

# NYE COUNTY AGENDA INFORMATION FORM

☒ Action
 ☐ Presentation
 ☐ Presentation & Action

<b>Department: Planning</b>		<b>Agenda Date:</b>	
<b>Category: Timed Agenda Item – 11:00 a.m.</b>		<b>May 16, 2017</b>	
<b>Contact: Darrell Lacy</b>		Phone: 775-751-4249	Continued from meeting of:
<b>Return to: Darrell Lacy</b>	<b>Location: Tonopah Planning</b>		Phone: 775-751-4249
<b>Action requested:</b> (Include what, with whom, when, where, why, how much (\$) and terms)  Public Hearing, discussion and deliberation to: 1) Adopt, amend and adopt or reject Nye County Bill No. 2017-08: A Bill proposing to amend Nye County Code 16.28.110, Division of Land relating to “Administrative Officer” and the authorities as delegated by the Pahrump Regional Planning Commission, providing for the severability, constitutionality and effective date thereof; and other matters properly related thereto; and 2) Set an effective date.			
<b>Complete description of requested action:</b> (Include, if applicable, background, impact, long-term commitment, existing county policy, future goals, obtained by competitive bid, accountability measures)  Staff recommends adoption with an effective date of June 5, 2017.			
Any information provided after the agenda is published or during the meeting of the Commissioners will require you to provide 20 copies: one for each Commissioner, one for the Clerk, one for the District Attorney, one for the Public and two for the County Manager. Contracts or documents requiring signature must be submitted with three original copies.			
<b>Expenditure Impact by FY(s):</b> (Provide detail on Financial Form)			
<input checked="" type="checkbox"/> No financial impact			

## Routing & Approval (Sign & Date)

1. Dept	Date	6.	Date
2.	Date	7. HR	Date
3.	Date	8. Legal	Date
4.	Date	9. Finance	Date
5.	Date	10. County Manager	Date

TS

04.11.17

✓

☒ Place on Agenda

## Board of County Commissioners Action

<input type="checkbox"/> Approved	<input type="checkbox"/> Disapproved	<input type="checkbox"/> Amended as follows:
Clerk of the Board	Date	

ITEM # 13

**NYE COUNTY BOARD OF COUNTY COMMISSIONERS  
PLANNING DEPARTMENT STAFF REPORT**

**Meeting Date:** May 16, 2017

**AGENDA ITEMS**

For Possible Action – Public Hearing, discussion and deliberation to: 1) Adopt, amend and adopt or reject Nye County Bill No. 2017-08: A Bill proposing to amend Nye County Code 16.28.110, Division of Land relating to “Administrative Officer” and the authorities as delegated by the Pahrump Regional Planning Commission, providing for the severability, constitutionality and effective date thereof; and other matters properly related thereto; and 2) Set an effective date.

**GENERAL INFORMATION SUMMARY**

The purpose of this Bill is to update Title 17 (Zoning) to provide ministerial review of merger and resubdivision maps pursuant to NRS 278.0425.

The RPC reviewed this matter on 1.11.2017 & 2.15.2017, and voted 6-0 to recommend approval of the attached Bill.

Staff recommends adoption with an effective date of June 5, 2017.

**RECOMMENDATION**

**Recommended BOCC Motion:** “I motion to adopt Nye County Bill No. 2017-08 with an effective date of June 5, 2017.”

BILL NO. 2017-08

NYE COUNTY ORDINANCE NO.

SUMMARY: A Bill proposing to amend Nye County Code 16.28.110, Division of Land relating to "Administrative Officer" and the authorities as delegated by the Pahrump Regional Planning Commission, amending requirements for what standards may be considered for a minor modification, providing for the severability, constitutionality and effective date thereof; and other matters properly related thereto.

TITLE: A BILL PROPOSING TO AMEND NYE COUNTY CODE 16.28.110, THE DIVISION OF LAND WITHIN THE PAHRUMP REGIONAL PLANNING DISTRICT REGULATIONS RELATING TO "ADMINISTRATIVE OFFICER" AND THE AUTHORITIES AS DELEGATED BY THE PAHRUMP REGIONAL PLANNING COMMISSION, AMENDING REQUIREMENTS FOR WHAT STANDARDS MAY BE CONSIDERED FOR A MINOR MODIFICATION, PROVIDING FOR THE SEVERABILITY, CONSTITUTIONALITY AND EFFECTIVE DATE THEREOF; AND OTHER MATTERS PROPERLY RELATED THERETO.

