



STAFF REPORT

Report To: Board of Supervisors **Meeting Date:** November 3, 2022

Staff Contact: Hope Sullivan, Community Development Director

Agenda Title: For Possible Action: Discussion and possible action regarding the appointment of Heather Ferris, AICP, Planning Manager, as a Hearing Examiner under Carson City Municipal Code (“CCMC”) 18.02.052 to review Administrative Permits received by the Community Development Department. (Hope Sullivan, hsullivan@carson.org)

Staff Summary: CCMC 18.02.110 authorizes a Hearing Examiner to review and render final decisions on zoning matters and development proposals that are identified as requiring an Administrative Permit. Community Development Director Hope Sullivan is currently the only Hearing Examiner appointed by the Board of Supervisors (“Board”). Per CCMC 18.02.052, a Hearing Examiner shall be appointed by formal action of the Board and must meet qualifications established in NRS 278.263. These qualifications include being a planner certified by the American Institute of Certified Planners (“AICP”). Ms. Ferris meets the qualifications to be a Hearing Examiner and staff requests her appointment to provide another Hearing Examiner within the Community Development Department.

Agenda Action: Formal Action / Motion **Time Requested:** 5 minutes

Proposed Motion

I move to appoint Heather Ferris as a Hearing Examiner.

Board's Strategic Goal

Efficient Government

Previous Action

N/A

Background/Issues & Analysis

Currently, Hope Sullivan is the only person appointed as a Hearing Examiner. Appointing Ms. Ferris will provide the City with backup for the efficient review of Administrative Permits within the Planning Division of the Community Development Department.

Under CCMC 18.02.110, an Administrative Permit is required in the following cases:

- a. A proposed accessory structure with a total size that is more than 50% and up to 75% of the size of the primary structure. (A Special Use Permit is required for accessory structures more than 75% of the size of the primary structure.)
- b. All non-exempt antennas, satellite dishes and wireless telecommunication identified in CCMC 18.15 (Communication Facilities and Equipment) as requiring an Administrative Permit.

c. Restaurant or bank drive-thru windows that face a street or frontage of a parcel.

Applicable Statute, Code, Policy, Rule or Regulation

NRS 278.262 through .265; CCMC 18.02.052 and 18.02.110

Financial Information

Is there a fiscal impact? No

If yes, account name/number:

Is it currently budgeted? No

Explanation of Fiscal Impact:

Alternatives

Do not appoint Heather Ferris as a Hearing Examiner and/or provide alternative direction.

Attachments:

[CCMC 18.02.052 \(Hearing Examiners\).pdf](#)

[CCMC 18.02.110 \(Administrative Permits\).pdf](#)

[NRS 278.262-265 \(Hearing Examiners\).pdf](#)

Board Action Taken:

Motion: _____

1) _____

2) _____

Aye/Nay

(Vote Recorded By)

18.02.052 Hearing examiners.

1. Appointment. A hearing examiner shall be appointed by formal action of the board and must meet the qualifications as established in NRS 278.263.
2. Compensation. The hearing examiner is entitled to no extra compensation for the hearing examiner duties.
3. Powers and Duties. The hearing examiner shall have the following power and duty to study, review, approve, disapprove or approve with conditions applications for all proposed work at hearings.
4. Procedure.
 - a. All hearings conducted by the hearing examiner in Title 18 must be at a meeting for which notice is given in accordance with the state open meeting law contained in NRS.
 - b. Notice of a hearing to be sent by U.S. Mail and to be consistent with Title 18 (Notice of Commission Hearings).
 - c. An audio recording of the hearing must be made and copies of the tapes must be made available.
 - d. The hearing examiner shall produce his decision in writing within ten days from the hearing.
5. Decision. Where Title 18 indicates the hearing examiner process may be used, the decision of the hearing examiner is final unless appealed in accordance with Title 18 (Appeals).

(Ord. 2004-13 § 13, 2004: Ord. 2001-23 § 2 (part), 2001).

