

**City of Carson City
Agenda Report**

Date Submitted: October 29, 2013

Agenda Date Requested: November 7, 2013
Time Requested: 5 minutes

To: Mayor and Board of Supervisors

From: Community Development - Planning Division

Subject Title: For Possible Action: To adopt Bill No. 125, on second reading, Ordinance No. _____, an ordinance amending the Carson City Municipal Code Title 17, Division of Land at Chapter 17.08 Development Agreements by adding Section 17.08.011, Agreement Fees and Service Charges, and other matters properly related thereto. (ZCA-13-049) (Susan Dorr Pansky)

Summary: At the direction of the Board of Supervisors, the Planning Division is bringing forward proposed revisions to Title 17 that would add a section for Agreement Fees and Charges to Title 17.08, Development Agreements. This is general language and supports new fees for Development Agreements that are proposed in Title 18 under separate ordinance.

Type of Action Requested:

- Resolution
 Formal Action/Motion

- Ordinance-Second Reading
 Other (Specify)

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

Prior Board Action: Approved the ordinance on first reading on October 17, 2013, by a vote of 4 ayes and 1 nays.

Recommended Board Action: I move to adopt Bill No. 125, on second reading, Ordinance No. _____, an ordinance amending the Carson City Municipal Code Title 17, Division of Land at Chapter 17.08 Development Agreements by adding Section 17.08.011, Agreement Fees and Service Charges, 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 amending Title 18 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

Prepared By: Janice Brod, Grants Program Coordinator

Reviewed By:  _____
(Community Development Director)

Date: 10-28-13

(City Manager)

Date: 10/29/13

(Deputy City Manager)

Date: _____

(District Attorney's Office)

Date: 10/29/13

(Finance Director)

Date: 10/29/13

Board Action Taken:

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

(Vote Recorded By)

BILL NO. 125

ORDINANCE No. 2013 - _____

AN ORDINANCE AMENDING THE CARSON CITY MUNICIPAL CODE TITLE 17, DIVISION OF LAND AT CHAPTER 17.08 DEVELOPMENT AGREEMENTS BY ADDING SECTION 17.08.011, AGREEMENT FEES AND SERVICE CHARGES, AND OTHER MATTERS PROPERLY RELATED THERETO.

Fiscal Effect: None

The Board of Supervisors of Carson City does ordain:

SECTION I:

That Title 17 Division of Land, Chapter 17.08 (Development Agreements) is hereby amended as follows (**bond, underlined** text is added, ~~stricken~~ text is deleted) to add requirements for fees to be paid to process a Development Agreement or Development Agreement Amendment:

Chapter 17.08

DEVELOPMENT AGREEMENTS

Sections:

- 17.08.005 Agreement Concerning Development of Land
- 17.08.010 Contents of Agreement
- 17.08.011 Agreement Fees and Service Charges**
- 17.08.015 Approval of Agreement byrdinance; Filing and Recording
- 17.08.020 Amendment or Cancellation
- 17.08.025 Additional Agreements

17.08.005 Agreement Concerning Development of Land. The Board may, upon application of any person having a legal or equitable interest in land, enter into an agreement with that person concerning the development of that land.

17.08.010 Contents of Agreement. The development agreement must:

1. Describe the land which is the subject of the agreement;
2. Specify the duration of the agreement;
3. Specify the permitted uses of the land, the density or intensity of the land use, and the maximum height and size of any proposed buildings; and
4. Include provisions for dedication of any portion of land for public use;

5. Fix the period within which construction must commence and provide for an extension of that deadline; and
6. Require the land developer to make any and all improvements as required by the Board, the Development Engineering Services Department, Planning and Community Development, or other City departments. Said improvements shall be completed by the developer at his own expense and within the specified time. In addition, the agreement may require the developer to secure his promise to make improvements by providing a bond, cash deposit, or other approved security.

17.08.011 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.**

17.08.015 Approval of Agreement by Ordinance; Filing and Recording.

1. The Board may, if it finds that the provisions of the development agreement are consistent with Carson City's master plan, approve the agreement by ordinance.
2. Within a reasonable time after approval of the agreement, the City Clerk shall cause the original agreement to be filed with the Carson City Recorder for recording.
3. Upon recordation, the agreement binds all parties and their successors in interest for the duration of the agreement.
4. A certified copy of the Board's ordinance adopting the development agreement and any amendments thereto must be recorded in the office of the Carson City Recorder.

17.08.020 Amendment or Cancellation. A development agreement may be amended or canceled in accordance with the provisions set forth in NRS 278.0205.

17.08.025 Additional Agreements.

1. Deferred Improvement Agreement.
2. Participation Agreement
 - a. City paying portion of cost of improvements
 - b. City paying for oversizing or additional capacity