

STAFF REPORT FOR THE PLANNING COMMISSION MEETING OF AUGUST 31, 2011

FILE NO: ZCA-11-049

AGENDA ITEM: H- 2

STAFF AUTHOR: Jennifer Pruitt, Principal Planner

APPLICANT: Carson City Planning Division

SUBJECT: Action to recommend to the Board of Supervisors the approval of ZCA-11-049, a Zoning Code Amendment amending the Carson City Municipal Code Title 17, Division of Land, Subdivision of Land, Chapter 17.06, Final Maps, Section 17.06.015, Time Limit for Recording, and Chapter 17.09, Planned Unit Development, Section 17.09.055, Time Limits for Filing Application for Final Approval, to delete the sunset clause adopted in 2009 and other matters properly related thereto.

RECOMMENDED MOTION: "I move to recommend to the Board of Supervisors the approval of ZCA-11-049, a Zoning Code Amendment amending the Carson City Municipal Code Title 17, Division of Land, Subdivision of Land, Chapter 17.06, Final Maps, Section 17.06.015, Time Limit for Recording, and Chapter 17.09, Planned Unit Development, Section 17.09.055, Time Limits for Filing Application for Final Approval, to eliminate the sun set clause adopted in 2009, based on the findings contained in the staff report."

DISCUSSION:

The primary purpose of these modifications is to adopt Subdivision and Planned Unit Development standards consistent with the provisions of the recently amended Nevada Revised Statutes (NRS) 278.350; related to approval periods for Tentative Subdivision Maps and for the period available to file final maps. The Assembly Bill 454 (see attached), will eliminate the previous sunset date of June 30, 2013. The Assembly Bill 454 amended the previously adopted Assembly Bill 74 in 2009.

Prior to the approval of Assembly Bill 74, the state of Nevada had no provision to allow local governments a mechanism to extend maps other than by development agreement approval process.

During this unforeseen economic downturn, there are subdivision projects that without this amendment, would lose their map approvals for no reason other than the economy is in a recession and lending has slowed and in many instances has stopped. This amendment will provide a time extension to keep Subdivision projects ready to break ground. When the economy improves, staff does not want these projects to then have to start the approval process all over.

It is also important to note that the existing previously approved Subdivisions and Planned Unit Developments (PUD) will not be impacted negatively as a result of ZCA-11-049. Attached is a table of the Carson City Subdivision and PUD expiration dates of previously approved projects.

PUBLIC NOTIFICATION REQUIREMENTS: Public notices were published in the newspaper for the Zoning Code Amendment in accordance with the provisions of NRS and CCMC 18.02.045. As of August 19, 2011, no written comments have been received either in support or opposition of this application. Any comments that are received after this report is completed will be submitted prior to or at the Planning Commission meeting, depending on their submittal date to the Planning Division.

LEGAL REQUIREMENTS: CCMC 18.02.050 (Review); 18.02.075 (Zoning Map Amendments and Zoning Code Amendments).

FINDINGS: Staff recommends the following findings for approval pursuant to the Carson City Municipal Code Section 18.02.075(5), Zoning Map Amendments and Zoning Code Amendments.

The Commission, in forwarding a recommendation to the Board for approval of a Zoning Code Amendment shall make the following findings of fact:

1. ***The proposed amendment is in substantial compliance with the goals, policies and action programs of the Master Plan.***

Rationale: The proposed Zoning Code Amendment is in substantial compliance with the goals, policies and action programs of the Master Plan by complying with the provisions of NRS requirements. The purpose of this ZCA is to be consistent with the recently amended NRS criteria related to Subdivision/Planned Unit Development final maps and successive final map submittals.

2. ***The proposed amendment will provide for land uses compatible with existing adjacent land uses and will not have detrimental impacts to other properties in the vicinity.***

Rationale: This Zoning Code Amendment will be in accordance with the provisions of NRS that have been recently amended in 2011.

