

## **Chapter 16.40**

### **Division of Land into Large Parcels**

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#### **16.40.010 General procedures**

All land division applications must be processed in 2 stages, except as provided in section 16.40.030:

- A. Application for tentative map of division into large parcels; and
- B. Application for final map of division into large parcels. The board following action by the planning commission is the final decision-maker for purposes of final maps of division of land into large parcels.

#### **16.40.020 Applicability**

All owners of land or his/her authorized representatives who propose to divide any land or portion of the land, vacant or improved, for transfer or development into lots or parcels, each of which is at least: 1) one-sixteenth (1/16) of a section as described by U.S. government land office survey; or 2) 40 acres in area, including roads and easements, must file an application for approval of a tentative map of division into large parcels; provided that, the provisions of this chapter does not apply to the proposed division of land where each lot is at least one section or 640 acres.

#### **16.40.030 Tentative land division map procedure**

A. Application. Prior to dividing land pursuant to the provisions of this chapter, the owner of the land, or his or her authorized representative, must submit to the department of planning a completed application for a tentative map of division into large parcels in accordance with chapter 17.03 Administrative Provisions. The application must be made on forms supplied by the department and must contain the following information:

1. A description of all contiguous holdings of the owner, including land in the same ownership, with indication of the portion of the property that is to be subdivided.
2. The number of copies of the tentative land division map, with contents as prescribed in the application form.
3. A certificate from the county treasurer stating that no taxes or assessments are delinquent.

4. Any other information necessary for review of the tentative land division map as may be required in accordance with administrative regulations or this code;

5. The claimant number under any court decree, identity and location of any existing or proposed drainage conveyance ditches, or other irrigation water conveyance structure within or adjacent to the proposed land division map. The land division map must also provide typical channel centerline, right-of-way and ditch width of the conveyance ditch through the property, and arrows indicating direction of irrigation flow. The director may, when necessary for its review, require additional information documenting existing and proposed conveyance ditch capacity. If the proposed parceling includes water impoundment there must be identification of the source of water and documentation of the state engineer's approval.

6. Any other information necessary for review of the tentative map established by the director.

B. Form and contents of tentative map of division into large parcels. Every tentative map must be entitled: "Tentative Map of Division into Large Parcels" and be prepared and certified by a professional land surveyor, and must show the following data and information:

1. The approximate, calculated or actual acreage of each lot and the total acreage of the land to be divided.

2. All roads or easements of access, which exist, are proposed in the applicable master plan or are proposed by the person who intends to divide the land.

3. Any easements for public utilities, which exist, or which are proposed.

4. Any existing easements for irrigation or drainage, and any normally continuous flowing watercourses and the claimant number under any court decree, identity and location of any conveyance ditches or other irrigation water conveyance structure within the proposed land division map. The land division map must also provide typical channel centerline, right-of-way and ditch width of the conveyance ditch through the property, and arrows indicating direction of irrigation flow.

5. An indication of any existing road or easement which the owner does not intend to dedicate.

6. The name and address of the owners of the land.

C. Processing by director. The director must process the application for tentative map approval pursuant to chapter 17.03 Administrative Provisions, and the director must schedule the application for public hearing before the planning commission and board.

D. Hearing notice and procedure. Notice of the hearings before the planning commission and board, and the associated hearings, must conform to the procedures established in chapter 17.03 Administrative Provisions.

E. Board and planning commission action. Within 60 days after the official filing date, unless the time is extended by mutual consent of the applicant and the board, the board after action by the planning commission must, following a public hearing, approve, conditionally approve or disapprove the tentative map of division into large parcels by a majority vote of the members present. The review and decision of the board and recommendation by the planning commission must conform to the provisions of chapter 17.03 Administrative Provisions. The board and planning commission must set forth findings and reasons for its decisions in accordance with the criteria identified in chapter 17.03 Administrative Provisions.

#### **16.40.040 Findings for tentative map**

A. The board and planning commission, in rendering its decision on the tentative map, must base approval on finding in the affirmative the following:

1. The tentative map meets the formal requirements of this chapter and NRS.
2. The tentative map secures adequate access for subsequent purchasers.
3. Where applicable, the tentative map secures the ability to irrigate and drain each parcel, consistent with the water rights appurtenant, and that the rights of downstream users are secured and not impaired.
4. The location and width of easements for roads and public utilities are adequate for the area to be divided.
5. The location and width of easements for drainage and irrigation purposes are adequate for the area to be divided.
6. There are no delinquent taxes or assessments on the land to be divided, as certified by the county treasurer.

#### **16.40.050 Duration, extension, waiver, and amendment of a tentative map of division into large parcels**

A. Time for submission of final map. Unless the time is extended by the board in the manner set forth in paragraph B, the applicant must present a final map of division into large parcels, prepared in accordance with the tentative map, to the board. The final map must include the entire area for which a tentative map has been approved. The final map must be filed within one year from the date of approval of the tentative map by the board or the date that the requirement of its filing was waived pursuant to this chapter.

B. Extension of tentative map. The board may extend the period for presentation of any final map of division into large parcels for not more than one year after the expiration of the initial one-year period for presenting the final map, upon application to the department. The extension must be consistent with any applicable policies of the master plan and may include conditions requiring compliance with the current provisions of the land development code. Extension requests must be filed within the time provided in chapter 17.03 Administrative Provisions.