WHEREAS, pursuant to NRS 278.020, for the purpose of promoting the health, safety and the general welfare of the residents of Nye County, the Nye County Board of County Commissioners (Board) is authorized and empowered to regulate and restrict the improvement of land and to control the location and soundness of structures; and

WHEREAS, NRS 278.090 empowers the Board of County Commissioners to establish the Regional Planning Commission to act on certain planning-related matters as authorized by the Board of County Commissioners in accordance with NRS 278.010 thru 278.630, inclusive; and

WHEREAS, Nye County Code 16.28.110 required that the Board appoint person(s) in the capacity of "Administrative Officer" in order that certain actions may be taken in accordance with Nye County Code 16.28; and

WHEREAS, The Planning Commission has given certain authorities to approve, conditionally approve or disapprove specific division of land maps to the Administrative Officer pursuant to Resolution No. 2002-04, and

WHEREAS, In order to maintain operational efficiencies, these authorities need clarification; and

NOW, THEREFORE, the Board of County Commissioners of the County of Nye, State of Nevada, does hereby adopt, promulgate and order compliance therewith within the Pahrump Regional Planning District, the following regulations:

NYE COUNTY CODE CHAPTER 16.28 IS AMENDED AS FOLLOWS:

**16.28.110: ADMINISTRATIVE OFFICER:**

- A. The board of county commissioners appoints the planning director or the planning director's designee as administrative officers whose tasks are specified herein. In addition, the administrative officers shall

be given the responsibility for ensuring orderly and expeditious processing of reversions of divided land into acreage, boundary line adjustments, and division of land applications.

B. The administrative officers shall have the authority to approve, conditionally approve, or disapprove the following single-family residential mapping actions involving up to eleven (11) acres) in size: boundary line adjustment maps, reversion to acreage maps, merger and resubdivision maps, minor parcels maps and amendment of plats, as long as street improvements, water or sewer line improvements or other public improvements are not required; and to approve minor modifications to previously approved tentative subdivision maps that are in substantial compliance with the originally approved maps. Substantial compliance shall be deemed to be:

1. Less than a one-half percent ( $1/2\%$ ) increase ~~or decrease~~ in residential density.
2. No decrease in the amount of open space provided ~~(if any)~~.
3. No increase in the amount of land area covered by the map.
4. No modification involving relocation of land use classifications (e.g., residential, commercial, industrial, etc).
5. Rearrangement of internal street pattern is permissible in order to increase efficiency of traffic patterns, utility services and improve drainage.
6. Consistent with the spirit and intent of the original plan of development.
7. Will not be materially detrimental to the public health, safety, or general welfare, or injurious to the property or improvements in the vicinity.
8. Will not constitute a special privilege inconsistent with the limitations upon other properties in the vicinity.

C. No request for a minor modification shall be combined with a previous or future waiver application in order to achieve a greater modification.

D. Should any of the applications over which an administrative officer has authority be administratively disapproved, the matter shall be scheduled for review and action by the regional planning commission in accordance with this code. (Ord. 367, 2008: Ord. 301, 2005: Ord. 288, 2004: Ord. 271, 2003)

**SEVERABILITY.** If any provision of this ordinance or amendments thereto, or the application to any person, thing or circumstance is held to be invalid, such invalidity shall not affect the validity or provisions or applications of the ordinance or amendments thereto which can be given effect without the invalid provisions or applications, and to this end the provisions of this ordinance and amendments thereto are declared to be severable.

**CONSTITUTIONALITY.** If any section, clause or phrase of this ordinance shall be declared unconstitutional by a court of competent jurisdiction, the remaining provisions of this ordinance shall continue in full force and effect.

**EFFECTIVE DATE.** This Ordinance shall be in full force and effect from and after passage, approval, and publication as required by law, to wit, from and after the \_\_\_\_ day of \_\_\_\_\_, 2017.

Proposed on the \_\_\_\_ day of \_\_\_\_\_, 2017

Proposed by: Commissioner \_\_\_\_\_.

Adopted on the \_\_\_\_ day of \_\_\_\_\_, 2017

Vote: Ayes: Commissioners:

Nays: Commissioners:

Absent: Commissioners:

BY: \_\_\_\_\_

Daniel Schinhofen, Chairman  
Nye County Board of  
County Commissioners

ATTEST: \_\_\_\_\_

Sandra "Sam" Merlino  
Clerk and Ex-Officio  
Clerk of the Board

BILL NO. 2017-08

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SUMMARY: A Bill proposing to amend Nye County Code 16.28.110, Division of Land relating to "Administrative Officer" and the authorities as delegated by the Pahrump Regional Planning Commission, amending requirements for what standards may be considered for a minor modification, providing for the severability, constitutionality and effective date thereof; and other matters properly related thereto.

