

Section 12.05.110 Permit Revocation

A. Purpose. To provide procedures for Securing revocation of previously approved land use permits.

B. Notice and Hearing. For those permits requiring a public hearing at the time of approval, the body considering revocation shall hold a public hearing(s) on the application. Notice shall be given pursuant to Cal. Gov't Code § 65900 and section governing Public Hearing Notice of this Chapter. Written notice of intention to revoke the permit shall be mailed to the applicant not less than ten (10) days before the public hearing.

C. Review Authority and Grounds. The body that originally approved the permit (including, but not limited to, Development Permits, Use Permits and Variances) may revoke the permit. Grounds for revocation include, but are not limited to:

1. Non-compliance with conditions of approval, mitigation measures or the approved site plan.
2. Violation of any law in connection with the permit.
3. Expansion of the use or structure without amending the existing permit or receiving a new permit.
4. Operating in a manner that threatens or is injurious to the public health or safety or constitutes a nuisance.
5. The permit was issued, in whole or in part, on the basis of a misrepresentation or omission of a material statement in the application, or in the applicant's testimony presented during the public hearing, for the permit.
6. Circumstances under which the permit was granted have been changed by the applicant to a degree that one or more of the findings contained in the original permit can no longer be made and the public health, safety, and welfare require the revocation.

Section 12.05.120 Appeals

A. Purpose. To establish procedures to be used by the Board of Supervisors in conducting public hearings on appeals of land use matters. These procedures provide for a fair and orderly hearing process in which all interested parties are accorded an opportunity to be heard.

B. Application. The provisions of this Section apply to all appeals of land use applications and the action taken thereon by the Planning Agency. Additionally, the Board of Supervisors may use such provisions of this Section in conducting public hearings on other land use matters before them.

C. Standing to Appeal. Any applicant for a land use permit or other approval, including a petition for a General Plan amendment or rezoning, and any interested party in any such application or petition, shall have the right to file an appeal to the Board of Supervisors on any decision of the Planning Agency.

D. Appeal Periods. An appeal of any decision of the Planning Agency shall be filed with the Clerk of the Board of Supervisors, in the manner specified in this Section, within ten (10) calendar days from the date of the Planning Agency's action, except amendments to the General Plan or zoning ordinance which shall be filed within five (5) calendar days. Any such appeal shall be accompanied by the appropriate fee, which shall be paid to the Clerk of the Board of Supervisors.

E. Stay of the Planning of Agency's Action. The filing of such an appeal within the above stated time limits shall stay the effective date of the Planning Agency's action until the Board of Supervisors has acted upon the appeal.

F. Requirements for Statement on Appeal. An appeal shall only be filed on the official form provided by the Clerk of the Board of Supervisors together with such additional information as may be necessary. A statement of appeal shall include, but not limited to:

1. Identification of the project and the decision of the Planning Agency action which is the basis of the appeal.
2. A statement of the reasons for the appeal.
3. A statement of the specific provisions which are being appealed.
4. A statement of the changes or action requested of the Board of Supervisors.
5. A summation of the arguments to be raised by the applicant.
6. Identification of the appellant.

G. Review of Notice of Appeal by Board of Supervisors. Upon the filing of an appeal with the Board of Supervisors, the Clerk shall present such appeal to the Board of Supervisors at their next regular meeting. At that time the Board shall determine if the Appeal was filed within the applicable time limits and shall summarily reject any appeal

that is filed beyond the time limits prescribed herein. Further, the Board shall determine if the Appeal contains sufficient information as required by this Section. If the Board determines that the information as supplied in the Appeal is incomplete, it may:

1. Summarily reject the Appeal for any such insufficiency of statement on Appeal; or it may
2. Instruct the Clerk of the Board of Supervisors to immediately notify the appellant of the insufficiency and allow the appellant an additional seven (7) working days in which to correct any such deficiency. If upon the expiration of any additional time, the Board determines that the statement on Appeal is still insufficient, it shall summarily reject the Appeal.

H. Board's Authority to Summarily Reject or to Set Appeal for Hearing. Upon presentation of the Notice of Appeal, together with the required statement on Appeal, to the Board of Supervisors, the Board may summarily reject the Appeal if they find that the matter being appealed is a requirement of law, or if they by unanimous vote find the appeal unmeritorious; or the Board may set the matter for public hearing as soon as time on their agenda permits, and in accordance with any other time requirements of law.

Board's Authority to Review Planning Agency Matters. The Board of Supervisors shall have the right, by majority vote within ten (10) calendar days from the date of the Planning Agency's action, to review any decision of the Planning Agency. Any such review as initiated by the Board shall be regarded as a full hearing de novo (new hearing), excepting that the provisions of Subsections E, J, and K of this Section shall apply.

