement of infrastructure. If this analysis requires intensity to meet this condition, the intensity is specifically required by the plan.~~
- ~~(iv) All utilities that will be providing services to the Regional Center have submitted statements that, under the rates and fee structure of the utility, the cost of providing service to the Regional Center will not be shifted onto ratepayers in other areas.~~
- ~~(2) The amendment is in full conformance with that plan.~~
- ~~(g) Findings for Regional Plan Policies 1.2.8, 1.2.9 and 1.2.12 — Transit Oriented Development Corridors (for an amendment within a Transit Oriented Development). The amendment must be found to make a significant positive contribution to achieving the purposes and objectives of the Transit Oriented Development Corridors. The following findings must be made:~~
 - ~~(1) The local government making the amendment already has, in effect, an applicable adopted development plan for the entire Transit Oriented Development Corridor in which the amendment is proposed; and that plan has been found in conformance with the Regional Plan. To be found in conformance, that Transit Oriented Development Corridor plan must contain, at a minimum, applicable throughout the entire area of the Transit Oriented Development corridor and plan:~~
 - ~~(i) Requirements, including proposed and prohibited land use (both master plan and zoning, if different) and a map, sufficient to ensure that, at a minimum:~~
 - ~~(•) Minimum residential densities for new development of eighteen (18) units per acre of residential, residential and for average densities of thirty (30) units per acre of residential within the entire area of the Transit Oriented Development Corridor Plan;~~
 - ~~(•) Minimum floor area ratios (FAR) for non-residential developments and mixed use developments of 1.5 FAR;~~
 - ~~(•) Within one-quarter mile of a designated transportation route, as identified in Regional Plan Policy 1.2.8;~~

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- ~~(●) The required intensity and other features of the buildout under the plan is not detrimental to the character of any adjacent, existing communities;~~
- ~~(●) Compatibility with aviation and operational requirements of the Airport Authority of Washoe County (supporting statement by Airport Authority required);~~
- ~~(●) Land use and design that supports and enhances multi-modal transportation, including future transit, and that is compatible with Regional Transportation Commission planning (supporting statement by Regional Planning Commission required); and~~
- ~~(●) Human scale design.~~
- ~~(ii) An impact assessment that reasonably shows that, at buildout, the Regional Center plan will assure that requirements of subsection (i) will be met.~~
- ~~(2) The amendment is in conformance with the adopted conforming Transit Oriented Development Corridor Plan.~~
- ~~(h) Findings for properties identified as potential Open Space within the adopted Regional Open Space Plan:~~
 - ~~(1) A finding that the property owner has noticed local, regional, state, national and federal organizations charged with the mission of maintaining or enhancing open space in this region that an amendment to the cooperative plan to change zoning will be submitted.~~
 - ~~(2) Open space identified for future acquisition, parkland and natural recharge areas, to the extent known, shall be maintained at current densities and identified on the Regional Open Space Plan, local master plans and local parks master plans of the entities with jurisdiction.~~
- ~~(i) Findings for Regional Plan Policies 1.3.2 and 1.3.3 — Truckee Meadows Services Area (TMSA) — development standards (for an amendment in the Truckee Meadows Services Area outside the sphere of influence).~~
 - ~~(1) The local government making the amendment already has an area plan that includes the entire area to be amended in the Truckee Meadows Services Area outside the cities' sphere of influence, and that area plan has been found in conformance with the Regional Plan. That area plan must contain, at a minimum, applicable throughout the entire area of the area plan:~~
 - ~~(i) Requirements, including proposed and prohibited land use (both master plan and zoning, if different) and a map, sufficient to ensure that, at a minimum, throughout the entire area of the area plan:~~
 - ~~(●) Residential density no greater than three (3) dwelling units per acre in the Truckee Meadows Services Area;~~
 - ~~(●) Commercial retail is restricted to a floor area of sixty thousand (60,000) square feet or less for any single tenant and a~~

