



# Sierra Reflections Appeal of Final Map Submission

*Presented by*

**Lewis Roca Rothgerber Christie LLP**  
on behalf of World Properties, Inc. (Applicant)

**OCTOBER 25, 2022 – WASHOE COUNTY BOARD OF COUNTY COMMISSIONERS**

# BACKGROUND ON PROJECT

## ➤ Residential Development near Pleasant Valley

- Project site: ±760 acres of undeveloped land.
- **Previous zoning was for a resort hotel/tourist commercial but to avoid possible annexation the property was “down-zoned” to residential.**
- Tentative Map approved in April 2006.
- Proposed subdivision of 791 single family homes and 147 townhomes.
- Project will consist of multiple stages of development.
- Project delayed over course of years due to numerous issues, including of Washoe County construction on sewer line “Reach 3”. (Developer would be responsible for next “Reach 4”)



# PROPERTY ORIGINALLY “DOWNZONED” TO LESS INTENSE RESIDENTIAL



## WASHOE COUNTY

"Dedicated To Excellence in Public Service"  
www.washoecounty.us

### STAFF REPORT

BOARD MEETING DATE: April 28, 2020

**DATE:** March 13, 2020  
**TO:** Board of County Commissioners  
**FROM:** Julee Olander, Planner, Planning and Building Division, Community Services Department, 328-3627, [jolander@washoecounty.us](mailto:jolander@washoecounty.us)  
**THROUGH:** Mojra Hauenstein, Arch., Planner, Division Director, Planning & Building Division, Community Services Department, 328-3619, [mhauenstein@washoecounty.us](mailto:mhauenstein@washoecounty.us)  
**SUBJECT:** Public Hearing: Second reading and possible adoption of an ordinance approving an "Amended and Restated Development Agreement (Sierra Reflections)" originally approved in 2008 (DA08-003) regarding Sierra Reflections Subdivision (approved in 2006 as Tentative Map TM06-001) for World Properties, Inc. The project is a 938-lot, single-family residential, common open space subdivision as authorized in Article 408 of the Washoe County Development Code. This agreement extends the deadline for filing the next in a series of final maps from June 14, 2020 to June 14, 2022;

#### And

To approve an amendment to conditions of approval for Tentative Subdivision Map Case Number TM06-001 (Sierra Reflections) to update and remove outdated language including the following:

1. Remove Department of Water Resources conditions; Truckee Meadows Water Authority (TMWA) is now the water provider;
2. Remove Vector Control conditions; Washoe County District Health has updated conditions and added conditions for water and grading requirements;
3. Amend Fire Safety provisions with current fire code requirements; and
4. Remove two conditions and updated the other condition for the Regional Transportation Commission (RTC).

### BACKGROUND

The approved subdivision is the end result of a process and a series of approvals that date back more than twenty years. In 1984, the applicant received approval for a project, also called Sierra Reflections, that included a 250-room hotel, a casino and a 550-unit condominium complex. The land use designation for the property at that time was Resort Hotel and later Tourist Commercial. Later, the project was amended to include a golf course with the resort. During the 2002 Truckee Meadows Regional Plan Update the City of Reno proposed to include the project within their Sphere of Influence (SOI). The City and Washoe County finally came to the agreement that if the property were “down-zoned”

Washoe County Commission Meeting of April 28, 2020  
Page 3 of 5

to a less intense residential use that the City would agree to roll back the Sphere of Influence from that area.



