

Division Seven - Infrastructure Availability and Financing

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Article 700

INFRASTRUCTURE AVAILABILITY AND FINANCING: TITLE AND CONTENTS

[This Article amended in its entirety by Ord. 1096, provisions eff. 7/28/00].

Sections:

110.700.00	Title
110.700.05	Contents

Section 110.700.00 Title. Division Seven of Chapter 110, Development Code, is entitled Infrastructure Availability and Financing.

Section 110.700.05 Contents. Division Seven consists of the following articles:

- (a) ARTICLE 700 INFRASTRUCTURE AVAILABILITY AND FINANCING: TITLE AND CONTENTS
- (b) ARTICLE 702 ADEQUATE PUBLIC FACILITIES MANAGEMENT SYSTEM
- (c) ARTICLE 704 ADEQUATE PUBLIC FACILITIES: SANITARY SEWER
- (d) ARTICLE 706 IMPACT FEES

Article 702

ADEQUATE PUBLIC FACILITIES MANAGEMENT SYSTEM

Sections:

110.702.00	Purpose
110.702.05	Applicability
110.702.10	Adequate Public Facilities Determination
110.702.15	Final Development Approval
110.702.20	Vesting for Adequate Public Facilities Determination
110.702.25	Exempt Projects
110.702.30	Applications
110.702.35	Timing of Adequate Public Facilities Determination
110.702.40	Adequate Public Facilities Determination Process
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110.702.50	Transferability
110.702.55	Period of Validity
110.702.60	Revocation of Determination of Adequate Public Facilities
110.702.65	Revocation Process
110.702.70	Modification of Project

Section 110.702.00 Purpose. The purpose of this article, Article 702, Adequate Public Facilities Management System, is to ensure that the public infrastructure necessary to support a development project will be available concurrently with the impacts of that development without causing the level of service at which the infrastructure is provided to fall below adopted standards.

[Amended by Ord. 873, provisions eff. 6/7/93.]

Section 110.702.05 Applicability. Unless otherwise specifically excluded by Section 110.702.20 or Section 110.702.25, the provisions of this article shall apply to all development requiring one of the approvals listed in Section 110.702.15.

- (a) Types of Infrastructure. The provisions of this article shall apply to the following types of infrastructure:
 - (1) Sanitary Sewer.

- (b) Supplemental Provisions. Supplemental provisions for the infrastructure listed in Subsection (a) of this section are contained in the following articles:
 - (1) Article 704, Adequate Public Facilities: Sanitary Sewer.

Section 110.702.10 Adequate Public Facilities Determination. All development subject to the provisions of this article shall require an adequate public facilities determination to ensure that infrastructure will be made available concurrent with the impacts of that development.

- (a) Positive Determination. If the adequate public facilities determination is positive, a Certificate of Adequate Public Facilities shall be issued.
- (b) Negative Determination. If the adequate public facilities determination is negative, the applicant shall be notified that a Certificate of Adequate Public Facilities cannot be issued. Grading or construction shall not begin nor shall the County issue a final development approval for a development project requiring an adequate public facilities determination until a Certificate of Adequate Public Facilities is issued.

Section 110.702.15 Final Development Approval. Final development approval as used in this article means the action required from the following list that effectuates the approval for the specific development project:

- (a) Tentative Parcel Map Approval (Article 606): the action is the recordation of a final map;
- (b) Tentative Subdivision Map Approval (Article 608): the action is the recordation of a final map;
- (c) Special Use Permit (Article 810): the action is the issuance of a grading permit, building permit or business license;
- (d) Development Agreement Approval (Article 814): the action is the recordation of the development agreement;
- (e) Site Plan Review: if not part of an approval process listed above, the action is the issuance of a grading permit, building permit or business license; or
- (f) Building Permit: the action is the issuance of the building permit.

[Amended by Ord. 873, provisions eff. 6/7/93; Ord. 1447, provisions eff. 9/9/10.]

