

Interpretations

CONTENTS

	Interpretation
Prohibition of Manufactured or Mobile Homes Used for Non-Residential Accessory Uses	94-1
Replacement of Nonconforming Manufactured or Mobile Homes	94-8
Conformance of Final Subdivision Map with Approved Tentative Subdivision Map.....	96-2
Definition of Utility Service	96-6
Division of GR Parcels when a Significant Hydrologic Resource Exists	03-2
Application of RV Park Standards to all Commercial Campground Facilities	03-3
Application of Parking and Landscaping Standards to Existing Commercial Development	04-1
Boundary Line Adjustments in the General Rural Regulatory Zone	04-2
Construction of Fences on Internal Lots	04-3
Requirements to Establish Agricultural Buildings as a Main Use and Limitations on Structures	04-4
Construction of Fences Adjacent to Emergency Access Easements and Cul-de-sacs	09-1
Classification of Temporary Outdoor Entertainment Uses	11-3
Extension of Master Plan Classifications and Regulatory Zones into Public Rights-of-Way	13-1
Interim Zoning for Properties Rolled Back from a City's SOI	13-2
Driveways to a Permitted Residence Located in a Sensitive Stream Zone	
Buffer Area	14-1
Periodic Review of Conditions for Aggregate Facilities	14-2
Lighting Within Off-Street Parking Areas	17-1
Personal Storage	17-3
Building Height	18-1
Enclosed Garage Size and Characteristics	18-2

Interpretation 93-4

***DISTINCTION OF NONCONFORMING
AND ILLEGAL USE TYPES, AND ABILITY
TO BRING INTO CONFORMANCE***

RESCINDED – NO LONGER APPLICABLE

Interpretation 94-1
**PROHIBITION OF MANUFACTURED OR
MOBILE HOMES USED FOR NON-
RESIDENTIAL ACCESSORY USES**

Pursuant to Article 910, Section 110.910.05 of Chapter 110 of the Washoe County Code, the Director of the Department of Development Review has the authority to enforce the provisions of the Development Code. In order to appropriately enforce the Development Code, the Director finds it necessary to provide the following interpretation as to the ability to use a manufactured home or a mobile home for non-residential accessory uses. For the purposes of this interpretation, an accessory building is defined in Article 902, Section 110.902.15 Accessory Building, but does not include the terms Attached Accessory Dwelling or Detached Accessory Dwelling. For the purposes of this interpretation, a manufactured home is defined in Article 902, Section 110.902.15 Manufactured Home, and a mobile home is defined in Article 902, Section 110.902.15 Mobile Home.

After May 26, 1993, a manufactured home or a mobile home may not be used for non-residential accessory uses, such as a storage shed, work or play room, shop, etc. This interpretation does not apply to the temporary use of fabricated housing as enumerated in Article 310 of the Development Code.

BACKGROUND

Prior to the adoption of the Development Code, the Board of County Commissioners had interpreted the provisions of the previous zoning ordinance to limit the use of manufactured homes and mobile homes to primary dwelling uses and guest houses. This interpretation perpetuates the previous action of the Washoe County Board of County Commissioners.

Limitations of Interpretation

This interpretation shall supersede all previous interpretations of Chapter 110 of the Washoe County Code concerning the above referenced subject and be in effect unless and until a subsequent interpretation concerning the above referenced subject is made by the Director of the Department of Development Review, the interpretation is reversed through a successful appeal pursuant to Article 808, or the Washoe County Code is amended to include the subject matter referenced in this interpretation.

Michael A. Harper, AICP, Director
Department of Development Review

Dated: January 26, 1994

Interpretation 94-4
***ADJUSTMENT OF BOUNDARIES FOR
GENERAL RURAL (GR) REGULATORY
ZONES ON ADOPTED AREA PLAN MAPS***

RESCINDED – NO LONGER APPLICABLE

Interpretation 94-6
**VISIBILITY OF STORAGE OF
INOPERABLE VEHICLES**

**RESCINDED – ADDED TO WASHOE COUNTY CODE CHAPTER 50, PUBLIC
PEACE, SAFETY AND MORALS**

Interpretation 94-7
**RESIDENTIAL DENSITIES IN GENERAL
RURAL (GR) REGULATORY ZONES**

RESCINDED – NO LONGER APPLICABLE

Interpretation 94-8

REPLACEMENT OF NONCONFORMING MANUFACTURED OR MOBILE HOMES

Pursuant to Article 910, Section 110.910.05 of Chapter 110 of the Washoe County Code, the Director of the Department of Development Review has the authority to enforce the provisions of the Development Code. In order to appropriately enforce the Development Code, the Director finds it necessary to provide the following interpretation regarding the replacement of a manufactured or mobile home that may be nonconforming to the use or location of the coach with another manufactured home.

A manufactured or mobile home that is nonconforming with the Development Code due to its use or location may be replaced with another manufactured home (a coach constructed to the U.S. Department of Housing and Urban Development standards) provided that the time limits and size limitations enumerated in Article 904, Nonconformance, and the design standards enumerated in Article 312, Section 110.312.15 are complied with.

BACKGROUND

It has been a common practice in Washoe County to replace an older manufactured or mobile home with a new one when the older coach no longer served the purposes of the user of the land. This practice was commonly accepted even for manufactured and mobile homes that were nonconforming to the use of the land or the permissible location of the coach. The rationale behind the practice was based on a desire to equitably treat manufactured/mobile homeowners in the same manner as owners of site constructed homes.

The Development Code permits the internal remodeling, expansion of up to ten percent (10%), and the customary repair and maintenance of a site built home even if it is nonconforming to the provisions of the code. Structurally, a mobile home does not enjoy the same advantages as a site constructed home when it comes to remodeling, expansion and, in some instances, customary repair and maintenance. Especially in the area of remodeling and/or expansion, the utilization of the nonconforming provisions could result in a coach that would not be structurally able to be inhabited. In order to provide for equitable treatment amongst the variety of housing available in Washoe County, the above interpretation allows the replacement of an existing manufactured or mobile home with another manufactured home as a means of making available to these type of homeowners the same opportunities as those enjoyed by owners of site constructed homes when it comes to nonconformance provisions. In exercising the replacement opportunity, the owner of the manufactured or mobile home to be replaced must be able to meet, with the new coach, the size limitations, location requirements and timeframes enumerated in Article 904. In addition, the design standards for a manufactured home as provided for in Article 312, Section 110.312.15 must be complied with. This latter provision is to provide for conformance with design standards incorporated in the Development Code.

Limitations of Interpretation

This interpretation shall supersede all previous interpretations of Chapter 110 of the Washoe County Code concerning the above referenced subject and be in effect unless and until a subsequent interpretation concerning the above referenced subject is made by the Director of the Department of Development Review, the interpretation is reversed through a successful appeal pursuant to Article 808, or the Washoe County Code is amended to include the subject matter referenced in this interpretation.

Michael A. Harper, AICP, Director
Department of Development Review

Dated: October 6, 1994

Interpretation 96-1
**LENGTH OF STAY OF RECREATIONAL
VEHICLES IN PARKS**

**RESCINDED – ADDED TO WASHOE COUNTY CODE CHAPTER 110.904
NONCONFORMANCE**

Interpretation 96-2

CONFORMANCE OF FINAL SUBDIVISION MAP WITH APPROVED TENTATIVE SUBDIVISION MAP

Pursuant to Article 910, Section 110.910.05 of Chapter 110 of the Washoe County Code, the Director of the Department of Development Review has the authority to enforce the provisions of the Development Code. In order to appropriately enforce the Development Code, the Director finds it necessary to provide the following interpretation concerning the limitations that the Director of the Department of Development Review must adhere to when reviewing the conformance of a final subdivision map with an approved tentative subdivision map.

The Director of the Department of Development Review shall adhere to the following when evaluating a final subdivision map to determine if it is in conformance with an approved tentative subdivision map:

- Boundaries of the final map area must be the same as those represented on the approved tentative subdivision map.
- Individual lot sizes and design may be varied up to ten (10) percent for no more than ten (10) percent of the total number of lots shown on the approved tentative subdivision map.
- Access points to the subdivision shown on the final subdivision map must generally be in the same location as those shown on the approved tentative subdivision map, may only be moved one hundred (100) feet from the location shown on the tentative subdivision map and may not create an adverse impact on lots adjacent to the boundaries of the tentative subdivision map.
- The internal street circulation pattern shown on the final map must be similar to that shown on the approved tentative subdivision map [i.e. location of blocks served by the street pattern are similar in design and number of lots (with no more than a ten (10) percent difference in any one block) between the tentative subdivision map and the final subdivision map].
- If the provision of water, sewer, power and cable services at the time of the submittal of the final subdivision map differs in type or location of services from those approved for the tentative subdivision map, the effect of the change shall not result in more than a ten (10) percent change in the location of blocks, or a change of ten (10) percent in the number of lots in any one block.
- A change between the final subdivision map and the approved tentative subdivision map that is necessitated by requirements of a federal, state, regional or local agency after the approval of the tentative subdivision map shall be allowed notwithstanding that the changes may exceed the limitations enumerated above.
- If options are permitted through the approval of a tentative subdivision map, then those options may be exercised through the filing of a final subdivision map without the need for further review.

The aforementioned limitations were acknowledged by the Board of County Commissioners at a workshop held on March 18, 1996 on this subject.

BACKGROUND

During the summer of 1995, the Board of County Commissioners was requested to consider the conformance finding that the Director of the Department of Development Review had made between an approved tentative subdivision map and final subdivision map filed with the department. After the review of the aforementioned final map, the Board of County Commissioners requested the Director of the Department of Development Review to develop a set of guidelines for conformance findings. A set of guidelines for final subdivision maps and a review of the Development Code's guidelines for special use permits and nonconforming uses was developed. These were submitted to the Development Services Advisory Committee in December 1995 for that organization's comments. The original guidelines and the Development Services Advisory Committee's comments were submitted to the Board of County Commissioners and reviewed by that body on March 18, 1996. The Board of County Commissioners commented on the guidelines and acknowledged the guidelines as specified above at their workshop on March 18, 1996. The Director of the Department of Development Review agreed to publish the guidelines as an interpretation.

