

POLICE FACILITY IMPACT FEE SYSTEM

ADMINISTRATIVE MANUAL

1ST EDITION

(Reno City Council Approved May 27, 2020)

TABLE OF CONTENTS

DEFINITIONS.....	5
POLICE FACILITY IMPACT FEE ADMINISTRATIVE MANUAL	8
1. IMPOSITION OF IMPACT FEES	8
A. Service Area	8
B. Feepayer	8
C. Payment Due.....	8
D. Determination of Fee	9
E. Expiration of Building Permits	10
2. DETERMINATION OF FEE BASED ON FEE SCHEDULE.....	11
A. Land Use Classification	11
B. Units of Development	13
C. Mixed Use Development.....	13
D. Mixed Use Structures	14
E. Shell Permit	15
F. Change of Use.....	15
G. Auxiliary Uses	16
H. Facilities Constructed for Private Use.....	16
I. Relocation of Dwelling Unit.....	16
J. Model Homes	17
K. Mobile Homes.....	17
L. Supplemental Units/Mother-in-law Attached or Detached Dwellings	17
M. Recreational Vehicles (RV's)	17
N. Shopping Centers.....	17
O. Casino/Gaming.....	17
P. Houses of Worship	18
Q. Convenience Store with Gas Pumps	18
3. ADMINISTRATIVE DETERMINATION OF FEES.....	18
A. General.....	18
B. Determining the Most Comparable Use	19
C. Miscellaneous Land Uses Types	19
D. Pre-Development Review Impact Fee Calculation.....	19
4. INDEPENDENT FEE CALCULATION STUDY	19
A. Option to the Feepayer	19
B. Notice of Intent by Feepayer.....	19
C. Pre-Application Meeting.....	19
D. General.....	20

E.	Sufficiency Determination	20
F.	Notification of Feepayer and Appeal.....	20
G.	Determination of Fee	20
H.	Effective Date	21
I.	Application for a Building Permit.....	21
J.	Independent Fee Calculation Guidelines.....	21
5.	STUDIES TO ESTABLISH NEW/REDEFINED LAND USE CATEGORIES	21
A.	Studies by the PFIF Administrator	21
B.	Studies by Others	21
6.	REFUNDS.....	22
A.	Expiration, Revocation, Surrender of Permit.....	22
B.	Overpayment	22
C.	Impact Fee Revenues Not Expended	22
D.	Recalculation of Fees	23
E.	Termination.....	23
F.	Appeals.....	24
7.	EXEMPTIONS.....	24
8.	IMPACT FEE OFFSETS.....	25
A.	General.....	25
B.	Offset Agreement.....	25
C.	Procedure	26
D.	Application for PFIF Waivers.....	27
E.	Offset Agreement Requirements.....	28
F.	Calculation of Offsets.....	28
9.	APPEALS.....	30
A.	Notice of Appeal	30
B.	Review by Reno City Council.....	30
10.	USE OF FUNDS	30
A.	Deposit in Trust Funds	30
B.	Limitations on Expenditures	30
C.	Impact Fee Service Area.....	30
11.	AMENDMENTS TO CIP	30
A.	Annual Consideration of a Special Request for a New Capital Improvement Project.....	30
B.	Procedure	31
C.	Special Request for a New Capital Improvement Project	31
12.	REGULAR REVIEW	31
13.	ADOPTION AND AMENDMENTS	31

EXHIBIT A: EXPANDED LIST OF LAND USES BY LAND USE CATEGORY 32
EXHIBIT B: POLICE FACILITY IMPACT FEE SERVICE AREA..... 36
EXHIBIT C: POLICE FACILITY IMPACT FEE SCHEDULE..... 37
EXHIBIT D: NRS CHAPTER 278B ATTORNEY GENERAL OPINION NO. 97-29 38
EXHIBIT E: MIXED USE AND CHANGE OF USE WORKSHEETS 39
EXHIBIT F: EXAMPLE PFIF WAIVER CALCULATION..... 41

DEFINITIONS

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

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

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

Capital Improvement Plan (CIP): In accordance with NRS 278B.170, a description of the Public Facility Impact Fee (PFIF) capital improvements necessitated by and attributable to new development, which are planned by the City of Reno to begin in the ten (10) year period following the adoption of the associated CIP.

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

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 PFIF 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.

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 by applying for the issuance of a building permit, in order to make an improvement to land which will generate additional police facility needs, and as such, is

required to pay a police facility impact fee in the manner and amount set forth in this Administrative Manual.

Interim PFIF Waivers: Interim PFIF 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 PFIF Waivers shall be identified in the Offset Agreement.

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

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

Police Facilities Impact Fee Administrator: An individual appointed by the City Manager to oversee the determination of appropriate police facility impact fees, the collection of the impact fees, the keeping of necessary records for such fee collections, and the initial evaluation of requests for independent fee calculation studies, waivers, and refunds.

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

Mixed Use Structure: A 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.

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

Offset Agreement: An agreement entered into by the Developer of Record and the Reno City Council within which an offered Offset-Eligible Improvement is proposed. The Offset Agreement must set forth the terms and conditions related to impact fee waivers for Offset-Eligible Improvements offered by the Developer of Record.

Offset-Eligible Costs: The approved costs to construct or provide Offset-Eligible Improvements.

Offset-Eligible Improvements: Non-site-related police facility Capital Improvements.

PFIF Capital Improvements: New police facility improvements or expansions to existing police facilities designated on the CIP and other incidentals necessary for such facilities, including: land, property, rights, and easements including the costs of acquisition or condemnation; professional services associated with actual construction; new or expanded facility construction; and relocation of utilities to accommodate new or expanded facility construction.

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

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

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

Trust Fund: An interest-bearing holding account for Police Facility Impact Fee collections.

POLICE FACILITY IMPACT FEE (PFIF) ADMINISTRATIVE MANUAL

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

1. IMPOSITION OF IMPACT FEES

A. Service Area

Police facility impact fees shall be imposed on all new development located in the City of Reno and within the designated Service Area. The Service Area illustrated in Exhibit B designates the area within which police facility impact fees are collected and spent.

B. Feepayer

Any person who, after the effective date of the PFIF Ordinance, seeks to develop land located in the City of Reno by applying for the issuance of a building permit, in order to make an improvement to land, which will generate additional police facility needs, shall be required to pay a police facility impact fee in the manner and amount set forth in this Manual (See Section 7 of this Manual for exemptions to the imposition of this fee.)

