



WASHOE COUNTY

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CM/ACM	<u>CS</u>
Finance	<u>DN</u>
DA	<u>✓</u>
Risk Mgt.	<u>N/A</u>
Comptroller	<u>MS</u>
Clerk	<u>CS</u>

STAFF REPORT BOARD MEETING DATE: October 27, 2015

DATE: September 8, 2015

TO: Board of County Commissioners

FROM: Vahid Behmaram, Water Management Planner Coordinator, Community Services Department, 954-4647, vbehmaram@washoecounty.us

THROUGH: William H. Whitney, Division Director, Planning and Development Community Services Department, 328-3617, bwhitney@washoecounty.us

SUBJECT: Second reading and possible adoption of an ordinance amending the Washoe County Code at Chapter 110 (Development Code) at Article 422, Water and Sewer Resource Requirements, and at Article 706 as follows:

- To reflect changes required from the transfer of the water utility functions of the Washoe County Community Services Department to the Truckee Meadows Water Authority (TMWA);
- To delete Sections 110.422.30, Contracts for Water Rights and Water Facilities, 110.422.10, Water Resources, and 110.706.10, Southeast Truckee Meadows Specific Plan Impact Fee, in their entirety;
- To add a new Section 110.422.03, Definitions;
- To amend Section 110.422.00, Purpose, for water and sanitary resource requirements for development;
- To clarify in Section 110.422.01, Exceptions, that the resource requirements do not apply to the Tahoe Planning Area, areas within the TMWA service area, and to Developments within a General Improvement District (GID) which is receiving water and sanitary sewer service from said GID;
- To clarify in Section 110.422.05, Applicability, where within the County the resource requirements apply;
- To amend Sections 110.422.15, Water Rights Satisfaction, for resource requirements and water rights dedication or relinquishment requirements outside of TMWA's service area;
- To remove administrative and service fee requirements from Section 110.422.20, Authority to Utilize Dedicated Water Rights and Collect Administrative Fees;
- To clarify in Section 110.422.25, Water Facilities, the procedures to offer for dedication and to operate water delivery facilities; and

- To update the Article with the current Community Services Department organization language and remove references to the Department of Water Resources, Utility Services Division.

Recommendations include other matters properly relating thereto. (Bill No. 1750) (All Commission Districts.)

SUMMARY

Second reading and possible adoption of an ordinance amending Washoe County Code, Chapter 110, Development Code, at Article 422, Water and Sewer Resource Requirements, to reflect the transfer of water utility functions from Washoe County to the Truckee Meadows Water Authority (TMWA), including dedication of fees, water rights, and facilities in connection with development projects in the affected areas.

Washoe County Strategic Objective supported by this item: Stewardship of our community.

PREVIOUS BOARD ACTION

The Washoe County Planning Commission re-initiated DCA 14-012, changes to Article 422, Water and Sewer Resource Requirements, and Article 706, Southeast Truckee Meadows Specific Plan Impact fees, on August 4, 2015 by Resolution Number 15-11.

The Washoe County Planning Commission recommended approval of DCA 14-012 on September 1, 2015 by Resolution Number 15-17 (see Attachment A).

The Washoe County Board of County Commissioners introduced and held a first reading of DCA 14-012 on October 13, 2015.

BACKGROUND

The current version of Article 422 makes reference to Washoe County Department of Water Resources, which is no longer in existence and is now a part of Washoe County Community Services Department. Furthermore, the current Article 422 identifies Washoe County Department of Water Resources as a water purveyor within most of unincorporated Washoe County, which is no longer true due to the transfer of water utility functions from Washoe County to TMWA. The proposed code amendment to Article 422 is as a result of the transfer of water utility functions of Washoe County to the Truckee Meadows Water Authority (TMWA). Additionally, the proposed amendments will update article 422 to reflect the current organization of the Community Services Department and eliminate all references to Washoe County Department of Water Resources and Utility Services Division.

Finally, the proposed code amendments will also repeal Washoe County Code 110.706.10, Southeast Truckee Meadows Specific Plan Impact fees in its entirety as this geographical area is now annexed to the City of Reno and as such is not subject to provisions of Washoe County Code.

The following outlines the specific changes proposed within each Development Code section which is part of DCA 14-012.