Limitations of Interpretation

This interpretation shall supersede all previous interpretations of Chapter 110 of the Washoe County Code concerning the above referenced subject and be in effect unless and until a subsequent interpretation concerning the above referenced subject is made by the Director of the Department of Development Review, the interpretation is reversed through a successful appeal pursuant to Article 808, or the Washoe County Code is amended to include the subject matter referenced in this interpretation.

Michael A. Harper, AICP, Director
Department of Development Review

Dated: March 19, 1996

Interpretation 96-3
**USE OF TRANSITION PROCESS AFTER
ADOPTION OF SPECIFIC PLANS AND
COMMUNITY PLANS**

RESCINDED – TIME HAS EXPIRED

Interpretation 96-6

DEFINITION OF UTILITY SERVICE

Pursuant to Article 304, Section 110.304.10 of Chapter 110 of the Washoe County Code, the Director of the Department of Development Review has the authority to classify uses with respect to the Use Classification System enumerated in Article 304. The following classification is made regarding the definition of utility services. For a utility service that is also classified as a project of regional significance in the Nevada Revised Statutes, Chapter 278, or is defined as a "Utility Project" in Nevada Revised Statutes, Chapter 278, the project of regional significance definition and/or the "Utility Project" definition shall serve as the threshold for requiring a discretionary permit as required by the Development Code.

BACKGROUND

Article 304, Use Classification System, Section 110.304.20, (i) (2) defines a Utility Service as "...the provision of electricity, water or other liquids, or gas, through wires, pipes or ditches through utility services involving major structures that have flexibility in location. Typical uses include natural gas transmission lines and substations, petroleum pipelines, and irrigation water ditches." The Development Code definition does not provide direction as to when the definition should be applied to a utility service. A strict reading of the definition would suggest that any sized pipe for water service or any sized line for electrical service would require a discretionary permit in those land use districts that enumerate the need for such a permit. This could lead to the County requiring a special use permit for every water line and power/cable line leading to every individual house.

The legislative history of the Development Code does not support this micromanaging of utility services. Therefore, some type of threshold is needed to address the intent of regulating utility services. The Nevada Revised Statutes provides a threshold for certain utility uses through its definition of projects of regional significance and through a definition of "Utility Project". Since this is legislative intent for Washoe County at the state level, it is appropriate to utilize the state's project of regional significance definition and the "Utility Project" definition as a threshold for those utility services that are defined in the Nevada Revised Statutes.

The Director of Development Review realizes that not all utility services possible under Section 110.304.20, (i) (2) are defined as projects of regional significance or as a "Utility Project" in Nevada Revised Statutes. For those utility services for which no guidance in the state statutes is provided, staff will continue to determine the applicability of discretionary permits on a case-by-case basis.

Limitations of Interpretation

This interpretation shall supersede all previous interpretations of Chapter 110 of the Washoe County Code concerning the above referenced subject and be in effect unless and until a subsequent interpretation concerning the above referenced subject is made by the Director of the Department of Development Review, the interpretation is reversed through a successful appeal pursuant to Article 808, or the Washoe County Code is amended to include the subject matter referenced in this interpretation.

Michael A. Harper, AICP, Director
Department of Development Review

Dated: November 7, 1996

Interpretation 96-7

ISSUANCE OF SPECIAL USE PERMITS

RESCINDED – EXCEEDED PARK COMMISSION AUTHORITY

Interpretation 99-1
**APPLICABILITY OF HEIGHT LIMITS TO
RETAINING WALLS**

**RESCINDED – ADDED TO WASHOE COUNTY CODE CHAPTER 110.438 GRADING
STANDARDS**

Interpretation 03-2

DIVISION OF GR PARCELS WHEN A SIGNIFICANT HYDROLOGIC RESOURCE EXISTS

Pursuant to Article 910, Section 110.910.05 of Chapter 110 of the Washoe County Code, the Director of the Department of Community Development has the authority to enforce the provisions of the Development Code. In order to appropriately enforce the Development Code, the Director finds it necessary to provide the following interpretation concerning division of General Rural (GR) parcels when a significant hydrologic resource exists.

Washoe County Code Section 110.406.05 established minimum lot sizes for each regulatory zone in Washoe County. The minimum lot size for General Rural (GR) is forty (40) acres. It has been general practice not to allow the division of GR parcels to less than forty (40) acres in size and to not allow the division of GR parcels that are already less than forty (40) acres in size.

BACKGROUND

In January 2001, the Development Code was amended to include Article 418, Significant Hydrologic Resources. This article regulates development activity within and adjacent to perennial streams to ensure that these resources are protected and enhanced. Perennial streams were one of the natural resource elements used to guide the original mapping of the General Rural regulatory zone. When a development application includes a perennial stream that has been mapped as General Rural regulatory zone, the GR area based on the perennial stream may be divided *when the provisions of Article 418 will apply* and Community Development staff determine that Article 418 will provide an equivalent or greater level of protection to that afforded by GR.

Limitations of Interpretation

This interpretation shall not be construed to alter the minimum lot size provisions and other standards of Article 406, Building Placement Standards. This interpretation shall be in effect unless and until the Director of Community Development makes a subsequent interpretation concerning this subject, the interpretation is reversed through a successful appeal, or the Washoe County Code is amended to include the subject matter referenced in this interpretation.

Adrian P. Freund, AICP, Director
Department of Community Development

Dated: October 8, 2003

Interpretation 03-3

APPLICATION OF RV PARK STANDARDS TO ALL COMMERCIAL CAMPGROUND FACILITIES

Pursuant to Article 910, Section 110.910.05 of Chapter 110 of the Washoe County Code, the Director of the Department of Community Development has the authority to enforce the provisions of the Development Code. In order to appropriately enforce the Development Code, the Director finds it necessary to provide the following interpretation concerning standards that shall be applied to recreational vehicle parks and commercial campgrounds.

Washoe County Code Chapter 110, Article 316, established standards for all recreational vehicle (RV) parks in Washoe County. These standards include size and setbacks for RV spaces, landscape requirements, paving requirements and ancillary uses that may be allowed within an RV park.

BACKGROUND

The Development Code, originally adopted in December 1992, includes Article 316, Recreational Vehicle Parks. In Article 304, Use Classification System, both RV parks and commercial campgrounds are dealt with as one use type. There are no definitions for either of the terms in Article 902, Definitions. When there is a development application for a commercial campground or a recreational vehicle park, the standards established in Article 316 shall apply. The exception to this rule is that sanitary sewer is not required to be provided to each campsite in a commercial campground. This interpretation will allow the development of all types of camping within commercial campgrounds within Washoe County without requiring sanitary sewer hook-ups if there are sufficient permanent sanitary shower and toilet facilities on-site for the utilization of the patrons of the facility, as required by the District Health Department. This interpretation further includes that areas designated for tent/primitive camping are not required to have water, sewer or electricity at individual campsites, but provisions must be made for the general campsite area.

Limitations of Interpretation

This interpretation shall not be construed to alter any other standards of Article 316, Recreational Vehicle Parks, nor to alter any other requirements of a commercial activity as required by the Development Code. This interpretation shall be in effect unless and until the Director of Community Development makes a subsequent interpretation concerning this subject, the interpretation is reversed through a successful appeal, or the Washoe County Code is amended to include the subject matter referenced in this interpretation.

Adrian P. Freund, AICP, Director
Department of Community Development

Dated: December 8, 2003

Interpretation 04-1

APPLICATION OF PARKING AND LANDSCAPING STANDARDS TO EXISTING COMMERCIAL DEVELOPMENT

Pursuant to Article 910, Section 110.910.05 of Chapter 110 of the Washoe County Code, the Director of the Department of Community Development has the authority to enforce the provisions of the Development Code. In order to appropriately enforce the Development Code, the Director finds it necessary to provide the following interpretation concerning standards that shall be applied to continued use of existing, nonconforming commercial developments when there is a change in conforming use type or an expansion of a conforming use type within a nonconforming development.

BACKGROUND

Washoe County Code Chapter 110, Article 904, deals with nonconformance. This article defines several types of nonconformance:

- "Nonconforming lot" is a parcel of land that does not conform to current size or shape requirements for the regulatory zone in which it is located.
- "Nonconforming use of land" is a use, not involving a structure, that is no longer allowed in the regulatory zone in which it is located.
- "Nonconforming use of a structure" is a use, partially or wholly within a structure, that is no longer allowed in the regulatory zone in which it is located.
- "Nonconforming structure" is a structure that no longer meets height, setback or coverage requirements for the regulatory zone in which it is located.

The final type of nonconformance is a nonconforming development. "Development" is defined in Section 110.902.15, Definitions, as follows:

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

A nonconforming development is defined in Section 110.904.10, Types of Nonconformance, subsection (e) as follows:

Nonconforming Development. A development which was legal when brought into existence but does not conform to the current parking, loading or landscaping requirements of the regulatory zone where it is located. A nonconforming development is subject to the provisions of Section 110.904.35.

Section 110.904.35, Nonconforming Development, reads as follows:

A nonconforming development shall be subject to the provisions of this section. Existing conforming buildings or uses whose off-street parking and loading do not conform to the provisions of this Development Code may be expanded or have facilities added, and one conforming use may be changed to another, provided that the requirements for off-street parking and loading spaces are complied with in accordance with Article 410.

Section 110.410.05, Applicability of Article, deals with the applicability of Article 410, Parking and Loading, and reads as follows:

[The provisions of this Article shall apply whenever:]

- (c) The intensity of use, or expansion of use is changed, the parking and loading requirements for the new use shall apply.

INTERPRETATION

When a commercial development that does not comply with current development standards (nonconforming development) is enlarged by less than fifty (50) percent, or if one allowed use is substituted for another and the structure(s) within the development are not enlarged, the applicant shall demonstrate that current standards, regarding the number of parking spaces for the new or expanded use are complied with. Any new parking spaces or loading areas required shall comply with all current standards, pursuant to Article 410.

