

# **REGIONAL ROAD IMPACT FEE PROGRAM**

## **GENERAL ADMINISTRATIVE MANUAL**

**8<sup>TH</sup> EDITION**



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## **LIST OF EXHIBITS**

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## 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.

**Appeal Committee:** A committee of three subject matter experts composed of one representative of each of the Participating Local Governments. The Local RRIF Administrator of each Participating Local Government shall select its representative.

**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 adoption of the 5<sup>th</sup> Edition RRIF GAM/CIP (3/2/2015), related to the third-party construction of improvements or dedication of rights-of-way.

**Capital Improvements Advisory Committee:** The committee required by NRS 278B.150 to oversee the creation of and advise the local government regarding Land Use Assumptions and the RRIF Capital Improvements Plan. The Planning Commissions of each Participating Local Government act collectively as the Capital Improvement Advisory Committee.

**CCFEA Credit Benefit District:** The benefit districts, within which CCFEA Credits were issued pursuant to a valid unexpired CCFEA, and within which CCFEA Credits 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 Benefit 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 5<sup>th</sup> Edition RRIF GAM/CIP (3/2/2015), which were denominated in terms of VMT. CCFEA Credits were issued pursuant to Capital Contribution Front-Ending Agreements (CCFEAs). The term "CCFEA Credit," as used in this Manual, refers only to credits issued prior to the 5<sup>th</sup> Edition RRIF GAM/CIP 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 RRIF 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 RRIF Fees in the manner and amount set forth in this 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.

**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 Participating Local Government.

**Local RRIF Administrator:** An individual appointed by the City or County Manager within the jurisdiction of the Participating Local Government to perform the activities specified in this Manual.

**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 RRIF Waivers for the Development of Record.

**Offered Improvement:** A contribution, payment, construction, or land dedication offered by the Developer of Record as an Offset-Eligible Improvement.

**Offset Agreement:** An agreement entered into by the Developer of Record, the RTC, and a Participating Local Government for Offset-Eligible Improvements. The Offset Agreement must set forth the terms and conditions related to the RRIF Waivers for the Offset-Eligible Improvements.

**Offset-Eligible Costs:** The approved costs of Offset-Eligible Improvements as indicated in the Notice of RRIF Waiver.

**Offset-Eligible Improvements:** The capital improvements and right-of-way dedications needed for a RRIF Capital Improvement, 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 travel lanes (except that the first two travel lanes are not eligible), 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, curbing, sidewalks, medians and shoulders, and bicycle and pedestrian facilities.

**Original CCFEA Credits:** CCFEA Credits against assessed road impact fees awarded to a developer by the RTC, as opposed to Transferred CCFEA Credits.

**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 Transportation Commission (RTC):** The regional transportation commission created pursuant to NRS 277A that coordinates joint efforts of the Participating Local Governments to administer the RRIF Program pursuant to the RRIF Interlocal Cooperative Agreement.

**RRIF Automation Program:** The program accessible through the RTC website for the administration, tracking and transferring of RRIF Waivers and CCFEA Credits.

**RRIF Capital Improvements:** The capacity adding “street projects” and “facility expansions” listed in the RRIF Capital Improvements Plan that are necessitated by and attributable to new development in each Service Area. Site-Related Improvements are not RRIF Capital Improvements.

**RRIF Capital Improvements Plan:** The plan required by NRS 278B.170 which is updated and adopted in connection with this Manual.

**RRIF Fees:** The regional road impact fees assessed by Participating Local Governments to fund RRIF Capital Improvements within the designated Service Area.

**RRIF Interlocal Cooperative Agreement:** An agreement among the Participating Local Governments and the RTC for the implementation of the RRIF Program.

**RRIF Network:** The existing or planned arterial or collector streets and roads that meet the criteria specified in the RRIF Capital Improvements Plan.

**RRIF Ordinance:** The ordinance prepared by the RTC and adopted, in substantially the same form, by the Participating Local Governments to implement the RRIF Program.

**RRIF Program:** The regional road impact fee program established by the Participating Local Governments and the RTC pursuant to NRS 278B, the RRIF Interlocal Cooperative Agreement, and the RRIF Ordinance.

**RRIF TAC:** The RRIF Technical Advisory Committee established and managed by the RTC RRIF Administrator pursuant to this Manual.

**RRIF Waiver:** A waiver of the payment of RRIF Fees in exchange for dedication of Offset-Eligible Improvements. RRIF Waivers will be denominated in dollars and land use based on the 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 areas within the boundaries of local government which are served directly and benefited by the RRIF Capital Improvements in the RRIF Capital Improvements Plan. The Service Areas are 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 RRIF Capital Improvements, and are not included in the RRIF Capital Improvements Plan.

**Transferred CCFEA Credits:** Unused CCFEA Credits which have been transferred by an original Developer of Record to a party other than the RTC. Upon transfer, Original CCFEA Credits become Transferred CCFEA Credits and are subject to usage as identified in this Manual and the associated CCFEA Agreement.

**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 RRIF 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. PURPOSE AND INTENT**

This Manual guides the RTC and the Participating Local Governments in the administration of the RRIF Program.

## **II. ADMINISTRATIVE ORGANIZATION AND RESPONSIBILITY**

### **A. Regional Transportation Commission**

The RRIF Interlocal Cooperative Agreement assigns the RTC the task of administering the RRIF Program and coordinating the joint efforts of the Participating Local Governments that are needed to administer the RRIF Program.

1. The RTC Planning Department, as the designated Metropolitan Planning Organization (MPO) for the urbanized area of Reno, Sparks, and Washoe County, shall conduct the regional transportation planning efforts necessary to provide the data and analysis used to develop the RRIF Capital Improvement Plan.
2. The RTC shall administer the RRIF Program pursuant to this Manual. The Executive Director of the RTC shall appoint the RTC RRIF Administrator who shall be responsible for the administration of the RRIF Program.
3. As needed, and as provided in this Manual, the RTC RRIF Administrator shall be responsible for the duties and responsibilities specified in this Manual.
4. Each year, the RTC RRIF Administrator shall calculate the amount of the automatic increase to the RRIF Fees that occurs every twelve months pursuant to the indexing provisions of the RRIF Ordinance and as authorized by NRS 278B.255. The RTC RRIF Administrator will make administrative revisions to the RRIF Fee schedule as reflected in the RRIF Capital Improvement Plan.
5. No less than every two years, the RTC RRIF Administrator shall initiate a review of the RRIF Capital Improvement Plan and the RRIF Ordinance, to determine whether any modifications need to be made to the RRIF Program. The RTC RRIF Administrator shall:
  - a. Review the Service Areas' Land Use Assumptions and prepare and recommend changes to the Capital Improvement Advisory Committee and the Participating Local Jurisdictions.

