

# NYE COUNTY AGENDA INFORMATION FORM

Action     Presentation     Presentation & Action

|   |  |                            |
|---|--|----------------------------|
| Department: Planning  |  | Agenda Date:               |
| Category: Regular Agenda Item   |  | June 15, 2010              |
| Contact: Steve Osborne  |  | Phone: 775-751-4029        |
| Return to: Steve Osborne  |  | Location: Pahrump Planning |
| Action requested: (Include what, with whom, when, where, why, how much (\$), and terms)   |  |                            |
| <p>Discussion, deliberation and possible decision on a request to set a date, time and location for a Public Hearing on Nye County Bill No. 2010-09: A Bill proposing to amend Nye County Code Title 17, the Pahrump Regional Planning District Zoning Ordinance, creating an additional Zoning District called the Special Projects Overlay (SO) Zone, and other matters properly related thereto.</p> |  |                            |

**Complete description of requested action:** (Include, if applicable, background, impact, long-term commitment, existing county policy, future goals, obtained by competitive bid, accountability measures)

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.

**Expenditure Impact by FY(s):** (Provide detail on Financial Form)

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 | <input type="checkbox"/> Place on Agenda <i>DP</i> <i>6/8</i> |

**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 # *DP 3*

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

**Meeting Date:** June 15, 2010

**AGENDA ITEMS**

**Request to Set a Date, Time and Location for a Public Hearing on Bill No. 2010-09:**

A Bill proposing to amend Nye County Code Title 17, the Pahrump Regional Planning District Zoning Ordinance, creating an additional Zoning District called the Special Projects Overlay (SO) Zone, and other matters properly related thereto.

**GENERAL INFORMATION SUMMARY**

This Bill has been reviewed and recommended for adoption by the Pahrump Regional Planning District at their May 12, 2010 meeting (see RPC minutes below).

Staff recommends setting the Public Hearing for July 22, 2010 in Pahrump.

**RPC MINUTES**

**RPC Minutes (from the May 12, 2010 RPC meeting):**

Beth Lee reviewed the staff report and project synopsis; Nye County Code currently does not make provisions for large developments of specialized or unique projects that have a major focal point with compatible accessory, incompatible or supportive uses as part of the overall development. Staff is moving to recommend adoption of Bill 2010-09 to the Board of County Commissioners.

**Commissioner Opatik left the meeting 8:02 p.m.**

Commissioner Parker asked if it has to be a large project.

Beth Lee stated they started out with 80 acres because they have a renewable energy category in there and with the solar photovoltaic developments generating having to have at least 8 to 10 mega watts per acre, to make it feasible that is where renewable energy project would have to start roughly around 80 acres. They do not have to keep it at 80 acres, they can reduce the minimum lot size or increase it or even take it out. Whatever the Board's pleasure is.

Commissioner Kimball stated for what it is worth, one of the developers who they had in mind when they made this suggestion, are the folks at M & M Construction who had built the race track and all of the other things going with it. He asked them about the 80 acre requirement and they said they thought that was excellent and should remain, if anything it could go higher because they want to make sure when they are doing a special project overlay that small developer aren't going to come in and try to cut corners and get around other things they might have to do. This is really only appropriate to a major type of attraction.

Beth Lee stated correct.

**Public Comment – 8:06 p.m.**

Lucy Ivins stated she is absolutely in favor of the Special Projects Overlay as described in item number 15, TA-10-0007. This Text Amendment is coming in at the right time. She read a statement into the record.

**Public Comment Closed**

*Commissioner Tolladay motioned to recommend adoption Bill 2010-09 to the Board of County Commissioners based on findings in the staff report. Commissioner Minnick seconded. Roll call vote: Parker, yes; Kimball, yes; Tolladay, yes; Masterson, yes; Minnick, yes. Motion to approve passes 5-0.*

**RECOMMENDATION**

**Recommended BOCC Motion:** “I motion to set the date, time, and location for a Public Hearing regarding Nye County Bill No. 2010-09 for July 22, 2010 at 11:00 a.m., in Pahrump, Nevada.”

NYE COUNTY ORDINANCE NO. \_\_\_\_\_

**SUMMARY:** A Bill proposing to adopt, amend and adopt, or reject a text amendment to the Pahrump Regional Planning District Zoning Ordinance creating an additional Zoning District called the Special Projects (SO) Overlay Zone, and other matters properly related thereto.

**TITLE:** A BILL PROPOSING TO ADOPT, AMEND AND ADOPT, OR REJECT A TEXT AMENDMENT TO THE PAHRUMP REGIONAL PLANNING DISTRICT ZONING ORDINANCE CREATING AN ADDITIONAL ZONING DISTRICT CALLED THE SPECIAL PROJECTS (SO) OVERLAY ZONE, 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**, any such regulation, restriction and control must take into account the potential impairment of natural resources and the total population which the available natural resources will support without unreasonable impairment; and

**WHEREAS**, on July 18, 2000, the Board adopted Ordinance 229 establishing Title 17 of the Nye County Code and adding Section 17.04, which provides regulations concerning zoning districts, variances, special exceptions and conditional use permits within the Pahrump Regional Planning District (PRPD); and

