

**CHURCHILL COUNTY
ORDINANCE BILL 2024-E, ORDINANCE 71**

TITLE: AN ORDINANCE AMENDING TITLES 13 AND 16 OF THE CHURCHILL COUNTY CODE TO PROVIDE FOR WATER DEDICATION AND SERVICE CONNECTION REQUIREMENTS, AND OTHER MATTERS RELATED THERETO.

SUMMARY: AN ORDINANCE AMENDING TITLES 13 AND 16 OF THE CHURCHILL COUNTY CODE TO (1) CONSOLIDATE WATER DEDICATION REQUIREMENTS WITHIN TITLE 13 OF THE CHURCHILL COUNTY CODE, (2) CLARIFY WATER DEDICATION REQUIREMENTS FOR ALL LAND DEVELOPMENT, (3) SET PAYMENT IN LIEU OF DEDICATION REQUIREMENTS FOR ALL LAND DEVELOPMENT, (4) DESIGNATE THE PURPOSES TO WHICH PAYMENTS IN LIEU OF DEDICATION MAY BE PUT, AND (5) OTHER MATTERS RELATED THERETO.

NOW THEREFORE, be it ordained by the Board of County Commissioners of the Churchill County, in the State of Nevada, as follows:

SECTION 1: **AMENDMENT** “13.04.120 Area Served” of the Churchill County County Code is hereby *amended* as follows:

BEFORE AMENDMENT

13.04.120 Area Served

Properties within the boundaries of the service area shall be eligible to receive water from the county in accordance with this chapter.

(Bill No. 2014-A, 2014)

AFTER AMENDMENT

13.04.120 Area Served

Properties within the boundaries of the service area shall be eligible to receive water from the county in accordance with this chapter.

The following properties, developments, or permitted projects must connect to the county water system:

- A. Subdivisions, planned unit developments and second and subsequent parceling of land that create new parcels of less than five (5) acres in size.
- B. Parcel maps where lots created are undeveloped and are less than one gross acre in size and a county water line exists within one hundred eighty feet (180') of any property line.
- C. New residential development on lots less than five (5) acres in size outside a subdivision or planned unit development if a county water line abuts the lot boundary.
- D. New nonresidential development on lots outside a subdivision or planned unit development if a county water line abuts the lot boundary.

(Bill No. 2014-A, 2014)

SECTION 2: **AMENDMENT** “16.12.030.5 Dedication Of Facilities And Water Rights” of the Churchill County County Code is hereby *amended* as follows:

BEFORE AMENDMENT

16.12.030.5 Dedication Of Facilities And Water Rights

A. *Purpose.* Water, being an invaluable resource essential to the existence of life and paramount to the future growth of Churchill County, must be preserved and the impact on its diminishing availability minimized. In 1903, the United States Congress authorized the Newlands project. Subsequent federal decrees on the Carson and Truckee Rivers secured water rights that have allowed and enhanced this community's growth.

To ensure the long-term sustainability of the water resources in Churchill County and to ensure that a balance is maintained between aquifer recharge and water withdrawal, water rights shall be dedicated to Churchill County for all new development. To ensure an adequate, sustained water supply for the intended use or permit, the developer, property owner, or contractor, shall dedicate to Churchill County, as a condition precedent to the issuance of a permit or approval of the land division or development, any water resources reasonably necessary to either serve or sustain the intended use or development.

Furthermore, the purpose of these requirements is to encourage the development of water and sewer facilities in the urbanizing area and to eliminate the use of individual domestic wells and septic tanks on lots created in a subdivision that is less than five acres in size.

B. *Applicability.* The provisions of this section shall apply to all permits, approvals, land divisions, subdivisions, planned unit developments or development projects in the county with the following exceptions:

1. The provisions of this section do not apply to land divisions and development within hydrographic basins 128 (Dixie Valley), 73 and 74 (Humboldt Sink region), 75 (Hot Springs Flat area), 76 (Fernley area), 77 (North Valley), 78 (Granite Springs Valley), 123 (Rawhide Flats), 124 (Fairview Valley), 125 (Stingaree Valley), 126 (Cowkick Valley), 127 (Eastgate Valley area), 133 (Edwards Creek Valley), and 134 (Smith Creek Valley).
2. The provisions of this section may not apply to the development of a cluster development where the agricultural reservation or conservation easement being established will continue irrigation and retain the surface water rights on the subject parcel in perpetuity.

Approval of the tentative map, or a parcel map when a tentative map is not required, shall include a recommendation from the planning director as to whether water right dedication should be required with recordation of each parcel map. The board of county commissioners shall make the final determination.

The board of county commissioners shall determine if water right dedication requirements apply for cluster developments approved prior to 2016. Simultaneously with submittal of a parcel map or an application for a building permit, the property owner shall submit a letter requesting a determination if water rights dedication is required. Upon receipt of said letter, the planning director shall review the record and present a written recommendation to the board of county commissioners who shall determine if the provisions of this section shall apply.

3. The provisions of this section may not apply to developments being served by existing water systems owned and operated by a utility on the effective date hereof but compliance with title 13, chapter 13.02 of this Code must be achieved.
4. The provisions of this section may not apply to a proposed sending site in the transfer of development rights (TDR) program where the conservation easement being established will continue irrigation and retain the surface water

rights on the subject parcel in perpetuity.

