

Notice: Per NRS 239B.030, this document does not contain personal information as defined in NRS 603A.040

Summary: To amend Washoe County Code, Chapter 110, Development Code, at Article 706 (Impact Fees) to adopt components of the Regional Road Impact Fee.

BILL NO. 1731

ORDINANCE NO. 1550

An ordinance amending the Washoe County Code at Chapter 110, Development Code, at Article 706 (Impact Fees) at Section 110.706.05, *Regional Road Impact Fee*, to correct NRS citations, to reference the latest General Administrative Manual (GAM) for applicability, to adopt the latest approved GAM, to adopt the latest version of the Regional Road Improvement Fee System Capital Improvement Plan (RRIF CIP), to define service area boundaries as within the GAM and fees as within the Regional CIP, and to set the impact fees in accordance with the GAM and the fee schedule within the RRIF CIP; and, providing for matters properly related thereto.

WHEREAS:

- A. Following the notice and public hearing requirements set forth in Washoe County Code Chapter 110, Article 818, and following the hearing the Board of County Commissioners desire to adopt an ordinance that amends Section 110.706.05; and
- B. This ordinance is adopted pursuant to a provision in NRS Chapter 278B and therefore is not a "rule" as defined in NRS 237.060 and does not require a business impact statement.

THE BOARD OF COUNTY COMMISSIONERS OF WASHOE COUNTY DOES HEREBY ORDAIN:

SECTION 1. Section 110.706.05 (Regional Road Impact Fee) is hereby amended to read as follows:

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 NRS 278B.

(3) Application. This section shall apply to all lands within unincorporated Washoe County that are within the Service Area, as defined in the latest adopted Regional Road Impact Fee System General Administration Manual (herein after "GAM") and pursuant to the Regional Road Impact Fee Interlocal Cooperative Agreement (hereinafter "RRIF Interlocal Cooperative Agreement").

(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 the Washoe County 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 liberally 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 latest GAM approved by Washoe County and by the Washoe County Regional Transportation Commission (RTC) incorporated by reference, is hereby adopted. The GAM 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.

Fees identified in the RRIF CIP shall be adjusted pursuant to the procedures enumerated below:

(1) That except as provided in subsection (2), below, Cost in Dollars per Vehicle Mile Travelled, ("\$/VMT") and "Fees" of the RRIF CIP shall be increased automatically every twelve months by the RTC RRIF Administrator:

- (i) By a percentage equal to the average annual percentage of increase in the Consumer Price Index for West Urban Consumers for the preceding five (5) calendar years; or
 - (ii) By 4.5 percent, whichever is less.
- (2) No increase authorized by subsection (1), above, shall occur within a twelve month period following action by the County to:
 - (i) Adopt any revisions to the Regional Road Impact Fee land use assumptions in accordance with NRS 278B.290; or
 - (ii) Adopt any ordinance that amends the Regional Road Impact Fee System Capital Improvement Plan; or
 - (iii) Otherwise increase the impact fee.
- (e) Adoption of the Regional Road Improvement Fee System Capital Improvement Plan ("RRIF CIP"). Washoe County has the responsibility to adopt the latest edition of the RRIF CIP by ordinance as specified in the GAM.
- (f) Service Area and Benefit Districts. Service area and benefit district boundaries are described in the latest adopted edition of the GAM. Fees associated with the service areas are the latest adopted edition of the RRIF CIP.
- (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 latest adopted edition of the GAM and the application of the fee schedule identified in the relevant table of the latest adopted edition of the RIFF CIP.
- (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 feepayers 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.
- (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 other two participating local governments.

SECTION 2. General Terms.

1. All actions, proceedings, matters and things heretofore taken, had and done by the County and its officers not inconsistent with the provisions of this Ordinance are ratified and approved.
2. The Chairman of the Board and the officers of the County are authorized and directed to take all action necessary or appropriate to effectuate the provisions of this ordinance. The District Attorney is authorized to make non-substantive edits and corrections to this Ordinance.
3. All ordinances, resolutions, bylaws and orders, or parts thereof, in conflict with the provisions of this ordinance are hereby repealed to the extent only of such

inconsistency. This repealer shall not be construed to revive any ordinance, resolution, bylaw or order, or part thereof, heretofore repealed.