1. Washoe County Code 110.706.10, Southeast Truckee Meadows Specific Plan Impact fees is proposed to be repealed in its entirety, because this geographical area is now annexed to the City of Reno and as such is not subject to Washoe County Code.
2. Section 110.422.10 is to be deleted in its entirety, as procedures and requirements for water rights dedications are incorporated into other sections of Article 422.
3. Section 110.422.30 is to be deleted in its entirety, as contracts for water rights and water facilities dedications were never before exercised or accepted even though they were allowed by code.
4. Section 110.422.03 is added to provide definitions necessary to the understanding of the new code.
5. Section 110.422.00 is amended to better define the purpose of the new code.
6. Section 110.422.01 is amended to exempt TMWA service area, and General Improvement District (GID) water and sanitary sewer service area, in addition to the Lake Tahoe Hydrographic Basin from the provisions of the Article 422.
7. Section 110.422.05 is amended to eliminate the current exemption provided to newly created residential parcels larger than 40 acres in size from water rights relinquishment process, and to eliminate reference to existing single family parcels, which are automatically exempt from any water rights dedication prior to approval of any building permits.
8. Section 110.422.15 is amended to require compliance with TMWA water rights and resource requirements within TMWA service area, and to define the water rights relinquishment process when applicable.
9. Section 110.422.20 is amended to eliminate reference to collection of necessary administrative fees associated with dedicated water rights.
10. Section 110.422.25 is amended to require design and construction of water delivery facilities to TMWA standards within those hydrographic basins with TMWA presence, and an irrevocable offer of dedication of those facilities to TMWA and outside hydrographic basins with TMWA presence to require developers to petition the Public Utilities Commission (PUC) for creation of PUC regulated public water system. This section also declares that Washoe County is not a public water purveyor.
11. Section 110.422.35 eliminates reference to Washoe County Ordinance 586 dated January 10, 1984 as it relates to sewer facilities.
12. Section 110.422.40 eliminates reference to Washoe County Water Resources, and substitutes Washoe County Community Services Department.

WCC Section 110.818.35 requires the BCC to affirm, modify or reject the findings of fact made by the PC when adopting the ordinance for any Development Code amendment. The BCC may also add any other findings of fact that they deem to be relevant as part of their adoption. The four findings of fact made by the PC during their recommendation for approval of DCA 14-012 are included within Resolution 15-17 (Attachment A). Those findings of fact are included below:

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.

FISCAL IMPACT

No fiscal impacts are anticipated.

RECOMMENDATION

It is recommended that the Board of County Commissioners hold a second reading and adopt an ordinance amending the Washoe County Code at Chapter 110 (Development Code) within Article 422, Water and Sewer Resource Requirements, and Article 706, Southeast Truckee Meadows Specific Plan Impact fees. It is further recommended that the Board affirm the four findings of fact of the Washoe County Planning Commission made on September 1, 2015 as recorded within Resolution 15-17 (Attachment A).

POSSIBLE MOTION

Should the Board agree with staff's recommendation, a possible motion would be:

“Move to adopt Ordinance Number (insert ordinance number as provided by the County Clerk) with a finding that the Ordinance makes relevant and appropriate amendments to the code to reflect elimination of the Southeast Truckee Meadows Specific Plan Impact Fee and to Water and Sewer Resource Requirements to reflect the merger of Washoe County water utility operations into TMWA water utility operation and provide for creation of PUC regulated water utility operation when appropriate. Move to make a finding that the Ordinance does not impose a direct and significant economic burden upon a business, nor does it directly restrict the formation, operation or expansion of a business. Further move to affirm the four findings of fact of the Washoe County Planning Commission made on September 1, 2015 as recorded within Resolution 15-17 and as attached to the staff report for this item.”

- Attachment: A. Planning Commission Resolution 15-17
B. Working copy, DCA 14-012 (WCC Chapter 110 amendments)



RESOLUTION OF THE WASHOE COUNTY PLANNING COMMISSION

RECOMMENDING APPROVAL OF AMENDMENTS (DCA 14-012) TO THE WASHOE COUNTY CODE AT CHAPTER 110, DEVELOPMENT CODE, AT ARTICLE 422, *WATER AND SEWER RESOURCE REQUIREMENTS*, TO REFLECT THE TRANSFER OF WATER UTILITY FUNCTIONS FROM WASHOE COUNTY TO THE TRUCKEE MEADOWS WATER AUTHORITY (TMWA), INCLUDING DEDICATION OF FEES, WATER RIGHTS, AND FACILITIES IN CONNECTION WITH DEVELOPMENT PROJECTS IN THE AFFECTED AREAS; AND TO REPEAL WASHOE COUNTY CODE 110.706.10, SOUTHEAST TRUCKEE MEADOWS SPECIFIC PLAN IMPACT FEES IN ITS ENTIRETY.

Resolution Number 15-17

WHEREAS

- A. Development Code Amendment Case Number DCA 14-012, came before the Washoe County Planning Commission for a duly noticed public hearing on September 1, 2015; and
- B. The Washoe County Planning Commission heard public comment and input from both staff and the public regarding the proposed Development Code amendment; and
- C. The Washoe County Planning Commission gave reasoned consideration to the information it received regarding the proposed Development Code Amendment; and
- D. Pursuant to Washoe County Code Section 110.818.15(e), the Washoe County Planning Commission made the following findings necessary to support its recommendation for adoption of the proposed Development Code amendment, Case Number DCA 14-012:
 - 1. Consistency with Master Plan. The proposed amendment is in substantial compliance with the policies and action programs of the Washoe County Master Plan;
 - 2. Promotes the Purpose of the Development Code. The proposed Development Code amendment will not adversely impact the public health, safety or welfare, and will promote the original purposes for the Development Code as expressed in Article 918, Adoption of Development Code;
 - 3. Response to Changed Conditions. The proposed Development Code amendment responds to changed conditions or further studies that have occurred since the Development Code was adopted by the Board of County Commissioners, and the requested amendment allow for a more desirable utilization of land within the regulatory zones; and,

4. No Adverse Affects. The proposed Development Code amendment will not adversely affect the implementation of the policies and action programs of the Conservation Element or the Population Element of the Washoe County Master Plan.

