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30.52 Off-Site Development Requirements

30.52.010 **Purpose.** This Chapter sets forth requirements for the dedication of rights-of-way, provision of utilities, street improvement requirements, and drainage improvements within public rights-of-way or private streets whenever land is subdivided or developed within the various districts. These requirements are intended to ensure that off-site improvements meet proper standards, do not unnecessarily obstruct streets and other rights-of-way, and promote the general prosperity, health, safety, convenience and welfare of the public.

30.52.020 **Applicability.** The developer is responsible for complying with the requirements of this Chapter, making the necessary arrangements for the design plans and installation of all improvements. Prior to occupancy or final inspection the property owner shall install, erect, and/or construct the improvements required by this Chapter and/or as a condition of approval of the development following the issuance of permits as required by Chapter 30.32.

30.52.030 **Street Requirements.**

a. Dedication of Right-of-Way.

1. Prior to the issuance of building permits or concurrent with the recording of a subdivision map, right-of-way dedication is required as follows for all development which abuts a street for which insufficient dedication has been secured when located within the property lines of the development (Alleys are not permitted unless required as a condition of vacating an existing alley):

   A. Township and range lines: One hundred and twenty (120) feet in width.

   B. Section lines: One hundred (100) feet in width.

   C. Quarter section lines: Eighty (80) feet in width.

   D. Public streets, including sixteenth and sixty-fourth section lines: minimum sixty (60) feet in width.

   E. Public residential streets within a single family residential subdivision: minimum Forty-eight (48) feet in width. Forty-eight (48) foot streets also require streetlight and traffic control devices easements in accordance with the improvement standards of this Chapter.

   F. Non-through streets which are designed in excess of one hundred and fifty (150) feet in length require dedication of a turn around in accordance with the improvement standards of this Chapter.

G. Additional right-of-way for right turn lanes at section line and quarter section line intersections in accordance with the improvement standards of this Chapter.

H. In accordance with conditions of an approved technical study.

I. Any property owner along a street alignment must dedicate their portion (approximate 1/2) of required right-of-way. Off-set street alignment dedication must be approved [~~coordinated with the Department of Public Works.~~]

J. Additional dedication as may be required by the Commission or Board.

K. Except for temporary signs, structures within any future right-or-way are prohibited, except when the Director of [~~Public Works~~] Development Services determines that the dedication is unnecessary.

2. Such dedication shall make provision for the continuation of collector and arterial streets and shall conform with the Clark County Comprehensive Plan, Transportation Element, current version or as amended from time to time, and the current Regional Transportation Plan as adopted by the Regional Transportation Commission.

3. Dedication for any alignment which the Director of [~~Public Works~~] Development Services in cooperation with the Director of Public Works determines is unsuitable for the establishment of a right-of-way because of extreme topographic conditions, established street patterns, or other similar condition, may be waived as specified in Section 30.52.120.

4. Dedication along any alignment may be reduced by the width of the required sidewalk if alternative sidewalk and landscape designs, such as a meandering sidewalk are incorporated into the development and if public access easement and a five (5) foot wide public utility easement is granted for the alternative sidewalk.

b. **Private Streets.** Minimum widths required by the Fire Department may not be waived.

1. All private road easements serving more than one (1) lot shall be a minimum of forty (40) feet in width and shall terminate in a cul-de-sac or hammerhead per the Improvement Standards.

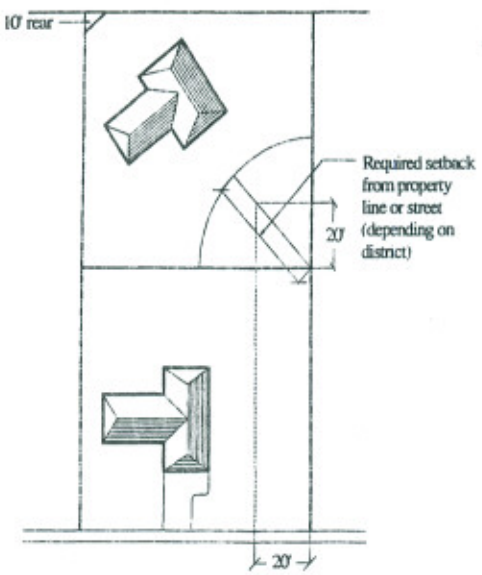
2. A private road easement serving only one (1) lot shall be considered a driveway, shall be not less than twenty (20) feet in width, and need not terminate in a cul-de-sac or hammerhead, but [~~shall~~] may extend into the lot being accessed as shown in Figure 30.52-01 [~~(See Figure 30.52-01)~~]. If the easement is extended into another lot, access shall be granted to the other property owner as well. (Ord. 2741 § 9 (part), 5/2002)