C. Payment Due

1. General. The impact fee shall be paid at the time of issuance of a building permit or Certificate of Occupancy as established in the implementing ordinance. In the case of mobile home pads, payment shall be made prior to the issuance of a pad permit. Any activity requiring payment of a police facility impact fee, may be made by personal check, cashier's check, money order, or credit card made payable to the City of Reno. Payment shall not be received prior to the time of issuance of a building permit.
2. Invalid Payment. In the event the payment of police facility impact fees subsequently proves to be invalid due to insufficient funds, the following action shall be taken:
 - a. Building permits, for which the payment of impact fees subsequently proves to be invalid due to insufficient funds, shall be declared to be revoked. In such case, a stop-work order shall be placed on the site or building for which the building permit has been declared invalid.
 - b. The PFIF Administrator shall, within 30 days of detection of invalid payment, notify the feepayer, the contractor, and the property owner by certified mail, return receipt requested, that:
 - 1) The impact fee amount is due by valid payment immediately upon receipt of said letter;
 - 2) The stop-work order shall remain in effect until valid payment of the impact fee is made;

- 3) If construction has been completed prior to detection of invalid payment of impact fees, no Final Inspection will be performed and no Certificate of Occupancy will be issued until valid payment of the impact fee is made; and
 - 4) The amount due shall be the amount of the impact fee plus the amount charged by the bank for the dishonored payment, plus a service charge of \$25.00.
3. Underpayment of Fee Based on Error or Misrepresentation. If it is determined that the impact fee has been calculated and paid based on error, then the fee shall be recalculated based on the fee schedule in effect at the time the impact fee was paid. If the impact fee is recalculated pursuant to this section, is greater than that paid, and additional fees should be collected, then the following action shall be taken:
- a. The PFIF Administrator shall, within 30 days of detection of payment made based on error, cause a "correction notice" to be issued and notify the feepayer, the contractor, and the property owner by certified mail, return receipt requested, that:
 - 1) An additional impact fee amount is due by valid payment within 30 days of receipt of said letter; and
 - 2) If the fee is not paid within 30 days of the receipt of said letter, collection may be pursued through liens or other local procedures used to collect fees.
 - b. If a fee is owed, no permits of any type may be issued for the building or structure in question, or for any other part of a development of which the building or structure in question is a part, while the fee remains unpaid.
 - c. If the fee is not paid by the original feepayer within 30 days of the date of the letter, the PFIF Administrator will pursue payment of additional fees owed from the current property owner. The City of Reno will not be responsible for resolving disputes for payment of additional fees which may arise between an original feepayer and the current property owner.
4. Overpayment of Fee Based on Error. If it is determined that the impact fee has been calculated and paid based on error, then the fee shall be recalculated. If the impact fee re-calculated pursuant to this section is less than that paid, then the following action shall be taken:
- a. The PFIF Administrator shall, within 30 days of detection of payment made based on error, notify the original feepayer by certified mail, return receipt requested, that the feepayer is entitled to a refund.
 - b. The feepayer shall submit a written request for refund to the PFIF Administrator within 30 days of the date of the refund notice letter.
 - c. Following receipt of a written request for a refund, any difference in favor of the feepayer shall be refunded, without interest, to the feepayer.

D. Determination of Fee

1. General. The amount of the impact fee shall be determined by the PFIF Administrator, based on the fee schedule in Exhibit C of this Manual as of the date of the payment of the impact fee, whether payment is made at the time of issuance of the building permit or the Certificate of Occupancy. Impact fee payments cannot be made and will not be received by the PFIF

Administrator prior to the date of issuance of a building permit. The calculation of exemptions, refunds, and PFIF Waivers and the determination of the net impact fee shall also be the responsibility of the PFIF Administrator, as hereinafter identified.

2. PFIF Waivers. Impact fees may be waived if the PFIF Administrator has issued a Notice of PFIF Waiver pursuant to a valid, unexpired Offset Agreement, in accordance with the provisions of Section 8 Impact Fee Offsets Requested.

In the event that impact fee payments are made in cash where PFIF Waivers were available, the feepayer shall submit a written request to the PFIF Administrator within 90 days from the date of payment. If approved, the feepayer shall submit proof of payment by PFIF Waiver to the PFIF Administrator prior to receiving the cash refund.

E. Expiration of Building Permits

1. If, following payment of impact fees, a building permit, mobile home set-up permit, or recreational vehicle park building permit expires, is revoked, or is voluntarily surrendered and is, therefore, voided and no construction or improvement of land has commenced, then the feepayer shall be entitled to a refund, without interest, of the full amount of the impact fee which was paid as a condition for issuance of the building permit.
 - a. The feepayer shall submit a written request for such a refund to the PFIF Administrator within 30 days of the expiration, revocation, or surrender of the permit.
 - b. In the case of an expired, revoked, or voluntarily surrendered permit that was obtained in whole or in part by the use of PFIF Waivers issued pursuant to an Offset Agreement, the entire fee may be refunded only if a written request is made to the PFIF Administrator within 30 days of the expiration, revocation, or surrender of the building permit. The refund will be in the same proportion (cash vs. PFIF Waiver) as the original payment. For refunds related to a PFIF Waiver the remaining PFIF Waiver balance associated with the Development of Record will be adjusted. If a refund is made, the feepayer must pay the appropriate impact fee if he reapplies for the permit.
2. If a permit expires and no refund has been issued, a feepayer will not have to pay the fee again if he reapplies for the permit for the same land use of the same lot, parcel, or tract and the impact fee for that land use has not changed.
 - a. If the impact fee for the particular land use has increased between the time of original and new building permit, the feepayer shall pay the difference at the time of re-application. If the impact fee for the particular land use has decreased between the time of original and new building permit, the feepayer shall be entitled to a refund of the difference at the time of re-application.
 - b. A refund for previous payment of an impact fee must be requested by the feepayer. Any exemption, credit, or refund not so requested prior to or at the time of re-application shall be deemed waived by the fee payer.

- c. If the impact fee was paid in total or in part with PFIF Waivers, that portion paid with the PFIF Waiver is subject to the terms and conditions of the Offset Agreement related to the PFIF Waivers.
3. A refund of the impact fee shall not be granted if the building permit expires, but construction has commenced, i.e., the foundation inspection for the structure has been passed. In this case, the feepayer will not have to pay an impact fee if he re-applies for a building permit, except in the case where the impact fee has increased between the time of original and new building permit. In any case of re-application, the provisions of Section 2.F, Change of Use, shall apply. If impact fees were not paid at the time of the building permit, no fees shall be due if, a building permit, mobile home set-up permit, or recreational vehicle park building permit expires, is revoked, or is voluntarily surrendered and is, therefore, voided and no construction or improvement of land has commenced.

2. DETERMINATION OF FEE BASED ON FEE SCHEDULE

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

A. Land Use Classification

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

1. Land Use Definitions. The general land use categories included in the fee schedule (Exhibit C) are defined as follows:
 - a. Residential
 - Single Family. A single-family dwelling unit located on a single lot including duplexes, condominiums, and townhouses.
 - Multi-Family. Residential properties with three or more housing units.
 - b. Industrial
 - General Light Industry. An industrial establishment that usually employs fewer than 500 persons and has an emphasis on activities other than manufacturing and warehouses. 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 that may be distributed to retailers, wholesalers, or consumers. Warehouses may also 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 2.N for additional information on calculating shopping center fees.

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

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

d. Office & Other Services

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

Schools. (see Notes 1 & 2 below*) – An educational facility that serves students including Elementary, Middle School, High School, College/University and Technical Trade Schools.

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

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

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

General Office. A building or tenant spaces where affairs of businesses, commercial or industrial organizations, or professional persons or firms are conducted. An office building or buildings may contain a mixture of tenants including professional services, insurance companies, investment brokers, and tenant services such as a bank or savings and loan.

Medical-Dental Office Building. A facility that provides diagnoses and outpatient care on a routine basis, but which is unable to provide prolonged in-house

medical/surgical care. This type of building is generally operated by multiple private physicians or dentists with high volume patient activity.

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

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

Recreational Facilities. Recreational facilities, including but not limited to ball fields, boating or swimming facilities, sports arenas, public parks, or other indoor/outdoor recreational uses.