# PUBLIC OUTREACH/COMMUNITY SUPPORT



## South Truckee Meadows/Washoe Valley Citizen Advisory Board

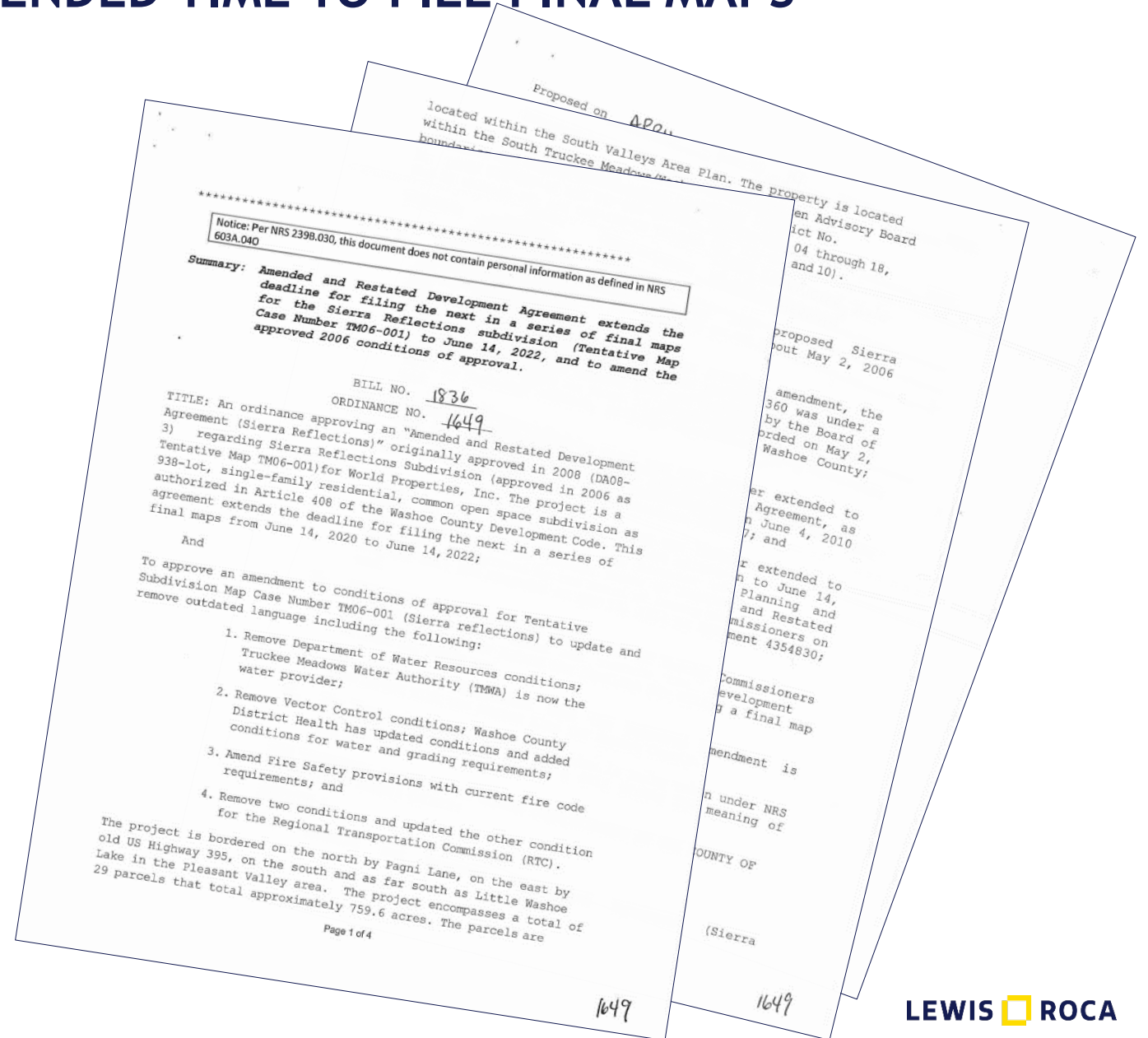
**DRAFT:** Approval of these draft minutes, or any changes to the draft minutes, will be reflected in writing in the next meeting minutes and/or in the minutes of any future meeting where changes to these minutes are approved by the CAB. Minutes of the regular meeting of the South Truckee Meadows/Washoe Valley Citizen Advisory Board held March 5, 2020 6:00 p.m. the South Valleys Library at 15650A Wedge Parkway, Reno, Nevada.

**6.C Sierra Reflections WAC19-0005** - Request for community feedback, discussion and possible action to forward community and Citizen Advisory Board comments to Washoe County staff on a request for an extension of time for conditions of approval for Sierra Reflections. Amending and restating a development agreement originally approved in 2008 (DA08-003) regarding Sierra Reflections Subdivision (approved in 2006 as Tentative Map TM06-001). This agreement (Case Number WAC19-0005) **extends the deadline for filing the next in a series of final maps to June 14, 2022.** The project encompasses a total of 29 parcels that total approximately 759.6 acres. (for Possible Action)

**MOTION:** Sean O’Harra moved to recommend approval of Sierra Reflections WAC19-0005. Dave Snelgrove seconded the motion to recommend approval. The motion carried unanimously.

# DEVELOPMENT AGREEMENT EXTENDED TIME TO FILE FINAL MAPS

- To ensure necessary and required infrastructure would be in place to serve the project, a series of Development Agreements were adopted to extend the time to file final maps, among other things.
- Most recent approved Development Agreement was adopted pursuant to Ordinance 1649 by the Board of County Commissioners (BCC).
- Recently, BCC declined to allow further extension of Development Agreement.
- No extension needed → Final deadline to submit or file the first final map with the County was June 14, 2022.



# SUBMISSION TIMELINE

December  
2021 &  
February 2022

- Applicant meets with Community Development staff to commence final map process.
- Staff represents necessary sewer line reaches are nearing start of construction so project can move forward.
- Applicant works with staff to design final maps compliant with Health District regulations.

