

STAFF REPORT FOR THE PLANNING COMMISSION MEETING OF JULY 29, 2009

FILE NO: ZCA-09-056

AGENDA ITEM: H- 5

STAFF AUTHOR: Jennifer Pruitt, Principal Planner

APPLICANT: Carson City Planning Division

SUBJECT: Action to recommend to the Board of Supervisors the approval of ZCA-09-056, a Zoning Code Amendment amending the Carson City Municipal Code Title 17, Division of Land, Subdivision of Land, Chapter 17.06, Final Maps, Section 17.06.015, Time Limit for Recording, and Chapter 17.09, Planned Unit Development, Section 17.09.055, Time Limits for Filing Application for Final Approval, to increase the time for filing final maps from two years to four years after the initial tentative approval, and to increase the time for filing subsequent phase maps from one year to two years and other matters properly related thereto.

RECOMMENDED MOTION: "I move to recommend to the Board of Supervisors the approval of ZCA-09-056, a Zoning Code Amendment amending the Carson City Municipal Code Title 17, Division of Land, Subdivision of Land, Chapter 17.06, Final Maps, Section 17.06.015, Time Limit for Recording, and Chapter 17.09, Planned Unit Development, Section 17.09.055, Time Limits for Filing Application for Final Approval, to increase the time for filing final maps from two years to four years after the initial tentative approval, and to increase the time for filing subsequent phase maps from one year to two years, based on the findings contained in the staff report."

DISCUSSION:

The primary purpose of these modifications is to adopt Subdivision and Planned Unit Development standards consistent with the provisions of the recently amended Nevada Revised Statutes (NRS) 278.350; related to approval periods for Tentative Subdivision Maps and for the period available to file final maps. The need for Assembly Bill 74 (see attached), is a result of the unfortunate economic instability caused by today's devastating recession.

Nevada has a short map life in its statute compared to other states. Most western states do not contain a mandated expiration provision in their statutes. Other states vary from a two-year to ten-year map life for Subdivisions. See attached memo of the comparative subdivision statutes relative to map expiration, prepared by Adrian P. Freund, FAICP.

Prior to the approval of Assembly Bill 74, the state of Nevada had no provision to allow local governments a mechanism to extend maps other than by development agreement approval process. It is important to note that this NRS provision does have a sunset date of June 30, 2013; this date will allow the 2013 Legislature to decide whether to eliminate the sunset or extend it.

During this unforeseen economic downturn, there are subdivision projects that without this amendment, would lose their map approvals for no reason other than the economy is in a recession and lending has slowed and in many instances has stopped. This amendment will provide a time extension to keep Subdivision projects ready to break ground. When the economy improves, staff does not want these projects to then have to start the approval process all over.

For consistency purposes Carson City will amend the map life for Subdivisions and Planned Unit Development map expirations concurrently. It is also important to note that the **existing** previously approved Subdivisions and Planned Unit Developments (PUD) will not be impacted negatively as a result of ZCA-09-056. Attached is a table of the Carson City Subdivision and PUD expiration dates of previously approved projects, amending the expiration dates pursuant to the adoption of Assembly Bill 74.

PUBLIC NOTIFICATION REQUIREMENTS: Public notices were published in the newspaper for the Zoning Code Amendment in accordance with the provisions of NRS and CCMC 18.02.045. As of July 17, 2009, no written comments have been received either in support or opposition of this application. Any comments that are received after this report is completed will be submitted prior to or at the Planning Commission meeting, depending on their submittal date to the Planning Division.

OTHER CITY DEPARTMENT COMMENTS: The following comments were received from various city departments.

Parks and Recreation Department:

- No comments

Building & Safety Division:

- No comments

Health Department:

- No comments

LEGAL REQUIREMENTS: CCMC 18.02.050 (Review); 18.02.075 (Zoning Map Amendments and Zoning Code Amendments).

FINDINGS: Staff recommends the following findings for approval pursuant to the Carson City Municipal Code Section 18.02.075(5), Zoning Map Amendments and Zoning Code Amendments.

The Commission, in forwarding a recommendation to the Board for approval of a Zoning Code Amendment shall make the following findings of fact:

1. ***The proposed amendment is in substantial compliance with the goals, policies and action programs of the Master Plan.***

Rationale: The proposed Zoning Code Amendment is in substantial compliance with the goals, policies and action programs of the Master Plan by complying with the provisions of NRS requirements. The purpose of this ZCA is to be consistent with the recently amended NRS criteria related to Subdivision final maps and successive final map submittals.

