

NYE COUNTY AGENDA INFORMATION FORM

Action
 Presentation
 Presentation & Action

Department: Public Petitioner		Agenda Date:	
Category: Regular Agenda Item		September 15, 2020	
Contact: Micah Wittenborn		Phone: 360-352-3040	Continued from meeting of:
Return to:	Location:		Phone:
Action requested: (Include what, with whom, when, where, why, how much (\$) and terms) <p>Discussion and deliberation regarding a request from Micah Wittenborn to waive the Waiver Application fee of \$350.00 and the \$175.00 noticing fee associated with the Waiver Application. Micah Wittenborn – Requestor/Property Owner. 3081 S. Margarita Ave., Pahrump, NV, Assessor’s Parcel Number 042-672-21.</p>			
Complete description of requested action: (Include, if applicable, background, impact, long-term commitment, existing county policy, future goals, obtained by competitive bid, accountability measures) <p>Micah is asking that the Waiver Application and noticing fees totaling \$525.00 be waived to have a hearing to be the same as his neighbors. A neighbor has recently filed a complaint regarding the chickens kept by Mr. Wittenborn. His long-term goal is an environmentally friendly, organic, self-sustainable, clean urban garden. Micah is on a fixed income.</p>			
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) <p style="text-align: right;"><input checked="" type="checkbox"/> No financial impact</p>			

Routing & Approval (Sign & Date)

1. Dept	Date	6.	Date
2.	Date	7. HR	Date
3.	Date	8. Legal	Date <i>N/A</i>
4.	Date	9. Finance	Date <i>N/A</i>
5.	Date	10. County Manager	Date

Place on Agenda

MG ITEM # 46

NYE COUNTY AGENDA INFORMATION FORM

Action
 Presentation
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Department:		Agenda Date:	
Category: Public Petitioner			
Contact: Micah Wittenborn	Phone: (360) 352-3040	Continued from meeting of:	
Return to:	Location:	Phone:	
Action requested: (Include what, with whom, when, where, why, how much (\$) and terms) Requesting waiver of filing fees of \$25 ⁰⁰ for (NYE CO. waiver application (NCC 17.04.915)) due to low income "SSDI"			
Complete description of requested action: (Include, if applicable, background, impact, long-term commitment, existing county policy, future goals, obtained by competitive bid, accountability measures) I am asking that the public hearing fees of \$25 ⁰⁰ be waived to have a hearing to be the same as my neighbors and long term goal is an environmentally friendly, organic, self sustainable clean urban garden <div style="text-align: right;">(see attached)</div>			
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	Date:

Item #: _____

EXHIBIT A

Background

Three years ago the applicant lost his 9-year old son, mother, and father in a traffic accident caused by a drunk driver. At that time he and his son were raising chickens to provide eggs to needy and homeless in Olympia, Washington. The applicant continued this project after his son's death, learning that it provided comfort to him, relieving his Post Traumatic Stress Disorder.

Due to his PTSD and physical limitations from an unrelated traffic accident, the applicant wishes to continue this therapeutic activity in his new home, in Pahrump. He keeps a maximum of 24 hens (no roosters), 12 of which are eaten each year. The eggs in excess of his own consumption are donated to a food bank. He will keep 4 turkeys from Spring through November. One will be harvested for himself and his wife; the other three will be donated to a food bank.

Unique Site

Upon locating to Pahrump, the applicant was unaware of any restriction on limited small livestock. However, he carefully selected the site he currently occupies. It has a seven foot block wall along one side. The opposite side has a 40-foot, 9'6" cargo container, plus trailer and truck parking that provide barriers; this neighbor has no objection to his therapy activity. The property to the rear is shielded by a barrier of evergreen trees, as well as deciduous trees; this owner also has no objection.

This site is quite unique and does not provide a precedent for other lots in this zoning.

Consistent With Other Uses in the Neighborhood

There are many other residences in the neighborhood who raise various numbers of chickens or other small domestic livestock, without the unique isolation of the applicant's property. There are no widespread, uncontrolled, or obnoxious problems. The character of the neighborhood will not be improved by eliminating the applicant's therapy activities, nor will the character be damaged by allowing him to continue.

Conclusion

The applicant conducts dust and odor control. The waste is composted and used for his garden, which (with the poultry) assist him by providing economical, healthy food for him and his wife.

Due to his physical condition, the applicant has a limited income and cannot afford another relocation.

The applicant respectfully requests that he be allowed to continue his therapy activities, with the understanding that he will agree to the following restrictions:

1. Odor and dust control will be strictly enforced.
2. The applicant will not raise adult roosters, culling them early.
3. There will be no more than 24 chickens and four turkeys.
4. The applicant agrees to random inspections, and will immediately correct any problems noted by an inspector.

