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STATE OF NEVADA  
COUNTY OF WASHOE

Being first duly sworn, deposes and says: That as the legal clerk of the Reno Gazette-Journal, a daily newspaper published in Reno, Washoe County, State of Nevada, that the notice referenced below has published in each regular and entire issue of said newspaper between the dates: **03/28/2008 - 04/04/2008**, for exact publication dates please see last line of Proof of Publication below.

Signed: *[Signature]*

APR 4 2008

Subscribed and sworn to before me  
LINDA ANDERSON  
Notary Public - State of Nevada  
Appointment Recorded in Washoe County  
No: 08-5430-2 - Expires January 15, 2012

*[Signature: Linda Anderson]*

**Proof of Publication**

NOTICE OF ADOPTION WASHOE COUNTY ORDINANCE NO. 1364 NOTICE IS HEREBY GIVEN THAT: Bill No. 1546, Ordinance No.1364 entitled: AN ORDINANCE AMENDING THE WASHOE COUNTY DEVELOPMENT CODE, CHAPTER 110, BY AMENDING ARTICLE 606 AND ADDING PROVISIONS TO ARTICLE 602 TO ESTABLISH AN APPLICATION PROCESS AND AGRICULTURAL BASIS FOR EXEMPTION FROM CERTAIN LAND USE AND DIVISION MAPS AND SURVEYS, AND PROVIDING OTHER MATTERS PROPERLY RELATED THERETO. PUBLIC NOTICE IS HEREBY GIVEN that an adequate number of typewritten copies of the above-numbered and entitled Ordinance are available for public inspection and distribution at the office of the County Clerk of Washoe County, at her office in the County Courthouse in Reno, Nevada, 75 Court Street, Reno, Washoe County, Nevada; and can be found on the County Clerk's website, www.washoecounty.us/clerks. Such Ordinance was proposed on March 11, 2008 and passed and adopted at a regular meeting of the Washoe County Board of County Commissioners on March 25, 2008, by the following vote of the Board of County Commissioners: Those Voting Aye: Jim Galloway, Robert M. Larkin, David humke, Kitty Jung Those Voting Nay: None Those Absent: Bonnie Weber This ordinance shall be in full force and effect from and after

1364 ✓

April 4, 2008, i.e., the date of the second publication of such ordinance by its title only. IN WITNESS WHEREOF, The Board of County Commissioners of Washoe County, Nevada, has caused this ordinance to be published by title only. AMY HARVEY, Washoe County Clerk and Clerk of the Board of County Commissioners No. 542996 - Mar. 28, Apr. 4, 2008

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SUMMARY: Amends the Washoe County Development Code by reorganizing and adding provisions for exemption from map and survey requirements when dividing land or adjusting boundaries, and providing other matters properly related thereto.

BILL NO. 1546

ORDINANCE NO. 1364

AN ORDINANCE AMENDING THE WASHOE COUNTY DEVELOPMENT CODE, CHAPTER 110, BY AMENDING ARTICLE 606 AND ADDING PROVISIONS TO ARTICLE 602 TO ESTABLISH AN APPLICATION PROCESS AND AGRICULTURAL BASIS FOR EXEMPTION FROM CERTAIN LAND USE AND DIVISION MAPS AND SURVEYS, AND PROVIDING OTHER MATTERS PROPERLY RELATED THERETO.

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

SECTION 1.

Section 110.602.15, "Applicability," is hereby amended and added thereto with exemption subsections as follows:

Section 110.602.15 Applicability. The regulations provided by the subdivision regulations shall apply to all subdivisions and parts of subdivisions hereafter made entirely or partially within the unincorporated territory of Washoe County except as provided next and as otherwise stated in Chapter 110, Development Code.

- (a) Exempt Subdivisions. Division Six of this Development Code, including without limitation any requirements relating to the adjustment of boundary lines or the filing of a parcel map or record of survey, does not apply to the division, exchange or transfer of land for agricultural purposes if each resulting parcel meets all of the following requirements:
  - (1) Is 10 acres or more in size or meets the minimum lot size enumerated in Article 406, whichever is greater;
  - (2) Has a regulatory zoning classification that permits agricultural uses or is consistent with the designation in the Master Plan;
  - (3) Qualifies for an agricultural use assessment pursuant to NRS Chapter 361A and any applicable regulations adopted pursuant thereto;
  - (4) Has permanent, documented, and code compliant access either by way of an existing public street or through adjacent property under the same ownership

