

**City of Carson City  
Agenda Report**

**Date Submitted:** October 8, 2013

**Agenda Date Requested:** October 17, 2013

**Time Requested:** 5 minutes

**To:** Mayor and Board of Supervisors

**From:** Community Development - Planning Division

**Subject Title:** For Possible Action: To introduce, on first reading, Bill No. \_\_\_\_\_, an ordinance amending the Carson City Municipal Code Title 18, Zoning at Chapter 18.02 Administrative Provisions, Section 18.02.055 Fees and Service Charges to add fees for processing of a Development Agreement, a Development Agreement Amendment, a Modification to a Zoning or Division of Land Approval, an Administrative Time Extension and a Public Hearing Time Extension; Typographical Corrections, and other matters properly related thereto. (ZCA-13-049) (Lee Plemel)

**Summary:** At the direction of the Board of Supervisors, the Planning Division is bringing forward proposed revisions to Title 18 that would require fees for Development Agreements, Development Agreement Amendments, Modifications to Zoning and Land Division Approvals, Public Hearing Extensions and Administrative Extensions. The Planning Division does not currently charge a fee to process Development Agreements, Development Agreement Amendments, Public Hearing Extensions and Administrative Extensions. For Modifications to Zoning and Land Division Approvals, the Planning Division currently charges the complete initial application fee for requested modifications.

**Type of Action Requested:**

Resolution

Formal Action/Motion

Ordinance-First Reading

Other (Specify)

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

**Planning Commission Action:** Recommended approval on July 31, 2013 by a vote of 6 ayes, 0 nays, and 1 absent.

**Recommended Board Action:** I move to introduce, on first reading, Bill No. \_\_\_\_\_, an ordinance amending the Carson City Municipal Code Title 18, Zoning at Chapter 18.02 Administrative Provisions, Section 18.02.055 Fees and Service Charges to add fees for processing of a Development Agreement, a Development Agreement Amendment, a Modification to a Zoning or Division of Land Approval, an Administrative Time Extension and a Public Hearing Time Extension; Typographical Corrections, and other matters properly related thereto.

**Explanation for Recommended Board Action:** The Board of Supervisors considered this ordinance on September 5, 2013, but took no action and directed staff to get comments from the Builders Association of Western Nevada (BAWN). Planning staff met with BAWN staff to discuss the proposed ordinance, and the BAWN Board of Directors met on Wednesday, September 25. BAWN staff contacted City staff and indicated that the BAWN Board has no

opposition to the proposed ordinance and a representative will be present at the Board of Supervisors meeting to affirm this.

Based on comments from the Board of Supervisors, staff modified the proposed ordinance to clarify that fees for requests of extension of time do not apply to any extension requests associated with an approved development agreement.

**Applicable Statute, Code, Policy, Rule or Regulation:** 18.02.075 Zoning Code Amendments

**Fiscal Impact:** N/A

**Explanation of Impact:** N/A

**Funding Source:** N/A

**Alternatives:**

- 1) Approve the Zoning Code Amendment
- 2) Deny the Zoning Code Amendment.
- 3) Refer the matter back to Planning Commission for further review.

**Supporting Material:**

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

**Prepared By:** Susan Dorr Pansky, Planning Manager

**Reviewed By:**  Date: 10.8.13  
 (Community Development Director)

 Date: 10/8/13  
 (City Manager)

 Date: 10/8/13  
 (Deputy City Manager)

 Date: 10/9/13  
 (District Attorney's Office)

 Date: 10/8/13  
 (Finance Director)

**Board Action Taken:**

Motion: \_\_\_\_\_ 1) \_\_\_\_\_ Aye/Nay  
 \_\_\_\_\_ 2) \_\_\_\_\_ \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

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

BILL NO. \_\_\_\_\_

ORDINANCE No. 2013 - \_\_\_\_\_

AN ORDINANCE AMENDING THE CARSON CITY MUNICIPAL CODE TITLE 18, ZONING AT CHAPTER 18.02 ADMINISTRATIVE PROVISIONS, SECTION 18.02.055 FEES AND SERVICE CHARGES TO ADD FEES FOR PROCESSING OF A DEVELOPMENT AGREEMENT, A DEVELOPMENT AGREEMENT AMENDMENT, A MODIFICATION TO A ZONING OR DIVISION OF LAND APPROVAL, AN ADMINISTRATIVE TIME EXTENSION AND A PUBLIC HEARING TIME EXTENSION; TYPOGRAPHICAL CORRECTIONS AND OTHER MATTERS PROPERLY RELATED THERETO.

