

SUMMARY: An ordinance approving Development Agreement Case No. DA10-001 which will extend the approval of Tentative Subdivision Map Case No. TM0007-002 for Montreux 2000 Subdivision, as previously approved by the Washoe County Planning Commission.

BILL NO. 1627

ORDINANCE NO. 1446

AN ORDINANCE PURSUANT TO NEVADA REVISED STATUTES 278.0201 THROUGH 278.0207 APPROVING DEVELOPMENT AGREEMENT CASE NO. DA10-001 FOR TENTATIVE SUBDIVISION MAP CASE NO. TM0007-002 FOR MONTREUX 2000 SUBDIVISION AS PREVIOUSLY APPROVED BY THE WASHOE COUNTY PLANNING COMMISSION.

THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF WASHOE DOES ORDAIN:

SECTION 1.

The Development Agreement for Tentative Subdivision Map, Case No. TM0007-002, for Montreux 2000, is attached and is an acceptable document with which to ensure the public interest in providing detailed plans for phasing and financing of infrastructure and construction of the development.

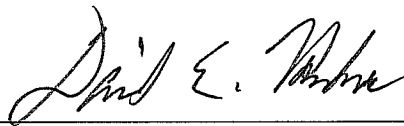
Proposed on the 3rd day of June, 2010.  
Proposed by Commissioner Humke.  
Passed on the 13th day of July, 2010.

Vote:

Ayes: Humke, Weber, Larkin, Buternitz, & Jung.

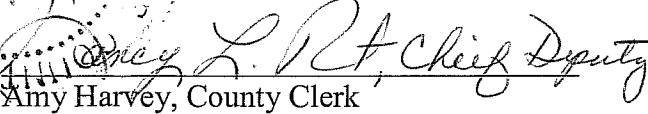
Nays: none

Absent: none



David E. Humke, Chairman  
Washoe County Commission

ATTEST:



Amy L. Harvey, Chief Deputy  
Amy Harvey, County Clerk

This ordinance shall be in force and effect from and after the 3rd day of July, 2010.

## DEVELOPMENT AGREEMENT

THIS AGREEMENT ("Agreement") is made by and between **MONTREUX DEVELOPMENT GROUP, LLC**, a Nevada limited liability company, (the "Landowner") and the **COUNTY OF WASHOE**, a political subdivision of the State of Nevada, ("County").

### **1. GENERAL.**

1.1 Property. Landowner is the owner of real property located in Washoe County ("County"), Nevada known as Assessor's Parcel Numbers 148-010-51, 148-351-05, and 148-222-24 in Washoe County, Nevada (the "Property"), as more particularly described in Exhibit A, attached hereto, which is subject to County's Forest Area Plan.

1.2. Tentative Map. The Property has County a land use designation of Low Density Suburban ("LDS"). LDS allows a density of one single family dwelling per acre. On September 20, 2000 the County issued its Action Order, which is incorporated herein by this reference as Exhibit B, approving a tentative map application for the Property, known as Tentative Subdivision Map Case File No. TM0007-002 (Montreux 2000) (the "Tentative Map"). The development of the Property (the "Project") must be conducted pursuant to the provisions of the Tentative Map and the Washoe County Development Code (the "Code").

1.3 Previous Final Maps. Since the initial approval of the Tentative Map, there have been numerous final maps recorded in a timely manner thereunder, and Landowner and its predecessors have continuously maintained the Tentative Map in good standing. The last final map recorded was for Unit 5 South, a 99-lot tract on 68.47 acres recorded on July 24, 2008 as Tract Map No. 4879, Document No. 3672242 in the office of the Recorder of Washoe County, Nevada.

1.4 Circumstances Requiring An Extension of Time. Additional time is requested to allow planned water system infrastructure (well pumphouses and equipment, transmission lines) on adjacent property not within the Tentative Map to be constructed. Said water system infrastructure will allow the use of water rights held by County for Landowner's benefit to be used for the water service commitment of the County for future final map lots of Landowner under the Tentative Map. The parties believe it is in the public interest to enter into this Agreement and provide, among other matters, additional time for construction and dedication to County of water system infrastructure.

### **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. The 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 covenants, terms and conditions are set forth.

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2.1.1. The land which is subject to this Agreement is APN Nos. 148-010-51, 148-351-05 and 148-222-24, more particularly described in the legal description attached as Exhibit A.

2.1.2. The duration of this Agreement shall be from the date of signing by the Board of County Commissioners to July 24, 2012, 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 expiration of this Agreement. The duration of the Agreement may be further extended from July 24, 2012 to July 24, 2014 at the discretion of the Director of Community Development upon timely written request by Landowner.

2.1.3. [Intentionally Omitted].

2.1.4. 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 pursuant to the Tentative Map is common open space development, having lot sizes from 8,000 square feet to  $\pm$  one acre, and an overall density of less than one dwelling unit per acre, which complies with the Property's land use designations.

2.1.5. The maximum height and size of the proposed buildings will comply with the Low Density Suburban maximum height limit.

2.1.6. The provisions for the dedication of any portion of the Property for public use are as provided in the Tentative Map and the Code.

2.1.7. Terms and conditions relating to construction and financing of necessary public improvements and facilities, including participation in special assessment district proceedings if necessary, are in accordance with and as provided for in the Tentative Map and the Code, and will also be in accordance with any subdivision improvement agreements for future final maps.

2.1.8. Phasing and deadline dates for project grading and development with information on required bonding or other acceptable guarantees of performance and completion (Article 110.610 Washoe County Development Code) for each development phase or stage will be addressed with the submittal of each final map.

2.1.9 The next final map, to be a minimum of five lots, shall be recorded on or before the date of expiration of this Agreement. All successive final maps, if the Landowner chooses to record in a series, must include a minimum of five lots. Unless otherwise provided herein, the deadlines for any final maps shall be governed by NRS 278.360.

2.1.10 Development standards for the Project are set forth in the conditions and requirements of the Tentative Map, the Board of County Commission's Action Order dated December 7, 2005 attached hereto as Exhibit "B", and future final maps.

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 amendment to the Prior Agreement shall be given in accordance with NRS 278.0205 and Section 110.814.40 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. The Landowner waives any claims for damages against the county that might arise out of, or relate to, a subsequent court determination that this Agreement or any provision in it is invalid and/or unenforceable, including any claim based on NRS 278.0233(1) regarding the requirements, limitations, or conditions imposed pursuant to this Agreement.

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 if the breaching party fails to fully cure such noncompliance after reasonable written notice and opportunity to cure, 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.

2.6 [Intentionally Omitted]

### 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 Assignability of the Agreement. This Agreement shall be binding upon and inure to the benefit of all future successors in interest of the Property as described in Exhibit A (Legal Description), and the successor shall assume the duties and obligations under this Agreement.

3.4 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.

3.5 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.

3.6 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.

3.7 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 and Section 110.814.40 of the Code. 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 unless an appeal to the Board of Adjustment is required to occur first. 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.

3.8 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.

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

3.10 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.

3.11. 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 appear on following page]

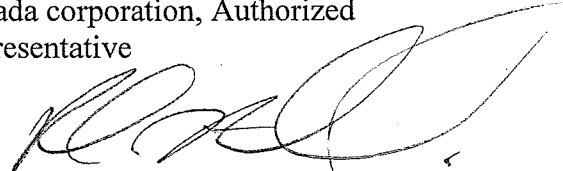
[Signature page to Development Agreement]

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

**LANDOWNER:**

**MONTREUX DEVELOPMENT GROUP, LLC, a Nevada limited liability company**

By: Nichols Development Company, a Nevada corporation, Authorized Representative

By:   
ROBERT L. NICHOLS, President

Date: 3/30/2010

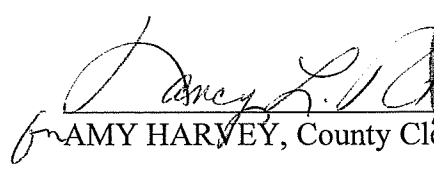
**COUNTY:**


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

By:   
DAVID HUMKE, Chairman

Date: 7/13/10

**ATTEST:**

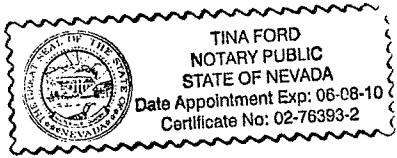
  
AMY HARVEY, County Clerk



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STATE OF NEVADA )  
 )ss.  
COUNTY OF WASHOE )

This instrument was acknowledged before me on March 30, 2010 by ROBERT L. NICHOLS, President of Nichols Development Company, a Nevada corporation, as Authorized Representative of Montreux Development Company, a Nevada limited liability company.



NOTARY PUBLIC: Tina Ford  
My Commission Expires: June 8, 2010

STATE OF NEVADA )  
 )ss.  
COUNTY OF WASHOE )

This instrument was acknowledged before me on July 13, 2010 by DAVID HUMKE, as Chairman of the Board of County Commissioners of the County of Washoe, State of Nevada.



NOTARY PUBLIC: Rita Lencioni  
My Commission Expires: 09/28/10



**EXHIBIT "A"**

**DESCRIPTION**

Parcels of land situate within Sections 3 and 10, T.17N., R.19E., M.D.M., County of Washoe, State of Nevada, more particularly described as follows:

**APN 148-010-51:**

Parcel E-1A of the 2nd Parcel Map for Montreux Development Group, LLC, as shown on the plat thereof, recorded on August 19, 2005 as Parcel Map 4443, Document No. 3264054, Official Records of Washoe County, Nevada.  
Containing 34.06 acres, more or less

**APN 148-351-05:**

Parcel 8-1 of Montreux – Unit 8, as shown on the plat thereof, recorded on October 5, 2004 as Subdivision Tract Map 4550, Document No. 3287308, Official Records of Washoe County, Nevada.  
Containing 14.05 acres, more or less

**APN 148-222-24:**

Parcel 3 of Parcel Map No. 3 for Montreux Development Group, LLC, as shown on the plat thereof, recorded on June 16, 2006 as Parcel Map 4572, Document No. 3402143, Official Records of Washoe County, Nevada.  
Containing 4.60 acres, more or less.



Washoe County  
Department of  
Community  
Development  
1001 E. Ninth St., Bldg. A  
Post Office Box 11130  
Reno, NV 89520-0027  
Tel: 775-328-3600  
Fax: 775-328-3648

Exhibit "B"

**ACTION ORDER**

September 20, 2000

Montreux  
16475 Bordeaux Drive  
Reno, Nevada 89511

Dear Applicant:

The Washoe County Planning Commission, at its regular meeting of September 19, 2000, approved, with (53) conditions, the following:

**TENTATIVE SUBDIVISION MAP CASE NO. TM0007-002 (MONTREUX 2000)** - develop a single-family residential, common open space subdivision of no more than 3571 on a  $\pm 411.11$  acre site. Lots will range in size from a minimum 8,000 square feet to  $\pm 1$  acre and will average  $\pm 23,207$  square feet. Common area of  $\pm 51.35$  acres will include private streets and landscaped areas.  $\pm 155.46$  acres will be used for golf course area which include portions of both the new and the previously-approved 18-hole golf course. The remaining  $\pm 14.10$  acres will be utilized for the future extension of Piney Creek Road and its buffer area. The project consists of fourteen parcels which are designated Low Density Suburban (LD) and General Rural (GR) in the Forest Area Plan. The property is located south of the Montrose Highway (SR 431) at treeline and is accessed via Bordeaux Drive. The parcels are within portions of Sections 2, 3, and 11, T17N, R19E, MDM, Commission District 2 in an area encompassed by the Galena-Steamboat Citizens Advisory Board, Washoe County, Nevada. (APN: 047-010-02, 047-141-09, 148-010-04, 148-010-06, 148-010-14, 148-010-31, 148-010-40, 148-050-01, 148-050-02, 148-170-01, 148-170-02, 148-170-03, 148-191-03, and 148-191-04)

The conditional approval for the tentative map was based on the following findings:

1. That the design and proposed improvements of the tentative subdivision map, as conditioned, conform to the policies and guidelines of the Forest Area Plan, the Washoe County Comprehensive Plan, and the Washoe County Code;
2. That the tentative subdivision map complies with the density requirements of the Development Code;
3. That the submitted tentative subdivision map, as conditioned by the Planning Commission, ensures compliance with the common open space development requirements of Article 408 of the Development Code;

Robert W. Sellman,  
Director



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Re: TM0007-002  
September 20, 2000  
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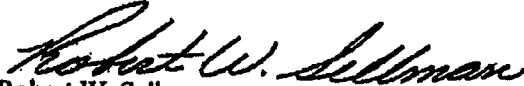
4. That the areas of the site that are proposed for development are physically suited for the type of development proposed and that areas that are unsuited are left undeveloped or their development will be successfully mitigated;
5. That the subdivision will meet the requirements of Article 702 of the Development Code in that the applicant is required to install community sanitary sewer and the South Truckee Meadows Regional Wastewater Treatment Facility has capacity available to serve this proposed development;
6. That the design of the subdivision and the types of proposed improvements would be unlikely to cause significant public health problems since the development would be served by a community sewer system, would have mandatory refuse collection, would employ appropriate dust control measures, and would utilize drainage collection measures which are acceptable to Washoe County;
7. That the design of the subdivision and the type of improvements would not conflict with the Piney Creek Road easements and, in fact, can enhance use by the public at large for access through, or use of property within, the proposed subdivision;
8. That the final design of the subdivision is required to provide any necessary access to surrounding, adjacent lands and is required to provide appropriate secondary access for emergency vehicles;
9. That any land and improvements required to be dedicated to Washoe County are consistent with the Comprehensive Plan, the adopted Washoe County Parks Master Plan, and the Washoe County Code;
10. That the design of the subdivision, to the extent feasible, provides for future passive or natural heating or cooling opportunities in the subdivision through the use of specified building envelopes to protect adjoining parcels and through the requirements and standards to be employed by the Architectural Control Committee;
11. That the Planning Commission finds that, in accordance with Washoe County Code 110.408.15, the members of the development would be satisfactorily served by the proposed non-residential uses (i.e., golf course, other recreational facilities, open space, private streets, etc.);
12. That the adverse impacts on wildlife access are substantially reduced by ample quality open space and appropriate fencing;
13. That the public trails that are currently under construction or constructed have been required to address county and state concerns for access and maintenance;
14. That the proposed emergency access will not result in adverse effects upon a local family cemetery or a Washoe County parksite;
15. That adequate primary and secondary/emergency access to the project would be assured by the conditions of approval;
16. That the existing development has demonstrated that it is an asset to the community and region;

