



January 15, 2019

Washoe County
Community Services Department
1001 E. 9th Street, Bldg. A
Reno, NV 512

Re: Sun Mesa Tentative Map and Development Agreement (TM04-001 and DA09-002) – Request for Extension of Time

Dear Planning Department,

This is a request to amend Development Agreement Case No. DA09-002, to extend the terms of the Agreement for one year, from April 28, 2019 to a new expiration date of April 28, 2020. The Sun Mesa Tentative Map was initially approved in 2004 for a 207-lot subdivision. Since that time, two phases have been developed with a total of 104 lots, leaving 103 lots to be developed. The Sun Mesa Phase 3 Final Map was submitted to Washoe County on January 14, 2019.

The Sun Mesa Development Agreement and associated Tentative Map is set to expire on April 28, 2019. While the Sun Mesa Phase 3 Final Map was submitted to Washoe County for review on January 14, 2019, there is a chance the final map will not record by the expiration date. This is a request to add one additional year to the timeline, to allow sufficient time for the Phase 3 Final Map to be reviewed and recorded.

Project History

The Sun Mesa Tentative Map (TM04-001) was approved by the Washoe County Planning Commission on April 20, 2004. The project included a 207-lot common open space, single-family subdivision on a ±70.28-acre site. Lots ranged in size from ±6,534 square feet to ±35,719 square feet, with an average lot size of ±9,583 square feet. The project incorporated a ±12.21-acre common area in addition to the residential lots. The parcel is zoned Medium Density Suburban (MDS) and Open Space (OS) in the Sun Valley Area Plan.

Sun Mesa Phase I Final Map recorded on March 14, 2006 as Subdivision Tract Map 4618, containing 50 lots.

Sun Mesa Phase II Final Map recorded on May 16, 2007 as Subdivision Tract Map 4780, containing 54 lots.

On May 7, 2008, the County issued an Action Order, approving an Extension of Time Request for Tentative Subdivision Map Case No. TM04-001, extending approval of the Tentative Map to May 11, 2009.

On April 28, 2009, the Washoe County Board of Commissioners approved Development Agreement Case No. DA09-002, extending approval of the Tentative Map to April 28, 2014. Ordinance No.

1399 recorded on September 15, 2010 as Document No. 3922551. The Development Agreement recorded on September 20, 2010 as Document No. 3924186.

On August 27, 2013, the Washoe County Board of Commissioners approved an amendment to Development Agreement Case No. DA09-002 to extend the Agreement for ten years from the date of signing by the Board of County Commissioners, resulting in a new expiration date of April 28, 2019. The amended Development Agreement recorded on November 21, 2013 as Document No. 4302103.

If you have any questions, please do not hesitate to contact me at 775.827.6111.

Sincerely,

A handwritten signature in cursive script that reads "Angela Fuss".

Angela Fuss, AICP
Planning Manager



Sun Mesa Vicinity Map



Washoe County Development Application

Your entire application is a public record. If you have a concern about releasing personal information, please contact Planning and Building staff at 775.328.6100.

Project Information		Staff Assigned Case No.: _____	
Project Name: Sun Mesa Development Agreement Extension of Time			
Project Description: Request to amend DA09-002 to extend the terms of the Agreement for one-year to allow the Sun Mesa Phase 3 Final Map to record by April 28, 2020.			
Project Address: 0 Sun Mesa Drive			
Project Area (acres or square feet): 36.96 acres			
Project Location (with point of reference to major cross streets AND area locator): Located at the eastern terminus of 5th Avenue and east of Sun Mesa Drive			
Assessor's Parcel No.(s):	Parcel Acreage:	Assessor's Parcel No.(s):	Parcel Acreage:
504-460-02	36.969		
Indicate any previous Washoe County approvals associated with this application: Case No.(s). TM04-001 and DA09-002			
Applicant Information (attach additional sheets if necessary)			
Property Owner:		Professional Consultant:	
Name: Landstar Sun Mesa LLC		Name: Lumos & Associates	
Address: 18032 Lemon Drive, Ste. 367		Address: 9222 Prototype Drive	
Yorba Linda, CA	Zip: 92887	Reno, NV	Zip: 89521
Phone: 714-299-8549	Fax:	Phone: 827-6111	Fax:
Email: mike@landstarco.com		Email: afuss@lumosinc.com	
Cell:	Other:	Cell: 775-771-6408	Other:
Contact Person: Mike Masterson		Contact Person: Angela Fuss	
Applicant/Developer:		Other Persons to be Contacted:	
Name: Landstar Sun Mesa LLC		Name:	
Address: 18032 Lemon Drive, Ste. 367		Address:	
Yorba Linda, CA	Zip: 92887		Zip:
Phone: 714-299-8549	Fax:	Phone:	Fax:
Email: mike@landstarco.com		Email:	
Cell:	Other:	Cell:	Other:
Contact Person: Mike Masterson		Contact Person:	
For Office Use Only			
Date Received:	Initial:	Planning Area:	
County Commission District:		Master Plan Designation(s):	
CAB(s):		Regulatory Zoning(s):	

Property Owner Affidavit

Applicant Name: LANDSTAR SUN MESA LLC

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

STATE OF NEVADA)
)
COUNTY OF WASHOE)

I, Michael Masterson
(please print name)

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

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

Assessor Parcel Number(s): 504-460-02

Printed Name Michael Masterson

Signed [Signature]

Address 18032 Lemon Dr #367

TORRANCE CA 92866

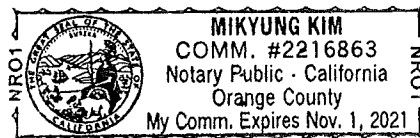
A notary public or other officer completing this certificate verifies only the identity of this individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

Subscribed and sworn to before me this 10 day of JANUARY, 2019.

(Notary Stamp)

Mikyung Kim (California) Orange
Notary Public in and for said county and state

My commission expires: Nov 1, 2021



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

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

Amendment of Conditions Application Supplemental Information

(All required Information may be separately attached)

Required Information

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

This is a request to amend Development Agreement Case No. DA09-002, to extend the terms of the Agreement for one year, resulting in a new expiration date of April 28, 2020. The Agreement is currently set to expire on April 28, 2019.

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

The proposed request will have no negative impacts to public health, safety or welfare.

The Sun Mesa Tentative Map was initially approved in 2004 for a 207-lot subdivision. Since that time, two phases have been developed with a total of 104 lots, leaving 103 lots to be developed. The Sun Mesa Phase 3 Final Map was submitted to Washoe County on January 14, 2019.

The Sun Mesa Development Agreement and associated Tentative Map is set to expire on April 28, 2019. While the Sun Mesa Phase 3 Final Map has been submitted to Washoe County for review, there is a chance the final map will not record by the expiration date. This is a request to add one additional year to the time line, to allow sufficient time for the Phase 3 Final Map to be reviewed and recorded prior to the expiration date.

Bill Detail

[Back to Account Detail](#)
[Change of Address](#)
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Washoe County Parcel Information		
Parcel ID	Status	Last Update
50446002	Active	1/14/2019 2:06:47 AM
Current Owner: LANDSTAR SUN MESA LLC 18032 LEMON DR STE 367 YORBA LINDA, CA 92887		SITUS: 0 SUN MESA DR WCTY NV
Taxing District 4020	Geo CD:	
Legal Description		
Township 20 Lot D Range 20 SubdivisionName SUN MESA PHASE 2		

Installments						
Period	Due Date	Tax Year	Tax	Penalty/Fee	Interest	Total Due
INST 1	8/20/2018	2018	\$0.00	\$0.00	\$0.00	\$0.00
INST 2	10/1/2018	2018	\$0.00	\$0.00	\$0.00	\$0.00
INST 3	1/7/2019	2018	\$662.77	\$0.00	\$0.00	\$662.77
INST 4	3/4/2019	2018	\$662.77	\$0.00	\$0.00	\$662.77
Total Due:			\$1,325.54	\$0.00	\$0.00	\$1,325.54

Tax Detail			
	Gross Tax	Credit	Net Tax
State of Nevada	\$240.33	(\$108.70)	\$131.63
Sun Valley GID	\$272.57	(\$130.40)	\$142.17
Truckee Meadows Fire Dist	\$763.41	(\$345.28)	\$418.13
Washoe County	\$1,967.47	(\$889.87)	\$1,077.60
Washoe County Sc	\$1,609.52	(\$727.97)	\$881.55
SPANISH SPRINGS WATER BASIN	\$0.15	\$0.00	\$0.15
Total Tax	\$4,853.45	(\$2,202.22)	\$2,651.23

Payment History				
Tax Year	Bill Number	Receipt Number	Amount Paid	Last Paid
2018	2018158185	B18.14872	\$662.92	7/31/2018
2018	2018158185	B18.14877	\$662.77	7/31/2018

Pay By Check

Please make checks payable to:
WASHOE COUNTY TREASURER

Mailing Address:
P.O. Box 30039
Reno, NV 89520-3039

Overnight Address:
1001 E. Ninth St., Ste D140
Reno, NV 89512-2845

Change of Address

All requests for a mailing address change must be submitted in writing, including a signature (unless using the online form).

To submit your address change online [click here](#)

Address change requests may also be faxed to:
(775) 328-2500

Address change requests may also be mailed to:
Washoe County Treasurer
P O Box 30039
Reno, NV 89520-3039

The Washoe County Treasurer's Office makes every effort to produce and publish the most current and accurate information possible. No warranties, expressed or implied, are provided for the data herein, its use, or its interpretation. If you have any questions, please contact us at (775) 328-2510 or tax@washoecounty.us

This site is best viewed using Google Chrome, Internet Explorer 11, Mozilla Firefox or Safari.



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

ACTION ORDER

April 21 2004

Greg Evangelatos, AICP
Landmark Homes
3086 Silversage Drive
Carson City, NV 89701

Warren B. Richardson Trust
3670 South Virginia Street
Reno, NV 89502

Dear Applicant and Property Owner:

As filed with the Department of Community Development, the Washoe County Planning Commission, at its regular meeting of April 20, 2004, approved the following, with seventy-six (76) conditions:

TENTATIVE SUBDIVISION MAP CASE NO. TM04-001 (SUN MESA) – To develop a 207-lot common open space, single-family subdivision on a ±70.28-acre site. Lots will range in size from ±6,534 square feet to ±35,719 square feet, with an average lot size of ±9,583 square feet. The project will incorporate a ±12.21-acre common area in addition to the residential lots. The proposed project site is located at the eastern terminus of Fifth Avenue in a portion of Section 20, T20N R20E, MDM, Washoe County, Nevada. The parcel is zoned Medium Density Suburban (MDS) and Open Space (OS) in the Sun Valley Area Plan. The property is within the Sun Valley Citizen Advisory Board boundary and Washoe County Commission District No. 5. (APN 083-061-08)

The approval was based on the following findings:

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

Adrian P. Freund,
AICP, Director



*Washoe County ... Where Quality Is At Home
"Dedicated to Excellence in Public Service"*

Letter to: Landmark Homes; Warren B. Richardson Trust
Subject: Tentative Subdivision Map Case No. TM04-001
Date: April 21 2004
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5. Fish or Wildlife. That neither the design of the subdivision nor any proposed improvements is likely to cause substantial environmental damage, or substantial and avoidable injury to any endangered plant, wildlife or their habitat;
6. Public Health. That the design of the subdivision or type of improvement is not likely to cause significant public health problems;
7. Easements. That the design of the subdivision or the type of improvements will not conflict with easements acquired by the public at large for access through, or use of property within, the proposed subdivision;
8. Access. That the design of the subdivision provides any necessary access to surrounding, adjacent lands and provides appropriate secondary access for emergency vehicles;
9. Dedications. That any land or improvements to be dedicated to the County is consistent with the Comprehensive Plan;
10. Energy. That the design of the subdivision provides, to the extent feasible, for future passive or natural heating or cooling opportunities in the subdivision; and
11. Reasoned Consideration. That the Planning Commissioners gave reasoned consideration to the information contained within the staff report and information received during the meeting.

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

Yours truly,

Adrian P. Freund, AICP
Director and Secretary to the Planning Commission
APF/SD/cm (TM04-001f1)

xc: Cynthia Albright, AICP, Division Manager, Stantec Consulting, Inc., 6980 Sierra Center Parkway, Suite 100, Reno, NV
James Barnes, DA's Office; Marge Claussen, Assessor's Office (CAAS); Steve Churchfield, Chief Appraiser, Assessor's Office; Kathy Laster, Department of Water Resources, Engineering Division; Truckee Meadows Division, Reno Fire Department; Sun Valley Citizen Advisory Board; Sun Valley General Improvement District; Washoe County Sheriff's Office; 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, Sun Valley Citizen Advisory Board, Chair

Letter to: Landmark Homes; Warren B. Richardson Trust
Subject: Tentative Subdivision Map Case No. TM04-001
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**AMENDED CONDITIONS FOR
TENTATIVE SUBDIVISION MAP CASE NO. TM04-001
SUN MESA SUBDIVISION**

**(As approved by the Washoe County Planning Commission on April 20, 2004,
and as amended by the Washoe County Planning Commission on May 3, 2005)**

INSTRUCTIONS

*****IMPORTANT—PLEASE READ*****

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

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

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

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

Letter to: Landmark Homes; Warren B. Richardson Trust
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STATUTES, ORDINANCES, RULES, REGULATIONS AND POLICIES.

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

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

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

FOR THE PURPOSES OF CONDITIONS IMPOSED BY WASHOE COUNTY, "MAY" IS PERMISSIVE AND "SHALL" OR "MUST" IS MANDATORY.

GENERAL CONDITIONS

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

Regulatory Zone for Review Purposes	Common Open Space Development MDS (Max. 3 unit/acre)
Minimum Lot Area Required	6,534 square feet
Minimum Lot Width	65-feet
Minimum Front Yard	20-feet
Minimum Side Yard	8-feet
Minimum Rear Yard	20-feet
Maximum Building Height	35 feet / 2-story maximum

Note: Variances to these standards may be processed per Washoe County Code.

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

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

Letter to: Landmark Homes, Warren B. Richardson Trust
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2. 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: _____

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

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

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

5. The developer shall be required to participate in any applicable General Improvement District or Special Assessment District formed by Washoe County. The applicable County Department shall determine compliance with this condition.

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

Letter to: Landmark Homes; Warren B. Richardson Trust
Subject: Tentative Subdivision Map Case No. TM04-001
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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.

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

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

NOTE

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

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

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

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

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

Letter to: Landmark Homes; Warren B. Richardson Trust
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9. The developer and all successors shall direct any potential purchaser of the site to meet with the Department of Community Development to review conditions of approval prior to the final sale of the site. Any subsequent purchasers of the site shall notify the Department of Community Development of the name, address, telephone number and contact person of the new purchaser within thirty (30)-days of the final sale.

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

10. A complete set of construction improvement drawings, including an onsite grading plan, shall be submitted to the County Engineer for approval prior to finalization of any portion of the tentative map. Grading shall comply with best management practices and shall 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. The Engineering Division shall determine compliance with this condition.

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

11. All open space shall be identified as common area on the final map. A note on the final map shall indicate that all common areas shall be privately maintained and perpetually funded by the Homeowner's 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.

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

12. Prior to finalization of the first final map, a fault study shall be provided that addresses fault location, age and setback requirements for any faults that affect the site. The County Engineer shall determine compliance with this condition.

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

Letter to: Landmark Homes; Warren B. Richardson Trust
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13. Appropriate public access easement(s) shall be provided over all common areas intended to be a community amenity. The County Engineer shall determine compliance with this condition.

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

14. Any existing easements or utilities that conflict with the development shall be relocated, quitclaimed and/or abandoned. The County Engineer shall determine compliance with this condition.

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

15. Any easement documents recorded for the project shall include an exhibit map showing the location and limits of the easement in relationship to the project. The County Engineer shall determine compliance with this condition.

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

DRAINAGE

Drainage (County Code 110.420)

16. The master hydrology/hydraulic report shall address the overflow and/or draining of the existing water tank located just south of the site. An overflow route shall be provided through the subdivision for any water tank flows that impact the site. The report shall show that water tank flows can be carried in the proposed overflow system or storm drain system when there are no storm flows in the system. The County Engineer shall determine compliance with this condition.

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

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17. The master hydrology/hydraulic report shall address the need for the existing rock filled ditch located on site and referenced in the Feasibility-Level Geotechnical Investigation prepared by Black Eagle Consulting, Inc., dated May 23, 2001. Any flows associated with this trench shall be perpetuated. The County Engineer shall determine compliance with this condition.

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

18. The master hydrology/hydraulic report shall address any impacts of Sun Mesa discharging storm drain flows to the existing Stone Canyon detention pond north of 5th Avenue. The report shall analyze the impacts of both altered hydrograph inflow timing and hydrograph volume due to development of Sun Mesa. The storm frequencies used in these calculations shall match those used for the original Stone Canyon detention pond design. Mitigation shall be provided for any adverse effects on the existing Stone Canyon pond due to development of Sun Mesa. The County Engineer shall determine compliance with this condition.

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

19. All hydrology reports shall use the current rainfall data in the Washoe County Hydrologic Criteria and Drainage Design Manual. The County Engineer shall determine compliance with this condition.

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

20. Stormwater detention pond design shall be based on an acceptable pond routing calculation method that includes routing inflow hydrographs through the pond to obtain the associated outflow hydrographs. The County Engineer shall determine compliance with this condition.

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

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21. Maintenance access is required for all proposed drainage facilities. Improved vehicular access is required for all detention ponds. The County Engineer shall determine compliance with this condition.

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

22. No slopes, other than appropriately armored ditches or retaining walls, shall be graded steeper than 3:1. The County Engineer shall determine compliance with this condition.

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

23. The Truckee Meadows Regional Stormwater Quality management Program Construction Permit Submittal Checklist and Inspection Fee shall be submitted with each final map. The County Engineer shall determine compliance with this condition.

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

24. Due to the limited capacity in the existing drainage system on Whitehorse Avenue, flows shall not be increased to Whitehorse Avenue unless the existing system is improved to handle the increased flow. 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: _____

25. Type-11 drop inlets proposed in the Conceptual Drainage Report are not acceptable for use in County streets. Type-4 catch basins with slotted drains or a series of Type-4 catch basins shall be substituted for the Type-11 drop inlets. 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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26. Drainage easements shall be provided over all drainage features located outside of a street right-of-way. The County Engineer shall determine compliance with this condition.

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

27. Slopes and retaining walls shall be set back from the exterior project boundary in accordance with the following:

- a) Top of Cut Slope/Retaining Wall. The top of cut slopes/retaining walls shall not be made nearer to the exterior project boundary line than $1/5$ of the vertical height of cut with a minimum of a 2-foot setback and a maximum of a 10-foot setback. The setback shall be increased as necessary to accommodate any required interceptor drains.
- b) Toe of Fill Slope/Retaining Wall. The toe of fill slopes/retaining walls shall not be made nearer to the exterior project boundary line than $1/2$ the vertical height of the slope with a minimum of a 2-foot setback and a maximum of a 20-foot setback. The setback shall be increased as necessary to accommodate any required interceptor drains.

The County Engineer shall determine compliance with this condition.

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

28. 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. The Engineering Division shall determine compliance with this condition.

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

Letter to: Landmark Homes; Warren B. Richardson Trust
Subject: Tentative Subdivision Map Case No. TM04-001
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29. Prior to finalization of the first final map, a master hydrology/hydraulic report and a master storm drainage plan shall be submitted to the County Engineer for approval. The Engineering Division shall determine compliance with this condition.

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

30. 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 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.

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

31. Any increase in stormwater runoff resulting from the development and based on the 5- and 100-year storm(s) shall be detained. The County Engineer shall be responsible for determining compliance with this condition.

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

32. 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 Letter of Map Revision is submitted or until conformance with Washoe County flood construction standards is determined by the County Engineer. The Engineering Division shall determine compliance with this condition.

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

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33. Standard reinforced concrete headwalls or other approved alternatives shall be placed on the inlet and outlet of all drainage structures, and grouted rock riprap shall be used to prevent erosion at the inlets and outlets of all pipe culverts to the satisfaction of the Engineering Division.

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

34. The developer shall provide for pretreatment for petrochemicals and silt for all storm drainage from the site to the satisfaction of the Engineering Division.

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

35. Drainage swales that drain more than two lots are not allowed to flow over the curb into the street; these flows shall be intercepted by an acceptable storm drain inlet and routed into the storm drain system. The County Engineer shall be responsible for determining compliance with this condition.

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

36. A note on the final map shall indicate that all drainage facilities not maintained by Washoe County shall be privately maintained and perpetually funded by a homeowner's association. As an alternative to a homeowner's association, the developer may request the establishment of a County Utility Service Area under which fees would be paid for maintenance of the proposed storm drainage detention facility. The fee amount will be based on the additional service above that is normally provided by the County to maintain new stormwater facilities dedicated by the developer (i.e., curb and gutter, drop inlets and piping). The County Engineer shall be responsible for determining compliance with this condition. The maintenance and funding of these drainage facilities shall also be addressed in the CC&Rs to the satisfaction of the District Attorney's Office.

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

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37. The maximum permissible flow velocity (that which does not cause scour) shall be determined for all proposed channels and open ditches. The determination shall be based on a geotechnical analysis of the channel soil, proposed channel lining and channel cross section, and it shall be in accordance with acceptable engineering publications/calculations. Appropriate linings shall be provided for all proposed channels and open ditches such that the 100-year flows do not exceed the maximum permissible flow velocity. The County Engineer shall determine compliance with this condition.

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

TRAFFIC

Traffic (County Code No. 110.436)

38. All roadway improvements necessary to serve the project shall be designed and constructed to the 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.