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- ~~maximum size for any single development to one hundred thousand (100,000) square feet of floor area;~~
- ~~(●) Commercial office is restricted to a floor area of twenty thousand (20,000) square feet or less for any single tenant and a maximum size for any single development to forty thousand (40,000) square feet of floor area;~~
 - ~~(●) No industrial or warehouse uses;~~
 - ~~(●) Institutional/civic uses will be commensurate with the surrounding immediate community;~~
 - ~~(●) There will be a maximum ten (10) acres of contiguous non-residential properties and these must be separated by a minimum of one (1) mile from the nearest non-residential property;~~
 - ~~(●) Open space identified for future acquisition, parkland and natural recharge areas, to the extent known, shall be maintained at current densities and identified in the Regional Open Space Plan, local master plans and local parks master plans of the entities with jurisdiction;~~
- ~~(ii) Such alternative standards as may be submitted and approved as allowed in the 2002 Truckee Meadows Regional Plan; and~~
 - ~~(iii) The proposed amendment is in conformance with the adopted area plan.~~
- ~~(j) Findings for Visually Important Ridgeline (VIR) areas, as identified on the Visually Important Ridgelines & Related Landforms map dated May 1994 in the Washoe County Regional Open Space Plan and those significant ridgelines identified on the Development Suitability maps contained within the August 13, 2002 Washoe County Forest Area Plan, Washoe County North Valleys Area Plan and Washoe County Verdi Area Plan, shall be considered in applications for master plan and zoning map amendments.~~
 - ~~(1) The local government making the amendment already has an applicable adopted VIR area plan which has been found in conformance with the Regional Plan and that includes all of the area of the proposed amendment. To be found in conformance, that VIR area plan must contain, at a minimum, applicable throughout the entire area of the VIR Plan:~~
 - ~~(i) Identification of potential developable areas (0 to 30 percent slope).~~
 - ~~(ii) Description of the existing landscape of such slope.~~
 - ~~(iii) Requirements, including proposed land use (both master plan and zoning, if different) and a map to specify allowable and prohibited land uses, and development standards¹ sufficient to mitigate the visual impact of the VIR area development on existing developed areas and ensure that, at a minimum:~~

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- ~~(•) The maximum height, placement, design and coloration of structures will minimize visual impacts of areas identified in the sight-line analyses; and~~
 - ~~(•) Minimum setbacks and height limits for structures on the back sides of slopes will minimize visual impacts of areas identified in the sight-line analyses.~~
- ~~(2) The proposed amendment is in conformance with the adopted conforming VIR area plan.~~

~~Section 110.822.30 Findings for Housing.~~ The amendment must make a positive contribution to community housing goals as articulated by the following findings:

- ~~(a) The amendment is consistent with criteria for densities established in Section 110.822.25, Findings for Regional Form and Pattern including Open Space, including subsections (a), (b), (f), (g) and (i).~~
- ~~(b) The amendment is consistent with the local governments' requirements for inclusionary affordable housing as identified in Regional Plan Policy 1.1.13, which must be reviewed by Regional Planning no later than October 2004.~~
- ~~(c) Prior to conformance of the local governments' requirements for inclusionary affordable housing, the amendment must document that it is not detrimental to the HOME Consortium's housing efforts and will provide affordable, accessible and appropriate housing opportunities and options to the community. Agency comments from the HOME Consortium must be solicited on the amendment.~~

~~Section 110.822.35 Findings for Concurrency, Timing and Phasing of Infrastructure.~~ The following findings, either (a) or (b), as applicable, must be made. Each amendment must demonstrate how it makes a positive contribution to concurrent, orderly, efficient and safe provision of community infrastructure.

- ~~(a) Service capacity for water, wastewater, stormwater, roads and parks exists or is planned to exist prior to construction of development within the amendment.~~
- ~~(b) When using a community system, each of the following studies must identify and mitigate the cumulative impacts on existing infrastructure and facilities plans. These conceptual studies must propose infrastructure mitigation that constitutes reasonable care with respect to adjacent or adjoining areas.~~
 - ~~(1) The amendment includes a conceptual drainage study consistent with the adopted standards of the local government.~~
 - ~~(2) The amendment includes a conceptual wastewater treatment and conveyance, including septic systems, study consistent with the adopted standards of the local government.~~
 - ~~(3) The amendment includes a conceptual traffic study that is consistent with the adopted Regional Transportation Plan.~~
 - ~~(4) The amendment includes a conceptual potable water supply and conveyance, including individual wells, study.~~

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- ~~(5) The amendment includes a conceptual parks plan consistent with the adopted standards of the local government.~~
- ~~(6) The proposed cooperative plan amendment that proposes a community system must identify a funding plan for the improvement program.~~

~~**Section 110.822.40 Findings for Public Service Levels and Fiscal Effect.** Through application of the following criteria and assessments, the amendment must support a finding that it will not cause, or will mitigate, adverse impacts upon the cost and efficient provision of public services (including public safety, recreation and education) to existing residents and communities within Washoe County:~~

