

Douglas County Planning Commission

AGENDA ACTION SHEET

1. **Title:** For possible action. Discussion of Redevelopment Plan for Redevelopment Area No. 2, and adoption of Report and Recommendation regarding approval of the Redevelopment Plan to the Douglas County Redevelopment Agency pursuant to NRS 279.570.
2. **Recommended Motion:** Move to adopt Report and Recommendation approving Redevelopment Plan for Redevelopment Area # 2 and forward Report and Recommendation to the Douglas County Redevelopment Agency.
3. **Funds Available:** N/A
4. **Prepared by:** Zach Wadlé, Deputy District Attorney
5. **Meeting Date:** December 8, 2015 **Time Required:** 15 minutes
6. **Agenda:** Administrative
7. **Background Information:** On October 15, 2015, the Douglas County Board of Commissioners approved Resolution 2015R-068 designating Redevelopment Area #2 for redevelopment evaluation and feasibility. Redevelopment Area #2 includes properties in the casino-core area of Stateline, the Edgewood Golf Course properties, and the Kahle Drive area. On November 10, 2015 the Planning Commission approved Redevelopment Area #2 for further consideration for redevelopment and adopted a Preliminary Redevelopment Plan that was forwarded to the Redevelopment Agency. On November 19, 2015 the Redevelopment Agency adopted a full Redevelopment Plan, and directed that it be submitted to the Planning Commission for review in accordance with NRS 279.570. See, Exhibit A. Pursuant to NRS 279.570 "within 30 days after a redevelopment plan is submitted to it for consideration, the planning commission shall make and file its report and recommendation with the [redevelopment] agency." The report and recommendation must address whether the proposed Redevelopment Plan is in "conformity with the master or general plan for the community." NRS 279.570. Staff assisted in the preparation of the proposed Redevelopment Plan, and the plan is in conformance with Nevada law and planning documents applicable to the properties within Redevelopment Area #2. Staff recommends approval of the Redevelopment Plan for Redevelopment Area #2, and a proposed Report and Recommendation to submit to the Douglas County Redevelopment Agency is attached as Exhibit B.
8. **Committee/Other Agency Review:** N/A
9. **Reviewed by:**
_____ Department Manager _____ County Manager
ZJW District Attorney _____ Other
10. **Commission Action:**
_____ Approved _____ Approved with Modifications
_____ Denied _____ Deferred
_____ Other

Agenda Item # 1

DOUGLAS COUNTY, NEVADA

REDEVELOPMENT PLAN

REDEVELOPMENT AREA NO. 2

NOVEMBER 19, 2015

Prepared by the
DOUGLAS COUNTY REDEVELOPMENT AGENCY



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INTRODUCTION

This is the Redevelopment Plan (the "Plan") for Redevelopment Area Number 2 (the "Redevelopment Area"), which is located in the territorial jurisdiction of Douglas County, Nevada (the "County") generally in the Stateline, Nevada area and depicted in the Map attached as Exhibit "A".

This Plan has been prepared pursuant to Nevada Revised Statutes (NRS) Chapter 279 which provides for the exercise of redevelopment authority by a redevelopment agency.

Implementation of this Plan by the County and the Redevelopment Agency of the County is governed by the provisions contained in this Plan as it may be amended from time to time. The definitions of general terms which are contained in the Nevada Revised Statutes govern the construction of this Plan, unless more specific terms and definitions are otherwise provided in this Plan. All statutory references hereinafter shall be to the Nevada Revised Statutes.

Many of the requirements contained in this Plan are necessitated by, and in accord with, statutory provisions in effect at the time of adoption of this Plan. Such statutory provisions may be changed from time to time. In the event that any such changes affect this Plan's requirements, and would be applicable to the Agency, the Redevelopment Area, or this Plan, whether or not this Plan is formally amended to reflect such changes, then the requirements of this Plan that are so affected shall be superseded by such statutory changes, to the extent necessary to be in conformity with such changes.

The Redevelopment Area includes all properties indicated on the Redevelopment Area Map attached as Exhibit A.

The proposed redevelopment of the Redevelopment Area as described in this Plan conforms to and is governed by the Douglas County Master Plan and documents referenced or incorporated by the Master Plan as applicable, including the Tahoe Regional Planning Agency ("TRPA") Regional Plan updated in December 2012, the South Shore Area Plan ("SSAP") adopted by TRPA on September 25, 2013, and the Draft Tahoe Douglas Area Plan ("TDAP").

This Redevelopment Plan is based upon the Preliminary Plan formulated and adopted by the Douglas County Planning Commission (the "County Planning Commission") on November 10, 2015.

This Plan provides the Agency with powers, duties and obligations to implement and further the program generally formulated in this Plan for the redevelopment, rehabilitation, and revitalization of the Redevelopment Area. This Plan does not present a specific plan or establish priorities for specific projects for the redevelopment, rehabilitation, and revitalization of any particular area within the Redevelopment Area. Instead, this Plan presents possible methods for revitalization which are designed to reduce and eliminate decline, deterioration, and obsolescence, stimulate new investment, stabilize the tax base, and maintain the viability of existing businesses within the Redevelopment Area. This Plan will also provide a basic framework within which specific (re)development plans will be presented and priorities for specific projects will be established. The Plan is intended to provide the Agency tools to fashion, develop, and proceed with such specific plans, projects and solutions for the Redevelopment Area.