- a. When a property owner does not participate in the navy-county encroachment partnering program to purchase conservation easements, prior to recordation of the conservation easement the property owner shall submit a letter to the planning department requesting a determination regarding dedication of water rights for future development on the parcel(s) to be encumbered by a conservation easement. The planning director shall present a written recommendation to the board of county commissioners for final determination.
- b. When a property owner participates in the navy-county encroachment partnering agreement to purchase conservation easements, dedication of water rights is not required for any development on the parcel(s) that will be encumbered by the conservation easement, including construction or replacement of a single-family residence, a land division or record of survey/boundary line adjustment.

C. *Water resources.* The development owner, land divider or property owner shall be required to dedicate to Churchill County, as a condition precedent to the permit or approval, any water rights reasonably necessary to ensure an adequate water supply for the intended or permitted use. The amount of water rights necessary shall be determined by the county planning department and the building department 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 more stringent of the two, must be satisfied.

D. *Water right dedication requirements.* The amount and type of water rights to be dedicated shall be in compliance with this section and title 13, chapter 13.02 of this Code.

1. Subdivisions, planned unit developments and parcel maps connecting to the county water system shall be required to dedicate the amount and type of water necessary to be served by the county system.
2. Parcel maps where lots created are undeveloped and are less than one gross acre in size and a county water line exists within 180 feet of the property line shall be required to connect to the county system and shall be required to dedicate the amount and type of water necessary to be served by the county.
3. Parcel maps, division into large parcels, second and subsequent parcel maps and industrial or subdivision maps that are not connecting to the county water system as a condition of approval, shall dedicate to Churchill County 2.0 acre-feet of surface water per parcel that may be used by the county to ensure the long-term sustainability of the county water resources and to ensure that a balance is maintained between aquifer recharge and water withdrawal. The total number of lots represented on the map determines how many acre-feet will be dedicated regardless of existing buildings and wells.

E. *Water right satisfaction.*

1. The quantity of water rights required to be dedicated shall follow the above requirements unless otherwise required by the board or the state engineer. Final determination of the type and amount of water rights to be dedicated shall be by the county planning department and building department.
2. Dedication of groundwater rights to Churchill County under the provisions of this section must be evidenced by any requisite permits from the state engineer including permits approving changes of place and/or manner of use, and may further be accomplished by quitclaim deed from the holder of the water rights to Churchill County. The deed must be in such form and executed in such a manner that is acceptable to the planning department.
3. It shall be the duty of the land divider or contractor to take all steps necessary to complete any dedication made pursuant to the provisions of this subsection E.
4. The dedication of water rights to Churchill County shall be achieved as follows:
 - a. Before approval of any tentative subdivision or planned unit

development map the land divider or contractor shall submit a statement of intent to dedicate to Churchill County at the time of final map submittal the type and amount of water rights required to serve the subdivision.

- b. Before submittal of a final subdivision map the land divider shall dedicate to Churchill County the quantity and type of water rights required to serve the portion of the subdivision reflected in the final map.
- c. Prior to recordation of a parcel map where development will be connecting to the county system adequate groundwater rights to serve the land division shall be dedicated to the county unless the board accepts alternative water right dedication requirements as outlined in title 13, chapter 13.02 of this Code.
- d. Prior to recordation of a parcel map, second and subsequent parcel map, division into large parcels, where development is not connecting to the County water system, surface water rights shall be dedicated to the County.
- e. Upon demonstration by the applicant that ground or surface water rights cannot be secured a cash in lieu payment may be accepted only in the following circumstances:
 - (1) *Land divisions; parcel maps, division into large parcels, and commercial or industrial subdivisions.* Cash in lieu payment for any parcel map, map of division into large parcels, or final map will only be accepted in circumstances where the parcel to be divided has no surface water rights appurtenant to it, and the proposed land division will be served with domestic or commercial wells.
 - (2) *Second and subsequent parcel maps (parcel maps filed following the approval of a tentative parceling map).* Cash in lieu payment for all second and subsequent parcel maps will only be accepted in circumstances where the parcel to be divided has no surface water rights appurtenant to it. Where a tentative parceling map has been approved and at least one parcel map has been recorded water right dedication requirements in effect at the time of parcel map approval shall apply.
 - (3) *Cash in lieu payment defined.* A "cash in lieu payment" is an amount of cash equal to one and one-half times the fair market value of water rights required for dedication in lieu of the requirements.
 - (4) *Fair market value.* Fair market value shall be determined from time to time, based upon a market analysis conducted by the county and will be established by resolution of the board.
 - (5) *Reserve fund.* Upon receipt of such monies in lieu of dedication of water rights, the county clerk-treasurer shall place such monies in a special reserve fund for the purchase of water rights adequate to directly serve or indirectly recharge the source of water servicing the subject real property.
 - (6) *Water rights status verification.* Water rights status of such lands shall be verified by the Truckee-Carson Irrigation District.

5.

- a. The dedication of groundwater rights and facilities required by this section 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. This agreement must constitute a binding offer to dedicate, conditioned only upon failure to receive final project approval, or, in case 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 board.

- b. The county will evaluate the water rights offered for dedication based on, but not limited to, the following criteria:
 - (1) *Adequacy of amount.* The adequacy of the amount of water resources offered for dedication to the county for the intended use;
 - (2) *Type/source of water rights.* The ability of the county to use the type of water rights being offered for dedication;
 - (3) *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;
 - (4) *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
 - (5) *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.

