

Chapter 16.10

General Provisions

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16.10.010 Declaration

This title is known as and may be cited in all proceedings as the "Procedures for Division of Land," and includes Storey County Code 17.03 Administrative Provisions.

16.10.020 Policy

A. It is declared to be the policy of the county to consider the division of land and the subsequent development of the divided land as subject to the control of the county pursuant to the master plan for the orderly, planned, efficient, and economical development of the county.

B. Land to be divided must be of such character that it can be used safely for building purposes without danger to health or peril from fire, flood, slope instability or other menace, and land may not be divided until adequate public facilities and improvements exist and proper provision has been made for drainage, water, sewerage, and capital improvements such as schools, parks, recreation facilities, transportation facilities, and improvements in accordance with the provisions of this code.

C. The existing and proposed public improvements must conform to and be properly related to the proposals shown in the master plan and it is intended that these regulations will supplement and facilitate the enforcement of the provisions and standards contained in building and housing codes, zoning ordinance, master plan, land use plan, and capital improvements plan and programs of the county.

16.10.030 Purpose

The general purpose of this chapter is to safeguard the public health, safety and general welfare by regulating the division of land and requiring certain necessary improvements as a consequence of the division of land. The specific purposes of this title are as follows:

A. To promote public health, safety, convenience and general welfare by ensuring development of land in a manner consistent with community objectives as set forth in the master plan and community plans.

B. To preserve and protect the natural environment, including the water and air; and to

safeguard against excessive storm water runoff, erosion, flooding, wildfire and the depletion or pollution of water resources.

C. To encourage conservation of natural resources, including but not limited to, water, land, streambeds, ridge lines, hillsides and scenic areas, and concurrently assuring that open space and trails are established within a coordinated system.

D. To facilitate, through orderly design and development, law enforcement, fire protection, and other services.

E. To safeguard the general welfare by limiting the division of land in areas where excessive costs and low efficiency services may result.

F. To ensure at the time of land division the provision of adequate water supply, storm drainage and sewer disposal, and other utilities, services and improvements needed as a consequence of any change or intensification of the land use.

G. To ensure that governmental maintenance costs are minimized by requiring the installation of improvements adequate in size and quality.

H. To provide streets of adequate capacity to give access to abutting property as well as to carry anticipated increased traffic.

I. To ensure that roadways are designed to minimize safety hazards to vehicles and their occupants as well as to cyclists, pedestrians and equestrians.

J. To encourage an organized pattern of urban development and efficient provision of utilities and public services.

K. To conserve agricultural resources.

L. To prevent the pollution of air, streams, and ponds; to safeguard the water table; and to encourage the wise use and management of natural resources throughout the county in order to preserve the integrity, stability, and beauty of the community and the value of the land.

M. To preserve the topography of the county and to insure appropriate development with regard to these natural features.

N. To provide for open spaces through the most efficient design and layout of the land.

16.04.040 Authority and jurisdiction

A. Authority. The design, improvement, mapping and sale of subdivision lots, parcel map lots, or land division map lots, are regulated by NRS chapters 117, 278 and 278A, and by the provisions of this code.

B. Jurisdiction. These procedures will apply uniformly to all divisions of land within the county. No land may be divided within the limits of the county after the effective date of these regulations until:

1. The owner or owner's agent submits a tentative map application to the county through the planning department.

2. The tentative and final maps are approved.

3. Subdivision improvements have been constructed as follows:

a. On and off-site water and sewer improvements are complete including all necessary improvements for fire flows.

b. Streets are complete or at minimum sub-base is in place and is adequate to support emergency access vehicles to the satisfaction of the fire district before a building permit for the construction of any structure in the project is issued. The streets that access a lot with permitted construction must be completed before a certificate of occupancy may be issued.

c. Street identification signs are in place.
d. Drainage conveyance facilities and other improvements have been constructed and are functional.

4. The approved final map is recorded with the county recorder.

C. No building permit will be issued for any parcel or lot created after the effective date of these regulations until the conditions in subsections 1, 2, 3, and 4 above are met.

D. The term “subdivision” does not apply to any division of land into large parcels subject to chapter 16.40 Division of land into Large Parcels.

16.10.050 Interpretation and conflict

A. In their interpretation and application, the provisions of these regulations are the minimum requirements for the promotion of the public health, safety, and general welfare.

B. Conflict with other law. These regulations are not intended to interfere with, abrogate, or annul any other ordinance, rule or regulation, statute, or other provision of law. Where any provision of these regulations impose restrictions different from those imposed by any other provision of these regulations or any other ordinance, rule or regulation, or other provision of law, whichever provisions are more restrictive or impose higher standards will control.

16.10.060 Classification of division of land

A. Whenever any division of land is proposed, before any contract is made for the sale of any part thereof, and before any permit for the erection of a structure in such proposed division is granted, the owner, or his authorized agent, must apply for and secure approval of the proposed division of land in accordance with the procedure required in this title. For the purposes of this title, land proposed to be divided may be classed as follows:

1. Subdivision map, 5 or more parcels;
2. Commercial subdivision map, 5 or more parcels;
3. Parcel map, 4 parcels or fewer parcels;
4. Division of land into large parcels, parcels of 40 acres or more.

16.10.070 Incorporation of standards by reference

The standards to be applied for approving divisions of land relating to adequate public facilities, improvement and design standards, environmental performance standards and other substantive criteria established elsewhere in the land development code are incorporated by reference.

16.10.080 Review by other agencies

Tentative map applications will be submitted to other agencies for review, comment, and approval, as prescribed by NRS, or as otherwise provided by law.

16.10.090 Subdivision name distinction

The name of any proposed subdivision shall not duplicate, or closely approximate the name of any other subdivision in the area covered by these regulations. The county will be responsible for assigning a unique map reference number to each tentative map filed.

16.10.100 Effect of recordation

The title of any property dedicated to the county by the owner must pass to the county when the

approved map is recorded. If, at the time of final map approval, any properties or improvements are rejected, offers of dedication must remain open and the board may, by resolution, at any later date and without further action by the land divider, rescind its action and accept improvements for public use, which must be recorded in the official county records.

16.10.110 Prohibited activities

A. An owner, or agent of the owner, of any parcel of land located in a proposed subdivision of land may not transfer or sell a parcel before a map of the division has been approved by the county, and recorded by the county recorder.

B. The division of any lot or any parcel of land, by the use of metes and bounds description for the purpose of sale, transfer, or lease with the intent of evading these regulations is prohibited.

C. No building permit may be issued for the construction of any building or structure located on a lot or parcel divided or sold in violation of the provisions of these regulations, except as otherwise provided in this title.

Chapter 16.20

Subdivision Application Procedure and Approval Process

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16.20.010 General requirements

A. General procedures. All subdivision applications must be processed in 2 stages:

1. Application for tentative map approval; and
2. Application for final map approval.

The board is the final decision maker for purposes of tentative and final subdivision maps. The planning commission will take action and provide a recommendation to the board on all tentative subdivision maps.