When a commercial development that does not comply with current development standards is enlarged by fifty (50) percent or more, or if one allowed use is substituted for another and the structure(s) within the development are enlarged by fifty (50) percent or more, the applicant shall demonstrate that all current parking and loading standards for the entire development, pursuant to Article 410, shall be met.

Further, Section 110.412.05, Applicability, includes the following statement:

- (b) Expanding Development. This article applies to expansion of floor area of existing development, except as otherwise provided below:
 - (1) If the expansion is less than fifty (50) percent, this article shall apply to the developable lot area associated with the proposed expansion only and the remainder of the use or structure shall be governed by regulations in force at the time of the original approval; and
 - (2) If the expansion or subsequent expansions cumulatively results in a fifty (50) percent or greater increase, the entire development shall be required to comply with this article, unless the Director of Community Development waives this requirement, in whole or in part, prior to the expansion.

Article 904, Nonconformance, does not refer to expansion of nonconforming developments being required to meet landscaping standards, only parking and loading standards. Therefore, to read these two apparently contradictory provisions in harmony, the Director determines that when there is a change in allowed uses within an existing nonconforming development, and the

development is not expanded or is expanded by less than fifty (50) percent, the provisions of Article 412, Landscaping, shall not apply.

Further, when a nonconforming development is expanded by fifty (50) percent or more, the provisions of Article 412, Landscaping, shall apply to the entire development.

Limitations of Interpretation

This interpretation shall not be construed to alter any standards of Article 410, Parking and Loading; Article 412, Landscaping or Article 904, Nonconformance, nor to alter any other requirements of a commercial activity as required by the Development Code. This interpretation shall be in effect unless and until the Director of Community Development makes a subsequent interpretation concerning this subject, the interpretation is reversed through a successful appeal, or the Washoe County Code is amended to include the subject matter referenced in this interpretation.

Adrian P. Freund, AICP, Director
Department of Community Development

Dated: February 6, 2004

Interpretation 04-2

BOUNDARY LINE ADJUSTMENTS IN THE GENERAL RURAL REGULATORY ZONE

Pursuant to Article 910, Section 110.910.05 of Chapter 110 of the Washoe County Code, the Director of the Department of Community Development has the authority to enforce the provisions of the Development Code. In order to appropriately and consistently enforce the Development Code, the Director finds it necessary to provide the following interpretation concerning boundary line adjustments (BLA) of split-zoned parcels that include a portion of the lot designated General Rural.

BACKGROUND

Washoe County Code Section 110.406.05 establishes minimum lot sizes for each regulatory zone in Washoe County. The minimum lot size for General Rural (GR) is forty (40) acres. Section 110.404.10 of the Washoe County Code states in part, "no lot or parcel shall be reduced in area so as to be less in any dimension than is required by the requirements of the regulatory zone in which the lot or parcel is located". It has been the general practice of the Community Development Department to read these provisions in tandem and disallow a boundary line adjustment that would reduce the size of the General Rural regulatory zone on any parcel.

INTERPRETATION

Where General Rural on a parcel or contiguous parcels constitutes an area of less than forty (40) acres, the requirements of Sections 110.406.05 and 110.404.10 cannot be applied since the lot or parcel is already "less in any dimension than is required by the requirements of the (GR) regulatory zone...."

A boundary line adjustment under Article 618 may be processed on split-zoned parcels containing less than forty (40) acres of General Rural when the boundary line adjustment does not reduce the aggregate acreage of General Rural on the lots or parcels affected by the boundary line adjustment.

Limitations of Interpretation

All requirements of Article 618 of the Development Code shall apply to a boundary line adjustment. No additional lots shall be created and no parcel shall be created that is smaller than that allowed by Article 404, Lot Standards, except as noted above under Background. Conditions may be attached to a boundary line adjustment involving General Rural lands in order to protect sensitive features.

This interpretation supersedes any other interpretation involving this subject matter. This interpretation shall be in effect unless and until the Director of Community Development makes a subsequent interpretation concerning this subject, the interpretation is reversed through a successful appeal, or the Washoe County Code is amended to include the subject matter of this interpretation.

Adrian P. Freund, AICP, Director
Department of Community Development

Dated: February 9, 2004

Interpretation 04-3

CONSTRUCTION OF FENCES ON INTERNAL LOTS

Pursuant to Article 910, Section 110.910.05 of Chapter 110 of the Washoe County Code, the Director of the Department of Community Development has the authority to enforce the provisions of the Development Code. In order to appropriately enforce the Development Code, the Director finds it necessary to provide the following interpretation concerning the construction of fences on lots that are located in the internal of a block and are accessed solely by an easement that terminates on the front lot line.

The maximum allowed height for fences, walls, or perimeter planting for internal lots shall be six (6) feet along all property lines.

BACKGROUND

Washoe County Code Section 110.406.50 established a maximum height for fences, walls, or perimeter planting for residential uses of four-and-one-half (4.5) feet along the front lot line and along side lot lines in the required front yard setback area. The maximum height for the remainder of the property is six (6) feet. However, applying this standard to internal lots (lots surrounded by adjacent parcels that front on streets) has resulted in uncertainty in approving fence building permit applications for fence heights on these internal lots.

The Development Code requires that all lots, including internal lots, have a front lot line, which, for internal lots, would be the lot line that forms the terminus of the access easement. Along this lot line and along side lot lines in the required front yard setback area, fences are restricted to four-and-one-half (4.5) feet in height. However, these lot lines are also viewed by the Code as constituting a side or rear lot line for the abutting lot, on which the adjacent property owner has the right to build a six (6) foot high fence. Conceivably, the owner of the internal lot could construct a four-and-one-half (4.5) foot high fence along the front lot line, only to have the adjacent property owner construct an abutting six (6) foot high fence along what is construed as the side or rear lot line of that parcel.

INTERPRETATION

A resolution is to allow internal lot owners the ability to construct six (6) foot high fences along all property lines whereon adjoining lot owners can construct six (6) foot fences along the same lot lines by right. However, the provisions of Section 110.406.50(d), Entry Gate and Entry Columns, shall not apply to those fence building permit applications using this interpretation to increase the height of entry gates or entry columns above six (6) feet when the lot line constitutes a rear or side lot line of the abutting property.

Limitations of Interpretation

This interpretation shall not be construed to alter other standards of Article 406, Building Placement Standards. This interpretation shall be in effect unless and until the Director of Community Development makes a subsequent interpretation concerning this subject, the interpretation is reversed through a successful appeal, or the Washoe County Code is amended to include the subject matter referenced in this interpretation.

Adrian P. Freund, AICP, Director
Department of Community Development

Dated: March 15, 2004

Interpretation 04-4
**REQUIREMENTS TO ESTABLISH
AGRICULTURAL BUILDINGS AS A MAIN
USE AND LIMITATIONS ON
STRUCTURES**

Pursuant to Article 910, Section 110.910.05 of Chapter 110 of the Washoe County Code, the Director of the Department of Community Development has the authority to enforce the provisions of the Development Code. In order to appropriately enforce the Development Code, the Director finds it necessary to provide standards and procedures to establish agricultural buildings as a main use.

The property owner must demonstrate to the satisfaction of the Department of Community Development that agricultural uses allowed pursuant to Article 302 exist on the property and/or that livestock either currently live, or will live, on the property within ninety (90) days of the final approval date for required building permits before agricultural buildings may be allowed as a main use.

Semi-trailers, railroad cars and other similar containers are not structures to be used for agricultural buildings as a main use.

BACKGROUND

Agricultural Uses and Livestock

Washoe County Code Enforcement staff has dealt with several cases involving property owners who have constructed "barns" and other similar structures on their property where there are no other approved uses on the property and where there is no agricultural or livestock use on the property. The Development Code was amended in May of 2004 to allow agricultural buildings as a main use with specified restrictions and requirements.

Washoe County Code Section 110.306.05 allows accessory uses and structures in all regulatory zones only when such uses/structures are incidental to a principal use(s) and main structure on the property. The recent changes to Article 330 allow property owners to place agricultural building(s) on their property as a main (principal) use, but only after specific restrictions/requirements are satisfied. This interpretation clarifies those restrictions and requirements.

Washoe County Code Section 110.330.55(a) regulates the construction, erection, location and use of agricultural buildings as a main use. Agricultural buildings are described within this section as buildings, corrals, coops, pens, stables or structures used in conjunction with agricultural uses or as a shelter for livestock. Washoe County Code Section 110.330.55(a)(1) further states:

"The structures shall be used for the storage of agricultural equipment and products related to an allowed on-site agricultural use or shelter for livestock that must live on the property;"

The use of the term “structures” within Washoe County Code Section 110.330.55(a)(1) is clearly intended to denote agricultural buildings as described in Washoe County Code Section 110.330.55(a). Further, Washoe County Code Section 110.330.55(a)(1) clearly states that the agricultural use must be both allowed and on-site. The structures (i.e. agricultural buildings) must also be only for the *storage* of agricultural *equipment* and/or *products* related to the agricultural use (emphasis added). As an alternative, the section requires that livestock (as defined in Article 902) must live on the property.

Applying both Development Code sections means that there must exist some measure of proof that agricultural uses on a property are both allowable pursuant to the Development Code and on-site (that is, a current and existing use), or that livestock is present on the property, before permission may be granted to place an agricultural building on a property as a main use.

Determining agricultural uses on a property is a two-step process. First, the use must be allowed within the regulatory zone pursuant to Table 110.302.05.5, Table of Uses (Agricultural Use Types) in the Development Code. Second, the agricultural use must be on-site, that is current and existing on the property. Only when agricultural uses on a property are both allowable and on-site may an agricultural building as a main use be placed on the property.

Since it is plausible that some types of agricultural buildings may need to be placed on a property before livestock lives on the property (e.g. a fence to enclose a pasture area and/or a structure to shelter the livestock), it is reasonable that livestock need not be living on the property at the time of building permit application, but should be living on the property within a reasonable period of time after final approval(s) are granted for the permits.

