

# RENO GAZETTE-JOURNAL

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WASHOE COUNTY  
Comptroller's Office  
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RENO NV 89510

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PROOF OF PUBLICATION

STATE OF NEVADA  
COUNTY OF WASHOE

ss. Tana Ciccotti

being duly sworn, deposes and says:  
That as legal clerk of the RENO GAZETTE-  
JOURNAL, a daily newspaper published in Reno,  
Washoe County, State of Nevada, that the notice:

NOTICE OF ADOPTION  
WASHOE COUNTY ORDINANCE  
NO. 1026  
NOTICE IS HEREBY GIVEN THAT: Bill  
No. 1202 Ordinance No. 1026 entitled  
AN ORDINANCE AMENDING CHAP-  
TER 110 OF THE WASHOE COUNTY  
CODE (DEVELOPMENT CODE) BY  
AMENDING ARTICLE 422, WATER  
AND SEWER RESOURCE REQUIRE-  
MENTS, THEREOF TO EXEMPT  
DEVELOPMENT IN THE TAHOE PLAN-  
NING AREA FROM THE  
REQUIREMENTS OF THE ARTICLE.  
was adopted on July 14, 1998, by  
Commissioners Joanne Bond, Sue  
Camp, Jim Galloway, Mike Mouliot,  
and Jim Shaw, and will become  
effective on Friday, July 31, 1998.  
Typewritten copies of the ordinance  
are available for inspection by all  
interested persons at the office of the  
County Clerk, 75 Court Street, Reno,  
Nevada.  
BETTY J. LEWIS,  
Washoe County Clerk  
No. 3108 July 21, 28, 1998

98-728

of ordinance  
\_\_\_\_\_  
\_\_\_\_\_

of which a copy is hereto attached, has been  
published in each regular and entire issue of  
said newspaper on the following dates to wit:

July 21, 28 1998

Signed

*Luidth*

Subscribed and sworn to before me on 07/28/98

Notary Public

*Jo Anne F. Wesel*

7/30/98  
PLEASE STAMP & SIGN FOR PAYMENT



JO ANNE F. WESSEL  
Notary Public - State of Nevada  
Appointment Recorded in Washoe County  
No: 93-0886-2 - EXPIRES NOV. 18, 2000  
P.O. BOX 22000, RENO, NEVADA 89520  
(702) 788-6200  
GANNETT

SUMMARY: Amends Chapter 110 of the Washoe County Code (Development Code) by amending Article 422 "Water and Sewer Resource Requirements" thereof to exempt development in the Tahoe Planning Area from the requirements of the Article.

BILL NO. 1202

ORDINANCE NO. 1026

AN ORDINANCE AMENDING CHAPTER 110 OF THE WASHOE COUNTY CODE (DEVELOPMENT CODE) BY AMENDING ARTICLE 422, WATER AND SEWER RESOURCE REQUIREMENTS, THEREOF TO EXEMPT DEVELOPMENT IN THE TAHOE PLANNING AREA FROM THE REQUIREMENTS OF THE ARTICLE

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

SECTION 1. Article 422, "Water and Sewer Resource Requirements" of the Washoe County Code is hereby amended as set forth in Exhibit "A" which is attached hereto and made a part hereof.

SECTION 2. The provisions of this ordinance shall be in force and effect from and after the 1st day of July, 1998.

Proposed on the 16th day of June 1998.  
Proposed by Commissioner Jim Galloway.  
Passed on the 31st day of July 1998.

Vote:

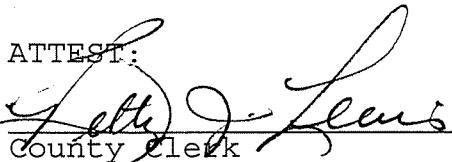
Ayes:

Nays:

Absent:

  
\_\_\_\_\_  
Chairman  
Washoe County Commission

ATTEST:

  
\_\_\_\_\_  
County Clerk

This ordinance shall be in force and effect from and after the 31st day of July, 1998.

# Article 422 WATER AND SEWER RESOURCE REQUIREMENTS

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[This Article amended in its entirety by Ord. 876, provisions eff. 7/7/93.]

