

NEVADA STATE JOURNAL

PROOF OF PUBLICATION

STATE OF NEVADA }
COUNTY OF WASHOE } ss.

DOROTHY YOCOM

being first duly sworn, deposes and says: That she is the legal clerk of THE NEVADA STATE JOURNAL, a daily newspaper published at Reno, in Washoe County, in the State of Nevada.

That the notice ^{BILL 350}

.....
of which a copy is hereto attached, was first published in said newspaper in its issue dated the .. 6 .. day of Nov., 19... 73 and
..... Nov. 13


the full period of ... 2 ... days, the last publication thereof being in the issue dated the ... 13 ... day of November 19... 73

Signed *Dorothy Yocom*

Subscribed and sworn to before me this
..... 13 day of November 19... 73

..... *Nancy J. Wells* ..
Notary Public.

NOTICE OF COUNTY ORDINANCE
Notice is hereby given that Bill No. 350 Ordinance No. 215, entitled "An Ordinance providing for the regulation of certain subdivisions of land within the unincorporated area of Washoe County; providing for the procedures to be followed in obtaining review and approval of a parcel map of a proposed minor subdivision; providing penalties for the violation thereof and other matters relating thereto." was adopted on October 25, 1973, by Commissioners Rusk, Paoni, Nelson and Grow all voting aye, with Commissioner Scott being absent. Typewritten copies of the Ordinance are available for inspection by all interested persons at the office of the County Clerk.
H.K. BROWN, COUNTY CLERK
334900-Bill 350 Nov. 6-13

 NANCY J. WELLS
Notary Public — State of Nevada
Washoe County
My Commission Expires Dec. 1, 1976

SUMMARY: Defines a minor subdivision; provides for the procedure to be followed in the filing, approval and recommendation of a tentative and final parcel map of a proposed minor subdivision, and the requirements in connection therewith; and provides penalties for any violation thereof.

BILL NO. 350

ORDINANCE NO. 215

AN ORDINANCE PROVIDING FOR THE REGULATION OF CERTAIN SUBDIVISIONS OF LAND WITHIN THE UNINCORPORATED AREA OF WASHOE COUNTY; PROVIDING FOR THE PROCEDURES TO BE FOLLOWED IN OBTAINING REVIEW AND APPROVAL OF A PARCEL MAP OF A PROPOSED MINOR SUBDIVISION; PROVIDING PENALTIES FOR THE VIOLATION THEREOF AND OTHER MATTERS RELATING THERETO.

THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF WASHOE DO ORDAIN:

SECTION 1. Definitions:

- A. "Minor Subdivision" means a subdivision which contains four or less lots, parcels, sites, units, plots or interests.
- B. "Parcel Map" means a map filed pursuant to this Ordinance and conforming to the provisions set forth herein.
- C. "Subdivider" as used herein means any person or persons, firm, corporation, partnership or association who causes land to be divided into a minor subdivision for himself or for others.
- D. "Subdivision" pursuant to NRS 278.320, means any land, vacant or improved, which is divided or proposed to be divided into two or more lots, parcels, sites, units, plots, separate interests or interests in common, for the purpose of any transfer, development or any proposed transfer or development; unless exempted under subparagraphs (a) or (b).
 - (a) The term "subdivision" does not apply to any division of land which creates lots, parcels, sites, units or plots of land, each of which comprise 40 or more acres of land, including roads and roadway easements.
 - (b) Unless a method of disposition is adopted for the purpose of evading this chapter, the term "subdivision" does not apply to any division of land:
 - (1) Which creates lots, parcels, sites, units, or plots of land such that the land area of each of the lots, parcels, sites, units, or plots, when divided by the number of interests in every such lot, parcel, site, unit or plot results in 36 or more acres, exclusive of roads and roadway easements, per interest;
 - (2) Which is created by order of any court in this state or by operation of law;
 - (3) Which is created by a lien, mortgage, deed of trust or any other security instrument;

