



# WASHOE COUNTY

"Dedicated To Excellence in Public Service"

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## STAFF REPORT

BOARD MEETING DATE: August 24, 2021

**DATE:** July 23, 2021

**TO:** Board of County Commissioners

**FROM:** Trevor Lloyd, Planning Manager, Planning and Building Division, Community Services Department, 328-3617, [tlloyd@washoecounty.us](mailto:tlloyd@washoecounty.us)

**THROUGH:** Mojra Hauenstein, Arch., Planner, Division Director, Planning & Building Division, Community Services Department, 328-3619, [mhauenstein@washoecounty.us](mailto:mhauenstein@washoecounty.us)

**SUBJECT:** First Reading of an Ordinance pursuant to Nevada Revised Statutes 278.0201 through 278.0207 adopting a Development Agreement between Washoe County and NNV1 Partners, LLC for Ascente Subdivision, a residential subdivision originally approved in 2017 (TM16-009), to retroactively extend the recording of the first final map from August 9, 2021 to August 9, 2023. The approved subdivision is a 225 lot single family common open space subdivision as authorized in Article 408 of the Washoe County Development Code.

The location is south of Fawn Lane and east of Shawna Lane and is comprised of 4 parcels that total approximately 225 acres. The parcels are located within the Forest Area Plan. The property is located within Washoe County Commission District No. 2. (045-252-17, 18, 19, & 20).

If approved, schedule a public hearing, second reading and possible adoption of the ordinance for September 28, 2021, and further authorize the Chair to execute the final Development Agreement. (Commission District 2.)

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### SUMMARY

The Washoe County Commission is asked to introduce and conduct a first reading and possibly set the second reading and public hearing to adopt an ordinance approving a Development Agreement for Ascente Subdivision, to extend the recording of the first final map from August 9, 2021 to August 9, 2023 for Tentative Subdivision Map Case Number TM16-009. The development agreement, included as part of the ordinance, relates to an approved tentative subdivision map within the Forest Area Plan.

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

### PREVIOUS ACTION

On August 8, 2017 the Board of County Commissioners (Board) upheld the Planning Commission's approval of Tentative Map Case Number TM16-009 (Ascente Subdivision). Commissioner Jung moved to approve TM16-009 with Commissioner Hartung seconding

AGENDA ITEM # \_\_\_\_\_

the motion, which duly passed. Commission Lucey abstained from the vote due to a conflict of interest. The motion upheld the Planning Commission's decision with the Planning Commission's addition of Condition 1Z, to obtain an Army Corps of Engineers certification of potential wetlands.

On June 6, 2017, the Planning Commission held a public hearing on the proposed project and voted to approve Tentative Subdivision Map Case Number TM16-009 and Special Use Permit Case Number SW16-003 with conditions of approval as recommended by staff by a vote of five in favor and one opposed.

On May 11, 2017, the South Truckee Meadows/Washoe Valley Citizen Advisory Board (CAB) heard details of the proposed project and invited comments from the audience. The CAB voted unanimously to deny the proposed tentative map and special use permit.

### **BACKGROUND**

The applicant is requesting a development agreement to extend the filing for recording of the first final map for Tentative Subdivision Map (TM16-009- Ascente Subdivision) to August 9, 2023 because they are unable to make the statutory deadline of August 9, 2021. On June 28, 2021, the applicant submitted a final map for the first five lots for the County's review and approval. However, the developers will not be able to record the final map by August 9, 2021. The developer is requesting the two-year extension because of labor shortages, increased work-loads due to business restrictions and Covid-19 related issues. Approval of the development agreement to extend the timeframe will extend the expiration date for the tentative subdivision map and will maintain the approved TM16-009 Ascente Subdivision.

The Tentative Subdivision Map (TM16-009-Ascente Subdivision) is a 225 lot single family common open space subdivision. Lots will range in size from 10,120 square feet ( $\pm$ .23 acres) to 91,450 square feet ( $\pm$ 2.09 acres) with lot sizes averaging approximately 24,450 square feet ( $\pm$ .56 acres). The development will cluster the 225 lots on a total of 225 acres, of which 80 acres (35%) will remain open space.

The application for a tentative subdivision map was originally submitted on September 15, 2016, requesting approval for 281 lots. After significant feedback from the community and numerous meetings with staff regarding concerns with the original design, the applicants made substantial changes to the project proposal and submitted an updated application on April 17, 2017.

After Planning Commission approval, the Tentative Subdivision Map (TM16-009- Ascente Subdivision) was appealed to the Board. The Board upheld the Planning Commission's approval after a lengthy hearing on August 8, 2017. Commissioner Jung made the motion and it was seconded by Commissioner Hartung. Commissioner Lucey abstained from the vote due to a conflict of interest. The motion to approve the tentative subdivision map upheld the Planning Commission's approval with an additional condition 1Z, concerning wetlands.

### **PROCESS FOR ADOPTING A DEVELOPMENT AGREEMENT**

Pursuant to NRS 278.0203(1) and Washoe County Code (WCC) Section 110.814.25, a development agreement must be entered into via ordinance after special notice and a public

hearing. Included as Attachment A is the proposed Ordinance and included as Attachment A-1 is the proposed development agreement which extends the potential date for recording the first final map until August 9, 2023 and provides that the tentative subdivision map will terminate if the first map is not filed by that date.

If the Board introduces and conducts a first reading of the ordinance, then the County Clerk will publish the title of the ordinance and the required notice of intent to adopt the ordinance, and schedule a public hearing for the second reading and possible adoption in accordance with NRS 244.100 and Washoe County Code.

Under WCC 110.814.25 notice of the public hearing and possible adoption of a development agreement must be sent to all property owners within three hundred (300) feet of the property which is the subject of the development agreement. Notice will be provided in a newspaper of general circulation within Washoe County at least 10 days before the public hearing date.

**COMPLIANCE WITH MASTER PLAN**

NRS 278.0203(1), NRS 278.0205(2) and WCC Section 110.814.40(b) require that when development agreements are adopted or amended, there must be a finding that the agreement is consistent with the Master Plan.

When the tentative subdivision map was approved, the Board of County Commissioners determined that the development was consistent with the Master Plan. The development agreement does not seek to change any uses, standards or policies that would be inconsistent with the Master Plan. Only the time schedule for development is proposed to be changed.

WCC 110.814.30(d) also requires the Board to make findings as follows:

- |  |
|--|
| <p>(d) <u>Findings.</u> The approval or denial of the development agreement shall be accompanied by the following findings:</p> <ul style="list-style-type: none"><li>(1) The reasons why the development agreement would or would not be in the best interests of the County.</li><li>(2) The reasons why the development agreement would or would not promote the public interest and welfare of the County.</li><li>(3) The reasons why departures from Development Code regulations are or are not deemed to be in the public interest.</li><li>(4) In the case of a development agreement which proposes development over a period of years, the sufficiency of the terms and conditions intended to protect the interests of the public, residents and owners of the land subject to the development agreement in the integrity of the plan.</li></ul> |
|--|

Staff believes that maintenance of the current development approval is in the best interest of the County, as it promotes the public interest and welfare by maintaining a consistency in allowable development, there are no departures from development code regulations and that sufficient terms and conditions of approval are in place to protect the interests of the public and the developer.

**FISCAL IMPACT**

No fiscal impact.

**RECOMMENDATION**

It is recommended that the Board introduce and conduct the first reading of an ordinance adopting a Development Agreement between Washoe County and NNV1 Partners, LLC for Ascente Subdivision, a residential subdivision originally approved in 2017 (TM16-009), to retroactively extend the recording of the first final map from August 9, 2021 to August 9, 2023.

And if approved, schedule a public hearing, second reading and possible adoption of the ordinance for September 28, 2021.

**POSSIBLE MOTION**

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

“Move to introduce Bill Number (insert bill number as provided by the County Clerk) and set the public hearing and second reading of the Ordinance for possible adoption during the meeting of September 28, 2021.”

Attachments:

Attachments A & A-1 – Ordinance with Proposed Development Agreement  
Attachment B – Application

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cc:

Owner /Applicant: NNV1 Partners, LLC, 985 Damonte Ranch Parkway, Ste. 210,  
Reno, NV, 89521, Email: mbarnes@stonegatereno.com and  
paul@symbiopartners.com

DRAFT: July 23, 2021

WORKING COPY  
INFORMATION ONLY

REGULAR TEXT: NO CHANGE IN LANGUAGE

~~STRIKEOUT TEXT: DELETED LANGUAGE~~

**BOLD TEXT: NEW LANGUAGE**

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

**Summary: To adopt a Development Agreement for Ascente Subdivision**

BILL NO. \_\_\_\_\_

ORDINANCE NO. \_\_\_\_\_

TITLE:

An Ordinance pursuant to Nevada Revised Statutes 278.0201 through 278.0207 adopting a Development Agreement between Washoe County and NNv1 Partners, LLC for Ascente Subdivision, a residential subdivision originally approved in 2017 (TM16-009), to retroactively extend the recording of the first final map from August 9, 2021 to August 9, 2023. The approved subdivision is a 225 lot single family common open space subdivision as authorized in Article 408 of the Washoe County Development Code.

The location is south of Fawn Lane and east of Shawna Lane and is comprised of 4 parcels that total approximately 225 acres. The parcels are located within the Forest Area Plan. The property is located within Washoe County Commission District No. 2. (045-252-17, 18, 19, & 20).

WHEREAS:

- A. Following a first reading and publication as required by NRS 244.100(1), and after a duly noticed public hearing, this Board of County Commissioners desires to adopt this Ordinance; and
- B. This Board of County Commissioners has determined that this ordinance is being adopted pursuant to requirements set forth in Chapter 278 of NRS, and is therefore not a "rule" as defined in NRS 237.060 requiring a business impact statement.

SECTION 1.

DRAFT: July 23, 2021

The Development Agreement for Ascente Subdivision attached hereto as Attachment A-1 is hereby APPROVED by this ordinance. The Chair is authorized to execute and deliver it for recording in the official records of Washoe County.

SECTION 2. General Terms.

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

Proposed on \_\_\_\_\_ (month) \_\_\_\_\_ (day), \_\_\_\_\_ 2021.

Proposed by Commissioner \_\_\_\_\_.

Passed \_\_\_\_\_ (month) \_\_\_\_\_ (day), \_\_\_\_\_ 2021.

Vote:

DRAFT: July 23, 2021

Ayes: Commissioners \_\_\_\_\_

Nays: Commissioners \_\_\_\_\_

Absent: Commissioners \_\_\_\_\_.

Attest:

\_\_\_\_\_  
Janis Galassini, County Clerk

\_\_\_\_\_  
Bob Lucey, Chair  
Washoe County Commission

This ordinance shall be in force and effect from and after the 8<sup>th</sup> day of the month of October of the year 2021.

DRAFT

When recorded, return to:

NNV1 Partners, LLC  
985 Damonte Ranch Parkway, Ste. 210  
Reno, NV, 89521

APNs: 045-252-17, 18, 19, & 20

Recorder Affirmation Statement: The undersigned hereby affirms that this document, including any exhibit, hereby submitted for recording does not contain the social security number of any person or persons (per NRS 239B.030(2)).

**AGREEMENT CONCERNING DEVELOPMENT OF**  
**LAND**  
(Ascente Ranch)



## **DEVELOPMENT AGREEMENT**

THIS DEVELOPMENT AGREEMENT ("Agreement") is made by and between NNV1 PARTNERS, LLC, a Nevada limited liability company, (the "Landowner") and the **COUNTY OF WASHOE**, a political subdivision of the State of Nevada, ("County").

### **1. GENERAL.**

1.1 Property. Landowner is the owner of real property located in Washoe County, Nevada known as Assessor's Parcel Numbers 045-252-17, 045-252-18, 045-252-19, and 045-252-20 (the "Property"), as more particularly described in Exhibit A, attached hereto.

1.2 Tentative Map, SUP. The Property has a County land use designation of Low-Density Suburban, Medium Density Suburban and Open Space. On August 9, 2017 the County Board of Commissioners issued its Action Order, which is incorporated herein by this reference as Exhibit B, upholding the Planning Commission's approval of the tentative map application on of the Landowner for the Property, known as Tentative Subdivision Map Case File No. TM16-009 (Ascenté Subdivision) (the "Tentative Map"), and approving the special use permit application of the Landowner for the Property, known as Special Use Permit Case Number SW16-003 (Ascenté Water Tank) (the "SUP"). The development of the Property (the "Project") must be conducted pursuant to the provisions of the Tentative Map, the SUP, and the Washoe County Development Code (the "Code").

1.3 Previous Final Maps. Landowner has not recorded a final map for any portion of the Tentative Map.

1.4 Purpose of Agreement. Condition 1.(c) of the Tentative Map and SUP states that a first final map ("First Final Map") must be presented to the Washoe County within four (4) years after the date of approval of the Tentative Map and SUP, which, due to an appeal that was denied by the Board of County Commissioners upholding the Planning Commission's approval, the deadline is August 9, 2021. NRS 278.360(1) states that same requirement but allows the deadline to be extended by execution of a Development Agreement (the "Agreement") pursuant to NRS 278.0201. This Agreement is intended to extend the time for approval of the First Final Map from August 9, 2021, to August 9, 2023, thereby amending Condition 1(c) of the Tentative Map and SUP accordingly. The Agreement does not amend any other provisions of the Tentative Map and SUP, including remaining provisions of Condition 1(c) not inconsistent herewith.

