

Division Six: Procedures

CHAPTER 600

TITLE AND CONTENTS

SECTIONS:

17.600.00 Title
17.600.05 Contents

Section 17.600.00 Title. Division Six of Title 17 is entitled "Procedures".

Section 17.600.05 Contents. Division Six consists of the following chapters:

Chapter 600	Title and Contents
Chapter 602	Variances
Chapter 604	Vacations and Abandonments of Easements or Streets
Chapter 606	Special Use Permits
Chapter 608	Site Plans
Chapter 610	Conditional Use Permits
Chapter 612	Amendment of Master Plan
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CHAPTER 602

VARIANCES

SECTIONS:

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Section 17.602.00 Purpose. The purpose of Chapter 602, Variances, is to allow the Planning Commission to authorize a variance from the strict application of these regulations where, owing to special conditions, a literal enforcement of these provisions will, in an individual case, result in unnecessary hardship. The granting of a variance shall not result in a substantial detriment to the public good, substantial impairment of affected natural resources or substantial impairment of the intent, purpose and spirit of these Regulations. A variance may not be granted to increase the density or intensity of development beyond that allowed by current land use or to allow any use not otherwise authorized in the current land use district.

Section 17.602.05 Requirements for Application. Applications for variances may be initiated by the Board of County Commissioners, a property owner or the property owner's authorized agent. Applications shall be filed with the Planning Department. A request for a variance shall include a site plan which clearly delineates the locations and extent of the regulation to be varied. In addition, the applicant shall provide evidence showing how the findings required in this article can be met. No variance shall be processed until the information necessary to review and decide upon the proposed variance is deemed complete by the Planning Director.

Section 17.602.10 Supplemental Guidelines, Standards and Criteria. In addition to the standards and findings set forth in the Pershing County Development Code, the Planning and Building department may prepare supplemental guidelines for the submission of applications and minimum standards and criteria for approval of applications.

Section 17.602.15 Review Procedures. The Planning Commission shall review variances in accordance with the provisions of this section.

- A. **General Provisions.** The Planning Commission shall conduct a public hearing with notification for the purpose of receiving oral and written evidence relative to the application. The evidence shall be reviewed to determine if the application is consistent with existing policies, standards and required findings.

- B. Concurrent Processing of Applications. A variance request related to additional Development Code action(s) which required Planning Commission review shall be consolidated into one hearing before the appropriate approval authority for the major request being considered.
- C. Time Period for Hearing. Public hearings conducted by the Planning Commission shall be held within 65 days from the date of acceptance of the complete application.
- D. Time Period for Action. The Planning Commission may take action on the proposed variance at the conclusion of the public hearing, but shall take action no later than 65 days after the complete application was accepted. An extension of time for the Planning Commission action may be granted if mutually agreed upon between the applicant and the Planning Commission.
- E. Action. The Planning Commission may take action to approve, approve with conditions, modify, modify with conditions, or deny the variance request. Failure of the Planning Commission to hold a public hearing or take action within the time frames provided in this section shall constitute approval of the application.
- F. Effective Date of Action. Action on the variance application, unless otherwise specified, shall be effective upon expiration of the appeal period.

Section 17.602.20 Notice of Public Hearings. Notice of all public hearings required by this chapter shall be given in accordance with the provisions of Chapter 17.708, Noticing.

Section 17.602.25 Findings. Prior to approving an application for a variance, the Planning Commission shall find that all of the following apply:

- A. Special Circumstances. Because of the special circumstances applicable to the property, including either the:
 1. Exceptional narrowness, shallowness or shape of the specific piece of property; or
 2. By reason of exceptional topographic conditions; or
 3. Other extraordinary and exceptional situation or condition of the property and/or location of surroundings; or
 4. The strict application of the regulation results in exceptional and undue hardships upon the owner of the property.
- B. No Detriment. The relief will not create a substantial detriment to the public good, substantially impair affected natural resources or impair the intent and purpose of the Development Code or applicable policies under which the variance is granted.
- C. No Special Privileges. The granting of the variance will not constitute a grant of special privileges inconsistent with the limitation upon other properties in the vicinity and the identical regulatory land use district in which the property is situated; and

- D. Use Authorized. The variance will not authorize a use or activity which is not otherwise expressly authorized by the regulation governing the parcel of property.

Section 17.602.30 Appeal. Any person who is aggrieved by a decision of the Regional Planning Commission, the Board of County Commissioners, the Planning Director, a member of the Planning Department staff, or any other person appointed or employed by the county who is authorized to make administrative decisions regarding the use of land, may appeal such decision pursuant to Chapter 17.710, Appeals.

Section 17.602.35 One year Wait on Denials. After the denial of a variance, no applications for a variance for the same or similar regulation may be accepted for one year immediately following the denial. This section shall not apply to applications denied without prejudices, which may be re-filed within one year.

Section 17.602.40 Modification of a Variance. Modification of the terms of the approved variance itself or the waiver or alteration of conditions imposed incident to the granting of the variance shall require a new application following the same procedure required for the initial variance except for minor modifications which can be approved by the Planning Director.

Section 17.602.45 Expiration. A variance shall expire as provided in this section.

- A. Time Period. A variance shall expire and become null and void at the time specified therein. If no time is specified, the following shall apply;
1. The variance shall expire and become null and void in 24 months after its effective date except where construction and/or use in reliance on such variance has commenced prior to its expiration; or
 2. The variance shall expire and become null and void in five years if any required building permit associated with the variance has not been extended or has lapsed and become void.
- B. Extension. The time period in subsection A of this section may be extended for an addition of 12 months by the Planning Commission. Requests for time extensions shall be in writing and shall be submitted prior to the expiration date. The request shall state the reason for the extension.

Section 17.602.50 Revocation. Revocation of a variance shall be subjected to the requirements of this section.

- A. Initiation of Action. The Planning Commission or the Board of County Commissioners may initiate an action to revoke a variance.
- B. Grounds for Revocation. A variance may be revoked pursuant to the provisions of this section upon a finding of any one or more of the following grounds:
1. That the variance approval was obtained or extended by fraud; or
 2. That one or more of the conditions upon which such development approval was granted have been violated.

- C. Planning Commission Public Hearing. The Planning Commission shall hold a public hearing upon the revocation of the variance. The hearing shall be noticed in accordance with this section. The Planning Commission shall submit findings based on any one or more of the grounds listed in subsection B. of this section and shall forward a recommendation on the revocation to the Board of County Commissioners, or the person or persons to whom the variance has been reissued shall be notified of such recommendations not later than three days after submission of the report to the Clerk of the Board of County Commissioners.
- D. Board of County Commissioner's Action. The board of County Commissioners shall hold a public hearing upon the revocation of the variance. The hearing shall be noticed in accordance with this chapter. After the public hearing and consideration of the recommendation of the Planning Commission, the Board of County Commissioners may take action to revoke the variance, or to continue the variance.

Section 17.602.55 Extension. Extension of the time may be granted by the Planning Commission.

CHAPTER 604

VACATIONS AND ABANDONMENTS

SECTIONS:

17.604.00	Purpose
17.604.05	Requirements for Application
17.604.10	Review Procedures
17.604.15	Findings and Action
17.604.20	Final Procedures, Recordation, and Re-application
17.604.25	Appeal

Section 17.604.00 Purpose. The purpose of Chapter 604, Vacations and Abandonments, is to provide a means for the vacation or abandonment of easements or streets.

Section 17.604.05 Requirements for Application. Applications for the vacation or abandonment of easements or streets may be initiated by the Board of County Commissioners, the Planning Commission, the Planning Director or an owner of real property abutting an easement or public street right-of-way through an application to the Planning Department. No application shall be processed when the information necessary to review and decide upon it is deemed to be incomplete by the Planning Director.

Section 17.604.10 Review Procedures. The Board of County Commissioners shall review applications for abandonments and vacations in accordance with the provisions of this section.

- A. **General Provisions.** The Board of County Commissioners shall conduct a hearing and receive evidence relative to the application. The evidence shall be reviewed to determine if the application is consistent with existing policies, standards and required findings.
- B. **Time Period for Hearing and Action.** Hearings conducted by the Board of County Commissioners and action on the application shall be completed within 40 days from the date of acceptance of the complete application.
- C. **Notice of Board of Commissioners Hearing.** Notice of a vacation or abandonment application to be heard by the Board or County Commissioners shall be given by notifying by certified mail each owner of property abutting the proposed vacation or abandonment and causing a notice to be published at least once in the newspaper of general circulation in the County, not less than 10 days before the hearing.
- D. **Action.** The Board of County Commissioners may take action to approve, approve with conditions, or deny the abandonment or vacation request. Failure of the Board to hold a hearing within the time frame provided in this section shall constitute an approval of the application by the Board.

Section 17.604.15 Findings and Action.

- A. Findings. Prior to approving an application for an abandonment or vacation, the County Commissioners shall find that all of the following are true:
1. The abandonment or vacation is consistent with the policies, action programs, standards and maps of the Master Plan and the applicable area plans;
 2. The abandonment or vacation does not create a detriment to abutting or surrounding properties;
 3. The public will not be materially injured by the proposed abandonment or vacation;
 4. Existing public utility easements in the area to be abandoned or vacated shall continue to exist.
- B. Action by Board of County Commissioners. If the Board of County Commissioners are satisfied that the public will not be materially injured by the proposed vacation or abandonment it shall:
1. Order the street or easement vacated or abandoned. The Board of County Commissioners may make the order conditional, and the order becomes effective only upon the fulfillment of the conditions prescribed.
 2. Utility or Other Easement. If a utility has an easement over the property, the Board of County Commissioners shall provide in its order for the continuation of that easement or any other necessary easement.
 3. Reservations. The Board of County Commissioners may reserve and except therefrom all easements, rights or interests which they deem desirable for the use of the county or public utility.

Section 17.604.20 Final Procedures, Recordation, and Re-application. Following approval of the Board of County Commissioners, the following procedures shall apply:

- A. Legal Description. The applicant shall submit to the District Attorney, a legal description for the area of the vacation or abandonment prepared by a Nevada Professional Land Surveyor, prior to recordation of the order of vacation or abandonment.
- B. Recordation. The order must be recorded in the Office of the County Recorder if all the conditions of the order have been fulfilled and, upon the recordation, title to the street or easement reverts to the abutting property owners in the approximate proportion that the property was dedicated by the abutting property owners or their predecessors in interest.
- C. Sale of Vacated Portion. In the event of a partial vacation of a street where the vacated portion is separated from the property from which it was acquired by the unvacated portion of it, the Board may sell the vacated portion upon such terms and conditions as it deems desirable and in the best interests of the County. If the Board sells the vacated portion, it shall afford the right of first refusal to each abutting property owner as to that part of the vacated portion which abuts his/her property, but no action may be taken by the Board to force the owner to purchase the portion and that portion may not be sold to

any person other than the owner if the sale would result in a complete loss of access to a street from the abutting property.

- D. Payment. If the street was acquired by dedication from the abutting property owners or their predecessors in interest, no payment is required for title to the proportionate part of the street reverted to each abutting property owners. If the street was not acquired by dedication, the Board may make its order conditional upon payment by the abutting property owners for their proportionate part of the street for such consideration as the Board determines to be reasonable. If the Board determines that the vacation has a public benefit, it may apply the benefit as an offset against any determination of reasonable consideration which did not take into account the public benefit.
- E. Light and Air Easement. Any easement for light and air adjacent to any vacated street is vacated upon the vacation of the street.
- F. Consistency with Master Plan. No procedures or approvals that are provided for in this chapter may be in contravention to the Master Plan.
- G. Reapplication. When an application for a vacation or abandonment of an easement or street has been denied, a subsequent application for the same easement or street right-of-way shall not be submitted for the next six consecutive months commencing from the date of the final action by the Board.

