



**ORDINANCE No. 2343**

OF THE BOARD OF SUPERVISORS OF THE COUNTY OF NEVADA

**AN ORDINANCE ADDING SECTION L-II 2.7.11 TO ARTICLE 2 OF CHAPTER II OF THE LAND USE AND DEVELOPMENT CODE OF THE COUNTY OF NEVADA CREATING A REGIONAL HOUSING NEED (RH) COMBINING DISTRICT AND ESTABLISHING STANDARDS FOR THE DEVELOPMENT OF AFFORDABLE AND MULTI-FAMILY HOUSING (ORD11-003)**

THE BOARD OF SUPERVISORS OF THE COUNTY OF NEVADA, STATE OF CALIFORNIA, ORDAINS AS FOLLOWS:

SECTION I:

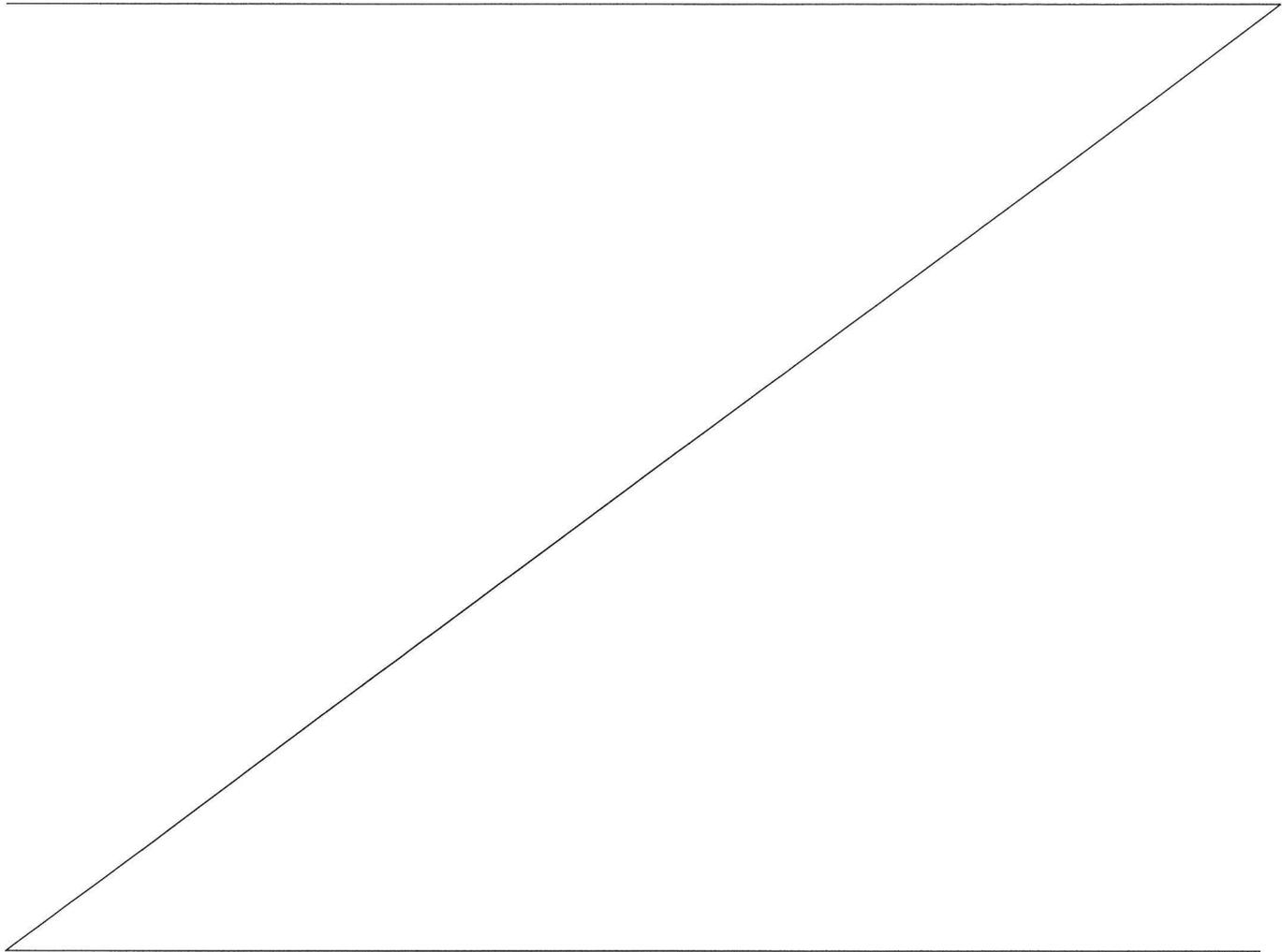
Section L-II 2.7.11 of Article 2 of Chapter II of the Land Use and Development Code of the County of Nevada, is hereby added to read as set forth in Exhibit "A", attached hereto and incorporated herein by reference.

