



WASHOE COUNTY

Integrity Communication Service

www.washoecounty.us

CM/ACM LS
Finance LS
DA NS
Risk Mgt N/A
HR N/A
Comptroller EA

STAFF REPORT BOARD MEETING DATE: June 27, 2017

DATE: May 31, 2017
TO: Board of County Commissioners
FROM: Eric Young, Senior Planner, Planning and Development,
Community Services Department, 328-3613, eyoung@washoecounty.us
THROUGH: Mojra Hauenstein, Arch., Planner, Division Director, Planning and Development,
Community Services Department, 328-3619, mhauenstein@washoecounty.us
SUBJECT: For possible action, to introduce and conduct a first reading of an ordinance approving a third amendment to a development agreement (Ladera Ranch, Tentative map case number TM05-011) originally approved in 2009 (Development Agreement DA09-004, ordinance number 1406) and first amended in 2010 (Amendment of Conditions AC11-002, ordinance number 1461), and second amended in 2015 (Development Agreement DA15-001, ordinance number 1551), to extend the deadline for filing the next final map to July 5, 2019. And if approved, schedule a public hearing date and second reading for July 11, 2017.

Applicant: Ladera Ranch, LLC.
Property Owner: Ladera Ranch, LLC.
Location: Approximately 1 mile west of the intersection of West Seventh Avenue and Sun Valley Boulevard.
Assessor's Parcel Number(s): 082-473-07, 082-473-08, 082-473-09, 082-473-11, 082-473-12, 502-250-05
Approximate Acreage: +/- 376 acres
Master Plan Category: Suburban Residential (SR), Rural Residential (RR), Open Space (OS)
Regulatory Zone: Medium Density Suburban (MDS), Low Density Suburban (LDS), High Density Rural (HDS), High Density Rural (HDR)
Area Plan: North Valleys
Citizen Advisory Board: North Valleys
Development Code: Article 814, Development Agreements
Section/Township/Range: Sections 13 and 24, T20N, R19E, MDM, Washoe County, NV

(Commission District 2.)

SUMMARY

The Washoe County Board of Commissioners (Board) is asked to introduce and conduct the first reading of an ordinance approving a third amendment to Development Agreement Case Number DA09-004 and to set a public hearing and second reading for June 11, 2017. From a legal

AGENDA ITEM # 26

standpoint, it is not entirely clear from the statutory scheme whether this fits the statutory intent, or whether extensions of time are required to be merely ancillary to a full development agreement actually addressing the mandatory terms set forth in the statutes. Despite this apparent ambiguity in the statutory scheme, it has become common practice to approve mere extensions of time using the development agreement mechanism. This amendment to the Development Agreement is solely for the purpose of an extension of time for the approved tentative subdivision map for the Ladera Ranch Tentative Map case number TM05-011. The proposed amendment will extend the potential date recordation of the first final map for the subdivision until July 5, 2019.

Washoe County Strategic Objective supported by this item: Safe, secure and healthy communities.

PREVIOUS ACTION

July 5, 2005 – The Tentative Subdivision Map for Ladera Ranch residential subdivision (TM05-011) was approved by the Washoe County Planning Commission.

May 26, 2009 – A Development Agreement (DA09-004) extending the deadline to file the next final map until July 5, 2011 was approved by the Board of County Commissioners. (Ordinance Number 1406)

May 24, 2011 – A First Amended and Restated Development Agreement (AC11-002) further extending the deadline to file the next final map until July 5, 2015 was approved by the Board of County Commissioners. (Ordinance Number 1461)

March 24, 2015 – A Second Amended and Restated Development Agreement (Case Number DA15-001) further extending the deadline to file the next final map until July 5, 2017 was approved by the Board of County Commissioners. (Ordinance Number 1551)

BACKGROUND

When a tentative subdivision map is approved, Nevada law imposes a schedule for filing final maps or the tentative map will be lost. See NRS 278.360. Unless the deadline is extended pursuant to a Development Agreement, a final map for the whole project, or if the project is being phased, the first in the series of phase final maps must be approved and recorded within four years of the approval of the tentative map. Thereafter phased final maps must be filed every two years.

The Tentative Subdivision Map for Ladera Ranch was approved in 2005 and the first final map was recorded in 2007. As a result of the down-turn in the housing market starting in 2008, Washoe County entered into a Development Agreement with the property owner extending the deadline for filing the next final map until July 5, 2011, (Ordinance Number 1406) and that development agreement was later amended to further extend the deadline until July 5, 2015 (Ordinance Number 1461), and then amended a second time in 2015 to extend the deadline to July 5, 2017 (Development Agreement DA15-001, ordinance number 1551.)

The original developer no longer owns the property. In fact, the property has transferred ownership multiple times. Recently, a new homebuilder has come on board with the intention of finishing the project. The current owner is requesting approval of a “Third Amended and Restated Agreement” to further extend that deadline until July 5, 2019.

The applicant cites the multiple ownership and homebuilder changes mentioned above as the primary reason for the request to extend the filing deadline. The current owner and homebuilder are currently developing the plans for the next map submittal, but are falling short of time to achieve the full submittal and agency review prior to the deadline. The applicant’s application can be found as Attachment C to this staff report.

The purpose of the original development agreement was to establish timelines for construction of the project and establish that the project is subject to the design criteria and development standards identified on the tentative map and the Washoe County Code. The Development Agreement benefits Washoe County by ensuring that adequate utilities and services will be available prior to development and that the subdivision will be designed and built to the standards represented by the applicant. The development agreement also ensures that the subdivision shall be developed in accordance with the approved tentative map and the applicable regulations in place at the time of the tentative map approval.

PROCESS TO AMEND THE DEVELOPMENT AGREEMENT

Under NRS 278.0205 and Washoe County Code (WCC) Section 110.814.40, such an amendment must be made by ordinance after special notice and a public hearing. Included as Attachment A is the proposed amendment which extends the potential date for recording the next final map until July 5, 2019 and provides that the agreement will terminate if the next map is not filed by then. Included as Attachment B is the proposed Ordinance adopting the amendment described in Attachment A.

It is recommended that the Board review the proposed amendment (Attachment A) and if it is acceptable, introduce and conduct a first reading of the ordinance (Attachment B). At that time, the County Clerk will publish title to the ordinance and the required notice of intent to adopt the amendment and schedule a public hearing for the second reading and possible adoption of the ordinance in accordance with the County Code.

PERIODIC REVIEW OF COMPLIANCE BY DEVELOPER

As required by NRS 278.0205 (1) and WCC Section 110.814.35 the Director of Planning and Development has reviewed the Development Agreement and the status of the project and believes that the developer is in good faith compliance with the terms of the agreement.

COMPLIANCE WITH MASTER PLAN

NRS 278.0205 (2) and WCC Section 110.814.40 (b) require that when Development Agreements are adopted or amended, there must be a finding that the agreement is consistent with the Master Plan.

When the tentative subdivision map was approved for Ladera Ranch, the Planning Commission determined that the development was consistent with the Master Plan. The Development Agreement did not change any uses, standards or policies that would be inconsistent with the Master Plan. Likewise, this amendment makes no changes to uses, standards or policies that would be inconsistent with the Master Plan. Only the time schedule for development is being changed.

FISCAL IMPACT

No fiscal impact.

RECOMMENDATION

It is recommended that the Board introduce and conduct the first reading of an ordinance approving a "Third Amended and Restated Development Agreement (Ladera Ranch)" amending and restating a Development Agreement originally approved in 2008 (DA09-004) regarding Ladera Ranch Subdivision (approved in 2006 as Tentative Map TM06-004), and last amended on

March 24, 2015 (case DA15-001). This agreement (Case Number WAC17-0003) extends the deadline for the first final map to July 5, 2019.

And if approved, schedule a public hearing date and second reading for July 11, 2017.

POSSIBLE MOTION

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

“Move to introduce Bill Number (insert bill number as provided by the County Clerk) and to set the public hearing and second reading of the Ordinance for possible adoption during the meeting of July 11, 2017.”

Attachments:

Attachment A – Proposed Amended Development Agreement (Ladera Ranch)

Attachment B – Ordinance

Attachment C – Application

**THIRD AMENDED AND RESTATED
DEVELOPMENT AGREEMENT**

THIS THIRD AMENDED AND RESTATED DEVELOPMENT AGREEMENT ("Agreement"), is made by and between LADERA RANCH 390, LLC, a Nevada limited liability company ("Landowner"), and the COUNTY OF WASHOE, a political subdivision of the State of Nevada ("County").

RECITALS

A. County and Landowner entered into a Development Agreement, as approved by the County pursuant to Bill 1584 and Ordinance No. 1406, extending the time for the next successive final map to be filed until July 5, 2010, and providing for another extension until July 5, 2011, which was granted.

B. County and Landowner entered into a First Amended and Restated Development Agreement, as approved by the County pursuant to Bill 1641 and Ordinance No. 1461 extending the time for the next successive final map to be filed until July 5, 2013, and providing for another extension until July 5, 2015, which was granted.

C. County and Landowner entered into a Second Amended and Restated Development Agreement, as approved by the County pursuant to Bill 1732 and Ordinance 1551 extending the time for the next successive final map to be filed until July 5, 2017.

D. In conformance with NRS 278.360, as amended, an extension of the date for filing the next successive final map until July 5, 2019 is set forth in Section 2.1.2.

1. General.

1.1 Property. Landowner is the owner of real property known as the Ladera Ranch Subdivision located in Washoe County, Nevada, which are Assessor's Parcel Numbers 502-700-01 through 502-700-06, 502-711-01 through 502-711-14, 502-712-01 through 502-712-09, 502-721-01 through 502-721-13, 502-722-01 through 502-722-46, 502-731-01 through 502-731-10, 502-732-01 through 502-732-16, 082-473-29 and 082-473-30, inclusive, located to the south of Golden Valley Road, West Seventh Avenue, approximately one mile west of the intersection of West Seventh Avenue and Sun Valley Boulevard and approximately one mile east of the intersection of Golden Valley Road and Spearhead Way (the "Property"), as more particularly described in Exhibit "A" attached hereto. The Property consists of approximately 376 acres located within the Sun Valley Area Plan and which are situated in portions of Sections 13 and 24, T20N, R19E, M.D.B. & M, Washoe County, Nevada. The Property has mixed land use designations including High Density Rural (HDR, +/- 61.33 acres), Low Density Suburban (LDS, 135.3 acres), Medium Density Suburban (MDS, +/- 94.15 acres), and Open Space (OS, +/- 85.3 acres). The Property is located in the Sun Valley Citizen Advisory Board boundary and Washoe County Commission District No. 5.

1.2 Tentative Map. On July 6, 2005, County issued its Action Order approving a tentative map application of Landowner known as Tentative Subdivision Map Case File No. TM05-011 (Ladera Subdivision) ("Tentative Map"). The Action Order is incorporated herein by this reference as Exhibit "B". The total number of lots on the Tentative Map is 356

lots. The development of the Property must be conducted pursuant to the provisions of the Tentative Map, the Sun Valley Area Plan, and the Washoe County Development Code ("Code").

1.3 Previous Final Map. Pursuant to NRS 278.360(1), unless the parties have entered into an agreement concerning the development of land authorized by NRS 278.0201, Landowner must cause its first final map to be recorded prior to the expiration of two (2) years after approval of the Tentative Map, which expiration date was July 5, 2007. Prior to this expiration date, Landowner recorded its final map for Ladera Ranch Phase I on June 8, 2007, creating 105 lots, common areas and rights-of-way ("First Final Map").

1.4 Next Final Map Requirement. Pursuant to NRS 278.360(1), unless the parties have entered into an agreement concerning the development of land authorized by NRS 278.0201, Landowner must cause its next final map ("Final Map") to be recorded prior to the expiration of one (1) year after recordation of the Final Map, which expiration date was June 8, 2008. Landowner obtained an extension until July 5, 2009, to file its second Final Map pursuant to Action Order dated June 4, 2008, attached hereto as Exhibit "C".

County and Landowner entered into a First Amended and Restated Development Agreement, as approved by the County pursuant to Bill 1641 and Ordinance No. 1461 extending the time for the next successive final map to be filed until July 5, 2013, and providing for another extension until July 5, 2015, which was granted.

County and Landowner then entered into a Second Amended and Restated Development Agreement, as approved by the County pursuant to Bill 1732 and Ordinance No. 1551 extending the time for the next successive final map to be filed until July 5, 2017, which was granted.

The parties believe it is in the public's best interest to enter into this Third Amended and Restated Development Agreement.

2. Agreement Concerning Development of Land.

2.1 Compliance with NRS 278.0201 and Code. This Agreement is an agreement concerning the development of land under NRS 278.0201 and Article 814 of the Code. Landowner is the owner of fee title to the Property and therefore has a legal interest in the Property. In compliance with NRS 278.0201(1), the following elements are described:

2.1.1 the land which is subject to this Agreement is the Property which is described in Exhibit "A".

2.1.2 The date for filing the next successive final map is hereby extended until July 5, 2019, which is two years after the prior extension date of July 5, 2017. Exhibits describing phasing, financial plans and other necessary materials and information must be submitted to the Department of Community Development no later than one hundred twenty (120) days prior to the first anniversary of this Agreement, and must be in substantial compliance with the Tentative Map.

2.1.3 The permitted uses on the Property and the density or intensity of its use, are as provided in the Tentative Map and the Code. The permitted use of the Property is a 356 lot single family residential subdivision, having lot sizes ranging from $\pm 5,719$ square feet to $\pm 14,685$ square feet in size, with an average parcel size of $\pm 7,697$ square feet (.174 acres), and a density of 1.05 units per acre, which complies with the Property's zoning designation set forth in Section 1.1.

2.1.4 The maximum height and size of the proposed buildings will comply with the Medium Density Suburban maximum height limit of 35 feet.

2.1.5 The provision for the dedication of any portion of the Property for public use are as provided in the Tentative Map approval and the Code. Landowner agrees to dedicate certain described land, if requested, as follows: (a) 43.85 acres to SVGID as open space; (b) 258.15 acres of open space to Washoe County on a proportional per developing unit basis of .8 acres for each dwelling unit with each Final Map. In addition, easements for a pedestrian path and for a road to allow sewer maintenance vehicle access to manholes will be granted by Landowner pursuant to the Action Order dated November 13, 2006.

2.1.6 SVGID will supply the necessary infrastructure for water and sewer service to the Project and Landowner pays to SVGID the Capital Facilities Charges.

2.1.7 Development standards for the Ladera subdivision are set forth in the conditions and requirements of the Tentative Map, the First Final Map, the Board of County Commission's Action Order dated November 13, 2006, attached hereto as Exhibit "D", and the Board of County Commission's Action Order regarding design review dated January 11, 2007, attached hereto as Exhibit "E".

2.2 Code and Changes to the Law. The parties agree that changes in federal, state or county law concerning public health, safety or welfare will apply to any final map or other permit.

2.3 Public Notice. Any and all public notices required to be given in connection with this Agreement shall be given in accordance with Section 110.814.25 of the Code.

2.4 Assumption of Risk. The Landowner acknowledges and agrees that The Landowner is proceeding voluntarily and at its own risk in entering into this Agreement and without advice, promises or guarantees of any kind from the County, other than as expressly set forth herein.

2.5 Default and Termination of Agreement. This Agreement shall become null and void in the event of noncompliance with any term or deadline set forth in this Agreement, and all proceedings concerning the Tentative Map shall be terminated, provided that all the terms of this Agreement shall remain binding and enforceable regarding construction or development commenced, and any related permits, on any portion of the Property subject to a

tentative map, a recorded final map or any use permit in existence at the time of termination of this Agreement.

3. Miscellaneous Provisions.

3.1 Time is of the Essence. Time is of the essence of this Agreement.

3.2 Waivers. No waiver of any breach of any covenant or provision herein contained shall be deemed a waiver of any preceding or succeeding breach thereof, or of any other covenant or provision herein contained. No extension of time for performance of any obligation or act shall be deemed an extension of time for performance of any other obligation or act except those of the waiving party, which shall be extended by a period of time equal to the period of the delay.

3.3 Successors. This Agreement shall be binding upon and shall inure to the benefit of the successors and assigns of the parties hereto.

3.4 Professional Fees. If either party commences an action against the other to interpret or enforce any of the terms of this Agreement or because of the breach by the other party of any of the terms hereof, the losing party shall pay to the prevailing party reasonable attorneys' fees, costs and expenses incurred in connection with the prosecution or defense of such action, whether or not the action is prosecuted to a final judgment.

3.5 Entire Agreement. This Agreement is the final expression of, and contains the entire agreement between, the parties with respect to the subject matter hereof and supersedes all prior understandings with respect thereto.

3.6 Governing Law. The parties hereto acknowledge that this Agreement has been negotiated and entered into in the State of Nevada. The parties hereto expressly agree that this Agreement shall be governed by, interpreted under, and construed and enforced in accordance with the laws of the State of Nevada and venue for any action shall be solely in state district court for Washoe County, Nevada.

3.7 Days of Week. If any date for performance herein falls on a Saturday-Sunday or holiday, pursuant to the laws of the State, the time for such performance shall be extended to 5:00 p.m. on the next business day.

3.8 Written Amendments. Amendments to this Agreement shall be defined as changes which are not in substantial compliance with the Tentative Map and this Agreement. Amendments, if any, shall be approved as provided in NRS 278.0205. Changes hereto which are in substantial compliance with the overall Tentative Map and this Agreement may be requested by Owners and approved or denied by the Director of Community Development. The Director of Community Development shall also decide whether or not a proposed change is in substantial compliance with the overall Tentative Map. The Owners may appeal an adverse decision by the Director of Community Development to the Board of County Commissioners by written notice filed with the Director of Community Development, if filed within twenty (20) days of receipt of

the notice of the adverse decision. No oral statements or representations subsequent to the execution hereof by either party are binding on the other party; and neither party shall have the right to rely on such oral statements or representations.

3.9 Future Cooperation. Each party shall, at the request of the other, at any time, execute and deliver to the requesting party all such further instruments as may be reasonably necessary or appropriate in order to effectuate the purpose and intent of this Agreement.

3.10 Third Party Beneficiary Rights. This Agreement is not intended to create any third party beneficiary rights in any person not a party hereto.

3.11 Interpretation. The parties hereto acknowledge and agree that each has been given the opportunity to review this Agreement with legal counsel independently. The parties have equal bargaining power and intend the plain meaning of the provisions herein. In the event of an ambiguity in or dispute regarding the interpretation of the Agreement, the interpretation of this Agreement shall not be resolved by any rule of interpretation providing for interpretation against the party who causes the uncertainty to exist or against the draftsmen.

3.12 Counterparts. This instrument may be executed in two or more counterparts, which, when taken together, shall constitute one and the same instrument. Any signature page of this instrument may be detached from any counterpart without impairing the legal effect of any signatures thereon, and may be attached to another counterpart identical in form thereto, but having attached to it one or more additional signature pages.

[Signatures to Third Amended and Restated Development Agreement follows on next page]

[Signature Page to Third Amended and Restated Development Agreement]

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the date above last written below.

LANDOWNER:

LADERA RANCH, LLC
a Nevada limited liability company

By:

Name:

Its:

COUNTY:

**COUNTY OF WASHOE, a political
subdivision of the State of Nevada, by its
BOARD OF WASHOE COUNTY
COMMISSIONERS**

By: _____

Name: _____, Chair

_____ Its:

Date: _____

ATTEST:

Nancy Parent, Washoe County Clerk

EXHIBIT A

All that certain real property situate in the County of Washoe, State of Nevada, described as follows:

PARCEL 1:

TOWNSHIP 20 NORTH, RANGE 19 EAST, M.D.B.&M.

Section 24: Lots 2 and 3 and the E ½ of the NW ¼

APN: 502-250-05

PARCEL 2:

All that certain real property lying within the exterior boundaries of LADERA RANCH - PHASE 1, according to the map thereof, filed in the office of the County Recorder of Washoe County, State of Nevada, on June 8, 2007, as File No. 3542043, Tract Map No. 4790.

APN: 502-700-01 through 05, inclusive; 502-711-01 through 14, inclusive; 502-712-01 through 08, inclusive; 502-721-01 through 13, inclusive; 502-722-01 through 45, inclusive; 502-731-01 through 10, inclusive; and 502-732-01 through 15, inclusive

Exhibit "B"
Action Order Dated July 6, 2005

Community Development

"Dedicated to Excellence in Public Service"
Adrian P. Freund, AICP, Community Development Director



ACTION ORDER

July 6, 2005

LaDera Ranch 390, LLC
879 Sierra Rose Drive, Suite B
Reno, NV 89511

Dear Applicant:

As filed with the Department of Community Development, the Washoe County Planning Commission, at its regular meeting of July 5, 2005, approved the following, with eighty-four (84) conditions:

TENTATIVE SUBDIVISION MAP CASE NO. TM05-011 (LaDERA RANCH) – To develop a 356-lot, single-family residential, common open space subdivision with lots ranging in size from 5,719 to 14,683 square feet, with an average lot size of 7,469 square feet, as authorized in Article 40B of the Washoe County Development Code. The project includes a total of six parcels. The subject parcels are contiguous to each other and located to the south of Golden Valley Road/West Seventh Avenue, approximately one mile west of the intersection of West Seventh Avenue and Sun Valley Boulevard and approximately one mile east of the intersection of Golden Valley Road and Spearhead Way. The parcels total approximately 376 acres and have mixed land use designations including High Density Rural (HDR, ±61.33 acres), Low Density Suburban (LDS, ±135.3 acres), Medium Density Suburban (MDS, ±94.15 acres) and Open Space (OS, ±85.3 acres). The parcels are located within the Sun Valley Area Plan, and are situated in portions of Sections 13 and 24, T20N, R19E, MDM, Washoe County, Nevada. The property is located in the Sun Valley Citizen Advisory Board boundary and Washoe County Commission District No. 5. (APNs 082-473-07, 082-473-08, 082-473-09, 082-473-11, 082-473-12, and 502-250-05)

The approval of the tentative subdivision map was based on the following findings:

1. **Plan Consistency.** That the proposed map is consistent with the Comprehensive Plan and any specific plan;
2. **Design or Improvement.** That the design or improvement of the proposed subdivision is consistent with the Comprehensive Plan and any specific plan;
3. **Type of Development.** That the site is physically suited for the type of development proposed;
4. **Availability of Services.** That the subdivision will meet the requirements of Article 702, Adequate Public Facilities Management System;

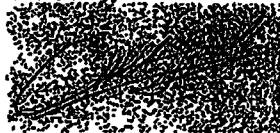
Post Office Box 11130, Reno, NV 89520-0027 – 1001 E. Ninth St., Reno, NV 89512
Telephone: 775.328.3600 – Fax: 775.328.3648
www.washoecounty.us/comdev/
"Your Community Development Department"

Letter to: LaDera Ranch 390, LLC
Subject: Tentative Subdivision Map No. TM05-011
Date: July 6, 2005
Page: 2

5. Fish or Wildlife. That neither the design of the subdivision nor any proposed improvements is likely to cause substantial environmental damage, or substantial and avoidable injury to any endangered plant, wildlife or their habitat;
6. Public Health. That the design of the subdivision or type of improvement is not likely to cause significant public health problems;
7. Easements. That the design of the subdivision or the type of improvements will not conflict with easements acquired by the public at large for access through, or use of property within, the proposed subdivision;
8. Access. That the design of the subdivision provides any necessary access to surrounding, adjacent lands and provides appropriate secondary access for emergency vehicles;
9. Dedications. That any land or improvements to be dedicated to the County is consistent with the Comprehensive Plan;
10. Energy. That the design of the subdivision provides, to the extent feasible, for future passive or natural heating or cooling opportunities in the subdivision; and
11. Reasoned Consideration. That the Planning Commissioners gave reasoned consideration to the information contained within the staff report and information received during the meeting.

Unless appeals are filed in the time period stipulated in the Washoe County Development Code, the decision by the Planning Commission is final.