3. Private streets may be established without being included within private residential lots within subdivisions if: 1) a homeowners association assumes responsibility for the maintenance of the private street lots and 2) lots are proportionately assessed for the private street lot.

c. **Legal Access.** Each lot shall have a minimum street frontage of twenty feet, or be accessed by a private street or driveway at least twenty feet in width. Minimum widths required by the Fire Department may not be waived. (Ord. 2769 § 88, 89, and 90, 7/2002; Ord. 2537(part) § 11, 2001)

30.52.040 Improvement Requirements. The developer shall agree, through the posting of surety bonds in accordance with Section 30.32.150, to provide all improvements required by this Section prior to recording the final subdivision map or the issuance of a building or grading permit. This does not apply to minor subdivisions which shall require the improvements listed in Section 30.52.080. Such improvements shall include, but not be limited to, the following:

Figure 30.52-01 20' Private Road Easement



1. Grading, curbs, gutters, berms, and paving of streets, highways, and other rights-of-way within, bordering, or necessary to provide access to and serve the development; (Ord. 2741 § 9 (part), 5/2002)

2. Grading and subsurface drainage structures necessary for the proper use and drainage of the street and lot, such as culverts, bridges, and storm drains, taking into consideration the drainage patterns on adjacent property;

3. Street name signs and traffic control devices;

4. Sidewalks on all streets as required;

5. Fire hydrants, in proper location and in sufficient numbers, to provide adequate fire protection as required;

6. **Public Sanitary Sewer.**

   A. Every lot shall be supplied with adequate sanitary sewerage facilities, including sewer mains and house laterals, connected to systems with adequate capacity to serve the proposed development in conformance with the standards and specifications adopted by the Clark County Sanitation District, unless an individual sewage disposal systems is approved in accordance with Section 30.52.110 below;

   B. The developer shall provide evidence that the sanitary sewer service provider has agreed to serve the development, has adequate treatment capacity and approved the proposed design for any necessary facilities;

   C. When sanitary sewer service is to be provided by a private system, the developer must provide evidence that the proposed system has been approved in accordance with the laws of the State of Nevada and/or Clark County;

7. **Water Service.**

   A. Every lot shall be supplied with water adequate for domestic use, and fire protection if required, connected to systems with adequate supply and capacity to serve the proposed development in conformance with the standards and specifications adopted by the municipal water purveyor, unless a private well is approved in accordance with Section 30.52.100 (b) below;

   B. The developer shall provide evidence that the water service provider has agreed to serve the development, provide adequate supply for domestic use, and fire protection if required, and approved the proposed design for any necessary facilities;

   C. In cases where there is an existing well serving existing development on the lot, only the new lots being created need be connected to the public water system, provided that the lot remaining on the well meets the Health District requirements for lot size;

D. When water service is to be provided by a private system, the developer must provide evidence that the proposed system has been approved in accordance with the laws of the State of Nevada and/or Clark County;

8. **Street Lighting and Electric Service.** The electrical distribution systems shall meet the requirements of Clark County and shall be sufficient to serve the proposed development with street lights and power to every lot;

A. The developer shall furnish statements from the electric utility company stating that the company will furnish electric power to any lot within the development, upon the demand of any lot purchaser, at no cost to the purchaser, to bring the service to the lot;

B. Street lighting materials, candlepower, illumination and installation shall conform to recommended practice for street and highway lighting, as established by the Illuminating Engineers Society;

C. All electrical improvements shall be constructed or installed, in accordance to the requirements herein, and meet all applicable requirements of the National Electrical Code, American Standards Association, American Society for Testing Materials, Federal Specifications, National Electric Light Association, National Electric Safety Code, Underwriters Laboratories, Inc, Insulated Power Cable Engineers Association, Illuminating Engineers Society, and Code of Standard Specifications for Public Improvements (Clark County Electrical Ordinance);

9. Provision for service connections from utility lines and sanitary sewers shall be made which will eliminate the necessity of disturbing the street pavement, gutters, culverts, curbs and sidewalks when service connections are made;

10. Prior to improvements being made, plan approvals, the posting of surety bonds, and the issuance of permits in accordance with Chapter 30.32 must be complete. Inspections must be approved prior to acceptance of the improvements;

11. Exceptions to the improvement requirements of this Section are permitted with the approval of an application for a waiver of standards in accordance with Table 30.16-7.