It is also plausible that agricultural buildings to shelter livestock may serve additional purposes connected with the livestock, rather than being strictly limited to shelter. For example, portions of the agricultural buildings may serve to store hay or feed for the livestock, or to store equipment directly connected with the livestock (e.g. harnesses and other riding gear so the property owner may ride or train horses on the property). However, such additional purposes must clearly be ancillary and secondary to the principal use of the agricultural building as a shelter for the livestock.

Finally, the measure of proof for both allowable and on-site agricultural uses and/or livestock living on the property rests with the property owner. A written statement from the property owner attesting to the allowable/on-site agricultural uses and/or livestock living on the property will suffice as a suitable measure of proof. When only agricultural uses are on the property, the property owner must also attest that the agricultural buildings will be used principally for the storage of agricultural equipment and/or products directly related to the agricultural use(s). The written statement must accompany the building permit application and will remain as a public record within the permit after approval and final checks.

Structures

Washoe County Code Section 110.330.55(a) and (a)(1) use the term “structure” to describe agricultural buildings allowed as a main use. Article 902 of the Development Code defines structure as:

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

A building is further defined within Article 902 as:

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

A semi-trailer, railroad car and/or other similar container are neither a structure nor a building as defined in the Development Code. Further, Interpretation 97-1 limits the use of a semi-trailer, railroad car and/or other similar container to an accessory structure, and not as a main or principal structure on a property. For these two reasons, a semi-trailer, railroad car and/or other similar container may not be used for agricultural buildings as a main use.

INTERPRETATION

For a building permit(s) application to place an agricultural building(s) on a property as a main use, the property owner shall provide a written statement:

1. Attesting that agricultural uses are currently on the property, together with a description of those uses, and verifying that the agricultural buildings will be used principally to store agricultural equipment and/or products related to the agricultural use; and/or
2. Attesting that livestock either currently lives on the property or will live on the property within ninety (90) days from the final approval date for building permits issued for the agricultural building(s); and verifying that the principal use of the agricultural building(s) will be shelter for the livestock.

The Department of Community Development will verify that the agricultural uses are allowed pursuant to Article 302 of the Development Code before granting approval of the building permit(s). The property owner's statement may be subject to field verification by department staff prior to building permit approval. The written statement from the property owner will remain as a public record in the building permit(s) file.

Semi-trailers, railroad cars and other similar containers are not structures to be used for agricultural buildings as a main use.

Limitations of Interpretation

This interpretation shall supersede all previous interpretations of Chapter 110 of the Washoe County Code concerning the above referenced subject and be in effect unless and until the Director of the Department of Community Development makes a subsequent interpretation concerning this subject, the interpretation is reversed through a successful appeal pursuant to Article 808, or the Washoe County Code is amended to include the subject matter referenced in this interpretation.

Adrian P. Freund, AICP, Director
Department of Community Development

Dated: October 19, 2004

Interpretation 06-1

***DETERMINING WHETHER FRACTIONAL
LOT REMAINDERS MAY BE ROUNDED
UP TO NEXT WHOLE NUMBER***

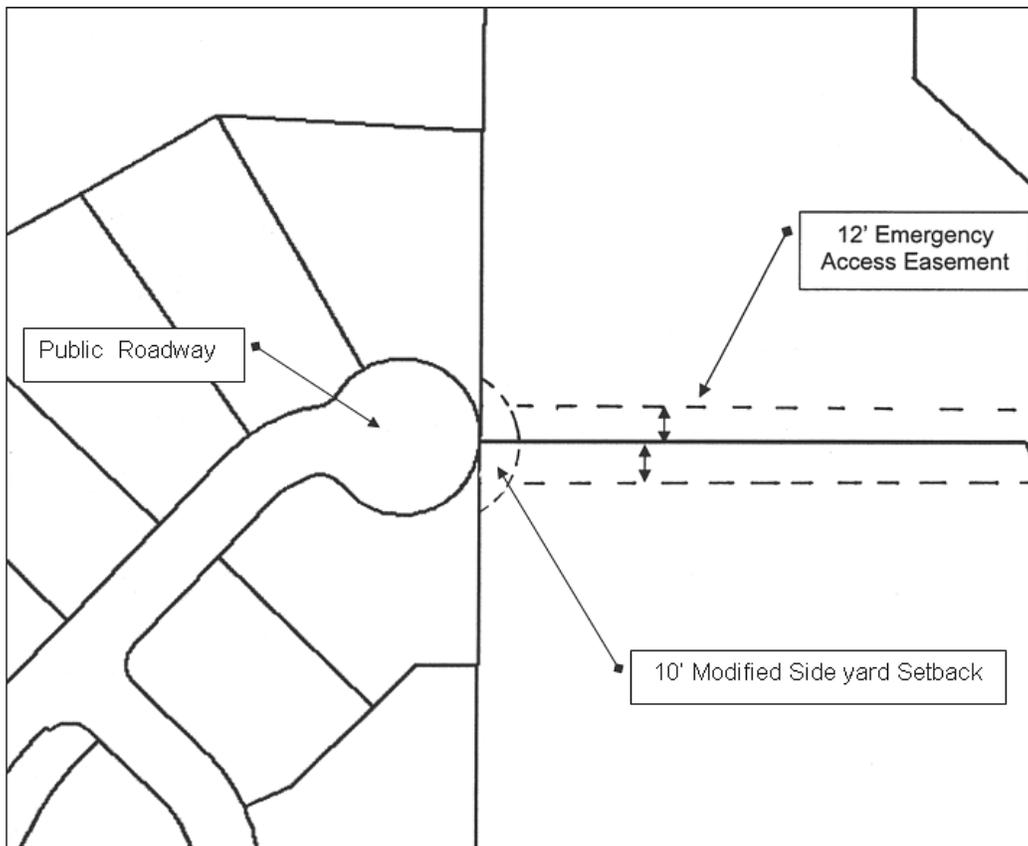
**RESCINDED – PER MOJRA HAUENSTEIN, PLANNING & BUILDING DIRECTOR –
12/20/18**

Interpretation 09-1

CONSTRUCTION OF FENCES ADJACENT TO EMERGENCY ACCESS EASEMENTS AND CUL-DE-SACS

Pursuant to Article 910, Section 110.910.05 of Chapter 110 of the Washoe County Code, the Director of the Department of Community Development has the authority to enforce the provisions of the Development Code. In order to appropriately enforce the Development Code, the Director finds it necessary to provide the following interpretation concerning the construction of fences adjacent to a public right-of-way comprised of a cul-de-sac and adjacent to an emergency access easement.

The maximum allowed height for fences, walls, or perimeter planting adjacent to a public right-of-way comprised of a cul-de-sac and adjacent to an emergency access easement shall be six (6) feet along all property lines with the exception of the front adjacent to the public right-of-way which shall be 4 ½ feet within 10 feet of the property line, consistent with the setbacks required for a modified side yard (being similar in that there are two non-parallel front yards associated with the lot).



BACKGROUND

Washoe County Code Section 110.406.50 established a maximum height for fences, walls, or perimeter planting for residential uses of four-and-one-half (4.5) feet along the front lot line and along side lot lines in the required front yard setback area. The maximum height for the remainder of the property is six (6) feet. However, applying this standard to lots abutting the end of a cul-de-sac, with only emergency access has resulted in uncertainty in approving fence building permit applications for fence heights on these lots.

The Development Code requires that all lots have a front lot line, which, for such lots, would be the lot line that forms the primary access, not the emergency access. Along this (front) lot line and along side lot lines in the required front yard setback area, fences are restricted to four-and-one-half (4.5) feet in height. However, these lot lines are also viewed by the Code as constituting a side or rear lot line for the lot abutting the emergency access. Fencing cannot be constructed to block emergency access, without an approved gate. Because a portion of the parcels abut a public right of way that portion must be considered a front and due to having two fronts the Director determines that a modified side yard setback may be applied, as would be on corner lots.

INTERPRETATION

A resolution is to allow such lot owners the ability to construct six (6) foot high fences along all property lines with the exception of the 10' adjacent to a public right-of-way. However, the provisions of Section 110.406.50(d), Entry Gate and Entry Columns, shall not apply to those fence building permit applications using this interpretation to increase the height of entry gates or entry columns above six (6) feet.

Limitations of Interpretation

This interpretation shall not be construed to alter other standards of Article 406, Building Placement Standards. This interpretation shall be in effect unless and until the Director of Community Development makes a subsequent interpretation concerning this subject, the interpretation is reversed through a successful appeal, or the Washoe County Code is amended to include the subject matter referenced in this interpretation.

/s/

Adrian P. Freund, FAICP, Director
Department of Community Development

Dated: September 16, 2009

Interpretation 11-1
***FARRIER TRAINING FACILITY, USE
CLASSIFICATION***

RESCINDED – NOT AN ANIMAL PRODUCTION USE

Interpretation 11-3

CLASSIFICATION OF TEMPORARY OUTDOOR ENTERTAINMENT USES

Washoe County Code Section 110.304.10 grants the Director of Community Development the authority to classify uses according to use types and to develop an administrative list of common uses and the use types into which they are classified. Additionally, Section 110.914.05(c) gives the Director the authority "to interpret the provisions of the Development Code."

BACKGROUND

There have been questions raised regarding various types of temporary uses that may occur out-of-doors on private parcels. Some of these uses have been livestock related (e.g. equestrian events such as barrel racing and bull riding) and outdoor racing (e.g. motorcycles or motocross) and other activities with similar characteristics. In some instances fees for participation have been collected, in other cases voluntary contributions have been solicited, and in other instances monies have not been collected, but members of the public were invited to the event.

It is the determination of the Director that such activities are regulated through the Development Code as a temporary use or activity regulated by Article 310, Temporary Uses and Structures. This is true whether the activity is engaged in for profit or in a not-for-profit manner.

The Director further determines that such activities are subject to Section 110.310.20 (Circuses, Carnival or Other Outdoor Entertainment Events) of the Development Code. Such activities or uses are limited to a maximum of 10 days in any calendar year.