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

39. For any utilities placed in existing County streets, the streets shall be repaired to the satisfaction of the County Engineer. At a minimum, this will require full depth removal and replacement of asphalt for half the street width, or replacement of non-woven pavement reinforcing fabric with a 2" asphalt overlay for half the street width. Type II slurry seal is required for the entire street width with either option. Full width street improvements may be required if the proposed utility location is too close to the centerline of the existing street. The County Engineer shall determine compliance with this condition.

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

Letter to: Landmark Homes; Warren B. Richardson Trust
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40. An offset distance of more than 200' is required between all intersections including between the following intersections.

- a. Future Klondike Drive/5th Avenue and Sun Mesa Drive/5th Avenue.
- b. Sunburst Lane/Sun Mesa Drive and Sunrise Way/Sun Mesa Drive.

The County Engineer shall determine compliance with this condition.

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

41. Sun Mesa Drive shall be constructed to a collector standard (52' right-of-way) from 5th Avenue to the first intersection of Sun Mesa Drive/Sunrise Way. The County Engineer shall determine compliance with this condition.

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

42. Proposed landscaping, signage, retaining walls and/or fencing along street rights-of-way shall be designed to meet the American Association of State Highway and Transportation Officials (AASHTO) sight distances and safety guidelines. AASHTO intersection sight distances at the intersection of 5th Avenue/Sun Mesa Drive shall be based on a 35 mph design speed. AASHTO intersection sight distances at all other intersections within the subdivision shall be based on a 30 mph design speed. The County shall have the right to prohibit or remove any obstructions within the sight distance easement. The County Engineer shall determine compliance with this condition.

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

43. A minimum 100' tangent length shall be provided between the two horizontal curves on Sun Mesa Drive in the vicinity of lots 76 and 77. The County Engineer shall determine compliance with this condition.

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

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44. Sun Mesa Drive shall intersect 5th Avenue at a 90° angle. The County Engineer shall determine compliance with this condition.

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

45. Street names shall be reviewed and approved by the Regional Street Naming Coordinator. No street shall intersect another street at more than one location. The existing Whitehorse Avenue street name shall be extended into the subdivision to the satisfaction of the Regional Street Naming Coordinator. The County Engineer shall determine compliance with this condition.

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

46. AASHTO clear zones shall be determined for all streets adjacent to retaining walls or slopes steeper than 3:1. If a recoverable or traversable clear zone cannot be provided, an analysis to determine if barriers are warranted shall be submitted for approval. The County Engineer shall be responsible for determining compliance with this condition.

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

47. All retaining walls that are adjacent to, provide support for or retain soil from the County right-of-way shall be constructed of reinforced masonry block or reinforced concrete meeting County standards. The County Engineer shall determine compliance with this condition.

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

48. No retaining walls that retain soil from the County right-of-way shall be located within a plowed snow storage easement. 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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49. Prior to approval of the first final map, provide documentation that establishes the location of the presumed public road identified on the map titled "Public Roads Reno" (dated March 1999 and prepared by Washoe County) that is in the immediate vicinity of the southwestern portion of the subdivision. If the presumed public road is located within the subdivision, a travel way shall be perpetuated for the presumed public road with each affected final map. The County Surveyor shall determine compliance with this condition.

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

50. A note on the final map shall state that no direct access from individual lots shall be allowed onto the 30' access easement created by Land Map 67 and adjacent to the northern boundary of the subdivision. The County Engineer shall determine compliance with this condition. This note shall also be included 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: _____

51. A 5' wide concrete sidewalk shall be constructed on the south side of 5th Avenue adjacent to the project site. The sidewalk shall extend westward to the existing driveway apron in the Klondike Drive right-of-way. The County Engineer shall determine compliance with this condition.

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

52. A 4" diameter subdrain shall be placed along all street rights-of-way and shall be tied into the storm drain system. The subdrain shall be placed between 3' and 4.5' deep and shall be backfilled with Class B backfill. The subdrain shall be wrapped with approved geofabric. The County Engineer shall determine compliance with this condition.

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

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53. A geotechnical report shall be submitted for each final map. All fine grained or expansive soils shall be overexcavated beneath all sidewalks, curb and gutter, driveway aprons, and asphalt pavement. Depth of overexcavation below subgrade elevation shall be in conformance with the following chart to the satisfaction of the County Engineer.

<u>Plasticity Index</u>	<u>Depth of Overexcavation, ft.</u>
10-20	2
20-30	3
30-40	4
40-50	5
>50	6

The County Engineer shall determine compliance with this condition.

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

54. The geotechnical report shall address water migrating through utility service trenches ultimately saturating the roadway subgrade. The County Engineer shall determine compliance with this condition.

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

55. No tree shall overhang the curb line of a County street. The County Engineer shall determine compliance with this condition.

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

56. No knuckle (Sunrise Court) shall be constructed to Sunset Way. Sunrise Court shall be eliminated or redesigned such that it is long enough to form a standard intersection with Sunset Way. The County Engineer shall determine compliance with this condition.

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

CONDITIONS, COVENANTS AND RESTRICTIONS

57. Conditions, covenants, and restrictions (CC&Rs), including any supplemental CC&Rs, shall be reviewed, approved and recorded by the District Attorney's office. The final CC&Rs shall be signed and notarized by the owner(s) and submitted to the District Attorney's office with the recordation fee prior to the recordation of the final map. The CC&Rs shall require all phases and units of the subdivision approved under this tentative map to be subject to the same CC&Rs, be under the authority of the same homeowners association, and be under the authority of the same architectural control committee. Washoe County shall be made a party to the applicable provisions of the CC&Rs to the satisfaction of the District Attorney's Office. Said CC&Rs shall specifically address the potential for liens against the property and the individual property owner's responsibilities for the funding of maintenance, replacement, and perpetuation of the following items, at a minimum:
- a. Mandatory solid waste collection.
 - b. The availability of a curbside recycling program.
 - c. Fence material, height, and location limitations. Fencing of individual lot lines adjacent to common open space or public lands along the southern property line is limited to vinyl-coated chain link, colored either dark brown or black. Along the three open space access ways, fence construction shall be limited to either solid fences which may be up to four and one-half (4.5) feet in height, or vinyl-covered chain link fencing colored black or dark brown, which may be allowed up to six (6) feet in height.
 - d. Open space access. Access to the open space shall be from the one designated access point on the map (between lots 47 & 48). No individual gates joining private lots to the open space shall be allowed.
 - e. Maintenance of the public access easement(s), common areas, and common open spaces.
 - f. Maintenance of detention basins and drainage facilities.
 - g. Passive or natural heating or cooling opportunities.
 - h. Maintenance of fire fuel breaks and vegetation mitigation/controls.

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- i. Landscaping, including trees, shrubs, and groundcover, appropriate to the local soil type and climate shall be provided for the common area on the south side of Fifth Avenue around the proposed detention basin and the main subdivision entryway. Irrigation and maintenance plans for the landscaping shall be specified in the CC&Rs and shall be the responsibility of the Homeowner's Association. Community Development will determine compliance with this condition.

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

PARKS AND RECREATION

58. The open space access easement, located between lots 47 and 48, shall be clearly signed as "Public Access" and "Non-Motorized Use Only". The applicant shall confer with the Parks and Recreation Department as to the creation of the public access to surrounding common open space on east side prior to recordation of the first final map. The Department of Community Development and the Parks and Recreation Department shall determine compliance with this condition.

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

59. The applicant shall work with the Parks and Recreation Department for the possible construction and dedication of the park site location within the subdivision. If the Parks Department does not accept the park site into its system, then the park site shall become the detention basin for the subdivision, and be designed with grass and trees as shown in the attached photo, and to the standards of the County Engineer. If the site becomes the detention basin, then it should be under the ownership of the Homeowner's Association (HOA), and maintained by the HOA as well. The Department of Community Development, Parks and Recreation and the County Engineer shall work with the applicant on final design of this site, park or detention basin. Compliance with this condition shall be determined by all three departments mentioned above.

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

WASHOE COUNTY SCHOOL DISTRICT

60. The developer shall be required to meet with the Washoe County School District (WCSD), Engineering and Community Development staff to consider alternatives to extend a sidewalk or path to Sun Valley Elementary School, thereby ensuring a safe route for children walking from this project to that school. The Department of Community Development shall determine compliance with this condition.

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

WATER AND SEWER

61. Water rights necessary to serve this project shall be dedicated to Washoe County, per Article 422 of the Washoe County Development Code. A water rights lease agreement shall be executed between Washoe County and Sun Valley General Improvement District. The Department of Water Resources shall determine compliance with this condition.

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

62. Said property must be successfully annexed to the Sun Valley General Improvement District (GID) service area prior to recordation of any final map, and shall adhere to all Sun Valley GID requirements for all services provided by the Sun Valley GID to the development. The Department of Water Resources shall determine compliance with this condition.

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

63. Washoe County Water Rights Certificate Signature block needs to be added to jurat. The Department of Water Resources shall determine compliance with this condition.

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

Letter to: Landmark Homes; Warren B. Richardson Trust
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64. In accordance with applicable ordinances, all sewer service connection fees shall be paid for each service, within the boundaries of the final map, prior to the Department of Water Resources approval. The Department of Water Resources shall determine compliance with this condition.

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

FIRE SAFETY

65. A fire fuel break which is acceptable to the Reno Fire Department shall be provided and maintained around the perimeter of the subdivision and in and around the common spaces. Provide a written plan for approval by the Reno Fire Department detailing who will be responsible for maintenance of the fire fuel breaks and how often maintenance will be provided. Reno Fire Department shall determine compliance with this condition.

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

66. Water protection shall meet duration and flow requirements as outlined in Washoe County Code 60. Hydrant locations shall be submitted for approval to the Reno Fire Department who shall determine compliance with this condition.

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

WASHOE—STOREY CONSERVATION DISTRICT

67. A review letter from the Washoe-Storcy Conservation District (WSCD) shall be submitted to the County Engineer prior to the "red line" meeting. The WSCD recommendations shall be implemented with the appropriate design/specifications included in the construction drawings to the satisfaction of the County Engineer. The County Engineer shall determine compliance with this condition.

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

Letter to: Landmark Homes; Warren B. Richardson Trust
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68. Applicant shall be required to limit slopes on lots to a 3:1 slope and revegetate all altered slopes to Washoe-Storey Conservation District recommendations. The County Engineer shall determine compliance with this condition.

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

LANDSCAPING AND COMMON OPEN SPACE

69. All open space shall be identified as common area on the final map. A note of the final map shall indicate that all common areas shall be privately maintained and perpetually funded by the Homeowner's 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.

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

70. Prior to approval of the first final map, the developer shall submit the following plans and provisions for the common open space areas. The County Engineer and the Department of Community Development shall be responsible for determining compliance with this condition.

- a. Three-Year Maintenance Plan: Provisions shall be made to monitor and maintain, for a period of three (3) years regardless of ownership, a maintenance plan for the common open space area. The maintenance plan for the common open space area shall, at a minimum, address the following:

- 1) Vegetation management;
- 2) ~~Watershed~~ management;
- 3) Debris and litter removal;
- 4) Fire access and suppression;
- 5) Maintenance of public access and/or maintenance of limitations to public access; and
- 6) Specify who will maintain common areas and how frequently maintenance will be done.
- 7) Other factors deemed necessary by the Director of Community Development, the Planning Commission or the Board of County Commissioners.

Letter to: Landmark Homes; Warren B. Richardson Trust
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- b. Permanent Preservation and Maintenance: Provisions shall be made for the permanent preservation and ongoing maintenance of the common open space and other common areas using a legal instrument acceptable to Washoe County.
- c. Screening and Buffering of Adjoining Development: Provisions shall be made to assure adequate screening and buffering of existing and potential developments adjoining the proposed common open space development.
- d. Common Open Space Restrictions: Designated common open space shall not include areas devoted to public or private vehicular streets or any land which has been, or is to be, conveyed to a public agency via a purchase agreement for such uses as parks, schools or other public facilities.
- e. Design Review Committee: The applicant shall be required to go the Design Review Committee (DRC) in the event that the Parks Department does not accept the park site into the county park system. The DRC shall review the design of the detention basin to correspond to the attached photograph. (see Exhibit-A).

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

71. Development shall be in substantial compliance with the provisions of the Article 408 – Common Open Space Development, of the Development Code. The permitted exceptions to the Development Code allow: a minimum lot size of 6,534 square feet, a minimum front and rear yard setback requirements of 20 feet, a minimum side yard setback requirement of 8 feet. The first and each succeeding final map shall not exceed the average gross density of 2.9 units per acre. Each final map shall contain a cumulative table of the above information. 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: _____

72. The applicant shall be required to provide "split-level" home design(s) in order to accommodate the proposed grading for the project site. The Department of Community Development shall determine compliance with this condition.

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

Letter to: Landmark Homes; Warren B. Richardson Trust
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73. The applicant will be responsible for meeting with the Design Review Committee (DRC) to review and finalize all plans as they relate to all proposed landscaping of the subdivision; (entry and along Fifth Avenue) to include; types and sizes of all plants and plant materials; irrigation, fencing materials, and project signage.

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

AVIGATION EASEMENT

74. The property owner(s) shall grant an Avigation Easement to, and acceptable to, the Airport Authority of Washoe County over the entire property. The property owner(s) shall provide the Planning Department with appropriate documentation indicating the Avigation Easement has been granted and accepted by the Airport Authority of Washoe County, prior to the issuance of a building permit. The Airport Authority and the Department of Community Development shall determine compliance with this condition.

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

75. The applicant(s) and/or property owner(s) shall provide a list, verified by a qualified acoustical consultant, of construction methods to be utilized for noise attenuation to a maximum interior noise level of 45 dBA Ldn prior to the issuance of a building permit. The Airport Authority shall determine compliance with this condition.

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

76. Prior to the use of explosives or blasting materials the applicant will be required to give 72-hours notice to all adjacent property owners within a 750-foot radius. Blasting hours will be limited to 8:00 a.m. to 5:00 p.m., Monday through Friday only. A copy of the notice will be submitted to the Department of Community Development one week prior to the occurrence of blasting, with a preliminary schedule of all blasting to take place. The Department of Community Development shall determine compliance with this condition.

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

STANDARD CONSIDERATIONS FOR SUBDIVISIONS

Nevada Revised Statutes 278.349

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

- (a) Environmental and health laws and regulations concerning water and air pollution, the disposal of solid waste, facilities to supply water, community or public sewage disposal and, where applicable, individual systems for sewage disposal;
- (b) The availability of water which meets applicable health standards and is sufficient 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) 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 flood plain, slope and soil;
- (i) The recommendations and comments of those entities reviewing the tentative map pursuant to NRS 278.330 to 278.348, inclusive; and
- (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.



Community Development

"Dedicated to Excellence in Public Service"

Adrian P. Freund, FAICP, Community Development Director



ACTION ORDER

May 7, 2008

Landmark Homes
Sun Mesa, LLC
Attn: Susan Dorr
985 Damonte Ranch Parkway
Reno, NV 89521

Dear Applicant:

As filed with the Department of Community Development, the Washoe County Planning Commission, at its regular meeting of May 6, 2008, approved the following, subject to the original conditions of approval:

EXTENSION OF TIME REQUEST FOR TENTATIVE SUBDIVISION MAP CASE NO. TM04-001 (SUN MESA) - To extend for one year, until May 11, 2009, the approval of a 207-lot, single-family, common open space subdivision. Lots will range in size from ±6,534 square feet to ±35,719 square feet, with an average lot size of ±9,583 square feet. The project will incorporate ±12.21 acres of common area in addition to the residential lots. The proposed project site is located at the eastern terminus of Fifth Avenue in a portion of the NE ¼ of Section 20, T20N R20E, MDM, Washoe County, Nevada. The parcel is zoned Medium Density Suburban (MDS) and Open Space (OS) in the Sun Valley Area Plan. The property is within the Sun Valley Citizen Advisory Board boundary and Washoe County Commissioner District No. 5. (APN 504-460-01)

The approval was based on the following findings:

1. That the conditions of approval ensure consideration of the items enumerated in NRS 278.360,
2. That the original findings remain valid, and
3. That the circumstances have not appreciably changed since the original approval.

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

Telephone: 775.328.3600 – Fax: 775.328.3648

www.washoecounty.us/comdev/

"Your Community Development Department"

Letter to: Landmark Homes/Sun Mesa, LLC
Subject: Extension of Tentative Subdivision Map No. TM04-001
Date: February 7, 2007
Page: 2

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

Yours truly,



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

APF/SDM/cm/(TM04-001F3ext)

Attachment: Action Order of April 21, 2004

xc. Stantech Consulting Inc., Attn: Jim Pringle and Misty Capriotti, 6980 Sierra Center Parkway., Reno, NV 89511; Ted S. Brown, P.E., P.O. Box 19100, Reno, NV 89511

Blaine E. Cartledge, DA's Office; Marge Clausen, Assessor's Office (CAAS); Steve Churchfield, Chief Appraiser, Assessor's Office; David Lindsey, Department of Water Resources, Engineering Division; Reno Fire Department, Daniel Birkel; Sun Valley Citizen Advisory Board, Chair

(April 20, 2004)
Agenda Item No: 4
Staff Recommendation: **CONDITIONAL
APPROVAL.**

**WASHOE COUNTY DEPARTMENT OF COMMUNITY DEVELOPMENT
STAFF REPORT**

To: Washoe County Planning Commission

Re: Tentative Subdivision Map Case No. TM04-001 (Sun Mcsa)

Date: April 12, 2004

Prepared By: Sandra Dutton

GENERAL INFORMATION SUMMARY

Applicant: Landmark Homes

Requested Action: To develop a 207-lot common open space, single family subdivision on a ±70.28-acre site. Lots will range in size from ±6,534 square feet to ±35,719 square feet, with an average lot size of ±9,583 square feet. The project would incorporate a ±12.21-acre common area in addition to the residential lots. **The proposed project site is located at the eastern terminus of Fifth Avenue in a portion of Section 20, T20N R20E, MDM, Washoe County, Nevada.** The parcel is zoned Medium Density Suburban (MDS) and Open Space (OS) in the Sun Valley Area Plan. The property is within the Sun Valley Citizen Advisory Board boundary and Washoe County Commissioner District No. 5. (APN: 83-061-08)

RECOMMENDATION/FINDINGS

Based upon the staff analysis, comments received, and the site inspection, staff recommends approval of the request with conditions and offers the following motion for your consideration:

The Washoe County Planning Commission conditionally approves the Tentative Subdivision Map Case No. TM04-001 for Sun Mcsa having made the following findings in accordance with Washoe County Development Code Section 110.608.25 and Nevada Revised Statutes 278-349:

1. Plan Consistency. That the proposed map is consistent with the Comprehensive Plan and any specific plan;

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2. Design or Improvement. That the design or improvement of the proposed subdivision is consistent with the Comprehensive Plan and any specific plan;
3. Type of Development. That the site is physically suited for the type of development proposed;
4. Availability of Services. That the subdivision will meet the requirements of Article 702, Adequate Public Facilities Management System;
5. Fish or Wildlife. That neither the design of the subdivision nor any proposed improvements is likely to cause substantial environmental damage, or substantial and avoidable injury to any endangered plant, wildlife or their habitat;
6. Public Health. That the design of the subdivision or type of improvement is not likely to cause significant public health problems;
7. Easements. That the design of the subdivision or the type of improvements will not conflict with easements acquired by the public at large for access through, or use of property within, the proposed subdivision;
8. Access. That the design of the subdivision provides any necessary access to surrounding, adjacent lands and provides appropriate secondary access for emergency vehicles;
9. Dedications. That any land or improvements to be dedicated to the County is consistent with the Comprehensive Plan;
10. Energy. That the design of the subdivision provides, to the extent feasible, for future passive or natural heating or cooling opportunities in the subdivision; and
11. That the Planning Commissioners gave reasoned consideration to the information contained within the staff report and information received during the meeting.

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ANALYSIS

Background/Proposal:

This is a request to develop a 207-lot single-family subdivision with common open space. The project area is approximately 70-acres, of which 12-acres will make up the common open space, and approximately 3-acres will be a park site/detention basin within the subdivision. Lot sizes are expected to range from $\pm 6,534$ square feet to $\pm 35,719$ square feet, with an average lot size of $\pm 9,583$ square feet. Larger lots will be sited adjacent to existing development as required by Section 110.434.25 Lot Adjacency Standards of the Development Code. This subdivision was previously approved in a Final Order dated May 3, 2001 (Case File: TM0103-001). However, the owners did not complete the approval process and let the approval lapse. This application is slightly different than the one approved in 2001 in regards to the number of lots, common area, lot size, and road layout.

The subject site is located on the east side of Sun Valley at the eastern terminus of Fifth Avenue. The property is situated on the western foot of a ridge separating Sun Valley from Spanish Springs Valley. Elevations on the site range from a low of 4,760 feet at the northwest corner of the property to 4,825 feet along the eastern border. The majority of the site is shown to be "most suitable" for development on the Sun Valley Development Suitability Map. Ridgelines and slopes in excess of 15% are located at the eastern section of the site and are proposed to be utilized as common open space to protect the visual and recreational amenities for the Sun Valley residents. The applicant has proposed that the open space area will be maintained by the homeowners' association.

The Stone Canyon Subdivision is located immediately to the north of the proposed subdivision with established mobile home developments to the west and southwest of the site. A 320-acre parcel to the south is federally owned while a 146-acre parcel to the east falls under private ownership.

The Proposed Development:

Clustering:

Clustering is defined as "A design technique that concentrates buildings in specific areas on a site to allow remaining land to be used for recreation, common open space, or the preservation of historically or environmentally sensitive features" (*Glossary of Zoning Development, and Planning Terms, PAS No. 491/492, pg. 64.*)

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The development meets the standards set forth within the Washoe County Development Code, Article 408 *Common Open Space Development*. Article 408 sets forth "regulations to permit variation of lot size, including density transfer subdivisions, in order to preserve or provide open space, protect natural and scenic resources, achieve a more efficient use of land, minimize road building, and encourage a sense of community." With the proposed lot configuration, approximately 12.21 acres of open space are preserved. The open space acreage includes the sloped areas and ridge tops along the eastern border of the project site. The overall density is 2.9 units per acre (207 units divided by 70.5 acres), which is consistent with the Medium Density Suburban (MDS) regulatory zone standards.