30.52.050 Improvement Standards.

a. **Street Improvements.** Street improvements shall be constructed in accordance with the "Uniform Standard Drawings for Public Works Construction Off-Site Improvements, Clark County Area, Nevada" and "Uniform Standard Specifications for Public Works Construction Off-Site Improvements, Clark County Area, Nevada" and appendices, the current editions or as amended from

time to time, and on file for public review at the County Clerk's Office, and at the Regional Transportation Commission of Southern Nevada office, as modified by the "Clark County Supplement to Uniform Standard Drawings and Specifications" and "Minimum Road Design Standards for Non-Urban Roadways" and appendices. the current editions or as amended from time to time, and on file for public review at the County Clerk's Office and at the office of the Director of Development Services and Public Works. A copy of said supplement and said non-urban standards may be purchased from the Department of Public Works at the uniform charge of ten dollars per copy plus the actual cost for mailing or handling when required.

b. **Drainage Regulations, Criteria, and Design Manual.** Drainage review, analysis, design and plan preparation, which will result in construction or site preparation for drainage, flood control, roadways and related public and private drainage improvements associated with developments, shall be in conformance with "Uniform Regulations for the Control of Drainage" and "Hydrologic Criteria and Drainage Design Manual " (including regulations for finished floor elevations), the current edition, or as amended from time to time, and on file at the County Clerk's Office and the Clark County Regional Flood Control District, together with prefaces, tables of contents and appendices, including any standard drawings therein contained, as modified below. All drainage review, including channel improvements, shall consider impacts to downstream properties, water velocities and erosion control. In order to provide for a more natural appearance, drainage ways are encouraged to be lined with natural materials, such as grass (other alternatives are included in the "Hydrologic Criteria and Drainage Design Manual"), when geotechnical conditions are favorable. Because of varying circumstances, each project shall be reviewed by the Board on a case by case basis to determine an appropriate design for the improvement.

1. **Uniform Regulations for the Control of Drainage Amended/Section 32 Amended.**

   A. **Definitions Added.** In addition to the definitions given in Section 32 of the "Uniform Regulations for the Control of Drainage," the following terms shall have the additional following meanings for this subsection (b):

      i. "Local Administrator" means the Director of Public Works and designee, or an individual appointed by the Board of County Commissioners or designated by the County Manager to perform the function defined in the Uniform Regulations for the Control of Drainage.

      ii. "Designated Official" means the Director of [~~Building~~] Development Services and designee, or an individual appointed by the Board of County Commissioners or designated by the County Manager to perform the function defined in the Uniform Regulations for the Control of Drainage.

iii. "Grading Permit" means that permit required by Sections 33, 34 and 35 of the "Uniform Regulations for the Control of Drainage," [~~(revised November 12, 1990)~~] (URCD) and includes all building or grading permits required for grading by the Uniform Building Code and other standards as adopted by Clark County in Titles 22[;] and 30 of the County Code. If there is a conflict as to which permit or permit process applies to a specific case, the procedures which are most stringent [~~applies~~] apply. (Ord. 2842 § 1 (part) 01/2003)

2. **Uniform Regulations for the Control of Drainage Amended/Section 35 Amended.**

A. **Section 35.080 Amended.** Section 35.080 of the "Uniform Regulations for the Control of Drainage," is amended to read:

35.080 Warning and Disclaimer of Liability. Neither the issuance of a permit under the provisions of this Chapter, nor the compliance with the provisions hereof or with any conditions imposed by the Designated Official, shall relieve any person from any responsibility for damage to persons or property otherwise imposed by law, nor impose any liability upon the District and Entity for damage to persons or property[~~, nor guarantee that there shall be no flood damage. Acts by third parties and unforeseeable natural events may exceed foreseeable design expectations and result in damage not contemplated by these regulations and permit process~~].