Yours truly,



Adrian P. Freund, AICP
Director and Secretary to the Planning Commission

APF/RDP/cm (TM05-011f1)

xc: Wood Rodgers, c/o R. David Snelgrove, AICP, 6774 South McCarran Boulevard, Reno, NV 89509

Blaine Cartledge, DA's Office; Marge Clausen, Assessor's Office (CAAS); Steve Churchfield, Chief Appraiser, Assessor's Office; David Lindsey, Department of Water Resources; Engineering Division; Truckee Meadows Fire Protection District; Regional Transportation Commission, Post Office Box 30002, Reno, NV 89520; Truckee Meadows Regional Planning Agency, 1400-A Wedekind Road, Reno, NV 89512; Diana Langs, Sun Valley GID, Sun Valley Citizen Advisory Board, Chair

Letter to: LaDera Ranch 390, LLC
Subject: Tentative Subdivision Map No. TM05-011
Date: July 6, 2005
Page: 3

STANDARD CONSIDERATIONS FOR SUBDIVISIONS
Nevada Revised Statutes 278.349

Pursuant to NRS 278.349, when contemplating action on a tentative subdivision map, the governing body, or the planning commission if it is authorized to take final action on a tentative map, shall consider:

- (a) Environmental and health laws and regulations concerning water and air pollution, the disposal of solid waste, facilities to supply water, community or public sewage disposal and, where applicable, individual systems for sewage disposal;
- (b) The availability of water which meets applicable health standards and is sufficient for the reasonably foreseeable needs of the subdivision;
- (c) The availability and accessibility of utilities;
- (d) The availability and accessibility of public services such as schools, police and fire protection, transportation, recreation and parks;
- (e) Conformity with the zoning ordinances and master plan, except that if any existing zoning ordinance is inconsistent with the master plan, the zoning ordinance takes precedence;
- (f) General conformity with the governing body's master plan of streets and highways;
- (g) The effect of the proposed subdivision on existing public streets and the need for new streets and highways to serve the subdivision;
- (h) Physical characteristics of the land such as floodplain, slope and soil; and
- (i) The recommendations and comments of those entities reviewing the tentative map pursuant to NRS 278.330 and 278.335.

Letter to: LaDera Ranch 390, LLC
Subject: Tentative Subdivision Map No. TM05-011
Date: July 6, 2005
Page: 4

**CONDITIONS FOR
TENTATIVE SUBDIVISION MAP CASE NUMBER TM05-011
LADERA RANCH
(As approved by the Washoe County Planning Commission on July 5, 2005)**

*****IMPORTANT GENERAL INSTRUCTIONS—PLEASE READ*****

THE TENTATIVE MAP APPROVAL ALLOWS THE SUBDIVIDER TO PROCEED WITH FULFILLING THE CONDITIONS OF APPROVAL AND RECORD A FINAL MAP FOR ALL, OR PORTIONS OF, THE DEVELOPMENT WITHIN TWO (2) YEARS FROM THE DATE OF THE PLANNING COMMISSION ACTION. FAILURE TO RECORD THE FIRST FINAL MAP WITHIN TWO (2) YEARS OF THE PLANNING COMMISSION ACTION, OR FAILURE TO RECORD THE LATEST MAP IN A SERIES WITHIN ONE (1) YEAR AFTER THE DATE OF THE MOST RECENTLY RECORDED MAP, SHALL TERMINATE ALL PROCEEDINGS CONCERNING THE SUBDIVISION.

UNLESS OTHERWISE STATED, PRIOR TO FINALIZATION OF ANY PORTION OF THE TENTATIVE SUBDIVISION MAP, ALL CONDITIONS MUST BE MET OR FINANCIAL ASSURANCES TO ENSURE COMPLETION OF THE CONDITIONS MUST BE PROVIDED. THE AGENCY RESPONSIBLE FOR DETERMINING COMPLIANCE WITH A SPECIFIC CONDITION SHALL DETERMINE WHETHER THE CONDITION MUST BE FULLY COMPLETED OR WHETHER THE APPLICANT SHALL BE OFFERED THE OPTION OF PROVIDING FINANCIAL ASSURANCES.

A COPY OF ALL AGREEMENTS, EASEMENTS OR OTHER DOCUMENTATION REQUIRED BY THESE CONDITIONS SHALL BE FILED WITH THE DEPARTMENT OF PUBLIC WORKS AND/OR THE DEPARTMENT OF COMMUNITY DEVELOPMENT.

THE DEVELOPER SHALL MEET WITH THE ENGINEERING DIVISION, DEPARTMENT OF WATER RESOURCES AND THE DEPARTMENT OF COMMUNITY DEVELOPMENT STAFF AT LEAST SIXTY (60) DAYS BEFORE THE ANTICIPATED DATE OF THE FINAL MAP RECORDATION TO REVIEW SCHEDULING, REQUIREMENTS, FINAL CONSTRUCTION DRAWINGS, AND DOCUMENTATION NECESSARY TO ADEQUATELY COMPLY WITH THE CONDITIONS OF APPROVAL AND THE APPLICABLE STATUTES, ORDINANCES, RULES, REGULATIONS AND POLICIES.

REQUESTS FOR EXTENSION OF TIME FOR SUBSEQUENT FINAL MAPS MUST BE SUBMITTED TO THE DEPARTMENT OF COMMUNITY DEVELOPMENT AT LEAST SIXTY (60) DAYS PRIOR TO THE EXPIRATION DATE OF THE TENTATIVE SUBDIVISION MAP.

COMPLIANCE WITH THE APPLICABLE STATUTES, ORDINANCES, RULES, REGULATIONS AND POLICIES AND WITH THE CONDITIONS OF APPROVAL OF THIS TENTATIVE MAP IS THE RESPONSIBILITY OF THE DEVELOPER, ITS SUCCESSOR IN INTEREST, AND ALL OWNERS, ASSIGNEES AND OCCUPANTS OF THE PROPERTY, AND THEIR SUCCESSORS IN INTEREST.

A COPY OF THE FINAL ORDER FOR THE APPROVAL OF THE TENTATIVE MAP SHALL BE ATTACHED TO ALL PHASES/UNITS SUBMITTALS FOR FINAL MAP REVIEW SIXTY (60) DAYS PRIOR TO RECORDATION.

Letter to: LaDera Ranch 390, LLC
 Subject: Tentative Subdivision Map No. TM05-011
 Date: July 8, 2005
 Page: 5

GENERAL CONDITIONS

1. The subdivision shall be in substantial compliance with the provisions of Washoe County Development Code Article 604, Design Requirements, and Article 608, Tentative Subdivision Maps.

Regulatory Zone for Review Purposes	MDS, LDS, HDR
Minimum Lot Area Required	Common Open Space Development
Minimum Lot Width	Common Open Space Development
Minimum Front Yard	20 feet
Minimum Side Yard	6 feet
Minimum Rear Yard	20 feet
Maximum Building Height	35 feet / 2 story maximum, daylight basements are allowed

Notes: Variances to these standards may be processed per Washoe County Code. The Department of Community Development shall determine compliance with this condition.

Final Map Verification: Phase/Unit No.: _____ Date Submitted: _____
 Where/How Condition is Satisfied: _____

2. The minimum side yard setback for all dwellings within this subdivision shall be six feet. The minimum front and rear setbacks shall be twenty feet. Compliance with this condition shall be determined by the Department of Community Development during building permit review.

Final Map Verification: Phase/Unit No.: _____ Date Submitted: _____
 Where/How Condition is Satisfied: _____

3. Final maps and final construction drawings shall comply with all applicable statutes, ordinances, rules, regulations and policies in effect at the time of submittal of the tentative map or, if requested by the developer and approved by the applicable agency, those in effect at the time of approval of the final map.

Final Map Verification: Phase/Unit No.: _____ Date Submitted: _____
 Where/How Condition is Satisfied: _____

Letter to: LaDera Ranch 390, LLC
Subject: Tentative Subdivision Map No. TM05-011
Date: July 6, 2005
Page: 8

4. The subdivider shall present to Washoe County a final map, prepared in accordance with the tentative map, for the entire area for which a tentative map has been approved, or one of a series of final maps, each covering a portion of the approved tentative map, within two years after the date of approval of the tentative map or within one year of the date of approval for subsequent final maps. On subsequent final maps, that date may be extended by one year if the extension request is received prior to the expiration date.

Final Map Verification: Phase/Unit No.: _____ Date Submitted: _____
Where/How Condition is Satisfied: _____

5. Final maps shall be in substantial compliance with all plans and documents submitted with and made part of this tentative map request, as may be amended by action of the final approving authority. Substantial compliance shall be determined by the applicable agency and the Department of Community Development.

Final Map Verification: Phase/Unit No.: _____ Date Submitted: _____
Where/How Condition is Satisfied: _____

6. Prior to acceptance of public improvements and release of any financial assurances, the developer shall furnish to the Department of Water Resources and the Engineering Division a complete set of reproducible as-built construction drawings prepared by a civil engineer registered in the State of Nevada.

Final Map Verification: Phase/Unit No.: _____ Date Submitted: _____
Where/How Condition is Satisfied: _____

7. The developer shall be required to participate in any applicable General Improvement District or Special Assessment District formed by Washoe County. The applicable division of the Department of Public Works shall determine compliance with this condition.

Final Map Verification: Phase/Unit No.: _____ Date Submitted: _____
Where/How Condition is Satisfied: _____

Letter to: LaDera Ranch 390, LLC
Subject: Tentative Subdivision Map No. TM05-011
Date: July 8, 2005
Page: 7

8. A note shall be placed on all grading plans and construction drawings stating:

NOTE

Should any prehistoric or historic remains/artifacts be discovered during site development, work shall temporarily be halted at the specific site and the State Historic Preservation Office of the Department of Museums, Library and Arts, shall be notified to record and photograph the site. The period of temporary delay shall be limited to a maximum of two (2) working days from the date of notification.

Final Map Verification: Phase/Unit No.: _____ Date Submitted: _____
Where/How Condition is Satisfied: _____

9. Prior to ground-disturbing activity or prior to finalization of any portion of the tentative map, the developer shall submit two copies of an archaeological/historical survey to the Department of Community Development. The Department of Community Development shall submit the surveys to the State Historic Preservation Office of the Department of Museums, Library and Arts and the applicable tribe for review. Following that review, the State Historic Preservation Office shall forward a letter to the Department of Community Development indicating the survey was acceptable and whether a mitigation plan is required.

Final Map Verification: Phase/Unit No.: _____ Date Submitted: _____
Where/How Condition is Satisfied: _____

10. The final map shall designate faults that have been active during the Holocene epoch of geological time and the final map shall contain the following note:

NOTE

No habitable structures shall be located on a fault that has been active during the Holocene epoch of geological time.

The Department of Community Development shall determine compliance with this condition.

Final Map Verification: Phase/Unit No.: _____ Date Submitted: _____
Where/How Condition is Satisfied: _____

Letter to: LaDera Ranch 390, LLC
Subject: Tentative Subdivision Map No. TM05-011
Date: July 6, 2005
Page: 8

11. The developer shall provide written approval from the U.S. Postal Service concerning the installation and type of mail delivery facilities. The system, other than individual mailboxes, must be shown on the project construction plans and installed as part of the on-site improvements. The County Engineer shall determine compliance with this condition.

Final Map Verification: Phase/Unit No.: _____ Date Submitted: _____
Where/How Condition is Satisfied: _____

12. The developer and all successors shall direct any potential purchaser of the site to meet with the Department of Community Development to review conditions of approval prior to the final sale of the site. Any subsequent purchasers of the site shall notify the Department of Community Development of the name, address, telephone number and contact person of the new purchaser within thirty (30) days of the final sale.

Final Map Verification: Phase/Unit No.: _____ Date Submitted: _____
Where/How Condition is Satisfied: _____

CONDITIONS, COVENANTS AND RESTRICTIONS

13. Conditions, covenants, and restrictions (CC&Rs), including any supplemental CC&Rs, shall be submitted to the Community Development staff for review and subsequent forwarding to the District Attorney for review and approval. The final CC&Rs shall be signed and notarized by the owner(s) and submitted to the Community Development Department with the recordation fee prior to the recordation of the final map. The CC&Rs shall require all phases and units of the subdivision approved under this tentative map to be subject to the same CC&Rs. Washoe County shall be made a party to the applicable provisions of the CC&Rs to the satisfaction of the District Attorney's Office. Said CC&Rs shall specifically address the potential for liens against the properties and the individual property owners' responsibilities for the funding of maintenance, replacement, and perpetuation of the following items, at a minimum:

- a. Maintenance of public access easements, common areas, and common open spaces. Provisions shall be made to monitor and maintain, for a period of three (3) years regardless of ownership, a maintenance plan for the common open space area. The maintenance plan for the common open space area shall, as a minimum, address the following:
- 1) Vegetation management;
 - 2) Watershed management;
 - 3) Debris and litter removal;
 - 4) Fire access and suppression;
 - 5) Maintenance of public access and/or maintenance of limitations to public access.

Letter to: LaDera Ranch 390, LLC
Subject: Tentative Subdivision Map No. TM05-011
Date: July 6, 2005
Page: 9

- b. All drainage facilities and roadways not maintained by Washoe County shall be privately maintained and perpetually funded by the homeowners association.
- c. All open space identified as common area on the final map shall be privately maintained and perpetually funded by the homeowners association. The maintenance of the common areas and related improvements shall be addressed in the CC&Rs to the satisfaction of the District Attorney's Office.
- d. Locating habitable structures on potentially active (Holocene) fault lines, whether noted on the recorded map or disclosed during site preparation, is prohibited.
- e. All outdoor lighting on buildings and streets within the subdivision shall be down-shielded.
- f. No motorized vehicles shall be allowed on the platted common area.
- g. Mandatory solid waste collection.
- h. Fence material (if any), height, and location limitations, and re-fencing standards. Replacement fence must be compatible in materials, finish and location of existing fence.
- i. Removal of all vegetation and debris in and within one foot on either side of all low-flow channels within all detention basins proposed for the subdivision every one or two years, or as needed, to mitigate insect development.
- j. The CC&Rs shall contain the following statement: "Rockery walls provide a favorable habitat for wild rodents such as ground squirrels, chipmunks, and others that can acquire plague through the bite of an infected flea. The rock surface provides an urban interface with these wild rodents. There is a risk of disease transmission to humans and domestic animals, especially cats. For this reason the public should not handle any wild rodents. An awareness of this risk by residents moving into developments having rockery walls will reduce the risk of disease transmission."
- k. The CC&Rs shall include a formal noise disclosure, acceptable to the Airport Authority of Washoe County, relative to aircraft over-flights and noise.

Final Map Verification: Phase/Unit No.: _____ Date Submitted: _____
Where/How Condition is Satisfied: _____

- 14. The common open space owned by the homeowners association shall be noted on the final map as "common open space" and the related deed of conveyance shall specifically provide for the preservation of the common open space in perpetuity. The deed shall be presented with the CC&Rs for review by the Community Development staff and the District Attorney.

Final Map Verification: Phase/Unit No.: _____ Date Submitted: _____
Where/How Condition is Satisfied: _____

Letter to: LaDera Ranch 390, LLC
Subject: Tentative Subdivision Map No. TM05-011
Date: July 6, 2005
Page: 10

LANDSCAPING AND COMMON OPEN SPACE

15. Prior to any ground-disturbing activity or finalization of a final map, the developer shall submit a landscaping/architectural design plan to the Department of Community Development for review and approval by the Design Review Committee. Said plan shall address, but not be limited to: type and color of building materials, general architectural design of proposed dwellings, fencing, landscaping material (if plant material: type, size at time of planting, maturation size at full growth, period of time between planting and full growth), common area landscaping location, entry landscaping, landscaping irrigation system, entry signage, common area signage and financial assurances that landscaping will be planted and maintained.

Final Map Verification: Phase/Unit No.: _____ Date Submitted: _____
Where/How Condition is Satisfied: _____

16. A certification letter or series of letters by a landscape architect registered in the State of Nevada shall be submitted to the Department of Community Development. The letter(s) shall certify that all applicable landscaping provisions of Articles 408, 410 and 412 of the Development Code have been met. Any landscaping plans and the letter shall be wet-stamped. The letter shall indicate any provisions of the code that the Director of Community Development has waived.

Final Map Verification: Phase/Unit No.: _____ Date Submitted: _____
Where/How Condition is Satisfied: _____

17. All open space retained by the homeowners association shall be identified as common area on the final map. A note on the final map shall indicate that all common areas shall be privately maintained and perpetually funded by the homeowners association. The County Engineer shall determine compliance with this condition. The maintenance of the common areas shall also be addressed in the CC&Rs and the District Attorney's Office shall determine compliance.

Final Map Verification: Phase/Unit No.: _____ Date Submitted: _____
Where/How Condition is Satisfied: _____

18. All common area not retained by the homeowners association shall be dedicated to the Washoe County Department of Regional Parks and Open Space, proportionally (approximately 0.8 acres per dwelling unit) with each final map. Compliance with this condition shall be determined by the Department of Community Development.

Final Map Verification: Phase/Unit No.: _____ Date Submitted: _____
Where/How Condition is Satisfied: _____

Letter to: LaDera Ranch 390, LLC
Subject: Tentative Subdivision Map No. TM05-011
Date: July 6, 2005
Page: 11

19. All retaining walls and all cuts into stable rock material that do not require stabilization by means of retaining walls shall be treated with "Pemeon" simulated desert varnish or an equivalent rock stain product to ensure that all newly exposed rock surfaces and all rockery walls match the color of the surrounding hillside as closely as practicable. Final construction drawings shall include a note indicating compliance with this condition. Compliance with this condition shall be determined by the Department of Community Development prior to the final inspection of the grading and rockery walls by the Department of Building and Safety.

Final Map Verification: Phase/Unit No.: _____ Date Submitted: _____
Where/How Condition is Satisfied: _____

20. Landscaping surrounding the entrance to the subdivision shall include not less than 60 trees. Trees not shown on the plans submitted in the tentative subdivision map application shall be placed adjacent to West Seventh Avenue, in equal number to the north and south of Stagecoach Drive. Compliance with this condition shall be determined by the Department of Community Development prior to the final inspection of the grading and rockery walls by the Department of Building and Safety.

Final Map Verification: Phase/Unit No.: _____ Date Submitted: _____
Where/How Condition is Satisfied: _____

21. The applicant shall construct a six-foot-wide paved pedestrian path within the project site that roughly parallels West Seventh Avenue, allowing safe pedestrian access off the roadway from the northwest corner of the project area to the northeast corner of the project area. Compliance with this condition shall be determined by the Department of Community Development, prior to the approval of a final map.

Final Map Verification: Phase/Unit No.: _____ Date Submitted: _____
Where/How Condition is Satisfied: _____

22. Financial assurances for completion of all landscaping and improvement of all required pedestrian paths shall be included in the Subdivision Improvement Agreement. Compliance with this condition shall be determined by the Department of Community Development, prior to the approval of a final map.

Final Map Verification: Phase/Unit No.: _____ Date Submitted: _____
Where/How Condition is Satisfied: _____

Letter to: LaDera Ranch 390, LLC
Subject: Tentative Subdivision Map No. TM05-011
Date: July 6, 2005
Page: 12

23. The applicant shall install signage prohibiting motorized vehicle access at the entrance to all common open space areas and at all trail access points. Compliance with this condition shall be determined by the Department of Community Development, prior to the approval of a final map.

Final Map Verification: Phase/Unit No.: _____ Date Submitted: _____
Where/How Condition is Satisfied: _____

DEPARTMENT OF WATER RESOURCES CONDITION

24. Water rights necessary to serve this project shall be dedicated to Washoe County, per Article 422 of the Washoe County Developmental Code. A water rights lease agreement shall be executed between Washoe County and the water purveyor. Washoe County, in turn, will execute a 99-year water sale (lease) agreement to make the water rights available to the purveyor.

ENGINEERING CONDITIONS

Compliance with the following conditions shall be determined by the County Engineer.

25. Final maps and final construction drawings shall comply with all applicable statutes, ordinances, rules, regulations, and policies in effect at the time of submittal of the tentative map or, if requested by the developer and approved by the applicable agency, those in effect at the time of approval of the final map.
26. Prior to acceptance of public improvements and release of any financial assurances, the developer shall furnish to the water and sewer provider(s) and Engineering Division a complete set of reproducible as-built construction drawings prepared by a civil engineer registered in the State of Nevada.
27. The developer shall be required to participate in any applicable General Improvement District or Special Assessment District formed by Washoe County. The applicable County Department shall be responsible for determining compliance with this condition.
28. The developer shall provide written approval from the U.S. Postal Service concerning the installation and type of mail delivery facilities. The system, other than individual mailboxes, must be shown on the project construction plans and installed as part of the onsite improvements. The County Engineer shall determine compliance with this condition.
29. A complete set of construction improvement drawings, including an onsite grading plan, shall be submitted to the County Engineer for approval prior to finalization of any portion of the tentative map. Grading shall comply with best management practices (BMPs) and shall include detailed plans for grading and drainage on each lot, erosion control (including BMP locations and installation details), slope stabilization and mosquito abatement. Placement or disposal of any excavated material shall be indicated on the grading plan.

Letter to: LaDara Ranch 390, LLC
Subject: Tentative Subdivision Map No. TM05-011
Date: July 6, 2005
Page: 13

30. All open space shall be identified as common area on the final map. A note on the final map shall indicate that all common areas shall be privately maintained and perpetually funded by the homeowners association. The County Engineer shall determine compliance with this condition. The maintenance of the common areas shall also be addressed in the CC&Rs to the satisfaction of the District Attorney's Office.
31. Any existing easements or utilities that conflict with the development shall be relocated, quitclaimed, and/or abandoned, as appropriate. The County Engineer shall determine compliance with this condition.
32. Any easement documents recorded for the project shall include an exhibit map that shows the location and limits of the easement in relationship to the project. The County Engineer shall determine compliance with this condition.
33. All existing overhead utility lines shall be placed underground, except electric transmission lines greater than 100 kilovolts, which can remain above ground. The County Engineer shall determine compliance with this condition.

DRAINAGE (County Code 110.420)

34. The conditional approval of this tentative map shall not be construed as final approval of the drainage facilities shown on the tentative map. Final approval of the drainage facilities will occur during the final map review and will be based upon the final hydrology report.
35. Prior to finalization of the first final map, a master hydrology/hydraulic report and a master storm drainage plan shall be submitted to the County Engineer for approval.
36. Prior to finalization of any portion of the tentative map, a final, detailed hydrology/hydraulic report for that unit shall be submitted to the County Engineer. All storm drainage improvements necessary to serve the project shall be designed and constructed to County standards and specifications and/or financial assurances in an appropriate form and amount shall be provided. The County Engineer shall determine compliance with this condition.
37. Any increase in stormwater runoff resulting from the development and based on the 5- and 100-year storm(s) shall be detained. The County Engineer shall determine compliance with this condition.
38. The 100-year floodplain boundaries and flood elevations shall appear on each final map. If the floodplain boundary has been conditionally changed by a Federal Emergency Management Agency (FEMA) Conditional Letter of Map Amendment or Conditional Letter of Map Revision, the date of that letter and a note to that effect shall appear on the final map. The County Engineer shall determine compliance with this condition.
39. Standard reinforced concrete headwalls or other approved alternatives shall be placed on the inlet and outlet of all drainage structures, and grouted rock riprap shall be used to prevent erosion at the inlets and outlets of all culverts to the satisfaction of the Engineering Division.