The project site is challenging in regards to overall grading, consequently, the applicant is proposing split-level designed homes with daylight basements. This particular design is attractive in that it will minimize the amount of grading that will be necessary in the construction of the subdivision and help to mitigate visual issues that arise from large cuts and fills on site. Additionally, by constructing a common open space subdivision, it will provide an open space amenity for the residents to access and use on a daily basis, and thereby not only providing for a visually pleasing component of the area, but a usable one as well.

Roads, Access & Streetscapes:

Proposed are two access points to the subdivision, with the main access off of Fifth Avenue, and a secondary access out to Whitehorse Avenue. The common open space access point is proposed to be located between lots 47 & 48. This access point will feed directly or nearly directly onto existing trails running around and along the ridgeline to the east. The County Parks and Recreation Department is requesting two more access points be provided. Possibly near lot 56, and one more near lot 37. Parks is also requesting that the access be at least 10-feet wide. The applicant is in agreement with providing access to the open space of the subdivision, and will meet with the Parks Department staff to determine final access points and design.

The applicant is proposing a 3-acre park site to be located at the northwestern portion of the subdivision, and is working with Washoe County Parks and Recreation Department to determine final design requirements/criteria. The park would also act as the detention basin for the subdivision. Staff would like Commission members to know that discussions are still taking place between the applicant and Washoe County Parks and Recreation as to the possibilities of the park being dedicated to the county in the event the county would assume the park site and therefore becoming part of the county parks system. In the event that Parks and Recreation does not accept the site for inclusion into the parks system, then the site would act solely as the detention basin for the subdivision and designed as such. Staff has included a photo of what staff would ultimately like the detention basin to look like, however, county Engineering staff is also reviewing this component of the proposed park site as it relates to the detention basin design, and will also have some input as to it's final design and conditions.

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Access to the proposed Sun Mesa subdivision will be provided primarily from East Fifth Avenue, currently a paved two-lane facility with a posted speed of 25 mph, with secondary access from Whitehorse Avenue. Solacgui Engineers performed a traffic study for the site, which was forwarded to the Washoe County Engineer Division for review. The report states that the project is expected to generate 1,962 average daily trips with 154 trips occurring during the AM peak hour and 207 trips occurring during the PM peak hour. Fifth Avenue was reviewed for capacity for the 2012 and 2020 traffic volumes based on daily level of service thresholds established by the Regional Transportation Commission. Fifth Avenue was reviewed as a collector and low access control arterial.

The traffic analysis from Solacgui Engineers has been included with this report for your review. Washoe County Traffic Engineer states that in order to maintain a Level of Service (LOS) of C, the maximum ADT (Average Daily Trip) for collector status streets is 7,300. The existing ADT's for Fifth Avenue, using 2020 projections is as follows:

Existing ADT:	3,800
Existing plus project:	5,070
ADT at 2020:	6,020

In summary, the traffic engineer is stating that the County level of service of C will be maintained once the project is completed.

The applicant has offered to work with the County Engineering Division (see condition #41) with the possible design and construction of either a sidewalk or pedestrian path from the project site on Fifth Avenue and Klondike to the elementary school. The County Engineer has already required a sidewalk be constructed on the south side of Fifth Avenue adjacent to the project site and extend westward to the existing driveway apron in the Klondike Drive right-of-way. (condition #49). All traffic issues are reviewed by the Engineering Division and are conditioned appropriately. Those conditions have been included in the standard list of condition at the end of this report.

Land Use:

The subject parcel has a land use designation of Medium Density Suburban (MDS). The land use to the east is General Rural (GR), and Open Space (OS) to the north and south, as well as Medium Density Suburban (MDS) to the northwest and the west of the subject site. Specific to this site, the common open space area on the eastern section of the property provides satisfactory screening between the site and the General Rural (GR) designated property to the east.

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Site Analysis:

The project site is currently undeveloped and is predominantly vegetated with cheatgrass and scattered pockets of sagebrush and rabbitbrush. Rocks that are volcanic in origin form outcrops on some of the ridges and highpoints on the property. According to the Washoe County Engineer Division, soils in the area consist of expansive clayey materials that have produced some heaving of roadways in the Stone Canyon subdivision to the north. The applicant retained Black Eagle Consulting, Inc., a consulting engineering and geology firm, who examined soils mapping and geological considerations of the site, and concluded that from a geotechnical-engineering standpoint, the site is suitable for the intended use of the project. They further stated that expansive soils in the area could be handled by over-excavation for foundations and backfilling with suitable fill material, and by using specialized foundation design alternatives.

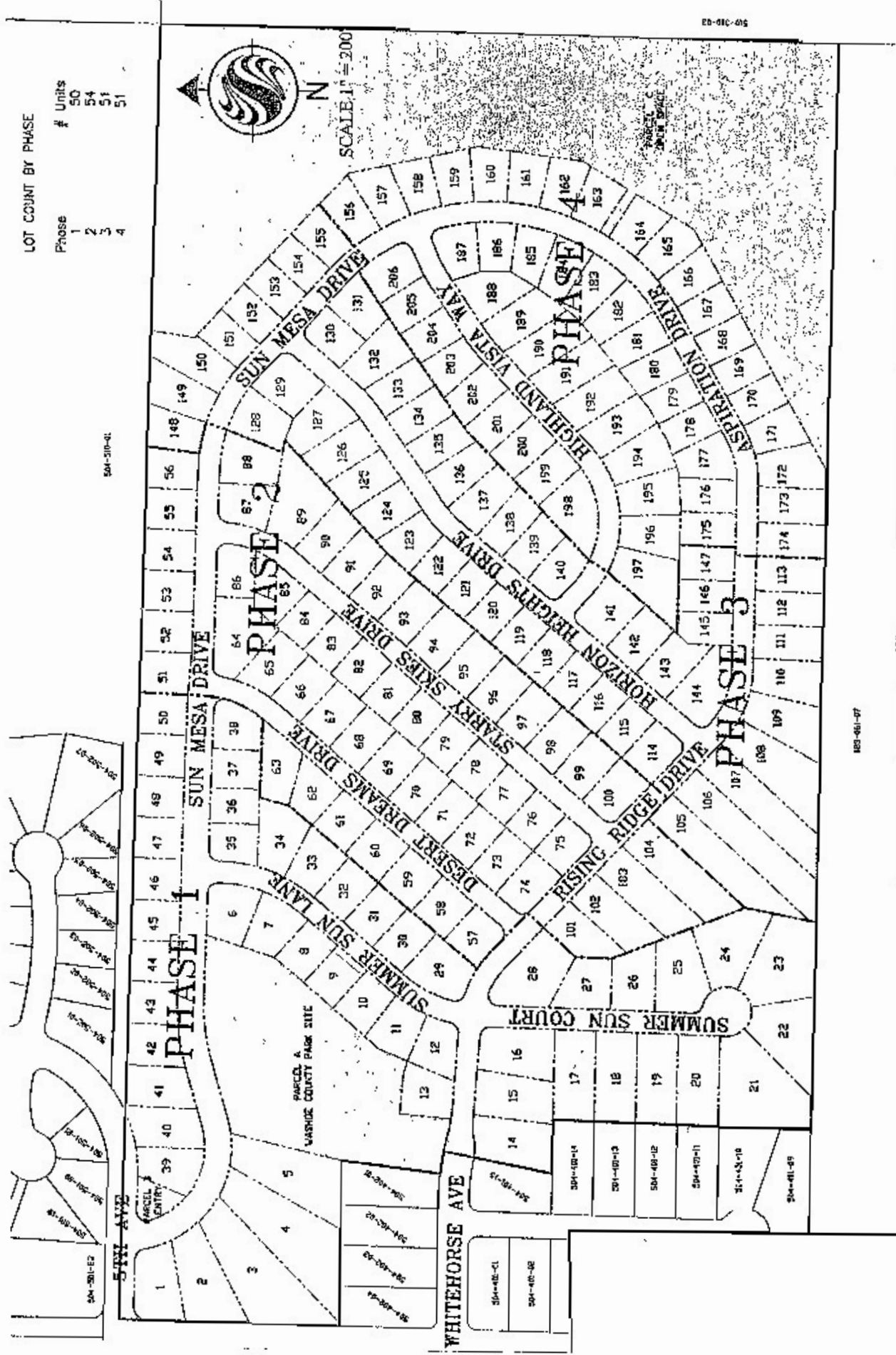
The Development Suitability Map for the Sun Valley Area Plan defines areas constrained by slopes greater than 15 percent, significant ridgelines, floodway areas, 100-year flood hazard areas, and potential wetlands. Slopes in excess of 15 percent are present on the eastern section of the property. These sloped areas are completely encompassed by the common open space proposed for the subdivision. Although no other development constraints are identified, it is likely that significant grading will be required to deal with topographical and drainage concerns on the site. Applicant shall be required to limit slopes on lots to a 3:1 slope and shall revegetate all altered slopes to Washoe Storey Conservation District recommendations to prevent erosion and dust.

The applicant states that intermittent drainageways flow northwest in the center of the property but only contain water during heavy precipitation. There is a more significant drainage that begins on the east side of the ridge and flows off the site eastward to Spanish Springs. The applicant will address these concerns by retention or detention facilities during the design of improvements phase of the development to the County Engineering Division standards. Preliminary hydraulic analysis by the applicant's consultants, however, indicates the land can be developed as proposed without adverse impact to downstream properties.

Fire protection service will be provided by Station Number 5, which is located approximately two miles away from the site and Sun Valley Boulevard. The estimated response time is five minutes.

LOT COUNT BY PHASE

Phase	# Units
1	50
2	54
3	51
4	51



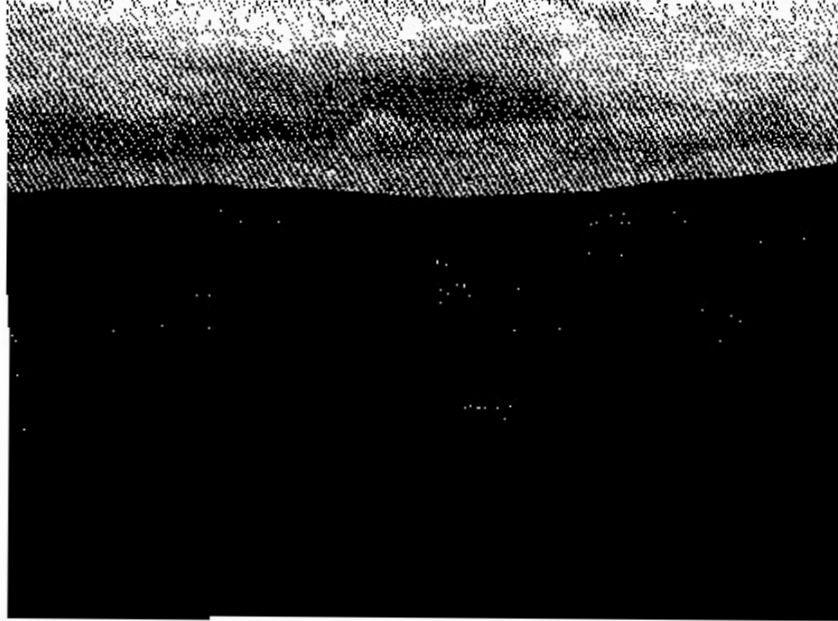
LOCATION MAP

HALL
HALLS

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SITE PHOTOS

Looking northeast from the project site



Fifth Avenue, looking west towards Sun Valley Blvd.



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Landscaping:

The Section 110.412.35 Residential Use Types of the Development Code sets forth landscaping requirements for residential subdivisions. The applicant will be required to comply with the following:

Section 110.412.35 Residential Use Types. The following landscaping requirements shall apply to residential uses including duplex and multiplex residential subdivision lots and multi-family developments, except those exempted by Section 110.412.10, Exemptions. Any landscaping required in this section may contribute toward the minimum requirements.

- (b) Required Yards Adjoining Streets. All required front, rear or side yards which adjoin a public street shall be landscaped and shall include at least one (1) tree for every fifty (50) linear feet of street frontage, or fraction thereof.
- (c) Subdivision Perimeters. New residential subdivisions, regardless of the number of dwelling units per parcel, shall provide at least one (1) tree for every fifty (50) linear feet of perimeter frontage adjoining an arterial or collector identified in the Washoe County Comprehensive Plan Streets and Highways System Plan map.
- (d) Model Homes. Model homes for all residential subdivisions shall install landscaping that demonstrates appropriate landscape techniques suitable for the local microclimate and soil conditions.

The total landscaped site area has yet to be determined. Total number of trees that will be required along a portion of Fifth Avenue must be spaced at one (1) tree every 50 feet.

Fencing /Buffering/Signage

All landscaping adjacent to fences along the project site's portion of Fifth Avenue shall be maintained by the Homeowner's Association. Additionally, *Article 408, Common Open Development* sets forth standards for screening and buffering of property adjacent to or adjoining existing development. (see condition # 70-c)

The applicant has proposed an entrance monument sign at Fifth Avenue and Sun Mesa Drive. The sign will have the words "Sun Mesa" carved into a rock of approximately 5-feet in height. The entire signage area will be landscaped with a mixture of trees and shrubs. The applicant will be responsible for meeting with the Design Review Committee (DRC) to review and finalize all plans as they relate to all proposed landscaping of the subdivision; to include; types and sizes of all plants and plant materials; colors of the single-family homes and all outbuildings, fencing materials, and project signage.

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LAND USE SUMMARY

Land Use Designations:

The parcel has been split into two land use designations:

Medium Density Suburban (MDS)
[Maximum Density = 3 units per acre]

Open Space (OS) (approximately 1.2 acres)
[Maximum Density = None]

Proposed Density:

2.9 units per acre

Proposed Lot Configuration:

Common Open Space Development – Article 408, Washoe County Development Code

Minimum Lot Size Required:

Variable sizes are allowed in a Common Open Space Development. Applicant's lot sizes range from 6,534 square feet to 35,719 square feet, with an average lot size of 9,583 square feet.

Minimum Lot Size on Tentative Subdivision Map:

0.15-acres (6,534 square feet)

Minimum Lot Width Required:

Variable widths are allowed in a Common Open Space Development.

Minimum Lot Potential:

207-Lots

Number of Lots on Tentative Subdivision Map:

207 Lots

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Development Suitability Constraints:

Applicant's slope analysis shows slopes greater than 15% within the common open space area of the eastern section of the property.

AGENCY COMMENTS

The plans were submitted to involved agencies and no adverse comments were received. No unique or extraordinary conditions of approval were requested. All of the conditions are related to the service needs and/or development impacts of the reviewing agencies resulting from the subdivision proposal, and are proportional to the number of lots being created.

Drainage:

The Engineering Division, Utility Services Division, and District Health Department have addressed and conditioned all drainage issues related to the proposed development. These and other conditions are listed in the standard list of conditions.

Nevada Division of Environmental Protection:

The NDEP has reviewed the subdivision application, and recommends approval of "said subdivision with respect to water pollution and sewage disposal provided that Sun Valley G.I.D. commits to provide sewage service to said subdivision." Additional comment includes: "that all land surface area disturbances over 1-acre require a DEP stormwater discharge permit.

A phased construction unit in a contiguous subdivision is considered under construction until all stripped or disturbed surface areas have been covered by paving, building construction or planting. A stormwater discharge permit application may be downloaded from the NDEP website."

Note: The Engineering Division works closely with the NDEP and has similar conditions as they relate to the above mentioned comments.

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Parks and Recreation:

Parks and Recreation has asked that the developer consult with them in regard to final alignment and connection of all trails within the subdivision, and to discuss the timing of all open space dedications to the County, if any. Their conditions have been included within the staff report.

Regional Transportation Commission (RTC)

The RTC had the following comments:

- That the project appears to have no direct access to regional roads, but does impact Sun Valley Boulevard. The 2030 RTP identifies Sun Valley Boulevard as a moderate-access control arterial. The policy Level of Service (LOS) standard for Sun Valley Boulevard is LOS C and intersections are LOS D. This project should be required to meet all the conditions necessary to maintain policy LOS standards.
- The land-use data in our traffic model does not forecast dwelling units and population growth in the Traffic Analysis Zone (TAZ) in which the subject property is located until the year 2030. If this project is approved, we will adjust our traffic model, increasing population and dwelling units in the TAZ where this site is located.
- The 2030 RTP policies indicate all new development will be encouraged to construct bicycle and pedestrian facilities internal and/or adjacent to the development.
- To provide access to future Citifare transit service, the applicant should dedicate right-of-way, if needed, and construct a concrete pad adjacent to the site. The applicant or their consultant should allow ten working days for review of any required transit improvements. Questions regarding improvements to provide access to Citifare service should be directed to RTC Planning.

Washoe County School District

The school district has included conditions for this project. Under their comments they state that there are no current enrollment problems at the zoned schools. The overcrowding at Sparks Middle School should be relieved in the coming school year with the opening of the Shaw Middle School. The District's letter indicates that at Sun Valley Elementary School, an additional 63 students would result from the project; at Sparks Middle School, 17 additional students, and at Hug High School an additional 28 students from the proposed subdivision. At the end of this staff report are the conditions from the School District.

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Note: "The developers and homebuilders are advised that the school district does not guarantee that students living within this subdivision will attend their neighborhood schools. Sales offices and homebuyers should contact the school district to ascertain the latest attendance zoning information before selling or purchasing a home."

SUN VALLEY AREA PLAN MODIFIERS

The following Sun Valley Area Plan (Article 218 of the Washoe County Development Code) regulations are especially pertinent to the proposed subdivision:

Section 110.218.05 Community Water and Sewer. The following types of development shall be served by community water and sewer facilities:

- (a) Residential development of one (1) unit or more per acre;
- (b) All commercial development; and
- (c) All industrial development.

Section 110.218.25 New Parcel Restrictions. The creation of additional parcels in any regulatory zone within the Sun Valley planning area is restricted to areas within the service area of recognized water purveyors.

Comment: The applicant is in the process of annexing into the service area of the Sun Valley General Improvement District. Successful annexation would fulfill the requirements of both modifiers.

RELEVANT SUN VALLEY AREA PLAN POLICIES AND ACTION PROGRAMS

In addition to the Washoe County Development Code Article 218, Sun Valley Area Modifiers, the following excerpts of policies and action programs contained in the Sun Valley Area Plan are relevant to the proposed subdivision:

- SUN.1.1 Ensure that the scenic qualities of the mountains and hills surrounding Sun Valley are maintained.
- SUN.2.1 Minimize development on steeply sloped areas in the Sun Valley planning area.

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- SUN.2.2 Require detailed soils and geotechnical studies to determine construction requirements, locations of active faults, and soil stability.
- SUN.5.1 Coordinate planning efforts between the Sun Valley and Spanish Springs planning areas at their mutual boundary.
- SUN.5.4 Maintain the predominant land use in Sun Valley as single family residential with average densities no greater than one dwelling per third acre except where designated otherwise.
- SUN.5.5 Ensure that the predominant housing type is single-family, detached.
- SUN.5.9 Ensure that utilities on lots of one acre or less are installed in a manner that minimizes the disruption of the natural amenities of the area and, where technically and economically feasible, are placed underground.
- SUN.7.1 Require certificated groundwater rights, in an amount and quality sufficient to serve proposed on-site uses, for development using groundwater resources from the Sun Valley Hydrographic Basin. These groundwater rights will be dedicated to Washoe County.
- SUN.7.2 Prohibit the creation of additional parcels in the Sun Valley Hydrographic Basin outside of the designated service area of a recognized water service provider.
- SUN.7.5 Require installation of water-conservation devices in all new subdivisions. This includes the installation of water conserving toilets, showers and dishwashers, and the use of other devices that decrease water usage.
- SUN.8.1 Ensure that residential development at densities of one unit or more per acre is served by community water and sewer facilities.
- SUN.11.1 Encourage the development of recreation land uses in the Sun Valley planning area.

CITIZEN ADVISORY BOARD COMMENTS
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The proposed plans were submitted to the Sun Valley Citizen Advisory Board and were discussed during the March 13, 2004, meeting. A motion was made to recommend approval as presented and seconded. Minutes from the Sun Valley CAB are attached. However, the following comments/concerns were raised by the Board and public:

- John Jackson introduced a letter from Darin Price, Public Works Director, SVGID listing several concerns regarding annexation into SVGID. Community Development staff stated that the applicant will need to meet conditions and requirements prior to final approval of the application. Ms. Albright stated that they are taking the appropriate steps in the approval process including compliance with the conditions and requirements.

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- Concerns were raised regarding the traffic flows to and from the development and negative traffic impacts to adjacent roadways.
- Concerns were raised regarding the accuracy of the traffic study considering the increased number of students walking along the roadways as well as parents driving students to local elementary schools. Ms. Albright suggested that Paul Solaeui could re-address these issues. Mr. Evangelatos suggested that Landmark Communities could review this and the other proposed projects and address the traffic impacts issues and concerns.
- Garth Elliot reminded the applicants that Lifestyle Homes, Inc. installed walkways at their own expense to help mitigate negative impacts to Sun Valley schools.
- Charles Woodland asked the applicant for assurances that the street names honoring Mary Hansen, Shirley Geick and Bernice Martin Mathews would be included in the development. Mr. Evangelatos encouraged the SVCAB to endorse the preferred honorary street names.
- Concerns were raised regarding the negative impacts to Sun Valley schools.
- Susan Severt stated that Lifestyle Homes, Inc., formed a citizens committee to determine where the community wanted impact fees to be spent such as on the asphalt pedestrian paths.
- Concerns were raised that the agencies that approve development do not base that decision on the actual experience of living in the area.
- It was recommended that the applicant agree to install sidewalks along the roadways between the development and adjacent elementary schools.
- Support was stated for on-site built residential development particularly for the benefits to the tax base in the community.
- Community Development staff reminded the board that the County cannot make demands on developers that go beyond Washoe County requirements.

