

City of Carson City  
Agenda Report

Item # 12A

**Date Submitted:** June 12, 2007

**Agenda Date Requested:** June 21 2007

**Time Requested:** 20 minutes

**To:** Mayor and Board of Supervisors

**From:** Planning Division, Development Services

**Subject Title:** Action to introduce, on first reading, Bill No. \_\_\_\_\_, an ordinance amending Carson City Municipal Code Title 18, Zoning, Chapter 18.12, Growth Management, Section 18.12.015, Purpose, modifying the list of city resources that are routinely considered by the Growth Management Commission and the Board of Supervisors each year in recommending and establishing residential allocations, and others matters properly related thereto. (File ZCA-07-072)

**Staff Summary:** The proposed amendment would focus the Growth Management Commission to the review of the availability of water resources and sewer capacity in establishing yearly building limits, to a resources basis, and deleting "level of service" issues such as the staffing of city departments.

**Type of Action Requested:**

- |                                               |                                                               |
|-----------------------------------------------|---------------------------------------------------------------|
| <input type="checkbox"/> Resolution           | <input checked="" type="checkbox"/> Ordinance - First Reading |
| <input type="checkbox"/> Formal Action/Motion | <input type="checkbox"/> Other (Specify)                      |

**Does This Action Require A Business Impact Statement:** ☐ Yes ☒ No

**Planning Commission Action:** Recommended approval March 30, 2007 by the Carson City Planning Commission by a vote of 5 ayes and 2 nays.

**Recommended Board Action:** I move to introduce, on first reading, Bill No. \_\_\_\_\_, an ordinance amending Carson City Municipal Code Title 18, Zoning, Chapter 18.12, Growth Management, Section 18.12.015, Purpose, modifying the list of city resources that are routinely considered by the Growth Management Commission and the Board of Supervisors each year in recommending and establishing residential allocations, and others matters properly related thereto.

**Explanation for Recommended Board Action:** The Board of Supervisors, pursuant to Carson City Municipal Code, is required to take final action on all code amendments. This is the first reading of two readings.

**Applicable Statute, Code, Policy, Rule or Regulation:** CCMC Title 18, Zoning and Development Standards

**Fiscal Impact:** N/A

**Explanation of Impact:** N/A

**Funding Source:** N/A

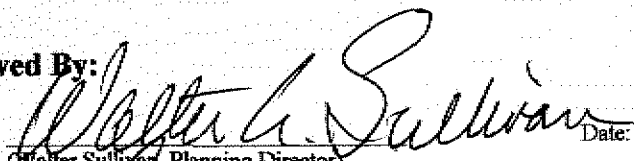
**Alternatives:** 1) Refer the matter back to Planning Commission for further review, or 2) Deny the ordinance.

**Supporting Material:**

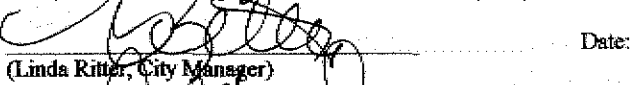
- 1) Ordinance
- 2) Planning Commission Case Record
- 3) Staff Report to Planning Commission

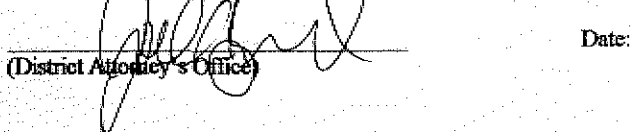
**Prepared By:** Donna Fuller, Administrative Services Manager

**Reviewed By:**

 Date: 6-12-07  
(Walter Sullivan, Planning Director)

 Date: 6-12-07  
(Larry Werner, Development Services Director/City Engineer)

 Date: 6-12-07  
(Linda Ritter, City Manager)

 Date: 6-12-07  
(District Attorney's Office)

**Board Action Taken:**

Motion: \_\_\_\_\_

|          |         |
|----------|---------|
| 1) _____ | Aye/Nay |
| 2) _____ | _____   |
|          | _____   |
|          | _____   |
|          | _____   |

\_\_\_\_\_  
(Vote Recorded By)

BILL NO. \_\_\_\_

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE AMENDING CARSON CITY MUNICIPAL CODE TITLE 18, ZONING, CHAPTER 18.12, GROWTH MANAGEMENT, SECTION 18.12.015, PURPOSE, MODIFYING THE LIST OF CITY RESOURCES THAT ARE ROUTINELY CONSIDERED BY THE GROWTH MANAGEMENT COMMISSION AND BOARD OF SUPERVISORS EACH YEAR IN RECOMMENDING AND ESTABLISHING RESIDENTIAL ALLOCATIONS, AND OTHER MATTERS PROPERLY RELATED THERETO.

