REGIONAL ROAD IMPACT FEE SYSTEM

GENERAL ADMINISTRATIVE MANUAL

5TH EDITION

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TABLE OF CONTENTS

Page

LIST OF EXHIBITS iv

DEFINITIONS 1

I. INTENT 6

II. ADMINISTRATIVE ORGANIZATION AND RESPONSIBILITY 6
- A. Regional Transportation Commission 6
- B. Participating Local Governments 7

III. IMPOSITION OF IMPACT FEES 8
- A. Service Areas 8
- B. CCFEA Benefit Districts 8
- C. Feepayer 8
- D. Payment Due 9
- E. Determination of Fee 11
- F. Expiration of Building Permits 11

IV. DETERMINATION OF FEE BASED ON FEE SCHEDULE 13
- A. Land Use Classification 13
- B. Units of Development 16
- C. Mixed Use Development 16
- D. Mixed Use Structures 16
- E. Shell Permit 18
- F. Change of Use 18
- G. Auxiliary Uses 19
- H. Facilities Constructed for Private Use 19
- I. Relocation of Dwelling Unit 20
- J. Model Homes 20
- K. Mobile Homes 20
- L. Supplemental Units/Mother-in-law Attached or Detached Dwellings 21
- M. Recreational Vehicles (RV's) 21
- N. Shopping Centers 21
- O. Casino/Gaming 21
- P. Houses of Worship 22
- Q. Convenience Store with Gas Pumps 22

Page

V. ADMINISTRATIVE DETERMINATION FEES 22
- A. General 22
- B. Methodology 23
- C. Miscellaneous Land Use Types 24
- D. Pre-Development Review Impact Fee Calculation 24

VI. INDEPENDENT FEE CALCULATION STUDY 24
- A. Option to the Feepayer 24
- B. Notice of Intent by Feepayer 24
- C. Pre-Application Meeting 25
- D. General 25
- E. Sufficiency Determination 26
- F. Notification of Feepayer and Appeal 26
- G. Determination of Fee 26
- H. Effective Date 26
- I. Application for Permit 27
- J. Independent Fee Calculation Guidelines 27

VII. STUDIES TO ESTABLISH NEW/REDEFINED LAND USE CATEGORIES 30
- A. Studies by the RTC RRIF Administrator 30
- B. Studies by Others 30

VIII. REFUNDS 31
- A. Expiration, Revocation, Surrender of Permit 31
- B. Overpayment 32
- C. Impact Fee Revenues Not Expended 32
- D. Recalculation of Fees 32
- E. Termination 33
- F. Appeals 34

IX. EXEMPTIONS 34
- A. Must Be Claimed by Feepayer 34
- B Total Exemptions 34
- C. Exemption Based on Error 37
- D. Determination and Appeals 37

Page

X. IMPACT FEE OFFSETS REQUESTED AFTER THE 2014 RRIF PROGRAM UPDATE 37
- A. General 37
- B. Offset Agreement 38
- C. Procedure 38
- D. Application for Impact Fee Offsets 40
- E. Offset Agreement Requirements 42
- F. Calculation of Offsets 43

XI. UNEXPIRED CREDITS APPROVED PRIOR TO THE 2014 RRIF PROGRAM UPDATE 44
- A. Applicability 44
- B. Intent 44
- C. Credit Usage 45
- D. Expiration of Credit 45
- E. Appeals 45

XII. APPEALS 46
- A. Notice of Appeal 46
- B. Review by the RTC RRIF Administrator 46
- C. Review by the RRIF TAC 46
- D. Review by RTC Board 47

XIII. USE OF FUNDS 47
- A. Deposit in Trust Fund 47
- B. Limitations on Expenditures 48
- C. Impact Fee Service Areas 48

XIV. AMENDMENTS TO CIP 48
- A. Biennial Consideration of New Capital Improvement Project 48
- B. Procedure 49
- C. Standard 50
- D. Special Request For New Capital Improvement Project 50

XV. BIENNIAL REVIEW 50

XVI. ADOPTION AND AMENDMENTS 50

LIST OF EXHIBITS

Page

EXHIBIT A – EXPANDED LIST OF LAND USES 51

EXHIBIT B – RRIF SERVICE AREAS..... 55

EXHIBIT C – CCFEA CREDIT BENEFIT DISTRICTS 56

EXHIBIT D – RRIF SCHEDULE..... 57

EXHIBIT E – RRIF EXEMPTION LIST 58

EXHIBIT F – RRIF TRAFFIC REPORT GUIDELINES 59

EXHIBIT G – NEVADA REVISED STATUTES: CHAPTER 278B
ATTORNEY GENERAL OPINION NO. 97-29..... 65

EXHIBIT H – MIXED USE AND CHANGE OF USE WORKSHEETS..... 66

EXHIBIT I – EXAMPLE RRIF WAIVER CALCULATION 68

DEFINITIONS

Accessory Use: Accessory land uses are uses which are supplemental to and on a floor area basis that are less than 25% of the primary land use. The fee for the accessory use is based on the primary land use.

Auxiliary Use: Auxiliary land uses are uses which are secondary to the primary land use and are typically not measured in the same units as are used for fee assessment. For example, the unit of assessment for a golf course is per hole. A separate fee is not calculated for the golf course storage and maintenance buildings since they are an auxiliary use.

Building Gross Floor Area (GFA): The gross floor area of a building is the sum (in square feet) of the area of each floor level, including cellars, basements, mezzanines, penthouses, corridors, lobbies, store and offices that are within the principal outside faces of exterior walls, not including architectural setbacks or projections. Included are all areas that have floor surfaces with clear standing head room (6 feet, 6 inches minimum) regardless of their use. Unroofed areas and unenclosed roof-over spaces, except those contained within the principal outside faces of exterior walls, should be excluded. Parking garages within the building should not be included within the GFA of the entire building.

Capital Contribution Front-Ending Agreement (CCFEA): An agreement, entered into prior to the 2014 RRIF Program Update, related to the third-party construction or dedication of qualified capital improvements.

Capital Improvement Plan (CIP): In accordance with NRS 278B.170, a description of the RRIF capital improvements necessitated by and attributable to new development, which are planned by the RTC to begin in the ten (10) year period following the 2014 RRIF Program Update .

Capital Improvements Advisory Committee: As defined by Nevada State Law, a committee of at least five members created to oversee the creation of and advise the local government regarding Land Use Assumptions and the Capital Improvements Plan (CIP).

CCFEA Credit Benefit District: The benefit districts, within which CCFEA Credits were issued pursuant to a valid unexpired CCFEA, may be used and transferred, as provided by the provisions in this Manual and the Terms of applicable CCFEAs. The Northwest (NW), Northeast (NE), and South (S) CCFEA Credit Districts are shown in Exhibit C of this Manual.

CCFEA Credits: A substitute method of payment for assessed road impact fees used prior to the 2014 RRIF Program Update, which were denominated in terms of VMT. Credits were issued prior to the update pursuant to Capital Contribution Front-Ending Agreements (CCFEAs). The term “Credit,” as used in this Manual, refers only to credits issued prior to the 2014 update and pursuant to a valid, unexpired CCFEA.

Certificate of Occupancy: A document issued by a building department certifying a building's compliance with applicable building codes, etc., and indicating it to be in a condition suitable for occupancy.

Developer of Record: The owner of the Development of Record for which regional road impact fees are paid, or to which an Offset Agreement is subject; or authorized agent. The Developer of Record includes any successors or assigns to an Offset Agreement.

Development of Record: The property on which a development is proposed and for which impact fees are assessed and imposed by a Participating Local Government.

Dwelling Unit: One or more rooms in a residential building or residential portion of a building which are arranged, designed, used, or intended for occupancy by an individual or a group of individuals, acting as a single housekeeping unit, and which include permanent provisions for living, sleeping, eating, cooking, and sanitary facilities reserved for the occupants thereof.

Feepayer: Any person who seeks to develop land located within one of the Service Areas, by applying to one of the Participating Local Governments for the issuance of a building permit, in order to make an improvement to land which will generate or attract additional traffic, and as such, is required to pay a regional road impact fee in the manner and amount set forth in this General Administrative Manual.

Interim RRIF Waivers: Interim RRIF Waivers may be issued during phases of construction or dedication of land that provide reasonable assurance that over-crediting shall not occur. Conditions for issuance of Interim RRIF Waivers shall be identified in the Offset Agreement.

Internal Use: A land use devoted entirely or partially to exclusive private use, which is internal to a particular development and has no off-site street impact.

Land Use Assumptions: As defined by NRS 278B, projections of changes in land uses, densities, intensities and population for a specified service area over a period of at least 10 years, and in accordance with the master plan of the local government.

Local RRIF Administrator: An individual appointed by the City or County Manager within the jurisdiction of the Participating Local Government, to oversee the determination of appropriate regional road impact fees, the collection of the impact fees, the keeping of necessary records for such fee collections, the transmittal of the fees on a quarterly basis to the RTC RRIF Administrator, and the initial evaluation of requests for independent fee calculation studies, RRIF Waivers, and refunds to be referred to the RTC RRIF Administrator.

Mixed Use Development: Development that includes both residential and non-residential land uses.

Mixed Use Structure: A particular structure that includes accessory uses associated with the primary land uses. For example, in addition to the actual production of goods, manufacturing facilities may also have office, warehouse, research, and other associated functions.

Notice of RRIF Waiver: A notice issued by the RTC RRIF Administrator to the affected Participating Local Government indicating that the terms of an executed Offset Agreement have been met and authorizing a RRIF Waiver for regional road impact fees for parcels within the Development of Record which was the subject of the Offset Agreement.

Offered Improvement: A contribution, payment, construction, or land dedication of an Offset-Eligible Improvement that is offered for an offset against regional road impact fees.

Offset Agreement: An agreement entered into by the Developer of Record, the RTC Board, and the Governing Body of the Participating Local Government(s) within which an offered Offset-Eligible Improvement is proposed. The Offset Agreement must set forth the terms and conditions related to impact fee waivers for Offset-Eligible Improvements offered by the Developer of Record.

Offset-Eligible Costs: The approved costs as indicated in the RTC's Notice of RRIF Waiver to construct or provide Offset-Eligible Improvements.

Offset-Eligible Improvements: Non-site-related RRIF Capital Improvements.

Original CCFEA Credits: CCFEA Credits against assessed road impact fees awarded to a developer by the Regional Transportation Commission, which have not otherwise been transferred or assigned by the Developer of Record to whom such CCFEA credits were issued.

Participating Local Governments: The City of Reno, the City of Sparks, and Washoe County.

Percent New Trips: The percentage of trips to a land use that are Primary Trips.

Primary Trips: Trips to a land use for which that land use is the primary destination, as opposed to trips that stop at a land use on the way to another land use (pass-by trips), or trips that take a short diversion from the route to the primary destination (diverted-link trips).

Regional Road Impact Fee (RRIF): An impact fee assessed by Participating Local Governments, and used to fund RRIF Capital Improvements in the Service Areas.

Regional Transportation Commission (RTC): The commission formed by the Interlocal Cooperative Agreement to coordinate joint efforts of the Participating Local Governments to administer the RRIF program.

RRIF Capital Improvements: Capacity-adding improvements or expansions to the RRIF Network designated on the Capital Improvement Plan and appurtenances, traffic signals and other incidentals necessary for such facilities, including:

(a) land, property, rights, and easements including the costs of acquisition or condemnation;
(b) professional services associated with actual construction;
(c) new road construction, including new through lanes, new turn lanes, and new bridges;
(d) relocation of utilities to accommodate new road construction; and
(e) in association with new road alignments, necessary drainage facilities, street lighting, traffic signalization, landscaping, curbing, sidewalks, medians and shoulders, and bicycle and pedestrian facilities.

RRIF Interlocal Cooperative Agreement: An agreement among Participating Local Governments that provides for the adoption of this Manual by the RTC, and each Participating Local Government, which provides for the implementation of the RRIF program.

RRIF Network: The network of roads consisting of high (expressway), moderate (major arterial) and low (minor arterial) access control arterial roadways (excluding freeways), and freeway ramps determined by the RTC as regionally significant, and collector roads with a forecast volume of 14,000 annualized average daily trips at build-out, as identified in the most recent Capital Improvements Plan. New roadways proposed by a private development and not listed on the Capital Improvement Plan may be added to the RRIF Network coincident with or after the first two lanes are constructed and if it provides a significant connection between other regional roads or serves regional traffic in excess of the proposed development.

RRIF Ordinance: The ordinance prepared by the RTC and adopted, in generally the same form, by the Participating Local Governments to implement the RRIF program described in this Manual.

RRIF Waiver: A waiver of the payment of regional road impact fees in exchange for dedication of Offset-Eligible Improvements offered by the Developer of Record. RRIF Waivers will be denominated in dollars and land use based on the impact fee schedule in effect as of the date of approval of the Offset agreement.

RTC Board: The Board of the Regional Transportation Commission.

RTC RRIF Administrator: The individual named by the RTC Executive Director to direct the administration of the RRIF program.

Service Area: As defined by NRS 278B, the area within the boundaries of local government which is served directly and benefited by the capital improvement or facilities expansion as set forth in the Capital Improvements Plan. The Service Areas are depicted and include all lands within the boundaries shown in Exhibit B of this Manual.

Shell Permit: A building permit to construct the "shell" of a building. Remodeling permits would be issued later to finish construction of the interior of the structure.

Site-Related Improvements: Capital improvements and right-of-way dedications for direct access improvements to the Development of Record, including, but not limited to, (1) site driveways and streets, turn lanes into those driveways and streets, and/or traffic control measures for those driveways and/or non-regional roadways; and (2) frontage streets. Site-Related Improvements are not included in the CIP as obligations of the RTC.

Transferred CCFEA Credits: Unused CCFEA Credits which have been transferred by an Original Developer of Record to a party other than the Regional Transportation Commission. Upon transfer, Original CCFEA Credits become Transferred CCFEA Credits.

Trip Generation Rate: The average number of trip ends generated during the afternoon peak hour of adjacent street traffic during a weekday per unit of measurement of the land use (e.g., dwelling unit, 1,000 square feet).

Trip Length: The average length in miles on the RRIF Network for all trips ending within the designated Service Area.

Trust Fund: An interest-bearing holding account for road impact fee collections.

Vehicle-Mile of Travel (VMT): A unit of travel demand consisting of a motor vehicle traveling for one mile.

REGIONAL ROAD IMPACT FEES
GENERAL ADMINISTRATIVE MANUAL

I. INTENT

The following guidelines and procedures are established with the intent to provide guidance in the administration of the Regional Road Impact Fees Ordinance, hereinafter referred to as the Ordinance. This Manual elaborates upon the administrative directions contained in the Ordinance and is intended to be used in concert with them. The terminology used herein corresponds to the definitions of words or phrases as defined in the Ordinance. The Capital Improvements Plan and its associated manual outlines the methodology used in the development of the Regional Road Impact Fee.

II. ADMINISTRATIVE ORGANIZATION AND RESPONSIBILITY

Participating Local Governments have entered into an Interlocal Cooperative Agreement for the purpose of implementing the Regional Road Impact Fee program.

