

SUMMARY: Amends Washoe County Ordinance No. 57 to provide procedure for issuance of Tahoe Regional Planning Agency Administrative Permits.

BILL NO. 479

ORDINANCE NO. 314

AN ORDINANCE AMENDING, REPEALING IN PART AND RE-ESTABLISHING A LAND USE PLAN WITHIN THE UNINCORPORATED AREA OF WASHOE COUNTY, REGULATING AND RESTRICTING THE USE OF LAND; THE LOCATION, USE, BULK, HEIGHT, AND NUMBER OF STORIES OF STRUCTURES; THE DENSITY OF POPULATION; THE PROPORTION OF LAND TO BE COVERED BY STRUCTURES; ESTABLISHING SETBACK LINES; PROVIDING FOR ADJUSTMENT, ENFORCEMENT AND AMENDMENT OF SAID LAND USE PLAN AND ITS ORDINANCES; PRESCRIBING PENALTIES FOR THE VIOLATION THEREOF AND OTHER MATTERS RELATING THERETO.

THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF WASHOE DO ORDAIN:

SECTION 1.

Article 40 of Washoe County Ordinance No. 57 is hereby amended to read as follows:

ARTICLE 40 FEES

- A. Before accepting any applications hereinafter mentioned, the following fees shall be charged, collected and deposited with the County Treasurer.
 - 1. For a Change of Land Use District, \$75.00.
 - 2. For a Variance, \$50.00;
For a Special Use Permit, \$25.00;
For an Administrative Permit required by Tahoe Regional Planning Agency ordinances, \$50.00.
 - 3. For an appeal to the Board of County Commissioners, \$25.00.
 - 4. No fee shall be charged any governmental agency for application for Variance, Special Use Permit or Change of Land Use District.

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SECTION 2.

Article 43 of Washoe County Ordinance No. 57 is hereby amended to read as follows:

ARTICLE 43 SPECIAL USE PERMITS AND ADMINISTRATIVE PERMITS REQUIRED BY TAHOE REGIONAL PLANNING AGENCY ORDINANCES

- A. Where the establishment of uses or functions requires issuance of a permit, as provided herein with the exception of Tahoe Regional Planning Agency Administrative Permits, the following shall apply:
 - 1. Procedure: Any person seeking issuance of a Permit shall file a request with the Administrator and shall appear before the Board of Adjustment or the Planning Commission presenting evidence of all the following:
 - (a) That the use is necessary to the public health, convenience, safety and welfare and to the promotion of the general good of the community, and
 - (b) That the use of the property for such purposes will not result in material damage or prejudice to other property in the vicinity.

2. Investigation: The Administrator shall investigate each application to assure that the proposal in each application is consistent with the intent and purpose of this ordinance.
3. Hearing: The Board of Adjustment or the Planning Commission may hold a public hearing upon the application; if such hearing is held, notice shall be given as set forth in Article 41 herein.
4. Findings: Within 65 days from date of filing, the Board of Adjustment or the Planning Commission shall submit findings and recommendation to the Board of County Commissioners. The applicant shall be notified of such recommendation not later than 3 days after submission of the report to the Board of County Commissioners. The Board of Adjustment, the Planning Commission, or the Board of County Commissioners in approving the permit, may require certain conditions under which the proposed use may be allowed which will prevent material damage to adjacent properties, and provide suitable safeguards to the public health, safety and general welfare. Such conditions may include time limitations, architectural considerations, access provisions, off-street parking, greenbelt planting requirements or other controls.

B. Revocation of Special Use Permits.

1. Failure to comply with any conditions imposed in the issuance of special use permits shall result in the institution of revocation procedures.
2. The Board of Adjustment or the Planning Commission shall hold a public hearing upon the revocation of a Special Use Permit and notice shall be given as prescribed for issuance of a special use permit.
3. The Board of Adjustment or the Planning Commission shall submit findings and recommendation on revocation to the Board of County Commissioners. The person or persons to whom the special use permit has been issued shall be notified of such recommendations not later than three (3) days after submission of the report to the Clerk of the Board of County Commissioners.
4. The Board of County Commissioners upon receipt of recommendations for revocation of a special use permit may revoke such permit for failure to comply with any of the conditions imposed in the issuance of the special use permit.

C. Where Tahoe Regional Planning Agency ordinances require issuance of an administrative permit by the Permit-issuing Authority (The Board of County Commissioners of Washoe County), the following procedures shall apply:

1. The Chief Building and Safety Inspector of Washoe County is hereby designated as the officer of the "Permit-issuing Authority," as that term is defined in Tahoe Regional Planning Agency ordinances, and empowered to issue or deny issuance of administrative permits required pursuant to Tahoe Regional Planning Agency ordinances.
2. Any person seeking issuance of an administrative permit shall file with the Washoe County Building

and Safety Division, on forms supplied by said division, five (5) completed copies of the application form, each accompanied by all information and documentation required by said forms.

3. The Washoe County Building and Safety Division shall distribute copies of the application form and other information and documentation submitted to those departments of Washoe County whose functions and responsibilities cover any aspect of the application. Such departments shall transmit their comments regarding the application to the Chief Building and Safety Inspector of the Building and Safety Division within ten (10) working days of that department's receipt of the application and accompanying information and documentation. Such comments shall be directed toward compliance of the application proposal with requirements of Washoe County and Tahoe Regional Planning Agency ordinances. The Chief Building and Safety Inspector shall issue an administrative permit to the applicant if the application proposal is in compliance with all Tahoe Regional Planning Agency and Washoe County ordinances within five (5) days of his receipt of all comments from Washoe County departments. He shall not issue an administrative permit if the application proposal is not in compliance with said ordinances.
4. Within five (5) working days following final action by the Chief Building and Safety Inspector, notice of the decision of the Chief Building and Safety Inspector on behalf of the Permit-issuing Authority shall be transmitted to the applicant by mail. If the Chief Building and Safety Inspector fails or refuses to issue an administrative permit within twenty (20) days of his receipt of a properly executed and completed application, the applicant may appeal the adverse decision of the Chief Building and Safety Inspector or the failure of the Chief Building and Safety Inspector to issue such permit to the Board of County Commissioners of Washoe County.
5. The Board of County Commissioners of Washoe County shall consider such an appeal of an applicant in public hearing within thirty (30) days of the Board's receipt of an applicant's appeal. On appeal, the Board shall consider comments made by affected departments of Washoe County and shall provide an opportunity for oral comments to be made by the applicant and the Chief Building and Safety Inspector of Washoe County with respect to such application. Notice of such public hearing on such an appeal shall be given by the Clerk of the Board by one publication in a newspaper of general circulation at least fifteen (15) days before the date set for the hearing.
6. Within five (5) working days following public hearing to consider an appeal, the Board shall transmit written notice of its decision to the applicant. A copy of such written decision shall be considered official notice to the Tahoe Regional Planning Agency of the action of the Board of County Commissioners of Washoe County.

SECTION 3.

This ordinance shall be in full force and effect from and after its passage, approval and publication as prescribed by NRS 244.100.

Proposed on the 5th day of May, 1976.
Proposed by Commissioners Scott, Grow, Rusk, Nelson and Gaunt.
Passed on the 25th day of May, 1976.

Vote:

Ayes: Commissioners: Scott, Grow, Rusk, Nelson and Gaunt.
Nays: Commissioners: None.
Absent: Commissioners: None.


Chairman of the Board

ATTEST:

ALEX SCOTT
By  CLERK DEPUTY

This ordinance shall be in force and effect from and after the 9th
day of June, 1976.