- ~~(a) The amendment must assess the impacts to public services including police, fire and public recreation based on a level of service that has been adopted by the local government and this assessment reasonably demonstrates that the level of service to the existing communities is not negatively impacted.~~
- ~~(b) The amendment provides mitigation measures when the impact to public services drops below the adopted level of service for the local government.~~
- ~~(c) The proposed Cooperative Plan Amendment must analyze the fiscal revenue and service expenditures of development.~~
- ~~(d) The amendment must identify and evaluate the impacts on public schools.~~

~~**110.822.45 Findings for Open Space, Resource Constraints and Cooperative Planning Considerations Not Elsewhere Addressed.**~~

- ~~(a) Findings for Wildlife:~~
 - ~~(1) The proposed amendment provides a full and detailed assessment of wildlife habitats that have been identified in the Regional Open Space Plan. The amendment must be found to include preservation, enhancement and/or mitigation measures as necessary for the maintenance of habitat.~~
 - ~~(2) The amendment demonstrates how it is not detrimental to the protection, preservation and enhancement of wildlife habitat, as applicable.~~
- ~~(b) Findings for Water-Related Constraints: The amendment is compatible with either the interim or updated plan and policies (whichever is in effect) drafted and adopted by the Regional Water Planning Commission (RWPC) in accordance with the terms of the settlement agreement.~~
- ~~(c) Findings for Open Space and Natural Recharge Areas. Open space identified for future preservation by acquisition, parkland and natural recharge areas, to the extent known, shall be maintained at current densities and identified in the Washoe County Regional Open Space Plan, local master plans and local parks master plans of the entities with jurisdiction.~~

SECTION 3. General Terms.

1. All actions, proceedings, matters, and things heretofore taken, had and done by the County and its officers not

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- inconsistent with the provisions of this Ordinance are ratified and approved.
2. The Chairman of the Board and officers of the County are authorized and directed to take all action necessary or appropriate to effectuate the provisions of this Ordinance. The District Attorney is authorized to make non-substantive edits and corrections to this Ordinance.
 3. All ordinances, resolutions, bylaws and orders, or parts thereof, in conflict with the provisions of this Ordinance are hereby repealed to the extent only of such inconsistency. This repealer shall not be construed to revive any ordinance, resolution, bylaw or order, or part thereof, heretofore repealed.
 4. 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), 2020.

Proposed by Commissioner _____.

Passed on _____ (month) _____ (day), 2020.

Vote:

Ayes:

Nays:

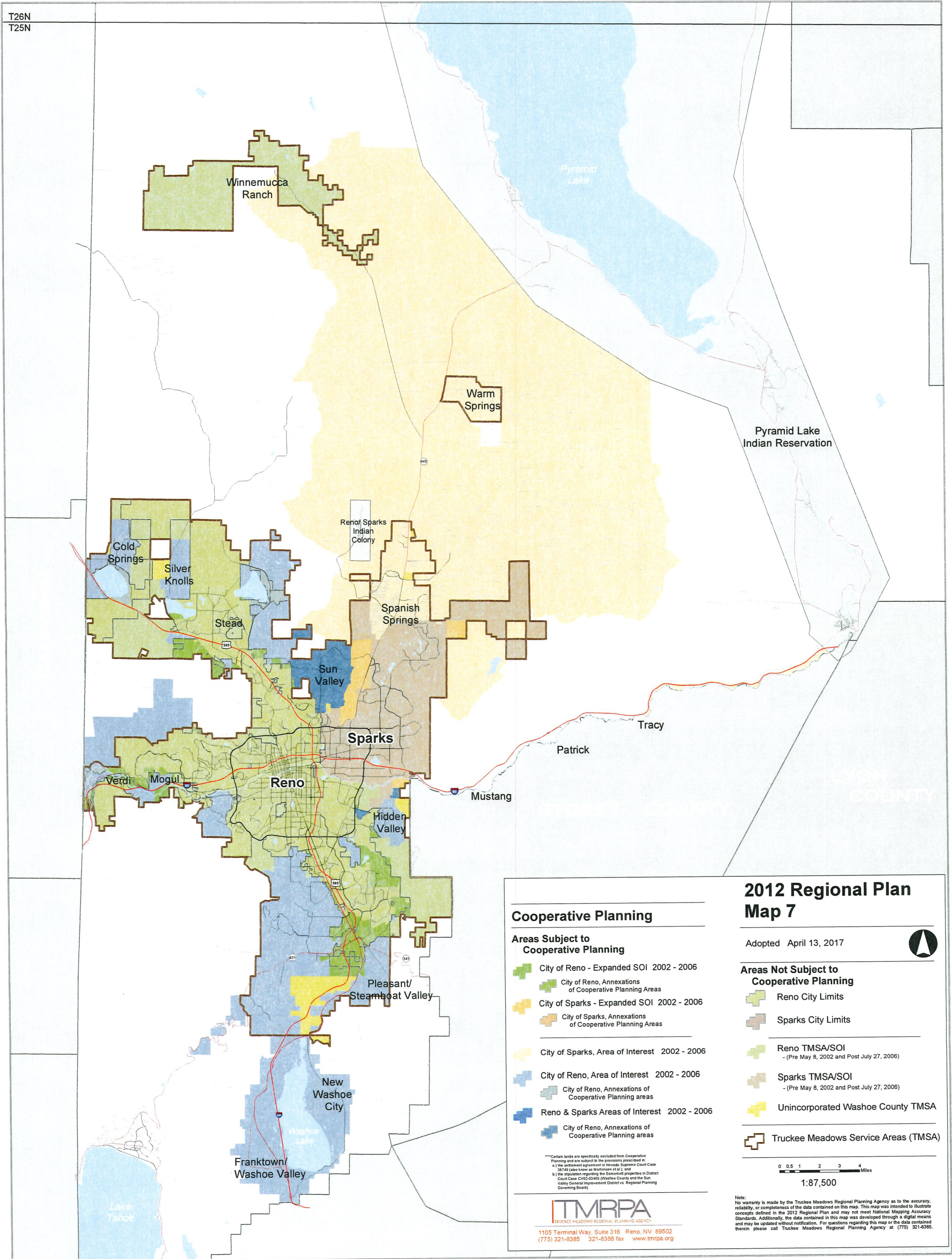
Absent:

Robert Lucey, Chair
County Commission

ATTEST:

Nancy Parent, County Clerk

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



Terms of Settlement Agreement

Washoe County and the Sun Valley GID vs. Truckee Meadows Regional Planning Governing Board CV02-03469

A. BASELINE CRITERIA

1. **Spheres of Influence.** The Spheres of Influence (SOI) identified in the 2002 Regional Plan will be amended to reflect the boundaries agreed to by the City of Reno (hereinafter Reno) and the City of Sparks (hereinafter Sparks) post-May 9, 2002, as delineated in the September 2002 confidential settlement briefs of Reno and Sparks. *See Exhibit 1* to this settlement agreement (hereinafter agreement) is the map identifying the amended SOI.
2. **Cooperative Planning Areas within the 2002 Expanded Spheres of Influence.** The area added to the SOI's as they existed on May 8, 2002, and as amended by paragraph A1 of this agreement, will be referred to as the 2002 Expanded SOI's for the purposes of this agreement. The 2002 Expanded SOI will be master planned and zoned according to the Cooperative Planning process as defined in this agreement. These areas in total are henceforth referred to as Cooperative Planning Areas within the 2002 Expanded SOI's.
3. **Land Use and Zoning Designations.** Cooperative Planning Areas within the 2002 Expanded SOI's will be given the Washoe County (hereinafter County) master plan land use (which is concurrently the County's regulatory zoning) as translated to City land use and zoning. *See Exhibit 2.* In Cooperative Planning Areas within the 2002 Expanded SOI's the development standards that will be used for development projects are those from the respective city as modified by the attached table. *See Exhibit 3.* Reno will accept the Mt. Rose Highway scenic corridor standard as approved by the County. *See Exhibit 4.*
4. **Cooperative Planning Areas outside the 2002 Expanded Spheres of Influence.** Areas of interest are those areas beyond the 2002 Expanded SOI's where cities have an interest in specific aspects of County planning as further described in A6 and A7 of this agreement. *See Exhibit 5.* These areas of interest are henceforth referred to as Cooperative Planning Areas outside the 2002 Expanded SOI's. As provided for in *Exhibit 5*, the areas that Reno has expressed interest in are designated in yellow and aqua and the areas that Sparks has expressed interest in are designated in periwinkle and aqua.
5. **Cooperative Planning Areas outside the 2002 Expanded SOI's in which the City has Interest.** Cooperative Planning Areas outside the 2002 Expanded SOI's in which the City has Interest will maintain the existing County master plan land use and use existing County development standards. For ongoing Community

Management Plans that are largely outside the 2002 Sphere of Influence, the County master plan land use will be maintained until such time as Community Management Plans amend the County Comprehensive Plan and are found to be in conformance with the Regional Plan.