B. Pre-application conference. Before preparing the tentative subdivision map, the subdivider may file a preliminary review application with the department to discuss the procedure for approval of a tentative subdivision map and the requirements as to the general layout of streets and for reservations of land, street improvements, drainage, sewerage, fire protection, and similar matters, as well as the availability of existing services, including schools.

C. Applicability. All owners of land or their authorized representatives who propose to divide

any land or portion thereof, vacant or unimproved, for transfer or development into 5 or more lots, parcels, sites, units or plots, or to create a commercial subdivision, pursuant to NRS 278.325, must file an application for approval of a tentative subdivision map. Unless a method of disposition is adopted for the purpose of evading this chapter or would have the effect of evading this chapter, the provisions of this part do not apply to:

1. A division of land into large parcels which creates lots, parcels, sites, units or plots of land, each of which comprises 40 nominal acres or more of land including roads and roadway easements, and is subject to chapter 16.40 Division into Large Parcels;

2. Any division of land which is ordered by any court in this state or created by operation of law;

3. A lien, mortgage, deed or trust, or any other security instrument, provided that creation or foreclosure of such an instrument on a portion of a larger parcel will not result in the division of the larger parcel;

4. A security or unit of interest in any investment trust regulated under the laws of the state or any other interest in an investment entity;

5. Cemetery lots; or

6. An interest in oil, gas, minerals or building materials, which are now or later severed from the surface ownership of the real property.

D. The filing of a tentative map for 5 or more new condominium or townhouse dwelling units, or for the conversion of multi-family dwellings (apartments) to 5 or more condominium or townhouse dwelling units shall follow the procedures which pertain to the subdivision of land as outlined in this title unless stated otherwise.

16.20.020 Tentative subdivision map procedures

A. Application. The landowner or his/her authorized representative must submit a complete tentative map application with the department of planning in accordance with the established and published submittal schedule. The application must contain the following items:

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 subdivision 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. A statement as to whether the subdivision is to be developed in phases.

5. Written evidence indicating that all applicable fees and application materials have been submitted to the Nevada Division of Environmental Protection, Water Quality Division.

6. Copies of all applicable "will serve" letters.

7. Copies of all applicable special studies and reports.

B. Tentative map feasibility report. The first formal step in land development by subdivision is the preparation of a tentative subdivision map. At the time of the filing of the application for the tentative subdivision map, the developer must file a feasibility report with the department of planning. The tentative subdivision map will not be accepted for filing by the director of planning unless the feasibility report is included with the application. The feasibility report must include the following information:

1. Information as to how domestic water service will be provided including status and

availability of water which may serve the proposed development that meets applicable health standards and is sufficient in quantity for the reasonably foreseeable needs required for the land development and proposed land use, and a written statement of ability and willingness of any applicable municipal agency to provide water service to the proposed development.

2. Electrical availability. Name of electrical utility that will serve the area and a written statement of ability and willingness of such company to provide electrical power to the proposed development.

3. Telephone availability. Name of the telephone company that will serve the area and a written statement of the ability and willingness of such company to provide telephone service to the proposed development;

4. Natural gas availability. Name of utility company that will serve the area and a written statement of ability and willingness of such company to provide natural gas service to the proposed development.

5. Sewage disposal. Information as to how sewage disposal will be provided and a written statement of the ability and willingness of any applicable municipal agency to provide sewage disposal to the proposed development.

6. Fire protection and emergency medical services. Distance of the proposed project from the nearest fire district station providing necessary fire suppression and emergency medical services to the proposed development. Identify the availability and accessibility of fire protection including, but not limited to, the availability and accessibility of water and service for the prevention and containment of fires, including wildland fires.,

7. Road construction. Existing legal access from the proposed development to county or state maintained roads.

8. Schools. Proximity to existing schools and school bus service, if such service is operated within the vicinity of the proposed development.

9. Parks and recreation. Parks and recreation facilities in the general area of the proposed development; distance and access to such facilities.

10. Road construction and maintenance. Proposed maintenance plan for both access roads and roads within the subdivision; general timetable for construction of such roads; plan for maintenance until public maintenance is secured if dedication to the county occurs; type of anticipated public maintenance – state or general improvement district, etc.

11. Restrictive covenants. Proposed restrictive covenants applicable of the subdivision or development.

12. Traffic impacts. Identify all roads, streets, and highways that will be affected by the development. Identify the effect of the proposed subdivision on existing public roads and streets and the need for new roads, streets, or highways, or improvements thereof, to serve the development. Provide a traffic study prepared by a Nevada licensed traffic engineer if the subdivision will meet or exceed 80 peak hour vehicle trips or 500 average daily vehicle trips.

13. Stormwater impacts. Identify existing natural and constructed stormwater structures, proposed stormwater management concepts, and general impacts from an on surrounding property.

14. Other information necessary for review of the tentative subdivision map required by administrative regulations or this code.

C. Contents of tentative subdivision map. The tentative subdivision map must show, at minimum, the following information:

1. List of the names, addresses and telephone numbers of the owners of record, the subdivider, and the engineer or surveyor preparing the map.
2. A north point, scale, date, boundary line and dimensions of the project. The direction of the north arrow should be shown pointing towards the top or right hand side of the map.
3. Show the entire assessor's parcel, identify any remainder portion, and any contiguous properties under common ownership (whole or partial ownership).
4. Legal description of the land included within the tentative subdivision map sufficient to define the boundaries of the map. Note: A portion of a section is not sufficient. If the boundary is by metes and bounds, that description must be on the tentative map.
5. The parcel layout, the approximate dimensions of each lot, where pads are proposed for building sites, the approximate pad elevation, the elevations of all adjacent parcels, the top and toe of cut and fill slopes to scale, preliminary design and approximate finish of all grading, and a number for each parcel on consecutive numbers. Any portion of property in common contiguous ownership not included in the map must be labeled as a remainder parcel.
6. In tabular form, indicate the approximate acreage, the number of lots, proposed density, existing and proposed zoning and master plan designations, proposed use of lots, number of lineal feet of new streets, and acreage of any remainder parcels.
7. Zoning and master plan designations and land uses of adjoining properties, including across any rights-of-way. Indicate distance from property line to any off-site structures that are within 25 feet of property line.
8. Note and dimensions of all existing structures, indicating the use of each structure and whether structure is to remain or to be removed. In addition, show all parking facilities and driveways.
9. The street, approximate gradient or centerline profile for each proposed highway, street easement and drainage improvement shown of the tentative subdivision map.
10. Note the width and approximate locations of all existing and proposed easements or rights-of-ways, including any proposed to be abandoned as part of the subdivision map whether for public or private roads, drainage, sewers, or flood control purposes, shown by dashed lines. Overhead utility lines on peripheral streets must also be indicated. Existing easements must show the name of the easement holder, purpose of easement, and legal reference (official records) for the easement. If an easement is blanket or intermittent in nature, a note to this effect must be placed on the tentative map.
11. Note of the approximate radius of all centerline curves on highways, streets or ways.
12. The locations of all areas subject to inundation or flood hazard and the locations, width, and directions of flow of all watercourses and flood control areas within and adjacent to the property involved. Include community panel number, date of the Flood Insurance Rate Map (FIRM) index map, and the method for handling storm water.
13. Locate, by distance from existing and proposed property lines and other above ground structures, the placement on the property of all existing structures and other manmade features including buildings, utility poles, fences, driveways, signs, existing wells, sewers, septic systems (including leach lines), culverts, bridges, drain pipes, fire hydrants and sand, gravel or other excavations within the subdivision. Indicate which existing structures will remain and which will be removed.
14. The tentative subdivision map must show contour of land at intervals of not more than 2 feet if the general slope of the land is less than the 10 percent and 5 feet for all other areas. This

shall include an area of not less than 100 feet surrounding the tentative subdivision map. Indicate contour interval and the source and date the contours were compiled;

15. Vicinity map of the area showing the proposed subdivision map in relation to any established roads or other landmarks so that the site can be easily located. Indicate the proposed access route to the site from the nearest public maintained road.