The Local Administrator, Designated Official, and their designees, charged with the enforcement of this Chapter, acting in good faith and without malice for the Entity or District in the discharge of his duties, shall not thereby render himself liable personally, and he is hereby relieved from all personal liability for any damage that may accrue to persons or property as a result of any act required or by reason of any act or omission in the discharge of his duties. (Ord. 2842 § 1 (part) 01/2003)

B. **Section 35.090 Amended.** Section 35.090 of the "Uniform Regulations for the Control of Drainage" is amended to read:

35.090 Hazardous Conditions. The permittee and project engineer shall report to the Designated Official when any existing or proposed excavation, slope, or fill has become a hazard to life and limb, or endangers property, or adversely affects the safety, use or stability of a public way, or drainage channel. The Designated Official shall then notify the owner of the property upon which the excavation or fill is located or other person or agent in control of said property, in writing to repair or eliminate such hazard within the period of time specified in the notice.

C. **Section 35.100 Amended.** Section 35.100 of the "Uniform Regulations for the Control of Drainage" is amended to read:

35.100 [~~Builder-Engineer Responsibility. The permittee is responsible to perform all work permitted pursuant to the plans, computations and specifications submitted to the Designated Official and approved by the Local Administrator as the basis for the permit.~~] Notice of Noncompliance. Whenever any construction or work is being done contrary to the provisions of this Chapter, or not in accordance with the plans and specifications submitted and approved as the basis for the issuance of the permit, or if a hazard to life and limb exists, or if public or private property is or may be endangered, the Designated Official, or designee, shall upon notice thereof issue a written notice to the permittee or his/her agent or other responsive employee requiring cessation of work upon that portion of the site where noncompliance, hazard or other violation has occurred or exists.

The notice shall state the nature of the said condition and shall contain sufficient information to apprize the permittee of the nature and extent of the correction required. No work shall be performed on said portion of the site unless or until the noticed condition is rectified and approved upon inspection of the Designated Official or unless, as a condition of continuing the work, special precautions agreeable to the Designated Official are performed by the permittee. Failure of the permittee to take such precautions or rectify such condition, hazard, nonperformance, noncompliance or violation shall be grounds for revocation of the permit. (Ord. 2842 § 1 (part) 01/2003)

3. If a drainage study is required by this Title, or was required by the Commission or Board as a condition of any subdivision or land use application, two copies of the drainage impact analysis, including all necessary data as required in this Title shall be submitted to the Director of Public Works with fees as required in Table 30.80-5[:]. (Ord. 2842 § 1 (part) 01/2003)

4. Urban runoff including stormwater within the urban areas is permitted through the State of Nevada National Pollutant Discharge Elimination Systems Permit Program. The Permit includes monitoring and Best Management Practices (BMP) to be employed in the urban areas. Contact the Department of Comprehensive Planning for a list of BMP's for Clark County. (Ord. 2769 § 91 & 92, 7/2002)

30.52.055 Traffic Impact Analysis Requirements.

a. A traffic impact analysis shall be required when:

1. The development is anticipated to generate a minimum of 50 total trips in a peak hour as defined by the most recent version of the Institute of Transportation Engineers Reference Book "Trip Generation" and its most recent updates or by a trip generation study acceptable to the county; or

2. A traffic impact analysis was required by the Commission or Board as a condition of any tentative map, final map and/or land use application approved pursuant to the requirements of this Title 30.

b. **Exception.** In the instance where a traffic impact analysis is required by subsection (a) and the development is anticipated to generate between 50 and 200 total trips in a peak hour, the developer has the option of providing necessary traffic mitigation improvements as determined by the Director of [~~Public Works~~] Development Services and paying a traffic mitigation fee in accordance with Table 30.80-5 in lieu of submitting a traffic impact analysis. These funds shall be set aside in a special account for purposes of constructing traffic mitigation related to developments.

c. **Submittal Requirements.** In order to request a review of a traffic impact analysis, the following shall be submitted to the Director of [~~Public Works~~] Development Services:

1. A minimum of two copies of a traffic impact analysis including all necessary data as required in Chapters 30.32 and 30.52 of this title Additional copies may be requested by the Director of [~~Public Works~~] Development Services if a review by other jurisdictions is required.

2. Filing fees as required by Table 30-80-5. (Ord. 2769 § 93 & 94, 7/2002; Ord. 2510 § 11 (part), 2000)

30.52.060 Utility Improvement Requirements.

a. The purpose of this section is to decrease the obstructions of streets and other rights-of-way; standardize, regulate and control the location, size, type, maintenance and quantity of cuts, breaks, alterations and installations of any improvements in the county rights-of-way; promote the health, safety, convenience and general welfare of the public; and improve the aesthetic appearance of the community or area, by requiring that new utility lines including, but not limiting to, electrical and communication distribution lines and appurtenances thereto, be located underground except as hereinafter provided.

b. New utility lines or the modification of existing lines including, but not limited to, electric, water, sewer, gas, petrochemical, and communication transmission and distribution lines and related equipment, shall be located underground except as provided below.