- b. Study and analyze street and highway needs in the Service Areas and prepare and recommend changes to the RRIF Capital Improvements Plan (with written comments) to the Capital Improvement Advisory Committee and the Participating Local Jurisdictions.
  - c. Prepare reports for the Capital Improvement Advisory Committee concerning the progress of the RTC in carrying out the RRIF Capital Improvement Plan.
  - d. Prepare and recommend changes to the RRIF Ordinance to the Capital Improvement Advisory Committee and the Participating Local Jurisdictions.
  - e. Prepare and recommend changes to this Manual to the Participating Local Jurisdictions.
6. The RTC Board shall approve the RRIF Capital Improvement Plan, this Manual, the RRIF Interlocal Cooperative Agreement, and any updates or amendments thereto.
  7. The RTC shall receive the RRIF Fees from the Participating Local Governments and deposit them into RTC's Trust Fund
  8. The RTC shall expend RRIF Fees on those RRIF Capital Improvements included in the RRIF Capital Improvements Plan, as selected and approved by the RTC Board.
  6. The RTC shall honor written agreements entered into by the Participating Local Governments prior to December 15, 1995, which granted credits under predecessor road fee systems.

**B. RRIF TAC**

The RRIF TAC is an advisory committee that will review and recommend any modifications, additions, or updates to be made to the RRIF Capital Improvement Plan and this Manual during the biennial review process required by this Manual, the RRIF Interlocal Cooperative Agreement, and NRS 278B. The RRIF TAC shall also provide recommendations on the RRIF Program and processes at other times as requested by the RTC RRIF Administrator. The RRIF TAC shall provide recommendations to the RTC RRIF Administrator.

1. The RTC RRIF Administrator shall chair the RRIF TAC.
2. The RTC RRIF Administrator shall establish and manage the RRIF TAC which shall consist of the following members or their designated representatives:
  - a. The RTC RRIF Administrator (1)

- b. The Community Development Directors from the Participating Local Governments (3)
  - c. The Public Works Directors from the Participating Local Governments (3)
  - d. A member from the Planning Commission of each of the Participating Local Governments (3)
  - e. An RTC staff member appointed by the Executive Director of the RTC (1)
  - f. Four members from the private sector development community as appointed by the RTC RRIF Administrator (4)
  - g. Any other members appointed by the RTC RRIF Administrator
3. The RTC RRIF Administrator shall provide reasonable public notice of (i) the time, place and location of meetings; and (ii) an agenda of the topics scheduled to be considered. The meetings shall be open to the public, but the RRIF TAC is not a “public body” for purposes of the Nevada Open Meeting Law.
  4. RRIF TAC shall only meet if more than half of its active members are in attendance.

C. Capital Improvement Advisory Committee

1. The Planning Commissions of each Participating Local Government act collectively as the Capital Improvement Advisory Committee required by NRS 278B.150.
2. Individually and collectively, the Planning Commissions of each Participating Local Government shall:
  - a. Review the Service Area’s Land Use Assumptions prepared by the RTC and determine whether they are in conformance with the master plan of the Participating Local Government. NRS 278B.150(3)(a).
  - b. Review the RRIF Capital Improvement Plan (with written comments) as prepared by the RTC. NRS 278B.150(3)(b).
  - c. Review and accept the RTC’s reports concerning the progress of the RTC in carrying out the RRIF Capital Improvement Plan. NRS 278B.150(3)(c).
  - d. Report to the governing body of the Participating Local Government regarding any perceived inequities in the

implementation of the RRIF Capital Improvement Plan or the imposition of the RRIF Fee. NRS 278B.150(3)(d).

- e. Advise and make recommendation to the Participating Local Government of the need to update or revise the Service Area's Land Use Assumptions, the RRIF Capital Improvement Plan, and the RRIF Ordinance. NRS 278B.150(3)(e).

### C. Participating Local Governments

The RRIF Interlocal Cooperative Agreement assigns the following responsibilities to the Participating Local Governments:

1. To designate their Planning Commission to serve as part of the Capital Improvement Advisory Committee, and to ensure the Planning Commissions of each Participating Local Government act collectively as the Capital Improvement Advisory Committee. NRS 278B.150(2).
2. To approve the Service Areas' Land Use Assumptions prepared by the RTC and recommended by the Capital Improvement Advisory Committee, with any modifications jointly agreed to by the other Participating Local Governments. NRS 278B.180; NRS 278B.190.
3. To adopt the RRIF Capital Improvements Plan and amendments thereto as prepared by the RTC and recommended by the Capital Improvement Advisory Committee, with any modifications jointly agreed to by the other Participating Local Governments. NRS 278B.210.
4. To adopt the RRIF Ordinance and amendments thereto as prepared by the RTC and recommended by the Capital Improvement Advisory Committee, with any modifications jointly agreed to by the other Participating Local Governments. NRS 278B.160.
5. To approve Offset Agreements within their respective jurisdictions and accept Offset-Eligible Improvements.
6. To appoint a Local RRIF Administrator to oversee the determination of appropriate RRIF Fees, the collection of RRIF Fees, the keeping of necessary records of 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. The Local RRIF Administrator shall monitor the use of RRIF Waivers against the Notice of RRIF Waiver pursuant to an executed Offset Agreement.

### III. IMPOSITION OF RRIF FEES

#### A. Service Areas

RRIF Fees shall be imposed on all new development within each Service Area. The Service Areas designate the areas within which RRIF Fees are collected and spent.

#### B. CCFEA Benefit Districts

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

#### C. Payment Due

1. General. RRIF Fees 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 RRIF Fees, 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 RRIF Fees subsequently proves to be invalid due to insufficient funds, the following action shall be taken:
  - a. Building permits, for which the payment of RRIF 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 thirty (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 RRIF Fee 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 RRIF Fee is made;
    - (3) if construction has been completed prior to detection of invalid payment of RRIF Fees, no Final Inspection will be performed and no Certificate of Occupancy will be

issued until valid payment of the RRIF Fee is made;  
and

- (4) the amount due shall be the amount of the RRIF Fee plus the amount charged by the bank for the dishonored payment, plus a service charge of \$25.00.

3. Underpayment of RRIF Fee Based on Error or Misrepresentation. If it is determined that the RRIF Fee has been calculated and paid based on an error resulting in underpayment, then the RRIF Fee shall be recalculated based on the fee schedule in effect at the time the RRIF Fee was paid. If the re-calculated RRIF Fee is greater than the amount paid, then the following action shall be taken:

a. The Local RRIF Administrator shall, within thirty (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 amount is due by valid payment within thirty (30) days of receipt of said letter; and
- (2) if the additional amount is not paid within thirty (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 an additional amount 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 additional amount is not paid by the original Feepayer within thirty (30) days of the date of the letter, the Local RRIF Administrator will pursue payment of the additional amount from the current property owner. The Participating Local Government will not be responsible for resolving disputes for payment of additional amounts which may arise between an original Feepayer and the current property owner.

4. Overpayment of RRIF Fee Based on Error. If it is determined that the RRIF Fee has been calculated and paid based on error resulting in overpayment, then the fee shall be recalculated based on the fee schedule in effect at the time the RRIF Fee was paid. If the re-calculated RRIF Fee is less than the amount paid, then the following action shall be taken:

- a. The Local RRIF Administrator shall, within thirty (30) days of detection of payment made based on error, notify the Feepayer by certified mail, return receipt requested, that the Feepayer is entitled to a refund.
- b. The Feepayer may submit a written request for refund to the Local RRIF Administrator within thirty (30) days of the date of the refund notice letter.
- c. Following receipt of a written request for a refund, the amount of the overpayment shall be refunded, without interest, to the Feepayer.