C. Waiver of tentative map requirement. The board may waive the requirement of filing for a tentative map. Following the recommendation for approval, conditional approval, or disapproval of the tentative map by the planning commission, the applicant may file for the final map through the department of planning for the board to consider approval, conditional approval, or disapproval decision of the final map. The final map must conform to the standards set forth in section 17.40.060. If the board at its public hearing does not waive the requirement of filing for a tentative map, the board will proceed with the hearing and make its determination to approve, conditionally approve, or disapprove the tentative map in accordance with the application provisions of this chapter and chapter 17.03 Administrative Provisions.

D. Amendment of tentative map. At any time after tentative map approval, and before the time required for presentation of a final map, the applicant may request amendment to the approval or conditional approval of the tentative map. The director may approve minor tentative map amendments, subject to review and approval by the board with action by the planning commission, in accordance with chapter 17.03 Administrative Provisions. Major amendments must be determined in accordance with the procedure for original approval of the tentative map under this chapter. Additional conditions, which are reasonably related to the proposed

amendment, may be attached to approval of the tentative map amendment. An applicant who is unwilling to accept conditions attached to the proposed amendment may withdraw the amendment. Action on the application for amendment of the tentative map does not stay the period for presenting a final map, unless a request for extension pursuant to paragraph B is approved.

#### **16.40.060 Final land division map procedure**

A. Application requirements. Following approval of the tentative map, or approval of the final map following waiver of the tentative map by the board, the applicant must complete the land division must file with the board through the department of planning an application for final approval and recordation of the final map, prepared on standardized forms available at the department. These requirements must be met at the time of filing for a request for board waiver of tentative map if the applicant desires to request a waiver of the tentative map. The application must be filed in accordance with the scheduled set forth in chapter 17.03 Administrative Provisions. The application must contain the following information:

1. The original linen or Mylar and at least 5 black line copies of the final map in the form required by paragraph B, containing the information and the certificates of acknowledgment required by paragraphs C and D.

2. The fee for final map approval set by resolution of the board.

3. A certificate from the county treasurer stating that no taxes or assessments are delinquent.

4. Other items listed on the application form.

B. Form of final map. The final map must:

1. Be clearly and legibly drawn or stamped in black waterproof India ink upon good tracing cloth or produced by the use of other materials of a permanent nature generally used for such purposes in the engineering profession.

2. Be entitled, "Map of Division into Large Parcels".

3. Be 24 inches by 32 inches in size, with a marginal line drawn completely around each sheet leaving an entirely black margin of one inch at the bottom, top and right edges and 2 inches at the left edge along the 24-inch dimension.

4. Be of a scale large enough to show clearly all details.

5. Be prepared by a registered land surveyor.

6. Be based upon an actual survey by the preparer which shows the date of the survey, or based upon the most recent government survey.

7. Show the date of approval of the government survey and contain a certificate by the preparer that the parcels contain the number of acres shown for each parcel.

8. Clearly state the particular number of the sheet and the total of sheets comprising the final map on each of the sheets, and its relationship to each adjoining sheet.

C. Contents of final map. Every final map must include all data required for the tentative map and all changes required as conditions of tentative map approval, and in addition must contain the following:

1. All lots by number and actual acreage of each lot.

2. All roads or easements of access which exist and which the owner intends to offer for dedication, all roads or easements or access which are shown on the applicable master plan, and all roads or easements of access which are specifically required by the board with action by the

planning commission.

3. Any easements for public utilities which exist or are proposed.

4. Any existing easements for irrigation or drainage, and any normally continuously flowing watercourses and the claimant number under any court decree, identity and location of any conveyance ditches or other irrigation water structure within the proposed land division map. The land division map must also provide typical channel cross sections with dimensions, centerline, average slope through the property and designed flow capacity of conveyance structures and arrows indicating direction of irrigation flow. If the proposed division of land includes water impoundment there must be identification of the source of water and documentation of the state engineer's approval.

5. An offer or offers to dedicate the utility and right-of-way easements.

D. Final map certificates. The following certificates shall appear on the final map and shall be combined when appropriate:

1. A certificate signed and acknowledged by the owner of land consenting to the dedication of the roads and granting of the easements.

2. A certificate signed by the clerk of the governing body that the map was approved, or the affidavit of the person presenting the map for filing, that the time limited by this title for action by the governing body has not expired.

3. If the property includes, impacts, or is adjacent to a conveyance ditch that all irrigation conveyance facilities and associated access and maintenance easements or rights-of-way are depicted on the map.

4. A certificate granting rights-of-way for water conveyance and maintenance. The grant of the right-of-way must run to the benefit of all persons entitled to the use of the conveyance ditch under any court decree and their successors in interest or to any ditch company or similar entity having an interest in or responsibility for the water conveyance ditch and associated structures.

E. Action by board.

1. Unless the time period is extended by a mutual consent of the developer applicant and the board, the board must approve, conditionally approve or disapprove the final map by the majority vote of the members present within 60 days of the official filing date.

2. If the board does not approve, approve with conditions or disapprove the final map within 60 days, the final map must be deemed approved unconditionally.

3. The board must approve the map only if it finds as follows:

a. The final map conforms in every respect with the approved tentative map.

b. All conditions established upon approval of the tentative map have been satisfied.

c. The final map conforms to all county ordinances applicable at the time of the hearing on the final map.

d. All necessary certificates required by state law or by the county code have been presented with the application for approval of the final map.

4. The review and decision of the board must conform to the provisions of this title. The board must set forth findings and reasons for its decision in accordance with the criteria established in this title. If the map is disapproved, the board must also provide the applicant with a written statement of what changes would be necessary to render the map acceptable.

