

# NYE COUNTY AGENDA INFORMATION FORM

Action     Presentation     Presentation & Action

Department: Planning	Agenda Date:	
Category: Timed Agenda Item – 11:00 a.m.	June 20, 2017	
Contact: Darrell Lacy	Phone: 775-751-4249	Continued from meeting of:
Return to: Darrell Lacy	Location: Planning	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. 2017-11: A Bill proposing to amend Nye County Code Chapter 16.24, the Pahrump Regional Planning District; amending the membership, duties and authority of the Pahrump Regional Planning Commission; requiring tentative subdivision map approval by the Board of County Commissioners; amending Chapter 16.28 Division of Land Within The Pahrump Regional Planning District; providing for the severability, constitutionality and effective date thereof; and other matters properly related thereto; and 2) Set an effective date.		

**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 recommends adoption with an effective date of July 10, 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.

**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	<i>TS</i> Date 04.12.17
4.	Date	9. Finance	<i>N/A</i> Date
5.	Date	10. County Manager	<input checked="" type="checkbox"/> Place on Agenda <i>SG</i> Date

## 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 # 12

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

**Meeting Date:** June 20, 2017

**AGENDA ITEMS**

For Possible Action – Public Hearing, discussion and deliberation to: 1) Adopt, amend and adopt, or reject Nye County Bill No. 2017-11: A Bill proposing to amend Nye County Code Chapter 16.24, the Pahrump Regional Planning District; amending the membership, duties and authority of the Pahrump Regional Planning Commission; requiring tentative subdivision map approval by the Board of County Commissioners; amending Chapter 16.28 Division of Land Within The Pahrump Regional Planning District; providing for the severability, constitutionality and effective date thereof; and other matters properly related thereto; and 2) Set an effective date.

**GENERAL INFORMATION SUMMARY**

On April 18, 2017, the PRPC heard this Bill and voted 7-0 to forward a recommendation of adoption to the BOCC.

This Bill proposes to amend Nye County Code to require BOCC approval of all subdivision maps, including tentative subdivision maps.

Attached is the proposed Bill.

**RECOMMENDATION**

**Recommended BOCC Motion:** "I move to adopt Nye County Bill No. 2017-11 with an effective date of July 10, 2017."

BILL NO. 2017-11

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

**SUMMARY:** A Bill proposing to amend Nye County Code Chapter 16.24, the Pahrump Regional Planning District; amending the membership, duties and authority of the Pahrump Regional Planning Commission; requiring tentative subdivision map approval by the Board of County Commissioners; amending Chapter 16.28 Division of Land Within The Pahrump Regional Planning District; and providing for the severability, constitutionality and effective date thereof; and other matters properly relating thereto.

**TITLE:** A BILL PROPOSING TO AMEND NYE COUNTY CODE CHAPTER 16.24 THE PAHRUMP REGIONAL PLANNING DISTRICT; AMENDING THE MEMBERSHIP, DUTIES AND AUTHORITY OF THE PAHRUMP REGIONAL PLANNING COMMISSION; REQUIRING TENTATIVE SUBDIVISION MAP APPROVAL BY THE BOARD OF COUNTY COMMISSIONERS; AMENDING CHAPTER 16.28 DIVISION OF LAND WITHIN THE PAHRUMP REGIONAL PLANNING DISTRICT; AND PROVIDING FOR THE SEVERABILITY, CONSTITUTIONALITY AND EFFECTIVE DATE THEREOF; AND OTHER MATTERS PROPERLY RELATING THERETO.

**WHEREAS**, pursuant to NRS 244.119, the Nye County Board of Commissioners (Board) is authorized to amend the Nye County Code; and

**WHEREAS**, Chapter 16.24 of the Nye County Code established the Pahrump Regional Planning Commission for the purpose of carrying out the provisions of Nevada Revised Statutes 278.010 through 278.630, inclusive; and to act on planning related matters with the specific authority established by the Board; and

**WHEREAS**, Chapter 16.28 of the Nye County Code is known as the Division of Land Ordinance of the Pahrump Regional Planning District of the County of Nye, State of Nevada, the purpose of which is to protect the public health, safety, and general welfare, and

**WHEREAS**, the provisions in NCC 16.28 shall be administered to ensure orderly growth and development and shall supplement and facilitate the provisions of the Pahrump Regional Planning District's master plan,

**NOW, THEREFORE**, the Board of County Commissioners of the County of Nye, State of Nevada, does hereby adopt, promulgate and order compliance therewith within Nye County, the following amendments and regulations:

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

## **Chapter 16.24** **PAHRUMP REGIONAL PLANNING DISTRICT**

**16.24.010: AMENDMENT OF THE PAHRUMP REGIONAL PLANNING DISTRICT BOUNDARY:**  
**16.24.020: ESTABLISHMENT OF THE PAHRUMP REGIONAL PLANNING COMMISSION:**  
**16.24.030: DUTIES AND AUTHORITY OF THE PAHRUMP REGIONAL PLANNING COMMISSION:**  
**16.24.040: SEVERABILITY:**  
**16.24.050: REPEAL:**  
**16.24.060: CONSTITUTIONALITY:**  
**16.24.070: EFFECTIVE DATE:**

### **16.24.010: AMENDMENT OF THE PAHRUMP REGIONAL PLANNING DISTRICT BOUNDARY:**

A. Amendment of District: The Pahrump regional planning district boundaries are hereby amended as follows:

Beginning at the Nye/Clark County boundary as amended by the 2001 Nevada Legislative Session via SB 395, which said boundary is on the Range line common to Ranges 54 and 55 East, at its intersection with the Nevada/California state line; thence bearing north along the Nye/Clark County boundary along the Range line common to Ranges 54 and 55 East to its intersection with the northeast corner of Section 25, Township 20 South, Range 54 East; thence bearing west along the north boundary of Sections 25, 26 and 27 to the north one-quarter corner of Section 27, Township 20 South, Range 54 East; thence bearing north along the Nye/Clark County boundary to its intersection with the north boundary of Section 3, Township 18 South, Range 54 East; thence bearing west along the township line common to Townships 17 and 18 South to the northwest corner of Section 6, Township 18 South, Range 52 East; thence bearing south along the range line common to Ranges 51 and 52 East to the Von Schmidt line and continuing south to the point of intersection with the Nevada/California state line; thence bearing southeast along the Nevada/California state line to its intersection with the Nye/Clark County boundary line, the point of beginning.

