

BILL NO. 2689

INTRODUCED BY COUNCIL

ORDINANCE NO. 2508

AN ORDINANCE BY THE CITY OF SPARKS AMENDING CHAPTER 12 OF THE SPARKS MUNICIPAL CODE TO REFLECT CHANGES TO THE REGIONAL ROAD IMPACT FEE GENERAL ADMINISTRATIVE MANUAL, CAPITAL IMPROVEMENTS PLAN, AND IMPACT FEES AS APPROVED BY THE REGIONAL TRANSPORTATION COMMISSION ON SEPTEMBER 19, 2014; AND PROVIDING FOR OTHER MATTERS PROPERLY RELATED THERETO.

THE CITY COUNCIL OF THE CITY OF SPARKS DOES ORDAIN:

SECTION 1:

Chapter 12.44.030 is hereby amended to read as follows:

12.44.030 Adoption and Amendment of the RRIF System General **Administrative** Manual.

The Regional Road Impact Fee System General Administrative Manual (hereinafter "RRIF Manual") approved by the Regional Transportation Commission of Washoe County ~~of~~ on August 18, 1995, attached to the original adopting ordinance ~~as Exhibit "1"~~ and last amended by the Regional Transportation Commission of Washoe County on ~~September 17, 2010~~ September 19, 2014, is hereby adopted. A copy of the Amended RRIF Manual is attached hereto as Exhibit "1" and incorporated herein by reference. The RRIF Manual shall contain appropriate definitions, an independent fee calculation study, exemptions, credits, appeals and review sections for the effective administration of the program. It may subsequently be amended by a resolution approved by the Regional Transportation Commission Board and the Governing Bodies of each Participating Local Government.

Chapter 12.44.040 is hereby amended to read as follows:

12.44.040 Adoption of the Regional Road Impact Fee System Capital Improvement Plan ("RRIF CIP").

The Regional Road Improvement Fee System Capital Improvement Plan ("RRIF CIP") adopted by the Regional Transportation Commission of Washoe County on August 18, 1995, attached to the original adopting ordinance as ~~Exhibit "2"~~ and last amended by the Regional Transportation Commission of Washoe County on ~~September 17, 2010~~ September 19, 2014 is hereby adopted. A copy of the Amended RRIF CIP is attached hereto as Exhibit "2" **and**

Exhibit 3 and incorporated by reference. It may be amended only by subsequent ordinance.

Chapter 12.44.050 is hereby amended to read as follows:

12.44.050 - Service areas ~~and benefit districts.~~

~~The area encompassed within the boundaries of the three (3) Benefit Districts is hereby designated as the Service Area~~ **There are hereby established two (2) service** areas for the imposition of regional road impact fees and the collection and expenditure of funds under the provisions of this section. The Service Areas ~~is~~ **are** identified in ~~Figure 1~~ **Exhibit B** of the ~~RRIF-CIP~~ **RRIF General Administrative Manual**, referred to in Section 12.44.040 of this chapter and is defined as:

- A. ~~Northwest Benefit District~~ **Service Area**. Starting at the southwest corner of the district at the California-Nevada state line and Interstate 80, follow the state line north to the northern boundary of the Washoe County North Valleys planning area (i.e. northern boundary of the Red Rock Hydrographic Basin boundary), then east along the northern boundary of the North Valleys planning area (i.e. northern boundary of the Red Rock and Bedell Flat Hydrographic Basin boundary) ~~then south along the eastern edge of the North Valleys planning area (i.e. eastern boundary of the Bedell Flat and Antelope Valley Hydrographic Basin boundary) to the western edge of the Washoe County Sun Valley planning area boundary, then continue south along the western edge of the Sun Valley planning area to US 395 at the Sutro Street terminus then southeast along the US 395 alignment to Interstate 80, then west along Interstate 80 to the state line.~~ **then north to the northwest corner of the Warm Springs planning area, then southeast and south along the boundary of the Warm Springs planning area, then west along the southern boundary of the Warm Springs planning area to the eastern edge of the Washoe County Spanish Springs planning area and the Washoe County Truckee Canyon planning area, then southwest along the western edge of the Truckee Canyon planning area to Interstate 80, then west along Interstate 80 to the California- Nevada state line.**