Section 110.702.20 Vesting for Adequate Public Facilities Determination. Development projects that are vested for an adequate public facilities determination at the effective date of this article are not subject to the Adequate Public Facilities Management System. All of the following must be met in order for a development project to be vested for an adequate public facilities determination:

- (a) The development project has received final approval as defined in Section 110.702.15 prior to the effective date of this Development Code;
- (b) The applicant has expended substantial sums of money or incurred substantial obligations in reliance upon the final approval (substantial is defined as more than five (5) percent of the total project cost; monies spent or obligations incurred before the issuance of the final approval are not included); and
- (c) Construction on the development project has commenced by visually apparent activities on the ground and has continued on a reasonable schedule, taking into account such factors as weather, labor availability, and local market demand.

[Amended by Ord. 873, provisions eff. 6/7/93.]

Section 110.702.25 Exempt Projects. The following development projects are exempt from the Adequate Public Facilities Management System:

- (a) Interior or exterior renovations, provided the use does not change and the size does not increase more than ten (10) percent of the total floor area;
- (b) Temporary construction trailers;
- (c) Relocation of temporary uses;
- (d) Signs;
- (e) Fences and walls;
- (f) Wells and septic tanks;
- (g) Driveway and parking lot resurfacing;
- (h) Single family dwellings built on individual lots created prior to the effective date of this article;
- (i) Agricultural uses;
- (j) Boundary Line Adjustments;
- (k) Abandonments;
- (l) Reversion to Acreage;
- (m) Amended maps, provided the amended map does not create additional parcels;
- (n) Large parcel (forty acres or larger) residential subdivisions, as defined in Article 612;
- (o) Attached accessory dwellings to a single family dwelling;
- (p) Replacement structures for those that were destroyed, provided the use does not change and the size does not increase; and
- (q) Temporary public facilities needed on an emergency or other essential basis to provide public facilities and services.

[Amended by Ord. 873, provisions eff. 6/7/93.]

Section 110.702.30 Applications. The applicant is responsible for providing sufficient information to enable the Washoe County Department of Community Development to make the adequate public facilities determination.

Section 110.702.35 Timing of Adequate Public Facilities Determination. Requests for an adequate public facilities determination shall be made as provided in this section.

- (a) Preliminary Adequate Public Facilities Determinations. The applicant may request a preliminary adequate public facilities determination at any point in the development review process as long as the project is, in the judgment of the

Director of Community Development, sufficiently defined to permit a determination to be made. The purpose of the preliminary adequate public facilities determination is to assure the applicant that capacity is available before he or she proceeds with more detailed project planning and that another project will not be approved that will consume the capacity during the detailed project planning. A preliminary adequate public facilities determination reserves capacity for one (1) year. Up to two (2) extensions of up to six (6) months each may be granted by the Director of Community Development, upon a finding that the applicant is diligently pursuing the application.

- (b) Final Adequate Public Facilities Determination. A final adequate public facilities determination shall be made at the time of the final development approval. A final determination is deemed effective and reserves capacity, upon payment of the capacity reservation fee, until its expiration date as set forth in Section 110.702.55.
- (c) Capacity Reservation Fee. A capacity reservation fee shall be collected pursuant to Section 110.702.35(b) and as set forth in Article 906: Fees. The capacity reservation fee may be refunded at any time at the discretion of the Director of Community Development. At the time a capacity reservation fee is refunded, the final adequate public facilities determination shall be deemed void. At the time any hook-up or initial service fees are paid, the full amount of the capacity reservation fee shall be applied toward the balance of any such fees.
- (d) Phased Projects. The applicant may request an adequate public facilities determination for all phases or only the initial phase or phases of a multi-phased project. A Certificate of Adequate Public Facilities for the initial phase or phases of a project shall not establish a vested right to continue subsequent phases for which an adequate public facilities determination has not been made.

[Amended by Ord. 873, provisions eff. 6/7/93.]

