



Planning Commission Staff Report

Meeting Date: January 6, 2015

Subject: Development Code Amendment Case Number DCA14-013

Applicant: Engineering and Capital Projects Division

Agenda Item Number: 7.B.

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

Recommendation: Recommend approval and authorize the Chair to sign the attached resolution

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Description

Development Code Amendment Case Number DCA 14-013 - To amend Washoe County Code, 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 (Regional 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 Regional CIP; and, providing for matters properly related thereto.

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Development Code Amendments

The Washoe County Development Code is Chapter 110 of the Washoe County Code (WCC). The Development Code broadly regulates allowable and permitted land uses, subdivision of land, planning permit requirements and procedures, signage, infrastructure availability, land use development standards, and other related matters. Because the Development Code covers so many varying aspects of land use and development standards, it is expected that from time to time it may be necessary to change or amend one or more portions of the Development Code to keep it up to date with the most current and desirable trends in planning and development.

The Development Code amendment process provides a method of review and analysis for such proposed changes. Development Code amendments may be initiated by the Washoe County Commission, the Washoe County Planning Commission, or an owner of real property. Development Code amendments are initiated by resolution of the Washoe County Commission or the Planning Commission. Real property owners may submit an application to initiate a Development Code amendment.

After initiation, the Planning Commission considers the proposed amendment in a public hearing. The Planning Commission may recommend approval, approval with modifications or denial of the proposed amendment. The Planning Commission records its recommendation by resolution.

The Washoe County Commission hears all amendments recommended for approval, and amendments recommended for denial upon appeal. The County Commission will hold a first reading and introduction of the ordinance (proposed amendment), followed by a second reading and possible ordinance adoption in a public hearing at a second meeting at least two weeks after the first reading. Unless otherwise specified, ordinances are effective 10 days after adoption.

Public Notice

Pursuant to Washoe County Code Section 110.818.20, public notification includes publishing a legal notice in the newspaper and notification to every chairperson and member of each Citizen Advisory Board in Washoe County at least 10 days prior to the public hearing. Such notification was accomplished and staff can provide proof of notification if requested.

Background

Amendments to the Development Code are often necessary to keep the Code up to date with the most current and desirable trends in planning and development. The Regional Transportation Commission (RTC), the cities of Reno and Sparks and Washoe County have entered into an Interlocal Cooperative Agreement to establish a regional road program. The Regional Road Impact Fee (RRIF) has been in effect since February 1996. The General Administrative Manual (GAM) establishes guidelines and procedures on how the fee will be

administered. The proposed GAM is the fifth edition of the manual. The Regional Road Capital Improvements Plan and Impact Fee Methodology (RRIF CIP also referred to as the Regional CIP) develops a list of regional road improvements based on a 10 year forecast. The RRIF CIP also describes the method used to establish the cost per service unit of new regional roadway capacity. Article 706, *Impact Fees*, refers to portions of the GAM and the RRIF CIP. The RRIF CIP and the associated impact fees are required to be updated at least every three years. In practice the GAM is also updated at the same time. The proposed changes to the Development Code will refer to the latest GAM and RRIF CIP that have been adopted by the RTC, rather than specifying the date of those documents (as the Development Code is currently written). This modification of the references will, in the future, reduce the requirement to amend the Development Code with future changes in the GAM or RRIF CIP.

The Planning Commission (PC) and the Washoe County Board of County Commissioners (BCC) have other input into the GAM, RRIF CIP and RRIF changes. The PC was appointed as the Capital Improvement Advisory Committee (CIAC) by the BCC in November of 2014. The CIAC duties include reviewing of the RRIF land use assumptions and determining conformance of those land use assumptions to the Washoe County Master Plan, and reviewing the RRIF CIP and providing written comments on the RRIF CIP to the BCC. The CIAC will determine Master Plan conformance and provide written comments on the RRIF CIP in the agenda item immediately preceding this matter. The BCC approves the RRIF CIP by ordinance and approves the GAM by resolution. Therefore, the Development Code must be amended at Article 706 in order for the BCC to adopt the RRIF CIP by ordinance.

