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PROOF OF PUBLICATION

STATE OF NEVADA
COUNTY OF WASHOE

ss. Tana Ciccotti

being duly sworn, deposes and says:
That as legal clerk of the RENO GAZETTE-JOURNAL, a daily newspaper published in Reno, Washoe County, State of Nevada, that the notice:

Ordinance No. 938

NOTICE OF COUNTY ORDINANCE
NO. 938
NOTICE IS HEREBY GIVEN that Ordinance No. 938, Bil No. 1113, entitled:
AN ORDINANCE AMENDING CHAPTER 110 OF THE WASHOE COUNTY CODE (DEVELOPMENT CODE) TO ADD ARTICLE 706, REGIONAL ROAD IMPACT FEES, AND OTHER MATTERS PERTAINING THERETO. was adopted on OCTOBER 10, 1995, by Commissioners Steve Bradhurst, Mike Moullet, Jim Shaw, and Grant Sims, with Commissioner Joanne Bond absent, and will become effective 30 days after this Ordinance and similar Ordinances are adopted by all the Participating Local Governments. Typewritten copies of the ordinance are available for inspection by all interested persons at the office of the County Clerk at the County Courthouse, Virginia and Court Streets, Reno, Nevada.
Judi Bailey, County Clerk
No. 4151 Oct 18, 25, 1995

of which a copy is hereto attached, has been published in each regular and entire issue of said newspaper on the following dates to wit:

Oct. 18, 25 1995

Signed

Tana Ciccotti

Subscribed and sworn to before me on 10/25/95

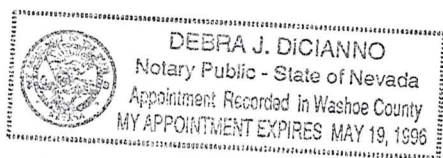
Notary Public

Debra J. Dicianno

P.O. BOX 22000. RENO. NEVADA 89520

(702) 788-6200

GANETT



938 ✓

SUMMARY: Amends chapter 110 of the Washoe County Code (Development Code) by adding a new article 706 imposing regional road impact fees.

BILL NO. 1113

ORDINANCE NO. 938

AN ORDINANCE AMENDING CHAPTER 110 OF THE WASHOE COUNTY CODE (DEVELOPMENT CODE) TO ADD ARTICLE 706, REGIONAL ROAD IMPACT FEES, AND OTHER MATTERS PERTAINING THERETO.

THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF WASHOE DO ORDAIN:

SECTION 1. Article 706 "Regional Road Impact Fees" of chapter 110 of the Washoe County Code is hereby amended as set forth in Exhibit "A" which is attached hereto and made a part hereof.

SECTION 2. The provisions of this ordinance shall be in force and effect thirty (30) days after the regional road impact fee ordinance is adopted by all three participating entities.

Proposed on the 19th day of September, 1995.
Proposed by Commissioner Bradhurst.
Passed on the 10th day of October, 1995.

Vote:

Ayes: Steve Bradhurst, Mike Mouliot, Jim Shaw, Grant Sims.

Nays: None

Absent: Joanne Bond.

James M. Shaw
Chairman
Washoe County Commission

ATTEST:

Julie Bailey
County Clerk

This ordinance shall be in force and effect from and after the 17th day of November, 1995.

**THE REGIONAL ROAD IMPACT FEE ORDINANCE
ORDINANCE NO. _____**

AN ORDINANCE TO BE KNOWN AS THE REGIONAL ROAD IMPACT FEE ORDINANCE; PROVIDING FOR SHORT TITLE AUTHORITY, AND APPLICATION; PROVIDING FOR INTENT AND PURPOSE; PROVIDING FOR INTERLOCAL AGREEMENT; PROVIDING FOR LEVEL OF SERVICE; PROVIDING FOR ADMINISTRATIVE MANUAL; PROVIDING FOR DEFINITIONS AND RULES OF CONSTRUCTION; PROVIDING FOR FEE TO BE IMPOSED ON TRAFFIC GENERATING LAND DEVELOPMENT ACTIVITY; PROVIDING FOR INDEPENDENT FEE CALCULATION STUDY; PROVIDING FOR CREDITS; PROVIDING FOR SERVICE AREA AND BENEFIT DISTRICTS; PROVIDING FOR USE OF FUNDS; PROVIDING FOR REFUND OF FEES; PROVIDING FOR REVIEW EVERY TWO YEARS; PROVIDING FOR LIBERAL CONSTRUCTION AND SEVERABILITY; PROVIDING FOR EFFECTIVE DATE.

WHEREAS, the Truckee Meadows Region consists of the entirety of the City of Reno, the entirety of the City of Sparks, and those portions of unincorporated Washoe County which have been subject to the Regional Transportation Commission's (hereinafter "RTC") transportation modeling efforts pursuant to the development of this Regional Road Impact Fee Ordinance; and

WHEREAS, the boundaries of the Service Area are identified on Exhibit A which is attached hereto, and defined in Section VI.A(30), and incorporated herein by reference; and

WHEREAS, it is the objective of the Governing Bodies of Washoe County, the City of Reno and the City of Sparks (hereinafter "Participating Local Governments") to make the most efficient use of their powers by cooperating in the planning for, funding, and provision of road capital improvements within the Region so they might be provided in an efficient and reasonable way; and

WHEREAS, pursuant to Sec. 277.080, et. seq., N.R.S., the Interlocal Cooperative Act, the Participating Local Governments have entered into the Regional Road Impact Fee Ordinance Interlocal Cooperative Agreement (hereinafter "Interlocal Cooperative Agreement") to jointly plan for, fund, and provide road capital improvements within the Region; and

WHEREAS, pursuant to the Interlocal Cooperative Agreement, the Participating Local Governments have designated the RTC to coordinate their joint efforts under the Interlocal Cooperative Agreement; and

WHEREAS, the RTC, pursuant to its authority, has conducted a Regionwide transportation study and prepared the Regional Road Impact Fee Capital Improvement Plan (hereinafter "the Regional CIP") which is adopted as the Road Impact Fee Capital Improvement Plan (hereinafter "Local CIP") by each Participating Local Government; and

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EXHIBIT "A"

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September 8, 1995

WHEREAS, the Regional CIP projects that there will be a significant amount of new growth and development in the Region over the next ten (10) years; and

WHEREAS, the Regional CIP has determined that this new growth and development will increase the demand for street capacity on the Regional Road Impact Fee Network, along with increased miles traveled by the public in general; and

WHEREAS, the Regional CIP demonstrates that the existing revenue generated by this new growth and development will not be adequate to fund the needed road capital improvements necessary to accommodate this new growth and development if the desired Level of Service standard on the Regional Road Impact Fee Network is to be maintained; and

WHEREAS, the Participating Local Governments have established a policy that new land development activity shall bear a proportionate share of the cost of the provision of new road capital improvements required by such developments; and

WHEREAS, the Participating Local Governments have determined that the imposition of a road impact fee is one of the preferred methods of regulating land development in the Region in order to ensure that it bears a proportionate share of the costs of the road capital improvements necessary to accommodate that development and promote and protect the public health, safety and welfare; and

WHEREAS, an impact fee that contributes to this proportionate share would assist in the implementation and be consistent with the Master Plans of the Participating Local Governments and the Regional CIP; and

WHEREAS, the Participating Local Governments, individually and jointly, have the authority to adopt a road impact fee pursuant to the Nevada Constitution and the Nevada statutes; and

WHEREAS, the Participating Local Governments have adopted land use assumptions that have been incorporated into the Regional CIP and have adopted the Regional CIP as their own Local CIP which is necessary to implement a road impact fee program; and

WHEREAS, it is the objective of the Participating Local Governments to make the most efficient use of their funding process to provide road capital improvements; and

WHEREAS, to accomplish this objective, the Participating Local Governments have designated the RTC to coordinate a joint Regionwide impact fee program pursuant to the Interlocal Cooperative Agreement.

NOW, THEREFORE, BE IT ORDAINED BY THE Washoe County that:

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B.
Severability

If any section, phrase, sentence, or portion of this Ordinance 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 XVI.
EFFECTIVE DATE

This Ordinance shall become effective 30 days after this Ordinance and similar Ordinances are adopted by all the Participating Local Governments.

PASSED AND DULY ADOPTED this 10th day of October, 1995.

SECTION I.
SHORT TITLE, AUTHORITY, AND APPLICATION

A.
Title

This Ordinance shall be known and may be cited as the "Regional Road Impact Fee Ordinance."