Various types of licensure and/or review may be necessary depending upon the number of attendees at the event. A Washoe County Business License "Special Event License" is necessary for events of less than 100 attendees¹. A Washoe County Business License "Outdoor Community Event License" is necessary for all events with 100 to 999 attendees while events with 300 to 999 also require the approval of an Administrative Permit pursuant to Article 808 of the Development Code. Events above 1,000 attendees require the approval of a Washoe County Business License "Outdoor Festival License" by the Board of County Commissioners.

The Director further determines that such activities engaged in by the property owner, along with family and friends, on a private parcel, that are not open to clubs, associations or to the public are private uses and not subject to the provisions of this interpretation.

LIMITATIONS OF INTERPRETATION

This interpretation shall supersede all previous interpretations of Washoe County Chapter 110 concerning the above referenced subject and be in effect unless and until a subsequent interpretation concerning the above referenced subject is made by the Director of Community Development, the interpretation is reversed through a successful appeal pursuant to Article 808, Administrative Permits, the interpretation is otherwise invalidated pursuant to law, or the Washoe County Code is amended to include the subject matter referenced in this interpretation.

/s/

David Childs, ICMA-CM, Acting Community Development Director
Community Development Department

Dated: May 4, 2011

Footnote:

1: Attendees means all participants, spectators, vendors, and all other persons at the subject site on any one day of the event.

Interpretation 12-1

***ACCESSORY STRUCTURES IN
GENERAL RURAL, LOT COVERAGE AND
SIZE LIMITS***

RESCINDED – ADDED TO WASHOE COUNTY CODE CHAPTER 110.306, WDCA18-0007, APRIL 6, 2019

Interpretation 13-1

EXTENSION OF MASTER PLAN CLASSIFICATIONS AND REGULATORY ZONES INTO PUBLIC RIGHTS-OF-WAY

Washoe County Code Section 110.914.05(c) gives the Planning and Development Division Director the authority “to interpret the provisions of the Development Code.” In order to appropriately apply Development Code regulations, the Director finds it necessary to provide the following interpretation regarding the extension of master plan classifications and regulatory zones into rights-of-way where no classification or zone is established on the adopted master plan and regulatory zoning maps of Washoe County.

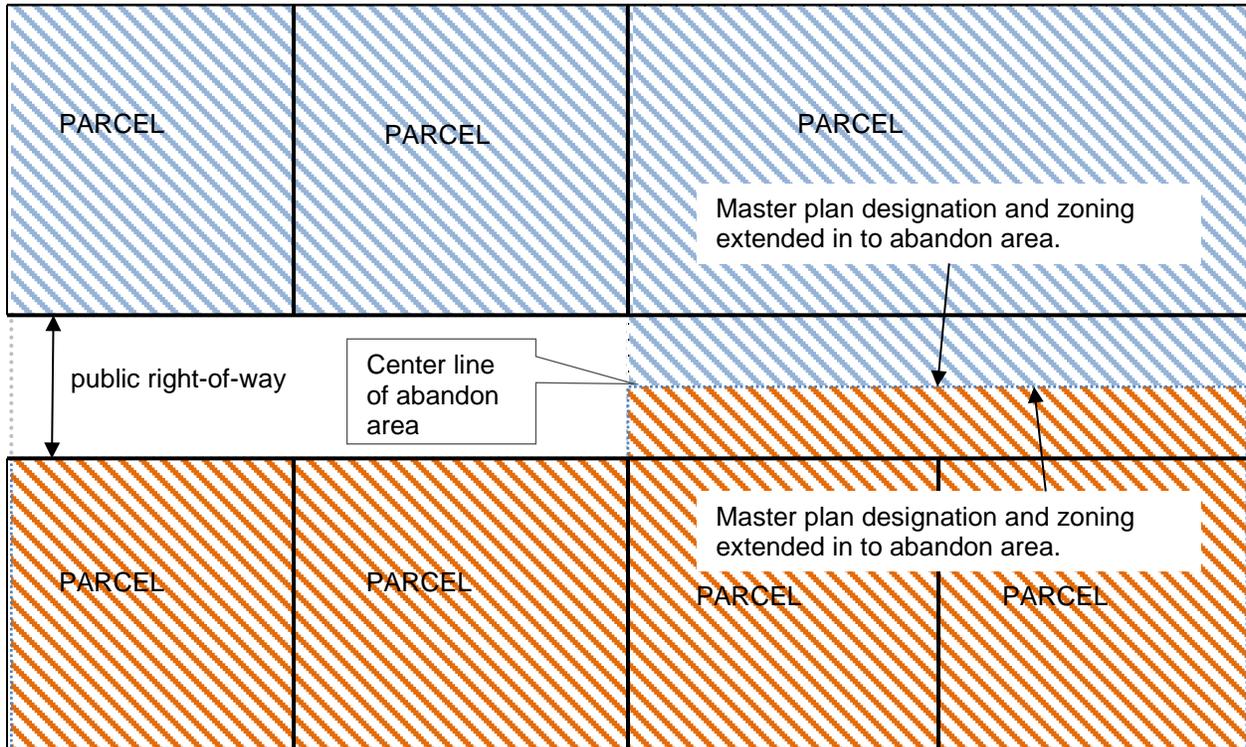
When a right-of-way is abandoned, the land is given to the person who dedicated it to the County, or their successors. The land is typically split down the center line of the right-of-way and is consolidated into the abutting parcel(s). When the right-of-way is consolidated with a parcel, the master plan classification and regulatory zone of that parcel will be extended into the abandoned area. See Exhibit A, next page.

BACKGROUND

The County has not adopted any master plan classifications or regulatory zoning for public rights-of-way. Occasionally, the County abandons, partially or wholly, the rights-of-ways it possesses. The Development Code does not state what classification or zoning accrues to the land that is no longer public right-of-way.

The previous interpretation 95-1 provided that when a public right-of-way was abandoned, the zoning on the parcel contiguous to the right-of-way was extended into the abandoned portion of the right-of-way. The 1995 interpretation was approved when the County used a one-map system, wherein the master plan and zoning were adopted on a single map. The County now uses a two-map system, with different master plan maps and regulatory zoning maps. This interpretation replicates the 1995 interpretation by applying a similar methodology to both the master plan classification and the regulatory zoning.

Exhibit A



LIMITATIONS OF INTERPRETATION

This interpretation shall supersede all previous interpretations of Washoe County Chapter 110 concerning the referenced subject and will be in effect unless and until a subsequent interpretation concerning the referenced subject is made by the Planning & Development Division Director, the interpretation is reversed through a successful appeal pursuant to Article 808, *Administrative Permits*, the interpretation is otherwise invalidated pursuant to law, or the Washoe County Code is amended to include the referenced subject matter.

/s/

Bill Whitney, Planning & Development Division Director
Community Services Department

Dated: May 24, 2013

Interpretation 13-2

INTERIM ZONING FOR PROPERTIES ROLLED BACK FROM A CITY'S SOI

Pursuant to Article 910, Section 110.910.05 of the Washoe County Code Chapter 110 (Development Code), the Planning and Development Division Director of the Community Services Department has the authority to enforce the provisions of the Development Code. In order to appropriately enforce the Development Code, the Director finds it necessary to provide the following interpretation as to the ability to assign regulatory zones to properties that are rolled back from a city's Sphere of Influence (SOI) into Washoe County's jurisdiction during the interim period before regulatory zones can be adopted by the Washoe County Board of County Commissioners.

BACKGROUND

Planning and Development Division staff have identified a need to establish interim regulatory zoning before the County has the opportunity to adopt a permanent regulatory zone. Immediately following official notification of the rollback of property from a City's Sphere of Influence into Washoe County, the County shall initiate amendments to the appropriate Master Plan and Regulatory Zone maps for the property. The Truckee Meadows Regional Plan establishes the appropriate master plan category for the property through an adopted translation table. However, no such translation table exists to establish an interim regulatory zone. Therefore, this interpretation is required to assign a appropriate regulatory zone in order to bridge the gap in time between the rollback and the amendment of the Master Plan and Regulatory Zone maps.

INTERPRETATION

Washoe County will apply the equivalent regulatory zoning identified in Table 1 or Table 2 below for properties immediately following a Sphere of Influence rollback from the Cities of Reno or Sparks. If regulatory zoning was never established within the City's Sphere of Influence by the City, then Washoe County will apply the most current regulatory zoning or land use classification (prior one-map process) that was adopted when the property was previously within the County's jurisdiction.

In situations where the current City regulatory zoning may have multiple equivalent County regulatory zoning choices, County staff will review both the City's previous master plan and zoning, and the previous County master plan category (or land use category) and/or regulatory zone to determine the most appropriate County equivalent regulatory zoning. A property owner may utilize the interim regulatory zoning to establish any use type allowed within that regulatory zone prior to the adoption of regulatory zoning by the Washoe County Board of County Commissioners.