1.5 Circumstances Requiring an Extension of Time. Landowner believes that labor shortages and increased work-loads due to business restrictions and other Covid-19 related issues have impacted the residential housing development market and, as a result, the First Final Map processing review time has been significantly delayed and may push out the First Final Map approval past the August 9, 2021 deadline. Without this Agreement, the result would be the expiration of the Tentative Map and SUP. The parties recognize that there is a regional housing shortage and that actions and policies to increase housing supply and preserve housing approvals such as the Tentative Map and the SUP are in the public's best interest.

## 2. AGREEMENT CONCERNING DEVELOPMENT OF LAND.

2.1 Compliance with NRS 278.020 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 are APN Nos. 045-252-17, 045-252-18, 045-252-19, and 045-252-20, more particularly described in Exhibit A.

2.1.2. The duration of this Agreement shall be from the date of signing by the Board of County Commissioners to August 9, 2023, provided that all the terms of this Agreement shall remain binding and enforceable regarding construction or development commenced, and any related permits, on any portion of the Property subject to a tentative map, a special use permit, a recorded final map, or any use permit in existence at the time of expiration of this Agreement. This Agreement hereby amends Condition I(c) of the Tentative Map, SUP, and NRS 278.360 (l)(a) to extend the time of presentation of the First Final Map from four (4) to six (6) years, with the extended deadline being August 9, 2023.

2.1.3. The permitted uses on the Property and the density or intensity of its use are as provided in the Tentative Map, SUP, and the Code. The permitted use of the Property pursuant to the Tentative Map and SUP is a 225-lot subdivision on 225-acres including the Open Space.

2.1.4. The maximum height and size of the proposed buildings will comply with the zoning maximum height limits of the Code.

2.1.5. The provisions for the dedication of any portion of the Property for public use, if any, are as provided in the Tentative Map, SUP, and the Code. There are no environmentally sensitive lands or historic structures on the Property.

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

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

2.1.8. The First Final Map, to be a minimum of five lots, shall be presented to the Washoe County Planning and Development Division on or before the date of expiration of this Agreement. All successive final maps, if the Landowner chooses to record in a series, must include a minimum of five lots. Unless otherwise provided herein, the deadlines for any final maps shall be governed by NRS 278.360 and Condition I(c) of the Tentative Map and SUP.

2.1.9. Development standards for the Project are set forth in the conditions and requirements of the Tentative Map, and the County Board of Commissioners Action Order dated August 9, 2017 attached hereto as Exhibit B, and future Final Maps.

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

2.3 Public Notice. Any and all public notices required to be given in connection with this Agreement shall be given in accordance with NRS Chapter 278 and 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 noncompliance with any term or deadline set forth in this Agreement if the breaching party fails to fully cure such noncompliance after reasonable written notice and opportunity to cure, and all proceedings concerning the Tentative Map and SUP shall be terminated, provided that all the terms of this Agreement shall remain binding and enforceable regarding construction or development commenced, and any related permits, on any portion of the Property subject to a tentative map, a recorded final map or any use permit in existence at the time of termination of this Agreement.

### 3. MISCELLANEOUS PROVISIONS.

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

3.2 Waivers. No waiver of any breach of any covenant or provision herein contained shall be deemed a waiver of any preceding or succeeding breach thereof, or of any other covenant or provision herein contained. No extension of time for

performance of any obligation or act shall be deemed an extension of time for performance of any other obligation or act except those of the waiving party, which shall be extended by a period of time equal to the period of the delay.

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

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

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

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

3.7 Written Amendments. Amendments to this Agreement shall be defined as changes which are not in substantial compliance with the Tentative Map, SUP, and this Agreement. Amendments, if any, shall be approved as provided in NRS 278.0205 and Section 110.814.40 of the Code. Changes hereto which are in substantial compliance with the overall Tentative Map, SUP, and this Agreement may be requested by Owners and approved or denied by the Director of Planning and Building. The Director of Planning and Building shall also decide whether or not a proposed change is in substantial compliance with the overall Tentative Map and SUP. The Owners may appeal an adverse decision by the Director of Planning and Building to the Board of County Commissioners by written notice filed with the Director of Planning and Building, if filed within twenty (20) days of receipt of the notice of the adverse decision unless an appeal to the Board of Adjustment is required to occur first. No oral statements or representations subsequent to the execution hereof by either party are binding on the other party, and neither party shall have the right to rely on such oral statements or representations.

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

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

3.10 Interpretation. The parties hereto acknowledge and agree that each has been

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

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

[Signatures appear on following page]

[Signature page to Development Agreement]

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

LANDOWNER:

NNV1 PARTNERS, LLC, a Nevada limited liability company

By: Symbio Development, LLC,  
a Nevada limited liability company  
Its: Manager

Date: June 28, 2021

By: 

Name: Michael Barnes  
Title: Manager

COUNTY:

COUNTY OF WASHOE, a political sub-division of the State of Nevada, by its BOARD OF WASHOE COUNTY COMMISSIONERS

Date: \_\_\_\_\_, 2021

By: \_\_\_\_\_

Name: \_\_\_\_\_  
Title: Chairperson

ATTEST:

\_\_\_\_\_

Name: \_\_\_\_\_  
Title: County Clerk

STATE OF NEVADA    )  
                                  )ss.  
COUNTY OF WASHOE    )

This instrument was acknowledged before me on June 28, 2021 by  
Michael Barnes, Manager/Member Symbio Development, LLC – It's Manager for  
NNV1 Partners, LLC.



Diane Y. Tschopp  
My Commission expires: 6/19/22

STATE OF NEVADA    )  
                                  )ss.  
COUNTY OF WASHOE    )

This instrument was acknowledged before me on \_\_\_\_\_, 2021 by  
\_\_\_\_\_, Chairman of the Washoe County Commissioners

\_\_\_\_\_  
My Commission Expires: \_\_\_\_\_

**EXHIBIT A**  
**LEGAL DESCRIPTION OF SUBJECT PROPERTY**

Order No. **087880-PAHA**

**Legal Description**

All that certain lot, piece or parcel of land situate in the County of Washoe, State of Nevada, described as follows:

Parcels 1, 2, 3, and 4 of MAP OF DIVISION INTO LARGE PARCELS for NNV1 Partners, LLC, FBO W.B.H. 2011 Irrevocable Trust, and FBO C.W.H. 2011 Irrevocable Trust, being a merger and resubdivision of Parcels 1 and 2 of Map of Division into Large Parcels No. 245, according to the map thereof, filed in the office of the County Recorder of Washoe County, State of Nevada, on October 6, 2017, as Document No. 4751622, Official Records, Land Map No. 248.

EXCEPTING THEREFROM any and all water rights whether decreed or permitted.

Assessor's Parcel Number(s):  
045-252-17,18; 19, & 20



**EXHIBT B**  
ACTION LETTER BY WASHOE COUNTY BOARD OF COMMISSIONERS  
UPHOLDING THE PLANNING COMMISSION'S APPROVAL AND FINAL  
CONDITIONS OF APPROVALS

(Action Letter Begins on Next Page)



# WASHOE COUNTY

## Planning & Building

INTEGRITY COMMUNICATION SERVICE

Community Services  
Department  
P.O. Box 11130  
Reno, Nevada 89520-0027  
Phone: (775) 328-3600  
Fax: (775) 328-3699

RECEIVED

August 9, 2017

INT. AUG 11 2017  
*Catherine Smith*  
NANCY PARENT  
WASHOE COUNTY CLERK

Nancy Parent, County Clerk  
Washoe County  
P.O. Box 11130  
Reno, NV 89520

**SUBJECT: Appeal of Tentative Subdivision Map Case Number TM16-009 and Special Use Permit Case Number SW16-003 (Ascenté)**

Public hearing and discussion to affirm, modify or reverse the Planning Commission's approval of (1) Tentative Subdivision Map Case Number TM16-009 (Ascenté), a 225-lot single-family common open space subdivision on two parcels totaling ±632 acres, and (2) Special Use Permit Case Number SW16-003 (Ascenté Water Tank) a 560,000 gallon water storage tank.

The site is located south of Fawn Lane and east of Shawna Lane within Section 1, T17N, R19E, MDM, Washoe County, NV. The parcels (APNs: 045-252-14 and 045-252-15) total ±632.13-acres size and are within the boundaries of the Forest Area Plan. The Master Plan Categories are Suburban Residential and Open Space, and the Regulatory Zones are Medium Density Suburban (MDS - 3 dwelling units per acre), Low Density Suburban (LDS - 1 dwelling unit per acre) and Open Space (OS). The property owners are Gary Nelson and Jeannie Janning, the tentative subdivision map applicant is Symbio Development, LLC, and the appellant is Callahan Neighbors Community Group (Ryan Loetscher, Todd Mihevc, Ken Allen and Kris Hemlein).

(Commission District 2.)

Dear Ms. Parent

Pursuant to NRS 278.0235, please be advised of final action on August 8, 2017, by the Washoe County Board of Commissioners in the above referenced case. The County Commission's final action upheld the Planning Commission's approval (6/6/17) with modification to include an additional condition requiring the applicant to conduct a wetlands delineation and obtaining US Army Corps of Engineers certification. After the public hearing was closed, Commissioner Jung made a motion and Commissioner Hartung seconded the motion to affirm the Planning Commission's approval with modification as stated above; and approve Tentative Map Case




Letter to: Nancy Parent  
Subject: Appeal of Ascente Tentative Map and Special Use Permit  
Date: August 9, 2017  
Page: 2

Number TM19-009 and Special Use Permit Case Number SW16-003 for Ascenté.

The Washoe County Commission gave reasoned consideration to information contained within the reports transmitted to the Washoe County Commission from the Washoe County Planning Commission, and the information received during the Washoe County Commission's public hearing.

The Board's action was four in favor and none opposed and one Commissioner (Commissioner Lucey) abstained. Please provide a copy of this letter to our department indicating when this letter was received by your office.

Sincerely,



Mojra Hauenstein  
Planning and Building Division Director  
Washoe County Community Services Department

MH:tl

Cc: TM16-009 Case file





## Conditions of Approval

Tentative Subdivision Map Case Number TM16-009

The project approved under Tentative Subdivision Map Case Number TM16-009 shall be carried out in accordance with the Conditions of Approval granted by the Planning Commission on June 6, 2017. Conditions of Approval are requirements placed on a permit or development by each reviewing agency. These Conditions of Approval may require submittal of documents, applications, fees, inspections, amendments to plans, and more. These conditions do not relieve the applicant of the obligation to obtain any other approvals and licenses from relevant authorities required under any other act or to abide by all other generally applicable Codes, and neither these conditions nor the approval by the County of this project/use override or negate any other applicable restrictions on uses or development on the property.

**Unless otherwise specified**, all conditions related to the approval of this Tentative Subdivision Map shall be met or financial assurance must be provided to satisfy the conditions of approval prior to issuance of a grading or building permit. 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 assurance. All agreements, easements, or other documentation required by these conditions shall have a copy filed with the County Engineer and the Planning and Development Division.

Compliance with the conditions of approval related to this Tentative Subdivision Map is the responsibility of the applicant, his/her successor in interest, and all owners, assignees, and occupants of the property and their successors in interest. Failure to comply with any of the conditions imposed in the approval of the Tentative Subdivision Map may result in the initiation of revocation procedures.

Washoe County reserves the right to review and revise the conditions of approval related to this Tentative Subdivision Map should it be determined that a subsequent license or permit issued by Washoe County violates the intent of this approval.

For the purpose of conditions imposed by Washoe County, "may" is permissive and "shall" or "must" is mandatory.

Conditions of Approval are usually complied with at different stages of the proposed project. Those stages are typically:

- Prior to recordation of a final map.
- Prior to obtaining a final inspection and/or a certificate of occupancy.
- Prior to the issuance of a business license or other permits/licenses.
- Some "Conditions of Approval" are referred to as "Operational Conditions." These conditions must be continually complied with for the life of the project.

**The Washoe County Commission oversees many of the reviewing agencies/departments with the exception of the following agencies.**

- **The DISTRICT BOARD OF HEALTH, through the Washoe County Health District, has jurisdiction over all public health matters in the Health District.**

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**Any conditions set by the Health District must be appealed to the District Board of Health.**

- **The NEVADA DEPARTMENT OF TRANSPORTATION (NDOT) is directed and governed by its own board. Therefore, any conditions set by the Nevada Department of Transportation must be appealed to that Board.**

**STANDARD CONSIDERATIONS FOR SUBDIVISIONS**  
**Nevada Revised Statutes 278.349**

Pursuant to NRS 278.349, when contemplating action on a Tentative Subdivision Map, the Planning Commission 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;
- (i) The recommendations and comments of those entities reviewing the tentative map pursuant to NRS 278.330 and 278.335; 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.