1. **Exceptions to Underground Requirements.** The following are not required to be installed underground:

A. County equipment installed under the supervision, and to the satisfaction, of the Director of Public Works including, but not limited to, traffic control devices and streetlight systems.

B. New electrical or communications poles proposed to be installed to replace existing overhead poles located along the same existing utility line where no increase in the number of poles is being requested or utility lines being dropped from an existing pole, except as permitted in Table 30.44-1.

C. New high voltage transmission lines of thirty-five thousand (35,000) volts or more which may be carried on overhead poles, upon approval of a special use permit identifying the route, pole locations and system design.

D. Radio antenna and associated equipment, and supporting structures used for furnishing communications services.

E. Service switch boxes and exposed conduit at buildings and gas and electric meters. The transformers shall be pad-mounted at the back of the sidewalk.

F. Fire hydrants, valves, vaults, meters, reservoirs and substations for public or private facilities.

G. Utility lines and related equipment serving, and located within, subdivisions recorded prior to 1968, unless the adopted land use plan or guide specifies that utilities for the area should be underground.

2. Location of Utility Poles. When permitted, the forward edge of a utility pole may be located:

A. Fifty-eight and a half (58 1/2) feet from the centerline of the existing or proposed street right-of-way along a township or range line, plus any additional setbacks at intersections, as required under this Chapter and Chapter 30.56.

B. Forty-eight and a half (48 1/2) feet from the centerline of the existing or proposed street right-of-way along a section line, plus any additional setbacks at intersections, as required under this Chapter and Chapter 30.56.

C. Thirty-eight and a half (38 1/2) feet from the centerline of the existing or proposed street right-of-way along a quarter section line, plus any additional setbacks at intersections, as required under this Chapter and Chapter 30.56.

D. Eighteen (18) inches from the edge of any other rights-of-way, or future rights-of-way, lines.

E. In no case shall a utility pole or above ground related equipment be located such that the resulting existing, or proposed, sidewalk is less than thirty-six (36) inches wide adjacent to the pole, or as required by the Americans with Disabilities Act, whichever is greater.

30.52.070 Responsibilities of Developers/Property Owners for the Provision of Utilities.

a. It shall be the responsibility of the property owner to provide uniform and continuous utility easements as may be required for commercial and residential subdivisions.

b. When subdividing property, the developer shall provide a statement on the tentative subdivision map, indicating the terminal points of the water and sewer distribution systems proposed to be used. After approval of the tentative map, the developer will provide the utility companies with an approved copy of the tentative map.

c. An overall underground distribution system plan shall be submitted for approval, with the final improvement plans to show the proposed installation. The plan shall show the location of all underground services with locations to be marked at the sidewalk, or the curb, and the meters to be located so that there is access from the street side of the building. The underground services shall be shown to be covered with a safety guard.

30.52.080 Improvement Requirements for a Minor Subdivision.

a. For maps that require less than full off-site improvements at the time of subdividing, the Director of [~~Public Works~~] Development Services shall require an off-site improvement agreement with a restrictive covenant running with the land to be signed by the owner of the property being subdivided. The covenant shall require the construction of full off-site improvements in the future when requested by the Director of Public Works or Director of Development Services. This requirement may be satisfied by participation in a special improvement district that causes the installation of the required improvements.

b. If the smallest resulting parcel is five (5) gross acres or greater, the off-site improvements required by this Title shall temporarily be deferred until future development, subject to the owner signing an off-site improvement agreement with a restrictive covenant running with the land.

c. If the smallest resulting parcel is less than five (5) acres, prior to acceptance and approval of the parcel map, the Director of [~~Public Works~~] Development Services shall require the minimum improvements as listed in subsection (d) through (f). When improvements are required, the improvement plans shall be submitted, approved, and inspected, and surety bonds posted in accordance with

Chapter 30.32. For the purpose of this Section, full off-site improvements shall consist of:

1. For public streets, fire hydrants, sidewalk, curb and gutter, paving of half-streets, street lights, street name signs, traffic signs, pavement markings and other applicable traffic control devices.