B.
Authority

The Board of County Commissioners of Washoe County has the authority to adopt this Ordinance pursuant to the Nevada Constitution, Sec. 278, et. seq., N.R.S., Sec. 278B.010-278B.320, N.R.S., Secs. 244.155 and 244.195, N.R.S., and Sec. 277.080-277.180, N.R.S.

C.
Application

This Ordinance shall apply to all lands within the boundaries of Washoe County, and pursuant to the Regional Road Impact Fee Ordinance Interlocal Cooperative Agreement (hereinafter "Interlocal Cooperative Agreement"), all other lands within the boundaries of the Service Area.

Note: This provision in the Washoe County Ordinance should read: This Ordinance shall apply to all lands within unincorporated Washoe County that are within the Service Area, and pursuant to the Regional Road Impact Fee Ordinance Interlocal Cooperative Agreement (hereinafter "Interlocal Cooperative Agreement"), all other lands within the boundaries of the City of Reno and the City of Sparks.

SECTION II.
INTENT AND PURPOSE

A.
**Intent is to Implement Regional CIP,
Local Road CIPs and Local Master Plans**

This Ordinance is intended to implement and be consistent with the Regional Road Impact Fee Capital Improvement Plan (hereinafter "Regional CIP"), the Washoe County's Road Capital Improvement Plan (hereinafter "Local CIP") and Master Plan, and the Local CIPs and Master Plans of the other two Participating Local Governments.

B.
Purpose is to Establish
Regionwide Impact Fee Program

This purpose to establish a Regionwide Impact Fee Program is accomplished in this Ordinance by the establishment of a comprehensive and Regionwide system for the imposition of road impact fees to assure that new development contributes its proportionate share of the cost of providing, and benefits from the provision of the road capital improvements identified as needed to be built in the Regional CIP which has been adopted as the Washoe County's Local CIP, and the Local CIP of the other two Participating Local Governments.

SECTION III.
INTERLOCAL COOPERATIVE AGREEMENT

1. The Participating Local Governments have entered into the Interlocal Cooperative Agreement for the purposes of making the most efficient use of their powers in the planning for, funding, and provision of road capital improvements. The Interlocal Cooperative Agreement provides for the implementation, through the Interlocal Cooperative Agreement and the adoption of this Ordinance and similar Ordinances by the other two Participating Local Governments, of a regionwide road impact fee.

2. The Interlocal Cooperative Agreement provides the Regional Transportation Commission (hereinafter "RTC") and its Board the authority to coordinate the joint efforts of the Participating Local Governments in this effort and to coordinate the administration of the impact fee program. Pursuant to the Interlocal Cooperative Agreement, the RTC has been granted the authority to undertake the following responsibilities.

a. First, to prepare the Regional CIP, which is based upon land use assumptions approved individually by the Participating Local Governments pursuant to Sec. 278B.010, et. seq., N.R.S. Each Participating Local Government has adopted the Regional CIP as its Local CIP pursuant to Sec. 278B.010, et. seq., N.R.S. The Regional CIP shall serve as the Regional Road Impact Fee Capital Improvement Plan for the purposes of implementing the regional road impact fee pursuant to Sec. 278B.010, et. seq., N.R.S.

b. Second, to administer the regional road impact fee program established pursuant to this Ordinance and similar Ordinances adopted by the Participating Local Governments. The administration of the impact fee program will be carried out as follows:

The Executive Director of the RTC shall appoint an RTC Administrator who shall be responsible for the administration of the impact fee program, with assistance from the Impact Fee Administrators from each of the Participating Local Governments.

The RTC Administrator shall be responsible for administering independent fee calculation studies, credits, and refunds, with assistance from the Impact

Fee Administrators from the Participating Local Governments. The Impact Fee Administrators from the Participating Local Governments shall be responsible for collecting the regional road impact fees, and then transmitting the fees on a quarterly basis to the RTC Administrator for deposit in a Trust Fund.

The expenditure of street impact fee funds shall be determined by the RTC Board on an annual basis and shall be approved by the Governing Bodies of the Participating Local Governments. Expenditures shall be limited to those street capital improvement projects included in the Regional CIP. The funds will also be spent within the Benefit Districts from which they are collected except for conditions listed in Section X.B.2.

Finally, the RTC Board shall be responsible for initiating a review at least every two (2) years of the Regional CIP and this Ordinance to determine if any modifications need to be made. This review will be conducted by the RTC Administrator who shall be assisted by the Impact Fee Administrators of the Participating Local Governments. The results of this evaluation shall be submitted to the RTC Board and the governing bodies of the Participating Local Governments. The RTC Board, subject to the approval of the Governing Bodies of the Participating Local Governments, shall determine if any modifications are necessary.

3. The Regional Road Impact Fee Ordinance shall become effective 30 days after this Ordinance and similar Ordinances are adopted by the City of Reno and the City of Sparks.

4. Any of the Participating Local Governments may terminate their participation in the program if any of the Participating Local Governments materially modify the Regional CIP and Regional Road Impact Fee Ordinance within their jurisdiction.

5. The duration of the Interlocal Cooperative Agreement shall be for ten (10) years. It may be renewed pursuant to State law.

SECTION IV. LEVEL OF SERVICE STANDARD

1. The Board of County Commissioners of Washoe County, and the City Councils of Reno and Sparks have determined that the Regional Road Impact Fee Network may operate at the following Level of Service Standards:

a. LOS C for the following facilities:

All regional roadway facilities, other than freeway ramps and intersections located outside the area bounded by McCarran Boulevard, except as otherwise specifically provided herein.

- b. LOS D for the following facilities:
 - All freeway ramp intersections;
 - All intersections, except as otherwise specifically provided herein;
 - Virginia Street from North McCarran Boulevard to South U.S. 395;
 - Longley from McCarran Boulevard to the Moana Lane Extension.
- c. LOS E for the following facilities:
 - McCarran Boulevard for its entire length;
 - Virginia Street from Plumb Lane to Moana Lane;
 - Mill Street from Ryland Street to Terminal Way;
 - Terminal Way from Villanova Drive to Mill Street;
 - Mill Street/Kietzke Lane intersection;
 - Plumb Lane/Virginia Street intersection; and
 - I-80 Westbound On-Ramp from Rock Boulevard.
- d. LOS F for the following facilities:
 - Plumas Street from Plumb Lane to California Avenue;
 - Rock Boulevard from Victorian Avenue to Glendale Avenue;
 - Virginia Street from Kietzke Lane to McCarran Boulevard; and
 - Virginia Street/I-80 intersection;

2. Intersections

- a. Mill Street/Kietzke Lane intersection shall not operate below Level of Service "E".
- b. Plumb Lane/Virginia street intersection shall not operate below Level of Service "E".
- c. Virginia Street/I-80 intersection shall not operate below Level of Service "F".

SECTION V. ADMINISTRATIVE MANUAL

A "Regional Road Impact Fee Administrative Manual" (hereinafter "Administrative Manual"), shall be adopted by Resolution by the RTC Board and by each Participating Local Government. The purpose of the Administrative Manual is to provide guidance in the administration of this Ordinance. This Administrative Manual may be amended only by Resolution by the RTC Board and by Resolution of the Governing Bodies of each Participating Local Governments.

SECTION VI.
DEFINITIONS AND RULES OF CONSTRUCTION

A.
Definitions

Certain words or phrases unique to this Section shall be construed as herein set out unless it is apparent from the context that they have a different meaning.

1. **Average Trip Length** means the average length of a vehicle trip, in miles, on the Regional Road Impact Fee Network.

2. **Attraction** means a particular type of land use to which trips that are generated go to.

3. **Benefit District** means the geographic area established and defined in Section VI(30), Service Area and Benefit Districts, within which regional road impact fees are required to be spent to ensure that fee payers receive sufficient benefit from regional road impact fees paid.

4. **Building Permit** means that development permit issued by the Washoe County's Building Department before any building or construction activity can be initiated on a parcel of land. Building permit does not include any permits for demolition, grading or the construction of a foundation.

5. **Capacity** means the maximum number of vehicles which have a reasonable expectation of passing over a given section of a street in one (1) direction, or in both directions of a highway, during a given time period, under prevailing traffic conditions, expressed in terms of vehicles per hour or maximum critical turn volumes each of which is described under Level of Service (#15). Capacity is measured in this Ordinance and the Regional CIP during the PM Peak Hour.