**FOLLOWING ARE CONDITIONS OF APPROVAL REQUIRED BY THE REVIEWING AGENCIES. EACH CONDITION MUST BE MET TO THE SATISFACTION OF THE ISSUING AGENCY.**

**Washoe County Planning and Development Division**

1. The following conditions are requirements of the Planning and Development Division, which shall be responsible for determining compliance with these conditions.

Washoe County Conditions of Approval

**Contact Name** – Trevor Lloyd, 775.328.3620, [tlloyd@washoecounty.us](mailto:tlloyd@washoecounty.us) and Kelly Mullin, 775.328.3608, [kmullin@washoecounty.us](mailto:kmullin@washoecounty.us)

- a. The applicant shall demonstrate substantial conformance to the plans approved as part of this tentative map.
- b. The tentative map shall be in substantial conformance with the provisions of Washoe County Code Chapter 110, Article 604, Design Requirements, and Article 608, Tentative Subdivision Maps.
- c. The sub-divider 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 four years after the date of approval of the tentative map or within two years of the date of approval for subsequent final maps. On subsequent final maps, that date may be extended by two years if the extension request is received prior to the expiration date.
- d. 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.
- e. All final maps shall contain the applicable portions of the following Jurat:

The Tentative Map for TM case number for (map name) was APPROVED BY THE WASHOE COUNTY PLANNING COMMISSION ON DATE.

THIS FINAL MAP, MAP NAME AND UNIT/PHASE #, MEETS ALL APPLICABLE STATUTES, ORDINANCES AND CODE PROVISIONS, IS IN SUBSTANTIAL CONFORMANCE WITH THE TENTATIVE MAP AND ITS CONDITIONS, WHICH ARE INCORPORATED HEREIN BY THIS REFERENCE, AND THOSE CONDITIONS HAVE BEEN SATISFIED FOR RECORDATION OF THIS MAP, EXCEPT THAT THE "OPERATIONAL CONDITIONS" CONTAINED IN THE RECORDED ACTION ORDER SHALL REMAIN IN FULL FORCE AND EFFECT IN PERPETUITY.

IF ALL LOTS ON THIS MAP ARE REVERTED TO ACREAGE AND A NEW SUBDIVISION APPROVAL IS OBTAINED AT A FUTURE DATE, THE PROVISIONS OF THIS APPROVAL SHALL BE NULL AND VOID, UPON APPROVAL BY WASHOE COUNTY OF THOSE ACTIONS.

[Omit the following paragraph if this is the first and last (only) final map.]

THE FIRST FINAL MAP FOR THIS TENTATIVE MAP WAS APPROVED AND ACCEPTED FOR RECORDATION ON date of Planning and Development Director's signature on first final map. THE MOST RECENTLY RECORDED FINAL MAP WAS APPROVED AND ACCEPTED FOR RECORDATION ON date of Planning and Development Director's signature on most recent final map. (If an extension has been granted after that date – add the following): A TWO YEAR EXTENSION OF TIME FOR THE

Washoe County Conditions of Approval

TENTATIVE MAP WAS APPROVED BY THE WASHOE COUNTY PLANNING COMMISSION ON \_\_\_\_\_.

THE NEXT FINAL MAP FOR <TM CASE NUMBER> MUST BE APPROVED AND ACCEPTED FOR RECORDATION BY THE PLANNING AND DEVELOPMENT DIRECTOR ON OR BEFORE THE EXPIRATION DATE, THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_, OR AN EXTENSION OF TIME FOR THE TENTATIVE MAP MUST BE APPROVED BY THE WASHOE COUNTY PLANNING COMMISSION ON OR BEFORE SAID DATE.

THIS FINAL MAP IS APPROVED AND ACCEPTED FOR RECORDATION THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_ BY THE PLANNING AND DEVELOPMENT DIRECTOR. THE OFFER OF DEDICATION FOR STREETS, SEWERS, ETC. IS REJECTED AT THIS TIME, BUT WILL REMAIN OPEN IN ACCORDANCE WITH NRS CHAPTER 278.

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MOJRA HAUENSTEIN, DIRECTOR,  
PLANNING AND DEVELOPMENT DIVISION

- f. 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.

- g. 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.

- h. Sierra Village and Donner Village homes located along the outer perimeter of the project site shall be limited to a single-story. No variance shall be issued to waive or alter this standard.
- i. The applicant shall work with the Nevada Department of Wildlife (NDOW) to create a Wildlife Mitigation Plan acceptable to NDOW. Prior to final map approval, the applicant shall provide evidence to the Planning and Development Division that such a plan has been created to NDOW's satisfaction. Ensuring compliance with the elements of this plan shall be the responsibility of NDOW.

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- j. The developer and all successors shall direct any potential purchaser of the site to meet with the Planning and Development Division to review conditions of approval prior to the final sale of the site. Any subsequent purchasers of the site shall notify the Planning and Development Division of the name, address, telephone number and contact person of the new purchaser within thirty (30) days of the final sale.
- k. Prior to any ground disturbing activity, the applicant shall submit a landscaping/architectural design plan to the Planning and Development Division for review and approval by the Design Review Committee. Said plan shall address, but not be limited to: exterior lighting, fencing, landscaping material (if plant material: type, size at time of planting, maturation size at full growth, period of time between planting and full growth), landscaping location, landscaping irrigation system, and financial assurances that landscaping will be planted and maintained.
- l. A certification letter or series of letters by a registered landscape architect or other persons permitted to prepare landscaping and irrigation plans pursuant to N.R.S. 623A shall be submitted to and approved by the Planning and Development Division / Design Review Committee. The letter(s) shall certify that all applicable landscaping provisions of Articles [408, 410 and 412] of the Development Code have been met. Any landscaping plans and the letter shall be wet-stamped.
- m. All landscaping shall be maintained in accordance with the provisions found in WCC Section 110.412.75, Maintenance. A three-year maintenance plan shall be submitted by a licensed landscape architect registered in the State of Nevada to the Planning and Development Division prior to a Certificate of Occupancy. The plan shall be wet-stamped.
- n. Conditions, covenants, and restrictions (CC&Rs), including any supplemental CC&Rs, shall be submitted to the Planning and Development Division staff for review and subsequent forwarding to the District Attorney for review and approval. The final CC&Rs shall be signed and notarized by the owner(s) and submitted to the Planning and Development Division with the recordation fee prior to the recordation of the final map. The CC&Rs shall require all phases and units of the subdivision approved under this tentative map to be subject to the same CC&Rs. Washoe County shall be made a party to the applicable provisions of the CC&Rs to the satisfaction of the District Attorney's Office. Said CC&Rs shall specifically address the potential for liens against the properties and the individual property owners' responsibilities for the funding of maintenance, replacement, and perpetuation of the following items, at a minimum:
  - 1. Maintenance of public access easements and common open spaces. Provisions shall be made to monitor and maintain, for a period of three (3) years regardless of ownership, a maintenance plan for the common open space area. The maintenance plan for the common open space area shall, as a minimum, address the following:
    - a. Vegetation management;
    - b. Watershed management;
    - c. Debris and litter removal;
    - d. Fire access and suppression; and



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- e. Maintenance of public access and/or maintenance of limitations to public access.
- 2. All drainage facilities and roadways not maintained by Washoe County shall be privately maintained and perpetually funded by the homeowners association.
- 3. All open space identified as common open space on the final map shall be privately maintained and perpetually funded by the homeowners association. The deed to the common open space shall reflect perpetual dedication for that purpose. The maintenance of the common open space and related improvements shall be addressed in the CC&Rs to the satisfaction of the District Attorney's Office.
- 4. Locating habitable structures on potentially active (Holocene) fault lines, whether noted on the recorded map or disclosed during site preparation, is prohibited.
- 5. All outdoor lighting on buildings and streets within the subdivision shall be down-shielded.
- 6. No motorized vehicles shall be allowed on the platted common open space.
- 7. Mandatory solid waste collection.
- 8. Fence material (if any), height, and location limitations, and re-fencing standards. Replacement fence must be compatible in materials, finish and location of existing fence.
- 9. Incorporate all applicable policies F.2.1 through F.2.16 of the Forest Area Plan.
- o. The common open space owned by the homeowners association shall be noted on the final map as "common open space" and the related deed of conveyance shall specifically provide for the preservation of the common open space in perpetuity. The deed to the open space and common area shall reflect perpetual dedication for that purpose. The deed shall be presented with the CC&Rs for review by the Planning and Development staff and the District Attorney.
- p. No additional units within the property will be approved/recorded that use either Fawn Lane or Shawn Lane as the primary means of access.
- q. The applicant shall submit a noxious weeds control plan. This plan shall be developed through consultation with the Washoe County Health District, the University of Nevada Cooperative Extension, and/or the Washoe-Storey Conservation District.
- r. Grade changes greater than eight (8) feet in height shall be stabilized using one or more engineered retaining walls.
- s. If any blasting is required during the project grading, a blasting mitigation plan will be submitted with the grading plan(s). The blasting mitigation plan will be completed by a qualified contractor.
- t. The project shall be fully annexed into TMWA service area, and a valid water will serve letter must be presented prior to the approval of each final map.
- u. A disclosure shall be made by the developer to each homebuyer on their closing documents that K-12 students in this subdivision may be assigned to the nearest

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- Washoe County School District school(s) with available capacity in the event that the zoned schools cannot accommodate additional students.
- v. Any earthen materials stockpiled on the property shall not exceed a maximum height of six (6) feet tall.
  - w. Setbacks for lots on cul-de-sacs within the Donner Village area of the development shall have reduced setbacks of 20 feet from front and rear property lines.
  - x. The applicant shall record deed restrictions prohibiting development within the open space (OS) regulatory zone within any residential lot.
  - y. Washoe County shall require temporary irrigation for all revegetated areas and will not release the bond(s) associated with revegetation of the disturbed areas prior to 80 percent of reestablishment of vegetation.
  - z. Prior to the issuance of any permits within the Tioga Village development area, the applicant must conduct a wetlands delineation study and obtain Army Corps of Engineers certification of potential wetlands.

**Washoe County Engineering and Capital Projects Division**

2. The following conditions are requirements of the Engineering Division, which shall be responsible for determining compliance with these conditions.

**Contact Name** – Leo Vesely, 775.328.2313, [lvesely@washoecounty.us](mailto:lvesely@washoecounty.us) and Walt West, 775.328.2310, [wwest@washoecounty.us](mailto:wwest@washoecounty.us)

- a. 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.
- b. Prior to acceptance of public improvements and release of any financial assurances, the developer shall furnish to the water and sewer provider(s) and Engineering and Capital Projects Division a complete set of reproducible as-built construction drawings prepared by a civil engineer registered in the State of Nevada.
- c. The developer shall be required to participate in any applicable General Improvement District or Special Assessment District formed by Washoe County. The applicable County Department shall be responsible for determining compliance with this condition.
- d. The developer shall provide written approval from the U.S. Postal Service concerning the installation and type of mail delivery facilities. The system, other than individual mailboxes, must be shown on the project construction plans and installed as part of the onsite improvements. The County Engineer shall determine compliance with this condition.
- e. 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 (BMP's) and shall include detailed plans for grading and

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- drainage on each lot, erosion control (including BMP locations and installation details), slope stabilization and mosquito abatement. Placement or disposal of any excavated material shall be indicated on the grading plan. The County Engineer shall determine compliance with this condition.
- f. All open space shall be identified as common open space on the final map. A note on the final map shall indicate that all common open space shall be privately maintained and perpetually funded by the Homeowners Association. The County Engineer shall determine compliance with this condition. The maintenance of the common areas shall also be addressed in the CC&Rs to the satisfaction of the District Attorney's Office.
  - g. Any existing easements or utilities that conflict with the development shall be relocated, quitclaimed, and/or abandoned, as appropriate. The County Engineer shall determine compliance with this condition.
  - h. Any easement documents recorded for the project shall include an exhibit map that shows the location and limits of the easement in relationship to the project. The County Engineer shall determine compliance with this condition.
  - i. All existing overhead utility lines shall be placed underground, except electric transmission lines greater than 100 kilovolts, which can remain above ground. The County Engineer shall determine compliance with this condition.
  - j. With each affected final map, provide written approval from NV Energy for any improvements located within their easement or under their facilities. The County Engineer shall determine compliance with this condition.
  - k. Appropriate easements shall be granted for any existing or new utilities, with each affected final map. This includes, but is not limited, to electrical lines, water lines, and drainage maintenance access. The County Engineer shall determine compliance with this condition.
  - l. Rock crushing activities shall not be allowed on-site.
  - m. A design level geotechnical investigation with fault study shall be provided with the submittal of each final map.