2. For private streets, paving, street name signs, traffic control devices, curbs and gutters.

3. In areas where building lots are 20,000 square feet or larger, the Director of [~~Public Works~~] Development Services may waive the requirements for sidewalks and street lights. Fire hydrants may only be waived by the Clark County Fire Department.

d. Full off-site improvements shall be required when parcel map is located:

1. Across the street from, or immediately adjacent to, existing full off-site improvements. In this case, the developer shall provide matching off-site improvements.

2. Within six hundred sixty (660) feet of existing full off-site improvements, in any direction from the parcel map, provided the parcel map has a street frontage of a nominal three hundred (300) feet, which shall include frontage on private streets.

3. For a second or subsequent minor subdivision, with respect to (a) a single parcel; or (b) a contiguous tract of land under the same ownership, or ownership by a partnership or corporation of which an individual is a principal or officer, or ownership by persons of first degree of consanguinity, any reasonable improvement may be required, but not more than would be required for a major subdivision.

e. Paving shall be required when any parcel is within a nominal six hundred sixty (660) feet (based on one-sixty-fourth (1/64) of a section) of a paved road, or a road for which paving is committed, as described in this Section, or when the parcel is within the PM-10 [~~Nonattainment~~]Non-Attainment Area, as shown on the adopted map, regardless of the distance from a paved road, or a road for which paving is committed. The road providing the access to the parcel, as well as dedicated and private streets within, and adjoining the parcel, shall be paved.

f. Gravel shall be required when the parcel is more than six hundred sixty (660) feet from a paved road, or a road for which paving is committed, as described in this Section, when the parcel is outside the PM-10 [~~Nonattainment~~] Non-Attainment Area. The road providing the access to the parcel, as well as dedicated and private streets within or adjoining the parcel, shall, as a minimum,

be graveled. If the smallest resulting parcel is two (2) acres or greater, only the dedicated road, or roads, providing the access to the parcels must be graveled. All graveled rights-of-way accepted for dedication will not be accepted for maintenance and repair. The owner(s) of record, their heirs, assigns or successors of the divided parcel remain liable and are required to maintain such roads until maintenance is accepted by the County. (Ord. 2573 § 11 (part), 2001)

g. Within the PM-10 Non-Attainment Area, minimum paving requirements shall comply with Clark County Air Quality Regulations, Sections 91 and 93, and shall not be waived. (Ord. 2769 § 95, 7/2002; Ord. 2741 § 9 (part), 5/2002)

30.52.090 Completion of Public Improvements. Within a period of two (2) years of approval of the final map, all public improvements required by these regulations, and other applicable laws and regulations, shall be completely installed and constructed within the area covered by such map. The Director of [~~Public Works~~] Development Services may approve an extension of time not to exceed two years if there are no resulting impacts to programmed, publicly funded projects. Any subsequent extensions of time shall be approve by the Board. The applicable bonds, or cash guarantees, shall be renewed to cover the extension of time. (Ord. 2769 § 96, 7/2002)

30.52.100 Provisions for Water.

a. **Public Water Service.** When any portion of a development is within one thousand two hundred fifty (1,250) feet of a public waterline with adequate capacity and pressure to serve the development, water service shall be provided by a public system.

b. **Individual Wells.** Where single family residential development on lots which were not created by a major or minor subdivision is located in excess of three hundred sixty (360) feet of a public waterline, where all other development is located in excess of one thousand two hundred fifty (1,250) feet of a public waterline, or if a waterline within this distance does not have adequate capacity and pressure to serve the development, individual wells may be used to provide the required water if the developer can provide evidence of the following approvals. Where individual wells are approved as the adequate water supply, the developer shall denote such intention upon the final plat and every sales contract for each lot purchaser.

1. **Las Vegas Artesian Basin.** In the Las Vegas Artesian Basin, as designated and described by the Office of the State Engineer of the State of Nevada[;] (see Appendix G), further subdivision will only be allowed if all the lots in the subdivision are five (5) acres or more in size, or if non-revocable water rights can be obtained and relinquished back to the public waters in an amount sufficient to support the number of lots being created in a manner approved by the State Engineer. An exception is made within the area [~~is~~] shaded on the map titled "Las Vegas Valley

Oversizing Areas Map and Projected Urban Water Service Boundary," dated July 29,1999, adopted herewith, and on file in the Office of the County Clerk (see Appendix G). Lots within this area which rely on wells, surface or groundwater as the "adequate source of water" may be created if all of the following conditions are met:

A. The lot must be created by a parcel map and [~~contain~~] constitute less than five (5) acres, but consist of at least 40,000 square feet or more.