6. **Capital Contribution Front-Ending Agreement** means a pre-development agreement between the RTC and the Participating Local Government with any person or entity who proposes to construct non-site related street project capital improvements or right-of-way dedication identified in the Regional Road Impact Fee CIP. The Agreement shall specifically describe: 1) the contribution, payment, construction, or land dedication; 2) the time by which the construction of roadway improvements or dedication of land shall be paid; 3) the amount of credit to be issued; and 4) the schedule for when credits shall be issued during phases of construction or dedication of land.

7. **Capital Improvements Advisory Committee** means the designated CIAC from each Participating Local Government who is authorized by Resolution and the Interlocal Cooperative Agreement, pursuant to NRS 278B.150 and 277.080, et. seq., N.R.S., to undertake the following duties: to determine conformance of the land use assumptions, upon which the Regional CIP and this Ordinance are based, with the Washoe County's Master Plan; to review the Regional CIP; file annual reports concerning the progress of the Participating Local Governments in carrying out the Regional CIP; report to the Governing

Bodies of the Participating Local Governments perceived inequities in the implementation of the Regional CIP, and the imposition of the regional road impact fee; and advise the Governing Bodies of the Participating Local Governments of the need to update or revise the land use assumptions, Regional CIP, and this Ordinance.

8. **Collector Street** means a street so designated in the Regional CIP which functions as a connection between arterial streets and traverses the boundaries of the Participating Local Governments or has projected average daily traffic segment volume of at least 5,000 within the Regional CIP time frame.

9. **Commencement of Land Development Activity** occurs upon the issuance of a building permit.

10. **Diverted Trip** means a trip that is already on a particular route for a different that simply diverts travel to a particular land use.

11. **Existing Land Development Activity** means the most intense use of land within the twelve (12) months prior to the time of commencing land development activity.

12. **Expansion** of the capacity of a street includes any widening, intersection improvement, signalization or other capital improvement designed to increase the existing street's capacity to carry vehicles.

13. **External Trip** means any trip which either has its origins from or its destination to the development site, and which impacts the Regional Road Impact Fee Network.

14. **Feepayer** means a person or entity causing traffic generating land development activity to occur who is obligated to pay an impact fee in accordance with the terms of this Ordinance.

15. **Generation of Traffic** shall include both the production and attraction of traffic.

16. **Internal Trip** means a trip which has both its origin and destination within the land development site, does not leave the development site, and does not impact the Regional Road Impact Fee Network.

17. **Level of Service (LOS)** means a qualitative measure describing operational conditions, from "A" (best) to "F" (worst), within a traffic stream or at intersections, which is quantified for street segments by determination of a volume to capacity ratio (V/C), which is a measurement of the amount of capacity of a street which is being utilized by traffic, and which is quantified for signalized intersections in terms of either vehicle delay or total critical hourly volumes. The V/C for LOS "A" through "F" for street segments are:

Level of Service	Max. V/C Ratio	Hourly Vehicles/Lane Mile			
		Major Arterial	Minor Arterial	Collector	Freeway Ramp
LOS "A"	0.60	435	390	390	960
LOS "B"	0.70	507	455	455	1,120
LOS "C"	0.80	580	520	520	1,280
LOS "D"	0.90	653	585	580	1,440
LOS "E"	1.00	725	650	650	1,600

Intersection level of service may be measured either in terms of vehicle delay or in terms of total critical turning movements, as follows:

Level of Service	Delay (seconds)	Maximum Critical Volume
LOS "A"	≤ 5.0	900
LOS "B"	5.1 - 15.0	1,050
LOS "C"	15.1 - 25.0	1,200
LOS "D"	25.1 - 40.0	1,350
LOS "E"	40.1 - 60.0	1,500

18. **Major Arterial Street** means a road so designated in the Regional CIP that accommodates large volumes of through traffic. This traffic is comprised of local and visitor trips. The major arterial street is designed mainly for the movement of through traffic but also performs a secondary function of providing access to abutting properties. Access, parking and loading may be restricted or prohibited to improve the capacity for moving traffic. The major arterial street is intersected by other major arterial streets, minor arterial streets, and collector streets only. Signalization occurs at the intersection of major and minor arterial streets, and some collector streets.

19. **Regional Road Impact Fee Network** means all major arterial streets and minor arterial streets, and collector streets that are within the Service Area, including proposed arterial streets and collector streets necessitated by projected future traffic generating land development activity as identified in the Regional CIP. The Regional Road Impact Fee Network is designated in Exhibit B, which is attached hereto and incorporated herein by reference.

20. **Minor Arterial Street** means a street project so designated in the Regional CIP, that provides traffic access between neighborhoods and city centers. The minor arterial street is subject to some access control, channelized intersections, and parking

restrictions, and is signalized at intersections with major arterial streets, other minor arterial streets and some collector streets.

21. **Non-Site Related Improvements** mean capital improvements and right-of-way dedications for street improvements to the arterial streets and collector streets identified in the Regional CIP that are not site related improvements.

22. **PM Peak Hour** shall mean the highest traffic volumes during four consecutive 15 minute periods between the hours of 4:00 PM and 6:00 PM.

23. **Participating Local Governments** shall mean the governing bodies of the City of Reno, the City of Sparks, and Washoe County.

24. **Pass By Trip** shall mean a trip that is already on a particular route for a different purpose that simply stops at another particular land use.

25. **Percent Primary Trips** means the percentage of average daily trips that a proposed use will generate that constitutes new or additional trips added to the Regional Road Impact Fee Network. Those trips that do not represent additional trip ends shall not be counted as new or additional trips. Pass-by trips and diverted trips do not constitute new trips.

26. **Person** means an individual, corporation, governmental agency or body, business trust, estate, trust, partnership, association, two (2) or more persons having a joint or common interest, or any other entity.

27. **Production** means a particular type of land use that is a source of trip generation.

28. **Roads** mean major arterials and minor arterials, and collectors so designated in the Regional CIP.

29. **Road Capital Improvement** includes the transportation planning of, preliminary engineering, engineering design studies, land surveys, alignment studies, right-of-way acquisition, engineering, permitting, and construction of all necessary features for any street construction project on any arterial or collector street on the Regional CIP, undertaken to accommodate additional traffic resulting from new traffic generating land development, including but not limited to: (a) construction of new through lanes, (b) construction of new bridges, (c) construction of new drainage facilities in conjunction with new street construction, (d) purchase and installation of traffic signals, including new and upgraded signalization, (e) construction of curbs, gutters, sidewalks, medians and shoulders, (f) relocating utilities to accommodate new street construction, (g) the construction and reconstruction of intersections, (h) the widening of existing streets, (i) bus turnouts, (j) acceleration and deceleration lanes, (k) interchanges, and (l) traffic control devices. Road Capital Improvement does not include sound walls or landscaping.

30. **Service Area.** The area encompassed within the boundaries of the Region is hereby designated as the Service Area for the imposition of regional road impact fees and the collection and expenditure of funds under the provisions of this Ordinance. The Service Area is identified in Exhibit A and defined as:

- Northwest Benefit District—Starting at the California-Nevada state line and Interstate 80 at the Southwest corner, north along the state line 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, the west along Interstate 80 to the state line.
- Northeast Benefit District—Starting at the US 395/Interstate 80 interchange at the southwest corner, northwest along the US 395 alignment of 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 north to the western edge of the Washoe County Warm Springs Planning Area, then north to the northwest corner of the Warm Springs Planning Area, then east along the northern boundary 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 US 395.
- South Benefit District—Starting at the California/Nevada line and Interstate 80 at the northwest corner, east along Interstate 80 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 line to Interstate 80.

Service Area specifically excludes the Washoe County High Desert Planning area, the Washoe County Truckee Canyon Planning Area, and the Washoe County Tahoe Planning Area.

31. **Service Unit** means a standardized measure of consumption, use, generation or discharge which is attributable to an individual unit of development calculated for a particular category or capital improvements or facility expansions. The service unit used in this Ordinance and the Regional CIP is vehicle-miles of travel (VMT) during an average weekday.

32. **Site-Related Improvements** mean those capital improvements and right-of-way dedications and/or site-related improvements not included in the Regional Road Impact Fee CIP that provide direct access to the development. Direct access improvements include but are not limited to the following: (a) site driveways and streets; (b) right and left turn lanes leading to those driveways and streets; (c) traffic control measures for those driveways; (d) frontage street; and (e) local and/or private streets.

33. **Traffic-generating Land Development Activity** is land development designed or intended to permit a use of the land which will contain or convert the existing use of the land in a manner that increases the generation of vehicular traffic.

34. **Trip** means a one-way movement of vehicular travel from an origin (one trip end) to a destination (the other trip end).

35. **Trip Generation** means the attraction or production of trips caused by a certain type of land development.