2. Expanded Use Listing. An expanded list of specific land uses is provided with Exhibit A. This list will be used by the PFIF Administration in conjunction with the above definitions to assign a specific land use to one of the land use categories in the fee schedule (Exhibit C).
 3. North American Industry Classification System (NAICS). In the event that the classification established by this Manual is unclear, the NAICS Manual, as published by the Department of Commerce, Bureau of Census, latest edition, shall be used as the final authority.
 4. Alternative Methods. If it is determined that there is no comparable type of land use in the fee schedule (Exhibit C) or Exhibit A, the fee shall be determined administratively as described in Section 3 of this Manual. If a feepayer opts not to have the impact fee determined according to the fee schedule or determined administratively, then the feepayer shall prepare and submit an independent fee calculation study in accordance with Section 4 of this Manual.
- B. Units of Development

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

C. Mixed Use Development

If a parcel or development includes both residential and non-residential land uses, the impact fees are assessed for each use based on the fee schedule (Exhibit C) and the results aggregated. 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 4 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 impact fee shall be assessed based on the primary land use, as determined by the PFIF Administrator.
2. To be considered an accessory land use in a mixed use structure or structures, a land use must satisfy two conditions: The principle function of each accessory land use must be to support the primary land use and it must be 25% (see note 3 below) or less of the gross floor area (GFA) of the primary land use. The feepayer shall certify in writing to the PFIF Administrator that the principle function of any land use claimed as an accessory land use is to support a primary land use and, further, identify the supported primary land use. Any use, which does not meet both these criteria, regardless of size, shall be considered a primary land use and the fee calculated accordingly. For example, a feepayer with a 10,000 square foot structure certifies that the primary land use is 8,000 square feet (SF) of manufacturing with functions, principally in support of the manufacturing use, consisting of 1,000 SF (12.5%) of warehouse, and 1,000 SF (12.5%) of office. Since the warehouse and office uses have been certified to be principally in support of the primary land use and each supportive function is less than 25% of the primary land use GFA, they are legitimate accessory uses. The fee for the entire 10,000 square foot structure is therefore based on the primary land use rate for manufacturing.
3. If any use, which supports the primary land use, is greater than 25% of the GFA of the primary land use, it becomes an additional primary land use. Therefore, a mixed-use structure may have more than one primary land use. The impact fees are then assessed for each primary land use based on the fee schedule (Exhibit C) and the results aggregated. Accessory land uses to the primary land uses are treated as noted in Section 2.D.2. For example, a feepayer with a 10,000 square foot structure certifies that the primary land use is 6,000 SF of manufacturing, with supportive functions of 3,000 SF (50%) of warehouse, and 1,000 SF (16.7%) of office. Since the warehouse use is greater than 25% of the GFA of the manufacturing use, it becomes an additional primary land use. The fee is therefore based on the two primary land use rates: 7,000 SF at the manufacturing rate (6,000 manufacturing + 1,000 office) plus 3,000 SF at the warehouse rate.
4. In the case of a mixed-use structure with more than one primary land use, the impact fees are assessed for each primary land use based on the fee schedule (Exhibit C) and the results aggregated. For example, a feepayer with a 10,000 square foot structure certifies that there are two primary land uses, namely, 8,000 SF of general office and 2,000 SF of daycare that is unrelated to the office operation. The general office primary land use is further broken down to 7,000 SF of general office use and a supportive function of 1,000 SF (14%) of warehouse. The fee would then be based on the primary land use rates of 8,000 SF at the general office rate plus 2,000 SF at the daycare rate. If the supporting warehouse function to the general office had been greater than 25% of the general office GFA, the warehouse function would become an additional primary land use. In the above example, if the warehouse area had been 2,000 SF (33%), the fee would then be based on three primary land use rates of 6,000 SF at the general office rate, plus 2,000 SF at the warehouse rate, plus 2,000 SF at the daycare rate.

Note: see Exhibit E for blank worksheets

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

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

E. Shell Permit

Developers will often apply for a building permit to construct the “shell” of a building. Remodeling permits would be issued later to finish construction of the interior of the structure. The impact fee shall be paid prior to the issuance of the building permit for construction of the shell or prior to the Certificate of Occupancy. The amount of the fee shall be based on the intended land use as described by the developer. If the intended land use is not known, and in the absence of a contract or lease stating what the use will be, the impact fees shall be assessed based on the land use allowed under the existing zoning for the lot or parcel which generates the least traffic impact as determined by the PFIF Administrator. If it is found during review of the application for a remodeling permit that the actual land use differs from the intended land use as described by the developer, a determination shall be made as to whether or not an additional impact fee is due based on the procedures for Change of Use, Section 2.F. If so, the additional impact fee shall be paid prior to the issuance of a remodeling permit for the completion of the building.

F. Change of Use

1. In the case of a change of use, redevelopment, or modification of a previous land use, which requires the issuance of a building permit, the impact fee shall be based upon the net increase in the impact fee for the new use as compared to the previous use. The amount of the impact fee is due as a result of the change in land use shall be determined and paid at the time that the feepayer applies for the building permit.
2. Previous land use shall be the most recent lawful land use physically existing and active on the property. The feepayer shall furnish documentation required by the PFIF 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 PFIF Administrator shall treat the parcel as vacant land.
3. The burden shall be on the feepayer to provide written certification to the satisfaction of the PFIF Administrator of the breakdown of the primary land uses and any supportive accessory uses in percent and GFA of the existing and the proposed changes to the land use. For example, an existing 10,000 square foot manufacturing structure, as certified by the feepayer, consists of 8,000 SF of manufacturing and supportive functions of 1,500 SF (18.8%) warehouse and 500 SF (6.3%) office. The proposed changes to this 10,000 square foot structure, as certified by the feepayer, will result in 7,500 SF of manufacturing and supportive functions of 1,800 SF (24.6%) of warehouse and 700 SF (9.3%) office. With these changes, the accessory uses still remain below the 25% threshold as stated in Section IV.D., Mixed Use Structures. In this case, no fee will be charged. If the entire incremental change had been in the warehouse use (i.e. 7,500 SF of manufacturing, 2,000 SF of warehouse, and 500 SF of office), the warehouse use would become an additional primary land use since the warehouse use is now greater than 25% as stated in Section IV.D., Mixed Use Structures. The fee is now based on 8,000 SF at the manufacturing rate plus 2,000 SF at the warehouse rate. If the new fee is greater than the original fee, a fee is

charged for the difference between the new fee and the original fee. If the new fee is less than the original fee, no fee is charged. Under no circumstances will a refund of impact fees be granted for a change in use.

Note: see Exhibit E for blank worksheets

4. The PFIF Administrator shall calculate the impact fee due to a change in use. The PFIF Administrator shall be guided in the determination of the fee by the sources listed in Section 2.A. above. Under no circumstances will a refund of the impact fee be granted for change of use.

G. Auxiliary Uses

Auxiliary land uses are uses which are secondary to the primary land use and are typically not measured in the same units as are used for fee assessment. For example, an apartment complex where the unit of assessment would be per dwelling which has a clubhouse for use of the tenants. The club house would be an auxiliary use and would generally not be assessed a separate impact fee unless it can be established by the PFIF 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, e.g., private clubhouse or dining facilities built as part of a planned development, no impact fee will be charged if the following conditions are met:

1. The final approval, which identifies the facility, includes a condition of approval limiting the facility exclusively to private on-site use.
2. There exists sufficient authority and documentation that authorizes the PFIF Administrator to revoke the Certificate of Occupancy for the building or structure in question.
3. There exists sufficient authority and documentation which authorizes the PFIF 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 PFIF Administrator is authorized to proceed with the actions and sanctions delineated in Section 1.C.3, Underpayment of Fee Based on Error or Misrepresentation, of this Manual, if public use occurs in violation of the condition.