B. For purposes of ground water supply, the subdivision must be connected to the water facilities of [~~T~~]the municipal water purveyor[;] when within one thousand two hundred fifty (1,250) feet from a waterline with adequate capacity and pressure to serve the subdivision at the time the map is recorded, and [~~is not~~] must not be in an area restricted by the State Engineer for any other reasons.

C. The property owners must sign an agreement[;] which will be recorded[;] and run with the land, binding them and their successors and assigns, stating that they will:

i. Connect to the municipal water purveyor's water system in the future when waterlines are located adjacent to their property (as outlined in the agreement), or at the time of development of the property, whichever occurs last, and pay all fees and charges required at that time for such connection.

ii. Pay all costs associated with the construction of future adjacent waterlines[;] installed for the extension of water service to the property, or participate in any future special improvement districts providing water service to the property.

iii. Plug and abandon, in accordance with specifications acceptable to the State Engineer, any existing [~~domestic~~] well on the property when water district facilities are available. (Ord. 2741 § 9 (part), 5/2002)

2. **All Other Parts of Clark County.** The developer shall obtain the approval of the State Engineer of the State Division of Water Sources of the Department of Conservation and Natural Resources for the creation of new lots which would rely on the use of wells, surface or groundwater resources.

3. **Guest House/Temporary Living Quarters.** A permit from the State Engineer for non-revocable water rights in an amount sufficient to offset the development of a guest home or temporary living quarters shall be required prior to issuance of a building permit for a guest house or temporary living quarters on property serviced by a well.

c. **Sanitary Seals.** If a well is used for potable water purposes and is proposed for development within 1,000 feet of an existing underground fuel tank, the well must be developed with a 100-foot sanitary seal. (Ord. 2683 § 4, 11/2001)

30.52.110 Provisions for Sanitary Sewerage Facilities.

a. **Public Sewerage System.** When the use of an individual sewage disposal system is prohibited by Section 278.460 of the Nevada Administrative Code, due to the proximity of a public sewer line, sewerage collection and/or treatment shall be provided by a public system.

b. **Individual Sewage Disposal Systems.** Where the subdivision is located outside the mandatory connection distance, individual sewage disposal systems may be used to provide the required sanitary sewerage facilities, if the developer can obtain the approval the Clark County Health District. Where individual sewage disposal systems are approved as the adequate sanitary sewerage facilities, the owner shall denote such intention upon the final plat and every sales contract for each lot purchaser.

c. **Guest House/Temporary Living Quarters.** Prior to the issuance of any building permit for a guest house or temporary living quarters, the developer must demonstrate adequate sanitary sewage facilities.

d. **Package Wastewater Treatment Plants.** Where a sewage disposal system is more than 5,000 gallons per day and outside the Clark County Sanitation District Service Boundary, a package wastewater treatment plant is acceptable provided that it has been planned and identified in the Clark County 208 Water Quality Management Plan and approved by the directors of Clark County Sanitation District and Department of Comprehensive Planning. Chapter 24.28 outlines the administrative process for package wastewater treatment plants.

30.52.120 Waivers.

a. **Administrative Minor Deviations.** The following requirements may be waived by the Zoning Administrator or Director of [~~Public Works~~] Development Services in cooperation with the Director of Public Works as indicated below, with the approval of an administrative minor deviation in accordance with Table 30.16-8.

1. **Zoning Administrator.** Provisions for public water and sanitary sewage services can be administratively waived by the Zoning Administrator, subject to all of the following.

A. The lot can only be a part of a minor subdivision and cannot be developed in the immediate future. A notarized statement declaring that the parcel is not being created for the purpose of development, and the owner has no intention of developing the lot at this time, shall be included with the application.

B. The future development of a lot created under this Section will be subject to the availability of water and/or sanitary sewer service, and the rules and regulations governing water and sanitary sewer connections at the time of building permits or subsequent re-subdivision. A notation will be included on the map indicating that provisions for water supply or sanitary sewerage service have not been made for a certain lot, or lots, and there is no guarantee that adequate water supply or sanitary sewage service will be available to serve the lots.

C. The resulting lot is within the required connection distance of existing water and/or sewer lines specified.

D. The resulting lot is not in an area where further subdivision is prohibited due to inadequate public water supply, or inadequate public sanitary sewerage line or treatment capacity.

