

# RENO GAZETTE-JOURNAL

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PROOF OF PUBLICATION

STATE OF NEVADA  
COUNTY OF WASHOE

ss. Tana Ciccotti

being duly sworn, deposes and says:  
That as legal clerk of the RENO GAZETTE-  
JOURNAL, a daily newspaper published in Reno,  
Washoe County, State of Nevada, that the notice:  
Ordinance 1003

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:

Jan. 20, 27 1998

Signed

*Tana Ciccotti*

Subscribed and sworn to before me on 01/27/98

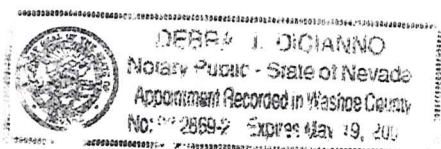
Notary Public

*Debra J. DiCianno*

NOTICE OF ADOPTION  
WASHOE COUNTY  
ORDINANCE NO. 1003  
  
NOTICE IS HEREBY GIVEN THAT: Bill  
No. 1178, Ordinance No. 1003  
entitled  
  
AN ORDINANCE AMENDING  
CHAPTER 110 OF THE WASHOE  
COUNTY CODE (DEVELOPMENT  
CODE) AND AMENDING ARTICLE 706  
TO ADD DRAINAGE PROJECT IMPACT  
FEES TO BE IMPOSED WITHIN THE  
SOUTHEAST TRUCKEE MEADOWS  
SPECIFIC PLAN AREA; AND OTHER  
MATTERS PERTAINING THERETO.  
  
was adopted on January 13, 1998, by  
Commissioners Joanne Bond, Sue  
Camp, Jim Galloway, Mike Moullet,  
and Jim Shaw, and will become  
effective on January 28, 1998.  
  
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.  
  
JUDI BAILEY,  
Washoe County Clerk  
No. 206 Jan. 20, 27, 1998

1/30/98

PLEASE STAMP & SIGN FOR PAYMENT



P.O. BOX 22000, RENO, NEVADA 89520  
(702) 788-6200



1003 ✓

SUMMARY: Amends chapter 110 of the Washoe County Code (Development Code) by amending article 706 and imposing drainage project impact fees within the Southeast Truckee Meadows Specific Plan Area.

BILL NO. 1178

ORDINANCE NO. 1003

AN ORDINANCE AMENDING CHAPTER 110 OF THE WASHOE COUNTY CODE (DEVELOPMENT CODE) AND AMENDING ARTICLE 706 TO ADD DRAINAGE PROJECT IMPACT FEES TO BE IMPOSED WITHIN THE SOUTHEAST TRUCKEE MEADOWS SPECIFIC PLAN AREA; AND OTHER MATTERS PERTAINING 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 hereto and made a part hereof.

SECTION 2. The provisions of this ordinance shall be retroactive to be effective from and after January 1, 1998, the effective date of the ordinance notwithstanding.

SECTION 3. This ordinance, and specifically Exhibit "A" and attachments thereto, may be revised in its codification as long as the substance of its contents is not changed.

Proposed on the 9th day of DECEMBER, 1997.  
Proposed by Commissioner JIM GALLOWAY.  
Passed on the 13TH day of JANUARY, 1998.

Vote:

Ayes: **JOANNE BOND, SUE CAMP, JIM GALLOWAY,  
MIKE MOULIOT, & JIM SHAW**

Nays:

Absent:

  
\_\_\_\_\_  
Chairman  
Washoe County Commission

ATTEST:

  
\_\_\_\_\_  
County Clerk

This ordinance shall be in force and effect from and after the 28TH day of JANUARY, 1998.

EXHIBIT A**SETMSPA IMPACT FEE****Sec. 1. Purpose.**

(a) 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 ("SETMSPA") contributes its proportionate share of the cost of providing, and benefits from such provision of, required area drainage-related facilities.

(b) The county, subsequent to the effective date of this ordinance, shall not impose any off-site drainage facility requirements or conditions for drainage (detention) facilities covered by the fees imposed herein on any development approval for a project within the SETMSPA service area, the boundaries of which service area are set forth on Attachment 1 hereto.

(c) The intent herein is to impose an impact fee for the detention facilities as shown and identified on Attachment 2 hereto. 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 ordinance will be amended accordingly.

**Sec. 2. Administrative manual.**

A "SETMSPA Drainage Project Administrative Manual" may be adopted for the purpose of providing guidance in the administration of this chapter. The manual must be adopted and/or amended only after a public hearing by the planning commission, acting in its capacity as capital improvements advisory committee, and adoption of a resolution by the board of county commissioners.

**Sec. 3. Definitions.**

(a) "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.

(b) "Board" means the board of county commissioners.

(c) "Commencement of land development activity" occurs upon the issuance of a building permit.

(d) "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 ordinance imposing an impact fee.

(e) "Department" means the department of community development.

(f) "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 chapter.

(g) "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.

(h) "Non-site related improvements" means capital improvements and dedications of land for regional drainage facilities (detention facilities) that are not site-related improvements.

(i) "Service area" means the area identified on Attachment 1.

(j) "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 SETMSPA drainage facility (detention facilities) impact fee is a per/acre unit.

(k) "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.

(l) "Specific plan" means the comprehensive plan for the Southeast Truckee Meadows Specific Planning Area as identified in the comprehensive plan and as approved and adopted by the planning commission and board.

#### Sec. 4. **Applicability.**

Upon enactment of this chapter, any person or governmental body who commences any land development activity in the SETMSPA 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 chapter. 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.