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

I. Relocation of Dwelling Unit

Impact fees shall be assessed for structures or mobile homes moved from one location to another, unless the structure or unit being moved is a replacement of an equivalent use at the new

location (for further discussion of equivalent uses, see also Section 7, Exemptions). If the structure or mobile home so moved is replaced by an equivalent use at the old location, no impact fee shall be due for the replacement use. In every case, the burden of proving past payment of impact fees, exemption or equivalency of use rests with the fee payer.

J. Model Homes

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

K. Mobile Homes

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

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

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

M. Recreational Vehicles (RV's)

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

N. Shopping Centers

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

O. Casino/Gaming

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

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

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

A phased project is considered to be a project where multiple building permits will be applied for over a period not to exceed five (5) years within the development area. Impact fees will be assessed as indicated in the previous paragraph except the impact fee calculation will combine any previous building permits issued with each new building permit applied for within the five (5) year period. Any impact fees collected on previous building permits will be subtracted from the new impact fee calculation. A credit for a previous payment of an impact fee for a phased project must be requested by the feepayer. Any credit not requested prior to or at the time of the application for a building permit shall be deemed waived by the feepayer. It shall be the feepayer's responsibility to furnish, as required by the PFIF Administrator, all information necessary to validate the phased project.

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

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

P. Houses of Worship

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

Q. Convenience Store with Gas Pumps

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

3. ADMINISTRATIVE DETERMINATION OF FEES

A. General

Impact fees shall be assessed in accordance with the land use type in the fee schedule adopted in this Manual at the time of impact fee payment. If it is determined that there is no comparable type of land use in the fee schedule, the PFIF Administrator shall determine the fee based on the guidelines of this Section. If the feepayer disagrees with the impact fee determined administratively (or based on the fee schedules in this Manual), the feepayer may prepare an independent fee calculation study in accordance with Section 4 of this Manual.

B. Determining the Most Comparable Use

If the type of development activity is not specified in the fee schedule (Exhibit C) or in Exhibit A, the PFIF Administrator shall determine the fee on the basis of the fee schedule applicable to the most nearly comparable type of land use.

C. Miscellaneous Land Uses Types

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

D. Pre-Development Review Impact Fee Calculation

Any person contemplating establishing a land development activity may request a preliminary determination of the impact fees due from such development. A person requesting a pre-development review impact fee calculation shall submit to the PFIF Administrator the pertinent information identified by the PFIF Administrator. Using the information regarding the proposed project as submitted, the PFIF Administrator provide, within 15 days of the date of submittal, a preliminary calculation of the impact fees due for the proposed project.

4. INDEPENDENT FEE CALCULATION STUDY

A. Option to the Feepayer

If a feepayer opts not to have the impact fee determined according to the fee schedule in Section 2 or determined administratively per Section 3, then the feepayer shall prepare and submit an independent fee calculation study in accordance with this Section. The utilization of this option by the feepayer shall not exempt the feepayer from paying the impact fee prior to the issuance of a building permit, mobile home set-up permit, or recreational vehicle building permit.

B. Notice of Intent by Feepayer

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

C. Pre-Application Meeting

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

Results, conclusions, and agreements reached at the pre-application meeting regarding the scope of the study, methodology, required forms or documentation, or procedures, which may not constitute a waiver of Manual provisions, shall be placed in writing by the PFIF Administrator, and a copy of this memorandum shall be sent to the applicant. The applicant shall acknowledge receipt and acceptance of this memorandum, in writing, to the PFIF Administrator. By accepting this memorandum, the applicant is

obligated to turn over the completed study to the PFIF Administrator prior to payment of the impact fee. Further, the applicant is obligated to abide by the findings of the study, even if it results in the need to pay a greater fee than that which would have been paid had the fee been determined under the provisions of Section 2.

D. General

1. The purpose of the independent fee calculation study is to measure the impact of the development in question on the PFIF Capital Improvements included in the CIP. The fee computed for the development in question under the independent fee calculation study provisions is not intended to apply to other developments of the same use.
2. The independent fee calculation study shall follow the methodologies and formats which are agreed upon during the pre-application meeting and in accordance with any documentation or methodology required by this Manual.
3. The applicant shall submit the study to the PFIF Administrator, at which time a 30-day review period shall begin.

E. Sufficiency Determination

1. The PFIF Administrator will review the independent fee calculation study for sufficiency, methodology, technical accuracy, and findings. The PFIF Administrator shall have 30 days to inform the applicant, in writing, of any deficiencies or defects in the study, or to find the study complete and competent.
2. If the applicant does not respond to the PFIF Administrator regarding the finding of deficiency within 30 days of receipt of the notice, the PFIF Administrator will consider the independent fee calculation study to be invalid.
3. The 30-day sufficiency review shall begin when the submission is received and date stamped by the PFIF Administrator. If the study is found to be deficient, the 30-day time period shall begin again with the submission of a new or modified study.

F. Notification of Feepayer and Appeal

Within 30 days of submittal of the independent fee calculation study, the PFIF Administrator shall notify the feepayer in writing of the acceptance, conditional acceptance, or rejection of the study. If the feepayer disagrees with the findings of the PFIF Administrator, the feepayer may appeal the decision (see Section 9).

G. Determination of Fee

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

H. Effective Date

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

I. Application for a Building Permit

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

J. Independent Fee Calculation Guidelines

The impact fee structure identified in the PFIF program was established based on average resident and employee generation factors. While those generation factors and resultant impact fees were based on the best available data, it is recognized that individuals may desire to conduct independent surveys of their project's resident and/or employee generation and recalculate their particular impact fee. All variable inputs to impact fee calculation must be included in any independent fee calculation study unless it is mutually agreeable between the PFIF Administrator and the feepayer to use established parameters as summarized in the fee schedule.

5. STUDIES TO ESTABLISH NEW/REDEFINED LAND USE CATEGORIES

A. Studies by the PFIF Administrator

From time to time, the PFIF Administrator may undertake studies necessary for the creation of a land use category not included in the PFIF 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 use categories or the redefinition of existing land use categories and the resident and employee generation rates associated therewith, shall undertake the necessary independent studies as identified by the PFIF Administrator at their sole expense. Completion and acceptance of such studies by the PFIF Administrator shall in no way be construed as binding to amend the PFIF Administrative Manual to incorporate them into the land use category fee schedule.

1. Notice of Intent

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

2. Pre-application meeting

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

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

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

3. PFIF Administrator

Upon completion and acceptance of an independent land use category study, the PFIF Administrator shall include the salient results of such a study in the next proposed general update to the PFIF Administrative Manual.

6. REFUNDS

A. Expiration, Revocation, Surrender of Permit

Under the conditions defined in Section 1.E, Expiration of Building Permit, a feepayer shall be entitled to a refund, without interest, equal to the full amount of the impact fee paid. In the case of an expired building permit that was obtained in whole or in part by the use of PFIF Waivers issued pursuant to an Offset Agreement, the entire fee may be refunded only if a written request is made to the PFIF Administrator within 30 days of the expiration, revocation, or surrender of the building permit. The refund will be in the same proportion (cash vs. PFIF Waiver) as the original payment. For refunds related to a PFIF Waiver, the remaining PFIF Waiver balance associated with the Development of Record will be adjusted.

B. Overpayment

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

C. Impact Fee Revenues Not Expended

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

1. Impact fee revenues shall be deemed expended or encumbered when a contract or agreement obligating all or a portion of the payment of said funds shall be approved by the PFIF Administrator.
2. No refunds of impact fees pursuant to the above criteria will be provided for in the event the owner of record does not request such a refund.