Letter to: LaDera Ranch 390, LLC
Subject: Tentative Subdivision Map No. TM05-011
Date: July 6, 2005
Page: 14

40. The developer shall provide pretreatment for petrochemicals and silt for all storm drainage leaving the site to the satisfaction of the Engineering Division.
41. Prior to approval of any final map, building permit, or grading permit, the developer will furnish to the Engineering Division and Community Development staff written confirmation from any irrigation ditch owner(s) that they have reviewed and approved any ditch crossings, protective fencing or stormwater discharge facilities that may impact the ditch.
42. The Truckee Meadows Regional Stormwater Quality Management Program Construction Permit Submittal Checklist and Inspection Fee shall be submitted with each final map. The County Engineer shall determine compliance with this condition.
43. In medians with irrigated landscaping adjacent to the curb, a subdrain system shall be installed a minimum of one foot behind the back face of curb to intercept drainage from the landscaping. The system shall be tied to the storm drain system or an acceptable alternative drainage system. The County Engineer shall determine compliance with this condition.
44. Drainage swales that drain more than two lots are not allowed to flow over the curb into the street; these flows shall be intercepted by an acceptable storm drain inlet and routed into the storm drain system. The County Engineer shall determine compliance with this condition.
45. A note on the final map shall indicate that all drainage facilities not maintained by Washoe County shall be privately maintained and perpetually funded by a homeowners association. As an alternative to a homeowners association, the developer may request the establishment of a County Utility Service Area under which fees would be paid for maintenance of the proposed storm drainage detention facility. The fee amount will be based on the additional service above that normally provided by the County to maintain new stormwater facilities dedicated by the developer (i.e., curb and gutter, drop inlets and piping). The County Engineer shall determine compliance with this condition. The maintenance and funding of these drainage facilities shall also be addressed in the CC&Rs to the satisfaction of the District Attorney's Office.
46. The maximum permissible flow velocity (that which does not cause scour) shall be determined for all proposed channels and open ditches. The determination shall be based on a geotechnical analysis of the channel soil, proposed channel lining and channel cross section, and it shall be in accordance with acceptable engineering publications/calculations. Appropriate linings shall be provided for all proposed channels and open ditches such that the 100-year flows do not exceed the maximum permissible flow velocity. The County Engineer shall determine compliance with this condition.
47. Prior to issuance of a grading permit or finalization of the first final map, a wetlands delineation must be approved by the United States Army Corps of Engineers (COE). A copy of the wetlands delineation and the COE approval shall be submitted to the County Engineer.

Letter to: LaDera Ranch 399, LLC
Subject: Tentative Subdivision Map No. TM05-011
Date: July 8, 2005
Page: 15

48. Prior to issuance of a grading permit or approval of the affected final map, the developer shall obtain a permit from the COE for any work within the wetlands/waters of the U.S., or a letter from the COE indicating that a permit is not required. A copy of the permit/letter shall be submitted to the County Engineer.
49. All slopes steeper than 3:1 shall be mechanically stabilized to control erosion. As an alternative to riprap, an engineered solution (geofabric, etc.) may be acceptable. The County Engineer shall determine compliance with this condition.
50. A note on all affected final maps shall state that the owner, buyers, assigns or interest holders of any lots hereon hereby agree that all existing irrigation flows crossing these parcels shall be perpetuated. Any legal rights to water from the ditches crossing this property shall be honored, and the right of access for maintenance and operation will not be denied to valid holders of those rights. The County Engineer shall determine compliance with this condition.
51. Maintenance access and drainage easements shall be provided for all existing and proposed drainage facilities. The County Engineer shall determine compliance with this condition.
52. The hydrology report for each phase shall include sizing the driveway culverts for that phase such that they will pass the onsite 100-year flow. The driveway culvert sizes shall be identified on the improvement plans for each phase. The County Engineer shall determine compliance with this condition.
53. Drainage easements shall be provided for all storm runoff that crosses more than one lot. The County Engineer shall determine compliance with this condition.
54. Any rights-of-way/easements for irrigation ditches, associate structures and their maintenance shall be reserved with the finalization of the affected final map or prior to issuance of a grading permit. Any relocation of the irrigation facilities requires written approval of the ditch owner(s). The County Engineer shall determine compliance with this condition.

TRAFFIC (County Code 110.436)

55. All roadway improvements necessary to serve the project shall be designed and constructed to County standards and specifications and/or financial assurances in an appropriate form and amount shall be provided. The County Engineer shall determine compliance with this condition.
56. Cut-de-sac lengths shall not exceed 1500 feet in length and the Average Daily Traffic (ADT) shall not exceed 300.
57. The conditioned approval of the tentative map shall not be construed as final approval of the traffic reports recommendations concerning improvements to Golden Valley Road and subdivision street sections.
58. Golden Valley Road improvements shall be based on a design speed of 45 mph.

Letter to: LaDera Ranch 390, LLC
Subject: Tentative Subdivision Map No. TM05-011
Date: July 6, 2005
Page: 16

59. An acceleration lane shall be provided on Golden Valley Road to accommodate intersection northbound approach left turns onto Golden Valley Road.
60. Either construct a 5'-wide concrete sidewalk within the County right-of-way of Seventh Avenue on the south side of the road from the western to the eastern boundary of the project parcel including adjacent to parcels that are not part of the project parcel or a non-vehicular access easement shall be recorded and a maintenance agreement shall be formed to dedicate and maintain the 5'-wide asphalt pathway from the northwest corner to the northeast corner of the project site.
61. Construct sidewalk on both sides of Stagecoach from Seventh Avenue to Wagon Trail.
62. Construct traffic calming devices on Stagecoach, Blue Sage and Eagle Peak, which may include roundabouts, chicanes and speed humps to the satisfaction of the County Engineer. Delay to emergency vehicles must be considered and therefore the traffic calming plan cannot rely solely on speed humps.
63. Street names shall be reviewed and approved by the Regional Street Naming Coordinator.
64. Proposed landscaping and/or fencing along street rights-of-way and within median islands shall be designed to meet American Association of State Highway and Transportation Officials (AASHTO) sight distances and safety guidelines. No tree shall overhang the curb line of a street. The County Engineer shall determine compliance with this condition.
65. For any utilities placed in existing County streets, the streets shall be repaired to the satisfaction of the County Engineer. At a minimum, this will require full depth removal and replacement of asphalt for half the street width. Type II slurry seal is required for the entire street width. Full width street improvements may be required if the proposed utility location is too close to the centerline of the existing street.
66. Streetlights shall be constructed to Washoe County standards at locations to be determined at the final design stage. The County Engineer shall determine compliance with this condition.
67. AASHTO clear zones shall be determined for all streets adjacent to retaining walls or slopes steeper than 3:1. If a recoverable or traversable clear zone cannot be provided, an analysis to determine if barriers are warranted shall be submitted for approval. The County Engineer shall determine compliance with this condition.
68. All retaining walls that are adjacent to, provide support for or retain soil from the County right-of-way shall be constructed of reinforced masonry block or reinforced concrete and designed by an engineer licensed in the State of Nevada. The County Engineer shall determine compliance with this condition.
69. No retaining walls shall be located within a plowed snow storage easement. The County Engineer shall determine compliance with this condition.

Letter to: LaDera Ranch 390, LLC
Subject: Tentative Subdivision Map No. TM05-011
Date: July 6, 2005
Page: 17

REGIONAL TRANSPORTATION COMMISSION CONDITIONS

70. The applicant shall dedicate sufficient right-of-way through the subject property for construction of the West Sun Valley Arterial as indicated by the alignment study completed by Lumos and Associates. The applicant shall provide the County Engineer with documentation from the Regional Transportation Commission indicating compliance with this condition prior to approval of any final map.
71. The applicant shall construct a left-turn pocket with 150 feet of storage on the east approach to the project and a right-turn deceleration lane on the west approach. Compliance with this condition shall be determined by the County Engineer.
72. The applicant shall dedicate right-of-way if necessary and shall construct a concrete pad adjacent to the project on West Seventh Avenue to provide access to future Citifare transit services. Compliance with this condition shall be determined by the County Engineer.

FIRE SAFETY

Compliance with the following conditions shall be determined by the Reno Fire Department, prior to the approval of a final map.

73. The secondary access is required to meet all of the requirements for a permanent all-weather access road (paved). See the Reno Fire Department Policy section UFC-P902.2
74. The gated secondary fire department access shall meet all of the requirements listed in the Reno Fire Department Policy. Please see UFC-P902.2.4.
75. Fire hydrants shall be installed per Reno Fire Department Policy Section UFC-P903.4.
76. The minimum fire flow for the hydrants shall be 1500 gpm for 20 minutes per the Reno Fire Department Policy table 9-A.
77. Fire Fuel Breaks meeting the approval of the Reno Fire Department shall be provided and maintained.

AIRPORT AUTHORITY CONDITIONS

78. The property owner(s) shall grant an Avigation Easement to, and acceptable to the Airport Authority of Washoe County over the entire property. The property owner(s) shall provide the Department of Community Development with appropriate documentation indicating that the Avigation Easement has been granted and accepted by the Airport Authority of Washoe County, prior to the issuance of any master building permits.
79. The noise disclosure included in the CC&Rs shall be attached to any final map submitted for approval. Compliance with this condition shall be determined by the Airport Authority of Washoe County.

Letter to: LaDera Ranch 390, LLC
Subject: Tentative Subdivision Map No. TM05-011
Date: July 6, 2005
Page: 18

80. The applicant(s) and/or property owner(s) shall provide a list, verified by a qualified acoustical consultant, of construction methods to be utilized for noise attenuation to a maximum interior level of 45dBA Ldn prior to the issuance of any master building permits. Compliance with this condition shall be determined by the Airport Authority of Washoe County.

VECTOR CONTROL CONDITIONS

81. Any common areas with turf grass shall be equipped with mechanisms for avoidance of drift and overspray caused by wind, such as wind-activated sensor shut offs and sprinker heads provided with low-angle nozzles. The District Health Department, Vector Control program shall determine compliance with this condition.
82. Rockery retaining walls shall be designed and constructed to District Health Department, Vector Control Program standards. The District Health Department, Vector Control program shall determine compliance with this condition.
83. Decomposed granite paths and trails within the development shall have no obstacles placed within one foot of either side of the walkway. The District Health Department, Vector Control program shall determine compliance with this condition.
84. All detention basins within this project shall be designed with a one-foot-deep, two- to three-foot-wide low flow channel. The channel shall be lined with four- to six-inch cobble. A permeable geotextile weed barrier shall be installed under the cobble. The channel shall connect inlet to outlet pipes. All urban nuisance flows shall be contained within the channel. Revegetation and ornamental landscaping shall not be planted within one foot on either side of the channel, and vegetation shall not be allowed to grow along the edge of the channel. The District Health Department, Vector Control program shall determine compliance with this condition.

*** END OF CONDITIONS ***

Exhibit "C"
Action Order, June 4, 2008



Community Development
"Dedicated to Excellence in Public Service"
Adrian P. Freund, AICP, Community Development Director



ACTION ORDER

June 4, 2008

LaDera Ranch 390, LLC
Attn: Steve Thomas
679 Sierra Rose #B
Reno, NV 89511

Dear Applicant:

As filed with the Department of Community Development, the Washoe County Planning Commission, at its regular meeting of June 3, 2008, approved the following; subject to the original conditions of approval, as amended, in the Action Orders of July 6, 2005 and November 13, 2006, attached:

EXTENSION OF TIME REQUEST FOR TENTATIVE SUBDIVISION MAP CASE NO. TM05-011 (LADERA RANCH) - To extend for one year, until July 5, 2009, the approval of a 356-lot, single-family residential, common open space subdivision with lots ranging in size from 5,719 to 14,683 square feet, with an average lot size of 7,469 square feet, as authorized in Article 408 of the Washoe County Development Code. The project includes a total of six parcels. The subject parcels are contiguous to each other and located to the south of Golden Valley Road/West Seventh Avenue, approximately one mile west of the intersection of West Seventh Avenue and Sun Valley Boulevard and approximately one mile east of the intersection of Golden Valley Road and Spearhead Way. The parcels total approximately 376 acres and have mixed land use designations including High Density Rural (HDR, ±61.33 acres), Low Density Suburban (LDS, ±135.3 acres), Medium Density Suburban (MDS, ±94.16 acres) and Open Space (OS, ±85.3 acres). The parcels are located within the Sun Valley Area Plan, and are situated in portions of Sections 13 and 24, T20N, R19E, MDM, Washoe County, Nevada. The property is located in the Sun Valley Citizen Advisory Board boundary and Washoe County Commission District No. 5. (APNs 082-473-07, 082-473-08, 082-473-09, 082-473-11, 082-473-12, and 502-250-05)

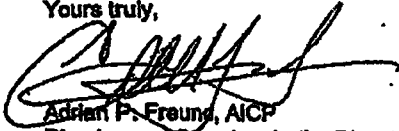
The approval was based on the following findings:

1. That the conditions of approval ensure consideration of the items enumerated in NRS 278.349,
2. That the original findings remain valid, and
3. That the circumstances have not appreciably changed since the original approval.

7
Letter to: LaDera Ranch 360, LLC
Subject: Extension of Tentative Subdivision Map No. TM05-011
Date: June 4, 2008
Page: 2

Unless appeals are filed in the time period stipulated in the Washoe County Development Code, the decision by the Planning Commission is final.

Yours truly,



Adrian P. Freund, AICP
Director and Secretary to the Planning Commission

APF/RPK/cml/(TM05-011F2ext)

cc: Silverstar Communities, 679 Sierra Rose #B, Reno, NV 89511

Summit Engineering, Attn: Tom Hannum, 5405 Mae Anne, Reno, NV 89511

Blaine Caridge, Deputy District Attorney; Marge Clausen, Assessor's Office (CAAS); Steve Churchfield, Chief Appraiser, Assessor's Office; David Lindsey, Department of Water Resources; Engineering Division; Reno Fire Department; Nevada Division of Environmental Protection, 333 West Nye Lane, Suite 138, Carson City, NV 89706; Regional Transportation Commission, 800 Sutro Street, Reno, NV 89502; Washoe County School District, P. O. Box 30425, Reno, NV 89520-3425; Chair, Sun Valley Citizen Advisory Board

Exhibit "D"
Action Order dated November 13, 2006



Community Development

"Dedicated to Excellence in Public Service"
Adrian P. Freund, AICP, Community Development Director



ACTION ORDER

November 13, 2006

SilverStar Communities
Attn: Chris Judson
679 Sierra Rose Drive
Reno, NV 89511

Dear Applicant:

As filed with the Department of Community Development, the Washoe County Planning Commission, at its regular meeting of November 9, 2006, approved the following, with fifteen (15) conditions:

AMENDMENT OF CONDITIONS CASE NO. AC06-009 (AMENDMENT OF TENTATIVE SUBDIVISION MAP CASE NO. TM05-011, LADERA RANCH) – To modify Conditions of Approval Numbers 21 and 60 to allow the combination of the sewer access road and the required pedestrian path, to relocate the proposed sewer line, and to change the surface of the pedestrian path from asphalt to gravel. The applicant is further requesting substantial changes to the grading at the entrance of the project. The project includes a total of six contiguous parcels located to the south of Golden Valley Road/West Seventh Avenue, approximately one mile west of the intersection of West Seventh Avenue and Sun Valley Boulevard and approximately one mile east of the intersection of Golden Valley Road and Spearhead Way. The parcels total approximately 376 acres and have mixed land use designations including High Density Rural (HDR, ±61.33 acres), Low Density Suburban (LDS, ±135.3 acres), Medium Density Suburban (MDS, ±94.15 acres) and Open Space (OS, ±85.3 acres). The parcels are located within the Sun Valley Area Plan, and are situated in portions of Sections 13 and 24, T20N, R19E, MDM, Washoe County, Nevada. The property is located in the Sun Valley Citizen Advisory Board boundary and Washoe County Commission District No. 5. (APNs 082-473-07 through 09, 082-473-11 and 12, and 502-250-05) The approval of the tentative subdivision map was based on the following findings:

1. Plan Consistency. That the proposed changes to the tentative map approval are consistent with the Comprehensive Plan and any specific plan;
2. Design or Improvement. That the change in the design and improvements to the proposed subdivision are consistent with the Comprehensive Plan and any specific plan;
3. Availability of Services. That the subdivision, with the changes proposed, will meet the requirements of Article 702, Adequate Public Facilities Management System;
4. Fish or Wildlife. That neither the design of the subdivision nor any proposed improvements, with the proposed changes are likely to cause substantial environmental damage, or substantial and avoidable injury to any endangered plant, wildlife or their habitat;

Post Office Box 11130, Reno, NV 89520-0027 – 1001 E. Ninth St., Reno, NV 89512
Telephone: 775.328.3600 – Fax: 775.328.3648
www.washoecounty.us/comdev/

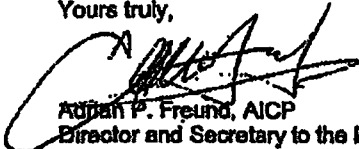
"Your Community Development Department"

Letter to: SilverStar Communities
Subject: Amendment of Conditions No. AC08-008 (Tentative Subdivision Map No. TM05-011)
Date: November 13, 2008
Page: 2

5. Public Health. That the changes to the design of the subdivision or type of improvement is not likely to cause significant public health problems;
6. Easements. That the changes to the design of the subdivision or the type of improvements will not conflict with easements acquired by the public at large for access through, or use of property within, the proposed subdivision;
7. Access. That the design of the subdivision provides any necessary access to surrounding, adjacent lands and provides appropriate secondary access for emergency vehicles;
8. Dedications. That any land or improvements to be dedicated to the County are not impacted by the proposed changes and is consistent with the Comprehensive Plan;
9. Energy. That the design of the subdivision provides, to the extent feasible, for future passive or natural heating or cooling opportunities in the subdivision and is not impacted by the proposed changes; and
10. Reasoned Consideration. That the Planning Commissioners gave reasoned consideration to the information contained within the staff report and information received during the meeting.

Unless appeals are filed in the time period stipulated in the Washoe County Development Code, the decision by the Planning Commission is final.

Yours truly,



Arthur P. Freund, AICP
Director and Secretary to the Planning Commission

APF/RDP/crn (AC08-008f1)

Attachments: Conditions
Action Order dated July 6, 2005, to LaDera Ranch 390, LLC

xc: Summit Engineering, attn: Chad Wilkinson, 5405 Mae Anne Avenue, Reno, NV 89523

Blaine Cartledge, DA's Office; Marge Clausen, Assessor's Office (CAAS); Steve Churchfield, Chief Appraiser, Assessor's Office; David Lindsey, Department of Water Resources; Engineering Division; Truckee Meadows Fire Protection District; Regional Transportation Commission, Post Office Box 30002, Reno, NV 89520; Truckee Meadows Regional Planning Agency, 1400-A Wedekind Road, Reno, NV 89512; Diana Lange, Sun Valley GID, Sun Valley Citizen Advisory Board, Chair

Letter to: SilverStar Communities
Subject: Amendment of Conditions No. AC08-008 (Tentative Subdivision Map No. TM05-011)
Date: November 13, 2008
Page: 3

**CONDITIONS FOR
AMENDMENT OF CONDITIONS CASE NUMBER AC08-008
(TENTATIVE SUBDIVISION MAP CASE NUMBER TM05-011 LADERA RANCH)
(As approved by the Washoe County Planning Commission on November 9, 2008)**

*****IMPORTANT GENERAL INSTRUCTIONS—PLEASE READ*****

THE TENTATIVE MAP APPROVAL ALLOWS THE SUBDIVIDER TO PROCEED WITH FULFILLING THE CONDITIONS OF APPROVAL AND RECORD A FINAL MAP FOR ALL, OR PORTIONS OF, THE DEVELOPMENT WITHIN TWO (2) YEARS FROM THE DATE OF THE PLANNING COMMISSION ACTION. FAILURE TO RECORD THE FIRST FINAL MAP WITHIN TWO (2) YEARS OF THE PLANNING COMMISSION ACTION, OR FAILURE TO RECORD THE LATEST MAP IN A SERIES WITHIN ONE (1) YEAR AFTER THE DATE OF THE MOST RECENTLY RECORDED MAP, SHALL TERMINATE ALL PROCEEDINGS CONCERNING THE SUBDIVISION.

UNLESS OTHERWISE STATED, PRIOR TO FINALIZATION OF ANY PORTION OF THE TENTATIVE SUBDIVISION MAP, ALL CONDITIONS MUST BE MET OR FINANCIAL ASSURANCES TO ENSURE COMPLETION OF THE CONDITIONS MUST BE PROVIDED. THE AGENCY RESPONSIBLE FOR DETERMINING COMPLIANCE WITH A SPECIFIC CONDITION SHALL DETERMINE WHETHER THE CONDITION MUST BE FULLY COMPLETED OR WHETHER THE APPLICANT SHALL BE OFFERED THE OPTION OF PROVIDING FINANCIAL ASSURANCES.

A COPY OF ALL AGREEMENTS, EASEMENTS OR OTHER DOCUMENTATION REQUIRED BY THESE CONDITIONS SHALL BE FILED WITH THE DEPARTMENT OF PUBLIC WORKS AND/OR THE DEPARTMENT OF COMMUNITY DEVELOPMENT.

THE DEVELOPER SHALL MEET WITH THE ENGINEERING DIVISION, DEPARTMENT OF WATER RESOURCES AND THE DEPARTMENT OF COMMUNITY DEVELOPMENT STAFF AT LEAST SIXTY (60) DAYS BEFORE THE ANTICIPATED DATE OF THE FINAL MAP RECORDATION TO REVIEW SCHEDULING, REQUIREMENTS, FINAL CONSTRUCTION DRAWINGS, AND DOCUMENTATION NECESSARY TO ADEQUATELY COMPLY WITH THE CONDITIONS OF APPROVAL AND THE APPLICABLE STATUTES, ORDINANCES, RULES, REGULATIONS AND POLICIES.

REQUESTS FOR EXTENSION OF TIME FOR SUBSEQUENT FINAL MAPS MUST BE SUBMITTED TO THE DEPARTMENT OF COMMUNITY DEVELOPMENT AT LEAST SIXTY (60) DAYS PRIOR TO THE EXPIRATION DATE OF THE TENTATIVE SUBDIVISION MAP.

COMPLIANCE WITH THE APPLICABLE STATUTES, ORDINANCES, RULES, REGULATIONS AND POLICIES AND WITH THE CONDITIONS OF APPROVAL OF THIS TENTATIVE MAP IS THE RESPONSIBILITY OF THE DEVELOPER, ITS SUCCESSOR IN INTEREST, AND ALL OWNERS, ASSIGNEES AND OCCUPANTS OF THE PROPERTY, AND THEIR SUCCESSORS IN INTEREST.

A COPY OF THE FINAL ORDER FOR THE APPROVAL OF THE TENTATIVE MAP SHALL BE ATTACHED TO ALL PHASES/UNITS SUBMITTALS FOR FINAL MAP REVIEW SIXTY (60) DAYS PRIOR TO RECORDATION.

Letter to: SilverStar Communities
Subject: Amendment of Conditions No. AC08-009 (Tentative Subdivision Map No. TM05-011)
Date: November 13, 2006
Page: 4

GENERAL CONDITIONS

1. The applicant shall demonstrate substantial conformance to the plans approved as part of this amendment of conditions. The Department of Community Development shall determine compliance with this condition.
2. The applicant shall record the final map for at least the first phase of the subdivision not later than July 5, 2007.
3. A copy of the Final Order stating conditional approval of this amendment of conditions shall be attached to all applications for administrative permits issued by Washoe County.
4. All prior conditions of approval for this project, not modified by this action, shall remain in full force and effect.

LANDSCAPING AND DESIGN

5. Additional evergreen trees, not less than ten (10) feet in height, shall be added to the proposed entry landscaping plan. The additional trees shall be located between each of the deciduous trees on both sides of Stagecoach Drive. All proposed entry landscaping shall be completed prior to the approval of any Certificate of Occupancy for any dwelling unit in the subdivision. Permanent irrigation shall be provided to all landscape areas with individual water emitters at each tree. The Department of Community Development shall determine compliance with this condition.
6. Landscaping including evergreen trees at the base and evergreen bushes on the bench at the midpoint shall be added to the graded area adjacent to West 7th Avenue. The Department of Community Development shall determine compliance with this condition.
7. Additional evergreen trees, not less than ten (10) feet in height, shall be added to the proposed landscaping plan along the base of all fill-slopes visible from West 7th Avenue/ Golden Valley Drive. One tree shall be added for each 25 lineal feet of fill slope. All trees shall be planted prior to the approval of any Certificate of Occupancy for any dwelling unit in the subdivision. Permanent irrigation shall be provided to each tree. The Department of Community Development shall determine compliance with this condition.
8. Landscaping treatments shall include juniper trees. All revegetation seed mixes shall include juniper tree seeds. Compliance with this condition shall be determined by the Department of Community Development.

ENGINEERING CONDITIONS

9. In medians with irrigated landscaping adjacent to the curb, a subdrain system shall be installed a minimum of one foot behind the back face of curb to intercept drainage from the landscaping. The system shall be tied to the storm drain system or an acceptable alternative drainage system. The County Engineer shall determine compliance with this condition.