- B. ~~Northeast Benefit District~~. Starting at the southwest corner of the district at the U.S. 395 Interstate 80 interchange, follow U.S. 395 northwest to the Sutro Street terminus, then continue north along the western edge of the Washoe County Sun Valley planning area to the eastern edge of the Washoe County North Valleys planning area, then west

~~along the northern edge of the North Valleys planning area, then north along the California Nevada state line, then east along the northern border of the Dry Valley Hydrographic Basin boundary, then south along the eastern border of the Dry Valley Hydrographic Basin, then east along the northern boundary of the Warm Springs planning area, then southeast and south along the western boundary of the Pyramid Paiute Reservation, then southwest along the southern edge of the Truckee Canyon planning area, then north along the western edge of the Truckee Canyon planning area to the intersection of Interstate 80, then west along Interstate 80 to US 395.~~

CB. South Benefit District **Service Area**. Starting at the northwest corner of the district at the California-Nevada state line and Interstate 80, follow Interstate 80 east to the western edge of the Washoe County Truckee Canyon planning area, then south along the Washoe County-Storey County line to the Washoe County-Carson City line, then west along the Washoe County-Carson City line to the southern jurisdictional line of the Tahoe Regional Planning Agency and the Washoe County Tahoe planning area, then north along the California-Nevada state line to Interstate 80.

Section 12.44.060 is hereby amended to read as follows

12.44.060 Impact Fees.

The amount of the impact fees shall be determined by the Local RRIF Administrator in accordance with the applicable provisions of the RRIF Manual adopted by the Regional Transportation Commission of Washoe County on ~~September 17, 2010~~ **September 19, 2014** or as subsequently amended by resolution as provided herein and the application of the fee schedule identified as ~~Tables 7~~ **Exhibit D** of the RRIF CIP **General Administrative Manual referenced in 12.44.030**. Said fee schedule may only be modified by subsequent ordinance.

Section 12.44.100 is hereby amended to read as follows

12.44.100 - ~~Benefit districts~~ **Service Area Expenditure of Fees**.

~~The service area is divided into three (3) Benefit Districts as described in the RRIF CIP. Impact fee funds shall be spent within the Benefit District~~ **Service Area** from which the traffic

generating land development activity paying the fee is located, except that:

- A. Where a road on the RRIF Network as identified in the RRIF CIP is used to define ~~Benefit District~~ **Service Area** boundaries, the road demarcating the boundary shall be considered as part of both Benefit Districts that it bounds, the impact fees from both Benefit Districts may be used to fund road capital improvements for that road; ~~or~~ **including freeway ramps that provide access to a boundary road.**
- ~~B. Impact fee funds from all Benefit Districts may be used to fund road capital improvements identified on the RRIF CIP for McCarran Boulevard and Virginia Street; or~~
- ~~C.~~**B** Impact fee funds may be used to fund a road capital improvement on the RRIF CIP outside the ~~Benefit District~~ **Service Area** from which the fees are collected if it is demonstrated by competent substantial evidence that the feepayers from the ~~Benefit District~~ **Service Area** from which the fees come will receive sufficient benefit from the road capital improvement **as provided in the RIFF General Administrative Manual.**

SECTION 2: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 3: The City Clerk is instructed and authorized to publish the title to this ordinance as provided by law and to record the plan certified herein as provided by law.

SECTION 4: This ordinance shall become effective 30 days after passage, approval, and publication and similar ordinances are adopted by Washoe County and the City of Reno.

SECTION 5: The provisions of this ordinance shall be literally construed to effectively carry out its purposes in the interest of the public health, safety, welfare and convenience.

SECTION 6: If any subsection, phrase, sentence or portion of this section is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions.

SECTION 7: The City Council finds that this ordinance is not likely to impose a direct and significant economic burden upon a business or directly restrict the formation, operation or expansion of a business, or is otherwise exempt from Nevada Revised Statutes Chapter 237.

Passed and adopted this ___day of _____, 2015 by the following vote of the city council:

AYES: _____

NAYS: _____

ABSTAIN: _____

ABSENT: _____

Approved this ___day of _____, 2015 by:

GENO MARTINI, Mayor

ATTEST:

Teresa Gardner, CITY CLERK

APPROVED AS TO FORM AND LEGALITY:

CHESTER H. ADAMS, City Attorney