



# WASHOE COUNTY

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## STAFF REPORT

BOARD MEETING DATE: April 9, 2019

**DATE:** March 8, 2019

**TO:** Board of County Commissioners

**FROM:** Kelly Mullin, AICP, Senior Planner, Community Services Department  
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**THROUGH:** Mojra Hauenstein, Arch., Planner, Division Director, Planning & Building  
Community Services Dept., 328-3619, mhauenstein@washoecounty.us

**SUBJECT:** Introduction and first reading of an ordinance pursuant to Nevada Revised Statutes 278.0201 through 278.0207, approving Amendment of Conditions Case Number WAC19-0001, amending Development Agreement DA09-002, originally approved in 2009 and previously amended in 2013 (Amendment of Conditions AC13-006), to extend the deadline for filing the next final map for Sun Mesa Tentative Map TM04-001 (approved for 207 lots) to April 28, 2020, with all subsequent final maps submitted for filing after April 28, 2020 being subject to the deadlines set forth in NRS 278.360.

The applicant and property owner is Landstar Sun Mesa, LLC. The parcel (APN 504-460-02) is located at the eastern terminus of Sun Mesa Drive in the Sun Valley planning area and is approximately 37-acres in size. It has a master plan category of Suburban Residential and regulatory zones of Medium Density Suburban and Open Space. The property is within the boundaries of the Sun Valley Citizen Advisory Board. This request is regulated under Washoe County Development Code Article 814. And if approved, schedule a public hearing date and second reading for April 23, 2019. (Commission District 5.)

### SUMMARY

The Washoe County Board of Commissioners (Board) is asked to introduce and conduct the first reading of an ordinance approving an amendment to Development Agreement Case Number DA09-002 and to set a public hearing and second reading for April 23, 2019.

This amendment to the Development Agreement is solely for the purpose of an extension of time for the approved Sun Mesa Tentative Map TM04-001. The proposed amendment will extend the potential date recordation of the next final map for the subdivision until April 28, 2020.

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

### PREVIOUS ACTION

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

April 20, 2004 – Tentative Subdivision Map TM04-001 for Sun Mesa was approved by the Washoe County Planning Commission (PC) for 207 lots.

March 14, 2006 – Phase 1 (50 lots) of the tentative subdivision map was recorded as Tract Map #4618, Document No. 3360640.

February 6, 2007 – The PC approved a 1-year Extension of Time Request for the subdivision.

May 16, 2007 – Phase 2 (54 lots) of the tentative subdivision map was recorded as Tract Map #4780, Document No. 3533088.

May 7, 2008 – The PC approved a 1-year Extension of Time Request for the subdivision.

April 28, 2009 – The Board approved Development Agreement DA09-002, extending the deadline to file the next final map under Ordinance Number 1399.

August 27, 2013 – The Board approved Amendment of Conditions AC13-006, updating the development agreement so that the deadline to record the next final map was extended to April 28, 2019.

## **BACKGROUND**

When a tentative subdivision map is approved, NRS 278.360 imposes a schedule for filing final maps or the tentative map will expire. Unless the deadline is extended via a Development Agreement or other means, a final map (either for the whole project or the first phase) must be approved and recorded within four years of approval of the tentative map. Thereafter, phased final maps must be filed at least every two years.

The Sun Mesa tentative subdivision map was approved in 2004, the first final map was recorded in 2006 and the second final map recorded in 2007. As a result of the down-turn in the housing market starting in 2008, Washoe County entered into a Development Agreement with the property owner to extend expiration of the tentative map. The current expiration date is April 28, 2019.

The Phase 3 final map was submitted to the County on January 14, 2019 and is currently under review. There is a possibility that the Phase 3 map will not record prior to the April 28, 2019 expiration, which is why the applicant is seeking a 1-year extension – to April 28, 2020.

If approved, this extension would be memorialized within the “Second Amendment to Development Agreement” included with the proposed ordinance provided as Attachment A.

The purpose of the original development agreement was to establish timelines for construction of the project and establish that the project is subject to the design criteria and development standards identified on the tentative map conditions of approval, recognizing that final maps will be subject to changes in federal, state and County codes related to public health, safety and welfare.

## **PROCESS TO AMEND THE DEVELOPMENT AGREEMENT**

Under NRS 278.0205 and Washoe County Code (WCC) Section 110.814.40, an amendment to a development agreement must be made by ordinance after special notice and a public hearing. Included as Attachment A is the Ordinance and proposed amendment which extends the potential date for recording the next final map until April 28, 2020 and provides that the tentative map will terminate if the next map is not filed by then.

If the Board chooses to introduce and conduct a first reading, the County Clerk will publish title to the ordinance and the required notice of intent to adopt the amendment and schedule a public hearing for the second reading and possible adoption in accordance with County Code.

## **PERIODIC REVIEW OF COMPLIANCE BY DEVELOPER**

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

## **COMPLIANCE WITH MASTER PLAN**

NRS 278.0205 (2) and WCC Section 110.814.40 (b) require that when Development Agreements are adopted or amended, there must be a finding that the agreement is consistent with the Master Plan. When the Sun Mesa tentative subdivision map was approved, the Planning Commission determined that the development was consistent with the Master Plan. The Development Agreement did not change any uses, standards or policies that would be inconsistent with the Master Plan. Likewise, this amendment makes no changes to uses, standards or policies that would be inconsistent with the Master Plan. Only the time schedule for development is being changed.

## **FISCAL IMPACT**

No fiscal impact.

## **RECOMMENDATION**

It is recommended that the Board introduce and conduct the first reading of an ordinance approving an amendment to Development Agreement DA09-002, originally approved in 2009 and previously amended in 2013 (Amendment of Conditions AC13-006), to extend the deadline for filing the next final map for Sun Mesa Tentative Map TM04-001 to April 28, 2020. And if approved, schedule a public hearing date and second reading for April 23, 2019.

## **POSSIBLE MOTION**

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

“Move to introduce Bill Number (insert bill number as provided by the County Clerk) and to set the public hearing and second reading of the Ordinance for possible adoption during the meeting of April 23, 2019.”

Attachments:

Attachment A – Ordinance with Proposed Second Amendment to Development Agreement

Attachment B – Application