3. Before issuance of the refund can be authorized, the owner of record shall submit a written request for refund to the PFIF Administrator. This request must be submitted within 180 days of the date funds are considered refundable.
4. In applying for the refund, it shall be the applicant's responsibility to pursue the acquisition of, and/or furnish, as required by the PFIF Administrator, all materials and information necessary to validate proof of payment of the impact fee, the date and amount paid, and the permit issued as a result of that payment. The PFIF Administrator shall verify whether the impact fee is refundable, and if so, process the applicant's request.
5. The refunded impact fee, including accrued interest, shall be returned to the owner of record.

D. Recalculation of Fees

1. At the time of the review of the impact fee system described in Section 11, the PFIF Administrator shall recalculate the impact fees according to the provisions of this section.
2. The net cost per service unit shall be recalculated using the identical methodology as was used to calculate the net cost per service unit the last update of the CIP but substituting actual costs of completed projects for the estimated costs included in the CIP.
3. The PFIF Administrator shall automatically refund the applicable fee paid plus interest accrued to all feepayers if:
 - a. The actual cost of the fully completed capital improvements plan is less than the impact fees paid. In such cases, the difference is refunded; or
 - b. The recalculated net cost per service unit at the time of a capital improvements plan update is less by more than ten percent (10%) of that estimated in calculating the police facility impact fees. In such cases, the difference beyond ten percent (10%) is refunded.

E. Termination

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

1. The PFIF Administrator shall notify feepayers that they may be eligible for a refund upon application of the feepayer or his successor in interest. The refund application must be submitted by the feepayer or his successor in interest within 180 days following the publication of the notice. Holders of PFIF Waivers pursuant to an Offset Agreement shall be considered feepayers for purposes of refund under this termination procedure. Fees available for refund shall be those not expended or encumbered as defined in Section 6.C above.
2. 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.
3. Any fees available for refund and not so refunded shall remain in the Trust Fund. In the event that the imposition of the impact fee is terminated, the remaining funds shall be expended on improvements identified in the CIP.

F. Appeals

A decision of the PFIF Administrator regarding refunds may be appealed by the feepayer (see Section 9).

7. EXEMPTIONS

A. Must Be Claimed by Feepayer

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

B. Total Exemptions

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

1. Alterations. Alteration or expansion of an existing building or use of land where no additional living units will be produced over and above those in the existing use of the property, the use is not changed, and where no additional demand for police services 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 to local governments.
5. Property owned by a public school district or State University. In accordance with amendments made to NRS 278B and the State Attorney General, property by a school district and the State University System are exempt from paying impact fees. See Exhibit D for details. However, private schools and private universities or private uses housed within public school district and public university facilities are not exempt from impact fees.
6. Internal Uses. Under the conditions set forth in Section 2.H of this Manual, land uses devoted entirely or partially to exclusive private use, which are internal to a particular development and therefore have no additional impact.

C. Exemption Based on Error

Exemptions from payment of the impact fee based on error shall be subject to the provisions found in Section 3.C of this Manual.

D. Determination and Appeals

The determination of eligibility for an exemption shall be made by the PFIF Administrator. If the feepayer disagrees with the findings on the PFIF Administrator, the feepayer may appeal the decision (see Section 9).

8. IMPACT FEE OFFSETS

A. General

1. PFIF Waivers.

- a. PFIF Waivers are Offset-Eligible Costs equal to or less than impact fees owed for all or a portion of the land uses within a Development of Record.
 - b. When PFIF Waivers are approved, impact fees will be “waived” until the fees waived within the Development of Record cumulatively equal the amount of Offset-Eligible Costs approved, as indicated in the Notice of PFIF 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, PFIF Waivers will be re-evaluated at the then-current PFIF rate. Determination of a PFIF Waiver modification will be based on a comparison of the impact fees owed for the modified land uses, including any completed portions of the development, and the impact fees owed as identified in the Offset Agreement. The PFIF Administrator will issue a new Notice of PFIF Waiver with the remaining value of PFIF Waivers expressed in dollars. All remaining PFIF Waivers shall be utilized at the then-current PFIF rate as of the date of issuance of the Building Permit for each unit of development. See Exhibit F.
2. Impact fees otherwise owed at the time of issuance of a building permit or issuance of the Certificate of Occupancy may be waived if the PFIF Administrator has issued a Notice of PFIF Waiver for the Development of Record within which the building permit is sought.
 3. Applications for a PFIF Waiver for the dedication or construction of Offered Improvements must be made to the PFIF Administrator on a form provided by the City of Reno for such purposes.

B. Offset Agreement

1. Offset Agreements must be approved prior to the earliest to occur of: (i) twelve (12) months from commencement of construction of the improvement, (ii) completion of work on any Offset-Eligible Improvement, and (iii) utilization of PFIF Waivers earned as a result of construction of any Offset-Eligible Improvement.
2. The PFIF Administrator will issue a Notice of PFIF Waiver per the terms of a fully executed, final Offset Agreement accepting Offset-Eligible Improvements offered by the Developer of Record.
3. An Interim Notice of PFIF Waiver may be issued during phases of construction or dedication of land that provides reasonable assurance that over-crediting shall not occur.
4. To the extent that Offered Improvements are ultimately not accepted, or if the Developer of Record is otherwise in material default under this Offset Agreement, the Developer of Record shall pay the actual Police Facility Impact Fees which would have otherwise been due had the Developer of Record not utilized Interim Waivers.

C. Procedure

1. Upon receipt of a complete Offset application, the PFIF Administrator will distribute the application materials to the City Attorney's Office and other appropriate staff.
2. After review by the City Attorney's Office and other appropriate staff, the PFIF Administrator will prepare a staff report and Offset Agreement for consideration by the Reno City Council.
 - a. The PFIF Administrator's report and Offset Agreement will establish which improvements offered by the Developer of Record qualify as Offset-Eligible Costs and the appropriate dollar amount and approved land use designations of any resulting PFIF Waivers, according to the provisions of this Manual.
 - b. Approved Offsets may not exceed the actual Offset-Eligible Costs, as described in Section 8.F, below.
 - c. PFIF Waivers shall be expressed in dollars and by the amounts of Police Facility Impact Fees to be waived in terms of land uses using the Impact Fee Schedule, in effect as of the date of approval for the Offset Agreement.
 - d. If the PFIF Administrator determines that cost estimates submitted by the Developer of Record are either unreliable or inaccurate, the final determination of the amount of the PFIF Waiver shall be made by the PFIF Administrator based upon reasonable engineering criteria, construction costs estimates, property appraisals, or other professionally-accepted means of determining the value of the Offered Improvements.
3. Based on the report of the PFIF Administrator, the provisions of this Manual, the CIP, available funds for projects, and other relevant factors, the Reno City Council will make a final decision whether to accept, reject, or to propose amendments to the Offset Agreement proposed by the Developer of Record, in exchange for PFIF Waivers.
4. Once a final decision has been made by the Reno City Council, the PFIF Administrator will send by registered mail a copy or copies of the approved Offset Agreement for the final consent and signature of the Developer of Record. The final Agreement will be deemed to have been received by the Developer of Record three (3) days after mailing by the PFIF Administrator.
5. The Developer of Record must sign, date, and return the approved Offset Agreement indicating his or her consent to the terms therein within thirty (30) days of receiving the approved Offset Agreement from the PFIF Administrator. If the PFIF Administrator does not receive the signed agreement within thirty days, the application for Offsets and offered improvements will be deemed withdrawn.
6. Unless an executed Offset Agreement expressly provides otherwise, i.e. as for provisions for Interim PFIF Waivers, no PFIF Waivers will be made until all Offset-Eligible Improvements have been completed and, if applicable, dedicated to the City of Reno as provided in the Offset Agreement.
7. Land dedications accepted as an Offset-Eligible Improvement must be accompanied by the following documentation prior to issuance of a Notice of PFIF Waiver being issued, as provided below:
 - a. The delivery to the appropriate governmental body of an irrevocable offer of dedication, with sufficient funds to pay all costs of transfer of title including recording.