In general, the goals and objectives of the redevelopment program in the Redevelopment Area are as follows:

1. To eliminate and prevent the spread of blight and deterioration and the conservation, rehabilitation and redevelopment of the Redevelopment Area in accord with the Master Plan and other applicable planning documents, the Redevelopment Plan and local codes and ordinances.
2. To achieve an environment reflecting a high level of concern for architectural, landscape, and urban design, land use, and environmental improvement principles appropriate for attainment of the objectives of the Redevelopment Plan.
3. To minimize unplanned growth by guiding revitalization activities and new development in such fashion as to meet the needs of the Redevelopment Area, the County and its citizens.
4. To retain existing businesses by means of redevelopment and rehabilitation activities and by encouraging cooperation and participation of owners, businesses and public agencies in the revitalization of the Redevelopment Area.
5. To encourage investment by the private sector in the development and redevelopment of the Redevelopment Area by eliminating impediments to such development and redevelopment.
6. To encourage maximum participation of residents, businesspersons, property owners, and community organizations in the redevelopment of the Redevelopment Area.
7. To replan, redesign and (re)develop areas which are stagnant, obsolete, or improperly used.
8. To insure adequate utility capacity to accommodate redevelopment, new development, and environmental goals and projects within the Redevelopment Area.

Redevelopment of the Redevelopment Area pursuant to this Redevelopment Plan and the above goals and objectives will attain the purposes of the NRS Chapter 279 by:

1. Elimination of areas suffering from economic dislocation, and disuse in affected areas;
2. Re-planning, redesign and/or redevelopment of areas which are stagnant or improperly utilized, in ways which could not be accomplished solely by private enterprise without public participation and assistance;
3. Protection and promotion of sound development and redevelopment of blighted areas and the general welfare of the citizens of the County by remedying such injurious conditions through the employment of appropriate means;
4. Installation of new, or replacement of existing public improvements, facilities, parks and/or other recreation facilities, and utilities in areas which are currently inadequately served with regard to such improvements, facilities and utilities; and
5. Other means as determined appropriate.

GENERAL DEFINITIONS AND REDEVELOPMENT AREA BOUNDARY

General Definitions

The following definitions are used in this Plan unless otherwise indicated by the text:

1. "Agency" means the Douglas County Redevelopment Agency, Nevada.
2. "County" means Douglas County, Nevada.
3. "County Commission" means the Douglas County Board of County Commissioners.
4. "Community Redevelopment Law" means the Community Redevelopment Law of the State of Nevada within NRS Chapter 279.
5. "Redevelopment Area" means the area included within the boundaries of the Redevelopment Area, as established by this Plan and as depicted and described in the map attached hereto as Exhibit A.
6. "Legislative Body" means the Douglas County Board of County Commissioners.
7. "NRS" means the Nevada Revised Statutes for the State of Nevada.
8. "State" means the State of Nevada.
9. "Plan" means the Redevelopment Plan for Redevelopment Area No. 2 in Douglas County, Nevada.

Redevelopment Area Boundary

The boundaries of the Redevelopment Area are shown on the Redevelopment Area Map attached as Exhibit "A".

PROPOSED REDEVELOPMENT ACTIVITIES

The Agency proposes to eliminate and prevent the spread of blight and blighting influences, and strengthen the economic base of the Redevelopment Area and the County, by some or all of the following:

1. Permitting participation in the redevelopment process by owners and occupants of properties located in the Redevelopment Area, consistent with this Plan and rules adopted by the Agency;
2. Acquisition of real property;
3. Management of property under the ownership and/or control of the Agency;
4. Relocation assistance to displaced occupants of property acquired by the Agency in the Redevelopment Area;
5. Demolition of property for uses in accordance with this Plan;
6. Redevelopment of land by private enterprise and public agencies for uses in accordance with this Plan;
7. Rehabilitation of structures and improvements by present owners, their successors, and the Agency;
8. Provision, maintenance, and/or enhancement of utilities, roads, streets, landscaping, parking facilities, stormwater and drainage facilities, and other public improvements; and
9. Consideration of the implementation of appropriate land use controls or regulations within the Redevelopment Area.

In the accomplishment of these activities, and in the implementation and furtherance of this Plan, the Agency is authorized to use all the powers provided in this Plan and all the powers to the extent now or hereafter permitted by law Nevada law.

Owner Participation and Business Reentry Preferences

Owner Participation

1. Pursuant to NRS 279.566, owners of real property within the Redevelopment Area shall be extended reasonable opportunities to participate in the redevelopment of property in the Redevelopment Area if such owners agree to participate in the redevelopment in conformity with this Redevelopment Plan and the owner participation implementation rules adopted by the Agency. These owner participation opportunities will be explained in more detail in the Rules Governing Participation by Property Owners and the Extension of Reasonable Preferences for

Property Owners in the Redevelopment Area contained in the Report later presented to the County Commission.

2. In appropriate circumstances where such action would foster the goals and objectives contemplated by the Redevelopment Plan, an owner may participate in substantially the same location either by retaining all or portions of his property; retaining all or portions of his property and purchasing adjacent property if needed and available for (re)development; rehabilitating or demolishing all or part of his existing buildings; initiating new development; or selling property to the Agency.