F. *Authority to utilize dedicated water rights and collect administrative fees.*

- 1. The planning department, or an appointed county agent, may 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.
- 2. The development owner or property owner shall:
 - a. Pay all state engineer's office application fees to transfer the dedicated water rights to the proposed delivery facilities;
 - b. 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;
 - c. Comply with the terms of the water right permits or certificates as issued by the state engineer's office; and
 - d. Pay reasonable administrative fees and service fees to read and maintain water meters or carry out other activities as necessary to maintain the validity of the dedicated water right.

(Bill No. 2005-F § 2.2, 2005; Bill No. 2008-A, 2008; Bill No. 2010-G, 2010; Bill No. 2015-D, 2015; Bill No. 2018-E, 2019)

AFTER AMENDMENT

16.12.030.5 Dedication Of Facilities And Water Rights

- A. *Purpose.* Water, being an invaluable resource essential to the existence of life and paramount to the future growth of Churchill County, must be preserved and the impact on its diminishing availability minimized. In 1903, the United States Congress authorized the Newlands project. Subsequent federal decrees on the Carson and Truckee Rivers secured water rights that have allowed and enhanced this community's growth.

To ensure the long-term sustainability of the water resources in Churchill County and to ensure that a balance is maintained between aquifer recharge and water withdrawal, water rights shall be dedicated to Churchill County for all new development. To ensure an adequate, sustained water supply for the intended use or permit, the

developer, property owner, or contractor, shall dedicate to Churchill County, as a condition precedent to the issuance of a permit or approval of the land division or development, any water resources reasonably necessary to either serve or sustain the intended use or development.

Furthermore, the purpose of these requirements is to encourage the development of water and sewer facilities in the urbanizing area and to eliminate the use of individual domestic wells and septic tanks on lots created in a subdivision that is less than five acres in size.

- B. ~~Applicability~~ Dedication Required. ~~Prior to approval of any land division, the land divider/developer shall comply with all dedication requirements of Title 13. Dedications shall be completed as follows:~~

1. ~~Before approval of any tentative subdivision or planned unit development map, the land divider or contractor shall submit a statement of intent to dedicate to Churchill County, at the time of final submittal, the type and amount of water rights required to serve the subdivision.~~
2. ~~Before submittal of a final subdivision map, the land divider shall dedicate to Churchill County the quantity and type of water rights required to serve the portion of the subdivision reflected on the final map.~~
3. ~~Before recordation of a parcel map, second and subsequent parcel map, or division into large parcels, the applicant shall dedicate to Churchill County the quantity and type of water rights required to satisfy the requirements of Title 13. The provisions of this section shall apply to all permits, approvals, land divisions, subdivisions, planned unit developments or development projects in the county with the following exceptions: *Water resources*. The development owner, land divider or property owner shall be required to dedicate to Churchill County, as a condition precedent to the permit or approval, any water rights reasonably necessary to ensure an adequate water supply for the intended or permitted use. The amount of water rights necessary shall be determined by the county planning department and the building department 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 more stringent of the two, must be satisfied. *Water right dedication requirements*. The amount and type of water rights to be dedicated shall be in compliance with this section and title 13, chapter 13.02 of this Code. *Water right satisfaction*. Authority to utilize dedicated water rights and collect administrative fees. The provisions of this section do not apply to land divisions and development within hydrographic basins 128 (Dixie Valley), 73 and 74 (Humboldt Sink region), 75 (Hot Springs Flat area), 76 (Fernley area), 77 (North Valley), 78 (Granite Springs Valley), 123 (Rawhide Flats), 124 (Fairview Valley), 125 (Stingaree Valley), 126 (Cowkick Valley), 127 (Eastgate Valley area), 133 (Edwards Creek Valley), and 134 (Smith Creek Valley). The provisions of this section may not apply to the development of a cluster development where the agricultural reservation or conservation easement being established will continue irrigation and retain the surface water rights on the subject parcel in perpetuity.~~

~~Approval of the tentative map, or a parcel map when a tentative map is not required, shall include a recommendation from the planning director as to whether water right dedication should be required with recordation of each parcel map. The board of county commissioners shall make the final determination.~~

~~The board of county commissioners shall determine if water right dedication requirements apply for cluster developments approved prior to 2016. Simultaneously with submittal of a parcel map or an application for a building permit, the property owner shall submit a letter requesting a determination if water rights dedication is required. Upon receipt of said letter, the planning director shall review the record and present a written recommendation to the board of county commissioners who shall determine if the provisions of this section shall apply. The provisions of this section may not apply to~~