- b. The escrow of taxes for the current year or the payment of said taxes for the year.
 - c. The issuance of a title insurance policy subsequent to recording of the deed and escrow of taxes.
8. Unless expressly provided, or otherwise included in an executed Offset Agreement, it is the responsibility of the Developer of Record to submit sufficient documentation to the PFIF Administrator to establish that the terms of the Offset Agreement have been met and that PFIF Waivers are to be made.
9. Once the PFIF Administrator has made such a determination, he or she will issue a Notice of PFIF Waiver.

D. Application for PFIF Waivers

- 1. Generally.
 - a. An offer to construct or dedicate Offset-Eligible Improvements may be made by submitting an Application for Impact Fee Offsets to the PFIF Administrator. The application must contain the information and documentation required by this section of the Manual and sufficiently identify and describe the offered CIP improvements, which otherwise would have been built by the City of Reno with collected Police Facility Impact Fees.
 - b. After review and recommendations are made by the PFIF Administrator, the PFIF Administrator will forward a draft Offset Agreement, application, and staff report to the Reno City Council for a final decision, in accordance with Section 8.C, above.
- 2. Contents and required documentation of Offset Application. Each application for an Offset Agreement must contain the following:
 - a. The name of the Developer of Record offering to make Offset-Eligible Improvements and requesting PFIF Waivers, as provided in this Manual.
 - b. The contribution, payment, construction, or land dedication which will constitute the Offered Improvements and the legal description or other adequate description of the project or development, referred to and the Development of Record, to which the Offered Improvements are related.
 - c. The name, address, phone number, fax number, email address and a contact person of the Developer of Record for which Offsets are proposed.
 - d. The name, case number, and three copies of the site plan of the Development of Record for which Offsets are proposed.
 - e. List of approved land uses and the estimated impact fees for those uses within the Development of Record for which PFIF Waivers are requested.
 - f. Name, address, phone number, fax number, email address and contact person of the Engineer of Record.
 - g. The proposed plans and specifications for the specific construction prepared and certified by a duly qualified engineer, registered and licensed in the State of Nevada.
 - h. Sufficient documentation to verify the actual costs of Offered Improvements, in accordance with Section 8.F.2 below.

E. Offset Agreement Requirements

1. No dedication or construction project may be accepted in exchange for PFIF Waiver except pursuant to an executed Offset Agreement between the Reno City Council and the provider of the dedication or construction, which must include the following:
 - a. The projected costs for the proposed Offered Improvements, based on the valuation provisions of Section 8.F.2, below, including provisions for verifying costs and facilitating changes in costs or plans.
 - b. The time by which the construction of the Offered Improvements shall be paid, completed, or dedicated and any provisions for extensions thereof.
 - c. The proposed amount in dollars and land uses of PFIF Waivers to be approved based on the estimated costs of Offered Improvements.
 - d. The terms and conditions that must be met before the PFIF Administrator will issue a Notice of PFIF Waiver authorizing the waiver of Police Facility Impact Fees, in accordance with the provisions of this Manual.
 - e. The parties' acknowledgement that PFIF Waivers shall be limited for use for the payment of impact fees associated with the Development of Record listed in the Offset Agreement. PFIF Waivers shall not expire.
 - f. PFIF Waivers shall be assigned to offset the impact fees within the Development of Record pursuant to the Offset Agreement.
 - g. If the designated land uses for the Development of Record identified in the Offset Agreement change, the remaining waivers shall be re-assessed as outlined in the provisions in Section 8.A.1.c
 - h. A provision requiring that all Offset-Eligible Improvements accepted will be in accordance with City of Reno requirements and standards.
 - i. Any labor, work safety, prevailing wage, or other applicable laws or regulations with which the Developer of Record must comply; and
 - j. Such other terms and conditions agreed to by the parties.
2. Any changes to an Offset Agreement approved by the Reno City Council, other than those addressed in Section 8.F.2 below, will require an amendment to the Offset Agreement using the same procedure as its original adoption.

F. Calculation of Offsets.

1. Eligibility.
 - a. PFIF Waivers may be approved only for Offset-Eligible Costs, as defined in this Manual, which are limited to the costs the City of Reno otherwise would have incurred for police facilities in the CIP, also as defined in this Manual.
 - b. PFIF Waivers may be given only pursuant to a valid Offset Agreement, executed according to the provisions of this Manual.
 - c. All Offset-Eligible Costs are available for PFIF Waivers only if associated with Offset-Eligible Improvements that meet design standards approved by the City of Reno, but only to the extent

such costs don't exceed the scope of the project as planned by the City of Reno in the CIP or as described in the applicable Offset Agreement.

2. Valuation.

- a. PFIF Waivers approved by the Reno City Council, pursuant to the terms of an executed Offset Agreement, will be based on and may not exceed verified costs of the dedication or construction of Offset-Eligible Improvements offered by the Developer of Record and accepted by the City of Reno.
- d. The City of Reno will not approve PFIF Waivers in excess of the Police Facility Impact Fees owed for a Development of Record.
- b. If the actual verified costs are used, the PFIF Waiver shall be calculated as follows:
 - i. Construction of Facilities and Provision of Equipment. The PFIF Waiver may not exceed the actual cost of construction or equipment, as evidenced by receipts and other sufficient documentation provided by the developer of the public facility and verified by the PFIF Administrator. Actual costs shall be based on local information for similar improvements; may include the cost of construction, 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.
 - ii. Dedication of Land.
 1. 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.
 2. 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.
 3. 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 Reno City Council, whichever is earlier.
- c. 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 PFIF Administrator. The applicant shall provide the PFIF Administrator copies of all contracts or agreements made for design services, construction, or engineering during construction within fifteen (15) days after their execution.

9. APPEALS

A. Notice of Appeal

A feepayer or applicant affected by an administrative decision of the PFIF Administrator may appeal such decision to the Reno City Council by filing with the PFIF Administrator within ten (10) days of the date of the written decision, a written notice stating and specifying briefly the grounds of the appeal.

B. Review by Reno City Council

1. The PFIF Administrator shall place the appeal on the Reno City Council's agenda for the next regularly scheduled meeting occurring at least twenty-one (21) days after an appeal is filed.
2. The Reno City Council, after a public hearing, shall affirm or reverse the decision of the PFIF Administrator based on the standards in this Manual. If the Reno City Council reverses the decision, the PFIF Administrator shall recalculate the fee, PFIF Waiver, or refund in accordance with the Reno City Council's findings. In no case shall the Reno City Council have the authority to negotiate the amount of the fee, PFIF Waiver, or refund.

10. USE OF FUNDS

A. Deposit in Trust Funds

1. All Police Facility Impact Fees collected shall be immediately deposited in the corresponding Trust Fund.
2. Any proceeds in the 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 Trust Fund. Record of Trust Fund accounts shall be available for public inspection in the City of Reno Finance Department, during normal business hours.

B. Limitations on Expenditures

1. Impact fee monies shall only be expended from funds drawn from the Trust Fund.
2. The expenditure of impact fee funds shall be limited to those Capital Improvements included in the Police Facility Impact Fee CIP.
3. For the purposes of determining whether impact fee funds have been spent or encumbered, the first fees collected shall be considered the first monies spent or encumbered.