Participation opportunities shall necessarily be subject to and limited by factors including but not limited to the following:

1. The elimination and/or modification, if any, of existing land uses;
2. The construction, vacation, realignment and/or alteration, if any, of existing streets;
3. The ability of participants to finance and complete proposed developments and rehabilitations;
4. The capability and/or experience of the owner participant, as determined by the Agency, to implement the proposed development;
5. The proposed land uses for redevelopment of the Redevelopment Area;
6. Intensification of certain land uses; and
7. The construction or expansion of public facilities.

Participation by Tenants

1. Non-property owners who are tenants engaged in business or residing in the Redevelopment Area may be extended reasonable preferences if they wish to purchase property at their present location for the purpose of rehabilitating and/or expanding existing improvements or to build new improvements in conformance with the designated land uses and other requirements of this Plan. However, the preference provided to such business or residential tenants will be subordinate to, or follow, the preference provided to the existing property owners.
2. Businesses and residential tenants may also submit proposals for rehabilitation and/or new development at locations other than their existing location, as long as said property conforms to the Plan. However, no preference shall be provided to business and/or tenants for this type of proposal.

Participation Agreements

1. The Agency may require that, as a condition of participating in redevelopment, each participant shall enter into a binding written participation agreement with the Agency by which the

participant agrees to rehabilitate, develop or use the property in conformance with this Plan and to be subject to the provisions hereof and such other provisions and conditions to which the parties may agree. In such agreements, participants who retain real property may be required to make the provisions of this Plan and such participation agreement applicable to their properties.

2. If an owner fails to participate in the redevelopment under a participation agreement or breaches the agreement, the Agency shall have the right to acquire the subject property for redevelopment by any legal means permitted under the law and the provisions of this Plan. If so provided in the participation agreement, the price of such acquisition will be the property's fair market value at the time of execution of the participation agreement. Whether or not a participant enters into a participation agreement with the Agency, the provisions of this Plan are applicable to all public and private property in the Redevelopment Area.

Implementing Rules

The Owner Participation provisions shall be implemented according to the rules adopted by the Agency simultaneous with the final adoption of this Plan by the County Commission, and as the same may be from time to time amended by the Agency. Where there is a conflict between the participation provisions in this Plan and such rules adopted by the Agency, the Plan shall prevail.

Property Acquisition

1. Acquisition of Real Property
 - A. In accordance with NRS 279.576, the Agency may acquire, but is not required to acquire, any real property located in the Redevelopment Area by gift, purchase, lease, or condemnation.
 - B. The Agency may exercise the power of eminent domain to acquire property for a redevelopment project if: (a) The property sought to be acquired is necessary to carry out this Plan; and (b) The Agency has made reasonable effort to negotiate in good faith the purchase of the property. The method the Agency would use to acquire property through eminent domain is subject to statutory requirements, including NRS 279.421 and 279.4712, and as set forth in the Agency's Rules Governing Participation by Property Owners and the Extension of Reasonable Preferences To Property Owners in the Redevelopment Area.
 - C. The Agency is authorized to acquire structures without acquiring the land upon which those structures are located. The Agency is also authorized to acquire any other interest in real property less than a fee interest.

2. Acquisition of Personal Property

Generally, personal property may not be acquired by the Agency. However, where necessary in the execution of this Plan, the Agency is authorized to acquire personal property in the Redevelopment Area by any lawful means. The Agency may also acquire by gift, purchase, lease

or condemnation any personal property in connection with real property acquired by the Agency.

Property Management

In accordance with NRS 279.470, the Agency is authorized to manage and control all real property acquired by it. Such property may be rented or leased by the Agency, and such rental or lease shall be in conformity with this Plan.

Relocation of Persons (Including Individuals and Families), Business Concerns and Others Displaced by the Project

1. Assistance in Finding Other Locations

As may be required by applicable law, the Agency may assist all persons, business concerns, and others displaced by Agency action in the Redevelopment Area in finding other locations and facilities. In order to carry out the Redevelopment Plan with a minimum of hardship to persons, business concerns, and others, if any, displaced from their respective places of residence or businesses, the Agency may assist such persons, business concerns and others in finding new locations that are decent, safe, sanitary, within their respective financial means, in reasonably convenient locations, and otherwise suitable to their respective needs.

2. Relocation Payments

As may be required by applicable law, the Agency may make relocation payments for moving expenses and direct losses of personal property to persons, business concerns, and others displaced by Agency action in the Redevelopment Area and shall make additional relocation payments as may be required by law. Such relocation payments shall be made pursuant to Chapter 342 of Nevada Revised Statutes. The Agency, at its option, may make such other payments as may be appropriate and for which funds are available.

Demolition, Clearance, Public Improvements, Building and Site Preparation

1. Demolition and Clearance

The Agency is authorized to demolish and clear buildings, structures, and other improvements from any real property acquired in the Redevelopment Area as necessary to carry out the purpose of this Plan.

Public Improvements

The Agency is authorized to install and construct, or to cause to be installed and constructed, the public improvements, facilities and utilities necessary to carry out this Plan. Such public improvements, facilities and utilities include, but are not limited to the following:

1. Sewers;
2. Storm drains and related drainage facilities;
3. Electrical, natural gas, telephone and water distribution systems;
4. Parks, plazas, entertainment venues, amphitheaters;
5. Playgrounds;
6. Parking and transportation facilities;
7. Landscaped areas;
8. Street and circulation improvements;
9. Flood control improvements and facilities;
10. Entryway features;
11. Recreational improvements; and
12. Other public facilities serving the needs of Redevelopment Area occupants.