Note: Staff feels the issues/concerns have been addressed within the staff report and/or conditions of approval. Staff and the applicant will be available to answer questions if not addressed within the staff report, at the Planning Commission meeting.

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APPLICABLE REGULATIONS

Nevada Revised Statutes Chapter 278; Washoe County Code Chapter 110.

SD(TM04-001)

Attachments: Standard Considerations for Subdivisions; Conditions; Site Plan; Vicinity Map; Exhibit-A: Photo of Detention Pond Design; Conceptual Home Elevations and Floor Plans; Letters dated April 2, 2001, February 26, 2004, and March 4, 2004 from - Washoe County District Health Department; Preliminary Geotechnical Report from Black Eagle Consulting Inc., dated May 24, 2004 Washoe County School District Letter, dated July 28, 2003, Sun Valley Citizen Advisory Board memo.

xc:

Property Owner: Warren B. Richardson Trust, 3670 S. Virginia Street, Reno, NV 89502

Applicant: Landmark Homes, Attn: Greg Evangelatos, AICP, 3086 Silversage Drive, Carson City, NV 89701.

Consultant: Stantec Consulting Inc., Attn: Cynthia Albright, AICP, 6980 Sierra Center Parkway, Suite 100, Reno, NV 89511.

Agencies: James Barnes, DA's Office; Marge Claussen, Assessor's Office (CAAS); Steve Churchfield, Chief Appraiser, Assessor's Office; Susan Hood, Department of Water Resources, Engineering Division; Truckee Meadows Division, Reno Fire Department; Sun Valley Citizen Advisory Board; Sun Valley General Improvement District; Lt. Kramer, Washoe County Sheriff's Office; 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, Sun Valley Citizen Advisory Board, Chair.

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STANDARD CONSIDERATIONS FOR SUBDIVISIONS
Nevada Revised Statutes 278.349

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

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

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**CONDITIONS FOR SUN MESA
TENTATIVE SUBDIVISION MAP CASE NO. TM04-001
(As recommended by Department of Community Development
and attached to Staff Report dated March 14, 2004)**

*****IMPORTANT—PLEASE READ*****

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

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

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

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

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

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

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

FOR THE PURPOSES OF CONDITIONS IMPOSED BY WASHOE COUNTY, "MAY" IS PERMISSIVE AND "SHALL" OR "MUST" IS MANDATORY.

GENERAL CONDITIONS

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

Regulatory Zone for Review Purposes	Common Open Space Development MDS (Max. 3 unit/acre)
Minimum Lot Area Required	6,534 square feet
Minimum Lot Width	65-feet
Minimum Front Yard	20-feet
Minimum Side Yard	8-feet
Minimum Rear Yard	20-feet
Maximum Building Height	35 feet / 2 story maximum

Note: Variances to these standards may be processed per Washoe County Code.

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

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

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- 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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- The subdivider shall present to Washoe County, a final map, prepared in accordance with the tentative map, for the entire area for which a tentative map has been approved, or one of a series of final maps, each covering a portion of the approved tentative map, within two years after the date of approval of the tentative map or within one year of the date of approval for subsequent final maps. On subsequent final maps, that date may be extended by one year if the extension request is received prior to the expiration date. Final 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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- Prior to acceptance of public improvements and release of any financial assurances, the developer shall furnish to the water and sewer provider and 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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- The developer shall be required to participate in any applicable General Improvement District or Special Assessment District formed by Washoe County. The applicable County Department shall determine compliance with this condition.

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

NOTE

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

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

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

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

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10. A complete set of construction improvement drawings, including an onsite grading plan, shall be submitted to the County Engineer for approval prior to finalization of any portion of the tentative map. Grading shall comply with best management practices and shall 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. The Engineering Division shall determine compliance with this condition.

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11. All open space shall be identified as common area on the final map. A note on the final map shall indicate that all common areas shall be privately maintained and perpetually funded by the Homeowner's 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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12. Prior to finalization of the first final map, a fault study shall be provided that addresses fault location, age and setback requirements for any faults that affect the site. The County Engineer shall determine compliance with this condition.

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13. Appropriate public access easement(s) shall be provided over all common areas intended to be a community amenity. The County Engineer shall determine compliance with this condition.

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14. Any existing easements or utilities that conflict with the development shall be relocated, quitclaimed and/or abandoned. The County Engineer shall determine compliance with this condition.

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15. Any easement documents recorded for the project shall include an exhibit map showing the location and limits of the easement in relationship to the project. The County Engineer shall determine compliance with this condition.

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DRAINAGE

Drainage (County Code 110.420)

16. The master hydrology/hydraulic report shall address the overflow and/or draining of the existing water tank located just south of the site. An overflow route shall be provided through the subdivision for any water tank flows that impact the site. The report shall show that water tank flows can be carried in the proposed overflow system or storm drain system when there are no storm flows in the system. The County Engineer shall determine compliance with this condition.

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17. The master hydrology/hydraulic report shall address the need for the existing rock filled ditch located on site and referenced in the Feasibility-Level Geotechnical Investigation prepared by Black Eagle Consulting, Inc., dated May 23, 2001. Any flows associated with this trench shall be perpetuated. The County Engineer shall determine compliance with this condition.

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18. The master hydrology/hydraulic report shall address any impacts of Sun Mesa discharging storm drain flows to the existing Stone Canyon detention pond north of 5th Avenue. The report shall analyze the impacts of both altered hydrograph inflow timing and hydrograph volume due to development of Sun Mesa. The storm frequencies used in these calculations shall match those used for the original Stone Canyon detention pond design. Mitigation shall be provided for any adverse effects on the existing Stone Canyon pond due to development of Sun Mesa. The County Engineer shall determine compliance with this condition.

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19. All hydrology reports shall use the current rainfall data in the Washoe County Hydrologic Criteria and Drainage Design Manual. The County Engineer shall determine compliance with this condition.

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20. Stormwater detention pond design shall be based on an acceptable pond routing calculation method that includes routing inflow hydrographs through the pond to obtain the associated outflow hydrographs. The County Engineer shall determine compliance with this condition.

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21. Maintenance access is required for all proposed drainage facilities. Improved vehicular access is required for all detention ponds. The County Engineer shall determine compliance with this condition.

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22. No slopes, other than appropriately armored ditches or retaining walls, shall be graded steeper than 3:1. The County Engineer shall determine compliance with this condition.

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23. The Truckee Meadows Regional Stormwater Quality management Program Construction Permit Submittal Checklist and Inspection Fee shall be submitted with each final map. The County Engineer shall determine compliance with this condition.

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24. Due to the limited capacity in the existing drainage system on Witchhorse Avenue, flows shall not be increased to Witchhorse Avenue unless the existing system is improved to handle the increased flow. The County Engineer shall be responsible for determining compliance with this condition.

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25. Type 11 drop inlets proposed in the Conceptual Drainage Report are not acceptable for use in County streets. Type-4 catch basins with slotted drains or a series of Type-4 catch basins shall be substituted for the Type-11 drop inlets. The County Engineer shall be responsible for determining compliance with this condition.

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26. Drainage easements shall be provided over all drainage features located outside of a street right-of-way. The County Engineer shall determine compliance with this condition.

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27. Slopes and retaining walls shall be set back from the exterior project boundary in accordance with the following:

- a) Top of Cut Slope/Retaining Wall. The top of cut slopes/retaining walls shall not be made nearer to the exterior project boundary line than 1/5 of the vertical height of cut with a minimum of a 2-foot setback and a maximum of a 10-foot setback. The setback shall be increased as necessary to accommodate any required interceptor drains.

- b) Toe of Fill Slope/Retaining Wall. The toe of fill slopes/retaining walls shall not be made nearer to the exterior project boundary line than 1/2 the vertical height of the slope with a minimum of a 2-foot setback and a maximum of a 20-foot setback. The setback shall be increased as necessary to accommodate any required interceptor drains.

The County Engineer shall determine compliance with this condition.

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28. 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. The Engineering Division shall determine compliance with this condition.

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29. Prior to finalization of the first final map, a master hydrology/hydraulic report and a master storm drainage plan shall be submitted to the County Engineer for approval. The Engineering Division shall determine compliance with this condition.

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30. 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 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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31. Any increase in stormwater runoff resulting from the development and based on the 5 and 100-year storm(s) shall be detained. The County Engineer shall be responsible for determining compliance with this condition.

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32. 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 Letter of Map Revision is submitted or until conformance with Washoe County flood construction standards is determined by the County Engineer. The Engineering Division shall determine compliance with this condition.

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33. 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 Engineering Division.

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34. The developer shall provide for pretreatment for petrochemicals and silt for all storm drainage from the site to the satisfaction of the Engineering Division.

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35. Drainage swales that drain more than two lots are not allowed to flow over the curb into the street; these flows shall be intercepted by an acceptable storm drain inlet and routed into the storm drain system. The County Engineer shall be responsible for determining compliance with this condition.

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36. A note on the final map shall indicate that all drainage facilities not maintained by Washoe County shall be privately maintained and perpetually funded by a homeowner's association. As an alternative to a homeowner's association, the developer may request the establishment of a County Utility Service Area under which fees would be paid for maintenance of the proposed storm drainage detention facility. The fee amount will be based on the additional service above that is normally provided by the County to maintain new stormwater facilities dedicated by the developer (i.e., curb and gutter, drop inlets and piping). The County Engineer shall be responsible for determining compliance with this condition. The maintenance and funding of these drainage facilities shall also be addressed in the CC&R's to the satisfaction of the District Attorney's Office.

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37. The maximum permissible flow velocity (that which does not cause scour) shall be determined for all proposed channels and open ditches. The determination shall be based on a geotechnical analysis of the channel soil, proposed channel lining and channel cross section, and it shall be in accordance with acceptable engineering publications/calculations. Appropriate linings shall be provided for all proposed channels and open ditches such that the 100-year flows do not exceed the maximum permissible flow velocity. The County Engineer shall determine compliance with this condition.

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TRAFFIC

Traffic (County Code No. 110.436)

38. All roadway improvements necessary to serve the project shall be designed and constructed to the 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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39. For any utilities placed in existing County streets, the streets shall be repaired to the satisfaction of the County Engineer. At a minimum, this will require full depth removal and replacement of asphalt for half the street width, or replacement of non-woven pavement reinforcing fabric with a 2" asphalt overlay for half the street width. Type II slurry seal is required for the entire street width with either option. Full width street improvements may be required if the proposed utility location is too close to the centerline of the existing street. The County Engineer shall determine compliance with this condition.

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40. An offset distance of more than 200' is required between all intersections including between the following intersections.

- a. Future Klondike Drive/5th Avenue and Sun Mesa Drive/5th Avenue.
- b. Sunburst Lane/Sun Mesa Drive and Sunrise Way/Sun Mesa Drive.

The County Engineer shall determine compliance with this condition.

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41. Sun Mesa Drive shall be constructed to a collector standard (52' right-of-way) from 5th Avenue to the first intersection of Sun Mesa Drive/Sunrise Way. The County Engineer shall determine compliance with this condition.

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42. Proposed landscaping, signage, retaining walls and/or fencing along street rights-of-way shall be designed to meet the American Association of State Highway and Transportation Officials (AASHTO) Avenue/Sun Mesa Drive shall be based on a 35 mph design speed. AASHTO intersection sight distances affected final map, sight distance easements shall be granted to the County as necessary. The County Engineer shall determine compliance with this condition.

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43. A minimum 100' tangent length shall be provided between the two horizontal curves on Sun Mesa Drive in the vicinity of lots 76 and 77. The County Engineer shall determine compliance with this condition.

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44. Sun Mesa Drive shall intersect 5th Avenue at a 90° angle. The County Engineer shall determine compliance with this condition.

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45. Street names shall be reviewed and approved by the Regional Street Naming Coordinator. No street shall intersect another street at more than one location. The existing Whitehorse Avenue street name shall be extended into the subdivision to the satisfaction of the Regional Street Naming Coordinator. The County Engineer shall determine compliance with this condition.

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46. AASHTO clear zones shall be determined for all streets adjacent to retaining walls or slopes steeper than 3:1. If a recoverable or traversable clear zone cannot be provided, an analysis to determine if barriers are warranted shall be submitted for approval. The County Engineer shall be responsible for determining compliance with this condition.

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47. All retaining walls that are adjacent to, provide support for or retain soil from the County right-of-way shall be constructed of reinforced masonry block or reinforced concrete meeting County standards. The County Engineer shall determine compliance with this condition.

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48. No retaining walls that retain soil from the County right-of-way shall be located within a plowed snow storage easement. The County Engineer shall be responsible for determining compliance with this condition.

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49. Prior to approval of the first final map, provide documentation that establishes the location of the presumed public road identified on the map titled "Public Roads Reno" (dated March 1999 and prepared by Washoe County) that is in the immediate vicinity of the southwestern portion of the subdivision. If the presumed public road is located within the subdivision, a travel way shall be perpetuated for the presumed public road with each affected final map. The County Surveyor shall determine compliance with this condition.

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50. A note on the final map shall state that no direct access from individual lots shall be allowed onto the 30' access easement created by Land Map 67 and adjacent to the northern boundary of the subdivision. The County Engineer shall determine compliance with this condition. This note shall also be included in the CC&R's to the satisfaction of the District Attorney's office.

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51. A 5' wide concrete sidewalk shall be constructed on the south side of 5th Avenue adjacent to the project site. The sidewalk shall extend westward to the existing driveway apron in the Klondike Drive right-of-way. The County Engineer shall determine compliance with this condition.

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52. A 4" diameter subdrain shall be placed along all street rights-of-way and shall be tied into the storm drain system. The subdrain shall be placed between 3' and 4.5' deep and shall be backfilled with Class B backfill. The subdrain shall be wrapped with approved geofabric. The County Engineer shall determine compliance with this condition.

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53. A geotechnical report shall be submitted for each final map. All fine grained or expansive soils shall be overexcavated beneath all sidewalks, curb and gutter, driveway aprons, and asphalt pavement. Depth of overexcavation below subgrade elevation shall be in conformance with the following chart to the satisfaction of the County Engineer.

<u>Plasticity Index</u>	<u>Depth of Overexcavation, ft.</u>
10-20	2
20-30	3
30-40	4
40-50	5
>50	6

The County Engineer shall determine compliance with this condition.

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54. The geotechnical report shall address water migrating through utility service trenches ultimately saturating the roadway subgrade. The County Engineer shall determine compliance with this condition.

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55. No tree shall overhang the curb line of a County street. The County Engineer shall determine compliance with this condition.

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56. No knuckle (Sunrise Court) shall be constructed to Sunset Way. Sunrise Court shall be eliminated or redesigned such that it is long enough to form a standard intersection with Sunset Way. The County Engineer shall determine compliance with this condition.

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CONDITIONS, COVENANTS AND RESTRICTIONS

57. Conditions, covenants, and restrictions (CC&Rs), including any supplemental CC&Rs, shall be reviewed, approved and recorded by the District Attorney's office. The final CC&Rs shall be signed and notarized by the owner(s) and submitted to the District Attorney's office with the recordation fee prior to the recordation of the final map. The CC&Rs shall require all phases and units of the subdivision approved under this tentative map to be subject to the same CC&Rs, be under the authority of the same homeowners association, and be under the authority of the same architectural control committee. Washoe County shall be made a party to the applicable provisions of the CC&Rs to the satisfaction of the District Attorney's Office. Said CC&Rs shall specifically address the potential for liens against the property and the individual property owner's responsibilities for the funding of maintenance, replacement, and perpetuation of the following items, at a minimum:

- a. Mandatory solid waste collection.
- b. The availability of a curbside recycling program.
- c. Fence material, height, and location limitations. Fencing of individual lot lines adjacent to common open space or public lands along the southern property line is limited to vinyl-coated chain link, colored either dark brown or black. Along the three open space access ways, fence construction shall be limited to either solid fences which may be up to four and one-half (4.5) feet in height, or vinyl-covered chain link fencing colored black or dark brown, which may be allowed up to six (6) feet in height.
- d. Open space access. Access to the open space shall be from the one designated access point on the map. (between lots 47 & 48) No individual gates joining private lots to the open space shall be allowed.
- e. Maintenance of the public access easement(s), common areas, and common open spaces.
- f. Maintenance of detention basins and drainage facilities.
- g. Passive or natural heating or cooling opportunities.
- h. Maintenance of fire fuel breaks and vegetation mitigation/controls.
- i. Landscaping, including trees, shrubs, and groundcover, appropriate to the local soil type and climate shall be provided for the common area on the south side of Fifth Avenue around the proposed detention basin and the main subdivision entryway. Irrigation and maintenance plans for the landscaping shall be specified in the CC&R's and shall be the responsibility of the Homeowner's Association. Community Development will determine compliance with this condition.

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PARKS AND RECREATION

58. The open space access easement located between lots 47 & 48, shall be clearly signed as "Public Access" and "Non-Motorized Use Only". The applicant shall confer with the Parks and Recreation Department as to the creation of the public access to surrounding common open space on east side prior to recordation of the first final map. The Department of Community Development and the Parks and Recreation Department shall determine compliance with this condition.

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59. The applicant shall work with the Parks and Recreation Department for the possible construction and dedication of the park site location within the subdivision. If the Parks Department does not accept the park site into its system, then the park site shall become the detention basin for the subdivision, and be designed with grass and trees as shown in the attached photo, and to the standards of the County Engineer. If the site becomes the detention basin, then it should be under the ownership of the Homeowner's Association (HOA), and maintained by the HOA as well. The Department of Community Development, Parks and Recreation and the County Engineer shall work with the applicant on final design of this site, park or detention basin. Compliance with this condition shall be determined by all three departments mentioned above.

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WASHOE COUNTY SCHOOL DISTRICT

60. The developer shall be required to meet with the Washoe County School District (WCSD), Engineering and Community Development staff to consider alternatives to extend a sidewalk or path to Sun Valley Elementary School, thereby ensuring a safe route for children walking from this project to that school. The Department of Community Development shall determine compliance with this condition.

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WATER AND SEWER

61. Water rights necessary to serve this project shall be dedicated to Washoe County, per Article 422 of the Washoe County Development Code. A water rights lease agreement shall be executed between Washoe County and Sun Valley General Improvement District. The Department of Water Resources shall determine compliance with this condition.

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62. Said property must be successfully annexed to the Sun Valley General Improvement District (G.I.D.) service area prior to recordation of any final map, and shall adhere to all Sun Valley GID requirements for all services provided by the Sun Valley G.I.D. to the development. The Department of Water Resources shall determine compliance with this condition.

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63. Washoe County Water Rights Certificate Signature block needs to be added to jurat. The Department of Water Resources shall determine compliance with this condition.

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64. In accordance with applicable ordinances, all sewer service connection fees shall be paid for each service, within the boundaries of the final map, prior to the Department of Water Resources approval. The Department of Water Resources shall determine compliance with this condition.

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FIRE SAFETY

65. A fire fuel break which is acceptable to the Reno Fire Department shall be provided and maintained around the perimeter of the subdivision and in and around the common spaces. Provide a written plan for approval by the Reno Fire Department detailing who will be responsible for maintenance of the fire fuel breaks and how often maintenance will be provided. Reno Fire Department shall determine compliance with this condition.

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66. Water protection shall meet duration and flow requirements as outlined in Washoe County Code 60. Hydrant locations shall be submitted for approval to the Reno Fire Department who shall determine compliance with this condition.

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WASHOE—STOREY CONSERVATION DISTRICT

67. A review letter from the Washoe-Storey Conservation District (WSCD) shall be submitted to the County Engineer prior to the "red line" meeting. The WSCD recommendations shall be implemented with the appropriate design/specifications included in the construction drawings to the satisfaction of the County Engineer. The County Engineer shall determine compliance with this condition.

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68. Applicant shall be required to limit slopes on lots to a 3:1 slope and revegetate all altered slopes to Washoe Storey Conservation District recommendations. The County Engineer shall determine compliance with this condition.

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LANDSCAPING AND COMMON OPEN SPACE

69. All open space shall be identified as common area on the final map. A note of the final map shall indicate that all common areas shall be privately maintained and perpetually funded by the Homeowner's 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.

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

70. Prior to approval of the first final map, the developer shall submit the following plans and provisions for the common open space areas. The County Engineer and the Department of Community Development shall be responsible for determining compliance with this condition.
- a. Three-Year Maintenance Plan: Provisions shall be made to monitor and maintain, for a period of three (3) years regardless of ownership, a maintenance plan for the common open space area. The maintenance plan for the common open space area shall, at a minimum, address the following:
- 1) Vegetation management;
 - 2) Watershed management;
 - 3) Debris and litter removal;
 - 4) Fire access and suppression;
 - 5) Maintenance of public access and/or maintenance of limitations to public access; and
 - 6) Specify who will maintain common areas and how frequently maintenance will be done.
 - 7) Other factors deemed necessary by the Director of Community Development, the Planning Commission or the Board of County Commissioners.
- b. Permanent Preservation and Maintenance: Provisions shall be made for the permanent preservation and ongoing maintenance of the common open space and other common areas using a legal instrument acceptable to Washoe County.

To: Washoe County Planning Commission
Re: TM04-001 (Sun Mesa Subdivision)
Date: April 14, 2004
Page: 39

- c. Screening and Buffering of Adjoining Development: Provisions shall be made to assure adequate screening and buffering of existing and potential developments adjoining the proposed common open space development.
- d. Common Open Space Restrictions: Designated common open space shall not include areas devoted to public or private vehicular streets or any land which has been, or is to be, conveyed to a public agency via a purchase agreement for such uses as parks, schools or other public facilities.
- e. Design Review Committee: The applicant shall be required to go the Design Review Committee (DRC) in the event that the Parks Department does not accept the park site into the county park system. The DRC shall review the design of the detention basin to correspond to the attached photograph. (see Exhibit-A).