*Drainage and Storm Water Discharge*

- n. 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.
- o. 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 County Engineer shall determine compliance with this condition.
- p. Prior to finalization of any portion of the tentative map, a final, detailed hydrology/hydraulic report for that unit shall be submitted to the County Engineer. All storm drainage improvements necessary to serve the project shall be designed and constructed to County standards and specifications and/or financial

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assurances in an appropriate form and amount shall be provided. The County Engineer shall determine compliance with this condition.

- q. Any increase in stormwater runoff resulting from the development and based on the 5 year and 100 storm(s) shall be detained onsite. The County Engineer shall determine compliance with this condition.
- r. Standard reinforced concrete headwalls or other approved alternatives shall be placed on the inlet and outlet of all drainage structures, and grouted rock riprap shall be used to prevent erosion at the inlets and outlets of all culverts to the satisfaction of the Engineering and Capital Projects Division.
- s. The developer shall provide pretreatment for petrochemicals and silt for all storm drainage leaving the site to the satisfaction of the Engineering and Capital Projects Division.
- t. 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.
- u. In medians with irrigated landscaping adjacent to the curb, a subdrain system shall be installed a minimum of one foot behind the back face of curb to intercept drainage from the landscaping. The system shall be tied to the storm drain system or an acceptable alternative drainage system. The County Engineer shall determine compliance with this condition.
- v. Drainage swales that drain more than two lots are not allowed to flow over the curb into the street; these flows shall be intercepted by an acceptable storm drain inlet and routed into the storm drain system. The County Engineer shall determine compliance with this condition.
- w. A note on the final map shall indicate that all drainage facilities not maintained by Washoe County shall be privately maintained and perpetually funded by a homeowners association. As an alternative to a homeowners association, the developer may request the establishment of a County Utility Service Area under which fees would be paid for maintenance of the proposed storm drainage detention facility. The fee amount will be based on the additional service above that normally provided by the County to maintain new stormwater facilities dedicated by the developer (i.e., curb and gutter, drop inlets and piping). The County Engineer shall determine compliance with this condition. The maintenance and funding of these drainage facilities shall also be addressed in the CC&Rs to the satisfaction of the District Attorney's Office.
- x. 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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- y. All slopes steeper than 3:1 shall be mechanically stabilized to control erosion. As an alternative to riprap, an engineered solution (geofabric, etc.) may be acceptable. The County Engineer shall determine compliance with this condition.
- z. Drainage easements shall be provided for all storm runoff that crosses more than one lot. The County Engineer shall determine compliance with this condition.
- aa. Maintenance access roadways and drainage easements shall be provided for all existing and proposed drainage facilities. All drainage facilities located within Common Area shall be constructed with an adjoining minimum 12' wide gravel access road. Maintenance access road shall be provided to the bottom of proposed detention basins as well as over County owned and maintained storm drainage facilities. County Engineer shall determine compliance with this condition.
- bb. Provide a drainage and maintenance access easement across adjacent parcel(s) from where flows from detention basin 4 exit the site to the flow line of Galena Creek.
- cc. The design of the northwest corner of the subdivision located downstream from the existing retention basin located in the Mt. Rose Estates Phase 2 development basin shall provide for emergency or overtopping flow from the existing retention basin. The County Engineer shall determine compliance with this condition.
- dd. With the submittal of the 1<sup>st</sup> Final Map, an LID design plan including plans and details shall be prepared for the project and implemented with each final map. The LID plan shall be prepared to minimize the increased volume of runoff and prevention of non stormwater discharge (nuisance flow) from the site with particular emphasis on the Cedarwood Drive hydrobasin. The LID design shall determine the viability of individual lot LID concepts. The plans shall include the design of the Cedarwood Drive detention basin capable of retaining a minimum 2 year storm volume in addition to the required onsite detention of the 5-year and 100-year increase peak flow. The retained volume shall be designed to percolate in accordance with Washoe County Health District requirements. Percolation testing and a gravel backfilled infiltration gallery shall be included in the design of the retention/detention basin. County Engineer shall determine compliance with this condition.
- ee. Common Area or offsite drainage draining onto residential lots shall be perpetuated through or around residential lots and drainage facilities capable of passing a 100-year storm shall be constructed with the subdivision improvements to perpetuate the storm water runoff to improved or natural drainage facilities. The County Engineer shall determine compliance with this condition.
- ff. For roadside ditches proposed to be filled along Fawn Lane to facilitate pedestrian path construction, piping of the ditch is acceptable providing that drainage swales and drop inlets are provided to capture roadway and/or private drainage. The drainage system shall be provided to prevent roadway drainage from draining into private property or to convey drainage from private property in the right-of-way.

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*Traffic and Roadway*

- gg. All roadway improvements necessary to serve the project shall be designed and constructed to County standards and specifications and/or financial assurances in an appropriate form and amount shall be provided. The County Engineer shall determine compliance with this condition.
- hh. Street names shall be reviewed and approved by the Regional Street Naming Coordinator.
- ii. Proposed landscaping and/or fencing along street rights-of-way and within median islands shall be designed to meet American Association of State Highway and Transportation Officials (AASHTO) sight distances and safety guidelines. No tree shall overhang the curb line of any public street. The County Engineer shall determine compliance with this condition.
- jj. 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.
- kk. Streetlights shall be constructed to Washoe County standards at locations to be determined at the final design stage. The County Engineer shall determine compliance with this condition.
- ll. AASHTO clear zones shall be determined for all streets adjacent to retaining walls or slopes steeper than 3:1. If a recoverable or traversable clear zone cannot be provided, an analysis to determine if barriers are warranted shall be submitted for approval. The County Engineer shall determine compliance with this condition.
- mm. All retaining walls that are within the slope failure wedge from Washoe County right-of-way shall be constructed of reinforced masonry block or reinforced concrete and designed by an engineer licensed in the State of Nevada. The County Engineer shall determine compliance with this condition. The maintenance of the retaining walls shall be by Homeowners Association and the CCR's shall clearly identify the HOA's maintenance responsibilities of retaining walls.
- nn. 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 determine compliance with this condition.
- oo. The "no-load" street section (Ascente Crest Trail) from the project boundary at Sierra Pass extending to Rock House Peak shall include a pedestrian sidewalk on one side of the street.
- pp. With Appropriate curve warning signs and/or a lower speed limit shall be determined and posted on all horizontal roadway curves that do not meet the

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- standard Washoe County 25-mile per hour design speed. The County Engineer shall determine compliance with this condition.
- qq. Appropriate transitions shall be provided between the existing and proposed improvements at all proposed street connections. This may include removal of existing pavement. The County Engineer shall determine compliance with this condition.
  - rr. Any streetlights that do not meet Washoe County standards shall be placed outside Washoe County right-of-way. These streetlights shall be private, and the CC&R's shall indicate operation and maintenance of the streetlights shall be the responsibility of the Homeowners Association. The County Engineer and the District Attorney's Office shall determine compliance with this condition.
  - ss. Horse paths located within the development shall be located outside Washoe County street right-of-way. The County Engineer shall determine compliance with this condition.
  - tt. With the submittal of the 1<sup>st</sup> final map a natural surface pedestrian path along Fawn Lane within Washoe County right-of-way or approved easement from the Ascente project north to the Mt. Rose highway shall be designed and constructed with the subdivision improvements to the satisfaction of the County Engineer and NDOT.
  - uu. With the submittal of the 1<sup>st</sup> final map that accesses Shawna Lane, a school bus stop on Shawna Lane shall be designed and constructed with subdivision improvements. The bus stop will consist of a widened paved shoulder to provide a location for the children to wait for a bus that is outside the travelled way. The location and design will be to the satisfaction of the County Engineer and the Washoe County School District.
  - vv. With the submittal of the 1<sup>st</sup> final map, an acceleration lane on Mount Rose Highway at Fawn Lane shall be designed and constructed with the subdivision improvements to the satisfaction of the County Engineer and NDOT.

**Washoe County Health District**

- 3. The following conditions are requirements of the Health District, which shall be responsible for determining compliance with these conditions. The District Board of Health has jurisdiction over all public health matters in the Health District. Any conditions set by the Health District must be appealed to the District Board of Health.

Contact Name – James English, 775.328.2434, [jenglish@washoecounty.us](mailto:jenglish@washoecounty.us)

- a. Prior to any final grading or other civil site improvements, a complete water system plan and Water Project submittal for the referenced proposal must be submitted to Health District. The plan must show that the water system will conform to the State of Nevada Design, Construction, Operation and Maintenance Regulations for Public Water Systems, NAC Chapter 445A, and the State of Nevada Regulations Governing Review of Plans for Subdivisions, Condominiums, and Planned Unit Developments, NAC 278.400 and 278.410.

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- i. The application for a Water Project shall conform to the requirements of NAC 445A.66695.
- ii. Two copies of complete construction plans are required for review. All plans must include an overall site plan, additional phases that will eventually be built to indicate that the water system will be looped, all proposed final grading, utilities, and improvements for the proposed application
- b. Mass grading may proceed after approval of the Tentative Map and after a favorable review by this Health District of a grading permit application
  - i. The final map submittal shall include a Truckee Meadows Water Authority annexation and discovery with the mass grading permit.
- c. Improvement plans for the water system may be constructed prior to final map submittal only after Water Project approval by this Health District.
  - i. For improvement plans approved prior to final map submittal, the Developer shall provide certification by the Professional Engineer of record that the improvement plans were not altered subsequent to final map submittal
  - ii. Any changes to previously approved improvement plans made prior to final map submittal shall be resubmitted to this Health District for approval per NAC 278.290 and NAC 445A.66715
- d. Construction plans for the development must be submitted to this Health District for approval. The construction drawings must conform to the State of Nevada Regulations Concerning Review of Plans for Subdivisions, Condominiums and Planned Unit Developments, and any applicable requirements of this Health District
- e. Prior to approval of a final map for the referenced project and pursuant to NAC 278.370, the developer must have the design engineer or a third person submit to the satisfaction this Health District an inspection plan for periodic inspection of the construction of the systems for water supply and community sewerage. The inspection plan must address the following and be included with the final map submittal.
  - i. The inspection plan must indicate if an authorized agency, city or county is performing inspection of the construction of the systems for water supply and community sewerage;
  - ii. The design engineer or third person shall, pursuant to the approved inspection plan, periodically certify in writing to this Health District that the improvements are being installed in accordance with the approved plans and recognized practices of the trade;
  - iii. The developer must bear the cost of the inspections; and



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- iv. The developer may select a third-person inspector but the selection must be approved by the Health District or local agency. A third-person inspector must be a disinterested person who is not an employee of the developer.
- f. Prior to final map approval, a "Commitment for Service" letter from the sewage purveyor committing sewer service for the entire proposed development shall be submitted to this Health District. The letter must indicate that the community facility for treatment will not be caused to exceed its capacity and the discharge permit requirements by this added service, or the facility will be expanded to provide for the added service. A copy of this letter must be included with the final map submittal.
- g. Prior to final map approval, a "Commitment for Water Service" letter from the water purveyor committing adequate water service for the entire proposed development must be submitted to this Health District. a. A copy of this letter must be included with the final map submittal.
- h. The final map submittal must include a letter from Nevada Division of Environmental Protection to the Health District certifying their approval of the final map.
- i. The final map application packet must include a letter from Division of Water Resources certifying their approval of the final map.
- j. Pursuant to NAC 278.360 of the State of Nevada Regulations Governing Review of plans for Subdivision, Condominiums, and Planned Unit Developments, the development of the subdivision must be carried on in a manner which will minimize water pollution. a. Construction plans shall clearly show how the subdivision will comply with NAC 278.360.
- k. Prior to approval of the final map, the applicant must submit to the Health District the final map fee.
- l. All grading and development activities must be in compliance with the DBOH Regulations Governing the Prevention of Vector-Borne Diseases

**Washoe County Planning and Development - Parks**

- 4. The following conditions are requirements of the Planning and Development Division, Parks, which shall be responsible for determining compliance with these conditions.

**Contact Name** – Dennis Troy, 775.328.2059, [dtroy@washoecounty.us](mailto:dtroy@washoecounty.us)

- a. Applicant shall provide a 30 foot wide non-motorized, public access trail easement for all trails located within the development. These easements shall be identified on the final map and recorded concurrently.
- b. Applicant shall Provide a non-motorized, public access trail easement and trail connecting Shawna Lane to the south along the western property line of APN 045-252-15 connecting into the existing trail easements located on the adjacent property (Fuquay, APN 148-070-21). This alignment will provide a trail connector into existing trails easements that are in place connecting the O'Brien Trailhead

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to Callahan Park trail system. The trail shall be constructed to Washoe County Green Book standards and located outside of any drainage infrastructure.

**Truckee Meadows Fire Protection District**

5. The following conditions are requirements of the Truckee Meadows Fire Protection District, which shall be responsible for determining compliance with these conditions.