3. ***The proposed amendment will not negatively impact existing or planned public services or facilities and will not adversely impact the public health, safety and welfare.***

Rationale: The proposed amendments will have no impact on existing or planned public services or facilities.

Respectfully Submitted,
PUBLIC WORKS, PLANNING DIVISION

Jennifer Pruitt

Jennifer Pruitt, AICP, LEED AP
Principal Planner

Attachment:

- 1) Draft ordinance
Tentative Map table
Assembly Bill 454

BILL NO. _____

ORDINANCE NO. 2011-____

AN ORDINANCE AMENDING CARSON CITY MUNICIPAL CODE TITLE 17, DIVISION OF LAND, SUBDIVISION OF LAND, CHAPTER 17.06, FINAL MAPS, SECTION 17.06.015, TIME LIMIT FOR RECORDING, TO MODIFY THE TIME LIMIT FOR RECORDING; AND AMENDING CARSON CITY MUNICIPAL CODE TITLE 17, DIVISION OF LAND, SUBDIVISION OF LAND, CHAPTER 17.09, PLANNED UNIT DEVELOPMENT; SECTION 17.09.055, TIME LIMITS FOR FILING APPLICATION FOR FINAL APPROVAL, TO ELIMINATE THE PREVIOUSLY ADOPTED SUNSET DATE OF JUNE 30, 2013, AND OTHER MATTERS PROPERLY RELATED THERETO.

Fiscal effect: None

THE BOARD OF SUPERVISORS OF CARSON CITY DO ORDAIN:

SECTION I:

That the Carson City Municipal Code Chapter 17.06 (Final Maps), Section 17.06.015 (Time Limit For Recording) is hereby amended, in part, as follows:

17.06 Final Maps.

17.06.015 Time Limit for Recording.

1. ~~[Except as otherwise provided in paragraph 2, a]~~ **A** final map, prepared in accordance with the tentative map, for the entire area for which the tentative map has been approved or the first of a series of final maps covering a portion of the approved tentative map must be approved by the Board for recording within ~~[two]~~ **four** years after the approval of a tentative map unless a longer time is provided for in an approved development agreement with the City. If the subdivider elects to present a successive map in a series of phased final maps, the successive final map must be approved by the Board within ~~[one]~~ **two** years of the recording of the preceding final map. The Board may grant an extension of not more than ~~[one]~~ **two** years for any successive final map after the ~~[one]~~ **two**-year period for presenting a successive final map has expired. Failure to obtain Board approval of a final map or any phase thereof within these time limits terminates all proceedings, requiring an entirely new Tentative Map submittal.
- ~~[2. From the effective date of this Ordinance until June 30, 2013, a final map, prepared in accordance with the tentative map, for the entire area for which the tentative map has been approved or the first of a series of final maps covering a portion of the approved tentative map must be approved by the Board for recording within four years after the approval of a tentative map unless a longer time is provided for in an approved development agreement with the City. If the subdivider elects to present a successive map in a series of phased final maps, the successive final map must be approved by the Board within two years of the recording of the preceding final map. The Board may grant an extension of not more than two years for any successive~~

~~final map after the two-year period for presenting a successive final map has expired. Failure to obtain Board approval of a final map or any phase thereof within these time limits terminates all proceedings, requiring an entirely new Tentative Map submittal.]~~

SECTION II:

That the Carson City Municipal Code Chapter 17.09 (Planned Unit Development), Section 17.09.055 (Time Limits For Application for Final Approval) is hereby amended, in part, as follows:

17.09 Planned Unit Development.

17.09.055 Time Limits for Filing Application for Final Approval.

1. ~~[Except as otherwise provided in paragraph 2, w~~ **When** the landowner has been granted tentative approval of a Planned Unit Development, the landowner shall file an application for final approval, for the first phase or unit, on or before a date set at the discretion of the Board or within ~~[two]~~ **four** years from the time of tentative approval as granted by the Board. Specific Final Map filing dates for all phases may be extended, upon application to the Board, but in no event shall the dates exceed ~~[12 months]~~ **two years** from the previously established final filing date. Tentative approval of a plan does not qualify a plat of the Planned Unit Development for recording or authorize development or the issuance of any building permits.
- ~~[2. From the effective date of this Ordinance until June 30, 2013, when the landowner has been granted tentative approval of a Planned Unit Development, the landowner shall file an application for final approval, for the first phase or unit, on or before a date set at the discretion of the Board or within four years from the time of tentative approval as granted by the Board. Specific Final Map filing dates for all phases may be extended, upon application to the Board, but in no event shall the dates exceed two years from the previously established final filing date. Tentative approval of a plan does not qualify a plat of the Planned Unit Development for recording or authorize development or the issuance of any building permits.]~~
- ~~[3]~~ **2.** Tentative approval shall be revoked for areas included in the plan for which final approval has not been given if:
 - a. The landowner elects to abandon the plan or any part thereof, and so notifies the Director in writing; or
 - b. The landowner fails to file application for the final approval within the required time.

SECTION III:

No other provisions of Title 17 of the Carson City Municipal Code are affected by this ordinance.

PROPOSED on _____, 2011.

PROPOSED BY Supervisor _____

PASSED _____, 2011.

VOTE:

AYES:

NAYS:

ABSENT:

ROBERT L. 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 2011.

Approved Tentative Subdivision/PUD Maps with Lots Pending to Record

Development Name	Approval Date	Expiration Date	Extension Available to:	File No.	Remaining Lots	Notes
Silver Oak PUD	Oct-93	7/27/2013	Yes*	P-93/94-1	489	* Extensions may be granted per development agreement; last map recorded 7/27/07, parcel map for portion of Phase 17
Schulz Ranch	Oct-05	8/21/2014	Yes*	TSM-05-144	521	* Extensions may be granted per development agreement.
Corte Reale	Feb-06	2/16/2012	None	TPUD-05-229	12	
Clearview Ridge	Sep-06	9/21/2012	Yes*	TPUD-06-146	75	* Extensions may be granted per development agreement.
Combs Canyon I	Oct-06	10/19/2012	None	TSM-06-168	23	
Mills Landing	Dec-06	12/18/2012	None	TPUD-07-202	94	
Ross Park PUD	Mar-07	3/15/2013	None	TPUD-07-010	23	
Combs Canyon II	May-07	5/17/2013	None	TSM-07-027	19	
Nye Circle PUD	Oct-07	10/18/2011	10/18/2013	TPUD-07-107	34	
East Ridge Village	Jun-08	6/19/2012	6/19/2014	TSM-08-043	115	
City View Green Homes	Apr-09	4/2/2013	4/2/2015	TSM-09-003	7	
Summerhawk	Apr-07	4/19/2011	EXPIRED	TSM-06-203	0	EXPIRED; No extension requested.

Total: 1,412

Assembly Bill No. 454-Committee
on Government Affairs

CHAPTER.....

AN ACT relating to land use planning; extending the period within which certain parcel maps must be recorded in certain counties; removing the prospective expiration of certain provisions concerning tentative maps and final maps of certain subdivisions of land; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law prescribes certain requirements for the proposed dividing of land into five or more units for the purpose of transfer or development, unless otherwise exempted. (NRS 278.320-278.460) The initial action in the process of dividing such land is the submission of a tentative map of the proposed subdivision, and the concluding action is the recordation of an approved final map. (NRS 278.330, 278.460) A subdivider whose tentative map of a proposed subdivision has been approved by the appropriate planning authority must present a final map covering the entire subdivision, or the first of a series of successive final maps covering portions of the subdivision, within 4 years after the approval of the tentative map, with certain exceptions, or proceedings concerning the subdivision are terminated. (NRS 278.360) Additionally, if a subdivider is presenting a series of final maps, each successive map must be presented within 2 years after the previous final map in the series was recorded, unless the planning authority grants an extension of not more than 2 additional years. (NRS 278.360)