Preparation of Building Sites

The Agency is authorized to prepare, or cause to be prepared, as building sites, any real property in the Redevelopment Area owned or acquired by the Agency.

Property Disposition and Development

1. General
 - A. For the purposes of this Plan, the Agency is authorized to sell, lease, exchange, subdivide, transfer, assign, pledge, encumber by mortgage or deed of trust, or otherwise dispose of any interest in real property. The Agency is authorized to dispose of real property by negotiated lease, sale, or transfer without public bidding but only after a public hearing, notice of which shall be given by publication for not less than once a week for two weeks in a newspaper of general circulation published in Douglas County.
 - B. A lease or sale by the Agency of real property acquired by it in the Redevelopment Area shall be conditioned on the redevelopment and use of the property in conformity with this Plan.

- C. All real property acquired by the Agency in the Redevelopment Area may be sold or leased to public or private persons or entities for development for the uses permitted in this Plan, and any such sale or lease may be for an amount at less than fair market value if necessary to effectuate the purposes of this Plan. Real property may also be conveyed by the Agency to the County, and, where beneficial to the Redevelopment Area, to any other public body without charge or for an amount at less than fair market value.
- D. All purchasers or lessees of property from the Agency may be made obligated to use the property for the purposes designated in this Plan, to begin and complete development of the property within a period of time which the Agency fixes as reasonable, and to comply with other conditions which the Agency deems necessary to carry out the purposes of this Plan.

2. Disposition and Development Documents

- A. The Agency shall reserve powers and controls in disposition and development documents as may be necessary to prevent transfer, retention, or use of property for speculative purposes and to ensure that development is expeditiously carried out pursuant to this Plan.
- B. To provide adequate safeguards to ensure that the provisions of this Plan will be carried out and to prevent the recurrence of blight, all real property sold, leased, or conveyed by the Agency, as well as all property subject to participation agreements, shall be made subject to the provisions of this Plan and any adopted Design Guidelines and other conditions imposed by the Agency by leases, deeds, contracts, agreements, declarations of restrictions, provisions of the zoning ordinance, conditional use permits, or other means. Where appropriate as determined by the Agency, such documents or portions thereof shall be recorded in the Office of the Recorder of Douglas County.
- C. The leases, deeds, contracts, agreements, and declarations of restrictions may contain restrictions, covenants, covenants running with the land, rights of reverter, conditions subsequent, or any other provision necessary to carry out this Plan.

3. Development Plans

All development plans (whether public or private) shall be processed in the manner provided by applicable County codes, as they are, or as they may be, amended from time to time. All development in the Redevelopment Area must conform to County (as appropriate) and Agency design review procedures, including any Design Guidelines adopted by the Agency.

4. Personal Property Disposition

For the purposes of this Plan, the Agency is authorized to lease, sell, exchange, transfer, assign, pledge, encumber, or otherwise dispose of personal property which is acquired by the Agency.

Cooperation with Public Bodies

For the purpose of aiding and cooperating in the planning, undertaking, construction or operation of redevelopment projects located within the area in which it is authorized to act, any public body, upon the terms and with or without consideration as it determines, may:

1. Dedicate, sell, convey or lease any of its property to the Agency.
2. Cause parks, playgrounds, recreational, community, educational, water, sewer or drainage facilities, or any other works which it is otherwise empowered to undertake, to be furnished adjacent to or in connection with a redevelopment plan.
3. Furnish, dedicate, close, pave, install, grade, regrade, plan or replan streets, roads, roadways, alleys, sidewalks or other places which it is otherwise empowered to undertake.
4. Plan or replan, zone or rezone any part of such area and make any legal exceptions from building regulations and ordinance.
5. Enter into agreements with the federal government respecting action to be taken by such public body pursuant to any of the powers granted by NRS Chapter 279, inclusive. Such agreements may extend over any period, notwithstanding any law to the contrary.
6. Purchase or legally invest in any of the bonds of the Agency and exercise all of the rights of any handler of such bonds.

The Agency, by law, is not authorized to acquire real property owned by public bodies without the consent of such public bodies. The Agency, however, will seek the cooperation of all public bodies which own or intend to acquire property in the Redevelopment Area. Any public body which owns or leases property in the Redevelopment Area will be afforded all the privileges of owner participation if such public body is willing to enter into a participation agreement with the Agency. All plans for development of property in the Redevelopment Area by a public body shall be subject to Agency approval.

Development Financing by the Agency or Other Public Bodies or Entities

The Agency may, with the consent of the Legislative Body, pay all or part of the value of the land for, and the cost of the construction of, any building, facility, structure or other improvement and the installation of any improvement which is publicly or privately owned and located within the redevelopment area. Before the Legislative Body may give its consent, it shall determine that:

1. The buildings, facilities, structures or other improvements are of benefit to the Redevelopment Area or the immediate neighborhood in which the Redevelopment Area is located; and
2. No other reasonable means of financing those buildings, facilities, structures or other improvements are available.