**Sections:**

110.422.00	<b>Purpose</b>
110.422.01	<b>Exceptions</b>
110.422.05	<b>Applicability</b>
110.422.10	<b>Water Resources</b>
110.422.15	<b>Water Rights Satisfaction</b>
110.422.20	<b>Authority to Utilize Dedicated Water Rights and Collect Administrative Fees</b>
110.422.25	<b>Water Facilities</b>
110.422.30	<b>Contracts for Water Rights and Water Facilities</b>
110.422.35	<b>Sanitary Sewer Facilities</b>
110.422.40	<b>Facility Standards</b>

**Section 110.422.00 Purpose.** Except as set forth below, the purpose of this article, Article 422, Water and Sewer Resource Requirements, is to control the practices and procedures related to the dedication of water resources, water delivery facilities, and sanitary sewer collection facilities for all types of development in the unincorporated portion of the County to insure water supply and sewage treatment to adequately protect the public health and safety.

**Section 110.422.01 Exception.** The provisions of this article do not apply to development within the Tahoe Planning Area and receiving water and sewer service from any water and/or sewer provider operating within the Lake Tahoe hydrographic basin.

**Section 110.422.05 Applicability.** The provisions of this article shall apply to all permits, approvals or development projects of any kind in the County which require the use of water resources, require water supply delivery, or require sewage treatment. Adequate water resources are required for all new development, including:

- (a) Subdivisions with Individual Wells. Subdivision and parceling of land creating new parcels of forty (40) acres or less, with the potential to be served by individual domestic wells, except that new parcels larger than forty (40) acres may be required to have adequate water resources if a water budget has been adopted for the groundwater basin by the County Commission;
- (b) Subdivisions with Community Water Systems. Subdivision and parceling of land creating new parcels of forty (40) acres or less, with the potential to be served by a community water system;
- (c) Residential Development. Development creating new residential dwellings, including multi-family dwelling units and mobile home dwelling units;

- (d) Non-Residential Development. Development creating new commercial, industrial or civic buildings or uses; and
- (e) Other Development. Development requiring any other permit or approval with the exception of a building permit for a single residence on an existing lot recorded prior to the effective date of Washoe County Ordinance Number 586, which is January 10, 1984.

**Section 110.422.10 Water Resources.** The development owner or property owner shall be required to dedicate to Washoe County, as a condition precedent to the permit or approval, any water rights reasonably necessary to insure an adequate water supply for the intended or permitted use. The amount of water rights necessary shall be determined by the Washoe County Department of Water Resources, Utility Services Division, and the State Engineer. In the event the state and the County have different requirements under this section, both the County and state requirements, and the most stringent of the two, must be satisfied. The development owner or property owner shall be required to have sufficient water rights transferred to each water well or delivery system.

**Section 110.422.15 Water Rights Satisfaction.** The dedication of water rights and facilities required by this article will be satisfied if the development owner or property owner enters into an agreement with the County, secured by a performance bond or other undertaking acceptable to the County. The agreement must constitute a binding offer to dedicate, conditioned only upon failure to receive final project approval or, in cases where a building permit is the only approval needed, failure to receive a building permit for the project. No building permit or recordation of a subdivision map shall be granted until dedication is accepted or an agreement conforming to this section has been accepted by the Washoe County Commission. The Department of Water Resources, Utility Services Division, will evaluate the water rights offered for dedication based on, but not limited to, the following criteria:

- (a) Adequacy of Amount. The adequacy of the amount of water resources offered for dedication to the County for the intended use;
- (b) Proximity of Source. The proximity of the hydrologic basin or source of water offered for dedication to the County for the intended use;
- (c) Proof of Ownership. Valid proof of ownership, including a chain of title to the original water right holder, for the water rights offered for dedication to the County;
- (d) Status of Water Right. The priority and yield of the water right, the current manner and place of use, and the status of the permits or certificates issued by the State Engineer, or the status of the water right established in a court decree, which are offered for dedication to the County; and
- (e) Point of Diversion. The ability of the County to obtain from the State Engineer the necessary permits to change the point of diversion, and the manner and place of use of the water right for the intended use.