developments being served by existing water systems owned and operated by a utility on the effective date hereof but compliance with title 13, chapter 13.02 of this Code must be achieved. The provisions of this section may not apply to a proposed sending site in the transfer of development rights (TDR) program where the conservation easement being established will continue irrigation and retain the surface water rights on the subject parcel in perpetuity. Subdivisions, planned unit developments and parcel maps connecting to the county water system shall be required to dedicate the amount and type of water necessary to be served by the county system. Parcel maps where lots created are undeveloped and are less than one gross acre in size and a county water line exists within 180 feet of the property line shall be required to connect to the county system and shall be required to dedicate the amount and type of water necessary to be served by the county. Parcel maps, division into large parcels, second and subsequent parcel maps and industrial or subdivision maps that are not connecting to the county water system as a condition of approval, shall dedicate to Churchill County 2.0 acre-feet of surface water per parcel that may be used by the county to ensure the long-term sustainability of the county water resources and to ensure that a balance is maintained between aquifer recharge and water withdrawal. The total number of lots represented on the map determines how many acre-feet will be dedicated regardless of existing buildings and wells. The quantity of water rights required to be dedicated shall follow the above requirements unless otherwise required by the board or the state engineer. Final determination of the type and amount of water rights to be dedicated shall be by the county planning department and building department. Dedication of groundwater rights to Churchill County under the provisions of this section must be evidenced by any requisite permits from the state engineer including permits approving changes of place and/or manner of use, and may further be accomplished by quitclaim deed from the holder of the water rights to Churchill County. The deed must be in such form and executed in such a manner that is acceptable to the planning department. It shall be the duty of the land divider or contractor to take all steps necessary to complete any dedication made pursuant to the provisions of this subsection E. The dedication of water rights to Churchill County shall be achieved as follows: The planning department, or an appointed county agent, may 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. The development owner or property owner shall: When a property owner does not participate in the navy-county encroachment partnering program to purchase conservation easements, prior to recordation of the conservation easement the property owner shall submit a letter to the planning department requesting a determination regarding dedication of water rights for future development on the parcel(s) to be encumbered by a conservation easement. The planning director shall present a written recommendation to the board of county commissioners for final determination. When a property owner participates in the navy-county encroachment partnering agreement to purchase conservation easements, dedication of water rights is not required for any development on the parcel(s) that will be encumbered by the conservation easement, including construction or replacement of a single-family residence, a land division or record of survey/boundary line adjustment. Before approval of any tentative subdivision or planned unit development map the land divider or contractor shall submit a statement of intent to dedicate to Churchill County at the time of final map submittal the type and amount of water rights required to serve the subdivision. Before submittal of a final subdivision map the land divider shall dedicate to Churchill County the quantity and type of water rights required to serve the portion of the subdivision reflected in the final map. Prior to recordation of a parcel map where development will be connecting to the county system adequate groundwater rights to serve the land division shall be

dedicated to the county unless the board accepts alternative water right dedication requirements as outlined in title 13, chapter 13.02 of this Code. Prior to recordation of a parcel map, second and subsequent parcel map, division into large parcels, where development is not connecting to the County water system, surface water rights shall be dedicated to the County. Upon demonstration by the applicant that ground or surface water rights cannot be secured a cash in lieu payment may be accepted only in the following circumstances: The dedication of groundwater rights and facilities required by this section 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. This agreement must constitute a binding offer to dedicate, conditioned only upon failure to receive final project approval, or, in case 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 board. The county will evaluate the water rights offered for dedication based on, but not limited to, the following criteria: Pay all state engineer's office application fees to transfer the dedicated water rights to the proposed delivery facilities; 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; Comply with the terms of the water right permits or certificates as issued by the state engineer's office; and Pay reasonable administrative fees and service fees to read and maintain water meters or carry out other activities as necessary to maintain the validity of the dedicated water right. *Land divisions; parcel maps; division into large parcels; and commercial or industrial subdivisions.* Cash in lieu payment for any parcel map, map of division into large parcels, or final map will only be accepted in circumstances where the parcel to be divided has no surface water rights appurtenant to it, and the proposed land division will be served with domestic or commercial wells. *Second and subsequent parcel maps (parcel maps filed following the approval of a tentative parceling map).* Cash in lieu payment for all second and subsequent parcel maps will only be accepted in circumstances where the parcel to be divided has no surface water rights appurtenant to it. Where a tentative parceling map has been approved and at least one parcel map has been recorded water right dedication requirements in effect at the time of parcel map approval shall apply. *Cash in lieu payment defined.* A "cash in lieu payment" is an amount of cash equal to one and one-half times the fair market value of water rights required for dedication in lieu of the requirements. *Fair market value.* Fair market value shall be determined from time to time, based upon a market analysis conducted by the county and will be established by resolution of the board. *Reserve fund.* Upon receipt of such monies in lieu of dedication of water rights, the county clerk-treasurer shall place such monies in a special reserve fund for the purchase of water rights adequate to directly serve or indirectly recharge the source of water servicing the subject real property. *Water rights status verification.* Water rights status of such lands shall be verified by the Truckee-Carson Irrigation District. *Adequacy of amount.* The adequacy of the amount of water resources offered for dedication to the county for the intended use; *Type/source of water rights.* The ability of the county to use the type of water rights being offered for dedication; *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; *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 *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. (Bill No. 2005-F § 2.2, 2005; Bill No. 2008-A,

SECTION 3: **AMENDMENT** “13.02.010 General Provisions” of the Churchill County County Code is hereby *amended* as follows:

BEFORE AMENDMENT

13.02.010 General Provisions

- A. *Intent; purpose.* The intent of this chapter 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 that will be served by the county water and sewer system to ensure water supply and sewage treatment to adequately protect the public health and safety.