Winter/Spring  
2022

February 2022

- Applicant presents conceptual final map to County staff – an initial final map of 1-acre lots that could initially operate with septic until connections to public sewer are made available. Staff indicates septic could not be permitted without separate parcel map process.
- Staff indicates it was well underway with planning and engineering for project, having conducted major water studies, design of Reach 3, and more.

# SUBMISSION TIMELINE

Spring  
2022

- Applicant revises first final map based on staff comments.
- Applicant seeks another extension of the Development Agreement based on information from staff on delays to Reach 3 and prior proposal rendered unworkable without new parcel map

April  
2022


May  
2022

- On May 25, 2022, Applicant files first final maps meeting all requirements identified by staff.
- On May 31, 2022, County staff denies the first final map submission. Staff states that filing was untimely, does not contain 5 lots, and opines there are other (unspecified) issues.



# STAFF REJECTION OF FINAL MAPS WAS IMPROPER; SHOULD BE REVERSED

- On May 31, 2022, staff rejected the first final map submission, citing “timing” and “substantive” issues.
- With respect to timing, in spite of clear statutory and development agreement language and Ordinance adopting the operative Development Agreement, and the Development Agreement itself, staff stated that the June 14, 2022 date agreed upon by the County and Applicant was actually the deadline to **record** rather than to **submit**.
- On substance, staff stated that even though the submitted first final maps contained more than enough mapped parcels, the parcels could not be considered “lots”.
- Staff also indicated there were infrastructure requirements not met – without indicating what specific requirements were allegedly not met.
- Respectfully, staff is incorrect on each issue and reversal is proper; however, **we also strongly believe there is reasonable compromise that will be discussed at the end of the presentation.**



COMMUNITY SERVICES DEPARTMENT

Date: May 31, 2022

To: World Properties, Inc. via e-mail: fred.woodside@att.net  
C/O Fred Woodside  
4100 Joy Lake Road  
Reno, NV 89511

From: Dave Solaro, Washoe County Community Services Director

Subject: Sierra Reflections WTM06-001  
Identified on the submittal as “Merger & Re-subdivision TM of St. James Village – May 2022”

The Washoe County Community Services Department (CSD) received the “merger and re-subdivision” final map for Sierra Reflections at the end of day Wednesday, May 25<sup>th</sup>, 2022. The submittal is titled Merger and Subdivision Tract Map of St. James Village, Inc.

The Community Services Department is rejecting your submittal due to timing of submittal and substantive issues.

**Timing:**

In accordance with Washoe County Code (“WCC”) Chapter 110 Section 610.45(a), which is provided below, the preliminary submittal of the first final map for Sierra Reflections must have been submitted, with the required items below, a **minimum of 60 days** prior to filing with the Community Services Department, i.e., prior to the deadline for recordation. However, the preliminary submittal of the first final map was not submitted to Washoe County Community Services Department until Wednesday, May 25, 2022 – which is only 20 days prior to the recordation deadline. The Sierra Reflections Development Agreement approved by the Board of County Commissioners (“BCC”) on April 28, 2020, and which is currently in effect, provides that the Tentative Map is set to expire on June 14, 2022 and that the first final map must be **recorded** on or before that date. This deadline has not been further extended, as the BCC declined to enter into a subsequent development agreement at the BCC’s April 26, 2022 meeting. Accordingly, pursuant to WCC 110.610.45(a), the deadline to submit the first final map to the County to begin its review was Friday, April 15, 2022. The Sierra Reflections submittal missed this deadline.

**Section 110.610.45 Preliminary Submittal.** The Preliminary Submittal procedures for the final map shall be as set forth in this section.

1001 E. 9th Street Reno, NV 89512 | P: (775) 328-6100 | F: (775) 328-6133 | washoecounty.gov

# FIRST FINAL MAP WAS TIMELY SUBMITTED

- State law generally provides timeframes upon which final maps must be **presented** to the municipality.
- Development Agreements may be used to extend the time in which to present the map.
- Requirement to “present” the final map indicates an applicant must “submit” the final maps before any deadline.
- Plain meaning should be given to words in statute. *McKay v. Ed. of Sup'rs of Carson City*, 102 Nev. 644, 10648, 730 P.2d 438, 441 (1986).