5. The board must, at the time of approval of the final map, accept or reject any or all offers of dedication. The decision to accept or reject offers of dedication must be made in accordance with adopted board policy.

#### **16.40.070 Effect of approval**

No vested rights will accrue to the owner or developer of any division of land into large parcels by reason of the approval of a tentative or final map for division into large parcels approval until the actual signing of the final map by all parties required to sign the map. All requirements, conditions or regulations adopted by the county applicable to the division of land are deemed a condition for any division prior to the time of signing of the final map by the county engineer. Where the county has required the installation of improvements prior to signing of the final map, and improvements have, in fact, been completed, the applicant may be required to comply with the local laws and regulations in effect at the time when the final map is considered for approval only if the commission makes a finding on the record that the compliance is necessary to prevent a substantial risk of injury to the public health, safety and general welfare.

#### **16.40.080 Recording**

A. Recording of the map. Upon approval, it is the responsibility of the director or his designee to file the official final map with the county recorder within 15 working days of the date of board approval. Simultaneously with the filing of the final map, the department of planning must cause to be recorded any other legal documents required to be recorded by the county.

B. Effect of recording. Filing with the county recorder operates as a continuing:

1. Offer to dedicate for public roads the areas shown as proposed roads or easements of access, which the governing body may accept in whole or in part at any time or from time to time.

2. Offer to grant the easements shown for public utilities, which any public utility may similarly accept without excluding any other public utility whose presence is physically compatible.

C. Conveyances. After a map has been filed with the county recorder, any lot shown on the map may be conveyed by reference to the map, without further description.

## **Chapter 16.50**

### **Water Resource Requirements**

#### **Sections:**

**16.50.010 Purpose and Intent**

**16.50.020 Exceptions**

**16.50.030 Definition**

**16.50.040 Applicability**

**16.50.050 Water Rights and Water Resource Satisfaction**

**16.50.060 Authority to Utilize Dedicated Water Rights and Applicant's Responsibilities**

**16.50.070 Water Delivery Facilities**

**16.50.010 Purpose and Intent**

The purpose of this section is to manage the practices and procedures related to water resources requirements associated with the division of land and development in the county to ensure adequate water supply to protect the public health, safety, and general welfare.

#### **16.50.020 Exceptions**

The provisions of this section do not apply to the following:

- A. Development within any community with a public water system which is receiving or will receive a valid will-serve letter issued by the public water system;
- B. Development within a general improvement district which is receiving water from the general improvement district as demonstrated by: (a) a will-serve letter from the general improvement district; or (b) a note on the final map stating that the applicant is responsible for complying with the requirements of the general improvement district at the time of applying for a building permit.

#### **16.50.030 Definition**

A. "Relinquishment" means the relinquishment of groundwater rights to the State of Nevada Division of Water Resources within a hydrographic basin for the purpose of offsetting the impacts of additional groundwater withdrawn from proposed domestic wells to serve individual residential dwellings. 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 approval affidavit from the Nevada State Division of Water Resources is recorded with Storey County.

#### **16.50.040 Applicability**

The provisions of this section apply to all development projects of any kind in Storey County which require permits or approvals of the county and which require the use of water resources or require water supply delivery. Adequate water resources are required for all new development including:

- A. Subdivisions and new residential parcels which will be served by individual domestic wells;
- B. Subdivisions and new residential parcels which will be served by a community water system;
- C. Development creating new multi-family residential dwelling units or mobile home residential dwelling units, which will be served either by individual wells or a community water system.
- D. Developments 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. Any other development requiring a permit or approval of the county with a requirement for, or an impact on, water resources.

#### **16.50.050 Water Rights and Water Resource Satisfaction**

A. Prior to accepting an application for a tentative subdivision map, tentative parcel map, or tentative map of division of land into large parcels which creates additional parcels within the county, except for the areas of the county served by a public water system or general improvement district water system, the applicant must submit to the director of planning a

written and binding statement of intent to Storey County at the time that the final map application is approved, the type and amount of water necessary to serve each parcel.

B. The transfer of water rights to Storey County must be completed before filing for a final subdivision map, final parcel map, or final division of land into large parcels map.

C. The amount of water to be transferred is 2.0 acre-feet for each new parcel allowing for a single-family residential use served by a domestic well, and 2.0 acre-feet for each dwelling unit that will be served on the parcel.

D. The amount of water to be transferred for land subdivision will be determined by Storey County.

E. The developer is required to dedicate or submit proof of relinquishment to Storey County, as a condition precedent to any permit or approval, any water right reasonably necessary to ensure an adequate water supply for the intended or permitted use. The amount of water rights necessary will be determined by the director of planning and the Nevada division of water resources; said water rights amount are singular and not cumulative. In the event that the Nevada division of water resources and the county have different requirements under this section, the most stringent of the county or state requirements must be satisfied. No building permit or recordation of a subdivision map (including condominium and townhouse project), parcel map (except divisions of land which are exempt from the parcel map process), or map of division into large parcels may be granted until the dedication or the proof of relinquishment of water rights is accepted by the director of planning. Presentation of a valid will-serve letter from a water purveyor approved and under public utilities commission jurisdiction or the submittal of proof of the relinquishment of water rights may substitute for the dedication of water rights to the county. The director of planning will evaluate the proof of dedication of water rights, or the water rights offered for dedication to the county or to a water purveyor as described above based on, but not limited to, the following criteria:

1. Water resources requirements. In accordance with this section, in those instances where the county's water resources requirements are more stringent than the Nevada division of water resources, additional water rights will be dedicated as appropriate;
2. Adequacy of amount of water. The amount of water resources for the intended use is adequate to provide a reliable water supply as is offered for dedication to the county or proof of the relinquishment of water rights is submitted to the county.
3. Proximity of source. The proximity of the hydrographic basin or source of water offered for dedication to the county or proof of the relinquishment of water rights for the intended use;
4. 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;
5. 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 used by the Nevada division of water resources, 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;
6. Point of Diversion. The ability of the purveyor, the developer, or the property owner to obtain from the Nevada division of water resources the necessary permits



to change the point of diversion, and the manner and place of the use of the water rights for the intended use; and

7. 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 must deliver proof of the relinquishment of the water rights to the county.