36. **Vehicle-Miles of Travel** means the combination of the number of vehicles traveling during a given time period and the distance (in miles) that they travel. VMT is the Service Unit used in this Ordinance and the Regional CIP to develop the Local CIP and the impact fee schedule.

B. **Rules of Construction**

In the construction of this Ordinance, the rules set out in this Section shall be observed unless such construction is inconsistent with the manifest intent of Washoe County. The rules of construction set out here shall not be applied to any section of this Ordinance which contains any express provisions excluding such construction, or where the subject matter or content of such Section would be inconsistent with this Section.

1. **Generally.** All provisions, terms, phrases and expressions contained in this Ordinance shall be liberally construed in order that the true intent and meaning of the Washoe County may be fully carried out. Terms used in this Ordinance, unless otherwise specifically provided, shall have the meanings prescribed by the statutes of this state for the same terms.

2. **Text.** In case of any difference of meaning or implication between the text of this Ordinance and any figure, the text shall control.

3. **Delegation of Authority.** Whenever a provision appears requiring the head of a department or some other Washoe County officer or employee to do some act or perform some duty, it is to be construed to authorize the head of the department or some other Washoe County officer or employee to designate/delegate and authorize professional level subordinates to perform the required act or duty unless the terms of the provision or section specify otherwise.
4. **Gender.** Words importing the masculine gender shall be construed to include the feminine and neuter.
5. **Month.** The word "month" shall mean a calendar month.
6. **Nontechnical and technical words.** Words and phrases shall be construed according to the common and approved usage of the language, but technical words and phrases and such others as may have acquired a peculiar and appropriate meaning in law shall be construed and understood according to such meaning.
7. **Number.** A word importing the singular number only, may extend and be applied to several persons and things as well as to one person and thing. The use of the plural number shall be deemed to include any single person or thing.
8. **Shall, may.** The word "shall" is mandatory; "may" is permissive.
9. **Tense.** Words used in the past or present tense include the future as well as the past or present.
10. **Written or in writing.** The term "written" or "in writing" shall be construed to include any representation of words, letter or figures whether by printing or otherwise.
11. **Boundaries.** Where a street on the Regional Road Impact Fee Network is used to define Benefit District boundaries, the street demarcating the boundary shall be considered as part of both Benefit Districts that it bounds, and impact fees from both Benefit Districts may be used to fund street capital improvements for that street.

**SECTION VII.
FEE TO BE IMPOSED ON TRAFFIC
GENERATING LAND DEVELOPMENT ACTIVITY**

**A.
Fee Obligated at Commencement of
Land Development Activity; Fee Determined
and Paid at Issuance of Building Permit**

1. Upon the effective date of this Ordinance, any person or entity who causes any traffic generating land development activity to occur shall be obligated to pay a regional road impact fee, pursuant to the terms of this Ordinance. If any credits are due pursuant to Sec. VIII, Credits, they shall also be determined at that time. The fee shall

be determined and paid to the Washoe County Administrator at the time of issuance of a building permit for the development.

In the event that all participating local governments approve a procedure to allow for posting of a bond for the fee at issuance of the building permit, payment of the fee may be delayed to the time that a certificate of occupancy is issued.

The fee shall be computed separately for the amount of development covered by the permit, if the building permit is for less than the entire development. If the fee is imposed for a traffic generating land development activity that increases traffic impact because of a change in use, the fee shall be determined by computing the difference in the fee schedule between the new traffic generating land development activity and the existing traffic generating land development activity. The obligation to pay the impact fee shall run with the land.

2. Any person or entity who prior to the effective date of this Ordinance agreed as a condition of development approval to pay regional road impact fees, shall be responsible for the payment of the regional road impact fees. The payment of such fees by the developer will be offset against any impact fees due pursuant to the terms of this Ordinance.

B. **Exemptions**

The following shall be exempt from the terms of this Ordinance as specified. An exemption must be claimed by the feepayer at the time of application for a building permit.

1. Development approvals that meet either of the following criteria are exempt from the terms of this ordinance.

a. Projects with discretionary approvals from the Elected Board in the City of Reno prior to May 28, 1991, and the applications for which approvals required the preparation of a traffic report consistent with the City of Reno guidelines and subsequent non-site, traffic-related improvements other than proportionate share contributions; or outside the City of Reno, but within the service area prior to adoption of this ordinance, and the applications for which approvals required non-site, traffic-related improvements other than proportionate share contributions.

b. Those project approvals that meet the first criteria and for which additional traffic studies are required in order to monitor the cumulative traffic impacts of phased development.

Such projects shall be required to do the traffic mitigations required as conditions of approval. Projects that meet the first criteria with the exception that no off-site, traffic-related improvements are required other than proportionate share cash contributions shall remain exempt until September 1, 1997. As of September 2, 1997, these projects shall be subject to payment of Fees and all requirements/conditions related to proportionate share cash contributions shall become null and void.

In the event that time extensions are granted, the exemption from the imposition of the fee will be retained. If any development approval exempted under this Section is allowed to expire, such exemption shall be null and void. Any subsequent approval and development of the project in any form shall be deemed not to have been approved prior to May 28, 1991 and are subject to the imposition of the fee.

Projects exempt from the payment of impact fees pursuant to this Section VIII B, may nevertheless be required to perform additional traffic mitigation measures if such project is developed in phases, regardless of whether project approval by the Washoe County was granted for a total or phased development, and regardless of whether traffic mitigation measures required at the time of project approval by the City of Reno have been completed by the applicant.

As used herein, "phased development" means:

- (1) a project which was approved as a phased development by the Washoe County.
 - (2) a project which received approval by the Washoe County for a total project, but which has not been totally developed pursuant to such approval at the end of a five year period starting with such approval
2. All development exempted by Sec. 278B.010, et. seq., N.R.S.
 3. Alterations or expansion of an existing building where no additional dwelling units are created, the use is not changed, and where no additional vehicular trips will be produced over and above that produced by the existing use.

4. The construction of accessory buildings or structures which will not produce additional vehicular trips over and above that produced by the principal building or use of the land.

5. The replacement of a destroyed or partially destroyed building or structure with a new building or structure of the same size and use, provided that no additional trips will be produced over and above that produced by the original use of the land.

6. For a period of 60 days after the effective date of the ordinance, those projects that apply for and have issued to them a building permit.

B.

General Conditions for Exemptions

1. Exemptions are limited to the geographic area established in the original project approval.

C.

Establishment of Fee Schedule

1. Any person or entity who initiates any new traffic generating land development activity, except those persons preparing an independent fee calculation study pursuant to Section VIII, Independent Fee Calculation Study, shall pay an impact fee in accordance with the following fee schedule. The impact fee for development in certain transit corridors may be reduced by a percentage to reflect transit usage as provided for in the Administrative Manual.

2. If a building permit is requested for mixed uses, then the fee shall be determined according to the fee schedule by apportioning the space committed to uses specified on the fee schedule.

3. The impact fees for gaming/resort development with additional rooms added will be assessed at the hotel/motel rate. The development of additional gaming/casino floor area with no additional rooms will be assessed at the casino gaming area rate. If the ratio of increase in the gaming area is higher than the ratio increase in the additional rooms, the Local Administrator in consultation with the RTC Administrator will determine the appropriate rate of assessment.

4. If the type of traffic generating land development activity for which a building permit is requested is not specified on the fee schedule, the Washoe County's Impact Fee Administrator shall use the fee applicable to the most comparable type of land use on the fee schedule.

