



WASHOE COUNTY

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STAFF REPORT

BOARD MEETING DATE: September 25, 2018

DATE: Wednesday, September 19, 2018

TO: Board of County Commissioners

FROM: Roger D. Pelham, MPA, Senior Planner, Planning and Building Division
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THROUGH: Mojra Hauenstein, Arch., Planner, Division Director, Planning &
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SUBJECT: Public Hearing: Discussion to initiate a master plan amendment to the Warm Springs Specific Plan to eliminate "Appendix G - Financing Plan". The financing plan was meant to serve as the mechanism for funding a variety of community infrastructure items in the Warm Springs Specific Plan Area over time, including roads, community water or sewer services and limited recreation (parks) and fire and police protection. Since 1995, when the plan was adopted, it has required developers to pay fees to the county for future use in the construction of the infrastructure based on a formula per unit. As of April of 2018, around \$800,000 had been collected under the financing plan. (Commission District 5.)

SUMMARY

If initiated, and ultimately adopted, the Master Plan Amendment would remove "Appendix G – Financing Plan" from the Warm Springs Specific Plan (WSSP), a component of the Warm Springs Area Plan. The Financing Plan provides specific amounts of fees and methods of payments for certain types of infrastructure. The Financing Plan was adopted as a component of the Warm Springs Specific Plan in 1995. The Financing Plan does not provide sufficient funds to build the anticipated infrastructure and no infrastructure have been built within the specific plan area as a result of the WSSP. It is anticipated that the WSSP amendment will ultimately involve a two-part process in which the first amendment will be the removal of the financing plan component of the specific plan. The second amendment will take a closer look at the specific plan and will likely involve a wholesale amendment to the WSSP.

Washoe County Strategic Objective supported by this item: Stewardship of our Community

PREVIOUS ACTION

On March 7, 1995, the Board of County Commissioners (Board) adopted the Warm Springs Specific Plan, including Appendix G – Financing Plan.

AGENDA ITEM # _____

On June 26, 2018, the Board of County Commissioners directed staff of the Planning and Building Division to initiate an amendment to the Warm Springs Specific Plan to remove the financing component from that plan. The Board of County Commissioners also voted to refund collected WSSP development fees to current property owners in accordance with State Law.

BACKGROUND

In the 23 years since the Warm Springs Specific Plan was adopted, it has become clear that the financing component of that plan is insufficient to build the infrastructure contemplated by the plan. It was envisioned at the time of the WSSP adoption that Washoe County would act as a repository for development fees collected as required by the financing component, and that infrastructure would be constructed within the WSSP by those developing the land. The County would then appropriately reimburse those developers with the collected development fees. The planned infrastructure has not been constructed within the WSSP.

The County was involved in a lawsuit concerning the refund of the collected development fees. As part of that lawsuit, the Courts have determined that the development fees are impact fees as regulated within NRS Chapter 278B. Impact fees must be refunded to current property owners if the fees have not been used within a 10 year period. In a separate action, the Board directed staff to refund collected WSSP development fees to current property owners.

Since the fees collected as required by the WSSP financing component are impact fees and not development fees, and the collected fees are insufficient to build the WSSP planned infrastructure, the Board directed staff to initiate an amendment to the WSSP to remove the financing component of the plan. After this amendment action is completed, staff will likely return at a future time with a request to initiate an amendment to the entire WSSP. This second amendment should, at a minimum, evaluate the infrastructure components of the plan in the context of current and potential WSSP development.

FISCAL IMPACT

There is no fiscal impact associated with the proposed Master Plan Amendment. However, while not directly related to the proposed Master Plan Amendment, the associated refund of collected development fees, in the approximate amount of \$800,000, will be refunded as previously directed by the Board.

RECOMMENDATION

It is recommended that the Board of County Commissioners initiate a Master Plan Amendment to the Warm Springs Specific Plan to eliminate "Appendix G - Financing Plan" by adopting the resolution contained as Attachment A to this staff report.

POSSIBLE MOTION

Should the Board agree with Staff's recommendation, a possible motion would be:

“Move to initiate a Master Plan Amendment to the Warm Springs Specific Plan to eliminate “Appendix G - Financing Plan” by adopting Resolution Number R18-054 as contained as Attachment A to the staff report on this matter.”

Attachments:

- A: Resolution Initiating Amendment of the Warm Springs Specific Plan to eliminate “Appendix G – Financing Plan”
- B: Clerks Order dated 6/27/2018
- C: Excerpt of BCC minutes from 6/26/2018
- D: BCC Staff Report from 6/26/2018