E. Determination of RRIF Fee

1. General. The amount of the RRIF Fee shall be determined by the Local RRIF Administrator based on the fee schedule in effect as of the date of the payment of the RRIF Fee, whether payment is made at the time of issuance of the building permit or the Certificate of Occupancy. RRIF 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 RRIF Fee shall be the responsibility of the Local RRIF Administrator and the RTC RRIF Administrator, as specified in this Manual.
2. Payment of RRIF Fees with RRIF Waivers or CCFEA Credits:
  - a. RRIF Waivers. RRIF Fees may be waived if the RTC RRIF Administrator has issued a Notice of RRIF Waiver to the Participating Local Government, pursuant to a valid, unexpired Offset Agreement, in accordance with the provisions of Section X, Impact Fee Offsets Requested After the adoption of the 5<sup>th</sup> Edition RRIF GAM/CIP (3/2/2015).

In the event, payment of RRIF Fees were made in cash where RRIF Waivers were available, the Feepayer may submit a written request to the Local RRIF Administrator within ninety (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. RRIF Fees may be paid with CCFEA Credits pursuant to Section XI, Unexpired Credits Approved Prior to the adoption of the 5<sup>th</sup> Edition RRIF GAM/CIP (3/2/2015).

F. Expiration of Building Permits

1. If, following payment of RRIF 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 RRIF Fee which was paid as a condition for issuance of the building permit.
  - a. The Feepayer may submit a written request for such a refund to the Local RRIF Administrator within thirty (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, the entire RRIF Fee may be refunded only if a written request is made to the RTC RRIF Administrator within thirty (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 RRIF 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 RRIF Fee again if he reapplies for the permit for the same land use of the same lot, parcel, or tract and the RRIF Fee for that land use has not changed.
  - a. If the RRIF 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 RRIF 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 Feepayer.
  - c. If the RRIF 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 RRIF 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 RRIF Fee has increased between the time of the original building permit and the new building permit. In any case of re-application, the provisions of Section IV.F, Change of Use, shall apply.
5. If RRIF Fees were not paid at the time of the building permit, no RRIF 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 RRIF FEE BASED ON FEE SCHEDULE**

The amount of the RRIF Fee will be determined pursuant to the provisions of this Section unless an administrative determination is necessary.

##### **A. Land Use Classification**

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

1. Land Use Definitions. The general land use categories included in the fee schedule are defined as follows:
  - a. Residential
    - Single-Family. A single-family dwelling unit located on a single lot.
    - Multi-Family. Residential properties with two 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

Schools. (see Note 1 & Note 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.

**\*Note 2.** The State Attorney General has issued an opinion that the State University System is exempt from local impact fees (Opinion No. 97-29). Private universities, colleges, etc. are subject to impact fees.

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.

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.

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.

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.

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.

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.

Regional Recreational Facilities. Regionally significant recreational facilities available to the public, 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 in 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.
3. North American Industry Classification System (NAICS). In the event that the classification established by this Manual is unclear, the most current edition of the NAICS Manual, as published by the Department of Commerce, Bureau of Census, 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 or Exhibit A, the RRIF Fee shall be determined administratively as described in Section V of this Manual. If a Feepayer opts not to have the RRIF 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 RRIF Fee shall be determined by multiplying the fee amount 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 RRIF Fees are assessed for each use based on the fee schedule and the results are aggregated. In some cases, Feepayers may suggest that the RRIF 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 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 RRIF 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 subsection 3 below) or less of the 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 RRIF Fee shall be 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 RRIF 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 RRIF Fees are then assessed for each primary land use based on the fee schedule and the results are aggregated. Accessory land uses to the primary land uses are treated as described in Section IV.D. 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 RRIF 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 RRIF Fees are assessed for each primary land use based on the fee schedule and the results are 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 RRIF 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 RRIF 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 F 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, i.e. a Shell Permit. Remodeling permits would be issued later to finish construction of the interior of the structure. The RRIF 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 RRIF 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 RRIF 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 RRIF Fee is due based on the procedures for Change of Use in Section IV.F. If so, the additional RRIF 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 RRIF Fee shall be based upon the net increase in the RRIF Fee for the new use as compared to the previous use. The amount of the RRIF Fee 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.

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 RRIF 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 RRIF Fee is now based on 8,000 SF at the manufacturing rate plus 2,000 SF at the warehouse rate. If the new RRIF Fee is greater than the original RRIF Fee, an additional fee amount is charged for the difference between the new fee and the original fee. If the new fee amount is less than the original fee amount, no additional fee amount is charged. Under no circumstances will a refund of RRIF Fees be granted for a change in use.

Note: see Exhibit F for blank worksheets

3. The Local RRIF Administrator shall calculate the RRIF Fee due to a change in use. The Local RRIF Administrator shall be guided in the determination of the RRIF Fee by the sources listed in Section IV.A, Land Use Classification. Under no circumstances will a refund of the RRIF 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 RRIF Fee will be charged if the following conditions are met:

1. The final approval, which identifies the facility, includes 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.C.3, Underpayment of Fee Based on Error or Misrepresentation, 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 a RRIF Fee, if the final approval contains the same conditions listed in subsections 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

RRIF 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. If the structure or mobile home so moved is replaced by an equivalent use at the old location, no RRIF Fee shall be due for the replacement use. In every case, the burden of proving past payment of RRIF 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 RRIF Fee for a single-family dwelling unit as shown on the fee schedule. Multi-family models shall pay the multi-family rate.

K. Mobile Homes

RRIF 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 a RRIF 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. The RRIF Fee will be based on the single family dwelling.

L. Supplemental or Accessory Dwelling Units; Mother-in-law Attached or Detached Dwellings

RRIF Fee for supplemental (accessory or 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.

M. Recreational Vehicles (RV's)

The provision of an RV site will be assessed a RRIF Fee at the Lodging (Per Room) rate in the fee schedule. No RRIF Fees shall be assessed for "move in" of a recreational vehicle in an RV park that has already paid a RRIF Fee.

N. Shopping Centers

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

O. Casino/Gaming

RRIF 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 RRIF 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 RRIF Fees for adding additional rooms will be assessed at the hotel/motel rate. The RRIF Fees for adding additional gaming/casino floor area with no additional rooms will be assessed at the casino gaming area rate. The RRIF 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 fee amounts.

A Feepayer may request the Local RRIF Administrator or RTC RRIF Administrator to treat a new casino/resort development 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. RRIF Fees will be assessed as indicated in the previous paragraph except the RRIF Fee calculation will combine any previous building permits issued with each new building permit applied for within the five (5) year period. Any RRIF Fees collected on previous building permits will be subtracted from the new RRIF Fee calculation. A credit for a previous payment of RRIF Fees 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 RRIF Administrator 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 RRIF 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 RRIF Fee (based on the then current fee schedule) is calculated for the additional rooms at the hotel/motel rate. The RRIF 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 RRIF 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. RRIF Fees will be assessed on the Office space. If applicable, an additional fee amount will be assessed for school and/or daycare areas.