**16.50.060 Authority to Utilize Dedicated Water Rights and Applicant’s Responsibilities**

The director of planning, or any other appropriate county department, division, or agency, may:

1. Applications to the Nevada division of water resources. File applications with the Nevada division of water resources to change the point of diversion, and the manner and place of use of the dedicated water right to put the water resources to beneficial use and to otherwise utilize and maintain the validity of the dedicated water rights; and
2. Applicant’s responsibilities. Require the development owner or property owner to:
  - a. Pay all application, transfer, dedication, and other fees of the Nevada division of water resources;
  - b. If applicable, allow county staff to enter the property in order to read water meters on all wells and delivery facilities, or perform other related inspections as necessary; and
  - c. Comply with the terms of the water right permits or certificates issued by the Nevada division of water resources.

**16.50.070 Water Delivery Facilities**

A. The development owner or property owner is required to:

1. Petition the public utilities commission or otherwise cause the creation of a public water system under the jurisdiction of the public utilities commission; or
2. Operate and maintain, in accordance with applicable regulatory requirements and standards, 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 one single-family dwelling on an existing parcel of land approved with an individual domestic well as its source of water supply.

**Chapter 16.60**

**Assurance for Completion and Maintenance of Improvements**

**Sections:**

- 16.60.010 Required improvements and agreement to complete**
- 16.60.020 Improvement agreement**
- 16.60.030 Security**
- 16.60.040 Site improvement permits**

- 16.60.050 Security for temporary improvements**
- 16.60.060 Remedies**
- 16.60.070 Acceptance of dedication offers**
- 16.60.080 Inspection and certification of improvements**
- 16.60.090 Reduction of escrowed funds and security**
- 16.60.100 Security for warranty of improvements**
- 16.60.120 Issuance of building permits for model homes**

**16.60.010 Required improvements and agreement to complete**

A. Applicability. The requirements of this chapter apply in all instances where improvements are required to be constructed in conjunction with the division of land pursuant to this title and where improvements are proposed in conjunction with other development permits.

B. Completion of improvements. Before a final map, parcel map or final map for division of land into large parcels is signed by the county engineer, and any easements offered for dedication to the public are accepted by the county, or before a final certificate of occupancy is issued for a new structure, all developers are required to complete, in accordance with the applicable development approval and to the satisfaction of the county engineer, all project improvements, system improvements and lot improvements on the individual lots, as required in this title and as specified in the conditions of approval of the applicable map, and to dedicate those public improvements to the county, free and clear of all liens and encumbrances on the dedicated property and public improvements. The developer also must construct at his or her sole cost all temporary improvements required as a condition of approval of the applicable map or development and must maintain those temporary improvements for the period specified in such approval.

C. Deferral of required improvements. As an alternative to completion of improvements prior to final map approval, or issuance of a permanent certificate of occupancy, the board with action by the planning commission may permit the developer to enter into an improvement agreement prepared in conformance with section 16.60.020 and secured pursuant to 16.20.030 by which the developer covenants to complete all required improvements.

D. Failure to complete improvements. For divisions of land and other development projects for which no improvement agreement has been executed and no security has been posted pursuant to this chapter, if the required improvements are not completed within the period specified in the applicable approval conditions, or within 2 years following the date of recordation of a final map or issuance of a building permit, the applicable map or development approval is deemed to have expired.

**16.60.020 Improvement agreement**

A. Agreement. The developer must agree to construct and complete all required improvements no later than 2 years following the date of recordation of a final map or issuance of a building permit. The developer also must agree to warrant that all required public improvements are free from defect in design, workmanship and materials for a period of at least one year following acceptance of the offer of dedication of the last completed public improvement by the appropriate authority. The improvement agreement must include, but may not be limited to, the following:

1. A detailed reference to the improvements requiring completion, including an engineer's

cost estimate.

2. A specific date for completion of all improvements, fixed by the county engineer, which date may not be longer than 2 years from the date on which the county engineer signs the map.

3. A requirement for a certificate from the developer's engineer stating that all work has been completed in accordance with the improvement drawings and specifications.

4. A requirement that a notice of completion issued by the county engineer be submitted indicating that all improvements comply with the applicable map approval requirements and this code.

5. A requirement for written acceptance of all public improvements by the board or governing body of the agency or political subdivision having jurisdiction of the improvements on their completion.

6. An explanation that the financial security may be withdrawn upon final completion of the improvements only after the written approval of the board or following reduction of security as provided in this chapter.

7. A provision that the applicant must repair, at his or her sole cost and expense, any hidden defects in design, workmanship and materials which appear in the work within one year following acceptance by the county.

8. A provision requiring financial security for the warranty obligation for specified improvements which must be submitted to the board prior to withdrawal of the original financial security.