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Re: TM0007-002  
September 20, 2000  
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17. That the conditions of approval and the procedures for establishing compliance with the conditions of approval ensure conformance with NRS 278.349 (Standard Considerations for Subdivisions); and
18. That the 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,

  
Robert W. Sellman  
Director and Secretary to the Planning Commission

RWS/DY/jep(TM0007-002F1)

Cc:

Applicant: Montreux, 16475 Bordeaux Drive, Reno, NV 89511

Property Owners: Sam S. Jaksick, Jr., Montreux Joint Venture/Montreux South 51 L.L.C./Montreux South 40 L.L.C./Montreux Golf Club, LTD., 2500 Spinnaker Drive, Reno, NV 89509; James M. Smrt, LCH Holding Company, LLC, 16475 Bordeaux Drive, Reno, NV 89511; Rob Nichols, 16475 Bordeaux Drive, Reno, NV 89511

Representatives: Jeff Codega Planning/Design, Inc., 431 West Plumb Lane, Reno, NV 89509; Robert M. Sader, LTD., 462 Court Street, Reno, NV 89501-1796

Agencies: Jim Barnes, DA's Office; Judy Ramos, Assessor's Office; John Faulkner, Chief Appraiser, Assessor's Office; Terri Svetich, Utility Services Division; Engineering Division; Nevada Division of Forestry, 885 Eastlake Boulevard, Carson City, NV 89701; Nevada Division of Environmental Protection, 333 West Nye Lane, Suite 138, Carson City, NV 89706; Regional Transportation Commission, Post Office Box 30002, Reno, NV 89520; Truckee Meadows Regional Planning Agency, Chamber Tower, 1 East First Street, Suite 900, Reno, NV 89501;.

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Re: TM0007-002  
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**CONDITIONS**  
for  
**TENTATIVE SUBDIVISION MAP CASE NO. TM0007-002**  
for  
**MONTREUX 2000**

(As approved by the Washoe County Planning Commission on  
September 19, 2000)

**\*\*\* IMPORTANT -- PLEASE READ \*\*\***

**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 DEPARTMENT OF COMMUNITY DEVELOPMENT.**

**THE DEVELOPER SHALL MEET WITH THE ENGINEERING DIVISION AND THE DEPARTMENT OF COMMUNITY DEVELOPMENT AT LEAST FIFTY-SEVEN (57) DAYS BEFORE THE ANTICIPATED DATE OF APPROVAL 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. NO FINAL MAP WILL BE SCHEDULED FOR A PLANNING COMMISSION MEETING DATE THAT IS LESS THAN FIFTY-SEVEN (57) DAYS FROM THE DATE OF THIS MANDATORY MEETING.**

**A REQUEST FOR AN EXTENSION OF TIME FOR THE RECORDING OF A FINAL MAP MUST BE SUBMITTED TO THE DEPARTMENT OF COMMUNITY DEVELOPMENT AT LEAST SIXTY (60) DAYS PRIOR TO THE EXPIRATION DATE OF THE TENTATIVE SUBDIVISION MAP. SAID EXPIRATION IS TWO YEARS FROM THE DATE OF APPROVAL OF THE TENTATIVE MAP OR ONE YEAR FROM THE APPROVAL OF A SUBSEQUENT FINAL 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.**

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GENERAL CONDITIONS

1. 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:* \_\_\_\_\_

2. 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:* \_\_\_\_\_

3. Development shall be in substantial compliance with the provisions of the Article 408 of the Development Code. The permitted exceptions to the Development Code allow:

- a. a minimum lot size of 8,000 square feet;
- b. a minimum average lot width of 60 feet for lots 10,000 square feet or less;
- c. a minimum average lot width of 90 feet for lots greater than 10,000 square feet;
- d. a minimum front yard requirement of 20 feet;
- e. a minimum side yard requirement of 5 feet on lots 10,000 square feet or less;
- f. a minimum side yard requirement of 10 feet for lots greater than 10,000 square feet;
- g. a minimum rear yard requirement of 15 feet for all lots with rear yards abutting common areas or golf course; and
- h. a minimum rear yard requirement of 30 feet for all remaining lots.

All residential lots abutting a residentially-developed area, not under the control or previously controlled by Montreux Joint Venture, shall contain a minimum of 43,560 square feet. Lots will be considered abutting if there is less than 75 feet of open space, golf course, or dedicated trail between internal and external lots, except as shown along De Chardin Lane. A note, stating that no further subdivision of any lot is permitted due to the transfer of density that allowed formation of the subdivision, shall be placed on every sheet of each final map, other than the cover sheet. The first and each succeeding final map shall not cumulatively exceed the average gross density of 0.87 units per acre. Each final map shall contain a cumulative table of the above information that will include final maps approved under the prior approvals, including lots combined or reverted to acreage. Lots that have been legally created,

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Re: TM0007-002  
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but have then been reverted to acreage or combined, shall not be used to create additional lots under this tentative map approval. If combined, they may be separated from one another at a later date as long as the total number of permitted lots is not exceeded. The Department of Community Development shall be responsible for determining compliance with this condition.

*Final Map Verification:*    *Phase/Unit No.:* \_\_\_\_\_ *Date Submitted:* \_\_\_\_\_

*Where/How Condition is Satisfied:* \_\_\_\_\_

4. Conditions, covenants, and restrictions (CC&Rs), including any supplemental CC&Rs, shall be reviewed, approved, and recorded by the Office of the District Attorney. Disclosure documents shall be approved by the Department of Community Development. The District Attorney shall determine which items within the CC&Rs will require Washoe County being made a party. 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, be under the authority of the same existing homeowners association, and be under the authority of the same existing architectural control committee. Said CC&Rs shall also specifically address the potential for liens against the property and the responsibilities of the individual property owners for the funding of the maintenance, replacement, and perpetuation of the following items, at a minimum:

- a. Private roads within the subdivision.
- b. Common area landscaping and maintenance.
- c. Entrance gates.
- d. Snow removal and storage areas.
- e. Streetscapes.
- f. Fire fuel breaks on open space.
- g. Detention basins and the accumulated sediment.
- h. Storm drainage system.
- i. Private bicycle and pedestrian paths.

At a minimum, the CC&Rs or disclosure documents shall also address the following items:

- a. Requirement to abide by the Community Design Standards.
- b. Requirement to substantially locate all structures within the building envelope submitted with the final map.
- c. Mandatory provisions of greenbelt requirements.
- d. Snow storage areas.
- e. Prohibition of motorized vehicles, except golf carts, maintenance vehicles and emergency vehicles, in open space.
- f. Areas with potential for adjacent equestrian traffic within the perimeter of Montreux. Lots will be considered adjacent when abutting the Jones/Galena Creek Trails or when abutting common area containing either trail.
- g. The requirement to prominently note that Washoe County will not assume responsibility for maintenance of the private street system nor accept the streets for dedication to Washoe County unless the streets meet those Washoe County standards in effect at the time of offer for dedication.

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- h. Lots abutting the right-of-way of future Piney Creek Road must be clearly identified on the final maps. The individual site plans shall reference the future collector road and note the potential for dust until completion of the road. The same information must be prominently noted within at least one sales document signed by a prospective buyer.
- i. Lots requiring individual sewer pumps due to elevational differences between the sewer service connection and the building site must be clearly identified on the final maps. The individual site plans shall reference this requirement. That requirement and the and the responsibilities and associated costs to the homeowner must be prominently noted within at least one sales document signed by a prospective buyer.

*Final Map Verification:*    *Phase/Unit No.:* \_\_\_\_\_ *Date Submitted:* \_\_\_\_\_

*Where/How Condition is Satisfied:* \_\_\_\_\_

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- 5. At the time of recordation of each phase, the developer shall submit a site plan for primary and secondary building envelopes for each individual lot to the Building and Safety Department and the Department of Community Development. The site plan shall be at an appropriate and readily measurable scale for an 8 1/2" x 11" sheet and shall indicate the lot and block number, the building envelope, setbacks and structure height, and, if applicable, protected areas, retained trees, etc. Washoe County will be advised of amendments to the approved building envelopes upon their change and new individual site plans will be provided to the Building and Safety Department and the Department of Community Development.

*Final Map Verification:*    *Phase/Unit No.:* \_\_\_\_\_ *Date Submitted:* \_\_\_\_\_

*Where/How Condition is Satisfied:* \_\_\_\_\_

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- 6. 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.

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*Where/How Condition is Satisfied:* \_\_\_\_\_

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7. Prior to ground-disturbing activity or prior to finalization of any portion of the tentative map not previously subject to an approved survey and mitigation plan, the developer shall submit an archaeological/historical survey to the Department of Community Development. The Department of Community Development shall submit the survey to the State Historic Preservation Office of the Department of Museums, Library and Arts for review. Following that review, the State Historic Preservation Office shall submit a letter to the Department of Community Development that indicates the survey was acceptable.

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*Where/How Condition is Satisfied:* \_\_\_\_\_

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8. Prior to the approval of the first final map, a fault study shall be prepared by a registered civil engineer, to delineate potentially active faults through the project. The County Engineer shall be responsible for determining compliance with this condition.

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*Where/How Condition is Satisfied:* \_\_\_\_\_

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9. 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 be responsible for determining compliance with this condition.

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*Where/How Condition is Satisfied:* \_\_\_\_\_

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10. Prior to acceptance of public improvements and release of any financial assurances, the developer shall furnish to the Utility Division and/or Engineering Division a complete set of reproducible 'as built' construction drawings prepared by a civil engineer registered in the State of Nevada.

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11. A complete set of construction improvement drawings, including an on-site 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 and shall, where applicable, include detailed plans for grading and drainage on each lot, erosion control, slope stabilization and mosquito abatement. Placement or disposal of any excavated material shall be indicated on the grading plan.

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12. All open space, other than golf course, 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 be responsible for determining 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.

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*Where/How Condition is Satisfied:* \_\_\_\_\_

13. Development, maintenance, and construction activity will be limited to 7:00 a.m. to 6:00 p.m., Monday through Saturday. Unless infeasible otherwise and with prior approval of the Department of Community Development, development and construction activity will utilize the primary access for Montreux at Mount Rose Highway. The Department of Community Development shall be responsible for determining compliance with this condition.

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

14. Upon the conversion of the existing structure located on lot 807 from offices to single-family residential or upon the re-creation of the last final map, whichever comes first, the driveway access onto Bordeaux Drive shall be abandoned and roadside curb and gutter/median curb shall be installed. Access easements and driveway improvements shall be provided as necessary. The County Engineer shall be responsible for determining compliance with this condition.

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15. An updated title report and a map exhibit prepared by an engineer/surveyor identifying all easements within the boundary of the subdivision shall be submitted to the County Engineer with the submittal of each final map. Any existing easements which conflict with the proposed development shall be quit-claimed or abandoned. The County Engineer shall be responsible for determining compliance with this condition.

*Final Map Verification:* Phase/Unit No.: \_\_\_\_\_ Date Submitted: \_\_\_\_\_

*Where/How Condition is Satisfied:* \_\_\_\_\_

16. Prior to the recordation of an affected final map, any applicable Order of Abandonment shall be recorded and a copy of the recorded document provided to the County Engineer.

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*Where/How Condition is Satisfied:* \_\_\_\_\_

17. 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 30 days of the final sale.

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*Where/How Condition is Satisfied:* \_\_\_\_\_

#### STREETS AND TRAFFIC

18. Prior to the approval of a final map which affects the existing access easement as identified on Parcel Map 2718, otherwise known as Piney Creek Road, the following shall be provided to the County Engineer:

a. A copy of the recorded "Order of Abandonment" which abandons the existing Piney Creek Road. The Abandonment procedure may result in conditions of approval not contained herein.

b. A copy of a recorded Access Easement and Irrevocable Offer of Dedication being 60 feet in width for the relocated portion of Piney Creek Road. If the Area Plan has been modified to eliminate the collector road designation for Piney Creek Road, a minimum 30 foot wide Access Easement, coincident with the adjoining property line shall be provided in lieu of the 60 foot wide easement. The Irrevocable Offer of Dedication and/or Access Easement shall extend from the existing terminus of Piney Creek Road, southward to the southern project boundary, matching the location of the existing Piney Creek Road easement or as may be relocated on the property to the south. The alignment of the relocated easement shall meet County standards. The existing properties adjacent to Piney Creek Road and Montreux shall be provided access easements to Piney Creek Road.

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- c. An improved access road being a minimum of 20 feet in width with roadside ditches where necessary, and with culvert crossings. The roadway shall be designed to support emergency access vehicles. Native on-site materials may be used provided a geotechnical analysis is submitted which demonstrates that existing on-site materials are of suitable quality to support the intended loading. Native materials not suitable to support emergency access vehicles shall be removed and replaced with structural fill material (e.g. Type 2 Base). Drainage improvements for the interim access roadway shall be designed to pass the minimum 5 year storm event. With the ultimate improvement of Piney Creek Road, 100 year culvert crossings will be required, therefore downstream drainage improvements should account for this anticipated flow.

The County Engineer shall be responsible for determining compliance with this condition.