3. Those determinations by the Agency and the Legislative Body are final and conclusive.
4. If the value of the land or the cost of the construction of that building, facility, structure or other improvement, or the installation of any improvement has been, or will be, paid or provided for initially by the community or other governmental entity, the Agency may enter into a contract with that community or governmental entity under which it agrees to reimburse the community or governmental entity for all or part of the value of that land or the cost of the building, facility, structure or other improvement, or both, by periodic payments over a period of years. The obligation of the Agency under that contract constitutes an indebtedness of the Agency which may be payable out of taxes levied and allocated to the Agency under paragraph (b) of subsection 1 of Nevada Revised Statutes 279.676, or out of any other available money.

Employment Plan

In accordance with NRS 279.482, the Agency shall, as it determines to be appropriate, require that a proposal for a redevelopment project include an employment plan which includes:

1. A description of the existing opportunities for employment within the Redevelopment Area;
2. A projection of the effect that the redevelopment project will have on opportunities for employment within the Redevelopment Area; and
3. A description of the manner in which an employer relocating his business into the Redevelopment Area plans to employ persons living within the area of operation who are:
 - A. Economically disadvantaged;
 - B. Physically handicapped;
 - C. Members of racial minorities;
 - D. Veterans; or
 - E. Women.

LAND USES AND DEVELOPMENT REQUIREMENTS

Redevelopment Area Map and Major Redevelopment Area Land Uses

The Redevelopment Area Map attached hereto as Exhibit "A" illustrates the location of the Redevelopment Area parcel boundaries and identifies the major streets within the Redevelopment Area. The Master Plan and related planning documents designate the major land uses authorized within the Redevelopment Area. The County will from time to time update and revise its Master Plan. It is the intention of this Redevelopment Plan that the County's Master Plan and all associated and incorporated planning documents, as it currently exists, or as they may from time to time be amended, and as implemented and applied by County ordinances, resolutions and other laws be used as a guide to long range planning and redevelopment of the Redevelopment Area. The major land uses authorized within the Redevelopment Area by the Master Plan are described below:

Major Land Uses

Major land uses permitted within the Redevelopment Area include:

- Residential
- Commercial
- Public/Semipublic
- Park/Open Space

The preceding uses may be used for any of the various kinds of uses specified for or permitted within such areas by the Master Plan, as it currently exists or as it may be amended from time to time.

Other Land Uses

1. Public Rights-of-Way and Layout of Streets

A. Major public streets and their layout within the Redevelopment Area are detailed on the Redevelopment Area Map as Exhibit "A" and are listed as follows:

- U.S. Highway 50 (terminating at the California State line)
- Kahle Drive
- Lake Parkway
- Stateline Avenue

B. Additional public streets, alleys and easements may be created in the Redevelopment Area as needed for proper use and/or development. Existing streets and alleys may be abandoned, closed or modified as necessary for proper use and/or development.

C. Any changes in the existing street layout shall be in accord with the County's Master Plan, and all other applicable planning documents.

2. Conforming Properties

Without the consent of the owner, the Agency shall not acquire any real property on which an existing building is to be continued on its present site and in its present form and use unless an existing building requires structural alteration, improvement, modernization or rehabilitation, or the site or lot on which the building is situated requires modification in size, shape or use, or it is necessary to impose upon such property any of the standards, restrictions and controls of this Plan. The Agency may acquire such property if the owner refuses to enter into a participation agreement or Disposition and Development Agreement or fails to redevelop the property or otherwise carry out the provisions of such agreement.

3. Interim Uses

Pending the ultimate development of land by developers and participants, the Agency is authorized to use or permit the use of any land in the Redevelopment Area for interim uses not in conformity with the uses permitted in this Plan. Such interim use shall conform to all applicable County codes and planning documents.

4. Nonconforming Uses

- A. The Agency is authorized to permit an existing use to remain in an existing building in good condition, which use does not conform to the provisions of this Plan, provided that such use is generally compatible with existing and proposed developments and uses in the Redevelopment Area, and abatement of such uses is not required by applicable County codes.
- B. The Agency may authorize additions, alterations, repairs or other improvements in the Redevelopment Area for uses which do not conform to the provisions of this Plan where such improvements are within a portion of the Redevelopment area where, in the determination of the Agency, such improvements would be compatible with surrounding Redevelopment Area uses and development and are permitted under applicable County codes.

5. General Controls and Limitation

All real property in the Redevelopment Area is hereby made subject to the controls and requirements of this Plan. No real property shall be developed, rehabilitated, or otherwise changed after the latest effective date of the ordinance adopting this Plan, except in conformance with the provisions of this Plan.

A. Construction

All construction within the Redevelopment Area shall be reviewed by the Redevelopment Agency and shall comply with all applicable State and local laws in effect at the time.

B. Limitation on the Number of Buildings

The number of buildings in the Redevelopment Area shall not exceed the number of buildings permitted under the Master Plan and other applicable planning documents

C. Number of Dwelling Units

The number of dwelling units in the Redevelopment Area shall not exceed the maximum number allowed under the densities permitted under the County's Master Plan and other applicable planning documents, as implemented and applied by local codes and ordinances.

D. Limitations on Type, Size and Height of Buildings

The type, size, and height of buildings shall be as limited by the County Master Plan, other applicable planning documents, and applicable federal, state and local statutes and ordinances.