These deadlines of 4 years and 2 years were extended from 2 years and 1 year, respectively, during the 2009 Legislative Session, and those changes are scheduled to expire on June 30, 2013, after which the deadlines will revert to 2 years and 1 year, respectively. (Section 3, chapter 59, Statutes of Nevada 2009, p. 165) **Section 2** of this bill removes that prospective expiration so that: (1) the deadline for presenting a final map or the first in a series of successive maps will remain at 4 years after the approval of the tentative map; (2) the deadline for presenting one of a series of successive final maps will remain at 2 years after the presentation of the previous map; and (3) the possible duration of an extension to the deadlines for presenting one of a series of successive maps will remain at 2 years.

Existing law requires a person who proposes to divide any land for transfer or development into four lots or less to submit a parcel map showing the proposed division to the appropriate planning commission or local governing body for approval. (NRS 278.461, 278.464) If the parcel map is approved, the person must cause the map to be recorded in the office of the county recorder within 1 year after the approval, unless the governing body establishes by ordinance a longer period, which may not exceed 2 years. (NRS 278.468) **Section 1** of this bill extends that period to 3 years, and authorizes the governing body to grant a 1-year extension, for a parcel map prepared in a county whose population is less than 100,000 (currently counties other than Clark and Washoe Counties) if the parcel map shows land totaling 50 acres or more that is subject to a conservation easement preserving or protecting open space, a floodplain or agricultural lands.

EXPLANATION - Matter in *bolded italics* is new; matter between brackets [~~omitted material~~] is material to be omitted.



THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 278.468 is hereby amended to read as follows:

278.468 1. If a parcel map is approved or deemed approved pursuant to NRS 278.464, the preparer of the map shall:

(a) ~~{Cause}~~ *Except as otherwise provided in subsection 2, cause* the approved map to be recorded in the office of the county recorder within 1 year after the date the map was approved or deemed approved, unless the governing body establishes by ordinance a longer period, not to exceed 2 years, for recording the map. The map must be accompanied by a written statement signed by the treasurer of the county in which the land to be divided is located indicating that all property taxes on the land for the fiscal year have been paid.

(b) Pay a fee of \$17 for the first sheet of the map plus \$10 for each additional sheet to the county recorder for filing and indexing.

2. *In a county whose population is less than 100,000, if the parcel map shows an area totaling 50 acres or more that is subject to a conservation easement, the preparer of the map shall cause the approved map to be recorded in the office of the county recorder within 3 years after the date the map was approved or deemed approved, unless the governing body grants an extension of time for recording the map, which may not exceed 1 year. As used in this subsection, "conservation easement" means an easement that permanently preserves or protects open space, a floodplain or agricultural land from being parceled, subdivided or otherwise developed in a manner incompatible with the preservation or protection of the open space, floodplain or agricultural land.*

3. Upon receipt of a parcel map, the county recorder shall file the map in a suitable place. The county recorder shall keep proper indexes of parcel maps by the name of grant, tract, subdivision or United States subdivision.

~~{3.}~~ 4. A county recorder who records a parcel map pursuant to this section shall, within 7 working days after he or she records the parcel map, provide to the county assessor at no charge:

(a) A duplicate copy of the parcel map and any supporting documents; or

(b) Access to the digital parcel map and any digital supporting documents. The map and supporting documents must be in a form that is acceptable to the county recorder and the county assessor.



Sec. 2. Section 3 of chapter 59, Statutes of Nevada 2009, at page 165, is hereby amended to read as follows:

Sec. 3. ~~{1-}~~ This act becomes effective upon passage and approval.

~~{2- Section 2 of this act expires by limitation on June 30, 2013.}~~

Sec. 3. This act becomes effective upon passage and approval.

