

DRAFT: March 12, 2021

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INFORMATION ONLY**

REGULAR TEXT: NO CHANGE IN LANGUAGE

~~STRIKEOUT TEXT:~~ DELETED LANGUAGE

BOLD TEXT: NEW LANGUAGE

Notice: Per NRS 239B.030, this document does not contain personal information as defined in NRS 603A.040
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Summary: To adopt a Development Agreement for Golden Mesa North

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 Moonlight Hills Estates LLC, regarding tentative subdivision map case number WTM16-002 (Golden Mesa North), a subdivision of two parcels totaling 119.76 acres into a 115 lot subdivision which was approved on March 7, 2017. This agreement extends the deadline for filing the first in a series of final subdivision maps from March 7, 2021 to March 7, 2023.

The subject site is located north of Golden Valley Road and east of Estates Drive. The parcels are located within the North Valleys Area Plan, the North Valleys Citizen Advisory Board and Washoe County Commission District No.5 (APNs: 552-092-22 & 552-050-01).

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.

DRAFT: May 11, 2021

SECTION 1.

The Development Agreement for Moonlight Hills Estates LLC, for Golden Mesa North, 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.

DRAFT: May 11, 2021

Vote:

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
21st day of the month of May of the year 2021.

When recorded, return to:

Moonlight Hills Estates LLC
5390 Bellazza Ct.
Reno, NV 89519
Attn: Richard Nevis

APN: 552-092-22 & 552-050-01

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)).

ATTACHMENT A-1
AGREEMENT CONCERNING DEVELOPMENT OF LAND
(Golden Mesa North)

AGREEMENT

THIS AGREEMENT ("Agreement") is made by and between **MOONLIGHT HILLS ESTATES LLC**, a Nevada Limited Liability Corporation (the "Landowner"), and the **COUNTY OF WASHOE**, a political subdivision of the State of Nevada, ("County").

1. GENERAL.

1.1 **Property.** The Landowner is the owner of real property located in Washoe County, Nevada known as Assessor's Parcel Numbers 552-092-22 and 552-050-01, consisting of approximately 120 acres in Golden Valley (the "Property") as more particularly described in Exhibit "A", attached hereto.

1.2 **Tentative Map.** The Property has a County land use designation including Low Density Suburban, General Rural and Public/Semi Public Facilities. On March 7, 2017, the County approved an Action Order, which is incorporated herein by this reference as Exhibit "B", approving a tentative map application of the Landowner for the Property known as Tentative Subdivision Map Case File No. WTM16-002 (Golden Mesa North) (the "Tentative Map"). The development of the Property must be conducted pursuant to the provisions of the Tentative Map and the Washoe County Development Code (the "Code").

1.4 **Previous Final Maps.** Landowner has not recorded a final map for any portion of the project.

1.3 **Purpose of Agreement.** Condition 1(c) of the Tentative Map states that a first final map ("Final Map") must be presented to the Washoe County Planning Commission within four (4) years after the date of approval of the Tentative Map, which deadline is March 7, 2021. NRS 278.360(1) states the same requirement, but allows the deadline to be extended by execution of a development agreement pursuant to NRS 278.0201. This agreement is intended to so extend the time for presentation of the Final Map from March 7, 2021 to March 7, 2023, and thereby amend Condition 1(c) of the Tentative Map accordingly. The Agreement does not amend any other provisions of the Tentative Map, including remaining provisions of Condition 1(c) not inconsistent herewith.

1.4 **Circumstances Requiring an Extension of Time.** Landowner believes that due to an increased work load and Covid related issues, the initial Final Map submittal processing times have pushed out our approvals to the point where we do not have time to complete the Final Map submittal process. Without this Agreement, the result would be expiration of the Tentative Map. The parties recognize that there is a regional housing shortage and flooding issues, and that actions and policies to increase the housing supply and storm water detention / retention capabilities, and preserving housing approvals such as the Tentative Map are in the public's best interest.

2. AGREEMENT CONCERNING DEVELOPMENT OF LAND.

2.1 Compliance with NRS 278.0201 and Code. This Agreement is an agreement concerning the development of land under NRS 278.0201 and Article 814 of the Code. The Landowner is the owner of fee title to the Property, and therefore has a legal interest in the Property. In compliance with NRS 278.0201(1), the following covenants, terms and conditions are set forth:

2.1.1. The land which is subject to this Agreement is Assessor's Parcel Numbers 552-092-22 and 552-050-01, consisting of approximately 120 acres, more particularly described in Exhibit "A": Legal Description.

2.1.2. The duration of this Agreement shall be from the date of signing by the Board of County Commissioners, to March 7, 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 recorded final map or any use permit in existence at the time of expiration of this Agreement. This Agreement hereby amends Condition 1(c) of the Tentative Map and NRS 278.360 (1)(a) to extend the time of presentation of the Final Map from four (4) to six (6) years, with the extended deadline being March 7, 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 and the Code. The permitted use of the Property pursuant to the Tentative Map is a 115-lot single family dwelling development on approximately 120 acres, which complies with the Property's land use designation.

2.1.4. The maximum height and size of the proposed buildings will comply with the Tentative Map and the Code.

2.1.5. The provisions for the dedication of any portion of the Property for public use are as provided in the Tentative Map 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 are in accordance with and as provided for in the Tentative Map 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 Final Map, to be a minimum of five lots, shall be presented to the Planning Commission 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 1(c) of the Tentative Map.