Table 1 - City of Reno to Washoe County Equivalent Zoning Table

Reno Regulatory Zoning	Washoe County Regulatory Zoning
UT40 (Unincorporated - 40 acres)	General Rural (.025 du/ac)
UT10 (Unincorporated – 10 acres)	Low Density Rural (.1 du/ac)
UT5 (Unincorporated – 5 acres)	Medium Density Rural (.2 du/ac)
LLR2.5 (.4 du/ac)	High Density Rural (.4 du/ac)
LLR1 (1 du/ac)	Low Density Suburban (1 du/1ac)
LLR0.5 (2 du/ac)	Low Density Suburban Two (2 du/ac)
SF15 (2.9 du/ac)	Medium Density Suburban (3 du/ac)
SF 9 (4.84 du/ac)	Medium Density Suburban Four (4 du/ac)
SF6 (7.26 du/ac)	High Density Suburban (7 du/ac)
MR14 (14.52 du/ac)	Low Density Urban (10 du/ac)
SF 4 (10.89 du/ac)	Low Density Urban (10 du/ac)
MF21 (21.78 du/ac)	Medium Density Urban (21 du/ac)
MF30 (30.04 du/ac)	High Density Urban (42 du/ac)
CC, AC (Community Commercial, Arterial Commercial)	General Commercial
NC (Neighborhood Commercial)	Neighborhood Commercial/Office (5 du/ac)
I (Industrial)	Industrial
PF (Public Facility)	Public/Semi-Public Facilities
OS (Open Space District)	Open Space, Parks and Recreation
MU, PUD, SPD (Mixed Use District, Planned Unit Development, Specific Plan District)	General Rural, General Rural Agricultural, Public and Semi Public Facilities, Parks and Recreation, Open Space, Low Density Rural, Medium Density Rural, High Density Rural, Low Density Suburban, Low Density Suburban 2, Medium Density Suburban, Medium Density Suburban 4, High Density Suburban, Low Density Urban, Medium Density Urban, High Density Urban, General Commercial, Neighborhood Commercial/Office, Tourist Commercial, Industrial
MH (Manufactured Home District)	TR Overlay District

(Table 2 – Next Page)

Table 2 - City of Sparks to Washoe County Equivalency Table

Sparks Regulatory Zone	Washoe County Regulatory Zone
A-40	General Rural (.025 du/ac), General Rural Agricultural (.025 du/ac), Open Space
A-5	Low Density Rural (.1 du/ac), Medium Density Rural (.2 du/ac), High Density Rural (.4 du/ac)
R1-40 (40,000 s.f.)	Low Density Suburban (1 du/ac)
R1-20 (20,000 s.f.)	Low Density Suburban Two (2 du/ac)
R1-20 (20,000 s.f.)	Medium Density Suburban (3 du/ac)
R1-15 (15,000 s.f.)	Medium Density Suburban (3 du/ac)
R1-9 (9,000 s.f.)	Medium Density Suburban Four (4 du/ac)
R1-7 (7,000 s.f.)	High Density Suburban (7 du/ac)
R1-6 (6,000 s.f.)	High Density Suburban (7 du/ac)
R2 Multiple Family Residential (14.5)	Low Density Urban (10 du/ac)
R3 Multiple Family Residential (19.8)	Medium Density Urban (21 du/ac)
R4 Multiple Family Residential	Medium Density Urban (21 du/ac)
R5 Multiple Family Residential (43.5)	High Density Urban (42 du/ac)
C2 (General Commercial)	General Commercial
C1 (Neighborhood Commercial)	Neighborhood Commercial/Office (5 du/ac)
PO (Professional Office)	Neighborhood Commercial/Office (5 du/ac)
TC (Tourist Commercial)	Tourist Commercial
I (Industrial)	Industrial
IR (Restricted Industrial)	Industrial
Public Facilities	Public and Semi-Public Facilities
Public Facilities	Parks and Recreation

LIMITATIONS OF INTERPRETATION

This interpretation supersedes Interpretation 11-5 dated June 14, 2011 of Washoe County Code Chapter 110 and shall be in effect unless and until a subsequent interpretation concerning the subject matter is made by the Planning and Development Division Director of the Community Services Department, the interpretation is reversed through a successful appeal pursuant to Article 910 of the Development Code, or the Washoe County Code is amended to include the subject matter referenced in this interpretation.

/s/

Bill Whitney, Planning and Development Division Director
Community Services Department

Dated: September 10, 2013

Interpretation 14-1

DRIVEWAYS TO A PERMITTED RESIDENCE LOCATED IN A SENSITIVE STREAM ZONE BUFFER AREA

Washoe County Code Section 110.914.05(c) gives the Director of Planning and Development Division the authority “to interpret the provisions of the Development Code.”

CODE SECTION IN QUESTION

Section 110.418.25(b) Permitted Uses Requiring A Board of Adjustment Approved Special Use Permit Subject to the Provisions of Article 810, Special Use Permits. Subject to the regulatory zone in effect for the property establishing the uses as specified in Article 302, Allowed Uses, all new use types may be permitted in the sensitive stream zone buffer area pursuant to a special use permit being issued by the Washoe County Board of Adjustment according to the provisions of Article 810, Special Use Permits, and this article. The special use permit requirement is also applicable to construction or enlargement of any public or private roads, **driveway**, structure or facility including drainage facilities, water conveyance structures, dams, trails, and any public or private utility facility used to provide transportation, electric, gas, water, telephone, telecommunication or other services. New residential, commercial and industrial subdivisions processed in accordance with Article 608, Tentative Subdivision Maps, shall not require the concurrent processing of a special use permit, as long as the "Special Review Considerations" of this article are addressed in the tentative subdivision map review. Any construction in the sensitive stream zone buffer area will require submission of a grading plan showing compliance with applicable best management practices as defined by the Washoe County Department of Public Works to minimize stream bank and stream bed erosion. The grading plan shall also be designed to prevent construction drainage and materials from increasing sedimentation impacts to the stream environment and to minimize impervious surfaces. **[Bold Emphasis Added]**

BACKGROUND

Washoe County Code Section 110.418.25(a), Allowed Uses, provides that “Single-family, detached residential uses and all related accessory uses associated with the single family residence...(and)...Attached or detached accessory dwellings in conformance with Article 306, Accessory Uses” may be constructed as an allowed use within a sensitive stream zone buffer area. These residential buildings and uses may be built in a sensitive stream zone as an allowed use, that is, they do not require a special use permit to be constructed. It is appropriate, therefore, to consider driveways accessing or serving allowed residential buildings and uses as a

“related accessory use.” As a result, this interpretation allows driveways accessing or serving allowed residential buildings and uses to be constructed within a sensitive stream zone buffer area without a special use permit. This interpretation does not extend to include driveways within a sensitive stream zone buffer area that provide access or service to other parcels not in the same ownership, that do not provide access or service to allowed residential buildings or uses on the parcel, or that will extend across or into the critical stream zone buffer area.

INTERPRETATION

This interpretation allows driveways accessing or serving allowed residential buildings and uses to be constructed within a sensitive stream zone buffer area without a special use permit. This interpretation does not extend to include driveways within a sensitive stream zone buffer area that provide access or service to other parcels not in the same ownership, that do not provide access or service to allowed residential buildings or uses on the parcel, or that will extend across or into the critical stream zone buffer area.

LIMITATIONS OF INTERPRETATION

This interpretation shall supersede all previous interpretations of Washoe County Chapter 110 (Development Code) concerning the above referenced subject and be in effect unless and until a subsequent interpretation concerning the above referenced subject is made by the Director of Planning and Development Division, the interpretation is reversed through a successful appeal pursuant to Article 808 (Administrative Permits), the interpretation is otherwise invalidated pursuant to law, or the Development Code is amended to incorporate the subject matter referenced in this interpretation.

/s/

William Whitney, Director, Planning & Development Division

Dated: July 30, 2014

Interpretation 14-2

PERIODIC REVIEW OF CONDITIONS FOR AGGREGATE FACILITIES

Washoe County Code (WCC) Section 110.914.05(c) gives the Director of the Planning & Development Division, Washoe County Community Services Department, (Director) “the authority to interpret the provisions of the Development Code” (Washoe County Code Chapter 110).

CODE SECTION IN QUESTION [Bold emphasis added]

Section 110.332.40 Periodic Review of Conditions. For aggregate facilities approved for a period of more than five (5) years, **a review of the conditions of approval shall occur at least every five (5) years from the initial special use permit approval date to ensure that the conditions of approval adequately provide for compatibility between aggregate operations and surrounding land uses.** Enforcement of this provision shall be accomplished as follows:

- (a) The owner and/or operator of any aggregate facility approved without a review date shall submit a request to the Planning & Development Division for a review of conditions within one hundred eighty (180) days of the effective date of this article (November 1, 1998). At this review hearing and at each hearing thereafter, a date shall be established for the next scheduled review of conditions. In no case shall the time between reviews be more than five (5) years. **The owner and/or operator shall request these reviews prior to one hundred eighty (180) days of the date set at the previous review.**
- (b) The owner and/or operator of any aggregate facility seeking an extension of an approved special use permit shall request an extension and review of conditions no less than one hundred eighty (180) days prior to the expiration of the special use permit. The extension shall consider the required findings and special considerations for aggregate operations to ensure that the conditions of approval adequately provide for compatibility between aggregate operations and surrounding land uses.

BACKGROUND

This section of the Development Code was amended by Ordinance 1378, effective on August 1, 2008, to remove text which stipulated that the Washoe County Planning Commission would hear the required review of conditions of approval for aggregate facilities. The amendment was initiated by the Planning Commission after several aggregate facility reviews resulted in a simple approval of the review with no modifications to the approved conditions of approval. The Planning Commission believed that a simple approval review was better suited for staff, and not for the Commission. However, the code amendment failed to capture and codify this direction from the Commission.

The Development Code no longer specifies how the review is to occur, nor does the Code specify which person or agency will approve the review with or without potential modification to the conditions of approval. This interpretation will provide a two-step process for the review of aggregate facility conditions of approval based on the Planning Commission’s intent for the code amendment in 2008.

The Development Code currently requires that any new permanent aggregate facilities be granted a special use permit by the Washoe County Board of Adjustment (see Article 302, Table 110.302.05.4, Table of Uses, Industrial Use Types). However, any review requiring an amendment of conditions will be heard by the body which granted the original special use permit, either the Planning Commission or the Board of Adjustment.

INTERPRETATION

The periodic review of aggregate facility conditions required by WCC Section 110.914.05(c) will most likely occur in one of two ways. First, the aggregate facility owner and/or operator will approach the County based on a prior review which specified the next review time frame. Second, code compliance actions based on complaints will discover that an aggregate facility is past the time period without the required review of its conditions of approval.

In either case, the first step for the review process will be an administrative review hearing by the Director, Planning & Development Division. Division staff will evaluate the aggregate facility's existing conditions of approval in the context of compatibility between the aggregate facility's operations and surrounding land uses. The following will occur during this first step of the aggregate facility review process:

1. The Director will appoint a staff member to conduct the evaluation.
2. The assigned staff member will verify the most recent conditions of approval for the aggregate facility.
3. The staff member will research to determine if any complaints on the aggregate facility's operations were recorded by the following County agencies and, if a complaint was recorded, the outcome of that complaint.
 - a. Code compliance staff, Planning & Development Division, Community Services Department.
 - b. Engineering staff (traffic and grading), Engineering & Capital Projects Division, Community Services Department.
 - c. Air Quality Management Division, Washoe County Health District.
 - d. Environmental Health Services Division, Washoe County Health District.
 - e. Other agencies deemed appropriate due to special circumstances.
4. The review will include an analysis of WCC Section 110.332.20, Special Review Considerations. These considerations will be reviewed in the following contexts:
 - a. Complaints received concerning the aggregate facility's operations and the surrounding land uses, and actions taken on those complaints.
 - b. Site inspection for an evaluation of the special review considerations in the context of current operating conditions and physical appearance of the aggregate facility.

