



WASHOE COUNTY

COMMUNITY SERVICES DEPARTMENT

Planning and Building

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June 27, 2018

Attachment B

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

SUBJECT: Direction to Staff regarding the Warm Springs Specific Plan refunds lawsuit (Agenda Item Number 21; June 26, 2018 Board Meeting)

Consideration of possible courses of action and direction to legal counsel and county staff to pursue one or more of those courses of action regarding the Warm Springs Specific Plan refunds lawsuit, Newell (plaintiff) et. al. vs. Washoe County CV15-01104. The lawsuit was filed in 2015 seeking, among other things, refunds of money paid by a number of property owners in the Warm Springs Specific Plan in Washoe County at the time they recorded their final maps for development in that area. The money was intended to build infrastructure in the area, including community water and sewer facilities, certain roads, drainage, and other improvements. At this point, the Court has dismissed all of the plaintiffs and all of the claims in the case, except for the claims based on a single 5 acre parcel still owned by the Newells. Additionally, one developer (Brian Murphy) has sought "reimbursement" of approximately \$319,252 for work done on roads in or near the plan area.

(Commission District 5.)

Dear Ms. Parent

Pursuant to NRS 278.0235, please be advised of final action on June 26, 2018, by the Washoe County Board of County Commissioners (Board) in the above referenced case. The Board's final action provided staff direction to proceed with

Option 1a *Refunds* - Pay partial or full refunds to all current property owners in the Warm Springs Specific Plan area in the total amount of approximately \$800,000 (781,882.37 approximate fund balance as of 4/6/18) based on the Court's ruling that the improvements are not built within 10 years. The Board provided further direction that any fees collected from new development after June 26, 2018 would be held by the County and refunded after the Warm Springs Specific Plan was appropriately amended; and,

Option 3) *Master Plan Amendment* – Direct planning staff to initiate master plan amendments to the Warm Springs Specific Plan removing the financing provisions of the plan that require current or



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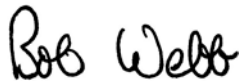
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future developers to continue paying development fees at the time of recording their final maps. The Board provided further direction for staff to return to the Board at the next available Board meeting for direction on the scope and magnitude of amendments to both the Warm Springs Area Plan and the Warm Springs Specific Plan.

The Board gave reasoned consideration to information contained within the staff report for this agenda item, and the information received during the Board's public hearing.

The Board's action was four in favor and one opposed (Commissioner Herman). Please provide a copy of this letter to our department indicating when this letter was received by your office.

Sincerely,

A handwritten signature in black ink that reads "Bob Webb". The signature is written in a cursive, slightly stylized font.

Bob Webb
Planning Manager, Planning and Building Division
Washoe County Community Services Department

BW:tl

Cc: Dave Solaro, Assistant County Manager
Nate Edwards, Deputy District Attorney
Mojra Hauenstein, Director, Planning and Building Division
Dwayne Smith, Director, Engineering and Capital Projects Division
Trevor Lloyd, Planning Manager, Planning and Building Division