A. Regional Transportation Commission

The Interlocal Cooperation Agreement provides the Regional Transportation Commission (hereinafter "RTC") and its Board the task of coordinating the joint efforts of the Participating Local Governments in this effort and to coordinate the administration of the impact fee program. The RTC shall be responsible for the following:

1. To coordinate any updates to the Service Areas' Land Use Assumptions adopted by each of the Participating Local Governments.

2. To conduct a transportation study of the Service Areas prior to each update of the system, and propose any changes to the Capital Improvement Plan (CIP). Any proposed changes by the RTC shall be adopted by each of the Participating Local Governments.

3. To prepare any changes to the Regional Road Impact Fee Ordinance to implement the Service Areas' CIP. After its preparation by the RTC, any changes shall be adopted by each of the Participating Local Governments.

4. To expend impact fee funds on those projects selected by the RTC Board and approved by the RTC Board and Participating Local Governments through Interlocal Cooperative Agreements and included on the CIP.

5. To administer the Regional Road Impact Fee program established pursuant to this Ordinance and similar Ordinances adopted by the Participating Local Governments and the RTC's Policy for the Regional Transportation Commission Street and Highway Program.

The Executive Director of the RTC shall appoint an RTC RRIF Administrator who shall be responsible for the administration of the impact fee program. The RTC RRIF Administrator shall be responsible for the following.

a. Administration of independent fee calculation studies, CCFEA Credits, RRIF Waivers and refunds.

b. Receipt of the regional road impact fees from the Participating Local Governments and deposit of these funds into an interest-bearing Trust Fund.

c. Administration of the expenditure of impact fee funds in the Trust Fund for projects on the CIP approved by the RTC Board.

d. Initiation of a review of the Service Areas' CIP and the Regional Road Impact Fee Ordinance, to determine whether any modifications need to be made to the program. This review will be submitted to the RTC Board and the Governing Bodies of the Participating Local Governments. Before any modifications to the CIP or the Ordinance are effective, such modifications shall be approved by each of the Governing Bodies of the Participating Local Governments.

6. To honor written agreements entered into by the Participating Local Governments prior to December 15, 1995, which granted credits under predecessor road fee systems.

B. Participating Local Governments

Participating Local Governments have the following responsibilities under the Interlocal Cooperative Agreement for the Regional Road Impact Fee program:

1. To adopt the Service Areas' Land Use Assumptions prepared by the RTC, with any modifications jointly agreed to by the other Participating Local Governments.

2. To adopt the Capital Improvements Plan (hereinafter "CIP") prepared by the RTC, with any modifications jointly agreed to by the other Participating Local Governments.

3. Adopt the RRIF Ordinance prepared by the RTC, with any modifications jointly agreed to by the other Participating Local Governments.

4. To approve the Interlocal Cooperative Agreements for expenditure of impact fee funds prepared by the RTC, with any modifications

jointly agreed to by the other Participating Local Governments and to approve Offset Agreements within their respective jurisdictions.

5. To appoint a Local RRIF Administrator to oversee the determination of appropriate regional road impact fees, the collection of the impact fees, the keeping of necessary records of such fee collections, the transmittal of the fees on a quarterly basis to the RTC RRIF Administrator, and the initial evaluation of requests for independent fee calculation studies, RRIF Waivers, and refunds to be referred to the RTC RRIF Administrator.

6. To designate either the Planning Commission or other local board to serve as the Capital Improvements Advisory Committee.

7. To approve amendments to the Service Areas' CIP and the RRIF Ordinance prepared by the RTC, with any modifications jointly agreed to by the other Participating Local Governments.

8. To monitor the use of RRIF Waivers against the RTC's Notice of RRIF Waiver pursuant to an executed Offset Agreement.

III. IMPOSITION OF IMPACT FEES

A. Service Areas

Regional road impact fees shall be imposed on all new development within the designated Service Areas. The Service Areas are illustrated in Exhibit B and designate the areas within which regional road impact fees are collected and spent.

B. CCFEA Benefit Districts

The CCFEA Benefit Districts are illustrated in Exhibit C and designate the areas within which CCFEA Credits may be used.

C. Feepayer

Any person who, after the effective date of the RRIF Ordinance, seeks to develop land located within a Service Area by applying to one of the Participating Local Governments for the issuance of a building permit, in order to make an improvement to land, which will generate or attract additional traffic, shall be required to pay a regional road impact fee in the manner and amount set forth in this Manual (See Section IX of this Manual for a discussion of exemptions to the imposition of this fee.)

D. Payment Due

1. General. The impact fee shall be paid at the time of issuance of a building permit or Certificate of Occupancy, as approved by the Participating Local Government. In the case of mobile home pads, payment shall be made prior to the issuance of a pad permit. Any activity requiring payment of a regional road impact fee, may be made by personal check, cashier's check, or money order made payable to the Participating Local Government. Payment shall be made at the office of the Participating Local Government where building permits are issued and shall not be received prior to the time of issuance of a building permit.

2. Invalid Payment. In the event the payment of regional road impact fees subsequently proves to be invalid due to insufficient funds, the following action shall be taken:

   a. Building permits, for which the payment of impact fees subsequently proves to be invalid due to insufficient funds, shall be declared to be revoked. In such case, a stop-work order shall be placed on the site or building for which the building permit has been declared invalid.

   b. The Local RRIF Administrator shall, within 30 days of detection of invalid payment, notify the feepayer, the contractor, and the property owner by certified mail, return receipt requested, that,

      (1) the impact fee amount is due by valid payment immediately upon receipt of said letter,

      (2) the stop-work order shall remain in effect until valid payment of the impact fee is made,

      (3) if construction has been completed prior to detection of invalid payment of impact fees, no Final Inspection will be performed and no Certificate of Occupancy will be issued until valid payment of the impact fee is made,

      (4) the amount due shall be the amount of the impact fee plus the amount charged by the bank for the dishonored payment, plus a service charge of $25.00.

3. Underpayment of Fee Based on Error or Misrepresentation. If it is determined that the impact fee has been calculated and paid based on error, then the fee shall be recalculated based on the fee schedule in effect at the time the impact fee was paid. If the impact fee is re-calculated pursuant to this section, is greater than that

paid, and additional fees should be collected, then the following action shall be taken:

a. The Local RRIF Administrator shall, within 30 days of detection of payment made based on error, cause a "correction notice" to be issued and notify the feepayer, the contractor, and the property owner by certified mail, return receipt requested, that,

(1) an additional impact fee amount is due by valid payment within 30 days of receipt of said letter,

(2) if the fee is not paid within 30 days of the receipt of said letter, the Participating Local Government may pursue collection through liens or other local procedures used to collect fees.

b. If a fee is owed, no permits of any type may be issued for the building or structure in question, or for any other part of a development of which the building or structure in question is a part, while the fee remains unpaid.

c. If the fee is not paid by the original feepayer within 30 days of the date of the letter, the Local RRIF Administrator will pursue payment of additional fees owed from the current property owner. The Participating Local Government will not be responsible for resolving disputes for payment of additional fees which may arise between an original feepayer and the current property owner.

4. Overpayment of Fee Based on Error. If it is determined that the impact fee has been calculated and paid based on error, then the fee shall be recalculated. If the impact fee re-calculated pursuant to this section is less than that paid, then the following action shall be taken:

a. The Local RRIF Administrator shall, within 30 days of detection of payment made based on error, notify the original feepayer by certified mail, return receipt requested, that the feepayer is entitled to a refund.

b. The feepayer shall submit a written request for refund to the Local RRIF Administrator within 30 days of the date of the refund notice letter.

c. Following receipt of a written request for a refund, any difference in favor of the feepayer shall be refunded, without interest, to the feepayer.

E. Determination of Fee

1. General. The amount of the impact fee shall be determined by the Local RRIF Administrator, based on the fee schedule in Exhibit D of this Manual as of the date of the payment of the impact fee, whether payment is made at the time of issuance of the building permit or the Certificate of Occupancy. Impact fee payments cannot be made and will not be received by the Local RRIF Administrator prior to the date of issuance of a building permit. The calculation of exemptions, refunds, and RRIF Waivers and the determination of the net impact fee shall also be the responsibility of the Local RRIF Administrator and the RTC RRIF Administrator, as hereinafter identified.

2. Payment of Impact Fees with RRIF Waivers or CCFEA Credits:

   a. RRIF Waivers. Impact fees may be waived if the RTC RRIF Administrator has issued a Notice of RRIF Waiver to the affected Participating Local Government, pursuant to a valid, unexpired Offset Agreement, in accordance with the provisions of Section X, Impact Fee Offsets Requested After the 2014 RRIF Program Update.

      In the event, payment of impact fees were made in cash where RRIF Waivers were available, the feepayer shall submit a written request to the Local RRIF Administrator within 90 days from the date of payment. If approved, the feepayer shall submit proof of payment by RRIF Waiver to the Local RRIF Administrator prior to receiving the cash refund. All reimbursements will be handled through the Participating Local Government.

   b. CCFEA Credits. Impact fees may be paid with CCFEA Credits pursuant to Section XI, Unexpired Credits Approved Prior to the 2014 RRIF Program Update.

F. Expiration of Building Permits

1. If, following payment of impact fees, a building permit, mobile home set-up permit, or recreational vehicle park building permit expires, is revoked, or is voluntarily surrendered and is, therefore, voided and no construction or improvement of land has commenced, then the feepayer shall be entitled to a refund, without interest, of the full amount of the impact fee which was paid as a condition for issuance of the building permit.

   a. The feepayer shall submit a written request for such a refund to the Local RRIF Administrator within 30 days of the expiration, revocation, or surrender of the permit.

b. In the case of an expired, revoked, or voluntarily surrendered permit that was obtained in whole or in part by the use of RRIF Waivers or CCFEA Credits issued pursuant to an Offset Agreement or CCFEA, the entire fee may be refunded only if a written request is made to the RTC RRIF Administrator within 30 days of the expiration, revocation, or surrender of the building permit. The refund will be in the same proportion (cash vs. RRIF Waiver vs CCFEA Credit) as the original payment. For refunds related to a RRIF Waiver, the RTC will notify the affected Participating Local Government to adjust the remaining RRIF Waiver balance associated with the Development of Record.

2. If a refund is made, the feepayer must pay the appropriate impact fee if he reapplies for the permit.

3. If a permit expires and no refund has been issued, a feepayer will not have to pay the fee again if he reapplies for the permit for the same land use of the same lot, parcel, or tract and the impact fee for that land use has not changed.

   a. If the impact fee for the particular land use has increased between the time of original and new building permit, the feepayer shall pay the difference at the time of re-application. If the impact fee for the particular land use has decreased between the time of original and new building permit, the feepayer shall be entitled to a refund of the difference at the time of re-application.

   b. A refund for previous payment of an impact fee must be requested by the feepayer. Any exemption, credit, or refund not so requested prior to or at the time of re-application shall be deemed waived by the fee payer.

   c. If the impact fee was paid in total or in part with RRIF Waivers, that portion paid with the RRIF Waiver is subject to the terms and conditions of the Offset Agreement related to the RRIF Waivers.

4. A refund of the impact fee shall not be granted if the building permit expires, but construction has commenced, i.e., the foundation inspection for the structure has been passed. In this case, the feepayer will not have to pay an impact fee if he re-applies for a building permit, except in the case where the impact fee has increased between the time of original and new building permit. In any case of re-application, the provisions of Section IV.F., Change of Use, shall apply.

5. If impact fees were not paid at the time of the building permit, no fees shall be due if, a building permit, mobile home set-up permit, or recreational vehicle park building permit expires, is revoked, or is voluntarily surrendered and is, therefore, voided and no construction or improvement of land has commenced.

IV. DETERMINATION OF FEE BASED ON FEE SCHEDULE

At the option of the feepayer, the amount of the fee can be determined using the provisions of this Section in conjunction with the RRIF schedule, which is attached to this Manual as Exhibit D.

A. Land Use Classification

The Local RRIF Administrator will classify the proposed use into one or more of the land use categories included in Exhibit D, based on the following guidelines.

1. Land Use Definitions. The general land use categories included in the fee schedule (Exhibit D) are defined as follows:

a. Residential

Single-Family. A single-family dwelling unit located on a single lot, including duplexes, condominiums, and townhouses.

Multi-Family. Residential properties with three or more housing units.

b. Industrial

General Light Industry. An industrial establishment that usually employs fewer than 500 persons and has an emphasis on activities other than manufacturing. Typical light industrial activities include printing plants, material testing, assembly of data processing equipment, and power stations.

Manufacturing. A site where the primary activity is the conversion of raw materials or parts into finished products. Size and type of activity may vary substantially from one facility to another. In addition to actual production of goods, manufacturing facilities generally also have office, warehouse, research, and associated functions.

Warehouse. An establishment primarily devoted to the storage of materials, which also may include office and maintenance areas.

Mini-Warehouse. A building in which a storage unit or vault is rented for the storage of goods. Each unit is physically separated from other units and access is usually provided through an overhead door or other common access point. They are typically referred to as “self-storage” facilities.

c. Commercial

General Commercial. A shopping center or an individual free-standing store selling general or specialty merchandise. See Section IV.N. for additional information on calculating shopping center fees.

Eating/Drinking Places. Buildings or tenant spaces containing eating or drinking establishments.

Casino/Gaming. An establishment which provides non-restricted gaming operations.

d. Office & Other Services

Day Care Center. A facility where care for pre-school aged children is provided, normally during the daytime hours. Day care facilities generally include classrooms, offices, eating areas and playgrounds. Some centers also provide after-school care for children.

Schools. (see Note1 & 2 below*) – An educational facility that serves students including Elementary, Middle School, High School, College/University and Technical Trade Schools.

***Note 1.** In accordance with amendments made to NRS 278B, property owned by a public school district is exempt from paying impact fees. However, schools or private uses housed within public school district facilities are not exempt from impact fees. See Exhibit G for details.

****Note 2.** The Attorney General of the State of Nevada has issued an opinion that the State University System is exempt from local impact fees. Private universities, colleges, etc. are subject to impact fees. See Exhibit G for details.

Hospital. Any institution where medical or surgical care and overnight accommodations are provided to non-ambulatory and ambulatory patients. Does not refer to medical clinics or nursing homes.

General Office. A building or tenant spaces where affairs of businesses, commercial or industrial organizations, or

professional persons or firms are conducted. An office building or buildings may contain a mixture of tenants including professional services, insurance companies, investment brokers, and tenant services such as a bank or savings and loan.

Medical-Dental Office Building. A facility that provides diagnoses and outpatient care on a routine basis, but which is unable to provide prolonged in-house medical/surgical care. This type of building is generally operated by multiple private physicians or dentists with high volume patient activity.

Nursing Home. A facility whose primary function is to care for persons who are unable to care for themselves. Examples of such facilities include rest homes, chronic care, and convalescent homes. Skilled nurses and nursing aides are present 24 hours a day at these sites. Nursing homes are occupied by residents who do little or no driving; traffic is primarily generated by employees, visitors and deliveries.

Lodging. A building or any part thereof, kept, used as, maintained as, or advertised as, or held out to the public to be a place where sleeping accommodations are furnished to the public whether with or without meals and furnishing accommodations for periods of less than one month.

Regional Recreational Facilities. Regionally significant recreational facilities, including but not limited to ball fields, boating or swimming facilities, campsites or other indoor/outdoor recreational uses.