2. ***The proposed amendment will provide for land uses compatible with existing adjacent land uses and will not have detrimental impacts to other properties in the vicinity.***

Rationale: This Zoning Code Amendment will be in accordance with the provisions of NRS that have been recently amended in 2009.

3. ***The proposed amendment will not negatively impact existing or planned public services or facilities and will not adversely impact the public health, safety and welfare.***

Rationale: The proposed amendments will have no impact on existing or planned public services or facilities.

Respectfully Submitted,
PUBLIC WORKS, PLANNING DIVISION

Jennifer Pruitt

Jennifer Pruitt, AICP, LEED AP
Principal Planner

Attachment:

- 1) Draft ordinance
Tentative Map table amended per Assembly Bill 74
Adrian P. Freund, comparative statutes
Assembly Bill 74

BILL NO. _____

ORDINANCE NO. 2009-____

DRAFT

AN ORDINANCE AMENDING CARSON CITY MUNICIPAL CODE TITLE 17, DIVISION OF LAND, SUBDIVISION OF LAND, CHAPTER 17.06, FINAL MAPS, SECTION 17.06.015, TIME LIMIT FOR RECORDING, TO MODIFY THE TIME LIMIT FOR RECORDING; AND AMENDING CARSON CITY MUNICIPAL CODE TITLE 17, DIVISION OF LAND, SUBDIVISION OF LAND, CHAPTER 17.09, PLANNED UNIT DEVELOPMENT; SECTION 17.09.055, TIME LIMITS FOR FILING APPLICATION FOR FINAL APPROVAL, TO MODIFY THE TIME LIMITS FOR FILING APPLICATION FOR FINAL APPROVAL, AND OTHER MATTERS PROPERLY RELATED THERETO.

Fiscal effect: None

THE BOARD OF SUPERVISORS OF CARSON CITY DO ORDAIN:

SECTION I:

That the Carson City Municipal Code Chapter 17.06 (Final Maps), Section 17.06.015 (Time Limit For Recording) is hereby amended, in part, as follows:

17.06 Final Maps.

17.06.015 Time Limit for Recording.

[A]1. Except as otherwise provided in paragraph 2, a final map, prepared in accordance with the tentative map, for the entire area for which the tentative map has been approved or the first of a series of final maps covering a portion of the approved tentative map must be approved by the Board for recording within two years after the approval of a tentative map unless a longer time is provided for in an approved development agreement with the City. If the subdivider elects to present a successive map in a series of phased final maps, the successive final map must be approved by the Board within one year of the recording of the preceding final map. The Board may grant an extension of not more than one year for any successive final map after the one-year period for presenting a successive final map has expired. Failure to obtain Board approval of a final map or any phase thereof within these time limits terminates all proceedings, requiring an entirely new Tentative Map submittal.

2. From the effective date of this Ordinance until June 30, 2013, a final map, prepared in accordance with the tentative map, for the entire area for which the tentative map has been approved or the first of a series of final maps covering a portion of the approved tentative map must be approved by the Board for recording within four years after the approval of a tentative map unless a longer time is provided for in an approved development agreement with the City. If the subdivider elects to present a successive map in a series of phased final maps, the successive final map must be approved by the Board within two years of the recording of the preceding final map. The Board

may grant an extension of not more than two years for any successive final map after the two-year period for presenting a successive final map has expired. Failure to obtain Board approval of a final map or any phase thereof within these time limits terminates all proceedings, requiring an entirely new Tentative Map submittal.

SECTION II:

That the Carson City Municipal Code Chapter 17.09 (Planned Unit Development), Section 17.09.055 (Time Limits For Application for Final Approval) is hereby amended, in part, as follows:

17.09 Planned Unit Development.

17.09.055 Time Limits for Filing Application for Final Approval.

1. ~~[When]~~ Except as otherwise provided in paragraph 2, when the landowner has been granted tentative approval of a Planned Unit Development, the landowner shall file an application for final approval, for the first phase or unit, on or before a date set at the discretion of the Board or within two years from the time of tentative approval as granted by the Board. Specific Final Map filing dates for all phases may be extended, upon application to the Board, but in no event shall the dates exceed 12 months from the previously established final filing date. Tentative approval of a plan does not qualify a plat of the Planned Unit Development for recording or authorize development or the issuance of any building permits.
 2. From the effective date of this Ordinance until June 30, 2013, when the landowner has been granted tentative approval of a Planned Unit Development, the landowner shall file an application for final approval, for the first phase or unit, on or before a date set at the discretion of the Board or within four years from the time of tentative approval as granted by the Board. Specific Final Map filing dates for all phases may be extended, upon application to the Board, but in no event shall the dates exceed two years from the previously established final filing date. Tentative approval of a plan does not qualify a plat of the Planned Unit Development for recording or authorize development or the issuance of any building permits.
- [2] 3. Tentative approval shall be revoked for areas included in the plan for which final approval has not been given if:
- a. The landowner elects to abandon the plan or any part thereof, and so notifies the Director in writing; or
 - b. The landowner fails to file application for the final approval within the required time.

SECTION III:

No other provisions of Title 17 of the Carson City Municipal Code are affected by this ordinance.

PROPOSED on _____, 2009.

PROPOSED BY Supervisor _____

PASSED _____, 2009.

VOTE:

AYES:

NAYS:

ABSENT:

ROBERT L. CROWELL, Mayor

ATTEST:

ALAN GLOVER, Clerk-Recorder

This ordinance shall be in force and effect from and after the ____ day of the month of _____ of the year 2009.

Approved Tentative Maps with Lots Pending to Record

Development Name	Approval Date	Expiration Date	Previous Extension Available to:	File No.	Notes	Extension modification w/AB74
<u>Silver Oak PUD</u>	Oct-93	07/27/2009	Yes*	P-93/94-1	*Extensions may be granted per development agreement; last map recorded 7/27/07, parcel map for portion of Phase 17	
<u>Schultz Ranch</u>	Oct-05	08/21/2009	none	TSM-05-144		Possible 2 year extension to 08/21/2011 upon request to BOS.
<u>Eagle Village Ph. 2</u>	Jan-06	01/20/2010	01/20/2011	TPUD-05-191	Phase 1 map recorded 1/20/09	Subsequent map must record prior to 01/20/2011, possible 2 year extension to 01/20/2013 upon request to BOS.
<u>Corte Reale</u>	Mar-06	03/02/2010	03/02/2011	TPUD-05-229	Original approval for 4 years w/ 1 year extension	03/02/2010 w/possible 2 year extension to 03/02/2012 upon request to BOS.
<u>Clearview Ridge</u>	Sep-06	09/06/2012	Yes*	TPUD-06-146	*Extensions may be granted per development agreement.	
<u>Combs Canyon I</u>	Oct-06	10/19/2009	none	TSM-06-168		10/19/2010 w/possible 2 year extension to 10/19/2012 upon request to BOS.

Approved Tentative Maps with Lots Pending to Record

Development Name	Approval Date	Expiration Date	Previous Extension Available to:	File No.	Notes	Extension modification w/AB74
<u>Mills Landing</u>	Dec-06	12/18/2009	none	TPUD-07-202		12/18/2010 w/ possible 2 year extension to 12/18/2012 upon request to BOS.
<u>Arrowhead Business Park</u>	Jan-07	01/18/2009	01/18/2010	TSM-06-031		01/18/2011 w/ possible 2 year extension to 01/18/2013 upon request to BOS
<u>Ross Park PUD</u>	Mar-07	03/15/2009	03/15/2010	TPUD-07-010		3/15/2011 w/possible 2 year extension to 3/15/013 upon BOS request.
<u>Summerhawk</u>	Apr-07	04/19/2010	none	TSM-06-203		04/19/2011 w/possible 2 year extension to 04/19/2013 upon request to BOS.
<u>Combs Canyon II</u>	May-07	05/17/2010	none	TSM-07-027		05/17/2011 w/possible 2 year extension to 05/17/2013 upon request to BOS.
<u>Nye Circle</u>	Oct-07	10/18/2009	10/18/2010	TPUD-07-107		10/18/2011 w/possible 2 year extension to 10/18/2013 upon request to BOS.
<u>East Ridge Village</u>	Jun-08	06/19/2010	06/19/2011	TSM-08-043		06/19/2012 w/possible 2 year extension to 06/19/2014 upon request to BOS.

