



WASHOE COUNTY

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STAFF REPORT

BOARD MEETING DATE: July 16, 2024

DATE: June 7, 2024
TO: Board of County Commissioners
FROM: Tim Evans, Planner, Planning and Building Division, Community Services Department, 328-2314, tevans@washoecounty.gov
THROUGH: Kelly Mullin, AICP, Division Director, Planning & Building Division, Community Services Department, 328-3619, kmullin@washoecounty.gov
SUBJECT: Public Hearing: Second reading and possible adoption of an ordinance pursuant to Nevada Revised Statutes 278.0201 through 278.0207 approving a development agreement between Washoe County and LC Highland, LLC, for Highland Village, a residential subdivision (Tentative Subdivision Map Case No. WTM20-004).

The purpose of the development agreement is to extend the deadline for recording the first final map from November 16, 2024, to November 16, 2026, and to adopt amended conditions of approval (WAC24-0004). The project is located north of Highland Ranch Pkwy. and north of Midnight Drive in Sun Valley. The project encompasses a total of approximately 54.6 acres, and the total number of residential lots allowed by the approved tentative map is 215. The parcels are located within the Sun Valley Planning Area and Washoe County Commission District No. 5. (APN: 508-020-41 and 508-020-43).

If approved, authorize the Chair of the Board of County Commissioners to sign the Development Agreement. (Commission District 5.)

SUMMARY

The Washoe County Commission is asked to hold a second reading and possibly adopt an ordinance approving a development agreement for Highland Village, a 215-lot, 54.6-acre single-family residential subdivision. The proposed development agreement, included as an attachment to the ordinance, is for the purpose of extending the deadline for two (2) years to record the first final map for an approved tentative subdivision map (Highland Village) within the Sun Valley Planning Area. Also attached to the development agreement are amended conditions of approval (WAC24-0004), which shall survive termination or expiration of the development agreement.

Washoe County Strategic Objective supported by this item: Meets the Need of Our Growing Community and Support a Thriving Community.

AGENDA ITEM # _____

PREVIOUS ACTION

June 18, 2024 – The Board of County Commissioners (Board) introduced and conducted a first reading of an ordinance approving the aforementioned development agreement between Washoe County and LC Highland, LLC, for the purpose of extending the time to record the first final map under approved Tentative Map Case No. WTM20-004, a residential subdivision; and to adopt amended conditions of approval (WAC24-0004).

November 16, 2020 – Tentative Subdivision Map WTM20-004 for Highland Village was approved by the Washoe County Planning Commission (PC) for 215 lots.

BACKGROUND

The applicant had previously applied for a regulatory zone amendment to change the regulatory zone from Low Density Suburban (LDS) to High Density Suburban (HDS). The Planning Commission denied the request on March 3, 2020. The case was appealed to the Board of County Commissioners (Board) and a development agreement was recommended by the Board limiting the gross density to 4.2 dwelling units per acre on the portions of the property zoned HDS. On June 2, 2020, the Planning Commission recommended approval of the regulatory zone amendment if coupled with the associated development agreement. The regulatory zone amendment (WRZA19-0010) along with the development agreement (Ordinance 1655) was heard again by the Board and was approved on July 14, 2020.

The Highland Village tentative subdivision map was approved in 2020 which consisted of approximately 54.6 acres being subdivided into 215 residential lots ranging from 4,747 square feet (0.11 acres) to 8,697 square feet (0.20 acres).

LC Highland, LLC, applicant, states the following in their application as justification for their request (Attachment B):

Additional time to record the first final map for Highland Village is requested to allow preparation and submittal of revisions to the tract map and final map plans. The additional time is needed because of delays that were encountered with the [C]ounty as our final map plans were being prepared. The additional time resulted in the loss of two sale transactions to nationally positioned builders that were in contract to purchase the land and build homes on the lots. Since the loss of both sale transactions, we have faced significant cost increases in the development of the horizontal improvements, further impacting our ability to re-engage with any builders to transact with on the lots.

The delay with the [C]ounty occurred because of an open ended Traffic and Roadway condition of approval, Condition No. 3.ll. Condition 3.ll required the intersection of Highland Ranch Parkway and Midnight Drive to “be mitigated through traffic design recommendations that are acceptable to Washoe County.” LC Highland, LLC engaged Headway Transportation to prepare and submit a warrant analysis for the intersection dated January 26, 2022. They worked closely with the county engineer for the next several months and ultimately developed a pro-rata cost sharing agreement that was not approved by the Board of County Commissioners until June 20, 2023. The additional months involved in getting to an acceptable and equitable solution on the funding and construction of the traffic

signal resulted in our cancellation of the first sale transaction. The second cancellation occurred months later as the slowdown in the economy and the escalation in construction costs ensued.

