



# WASHOE COUNTY

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## STAFF REPORT

BOARD MEETING DATE: April 8, 2025

**DATE:** March 1, 2025

**TO:** Board of County Commissioners

**FROM:** Trevor Lloyd, Planning Manager, Community Services Dept., (775) 328-3617, [tlloyd@washoecounty.gov](mailto:tlloyd@washoecounty.gov)

**THROUGH:** Kelly Mullin, AICP, Division Director, Planning & Building Division, Community Services Department, 328.3619, [kmullin@washoecounty.gov](mailto:kmullin@washoecounty.gov)

**SUBJECT:** Public Hearing: Second reading and possible adoption of an ordinance amending the Washoe County Code at Chapter 110 (Development Code), Article 610 Final Subdivision Maps, to modify various sections in order to clarify requirements related to final subdivision maps. These amendments include requiring each final map submission to contain a minimum of 5 lots and specifying what type of parcels count toward the 5 lot minimum; updating language to ensure compliance with the Nevada Revised Statutes; adding the requirement for a water supplier certificate on the final map when served by a general improvement district; providing that an acceptable financial assurance document may be utilized in lieu of a faithful performance bond; increasing the number of days for the initial final map submittal from 60 to 120 days prior to the final date to present the map to the Director of Planning and Building for signature; removing the requirement for a phasing plan; further clarifying the timing requirements for the presentation date for the first final map and all successive final maps; and updating the names or titles of public officers and agencies as well as the names or titles of certain referenced reports/studies and all matters necessarily connected therewith and pertaining thereto. (All Commission Districts.) FOR POSSIBLE ACTION

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### SUMMARY

The Board is asked to hold a second reading and possibly adopt an ordinance amending Article 610, Final Subdivision Maps, of Washoe County Code Chapter 110 (Development Code) by modifying various sections in order to clarify requirements related to final subdivision maps. The proposed code amendments are described in detail on pages 2-4 of this staff report. Additional analysis can be found in Attachment D, Planning Commission staff report.

### **Washoe County Strategic Objective supported by this item:**

Vulnerable Populations: Expand appropriate housing options across community.

AGENDA ITEM # \_\_\_\_\_

## **PREVIOUS ACTION**

March 18, 2025. The Washoe County Board of County Commissioners conducted an introduction and first reading of the proposed ordinance for Development Code Amendment WCDA24-0007 (Article 610 – Final Subdivision Maps).

February 4, 2025. The Washoe County Planning Commission (PC) initiated amendments to Washoe County Code Chapter 110 (Development Code), Article 610 Final Subdivision Maps, and voted 6-0 to recommend approval of Development Code Amendment WDCA24-0007 to the Board. In doing so, the Planning Commission made all four findings set forth in Washoe County Code Section 110.818.15(e), as follows:

1. Consistency with Master Plan. The proposed development code amendment is in substantial compliance with the policies and action programs of the Washoe County Master Plan;
2. Promotes the Purpose of the Development Code. The proposed development code amendment will not adversely impact the public health, safety or welfare, and will promote the original purposes for the Development Code as expressed in Article 918, Adoption of Development Code;
3. Response to Changed Conditions. The proposed development code amendment responds to changed conditions or further studies that have occurred since the Development Code was adopted by the Board of County Commissioners, and the requested amendment allow for a more desirable utilization of land within the regulatory zones; and
4. No Adverse Affects. The proposed development code amendment will not adversely affect the implementation of the policies and action programs of the Conservation Element or the Population Element of the Washoe County Master Plan.

## **BACKGROUND**

Article 610, Final Subdivision Maps, of the Washoe County Development Code establishes the practices and procedures regarding the preparation, approval and recordation of final subdivision maps. In order for a final subdivision map to be recorded, the final map must be prepared in accordance with an approved tentative map and must comply with all applicable requirements of Article 610 of the Washoe County Development Code and NRS Chapter 278. Article 610 has not been amended since 2010, and most of the provisions date back to the mid 1990's. Planning and Engineering staff are bringing forward proposed amendments to Article 610 that are needed to bring this article into compliance with state law (NRS) and to better align the code with current and preferred practices of the Community Services Department (CSD) relating to final subdivision map submission, staff review and recordation. Additionally, staff is proposing a number of cleanup amendments relating to current official and agency names and making changes that provide clarification to certain final map processes. Below is a discussion of the substantive changes proposed as part of this code amendment.

### **Minimum Requirements to Record Final Subdivision Map**

Currently, there is no minimum number of lots required for a final subdivision map either in Code or in NRS. Staff is proposing that each final subdivision map submission includes a minimum of five lots. Additionally, ancillary parcels such as common areas, common open space, roadways and utility parcels will not be counted toward the five-lot minimum requirement as a means of extending the life of a tentative subdivision map. The five lot minimum is consistent with the five-lot minimum requirement for tentative subdivision maps.

### **Water Supplier Certificate**

Staff is proposing the addition of a new water supplier certificate on final subdivision maps when that water supplier is a general improvement district, as this certificate is now required by state law. The code currently requires certificates from the Nevada Division of Water Resources and the appropriate utility(ies). This new certificate will provide more certainty and require that the subject general improvement district confirms that there is available water which meets applicable health standards and is available in sufficient quantity for the reasonably foreseeable needs of the subdivision.

### **Preliminary Submittal of Final Maps**

Currently, the code requires proposed final maps to be submitted 60 days prior to the presentation date (final signature before recordation). However, experience has shown that 60 days does not provide adequate time for County staff to review the submissions and for developers to provide the corrections, obtain all the required signatures, and receive approval for the recordation of the final map. For this reason, staff is recommending a change from 60 days to 120 days prior to the presentation date for the applicant's preliminary submission of a proposed final subdivision map. Staff is also proposing the removal of the requirement for three hard copy prints of the preliminary final map submission, as Washoe County is now requiring electronic submissions.