- (4) Which is created by a security or unit of interest in any investment trust regulated under the laws of this state or any other interest in an investment entity;
 - (5) Which creates cemetery lots;
 - (6) Which creates an interest or interests in oil, gas, minerals or building materials, which are now or hereafter severed from the surface ownership of real property;
 - (7) Which is created by the acquisition of an interest in land in the name of a husband and wife, or other persons who are related to each other within the first or second degree of consanguinity, or pursuant to adoption in accordance with law, which interest is established or created by a joint tenancy, community property, or as tenants in common. Any such interest shall be deemed, for purposes of this subsection, as only one interest.
 - (8) Which creates parcel of more than 10 acres for agricultural purposes, and which division does not involve any street, road or highway opening or widening or easements of any kind.
- (c) For the purpose of this definition, any interest in land created or established as a joint tenancy or a tenancy in common shall be a single interest and not an interest in common if and only if, the use or development or the proposed use or development of said land would not be a subdivision as defined herein if undertaken or proposed by a single entity, whether corporate or natural person.
- E. "Tentative Parcel Map" means a map which is filed pursuant to this Ordinance, and shall conform to the standards and requirements set forth herein.

SECTION 2. Parcel Map Required for Minor Subdivisions.
Before proceeding with the sale or transfer of any part, lot, parcel, site, unit, plot or interest of a minor subdivision, there shall be recorded a parcel map pursuant to the provisions of this Ordinance in the Office of the County Recorder.

SECTION 3. Parcel Map Review Committee.
There shall be created a Parcel Map Review Committee which shall consist of a member from the staff of the Regional Planning Commission, the County Engineer's Office, the District Health Department and the County Building Department.

SECTION 4. Tentative Parcel Map Requirements.
A tentative parcel map may, at the option of the applicant, be submitted to the Parcel Map Review Committee. Every tentative parcel map shall be prepared by a Registered Land Surveyor and shall contain the following data:

- A. Boundary lines and dimensions of the parcel being divided.
- B. Proposed division lines using dashed lines with dimensions of each parcel being created.

- C. All existing structures together with their dimensions, distance between structures and approximate distance from boundary lines.
- D. The approximate area of the original parcel and of each proposed new parcel.
- E. Names, locations, and widths of all streets, alleys or right-of-ways within the proposed minor subdivision.
- F. Names, locations and widths of all existing streets and right-of-ways adjoining the property showing relationship to the streets in the proposed minor subdivision.
- G. The dimensions and approximate location of all existing or proposed easements, whether public or private, for roads, drainage, sewers, irrigation or public utility purposes.
- H. A general indication of the slope of the land.
- I. North point and approximate scale of drawing.

SECTION 5. Parcel Map Requirements.

- A. The parcel map shall be legibly drawn in black waterproof india ink on tracing cloth or produced by the use of other materials of a permanent nature generally used for such purpose in the engineering profession, the size and border of which shall conform to the requirements for final maps as provided in NRS 278.410.
- B. The map shall show:
 - (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, basis of bearings, bearing 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) Name of person or persons for whom the survey on which the map is based was made.
 - (h) Any other data necessary for the intelligent interpretation of the various items and locations of the points, lines and area shown.
- C. The following certificates shall appear on a parcel map before it can be recorded:
 - (a) A certificate for execution by the clerk of each approving governing body stating that the body approved the map for subdivision purposes.
 - (b) A certificate by the surveyor responsible for the parcel map giving the date of the survey on which the map is based, and stating that the survey was made by him or

under his direction and setting forth the name of the owner who authorized him to make the survey, and that the parcel map is true and complete as shown. This certificate shall also state that the monuments are of the character and occupy the positions indicated or that they will be set in such positions and at such time as is agreed upon under the provisions of Chapter 278 of the Nevada Revised Statutes. This certificate shall also state that the monuments are or will be sufficient to enable the survey to be retraced.

- (c) A certificate signed and acknowledged by all parties having any record title in the land subdivided, evidencing their grant or permanent easements for utility installations and access, as designated on the map.
 - (d) A statement approving such easements, signed by each public utility company or agency in whose favor the easements are created or whose utility services are to be required for the platted parcels.
 - (e) It shall be the responsibility of the Applicant to obtain approval of serving utility companies as to location of any utility easements which are to be shown on the parcel map.
- D. Monuments set shall be sufficient in number and durability and efficiently placed so as not to be readily disturbed to assure, together with monuments already existing, the perpetuation or facile re-establishment of any point or line of the survey on which the parcel map is based.