The purpose of these requirements is to encourage the development of water and sewer facilities and to eliminate the use of individual domestic wells and septic tanks on lots created in a subdivision that are less than five acres in size and to encourage connection to water and sewer facilities for any development where water and sewer service can be provided.

- B. *Applicability.* The provisions of this section shall apply to all permits, approvals or development projects of any kind in the county that are connecting to the county water system and require water supply delivery and/or require sewage treatment including:
1. Subdivisions, planned unit developments and second and subsequent parceling of land that creates new parcels of less than five acres in size.
 2. Parcel maps where lots created are undeveloped and are less than one gross acre in size and a county water and/or county sewer line exists within 180 feet of the property line. If either or both water and sewer lines lie within 180 feet of the property, connection will be required to all services available.
- C. *Water resources.* The development owner or property owner shall be required to dedicate to Churchill County, as a condition precedent to the permit or approval, any water rights reasonably necessary to ensure an adequate water supply for the intended or permitted use. The amount of water rights necessary shall be determined by Churchill County 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 more 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.
- D. *Water dedication requirements.* Churchill County requires each applicant to dedicate to the county the required amount of underground water rights prior to connection to the county water system.
1. *Single-family residential.*
 - a. The county shall determine the amount of water rights needed to satisfy dedication requirements. This shall be based on a dedication rate of 1.12AF per single-family residence.
 - b. Dedication for a single-family residence on parcels of a size equal to or larger than 1.5 acres shall be based on a rate of 1.12AF for the first 1.5 acres plus .6AF for each additional .5 acre(s) or major fraction thereof.
 2. *Multi-family residential.*
 - a. The county shall determine the amount of water rights needed to satisfy dedication requirements. For multi-family residential use this shall primarily be based upon the following criteria:
 - (1) Dedication for multi-family residential units on parcels with a residential unit density less than or equal to eight units per acre will be 1.12AF per each individual unit.
 - (2) Dedication for multi-family residential units on parcels with a

residential unit density equal to or more than nine units per acre will be .56AF per unit.

3. *Manufactured home parks.*

- a. The county shall determine the amount of water rights needed to satisfy dedication requirements. This shall primarily be based upon the following criteria:
 - (1) Manufactured home parks existing as of September 1, 2017, with units less than 1,200 square feet will be based upon fixture count per the most currently adopted uniform plumbing code. Any empty residential spaces will be required to be dedicated at 1.12AF per empty space.
 - (2) Manufactured home parks created after September 1, 2017, will require dedication of 1.12AF per residential space or residential unit.

4. *Commercial and industrial.*

- a. The county shall determine the amount of water rights needed to satisfy dedication requirements. For commercial or industrial use this shall primarily be based upon the following criteria:
 - (1) Fixture count per the most currently adopted uniform plumbing code.
 - (2) Landscape requirements as designed and estimated by a landscape architect or other qualified profession.
 - (3) If required by the county, new commercial and industrial water users shall submit a wet stamped engineer's calculation of proposed water usage to be submitted at time of final map or building permit, whichever is first. The calculation will include fixture units, fire flow, landscaping and all water use.
 - (4) Upon dedication of the required amount of water rights and payment of all applicable connection fees the applicant shall sign a declaration stating the water right dedication satisfies only the existing use under the current business license. The county shall not issue new licenses and permits for the same property until any new owner/applicant has signed a declaration and, if necessary, dedicated to the county additional underground water rights to satisfy the requirements of the change in use.

5. *Nonresidential areas, common areas, shared laundry rooms/facilities, swimming pools, in-ground hot tubs, and water features.*

- a. All nonresidential water uses will require a wet stamped engineer's calculation of proposed water usage to be submitted at time of final map or building permit, whichever is first.
 - (1) Every nonresidential area, common area, shared laundry/facilities, swimming pool, in-ground hot tub and water feature require a separate water meter from the residential units and each other.
 - (2) Dedication for nonresidential areas and common areas shall be a minimum of .6AF or a wet stamped engineer's calculation of proposed water usage submitted by the developer, whichever is greater.
 - (3) Dedication for shared laundry room/facilities shall be determined using fixture unit count per the most currently adopted uniform plumbing code, or a wet stamped engineer's calculation of proposed water usage submitted by the developer, or a minimum of .6AF, whichever is greater.
 - (4) Dedication for swimming pools, in-ground hot tubs and water features shall be a minimum of .6AF or a wet stamped engineer's calculation of proposed water usage including calculations for filling, maintenance, loss caused by use, and evaporation submitted by the developer, whichever is greater.

E. *Water rights satisfaction.*

1. The dedication of water rights and facilities required by this section 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. This agreement must constitute a binding offer to dedicate, conditioned only upon failure to receive final project approval, or, in case 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 board of county commissioners. The county 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. *Type/source of water rights.* The ability of the county to use the type of water rights being offered for dedication;
 - 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.
2.
 - a. A subdivision and planned unit development shall be required to dedicate the amount and type of water rights necessary to be served by the county water system.
 - b. Other developments including parcel maps, new and existing residential and nonresidential development or construction, upon demonstration that adequate underground water rights cannot be dedicated to satisfy the total amount of water resources required to serve the proposed use or development may be permitted to provide some or all of the following to satisfy water right dedication:
 - (1) A recorded letter issued by the county for the dedication of surface water rights or a payment in lieu of surface water rights.
 - (2) A payment in lieu based on the current market value of the water being provided by the county water system, multiplied by 1.5.
 - (3) Surface water rights in an amount that equals or exceeds two acre-feet times a factor of 1.7 that includes costs associated with treatment, system losses and environmental impacts, per service connection.
 - (4) A domestic well credit.