16. On a subdivision map consisting of a condominium project or a planned development, the tentative subdivision map must show, by dashed lines, the approximate location from all existing and proposed property lines and other structures to be erected.

17. 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 subdivision. The subdivision map must also provide dimensioned typical channel cross sections with centerline, average slope through the property, arrows indicating direction of irrigation flow, and design flow capacity of conveyance structures.

18. Storm and surface water drainage systems including:

- i. Dedication of rights-of-way, easements, design criteria. In the event that a proposed subdivision or any part thereof is traversed by a major watercourse channel, stream or creek, gulch or other natural drainage channel, the subdivider must dedicate adequate rights-of-way or easements for storm drainage purposes. Easements for drainage to natural drainage channels are required. If a comprehensive drainage plan is not available for a particular area, the design criteria for storm water runoff should follow that established as standard practice and approved by the county engineer.
- ii. Historic use of water. No development may interfere with the historic custom and use of waters adjacent to and upstream and downstream from the development. Any changes in conveyance facilities or the course of conveyance facilities, including the abandonment of part or all of a conveyance facility, must be done in a reasonable manner with due regard to the rights of the owners of the easement or right-of-way.
- iii. Rights-of-way for conveyance. Developments must designate irrigation and drainage rights-of-way or easements needed to facilitate the approved irrigation and drainage plan for the development. Rights-of-way must be appropriate for the operation and maintenance of the facilities. In no case may the rights-of-way be less than 20 feet in width. For rights-of-way dedicated to the county, open irrigation or storm drainage ditches rights-of-way width must equal at a minimum the top width of the ditch plus 32 feet with the width centered on the centerline of the ditch. For underground conveyance, a minimum right-of-way width must be no less than 20 feet.
- iv. Flood control. No subdivision application may be considered for a final approval until the subdivider submits a report from an appropriately registered engineer concerning the ability of existing watercourse channels, drainage tiles, storm sewers, culverts, other works and structure design pertaining to drainage or flood control within the subdivision to handle anticipated flows with no significant impacts without appropriate mitigation.

19. Concurrently with the filing of a tentative subdivision map for new condominium or townhouse dwelling units, or for the conversion of multi-family (apartment) dwelling units, the following information must also be incorporated into the application:

- a. 2 sets of the following graphic information in the form legible, scaled drawings:
 - i. Site plans clearly showing setbacks, yards, and grades;

- ii. Floor plans;
- iii. Parking layout indicating stall and aisle sizes as well as indicating whether enclosed or covered;
- iv. Landscaping, exterior design, and other elements set forth in the design manual.

b. A general identification and statistical information report which contains:

- i. Street address;
- ii. Number of stories in each building;
- iii. Density in dwelling units per acre;
- iv. Overall height;
- v. Total number of parking spaces;
- vi. Total number of units;
- vii. Area of site (percentage and square feet/acres) to be covered by buildings;
- viii. Floor area per dwelling unit;
- ix. Type of construction;
- x. Total amount of storage space per unit;
- xi. Location of trash enclosures;
- xii. Location of amenities including, but not limited to, clubhouse, laundry facilities, indoor and outdoor recreation facilities, parks and playgrounds, swimming pool, etc.

D. Processing by director. The director or his or her designee will distribute copies of the tentative subdivision map and accompanying materials to all agencies charged with review by statute including:

1. County engineer or contracted consultant for technical review;
2. Nevada division of consumer health;
3. Appropriate local water and/or sewer district;
4. State division of water resources;
5. Superintendent of Storey County school district;
6. County fire district chief;
7. County public works department;
8. County community development department;
9. Applicable irrigation districts within 1 mile of the proposed development;
10. Nevada division of environmental protection;
11. Nevada public utilities commission;
12. Nevada department of transportation.

The director will determine within 3 working days whether the application for a tentative subdivision map is complete, and notify the applicant, in writing, of his or her finding. If complete, and the applicable fees are tendered and collected, the director will file his or her report with the planning commission and board and schedule the application for public hearing.

E. Hearing notice and procedure. Notice of the hearings before the planning commission and the board must be provided in accordance with chapter 17.03 Administrative Provisions. In addition to the notice otherwise required, notice must be given to any conveyance ditch users adjacent to or downstream of the proposed map. The ditch users to be notified will be determined from the list of water right owners compiled by the Federal Water Master's Office, or for those conveyance facilities not covered by decree from the list of water right owners maintained by the state engineer. All hearings must be held in accordance with the procedures established in chapter 17.03 Administrative Provisions.

F. Planning commission recommendation. Within 60 days after the official filing date, the planning commission must hear the application and recommend to the board approval, conditional approval or disapproval of the tentative subdivision map in accordance with the procedures established in chapter 17.03 Administrative Provisions, unless the time period is extended by mutual consent of the applicant and the planning commission. The planning commission must set forth findings and reasons for its decision in accordance with the criteria identified in chapter 17.03 Administrative Provisions.

G. Decision by board. Within 30 days after receipt of the planning commission's recommendation, unless the time is extended by mutual consent of the applicant and the board, the board must conduct a public hearing, and approve, conditionally approve or disapprove the tentative subdivision map. The review and decision of the board must conform to the provisions of chapter 17.03 Administrative Provisions and include findings and reasons for its decision in accordance with the criteria identified in chapter 17.03 Administrative Provisions.

16.20.030 Tentative subdivision map findings

A. The planning commission in making its recommendation and the board in rendering a decision on the tentative subdivision map must base its decision on the requirements of NRS and make affirmative findings on the following factors, taking into account the recommendations of reviewing agencies:

1. The property to be subdivided is zoned for the intended uses and the density and design of the subdivision conforms to the requirements of the zoning regulations contained in the county code.

2. If planned unit development is proposed, the tentative subdivision map conforms to the density requirements, lot dimension standards and other regulations applicable to planned unit developments.

3. The tentative subdivision map conforms to public facilities and improvement standards contained in the county code and in the county master plan.

4. The tentative subdivision map is deemed to be acceptable by the Storey County school district regarding new school facilities and potential impacts to existing school facilities.

5. The tentative subdivision map conforms to the improvement and design standards contained in the county code and adopted design criteria and improvement standards.