Section 17.604.25 Appeal. Any person who is aggrieved by a decision of the Regional Planning Commission, the Board of County Commissioners, the Planning Director, a member of the Planning Department staff, or any other person appointed or employed by the county who is authorized to make administrative decisions regarding the use of land, may appeal such decision pursuant to Chapter 17.710, Appeals.

CHAPTER 606

SPECIAL USE PERMITS

SECTIONS:

17.606.00	Purpose
17.606.05	Applicability
17.606.10	General Provisions
17.606.15	Submittal Requirements and Procedures
17.606.20	Review Procedures
17.606.25	Issuance of Permit
17.606.30	Appeal
17.606.35	Notice of Public Hearings
17.606.40	Findings
17.606.45	Additional Findings for Development of Natural Resources
17.606.50	Public Improvement Requirements
17.606.55	Time Limits
17.606.60	Modification of Permit by Permit-holder
17.606.65	Modification or Revocation of Permit by County
17.606.70	Transfer of Special Use Permit

Section 17.606.00 Purpose. The purpose of Chapter 606, Special Use Permits, is to establish the regulations and procedures for special use permits. Special uses are those which are generally compatible with the permitted land uses in a given land use district, but which require individual review of their location, design and configuration in order to determine if the uses have the potential to adversely affect public safety and welfare, and other land uses, facilities or infrastructure in the vicinity. Special uses may require the imposition of conditions by the county in order to ensure the compatibility of the use with surrounding land uses and to eliminate or minimize any potentially adverse effects of the use.

Section 17.606.05 Applicability. This chapter applies to any land use which requires additional review and issuance of a special use permit, as established in Division Three, Regulations of Uses, or as otherwise required in the Development Code.

Section 17.606.10 General Provisions.

- A. Special use permits shall comply with the provisions of the Development Code and other applicable local, state and federal regulations.
- B. The applicant for a special use permit shall be responsible for the payment of all fees associated with the processing, review and recordation of the application and accompanying materials. These fees may include, but are not limited to: the application fee established by the county and the review fees of the county engineer and other entities, if applicable.

Section 17.606.15 Submittal Requirements and Procedures. Requests for special use permits may be initiated by an owner of real property, their authorized agent or the Board of

County Commissioners. The following items must be submitted to the Planning Department to begin review of a special use permit request:

- A. Completed application, on forms furnished by the Planning Department.
- B. Copies of the site plan, of the size and number required by the Planning Director. The site plan shall conform to the requirements of Chapter 17.608, Site Plans. The Planning Director may add or waive site plan requirements as necessary.
- C. An affidavit of ownership, signed and notarized by all legal owners of the subject property.
- D. Payment of required fees, as established by the county.
- E. Any other materials as deemed necessary by the Planning Director for review of the special use permit request.

Review of special use permit request shall not begin until the submitted materials are deemed complete by the Planning Director.

Section 17.606.20 Review Procedures. The review procedures for a special use permit application are as follows: (“application” as used in this section is defined as the materials required by Section 17.606.15)

- A. Review for Completeness. Upon receipt of an application, the Planning Department staff shall have 15 working days to review the submitted materials and accept or reject the application as complete. If an application is found to be incomplete it will be returned to the applicant and/or the applicant will be notified of any additional information needed. Once an application has been determined complete, it will be scheduled to be heard by the Planning Commission.
- B. Review by County. Following acceptance of a complete application, the materials shall be reviewed by the Planning Director. The application shall be reviewed to check for errors, ensure accuracy and ensure compliance with the Development Code and other applicable regulations. If it is determined that there are deficiencies with the application, corrections or changes may be required. The applicant shall be notified of any required corrections or changes. The application shall be revised to reflect any corrections or changes required. The application shall be revised and re-reviewed as necessary until approved by the Planning Director.

The Planning Director may cause the application to be reviewed by other entities, as deemed necessary. Such entities may include but are not limited to the County Engineer, Road Department, Fire Department, utility providers, etc.

- C. Planning Commission Public Hearing and Action. Within 65 days after the acceptance of a complete application, the Planning Commission shall hold a public hearing to review the application. Following the public hearing, the Planning Commission shall take action to approve, approve with conditions, or deny the special use permit application. Action taken by the Planning Commission must be based upon findings made pursuant to Section 17.606.40. A statement regarding these findings shall be included with action

taken. The Planning Commission shall take action no later than 35 days after the hearing.

Section 17.606.25 Issuance of Permit. Upon approval of a special use permit application by the Planning Commission, the Planning Director shall issue a special use permit to the applicant. The special use permit shall list any conditions of approval that the applicant must comply with.

Section 17.606.30 Appeal. Any person who is aggrieved by a decision of the Regional Planning Commission, the Board of County Commissioners, the Planning Director, a member of the Planning Department staff, or any other person appointed or employed by the county who is authorized to make administrative decisions regarding the use of land, may appeal such decision pursuant to Chapter 17.710, Appeals.

Section 17.606.35 Notice of Public Hearings. Notice of all public hearings required by this chapter shall be given in accordance with the provisions of Chapter 17.708, Noticing.

Section 17.606.40 Findings. Prior to taking action to approve a special use permit, the Planning Commission, shall determine, to the best of their ability, that all of the findings listed in this section are true.

If it is determined that one or more of the findings listed in this section have not been adequately accounted for, action may be taken to conditionally approve or to deny the special use permit, based on such findings.

A statement of the determination made by the Planning Commission or Board of County Commissioners regarding these findings shall be included with action taken.

Findings.

- A. The proposed use will not be detrimental to the health, safety, and welfare of the public.
- B. The proposed use is consistent with the goals, policies, and objectives of the Pershing County Master Plan.
- C. The proposed use is in compliance with the Development Code and all other applicable county, state and federal regulations. Specifically the proposed use is in compliance with applicable environmental and health regulations concerning water and air pollution, water supply, sewage disposal and the disposal of solid waste.
- D. There is water available to serve the proposed use which meets applicable health standards and is sufficient in quantity to meet the reasonably foreseeable needs of the use, as necessary.
- E. Utilities and services, including but not limited to provisions for water supply, sewage disposal, storm drainage, electric service, solid waste disposal and telecommunications, are currently or will be available, accessible and adequate to serve the proposed use, as necessary.
- F. The proposed use will not be detrimental to existing transportation infrastructure or the safe use of such infrastructure, including but not limited to streets, highways, sidewalks,

bike paths and traffic control components. Provision has been made for safe and adequate transportation infrastructure to, from and within the proposed use.

- G. Fire protection is available, accessible and adequate to provide prevention and containment of fires, including fires in wild lands. Additionally, water is available, accessible and adequate for fire protection.
- H. Public services such as schools, police protection, transportation, recreation, and parks are available, accessible and adequate to serve the proposed use, as necessary.
- I. The proposed use will not be detrimental to any existing public utilities, services or infrastructure listed in this section or otherwise, and will not have a negative impact on the level of service currently being provided to residents of the county.
- J. After considering the physical characteristics of the land such as flood plains, slopes, soils and watercourses and any potential hazards such as flooding, erosion and geologic faults, the site of the proposed use has been determined suitable.
- K. The proposed use will not be detrimental to other properties in the area, their use, or improvements upon them, or to the character of the surrounding area.
- L. The proposed use will not be detrimental or have a negative impact on the existing natural storm drainage system.
- M. The proposed use will not cause substantial environmental damage or cause substantial injury to any endangered plant life, wildlife, or their habitat.
- N. The recommendations and comments of any entities required to review the project pursuant have been considered and accounted for.

Section 17.606.45 Additional Findings for Development of Natural Resources. All natural resources development shall require a special use permit. Natural resources development includes energy production, mining operations, petroleum gas extraction, and forest products production. In addition to the findings required in Section 17.606.40, issuance of a special use permit for development of natural resources shall be contingent on the Planning Commission finding that the following are true:

- A. The proposed development is not unduly detrimental to surrounding properties, land uses and the environment in general;
- B. The proposed development will not unduly block scenic views or degrade any surrounding scenic resources; and
- C. The proposed development site and all affected areas will be reclaimed by the applicant at the conclusion of operations.

Section 17.606.50 Public Improvement Requirements. Public improvements shall be provided to new development created by a special use permit in accordance with the provisions of this section.

- A. The County may require any public improvements as deemed reasonably necessary to support the new development and to meet the requirements of Section 17.606.40. The County shall reference the standards established by Table 17.501.15-1 and Chapter 17.501, in determining public improvement requirements. The requirement of public improvements by the County shall be in compliance with applicable regulations and shall be consistent with the provisions of the Master Plan.
- B. When new development created by a special use permit includes the construction of public improvements the following shall be complied with:
 - 1. Public improvements shall be constructed to County Standards, as established by Division Five, Development Regulations.
 - 2. Public improvements shall be constructed, inspected and bonded in accordance with Chapter 17.620, Construction, Inspection and Bonding of Public Improvements.
 - 3. The applicant shall submit and receive approval of construction plans for the public improvements, pursuant to Chapter 17.618, Improvement Plans.

The County shall not take action to approve a special use permit which includes the construction of public improvements unless the provisions of this subsection have been complied with or the provisions of this subsection are required as conditions of approval.

Section 17.606.55 Time Limits. Special use permits are subject to the following time constraints:

- A. Time period. A special use permit shall expire and become null and void at the time specified in the permit.
- B. Extension. The time period of a permit may be extended by the Planning Commission. Requests for time extensions shall be made in writing by the permit holder and shall be submitted to the Planning Director at least 60 days prior to the expiration date. The request shall state the reason(s) for the extension.
- C. Discontinuance. A special use permit shall expire and become null and void 12 months after the purpose for which it was granted has been discontinued or abandoned.

Section 17.606.60 Modification of Permit by Permit-holder. Modifications to special use permits initiated by a permit holder shall be subject to the requirements in this section.

- A. Submittal Requirements. Requests to modify a special use permit shall be made in writing by the permit holder and shall be submitted to the Planning Director. The written request shall detail the proposed modification(s) and include a revised site plan and additional plans and details as necessary to thoroughly indicate all requested changes.
- B. Minor Modifications. The Planning Director may approve minor modifications of a special use permit when, in the opinion of the Planning Director, the proposed modification complies with all of the following conditions:
 - 1. The modification is supplementary to the existing permitted use;

2. The modification does not result in a change of use;
 3. The modification will not have a substantial adverse effect on adjacent properties or the general public; and
 4. The modification complies with all current and applicable county, state and federal regulations, and the requirements of any agencies having jurisdiction over the project.
- C. Major Modifications. If a proposed modification does not comply with the conditions listed in subsection B of this section, the modification must be reviewed by the Planning Commission and a new permit shall be required. Major modifications include, but are not limited to, modification of the terms of the approved special use permit or the waiver or modification of conditions imposed in conjunction with approval of the permit. Major modifications shall be reviewed according to the procedures established by this chapter.

Section 17.606.65 Modification or Revocation of Permit by County. The Planning Director, Planning Commission or Board of County Commissioners may initiate proceedings to modify or revoke a special use permit if it is determined that one or more of the grounds for action listed in subsection A of this section may be true.

- A. Grounds for Action. A special use permit may be modified or revoked by the county upon finding that one or more of the following are true:
1. The special use permit approval was obtained or extended by fraud;
 2. One or more of the conditions upon which approval of the permit was granted have been violated; or
 3. The special use or the facilities and equipment associated with the use have been conducted, operated or maintained in a manner that is detrimental to the public health, safety and welfare, or is a public nuisance.
- B. Procedures. The procedures for the modification or revocation of a special use permit by the county are as follows:
1. Planning Commission Public Hearing and Action. The Planning Commission shall hold a public hearing regarding the modification/revocation of the special use permit. The Planning Commission shall review all evidence presented, as it relates to the grounds for action listed in subsection A of this section.