**Contact Name** – Amy Ray, 775.326.6000, [aray@tmfpd.us](mailto:aray@tmfpd.us)

- a. Defensible space provisions, in accordance with the IWUIC Washoe County Code 60 and NAC 477 shall be provided in the Design Criteria and be adhered to within the Development.
- b. TMFPD shall be provided with a digital copy of the HOA/CCR agreement for review, comment and approval prior to its adoption.
- c. Water for fire suppression shall be a minimum of 1,000 gpm for 1 hour at 20 psi. Verification of this flow shall be provided by the water purveyor prior to approval. Fire hydrants shall be provided. The layout and placement of hydrants shall be approved by TMFPD prior to installation. Hydrants shall be equipped with Storz connections.
- d. Secondary access shall be provided for the Development. Access shall meet the minimum standards of Washoe County Code Chapter 60.
- e. Slopes shall be in accordance with Washoe County Code.
- f. No speed humps shall be provided within the Development. Traffic calming devices shall be submitted to TMFPD for review, comment and approval prior to installation, and be in accordance with the WCC Chapter 60.
- g. Cul-de-sacs shall maintain a 50 foot radius, 100 foot diameter.
- h. Access to common areas for vegetation maintenance and management shall be provided.

**Washoe County Utilities**

6. The following conditions are requirements of Utilities, which shall be responsible for determining compliance with these conditions.

**Contact Name** – Timothy Simpson, 775.954.4601, [tsimpson@washoecounty.us](mailto:tsimpson@washoecounty.us)

- a. All fees shall be paid or deferred in accordance with Washoe County Ordinance prior to the approval of each final map.
- b. Improvement plans shall be submitted and approved by CSD prior to approval of the final map. They shall be in compliance with Washoe County Design Standards and be designed by a Professional Engineer licensed to practice in the State of Nevada.

Washoe County Conditions of Approval

- c. The Applicant shall submit an electronic copy of the street and lot layout for each final map at initial submittal time. The files must be in a format acceptable to Washoe County.
- d. The Developer shall construct and/or provide the financial assurance for the construction of any on-site and off-site sanitary sewer collection systems prior to signature on each final map. The financial assurance must be in a form and amount acceptable to the CSD.
- e. Approved improvement plans shall be used for the construction of on-site and off-site sanitary sewer collection systems. The CSD will be responsible to inspect the construction of the sanitary sewer collection systems.
- f. The sanitary sewer collection systems must be offered for dedication to Washoe County along with the recordation of each final map.
- g. Easements and real property for all sanitary sewer collection systems and appurtenances shall be in accordance with Washoe County Design Standards and offered for dedication to Washoe County along with the recordation of each final map.
- h. A master sanitary sewer report for the entire tentative map shall be prepared and submitted by the applicant's engineer at the time of the initial submittal for the first final map which addresses:
  - i. the estimated sewage flows generated by this project,
  - ii. projected sewage flows from potential or existing development within tributary areas,
  - iii. the impact on capacity of existing infrastructure,
  - iv. slope of pipe, invert elevation and rim elevation for all manholes, proposed collection line sizes, on-site and off-site alignment, and half-full velocities
- i. No Certificate of Occupancy will be issued until all the sewer collection facilities necessary to serve each final map have been completed, accepted and completed as-built drawings delivered to the utility. As-built drawings must be in a format acceptable to Washoe County.
- j. No permanent structures (including rockery or retaining walls, building's, etc.) shall be allowed within or upon any County maintained utility easement.
- k. A minimum 12-foot wide all weather sanitary sewer access road shall be constructed to facilitate access to off-site sanitary sewer manholes.
- l. If any major infrastructure such as pump structures, controls, telemetry and appurtenances, lift stations, force mains, sewer mains and interceptor are necessary to accommodate the project, the Developer will be responsible to fund the design and construction. However, the actual design will be the responsibility of the CSD. Prior to initiation of design the Developer shall pay the estimated design costs to Washoe County. The CSD may either provide such design in-house, or select an outside consultant. When an outside consultant is to be selected, the CSD and the Developer shall jointly select that consultant.

Washoe County Conditions of Approval

- m. The CSD shall reserve the right to over-size the design of infrastructure to accommodate future development as determined by accepted engineering calculations. Funding shall be the responsibility of Washoe County. Washoe County shall either participate monetarily at the time of design and/or shall credit an appropriate dollar amount to the Developer at the time of recordation of the subdivision map.

**Nevada Department of Transportation**

7. The following conditions are requirements of the Nevada Department of Transportation (NDOT), which shall be responsible for determining compliance with these conditions. NDOT is directed and governed by its own board. Therefore, any conditions set by NDOT must be appealed to that board.

**Contact Name – Jae Pullen, 775.834.8300**

- a. Existing approaches are personal and not transferable with the sale of property. If the property changes ownership or use, the new property owner will need to apply for an encroachment permit for access to the state highway.
- b. The Nevada Department of Transportation will require an occupancy permit for any work performed within the State's right-of-way. Please contact the Permit Office at (775) 834-8330 for more information regarding the occupancy permit
- c. Prior to any grading adjacent to the NDOT right-of-way, a Drainage Report, including a grading plan, and a Drainage Form must be submitted to the Permit office. Please contact the Permit Office at (775) 834-8330 for more information.
- d. Report does not include full build-out of development. The traffic report shall be amended such that each phase shall include traffic mitigation strategies and recommendations.

**\*\*\* End of Conditions \*\*\***



June 28, 2021

Att: Trevor Lloyd – Planning Manager  
Washoe Co. Community Services Department  
1001 E. 9<sup>th</sup> St.  
Reno, NV 89520

Dear Trevor

NNV1 Partners, LLC herewith submits a draft Development Agreement requesting an extension of time for Tentative Subdivision Map (TM16-009) and Special Use Permit (SW16-003) set to expire on August 9, 2021. The developer has submitted its first five-lot Final Map on June 28<sup>th</sup> to Washoe County for review and approval. The developer believes that labor shortages and increased work-loads due to business restrictions and other Covid-19 related issues have impacted the residential housing development market and, as a result, the First Final map review process by Washoe County will more than likely push out the approval of the First Final Map past the August 9, 2021 deadline.

Per the attached draft Development Agreement and pursuant to NRS 278.360(1), the developer requests that the County grant the developer an extension of time for two (2) years from August 9, 2021 to August 9, 2023 to complete the First Final Map process.

Please accept this request and accompanying draft Development Agreement. Together with the draft Development Agreement, please find check # VV012 in the amount of \$6,254 for the fees to process the Development Agreement.

Please call or email if you have any questions.

Thank you

A handwritten signature in blue ink, appearing to read "Michael Barnes".

Michael Barnes  
Symbio Development, LLC - Manager/Member  
As its Manager for NNV1 Partners, LLC

## DEVELOPMENT AGREEMENT

THIS DEVELOPMENT AGREEMENT ("Agreement") is made by and between NNV1 PARTNERS, LLC, a Nevada limited liability company, (the "Landowner") and the **COUNTY OF WASHOE**, a political subdivision of the State of Nevada, ("County").

### 1. GENERAL.

1.1 Property. Landowner is the owner of real property located in Washoe County, Nevada known as Assessor's Parcel Numbers 045-252-17, 045-252-18, 045-252-19, and 045-252-20 (the "Property"), as more particularly described in Exhibit A, attached hereto.

1.2 Tentative Map, SUP. The Property has a County land use designation of Low-Density Suburban, Medium Density Suburban and Open Space. On August 9, 2017 the County Board of Commissioners issued its Action Order, which is incorporated herein by this reference as Exhibit B, upholding the Planning Commission's approval of the tentative map application on of the Landowner for the Property, known as Tentative Subdivision Map Case File No. TM16-009 (Ascenté Subdivision) (the "Tentative Map"), and approving the special use permit application of the Landowner for the Property, known as Special Use Permit Case Number SW16-003 (Ascenté Water Tank) (the "SUP"). The development of the Property (the "Project") must be conducted pursuant to the provisions of the Tentative Map, the SUP, and the Washoe County Development Code (the "Code").

1.3 Previous Final Maps. Landowner has not recorded a final map for any portion of the Tentative Map.

1.4 Purpose of Agreement. Condition 1.(c) of the Tentative Map and SUP states that a first final map ("First Final Map") must be presented to the Washoe County within four (4) years after the date of approval of the Tentative Map and SUP, which, due to an appeal that was denied by the Board of County Commissioners upholding the Planning Commission's approval, the deadline is August 9, 2021. NRS 278.360(1) states that same requirement but allows the deadline to be extended by execution of a Development Agreement (the "Agreement") pursuant to NRS 278.0201. This Agreement is intended to extend the time for approval of the First Final Map from August 9, 2021, to August 9, 2023, thereby amending Condition 1(c) of the Tentative Map and SUP accordingly. The Agreement does not amend any other provisions of the Tentative Map and SUP, including remaining provisions of Condition 1(c) not inconsistent herewith.

1.5 Circumstances Requiring an Extension of Time. Landowner believes that labor shortages and increased work-loads due to business restrictions and other Covid-19 related issues have impacted the residential housing development market and, as a result, the First Final Map processing review time has been significantly delayed and may push out the First Final Map approval past the August 9, 2021 deadline. Without this Agreement, the result would be the expiration of the Tentative Map and SUP. The parties recognize that there is a regional housing shortage and that actions and policies to increase housing supply and preserve housing approvals such as the Tentative Map and the SUP are in the public's best interest.

## 2. AGREEMENT CONCERNING DEVELOPMENT OF LAND.

2.1 Compliance with NRS 278.020 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 are APN Nos. 045-252-17, 045-252-18, 045-252-19, and 045-252-20, more particularly described in Exhibit A.

2.1.2. The duration of this Agreement shall be from the date of signing by the Board of County Commissioners to August 9, 2023, provided that all the terms of this Agreement shall remain binding and enforceable regarding construction or development commenced, and any related permits, on any portion of the Property subject to a tentative map, a special use permit, a recorded final map, or any use permit in existence at the time of expiration of this Agreement. This Agreement hereby amends Condition I(c) of the Tentative Map, SUP, and NRS 278.360 (l)(a) to extend the time of presentation of the First Final Map from four (4) to six (6) years, with the extended deadline being August 9, 2023.

2.1.3. The permitted uses on the Property and the density or intensity of its use are as provided in the Tentative Map, SUP, and the Code. The permitted use of the Property pursuant to the Tentative Map and SUP is a 225-lot subdivision on 225-acres including the Open Space.

2.1.4. The maximum height and size of the proposed buildings will comply with the zoning maximum height limits of the Code.

2.1.5. The provisions for the dedication of any portion of the Property for public use, if any, are as provided in the Tentative Map, SUP, and the Code. There are no environmentally sensitive lands or historic structures on the Property.

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

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

2.1.8. The First Final Map, to be a minimum of five lots, shall be presented to the Washoe County Planning and Development Division on or before the date of expiration of this Agreement. All successive final maps, if the Landowner chooses to record in a series, must include a minimum of five lots. Unless otherwise provided herein, the deadlines for any final maps shall be governed by NRS 278.360 and Condition I(c) of the Tentative Map and SUP.

2.1.9. Development standards for the Project are set forth in the conditions and requirements of the Tentative Map, and the County Board of Commissioners Action Order dated August 9, 2017 attached hereto as Exhibit B, and future Final Maps.

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

2.3 Public Notice. Any and all public notices required to be given in connection with this Agreement shall be given in accordance with NRS Chapter 278 and 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 noncompliance with any term or deadline set forth in this Agreement if the breaching party fails to fully cure such noncompliance after reasonable written notice and opportunity to cure, and all proceedings concerning the Tentative Map and SUP shall be terminated, provided that all the terms of this Agreement shall remain binding and enforceable regarding construction or development commenced, and any related permits, on any portion of the Property subject to a tentative map, a recorded final map or any use permit in existence at the time of termination of this Agreement.

### 3. MISCELLANEOUS PROVISIONS.

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

3.2 Waivers. No waiver of any breach of any covenant or provision herein contained shall be deemed a waiver of any preceding or succeeding breach thereof, or of any other covenant or provision herein contained. No extension of time for



performance of any obligation or act shall be deemed an extension of time for performance of any other obligation or act except those of the waiving party, which shall be extended by a period of time equal to the period of the delay.

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

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

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

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

3.7 Written Amendments. Amendments to this Agreement shall be defined as changes which are not in substantial compliance with the Tentative Map, SUP, and this Agreement. Amendments, if any, shall be approved as provided in NRS 278.0205 and Section 110.814.40 of the Code. Changes hereto which are in substantial compliance with the overall Tentative Map, SUP, and this Agreement may be requested by Owners and approved or denied by the Director of Community Development. The Director of Community Development shall also decide whether or not a proposed change is in substantial compliance with the overall Tentative Map and SUP. The Owners may appeal an adverse decision by the Director of Community Development to the Board of County Commissioners by written notice filed with the Director of Community Development, if filed within twenty (20) days of receipt of the notice of the adverse decision unless an appeal to the Board of Adjustment is required to occur first. No oral statements or representations subsequent to the execution hereof by either party are binding on the other party, and neither party shall have the right to rely on such oral statements or representations.