SECTION II:

If any section, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance and adopted this ordinance and each section, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

SECTION III:

This Ordinance shall take effect and be in force at the expiration of thirty (30) days from and after its passage, and shall become operative on the 27th day of Oct, 2011, and, before the expiration of fifteen (15) days after its passage a summary shall be published once, with the names of the Supervisors voting for and against same in the Union, a newspaper of general circulation printed and published in the County of Nevada.



PASSED AND ADOPTED by the Board of Supervisors of the County of Nevada at a regular meeting of said Board, held on the 27<sup>th</sup> day of September, 2011, by the following vote of said Board:

Ayes: Supervisors Nathan Beason, Edward Scofield, Terry Lamphier and Ted S. Owens.

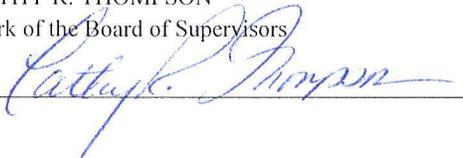
Noes: None.

ATTEST:

Absent: Hank Weston.

CATHY R. THOMPSON  
Clerk of the Board of Supervisors

Abstain: None.

By: 

  
Edward C. Scofield, Chair

09/28/2011 cc: Planning  
Counsel  
Union

EXHIBIT "A"

**Section L-II 2.7.11 Regional Housing Need Combining District (RH)**

- A. **Purpose.** The purpose of the Regional Housing Need (RH) Combining District is to increase the supply of affordable and multi-family housing for persons and families within the extremely-low, very-low and low income categories by designating sites for development at 16 to 20 units minimum per acre in order to meet the requirements of the Regional Housing Need Allocation (RHNA) as required by State Government Code Section 65584.
  
- B. **Standards.** The RH Combining District allows for the following:
  - 1. **Designation of the Regional Housing Need (RH) Combining District.** The Regional Housing Need (RH) Combining District shall only be applied to those parcels designated by the Board of Supervisors in advance of the County Housing Element adoption; as a part of the Housing Element update process; as a part of the implementation of the Housing Element goals, policies and programs; or where it can be reasonably demonstrated that the rezoning of the site is necessary to meet the goals of the RHNA.
  
  - 2. **Site Selection Criteria.** For sites to be designated under the Regional Housing Need (RH) Combining District, the site must meet the following criteria:
    - a. Generally, the site must be identified by the County to satisfy the Regional Housing Need as outlined in L-II 2.7.11.B.1 above. A private landowner however, may apply for the RH designation if the landowner has received concurrence from the Board of Supervisors, prior to submitting an application for rezone, that the rezoning of the site to add the RH overlay is necessary to meet a Regional Housing Need.
  
    - b. The site is currently undeveloped or it can be demonstrated that the site is underdeveloped.
  
    - c. The site is of adequate size and shape to allow for the reasonable development of residential housing at the minimum densities required under Standard L-II 2.7.11.B.3 below.
  
    - d. The site has ingress and egress on a County maintained road or can be connected to a County maintained road pursuant to Standard L-II 2.7.11.C.8 below.
  
    - e. The site is in or within a reasonable walking distance to a Community Region or Village Center, as shown on the General Plan Land Use Maps, which has access to schools, services, fire protection and jobs.

- f. The site is located on or is within reasonable walking distance to a public transit route.
  - g. The site is within or can reasonably be annexed into an existing sanitary sewer district and public water district.
  - h. The anticipated residential development can be sited to avoid major environmental hazards and/or constraints including but not limited to wetlands, watercourses, floodways, steep slopes, geologic hazards, archaeological resources, sensitive habitat areas, and airport noise and safety zones that limit density. (See Section L-II 4.3: Resource Standards for a comprehensive list of protected resources).
3. **Density.** The density for the development of multi-family housing shall be determined at the time the site is rezoned to add the Regional Housing Need (RH) Combining District. This density shall be based on the State mandated 16-units minimum per acre but will allow for a maximum of 20-units per acre on sites within a City's Sphere of Influence. The minimum required density may be determined by allocating the density to the total acreage of the site or by aggregating the developable area of a site, through the environmental review process, to remove areas considered to be environmentally sensitive pursuant to Section L-II 4.3 and all areas for driveways and roadways from the developable area, whichever is more suitable for the site. The number of potential units will be determined by multiplying the developable acreage by 16. Where such calculation results in a fractional number, the number of units shall be determined by rounding down to the nearest whole number.
4. **Lesser Densities and Interim Uses.** Lesser densities and interim uses within the Regional Housing Need (RH) Combining District shall be allowed when consistent with the allowed uses shown within the Allowed Use Tables for an individual Base Zoning District subject to the standards applicable to development within that Base Zoning District. Should a site be developed with a lesser density or interim use, the site must include a plan that provides basic details on how the interim use or lesser density will not impact the sites ability to be otherwise developed at the density shown in Section L-II 2.7.11.B.3.
5. **Master Planning.** Where contiguous or adjacent parcels are designated under the Regional Housing Need (RH) Combining District, any development proposal for one parcel may be required to include a Comprehensive Site Plan for development of all contiguous or adjacent parcels which are also designated under the Regional Housing Need (RH) Combining District. The purpose of the Comprehensive Site Plan is to define interior circulation patterns, exterior site access, fire access to all parcels, infrastructure improvements, and common area locations and amenities.