At the conclusion of the public hearing or within 35 days of the hearing, the Planning Commission shall take action to make a recommendation to the Board of County Commissioners to modify, revoke, or take no action against the special use permit. The Planning Commission shall make findings based upon the grounds for action listed in subsection A of this section, and shall state such findings as part of the action taken.
 2. After action has been taken by the Planning Commission, the Planning Director shall cause the following to take place:

- a. A written report shall be prepared, which details the action and findings of the Planning Commission, and such report shall be submitted to the Board of County Commissioners.
 - b. The person(s) to whom the special use permit has been issued shall be notified of the action and findings of the Planning Commission.
3. Board of County Commissioners Hearing and Action. Within 60 days of Planning Commission hearing, the Board of County Commissioners shall hold a public hearing regarding the modification/revocation of the special use permit. The Board of County Commissioners shall review all evidence presented, including the recommendation and findings of the Planning Commission, as it relates to the grounds for action listed in subsection A of this section.

At the conclusion of the public hearing or within 35 days of the hearing, the Board of County Commissioners may take action to modify or revoke the special use permit. If action is taken, the Board of County Commissioners shall make findings based upon the grounds for action listed in subsection A of this section, and shall state such findings as part of the action taken.

Action by the Board of County Commissioners shall be by an affirmative vote of a majority of the members. The final decision of the Board of County Commissioners shall be final for the purposes of judicial review.

4. After action has been taken by the Board of County Commissioners, the Planning Director shall cause the person(s) to whom the special use permit has been issued to be notified of such action and the findings supporting it.

Section 17.606.70 Transfer of Special Use Permit. The current holder of a special use permit may transfer such permit to a successor in interest by complying with the following:

- A. The current permit holder shall submit written notice to the Planning Director that the permit is being transferred.
- B. The Planning Director shall forward a copy of the notice to the Planning Commission for review.
- C. The successor in interest shall appear before the Planning Commission to review the terms and conditions of the original permit.

The transfer of a special use permit does not affect the original time limits set on the special use permit.

CHAPTER 608

SITE PLANS

SECTIONS:

17.608.00	Purpose
17.608.05	Applicability
17.608.10	Requirements for Submittal
17.608.15	Determination of Completeness
17.608.20	Appeal Process
17.608.25	Modification of Site Plan
17.608.30	Expiration

Section 17.608.00 Purpose. The purpose of Chapter 608, Site Plans, is to provide a guide for preparation of a site plan to the Planning and Building Department to support an application for a Special Use Permit, Conditional Use Permit, Variance, or Building Permit. The intent is to ensure the proposed development conforms to the regulations contained within the Development Code and Pershing County Building Code.

Section 17.608.05 Applicability. A site plan shall be required for all new construction, exterior additions or changes in use to any structure used for multi-family, commercial, industrial or public use, whether such use is a permitted use in the regulatory zone, authorized by a special use permit or allowed as a planned development. No building permit shall be issued for a development prior to the approval of the site plan. Specific requirements of the site plan may be waived by the Planning Director.

Section 17.608.10 Requirements for Submittal. The Planning and Building Department shall review the site plan in accordance with the provisions of this section.

A. **General Provisions.** A property owner or designated representative of the property owner may initiate site plan review by submitting the information outlined below. A site plan may be prepared and submitted for the entire development or for individual development phases. Some site plans may be required by the Planning Department to be prepared by a registered architect, engineer, landscape architect or surveyor. All site plans shall contain a development plan prepared on a sheet measuring not more than 24 inches by 36 inches, drawn to scale and setting forth the following information:

1. The address and telephone number of the property owner;
2. Land use on the subject and adjacent property;
3. North arrow, scale and date;
4. Vicinity map clearly identifying the location of the development and its relationship to the surrounding community;
5. A narrative statement on the plan identifying provisions of ownership and maintenance of all common areas, open space, private streets and easements;

6. Yard setbacks and distances between structures;
7. Walls and fences, including location and height;
8. The proposed location size and height of all signs;
9. Existing and proposed easements, including, but not limited to, ingress/egress, water management and public/county utilities;
10. Buffer and screening requirements and areas
11. The location and configuration of septic systems, with required open area, or interim wastewater treatment facility, if required;
12. The location of potable water wells, if existing or proposed;
13. Water and sewer system connection points and configuration on-site;
14. A site summary in chart form which shall include the following:
 - a. Total site acreage,
 - b. Total square frontage of impervious area (including all parking areas, driveways and internal streets) and its percentage of all total site area,
 - c. For residential projects, the total number of existing and proposed residential dwelling units, units per acre and a unit breakdown by square footage and number of bedrooms,
 - d. For nonresidential projects, total building square footage breakdown by use (i.e., office, retail, storage or the like) and its percentage of the total building,
 - e. For nonresidential projects or projects within an AP zone the following performance standards shall be complied with;
15. Location of irrigation ditches, head gates and related facilities.
16. A complete legal description of the property. A boundary survey may be required, if the Planning Commission deems it necessary.

Section 17.608.15 Determination of Completeness. The Planning and Building Director shall review the site plan application and determine if the application is complete pursuant to Section 17.608.10. Before approving the site plan, the Director shall make the following determinations:

- A. The site is capable of accommodating the building(s), parking areas and drives with appropriate open spaces and is in compliance with all requirements of these regulations.
- B. The site plan provides for safe and easy ingress, egress and internal traffic circulation.

- C. All development features, including the principal building and any accessory buildings, open spaces, service roads and parking areas are located so as to minimize the possibility of adverse effects on adjacent properties.
- D. The plan is consistent with accepted land planning and site engineering design principals.
- E. The plan represents an overall development pattern that is consistent with the Master Plan, design guidelines and other adopted planning policies.

Section 17.608.20 Appeal Process. If the Planning and Building Department makes a determination, in writing, that the site plan is incomplete, the applicant may appeal the decision to the Board of County Commissioners within 15 days from the date of the letter. Refer to Chapter 17.710, Appeals.

Section 17.608.25 Modification of Site Plan. The Planning and Building Director shall be authorized to review and approve modifications to a previously approved site plan, when the modification is for the expansion of floor space, provided, the amendment meets all requirements of these regulations.

Section 17.608.25 Expiration. A site plan approval shall expire as provided in this section.

- A. Time Period. A site plan approval shall lapse and become void one year from the date of site plan approval unless prior to the expiration, a building permit is issued and construction is commenced and diligently pursued toward completion.
- B. Extension. The time period in Subsection A. of this section may be extended by the Planning and Building Director. Requests for time extensions shall be in writing and shall be submitted prior to the expiration date. The request shall state the reason for the extension. Such extension, if granted, shall not exceed a period of one year. The request for extension shall be reviewed in relationship to any change in ordinance or code requirements, development of surrounding land uses and adjacent properties and the expansion or provision of public facilities and utilities.
- C. Concurrency. A site plan approval pursuant to these provisions shall run with the land and shall continue to be valid upon a change of ownership of the site or structure which was the subject of the application.

CHAPTER 610

CONDITIONAL USE PERMITS

SECTION:

17.610.00	Purpose
17.610.05	Application
17.610.10	Planning Commission Consideration
17.610.15	Planning Commission Responsibilities
17.610.20	Action by Board of County Commissioners
17.610.25	Exceptions
17.610.30	Explosive Defined for the Purposes of this Section

Section 17.610.00 Purpose. No person may commence operation in this state of a facility where an explosive or a substance listed in NRS 278.147, the regulations adopted pursuant thereto or the regulations adopted pursuant to NRS 459.3833, will be used, manufactured, processed, transferred or stored without first obtaining a conditional use permit.

Section 17.610.05 Application. An application for a conditional use permit must be filed with the Planning Department of the county in which the facility is to be located. The Planning Commission shall, within 90 days after the filing of an application, hold a public hearing to consider the application. The Planning Commission shall, at least 30 days before the date of the hearing, cause notice of the time, date, place and purpose of the hearing to be:

- A. Sent by mail to or if requested by a party whom notice must be provided pursuant to this paragraph, by electronic means if receipt of such an electronic notice can be verified to:
 1. The applicant.
 2. Each owner or tenant of real property located within 1,000 feet of the property in question.
 3. The owner, as listed on the county assessor's records, of each of the 30 separately owned parcels nearest the property in question, to the extent this notice does not duplicate the notice given pursuant to subsection 2.
 4. If a mobile home park or multiple-unit residence is located within 1,000 feet of the property in question, each tenant of that mobile home park or multiple-unit residence.
 5. Any advisory board that has been established for the affected area by the governing body.
 6. The administrator of the division of environmental protection of the state department of conservation and natural resources.
 7. The state fire marshal; and

8. The administrator of the division of industrial relations of the department of business and industry; and
- B. Published in a newspaper of general circulation within the city or county in which the property in question is located.
- C. The notice required by subsection 2 must:
1. Be written in language that is easy to understand; and
 2. Include a physical description or map of the property in question and a description of all explosives, and all substances described in subsection 1, that will be located at the facility.

Section 17.610.10 Planning Commission Consideration. In considering the application, the Planning Commission shall:

- A. Consult with:
1. Local emergency planning committee.
 2. The Administrator of the Division of Environmental Protection of the State Department of Conservation and Natural Resources.
 3. The State Fire Marshal.
 4. The Administrator of the Division of Industrial Relations of the Department of Business and Industry; and
 5. The governing body of any other city or county that may be affected by the operation of the facility; and
- B. Consider fully the effect the facility will have on the health and safety of the residents of the city, county, or region.

Section 17.610.15 Planning Commission Responsibilities. The Planning Commission shall, within a reasonable time after the public hearing, submit to the governing body its recommendations for any actions to be taken on the application. If the Planning Commission recommends that a conditional use permit be granted to the applicant, it shall include in its recommendations such terms and conditions for the operation of the facility as it deems necessary for the protection of the health and safety of the residents of the city, county or region.

Section 17.610.20 Action by Board of County Commissioners. The Board of County Commissioners shall, within 30 days after the receipt of the recommendations of the Planning Commission, hold a public hearing to consider the application. The governing body shall:

- A. Cause the notice of the hearing to be given in the manner prescribed by Section 17.610.05; and
- B. Grant or deny the conditional use permit within 30 days after the public hearing.

Section 17.610.25 Exceptions. Notwithstanding any provision of this section to the contrary, the provisions of this section do not apply to the mining industry.

Section 17.610.30 Explosive Defined for the Purpose of this Section. An explosive does include:

- A. Except as otherwise provided in subsection B, as used in this section, “explosive” means gunpowder, powders used for blasting, all forms of high explosives, blasting materials, fuses other than electric circuit breakers, detonators and other detonating agents, smokeless powder, other explosive or incendiary devices and any chemical compound, mechanical mixture or devise that contains any oxidizing or combustible units, or other ingredients, in such proportions, quantities or packing that ignition by fire, friction, concussion, percussion or detonation of the compound, mixture device or any part thereof may cause an explosion.
- B. For the purposes of this section, an explosive does not include:
 1. Ammunitions for small arms, or any component thereof;
 2. Black powder commercially manufactured in quantities that do not exceed 50 pounds, percussion caps, safety and pyrotechnic fuses, quills, quick and slow matches, and friction primers that are intended to be used solely for sporting, recreation, or cultural purposes;
 - (a) In an antique firearm, as that term is defined in 18 U.S.C.§ 921 (a)(16), as that section existed on January 1, 1999; or
 - (b) In an antique device which is exempted from the definition of “destructive device” pursuant to 18U.S.C.§ 921(a)(4), as that section existed on January 1, 1999; or
 3. Any explosive that is manufactured under the regulation of a military department of the United States, or that is distributed to, or possessed or stored by, the military or naval service or any other agency of the United States, or an arsenal, a navy yard, a depot or any other establishment owned by or operated on behalf of the United States.