Approved Tentative Maps with Lots Pending to Record

Development Name	Approval Date	Expiration Date	Previous Extension Available to:	File No.	Notes	Extension modification w/AB74
<u>City View Green Homes</u>	Apr-09	04/02/2011	04/02/2012	TSM-09-003		04/09/2013 w/possible 2 year extension to 04/09/2015 upon request to BOS.

Community Development

"Dedicated to Excellence in Public Service"

Adrian P. Freund, FAICP, Community Development Director



February 24, 2009

TO: John Slaughter, AICP, Director, Management Affairs

FROM: Adrian P. Freund, FAICP, Director, Community Development

SUBJECT: Comparative Subdivision Statutes Relative to Map Expiration

In researching a question relative to AB 74, subdivision statutes of western states and several Midwestern states have been reviewed regarding the expiration of tentative maps (also called tentative plans, tentative plats and tentative subdivisions) and any associated requirements related to final recorded maps. This was not exhaustive research, but provides a flavor of statutory mandates.

Most western states do not contain a mandated expiration provision in their statutes, but generally establish a procedure or framework for local governments to follow in adopting local land division ordinances. Among those states without a mandated expiration, most vest substantial authority to local government in developing regulations. Those states without expiration reviewed include:

Arizona:	Authority delegated to/vested in local governments
Colorado:	Authority delegated to/vested in local governments
Idaho:	Authority delegated to/vested in local governments
Oregon:	No specific expiration for plats, but general review of selected planning decisions after 10 years.
Utah:	Authority delegated to/vested in local governments
Washington:	Authority delegated to/vested in local governments
Wyoming:	Authority delegated to/vested in local governments

Examples of non-western states without expiration timetables include Kentucky and Illinois, although Kentucky contains a revoke for cause provision.

Western states with an expiration schedule in statute include:

California:	24 months for tentative map with an additional 12 months if prescribed by local ordinance; except that each filed final map requiring more than \$125,000 in public improvements shall extend the tentative map life by an additional three years for a total extension of not more than 10 years (unless subject to a development agreement for a longer term).
New Mexico:	36 months for a tentative map except that the subdivider may request an additional three years from the local government for a

Memo to: John Slaughter
Subject: Subdivision Map Expiration
Date: February 24, 2009
Page: 2

(NM cont) total of six years, and each final map filed extends the tentative map by an additional three years.

Texas is an example of a statute that contains an inactivity clause which revokes a recorded subdivision after 51 years of no sales or activity.

If you have questions or would like me to look at additional states, please let me know.



Director

cc: Dave Childs
Julie Skow

(Reprinted with amendments adopted on April 20, 2009)

FIRST REPRINT

A.B. 74

ASSEMBLY BILL No. 74—COMMITTEE ON GOVERNMENT AFFAIRS

(ON BEHALF OF WASHOE COUNTY)

PREFILED DECEMBER 15, 2008

Referred to Committee on Government Affairs

SUMMARY—Revises provisions concerning tentative maps and final maps of certain subdivisions of land. (BDR 22-472)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~permitted material~~ is material to be omitted.

AN ACT relating to land use planning; revising provisions concerning tentative maps and final maps of certain subdivisions of land; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 Existing law prescribes certain requirements for the proposed dividing of land
2 into five or more units for the purpose of transfer or development, unless otherwise
3 exempted. (NRS 278.320-278.460) The initial action in the process of dividing
4 such land is the submission of a tentative map of the proposed subdivision, and the
5 concluding action is the recordation of an approved final map. (NRS 278.330,
6 278.460) Existing law establishes deadlines for the appropriate planning authority
7 and various other affected governmental entities to act or report on such a tentative
8 or final map. A subdivider and the appropriate planning authority can agree to
9 extend those deadlines. (NRS 278.350) **Section 1** of this act provides that if a
10 subdivider enters into such an agreement covering a portion of an approved
11 tentative map, no requirements other than those imposed on each of the final maps
12 in a series of final maps may be placed on a map when the agreement is entered
13 into, unless the requirement is directly attributable to a change in applicable laws
14 which affect the public health, safety or welfare.