There are several changes to the proposed 5th Edition of the GAM. The 5th Edition GAM has two service areas: a north and a south, with I-80 being the boundary between the two districts. The existing GAM has one service area with three benefit districts. The proposed south service area is the same as the current south benefit district. The current northwest and northeast benefit districts have been combined to make up the proposed north service area. The new benefit districts have been renamed as CCFEA Benefit Districts. CCFEA Benefit District is defined as the area within which CCFEA Credits were issued and may be used and transferred. These boundaries are shown in the GAM – There is a separate CIP and unique RRIF for each service area whereas the current RRIF is the same in all benefit districts. Within both service areas, elements used to develop the impact fee were changed including the trip length, trip rates and Average Daily Trips (ADT), specifically regional roads will have a minimum of 14,000 ADT in the 10 year forecast. The proposed impact fee schedule is also simplified. For example, for retail and eating establishments there were ten specific land uses in the current impact fee schedule, whereas with the proposed impact fee schedule there will be two categories. Lastly, there are proposed changes to the developer agreements. When a developer constructs roadway improvements on a regional road beyond the developer's obligation, the proposed system will issue waivers to differentiate between the existing system where developers were issued credits. There will be some limits on the amount of waivers a developer can obtain so that the improvements constructed will not be of greater value than the RRIF fees that would be generated by that development.

All proposed Development Code amendments for DCA14-013 are within Section 110.706.05, *Regional Road Impact Fee* (see Exhibit A to Attachment A, Resolution, for the proposed amendments). The following is a synopsis of the proposed amendments:

1. References to the Regional Road Impact Fee System Capital Improvements Plan will be changed from RRIF CIP to Regional Road CIP.

2. Citations to the NRS will be corrected in subsection a.
3. The applicability of the ordinance as noted in subsection a will be modified to refer solely to the latest GAM.
4. Adoption of the GAM in subsection d will refer to the latest approved GAM as opposed to a specific adoption date.
5. Adoption of the RRIF CIP in subsection 3 will refer to the latest version of the RRIF CIP as opposed to a specific adoption date.
6. Service areas designate areas within which regional road impact fees are collected and spent and the boundaries will be established as described in the latest GAM. The benefit districts will be referred to as CCFEA Benefit Districts and will be defined as the areas within which CCFEA Credits may be used.. CCFEA Benefit District boundaries will be established and described in the latest adopted GAM. Fees associated with the service areas will be set in the RRIF CIP.
7. Impact fee amounts as set forth in subsection g will be in accordance with the latest adopted version of the GAM as opposed to a specific adoption date.

Findings

Washoe County Code Section 110.818.15(e) requires the Planning Commission to make at least one of the following findings of fact. Staff provides the following evaluation for each of the findings of fact and recommends that the Planning Commission make all four findings in support of the proposed Development Code amendment.

1. Consistency with Master Plan. The proposed Development Code amendment is in substantial compliance with the policies and action programs of the Washoe County Master Plan.

Staff comment: The proposed amendments do not conflict with any policies or action programs of the Washoe County Master Plan. The amendments would promote Goal 29, transportation systems that are seamless and efficient by providing a mechanism to identify and construct regional roads. Also, the typical regional road has facilities for bicycles, pedestrians and bus stops which promote Goal 30, transportation systems that reduce dependence on automobiles.

2. Promotes the Purpose of the Development Code. The proposed Development Code amendment will not adversely impact the public health, safety or welfare, and will promote the original purposes for the Development Code as expressed in Article 918, Adoption of Development Code.

Staff comment: The proposed amendments will enhance the ability of the County to protect and promote public health, safety and welfare by lessening traffic congestion in the streets by funneling large volumes of traffic onto a well-planned regional road system and by providing adequate provision of transportation facilities through an integrated and regional road system.

