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 (5) 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 (5) 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 one hundred eighty feet (180') of the property line. If both water and sewer lines lie within one hundred eighty feet (180') of the property, connection will be required to both services.

3. New residential development on lots less than five (5) acres in size outside a subdivision or planned unit development if a County water and/or County sewer line abuts the lot boundary. If both County water and County sewer lines abut the property, connection will be required to both services.

4. New nonresidential development on lots outside a subdivision or planned unit development if a County water and/or County sewer line abuts the lot boundary. If both County water and County sewer lines abut the property, connection will be required to both services.

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 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 (2) 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.

E. 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.

F. 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.

G. 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.

H. Water Meters: Water meters will be required for all new service connections to the County water system to the extent allowed by law.

I. 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.

J. 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.

K. 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 2014-A, Bill 2008-A)