## Subdivision of Land: Final Maps

### NRS 278.360 Requirements for presentation of final map or series of final maps; extensions of time.

1. Unless a longer time is provided in an agreement entered into pursuant to [NRS 278.0201](#) or [278.350](#):

(a) Unless the time is extended, the subdivider shall present to the governing body, or the planning commission or the director of planning or other authorized person or agency if authorized to take final action by the governing body, within 4 years after the approval of a tentative map:

(1) A final map, prepared in accordance with the tentative map, for the entire area for which a tentative map has been approved; or

(2) The first of a series of final maps covering a portion of the approved tentative map. If the subdivider elects to present a successive map in a series of final maps, each covering a portion of the approved tentative map, the subdivider shall present to the governing body, or the planning commission or the director of planning or other authorized person or agency if authorized to take final action by the governing body, on or before the second anniversary of the date on which the subdivider recorded the first in the series of final maps:

(I) A final map, prepared in accordance with the tentative map, for the entire area for which the tentative map has been approved;

or

(II) The next final map in the series of final maps covering a portion of the approved tentative map.

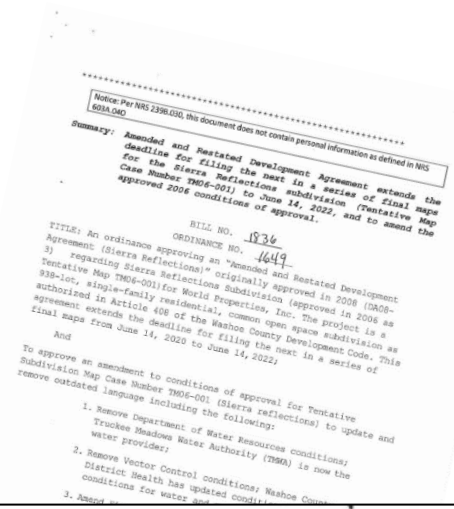
(b) If the subdivider fails to comply with the provisions of paragraph (a), all proceedings concerning the subdivision are terminated.

(c) The governing body or planning commission may grant an extension of not more than 2 years for the presentation of any final map after the 2-year period for presenting a successive final map has expired.

2. If the subdivider is presenting in a timely manner a series of final maps, each covering a portion of the approved tentative map, no requirements other than those imposed on each of the final maps in the series may be placed on the map when an extension of time is granted unless the requirement is directly attributable to a change in applicable laws which affect the public health, safety or welfare.

# FIRST FINAL MAP WAS TIMELY SUBMITTED

- Ordinance adopting operative Development Agreement states plain the deadline of June 14, 2022 is for **filing**, not for recording, the first final maps.
- Title of Ordinance 1649 states “[t]his agreement extends the deadline for **filing** the next in a series of final maps from June 14, 2020 to June 14, 2022.
- Recital E explains BCC intent to extend deadline for **filing** a final map to June 14, 2022.

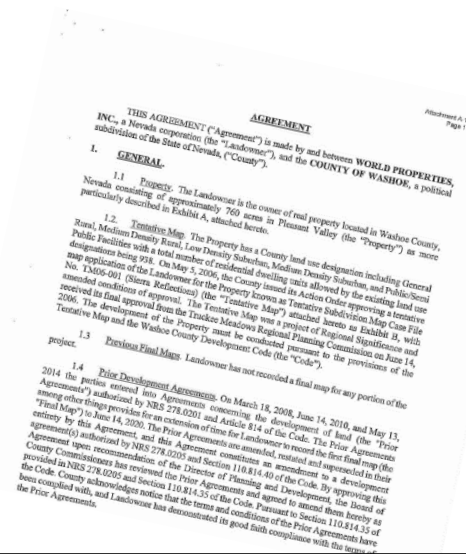


TITLE: An ordinance approving an "Amended and Restated Development Agreement (Sierra Reflections)" originally approved in 2008 (DA08-3) regarding Sierra Reflections Subdivision (approved in 2006 as Tentative Map TM06-001) for World Properties, Inc. The project is a 938-lot, single-family residential, common open space subdivision as authorized in Article 408 of the Washoe County Development Code. This agreement extends the deadline for filing the next in a series of final maps from June 14, 2020 to June 14, 2022;

E. For good cause appearing, the Board of County Commissioners desires to further amend and restate the development agreement to further extend the deadline for filing a final map to June 14, 2022; and

# FIRST FINAL MAP WAS TIMELY SUBMITTED

- Development Agreement uses language indicating the June 14, 2022 deadline is related to filing.
- Cites NRS 278.360(1) – state law setting a deadline to **present** final maps and uses language stating the Final Map has to be **submitted** before the deadline.
- One provision conflicts with the rest of the Development Agreement, the Ordinance, and State Law:
  - Section 2.1.9 states recordation must occur by deadline.
  - Not the intent of the Development Agreement.
  - **Only term not consistent with the remainder of agreement.**



1.5 Next Final Map Requirement. Pursuant to NRS 278.360(1), unless the parties have entered into this agreement concerning the development of land authorized by NRS 278.0201, the Landowner must cause a final map (the “Final Map”) to be submitted prior to the expiration of the current recorded Development Agreement by June 14, 2020.