CHAPTER 612

AMENDMENT OF MASTER PLAN

SECTIONS:

17.612.00	Purpose and Definition
17.612.05	Requirements for Application
17.612.10	Supplemental Guidelines, Standards and Criteria
17.612.15	Review Procedures
17.612.20	Findings
17.612.25	Planning Commission Report
17.612.28	Effect of Planning Commission Denial
17.612.30	Notice
17.612.32	Appeal of Denial
17.612.35	Action by Board
17.612.40	Written Record
17.612.45	Effective Date
17.612.50	One Year Wait on Denials
17.612.55	Modification of a Master Plan Amendment

Section 17.612.00 Purpose and Definition. The purpose of Chapter 612, Amendment of Master Plan, is to provide a method of amending the text and/or the regulatory land use district affecting a parcel of land, or a portion of a parcel as reflected in the Pershing County Master Plan. For purposes of this chapter, "Planning Director" refers to the Planning Director or the designee of the planning director.

Section 17.612.05 Requirements for Application.

- A. **Pre-application Meeting.** The applicant may request a pre-application meeting with the Planning and Building Department to discuss the proposed amendment to the Master Plan. Other departments, as deemed necessary, may attend.
- B. **Timing of Amendments.** The Master Plan may be amended by the Board of County Commissioners no more than four times per year. Applications for Master Plan amendments shall only be accepted in January, April, July and October of each calendar year. Specific dates within these months shall be determined by the Planning and Building Department.
- C. **Initiation of Amendments.** A Master Plan amendment may be initiated by the Board of County Commissioners or the Planning Commission through resolution. An owner of real property or the property owner's authorized agent may initiate an amendment through an application filed with the Planning and Building Department.
- D. **Frequency of Amendments.** Unless a prior application has been denied without prejudice, only the Board of County Commissioners or Planning Commission may initiate an amendment of the Master Plan for a parcel within 12 months after an amendment on that parcel has been approved or denied.

- E. Completeness. No Master Plan amendment shall be processed until the information necessary to review and decide upon the proposed Master Plan amendment is deemed complete by the Planning Director. The Planning Director shall prepare a written report summarizing the staff's comment(s) for consideration by the Planning Commission.

Section 17.612.10 Supplemental Guidelines, Standards and Criteria. In addition to the standards and findings set forth in the Pershing County Development Code, the Planning Director may prepare supplemental guidelines for the submission of applications and minimum standards and criteria for approval of applications.

Section 17.612.15 Review Procedures. The Planning Commission shall review a Master Plan amendment in conformance with this section.

- A. Information Required for Text Amendments. Applications shall include a typewritten copy of the proposed changes to the Master Plan text in a format clearly indicating the proposed changes, the reasons supporting the amendment and the specific circumstances, if any, that are the basis for the requested change.
- B. Application Contents. An application to amend the regulatory land use district affecting a parcel of land, or a portion of a parcel shall include:
1. A legal description of the property;
 2. A scaled map of the property, correlating with the legal description, and clearly showing the property's location;
 3. The name, address and phone number of the applicant and property owner;
 4. Identification of the adopted land use regulatory land use district and proposed regulatory land use district of the property;
 5. A description of the existing use of the property;
 6. The area of the property in square feet and/or acres;
 7. A description of the proposed project and a time schedule for completion of the proposed project;
 8. The source/method for providing infrastructure and services to the property;
 9. A description of existing road conditions and any new roads to be included in the development and the effect the proposed project will have on existing road and traffic conditions;
 10. Declaration of the property's status relative to floodplain information provided by FEMA;
 11. A list of any state, federal, or other public agencies' approvals or permits required for the proposed project;
 12. A description of the surrounding land uses on adjacent properties;

13. The effect the proposed change in regulatory land use district may have on surrounding properties;
 14. A scaled map depicting the site constraints, including but not limited to, slopes, potential wetlands, floodways, drainage-ways, geologic hazards and fault zones.
 15. Additional exhibits as may be required by the Planning Director such as a scaled site plan showing elevations of property, location and size of all existing structures, roadways, easements and parking areas, and the location of present and proposed points of access of the property;
 16. Statement describing how the proposed change in regulatory zone is consistent with the Pershing County Master Plan;
 17. The signature(s) of the Applicant(s) and owner(s) certifying the accuracy of the required information;
 18. List of property owners within 300 feet. The list must include the owners of at least 30 parcels.
 19. All tenants of mobile home parks within 300 feet.
- C. General Provisions. The Planning Commission shall conduct at least one public hearing with notification for the purpose of receiving oral and written evidence relative to the application. The evidence shall be reviewed to determine if the proposed amendment is consistent with existing policies and standards of the Master Plan. The Planning Commission shall recommend approval, modification or denial of the application based on the results of this review.
- D. Concurrent Processing of Applications. If a proposed project requires more than one application under the provisions of the Development Code, the applications may be filed at the same time and processed concurrently. If more than one review authority is involved, the Planning Director shall determine the sequence for action by the review authorities.
- E. Time Period for Hearing. A public hearing conducted by the Planning Commission shall be held within 125 days from the date the resolution was adopted or the complete application was accepted.
- F. Time Period for Action. The Planning Commission may take action on the proposed Master Plan amendment at the conclusion of the public hearing, but shall take action no later than 90 days after the public hearing. An extension of time for Planning Commission action may be granted if mutually agreed upon between the applicant and the Planning Commission.
- G. Action.
1. Approval: The Planning Commission may take action to: Recommend approval of the original application or approval of the original application with conditions or approve the modification proposed by the Board of County Commissioners

(under Section 17.612.35 C 3). A recommendation for approval or modification must be carried by the affirmative votes of not less than 2/3 of the voting members. Any recommendation of the Planning Commission shall be memorialized by a resolution prepared by the Planning Director. The resolution shall identify the Master Plan Amendment, provide the grounds for the approval as provided for herein, and refer expressly to the maps, descriptive matter, or other matter intended by the Planning Commission to constitute the amendment.

2. Denial: The Planning Commission may take action to either: Deny the application for a Master Plan amendment; or Recommend that the Commissioners not modify a previous recommendation for approval (which was returned under Section 17.612.35 C 3). Any action to deny herein must be carried by the affirmative votes of not less than 2/3 of the voting members. A recommendation of denial shall set forth the grounds for the denial.

Section 17.612.20 Findings. Prior to taking action to either: Recommend to the Board of County Commissioners that an application for a master plan amendment be approved of an original application; or Deny an original application for a master plan amendment, the Planning Commission shall at a minimum¹ make at least one of the following findings of facts:

A. Consistency with Master Plan.

1. Approval: The proposed amendment is in substantial compliance with the policies and action programs of the Master Plan.
2. Denial: The proposed amendment is not in substantial compliance with the policies and action programs in the Master Plan.

B. Compatible Land Uses.

1. Approval: The proposed amendment will provide for land uses compatible with (existing or planned) adjacent land uses, and will not adversely impact the public health, safety or welfare.
2. Denial: The proposed amendment would result in land uses which are incompatible with (existing or planned) adjacent land uses, and would adversely impact the public health, safety or welfare.

C. Response to Change Conditions.

1. Approval: The proposed amendment responds to changed conditions or further studies that have occurred since the plan was adopted by the Board of County Commissioners, and the requested amendment represents a more desirable utilization of land.
2. Denial: The proposed amendment does not identify and respond to changed conditions or further studies that have occurred since the plan was adopted by the Board of County Commissioners, and the requested amendment does not represent a more desirable utilization of land.

¹ If possible more than one finding should be made.

D. No Adverse Affects

1. Approval: The proposed amendment will not adversely affect the implementation of the policies and action programs as they relate to the conservation and resources chapter of the Pershing County Master Plan.
2. Denial: The proposed amendment will adversely affect the implementation of the policies and action programs of the conservation and resources chapter of the Pershing County Master Plan.

E. Desired Pattern of Growth

1. Approval: The proposed amendment will promote the desired pattern for the orderly physical growth of the County and guides development of the County based on the projected population growth with the least amount of natural resource impairment and the efficient expenditure of funds for public services.
2. Denial: The proposed amendment does not promote the desired pattern for the orderly physical growth of the County. The proposed amendment does not guide development of the County based on the projected population growth with the least amount of natural resource impairment and the efficient expenditure of funds for public services.

Section 17.612.25 Planning Commission Report. Within 40 days of the action by the Planning Commission to approve the application for the proposed Master Plan amendment, the Planning Department shall transmit to the Board of County Commissioners the following:

- A. The application for the proposed master plan amendment;
- B. A copy of the resolution from the Planning Commission describing the amendment;
- C. A copy of the report given by the Planning Director to the Planning Commission;
- D. A copy of all statements and materials provided to the Planning Commission; and
- E. The minutes from the public hearing.

Section 17.612.28. Effect of Planning Commission Denial. In the event the Planning Commission denies a Master Plan amendment application, that action is final unless appealed to the Board of County Commissioners.

Section 17.612.30 Notice. Notice for all public hearings regarding applications for master plan amendments held before the Pershing County Regional Planning Commission or the Pershing County Board of Commissioners shall be given by the Planning Director in accordance with the provisions of this section.

- A. Notice of Property Owners by Mail. A notice setting forth the time, place, purpose of hearing, and map or physical description of the land involved, which shall be sent by mail at least 10 days before the meeting to the following persons:

1. All owners of real property that are subject of the master plan amendments.
 2. All owners of real property within 300 feet of the property which is the subject of the master plan amendment.
 3. All tenants of any mobile home park that is located within 300 feet of the property which is the subject of the master plan amendment.
 4. Any advisory board which has been established for the area by the governing body.
- B. Number of Notices. If the number of notices sent pursuant to this Subsection A does not total 30 or more, the Planning Director shall send out additional notices to make the total number at least 30. These notices shall be sent to owners of real property that are closest to the property in question, not including those owners provided notice pursuant to subsection A of this section. A certificate of mailing shall be maintained detailing the date that the notice was mailed, the name of the individual, the Assessors Parcel Number, and the mailing address to which the notice was sent.
- C. Noticing by Mail. The notice must be sent by mail or, if request by a party to whom notice must be provided pursuant to paragraphs 278.260(a) to (d), inclusive, by electronic means if receipt of such an electronic notice can be verified, and be written in language which is easy to understand. The notice must set forth the time, place and purpose of the hearing and a physical designation, and the proposed land use designation, of the property in question, and must contain a brief summary of the intent of the proposed change. If the proposed amendment involves a change in the boundary of the land use district that would reduce the density or intensity with which a parcel of land may be used, the notice must include a section that an owner of property may complete and return to the governing body to indicate his approval or opposition to the proposed amendment.
- D. Notice in the Newspaper. A notice setting forth the date, time and place of the public hearing shall be published in a newspaper of general circulation in Pershing County not less than 10 days prior to the public hearing date. The notice shall describe the proposed Master Plan amendment request, describe the lot, parcel, properties or areas that are the subject of the Master Plan Amendment request, and other pertinent information in such a manner that the Master Plan amendment request and its effect(s) can be clearly identified.
- E. Compliance with Noticing Requirements. Owners of all real property to be noticed pursuant to this section shall be those owners identified on the latest County Assessor's ownership maps and records. Such notice is complied with when notice is sent to the last known addresses of such real property owners as identified in the latest County Assessor's records. Any person who attends the public hearing shall be considered to be legally noticed unless those persons can provide evidence that they were not notified according to the provisions of this section.

Section 17.612.32 Appeal of Denial. A denial action of the Planning Commission made pursuant to this article may be appealed in accordance with the provisions of this section.