E. Open Spaces, Landscaping, Light, Air and Privacy

- i. The approximate amount of open space to be provided in the Redevelopment Area is the total of all area which will be in the public rights-of-way, the public grounds, spaces around buildings, and all other outdoor areas not permitted to be covered by buildings. Landscaping shall be developed in the Redevelopment Area to ensure optimum use of living plant material.
- ii. In all areas, sufficient space shall be maintained between buildings to provide adequate light, air and privacy.

F. Signs

All signs shall conform to County codes/requirements as appropriate.

G. Utilities

The Agency shall require that all utility placements be governed according to the prevailing Douglas County codes.

H. Incompatible Uses

No use or structure which, in the Agency's opinion would, by reason of appearance, traffic, smoke, glare, noise, odor, or similar factors, be incompatible with the surrounding areas or structures shall be permitted in any part of the Redevelopment Area.

I. Use of Land for Public Purposes

The intent of this Redevelopment Plan is to maintain the amount of property currently being used for public purposes. However, in any area the Agency is authorized to permit the maintenance, establishment or enlargement of public, semi-public, institutional or non-

profit uses, including park, entertainment, and recreational facilities, libraries, educational, fraternal, employee, philanthropic, religious and charitable institutions, utilities, and facilities of other similar associations or organizations. All such uses shall conform so far as possible to the provisions of this Plan applicable to the uses in the specific area involved and as permitted under the Master Pan. The Agency may impose such other reasonable restrictions as are necessary to protect the development and uses in the Redevelopment Area.

J. Other Covenants, Conditions and Restrictions

The Agency is authorized to permit minor variations from the limits, restrictions and controls established by this Plan. In order to permit any such variation, the Agency must determine that:

- A. The application of certain provisions of the Plan would result in practical difficulties or unnecessary hardships inconsistent with the general purpose and intent of the Plan;
- B. There are exceptional circumstances or conditions applicable to the property or to the intended development of the property which do not apply generally to other properties having the same standards, restrictions, and control;
- C. Permitting a variation will not be materially detrimental to the public welfare or injurious to property or improvements in the area;
- D. Permitting a variation will not be contrary to the objectives of the Plan; and
- E. The Agency will ensure that any deviation will not impair the purpose of this Plan, the Zoning district or any applicable zoning regulations.

Design Guidelines

Within the limits, restrictions, and controls established in this Plan, applicable planning documents, and County Code, the Agency is authorized to establish heights of buildings, land coverage, set back requirements, design and sign criteria, traffic circulation, traffic access, parking, and other development and design controls necessary for proper development and use of both private and public areas within the Redevelopment Area. These may be established by the approval of specific developments, by the adoption of general restrictions and controls, by resolution of the Agency, or by the adoption of one or more Design Guidelines pursuant to this Section.

Building Permits

1. No permit shall be issued for the construction of any new building or any addition, construction, moving, conversion or alteration to an existing building in the Redevelopment Area from the date of effectiveness of the ordinance approving this Plan until the application for such permit has been reviewed by the Agency. Any permit that is issued hereunder must be in conformance with the provisions of this Plan, any Design Guidelines adopted by the Agency, any restrictions

for controls established by resolution of the Agency, and any applicable participation or other agreement.

2. The County may request that the Agency comment on an application for a building permit in order to determine whether the application conforms to the requirements of this Plan. Agency review will be advisory only and will not control the County's approval or disapproval of an applicant.

METHOD OF FINANCING THE AREA

General Description of the Proposed Financing Method

1. The Agency is authorized to finance activities in the Redevelopment Area with tax increment funds; interest income; Agency bonds, donations; loans from private financial institutions; the lease or sale of Agency owned property; owner participant or developer loans; participation in development; or with financial assistance from Douglas County, the State of Nevada, the federal government, or any other available source, public or private.
2. In accordance with NRS Chapter 279, the Agency is also authorized to obtain advances, borrow funds, issue bonds, and create indebtedness in carrying out this Plan. The principal and interest on such obligations may be paid from tax increments or any other funds available to the Agency. Advances and loans for surveys and planning, and for the operating capital for administration of the Redevelopment Area, may be provided by the County or any other available source, public or private, until adequate tax increment or other funds are available or sufficiently assured to repay the advances and loans and to permit borrowing adequate working capital from other sources. The County, as it is able, may also supply additional assistance through the issuance of bonds, loans and grants and in-kind assistance.
3. Tax increment financing, as authorized by this Plan and NRS Chapter 279, is intended as a source of financing (in combination with other sources of financing that may be available) for specific activities in the Redevelopment Area.
4. The Agency is authorized to finance this Plan by all means permitted by law. The analysis and description of the proposed method of financing the Redevelopment Plan is contained in the Agency's Report to the County Commission. The analysis provides sufficient detail to determine the economic feasibility of this Plan.

Tax Increment Funds

All taxes levied upon taxable property within the Redevelopment Area each year, by or for the benefit of the State of Nevada, Douglas County, or any district or any other public corporation (hereinafter sometimes called "taxing agencies") after the effective date of the ordinance approving this Plan, shall be divided in accordance with the provisions of NRS 279.676 as may be amended from time to time.

Agency Bonds

1. The Agency is authorized to issue bonds from time to time, if it deems it appropriate to do so, in order to finance all or any part of activities in the Redevelopment Area in accordance with the Plan
2. Neither the members of the Agency, Agency staff, nor any persons executing the bonds are liable personally on the bonds by reason of their issuance.