2.1.9. Development standards for the Project are set forth in the conditions and requirements of the Tentative Map, the Board of County Commission's Action Order dated March 7, 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 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" (Legal Description), and the successor shall assume the duties and obligations 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 and this Agreement. Amendments, if any, shall be approved as provided in NRS 278.0205. Changes hereto which are in substantial compliance with the overall Tentative Map 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. 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 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:

**Moonlight Hills Estates LLC, a Nevada
Limited liability company**

By: 

Date: 2-3-2021

Name: Richard A. Nevis

Title: Managing Member

COUNTY:

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

By: _____

_____, Chairman

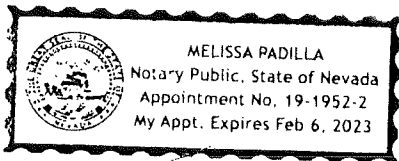
Date: _____

ATTEST:

_____, County Clerk

STATE OF NEVADA)
)ss.
COUNTY OF WASHOE)

This instrument was acknowledged before me on Feb. 3rd, 2021, by
Richard A. Nevis, Managing Member, Moonlight Hills Estates LLC.



A large, stylized handwritten signature in black ink, consisting of several loops and a long horizontal stroke, positioned above a solid horizontal line.

My Commission Expires: Feb 6, 2023

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

Legal Description

PROPERTY 1:

All that certain real property situate in the County of Washoe, State of Nevada, described as follows:

All that certain real property situate in the County of Washoe, State of Nevada, lying within the Southwest one-quarter (SW 1/4) of Section Eleven (11), Township Twenty North (T 20 N), Range Nineteen East (R 19 E), MDM, more particularly described as follows:

PARCEL 1 of Record of Survey in Support of a Boundary Line Adjustment Map No. 5802, for THE CRANDELL FAMILY TRUST, according to the map thereof, filed in the office of the County Recorder of Washoe County, State of Nevada, on January 26, 2017, as Document No. 4674223 and a portion of SECTIONAL DESCRIPTION per Deed Document No. 4339697, recorded March 31, 2014, Official Records of Washoe County, Nevada.

BEGINNING at the northwest corner of PARCEL 1 of Record of Survey Map No. 5802 for THE CRANDELL FAMILY TRUST, Document No. 4674223, recorded January 26, 2017, Official Records, Washoe County, Nevada; said POINT OF BEGINNING further described as lying S54°42'29"E, 330.86 feet from the one-quarter (1/4) corner of Section Ten (10) and Eleven (11);

Thence S89°43'07"E, 276.26 feet;

Thence N1°53'48"E, 135.14 feet;

Thence along the arc of a tangent curve to the left, having a radius of 20.00 feet, through a central angle of 91°09'57", a distance of 31.82 feet to a point on the southerly line of Indian Lane a 60' foot public right-of-way;

Thence along said southerly right-of-way line, S89°16'09"E, 100.02 feet;

Thence departing said southerly right-of-way line along the arc of a non-tangent curve to the left, radial to a bearing of S0°43'51"W, having a radius of 20.00 feet, through a central angle of 88°50'03", a distance of 31.01 feet;

Thence S1°53'48"E, 236.62 feet;

Thence S89°15'50"E, 281.14 feet;

Thence S0°44'10"W, 67.61 feet;

Thence S7°37'21"E, 52.96 feet;

Thence S0°44'10"W, 78.88 feet;

Thence S89°16'12"E, 169.19 feet;

Thence S1°52'08"W, 192.30 feet;

Thence S85°42'05"E, 198.44 feet;

Thence along the arc of a tangent curve to the left, having a radius of 20.00 feet; through a central angle of 92°25'33", a distance of 32.26 feet to a point on the westerly line of Rain Dance Way a 60' foot public right-of-way;

Thence along said westerly right-of-way line, S1°52'22"E, 100.10 feet;

Thence departing said westerly right-of-way line along the arc of a non-tangent curve to the left, radial to a bearing of N88°07'38"W, having a radius of 20.00 feet, through a central angle of 87°34'27", a distance of 30.57 feet;

Thence N85°42'05"W, 223.03 feet;

Thence S1°52'08"W, 546.93 feet;

Thence N1°52'07"E, 8.60 feet;

Thence along the arc of a non-tangent curve to the left, radial to a bearing of S0°14'47"E, having a radius of 55.00 feet, through a central angle of 21°40'14", a distance of 20.80 feet;

Thence along the arc of a tangent curve to the right, having a radius of 20.00 feet, through a central angle of 22°11'53", a distance of 7.75 feet;

Thence S89°43'07"E, 318.96 feet;

Thence along the arc of a tangent curve to the left, having a radius of 421.00 feet, through a central angle of 8°17'59", a distance of 60.98 feet;

Thence along the arc of a non-tangent curve to the left, radial to a bearing of S8°01'06"E, having a radius of 20.03 feet, through a central angle of 94°33'02", a distance of 33.06 feet;

Thence S89°43'25"E, 345.27 feet;

Thence N1°53'48"E, 1101.47 feet to said POINT OF BEGINNING.

The basis of bearings for this description is Nevada State Plane coordinate system, West Zone NAD83(94) based on real time kinematic (RTK) GPs observations utilizing corrections from the Northern Nevada cooperative real time network.

Reference is made to Parcel 1A as shown on Record of Survey Map No. 6115, recorded January 9, 2020, as Document No. 4990096, Official Records.

NOTE: The above metes and bounds description appeared previously in that certain Boundary Line Adjustment Deed recorded in the office of the County Recorder of Washoe County, Nevada on January 9, 2020, as Document No. 4990095 of Official Records.

APN: 552-092-22

PROPERTY 2:

All that certain real property situate in the County of Washoe, State of Nevada, described as follows:

All that portion of the Northwest quarter of Section 11, Township 20 North, Range 19 East, M.D.B. & M., described as follows:

The Northwest quarter of Section 11, Township 20 North, Range 19 Est, M.D.B. & M.

EXCEPTING THEREFROM the Southeast quarter thereof.