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

- 71. Development shall be in substantial compliance with the provisions of the Article 408 – Common Open Space Development, of the Development Code. The permitted exceptions to the Development Code allow: a minimum lot size of 6,534 square feet, a minimum front and rear yard setback requirements of 20 feet, a minimum side yard setback requirement of 8 feet. The first and each succeeding final map shall not exceed the average gross density of 2.9 units per acre. Each final map shall contain a cumulative table of the above information. 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: _____

- 72. The applicant shall be required to provide “split-level” home design(s) in order to accommodate the proposed grading for the project site. The Department of Community Development shall determine compliance with this condition.

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

To: Washoe County Planning Commission
Re: TM04-001 (Sun Mesa Subdivision)
Date: April 14, 2004
Page: 40

73. The applicant will be responsible for meeting with the Design Review Committee (DRC) to review and finalize all plans as they relate to all proposed landscaping of the subdivision; (entry and along Fifth Avenue) to include; types and sizes of all plants and plant materials; fencing materials, and project signage.

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

AVIGATION EASEMENT

74. The property owner(s) shall grant an Avigation Easement to, and acceptable to, the Airport Authority of Washoe County over the entire property. The property owner(s) shall provide the Planning Department with appropriate documentation indicating the Avigation Easement has been granted and accepted by the Airport Authority of Washoe County, prior to the issuance of a building permit. The Airport Authority and the Department of Community Development shall determine compliance with this condition.

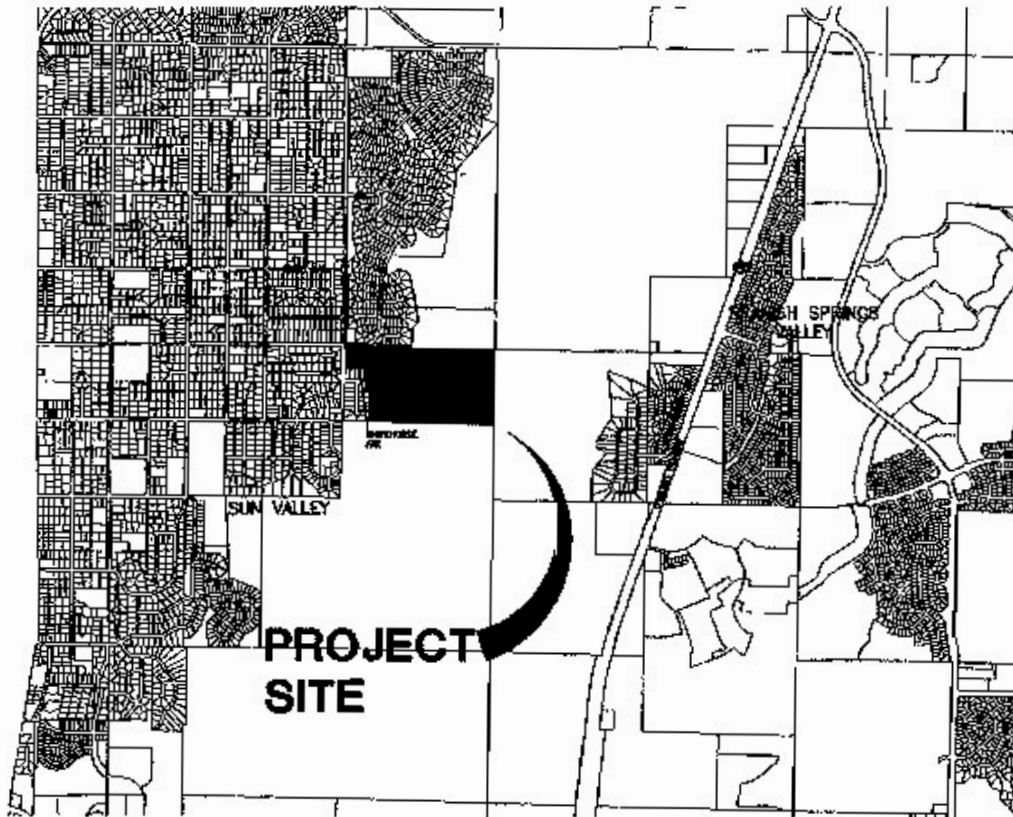
Final Map Verification: Phase/Unit No.: _____ *Date Submitted:* _____
Where/How Condition is Satisfied: _____

75. The applicant(s) and/or property owner(s) shall provide a list, verified by a qualified acoustical consultant, of construction methods to be utilized for noise attenuation to a maximum interior noise level of 45 dBA Ldn prior to the issuance of a building permit. The Airport Authority shall determine compliance with this condition.

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



SCALE:
1"=3000'
1:36,000



WASHOE COUNTY

NEVADA

V:\52804\active\80401008\drawing\Tentative Map Submittal 02-17-04\Sunmesa_01_cover_sheet.dwg
2004-04-08 09:17AM By: lyocorn

April 2004
80401008

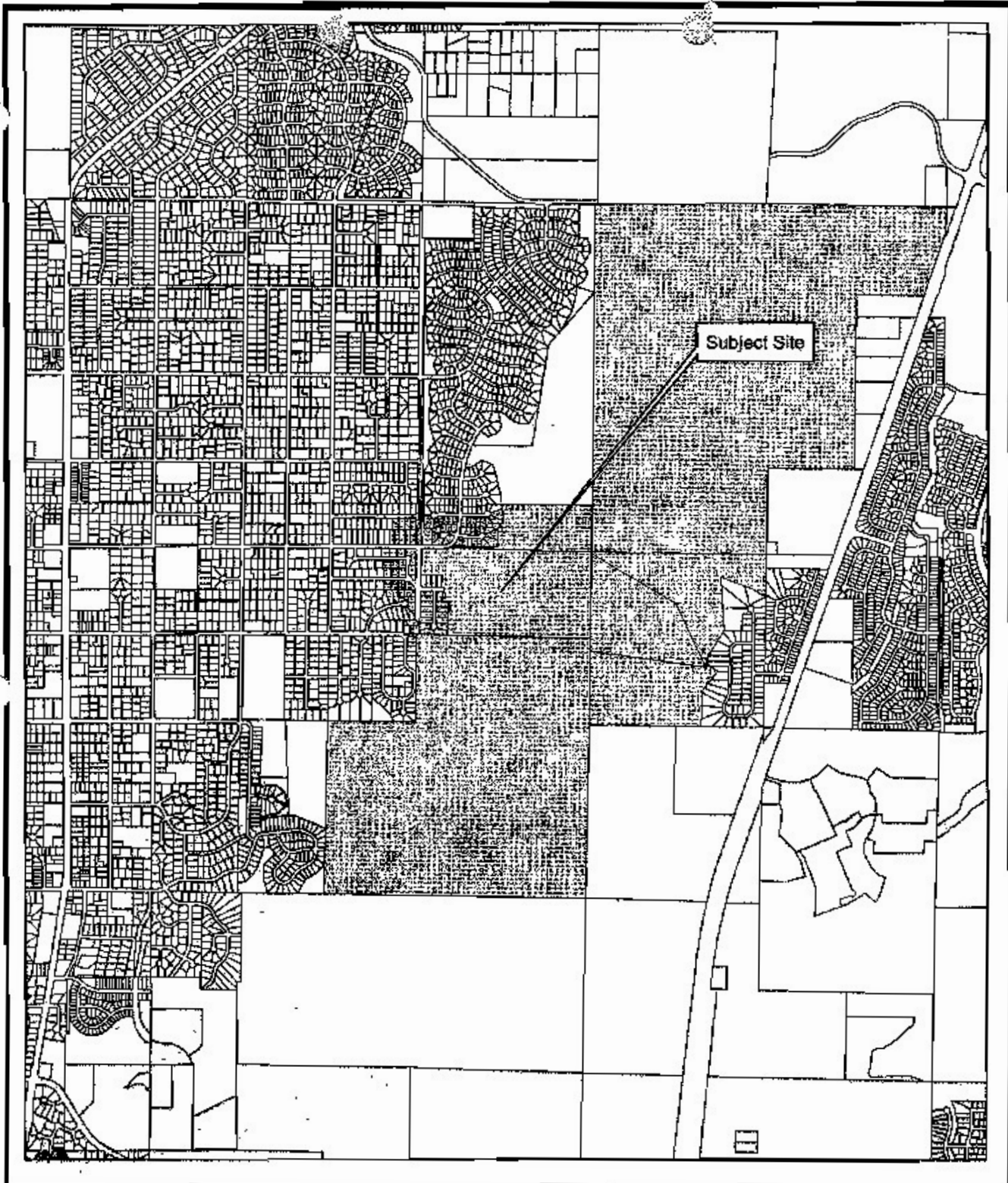
ORIGINAL SHEET - ANSI B



Stantec

Stantec Consulting Inc.
Suite 100, 6980 Sierra Center Parkway
Reno NV U.S.A.
89511
Tel. 775.850.0777
Fax. 775.850.0787
www.stantec.com

Client/Project
LANDMARK HOMES
SUN MESA
POR. NE 1/4 SEC. 20, T20N, R20E, MDM
Figure No.
1.0
Title
VICINITY MAP



Mailing Label Map

Tentative Map Case No. TM04-001

Sun Mesa

103 Parcels selected

0 0.25 0.5 1 Miles



Department of
Community
Development
**WASHOE COUNTY
NEVADA**

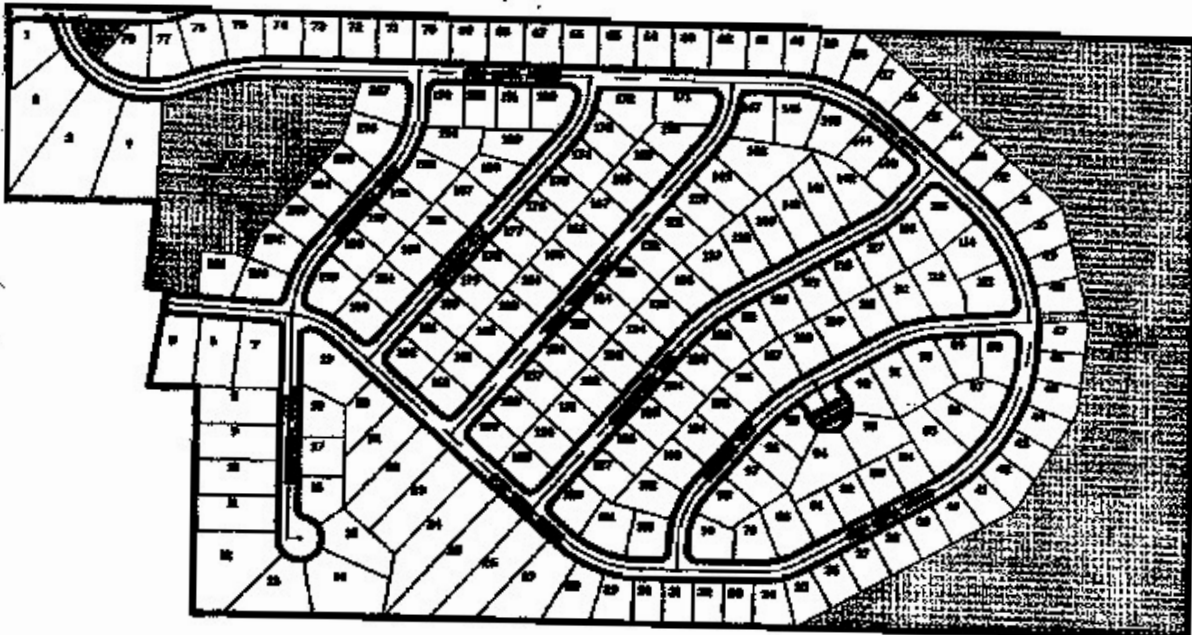
Post Office Box 11130
Reno, Nevada 89620
(775) 328-3800

Source: Current Planning

Date: April 2004



SCALE:
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1:4,800



WASHOE COUNTY NEVADA

V:\52804\active\80401006\drawing\Tentative Map Submittal 02-17-04\Sunmesa_01_cover_sheet.dwg
2004-04-08 09:26AM By: lyocom

April 2004
80401006

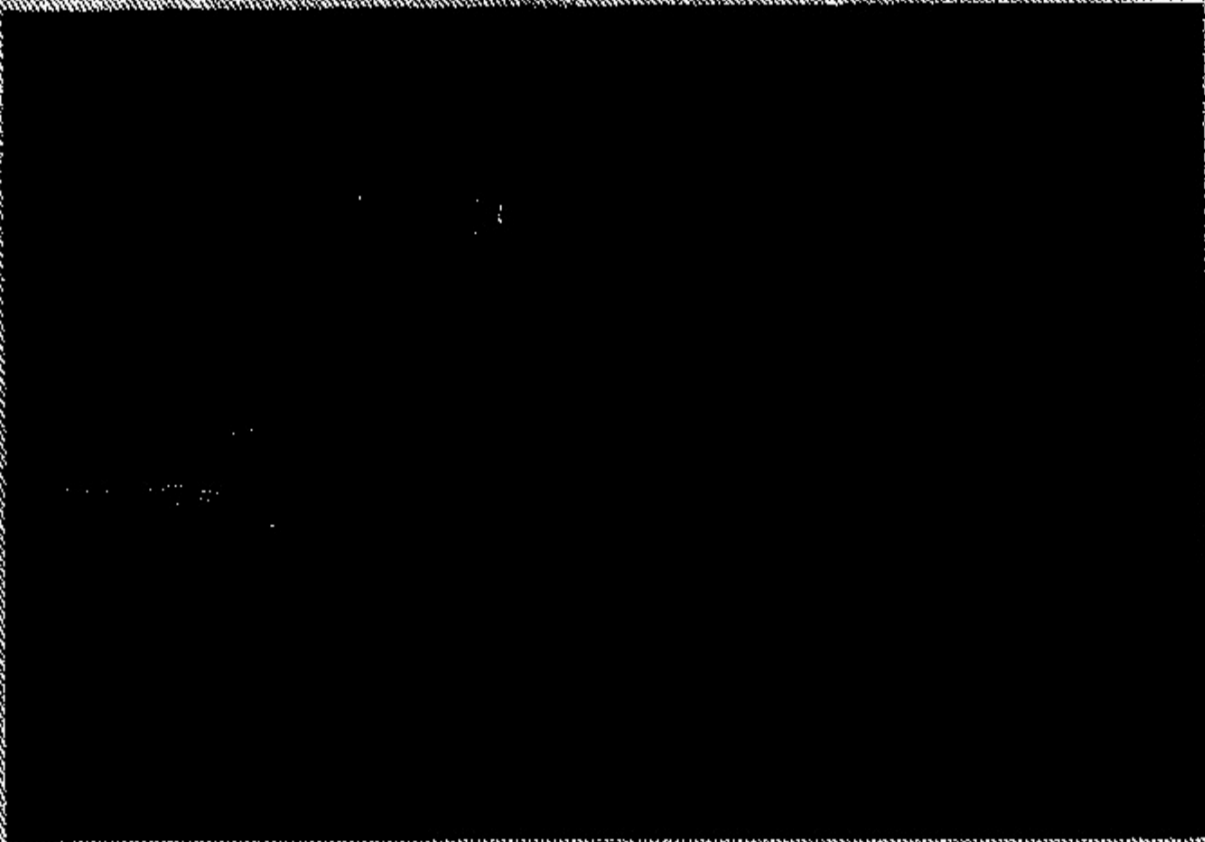
ORIGINAL SEAL - ANSI B



Stantec

Stantec Consulting Inc.
Suite 100, 6980 Sierra Center Parkway
Reno NV U.S.A.
89511
Tel. 775.850.0777
Fax. 775.850.0787
www.stantec.com

Client/Project
LANDMARK HOMES
SUN MESA
POR. NE 1/4 SEC. 20, T20N, R20E, MDM
Figure No.
1.0
Title
SITE PLAN



Sand Filter Detention Basin — Denver Colorado - Treats a 10-acre parking lot - In service for 12 years. Used by permission of the Urban Drainage and Flood Control District, Urban Storm Drainage Criteria Manual, Vol. 3, September, 1999

EXHIBIT-A

SUN MESA

LANDMARK



STREET SCENE ELEVATION

03 • 10 • 04

WOODLEY
ARCHITECTURAL
GROUP, INC.

2100 South Mountain Blvd. Suite 100
Tucson, Arizona 85711
520-882-1111
500-882-1111 ext.

1111 Avenue of the Stars, Suite 1200
Tucson, Arizona 85704
520-882-1111
2100 South Mountain Blvd.

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SUN MESA

LANDMARK



STREET SCENE

03 • 10 • 04

WHEELER
ARCHITECTURAL
GROUP INC.
1900 South Alhambra Blvd. Suite 100
Alhambra, CA 91803
(626) 444-1111
www.wheelerarchitect.com
1211 Avenue of the Stars, Suite 1000
Culver City, CA 90230
(310) 248-2200
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SUN MESA LANDMARK



STREET SCENE

03 * 10 * 04

WOODLEY
ARCHITECTURAL
GROUP, INC.

11111 W. 11th Street, Suite 110
Denver, CO 80202
303.751.1111
www.woodleyarch.com

SUN MESA

LANDMARK



STREET SCENE

04 • 10 • 04

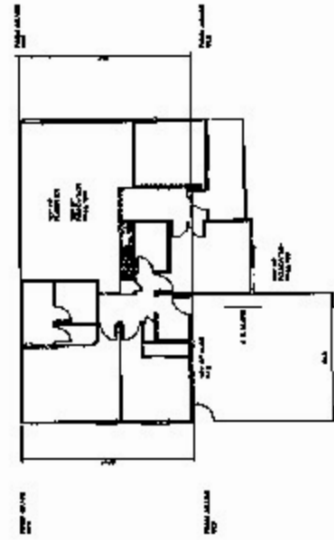
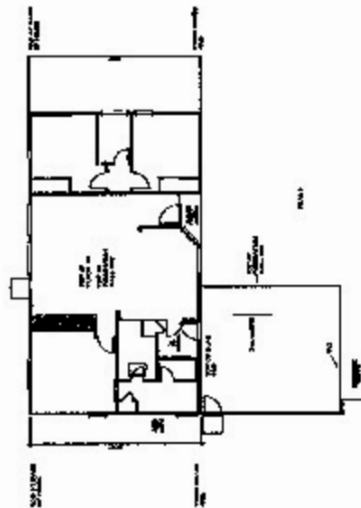
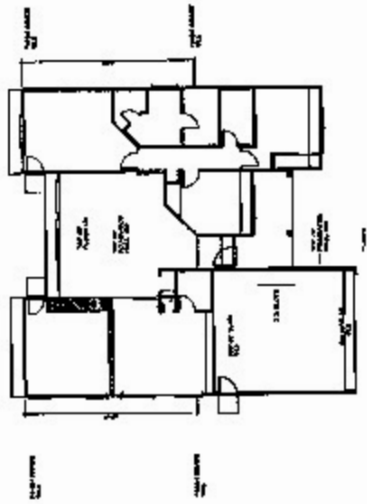
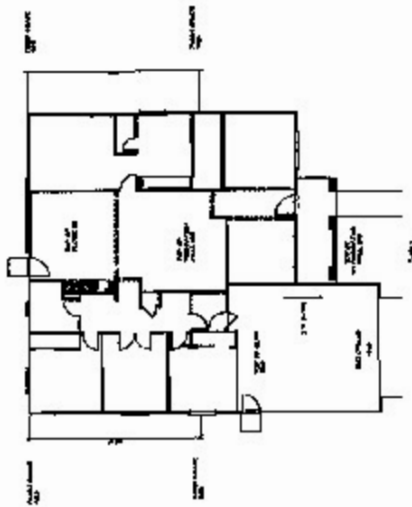
WOLMEY
REALTY, FURNAL
GROUP, INC.

1457 BULLOCK ROAD, SUITE 100
FARMERSVILLE, VA 22434
TEL: 540-337-1111
FAX: 540-337-1112
WWW.WOLMEYREALTY.COM

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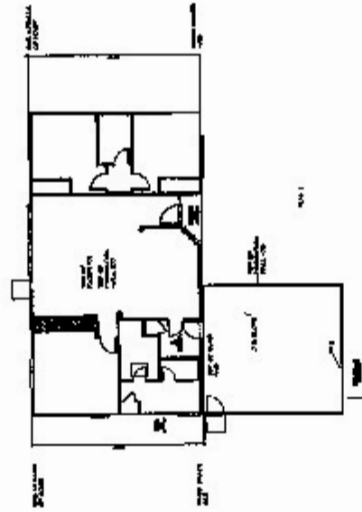
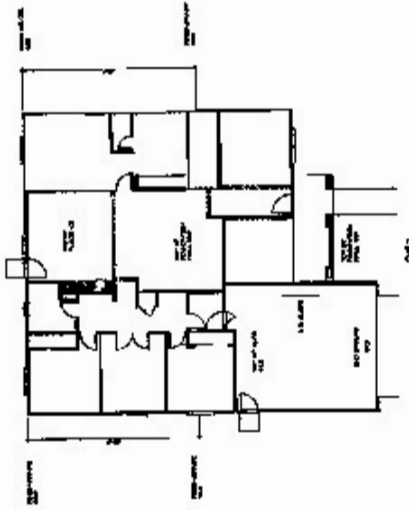
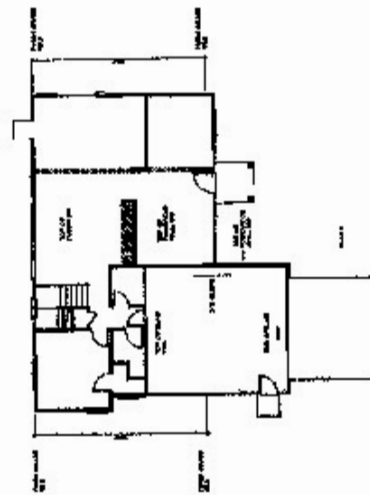
SUNMESA

LANDMARK



SUNMESA

LANDMARK



APN: 504-473-14, 504-48-116

When recorded return to:
Washoe County Engineering Division
PO Box 11130
Reno, Nevada 89520



RESOLUTION FOR ACCEPTING STREETS

SUN MESA PHASE 1, TRACT MAP NO. 4618, DOCUMENT NO. 3360640, RECORDED MARCH 14, 2006.