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19. Permanent emergency access roads (or temporary emergency access roads as may be appropriate and allowed by the County Engineer) meeting Washoe County Standards shall be provided and be included in the improvement drawings for any portion of the development exceeding Washoe County Code thresholds (roadways in excess of 1500 feet or more than 30 lots). Permanent emergency access roads shall extend to county owned and maintained roadways (e.g., Callahan Ranch Road, Piney Creek Road). Emergency Access Easements shall be provided on the affected final map or obtained by separate document from adjacent property owners. Disclosure of the requirement for the perpetual maintenance of on-site and off-site emergency access roads by the Montreux Homeowners Association shall be made to future property owners and prominently noted on at least one sales document signed by a prospective buyer. The County Engineer shall be responsible for determining compliance with this condition.

*Final Map Verification:*    *Phase/Unit No.:* \_\_\_\_\_ *Date Submitted:* \_\_\_\_\_

*Where/How Condition is Satisfied:* \_\_\_\_\_

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20. All roadway improvements necessary to serve the project shall be designed and constructed to Washoe County standards and specifications and/or financial assurances in an appropriate form and amount shall be provided. The County Engineer shall be responsible for determining compliance with this condition.

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21. Street names shall be reviewed and approved by the Regional Street Naming Coordinator.

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**PRIVATE STRBETS**

22. Prior to release of any financial assurances for the private improvements, the developer shall provide the Engineering Division with a letter prepared by a civil engineer licensed in the State of Nevada, certifying that the private improvements have been constructed in accordance with the approved plans. The County Engineer shall determine compliance with this condition.

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23. The conditions, covenants, and restrictions (CC&Rs) shall prominently note to the satisfaction of the County Engineer that Washoe County will not assume responsibility for maintenance of the private street system of the development nor will Washoe County accept the streets for dedication to Washoe County unless the streets meet those Washoe County standards in effect at the time of offer for dedication.

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24. Any project street which are designed with security gates shall provide adequate on-site stacking space. The specific type and size of stacking areas shall be approved by the County Engineer.

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25. The developer shall install street lights at all major street intersections. Major intersections are defined as those having more than 5000 average daily trips or those that warrant extra safety considerations in the opinion of the County Engineer. Down light control (glare) shall be included in the fixture design. The County Engineer shall be responsible for determining compliance with this condition.

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26. Adequate snow storage easements shall be identified on the final plat. The County Engineer shall be responsible for determining compliance with this condition.

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*Where/How Condition is Satisfied:* \_\_\_\_\_

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27. Proposed landscaping and/or fencing along street rights-of-way and within median islands shall be designed to meet AASHTO site distances and safety guidelines. A minimum vertical clearance of 13<sup>1</sup>/<sub>2</sub> feet shall be maintained over all streets. The County Engineer shall be responsible for determining compliance with this condition.

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28. The diameter of the cul-de-sac bulb island and anything located within the island, such as landscaping, parking, etc., shall be designed to provide safe sight distances and an adequate turning radius for garbage trucks, snow plows and moving vans. The County Engineer shall be responsible for determining compliance with this condition.

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DRAINAGE

29. 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.

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30. Prior to the finalization of the first final map, "The Master Hydrology for Montreux" shall be updated to include the new development areas and submitted to the County Engineer for approval. The master hydrology/hydraulic report shall include, among other things, detailed locations, calculations, and "as-built" construction drawings for any existing detention ponds constructed as a part of the Montreux development, and preliminary designs for any proposed detention ponds. The report shall also address offsite drainage from natural and man-made sources and discuss methods of collection and perpetuation through the development. The County Engineer shall be responsible for determining compliance with this condition.

*Final Map Verification:* Phase/Unit No.: \_\_\_\_\_ Date Submitted: \_\_\_\_\_

*Where/How Condition is Satisfied:* \_\_\_\_\_

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31. Prior to the 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 Washoe County standards and specifications and/or financial assurances in an appropriate form and amount shall be provided. The County Engineer shall be responsible for determining compliance with this condition.

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32. Any increase in stormwater runoff resulting from the development and based on the 100-year storm(s) shall be detained. The County Engineer shall be responsible for determining compliance with this condition.

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33. The 100-year floodplain boundaries and flood elevations shall appear on each final map. If the floodplain boundary has been 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 be responsible for determining compliance with this condition. Grading or building permits shall not be issued for areas currently shown as "A" zones on the FEMA floodplain maps until a Letter of Map Amendment or Revision is submitted or until conformance with Washoe County flood construction standards is determined by the County Engineer.

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34. The maximum permissible flow velocity (that which does not cause scour) shall be determined for all proposed channels and open ditches. The determination will 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 be responsible for determining compliance with this condition.

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35. Standard reinforced concrete headwalls or other approved alternatives shall be placed on the inlet and outlet of all drainage structures, and grouted rock rip-rap shall be used to prevent erosion at the inlets and outlets of all pipe culverts to the satisfaction of the County Engineer.

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36. Washoe County will only maintain storm drain pipe located within drainage easements with a minimum width of 15 feet and accessed directly via public roadways. The County Engineer shall be responsible for determining compliance with this condition.

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37. The developer shall provide pretreatment for petrochemicals and silt for all storm drainage from the site into Galena Creek or Jones Creek. The County Engineer shall be responsible for determining compliance with this condition.

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38. For all subdivisions larger than five acres, the developer shall obtain a Stormwater Discharge Permit from the Nevada Division of Environmental Protection (NDEP), and a copy of said permit shall be submitted to the County Engineer prior to construction. The Stormwater Pollution Prevention Plan, as approved by NDEP, shall be included with the construction improvement drawings.

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*Where/How Condition is Satisfied:* \_\_\_\_\_

39. 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 the homeowners association. The County Engineer shall be responsible for determining compliance with this condition. The maintenance of the privately maintained drainage facilities shall also be addressed in the CC&Rs to the satisfaction of the District Attorney's Office.

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40. Right-of-ways/easements shall be reserved for any existing irrigation ditch and its maintenance prior to finalization of any affected final map. The County Engineer shall be responsible for determining compliance with this condition.

*Final Map Verification:* Phase/Unit No.: \_\_\_\_\_ Date Submitted: \_\_\_\_\_

*Where/How Condition is Satisfied:* \_\_\_\_\_

41. The proposed detention facility located north of lot 708 (within drainage basin J3A of the Master Hydrology Report) shall be designed and constructed with the first final map located in the Jones Creek watershed. The County Engineer shall be responsible for determining compliance with this condition.

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42. Development within Montreux will be subject to flood hazard areas identified in the Preliminary Flood Insurance Rate Map dated September 30, 1999 or as subsequently approved by the Federal Emergency Management Agency (FEMA). The County Engineer shall be responsible for determining compliance with this condition.

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WATER AND WASTEWATER

43. Prior to first phase of final map recordation, a sanitary sewer report shall be prepared by the applicant's registered engineer which addresses:
- a. the estimated sewage flows generated by this project;
  - b. projected sewage flows from potential or existing developments within tributary areas;
  - c. the impact on the capacity of existing infrastructure;
  - d. proposed collection line sizes, on-site and off-site alignment, and maximum velocities.

The Utility Services Division shall determine compliance with this condition.

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*Where/How Condition is Satisfied:* \_\_\_\_\_

44. Utility Services Division approved improvement plans shall be used for the construction of any water distribution systems, any sewer collection systems, or appurtenant facilities. These systems or facilities must be inspected and approved by the Utility Services Division.

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45. The applicant shall submit a hard copy and an electronic media file of the water line layout on a grading plan also illustrating the lot and street layout. This shall be submitted within 30 days of the date of this letter and prior to any final map submittals. This is necessary in order to perform a hydraulic analysis and evaluation of the impact upon the water system. The Utility Services Division shall determine compliance with this condition.

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46. The water distribution system, the sanitary sewer collection system, and necessary easements must be offered for dedication to Washoe County along with the recordation of the final map. The Utility Services Division shall determine compliance with this condition.

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47. Improvement drawings shall be in compliance with Washoe County Design Standards. Prior to final map recordation the developer shall submit plans and specifications for the water distribution and the sanitary sewer collection systems; for the on-site improvements, relative to this development to the Utility Services Division for review and approval. A Registered Engineer with the State of Nevada shall design the improvement drawings. The Utility Services Division shall determine compliance with this condition.

*Final Map Verification:* Phase/Unit No.: \_\_\_\_\_ Date Submitted: \_\_\_\_\_

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48. Connection fees for water and sewer, improvement plan checking fees, and construction inspection deposit fees in accordance with Washoe County Ordinances shall be paid prior to the approval of the final map. The Utility Services Division shall determine compliance with this condition.

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49. Any existing wells located on the property of the proposed development which are regarded as "improperly abandoned", shall be properly abandoned in accordance with State of Nevada Regulations governing Water Wells and Related Drilling. The Utility Division shall be responsible for determining compliance with this condition.

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50. Water rights in accordance with the Forest Area Plan shall be dedicated to Washoe County. The water right must in good standing with the State Division of Water Resources and shall reflect the point of diversion, place of use, and manner of use satisfactory to the Utility Division. The Utility Division shall be responsible for determining compliance with this condition.

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51. No water meters shall be set until the water distribution system is operationally approved by the Utility Services Division. The Utility Services Division shall be responsible for determining compliance with this condition.

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52. The owners certificate on the final map shall contain language indicating that the developer and his assignees agree to the use of residential water meters. The Department of Community Development shall be responsible for determining compliance with this condition.

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*Where/How Condition is Satisfied:* \_\_\_\_\_

#### FIRE PROTECTION

53. The plans submitted with a building permit application shall show evidence of compliance with the recommendations of the Nevada Division of Forestry. Those concerns are fire flows, fire hydrant number and location, access, sequential phasing of firebreaks during development, permanent firebreaks, minimum defensible space, use of fire resistant construction and/or roof material, sprinklering of structures, and spark arrestors in chimneys as reflected in the Nevada Division of Forestry letters of 1/25/96 and 2/6/96. Access and fire flows concerns shall be addressed prior to the introduction of any combustible materials to the site. The Nevada Division of Forestry shall be responsible for determining compliance with this condition.

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**END OF CONDITIONS**

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## STANDARD CONSIDERATIONS FOR SUBDIVISIONS

Nevada Revised Statutes 278.349

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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 the following:

- (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 in quantity 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 protection, transportation, recreation and parks;
- (e) General 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 or 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.
- (j) The availability and accessibility of fire protection, including, but not limited to, the availability and accessibility of water and services for the prevention and containment of fires, including fires in wild lands.

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**EXHIBIT "A"**

**DESCRIPTION**

Parcels of land situate within Sections 3 and 10, T.17N., R.19E., M.D.M., County of Washoe, State of Nevada, more particularly described as follows:

**APN 148-010-51:**

Parcel E-1A of the 2nd Parcel Map for Montreux Development Group, LLC, as shown on the plat thereof, recorded on August 19, 2005 as Parcel Map 4443, Document No. 3264054, Official Records of Washoe County, Nevada.  
Containing 34.06 acres, more or less

**APN 148-351-05:**

Parcel 8-1 of Montreux – Unit 8, as shown on the plat thereof, recorded on October 5, 2004 as Subdivision Tract Map 4550, Document No. 3287308, Official Records of Washoe County, Nevada.  
Containing 14.05 acres, more or less

**APN 148-222-24:**

Parcel 3 of Parcel Map No. 3 for Montreux Development Group, LLC, as shown on the plat thereof, recorded on June 16, 2006 as Parcel Map 4572, Document No. 3402143, Official Records of Washoe County, Nevada.  
Containing 4.60 acres, more or less.



Washoe County  
Department of  
Community  
Development  
1001 E. Ninth St., Bldg. A  
Post Office Box 11130  
Reno, NV 89520-0027  
Tel: 775-328-3600  
Fax: 775-328-3648

Exhibit "B"

**ACTION ORDER**

September 20, 2000

Montreux  
16475 Bordeaux Drive  
Reno, Nevada 89511

Dear Applicant:

The Washoe County Planning Commission, at its regular meeting of September 19, 2000, approved, with (53) conditions, the following:

**TENTATIVE SUBDIVISION MAP CASE NO. TM0007-002 (MONTREUX 2000)** - develop a single-family residential, common open space subdivision of no more than 3571 on a  $\pm 411.11$  acre site. Lots will range in size from a minimum 8,000 square feet to  $\pm 1$  acre and will average  $\pm 23,207$  square feet. Common area of  $\pm 51.35$  acres will include priv streets and landscaped areas:  $\pm 155.46$  acres will be used for golf course area which include portions of both the new and the previously-approved 18-hole golf course. The remaining  $\pm 14.10$  acres will be utilized for the future extension of Piney Creek Road and its buffer area. The project consists of fourteen parcels which are designated Low Density Suburban (LD) and General Rural (GR) in the Forest Area Plan. The property is located south of the Moore Rose Highway (SR 431) at treeline and is accessed via Bordeaux Drive. The parcels are within portions of Sections 2, 3, and 11, T17N, R19E, MDM, Commission District 2 in the area encompassed by the Galena-Steamboat Citizens Advisory Board, Washoe County, Nevada. (APN: 047-010-02, 047-141-09, 148-010-04, 148-010-06, 148-010-10, 148-010-31, 148-010-40, 148-050-01, 148-050-02, 148-170-01, 148-170-02, 148-170-03, 148-191-03, and 148-191-04)

The conditional approval for the tentative map was based on the following findings:

1. That the design and proposed improvements of the tentative subdivision map, conditioned, conform to the policies and guidelines of the Forest Area Plan, the Washoe County Comprehensive Plan, and the Washoe County Code;
2. That the tentative subdivision map complies with the density requirements of the Development Code;
3. That the submitted tentative subdivision map, as conditioned by the Planning Commission, ensures compliance with the common open space development requirements of Article 408 of the Development Code;