6. If applicable, that a phasing plan has been submitted and is deemed acceptable.

7. The approval contains terms that plan for the possibility of abandonment or termination of the project.

8. There are no delinquent taxes or assessments on the land to be subdivided, as certified by the county treasurer.

9. The project is not located within an identified archeological or cultural study area, as recognized by the county. If the project is located in a study area, an archeological resource reconnaissance has been performed on the site by a qualified archeologist and any identified resources have been avoided or mitigated to the extent possible per the findings in the report.

10. The applicant of the tentative subdivision map has shown in accordance with chapter 16.50 of this title that there is sufficient availability of uncommitted and unappropriated water which reasonably meets the foreseeable needs of the development and that the use of water for the development will cause no adverse impacts to existing surrounding residents, properties, and uses. The applicant is not required to procure the necessary water until before filing for the final subdivision map.

11. The tentative subdivision map conforms to the county design standards manual.

12. The tentative subdivision map will cause no substantial adverse impact to access to public lands, access to public lands provided before the subdivision map will be mitigated, or reasonable alternative access to the adjacent public lands exists in the immediate vicinity.

13. The tentative map for new condominium or townhouse dwelling units, or for the conversion of multi-family (apartment) dwelling units, contains the information required in section 16.20.020 of this title.

16.20.040 Conditions and phasing of maps

In addition to all other conditions that may be recommended by the planning commission and required by the board pursuant to chapter 17.03 Administrative Provision in reviewing a tentative subdivision map, the following actions may be taken:

A. Except as otherwise provided, as a condition of tentative subdivision map approval, the planning commission may recommend and the board may require that the subdivider install and dedicate to the county all public improvements, whether on-site or off-site, prior to the signing of the final subdivision map by the chairman of the board. In lieu of such requirement, the board may require that the subdivider provide adequate assurances for completion and maintenance of improvements.

B. The planning commission may recommend and the board may require as a condition of tentative subdivision map approval that the subdivider divide the subdivision into 2 or more phases, provided as follows:

1. Each phase must be designed to meet the public facilities and improvement standards independently and as part of the overall design.

2. The final map must be approved and recorded for the initial phase within 4 years of tentative subdivision map approval, and the final map for each subsequent phase must be approved and recorded within 2 years following recording of the final map for the previous phase. The board may grant a single extension of 2 years for final map approval for each phase.

3. All phases must be completed, and all final maps approved and recorded, within ten years of the date of initial subdivision map approval by the board.

4. Amendment of the approval to permit development beyond the initial ten year period will require submission and approval of a new tentative subdivision map application, and the approval may be conditioned on compliance with statutes, codes, design standards, fees and capital improvements plans current at the time of application for the amendment.

5. The board and the applicant may enter and adopt a development agreement, pursuant to NRS 278.0201 to implement the provisions of this chapter.

6. Procurement of sufficient water which reasonable meets the foreseeable needs of the subdivision and which will cause no adverse impacts to existing surrounding residents, properties, and uses must be submitted to the director for review and validation before filing of the final map.

C. Where a commercial subdivision is proposed and the subdivider desires to record a single final map without the completion or securing of improvements, the board may approve the map and allow recording of the final map subject to the following:

1. A conceptual development phase plan is submitted concurrently with the tentative map indicating the proposed development phasing, including a general description of improvements, on-site and off-site to be constructed with each development phase.

2. Improvement plans are to be submitted and approved for the entire project site. The improvement plans are subject to modification, based on changes to title 16 and title 17 or the county design criteria and improvement standards as they relate to public health and safety.

3. A security agreement must be prepared and approved subsequent to the filing of the final map, consistent with title 16. In addition to the standard provisions, the plan must provide a detailed description of on-site and off-site improvements to be provided prior to the issuance of a building permit within a given development phase.

4. A building permit will not be issued on the site until any and all required improvements are constructed or secured, and provided that those improvements required for fire protection and emergency access are in place.

5. Procurement of sufficient water which reasonable meets the foreseeable needs of the subdivision and which will cause no adverse impacts to existing surrounding residents, properties, and uses must be submitted to the director for review and validation before filing of the final map, and other requirements set forth in chapter 16.50 of this title.

16.20.050 Duration, extension, and amendment of tentative subdivision map

A. The subdivider must present to the director a final subdivision map, prepared in accordance with the tentative subdivision map. The map must cover the entire area for which the tentative subdivision map was approved, or one of a series of final subdivision maps, each covering one or more phases of the approved tentative subdivision map. Unless a longer time is provided in a development agreement or an agreement pursuant to NRS 278.350, the final map covering the entire subdivision or the first of a series of final maps covering a portion of the approved tentative map shall be recorded within 4 years after the date of approval of tentative subdivision map by the board, or if the subdivider elects to present a successive map in a series of final maps, the subdivider shall present, on or before the second anniversary of the date on which the subdivider presented to community development the first in the series of final maps, the next final map covering a portion or the entire area of the approved tentative map.

B. The board may extend the period for presentation of final successive subdivision map covering a portion of the approved tentative map for not more than 2 years after the expiration of the 2-year period for presenting the successive final subdivision map. If the subdivider is presenting in a timely manner a series of final maps, each covering a portion of the approved tentative map, no requirements other than those imposed on each of the final maps in the series may be placed on the map when an extension of time is granted unless the requirement is directly attributable to a change in applicable laws which affect the public health, safety or welfare. Extension applications must be accompanied by the applicable fee and written statement of justification and must be filed 45 days prior to the expiration of the final map.

C. At any time after tentative subdivision map approval, and before the time required for presentation of a final subdivision map, the subdivider may request amendment to the approval or conditional approval of the tentative subdivision map. The director may approve minor tentative subdivision map amendments in accordance with section 17.03 Administrative Provisions, subject to appeal to the board, in accordance with chapter 17.03 Administrative Provisions. Major amendments must be determined in accordance with the procedures for original approval of the tentative subdivision map under this chapter. Additional conditions may be attached to approval of the tentative subdivision map amendment, which are reasonably related to the proposed amendment. A subdivider who is unwilling to accept conditions attached to the proposed amendment may withdraw the amendment. Action on the application for

amendment of the tentative subdivision map must not stay the period for presenting the final subdivision map, unless a request for extension pursuant to paragraph B is approved.

16.20.060 Procedures for final subdivision map

A. Application requirements. Following approval of the tentative subdivision map, a subdivider who wishes to proceed with the subdivision must file with the director an application for final approval and recordation of the final subdivision map, prepared on standardized forms available at the office of the department. The application must contain the following information:

1. The original signed linen or Mylar and at least 5 black line copies of the final subdivision map in the form required by paragraphs B and C, containing all required certificates and acknowledgments required by paragraph D.
2. A certificate from the county treasurer stating that taxes and assessments are paid in full.
3. Improvement plans approved by the county engineer, and other agencies required to approve the construction plan along with either a signed executed improvement agreement or a certificate of satisfactory completion issued by the county engineer.
4. Written documentation that all conditions of the tentative map have been met.
5. Other items listed on the application form.