EXCEPTING THEREFROM the following described parcel:

A portion of the East half of the Northeast quarter of the Northwest quarter of Section 11, Township 20 North, Range 19 East, M.D.B. & M., Washoe County, Nevada, being more particularly described as follows:

COMMENCING at the North quarter corner of said Section 11; thence South $01^{\circ}02'02''$ West 575.07 feet along the center line of said section; thence South $89^{\circ}08'30''$ West 345.12 feet along the Southerly line of the North half of the South half of the South half of the Northeast quarter of the Northeast quarter of the Northwest quarter of said Section 11, the POINT OF BEGINNING; thence continuing South $89^{\circ}08'30''$ West 316.30 feet along said line to the Westerly line of the East half of the Northeast quarter of the Northwest quarter of said Section 11; thence South $01^{\circ}02'52''$ West along said line 155.13 feet; thence North $89^{\circ}25'22''$ East 316.25 feet; thence North $01^{\circ}02'52''$ East 156.68 feet to the POINT OF BEGINNING.

TOGETHER WITH an easement 25.00 feet in width for roadway and utility purposes, said easement being the West 25.0 feet of the Southeast quarter of the Northeast quarter of the Northwest quarter and the South half of the South half of the South half of the Northeast quarter of the Northeast quarter of the Northwest quarter of said Section 11.

FURTHER EXCEPTING THEREFROM the following described parcel:

The Southeast quarter of the Northeast quarter of the Northwest quarter and the South half of the South half of the South half of the Northeast quarter of the Northeast quarter of the Northwest quarter of Section 11, Township 20 North, Range 19 East, M.D.B. & M.

SUBJECT TO AND TOGETHER WITH a non-exclusive easement for road and utility purposes 60 feet in width, the centerline of which is the East line of the Northwest Quarter of said Section 11, Township 20 North, Range 19 East, M.D. B. & M.

FURTHER EXCEPTING THEREFROM any portion lying within the Southeast quarter of the Northeast quarter of said Northwest quarter of Section 11, Township 20 North, Range 19 East, M.D.B. & M.

FURTHER EXCEPTING THEREFROM the following described parcel:

COMMENCE at the West quarter corner of Section 11, Township 20 North, Range 19 East, M.D.B. & M., Washoe County, Nevada and proceed North $89^{\circ}55'22''$ East 612.41 feet along the centerline of said Section; thence North $1^{\circ}05'22''$ East 286.25 feet; thence North $89^{\circ}55'22''$ East 171.01 feet to the POINT OF BEGINNING; thence continue North $89^{\circ}55'22''$ East 170.00 feet; thence South $1^{\circ}03'42''$ West 256.25 feet to a point on the North line of Indian Lane (60.00 feet wide); thence along said North line South $89^{\circ}55'22''$ West 170.00; thence North $1^{\circ}03'42''$ East 256.25 feet to the POINT OF BEGINNING.

FURTHER EXCEPTING THEREFROM the following described parcels:

COMMENCING at the West quarter corner of said Section 11 and proceeding thence North $89^{\circ}55'22''$ East along the centerline of said Section 11, a distance of 612.41 feet; thence North $01^{\circ}05'22''$ East 50.41 feet to POINT OF BEGINNING, said point being on the East line of a proposed 60.00 foot wide roadway; thence North $01^{\circ}05'22''$ East (Record North $01^{\circ}55'22''$ East) 235.84 feet along East line; thence North $89^{\circ}55'22''$ East 171.01 feet; thence South $01^{\circ}03'42''$ West 256.25 feet to a point on the North line of Indian Lane (60.00 feet wide); thence along said North line South $89^{\circ}55'22''$ West 150.58 feet to beginning of a 20.00 feet radius curve to the right; thence along said curve through an angle of $91^{\circ}10'00''$, and an arc length of 31.82 feet to the POINT OF BEGINNING.

FURTHER EXCEPTING THEREFROM the following described parcel:

COMMENCING at the West quarter corner of said Section 11; thence North $01^{\circ}05'22''$ East 50.41 feet along the West line of said section 11 to the POINT OF BEGINNING; thence continuing North $01^{\circ}05'22''$ East 216.19 feet; thence North $89^{\circ}55'22''$ East 184.13 feet; thence South $01^{\circ}05'22''$ West 286.60 feet to a point on the North line of Indian Lane (60.00 feet wide); thence along said North line South $89^{\circ}55'22''$ West 163.72 feet to the beginning of a 20.00 feet radius curve to the right; thence along said curve through a central angle of $91^{\circ}10'00''$ and an arc length of 31.02 feet to the POINT OF BEGINNING.

FURTHER EXCEPTING THEREFROM the following described parcel:

COMMENCING at the West quarter corner of said Section 11; thence North 89°55'22" East 612.41 feet along the centerline of said Section 11; thence North 01°05'22" East 286.25 feet; thence North 89°55'22" East 511.01 feet to the POINT OF BEGINNING; thence continuing North 89°55'22" East 170.00 feet to a point on the West line of Rain Dance Way extended; thence along said West line South 01°03'42" West 236.65 feet to the beginning of a 20.00 feet radius curve to the right; thence along said curve through a central angle of 88°51'40" for an arc length of 31.02 feet to a point on the North line of Indian Lane (60.00 feet wide); thence along said North line South 89°55'22" West 150.40 feet; thence North 01°03'42" East 256.25 feet to the POINT OF BEGINNING.

FURTHER EXCEPTING THEREFROM the following described parcel:

COMMENCING at the West quarter corner of said Section 11; thence North 89°55'22" East 612.41 feet along the centerline of said Section 11; thence North 01°05'22" East 286.25 feet thence North 89°55'22" East 341.01 feet to the POINT OF BEGINNING; thence continuing North 89°55'22" East 170.00 feet; thence South 01°03'42" West 256.25 feet to the point on the North line of Indian Lane (60.00 feet wide) thence along said North line South 89°55'22" West 170.00 feet; thence North 01°03'42" East 256.25 feet to the POINT OF BEGINNING.

FURTHER EXCEPTING THEREFROM the following described parcel:

COMMENCE at the West quarter corner of Section 11, Township 20 North, Range 19 East, M.D.B. & M., Washoe County, Nevada, and proceed North 01°05'22" East 266.60 feet along the West line of said Section 11; thence North 89°55'22" East, 184.13 feet to the POINT OF BEGINNING, thence continue North 89°55'22" East 184.13 feet; thence South 1°05'22" West 236.60 feet to a point on the North line of Indian Lane (60.00 feet wide); thence South 89°55'22" West 184.13 feet along said line; thence North 1°05'22" East 236.60 feet to the POINT OF BEGINNING.