- A. Appeal Period. An appeal of the Planning Commission's denial of a master plan amendment request may be made to the Board of County Commissioners within 10 business days after the date of the decision.
- B. Who Can Appeal. Appeals may be filed by the Board of County Commissioners, the applicant, or the applicant's authorized agent.
- C. Appeal by Applicant or Applicant's Agent. An appeal by the applicant or the applicant's authorized agent shall be filed with the Planning Department, accompanied by a filing fee of \$150.00. The appeal shall be in writing and state the basis of the appeal by citing the inadequacy of the findings made by the Planning Commission. Such reasons shall be based upon the evidence presented to the Planning Commission at the original hearing. Failure of the appellant to present such reasons shall be deemed cause for denial of the appeal.
- D. Action on Appeal. The appeal of the Planning Commission's denial of a master plan amendment request shall be processed pursuant to this article.
- E. Transmission of Record. The Planning Department shall transmit to the Board of County Commissioners the following:
 - 1. The application for the proposed master plan amendment;
 - 2. A copy of the resolution from the Planning Commission describing the amendment;
 - 3. A copy of the report given by the Planning Director to the Planning Commission;
 - 4. A copy of all statements and materials provided to the Planning Commission; and
 - 5. The minutes from the public hearing.

Section 17.612.35 Action by Board. The Board of County Commissioners shall review a Recommendation for Approval and an Appeal of a Denial of an Application for a Master Plan Amendment in accordance with the provisions of this section.

- A. Time Period for Hearing. The Clerk of the Board of County Commissioners shall schedule a public hearing before the Board of County Commissioners on the appeal of a denial or recommendation of approval by the Planning Commission, which hearing shall be held no later than 45 calendar days after the filing of the appeal or receipt of the written notice regarding the Planning's Commission's recommendation of approval.
- B. Notice of Hearing. The public hearing shall be noticed as required by Section 17.612.30. The Planning Director shall provide the County Clerk with a copy of the certificate of mailing and proof of publication prior to the public hearing on the Recommendation of Approval or Appeal of a Denial.
- C. Final Action: Final action shall require a simple majority vote of the total membership of the Board if the Planning Commission has recommended denial of the amendment.

D. Standard of Review: The Board of County Commissioners shall review the evidence presented to the Planning Commission and determine if, based upon the evidence presented at the public hearing before the Planning Commission, the Planning Commission erred in making its findings of fact.

E. Board of County Commissioner's Action.

1. Changing a Denial on appeal from the Planning Commission. If the Board of County Commissioners is considering reversing the Planning Commission's denial of an application for a master plan amendment, the Board of County Commissioners must determine that, based upon the evidence presented before the Planning Commission at its public hearing, the Planning Commission incorrectly denied the application. Upon a finding specifying the error committed by the Planning Commission, the Board of County Commissioners may vote to overturn the denial and substitute findings justifying an approval of the application.
2. Affirming a Planning Commission Recommendation of Approval. If the Board of County Commissioners is considering a recommendation of approval by the Planning Commission, the Board may take final action to adopt the Master Plan amendment as recommended by the Planning Commission, if no modification of the Planning Commission's recommendation is proposed. Final action to approve the application for master plan amendment shall require a simple majority vote of the total membership of the Board.
3. Rejection of Findings of Fact for Planning Commission Recommendation of Approval. If the Board of County Commissioners proposes to modify or change in any manner the findings supporting the recommendation of approval from the Planning Commission, the Board may take action unless the change or modification involves a denial of the application. The Board shall make specific findings justifying the modification or change in the Planning Commission's findings. If the proposed modification(s)/change(s) modify or change a recommendation of approval to a denial, the proposed modification(s)/change(s) shall be remanded to the Planning Commission for consideration. The Planning Commission shall not be required to hold a public hearing on the proposed modification(s)/ change(s). The Planning Commission shall submit a report on the proposed modification(s)/change(s) to the Board of County Commissioners within 40 days from the date of remand by the Board of Commissioners. Failure to report shall be deemed a recommendation of approval. Prior to making a final decision, the Board of County Commissioners shall be required to conduct a public hearing and notice this hearing pursuant to this article. If the Planning Commission does not recommend approval of the modification, approval of the proposed modification shall require a 2/3 vote of the total membership of the Board of Commissioners.
4. Affirming a Denial by the Planning Commission. The Board of County Commissioners may take final action to affirm and sustain the findings of the Planning Commission denying an application for a Master Plan Amendment.

Section 17.612.40 Written Record. When taking final action on the Planning Commission's recommendation, the Board of County Commissioners shall make part of the record their

affirmation, modification or rejection of the findings of fact provided in the Planning Commission's final recommendation, as well as any other findings of fact that the Board of County Commissioners deems to be relevant. The final action by the Board of County Commissioners shall be final for purposes of judicial review and may be appealed to the District Court pursuant to NRS 278.3195 and PCDC Chapter 17.710.

Section 17.612.45 Effective Date. A Master Plan amendment shall become effective immediately upon approval by the Board of County Commissioners, however, the written changes to the land use map or master plan shall be by ordinance.

Section 17.612.50 One Year Wait on Denials. After the denial of a Master Plan amendment, no application for a Master Plan amendment for the same or similar amendment may be accepted for one year immediately following the denial. This section shall not apply to applications denied without prejudice, which may be refilled within one year.

Section 17.612.55 Modification of a Master Plan Amendment. Proposed modifications to an approved Master Plan Amendment shall require a new application following the same procedure required for the initial application.

[Chapter 17.712 amended by Ord. 237, passed 07/03/07, provisions eff. 10/05/07]

CHAPTER 614

VESTED RIGHTS DETERMINATION

SECTIONS:

17.614.00	Purpose
17.614.05	Requirements for Application
17.614.10	Review Procedures
17.614.15	Effective Date
17.614.20	Appeal

Section 17.614.00 Purpose. The purpose of Chapter 614, Vested Rights Determination is to provide a method of determining whether or not an application has acquired a protected status that requires the County to permit a development to proceed contrary to existing or amended land use regulations.

Section 17.614.05 Requirements for Application.

- A. Pre-application Meeting. The applicant shall request a pre-application meeting with the Planning and Building Department to discuss the vested rights determination process.
- B. Application Contents. An application to determine vested rights shall include:
 - 1. A legal description of the subject property and the names of the legal equitable owners;
 - 2. The duration of the development approval and the conditions that will result in revocation;
 - 3. The uses permitted on the property, including population densities and/or building intensities and height;
 - 4. A description of the public facilities that will service the proposed development, including who shall provide such facilities; the date any new facilities, if needed will be constructed; and a schedule to assure public facilities area available concurrent with the impacts of the development;
 - 5. A description of any reservation or dedication of land for public purposes;
 - 6. A description of all development approvals, permits, or other local or state approvals needed for the proposed development;
 - 7. Evidence that the proposed development is consistent with the Pershing County Land Use Map and the relevant provisions of this code;
 - 8. A description of any conditions, terms, restrictions, or other requirements determined to be necessary for the preservation and protection of the public health, safety, or welfare;

9. A statement indicating that the omission of a limitation or restriction shall not relieve the Applicant of the necessity of complying with all applicable county, state and federal laws;
10. A phasing plan indicating the anticipated commencement and completion date of all phases of the proposed development; and
11. A statement that the County shall review progress pursuant to the development approval at least once every 12 months to determine if there has been demonstrated good faith compliance with the terms of the development approval. If the County finds, on the basis of substantial competent evidence, that there has been a failure to comply with the terms of the development approval, the approval may be revoked or modified by the County, after a public hearing which has been noticed by publication, and for which notice has been expressly provided to the Applicant.

C. Completeness. No application for vested rights shall be processed until the information necessary to review and decide upon the application is deemed complete by the Planning Director. The Planning Director shall prepare a written report summarizing the staff's comment for consideration by the County Commission.

Section 17.614.10 Review Procedures. The Board of County Commissioners shall review the vested rights application in conformance with this section.

A. General Provisions. The Board of County Commissioners shall conduct at least one public hearing with notification for the purpose of receiving oral and written evidence relative to the application for the purposes of determining whether the applicant is vested or not vested relevant to the application.

B. Action. If the applicant is found to be vested, the Board of County Commissioners shall enter into a development agreement with the applicant specifying the terms of continued development. If the applicant is found to be not vested, the development application for which the applicant made the vested rights claim shall be considered void. In making the determination of vesting, the Board of County Commissioners shall consider the following and make findings:

1. Claiming entitlement to development approval on the basis of detrimental reliance, i.e., the initial application for development approval was made by the applicant and accepted by the County, the County had an opportunity to require the applicant to submit relevant information, including, but not limited to, adequate public facilities data, the applicant has proceeded in good faith, and no approval or permits have lapsed or been revoked, or
2. Claiming entitlement to development approval on the basis of an actual or implied phasing plan, pursuant to which the applicant has proceeded in good faith, provided or made provision for required public improvements and no approvals or permits have lapsed or been revoked or,
3. Claiming entitlement to development approval on the basis of other vested rights under state law.

Section 17.614.15 Effective Date. A vested rights determination shall be valid for the term specified in the development agreement. If the applicant fails to enter into a development agreement, the vested rights determination shall be valid for two years.

Section 17.614.20 Appeal. Applicants may appeal the Board of County Commissioners decision to District Court in accordance with Chapter 17.710, Appeals.

CHAPTER 616

DEVELOPMENT AGREEMENTS

SECTIONS:

17.616.00	Purpose
17.616.05	Applicability
17.616.10	General Provisions
17.616.15	Submittal Requirements
17.616.20	Contents of Development Agreement
17.616.25	Notice
17.616.30	Review Procedures
17.616.35	Recordation
17.616.40	Periodic Review
17.616.45	Amendment or Cancellation of Agreement

Section 17.616.00 Purpose. The purpose of this chapter is to establish the regulations and procedures for development agreements between the county and persons having a legal or equitable interest in land proposed for new development.

Section 17.616.05 Applicability. The Board of County Commissioners may enter into an agreement concerning the development of land with any person having a legal or equitable interest in such land.

Section 17.616.10 General Provisions.

- A. **Laws in Effect.** The ordinances, resolutions and regulations which are applicable to the subject property and which govern the permitted uses and density and establish design, construction and improvement standards are those in effect at the time the agreement is made, unless the agreement provides otherwise.
- B. **Subsequent Actions.** A development agreement shall not prevent the Board of County Commissioners, in subsequent actions applicable to the property, from adopting new ordinances, resolutions or regulations which do not conflict with those ordinances, resolutions and regulations in effect at the time the development agreement was made, except that any subsequent action by the County shall not prevent the development of the land as set forth in the development agreement.
- C. **Compliance with State or Federal Regulations.** In the event that any state or federal regulations are enacted after a development agreement has been entered into, and such regulations prevent or preclude compliance with one or more of the provisions of the development agreement, such provisions shall be amended or cancelled, as necessary, to comply with the new state or federal regulations. Any such action to amend or cancel a portion of a development agreement shall be done in accordance with PCDC Section 17.616.45, Amendment or Cancellation of Agreement.
- D. **District Attorney Approval.** The District Attorney shall review and approve a development agreement prior to the County entering into such agreement.

Section 17.616.15 Submittal Requirements. An owner of real property may request to enter into a development agreement with the County by applying through the Planning Department. A development agreement may also be initiated by the Board of County Commissioners. The following, at minimum, must be submitted to process an application:

- A. Completed application on forms furnished by the Planning Department;
- B. Verification of the status of the applicant as an owner of the subject property, typically by a signed and notarized owner affidavit;
- C. Copies of the development agreement, of the number required by the Planning Director;
- D. Payment of all required fees associated with the processing and review of the development agreement, as established by the county;
- E. Any additional information or materials as deemed necessary by the Planning Director for review of the development agreement.

Section 17.616.20 Contents of Development Agreement.

- A. Required Contents. A development agreement shall contain the following provisions, as applicable:
 - 1. A legal description of the land subject to the development agreement;
 - 2. The proposed duration of the development agreement;
 - 3. The permitted uses of the land;
 - 4. The density and/or intensity of uses;
 - 5. The maximum height and size of proposed buildings;
 - 6. Provisions for the dedication or reservation of any portion of the land for public use;
 - 7. Terms and conditions relating to financing, construction and inspection of necessary public improvements and facilities.
- B. Additional Contents. A development agreement may contain the following provisions:
 - 1. Provisions that require that construction shall commence within a specified time and that the project, or any individual phase, is to be completed within a specified time. If timeframes are specified, a process for extensions may be included.
 - 2. A negotiated level of protection from either a future growth control ordinance or a future increase in development fees, including impact fees.