18.02.110 Administrative permits.

1. Purpose. The purpose of administrative permits is to provide for the method of reviewing proposed uses which possess characteristics that have the potential to adversely affect other land uses, transportation or facilities in the vicinity. The hearing examiner may require conditions of approval necessary to eliminate or reduce any adverse effects of a use.
2. Applicability. This chapter establishes a process that authorizes the hearing examiner to review and render final decisions on zoning matters and development proposals identified within this chapter as requiring an administrative permit pursuant to the provisions of CCMC 18.02.052 (Hearing Examiners).
3. Permit Required. An administrative permit shall be required in the following cases:
 - a. A proposed accessory structure pursuant to Title 18 (General Provisions) with a total size that is more than 50 percent and up to 75 percent of the size of the primary structure.
 - b. All non-exempt antennas, satellite dishes and wireless telecommunication facilities identified in CCMC 18.15 (Communication Facilities and Equipment) as requiring an administrative permit.
 - c. Restaurant or bank drive-thru windows which face a street or frontage of a parcel.
4. Process. Applications for administrative permits may be initiated by the property owner or the property owner's authorized agent. Applications shall be filed with the director. A request for an administrative permit shall include a site plan which clearly delineates the location and characteristics of the proposed use. No administrative permit shall be processed until the information necessary to review and decide the proposed administrative permit is deemed complete by the director. Noticing requirements shall be consistent with Title 18 (Notice of Commission Hearings).

This title delegates certain authority for making decisions relating to various development applications, uses and similar approvals to the hearing examiner. The hearing examiner shall review all complete applications, make necessary findings and render a decision on the application. The director or hearing examiner may refer the application to the planning commission for its review and decision prior to rendering a decision on the application.

5. Findings. In approving an administrative permit, the hearing examiner shall make the findings as required by Section 18.02.080 (special use permit).
6. Notification and Appeal of Decision by Hearing Examiner. The hearing examiner shall notify the applicant within ten days of the decision. The decision of the hearing examiner may be appealed to the commission by the applicant or any aggrieved party pursuant to Title 18 (Appeals).

(Ord. 2007-9 § 3, 2007: Ord. 2006-13 § 1, 2006: Ord. 2004-13 § 20, 2004: Ord. 2001-23 § 2 (part), 2001).

NRS 278.262 Hearing examiners: Power of governing body to appoint. The governing body of any county or city may appoint as many full-time or part-time hearing examiners as are necessary or appropriate to assist the planning commission and the governing body in acting upon proposals for changes in zoning classification, zoning districts, special use permits, variances and other matters affecting zoning.

(Added to NRS by [1973, 337](#); A [1977, 1017](#); [1979, 371](#))

NRS 278.263 Hearing examiners: Compensation; qualifications; removal.

1. Hearing examiners appointed under the authority of [NRS 278.262](#) are entitled to receive such compensation as is considered necessary by the governing body and shall possess qualifications similar to those of a licensed architect, attorney, engineer or a member of the American Institute of Certified Planners.

2. Hearing examiners serve at the pleasure of the governing body in accordance with any appropriate personnel ordinance or regulation.

(Added to NRS by [1973, 337](#); A [1995, 453](#))

NRS 278.264 Hearing examiners: Rules of procedure. Upon the determination of any governing body that a hearing examiner is to be employed and before any hearings are conducted utilizing his or her services, an ordinance shall be enacted setting forth rules of procedure for the processing and hearing of applications which are to be considered by a hearing examiner.

(Added to NRS by [1973, 338](#))

NRS 278.265 Hearing examiners: Notice and hearing; duties and powers; final action on certain matters; appeal of final action.

1. Any ordinance enacted pursuant to the provisions of [NRS 278.264](#) must provide, in substance, the same notice of hearing and conduct of hearing safeguards required by [NRS 278.315](#) or [278.480](#), whichever is applicable.

2. The governing body shall, by ordinance, set forth the duties and powers of the hearing examiner, including a statement of whether the hearing examiner may take final action on any matter assigned to the hearing examiner by the governing body.

3. Except as otherwise provided in subsection 4, the governing body may authorize the hearing examiner to take final action on matters relating to a variance, vacation, abandonment, special use permit, conditional use permit and other special exception or application specified in the ordinance.

4. The governing body shall not authorize the hearing examiner to take final action on:

(a) Matters relating to a zoning classification, zoning district or an amendment to a zoning boundary.

(b) An application for a conditional use permit that is filed pursuant to [NRS 278.147](#).

5. An applicant or protestant may appeal any final action taken by the hearing examiner in accordance with the ordinance adopted pursuant to [NRS 278.3195](#).

(Added to NRS by [1973, 338](#); A [1995, 453](#); [1997, 2422](#); [1999, 1137](#); [2001, 2805](#))