2.1.3. This agreement shall terminate and, except as otherwise provided herein, all original conditions of approval for TM06-001 shall be in full force and effect upon recordation of the final map or the first final map in a series. Changes in federal, state or county law concerning public health, safety or welfare will apply to any final map or other permit. Final maps must then be filed in accordance with NRS 278.360.

## WHAT HAPPENS WHEN A CONTRACT IS AMBIGUOUS?

Specifically, if there is an **ambiguity** requiring extrinsic evidence to discern the parties' intent, summary judgment is improper. *Dickerson v. State, Dept. of Wildlife*, 110 Nev. 934, 937, 877 P.2d 1059, 1061 (1994). Further, **“an interpretation that results in a fair and reasonable contract is preferable to one that results in a harsh and unreasonable contract.”** *Id.* The results of these legal principles are that the pending Petition for Judicial Review and any resulting Petition arising from this appeal of the rejection of Sierra Reflections' first final map are not suitable for summary judgment, thus incurring additional legal fees and costs for both sides to have a court determine these matters. This appears to be a waste of County resources, only to have World Properties re-file the same tentative map on which the parties have already devoted significant resources and the CAB for Pleasant Valley has recently approved.

Further, a court reviewing this case will not “read into” the Development Agreement the requirement that a “lot” be only “residential,” as the CSD's Staff Report argues. Rather, a court will examine both the WCC and NRS 278.0165, which similarly define lot as a distinct part or parcel of land divided with the intent to transfer ownership or for building purposes, which abuts upon a permanent means of access and is assigned a single parcel number by the Washoe County Assessor's Office” (WCC) and “a distinct part or parcel of land which has been divided to transfer ownership or to build,” (NRS). There is no requirement that “lot” be residential, as the Staff Report contends. *See Dickerson, supra.*

Finally, as fully briefed in our June 9, 2022 *Supplement to Appeal of Denial of Washoe County CSD Decision*, because **the Development Agreement uses multiple words and is thus ambiguous regarding what the developer must do with regard to the first final map (“present,” “submit,” “record,” and “file”), this results in an ambiguity that will likely be resolved in favor of the developer to avoid a harsh and unreasonable result.** *Id.*

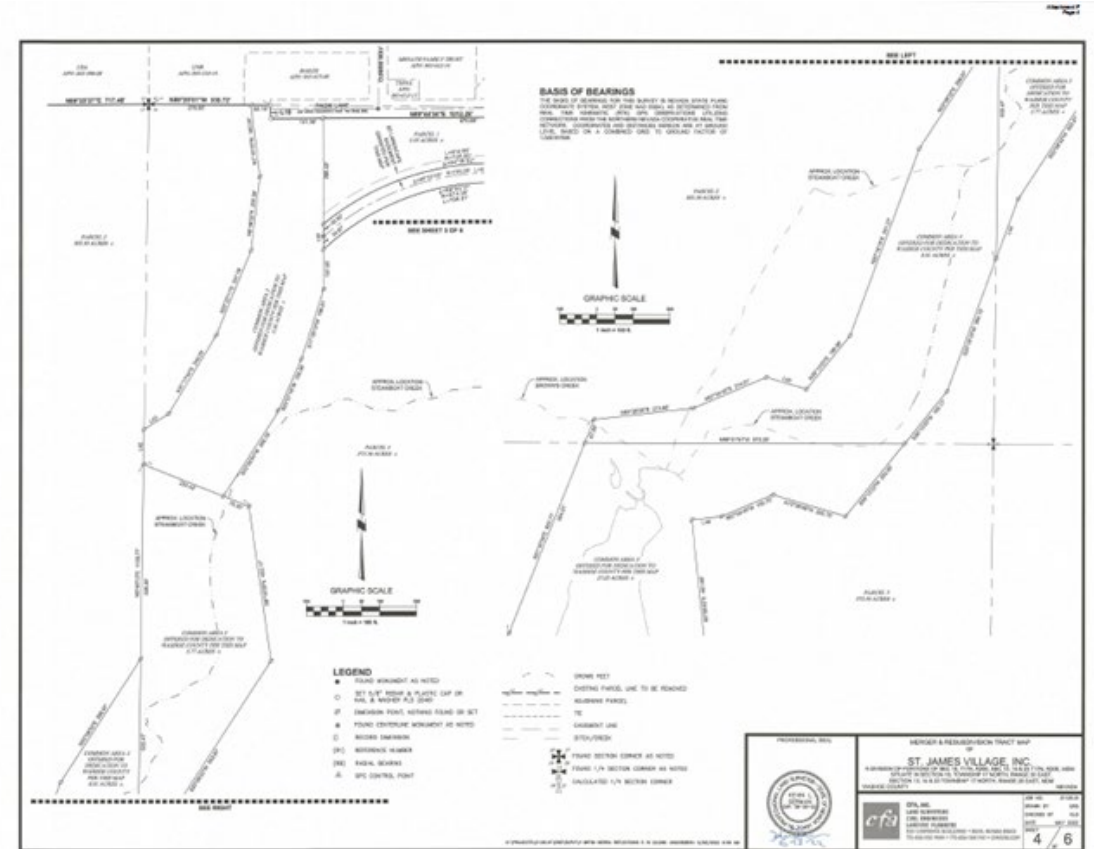
# FIRST FINAL MAP CONTAINS MORE THAN FIVE LOTS