6. **Density Bonus.** Projects designed in accordance with the County's Density Bonus provisions set forth in Sections L-II 3.16 and 3.20 shall be eligible for the applicable concessions and incentives outlined within those Sections.
  7. **Energy and Environmental Efficiency.** Multi-family housing developed within the Regional Housing Need (RH) Combining District is encouraged to utilize energy efficient design techniques and environmentally sensitive design and building materials.
  8. **Management Plan.** With all development, there is the potential for the encroachment into Sensitive Environmental Resources, defined in Section L-II 4.3: Resource Standards, to ensure a development will fit onto a site. This may be allowed if a Management Plan prepared consistent with Section L-II 4.3.3.C is approved by the County prior to Building Permit Issuance.
- C. **By-Right Development.** When required by State law, notwithstanding the requirements of the residential uses shown with the Base Zoning Districts Allowable Use Tables, sites within a Regional Housing Need (RH) Combining District shall be developed by-right in that the use and density shall not require a Use Permit, Planned Unit Development Plan or other discretionary action for the use or density of that site. For these sites, the following standards and alternative process shall apply:
1. The developable acreage of the site and the required number of units will be determined as shown in Section L-II 2.7.11.B.3.
  2. Environmental review, as required by the California Environmental Quality Act, will be completed as part of the process for the rezoning of such sites into the Regional Housing Need (RH) Combining District to address the uses and minimum densities allowed by the Regional Housing Need (RH) Combining District. Subsequent environmental review may be required if, and to the extent, necessary to comply with CEQA.
  3. In addition to assigning density, the Regional Housing Need (RH) Combining District shall outline site specific development standards and any CEQA mitigation measures adopted for each site at the time the site is rezoned. All identified site specific development standards and CEQA mitigation measures shall be included within the Regional Housing Need Implementation Plan and all development of multi-family housing on a Regional Housing Need (RH) site shall be done in compliance with said Plan.
  4. All development proposals within the Regional Housing Need (RH) Combining District, which meet the by-right provision, are subject to Zoning Compliance and Building Permit issuance and the payment of all applicable building permit and mitigation fees which are otherwise applicable to the development proposal.

5. Development proposals shall undergo a Design Review process and public hearing at the Planning Commission limited to design issues only. No discretionary permit is necessary for the density or use of the site.
6. Prior to Building Permit Issuance, it shall be the responsibility of the land owner or developer to provide written documentation from the applicable public utility, water and sewer service provider demonstrating that adequate public utilities, water and sewage disposal is available to accommodate the use and minimum densities required for a site. If the property does not have direct access to adequate public utilities to serve the anticipated development of the site, it shall be the responsibility of the property owner or developer to provide adequate infrastructure to serve the site consistent with the rules, regulations and standards of the applicable utility provider.
7. Prior to Building Permit Issuance, it shall be the responsibility of the land owner or developer to provide written documentation from the applicable fire protection district and/or agency demonstrating that the site has adequate fire flow, emergency escape routes, fire equipment access and is designed to meet all applicable requirements of the California Fire Code.
8. If a property does not have direct access to a County maintained roadway, it shall be the responsibility of the land owner or developer to provide written documentation as to their legal right to utilize and improve the road(s) that provide ingress and egress to the site, including secondary access if required, and that the road(s) meet the County minimum standards to serve the development proposed. The land owner or developer shall also be responsible for providing an offer of dedication of the road(s) for acceptance into the County maintained road system, if required by the Department of Public Works. If roads are determined to be inadequate, in width, size, surfacing, capacity, safety or some other standard, it shall be the responsibility of the land owner or developer to bring the road up to the minimum standard required by the Department of Public Works prior to issuance of a certificate of final occupancy.
9. Subdivision. Development that includes approval of a Tentative Map is subject to the provisions of the Subdivision Map Act and Land Use and Development Code Chapter IV. Where a tentative map is proposed, the public hearing may be expanded to address findings under the Subdivision Map Act. Wherever possible the environmental review performed at the time the site was designated under the Regional Housing Need (RH) Combining District will be utilized in the processing of the subdivision.

**D. Mixed-Use Development.** In the event that a site has a Commercial, Industrial, Office Professional or Business Park Base Zoning District and is combined with an RH overlay, the site shall be developed with a use consistent with the Base Zoning District, subject to the development standards shown within said district, prior to or in conjunction with mixed-use residential that can be either vertically or horizontally mixed. The use and minimum density of the residential portion of the site shall be exempt from discretionary

review if developed at a density consistent with Section L-II 2.7.11.B.3, but shall be subject to the above standards and Zoning Compliance and Building Permit issuance.