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STATE OF NEVADA
COUNTY OF WASHOE

ss. Tana Ciccotti

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

Ord 1242

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:

June 16, 23, 1999

Signed

Tana Ciccotti

Subscribed and sworn to before me this

June 23, 1999

Susan V. Dummar
Notary Public

 SUSAN V. DUMMAR
Notary Public - State of Nevada
Appointment Recorded in Washoe County
No: 98-4006-2 - Expires August 17, 2002

PROOF OF PUBLICATION

**NOTICE OF ADOPTION
WASHOE COUNTY ORDINANCE
NO. 1242**

NOTICE IS HEREBY GIVEN THAT: Bill No. 1242, Ordinance No. 1066 entitled AN ORDINANCE AMENDING THE WASHOE COUNTY CODE BY AMENDING PROVISIONS RELATING TO THE REGIONAL ROAD IMPACT FEE BY INCORPORATING A REFERENCE TO THE REGIONAL ROAD IMPACT FEE SYSTEM GENERAL ADMINISTRATIVE MANUAL AND DELETING SECTIONS THAT REFER TO THE INTERLOCAL COOPERATIVE AGREEMENT, LEVEL OF SERVICE STANDARD, ADMINISTRATIVE MANUAL, DEFINITIONS AND RULES OF CONSTRUCTION, FEES TO BE IMPOSED ON TRAFFIC GENERATING LAND DEVELOPMENT ACTIVITY, INDEPENDENT FEE CALCULATION STUDY, CREDITS, REFUND OF FEES, PRIVATE AMENDMENTS TO REGIONAL CIP AND LOCAL CIPs, REVIEW EVERY TWO YEARS, ADOPTING THE MOST CURRENT CAPITAL IMPROVEMENTS PROGRAM AND FEE SCHEDULE; AND OTHER MATTERS PROPERLY RELATING THERETO.

was adopted on June 8, 1999, by Commissioners Jim Galloway, Pete Sferazza, Jim Shaw, and Ted Short, with Joanne Bond absent, and will become effective on Friday, June 25, 1999.

Typewritten copies of the ordinance are available for inspection by all interested persons at the office of the County Clerk, 75 Court Street, Reno, Nevada.

AMY HARVEY
Washoe County Clerk

No.2501 June 16,23, 1999

JUN 25 1999 11:30

SUMMARY: Amends Washoe County Code by revising provisions pertaining to Regional Road Impact Fee

BILL NO. 1242

ORDINANCE NO. 1066

AN ORDINANCE AMENDING THE WASHOE COUNTY CODE BY AMENDING PROVISIONS RELATING TO THE REGIONAL ROAD IMPACT FEE BY INCORPORATING A REFERENCE TO THE REGIONAL ROAD IMPACT FEE SYSTEM GENERAL ADMINISTRATIVE MANUAL AND DELETING SECTIONS THAT REFER TO THE INTERLOCAL COOPERATIVE AGREEMENT, LEVEL OF SERVICE STANDARD, ADMINISTRATIVE MANUAL, DEFINITIONS AND RULES OF CONSTRUCTION, FEES TO BE IMPOSED ON TRAFFIC GENERATING LAND DEVELOPMENT ACTIVITY, INDEPENDENT FEE CALCULATION STUDY, CREDITS, REFUND OF FEES, PRIVATE AMENDMENTS TO REGIONAL CIP AND LOCAL CIPs, REVIEW EVERY TWO YEARS; ADOPTING THE MOST CURRENT CAPITAL IMPROVEMENTS PROGRAM AND FEE SCHEDULE; AND OTHER MATTERS PROPERLY RELATED THERETO.

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

SECTION 1.

Article 706, "Impact Fees" of Chapter 110 of the Washoe County Code is hereby amended as set forth in Exhibit A which is attached and incorporated by reference.

Proposed on the 18th day of May, 1999.

Proposed by Commissioner Pete Ferrazza.

Passed on the 8th day of June, 1999.

Vote:

Ayes: Jim Salloway, Pete Ferrazza, Jim Shaw, Ted Short

Nays:

Absent: Joanne Bond

99-552

Jim Galloway

Chairman
Washoe County Commission

ATTEST:

Amy Harvey

County Clerk

This ordinance shall be in force and effect from and after the 25 day of
June, 1999

Section 110.706.05 Regional Road Impact Fee.