1 **NYE COUNTY RESOLUTION NO. 2017-08**

2 **A RESOLUTION AMENDING THE FEE SCHEDULE FOR THE NYE COUNTY PLANNING**
3 **DEPARTMENT**

4 WHEREAS, the Board finds that the actual costs of processing land use planning-related
5 applications should be borne by the applicants for such services; and

6 WHEREAS, the Board finds that the current fees are not adequate to cover the actual costs
7 incurred by the County in processing planning-related matters; and that the proposed fee changes
8 attached herein are necessary and appropriate; and

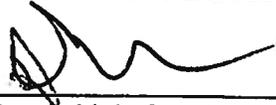
9 WHEREAS, whenever any such list or fee schedule is promulgated or updated such list or
10 schedule shall by implication supersede any previous application fees whether set forth in a previous fee
11 list or schedule or specific ordinance in any Title of the Nye County Code; and

12 NOW THEREFORE, IT IS HEREBY RESOLVED that the attached proposed planning-related
13 fees are now updated and amended, and shall be effective within all areas of Nye County where such
14 fees are applicable, both inside and outside of the Pahrump Regional Planning District; and this fee
15 schedule supersedes any previous application fees whether set forth in a previous fee schedule or Nye
16 County Code. It is also hereby resolved that the fees listed and attached to this Resolution shall become
17 effective on the 7th day of March, 2017.

18 ADOPTED this 7th day of February, 2017.

19 BE IT FURTHER RESOLVED, and hereby ordered that the Director of the Planning
20 Department of Nye County shall cause this Resolution to be recorded in the office of the Nye County
21 Recorder.

22 NYE COUNTY BOARD OF
23 COUNTY COMMISSIONERS:

24 
25 _____
Dan Schinhofen, Chairman

ATTEST:



Sandra D. Merlino, Nye County Clerk
And Ex-Officio Clerk of the Board

Nye County Planning Applications *3	Current Fee	Proposed Fee
Abandonment: Road		\$500 plus advertising/noticing fee
Abandonment: Road (PRPD)	\$500	
Abandonment: Road (outside PRPD)	\$650	
Address Street Number for New Lots	\$5	\$10.00
Administrative Extension of Time: Map	\$150	\$150
Administrative Extension of Time: Zone Change	\$300	\$300
Administrative Minor Deviation	\$300	\$300
Agricultural Exemption	No Fee	No Fee
Appeals		
Non Public Hearing	\$100	200.00
Public Hearing	\$200	\$200 + advertise/noticing fee
Directors Decision (Non Public Hearing)	No Charge	\$100.00
Boundary Line Adjustment (PRPD)	\$300	\$500.00
Boundary Line Adjustment (outside PRPD)	\$650	\$500.00
Business License Review Application	\$10	\$20.00
Home Occupation Permit	\$10	\$20.00
Mobile Food Vendors	None	\$50.00
Certificates of Amendment (each)		
No survey monuments, property line or boundary line changes.	\$100	\$100.00
Changes to monuments, property line or boundary line.	\$100	\$200 plus Surveyor Fees
Conditional Use Permit *2	\$350	\$200 + adv./notice fee
Conditional Use Permit: Class I Liquor Service	\$400	\$500 + adv./notice fee
Conditional Use Permit: Class II Liquor Service	\$750	\$500 + adv./notice fee
Conditional Use Permit: Class III Liquor Service	\$750	\$500 + adv./notice fee
Conditional Use Permit: Highly Hazardous Materials	\$750 plus \$25 per acre	\$750 plus \$25/acre + adv./notice fee
Continuance & Rehearing (Applicant Requested)	\$250	\$250
County Surveyor Review	\$250	\$250
Deed Execution	None	\$100.00
Development Agreement	\$6,500	\$6,500
Amended Development Agreement	\$1,000	\$1,000
Document Research (as work load allows)	\$50 per hour with \$50 minimum	\$50 per hour with \$50 minimum
Easement Deed Preparation	\$20	\$100.00
Elevation Certificate Review	None	\$75.00
Extention of Time		
Public Hearing	\$250	\$250 + advertise/noticing fee
Family Cemetery Designation (outside PRPD)	No Charge	\$100.00
Field Review Fee (Site not surveyed, etc)	\$100 after Initial review	\$100, plus mileage
Improvement Agreement		
Parcel Map	\$500	500.00
Subdivision	\$750	750.00
Security Release (all or part)	\$150	150.00
Release Preparation Fee	None	None

