

NYE COUNTY AGENDA INFORMATION FORM

Action Presentation Presentation & Action

Department: Planning		Agenda Date:
Category: Timed Agenda Item – 11:00 a.m.		March 21, 2017
Contact: Darrell Lacy	Phone: 775-751-4249	Continued from meeting of:
Return to: Darrell Lacy	Location: Tonopah Planning	Phone: 775-751-4249
Action requested: (Include what, with whom, when, where, why, how much (\$) and terms)		
MP-2017-000002: Public hearing, discussion and deliberation on a request for a (Minor) Master Plan Amendment to amend the Rural Density Residential (RDR) land use category description to allow for areas that prohibit livestock; and to amend the Master Plan and Zoning Ordinance Conformity Table (Table 4.2) of the 2014 Pahrump Regional Planning District Master Plan Update, to add the Suburban Estates Residential (SE) zoning district as a conforming zoning district in the RDR land use category. Pahrump Regional Planning Commission - Applicant.		
Complete description of requested action: (Include, if applicable, background, impact, long-term commitment, existing county policy, future goals, obtained by competitive bid, accountability measures)		
Staff recommendation is to approve MP-2017-000002 as per the recommendation of the RPC.		
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 checked="" type="checkbox"/> 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 # 08

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

Meeting Date: March 21, 2017

AGENDA ITEMS

For possible action – MP-2017-000002: Public hearing, discussion, deliberation and possible action on a request for a (Minor) Master Plan Amendment to amend the Rural Density Residential (RDR) land use category description to allow for areas that prohibit livestock; and to amend the Master Plan and Zoning Ordinance Conformity Table (Table 4.2) of the 2014 Pahrump Regional Planning District Master Plan Update, to add the Suburban Estates Residential (SE) zoning district as a conforming zoning district in the RDR land use category. Pahrump Regional Planning Commission - Applicant.

GENERAL INFORMATION SUMMARY

This application was heard by the Pahrump Regional Planning Commission on February 15, 2017.

The RPC voted 6-0 to recommend the Board approve the application.

RPC MINUTES

RPC Minutes (from the February 15, 2017 RPC meeting):

For possible action – MP-2017-000002: Public hearing, discussion, deliberation and possible action on a request for a (Minor) Master Plan Amendment to amend the Rural Density Residential (RDR) land use category description to allow for areas that prohibit livestock; and to amend the Master Plan and Zoning Ordinance Conformity Table (Table 4.2) of the 2014 Pahrump Regional Planning District Master Plan Update, to add the Suburban Estates Residential (SE) zoning district as a conforming zoning district in the RDR land use category. Pahrump Regional Planning Commission - Applicant. (The Pahrump Regional Planning Commission makes a recommendation on this item. Final Action by the Board of County Commissioners is scheduled for March 21, 2017 at 11:00 a.m., or soon thereafter, unless otherwise announced.)

Mr. Osborne reviewed his staff report.

Commissioner Clark asked for clarification the definition of livestock.

Mr. Osborne stated livestock is the keeping of farm animals.

Commissioner Hafen stated the BOCC regionally adopted the definition.

Mr. Osborne stated correct.

Mr. Sutton stated it is also defined under Title 17.

Commissioner Clark asked for clarification if the list is meant to be all inclusive or descriptive.

Mr. Sutton stated descriptive.

Public comment opened at 7:15 pm.

Linda Hatley asked if this is to take livestock out of the equation so those people aren't allowed to have them.

Commissioner Hafen stated this isn't specific to any general parcel, this is for the entire PRPD area and just updating the Master Plan.

Ammie Nelson stated her sister has miniature horses as pets. People that have special need animals like a goat as a service animal, will this hinder them.

John Fesnock spoke in favor of the amendment.

Public comment closed at 7:18 pm.

Commissioner Hafen stated this is only allowing an additional category, SE which is similar to RE-1, and allowing it into the RDR designation. This will allow additional uses in the RDR category.

Commissioner Clark asked for clarification if this will allow livestock to a permissive use.

Commissioner Hafen stated we are allowing the SE zoning into the RDR category.

Commissioner Oscarson motioned to recommend MP-2017-000002 to the BOCC based upon staff's findings. Seconded by Commissioner Clark.

Mr. Sutton stated this will have to pass with a super majority vote.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 6).