Section 110.702.40 Adequate Public Facilities Determination Process. The adequate public facilities determination shall be made by comparing the available capacity of the facility or service to the demand created by the proposed project. Available capacity will be determined by adding together the total excess capacity of existing facilities and the total capacity of any new facilities which meet the previously defined standards and subtracting any capacity committed through projects that are vested for an adequate public facilities determination pursuant to Section 110.702.20, exempt projects pursuant to Section 110.702.25, and projects having a previously issued Certificate of Adequate Public Facilities.

Section 110.702.45 Standards for Adequate Public Facilities. A Certificate of Adequate Public Facilities will be issued only if the proposed development does not lower the level of service for those infrastructure facilities included in Subsection (a) of Section 110.702.05 below the adopted standards as set forth in the supplemental provisions listed in Subsection (b) Section 110.702.05.

Section 110.702.50 Transferability. A Certificate of Adequate Public Facilities shall be specific to a parcel or parcels of land and may be transferred with the land. A Certificate of Adequate Public Facilities shall not be transferable to other parcels of land.

Section 110.702.55 Period of Validity.

- (a) Expiration Date. The final adequate public facilities determination expires when the permit with which it is associated expires. If the permit is extended, the adequate public facilities determination is extended for the same period of time.
- (b) Extension Due to Additional Permit or Approval. If, in order to construct a project that has received a final adequate public facilities determination pursuant to the provisions of this article, an applicant must first obtain an additional permit or approval from Washoe County or another governmental agency before applying for a building permit, then, upon submission of appropriate documentation to the Director of the Department of Community Development, any time limit for the final adequate public facilities determination specified in this article shall be extended for the amount of time between the date the applicant submitted an application for the additional permit or approval and the date the additional permit or approval was granted.

[Amended by Ord. 873, provisions eff. 6/7/93.]

Section 110.702.60 Revocation of Determination of Adequate Public Facilities. In order to prevent capacity from being held by projects that are not completed in a timely manner, an action to revoke the adequate public facilities determination may be commenced under the following circumstances:

- (a) Parcel Map Not Recorded in Timely Manner. A parcel map is not recorded within the time frame enumerated in NRS;
- (b) Final Map Not Recorded in Timely Manner. A final subdivision map is not recorded within time frame enumerated in NRS;
- (c) Special Use Permit. Any condition of a special use permit is not met;
- (d) Development Agreement Not Completed. Any condition of a development agreement is not met; or
- (e) Construction Not Completed in Timely Manner. In the case of an adequate public facilities determination related to a building permit or a site plan, construction is not completed within the time specified in the permit.

[Amended by Ord. 873, provisions eff. 6/7/93.]

Section 110.702.65 Revocation Process. The procedure for revocation of a determination of adequate public facilities shall be that used for the revocation of an Administrative Permit, described in Article 808, except that the revocation shall be made upon a finding of any one (1) or more of the following grounds:

- (a) Due Diligence to Record Maps. The applicant, or the applicant's successors, has not pursued with due diligence the recordation of the required maps;
- (b) Condition of Special Use Permit Not Completed. A condition of a special use permit has not been met;
- (c) Development Agreement Not Completed. A condition of a development agreement has not been met; and/or

- (d) Due Diligence to Complete Construction. In the case of an adequate public facilities determination related to a building permit or a site plan, the applicant, or the applicant's successors, has not pursued with due diligence the completion of construction.

[Amended by Ord. 873, provisions eff. 6/7/93.]

Section 110.702.70 Modification of Project. If the project is modified after the final adequate public facilities determination is made and if the modification changes infrastructure demands, the County may require a new adequate public facilities determination be made and the capacity reservation fee be recalculated for partial refund or additional payment of capacity reservation fees.

Article 704

ADEQUATE PUBLIC FACILITIES: SANITARY SEWER

[This Article amended in its entirety by Ord. 873, provisions eff. 6/7/93.]

