



CITY OF FERNLEY

CITY COUNCIL AGENDA REPORT

Meeting Date: February 17, 2021

REPORT TO:	Mayor & City Council
REPORT THRU:	Daphne Hooper, City Manager
REPORT BY:	Tim Thompson, Planning Director
REVIEWED BY:	Brent Kolvet, Deputy City Attorney
REVIEWED BY:	Denise Lewis, Finance Director

FINANCIAL IMPACT: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	CURRENTLY BUDGETED: <input type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> N/A	FUND/ACCOUNT:
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ACTION REQUESTED:	<input type="checkbox"/> Consent	<input type="checkbox"/> Motion	<input checked="" type="checkbox"/> Ordinance
	<input type="checkbox"/> Presentation	<input type="checkbox"/> Receive/File	<input type="checkbox"/> Resolution

AGENDA ITEM: Second Reading, Public Hearing Bill #294 - Code Amendment, CA21001 (FOR POSSIBLE ACTION)

Consideration and possible action to Adopt Bill #294, an Ordinance amending Title 32, Chapter 09 of the Fernley Municipal Code to include requirements and standards related to the dedication of water rights and facilities for residential subdivision and parcel maps, construction of new homes and industrial and commercial buildings. Specifically, adding sections for (1) use of water rights and facilities; (2) the nature of dedication; (3) facilities standards; (4) approval of service is conditional; (5) payment in lieu of dedication of water rights; (6) list of qualified appraisers; and other matters properly related thereto.

AGENDA ITEM BRIEF:

The sections proposed for inclusion in the City's development code were inadvertently missed when the updated development code was adopted by the City Council in March 2020. These sections existed in the previous version of the code. The request is simply to incorporate these sections back into the development code. There are no material changes proposed to the language as it previously existed.

RECOMMENDED MOTION:

"I move to Adopt Bill #294, an Ordinance amending Title 32, Chapter 09 of the Fernley Municipal Code to include requirements and standards related to the dedication of water rights and facilities for residential subdivision and parcel maps, construction of new homes and industrial and commercial buildings."

Business Impact (per NRS Chapter 237):

A Business Impact Statement is Attached.

A Business Impact Statement is Not Required because:

this is not a rule (term excludes vehicles by which legislative powers are exercised under NRS Chapters 271, 278, 278A, or 278B);

See Attached Report for Background/Analysis/Alternatives.

PROJECT SUMMARY

- CASE NUMBER(S):** • CA21001
- REQUESTED ACTION(S):** • Code Amendment
- PROJECT DESCRIPTION:** • To amend Title 32, Chapter 09 of the Fernley Municipal Code to include requirements and standards related to the dedication of water rights and facilities for residential subdivision and parcel maps, construction of new homes and industrial and commercial buildings. specifically, adding sections for (1) use of water rights and facilities; (2) the nature of dedication; (3) facilities standards; (4) approval of service is conditional; (5) payment in lieu of dedication of water rights; (5) list of qualified appraisers; and other matters properly related thereto.
- PROPERTY OWNER:** • N/A
- APPLICANT:** • City of Fernley
- LOCATION:** • N/A
- SITE SIZE:** • N/A
- EXISTING ZONING:** • N/A
- PROPOSED ZONING** • N/A
- EXISTING LAND USE:** • N/A
- WARD INFORMATION:** • N/A

***A PUBLIC HEARING IS REQUIRED**

POLICY REFERENCE

Nevada Statutes: NRS 268 & NRS 278
Fernley Municipal Code: Title 32
Policies & Procedure Manual: N/A
Community Assessment: N/A
City of Fernley Development Code: Chapter 32.03 & 32.09

BACKGROUND

The March 4, 2020, the Fernley City Council adopted a revised development code. The previous Title 32 was repealed in its entirety and the revised Title 32 superseded any previous approval. Recently, staff realized several sections of the code were inadvertently overlooked and not included in the revised code. This item requests the previous text be included in the revised code as it provides critical standards and guidance related to water dedication and facilities for development within the City.

ANALYSIS

The additional text proposed as part of this code amendment was previously included in the former Title 32, Chapter 39. The previous text has been included as an attachment to this staff report.

Staff is not proposing any material changes to the language as a part of the request. The proposed sections have been renumbered and any references to other sections or subsections have been revised accordingly.

This proposed text includes sections retaining to: (1) use of water rights and facilities; (2) the nature of dedication; (3) facilities standards; (4) approval of service is conditional; (5) payment in lieu of dedication of water rights; and (5) list of qualified appraisers. The proposed Ordinance has also been provided as an attachment for comparison.

Staff view this as a cleanup item as the previous text should have been included in the revised development code adopted in March 2020. Staff recommends the item be approved.

ATTACHMENTS

1. Previous Chapter 32.39 – Water Rights Dedication and Facilities
2. Bill #294 – Ordinance revising Chapter 32.09 – Water Rights Dedication and Facilities