Fiscal effect: None

The Board of Supervisors of Carson City, do ordain:

#### SECTION I:

That Section 18.12.015 (Purpose) of Chapter 18.12 (Growth Management) of Title 18 (Zoning) of the Carson City Municipal Code is hereby amended as follows (**bold, underlined** text is added, bracketed and stricken text is deleted):

#### 18.12.015 Purpose.

1. The Board finds and declares:
  - a. A measure of sustained, balanced growth in Carson City is both desirable and necessary for the continued viability of the community; and
  - b. The health, safety and general welfare of the city's citizens dictate the continued availability of essential public facilities and services and adequacy of community resources; and
  - c. The ability to provide essential resource or service at the quality and quantity desired by the community is an integral part of the city's quality of life; and
  - d. Growth experienced in the past, and pressures for continued growth indicate that Carson City may reach capacity in the delivery of one or more of essential resources or services; and
  - e. If capacity to provide an essential service or resource is reached, the Board may cause total cessation of residential growth for an interim period of time; and
  - f. When the city sets the quantity of building permits available for a specific year, the Board declares that there are certain limits to the capacity or capability of the city to deliver water or sewer services.
2. The Board declares that the following essential resources shall be considered for the managed growth of Carson City:
  - a. City water: quantity, quality, supply, capacity, infrastructure;
  - b. City sewer: treatment and disposal capacity; system or infrastructure ability to transport sewage from a residential dwelling unit of the treatment system; **and**
  - ~~c. Sheriff protection services;~~
  - ~~d. Fire protection services;~~
  - ~~e. Traffic and circulation;~~
  - ~~f. Drainage and flooding;~~

- ~~g. School enrollment and capacity;~~  
~~h. Parks and recreation; and~~  
~~i. Other resources or services as determined by the Board.~~

3. Upon declaration of these findings, the Board of the consolidated municipality of Carson City has determined that a workable and reasonably equitable system for the management of population growth shall be a part of the land development process. The provisions in this Chapter achieve this purpose.

**SECTION II:**

That no other provisions of Title 18 of the Carson City Municipal Code are affected by this ordinance.

PROPOSED on \_\_\_\_\_, 2007.

PROPOSED BY Supervisor \_\_\_\_\_

PASSED \_\_\_\_\_, 2007.

VOTE: AYES:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

NAYS:

\_\_\_\_\_  
\_\_\_\_\_

ABSENT:

\_\_\_\_\_  
\_\_\_\_\_

MARV TEIXEIRA, Mayor

ATTEST:

\_\_\_\_\_  
ALAN GLOVER, Clerk-Recorder

This ordinance shall be in force and effect from and after the \_\_\_\_\_ day of the month of \_\_\_\_\_ of the year 2007.

**CARSON CITY PLANNING COMMISSION  
CASE RECORD**

MEETING DATE: May 30, 2007

AGENDA ITEM NO.: H-1b

APPLICANT(s) NAME:  
PROPERTY OWNER(s):

FILE NO.: ZCA-07-072

ASSESSOR PARCEL NO(s):  
ADDRESS:

APPLICANT'S REQUEST: Action to recommend to the Board of Supervisors an ordinance amending Carson City Municipal Code Title 18, Zoning, Chapter 18.12, Growth Management, Section 18.12.015, Purpose, modifying the list of city resources that are routinely considered by the growth management commission and board of supervisors each year in recommending and establishing residential allocations, and other matters properly related thereto.)

COMMISSIONERS PRESENT:    ☒ PEERY            ☒ VANCE            ☒ SEMMENS  
                                 ☒ BISBEE            ☒ MULLET            ☒ REYNOLDS            ☒ KIMBROUGH

STAFF REPORT PRESENTED BY:            Lee Plemel & Walter Sullivan            ☒ REPORT ATTACHED

STAFF RECOMMENDATION:            ☐ CONDITIONAL APPROVAL            ☐ DENIAL

APPLICANT REPRESENTED BY: Staff

☒ APPLICANT/AGENT  
PRESENT

☐ APPLICANT/AGENT  
SPOKE

☐ APPLICANT/AGENT  
NOT PRESENT

☐ APPLICANT/AGENT  
DID NOT SPEAK

APPLICANT/AGENT INDICATED THAT HE/SHE HAS READ THE STAFF REPORT, AGREES AND UNDERSTANDS THE FINDINGS, RECOMMENDATIONS, AND CONDITIONS, AND AGREES TO CONFORM TO THE REQUIREMENTS THEREOF.