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

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

3.10 Interpretation. The parties hereto acknowledge and agree that each has been

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

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

[Signatures appear on following page]

[Signature page to Development Agreement]

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

LANDOWNER:

NNV1 PARTNERS, LLC, a Nevada limited liability company

By: Symbio Development, LLC, a Nevada limited liability company  
Its: Manager

Date: June 28, 2021

By:   
Name: Michael Barnes  
Title: Manager

COUNTY:

COUNTY OF WASHOE, a political sub-division of the State of Nevada, by its BOARD OF WASHOE COUNTY COMMISSIONERS

Date: \_\_\_\_\_, 2021

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: Chairperson

ATTEST:

\_\_\_\_\_

Name: \_\_\_\_\_  
Title: County Clerk

STATE OF NEVADA    )  
                                  )ss.  
COUNTY OF WASHOE    )

This instrument was acknowledged before me on June 28, 2021 by  
Michael Barnes, Manager/Member Symbio Development, LLC – It's Manager for  
NNV1 Partners, LLC.



Diane Y. Tschopp  
My Commission expires: 6/19/22

STATE OF NEVADA    )  
                                  )ss.  
COUNTY OF WASHOE    )

This instrument was acknowledged before me on \_\_\_\_\_, 2021 by  
\_\_\_\_\_, Chairman of the Washoe County Commissioners

\_\_\_\_\_  
My Commission Expires: \_\_\_\_\_

**EXHIBIT A**  
**LEGAL DESCRIPTION OF SUBJECT PROPERTY**

**Order No. 087880-PAHA**

**Legal Description**

All that certain lot, piece or parcel of land situate in the County of Washoe, State of Nevada, described as follows:

Parcels 1, 2, 3 and 4 of MAP OF DIVISION INTO LARGE PARCELS for NNVI Partners, LLC, FBO W.B.H. 2011 Irrevocable Trust, and FBO C.W.H. 2011 Irrevocable Trust, being a merger and resubdivision of Parcels 1 and 2 of Map of Division into Large Parcels No. 245, according to the map thereof, filed in the office of the County Recorder of Washoe County, State of Nevada, on October 6, 2017, as Document No. 4751622, Official Records, Land Map No. 248.

EXCEPTING THEREFROM any and all water rights whether decreed or permitted.

Assessor's Parcel Number(s):  
045-252-17,18,19 &20

**EXHIBIT B**  
ACTION LETTER BY WASHOE COUNTY BOARD OF COMMISSIONERS  
UPHOLDING THE PLANNING COMMISSION'S APPROVAL AND FINAL  
CONDITIONS OF APPROVALS

(Action Letter Begins on Next Page)



# WASHOE COUNTY

## Planning & Building

INTEGRITY COMMUNICATION SERVICE

Community Services  
Department  
P.O. Box 11130  
Reno, Nevada 89520-0027  
Phone: (775) 328-3600  
Fax: (775) 328-3699

RECEIVED

INT. AUG 11 2017  
*Catherine Smith*  
NANCY PARENT  
WASHOE COUNTY CLERK

August 9, 2017

Nancy Parent, County Clerk  
Washoe County  
P.O. Box 11130  
Reno, NV 89520

**SUBJECT: Appeal of Tentative Subdivision Map Case Number TM16-009 and Special Use Permit Case Number SW16-003 (Ascenté)**

Public hearing and discussion to affirm, modify or reverse the Planning Commission's approval of (1) Tentative Subdivision Map Case Number TM16-009 (Ascenté), a 225-lot single-family common open space subdivision on two parcels totaling ±632 acres, and (2) Special Use Permit Case Number SW16-003 (Ascenté Water Tank) a 560,000 gallon water storage tank.

The site is located south of Fawn Lane and east of Shawna Lane within Section 1, T17N, R19E, MDM, Washoe County, NV. The parcels (APNs: 045-252-14 and 045-252-15) total ±632.13-acres size and are within the boundaries of the Forest Area Plan. The Master Plan Categories are Suburban Residential and Open Space, and the Regulatory Zones are Medium Density Suburban (MDS - 3 dwelling units per acre), Low Density Suburban (LDS - 1 dwelling unit per acre) and Open Space (OS). The property owners are Gary Nelson and Jeannie Janning, the tentative subdivision map applicant is Symbio Development, LLC, and the appellant is Callahan Neighbors Community Group (Ryan Loetscher, Todd Mihevc, Ken Allen and Kris Hemlein).

(Commission District 2.)

Dear Ms. Parent

Pursuant to NRS 278.0235, please be advised of final action on August 8, 2017, by the Washoe County Board of Commissioners in the above referenced case. The County Commission's final action upheld the Planning Commission's approval (6/6/17) with modification to include an additional condition requiring the applicant to conduct a wetlands delineation and obtaining US Army Corps of Engineers certification. After the public hearing was closed, Commissioner Jung made a motion and Commissioner Hartung seconded the motion to affirm the Planning Commission's approval with modification as stated above; and approve Tentative Map Case




Letter to: Nancy Parent  
Subject: Appeal of Ascente Tentative Map and Special Use Permit  
Date: August 9, 2017  
Page: 2

Number TM19-009 and Special Use Permit Case Number SW16-003 for Ascenté.

The Washoe County Commission gave reasoned consideration to information contained within the reports transmitted to the Washoe County Commission from the Washoe County Planning Commission, and the information received during the Washoe County Commission's public hearing.

The Board's action was four in favor and none opposed and one Commissioner (Commissioner Lucey) abstained. Please provide a copy of this letter to our department indicating when this letter was received by your office.

Sincerely,



Mojra Hauenstein  
Planning and Building Division Director  
Washoe County Community Services Department

MH:tl

Cc: TM16-009 Case file







## Conditions of Approval

Tentative Subdivision Map Case Number TM16-009

The project approved under Tentative Subdivision Map Case Number TM16-009 shall be carried out in accordance with the Conditions of Approval granted by the Planning Commission on June 6, 2017. Conditions of Approval are requirements placed on a permit or development by each reviewing agency. These Conditions of Approval may require submittal of documents, applications, fees, inspections, amendments to plans, and more. These conditions do not relieve the applicant of the obligation to obtain any other approvals and licenses from relevant authorities required under any other act or to abide by all other generally applicable Codes, and neither these conditions nor the approval by the County of this project/use override or negate any other applicable restrictions on uses or development on the property.

**Unless otherwise specified**, all conditions related to the approval of this Tentative Subdivision Map shall be met or financial assurance must be provided to satisfy the conditions of approval prior to issuance of a grading or building permit. 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 assurance. All agreements, easements, or other documentation required by these conditions shall have a copy filed with the County Engineer and the Planning and Development Division.

Compliance with the conditions of approval related to this Tentative Subdivision Map is the responsibility of the applicant, his/her successor in interest, and all owners, assignees, and occupants of the property and their successors in interest. Failure to comply with any of the conditions imposed in the approval of the Tentative Subdivision Map may result in the initiation of revocation procedures.

Washoe County reserves the right to review and revise the conditions of approval related to this Tentative Subdivision Map should it be determined that a subsequent license or permit issued by Washoe County violates the intent of this approval.

For the purpose of conditions imposed by Washoe County, "may" is permissive and "shall" or "must" is mandatory.

Conditions of Approval are usually complied with at different stages of the proposed project. Those stages are typically:

- Prior to recordation of a final map.
- Prior to obtaining a final inspection and/or a certificate of occupancy.
- Prior to the issuance of a business license or other permits/licenses.
- Some "Conditions of Approval" are referred to as "Operational Conditions." These conditions must be continually complied with for the life of the project.

**The Washoe County Commission oversees many of the reviewing agencies/departments with the exception of the following agencies.**

- **The DISTRICT BOARD OF HEALTH, through the Washoe County Health District, has jurisdiction over all public health matters in the Health District.**

Washoe County Conditions of Approval

**Any conditions set by the Health District must be appealed to the District Board of Health.**

- **The NEVADA DEPARTMENT OF TRANSPORTATION (NDOT) is directed and governed by its own board. Therefore, any conditions set by the Nevada Department of Transportation must be appealed to that Board.**

**STANDARD CONSIDERATIONS FOR SUBDIVISIONS**  
**Nevada Revised Statutes 278.349**

Pursuant to NRS 278.349, when contemplating action on a Tentative Subdivision Map, the Planning Commission 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;
- (i) The recommendations and comments of those entities reviewing the tentative map pursuant to NRS 278.330 and 278.335; 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.

**FOLLOWING ARE CONDITIONS OF APPROVAL REQUIRED BY THE REVIEWING AGENCIES. EACH CONDITION MUST BE MET TO THE SATISFACTION OF THE ISSUING AGENCY.**

**Washoe County Planning and Development Division**

1. The following conditions are requirements of the Planning and Development Division, which shall be responsible for determining compliance with these conditions.

Washoe County Conditions of Approval

**Contact Name** – Trevor Lloyd, 775.328.3620, [tlloyd@washoecounty.us](mailto:tlloyd@washoecounty.us) and Kelly Mullin, 775.328.3608, [kmullin@washoecounty.us](mailto:kmullin@washoecounty.us)

- a. The applicant shall demonstrate substantial conformance to the plans approved as part of this tentative map.
- b. The tentative map shall be in substantial conformance with the provisions of Washoe County Code Chapter 110, Article 604, Design Requirements, and Article 608, Tentative Subdivision Maps.
- c. The sub-divider 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 four years after the date of approval of the tentative map or within two years of the date of approval for subsequent final maps. On subsequent final maps, that date may be extended by two years if the extension request is received prior to the expiration date.
- d. 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.
- e. All final maps shall contain the applicable portions of the following Jurat:

The Tentative Map for TM case number for (map name) was APPROVED BY THE WASHOE COUNTY PLANNING COMMISSION ON DATE.

THIS FINAL MAP, MAP NAME AND UNIT/PHASE #, MEETS ALL APPLICABLE STATUTES, ORDINANCES AND CODE PROVISIONS, IS IN SUBSTANTIAL CONFORMANCE WITH THE TENTATIVE MAP AND ITS CONDITIONS, WHICH ARE INCORPORATED HEREIN BY THIS REFERENCE, AND THOSE CONDITIONS HAVE BEEN SATISFIED FOR RECORDATION OF THIS MAP, EXCEPT THAT THE "OPERATIONAL CONDITIONS" CONTAINED IN THE RECORDED ACTION ORDER SHALL REMAIN IN FULL FORCE AND EFFECT IN PERPETUITY.

IF ALL LOTS ON THIS MAP ARE REVERTED TO ACREAGE AND A NEW SUBDIVISION APPROVAL IS OBTAINED AT A FUTURE DATE, THE PROVISIONS OF THIS APPROVAL SHALL BE NULL AND VOID, UPON APPROVAL BY WASHOE COUNTY OF THOSE ACTIONS.

[Omit the following paragraph if this is the first and last (only) final map.]

THE FIRST FINAL MAP FOR THIS TENTATIVE MAP WAS APPROVED AND ACCEPTED FOR RECORDATION ON date of Planning and Development Director's signature on first final map. THE MOST RECENTLY RECORDED FINAL MAP WAS APPROVED AND ACCEPTED FOR RECORDATION ON date of Planning and Development Director's signature on most recent final map. (If an extension has been granted after that date – add the following): A TWO YEAR EXTENSION OF TIME FOR THE

Washoe County Conditions of Approval

TENTATIVE MAP WAS APPROVED BY THE WASHOE COUNTY PLANNING COMMISSION ON \_\_\_\_\_.

THE NEXT FINAL MAP FOR <TM CASE NUMBER> MUST BE APPROVED AND ACCEPTED FOR RECORDATION BY THE PLANNING AND DEVELOPMENT DIRECTOR ON OR BEFORE THE EXPIRATION DATE, THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_, OR AN EXTENSION OF TIME FOR THE TENTATIVE MAP MUST BE APPROVED BY THE WASHOE COUNTY PLANNING COMMISSION ON OR BEFORE SAID DATE.

THIS FINAL MAP IS APPROVED AND ACCEPTED FOR RECORDATION THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_ BY THE PLANNING AND DEVELOPMENT DIRECTOR. THE OFFER OF DEDICATION FOR STREETS, SEWERS, ETC. IS REJECTED AT THIS TIME, BUT WILL REMAIN OPEN IN ACCORDANCE WITH NRS CHAPTER 278.

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MOJRA HAUENSTEIN, DIRECTOR,  
PLANNING AND DEVELOPMENT DIVISION

- f. 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.

- g. 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.

- h. Sierra Village and Donner Village homes located along the outer perimeter of the project site shall be limited to a single-story. No variance shall be issued to waive or alter this standard.
- i. The applicant shall work with the Nevada Department of Wildlife (NDOW) to create a Wildlife Mitigation Plan acceptable to NDOW. Prior to final map approval, the applicant shall provide evidence to the Planning and Development Division that such a plan has been created to NDOW's satisfaction. Ensuring compliance with the elements of this plan shall be the responsibility of NDOW.