**WHEREAS**, on June 16, 2004, the Board adopted Ordinance 285 amending Title 17, Section 17.04 of the Nye County Code, by establishing general development standards within the PRPD in order to comply with the Goals, Objectives and Policies of the November 19, 2003 Master Plan Update for the PRPD; and

**WHEREAS**, the Board hereby finds that adoption of the regulations contained herein will result in further promoting the goals and objectives of the County in regards to land use and development;

**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 amendments and regulations:

**NYE COUNTY CODE 17.04. IS HEREBY AMENDED AS FOLLOWS**, with **Deletions** shown in strike-through red font, and **additions** shown in underscored blue font:

**17.04.408 SO – SPECIAL PROJECTS OVERLAY ZONE**

- A. **Scope.** The following regulations shall apply to the Special Projects Overlay (SO) Zone. No new parcel development shall occur in the Special Projects Overlay Zone unless in conformance with the provisions identified herein.
- B. **Purpose.** The Special Projects Overlay Zone is intended to allow for the location and development of unique land development projects containing a minimum of 80 acres, containing one focal point of development, which also provides supportive uses to the focal point development.
  1. The Special Projects Overlay Zone is intended to allow residential use in combination with commercial, industrial, renewable energy, education or recreational uses, when the amount of

residential use is supportive, such as live-work facilities, of a transient nature, such as RV parks or hotels/motels, or as a use provided as part of a club or membership.

2. The Special Projects Overlay Zone is not intended to replace or supplement the Subdivision Regulations of Nye County Code. Any proposed Special Project Development that is viewed to be a subversion of the Subdivision Regulations shall be required to adhere to the subdivision regulations.
- C. Applicability. The Special Projects Overlay Zone may be applied to any parcel within the Pahrump Regional Planning District so long as the criteria set forth herein have been met.
- D. Special Projects Categories. Special Projects Developments shall be categorized into one of the following:
  1. Commercial Special Project. Projects which are commercial in nature, suited to a commercial zoning district independently, but are combined with supportive and/or complimentary uses and services, which may include any combination of uses.
  2. Recreational Special Project. Projects which are geared towards recreation, tourism, entertainment, or related types of uses, but are combined with supportive and/or complimentary uses, which may include any combination of uses.
  3. Industrial Special Project. Projects which are industrial in nature, suited to an industrial zoning district independently, but are combined with supportive and/or complimentary uses, which may include any combination of uses.
  4. Renewable Energy Special Project. Projects which provide renewable energy generating facilities as the focal point, for consumption onsite or offsite, and are combined with supportive and/or complimentary uses, which may include any combination of uses.
  5. Educational Related Special Project. Projects which include college campuses and similar types of educational facilities as the focal point, and are combined with other supportive and/or complimentary uses, which may include any combination of uses.
  6. Residential Special Projects. Projects which are residential in nature, suited to a residential zoning district independently, but are combined with supportive and/or complimentary uses and services, which may include any combination of uses.
- E. Pre-application meeting required. Prior to a Zone Change Application to apply the Special Projects Overlay Zone beginning the hearing process, the developer shall schedule a pre-application meeting with appropriate members of Nye County Administration, Nye County Sheriff, Planning, Public Works, relevant utility company including water, sewer and electric, Pahrump Valley Fire Department, Pahrump Building Safety, and any other relevant agents as may be necessary to discuss the following items:
  1. Type of Special Project Development
  2. Proposed location and vicinity for proposed Special Project Development
  3. Adequate Public Facilities
  4. Density
  5. Phasing
  6. Feasibility
  7. Development Agreement Requirements
  8. Neighborhood Meeting Requirements
    - a. In certain instances, the developer may be required to hold a neighborhood meeting with all property owners within 2,500 feet of the property boundaries of the proposed subject property to address concerns and mitigate potential nuisances.
  9. Physical or cultural features to be preserved or used as a focal point
  10. Specific development standards.

F. General Development Standards. While it is understood that each Special Project Development will have unique design themes and standards, there are certain general design standards that will be required for each development, as follows:

1. Each Special Project Development shall participate in Site Development Plan Review as identified in Article IX.
2. Each Special Project Development shall provide appropriate design components, including but not limited to, integrated architectural treatments, color variations, materials, horizontal and vertical relief, and building elevations.
3. Any roof-mounted equipment shall be screened from public view by roof forms and painted the color of the roof.
4. Landscaping buffers, setbacks, screening walls and fences shall be appropriate for each project and will provide adequate screening as necessary for surrounding uses.
5. Night lighting of the subject property shall not trespass or pollute neighboring properties or produce a glare that will impair the view of motorists in the vicinity.

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 \_\_\_\_\_, 2010.

Proposed on the 15<sup>th</sup> day of June, 2010

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

Adopted on the 22<sup>nd</sup> day of July, 2010

Vote: Ayes: Commissioners:  
Nays: Commissioners:  
Absent: Commissioners:

BY: \_\_\_\_\_  
Gary Hollis, Chairman  
Nye County Board of  
County Commissioners

ATTEST: \_\_\_\_\_  
Sandra "Sam" Merlino  
Clerk and Ex-Officio  
Clerk of the Board