WHEREAS, it is a function of the County of Washoe to operate and maintain public roads; and

WHEREAS, certain streets, or portions thereof, were offered for dedication by Tract Map No. 4618, Document No. 3360640, recorded on March 14, 2006; and

WHEREAS, said offer of dedication was rejected by the Community Development Director because said roads were not constructed to Washoe County standards; and

WHEREAS, NRS 278.390 specifically provides that if at the time a final map is approved but the associated streets are rejected, the offer of dedication shall be deemed to remain open and the governing body may by resolution at any later date, and without further action by the subdivider, rescind its action and accept and open the street for public use; and

WHEREAS, said streets have been recently constructed and now meet current County standards; and


WHEREAS, said streets are necessary for public access; and

WHEREAS, the Planning Commission finds that it is in the best interest of the public to accept said streets.

NOW, THEREFORE, BE IT RESOLVED, by the Planning Commission of the County of Washoe, pursuant to NRS 278.390, that the streets shown on Tract Map No. 4618, are hereby accepted, and the Department of Public Works is directed to open the roads for public use and maintenance.

BE IT FURTHER RESOLVED, and hereby ordered, that the Washoe County Engineer shall record this resolution in the Office of the Washoe County Recorder.

PLANNING COMMISSION OF WASHOE COUNTY, NEVADA

By: 
William Weber, Chair
7-11, 2007

ATTEST:


ADRIAN R. FREUND, AICP
Director of Community Development

COPY

DOC # 3758953

05/12/2009 02:25:49 PM

Requested By
WASHOE COUNTY

Washoe County Recorder

Kathryn L. Burke - Recorder

Fee: \$0.00 RPTT: \$0.00

Page 1 of 6

Return to: County Engineer

P.O. Box 11130

Reno, Nevada 89520

Portion of APN: 540-460-02



GRANT OF TRAIL EASEMENT

THIS GRANT OF TRAIL EASEMENT, made and entered into this 6th day of May, 2009, by and between Nevada State Bank, a Nevada Corporation, Party of the First Part, hereinafter referred to as "Grantor"; and COUNTY OF WASHOE, a political subdivision of the State of Nevada, Party of the Second Part, hereinafter referred to as "Grantee".

WITNESSETH:

For and in consideration of the sum of One Dollar (\$1.00) and other good and valuable a consideration, receipt of which is hereby acknowledged, Grantor hereby grants to Grantee a permanent relocatable non-motorized public access trail easement upon, over, across and through the land herein described, together with perpetual right to construct, reconstruct, maintain and repair said trail surface (which may be paved or unpaved) and associated amenities (directional and informational signage, bollards, fencing, benches, trash receptacles, benches, bicycle racks, handrails, stairs, ADA ramps, trash bag dispensers, storm drains, drainage swales, landscaping, turf, which the County may elect to install within the easement area; and the further right to remove trees, rocks, bushes, undergrowth, concrete, concrete asphalt and other obstructions interfering with the location, construction and maintenance of said trail and amenities. Said trail easement being relocatable upon approval of the County Engineer.

The easement and right of entry hereby granted is situate in the County of Washoe, State of Nevada, more particularly described in Exhibit A and attached hereto and by this reference made a part hereof.

TO HAVE AND TO HOLD, said easement and right of entry, unto the Grantee and unto its successors and assigns forever.

Grantor covenants and agrees for his, her, or their heirs, successors and assigns, to release, and does hereby release, Grantee, its successors and assigns, of and from any and all claims, liability, obligation and responsibilities for any loss, damage or destruction of any kind or character whatsoever, to the property and improvements within the above described easement of Grantor, by reason of or resulting from construction, reconstruction, maintenance, or repair upon, over, across or through the property described herein.

Grantor hereby declares that this Trail Easement is for the purpose of providing access to a permanent trail system maintained by Washoe County; and this Trail Easement is located on property that is currently planned as future residential lots and/or supporting streets and infrastructure. For this reason, Grantor hereby reserves the right of Grantor or any future owner(s) of the property on which this Trail Easement is located, to grant an alternative easement to the approval of the County Engineer; and Grantor understands that such approval will not be unreasonably withheld. Upon the granting of such alternative easement, this Trail Easement shall automatically sunset and cease to exist. Grantor or any future owner(s) shall record a Notice of Relinquishment of Trail Easement to document said relinquishment, containing the signature of the County Engineer or his duly authorized representative.

This is a non-exclusive easement and to the extent that other uses do not interfere with the use of said easement by Grantee as permitted hereunder, Grantor, its successors and assigns, shall be permitted to use the same for any purpose they may desire.

The covenants and agreements herein contained shall inure to the benefit of and shall be binding upon the executors, administrators, heirs, successors and assigns of the parties and shall be, and are, covenants running with the land binding upon said property of Grantors and for the benefit of Grantee as described in Exhibit A.

TO HAVE AND TO HOLD, all and singular, the premises, together with the appurtenances, unto the said Grantee and to its assigns forever.

IN WITNESS WHEREOF, the parties have caused these presents to be executed
the day and year first above written.

Grantor:

Nevada State Bank
a Nevada corporation

By *Pier Martin*
Pier Martin, Vice President

Date: 5/6/09

STATE OF NEVADA)
) SS:
COUNTY OF CLARK)

On the 6 day of May, 2009, personally appeared before
me, a Notary Public, Pier Martin, who acknowledged that she/he executed the above
instrument.



Danielle Delgado
Notary Public

Accepted for the County of Washoe,

By: *Jeffery H. Cruss*
Jeffery H. Cruss
County Surveyor

5/12/09
Date

Exhibit A
Legal Description

A permanent 30.00 foot wide relocatable non-motorized public access trail easement situate within the Northeast One Quarter of Section 20, Township 20 North, Range 20 East, M.D.M., Washoe County, Nevada being more particularly described as follows;

Beginning at the common corner of Lot 56 and Parcel D also being a point on the ~~southerly~~ ^{northerly} right of way Sun Mesa Drive as shown on Sun Mesa – Phase 2, Tract Map No. 4780, File No. 3533306, Official Records of Washoe County, Nevada, recorded May 16, 2007;

Thence leaving said ~~southerly~~ ^{northerly} right of way northerly along the common line of Lot 56 and Parcel D North 07°22'48" East, 102.52 feet to the northeasterly corner of said Lot 56 also being the northerly line of said Tract Map No. 4780 and Parcel D;

Thence easterly along said northerly line of said Tract Map No. 4780 and Parcel D South 87°55'03" East, 835.95 feet to the northeast corner of said Parcel D also being the Northeast Corner of Section 20, Township 20 North, Range 20 East, M.D.M.;

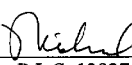
Thence southerly along the easterly line of said Tract Map No. 4780 and Parcel D South 00°43'51" West, 30.01 feet;

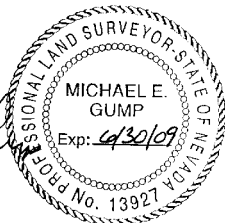
Thence westerly leaving said easterly line common to said Tract Map No. 4780 and Parcel D North 87°55'03" West, 809.31 feet;

Thence South 07°22'48" West, 76.76 feet to the said ~~southerly~~ ^{northerly} right of way Sun Mesa Drive to a non-tangent 342.00 foot radius curve to the left;

Thence from a tangent bearing of North 77°04'01" West, 30.05 feet along the arc through a central angle of 05°02'05" to the point of beginning and end of this description.

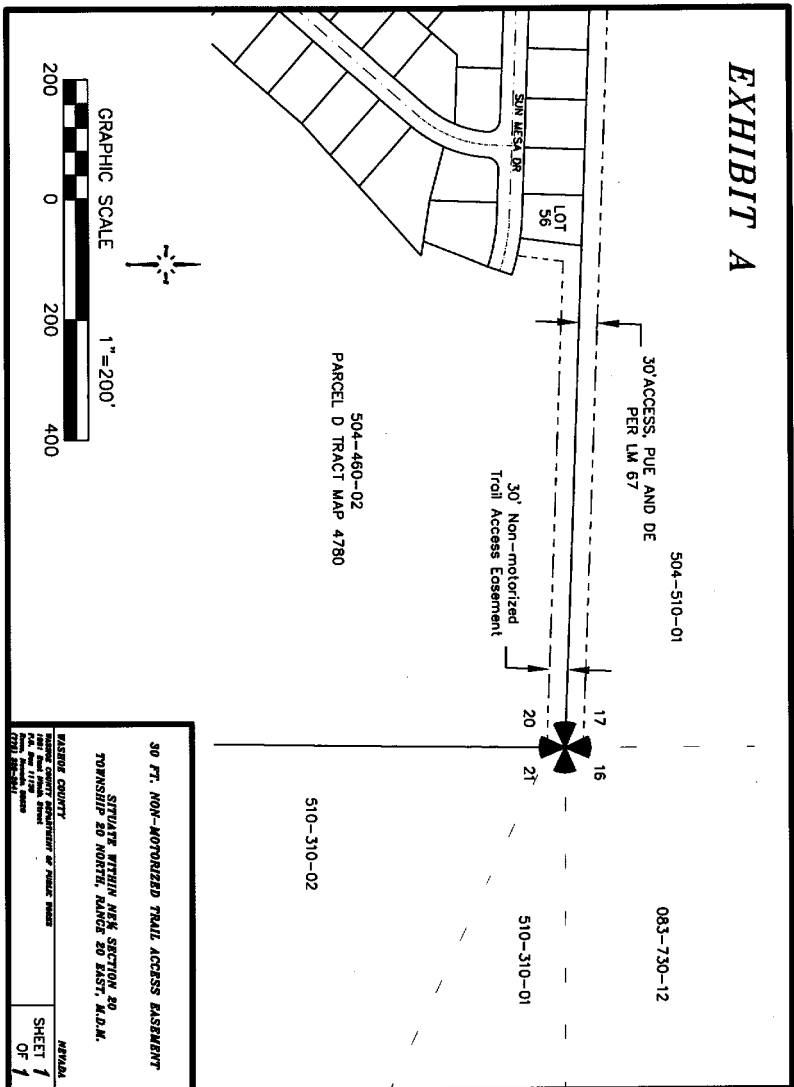
Basis of Bearing is the Nevada State Plane Coordinate System, West Zone, NAD 83/94.


Michael E. Gump P.L.S. 13927



5-12-09

Washoe County, Public Works Dept.
1001 East Ninth Street
Reno, Nevada 89520





WASHOE COUNTY RECORDER

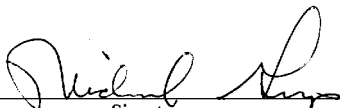
OFFICE OF THE RECORDER
KATHRYN L. BURKE, RECORDER

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.



Signature

5-12-09

Date

Michael Gump

Printed Name

APN# _____

DOC # 3922551

09/15/2010 11:51:22 AM

Requested By
WASHOE COUNTY CLERK
Washoe County Recorder
Kathryn L. Burke - Recorder
Fee: \$0.00 RPTT: \$0.00
Page 1 of 10



Recording Requested by:

Name: Washoe County Clerk
Address: 75 COURT ST.
City/State/Zip: KENO

When Recorded Mail to:

Name: Washoe County Clerks Office
Address: 75 COURT ST.
City/State/Zip: KENO.

(for Recorder's use only)

Mail Tax Statement to:

Name: _____
Address: _____
City/State/Zip: _____

Ordinance No. 1399
(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)

Jaime Delleria
Signature

Deputy Clerk
Title

JAIME DELLERIA
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)

SUMMARY: An ordinance approving Development Agreement Case No. DA09-002 which will extend the approval of Tentative Subdivision Map Case No. TM04-001 for Sun Mesa Subdivision, as previously approved by the Washoe County Planning Commission.

BILL NO. 1580

ORDINANCE NO. 1399

AN ORDINANCE PURSUANT TO NEVADA REVISED STATUTES 278.0201 THROUGH 278.0207 APPROVING DEVELOPMENT AGREEMENT CASE NO. DA09-002 FOR TENTATIVE SUBDIVISION MAP CASE NO. TM04-001 FOR SUN MESA 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. TM04-001, for Sun Mesa, a Common Open Space Subdivision, 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 14th day of April, 2009.

Proposed by Commissioner LARKIN

Passed on the 28th day of April, 2009.

Vote:

Ayes: Humke, Jung, Weber, Braternitz

Nays: None

Absent: LARKIN

David E. Humke, Chairman
Washoe County Commission



Amy Harvey, County Clerk

This ordinance shall be in force and effect from and after the 8th day of May, 2009.

AGREEMENT

THIS AGREEMENT ("Agreement") is made by and between Nevada State Bank, a Nevada corporation (the "Landowner"); and the COUNTY OF WASHOE, a political subdivision of the State of Nevada, ("County").

1. GENERAL.

1.1 Property. The Landowner is the owner of real property located in Washoe County, Nevada known as Assessor's Parcel Number 504-460-02 in Washoe County (the "Property"), and is a portion of the project known as Sun Mesa as more particularly described in Exhibit A, attached hereto. Original development of the project was planned in 4 phases. Final maps for Phase 1 and Phase 2 have been recorded as described in paragraph 1.3 herein and the Property contains all the remaining land that was planned as Phase 3 and Phase 4.

1.2 Tentative Map. The Property has a County land use designation of Medium Density Suburban ("MDS"), which allows residential subdivision development at a density of three single family dwellings per acre. On April 21, 2004 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. TM04-001 for Sun Mesa (the "Tentative Map") for a total of 207 lots. The land covered by the Tentative Map includes the Property and the Previous Final Maps as described in paragraph 1.3 herein. The development of the Property must be conducted pursuant to the Tentative Map and applicable law, including the Nevada Revised Statutes, the Nevada Administrative Code, and the Washoe County Development Code (the "Code").

1.3 Previous Final Maps. Sun Mesa, LLC, the previous owner of the Property caused the recordation of two final maps covering a portion of the land covered by the Tentative Map as described below.

1.3.1 Sun Mesa - Phase 1, as shown on the Official Plat of Sun Mesa - Phase 1, recorded on March 14, 2006 as Subdivision Tract Map 4618, Document No. 3360640, Official Records of Washoe County, Nevada, containing 50 lots.

1.3.1 Sun Mesa - Phase 2, as shown on the Official Plat of Sun Mesa - Phase 2, recorded on May 16, 2007 as Subdivision Tract Map 4780, Document No. 3533088, Official Records of Washoe County, Nevada, containing 54 lots.

1.4 Tentative Map Extension. On May 7, 2008, the County issued its Action Order, which is incorporated herein by this reference as Exhibit C, approving an Extension of Time Request for Tentative Subdivision Map Case No. TM04-001, extending approval of the Tentative Map until May 11, 2009.

1.5 Final Map Requirements. Pursuant to NRS 278.360(1), unless the parties have entered into an agreement concerning the development of land authorized by NRS 278.0201, the Landowner must cause the next final map (the "Next Final Map") to be recorded prior to the extended expiration date of May 11, 2009. The parties believe it is in the public interest to enter into

this Agreement and provide, among other matters, additional time to design and to establish phasing and financing for the infrastructure and construction of the development.

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.

2.1.1 The land which is subject to this Agreement is APN 504-460-02 as more particularly described in Exhibit A.

2.1.2 The duration of this Agreement shall be for five (5) years from the date of signing by the Board of County Commissioners, 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 the Tentative Map, a recorded final map or any use permit in existence at the time of expiration of this Agreement.

2.1.3 Exhibits described herein and all other materials and information deemed reasonably necessary and required by the County's Community Development Department ("Community Development") must be submitted in substantial compliance with the Tentative Map and no later than 120 days prior to the first anniversary of this Agreement. Final terms and specifications of all exhibits and other materials, except as otherwise provided in this Agreement, must also be completed between the parties by the first anniversary of this Agreement. These deadlines may be extended for up to one additional year at the discretion of the Director of Community Development. However the time extended for these deadlines, if any, shall not exceed an aggregate of one year.

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 under the Tentative Map is the remaining 103 approved lots in a common open space residential subdivision, having approximate lots ranging from 6,534 square feet to 35,719 square feet in size, with an average lot size of 9,583 square feet, and a density of 2.79 lots per acre, which complies with the Property's Medium Density Suburban (MDS) land use designation.

2.1.5 The maximum height of the proposed buildings will comply with the Medium Density Suburban maximum height limit of 35 feet, and the maximum size of the buildings will comply with size restrictions in the Code to conform with building setbacks as well as other applicable building code requirements.

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. The majority of common area within the Tentative Map is open space, to be constructed by the developer and maintained by the subdivision homeowners association.

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, will be supplied pursuant to Section 2.1.3. This will include the following exhibits.

- Exhibit D: A phasing plan for final maps and infrastructure, including construction phasing and financing plan 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.
- Exhibit E: In the event that financing includes participation in a special assessment district, information and methodology on the proposed funding mechanism and benefiting properties for the services and infrastructure, i.e. GID, SAD, LID, HOA, etc.

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. This shall constitute Exhibit F.

2.1.9 The next final map, to be no less than five lots, shall be recorded on or before the second anniversary of this Agreement. Each successive map, if the Landowner chooses to record in a series, must include a minimum of five lots.

2.1.10 A Development Standards Handbook, to be designated Exhibit G, shall consist of the following: project description with site plan; development phasing and building setbacks; grading, drainage and erosion controls; fences and walls; lighting standards and energy conservation; revegetation and open space maintenance; and public facilities including water and sewer service, fire protection and security and emergency services. Exhibit G may include other materials and information deemed reasonably necessary and required by Community Development.

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

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

2.4 Assumption of Risk. The Landowner acknowledges and agrees that the Landowner is proceeding voluntarily and at its own risk in entering into this Agreement and without advice, promises or guarantees of any kind from the County, other than as expressly set forth herein. 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 expiration or termination of the Tentative Map; or in the event of noncompliance by Landowner with any term or deadline set forth in this Agreement, in which case all proceedings concerning the Tentative Map shall be also terminated. In any event, however, 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 the Tentative Map or any recorded final map in existence at the time of termination of this Agreement.

2.6 Alternative Development. Nothing contained herein prohibits or impairs development of the Property in any manner allowed by the Code other than pursuant to the Tentative Map (e.g., new tentative map, new special use permit, nonresidential development allowed under the land use designation) and this Agreement shall not apply to said alternative development unless the parties mutually so agree and amendment to this Agreement accordingly.

3. MISCELLANEOUS PROVISIONS.

3.1 Time is of the Essence. Time is of the essence in 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 all future successors in interest of the Property and any said successor shall assume the duties and obligations under this Agreement.

3.4 County Funding Contingency. In the event the governing body appropriating funds for the County fails to obligate funds necessary to carry out the obligations of this Agreement beyond County's then current fiscal period, this Agreement shall be terminated without penalty, charge or sanction.

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

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

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

3.8 Written Amendments. Amendments, if any, shall be approved as provided in NRS 278.0205. Changes to development of the Property which are in substantial compliance with the overall Tentative Map shall not require an amendment hereto and may be requested by Landowner and approved 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 Landowner may appeal an adverse decision by the Director of Community Development to the Board of County Commissioners by written notice filed with the Director of Community Development, if filed within twenty (20) days of receipt of the notice of the adverse decision. No oral statements or representations subsequent to the execution hereof by either party are binding on the other party, and neither party shall have the right to rely on such oral statements or representations.

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

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

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

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

[Signatures appear on following page]

[Signature page to Agreement]

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

LANDOWNER:

NEVADA STATE BANK, a
Nevada corporation

By: *Pier Martin*
PIER MARTIN, Vice President

Date: 3/27/09

COUNTY:

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

By: *David Humke*
DAVID HUMKE Chairman

Date: 4/28/09

ATTEST:

Amy Harvey
AMY HARVEY, County Clerk



State of Nevada

County of Clark

This instrument was acknowledged before me on March 27, 2009, by Pier Martin, Vice President of NEVADA STATE BANK, a Nevada corporation.

Danielle Delgado
Notary Public

My commission expires: November 26, 2012

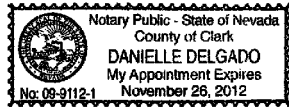


EXHIBIT "A"

**DESCRIPTION
SUN MESA PHASE 3 & PHASE 4**

All that certain real property situate in the County of Washoe, State of Nevada, within Section 20, Township 20 North, Range 20 East, M.D.M., more particularly described as follows:

Parcel D as shown on the Official Plat of Sun Mesa - Phase 2, recorded on May 16, 2007 as Subdivision Tract Map 4780, Document No. 3533088, Official Records of Washoe County, Nevada.

Containing 36.969 acres, more or less.

CERTIFIED COPY

The foregoing document is a full, true and correct copy of the original on file and of record in my office.

Date: September 13, 2010

AMY HARVEY ASHLEY Clerk in and for the County of Washoe, State of Nevada.

By [Signature]

Deputy Clerk

Pursuant to NRS 239B.030 the SSN may be redacted, but in no way affects the legality of the document.



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.