Fiscal Effect: None

The Board of Supervisors of Carson City does ordain:

SECTION I:

That Title 18 Zoning, Chapter 18.02 (Administrative Provisions), Section 18.02.055 (Fees and Service Charges) of the Carson City Municipal Code is hereby amended as follows: (**bold, underlined** text is added, ~~stricken~~ text is deleted) to add fees and charges:

18.02.055 Fees and Service Charges.

Before accepting any application required by this Title, fees adopted by the Board, including service charges, shall be charged, collected and deposited with the Planning Division of the Development Service Department. A fee sheet is available to the general public at the main desk of the Planning Division.

1. Zoning Application Fees:

Administrative Permit	\$750 + \$60/hr over 10 hours
Appeal	\$250 + \$60/hr over 4 hours
Zoning Map Amendment	\$2,450
Continuance	\$600
Historic Resources Review	No Charge
Major Project Review	No Charge
Master Plan Amendment	\$3,050
Minor Variance	\$500 + \$60/hr over 4 hours
Mobile Home Park Review	\$2,300

Recreational Vehicle Park Review	\$2,300
Special Use Permit – Minor (conditional uses or height use permit within any residential zoning district)	\$2,200
Special Use Permit – Major (all special use permits not considered minor)	\$2,450
Temporary Use Permit	\$750
Variance	\$2,150
Zoning Code Amendment	3,250

2. Division of Land Fees Pursuant to Title 17.

<b><u>Development Agreement</u></b>	<b><u>\$1,800</u></b>
<b><u>Development Agreement Amendment</u></b>	<b><u>\$800</u></b>
Land Division Map	\$750
Land Division Map Recording	\$50 for the 1 <sup>st</sup> sheet <del>[of the map]</del> + \$10 for each additional sheet (NRS 278.4725)
Lot Line Adjustment or Deletion	\$500 + \$60/hr over 4 hours
Parcel Maps	\$2,750
Parcel Map Recording	\$17 for the 1 <sup>st</sup> sheet + \$10 for each additional sheet (NRS 278.468)
Plat Amendment	\$2,550
Planned Unit Development – Tentative	\$3,450
Planned Unit Development – Final Map	\$3,550 per Phase
Planned Unit Development – Final Map Recording	\$50 for the 1 <sup>st</sup> sheet + \$10 for each additional sheet (NRS 278A.570)
Subdivision - Tentative	\$3,500
Subdivision - Final	\$1,800 per Phase
Subdivision Map Recording	\$50 for the 1 <sup>st</sup> sheet + \$10 for each additional sheet (NRS 278.450)
Merger and Re-subdivision – same as applicable Parcel Map, Subdivision Map or Planned Unit Development	See fees above

[4.] **3.** General Planning Division Fees.

Manufactured Home in Single Family Zoning	\$500
<b><u>Modification to Zoning or Division of Land Approvals</u></b>	<b><u>75% of Current Application Fee</u></b>
Private Activity Bond Volume Cap Allocation/Review of Application	\$500
Public Utility Easement Abandonment	\$1,850
Research Fee	Per City Policy
Right-of-Way Abandonment	\$2,450
<b><u>Time Extension, Administrative)*</u></b>	<b><u>\$100</u></b>
<b><u>Time Extension, Public Hearing*</u></b>	<b><u>\$600</u></b>

**\*Not applicable to Development Agreements**

- ~~{5-}~~ **4.** All fees are non-refundable except for recording fees when there is no actual recording.
- ~~{6-}~~ **5.** Unless a continuance is requested by the Planning Commission or Board of Supervisors with the applicant's concurrence, a continuance of a Planning Commission agenda item to a later meeting is subject to the following:
- a. Any application that has been placed on the published agenda for the Planning Commission or Board of Supervisors, and which is required by the applicant to be continued after the posting of the notice of public hearing, shall pay the fee listed above.
  - b. The requests for continuances shall be granted or denied by the Planning Commission or Board of Supervisors at the time set for consideration of the application. If the request for continuance is denied, the fee shall be refunded and the hearing conducted in accordance with the posted agenda.
- ~~{7-}~~ **6.** No part of a filing fee will be refunded in the event that an application is not approved.
- ~~{8-}~~ **7.** All application costs shall be paid in US cash or by check payable to Carson City.

SECTION II:

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

PROPOSED on \_\_\_\_\_ (month) \_\_\_\_\_ (day), 2013.

PROPOSED by \_\_\_\_\_.

PASSED \_\_\_\_\_ (month) \_\_\_\_\_ (day), 2013.