Robert W. Sellman,  
Director



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4. That the areas of the site that are proposed for development are physically suited for the type of development proposed and that areas that are unsuited are left undeveloped or their development will be successfully mitigated;
5. That the subdivision will meet the requirements of Article 702 of the Development Code in that the applicant is required to install community sanitary sewer and the South Truckee Meadows Regional Wastewater Treatment Facility has capacity available to serve this proposed development;
6. That the design of the subdivision and the types of proposed improvements would be unlikely to cause significant public health problems since the development would be served by a community sewer system, would have mandatory refuse collection, would employ appropriate dust control measures, and would utilize drainage collection measures which are acceptable to Washoe County;
7. That the design of the subdivision and the type of improvements would not conflict with the Piney Creek Road easements and, in fact, can enhance use by the public at large for access through, or use of property within, the proposed subdivision;
8. That the final design of the subdivision is required to provide any necessary access to surrounding, adjacent lands and is required to provide appropriate secondary access for emergency vehicles;
9. That any land and improvements required to be dedicated to Washoe County are consistent with the Comprehensive Plan, the adopted Washoe County Parks Master Plan, and the Washoe County Code;
10. That the design of the subdivision, to the extent feasible, provides for future passive or natural heating or cooling opportunities in the subdivision through the use of specified building envelopes to protect adjoining parcels and through the requirements and standards to be employed by the Architectural Control Committee;
11. That the Planning Commission finds that, in accordance with Washoe County Code 110.408.15, the members of the development would be satisfactorily served by the proposed non-residential uses (i.e., golf course, other recreational facilities, open space, private streets, etc.);
12. That the adverse impacts on wildlife access are substantially reduced by ample quality open space and appropriate fencing;
13. That the public trails that are currently under construction or constructed have been required to address county and state concerns for access and maintenance;
14. That the proposed emergency access will not result in adverse effects upon a local family cemetery or a Washoe County parksite;
15. That adequate primary and secondary/emergency access to the project would be assured by the conditions of approval;
16. That the existing development has demonstrated that it is an asset to the community and region;

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17. That the conditions of approval and the procedures for establishing compliance with the conditions of approval ensure conformance with NRS 278.349 (Standard Considerations for Subdivisions); and
18. That the 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,

  
Robert W. Sellman  
Director and Secretary to the Planning Commission

RWS/DY/jep(TM0007-002F1)

Cc:

Applicant: Montreux, 16475 Bordeaux Drive, Reno, NV 89511

Property Owners: Sam S. Jaksick, Jr., Montreux Joint Venture/Montreux South 51 L.L.C./Montreux South 40 L.L.C./Montreux Golf Club, LTD., 2500 Spinnaker Drive, Reno, NV 89509; James M. Smrt, LCH Holding Company, LLC, 16475 Bordeaux Drive, Reno, NV 89511; Rob Nichols, 16475 Bordeaux Drive, Reno, NV 89511

Representatives: Jeff Codega Planning/Design, Inc., 431 West Plumb Lane, Reno, NV 89509; Robert M. Sader, LTD., 462 Court Street, Reno, NV 89501-1796

Agencies: Jim Barnes, DA's Office; Judy Ramos, Assessor's Office; John Faulkner, Chief Appraiser, Assessor's Office; Terri Svetich, Utility Services Division; Engineering Division; Nevada Division of Forestry, 885 Eastlake Boulevard, Carson City, NV 89701; Nevada Division of Environmental Protection, 333 West Nye Lane, Suite 138, Carson City, NV 89706; Regional Transportation Commission, Post Office Box 30002, Reno, NV 89520; Truckee Meadows Regional Planning Agency, Chamber Tower, 1 East First Street, Suite 900, Reno, NV 89501;.

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**CONDITIONS**  
for  
**TENTATIVE SUBDIVISION MAP CASE NO. TM0007-002**  
for  
**MONTREUX 2000**

(As approved by the Washoe County Planning Commission on  
September 19, 2000)

**\*\*\* IMPORTANT -- PLEASE READ \*\*\***

**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 DEPARTMENT OF COMMUNITY DEVELOPMENT.**

**THE DEVELOPER SHALL MEET WITH THE ENGINEERING DIVISION AND THE DEPARTMENT OF COMMUNITY DEVELOPMENT AT LEAST FIFTY-SEVEN (57) DAYS BEFORE THE ANTICIPATED OF APPROVAL DATE 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. NO FINAL MAP WILL BE SCHEDULED FOR A PLANNING COMMISSION MEETING DATE THAT IS LESS THAN FIFTY-SEVEN (57) DAYS FROM THE DATE OF THIS MANDATORY MEETING.**

**A REQUEST FOR AN EXTENSION OF TIME FOR THE RECORDING OF A FINAL MAP MUST BE SUBMITTED TO THE DEPARTMENT OF COMMUNITY DEVELOPMENT AT LEAST SIXTY (60) DAYS PRIOR TO THE EXPIRATION DATE OF THE TENTATIVE SUBDIVISION MAP. SAID EXPIRATION IS TWO YEARS FROM THE DATE OF APPROVAL OF THE TENTATIVE MAP OR ONE YEAR FROM THE APPROVAL OF A SUBSEQUENT FINAL 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.**

GENERAL CONDITIONS

1. 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:

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*Where/How Condition is Satisfied:* \_\_\_\_\_

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2. 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.

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*Where/How Condition is Satisfied:* \_\_\_\_\_

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3. Development shall be in substantial compliance with the provisions of the Article 408 of the Development Code. The permitted exceptions to the Development Code allow:

- a. a minimum lot size of 8,000 square feet;
- b. a minimum average lot width of 60 feet for lots 10,000 square feet or less;
- c. a minimum average lot width of 90 feet for lots greater than 10,000 square feet;
- d. a minimum front yard requirement of 20 feet;
- e. a minimum side yard requirement of 5 feet on lots 10,000 square feet or less;
- f. a minimum side yard requirement of 10 feet for lots greater than 10,000 square feet;
- g. a minimum rear yard requirement of 15 feet for all lots with rear yards abutting common areas or golf course; and
- h. a minimum rear yard requirement of 30 feet for all remaining lots.

All residential lots abutting a residentially-developed area, not under the control or previously controlled by Montreux Joint Venture, shall contain a minimum of 43,560 square feet. Lots will be considered abutting if there is less than 75 feet of open space, golf course, or dedicated trail between internal and external lots, except as shown along De Chardin Lane. A note, stating that no further subdivision of any lot is permitted due to the transfer of density that allowed formation of the subdivision, shall be placed on every sheet of each final map, other than the cover sheet. The first and each succeeding final map shall not cumulatively exceed the average gross density of 0.87 units per acre. Each final map shall contain a cumulative table of the above information that will include final maps approved under the prior approvals, including lots combined or reverted to acreage. Lots that have been legally created,

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but have then been reverted to acreage or combined, shall not be used to create additional lots under this tentative map approval. If combined, they may be separated from one another at a later date as long as the total number of permitted lots is not exceeded. The Department of Community Development shall be responsible for determining compliance with this condition.

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*Where/How Condition is Satisfied:* \_\_\_\_\_

4. Conditions, covenants, and restrictions (CC&Rs), including any supplemental CC&Rs, shall be reviewed, approved, and recorded by the Office of the District Attorney. Disclosure documents shall be approved by the Department of Community Development. The District Attorney shall determine which items within the CC&Rs will require Washoe County being made a party. 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, be under the authority of the same existing homeowners association, and be under the authority of the same existing architectural control committee. Said CC&Rs shall also specifically address the potential for liens against the property and the responsibilities of the individual property owners for the funding of the maintenance, replacement, and perpetuation of the following items, at a minimum:

- a. Private roads within the subdivision.
- b. Common area landscaping and maintenance.
- c. Entrance gates.
- d. Snow removal and storage areas.
- e. Streetscapes.
- f. Fire fuel breaks on open space.
- g. Detention basins and the accumulated sediment.
- h. Storm drainage system.
- i. Private bicycle and pedestrian paths.

At a minimum, the CC&Rs or disclosure documents shall also address the following items:

- a. Requirement to abide by the Community Design Standards.
- b. Requirement to substantially locate all structures within the building envelope submitted with the final map.
- c. Mandatory provisions of greenbelt requirements.
- d. Snow storage areas.
- e. Prohibition of motorized vehicles, except golf carts, maintenance vehicles and emergency vehicles, in open space.
- f. Areas with potential for adjacent equestrian traffic within the perimeter of Montreux. Lots will be considered adjacent when abutting the Jones/Galena Creek Trails or when abutting common area containing either trail.
- g. The requirement to prominently note that Washoe County will not assume responsibility for maintenance of the private street system nor accept the streets for dedication to Washoe County unless the streets meet those Washoe County standards in effect at the time of offer for dedication.

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- h. Lots abutting the right-of-way of future Piney Creek Road must be clearly identified on the final maps. The individual site plans shall reference the future collector road and note the potential for dust until completion of the road. The same information must be prominently noted within at least one sales document signed by a prospective buyer.
- i. Lots requiring individual sewer pumps due to elevational differences between the sewer service connection and the building site must be clearly identified on the final maps. The individual site plans shall reference this requirement. That requirement and the responsibilities and associated costs to the homeowner must be prominently noted within at least one sales document signed by a prospective buyer.

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- 5. At the time of recordation of each phase, the developer shall submit a site plan for primary and secondary building envelopes for each individual lot to the Building and Safety Department and the Department of Community Development. The site plan shall be at an appropriate and readily measurable scale for an 8 1/2" x 11" sheet and shall indicate the lot and block number, the building envelope, setbacks and structure height, and, if applicable, protected areas, retained trees, etc. Washoe County will be advised of amendments to the approved building envelopes upon their change and new individual site plans will be provided to the Building and Safety Department and the Department of Community Development.

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- 6. 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.

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7. Prior to ground-disturbing activity or prior to finalization of any portion of the tentative map not previously subject to an approved survey and mitigation plan, the developer shall submit an archaeological/historical survey to the Department of Community Development. The Department of Community Development shall submit the survey to the State Historic Preservation Office of the Department of Museums, Library and Arts for review. Following that review, the State Historic Preservation Office shall submit a letter to the Department of Community Development that indicates the survey was acceptable.

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8. Prior to the approval of the first final map, a fault study shall be prepared by a registered civil engineer, to delineate potentially active faults through the project. The County Engineer shall be responsible for determining compliance with this condition.

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*Where/How Condition is Satisfied:* \_\_\_\_\_

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9. 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 be responsible for determining compliance with this condition.

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*Where/How Condition is Satisfied:* \_\_\_\_\_

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10. Prior to acceptance of public improvements and release of any financial assurances, the developer shall furnish to the Utility Division and/or Engineering Division a complete set of reproducible 'as built' construction drawings prepared by a civil engineer registered in the State of Nevada.

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11. A complete set of construction improvement drawings, including an on-site 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 and shall, where applicable, include detailed plans for grading and drainage on each lot, erosion control, slope stabilization and mosquito abatement. Placement or disposal of any excavated material shall be indicated on the grading plan.

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12. All open space, other than golf course, 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 be responsible for determining 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.

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13. Development, maintenance, and construction activity will be limited to 7:00 a.m. to 6:00 p.m., Monday through Saturday. Unless infeasible otherwise and with prior approval of the Department of Community Development, development and construction activity will utilize the primary access for Montreux at Mount Rose Highway. The Department of Community Development shall be responsible for determining compliance with this condition.

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14. Upon the conversion of the existing structure located on lot 807 from offices to single-family residential or upon the recordation of the last final map, whichever comes first, the driveway access onto Bordeaux Drive shall be abandoned and roadside curb and gutter/median curb shall be installed. Access easements and driveway improvements shall be provided as necessary. The County Engineer shall be responsible for determining compliance with this condition.

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15. An updated title report and a map exhibit prepared by an engineer/surveyor identifying all easements within the boundary of the subdivision shall be submitted to the County Engineer with the submittal of each final map. Any existing easements which conflict with the proposed development shall be quit-claimed or abandoned. The County Engineer shall be responsible for determining compliance with this condition.

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*Where/How Condition is Satisfied:* \_\_\_\_\_

16. Prior to the recordation of an affected final map, any applicable Order of Abandonment shall be recorded and a copy of the recorded document provided to the County Engineer.

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*Where/How Condition is Satisfied:* \_\_\_\_\_

17. 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 30 days of the final sale.

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#### STREETS AND TRAFFIC

18. Prior to the approval of a final map which affects the existing access easement as identified on Parcel Map 2718, otherwise known as Piney Creek Road, the following shall be provided to the County Engineer:

a. A copy of the recorded "Order of Abandonment" which abandons the existing Piney Creek Road. The Abandonment procedure may result in conditions of approval not contained herein.

b. A copy of a recorded Access Easement and Irrevocable Offer of Dedication being 60 feet in width for the relocated portion of Piney Creek Road. If the Area Plan has been modified to eliminate the collector road designation for Piney Creek Road, a minimum 30 foot wide Access Easement, coincident with the adjoining property line shall be provided in lieu of the 60 foot wide easement. The Irrevocable Offer of Dedication and/or Access Easement shall extend from the existing terminus of Piney Creek Road, southward to the southern project boundary, matching the location of the existing Piney Creek Road easement or as may be relocated on the property to the south. The alignment of the relocated easement shall meet County standards. The existing properties adjacent to Piney Creek Road and Montreux shall be provided access easements to Piney Creek Road.

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- c. An improved access road being a minimum of 20 feet in width with roadside ditches where necessary, and with culvert crossings. The roadway shall be designed to support emergency access vehicles. Native on-site materials may be used provided a geotechnical analysis is submitted which demonstrates that existing on-site materials are of suitable quality to support the intended loading. Native materials not suitable to support emergency access vehicles shall be removed and replaced with structural fill material (e.g. Type 2 Base). Drainage improvements for the interim access roadway shall be designed to pass the minimum 5 year storm event. With the ultimate improvement of Piney Creek Road, 100 year culvert crossings will be required, therefore downstream drainage improvements should account for this anticipated flow.