Nye County Planning Applications *3	Current Fee	Proposed Fee
Large Format Maps		
Map of Reversion/Merger Re-Subdivision	.24 sq ft	2'x3' \$10; 3'x4' \$20
Inside PRPD	\$300	\$300.00
Outside PRPD	\$650	\$650.00
Master Plan Map Amendment (Major)	\$750	\$1,500 + advertise/noticing fee
Master Plan Text Amendment (Minor)	\$750	\$1,000 + advertise/noticing fee
Maintenance and Operation Agreement		
Sewer System	\$500 Separately	No changes made
Water System	\$500 Separately	no changes made
Medical Marijuana Business License Application		
Dispensary - Initial	\$15,000.00	\$15,000.00
Dispensary - Annual Renewal	\$7,500.00	\$7,500.00
Cultivation - Initial	\$5,000.00	\$5,000.00
Cultivation - Annual Renewal	\$2,500.00	\$2,500.00
Production - Initial	\$5,000.00	\$5,000.00
Production - Annual Renewal	\$2,500.00	\$2,500.00
Testing Laboratory - Initial	\$2,500.00	\$2,500.00
Testing Laboratory - Annual Renewal	\$1,250.00	\$1,250.00
Parcel Map	\$850.00	\$850 + Cost of travel for outside PRPD + \$10.00 per lot
Administrative Second Approval	\$150.00	200.00
Large Parcels Map Tentative (Outside PRPD)	\$650.00	\$650 + Cost of travel for outside PRPD + \$10.00 per lot
Large Parcels Map (Final) (Outside PRPD)	\$350.00	\$350 + Cost of travel for outside PRPD + \$10.00 per lot
Large Parcels Map (Final) (PRPD)	\$200.00	\$200 + \$10.00 per lot
Large Parcel Map (Tentative) (PRPD)	\$500.00	\$500 + \$10.00 per lot
Planned Unit Development	\$550.00 plus \$25.00 per acre	\$550 plus \$25.00 per acre
Pre-Development Meeting (no charge for first meeting)		
Additional Pre-Development Meetings	None	\$100.00
Reconsideration of Conditions of Approval		
Non Public Hearing	\$250.00	\$250.00
Public Hearing	\$450.00	450 + advertise/noticing fee
Sign Review Application	No fee at this time.	\$25 per sign/\$100 max per application
Site Development Plan Review *1		
Single Family plus all Accessory Buildings including Detached Guest Residences	\$150	Remove, combined below.
Detached Guest Building	\$50	
Other Accessory Buildings > 199 square feet	\$50	
Commercial/Industrial Buildings	\$0.20 per sq ft	
Commercial/Industrial Accessory Buildings	\$0.10 per sq ft	
ALL Commercial/Industrial Buildings/Accessory Buildings		\$.20 per sq ft for the first 10,000 Sq. Ft. and \$.02 for any additional Sq. Footage.

Nye County Planning Applications *3	Current Fee	Proposed Fee
Each additional final site inspection		\$100.00
Solid Waste Permit	\$1,500	1,500 + advertise/noticing fee
Special Use Permit	\$350	350 + advertise/noticing fee
Marijuana Applications	\$350	\$1,500.00
Marijuana Amendments	\$350	\$750.00
Street Name Change (Public or Private Street) add advertising fee/noticing		
One Intersection	\$500 plus all sign costs	\$500 plus all sign costs
Two to Four Intersections	\$750 plus all sign costs	\$750 plus all sign costs
More than Four Intersections	\$1000 plus all sign costs	\$1000 plus all sign costs
Subdivision Map		
Tentative Residential (PRPD)	\$750.00 plus \$10 per lot	\$750.00 plus \$10 per lot
Modified Tentative Map (PRPD)	1/2 of original application fee	1/2 of original application fee
Final Map Technical Review-	\$300 plus \$10 per lot	\$300 plus \$10 per lot
Final Map (PRPD)	\$10 per lot	
Amended Final Map (PRPD)	\$350	350.00
Subdivision Map (outside PRPD)		
Tentative (Outside PRPD)	\$1200 + \$10 per lot	\$1200 + \$10 per lot
Final Map (Outside PRPD)	\$850 + \$10 per lot	\$850 + \$10 per lot
Amended Final Map (Outside PRPD)	\$650	\$650
Mobile Home Park / RV Parks (outside PRPD)	\$500 + \$10/lot or space	\$500 + \$10/lot or space
Temporary Use Permit		
Annual Renewal	\$30	Same
	\$10	20.00
Tenant Improvement Application	\$10	10.00
Waiver (Public Hearing) *2	\$350	350 + advertise/noticing fee
Waiver of Design or Document Submittal Standards (Administrative Waiver)	\$20	25.00
Zoning District Amendment (Zone Change) Application *2	\$550 plus \$25 per acre	\$550 + advertise/noticing fee
Zone Change Extension of Time (Public Hearing)	\$275 plus \$10 per acre	Same + advertise/noticing fee
Zoning Ordinance Text Amendment	\$750	Same
Zoning Review Application	\$10	Accessory structures < 400 Sq Ft. \$10; SFR, Guest Residence, Accessory Structures > 400 Sq. Ft. \$25
Additional charges to applicable applications:	None	Advertising fee \$100, Noticing fee \$75.00