2. Expanded Use Listing. An expanded list of specific land uses is provided with Exhibit A. This list will be used by the Local RRIF Administration in conjunction with the above definitions to assign a specific land use to one of the land use categories in the fee schedule (Exhibit D).

3. North American Industry Classification System (NAICS). In the event that the classification established by this Manual is unclear, the NAICS Manual, as published by the Department of Commerce, Bureau of Census, latest edition, shall be used as the final authority.

4. Alternative Methods. If it is determined that there is no comparable type of land use in the fee schedule (Exhibit D) or Exhibit A, the fee shall be determined administratively as described in Section V of this Manual. If a feepayer opts not to have the impact fee determined according to the fee schedule or determined

administratively, then the feepayer shall prepare and submit an independent fee calculation study in accordance with Section VI of this Manual.

B. Units of Development

Once a proposed development has been classified into one or more of the general land use categories included in the fee schedule, the fee shall be determined by multiplying the fee per unit of development for each land use category by the number of proposed development units.

C. Mixed Use Development

If a parcel or development includes both residential and non-residential land uses, the impact fees are assessed for each use based on the fee schedule (Exhibit D) and the results aggregated. In some cases, feepayers may suggest that the total impact fee should be reduced to account for internal trips between residential and non-residential land uses. There are no provisions in this Manual for such a reduction. However, the feepayer has the option of completing an Independent Fee Calculation Study in accordance with Section VI of this Manual.

D. Mixed Use Structures

1. In many instances, a particular structure or structures may include accessory uses associated with the primary land use. For example, in addition to the actual production of goods, manufacturing facilities may also have office, warehouse, research, and other associated functions. The impact fee shall be assessed based on the primary land use, as determined by the Local RRIF Administrator.

2. To be considered an accessory land use in a mixed use structure or structures, a land use must satisfy two conditions: The principle function of each accessory land use must be to support the primary land use and it must be 25% (see note 3 below) or less of the gross floor area (GFA) of the primary land use. The feepayer shall certify in writing to the Local RRIF Administrator that the principle function of any land use claimed as an accessory land use is to support a primary land use and, further, identify the supported primary land use. Any use, which does not meet both these criteria, regardless of size, shall be considered a primary land use and the fee calculated accordingly. For example, a feepayer with a 10,000 square foot structure certifies that the primary land use is 8,000 square feet (SF) of manufacturing with functions, principally in support of the manufacturing use, consisting of 1,000 SF (12.5%) of warehouse, and 1,000 SF (12.5%) of office. Since the warehouse and office uses have been certified to be principally in support of

the primary land use and each supportive function is less than 25% of the primary land use GFA, they are legitimate accessory uses. The fee for the entire 10,000 square foot structure is therefore based on the primary land use rate for manufacturing.

3. If any use, which supports the primary land use, is greater than 25% of the GFA of the primary land use, it becomes an additional primary land use. Therefore, a mixed-use structure may have more than one primary land use. The impact fees are then assessed for each primary land use based on the fee schedule (Exhibit D) and the results aggregated. Accessory land uses to the primary land uses are treated as noted in Section IV.D.2. For example, a feepayer with a 10,000 square foot structure certifies that the primary land use is 6,000 SF of manufacturing, with supportive functions of 3,000 SF (50%) of warehouse, and 1,000 SF (16.7%) of office. Since the warehouse use is greater than 25% of the GFA of the manufacturing use, it becomes an additional primary land use. The fee is therefore based on the two primary land use rates: 7,000 SF at the manufacturing rate (6,000 manufacturing + 1,000 office) plus 3,000 SF at the warehouse rate.

4. In the case of a mixed-use structure with more than one primary land use, the impact fees are assessed for each primary land use based on the fee schedule (Exhibit D) and the results aggregated. For example, a feepayer with a 10,000 square foot structure certifies that there are two primary land uses, namely, 8,000 SF of general office and 2,000 SF of daycare that is unrelated to the office operation. The general office primary land use is further broken down to 7,000 SF of general office use and a supportive function of 1,000 SF (14%) of warehouse. The fee would then be based on the primary land use rates of 8,000 SF at the general office rate plus 2,000 SF at the daycare rate. If the supporting warehouse function to the general office had been greater than 25% of the general office GFA, the warehouse function would become an additional primary land use. In the above example, if the warehouse area had been 2,000 SF (33%), the fee would then be based on three primary land use rates of 6,000 SF at the general office rate, plus 2,000 SF at the warehouse rate, plus 2,000 SF at the daycare rate.

Note: see Exhibit H for blank worksheets

5. In all cases, the burden shall be on the feepayer to provide written certification to the satisfaction of the Local RRIF Administrator of the breakdown of the primary land uses and any supportive accessory uses in percent and GFA.

Note: 25% is based on the International Building Code, Current Edition

E. Shell Permit

Developers will often apply for a building permit to construct the “shell” of a building. Remodeling permits would be issued later to finish construction of the interior of the structure. The impact fee shall be paid prior to the issuance of the building permit for construction of the shell or prior to the Certificate of Occupancy, as approved by the Local Participating Government. The amount of the fee shall be based on the intended land use as described by the developer. If the intended land use is not known, and in the absence of a contract or lease stating what the use will be, the impact fees shall be assessed based on the land use allowed under the existing zoning for the lot or parcel which generates the least traffic impact as determined by the Local RRIF Administrator. If it is found during review of the application for a remodeling permit that the actual land use differs from the intended land use as described by the developer, a determination shall be made as to whether or not an additional impact fee is due based on the procedures for Change of Use, Section IV.F. If so, the additional impact fee shall be paid prior to the issuance of a remodeling permit for the completion of the building.

F. Change of Use

1. In the case of a change of use, redevelopment, or modification of a previous land use, which requires the issuance of a building permit, the impact fee shall be based upon the net increase in the impact fee for the new use as compared to the previous use. The amount of the impact fee is due as a result of the change in land use shall be determined and paid at the time that the feepayer applies for the building permit.

2. Previous land use shall be the most recent lawful land use physically existing and active on the property. The feepayer shall furnish documentation required by the Local RRIF Administrator to determine the most recent previous use, including any gaps in time when there was no use. In the absence of satisfactory documentation, the Local RRIF Administrator shall treat the parcel as vacant land.

3. The burden shall be on the feepayer to provide written certification to the satisfaction of the Local RRIF Administrator of the breakdown of the primary land uses and any supportive accessory uses in percent and GFA of the existing and the proposed changes to the land use. For example, an existing 10,000 square foot manufacturing structure, as certified by the feepayer, consists of 8,000 SF of manufacturing and supportive functions of 1,500 SF (18.8%) warehouse and 500 SF (6.3%) office. The proposed changes to this 10,000 square foot structure, as certified by the feepayer, will result in 7,500 SF of manufacturing and supportive

functions of 1,800 SF (24.6%) of warehouse and 700 SF (9.3%) office. With these changes, the accessory uses still remain below the 25% threshold as stated in Section IV.D., Mixed Use Structures. In this case, no fee will be charged. If the entire incremental change had been in the warehouse use (i.e. 7,500 SF of manufacturing, 2,000 SF of warehouse, and 500 SF of office), the warehouse use would become an additional primary land use since the warehouse use is now greater than 25% as stated in Section IV.D., Mixed Use Structures. The fee is now based on 8,000 SF at the manufacturing rate plus 2,000 SF at the warehouse rate. If the new fee is greater than the original fee, a fee is charged for the difference between the new fee and the original fee. If the new fee is less than the original fee, no fee is charged. Under no circumstances will a refund of impact fees be granted for a change in use.

Note: see Exhibit H for blank worksheets

4. The Local RRIF Administrator shall calculate the impact fee due to a change in use. The Local RRIF Administrator shall be guided in the determination of the fee by the sources listed in Section IV.A. above. Under no circumstances will a refund of the impact fee be granted for change of use.

G. Auxiliary Uses

Auxiliary land uses are uses which are secondary to the primary land use and are typically not measured in the same units as are used for fee assessment. For example, an apartment complex where the unit of assessment would be per dwelling which has a clubhouse for use of the tenants. The club house would be an auxiliary use and would generally not be assessed a separate impact fee unless it can be established by the Local RRIF Administrator that the auxiliary land use serves as an individual attraction. However, structures that meet the definition of a “dwelling” are not exempted as auxiliary uses.

H. Facilities Constructed for Private Use

For land uses limited exclusively to private use, which are internal to a particular development and for the exclusive use of residents within the development or their guests, and which, therefore have no off-site street impact, e.g., private clubhouse or dining facilities built as part of a planned development, no impact fee will be charged if the following conditions are met:

1. The final approval, which identifies the facility, include a condition of approval limiting the facility exclusively to private on-site use.

2. There exists sufficient authority and documentation that authorizes the Local RRIF Administrator to revoke the Certificate of Occupancy for the building or structure in question.

3. There exists sufficient authority and documentation which authorizes the Local RRIF Administrator to withhold all permits of all types on any and all phases of the development of which the building or structure is a part of until the correct impact fees are paid for public use of the facility, if public use occurs in violation of the condition.

4. In addition to the above, the Local RRIF Administrator is authorized to proceed with the actions and sanctions delineated in Section III.B.3., Underpayment of Fee Based on Error or Misrepresentation, of this Manual, if public use occurs in violation of the condition.

For land uses that are partially limited to private use internal to a particular development, only the portion of the facility devoted to public use will be assessed an impact fee, if the final approval contains the same conditions listed in paragraphs 1-4 above, which identify and restrict part of the facility to exclusive private use and grants similar authorization to the Local RRIF Administrator if public use occurs in violation of the condition.

I. Relocation of Dwelling Unit

Impact fees shall be assessed for structures or mobile homes moved from one location to another, unless the structure or unit being moved is a replacement of an equivalent use at the new location (for further discussion of equivalent uses, see also Section IX, Exemptions). If the structure or mobile home so moved is replaced by an equivalent use at the old location, no impact fee shall be due for the replacement use. In every case, the burden of proving past payment of impact fees, exemption or equivalency of use rests with the feepayer.

J. Model Homes

Single-family model homes constructed on single-family lots shall pay the impact fee for a single-family dwelling unit as shown on the fee schedule (Exhibit D). Multi-family models shall pay the multi-family rate.

K. Mobile Homes

The appropriate impact fee for the set-up of a mobile home residence must be paid prior to the issuance of the requested permit. An exemption will be granted if it can be documented that an impact fee has been paid previously for a mobile home set-up on the same lot, parcel, or space. Documentation to be used by the Local RRIF Administrator may include utility bills for the period of time in question, the tax rolls or other such

records deemed appropriate by the Local RRIF Administrator. Fee will be based on the single family dwelling.

L. Supplemental Units/Mother-in-law Attached or Detached Dwellings

The impact fees for supplemental (mother-in-law) units, attached or detached to a single family detached dwelling unit, are assessed at the multi-family rate in addition to the single family rate, as determined by the Local RRIF Administrator.

M. Recreational Vehicles (RV's)

The provision of an RV site will be assessed an impact fee at the Lodging (Per Room) rate in the fee schedule (Exhibit D). No impact fees shall be assessed for "move in" of a recreational vehicle in an RV park that has already paid a regional road impact fee.

N. Shopping Centers

A shopping center is an integrated group of commercial establishments that is planned, developed, owned and managed as a unit. Impact fees shall be assessed on ther gross leasable area.

O. Casino/Gaming

Impact fees for new gaming/resort development will be determined based upon the number of hotel rooms and RV spaces, and the appropriate rates for these uses. Separate fees for the gaming area or the typical gaming/resort amenities such as restaurants, incidental retail shopping, entertainment facilities, etc. shall not be charged.

For an existing casino/resort development, the impact fees for adding additional rooms will be assessed at the hotel/motel rate. The impact fees for adding additional gaming/casino floor area with no additional rooms will be assessed at the casino gaming area rate. The impact fees for adding additional gaming/casino floor area and rooms will be assessed at either the casino gaming area rate or the hotel/motel rate whichever produces the higher of the two impact fees.

A feepayer may request the Local RRIF Administrator or RTC RRIF Administrator to treat a new or an expansion of an existing casino/resort development as a phased project.

A phased project is considered to be a project where multiple building permits will be applied for over a period not to exceed five (5) years within the development area. Impact fees will be assessed as indicated in the previous paragraph except the impact fee calculation will combine any previous building permits issued with each new building permit applied for within the five (5) year period. Any impact fees collected on previous

building permits will be subtracted from the new impact fee calculation. A credit for a previous payment of an impact fee for a phased project must be requested by the feepayer. Any credit not requested prior to or at the time of the application for a building permit shall be deemed waived by the feepayer. It shall be the feepayer's responsibility to furnish, as required by the Local or RTC RRIF Administrator, all information necessary to validate the phased project.

For example, a feepayer may propose a phased project to expand the casino gaming area in the first year with the intention to expand rooms one (1) year later. A $100,000 impact fee is assessed for the additional gaming/casino floor area at the casino gaming area rate for the first building permit. For the expansion of the rooms a year later, a re-assessed $500,000 impact fee (based on the current fee schedule) is calculated for the additional rooms at the hotel/motel rate. The impact fee for the additional rooms would be $500,000 - $100,000 previously collected = $400,000.

Other traffic generating land uses of a type or magnitude that are not typically associated with casino/resort development will be charged impact fees, in addition to the room or casino gaming area based fees.

P. Houses of Worship

A building providing public worship services and generally housing an assembly hall or sanctuary, meeting rooms, classrooms and occasionally dining, catering, or party facilities. Fees to be assessed on the Office space. If applicable, an additional fee will be assessed for school and/or daycare areas.

Q. Convenience Store with Gas Pumps

Impact fees are assessed based on the total square footage of the convenience store building plus the area covered by the canopy for the gas pumps.

V. ADMINISTRATIVE DETERMINATION OF FEES

A. General

Impact fees shall be assessed in accordance with the land use type in the fee schedule adopted in this Manual at the time of impact fee payment. If it is determined that there is no comparable type of land use in the fee schedule, then the Local RRIF Administrator shall determine the fee based on the guidelines of this Section. If the feepayer disagrees with the impact fee determined administratively (or based on the fee schedules in

this Manual), the feepayer may prepare an independent fee calculation study in accordance with Section VI of this Manual.

B. Methodology

If it is determined that there is no comparable type of land use in the fee schedule, then the Local Administrator shall determine the fee by:

1. Determining the Most Comparable Use. If the type of development activity is not specified in the fee schedule (Exhibit D) or in Exhibit A, the Local RRIF Administrator shall determine the fee on the basis of the fee schedule applicable to the most nearly comparable type of land use. The Local RRIF Administrator shall be guided in the selection of a comparable type by the reports titled:

   a. Trip Generation – An Informational Report and Trip Generation Handbook (latest edition), prepared by the Institute of Transportation Engineers (ITE).

   b. Articles or reports appearing in the ITE Journal as deemed acceptable by the Local RRIF Administrator.

   c. Studies or reports done by or for the U.S. Department of Transportation, Nevada Department of Transportation, Regional Transportation Commission, Cities of Reno or Sparks, or Washoe County and deemed acceptable by the Local RRIF Administrator.