Q. Convenience Store with Gas Pumps

RRIF 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 RRIF FEES**

A. General

RRIF Fees shall be assessed in accordance with the land use type in the fee schedule 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 RRIF Fee pursuant to the provisions of this Section. If the Feepayer disagrees with the RRIF Fee determined administratively (or based on the fee schedule), 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 RRIF Administrator shall determine the RRIF Fee by:

1. Determining the Most Comparable Use. If the type of development activity is not specified in the fee schedule or in Exhibit A, the Local RRIF Administrator shall determine the RRIF 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, the RTC, Reno, 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 RRIF 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:

$$\text{IMPACT FEE/UNIT} = \text{VMT/Unit} \times \text{NC}$$

$$\text{VMT/UNIT} = \text{ADT/Unit} \times \text{A} \times \text{B} \times \text{C}$$

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 Capital Improvements Plan.

C. Miscellaneous Land Uses Types

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

D. Pre-Development Review RRIF Fee Calculation

Any person contemplating establishing a traffic-generating land development activity may request a preliminary determination of the RRIF Fees due from such development. A person requesting a pre-development review RRIF Fee calculation shall submit to the Local RRIF Administrator the pertinent information identified by the Local RRIF Administrator. Using the information regarding the proposed project as submitted, the Local RRIF Administrator will provide, within fifteen (15) days of the date of submittal, a preliminary calculation of the RRIF Fees due for the proposed project.

**VI. INDEPENDENT FEE CALCULATION STUDY**

A. Option to the Feepayer

If a Feepayer opts not to have the RRIF Fee determined according to the fee schedule or administratively, 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 RRIF 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 their intent to utilize an independent fee calculation study submitted with a fee of \$500, which is non-refundable and does not go toward RRIF Fee, for administrative costs associated with the review and decision on the 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 their 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 the provisions of this Manual, shall be placed in writing by the RTC RRIF Administrator in a memorandum, and a copy of the 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 RRIF 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 RRIF Fee been determined under the provisions of Section IV or Section V of this Manual.**

#### 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 RRIF Capital Improvements Plan. 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 thirty (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 a finding of deficiency within thirty (30) days of receipt of the notice, the RTC RRIF Administrator will consider the independent fee calculation study to be invalid.
3. The thirty (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 thirty (30) day time period shall begin again with the submission of a new or modified study.

F. Notification to Feepayer

Within thirty (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.

G. Determination of Fee

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

H. Effective Date

The date at which the independent fee calculation study is approved by the RTC RRIF Administrator, or thirty (30) days after submission if 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 RRIF 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 RRIF 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 RRIF 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 RRIF Fees are identified in the fee schedule. 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 fee 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 the RRIF Capital Improvements Plan. 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 (3) 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. 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:

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

For mixed use developments not opting to conduct a more refined analysis, a 10% 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 10% 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 10% 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 Local RRIF Administrators, may undertake studies necessary for the creation of a land use category not included in the fee 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 this 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 the provisions of this Manual, shall be placed in writing by the RTC RRIF Administrator in a memorandum, and a copy of the 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 the 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 relevant results of the study in the next proposed general update to this Manual for consideration by the Participating Local Governments.

## VIII. REFUNDS

A. Expiration, Revocation, Surrender of Permit

Under the conditions defined in Section III.F, Expiration of Building Permit, a Feepayer shall be entitled to a refund, without interest, equal to the full amount of the RRIF 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 RRIF Fee may be refunded only if a written request is made to the RTC RRIF Administrator within thirty (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 RRIF Administrator will notify the affected Participating Local Government and 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 RRIF Fee has occurred.

C. RRIF Revenues Not Expended

Upon the application of owner of record, 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. RRIF 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 RRIF 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 one hundred eighty (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 RRIF Fee, the date and amount paid, and the permit issued as a result of that payment. The RTC RRIF Administrator shall verify whether the RRIF Fee is refundable, and if so, process the applicant's request.
5. The refunded RRIF Fee, including accrued interest, shall be returned to the owner of record.

D. Recalculation of Fees

1. At the time the review of the RRIF Program is initiated, the RTC RRIF Administrator shall recalculate the RRIF 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 RRIF Capital Improvements Plan, but substituting actual costs of completed projects for the estimated costs included in the RRIF Capital Improvements Plan.
3. The RTC RRIF Administrator shall automatically refund the RRIF Fees paid plus interest accrued to all Fee payers if:
  - a. The actual cost of the fully completed capital improvements plan is less than the RRIF 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 10% of that estimated in calculating the RRIF Fees. In such cases, the difference beyond 10% is refunded.

E. Termination

In the event that the imposition of the RRIF Fees is terminated in any or all of the Participating Local Governments, any RRIF 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 thirty (30) days following the effective date of this termination, the Participating Local Government shall turn over all funds in the Participating Local Government's 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 their successor in interest. The refund application must be submitted by the Feepayer or their successor in interest within one hundred eighty (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 described in Section VIII.C.
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 RRIF Fees available for refund and not so refunded shall remain in the RTC's Trust Fund. In the event that all Participating Local Governments terminate the imposition of the RRIF Fee, the remaining funds shall be expended on RRIF Capital Improvements identified in the RRIF Capital Improvements Plan.

**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 RRIF 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. State Buildings. In accordance with an opinion issued by the State Attorney General (Opinion No. 97-29), the State of Nevada is exempt from the payment of impact fees and transportation taxes to local governments.
5. Property owned by a public school district or State University. In accordance with amendments made to NRS 278B and the opinion of the State Attorney General (Opinion No. 97-29), public school districts and the State University System are exempt from paying impact fees. However, private schools and private universities or private uses housed within public school district and public university facilities are not exempt from impact fees.
6. Internal Uses. Under the conditions set forth in Section IV.M, 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.
7. Previous Approval Exemptions.
  - a. Development approvals that meet either of the following criteria shall be exempt from payment of RRIF 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 off-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 off-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 D contains the RRIF Exemption List.

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 RRIF 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 RRIF 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 RRIF 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 RRIF Fees based on error, the Feepayer shall pay the RRIF Fees that would have otherwise been due.

D. Determination

The determination of eligibility for an exemption shall be made by the RTC RRIF Administrator.