Upon presentation of the above to Churchill County a recommendation shall be provided to the board of county commissioners to accept or reject any of the above to satisfy water right dedication.

F. *Authority to utilize dedicated water rights and collect administrative fees.*

1. The county, or an agent appointed by the county, may 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.

2. The development owner or property owner shall:
 - a. Pay all administrative and state engineer's office application/permit fees to transfer the ownership of the dedicated water rights to the proposed delivery facilities and Churchill County;
 - b. 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;
 - c. Comply with the terms of the water right permits or certificates as issued by the state engineer's office; and
 - d. Pay reasonable administrative fees and service 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 by a resolution of the Churchill County commissioners.
- G. *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 ensure an adequate water supply to a project or development. This subsection applies to facilities that will be constructed to serve a project or development, except:
 1. *Single-family dwelling.* A domestic well to serve one single-family dwelling in an existing subdivision;
 2. *Previous facilities.* Facilities which were previously constructed to serve existing users. Enlarging or improving existing facilities will be required to meet Churchill County facility standards;
 3. *Utility facilities.* Existing facilities which were owned and operated by a utility on the effective date hereof, operating under a certificate of public convenience and necessity issued by the Nevada Public Service Commission. Enlarging or improving existing facilities will be required to meet Churchill County facility standards.
- H. *Contracts for water rights and water facilities.* The board of county commissioners may enter into contracts 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.
- I. *Water meters.* Water meters will be required for all new service connections to the county water system to the extent allowed by law.
- J. *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 ensure adequate sanitary sewer collection and disposal to a project or development. This subsection applies to facilities that will be constructed to serve a project or development, except:
 1. *Single-family dwelling.* Individual sewage disposal system to serve one single-family dwelling in an existing subdivision;
 2. *Previous facilities.* Facilities which were previously constructed to serve existing users;
 3. *Utility facilities.* Existing facilities which were owned and operated by a utility on the effective date hereof, operating under a certificate of public convenience and necessity issued by the Nevada Public Service Commission. Enlarging or improving existing facilities will be required to meet Churchill County facility standards.
- K. *Dedication of existing utility facilities.* Facilities, whether new or existing, which are owned and operated by a utility operating under a certificate of public convenience and necessity issued by the Nevada Public Service Commission must submit to the county a plan for improvements to meet Churchill County's water and sewer design standards and a plan to finance all needed improvements.
- L. *Facility funding requirements.*
 1. *General government funds.* All water and wastewater treatment facilities are funded separately from other general government operations. General

government funds, however, may be used to secure revenue bonds for water and wastewater facilities.

2. *Cost of facilities.* All costs directly attributable to water and wastewater facilities are paid for by new development and existing development served by such facilities. Costs of service shall include the cost of extending service lines and facilities.

(Bill No. 2014-A, 2014; Bill No. 2020-D, § 1, 11-18-2020)

AFTER AMENDMENT

13.02.010 General Provisions

- A. *Intent; purpose.* The intent of this chapter 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, including those that will be served by the county water and sewer system to ensure water supply and sewage treatment to adequately protect the public health and safety.

The purpose of these requirements is to preserve a sustainable water supply within the county, encourage the development of water and sewer facilities and to eliminate the use of individual domestic wells and septic tanks on lots created in a subdivision that are less than five acres in size and to encourage connection to water and sewer facilities for any development where water and sewer service can be provided.

- B. *Applicability.* The provisions of this section shall apply to all building or planning permits, approvals or development projects of any kind in the county that are connecting to the county This title shall be administered by the Director of Public Works, Planning, and Building. ~~water system and require water supply delivery and/or require sewage treatment including:~~
 1. ~~Subdivisions, planned unit developments and second and subsequent parceling of land that creates new parcels of less than five acres in size.~~
 2. ~~Parcel maps where lots created are undeveloped and are less than one gross acre in size and a county water and/or county sewer line exists within 180 feet of the property line. If either or both water and sewer lines lie within 180 feet of the property, connection will be required to all services available.~~
- C. *Water resources.* The development owner or property owner shall be required to dedicate, or have previously dedicated, to Churchill County, as a condition precedent to the permit or approval, any water rights reasonably necessary to ensure an adequate water supply for the intended or permitted use. The amount of water rights necessary shall be determined by Churchill County 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 more 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.
- D. *Water dedication requirements for county water system.* Churchill County requires each applicant that is connecting, required to connect, or being delivered water by the county water system to dedicate to the county the required amount of underground water rights prior to connection to the county water system.
 1. *Single-family residential.*
 - a. The county shall determine the amount of water rights needed to satisfy dedication requirements. This shall be based on a dedication rate of 1.12AF per single-family residence.
 - b. Dedication for a single-family residence on parcels of a size equal to or larger than 1.5 acres shall be based on a rate of 1.12AF for the first 1.5 acres plus .6AF for each additional .5 acre(s) or major fraction thereof.
 2. *Multi-family residential.*
 - a. The county shall determine the amount of water rights needed to satisfy dedication requirements. For multi-family residential use this shall primarily be based upon the following criteria:
 - (1) Dedication for multi-family residential units on parcels with a residential unit density less than or equal to eight units per acre will be 1.12AF per each individual unit.