**Section 110.422.20 Authority to Utilize Dedicated Water Rights and Collect Administrative Fees.** The Department of Water Resources, Utility Services Division, or any other appropriate County department, division or agency, may:

- (a) Applications to State Engineer. File applications with the State Engineer's Office to change the point of diversion, and the manner and place of use of the

dedicated water rights to put the water resources to beneficial use and to otherwise utilize and maintain the validity of the dedicated water rights; and

- (b) Applicants Responsibilities. Require the development owner or property owner to:
- (1) Pay all State Engineer's Office application fees to transfer the dedicated water rights to the proposed delivery facilities;
  - (2) Allow County personnel to enter the property in order to read water meters on all wells and delivery facilities, or perform other related inspections as necessary;
  - (3) Comply with the terms of the water right permits or certificates as issued by the State Engineer's Office; and
  - (4) Pay reasonable administrative fees and services fees to read and maintain water meters or carry out other activities as necessary to maintain the validity of the dedicated water right. Fees required under this subsection shall be adopted in the special ordinances governing water service.

**Section 110.422.25 Water Facilities.** The development owner or property owner shall be required to dedicate any facilities for water treatment, supply, storage, transmission and distribution, and appurtenances such as wells, pipelines, pumps and storage tanks located within or outside the property boundary or subdivision which are necessary to insure an adequate water supply to a project or development. This section applies to facilities that will be constructed to serve a project or development, except:

- (a) Single-Family Dwelling. Facilities to serve one single-family dwelling in an existing subdivision;
- (b) Previous Facilities. Facilities which were previously constructed to serve existing users; and
- (c) Utility Facilities. Facilities, whether new or existing which are enlarged or improved in order to serve the proposed development or subdivision, which were owned and operated by a utility on the effective date of Washoe County Ordinance Number 586 dated January 10, 1984, operating under a certificate of public convenience and necessity issued by the Nevada Public Service Commission.

**Section 110.422.30 Contracts for Water Rights and Water Facilities.** The Water Resources Department, Utility Services Division, may enter into contracts, subject to approval of the Washoe County Commission, permitting the use of the dedicated water rights and facilities by other governmental entities, public and private utilities, and any other persons engaged in providing water service.

**Section 110.422.35 Sanitary Sewer Facilities.** The development owner or property owner shall be required to dedicate any facilities for sewage collection, treatment and disposal, and appurtenances such as pipelines and pumps located within or outside the property boundary or subdivision which are necessary to insure adequate sanitary sewer collection and disposal to a project or development. This section applies to facilities that will be constructed to serve a project or development, except:

- (a) Single-Family Dwelling. Facilities to serve one single-family dwelling in an existing subdivision;
- (b) Previous Facilities. Facilities which were previously constructed to serve existing users; and
- (c) Utility Facilities. Facilities, whether new or existing which are enlarged or improved in order to serve the proposed development or subdivision, which were owned and operated by a utility on the effective date of Washoe County Ordinance Number 586 dated January 10, 1984, operating under a certificate of public convenience and necessity issued by the Nevada Public Service Commission.

**Section 110.422.40 Facility Standards.** The following standards apply to all water delivery and sanitary sewer collection facilities:

- (a) Design. The facilities offered for dedication or subject to a dedication agreement must be designed and constructed in accordance with standards and other requirements established by ordinance or recommended by the Department of Water Resources, Utility Services Division, as a condition of either project approval or the issuance of a building permit. Standards and other requirements may include plan checking, design review, inspections, systems testing and other matters to be determined by the Department of Water Resources, Utility Services Division.
- (b) Required Dedications and Acceptance. The facilities required to be dedicated shall be determined by the Department of Water Resources, Utility Services Division. The Department of Water Resources, Utility Services Division, will accept a dedication pursuant to this section if the facilities conform to the requirements of this section and perform as designed.
- (c) Issuance of Permits. Except for permits issued for the construction of facilities to be dedicated, no building permit or special use permit may be issued and no other administrative approval may be granted until the dedication is accepted or an agreement conforming to this article has been executed. Unless issued for the construction of a facility to be dedicated, any permit or approval for which application has been made subsequent to the effective date of Washoe County Ordinance Number 586, which is January 10, 1984, and issued prior to the dedication is void.