B. Effective Date: This section shall be in full force and effect from and after the date zoning becomes effective over the subject area, or on January 1, 2002, whichever occurs earlier; and only after publication once a week for a period of two (2) weeks in a newspaper of general circulation within Nye County, Nevada. (Ord. 242, 2001)

### **16.24.020: ESTABLISHMENT OF THE PAHRUMP REGIONAL PLANNING COMMISSION:**

A. Creation of the Commission: There is hereby created the Pahrump regional planning commission; said commission created to carry out the provisions of Nevada Revised Statutes 278.010 through 278.630, inclusive; and to act on planning related matters with the specific authority established by the board of county commissioners in subsection 16.24.030C of this chapter.

B. Members: The Pahrump regional planning commission shall consist of eight (8) members, each of whom must reside within the Pahrump regional planning district, appointed by the Nye County board of county commissioners; said planning commission consisting of seven (7) citizen members residing within the Pahrump regional planning district, and one member serving on the Nye County board of county commissioners representing a Pahrump County commissioner district. At least one (1) of the seven (7) citizen members shall be a member of the real estate, land development or construction

industry. The Nye County board of county commissioners member shall serve as liaison only, and shall not have voting privileges. No more than one-third ( $\frac{1}{3}$ ) of the commission's members may hold public office. For the purposes of this section membership on a countywide planning commission is not considered holding a public office.

- C. Terms: The term of each of the seven (7) citizen members shall be four (4) years, or until any member's successor takes office; except that the terms of two (2) of the members first appointed are three (3) years, and the respective terms of two (2) additional members first appointed are one and two (2) years.
  - 1. The term of each of the seven (7) citizen members shall begin on July 1 of the year first appointed, or as soon thereafter as the appointment is made by the board of county commissioners; except in which case an appointment is made to fill a vacancy for an unexpired term. The term of each of the seven (7) citizen members shall expire on June 30 of the year of expiration, or as soon thereafter as a successor takes office.
  - 2. The term of the board of county commissioners member shall begin immediately after appointment by the board of county commissioners, which shall be made during the first meeting of each calendar year, except in the case an appointment is made to fill a vacancy for an unexpired term; and shall expire immediately on appointment of a new member, or reappointment of an existing member.
- D. Compensation of Members: Compensation of members, if any, shall be established by resolution of the board of county commissioners not to exceed forty dollars (\$40.00) per meeting or a total of two hundred dollars (\$200.00) per month.
- E. Removal of Members: Members may be removed, after public hearing, by a majority vote of the board of county commissioners for inefficiency, neglect of duty or malfeasance of office.
- F. Appointments to Fill Vacancies: All appointments to fill vacancies of the seven (7) citizen positions shall be made by the Nye County board of county commissioners, and shall be for the unexpired term. The appointment of the board of county commissioners member shall be made by the board of county commissioners.
- G. Chairman, Vice Chairman, Secretary; Employees:
  - 1. Annually, at its first meeting in July, or as soon thereafter as is practical, the Pahrump regional planning commission shall elect a chairman, vice chairman and secretary from its own members. The terms of these officers shall be one year, with eligibility for reelection.
  - 2. The Pahrump regional planning commission shall have the power to employ experts, clerks and a secretary, and to pay for their services and such other expenses as may be necessary and proper, not exceeding, in all, the annual appropriation that may be made by the board of county commissioners for the planning commission, together with such other funds as may be made available through grant, gift or other means.
  - 3. The board of county commissioners shall, during its annual budgeting process, fund the county planning department at staffing levels sufficient to operate the department within the Pahrump regional planning district and to provide county staff to the planning commission. Funding shall be appropriated from the county general fund.

H. Appropriation of Funds:

1. The board of county commissioners shall appropriate funds from the county general fund to provide for the operation of the planning department and planning commission.
2. Any revenues generated by planning related activities (e.g., map processing fees, road abandonment fees, etc.) excluding any revenues generated through the operations of any building permitting and inspection program, shall be placed in the county general fund. (Ord. 484, 2014)

**16.24.030: DUTIES AND AUTHORITY OF THE PAHRUMP REGIONAL PLANNING COMMISSION:**

- A. Area of Authority: The Pahrump regional planning commission shall have the specific authority as established in subsection C of this section over planning related matters within the boundaries of the Pahrump regional planning district as established in section 16.24.010 of this chapter.
- B. Determination, Amendment And Enforcement Of Zoning Districts, Regulations And Restrictions; Notice of Hearing: In accordance with Nevada Revised Statutes 278.260.1 zoning regulations and restrictions within zoning districts and amendment of same and establishment or amendment of zoning district boundaries shall be the responsibility of the board of county commissioners through adoption and, from time to time, amendment of, any zoning ordinance and zoning district maps. Establishment or amendment of a regulation or restriction or establishment or amendment of zoning district boundaries must not become effective until after a public hearing at which parties in interest and other persons have an opportunity to be heard. The board of county commissioners shall cause notice of the time and place of the hearing to be posted in accordance with Nevada Revised Statutes 278.260.
- C. Establishment of Specific Authority: The Pahrump regional planning commission shall perform the following described duties and have the following described authority to act on planning related matters:
  1. Master Plan: The planning commission shall, in accordance with Nevada Revised Statutes 278.150 through 278.210 inclusive, prepare and adopt a comprehensive, long term general plan for the physical development of the Pahrump regional planning district which must be so prepared that all or portions thereof may be adopted by the board of county commissioners.
  2. Granting of Zoning Variances, Waivers, Special and Conditional Use Permits, Special Exceptions: Pursuant to any zoning ordinance adopted by the board of county commissioners the planning commission shall have the authority and duty to grant zoning variances, waivers, special and conditional use permits or special exceptions as described in the zoning ordinance in accordance with Nevada Revised Statutes 278.315.
    - a. Appeals: Any person aggrieved by the planning commission's action may, within thirty (30) days after issuance of the decision, appeal in writing with respect to variances, special and conditional use permits or other special exceptions, to the board of county commissioners.
  3. ~~Tentative Subdivision Maps: The planning commission shall, in accordance with Nevada Revised Statutes 278.330.6, within sixty (60) days after receiving a tentative subdivision map, approve, conditionally approve or disapprove the map in the manner provided for in Nevada~~