The review will include whether the aggregate facility's conditions of approval require modification in order to assure that future similar complaints are avoided or minimized, or to address matters viewed during the site inspection. Modification of conditions may include new or amended conditions, or removal of conditions.

5. The staff member will prepare an administrative review report for the Director with an evaluation of the aggregate facility's conditions of approval in the context of compatibility between the aggregate facility's operations and surrounding land uses, based on the review outlined in item 4 above. The report will determine whether the conditions of approval are adequate and can remain unchanged, if one or more of the conditions

require amendments, or if additional conditions are warranted. Based on the report's conclusions, the staff member will recommend one of the following:

- a. Aggregate facility conditions of approval should remain unchanged, and that a new required review date be established 5 years from the date the Director will approve the review; or,
 - b. One or more of the aggregate facility conditions of approval require amendment, and/or one or more conditions of approval must be added or deleted. The report must identify all proposed changed conditions.
6. The staff member will arrange a date and time for the administrative review hearing with the Director. Notice cards for the hearing will be prepared and mailed to property owners within 500 feet of the aggregate facilities property. The notice card will specify the date, time and location of the administrative review hearing, will provide information on the purpose and manner of the aggregate facility review, will specify how and when the administrative review report will be available for the public, and will solicit comments on the review.
- a. The report will be provided to the Director for review at least 10 days before the hearing date.
 - b. The administrative review report must be available to the public no less than 10 days before the hearing date.
 - c. Comments may be in person at the hearing, or in writing to the Director no less than three working days before the hearing date.
7. The Director will conduct the administrative review hearing in a manner conducive to listening to any public who attend and desire to comment on the aggregate facility's operations or conditions of approval. The Director will review any written comments in public during the hearing. The hearing is not subject to the Nevada Open Meeting Law. Based on a review of the report and any comments received, the Director will do one of the following:
- a. Determine whether the conditions of approval are to remain unchanged. If so, then the Director will outline the basis of this decision for the record. The staff member will prepare a letter to the aggregate facility owner and/or operator providing the Director's decision and the basis for the decision.

The letter, once signed by the Director, will be sent to any person who requests a copy. The letter will be posted to the Division's internet web page, and will be filed with the Secretary of the either the Planning Commission or the Board of Adjustment (whichever Board approved the original Special Use Permit).

The Director's approval is final unless appealed pursuant to WCC Article 912 (Establishment of Commissions, Boards and Hearing Examiners) or Article 914 (Establishment of Department).
 - b. Initiate an Amendment of Conditions if conditions of approval should be changed, added or deleted. The Director will outline the basis of this decision for the record, and this decision will form the basis for the Amendment of Conditions. The staff member will prepare a memorandum to either the Planning Commission or the Board of Adjustment (whichever Board approved the original Special Use Permit) providing the Director's decision and the basis for the decision.

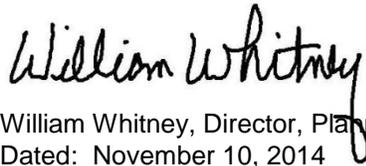
The Amendment of Conditions is based on the Special Use Permit originally approved for the aggregate facility, as amended, and constitutes the second step of the aggregate facility review process. The Amendment of Conditions will be processed at no charge to the aggregate facility owner and/or operator.

The second step of the aggregate facility review process is the Amendment of Conditions process before either the Planning Commission or the Board of Adjustment, whichever Board approved the original Special Use Permit. The staff member assigned to complete the report in the first step of the review process will be assigned the Amendment of Conditions case and follow the procedures outlined in Article 810 (Special Use Permits). The Planning Commission or Board of Adjustment's action will include a new required review date set for 5 years from the date of the Commission's action.

LIMITATIONS OF INTERPRETATION

This interpretation shall supersede all previous interpretations of the Development Code concerning this subject matter and will remain in effect until one of the following occurs:

1. A subsequent interpretation concerning this subject matter is made by the Director;
2. The interpretation is reversed through a successful appeal pursuant to WCC Article 912 (Establishment of Commissions, Boards and Hearing Examiners) or Article 914 (Establishment of Department);
3. The interpretation is otherwise invalidated pursuant to law; or,
4. The Development Code is amended to incorporate this subject matter.



William Whitney, Director, Planning & Development Division

Dated: November 10, 2014

Interpretation 17-1

LIGHTING WITHIN OFF-STREET PARKING AREAS

Washoe County Code (WCC) Section 110.914.05(c) gives the Director of the Planning and Development Division (Director) the authority “to interpret the provisions of the Development Code.” Additionally, WCC Section 110.410.35, *Modification of Standards*, allows the Director to modify standards within Article 410, *Parking and Loading*, when listed standards are considered insufficient or excessive.

CODE SECTION IN QUESTION [Bold emphasis added]

Section 110.410.25(g) Lighting. All off-street parking areas within commercially-zoned projects shall be provided with exterior lighting which meets the following minimum standards:

- (1) Proper illumination shall be provided for safety which, at a minimum, shall be the equivalent of one (1) foot candle average of illumination throughout the parking area;
- (2) All lighting shall be on a time clock or photo-sensor system;
- (3) **Parking lot luminaries shall be high-pressure sodium vapor** with 90-degree cut-off and flat lenses; and
- (4) All lighting shall be designed to confine direct rays to the premises. No spillover beyond the property line shall be permitted, except onto public thoroughfares provided, however, that such light shall not cause a hazard to motorists.

BACKGROUND

WCC Section 110.410.25(g), *Lighting*, calls for parking lot lighting to consist of high-pressure sodium (HPS) vapor fixtures. This section also provides standards for minimum levels of safety illumination, down-shielding of lights and limits to allowable light spillover.

As of the date of this interpretation, it is recognized that lighting technology has advanced to the point that it is no longer necessary to identify a specific technology to meet the other standards laid out in this section of Code. As long as standards are met for minimum safety illumination, spillover limits, and Article 414, *Noise and Lighting Standards*, the Director will not require light fixtures to be HPS. Other technologies, including but not limited to light emitting diode (LED) fixtures, may be accepted if sufficient evidence is provided that the standards mentioned above are met.

INTERPRETATION

This interpretation allows for non-HPS fixtures (including but not limited to LED fixtures) to be used in parking areas if sufficient evidence is provided that the other lighting standards of Articles 410 and 414 will be met.

LIMITATIONS OF INTERPRETATION

This interpretation shall supersede any and all previous interpretations of Washoe County Code Chapter 110 (Development Code) concerning the above referenced subject and will remain in effect until one of the following occurs:

1. A subsequent interpretation concerning the above referenced subject is made by the Director of the Planning and Development Division;
2. The interpretation is reversed through a successful appeal pursuant to WCC Article 912 (Establishment of Commissions, Boards and Hearing Examiners) or Article 914 (Establishment of Department);
3. The interpretation is otherwise invalidated pursuant to law; or,
4. The Development Code is amended to incorporate the subject matter referenced in this interpretation.



Mojra Hauenstein, Director, Planning & Development Division

Dated: February 17, 2017

Interpretation 17-2 Rescinded December 28, 2017

Interpretation 17-3

PERSONAL STORAGE

Washoe County Code (WCC) Section 110.914.05(c) gives the Director of the Planning and Building Division (Director) the authority “to interpret the provisions of the Development Code.” WCC Section 110.304.10(b) further enables the Director to develop and maintain an administrative list of common uses and the use type into which they are classified.

CODE SECTION IN QUESTION

Section 110.304.25(z) Personal Storage. Personal storage use type refers to storage services primarily for personal effects and household goods within an enclosed storage area having individual access, but excludes workshops, hobby shops, manufacturing or commercial activity. Typical uses include mini-warehouses.

BACKGROUND

WCC Section 110.304.25(z), *Personal Storage*, defines the Personal Storage commercial use type as “storage services primarily for personal effects and household goods within an enclosed storage area.” “Personal effects” is not further defined within the Development Code and has, therefore, been subject to some confusion as to what this term includes. For clarity, the Director has interpreted “personal effects” to include any items of a personal nature, regardless of size or other characteristics, and may include personal vehicles (whether operable or not).

The Director has determined that it is neither feasible nor practical to differentiate between the various types of personal property that may exist and subsequently attempt to enforce which types may or may not be housed within an enclosed storage facility. As any such items would be stored within an enclosed space and not visible to the public, a minimal difference in impacts is anticipated for surrounding properties.

INTERPRETATION

This interpretation allows for all personal effects, including operable and inoperable vehicles, to be stored within enclosed storage areas that are part of a Personal Storage facility. This is not to be construed as allowing for commercial activity to be based out of Personal Storage facilities, nor to waive any applicable health and safety standards.

LIMITATIONS OF INTERPRETATION

This interpretation shall supersede any and all previous interpretations of WCC Chapter 110 (Development Code) concerning the above referenced subject and will remain in effect until one of the following occurs:

1. A subsequent interpretation concerning the above referenced subject is made by the Director of the Planning and Building Division;

2. The interpretation is reversed through a successful appeal pursuant to WCC Article 912, *Establishment of Commissions, Boards and Hearing Examiners* or Article 914, *Establishment of Department*;
3. The interpretation is otherwise invalidated pursuant to law; or,
4. The Development Code is amended to incorporate the subject matter referenced in this interpretation.

A handwritten signature in black ink, appearing to read 'Mojra Hauenstein', with a long horizontal flourish extending to the right.