9. The agreement may include a provision requiring the developer to maintain each required public improvement for a period of one year following acceptance of the dedication of that completed public improvement.

10. Where temporary improvements are required, a provision agreeing to maintain such improvements.

B. Covenants to run. The improvement agreement must provide that the covenants contained in the improvement agreement run with the land and bind all successors, heirs and assigns of the developer. The agreement will be adopted by the board and must be recorded with the county recorder.

### **16.60.030 Security**

A. Whenever the board permits a developer to enter into an improvement agreement, the developer must provide a letter of credit, cash escrow, or certificate of deposit as security for the improvement completion and warranty and maintenance promises contained in the improvement agreement, including those pertaining to temporary improvements. A developer who wishes to secure for improvements totaling in excess of \$250,000 must provide security in the form of a letter of credit, cash escrow or certificate of deposit. A developer who wishes to secure for improvements totaling \$250,000 or less may provide security in the form of a performance bond. Whichever form of security chosen must be an amount equal to 150 percent of the approved engineer's cost estimate, including lot improvements. The security must name Storey County exclusively as the beneficiary of the security. The issuer of the letter of credit or certificate of deposit or the escrow agent, as applicable, must be acceptable to the county. Where a performance bond is utilized, each insurance company's rating as shown in the latest Best's Key rating guide must be fully disclosed and entered on the required certificate of insurance. The

adequacy of the insurance supplied by the developer, including the rating and financial health of each insurance company providing coverage, is subject to the approval of the county.

1. Letter of Credit. If the developer posts a letter of credit as security for his improvement agreement, the letter of credit must (1) be irrevocable; (2) be for a term sufficient to cover the completion and warranty periods in subsection 16.60.01 (B); (3) require only that the government present the letter of credit with a sight draft and an affidavit signed by the director or district attorney attesting to the county's right to draw funds under the credit; and (4) be through a Nevada federally insured lending or banking institution.

2. Cash. If the developer posts cash as security for its promises contained in the improvement agreement, the developer has no right to return of any of the funds except that as provided in subsection 16.50.030(C). and the funds will be held in noninterest bearing account.

3. Certificate of deposit. If the developer posts certificates of deposit as security for the improvement agreement, the certificates of deposit must (1) be irrevocable; (2) be for the deposit time stated in the executed improvement agreement; and (3) provide that all interest will inure to the benefit of the developer or his successor in interest.

4. Performance bond. If the developer posts a performance bond as security for his improvement agreement, the performance bond must (1) be irrevocable; (2) be for a term sufficient to comply with the completion and warranty periods in subsection 16.60.010(B); and (3) be issued through an insurance company.

The insurance company must rate the contractor for the amount required to be bonded.

B. Governmental units. Other governmental units to which these improvement agreement and security provisions apply may file, in lieu of the improvement agreement and security, a certified resolution or ordinance from officers or agencies authorized to act in their behalf, agreeing to comply with the provisions of this chapter.

#### **16.60.040 Site improvement permits**

A. Prior to the commencement of any work on improvements, the developer must obtain a site improvement permit from the county engineer, accompanied by a fee, as set by resolution of the board. All costs for inspection services provided by personnel not employed by the county engineering department shall be contracted for and paid by the developer.

B. The developer's engineer must provide as-built construction drawings to the county engineer and other applicable utility.

#### **16.60.050 Security for temporary improvements**

If the developer has not entered into an improvement agreement addressing temporary improvements pursuant to section 16.60.020, prior to construction of a temporary facility or improvement, the developer must file with the county a separate improvement agreement and a letter of credit, certificate of deposit or cash in the amount appropriate for temporary facilities, which agreement and credit or escrow must ensure that the temporary facilities will be properly constructed, maintained and removed.

#### **16.60.060 Remedies**

In those cases where an improvement agreement has been executed and securities have been posted and required public improvements have not been installed within the terms of the agreement, the county may then:

A. Declare the agreement to be in default and require that all the improvements be installed regardless to the extent of the building development at the time the agreement is declared to be in default.

B. Suspend map approval until the improvements are completed and record a document to that effect for the purpose of public notice.

C. Obtain funds under the security and complete improvements itself or through a third party.

D. Assign its right to receive funds under security to any third party, including a subsequent owner of the land to be divided for which improvements were not constructed, in whole or in part, in exchange for that subsequent owner's promise to complete the required improvements.

E. Exercise any other rights available under the law.

#### **16.60.070 Acceptance of dedication offers**

Acceptance of formal offers of dedication of streets, utilities, public areas, easements, and parks must be made in accordance with adopted board policy, by the board, commission or official authorized by this title to approve the applicable map. The approval of any map authorizing the division of land, or approval of a site improvement or building permit must not be deemed to constitute or imply the acceptance by the county or other entity of any public improvement on the map. The county engineer may require a final map to be endorsed with the appropriate notes to this effect.

#### **16.60.080 Inspection and certification of improvements**

A. General procedure and fees. The county engineer or building official, where applicable, shall provide for inspection of required improvements during construction and ensure their satisfactory completion. Prior to the commencement of any work, the developer must obtain a site improvement permit or building permit, where applicable, and pay a fee set by resolution of the board. All costs for inspection services provided by personnel not employed by the county engineering division must be contracted for and paid for by the developer. Where the improvements are completed prior to approval of the applicable map, the county engineer may not sign the map unless the inspection fee has been paid at the time of application. No building permits or certificates of occupancy may be issued until all fees are paid. If the county engineer finds upon inspection that any one or more of the required improvements have not been constructed in accordance with the county's construction standards, design criteria and improvement standards and specifications, the applicant is responsible for properly completing the improvements.