REGIONAL ROAD IMPACT FEE NET COST SCHEDULE

Land Use	Unit of Development	VMT/Unit	Net Cost per VMT		Net Cost per Unit	
			Reno	Outside Reno	Reno	Outside Reno
Residential						
Single-Family Detached	Dwelling	14.96	\$101	\$123	\$1,511	\$1,840
Multi-Family	Dwelling	10.14	\$101	\$123	\$1,024	\$1,247
Mobile Home in Trailer Park	Dwelling	7.54	\$101	\$123	\$ 762	\$ 927
Hotel/Motel	Room	11.58	\$101	\$123	\$1,170	\$1,424
Office						
General Office Building	1,000 sq. ft.	15.78	\$101	\$123	\$1,594	\$1,941
Medical Clinic/Office	1,000 sq. ft.	40.68	\$101	\$123	\$4,109	\$5,004
Commercial						
Shopping Center <50,000sf	1,000 sq. ft.	17.99	\$101	\$123	\$1,817	\$2,213
Shopping Center 50-99,000sf	1,000 sq. ft.	24.01	\$101	\$123	\$2,425	\$2,953
Shopping Center 100-199,999sf	1,000 sq. ft.	27.28	\$101	\$123	\$2,755	\$3,355
Shopping Center 200-299,999sf	1,000 sq. ft.	29.42	\$101	\$123	\$2,971	\$3,619
Shopping Center 300-399,999sf	1,000 sq. ft.	31.79	\$101	\$123	\$3,211	\$3,910
Shopping Center 400-499,999sf	1,000 sq. ft.	34.64	\$101	\$123	\$3,499	\$4,261
Shopping Center 500-999,999sf	1,000 sq. ft.	32.88	\$101	\$123	\$3,321	\$4,044
Shopping Center 1,000,000sf+	1,000 sq. ft.	32.77	\$101	\$123	\$3,310	\$4,031
Casino Gaming Area	1,000 sq. ft.	62.63	\$101	\$123	\$6,326	\$7,703
Drive-in Bank	1,000 sq. ft.	47.41	\$101	\$123	\$4,788	\$5,831
Fast Food Restaurant	1,000 sq. ft.	51.36	\$101	\$123	\$5,187	\$6,317
Convenience Store	1,000 sq. ft.	59.96	\$101	\$123	\$6,056	\$7,375
Industrial						
General Light Industrial	1,000 sq. ft.	9.28	\$101	\$123	\$ 937	\$1,141
Manufacturing	1,000 sq. ft.	4.31	\$101	\$123	\$ 435	\$ 530
Warehouse	1,000 sq. ft.	6.49	\$101	\$123	\$ 655	\$ 798
Mini-Warehouse	1,000 sq. ft.	3.69	\$101	\$123	\$ 373	\$ 454
Institutional						
Elementary School	1,000 sq. ft.	2.46	\$101	\$123	\$ 248	\$ 303
High School	1,000 sq. ft.	5.21	\$101	\$123	\$ 526	\$ 641
University/College	1,000 sq. ft.	17.53	\$101	\$123	\$1,771	\$2,156
Day Care Center	1,000 sq. ft.	18.16	\$101	\$123	\$1,834	\$2,234
Hospital	1,000 sq. ft.	22.32	\$101	\$123	\$2,254	\$2,772
Nursing Home	1,000 sq. ft.	7.14	\$101	\$123	\$ 721	\$ 878
Church/Synagogue	1,000 sq. ft.	9.66	\$101	\$123	\$ 976	\$1,188
Recreational						
Golf Course	Hole	38.99	\$101	\$123	\$3,938	\$4,796
Park	Acre	1.17	\$101	\$123	\$ 118	\$ 144

5. If the type of traffic generating land development activity for which a building permit is requested is not specified on the fee schedule or in the Administrative Manual, the Washoe County's Impact Fee Administrator shall determine the fee on the basis of the fee applicable to the most nearly comparable type of land use on the fee schedule. The Washoe County's Impact Fee Administrator shall be guided in the selection of a comparable type of land use by:

a. Using trip generation rates contained in the most current edition of the report titled *Trip Generation: An Informational Report* prepared by the Institute of Transportation Engineers (ITE), articles or reports appearing in the ITE Journal, or studies or reports done by the U.S. Department of Transportation, Nevada Department of Transportation, or the Regional Transportation Commission of Washoe County, as provided in the Administrative Manual, and applying the formula set forth in Section VIII.B.; or

b. Computing the fee by use of an independent fee calculation study as provided in Section VIII, Independent Fee Calculation Study.

D.

Pre-Development Review Impact Fee Calculation

Any person or entity contemplating establishing a traffic generating land development activity may request a preliminary determination of the impact fees due from such development. A person or entity requesting a pre-development review impact fee calculation shall complete and submit to the Washoe County's Impact Fee Administrator the proper application form and an application fee. Using the information regarding the proposed traffic generating land development activity as submitted on the application, the Washoe County's Impact Fee Administrator will provide, within fifteen (15) days of the date of submittal of the completed application, a *preliminary* calculation of the regional road impact fees due for the proposed traffic generating land development activity.

SECTION VIII.

INDEPENDENT FEE CALCULATION STUDY

A.

General

1. The impact fee may be computed by the use of an independent fee calculation study at the election of the fee payer or upon the request of the Washoe County's Impact Fee Administrator.

2. The preparation of the independent fee calculation study shall be the responsibility of the feepayer or entity.

3. Any person or entity who requests to perform an independent fee calculation study shall pay an application fee for administrative costs associated with the review and decision on such independent fee calculation study.

B.
Formula

1. The independent fee calculation study for the regional road impact fee shall be calculated by the use of the following formula:

$$\text{IMPACT FEE/UNIT} = \text{VMT/Unit} \times \text{NC}$$

$$\text{VMT/UNIT} = \frac{\text{ADT/Unit} \times \text{PT} \times \text{TL}}{2}$$

where:

ADT/Unit = Average number of trips generated per unit of development on a weekday

PT = Percent Primary Trips

TL = Trip Length in miles

VMT/Unit = Vehicle-Miles of Travel per unit of development

NC = Net Cost per VMT. For the purposes of this formula, Net Cost per VMT is \$101 for development within the City of Reno, and \$123 for development located outside the City of Reno.

2. The fee calculation shall be based on data, information, or assumptions contained in this Ordinance or independent sources, provided that:

a. The independent source is an accepted standard source of transportation engineering or planning data or information; or

b. The independent source is a local study on trip characteristics carried out by a qualified traffic planner or engineer pursuant to an accepted methodology of transportation planning or engineering; or

c. The percent primary trips factor used in the independent fee calculation study is based on actual surveys prepared in Washoe County, or within either of the City of Reno or City of Sparks, if appropriate and relevant.

C.
Procedure

1. The RTC Administrator, after consultation with the Washoe County's Impact Fee Administrator, shall determine the sufficiency and completeness of an application for an independent fee calculation study.

2. After receipt of a sufficient and complete application for an independent fee calculation study, the RTC Administrator, after consultation with the Washoe County's Impact Fee Administrator, shall, pursuant to the standards in Sec. VIII.D, determine the amount of the impact fee to be paid.

D.
Standards

If on the basis of generally recognized principles of impact analysis it is determined the data, information and assumptions used by the feepayer to calculate the independent fee calculation study satisfies the requirements of this Section, the fee determined in the independent fee calculation study shall be deemed the fee assessed for the proposed traffic generating land development activity. If the independent fee calculation study fails to satisfy the requirements of this Section, the fee applied shall be that fee established for the traffic generating land development activity in Section VII.C.

E.
**Appeal of Independent Fee
Calculation Study Decision**

1. A feepayer affected by the administrative decision of the RTC Administrator on an independent fee calculation study may appeal such decision to the RTC Impact Fee Technical Committee, by filing with the RTC Administrator within ten (10) days of the date of the written decision, a written notice stating and specifying briefly the grounds of the appeal. The RTC Administrator shall place the appeal on the RTC Impact Fee Technical Committee's agenda for the next regularly scheduled meeting.

2. The RTC Impact Fee Technical Committee shall consist of the Community Development Director from the City of Reno, the Director of the Washoe County Department of Comprehensive Planning, and the Planning Director from the City of Sparks or their designees, the Public Works Directors from the Participating Local Governments, the Engineers from the Participating Local Governments, and two (2) RTC Staff members appointed by the Executive Director of the RTC.

3. The RTC Impact Fee Technical Committee, after a public hearing, shall have the power to affirm or reverse the decision of the RTC Administrator. In making its decision, the RTC Impact Fee Technical Committee shall make written findings pertaining to the calculation of regional impact fees, and apply the standards in Sec. VIII.D. If the

RTC Impact Fee Technical Committee reverses the decision of the RTC Administrator, it shall direct the RTC Administrator to recalculate the fee in accordance with its findings. In no case shall the RTC Impact Fee Technical Committee have the authority to negotiate the amount of the fee.

4. If the RTC Impact Fee Technical Committee affirms the decision of the RTC Administrator, the applicant or Participating Local Government may appeal the decision to the RTC Board within ten (10) days of the RTC Impact Fee Technical Committee's decision, by filing a notice of appeal with the RTC Administrator. The RTC Administrator shall place the appeal on the RTC Board's agenda for the next regularly scheduled meeting occurring at least twenty-one (21) days thereafter. The RTC Board, after a hearing, shall affirm or reverse the decision of the RTC Impact Fee Technical Committee based on the standards in Sec. VIII.D. If the RTC Board reverses the decision, it shall direct the RTC Administrator to recalculate the fee in accordance with its findings.