Yes: Gregory T. Hafen II, Joel Oscarson, Leah-Ann DeAnda, Paul Carr, Robert Adams, Vincent Clark.

RECOMMENDATION

Recommended BOCC Motion: "I motion to approve MP-2017-000002 as per the recommendation of the RPC."

Table 4.2: PRPD MASTER PLAN AND ZONING ORDINANCE CONFORMITY TABLE

Master Plan Designations (MPD)		Zoning Districts																												
		R	RH 9.5	RH 4.5	RE-2	RE-1	SE	VR-20	VR-10	VR-8	MF	MH	NC	GC	MU	TC	CC	M	VC	BO	CM	U	HI	OS	AO	SO	CF	BR		
RESIDENTIAL	RDR Rural Density Residential																								OS		SO ²⁾	CF		
	LDR Low Density Residential						SE	VR-20	VR-10															OS		SO ²⁾⁶	CF			
	HDR Higher Density Residential									VR-8	MF	MH						M						OS		SO ¹⁾⁵⁾⁶	CF			
MIXED-USE	RDA Rural Development Area		RH 9.5	RH 4.5	RE-2	RE-1						MH 1	NC						VC	BO 2	CM			OS	AO	SO ¹⁾²⁾⁵⁾⁶	CF			
	CDA Community Development Area						SE	VR-20	VR-10	VR-8	MF	MH	NC	GC	MU	TC	CC	M	VC	BO 2	CM	LI		OS	AO	SO ¹⁾²⁾⁵⁾⁶	CF			
	SPD Special Plan of Development	R	RH-9.5	RH-4.5	RE-2	RE-1	SE	VR-20	VR-10	VR-8	MF	MH	NC	GC	MU	TC	CC	M	VC	BO 2	CM	LI		OS	AO	SO ¹⁾²⁾³⁾⁴⁾⁵⁾⁶	CF	BR		
INDUSTRIAL	RIA Rural Industrial Area																						CM	LI	HI	OS	AO	SO ²⁾³⁾⁴⁾⁵	CF	
	BIA Business Industrial Area																					CM	LI	HI	OS	AO	SO ²⁾³⁾⁴⁾⁵	CF		
	OPR Open Space, Parks and Recreation																						OS			SO ¹⁾	CF			

Table Notes:

1. Mobile Home Park zoning appropriate only if rural MHP standards are adopted.
2. BO Zoning may be applied to properties that are 1-acre in size or greater, designated as mixed use by the PRPD Master Plan and are residentially zoned.

LAND USE DESIGNATIONS, DESCRIPTIONS AND OBJECTIVES

A. Land Use Designations - Public Lands

The following two (2) land use designations pertain to lands that are managed by various federal or state agencies and may or may not be disposed and sold for private use and have no other special designation placed on them by the managing agency.

1. *BLM Multiple Use Area*

BLM-MUA

Purpose: To identify potential mining areas, and lands to be reserved for State, Nye County, Nye County Water District, the Town of Pahrump for future development of public facilities, public educational facilities, renewable energy projects, and public infrastructure, industrial, commercial or residential development and to protect these areas from encroachment by incompatible uses.

Nye County and BLM must review permit requirements to lease or otherwise use such land for compliance with the goals and policies of this Master Plan and the BLM Resource Management Plan of the Las Vegas District to ensure any use, temporary or permanent, will not jeopardize or negatively impact the historic, scenic, archaeological, habitat, cultural, water resources and air quality of the Pahrump Valley.

2. *BLM Disposable Area*

BLM-DSP

Purpose: In the 1998 Las Vegas Resource Management Plan, BLM identified areas in the Pahrump Valley that may be disposed of for public or private ownership at some point in time. Lands so designated have been identified for potential disposal on the future land use map, and may be a recreation and public purposes (R&PPP) act or a Congressional withdrawals which are legislative actions by Congress in the form of public laws (Acts of Congress^{xxxvi}), and have been noted with the specific planned community use. Private development of disposable lands would be subject to a Development Agreement in accordance with Nye County Code Title 16.32.

B. Land Use Designations - Private Lands

The following land use categories pertain to *privately* owned lands within the Pahrump Regional Planning District.