C. Impact Fee Service Area

The impact fee program has one service area shown in Exhibit B. Impact Fee funds shall be spent within the Service Area.

11. AMENDMENTS TO CIP

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

The Reno City Council shall consider any person's proposed amendments to the CIP no more often than annually.

B. Procedure

1. Any person, who proposes an amendment to the CIP that requires a modification of PFIF Capital Improvements, shall submit an application requesting such an amendment to the PFIF Administrator by the end of the first fiscal year quarter of the update year. The application shall include the appropriate information to demonstrate justification for amending the CIP, and either adding and/or deleting police facility capital improvements.
2. Based upon the decision of the Reno City Council, the PFIF Administrator shall prepare appropriate modifications to the CIP, and this Manual which shall then be approved in a consolidated form by the Reno City Council before they become final.

C. Special Request for a New Capital Improvement Project

1. Any person may propose an amendment to the CIP during periods other than specified in Section 11.B.1. The PFIF Administrator will consider applications to amend the CIP if the following criteria are met:
 - a. A non-refundable fee of \$5,000 is provided to fund the cost of processing the amendment, and PFIF Waivers will not be given for this fee, if approved; and
 - b. The amendment is consistent with the Master Plan that has been approved by the Reno City Council and Truckee Meadows Regional Planning Agency as necessary.
2. Any revisions made to the PFIF CIP under this provision shall be included as part of the regular update of the PFIF CIP and fees specified in Section 11. Any projects added to the PFIF CIP in accordance with this section shall be eligible for PFIF Waivers in accordance with the provisions of Section 8).

12. REGULAR REVIEW

The CIP and Manual should be reviewed and evaluated by the Reno City Council at least once every three (3) years, to determine if any modifications, additions, or updates need to be made to the CIP and this Manual. This review shall be conducted by the PFIF Administrator and submitted to the capital improvements advisory committee for recommendation the Reno City Council.

13. ADOPTION AND AMENDMENTS

This Manual has been adopted by Resolution and may only be amended by Resolution.

EXHIBIT A: EXPANDED LIST OF LAND USES BY LAND USE CATEGORY

RESIDENTIAL

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

- MULTI-FAMILY
 - Three or more dwelling units, including:
 - apartments
 - boarding house
 - senior assisted living housing
 - supplemental units/mother-in-law detached dwellings

INDUSTRIAL

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

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

- WAREHOUSING
 - storage warehouse
 - distribution warehouse
 - regional warehouse development

- MINI-WAREHOUSE
 - mini-storage warehouse development

COMMERCIAL

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

- FAST FOOD RESTAURANT
 - Restaurant (fast food and/or drive through)

OFFICE & OTHER SERVICES

- GENERAL OFFICE
General offices and office buildings including:
 - accounting offices
 - architect
 - financial offices
 - banks (with or without drive in services)
 - insurance office
 - medical/dental offices (<10,000 GFA)
 - physical therapist offices
 - psychologist offices

- law offices
- government offices
- public utility office
- real estate
- recording studio
- MEDICAL OFFICE
 - medical clinic
 - medical laboratories
 - medical/dentist/optometrist/chiropractic offices (>10,000 GFA)
 - veterinary clinic
 - urgent care
- PRIVATE SCHOOLS
 - elementary school middle school
 - junior high school
 - high school
 - college
 - university
 - junior college
 - community college
- DAY CARE CENTER
 - child care center
 - day care center
 - kindergarten
- HOSPITAL
 - hospital
 - psychiatric hospital
 - mental institution
- NURSING HOME
 - convalescent center
 - nursing home

LODGING

- bed and breakfast
- hotel
- motel
- casino hotel
- resort hotel
- RV park

RECREATIONAL FACILITY

- PARK
 - public park
 - public swimming pool
 - ball fields
 - skating rink
 - sports arena

EXHIBIT B: POLICE FACILITY IMPACT FEE SERVICE AREA

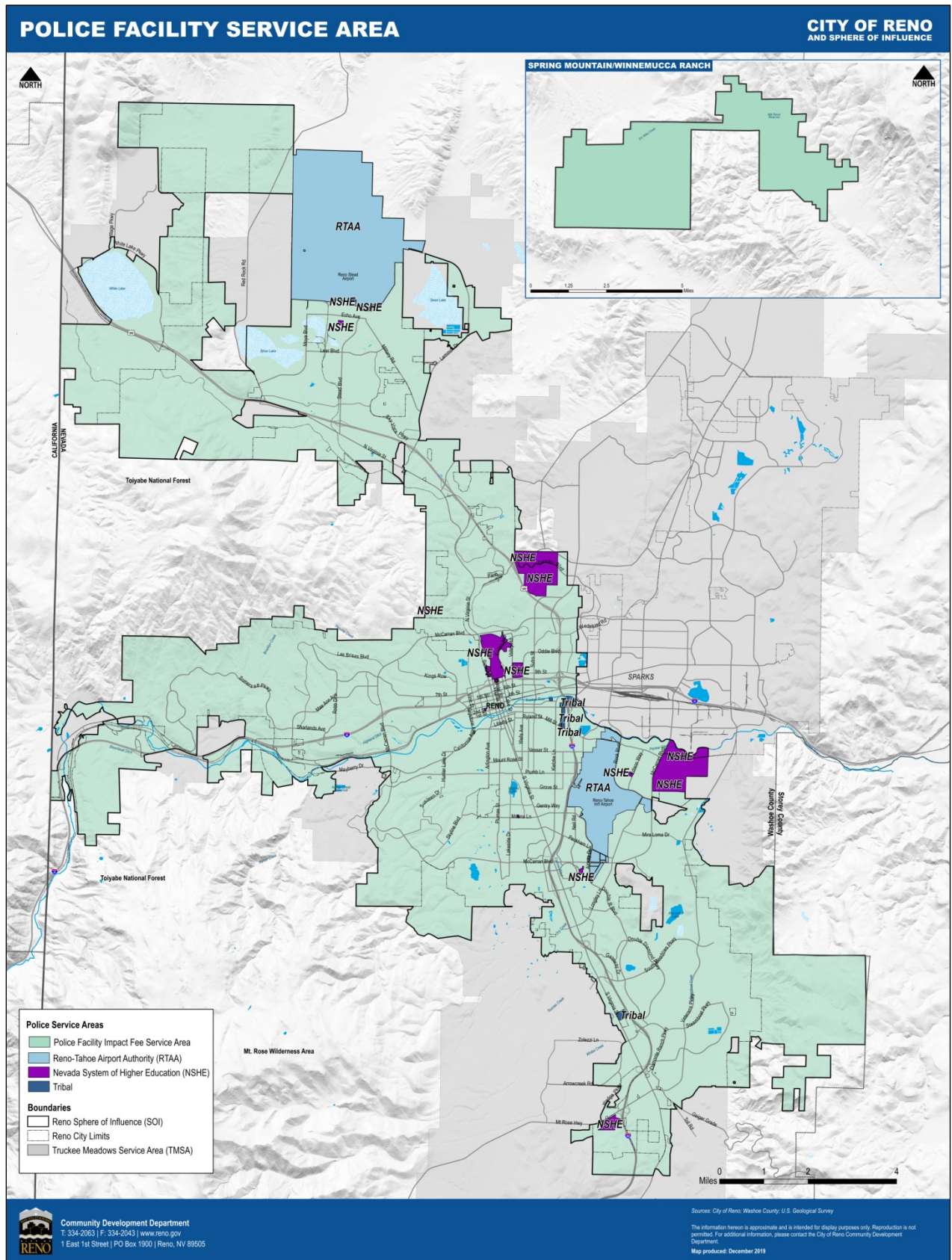


EXHIBIT C: POLICE FACILITY IMPACT FEE SCHEDULE
 (Effective Date May 27, 2020)