- (2) Dedication for multi-family residential units on parcels with a residential unit density ~~equal to or of more than nine~~ eight units per acre will be ~~.56AF~~ calculated per unit according to the following equation:

$$\text{Per Unit Dedication} = \frac{(8 * 1.12) + ((\text{Residential Unit Density} - 8) * 0.56)}{\text{Residential Unit Density}}$$

3. *Manufactured home parks.*

- a. The county shall determine the amount of water rights needed to satisfy dedication requirements. This shall primarily be based upon the following criteria:
- (1) Manufactured home parks existing as of September 1, 2017, with units less than 1,200 square feet will be based upon fixture count per the most currently adopted uniform plumbing code. Any empty residential spaces will be required to be dedicated at 1.12AF per empty space.
 - (2) Manufactured home parks created after September 1, 2017, will require dedication of 1.12AF per residential space or residential unit.

4. *Commercial and industrial.*

- a. The county shall determine the amount of water rights needed to satisfy dedication requirements. For commercial or industrial use this shall primarily be based upon the following criteria:
- (1) Fixture count per the most currently adopted uniform plumbing code.
 - (2) Landscape requirements as designed and estimated by a landscape architect or other qualified profession.
 - (3) If required by the county, new commercial and industrial water users shall submit a wet stamped engineer's calculation of proposed water usage to be submitted at time of final map or building permit, whichever is first. The calculation will include fixture units, fire flow, landscaping and all water use.
 - (4) Upon dedication of the required amount of water rights and payment of all applicable connection fees the applicant shall sign a declaration stating the water right dedication satisfies only the existing use under the current business license. The county shall not issue new licenses and permits for the same property until any new owner/applicant has signed a declaration and, if necessary, dedicated to the county additional underground water rights to satisfy the requirements of the change in use.

5. *Nonresidential areas, common areas, shared laundry rooms/facilities, swimming pools, in-ground hot tubs, and water features.*

- a. All nonresidential water uses will require a wet stamped engineer's calculation of proposed water usage to be submitted at time of final map or building permit, whichever is first.
- (1) Every nonresidential area, common area, shared laundry/facilities, swimming pool, in-ground hot tub and water feature require a separate water meter from the residential units and each other.
 - (2) Dedication for nonresidential areas and common areas shall be a minimum of .6AF or a wet stamped engineer's calculation of proposed water usage submitted by the developer, whichever is greater.
 - (3) Dedication for shared laundry room/facilities shall be determined using fixture unit count per the most currently adopted uniform plumbing code, or a wet stamped engineer's calculation of proposed water usage submitted by the developer, or a minimum of .6AF, whichever is greater.
 - (4) Dedication for swimming pools, in-ground hot tubs and water features shall be a minimum of .6AF or a wet stamped engineer's calculation of proposed water usage including calculations for filling, maintenance, loss caused by use, and evaporation submitted by the developer, whichever is greater.

E. Water Dedication Requirements for Rural Development. Parcel maps, division into large parcels, second and subsequent parcel maps and industrial or subdivision maps that are not connecting to the county water system, as a condition of approval, shall dedicate to Churchill County two (2.0) acre-feet of surface water per parcel that may be used by the county to ensure the long-term sustainability of the county water resources and to ensure that a balance is maintained between aquifer recharge and water withdrawal. The total number of lots

represented on the map determines how many acre-feet will be dedicated regardless of existing buildings and wells.

F. Exclusions to Dedication Requirements for Rural Development. The requirements to dedicate water for rural development shall not apply to:

1. A cluster development where the agricultural reservation or conservation easement being established will:
 - a. Continue irrigation on the subject parcel in perpetuity; and
 - b. Retain surface water rights in an amount at least equal to the amount required for dedication and sufficient to fully irrigate the subject parcel in perpetuity.
2. A proposed sending site in the transfer of development rights (TDR) program where the conservation easement being established will:
 - a. Continue irrigation on the subject parcel in perpetuity; and
 - b. Retain surface water rights in an amount at least equal to the amount required for dedication and sufficient to fully irrigate the subject parcel in perpetuity.

G. Water rights satisfaction.

1. The dedication of water rights and facilities required by this section will be satisfied if:
 - a. Applicant submits an acceptable deed dedicating the required water rights to the county;
 - b. Applicant submits a recorded letter issued by the county waiving the requirement for dedication of water rights; or
 - ~~c. the development owner or property owner~~ Applicant enters into an agreement with the county, secured by a performance bond or other undertaking acceptable to the county, ~~–This agreement must that~~ constitute a binding offer to dedicate the required water rights, conditioned only upon failure to receive final project approval, or, in case where a building permit is the only approval needed, failure to receive a building permit for the project.
2. 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 ~~board of county commissioners~~ county. The county 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. *Type/source of water rights.* The ~~ability of the county to use the~~ type of water rights being offered for dedication match the requirements for dedication;
 - 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.
3.
 - ~~a. A subdivision and planned unit development shall be required to dedicate the amount and type of water rights necessary to be served by the county water system;~~
 - ~~b. Other developments including parcel maps, new and existing residential and nonresidential development or construction, upon demonstration that adequate underground water rights cannot be dedicated to satisfy the total amount of water resources required to serve the proposed use or development may be permitted to provide some or all of the following to satisfy water right dedication:~~
 - ~~(1) A recorded letter issued by the county for the dedication of surface water rights or a payment in lieu of surface water rights;~~
 - ~~(2) A payment in lieu based on the current market value of the water being provided by the county water system, multiplied by 1.5;~~
 - ~~(3) Surface water rights in an amount that equals or exceeds two acre-feet~~