Letter to: SilverStar Communities
Subject: Amendment of Conditions No. AC06-009 (Tentative Subdivision Map No. TM05-011)
Date: November 13, 2008
Page: 5

10. Any landscaping within the County right-of-way will require a Revocable Encroachment Permit and will be approved on a case-by-case basis. Washoe County will not maintain landscaping in the right-of-way. Maintenance responsibility for any landscaping within the right-of-way shall be addressed prior to the finalization of the affected final map. The County Engineer shall determine compliance with this condition.
11. The applicant shall provide a trail connection from the end of the northernmost cul-de-sac in the subdivision (Painted Sky Way) to the pedestrian path. The surface of the connection shall be identical to the surface for the remainder of the path. The County Engineer shall determine compliance with this condition.
12. The applicant shall install signage from the trail connection to the subdivision to the west and from West 7th Avenue through the subdivision to the required pedestrian path. The County Engineer and the Department of Community Development shall determine compliance with this condition.

VECTOR CONTROL CONDITION

13. Typical front lot containing turf grass shall require a 3-foot no-sod setback from the back face of sidewalk. If there is no sidewalk, the 3-foot no-sod setback shall be from the back face of the curb. The District Health Department may waive this condition if there is a design equivalent such as an underground drip system. The District Health Department, Vector Control Program shall be responsible for determining compliance with this condition.

PLANNING COMMISSION CONDITIONS

14. Signage restricting motorized vehicle access and bollards or other motorized vehicle access restrictions shall be provided at each end of the pedestrian pathway. The Department of Regional Parks and Open Space and the Department of Community Development shall determine compliance with this condition.
15. The surface of the required pedestrian path shall be constructed of gravel or grinding materials to the satisfaction of the County Engineer and to the "Green Book" specifications of the Washoe County Department of Regional Parks and Open Space. The County Engineer and the Department of Regional Parks and Open Space shall determine compliance with this condition.

*** END OF CONDITIONS ***

Exhibit "E"
Action Order Dated January 11, 2007



Community Development

"Dedicated to Excellence in Public Service"
Adrian P. Freund, AICP, Community Development Director



Washoe County Design Review Committee

Principals:
Daniel N. Salomo, AIA, Chair
Dan Kovach, ASLA, Vice Chair
Dave Snelgrove, AICP
M. Lee Murray, Jr., AIA
Naal H. Cobb

Alternates:
Frank Peterson
Arna Haimala, AICP
Ryan Hansen, ASLA
Leonard G. Martinez, AIA
Stephen D. Rogers
Kreg Mobius, ASLA, Reserve

ACTION ORDER

January 11, 2007

Chris Judson
Ladera Ranch 390, LLC,
670 Sierra Rose Dr. Suite B.
Reno, NV 89511

RE: Action of Design Review Committee TM05-011 (Ladera Ranch 390)

Dear Mr. Judson:

The Design Review Committee, at its January 11, 2007 meeting, reviewed the landscaping plans for the Ladera Ranch 390 subdivision. The Committee approved the project as proposed with the following conditions:

CONDITIONS

The following conditions shall be determined for compliance by the Community Development Department:

1. The applicant shall apply a permeon to all cut-rock surfaces
2. The applicant shall return to the Design Review Committee for review of architectural standards to include signage details.

If you have any questions or require any assistance, please contact me at 328-3620.

Sincerely,

Trevor Lloyd
Secretary to the Design Review Committee

Cc: Summit Engineering; Attn: Billy Doyle
5405 Mae Anne Ave.
Reno, NV 89523

Notice: Per NRS 239B.030, this document does not contain personal information as defined in NRS 603A.040

ORDINANCE APPROVING “AMENDED AND RESTATED DEVELOPMENT AGREEMENT (LADERA”

SUMMARY: An ordinance approving a third amendment to a development agreement (Ladera Ranch, Tentative map case number TM05-011) originally approved in 2009 (Development Agreement DA09-004, ordinance number 1406) and first amended in 2010 (Amendment of Conditions AC11-002, ordinance number 1461), and second amended in 2015 (Development Agreement DA15-001, ordinance number 1551), to extend the deadline for filing the next final map to July 5, 2019.

BILL NO. _____

ORDINANCE NO. _____

TITLE:

AN ORDINANCE APPROVING A THIRD AMENDMENT TO A DEVELOPMENT AGREEMENT (LADERA RANCH, TENTATIVE MAP CASE NUMBER TM05-011) ORIGINALLY APPROVED IN 2009 (DEVELOPMENT AGREEMENT DA09-004, ORDINANCE NUMBER 1406) AND FIRST AMENDED IN 2010 (AMENDMENT OF CONDITIONS AC11-002, ORDINANCE NUMBER 1461), AND SECOND AMENDED IN 2015 (DEVELOPMENT AGREEMENT DA15-001, ORDINANCE NUMBER 1551), TO EXTEND THE DEADLINE FOR FILING THE NEXT FINAL MAP TO JULY 5, 2019. AND IF APPROVED, SCHEDULE A PUBLIC HEARING DATE AND SECOND READING FOR JULY 11, 2017. THE PROJECT INCLUDES A TOTAL OF SIX PARCELS. THE SUBJECT PARCELS ARE CONTIGUOUS TO EACH OTHER AND LOCATED TO THE SOUTH OF GOLDEN VALLEY ROAD/WEST SEVENTH AVENUE, APPROXIMATELY ONE MILE WEST OF THE INTERSECTION OF WEST SEVENTH AVENUE AND SUN VALLEY BOULEVARD AND APPROXIMATELY ONE MILE EAST OF THE INTERSECTION OF GOLDEN VALLEY ROAD AND SPEARHEAD WAY. THE PARCELS TOTAL APPROXIMATELY 376 ACRES AND HAVE MIXED REGULATORY ZONES INCLUDING HIGH DENSITY RURAL (HDR, ±61.33 ACRES), LOW DENSITY SUBURBAN (LDS, ±135.3 ACRES), MEDIUM DENSITY

Development Agreement Amendment WAC17-003
(TM05-11 Ladera Ranch)

Attachment B – Draft Ordinance

SUBURBAN (MDS, ±94.15 ACRES) AND OPEN SPACE (OS, ±85.3 ACRES). THE PARCELS ARE LOCATED WITHIN THE SUN VALLEY AREA PLAN, AND ARE SITUATED IN PORTIONS OF SECTIONS 13 AND 24, T20N, R19E, MDM, WASHOE COUNTY, NEVADA. (APNS 082-473-07, 082-473-08, 082-473-09, 082-473-11, 082-473-12, 502-250-05)

WHEREAS:

- A. A tentative subdivision map for the proposed Ladera Ranch Subdivision was approved by the Washoe County Planning Commission on July 5, 2005 as TM05-011; and
- B. The deadline for filing a final map under NRS 278.360 was extended to July 5, 2011, under approved Development Agreement Case Number DA09-004 as Ordinance Number 1406.
- C. The deadline for filing final maps was twice further extended by amendment of the original Development Agreement ultimately to July 5, 2017.
- D. On a petition timely filed before the expiration date, for good cause appearing, the current property owner and the Board of County Commissioners desire to replace the previous development agreement with the "THIRD AMENDED AND RESTATED DEVELOPMENT AGREEMENT (LADERA RANCH, LLC)" to further extend the deadline for filing a final map to July 5, 2019; and
- E. The Board determines that this action is being taken under NRS 278.0205, and therefore is not a rule within the meaning of NRS 237.060;

NOW THEREFORE, THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF WASHOE DOES HEREBY ORDAIN:

SECTION 1.

The amendments described in and attached hereto as Exhibit A are hereby APPROVED by this ordinance. The Chairman is authorized to execute and deliver it for recording in the official records of Washoe County.

Attachment B – Draft Ordinance

SECTION 2. General Terms.

1. This Ordinance and the Development Agreement shall be recorded in the Official Records of Washoe County.
2. All actions, proceedings, matters and things heretofore taken, had and done by the County and its officers not inconsistent with the provisions of this Ordinance are ratified and approved.
3. The Chairman of the Board and the officers of the County are authorized and directed to take all action necessary or appropriate to effectuate the provisions of this ordinance. The District Attorney is authorized to make non-substantive edits and corrections to this Ordinance and the attached agreement.
4. All ordinances, resolutions, bylaws and orders, or parts thereof, in conflict with the provisions of this ordinance are hereby repealed to the extent only of such inconsistency. This repealer shall not be construed to revive any ordinance, resolution, bylaw or order, or part thereof, heretofore repealed.
5. Each term and provision of this ordinance shall be valid and shall be enforced to the extent permitted by law. If any term or provision of this ordinance or the application thereof shall be deemed by a court of competent jurisdiction to be in violation of law or public policy, then it shall be deemed modified, ipso facto, to bring it within the limits of validity or enforceability, but if it cannot be so modified, then it shall be excised from this ordinance. In any event, the remainder of this ordinance, or the application of such term or provision to circumstances other than those to which it is invalid or unenforceable, shall not be affected.

Passage and Effective Date (WAC17-003, Ladera Ranch)

Proposed on _____ (month) _____ (day), _____
(year).

Proposed by Commissioner _____.

Development Agreement Amendment WAC17-003
(TM05-11 Ladera Ranch)

Attachment B – Draft Ordinance

Passed _____ (month) _____ (day), _____
(year) .

Vote:

Ayes: Commissioners

Nays: Commissioners

Absent: Commissioners

Attest:

County Clerk

Chair of the Board

This ordinance shall be in force and effect from and after the _____ day of the month of _____ of the year _____.

Exhibit A – Amended Development Agreement (Ladera Ranch)

THIRD AMENDED AND RESTATED DEVELOPMENT AGREEMENT

THIS THIRD AMENDED AND RESTATED DEVELOPMENT AGREEMENT ("Agreement"), is made by and between LADERA RANCH 390, LLC, a Nevada limited liability company ("Landowner"), and the COUNTY OF WASHOE, a political subdivision of the State of Nevada ("County").

RECITALS

A. County and Landowner entered into a Development Agreement, as approved by the County pursuant to Bill 1584 and Ordinance No. 1406, extending the time for the next successive final map to be filed until July 5, 2010, and providing for another extension until July 5, 2011, which was granted.

B. County and Landowner entered into a First Amended and Restated Development Agreement, as approved by the County pursuant to Bill 1641 and Ordinance No. 1461 extending the time for the next successive final map to be filed until July 5, 2013, and providing for another extension until July 5, 2015, which was granted.

C. County and Landowner entered into a Second Amended and Restated Development Agreement, as approved by the County pursuant to Bill 1732 and Ordinance 1551 extending the time for the next successive final map to be filed until July 5, 2017.

D. In conformance with NRS 278.360, as amended, an extension of the date for filing the next successive final map until July 5, 2019 is set forth in Section 2.1.2.

1. General.

1.1 Property. Landowner is the owner of real property known as the Ladera Ranch Subdivision located in Washoe County, Nevada, which are Assessor's Parcel Numbers 502-700-01 through 502-700-06, 502-711-01 through 502-711-14, 502-712-01 through 502-712-09, 502-721-01 through 502-721-13, 502-722-01 through 502-722-46, 502-731-01 through 502-731-10, 502-732-01 through 502-732-16, 082-473-29 and 082-473-30, inclusive, located to the south of Golden Valley Road, West Seventh Avenue, approximately one mile west of the intersection of West Seventh Avenue and Sun Valley Boulevard and approximately one mile east of the intersection of Golden Valley Road and Spearhead Way (the "Property"), as more particularly described in Exhibit "A" attached hereto. The Property consists of approximately 376 acres located within the Sun Valley Area Plan and which are situated in portions of Sections 13 and 24, T20N, RI 9E, M.D.B. & M, Washoe County, Nevada. The Property has mixed land use designations including High Density Rural (HDR, +/- 61.33 acres), Low Density Suburban (LDS, 135.3 acres), Medium Density Suburban (MDS, +/- 94.15 acres), and Open Space (OS, +/- 85.3 acres). The Property is located in the Sun Valley Citizen Advisory Board boundary and Washoe County Commission District No. 5.

1.2 Tentative Map. On July 6, 2005, County issued its Action Order approving a tentative map application of Landowner known as Tentative Subdivision Map Case File No. TM05-011 (Ladera Subdivision) ("Tentative Map"). The Action Order is incorporated herein by this reference as Exhibit "B". The total number of lots on the Tentative Map is 356

lots. The development of the Property must be conducted pursuant to the provisions of the Tentative Map, the Sun Valley Area Plan, and the Washoe County Development Code ("Code").

1.3 Previous Final Map. Pursuant to NRS 278.360(1), unless the parties have entered into an agreement concerning the development of land authorized by NRS 278.0201, Landowner must cause its first final map to be recorded prior to the expiration of two (2) years after approval of the Tentative Map, which expiration date was July 5, 2007. Prior to this expiration date, Landowner recorded its final map for Ladera Ranch Phase I on June 8, 2007, creating 105 lots, common areas and rights-of-way ("First Final Map").

1.4 Next Final Map Requirement. Pursuant to NRS 278.360(1), unless the parties have entered into an agreement concerning the development of land authorized by NRS 278.0201, Landowner must cause its next final map ("Final Map") to be recorded prior to the expiration of one (1) year after recordation of the Final Map, which expiration date was June 8, 2008. Landowner obtained an extension until July 5, 2009, to file its second Final Map pursuant to Action Order dated June 4, 2008, attached hereto as Exhibit "C".

County and Landowner entered into a First Amended and Restated Development Agreement, as approved by the County pursuant to Bill 1641 and Ordinance No. 1461 extending the time for the next successive final map to be filed until July 5, 2013, and providing for another extension until July 5, 2015, which was granted.

County and Landowner then entered into a Second Amended and Restated Development Agreement, as approved by the County pursuant to Bill 1732 and Ordinance No. 1551 extending the time for the next successive final map to be filed until July 5, 2017, which was granted.

The parties believe it is in the public's best interest to enter into this Third Amended and Restated Development Agreement.

2. Agreement Concerning Development of Land.

2.1 Compliance with NRS 278.0201 and Code. This Agreement is an agreement concerning the development of land under NRS 278.0201 and Article 814 of the Code. Landowner is the owner of fee title to the Property and therefore has a legal interest in the Property. In compliance with NRS 278.0201(1), the following elements are described:

2.1.1 the land which is subject to this Agreement is the Property which is described in Exhibit "A".

2.1.2 The date for filing the next successive final map is hereby extended until July 5, 2019, which is two years after the prior extension date of July 5, 2017. Exhibits describing phasing, financial plans and other necessary materials and information must be submitted to the Department of Community Development no later than one hundred twenty (120) days prior to the first anniversary of this Agreement, and must be in substantial compliance with the Tentative Map.

2.1.3 The permitted uses on the Property and the density or intensity of its use, are as provided in the Tentative Map and the Code. The permitted use of the Property is a 356 lot single family residential subdivision, having lot sizes ranging from $\pm 5,719$ square feet to $\pm 14,685$ square feet in size, with an average parcel size of $\pm 7,697$ square feet (.174 acres), and a density of 1.05 units per acre, which complies with the Property's zoning designation set forth in Section 1.1.

2.1.4 The maximum height and size of the proposed buildings will comply with the Medium Density Suburban maximum height limit of 35 feet.

2.1.5 The provision for the dedication of any portion of the Property for public use are as provided in the Tentative Map approval and the Code. Landowner agrees to dedicate certain described land, if requested, as follows: (a) 43.85 acres to SVGID as open space; (b) 258.15 acres of open space to Washoe County on a proportional per developing unit basis of .8 acres for each dwelling unit with each Final Map. In addition, easements for a pedestrian path and for a road to allow sewer maintenance vehicle access to manholes will be granted by Landowner pursuant to the Action Order dated November 13, 2006.

2.1.6 SVGID will supply the necessary infrastructure for water and sewer service to the Project and Landowner pays to SVGID the Capital Facilities Charges.

2.1.7 Development standards for the Ladera subdivision are set forth in the conditions and requirements of the Tentative Map, the First Final Map, the Board of County Commission's Action Order dated November 13, 2006, attached hereto as Exhibit "D", and the Board of County Commission's Action Order regarding design review dated January 11, 2007, attached hereto as Exhibit "E".

2.2 Code and Changes to the Law. The parties agree that changes in federal, state or county law concerning public health, safety or welfare will apply to any final map or other permit.

2.3 Public Notice. Any and all public notices required to be given in connection with this Agreement shall be given in accordance with Section 110.814.25 of the Code.

2.4 Assumption of Risk. The Landowner acknowledges and agrees that The Landowner is proceeding voluntarily and at its own risk in entering into this Agreement and without advice, promises or guarantees of any kind from the County, other than as expressly set forth herein.

2.5 Default and Termination of Agreement. This Agreement shall become null and void in the event of noncompliance with any term or deadline set forth in this Agreement, and all proceedings concerning the Tentative Map shall be terminated, provided that all the terms of this Agreement shall remain binding and enforceable regarding construction or development commenced, and any related permits, on any portion of the Property subject to a

tentative map, a recorded final map or any use permit in existence at the time of termination of this Agreement.

3. Miscellaneous Provisions.

3.1 Time is of the Essence. Time is of the essence of this Agreement.

3.2 Waivers. No waiver of any breach of any covenant or provision herein contained shall be deemed a waiver of any preceding or succeeding breach thereof, or of any other covenant or provision herein contained. No extension of time for performance of any obligation or act shall be deemed an extension of time for performance of any other obligation or act except those of the waiving party, which shall be extended by a period of time equal to the period of the delay.

3.3 Successors. This Agreement shall be binding upon and shall inure to the benefit of the successors and assigns of the parties hereto.

3.4 Professional Fees. If either party commences an action against the other to interpret or enforce any of the terms of this Agreement or because of the breach by the other party of any of the terms hereof, the losing party shall pay to the prevailing party reasonable attorneys' fees, costs and expenses incurred in connection with the prosecution or defense of such action, whether or not the action is prosecuted to a final judgment.

3.5 Entire Agreement. This Agreement is the final expression of, and contains the entire agreement between, the parties with respect to the subject matter hereof and supersedes all prior understandings with respect thereto.

3.6 Governing Law. The parties hereto acknowledge that this Agreement has been negotiated and entered into in the State of Nevada. The parties hereto expressly agree that this Agreement shall be governed by, interpreted under, and construed and enforced in accordance with the laws of the State of Nevada and venue for any action shall be solely in state district court for Washoe County, Nevada.

3.7 Days of Week. If any date for performance herein falls on a Saturday-Sunday or holiday, pursuant to the laws of the State, the time for such performance shall be extended to 5:00 p.m. on the next business day.

3.8 Written Amendments. Amendments to this Agreement shall be defined as changes which are not in substantial compliance with the Tentative Map and this Agreement. Amendments, if any, shall be approved as provided in NRS 278.0205. Changes hereto which are in substantial compliance with the overall Tentative Map and this Agreement may be requested by Owners and approved or denied by the Director of Community Development. The Director of Community Development shall also decide whether or not a proposed change is in substantial compliance with the overall Tentative Map. The Owners may appeal an adverse decision by the Director of Community Development to the Board of County Commissioners by written notice filed with the Director of Community Development, if filed within twenty (20) days of receipt of

the notice of the adverse decision. No oral statements or representations subsequent to the execution hereof by either party are binding on the other party; and neither party shall have the right to rely on such oral statements or representations.

3.9 Future Cooperation. Each party shall, at the request of the other, at any time, execute and deliver to the requesting party all such further instruments as may be reasonably necessary or appropriate in order to effectuate the purpose and intent of this Agreement.

3.10 Third Party Beneficiary Rights. This Agreement is not intended to create any third party beneficiary rights in any person not a party hereto.

3.11 Interpretation. The parties hereto acknowledge and agree that each has been given the opportunity to review this Agreement with legal counsel independently. The parties have equal bargaining power and intend the plain meaning of the provisions herein. In the event of an ambiguity in or dispute regarding the interpretation of the Agreement, the interpretation of this Agreement shall not be resolved by any rule of interpretation providing for interpretation against the party who causes the uncertainty to exist or against the draftsmen.

3.12 Counterparts. This instrument may be executed in two or more counterparts, which, when taken together, shall constitute one and the same instrument. Any signature page of this instrument may be detached from any counterpart without impairing the legal effect of any signatures thereon, and may be attached to another counterpart identical in form thereto, but having attached to it one or more additional signature pages.

[Signatures to Third Amended and Restated Development Agreement follows on next page]

[Signature Page to Third Amended and Restated Development Agreement]

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the date above last written below.

LANDOWNER:

LADERA RANCH, LLC
a Nevada limited liability company

By:

Name:

Its:

COUNTY:

**COUNTY OF WASHOE, a political
subdivision of the State of Nevada, by its
BOARD OF WASHOE COUNTY
COMMISSIONERS**

By: _____

Name: _____, Chair

_____ Its:

Date: _____

ATTEST:

Nancy Parent, Washoe County Clerk

EXHIBIT A

All that certain real property situate in the County of Washoe, State of Nevada, described as follows:

PARCEL 1:

TOWNSHIP 20 NORTH, RANGE 19 EAST, M.D.B.&M.

Section 24: Lots 2 and 3 and the E ½ of the NW ¼

APN: 502-250-05

PARCEL 2:

All that certain real property lying within the exterior boundaries of LADERA RANCH - PHASE 1, according to the map thereof, filed in the office of the County Recorder of Washoe County, State of Nevada, on June 8, 2007, as File No. 3542043, Tract Map No. 4790.

APN: 502-700-01 through 05, inclusive; 502-711-01 through 14, inclusive; 502-712-01 through 08, inclusive; 502-721-01 through 13, inclusive; 502-722-01 through 45, inclusive; 502-731-01 through 10, inclusive; and 502-732-01 through 15, inclusive

Exhibit "B"
Action Order Dated July 6, 2005

Community Development

"Dedicated to Excellence in Public Service"
Adrian P. Freund, AICP, Community Development Director



ACTION ORDER

July 6, 2005

LaDera Ranch 390, LLC
679 Sierra Rose Drive, Suite B
Reno, NV 89511

Dear Applicant:

As filed with the Department of Community Development, the Washoe County Planning Commission, at its regular meeting of July 5, 2005, approved the following, with eighty-four (84) conditions:

TENTATIVE SUBDIVISION MAP CASE NO. TM05-011 (LaDERA RANCH) – To develop a 356-lot, single-family residential, common open space subdivision with lots ranging in size from 5,719 to 14,683 square feet, with an average lot size of 7,469 square feet, as authorized in Article 408 of the Washoe County Development Code. The project includes a total of six parcels. The subject parcels are contiguous to each other and located to the south of Golden Valley Road/West Seventh Avenue, approximately one mile west of the intersection of West Seventh Avenue and Sun Valley Boulevard and approximately one mile east of the intersection of Golden Valley Road and Spearhead Way. The parcels total approximately 376 acres and have mixed land use designations including High Density Rural (HDR, ±61.33 acres), Low Density Suburban (LDS, ±135.3 acres), Medium Density Suburban (MDS, ±94.15 acres) and Open Space (OS, ±86.3 acres). The parcels are located within the Sun Valley Area Plan, and are situated in portions of Sections 13 and 24, T20N, R19E, MDM, Washoe County, Nevada. The property is located in the Sun Valley Citizen Advisory Board boundary and Washoe County Commission District No. 5. (APNs 082-473-07, 082-473-08, 082-473-09, 082-473-11, 082-473-12, and 502-250-05)

The approval of the tentative subdivision map was based on the following findings:

1. **Plan Consistency.** That the proposed map is consistent with the Comprehensive Plan and any specific plan;
2. **Design or Improvement.** That the design or improvement of the proposed subdivision is consistent with the Comprehensive Plan and any specific plan;
3. **Type of Development.** That the site is physically suited for the type of development proposed;
4. **Availability of Services.** That the subdivision will meet the requirements of Article 702, Adequate Public Facilities Management System;

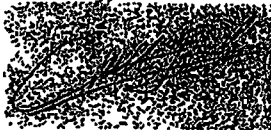
Post Office Box 11130, Reno, NV 89520-0027 – 1001 E. Ninth St., Reno, NV 89512
Telephone: 775.328.3600 – Fax: 775.328.3648
www.washoecounty.us/comdev/
"Your Community Development Department"

Letter to: LaDara Ranch 390, LLC
Subject: Tentative Subdivision Map No. TM05-011
Date: July 6, 2005
Page: 2

5. Fish or Wildlife. That neither the design of the subdivision nor any proposed improvements is likely to cause substantial environmental damage, or substantial and avoidable injury to any endangered plant, wildlife or their habitat;
6. Public Health. That the design of the subdivision or type of improvement is not likely to cause significant public health problems;
7. Easements. That the design of the subdivision or the type of improvements will not conflict with easements acquired by the public at large for access through, or use of property within, the proposed subdivision;
8. Access. That the design of the subdivision provides any necessary access to surrounding, adjacent lands and provides appropriate secondary access for emergency vehicles;
9. Dedications. That any land or improvements to be dedicated to the County is consistent with the Comprehensive Plan;
10. Energy. That the design of the subdivision provides, to the extent feasible, for future passive or natural heating or cooling opportunities in the subdivision; and
11. Reasoned Consideration. That the Planning Commissioners gave reasoned consideration to the information contained within the staff report and information received during the meeting.