The County Engineer shall be responsible for determining compliance with this condition.

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19. Permanent emergency access roads (or temporary emergency access roads as may be appropriate and allowed by the County Engineer) meeting Washoe County Standards shall be provided and be included in the improvement drawings for any portion of the development exceeding Washoe County Code thresholds (roadways in excess of 1500 feet or more than 30 lots). Permanent emergency access roads shall extend to county owned and maintained roadways (e.g., Callahan Ranch Road, Piney Creek Road). Emergency Access Easements shall be provided on the affected final map or obtained by separate document from adjacent property owners. Disclosure of the requirement for the perpetual maintenance of on-site and off-site emergency access roads by the Montreux Homeowners Association shall be made to future property owners and prominently noted on at least one sales document signed by a prospective buyer. The County Engineer shall be responsible for determining compliance with this condition.

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*Where/How Condition is Satisfied:* \_\_\_\_\_

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20. All roadway improvements necessary to serve the project shall be designed and constructed to Washoe County standards and specifications and/or financial assurances in an appropriate form and amount shall be provided. The County Engineer shall be responsible for determining compliance with this condition.

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21. Street names shall be reviewed and approved by the Regional Street Naming Coordinator.

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*Where/How Condition is Satisfied:* \_\_\_\_\_

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**PRIVATE STREETS**

22. Prior to release of any financial assurances for the private improvements, the developer shall provide the Engineering Division with a letter prepared by a civil engineer licensed in the State of Nevada, certifying that the private improvements have been constructed in accordance with the approved plans. The County Engineer shall determine compliance with this condition.

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23. The conditions, covenants, and restrictions (CC&Rs) shall prominently note to the satisfaction of the County Engineer that Washoe County will not assume responsibility for maintenance of the private street system of the development nor will Washoe County accept the streets for dedication to Washoe County unless the streets meet those Washoe County standards in effect at the time of offer for dedication.

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24. Any project street which are designed with security gates shall provide adequate on-site stacking space. The specific type and size of stacking areas shall be approved by the County Engineer.

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*Where/How Condition is Satisfied:* \_\_\_\_\_

25. The developer shall install street lights at all major street intersections. Major intersections are defined as those having more than 5000 average daily trips or those that warrant extra safety considerations in the opinion of the County Engineer. Down light control (glare) shall be included in the fixture design. The County Engineer shall be responsible for determining compliance with this condition.

*Final Map Verification:* Phase/Unit No.: \_\_\_\_\_ Date Submitted: \_\_\_\_\_

*Where/How Condition is Satisfied:* \_\_\_\_\_

26. Adequate snow storage easements shall be identified on the final plat. The County Engineer shall be responsible for determining compliance with this condition.

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*Where/How Condition is Satisfied:* \_\_\_\_\_

27. Proposed landscaping and/or fencing along street rights-of-way and within median islands shall be designed to meet AASHTO site distances and safety guidelines. A minimum vertical clearance of 13<sup>1</sup>/<sub>2</sub> feet shall be maintained over all streets. The County Engineer shall be responsible for determining compliance with this condition.

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*Where/How Condition is Satisfied:* \_\_\_\_\_

28. The diameter of the cul-de-sac bulb island and anything located within the island, such as landscaping, parking, etc., shall be designed to provide safe sight distances and an adequate turning radius for garbage trucks, snow plows and moving vans. The County Engineer shall be responsible for determining compliance with this condition.

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DRAINAGE

29. 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.

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*Where/How Condition is Satisfied:* \_\_\_\_\_

30. Prior to the finalization of the first final map, "The Master Hydrology for Montreux" shall be updated to include the new development areas and submitted to the County Engineer for approval. The master hydrology/hydraulic report shall include, among other things, detailed locations, calculations, and "as-built" construction drawings for any existing detention ponds constructed as a part of the Montreux development, and preliminary designs for any proposed detention ponds. The report shall also address offsite drainage from natural and man-made sources and discuss methods of collection and perpetuation through the development. The County Engineer shall be responsible for determining compliance with this condition.

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*Where/How Condition is Satisfied:* \_\_\_\_\_

31. Prior to the 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 Washoe County standards and specifications and/or financial assurances in an appropriate form and amount shall be provided. The County Engineer shall be responsible for determining compliance with this condition.

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32. Any increase in stormwater runoff resulting from the development and based on the 100-year storm(s) shall be detained. The County Engineer shall be responsible for determining compliance with this condition.

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33. The 100-year floodplain boundaries and flood elevations shall appear on each final map. If the floodplain boundary has been 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 be responsible for determining compliance with this condition. Grading or building permits shall not be issued for areas currently shown as "A" zones on the FEMA floodplain maps until a Letter of Map Amendment or Revision is submitted or until conformance with Washoe County flood construction standards is determined by the County Engineer.

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*Where/How Condition is Satisfied:* \_\_\_\_\_

34. The maximum permissible flow velocity (that which does not cause scour) shall be determined for all proposed channels and open ditches. The determination will 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 be responsible for determining compliance with this condition.

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*Where/How Condition is Satisfied:* \_\_\_\_\_

35. Standard reinforced concrete headwalls or other approved alternatives shall be placed on the inlet and outlet of all drainage structures, and grouted rock rip-rap shall be used to prevent erosion at the inlets and outlets of all pipe culverts to the satisfaction of the County Engineer.

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*Where/How Condition is Satisfied:* \_\_\_\_\_

36. Washoe County will only maintain storm drain pipe located within drainage easements with a minimum width of 15 feet and accessed directly via public roadways. The County Engineer shall be responsible for determining compliance with this condition.

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37. The developer shall provide pretreatment for petrochemicals and silt for all storm drainage from the site into Galena Creek or Jones Creek. The County Engineer shall be responsible for determining compliance with this condition.

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*Where/How Condition is Satisfied:* \_\_\_\_\_

38. For all subdivisions larger than five acres, the developer shall obtain a Stormwater Discharge Permit from the Nevada Division of Environmental Protection (NDEP), and a copy of said permit shall be submitted to the County Engineer prior to construction. The Stormwater Pollution Prevention Plan, as approved by NDEP, shall be included with the construction improvement drawings.

*Final Map Verification:* Phase/Unit No.: \_\_\_\_\_ Date Submitted: \_\_\_\_\_

*Where/How Condition is Satisfied:* \_\_\_\_\_

39. 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 the homeowners association. The County Engineer shall be responsible for determining compliance with this condition. The maintenance of the privately maintained drainage facilities shall also be addressed in the CC&Rs to the satisfaction of the District Attorney's Office.

*Final Map Verification:* Phase/Unit No.: \_\_\_\_\_ Date Submitted: \_\_\_\_\_

*Where/How Condition is Satisfied:* \_\_\_\_\_

40. Right-of-ways/easements shall be reserved for any existing irrigation ditch and its maintenance prior to finalization of any affected final map. The County Engineer shall be responsible for determining compliance with this condition.

*Final Map Verification:* Phase/Unit No.: \_\_\_\_\_ Date Submitted: \_\_\_\_\_

*Where/How Condition is Satisfied:* \_\_\_\_\_

41. The proposed detention facility located north of lot 708 (within drainage basin J3A of the Master Hydrology Report) shall be designed and constructed with the first final map located in the Jones Creek watershed. The County Engineer shall be responsible for determining compliance with this condition.

*Final Map Verification:* Phase/Unit No.: \_\_\_\_\_ Date Submitted: \_\_\_\_\_

*Where/How Condition is Satisfied:* \_\_\_\_\_

1446

To: Montreux  
Re: TM0007-002  
September 20, 2000  
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42. Development within Montreux will be subject to flood hazard areas identified in the Preliminary Flood Insurance Rate Map dated September 30, 1999 or as subsequently approved by the Federal Emergency Management Agency (FEMA). The County Engineer shall be responsible for determining compliance with this condition.

*Final Map Verification:* Phase/Unit No.: \_\_\_\_\_ Date Submitted: \_\_\_\_\_

*Where/How Condition is Satisfied:* \_\_\_\_\_

WATER AND WASTEWATER

43. Prior to first phase of final map recordation, a sanitary sewer report shall be prepared by the applicant's registered engineer which addresses:
- a. the estimated sewage flows generated by this project;
  - b. projected sewage flows from potential or existing developments within tributary areas;
  - c. the impact on the capacity of existing infrastructure;
  - d. proposed collection line sizes, on-site and off-site alignment, and maximum velocities.

The Utility Services Division shall determine compliance with this condition.

*Final Map Verification:* Phase/Unit No.: \_\_\_\_\_ Date Submitted: \_\_\_\_\_

*Where/How Condition is Satisfied:* \_\_\_\_\_

44. Utility Services Division approved improvement plans shall be used for the construction of any water distribution systems, any sewer collection systems, or appurtenant facilities. These systems or facilities must be inspected and approved by the Utility Services Division.

*Final Map Verification:* Phase/Unit No.: \_\_\_\_\_ Date Submitted: \_\_\_\_\_

*Where/How Condition is Satisfied:* \_\_\_\_\_

45. The applicant shall submit a hard copy and an electronic media file of the water line layout on a grading plan also illustrating the lot and street layout. This shall be submitted within 30 days of the date of this letter and prior to any final map submittals. This is necessary in order to perform a hydraulic analysis and evaluation of the impact upon the water system. The Utility Services Division shall determine compliance with this condition.

*Final Map Verification:* Phase/Unit No.: \_\_\_\_\_ Date Submitted: \_\_\_\_\_

*Where/How Condition is Satisfied:* \_\_\_\_\_

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46. The water distribution system, the sanitary sewer collection system, and necessary easements must be offered for dedication to Washoe County along with the recordation of the final map. The Utility Services Division shall determine compliance with this condition.

*Final Map Verification:* Phase/Unit No.: \_\_\_\_\_ Date Submitted: \_\_\_\_\_

*Where/How Condition is Satisfied:* \_\_\_\_\_

47. Improvement drawings shall be in compliance with Washoe County Design Standards. Prior to final map recordation the developer shall submit plans and specifications for the water distribution and the sanitary sewer collection systems; for the on-site improvements, relative to this development to the Utility Services Division for review and approval. A Registered Engineer with the State of Nevada shall design the improvement drawings. The Utility Services Division shall determine compliance with this condition.

*Final Map Verification:* Phase/Unit No.: \_\_\_\_\_ Date Submitted: \_\_\_\_\_

*Where/How Condition is Satisfied:* \_\_\_\_\_

48. Connection fees for water and sewer, improvement plan checking fees, and construction inspection deposit fees in accordance with Washoe County Ordinances shall be paid prior to the approval of the final map. The Utility Services Division shall determine compliance with this condition.

*Final Map Verification:* Phase/Unit No.: \_\_\_\_\_ Date Submitted: \_\_\_\_\_

*Where/How Condition is Satisfied:* \_\_\_\_\_

49. Any existing wells located on the property of the proposed development which are regarded as "improperly abandoned", shall be properly abandoned in accordance with State of Nevada Regulations governing Water Wells and Related Drilling. The Utility Division shall be responsible for determining compliance with this condition.

*Final Map Verification:* Phase/Unit No.: \_\_\_\_\_ Date Submitted: \_\_\_\_\_

*Where/How Condition is Satisfied:* \_\_\_\_\_

50. Water rights in accordance with the Forest Area Plan shall be dedicated to Washoe County. The water right must in good standing with the State Division of Water Resources and shall reflect the point of diversion, place of use, and manner of use satisfactory to the Utility Division. The Utility Division shall be responsible for determining compliance with this condition.

*Final Map Verification:* Phase/Unit No.: \_\_\_\_\_ Date Submitted: \_\_\_\_\_

*Where/How Condition is Satisfied:* \_\_\_\_\_

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Page 19

51. No water meters shall be set until the water distribution system is operationally approved by the Utility Services Division. The Utility Services Division shall be responsible for determining compliance with this condition.

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

52. The owners certificate on the final map shall contain language indicating that the developer and his assignees agree to the use of residential water meters. The Department of Community Development shall be responsible for determining compliance with this condition.

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

#### FIRE PROTECTION

53. The plans submitted with a building permit application shall show evidence of compliance with the recommendations of the Nevada Division of Forestry. Those concerns are fire flows, fire hydrant number and location, access, sequential phasing of firebreaks during development, permanent firebreaks, minimum defensible space, use of fire resistant construction and/or roof material, sprinklering of structures, and spark arrestors in chimneys as reflected in the Nevada Division of Forestry letters of 1/25/96 and 2/6/96. Access and fire flows concerns shall be addressed prior to the introduction of any combustible materials to the site. The Nevada Division of Forestry shall be responsible for determining compliance with this condition.

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

END OF CONDITIONS

## STANDARD CONSIDERATIONS FOR SUBDIVISIONS

Nevada Revised Statutes 278.349

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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 the following:

- (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 in quantity 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 protection, transportation, recreation and parks;
- (e) General 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 or 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.
- (j) The availability and accessibility of fire protection, including, but not limited to, the availability and accessibility of water and services for the prevention and containment of fires, including fires in wild lands.

APN# N/A

**Recording Requested by:**

Name: Washoe County Clerk

Address: \_\_\_\_\_

City/State/Zip: \_\_\_\_\_

**When Recorded Mail to:**

Name: Washoe County Clerk's Office

Address: \_\_\_\_\_

City/State/Zip: \_\_\_\_\_

**Mail Tax Statement to:**

Name: \_\_\_\_\_

Address: \_\_\_\_\_

City/State/Zip: \_\_\_\_\_

Development Agreement  
Montreux 2000 (DA10-001)  
**( Title of Document )**

**Please complete Affirmation Statement below:**

I the undersigned hereby affirm that the attached document, including any exhibits, hereby submitted for recording does not contain the personal information of any person or persons.  
(Per NRS 239B.030)

**-OR-**

I the undersigned hereby affirm that the attached document, including any exhibits, hereby submitted for recording does contain the personal information of a person or persons as required by law:  
\_\_\_\_\_  
(State specific law)

Lisa McNeill  
**Signature**

Deputy Clerk  
**Title**

Lisa McNeill  
**Printed Name**

This page added to provide additional information required by NRS 111.312 Sections 1-2 and NRS 239B.030 Section 4.