3. Response to Changed Conditions. The proposed Development Code amendment responds to changed conditions or further studies that have occurred since the Development Code was adopted by the Board of County Commissioners, and the requested amendment allow for a more desirable utilization of land within the regulatory zones.

Staff comment: The proposed amendments update the existing RRIF so that, as land use assumptions and traffic forecast change, the RRIF collected is fair and reasonable, and that the nexus between the fee and the benefit is still valid. The proposed amendments will result a solid regional road network which will lead to a more desirable utilization of land.

4. No Adverse Affects. The proposed Development Code amendment will not adversely affect the implementation of the policies and action programs of the Conservation Element or the Population Element of the Washoe County Master Plan.

Staff comment: The proposed amendments will not have an adverse effect on the implementation of the policies and action programs of the Conservation Element. In most cases a new or widened regional road will require an environmental review. The proposed amendments will have no effect on either of these plans. The RRIF CIP was developed based on the 2013 population consensus forecast approved by the Truckee Meadows Regional Planning Agency which is consistent with the Population Element of the Washoe County Master Plan.

Recommendation

It is recommended that the Washoe County Planning Commission recommend approval of DCA14-013, to amend Washoe County 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 (Regional CIP or RRIF CIP), to define service area boundaries as within the GAM and fees as within the Regional CIP or RRIF CIP, and to set the impact fees in accordance with the GAM and the fee schedule within the Regional CIP or RRIF CIP. The following motion is provided for your consideration:

Motion

I move that after giving reasoned consideration to the information contained in the staff report and information received during the public hearing, the Washoe County Planning Commission recommend approval of DCA14-010, to amend Washoe County 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 (Regional CIP or RRIF CIP), to define service area boundaries as within the GAM and fees as within the Regional CIP or RRIF CIP, and to set the impact fees in accordance with the GAM and the fee schedule within the Regional CIP or RRIF CIP. I further move to authorize the Chair to sign the resolution contained in Attachment A on behalf of the Washoe County Planning Commission and to direct staff to present a report of this Commission's recommendation to the Washoe County Board of County Commissioners within 60 days of today's date. This recommendation for approval is based on all of the following four findings in accordance with Washoe County Code Section 110.818.15(e):

1. Consistency with Master Plan. The proposed Development Code amendment is in substantial compliance with the policies and action programs of the Washoe County Master Plan;

2. Promotes the Purpose of the Development Code. The proposed Development Code amendment will not adversely impact the public health, safety or welfare, and will promote the original purposes for the Development Code as expressed in Article 918, Adoption of Development Code;
3. Response to Changed Conditions. The proposed Development Code amendment responds to changed conditions or further studies that have occurred since the Development Code was adopted by the Board of County Commissioners, and the requested amendment allow for a more desirable utilization of land within the regulatory zones; and,
4. No Adverse Affects. The proposed Development Code amendment will not adversely affect the implementation of the policies and action programs of the Conservation Element or the Population Element of the Washoe County Master Plan.

Appeal Process

An appeal of the Planning Commission's denial of a Development Code amendment may be made to the Washoe County Board of County Commissioners within 15 days after the date of the decision, pursuant to Washoe County Code Section 110.818.25. If the end of the appeal period falls on a non-business day, the appeal period shall be extended to include the next business day.

xc: Gregory Salter, Esq., District Attorney's Office
Bill Whitney, Director, Planning and Development



RESOLUTION OF THE WASHOE COUNTY PLANNING COMMISSION
RECOMMENDING APPROVAL OF AMENDMENTS (DCA 14-013) TO THE WASHOE
COUNTY CODE AT CHAPTER 110, DEVELOPMENT CODE, AT ARTICLE 706
(IMPACT FEES) TO ADOPT COMPONENTS OF THE
REGIONAL ROAD IMPACT FEE

