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Chapter 16.16 MINOR SUBDIVISION

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16.16.010 Intent and purpose.

The regulation of land divisions is deemed necessary in order to promote the public health, safety, and general welfare, including the orderly growth and development of the county by providing a procedure to assure compliance with the property development standards of Title 17 of this code, precise plans and precise plan lines adopted by the board of county commissioners; to assure adequate provisions for necessary improvements and health and safety measures; and to prevent interference with the opening and extension of streets necessary for proper traffic circulations and the development of adjacent properties. (Ord. 10-16-75 § 1(100.400))

16.16.020 Scope.

As provided for in Sections 16.04.060 through 16.04.090, this chapter applies to any parcel of land which is to be divided for the purpose of sale, lease or financing into two, three or four parcels of land. This chapter does not apply to the division of land exempted by Title 278, Nevada Revised Statutes. (Ord. 10-16-75 § 1(100.401))

16.16.030 Procedure.

No division of land into less than five parcels will be made except in accordance with the provisions of this chapter and per NRS 278.461. Any person desiring to divide land shall:

A. Submit to the planning department an application for approval of the land division as provided for in Section 16.16.050.

B. Pursuant to NRS 278.461(2), in the groundwater basins currently designated as depleted by the Nevada Division of Water Resources, which include, Paradise Valley (069), Winnemucca Segment (070) and Grass Valley (071), and in any groundwater basins that will be designated by the Nevada Division of Water Resources as depleted in the future, a parcel map creating new parcels of less than five (5) acres shall be required to relinquish two (2) acre feet of water rights for each parcel. Prior to approval of the final parcel map, the applicant shall provide documentation that the water rights have been relinquished to the Nevada Division of Water Resources. The Applicant is responsible for the costs associated with acquiring the water rights and relinquishments.

C. File a parcel map as described by Section 16.16.190 and per NRS. (Ord. 10-16-75 § 1(100.402))

16.16.040 Separated parcels.

Separated parcels will conform to the provisions of Section 16.04.050. (Ord. 10-16-75 § 1(100.403))

16.16.050 Tentative map-Application.

Any application for the approval of a land division will be made by filing the following items with the planning department:

A. Application Form. Application for approval of a tentative parcel map will be made upon the form provided by the planning department. The application will contain the following information:

1. A legal description of the whole parcel to be divided or the assessor's parcel number,
2. The total acreage of the property to be divided
3. The proposed size of the proposed parcels
4. The existing zoning of the property,
5. The proposed use of the parcels to be created,
6. The source of domestic water supply and the proposed method of sewage disposal,
7. The name and address of the owner,
8. The name, address and telephone number of the applicant,

B. Tentative Parcel Map. The original of the tentative parcel map prepared in accordance with Section 16.16.060. (Ord. 10-16-75 § 1(100.404))

16.16.060 Tentative map-Form-Content.

A. A tentative parcel map shall be legibly drawn on tracing paper suitable for reproduction, to a scale and in a manner to best illustrate the proposed division. Upon request, the planning department will furnish necessary instructions.

B. The following information will be shown on the map

1. The location of the property

2. The boundary lines of the entire parcel including the area to be divided, with dimensions, based upon existing survey data or property description,

3. The proposed division lines with dimensions, including the proposed size in acres or square feet,
4. Identification of each parcel with a letter designation,
5. All existing buildings and structures. (Ord. 10-16-75 § 1(100.405))
6. All existing easements, streets and/or roads with names and width, per 16.16.110.
7. Any roads or easements of access which are proposed,
8. Easements for public utilities that provide gas, electric, telecommunications, etc..

16.16.070 Layout.

The design of land division is subject to the approval based upon the following principles:

A. The size and configuration of parcels is such as to encourage the efficient utilization of land and not to deter or hinder the development of adjacent parcels, present and future.

B. Provide for the opening or extension of streets for traffic circulation in the interests or convenience, safety and welfare of the immediate residents. (Ord. 10-16-75 § 1(100.406(A)))

16.16.080 Area, dimensions and frontage.

A. The area and dimensions of parcels resulting from or created by a division of land will conform with the property development standards of the zoning district in which the division of land is located. A larger minimum lot area may be required where necessitated by topographical and geological considerations.

B. All parcels will have frontage on at least one public or approved private road as prescribed by the property development standards for the zoning district in which the division of land is located.

C. The area, dimensions or frontage of each parcel will be such as to allow for the future widening, extension or opening of any street or alley established by a precise plan, precise plan lines or where the projected ultimate right-of-way lines are determinable from existing development.