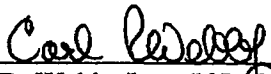
NOW, THEREFORE, BE IT RESOLVED that pursuant to Washoe County Code Section 110.818.15(d) and (g):

1. The Washoe County Planning Commission does hereby recommend APPROVAL of DCA 14-012, Washoe County Code, Chapter 110, Development Code, at Article 422, Water and Sewer Resource Requirements, to reflect the transfer of water utility functions from Washoe County to the Truckee Meadows Water Authority (TMWA)", including dedication of fees, water rights, and facilities in connection with development projects in the affected areas; and to repeal Washoe County Code 110.706.10, Southeast Truckee Meadows Specific Plan Impact fees in its entirety.; and,
2. A report describing this amendment, discussion at this public hearing, this recommendation, and the vote on the recommendation be forwarded to the Washoe County Board of County Commissioners within 60 days of this resolution's adoption date.

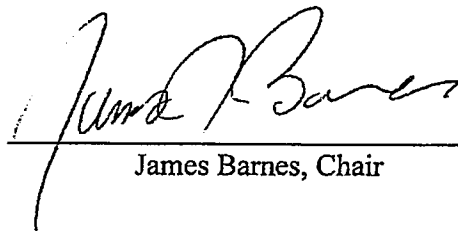
ADOPTED on September 1, 2015.

WASHOE COUNTY PLANNING COMMISSION

ATTEST:



Carl R. Webb, Jr., AICP, Secretary



James Barnes, Chair

DRAFT: September 10, 2015

WORKING COPY
INFORMATION ONLY

REGULAR TEXT: NO CHANGE IN LANGUAGE

~~STRIKEOUT TEXT:~~ DELETED LANGUAGE

BOLD TEXT: NEW LANGUAGE

Notice: Per NRS 239B.030, this document does not contain personal information as defined in NRS 603A.040

Summary: Amends procedures for water and sewer resource requirements as the result of changes required from the transfer of the water utility functions of the Washoe County Community Services Department to the Truckee Meadows Water Authority and removes references to impact fees for the Southeast Truckee Meadows Specific Plan, which no longer exists.

BILL NO. _____

ORDINANCE NO. _____

An ordinance amending the Washoe County Code at Chapter 110 (Development Code) at Article 422, *Water and Sewer Resource Requirements*, for changes required from the transfer of the water utility functions of the Washoe County Community Services Department to the Truckee Meadows Water Authority (TMWA), and to delete Sections 110.422.30, *Contracts for Water Rights and Water Facilities*, 110.422.10, *Water Resources*, and 110.706.10, *Southeast Truckee Meadows Specific Plan Impact Fee*, in their entirety; to add a new Section 110.422.02, *Definitions*; to amend Section 110.422.00, *Purpose*, for water and sanitary resource requirements for development; to clarify in Section 110.422.01, *Exceptions*, that the resource requirements do not apply to the Tahoe Planning Area, areas within the TMWA service area, and to Developments within a General Improvement District (GID) which is receiving water and sanitary sewer service from said GID; to clarify in Section 110.422.05, *Applicability*, where within the County the resource requirements apply; to amend Sections 110.422.15, *Water Rights Satisfaction*, for resource requirements

and water rights dedication or relinquishment requirements outside of TMWA's service area; to remove administrative and service fee requirements from Section 110.422.20, *Authority to Utilize Dedicated Water Rights and Collect Administrative Fees*; to clarify in Section 110.422.25, *Water Facilities*, the procedures to offer for dedication and to operate water delivery facilities; and, to update the Article with the current Community Services Department organization and remove references to the Department of Water Resources, Utility Services Division. Recommendations include other matters properly relating thereto.

WHEREAS:

- A. Changes to Article 422 (Water and Sewer Resource Requirements) of the Washoe County Development Code (Chapter 110) are desired to reflect changes for the provision water service within the unincorporated areas of Washoe County resulting from the transfer of the water utility functions of the Washoe County Community Services Department to the Truckee Meadows Water Authority;
- B. As authorized by Washoe County Code Section 110.818.05, the Washoe County Planning Commission initiated amendments to the Development Code for required name and responsibility changes resulting from the transfer of water utility functions by Resolution Number 14-22 on November 13, 2014. Due to the expiration of the required 125 day hearing time frame, the Planning Commission re-initiated the amendments by Resolution Number 15-11 on August 4, 2015. The amendments and this ordinance were drafted by the District Attorney, and the Planning Commission held a duly noticed public hearing for DCA 14-012 on September 1, 2015, and adopted Resolution Number 15-17 recommending adoption of this ordinance.
- C. Following a first reading and publication as required by NRS 244.100 (1), and after a duly noticed public hearing, this Board of County Commissioners desires to adopt this Ordinance; and
- D. This Board of County Commissioners has determined that this ordinance is being adopted pursuant to requirements set forth in Chapter 278 of NRS, therefore is not a "rule" as defined in NRS 237.060 requiring a business impact statement.

