

**LEGISLATIVE REVIEW OF ADOPTED REGULATIONS AS REQUIRED BY
NRS 233B.066**

LCB File: R016-24

The following statement is submitted for adopted amendments to Nevada Administrative Code (“NAC”) Chapter 384.

1. A clear and concise explanation of the need for the adopted regulation.

The proposed NAC 384 revisions clarify and streamline the definitions, responsibilities, duties, and processes that pertain to the Comstock Historic District Commission (CHDC) and its ability to carry out the requirements of NRS 384. Revisions to NAC 384 include: Revising the district boundaries to remove the Virginia City Highlands residential area that does not contain historic resources; revising and clarifying the district boundaries at downtown Dayton and at Sutro Tunnel to include only the historic resources; streamlining the Certificate of Appropriateness (COA) process; eliminating the unnecessary officer positions of Secretary and Treasurer; clarifying the duties of the “District Officer” staff position; clarifying and streamlining processes including meeting notices, submission of COA applications, committee memberships, preapplication reviews, and assistance from outside building inspectors; allowing for greater flexibility in scheduling meetings; and clarifying the principles that the CHDC must consider when determining whether to issue a COA.

2. A description of how public comment was solicited, a summary of public response, and an explanation of how other interested persons may obtain a copy of the summary.

Public workshops were held in-person on February 13 and March 13, 2023, to solicit public comment from interested parties. There were no participants during the February 13, 2023 public workshop. There were two public attendees during the March 13, 2023 workshop, but neither attendee offered public comment. An adoption public hearing was held on July 10, 2024. Members of the public were invited to participate both in-person and virtually in accordance with the Open Meeting Law. There was no public comment during the adoption hearing.

Additionally, copies of the proposed regulation changes, agenda, Small Business Impact Statement, and Notice of Intent to Act Upon Regulations were posted to the CHDC/State Historic Preservation Office website, the Nevada State Legislature website, and the public notice website. Notices and copies of the proposed regulations were also posted at public libraries, all locations where the State Historic Preservation Office has an office, the Bryan Building in Carson City, the State Library and Archives, and the Grant Sawyer Building in Las Vegas. The CHDC also allowed the public to submit written comment. One public comment was received via email in advance of the hearing, and summarized

into the record during the hearing. The public comment stated that the Lyon County Community Development Department preferred that the CHDC meetings be held on a consistent day each month so that the public could plan in advance.

Interested parties may obtain a summary of public comment by contacting the State Historic Preservation Office.

3. The number of persons from the public who:

a. Attended each hearing:

Four members of the public attended the public hearing on July 10, 2024.

b. Testified at each hearing:

No person from the public testified at the public hearing on July 10, 2024.

c. Submitted to the agency written comments:

One person from the public, Gavin Henderson, Lyon County Community Development Director, submitted a written comment on behalf of the Lyon County Community Development Department.

4. A list of names and contact information, including telephone number, business address, business telephone number, electronic mail address, and name of entity or organization represented (if provided to the agency), for each person who testified at each hearing and submitted to the agency written statements.

No persons testified at the public hearing on July 10, 2024. One comment was received in writing from the following individual:

Name: Gavin Henderson
Title: Lyon County Community Development Director
Organization: Lyon County Community Development Department
Organization Phone: 775-463-6592
Direct Line: 775-463-6592, ext. 2473
Email: ghenderson@lyon-county.org
Address: 27 S. Main Street, Yerington, NV 89447

5. A description of how comment was solicited from affected businesses, a summary of their response, and an explanation how other interested persons may obtain a copy of the summary.

The CHDC and the State Historic Preservation Office (SHPO) determined that the regulation amendments do not impose a direct or significant economic burden upon a small business, or directly restrict the formation, operation, or expansion of a small

business. Therefore, comments were not directly solicited from small businesses, and no summary of their response is provided. Small businesses did have the opportunity to provide comment during the public workshops and public hearing, and were invited to submit written comment as part of the meeting notification process. The proposed amendments were also posted publicly.

6. If the regulation was adopted without changing any part of the proposed regulation, a summary of the reasons for adopting the regulation without change.

Adopted with no change.

7. The estimated economic effect of the adopted regulation on the businesses which it is to regulation and on the public. These must be stated separately, and each case must include:

a. Both adverse and beneficial effects; and

• On business:

The CHDC and SHPO foresee no adverse effects on regulated businesses as a result of the adoption of the proposed regulation change since no new requirements or processes will be added. Beneficial effects to business will be a more streamlined process for obtaining COAs for small projects, the ability to schedule a preapplication review in a more expedient manner, and a greater understanding of the historic district's principles, requirements, and processes.

• On the public:

The CHDC and SHPO foresee no adverse effects to the public as a result of the adoption of the proposed regulation change since no new requirements or processes will be added. Beneficial effects to the public will be eliminating the requirement for design review of houses built in the Virginia City Highlands, a more streamlined process for obtaining COAs for small projects, the ability to schedule a preapplication review in a more expedient manner, and a greater understanding of the historic district's principles, requirements, and processes.

b. Both immediate and long-term effects.

• On business:

The CHDC and SHPO foresee no immediate effect on a regulated businesses as a result of the adoption of the proposed regulation change since no new requirements or processes will be added. Beneficial long-term effects will be the more effective implementation of historic district regulations, which will result in the longevity of the

district's historic character and integrity. That in turn will result in increased and continued economic impacts from heritage tourism.

- **On the public:**

The CHDC and SHPO foresee no immediate effect to the public as a result of the adoption of the proposed regulation change since no new requirements or processes will be added. Beneficial long-term effects will be the more effective implementation of historic district regulations, which will result in the longevity of the district's historic character and integrity. That in turn will result in the protection of property values and improved aesthetics of the district in which they reside.

8. The estimated cost to the agency for enforcement of the adopted regulation.

The CHDC and SHPO do not anticipate incurring any additional cost resulting from the proposed NAC 384 changes.

9. A description of any regulations of other state or government agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the regulation overlaps or duplicates a federal regulation, the name of the regulating federal agency.

The proposed regulation does not overlap or duplicate any existing regulation.

10. If the regulation includes provisions which are more stringent than a federal regulation which regulates the same activity, a summary of such provisions.

The regulation does not include provisions which are more stringent than a federal regulation that regulates the same activity.

11. If the regulation provides a new fee or increases an existing fee, the total annual amount the agency expects to collect and the manner in which the money will be used.

The regulation does not create any new fees or increase an existing fee.