B. Form of final subdivision map. The entire final subdivision map must be clearly and legibly drawn or stamped in black waterproof India ink upon good tracing linen or Mylar. Each sheet must be 24 inches by 32 inches in size; a marginal line must be drawn completely around each sheet leaving an entirely black margin of one inch at the bottom, top and right edge and 2 inches at the left edge on the 24-inch dimension. A colored border must indicate the exterior boundary of land included within the subdivision.

C. Final subdivision map contents. Every final subdivision map must show all data required for the tentative subdivision map except contour lines, position of buildings, relationship to streets and highways beyond areas shown on the map and the proposed use of building sites and must contain in addition the following data:

1. The map must show all details clearly with the necessary information for intelligent interpretation of the items and location of points, lines and areas shown. All streets, drives, walks, alleys, parks, easements, etc., must be designated as such and be definitely established with bearings and distances. The subdivision must show bearings and lengths of all lines and the radius, central angle, length of curve and tangent length for all curved lines. The calculated closure must be mathematically exact to the nearest one-hundredth foot and to one-second of angle. The scale and basis of bearing must be shown. Ties must be made to the USGS Control Points or Nevada State Coordinate System Points by the State Highway Department or other engineers, whenever these controls are available. The map scale should not be smaller than 100 feet to one inch.
2. The location and description of monuments or other evidence bound upon the ground and using the terrain the boundaries of subdivisions. The exterior boundaries of subdivisions must be indicated by a colored border and any land included within the boundary, which is not a part of the subdivision or any adjoining subdivision, must be sufficiently identified in order to locate precise limits of the proposed subdivision.
3. The title of the final subdivision map must be the same of the subdivision map as it appears on the approved tentative subdivision map, with all conditions satisfied, and must be shown together with the scale used on each sheet of the final subdivision map and the number of

the sheets totaled.

4. If any portion of the land within the boundaries of the final subdivision map is subject to inundation, storm flow conditions, geologic hazard or other hazard, the land so affected must be clearly marked by prominent note on each sheet.

5. A reference to any private covenants, conditions and records to be recorded with the map.

6. A signed statement indicating a petition of annexation into any special taxing district, if the subject property is so located.

7. A certificate by the division of water resources of the state department of conservation and natural resources showing that the final subdivision map is approved concerning water quality and quantity, dedication of necessary water to serve the project, and any other matters in its jurisdiction.

8. Other items listed on the application or required by conditions of approval.

D. Final subdivision map certificates. The following certificates and acknowledgments must appear on the final subdivision map and may be combined when appropriate:

1. A certificate signed and acknowledged by all parties having any record title interest in the land subdivided, consenting to the preparation and recordation of the map.

2. A certificate signed and acknowledged as above, offering for dedication for certain specified public uses those certain parcels of land which the parties desire so dedicated.

3. A certificate of title indicating:

a. That each person signing the final subdivision map owns a record of interest in the land and that all the owners of record of the land have signed the final subdivision map.

b. Listing of any lien or mortgage holders of record, if any. If there are no lien or mortgage holders of record, the fact that there are none must be stated in the certificate.

c. The certificate of title must be signed and dated by an officer of the title company responsible for the statements contained within the title certificate;

4. A certificate by the surveyor responsible for the survey and final subdivision map as prescribed by state law;

5. A certificate by the county engineer stating that s/he has examined the final subdivision map, that he is satisfied that the map is technically correct, and that subdivider has complied with one of the following alternatives:

a. All the improvements have been installed in accordance with the requirements of these regulations; or

b. Adequate assurances have been provided that improvements will be completed and maintained in accordance with this title.

6. A certificate by the state health division of the department of human resources indicating that the final subdivision map is approved concerning sewage disposal, water pollution, water quality and water supply facilities.

7. A certificate by the division of water resources of the state department of conservation and natural resources showing that the final subdivision map is approved concerning water quality and quantity, dedication of necessary water to serve the project, and any other matters in its jurisdiction.

8. A certificate of the district that the map conforms to the approved tentative subdivision map and all conditions imposed upon the approval have been satisfied.

9. A certificate for execution by the county clerk stating that the county has approved the

map and accepted (or deferred) on behalf of the public the parcels of land offered for dedication for public use in conformity with the terms of the offer of dedication.

10. A certificate by the appropriate public utilities accepting the designated easements.

11. Proper certificates of a notary public as required.

12. A certificate for execution by the county recorder concerning the appropriate recording data required by NRS 278.460.

13. A certificate of the fire district chief concerning necessary fire suppression and emergency medical services will be available to the development.

14. A certificate of the director of planning and community development concerning conformance with zoning, land division, and other applicable ordinances, and the county master plan.

15. A certificate granting rights-of-way for water conveyance and maintenance. The grant of the right-of-way will run to the benefit of all persons entitled to the use of the conveyance ditch under the Alpine Decree, Orr Ditch Decree, or other court decree and their successors in interest, or to the Truckee River Operating Agreement (TROA) or successor agreements, or to any ditch company or similar entity having an interest in or responsibility for the water conveyance ditch and associated structures.

16. Other certificates as may be required.

E. Filing of final map review.

1. Not less than 60 days prior to the consideration of any final map, the developer must submit the original proposed final map and 10 prints of the same to the department of planning. The director of planning will distribute the copies of the proposed map to:

i. County engineer or contract consultant for the project;

ii. County public works department;

iii. County fire protection district;

iv. County assessor;

v. Storey County school district superintendent.

2. The county engineer must check said map as to accuracy and dimensions, placing of monuments, establishment of survey records and conformance of the map to the tentative map as approved. Data concerning closure calculation, construction plans, estimates of quantities and the like must also be required by the county engineer.

E. Board's decision.

1. Unless a longer time is provided in an agreement and entered into pursuant to this title and NRS 278.0201 or 278.350, the subdivider must present to the board within 4 years after approval of a tentative map a final map, prepared in accordance with the tentative map, for the entire area for which a tentative map has been approved; or the first of a series of maps covering a portion of the approved tentative map: (a) a final map, prepared in accordance with the tentative map, for the entire area for which the tentative map has been approved; or (b) the next final map in a series of final maps covering a portion of the approved tentative map. If the subdivider fails to comply with the provisions of this subsection, all proceedings concerning the subdivision are terminated.

2. The board may approve the map only if it finds that:

a. The map conforms in every respect to the approved tentative subdivision map, as amended.

b. All conditions established upon approval of the tentative subdivision map, as

amended, have been satisfied.

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

d.. The final subdivision map conforms to the tentative map approval in accordance with the design standards manual.

e. All required improvements have been installed as certified by the county engineer, or sufficient assurances for completion and maintenance of improvements have been made pursuant to the county code.

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

3. The board must, at the time of approval of the final subdivision map, reject any or all offers of dedication. Acceptance maybe made in accordance with adopted board policy.

16.20.070 Effect of approval

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

16.20.080 Signing and recordation of final subdivision map

A. Signing of map.

1. When an improvement agreement and security are required, the county engineer must endorse approval of the map only after security has been provided and all conditions of the map have been satisfied.