- as the created parcel, covenanted for such purpose, or served by an irrevocable easement that is retained with the land through the created parcel;
- (5) Its legal description is clear and complete with graphic depiction and by reference to the standard subdivisions used in the United States Public Land Survey System; and
  - (6) No new residential or commercial structures are proposed to be built on the property after the parcel is created.
- (b) Application Required and Deed. This exemption is established only upon approval by the Director of the Department of Community Development (“Director”) of the owner’s application therefore, prepared on a form authorized by the Director, and accompanied with proof to establish that each parcel resulting from such creation is deed restricted with disclosures about potential disqualification of this exemption and the consequences (including compliance with land division improvements under NRS Chapter 278 and deferred property tax recapture under NRS Chapter 361A). The proof must also establish that each parcel resulting from such creation satisfies the requirements addressed in subsection (a) above. The Director shall determine in writing, in conjunction with applicable departments and within 30 working days of submission of the application, whether the proof is adequate and complete. Any related document to be recorded must be entitled “Deed of Division For Agriculture Purposes.”
- (c) Disqualification of Exemption. The failure to prove all requirements for this exemption shall be grounds for denial of the application, and failure of a resulting parcel to maintain the requirement of Sections (a)(3) and (a)(6) above after the date of the division, exchange or transfer, shall disqualify such resulting parcel from this exemption by operation of law, in which case the current owner shall be required to comply with all applicable property tax and land division law, including without limitation the laws concerning survey, land improvements, and recapture of deferred property tax.

## SECTION 2.

Subsection 110.606.05(b)(7) of the Washoe County Code is hereby amended to read as follows:

Section 110.606.05 Parcel Map Required. A parcel map shall be required as set forth in this section.

- (a) Parcel Map Required. A parcel map shall be required for all subdivisions, merger and re-subdivision of existing lots, and common-interest communities consisting of four (4) or fewer units, except as provided in this section.
- (b) Exempt Divisions. A parcel map is not required when the division is for the express purpose of:
  - (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 between two (2) abutting parcels or the transfer of land between two owners of abutting parcels 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 an order of any court of dividing land as a result of an operation of law;
- (6) Creation of cemetery plots; or
- (7) Creation of a lot for agriculture purposes that complies with Section 110.602.15

SECTION 3.

Section 110.608.05 of the Washoe County Code is hereby amended to read as follows:

Section 110.608.05 Requirement for Application. A tentative subdivision map shall be required for all requests for a subdivision, merger and re-subdivision of existing lots, or a common-interest community consisting of five (5) or more units, as defined in Article 902, Definitions, except for divisions of land into large parcels as defined in Article 612, Divisions of Land into Large Parcels, and except for the creation of a lot or parcel for agriculture purposes that complies with Section 110.602.15.

SECTION 4.

Section 110.612.05 of the Washoe County Code is hereby amended to read as follows:

Section 110.612.05 Requirement for Application. This article applies to division of land or the merger and re-subdivision of existing parcels if each proposed lot is forty (40) acres or larger in area, including roads and easements, or at least one-sixteenth (1/16) of a section as described by a government land office. This article does not apply to the creation of a parcel for agriculture purposes that complies with Section 110.602.15.

SECTION 5.

Section 110.618.05 of the Washoe County Code is hereby amended to read as follows:

Section 110.618.05 Applicability. The provisions of this chapter apply to all boundary line adjustments, including those proposed pursuant to Section 110.606.05, except when part of the creation of a lot for agriculture purposes that complies with Section 110.602.15.

Proposed on the 11<sup>th</sup> day of March, 2008.

Proposed by Commissioner Galloway.

Passed on the 25<sup>th</sup> day of March, 2008.

Vote:

Ayes: LARKIN, Humke, Jung, GALLOWAY

Nays: none

Absent: Weber



Robert M. Larkin, Chairman  
Washoe County Commission

ATTEST:

  
  
County Clerk

This ordinance shall be in force and effect from and after the 4<sup>th</sup> day of April, 2008

- (b) Safety of Development. All subdivided land should be of such character that it can be used safely for building purposes by future holder of title without unreasonable danger to health or peril from fire, flooding or other hazards; and
- (c) Facilities and Services. In accordance with the Comprehensive Plan policies, provisions shall be made for water supply; runoff and wastewater management; streets, roads and highways; and other public facilities and services.

**Section 110.602.15 Applicability.** The regulations provided by the subdivision regulations shall apply to all subdivisions and parts of subdivisions hereafter made entirely or partially within the unincorporated territory of Washoe County except as provided next and as otherwise stated in Chapter 110, Development Code.