**X. RRIF WAIVERS REQUESTED AFTER THE 5<sup>th</sup> EDITION RRIF GAM/CIP (3/2/2015) UPDATE**

A. General

1. RRIF Waivers.

- a. RRIF Waivers are credits against RRIF Fees for Offset-Eligible Costs in an amount equal to or less than the RRIF Fees owed for the land uses within a Development of Record.
- b. RRIF Waivers are approved in a Notice of RRIF Waiver issued pursuant to an Offset Agreement. When a Notice of RRIF Waiver is issued, RRIF Fees assessed by the Participating Local Government will be “waived” until the RRIF Fees waived within the Development

of Record cumulatively equal the amount of Offset-Eligible Costs approved in the 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 Fee. The determination of a RRIF Waiver modification will be based on a comparison of the RRIF Fees owed for the modified land uses, including any completed portions of the development, and the RRIF Fees owed as identified in the Offset Agreement. The Local RRIF Administrator will notify the RTC RRIF Administrator of the modification for the Development of Record. 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 Fee as of the date of issuance of the building permit for each unit of development.
2. The RTC RRIF Administrator and legal counsel are the sole officials authorized to communicate, on behalf of the RTC, 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 RRIF Fee obligations, Offered Improvements, or the terms of a proposed Offset Agreement. The Offset Agreement shall supersede all prior written and oral communications, regardless of source.
3. Any offer to dedicate or construct Offset-Eligible Improvements, pursuant to this Section and the Offset Agreement, may be withdrawn at any time prior to the transfer of legal title.

#### B. Offset Agreement

1. With respect to improvements commenced on or before November 1, 2018, 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. With respect to improvements commenced after November 1, 2018, Offset Agreements must be approved prior to the earliest to occur of: (i) twelve (12) months from commencement of construction of the Offset-Eligible Improvement, (ii) completion of work on any Offset-Eligible Improvement, and (iii) utilization of RRIF Waivers earned as a result of construction of any Offset-Eligible Improvement.
2. When the Offered Improvements are completed, the RTC RRIF Administrator will prepare a Notice of RRIF Waiver.
3. The Local RRIF Administrator will inspect and accept the Offset-Eligible Improvements.
4. The RTC RRIF Administrator will issue the Notice of RRIF Waiver, pursuant to the Offset Agreement, to approve the RRIF Waivers.

5. 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, if authorized in the Offset Agreement.
6. To the extent that Offered Improvements are ultimately not accepted, or if the Developer of Record is otherwise in material default under the Offset Agreement, the Developer of Record shall pay the actual RRIF Fees which would have otherwise been due.

C. Procedure for Offset Agreements

1. The Developer of Record shall submit an application for RRIF Waivers to the RTC RRIF Administrator on a form provided by the RTC for such purposes.
2. Upon receipt of a complete application for RRIF Waivers, the RTC RRIF Administrator will distribute the application materials to legal counsel, other appropriate RTC staff, and the Local RRIF Administrator for each Participating Local Government in which the Offered Improvements are located (the “affected Participating Local Government”).
3. The RTC RRIF Administrator will coordinate with the Local RRIF Administrator for each affected Participating Local Government to ensure all comments are received and given consideration prior to RTC Board approval of the Offset Agreement.
4. After review by legal counsel, other appropriate RTC staff, and the RRIF Administrator of each affected Participating Local Government, the RTC RRIF Administrator will prepare a staff report and Offset Agreement for consideration by the RTC Board and the governing bodies of the affected Participating Local Governments.
  - a. The RTC RRIF Administrator’s staff report and Offset Agreement will establish which Offered Improvements 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. The amount of RRIF Waivers for a Development of Record may not exceed the actual Offset-Eligible Costs, as described in Section X.
  - c. RRIF Waivers shall be expressed in dollars and by the amount of RRIF Fees to be waived in terms of land uses using the fee schedule in effect as of the date of approval of 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 RRIF Waivers 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.

5. Based on the staff report of the RTC RRIF Administrator, the provisions of this Manual, the RRIF 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.
6. 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 Offset Agreement will be deemed to have been received by the Developer of Record three (3) days after mailing by the RTC RRIF Administrator.
7. The Developer of Record must sign, date, and return the approved Offset Agreement indicating their 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 Offset Agreement within thirty (30) days, the application for RRIF Waivers will be deemed withdrawn.
8. Unless an executed Offset Agreement expressly provides otherwise, i.e. if interim RRIF Waivers are authorized in the Offset Agreement, RRIF Waivers will not be approved in a Notice of RRIF Waivers until all Offset-Eligible Improvements have been completed and, if applicable, dedicated to the RTC or the affected Participating Local Governments as provided in the Offset Agreement.
9. Land dedications accepted as an Offset-Eligible Improvement must be accompanied by the following documentation prior to issuance of a Notice of RRIF Waiver, 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.
10. Unless expressly provided otherwise in an 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.

11. Once the RTC RRIF Administrator has made a determination that the terms of the Offset Agreement have been met, the RTC RRIF Administrator will issue a Notice of RRIF Waiver to the Developer of Record.

D. Contents of Applications for RRIF Waivers

1. The application for RRIF Waivers must contain the information and documentation required by this Section and sufficiently identify and describe the Offered Improvements which otherwise would have been built by the RTC with collected RRIF Fees.
2. Each application for RRIF Waivers must contain the following:
  - a. The name of the Developer of Record offering to make Offset-Eligible Improvements and requesting RRIF Waivers.
  - 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.
  - d. The name, Local Government File Number, and three copies of the site plan of the Development of Record.
  - e. List of approved land uses and the estimated RRIF Fees for those uses within the Development of Record.
  - 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, they 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.

i. Sufficient documentation to verify the costs of the Offered Improvements, in accordance with Section X.

E. Contents of Offset Agreements

1. No dedication or construction project may be accepted in exchange for RRIF Waivers except pursuant to an Offset Agreement, which must include the following:

a. The projected costs for the Offered Improvements, based on the valuation provisions of Section X, 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, based on the estimated costs of the Offered Improvements.

d. The terms and conditions that must be met before the RTC RRIF Administrator will issue a Notice of RRIF Waiver, in accordance with the provisions of this Manual.

e. RRIF Waivers shall be limited to use for the payment of RRIF 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 RRIF 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.

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.

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, will require an amendment to the Offset Agreement using the same procedures as its original approval.

F. Calculation of RRIF Waivers.

1. Eligibility.

- a. RRIF Waivers may be approved only for Offset-Eligible Costs, which are limited to the costs the RTC otherwise would have incurred for RRIF Capital Improvements.
- b. RRIF Waivers may be provided only pursuant to a valid Offset Agreement, executed according to the provisions of this Manual.
- c. Offset-Eligible Costs are available for RRIF Waivers only if associated with Offset-Eligible Improvements that meet design standards approved by the RTC and the affected Participating Local Government, and only to the extent such costs do not exceed the scope of the project as planned by the RTC and reflected in the RRIF Capital Improvements Plan or as described in the applicable Offset Agreement.

2. Valuation.

- a. RRIF Waivers approved by the RTC pursuant to a Notice of RRIF Waivers will be based on, and may not exceed, the actual verified costs of the dedication or construction of the Offset-Eligible Improvements accepted by the affected Participating Local Government.
- b. The RTC will not approve RRIF Waivers in excess of the RRIF Fees owed for a Development of Record as of the date of the applicable Offset Agreement.
- c. The amount of RRIF Waivers shall be calculated as follows:
  - (1) Construction of Facilities and Provision of Equipment. The RRIF Waivers 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 the 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.