~~Revised Statutes 278.349. The planning commission shall file its written decision with the board of county commissioners.~~

- a. ~~Appeals: Any person aggrieved by the planning commission's action may, in accordance with Nevada Revised Statutes 278.328, within thirty (30) days after issuance of the decision, appeal in writing to the board of county commissioners.~~
- 4. ~~Final Subdivision Maps: The planning commission shall, in the manner set forth in Nevada Revised Statutes 278.380, act finally on final subdivision maps.~~

- a. ~~Appeals: Any person aggrieved by the planning commission's action may, in accordance with Nevada Revised Statutes 278.328, within thirty (30) days after issuance of the decision, appeal in writing to the board of county commissioners.~~

3.5. ~~Parcel Maps: The planning commission shall, in accordance with Nevada Revised Statutes 278.464, within sixty (60) days after receiving a parcel map, approve, conditionally approve or disapprove the map. It shall file its written decision with the board of county commissioners.~~

- a. Appeals: An applicant aggrieved by the planning commission's decision may appeal to the board of county commissioners within thirty (30) days.

4.6. ~~Tentative Division of Land Into Large Parcels Maps: In accordance with Nevada Revised Statutes 278.4715 the planning commission may waive the requirement to file a tentative division of land into large parcels map. Should the planning commission require a tentative map the planning commission shall, within sixty (60) days after receipt of a tentative division of land into large parcels map, designate the location and width of any easements for roads and public utilities which may be reasonably necessary to serve the area to be divided.~~

57. ~~Final Division of Land Into Large Parcels Maps: The planning commission shall, in accordance with Nevada Revised Statutes 278.4725, approve, conditionally approve, or disapprove a final map within sixty (60) days after its filing.~~

- a. Appeals: A decision made by the planning commission may be appealed in writing to the board of commissioners within thirty (30) days after the action of the planning commission.

68. ~~Vacation or Abandonment of Streets or Easements: Whenever any street or easement owned by Nye County is proposed to be vacated, and a petition in writing has been filed in accordance with Nevada Revised Statutes 278.480, the planning commission shall notify by certified mail each owner of property abutting the proposed abandonment and cause a notice to be published at least once in a newspaper of general circulation in the district, setting forth the extent of the proposed abandonment and setting a date for public hearing, which must be not less than ten (10) days and not more than forty (40) days after the date the notice is first published. The planning commission shall act on any such petition after public hearing in the manner prescribed in Nevada Revised Statutes 278.480.~~

- a. Appeals: An applicant aggrieved by the planning commission's decision may appeal to the board of county commissioners within thirty (30) days after action of the planning commission.

**79.** Maps of Reversion: The planning commission shall, in accordance with Nevada Revised Statutes 278.490, at its next meeting or within thirty (30) days after the filing of a map of reversion, whichever is later, review the map and approve, conditionally approve or disapprove the map.

a. Appeals: A decision made by the planning commission may be appealed in writing to the board of county commissioners within thirty (30) days after the action of the planning commission.

**910.** Approval of Acquisition or Abandonment of Streets and Parks and Construction of Public Buildings: In accordance with Nevada Revised Statutes 278.240 the board of county commissioners shall not acquire by dedication or otherwise, except by bequest, any streets, parks, squares or other public way, ground or open space, nor shall it abandon any street or public way, and no public building or structure shall be constructed by the board of county commissioners until the location, character and extent thereof shall have been submitted to and approved by the planning commission. In case of disapproval the planning commission shall communicate its reasons to the board of county commissioners who may overrule the disapproval by majority vote. Failure of the planning commission to act upon such submissions within forty (40) days after the date of official submission to the planning commission by the board of commissioners shall be deemed as approval by the planning commission.

**10.11**Amendment of Plats, Surveys and Maps: In accordance with Nevada Revised Statutes 278.473 and 278.475, the planning commission is hereby authorized to request certificates of amendment and amendments to plats, surveys and maps. (Ord. 485, 2014)

## Article III. Administration

### **16.28.090: Board of County Commissioners**

**16.28.100: Pahrump Regional Planning Commission**

**16.28.110: Administrative Officer**

**16.28.120: Waivers**

**16.28.130: Development Review Committee (Rep. by Ord. 301, 2005)**

### **16.28.090: BOARD OF COUNTY COMMISSIONERS:**

The Board of County Commissioners shall act on tentative and final subdivision maps.

### **16.28.100: PAHRUMP REGIONAL PLANNING COMMISSION:**

The Pahrump regional planning commission shall have the authority to act on maps of reversion, boundary line adjustments, division of land applications excluding subdivision maps, and other planning and zoning related matters as specified in its enabling ordinance. (Ord. 288, 2004: Ord. 215, 1998)

### **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 boundary line adjustment maps, reversion to acreage 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 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)

#### **16.28.120: WAIVERS:**

A. Where the planning commission finds that strict compliance with the requirements of this chapter is impracticable or the purposes of this chapter may be served to a greater extent by an alternative proposal, it may grant such waivers of document submittal requirements design or improvement standards required for approval with respect to reversions of divided land into acreage, boundary line adjustments and division of land maps as may be reasonable and within the general purpose and intent of the provisions of this chapter, provided that the waiver shall not have the effect of nullifying the intent and purpose of this chapter and further provided the planning commission shall not approve waivers of the requirements unless it shall make findings based upon the evidence presented to it in each specific case that:

1. The granting of the waiver of requirements will not be detrimental to the public safety, health, or welfare or injurious to other property nor shall the waiver have the effect of nullifying the intent and purpose of this chapter;
2. The conditions upon which the request is based are unique to the property for which the waiver is sought or would result in an opportunity for improved planning that would benefit the community. (Ord. 288, 2004)

#### **16.28.130: DEVELOPMENT REVIEW COMMITTEE:**

(Rep. by Ord. 301, 2005)

## **16.28 Division of Land Within The Pahrump Regional Planning District**

### **Article V. Procedure**

#### **16.28.190: SUBDIVISION PROCEDURE:**

A. Preapplication Conference: For the purpose of expediting subdivision applications and reducing development costs, the applicant may request a preapplication conference in accordance with the following requirements:

1. At the request of the applicant, the administrative officer shall authorize a preapplication conference.
2. The preapplication conference shall allow the applicant to meet with appropriate representatives designated by the board of county commissioners and may include:
  - a. Director of public works or its representative;
  - b. Director of planning or its representative;
  - c. Representative of the Nye County school district;
  - d. Any other appropriate person(s) invited by any of the above parties.
3. Applicants seeking a preapplication conference shall submit the materials stipulated in the document entitled "Document Submittal Requirements For Planning Applications Within The Pahrump Regional Planning District" a minimum of ten (10) working days prior to the preapplication conference.
4. The applicant may be charged reasonable fees for a preapplication conference as established by resolution of the board of county commissioners.
5. The applicant shall not be bound by the determination of the preapplication conference, nor shall the ~~planning commission~~ Board of County Commissioners be bound by any such determination.