6. **Boundary Adjustments to Cooperative Planning Areas outside the 2002 Expanded SOI's.** Within 240 days of the execution of this agreement, the parties agree to further review and define the boundaries of the Cooperative Planning Areas outside the 2002 Expanded SOI's. The outcomes of this review are subject to the dispute resolution mechanisms outlined in Section A7.
7. **Notification and Dispute Resolution.** The County agrees to provide Reno and Sparks with reasonable notice of proposed planning decisions that address zoning changes, and changes to development standards, in the cooperative planning areas outside the 2002 Expanded SOI's. Moreover, Reno and Sparks will be able to provide review of, and meaningful input in regards to, infrastructure availability, timing and phasing; public service levels and fiscal impacts; and natural resource constraints. In the event that either Reno or Sparks is aggrieved by an administrative decision of the County in these matters, Reno or Sparks may file a petition to Department 9 of the Second Judicial District Court seeking a judicial review of the County's administrative decision. For disputes arising from County administrative decisions on planning matters in Cooperative Planning Areas outside the 2002 Expanded SOI's, Reno and Sparks are not required to file a petition with either the Regional Planning Commission or the Regional Planning Governing Board prior to seeking judicial review by Department 9 of the Second Judicial District Court.
8. **Amendment to land use, zoning and development standards in Cooperative Planning Areas.** All requests for amendment to the land use, zoning and development standards in Cooperative Planning Areas will be subject to the provisions in Section B of this agreement.
9. **Protocol Agreements.** *Exhibit 6 and 7* are draft protocol agreements that explain the procedures for processing specific plans, development agreements, approved discretionary permits, discretionary permit applications in the process of approval, master plan amendments, building permits, business licenses, code enforcement and reporting requirements to boards and commissions outside the city limits of Reno and Sparks. The parties agree to finalize the draft protocol agreements within 120 days of execution of this agreement and file a copy of the same with Department 9 of the Second Judicial District Court.
10. **City Programs of Annexation.**
 - (a) Reno and Sparks will adopt Programs of Annexation consistent with *NRS 268.625* including consideration of the following factors:
 1. Location of the property to be considered for annexation;
 2. The logical extension of City limits;

3. The need for the expansion to accommodate planned regional growth;
 4. The location of existing and planned water and sewer service;
 5. Community goals that would be met by any proposed annexation;
 6. The efficient and cost effective provision of service areas and capital facilities; and,
 7. Any other factors concerning any proposed annexation deemed appropriate for consideration by the governing body of the city.
- (b) Reno and Sparks shall not review and amend their Programs of Annexation more frequently than annually.
- (c) Reno and Sparks shall specify in their Programs of Annexation areas in their respective SOI's that are considered for annexation within the next 7 years and acknowledge that the areas considered for annexation in the 7 year program are less than the area designated as the 2002 Expanded SOI's.

11. Joint Planning.

- (a) Joint Plans shall be amended only by agreement of all parties thereto, and shall be reviewed 18 months after the initiation of cooperative planning, at which time the parties shall consider conversion of joint planning areas to cooperative plans, such action requiring unanimous agreement of the parties.
- (b) The County, Reno, and the Regional Planning Governing Board (hereinafter Board) agree to jointly seek a stay of the Bushey litigation (*Truckee Meadows Regional Planning Governing Board, etc., et al. v. County of Washoe et al.*, Supreme Court of Nevada, Supreme Court Case No 37947; District Court Case No. CV 01-00211) pending further mediation. The County, Reno and the Board will provide in the stipulation submitted to the Supreme Court requesting a stay that the parties' submission is based upon a request by the Honorable James Hardesty, District Court Judge, Second Judicial District Court.
- (c) The County, Reno, and the Board agree to participate in further mediation regarding parcels affected by the Bushey litigation, including but not limited to, Beckworth/McMullen et al. Bushey parcels include APN 552-250-02. The Beckworth/McMullen parcels include APN 552-111-01 and APN 552-111-02.