Sections:

110.704.00	Purpose
110.704.05	Applicability
110.704.10	Level of Service
110.704.15	Status of Facilities
110.704.20	Included Facilities
110.704.25	Determination of Adequate Public Sanitary Sewer
110.704.30	Demand Calculations

Section 110.704.00 Purpose. The purpose of this article, Article 704, Adequate Public Facilities: Sanitary Sewer, is to provide supplemental regulations to Article 702, Adequate Public Facilities Management System for the efficient provision of sanitary sewer services to new development.

Section 110.704.05 Applicability. This article shall apply only to the unincorporated area of the County that is not within a city sphere of influence as designated pursuant to NRS 278.

Section 110.704.10 Level of Service. The sanitary sewer system shall accommodate the projected peak flow, discharge treated wastewater that meets applicable state and federal standards, and maintain a reserve capacity of ten (10) percent.

Section 110.704.15 Status of Facilities. A project will be deemed as having adequate public sanitary sewer facilities if the level of service set forth in Section 110.704.10 meets any of the following provisions:

- (a) The facilities are in place at the time the final development approval is issued;
- (b) The facilities are under construction at the time the final development approval is issued;
- (c) The facilities are included in the County Capital Improvements Program, are scheduled to be completed within five (5) years, and are accompanied by identified specific funding sources; or
- (d) The facilities are guaranteed, in an enforceable agreement, to be in place concurrent with the impacts of development. This provision shall be interpreted to mean a developer may provide the facilities at the expense of the developer and in a manner enforceable by, and agreeable to, Washoe County.

Section 110.704.20 Included Facilities. The analysis of the adequate public facilities for sanitary sewer systems shall include an analysis of the capacity of the treatment plant and its interceptors.

Section 110.704.25 Determination of Adequate Public Sanitary Sewer. The Department of Water Resources, or its successors, is responsible for determining if the provisions in Section 110.704.15 are met. If one (1) or more of the provisions are met, the Department of Water Resources shall so indicate in writing to the Department of Community Development. In the event a proposed project is reliant on any sanitary sewer facilities provided by a public or private purveyor other than Washoe County, the Determination of Adequate Public Sanitary Sewer provided by the Department of Water Resources shall be made pursuant to consultation and information provided by the duly authorized agent of that public or private purveyor.

Section 110.704.30 Demand Calculations. If the Department of Water Resources is unable to make a determination using available information, it may request that the applicant submit a demand study prepared by a Nevada registered professional engineer.

Article 706

IMPACT FEES

Sections:

110.706.00	Purpose
110.706.05	Regional Road Impact Fee
110.706.10	Southeast Truckee Meadows Specific Plan Impact Fee

Section 110.706.00 Purpose. The purpose of this article, Article 706, Impact Fees, is to set forth regulations for imposition of impact fees adopted by ordinance to ensure that new development contributes its proportionate share of the cost of providing, and benefits from such provision of, required improvements to public infrastructure as identified in this article in accordance with NRS 278B.

[Added by Ord. 938, provisions eff. 2/15/96.]

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") as amended and approved by the Regional Transportation Commission of Washoe County on June 15, 2007 and attached 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.

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

(1) That except as provided in subsection (2), below, the columns designated "\$/VMT" and "Fees" in Exhibit "D" of the Regional Road Impact Fee System General Administrative Manual 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.
- (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 amended and adopted June 15, 2007 or as subsequently amended by resolution as provided herein and the application of the fee schedule identified in the relevant table 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 fee payers 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.

[Added by Ord. 938, provisions eff. 2/15/96. Amended by Ord. 1066, provisions eff. 7/9/99; Ord. 1201, provisions eff. 6/27/03; Ord.1307, provisions eff. 7/7/06; Ord. 1348, provisions eff. 11/2/07.]

Section 110.706.10 Southeast Truckee Meadows Specific Plan Impact Fee.

- (a) Purpose.
 - (1) The purpose of this section is to establish a comprehensive system of regulation for the imposition of drainage project impact fees to assure that new development in the Southeast Truckee Meadows Specific Plan area ("SETMSP") contributes its proportionate share of the cost of providing, and benefits from such provision of, required area drainage-related facilities.