   These sources should also be used when possible to determine other relevant traffic parameters to the fee calculation (i.e., trip length, percent new trips). In the event that those parameters are not available, the parameters identified in the fee schedule, applicable to the most nearly comparable type of land use should be used; and

Applying the formula:

IMPACT FEE/UNIT = VMT/Unit x NC

VMT/UNIT = ADT/Unit x A x B x C

Where:

ADT/Unit = Average number of trips generated per unit of development on a weekday

A = Trip Adjustment (%)

B = Trip Length Weight Factor (%)

C = Average Trip Length (Miles)

VMT/Unit = Vehicle-Miles of Travel per unit of development

NC= Net Cost per VMT. For the purposes of this formula, use the current net cost per VMT by Service Area as identified in the RRIF CIP.

C. Miscellaneous Land Uses Types

The Local RRIF Administrator shall maintain a list of the fees determined administratively for miscellaneous land use types. Exhibit I contains a list of the fees previously determined administratively that will be updated periodically as new fees are determined.

D. Pre-Development Review Impact Fee Calculation

Any person contemplating establishing a traffic-generating 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 submit to the Local RRIF Administrator or the RTC RRIF Administrator the pertinent information identified by the Local RRIF Administrator or the RTC RRIF Administrator. Using the information regarding the proposed project as submitted, the Local RRIF Administrator or the RTC RRIF Administrator will provide, within 15 days of the date of submittal, a preliminary calculation of the impact fees due for the proposed project.

VI. INDEPENDENT FEE CALCULATION STUDY

A. Option to the Feepayer

If a feepayer shall opt not to have the impact fee determined according to the fee schedule in Section IV or determined administratively per Section V, then the feepayer shall prepare and submit an independent fee calculation study in accordance with this Section. The utilization of this option by the feepayer shall not exempt the feepayer from paying the impact fee prior to the issuance of a building permit, mobile home set-up permit, or recreational vehicle building permit.

B. Notice of Intent by Feepayer

The feepayer shall inform the RTC RRIF Administrator in writing of his/her intent to utilize an independent fee calculation study submitted with a fee of $500, which is non-refundable and does not go toward RRIF, for administrative costs associated with the review and decision on such study. The Notice of Intent shall include the basis for opting to do an independent fee calculation study. The RTC RRIF Administrator shall

then schedule a pre-application meeting with the applicant and the Local RRIF Administrator.

C. Pre-Application Meeting

Before beginning the independent fee calculation study, the feepayer or its designated representative shall attend a pre-application meeting with the RTC RRIF Administrator and the Local RRIF Administrator. The purpose of the pre-application meeting will be to discuss the procedures of the independent fee calculation study, the methodology to be employed, and the standards to be met.

Results, conclusions, and agreements reached at the pre-application meeting regarding the scope of the study, methodology, required forms or documentation, or procedures, which may not constitute a waiver of Manual provisions, shall be placed in writing by the RTC RRIF Administrator, and a copy of this memorandum shall be sent to the applicant. The applicant shall acknowledge receipt and acceptance of this memorandum, in writing, to the RTC RRIF Administrator. By accepting this memorandum, the applicant is obligated to turn over the completed study to the RTC RRIF Administrator prior to payment of the impact fee. Further, the applicant is obligated to abide by the findings of the study, **even if it results in the need to pay a greater fee than that which would have been paid had the fee been determined under the provisions of Section IV.**

D. General

1. The purpose of the independent fee calculation study is to measure the impact of the development in question on the RRIF Capital Improvements included in the CIP. The fee computed for the development in question under the independent fee calculation study provisions is not intended to apply to other developments of the same use.

2. The independent fee calculation study shall follow the methodologies and formats which are agreed upon during the pre-application meeting and in accordance with any documentation or methodology required by this Manual.

3. The independent fee calculation study shall be prepared and presented by qualified, registered, and professional engineers with experience in traffic engineering. The methodology shall be consistent with best professional practice and support the central claim of the study. The study shall provide all necessary supporting documentation and information. Failure to adhere to best professional standards is a basis for rejection of the study. The applicant's submission shall certify that the study complies with best professional practices and this attestation shall be sealed.

4. The applicant shall submit the study to the RTC RRIF Administrator, at which time a 30-day review period shall begin.

E. Sufficiency Determination

1. The RTC RRIF Administrator, after consultation with the Local RRIF Administrator, will review the independent fee calculation study for sufficiency, methodology, technical accuracy, and findings. The RTC RRIF Administrator shall have 30 days to inform the applicant, in writing, of any deficiencies or defects in the study, or to find the study complete and competent.

2. If the applicant does not respond to the RTC RRIF Administrator regarding the finding of deficiency within 30 days of receipt of the notice, the RTC RRIF Administrator will consider the independent fee calculation study to be invalid.

3. The 30-day sufficiency review shall begin when the submission is received and date stamped by the RTC RRIF Administrator. If the study is found to be deficient, the 30-day time period shall begin again with the submission of a new or modified study.

F. Notification of Feepayer and Appeal

Within 30 days of submittal of the independent fee calculation study, the RTC RRIF Administrator shall notify the feepayer in writing of the acceptance, conditional acceptance, or rejection of the study. If the feepayer disagrees with the findings of the RTC RRIF Administrator, the feepayer may appeal the decision (see Section XI).

G. Determination of Fee

The determination of the amount of the impact fee shall be made by the RTC RRIF Administrator. If the study is approved, the impact fee will be determined on the basis of the study findings; if the study is denied, the impact fee will be determined using the established fee schedule.

H. Effective Date

The date at which the independent fee calculation study is approved by the RTC RRIF Administrator, or 30 days after submission of there is no finding, shall be the effective date for any fees established pursuant to an independent fee calculation study.

I. Application for a Building Permit

It shall be the responsibility of the feepayer, at the time of application for a permit, to submit a claim including supporting documentation for modified impact fees resulting from an approved independent fee calculation study.

J. Independent Fee Calculation Guidelines

The impact fee structure identified in the RRIF program was established based on average travel characteristics for land uses within Washoe County. While those characteristics and resultant impact fees were based on the best available data and sound engineering practices, it is recognized that individuals may desire to conduct independent surveys of their project's trip generation, trip length, and percent new trips and recalculate their particular impact fee per unit of development. All of the following variable inputs to the impact fee formula set forth in Section V.B must be included in any independent fee calculation study unless it is mutually agreeable between the RTC RRIF Administrator and the feepayer to use established parameters as summarized in the fee schedule.

1. Trip Generation Rate Studies. The trip generation rates used in the calculation of the regional road impact fees are identified in the fee schedule (Exhibit D). However, feepayers conducting an independent fee calculation study shall be permitted to conduct local, independent surveys of trip generation rates to confirm or contradict the rates identified in the fee schedule or to establish rates for land uses not identified in the schedule.

   The methodology for conducting an independent survey of trip generation rates is summarized as follows:

   a. A minimum of three (3) sites for the land use in question should be selected. The selected sites should be single-use sites with exclusive driveways.

   b. The site inventory and sites proposed for the survey shall be reviewed by the RTC RRIF Administrator, who will be responsible for the approval of the sites to be surveyed prior to initiation of the survey.

   c. Two-way, 24-hour counts must be made for all driveways for three consecutive weekdays with counts recorded hourly, except during the peak periods of 7:00 a.m. to 9:00 a.m.; 11:00 a.m. to 1:00 p.m.; and 4:00 p.m. to 6:00 p.m. during which periods counts shall be recorded at fifteen (15) minute intervals.

   d. Equipment at each site should be checked periodically to ensure a proper count. No count should be conducted during a special event traffic day. Equipment failure or

inclement weather should be grounds for aborting the count. If machine recordings are made, the original tapes must be submitted.

e. The trip generation date and generation rate shall be summarized and calculated in a report. Trip generation rates shall be calculated using the same unit basis (i.e., dwelling units, gross floor area, etc.) by use as identified in Exhibit D of this Manual. All calculations and assumptions, such as seasonal adjustments, shall be clearly reported and documented.

f. All traffic counts and analyses shall be conducted by a qualified, state of Nevada registered professional engineer with experience in traffic engineering.

2. Trip Length Studies: Alternative trip length data shall be based upon origin/destination and trip purpose studies conducted at land uses the same as or comparable to the proposed land development activity. As with the trip generation studies, the following conditions shall be met:

a. A minimum of three sites for the land use in question should be surveyed for three (3) consecutive weekdays.

b. The site inventory, sites proposed for the surveys, and the detailed survey methodology shall be reviewed and approved by the RTC RRIF Administrator prior to the initiation of the survey.

c. At a minimum, the following data must be obtained:

(1) Trip origin by location (major street intersection, landmark);

(2) Trip destination by location (major street intersection, landmark); and

(3) Primary trip purpose.

d. The origin/destination and trip purpose data should be coded and summarized using the summary report form provided by the RTC RRIF Administrator. All calculations and assumptions, including documentation of the sample size confidence level, shall be clearly reported and documented.

e. All surveys shall be conducted by a qualified, State of Nevada registered professional engineer with experience in traffic engineering.

3. Percent New Trips Studies. Alternative trip data relevant to the percent new trips shall be based upon trip purpose studies conducted at land uses the same as are comparable to the proposed land development activity. As with other studies, the following conditions shall be met:

   a. A minimum of three sites should be surveyed for three consecutive weekdays.

   b. The site inventory, sites proposed for the surveys, and the detailed survey methodology must be reviewed and approved by the RTC RRIF Administrator prior to the initiation of the survey.

   c. For all uses, the questions and interpretation of survey results, by land use, shall be as determined by the RTC RRIF Administrator. Trip data will be coded and summarized. All calculations and assumptions, including documentation of the sample size confidence level, shall be clearly recorded and documented.

4. Internal Orientation Studies. It is recognized that certain mixed use developments may capture a portion of their total trip generation on-site. Those trips would be internal to the site and would not impact the external road network. The degree of internal orientation that can be expected is dependent on the type, character, quantity, and location of uses in the particular mixed-use development.

   Trip ends in a mixed-use development are comprised of "attractions" and "productions". The land uses contained in the Fee Schedule can be classified into those two groups as follows:

Attractions	Productions
- Office/Commercial	- Residential
- Industrial	- Hotel/Motel
- Institutional	
- Recreational	

   For mixed use developments not opting to conduct a more refined analysis, a ten (10) percent deduction in trip generation will be given for the smaller trip type (i.e., attractions or productions) with that volume also deducted from the predominant trip type were attractions, a ten percent deduction would be applied to the attraction total. That volume (10% of the attraction trips) would also be deducted from the production trips. If a feepayer desires to obtain credit for more than ten (10) percent internal orientation for a

specific mixed use development, detailed trip studies shall be conducted. Those studies must include, but not be limited to, the following:

a. Detailed site plan identifying development land uses, internal vehicular circulation systems, and internal pedestrian circulation systems.

b. Trip generation by land use, and by attractions and productions.

c. Trip matrix identifying by trip purpose and on-site origins and destinations, inbound and outbound internal trip ends.

d. Trip table identifying total trip generation, external trip ends, and internal trip ends by land use.

VII. STUDIES TO ESTABLISH NEW/REDEFINED LAND USE CATEGORIES

A. Studies by the RTC RRIF Administrator

From time to time, the RTC RRIF Administrator, in conjunction with the various Local RRIF Administrators, may undertake studies necessary for the creation of a land use category not included in the RRIF schedule or to redefine an existing land use category. The results of such studies may be proposed for inclusion in the periodic updates to this Manual.

B. Studies by Others

Third parties interested in proposing the addition of new land uses or the redefinition of existing land uses and the trip generation data associated therewith, shall undertake the necessary independent studies as identified by the RTC RRIF Administrator at their sole expense. Completion and acceptance of such studies by the RTC RRIF Administrator shall in no way be construed as binding the Participating Local Governments to accept the results of such studies or to amend the RRIF Administrative Manual to incorporate them into the land use fee structure.

1. Notice of Intent

Prior to initiating an independent land use study, the applicant shall inform the RTC RRIF Administrator of its intent in writing. Upon receiving this notice, the RTC RRIF Administrator shall schedule a pre-application meeting with the applicant.

2. Pre-application meeting

Prior to commencing with an independent land use study, the applicant shall meet with the RTC RRIF Administrator to discuss the scope, methodology, procedures, and standards to be met of the required study.

Results, conclusions, and agreements reached at the pre-application meeting regarding the scope of the study, methodology, required forms or documentation, or procedures, which may not constitute a waiver of manual provisions, shall be placed in writing by the RTC RRIF Administrator, and a copy of this memorandum shall be sent to the applicant.

If the applicant wishes to proceed with the study, it shall acknowledge receipt and acceptance of the RTC RRIF Administrator's memorandum in writing and return this acknowledgment to the RTC RRIF Administrator, with an application fee of $1,500 for administrative costs associated with the review and decision on such a study. By accepting this memorandum, the applicant is obligated to turn over the completed study and assign all rights to the study to the RTC RRIF Administrator upon its completion.

3. RTC RRIF Administrator

Upon completion and acceptance of an independent land use study, the RTC RRIF Administrator shall include the salient results of such a study in the next proposed general update to the RRIF General Administrative Manual for consideration by the Participating Local Governments.

VIII. REFUNDS

A. Expiration, Revocation, Surrender of Permit

Under the conditions defined in Section III.E, Expiration of Building Permit, a feepayer shall be entitled to a refund, without interest, equal to the full amount of the impact fee paid. In the case of an expired building permit that was obtained in whole or in part by the use of RRIF Waivers or CCFEA Credits issued pursuant to an Offset Agreement or CCFEA, the entire fee may be refunded only if a written request is made to the RTC RRIF Administrator within 30 days of the expiration, revocation, or surrender of the building permit. The refund will be in the same proportion (cash vs. RRIF Waiver vs CCFEA Credit) as the original payment. For refunds related to a RRIF Waiver, the RTC will notify the affected Participating Local Government to adjust the remaining RRIF Waiver balance associated with the Development of Record.

B. Overpayment

A refund, with interest accrued on the cash amount overpaid, will be made if it is determined, as a result of appeal or independent fee calculation study, that overpayment of the fee has occurred.

C. Impact Fee Revenues Not Expended

Upon the application of the original feepayer of property for which an impact fee has been collected, the RTC RRIF Administrator shall refund the applicable fee paid plus interest accrued if the fee, or any portion thereof, has not been spent for the purpose for which it was collected within ten (10) years after the date on which it was collected.

1. Impact fee revenues shall be deemed expended or encumbered when a contract or agreement obligating all or a portion of the payment of said funds shall be approved by the RTC RRIF Administrator.

2. No refunds of impact fees pursuant to the above criteria will be provided for in the event the owner of record does not request such a refund.

3. Before issuance of the refund can be authorized, the owner of record shall submit a written request for refund to the RTC RRIF Administrator. This request must be submitted within 180 days of the date funds are considered refundable.

4. In applying for the refund, it shall be the applicant's responsibility to pursue the acquisition of, and/or furnish, as required by the RTC RRIF Administrator, all materials and information necessary to validate proof of payment of the impact fee, the date and amount paid, and the permit issued as a result of that payment. The RTC RRIF Administrator shall verify whether the impact fee is refundable, and if so, process the applicant's request.

5. The refunded impact fee, including accrued interest, shall be returned to the owner of record.

D. Recalculation of Fees

1. At the time of the review of the impact fee system described in Section II.A.5.d., the RTC RRIF Administrator shall recalculate the impact fees according to the provisions of this section.

