

NYE COUNTY AGENDA INFORMATION FORM

Action Presentation Presentation & Action

Department: Planning		Agenda Date:
Category: Timed Agenda Item – 11:00 a.m.		September 5, 2017
Contact: Darrell Lacy		Phone: 775-751-4249
Return to: Darrell Lacy		Location: Planning
Phone: 775-751-4249		

Action requested: (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. 2017-15: A Bill proposing to amend Nye County Code Chapter 16.36, Procedures for Appeal of Land Use Decisions; 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 and setting an effective date of September 25, 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	Date
4.	Date	9. Finance	Date
5.	Date	10. County Manager	<input checked="" type="checkbox"/> Place on Agenda

ITEM # 14

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

Meeting Date: September 5, 2017

AGENDA ITEMS

11:00 – For Possible Action – Public Hearing, discussion and deliberation to: 1) Adopt, amend and adopt, or reject Nye County Bill No. 2017-15: A Bill proposing to amend Nye County Code Chapter 16.36, Procedures for Appeal of Land Use Decisions; providing for the severability, constitutionality and effective date thereof; and other matters properly related thereto; and 2) Set an effective date.

GENERAL INFORMATION SUMMARY

The fees established in the adopted Fee Schedule conflict with the fees set forth within Nye County Code. The purpose of this Bill is to amend the code to refer to the adopted Fee Schedule instead of listing the fee amounts in the code.

Attached is the proposed Bill.

Staff recommends an effective date of September 25, 2017.

RECOMMENDATION

Recommended BOCC Motion: "I move adopt Bill 2017-15 with an effective date of September 25, 2017."

BILL NO. 2017-15

NYE COUNTY ORDINANCE NO. _____

SUMMARY: A Bill proposing to amend Nye County Code Chapter 16.36, Procedures for Appeal of Land Use Decisions; 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 16.36, PROCEDURES FOR APPEAL OF LAND USE DECISIONS; 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:

16.36.050: FEES:

Fees shall be charged in accordance with the current fee schedule as adopted by resolution of the board of county commissioners. It is intended that the fees required for the filing of appeals are for the purpose of covering the county's costs associated with the processing of any applicable public hearing notifications and related administrative costs.

A. Summary Of Fees For Appeals:

Appeal Type	Appeal Fee
Public hearing items: Appeal of Pahrump regional planning commission decisions to the board of county commissioners related to public hearing items such as waiver, variance, conditional use permit, or road abandonment applications.	\$200.00 (public hearing) <u>See adopted fee schedule.</u>
Nonpublic hearing items: Appeal of Pahrump regional planning commission decisions to the board of county commissioners related to division of land applications, parcel maps, large parcels maps, and tentative subdivision maps.	<u>No fee</u> <u>See adopted fee schedule.</u>
Zoning administrator decisions: Appeal of decisions of the zoning administrator or planning director to the Pahrump regional planning commission, related to administrative interpretations, code compliance actions, or other administrative decisions.	<u>No fee</u> <u>See adopted fee schedule.</u>
Pahrump regional planning commission decisions: Appeal of decisions of the Pahrump regional planning commission to the board of county commissioners related to administrative interpretations, code compliance actions, or other related administrative decisions of the zoning administrator or planning director.	<u>No fee</u> <u>See adopted fee schedule.</u>

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

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Zoning administrator decisions: Appeal of decisions of the zoning administrator or planning director to the Pahrump regional planning commission, related to administrative interpretations, code compliance actions, or other administrative decisions.	See adopted fee schedule.
Pahrump regional planning commission decisions: Appeal of decisions of the Pahrump regional planning commission to the board of county commissioners related to administrative interpretations, code compliance actions, or other related administrative decisions of the zoning administrator or planning director.	See adopted fee schedule.

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.

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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