

Item # 4A

**City of Carson City  
Agenda Report**

**Date Submitted:** September 12, 2006

**Agenda Date Requested:** September 21, 2006

**Time Requested:** 5 minute

**To:** Mayor and Supervisors

**From:** Public Works Department, Development Engineering

**Subject Title:** Action on a motion finding that a proposed ordinance adding Erosion and Sediment Control to the Carson City Municipal Code and Division 13, Erosion and Sediment Control, to the Development Standards, does not impose a direct and significant economic burden on a business nor directly restrict the formation, operation or expansion of a business, that a business impact statement has been prepared, accepted and is on file with the board of supervisors and that the requirements of the chapter 237 of the Nevada Revised Statutes have been met by staff's action.

**Type of Action Requested:** (check one)  
☐ Resolution ☐ Ordinance  
☒ (XXX) Formal Action/Motion ☐ Other (Specify)

**Does This Action Require A Business Impact Statement:** ☐ Yes (XX) No

**Recommended Board Action:** I move to find that a proposed ordinances adding Erosion and Sediment Control to the Carson City Municipal Code and Erosion and Sediment Control to the Development Standards, does not impose a direct and significant economic burden on a business nor directly restrict the formation, operation or expansion of a business, that a business impact statement has been prepared, accepted and is on file with the Board of Supervisors and that the requirements of the Chapter 237 of the Nevada Revised Statutes have been met by staff's action.

**Explanation for Recommended Board Action:** A proposed ordinances adding a new section to Chapter 12 of the Carson City Municipal Code regarding erosion and sediment control and Division 13, regarding erosion and sediment control, has been presented to the Builders Association of Western Nevada (BAWN), engineers, developers and property owners. Of those interested parties, comments and questions over a year period were generally seeking clarifications on requirements and discussing common and unique drainage situations. A copy of the Business Impact Statement along with the appeal petition form is available at the public counter of the Permit Center, 2621 Northgate Lane, Suite 6, Carson City, Nevada, 89706.

**Applicable Statute, Code, Policy, Rule or Regulation:** Chapter 237 of the Nevada Revised Statutes.

**Fiscal Impact:** None

**Explanation of Impact:** N/A

**Funding Source:** N/A

**Alternatives:** Make the finding that the proposed ordinance does impose a direct and significant economic burden upon a business or directly restrict the formation, operation or expansion of a business.

**Supporting Material: Business Impact Statement**

**Prepared By:** Robert D. Fellows, P.E. - Chief Storm Water Engineer

**Reviewed By:**

(City Engineer)

Date: 9/4/06

(City Manager)

Date: 9/12/06

(District Attorney)

Date: 9/12/06

(Public Works Director)

Date: 8/4/06

**Board Action Taken:**

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

1) \_\_\_\_\_

Aye/Nay

2) \_\_\_\_\_

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

## BUSINESS IMPACT STATEMENT

The following business impact statement was prepared pursuant to NRS 237.090 to address the proposed impact of adopting Erosion and Sediment Control ordinance and development standard. The addition to Chapter 12 of the Carson City Municipal Code and Division 13 of the Development Standards will provide for the necessary authority to require persons conducting earth disturbances to abide by the development standards and to maintain their on-site storm water systems.

1. *The following constitutes a description of the manner in which comment was solicited from affected businesses, a summary of their response and an explanation of the manner in which other interested persons may obtain a copy of the summary.*

In July 2005, a notice was published in the Nevada Appeal, requesting comments on proposed new Erosion and Sediment Control ordinances and development requirements to the City's code. The documents were available for public viewing at the Library, City Hall, and the Permit Center. Also, interested citizens could request their own copy for the cost of printing. Furthermore, special requests for comments were solicited from contractors, engineers, the Builder's Association of Western Nevada (BAWN), and developers, as well as from city staff through a web site link to the documents, <http://www.carson-city.nv.us/engineer/robhf/>.

At the July 27, 2005 Planning Commission, request for comments to the proposed ordinances and development requirements was placed on the agenda. At that time, no one from the public made formal comments. Since input to the proposed ordinances was minimal, the adoption process was delayed until workshops were conducted.

In November, 2005, a storm water management workshop was conducted which received seven attendees. The workshop reviewed key aspects of the proposed erosion and sediment control requirements.

In May 2006, another workshop was conducted in conjunction with BAWN and NDEP to provide information on preparation of a storm water pollution prevention plan and other related storm water issues. The workshop was attended by 22 people.

In July 2006, a brochure was sent to all property owners in the city discussing the need and responsibility to maintain their private storm water systems.

Comments and questions over the year period were generally seeking clarifications on requirements and discussing common and unique situations.

A copy of this Business Impact Statement is available at the Carson City Permit Center at 2621 Northgate Lane, Suite 6, Carson City, Nevada 89706.

2. *The estimated effect of the proposed rule on businesses, without limitation, both adverse and beneficial economic effects, and both direct and indirect effects:*

a. *Adverse effects:*

The proposed ordinance and development standard will require more effort (time and funds) on the part of landowners, developers and contractors to control and maintain their on-site erosion and sediment control facilities.

b. *Beneficial effects:*

The proposed ordinance and development standard would provide the direction and authority of the city to meet state and federal requirements thus improving water quality throughout the city.

c. *Direct effects:*

None, the approval of this ordinance will **not** increase any city fees nor create any new permits.

d. *Indirect effects:*

The passing of this ordinance is likely to have indirect effects, however at this time, those effects can not be quantified but would be related to maintenance and preparation of erosion and sediment controls.

3. *The following constitutes a description of the methods that the governing body of the local government considered to reduce the impact of the proposed rule on businesses and a statement regarding whether any, and if so which, of these methods were used:*

The ordinance and development standards were simplified as a result of public input and workshops to incorporate required state and federal regulations into existing city functions without additional fees or permits.

4. *The governing body estimates that the annual cost to the local government for enforcement of the proposed rule is:*

The cost to the City for administering the ordinance and development standard is part of a existing permit and inspection function of the Engineering Division.

5. *The proposed rule creates the new fees:*

None

6. *The proposed rule includes provisions which duplicate or are more stringent than federal, state or local standards regulating the same activity. The following explains why such duplicative or more stringent provisions are necessary.*

There are none. The proposed ordinance and development standards provides for the required authority and guidance to control erosion and sediment within the city.