#### Sec. 5. **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:

(a) 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; and

(b) If applicable, reimbursement will be made for costs exceeding credit as provided in (a) above from impact fees paid by other developments using those drainage facilities (detention facilities).

(c) Credit provided for costs in excess of impact fees due are transferable only within the SETMSPA service area.

**Sec. 6. Fee schedule.**

(a) 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:

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

(b) The fee must be calculated as follows:

(1) For commercial, industrial and/or multi-residential development, by apportioning the fee/acre times the acreage contained in the parcel being developed.

(2) 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/acre as set forth in (a) and as divided by the number of lots.

(c) The fee must be calculated based upon the land use category and density as approved in the specific plan as adopted or as amended.

**Sec. 7. Recalculation of fee schedule and review.** This ordinance shall be reviewed and the fee schedule recalculated as follows:

(a) At least every third year, the committee shall recommend to the board whether changes should be made to the land use assumptions, impact fee ordinance 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.

(b) 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.

**Sec. 8. 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 days, of the date of submittal of the completed application, a preliminary calculation of the impact fees due for the proposed project.

**Sec. 9. Appeal.**

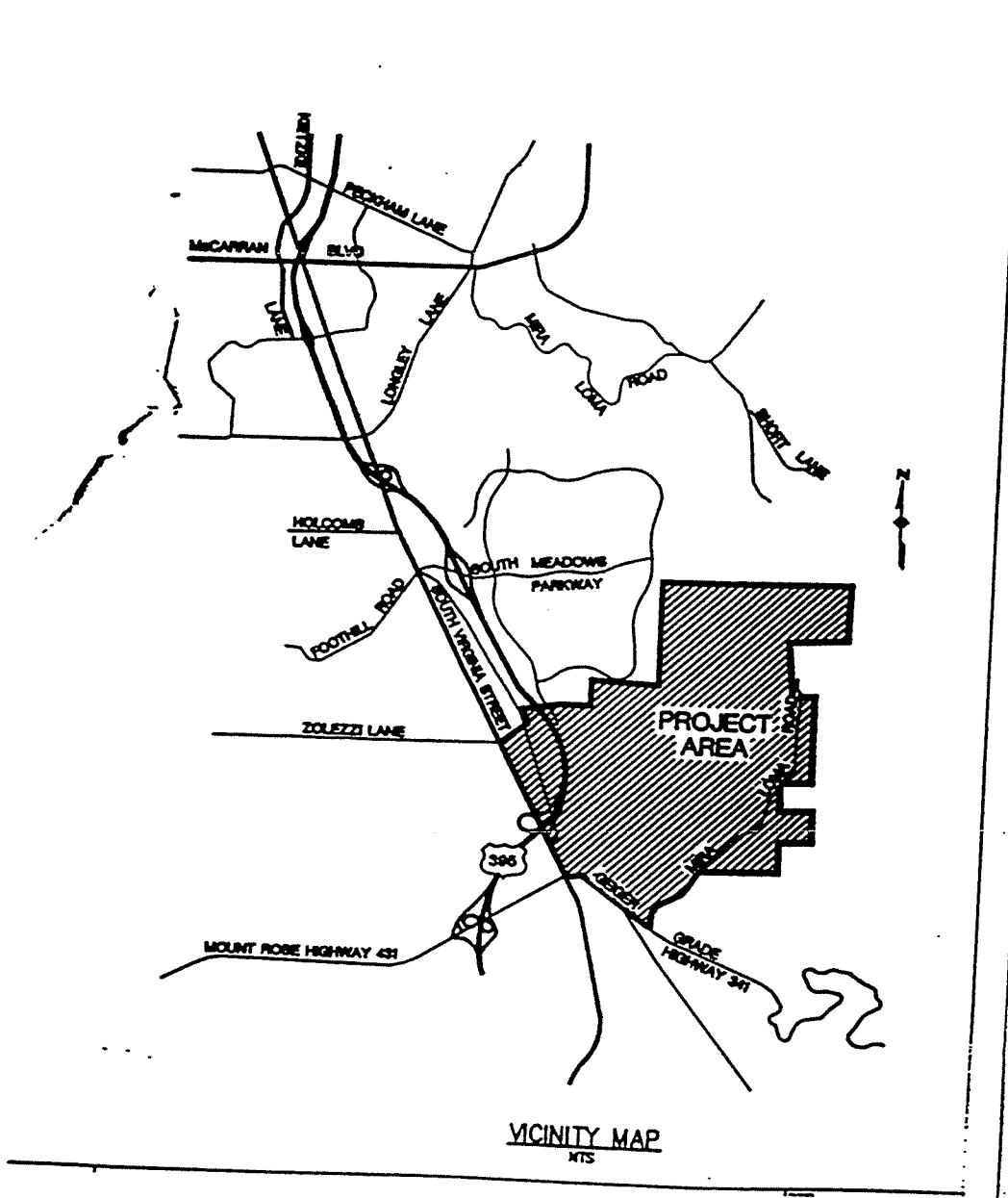
Any feepayer affected by an administrative decision regarding impact fees owed or process utilized to determine the fee may appeal such decision to the committee by filing with the department within ten days of the date of the written decision, a written notice stating and specifying briefly the grounds of the appeal. The department shall place such appeal on the committee agenda for the next regularly scheduled meeting occurring at least twenty-one 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 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.

**Sec. 10. SETMSPA special revenue fund.**

(a) 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.

(b) The expenditure of funds from the SETMSPA 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.

# PROPOSED SERVICE AREA



ATTACHMENT 1