FURTHER EXCEPTING THEREFROM THE FOLLOWING described parcel:

COMMENCE at the West corner of Section 11, Township 20 North, Range 19 East, M.D.B. & M., Washoe County, Nevada, and proceed North 1°05'22" East 266.60 feet along the West line of said Section 11; thence North 89°55'22" East 368.26 feet to the POINT OF BEGINNING; thence continue North 89°55'22" East 184.14 feet to a point on the West line of a proposed 60.00 feet wide roadway; thence South 1°05'22" West 217.00 feet along the said West line to the beginning of a 20.00 feet radius curve to the right; thence along said curve through a central angle of 88°50'00" and an arc length of 31.01 feet to a point on the North line of Indian Lane (60.00 feet wide); thence along said North line South 89°55'22" West 164.54 feet; thence North 1°05'22" East 236.60 feet to the POINT OF BEGINNING.

EXCEPTING THEREFROM the above described parcel of land and any portion thereof conveyed to the County of Washoe, State of Nevada, for road and incidental purposes.

NOTE: The above metes and bounds description appeared previously in that certain document recorded in the office of the County Recorder of Washoe County, Nevada on July 2, 1996, as Document No. 2009093 of Official Records.

APN: 552-050-01

EXHIBIT “B”

GOLDEN MESA NORTH CONDITIONS OF APPROVAL



WASHOE COUNTY

Planning and Development

INTEGRITY COMMUNICATION SERVICE

Attachment C
Community Services Dept.
P.O. Box 11130
Reno, Nevada 89520-0027
Phone: (775) 328-6100
Fax: (775) 328-6133

AMENDED

To include attached "Addendum A"

Planning Commission Action Order

**Tentative Subdivision Map Case Number WTM16-002 and
Special Use Permit Case Number WSUP16-0002**

Decision: **Approval with Conditions**

Decision Date: March 7, 2017

Mailing/Filing Date: March 30, 2017

Property Owner: Moonlight Hills Estates, LLC
Attn: Richard Nevis
5390 Bellazza Ct.
Reno, NV 89519

Assigned Planner: Trevor Lloyd, Senior Planner
Washoe County Community Services Department
Planning and Development Division
Phone: 775.328.3620
E-Mail: tlloyd@washoecounty.us

Tentative Map Case Number WTM16-002 (Golden Mesa North) – Hearing, discussion, and possible action to approve the subdivision of two parcels totaling 119.76 acres into a 115 lot subdivision.

and

Special Use Permit Case Number WSUP16-0002 (Golden Mesa South Sewer Lift Station) – Hearing, discussion, and possible action to approve special use permit for a sewer lift station to support the development of the Golden Mesa North subdivision.

- Applicant: Moonlight Hills Estates, LLC.
- Location: North of Golden Valley Road and East of Estates Drive
- Assessor's Parcel Number: 552-050-01; 552-092-19; 552-100-01
- Parcel Size: 119.76 Acres (WTM16-002) and 35.16 Acres (WSUP16-0002)
- Master Plan Category: Suburban Residential and Rural
- Regulatory Zone: Low Density Suburban (LDS) (maximum allowed density 1 dwelling per acre) on ±116 acres and General Rural (GR) (maximum density is 1 dwelling per 40 acres) on ±2.79 acres
- Area Plan: North Valleys
- Citizen Advisory Board: North Valleys
- Development Code: Article 608, Tentative Subdivision Maps, and Article 810, Special Use Permits

To: Moonlight Hills Estates, LLC
Subject: WTM16-002 and WSUP16-0002
Date: March 30, 2017
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- Commission District: 5 – Commissioner Herman
- Section/Township/Range: Section 11, T20N, R19E, MDM,
Washoe County, NV

Notice is hereby given that the Washoe County Planning Commission granted approval with conditions of the above referenced case numbers based on the findings in accordance with Washoe County Code Chapter 110 (Development Code) Article 608, *Tentative Subdivision Maps*, and Article 810, *Special Use Permits*. If no appeals have been filed within 10 calendar days after the Mailing/Filing date shown on this Action Order, the approval by the Washoe County Planning Commission is final. If filed, an appeal stays any further action on the permit until final resolution of the appeal. An appeal shall be filed in accordance with the provisions found in Article 912 of the Washoe County Development Code. This decision for Tentative Map Case Number WTM16-002 is based on having made all ten findings in accordance with Washoe County Code Section 110.608.25:

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

This decision for Special Use Permit Case Number WSUP16-0002 is based on having made all five findings in accordance with Washoe County Code Section 110.810.30:

To: Moonlight Hills Estates, LLC
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Action Order xc: Nathan Edwards, District Attorney's Office; Keirsten Beck, Assessor's Office; Cori Burke, Assessor's Office; Tim Simpson, Utilities; Leo Vesely, Engineering and Capital Projects; North Valleys Citizen Advisory Board, Chair.

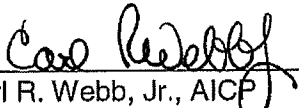
To: Moonlight Hills Estates, LLC
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1. Consistency. That the proposed use is consistent with the action programs, policies, standards and maps of the Master Plan and the North Valleys Area Plan;
2. Improvements. That adequate utilities, roadway improvements, sanitation, water supply, drainage, and other necessary facilities have been provided, the proposed improvements are properly related to existing and proposed roadways, and an adequate public facilities determination has been made in accordance with Division Seven;
3. Site Suitability. That the site is physically suitable for a sewer lift station, and for the intensity of such a development;
4. Issuance Not Detrimental. That issuance of the permit will not be significantly detrimental to the public health, safety or welfare; injurious to the property or improvements of adjacent properties; or detrimental to the character of the surrounding area;
5. Effect on a Military Installation. Issuance of the permit will not have a detrimental effect on the location, purpose or mission of the military installation.

