

# NYE COUNTY AGENDA INFORMATION FORM

Action     Presentation     Presentation & Action

Department: Planning		Agenda Date:
Category: Timed Agenda Item – 11:00 a.m.		October 16, 2018
Contact: Brett Waggoner	Phone: 775-751-4249	Continued from meeting of:
Return to: Brett Waggoner	Location:	Phone:
<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. 2018-20: A Bill proposing to amend Nye County Code Title17, Comprehensive Land Use Planning and Zoning, by amending Chapter 17.04 entitled Pahrump Regional Planning District, relating to Section 17.04.910 Zoning Review Required; and providing for the severability, constitutionality and effective date thereof; and other matters properly relating thereto; and 2) Set an effective date.		

<b>Complete description of requested action:</b> (Include, if applicable, background, impact, long-term commitment, existing county policy, future goals, obtained by competitive bid, accountability measures)	
Staff recommends adoption of the Bill with an effective date of November 5, 2018.	
Any information provided after the agenda is published or during the meeting of the Commissioners will require you to provide 20 copies: one for each Commissioner, one for the Clerk, one for the District Attorney, one for the Public and two for the County Manager. Contracts or documents requiring signature must be submitted with three original copies.	
<b>Expenditure Impact by FY(s):</b> (Provide detail on Financial Form)	
<input checked="" type="checkbox"/> No financial impact	

## Routing & Approval (Sign & Date)

1. Dept	Date	6.	Date
2.	Date	7. HR	Date
3.	Date	8. Legal	BB Date 08-17-18
4.	Date	9. Finance	Date N/A
5.	Date	10. County Manager MG <input checked="" type="checkbox"/> Place on Agenda	Date

ITEM # 10

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

**Meeting Date:** October 16, 2018

### AGENDA ITEMS

11:00 - For Possible Action — Public Hearing, discussion and deliberation to: 1) Adopt, amend and adopt, or reject Nye County Bill No. 2018-20: A Bill proposing to amend Nye County Code Title17, Comprehensive Land Use Planning and Zoning, by amending Chapter 17.04 entitled Pahrump Regional Planning District, relating to Section 17.04.910 Zoning Review Required; and providing for the severability, constitutionality and effective date thereof; and other matters properly relating thereto; and 2) Set an effective date.

### GENERAL INFORMATION SUMMARY

**BACKGROUND:** The primary purpose of this change is to provide clarification on when a zoning review is required and what documents will be needed. Currently, the code only provides information on when a zoning review shall be submitted and how long they are valid. The proposed change will provide the applicant with detailed information of what is required to submit a complete zoning review application, when to submit, deadlines and exemptions if applicable.

The RPC voted 7-0 to recommend adoption of this Bill.

Staff recommends adoption of this Bill with an effective date of November 5, 2018.

### RPC MINUTES

Minutes from RPC Meeting:

**For possible action:** Discussion, deliberation and possible action to recommend to the Board of County Commissioners to adopt, amend and adopt, or reject a Bill proposing to amend Chapter 17.04 entitled Pahrump Regional Planning District, relating to Section 17.04.910 Zoning Review Required. (This item is a recommendation by the Pahrump Regional Planning Commission to the Board of County Commissioners. Final Action on this item will be taken by the Board of County Commissioners at a future public hearing.)

Mr. Waggoner stated the comments from the public and RPC have been addressed in this draft. There is one change he recommends in Paragraph A on page 1, the paragraph that states a zoning review is required before any start of construction or improvement that may require a building permit or site development plan review. He would like to remove the portion that says a zoning review is required before the site development plan review.

Mr. Waggoner also stated in the same paragraph where it states “modification of exiting building or structure...solar or electrical panel installation”. Staff wanted to add the wording non-roof mounted solar panels.

Commissioner Hafen asked for clarification under #13 subsection 3 it states “for approval from NDWR that water rights have been relinquished to allow the drilling a domestic well”. Will staff be requiring each individual lot to provide the documentation or once the subdivision has been signed off by NDWR and Planning acknowledges that at that time they wouldn’t have to get a letter but something that can be kept on file.

Mr. Waggoner stated because there are older subdivisions out there and we don’t have the resources to do the research he prefers each individual lot to provide some sort of verification that water rights have been relinquished to each of those parcels.

Commissioner Hafen asked if a will serve for the subdivision would suffice or would they need a separate will serve or intent to serve each time.

Mr. Waggoner stated it would depend on how the will serve or intent to serve is worded. If it is worded that it is evident that it is inclusive of the entire subdivision that would be acceptable.

Public comment opened and closed at 6:39 pm with no comments.