☐ 0 PERSONS SPOKE IN FAVOR OF THE PROPOSAL    ☐ 1 PERSONS SPOKE IN OPPOSITION OF THE PROPOSAL

DISCUSSION, NOTES, COMMENTS FOR THE RECORD:

Public: Brenda Dalquist - Growth Management Commission should have input from the Fire Department, Parks Department, Sheriff's Office, et al.

MOTION WAS MADE TO RECOMMEND APPROVAL:

- ☒ WITH THE FINDINGS AND CONDITIONS AS ENUMERATED ON THE STAFF REPORT  
☐ WITH THE FINDINGS AND CONDITIONS OF THE STAFF REPORT AS MODIFIED  
☐ WITH THE FINDINGS AND CONDITIONS OF THE COMMISSION ENUMERATED ON THIS CASE RECORD

MOVED: Mullet SECOND: Bisbee PASSED: 5 /AYE 2 /NO    /DQ    /ABSENT    /ABSTAINED  
JP, MK

SCHEDULED FOR THE BOARD OF SUPERVISORS  
H:\IPC\2007\Case Records\ZCA-07-072 5-30-07.wpd

DATE: 6-21-07



# CARSON CITY, NEVADA

CONSOLIDATED MUNICIPALITY AND STATE CAPITAL  
DEVELOPMENT SERVICES

H1b

## MEMORANDUM

TO: Planning Commission

FROM: Planning Division

LP WG

DATE: May 30, 2007

SUBJECT: **ZCA-07-072** – Action to recommend to the Board of Supervisors an ordinance amending Carson City Municipal Code Title 18, Zoning, Chapter 18.12, Growth Management, Section 18.12.015, Purpose, modifying the list of city resources that are routinely considered by the growth management commission and board of supervisors each year in recommending and establishing residential allocations, and other matters properly related thereto.

This ordinance relating to resources under the purview of the Growth Management Commission is proposed at the request of the City Manager. The proposed amendment would modify the ordinance with regards to the Growth Management Commission's responsibilities in reviewing the adequacy of certain resources specifically identified in CCMC 18.12.015[2] (see below or complete ordinance, attached), specifically deleting some of the "resources" currently identified for annual consideration. As you are aware, the Planning Commission serves as the City's Growth Management Commission.

When the Growth Management Ordinance was adopted in the late 1970's, its implementation was based on limitations in the City's actual ability to provide water and sewer service to new residences—and the ordinance reflected this. Over the years since its initial adoption, the list of city "services" has expanded to the items noted in the excerpt below from the ordinance, Section 18.12.015[2] (highlighted text proposed to be deleted).

2. The Board [of Supervisors] declares that the following essential resources shall be considered for the managed growth of Carson City:
  - a. City water: Quality, quantity, supply, capacity, infrastructure;
  - b. City sewer: Treatment and disposal capacity; system or infrastructure ability transport sewage from a residential dwelling unit of the treatment system;
  - c. Sheriff protection services;
  - d. Fire protection services;
  - e. Traffic and circulation;
  - f. Drainage and flooding;
  - g. School enrollment and capacity;
  - h. Parks and recreation; and
  - i. Other resources or services as determined by the Board.

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Phone: (775) 887-2180 Fax: (775) 887-2278 E-mail: plandiv@ci.carson-city.nv.us

The intent of these revisions is to limit the Growth Management Commission to the review of resource-based growth management issues, such as the ability to provide water and sewer to accommodate growth, while leaving level of service policy issues (e.g. hiring employees) in the hands of the Board of Supervisors, where it appropriately belongs. This is not to say that the items above that are proposed to be deleted are not appropriate for consideration under growth management or that they may not be critical issues in the future, merely that the policy decision on the appropriate level of service for these should be considered by the Board of Supervisors based upon approved growth rates. Subparagraph (i) retains the Board's ability to consider all these and more if certain resources become an issue in the future.

The proposed amendment is also based on concerns regarding the legal validity of limiting growth—potentially denying an individual property owner's right to build a residence on their property—based upon manpower or staffing issues that relate more to acceptable levels of service than limitation of physical resources. Growth limitations have been successfully defended across the country (up to the US Supreme Court) where they are based on limitation of physical resources such as water or sewer capacity. However, growth limits based upon other issues such as manpower deficiencies or traffic have not been widely tested in the courts.

Please contact Lee Plemel or Walter Sullivan in the Planning Division at 887-2180 with questions.

Attachments:

- A) Draft Ordinance