DRAFT: September 10, 2015

THE BOARD OF COUNTY COMMISSIONERS OF WASHOE COUNTY DOES HEREBY ORDAIN:

SECTION 1. Section 110.422.10 of the Washoe County Code is hereby deleted in its entirety:

~~Section 110.422.10 Water Resources. The development owner or property owner shall be required to dedicate to Washoe County, as a condition precedent to the permit or approval, any water rights reasonably necessary to insure an adequate water supply for the intended or permitted use. The amount of water rights necessary shall be determined by the Washoe County Department of Water Resources, Utility Services Division, and the State Engineer. In the event the state and the County have different requirements under this section, both the County and state requirements, and the most stringent of the two, must be satisfied. The development owner or property owner shall be required to have sufficient water rights transferred to each water well or delivery system.~~

SECTION 2. Section 110.422.30 of the Washoe County Code is hereby deleted in its entirety:

~~Section 110.422.30 Contracts for Water Rights and Water Facilities. The Water Resources Department, Utility Services Division, may enter into contracts, subject to approval of the Washoe County Commission, permitting the use of the dedicated water rights and facilities by other governmental entities, public and private utilities, and any other persons engaged in providing water service.~~

SECTION 3. Section 110.706.10 of the Washoe County Code is hereby deleted in its entirety:

~~Section 110.706.10 Southeast Truckee Meadows Specific Plan Impact Fee.~~

~~(a) Purpose.~~

- ~~(1) The purpose of this section is to establish a comprehensive system of regulation for the imposition of drainage project impact fees to assure that new development in the Southeast Truckee Meadows Specific Plan area ("SETMSP") contributes its proportionate share of the cost of providing, and benefits from such provision of, required area drainage-related facilities.~~
- ~~(2) The County, subsequent to the effective date of this ordinance (January 1, 1998), shall not impose any off-site drainage facility requirements or conditions for drainage facilities (detention facilities) covered by the fees imposed herein on any development approval for a project within the SETMSP service area, the boundaries of which service area are set forth in Map 110.706.10.1.~~

- ~~(3) The intent herein is to impose an impact fee for the detention facilities shown and identified on Map 110.706.10.2. If it is determined that additional facilities or property must be included within the service area to assure the orderly construction of necessary drainage facilities, this section will be amended accordingly.~~
- ~~(b) Administrative Manual. A "SETMSP Drainage Project Administrative Manual" may be adopted for the purpose of providing guidance in the administration of this section. The manual must be adopted and/or amended only after a public hearing by the Washoe County Planning Commission, acting in its capacity as capital improvements advisory committee, and adoption of a resolution by the Board of County Commissioners.~~
- ~~(c) Definitions.~~
- ~~Building Permit. "Building permit" means that development permit issued by the Department of Community Development before any building or construction activity can be initiated on a parcel of land. This does not include any permits for demolition, grading or the construction of a foundation.~~
- ~~Board. "Board" means the Board of County Commissioners.~~
- ~~Commencement of Land Development Activity. "Commencement of land development activity" occurs upon the issuance of a building permit.~~
- ~~Committee. "Committee" means the capital improvements advisory committee established by the Board, pursuant to NRS 278B.150, whose duties are to determine conformance of the land use assumptions with the County's master plan; review the capital improvements plan, file annual reports concerning the progress of the County in carrying out the capital improvements plan; report to the Board any perceived inequities in the implementation of the capital improvements plan or the imposition of an impact fee; hear appeals from administrative decisions regarding impact fees, and advise the Board of the need to update or revise the land use assumptions, capital improvements plan and section imposing an impact fee.~~
- ~~Department. "Department" means the Department of Water Resources.~~
- ~~Feepayer. "Feepayer" means a person commencing impact-generating land development activity who is obligated to pay an impact fee in accordance with the terms of this section.~~
- ~~Impact-Generating Land Development Activity. "Impact-generating land development activity" is land development designed or intended to permit a use of the land which will increase the impervious surface of land within the service area.~~
- ~~Non-Site Related Improvements. "Non-site related improvements" means capital improvements and dedications of land for regional drainage facilities (detention facilities) that are not site-related improvements.~~
- ~~Service Area. "Service area" means the area identified on Map 110.706.10.1.~~

~~Service Unit.~~ "Service unit" means a standardized measure of consumption which is attributable to an individual unit of development calculated for a particular category of capital improvements. The service unit for purposes of the SETMSP drainage facility (detention facilities) impact fee is a per acre-unit.

~~Site-Related Improvements.~~ "Site-related improvements" means those capital improvements and land dedications related directly to the development in question and include, without limitation, drainage channels and mitigations identified on the flood control facility master plan as approved by the Planning Commission and Board.

~~Specific Plan.~~ "Specific plan" means the Master Plan for the Southeast Truckee Meadows Specific Plan area as identified in the Master Plan and as approved and adopted by the Planning Commission and Board.

(d) ~~Applicability.~~ Upon enactment of this section, any person or governmental body who commences any land development activity in the SETMSP shall be obligated to pay an impact fee. All property owned by the Washoe County School District is exempt from the requirement of paying impact fees imposed pursuant to this section. The fee shall be determined and paid at the time of issuance of a building permit. The fee shall be computed separately for the amount of development covered by the permit, if the building permit is for less than the entire development, but must be computed to assure that the service unit cost is proportionately allocated to the total project acreage. The obligation to pay the impact fee shall run with the land.