Any monument set by a Registered Land Surveyor to mark or reference a point on a property or landline shall be permanently and visibly marked or tagged with the certificate number of the surveyor setting it, each number to be preceded by the letters "R.L.S." or "R.E.", respectively, as the case may be, or, if the monument is set by a public officer, it shall be marked with his official title.

SECTION 6. Data to Accompany Map.

The following data shall accompany a parcel map or a tentative parcel map:

- A. Name, address and telephone number of the subdivider and owner(s) of the land.
- B. Name, address and telephone number of person who prepared the map.
- C. Legal description of original parcel. It shall be sufficient to give Recorder's Book and Page of Deed and Assessor's Parcel Number.
- D. Proposed use of each parcel.
- E. Source of water supply and proposed method of sewage disposal for each parcel.
- F. A copy of all survey computations shall accompany the parcel map.
- G. Vicinity Map.

SECTION 7. Applications and Review.

- A. All minor subdivisions will require the filing of an application to the Parcel Map Review Committee at the Office of the Regional Planning Commission on forms supplied by the County. The subdivider shall pay a fee of \$25.00 upon the filing of an application for a minor subdivision. The date of the payment of this fee shall be the application date.
- B. The subdivider shall file five (5) copies of the parcel map or tentative parcel map with his application.
- C. In reviewing applications for minor subdivisions, the items to be considered by the Parcel Map Review Committee shall include, but shall not be limited to the following:
- (a) Road easements and right-of-ways, including such street grading, surfacing, alignment, width and street grade as may be reasonably necessary for lot access, offsite access and neighborhood traffic.
 - (b) Flood and water drainage control.
 - (c) Utilities and/or utility easements.
 - (d) Sewage disposal facilities.
 - (e) Water quality and water supply availability.
 - (f) Lot design.
 - (g) Fire protection.

Approval of any parcel map or tentative parcel map may be subject to such conditions relating to the above items as may be reasonably necessary. In addition, dedications and easements relating to said items may be required as a condition of approval.

- D. The Parcel Map Review Committee shall approve, conditionally approve or disapprove the parcel map or the tentative parcel map within fifteen (15) days of the application date, unless said time limit is extended in writing by the mutual consent of the subdivider and the Parcel Map Review Committee.

Tentative parcel maps shall not be transmitted to the Board of County Commissioners. However, the applicant may appeal any conditions imposed thereon by the Parcel Map Review Committee as provided in Section 9.

The applicant shall be notified in writing of the decision of the Parcel Map Review Committee. If the parcel map or tentative parcel map is conditionally approved, the notice of decision shall contain a statement of any and all conditions imposed thereon. If the parcel map or tentative parcel map is disapproved, a statement of the reasons for such disapproval shall be attached thereto and it shall be returned to the applicant. The applicant may appeal the disapproval of a parcel map or tentative parcel map as provided in Section 9.

If the parcel map is approved or conditionally approved by the Parcel Map Review Committee, it shall be transmitted as a recommendation to the Board of County Commissioners. The Parcel Map Review Committee shall transmit a written list of all conditions

to the Board of County Commissioners with the parcel map. The Board of County Commissioners shall take action on the parcel map within fifteen (15) days, unless said time limit is extended by unanimous vote of the Board. The Board of County Commissioners may disapprove, approve or conditionally approve any parcel map by a majority vote. The Board may impose additional conditions relating to those items set forth in Subsection C on said map.

- E. The Board of County Commissioners may require the satisfactory completion of all conditions imposed on the minor subdivision prior to final approval or in the alternative, may require a faithful performance bond or other satisfactory guarantee of completion and faithful performance of all conditions. The amount of this bond shall be in a sum which, in the opinion of the County Commissioners, equals the cost of performance of the conditions, and if any subdivider fails to perform any condition within the time specified, the Board may cause the bond to be forfeited in the amount necessary to furnish the uncompleted portion of the work.
- F. Providing all statutes, ordinances and regulations of Washoe County and the State of Nevada have been complied with and all conditions have been performed or adequate assurance of performance has been made, the parcel map shall be approved by the Board of County Commissioners. A summary statement of the conditions imposed by the Board of Commissioners shall be placed on the parcel map before filing the map with the County Recorder. The summary statement shall also contain a provision that no building permit will be issued until all conditions of approval have been performed, except such building permits as are necessary to perform said conditions.
- G. Upon approval of the parcel map by the Board of County Commissioners, the Clerk of the Board shall execute a certification on the parcel map that it has been approved by the Board of Commissioners of Washoe County, and the aforementioned document shall be transmitted together with the recording and filing fees from the owner to the County Recorder for recording and filing.

