

RESOLUTION NO. 3333

INTRODUCED BY COUNCIL

A RESOLUTION APPROVING THE ADOPTION OF THE REVISED LAND USE ASSUMPTIONS, CAPITAL IMPROVEMENTS PLAN, AND IMPOSITION OF IMPACT FEES FOR THE CITY OF SPARKS, NEVADA, IMPACT FEE SERVICE AREA NO. 1; AND PROVIDING OTHER MATTERS PROPERLY RELATED THERETO.

WHEREAS, pursuant to Nevada Revised Statutes Chapter 278B, on December 23, 2002, this Council duly approved and established the City of Sparks, Nevada, Impact Fee Service Area No. 1 (Service Area) to finance sanitary sewer, flood control and drainage, parks and recreation, and fire station projects necessitated by and attributable to new development in the Service Area (Projects), and assessed impact fees to be paid at the time building permits are issued on properties within the Service Area to finance the Projects; and

WHEREAS, pursuant to NRS 278B.150, this Council designated the Sparks Planning Commission as the Capital Improvements Advisory Committee by Resolution 2729 on May 29, 2001; and

WHEREAS, NRS 278B.290 requires review and allows revision of the land use assumptions, capital improvements plan, and imposition of impact fees at least every three years; and

WHEREAS, this Council last approved the adoption of revisions to the land use assumptions, capital improvements plan, and imposition of impact fees in the Service Area by Resolution 3304 on December 12, 2016; and

WHEREAS, on October 27, 2016 this Council passed and adopted Ordinance 2531 annexing two parcels of land comprising 67.4 acres generally located along the southwest corner of the intersection of Pyramid Lake Highway and Highland Ranch Parkway; and

WHEREAS, on October 17, 2017, the City received a petition from a property owner to include the annexed parcels (Parcels) in the Service Area to finance Projects necessitated by and attributable to new development of the Parcels; and

WHEREAS, the Parcels are located adjacent to and contiguous with the existing Service Area boundary, and new development of the Parcels will contribute to the need for and will benefit from the Projects within the Service Area; and

WHEREAS, the Service Area, as revised to include the Parcels, is particularly described in the metes and bounds attached hereto and incorporated by reference herein as Exhibit A; and

WHEREAS, in response to the petition to include the Parcels in the Service Area, the City of Sparks retained House Moran Consulting, Inc. (HMCI), to provide an analysis of the land use assumptions, capital improvements plan, and imposition of impact fees in the Service Area, including the Parcels. The results of the analysis performed by HMCI are documented in a report titled *Capital Improvements Plan: Impact Fee Service Area 1 Updated Fee Schedule, April 2018* (hereafter *Report*), which is attached hereto and incorporated by reference herein as Exhibit B; and

WHEREAS, at a public hearing on May 3, 2018, the Capital Improvements Advisory Committee considered the revision of the land use assumptions, capital improvements plan, and imposition of impact fees for the Service Area, including the Parcels, as described in the *Report*. Notice for the public hearing was given by publication and posting in accordance with NRS 278B.290. After the public hearing, the Capital Improvements Advisory Committee recommended that this Council approve the adoption of the revised land use assumptions, capital improvements plan, and imposition of impact fees as described in the *Report*.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SPARKS:

SECTION 1. The Projects described in the *Report* are necessitated by and attributable to the new development within the Service Area defined and described in the *Report*. Based on the information and analysis provided in the *Report*, there is a reasonable relationship between the amount of the impact fees set forth in the *Report*, the costs of the Projects, and the benefits to be provided by the Projects to new development within the Service Area.

SECTION 2. The City of Sparks, Nevada, Impact Fee Service Area No. 1 is hereby revised to include the Parcels as described in Exhibit A hereto.

SECTION 3. The proposed revisions to the land use assumptions, capital improvements plan, and imposition of the impact fees recommended in the *Report* attached as Exhibit B hereto are hereby adopted and approved.

SECTION 4. The revised impact fee schedule shall become effective on July 1, 2018.

SECTION 5. The land use assumptions, capital improvements plan, and imposition of impact fees as revised by this Resolution may be reviewed and revised at any time and shall be reviewed at least once every three years. Proposed revisions to the land use assumptions, capital improvements plan, and imposition of the impact fees shall be reviewed by the Capital Improvements Advisory Committee after notice and hearing as required by NRS 278B.290. The Capital Improvements Advisory Committee shall recommend that this Council approve or disapprove the adoption of revised land use assumptions, capital improvements plan, and imposition of impact fees.

SECTION 6. If any subsection, phrase, sentence or portion of this Resolution 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.

PASSED AND ADOPTED this ____ day of _____, 2018, by the following vote of the City Council:

AYES: _____

NAYS: _____

ABSTAIN: _____

ABSENT: _____

APPROVED this ____ day of _____, 2018, by:

GENO R. MARTINI, Mayor

ATTEST:

TERESA GARDNER, City Clerk

**APPROVED AS TO FORM AND
LEGALITY:**

CHESTER H. ADAMS, City Attorney