(e) ~~Improvement Agreement.~~ The Board may enter into an agreement with an owner of land prior to the issuance of a building permit for the dedication of land and/or construction of drainage facilities (detention facilities) which provides:

(1) ~~The costs incurred through dedication and/or construction of the drainage facilities (detention facilities) by the owner will be credited against impact fees due and such credit shall be based upon the cost of such drainage facility as used to determine the impact fee.~~

(2) ~~If applicable, reimbursement will be made for costs exceeding credit as provided in (1) above from impact fees paid by other developments using these drainage facilities (detention facilities).~~

(3) ~~Credit provided for costs in excess of impact fees due are transferable only within the SETMSP service area.~~

(f) ~~Fee Schedule.~~

(1) ~~Any person or governmental agency who initiates land development activity shall pay a drainage project impact fee in accordance with the following land use categories and fee schedule:~~

Land Use Category		Fee/Acre
LDS	Low-Density Suburban	\$1,814
MDS	Medium-Density Suburban	\$2,177
HDS	High-Density Suburban	\$2,576
LDU	Low-Density Urban	\$2,830

MDU	Medium Density Urban	\$2,830
OC/I	Office Commercial/Industrial	\$2,903
PR	Public/Recreational	\$1,089

- ~~(2) The fee must be calculated as follows:
 - ~~(i) For commercial, industrial and/or multi-residential development, by apportioning the fee per acre times the acreage contained in the parcel being developed.~~
 - ~~(ii) For residential, by determining a per unit cost representing the acreage of the parcel or subject to a final map multiplied by the applicable fee per acre as set forth in (1) above and as divided by the number of lots.~~~~
- ~~(3) The fee must be calculated based upon the land use category and density as approved in the specific plan as adopted or as amended.~~
- ~~(g) Recalculation of Fee Schedule and Review. This section shall be reviewed and the fee schedule recalculated as follows:
 - ~~(1) At least every third year, the committee shall recommend to the Board whether changes should be made to the land use assumptions, impact fee Section 110.706.10 and capital improvements plan. The committee shall consider in making said recommendations factors that affect the fee schedule including, but not limited to, effects of inflation on the cost of facilities, additional drainage project facility needs, changes in land uses and any perceived inequities in the implementation of the fee schedule.~~
 - ~~(2) Upon any amendment to the specific plan affecting either upward or downward the number of residential units and commercial/industrial acreage, the fee schedule shall be recalculated to reflect said amendments.~~~~
- ~~(h) Pre-Development Review of Impact Fees. Any person contemplating establishing a land development activity may request a preliminary determination of the impact fees due from such development. A person requesting a pre-development review impact fee calculation shall complete and submit to the department the proper application form and any applicable fee. Using the information regarding the proposed project as submitted on the application, the department will provide, within fifteen (15) days, of the date of submittal of the completed application, a preliminary calculation of the impact fees due for the proposed project.~~
- ~~(i) Appeal. Any fee payer affected by an administrative decision regarding impact fees owed or process utilized to determine the fee may appeal such decision to the committee by filing with the department within ten (10) days of the date of the written decision, a written notice stating and specifying briefly the grounds of the appeal. The department shall place such appeal on the committee agenda for the next regularly scheduled meeting occurring at least twenty-one (21) days thereafter. The committee, after a public hearing, shall have the power to affirm or reverse such decision of the department. If the committee reverses the decision of the department, it shall direct the department to recalculate the fee in~~

~~accordance with its findings. In no case shall the committee have the authority to negotiate the amount of the fee. If the committee affirms the decision of the department, the applicant may appeal to the Board within ten (10) days of the committee's decision by filing a notice of appeal with the County Clerk. The Board shall consider and render a decision on the appeal.~~

~~(j) SETMSP Special Revenue Fund.~~

~~(1) All fees collected pursuant to this section shall be placed in a special revenue fund. The department shall maintain a record to identify the development and/or parcel for which the fees were collected.~~

~~(2) The expenditure of funds from the SETMSP drainage impact fee special revenue fund shall be limited to the detention facilities identified in the Southeast Truckee Meadows (SETM) flood control capital improvements plan, and shall be budgeted and appropriated through the County's annual capital improvements programming and budgeting process.~~

SECTION 4. A new Section 110.422.03 is added to read as follows:

Section 110.422.03 Definitions. These definitions apply specifically to this Article:

- (a) "Development" means any new residential, commercial or industrial development of land, including the division of land into two or more parcels.
- (b) "Relinquishment" means the relinquishment of groundwater rights to the State of Nevada within a hydrographic basin for the purpose of offsetting the impacts of additional groundwater withdrawn from proposed domestic wells to serve individual homes. Relinquishment of groundwater rights are a prerequisite to approval of newly created residential lots utilizing individual domestic wells as their source of water supply. Proof of relinquishment is satisfied when the appropriate approved affidavit from the Nevada State Engineer's Office is recorded with Washoe County.
- (c) "TMWA" means the Truckee Meadows Water Authority.
- (d) "PUC" means the Public Utilities Commission of Nevada.
- (e) "Water purveyor" means:
 - (1) A public water system as defined in NRS 445A.235, as amended;
 - (2) A community water system as defined in NRS 445A.808, as amended;
 - (3) A noncommunity water system as defined in NRS 445A.828, as amended;

- (4) A nontransient water system as defined in NRS 445A.829, as amended; or
 - (5) A transient water system as defined in NRS 445A.848, as amended;
 - (6) A water system as defined in NRS 445A.850, as amended.
- (f) "Will Serve" means a commitment for water service per NAC 445A.6666 and NAC 278.290.