Land Use	Service Unit Generation Factors		Draft Impact Fee	
Residential				
Single-Family	2.5	Persons per Dwelling Unit	\$125	Per Dwelling Unit
Multi-Family	2.0	Persons per Dwelling Unit	\$100	Per Dwelling Unit
Commercial/Retail				
Commercial/Retail	0.00025	Employees per Square Foot	\$228	Per 1,000 SF GFA
Eating/Drinking Places	0.00020	Employees per Square Foot	\$182	Per 1,000 SF GFA
Casino/Gaming	0.00013	Employees per Square Foot	\$121	Per 1,000 SF GFA
Office and Other Services				
Schools	0.00010	Employees per Square Foot	\$70	Per 1,000 SF GFA
Day Care	0.00010	Employees per Square Foot	\$70	Per 1,000 SF GFA
Lodging	0.35	Employees per Room	\$25	Per Room
Hospital	0.00029	Employees per Square Foot	\$200	Per 1,000 SF GFA
Nursing Home	0.00013	Employees per Square Foot	\$88	Per 1,000 SF GFA
Medical Office	0.00036	Employees per Square Foot	\$255	Per 1,000 SF GFA
Office and Other Services	0.00036	Employees per Square Foot	\$255	Per 1,000 SF GFA
Recreational Facility	0.25	Employees per Acre	\$18	Per Acre
Industrial				
General Light Industrial	0.00020	Square Feet Per Employee	\$88	Per 1,000 SF GFA
Manufacturing	0.00007	Square Feet Per Employee	\$29	Per 1,000 SF GFA
Warehouse	0.00007	Square Feet Per Employee	\$29	Per 1,000 SF GFA
Mini-Warehouse	0.00001	Square Feet Per Employee	\$3	Per 1,000 SF GFA

EXHIBIT D: NRS CHAPTER 278B ATTORNEY GENERAL OPINION NO. 97-29

NEVADA REVISED STATUTES: CHAPTER 278B

<http://www.leg.state.nv.us/Nrs/NRS-278B.html>

ATTORNEY GENERAL OPINION NO. 97-29

http://ag.nv.gov/uploadedFiles/agnv.gov/Content/Publications/opinions/1997_AGO.pdf

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

Mixed Use Structures Worksheet				
1. Primary Land Use	DU, SF GFA, Room, or Acre	Generation Factor	Cost Per Unit	Fee
_____	_____	_____	_____	
Supportive Function Less than 25% of Above Primary Use				
_____ %	_____			
_____ %	_____			
Total	_____	x _____	x _____	= \$ _____ Fee
1. Primary Land Use	DU, SF GFA, Room, or Acre	Generation Factor	Cost Per Unit	Fee
_____	_____	_____	_____	
Supportive Function Less than 25% of Above Primary Use				
_____ %	_____			
_____ %	_____			
Total	_____	x _____	x _____	= \$ _____ Fee
1. Primary Land Use	DU, SF GFA, Room, or Acre	Generation Factor	Cost Per Unit	Fee
_____	_____	_____	_____	
Supportive Function Less than 25% of Above Primary Use				
_____ %	_____			
_____ %	_____			
Total	_____	x _____	x _____	= \$ _____ Fee
FEE TOTAL				_____

Change of Use Worksheet

Proposed Primary Land Use	DU, SF GFA, Room, or Acre	Generation Factor	Cost Per Unit	Fee
_____	_____	_____	_____	

Supportive Function Less than 25% of Above Primary Use

_____ %	_____			
_____ %	_____			
Total	_____	x _____	x _____	= \$ _____

Proposed Primary Land Use	DU, SF GFA, Room, or Acre	Generation Factor	Cost Per Unit	Fee
_____	_____	_____	_____	

Supportive Function Less than 25% of Above Primary Use

_____ %	_____			
_____ %	_____			
Total	_____	x _____	x _____	= \$ _____

Existing Use	DU, SF GFA, Room, or Acre	Service Unit Generation Factor	Cost Per Unit	Fee
_____	_____	_____	_____	

Supportive Function Less than 25% of Above Primary Use

_____ %	_____			
_____ %	_____			
Total	_____	x _____	x _____	= \$ _____

Existing Use	DU, SF GFA, Room, or Acre	Generation Factor	Cost Per Unit	Fee
_____	_____	_____	_____	

Supportive Function Less than 25% of Above Primary Use

_____ %	_____			
_____ %	_____			
Total	_____	x _____	x _____	= \$ _____

FEE FOR THE PROPOSED USE	_____
SUBTRACT FEE PAID ON TOTAL EXISTING USE	_____
FEE TOTAL	_____

NOTE: Under no circumstances will a refund be granted for a change in use

EXHIBIT F
EXAMPLE PFIF WAIVER CALCULATION

Example 1: A developer build an improvement listed on the PFIF CIP. The improvement is estimated to cost \$50,000. The impact fee for the subdivision is estimated at \$62,500. The total amount of PFIF Waivers for the subdivision is \$50,000. The developer can use the PFIF Waivers to pay impact fees based on the fee schedule as of the date of the Offset Agreement. Based on the existing fee schedule, the \$50,000 in PFIF Waivers may be uses to pay the impact fees for 400 single family homes. Once the PFIF 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	
Proposed Development	500 DU Single Family Subdivision @\$125/DU (1,250 residents)		\$ 62,500.00
Proposed CIP Improvement	250 square foot headquarters expansion		\$ 50,000.00
Maximum PFIF Waiver			\$ 50,000.00
Number of development units eligible for PFIF Waivers	Fee set by agreement - Based on \$125/DU \$50,000/\$125 per SF DU = 400	400 DU	\$ 50,000.00
Number of development units not covered by PFIF Waiver	New PFIF Fee - Based on \$130/DU	100 DU	\$ 13,000.00
Total Fees Paid (Waivers + Cash)		500 DU	\$ 63,000.00

Example 2: The developer in the example above chooses to modify the development of record by changing from a 500 DU single family subdivision to a 200-unit single family subdivision and 200,00 SF commercial shopping center. Per the PFIF Administrative Manual, the existing PFIF Waivers will be re-evaluated based on the then current PFIF schedule in effect at the time of issuance of the building permit for all future uses.

		Impact Fee	
Proposed Development	500 DU Single Family Subdivision @\$125/DU (1,250 residents)		\$ 62,500.00
Proposed CIP Improvement	250 square foot headquarters expansion		\$ 50,000.00
Maximum PFIF Waiver			\$ 50,000.00
Number of development units eligible for PFIF Waivers	Fee set by agreement - Based on \$125/DU \$50,000/\$125 per single family DU = 400	400 DU	\$ 50,000.00
Initial phase of subdivision built 100 DU	Fee set by agreement - Based on \$125/DU	100 DU	\$ 12,500.00
Developer modifies original approval to a total o 200 single family homes and 200,000 SF commercial shopping center	New PFIF Fee - Based on \$130/DU for remaining 100 homes	100 DU	\$ 23,000.00
	New PFIF Fee - Based on \$230/1,000 GFA for 200,000 SF commercial shopping center	200,000 GFA	\$ 46,000.00
Total Fees Paid (Waivers + Cash)			\$ 81,500.00