- Development Agreement requires the first final map to “include a minimum of five lots.” Sec. 2.1.9.
- State law defines a “lot” as "a distinct part or parcel of land which has been divided to transfer ownership or to build. The term does not include a parcel of land used or intended solely for use as a location for a water well.” NRS 278.0165.
- Washoe County Code (“WCC”) defines a lot as “a distinct part or parcel of land divided with the intent to transfer ownership or for building purposes, which abuts upon a permanent means of access and is assigned a single parcel number by the Washoe County Assessor's Office.” WCC 110.902.14.
- Therefore, the following are the only requirements for a parcel to be considered a “lot” are:
  - ❑ **Intent to transfer ownership**: under both state law and WCC, a lot requires the parcel be intended to transfer ownership or be built upon.
  - ❑ **Abuts permanent access**: WCC requires a lot to abut a permanent means of access.
  - ❑ **APN assigned**: WCC also requires the assignment of an Assessor’s Parcel Number (“APN”)
- All requirements are met here.



# FIRST FINAL MAP CONTAINS MORE THAN FIVE LOTS

- The Applicant has proposed in its first final map 1 superpad intended for further subdivision, 6 common open space lots, 2 utility lots, and 1 road parcel.
- Staff's position has been that 9 of parcels proposed do not qualify as "lots" because the parcels are designated for "common open space", "utility parcels" and "road parcel".
- The 6 common open space lots alone meets this requirement.
- All 6 parcels are offered to Washoe County, and therefore a transfer of ownership is contemplated.
- Each lot has access at the west end of St James Parkway.
- Each common area follows the protected critical stream area along the future public trail system, as seen on pages 3 through 6 of the submitted first final map.
- Each lot will be assigned an APN.





## OTHER SUPPOSED DEFICIENCIES ARE NOT IDENTIFIED BY STAFF

- In staff's letter rejecting the first final map submission, staff states it "performed a preliminary review of the submittal" and then immediately admits that "this review should not be construed as a complete and final review."
- Staff goes on to state that "there are infrastructure requirements... and requirements within the tentative map conditions... that are not identified with plans."
- Staff did not indicate which, if any, requirements were not met, rendering it impossible for the Applicant to understand staff concerns.
- The Applicant submits that all requirements were intended to be met, and to the extent that any requirements were not met, the Applicant should have been permitted a chance to amend its timely submission to comply with any staff recommendations.

## SUMMARY

- First final map was timely “presented” and “submitted” in accordance with State Law, the Development Agreement, and the Ordinance adopting the Development Agreement.
- All substantive requirements for a first final map were met to provide five lots in accordance with the Development Agreement.
- Staff’s statement that there are substantive issues without explaining what those substantive issues are, makes it impossible for the Applicant to revise.
- To the extent any deficiencies existed in the first final maps, the Applicant should be permitted to revise its submission, given that the first final map was timely submitted.

# PROPOSED COMPROMISE

LEMONS,  
GRUNDY &  
EISENBERG

October 5, 2022

*Attorneys at Law*

6005 Plumas Street

Third Floor

Reno, NV 89519

T: 775-786-6868

F: 775-786-9716

Edward J. Lemons

David R. Grundy  
1949-2020

Robert L. Eisenberg

Christian L. Moore

Alice Campos Mercado

Douglas R. Brown

Caryn S. Tijsseling

Dane A. Littlefield

Rebecca Bruch\*

\* OF COUNSEL

**Via Email & U.S. Mail**

David Solaro  
Assistant County Manager, Community Services  
1001 East Ninth Street  
Reno, NV 89512  
[dsolaro@washoecounty.gov](mailto:dsolaro@washoecounty.gov)

**Re: Sierra Reflections – TM-06-001  
Proposed Resolution of Pending Appeal and Litigation**

Dear Mr. Solaro:

Please allow this letter to serve as a proposed settlement, subject to negotiation and approval from the Washoe County Board of Commissioners, concerning the Community Services Department's rejection of the first final map submitted on behalf of Sierra Reflections (TM06-001). We have had the opportunity to evaluate and pursue potential resolutions that would permit this project to move forward, given the substantial time and effort invested by the County, your staff, and Sierra Reflections.