Jaime Sella
Signature

9-15-10
Date

JAIME SELLA
Printed Name

APN# 504-460-02

Recording Requested by:

Name: Community Development: AHN: Sandy
Address: 1001 E. NINTH ST. 2ND FL.
City/State/Zip: reno 89503

When Recorded Mail to:

Name: Washoe County Com. Dev.
Address: _____
City/State/Zip: Same

Mail Tax Statement to:

Name: _____
Address: _____
City/State/Zip: _____

DOC # 3924186

09/20/2010 03:05:09 PM
Requested By
WASHOE COUNTY COMMUNITY
Washoe County Recorder
Kathryn L. Burke - Recorder
Fee: \$0.00 RPTT: \$0.00
Page 1 of 36



(for Recorder's use only)

AGREEMENT (DA for SAN MESA)
(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)

Signature

Title

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)

AGREEMENT

THIS AGREEMENT ("Agreement") is made by and between **Nevada State Bank**, a Nevada corporation (the "Landowner"); and the **COUNTY OF WASHOE**, a political subdivision of the State of Nevada, ("County").

1. GENERAL.

1.1 **Property.** The Landowner is the owner of real property located in Washoe County, Nevada known as Assessor's Parcel Number 504-460-02 in Washoe County (the "Property"), and is a portion of the project known as Sun Mesa as more particularly described in Exhibit A, attached hereto. Original development of the project was planned in 4 phases. Final maps for Phase 1 and Phase 2 have been recorded as described in paragraph 1.3 herein and the Property contains all the remaining land that was planned as Phase 3 and Phase 4.

1.2 **Tentative Map.** The Property has a County land use designation of Medium Density Suburban ("MDS"), which allows residential subdivision development at a density of three single family dwellings per acre. On April 21, 2004 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. TM04-001 for Sun Mesa (the "Tentative Map") for a total of 207 lots. The land covered by the Tentative Map includes the Property and the Previous Final Maps as described in paragraph 1.3 herein. The development of the Property must be conducted pursuant to the Tentative Map and applicable law, including the Nevada Revised Statutes, the Nevada Administrative Code, and the Washoe County Development Code (the "Code").

1.3 **Previous Final Maps.** Sun Mesa, LLC, the previous owner of the Property caused the recordation of two final maps covering a portion of the land covered by the Tentative Map as described below.

1.3.1 Sun Mesa - Phase 1, as shown on the Official Plat of Sun Mesa - Phase 1, recorded on March 14, 2006 as Subdivision Tract Map 4618, Document No. 3360640, Official Records of Washoe County, Nevada, containing 50 lots.

1.3.1 Sun Mesa - Phase 2, as shown on the Official Plat of Sun Mesa - Phase 2, recorded on May 16, 2007 as Subdivision Tract Map 4780, Document No. 3533088, Official Records of Washoe County, Nevada, containing 54 lots.

1.4 **Tentative Map Extension.** On May 7, 2008, the County issued its Action Order, which is incorporated herein by this reference as Exhibit C, approving an Extension of Time Request for Tentative Subdivision Map Case No. TM04-001, extending approval of the Tentative Map until May 11, 2009.

1.5 **Final Map Requirements.** Pursuant to NRS 278.360(1), unless the parties have entered into an agreement concerning the development of land authorized by NRS 278.0201, the Landowner must cause the next final map (the "Next Final Map") to be recorded prior to the extended expiration date of May 11, 2009. The parties believe it is in the public interest to enter into

this Agreement and provide, among other matters, additional time to design and to establish phasing and financing for the infrastructure and construction of the development.

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.

2.1.1 The land which is subject to this Agreement is APN 504-460-02 as more particularly described in Exhibit A.

2.1.2 The duration of this Agreement shall be for five (5) years from the date of signing by the Board of County Commissioners, 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 the Tentative Map, a recorded final map or any use permit in existence at the time of expiration of this Agreement.

2.1.3 Exhibits described herein and all other materials and information deemed reasonably necessary and required by the County's Community Development Department ("Community Development") must be submitted in substantial compliance with the Tentative Map and no later than 120 days prior to the first anniversary of this Agreement. Final terms and specifications of all exhibits and other materials, except as otherwise provided in this Agreement, must also be completed between the parties by the first anniversary of this Agreement. These deadlines may be extended for up to one additional year at the discretion of the Director of Community Development. However the time extended for these deadlines, if any, shall not exceed an aggregate of one year.

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 under the Tentative Map is the remaining 103 approved lots in a common open space residential subdivision, having approximate lots ranging from 6,534 square feet to 35,719 square feet in size, with an average lot size of 9,583 square feet, and a density of 2.79 lots per acre, which complies with the Property's Medium Density Suburban (MDS) land use designation.

2.1.5 The maximum height of the proposed buildings will comply with the Medium Density Suburban maximum height limit of 35 feet, and the maximum size of the buildings will comply with size restrictions in the Code to conform with building setbacks as well as other applicable building code requirements.

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. The majority of common area within the Tentative Map is open space, to be constructed by the developer and maintained by the subdivision homeowners association.

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, will be supplied pursuant to Section 2.1.3. This will include the following exhibits.

- Exhibit D: A phasing plan for final maps and infrastructure, including construction phasing and financing plan 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.
- Exhibit E: In the event that financing includes participation in a special assessment district, information and methodology on the proposed funding mechanism and benefiting properties for the services and infrastructure, i.e. GID, SAD, LID, HOA, etc.

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. This shall constitute Exhibit F.

2.1.9 The next final map, to be no less than five lots, shall be recorded on or before the second anniversary of this Agreement. Each successive map, if the Landowner chooses to record in a series, must include a minimum of five lots.

2.1.10 A Development Standards Handbook, to be designated Exhibit G, shall consist of the following: project description with site plan; development phasing and building setbacks; grading, drainage and erosion controls; fences and walls; lighting standards and energy conservation; revegetation and open space maintenance; and public facilities including water and sewer service, fire protection and security and emergency services. Exhibit G may include other materials and information deemed reasonably necessary and required by Community Development.

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

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

2.4 Assumption of Risk. The Landowner acknowledges and agrees that the Landowner is proceeding voluntarily and at its own risk in entering into this Agreement and without advice, promises or guarantees of any kind from the County, other than as expressly set forth herein. 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 expiration or termination of the Tentative Map; or in the event of noncompliance by Landowner with any term or deadline set forth in this Agreement, in which case all proceedings concerning the Tentative Map shall be also terminated. In any event, however, 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 the Tentative Map or any recorded final map in existence at the time of termination of this Agreement.

2.6 Alternative Development. Nothing contained herein prohibits or impairs development of the Property in any manner allowed by the Code other than pursuant to the Tentative Map (e.g., new tentative map, new special use permit, nonresidential development allowed under the land use designation) and this Agreement shall not apply to said alternative development unless the parties mutually so agree and amendment to this Agreement accordingly.

3. MISCELLANEOUS PROVISIONS.

3.1 Time is of the Essence. Time is of the essence in 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 all future successors in interest of the Property and any said successor shall assume the duties and obligations under this Agreement.

3.4 County Funding Contingency. In the event the governing body appropriating funds for the County fails to obligate funds necessary to carry out the obligations of this Agreement beyond County's then current fiscal period, this Agreement shall be terminated without penalty, charge or sanction.

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

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

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

3.8 Written Amendments. Amendments, if any, shall be approved as provided in NRS 278.0205. Changes to development of the Property which are in substantial compliance with the overall Tentative Map shall not require an amendment hereto and may be requested by Landowner and approved 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 Landowner may appeal an adverse decision by the Director of Community Development to the Board of County Commissioners by written notice filed with the Director of Community Development, if filed within twenty (20) days of receipt of the notice of the adverse decision. No oral statements or representations subsequent to the execution hereof by either party are binding on the other party, and neither party shall have the right to rely on such oral statements or representations.

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

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

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

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

[Signatures appear on following page]

[Signature page to Agreement]

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

LANDOWNER:

COUNTY:

NEVADA STATE BANK, a
Nevada corporation

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

By: *Pier Martin*
PIER MARTIN, Vice President

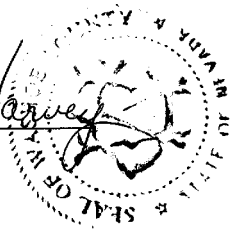
By: *David Humke*
DAVID HUMKE, Chairman

Date: 3/27/09

Date: 4/28/09

ATTEST:

Amy Harvey
AMY HARVEY, County Clerk



State of Nevada

County of Clark

This instrument was acknowledged before me on March 27, 2009, by Pier Martin, Vice President of NEVADA STATE BANK, a Nevada corporation.

Danielle Delgado
Notary Public

My commission expires: November 26, 2012



EXHIBIT "A"

DESCRIPTION
SUN MESA PHASE 3 & PHASE 4

All that certain real property situate in the County of Washoe, State of Nevada, within Section 20, Township 20 North, Range 20 East, M.D.M., more particularly described as follows:

Parcel D as shown on the Official Plat of Sun Mesa – Phase 2, recorded on May 16, 2007 as Subdivision Tract Map 4780, Document No. 3533088, Official Records of Washoe County, Nevada.

Containing 36.969 acres, more or less.

EXHIBIT B



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

ACTION ORDER

April 21 2004

Greg Evangelatos, AICP
Landmark Homes
3086 Silversage Drive
Carson City, NV 89701

Warren B. Richardson Trust
3670 South Virginia Street
Reno, NV 89502

Dear Applicant and Property Owner:

As filed with the Department of Community Development, the Washoe County Planning Commission, at its regular meeting of April 20, 2004, approved the following, with seventy-six (76) conditions:

TENTATIVE SUBDIVISION MAP CASE NO. TM04-001 (SUN MESA) – To develop a 207-lot common open space, single-family subdivision on a ±70.28-acre site. Lots will range in size from ±6,534 square feet to ±35,719 square feet, with an average lot size of ±9,583 square feet. The project will incorporate a ±12.21-acre common area in addition to the residential lots. The proposed project site is located at the eastern terminus of Fifth Avenue in a portion of Section 20, T20N R20E, MDM, Washoe County, Nevada. The parcel is zoned Medium Density Suburban (MDS) and Open Space (OS) in the Sun Valley Area Plan. The property is within the Sun Valley Citizen Advisory Board boundary and Washoe County Commission District No. 5. (APN 083-061-08)

The approval was based on the following findings:

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

Adrian P. Freund,
AICP, Director



Letter to: Landmark Homes; Warren B. Richardson Trust
Subject: Tentative Subdivision Map Case No. TM04-001
Date: April 21 2004
Page 2

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

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

Yours truly,

Adrian P. Freund, AICP
Director and Secretary to the Planning Commission
APF/SD/cm (TM04-001f1)

xc: Cynthia Albright, AICP, Division Manager, Stantec Consulting, Inc., 6980 Sierra Center Parkway, Suite 100, Reno, NV
James Barnes, DA's Office; Marge Claussen, Assessor's Office (CAAS); Steve Churchfield, Chief Appraiser, Assessor's Office; Kathy Laster, Department of Water Resources, Engineering Division; Truckee Meadows Division, Reno Fire Department; Sun Valley Citizen Advisory Board; Sun Valley General Improvement District; Washoe County Sheriff's Office; 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, Sun Valley Citizen Advisory Board, Chair

Letter to: Landmark Homes; Warren B. Richardson Trust
Subject: Tentative Subdivision Map Case No. TM04-001
Date: April 21 2004
Page 3

**AMENDED CONDITIONS FOR
TENTATIVE SUBDIVISION MAP CASE NO. TM04-001
SUN MESA SUBDIVISION**

**(As approved by the Washoe County Planning Commission on April 20, 2004,
and as amended by the Washoe County Planning Commission on May 3, 2005)**

INSTRUCTIONS

*****IMPORTANT—PLEASE READ*****

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

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

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

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

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STATUTES, ORDINANCES, RULES, REGULATIONS AND POLICIES.

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

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

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

FOR THE PURPOSES OF CONDITIONS IMPOSED BY WASHOE COUNTY, "MAY" IS PERMISSIVE AND "SHALL" OR "MUST" IS MANDATORY.

GENERAL CONDITIONS

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

Regulatory Zone for Review Purposes	Common Open Space Development MDS (Max. 3 unit/acre)
Minimum Lot Area Required	6,534 square feet
Minimum Lot Width	65-feet
Minimum Front Yard	20-feet
Minimum Side Yard	8-feet
Minimum Rear Yard	20-feet
Maximum Building Height	35 feet / 2-story maximum

Note: Variances to these standards may be processed per Washoe County Code.

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

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- 2. 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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- 3. The subdivider shall present to Washoe County a final map, prepared in accordance with the tentative map, for the entire area for which a tentative map has been approved, or one of a series of final maps, each covering a portion of the approved tentative map, within two years after the date of approval of the tentative map or within one year of the date of approval for subsequent final maps. On subsequent final maps, that date may be extended by one year if the extension request is received prior to the expiration date. Final 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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- 4. Prior to acceptance of public improvements and release of any financial assurances, the developer shall furnish to the water and sewer provider and 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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- 5. The developer shall be required to participate in any applicable General Improvement District or Special Assessment District formed by Washoe County. The applicable County Department shall determine compliance with this condition.

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

NOTE

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

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

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

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

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- 10. A complete set of construction improvement drawings, including an onsite grading plan, shall be submitted to the County Engineer for approval prior to finalization of any portion of the tentative map. Grading shall comply with best management practices and shall 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. The Engineering Division shall determine compliance with this condition.

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- 11. All open space shall be identified as common area on the final map. A note on the final map shall indicate that all common areas shall be privately maintained and perpetually funded by the Homeowner's 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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- 12. Prior to finalization of the first final map, a fault study shall be provided that addresses fault location, age and setback requirements for any faults that affect the site. The County Engineer shall determine compliance with this condition.

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- 13. Appropriate public access easement(s) shall be provided over all common areas intended to be a community amenity. The County Engineer shall determine compliance with this condition.

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- 14. Any existing easements or utilities that conflict with the development shall be relocated, quitclaimed and/or abandoned. The County Engineer shall determine compliance with this condition.

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- 15. Any easement documents recorded for the project shall include an exhibit map showing the location and limits of the easement in relationship to the project. The County Engineer shall determine compliance with this condition.

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DRAINAGE

Drainage (County Code 110.420)

- 16. The master hydrology/hydraulic report shall address the overflow and/or draining of the existing water tank located just south of the site. An overflow route shall be provided through the subdivision for any water tank flows that impact the site. The report shall show that water tank flows can be carried in the proposed overflow system or storm drain system when there are no storm flows in the system. The County Engineer shall determine compliance with this condition.

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- 17. The master hydrology/hydraulic report shall address the need for the existing rock filled ditch located on site and referenced in the Feasibility-Level Geotechnical Investigation prepared by Black Eagle Consulting, Inc., dated May 23, 2001. Any flows associated with this trench shall be perpetuated. The County Engineer shall determine compliance with this condition.

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- 18. The master hydrology/hydraulic report shall address any impacts of Sun Mesa discharging storm drain flows to the existing Stone Canyon detention pond north of 5th Avenue. The report shall analyze the impacts of both altered hydrograph inflow timing and hydrograph volume due to development of Sun Mesa. The storm frequencies used in these calculations shall match those used for the original Stone Canyon detention pond design. Mitigation shall be provided for any adverse effects on the existing Stone Canyon pond due to development of Sun Mesa. The County Engineer shall determine compliance with this condition.

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- 19. All hydrology reports shall use the current rainfall data in the Washoe County Hydrologic Criteria and Drainage Design Manual. The County Engineer shall determine compliance with this condition.

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- 20. Stormwater detention pond design shall be based on an acceptable pond routing calculation method that includes routing inflow hydrographs through the pond to obtain the associated outflow hydrographs. The County Engineer shall determine compliance with this condition.

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- 21. Maintenance access is required for all proposed drainage facilities. Improved vehicular access is required for all detention ponds. The County Engineer shall determine compliance with this condition.

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- 22. No slopes, other than appropriately armored ditches or retaining walls, shall be graded steeper than 3:1. The County Engineer shall determine compliance with this condition.

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- 23. The Truckee Meadows Regional Stormwater Quality management Program Construction Permit Submittal Checklist and Inspection Fee shall be submitted with each final map. The County Engineer shall determine compliance with this condition.

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- 24. Due to the limited capacity in the existing drainage system on Whitehorse Avenue, flows shall not be increased to Whitehorse Avenue unless the existing system is improved to handle the increased flow. The County Engineer shall be responsible for determining compliance with this condition.

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- 25. Type-11 drop inlets proposed in the Conceptual Drainage Report are not acceptable for use in County streets. Type-4 catch basins with slotted drains or a series of Type-4 catch basins shall be substituted for the Type-11 drop inlets. The County Engineer shall be responsible for determining compliance with this condition.

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26. Drainage easements shall be provided over all drainage features located outside of a street right-of-way. The County Engineer shall determine compliance with this condition.

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27. Slopes and retaining walls shall be set back from the exterior project boundary in accordance with the following:

- a) Top of Cut Slope/Retaining Wall. The top of cut slopes/retaining walls shall not be made nearer to the exterior project boundary line than 1/5 of the vertical height of cut with a minimum of a 2-foot setback and a maximum of a 10-foot setback. The setback shall be increased as necessary to accommodate any required interceptor drains.
- b) Toe of Fill Slope/Retaining Wall. The toe of fill slopes/retaining walls shall not be made nearer to the exterior project boundary line than 1/2 the vertical height of the slope with a minimum of a 2-foot setback and a maximum of a 20-foot setback. The setback shall be increased as necessary to accommodate any required interceptor drains.

The County Engineer shall determine compliance with this condition.

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28. 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. The Engineering Division shall determine compliance with this condition.

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- 29. Prior to finalization of the first final map, a master hydrology/hydraulic report and a master storm drainage plan shall be submitted to the County Engineer for approval. The Engineering Division shall determine compliance with this condition.

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- 30. 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 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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- 31. Any increase in stormwater runoff resulting from the development and based on the 5- and 100-year storm(s) shall be detained. The County Engineer shall be responsible for determining compliance with this condition.

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- 32. 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 Letter of Map Revision is submitted or until conformance with Washoe County flood construction standards is determined by the County Engineer. The Engineering Division shall determine compliance with this condition.

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- 33. Standard reinforced concrete headwalls or other approved alternatives shall be place on the inlet and outlet of all drainage structures, and grouted rock riprap shall be used to prevent erosion at the inlets and outlets of all pipe culverts to the satisfaction of the Engineering Division.

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- 34. The developer shall provide for pretreatment for petrochemicals and silt for all storm drainage from the site to the satisfaction of the Engineering Division.

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- 35. Drainage swales that drain more than two lots are not allowed to flow over the curb into the street; these flows shall be intercepted by an acceptable storm drain inlet and routed into the storm drain system. The County Engineer shall be responsible for determining compliance with this condition.

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- 36. A note on the final map shall indicate that all drainage facilities not maintained by Washoe County shall be privately maintained and perpetually funded by a homeowner's association. As an alternative to a homeowner's association, the developer may request the establishment of a County Utility Service Area under which fees would be paid for maintenance of the proposed storm drainage detention facility. The fee amount will be based on the additional service above that is normally provided by the County to maintain new stormwater facilities dedicated by the developer (i.e., curb and gutter, drop inlets and piping). The County Engineer shall be responsible for determining compliance with this condition. The maintenance and funding of these drainage facilities shall also be addressed in the CC&Rs to the satisfaction of the District Attorney's Office.

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- 37. The maximum permissible flow velocity (that which does not cause scour) shall be determined for all proposed channels and open ditches. The determination shall be based on a geotechnical analysis of the channel soil, proposed channel lining and channel cross section, and it shall be in accordance with acceptable engineering publications/calculations. Appropriate linings shall be provided for all proposed channels and open ditches such that the 100-year flows do not exceed the maximum permissible flow velocity. The County Engineer shall determine compliance with this condition.

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TRAFFIC

Traffic (County Code No. 110.436)

- 38. All roadway improvements necessary to serve the project shall be designed and constructed to the 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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- 39. For any utilities placed in existing County streets, the streets shall be repaired to the satisfaction of the County Engineer. At a minimum, this will require full depth removal and replacement of asphalt for half the street width, or replacement of non-woven pavement reinforcing fabric with a 2" asphalt overlay for half the street width. Type II slurry seal is required for the entire street width with either option. Full width street improvements may be required if the proposed utility location is too close to the centerline of the existing street. The County Engineer shall determine compliance with this condition.

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- 40. An offset distance of more than 200' is required between all intersections including between the following intersections.
 - a. Future Klondike Drive/5th Avenue and Sun Mesa Drive/5th Avenue.
 - b. Sunburst Lane/Sun Mesa Drive and Sunrise Way/Sun Mesa Drive.

The County Engineer shall determine compliance with this condition.

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- 41. Sun Mesa Drive shall be constructed to a collector standard (52' right-of-way) from 5th Avenue to the first intersection of Sun Mesa Drive/Sunrise Way. The County Engineer shall determine compliance with this condition.

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- 42. Proposed landscaping, signage, retaining walls and/or fencing along street rights-of-way shall be designed to meet the American Association of State Highway and Transportation Officials (AASHTO) sight distances and safety guidelines. AASHTO intersection sight distances at the intersection of 5th Avenue/Sun Mesa Drive shall be based on a 35 mph design speed. AASHTO intersection sight distances at all other intersections within the subdivision shall be based on a 30 mph design speed. The County shall have the right to prohibit or remove any obstructions within the sight distance easement. The County Engineer shall determine compliance with this condition.

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- 43. A minimum 100' tangent length shall be provided between the two horizontal curves on Sun Mesa Drive in the vicinity of lots 76 and 77. The County Engineer shall determine compliance with this condition.

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- 44. Sun Mesa Drive shall intersect 5th Avenue at a 90° angle. The County Engineer shall determine compliance with this condition.

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- 45. Street names shall be reviewed and approved by the Regional Street Naming Coordinator. No street shall intersect another street at more than one location. The existing Whitehorse Avenue street name shall be extended into the subdivision to the satisfaction of the Regional Street Naming Coordinator. The County Engineer shall determine compliance with this condition.

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- 46. AASHTO clear zones shall be determined for all streets adjacent to retaining walls or slopes steeper than 3:1. If a recoverable or traversable clear zone cannot be provided, an analysis to determine if barriers are warranted shall be submitted for approval. The County Engineer shall be responsible for determining compliance with this condition.