3. The bonds and other obligations of the Agency are not a debt of the County, the State or any of its political subdivisions and neither the County, the state nor any of its political subdivisions is liable on them, nor in any event shall the bonds or obligations shall so state on their face. The bonds do not constitute indebtedness within the meaning of any constitutional or statutory debt limitation or restriction.

Time Limit on Issuing Securities or Establishment of Indebtedness

1. Securities must not be issued and no indebtedness may be incurred in any other manner, by or on behalf of the Agency to finance, in whole or in part, the Redevelopment Plan beyond 20 years after the date on which the Redevelopment Plan is adopted, except that the Agency may incur indebtedness at any time before the termination of the Redevelopment Plan if the indebtedness is fully repaid no later than the termination of the Redevelopment Plan. The maturity date of any securities which are refunded must not extend beyond the date of termination of the Redevelopment Plan.
2. Any securities issued by or on behalf of the Agency to finance, in whole or in part, redevelopment pursuant to NRS 279.620 to 279.626, inclusive, and 279.634 to 279.672, inclusive, must mature and be fully paid, including any interest thereon, before the termination of the Redevelopment Plan.

Other Loans and Grants

Any other loans, grants, guarantees, or financial assistance from the United States, the State of Nevada, or any other public or private source will be utilized if available as appropriate in carrying out activities in the Redevelopment Area. In addition, the Agency may make loans as permitted by law to public or private entities for any of its redevelopment purposes.

ACTIONS BY THE COUNTY

The County may aid and cooperate with the Agency in carrying out this Plan and may take all actions necessary to ensure the continued fulfillment of the purposes of this Plan and to prevent the recurrence or spread in the area of conditions causing blight. Actions by the County may include, but are not limited to, the following:

1. Institution and completion of proceedings for opening, closing, vacating, widening, or changing the grades of streets, alleys, and other public rights-of-way, in the Redevelopment Area. Such action by the County shall include the requirement of abandonment, removal, and relocation by the public utility companies of their operations in public rights-of-way as appropriate to carry out this Plan, provided that nothing in this Plan shall be construed to require the cost of such abandonment, removal, and relocation be borne by others than those legally required to bear such costs;
2. Institution and completion of proceedings necessary for changes and improvements in private and publicly-owned utilities within or affecting the Redevelopment Area;
3. Revision or adoption of the County zoning ordinance(s), specific plan(s), or the Master Plan as appropriate within the Redevelopment Area to permit the land uses and development authorized by or necessary or desired to carry out this Plan;
4. Imposition wherever necessary (by covenants or restrictions, conditional use permits or other means) of appropriate controls within the limits of this Plan upon parcels in the Redevelopment Area to ensure their proper development and use;
5. Execution of statutory development agreements where necessary and appropriate to facilitate developments approved by the Agency;
6. Provisions for administrative enforcement of this Plan by the County, as appropriate, after development;
7. Performance of the above actions, and of all other functions and services relating to public health, safety, and physical development normally rendered in accordance with a schedule which will permit the redevelopment of the Redevelopment Area to be commenced and carried to completion without unnecessary delays;
8. Provisions of services and facilities by the various officials, offices and departments of the County for the Agency's purposes under this Plan;
9. Provision of financial assistance in accordance with this Plan or as authorized by law; and/or
10. The undertaking and completing of any other proceedings necessary to carry out activities in the Redevelopment Area.

The foregoing actions to be taken by the County may involve financial outlays by the County, but do not constitute a commitment to make such outlays.

ENFORCEMENT

1. The administration and enforcement of this Plan, including the preparation and execution of any documents implementing this Plan, shall be performed by the Agency and/or the County.
2. Without limitation on the powers conferred on the County or Agency by statute or law, the provisions of this Plan or other documents entered into pursuant to this Plan may also be enforced by litigation instituted by either the Agency or the County. Such remedies may include, but are not limited to, specific performance, damages, re-entry, injunctions, or any other remedies appropriate to the purposes of this Plan. In addition, any recorded provisions which are expressly for the benefit of owners of property in the Redevelopment Area may be enforced by such owners.

DURATION OF THIS REDEVELOPMENT PLAN

The provisions of this Plan and any amendments hereto shall be effective, and the provisions of other documents formulated pursuant to this Plan may be made effective, for thirty (30) years after the date on which this Plan is adopted. This Plan and any amendments hereto will terminate thirty (30) years after the date on which this Plan is adopted.

PROCEDURE FOR AMENDMENT

This plan may be amended by means of the procedure established in NRS Chapter 279, or by any other procedure established by law.