D. The configuration of each parcel will be such as to provide for statutory location criteria of wells and sewage disposal fields. Greater than minimum area or dimensions as determined by the State Health Department may be required to adequately accommodate wells and sewage disposal fields. (Ord. 10-16-75 § 1(100.406(B)))

16.16.090 Boundary lines.

No parcel will be divided by the boundary line of a city, county or special district. (Ord. 10-16-75 § 1(100.406(C)))

16.16.100 Double frontage parcels.

Double frontage parcels, other than corner lots, which abut two roads and have a depth of less than two hundred forty feet will not be approved except where necessitated by topographical or other physical conditions or where ingress or egress to or from one of the roads is prohibited by law or where district access rights have

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been or will be waived. (Ord. 10-16-75 § 1(100.406(D)))

16.16.110 Road design and location.

A. Layout.

1. Street right-of-way widths will be in accordance with standards cited in Section 16.32.020 or 16.32.170 if within one half mile of the City of Winnemucca. (Amended Ord. 9-18-06 – eff. 9-29-06)

2. Streets which are extensions of existing streets will continue the centerline of the existing street, as far as practicable, either in the same direction or by adjustment curves.

3. All streets entering upon any given street will have their centerlines directly opposite each other or separated by at least one hundred feet.

B. Intersections. The centerline of streets will intersect one another as nearly at right angles as practicable, will not be excessively curved and will conform to the requirements for sight distance provided in the improvement standards adopted by the board of county commissioners.

C. Restricted Access Strips. Abutting land not part of a land subdivision will not be permitted access to a deeded part width or stub road over a restricted access strip.

1. Restricted access strips will be provided along and at the end of part width and stub roads to separate them from abutting lands not part of the land division,

2. The restricted access strip will not be less than one foot in width and shall be offered to the county. (Ord. 10-16-75 § 1(100.406(E)))

16.16.120 Part width roads.

The design of the land division shall be such that full width roads shall be provided. Part width roads will be allowed only where unusual and exceptional circumstances such as existing road patterns, property divisions and existing land development make it impracticable to provide full width roads. A restricted access strip will be provided in accordance with Section 16.16.110 C. (Ord. 10-16-75 § 1(100.406(F)))

16.16.130 Roads.

A. Stub Roads.

1. Stub roads will be provided where necessary to give access to or permit a satisfactory future development of adjoining property. The road will be extended to the boundary line of the property or within one foot thereof where a restricted access strip is dedicated.

2. Stub roads which are abutted by more than one lot on either side will be terminated by a temporary turnaround. The required 50 foot radius turnaround will conform to adopted improvement standards. A stub road may be approved by the board without a temporary turnaround when the road is less than one hundred fifty feet in length, or its length equals the dimension of the corner lot along the road, whichever is greater.

B. Cul-de-sac Roads. Cul-de-sac roads will be terminated by a permanent turnaround with a 50 foot radius as provided for in the adopted improvement standards.

C. Access Roads. An access road required to connect a proposed land division with a public road, will be considered to be a part of the land division and shall meet all the requirements of this chapter. (Ord. 10-16-75 § 1(100.406(G)))

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16.16.140 Easements for public roads.

Easements for public roads will be required in the following situations:

A. Where it is necessary to open or extend a public road in order to serve the parcels to be created or to serve local neighborhood traffic needs;

B. Where it is necessary to complete an existing half or partial width road where ingress or egress is prohibited by a restricted access strip. (Ord. 10-16-75 § 1(100.407))

16.16.150 Improvements.

A. All roads to be opened or extended to serve the parcels may be necessary for local traffic, drainage and sanitary needs.

B. These improvements will comply with the adopted improvement standards. The manner in which the improvements are to be designed and constructed will conform to the applicable procedures relating to subdivisions, as outlined in Section 16.32.160 of this title. (Ord. 10-16-75 § 1(100.408))

16.16.160 Petition for exceptions.

As provided by Section 16.04.220, a land divider may petition the commission and the board for modification of requirements and improvement standards set forth in this chapter. The petition will be filed with the planning department at the time the tentative map is filed. (Ord. 10-16-75 § 1(100.409))

16.16.170 Tentative map-Criteria for approval.

A tentative parcel map will be approved or conditionally approved when it is found that all of the following conditions exist or will be satisfied prior to the filing of the final parcel map:

A. All parcels to be created by the proposed division meet the design and size requirements of the zoning district and as provided in Section 16.16.060 thru 16.16.150.