15 Under existing law, a subdivider whose tentative map of a proposed
16 subdivision has been approved by the appropriate planning authority is required to
17 present a final map covering the entire subdivision or the first of a series of
18 successive final maps covering portions of the subdivision within 2 years after the
19 approval of his tentative map, with certain exceptions, or proceedings concerning
20 the subdivision are terminated. (NRS 278.360) **Section 2** of this bill extends the
21 deadline for submission of either type of final map to 4 years after approval of the
22 tentative map.



* A B 7 4 R 1 *

23 Under existing law, if a subdivider is presenting a series of final maps, each
24 successive map is required to be presented within 1 year after the previous final
25 map in the series was recorded, unless the planning authority grants an extension of
26 not more than 1 additional year. The planning authority is prohibited from imposing
27 any additional requirements on a successive map for which an extension is granted
28 unless the requirement is directly attributable to a change in the applicable laws
29 which affect the public health, safety or welfare. (NRS 278.360) **Section 2** extends
30 the deadline for the presentation of a successive final map to 2 years after
31 recordation of the previous final map in the series and extends the period for which
32 an extension of that deadline may be granted to 2 additional years.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 **Section 1.** NRS 278.350 is hereby amended to read as follows:
2 278.350 Unless a longer time is provided in an agreement
3 entered into pursuant to NRS 278.0201:

4 1. The time limit for acting and reporting on a tentative or final
5 map may be extended by mutual consent of the subdivider and the
6 governing body or planning commission, as the case may be.

7 2. If no action is taken within the time limits set forth in NRS
8 278.010 to 278.630, inclusive, a tentative map as filed shall be
9 deemed to be approved, and the clerk of the governing body, or the
10 planning commission if it has been authorized to take final action,
11 shall certify the map as approved.

12 3. The time limits set forth in NRS 278.010 to 278.630,
13 inclusive, for tentative and final maps are suspended for a period,
14 not to exceed 1 year, during which this State or the Federal
15 Government takes any action to protect the environment or an
16 endangered species which prohibits, stops or delays the processing
17 of a tentative map or the development, processing or recordation of
18 a final map.

19 *4. If the subdivider enters into an agreement pursuant to*
20 *subsection 1 covering a portion of an approved tentative map, no*
21 *requirements other than those imposed on each of the final maps*
22 *in a series of final maps may be placed on a map when the*
23 *agreement is entered into unless the requirement is directly*
24 *attributable to a change in applicable laws which affects the public*
25 *health, safety or welfare.*

26 **Sec. 2.** NRS 278.360 is hereby amended to read as follows:

27 278.360 1. Unless a longer time is provided in an agreement
28 entered into pursuant to NRS 278.0201 ~~+~~ or 278.350:

29 (a) Unless the time is extended, the subdivider shall present to
30 the governing body, or the planning commission or the director of
31 planning or other authorized person or agency if authorized to take



1 final action by the governing body, within ~~{2}~~ 4 years after the
2 approval of a tentative map:

3 (1) A final map, prepared in accordance with the tentative
4 map, for the entire area for which a tentative map has been
5 approved; or

6 (2) The first of a series of final maps covering a portion of
7 the approved tentative map. If the subdivider elects to present a
8 successive map in a series of final maps, each covering a portion of
9 the approved tentative map, the subdivider shall present to the
10 governing body, or the planning commission or the director of
11 planning or other authorized person or agency if authorized to take
12 final action by the governing body, on or before the *second*
13 anniversary of the date on which the subdivider recorded the first in
14 the series of final maps:

15 (I) A final map, prepared in accordance with the tentative
16 map, for the entire area for which the tentative map has been
17 approved; or

18 (II) The next final map in the series of final maps
19 covering a portion of the approved tentative map.

20 (b) If the subdivider fails to comply with the provisions of
21 paragraph (a), all proceedings concerning the subdivision are
22 terminated.

23 (c) The governing body or planning commission may grant an
24 extension of not more than ~~{1-year}~~ 2 years for the presentation of
25 any final map after the ~~{1-year}~~ 2-year period for presenting a
26 successive final map has expired.

27 2. If the subdivider is presenting in a timely manner a series of
28 final maps, each covering a portion of the approved tentative map,
29 no requirements other than those imposed on each of the final maps
30 in the series may be placed on the map when an extension of time is
31 granted unless the requirement is directly attributable to a change in
32 applicable laws which affect the public health, safety or welfare.

33 **Sec. 3.** 1. This act becomes effective upon passage and
34 approval.

35 2. Section 2 of this act expires by limitation on June 30, 2013.