This cover page must be typed or printed in black ink.

(Additional recording fee applies)

**DOC # 3939818**

11/04/2010 10:55:18 AM

Requested By  
WASHOE COUNTY CLERK  
Washoe County Recorder  
Kathryn L. Burke - Recorder  
Fee: \$0.00 RPTT: \$0.00  
Page 1 of 31



( for Recorder's use only )

10-680

1446

## DEVELOPMENT AGREEMENT

THIS AGREEMENT ("Agreement") is made by and between **MONTREUX DEVELOPMENT GROUP, LLC**, a Nevada limited liability company, (the "Landowner") and the **COUNTY OF WASHOE**, a political subdivision of the State of Nevada, ("County").

### **1. GENERAL.**

1.1 Property. Landowner is the owner of real property located in Washoe County ("County"), Nevada known as Assessor's Parcel Numbers 148-010-51, 148-351-05, and 148-222-24 in Washoe County, Nevada (the "Property"), as more particularly described in Exhibit A, attached hereto, which is subject to County's Forest Area Plan.

1.2 Tentative Map. The Property has County a land use designation of Low Density Suburban ("LDS"). LDS allows a density of one single family dwelling per acre. On September 20, 2000 the County issued its Action Order, which is incorporated herein by this reference as Exhibit B, approving a tentative map application for the Property, known as Tentative Subdivision Map Case File No. TM0007-002 (Montreux 2000) (the "Tentative Map"). The development of the Property (the "Project") must be conducted pursuant to the provisions of the Tentative Map and the Washoe County Development Code (the "Code").

1.3 Previous Final Maps. Since the initial approval of the Tentative Map, there have been numerous final maps recorded in a timely manner thereunder, and Landowner and its predecessors have continuously maintained the Tentative Map in good standing. The last final map recorded was for Unit 5 South, a 99-lot tract on 68.47 acres recorded on July 24, 2008 as Tract Map No. 4879, Document No. 3672242 in the office of the Recorder of Washoe County, Nevada.

1.4 Circumstances Requiring An Extension of Time. Additional time is requested to allow planned water system infrastructure (well pumphouses and equipment, transmission lines) on adjacent property not within the Tentative Map to be constructed. Said water system infrastructure will allow the use of water rights held by County for Landowner's benefit to be used for the water service commitment of the County for future final map lots of Landowner under the Tentative Map. The parties believe it is in the public interest to enter into this Agreement and provide, among other matters, additional time for construction and dedication to County of water system infrastructure.

### **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. The 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 covenants, terms and conditions are set forth.

10-680

2.1.1. The land which is subject to this Agreement is APN Nos. 148-010-51, 148-351-05 and 148-222-24, more particularly described in the legal description attached as Exhibit A.

2.1.2. The duration of this Agreement shall be from the date of signing by the Board of County Commissioners to July 24, 2012, 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 expiration of this Agreement. The duration of the Agreement may be further extended from July 24, 2012 to July 24, 2014 at the discretion of the Director of Community Development upon timely written request by Landowner.

2.1.3. [Intentionally Omitted].

2.1.4. 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 pursuant to the Tentative Map is common open space development, having lot sizes from 8,000 square feet to  $\pm$  one acre, and an overall density of less than one dwelling unit per acre, which complies with the Property's land use designations.

2.1.5. The maximum height and size of the proposed buildings will comply with the Low Density Suburban maximum height limit.

2.1.6. The provisions for the dedication of any portion of the Property for public use are as provided in the Tentative Map and the Code.

2.1.7. Terms and conditions relating to construction and financing of necessary public improvements and facilities, including participation in special assessment district proceedings if necessary, are in accordance with and as provided for in the Tentative Map and the Code, and will also be in accordance with any subdivision improvement agreements for future final maps.

2.1.8. Phasing and deadline dates for project grading and development with information on required bonding or other acceptable guarantees of performance and completion (Article 110.610 Washoe County Development Code) for each development phase or stage will be addressed with the submittal of each final map.

2.1.9 The next final map, to be a minimum of five lots, shall be recorded on or before the date of expiration of this Agreement. All successive final maps, if the Landowner chooses to record in a series, must include a minimum of five lots. Unless otherwise provided herein, the deadlines for any final maps shall be governed by NRS 278.360.

10-6-80

2.1.10 Development standards for the Project are set forth in the conditions and requirements of the Tentative Map, the Board of County Commission's Action Order dated December 7, 2005 attached hereto as Exhibit "B", and future final maps.

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 amendment to the Prior Agreement shall be given in accordance with NRS 278.0205 and Section 110.814.40 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. The Landowner waives any claims for damages against the county that might arise out of, or relate to, a subsequent court determination that this Agreement or any provision in it is invalid and/or unenforceable, including any claim based on NRS 278.0233(1) regarding the requirements, limitations, or conditions imposed pursuant to this Agreement.

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 if the breaching party fails to fully cure such noncompliance after reasonable written notice and opportunity to cure, 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.

2.6 [Intentionally Omitted]

### 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.

10-6820

3.3 Assignability of the Agreement. This Agreement shall be binding upon and inure to the benefit of all future successors in interest of the Property as described in Exhibit A (Legal Description), and the successor shall assume the duties and obligations under this Agreement.

3.4 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.

3.5 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.

3.6 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.

3.7 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 and Section 110.814.40 of the Code. 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 unless an appeal to the Board of Adjustment is required to occur first. 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.

3.8 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.

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

3.10 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.

10-6-80

3.11. 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 appear on following page]

16-680



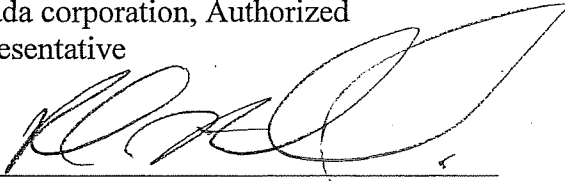
[Signature page to Development Agreement]

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

**LANDOWNER:**

**MONTREUX DEVELOPMENT GROUP, LLC, a Nevada limited liability company**

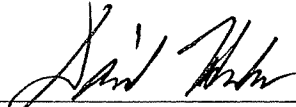
By: Nichols Development Company, a Nevada corporation, Authorized Representative

By:   
ROBERT L. NICHOLS, President

Date: 3/30/2010

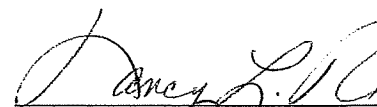
**COUNTY:**

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

By:   
DAVID HUMKE, Chairman

Date: 7/13/10

**ATTEST:**

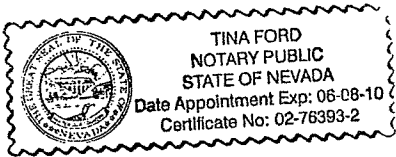
  
AMY HARVEY, County Clerk\*



10-680

STATE OF NEVADA     )  
  )ss.  
COUNTY OF WASHOE    )

This instrument was acknowledged before me on March 30, 2010 by ROBERT L. NICHOLS, President of Nichols Development Company, a Nevada corporation, as Authorized Representative of Montreux Development Company, a Nevada limited liability company.



NOTARY PUBLIC: Tina Ford

My Commission Expires: June 8, 2010

STATE OF NEVADA     )  
  )ss.  
COUNTY OF WASHOE    )

This instrument was acknowledged before me on July 13, 2010 by DAVID HUMKE, as Chairman of the Board of County Commissioners of the County of Washoe, State of Nevada.



NOTARY PUBLIC: Rita Lencioni

My Commission Expires: 09/28/10

089-01

**EXHIBIT "A"**

**DESCRIPTION**

Parcels of land situate within Sections 3 and 10, T.17N., R.19E., M.D.M., County of Washoe, State of Nevada, more particularly described as follows:

**APN 148-010-51:**

Parcel E-1A of the 2nd Parcel Map for Montreux Development Group, LLC, as shown on the plat thereof, recorded on August 19, 2005 as Parcel Map 4443, Document No. 3264054, Official Records of Washoe County, Nevada.  
Containing 34.06 acres, more or less

**APN 148-351-05:**

Parcel 8-1 of Montreux – Unit 8, as shown on the plat thereof, recorded on October 5, 2004 as Subdivision Tract Map 4550, Document No. 3287308, Official Records of Washoe County, Nevada.  
Containing 14.05 acres, more or less

**APN 148-222-24:**

Parcel 3 of Parcel Map No. 3 for Montreux Development Group, LLC, as shown on the plat thereof, recorded on June 16, 2006 as Parcel Map 4572, Document No. 3402143, Official Records of Washoe County, Nevada.  
Containing 4.60 acres, more or less.

10-6-80  
089-01



Exhibit "B"

**ACTION ORDER**

Washoe County  
Department of  
Community  
Development  
1001 E. Ninth St., Bldg. A  
Post Office Box 11130  
Reno, NV 89520-0027  
Tel: 775-328-3600  
Fax: 775-328-3648

September 20, 2000

Montreux  
16475 Bordeaux Drive  
Reno, Nevada 89511

Dear Applicant:

The Washoe County Planning Commission, at its regular meeting of September 19, 2000 approved, with (53) conditions, the following:

**TENTATIVE SUBDIVISION MAP CASE NO. TM0007-002 (MONTREUX 2000)** - develop a single-family residential, common open space subdivision of no more than 3571 on a ±411.11 acre site. Lots will range in size from a minimum 8,000 square feet to ±1 acre and will average ±23,207 square feet. Common area of ±51.35 acres will include priv streets and landscaped areas. ±155.46 acres will be used for golf course area which include portions of both the new and the previously-approved 18-hole golf course. The remaining ±14.10 acres will be utilized for the future extension of Piney Creek Road and its buffer area. The project consists of fourteen parcels which are designated Low Density Suburban (LD) and General Rural (GR) in the Forest Area Plan. The property is located south of the Montrose Highway (SR 431) at treeline and is accessed via Bordeaux Drive. The parcels are within portions of Sections 2, 3, and 11, T17N, R19E, MDM, Commission District 2 in an area encompassed by the Galena-Steamboat Citizens Advisory Board, Washoe County, Nevada. (APN: 047-010-02, 047-141-09, 148-010-04, 148-010-06, 148-010-08, 148-010-31, 148-010-40, 148-050-01, 148-050-02, 148-170-01, 148-170-02, 148-170-03, 148-191-03, and 148-191-04)

10-1680

The conditional approval for the tentative map was based on the following findings:

1. That the design and proposed improvements of the tentative subdivision map, conditioned, conform to the policies and guidelines of the Forest Area Plan, the Washoe County Comprehensive Plan, and the Washoe County Code;
2. That the tentative subdivision map complies with the density requirements of the Development Code;
3. That the submitted tentative subdivision map, as conditioned by the Planning Commission, ensures compliance with the common open space development requirements of Article 408 of the Development Code;

Robert W. Sellman,  
Director



To: Montreux  
Re: TM0007-002  
September 20, 2000  
Page 2

4. That the areas of the site that are proposed for development are physically suited for the type of development proposed and that areas that are unsuited are left undeveloped or their development will be successfully mitigated;
5. That the subdivision will meet the requirements of Article 702 of the Development Code in that the applicant is required to install community sanitary sewer and the South Truckee Meadows Regional Wastewater Treatment Facility has capacity available to serve this proposed development;
6. That the design of the subdivision and the types of proposed improvements would be unlikely to cause significant public health problems since the development would be served by a community sewer system, would have mandatory refuse collection, would employ appropriate dust control measures, and would utilize drainage collection measures which are acceptable to Washoe County;
7. That the design of the subdivision and the type of improvements would not conflict with the Piney Creek Road easements and, in fact, can enhance use by the public at large for access through, or use of property within, the proposed subdivision;
8. That the final design of the subdivision is required to provide any necessary access to surrounding, adjacent lands and is required to provide appropriate secondary access for emergency vehicles;
9. That any land and improvements required to be dedicated to Washoe County are consistent with the Comprehensive Plan, the adopted Washoe County Parks Master Plan, and the Washoe County Code;
10. That the design of the subdivision, to the extent feasible, provides for future passive or natural heating or cooling opportunities in the subdivision through the use of specified building envelopes to protect adjoining parcels and through the requirements and standards to be employed by the Architectural Control Committee;
11. That the Planning Commission finds that, in accordance with Washoe County Code 110.408.15, the members of the development would be satisfactorily served by the proposed non-residential uses (i.e., golf course, other recreational facilities, open space, private streets, etc.);
12. That the adverse impacts on wildlife access are substantially reduced by ample quality open space and appropriate fencing;
13. That the public trails that are currently under construction or constructed have been required to address county and state concerns for access and maintenance;
14. That the proposed emergency access will not result in adverse effects upon a local family cemetery or a Washoe County parksite;
15. That adequate primary and secondary/emergency access to the project would be assured by the conditions of approval;
16. That the existing development has demonstrated that it is an asset to the community and region;

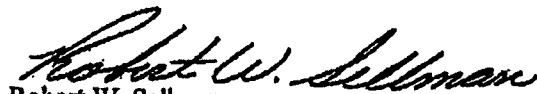
089-01

To: Montreux  
Re: TM0007-002  
September 20, 2000  
Page 3

17. That the conditions of approval and the procedures for establishing compliance with the conditions of approval ensure conformance with NRS 278.349 (Standard Considerations for Subdivisions); and
18. That the 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,

  
Robert W. Sellman  
Director and Secretary to the Planning Commission

RWS/DY/jep(TM0007-002F1)