Unless appeals are filed in the time period stipulated in the Washoe County Development Code, the decision by the Planning Commission is final.

Yours truly,



Adrian P. Freund, AICP
Director and Secretary to the Planning Commission

APF/RDP/cm (TM05-011f1)

cc: Wood Rodgers, c/o R. David Snelgrove, AICP, 6774 South McCarran Boulevard, Reno, NV 89509

Blaine Carlidge, DA's Office; Marge Clausen, Assessor's Office (CAAS); Steve Churchfield, Chief Appraiser, Assessor's Office; David Lindsey, Department of Water Resources; Engineering Division; Truckee Meadows Fire Protection District; Regional Transportation Commission, Post Office Box 30002, Reno, NV 89520; Truckee Meadows Regional Planning Agency, 1400-A Wedekind Road, Reno, NV 89512; Diana Langs, Sun Valley GID, Sun Valley Citizen Advisory Board, Chair

Letter to: LaDera Ranch 390, LLC
Subject: Tentative Subdivision Map No. TM05-011
Date: July 6, 2005
Page: 3

STANDARD CONSIDERATIONS FOR SUBDIVISIONS
Nevada Revised Statutes 278.349

Pursuant to NRS 278.349, when contemplating action on a tentative subdivision map, the governing body, or the planning commission if it is authorized to take final action on a tentative map, shall consider:

- (a) Environmental and health laws and regulations concerning water and air pollution, the disposal of solid waste, facilities to supply water, community or public sewage disposal and, where applicable, individual systems for sewage disposal;
- (b) The availability of water which meets applicable health standards and is sufficient for the reasonably foreseeable needs of the subdivision;
- (c) The availability and accessibility of utilities;
- (d) The availability and accessibility of public services such as schools, police and fire protection, transportation, recreation and parks;
- (e) Conformity with the zoning ordinances and master plan, except that if any existing zoning ordinance is inconsistent with the master plan, the zoning ordinance takes precedence;
- (f) General conformity with the governing body's master plan of streets and highways;
- (g) The effect of the proposed subdivision on existing public streets and the need for new streets and highways to serve the subdivision;
- (h) Physical characteristics of the land such as floodplain, slope and soil; and
- (i) The recommendations and comments of those entities reviewing the tentative map pursuant to NRS 278.330 and 278.335.

Letter to: LaDera Ranch 390, LLC
Subject: Tentative Subdivision Map No. TM05-011
Date: July 6, 2005
Page: 4

**CONDITIONS FOR
TENTATIVE SUBDIVISION MAP CASE NUMBER TM05-011
LADERA RANCH
(As approved by the Washoe County Planning Commission on July 5, 2005)**

*****IMPORTANT GENERAL INSTRUCTIONS—PLEASE READ*****

THE TENTATIVE MAP APPROVAL ALLOWS THE SUBDIVIDER TO PROCEED WITH FULFILLING THE CONDITIONS OF APPROVAL AND RECORD A FINAL MAP FOR ALL, OR PORTIONS OF, THE DEVELOPMENT WITHIN TWO (2) YEARS FROM THE DATE OF THE PLANNING COMMISSION ACTION. FAILURE TO RECORD THE FIRST FINAL MAP WITHIN TWO (2) YEARS OF THE PLANNING COMMISSION ACTION, OR FAILURE TO RECORD THE LATEST MAP IN A SERIES WITHIN ONE (1) YEAR AFTER THE DATE OF THE MOST RECENTLY RECORDED MAP, SHALL TERMINATE ALL PROCEEDINGS CONCERNING THE SUBDIVISION.

UNLESS OTHERWISE STATED, PRIOR TO FINALIZATION OF ANY PORTION OF THE TENTATIVE SUBDIVISION MAP, ALL CONDITIONS MUST BE MET OR FINANCIAL ASSURANCES TO ENSURE COMPLETION OF THE CONDITIONS MUST BE PROVIDED. THE AGENCY RESPONSIBLE FOR DETERMINING COMPLIANCE WITH A SPECIFIC CONDITION SHALL DETERMINE WHETHER THE CONDITION MUST BE FULLY COMPLETED OR WHETHER THE APPLICANT SHALL BE OFFERED THE OPTION OF PROVIDING FINANCIAL ASSURANCES.

A COPY OF ALL AGREEMENTS, EASEMENTS OR OTHER DOCUMENTATION REQUIRED BY THESE CONDITIONS SHALL BE FILED WITH THE DEPARTMENT OF PUBLIC WORKS AND/OR THE DEPARTMENT OF COMMUNITY DEVELOPMENT.

THE DEVELOPER SHALL MEET WITH THE ENGINEERING DIVISION, DEPARTMENT OF WATER RESOURCES AND THE DEPARTMENT OF COMMUNITY DEVELOPMENT STAFF AT LEAST SIXTY (60) DAYS BEFORE THE ANTICIPATED DATE OF THE FINAL MAP RECORDATION TO REVIEW SCHEDULING, REQUIREMENTS, FINAL CONSTRUCTION DRAWINGS, AND DOCUMENTATION NECESSARY TO ADEQUATELY COMPLY WITH THE CONDITIONS OF APPROVAL AND THE APPLICABLE STATUTES, ORDINANCES, RULES, REGULATIONS AND POLICIES.

REQUESTS FOR EXTENSION OF TIME FOR SUBSEQUENT FINAL MAPS MUST BE SUBMITTED TO THE DEPARTMENT OF COMMUNITY DEVELOPMENT AT LEAST SIXTY (60) DAYS PRIOR TO THE EXPIRATION DATE OF THE TENTATIVE SUBDIVISION MAP.

COMPLIANCE WITH THE APPLICABLE STATUTES, ORDINANCES, RULES, REGULATIONS AND POLICIES AND WITH THE CONDITIONS OF APPROVAL OF THIS TENTATIVE MAP IS THE RESPONSIBILITY OF THE DEVELOPER, ITS SUCCESSOR IN INTEREST, AND ALL OWNERS, ASSIGNEES AND OCCUPANTS OF THE PROPERTY, AND THEIR SUCCESSORS IN INTEREST.

A COPY OF THE FINAL ORDER FOR THE APPROVAL OF THE TENTATIVE MAP SHALL BE ATTACHED TO ALL PHASES/UNITS SUBMITTALS FOR FINAL MAP REVIEW SIXTY (60) DAYS PRIOR TO RECORDATION.

Letter to: LaDera Ranch 390, LLC
 Subject: Tentative Subdivision Map No. TM05-011
 Date: July 6, 2005
 Page: 5

GENERAL CONDITIONS

- The subdivision shall be in substantial compliance with the provisions of Washoe County Development Code Article 604, Design Requirements, and Article 608, Tentative Subdivision Maps.

Regulatory Zone for Review Purposes	MDS, LDS, HDR
Minimum Lot Area Required	Common Open Space Development
Minimum Lot Width	Common Open Space Development
Minimum Front Yard	20 feet
Minimum Side Yard	6 feet
Minimum Rear Yard	20 feet
Maximum Building Height	35 feet / 2 story maximum, daylight basements are allowed

Notes: Variances to these standards may be processed per Washoe County Code. The Department of Community Development shall determine compliance with this condition.

Final Map Verification: Phase/Unit No.: _____ Date Submitted: _____
 Where/How Condition is Satisfied: _____

- The minimum side yard setback for all dwellings within this subdivision shall be six feet. The minimum front and rear setbacks shall be twenty feet. Compliance with this condition shall be determined by the Department of Community Development during building permit review.

Final Map Verification: Phase/Unit No.: _____ Date Submitted: _____
 Where/How Condition is Satisfied: _____

- Final maps and final construction drawings shall comply with all applicable statutes, ordinances, rules, regulations and policies in effect at the time of submittal of the tentative map or, if requested by the developer and approved by the applicable agency, those in effect at the time of approval of the final map.

Final Map Verification: Phase/Unit No.: _____ Date Submitted: _____
 Where/How Condition is Satisfied: _____

Letter to: LaDera Ranch 390, LLC
Subject: Tentative Subdivision Map No. TM05-011
Date: July 6, 2005
Page: 8

4. The subdivider shall present to Washoe County a final map, prepared in accordance with the tentative map, for the entire area for which a tentative map has been approved, or one of a series of final maps, each covering a portion of the approved tentative map, within two years after the date of approval of the tentative map or within one year of the date of approval for subsequent final maps. On subsequent final maps, that date may be extended by one year if the extension request is received prior to the expiration date.

Final Map Verification: Phase/Unit No.: _____ Date Submitted: _____
Where/How Condition is Satisfied: _____

5. Final maps shall be in substantial compliance with all plans and documents submitted with and made part of this tentative map request, as may be amended by action of the final approving authority. Substantial compliance shall be determined by the applicable agency and the Department of Community Development.

Final Map Verification: Phase/Unit No.: _____ Date Submitted: _____
Where/How Condition is Satisfied: _____

6. Prior to acceptance of public improvements and release of any financial assurances, the developer shall furnish to the Department of Water Resources and the Engineering Division a complete set of reproducible as-built construction drawings prepared by a civil engineer registered in the State of Nevada.

Final Map Verification: Phase/Unit No.: _____ Date Submitted: _____
Where/How Condition is Satisfied: _____

7. The developer shall be required to participate in any applicable General Improvement District or Special Assessment District formed by Washoe County. The applicable division of the Department of Public Works shall determine compliance with this condition.

Final Map Verification: Phase/Unit No.: _____ Date Submitted: _____
Where/How Condition is Satisfied: _____

Letter to: LaDera Ranch 390, LLC
Subject: Tentative Subdivision Map No. TM05-011
Date: July 8, 2005
Page: 7

8. A note shall be placed on all grading plans and construction drawings stating:

NOTE

Should any prehistoric or historic remains/artifacts be discovered during site development, work shall temporarily be halted at the specific site and the State Historic Preservation Office of the Department of Museums, Library and Arts, shall be notified to record and photograph the site. The period of temporary delay shall be limited to a maximum of two (2) working days from the date of notification.

Final Map Verification: Phase/Unit No.: _____ Date Submitted: _____
Where/How Condition is Satisfied: _____

9. Prior to ground-disturbing activity or prior to finalization of any portion of the tentative map, the developer shall submit two copies of an archaeological/historical survey to the Department of Community Development. The Department of Community Development shall submit the surveys to the State Historic Preservation Office of the Department of Museums, Library and Arts and the applicable tribe for review. Following that review, the State Historic Preservation Office shall forward a letter to the Department of Community Development indicating the survey was acceptable and whether a mitigation plan is required.

Final Map Verification: Phase/Unit No.: _____ Date Submitted: _____
Where/How Condition is Satisfied: _____

10. The final map shall designate faults that have been active during the Holocene epoch of geological time and the final map shall contain the following note:

NOTE

No habitable structures shall be located on a fault that has been active during the Holocene epoch of geological time.

The Department of Community Development shall determine compliance with this condition.

Final Map Verification: Phase/Unit No.: _____ Date Submitted: _____
Where/How Condition is Satisfied: _____

Letter to: LaDera Ranch 390, LLC
Subject: Tentative Subdivision Map No. TM05-011
Date: July 6, 2005
Page: 8

11. The developer shall provide written approval from the U.S. Postal Service concerning the installation and type of mail delivery facilities. The system, other than individual mailboxes, must be shown on the project construction plans and installed as part of the on-site improvements. The County Engineer shall determine compliance with this condition.

Final Map Verification: Phase/Unit No.: _____ Date Submitted: _____
Where/How Condition is Satisfied: _____

12. The developer and all successors shall direct any potential purchaser of the site to meet with the Department of Community Development to review conditions of approval prior to the final sale of the site. Any subsequent purchasers of the site shall notify the Department of Community Development of the name, address, telephone number and contact person of the new purchaser within thirty (30) days of the final sale.

Final Map Verification: Phase/Unit No.: _____ Date Submitted: _____
Where/How Condition is Satisfied: _____

CONDITIONS, COVENANTS AND RESTRICTIONS

13. Conditions, covenants, and restrictions (CC&Rs), including any supplemental CC&Rs, shall be submitted to the Community Development staff for review and subsequent forwarding to the District Attorney for review and approval. The final CC&Rs shall be signed and notarized by the owner(s) and submitted to the Community Development Department with the recordation fee prior to the recordation of the final map. The CC&Rs shall require all phases and units of the subdivision approved under this tentative map to be subject to the same CC&Rs. Washoe County shall be made a party to the applicable provisions of the CC&Rs to the satisfaction of the District Attorney's Office. Said CC&Rs shall specifically address the potential for liens against the properties and the individual property owners' responsibilities for the funding of maintenance, replacement, and perpetuation of the following items, at a minimum:
- a. Maintenance of public access easements, common areas, and common open spaces. Provisions shall be made to monitor and maintain, for a period of three (3) years regardless of ownership, a maintenance plan for the common open space area. The maintenance plan for the common open space area shall, as a minimum, address the following:
- 1) Vegetation management;
 - 2) Watershed management;
 - 3) Debris and litter removal;
 - 4) Fire access and suppression;
 - 5) Maintenance of public access and/or maintenance of limitations to public access.

Letter to: LaDera Ranch 390, LLC
Subject: Tentative Subdivision Map No. TM05-011
Date: July 6, 2005
Page: 9

- b. All drainage facilities and roadways not maintained by Washoe County shall be privately maintained and perpetually funded by the homeowners association.
- c. All open space identified as common area on the final map shall be privately maintained and perpetually funded by the homeowners association. The maintenance of the common areas and related improvements shall be addressed in the CC&Rs to the satisfaction of the District Attorney's Office.
- d. Locating habitable structures on potentially active (Holocene) fault lines, whether noted on the recorded map or disclosed during site preparation, is prohibited.
- e. All outdoor lighting on buildings and streets within the subdivision shall be down-shielded.
- f. No motorized vehicles shall be allowed on the platted common area.
- g. Mandatory solid waste collection.
- h. Fence material (if any), height, and location limitations, and re-fencing standards. Replacement fence must be compatible in materials, finish and location of existing fence.
- i. Removal of all vegetation and debris in and within one foot on either side of all low-flow channels within all detention basins proposed for the subdivision every one or two years, or as needed, to mitigate insect development.
- j. The CC&Rs shall contain the following statement: "Rockery walls provide a favorable habitat for wild rodents such as ground squirrels, chipmunks, and others that can acquire plague through the bite of an infected flea. The rock surface provides an urban interface with these wild rodents. There is a risk of disease transmission to humans and domestic animals, especially cats. For this reason the public should not handle any wild rodents. An awareness of this risk by residents moving into developments having rockery walls will reduce the risk of disease transmission."
- k. The CC&Rs shall include a formal noise disclosure, acceptable to the Airport Authority of Washoe County, relative to aircraft over-flights and noise.

Final Map Verification: Phase/Unit No.: _____ Date Submitted: _____
Where/How Condition is Satisfied: _____

- 14. The common open space owned by the homeowners association shall be noted on the final map as "common open space" and the related deed of conveyance shall specifically provide for the preservation of the common open space in perpetuity. The deed shall be presented with the CC&Rs for review by the Community Development staff and the District Attorney.

Final Map Verification: Phase/Unit No.: _____ Date Submitted: _____
Where/How Condition is Satisfied: _____

Letter to: LaDera Ranch 390, LLC
Subject: Tentative Subdivision Map No. TM05-011
Date: July 6, 2005
Page: 10

LANDSCAPING AND COMMON OPEN SPACE

15. Prior to any ground-disturbing activity or finalization of a final map, the developer shall submit a landscaping/architectural design plan to the Department of Community Development for review and approval by the Design Review Committee. Said plan shall address, but not be limited to: type and color of building materials, general architectural design of proposed dwellings, fencing, landscaping material (if plant material: type, size at time of planting, maturation size at full growth, period of time between planting and full growth), common area landscaping location, entry landscaping, landscaping irrigation system, entry signage, common area signage and financial assurances that landscaping will be planted and maintained.

Final Map Verification: Phase/Unit No.: _____ *Date Submitted:* _____
Where/How Condition is Satisfied: _____

16. A certification letter or series of letters by a landscape architect registered in the State of Nevada shall be submitted to the Department of Community Development. The letter(s) shall certify that all applicable landscaping provisions of Articles 408, 410 and 412 of the Development Code have been met. Any landscaping plans and the letter shall be wet-stamped. The letter shall indicate any provisions of the code that the Director of Community Development has waived.

Final Map Verification: Phase/Unit No.: _____ *Date Submitted:* _____
Where/How Condition is Satisfied: _____

17. All open space retained by the homeowners association shall be identified as common area on the final map. A note on the final map shall indicate that all common areas shall be privately maintained and perpetually funded by the homeowners association. The County Engineer shall determine compliance with this condition. The maintenance of the common areas shall also be addressed in the CC&Rs and the District Attorney's Office shall determine compliance.

Final Map Verification: Phase/Unit No.: _____ *Date Submitted:* _____
Where/How Condition is Satisfied: _____

18. All common area not retained by the homeowners association shall be dedicated to the Washoe County Department of Regional Parks and Open Space, proportionally (approximately 0.8 acres per dwelling unit) with each final map. Compliance with this condition shall be determined by the Department of Community Development.

Final Map Verification: Phase/Unit No.: _____ *Date Submitted:* _____
Where/How Condition is Satisfied: _____

Letter to: LaDera Ranch 390, LLC
Subject: Tentative Subdivision Map No. TM05-011
Date: July 6, 2005
Page: 11

19. All retaining walls and all cuts into stable rock material that do not require stabilization by means of retaining walls shall be treated with "Pernox" simulated desert varnish or an equivalent rock stain product to ensure that all newly exposed rock surfaces and all rockery walls match the color of the surrounding hillside as closely as practicable. Final construction drawings shall include a note indicating compliance with this condition. Compliance with this condition shall be determined by the Department of Community Development prior to the final inspection of the grading and rockery walls by the Department of Building and Safety.

Final Map Verification: Phase/Unit No.: _____ Date Submitted: _____
Where/How Condition is Satisfied: _____

20. Landscaping surrounding the entrance to the subdivision shall include not less than 60 trees. Trees not shown on the plans submitted in the tentative subdivision map application shall be placed adjacent to West Seventh Avenue, in equal number to the north and south of Stagecoach Drive. Compliance with this condition shall be determined by the Department of Community Development prior to the final inspection of the grading and rockery walls by the Department of Building and Safety.

Final Map Verification: Phase/Unit No.: _____ Date Submitted: _____
Where/How Condition is Satisfied: _____

21. The applicant shall construct a six-foot-wide paved pedestrian path within the project site that roughly parallels West Seventh Avenue, allowing safe pedestrian access off the roadway from the northwest corner of the project area to the northeast corner of the project area. Compliance with this condition shall be determined by the Department of Community Development, prior to the approval of a final map.

Final Map Verification: Phase/Unit No.: _____ Date Submitted: _____
Where/How Condition is Satisfied: _____

22. Financial assurances for completion of all landscaping and improvement of all required pedestrian paths shall be included in the Subdivision Improvement Agreement. Compliance with this condition shall be determined by the Department of Community Development, prior to the approval of a final map.

Final Map Verification: Phase/Unit No.: _____ Date Submitted: _____
Where/How Condition is Satisfied: _____

Letter to: LaDers Ranch 390, LLC
Subject: Tentative Subdivision Map No. TM05-011
Date: July 6, 2005
Page: 12

23. The applicant shall install signage prohibiting motorized vehicle access at the entrance to all common open space areas and at all trail access points. Compliance with this condition shall be determined by the Department of Community Development, prior to the approval of a final map.

Final Map Verification: Phase/Unit No.: _____ Date Submitted: _____
Where/How Condition is Satisfied: _____

DEPARTMENT OF WATER RESOURCES CONDITION

24. Water rights necessary to serve this project shall be dedicated to Washoe County, per Article 422 of the Washoe County Developmental Code. A water rights lease agreement shall be executed between Washoe County and the water purveyor. Washoe County, in turn, will execute a 99-year water sale (lease) agreement to make the water rights available to the purveyor.

ENGINEERING CONDITIONS

Compliance with the following conditions shall be determined by the County Engineer.

25. Final maps and final construction drawings shall comply with all applicable statutes, ordinances, rules, regulations, and policies in effect at the time of submittal of the tentative map or, if requested by the developer and approved by the applicable agency, those in effect at the time of approval of the final map.
26. Prior to acceptance of public improvements and release of any financial assurances, the developer shall furnish to the water and sewer provider(s) and Engineering Division a complete set of reproducible as-built construction drawings prepared by a civil engineer registered in the State of Nevada.
27. The developer shall be required to participate in any applicable General Improvement District or Special Assessment District formed by Washoe County. The applicable County Department shall be responsible for determining compliance with this condition.
28. The developer shall provide written approval from the U.S. Postal Service concerning the installation and type of mail delivery facilities. The system, other than individual mailboxes, must be shown on the project construction plans and installed as part of the onsite improvements. The County Engineer shall determine compliance with this condition.
29. A complete set of construction improvement drawings, including an onsite grading plan, shall be submitted to the County Engineer for approval prior to finalization of any portion of the tentative map. Grading shall comply with best management practices (BMPs) and shall include detailed plans for grading and drainage on each lot, erosion control (including BMP locations and installation details), slope stabilization and mosquito abatement. Placement or disposal of any excavated material shall be indicated on the grading plan.

Letter to: LaDera Ranch 390, LLC
Subject: Tentative Subdivision Map No. TM05-011
Date: July 6, 2005
Page: 13

30. All open space shall be identified as common area on the final map. A note on the final map shall indicate that all common areas shall be privately maintained and perpetually funded by the homeowners association. The County Engineer shall determine compliance with this condition. The maintenance of the common areas shall also be addressed in the CC&Rs to the satisfaction of the District Attorney's Office.
31. Any existing easements or utilities that conflict with the development shall be relocated, quitclaimed, and/or abandoned, as appropriate. The County Engineer shall determine compliance with this condition.
32. Any easement documents recorded for the project shall include an exhibit map that shows the location and limits of the easement in relationship to the project. The County Engineer shall determine compliance with this condition.
33. All existing overhead utility lines shall be placed underground, except electric transmission lines greater than 100 kilovolts, which can remain above ground. The County Engineer shall determine compliance with this condition.

DRAINAGE (County Code 110.420)

34. The conditional approval of this tentative map shall not be construed as final approval of the drainage facilities shown on the tentative map. Final approval of the drainage facilities will occur during the final map review and will be based upon the final hydrology report.
35. Prior to finalization of the first final map, a master hydrology/hydraulic report and a master storm drainage plan shall be submitted to the County Engineer for approval.
36. Prior to finalization of any portion of the tentative map, a final, detailed hydrology/hydraulic report for that unit shall be submitted to the County Engineer. All storm drainage improvements necessary to serve the project shall be designed and constructed to County standards and specifications and/or financial assurances in an appropriate form and amount shall be provided. The County Engineer shall determine compliance with this condition.
37. Any increase in stormwater runoff resulting from the development and based on the 5- and 100-year storm(s) shall be detained. The County Engineer shall determine compliance with this condition.
38. The 100-year floodplain boundaries and flood elevations shall appear on each final map. If the floodplain boundary has been conditionally changed by a Federal Emergency Management Agency (FEMA) Conditional Letter of Map Amendment or Conditional Letter of Map Revision, the date of that letter and a note to that effect shall appear on the final map. The County Engineer shall determine compliance with this condition.
39. Standard reinforced concrete headwalls or other approved alternatives shall be placed on the inlet and outlet of all drainage structures, and grouted rock riprap shall be used to prevent erosion at the inlets and outlets of all culverts to the satisfaction of the Engineering Division.