B. Tentative Subdivision Application:

1. Applicants seeking tentative subdivision approval shall submit to the administrative officer the materials stipulated in the document entitled "Document Submittal Requirements For Planning Applications Within The Pahrump Regional Planning District".
2. The administrative officer or its representative shall review the application and materials submitted and shall comment and make recommendations to the ~~planning commission~~ Board of County Commissioners. A complete application for a tentative subdivision shall be acted upon within sixty (60) days after the date the administrative officer or its representative accepts the application as complete, or within such further time as may be consented to by the applicant.

C. Final Subdivision Application:

1. An applicant requesting final approval of a proposed subdivision shall submit to the administrative officer the materials specified in the document entitled "Document Submittal Requirements For Planning Applications Within The Pahrump Regional Planning District". The final plat shall be accompanied by a statement from the director of public works that the county is in receipt of engineered plans showing all streets and utilities in exact location and elevation and identifying those portions already installed and those to be installed; recommendations concerning the acceptance or rejection of all offers of dedication; and a statement that he has reviewed the cost estimates, prepared by a civil engineer licensed by the state of Nevada, associated with any incomplete required improvements and that he concurs with said estimates.
2. Upon certification that the final map application is complete, the administrative officer shall present the final subdivision map to the board of county commissioners at its next regularly scheduled meeting. The board of county commissioners shall approve the map if it conforms to all of the requirements of Nevada Revised Statutes 278.010 to 278.630, inclusive, to any conditions of approval of the tentative map, and to the provisions and requirements of this title.
3. The board of county commissioners shall at that time also accept or reject all offers of dedication and shall, as a condition precedent to the acceptance of streets or easements, require that the subdivider improve or agree to improve the streets or easements.

D. Industrial or Commercial Subdivision:

1. In accordance with Nevada Revised Statutes 278.325, if a subdivision is proposed on land which is zoned or designated by the applicant for commercial or industrial use only, neither the tentative nor the final map need show any division of the land into lots or parcels, but the streets and any other required improvements are subject to the provisions of Nevada Revised Statutes 278.010 to 278.630, inclusive, and the provisions of this chapter. Any zoning requirements or commercial/industrial use designations made by the applicant shall not be changed for a period of two (2) years after the date of recording of the final subdivision map.
2. No parcel of land may be sold for residential use from a subdivision whose final map does not show a division of the land into lots.
3. Except as otherwise provided in subsection D4 of this section, a boundary or line shall not be created by a conveyance of a parcel from an industrial or commercial subdivision unless a professional land surveyor has surveyed the boundary or line and set the monuments. The surveyor shall file a record of the survey pursuant to the requirements set forth in Nevada Revised Statutes 625.340.
4. The provisions of subsection D3 of this section do not apply to a boundary line that is created entirely within an existing industrial or commercial building. A certificate by a professional engineer or registered architect which certifies compliance with the applicable building code must be attached to any document which proposes to subdivide a building. (Ord. 301, 2005: Ord. 271, 2003: Ord. 215, 1998)

**16.28.200: COMMON INTEREST SUBDIVISION PROCEDURE:**

- A. A common interest community consisting of five (5) units or more, not including any common area(s), shall be deemed to be a subdivision within the meaning of this section. The procedure outlined in section 16.28.190 of this article concerning subdivision procedures shall also apply to common interest subdivisions. In addition, the requirements of Nevada Revised Statutes 116.2109 shall be complied with.
- B. Minimum design standards for common interest community developments are found in the "design standards" section of this title. (Ord. 215, 1998)

#### **16.28.210: LARGE PARCELS MAP PROCEDURE:**

- A. Tentative Large Parcels Map: Any applicant requesting approval of a tentative "large parcels map" as defined in this chapter and Nevada Revised Statutes 278.471 shall submit to the administrative officer the materials required in the document entitled "Document Submittal Requirements For Planning Applications Within The Pahrump Regional Planning District".
  - 1. The minimum lot size for each proposed lot shall be:
    - a. One-sixteenth ( $1/16$ ) of a section as described by a government land office survey; or
    - b. Forty (40) acres in area, including roads and easements.
  - 2. In accordance with Nevada Revised Statutes 278.4715 the planning commission may, within sixty (60) days after the filing of the tentative map designate the location and width of any easements for roads and, upon the recommendation of the various public utility entities, easements for public utilities which may be reasonably necessary to serve the area to be divided. The planning commission shall not designate any easements after the expiration of sixty (60) days.
- B. Final Large Parcels Map: An applicant desiring approval of a final large parcels map shall deliver to the authorized officer two (2) copies of the proposed final map within one year after the date that the tentative map was first filed. The proposed final map shall conform to the requirements of Nevada Revised Statutes 278.472 through 278.4725, inclusive.
  - 1. Should the planning commission fail to take action within sixty (60) days after the administrative officer or its representative accepts the final map as a complete application, the map shall be deemed approved unconditionally.
  - 2. The planning commission shall not approve a final large parcels map unless:
    - a. The property that is the subject of a large parcels map has a minimum of twenty feet (20') of legal and physical access;
    - b. Each lot is accessible by a minimum fifteen foot (15') wide bladed area within dedicated or private road right of way in which all vegetation and debris is removed. Blading of such roads shall conform to the natural contours of the area; and
    - c. The corners of each lot are set by a professional land surveyor. (Ord. 215, 1998)