B. Notice of completion. The dedication of required improvements will not be accepted, nor the amount of any remaining security posted by the developer be reduced until the county engineer or other utility has submitted a notice of completion stating that all required improvements have been satisfactorily completed and until:

1. The applicant's engineer or surveyor has certified to the county engineer and other utility, through submission of a detailed "as-built" survey, indicating location, dimensions, materials and other information required by the county engineer, that the layout of the line and grade of all public improvements is in accordance with the construction plans;

2. A title insurance policy has been furnished to and approved by the county district attorney indicating that the improvements have been completed, are ready for dedication to the county and are free and clear of any and all liens and encumbrances. Upon the approval and

recommendation by the county engineer and district attorney, the board, commission or official authorized by this code to approve the applicable map may accept the improvements for dedication in accordance with the established procedure.

3. A warranty bond or other form of security in conformity with the provisions of sections 16.60.090 and 16.60.100 is posted for the warranty period.

#### **16.60.090 Reduction of escrowed funds and security**

A. If the security posted by the developer was a cash escrow, the amount of that escrow may be reduced upon actual acceptance as completed, of public improvements and then only to the ratio that the costs of public improvements for which dedication was accepted bears to the total cost of public improvements for the land division. In no event may a cash escrow be reduced to less than 10 percent of the original amount unless and until a warranty bond or other form of security established in the improvement agreement, if required, is posted for the warranty period.

B. If the security provided by the developer was a letter of credit, or a certificate of deposit the county must execute waivers of the county's right to draw funds under the credit upon actual acceptance of the dedication of public improvements and then only to the ratio that the cost of the public improvements for which dedication was accepted bears to the total cost of public improvements for the land division. No waivers may be executed that would reduce the security below 10 percent of its original amount unless a warranty bond or other form of security established in the improvement agreement is posted for the warranty period.

#### **16.60.100 Security for warranty of improvements**

If a developer has not entered into an improvement agreement pursuant to section 16.50.020, he must provide a warranty bond or other acceptable form of security if required for warranty of improvements. The amount of the warranty bond must be equal to an amount established by an approved engineer's estimate for cost of replacement of improvements. The issuer of the security, as applicable, must be acceptable to the county.

#### **16.60.110 Issuance of building permits and certificates of occupancy**

A. Except as otherwise provided in section 16.60.120 below, when an improvement agreement and security has been required by this chapter, no certificate of occupancy for any structure or facility built on the project covered by such agreement may be issued prior to the completion of the required public improvements and the acceptance and dedication of the required improvements.

B. Building permits may not be issued for the final 10 percent of lots in a land division, or if 10 percent be less than 2, for the final 2 lots of the land division, until all required improvements have been fully completed and the developer's offers to dedicate the improvements have been accepted, by the appropriate authority.

### **Chapter 16.70**

## **Land Readjustment**

### **Sections:**

#### **16.70.010 Amending maps**

#### **16.70.020 Modifications to approved tentative maps**

#### **16.70.030 Reversion of maps or reversion of division of land to acreage**

#### **16.70.040 Merger and re-subdivision of land without reversion to acreage**

#### **16.70.050 Vacation or abandonment of street or easement**

#### **16.70.060 Administrative vacation or abandonment of public utility easements owned or controlled by Storey County**

#### **16.70.010 Amending maps**

A. Certificate of amendment. If an error or omission is found in any subdivision map, record of survey, parcel map, map of division into large parcels, or reversionary map, and the correction does not change or purport to change the physical location of any survey monument, property line or boundary line, the error or omission may be corrected by the filing and recordation of a certificate of amendment authorized by the board. The certificate of amendment must contain the items required by NRS 278.473(2).

B. Amending map. If an error or omission is found in any recorded subdivision map, record of survey, parcel map, map of division into large parcels, or reversionary map, and the correction changes or purports to change the physical location of any survey monument, property line or boundary line, the correction may be effected by the filing of an amended map pursuant to the procedures of this section. This procedure may be utilized only to correct errors or omissions that do not result in a change of the number of lots, result in significant changes to the area of any lot or the amount of land reserved or dedicated for public use and improvements, or result in the removal of any covenants or restrictions attached to the final approved or recorded map.

C. Procedures for amending map. The same procedures and requirements must be applied to the application for an amended map as to the original land division, except, in the case of subdivisions, only those procedures for the approval and filing of a final subdivision map may apply. The amending map must be in the format and contain the certificates required by NRS 278.477(2).

#### **16.70.020 Modifications to approved tentative maps**

A. Applicability. Whenever the owners of land or their representatives desire to modify an approved tentative map or conditions of approval, an application must be filed with the department. The requests resulting in no net change or reduction in the number of parcels, the re-design of the map involving less than ten percent of the total number of parcels or land area, minor clarification of a condition resulting in no impact to public health or safety, or changes to map design resulting from the mapping of environmental constraints or historic sites, an application for a minor amendment may be filed. All other requests will constitute a major amendment.

B. Procedures for processing a minor amendment. An application for a minor amendment must be filed with the department, on the form provided, with the applicable fees. The director is the designated authority for minor amendments. The applicant must be notified in writing of the decision regarding the request within 30 working days of the official filing date. The decision of

the director may be appealed.

C. Procedures for processing a major amendment. Major amendments must be processed in the same manner as the original application for division of land. With the consent of the director the applicant may incorporate the previous applications and procedures by reference, to the extent that the amendment makes no material changes on the matters addressed by reference.