~~times a factor of 1.7 that includes costs associated with treatment, system losses and environmental impacts, per service connection.~~
~~(4) A domestic well credit.~~

~~Upon presentation of the above to Churchill County a recommendation shall be provided to the board of county commissioners to accept or reject any of the above to satisfy water right dedication.~~

Applicant, upon demonstration that adequate underground water rights cannot be reasonably dedicated to satisfy the total amount of water resources required to serve the proposed use or development may be permitted by the county to provide some or all of the following to satisfy water right dedication:

- a. A domestic well credit for each each residential unit; or
- b. A payment in lieu of dedication equal to the current market value of the water rights required for dedication multiplied by a factor of:
 - (1) For residential unit density of less than four units/acre: 1.5;
 - (2) For residential unit density of more than four units/acre but less than eight units/acre: 1.3; or
 - (3) For residential unit density of more than eight units/acre: 1.2.
4. The county shall accept or reject the offer for dedication or payment in lieu of dedication within thirty days of receipt of the offer. The Churchill County Board of County Commissioners may disallow any payment in lieu of dedication that is, in its sole discretion, disadvantageous to the health of the county water supply or the future needs of the county.

H. *Authority to utilize dedicated water rights and collect administrative fees.*

1. The county, or an agent appointed by the county, may 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.
2. The development owner or property owner shall:
 - a. Pay all administrative and state engineer's office application/permit fees to transfer the ownership of the dedicated water rights to the proposed delivery facilities and Churchill County;
 - b. 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;
 - c. Comply with the terms of the water right permits or certificates as issued by the state engineer's office; and
 - d. Pay reasonable administrative fees and service 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 by a resolution of the Churchill County commissioners.

I. *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 ensure an adequate water supply to a project or development. This subsection applies to facilities that will be constructed to serve a project or development, except:

1. *Single-family dwelling.* A domestic well to serve one single-family dwelling in an existing subdivision;
2. *Previous facilities.* Facilities which were previously constructed to serve existing users. Enlarging or improving existing facilities will be required to meet Churchill County facility standards;
3. *Utility facilities.* Existing facilities which were owned and operated by a utility on the effective date hereof, operating under a certificate of public convenience and necessity issued by the Nevada Public Service Commission. Enlarging or improving existing facilities will be required to meet Churchill County facility standards.

J. *Contracts for water rights and water facilities.* The board of county commissioners may enter into contracts 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.

K. *Water meters.* Water meters will be required for all new service connections to the county water system to the extent allowed by law.

L. *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 ensure adequate sanitary sewer collection and disposal to a project or development. This subsection applies to facilities that will be constructed to serve a project or development, except:

1. *Single-family dwelling.* Individual sewage disposal system to serve one single-family dwelling in an existing subdivision;
2. *Previous facilities.* Facilities which were previously constructed to serve existing users;
3. *Utility facilities.* Existing facilities which were owned and operated by a utility on the effective date hereof, operating under a certificate of public convenience and necessity issued by the Nevada Public Service Commission. Enlarging or improving existing facilities will be required to meet Churchill County facility standards.

M. *Dedication of existing utility facilities.* Facilities, whether new or existing, which are owned and operated by a utility operating under a certificate of public convenience and necessity issued by the Nevada Public Service Commission must submit to the county a plan for improvements to meet Churchill County's water and sewer design standards and a plan to finance all needed improvements.

N. ~~Facility~~ Funding requirements.

1. *General government funds.* All water and wastewater treatment facilities are funded separately from other general government operations. General government funds, however, may be used to secure revenue bonds for water and wastewater facilities.
2. ~~*Cost of facilities.* All costs directly attributable to water and wastewater facilities are paid for by new development and existing development served by such facilities. Costs of service shall include the cost of extending service lines and facilities.~~ Payments-in-Lieu. Any funds received as a payment-in-lieu of dedication of water right shall be used solely to enhance, maintain, or conserve the county's water resources, including but not limited to, purchase of water rights or land with water rights, maintenance or construction of water and wastewater facilities, preservation of existing water rights, or purchase of conservation easements.

(Bill No. 2014-A, 2014; Bill No. 2020-D, § 1, 11-18-2020)

PASSED AND ADOPTED BY THE CHURCHILL COUNTY BOARD OF COUNTY COMMISSIONERS JANUARY 15, 2025.

	AYE	NAY	ABSENT	ABSTAIN
Myles Getto	<u>X</u>	<u> </u>	<u> </u>	<u> </u>
Eric Blakey	<u>X</u>	<u> </u>	<u> </u>	<u> </u>
Matt Hyde	<u>X</u>	<u> </u>	<u> </u>	<u> </u>

Presiding Officer

Attest



Myles Getto, Chairman, Churchill County



Pamela D. Moore, Deputy Clerk of the Board,
Churchill County