#### **16.28.220: MAP OF REVERSION (REVERSIONARY MAP) PROCEDURE:**

- A. Any owner or governing body desiring to revert any recorded subdivision map, parcel map, map of division into large parcels, or part thereof to acreage shall submit to the administrative officer the materials required in the document entitled "Document Submittal Requirements for Planning Applications Within the Pahrump Regional Planning District".
- B. A map of reversion shall be required when the intended purpose is to eliminate boundary lines between two (2) or more individual lots or parcels. A boundary line adjustment map as described in this chapter shall not be used for this purpose.
- C. A map of reversion, when submitted, shall contain the signed certificates of the county surveyor, the state of Nevada health division of the department of human resources, and the state of Nevada division of water resources if any or all of these certificates appeared on the original division of land map. The map shall also comply with the requirements of Nevada Revised Statutes 278.490 through 278.4965, inclusive.
- D. The administrative officer shall, within a period of not more than thirty (30) days after the filing of the map of reversion, act on the map. (Ord. 301, 2005: Ord. 215, 1998)

#### **16.28.230: BOUNDARY LINE ADJUSTMENT PROCEDURE:**

- A. Any person or persons desiring the adjustment of a boundary line or lines shall provide the administrative officer the materials required pursuant to the "Document Submittal Requirements For Planning Applications Within The Pahrump Regional Planning District", and in conformance with the requirements of Nevada Revised Statutes 278.5693.
- B. The administrative officer shall, if the map conforms to the requirements of subsection A of this section, approve the map. (Ord. 301, 2005: Ord. 215, 1998)

#### **16.28.240: APPEAL:**

An applicant or other person aggrieved by a decision of the planning commission or Board of County Commissioners may appeal in writing ~~to the board of county commissioners within thirty (30) days in accordance with Chapter 16.36 Procedures for Appeal of Land Use Decisions.~~ (Ord. 215, 1998)

**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: \_\_\_\_\_  
Dan Schinhofen, Chairman  
Nye County Board of  
County Commissioners

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

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

BILL NO. 2017-11

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

**SUMMARY:** A Bill proposing to amend Nye County Code Chapter 16.24, the Pahrump Regional Planning District; amending the membership, duties and authority of the Pahrump Regional Planning Commission; requiring tentative subdivision map approval by the Board of County Commissioners; amending Chapter 16.28 Division of Land Within The Pahrump Regional Planning District; and providing for the severability, constitutionality and effective date thereof; and other matters properly relating thereto.

**TITLE:** A BILL PROPOSING TO AMEND NYE COUNTY CODE CHAPTER 16.24 THE PAHRUMP REGIONAL PLANNING DISTRICT; AMENDING THE MEMBERSHIP, DUTIES AND AUTHORITY OF THE PAHRUMP REGIONAL PLANNING COMMISSION; REQUIRING TENTATIVE SUBDIVISION MAP APPROVAL BY THE BOARD OF COUNTY COMMISSIONERS; AMENDING CHAPTER 16.28 DIVISION OF LAND WITHIN THE PAHRUMP REGIONAL PLANNING DISTRICT; AND PROVIDING FOR THE SEVERABILITY, CONSTITUTIONALITY AND EFFECTIVE DATE THEREOF; AND OTHER MATTERS PROPERLY RELATING THERETO.

**WHEREAS**, pursuant to NRS 244.119, the Nye County Board of Commissioners (Board) is authorized to amend the Nye County Code; and

**WHEREAS**, Chapter 16.24 of the Nye County Code established the Pahrump Regional Planning Commission for the purpose of carrying out the provisions of Nevada Revised Statutes 278.010 through 278.630, inclusive; and to act on planning related matters with the specific authority established by the Board; and

**WHEREAS**, Chapter 16.28 of the Nye County Code is known as the Division of Land Ordinance of the Pahrump Regional Planning District of the County of Nye, State of Nevada, the purpose of which is to protect the public health, safety, and general welfare, and

**WHEREAS**, the provisions in NCC 16.28 shall be administered to ensure orderly growth and development and shall supplement and facilitate the provisions of the Pahrump Regional Planning District's master plan,

**NOW, THEREFORE**, the Board of County Commissioners of the County of Nye, State of Nevada, does hereby adopt, promulgate and order compliance therewith within Nye County, the following amendments and regulations:

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

## **Chapter 16.24**

### **PAHRUMP REGIONAL PLANNING DISTRICT**

- 16.24.010: AMENDMENT OF THE PAHRUMP REGIONAL PLANNING DISTRICT BOUNDARY:**
- 16.24.020: ESTABLISHMENT OF THE PAHRUMP REGIONAL PLANNING COMMISSION:**
- 16.24.030: DUTIES AND AUTHORITY OF THE PAHRUMP REGIONAL PLANNING COMMISSION:**
- 16.24.040: SEVERABILITY:**
- 16.24.050: REPEAL:**
- 16.24.060: CONSTITUTIONALITY:**
- 16.24.070: EFFECTIVE DATE:**

#### **16.24.010: AMENDMENT OF THE PAHRUMP REGIONAL PLANNING DISTRICT BOUNDARY:**

- A. Amendment of District: The Pahrump regional planning district boundaries are hereby amended as follows:

Beginning at the Nye/Clark County boundary as amended by the 2001 Nevada Legislative Session via SB 395, which said boundary is on the Range line common to Ranges 54 and 55 East, at its intersection with the Nevada/California state line; thence bearing north along the Nye/Clark County boundary along the Range line common to Ranges 54 and 55 East to its intersection with the northeast corner of Section 25, Township 20 South, Range 54 East; thence bearing west along the north boundary of Sections 25, 26 and 27 to the north one-quarter corner of Section 27, Township 20 South, Range 54 East; thence bearing north along the Nye/Clark County boundary to its intersection with the north boundary of Section 3, Township 18 South, Range 54 East; thence bearing west along the township line common to Townships 17 and 18 South to the northwest corner of Section 6, Township 18 South, Range 52 East; thence bearing south along the range line common to Ranges 51 and 52 East to the Von Schmidt line and continuing south to the point of intersection with the Nevada/California state line; thence bearing southeast along the Nevada/California state line to its intersection with the Nye/Clark County boundary line, the point of beginning.