FOOTNOTES

*1 Site Development projects that fall under Rural Agricultural Exemption are half the cost of Site Development fees.

*2 Zone Change, Waivers, CUPs, Master Plan Amendments are half price if combined with applicable applications.

*3 BOCC can waive some or all application fee's at their discretion.

NYE COUNTY WAIVER APPLICATION (NCC 17.04.915)



*** This application will not be taken over the counter. Please call (775) 751-4249 to schedule an appointment ***

Application Checklist

- Original signed application
- Fee (Application includes a \$175 notification fee)
- Proof of Ownership
- Conceptual Site Development Plan (one legible 8.5"x 11" print and one electronic) in conformance with Article IX of the NCC (17.04.970)
- A Legal Description of the property involved
- Justification letter (letter must address the following):
 - Explain the provisions or regulations of this chapter from which the property or structure is sought to be waived or excepted
 - Justification to reduce/waive buffer and distance separation requirements (if applicable)
 - Does the proposed use comply with all applicable provisions of the development code?
 - Is the proposed use compatible with adjacent uses in terms of scale, site design, operating characteristics, hours of operation, traffic generation, lighting, noise, odor, dust, and other external impacts?
- Elevations of all proposed buildings or alterations in sufficient detail to meet requirements of the planning commission

Any person requesting a waiver or exception by the Zoning Administrator shall present a valid application. It shall include:

- All required documents previously listed
- Fee (\$25 application fee)
- If the subject property is located within an area governed by a homeowners' association (HOA), the applicant must present at time of filing of the application a letter from the HOA approving the proposed development on the subject property, specifically stating they are aware of the applicant's intent to apply for a waiver and they approve the size, height, setback and/or location on the subject property.
- An applicant applying for a waiver or exception, in addition to the above listed submittal requirements must provide written consent of the owner(s) of any adjacent property that would be affected by the waiver or exception.
- Evidence of ability and intent of applicant to proceed with actual construction in accordance to submitted plans within six (6) months of filing date.

Pursuant to Nevada Revised Statutes 278.319, the Director of Planning may grant a deviation of less than ten percent (10%) from the requirements for land use established within a zoning district without conducting a hearing.

Any action that has in effect granted a waiver or exception of ten percent (10%) or more shall be deemed a violation of the zoning administrator's power and this chapter and be of no force and effect; however, the zoning administrator may recommend to the planning commission that an amendment to this chapter be considered.

****Falsification of any information contained hereon may cause all approvals to be revoked.**

Application Fee

Public Hearing \$525
Administrative \$25

Department of Planning
250 N. Hwy 160, Ste. 1
Pahrump, NV 89060
Phone: 775-751-4249
Fax: 775-751-4324
Website: www.nyecounty.net

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Waiver

Administrative Public Hearing

Project Name: _____

Project Location: _____

Assessor's Parcel Number(s): _____

Existing Zoning: _____ Master Plan Land Use: _____ Gross Acres: _____

Intent of this Request: _____

Property Owner	Name _____ Company _____			
	Address _____		City _____	
	State _____	Zip Code _____	Phone _____	Email _____
Agent/Applicant	Name _____ Company _____			
	Address _____		City _____	
	State _____	Zip Code _____	Phone _____	Email _____

(I, We), the undersigned swear and say that (I am, We are) the owner(s) of record on the tax rolls of the property involved in this application to initiate under Nye County Code; that the information on the plans and drawings attached hereto, and all the statements and answers contained herein are in all respects true and correct to the best of my knowledge and belief, and the undersigned understands that this application must be complete and accurate before a hearing can be conducted, (I, We) also authorize the Nye County Planning Department and its designee, to enter the premises of the property subject to this application for the purpose of gathering information for the purpose of advising the public of the proposed application. FURTHER, THE UNDERSIGNED HEREBY ACKNOWLEDGES THAT HE/SHE IS AWARE OF AND HAS READ THE ATTACHED "LIST OF POTENTIAL NYE COUNTY DEVELOPMENT REQUIREMENTS."