E. The resulting lot is at least two (2) gross acres in size.

F. Simultaneous with the recording of the map, a covenant and deed restriction shall be recorded, which shall run with the land, and shall serve to inform subsequent purchasers of the property, and shall state that:

i. The specified lot, or lots, were created without provisions for water supply or sanitary sewer service.

ii. Water and/or sanitary sewer service may not be available in the future, which may severely restrict the use of the lot.

G. Notwithstanding the improvement requirements of this Section, any lot created between July 1, 1973 and July 20, 1993, which was not created by minor subdivision, may submit and record a minor subdivision without being required to improve in order to legalize the lot, providing the lot conforms to all the requirements of this Title and further providing that the lot complies with requirements of individual wells and/or individual sewage disposal systems by the Clark County Health District.

2. Director of [~~Public Works~~] Development Services. When an alternative design is shown to be equally serviceable in a particular instance and if the general prosperity, health, safety and welfare of the public is not adversely affected, the Director, in cooperation with the Director of Public Works, may approve an administrative minor deviation for:

A. Utility Pole location which shall not be permanent and may be withdrawn by the Director of Public Works upon thirty (30) days notice. Any change in location of any utility poles, or any guy wires, shall be made by the person or firm having ownership or control of the same, at no cost to the County.

B. Time restrictions, as set forth in Section 30.32.100 (Time Restrictions on Work in Streets) of this Title.

C. Design standards and specifications as provided for in the "Clark County Supplement to Uniform Standard Drawings," per Section 30.52.050(b) of this Title or the "Hydrologic Criteria and Drainage Design Manuel" (including finished floor elevations outside the One-hundred Year Flood Plain).

D. Right-of-way width requirements in order to accommodate special conditions such as discontinuity with existing streets or topographic conditions.

E. Time restrictions, as set forth in Table 30.16-17 (Extensions of Time) provided:

i. The extension(s) of time shall not exceed two (2) years total.

ii. The amount of the bond or cash deposit required must be recalculated if more than one (1) year has elapsed since the bond has been posted.

b. **Waivers of Standards.** Waivers to the standards listed in this Chapter may be permitted in accordance with the following:

1. **Waiver of Standards Application**. All standards listed in this Chapter may be waived in accordance with the procedure stipulated in Table 30.16-7, unless otherwise specified it cannot be waived. Applications for waivers of standards shall be presented to the Commission [~~, however,~~] and need not be a public hearing, except for waivers to any requirement for paving (including full width paving and minimum paved legal access) within the right-of-way. Waivers for paving in the right-of-way shall be considered at a public hearing before the Board. When such a waiver accompanies an application to be presented to the Commission, it shall be forwarded to the Board after Commission action. Compliance with all standards of the Clark County Air Quality Management Board is required. For any proposed development within the area shown within the PM-10 [~~Nonattainment~~] Non-Attainment Area, as shown on the map adopted by the Board on June 4, 1997, hereby incorporated by reference, the Zoning Administrator shall not

accept an application to waive any paving less than a required thirty-two foot wide road unless:

i. The proposed lots are being created by minor subdivision for the purpose of sale only and not for immediate development, and providing the smallest lot in the subdivision is not less than two and one half (2 1/2) acres in size.

ii. The waiver of the paved access road is temporary pending the completion of a special improvement district, subject to the Director of Public Works certifying that the improvement project will be completed within two (2) years and providing the applicant signs all documents pertaining to the Special Improvement District.

iii. The paving of the access road will result in the complete replacement of the improvement within two (2) years due to future improvements to be installed by any public utility or government entity.

iv. The proposed lots are to legalize parcels created between July 1, 1973 and July 20, 1993, which were not created by minor subdivision.

[~~v. Compliance with the standards of the Air Quality Division of the Health Department is required.~~] (Ord. 2741 § 9 (part), 5/2002)

2. If the approval of any land use application by the Board stipulates that any required provision of this Chapter is waived, no further waiver of standards application is required, including conditions of approval for any other land use application which has been appealed to the Board.

c. **Dedication**. Dedication for any alignment which the Director of [~~Public Works~~] Development Services, in cooperation with the Director of Public Works, determines is unsuitable for the establishment of a right-of-way because of extreme topographic conditions, established street patterns, areas suitable for historic or scenic purposes, or other similar condition, may be waived through the approval of a land use application, subdivision map, or an administrative minor deviation. (Ord 2769 § 97, 98, & 99, 7/2002; Ord 2573 § 11 (part), 2001; Ord. 2559 § 2, 2001; Ord. 2510 § 11 (part), 2000)