- (2) The County, subsequent to the effective date of this ordinance (January 1, 1998), shall not impose any off-site drainage facility requirements or conditions for drainage facilities (detention facilities) covered by the fees imposed herein on any development approval for a project within the SETMSP service area, the boundaries of which service area are set forth in Map 110.706.10.1.
- (3) The intent herein is to impose an impact fee for the detention facilities shown and identified on Map 110.706.10.2. If it is determined that additional facilities or property must be included within the service area to assure the orderly construction of necessary drainage facilities, this section will be amended accordingly.

(b) Administrative Manual. A "SETMSP Drainage Project Administrative Manual" may be adopted for the purpose of providing guidance in the administration of this section. The manual must be adopted and/or amended only after a public hearing by the Washoe County Planning Commission, acting in its capacity as capital improvements advisory committee, and adoption of a resolution by the Board of County Commissioners.

(c) Definitions.

Building Permit. "Building permit" means that development permit issued by the Department of Community Development before any building or construction activity can be initiated on a parcel of land. This does not include any permits for demolition, grading or the construction of a foundation.

Board. "Board" means the Board of County Commissioners.

Commencement of Land Development Activity. "Commencement of land development activity" occurs upon the issuance of a building permit.

Committee. "Committee" means the capital improvements advisory committee established by the Board, pursuant to NRS 278B.150, whose duties are to determine conformance of the land use assumptions with the County's master plan; review the capital improvements plan, file annual reports concerning the progress of the County in carrying out the capital improvements plan; report to the Board any perceived inequities in the implementation of the capital improvements plan or the imposition of an impact fee; hear appeals from administrative decisions regarding impact fees, and advise the Board of the need to update or revise the land use assumptions, capital improvements plan and section imposing an impact fee.

Department. "Department" means the Department of Water Resources.

Feepayer. "Feepayer" means a person commencing impact-generating land development activity who is obligated to pay an impact fee in accordance with the terms of this section.

Impact-Generating Land Development Activity. "Impact-generating land development activity" is land development designed or intended to permit a use of the land which will increase the impervious surface of land within the service area.

Non-Site Related Improvements. “Non-site related improvements” means capital improvements and dedications of land for regional drainage facilities (detention facilities) that are not site-related improvements.

Service Area. “Service area” means the area identified on Map 110.706.10.1.

Service Unit. “Service unit” means a standardized measure of consumption which is attributable to an individual unit of development calculated for a particular category of capital improvements. The service unit for purposes of the SETMSP drainage facility (detention facilities) impact fee is a per acre unit.

Site-Related Improvements. “Site-related improvements” means those capital improvements and land dedications related directly to the development in question and include, without limitation, drainage channels and mitigations identified on the flood control facility master plan as approved by the Planning Commission and Board.

Specific Plan. “Specific plan” means the Master Plan for the Southeast Truckee Meadows Specific Plan area as identified in the Master Plan and as approved and adopted by the Planning Commission and Board.

- (d) Applicability. Upon enactment of this section, any person or governmental body who commences any land development activity in the SETMSP shall be obligated to pay an impact fee. All property owned by the Washoe County School District is exempt from the requirement of paying impact fees imposed pursuant to this section. The fee shall be determined and paid at the time of issuance of a building permit. 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, but must be computed to assure that the service unit cost is proportionately allocated to the total project acreage. The obligation to pay the impact fee shall run with the land.
- (e) Improvement Agreement. The Board may enter into an agreement with an owner of land prior to the issuance of a building permit for the dedication of land and/or construction of drainage facilities (detention facilities) which provides:
- (1) The costs incurred through dedication and/or construction of the drainage facilities (detention facilities) by the owner will be credited against impact fees due and such credit shall be based upon the cost of such drainage facility as used to determine the impact fee.
 - (2) If applicable, reimbursement will be made for costs exceeding credit as provided in (1) above from impact fees paid by other developments using those drainage facilities (detention facilities).
 - (3) Credit provided for costs in excess of impact fees due are transferable only within the SETMSP service area.
- (f) Fee Schedule.
- (1) Any person or governmental agency who initiates land development activity shall pay a drainage project impact fee in accordance with the following land use categories and fee schedule:

Land Use Category		Fee/Acre
LDS	Low Density Suburban	\$1,814
MDS	Medium Density Suburban	\$2,177
HDS	High Density Suburban	\$2,576
LDU	Low Density Urban	\$2,830
MDU	Medium Density Urban	\$2,830
OC/I	Office Commercial/Industrial	\$2,903
PR	Public/Recreational	\$1,089

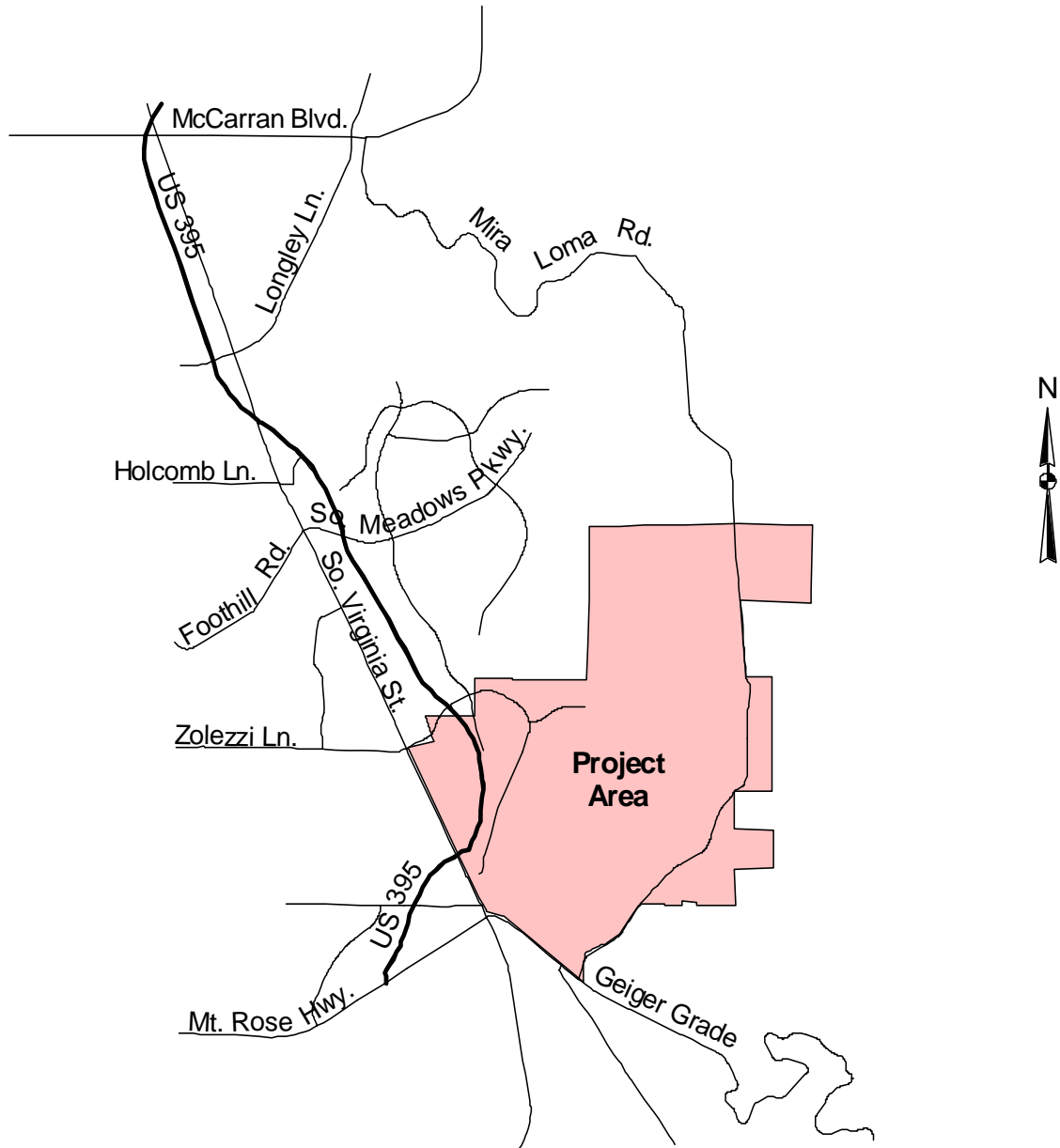
- (2) The fee must be calculated as follows:
- (i) For commercial, industrial and/or multi-residential development, by apportioning the fee per acre times the acreage contained in the parcel being developed.
 - (ii) For residential, by determining a per unit cost representing the acreage of the parcel or subject to a final map multiplied by the applicable fee per acre as set forth in (1) above and as divided by the number of lots.
- (3) The fee must be calculated based upon the land use category and density as approved in the specific plan as adopted or as amended.
- (g) Recalculation of Fee Schedule and Review. This section shall be reviewed and the fee schedule recalculated as follows:
- (1) At least every third year, the committee shall recommend to the Board whether changes should be made to the land use assumptions, impact fee Section 110.706.10 and capital improvements plan. The committee shall consider in making said recommendations factors that affect the fee schedule including, but not limited to, effects of inflation on the cost of facilities, additional drainage project facility needs, changes in land uses and any perceived inequities in the implementation of the fee schedule.
 - (2) Upon any amendment to the specific plan affecting either upward or downward the number of residential units and commercial/industrial acreage, the fee schedule shall be recalculated to reflect said amendments.
- (h) Pre-Development Review of Impact Fees. Any person contemplating establishing a land development activity may request a preliminary determination of the impact fees due from such development. A person requesting a pre-development review impact fee calculation shall complete and submit to the department the proper application form and any applicable fee. Using the information regarding the proposed project as submitted on the application, the department will provide, within fifteen (15) days, of the date of submittal of the completed application, a preliminary calculation of the impact fees due for the proposed project.
- (i) Appeal. Any feepayer affected by an administrative decision regarding impact fees owed or process utilized to determine the fee may appeal such decision to the committee by filing with the department within ten (10) days of the date of the written decision, a written notice stating and specifying briefly the grounds of the