This Action Order is issued subject to the attached conditions and Washoe County development standards. Please contact the planner assigned to your project at the above-referenced phone number within seven days of receipt of this Order to review the steps necessary to satisfy the Conditions of Approval. Any business license, certificate of occupancy or final approval shall not be issued until all of the Conditions of Approval (attached) are satisfied. Additionally, compliance shall be required with all federal, state and local statutes, ordinances, and regulations applicable to the approved project.

This Action Order does not authorize any development, to include building construction and grading, without the required permits from the Washoe County Building and Safety Division.

Washoe County Community Services Department
Planning and Development Division



Carl R. Webb, Jr., AICP
Secretary to the Planning Commission

CRW/TL/ks

xc:

Owner/Applicant: Moonlight Hills Estates, LLC. Attn: Richard Nevis, 5390 Bellazza Ct., Reno, NV 89519

Representative: Axion Engineering, Attn: Gary Guzelis, 681 Edison Way, Reno, NV 89503

Representative: Mark Herrmann, PO Box 8817, Reno, NV 89511

Moonlight Hills Estates, LLC
5390 Bellazza Ct.
Reno, NV 89519

March 20, 2017

RE; Golden Mesa North action order WTM16-002, Addendum A

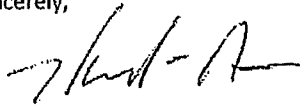
This commitment letter shall be attached as an addendum to the Action Order for WTM16-002 (Golden Mesa North Subdivision). As property owners of the Golden Mesa North tentative map, we commit to the following stipulations:

- 1) In the event that the property is sold, this letter shall be provided to the new owners as an attachment/addendum to the Action Order for WTM16-002 (Golden Mesa North).
- 2) In addition to the equestrian/pedestrian trail as referenced in condition #1(q) and identified as Segment 1, on the attached map, extending from Arrowhead Way to Spearhead Way and as required in the conditions of approval for Action Order for WTM16-002. Three more horse trails shall be created, Segment 2, will extend from Rain Dance Way to Arrowhead Way, Segment 3, shall extend from Rain Dance Way to Painite Road, all being 10 feet in width. Segment 4 will extend from Painite road to Estates Road, utilizing the southern bank of the proposed detention pond B and sewer access easement. All lying in assessor's parcel number (APN): 552-050-01 (refer to the attached graphic for segment locations).
- 3) In order to provide for safe passage along the equestrian/pedestrian trail, the applicant shall close off vehicular access from assessor's parcel number: 552-050-01 to Indian Lane. This access will be gated and will be used for emergency vehicle access only.

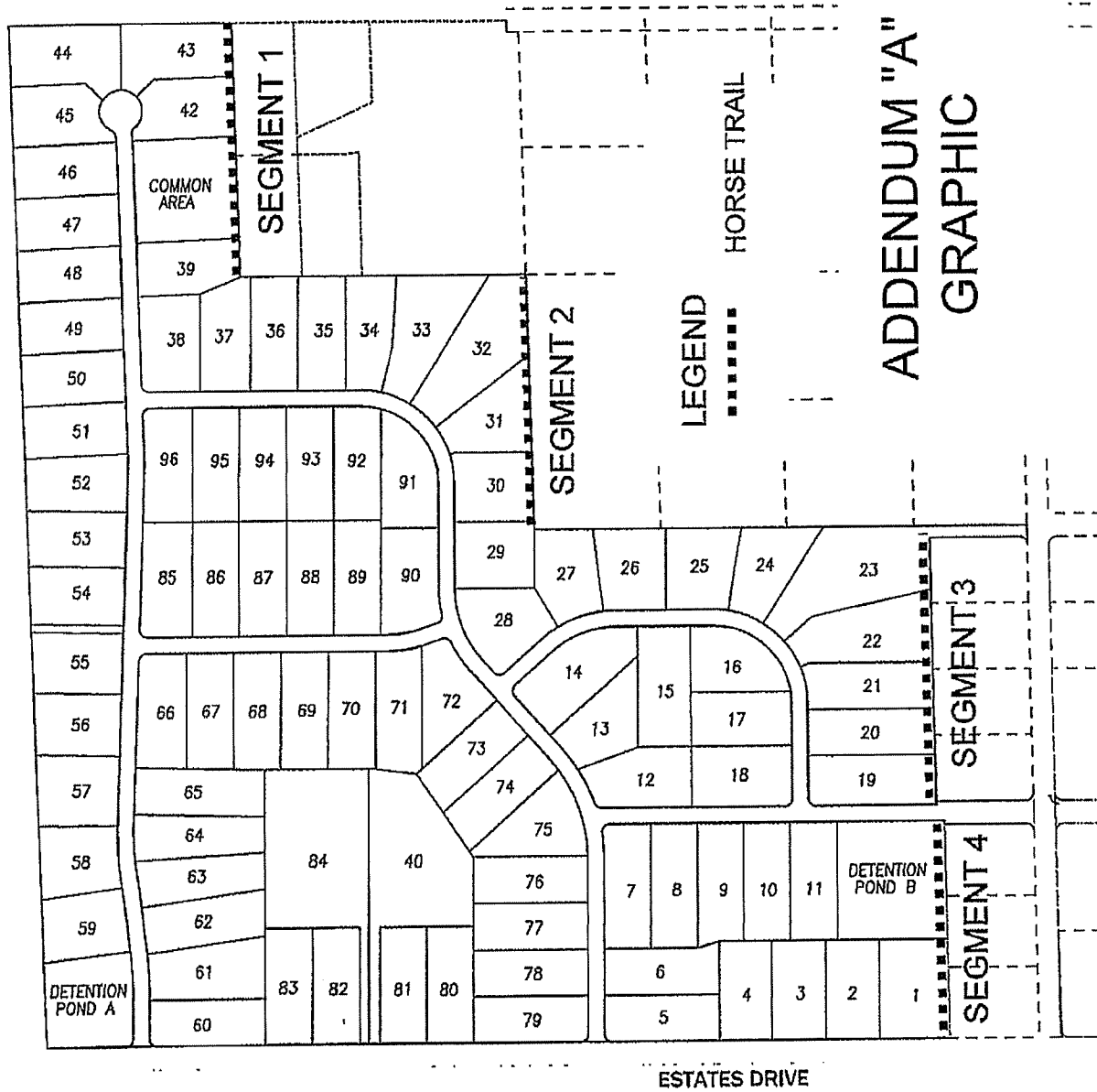
It is also understood that by agreeing to the aforementioned conditions that there will be no net loss in the number of lots for the Golden Mesa North tentative tract map.