The land division shall be deemed complete when the parcel map and statement of conditions have been filed in the Office of the County Recorder.

- H. Failure of the applicant to record a parcel map in accordance with the provisions of this Ordinance within one (1) year of the application date shall terminate all proceedings and a new application shall be required.

SECTION 8. Exceptions.

- A. **Boundary Line Exception:** A parcel map shall not be required for a transfer of a piece of property which results in an addition to an abutting parcel and is for the purpose of clarifying or establishing a boundary line between existing parcels if the piece of property transferred is not itself reasonably developable and the transfer creates no additional parcels, but merely adjusts a boundary line between abutting parcels.
- B. **40-Acre Remainder Exception:** In any minor subdivision where the remainder parcel has an area of 40 acres or more, then the parcel map may depict such remainder parcel based on recorded data without a field survey. Every parcel within such a minor subdivision which contains less than 40 acres shall comply with all provisions of this Ordinance.

- C. When strict compliance with the requirements of this Ordinance is impossible or impractical, the Board of County Commissioners, upon recommendation of the Parcel Map Review Committee, may modify or waive any provisions hereof which would not violate the spirit and purpose of this Ordinance.

SECTION 9. Appeals.

An applicant may only appeal the following action of the Parcel Map Review Committee to the Board of County Commissioners:

- A. Disapproval of a tentative parcel map or a parcel map.
B. Any condition or conditions imposed on a tentative parcel map.

Appeals shall be taken within ten (10) days of notification of the decision of the Parcel Map Review Committee. A statement of appeal shall be filed in writing with the Clerk of the Board of County Commissioners. The statement of appeal shall set forth the particular actions or conditions appealed and the reasons therefor together with all documents in the matter. The Board of County Commissioners shall consider the matter at their next regular meeting and may decide the matter thereupon or may, in its discretion, continue its consideration of such appeal until its next regular meeting for decision. If the Board of County Commissioners shall fail to render a decision, the appeal shall be deemed to have been decided in favor of the appellant.

SECTION 10. Penalties.

- A. It is unlawful for any person, firm or corporation to offer to sell, to contract to sell, to sell or transfer any minor subdivision or any part thereof until the parcel map thereof, in full compliance with the provisions of this Ordinance and the laws of the State of Nevada, has been duly recorded in the Office of the Washoe County Recorder.
B. Any offer to sell, contract to sell, sale, or transfer contrary to the provisions of this Ordinance is a misdemeanor and shall be punished by a fine of not more than \$500.00.
C. Nothing herein contained shall be deemed to bar the County or any other aggrieved political subdivision, person, firm or corporation from filing any legal, equitable or summary proceeding in District Court to restrain or enjoin any attempted or proposed division or sale in violation of this Ordinance.

SECTION 11. Severability.

If any of the provisions of this Ordinance are held invalid, such invalidity shall not affect other provisions, and each provision is hereby declared to be severable.

SECTION 12.

This Ordinance shall be in full force and effect from and after its passage, approval and publication as prescribed by NRS 244.100.

Proposed on the 15th day of October, 1973.
Proposed by Commissioners Rusk, Scott, Pagni, Nelson, and Grow.
Passed on the 25th day of October, 1973.

Vote:

Ayes: Commissioners: Rusk, Pagni, Nelson and Grow.
Nays: Commissioners: None.
Absent: Commissioners: Scott.

[Handwritten Signature]

Chairman of the Board
Robert F. Rusk

ATTEST: *H. N. BROWN, CLERK*

[Handwritten Signature]
County Clerk

This Ordinance shall be in force and effect from and after the 13th
day of November, 1973.

ORDINANCE 215

Amended by Bill 587, Ordinance 418, Item 79-356