SECTION 5. Section 110.422.00 of the Washoe County Code is hereby amended to read as follows:

Section 110.422.00 Purpose. ~~Except as set forth below, the purpose of this article, Article 422, Water and Sewer Resource Requirements, is to manage control the practices and procedures related to the following resource requirements dedication of water resources, water delivery facilities, and sanitary sewer collection facilities for associated with any and all types of development in the unincorporated portion of the County, except as otherwise exempted under Section 110.422.01, to insure water supply and sanitary sewage treatment to adequately protect the public health and safety:-~~

- (a) **Securing and/or dedicating sufficient water rights and water resources for the development; and**
- (b) **Construction of water delivery facilities, and sanitary sewer collection facilities for any development.**

SECTION 6. Section 110.422.01 of the Washoe County Code is hereby amended to read as follows:

Section 110.422.01 Exceptions Exemptions. The provisions of this article do not apply to the following: ~~development within the Tahoe planning area and receiving water and sewer service from any water and/or sewer provider operating within the Lake Tahoe Hydrographic Basin.~~

- (a) **Development within the Tahoe planning area which is receiving water and sanitary sewer service from any water and/or sanitary sewer provider operating within the Lake Tahoe Hydrographic Basin as demonstrated:**
 - (1) **By a "will serve" letter from the appropriate utility service provider; or**
 - (2) **A note on the final map stating the applicant shall be responsible for complying with utility service provider(s) requirements at the time of applying for a building permit.**
- (b) **Development within the Truckee Meadows Water Authority Service Area which:**
 - (1) **Is receiving or will receive water services from TMWA and which has secured a valid "will serve" letter issued by TMWA for build out of the development;**

- (2) Has secured a written acknowledgment from TMWA indicating TMWA's conditions for provision of future water service, and that TMWA is willing to provide water service to the development upon satisfaction of such conditions; or
 - (3) Has identified on a final subdivision map or parcel map that any future development of the property shall be required to, prior to applying for a building permit, satisfy all applicable TMWA requirements, including water resource dedication, sufficient to provide water service and to issue a will serve commitment.
- (c) Development within a General Improvement District (GID) which is receiving water and sanitary sewer service from said GID as demonstrated:
- (1) By a "will serve" letter from the GID; or
 - (2) A note on the final map stating the applicant shall be responsible for complying with the GID requirements at the time of applying for a building permit.

SECTION 7. Section 110.422.05 of the Washoe County Code is hereby amended to read as follows:

Section 110.422.05 Applicability. The provisions of this article shall apply to all ~~permits, approvals or~~ development projects of any kind in the **unincorporated portion of the County** which require **permits or approvals of the county and which require** the use of water resources, require water supply delivery, or require **sanitary** sewage treatment. Adequate water resources are required for all new development, including:

- (a) Subdivisions and New Residential Parcels with Individual Wells. Subdivisions and parceling of land creating new **residential parcels which will** ~~of forty (40) acres or less, with the potential to be served by individual domestic wells, except that new parcels larger than forty (40) acres may be required to have adequate water resources~~ **if a water budget has been adopted for the groundwater basin by the County Commission;**
- (b) Subdivisions and New Residential Parcels with a Community Water Systems. Subdivisions and parceling of land creating new **residential parcels which will** ~~of forty (40) acres or less, with the potential to be served by a community water system;~~
- (c) Multi-family, Manufactured/mobile Home Residential Development. Development creating new residential dwellings, including multi-family **residential dwelling units and or mobile home residential dwelling units, which will be served either by individual wells or a community water system;**
- (d) Non-Residential Development. Development creating new commercial, industrial or civic buildings or uses **which will be served by either an on-site well or a community water system;** and
- (e) Other Development. **Any other** ~~D~~development requiring a ~~any other~~ permit or approval **of the county with a requirement for, or an impact on, water**

~~resources the exception of a building permit for a single residence on an existing lot recorded prior to the effective date of Washoe County Ordinance Number 586, which is January 10, 1984.~~

SECTION 8. Section 110.422.15 of the Washoe County Code is hereby amended to read as follows:

Section 110.422.15 Water Rights and Water Resource Satisfaction. ~~The dedication of water rights and facilities required by this article will be satisfied if the development owner or property owner enters into an agreement with the County, secured by a performance bond or other undertaking acceptable to the County. The agreement must constitute a binding offer to dedicate, conditioned only upon failure to receive final project approval or, in cases where a building permit is the only approval needed, failure to receive a building permit for the project.~~ **Developments to be served by the Truckee Meadows Water Authority shall be required to satisfy the water resource dedication requirements of the Truckee Meadows Water Authority. For those developments not served by the Truckee Meadows Water Authority, the development owner or property owner shall be required to dedicate or submit proof of relinquishment to Washoe County, as a condition precedent to any permit or approval, any water rights reasonably necessary to ensure an adequate water supply for the intended or permitted use. The amount of water rights necessary shall be determined by the Washoe County Community Services Department and the Nevada State Engineer; said water rights amount are singular and not cumulative. In the event the State of Nevada and the County have different requirements under this section, the most stringent of the County or State requirements must be satisfied. No building permit, special use permit, or recordation of a parcel map or subdivision map shall be granted until the dedication or the proof of relinquishment of water rights is accepted or an agreement conforming to this section has been accepted by the Washoe County Commission Community Services Department. Presentation of a valid will serve from a water purveyor approved and under Nevada Public Utilities Commission jurisdiction or the submittal of proof of the relinquishment of water rights may substitute for the dedication of water rights to Washoe County. The Community Services Department of Water Resources, Utility Services Division, will evaluate the proof of relinquishment of water rights, or the water rights offered for dedication to Washoe County or to a water purveyor as described above based on, but not limited to, the following criteria:**

- (a) **Water Resource Requirements.** In accordance with this section, in those instances where Washoe County's water resource requirements are more stringent than the State Engineer's, additional water rights will be relinquished or dedicated as appropriate;
- (ab) **Adequacy of Amount of Water.** The adequacy of the amount of water resources for the intended use is adequate to provide a reliable water supply and is offered for dedication to the County or proof of the relinquishment of water rights is submitted to the County;
- (bc) **Proximity of Source.** The proximity of the hydrologic basin or source of water offered for dedication to the County or proof of the relinquishment of water rights for the intended use;
- (ed) **Proof of Ownership.** Valid proof of ownership, including a chain of title to the original water right holder, for the water rights offered for dedication to the County or proof of the relinquishment of water rights;

- (de) Status of Water Right. The priority and yield of the water right, the current manner and place of use, and the status of the permits or certificates issued by the Nevada State Engineer, or the status of the water right established in a court decree, which are offered for dedication to the County **or proof of the relinquishment of water rights; and**
- (ef) Point of Diversion. The ability of the ~~County~~ **water purveyor, the developer, or the property owner** to obtain from the Nevada State Engineer the necessary permits to change the point of diversion, and the manner and place of use of the water right for the intended use; **and**
- (g) Relinquishment. **In the case of parcel or subdivision maps creating new residential parcels with an individual domestic well as their source of water supply, the applicant shall deliver proof of the relinquishment of the water rights to the County.**

SECTION 9. Section 110.422.20 of the Washoe County Code is hereby amended to read as follows:

Section 110.422.20 Authority to Utilize Dedicated Water Rights and Applicant's Responsibilities Collect Administrative Fees. ~~The Community Services Department of Water Resources, Utility Services Division, or any other appropriate County department, division or agency, may:~~

- (a) Applications to Nevada State Engineer. File applications with the State Engineer's Office to change the point of diversion, and the manner and place of use of the dedicated water rights to put the water resources to beneficial use and to otherwise utilize and maintain the validity of the dedicated water rights; **and**
- (b) Applicant's Responsibilities. Require the development owner or property owner to:
 - (1) Pay all State Engineer's Office application fees to transfer the dedicated water rights to the proposed delivery facilities;
 - (2) **If applicable, allow County personnel to enter the property in order to read water meters on all wells and delivery facilities, or perform other related inspections as necessary; and**
 - (3) Comply with the terms of the water right permits or certificates as issued by the State Engineer's Office; **and.**
 - ~~(4) Pay reasonable administrative fees and services fees to read and maintain water meters or carry out other activities as necessary to maintain the validity of the dedicated water right. Fees required under this subsection shall be adopted in the special ordinances governing water service.~~

SECTION 10. Section 110.422.25 of the Washoe County Code is hereby amended to read as follows:

Section 110.422.25 Water Delivery Facilities.

- (a) The development owner or property owner shall be required to:
 - (1) **Within those hydrographic basins which contain a TMWA owned and operated water delivery system:**
 - (a) **Design and construct all water delivery facilities to TMWA standards and specifications, regardless of whether TMWA will provide water service to the development. The intent of this process is to facilitate an orderly integration of water system facilities into the TMWA water delivery system in the future; and**
 - (b) **Submit an irrevocable offer of dedication of all the water delivery facilities to TMWA, which offer may be accepted or rejected by TMWA. If said offer is rejected, the offer of dedication shall be deemed to remain open and TMWA may at any later date and without further action by the owner, accept the dedication of such facilities.**
 - (2) **Outside of any hydrographic basin containing TMWA owned or operated water delivery systems:**
 - (a) **Petition the PUC or otherwise cause the creation of a public water system as defined above, under the PUC jurisdiction, or**
 - (b) **Operate and maintain, in accordance with applicable regulatory requirements and standards, dedicate any facilities for water treatment, supply, storage, transmission and distribution, and appurtenances such as wells, pipelines, pumps and storage tanks located within or outside the property boundary or subdivision which are necessary to ensure an adequate water supply to a development, which have not otherwise been dedicated to and accepted by a water purveyor. This section also applies to facilities that will be constructed to serve a project or development, except: one single-family dwelling on an existing parcel of land approved with an individual domestic well as its source of water supply.**
 - ~~(a) Single Family Dwelling. Facilities to serve one single family dwelling in an existing subdivision;~~
 - ~~(b) Previous Facilities. Facilities which were previously constructed to serve existing users; and~~
 - ~~(c) Utility Facilities. Facilities, whether new or existing which are enlarged or improved in order to serve the proposed development or subdivision, which were owned and operated by a utility on the effective date of Washoe County Ordinance Number 586 dated January 10, 1984, operating under a certificate of public~~