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- 47. All retaining walls that are adjacent to, provide support for or retain soil from the County right-of-way shall be constructed of reinforced masonry block or reinforced concrete meeting County standards. The County Engineer shall determine compliance with this condition.

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- 48. No retaining walls that retain soil from the County right-of-way shall be located within a plowed snow storage easement. The County Engineer shall be responsible for determining compliance with this condition.

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- 49. Prior to approval of the first final map, provide documentation that establishes the location of the presumed public road identified on the map titled "Public Roads Reno" (dated March 1999 and prepared by Washoe County) that is in the immediate vicinity of the southwestern portion of the subdivision. If the presumed public road is located within the subdivision, a travel way shall be perpetuated for the presumed public road with each affected final map. The County Surveyor shall determine compliance with this condition.

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- 50. A note on the final map shall state that no direct access from individual lots shall be allowed onto the 30' access easement created by Land Map 67 and adjacent to the northern boundary of the subdivision. The County Engineer shall determine compliance with this condition. This note shall also be included in the CC&Rs to the satisfaction of the District Attorney's office.

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- 51. A 5' wide concrete sidewalk shall be constructed on the south side of 5th Avenue adjacent to the project site. The sidewalk shall extend westward to the existing driveway apron in the Klondike Drive right-of-way. The County Engineer shall determine compliance with this condition.

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- 52. A 4" diameter subdrain shall be placed along all street rights-of-way and shall be tied into the storm drain system. The subdrain shall be placed between 3' and 4.5' deep and shall be backfilled with Class B backfill. The subdrain shall be wrapped with approved geofabric. The County Engineer shall determine compliance with this condition.

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53. A geotechnical report shall be submitted for each final map. All fine grained or expansive soils shall be overexcavated beneath all sidewalks, curb and gutter, driveway aprons, and asphalt pavement. Depth of overexcavation below subgrade elevation shall be in conformance with the following chart to the satisfaction of the County Engineer.

<u>Plasticity Index</u>	<u>Depth of Overexcavation, ft.</u>
10-20	2
20-30	3
30-40	4
40-50	5
>50	6

The County Engineer shall determine compliance with this condition.

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54. The geotechnical report shall address water migrating through utility service trenches ultimately saturating the roadway subgrade. The County Engineer shall determine compliance with this condition.

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55. No tree shall overhang the curb line of a County street. The County Engineer shall determine compliance with this condition.

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56. No knuckle (Sunrise Court) shall be constructed to Sunset Way. Sunrise Court shall be eliminated or redesigned such that it is long enough to form a standard intersection with Sunset Way. The County Engineer shall determine compliance with this condition.

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CONDITIONS, COVENANTS AND RESTRICTIONS

57. Conditions, covenants, and restrictions (CC&Rs), including any supplemental CC&Rs, shall be reviewed, approved and recorded by the District Attorney's office. The final CC&Rs shall be signed and notarized by the owner(s) and submitted to the District Attorney's office with the recordation fee prior to the recordation of the final map. The CC&Rs shall require all phases and units of the subdivision approved under this tentative map to be subject to the same CC&Rs, be under the authority of the same homeowners association, and be under the authority of the same architectural control committee. Washoe County shall be made a party to the applicable provisions of the CC&Rs to the satisfaction of the District Attorney's Office. Said CC&Rs shall specifically address the potential for liens against the property and the individual property owner's responsibilities for the funding of maintenance, replacement, and perpetuation of the following items, at a minimum:
- a. Mandatory solid waste collection.
 - b. The availability of a curbside recycling program.
 - c. Fence material, height, and location limitations. Fencing of individual lot lines adjacent to common open space or public lands along the southern property line is limited to vinyl-coated chain link, colored either dark brown or black. Along the three open space access ways, fence construction shall be limited to either solid fences which may be up to four and one-half (4.5) feet in height, or vinyl-covered chain link fencing colored black or dark brown, which may be allowed up to six (6) feet in height.
 - d. Open space access. Access to the open space shall be from the one designated access point on the map (between lots 47 & 48). No individual gates joining private lots to the open space shall be allowed.
 - e. Maintenance of the public access easement(s), common areas, and common open spaces.
 - f. Maintenance of detention basins and drainage facilities.
 - g. Passive or natural heating or cooling opportunities.
 - h. Maintenance of fire fuel breaks and vegetation mitigation/controls.

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- i. Landscaping, including trees, shrubs, and groundcover, appropriate to the local soil type and climate shall be provided for the common area on the south side of Fifth Avenue around the proposed detention basin and the main subdivision entryway. Irrigation and maintenance plans for the landscaping shall be specified in the CC&Rs and shall be the responsibility of the Homeowner's Association. Community Development will determine compliance with this condition.

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PARKS AND RECREATION

- 58. The open space access easement, located between lots 47 and 48, shall be clearly signed as "Public Access" and "Non-Motorized Use Only". The applicant shall confer with the Parks and Recreation Department as to the creation of the public access to surrounding common open space on east side prior to recordation of the first final map. The Department of Community Development and the Parks and Recreation Department shall determine compliance with this condition.

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

- 59. The applicant shall work with the Parks and Recreation Department for the possible construction and dedication of the park site location within the subdivision. If the Parks Department does not accept the park site into its system, then the park site shall become the detention basin for the subdivision, and be designed with grass and trees as shown in the attached photo, and to the standards of the County Engineer. If the site becomes the detention basin, then it should be under the ownership of the Homeowner's Association (HOA), and maintained by the HOA as well. The Department of Community Development, Parks and Recreation and the County Engineer shall work with the applicant on final design of this site, park or detention basin. Compliance with this condition shall be determined by all three departments mentioned above.

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

Letter to: Landmark Homes; Warren B. Richardson Trust
Subject: Tentative Subdivision Map Case No. TM04-001
Date: April 21 2004
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WASHOE COUNTY SCHOOL DISTRICT

- 60. The developer shall be required to meet with the Washoe County School District (WCSD), Engineering and Community Development staff to consider alternatives to extend a sidewalk or path to Sun Valley Elementary School, thereby ensuring a safe route for children walking from this project to that school. The Department of Community Development shall determine compliance with this condition.

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

WATER AND SEWER

- 61. Water rights necessary to serve this project shall be dedicated to Washoe County, per Article 422 of the Washoe County Development Code. A water rights lease agreement shall be executed between Washoe County and Sun Valley General Improvement District. The Department of Water Resources shall determine compliance with this condition.

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

- 62. Said property must be successfully annexed to the Sun Valley General Improvement District (GID) service area prior to recordation of any final map, and shall adhere to all Sun Valley GID requirements for all services provided by the Sun Valley GID to the development. The Department of Water Resources shall determine compliance with this condition.

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

- 63. Washoe County Water Rights Certificate Signature block needs to be added to jurat. The Department of Water Resources shall determine compliance with this condition.

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

Letter to: Landmark Homes; Warren B. Richardson Trust
Subject: Tentative Subdivision Map Case No. TM04-001
Date: April 21 2004
Page 22

- 64. In accordance with applicable ordinances, all sewer service connection fees shall be paid for each service, within the boundaries of the final map, prior to the Department of Water Resources approval. The Department of Water Resources shall determine compliance with this condition.

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

FIRE SAFETY

- 65. A fire fuel break which is acceptable to the Reno Fire Department shall be provided and maintained around the perimeter of the subdivision and in and around the common spaces. Provide a written plan for approval by the Reno Fire Department detailing who will be responsible for maintenance of the fire fuel breaks and how often maintenance will be provided. Reno Fire Department shall determine compliance with this condition.

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

- 66. Water protection shall meet duration and flow requirements as outlined in Washoe County Code 60. Hydrant locations shall be submitted for approval to the Reno Fire Department who shall determine compliance with this condition.

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

WASHOE—STOREY CONSERVATION DISTRICT

- 67. A review letter from the Washoe-Storey Conservation District (WSCD) shall be submitted to the County Engineer prior to the "red line" meeting. The WSCD recommendations shall be implemented with the appropriate design/specifications included in the construction drawings to the satisfaction of the County Engineer. The County Engineer shall determine compliance with this condition.

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

Letter to: Landmark Homes; Warren B. Richardson Trust
Subject: Tentative Subdivision Map Case No. TM04-001
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68. Applicant shall be required to limit slopes on lots to a 3:1 slope and revegetate all altered slopes to Washoe-Storey Conservation District recommendations. The County Engineer shall determine compliance with this condition.

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

LANDSCAPING AND COMMON OPEN SPACE

69. All open space shall be identified as common area on the final map. A note of the final map shall indicate that all common areas shall be privately maintained and perpetually funded by the Homeowner's 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.

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

70. Prior to approval of the first final map, the developer shall submit the following plans and provisions for the common open space areas. The County Engineer and the Department of Community Development shall be responsible for determining compliance with this condition.

a. Three-Year Maintenance Plan: Provisions shall be made to monitor and maintain, for a period of three (3) years regardless of ownership, a maintenance plan for the common open space area. The maintenance plan for the common open space area shall, at a minimum, address the following:

- 1) Vegetation management;
- 2) Watershed management;
- 3) Debris and litter removal;
- 4) Fire access and suppression;
- 5) Maintenance of public access and/or maintenance of limitations to public access; and
- 6) Specify who will maintain common areas and how frequently maintenance will be done.
- 7) Other factors deemed necessary by the Director of Community Development, the Planning Commission or the Board of County Commissioners.

Letter to: Landmark Homes; Warren B. Richardson Trust
Subject: Tentative Subdivision Map Case No. TM04-001
Date: April 21 2004
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- b. Permanent Preservation and Maintenance: Provisions shall be made for the permanent preservation and ongoing maintenance of the common open space and other common areas using a legal instrument acceptable to Washoe County.
- c. Screening and Buffering of Adjoining Development: Provisions shall be made to assure adequate screening and buffering of existing and potential developments adjoining the proposed common open space development.
- d. Common Open Space Restrictions: Designated common open space shall not include areas devoted to public or private vehicular streets or any land which has been, or is to be, conveyed to a public agency via a purchase agreement for such uses as parks, schools or other public facilities.
- e. Design Review Committee: The applicant shall be required to go the Design Review Committee (DRC) in the event that the Parks Department does not accept the park site into the county park system. The DRC shall review the design of the detention basin to correspond to the attached photograph. (see Exhibit-A).

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

71. Development shall be in substantial compliance with the provisions of the Article 408 – Common Open Space Development, of the Development Code. The permitted exceptions to the Development Code allow: a minimum lot size of 6,534 square feet, a minimum front and rear yard setback requirements of 20 feet, a minimum side yard setback requirement of 8 feet. The first and each succeeding final map shall not exceed the average gross density of 2.9 units per acre. Each final map shall contain a cumulative table of the above information. 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: _____

72. The applicant shall be required to provide “split-level” home design(s) in order to accommodate the proposed grading for the project site. The Department of Community Development shall determine compliance with this condition.

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

Letter to: Landmark Homes; Warren B. Richardson Trust
Subject: Tentative Subdivision Map Case No. TM04-001
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73. The applicant will be responsible for meeting with the Design Review Committee (DRC) to review and finalize all plans as they relate to all proposed landscaping of the subdivision; (entry and along Fifth Avenue) to include; types and sizes of all plants and plant materials; irrigation, fencing materials, and project signage.

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

AVIGATION EASEMENT

74. The property owner(s) shall grant an Avigation Easement to, and acceptable to, the Airport Authority of Washoe County over the entire property. The property owner(s) shall provide the Planning Department with appropriate documentation indicating the Avigation Easement has been granted and accepted by the Airport Authority of Washoe County, prior to the issuance of a building permit. The Airport Authority and the Department of Community Development shall determine compliance with this condition.

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

75. The applicant(s) and/or property owner(s) shall provide a list, verified by a qualified acoustical consultant, of construction methods to be utilized for noise attenuation to a maximum interior noise level of 45 dBA Ldn prior to the issuance of a building permit. The Airport Authority shall determine compliance with this condition.

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

76. Prior to the use of explosives or blasting materials the applicant will be required to give 72-hours notice to all adjacent property owners within a 750-foot radius. Blasting hours will be limited to 8:00 a.m. to 5:00 p.m., Monday through Friday only. A copy of the notice will be submitted to the Department of Community Development one week prior to the occurrence of blasting, with a preliminary schedule of all blasting to take place. The Department of Community Development shall determine compliance with this condition.

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

Letter to: Landmark Homes; Warren B. Richardson Trust
Subject: Tentative Subdivision Map Case No. TM04-001
Date: April 21 2004
Page 26

STANDARD CONSIDERATIONS FOR SUBDIVISIONS

Nevada Revised Statutes 278.349

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

- (a) Environmental and health laws and regulations concerning water and air pollution, the disposal of solid waste, facilities to supply water, community or public sewage disposal and, where applicable, individual systems for sewage disposal;
- (b) The availability of water which meets applicable health standards and is sufficient 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) 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 flood plain, slope and soil;
- (i) The recommendations and comments of those entities reviewing the tentative map pursuant to NRS 278.330 to 278.348, inclusive; and
- (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.



Community Development

"Dedicated to Excellence in Public Service"

Adrian P. Freund, FAICP, Community Development Director



ACTION ORDER

EXHIBIT C

May 7, 2008

Landmark Homes
Sun Mesa, LLC
Attn: Susan Dorr
985 Damonte Ranch Parkway
Reno, NV 89521

Dear Applicant:

As filed with the Department of Community Development, the Washoe County Planning Commission, at its regular meeting of May 6, 2008, approved the following, subject to the original conditions of approval:

EXTENSION OF TIME REQUEST FOR TENTATIVE SUBDIVISION MAP CASE NO. TM04-001 (SUN MESA) - To extend for one year, until May 11, 2009, the approval of a 207-lot, single-family, common open space subdivision. Lots will range in size from ±6,534 square feet to ±35,719 square feet, with an average lot size of ±9,583 square feet. The project will incorporate ±12.21 acres of common area in addition to the residential lots. The proposed project site is located at the eastern terminus of Fifth Avenue in a portion of the NE ¼ of Section 20, T20N R20E, MDM, Washoe County, Nevada. The parcel is zoned Medium Density Suburban (MDS) and Open Space (OS) in the Sun Valley Area Plan. The property is within the Sun Valley Citizen Advisory Board boundary and Washoe County Commissioner District No. 5. (APN 504-460-01)

The approval was based on the following findings:

1. That the conditions of approval ensure consideration of the items enumerated in NRS 278.360,
2. That the original findings remain valid, and
3. That the circumstances have not appreciably changed since the original approval.

Letter to: Landmark Homes/Alan Mesa, LLC
Subject: Extension of Tentative Subdivision Map No. TM04-001
Date: February 7, 2007
Page: 2

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

Yours truly,



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

APF/SDM/cm/(TM04-001F3ext)

Attachment: Action Order of April 21, 2004

xc: Stantech Consulting Inc., Attn: Jim Pringle and Misty Capriotti, 6980 Sierra Center Parkway., Reno, NV 89511; Ted S. Brown, P.E., P.O. Box 19100, Reno, NV 89511

Blaine E. Cartlidge, DA's Office; Marge Clausen, Assessor's Office (CAAS); Steve Churchfield, Chief Appraiser, Assessor's Office; David Lindsey, Department of Water Resources, Engineering Division; Reno Fire Department, Daniel Birkel; Sun Valley Citizen Advisory Board, Chair

APN# _____

Recording Requested by:

Name: Washoe County Clerk
Address: 1001 E 9th Street
City/State/Zip: Reno, NV 89520

When Recorded Mail to:

Name: Washoe County Clerk
Address: 1001 E 9th Street
City/State/Zip: Reno, NV 89520

Mail Tax Statement to:

Name: _____
Address: _____
City/State/Zip: _____

DOC # 4302103

11/21/2013 01:58:50 PM

Requested By
WASHOE COUNTY CLERK
Washoe County Recorder
Laurence R. Burtness - Recorder
Fee: \$0.00 RPTT: \$0.00
Page 1 of 6



(for Recorder's use only)

Ordinance No. 1517
(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)

Jaime Delleria, Deputy Clerk
Signature Title

JAIME DELLERIA, Deputy Clerk
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)

SUMMARY: Approves a an Amendment of Conditions to amend the Development Agreement with Sun Mesa pursuant to Nevada Revised Statutes 278.0201 through 278.0207 approving Amendment of Conditions Case Number AC13-006, amending Development Agreement Case Number DA09-002 for Sun Mesa (Tentative Subdivision Map Case Number TM04-001 that was previously approved by the Washoe County Planning Commission on April 20, 2004), that was subsequently extended under DA09-002 until April 28, 2014 by the Board of County Commissioners. The sole purpose of the Amendment of Conditions is to extend the expiration date of said subdivision map until April 28, 2019.

BILL NO. 11698

ORDINANCE NO. 1517

Ordinance pursuant to Nevada Revised Statutes 278.0201 through 278.0207, approving Amendment of Conditions Case Number AC13-006, amending Development Agreement Case Number DA09-002 for Sun Mesa (Tentative Subdivision Map Case Number TM04-001 that was previously approved by the Washoe County Planning Commission on April 20, 2004), that was subsequently extended under DA09-002 until April 28, 2014 by the Board of County Commissioners. The sole purpose of the Amendment of Conditions is to extend the expiration date of said subdivision map until April 28, 2019. The project is located at the eastern terminus of Fifth Avenue, within the Sun Valley planning area, in a portion of Section 20, T20N R20E, MDM, Washoe County, Nevada (APN: 504-460-02).

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

SECTION 1.

Amendment of Conditions CASE NUMBER AC13-006 for
Development Agreement CASE NUMBER DA09-002 for Sun Mesa is
an acceptable document.

The Amended Development Agreement reads as follows:

FIRST AMENDMENT TO DEVELOPMENT AGREEMENT

This FIRST AMENDMENT TO DEVELOPMENT AGREEMENT (the "Amendment") is made this 27th day of August, 2013, by and between **NEVADA SALTWATER, LLC**, a Nevada limited liability company (herein "Landowner"), and **COUNTY OF WASHOE**, a political subdivision of the State of Nevada (herein "County")

RECITALS

A. County and Nevada State Bank ("NSB") entered into that certain Development Agreement regarding Washoe County Assessor Parcel No. 504-460-02 (the "Property"), recorded on September 20, 2010 as Washoe County Recorder Document No. 3924186 (the "Original Agreement").

B. Landowner purchased the Property from NSB on December 29, 2010.

C. Landowner and County now wish to amend the Original Agreement as more particularly set forth below.

NOW, THEREFORE, for good and valuable consideration, Landowner and County agree as follows:

1. Section 2.1.2 of the Original Agreement shall be deleted in its entirety and the following is inserted in lieu thereof:

Section 2.1.2 The duration of the Agreement shall be for ten (10) years from the date of signing by the Board of County Commissioners.

2. Landowner and County acknowledge that the submittals required in Section 2.1.3 of the Original Agreement are satisfied.

3. Landowner and County acknowledge that the submittals required in Section 2.1.7 of the Original Agreement are satisfied or no longer applicable.

4. Section 2.1.8 of the Original Agreement shall be deleted in its entirety.

5. Section 2.1.9 of the Original Agreement shall be deleted in its entirety.

6. This Amendment may be executed in several counterparts, each of which shall be deemed an original and all of which when taken together shall constitute one and the same Amendment.

7. In the event of any conflict between the terms of the Original Agreement and the terms of this Amendment, the terms of this Amendment shall prevail. All capitalized terms not defined herein shall have the meaning ascribed to them in the Original Agreement.

8. Except as modified herein, the Original Agreement remains unchanged and is hereby ratified and confirmed in all respects.

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

COUNTY:

LANDOWNER:

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

Nevada Saltwater, LLC, a Nevada Limited Liability Company

By: *David Humke*

By: *Maynard D. Reighley*

Name: David Humke

Name: *Maynard D. Reighley*

Title: Chairman

Its: *Manager*

SEAL OF WASHOE COUNTY
ATTEST:
Shirley L. Parent
County Clerk

APPROVED AS TO FORM:

By: *Paul Heppelle*
County Counsel

Passage and Effective Date

Ordinance Relating to AC13-006 Amending DA09-002 (Sun Mesa)

This ordinance was proposed on 8-13-13 by
Commissioner Jung.

This ordinance was passed on 8-27-13.

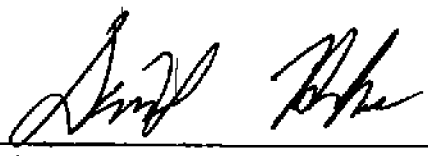
Those voting "aye" were Humke, Jung, Beckbigler, Hartung

Those voting "nay" were none.

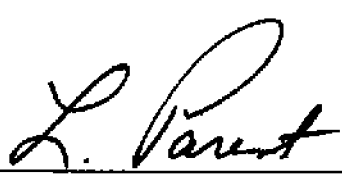
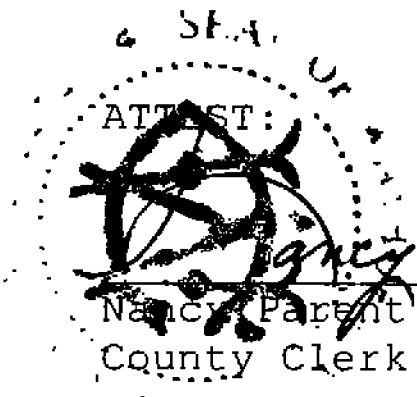
Those absent were Weber.

Those abstaining were none.

This ordinance shall be in force and effect from and after
the 10th day of September, 2013.



David Humke, Chairman
Washoe County Commission
Washoe, County, Nevada



Nancy Parent
County Clerk



WASHOE COUNTY RECORDER

**OFFICE OF THE RECORDER
LAWRENCE R. BURTNES, 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.

Jaime Delleria, Deputy Clerk
Signature

11-14-13
Date

JAIME Delleria
Printed Name