In the event that the tentative map case number WTM16-002 (Golden Mesa North) is appealed to the Washoe County Commission, these stipulations shall become null and void.

Sincerely,



Richard Nevis, Moonlight Hills Estates, LLC, Managing Member





Conditions of Approval

Tentative Subdivision Map Case Number WTM16-002

The project approved under Tentative Subdivision Map Case Number WTM16-002 shall be carried out in accordance with the Conditions of Approval granted by the Planning Commission on March 7, 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.**

<p>STANDARD CONSIDERATIONS FOR SUBDIVISIONS Nevada Revised Statutes 278.349</p>

Pursuant to NRS 278.349, when contemplating action on a Tentative Subdivision Map, the governing body or the Planning Commission, if it is authorized to take final action on a tentative map, shall consider:

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

- 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 compliance with the Approved Tentative Map and provisions of Washoe County Code Chapter 110, Article 604, Design Requirements, and Article 608, Tentative Subdivision Maps.

Regulatory Zone for Review Purposes	General Rural (GR) Low Density Suburban (LDS) High Density Rural (HDR)
Minimum Lot Area Proposed	35,000 square feet
Minimum Lot Width	120 feet
Minimum Front Yard	30 feet
Minimum Side Yard	12 feet
Minimum Rear Yard	30 feet
Maximum Building Height	35 feet

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

- c. The subdivider shall present to Washoe County a final map, prepared in accordance with the tentative map, for the entire area for which a tentative map has been approved, or one of a series of final maps, each covering a portion of the approved tentative map, within 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:

Jurat for FIRST FINAL MAP

THE TENTATIVE MAP FOR WTM16-002 (Golden Mesa North)
WAS APPROVED <denied> BY THE WASHOE COUNTY
PLANNING COMMISSION ON <date>.

THIS FINAL MAP, <subdivision name and unit/phase #>, MEETS
ALL APPLICABLE STATUTES, ORDINANCES AND CODE
PROVISIONS; IS IN SUBSTANTIAL CONFORMANCE WITH THE
TENTATIVE MAP; AND ALL CONDITIONS HAVE BEEN MET.

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

THE NEXT FINAL MAP FOR WTM16-002 (Golden Mesa North)
MUST BE APPROVED AND ACCEPTED FOR RECORDATION
BY THE PLANNING AND DEVELOPMENT DIRECTOR ON OR
BEFORE THE EXPIRATION DATE, THE ____ DAY OF

Washoe County Conditions of Approval

_____, 20____, OR AN EXTENSION OF TIME FOR THE TENTATIVE MAP MUST BE APPROVED BY THE WASHOE COUNTY PLANNING COMMISSION ON OR BEFORE SAID DATE.

<Insert Merger and Re-subdivision option as applicable>

THIS FINAL MAP IS APPROVED AND ACCEPTED FOR RECORDATION THIS ____ DAY OF _____, 20____ BY THE WASHOE COUNTY PLANNING AND DEVELOPMENT DIRECTOR. THE OFFER OF DEDICATION FOR *<streets, sewers>* IS REJECTED AT THIS TIME, BUT WILL REMAIN OPEN IN ACCORDANCE WITH NRS CHAPTER 278.

MOJRA HAUENSTEIN, DIRECTOR,
PLANNING AND DEVELOPMENT DIVISION

Jurat for ALL SUBSEQUENT FINAL MAPS

THE TENTATIVE MAP for WTM16-002 (Golden Mesa North) was APPROVED *<denied>* BY THE WASHOE COUNTY PLANNING COMMISSION ON *<date>*. [If the TM had been appealed to the BCC --- Add:] THE WASHOE COUNTY COMMISSION APPROVED THE TENTATIVE MAP ON APPEAL ON *<date>*.

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>*. [Omit the following if second map.] THE MOST RECENTLY RECORDED FINAL MAP, *<subdivision name and prior unit/phase #>* FOR THIS TENTATIVE 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 TENTATIVE MAP WAS APPROVED BY THE WASHOE COUNTY PLANNING COMMISSION ON *<date of last Planning Commission action to extend the tentative map>*.

THIS FINAL MAP, *<subdivision name and unit/phase #>*, MEETS ALL APPLICABLE STATUTES, ORDINANCES AND CODE PROVISIONS; IS IN SUBSTANTIAL CONFORMANCE WITH THE TENTATIVE MAP; AND ALL CONDITIONS HAVE BEEN MET.

[Omit the following paragraph if this is the last final map.]

THE NEXT FINAL MAP FOR WTM16-002 (Golden Mesa North) MUST BE APPROVED AND ACCEPTED FOR RECORDATION

Washoe County Conditions of Approval

BY THE PLANNING AND DEVELOPMENT DIRECTOR ON OR BEFORE THE EXPIRATION DATE, THE ____ DAY OF _____, 20____, *<add two years to the current expiration date unless that date is more than two years away>* OR AN EXTENSION OF TIME FOR THE TENTATIVE MAP MUST BE APPROVED BY THE WASHOE COUNTY PLANNING COMMISSION ON OR BEFORE SAID DATE.