2. The net cost per service unit shall be recalculated using the identical methodology as was used to calculate the net cost per service unit in the last update of the CIP, but substituting actual

costs of completed projects for the estimated costs included in the CIP.

3. The RTC RRIF Administrator shall automatically refund the applicable fee paid plus interest accrued to all feepayers if:

   a. The actual cost of the fully completed capital improvements plan is less than the impact fees paid. In such cases, the difference is refunded; or

   b. The recalculated net cost per service unit at the time of a capital improvements plan update is less by more than ten percent (10%) of that estimated in calculating the regional road impact fees. In such cases, the difference beyond ten percent (10%) is refunded.

E. Termination

In the event that the imposition of the impact fee is terminated in any or all of the Participating Local Governments, any fees collected from development in that jurisdiction and not spent or encumbered at the time of such termination shall be considered refundable upon application of the owner of record.

1. Within 30 days following the effective date of this termination, the Participating Local Government shall turn over all funds in the Local Government Trust Fund and all pertinent records to the RTC RRIF Administrator.

2. The RTC RRIF Administrator shall notify feepayers that they may be eligible for a refund upon application of the feepayer or his successor in interest. The refund application must be submitted by the feepayer or his successor in interest within 180 days following the publication of the first notice. Holders of CCFEA Credits issued pursuant to a CCFEA or RRIF Waivers pursuant to an Offset Agreement shall be considered feepayers for purposes of refund under this termination procedure.

3. Fees available for refund shall be those not expended or encumbered as defined in Section VIII.C. above.

4. No refunds of impact fees will be provided for in the event the owner of record does not request such a refund. Fees available for refund shall be prorated over those eligible feepayers submitting proper application for refund. In no case shall the feepayer receive a refund greater than the amount originally paid plus accrued interest.

5. Any fees available for refund and not so refunded shall remain in the RTC Trust Fund. In the event that all Participating Local

Governments terminate the imposition of the impact fee, the remaining funds shall be expended on street improvements identified in the CIP.

F. Appeals

A decision of the RTC RRIF Administrator regarding refunds may be appealed by the feepayer (see Section XII.).

IX. EXEMPTIONS

A. Must Be Claimed by Feepayer

An exemption must be claimed by the feepayer at the time of the application of a building permit. An exemption not so claimed shall be deemed waived by the feepayer.

B. Total Exemptions

The following shall be exempted from payment of all impact fees:

1. Alterations. Alteration or expansion of an existing building or use of land where no additional living units will be produced over and above those in the existing use of the property, the use is not changed, and where no additional vehicular trips will be produced over and above those produced by the existing use.

2. RV Site Amendment. An amendment to a recreational vehicle building permit, provided that the amended recreational vehicle building permit does not increase the number of recreational vehicle units permitted.

3. Federal Buildings. A building permit obtained by or for the United States of America. Privately owned properties or facilities leased for general government operations and activities and private residential, commercial or industrial activities constructed or operated through lease agreements on public lands, or in public facilities, shall not be considered governmental or public facilities and shall be subject to the provisions of this Manual.

4. Property owned by a public school district or State University. In accordance with amendments made to NRS 278B and the State Attorney General, property by a school district and the State University System are exempt from paying impact fees. See Exhibit G for details. However, private schools and private universities or private uses housed within public school district and public university facilities are not exempt from impact fees.

5. Internal Uses. Under the conditions set forth in Section IV.M of this Manual, land uses devoted entirely or partially to exclusive private

use, which are internal to a particular development and therefore have no off-site street impact.

6. Previous Approval Exemptions.

a. Development approvals that meet either of the following criteria shall be exempt from payment of the regional road impact fees:

(1) Projects with discretionary approvals from the Elected Board: 1) In the City of Reno prior to May 28, 1991, and the applications for which approvals required the preparation of a traffic report consistent with the City of Reno guidelines and subsequent non-site traffic related improvements other than proportionate share contributions: or 2) outside of Reno but within the Service Areas prior to the adoption of the Regional Road Impact Fee, and the applications for which approvals required non-site traffic-related improvements other than proportionate share contributions.

(2) Those project approvals that meet the above criteria and for which additional traffic studies are required in order to monitor the cumulative traffic impacts of phased development. Such projects shall be required to do the traffic mitigation required as conditions of approval. Projects that meet the first criteria with the exception that no off-site, traffic-related improvements are required other than proportionate share cash contributions shall remain exempt until September 1, 1997. As of September 2, 1997, these projects shall be subject to payment of Fees and all proportionate share cash contributions shall become null and void.

(3) Exhibit E contains the Regional Road Impact Fee Exemption Listing.

b. Such projects shall be required to do the traffic mitigation required as conditions of approval.

c. In the event that a time extension is granted, the exemption from the imposition of impact fees will be retained. If any development approval exempted under this Section is allowed to expire, such exemption shall be null and void. Any subsequent approval and development of the project in any form shall be deemed not to have been approved prior to May 28, 1991, and are subject to the imposition of impact fees.

d. In the event an amendment to a development approval exempted under this section changes the traffic generation characteristics from those of the original approval, the incremental increase in traffic generation resulting from such amendment shall be subject to the imposition of impact fees

e. In applying for the above-mentioned exemptions, it shall be the applicant's responsibility to furnish, as required by the RTC RRIF Administrator, all materials and information necessary to validate the exemption including, but not limited to, the following:

(1) Current Opinion of Title.

(2) Official document from affected governmental owner stating the proposed land use.

(3) Official documents from zoning hearings.

(4) Old and new construction plans.

(5) Official Certificate of Occupancy and Use records; and

(6) Statements from owner stating past and proposed land use.

f. Projects exempt from the payment of impact fees pursuant to this Section, may nevertheless be required to perform additional traffic mitigation measures if such project is developed in phases, regardless of whether project approval was granted for a total or phased development, and regardless of whether traffic mitigation measures required at the time of project approval have been completed by the applicant. A "phased development" means:

(1) A project which was approved as a phased development,

(2) A project which received approval for a total project, which has not been totally developed pursuant to such approval at the end of a five year period starting with such approval.

C. Exemption Based on Error

Exemptions from payment of the impact fee based on error shall be subject to the provisions found in Section III.C. of this Manual.

D. Determination and Appeals

The determination of eligibility for an exemption shall be made by the RTC RRIF Administrator. If the feepayer disagrees with the findings on the RTC RRIF Administrator, the feepayer may appeal the decision (see Section XII).

X. IMPACT FEE OFFSETS REQUESTED AFTER THE 2014 RRIF PROGRAM UPDATE

A. General

1. RRIF Waivers.

   a. RRIF Waivers are Offset-Eligible Costs equal to or less than impact fees owed for all or a portion of the land uses within a Development of Record.

   b. When RRIF Waivers are approved, impact fees assessed by the Participating Local Government, will be "waived" until the fees waived within the Development of Record cumulatively equal the amount of Offset-Eligible Costs approved, as indicated in the RTC's Notice of RRIF Waiver.

   c. In the event the land uses within the Development of Record are modified greater than 10% of the land uses as identified in the Offset Agreement, RRIF Waivers will be re-evaluated at the then-current RRIF rate. Determination of a RRIF Waiver modification will be based on a comparison of the impact fees owed for the modified land uses, including any completed portions of the development, and the impact fees owed as identified in the Offset Agreement. The Local RRIF Administrator will notify the RTC RRIF Administrator of the Development of Record modification. The RTC RRIF Administrator will issue a new Notice of RRIF Waiver with the remaining value of RRIF Waivers expressed in dollars. All remaining RRIF Waivers shall be utilized at the then-current RRIF rate as of the date of issuance of the Building Permit for each unit of development. See Exhibit I.

2. Participating Local Governments may waive impact fees otherwise owed at the time of issuance of a building permit or issuance of the Certificate of Occupancy, as the case may be, if the RTC RRIF Administrator has issued a Notice of RRIF Waiver for the Development of Record within which the building permit is sought.

3. Applications for a RRIF Waiver for the dedication or construction of Offered Improvements must be made to the RTC RRIF Administrator on a form provided by the RTC for such purposes.

4. The RTC RRIF Administrator and the RTC General Counsel are the sole officials authorized to communicate, on behalf of the RTC Board,

with a person submitting an application for RRIF Waivers. Representations and communications by other officials, unless expressly authorized by the RTC RRIF Administrator, may not be relied upon for purposes of the regional road impact fee obligations, offered Offset-Eligible Improvements, or the terms of a proposed Offset Agreement. The Offset Agreement shall supersede all prior written and oral communications, regardless of source.

Any offer to dedicate or construct Offset-Eligible Improvements, pursuant to this section of the Manual and Offset Agreement, may be withdrawn at any time prior to the transfer of legal title.

B. Offset Agreement

1. Offset Agreements must be approved prior to the start of work on any Offset-Eligible Improvement and prior to the issuance of any building permit for which RRIF Waivers are requested.

2. The RTC RRIF Administrator will issue a Notice of RRIF Waiver per the terms of a fully executed, final Offset Agreement accepting Offset-Eligible Improvements offered by the Developer of Record.

3. An Interim Notice of RRIF Waiver may be issued during phases of construction or dedication of land that provide reasonable assurance that over-crediting shall not occur

4. To the extent that Offered Improvements are ultimately not accepted, or if the Developer of Record is otherwise in material default under this Offset Agreement, the Developer of Record shall pay the actual Regional Road Impact Fees which would have otherwise been due had the Developer of Record not utilized Interim Waivers.

C. Procedure

1. Upon receipt of a complete Offset application, the RTC RRIF Administrator will distribute the application materials to the RTC General Counsel, other appropriate RTC staff, and the RRIF Administrator for each Participating Local Government in which the offered Offset-Eligible Improvement is located (the “affected Participating Local Government”).

2. The RTC RRIF Administrator will coordinate with the RRIF Administrator for each affected Participating Local Government to insure all comments are received and given consideration prior to final action by the RTC Board of a proposed Offset Agreement.

3. After review by the RTC General Counsel, other appropriate RTC staff, and the RRIF Administrator of the affected Participating Local Governments, the RTC RRIF Administrator will prepare a staff report and Offset Agreement for consideration by the RTC Board and the

Governing Bodies of each Participating Local Government in which the proposed improvements are located.

a. The RTC RRIF Administrator's report and Offset Agreement will establish which improvements offered by the Developer of Record qualify as Offset-Eligible Costs and the appropriate dollar amount and approved land use designations of any resulting RRIF Waivers, according to the provisions of this Manual.

b. Approved Offsets may not exceed the actual Offset-Eligible Costs, as described in Section X.F, below.

c. RRIF Waivers shall be expressed in dollars and by the amounts of Regional Road Impact Fees to be waived in terms of land uses using the Impact Fee Schedule, in effect as of the date of approval for the Offset Agreement.

d. If the RTC RRIF Administrator determines that cost estimates submitted by the Developer of Record are either unreliable or inaccurate, the final determination of the amount of the RRIF Waiver shall be made by the RTC RRIF Administrator based upon reasonable engineering criteria, construction costs estimates, property appraisals, or other professionally-accepted means of determining the value of the Offered Improvements.

4. Based on the report of the RTC RRIF Administrator, the provisions of this Manual, the Capital Improvements Plan, available funds for RTC projects, and other relevant factors, the RTC Board and the Governing Bodies of the affected Participating Local Governments will make a final decision whether to accept, reject, or to propose amendments to the Offset Agreement proposed by the Developer of Record, in exchange for RRIF Waivers

5. Once a final decision has been made by the RTC Board and the Governing Bodies of the affected Participating Local Governments, the RTC RRIF Administrator will send by registered mail a copy or copies of the approved Offset Agreement for the final consent and signature of the Developer of Record. The final Agreement will be deemed to have been received by the Developer of Record three (3) days after mailing by the RTC RRIF Administrator.

6. The Developer of Record must sign, date, and return the approved Offset Agreement indicating his or her consent to the terms therein within thirty (30) days of receiving the approved Offset Agreement from the RTC RRIF Administrator. If the RTC RRIF Administrator does not receive the signed agreement within thirty days, the application for Offsets and offered improvements will be deemed withdrawn.

7. Unless an executed Offset Agreement expressly provides otherwise, i.e. as for provisions for Interim RRIF Waivers, no RRIF Waivers will be made until all Offset-Eligible Improvements have been completed and, if applicable, dedicated to the RTC or Participating Local Government as provided in the Offset Agreement.

8. Land dedications accepted as an Offset-Eligible Improvement must be accompanied by the following documentation prior to issuance of a Notice of RRIF Waiver being issued, as provided below:

    a. The delivery to the appropriate governmental body of an irrevocable offer of dedication, with sufficient funds to pay all costs of transfer of title including recording.

    b. The escrow of taxes for the current year or the payment of said taxes for the year.

    c. The issuance of a title insurance policy subsequent to recording of the deed and escrow of taxes.

9. Unless expressly provided, or otherwise included in an executed Offset Agreement, it is the responsibility of the Developer of Record to submit sufficient documentation to the RTC RRIF Administrator to establish that the terms of the Offset Agreement have been met and that RRIF Waivers are to be made.

10. Once the RTC RRIF Administrator has made such a determination, he or she will issue a Notice of RRIF Waiver to the affected Participating Local Governments.

D. Application for RRIF Waivers

1. Generally.

    a. An offer to construct or dedicate Offset-Eligible Improvements may be made by submitting an Application for Impact Fee Offsets to the RTC RRIF Administrator. The application must contain the information and documentation required by this section of the Manual and sufficiently identify and describe the offered CIP improvements, which otherwise would have been built by the RTC with collected Regional Road Impact Fees.

    b. After review and recommendations are made by the RTC RRIF Administrator and the affected Participating Local Government RRIF Administrators, the RTC RRIF Administrator will forward a draft Offset Agreement, application, and staff report to the RTC Board and the Governing Bodies of the Participating Local Governments for a final decision, in accordance with Section X.C, above.

2. Contents and required documentation of Offset Application. Each application for an Offset Agreement must contain the following:

   a. The name of the Developer of Record offering to make Offset-Eligible Improvements and requesting RRIF Waivers, as provided in this Manual.

   b. The contribution, payment, construction, or land dedication which will constitute the Offered Improvements and the legal description or other adequate description of the project or development, referred to and the Development of Record, to which the Offered Improvements are related.

   c. The name, address, phone number, fax number, email address and a contact person of the Developer of Record for which Offsets are proposed.

   d. The name, Local Government File Number, and three copies of the site plan of the Development of Record for which Offsets are proposed.

   e. List of approved land uses and the estimated impact fees for those uses within the Development of Record for which RRIF Waivers are requested.

   f. Name, address, phone number, fax number, email address and contact person of the Engineer of Record.

   g. The proposed plans and specifications for the specific construction prepared and certified by a duly qualified engineer, registered and licensed in the State of Nevada.

   h. When a Developer of Record offers to dedicate right-of-way contained in the RRIF CIP, he or she shall present:

      (1) Preliminary Title Report.

      (2) Copy of Dedication Map containing proposed dedication.

      (3) Documentation sufficient to establish the applicant's opinion of value of property to be offered for dedication, as provided in Section X.F.2.c.(2).

   i. Sufficient documentation to verify the actual costs of Offered Improvements, in accordance with Section (F)(2), below.