#### **16.70.030 Reversion of maps or reversion of division of land to acreage**

A. All applications for a reversion of map or reversion of division of land to acreage must be filed with the planning department on the appropriate forms and meet all applicable submittal requirements. The board is the final decision maker regarding reversion of maps or reversion of division of land to acreage.

B. The applicant must pay a fee as set by resolution of the board.

C. All applications for reversion of maps or reversion of land to acreage must comply with NRS 278.490.

D. Easements. Reversion of maps or reversion of division of land to acreage does not automatically eliminate any public utility, irrigation, or other private easement that may exist along a lot line. It is the responsibility of the property owner(s) to resolve any and all interest of record.

E. All applications of reversion of maps and lot consolidation or reversion of division of land to acreage must include a reversion to acreage map which contains the same survey dimensions as the previous recorded map.

F. Appeal. A decision of the director made under this section may be appealed in the matter provided for in chapter 17.03 Administrative Provisions.

#### **16.70.040 Merger and re-subdivision of land without reversion to acreage**

A. An owner or governing body that owns 2 or more contiguous parcels may merge and resubdivide the land into new parcels or lots without reverting the preexisting parcels to acreage pursuant to NRS 278.490.

B. Parcels merged without reversion to acreage pursuant to this section must be re-subdivided and recorded on a final map, parcel map or map of division into large parcels, as appropriate, in accordance with NRS 278.320 to 278.4725, inclusive, and this chapter. The recording of the re-subdivided parcels or lots on a final map, parcel map or map of division into large parcels, as appropriate, constitutes the merging of the preexisting parcels into a single parcel and the simultaneous re-subdivision of that single parcel into parcels or lots of a size and description set forth in the final map, parcel map or map of division into large parcels, as appropriate.

C. Streets and easements will remain in effect after the merger and re-subdivision of land, unless abandoned in accordance with the provisions of this code and NRS.

D. All applications of a merger and re-subdivision of land must be filed with the department of planning on the appropriate forms meeting all applicable submittal requirements.

E. The applicant must pay a fee as set by the board.

F. All applicants for merger and resubdivision of land must comply with NRS 278.4925, 278.4955, 278.496 and 278.4965.

G. All applications for merger and resubdivision of land must follow the same county approval process as the initial tentative map.



### **16.70.050 Vacation or abandonment of street or easement**

Any abutting property owner desiring the vacation or abandonment of any street or easement or any portion of a street or easement must file a petition in writing with the department. The petition for vacation or abandonment of the street or easement will be processed in accordance with the procedures set forth in NRS 278.480. A vacation or abandonment of a street easement may be approved in conjunction with the approval of a tentative map pursuant to NRS 278.349. The board may initiate the vacation or abandonment of a street or easement by resolution.

### **16.70.060 Administrative vacation or abandonment of public utility easements owned or controlled by Storey County**

A. Purpose. For the purposes of this section, a public utility easement is an easement owned or controlled by Storey County and which runs in favor of the county. Pursuant to NRS 278.480(11) and through the use of the procedure contained in this section, the director of the community development department, or his designee, is authorized to take final action on the vacation or abandonment of a public utility easement owned or controlled by the county.

B. General procedure. The owner of property who seeks abandonment of a public utility easement involving his property must file an application with the community development department on the forms provided by the department. The applicant must pay a fee as set by resolution of the board. The applicant must provide written verification that all public utility or video service providers have approved the application. The application must also include a legal description and exhibit prepared and signed a surveyor licensed in the state of Nevada, unless the county engineer waives the requirements of retaining a state licensed surveyor for the preparation of the documents. The director must provide all conditions of approval to the applicant in writing within 60 days of receiving an application.

C. Decision. The director of planning, or his/her designee, may issue a written order abandoning a public utility easement after:

1. Receiving a complete application.
2. Providing notice to each owner of property abutting the easement to be abandoned. The notice must be provided by mail pursuant to a method that provides confirmation of delivery and does not require the signature of the recipient. Property owners are given 10 days to respond.
3. Obtaining written approval from all public utility or video service providers indicating that they no longer request the reservation of the easements.
4. Verification that the applicant has fulfilled all prescribed conditions.
5. A determination that the subject public utility easement is no longer necessary or useful to the county and that the public will not be materially injured by the proposed vacation

D. Other easements. The abandonment of a public utility easement pursuant to this section does not affect an easement held by a private utility company even if such private utility easement was created by the same instrument or it has same legal description, and also does not affect an easement held by the public as distinguished from an easement held by the county or a public utility owned or controlled by the county.

E. Appeal. A decision of the director made under this section may be applied in the manner provide for in chapter 17.03 Administrative Provisions.

## **Chapter 16.80**

## **Boundary Line Adjustment and Lot Consolidations**

### **Sections:**

#### **16.80.010 Applicability**

#### **16.80.020 Exclusions**

#### **16.80.030 Standards for approval**

#### **16.80.040 Approval by director**

#### **16.80.010 Applicability**

This chapter applies to an adjustment of the boundary line between 2 abutting parcels or the transfer of land between 2 owners of abutting parcels.

#### **16.80.020 Exclusions**

A. An adjustment of the boundary line between abutting parcels or the transfer of land between 2 owners of abutting parcels may not be approved if it reduces the size of a non-conforming parcel or results in the creation of a non-conforming parcel.