The applicant anticipates that the first final map will not be recorded prior to the November 16, 2024, expiration. Therefore, LC Highland, LLC, is asking Washoe County to approve a development agreement to grant an extension of time for the approved Tentative Map for the Highland Village Subdivision (Case Number WTM20-004). Specifically, the development agreement provides an extension of the deadline to record the first final map from November 16, 2024, to November 16, 2026.

The proposed development agreement was sent to reviewing agencies. Washoe County Engineering requested amendments to existing conditions for WTM20-004 and an additional condition. Please refer to Amended Conditions in WAC24-0004 which are attached to the development agreement as Exhibit B. Engineering has requested that due to the time that has passed since the original approval of the tentative map for this development, that conditions 3(a), 3(aa), 3(ll) and 3(qq) be amended, and two conditions added to ensure that any future final map submittals comply with current Washoe County Development Codes. The additional conditions, as well as the amended conditions, from the Engineering Division are included as Attachment D, Amended Conditions, and are also incorporated into the proposed development agreement in Exhibit B.

PROCESS FOR ADOPTING A DEVELOPMENT AGREEMENT

Pursuant to NRS 278.0203(1) and Washoe County Code (“WCC”) 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 deadline for recording the first final map until November 16, 2026, and provides that the tentative subdivision map will terminate if the final map is not recorded by that date. The proposed ordinance and development agreement also adopts and incorporates the amended conditions of approval recommended by Washoe County Engineering (WAC24-0004).

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 also 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), 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 Planning Commission determined that the development was consistent with the Master Plan. The proposed development agreement does not change any uses, standards or policies that would be inconsistent with

the Master Plan. Only the time schedule for development is being changed and Engineering is asking to amend three conditions and add two additional conditions in order to comply with current requirements.

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

- (d) Findings. The approval or denial of the development agreement shall be accompanied by the following findings:
- (1) The reasons why the development agreement would or would not be in the best interests of the County.
 - (2) The reasons why the development agreement would or would not promote the public interest and welfare of the County.
 - (3) The reasons why departures from Development Code regulations are or are not deemed to be in the public interest.
 - (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.

Staff believes that continuation of the tentative map is in the best interest of the County, as it promotes the public interest and welfare by maintaining a consistency in allowable development, and that sufficient terms and amended 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 conduct the second reading of an ordinance pursuant to NRS 278.0201 through 278.0207 approving a development agreement between Washoe County and LC Highland, LLC, for Highland Village, a residential subdivision originally approved in 2020 (Tentative Subdivision Map Case Number WTM20-004). This agreement extends the deadline for recording the first final map from November 16, 2024, to November 16, 2026, and adopt amended conditions of approval (WAC24-0004).

If approved, it is recommended that the Board authorize the Chair of the Board of County Commissioners to sign the Development Agreement.

POSSIBLE MOTION

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

“Move to adopt Ordinance Number [insert ordinance number as provided by the County Clerk] adopting an ordinance pursuant to NRS 278.0201 through 278.0207 approving a development agreement between Washoe County and LC Highland, LLC, for Highland Village, a residential subdivision originally approved in 2020 (Tentative Subdivision Map Case Number WTM20-004). This agreement extends the deadline for recording the first

final map from November 16, 2024, to November 16, 2026, and adopts amended conditions of approval (WAC24-0004). And further move to authorize the Chair to sign the development agreement.

This approval is based on the Board's ability to make all the findings required by WCC 110.814.30(d), as well as the following finding:

That this development agreement is in the best interests of the County as it promotes the public interest and welfare by maintaining a consistency in allowable development, and that sufficient terms and amended conditions of approval are in place to protect the interests of the public and the developer.”

Attachments:

- Attachments A & A-1 – Working Copy of Ordinance with Proposed Development Agreement and Exhibits
- Attachment B – Highland Village Application for a Development Agreement
- Attachment C – Conditions of Approval for WTM20-004 approved November 16, 2020
- Attachment D – Amended Conditions of Approval for WAC24-0004
- Attachment E – Clean Copy of Ordinance (Attachment A) with Development Agreement and Exhibits (Attachment A-1)

cc:

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