4. Each term and provision of this ordinance shall be valid and shall be enforced to the extent permitted by law. If any term or provision of this ordinance or the application thereof shall be deemed by a court of competent jurisdiction to be in violation of law or public policy, then it shall be deemed modified, ipso facto, to bring it within the limits of validity or enforceability, but if it cannot be so modified, then it shall be excised from this ordinance. In any event, the remainder of this ordinance, or the application of such term or provision to circumstances other than those to which it is invalid or unenforceable, shall not be affected.

PASSAGE AND EFFECTIVE DATE

This ordinance was proposed on 1-13-15 by Commissioner Martinez Hartung

This ordinance was passed on 1-27-15.

Those voting "aye" were Berkhigler, Hartung, Jung & Herman

Those voting "nay" were none.

Those absent were Lucey.

Those abstaining were none.

This ordinance shall be published and shall be in force and effect immediately upon the date of the second publication as set forth in NRS 244.100.

Masha Berkhigler
Chairman
Washoe County Commission

ATTEST:

Nancy L. Parent
Nancy Parent, County Clerk



Singleton

WASHOE COUNTY
COMPTROLLER

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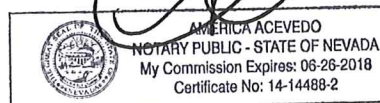
STATE OF NEVADA
COUNTY OF WASHOE

Paid

Being first duly sworn, deposes and says: That as the legal clerk of the Reno Gazette-Journal, a daily newspaper of general circulation published in Reno, Washoe County, State of Nevada, that the notice referenced below has published in each regular and entire issue of said newspaper between the dates: **1/30/2015 - 2/6/2015**, for exact publication dates please see last line of Proof of Publication below.

Subscribed and sworn to before me

Signed: _____



Proof of Publication

NOTICE OF ADOPTION WASHOE COUNTY ORDINANCE NO. 1550 BILL NO. 1731 NOTICE IS HEREBY GIVEN that typewritten copies of the above-numbered and entitled ordinance and adopted references are available for inspection by the interested parties at the office of the County Clerk of Washoe County, Nevada, at her office in the Washoe County Complex, 1001 E. Ninth Street, Building A, Reno, Washoe County, Nevada; and that the ordinance was proposed on January 13, 2015 by Commissioner Hartung and was passed and adopted without amendment at a regular meeting held on January 27, 2015 by the following vote of the Board of County Commissioners: An ordinance amending the Washoe County Code at Chapter 110, Development Code, at Article 706 (Impact Fees) at Section 110.706.05, Regional Road Impact Fee, to correct NRS Citations, to reference the latest General Administrative Manual (GAM) for applicability, to adopt the latest approved GAM, to adopt the latest version of the Regional Road Improvement Fee System Capital Improvement Plan (RRIF CIP), to define service area boundaries as within the GAM and fees as within the Regional CIP, and to set the impact fees in accordance with the GAM and the fee schedule within the RRIF CIP; and, providing for matters properly related thereto. (Bill 1731). Those Voting Aye: Marsha Berkbigler, Kitty Jung, Vaughn Hartung and Jeanne Herman. Those Absent: Bob Lucey This

1550

Ordinance shall be in full force and effect from and after February 06, 2015. IN WITNESS WHEREOF, the Board of County Commissioners of Washoe County, Nevada, has caused this Ordinance to be published by title only. DATED January 28, 2015 Nancy Parent, Washoe County Clerk and Clerk of the Board of County Commissioners No. 49490 Jan. 30, Feb. 6, 2015

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WASHOE COUNTY ORDINANCE NO. 1550
BILL NO. 1731**

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Those Absent: Bob Lucey

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DATED January 28, 2015

Nancy Parent, Washoe County Clerk and
Clerk of the Board of County Commissioners

No. 49490

Jan. 30, Feb. 6, 2015