- B. Effective Date: This section shall be in full force and effect from and after the date zoning becomes effective over the subject area, or on January 1, 2002, whichever occurs earlier; and only after publication once a week for a period of two (2) weeks in a newspaper of general circulation within Nye County, Nevada. (Ord. 242, 2001)

#### **16.24.020: ESTABLISHMENT OF THE PAHRUMP REGIONAL PLANNING COMMISSION:**

- A. Creation of the Commission: There is hereby created the Pahrump regional planning commission; said commission created to carry out the provisions of Nevada Revised Statutes 278.010 through 278.630, inclusive; and to act on planning related matters with the specific authority established by the board of county commissioners in subsection 16.24.030C of this chapter.
- B. Members: The Pahrump regional planning commission shall consist of eight (8) members, each of whom must reside within the Pahrump regional planning district, appointed by the Nye County board of county commissioners; said planning commission consisting of seven (7) citizen members residing within the Pahrump regional planning district, and one member serving on the Nye County board of county commissioners representing a Pahrump County commissioner district. At least one (1) of the seven (7) citizen members shall be a member of the real estate, land development or construction

industry. The Nye County board of county commissioners member shall serve as liaison only, and shall not have voting privileges. No more than one-third ( $\frac{1}{3}$ ) of the commission's members may hold public office. For the purposes of this section membership on a countywide planning commission is not considered holding a public office.

C. Terms: The term of each of the seven (7) citizen members shall be four (4) years, or until any member's successor takes office; except that the terms of two (2) of the members first appointed are three (3) years, and the respective terms of two (2) additional members first appointed are one and two (2) years.

1. The term of each of the seven (7) citizen members shall begin on July 1 of the year first appointed, or as soon thereafter as the appointment is made by the board of county commissioners; except in which case an appointment is made to fill a vacancy for an unexpired term. The term of each of the seven (7) citizen members shall expire on June 30 of the year of expiration, or as soon thereafter as a successor takes office.
2. The term of the board of county commissioners member shall begin immediately after appointment by the board of county commissioners, which shall be made during the first meeting of each calendar year, except in the case an appointment is made to fill a vacancy for an unexpired term; and shall expire immediately on appointment of a new member, or reappointment of an existing member.

D. Compensation of Members: Compensation of members, if any, shall be established by resolution of the board of county commissioners not to exceed forty dollars (\$40.00) per meeting or a total of two hundred dollars (\$200.00) per month.

E. Removal of Members: Members may be removed, after public hearing, by a majority vote of the board of county commissioners for inefficiency, neglect of duty or malfeasance of office.

F. Appointments to Fill Vacancies: All appointments to fill vacancies of the seven (7) citizen positions shall be made by the Nye County board of county commissioners, and shall be for the unexpired term. The appointment of the board of county commissioners member shall be made by the board of county commissioners.

G. Chairman, Vice Chairman, Secretary; Employees:

1. Annually, at its first meeting in July, or as soon thereafter as is practical, the Pahrump regional planning commission shall elect a chairman, vice chairman and secretary from its own members. The terms of these officers shall be one year, with eligibility for reelection.
2. The Pahrump regional planning commission shall have the power to employ experts, clerks and a secretary, and to pay for their services and such other expenses as may be necessary and proper, not exceeding, in all, the annual appropriation that may be made by the board of county commissioners for the planning commission, together with such other funds as may be made available through grant, gift or other means.
3. The board of county commissioners shall, during its annual budgeting process, fund the county planning department at staffing levels sufficient to operate the department within the Pahrump regional planning district and to provide county staff to the planning commission. Funding shall be appropriated from the county general fund.

**H. Appropriation of Funds:**

1. The board of county commissioners shall appropriate funds from the county general fund to provide for the operation of the planning department and planning commission.
2. Any revenues generated by planning related activities (e.g., map processing fees, road abandonment fees, etc.) excluding any revenues generated through the operations of any building permitting and inspection program, shall be placed in the county general fund. (Ord. 484, 2014)

**16.24.030: DUTIES AND AUTHORITY OF THE PAHRUMP REGIONAL PLANNING COMMISSION:**

A. **Area of Authority:** The Pahrump regional planning commission shall have the specific authority as established in subsection C of this section over planning related matters within the boundaries of the Pahrump regional planning district as established in section 16.24.010 of this chapter.

B. **Determination, Amendment And Enforcement Of Zoning Districts, Regulations And Restrictions; Notice of Hearing:** In accordance with Nevada Revised Statutes 278.260.1 zoning regulations and restrictions within zoning districts and amendment of same and establishment or amendment of zoning district boundaries shall be the responsibility of the board of county commissioners through adoption and, from time to time, amendment of, any zoning ordinance and zoning district maps. Establishment or amendment of a regulation or restriction or establishment or amendment of zoning district boundaries must not become effective until after a public hearing at which parties in interest and other persons have an opportunity to be heard. The board of county commissioners shall cause notice of the time and place of the hearing to be posted in accordance with Nevada Revised Statutes 278.260.

C. **Establishment of Specific Authority:** The Pahrump regional planning commission shall perform the following described duties and have the following described authority to act on planning related matters:

1. **Master Plan:** The planning commission shall, in accordance with Nevada Revised Statutes 278.150 through 278.210 inclusive, prepare and adopt a comprehensive, long term general plan for the physical development of the Pahrump regional planning district which must be so prepared that all or portions thereof may be adopted by the board of county commissioners.
2. **Granting of Zoning Variances, Waivers, Special and Conditional Use Permits, Special Exceptions:** Pursuant to any zoning ordinance adopted by the board of county commissioners the planning commission shall have the authority and duty to grant zoning variances, waivers, special and conditional use permits or special exceptions as described in the zoning ordinance in accordance with Nevada Revised Statutes 278.315.
  - a. **Appeals:** Any person aggrieved by the planning commission's action may, within thirty (30) days after issuance of the decision, appeal in writing with respect to variances, special and conditional use permits or other special exceptions, to the board of county commissioners.
3. **Parcel Maps:** The planning commission shall, in accordance with Nevada Revised Statutes 278.464, within sixty (60) days after receiving a parcel map, approve, conditionally approve or disapprove the map. It shall file its written decision with the board of county commissioners.

- a. Appeals: An applicant aggrieved by the planning commission's decision may appeal to the board of county commissioners within thirty (30) days.

4. Tentative Division of Land Into Large Parcels Maps: In accordance with Nevada Revised Statutes 278.4715 the planning commission may waive the requirement to file a tentative division of land into large parcels map. Should the planning commission require a tentative map the planning commission shall, within sixty (60) days after receipt of a tentative division of land into large parcels map, designate the location and width of any easements for roads and public utilities which may be reasonably necessary to serve the area to be divided.