appeal. The department shall place such appeal on the committee agenda for the next regularly scheduled meeting occurring at least twenty-one (21) days thereafter. The committee, after a public hearing, shall have the power to affirm or reverse such decision of the department. If the committee reverses the decision of the department, it shall direct the department to recalculate the fee in accordance with its findings. In no case shall the committee have the authority to negotiate the amount of the fee. If the committee affirms the decision of the department, the applicant may appeal to the Board within ten (10) days of the committee's decision by filing a notice of appeal with the County Clerk. The Board shall consider and render a decision on the appeal.

(j) SETMSP Special Revenue Fund.

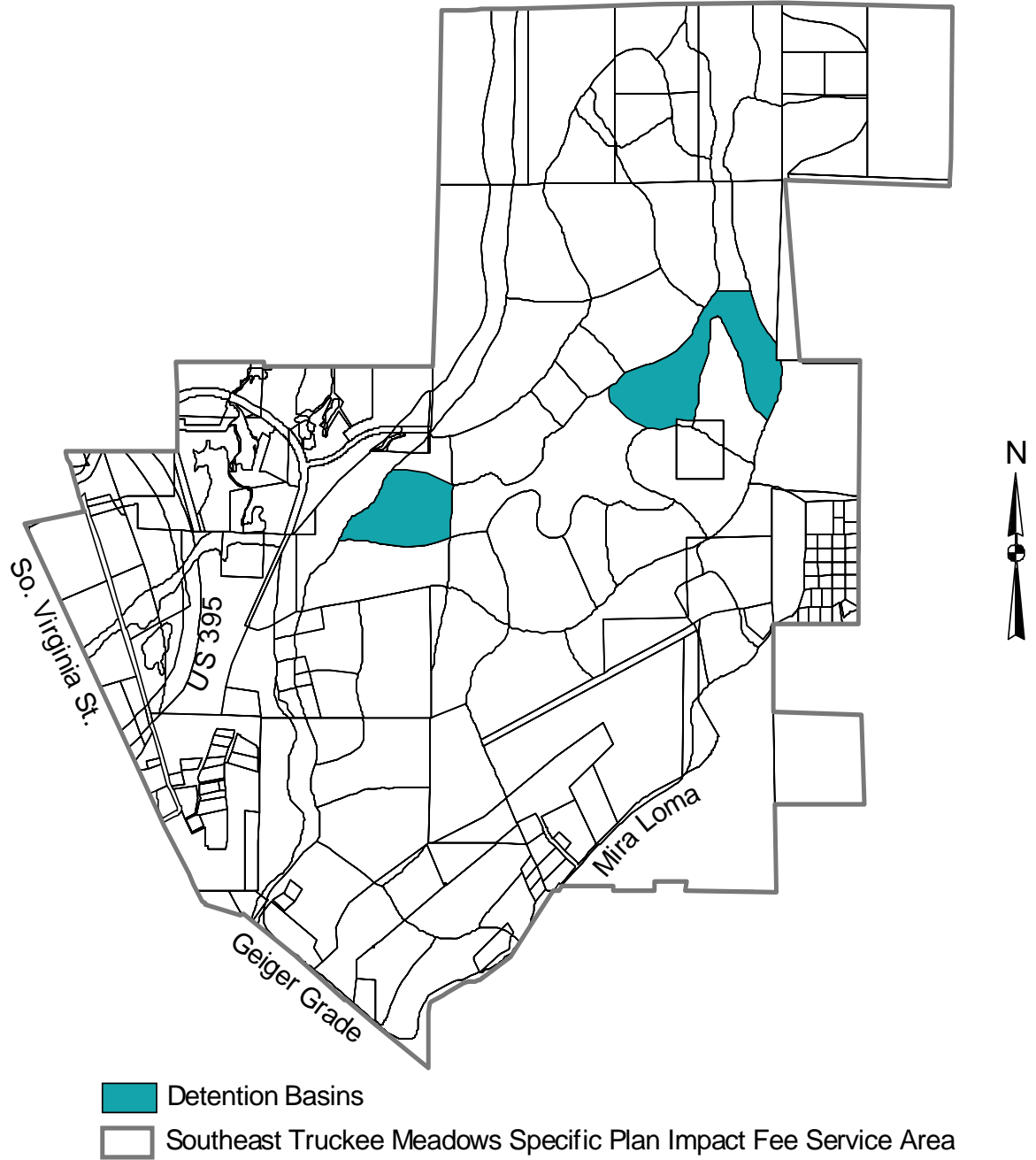
- (1) All fees collected pursuant to this section shall be placed in a special revenue fund. The department shall maintain a record to identify the development and/or parcel for which the fees were collected.
- (2) The expenditure of funds from the SETMSP drainage impact fee special revenue fund shall be limited to the detention facilities identified in the Southeast Truckee Meadows (SETM) flood control capital improvements plan, and shall be budgeted and appropriated through the County's annual capital improvements programming and budgeting process.

SOUTHEAST TRUCKEE MEADOWS SPECIFIC PLAN IMPACT FEE SERVICE AREA



Source: Washoe County Department of Community Development.

SOUTHEAST TRUCKEE MEADOWS SPECIFIC PLAN IMPACT FEE DETENTION BASINS



Source: Washoe County Department of Community Development.

[Added by Ord. 1003, provisions eff. 1/1/98. Amended by Ord. 1096, provisions eff. 7/28/00; Ord. 1447, provisions eff. 9/9/10.]