I. Notice and Hearing. Following a determination by the Board to set the matter for public hearing, the Board shall hold such hearing pursuant to Section governing Public Hearing Notice.

J. Hearing Procedures. At the time and place set for any hearing as provided for herein, the Board of Supervisors shall conduct any such appeal hearing as a full hearing de novo on the project, without limitation as to the issues that may be raised, or as to the evidence that may be received. Any such hearing shall be conducted as follows:

1. Staff presentation.
2. Presentation by appellant which shall be limited to fifteen (15) minutes.
3. Presentation by project proponent (if different party than appellant) which shall be limited to fifteen (15) minutes.
4. Public hearing: The Board may limit any person's input to not less than three (3) minutes in which to give testimony.

5. Summation by project proponent – ten (10) minutes.
6. Summation by appellant – ten (10) minutes.
7. Rebuttal by members of the public – two (2) minutes.
8. Staff summation.

In the event that anyone desiring to testify before the Board of Supervisors desires to present more information to the Board than may be accomplished within the time limits set forth above, such person shall be permitted to present such information to the Board in writing, within five (5) working days prior to the date set for the appeal hearing. Any such information shall be submitted to the Clerk of the Board of Supervisors no later than the end of the fifth working day prior to the date of the hearing.

K. Action by the Board.

1. At the conclusion of the Appeal Hearing, the Board of Supervisors may sustain, overrule or modify any action of the Planning Agency. The power of the Board to modify shall include the authority to change, delete or add to the conditions of approval as set out by the Planning Agency. Any action by the Board shall be pursuant to Cal. Gov't Code § 25005, by not less than three (3) affirmative votes, provided, however, that in the event that the Board's action culminates in a two (2) to two (2) or two (2) to one (1) vote, such vote shall constitute action by the Board which shall be deemed to be a denial of the appeal and which shall result in a reinstatement of the Planning Agency's action on the project.
2. Any Appeal Hearing set before the Board pursuant to Cal. Gov't Code § 66452.5 shall be held within thirty (30) days from the date of filing the Appeal. Thereafter, within ten (10) days following the conclusion of the hearing, the Board of Supervisors shall render its decision on the Appeal. The time limits set forth herein shall not be extended.

L. Statute of Limitations. The decision of the Board of Supervisors shall be final on all matters unless an appeal therefrom is filed with the Superior Court of the County of Nevada within ninety (90) days after the decision of the Board of Supervisors.

M. Refund of Appeal Fees.

1. Upon the conclusion of any appeal, where the Board of Supervisors upholds the appeal and overturns the decision of the Planning Agency, the Board

may also authorize the return of all Appeal Fees filed by the appellant. The Board shall not authorize the return of the Appeal Fees if it finds that the Board's decision was, in whole or in part, based upon new evidence submitted by the appellant at the Appeal Hearing and which evidence was not provided to the lower hearing body.

2. Upon the conclusion of any Appeal, where the Board denies the Appeal but finds that appellants raised issues of substantial merit causing some affirmative change in the decision of the Planning Agency, the Board may also authorize the return of any portion of the Appeal Fees it deems just. (Ord. 2370§ 1. (10/08/2013); Ord. 2533. (12/05/2023))

Section 12.05.130 Public Hearing Notice

When a Public Hearing is required by this Chapter, public notice shall be given consistent with Cal. Gov't Code §§ 65090 - 65096 and this Section. Whenever notice for a Public Hearing on a land use application is required to be given to owners within 300 feet of the real property that is the subject of the hearing pursuant to Cal. Gov't Code § 65091 (a) (3), this notice shall also be given to the owners of at least ten (10) parcels, in addition to the parcel which is the subject of the hearing. If the property that is subject to the hearing is located within an area that is designated with a minimum parcel size of five (5) acres or greater, additional noticing shall be given to extend to owners within 500 feet of the subject property.

Section 12.05.140 Filing Fees

A. Filing Fees Required. Applications filed under the provisions of this Chapter shall be accompanied by a fee in accordance with the latest fee schedule adopted by Resolution of the Board of Supervisors.

B. Refunds and Withdrawals. Filing fees are utilized to cover costs of public hearings, mailing, posting, transcripts and staff time involved in processing application. Refunds due to a denial are not permitted.

In case of a withdrawal, the Planning Director shall authorize a refund based upon pro-rated costs and determination of the status of the application at the time of withdrawal.

Section 12.05.150 Mitigation and Development Fees

A. Recreation Mitigation Fees. As a condition to the issuance of a building permit, a fee for new development shall be paid pursuant to Mitigation and Development Fees, Recreation Mitigation Fees, in this Code.