Letter to: LaDera Ranch 390, LLC
Subject: Tentative Subdivision Map No. TM05-011
Date: July 6, 2005
Page: 14

40. The developer shall provide pretreatment for petrochemicals and silt for all storm drainage leaving the site to the satisfaction of the Engineering Division.
41. Prior to approval of any final map, building permit, or grading permit, the developer will furnish to the Engineering Division and Community Development staff written confirmation from any irrigation ditch owner(s) that they have reviewed and approved any ditch crossings, protective fencing or stormwater discharge facilities that may impact the ditch.
42. The Truckee Meadows Regional Stormwater Quality Management Program Construction Permit Submittal Checklist and Inspection Fee shall be submitted with each final map. The County Engineer shall determine compliance with this condition.
43. In medians with irrigated landscaping adjacent to the curb, a subdrain system shall be installed a minimum of one foot behind the back face of curb to intercept drainage from the landscaping. The system shall be tied to the storm drain system or an acceptable alternative drainage system. The County Engineer shall determine compliance with this condition.
44. Drainage swales that drain more than two lots are not allowed to flow over the curb into the street; these flows shall be intercepted by an acceptable storm drain inlet and routed into the storm drain system. The County Engineer shall determine compliance with this condition.
45. A note on the final map shall indicate that all drainage facilities not maintained by Washoe County shall be privately maintained and perpetually funded by a homeowners association. As an alternative to a homeowners association, the developer may request the establishment of a County Utility Service Area under which fees would be paid for maintenance of the proposed storm drainage detention facility. The fee amount will be based on the additional service above that normally provided by the County to maintain new stormwater facilities dedicated by the developer (i.e., curb and gutter, drop inlets and piping). The County Engineer shall determine compliance with this condition. The maintenance and funding of these drainage facilities shall also be addressed in the CC&Rs to the satisfaction of the District Attorney's Office.
46. The maximum permissible flow velocity (that which does not cause scour) shall be determined for all proposed channels and open ditches. The determination shall be based on a geotechnical analysis of the channel soil, proposed channel lining and channel cross section, and it shall be in accordance with acceptable engineering publications/calculations. Appropriate linings shall be provided for all proposed channels and open ditches such that the 100-year flows do not exceed the maximum permissible flow velocity. The County Engineer shall determine compliance with this condition.
47. Prior to issuance of a grading permit or finalization of the first final map, a wetlands delineation must be approved by the United States Army Corps of Engineers (COE). A copy of the wetlands delineation and the COE approval shall be submitted to the County Engineer.

Letter to: LaDera Ranch 390, LLC
Subject: Tentative Subdivision Map No. TM05-011
Date: July 8, 2005
Page: 15

48. Prior to issuance of a grading permit or approval of the affected final map, the developer shall obtain a permit from the COE for any work within the wetlands/waters of the U.S., or a letter from the COE indicating that a permit is not required. A copy of the permit/letter shall be submitted to the County Engineer.
49. All slopes steeper than 3:1 shall be mechanically stabilized to control erosion. As an alternative to riprap, an engineered solution (geofabric, etc.) may be acceptable. The County Engineer shall determine compliance with this condition.
50. A note on all affected final maps shall state that the owner, buyers, assigns or interest holders of any lots hereon hereby agree that all existing irrigation flows crossing these parcels shall be perpetuated. Any legal rights to water from the ditches crossing this property shall be honored, and the right of access for maintenance and operation will not be denied to valid holders of those rights. The County Engineer shall determine compliance with this condition.
51. Maintenance access and drainage easements shall be provided for all existing and proposed drainage facilities. The County Engineer shall determine compliance with this condition.
52. The hydrology report for each phase shall include sizing the driveway culverts for that phase such that they will pass the onsite 100-year flow. The driveway culvert sizes shall be identified on the improvement plans for each phase. The County Engineer shall determine compliance with this condition.
53. Drainage easements shall be provided for all storm runoff that crosses more than one lot. The County Engineer shall determine compliance with this condition.
54. Any rights-of-way/easements for irrigation ditches, associate structures and their maintenance shall be reserved with the finalization of the affected final map or prior to issuance of a grading permit. Any relocation of the irrigation facilities requires written approval of the ditch owner(s). The County Engineer shall determine compliance with this condition.

TRAFFIC (County Code 110.436)

55. All roadway improvements necessary to serve the project shall be designed and constructed to County standards and specifications and/or financial assurances in an appropriate form and amount shall be provided. The County Engineer shall determine compliance with this condition.
56. Cut-de-sac lengths shall not exceed 1500 feet in length and the Average Daily Traffic (ADT) shall not exceed 300.
57. The conditioned approval of the tentative map shall not be construed as final approval of the traffic reports recommendations concerning improvements to Golden Valley Road and subdivision street sections.
58. Golden Valley Road improvements shall be based on a design speed of 45 mph.

Letter to: LaDera Ranch 390, LLC
Subject: Tentative Subdivision Map No. TM05-011
Date: July 6, 2005
Page: 16

59. An acceleration lane shall be provided on Golden Valley Road to accommodate intersection northbound approach left turns onto Golden Valley Road.
60. Either construct a 5'-wide concrete sidewalk within the County right-of-way of Seventh Avenue on the south side of the road from the western to the eastern boundary of the project parcel including adjacent to parcels that are not part of the project parcel or a non-vehicular access easement shall be recorded and a maintenance agreement shall be formed to dedicate and maintain the 5'-wide asphalt pathway from the northwest corner to the northeast corner of the project site.
61. Construct sidewalk on both sides of Stagecoach from Seventh Avenue to Wagon Trail.
62. Construct traffic calming devices on Stagecoach, Blue Sage and Eagle Peak, which may include roundabouts, chicanes and speed humps to the satisfaction of the County Engineer. Delay to emergency vehicles must be considered and therefore the traffic calming plan cannot rely solely on speed humps.
63. Street names shall be reviewed and approved by the Regional Street Naming Coordinator.
64. Proposed landscaping and/or fencing along street rights-of-way and within median islands shall be designed to meet American Association of State Highway and Transportation Officials (AASHTO) sight distances and safety guidelines. No tree shall overhang the curb line of a street. The County Engineer shall determine compliance with this condition.
65. For any utilities placed in existing County streets, the streets shall be repaired to the satisfaction of the County Engineer. At a minimum, this will require full depth removal and replacement of asphalt for half the street width. Type II slurry seal is required for the entire street width. Full width street improvements may be required if the proposed utility location is too close to the centerline of the existing street.
66. Streetlights shall be constructed to Washoe County standards at locations to be determined at the final design stage. The County Engineer shall determine compliance with this condition.
67. AASHTO clear zones shall be determined for all streets adjacent to retaining walls or slopes steeper than 3:1. If a recoverable or traversable clear zone cannot be provided, an analysis to determine if barriers are warranted shall be submitted for approval. The County Engineer shall determine compliance with this condition.
68. All retaining walls that are adjacent to, provide support for or retain soil from the County right-of-way shall be constructed of reinforced masonry block or reinforced concrete and designed by an engineer licensed in the State of Nevada. The County Engineer shall determine compliance with this condition.
69. No retaining walls shall be located within a plowed snow storage easement. The County Engineer shall determine compliance with this condition.

Letter to: LaDera Ranch 390, LLC
Subject: Tentative Subdivision Map No. TM05-011
Date: July 6, 2005
Page: 17

REGIONAL TRANSPORTATION COMMISSION CONDITIONS

70. The applicant shall dedicate sufficient right-of-way through the subject property for construction of the West Sun Valley Arterial as indicated by the alignment study completed by Lumos and Associates. The applicant shall provide the County Engineer with documentation from the Regional Transportation Commission indicating compliance with this condition prior to approval of any final map.
71. The applicant shall construct a left-turn pocket with 150 feet of storage on the east approach to the project and a right-turn deceleration lane on the west approach. Compliance with this condition shall be determined by the County Engineer.
72. The applicant shall dedicate right-of-way if necessary and shall construct a concrete pad adjacent to the project on West Seventh Avenue to provide access to future Citifare transit service. Compliance with this condition shall be determined by the County Engineer.

FIRE SAFETY

Compliance with the following conditions shall be determined by the Reno Fire Department, prior to the approval of a final map.

73. The secondary access is required to meet all of the requirements for a permanent all-weather access road (paved). See the Reno Fire Department Policy section UFC-P902.2
74. The gated secondary fire department access shall meet all of the requirements listed in the Reno Fire Department Policy. Please see UFC-P902.2.4.
75. Fire hydrants shall be installed per Reno Fire Department Policy Section UFC-P903.4.
76. The minimum fire flow for the hydrants shall be 1500 gpm for 20 minutes per the Reno Fire Department Policy table 9-A.
77. Fire Fuel Breaks meeting the approval of the Reno Fire Department shall be provided and maintained.

AIRPORT AUTHORITY CONDITIONS

78. The property owner(s) shall grant an Avigation Easement to, and acceptable to the Airport Authority of Washoe County over the entire property. The property owner(s) shall provide the Department of Community Development with appropriate documentation indicating that the Avigation Easement has been granted and accepted by the Airport Authority of Washoe County, prior to the issuance of any master building permits.
79. The noise disclosure included in the CC&Rs shall be attached to any final map submitted for approval. Compliance with this condition shall be determined by the Airport Authority of Washoe County.

Letter to: LaDera Ranch 390, LLC
Subject: Tentative Subdivision Map No. TM05-011
Date: July 6, 2005
Page: 18

80. The applicant(s) and/or property owner(s) shall provide a list, verified by a qualified acoustical consultant, of construction methods to be utilized for noise attenuation to a maximum interior level of 45dBA Ldn prior to the issuance of any master building permits. Compliance with this condition shall be determined by the Airport Authority of Washoe County.

VECTOR CONTROL CONDITIONS

81. Any common areas with turf grass shall be equipped with mechanisms for avoidance of drift and overspray caused by wind, such as wind-activated sensor shut offs and sprinkler heads provided with low-angle nozzles. The District Health Department, Vector Control program shall determine compliance with this condition.
82. Rockery retaining walls shall be designed and constructed to District Health Department, Vector Control Program standards. The District Health Department, Vector Control program shall determine compliance with this condition.
83. Decomposed granite paths and trails within the development shall have no obstacles placed within one foot of either side of the walkway. The District Health Department, Vector Control program shall determine compliance with this condition.
84. All detention basins within this project shall be designed with a one-foot-deep, two- to three-foot-wide low flow channel. The channel shall be lined with four- to six-inch cobble. A permeable geotextile weed barrier shall be installed under the cobble. The channel shall connect inlet to outlet pipes. All urban nuisance flows shall be contained within the channel. Revegetation and ornamental landscaping shall not be planted within one foot on either side of the channel, and vegetation shall not be allowed to grow along the edge of the channel. The District Health Department, Vector Control program shall determine compliance with this condition.

***** END OF CONDITIONS *****

Exhibit "C"
Action Order, June 4, 2008



Community Development
"Dedicated to Excellence in Public Service"
Adrian P. Freund, AICP, Community Development Director



ACTION ORDER

June 4, 2008

LaDera Ranch 390, LLC
Attn: Steve Thomas
679 Sierra Rose #B
Reno, NV 89511

Dear Applicant:

As filed with the Department of Community Development, the Washoe County Planning Commission, at its regular meeting of June 3, 2008, approved the following, subject to the original conditions of approval, as amended, in the Action Orders of July 6, 2005 and November 13, 2006, attached:

EXTENSION OF TIME REQUEST FOR TENTATIVE SUBDIVISION MAP CASE NO. TM05-011 (LADERA RANCH) - To extend for one year, until July 5, 2009, the approval of a 356-lot, single-family residential, common open space subdivision with lots ranging in size from 5,719 to 14,683 square feet, with an average lot size of 7,469 square feet, as authorized in Article 408 of the Washoe County Development Code. The project includes a total of six parcels. The subject parcels are contiguous to each other and located to the south of Golden Valley Road/West Seventh Avenue, approximately one mile west of the intersection of West Seventh Avenue and Sun Valley Boulevard and approximately one mile east of the intersection of Golden Valley Road and Spearhead Way. The parcels total approximately 376 acres and have mixed land use designations including High Density Rural (HDR, ±61.33 acres), Low Density Suburban (LDS, ±135.3 acres), Medium Density Suburban (MDS, ±84.15 acres) and Open Space (OS, ±85.3 acres). The parcels are located within the Sun Valley Area Plan, and are situated in portions of Sections 13 and 24, T20N, R19E, MDM, Washoe County, Nevada. The property is located in the Sun Valley Citizen Advisory Board boundary and Washoe County Commission District No. 5. (APNs 082-473-07, 082-473-08, 082-473-09, 082-473-11, 082-473-12, and 502-250-05)

The approval was based on the following findings:

1. That the conditions of approval ensure consideration of the items enumerated in NRS 278.349,
2. That the original findings remain valid, and
3. That the circumstances have not appreciably changed since the original approval.

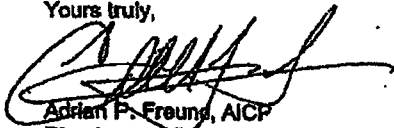
Post Office Box 11130, Reno, NV 89520-0027 - 1001 E. Ninth St., Reno, NV 89512
Telephone: 775.328.3600 - Fax: 775.328.3648
www.washoecounty.us/commdev/

"Your Community Development Department"

7
Letter to: LaDera Ranch 300, LLC
Subject: Extension of Tentative Subdivision Map No. TM05-011
Date: June 4, 2008
Page: 2

Unless appeals are filed in the time period stipulated in the Washoe County Development Code, the decision by the Planning Commission is final.

Yours truly,



Adrian P. Freund, AICP
Director and Secretary to the Planning Commission

APF/RPK/cmv(TM05-011F2ext)

xc: Silverstar Communities, 679 Sierra Rose #B, Reno, NV 89511

Summit Engineering, Attn: Tom Hannum, 5405 Mae Anne, Reno, NV 89511

Blaine Cardidge, Deputy District Attorney; Marge Claussen, Assessor's Office (CAAS); Steve Churchfield, Chief Appraiser, Assessor's Office; David Lindsey, Department of Water Resources; Engineering Division; Reno Fire Department; Nevada Division of Environmental Protection, 333 West Nye Lane, Suite 138, Carson City, NV 89706; Regional Transportation Commission, 800 Sutro Street, Reno, NV 89502; Washoe County School District, P. O. Box 30425, Reno, NV 89520-3425; Chair, Sun Valley Citizen Advisory Board

Exhibit "D"
Action Order dated November 13, 2006



Community Development

"Dedicated to Excellence in Public Service"
Adrian P. Freund, AICP, Community Development Director



ACTION ORDER

November 13, 2006

SilverStar Communities
Attn: Chris Judson
679 Sierra Rose Drive
Reno, NV 89511

Dear Applicant:

As filed with the Department of Community Development, the Washoe County Planning Commission, at its regular meeting of November 9, 2006, approved the following, with fifteen (15) conditions:

AMENDMENT OF CONDITIONS CASE NO. AC08-009 (AMENDMENT OF TENTATIVE SUBDIVISION MAP CASE NO. TM05-011, LADERA RANCH) – To modify Conditions of Approval Numbers 21 and 60 to allow the combination of the sewer access road and the required pedestrian path, to relocate the proposed sewer line, and to change the surface of the pedestrian path from asphalt to gravel. The applicant is further requesting substantial changes to the grading at the entrance of the project. The project includes a total of six contiguous parcels located to the south of Golden Valley Road/West Seventh Avenue, approximately one mile west of the intersection of West Seventh Avenue and Sun Valley Boulevard and approximately one mile east of the intersection of Golden Valley Road and Spearhead Way. The parcels total approximately 376 acres and have mixed land use designations including High Density Rural (HDR, ±61.33 acres), Low Density Suburban (LDS, ±135.3 acres), Medium Density Suburban (MDS, ±94.15 acres) and Open Space (OS, ±85.3 acres). The parcels are located within the Sun Valley Area Plan, and are situated in portions of Sections 13 and 24, T20N, R19E, MDM, Washoe County, Nevada. The property is located in the Sun Valley Citizen Advisory Board boundary and Washoe County Commission District No. 5. (APNs 082-473-07 through 09, 082-473-11 and 12, and 502-250-05) The approval of the tentative subdivision map was based on the following findings:

1. Plan Consistency. That the proposed changes to the tentative map approval are consistent with the Comprehensive Plan and any specific plan;
2. Design or Improvement. That the change in the design and improvements to the proposed subdivision are consistent with the Comprehensive Plan and any specific plan;
3. Availability of Services. That the subdivision, with the changes proposed, will meet the requirements of Article 702, Adequate Public Facilities Management System;
4. Fish or Wildlife. That neither the design of the subdivision nor any proposed improvements, with the proposed changes are likely to cause substantial environmental damage, or substantial and avoidable injury to any endangered plant, wildlife or their habitat;

Post Office Box 11130, Reno, NV 89520-0027 – 1001 E. Ninth St., Reno, NV 89512
Telephone: 775.328.3600 – Fax: 775.328.3648
www.washoecounty.us/comdev/

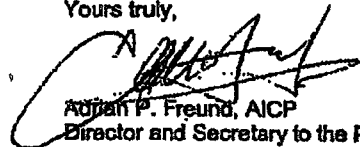
"Your Community Development Department"

Letter to: SilverStar Communities
Subject: Amendment of Conditions No. AC06-006 (Tentative Subdivision Map No. TM05-011)
Date: November 13, 2006
Page: 2

5. Public Health. That the changes to the design of the subdivision or type of improvement is not likely to cause significant public health problems;
6. Easements. That the changes to the design of the subdivision or the type of improvements will not conflict with easements acquired by the public at large for access through, or use of property within, the proposed subdivision;
7. Access. That the design of the subdivision provides any necessary access to surrounding, adjacent lands and provides appropriate secondary access for emergency vehicles;
8. Dedications. That any land or improvements to be dedicated to the County are not impacted by the proposed changes and is consistent with the Comprehensive Plan;
9. Energy. That the design of the subdivision provides, to the extent feasible, for future passive or natural heating or cooling opportunities in the subdivision and is not impacted by the proposed changes; and
10. Reasoned Consideration. That the Planning Commissioners gave reasoned consideration to the information contained within the staff report and information received during the meeting.

Unless appeals are filed in the time period stipulated in the Washoe County Development Code, the decision by the Planning Commission is final.

Yours truly,



Adrian P. Freund, AICP
Director and Secretary to the Planning Commission

APF/RDP/cm (AC06-006f1)

Attachments: Conditions
Action Order dated July 6, 2005, to LaDera Ranch 390, LLC

xc: Summit Engineering, attn: Chad Wilkinson, 5405 Mae Anne Avenue, Reno, NV 89523

Blaine Cartledge, DA's Office; Marge Clausen, Assessor's Office (CAAS); Steve Churchfield, Chief Appraiser, Assessor's Office; David Lindsey, Department of Water Resources; Engineering Division; Truckee Meadows Fire Protection District; Regional Transportation Commission, Post Office Box 30002, Reno, NV 89520; Truckee Meadows Regional Planning Agency, 1400-A Wedekind Road, Reno, NV 89512; Diana Langs, Sun Valley GID, Sun Valley Citizen Advisory Board, Chair

Letter to: SilverStar Communities
Subject: Amendment of Conditions No. AC06-009 (Tentative Subdivision Map No. TM05-011)
Date: November 13, 2008
Page: 3

**CONDITIONS FOR
AMENDMENT OF CONDITIONS CASE NUMBER AC06-009
(TENTATIVE SUBDIVISION MAP CASE NUMBER TM05-011 LADERA RANCH)
(As approved by the Washoe County Planning Commission on November 9, 2008)**

*****IMPORTANT GENERAL INSTRUCTIONS—PLEASE READ*****

THE TENTATIVE MAP APPROVAL ALLOWS THE SUBDIVIDER TO PROCEED WITH FULFILLING THE CONDITIONS OF APPROVAL AND RECORD A FINAL MAP FOR ALL, OR PORTIONS OF, THE DEVELOPMENT WITHIN TWO (2) YEARS FROM THE DATE OF THE PLANNING COMMISSION ACTION. FAILURE TO RECORD THE FIRST FINAL MAP WITHIN TWO (2) YEARS OF THE PLANNING COMMISSION ACTION, OR FAILURE TO RECORD THE LATEST MAP IN A SERIES WITHIN ONE (1) YEAR AFTER THE DATE OF THE MOST RECENTLY RECORDED MAP, SHALL TERMINATE ALL PROCEEDINGS CONCERNING THE SUBDIVISION.

UNLESS OTHERWISE STATED, PRIOR TO FINALIZATION OF ANY PORTION OF THE TENTATIVE SUBDIVISION MAP, ALL CONDITIONS MUST BE MET OR FINANCIAL ASSURANCES TO ENSURE COMPLETION OF THE CONDITIONS MUST BE PROVIDED. THE AGENCY RESPONSIBLE FOR DETERMINING COMPLIANCE WITH A SPECIFIC CONDITION SHALL DETERMINE WHETHER THE CONDITION MUST BE FULLY COMPLETED OR WHETHER THE APPLICANT SHALL BE OFFERED THE OPTION OF PROVIDING FINANCIAL ASSURANCES.

A COPY OF ALL AGREEMENTS, EASEMENTS OR OTHER DOCUMENTATION REQUIRED BY THESE CONDITIONS SHALL BE FILED WITH THE DEPARTMENT OF PUBLIC WORKS AND/OR THE DEPARTMENT OF COMMUNITY DEVELOPMENT.

THE DEVELOPER SHALL MEET WITH THE ENGINEERING DIVISION, DEPARTMENT OF WATER RESOURCES AND THE DEPARTMENT OF COMMUNITY DEVELOPMENT STAFF AT LEAST SIXTY (60) DAYS BEFORE THE ANTICIPATED DATE OF THE FINAL MAP RECORDATION TO REVIEW SCHEDULING, REQUIREMENTS, FINAL CONSTRUCTION DRAWINGS, AND DOCUMENTATION NECESSARY TO ADEQUATELY COMPLY WITH THE CONDITIONS OF APPROVAL AND THE APPLICABLE STATUTES, ORDINANCES, RULES, REGULATIONS AND POLICIES.

REQUESTS FOR EXTENSION OF TIME FOR SUBSEQUENT FINAL MAPS MUST BE SUBMITTED TO THE DEPARTMENT OF COMMUNITY DEVELOPMENT AT LEAST SIXTY (60) DAYS PRIOR TO THE EXPIRATION DATE OF THE TENTATIVE SUBDIVISION MAP.

COMPLIANCE WITH THE APPLICABLE STATUTES, ORDINANCES, RULES, REGULATIONS AND POLICIES AND WITH THE CONDITIONS OF APPROVAL OF THIS TENTATIVE MAP IS THE RESPONSIBILITY OF THE DEVELOPER, ITS SUCCESSOR IN INTEREST, AND ALL OWNERS, ASSIGNEES AND OCCUPANTS OF THE PROPERTY, AND THEIR SUCCESSORS IN INTEREST.

A COPY OF THE FINAL ORDER FOR THE APPROVAL OF THE TENTATIVE MAP SHALL BE ATTACHED TO ALL PHASES/UNITS SUBMITTALS FOR FINAL MAP REVIEW SIXTY (60) DAYS PRIOR TO RECORDATION.

Letter to: SilverStar Communities
Subject: Amendment of Conditions No. AC08-008 (Tentative Subdivision Map No. TM05-011)
Date: November 13, 2006
Page: 4

GENERAL CONDITIONS

1. The applicant shall demonstrate substantial conformance to the plans approved as part of this amendment of conditions. The Department of Community Development shall determine compliance with this condition.
2. The applicant shall record the final map for at least the first phase of the subdivision not later than July 5, 2007.
3. A copy of the Final Order stating conditional approval of this amendment of conditions shall be attached to all applications for administrative permits issued by Washoe County.
4. All prior conditions of approval for this project, not modified by this action, shall remain in full force and effect.