SECTION IX. CREDITS

A. General Standards

1. Any person or entity initiating traffic generating land development activity may apply for credit against road impact fees otherwise due for any contributions, construction, or dedication of land accepted or received by the Washoe County for Non-Site Related Road Capital Improvements that are identified on the Regional CIP, pursuant to the provisions of this ordinance.

2. The RTC and the Participating Local Governments may enter into a Capital Contribution Front-Ending Agreement with any person or entity initiating traffic generating land development activity who proposes to construct or dedicate land for Non-Site Related Road Capital Improvements that are identified in the Regional CIP. To the extent that the fair market value of the construction or dedication of land of these road capital improvements for which a credit is provided pursuant to this Section, the Capital Contribution Front-Ending Agreement shall provide the amount of and schedule for credits that can be applied against impact fees that would otherwise be due on other projects within the same benefit district.

3. Credits for contributions, construction or dedication of land for Non-Site Related Road Capital Improvements included on the Regional CIP shall be transferable within the same development and subject to use restrictions identified within a Capital Contribution Front-Ending Agreement anywhere within the benefit district that the non-site related road capital improvements are constructed. The credit shall not exceed the amount of the agreed upon improvements specifically provided in a Capital Contribution Front-Ending Agreement pursuant to the provisions of this ordinance. Any credits transferred to another development within the same benefit district may only be used to address up to 50 percent of the amount of impact fees due.

4. Any claim for credit must be made no later than the time of application for a building permit. Any claim not so made shall be deemed waived.

B.
Credit Against Fees

Credit shall be in an amount equal to fair market value of the land dedicated for right-of-way at the time of dedication, the fair market value of the construction at the time of its completion, or the value of the contribution or payment at the time it is made to Washoe County. Transferrable credits created pursuant to a Capital Contribution Front-Ending Agreement shall be expressed in terms of service units.

C.
Procedure for Credit Review

1. The determination of credit shall be by application submitted to the RTC Administrator.

2. If the proposed application involves a credit for construction, the following documentation must be provided:

- a. The proposed plan of specific construction; or
- b. The proposed costs for the proposed improvement.

3. If the proposed application involves a credit for right-of-way dedication, the following documentation must be provided

- a. A specimen of the deed;
- b. A preliminary title report;
- c. A copy of recent assessment of the property; and
- d. Property appraisals.

4. If the proposed application involves a credit for any other contribution, the following documentation must be provided:

- a. A certified copy of the development approval in which the contribution was agreed;
- b. If payment has been made, proof of payment; or
- c. If payment has not been made, the proposed method of payment.

5. After receipt of a sufficient and complete application for credit, the RTC Administrator, after consultation with the Washoe County's Impact Fee Administrator, shall, pursuant to the standards in Section IX.A., determine if any credit is due, and its amount.

D.

Determination of Credit

1. The credit shall be in the amount equal to the actual cost of construction or the fair market value of the land at the time of contribution, payment, construction, or dedication of non-site related improvements.

2. The determination of the amount of credit shall be made by the RTC Administrator, after consultation with the Washoe County's Impact Fee Administrator.

3. The amount of credit due and the schedule of credit issuance must be contained in an approved Capital Contribution Front-Ending Agreement.

E.

Credit Usage

The transferability and usage of credits are as follows:

1. Credits may be transferable within the same development and shall run with the land.

2. Credits held by any person or entity can be used to offset the payment of Regional Impact Fees due on any traffic-generating development within the same benefit district in which the roadway segment is constructed or right-of-way dedicated.

3. Credits held by any person or entity may be transferred and used by other traffic-generating development within the same benefit district. Development on the parcel receiving the transferred credit may use credits only up to 50 percent of the amount of the impact fees due.

F.

Appeal of Credit Decision

1. A feepayer affected by the decision of the RTC Administrator regarding credits may appeal such decision to the RTC Impact Fee Technical Committee by filing with the RTC Administrator, within ten (10) days of the date of the written decision, a written notice stating and specifying briefly the grounds of the appeal. The RTC Administrator shall place such appeal on the RTC Impact Fee Technical Committee's agenda for the next regularly scheduled meeting. The RTC Impact Fee Technical Committee, after a public hearing, shall have the power to affirm or reverse the decision

of the RTC Administrator based on the standards in Sec. IX.A. If the RTC Impact Fee Technical Committee reverses the decision, it shall direct the RTC Administrator to readjust the credit in accordance with its findings. In no case shall the RTC Impact Fee Technical Committee have the authority to negotiate the amount of the credits.

2. The RTC Impact Fee Technical Committee shall consist of the Community Development Director from the City of Reno, the Director of the Washoe County Department of Comprehensive Planning and the Planning Director from the City of Sparks or their designees, the Public Works Directors from the Participating Local Governments, the Engineers from the Participating Local Governments, and two (2) RTC Staff members appointed by the Executive Director of the RTC.

3. If the RTC Impact Fee Technical Committee affirms the decision of the RTC Administrator, the applicant may appeal that decision to the RTC Board within ten (10) days of the RTC Impact Fee Technical Committee's decision by filing a notice of appeal with the RTC Administrator. The RTC Administrator shall place the appeal on the RTC Board's agenda for the next regularly scheduled meeting occurring at least twenty-one (21) days thereafter. The RTC Board, after a public hearing, shall affirm or reverse the decision of the RTC Administrator and RTC Impact Fee Technical Committee based on the standards in Section IX.A. If the RTC Board reverses the decision, it shall direct the RTC Administrator to readjust the credit in accordance with its findings.

SECTION X.

SERVICE AREA AND BENEFIT DISTRICTS

A. Service Area. The area encompassed within the boundaries of the three benefit districts is hereby designated as the Service Area for the imposition of regional road impact fees and the collection and expenditure of funds under the provisions of this Ordinance. The Service Area is identified in Exhibit A and defined as:

- Northwest Benefit District—Starting at the California Nevada line and Interstate 80 at the Southwest corner, north along the state line 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, the west along Interstate 80 to the state line.

- Northeast Benefit District—Starting at the US 395/Interstate 80 interchange at the southwest corner, northwest along the US 395 alignment of 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 north to the western edge of the Washoe County Warm Springs Planning Area, then north to the northwest corner of the Warm Springs Planning Area, then east along the northern boundary 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 US 395.
- South Benefit District—Starting at the California/Nevada line and Interstate 80 at the northwest corner, east along Interstate 80 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 line to Interstate 80.

Service Area specifically excludes the Washoe County High Desert Planning area, the Washoe County Truckee Canyon Planning Area, and the Washoe County Tahoe Planning Area.

B. Benefit Districts.

1. For the purpose of further ensuring feepayers receive sufficient benefit for fees paid, three (3) Benefit Districts are hereby established and a map attached hereto and incorporated herein by reference. The Benefits Districts are shown in Exhibit A and defined as:

- Northwest Benefit District—Starting at the California Nevada line and Interstate 80 at the Southwest corner, north along the state line 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, the west along Interstate 80 to the state line.

- Northeast Benefit District— Starting at the US 395/Interstate 80 interchange at the southwest corner, northwest along the US 395 alignment of 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 north to the western edge of the Washoe County Warm Springs Planning Area, then north to the northwest corner of the Warm Springs Planning Area, then east along the northern boundary 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 US 395.
- South Benefit District— Starting at the California/Nevada line and Interstate 80 at the northwest corner, east along Interstate 80 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 line to Interstate 80.

Service Area specifically excludes the Washoe County High Desert Planning area, the Washoe County Truckee Canyon Planning Area, and the Washoe County Tahoe Planning Area.

2. Impact fee funds shall be spent within the Benefit District from which the traffic generating land development activity paying the fee is located, except that:

a. Where a street on the Regional Road Impact Fee Network is used to define Benefit District boundaries, the street demarcating the boundary shall be considered as part of both Benefit Districts that it bounds, and impact fees from both Benefit Districts may be used to fund street capital improvements for that street; or

b. Impact fee funds from all Benefit Districts may be used to fund road capital improvements identified on the Regional CIP for McCarran Boulevard and Virginia Street; or

c. Impact fee funds may be used to fund a road capital improvement on the Regional CIP outside the Benefit District from which the fees are collected, if the fee payers from the Benefit District from which the fees come will receive sufficient benefit from the street capital improvement.

SECTION XI. USE OF FUNDS

A.

Establishment of Trust Fund

There is hereby established the Washoe County's Regional Road Impact Fee Trust Fund (hereinafter Washoe County's "Trust Fund") and the RTC Regional Road Impact Fee Trust Fund (hereinafter "RTC Trust Fund") for the purpose of ensuring that fee payers receive sufficient benefit for regional road impact fees paid.