E. Offset Agreement Requirements.

1. No dedication or construction project may be accepted in exchange for RRIF Waiver except pursuant to an executed Offset Agreement between

the RTC, the Participating Local Governments and the provider of the dedication or construction, which must include the following:

a. The projected costs for the proposed Offered Improvements, based on the valuation provisions of Section X.F.2, below, including provisions for verifying costs and facilitating changes in costs or plans.

b. The time by which the construction of the Offered Improvements shall be paid, completed, or dedicated and any provisions for extensions thereof.

c. The proposed amount in dollars and land uses of RRIF Waivers to be approved, based on the estimated costs of Offered Improvements.

d. The terms and conditions that must be met before the RTC RRIF Administrator will issue a Notice of RRIF Waiver to an affected Participating Local Government authorizing the waiver of Regional Road Impact Fees, in accordance with the provisions of this Manual.

e. The parties' acknowledgement that RRIF Waivers shall be limited for use for the payment of impact fees associated with the Development of Record listed in the Offset Agreement. RRIF Waivers shall not expire.

f. RRIF Waivers shall be assigned to offset the impact fees within the Development of Record pursuant to the Offset Agreement.

g. If the designated land uses for the Development of Record identified in the Offset Agreement change, the remaining waivers shall be re-assessed as outlined in the provisions in Section X.A.1.c

h. A provision requiring that all Offset-Eligible Improvements accepted will be in accordance with RTC requirements and standards.

i. Any labor, work safety, prevailing wage, or other applicable laws or regulations with which the Developer of Record must comply; and

j. such other terms and conditions agreed to by the parties.

2. Any changes to an Offset Agreement approved by the RTC Board, other than those addressed in Section X.F.2. below, will require an amendment to the Offset Agreement using the same procedure as its original adoption.

F. Calculation of Offsets.

1. Eligibility.

a. RRIF Waivers may be approved only for Offset-Eligible Costs, as defined in this Manual, which are limited to the costs the RTC otherwise would have incurred for non-Site-Related Improvements in the CIP, also as defined in this Manual. Among the types of roadway improvements not considered Offset-eligible are site-related Improvements, local and/or private streets, improvements which are compensated for by a governmental body.

b. RRIF Waivers may be given only pursuant to a valid Offset Agreement, executed according to the provisions of this Manual.

c. All Offset-Eligible Costs are available for RRIF Waivers only if associated with Offset-Eligible Improvements that meet design standards approved by the RTC, but only to the extent such costs don't exceed the scope of the project as planned by the RTC in the CIP or as described in the applicable Offset Agreement.

2. Valuation.

a. RRIF Waivers approved by the RTC, pursuant to the terms of an executed Offset Agreement, will be based on and may not exceed verified costs of the dedication or construction of Offset-Eligible Improvements offered by the Developer of Record and accepted by the RTC.

b. The RTC will not approve RRIF Waivers in excess of the Regional Road Impact Fees owed for a Development of Record as of the date of the applicable Offset Agreement.

c. If the actual verified costs are used, the RRIF Waiver shall be calculated as follows:

(1) Construction of Facilities and Provision of Equipment. The RRIF Waiver may not exceed the actual cost of construction or equipment, as evidenced by receipts and other sufficient documentation provided by the developer of the public facility and verified by the RTC RRIF Administrator. Actual costs shall be based on local information for similar improvements; may include the cost of construction, planning feasibility, alignment studies, plan-line studies, preliminary engineering, relevant geotechnical, environmental and cultural resource studies, permitting, the cost of all lands, property, rights, easements, and franchises acquired, construction financing charges, plans and specifications, surveys, engineering and legal services, construction inspection and testing, and all other expenses necessary or incident to determining the feasibility or practicability of such construction.

(2) Dedication of Land.

(a) If the land in question is subject to a valid agreement, zoning approval or development approval, which established a valuation or prescribes a method of valuation, the agreement, zoning approval or development approval shall control.

(b) If the dedication is made pursuant to a condition of discretionary zoning or development approval, the value of the land shall be determined as of the date immediately preceding the discretionary development approval. The value shall be based upon the condition of the property and the regulatory zoning in place immediately prior to the discretionary approval

(c) Valuation shall be based on the fair market value of the land upon execution of the Offset Agreement by the Developer of Record or final approval of the proposed Offset Agreement by the RTC Board or Governing Bodies of the affected Participating Local Government, whichever is earlier.

d. All changes in the estimate of Offset-Eligible Costs or to the approved plans and specifications (prior to or after execution of an Offset Agreement), shall require approval of the RTC RRIF Administrator. The applicant shall provide the RTC RRIF Administrator copies of all contracts or agreements made for design services, construction, or engineering during construction within fifteen (15) days after their execution.

XI. UNEXPIRED CREDITS APPROVED PRIOR TO THE 2014 RRIF PROGRAM UPDATE

A. Applicability. This section applies to Capital Contribution Front-Ending Agreements (CCFEAs) entered into prior to the Effective Date and to CCFEA Credits issued pursuant to such CCFEAs.

B. Intent. It is the intent of the RTC Board, and affected Participating Local Governments, to carry forward the policies and understanding in place when CCFEAs were entered into, prior to the changes to the RRIF program adopted as of the 2014 RRIF Update. Therefore, to the extent possible and practical, outstanding Credits may be used or transferred as provided prior to the 2014 RRIF Update, as provided in this section of the Manual and in accordance with the terms of valid, unexpired CCFEAs.

C. CCFEA Credit Usage.

1. The transferability and usage of CCFEA Credits issued pursuant to a valid, unexpired CCFEA are as follows:

a. Credits may be used by the Developer of Record to pay for up to 100% of the Regional Road Impact Fees on any traffic

generating development of land included in the Development of Record.

b. Credits may be used by the Developer of Record to pay for up to 100% of the Regional Road Impact Fees on any traffic generating development of the Developer of Record within the same CCFEA Credit Benefit District as the Development of Record.

c. CCFEA Credits are transferable to a third party. To transfer credits, the current credit holder of CCFEA Credits will notify RTC through the RRIF Automation program the amount of VMT's to be transferred and the name and contact information of the third party. CCFEA Credits will be subtracted from the current CCFEA Credit holder's account and transferred to a new automation account in the name of the third party.

d. CCFEA Credits may be used by a third party to pay for up to 100% of the Regional Road Impact Fees on any traffic generating development of land included in the Development of Record.

e. CCFEA Credits may be used by a third party to pay for up to one half of the amount of the Regional Road Impact Fees due on any traffic generating development of land within the same CCFEA Credit Benefit District as the Development of Record. The remaining portion of Regional Road Impact Fees due must be paid in cash.

2. CCFEA Credits may not be used outside of the CCFEA Credit Benefit District in which the Development of Record lies.

D. Expiration of Credit

Unused CCFEA Credits shall expire twenty years from the date of the CCFEA.

E. Appeals

If the applicant disagrees with the findings of the Local RRIF Administrator or RTC RRIF Administrator with respect to CCFEA Credits due, the applicant may appeal the decision (see Section XII).

XII. APPEALS

A. Notice of Appeal

A feepayer or applicant affected by an administrative decision of the Local RRIF Administrator may appeal such decision to the RTC RRIF

Administrator, by filing with the RTC RRIF Administrator within ten (10) days of the date of the written decision, a written notice stating and specifying briefly the grounds of the appeal.

B. Review by the RTC RRIF Administrator

1. The RTC RRIF Administrator shall have the power to affirm or reverse the decision of the Local RRIF Administrator. In making the decision, the RTC RRIF Administrator shall make written findings and apply the standards of this Manual. If the RTC RRIF Administrator reverses the decision of the Local RRIF Administrator, it shall direct the Local RRIF Administrator to recalculate the fee, CCFEA Credit, RRIF Waiver, or refund in accordance with its findings. In no case shall the RTC RRIF Administrator have the authority to negotiate the amount of the fee, CCFEA Credit, RRIF Waiver, or refund.

C. Review by the Regional Road Impact Fee Technical Advisory Committee (RRIF TAC)

1. If the RTC RRIF Administrator affirms the decision of the Local RRIF Administrator, the applicant may appeal the decision to the RRIF TAC within ten (10) days of the RTC RRIF Administrator's decision, by filing a notice of appeal with the RTC RRIF Administrator. The RTC RRIF Administrator shall place the appeal on the Regional Road Impact Fee Technical Advisory Committee agenda for the next scheduled meeting.

2. The RRIF TAC shall consist of the RTC RRIF Administrator, Community Development Directors and Public Works Directors from the Cities of Reno and Sparks and Washoe County or their designees, a Planning Commission member from the City of Reno, Washoe County, and the City of Sparks, one RTC staff member appointed by the Executive Director of the RTC and four (4) private sector members appointed by the Chairman of the RTC. The RTC RRIF Administrator shall chair the RRIF TAC.

3. The RRIF TAC, after a public hearing, shall have the power to affirm or reverse the decision of the RTC RRIF Administrator. In making its decision, the RRIF TAC shall make written findings and apply the standards of this Manual. If the RRIF TAC reverses the decision of the RTC RRIF Administrator, the RTC RRIF Administrator shall recalculate the fee, CCFEA Credit, RRIF Waiver, or refund in accordance with the RRIF TAC's findings. In no case shall the RRIF TAC have the authority to negotiate the amount of the fee, CCFEA Credit, or RRIF Waiver, or refund.

D. Review by RTC Board

1. If the RRIF TAC affirms the decision of the RTC RRIF Administrator, the applicant may appeal the decision to the RTC Board within ten (10) days of the RRIF TAC's decision, by filing a notice of appeal with the RTC RRIF Administrator.

2. The RTC RRIF Administrator shall place the appeal on the RTC Board's agenda for the next regularly scheduled meeting occurring at least twenty-one (21) days thereafter.

3. The RTC Board, after a public hearing, shall affirm or reverse the decision of the RRIF TAC based on the standards in this Manual. If the RTC Board reverses the decision, the RTC RRIF Administrator shall recalculate the fee, CCFEA Credit, RRIF Waiver, or refund in accordance with the RTC Board's findings. In no case shall the RTC Board have the authority to negotiate the amount of the fee, CCFEA Credit, RRIF Waiver, or refund.

XIII. USE OF FUNDS

A. Deposit in Trust Funds

1. All regional road impact fees collected by each Local RRIF Administrator, pursuant to this Manual, shall be immediately deposited in the corresponding Participating Local Government's Trust Fund.

2. Any proceeds in the Local Government 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 Local Government Trust Fund until transferred to the RTC Trust Fund. Record of the Local Government Trust Fund accounts shall be available for public inspection in the Local RRIF Administrator's office, during normal business hours.

3. No less frequently than quarterly, and pursuant to the Interlocal Cooperation Agreement, the Local RRIF Administrator shall transfer the impact fee funds in the Local Government Trust Fund to the RTC RRIF Trust Fund. All proceeds in the RTC Trust Fund not immediately necessary for expenditure shall be invested in an interest-bearing account.

B. Limitations on Expenditures

1. Impact fee monies shall only be expended from funds drawn from the RTC Trust Fund.

2. Except as provided in Section C below, funds shall only be expended on RRIF Capital Improvements in the Service Areas from which such RRIF funds were collected.

3. The expenditure of impact fee funds shall be limited to those RRIF Capital Improvements included in the Regional Road Impact Fee CIP.

4. 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.

5. If impact fee funds transferred to the RTC Trust Fund are required to be refunded pursuant to Section VIII, Refunds, such RRIF funds shall be returned by the RTC RRIF Administrator to the Local RRIF Administrator for refund.

C. Impact Fee Service Areas

The impact fee program has two Service Areas, as described in Exhibit B. The Impact fee funds shall be spent within the Service Areas from which the traffic generating land development activity paying the fee is located, except that:

1. Where a RRIF Capital Improvement included in the CIP is used to define Service Area boundaries, the road demarcating the boundary shall be considered as part of both Service Areas that it bounds, and impact fees from both Service Areas may be used to fund RRIF Capital Improvements for that road, including regionally significant freeway ramps that provide access to a boundary road; or

2. Impact fee funds may be used to fund a RRIF Capital Improvement CIP outside the Service Area from which the fees are collected, if it is demonstrated by competent substantial evidence that the feepayer from the Service Area, from which the fees come, will receive sufficient benefit from the RRIF Capital Improvement to comply with the requirements of N.R.S. 278B.

XIV. AMENDMENTS TO CIP

A. Biennial Consideration of a Special Request for a New Capital Improvement Project

The RTC Board and the Governing Bodies of the Participating Local Governments shall consider any person's proposed amendments to the CIP no more often than biennially (once every two years).

B. Procedure

1. Any person, who proposes an amendment to the CIP that requires a modification of RRIF Capital Improvements, shall submit an application requesting such an amendment to the RTC RRIF Administrator by the end of the first quarter of the update year. The application shall include the appropriate data and supporting analysis to demonstrate justification for amending the CIP, and either adding and/or deleting road capital improvements; to the extent necessary, justification for modifications to land use assumptions and trip characteristics and a traffic report (Exhibit F) shall be included in the application by the applicant.

2. Within ten (10) working days after the end of the first quarter of the update year, the RTC RRIF Administrator shall compile and synthesize all applications submitted by private persons for proposed amendments to the CIP, and mail copies of these applications to the Impact Fee Administrators of the Participating Local Governments. Prior to the end of the second quarter of the update year, the RTC RRIF Administrator shall prepare a Staff Report recommending approval, approval with modifications, or disapproval of each proposed application; in preparing the Staff Report, the RTC RRIF Administrator shall consider and to the extent appropriate incorporate any comments from the impact Fee Administrators of the Participating Local Governments.

3. During the third quarter of the update year, the RTC Board shall review and consider the applications for proposed amendments to the CIP and the Staff Report by the RTC RRIF Administrator. By the end of the update year, the RTC Board shall submit its recommendations to each of the Governing Bodies of the Participating Local Governments who shall make a decision on whether to approve, approve with modifications, or disapprove the proposed applications. For an application to receive final approval, it shall require approval by each of the Governing Bodies of the Participating Local Governments.

4. Based upon the decision of the RTC Board and the Governing Bodies of the Participating Local Governments, the RTC RRIF Administrator shall prepare the appropriate modifications to the CIP, and this Manual which shall then be approved in a consolidated form by the Governing Bodies of each Participating Local Government before they become final.

C. Standard

Any application for an amendment to the CIP, requesting modification of road capital improvements submitted by a private person, shall only be approved if the application demonstrates that the land use assumptions or

the travel characteristics used in the CIP have changed to such a degree, that the modification of the road capital improvement is necessary to maintain adequate levels of service on the RRIF Capital Improvements included in the CIP.

D. Special Request for a New Capital Improvement Project

1. Any person, may propose an amendment to the CIP during periods other than specified in Section XIV.B.1. The RTC RRIF Administrator will consider applications to amend the CIP if the following criteria are met a) a non-refundable fee of $5,000 is provided to fund the cost of processing the amendment, RRIF Waivers will not be given for this fee, if approved, b) the amendment is consistent with a Master Plan that has been approved by the appropriate Governing Body and Truckee Meadows Regional Planning Agency as necessary, and c) meets the standards of a regional road as defined the RRIF GAM – Definition of RRIF Network.