1. **Residential:** There are three (3) residential designations mapped on the future land use plan for private lands.

a. *Rural Density Residential*

RDR

Purpose: To designate areas for large-lot, rural residential housing on lots 1-acre in size or greater, and associated uses such as raising livestock at densities consistent with rural lifestyles. The distinctions of this designation are:

- Development densities are related to very low density residential such as; residential housing on acreage with a domestic well and ISDS system.
- Roadways are rural in character with minimal lane widths and may or may not be paved. Road designs include: unimproved shoulders, minimal intersection design, no turn lanes or street lighting.

- Residents are advised that Nye County rural road standards apply. Residents may experience longer trips to schools, bus stops, library, recreation facilities and commercial services.
- Flexibility in subdivision design such as cluster-style developments designed to increase usable open spaces and avoid sensitive or scenic features may be approved by the Governing Board upon positive recommendation by the Planning Commission. Such recommendation is predicated upon increased participation from the developer(s) to provide amenities such as passive and developed active open spaces as well as use of Low Impact Development techniques and U.S. Green Building Council (USGBC) & Leadership in Energy & Environmental Design (LEED) building standards.
 - Designs that result in a conventional, uniform appearance will not be considered consistent with a rural environment.
 - Protection of sensitive areas will take precedence over the maximum number of lots allowed by zoning.
- Schools, churches and public facilities may be located in RDR designated areas.

b. Low Density Residential

LDR

Purpose: To designate areas for suburban-style residential housing with associated uses on lots that are $\frac{1}{4}$ acre to 1-acre in size. The distinctions of this designation are:

- Development densities are suburban in character and areas may or may not be served by public water and/or sewer.
- Livestock are not compatible.
- Roadways are rural in character with minimal lane widths, are generally paved or chip sealed. Rural road standards apply, however roadway designs may consider designated bicycle lanes or trails within the Rights-of-way (ROW).
- Flexibility in subdivision design such as cluster-style developments designed to increase usable open spaces and avoid sensitive or scenic features may be approved by the Governing Board upon positive recommendation by the Planning Commission. Such recommendations are predicated upon increased participation from the developer(s) to provide amenities such as passive and developed active open spaces as well as use of Low Impact Development techniques and U.S. Green Building Council (USGBC) & Leadership in Energy & Environmental Design (LEED) building standards.
 - Designs that result in a conventional, uniform appearance will not be considered consistent with a rural environment.
 - Protection of sensitive areas will take precedence over the maximum number of lots allowed by zoning.
- Schools, churches and public facilities may be located in LDR designated areas.



NYE COUNTY, NV
PAHRUMP REGIONAL PLANNING COMMISSION
REGULAR MEETING – FEBRUARY 15, 2017

Staff Report
Agenda Item No. 15

CASE DESCRIPTION(S):	For possible action – MP-2017-000002: Public hearing, discussion, deliberation and possible action on a request for a (Minor) Master Plan Amendment to amend the Rural Density Residential (RDR) land use category description to allow for areas that prohibit livestock; and to amend the Master Plan and Zoning Ordinance Conformity Table (Table 4.2) of the 2014 Pahrump Regional Planning District Master Plan Update, to add the Suburban Estates Residential (SE) zoning district as a conforming zoning district in the RDR land use category. (The Pahrump Regional Planning Commission makes a recommendation on this item. Final Action by the Board of County Commissioners is scheduled for March 21, 2017 at 11:00 a.m., or soon thereafter, unless otherwise announced.)
LOCATION:	N/A (Text Amendment)
APN NUMBER(S):	N/A (Text Amendment)
LEGAL DESCRIPTION(S):	N/A
PROPERTY OWNER(S):	N/A
APPLICANT(S):	Pahrump Regional Planning Commission - Applicant.
AGENT(S):	None.
STAFF CONTACT:	Steve P. Osborne, AICP, Principal Planner – (775) 751-4249

PROJECT SYNOPSIS:

- 1.) Amend the Rural Density Residential (RDR) land use category description to clarify that the RDR designation does allow for areas that allow the keeping of livestock, and, also allows for areas that preclude the keeping of livestock; and
- 2.) Amend the Master Plan and Zoning Ordinance Conformity Table (Table 4.2) of the 2014 Pahrump Regional Planning District Master Plan Update, to add the Suburban Estates Residential (SE) zoning district as a conforming zoning district in the RDR land use category.

Conclusions – These two amendments to the Master Plan would have no effect on lot sizes, density, setbacks, water use, or other development standards – the primary effect is that the SE zone (which doesn't allow the keeping of livestock) would then be permissible within the RDR master planned areas.

