

NYE COUNTY AGENDA INFORMATION FORM

Action
 Presentation
 Presentation & Action

Department: Planning	Agenda Date:
Category: Timed Agenda Item – 11:00 a.m.	April 17, 2018

Contact: Brett Waggoner	Phone: 775-751-4249	Continued from meeting of:
Return to: Brett Waggoner	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. 2018-04: A Bill proposing to amend Nye County Code Title 15 Building and Construction, Chapter 15.32 Pahrump Regional Planning District Impact Fees, pertaining to the Impact Fee Deferral Option and the Early Payment Incentive; 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, with an effective date of May 7, 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.

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

RB 03:02:18
 Date
 Date
 Date
 Place on Agenda
 Date
 ITEM # 14

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

Meeting Date: April 17, 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. 2018-04: A Bill proposing to amend Nye County Code Title 15 Building and Construction, Chapter 15.32 Pahrump Regional Planning District Impact Fees, pertaining to the Impact Fee Deferral Option and the Early Payment Incentive; providing for the severability, constitutionality and effective date thereof; and other matters properly related thereto; and 2) Set an effective date.

GENERAL INFORMATION SUMMARY

Staff recommends adoption with an effective date of May 7, 2018.

Attached is the proposed Bill.

RPC MINUTES

Not applicable.

RECOMMENDATION

Recommended BOCC Motion: "I move to adopt Bill 2018-04 with an effective date of May 7, 2018."

DRAFT

BILL NO. 2018-04

NYE COUNTY ORDINANCE NO. _____

SUMMARY: A Bill proposing to amend Nye County Code Title 15 Building and Construction, Chapter 15.32 Pahrump Regional Planning District Impact Fees, pertaining to the Impact Fee Deferral Option and the Early Payment Incentive; 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 15 BUILDING AND CONSTRUCTION, CHAPTER 15.32 PAHRUMP REGIONAL PLANNING DISTRICT IMPACT FEES, PERTAINING TO THE IMPACT FEE DEFERRAL OPTION AND THE EARLY PAYMENT INCENTIVE; 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 and the general welfare of the residents 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; and

WHEREAS, pursuant to NRS 278B.230, the Board may, by ordinance, determine that impact fees are to be collected at the same time as the fee for issuance of a building permit for the service unit; and

WHEREAS, the Board finds these changes to be appropriate and an improvement to the regulations;

NOW, THEREFORE, the Board of County Commissioners of the County of Nye, State of Nevada, does ordain (NRS 244.110):

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:

15.32.080: TIME OF PAYMENT:

The impact fee shall be determined and ~~may~~ shall be paid at a discounted rate at the same time as the fee for issuance of a building permit, or the impact fee may be deferred as further described below. The applicant for a building permit shall pay the impact fee.

~~A. Impact Fee Deferral Option: An applicant may elect to defer the impact fee payment until after construction is completed, and prior to issuance of the certificate of occupancy. Should an applicant choose to defer the payment of the impact fee until after completion of construction, the applicant shall pay the full amount of the impact fee prior to occupancy of the building. A certificate of occupancy shall not be granted until the impact fee has been paid.~~

~~B. Early Payment Incentive: If an applicant elects to pay the impact fee at the same time as the fee is paid for the issuance of a building permit, the total amount of the impact fee due shall be reduced by ten percent (10%) as an early payment incentive. (Ord. 455, 2014)~~

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. "Sam" Merlino
Clerk and Ex-Officio
Clerk of the Board

DRAFT

BILL NO. 2018-04

NYE COUNTY ORDINANCE NO. _____

SUMMARY: A Bill proposing to amend Nye County Code Title 15 Building and Construction, Chapter 15.32 Pahrump Regional Planning District Impact Fees, pertaining to the Impact Fee Deferral Option and the Early Payment Incentive; 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 15 BUILDING AND CONSTRUCTION, CHAPTER 15.32 PAHRUMP REGIONAL PLANNING DISTRICT IMPACT FEES, PERTAINING TO THE IMPACT FEE DEFERRAL OPTION AND THE EARLY PAYMENT INCENTIVE; 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 and the general welfare of the residents 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; and

WHEREAS, pursuant to NRS 278B.230, the Board may, by ordinance, determine that impact fees are to be collected at the same time as the fee for issuance of a building permit for the service unit; and

WHEREAS, the Board finds these changes to be appropriate and an improvement to the regulations;

NOW, THEREFORE, the Board of County Commissioners of the County of Nye, State of Nevada, does ordain (NRS 244.110):

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:

15.32.080: TIME OF PAYMENT:

The impact fee shall be determined and shall be paid at the same time as the fee for issuance of a building permit. The applicant for a building permit shall pay the impact fee.

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