2. When installation of improvements is required, the county engineer must endorse approval on the map only after all conditions of the map have been satisfied and upon issuance of a notice of completion.

3. The county engineer may sign the map only after determination in cooperation with any utility providing water service to the subdivision or accepting improvements for maintenance that the map is in compliance with the county code relating to the dedication of facilities, water rights and rights-of-way.

B. Recording of the map. It is the responsibility of the director to file the original map with the county clerk for signing and submission to the county recorder within 15 working days of the date of approval of the final subdivision map by the board. Simultaneously with the filing of the map the department must cause to be recorded any other legal documents as may be required to be recorded by the county.

16.20.090 Reversion of final subdivision map

A final subdivision map which has been recorded may be revoked pursuant to chapter 17.03, and the subdivision reverted to acreage, pursuant to chapter 16.60 Land Readjustment, where applicable, in the event that the subdivider or his successor in interest fails to complete improvements as required by the subdivision improvement agreement, development agreement or as otherwise provided by law. The proceeding may be initiated by either the owner or the county. At the initiation of proceedings to revoke or revert to acreage, the county must record a document with the county clerk and recorder's office giving notice thereof. If final subdivision approval is revoked or the property reverted to acreage, the board order to that effect will be recorded with the county clerk and recorder's offices, the subdivision will no longer be valid and further sale or development of lots or parcels within the revoked subdivision is prohibited without approved division of land pursuant to this development code.

16.20.100 Procedures for planned unit development applications

Whenever an application for planned unit development proposes the division of land into 5 or more parts, the applicant must include with the application a tentative subdivision map, to be processed in accordance with the provisions of chapter 17.03 Administrative Provisions and chapter 17.56 Planned Unit Development and this chapter. Consideration of the tentative subdivision map will be reviewed in conjunction with the application for planned unit development approval, and approval of the tentative subdivision map must be conditioned upon final approval of the planned development.

Chapter 16.30

Parcel Maps

Sections:

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16.30.010 General requirements

A. The board is the final decision-maker, with action by the planning commission, for the purposes of applications for parcel maps.

B. All owners of land or their authorized representatives who propose to divide any land for transfer or development into 4 or fewer lots must file with the department of planning an

application for a parcel map.

C. Unless a method of dividing land is adopted for the purpose or would have the effect of evading this chapter, no parcel map is required when the division of land is for the express purpose of the following:

1. The creation or realignment of a public right-of-way by a public agency;
2. The creation or realignment of an easement;
3. An adjustment of the boundary line or the transfer of land between 2 owners of adjacent property which does not result in the creation of any additional parcels;
4. The purchase, transfer or development of space within an apartment building or an industrial or commercial building;
5. Carrying out any order of any court or dividing land as a result of the operation of law;
6. The following transactions involving land:
 - a. The creation of a lien, mortgage, deed of trust or other security instrument, provided, that foreclosure of an interest in a portion of a parcel will not result in the lawful division of the parcel;
 - b. The creation of a security or a unit of interest in any investment trust regulated pursuant to the laws of the state of Nevada or any other interest in an investment entity;
 - c. The conveyance of an interest in oil, gas, minerals or building materials, which are severed from the surface ownership of the real property;
 - d. The conveyance of an interest in land acquired by the Nevada Department of Transportation pursuant to NRS 408;
 - e. The filing of a certificate of amendment pursuant to NRS 278.473;
7. A division of land into large parcels, pursuant to chapter 16.40 Division into Large Parcels;
8. A lien, mortgage, deed or trust, or any other security instrument provided that the creation of foreclosure of such an instrument on a portion of a larger parcel does not result in the division of the larger parcel.

D. When 2 or more separate lots, parcels, sites, units or plots of land are purchased, they remain separate for the purposes of this chapter and NRS 278.468, 278.590 and 278.630. When the lots, parcels, sites, units or plots are resold or conveyed they are exempt from the provisions of this chapter until further divided.

16.30.020 Application for tentative parcel map

A. Contents of application. Prior to dividing land by parcel map, the landowner or his or her authorized representative, must file an application for approval of a parcel map with the director of planning. The application may be made on forms supplied by the department of planning and must contain the following information:

1. List of the names, addresses and telephone numbers of the owner of record, applicant and the engineer or surveyor preparing the map.
2. List of the names, addresses and telephone numbers of public utility companies which will serve the subject property, including water supply and method of sewage disposal.
3. A north point, scale, date, boundary line and dimensions of the project. The direction of the north arrow should be shown pointing towards the top or right hand side of the map.
4. The entire assessor's parcel, identify any remainder portion, and any contiguous properties under common ownership (whole or partial ownership).

5. Legal description of the land included within the tentative parcel map sufficient to define the boundaries of the map. Note: A portion of a section is not sufficient for the description. If the boundary is by metes and bounds, that description must be on the tentative parcel map.

6. The parcel layout, the approximate dimensions of each parcel (ditto marks not acceptable) where pads are proposed for building sites, the approximate pad elevation, the elevations of all adjacent parcels, the top and toe of cut and fill slopes to scale, preliminary design and approximate finish of all grading, and a number for each parcel in consecutive numbers. Any portion of property in common contiguous ownership not included in the map must be labeled as a remainder parcel;

7. In tabular form, indicate the approximate acreage, the number of parcels, proposed density, existing and proposed zoning and master plan designations, proposed use of parcels, number of lineal feet of new streets, and acreage of any remainder parcel.

8. Zoning and master plan designations and land uses of adjoining property, including across any rights-of-way. Indicate distance from property line to any off-site structures that are within 25 feet of property line.

9. Note and dimension of all existing structures, indicating the use of each structure and whether structures are to remain or to be removed. In addition, show all parking facilities and driveways.

10. The street approximate gradient or centerline profile for each proposed highway, street casement and drainage improvement shown on the tentative parcel map.

11. Note the width and approximate locations of all existing and proposed easements or rights-of-way whether for public or private roads, drainage, sewers, or flood control purposes, shown by dashed lines. Overhead utility lines on peripheral streets must also be indicated. Existing easements must show the name of the easement holder, purpose of easement, and legal reference (official records) for the easement. If an easement is blanket or intermittent in nature, a note to this effect must be placed on the tentative map;

12. Note the approximate radius of all centerline curves on highways, streets or ways.

13. The locations of all areas subject to inundation or flood hazard and the locations, width, and directions of flow of all watercourses and flood control areas within and adjacent to the property involved. Include community panel number, date of most recent revision per Flood Insurance Rate Map (FIRM), and the method for handling storm water.

14. Locate, by distance from existing and proposed property lines and other above ground structures, the placement on the property of all existing structures and other manmade features including buildings, utility poles, fences, driveways, signs, existing wells, sewers, septic systems (including leach lines), culverts, bridges, drain pipes, fire hydrants and sand, gravel or other excavations within the subdivision. Indicate which existing structures will remain and which will be removed.

15. Vicinity map, such as an assessor's office vicinity map, of the area showing the proposed parcel map in relation to any established roads and other landmarks so that the site can be easily located. Indicate the proposed access route to the site from the nearest public right-of-way.