LANDSCAPING AND DESIGN

5. Additional evergreen trees, not less than ten (10) feet in height, shall be added to the proposed entry landscaping plan. The additional trees shall be located between each of the deciduous trees on both sides of Stagecoach Drive. All proposed entry landscaping shall be completed prior to the approval of any Certificate of Occupancy for any dwelling unit in the subdivision. Permanent irrigation shall be provided to all landscape areas with individual water emitters at each tree. The Department of Community Development shall determine compliance with this condition.
6. Landscaping including evergreen trees at the base and evergreen bushes on the bench at the midpoint shall be added to the graded area adjacent to West 7th Avenue. The Department of Community Development shall determine compliance with this condition.
7. Additional evergreen trees, not less than ten (10) feet in height, shall be added to the proposed landscaping plan along the base of all fill-slopes visible from West 7th Avenue/ Golden Valley Drive. One tree shall be added for each 25 lineal feet of fill slope. All trees shall be planted prior to the approval of any Certificate of Occupancy for any dwelling unit in the subdivision. Permanent irrigation shall be provided to each tree. The Department of Community Development shall determine compliance with this condition.
8. Landscaping treatments shall include juniper trees. All revegetation seed mixes shall include juniper tree seeds. Compliance with this condition shall be determined by the Department of Community Development.

ENGINEERING CONDITIONS

9. In medians with irrigated landscaping adjacent to the curb, a subdrain system shall be installed a minimum of one foot behind the back face of curb to intercept drainage from the landscaping. The system shall be tied to the storm drain system or an acceptable alternative drainage system. The County Engineer shall determine compliance with this condition.

Letter to: SilverStar Communities
Subject: Amendment of Conditions No. AC06-009 (Tentative Subdivision Map No. TM05-011)
Date: November 13, 2008
Page: 5

10. Any landscaping within the County right-of-way will require a Revocable Encroachment Permit and will be approved on a case-by-case basis. Washoe County will not maintain landscaping in the right-of-way. Maintenance responsibility for any landscaping within the right-of-way shall be addressed prior to the finalization of the affected final map. The County Engineer shall determine compliance with this condition.
11. The applicant shall provide a trail connection from the end of the northernmost cul-de-sac in the subdivision (Painted Sky Way) to the pedestrian path. The surface of the connection shall be identical to the surface for the remainder of the path. The County Engineer shall determine compliance with this condition.
12. The applicant shall install signage from the trail connection to the subdivision to the west and from West 7th Avenue through the subdivision to the required pedestrian path. The County Engineer and the Department of Community Development shall determine compliance with this condition.

VECTOR CONTROL CONDITION

13. Typical front lot containing turf grass shall require a 3-foot no-sod setback from the back face of sidewalk. If there is no sidewalk, the 3-foot no-sod setback shall be from the back face of the curb. The District Health Department may waive this condition if there is a design equivalent such as an underground drip system. The District Health Department, Vector Control Program shall be responsible for determining compliance with this condition.

PLANNING COMMISSION CONDITIONS

14. Signage restricting motorized vehicle access and bollards or other motorized vehicle access restrictions shall be provided at each end of the pedestrian pathway. The Department of Regional Parks and Open Space and the Department of Community Development shall determine compliance with this condition.
15. The surface of the required pedestrian path shall be constructed of gravel or grinding materials to the satisfaction of the County Engineer and to the "Green Book" specifications of the Washoe County Department of Regional Parks and Open Space. The County Engineer and the Department of Regional Parks and Open Space shall determine compliance with this condition.

*** END OF CONDITIONS ***

Exhibit "E"

Action Order Dated January 11, 2007



Community Development

"Dedicated to Excellence in Public Service"

Adrian P. Freund, AICP, Community Development Director



Washoe County Design Review Committee

Principals:

Denise M. Salomo, AIA, Chair
Dan Kovach, ASLA, Vice Chair
Dava Snelgrove, AICP
M. Lee Murray, Jr., AIA
Neal H. Cobb

Alternates:

Frank Peterson
Arne Haimala, AICP
Ryan Hansen, ASLA
Leonard G. Martinez, AIA
Stephen D. Rogers
Kreg Mabust, ASLA, Reserve

ACTION ORDER

January 11, 2007

Chris Judson
Ladera Ranch 390, LLC.
670 Sierra Rose Dr. Suite B.
Reno, NV 89511

RE: Action of Design Review Committee TM05-011 (Ladera Ranch 390)

Dear Mr. Judson:

The Design Review Committee, at its January 11, 2007 meeting, reviewed the landscaping plans for the Ladera Ranch 390 subdivision. The Committee approved the project as proposed with the following conditions:

CONDITIONS

The following conditions shall be determined for compliance by the Community Development Department:

1. The applicant shall apply a permeon to all cut-rock surfaces
2. The applicant shall return to the Design Review Committee for review of architectural standards to include signage details.

If you have any questions or require any assistance, please contact me at 328-3620.

Sincerely,

Handwritten signature of Trevor Lloyd in black ink.

Trevor Lloyd
Secretary to the Design Review Committee

Cc: Summit Engineering; Attn: Billy Doyle
5405 Mae Anne Ave.
Reno, NV 89523

Post Office Box 11130, Reno, NV 89520-0027 - 1001 E. Ninth St., Reno, NV 89512

Telephone: 775.328.3628 - Fax: 775.328.3648

www.washoecounty.us/conddev/

"Your Community Development Department"

Ladera Ranch

Application to Washoe County for a:

Development Agreement Amendment (AKA Condition Amendment)

Prepared by:



John F. Krmpotic, AICP
KLS Planning & Design Group
9480 Double Diamond Parkway, Suite 299
Reno, Nevada 89521

Prepared for:

D.R. Horton, Inc
190 West Huffaker Lane, Suite 408
Reno, NV 89511

April 17, 2017

Table of Contents

Project Request.....1
Property Location1
Reason for the request1
Figure 1 - Vicinity Map1
Figure 2 - Existing WC Zoning2
Figure 3 – Existing Tentative Map Layout3
Figure 4 - Typical Architectural Elevation4
Tentative Map Findings.....4

Appendix

Application Materials

WC Development Application
Amendment of Conditions Application
Property Owner Affidavits w/ Parcel Summary
WC Fee Sheet
WC Treasurer (Payment Records – 6 sheets)
DA15-001 Recorded Copy Dated 3/25/15

Project Request - This application includes the following request:

- A request to amend the 2nd Amended and Restated Development Agreement (DA15-001) for a previously approved Development Agreement (DA) for a related Tentative Map that was approved on 7/6/05. The **Condition Amendment** application is the means by which a DA is amended.

Property Location

The site is located along East Golden Valley Drive at the intersection of Dream Catcher in Golden Valley area of Washoe County on a 291.92-acre site. This includes 113 parcels (see attached list) which consist of 108 recorded undeveloped lots, and 5 raw land parcels.

Reason for the Request

The Condition Amendment is essential for the builder to prepare and process a Final Map on the next series of lots in preparation for site development. There is not enough time for the home builder to prepare the engineering, apply and process the map, and record the lots as the current DA expires on July 5, 2017.

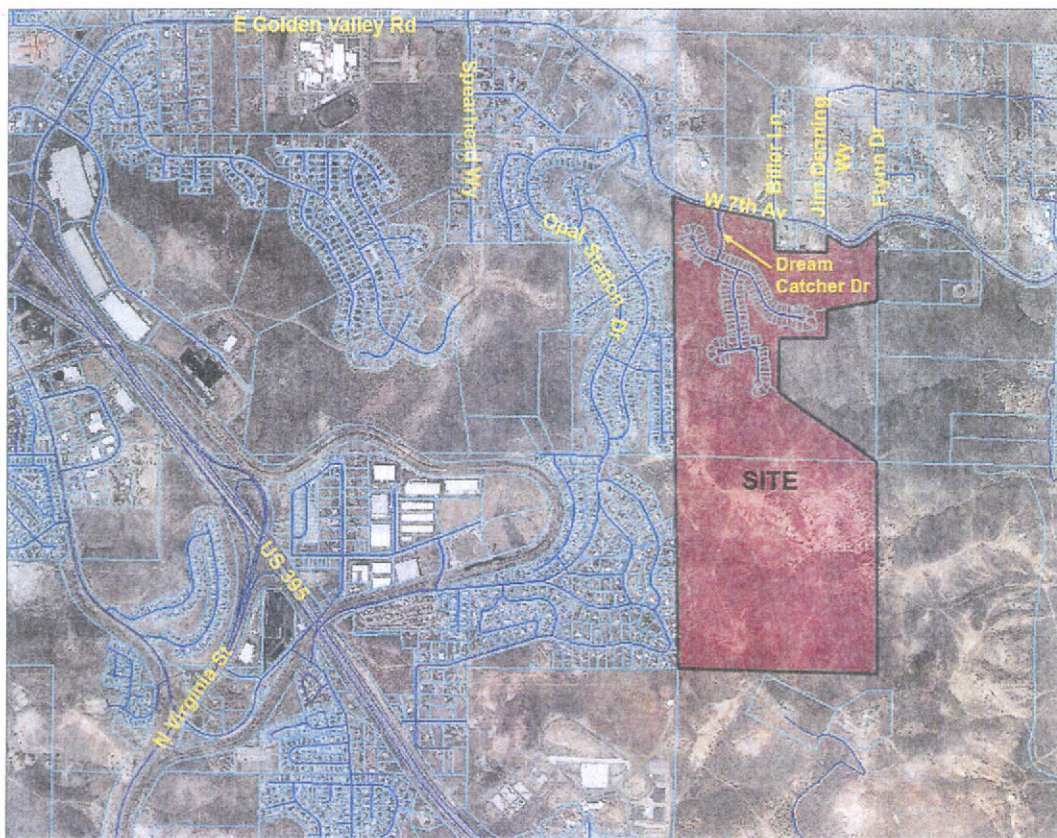


Figure 1 - Vicinity Map

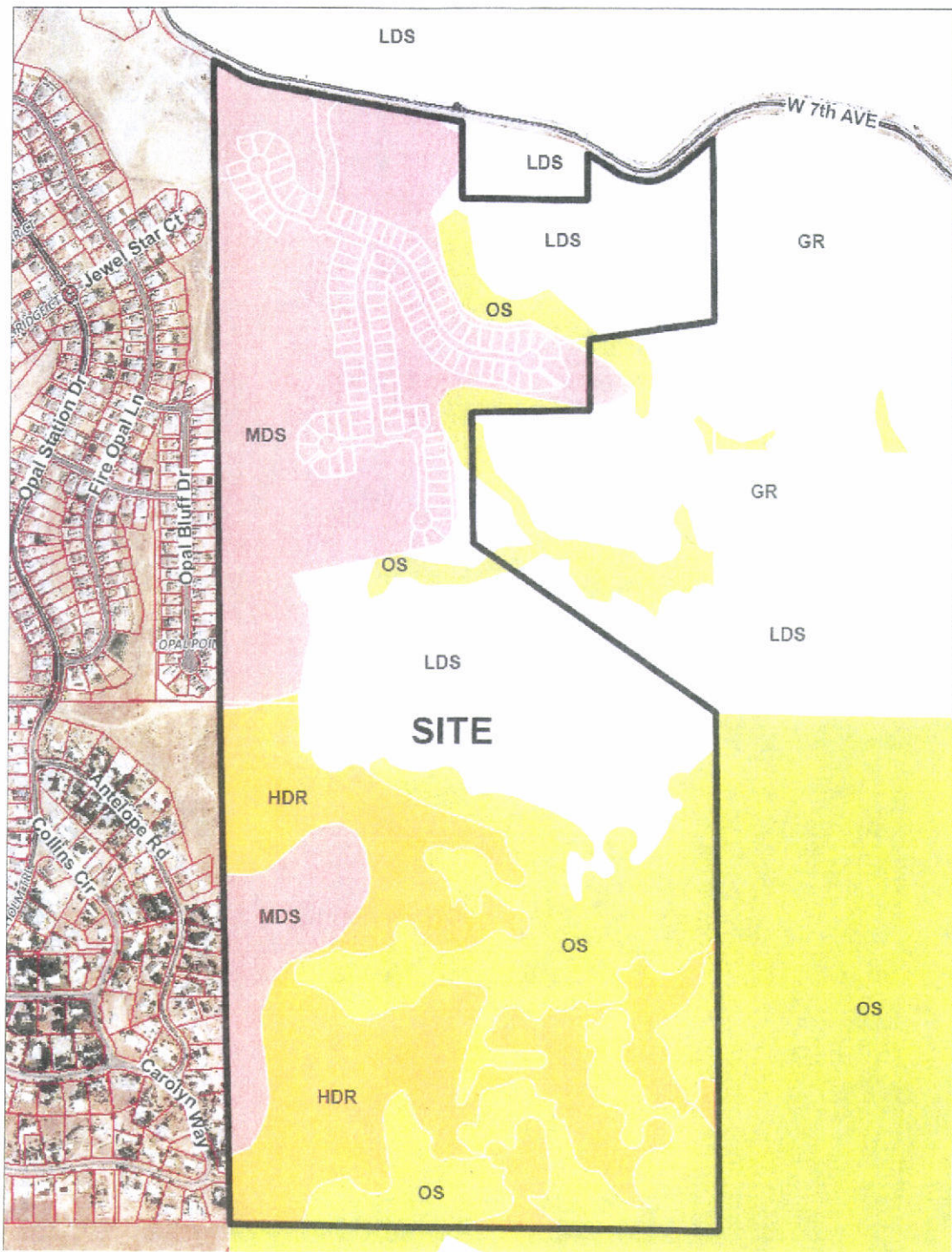


Figure 2 – Existing County Zoning

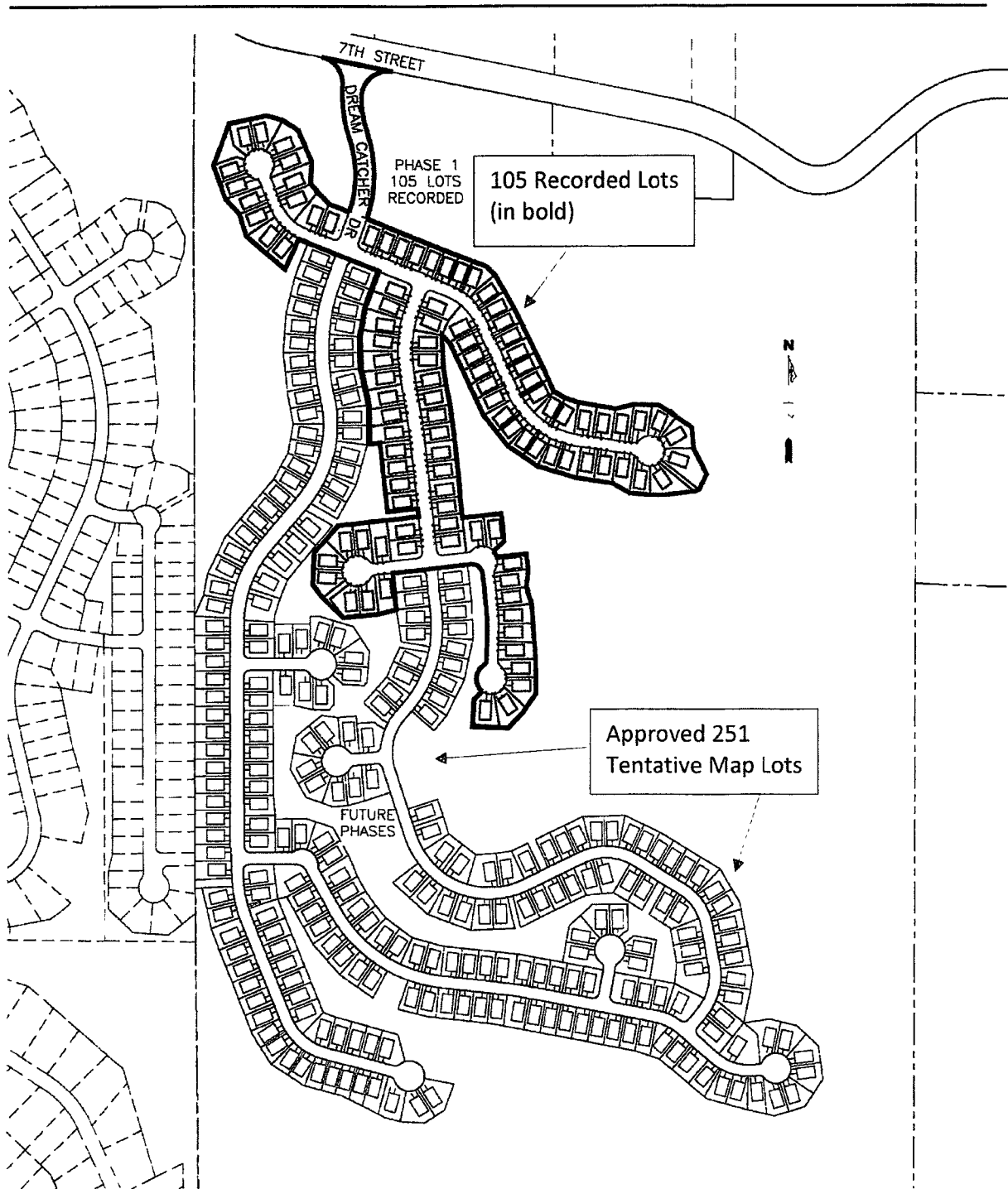


Figure 3 – Existing Tentative Map Layout

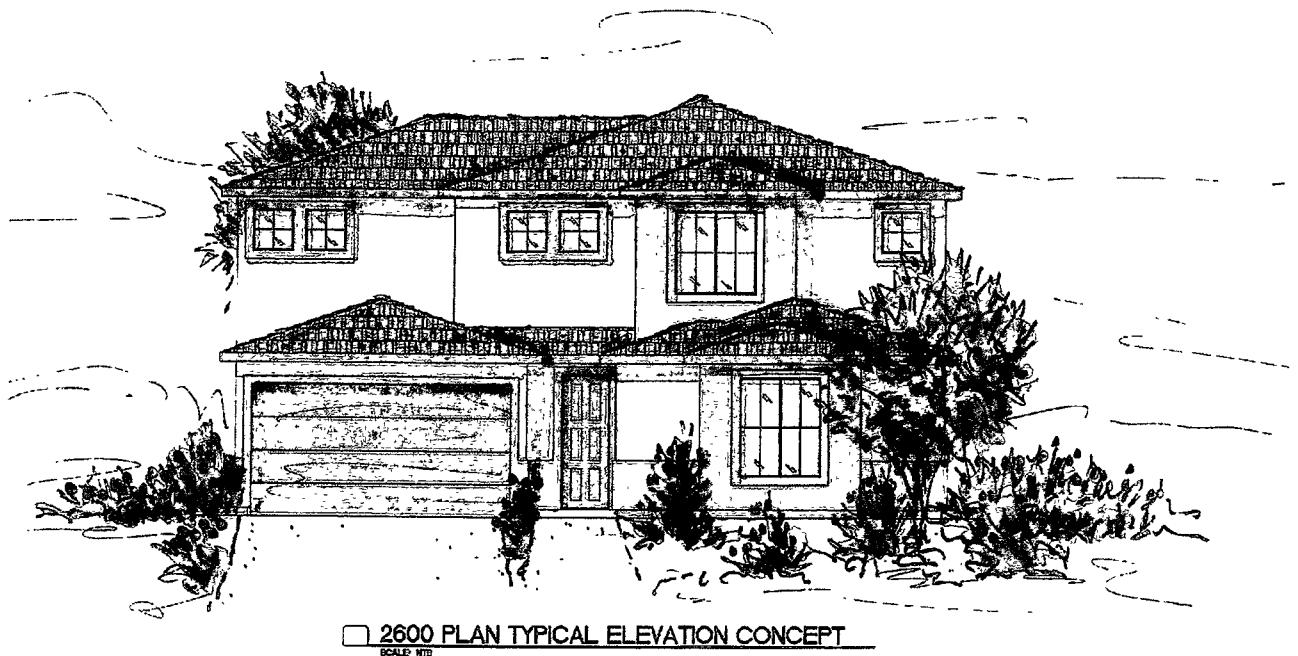


Figure 4 - Architectural Elevation of Proposed Housing Type

Tentative Map Findings - Section 110.608.25 Findings

Note: The following 11 findings for a Tentative Map shall apply to this request and do not change with granting the request which is a requirement of the condition amendment. All of the following 11 findings can be and should be met with this request.

1. Plan Consistency. That the proposed map is consistent with the Comprehensive Plan and any specific plan;
2. Design or Improvement. That the design or improvement of the proposed subdivision is consistent with the Comprehensive Plan and any specific plan;
3. Type of Development. That the site is physically suited for the type of development proposed;
4. Availability of Services. That the subdivision will meet the requirements of Article 702, Adequate Public Facilities Management System;

5. Fish or Wildlife. That neither the design of the subdivision nor any proposed improvements is likely to cause substantial environmental damage, or substantial and avoidable injury to any endangered plant, wildlife or their habitat;

6. Public Health. That the design of the subdivision or type of improvement is not likely to cause significant public health problems;

7. Easements. That the design of the subdivision or the type of improvements will not conflict with easements acquired by the public at large for access through, or use of property within, the proposed subdivision;

8. Access. That the design of the subdivision provides any necessary access to surrounding, adjacent lands and provides appropriate secondary access for emergency vehicles;

9. Dedications. That any land or improvements to be dedicated to the County is consistent with the Comprehensive Plan;

10. Energy. That the design of the subdivision provides, to the extent feasible, for future passive or natural heating or cooling opportunities in the subdivision; and

11. Reasoned Consideration. That the Planning Commissioners gave reasoned consideration to the information contained within the staff report and information received during the meeting.

Appendix

Application Materials

WC Development Application

Amendment of Conditions Application

Property Owner Affidavits w/ Parcel Summary

WC Fee Sheet

WC Treasurer (Payment Records – 6 sheets)

DA15-001 Recorded Copy Dated 3/25/15

Washoe County Development Application

Your entire application is a public record. If you have a concern about releasing personal information, please contact Planning and Development staff at 775.328.3600.

Project Information		Staff Assigned Case No.: _____	
Project Name: Ladera Ranch			
Project Description: A request to amend the 2nd Amended and Restated Development Agreement (DA15-001) for a previously approved Development Agreement for a related Tentative Map that was approved on 7/6/05.			
Project Address: E. Golden Valley Road at Dream Catcher Drive (proposed)			
Project Area (acres or square feet): 291.92 acres			
Project Location (with point of reference to major cross streets AND area locator): E. Golden Valley Road at Dream Catcher Drive (proposed)			
Assessor's Parcel No.(s):	Parcel Acreage:	Assessor's Parcel No.(s):	Parcel Acreage:
see attached list of 5 APN's (Ladera Ranch LLC)	267.59		
see attached list of 108 recorded lots(DR Horton, Inc)	24.33		
Section(s)/Township/Range: S13 T20 R19			
Indicate any previous Washoe County approvals associated with this application: Case No.(s). Approvals include TM05-011 in July of 2005, DA15-001, and DA09-004			
Applicant Information (attach additional sheets if necessary)			
Property Owner:		Professional Consultant:	
Name: Ladera Ranch, LLC - Gregory Lansing		Name: KLS Planning & Design	
Address: 12671 High Bluff Drive, Suite 150, San Diego, CA		Address: 9480 Double Diamond Parkway, Suite 299	
Zip: 84060		Zip: 89521	
Phone: 775-815-8425 Fax: N/A		Phone: 775 852 7606 Fax: 852 7609	
Email: ccoombs@rcinevada.com		Email: johnk@klsdesigngroup.com	
Cell: 775-815-8425 Other: N/A		Cell: 775 857 7710 Other: n/a	
Contact Person: Chris Coombs		Contact Person: John F. Krmpotic, AICP	
Applicant/Developer:		Other Persons to be Contacted:	
Name: D.R. Horton, Inc		Name: Summit Engineering Corporation	
Address: 190 West Huffaker, Suite 408, Reno, NV		Address: 5405 Mae Anne Avenue, Reno, NV	
Zip: 89511		Zip: 89523	
Phone: 775 683 9030 Fax: N/A		Phone: 747 8550 Fax: 747 8559	
Email: Tsbrown@drhorton.com		Email: chayes@summitnv.com	
Cell: 775 722 4543 Other: N/A		Cell: 745-3854 Other: N/A	
Contact Person: Ted S.Brown		Contact Person: Colin Hayes, P.E.	
For Office Use Only			
Date Received:	Initial:	Planning Area:	
County Commission District:		Master Plan Designation(s):	
CAB(s):		Regulatory Zoning(s):	

Amendment of Conditions Application Supplemental Information

(All required information may be separately attached)

Required Information

1. The following information is required for an Amendment of Conditions:
 - a. Provide a written explanation of the proposed amendment, why you are asking for the amendment, and how the amendment will modify the approval.
 - b. Identify the specific Condition or Conditions that you are requesting to amend.
 - c. Provide the requested amendment language to each Condition or Conditions, and provide both the **existing** and **proposed condition(s)**.

