

CITY OF FERNLEY  
ORDINANCE #2019-007

BILL NO. 277: AN ORDINANCE AMENDING CHAPTER 39 OF TITLE 32 OF THE  
FERNLEY MUNICIPAL CODE

The City Council of the City of Fernley does ordain that Chapter 39 of Title 32 of the Fernley Municipal Code shall be amended to read as follows (language in *Bolded Italics* is new; language between brackets [~~deleted language~~] is material to be omitted).

CHAPTER 39: DEDICATION OF WATER RIGHTS AND FACILITIES FOR  
RESIDENTIAL SUBDIVISION AND PARCEL MAPS, CONSTRUCTION OF NEW  
HOMES AND INDUSTRIAL AND COMMERCIAL BUILDINGS.

Sec. 32.39.010. - Dedication.

(a) *For municipal water delivery.*

- (1) An applicant shall dedicate to the city, as a condition precedent to approval of a final subdivision map, final parcel map or issuance of a building permit, the surface water or groundwater rights reasonably necessary to ensure an adequate water supply to serve all parcels or lots within the project or a building. This section applies to projects that will be served by the city's municipal water system, or by domestic wells.
- (2) As a condition precedent to a final subdivision or parcel map, an applicant also must dedicate facilities for storm drainage, water treatment, supply, storage, transmission and distribution, and any facilities for sewage collection, treatment and disposal, and appurtenances (such as wells, pipelines, pumps and storage tanks) located within or outside of the property, which are reasonably necessary to ensure an adequate water supply to the property, adequate sewage disposal for the property, and adequate storm collection and disposal for the property, along with any easement or legal access reasonably necessary to ensure an adequate water supply to the property.
- (3) [~~Except as otherwise provided in section 32.28-197(e).~~] *For dedications of non-surface water rights*, the amount of [~~required dedicated~~] water [~~right~~] *required to be dedicated to the city* pursuant to this section [~~is~~] *shall be:*
  - a. [~~1.12 acre feet annually (AFA) (1,000 gallons/day) f~~] *For each single-family residential parcel or lot – the amount of water demand calculated by the following formula:*

$$1.4 * (1 / (1.1 + (10,000/Lot Size)))$$

b. For each commercial and industrial parcel or lot – the amount of water required to meet the estimated average annual average demand of the development. The amount of water required to meet the annual average demand of the development shall be determined by the Director of Public Works based on information provided by the applicant. ~~[applications, an ERC is the amount of water use estimated for the purposes of the project divided by 1.12 acre-feet. In the event of a parcel splitting subsequent to the initial parcel map, the applicable water right or fee in lieu of dedication of water rights shall be conveyed for each subsequently created parcel or lot.]~~

c. For each mobile or manufactured home on a lot or space within a mobile home park, multi-family unit, condominium, townhouse, or similar type of development – ~~[commercial or industrial use, the developer's engineer shall calculate]~~ the amount of water required ~~[water rights]~~ for each unit shall be based on the number of fixture units, as defined by the most current version of the plumbing code adopted by the city, multiplied by 25 gallons per day and 365 days, then converted to acre-feet. The amount of water required for uses external to each unit (landscaping, recreational facilities, laundry facilities, clubhouses, etc.) shall be determined by the Director of Public Works based in information provided by the applicant.

(4) For dedications of surface water rights, the amount of water required to be dedicated to the city pursuant to this section shall be:

a. For each single-family residential lot or parcel – 1.12 acre-feet per lot, or

b. For all other parcels or lots – multiplying the applicable water dedication requirement for non-surface water dedications by 1.35.

(5) For surface water dedications, the city may also require an applicant to pay a fee, established by resolution of the City Council, to pay for the costs of constructing, operating, and maintaining:

a. Upstream drought storage facilities, or

b. Facilities required to convey surface water from the source to the municipal water treatment facility.

(6) In the event of a parcel splitting that occurs subsequent to the initial parcel map, the applicable water right dedication shall be required for each additional parcel or lot created.

([4]7) Dedication of surface water or groundwater rights must meet the following conditions:

- a. The applicant must submit proof of the validity of the water right and the complete chain of title establishing ownership. The water right must be in good standing and of sufficient quantity and quality to service the needs of the development. In the case of a certified right, the city may request proof of use within the preceding five years.
- b. The water right must be legally available for the beneficial use of the proposed development. All costs of transfer of any points of diversion or change in manner and place of use shall be the responsibility of the applicant. All water rights transfers are subject to the state water engineer's approval, proof of which must be submitted before acceptance.

(b) *Domestic well use.*

- (1) For construction of new residences on existing parcels that were created on or after July 8, 1996, and that will be served by domestic wells, water rights shall be dedicated prior to the approval of a building permit for the residence. For vacant parcels that have existing wells, proof of water right dedication shall be submitted with the building permit. Parcels created before July 8, 1996, are exempt pursuant to NRS 534.350. Nothing in this article is intended to supersede the provision of FTO 13.
- (2) Prior to the approval of any new parcel map or subdivision map that creates new parcels that are five acres or less gross acreage, and which will utilize a domestic well for the property's domestic water supply, rather than the city municipal water system, the applicant shall dedicate to the city, at the applicants cost, 2.02 acre-feet per year of certificated groundwater rights from within the Fernley Area Hydrographic Basin.
- (3) The city, at its sole discretion, may accept, in lieu of the dedication of part or all of the 2.02 acre-feet of groundwater rights, as required in subsections (b)(1) and (2) of this section, up to 2.02 acre-feet of surface or other water rights that the city can utilize in its municipal water system. Supplemental irrigation water rights may not be dedicated to satisfy the requirements of this article.
- (4) Any water rights that are dedicated to the city under this chapter shall be withdrawn or committed to the use at the applicable parcel or lot pursuant to the policies and requirements of the city and the state.
- (5) In the event a property for which water rights were dedicated to the city and is subsequently connected to the city municipal water system: a. The water rights dedicated pursuant to this chapter may be credited toward the dedication requirements that exist for connecting the subject property to the municipal water system; but b. Said city credit will only be granted if the former domestic well is abandoned and plugged pursuant to state law.
- (6) If the abandonment of a domestic well under this article could qualify the city for a domestic well credit pursuant to NRS 534.350, or any regulations adopted pursuant

thereto, no city credit towards the municipal service water dedication requirement will be allowed unless the city receives a domestic well credit pursuant to NRS 534.350, and regulations adopt pursuant thereto.

(7) If a domestic well credit is granted to the city pursuant to NRS 534.350, and the amount of that credit for a specific well is greater than the credit a property owner is allotted to from the city pursuant to subsection (6) of this section, the property owner will receive the benefit of any such excess and may apply that excess toward another utility connection in the city service area.

PROPOSED on the \_\_\_\_ day of \_\_\_\_\_, 2019.

PASSES, APPROVED, AND ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2019, by the following vote of the Council:

Ayes: \_\_\_\_ Nays: \_\_\_\_ Abstentions: \_\_\_\_ Absent: \_\_\_\_

FERNLEY CITY COUNCIL

By: \_\_\_\_\_ Date: \_\_\_\_\_  
ROY EDGINGTON, Mayor

Attest:

By: \_\_\_\_\_ Date: \_\_\_\_\_  
KIM SWANSON, City Clerk