5. Final Division of Land Into Large Parcels Maps: The planning commission shall, in accordance with Nevada Revised Statutes 278.4725, approve, conditionally approve, or disapprove a final map within sixty (60) days after its filing.

- a. Appeals: A decision made by the planning commission may be appealed in writing to the board of commissioners within thirty (30) days after the action of the planning commission.

6. Vacation or Abandonment of Streets or Easements: Whenever any street or easement owned by Nye County is proposed to be vacated, and a petition in writing has been filed in accordance with Nevada Revised Statutes 278.480, the planning commission shall notify by certified mail each owner of property abutting the proposed abandonment and cause a notice to be published at least once in a newspaper of general circulation in the district, setting forth the extent of the proposed abandonment and setting a date for public hearing, which must be not less than ten (10) days and not more than forty (40) days after the date the notice is first published. The planning commission shall act on any such petition after public hearing in the manner prescribed in Nevada Revised Statutes 278.480.

- a. Appeals: An applicant aggrieved by the planning commission's decision may appeal to the board of county commissioners within thirty (30) days after action of the planning commission.

7. Maps of Reversion: The planning commission shall, in accordance with Nevada Revised Statutes 278.490, at its next meeting or within thirty (30) days after the filing of a map of reversion, whichever is later, review the map and approve, conditionally approve or disapprove the map.

- a. Appeals: A decision made by the planning commission may be appealed in writing to the board of county commissioners within thirty (30) days after the action of the planning commission.

9. Approval of Acquisition or Abandonment of Streets and Parks and Construction of Public Buildings: In accordance with Nevada Revised Statutes 278.240 the board of county commissioners shall not acquire by dedication or otherwise, except by bequest, any streets, parks, squares or other public way, ground or open space, nor shall it abandon any street or public way, and no public building or structure shall be constructed by the board of county commissioners until the location, character and extent thereof shall have been submitted to and approved by the planning commission. In case of disapproval the planning commission shall communicate its reasons to the board of county commissioners who may overrule the disapproval by majority vote. Failure of the planning commission to act upon such submissions within forty (40) days after the date of official submission to the planning commission by the board of commissioners shall be deemed as approval by the planning commission.

10. Amendment of Plats, Surveys and Maps: In accordance with Nevada Revised Statutes 278.473 and 278.475, the planning commission is hereby authorized to request certificates of amendment and amendments to plats, surveys and maps. (Ord. 485, 2014)

## **Article III. Administration**

**16.28.090: Board of County Commissioners**

**16.28.100: Pahrump Regional Planning Commission**

**16.28.110: Administrative Officer**

**16.28.120: Waivers**

**16.28.130: Development Review Committee (Rep. by Ord. 301, 2005)**

### **16.28.090: BOARD OF COUNTY COMMISSIONERS:**

The Board of County Commissioners shall act on tentative and final subdivision maps.

### **16.28.100: PAHRUMP REGIONAL PLANNING COMMISSION:**

The Pahrump regional planning commission shall have the authority to act on maps of reversion, boundary line adjustments, division of land applications excluding subdivision maps, and other planning and zoning related matters as specified in its enabling ordinance. (Ord. 288, 2004: Ord. 215, 1998)

### **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 boundary line adjustment maps, reversion to acreage 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 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)

#### **16.28.120: WAIVERS:**

A. Where the planning commission finds that strict compliance with the requirements of this chapter is impracticable or the purposes of this chapter may be served to a greater extent by an alternative proposal, it may grant such waivers of document submittal requirements design or improvement standards required for approval with respect to reversions of divided land into acreage, boundary line adjustments and division of land maps as may be reasonable and within the general purpose and intent of the provisions of this chapter, provided that the waiver shall not have the effect of nullifying the intent and purpose of this chapter and further provided the planning commission shall not approve waivers of the requirements unless it shall make findings based upon the evidence presented to it in each specific case that:

1. The granting of the waiver of requirements will not be detrimental to the public safety, health, or welfare or injurious to other property nor shall the waiver have the effect of nullifying the intent and purpose of this chapter;
2. The conditions upon which the request is based are unique to the property for which the waiver is sought or would result in an opportunity for improved planning that would benefit the community. (Ord. 288, 2004)

#### **16.28.130: DEVELOPMENT REVIEW COMMITTEE:**

(Rep. by Ord. 301, 2005)

### **16.28 Division of Land Within The Pahrump Regional Planning District**

#### **Article V. Procedure**

#### **16.28.190: SUBDIVISION PROCEDURE:**

A. Preapplication Conference: For the purpose of expediting subdivision applications and reducing development costs, the applicant may request a preapplication conference in accordance with the following requirements:

1. At the request of the applicant, the administrative officer shall authorize a preapplication conference.
2. The preapplication conference shall allow the applicant to meet with appropriate representatives designated by the board of county commissioners and may include:

- a. Director of public works or its representative;
  - b. Director of planning or its representative;
  - c. Representative of the Nye County school district;
  - d. Any other appropriate person(s) invited by any of the above parties.
3. Applicants seeking a preapplication conference shall submit the materials stipulated in the document entitled "Document Submittal Requirements For Planning Applications Within The Pahrump Regional Planning District" a minimum of ten (10) working days prior to the preapplication conference.
4. The applicant may be charged reasonable fees for a preapplication conference as established by resolution of the board of county commissioners.
5. The applicant shall not be bound by the determination of the preapplication conference, nor shall the Board of County Commissioners be bound by any such determination.

B. Tentative Subdivision Application:

1. Applicants seeking tentative subdivision approval shall submit to the administrative officer the materials stipulated in the document entitled "Document Submittal Requirements For Planning Applications Within The Pahrump Regional Planning District".
2. The administrative officer or its representative shall review the application and materials submitted and shall comment and make recommendations to the Board of County Commissioners. A complete application for a tentative subdivision shall be acted upon within sixty (60) days after the date the administrative officer or its representative accepts the application as complete, or within such further time as may be consented to by the applicant.