B.

Deposit in Trust Fund/ General Requirements for Trust Fund

1. All regional road impact fees collected by the Washoe County's Impact Fee Administrator pursuant to this Ordinance shall be immediately deposited in the Washoe County's Trust Fund.

2. Any proceeds in the Washoe County's Trust Fund not immediately necessary for expenditure shall be invested in an interest-bearing account. All income derived from these investments shall be retained in the Washoe County's Trust Fund until transferred to the RTC Trust Fund. Record of the Washoe County's Trust Fund accounts shall be available for public inspection in the [Local Government Impact Fee Administrator's office], during normal business hours.

3. Quarterly, and pursuant to the Interlocal Cooperative Agreement, the Washoe County's Impact Fee Administrator shall transfer the impact fee funds in the Washoe County's Trust Fund to the RTC Administrator, who shall deposit these funds in the RTC Trust Fund. All proceeds in the RTC Trust Fund not immediately necessary for expenditure shall be invested in an interest bearing account. Record of the RTC Trust Fund accounts shall be available for public inspection in the RTC Office, during normal business hours.

C.

Limitations on Expenditures

1. Impact fee monies shall only be expended from funds drawn from the RTC Trust Fund. The expenditure of funds shall be determined by the RTC Board on an annual basis and shall be approved by the governing bodies of the Participating Local Governments. The expenditure of impact fee funds shall be limited to those street capital

improvement projects included in the Regional CIP. Impact fee funds from the RTC Trust Fund shall be spent consistent with the requirements of Section X.B,2. For the purposes of determining whether impact fee funds have been spent or encumbered, the first fees collected shall be considered the first monies spent or encumbered.

2. If impact fee funds transferred to the RTC Trust Fund are required to be refunded pursuant to Section XII, Refund of Fees, they shall be returned by the RTC Administrator to the Washoe County's Impact Fee Administrator for refund.

SECTION XII.
REFUND OF FEES

A.
Failure to Expend Fees
Within Appropriate Time

Upon application to the RTC Administrator of an owner of record of land for which an impact fee has been collected pursuant to this Ordinance, the RTC Administrator shall refund the applicable fee paid if:

1. A contract for the construction of street capital improvements or facility expansions for which the fee was collected, has not been awarded within five (5) years; or

2. The fee, or any portion thereof, has not been spent for the purpose for which it was collected within ten (10) years after the date on which it was collected.

B.
Completion of Capital Improvements

1. The RTC Administrator shall, upon the completion of the capital improvement or facility expansion identified in the Regional CIP, or upon expenditure of fees collected from a development, recalculate the impact fee for that development by using the actual costs of the capital improvement or facility expansion or the actual costs of those capital improvements or facility expansions completed and engineering estimates of those capital improvements or facility expansions to be completed within the Service Area.

2. If the impact fee based on the cost or recalculated cost is less than the impact fee paid, the local government shall refund:

a. The difference if the actual costs are known; or

b. The difference if it exceeds the impact fee paid by more than ten (10) percent, if estimates are used, and any interest and income earned by the local government on the amount of money refunded.

C.

Procedure for Refund of Fees

A refund application shall be submitted within one hundred and eighty (180) days of the notification of any refund eligible per the requirements of Section XII.A or B to the RTC Administrator and the RTC Administrator shall make a decision on the refund in accordance with the provisions in this Section.

D.

Appeal of Refund Decision

1. A fee payer affected by the administrative decision regarding refunds may appeal such decision to the RTC Impact Fee Technical Committee by filing with the RTC Administrator within ten (10) days of the date of the written decision, a written notice stating and specifying briefly the grounds of the appeal. The RTC Administrator shall place such appeal on the RTC Impact Fee Technical Committee's agenda. The RTC Impact Fee Technical Committee, after a public hearing, shall affirm or reverse the decision of the RTC Administrator based on the standards in this Section. If the RTC Impact Fee Technical Committee reverses the decision of the RTC Administrator, it shall direct the RTC Administrator to readjust the refund in accordance with its findings. In no case shall the RTC Impact Fee Technical Committee have the authority to negotiate the amount of the refund.

2. If the RTC Impact Fee Technical Committee affirms the decision of the RTC Administrator, the applicant may appeal that decision to the RTC Board within ten (10) days of the RTC Impact Fee Technical Committee's decision by filing a notice of appeal with the RTC Administrator. The RTC Administrator shall place the appeal on the RTC Board's agenda for the next regularly scheduled meeting occurring at least twenty-one (21) days thereafter. The RTC Board, after a public hearing, shall affirm or reverse the decision of the RTC Administrator and RTC Impact Fee Technical Committee based on the standards in this Section. If the RTC Board reverses the decision, it shall direct the RTC Administrator to readjust the refund in accordance with its findings. In no case shall the RTC Board have the authority to negotiate the amount of the refund.

SECTION XIII.

**PRIVATE AMENDMENTS TO REGIONAL CIP
AND LOCAL CIPS**

A.

Bi-Annual Consideration of Private Amendments

The RTC Board and the Governing Bodies of the Participating Local Governments shall consider proposed amendments by private persons to the Regional CIP requesting modifications to specific road capital improvements no more often than bi-annually, during odd-numbered years.

B.
Procedure

1. Any private person or entity who proposes an amendment to the Regional CIP that requires a modification of road capital improvements shall submit an application requesting such an amendment to the RTC Administrator by the end of the first quarter of any odd-numbered year. The application shall include the appropriate data and supporting analysis to demonstrate justification for amending the Regional CIP, and either adding and/or deleting road capital improvements; to the extent necessary, justification for modifications to land use assumptions and trip characteristics shall be included in the application by the applicant.

2. Within ten (10) working days after the end of the first quarter of odd-numbered years, the RTC Administrator shall compile and synthesize all applications submitted by private persons or entities for proposed amendments to the Regional CIP, and mail copies of these applications to the Impact Fee Administrators of the Participating Local Governments. Prior to the end of the second quarter of each odd-numbered year, the RTC Administrator shall prepare a Staff Report recommending approval, approval with modifications, or disapproval of each proposed application; in preparing the Staff Report, the RTC Administrator shall consider and to the extent appropriate incorporate any comments from the Impact Fee Administrators of the Participating Local Governments.

3. During the third quarter of each odd-numbered year, the RTC Board shall review and consider the applications for proposed amendments to the Regional CIP and the Staff Report prepared by the RTC Administrator. By the end of each odd-numbered year, the RTC Board shall submit its recommendations to each of the Governing Bodies of the Participating Local Governments who shall make a decision on whether to approve, approve with modifications, or disapprove the proposed applications. For an application to receive final approval, it shall require approval by each of the Governing Bodies of the Participating Local Governments.

4. Based upon the decision of the RTC Board and the Governing Bodies of the Participating Local Governments, the RTC Administrator shall prepare the appropriate modifications to the Regional CIP, and this Ordinance, which shall then be approved in a consolidated form by the Governing Bodies of each Participating Local Government before they become final.

C.
Standard

Any application for an amendment to the Regional CIP requesting modification of road capital improvements submitted by a private person or entity, shall only be approved if the application demonstrates that the land use assumptions or the travel characteristics used in the Regional CIP have changed to such a degree that the modification of the road capital improvement is necessary to maintain adequate levels of service on the Regional Road Impact Fee Network.

D.**Special Request for Private Amendment**

1. Any private person may propose an amendment to the Regional CIP during periods other than that specified in Section XIII B.1. The RTC Administrator will consider applications to amend the Regional CIP if the following criteria are met: a) a non-refundable fee of \$5,000 is provided to fund the cost of processing the amendment, and b) the amendment is consistent with a Master Plan that has been approved by the appropriate Governing Body and Truckee Meadows Regional Planning Agency as necessary.

2. The RTC Administrator will process applications meeting the criteria specified in Section XIII D.1. and make necessary revisions to the Regional CIP and this Ordinance within 120 days. The revised Regional CIP and this Ordinance will be presented to the RTC Board and each of the Governing Bodies of each Participating Local Government who shall make a decision to approve, approve with modifications, or disapprove the proposed application. For an application to receive final approval, it shall require approval by each of the Governing Bodies of Participating Local Governments.