- (a) Short Title, Authority and Application.
- (1) Title. This section shall be known and may be cited as the "Regional Road Impact Fee" (hereinafter "RRIF") section.
 - (2) Authority. The Board of County Commissioners of Washoe County has the authority to adopt this section pursuant to the Nevada Constitution, Sec. 278, et. seq., NRS, Sec. 278B.010 - 278B.320, NRS, Sec. 244.155 and 244.195, NRS, and Sec. 277.080 - 277.180, NRS.
 - (3) Application. This section 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 "RRIF Interlocal Cooperative Agreement"), and all other lands within the boundaries of the City of Reno and the City of Sparks.
- (b) Intent and Purpose.
- (1) Intent is to Implement Regional CIP, Local Road CIPs and Local Master Plans. This section is intended to implement and be consistent with the Regional Road Impact Fee System Capital Improvements Plan (hereinafter "RRIF CIP"), the Washoe County Road Capital Improvements Plan (hereinafter "Local CIP") and Master Plan, and the Local CIPs and Master Plans of the other two (2) Participating Local Governments.
 - (2) Purpose is to Establish Regionwide Impact Fee Program. The purpose of this section is to establish a Regionwide Impact Fee Program 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 RRIF CIP which has been adopted as Washoe County's Local CIP, and the Local CIP of the other two (2) Participating Local Governments.
- (c) Liberal Construction, Severability and Penalty Provisions.
- (1) Liberal Construction. The provisions of this section shall be literally construed to effectively carry out its purposes in the interest of the public health, safety, welfare and convenience.
 - (2) Severability. 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.
- (d) Adoption and Amendment of the Regional Road Impact Fee 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 on February 20, 1998 and

attached to the original adopting ordinance as Exhibit "1" and incorporated by reference, is hereby adopted. 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.

- (e) Adoption of the Regional Road Improvement Fee System Capital Improvement Plan ("RRIF CIP"). The RRIF CIP, adopted by the Regional Transportation Commission of Washoe County on February 20, 1998 and attached to the original adopting ordinance as Exhibit "2" and incorporated by reference, is hereby adopted. It may be amended only by subsequent ordinance.
- (f) Service Area and Benefit Districts. The area encompassed within the boundaries of the three (3) 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 section. The Service Area is identified in Figure 1 of the RRIF CIP, referred to in paragraph (e) of this section and is defined as:
- (1) Northwest Benefit District. 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 U.S. 395 at the Sutro Street terminus, then southeast along the U.S. 395 alignment to Interstate 80, then west along Interstate 80 to the state line.
 - (2) 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 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 U.S. 395.
 - (3) South Benefit District. 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.

(g) 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 February 20, 1998 or as subsequently amended by resolution as provided herein and the application of the fee schedule identified as Table 12 of the RRIF CIP referred to in paragraph (e) of this section. Said fee schedule may only be modified by subsequent ordinance.

(h) Use of Funds.

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

(2) Deposit in Trust Fund/General Requirements for Trust Fund.

(i) All regional road impact fees collected by Washoe County's RRIF Administrator pursuant to this section shall be immediately deposited in the Washoe County RRIF Trust Fund.

(ii) Any proceeds in the Washoe County RRIF 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 RRIF Trust Fund until transferred to the RTC RRIF Trust Fund. Record of the Washoe County RRIF Trust Fund accounts shall be available for public inspection in the Local Government RRIF Administrator's Office, during normal business hours.

(iii) No less frequently than quarterly, and pursuant to the RRIF Interlocal Cooperative Agreement, the Washoe County RRIF Administrator shall transfer the impact fee funds in the Washoe County RRIF Trust Fund to the RTC RRIF Administrator, who shall deposit these funds in the RTC RRIF Trust Fund. All proceeds in the RTC RRIF Trust Fund not immediately necessary for expenditure shall be invested in an interest bearing account. Records of the RTC RRIF Trust Fund accounts shall be available for public inspection in the RTC RRIF Administrator's Office, during normal business hours.

(3) Limitations on Expenditures.

(i) Impact fee monies shall only be expended from funds drawn from the RTC RRIF Trust Fund.

(ii) Funds shall only be expended on those projects selected by the RTC Board and approved by the RTC Board and the

Participating Local Governments in the RRIF Interlocal Cooperative Agreement.

- (iii) The expenditure of impact fee funds shall be limited to those road capital improvement projects included in the RRIF CIP.
 - (iv) 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.
 - (v) If impact fee funds transferred to the RTC RRIF Trust Fund are required to be refunded pursuant to Section VIII of the RRIF Manual, they shall be returned by the RTC RRIF Administrator to the Local RRIF Administrator for refund.
- (4) Benefit Districts. 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 from which the traffic generating land development activity paying the fee is located, except that:
- (i) Where a road on the RRIF Network as identified in the RRIF CIP is used to define Benefit District 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
 - (ii) 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
 - (iii) Impact fee funds may be used to fund a road capital improvement on the RRIF CIP outside the Benefit District from which the fees are collected if it is demonstrated by competent substantial evidence that the feepayers from the Benefit District from which the fees come will receive sufficient benefit from the road capital improvement.
- (i) Requirement for Initiating Resolution to Amend Article. The requirement of Section 110.818.05, Requirements for Application, does not apply to the amendment of this section.
 - (j) Effective Date of Regional Road Impact Fee Section. The RRIF section shall become effective thirty (30) days after this section and similar Ordinances are adopted by the City of Reno and the City of Sparks (insert date).