VOTE: AYES: SUPERVISORS: \_\_\_\_\_

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

NAYS: SUPERVISORS: \_\_\_\_\_

\_\_\_\_\_

ABSENT: SUPERVISORS: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
Robert Crowell, 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 2013.

**CARSON CITY PLANNING COMMISSION**

**CASE RECORD**

**MEETING DATE:** July 31, 2013

**AGENDA ITEM NO.:** G-3

**APPLICANT(s) NAME:** N/A  
**PROPERTY OWNER(s):** N/A

**FILE NO.** ZCA-13-049

**ASSESSOR PARCEL NO(s):** N/A  
**ADDRESS:** N/A

**APPLICANT'S REQUEST:** For Possible Action: To make a recommendation to the Board of Supervisors regarding a Zoning Code Amendment application to amend Carson City Municipal Code, Title 17, Division of Land, Chapter 17.08, Development Agreements, to add a section for Agreement Fees and Charges and to amend Carson City Municipal Code, Title 18, Zoning, Chapter 18.02, Administrative Provisions, Section 18.02.055, Fees and Charges to add fees for Development Agreements, Development Agreement Amendments, Modifications to Zoning and Land Division Approvals, Public Hearing Extensions and Administrative Extensions.

**COMMISSIONERS PRESENT:**     **KIMBROUGH**     **ESSWEIN**     **SATTLER**  
    **DHAMI**                                     **STEELE**                                     **OWENS**                                     **WENDELL**

**STAFF REPORT PRESENTED BY:** Susan Dorr Pansky                     **REPORT ATTACHED**  
**STAFF RECOMMENDATION:**                     **CONDITIONAL APPROVAL**  
**APPLICANT REPRESENTED BY:** Susan Dorr Pansky

**APPLICANT/AGENT WAS PRESENT AND SPOKE**

**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.**

No persons spoke in favor or in opposition of the proposal.

**DISCUSSION, NOTES, COMMENTS FOR THE RECORD:**

Questions about:  
What are development agreements?  
Is there a separate "Division of Land" Department?  
Where does money go and how does it help to recover staff costs?

**MOTION WAS MADE TO RECOMMEND APPROVAL WITH THE FINDINGS AND CONDITIONS AS ENUMERATED ON THE STAFF REPORT**

**MOVED:** Kimbrough                    **SECOND:** Steele                    **PASSED:** 6/AYE    0/NO    0/ABSTAIN    1/ABSENT

**SCHEDULED FOR THE BOARD OF SUPERVISORS**

**DATE:** September 5, 2013

**STAFF REPORT FOR THE PLANNING COMMISSION MEETING OF JULY 31, 2013**

**FILE NO: ZCA-13-049**

**AGENDA ITEM: G-3**

**STAFF AUTHOR:** Susan Dorr Pansky, Planning Manager

**REQUEST:** Action to recommend to the Board of Supervisors approval of an ordinance amending Carson City Municipal Code Title 17, Division of Land, Chapter 17.08, Development Agreements, to add a section for Agreement Fees and Service Charges and to amend Carson City Municipal Code, Title 18, Zoning, Chapter 18.02, Administrative Provisions, Section 18.02.055, Fees and Charges to add fees for Development Agreements, Development Agreement Amendments, Modifications to Zoning and Division of Land Approvals, Public Hearing Extensions and Administrative Extensions.

**RECOMMENDED MOTION:** "I move to recommend to the Board of Supervisors approval of an ordinance amending the Carson City Municipal Code Title 17, Chapter 17.08, Development Agreements to add a section for Agreement Fees and Service Charges and to amend Carson City Municipal Code, Title 18, Zoning, Chapter 18.02, Administrative Provisions, Section 18.02.055, Fees and Charges to add fees for Development Agreements, Development Agreement Amendments, Modifications to Zoning and Division of Land Approvals, Public Hearing Extensions and Administrative Extensions."

**DISCUSSION:**

The proposed amendments to Title 17 and Title 18 are intended to create fees for planning applications that are currently processed by staff at no charge. During a recent Board of Supervisors meeting where a Development Agreement was presented by staff for approval, the Board requested that staff consider adding fees for planning applications such as Development Agreements and Extensions. During staff's review of the City's current fee structure, staff determined that a fee for Modifications to existing Zoning and Division of Land approvals would also be appropriate to allow applicants to pay a percentage of the current application fee for a modification. Currently, the Planning Division charges applicants the complete initial application fee for requested modifications.