TITLE: A BILL PROPOSING TO AMEND NYE COUNTY CODE 16.28.110, THE DIVISION OF LAND WITHIN THE PAHRUMP REGIONAL PLANNING DISTRICT REGULATIONS RELATING TO "ADMINISTRATIVE OFFICER" AND THE AUTHORITIES AS DELEGATED BY THE PAHRUMP REGIONAL PLANNING COMMISSION, AMENDING REQUIREMENTS FOR WHAT STANDARDS MAY BE CONSIDERED FOR A MINOR MODIFICATION, PROVIDING FOR THE SEVERABILITY, CONSTITUTIONALITY AND EFFECTIVE DATE THEREOF; AND OTHER MATTERS PROPERLY RELATED THERETO.

WHEREAS, pursuant to NRS 278.020, for the purpose of promoting the health, safety and the general welfare of the residents of Nye County, the Nye County Board of County Commissioners (Board) is authorized and empowered to regulate and restrict the improvement of land and to control the location and soundness of structures; and

WHEREAS, NRS 278.090 empowers the Board of County Commissioners to establish the Regional Planning Commission to act on certain planning-related matters as authorized by the Board of County Commissioners in accordance with NRS 278.010 thru 278.630, inclusive; and

WHEREAS, Nye County Code 16.28.110 required that the Board appoint person(s) in the capacity of "Administrative Officer" in order that certain actions may be taken in accordance with Nye County Code 16.28; and

WHEREAS, The Planning Commission has given certain authorities to approve, conditionally approve or disapprove specific division of land maps to the Administrative Officer pursuant to Resolution No. 2002-04, and

WHEREAS, In order to maintain operational efficiencies, these authorities need clarification; and

NOW, THEREFORE, the Board of County Commissioners of the County of Nye, State of Nevada, does hereby adopt, promulgate and order compliance therewith within the Pahrump Regional Planning District, the following regulations:

NYE COUNTY CODE CHAPTER 17.04 IS AMENDED AS FOLLOWS:

#### **16.28.110: ADMINISTRATIVE OFFICER:**

- A. The board of county commissioners appoints the planning director or the planning director's designee as administrative officers whose tasks are specified herein. In addition, the administrative officers shall be given the responsibility for ensuring orderly and expeditious processing of reversions of divided land into acreage, boundary line adjustments, and division of land applications.
- B. The administrative officers shall have the authority to approve, conditionally approve, or disapprove the following residential mapping actions involving up to eleven (11) acres); boundary line adjustment maps, reversion to acreage maps, merger and resubdivision maps, minor parcels maps and amendment of plats, as long as street improvements, water or sewer line improvements or other public improvements are not required; and to approve minor modifications to previously approved tentative subdivision maps that are in substantial compliance with the originally approved maps. Substantial compliance shall be deemed to be:
1. Less than a one-half percent ( $\frac{1}{2}\%$ ) increase in residential density.
  2. No decrease in the amount of open space provided.
  3. No increase in the amount of land area covered by the map.
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  5. Rearrangement of internal street pattern is permissible in order to increase efficiency of traffic patterns, utility services and improve drainage.
  6. Consistent with the spirit and intent of the original plan of development.
  7. Will not be materially detrimental to the public health, safety, or general welfare, or injurious to the property or improvements in the vicinity.
  8. Will not constitute a special privilege inconsistent with the limitations upon other properties in the vicinity.
- C. No request for a minor modification shall be combined with a previous or future waiver application in order to achieve a greater modification.
- D. Should any of the applications over which an administrative officer has authority be administratively disapproved, the matter shall be scheduled for review and action by the regional planning commission in accordance with this code.

**SEVERABILITY.** If any provision of this ordinance or amendments thereto, or the application to any person, thing or circumstance is held to be invalid, such invalidity shall not affect the validity of provisions or applications of the ordinance or amendments thereto which can be given effect without the invalid provisions or applications, and to this end the provisions of this ordinance and amendments thereto are declared to be severable.

CONSTITUTIONALITY. If any section, clause or phrase of this ordinance shall be declared unconstitutional by a court of competent jurisdiction, the remaining provisions of this ordinance shall continue in full force and effect.

EFFECTIVE DATE. This Ordinance shall be in full force and effect from and after passage, approval, and publication as required by law, to wit, from and after the \_\_\_\_ day of \_\_\_\_\_, 2017.

Proposed on the \_\_\_\_ day of \_\_\_\_\_, 2017

Proposed by: Commissioner \_\_\_\_\_.

Adopted on the \_\_\_\_ day of \_\_\_\_\_, 2017

Vote: Ayes: Commissioners:

Nays: Commissioners:

Absent: Commissioners:

BY: \_\_\_\_\_

Daniel Schinhofen, Chairman  
Nye County Board of  
County Commissioners

ATTEST: \_\_\_\_\_

Sandra "Sam" Merlino  
Clerk and Ex-Officio  
Clerk of the Board