B. COOPERATIVE PLANNING PROCESS

1. Proposed amendments to Master Plans in Cooperative Planning Areas. All proposed amendments to master plan land use, zoning or development standards (see Section A3 of this agreement) in Cooperative Planning Areas within the 2002 Expanded Spheres of Influence will be initiated and reviewed with participation from each local government as follows (some time frames may run concurrently):

(a) Initiation of amendments by property owner(s).

Time Periods. Amendments submitted by property owner(s) to local government for area within their jurisdiction, i.e. City of Reno (and SOI), City of Sparks (and SOI), Washoe County

- 5 days a copy of the application will be provided to staff of other involved local government(s), and relevant Citizen Advisory Boards, Neighborhood Advisory Boards and/or the Sparks Citizen Advisory Committee;
- 15 days joint staffs hold a review meeting to identify concerns, issues, etc.
- 30 days Citizen Advisory Boards, Neighborhood Advisory Boards and the Sparks Citizen Advisory Committee and other involved local government planning commission(s) to provide comments;
- 45 days other involved local governing body(ies) comment
- 60 days hearing by local planning commission with jurisdiction
- 85 days hearing by local governing body with jurisdiction
- 115 days appeal hearing, if any, by Regional Planning Commission
- 145 days appeal hearing, if any, by Regional Planning Governing Board
- 175 days appeal hearing, if any, by District Court

i. Sanctions. Washoe, Reno, Sparks or the Board may seek judicial intervention to determine whether a non compliance of the timelines in Section B1(a) of this agreement is abusive in nature and warrants the imposition of sanctions by Department 9 of the Second Judicial District Court.

ii. Waiver. Property owner applicants may submit to their respective local jurisdiction a written waiver of the timelines in Section B1(a) of this agreement.

b. Initiation of amendments by Local Governments.

Initiation of amendments by local governments for areas within their jurisdiction, i.e. City of Reno (and SOI), City of Sparks (and SOI), Washoe County.

- 5 days a copy of the application will be provided to staff of other involved local government(s), and relevant Citizen Advisory Boards, Neighborhood Advisory Boards and/or the Sparks Citizen Advisory Committee;
- 30 days joint staffs hold a review meeting to identify concerns, issues, etc
- 45 days Citizen Advisory Boards, Neighborhood Advisory Boards and the Sparks Citizen Advisory Committee and other involved local government planning commission(s) to provide comments;
- 60 days other involved local governing body(ies) comments on issues
- Ongoing staff involvement/correspondence
- 120 days draft plan to staff of other involved local government(s)
- 140 days joint staffs hold a review meeting to identify concerns, issues, etc. on draft
- 155 days other involved local government planning commission(s) provide comments on draft
- 170 days other involved local governing body(ies) provide comments on draft

- 185 days hearing by local planning commission with jurisdiction
- 200 days hearing by local governing body with jurisdiction
- 230 days appeal hearing, if any, by Regional Planning Commission
- 260 days appeal hearing, if any, by Regional Planning Governing Board
- 290 days appeal hearing, if any, by District Court

i. **Sanctions.** Washoe, Reno, Sparks or the Board may seek judicial intervention to determine whether a non compliance of the timelines in B1(b) of this agreement is abusive in nature and warrant the imposition of sanctions by Department 9 of the Second Judicial District Court.

ii. **Extension of Time.** The time periods referenced in B1(b) may be modified provided all the local governments involved consent in writing.

C. COOPERATIVE PLANNING AREA AMENDMENT

1. **Cooperative Planning Area amendment evaluation criteria.** The following criteria will be used to formulate cooperative plans as well as for evaluating proposed amendments to Cooperative Plans to determine whether the amendments conform to the comprehensive regional plan. The amendments will be further defined to be more specific. The initial criteria are as follows:

- (a) Regional form and pattern, including open space
- (b) Housing
- (c) Jobs/housing balance
- (d) Concurrency, timing, and phasing of infrastructure
- (e) Public service levels and fiscal impacts
- (f) Natural resource constraints not elsewhere addressed
- (g) Interim water policies developed and recommended by the Regional Water Planning Commission under C2(a) of this agreement, and recommendations from the Commission's updated water plan
- (h) Adjacency, edge matching and "feathering " standards shall be applied within the cooperative planning area as currently described in 110.212 Washoe County Development Code. *See Exhibit 8.* *Exhibit 8* will include both the Code and the Map referenced by the Code, which delineates which parcels are currently subject to this standard.