3. Restrictions on the assignability of the agreement by the applicant and, if assignable, provisions ensuring that the successor in interest assumes the obligations under the development agreement.
4. Provisions for minor modifications of the development agreement.
5. Procedures for reimbursement when oversized public infrastructure is required by the County.
6. Requirements to ensure the applicant's compliance with all provisions of the agreement in a timely manner, to the satisfaction of the County,
7. Any other terms, conditions and requirements the parties may deem necessary.

Section 17.616.25 Notice. Notice for all public hearings required by this chapter shall be given in accordance with the provisions of PCDC Chapter 17.708, Noticing.

Section 17.616.30 Review Procedures. Development agreements shall be reviewed in accordance with the provisions of this section.

- A. **Planning Department Review.** Upon receipt of an application, the Planning Department staff shall have seven working days to review the submitted materials and accept or reject the application as complete. If an application is found to be incomplete the application will be returned to the applicant and/or the applicant will be notified of any additional information needed. Once an application has been determined complete, it will be scheduled to be heard by the Board of County Commissioners.
- B. **Board of County Commissioners Action.** Within 60 days of an application being determined complete, the Board of County Commissioners shall hold a public hearing to review the agreement. Following the conclusion of the public hearing, the Board of County Commissioners shall take action to approve, approve with conditions, or deny the development agreement. A development agreement shall be approved by ordinance.

Before approving an agreement, the Board of County Commissioners must find that the provisions of the agreement are consistent with the Master Plan.

Section 17.616.35 Recordation. After approval of a development agreement, the Planning Department shall cause the original agreement and a certified copy of the ordinance approving the agreement to be recorded in the Office of the County Recorder. Upon recordation, the agreement binds all parties and their successors in interest for the duration of the agreement. The applicant is responsible for any recording fees.

Section 17.616.40 Periodic Review. The Planning and Building Director shall cause the development agreement and the property subject to the agreement to be reviewed at least once every 24 months and shall forward a report to the Board of County Commissioners stating whether or not the terms and conditions of the agreement are being complied with.

Section 17.616.45 Amendment or Cancellation of Agreement.

- A. Amendment or Cancellation by Mutual Consent. A development agreement may be amended or canceled, in whole or in part, by mutual consent of the Board of County Commissioners and the applicant or their successors in interest.
- B. Amendment or Cancellation by Board of County Commissioners. If the Board of County Commissioners determines, based upon substantial evidence from the periodic review of the agreement and the subject property, that the terms and conditions of the agreement are not being complied with by the applicant or successor in interest, the Board may take action to amend or cancel the agreement without the consent of the breaching party.
- C. Public Hearing for Amendment or Cancellation. Before action is taken to amend or cancel a development agreement, a public hearing must be held. Notice of the public hearing shall be given in accordance with the provisions of PCDC Chapter 17.708, Noticing.
- D. Action to Amend or Cancel. Action to amend or cancel a development agreement may only be taken by the Board of County Commissioners.
- E. Approval of Amendment by Ordinance. If an amendment to a development agreement is consistent with the Master Plan, it may be approved by the Board of County Commissioners by ordinance.
- F. Recordation. Following approval of an amendment to a development agreement, the original amendment and a certified copy of the ordinance approving the amendment must be recorded in the Office of the County Recorder.

Following cancellation of a development agreement, notice of such action shall be recorded in the Office of the County Recorder.

CHAPTER 618

IMPROVEMENT PLANS

SECTIONS:

17.618.00	Purpose
17.618.05	Applicability
17.618.10	General Provisions
17.618.15	Form
17.618.20	General Requirements and Contents
17.618.25	Information Required on Each Sheet
17.618.30	Title Sheet
17.618.35	Grading Plans
17.618.40	Storm Drainage Plans
17.618.45	Street Improvement Plans
17.618.50	Water and Sanitary Sewer System Improvement Plans
17.618.55	Submittal Requirements
17.618.60	Review Procedures
17.618.65	Modification of Approved Plans
17.618.70	Record Drawings

Section 17.618.00 Purpose. The purpose of Chapter 618, Improvement Plans, is to establish the regulations and procedures for improvement plans.

Section 17.618.05 Applicability.

The provisions of this chapter apply to all public improvements to be constructed in the County, including but not limited to those for: storm drainage, transportation, water supply, sewage disposal, etc. Such improvements shall be reviewed by the County in accordance with this chapter to ensure that such improvements will be constructed to County standards and comply with the Development Code and other applicable regulations.

Section 17.618.10 General Provisions.

- A. Improvement plans shall be prepared by a professional civil engineer registered in the State of Nevada.
- B. The developer shall be responsible for the payment of all fees associated with the processing, review and recordation of improvement plans. These fees may include, but are not limited to: the application and recordation fees established by the county and the review fees of the county engineer and other entities.
- C. The County Engineer may require the submission of any other information, in addition to that required by the provisions of this chapter, as reasonably necessary, to adequately review a development proposal.

Section 17.618.15 Form. Improvement plans shall be prepared in the following form:

- A. Each sheet shall be 24 inches by 36 inches in size. A marginal line shall be drawn completely around each sheet, leaving an entirely blank margin of one inch at the top, bottom and right edges, and of two inches at the left edge along the 24-inch dimension.
- B. Paper copies of improvement plans shall be prepared on durable paper with permanent black ink.
- C. Record drawings shall be printed in permanent black ink on mylar of a minimum thickness of three mil.

Section 17.618.20 General Requirements and Contents. Improvement plans shall comply with the provisions of this section.

- A, Plans shall clearly delineate, in plan and profile, between existing conditions and proposed improvements, and shall designate improvements as public or private.
- B. Plan sheets shall have a minimum vertical scale of 1 inch = 5 feet and a minimum horizontal scale of 1 inch = 50 feet. Plan sheets shall have the same horizontal and vertical scale whenever possible.
- C. The County Engineer may allow different types of plans to be combined on the same sheet(s) so long as all information necessary for review of the development project is included and is shown in a clear and distinguishable manner. (Example: combining grading and storm drainage plans onto the same sheet)
- D. Required Information. Improvement plans shall include all necessary information for the design and construction of improvements associated with a development project. Plans shall include information about the subject property including topography and significant features.

Improvement plans shall include those items specifically required by the provisions of this chapter, as applicable, and any other items which may affect the project design.

The following additional information shall be shown on improvement plans when applicable:

1. Utility poles and lines;
2. Gas, electric, telecommunications and irrigation infrastructure;
3. Sidewalks;
4. Existing structures;
5. Significant trees or other vegetation;
6. Adjacent property ownership information;
7. Any other information necessary for review of the improvement plans, as determined by the County Engineer.

- E. Development Schedule. A development schedule shall be included with improvement plans which provides an approximate schedule for the construction of all improvements.
- F. Performance Bond Estimate. Pursuant to Section 17.620.25, an estimate of the performance bond shall be submitted with improvement plans. The performance bond shall be of an amount that is sufficient to ensure that all public improvements are completed and constructed to county standards. The performance bond shall be of an amount which equals at least 110 percent of the total cost to construct all public improvements, as shown on the approved improvement plans.

The performance bond may be released to the developer in increments, upon the completion, inspection and acceptance of specific phases of construction, if requested by the developer. This method of release of the performance bond may only be utilized if provisions for the incremental release are established, as required by this section, prior to submittal of the bond.

To utilize this method of release, the bond estimate must include a schedule for the release of the performance bond. The schedule shall specify at what points during construction portions of the bond will be released, and the amounts of each portion. The timing of the release of each portion shall coincide with the completion, inspection and acceptance of a specific phase of construction. The amount released shall be equal to 90 percent of the total cost of construction for the associated phase.

- G. Utility Index. The County may require a utility index to be included with improvement plans when a development project involves a significant amount of infrastructure and an overview of all improvements is necessary. The utility index shall be a single sheet showing the entire project area and shall indicate the general location of transportation, storm drainage, sanitary sewer and water systems infrastructure. The utility index shall indicate whether improvements are public or private.

The utility index shall include the following:

1. Boundary of subject property;
2. Proposed lot boundaries and numbers;
3. All rights-of-way and easements;
4. Street names;
5. Existing and proposed storm drains, sewer mains and water mains with their size and direction of flow indicated;
6. Water and sanitary sewer service lateral locations;
7. All major utility infrastructure components, labeled and numbered (i.e. manholes, valves, fire hydrants, lift stations, etc);
8. Any wells within project site.

- H. Basis-of-Bearing and Bench Marks. Survey control points used for horizontal control shall be shown on improvement plans. A description and coordinates shall be included for each control point. A statement identifying the basis-of-bearing and the coordinate system utilized shall be included on the plans.

Benchmarks used for vertical control shall be shown on plans. The elevation, coordinates, and a description shall be included for each benchmark. A statement identifying the benchmark(s) and the vertical survey control datum utilized shall be included on the plans.

- I. Stationing and Orientation. Stationing and orientation information shall be indicated for all pertinent geographic features shown on improvement plans and shall comply with the following:

1. Information shall be provided for:
 - a. Boundary lines;
 - b. Centerlines;
 - c. Monuments;
 - d. Infrastructure components, when specifically required by this chapter;
 - e. When otherwise required by the County Engineer.
2. Stationing shall be indicated from south to north and west to east whenever possible.
3. Information provided shall be accurate to the nearest one-hundredth foot for distances and to the nearest second for angles.
4. The following information shall be provided for lines:
 - a. Length;
 - b. Bearing.
5. The following information shall be provided for horizontal curves:
 - a. Beginning and end of curve;
 - b. Points of compound curve;
 - c. Radius;
 - d. Central angle;
 - e. Length of curve;
 - f. Tangent length.
6. The following information shall be provided for vertical curves:
 - a. BVC (Beginning of Vertical Curve) and EVC (End of Vertical Curve) station and elevation;
 - b. Length of curve;
 - c. K-value used (rate of vertical curvature).

- J. Boundary Lines. The following boundary lines shall be shown on plans with labeling and stationing indicated:

1. Rights-of-way boundaries on both sides of all streets;
2. Existing and proposed property boundaries, including the boundaries of lots fronting on both sides of all streets;
3. Existing and proposed easements, including but not limited to those for: access, drainage, utilities, conservation, and temporary construction easements;
4. Section lines and corners;
5. Land grant lines.

K. Information Shown Beyond Boundaries of Project Site. Where proposed improvements meet existing infrastructure, improvement plans shall provide information, as required by this chapter, for all existing infrastructure for a minimum distance of 300 feet beyond the boundaries of the project site.

Section 17.618.25 Information Required on Each Sheet. The following information, at a minimum, shall be shown on each sheet of improvement plans:

- A. North arrow
- B. Scale (numeric and bar)
- C. Title block, which contains: project name, developer, property owner(s), and type of design shown on the sheet
- D. Name and contact information of engineering firm responsible for preparing the plans
- E. Name, signature, and stamp of the professional civil engineer registered in the State of Nevada responsible for preparing the plans
- F. Date of plans
- G. Sheet number and reference to total number of sheets
- H. Information which indicates the relationship of the sheet to adjoining sheets.
- I. A legend providing definitions and descriptions of symbols used, as necessary.
- J. Revision block for revised sheets, when applicable, which contains: revision number, date of revision, initials of design engineer, description of plan changes, and spaces for county approval and date.

Section 17.618.30 Title Sheet. Improvement plans shall include a title sheet which provides the following information at a minimum:

- A. General Information.