- (a) Exempt Subdivisions. Division Six of this Development Code, including without limitation any requirements relating to the adjustment of boundary lines or the filing of a parcel map or record of survey, does not apply to the division, exchange or transfer of land for agricultural purposes if each resulting parcel meets all of the following requirements:
  - (1) Is 10 acres or more in size or meets the minimum lot size enumerated in Article 406, whichever is greater;
  - (2) Has a regulatory zoning classification that permits agricultural uses or is consistent with the designation in the Master Plan;
  - (3) Qualifies for an agricultural use assessment pursuant to NRS Chapter 361A and applicable regulations and any applicable regulations adopted pursuant thereto;
  - (4) Has permanent, documented, and code compliant access either by way of an existing public street or through adjacent property under the same ownership as the created parcel, covenanted for such purpose, or served by an irrevocable easement that is retained with the land through the created parcel;
  - (5) Its legal description is clear and complete with graphic depiction and by reference to the standard subdivisions used in the United States Public Land Survey System; and
  - (6) No new residential or commercial structures are proposed to be built on the property after the parcel is created.
- (b) Application Required and Deed. This exemption is established only upon approval by the Director of the Department of Community Development ("Director") of the owner's application therefore, prepared on a form authorized by the Director, and accompanied with proof to establish that each parcel resulting from such creation is deed restricted with disclosures about potential disqualification of this exemption and the consequences (including compliance with land division improvements under NRS Chapter 278 and deferred property tax recapture under NRS Chapter 361A). The proof must also establish that each parcel resulting from such creation satisfies the requirements addressed in subsection (a) above. The Director shall determine in writing, in conjunction with applicable departments and within 30 working days of submission of the application, whether the proof is adequate and complete. Any related document to be recorded must be entitled "Deed of Division For Agriculture Purposes."
- (c) Disqualification of Exemption. The failure to prove all requirements for this exemption shall be grounds for denial of the application, and failure of a resulting parcel to maintain the requirement of Sections (a)(3) and (a)(6) above after the

date of the division, exchange or transfer, shall disqualify such resulting parcel from this exemption by operation of law, in which case the current owner shall be required to comply with all applicable property tax and land division law, including without limitation the laws concerning survey, land improvements, and recapture of deferred property tax.

**Section 110.602.20 Required Mapping.** All subdivisions in Washoe County shall be recorded with either a final map, parcel map or division of land into large parcels.

**Section 110.602.25 Compliance.** If any property in a subdivision is offered for sale before a final map is recorded in the Office of the County Recorder for that property, the seller or his or her authorized agent shall disclose to any potential buyer that the final map has not yet been recorded. Any offer to sell, contract to sell, sale or transfer contrary to the provisions of NRS 278 is a misdemeanor, and shall be punished by a fine of not more than \$1,000.00.

**Section 110.602.30 Strict Conformance.** When strict conformance to the requirements of Division Six is impracticable or impossible, modifications which are not in violation of the spirit and purpose of the entire Development Code may be allowed pursuant to Article 804, Variances.

**Section 110.602.35 Monument Locations.** All monuments shall be located as set forth in this section.

- (a) **Final Monument Locations.** Final monuments shall be set at:
- (1) Each corner of the boundary of the subdivision and at intermediate points at approximately 1,000 feet or at lesser distances if topographical conditions warrant;
  - (2) Intersections of centerlines of streets;
  - (3) Sufficient locations along the centerlines of streets so that the centerline may be retraced; these locations may be at, or on an offset to, an angle to the centerline of a street, the center of a cul-de-sac, a point which defines a curve (the beginning or end of a curve or a point of intersection of a tangent) or an intersection with a boundary of the subdivision; and
  - (4) A position for a corner system of rectangular surveys directly relevant to property lines and corners of the subdivision.
- (b) **Exceptions to Final Monument Locations.** If a monument required by Subsection (a) of this section cannot be set because of steep terrain, water, marsh or existing structures, or if it would be obliterated as a result of proposed construction, one or more reference monuments must be set. In addition to the physical requirements for a monument, the letter "RM" and "WC" must be stamped in the tablet, disc or cap. If only one reference monument is used, it must be set on the actual line or a prolongation thereof. Otherwise, at least two (2) reference monuments must be set. These monuments shall be deemed final monuments.