1a) The Development Agreement amendment is necessary to simply extend the Tentative Map approval. This amendment will not modify the approval other than extend the expiration date of the DA. We are requesting this extension for 2 reasons:

- 1) A new home builder has recently purchased the project and is moving forward to build out the community
- 2) They do not have adequate time to prepare the engineering and final mapping along with factoring in the process time-lines to review and approve the final plans.

1b.) We are requesting a change to only one condition of the existing DA15-001 which expires on July 5, 2017. That is DA condition or provision #4.

1c.) C. On a petition timely filed before the expiration date, for good cause appearing, the current property owner and the BCC desire to replace the previous development agreement with the "Third Amended and Restated Development Agreement (Ladera Ranch, LLC)" to further extend the deadline for filing a final map to July 5, 2019;

2. Describe any potential impacts to public health, safety, or welfare that could result from granting the amendment. Describe how the amendment affects the required findings as approved.

There are essentially no potential public health, safety, or welfare impacts associated with granting the amendment. It could be argued that there are positive impacts to public health, safety, and welfare by granting this request by creating the opportunity for needed housing that is located in an ideal suburban location. The alternative would likely push housing further away from services and the core that then adds adverse impacts on services and infrastructure. The request is supported by market analysis for more single family housing product like proposed with this project that is necessary and preferred in the region.

The amendment will have no adverse impacts on the required findings as the project was is nearly identical similar to that project that was approved and includes the same set of findings. Those findings are as follows and exactly as they were in the original approval. A copy of the Tentative Map Findings is included in the application as provided by the applicant.

Property Owner Affidavit

Applicant Name: Ladera Ranch, LLC

The receipt of this application at the time of submittal does not guarantee the application complies with all requirements of the Washoe County Development Code, the Washoe County Master Plan or the applicable area plan, the applicable regulatory zoning, or that the application is deemed complete and will be processed.

CALIFORNIA)
STATE OF NEVADA)
SAN DIEGO)
COUNTY OF WASHOE)

I, Gregory P. Lansing for Ladera Ranch, LLC
(please print name)

being duly sworn, depose and say that I am the owner* of the property or properties involved in this application as listed below and that the foregoing statements and answers herein contained and the information herewith submitted are in all respects complete, true, and correct to the best of my knowledge and belief. I understand that no assurance or guarantee can be given by members of Planning and Development.

(A separate Affidavit must be provided by each property owner named in the title report.)

Assessor Parcel Number(s): 502-700-01 thru 03 & 06; 502-250-05

Printed Name Gregory P. Lansing

Signed [Signature]

Address 12671 High Bluff Dr., Suite 150

San Diego, CA 92130

Subscribed and sworn to before me this 14th day of April, 2017.

[Signature]
Notary Public in and for said county and state

My commission expires: 3/20/2020

(Notary Stamp)



*Owner refers to the following: (Please mark appropriate box.)

- Owner
- Corporate Officer/Partner (Provide copy of record document indicating authority to sign.)
- Power of Attorney (Provide copy of Power of Attorney.)
- Owner Agent (Provide notarized letter from property owner giving legal authority to agent.)
- Property Agent (Provide copy of record document indicating authority to sign.)
- Letter from Government Agency with Stewardship

**WRITTEN CONSENT OF
LADERA RANCH, LLC,
A NEVADA LIMITED LIABILITY COMPANY**

The undersigned being the Managing Member of LADERA RANCH, LLC, a Nevada limited liability company (hereinafter called the "Company"), does hereby approve of and consent to the following action by his execution of this Written Consent:

1. The Company is a duly organized and existing limited liability company in good standing under the laws of the State of Nevada and is duly licensed to transact business in all states in which the Company conducts its affairs:

2. Having due regard for all restrictions contained in the Articles of Organization of the Company and all outstanding agreements and commitments of the Company, the Company has the power and authority to do the character of business conducted by it and to enter into the obligations named in the resolutions set out below: and

3. The Company takes the following actions by authority vested in the Managing Member:

WHEREAS, Kelly Burt, Co-Trustee of The Burt Trust UTD dated January 18, 1990 is the managing member of the Company (the "Managing Member"), vested with the authority to sign contracts and obligations on behalf of the Company;

WHEREAS, the Company sold 105 final mapped lots in the City of Reno, County of Washoe, State of Nevada, commonly known as "Ladera Ranch", to D.R. Horton, Inc. and the Company remains the owner of that certain real property consisting of 251 tentative map lots in the City of Reno, County of Washoe, State of Nevada, comprising the remainder of the development "Ladera Ranch" (collectively, the "Property"); and

WHEREAS, Lansing Industries, Inc. ("Lansing") has been retained by the Company to assist in the Company's efforts to develop the Property; and

WHEREAS, D.R. Horton, Inc. is processing an application for an amendment to the Development Agreement for "Ladera Ranch" to extend the timing for expiration of entitlements (the "Application") and requires the Company to prepare a Property Owner Affidavit in support of the Application;

IT IS THEREFORE:

RESOLVED that the Managing Member hereby authorizes and approves the submission of the Application on behalf of the Company; and

FURTHER RESOLVED that Lansing is authorized and directed to execute the Property Owner Affidavit in support of the Application.

SO RESOLVED, this 12th day of April 2017.

MANAGING MEMBER:
KELLY BURT, CO-TRUSTEE OF THE BURT
TRUST DATED JANUARY 18, 1990

By: _____
Name: Kelly Burt
Its: Co-Trustee

Ladera Ranch Parcels

APN	Area (acres)
<u>Raw Land (Ladera Ranch LLC)</u>	
502-700-01	5.047
502-700-02	64.92
502-700-03	7.286
502-700-06	32.55
502-250-05	157.79
Subtotal	267.593
<u>Recorded lots</u>	
1st Final Map with ROW	24.33
Total	291.92

LADERA RANCH LLC
Parcels

Total project area of 291.92 acres includes 105 lots on a final map plus 3 right-of-way parcels (24.33 acres) recorded as Document No. 3542043 in the office of the Washoe County Recorder and approximately 267.59 acres of raw land with an approved tentative map of 251 additional lots

Recorded Lots (DR Horton, Inc.)

APN's:
502-711-01 thru 14;
502-712-01 thru 09,
502-721-01 thru 13,
502-722-01 thru 46,
502-731-01 thru 10, and
502-732-01 thru 16
3 Right of way APN's

Total = 108 lots

CERTIFICATE OF ASSISTANT SECRETARY

The undersigned hereby certifies as follows:

1. He is a duly elected, qualified and acting Assistant Secretary of D.R. Horton, Inc., a Delaware corporation (*the "Company"*), is familiar with the facts herein certified and is duly authorized to certify the same.

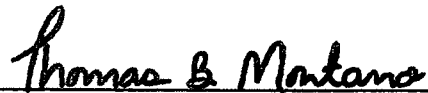
2. The following is a true, correct and complete copy of resolutions related to the subject matter as adopted by the Consent of Executive Committee of the Board of Directors of the Company dated December 2, 2015 (*the "Resolutions"*). The Resolutions have not been amended, rescinded or modified and remain in full force and effect as of the date hereof.

Election of Assistant Secretary

RESOLVED, that Christopher J. Foley is hereby elected to the office of Assistant Secretary (*the "Assistant Secretary"*) of the Company in the Company's Las Vegas Division (*the "Division"*), to serve until the next annual meeting of the directors of the Company and until his successor is duly elected and qualified or until his earlier death, resignation or removal.

RESOLVED FURTHER, that the Assistant Secretary is hereby authorized on behalf of (i) the Company, (ii) any partnership of which the Company is a general partner, manager or agent, and (iii) any limited liability company of which the Company is a member, manager or agent (*collectively, the "Entities"*) to sign, modify and terminate, from time to time as he deems it to be in the best interest of the Entities, homeowner association documents, CC&Rs, subdivision agreements, utility agreements, condominium plans, all agency applications relating to development, construction contracts, purchase orders, consultant agreements, final maps, permits, engineering agreements and other similar or equivalent agreements or documents for the Division relating to the business of the Entities.

IN WITNESS WHEREOF, the undersigned has signed as of the 9th day of December, 2015.



Thomas B. Montano
Assistant Secretary

Ladera Ranch Parcels

APN	Area (acres)
<u>Raw Land (Ladera Ranch LLC)</u>	
502-700-01	5.047
502-700-02	64.92
502-700-03	7.286
502-700-06	32.55
502-250-05	157.79
Subtotal	267.593
<u>Recorded lots</u>	
1st Final Map with ROW	24.33
Total	291.92


Total project area of 291.92 acres includes 105 lots on a final map plus 3 right-of-way parcels (24.33 acres) recorded as Document No. 3542043 in the office of the Washoe County Recorder and approximately 267.59 acres of raw land with an approved tentative map of 251 additional lots

Recorded Lots (DR Horton, Inc.)

APN's:

502-711-01 thru 14;
502-712-01 thru 09,
502-721-01 thru 13,
502-722-01 thru 46,
502-731-01 thru 10, and
502-732-01 thru 16
3 Right of way APN's

Total = 108 lots



DR Horton, Inc Parcels

**DEVELOPMENT CODE (Washoe County Code Chapter 110)
 MASTER FEE SCHEDULE
 Applications accepted by CSD, Planning and Development**

APPLICATIONS	COMMUNITY SERVICES DEPARTMENT FEES										HEALTH FEES		
	Planning			Engineering			Parks			Health District			
	PLANNING	NOTICING	RTF	ENGINEERING	UTILITIES	RTF	PARKS	RTF	ENVIRON.	VECTOR	RTF	TOTAL	
ABANDONMENT													
Not Tahoe	\$1,111	\$200	\$52.44	\$195	\$26	\$8.84	-	-	\$115	\$213	\$13	\$1,934.28	
Tahoe	\$1,111	\$200	\$52.44	\$195	-	\$7.80	-	-	\$115	\$213	\$13	\$1,907.24	
ADMINISTRATIVE PERMIT													
Not Tahoe	\$1,265	\$200	\$58.60	\$65	\$38	\$4.12	-	-	\$115	\$213	\$13	\$1,971.72	
Tahoe	\$1,265	\$200	\$58.60	\$65	-	\$2.60	-	-	\$115	\$213	\$13	\$1,932.20	
AGRICULTURAL EXEMPTION LAND DIVISION (See Note 5)													
	\$250	-	\$10.00	\$500	-	\$20.00	-	-	\$1,208	-	\$48	\$2,036.00	
AMENDMENT OF CONDITIONS													
	\$700	\$200	\$36.00	\$390	-	\$15.60	-	-	-	-	-	\$1,341.60	
APPEALS/INITIATION OF REVOCATION													
No Map	\$803	\$200	\$40.12	-	-	-	-	-	-	-	-	\$1,043.12	
With Map	\$803	\$200	\$40.12	\$390	-	\$15.60	-	-	-	-	-	\$1,448.72	
Administrative/Code Enforcement Decision	-	-	-	-	-	-	-	-	-	-	-	\$0.00	
BOUNDARY LINE ADJUSTMENT (See Note 5)													
Not Tahoe	\$51	-	\$2.04	\$268	\$38	\$12.24	-	-	\$115	-	\$5	\$491.28	
Tahoe	\$51	-	\$2.04	\$268	-	\$10.72	-	-	\$115	-	\$5	\$451.76	
COOPERATIVE PLANNING													
	\$1,230	-	\$49.20	-	-	-	-	-	-	-	-	\$1,279.20	
DETACHED ACCESSORY DWELLING ADMIN REVIEW													
Not Tahoe	\$1,000	\$200	\$48.00	\$65	\$203	\$10.72	-	-	\$383	\$162	\$22	\$2,093.72	
Tahoe	\$1,000	\$200	\$48.00	\$121	-	\$4.84	-	-	\$383	\$162	\$22	\$1,940.84	
DEVELOPMENT AGREEMENT													
Less Than 5 Parcels	\$3,500	\$200	\$148.00	-	-	-	-	-	\$383	\$162	\$22	\$4,415.00	
5 or More Parcels (See Note 1)	\$5,000	\$200	\$208.00	-	-	-	-	-	\$383	\$162	\$22	\$6,975.00	
DEVELOPMENT CODE AMENDMENT													
	\$2,242	\$200	\$97.68	\$1,299	-	\$51.96	-	-	-	-	-	\$3,890.64	
DIRECTOR'S MODIFICATION OF PARKING/LANDSCAPING STANDARDS													
	\$338	-	\$13.52	-	-	-	-	-	-	-	-	\$351.52	
DISPLAY VEHICLES													
	\$65	-	\$2.60	-	-	-	-	-	\$115	-	\$5	\$187.60	

In accordance with Nevada Revised Statutes, application fees must be deposited the day of receipt. This does not guarantee the application is complete.

The attached document was submitted to the **Washoe County Board of Commissioners** during the meeting

held on June 27, 2017

by Dave Solaro, CSD

for Agenda Item No. 26

and included here pursuant to NRS 241.020(7) as

amended by AB65 of the 2013 Legislative Session.



WASHOE COUNTY

Integrity Communication Service

www.washoecounty.us

CM/ACM	_____
Finance	_____
DA	_____
Risk Mgt	N/A
HR	N/A
Comptroller	_____

STAFF REPORT

BOARD MEETING DATE: June 27, 2017

DATE: May 31, 2017

TO: Board of County Commissioners

FROM: Eric Young, Senior Planner, Planning and Development,
Community Services Department, 328-3613, eyoung@washoecounty.us

THROUGH: Mojra Hauenstein, Arch., Planner, Division Director, Planning and Development,
Community Services Department, 328-3619, mhauenstein@washoecounty.us

SUBJECT: For possible action, to introduce and conduct a first reading of an ordinance approving a third amendment to a development agreement (Ladera Ranch, Tentative map case number TM05-011) originally approved in 2009 (Development Agreement DA09-004, ordinance number 1406) and first amended in 2010 (Amendment of Conditions AC11-002, ordinance number 1461), and second amended in 2015 (Development Agreement DA15-001, ordinance number 1551), to extend the deadline for filing the next final map to July 5, 2019. And if approved, schedule a public hearing date and second reading for July 11, 2017.

Applicant: Ladera Ranch, LLC.
Property Owner: Ladera Ranch, LLC.
Location: Approximately 1 mile west of the intersection of West Seventh Avenue and Sun Valley Boulevard.

Assessor's Parcel Number(s): [502-700-01; 502-700-02; 502-700-03; 502-700-06; 502-250-05; 502-711-01 to 14; 502-712-01 to 09; 502-721-01 to 13; 502-722-01 to 46; 502-731-01 to 10; and 502-732-01 to 16](#)~~082-473-07, 082-473-08, 082-473-09, 082-473-11, 082-473-12, 502-250-05~~

Approximate Acreage: +/- 376 acres
Master Plan Category: Suburban Residential (SR), Rural Residential (RR), Open Space (OS)
Regulatory Zone: Medium Density Suburban (MDS), Low Density Suburban (LDS), High Density Rural (HDS), High Density Rural (HDR)

Area Plan: [North ValleysSun Valley](#)
Citizen Advisory Board: [North ValleysSun Valley](#)
Development Code: Article 814, Development Agreements
Section/Township/Range: Sections 13 and 24, T20N, R19E, MDM, Washoe County, NV

(Commission District 23.)

SUMMARY

AMENDED
AGENDA ITEM # 26

The Washoe County Board of Commissioners (Board) is asked to introduce and conduct the first reading of an ordinance approving a third amendment to Development Agreement Case Number DA09-004 and to set a public hearing and second reading for June 11, 2017. From a legal standpoint, it is not entirely clear from the statutory scheme whether this fits the statutory intent, or whether extensions of time are required to be merely ancillary to a full development agreement actually addressing the mandatory terms set forth in the statutes. Despite this apparent ambiguity in the statutory scheme, it has become common practice to approve mere extensions of time using the development agreement mechanism. This amendment to the Development Agreement is solely for the purpose of an extension of time for the approved tentative subdivision map for the Ladera Ranch Tentative Map case number TM05-011. The proposed amendment will extend the potential date recordation of the first final map for the subdivision until July 5, 2019.

Washoe County Strategic Objective supported by this item: Safe, secure and healthy communities.

PREVIOUS ACTION

July 5, 2005 – The Tentative Subdivision Map for Ladera Ranch residential subdivision (TM05-011) was approved by the Washoe County Planning Commission.

May 26, 2009 – A Development Agreement (DA09-004) extending the deadline to file the next final map until July 5, 2011 was approved by the Board of County Commissioners. (Ordinance Number 1406)

May 24, 2011 – A First Amended and Restated Development Agreement (AC11-002) further extending the deadline to file the next final map until July 5, 2015 was approved by the Board of County Commissioners. (Ordinance Number 1461)

March 24, 2015 – A Second Amended and Restated Development Agreement (Case Number DA15-001) further extending the deadline to file the next final map until July 5, 2017 was approved by the Board of County Commissioners. (Ordinance Number 1551)

BACKGROUND

When a tentative subdivision map is approved, Nevada law imposes a schedule for filing final maps or the tentative map will be lost. See NRS 278.360. Unless the deadline is extended pursuant to a Development Agreement, a final map for the whole project, or if the project is being phased, the first in the series of phase final maps must be approved and recorded within four years of the approval of the tentative map. Thereafter phased final maps must be filed every two years.

The Tentative Subdivision Map for Ladera Ranch was approved in 2005 and the first final map was recorded in 2007. As a result of the down-turn in the housing market starting in 2008, Washoe County entered into a Development Agreement with the property owner extending the deadline for filing the next final map until July 5, 2011, (Ordinance Number 1406) and that development agreement was later amended to further extend the deadline until July 5, 2015 (Ordinance Number 1461), and then amended a second time in 2015 to extend the deadline to July 5, 2017 (Development Agreement DA15-001, ordinance number 1551.)

The original developer no longer owns the property. In fact, the property has transferred ownership multiple times. Recently, a new homebuilder has come on board with the intention of finishing the project. The current owner is requesting approval of a “Third Amended and Restated Agreement” to further extend that deadline until July 5, 2019.

The applicant cites the multiple ownership and homebuilder changes mentioned above as the primary reason for the request to extend the filing deadline. The current owner and homebuilder

are currently developing the plans for the next map submittal, but are falling short of time to achieve the full submittal and agency review prior to the deadline. The applicant's application can be found as Attachment C to this staff report.

The purpose of the original development agreement was to establish timelines for construction of the project and establish that the project is subject to the design criteria and development standards identified on the tentative map and the Washoe County Code. The Development Agreement benefits Washoe County by ensuring that adequate utilities and services will be available prior to development and that the subdivision will be designed and built to the standards represented by the applicant. The development agreement also ensures that the subdivision shall be developed in accordance with the approved tentative map and the applicable regulations in place at the time of the tentative map approval.

PROCESS TO AMEND THE DEVELOPMENT AGREEMENT

Under NRS 278.0205 and Washoe County Code (WCC) Section 110.814.40, such an amendment must be made by ordinance after special notice and a public hearing. Included as Attachment A is the proposed amendment which extends the potential date for recording the next final map until July 5, 2019 and provides that the agreement will terminate if the next map is not filed by then. Included as Attachment B is the proposed Ordinance adopting the amendment described in Attachment A.

It is recommended that the Board review the proposed amendment (Attachment A) and if it is acceptable, introduce and conduct a first reading of the ordinance (Attachment B). At that time, the County Clerk will publish title to the ordinance and the required notice of intent to adopt the amendment and schedule a public hearing for the second reading and possible adoption of the ordinance in accordance with the County Code.

PERIODIC REVIEW OF COMPLIANCE BY DEVELOPER

As required by NRS 278.0205 (1) and WCC Section 110.814.35 the Director of Planning and Development has reviewed the Development Agreement and the status of the project and believes that the developer is in good faith compliance with the terms of the agreement.

COMPLIANCE WITH MASTER PLAN

NRS 278.0205 (2) and WCC Section 110.814.40 (b) require that when Development Agreements are adopted or amended, there must be a finding that the agreement is consistent with the Master Plan.

When the tentative subdivision map was approved for Ladera Ranch, the Planning Commission determined that the development was consistent with the Master Plan. The Development Agreement did not change any uses, standards or policies that would be inconsistent with the Master Plan. Likewise, this amendment makes no changes to uses, standards or policies that would be inconsistent with the Master Plan. Only the time schedule for development is being changed.

FISCAL IMPACT

No fiscal impact.

RECOMMENDATION

It is recommended that the Board introduce and conduct the first reading of an ordinance approving a “Third Amended and Restated Development Agreement (Ladera Ranch)” amending and restating a Development Agreement originally approved in 2008 (DA09-004) regarding Ladera Ranch Subdivision (approved in 2006 as Tentative Map TM06-004), and last amended on March 24, 2015 (case DA15-001). This agreement (Case Number WAC17-0003) extends the deadline for the first final map to July 5, 2019.

And if approved, schedule a public hearing date and second reading for July 11, 2017.

POSSIBLE MOTION

Should the Board agree with staff’s recommendation, a possible motion would be:

“Move to introduce Bill Number (insert bill number as provided by the County Clerk) and to set the public hearing and second reading of the Ordinance for possible adoption during the meeting of July 11, 2017.”

Attachments:

Attachment A – Proposed Amended Development Agreement (Ladera Ranch)

Attachment B – Ordinance

Attachment C – Application

TITLE:

AN ORDINANCE APPROVING A THIRD AMENDMENT TO A DEVELOPMENT AGREEMENT (LADERA RANCH, TENTATIVE MAP CASE NUMBER TM05-011) ORIGINALLY APPROVED IN 2009 (DEVELOPMENT AGREEMENT DA09-004, ORDINANCE NUMBER 1406) AND FIRST AMENDED IN 2010 (AMENDMENT OF CONDITIONS AC11-002, ORDINANCE NUMBER 1461), AND SECOND AMENDED IN 2015 (DEVELOPMENT AGREEMENT DA15-001, ORDINANCE NUMBER 1551), TO EXTEND THE DEADLINE FOR FILING THE NEXT FINAL MAP TO JULY 5, 2019. AND IF APPROVED, SCHEDULE A PUBLIC HEARING DATE AND SECOND READING FOR JULY 11, 2017. THE SUBJECT PARCELS ARE CONTIGUOUS TO EACH OTHER AND LOCATED TO THE SOUTH OF GOLDEN VALLEY ROAD/WEST SEVENTH AVENUE, APPROXIMATELY ONE MILE WEST OF THE INTERSECTION OF WEST SEVENTH AVENUE AND SUN VALLEY BOULEVARD AND APPROXIMATELY ONE MILE EAST OF THE INTERSECTION OF GOLDEN VALLEY ROAD AND SPEARHEAD WAY. THE PARCELS TOTAL APPROXIMATELY 376 ACRES AND HAVE MIXED REGULATORY ZONES INCLUDING HIGH DENSITY RURAL (HDR, ±61.33 ACRES), LOW DENSITY SUBURBAN (LDS, ±135.3 ACRES), MEDIUM DENSITY SUBURBAN (MDS, ±94.15 ACRES) AND OPEN SPACE (OS, ±85.3 ACRES). THE PARCELS ARE LOCATED WITHIN THE SUN VALLEY AREA PLAN, AND ARE SITUATED IN PORTIONS OF SECTIONS 13 AND 24, T20N, R19E, MDM, WASHOE COUNTY, NEVADA. (APNS 502-700-01; 502-700-02; 502-700-03; 502-700-06; 502-250-05; 502-711-01 TO 14; 502-712-01 TO 09; 502-721-01 TO 13; 502-722-01 TO 46; 502-731-01 TO 10; AND 502-732-01 TO 16)