1. Names and contact information of the developer, property owner(s), and engineer responsible for preparing the plans.
2. Index of plan sheets
3. Legend
4. Abbreviation definitions
5. General Notes
6. Index of any revisions to plans

B. Vicinity Map. A map showing the following:

1. Project site and adjacent areas
2. Any city limits, when applicable
3. Major cross streets
4. North arrow
5. Scale (1' = 1000' or other as appropriate)

C. Index Map. A map showing the following:

1. Project boundaries
2. Streets within the project site with street names
3. Proposed lot boundaries and numbers (include information for entire tentative map if applicable)
4. Section lines
5. North arrow
6. Scale (1" = 200' or other as appropriate)

D. Approval Signature Blocks. Approval signature blocks shall be provided for the County Engineer and other regulatory agencies, as required. The Planning Director or County Engineer shall notify the developer of the approvals required. Such approvals may include the fire department, road department, state agencies, utility companies, or others.

Section 17.618.35 Grading Plans. Grading plans shall be prepared in conformance with the provisions of this section.

- A. Grading plans shall provide information for the entire project site (or area of approved tentative subdivision map, when applicable).
- B. All grading to be performed shall be clearly delineated on plan and cross-section sheets. Cross sections shall be provided for areas where topography is a major design consideration, for areas of significant cutting or filling, or when otherwise required by the County Engineer.
- C. The following information, at a minimum, shall be shown on grading plans:
 1. Existing and proposed property boundaries;
 2. Existing and proposed topographic contours of the project site and surrounding areas. Contours shall be shown beyond the boundaries of the subject property to a distance sufficient to analyze the drainage impact the development will have on surrounding areas. Such distance shall be no less than 100 feet. Contours

shall be labeled and shown in five-foot increments. The County Engineer may require two-foot increments if he determines that topography is a major design consideration. Existing contours shall be shown as fine continuous or dashed lines and proposed contours shall be shown as larger solid lines;

3. Spot elevations of significant features, including but not limited to: streets, tops of curbs, curb returns, retaining walls, corners of existing structures, building pads, surface drainage improvements, grade breaks and beginnings and ends of vertical curves;
 4. Existing and proposed streets with grades, widths and names indicated;
 5. Location and details of all cuts, fills and slopes;
 6. Location of walls, including both retaining and freestanding walls. Reference to structural detail sheets for walls shall be indicated;
 7. Soil requirements, fill compaction and testing requirements and reference to approved geo-technical report;
 8. Location and details of drainage infrastructure;
 9. Location and details of detention basins;
 10. Typical lot drainage;
 11. Direction of drainage flow in each street;
 12. Location and details of sub-drainage systems, according to the approved hydrological and geo-technical reports;
 13. Existing and proposed rights-of-way and easements for roadways, drainage and utilities. Provide reference to documents which created existing rights-of-way and easements;
 14. Existing buildings, structures, septic systems, cesspools, wells, trees or other significant features on the project site or surrounding areas that may be impacted by the project or affect the design;
 15. Building, structure and property boundary setbacks.
- D. Information shall be shown on all grading plan and profile sheets for the 5-year and 100-year storms, including:
1. The 100-year flood level throughout the development, including street cross sections that indicate the 100-year flood level;
 2. The depth, velocity and routing of peak flows for the 5-year and 100-year storms at the following locations: entering and leaving the project site, in channels, at the inlets and outlets of sub-basins, the inlets and outlets of storm drainage infrastructure and any other critical points within the development. This

information shall also be provided for areas downstream of the project site to indicate the impact of storm flows on adjacent properties and drainage infrastructure.

Section 17.618.40 Storm Drainage Plans. Plan and profile sheets for storm drainage improvements shall be prepared in conformance with the provisions of this section.

- A. Storm drainage plans shall be prepared in accordance with the approved drainage report and drawings.
- B. Tables shall be included showing the following:
 - 1. Table of pipe sizes, grades, velocities, peak flows and hydraulic grade lines for all parts of the drainage system.
 - 2. Table of existing and proposed drainage data, showing length of run and time of concentration on various runs of materials (i.e. grass and gutters), average rainfall intensity, area, runoff coefficient build-up if necessary, and peak flows for 5-year and 100-year storms.
 - 3. Tables detailing rational formula design data and inlet, pipe and channel design.
- C. Plan sheets shall show the following information:
 - 1. Existing and proposed drainage easements;
 - 2. Benchmark locations and elevations;
 - 3. Existing and proposed drainage infrastructure, including:
 - a. Storm drains, inlets, outlets, catch basins, manholes, culverts, end sections and inlet/outlet protection.

The type, class, number, dimensions, slope, stationing, elevation and location in relation to street centerlines, easements or property lines shall be indicated for these components as applicable;
 - b. Channels, ditches and swales (including side and rear yard swales) with dimensions, grades, cross-sections and required rights-of-way at 100-foot intervals, typical channel section and lining details and erosion control indicated;
 - c. Checks, channel drops, under drains, sump pump lines, erosion control and any other drainage related components with applicable information indicated;
 - d. Detention basins with grading, low flow channels, outlets, landscaping, fencing and maintenance access indicated;
 - e. Sub-drainage areas;

- f. Maintenance access roads with details;
- g. Existing utilities.

D. Profile sheets shall include the following information:

- 1. The existing and finished surface grades;
- 2. Pipe profiles with the type, size, slope, Q5 (Volume of runoff from 5-year storm event), velocity at Q5, and the hydraulic grade line (HGL) indicated;
- 3. Channels with the hydraulic grade line (HGL) and the depth of flow for the 5-year and 100-year storms indicated;
- 4. Manholes, with the station, number, rim elevation, distance between manholes and the invert elevations of all pipes entering or exiting indicated;
- 5. Existing utilities with pertinent elevations.

E. Information shall be shown on all drainage plan and profile sheets for the 5-year and 100-year storms, including:

- 1. The 100-year flood level throughout the development, including street cross sections that indicate the 100-year flood level;
- 2. The hydraulic grade line (HGL), velocity and course of peak flows for the 5-year and 100-year storms at the following locations: entering and leaving the project site, in channels, at the inlets and outlets of sub-basins, the inlets and outlets of storm drainage infrastructure and any other critical points within the development. This information shall also be provided for areas downstream of the project site to indicate the impact of storm flows on adjacent properties and drainage infrastructure.

Section 17.618.45 Street Improvement Plans. Plan and profile sheets for street improvements shall be prepared in conformance the provisions of this section.

- A. Street names shall be indicated on all plan and profile sheets.
- B. When showing existing pavement or concrete in relation to proposed new work, shading or other suitable markings shall be used to delineate between existing and proposed work.
- C. Plan sheets shall show the following information:
 - 1. Monuments;
 - 2. Right-of-way widths;
 - 3. Improvements;
 - 4. Traffic control devices;

5. Intersecting street(s);
6. Centerline stationing;
7. Horizontal curve data and stationing;
8. Benchmark locations and elevations;
9. Existing facilities.

D. Profile sheets shall show the following information:

1. Existing and proposed grades along centerline, including tangency slopes;
2. Vertical curve elevations and data;
3. Station and elevation of intersecting street(s);
4. Existing facilities.

E. A typical section for each type of street within the project area shall be shown and shall include the following information:

1. Street centerline;
2. Width of right-of-way;
3. Structural features;
4. Improvement dimensions and details on both sides of all streets;
5. Boring logs from the soils report shall be included with street improvement plans.

Section 17.618.50 Water and Sanitary Sewer System Improvement Plans. Plan and profile sheets for water and sanitary sewer system improvements shall be prepared in conformance with the provisions of this section.

A. Plan sheets shall show the following information:

1. Main pipes, manholes, valves, flush valve assemblies, air release valves, vacuum valves, fire hydrants, pumping facilities, service laterals and water meters.

The type, class, number, dimensions, slope, stationing, elevation and location in relation to street centerlines, easements or property lines shall be indicated for these components as applicable;

2. Wells, storage tanks and facilities and treatment facilities with details;
3. Maintenance access roads with details;

4. Benchmark locations and elevations;
 5. Existing utilities.
- B. Profile sheets shall show the following information:
1. Existing and finished surface grades;
 2. Pipe profiles with type, class, size, slope and velocity at peak flow indicated;
 3. Manholes, with the station, number, rim elevation, distance between manholes and the invert elevations of all pipes entering or exiting indicated;
 4. Existing utilities with pertinent elevations.

Section 17.618.55 Submittal Requirements. The following items shall be submitted to the Planning Department to begin review of improvement plans:

- A. Copies of the improvement plans and accompanying materials, of the size and number required by the Planning Director.
- B. Performance bond estimate prepared by a Nevada registered engineer.
- C. Payment of all required fees associated with the processing and review of the improvement plans, as established by the county and other entities that shall review the plans.
- D. Any additional information or materials as deemed necessary by the Planning Director for review of the improvement plans.

Review of improvement plans shall not begin until the submitted materials are deemed complete by the Planning Director.

Section 17.618.60 Review Procedures. Improvement plans shall be reviewed in accordance with this section.

- A. Review for Completeness. Upon receipt of improvement plans and accompanying materials, the Planning Director and/or the County Engineer shall have 15 working days to review the submitted materials and accept or reject the plans as complete. If the plans are found to be incomplete they will be returned to the applicant and/or the applicant will be notified of any additional information needed.
- B. Review by County. Following acceptance of a complete set of plans, the plans shall be reviewed by the Planning Department staff and County Engineer. The plans shall be reviewed to check for errors, ensure accuracy and ensure compliance with the Development Code and other applicable regulations. If it is determined that there are deficiencies with the plans, corrections or changes may be required. The engineer responsible for the preparation of the plans and/or the applicant shall be notified of any required corrections or changes. The improvement plans shall be revised to reflect any

corrections or changes required. The plans shall be revised and re-reviewed as necessary until approved by the Planning Director and County Engineer.

The Planning Director may cause the plans to be reviewed by other entities, as deemed necessary. Such entities may include but are not limited to the Road Department, Fire Department, utility providers, etc.

C. Required Review by Other Entities. A copy of the plans shall be forwarded by the Planning Director to the following entities for review:

1. The State Division of Environmental Protection, if the improvement plans are for new development created by a subdivision map.

D. Final Review and Approval.

1. Upon making all corrections and changes as required by the County, the developer shall submit a revised copy of the improvement plans in their final form to the Planning Department for final review and approval. The plan set shall be signed and stamped by the engineer responsible for their preparation.
2. The revised plans shall be reviewed by the Planning Director and County Engineer to ensure that all required corrections and changes have been made.
3. If it is determined that there are deficiencies with the plans, the plans shall be returned to the developer or engineer responsible for their preparation with a description of any corrections or changes required. Upon making the required corrections or changes, the plans may be resubmitted.
4. Upon determining that the plans are correct, the County Engineer shall approve the plans by signing and stamping the appropriate signature block. The Planning Director shall then forward the plans to all other applicable regulatory agencies for approval signatures.
5. At least one copy of the approved plans with required signatures shall be returned to the developer.

Section 17.618.65 Modification of Approved Plans. Modifications to approved improvement plans shall be subject to the requirements of this section.

- A. Modifications shall be reviewed and approved in writing by the County Engineer prior to construction. Modifications made without approval by the County Engineer may result in revocation of the construction permit or other county-issued permit, and refusal by the county to accept the improvements.
- B. Modified plans shall be submitted to the Planning Department to begin the review process. All modifications shall be identified on the plans with a delta symbol, and the date of change, description of the change, and the name or initials of the person making the changes shall be noted. Modifications of the same date shall have the same delta symbol letter or number. The modified areas shall be indicated on the plans with clouding and shall be labeled with the corresponding delta symbol. A revision approval

block shall be shown on the modified plans with spaces for signature and date, to be completed by the County Engineer.