#### G. Usage of RRIF Waivers.

1. Participating Local Governments shall waive RRIF Fees otherwise owed either 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.
2. RRIF Waivers may be used to pay up to 100% of the RRIF Fees due as the result of development within the Development of Record.
3. RRIF Waivers may not be used to pay for RRIF Fees due as a result of development outside of the Development of Record.
4. RRIF Waivers are transferable to a third party. To transfer RRIF Waivers, the current holder of RRIF Waivers will notify RTC through the RRIF Automation Program of the amount of RRIF Waivers to be transferred and the name and contact information of the third party. RRIF Waivers will be subtracted from the current holder's account and transferred to a new account in the name of the third party.

5. Upon transfer, RRIF Waivers may be used by the transferee to pay up to 100% of the RRIF Fees due as the result of development within the Development of Record.

**XI. UNEXPIRED CREDITS APPROVED PRIOR TO THE 5<sup>th</sup> EDITION RRIF GAM/CIP (3/2/2015) UPDATE**

- A. Applicability. This Section applies to CCFEAs 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 adoption of the 5<sup>th</sup> Edition RRIF GAM/CIP. Therefore, to the extent possible and practical, outstanding CCFEA Credits may be used or transferred as provided prior to adoption of the 5<sup>th</sup> Edition RRIF GAM/CIP, as provided in this Section 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. CCFEA 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. CCFEA 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 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 RRIF 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 RRIF 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.

## **XII. APPEALS**

A. Notice of Appeal

1. A Feepayer or applicant affected by a final administrative decision of the Local RRIF Administrator or the RTC RRIF Administrator may appeal the decision.
2. The RTC RRIF Administrator will consider an appeal of a decision of a Local RRIF Administrator. The Appeal Committee will consider an appeal of a decision of the RTC RRIF Administrator.
3. In order to appeal, the Feepayer or applicant shall file a written notice of appeal with the RTC RRIF Administrator within ten (10) business days of the decision. The notice must:
  - a. State with specificity the nature and grounds of the appeal;
  - b. Identify the law and facts that are inconsistent with the decision (including the specific provisions of this Manual, the RRIF Capital Improvements Plan, the RRIF Ordinance, and any other laws or regulations);
  - c. Describe the decision the applicant believes should have been made, the corrective action that should be taken, and the rationale for that position based on a detailed description of the law and facts (including the specific provisions of this Manual, the RRIF Capital Improvements Plan, the RRIF Ordinance, and any other laws or regulations); and
  - d. Provide draft written findings that would support a conclusion that the decision being appealed was erroneous and that the proposed corrective action is necessary.
4. The burden is on the Feepayer or applicant to prove that the decision being appealed was erroneous and that the proposed corrective action is necessary
5. A decision of the RTC RRIF Administrator that constitutes a question of law may not be appealed. The RTC RRIF Administrator, in

consultation with legal counsel, shall determine whether or not a decision constitutes a question of law.

B. Appeals to the RTC RRIF Administrator

1. The RTC RRIF Administrator shall consider an appeal of a final administrative decision of a Local RRIF Administrator.
2. The RTC RRIF Administrator shall have the power to affirm or reverse the decision being appealed. In making its decision, the RTC RRIF Administrator shall make written findings and apply the standards of this Manual. In order to reverse the decision, the RTC RRIF Administrator must conclude that the decision being appealed was erroneous and that the proposed corrective action is necessary. If the decision is reversed, the RTC RRIF Administrator shall specify the appropriate corrective action that should be taken pursuant to this Manual. In no event shall the RTC RRIF Administrator have the authority to negotiate the terms of the corrective action.
3. A Feepayer or applicant may appeal the decision of the RTC RRIF Administrator by filing a notice of intent to appeal with the RTC RRIF Administrator within ten (10) business days of the decision.

C. Appeals to the Appeal Committee

1. If a decision of the RTC RRIF Administrator is appealed, the RTC RRIF Administrator shall schedule a hearing before the Appeal Committee. The RTC RRIF Administrator shall attempt to schedule a hearing to be held within sixty (60) days of receipt of either the notice of appeal or the notice of intent to appeal, as applicable.
2. The RTC RRIF Administrator will provide the appellant's notice of appeal, and the decision of the RTC RRIF Administrator, to the Appeal Committee.
3. The appellant and the RTC RRIF Administrator may file supplemental materials supporting their positions at least fourteen (14) days before the hearing.
4. The appellant and the RTC RRIF Administrator shall have an opportunity to present their positions verbally at the hearing.
5. The Appeal Committee shall have the power to affirm or reverse the decision being appealed. In making its decision, the Appeal Committee shall make written findings and apply the standards of this Manual. In order to reverse the decision, the Appeal Committee must conclude that the decision being appealed was erroneous and that the proposed corrective action is necessary. If the decision is reversed, the Appeal Committee shall specify the appropriate corrective action that should be taken pursuant to this Manual. In no

event shall the Appeal Committee have the authority to negotiate the terms of the corrective action.

6. The RTC RRIF Administrator shall have the right, on the advice of legal counsel, to reject the findings of the Appeal Committee and refuse to carry out the corrective action.

### **XIII. USE OF FUNDS**

#### **A. Deposit in Trust Funds**

1. All RRIF Fees collected by each Local RRIF Administrator, pursuant to this Manual, shall be immediately deposited in the Participating Local Government's Trust Fund.
2. Any proceeds in the Participating Local Government's 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 Participating Local Government's Trust Fund until transferred to the RTC's Trust Fund. Record of the Participating Local Government's 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 RRIF Interlocal Cooperative Agreement, the Local RRIF Administrator shall transfer the funds in the Participating Local Government's Trust Fund to the RTC's Trust Fund. All proceeds in the RTC's Trust Fund not immediately necessary for expenditure shall be invested in an interest-bearing account.

#### **B. Limitations on Expenditures**

1. Funds shall only be expended from the RTC's Trust Fund.
2. Except as provided in Section C below, funds shall only be expended on RRIF Capital Improvements in the Service Area in which such RRIF Fees were collected.
3. The expenditure of funds shall be limited to those RRIF Capital Improvements included in the RRIF Capital Improvements Plan.
4. For the purposes of determining whether funds have been spent or encumbered, the first RRIF Fees collected shall be considered the first funds spent or encumbered.
5. If funds transferred to the RTC's Trust Fund are required to be refunded pursuant to Section VIII, Refunds, the RTC RRIF Administrator shall return such funds to the Local RRIF Administrator for refund.

C. Service Areas

RRIF Fees shall be spent in the Service Area in which such RRIF Fees were collected, except that:

1. Where a RRIF Capital Improvement included in the RRIF Capital Improvements Plan 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 RRIF 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. RRIF Fees may be used to fund a RRIF Capital Improvement outside the Service Area in which the RRIF Fees are collected if it is demonstrated, by competent substantial evidence, that the Feepayer will receive sufficient benefit from the RRIF Capital Improvement to comply with the requirements of NRS 278B.

**XIV. AMENDMENTS TO THE RRIF CAPITAL IMPROVEMENTS PLAN**

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

The RTC Board and the governing bodies of the Participating Local Governments shall consider any person's proposed amendments to the RRIF Capital Improvements Plan no more often than biennially (once every two years).