This project will construct necessary sewer infrastructure, increase housing opportunities for the area including 141 townhomes, provide jobs, increase county revenue from taxes to provide area improvements such as those identified by the Truckee Meadows Fire Protection District, and provide nature trails and open space available for the public's enjoyment as it connects the Steamboat Creek and Brown Creek Trail system with access points that will be dedicated to the County.

In addition, this project has the support of the Citizen's Advisory Board for South Truckee Meadows/Washoe Valley. Specifically, on March 5, 2020, Sierra Reflections representatives presented details about the project in conjunction with Truckee Meadows Fire Protection District Chief Charles A. Moore. The presentation was attended by approximately 40 people. The presentation included specifics including that this project would provide significant additional property tax revenue to the county to support additional services to the area. Chief Moore also stated that the project would result in improved access and connectivity to increase fire support to the region. The Citizen's Advisory Board approved the project unanimously.

We maintain our position that the submitted first final map complies with the 2020 Development Agreement. In the interest of resolving this matter without further litigation, however, we provide this letter for consideration to the Board regarding Option 2 presented in your recent staff report on this Appeal.



WWW.LGE.NET

# PROPOSED COMPROMISE

As the June 17, 2022 Staff Report provides, the Board can do the following:

*Reverse the decision of the Director of the Community Services Department to reject the submittal of the final map and deny the appeal. Should the Board select this option, the Board should provide instructions to CSD on the timeline for appellant to submit remaining required documentation and to record the first final map.*

*Staff Report, June 19, 2022, p. 7, 2.*

In recognition of all parties' investments to this project, Sierra Reflections proposes the following terms of settlement to resolve both (1) the administrative appeal to the Board, and (2) the Petition for Judicial Review pending in the Second Judicial District Court, case number CV22-00819:

- Acceptance of the Merger and Re-Subdivision Tract Map of St. James Village, Inc., as identified in your May 31, 2022 letter (attached as Exhibit A hereto), with Sierra Reflections to work with county staff to make all necessary corrections to deficiencies outlined by the county within 120 days from receipt of a list of deficiencies. This 120-day deadline is proposed out of respect to the workload of your staff to provide ample time to review. If the Board wishes for a more expeditious timeline, we will work with the Board regarding that deadline.
- Sierra Reflections will comply with the County's request to submit all appropriate plans and documentation and provide the same to relevant County agencies. See June 17<sup>th</sup> Staff Report, p. 6, and attachment D.
- To be added as Conditions for Approval to Tentative Map TM06-001:
  - Condition #97: Sierra Reflections will include an extension of the sanitary sewer infrastructure to St. James Village with completion of Reach 4 to allow all homes that currently have septic systems to connect to the public sewer. We will work with Washoe County District Health on a reasonable schedule to complete the hooks ups to give staff ample time to complete work needed on their end.
  - Condition #98: Sierra Reflections will also construct a reclaimed water line concurrently with Reach 4 to bring effluent water from the South Truckee Meadows Water Reclamation Facility (STMWRF) to reduce the amount of potable water required for the project and take advantage of existing resources and infrastructure to provide water for irrigation, landscaping, and maintenance activities.
- Sierra Reflections will amend its first final map to include no less than five (5) residential lots.
- Sierra Reflections will not ask for any additional extensions regarding the 2020 Development Agreement in line with this proposal. If, however, the parties are working in good faith and close to finalization for recording the first final map, the parties agree to extend the above 120-day deadline by the appropriate period to accomplish recordation. E.g., if at day 120, the parties anticipate 7 additional business days to

# SIERRA REFLECTIONS

## WASHOE COUNTY, NEVADA

### Fiscal Impact Analysis

OCTOBER 2022

Prepared by:



5. The project will be located closest to the Truckee Meadows Fire Protection Fire District Station 32 located at 1240 East Lake Boulevard in Washoe Valley. This is an existing station located approximately a 2-mile and 4-minute drive from the proposed project according to Google Maps. **It should be noted Truckee Meadows Fire Protection District is planning to replace this station with a new facility, revenue surplus generated by this project can be used to help fund this facility, improving service levels for new and existing residents in Washoe Valley.**