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- j. The developer and all successors shall direct any potential purchaser of the site to meet with the Planning and Development Division to review conditions of approval prior to the final sale of the site. Any subsequent purchasers of the site shall notify the Planning and Development Division of the name, address, telephone number and contact person of the new purchaser within thirty (30) days of the final sale.
- k. Prior to any ground disturbing activity, the applicant shall submit a landscaping/architectural design plan to the Planning and Development Division for review and approval by the Design Review Committee. Said plan shall address, but not be limited to: exterior lighting, fencing, landscaping material (if plant material: type, size at time of planting, maturation size at full growth, period of time between planting and full growth), landscaping location, landscaping irrigation system, and financial assurances that landscaping will be planted and maintained.
- l. A certification letter or series of letters by a registered landscape architect or other persons permitted to prepare landscaping and irrigation plans pursuant to N.R.S. 623A shall be submitted to and approved by the Planning and Development Division / Design Review Committee. The letter(s) shall certify that all applicable landscaping provisions of Articles [408, 410 and 412] of the Development Code have been met. Any landscaping plans and the letter shall be wet-stamped.
- m. All landscaping shall be maintained in accordance with the provisions found in WCC Section 110.412.75, Maintenance. A three-year maintenance plan shall be submitted by a licensed landscape architect registered in the State of Nevada to the Planning and Development Division prior to a Certificate of Occupancy. The plan shall be wet-stamped.
- n. Conditions, covenants, and restrictions (CC&Rs), including any supplemental CC&Rs, shall be submitted to the Planning and Development Division staff for review and subsequent forwarding to the District Attorney for review and approval. The final CC&Rs shall be signed and notarized by the owner(s) and submitted to the Planning and Development Division with the recordation fee prior to the recordation of the final map. The CC&Rs shall require all phases and units of the subdivision approved under this tentative map to be subject to the same CC&Rs. Washoe County shall be made a party to the applicable provisions of the CC&Rs to the satisfaction of the District Attorney's Office. Said CC&Rs shall specifically address the potential for liens against the properties and the individual property owners' responsibilities for the funding of maintenance, replacement, and perpetuation of the following items, at a minimum:
  - 1. Maintenance of public access easements and common open spaces. Provisions shall be made to monitor and maintain, for a period of three (3) years regardless of ownership, a maintenance plan for the common open space area. The maintenance plan for the common open space area shall, as a minimum, address the following:
    - a. Vegetation management;
    - b. Watershed management;
    - c. Debris and litter removal;
    - d. Fire access and suppression; and

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- e. Maintenance of public access and/or maintenance of limitations to public access.
- 2. All drainage facilities and roadways not maintained by Washoe County shall be privately maintained and perpetually funded by the homeowners association.
- 3. All open space identified as common open space on the final map shall be privately maintained and perpetually funded by the homeowners association. The deed to the common open space shall reflect perpetual dedication for that purpose. The maintenance of the common open space and related improvements shall be addressed in the CC&Rs to the satisfaction of the District Attorney's Office.
- 4. Locating habitable structures on potentially active (Holocene) fault lines, whether noted on the recorded map or disclosed during site preparation, is prohibited.
- 5. All outdoor lighting on buildings and streets within the subdivision shall be down-shielded.
- 6. No motorized vehicles shall be allowed on the platted common open space.
- 7. Mandatory solid waste collection.
- 8. Fence material (if any), height, and location limitations, and re-fencing standards. Replacement fence must be compatible in materials, finish and location of existing fence.
- 9. Incorporate all applicable policies F.2.1 through F.2.16 of the Forest Area Plan.
- o. The common open space owned by the homeowners association shall be noted on the final map as "common open space" and the related deed of conveyance shall specifically provide for the preservation of the common open space in perpetuity. The deed to the open space and common area shall reflect perpetual dedication for that purpose. The deed shall be presented with the CC&Rs for review by the Planning and Development staff and the District Attorney.
- p. No additional units within the property will be approved/recorded that use either Fawn Lane or Shawn Lane as the primary means of access.
- q. The applicant shall submit a noxious weeds control plan. This plan shall be developed through consultation with the Washoe County Health District, the University of Nevada Cooperative Extension, and/or the Washoe-Storey Conservation District.
- r. Grade changes greater than eight (8) feet in height shall be stabilized using one or more engineered retaining walls.
- s. If any blasting is required during the project grading, a blasting mitigation plan will be submitted with the grading plan(s). The blasting mitigation plan will be completed by a qualified contractor.
- t. The project shall be fully annexed into TMWA service area, and a valid water will serve letter must be presented prior to the approval of each final map.
- u. A disclosure shall be made by the developer to each homebuyer on their closing documents that K-12 students in this subdivision may be assigned to the nearest

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- Washoe County School District school(s) with available capacity in the event that the zoned schools cannot accommodate additional students.
- v. Any earthen materials stockpiled on the property shall not exceed a maximum height of six (6) feet tall.
  - w. Setbacks for lots on cul-de-sacs within the Donner Village area of the development shall have reduced setbacks of 20 feet from front and rear property lines.
  - x. The applicant shall record deed restrictions prohibiting development within the open space (OS) regulatory zone within any residential lot.
  - y. Washoe County shall require temporary irrigation for all revegetated areas and will not release the bond(s) associated with revegetation of the disturbed areas prior to 80 percent of reestablishment of vegetation.
  - z. Prior to the issuance of any permits within the Tioga Village development area, the applicant must conduct a wetlands delineation study and obtain Army Corps of Engineers certification of potential wetlands.

**Washoe County Engineering and Capital Projects Division**

2. The following conditions are requirements of the Engineering Division, which shall be responsible for determining compliance with these conditions.

**Contact Name** – Leo Vesely, 775.328.2313, [lvesely@washoecounty.us](mailto:lvesely@washoecounty.us) and Walt West, 775.328.2310, [wwest@washoecounty.us](mailto:wwest@washoecounty.us)

- a. 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.
- b. Prior to acceptance of public improvements and release of any financial assurances, the developer shall furnish to the water and sewer provider(s) and Engineering and Capital Projects Division a complete set of reproducible as-built construction drawings prepared by a civil engineer registered in the State of Nevada.
- c. The developer shall be required to participate in any applicable General Improvement District or Special Assessment District formed by Washoe County. The applicable County Department shall be responsible for determining compliance with this condition.
- d. The developer shall provide written approval from the U.S. Postal Service concerning the installation and type of mail delivery facilities. The system, other than individual mailboxes, must be shown on the project construction plans and installed as part of the onsite improvements. The County Engineer shall determine compliance with this condition.
- e. 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 (BMP's) and shall include detailed plans for grading and

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drainage on each lot, erosion control (including BMP locations and installation details), slope stabilization and mosquito abatement. Placement or disposal of any excavated material shall be indicated on the grading plan. The County Engineer shall determine compliance with this condition.

- f. All open space shall be identified as common open space on the final map. A note on the final map shall indicate that all common open space shall be privately maintained and perpetually funded by the Homeowners Association. The County Engineer shall determine compliance with this condition. The maintenance of the common areas shall also be addressed in the CC&Rs to the satisfaction of the District Attorney's Office.
- g. Any existing easements or utilities that conflict with the development shall be relocated, quitclaimed, and/or abandoned, as appropriate. The County Engineer shall determine compliance with this condition.
- h. Any easement documents recorded for the project shall include an exhibit map that shows the location and limits of the easement in relationship to the project. The County Engineer shall determine compliance with this condition.
- i. All existing overhead utility lines shall be placed underground, except electric transmission lines greater than 100 kilovolts, which can remain above ground. The County Engineer shall determine compliance with this condition.
- j. With each affected final map, provide written approval from NV Energy for any improvements located within their easement or under their facilities. The County Engineer shall determine compliance with this condition.
- k. Appropriate easements shall be granted for any existing or new utilities, with each affected final map. This includes, but is not limited, to electrical lines, water lines, and drainage maintenance access. The County Engineer shall determine compliance with this condition.
- l. Rock crushing activities shall not be allowed on-site.
- m. A design level geotechnical investigation with fault study shall be provided with the submittal of each final map.

*Drainage and Storm Water Discharge*

- n. 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.
- o. 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 County Engineer shall determine compliance with this condition.
- p. Prior to finalization of any portion of the tentative map, a final, detailed hydrology/hydraulic report for that unit shall be submitted to the County Engineer. All storm drainage improvements necessary to serve the project shall be designed and constructed to County standards and specifications and/or financial



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assurances in an appropriate form and amount shall be provided. The County Engineer shall determine compliance with this condition.

- q. Any increase in stormwater runoff resulting from the development and based on the 5 year and 100 storm(s) shall be detained onsite. The County Engineer shall determine compliance with this condition.
- r. Standard reinforced concrete headwalls or other approved alternatives shall be placed on the inlet and outlet of all drainage structures, and grouted rock riprap shall be used to prevent erosion at the inlets and outlets of all culverts to the satisfaction of the Engineering and Capital Projects Division.
- s. The developer shall provide pretreatment for petrochemicals and silt for all storm drainage leaving the site to the satisfaction of the Engineering and Capital Projects Division.
- t. 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.
- u. In medians with irrigated landscaping adjacent to the curb, a subdrain system shall be installed a minimum of one foot behind the back face of curb to intercept drainage from the landscaping. The system shall be tied to the storm drain system or an acceptable alternative drainage system. The County Engineer shall determine compliance with this condition.
- v. Drainage swales that drain more than two lots are not allowed to flow over the curb into the street; these flows shall be intercepted by an acceptable storm drain inlet and routed into the storm drain system. The County Engineer shall determine compliance with this condition.
- w. A note on the final map shall indicate that all drainage facilities not maintained by Washoe County shall be privately maintained and perpetually funded by a homeowners association. As an alternative to a homeowners association, the developer may request the establishment of a County Utility Service Area under which fees would be paid for maintenance of the proposed storm drainage detention facility. The fee amount will be based on the additional service above that normally provided by the County to maintain new stormwater facilities dedicated by the developer (i.e., curb and gutter, drop inlets and piping). The County Engineer shall determine compliance with this condition. The maintenance and funding of these drainage facilities shall also be addressed in the CC&Rs to the satisfaction of the District Attorney's Office.
- x. 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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- y. All slopes steeper than 3:1 shall be mechanically stabilized to control erosion. As an alternative to riprap, an engineered solution (geofabric, etc.) may be acceptable. The County Engineer shall determine compliance with this condition.
- z. Drainage easements shall be provided for all storm runoff that crosses more than one lot. The County Engineer shall determine compliance with this condition.
- aa. Maintenance access roadways and drainage easements shall be provided for all existing and proposed drainage facilities. All drainage facilities located within Common Area shall be constructed with an adjoining minimum 12' wide gravel access road. Maintenance access road shall be provided to the bottom of proposed detention basins as well as over County owned and maintained storm drainage facilities. County Engineer shall determine compliance with this condition.
- bb. Provide a drainage and maintenance access easement across adjacent parcel(s) from where flows from detention basin 4 exit the site to the flow line of Galena Creek.
- cc. The design of the northwest corner of the subdivision located downstream from the existing retention basin located in the Mt. Rose Estates Phase 2 development basin shall provide for emergency or overtopping flow from the existing retention basin. The County Engineer shall determine compliance with this condition.
- dd. With the submittal of the 1<sup>st</sup> Final Map, an LID design plan including plans and details shall be prepared for the project and implemented with each final map. The LID plan shall be prepared to minimize the increased volume of runoff and prevention of non stormwater discharge (nuisance flow) from the site with particular emphasis on the Cedarwood Drive hydrobasin. The LID design shall determine the viability of individual lot LID concepts. The plans shall include the design of the Cedarwood Drive detention basin capable of retaining a minimum 2 year storm volume in addition to the required onsite detention of the 5-year and 100-year increase peak flow. The retained volume shall be designed to percolate in accordance with Washoe County Health District requirements. Percolation testing and a gravel backfilled infiltration gallery shall be included in the design of the retention/detention basin. County Engineer shall determine compliance with this condition.
- ee. Common Area or offsite drainage draining onto residential lots shall be perpetuated through or around residential lots and drainage facilities capable of passing a 100-year storm shall be constructed with the subdivision improvements to perpetuate the storm water runoff to improved or natural drainage facilities. The County Engineer shall determine compliance with this condition.
- ff. For roadside ditches proposed to be filled along Fawn Lane to facilitate pedestrian path construction, piping of the ditch is acceptable providing that drainage swales and drop inlets are provided to capture roadway and/or private drainage. The drainage system shall be provided to prevent roadway drainage from draining into private property or to convey drainage from private property in the right-of-way.