**Commissioner Fowler motioned to recommend approval to the BOCC with amendments in Paragraph A on page 1 to strike verbiage of “or site development plan review” and to include “non-roof mounted” in front of solar or electrical installation. Seconded by Commissioner Bennett.**

**Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 7).

**Yes: Beth Lee, Carol Curtis, Derek Fowler, Gary Bennett, Gregory T. Hafen II, Leah-Ann DeAnda, Tom Duryea.**

## RECOMMENDATION

**Recommended BOCC Motion:** “I move to adopt Bill 2018-20 with an effective date of November 5, 2018.”

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

**SUMMARY:** A Bill proposing to amend Nye County Code Title 17, Comprehensive Land Use Planning and Zoning, by amending Chapter 17.04 entitled Pahrump Regional Planning District, relating to Section 17.04.910 Zoning Review Required; 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 TITLE 17, COMPREHENSIVE LAND USE PLANNING AND ZONING, BY AMENDING CHAPTER 17.04 ENTITLED PAHRUMP REGIONAL PLANNING DISTRICT, RELATING TO SECTION 17.04.910 ZONING REVIEW REQUIRED; 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**, pursuant to NRS 278.020, for the purpose of promoting the health, safety, morals, or the general welfare of the community of Nye County, the Board is authorized and empowered to regulate and restrict the improvement of land and to control the location and soundness of structures; and

**WHEREAS**, any such regulation, restriction and control must take into account the potential impairment of natural resources and the total population which the available natural resources will support without unreasonable impairment;

**NOW, THEREFORE**, pursuant to NRS 244.110, the Board of County Commissioners of the County of Nye, State of Nevada, does ordain:

**NYE COUNTY CODE TITLE 17 IS HEREBY AMENDED AS FOLLOWS**, with **Deletions** shown in strike-through red font, and **additions and modifications** shown in underscored blue font:

**17.04.910: ZONING REVIEW REQUIRED:**

A. A zoning review application shall be submitted to the ~~P~~lanning ~~d~~Department prior to the start of any construction or improvement which may require a building permit for ~~of~~ any residence, accessory building, or garage, or structure including but not limited to patios and carports; the placement of a ~~mobile~~ or manufactured home; ~~and any~~ construction that involves modification or expansion of an existing building ~~or structure;~~ non-roof mounted panels for solar or electrical panel installation; lot development, including well, septic, leach fields, electrical

~~pedestal, driveway, perimeter fencing, inground swimming pools, or inground spas.; or prior to establishing any other land use which may not require a building permit.~~

B. The zoning review application shall be complete after the following requirements, when applicable, have been provided or complied with:

1. A plot plan to scale;
2. A directional arrow indicating North on the plot plan;
3. All development, both existing and proposed;
4. Setbacks and property dimensions;
5. Distances between all structures;
6. Street names of streets adjacent to the subject property;
7. Easements with locations and dimensions;
8. Driveway location and an encroachment permit, if applicable, in accordance with Nye County Code Chapter 12.08, "Excavations And Encroachments";
9. Existing and proposed rights of way;
10. HOA approval, if applicable;
11. Proof of ownership, along with a copy of the Assessor's Parcel Map;
12. Dust Control Plan or signed Dust Control Acknowledgement form (applicant must show entire area of disturbance on the plot plan);
13. One of the following: (1) Proof of owned or purchased Water Rights if drilling a well, (2) an "Intent to Serve Letter" from utility company that will be providing water and/or sewer services, or (3) approval from Nevada Division of Water Resources ("NDWR") that water rights have been relinquished to allow the drilling of a domestic well;
14. If new construction, locations and distances separating the well, septic system, and leach lines, including setbacks to all property lines, buildings or inground swimming pools and spas, and setbacks or distances to all existing well and septic system locations on all adjacent properties to the best of applicant's knowledge;
15. If drilling a well or installing a septic system without new construction, locations of proposed well, septic system, and leach lines, including setbacks or distances to all existing well and septic system locations on all adjacent properties to the best of applicant's knowledge; and
16. All applicable fees have been paid.

C. A zoning review application approval is valid for one hundred eighty (180) calendar days from the date of approval, and expires after one hundred eighty (180) calendar days if work is not commenced for the proposed use or plan of development for which the zoning review was obtained. The zoning administrator may extend a zoning review application not more than one time for an additional one hundred eighty (180) calendar days for good cause shown. Upon the

issuance of a building permit or approval to construct from other federal, state or county agencies, the zoning review shall track along the same expiration time frames and policies as the building permit or other approval.

1. If the applicant wishes to amend the zoning review application, the applicant can request an amendment within thirty (30) calendar days of approval without a fee. If amendment is requested more than thirty (30) calendar days after approval, a new application will need to be submitted and new fees paid, unless one of the below exceptions is applicable.

2. Exceptions:

- i. If amendment is needed due to amending utility locations, applicant will have up to one hundred eighty (180) calendar days to amend the application without a fee; or
- ii. If the approved project requires a change that does not add to or delete from any portion of the original proposed plan, the applicant will have up to sixty (60) calendar days to amend the application without a fee.

D2. Any zoning review application submitted prior to the effective date of this chapter shall expire one hundred eighty (180) calendar days after the effective date.

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 \_\_\_\_\_, 2018.

Proposed on the \_\_\_\_ day of \_\_\_\_\_, 2018.

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

Adopted on the \_\_\_\_ day of \_\_\_\_\_, 2018

Vote: Ayes: Commissioners:

Nays: Commissioners:

Absent: Commissioners:

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

John Koenig, Chairman  
Nye County Board of  
County Commissioners

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

Sandra L. Merlino  
Clerk and Ex-Officio  
Clerk of the Board

DRAX

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installation; lot development, including well, septic, leach fields, electrical pedestal, driveway, perimeter fencing, inground swimming pools, or inground spas.

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Vote: Ayes: Commissioners:

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

John Koenig, Chairman  
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ATTEST: \_\_\_\_\_

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DK