Resolution Number 15-_____

WHEREAS

- A. Development Code Amendment Case Number DCA 14-013, came before the Washoe County Planning Commission for a duly noticed public hearing on January 6, 2015; and
- B. The Washoe County Planning Commission heard public comment and input from both staff and the public regarding the proposed Development Code amendment; and
- C. The Washoe County Planning Commission gave reasoned consideration to the information it received regarding the proposed Development Code Amendment; and
- D. Pursuant to Washoe County Code Section 110.818.15(e), the Washoe County Planning Commission made the following findings necessary to support its recommendation for adoption of the proposed Development Code amendment, Case Number DCA 14-013:
1. Consistency with Master Plan. The proposed amendment is in substantial compliance with the policies and action programs of the Washoe County Master Plan;
 2. Promotes the Purpose of the Development Code. The proposed Development Code amendment will not adversely impact the public health, safety or welfare, and will promote the original purposes for the Development Code as expressed in Article 918, Adoption of Development Code;
 3. Response to Changed Conditions. The proposed Development Code amendment responds to changed conditions or further studies that have occurred since the Development Code was adopted by the Board of County Commissioners, and the requested amendment allow for a more desirable utilization of land within the regulatory zones; and,
 4. No Adverse Affects. The proposed Development Code amendment will not adversely affect the implementation of the policies and action programs of the Conservation Element or the Population Element of the Washoe County Master Plan.

NOW, THEREFORE, BE IT RESOLVED that pursuant to Washoe County Code Section 110.818.15(d) and (g):

1. The Washoe County Planning Commission does hereby recommend APPROVAL of DCA 14-013, an amendment to the Washoe County Code at Chapter 110, Development Code, at at Article 706 (Impact Fees) to adopt components of the Regional Road Impact Fee as set forth in Exhibit A; and,
2. A report describing this amendment, discussion at this public hearing, this recommendation, and the vote on the recommendation be forwarded to the Washoe County Board of County Commissioners within 60 days of this resolution's adoption date.

ADOPTED on January 6, 2015.

WASHOE COUNTY PLANNING COMMISSION

ATTEST:

Carl R. Webb, Jr., AICP, Secretary

Roger M. Edwards, Chair

**WORKING COPY
INFORMATION ONLY**

REGULAR TEXT: NO CHANGE IN LANGUAGE

~~STRIKEOUT TEXT: DELETED LANGUAGE~~

BOLD TEXT: NEW LANGUAGE

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. _____

ORDINANCE NO. _____

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 (Regional 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 Regional 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 recommends adoption of an ordinance that amends Section 110.706.05; and
- B. This ordinance is adopted pursuant to a provision in NRS Chapter 278 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 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 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 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 **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 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 latest Regional Road Impact Fee System General Administrative Manual (hereinafter "RRIF Manual" GAM) as amended and approved by Washoe County and by the Washoe County~~ the Regional Transportation Commission (RTC) of Washoe County on June 15, 2007 and attached as Exhibit "1" and incorporated by reference, is hereby adopted. The RRIF **GAM 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.

Fees identified in ~~Exhibit "1"~~ **the RIFF CIP** shall be adjusted pursuant to the procedures enumerated below:

(1) That except as provided in subsection (2), below, ~~the columns designated Cost in Dollars per Vehicle Mile Travelled, ("\$/VMT") and "Fees" in Exhibit "D" of the Regional Road Impact Fee System General Administrative Manual 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"). ~~The RRIF CIP, as amended and adopted by the Regional Transportation Commission of Washoe County on June 15, 2007 and attached as Exhibit "2" and incorporated by reference, is hereby adopted. It may be amended only by subsequent ordinance.~~ **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. ~~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: **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.**

(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 amended and adopted June 15, 2007 or as subsequently amended by resolution as provided herein **latest adopted edition of the GAM** and the application of the fee schedule identified in the relevant table of the RRIF CIP **latest adopted edition of the RIFF 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 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.

~~(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~~ **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 _____ by Commissioner _____.

This ordinance was passed on _____.

Those voting "aye" were _____.

Those voting "nay" were _____.

Those absent were _____.

Those abstaining were _____.

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.

Chairman
Washoe County Commission

ATTEST:

Nancy Parent, County Clerk