C. Final Subdivision Application:

1. An applicant requesting final approval of a proposed subdivision shall submit to the administrative officer the materials specified in the document entitled "Document Submittal Requirements For Planning Applications Within The Pahrump Regional Planning District". The final plat shall be accompanied by a statement from the director of public works that the county is in receipt of engineered plans showing all streets and utilities in exact location and elevation and identifying those portions already installed and those to be installed; recommendations concerning the acceptance or rejection of all offers of dedication; and a statement that he has reviewed the cost estimates, prepared by a civil engineer licensed by the state of Nevada, associated with any incomplete required improvements and that he concurs with said estimates.
2. Upon certification that the final map application is complete, the administrative officer shall present the final subdivision map to the board of county commissioners at its next regularly scheduled meeting. The board of county commissioners shall approve the map if it conforms to all of the requirements of Nevada Revised Statutes 278.010 to 278.630, inclusive, to any conditions of approval of the tentative map, and to the provisions and requirements of this title.

3. The board of county commissioners shall at that time also accept or reject all offers of dedication and shall, as a condition precedent to the acceptance of streets or easements, require that the subdivider improve or agree to improve the streets or easements.

D. Industrial or Commercial Subdivision:

1. In accordance with Nevada Revised Statutes 278.325, if a subdivision is proposed on land which is zoned or designated by the applicant for commercial or industrial use only, neither the tentative nor the final map need show any division of the land into lots or parcels, but the streets and any other required improvements are subject to the provisions of Nevada Revised Statutes 278.010 to 278.630, inclusive, and the provisions of this chapter. Any zoning requirements or commercial/industrial use designations made by the applicant shall not be changed for a period of two (2) years after the date of recording of the final subdivision map.
2. No parcel of land may be sold for residential use from a subdivision whose final map does not show a division of the land into lots.
3. Except as otherwise provided in subsection D4 of this section, a boundary or line shall not be created by a conveyance of a parcel from an industrial or commercial subdivision unless a professional land surveyor has surveyed the boundary or line and set the monuments. The surveyor shall file a record of the survey pursuant to the requirements set forth in Nevada Revised Statutes 625.340.
4. The provisions of subsection D3 of this section do not apply to a boundary line that is created entirely within an existing industrial or commercial building. A certificate by a professional engineer or registered architect which certifies compliance with the applicable building code must be attached to any document which proposes to subdivide a building. (Ord. 301, 2005: Ord. 271, 2003: Ord. 215, 1998)

**16.28.200: COMMON INTEREST SUBDIVISION PROCEDURE:**

- A. A common interest community consisting of five (5) units or more, not including any common area(s), shall be deemed to be a subdivision within the meaning of this section. The procedure outlined in section 16.28.190 of this article concerning subdivision procedures shall also apply to common interest subdivisions. In addition, the requirements of Nevada Revised Statutes 116.2109 shall be complied with.
- B. Minimum design standards for common interest community developments are found in the "design standards" section of this title. (Ord. 215, 1998)

**16.28.210: LARGE PARCELS MAP PROCEDURE:**

- A. Tentative Large Parcels Map: Any applicant requesting approval of a tentative "large parcels map" as defined in this chapter and Nevada Revised Statutes 278.471 shall submit to the administrative officer the materials required in the document entitled "Document Submittal Requirements For Planning Applications Within The Pahrump Regional Planning District".
  1. The minimum lot size for each proposed lot shall be:
    - a. One-sixteenth ( $1/16$ ) of a section as described by a government land office survey; or

- b. Forty (40) acres in area, including roads and easements.
- 2. In accordance with Nevada Revised Statutes 278.4715 the planning commission may, within sixty (60) days after the filing of the tentative map designate the location and width of any easements for roads and, upon the recommendation of the various public utility entities, easements for public utilities which may be reasonably necessary to serve the area to be divided. The planning commission shall not designate any easements after the expiration of sixty (60) days.

B. Final Large Parcels Map: An applicant desiring approval of a final large parcels map shall deliver to the authorized officer two (2) copies of the proposed final map within one year after the date that the tentative map was first filed. The proposed final map shall conform to the requirements of Nevada Revised Statutes 278.472 through 278.4725, inclusive.

- 1. Should the planning commission fail to take action within sixty (60) days after the administrative officer or its representative accepts the final map as a complete application, the map shall be deemed approved unconditionally.
- 2. The planning commission shall not approve a final large parcels map unless:
  - a. The property that is the subject of a large parcels map has a minimum of twenty feet (20') of legal and physical access;
  - b. Each lot is accessible by a minimum fifteen foot (15') wide bladed area within dedicated or private road right of way in which all vegetation and debris is removed. Blading of such roads shall conform to the natural contours of the area; and
  - c. The corners of each lot are set by a professional land surveyor. (Ord. 215, 1998)

#### **16.28.220: MAP OF REVERSION (REVERSIONARY MAP) PROCEDURE:**

- A. Any owner or governing body desiring to revert any recorded subdivision map, parcel map, map of division into large parcels, or part thereof to acreage shall submit to the administrative officer the materials required in the document entitled "Document Submittal Requirements for Planning Applications Within the Pahrump Regional Planning District".
- B. A map of reversion shall be required when the intended purpose is to eliminate boundary lines between two (2) or more individual lots or parcels. A boundary line adjustment map as described in this chapter shall not be used for this purpose.
- C. A map of reversion, when submitted, shall contain the signed certificates of the county surveyor, the state of Nevada health division of the department of human resources, and the state of Nevada division of water resources if any or all of these certificates appeared on the original division of land map. The map shall also comply with the requirements of Nevada Revised Statutes 278.490 through 278.4965, inclusive.
- D. The administrative officer shall, within a period of not more than thirty (30) days after the filing of the map of reversion, act on the map. (Ord. 301, 2005: Ord. 215, 1998)

#### **16.28.230: BOUNDARY LINE ADJUSTMENT PROCEDURE:**

- A. Any person or persons desiring the adjustment of a boundary line or lines shall provide the administrative officer the materials required pursuant to the "Document Submittal Requirements For Planning Applications Within The Pahrump Regional Planning District", and in conformance with the requirements of Nevada Revised Statutes 278.5693.
- B. The administrative officer shall, if the map conforms to the requirements of subsection A of this section, approve the map. (Ord. 301, 2005: Ord. 215, 1998)

**16.28.240: APPEAL:**

An applicant or other person aggrieved by a decision of the planning commission or Board of County Commissioners may appeal in writing in accordance with Chapter 16.36 Procedures for Appeal of Land Use Decisions. (Ord. 215, 1998)

**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: \_\_\_\_\_  
Dan Schinhofen, Chairman  
Nye County Board of  
County Commissioners

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