

Chapter 16.60

Assurance for Completion and Maintenance of Improvements

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16.60.010 Required improvements and agreement to complete

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

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

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

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

approval is deemed to have expired.

16.60.020 Improvement agreement

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

1. A detailed reference to the improvements requiring completion, including an engineer's cost estimate.
2. A specific date for completion of all improvements, fixed by the county engineer, which date may not be longer than 2 years from the date on which the county engineer signs the map.
3. A requirement for a certificate from the developer's engineer stating that all work has been completed in accordance with the improvement drawings and specifications.
4. A requirement that a notice of completion issued by the county engineer be submitted indicating that all improvements comply with the applicable map approval requirements and this code.
5. A requirement for written acceptance of all public improvements by the board or governing body of the agency or political subdivision having jurisdiction of the improvements on their completion.
6. An explanation that the financial security may be withdrawn upon final completion of the improvements only after the written approval of the board or following reduction of security as provided in this chapter.
7. A provision that the applicant must repair, at his or her sole cost and expense, any hidden defects in design, workmanship and materials which appear in the work within one year following acceptance by the county.
8. A provision requiring financial security for the warranty obligation for specified improvements which must be submitted to the board prior to withdrawal of the original financial security.
9. The agreement may include a provision requiring the developer to maintain each required public improvement for a period of one year following acceptance of the dedication of that completed public improvement.
10. Where temporary improvements are required, a provision agreeing to maintain such improvements.

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

16.60.030 Security

A. Whenever the board permits a developer to enter into an improvement agreement, the developer must provide a letter of credit, cash escrow, or certificate of deposit as security for the

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

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

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

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

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

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

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

16.60.040 Site improvement permits

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

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

16.60.050 Security for temporary improvements

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

16.60.060 Remedies

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

- A. Declare the agreement to be in default and require that all the improvements be installed regardless to the extent of the building development at the time the agreement is declared to be in default.
- B. Suspend map approval until the improvements are completed and record a document to that effect for the purpose of public notice.
- C. Obtain funds under the security and complete improvements itself or through a third party.
- D. Assign its right to receive funds under security to any third party, including a subsequent owner of the land to be divided for which improvements were not constructed, in whole or in part, in exchange for that subsequent owner's promise to complete the required improvements.
- E. Exercise any other rights available under the law.

16.60.070 Acceptance of dedication offers

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

16.60.080 Inspection and certification of improvements

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

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

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

2. A title insurance policy has been furnished to and approved by the county district attorney indicating that the improvements have been completed, are ready for dedication to the county and are free and clear of any and all liens and encumbrances. Upon the approval and recommendation by the county engineer and district attorney, the board, commission or official authorized by this code to approve the applicable map may accept the improvements for dedication in accordance with the established procedure.

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

16.60.090 Reduction of escrowed funds and security

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

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

16.60.100 Security for warranty of improvements

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

16.60.110 Issuance of building permits and certificates of occupancy

A. Except as otherwise provided in section 16.60.120 below, when an improvement agreement and security has been required by this chapter, no certificate of occupancy for any

structure or facility built on the project covered by such agreement may be issued prior to the completion of the required public improvements and the acceptance and dedication of the required improvements.

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

Chapter 16.70

Land Readjustment

Sections:

16.70.010 Amending maps

16.70.020 Modifications to approved tentative maps

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

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

16.70.050 Vacation or abandonment of street or easement

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

16.70.010 Amending maps

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

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

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

16.70.020 Modifications to approved tentative maps

A. Applicability. Whenever the owners of land or their representatives desire to modify an

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

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

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

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

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

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

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

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

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

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

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

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

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

forth in the final map, parcel map or map of division into large parcels, as appropriate.

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

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

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

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

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

16.70.050 Vacation or abandonment of street or easement

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

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

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

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

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

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

to the county and that the public will not be materially injured by the proposed vacation

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

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

Chapter 16.80

Boundary Line Adjustment and Lot Consolidations

Sections:

16.80.010 Applicability

16.80.020 Exclusions

16.80.030 Standards for approval

16.80.040 Approval by director

16.80.010 Applicability

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

16.80.020 Exclusions

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

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

16.80.030 Standards for approval

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

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

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

16.80.040 Approval by director

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

16.80.050 Lot consolidation

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

A. Applicability.

1. The lots involved must be within the same zoning district and master plan designation and the proposed lot consolidation must meet all the requirements of the zone.
2. The lots involved must be existing platted lots.
3. The lots must be under unified ownership.

B. Application Requirements.

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

C. Administrative Lot Consolidation Procedure.

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

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

After the application has been investigated by the director, determined to be complete and in acceptable form, the application is ready for decision.

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

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

1. Complies with the general purpose, goals, objectives, and standards of the county master plan, this title, and any other plan, program, map, or ordinance adopted.

2. Will result in no substantial or undue adverse effect on adjacent properties, the character of the neighborhood, traffic conditions, parking, public improvements, public sites, or right-of-way, or other matters affecting the public health, safety, and general welfare.

The findings listed in this subsection are the minimum to be cited in an approval; the director may include additional findings in the decision.

G. Final Approval and Recording Procedures.

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

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

a. A duplicate copy of the map and any supporting documents; or

b. Access to the digital map and any digital supporting documents.

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

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

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

Proposed on _____, 2018.

by Commissioner _____

Passed on _____, 2018.

Vote: Ayes Commissioners _____

Nays Commissioners _____

Absent Commissioners _____

Marshall McBride, Chair
Storey County Board of County Commissioners

Attest:

Vanessa Stephens
Clerk & Treasurer, Storey County

This ordinance will become effective on _____, 2018.