~~convenience and necessity issued by the Nevada Public Service Commission.~~

- (b) For the purpose of this Article, Washoe County is not a public water purveyor, nor does the County own or operate any community water systems as defined in NRS 445A. It will be the responsibility of the development owner or property owner to comply with the requirements of TMWA, where applicable, or the PUC for privately owned public water systems, regarding any plans for the creation of community water systems within the unincorporated portion of Washoe County covered by this Article. By allowing development which includes community water systems, Washoe County assumes no risk or obligation for future operation or maintenance of any potable water delivery system.

SECTION 11. Section 110.422.35 of the Washoe County Code is hereby amended to read as follows:

Section 110.422.35 Sanitary Sewer Facilities. The development owner or property owner shall be required to dedicate any facilities for sewage collection, treatment and disposal, and appurtenances such as pipelines and pumps located within or outside the property boundary or subdivision which are necessary to insure adequate sanitary sewer collection and disposal to a project or development. This section applies to facilities that will be constructed to serve a project or development, except:

- (a) Single-Family Dwelling. Facilities to serve one single-family dwelling in an existing subdivision;
- (b) Previous Facilities. Facilities which were previously constructed to serve existing users; and
- (c) Utility Facilities. Facilities, whether new or existing which are enlarged or improved in order to serve the proposed development or subdivision, which were owned and operated by a utility on the effective date of Washoe County Ordinance Number 586 dated January 10, 1984, operating under a certificate of public convenience and necessity issued by the Nevada Public Service Commission.

SECTION 12. Section 110.422.40 of the Washoe County Code is hereby amended to read as follows:

Section 110.422.40 Sanitary Sewer Collection Facility Standards. The following standards apply to all ~~water delivery and~~ sanitary sewer collection facilities:

- (a) Design. The facilities offered for dedication or subject to a dedication agreement must be designed and constructed in accordance with standards and other requirements established by ordinance or recommended by the **Community Services** Department of ~~Water Resources, Utility Services Division,~~ as a condition of either project approval or the issuance of a building permit. Standards and other requirements may include plan checking, design review, inspections, systems testing and other matters to be determined by the **Community Services** Department of ~~Water Resources, Utility Services Division.~~
- (b) Required Dedications and Acceptance. The facilities required to be dedicated shall be determined by the **Community Services** Department of ~~Water Resources, Utility Services Division.~~ The **Community Services** Department of ~~Water Resources, Utility Services Division~~ will accept a dedication pursuant to this section if the facilities conform to the requirements of this section and perform as designed.
- (c) Issuance of Permits. Except for permits issued for the construction of facilities to be dedicated, no building permit or special use permit may be issued and no other administrative approval may be granted until the dedication is accepted or an agreement conforming to this article has been executed. Unless issued for the construction of a facility to be dedicated, any permit or approval for which application has been made subsequent to the effective date of Washoe County

Ordinance Number 586, which is January 10, 1984, and issued prior to the dedication is void.

SECTION 13. General Terms.

1. All actions, proceedings, matters, and things heretofore taken, had and done by the County and its officers not inconsistent with the provisions of this Ordinance are ratified and approved.
2. The Chairman of the Board and officers of the County are authorized and directed to take all action necessary or appropriate to effectuate the provisions of this Ordinance. The District Attorney is authorized to make non-substantive edits and corrections to this Ordinance.
3. All ordinances, resolutions, bylaws and orders, or parts thereof, in conflict with the provisions of this Ordinance are hereby repealed to the extent only of such inconsistency. This repealer shall not be construed to revive any ordinance, resolution, bylaw or order, or part thereof, heretofore repealed.
4. This Ordinance shall be in effect after it is signed by the Chair of the Board of County Commissioners, attested by the County Clerk, and published by title as required by NRS 244.100.
5. Each term and provision of this Ordinance shall be valid and shall be enforced to the extent permitted by law. If any term or provision of this Ordinance or the application thereof shall be deemed by a court of competent jurisdiction to be in violation of law or public policy, then it shall be deemed modified, ipso facto, to bring it within the limits of validity or enforceability, but if it cannot be so modified, then the offending provision or term shall be excised from this Ordinance. In any event, the remainder of this Ordinance, or the application of such term or provision to circumstances other than those to which it is invalid or unenforceable, shall not be affected.

DRAFT: September 10, 2015

Passage and Effective Date

This Ordinance was proposed on _____ by Board Member
_____.

This Ordinance was passed on _____.

Those voting "aye" were _____.

Those voting "nay" were _____.

Those absent were _____.

Those abstaining were _____.

Marsha Berkbigler, Chair
County Commission

ATTEST:

Nancy Parent, County Clerk

This Ordinance shall be in force and effect immediately upon the date of the second publication as required by NRS 244.100, which is _____.