B. An adjustment of the boundary line between abutting parcels or the transfer of land between 2 owners of abutting parcels may be disapproved if it does not contain adequate access, utility, water conveyance and drainage easements to serve the resulting parcels.

#### **16.80.030 Standards for approval**

A. The adjustment of the boundary line between abutting parcels or the transfer of land between 2 owners of abutting parcels may be approved without conditions or further administrative proceedings when:

1. It does not result in the creation or reduction in size of non-conforming lots.
2. The map meets the formal requirements of NRS 278.5693.
3. The map is not in conflict with the provisions of this title and Title 17 of the county code, and NRS 278.010 to 278.630, inclusive.

B. If the proposed configuration results in the creation of parcels subject to new residential, commercial or industrial development, the director or his or her designee may require, prior to approval and recordation of the map, that public facilities and improvements be constructed, in the manner and at the same level as if parcel map approval had been sought.

#### **16.80.040 Approval by director**

The adjustment of the boundary line between abutting parcels or the transfer of land between 2 owners of abutting parcels may be approved, approved with conditions pursuant to this section, or disapproved by the director. Appeal of the director's decision is to the planning commission and board.

#### **16.80.050 Lot consolidation**

The purpose of this section is to allow an owner of contiguous lots in the same zoning district to consolidate the lots into a single parcel.

##### **A. Applicability.**

1. The lots involved must be within the same zoning district and master plan designation

and the proposed lot consolidation must meet all the requirements of the zone.

2. The lots involved must be existing platted lots.
3. The lots must be under unified ownership.

B. Application Requirements.

1. An applicant must complete an application for a lot consolidation on a development application form approved by the director of planning and pay any required fee.
2. The applicant must include a record of survey by a professional land surveyor that shows the consolidation of the lots into a single parcel and meets the requirements of a boundary line adjustment under NRS 278.5693.

C. Administrative Lot Consolidation Procedure.

1. The director of planning may determine that an administrative lot consolidation procedure may be used instead of a record of survey if:
  - a. The lots were created by a map before the county adopted a subdivision approval process;
  - b. The consolidation of the lots will result in elimination of potential water well; or
  - c. The consolidation of the lots will reduce the density of the lots or bring the lots into conformance with existing zoning.
2. The application for the administrative lot consolidation procedure must include:
  - a. A completed development application.
  - b. A completed lot consolidation agreement with Storey County to create an equitable servitude.
  - c. An 8-and-one-half-inch by eleven-inch plot plan drawn to show the lots with identifying legal description and measurement of the property. The map must:
    - i. Include an arrow indicating north on the plot plan.
    - ii. Identify the lot, block, adjacent roadways, access roads, and easements.
    - iii. Show the 2 or more adjoining lots with middle lines designated for removal as a dotted line.
3. The plot plan and the lot consolidation agreement must meet the general recording requirements of NRS 247.110.

D. Investigation. Following the submission of a complete application for a lot consolidation or an administrative lot consolidation procedure, the director of planning will investigate the application to determine that the proposal meets the requirements of this code. After the director determines the application meets the requirements of this code, the application must be sent to the recorder for review to determine that the documents for recording are in an acceptable form. After the application has been investigated by the director, determined to be complete and in acceptable form, the application is ready for decision.

E. Decision. The director of planning is the final decision maker on an application for lot consolidation. The director must review the application within a period of 30 days after the determination of the complete application and by written decision must approve or disapprove it. The director must cite findings of fact in the decision.

F. Findings. The director's decision must be based on findings that indicate that the proposed lot consolidation:

1. Complies with the general purpose, goals, objectives, and standards of the county master plan, this title, and any other plan, program, map, or ordinance adopted.
2. Will result in no substantial or undue adverse effect on adjacent properties, the character

of the neighborhood, traffic conditions, parking, public improvements, public sites, or right-of-way, or other matters affecting the public health, safety, and general welfare. The findings listed in this subsection are the minimum to be cited in an approval; the director may include additional findings in the decision.

G. Final Approval and Recording Procedures.

1. When director approves a lot consolidation, either a record of survey or a lot consolidation agreement and plot plan must be recorded in the office of the county recorder. If the recorder does not maintain a cumulative index for these lot consolidation documents, the recorder must make written notations of the fact on each sheet of the previously recorded maps affected by the latest recording. If such an index is maintained, the recorder must make an appropriate entry for the amendment.

2. The recorder must within 7 working days after he or she records the lot consolidation documents, provide to the county assessor at no charge:

- a. A duplicate copy of the map and any supporting documents; or
- b. Access to the digital map and any digital supporting documents.

3. A plot plan presented to the county recorder for the recording must include a certificate by the director on the plot plan stating that the director approved the map.

4. Lot consolidations become effective upon the record of survey or the lot consolidation agreement and plot plan being recorded by the county recorder. This lot consolidation process will not affect any existing easement or dedication of record.

H. Any further subdivision of a consolidated lot using this section must be done by subdivision map, parcel map, or division into large parcels and meet the requirements of this title and NRS Chapter 278.

Proposed on \_\_\_\_\_, 2018.

by Commissioner \_\_\_\_\_

Passed on \_\_\_\_\_, 2018.

Vote: Ayes      Commissioners \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Nays      Commissioners \_\_\_\_\_

Absent

Commissioners \_\_\_\_\_

\_\_\_\_\_  
Marshall McBride, Chair  
Storey County Board of County Commissioners

Attest:

\_\_\_\_\_  
Vanessa Stephens  
Clerk & Treasurer, Storey County

This ordinance will become effective on \_\_\_\_\_, 2018.