RECOMMENDED MOTION(S):

Staff has no recommendation on this item. **AVAILABLE OPTIONS:** The options available to the RPC are to: 1.) Move to recommend approval of MP-2017-000002 to the BOCC based upon the Findings as shown on page two (2), or 2.) Move to recommend denial of MP-2017-000002 to the BOCC based upon alternate findings as established by the Pahrump Regional Planning Commission. 3.) Continue the item. 4.) Withdraw the application.

Findings for MP-2017-000002 as required under NCC 17.04.930.J.2 of the Nye County Code:

1. *The proposed Master Plan amendment promotes the adopted policies related to housing, safety, streets & highways, and adequate public facilities, and the amendment does not adversely affect the policies and action programs of the Master Plan.*
2. *The proposed Master Plan Amendment may address an oversight, inconsistency, scrivener's error or land use related inequity in the plan without adversely impacting the public health, safety or welfare. The requested Master Plan Amended may address an oversight, scrivener's error or land use related inequity.*
3. *The proposed Master Plan Amendment may address significant changes that have occurred in a particular area since the adoption of the Master Plan, and may represent a more desirable utilization of land.*
4. *The proposed Master Plan Amendment: (a) may provide for land uses compatible with existing and planned adjacent land uses; (b) may promote the desired pattern of orderly physical growth of the Planning District based on projected population growth with the least amount of impairment to the natural resources, and; (c) may provide for the efficient expenditure of funds for public services.*
5. *The proposed Master Plan Amendment may constitute an overall improvement to the Master Plan and may be viewed as not solely beneficial to a particular landowner or owners at a particular point in time.*
6. *The proposed Master Plan Amendment would not adversely impact all or a portion of the planning area by: (a) altering acceptable land use patterns to the detriment of the Master Plan, or; (b) requiring public expenditures for larger and more expensive infrastructure, such as street improvements, sewer, or water systems than are needed to support the proposed land uses. The proposed Master Plan Amendment may be viewed as not adversely impacting the planning area or detrimentally altering land use patterns in the area.*
7. *The proposed Master Plan Amendment would not adversely impact planned uses because of increased traffic. The amendment would not be expected to increase traffic usage as a result of the Master Plan Amendment.*
8. *The proposed Master Plan Amendment would not adversely affect the livability of the area or the health or safety of present and future residents. The requested Master Plan Amendment would not adversely affect the livability, health or safety of present and future residents.*
9. *The proposed Master Plan Amendment will not adversely impact the natural environment or scenic quality of the area in contradiction to the Master Plan. The requested Master Plan Amendment will not adversely impact the natural environment of the area.*
10. *The proposed Master Plan Amendment is consistent with the specific goals and policies contained within the Master Plan.*
11. *The proposed Master Plan Amendment will not be better addressed through an amendment of the Zoning Ordinance.*
12. *The proposed Master Plan Amendment will not cause potential conflicts with any other policies or action programs of the Master Plan. The requested Master Plan Amendment will not cause potential conflicts with other policies or action programs of the Master Plan.*
13. *The proposed Master Plan Amendment will not require an amendment of the Zoning Ordinance or other planning, zoning or building related ordinance.*

ANALYSIS

Application Details: The applicant is requesting to:

- 1.) Amend the Rural Density Residential (RDR) land use category description to clarify that the RDR designation does allow for areas that allow the keeping of livestock, and, also allows for areas that preclude the keeping of livestock; and
- 2.) Amend the Master Plan and Zoning Ordinance Conformity Table (Table 4.2) of the 2014 Pahrump Regional Planning District Master Plan Update, to add the Suburban Estates Residential (SE) zoning district as a conforming zoning district in the RDR land use category.

Proposed Master Plan text amendment to RDR category:

a. *Rural Density Residential* *RDR*

Purpose: To designate areas for large-lot, rural residential housing on lots 1-acre in size or greater, and associated uses such as raising livestock, and may also include areas which preclude the keeping of livestock, at densities consistent with rural lifestyles. The distinctions of this designation are:

- Development densities are related to very low density residential such as; residential housing on acreage with a domestic well and ISDS system.
- Roadways are rural in character with minimal lane widths and may or may not be paved. Road designs include: unimproved shoulders, minimal intersection design, no turn lanes or street lighting.
- Residents are advised that Nye County rural road standards apply. Residents may experience longer trips to schools, bus stops, library, recreation facilities and commercial services.
- Flexibility in subdivision design such as cluster-style developments designed to increase usable open spaces and avoid sensitive or scenic features may be approved by the Governing Board upon positive recommendation by the Planning Commission. Such recommendation is predicated upon increased participation from the developer(s) to provide amenities such as passive and developed active open spaces as well as use of Low Impact Development techniques and U.S. Green Building Council (USGBC) & Leadership in Energy & Environmental Design (LEED) building standards.
 - Designs that result in a conventional, uniform appearance will not be considered consistent with a rural environment.
 - Protection of sensitive areas will take precedence over the maximum number of lots allowed by zoning.
- Schools, churches and public facilities may be located in RDR designated areas.

Proposed amendment to Conformity Table (Table 4.2):

Insert the SE zoning district to the RDR category as a conforming zoning district – see green checkmark ✓

Table 4.2: PRPD MASTER PLAN AND ZONING ORDINANCE CONFORMITY TABLE

Zoning Districts

Master Plan Designations (MPD)		(Livestock Permitted)				Zoning Districts																												
		R	RH-3.5	RH-4.5	RE-1	RE-2	RE-3	RE-4	SE	VR-20	VR-10	VR-8	VR-6	MF	MH	NC	GC	MU	TC	CC	M	VC	BD-2	CM	U	RS	OS	SO ¹	CF	SO ²	SO ³	CF		
RESIDENTIAL	RDR Rural Density Residential		RH-3.5	RH-4.5	RE-1	RE-2	RE-3	RE-4																			OS	SO ¹	CF					
	LDR Low Density Residential								SE	VR-20	VR-10															OS	SO ²	CF						
	HDR Higher Density Residential											VR-8	MF	MH												OS	SO ³	CF						
MIXED-USE	RDA Rural Development Area		RH-3.5	RH-4.5	RE-1	RE-2	RE-3	RE-4																		OS	AO	SO ¹	CF					
	CDA Community Development Area								SI	VR-20	VR-10	VR-8	VR-6	MF	MH	NC	GC	MU	TC	CC	M	VC	BD-2	CM	U		OS	AO	SO ²	CF				
	SPD Special Plan of Development	R	RH-3.5	RH-4.5	RE-1	RE-2	RE-3	RE-4	SI	VR-20	VR-10	VR-8	VR-6	MF	MH	NC	GC	MU	TC	CC	M	VC	BD-2	CM	U	RS	OS	SO ¹	CF	BR				
INDUSTRIAL	RIA Rural Industrial Area																										CM	U	M	OS	AO	SO ²	CF	
	BIA Business Industrial Area																										CM	U	M	OS	AO	SO ³	CF	
	OPR Open Space Planning Reservation																										OS	AO	SO ¹	CF				

Table Notes:

1. Mobile Home Park zoning appropriate only if rural MHP standards are adopted.

2. BD Zoning may be applied to properties that are 1 acre in size or greater, designated as mixed use by the PRPD Master Plan and are residentially zoned.

Adopted by RPC on May 1, 2014 as amended

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Minor Master Plan Amendments require a 2/3 vote (minimum of 5) of the total membership of the RPC to approve/adopt. Any vote that is less than 2/3 is considered a failure to pass.

The BOCC may affirm a Master Plan Amendment approved or denied by the RPC with a simple majority vote of the total membership of the Board.

The BOCC may reverse a Master Plan Amendment denied by the RPC with a 2/3 (minimum of 4) vote of the total membership of the Board.

The BOCC may change or add to a Master Plan Amendment adopted by the RPC, but any proposed change or addition must be referred to the RPC for a report thereon. The RPC then has 40 days to file an attested copy of the report with the BOCC. Failure of the RPC so to report within 40 days shall be deemed approval. The BOCC may also designate a longer time period for the report. (see NRS 278.220)

CONCLUSIONS

These amendments to the Master Plan would have no effect on lot sizes, density, setbacks, water use, or other development standards – the primary effect is that the SE zone (which doesn't allow the keeping of livestock) would then be permissible to be applied to properties within the RDR master planned areas, through the zone change process.

The following **CONDITIONS FOR APPROVAL** have been suggested pursuant to this recommendation and subject to the discretion of the Regional Planning Commission:

MASTER PLAN AMENDMENT - SPECIAL CONDITIONS OF APPROVAL

- None.