### **Presentation of Final Subdivision Maps**

NRS Chapter 278 provides timelines by which a developer must present a final map for approval for both first final subdivision maps and subsequent final subdivision maps. These timelines must be adhered to in order to avoid the expiration of tentative subdivision map approvals. The language used in NRS for such approvals is the word "shall present" which has resulted in confusion by applicants. Currently, WCC 110.810.50(b) indicates that the presentation date is the date the Director of Community Development (now Director of Planning and Building) is presented with the final map for signature. This is not changing. However, in order to avoid confusion, staff is proposing to provide further clarification and definition for the presentation of final maps. For the purpose of meeting the timing requirements of NRS 278.360, staff proposes that the term "shall present" shall be defined as the date that the final map is presented to the Director of Planning and Building for the Director's final approval and signature. At the time the Director of Planning and Building signs the map, the map is prepared on a mylar format and all other signatures (certificates) have been obtained. This ensures that all tentative map conditions and final map requirements have been completed before the Director signs the map. Also, in keeping with the provisions of NRS Chapter 278, staff proposes to clarify that the anniversary date for all subsequent final maps is the date of recordation of the first final map.

## **Additions and Corrections**

In addition to the amendments discussed above, staff is also proposing a number of other amendments that are needed as clean up items for Article 610. Some of these changes include correcting official and agency names which have changed or no longer exist. These changes also include updating the names/titles of certain referenced studies or reports, such as the flood insurance rate maps (FIRMS), the Washoe County RTC's latest regional transportation plan and the Washoe County Construction Manual in relation to addressing certain subdivision improvements that are required at the expense of the subdivider and providing clarity to the process for approval and recording of final maps. Additionally, staff is proposing the removal of the phasing plan within the content requirements for a final map submission. Finally, staff proposes language to include financial assurance documents as a means of guaranteeing the completion of work for the subdivision improvements or restoration of the project site to a safe and sustainable condition until development resumes on the project site.

## **FISCAL IMPACT**

No fiscal impact.

## **COMMUNITY MEETINGS**

A community meeting was held via zoom on Wednesday, December 18, 2024. A total of 31 people attended. Concerns were raised regarding the change from 60 days to 120 days for the submission of a proposed final map prior to the date of presentation; however, these concerns were greatly reduced after staff explained the rationale for the proposed change. Questions were raised regarding the consistency of some of the changes with the requirements of Article 424, Hillside Developments, and Article 608, Tentative Subdivision Maps. Staff explained that the proposed changes are not inconsistent with these articles of the development code. Some concerns were also expressed regarding the initial proposal to remove the 10' setback of habitable structures from fault lines. Staff have since retained this setback requirement within the proposed draft ordinance.

## **RECOMMENDATION**

It is recommended that the Board of County Commissioners hold a second reading and adopt the attached ordinance amending the Washoe County Code at Chapter 110 (Development Code), Article 610 Final Subdivision Maps, to modify various sections in order to clarify requirements related to final subdivision maps. These amendments include requiring each final map submission to contain a minimum of 5 lots and specifying what type of parcels count toward the 5 lot minimum; updating language to ensure compliance with the Nevada Revised Statutes; adding the requirement for a water supplier certificate on the final map when served by a general improvement district; providing that an acceptable financial assurance document may be utilized in lieu of a faithful performance bond; increasing the number of days for the initial final map submittal from 60 to 120 days prior to the final date to present the map to the Director of Planning and Building for signature; removing the requirement for a phasing plan; further clarifying the timing requirements for the presentation date for the first final map and all successive final maps; and updating the names or titles of public officers and agencies as well as the names or titles of certain referenced reports/studies and all matters necessarily connected therewith and pertaining thereto.

It is further recommended that the Board affirm at least one of the following four findings of fact set forth in WCC 110.818.15(e):

1. Consistency with Master Plan. The proposed development code amendment is in substantial compliance with the policies and action programs of the Washoe County Master Plan.
2. Promotes the Purpose of the Development Code. The proposed development code amendment will not adversely impact the public health, safety or welfare, and will promote the original purposes for the development code as expressed in Article 918, Adoption of Development Code.
3. Response to Changed Conditions. The proposed development code amendment responds to changed conditions or further studies that have occurred since the development code was adopted by the Board of County Commissioners, and the requested amendment allow for a more desirable utilization of land within the regulatory zones.
4. No Adverse Effects. The proposed development code amendment will not adversely affect the implementation of the policies and action programs of the Conservation Element or the Population Element of the Washoe County Master Plan.

### **POSSIBLE MOTION**

Should the Board decide to adopt the proposed ordinance, a possible motion would be:

“Move to adopt Ordinance Number [insert Ordinance number provided by County Clerk], which is an ordinance amending Washoe County Code Chapter 110 (Development Code), Article 610 Final Subdivision Maps, to modify various sections in order to clarify requirements related to final subdivision maps, as set forth in WDCA24-0007, and affirm the findings of fact set forth in WCC 110.818.15(e).

#### Attachments:

- A. Working Copy of Proposed Ordinance
- B. Clean Copy of Proposed Ordinance
- C. Planning Commission Action Order and Resolution No. 25-02
- D. Planning Commission Staff Report for WDCA24-0007
- E. Minutes of February 4, 2025, Planning Commission Public Hearing
- F. Public Comment