16. The number of copies of the tentative parcel map, with contents as prescribed in the application form.

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

18. Written evidence indicating that all applicable fees and application materials have been submitted to the Nevada division of environmental protection, water quality division.

19. Copies of all applicable “will serve” letters.

20. Copies of all applicable special studies and reports.

21. Any other information necessary for review of the tentative subdivision map that may be required in accordance with administrative regulations or this code.

22. For parcels proposed to be divided and which contain 15 percent or more slope on 50 or more percent of the parcel, the director of planning may require the application to include a contour of land at intervals of not more than 2 feet if the general slope of the land is less than the ten percent, and 5 feet for all other areas. This must include an area of not less than 100 feet surrounding the tentative parcel map. Please indicate contour interval and the source and date the contours were compiled.

~~22.~~23. 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 parcel map. The parcel 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 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.

B. Certification. If a survey is not required for the preparation of a parcel map, the map must be prepared by a registered land surveyor, and contain a certificate which includes substantially the following: “This map was prepared from existing information (identifying it and stating where filed or recorded), and the undersigned assumes no responsibility for the existence of monuments or correctness of other information shown on or copies of any such prior document.”

16.30.030 Procedure for tentative parcel maps

A. Action by board and planning commission. The director of planning or his or her designee must process the application for tentative parcel map approval, and the board with action by the planning commission must have a hearing on the application pursuant to chapter 17.03 Administrative Provisions.

B. Duration of approval.

1. Unless the time is extended in the manner set forth in paragraph C, the applicant must present a final parcel map which conforms to all conditions of approval to the director for processing and recording, except as provided in subsection 2, within one year from the date of the final decision on the tentative parcel map application. If the applicant fails to submit a conforming map within the above time limits, all proceedings concerning the parcel map are terminated. If the final parcel map is submitted within one year and conforms to all conditions of approval, the extension of time for the parcel map may be considered at public hearing by the board with action by the planning commission in accordance with chapter 17.03 Administrative Provisions.

2. Unless the time is extended in the manner set forth in paragraph C, the applicant must present a final parcel map which includes a conservation easement totaling 50 acres or greater and which conforms to all the conditions of approval to the director for processing and recording within 3 years from the date of the final decision on the tentative parcel map application. If the

applicant fails to submit a conforming map within the above time limits, all proceedings concerning the parcel map are terminated. If the final parcel map is submitted within 3 years and conforms to all conditions of board approval, it must be approved by the director and recorded.

a. As used in this subsection, “conservation easement” means an easement that permanently preserves or protects open space, a floodplain or agricultural land from being parceled, subdivided or otherwise developed in a manner incompatible with the preservation or protection of the open space, floodplain or agricultural land.

C. Extension. For good cause shown, the board may extend the period for presentation of a conforming final parcel map for not more than one year after the expiration of the initial one-year period for presenting the map or initial 3 year period for presenting the map with a conservation easement of 50 acres or greater. The extension must be consistent with any applicable policies of the master plan and may include conditions requiring compliance with current provisions of the development code. The filing and noticing of an extension will be as provided for in chapter 17.03 Administrative Provisions.

16.30.040 Waiver requests

A. A person proposing to divide land subject to these parcel map regulations may request in writing a waiver from the requirement of a survey or a waiver of adequate public facility standards for roads. The request will be considered by the planning commission and the board as part of the tentative parcel map application.

B. Before the director may recommend to the planning commission a waiver the survey requirement, s/he must obtain a written finding from the county surveyor or other professional land surveyor that a survey is not required to accomplish the purposes of NRS 278.010 to 278.630, inclusive.

C. Waiver of adequacy standards for roads may be made in the areas of off-site access requirements, street alignment, surfacing and width, only if the applicant demonstrates that:

1. The proposed parcel map, if approved, does not result in the creation of any parcels less than 5 acres in size;
2. The land lies outside the boundaries of urban service areas designated in the adopted master plan;
3. The waiver of one or more adequate facilities standards for roads does not result in road improvements which are inconsistent with any existing use of land zoned for similar use that lies within 660 feet of any proposed parcel.

If the waiver request is denied, the tentative parcel map application must meet all requirements for a land survey and adequate public facilities standards for roads.

16.30.050 Procedure for referral and processing as subdivision

If the tentative parcel map application or applications constitute a scheme for avoiding the rules governing the subdivision of land within the meaning of this title, the application may be deemed incomplete and the director must notify the applicant or applicants that the proposed division of land must be processed and evaluated as a subdivision pursuant to chapter 16.20.

16.30.060 Findings for tentative parcel maps

The board in rendering a decision on the application for tentative parcel map approval and the commission on appeal must base the decision on the requirements of NRS and make affirmative

findings on the following factors, taking into account the recommendations of reviewing agencies:

A. The property to be divided is zoned for the intended uses and the density and design of the division conforms to the requirements of the zoning regulations contained in the county code.

B. The proposed parcel map conforms to public facilities and improvement standards of this county land development code.

C. The proposed parcel map conforms to the design standards manual.

D. The developer and successor owners of each new parcel created understand that the county, county fire protection district, county school district, and special districts in the county are not obligated to furnish any service, specifically mentioning fire protection and roads, to the land so divided, and that any public utility may be similarly free from obligation.

E. There are no delinquent taxes or assessments on the land to be divided, as certified by the county treasurer.

F. The project is not located within an identified archeological or cultural study area, as recognized by the county. If the project is located in a study area, an archeological resource reconnaissance has been performed on the site by a qualified archeologist and any identified resources have been avoided or mitigated to the extent possible per the findings in the report.

G. The proposed parcel map that is adjacent to public lands will not cause substantial adverse impact to access to public lands, access to public lands provided before the parcel map will be mitigated, or reasonable alternative access to the adjacent public lands exists in the immediate vicinity.

H. The proposed parcel map conforms to the county zoning ordinance and master plan.

I. The proposed parcel map accounts for physical characteristics of the land including floodplains, slope, and soils.

J. Applicant for the parcel map will relinquish to the state division of water resources water rights necessary to ensure an adequate water supply for the domestic use of the newly created parcel(s) from within the water basin in which the parcel map is located. Necessary water rights shall be a minimum of 2 acre-feet per year valid underground water rights for each new parcel created.

16.30.070 Amendment of parcel map approval

At any time before the recording of the final parcel map, the owner may apply to the director for a planning commission recommendation to the board to amend the tentative parcel map approval in accordance with section 17.03 Administrative Provisions. Minor amendments may be approved by the board in the context of final parcel map approval. For any proposed major amendment to the map or terms of approval, the director may require resubmission of a tentative parcel map application.

16.30.080 Procedures for final parcel map

A. Application requirements. Following approval of the tentative parcel map, an owner who wishes to proceed with the parcel map shall file with the director of planning an application for final approval and recordation of the final parcel map, prepared on standardized forms available at the office of the department. The application must contain the following information:

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

acknowledgments required by paragraph D.