2. **Additional Criteria and Refinement of Cooperative Planning Area Amendment Criteria.** Within 120 days following the execution of this agreement staff of Reno, Sparks, the County and the Board may refine and develop additional criteria for the amendment of cooperative planning areas. Staff will provide recommendations to the respective City and County Planning Commissions for review and recommendation to the respective City and County Commission for approval, including all applicable public processes. Local Governments will forward the recommendations to the Board and for filing with Department 9 of the Second Judicial District Court as an Exhibit to this

agreement. In the event that Reno, Sparks, or the County are aggrieved by a decision of Reno, Sparks or the County, the aggrieved party may initiate the dispute resolution process pursuant to the regulations referenced in Section E of this agreement. The topics to be considered by the staff for refinement shall include, but are not limited to:

- (a) **Water.** Reno, Sparks and the County shall jointly request that the Regional Water Management Planning Commission formulate interim criteria policies to be provided within 120 days from execution of this agreement.
- (b) **Further application of** adjacency, edge matching and “feathering” **standards.** Within 120 day time period, delineated in C2 of this agreement, staff from Reno, Sparks, the County and the Board will further determine the application of adjacency, edge matching and “feathering” standards more broadly within the cooperative planning areas.
- (c) **Convenience commercial uses in the Golden Valley area.** Within 120 day time period, delineated in C2 of this agreement, staff from Reno, the County and the Board will evaluate whether convenience commercial uses in the *Golden Valley* area should be located within 1500 feet of a high school property line, unless such services are coincident with an existing neighborhood or community serving center designated in a city or county master plan found to conform to the regional plan.
- (d) **Development standards for Cooperative Planning Areas.** Within 120 day time period, delineated in C2 of this agreement, staff from Reno, Sparks, the County and the Board will consider the inclusion of the list of development standards for cooperative planning areas listed in *Exhibit 3*. These development standards may include, but are not limited to, open space buffer zoning and deed restrictions, noise management, view protection and hillside development,

- 3. **Extension of Time.** Staff of Reno, Sparks, the County, and the Board will prioritize the topics for the refinement and development of criteria for cooperative planning areas within the 120 day time period as referenced in Section C2 of this agreement. In the event that either staff of Reno, Sparks, the County, or the Board determine that the 120 day time period is inadequate to address the topics for the refinement and development of criteria for cooperative planning areas, then Reno, Sparks or Washoe may petition Department 9 of the Second Judicial District Court and show good cause why the 120 time period should be extended.

D. COMPREHENSIVE REGIONAL PLAN AMENDMENTS

- 1. **Comprehensive Regional Plan Amendments.** The Regional Planning Commission and the Regional Planning Governing Board will adopt amendments to the comprehensive regional plan consistent with this agreement. The regional plan amendments will be subject to the public process as contemplated within Chapter 278 of the *Nevada Revised Statutes*. In the event that Reno, Sparks or the

County is aggrieved in by an administrative decision of the Board in amending the comprehensive regional plan, the aggrieved party may petition Department 9 of the Second Judicial District Court pursuant to the dispute resolution regulations referenced in Section E in this agreement.

2. **Comprehensive Regional Plan Amendments regarding Natural Resource Constraints.** The Regional Planning Commission and the Regional Planning Governing Board will amend the comprehensive regional plan to clearly delineate that the comprehensive regional plan is natural resource constrained.
3. **Comprehensive Regional Plan Amendments regarding Existing Zoning outside the Truckee Meadows Service Areas.** The Regional Planning Commission and the Regional Planning Governing Board will amend the comprehensive regional plan to allow local governments to recognize existing zoning outside the TMSA to allow development and division of land in accordance with that zoning.
4. **Comprehensive Regional Plan Amendments regarding the Sun Valley hydrographic basin.** The Regional Planning Commission and the Regional Planning Governing Board will amend the comprehensive regional plan to rollback the Reno and Sparks Sphere of Influence to match the ridgeline of the Sun Valley hydrographic basin. Further, the Regional Planning Commission and the Regional Planning Governing Board will amend the TMSA within the comprehensive regional plan to include all property within the Sun Valley GID hydrographic basin including the currently annexed land of Asquaga/Pappas. *See Exhibit 9.*
5. **Comprehensive Regional Plan Amendments regarding future amendments to the Comprehensive Regional Plan and Conformance Review.** Within 120 days from the execution of this agreement, the Regional Planning Commission and the Regional Planning Governing Board will amend the comprehensive regional plan to include policies that provide that future amendments to the comprehensive regional plan pursuant to NRS 278.0272 and the conformance review process pursuant to NRS 278.028 and NRS 278.0282 shall consider the following additional criteria:
 - (a) Regional form and pattern, including open space
 - (b) Housing
 - (c) Jobs/housing balance
 - (d) Availability, timing, and phasing of infrastructure
 - (e) Public service levels and fiscal impacts
6. **Extension of Time.** In the event that either staff of Reno, Sparks, the County, or the Board determine that the 120 day time period in Section D5 is insufficient to amend the comprehensive regional plan to include the necessary policies, then Reno, Sparks, the County or the Board may petition Department 9 of the Second