Property Owner/Agent Signature

Print Name

For Office Use Only

Date Filed:	Application Number:	Received By:
Processed By:	MEETING DATES	
Receipt #:	RPC:	BOCC: Advertise Date: FAM Issued:
Code Enforcement on file: <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	Related Case Numbers:	
Case #:		
STAFF NOTES:		

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LIST OF POTENTIAL NYE COUNTY DEVELOPMENT REQUIREMENTS

This is a list of potential land development requirements based on existing Nye County Code and other adopted regulations and policies that may be applicable to your development project. Not all requirements listed here will necessarily apply in all cases. The type and extent of the development will determine which requirements apply to your specific project. Please be advised this list is not intended to be all-inclusive; there may be other federal, state or local regulations not listed here that may be applicable to your development project.

1. A liquor, gaming and/or fireworks license, permit, or other State, County or Town issued permit, license, or approval may be required for your intended use.
2. Drainage studies, construction plans, geotechnical reports and/or traffic studies may be required and must be submitted and approved, and all improvements must comply with the approved plans.
3. Development of the subject property may require the installation of an engineered septic system or connection to public utilities.
4. Prior to development of the site, approval may be required of a Site Development Plan, which may include review of parking layout, landscaping, lighting, public improvements, proposed signage, etc.
5. Property owner or developer may be required to make road or other improvements to the adjacent right-of-way(s) in accordance with Nye County standards.
6. Water rights may be required to be transferred to the Nevada State Water Engineer's Office in the amount of 2.0 acre-feet for each additional parcel created less than five (5) acres gross in size.
7. No construction of public improvements shall occur until any required plans are submitted and approved in accordance with the Guidelines for Design & Review of Development Engineering Submissions along with the calculations of the construction valuation, and plan check and inspection fees shall be borne by the Developer(s).
8. Developer may be required, at their own cost, to perform and complete other improvements required by the Board of County Commissioners, state and county statutes, codes, regulations, etc., and those improvements set forth in the plans, documents and reports submitted by the Developer. Improvements include, but are not limited to, road construction, installation of traffic signage, drainage improvements, and any extensions of utility lines.
9. Should the developer submit a land division map for recordation prior to the completion of any required improvements, the developer shall include cost estimates prepared by a civil engineer licensed in the state of Nevada indicating the costs of all remaining improvements.
10. Developer may be required to provide Nye County with adequate financial security such as a performance bond or irrevocable letter of credit in an amount equal to 125% of the engineer's estimate, in order to ensure completion of the required improvements.
11. The submittal of an Adequate Public Facilities (APF) report applicable to the project for which such approval is sought may be required, containing background information that describes the proposed development, its location, and the adequacy and conditions of all surrounding public facilities; identification and analysis of development impacts to public facilities; and proposed program for mitigating impacts to the public facilities. Any such submittal must address the impacts of each phase of the project development and must submit a schedule for each phase of construction.
12. As deemed appropriate under applicable rules, the Director of Public Works may determine that certain public improvements are required as a condition of approval but may be deferred upon technical review of owner's submissions. The owner of the property shall agree to pay for his share of the deferred public improvements and such agreement shall be recorded by the owner on the title of the land.
13. The developer may be responsible for improvements, repairs, striping, re-striping, signage, reconstruction, rehabilitation, or resurfacing of roads. Determination of this requirement is the sole responsibility of the Department of Public Works.
14. The need for traffic improvements required as a result of a Traffic Impact Analysis (TIA) shall be subject to Public Works Department review and approval.
15. The Public Works Department reserves the right to provide further comments on all development servicing issues upon review (if applicable) of sanitary, geotechnical, technical drainage studies, and/or traffic impact analysis.
16. All encroachments into a road easement must conform to Nye County Code § 12.08.010 and a permit must be obtained from Nye County Public Works.
17. Any above-ground obstructions within an easement, right-of-way, roadway and/or street, such as trees, utility lines, utility poles, utility boxes, guy wires, mailboxes and similar items may be required to be removed or relocated from the easement, right-of-way, roadway and/or street.
18. Prior to construction of new buildings or structures, the property owner may be required to obtain approval of building, plumbing, electrical or other construction permit(s) through Pahrump Building & Safety.
19. Should any interior work to an existing building be proposed, applicant may be required to submit and obtain approval of a Tenant Improvement (TI) application through the Planning Department, followed by any required building, electrical or plumbing permits from Pahrump Building & Safety.
20. Prior to beginning operation, property owner may be required to obtain approval of a Business License from the Town of Pahrump.