# OCTOBER 2022 FISCAL ANALYSIS (UPDATED)

Fund	Estimated Project Revenue	Estimated Project Costs	Revenue Surplus/ (Deficit)
<b>Washoe County</b>			
General Fund	\$ 66,072,700	\$ 48,330,328	\$ 14,126,462
Library Expansion Fund	865,328	402,896	462,431
Animal Services Fund	1,360,467	749,068	611,398
Indigent Tax Levy Fund	2,595,983	386,549	2,209,434
Child Protective Services Fund	8,306,097	8,306,097	-
Senior Services Fund	971,814	952,040	19,774
Other Restricted Special Revenue	432,664	-	432,664
Roads Special Revenue Fund	4,896,589	4,896,589	-
<b>Total for All Included Funds</b>	<b>\$ 85,501,642</b>	<b>\$ 64,023,568</b>	<b>\$ 17,862,163</b>
<b>Truckee Meadows Fire Protection District</b>			
General Fund	\$ 25,270,943	\$ 23,390,196	\$ 1,880,747

- The analysis finds the proposed development will have a **positive** fiscal impact on Washoe County and the TMFPD over the 20-year analysis period.

## Add Condition #99 –

- \$500 per unit fire assessment fee paid at time of certificate of occupancy
- This will result in additional \$469,000 for new fire station

# REQUEST FOR STAFF MEETING AND/OR REVIEW OF ADDITIONAL INFORMATION

Kelly and Jen:

We would like to take this additional time to see whether we can address the staff concerns that were outlined in the Sierra Reflections staff report dated October 11<sup>th</sup> (see attached).

1. Five Residential Lots. The attached October 11<sup>th</sup> staff report states on Page 3 of 9, "These divisions of land do not meet the 2020 DA requirements as they do not qualify as "a minimum of five lots".
  - a. Doug Brown's letter dated and sent to you on October 5, 2022 stated on Page 2, "Sierra Reflections will amend its first final map to include no less than five (5) residential lots." This is despite the fact that we cannot find this requirement in Code.
  - b. **Attached as "GEO Village #1 SR" is a depiction of the 5 proposed Sierra Reflections residential lots. Does this satisfy staff's concern?**
2. Engineering conditions 2.h., 2.r., 2.u., etc. The attached October 11<sup>th</sup> staff report states these Tentative Map Engineering Conditions were not satisfied (see highlighted section on Page 3 of 9).
  - a. Attached is the most recent conditions of approval that we received from county staff. **These referenced Engineering Conditions are not included.** For example, there is no mention of conducting a Phase I. Please re-confirm what TM conditions from the attached list are not satisfied.

We are trying to be as accommodating and agreeable as possible to preserve Washoe County's time and financial resources on the appeal and current litigation.

We would like to schedule a "settlement conference" between now and the October 25<sup>th</sup> hearing to discuss and hopefully reach a tentative settlement that could be brought before the BCC on October 25<sup>th</sup> for discussion. It's my experience from other jurisdictions that a member of the governing board sometimes participates in these settlement conferences to facilitate a win-win for the applicant and the municipality. We would welcome that option, if available.

Thanks,  
Garrett

Garrett D. Gordon  
Partner

[ggordon@lewisroca.com](mailto:ggordon@lewisroca.com)  
D. 775.321.3420

LEWIS  ROCA

- Continue to reach out to staff requesting meetings, settlement conference and/or review of our proposal to satisfy 5 residential lots and/or staff's request for additional information
- Staff looking to BCC for direction prior to reviewing our additional materials

## REQUESTED BCC ACTION

2. Reverse the decision of the Director of the Community Services Department to reject the submittal of the final map and deny the appeal. Should the Board select this option, the Board should provide instructions to CSD on the timeline for appellant to submit remaining required documentation and to record the first final map.

- ✓ Public Outreach – June 14, 2022 deadline to “file” approved unanimously by CAB
- ✓ Provide five (5) “residential” lots per staff request
- ✓ Provide additional specific information or documentation requested staff
- ✓ Agree to 120 days for staff review given current workload
- ✓ Agree to new Conditions of Approval #97 (extend sanitary sewer infrastructure), #98 (construct reclaimed water line) and #99 (\$500 per unit fire assessment fee).
- ✓ Dismiss current litigation



## REQUESTED BCC ACTION

- We respectfully ask that you to allow staff to accept first final map that was filed/submitted/presented prior to the deadline, with the additional condition that NO FURTHER EXTENSIONS WILL BE REQUESTED OR APPROVED GOING FORWARD
- ***This will result in a “preferable fair and reasonable contract interpretation” versus “harsh and unreasonable contract interpretation”.***
- ***We commit to working with Washoe County staff and Truckee Meadows Fire District and continued community engagement as the project moves forward.***