B. Procedure

1. Any person, who proposes an amendment to the RRIF Capital Improvements Plan 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 RRIF Capital Improvements Plan, and either adding and/or deleting RRIF Capital Improvements; to the extent necessary, justification for modifications to land use assumptions and trip characteristics and a traffic report (using the guidelines in Exhibit E – Traffic Report Guidelines) shall be included in the application by the applicant.
2. Within ten (10) business 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 RRIF Capital Improvements Plan, and mail copies of these applications to the Local RRIF Administrators. 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 Local RRIF Administrators.

3. During the third quarter of the update year, the RTC Board shall review and consider the applications for proposed amendments to the RRIF Capital Improvements Plan. 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 RRIF Capital Improvements Plan and this Manual, which must then be approved in a consolidated form by the governing bodies of each Participating Local Government before they become final.

C. Standard Request for a New Capital Improvement

Any application for an amendment to the RRIF Capital Improvements Plan shall only be approved if the application demonstrates that the land use assumptions or the travel characteristics used in the RRIF Capital Improvements Plan have changed to such a degree, that the modification is necessary to maintain adequate levels of service on the RRIF Network.

D. Special Request for a New Capital Improvement

1. Any person may propose an amendment to include a new capital improvement in the RRIF Capital Improvements Plan during periods other than specified in Section XIV.B.1. The RTC RRIF Administrator will consider applications to amend the RRIF Capital Improvements Plan 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) the new capital improvements are for arterial or collector streets and roads that meet the criteria to be included in the RRIF Network as specified in the RRIF Capital Improvements Plan.

2. The RTC RRIF Administrator, with concurrence from the Local RRIF Administrators, will process applications meeting the criteria specified in Section XIV.D.1. The RTC RRIF Administrator shall prepare the appropriate modifications to the RRIF Capital Improvements Plan and this Manual, which must then be approved in a consolidated form by the governing bodies of each Participating Local Government before they become final and before the project would be eligible for RRIF Waivers.

## **XV. BIENNIAL REVIEW**

The RRIF Capital Improvements Plan and this 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 RRIF Capital Improvements Plan and this Manual. This review shall be conducted by the RTC RRIF Administrator in consultation and coordination with the RRIF TAC, and any resulting studies, reports, and recommendations shall be submitted to the Capital Improvements Advisory Committee, the RTC Board, and the governing bodies of the Participating Local Governments as required by this Manual, the RRIF Interlocal Cooperative Agreement, and NRS 278B.

## **XVI. ADOPTION**

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 resolutions of the governing bodies of each Participating Local Government.

## **EXHIBIT A EXPANDED LIST OF LAND USES**

### **RESIDENTIAL**

#### **SINGLE-FAMILY**

Residential properties with one dwelling unit, including:

- single-family attached or detached residence
- mobile home subdivision
- mobile home on individual lot

#### **MULTI-FAMILY**

Two or more dwelling units, including:

- duplexes
- apartments
- condominiums
- boarding house
- senior assisted living housing
- supplemental units/mother-in-law units/assessor dwelling units as discussed in Section IV. L.

### **INDUSTRIAL**

#### **GENERAL LIGHT INDUSTRIAL**

- 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
- logisticenter
- regional warehouse development
- data center

## 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

### 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

### LODGING

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

### HOSPITAL

- hospital
- psychiatric hospital
- mental institution

### NURSING HOME

- convalescent center
- nursing home

### MEDICAL OFFICE

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

## GENERAL OFFICE

General offices and office buildings including:

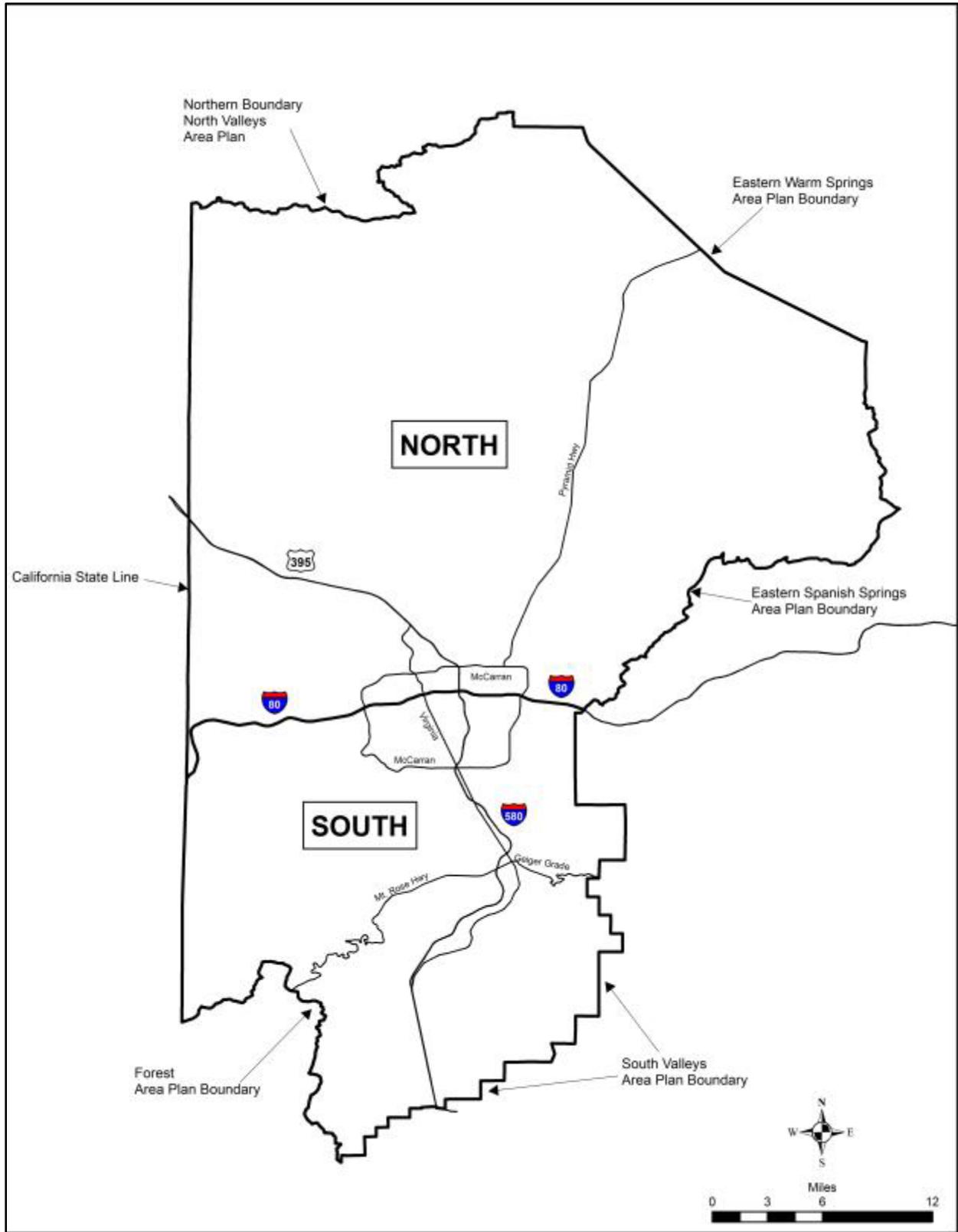
- accounting offices
- architect
- financial offices
- banks (with or without drive in services)
- insurance office
- medical/dental offices (<10,000 GFA)
- physical therapist offices
- psychologist offices
- law offices
- government offices
- public utility office
- real estate
- recording studio