<Insert Merger and Re-subdivision option as applicable>

THIS FINAL MAP IS APPROVED AND ACCEPTED FOR RECORDATION THIS ____ DAY OF _____, 20____ BY THE WASHOE COUNTY PLANNING AND DEVELOPMENT DIRECTOR. THE OFFER OF DEDICATION FOR *<streets, sewers>* IS REJECTED AT THIS TIME, BUT WILL REMAIN OPEN IN ACCORDANCE WITH NRS CHAPTER 278.

MOJRA HAUENSTEIN, DIRECTOR,
PLANNING AND DEVELOPMENT DIVISION

[Option for all merger and re-subdivision maps]

PUBLIC STREETS, UTILITY EASEMENTS, OR ANY OTHER EASEMENTS NO LONGER REQUIRED FOR THE FINAL MAP WERE ABANDONED PURSUANT TO ABANDONMENT CASE NO. _____ AND THE DOCUMENT HAS BEEN RECORDED PRIOR TO THE RECORDATION OF THIS MAP.

- 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. 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,

Washoe County Conditions of Approval

telephone number and contact person of the new purchaser within thirty (30) days of the final sale.

- i. Failure to comply with the conditions of approval shall render this approval null and void.

- j. 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, common areas, 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
 - 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 area on the final map shall be privately maintained and perpetually funded by the homeowners association. The deed to the open space and common area shall reflect perpetual dedication for that purpose. The maintenance of the common areas and related improvements shall be addressed in the CC&Rs to the satisfaction of the District Attorney's Office.
4. The project adjacent to undeveloped land shall maintain a fire fuel break of a minimum 30 feet in width until such time as the adjacent land is developed.

Washoe County Conditions of Approval

5. Locating habitable structures on potentially active (Holocene) fault lines, whether noted on the recorded map or disclosed during site preparation, is prohibited.
 6. All outdoor lighting on buildings and streets within the subdivision shall be down-shielded.
 7. No motorized vehicles shall be allowed on the platted common area.
 8. Mandatory solid waste collection.
 9. Fence material, height, and location limitations, and re-fencing standards. Replacement fence must be compatible in materials, finish and location of existing fence.
 10. Slopes shall be three (3) horizontal to one (1) vertical (3:1) or flatter.
 11. Development of slopes in excess of thirty (30) percent is prohibited.
- k. 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.
- l. In coordination with the Washoe County Health District, the University of Nevada Cooperative Extension, and/or the Washoe-Storey Conservation District, the applicant shall prepare and submit a noxious weeds control plan.
- m. The applicants shall construct a fence along the eastern edge of the Rain Dance Way access easement within assessor's parcel number 552-050-01. The purpose of the fence is to identify the access easement and prevent future homeowners from obstructing the easement.
- n. All fencing, if any, along the perimeter of the development shall be open style such as split rail or similar alternative approved by the Washoe County Planning and Development Division.
- o. The developer shall require each future homeowner to sign a disclosure statement that regarding the existence of livestock and the potential for accompanying noise and odor within the immediate area.
- p. The developer shall install climatic adaptive landscaping in the front yard area between the front property line and the main building of each new residential lot.
- q. The developer shall provide a 10 foot wide public pedestrian/equestrian easement or common area. The easement or common area shall be located along the eastern portion of assessor's parcel number 552-050-01 and will provide pedestrian and equestrian access to the federal lands to north.

Washoe County Conditions of Approval

- r. The final construction drawings submitted for each final map shall ensure compliance with all design standards enumerated in policies NV.5.1 thru NV.5.8 of the North Valleys Area Plan. These policies will also be included within the CC&R's.
- s. 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 Washoe County School District school(s) with available capacity in the event that the zoned schools cannot accommodate additional students

Washoe County Engineering and Capital Projects Division

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

Contact Name – Leo Vesely, 775.328.2313

- 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 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 area on the final map. A note on the final map shall indicate that all common areas shall be privately maintained and perpetually funded by the 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.

Washoe County Conditions of Approval

- 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. 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.
- j. 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.
- k. Prior to the finalization of the final map containing lots 40 and 84, a maintenance agreement shall be prepared for the joint maintenance of the common driveway and drainage facilities for lots 40 and 84 to the satisfaction of the District Attorney's Office. The County Engineer shall determine compliance with this condition.
- l. Cut slopes, fill slopes, and berms shall be setback from parcel lines and access easements in accordance with Washoe County Code Article 438. The County Engineer shall determine compliance with this condition.
- m. Lot 107 shall be developed with the proposed Golden Meadows South or lot 107 may be developed with this project provided that the permanent county standard street section and cul-de-sac is constructed with the final map to serve lot 107.
- n. Prior to the recordation of the final map containing lots 39 and 48, the existing access and utility easement per document no. 528857 shall be relinquished.

DRAINAGE AND STORM WATER DISCHARGE PROGRAM

- o. 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.
- p. 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.
- q. 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 assurances in an appropriate form and amount shall be provided. The County Engineer shall determine compliance with this condition.
- r. Any increase in stormwater runoff resulting from the development and based on the 5 year and 100 storm(s) shall be detained onsite, or off-site with necessary

Washoe County Conditions of Approval

- permission and easements from the property owner. The County Engineer shall determine compliance with this condition.
- s. 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.
 - t. 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.
 - u. 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.
 - v. 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.
 - w. 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.
 - x. 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.
 - y. 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.
 - z. 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.
 - aa. Drainage easements shall be provided for all storm runoff that crosses more than one lot. The County Engineer shall determine compliance with this condition.