SECTION XIV.**REVIEW EVERY TWO YEARS**

The Regional CIP and this Ordinance shall be reviewed and evaluated by the RTC at least once every two (2) years, to determine if any modifications need to be made to the Regional CIP and this Ordinance. This review shall be conducted by the RTC Administrator and submitted to the RTC Board and the Governing Bodies of each of the Participating Local Governments. Before any modifications of the Regional CIP or this Ordinance are effective they shall be approved by each of the Governing Bodies of the Participating Local Governments.

SECTION XV.**LIBERAL CONSTRUCTION,
SEVERABILITY AND PENALTY PROVISIONS****A.****Liberal Construction**

The provisions of this Ordinance shall be liberally construed to effectively carry out its purposes in the interest of the public health, safety, welfare, and convenience.

Exhibit A REGIONAL ROAD IMPACT FEE SERVICE AREA AND BENEFIT DISTRICTS

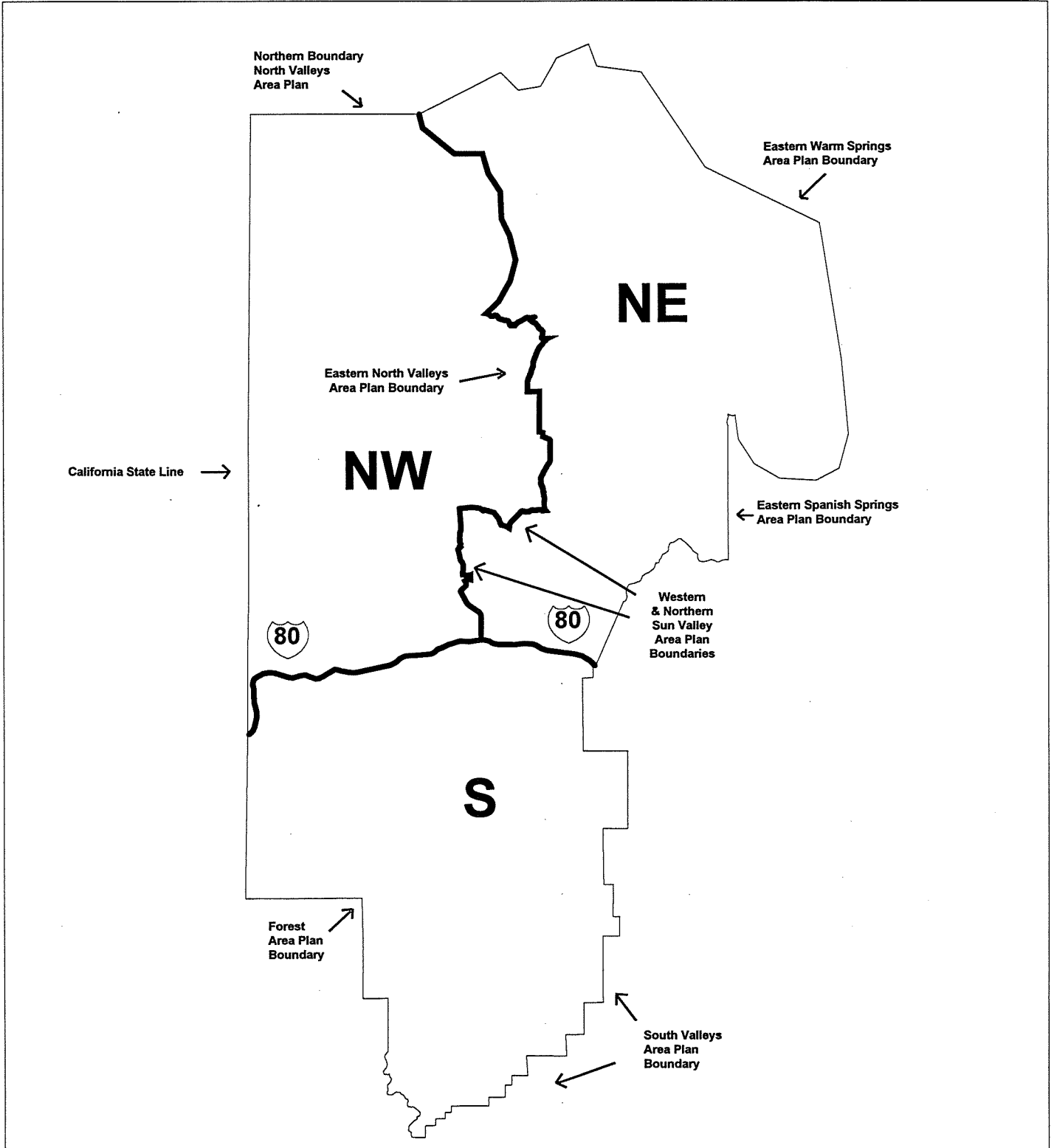
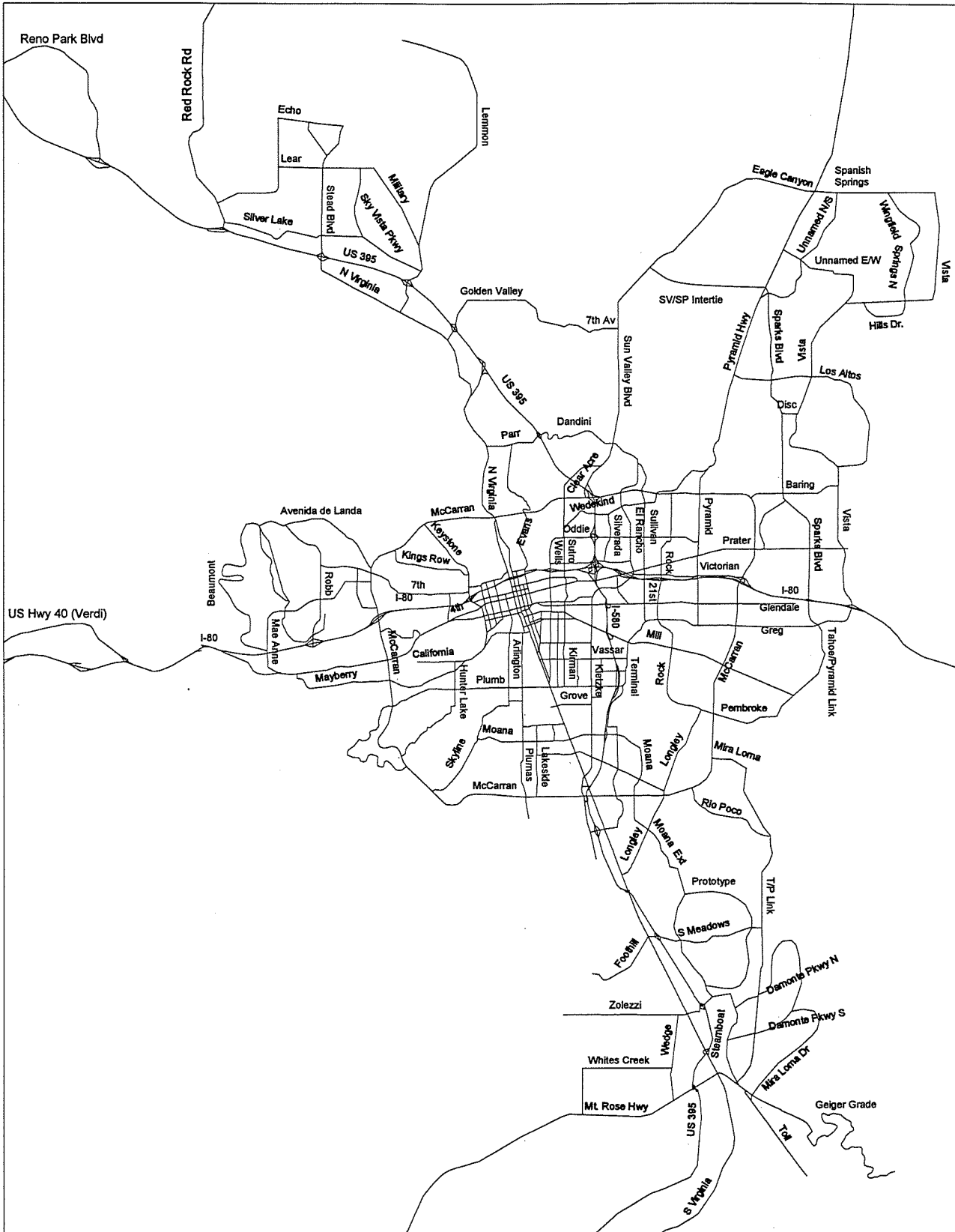


Exhibit B REGIONAL ROAD IMPACT FEE NETWORK



* Freeways are shown only as a guide for ramp locations. Ramps are on the Regional Road Impact Fee Network, freeways are not.