2. The RTC RRIF Administrator, with concurrence from the Local Administrator, will process applications meeting the criteria specified in Section XIV. D.1, except the requirement for a non-refundable fee of $5,000. The RTC RRIF Administrator is further authorized to make necessary revisions to the RRIF CIP. Any revisions made to the RRIF CIP under this provision shall be included in the biennial update of the RRIF CIP and fees. Any projects added to the RRIF CIP in accordance with this Section, shall be eligible for RRIF Waivers in accordance with the provisions of Section X. in this Manual.

XV. BIENNIAL REVIEW

The CIP and Manual should be reviewed and evaluated by the RTC at least once every two (2) years, to determine if any modifications, additions, or updates need to be made to the CIP and this Manual. This review shall be conducted by the RTC RRIF Administrator and submitted to the RTC Board and the Governing Bodies of each of the Participating Local Governments.

XVI. ADOPTION AND AMENDMENTS

This Manual has been adopted by Resolution of the RTC Board and by each Participating Local Government. This Manual may be amended only by Resolution of the RTC Board and by Resolution of the Governing Bodies of each Participating Local Government.

EXHIBIT A
EXPANDED LIST OF LAND USES BY LAND USE CATEGORY

RESIDENTAL

SINGLE-FAMILY

- one or two dwelling units on individual lot
- condominiums
- townhomes
- duplexes
- mobile home subdivision
- mobile home on individual lot

MULTI-FAMILY

Two or more dwelling units, including:

- apartments
- condominiums
- boarding house
- senior assisted living housing
- supplemental units/mother-in-law detached dwellings

INDUSTRIAL

GENERAL INDUSTRY (LIGHT)

- abattoir and packing plant
- auto repair
- auto painting
- auto body
- equipment rental
- industrial laundry
- heavy equipment repair/service
- material testing labs
- publishing or publishing and printing

MANUFACTURING

- dairy products
- chemical processing/manufacturing
- furniture manufacturer
- textile mill

WAREHOUSING

- storage warehouse
- distribution warehouse
- regional warehouse development

MINI-WAREHOUSE

- mini storage warehouse development

COMMERCIAL/RETAIL

GENERAL COMMERCIAL

Shopping centers and free-standing commercial buildings, including:

- adult entertainment
- bakery
- bar/cocktail lounge
- barber shop
- beauty salon
- car wash (operator)
- clothing store
- convenience store
- drug/variety store
- dry cleaning
- electronics sale and service
- ice cream parlor
- jeweler
- massage, tattoo, body painting, etc.
- office supplies
- pawn shop
- pet store
- pet grooming
- pool/billiard parlor
- record store
- quality restaurant
- savings and loan
- shopping center
- shoe repair
- tailor
- video arcade
- video rental

FAST FOOD RESTAURANT

- restaurant (fast food and/or drive through)

OFFICE & OTHER SERVICES

GENERAL OFFICE

General offices and office buildings including:

- accounting offices
- architect
- financial offices
- banks (with or without drive in services)
- insurance office
- medical/dental offices (<10,000 GFA)
- physical therapist offices
- psychologist offices
- law offices
- government offices
- public utility office
- real estate
- recording studio

MEDICAL OFFICE

- medical clinic
- medical laboratories
- medical/dentist/optometrist/chiropractic offices (>10,000 GFA)
- veterinary clinic
- urgent care

PRIVATE SCHOOLS

- elementary school
  middle school
- junior high school
- high school
- college
- university
- junior college
- community college

DAY CARE CENTER

- child care center
- day care center
- kindergarten

HOSPITAL

- hospital
- psychiatric hospital
- mental institution

NURSING HOME

- convalescent center
- nursing home

LODGING

- hotel
- motel
- casino hotel
- resort hotel
- RV park

REGIONAL RECREATIONAL FACILITY

PARK

- public park
- public swimming pool
- ball fields
- skating rink

EXHIBIT B
REGIONAL ROAD IMPACT FEE SERVICE AREAS

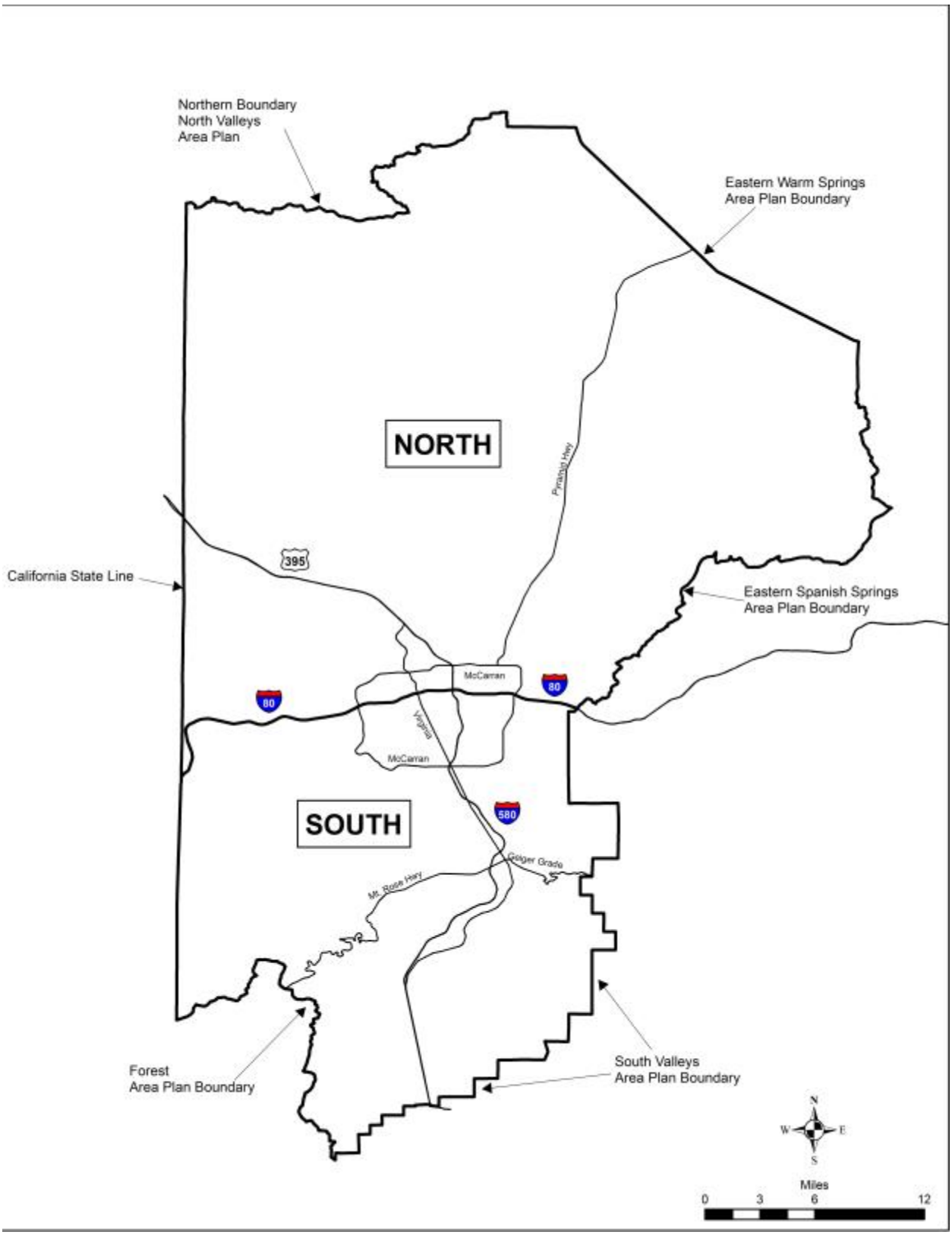

EXHIBIT C
CCFEA CREDIT BENEFIT DISTRICTS

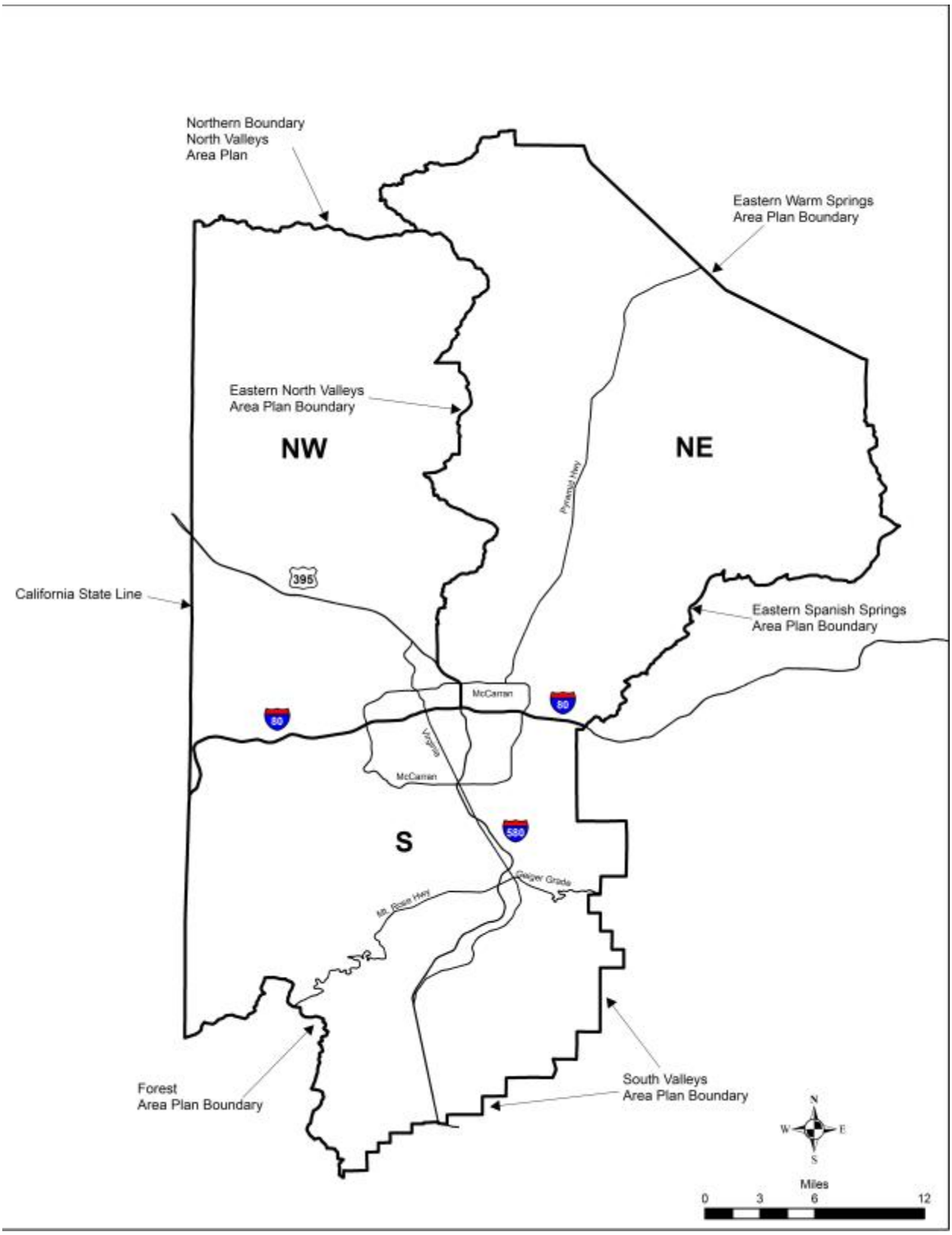

EXHIBIT D
REGIONAL ROAD IMPACT FEE SCHEDULE

Land Use		North Service Area		South Service Area	
Residential	**Unit**	**VMT**	**Dollars ($253.39/VMT)**	**VMT**	**Dollars ($287.05/VMT)**
Single-Family	Dwelling	14.93	$3,783.11	14.67	$4,211.02
Multi-Family	Dwelling	9.70	$2,457.88	9.53	$2,735.59
Industrial					
General Light Industrial	1,000 GFA	7.30	$1,849.75	7.17	$2,058.15
Manufacturing	1,000 GFA	4.00	$1,013.56	3.93	$1,128.11
Warehouse	1,000 GFA	3.73	$945.14	3.66	$1,050.60
Mini-Warehouse	1,000 GFA	2.62	$663.88	2.57	$737.72
Commercial/Retail					
Commercial/Retail	1,000 GFA	26.69	$6,762.98	26.23	$7,529.32
Eating/Drinking Places	1,000 GFA	26.69	$6,762.98	26.23	$7,529.32
Casino/Gaming	1,000 GFA	48.24	$12,223.53	47.40	$13,606.17
Office and Other Services					
Schools	1,000 GFA	10.67	$2,703.67	10.48	$3,008.28
Day Care	1,000 GFA	10.67	$2,703.67	10.48	$3,008.28
Lodging	Room	5.90	$1,495.00	5.79	$1,662.02
Hospital	1,000 GFA	13.85	$3,509.45	13.61	$3,906.75
Nursing Home	1,000 GFA	7.96	$2,016.98	7.82	$2,244.73
Medical Office	1,000 GFA	37.85	$9,590.81	37.19	$10,675.39
Office and Other Services	1,000 GFA	11.55	$2,926.65	11.35	$3,258.02
Regional Recreational Facility	Acre	2.39	$605.60	2.35	$674.57

EXHIBIT E
REGIONAL ROAD EXEMPTION LIST

- Caughlin Ranch
- Convention Properties – (Firecreek Crossing)
- Meadowood Mall – (Partial Exemption)
- South Meadows Phase 1 & 2

EXHIBIT F
TRAFFIC REPORT GUIDELINES
REGIONAL ROAD IMPACT FEE

CITY OF RENO
CITY OF SPARKS
WASHOE COUNTY
REGIONAL TRANSPORTION COMMISION

I. INTRODUCTION

The Regional Road Impact Fee (RRIF) Traffic Report Guidelines provide criteria about traffic report content and techniques necessary to evaluate impacts of new development. The guidelines represent recognition of the comprehensive analyses undertaken as part of development and periodic updating of the RRIF Capital Improvements Program (CIP).

The RRIF CIP uses ten (10) year population and employment land-use assumptions based on approved projects and master plans. Roadway segment and freeway ramp improvements are identified that will be needed within the ten (10) year horizon. These facilities are also analyzed to determine right-of-way requirements for capacity improvements needed beyond ten (10) years. In some instances, a proposed, large development may have not been included in the land-use assumptions to determine future traffic volumes. Other developments may have phasing plans that exceed the time frame of the CIP. For these and other cases outlined below, a traffic report may be needed to measure traffic impacts and determine potential improvements not identified in the RRIF CIP.

The RRIF Traffic Report Guidelines are divided into the following sections:

II. Requirement for Traffic Report
III. Traffic Report Time Lines
IV. Traffic Report Format and Required Elements
V. Recommended Mitigations

II. REQUIREMENT FOR TRAFFIC REPORT

A traffic report may be recommended for developments meeting any one of the following criteria:

A. Projects generating 100 or more peak-hour trips: Capacity analysis of proposed driveways.

B. Projects generating 200 or more peak-hour trips: Report required if RTC staff cannot validate project inclusion in the RRIF CIP land-use forecast.

C. The project is among those previously approved by an elected board with conditions of approval requiring future traffic reports.

D. Applications for Master Plan Amendment calculated generating 200 or more peak-hour trips or that proposes a change to roadways in the Regional Transportation Plan (RTP) for Washoe County.