Mojra Hauenstein, Director, Planning & Building Division

Dated: November 16, 2017

Interpretation 18-1

BUILDING HEIGHT

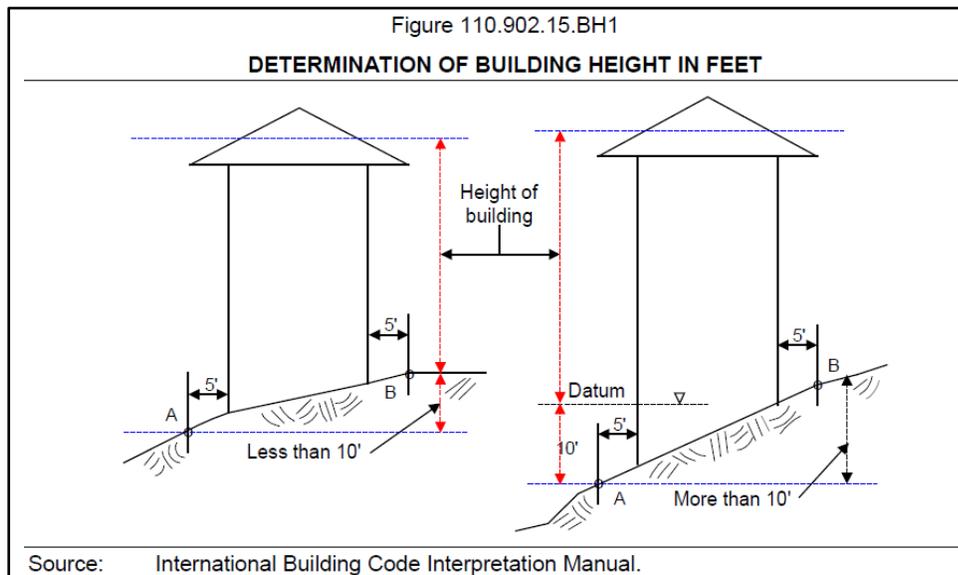
Pursuant to Article 910, Section 110.910.05 of Chapter 110 of the Washoe County Code, the Director of the Planning and Building has the authority to enforce the provisions of the Development Code. In order to appropriately enforce the Development Code, the Director finds it beneficial to provide additional clarification as to how the height of buildings shall be measured.

Washoe County Code Section 110.902 includes definitions of terms used in the Development Code. Building height is defined below:

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

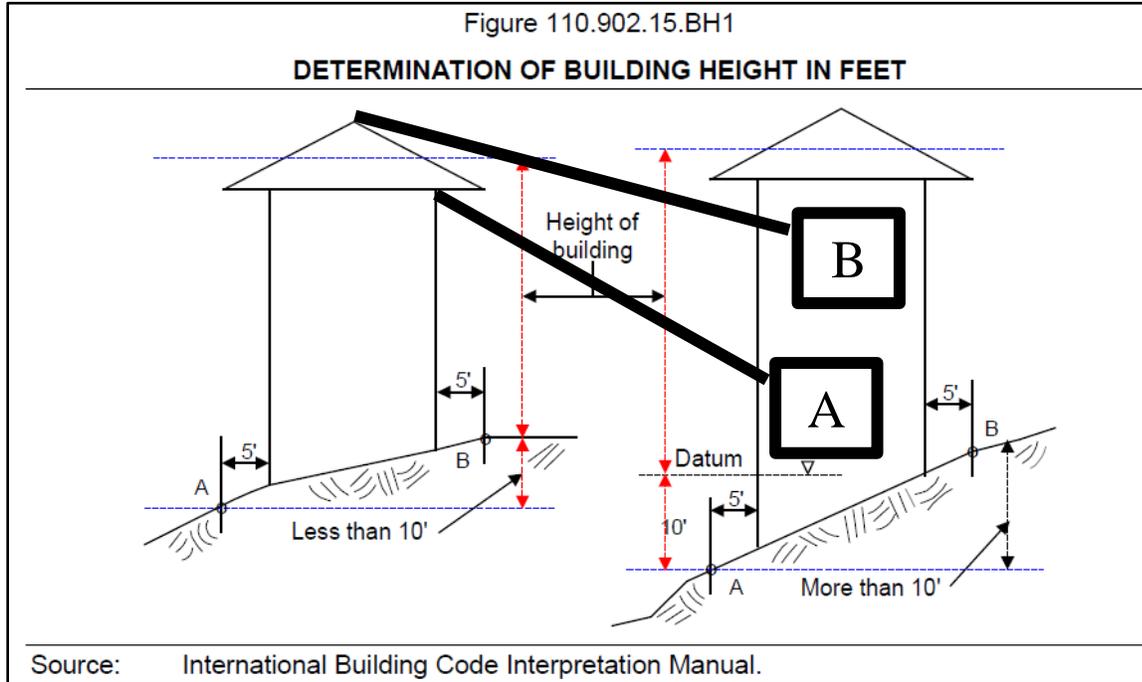
- (a) The elevation of the highest adjoining sidewalk or ground surface within a five (5) foot horizontal distance of the exterior wall of the building when such sidewalk or ground surface is not more than ten (10) feet above lowest grade.
- (b) An elevation ten (10) feet higher than the lowest grade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

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



While the Director believes that the definition is sufficient and clear, there has been a question raised regarding from which points on the roof of a building the average height is

measured. As clearly shown on the diagram above, the average height is measured from the highest point on the vertical wall, and is averaged with the highest point of the gable roof. To eliminate any potential ambiguity, these points are shown as “A” and “B” on the diagram below.



To eliminate any remaining ambiguity, the height of building shall be calculated as follows:
 $(\text{Height A} + \text{Height B}) / 2 = \text{Building Height}$

Limitations of Interpretation

This interpretation does not change the datum point from which the height is measured, it simply further clarifies that the average height is measured from the top of the vertical wall, and averaged with the overall height of the gable, as shown on the proposed building elevations, included with any building permit. This interpretation shall be in effect unless and until the Director of Planning and Building makes a subsequent interpretation concerning this subject, the interpretation is reversed through a successful appeal, or the Washoe County Code is amended to include the subject matter referenced in this interpretation.

Mojra Hauenstein, Architect, AICP Planner,
 LEED AP Neighborhood Development
 Director of Planning and Building

Dated: June 20, 2018

Interpretation 18-2

Enclosed Garage Size and Characteristics

Washoe County Code (WCC) Section 110.914.05(c) gives the Director of the Planning and Building Division (Director) the authority “to interpret the provisions of the Development Code.” WCC Section 110.304.10(b) further enables the Director to develop and maintain an administrative list of common uses and the use type into which they are classified.

CODE SECTION IN QUESTION

WCC Table 110.410.10.1 requires certain that residential uses include a specific number of parking spaces. In several instances the Table requires that one parking space “must be in an enclosed garage.” The term “enclosed garage” is not defined in WCC Chapter 110 (Development Code). This interpretation defines the size and characteristics of an enclosed garage.

BACKGROUND

The definition of the required size and characteristics of an enclosed garage begins with WCC Section 110.304.15(a)(3) which defines a “Detached Accessory Structure” as follows:

Detached Accessory Structure. A detached accessory structure refers to a building or structure on the same lot as the main residential structure and devoted to a use incidental to that main residential structure. A detached accessory structure is not designed, configured, or used for human habitation. The detached accessory structure may be connected to water and wastewater systems subject to the recordation of a deed restriction prohibiting the use of the structure as a dwelling unit. Installation of both a kitchen (as defined in Article 902) and a toilet in a detached accessory structure shall render the structure as a dwelling unit and subject to the accessory dwelling unit provisions. Typical uses include storage buildings and sheds, barns and detached garages.

Based upon this definition, an enclosed garage is a “building or structure.” A structure is defined at WCC Section 110.902.15 as follows:

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

A building is defined at WCC Section 110.902.15 as follows:

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

The required dimensions for parking spaces are included in WCC Table 110.410.25.1. A parking space width is required to be a minimum of 8.5 feet. The length of a parking space varies, based upon the angle of the parking space. Enclosed garages include parking spaces at 90 degrees. The minimum length, perpendicular to the back wall of the enclosed garage, is 17 feet.

The term “enclose” is defined as “to close in: surround.”¹

INTERPRETATION

I have determined that, an “enclosed garage” must be a walled and roofed building or structure, with a permanent foundation, capable of surrounding a motor vehicle. The minimum interior dimensions of the parking space must be 8.5 feet in width and 17 feet in length. Further, the enclosed garage must include a door that opens to at least 8 feet in width and of a height sufficient for a motor vehicle to be parked within the enclosed garage.

In those cases in which:

1. WCC Chapter 100 does not require the issuance of a building permit for an enclosed garage (detached accessory structure) that is 200 square feet or smaller; and
2. One parking space is required to be within an enclosed garage: and
3. The applicant seeks to comply with the parking requirement by constructing an enclosed garage 200 square feet or smaller:

The Building Inspectors / Staff shall not approve a Certificate of Occupancy for any residential dwelling until it is determined that an enclosed garage has also been constructed on the subject site in accordance with this Interpretation.

LIMITATIONS OF INTERPRETATION

This interpretation shall supersede any and all previous interpretations of WCC Chapter 110 (Development Code) concerning the above referenced subject and will remain in effect until one of the following occurs:

5. A subsequent interpretation concerning the above referenced subject is made by the Director of the Planning and Building Division;
6. The interpretation is reversed through a successful appeal pursuant to WCC Chapter 110 Article 912, *Establishment of Commissions, Boards and Hearing Examiners* or Article 914, *Establishment of Department*;
7. The interpretation is otherwise invalidated pursuant to law; or,
8. The Development Code is amended to incorporate the subject matter referenced in this interpretation.



Mojra Hauenstein, Director, Planning and Building Division

Dated: October 12, 2018

¹: Webster’s Ninth New Collegiate Dictionary, 1990, p. 409

Interpretation 18-3

***LOT COVERAGE REQUIREMENTS FOR
ACCESSORY STRUCTURES IN RESIDENTIAL
REGULATORY ZONES***

RESCINDED – ADDED TO WASHOE COUNTY CODE CHAPTER 110.306, WDCA18-0007,
APRIL 5, 2019