- C. The County Engineer shall review the plans, and if deemed necessary, may forward the plans to any of the other entities that reviewed the original plans, to be re-reviewed. The County Engineer may require corrections or changes, as necessary, to ensure that the plans comply with applicable regulations and are acceptable to other reviewing entities. The plans shall be revised to reflect any corrections or changes required.
- D. Upon determining the plans acceptable, the County Engineer shall approve the modified plans by completing the revision approval block.

Section 17.618.70 Record Drawings. Upon completion of construction of all improvements, a developer shall submit record drawings (as-built plans) to the Planning Department for final inspection and recordation. Record drawings shall comply with the following:

- A. Record drawings shall be printed in permanent black ink on mylar of a minimum thickness of three mil. Paper copies of record drawings shall be prepared on durable paper with permanent black ink.
- B. Record drawings shall be prepared, signed and stamped by a professional civil engineer registered in the State of Nevada;
- C. Record drawings shall be a reproduction of the approved improvement plans and shall show all information required by this chapter, as applicable. Additionally, the record drawings shall indicate the as-built conditions. All changes and deviations from the approved design shall be clearly indicated on the drawings.
- D. A certificate, completed by the engineer responsible for the preparation of the record drawings, shall be placed on the record drawings. This certificate shall state, to the best of the engineer's knowledge and belief, the record drawings accurately depict the as-built conditions of the improvements and that all changes and deviations from the approved design are shown.

CHAPTER 620

CONSTRUCTION, INSPECTION AND BONDING OF PUBLIC IMPROVEMENTS

SECTIONS:

17.620.00	Purpose
17.620.05	Applicability
17.620.10	General Provisions
17.620.15	Commencement of Construction
17.620.20	Development Agreement
17.620.25	Performance Bond
17.620.30	Incremental Release of Performance Bond
17.620.35	Inspection and Testing of Improvements
17.620.40	Submittal of Record Drawings
17.620.45	Maintenance Bond
17.620.50	Site Cleanup

Section 17.620.00 Purpose. The purpose of Chapter 620, Construction, Inspection and Bonding of Public Improvements, is to establish the regulations and procedures for the construction, inspection, testing and bonding of public improvements which are constructed as part of new development.

Section 17.620.05 Applicability. Any public improvements, which are required to be constructed and/or require the submission of improvement plans as part of an approved subdivision map, parcel map, planned unit development, division into large parcels map, special use permit, building permit or other approval or permit issued by the County, are subject to the provisions of this chapter.

The provisions of this chapter do not relate to the County's adopted building codes or other regulations administered by the County Building Department, and are in no way meant to take the place of or nullify such regulations.

Section 17.620.10 General Provisions.

- A. When a development project includes the construction of public improvements the following shall be complied with:
1. Public improvements shall be constructed to County standards, as established by Division Five, Development Regulations.
 2. Public improvements shall be constructed, inspected and bonded in accordance with this chapter.
 3. The applicant shall submit and receive approval of construction plans for the public improvements, pursuant to Chapter 17.618, Improvement Plans.

The County shall not take action to approve a development project which includes the construction of public improvements unless the requirements of this subsection have

been complied with or provisions have been made for compliance with these requirements as a condition of approval.

- B. If deemed reasonably necessary based on the specific circumstances of a development proposal, the County may require a developer to enter into a development agreement with the County, pursuant to Chapter 17.616, Development Agreements, to ensure that public improvements are completed and constructed to County Standards.
- C. The developer shall be responsible for the construction of all improvements in compliance with provisions of the Development Code and other applicable regulations.
- D. The developer shall be responsible for all costs associated with the plan review, construction, inspection and testing of public improvements, unless otherwise provided by a development agreement.

Section 17.620.15 Commencement of Construction. No construction activity, including but not limited to, grading, removal of vegetation, land filling, construction of improvements, or other similar work, shall be commenced on a property to be developed until the developer has:

- A. Received approval of improvement plans and has obtained all other required approvals and permits from the County and other regulatory agencies;
- B. Submitted performance bonding to the County, pursuant to Section 17.620.25, Performance Bond.

Section 17.620.20 Development Agreement. If deemed reasonably necessary based on the specific circumstances of a development proposal, the County may require a developer to enter into a development agreement with the County to ensure that public improvements are completed and constructed to County standards.

A development agreement may be processed in conjunction with the development project. If a development agreement is required but has not been completed at the time of approval, completion of the development agreement shall be required as a condition of approval.

Development agreements shall be prepared and reviewed in accordance with Chapter 17.616, Development Agreements.

Section 17.620.25 Performance Bond. Before commencing any construction activity for public improvements, a developer shall provide a performance bond to the County to ensure that such improvements are completed and constructed to county standards. Performance bonds shall comply with the provisions of this section.

- A. The performance bond shall be of an amount that is sufficient to ensure that all public improvements are completed and constructed to county standards.
- B. The amount of the performance bond shall be determined by the County Engineer. In making his determination, the county engineer shall consider the bond estimate submitted by the design engineer with the improvement plans.

- C. The performance bond shall be of an amount which equals at least 110 percent of the total cost to construct all public improvements, as shown on the approved improvement plans.
- D. The performance bond shall be submitted in a form approved by the District Attorney.
- E. The amount, term and conditions of the performance bond shall be specified in the development agreement, if applicable.
- F. The performance bond shall be held by the County during the construction of all public improvements which are part of the approved project. In the event that the developer fails to complete the construction of public improvements, the County may use the performance bond to fund the completion of such improvements. Upon completion, inspection, and acceptance of all improvements, the total amount or remaining balance of the performance bond shall be refunded to the developer.

Section 17.620.30 Incremental Release of Performance Bond. The performance bond may be released to the developer in increments, upon the completion, inspection and acceptance of specific phases of construction, if requested by the developer. This method of release of the performance bond may only be utilized if provisions for the incremental release are established, as required by this section, prior to submittal of the bond.

- A. The bond estimate submitted with the improvement plans shall include a schedule for the release of the performance bond. The schedule shall specify at what points during construction portions of the bond will be released, and the amounts of each portion. The timing of the release of each portion shall coincide with the completion, inspection and acceptance of a specific phase of construction. The amount released shall be equal to 90 percent of the total cost of construction for the associated phase.
- B. The schedule for the release of the performance bond and the amounts of each portion to be released shall be approved by the County Engineer.
- C. Upon the completion, inspection, and acceptance of a scheduled phase of construction, the developer may submit a written request for the release of the portion of the performance bond associated with such phase to the Planning Department. At that time, the amount of the performance bond to be released at the specific phase of construction shall be refunded to the developer.

Section 17.620.35 Inspection and Testing of Improvements. All improvements which are constructed as part of new development shall be inspected and tested in conformance with the requirements of this section before being accepted by the County.

- A. Any improvements, which are required by this code, required as conditions of approval, or are otherwise under the jurisdiction of the County shall be inspected and tested by the County Engineer or their authorized representative.
- B. When improvements are under the jurisdiction of other regulatory agencies, it shall be the responsibility of such agencies to perform necessary inspections or testing. When an inspection or test is completed by another agency, the developer shall provide the County with a written report from such agency, which provides the results and details of the inspection or test.

C. General inspections and testing shall be completed at specific points during construction, as determined by the County Engineer. Prior to commencement of construction, the County shall provide the developer with an inspection and testing schedule which details the inspections and testing that will be required and at what points during construction such inspections and tests shall take place.

D. Inspection and approval of improvements by the County Engineer shall not constitute acceptance of the improvements by the County for dedication purposes.

E. Inspection and Testing Costs.

1. The developer shall be responsible for all costs associated with the inspection and testing of public improvements.
2. The developer shall submit a deposit to the County to pay for inspections and testing. Such deposit shall be in addition to the performance bond. The deposit shall be of an amount which equals at least five percent of the total cost to construct all public improvements. If the County Engineer anticipates that the inspection and testing expenses will exceed this amount, he may require a larger deposit be submitted equaling an amount he estimates to be sufficient to cover the expenses.
3. This deposit shall be utilized by the County to pay for costs associated with inspections and testing. Upon completion of the final inspection and acceptance of all improvements by the County, any remaining balance of the deposit shall be refunded to the developer.
4. If the deposit is insufficient to cover the costs of all required inspections and tests, the developer shall be billed for any additional expenses. The developer shall be responsible for paying any amount due at the time of billing and shall not be permitted to proceed with subsequent steps in the development process until the amount due has been paid in full.
5. The County shall not issue occupancy, accept dedications or take any other action which may constitute final approval of the development until all costs which are the responsibility of the developer have been paid in full.

F. General Inspection and Testing Procedures and Requirements.

1. Requests for inspections and testing shall be made by contacting the Planning Department. Requests shall be made at least 10 business days prior to the desired date of inspection.
2. The developer shall not proceed with any subsequent construction until all inspections and tests required for the current stage of construction have been passed.
3. The developer shall be notified in writing of the results of the inspection or test. If the County Engineer determines that the specific portion of construction fails inspection, the correspondence shall state any issues or deficiencies that exist,

and the steps that must be taken to correct them. The developer shall correct any items necessary and then shall request a re-inspection pursuant to this section. Upon passing the required inspection or test, the developer may proceed with subsequent construction.

G. Final inspection Procedures and Requirements. Upon completion of construction of all improvements, a final inspection of the project shall be performed by the County Engineer.

1. To request a final inspection, the following items shall be submitted to the Planning Department:
 - a. A written request for a final inspection.
 - b. Paper copies of record drawings (as-built plans), as required by Section 17.620.40.
2. The County Engineer shall complete a final inspection within 15 business days of receiving all required materials. Upon completion of the final inspection, the developer shall be notified in writing of the results of the final inspection.
3. If the County Engineer determines that the project fails final inspection, the correspondence shall state the results of the inspection, any issues or deficiencies that exist, and the steps must be taken to correct them. The developer shall correct any items necessary and then shall request a re-inspection pursuant to this subsection.
4. If the County Engineer determines that the project passes final inspection, the correspondence shall state the results of the inspection, and request the submittal of a mylar copy of the record drawings, pursuant to Section 17.620.40, and a maintenance bond, pursuant to Section 17.620.45, Maintenance Bond.

Section 17.620.40 Submittal of Record Drawings.

- A. Record drawings (as-built plans) shall be prepared in conformance with Section 17.618.70, Record Drawings.
- B. Upon completion of construction of all improvements, the developer shall submit paper copies of record drawings to the Planning Department, of the size and number required by the Planning Director, to be used for final inspection. If the final inspection is failed and corrections are required, the record drawings shall be revised and resubmitted.
- C. Upon passing final inspection, the developer shall submit record drawings printed on mylar to the Planning Department for recordation. The developer is responsible for any recording fees.

Section 17.620.45 Maintenance Bond. Following final inspection and acceptance of all public improvements by the County, the developer shall guarantee the improvements against defects in workmanship and materials for a period of two years. The developer shall make such guarantee by providing a maintenance bond to the County, which complies with the requirements of this section.

- A. The maintenance bond shall be of an amount which equals 10 percent of the total cost to construct all improvements. The maintenance bond shall be submitted in a form approved by the District Attorney. If desired by the developer, an appropriate percentage of the performance bond may be retained by the County for the maintenance bond.
- B. The amount, term and conditions of the maintenance bond shall be specified in the development agreement, if applicable.
- C. The maintenance bond shall be held by the County for a period of two years, beginning on the date the bond is submitted. The County may use the maintenance bond to pay for the repair of any defects in the constructed improvements, if necessary. After the two-year period, the total amount or remaining balance of the maintenance bond shall be refunded to the developer.

Section 17.620.50 Site Cleanup. The applicant shall remove all equipment, materials, and construction waste from the project site and from any other property or street in the area following completion of construction. Dumping of fill dirt, construction waste or other materials at the project site, into storm drains, onto other properties, or otherwise is strictly prohibited.

The County reserves the right to utilize the maintenance bond to complete site cleanup if determined necessary.