Washoe County Conditions of Approval

- bb. 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.
- cc. The FEMA 100-year floodplain shall be shown on the final map and grading plan to the satisfaction of the County Engineer. All grading and construction in these areas shall be in conformance with the Washoe County Code Article 416.
- dd. Offsite drainage and common area drainage draining onto residential lots shall be perpetuated around the residential lots and drainage facilities, such as concrete lined cutoff swales, 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 maintenance of these drainage facilities shall be addressed in the CC&Rs to the satisfaction of the District Attorney's Office. The County Engineer shall determine compliance with this condition.
- ee. Detention basins A and B shall be designed to provide for emergency or overtopping flow from the detention basin to The Estates Road drainage channel. The County Engineer shall determine compliance with this condition.
- ff. The hydrology report for each phase shall include sizing the driveway culverts for that phase such that they will pass the onsite 100-year flow. The driveway culvert sizes shall be identified on the improvement plans for each phase. The County Engineer shall determine compliance with this condition.
- gg. Prior to the finalization of the first final map, a maintenance and operation plan for the maintenance of the projects detention basins shall be developed in accordance with the Washoe County Code Article 421.

TRAFFIC AND ROADWAY

- hh. 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.
- ii. Street names shall be reviewed and approved by the Regional Street Naming Coordinator.
- jj. 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.
- kk. 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.

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- ll. 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.
- mm. 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.
- nn. All retaining walls that are adjacent to, provide support for or retain soil from the County right-of-way shall be constructed of reinforced masonry block or reinforced concrete and designed by an engineer licensed in the State of Nevada. The County Engineer shall determine compliance with this condition.
- oo. 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.
- 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 standard Washoe County 25-mile per hour design speed. The minimum centerline radius allowed shall be 100'. 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. Access to parcels 552-050-02, 04, 06, 09, 14 & 18, 552-040-01, 03, 07 & 11 shall be perpetuated. Developer shall grant access, drainage and public utility easements as needed to accommodate the existing roadways and drainage facilities. Said easement shall be fenced with an open fence type, such as split-rail fencing or approved alternative. The County Engineer shall determine compliance with this condition.
- ss. 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.
- tt. Prior to finalization of the any final map, provide written verification from NV Energy that proper clearances are maintained between the proposed improvements and the existing overhead power lines. The County Engineer shall determine compliance with this condition.
- uu. A temporary turn-around shall be constructed at the southern end of Painite Road if a county roadway is not constructed to serve lot 107.
- vv. Development shall account for the increased volume of runoff generated as well as for flood plain storage volumes within the 100-year flood plain. The hydrology report will identify the required volume mitigation to achieve no net increase of water surface elevation within Swan Lake. Volumetric analysis is to be based on the 100-year, 10-day storm event, while routing of peak flows shall be based on the 100-year, 24-hour storm event

Washoe County Conditions of Approval

Washoe County Utilities (Engineering and Capital Projects Division)

3. The following conditions are requirements of the Engineering and Capital Projects Division - Utilities, which shall be responsible for determining compliance with these conditions.

Contact Name – Tim Simpson, 775.954.4648

- 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 City of Reno Community Services Division (CSD) prior to approval of the final map. They shall be in compliance with the City of Reno Design Standards and be designed by a Professional Engineer licensed to practice in the State of Nevada.
- 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,
 - j. projected sewage flows from potential or existing development within tributary areas,
 - k. the impact on capacity of existing infrastructure,
 - l. slope of pipe, invert elevation and rim elevation for all manholes,
 - m. proposed collection line sizes, on-site and off-site alignment, and half-full velocities.

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- n. 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.
- o. No permanent structures (including rockery or retaining walls, building's, etc.) shall be allowed within or upon any County maintained utility easement.
- p. A minimum 30-foot wide sanitary sewer easement shall be dedicated to Washoe County over any sanitary sewer not located within the proposed right-of-way.
- q. A minimum 12-foot wide all weather sanitary sewer access road shall be constructed to facilitate access to off-site sanitary sewer.
- r. The Applicant shall be required to obtain a sewer will-serve letter from the City of Reno indicating sufficient capacity exists at the Truckee Meadows Water Reclamation Facility and the associated sewer collection system and pay all necessary fees required by the City of Reno.
- s. Any major infrastructure such as pump structures, controls, telemetry and appurtenances, lift stations, force mains, sewer mains and interceptors that 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.
- t. 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.
- u. The proposed sewer lift station shall be built on a parcel deeded to Washoe County and of a size acceptable to Washoe County

Washoe County Health District

- 4. 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 – Wes Rubio, 775.328.2635

- 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

Washoe County Conditions of Approval

State of Nevada Regulations Governing Review of Plans for Subdivisions, Condominiums, and Planned Unit Developments, NAC 278.400 and 278.410.

- 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. 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

The WCHD requires the following to be submitted with the final map application for review and approval:

- 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

Washoe County Conditions of Approval

- 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 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. 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.
- m. The grading plans must properly identify the existing monitoring well and demonstrate the monitoring well will be adequately protected during grading activities.
- n. If the required sewer lift station has not been completed (i.e. construction received final approval and the unit is in use prior to the approval of the final map) then all proposed building permits must have a final C of O for WCHD to ensure proper sewage disposal is available prior to any occupancy of the dwellings

Truckee Meadows Fire Protection District

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

Contact Name – Amy Ray, 775.326.6005

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- a. Shall meet requirements of Washoe County Code 60 including cul-de-sacs at 50 foot radius and fire flow at 1,000 to 1,500 gallons per minute.
- b. CC&Rs shall be submitted to TMFPD for review and approval for compliance with the Wildland Urban Interface Code.

Nevada Department of Transportation

6. 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 appeal to that board.

Contact Name – Jae Pullen, 775.834.8309

- a. The Nevada Department of Transportation will require an occupancy permit for any work performed within the State's right-of-way. Please see the *Terms and Conditions Relating to Right of Way Occupancy Permits* booklet available on the nevadadot.com website. Contact the Permit Office at (775) 834-8330 for more information regarding the occupancy permit.
- b. The traffic study indicated 80% of the project's trips will be accessing US 395. NDOT District II requests that the intersections of Golden Valley Road at the US 395 ramp termini be added to the traffic study. As stated in number 1, above, the project is directing 80% of the traffic towards this location. This amendment to the traffic study shall be submitted and reviewed by NDOT prior to the recordation of the first final map.

*** End of Conditions ***