The proposed modification to Title 17 is to include a new section in Chapter 17.08, Development Agreements that will address Agreements Fees and Charges. The addition of this section is consistent with other chapters in Title 17 and addresses fees and charges for Development Agreements in general terms as follows:

**Agreement Fees and Service Charges:**

1. Filing fees as established in Title 18 shall be due and payable to Carson City as a prerequisite to the filing for a Development Agreement or Development Agreement Amendment prior to any official consideration thereof as set by the Board.
2. No part of the filing fee will be refunded in the event that the Development Agreement or Development Agreement Amendment is not approved or for any other cause.

The proposed modifications to Title 18 include new fees for planning applications as follows:



**Division of Land Fees**

Development Agreement	\$1,800
Development Agreement Amendment	\$800

**General Planning Division Fees**

Modification to Zoning or Division of Land Approvals	75% of Current Application Fee
Time Extension, Administrative	\$100
Time Extension, Public Hearing	\$600

Due to the unstable development market over the past several years, Development Agreements and Time Extensions have become increasingly more common for applicants wishing to preserve the approval of their projects while waiting for the market to improve. The City had not previously charged applicants for these requests, but has recognized that there is a certain amount of staff time associated with processing each of these applications that could be offset with application fees. Development Agreements and Development Agreement Amendments typically involve staff members from several departments to review the proposed agreement including, but not limited to, the Planning Division, Development Engineering, the Building Division and the District Attorney's office. Time Extensions are not as resource-intensive and typically involve the Planning Division staff only. Staff has proposed fees for Development Agreements, Development Agreement Amendments, Administrative Time Extensions and Time Extensions that required a Public Hearing that are appropriate to the level of staff involvement, but are comparable to those fees charged by other jurisdictions surrounding Carson City. Surrounding jurisdictions surveyed by staff included Douglas County, Lyon County, Washoe County, the City of Reno and the City of Sparks. Additionally, staff notes that in the case of Time Extensions, the fees proposed are consistent with existing Carson City fees that are similar in type of request and staff hours required. The \$600 fee proposed for a Time Extension for a Public Hearing is the same as the fee for a Continuance. Likewise, the \$100 fee proposed for an Administrative Time Extension is similar to the fee for an Administrative Zoning Letter at \$60.

In addition, staff occasionally receives a request from an applicant to modify a previously approved application. This could include, for example, such requests as the modification to a condition of approval for a Special Use Permit, the modification of a Tentative Map, the modification of a Planned Unit Development Handbook, and a variety of other Zoning and Division of Land applications that require conditional approval. The Planning Division currently charges the applicant the total application fee when a request for modification is made. Staff feels that, because the modification of a previously approved application does not utilize as much staff time and resources as the initial application, a reduced fee would be appropriate. Modifications would, however, be subject to the same noticing and hearing requirements as the original application, therefore staff has recommended a reduction to 75% of the current application fee for that specific application. For example, if an applicant requests to modify a condition of approval for a previously approved residential Special Use Permit (minor), the fee would be \$1,650 or 75% of the current fee of \$2,200. The proposal to charge a reduced fee for

a modification is consistent with what the majority of the jurisdictions surrounding Carson City do.

Please contact Susan Dorr Pansky in the Planning Division at 283-7076 with questions regarding the proposed amendments to Titles 17 and 18.

Attachments:

- A) Analysis of Surrounding Jurisdiction Fees – July 2013
- B) Draft Ordinance – Title 17
- C) Draft Ordinance – Title 18

**Analysis of Surrounding Jurisdiction Fees - July 2013**  
July 2013

	<u>Carson City Proposed</u>	<u>Douglas County</u>	<u>Lyon County</u>	<u>City of Reno</u>	<u>City of Sparks</u>	<u>Washoe County</u>
Development Agreement	<b>\$1,800</b>	\$4,400 (plus consultant costs)	\$2,000	\$1,480 to \$17,065 (depending on agreement)	\$1,900 plus \$120/hr	\$3,500 to \$5,000 (depending on size)
Development Agreement - Amendment or Revision	<b>\$800</b>	\$550 to 80% of Current Application Fee (depending on request)	\$1,000	\$854 Per Condition	\$88/hr	\$1,290
Time Extension	<b>\$100 (Admin) or \$600 (Public Hearing)</b>	\$192 (Admin) or \$743 (Public Hearing)	\$500	\$614	\$0	\$340 (Subdivision) or \$546 (Non-Subdivision)
Modification of Zoning or Division of Land Approval	<b>75% of Current Application Fee</b>	\$550 to 80% of Current Application Fee (depending on request)	\$750	\$854 Per Condition	0	\$1,290