E. Projects defined as "Projects of Regional Significance" in the Truckee Meadows Regional Plan.

F. Projects that will be phased over a period of time exceeding ten years.

G. Projects that may impact planned roadway projects, e.g., a proposal may require revised access or be located near an arterial intersection.

H. Projects deemed to have impacts related to intersection capacity, safety, neighborhood or other concerns as identified by the cities of Reno and Sparks, Washoe County, or the State of Nevada Department of Transportation (NDOT).

I. The Regional Transportation Commission (RTC), NDOT or the local entity reserves the right to request additional information necessary to properly assess the impact of the proposed project.

Calculation of trip generation should use appropriate rates found in the latest edition of *TRIP GENERATION* by the Institute of Transportation Engineers (ITE) or other sources approved by RTC staff and the local jurisdiction.

III. TRAFFIC REPORT TIME LINES

A. Project Submittal Deadlines: The appropriate local entity with jurisdiction over approval of development applications should be contacted to determine submittal deadlines.

B. Prior to Submittal of Development Application: To facilitate prompt and efficient review and processing of development applications, RTC staff recommends the following to be completed before submittal of the development application:

1. Project trip generation should be approved by the appropriate local entity.

2. Applicants for projects generating 200 or more peak-hour trips should contact RTC to determine if the proposal is accommodated in the RRIF CIP land-use forecast. If a report is required, the following steps should then be completed before submittal of the development application:

(a) The applicant's consultant should meet with RTC, the appropriate jurisdiction, and/or NDOT to define the scope of the report including variables identified in these guidelines, such as intersections and peak periods to be analyzed and trip distribution, as well as the potential for pass-by trips, the need for new intersection counts, or agency/neighborhood concerns.

(b) Potential site plan changes may be recommended to provide RIDE or Access service to the project.

3. Traffic reports that require future-year analysis should obtain background traffic volumes developed or approval by RTC staff.

4. The traffic report should be reviewed for completeness and accuracy and approved by appropriate staff at the local jurisdiction.

5. Recommendations on the following pages identify specific improvement that should be depicted on submitted site plans.

C. After Submittal of Development Application:

All traffic issues identified by reviewing agencies following submittal of an approved traffic report should be resolved before the writing of the staff report by the appropriate entity. This will ensure that all recommended conditions of approval associated with traffic concerns could be resolved before official action on the project.

IV. TRAFFIC REPORT FORMAT

All traffic reports shall be prepared by, or under the direction of, a professional engineer with adequate experience in transportation engineering. The report shall be stamped and signed.

A. Project Description: The traffic report should include a description of the following:

1. Existing and proposed land-uses on the site. The project should be described in terms of the amount of development, e.g., number of residential units, non-residential square feet of floor area.

2. Project build-out date and phasing if appropriate.

3. A vicinity map showing the location of the project and surrounding land-uses.

4. The site plan should be shown to scale with clear definition of internal circulation and proposed vehicle and pedestrian access to adjacent streets. Any driveways located across roadways and adjacent to the site should be depicted. Distances from the nearest full movement intersections to project driveways should also be shown. The design of project access must consider proper distance between intersections and project driveways as well as other elements described in appropriate local codes and Regional Transportation Plan (RTP) policies.

5. Any approved or required encroachment permits for roadways under the jurisdiction of NDOT.

6. Nonresidential and multi-family projects should include a description of RIDE service, if any. Potential location(s) for bus

stop(s) and related passenger amenities, e.g., passenger shelters, should be indicated on the proposed site plan.

7. Senior or assisted-care residential projects should include a description of transportation needs of residents, including site plan elements needed to provide Access Para transit service to the project. RTC staff can provide information related to provision of Access service.

B. Roadways Description: The following elements should be described for all facilities adjacent to the site or otherwise included in the traffic report.

1. The roadway descriptions should begin with a list of intersections to be analyzed as required by the appropriate jurisdiction.

2. Existing and proposed roadways should be identified in terms of their functional classification.

3. The number and type of lanes, e.g., through-lanes, left-turn lanes, bike lanes, existing and planned for each roadway segment and intersection to be analyzed in the report.

4. The existence or lack of pedestrian facilities on both sides of roadways adjacent to the site.

5. A vicinity map depicting location of roadways and intersections to be analyzed.

C. Trip Generation: To assess the magnitude of traffic impacts of the proposed, the following must be included in the report:

1. Trip generation rates and peak hours must be determined and approved by the local jurisdiction or RTC staff. Trip generation should be calculated based on approved trip rates found in the latest edition of the ITE *Trip Generation.* If not available in this publication, other trip generation sources or procedures should be proposed for approval.

2. For purposes of driveway analysis, there should be no reduction in calculated trip generation for pass-by or diverted trips. Reductions for intersection analysis should be approved by the local jurisdiction and RTC staff.

3. A table should summarize average daily traffic volumes and peak-hour volumes with subtotals for each land use.

D. Trip Distribution and Assignment: Distribution of project trips should be approved before application submittal by the local jurisdiction in consultation with RTC staff.

1. Trip distribution should be depicted for each peak-period to be analyzed on a vicinity map similar to that used to indicate the

location of the project and intersections to be analyzed (see B.5 above).

2. A map should illustrate assignment of project trips for each peak-period to driveways and intersections to be analyzed.

3. Additional maps should illustrate background traffic plus project trips for each peak-period analyzed.

E. Analysis: Analysis at required intersections and roadway segments should consist of the following applicable scenarios for the peak periods required:

1. Existing conditions without project traffic *(New counts of turning movements at key intersections may be required by the local jurisdiction. RTC recommends new counts if existing data is older than 12 months or if circumstances, such as completion of a new facility, make new counts important to the analysis.)*

2. Background conditions at proposed date of project completion (if two or more years in the future).

3. Project traffic plus background traffic at project buildout.

4. 2025 and 2035 projections without project traffic.

5. 2025 and 2035 projections plus project traffic.

6. Demonstrated improvement with recommended mitigations (as required below).

7. Construction impacts including effects on transit service.

Results of the analysis should be depicted in a summary table indicating appropriate Levels of Service or available capacity for each critical movement at required intersections, driveways, or roadway segments. All raw traffic data and analysis worksheets, including computer printouts and turning movements counted, should be provided in appendices.

The impact analysis for existing scenarios should be based on the ”operations” analysis technique described in the latest edition of the *Highway Capacity Manual* (HCM) for the appropriate intersection type (signalized or un signalized). Analysis of 2025 and 2035 projections conditions should utilize the “planning” technique described in the latest edition of the HCM. Any computer software used to assist in the level of service analysis should be approved by the Federal Highway Administration (FHWA) and be consistent with local agency review procedures.

All traffic control warrant analyses shall be conducted in accordance with the latest edition of the *Manual on Uniform traffic Control Devices* (MUTCD) requirements for signalized and unsignalized intersections. In

addition, a safety analysis shall be conducted in the vicinity of the proposed project.

V. RECOMMENDED MITIGATIONS

The traffic study should include recommendations to mitigate impacts of project traffic when Levels of Service (LOS) do not meet adopted Level of Service Standards as identified in the RRIF CIP. Appropriate staff at the local jurisdiction should be consulted to determine if an alternative Level of Service (LOS) is applicable.

Recommended mitigations may include planned public roadway improvements identified in the RRIF CIP, RTP, or plans of other local agencies. In such cases the site plan should indicate an offer to dedicate right-of-way or provision of setbacks to protect any right-of-way needed to complete planned roadway improvements.

All proposed mitigations should be identified in detail including schematic plans that indicate existing right-of-way and pavement sections proposed improvements and their preliminary costs estimates, and another iteration of the volume/capacity analysis demonstrating the anticipated results of the recommended improvements. Proposed improvements should be shown in a scale drawing indicating all existing and proposed right-of-way lane configuration and channelization including tapers and turn lanes. Levels of Service (LOS) for the street system with proposed mitigations should be presented.

All design must comply with the American Association of State Highway and Transportation Officials (AASHTO), Manual on Uniform Traffic Control Devices (MUTCD), and Institute of Transportation Engineers (ITE) traffic engineering and design guidelines. In addition, all mitigation must comply with local guidelines.

RRIF Waivers: Right-of-way dedications or construction of roadway improvements, which meets the 10-year design, completed by the applicant and identified in the RRIF CIP may be eligible for RRIF Waivers against regional road impact fees. This Manual indicates no RRIF Waiver shall be given a feepayer for street improvements and/or site-related improvements not included in the RRIF CIP.

Site-related improvements refer to capital improvements and right-of-way dedications for direct access improvements to development streets or driveways including, but not limited to, turn lanes and traffic control measures. Questions regarding CCFEA Credits issued pursuant to a CCFEA prior to the 2014 RRIF Program Update or regarding RRIF Waivers proposed or approved after the 2014 update should be directed to the RTC RRIF Administrator.

EXHIBIT G
NEVADA REVISED STATUES: CHAPTER 278B
ATTORNEY GENERAL OPINION NO. 97-29

NEVADA REVISED STATUES: CHAPTER 278B
http://www.leg.state.nv.us/Nrs/NRS-278B.html

ATTORNEY GENERAL OPINION NO. 97-29
http://ag.state.nv.us/menu/top/ago/OldOpinions/1997 AGO.pdf

EXHIBIT H
MIXED USE AND CHANGE OF USE WORKSHEETS

MIXED USE STRUCTURES WORKSHEET				
1. PRIMARY LAND USE _____	1000GFA _____	$/UNIT _____		FEE
SUPPORTIVE FUNCTION LESS THAN 25% OF ABOVE PRIMARY USE				
_____%	_____			
_____%	_____			
TOTAL	_____	x_____	=	_____
1. PRIMARY LAND USE _____	1000GFA _____	$/UNIT _____		FEE
SUPPORTIVE FUNCTION LESS THAN 25% OF ABOVE PRIMARY USE				
_____%	_____			
_____%	_____			
TOTAL	_____	x_____	=	_____
1. PRIMARY LAND USE _____	1000GFA _____	$/UNIT _____		FEE
SUPPORTIVE FUNCTION LESS THAN 25% OF ABOVE PRIMARY USE				
_____%	_____			
_____%	_____			
TOTAL	_____	x_____	=	_____
1. PRIMARY LAND USE _____	1000GFA _____	$/UNIT _____		FEE
SUPPORTIVE FUNCTION LESS THAN 25% OF ABOVE PRIMARY USE				
_____%	_____			
_____%	_____			
TOTAL	_____	x_____	=	_____
FEE TOTAL				_____

CHANGE OF USE WORKSHEET				
PROPOSED PRIMARY LAND USE	1000GFA	$/UNIT		FEE
_____	_____	_____		
SUPPORTIVE FUNCTION LESS THAN 25% OF ABOVE PRIMARY USE				
_____%	_____			
_____%	_____			
TOTAL	_____	x_____	=	_____
PROPOSED PRIMARY LAND USE	1000GFA	$/UNIT		FEE
_____	_____	_____		
SUPPORTIVE FUNCTION LESS THAN 25% OF ABOVE PRIMARY USE				
_____%	_____			
_____%	_____			
TOTAL	_____	x_____	=	_____
EXISTING USE	1000GFA	$/UNIT		FEE
_____	_____	_____		
SUPPORTIVE FUNCTION LESS THAN 25% OF ABOVE PRIMARY USE				
_____%	_____			
_____%	_____			
TOTAL	_____	x_____	=	_____
EXISTING USE	1000GFA	$/UNIT		FEE
_____	_____	_____		
SUPPORTIVE FUNCTION LESS THAN 25% OF ABOVE PRIMARY USE				
_____%	_____			
_____%	_____			
TOTAL	_____	x_____	=	_____
FEE FOR THE PROPOSED USE				_____
SUBTRACT FEE PAID ON TOTAL EXISTING USE				_____
FEE TOTAL				_____
NOTE: UNDER NO CIRCUMSTANCES WILL A REFUND BE GRANTED FOR A CHANGE IN USE				_____

EXHIBIT I
EXAMPLE RRIF WAIVER CALCULATION

Example 1: A developer of a 500-unit subdivision builds an improvement listed on the RRIF Capital Improvement Plan. The improvement is estimated to cost $1,000,000. The impact fee for the subdivision, using the current fee schedule, is estimated at $1,860,000. The total amount of RRIF Waivers for the subdivision is $1,000,000. The developer can use the RRIF Waivers to pay his impact fees based on the fee schedule as of the date of the Offset Agreement. Based on the existing fee schedule, the $1,000,000 in RRIF Waivers may be used to pay the impact fees for 264.27 single family homes. Once the RRIF Waivers have been used, the remaining impact fees will be based on the fee schedule in effect at the time of the building permit.

		Impact Fee Based on Dollars		
Proposed Development	500 Single Family Subdivision @ $3784/SFR 14.93 VMTs/SFR)			$1,892,000.00
Proposed CIP Improvement	ROW & widening 2 to 4 lanes			$1,000,000.00
Maximum RRIF Waiver	Based on VMT = $253.39			$1,000,000.00
Number of development units eligible for RRIF Waivers	Fee set by agreement - Based on $3784/SFR (14.93 VMT @ $253.39/VMT) $1,000,000/$3784 per SFR = 264.27/SFR	264.27	SFR	$1,000,000.00
Number of development units **not** covered by RRIF Waivers	New RRIF Fee - Based on $3900/SFR (15 VMT @ $260/VMT) 500 SFR - 264.27 SFR = 235.73 SFR	235.73	SFR	$919,344.61
	TOTAL FEES Paid (Waivers + Cash/Credits)	**500**	**SFR**	**$1,919,344.61**

Example 2: The developer in the example above chooses to modify his development of record by changing from a 500-unit subdivision to a 200-unit subdivision and 200,000 sf commercial shopping center. Per the RRIF GAM Section X.A.c, the existing RRIF Waivers will be re-evaluated based on the then current RRIF schedule in effect at the time of issuance of the building permit for all future uses.

		Impact Fee Based on Dollars		
Proposed Development	500 Single Family Subdivision @ $3784/SFR 14.93 VMTs/SFR)			$1,860,000.00
Proposed CIP Improvement	ROW & widening 2 to 4 lanes			$1,000,000.00
Maximum RRIF Waiver	Based on VMT = $253.39			$1,000,000.00
Number of development units eligible for RRIF Waivers	Fee set by agreement - Based on $3784/SFR (14.93 VMT @ $253.39/VMT) $1,000,000/$3784 per SFR = 264.27/SFR	264.27	SFR	$1,000,000.00
Initial phase of subdivision built 100 homes	Fee set by agreement - Based on $3784/SFR (14.93 VMT @ $2253.39/VMT)	100.00	SFR	$378,400.00
Developer modifies his original approval to a total of 200 homes and 200,000 sf commecial shopping center	New RRIF Fee - Based on $3900/SFR (15 VMT @ $260/VMT) for remaining 100 homes	100.00	SFR	$390,000.00
	New RRIF Fee - Based on $7540/1000 GFA (29 VMT @ $260/VMT) for 200,000 sf Commercial shopping center	200,000.00	GFA	$1,508,000.00
	TOTAL FEES Paid (Waivers + Cash/Credits)			**$2,276,400.00**

Note: If RRIF Waivers had been transferred to a third party,ie, for the 200-unit subdivision, their RRIF Waivers would also be re-evaluated under this scenario.