IMPLEMENTATION AGREEMENTS

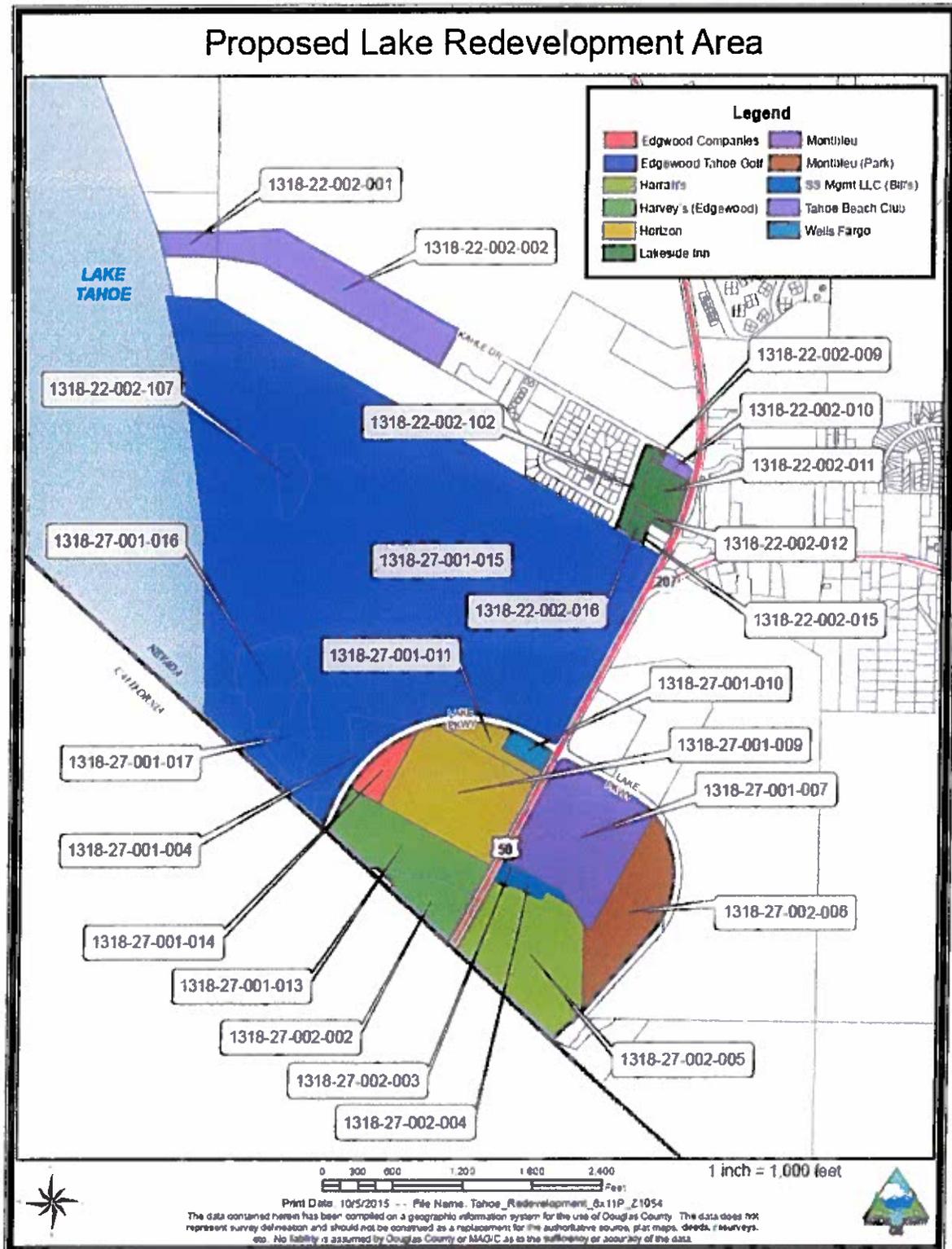
The Agency and County may enter into any agreement(s) between them which they deem necessary to implement the provisions of this Plan. Such agreements shall relate only to the implementation of this Plan and shall not revise, change or modify any of the provisions, requirements or limitations of this Plan.

SEVERABILITY

If any provision, section, subsection, subdivision, sentence, clause or phrase of this Plan is for any reason held to be invalid, unenforceable, or unconstitutional, such decision shall not affect the validity and effectiveness of the remaining portion or portions of the Plan. In the event that any portion of the Redevelopment Area shall be determined to have been invalidly or incorrectly included in the Redevelopment Area that is the subject of this Plan, such portion of the Redevelopment Area shall be

deemed severable from the remainder of the Redevelopment Area and the remainder of the Redevelopment Area shall remain fully subject to the provisions of this Plan.

EXHIBIT A - Redevelopment Area Map



**Douglas County Planning Commission Report and Recommendation of Approval of
Redevelopment Plan for Redevelopment Area #2**

Nevada Revised Statute (NRS) 279.570 provides that the Planning Commission is to review the proposed Redevelopment Plan and make its report and recommendation concerning the Redevelopment Plan to the Redevelopment Agency and County Commission. Accordingly, the Planning Commission has duly evaluated and reviewed the Redevelopment Plan for proposed Redevelopment Area #2 and finds that:

- The Redevelopment Plan is in conformity with the Douglas County Master Plan and other applicable planning documents.
- The zoning and land uses permitted within the proposed Redevelopment Area #2 will be governed by applicable planning documents, and Douglas County code.
- The Redevelopment Plan is in compliance with the requirements of NRS Chapter 279, and includes all required provisions.

Therefore, the Douglas County Planning Commission has considered the proposed Redevelopment Plan, as well as its conformity to the County's Master Plan and other applicable planning documents, and by majority vote of the Planning Commission recommends approval and adoption of the Redevelopment Plan for proposed Redevelopment Area #2.

Dated: _____

Frank Godecke, Chairman
Douglas County Planning Commission