2. A certificate from the county treasurer stating that taxes and assessments are paid in full.
3. Improvement plans approved by the county engineer, and other agencies required to approve the construction plan along with an approved and executed improvement agreement and required security or a certificate of satisfactory completion issued by the county engineer.
4. Written documentation that all conditions of the tentative map have been met.
5. Other items listed on the application form.

B. Form of final parcel map. The parcel map must be drawn in black waterproof India Ink on tracing cloth or Mylar, or produced by the use of other materials of a permanent nature generally used for such purposes in the engineering profession, the size and border of which must conform to the requirements of this title, and must, in addition, include the following:

1. If a survey is required:
 - a. All monuments found, set, reset, replaced or removed, describing their kind, size and location and giving other data relating thereto.
 - b. Bearing or witness monuments, bases of bearings, bearings and length of lines and scale of map.
 - c. Name and legal designation of tract or grant in which the survey is located and ties to adjoining tracts.
 - d. Memorandum of oaths.
 - e. Signature of surveyor.
 - f. Date of survey.
 - g. Signature of the owner or owners of the land to be divided, witnessed by a notary.
 - h. Any easement granted or dedications made.
 - i. The exterior boundary of the land to be divided shall be indicated by a graphic border.
 - j. Any other data necessary for the intelligent interpretation of the various items and locations of the points, lines and areas shown.

2. If a survey is not required:
 - a. The tract to be divided and the resulting lot, by appropriate reference to the existing information on which it is based.
 - b. The means of access to the severed lot.
 - c. The signature of the owner or owners of the land to be divided, witnessed by a notary.
 - d. Any easements granted or dedications made.
 - e. Any other data necessary for intelligent interpretation of the division and access.

C. Signing of map. The director must assure that the following signatures and certificates appear on or accompany the approved final parcel map prior to recordation:

1. When financial security is required, the county engineer must endorse approval of the map after the security has been provided and all the conditions of the map have been satisfied.
2. When installation of improvements is required, the county engineer must endorse approval of the map after all conditions of the map have been satisfied and all improvements satisfactorily completed. The county engineer must have written evidence that the required public facilities have been installed in a manner satisfactory to the county as shown by a certificate signed by the county engineer.

3. The county engineer must sign the map only after determining in cooperation with any utility providing water service to the parcel that the map is in accordance with title 15 water rights dedication.

4. The following certificates and acknowledgments must accompany the final parcel map:
 - a. A certificate signed and acknowledged by all parties having any record or title of interest in the land subdivided, consenting the preparation and recordation of the map.
 - b. A certificate signed and acknowledged as above, offering for dedication for certain specified public uses those certain parcels of land which the parties desire so to dedicate.
 - c. A certificate of title indicating:
 - i. That each person signing the final parcel map owns a record of interest in the land and that all the owners of record of land have signed the final parcel map.
 - ii. Listing of any lien or mortgage holders of record, if any. If there are no lien or mortgage holders of record, the fact that there are none must be stated in the certificate;
 - iii. The certificate of title required by this title must be signed and dated by an officer of the title company responsible for these statements contained within the title certificate;
 - d. A certificate by the surveyor responsible for the survey and parcel as may be prescribed by Nevada state law.
 - e. A certificate by the county engineer stating that he/she has examined the parcel map, that the map is technically correct, and that the applicant has complied with each of the following alternatives:
 - i. All the improvements have been installed in accordance with the requirements of these regulations; or
 - ii. Security in conformance been posted with the board in an amount sufficient to assure completion of all required improvements.
 - f. A certificate by the director stating that he has examined the final parcel map and that he is satisfied that the map is in conformance with all applicable provisions of state and local law.
 - g. A certificate for execution by the county clerk stating that the county has approved the map and accepted (or deferred) on behalf of the public any parcels of land offered for dedication for public use in conformity with the terms of the offer of dedication.
 - h. Certificates from the division of water resources of the state department of conservation and from the health division of the state.
 - i. A certificate by the appropriate public utilities accepting the designated easements.
 - j. Proper certificates of a notary public as required.
 - k. A certificate for execution by the county recorder concerning the appropriate recording data required by law.
 - l. If the property includes, impacts, or is adjacent to a conveyance ditch that all irrigation water conveyance facilities and associated access and maintenance easements or rights-of-way are depicted on the map.

D. It is the responsibility of the director to file the original map with the county clerk for signing and submission to the county recorder within 15 days of the date of presentation of the conformity map to the department. Simultaneously with the filing of the map, the department must record any other legal documents required to be recorded by the county.

16.30.090 Effect of final parcel map approval

No vested right will accrue to the owner or developer of any parcel map by reason of map approval until the actual signing of the conforming final parcel map by all parties required to sign the map. All requirements, conditions, or regulations adopted by the county applicable to

parcel maps are deemed a condition for any parcel map prior to the time of signing of the map by the county engineer. Where the county has required the installation of improvements prior to signing of the final parcel map, and improvements have, in fact, been completed, the developer may be required to comply with the local laws and regulations in effect at the time when the parcel map is presented for signing only if the board determines that such compliance is necessary to prevent a substantial risk of injury to the public health, safety and general welfare.

16.30.100 Reversion of final parcel map

A final parcel map which has been recorded may be revoked pursuant to chapter 17.03, where applicable, and the parcel map reverted to acreage, pursuant to chapter 16.60, in the event that the owner or his successor in interest fails to complete improvements as required by the parcel map and any improvement agreement, development agreement or as otherwise provided by law. Either the owner or the county may initiate the proceeding. At the initiation of proceedings to revoke or revert to acreage, the county must record a document with the county clerk and recorder's office giving notice of the reversion. If final parcel approval is revoked or the property reverted to acreage, the board order to that effect will be recorded with the county clerk and recorder's offices, the parcel map will no longer be valid and further sale or development of lots or parcels within the revoked parcel are prohibited without approved division of land pursuant to this development code.

16.30.110 Signing and recording of final parcel map

A. Signing of the map.

1. When an improvement agreement and security are required, the county engineer shall endorse approval of the map only after security has been provided and all conditions of the map have been satisfied.

2. When installation of improvements is required, the county engineer shall endorse approval on the map only after all conditions of the map have been satisfied and upon issuance of a notice of completion.

3. The county engineer shall sign the map only after determination, in cooperation with any utility providing water service to the subdivision or accepting improvements for maintenance that the map is in compliance with the county code relating to the dedication of facilities, water rights and rights-of-way.

B. Recording of the map. It shall be the responsibility of the department to file the original map with the county clerk for signing and submission to the county recorder within 15 working days of the date of approval of the final subdivision map by the commission. Simultaneously with the filing of the map the department shall cause to be recorded such other legal documents as may be required to be recorded by the county.

Chapter 16.40

Division of Land into Large Parcels

Sections:

16.40.010 General procedures

16.40.020 Applicability

16.40.030 Tentative land division map procedure

16.40.040 Findings for tentative map

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

16.40.060 Final land division map procedure

16.40.070 Effect of approval

16.40.080 Recording

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

Storey County Board of County Commissioners

Attest:

Vanessa Stephens
Clerk & Treasurer, Storey County

This ordinance will become effective on _____, 2018.