Cc:

Applicant: Montreux, 16475 Bordeaux Drive, Reno, NV 89511

Property Owners: Sam S. Jaksick, Jr., Montreux Joint Venture/Montreux South 51 L.L.C./Montreux South 40 L.L.C./Montreux Golf Club, LTD., 2500 Spinnaker Drive, Reno, NV 89509; James M. Smrt, LCH Holding Company, LLC, 16475 Bordeaux Drive, Reno, NV 89511; Rob Nichols, 16475 Bordeaux Drive, Reno, NV 89511

Representatives: Jeff Codega Planning/Design, Inc., 431 West Plumb Lane, Reno, NV 89509; Robert M. Sader, LTD., 462 Court Street, Reno, NV 89501-1796

Agencies: Jim Barnes, DA's Office; Judy Ramos, Assessor's Office; John Faulkner, Chief Appraiser, Assessor's Office; Terri Svetich, Utility Services Division; Engineering Division; Nevada Division of Forestry, 885 Eastlake Boulevard, Carson City, NV 89701; Nevada Division of Environmental Protection, 333 West Nye Lane, Suite 138, Carson City, NV 89706; Regional Transportation Commission, Post Office Box 30002, Reno, NV 89520; Truckee Meadows Regional Planning Agency, Chamber Tower, 1 East First Street, Suite 900, Reno, NV 89501;

10-6820

To: Montreux  
Re: TM0007-002  
September 20, 2000  
Page 4

**CONDITIONS**  
for  
**TENTATIVE SUBDIVISION MAP CASE NO. TM0007-002**  
for  
**MONTREUX 2000**

(As approved by the Washoe County Planning Commission on  
September 19, 2000)

**\*\*\* IMPORTANT -- PLEASE READ \*\*\***

**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 DEPARTMENT OF COMMUNITY DEVELOPMENT.**

**THE DEVELOPER SHALL MEET WITH THE ENGINEERING DIVISION AND THE DEPARTMENT OF COMMUNITY DEVELOPMENT AT LEAST FIFTY-SEVEN (57) DAYS BEFORE THE ANTICIPATED OF APPROVAL DATE 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. NO FINAL MAP WILL BE SCHEDULED FOR A PLANNING COMMISSION MEETING DATE THAT IS LESS THAN FIFTY-SEVEN (57) DAYS FROM THE DATE OF THIS MANDATORY MEETING.**

**A REQUEST FOR AN EXTENSION OF TIME FOR THE RECORDING OF A FINAL MAP MUST BE SUBMITTED TO THE DEPARTMENT OF COMMUNITY DEVELOPMENT AT LEAST SIXTY (60) DAYS PRIOR TO THE EXPIRATION DATE OF THE TENTATIVE SUBDIVISION MAP. SAID EXPIRATION IS TWO YEARS FROM THE DATE OF APPROVAL OF THE TENTATIVE MAP OR ONE YEAR FROM THE APPROVAL OF A SUBSEQUENT FINAL 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.**

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GENERAL CONDITIONS

1. 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:

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*Where/How Condition is Satisfied:* \_\_\_\_\_

2. 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.

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*Where/How Condition is Satisfied:* \_\_\_\_\_

3. Development shall be in substantial compliance with the provisions of the Article 408 of the Development Code. The permitted exceptions to the Development Code allow:

- a. a minimum lot size of 8,000 square feet;
- b. a minimum average lot width of 60 feet for lots 10,000 square feet or less;
- c. a minimum average lot width of 90 feet for lots greater than 10,000 square feet;
- d. a minimum front yard requirement of 20 feet;
- e. a minimum side yard requirement of 5 feet on lots 10,000 square feet or less;
- f. a minimum side yard requirement of 10 feet for lots greater than 10,000 square feet;
- g. a minimum rear yard requirement of 15 feet for all lots with rear yards abutting common areas or golf course; and
- h. a minimum rear yard requirement of 30 feet for all remaining lots.

All residential lots abutting a residentially-developed area, not under the control or previously controlled by Montreux Joint Venture, shall contain a minimum of 43,560 square feet. Lots will be considered abutting if there is less than 75 feet of open space, golf course, or dedicated trail between internal and external lots, except as shown along De Chardin Lane. A note, stating that no further subdivision of any lot is permitted due to the transfer of density that allowed formation of the subdivision, shall be placed on every sheet of each final map, other than the cover sheet. The first and each succeeding final map shall not cumulatively exceed the average gross density of 0.87 units per acre. Each final map shall contain a cumulative table of the above information that will include final maps approved under the prior approvals, including lots combined or reverted to acreage. Lots that have been legally created,

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but have then been reverted to acreage or combined, shall not be used to create additional lots under this tentative map approval. If combined, they may be separated from one another at a later date as long as the total number of permitted lots is not exceeded. The Department of Community Development shall be responsible for determining compliance with this condition.

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*Where/How Condition is Satisfied:* \_\_\_\_\_

4. Conditions, covenants, and restrictions (CC&Rs), including any supplemental CC&Rs, shall be reviewed, approved, and recorded by the Office of the District Attorney. Disclosure documents shall be approved by the Department of Community Development. The District Attorney shall determine which items within the CC&Rs will require Washoe County being made a party. 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, be under the authority of the same existing homeowners association, and be under the authority of the same existing architectural control committee. Said CC&Rs shall also specifically address the potential for liens against the property and the responsibilities of the individual property owners for the funding of the maintenance, replacement, and perpetuation of the following items, at a minimum:

- a. Private roads within the subdivision.
- b. Common area landscaping and maintenance.
- c. Entrance gates.
- d. Snow removal and storage areas.
- e. Streetscapes.
- f. Fire fuel breaks on open space.
- g. Detention basins and the accumulated sediment.
- h. Storm drainage system.
- i. Private bicycle and pedestrian paths.

At a minimum, the CC&Rs or disclosure documents shall also address the following items:

- a. Requirement to abide by the Community Design Standards.
- b. Requirement to substantially locate all structures within the building envelope submitted with the final map.
- c. Mandatory provisions of greenbelt requirements.
- d. Snow storage areas.
- e. Prohibition of motorized vehicles, except golf carts, maintenance vehicles and emergency vehicles, in open space.
- f. Areas with potential for adjacent equestrian traffic within the perimeter of Montreux. Lots will be considered adjacent when abutting the Jones/Galena Creek Trails or when abutting common area containing either trail.
- g. The requirement to prominently note that Washoe County will not assume responsibility for maintenance of the private street system nor accept the streets for dedication to Washoe County unless the streets meet those Washoe County standards in effect at the time of offer for dedication.

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- h. Lots abutting the right-of-way of future Piney Creek Road must be clearly identified on the final maps. The individual site plans shall reference the future collector road and note the potential for dust until completion of the road. The same information must be prominently noted within at least one sales document signed by a prospective buyer.
- i. Lots requiring individual sewer pumps due to elevational differences between the sewer service connection and the building site must be clearly identified on the final maps. The individual site plans shall reference this requirement. That requirement and the and the responsibilities and associated costs to the homeowner must be prominently noted within at least one sales document signed by a prospective buyer.

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- 5. At the time of recordation of each phase, the developer shall submit a site plan for primary and secondary building envelopes for each individual lot to the Building and Safety Department and the Department of Community Development. The site plan shall be at an appropriate and readily measurable scale for an 8 1/2" x 11" sheet and shall indicate the lot and block number, the building envelope, setbacks and structure height, and, if applicable, protected areas, retained trees, etc. Washoe County will be advised of amendments to the approved building envelopes upon their change and new individual site plans will be provided to the Building and Safety Department and the Department of Community Development.

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- 6. 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.

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7. Prior to ground-disturbing activity or prior to finalization of any portion of the tentative map not previously subject to an approved survey and mitigation plan, the developer shall submit an archaeological/historical survey to the Department of Community Development. The Department of Community Development shall submit the survey to the State Historic Preservation Office of the Department of Museums, Library and Arts for review. Following that review, the State Historic Preservation Office shall submit a letter to the Department of Community Development that indicates the survey was acceptable.

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8. Prior to the approval of the first final map, a fault study shall be prepared by a registered civil engineer, to delineate potentially active faults through the project. The County Engineer shall be responsible for determining compliance with this condition.

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9. 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 be responsible for determining compliance with this condition.

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10. Prior to acceptance of public improvements and release of any financial assurances, the developer shall furnish to the Utility Division and/or Engineering Division a complete set of reproducible 'as built' construction drawings prepared by a civil engineer registered in the State of Nevada.

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11. A complete set of construction improvement drawings, including an on-site 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 and shall, where applicable, include detailed plans for grading and drainage on each lot, erosion control, slope stabilization and mosquito abatement. Placement or disposal of any excavated material shall be indicated on the grading plan.

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12. All open space, other than golf course, 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 be responsible for determining 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.

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13. Development, maintenance, and construction activity will be limited to 7:00 a.m. to 6:00 p.m., Monday through Saturday. Unless infeasible otherwise and with prior approval of the Department of Community Development, development and construction activity will utilize the primary access for Montreux at Mount Rose Highway. The Department of Community Development shall be responsible for determining compliance with this condition.

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14. Upon the conversion of the existing structure located on lot 807 from offices to single-family residential or upon the recordation of the last final map, whichever comes first, the driveway access onto Bordeaux Drive shall be abandoned and roadside curb and gutter/median curb shall be installed. Access easements and driveway improvements shall be provided as necessary. The County Engineer shall be responsible for determining compliance with this condition.

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15. An updated title report and a map exhibit prepared by an engineer/surveyor identifying all easements within the boundary of the subdivision shall be submitted to the County Engineer with the submittal of each final map. Any existing easements which conflict with the proposed development shall be quit-claimed or abandoned. The County Engineer shall be responsible for determining compliance with this condition.

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16. Prior to the recordation of an affected final map, any applicable Order of Abandonment shall be recorded and a copy of the recorded document provided to the County Engineer.

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17. 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 30 days of the final sale.

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#### STREETS AND TRAFFIC

18. Prior to the approval of a final map which affects the existing access easement as identified on Parcel Map 2718, otherwise known as Piney Creek Road, the following shall be provided to the County Engineer:

a. A copy of the recorded "Order of Abandonment" which abandons the existing Piney Creek Road. The Abandonment procedure may result in conditions of approval not contained herein.

b. A copy of a recorded Access Easement and Irrevocable Offer of Dedication being 60 feet in width for the relocated portion of Piney Creek Road. If the Area Plan has been modified to eliminate the collector road designation for Piney Creek Road, a minimum 30 foot wide Access Easement, coincident with the adjoining property line shall be provided in lieu of the 60 foot wide easement. The Irrevocable Offer of Dedication and/or Access Easement shall extend from the existing terminus of Piney Creek Road, southward to the southern project boundary, matching the location of the existing Piney Creek Road easement or as may be relocated on the property to the south. The alignment of the relocated easement shall meet County standards. The existing properties adjacent to Piney Creek Road and Montreux shall be provided access easements to Piney Creek Road.

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- c. An improved access road being a minimum of 20 feet in width with roadside ditches where necessary, and with culvert crossings. The roadway shall be designed to support emergency access vehicles. Native on-site materials may be used provided a geotechnical analysis is submitted which demonstrates that existing on-site materials are of suitable quality to support the intended loading. Native materials not suitable to support emergency access vehicles shall be removed and replaced with structural fill material (e.g. Type 2 Base). Drainage improvements for the interim access roadway shall be designed to pass the minimum 5 year storm event. With the ultimate improvement of Piney Creek Road, 100 year culvert crossings will be required, therefore downstream drainage improvements should account for this anticipated flow.

The County Engineer shall be responsible for determining compliance with this condition.

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- 19. Permanent emergency access roads (or temporary emergency access roads as may be appropriate and allowed by the County Engineer) meeting Washoe County Standards shall be provided and be included in the improvement drawings for any portion of the development exceeding Washoe County Code thresholds (roadways in excess of 1500 feet or more than 30 lots). Permanent emergency access roads shall extend to county owned and maintained roadways (e.g., Callahan Ranch Road, Piney Creek Road). Emergency Access Easements shall be provided on the affected final map or obtained by separate document from adjacent property owners. Disclosure of the requirement for the perpetual maintenance of on-site and off-site emergency access roads by the Montreux Homeowners Association shall be made to future property owners and prominently noted on at least one sales document signed by a prospective buyer. The County Engineer shall be responsible for determining compliance with this condition.

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- 20. All roadway improvements necessary to serve the project shall be designed and constructed to Washoe County standards and specifications and/or financial assurances in an appropriate form and amount shall be provided. The County Engineer shall be responsible for determining compliance with this condition.

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21. Street names shall be reviewed and approved by the Regional Street Naming Coordinator.

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*Where/How Condition is Satisfied:* \_\_\_\_\_

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**PRIVATE STREETS**

22. Prior to release of any financial assurances for the private improvements, the developer shall provide the Engineering Division with a letter prepared by a civil engineer licensed in the State of Nevada, certifying that the private improvements have been constructed in accordance with the approved plans. The County Engineer shall determine compliance with this condition.

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23. The conditions, covenants, and restrictions (CC&Rs) shall prominently note to the satisfaction of the County Engineer that Washoe County will not assume responsibility for maintenance of the private street system of the development nor will Washoe County accept the streets for dedication to Washoe County unless the streets meet those Washoe County standards in effect at the time of offer for dedication.

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24. Any project street which are designed with security gates shall provide adequate on-site stacking space. The specific type and size of stacking areas shall be approved by the County Engineer.

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25. The developer shall install street lights at all major street intersections. Major intersections are defined as those having more than 5000 average daily trips or those that warrant extra safety considerations in the opinion of the County Engineer. Down light control (glare) shall be included in the fixture design. The County Engineer shall be responsible for determining compliance with this condition.

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26. Adequate snow storage easements shall be identified on the final plat. The County Engineer shall be responsible for determining compliance with this condition.