## Article 606

# PARCEL MAPS

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### Sections:

110.606.00	Purpose
110.606.05	Parcel Map Required
110.606.10	Survey Required
110.606.15	Submittal of Tentative Parcel Map
110.606.20	Data to Accompany Tentative Parcel Map
110.606.25	Form of Tentative Parcel Map
110.606.30	Tentative Parcel Map Review Procedures
110.606.35	Submittal of Final Parcel Map
110.606.40	Form of Final Parcel Map
110.606.45	Contents of Final Parcel Map
110.606.50	Review Procedures for Final Parcel Map
110.606.55	Appeals
110.606.60	Certificates and Statements
110.606.65	Recordation
110.606.70	Expiration Date
110.606.75	Waiver of Parcel Map
110.606.80	Document Required if Parcel Map Waived

**Section 110.606.00 Purpose.** The purpose of this article, Article 606, Parcel Maps, is to prescribe the requirements for, and waiver of, parcel maps.

**Section 110.606.05 Parcel Map Required.** A parcel map shall be required as set forth in this section.

- (a) **Parcel Map Required.** A parcel map shall be required for all subdivisions, merger and re-subdivision of existing lots, and common-interest communities consisting of four (4) or fewer units, except as provided in this section.
- (b) **Exempt Divisions.** A parcel map is not required when the division is for the express purpose of:
- (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 between two (2) abutting parcels or the transfer of land between two owners of abutting parcels 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 an order of any court of dividing land as a result of an operation of law;

- (6) Creation of cemetery plots; or
  - (7) Creation of a lot for agricultural purposes that complies with Section 110.602.15.
- (c) Exempt Transactions. A parcel map is not required for any of the following transactions involving land:
- (1) The creation of a lien, mortgage, deed of trust, or any other security instrument;
  - (2) The creation of 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;
  - (3) Conveying an interest in oil, gas, minerals or building materials which are severed from the surface ownership of real property;
  - (4) Conveying an interest in land acquired by the Department of Transportation pursuant to Chapter 408 of NRS; or
  - (5) Filing a certificate of amendment.
- (d) Waiver. A parcel map may be waived pursuant to Section 110.606.75, Waiver of Parcel Map. The following division is eligible for consideration of a waiver: creation of sites for utility services, such as well sites, pump stations, transformer boxes, as long as the utility is a regulated utility or operated by a government entity. A waiver will require conformance with Section 110.606.80, Document Required if Parcel Map Waived.
- (e) Separate Lots. When two (2) or more separate lots, parcels, sites, units or plots of land are purchased, they remain separate for the purposes of this article.
- (f) Conveyance. When lots, parcels, sites, units or plots are resold or conveyed, they are exempt from the provisions of this article until further divided.

*[Amended by Ord. 876, provisions eff. 7/7/93; Ord. 1088, provisions eff. 1/28/00; Ord. 1347, provisions eff. 11/2/07; Ord. xxxx, provisions eff. Xx/xx/xx.]*

**Section 110.606.10 Survey Required.** A parcel map shall be based on a survey made for that purpose, unless this requirement is waived by the County Surveyor within forty-five (45) days of the submittal of an application for the waiver, unless this time is extended by mutual consent. The requirement of a survey may be waived if, in the judgment of the County Surveyor, a survey is not required to accomplish the purposes of this article. Failure of the County Surveyor to act on the waiver request within the time prescribed in this section shall result in approval of the waiver.

# Article 608

## TENTATIVE SUBDIVISION MAPS

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### Sections:

110.608.00	Purpose
110.608.05	Requirement for Application
110.608.10	Contents
110.608.15	Review Procedures
110.608.16	Notice
110.608.20	Review Considerations
110.608.25	Findings
110.608.30	Expiration Date

**Section 110.608.00 Purpose.** The purpose of this article, Article 608, Tentative Subdivision Maps, is to prescribe rules and procedures for the regulation and approval of tentative subdivision maps.

**Section 110.608.05 Requirement for Application.** A tentative subdivision map shall be required for all requests for a subdivision, merger and re-subdivision of existing lots, or a common-interest community consisting of five (5) or more units, as defined in Article 902, Definitions, except for divisions of land into large parcels as defined in Article 612, Divisions of Land into Large Parcels, and except for the creation of a lot or parcel for agriculture purposes that complies with Section 110.602.15.