Judicial District Court and show good cause why the 120 time period should be extended.

E. DISPUTE RESOLUTION

1. *Exhibit 10* to this agreement is a draft of regulations that will govern the dispute resolution process for cooperative planning contemplated in this agreement. The regulations will be adopted by the Regional Planning Governing Board pursuant to NRS 278.0265 (1). The regulations will provide the dispute resolution process for all cooperative planning disputes except as otherwise provided for in this agreement.

F. LEGISLATION

Reno, Sparks, the County, the Board and the Sun Valley General Improvement District (hereafter SVGID) shall not propose legislation that is either inconsistent or contrary to the terms of this settlement agreement. In the event that Reno, Sparks, the County and the Board jointly believe that legislation should be proposed to support or further this agreement, the parties will jointly submit and support the legislation. Reno, Sparks, the County and the Board agree that all other legislative items will be addressed pursuant to *NRS 278.0276 (2)* and the 2001 Memorandum of Understanding on legislative issues, as amended.

G. NRS 268.670 ANNEXATION

1. **Annexation Criteria.** Reno and Sparks will establish and adopt criteria which will delineate the criteria by which the cities will exercise its discretion in processing and approving annexation applications pursuant to *NRS 268.670*. The criteria will include the following:
 - (a) Location of the property to be considered for annexation;
 - (b) The logical extension of City limits;
 - (c) The need for the expansion to accommodate planned regional growth;
 - (d) The location of existing and planned water and sewer service;
 - (e) Community goals that would be met by any proposed annexation;
 - (f) The efficient and cost effective provision of service areas and capital facilities;
 - (g) Fiscal analysis regarding the proposed annexation;
 - (h) Whether the county has adopted a Community Management Plan for the proposed annexation area;
 - (i) Whether the annexation creates islands; and,
 - (j) Any other factors concerning any proposed annexation deemed appropriate for consideration by the governing body of the city;

2. **Notification Requirement.** Reno and Sparks agree to provide reasonable notice to the County and all property owners within 750 feet of the property to be annexed so that the County and the property owners may participate in the local government review process for the proposed annexation as described in Section H of this agreement.
3. **Adoption of Local Government Ordinance or Regulation.** Before approving any annexations pursuant to NRS 268.670 Reno and Sparks will adopt an ordinance or regulation codifying the criteria described in Section G1.
4. **Property annexed pursuant to NRS 268.670.** Property annexed pursuant to NRS 268.670 within or without the 2002 Expanded Spheres of Influence shall be subject to Sections B & C of this agreement.

H. OTHER TERMS

1. **Tolling.** Conformance review deadlines pursuant to *NRS 278.028* are tolled for the period from May 9, 2002, until the settlement agreement is approved by all parties.
2. **Review of Settlement Agreement.** The settlement agreement may be amended by mutual agreement of the parties, subject to supervision of the District Court, and will be reviewed before adoption of the next 5 year update of the Truckee Meadows Regional Plan.
3. **Pending Applications.** Applications pending will be processed under the existing statutes, ordinances and regulations in place as of the date that the application is filed with the respective local government or regional entity.

DATED this _____ day of _____, 2002.

RICHARD A. GAMMICK
District Attorney

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LIST OF EXHIBITS

- 1 Map – Amended Spheres of Influence
- 2 Land Use Translation Table
- 3 Initial Criteria for areas within extended SOI's (U Pic'm Standards)
- 4 Mt. Rose Highway Scenic Corridors Standards
- 5 Map of Cooperative Planning Areas – outside expanded SOI's
- 6 Reno Protocol Agreement
- 7 Sparks Protocol Agreement
- 8 South East Truckee Meadows – development standards
- 9 Sun Valley General Improvement District hydrographic basin
- 10 Draft Regulations – Dispute Resolution for Cooperative Planning