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27. Proposed landscaping and/or fencing along street rights-of-way and within median islands shall be designed to meet AASHTO site distances and safety guidelines. A minimum vertical clearance of 13<sup>1</sup>/<sub>2</sub> feet shall be maintained over all streets. The County Engineer shall be responsible for determining compliance with this condition.

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28. The diameter of the cul-de-sac bulb island and anything located within the island, such as landscaping, parking, etc., shall be designed to provide safe sight distances and an adequate turning radius for garbage trucks, snow plows and moving vans. The County Engineer shall be responsible for determining compliance with this condition.

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DRAINAGE

29. 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.

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*Where/How Condition is Satisfied:* \_\_\_\_\_

30. Prior to the finalization of the first final map, "The Master Hydrology for Montreux" shall be updated to include the new development areas and submitted to the County Engineer for approval. The master hydrology/hydraulic report shall include, among other things, detailed locations, calculations, and "as-built" construction drawings for any existing detention ponds constructed as a part of the Montreux development, and preliminary designs for any proposed detention ponds. The report shall also address offsite drainage from natural and man-made sources and discuss methods of collection and perpetuation through the development. The County Engineer shall be responsible for determining compliance with this condition.

*Final Map Verification:* Phase/Unit No.: \_\_\_\_\_ Date Submitted: \_\_\_\_\_

*Where/How Condition is Satisfied:* \_\_\_\_\_

31. Prior to the 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 Washoe County standards and specifications and/or financial assurances in an appropriate form and amount shall be provided. The County Engineer shall be responsible for determining compliance with this condition.

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32. Any increase in stormwater runoff resulting from the development and based on the 100-year storm(s) shall be detained. The County Engineer shall be responsible for determining compliance with this condition.

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33. The 100-year floodplain boundaries and flood elevations shall appear on each final map. If the floodplain boundary has been 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 be responsible for determining compliance with this condition. Grading or building permits shall not be issued for areas currently shown as "A" zones on the FEMA floodplain maps until a Letter of Map Amendment or Revision is submitted or until conformance with Washoe County flood construction standards is determined by the County Engineer.

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*Where/How Condition is Satisfied:* \_\_\_\_\_

34. The maximum permissible flow velocity (that which does not cause scour) shall be determined for all proposed channels and open ditches. The determination will 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 be responsible for determining compliance with this condition.

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*Where/How Condition is Satisfied:* \_\_\_\_\_

35. Standard reinforced concrete headwalls or other approved alternatives shall be placed on the inlet and outlet of all drainage structures, and grouted rock rip-rap shall be used to prevent erosion at the inlets and outlets of all pipe culverts to the satisfaction of the County Engineer.

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*Where/How Condition is Satisfied:* \_\_\_\_\_

36. Washoe County will only maintain storm drain pipe located within drainage easements with a minimum width of 15 feet and accessed directly via public roadways. The County Engineer shall be responsible for determining compliance with this condition.

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37. The developer shall provide pretreatment for petrochemicals and silt for all storm drainage from the site into Galena Creek or Jones Creek. The County Engineer shall be responsible for determining compliance with this condition.

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*Where/How Condition is Satisfied:* \_\_\_\_\_

38. For all subdivisions larger than five acres, the developer shall obtain a Stormwater Discharge Permit from the Nevada Division of Environmental Protection (NDEP), and a copy of said permit shall be submitted to the County Engineer prior to construction. The Stormwater Pollution Prevention Plan, as approved by NDEP, shall be included with the construction improvement drawings.

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*Where/How Condition is Satisfied:* \_\_\_\_\_

39. 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 the homeowners association. The County Engineer shall be responsible for determining compliance with this condition. The maintenance of the privately maintained drainage facilities shall also be addressed in the CC&Rs to the satisfaction of the District Attorney's Office.

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40. Right-of-ways/easements shall be reserved for any existing irrigation ditch and its maintenance prior to finalization of any affected final map. The County Engineer shall be responsible for determining compliance with this condition.

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*Where/How Condition is Satisfied:* \_\_\_\_\_

41. The proposed detention facility located north of lot 708 (within drainage basin J3A of the Master Hydrology Report) shall be designed and constructed with the first final map located in the Jones Creek watershed. The County Engineer shall be responsible for determining compliance with this condition.

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42. Development within Montreux will be subject to flood hazard areas identified in the Preliminary Flood Insurance Rate Map dated September 30, 1999 or as subsequently approved by the Federal Emergency Management Agency (FEMA). The County Engineer shall be responsible for determining compliance with this condition.

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*Where/How Condition is Satisfied:* \_\_\_\_\_

WATER AND WASTEWATER

43. Prior to first phase of final map recordation, a sanitary sewer report shall be prepared by the applicant's registered engineer which addresses:
- a. the estimated sewage flows generated by this project;
  - b. projected sewage flows from potential or existing developments within tributary areas;
  - c. the impact on the capacity of existing infrastructure;
  - d. proposed collection line sizes, on-site and off-site alignment, and maximum velocities.

The Utility Services Division shall determine compliance with this condition.

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44. Utility Services Division approved improvement plans shall be used for the construction of any water distribution systems, any sewer collection systems, or appurtenant facilities. These systems or facilities must be inspected and approved by the Utility Services Division.

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*Where/How Condition is Satisfied:* \_\_\_\_\_

45. The applicant shall submit a hard copy and an electronic media file of the water line layout on a grading plan also illustrating the lot and street layout. This shall be submitted within 30 days of the date of this letter and prior to any final map submittals. This is necessary in order to perform a hydraulic analysis and evaluation of the impact upon the water system. The Utility Services Division shall determine compliance with this condition.

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46. The water distribution system, the sanitary sewer collection system, and necessary easements must be offered for dedication to Washoe County along with the recordation of the final map. The Utility Services Division shall determine compliance with this condition.

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47. Improvement drawings shall be in compliance with Washoe County Design Standards. Prior to final map recordation the developer shall submit plans and specifications for the water distribution and the sanitary sewer collection systems; for the on-site improvements, relative to this development to the Utility Services Division for review and approval. A Registered Engineer with the State of Nevada shall design the improvement drawings. The Utility Services Division shall determine compliance with this condition.

*Final Map Verification:* Phase/Unit No.: \_\_\_\_\_ Date Submitted: \_\_\_\_\_

*Where/How Condition is Satisfied:* \_\_\_\_\_

48. Connection fees for water and sewer, improvement plan checking fees, and construction inspection deposit fees in accordance with Washoe County Ordinances shall be paid prior to the approval of the final map. The Utility Services Division shall determine compliance with this condition.

*Final Map Verification:* Phase/Unit No.: \_\_\_\_\_ Date Submitted: \_\_\_\_\_

*Where/How Condition is Satisfied:* \_\_\_\_\_

49. Any existing wells located on the property of the proposed development which are regarded as "improperly abandoned", shall be properly abandoned in accordance with State of Nevada Regulations governing Water Wells and Related Drilling. The Utility Division shall be responsible for determining compliance with this condition.

*Final Map Verification:* Phase/Unit No.: \_\_\_\_\_ Date Submitted: \_\_\_\_\_

*Where/How Condition is Satisfied:* \_\_\_\_\_

50. Water rights in accordance with the Forest Area Plan shall be dedicated to Washoe County. The water right must in good standing with the State Division of Water Resources and shall reflect the point of diversion, place of use, and manner of use satisfactory to the Utility Division. The Utility Division shall be responsible for determining compliance with this condition.

*Final Map Verification:* Phase/Unit No.: \_\_\_\_\_ Date Submitted: \_\_\_\_\_

*Where/How Condition is Satisfied:* \_\_\_\_\_

10680

To: Montreux  
Re: TM0007-002  
September 20, 2000  
Page 19

51. No water meters shall be set until the water distribution system is operationally approved by the Utility Services Division. The Utility Services Division shall be responsible for determining compliance with this condition.

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

52. The owners certificate on the final map shall contain language indicating that the developer and his assignees agree to the use of residential water meters. The Department of Community Development shall be responsible for determining compliance with this condition.

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

#### FIRE PROTECTION

53. The plans submitted with a building permit application shall show evidence of compliance with the recommendations of the Nevada Division of Forestry. Those concerns are fire flows, fire hydrant number and location, access, sequential phasing of firebreaks during development, permanent firebreaks, minimum defensible space, use of fire resistant construction and/or roof material, sprinklering of structures, and spark arrestors in chimneys as reflected in the Nevada Division of Forestry letters of 1/25/96 and 2/6/96. Access and fire flows concerns shall be addressed prior to the introduction of any combustible materials to the site. The Nevada Division of Forestry shall be responsible for determining compliance with this condition.

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

END OF CONDITIONS

10-689-01

## STANDARD CONSIDERATIONS FOR SUBDIVISIONS

Nevada Revised Statutes 278.349

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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 the following:

- (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 in quantity 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 protection, transportation, recreation and parks;
- (e) General 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 or 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.
- (j) The availability and accessibility of fire protection, including, but not limited to, the availability and accessibility of water and services for the prevention and containment of fires, including fires in wild lands.

10-6-01

**WASHOE COUNTY  
CERTIFICATION OF PUBLIC RECORDS FORM  
(Pursuant to Nevada Revised Statute 239.030)**



This form should be completed upon request of any person seeking copies of a public record and provided at no charge unless a fee is otherwise provided for in state law.

I hereby certify that the public record(s) listed below provided to

\_\_\_\_\_ are a full, true, correct copy of the record on file

in the office of Community Development, on this  
28<sup>th</sup> Oct. day of 20 10.

**Records provided:**

1. Development Agreement
2. \_\_\_\_\_
3. \_\_\_\_\_
4. \_\_\_\_\_
5. \_\_\_\_\_

County of Washoe  
State of Nevada

Signed: Karin Kremers



Title: \_\_\_\_\_

Date: 10-28-10

10-680





## WASHOE COUNTY RECORDER

OFFICE OF THE RECORDER  
KATHRYN L. BURKE, RECORDER

1001 E. NINTH STREET  
POST OFFICE BOX 11130  
RENO, NEVADA 89520-0027  
PHONE (775) 328-3661  
FAX (775) 325-8010

### LEGIBILITY NOTICE

The Washoe County Recorder's Office has determined that the attached document may not be suitable for recording by the method used by the Recorder to preserve the Recorder's records. The customer was advised that copies reproduced from the recorded document would not be legible. However, the customer demanded that the document be recorded without delay as the parties rights may be adversely affected because of a delay in recording. Therefore, pursuant to NRS 247.120 (3), the County Recorder accepted the document conditionally, based on the undersigned's representation (1) that a suitable copy will be submitted at a later date (2) it is impossible or impracticable to submit a more suitable copy.

By my signing below, I acknowledge that I have been advised that once the document has been microfilmed it may not reproduce a legible copy.

*Lisa McNeill*

Signature

*10/21/2010*

Date

*Lisa McNeill*

Printed Name

10-680

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STATE OF NEVADA  
COUNTY OF WASHOE

Being first duly sworn, deposes and says: That as the legal clerk of the Reno Gazette-Journal, a daily newspaper of general circulation published in Reno, Washoe County, State of Nevada, that the notice referenced below has published in each regular and entire issue of said newspaper between the dates: **07/16/2010 - 07/23/2010**, for exact publication dates please see last line of Proof of Publication below.

Signed: \_\_\_\_\_



**JUL 23 2010**

Subscribed and sworn to before me



**Proof of Publication**

<B>NOTICE OF ADOPTION <BR>WASHOE COUNTY ORDINANCE NO. 1446  
<BR>BILL NO. 1627</B> <BR>An Ordinance pursuant to Nevada Revised Statutes  
<BR>278.0201 through 278.0207 approving Development <BR>Agreement Case Number  
DA10-001 to extend for two <BR>years, until July 24, 2012, for Tentative Subdivision Map  
<BR>Case Number TM0007-002 (Montreux 2000). The project <BR>was originally approved  
by the Washoe County Planning <BR>Commission on September 21, 2000, with the most recent  
<BR>approval for a one (1) year extension of time, by the <BR>Washoe County Planning  
Commission on July 7, 2009. The <BR>proposed Development Agreement will extend the  
approv- <BR>al of Tentative Subdivision Map, Case Number TM0007- <BR>002, as previously  
approved by the Washoe County Plan- <BR>ning Commission, until July 24, 2012, and that the direc- <BR>  
director of community development, at his sole discretion may <BR>grant up to two (2)  
additional one (1) year extensions, re- <BR>sulting in a possible final expiration date of July 24,  
2014. <BR>PUBLIC NOTICE IS HEREBY GIVEN that typewritten cop- <BR>ies of the  
above-numbered and entitled ordinance are <BR>available for inspection by the interested  
parties at the of- <BR>fice of the County Clerk of Washoe County, Nevada, at her <BR>office  
at the County Courthouse, 75 Court Street, Reno, <BR>Nevada; and that said ordinance was

1446 ✓

proposed by Com- <BR>missioner Humke on June 22, 2010, and following a public  
<BR>hearing, was passed and adopted without amendment at a <BR>regular meeting on July  
13, 2010, by the following vote of <BR>the Board of County Commissioners: <BR>Those  
Voting Aye: David Humke, Bonnie Weber, Bob Lark- <BR>in, John Breternitz, Kitty Jung  
<BR>Those Voting Nay: None <BR>Those Absent: None <BR>This Ordinance shall be in  
full force and effect from and <BR>after July 23, 2010, i.e., the date of the second publica-  
<BR>tion of such Ordinance by its title only. <BR>IN WITNESS WHEREOF, the Board of  
County Commis- <BR>ioners of Washoe County, Nevada, has caused this Ordi- <BR>nance to  
be published by title only. <BR>DATED: July 14, 2010 <BR>AMY HARVEY, Washoe  
County Clerk and <BR>Clerk of the Board of County Commissioners No 711966 July 16, 23,  
2010