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*Traffic and Roadway*

- gg. All roadway improvements necessary to serve the project shall be designed and constructed to County standards and specifications and/or financial assurances in an appropriate form and amount shall be provided. The County Engineer shall determine compliance with this condition.
- hh. Street names shall be reviewed and approved by the Regional Street Naming Coordinator.
- ii. Proposed landscaping and/or fencing along street rights-of-way and within median islands shall be designed to meet American Association of State Highway and Transportation Officials (AASHTO) sight distances and safety guidelines. No tree shall overhang the curb line of any public street. The County Engineer shall determine compliance with this condition.
- jj. 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.
- kk. Streetlights shall be constructed to Washoe County standards at locations to be determined at the final design stage. The County Engineer shall determine compliance with this condition.
- ll. AASHTO clear zones shall be determined for all streets adjacent to retaining walls or slopes steeper than 3:1. If a recoverable or traversable clear zone cannot be provided, an analysis to determine if barriers are warranted shall be submitted for approval. The County Engineer shall determine compliance with this condition.
- mm. All retaining walls that are within the slope failure wedge from Washoe County right-of-way shall be constructed of reinforced masonry block or reinforced concrete and designed by an engineer licensed in the State of Nevada. The County Engineer shall determine compliance with this condition. The maintenance of the retaining walls shall be by Homeowners Association and the CCR's shall clearly identify the HOA's maintenance responsibilities of retaining walls.
- nn. 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 determine compliance with this condition.
- oo. The "no-load" street section (Ascente Crest Trail) from the project boundary at Sierra Pass extending to Rock House Peak shall include a pedestrian sidewalk on one side of the street.
- pp. With Appropriate curve warning signs and/or a lower speed limit shall be determined and posted on all horizontal roadway curves that do not meet the

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- standard Washoe County 25-mile per hour design speed. The County Engineer shall determine compliance with this condition.
- qq. Appropriate transitions shall be provided between the existing and proposed improvements at all proposed street connections. This may include removal of existing pavement. The County Engineer shall determine compliance with this condition.
  - rr. Any streetlights that do not meet Washoe County standards shall be placed outside Washoe County right-of-way. These streetlights shall be private, and the CC&R's shall indicate operation and maintenance of the streetlights shall be the responsibility of the Homeowners Association. The County Engineer and the District Attorney's Office shall determine compliance with this condition.
  - ss. Horse paths located within the development shall be located outside Washoe County street right-of-way. The County Engineer shall determine compliance with this condition.
  - tt. With the submittal of the 1<sup>st</sup> final map a natural surface pedestrian path along Fawn Lane within Washoe County right-of-way or approved easement from the Ascente project north to the Mt. Rose highway shall be designed and constructed with the subdivision improvements to the satisfaction of the County Engineer and NDOT.
  - uu. With the submittal of the 1<sup>st</sup> final map that accesses Shawna Lane, a school bus stop on Shawna Lane shall be designed and constructed with subdivision improvements. The bus stop will consist of a widened paved shoulder to provide a location for the children to wait for a bus that is outside the travelled way. The location and design will be to the satisfaction of the County Engineer and the Washoe County School District.
  - vv. With the submittal of the 1<sup>st</sup> final map, an acceleration lane on Mount Rose Highway at Fawn Lane shall be designed and constructed with the subdivision improvements to the satisfaction of the County Engineer and NDOT.

**Washoe County Health District**

- 3. The following conditions are requirements of the Health District, which shall be responsible for determining compliance with these conditions. The District Board of Health has jurisdiction over all public health matters in the Health District. Any conditions set by the Health District must be appealed to the District Board of Health.

Contact Name – James English, 775.328.2434, [jenglish@washoecounty.us](mailto:jenglish@washoecounty.us)

- a. Prior to any final grading or other civil site improvements, a complete water system plan and Water Project submittal for the referenced proposal must be submitted to Health District. The plan must show that the water system will conform to the State of Nevada Design, Construction, Operation and Maintenance Regulations for Public Water Systems, NAC Chapter 445A, and the State of Nevada Regulations Governing Review of Plans for Subdivisions, Condominiums, and Planned Unit Developments, NAC 278.400 and 278.410.

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- i. The application for a Water Project shall conform to the requirements of NAC 445A.66695.
- ii. Two copies of complete construction plans are required for review. All plans must include an overall site plan, additional phases that will eventually be built to indicate that the water system will be looped, all proposed final grading, utilities, and improvements for the proposed application
- b. Mass grading may proceed after approval of the Tentative Map and after a favorable review by this Health District of a grading permit application
  - i. The final map submittal shall include a Truckee Meadows Water Authority annexation and discovery with the mass grading permit.
- c. Improvement plans for the water system may be constructed prior to final map submittal only after Water Project approval by this Health District.
  - i. For improvement plans approved prior to final map submittal, the Developer shall provide certification by the Professional Engineer of record that the improvement plans were not altered subsequent to final map submittal
  - ii. Any changes to previously approved improvement plans made prior to final map submittal shall be resubmitted to this Health District for approval per NAC 278.290 and NAC 445A.66715
- d. Construction plans for the development must be submitted to this Health District for approval. The construction drawings must conform to the State of Nevada Regulations Concerning Review of Plans for Subdivisions, Condominiums and Planned Unit Developments, and any applicable requirements of this Health District
- e. Prior to approval of a final map for the referenced project and pursuant to NAC 278.370, the developer must have the design engineer or a third person submit to the satisfaction this Health District an inspection plan for periodic inspection of the construction of the systems for water supply and community sewerage. The inspection plan must address the following and be included with the final map submittal.
  - i. The inspection plan must indicate if an authorized agency, city or county is performing inspection of the construction of the systems for water supply and community sewerage;
  - ii. The design engineer or third person shall, pursuant to the approved inspection plan, periodically certify in writing to this Health District that the improvements are being installed in accordance with the approved plans and recognized practices of the trade;
  - iii. The developer must bear the cost of the inspections; and

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- iv. The developer may select a third-person inspector but the selection must be approved by the Health District or local agency. A third-person inspector must be a disinterested person who is not an employee of the developer.
- f. Prior to final map approval, a "Commitment for Service" letter from the sewage purveyor committing sewer service for the entire proposed development shall be submitted to this Health District. The letter must indicate that the community facility for treatment will not be caused to exceed its capacity and the discharge permit requirements by this added service, or the facility will be expanded to provide for the added service. A copy of this letter must be included with the final map submittal.
- g. Prior to final map approval, a "Commitment for Water Service" letter from the water purveyor committing adequate water service for the entire proposed development must be submitted to this Health District. a. A copy of this letter must be included with the final map submittal.
- h. The final map submittal must include a letter from Nevada Division of Environmental Protection to the Health District certifying their approval of the final map.
- i. The final map application packet must include a letter from Division of Water Resources certifying their approval of the final map.
- j. Pursuant to NAC 278.360 of the State of Nevada Regulations Governing Review of plans for Subdivision, Condominiums, and Planned Unit Developments, the development of the subdivision must be carried on in a manner which will minimize water pollution. a. Construction plans shall clearly show how the subdivision will comply with NAC 278.360.
- k. Prior to approval of the final map, the applicant must submit to the Health District the final map fee.
- l. All grading and development activities must be in compliance with the DBOH Regulations Governing the Prevention of Vector-Borne Diseases

**Washoe County Planning and Development - Parks**

- 4. The following conditions are requirements of the Planning and Development Division, Parks, which shall be responsible for determining compliance with these conditions.

**Contact Name** – Dennis Troy, 775.328.2059, [dtroy@washoecounty.us](mailto:dtroy@washoecounty.us)

- a. Applicant shall provide a 30 foot wide non-motorized, public access trail easement for all trails located within the development. These easements shall be identified on the final map and recorded concurrently.
- b. Applicant shall Provide a non-motorized, public access trail easement and trail connecting Shawna Lane to the south along the western property line of APN 045-252-15 connecting into the existing trail easements located on the adjacent property (Fuquay, APN 148-070-21). This alignment will provide a trail connector into existing trails easements that are in place connecting the O'Brien Trailhead

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to Callahan Park trail system. The trail shall be constructed to Washoe County Green Book standards and located outside of any drainage infrastructure.

**Truckee Meadows Fire Protection District**

5. The following conditions are requirements of the Truckee Meadows Fire Protection District, which shall be responsible for determining compliance with these conditions.

**Contact Name** – Amy Ray, 775.326.6000, [aray@tmfpd.us](mailto:aray@tmfpd.us)

- a. Defensible space provisions, in accordance with the IWUIC Washoe County Code 60 and NAC 477 shall be provided in the Design Criteria and be adhered to within the Development.
- b. TMFPD shall be provided with a digital copy of the HOA/CCR agreement for review, comment and approval prior to its adoption.
- c. Water for fire suppression shall be a minimum of 1,000 gpm for 1 hour at 20 psi. Verification of this flow shall be provided by the water purveyor prior to approval. Fire hydrants shall be provided. The layout and placement of hydrants shall be approved by TMFPD prior to installation. Hydrants shall be equipped with Storz connections.
- d. Secondary access shall be provided for the Development. Access shall meet the minimum standards of Washoe County Code Chapter 60.
- e. Slopes shall be in accordance with Washoe County Code.
- f. No speed humps shall be provided within the Development. Traffic calming devices shall be submitted to TMFPD for review, comment and approval prior to installation, and be in accordance with the WCC Chapter 60.
- g. Cul-de-sacs shall maintain a 50 foot radius, 100 foot diameter.
- h. Access to common areas for vegetation maintenance and management shall be provided.

**Washoe County Utilities**

6. The following conditions are requirements of Utilities, which shall be responsible for determining compliance with these conditions.

**Contact Name** – Timothy Simpson, 775.954.4601, [tsimpson@washoecounty.us](mailto:tsimpson@washoecounty.us)

- a. All fees shall be paid or deferred in accordance with Washoe County Ordinance prior to the approval of each final map.
- b. Improvement plans shall be submitted and approved by CSD prior to approval of the final map. They shall be in compliance with Washoe County Design Standards and be designed by a Professional Engineer licensed to practice in the State of Nevada.

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- c. The Applicant shall submit an electronic copy of the street and lot layout for each final map at initial submittal time. The files must be in a format acceptable to Washoe County.
- d. The Developer shall construct and/or provide the financial assurance for the construction of any on-site and off-site sanitary sewer collection systems prior to signature on each final map. The financial assurance must be in a form and amount acceptable to the CSD.
- e. Approved improvement plans shall be used for the construction of on-site and off-site sanitary sewer collection systems. The CSD will be responsible to inspect the construction of the sanitary sewer collection systems.
- f. The sanitary sewer collection systems must be offered for dedication to Washoe County along with the recordation of each final map.
- g. Easements and real property for all sanitary sewer collection systems and appurtenances shall be in accordance with Washoe County Design Standards and offered for dedication to Washoe County along with the recordation of each final map.
- h. A master sanitary sewer report for the entire tentative map shall be prepared and submitted by the applicant's engineer at the time of the initial submittal for the first final map which addresses:
  - i. the estimated sewage flows generated by this project,
  - ii. projected sewage flows from potential or existing development within tributary areas,
  - iii. the impact on capacity of existing infrastructure,
  - iv. slope of pipe, invert elevation and rim elevation for all manholes, proposed collection line sizes, on-site and off-site alignment, and half-full velocities
- i. No Certificate of Occupancy will be issued until all the sewer collection facilities necessary to serve each final map have been completed, accepted and completed as-built drawings delivered to the utility. As-built drawings must be in a format acceptable to Washoe County.
- j. No permanent structures (including rockery or retaining walls, building's, etc.) shall be allowed within or upon any County maintained utility easement.
- k. A minimum 12-foot wide all weather sanitary sewer access road shall be constructed to facilitate access to off-site sanitary sewer manholes.
- l. If any major infrastructure such as pump structures, controls, telemetry and appurtenances, lift stations, force mains, sewer mains and interceptor are necessary to accommodate the project, the Developer will be responsible to fund the design and construction. However, the actual design will be the responsibility of the CSD. Prior to initiation of design the Developer shall pay the estimated design costs to Washoe County. The CSD may either provide such design in-house, or select an outside consultant. When an outside consultant is to be selected, the CSD and the Developer shall jointly select that consultant.



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- m. The CSD shall reserve the right to over-size the design of infrastructure to accommodate future development as determined by accepted engineering calculations. Funding shall be the responsibility of Washoe County. Washoe County shall either participate monetarily at the time of design and/or shall credit an appropriate dollar amount to the Developer at the time of recordation of the subdivision map.

**Nevada Department of Transportation**

7. The following conditions are requirements of the Nevada Department of Transportation (NDOT), which shall be responsible for determining compliance with these conditions. NDOT is directed and governed by its own board. Therefore, any conditions set by NDOT must be appealed to that board.

**Contact Name – Jae Pullen, 775.834.8300**

- a. Existing approaches are personal and not transferable with the sale of property. If the property changes ownership or use, the new property owner will need to apply for an encroachment permit for access to the state highway.
- b. The Nevada Department of Transportation will require an occupancy permit for any work performed within the State's right-of-way. Please contact the Permit Office at (775) 834-8330 for more information regarding the occupancy permit
- c. Prior to any grading adjacent to the NDOT right-of-way, a Drainage Report, including a grading plan, and a Drainage Form must be submitted to the Permit office. Please contact the Permit Office at (775) 834-8330 for more information.
- d. Report does not include full build-out of development. The traffic report shall be amended such that each phase shall include traffic mitigation strategies and recommendations.

**\*\*\* End of Conditions \*\*\***