B. All easements required under Section 16.16.140 have been or will be offered to the county per Chapter 16.50.

C. All easements required under Section 16.16.150 have been completed or will be complied with.

D. The proposed division will not be in violation of any other law or ordinance.

E. In cases where exceptions or modifications of certain requirements have been granted by the board of county commissioners or where a variance from criteria requirements of Title 17 of this code has been granted, the map shall be in accordance with such exceptions, modifications or variance and the conditions attached thereto. (Ord. 10-16-75 § 1(100.410))

16.16.180 Planning department review.

The planning director or other designated representative of the planning department will review the tentative parcel map and within sixty days after filing approve, conditionally approve or disapprove the map unless the time is extended by

agreement with the applicant per NRS 278. Upon approval of a tentative parcel map the planning department shall stipulate as to whether a survey is required for the final parcel map. (Ord. 10-16-75 § 1(100.411))

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16.16.190 Appeals to planning commission.

If the applicant disagrees with any decision of the planning department concerning the parcel map, or if the map is disapproved, the applicant has thirty days in which to file an appeal with the planning commission. The planning commission will make a determination within forty-five days from the date of filing of appeal. (Ord. 10-16-75 § 1(100.412))

16.16.200 Appeals to board of county commissioners.

If the planning commission denies the appeal, the applicant has thirty days in which to file an appeal with the board of county commissioners. The board of county commissioners will make a final determination within forty-five days from the date for filing of appeal. (Ord. 10-16-75 § 1(100.413))

16.16.210 Parcel maps and subsequent parcel maps.

A. No land division is valid until and unless it conforms to the approved tentative parcel map and has been certified or signed off by the director of planning or authorized staff—on the final map and filed with the county recorder. (Ord. 10-16-75 § 1(100.414(part)))

B. Subsequent parcel map applications on property under the same ownership shall be scheduled for review and approval, denial, or conditional approval by the regional planning commission per NRS 278.462, prior to certification or signing off by authorized staff on the final maps and filed with the county recorder. The planning commission shall schedule two meetings per month as needed.

16.16.220 Parcel map-Form-Content.

A. The map shall be prepared by a professional land surveyor per NRS 278.466.

B. The map will be legibly drawn, printed or reproduced by a process guaranteeing a permanent recorded in black on tracing cloth or polyester base film including certificates, except that the certificates may be legibly stamped or printed upon the map with opaque ink.

C. The size of each sheet shall be twenty-four inches by thirty-two inches. A marginal line will be drawn completely around each sheet leaving an entirely blank margin of one inch at the top, bottom and right edges, and two inches at the left edge along the twenty-four-inch dimension. The scale of the map will be large enough to show all details clearly; enough sheets will be used to accomplish this end. The particular number of the sheet and the total number of sheets comprising the map will be stated on each of the sheets and its relation to each adjoining sheet clearly shown.

D. Each parcel shall be numbered or otherwise designated.

E. The exterior boundary of the area included within the parcel map shall be indicated by a colored border. The map will show the definite location of the original parcel and particularly its relation to surrounding surveys.

F. The following certificates will appear on a parcel map as follows:

1. When a survey is required, a certificate by the land 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 authorizes 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

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and at such time as is agreed upon under the provisions of Nevada Revised Statutes, Sections 1278.010 to 278.630 inclusive. This certificate shall also state that the monuments are or will be sufficient to enable the survey to be retraced. When a survey is not required for preparation of the final parcel map, the land surveyors may include 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 copied from any such prior document.

2. A certificate signed and acknowledged by all parties having any record title in the land subdivided, evidencing their grant of permanent easements for utility installations and access, as designated on the map.

3. A certificate, signed by the director of planning or authorized staff stating that the planning department approves the map for purposes of land division. (Ord. 10-16-75 § 1(100.414(A)))

16.16.230 Parcel map-Filing.

After obtaining the signatures required for all certificates, the divider may present the map to the county recorder together with all the fees necessary for recordation. Upon acceptance by the recorder, the parcel map shall be a public record. The recorder will notify the planning department upon recordation of the parcel map. (Ord. 10-16-75 § 1(100.414(B)))

16.16.240 Parcel map-Failure to file.

Failure to file a parcel map within one year after the date on which the tentative parcel map is approved or conditionally approved or any extension thereof, shall terminate all proceedings. Before an approved parcel map may thereafter be filed a new tentative parcel map must be submitted and approved. Upon application by the land divider filed prior to the expiration date of the tentative parcel map, an extension of not more than one year may be granted by the director of planning or authorized staff or by the regional planning commission. (Ord. 10-16-75 § 1(100.414(C)))

16.16.250 Withdrawal.

A. In the event the applicant wishes to terminate his application prior to the recordation of the parcel map, he will submit his request in writing. Where improvements are involved, the board of county commissioners may release the applicant from his agreement to improve and release to him any surety bond or cash deposit which he may have posted, upon completion of necessary abandonment proceedings.

B. In the event the parcel map has been recorded with the county recorder, a revised parcel map may be prepared in the manner prescribed in this chapter for an original parcel map, and the revised parcel map supersedes any previous parcel map. (Ord. 10-16-75 § 1(100.415))