*[Amended by Ord. 876, provisions eff. 7/7/93; Ord. 1088, provisions eff. 1/28/00.]*

**Section 110.608.10 Contents.** Tentative maps shall show the proposed subdivision's design and improvements and conditions existing in and around the subdivision, and shall contain information sufficient to allow the Planning Commission to make the findings required by Section 110.608.25. Tentative maps shall meet all requirements of NRS 278. The following information shall be shown on the tentative map and/or accompanying drawings:

- (a) **Names and Addresses.** Name and address of legal owner, subdivider, and person preparing the map and certificate of registration serial number of the person preparing the map;
- (b) **Pre-existing Parcels.** Pre-existing, contiguous parcels, held under the same ownership, may be merged into a single parcel with a simultaneous re-subdivision of that parcel as proposed in the tentative parcel map.
- (c) **Legal Description.** Sufficient legal description to define the boundary of the proposed subdivision and evidence of ownership of the property to be subdivided;
- (d) **Subdivision Name.** Name of subdivision (not to conflict with existing recorded subdivision maps);
- (e) **Property Lines.** Property lines, approximate distances and bearings;

# Article 612 DIVISION OF LAND INTO LARGE PARCELS

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**Sections:**

110.612.00	Purpose
110.612.05	Requirement for Application
110.612.10	Contents of Tentative Map
110.612.15	Waiver of Requirement to File Tentative Map
110.612.20	Review Procedures for Tentative Map
110.612.25	Water Rights
110.612.30	Requirement for a Final Map
110.612.35	Contents of Final Map
110.612.40	Review Procedures for a Final Map
110.612.45	Recordation

**Section 110.612.00 Purpose.** The purpose of the article, Article 612, Division of Land into Large Parcels, is to prescribe rules and procedures for the regulation and approval of tentative and final maps for the division of land into large parcels.

**Section 110.612.05 Requirement for Application.** This article applies to division of land or the merger and re-subdivision of existing parcels if each proposed lot is forty (40) acres or larger in area, including roads and easements, or at least one-sixteenth (1/16) of a section as described by a government land office. This article does not apply to the creation of a parcel for agriculture purposes that complies with Section 110.602.15.

*[Amended by Ord. 1088, provisions eff. 1/28/00.]*

**Section 110.612.10 Contents of Tentative Map.** Tentative maps submitted pursuant to this section shall be prepared and certified by a professional land surveyor. The tentative maps shall be entitled "Tentative Map of Division into Large Parcels". The following information shall be shown on the tentative map:

- (a) The approximate, calculated or actual acreage of each lot and the total acreage of the land to be divided;
- (b) Pre-existing, contiguous parcels, held under the same ownership, may be merged into a single parcel with a simultaneous re-subdivision of that parcel as proposed in the tentative parcel map.
- (c) 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;

- (d) Any easements for public utilities for water, sewer, gas, electric, telecommunications and franchised community antenna television (where franchised service is permitted) services which exist or which are proposed;

## Article 618

# **BOUNDARY LINE ADJUSTMENT**

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### Sections:

110.618.00	Purpose
110.618.05	Applicability
110.618.10	Application
110.618.15	General Review and Approval Process
110.618.16	Review and Approval Process for a Boundary Line Adjustment which Results in Relocation of a Parcel
110.618.18	Notice for a Boundary Line Adjustment which Results in Relocation of a Parcel
110.618.19	Findings for a Boundary Line Adjustment which Results in Relocation of a Parcel
110.618.20	Requirements
110.618.25	Record of Survey
110.618.30	Recordation

**Section 110.618.00 Purpose.** The purpose of this article, Article 618, Boundary Line Adjustment, is to prescribe the procedures for adjusting boundary lines.

**Section 110.618.05 Applicability.** The provisions of this chapter apply to all boundary line adjustments, including those proposed pursuant to Section 110.606.05, except when part of the creation of a lot for agricultural purposes that complies with Section 110.602.15.

**Section 110.618.10 Application.** A written application for a boundary line adjustment may be submitted to the Department of Community Development. The application shall be accompanied by a record of survey.

**Section 110.618.15 General Review and Approval Process.** The application shall be reviewed by the Department of Community Development and the County Engineer. Except as noted in Section 110.618.16, the Director of the Department of Community Development or the County Engineer or their representatives shall have the authority to approve a boundary line adjustment.

*[Amended by Ord. 876, provisions eff. 7/7/93; renamed from "Review and Approval Process" and amended by Ord. 952, provisions eff. 6/7/96.]*

**Section 110.618.16 Review and Approval Process for a Boundary Line Adjustment which Results in Relocation of a Parcel.** If a boundary line adjustment results in the relocation of a parcel, the Planning Commission shall review the request in accordance with the provisions of this section.

- (a) **Filing.** The subdivider shall file with the Director of Community Development a complete application and the required supporting materials as outlined in the application packet.