## REGIONAL RECREATIONAL FACILITY

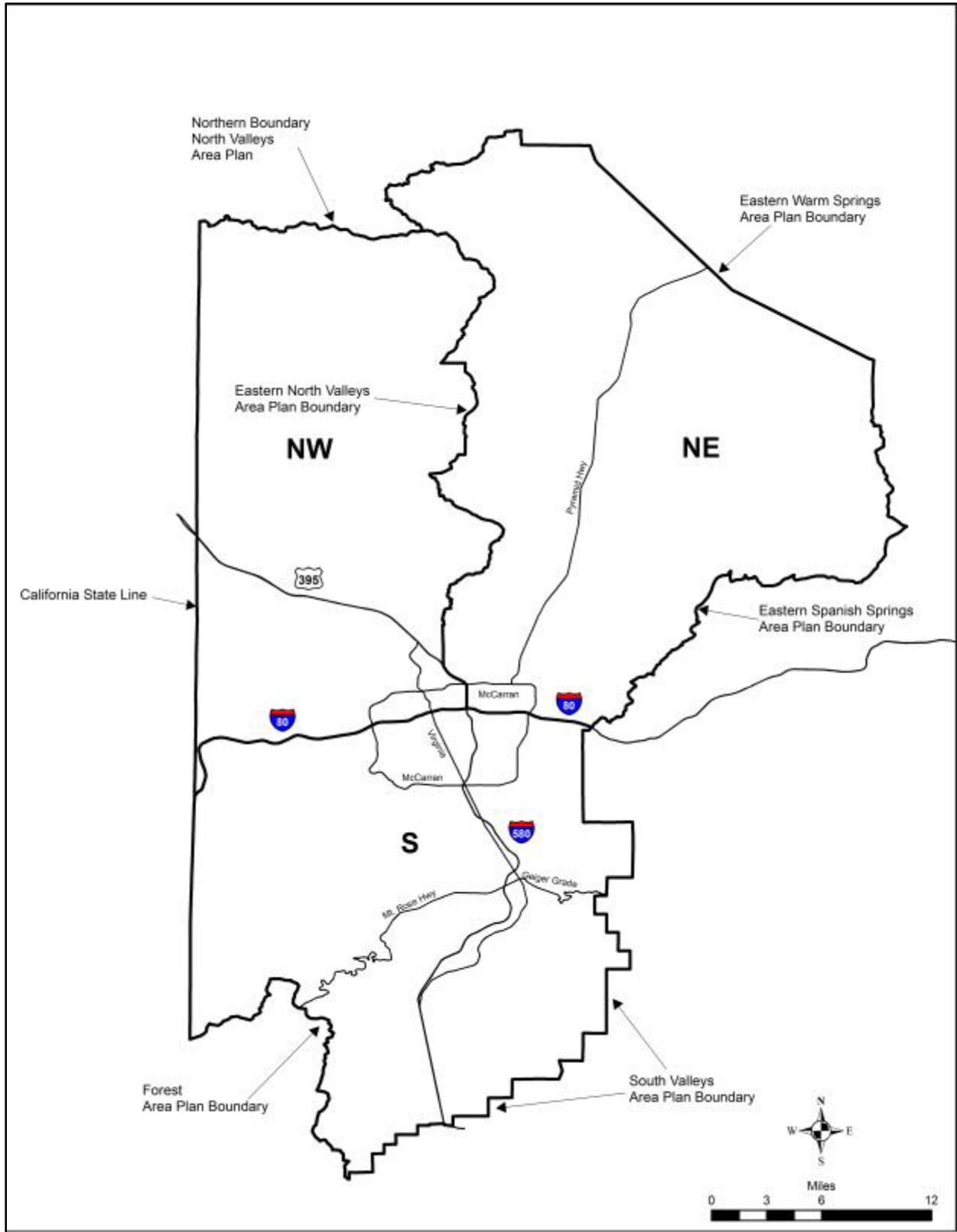
Parks and areas open to the public including:

- public park
- public swimming pool
- ball fields
- flat fields

**EXHIBIT B  
REGIONAL ROAD IMPACT FEE SERVICE AREAS**



**EXHIBIT C  
CCFEA CREDIT BENEFIT DISTRICTS**



**EXHIBIT D**  
**RRIF EXEMPTION LIST**

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

**EXHIBIT E  
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.

The RRIF Capital Improvements Plan 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 RRIF Capital Improvements Plan. 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 Capital Improvements Plan.

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 Capital Improvements Plan 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 Capital Improvements Plan 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 Capital Improvements Plan. 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 Capital Improvements Plan, 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 Capital Improvements Plan may be eligible for RRIF Waivers against RRIF 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 Capital Improvements Plan.

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 adoption of the 5<sup>th</sup> Edition RRIF GAM/CIP or regarding RRIF Waivers proposed or approved after the adoption of the 5<sup>th</sup> Edition RRIF GAM/CIP should be directed to the RTC RRIF Administrator.

**EXHIBIT F  
MIXED USE AND CHANGE OF USE WORKSHEETS**

<b>MIXED USE STRUCTURES WORKSHEET</b>			
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 _____	= _____
<b>FEE TOTAL</b>			_____

<b>CHANGE OF USE WORKSHEET</b>			
<b>PROPOSED PRIMARY LAND USE</b> _____	1000GFA _____	\$/UNIT _____	FEE _____
SUPPORTIVE FUNCTION LESS THAN 25% OF ABOVE PRIMARY USE			
_____ %	_____		
_____ %	_____		
TOTAL	_____	x _____	= _____
<b>PROPOSED PRIMARY LAND USE</b> _____	1000GFA _____	\$/UNIT _____	FEE _____
SUPPORTIVE FUNCTION LESS THAN 25% OF ABOVE PRIMARY USE			
_____ %	_____		
_____ %	_____		
TOTAL	_____	x _____	= _____
<b>EXISTING USE</b> _____	1000GFA _____	\$/UNIT _____	FEE _____
SUPPORTIVE FUNCTION LESS THAN 25% OF ABOVE PRIMARY USE			
_____ %	_____		
_____ %	_____		
TOTAL	_____	x _____	= _____
<b>EXISTING USE</b> _____	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			_____
<b>FEE TOTAL</b>			_____
NOTE: UNDER NO CIRCUMSTANCES WILL A REFUND BE GRANTED FOR A CHANGE IN USE			_____

## EXHIBIT G 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 <b>not</b> 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
<b>TOTAL FEES Paid (Waivers + Cash/Credits)</b>		<b>500 SFR</b>	<b>\$1,919,344.61</b>

**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 commercial 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
<b>TOTAL FEES Paid (Waivers + Cash/Credits)</b>			<b>\$2,276,400.00</b>

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.