



WASHOE COUNTY

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STAFF REPORT

BOARD MEETING DATE: January 23, 2024

DATE: December 22, 2023
TO: Board of County Commissioners
FROM: Trevor Lloyd, Planning Manager, Planning and Building Division,
Community Services Department, 328-3617, tlloyd@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 adopting a development agreement between Washoe County and St. James's Village, Inc. for St. James's Village, a residential subdivision (Tentative Subdivision Map Case No. TM5-2-92).

The purpose of the development agreement is to extend the deadline for recording the next final map from October 16, 2023, to October 16, 2025, and to adopt amended conditions of approval (WAC23-0013). The project is located along the central portion (on both sides) of Joy Lake Road, west of the I-580 freeway. The project encompasses a total of approximately 1,626 acres, and the total number of residential lots allowed by the approved tentative map is 530. The parcels are located within the Forest Planning Area and Washoe County Commission District No. 2. (APNs 046-080-40; 046-060-45 & 47; 046-131-24; 046-132-06; 046-133-15 & 17; 046-180-12, 14 & 15; 154-011-07; 156-040-09, 10, 14 & 15; 156-111-23; 156-141-04.)

If approved, authorize the Chair of the Board of County Commissioners to sign the Development Agreement. (Commission District 2.)

SUMMARY

The Washoe County Commission is asked to hold a second reading and possibly adopt an ordinance approving a development agreement for St. James's Village, a 530-lot, 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 years to record the next final map for an approved tentative subdivision map (St. James's Village) within the Forest Planning Area. Also attached to the development agreement are amended conditions of approval (WAC23-0013), 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

On December 12, 2023, the Board of County Commissioners (Board) introduced and conducted a first reading of an ordinance approving the aforementioned development agreement between Washoe County and St. James's Village, Inc. for the purpose of extending the time to record the next final map under approved Tentative Map Case No. TM5-2-92 for St. James's Village, a residential subdivision; and to adopt amended conditions of approval (WAC23-0013). These amended conditions of approval shall survive termination and/or expiration of the subject development agreement.

On October 7, 2021, the Washoe County Planning Commission granted a 2 year extension to extend the October 16, 2021, expiration date of the tentative map until October 16, 2023.

On June 21, 2019, subdivision tract map #5331 for St. James's Village was recorded which extended the expiration date for approval of the next final map to October 16, 2021.

On May 26, 2016, the Director of the Planning and Building Division of the Washoe County Community Services Department approved an extension of Tentative Subdivision Map Case Number TM5-2-92 in accordance with Development Agreement Case Number DA12-001, extending the deadline to record the next final map until October 16, 2020.

On September 25, 2012, the Washoe County Board of County Commissioners (Board) approved Development Agreement Case Number DA12-001 for St. James's Village (Tentative Subdivision Map Case No. TM5-2-92). The purpose of the Development Agreement was to extend the deadline to record the next final map until October 16, 2016, with the possible extension of the expiration date until October 16, 2020, at the discretion of the Director of Community Development.

On July 10, 2007, the Board approved the appeal and overturned the Planning Commission's denial thereby approving the amended conditions of approval numbers 29 and 30 to require construction of Joy Lake Road, rather than St. James's Village Parkway, as a second access to the subdivision, prior to the issuance of a building permit for the 151st residential lot.

On May 1, 2007, the Washoe County Planning Commission denied The Amendment of Conditions Case Number AC07-002 to amend conditions of approval number 29 and 30 requiring construction of Joy Lake Road, rather than St. James's Village Parkway.

On August 18, 1992, the Board approved Tentative Subdivision Map Case Number TM5-2-92 for St. James's Village. Since that time the applicant has recorded multiple final subdivision maps for various phases of the development as well as received multiple time extensions as provided for in the Nevada Revised Statutes.

BACKGROUND

St. James's Village Inc. is asking Washoe County to approve a development agreement to grant an extension of time for the approved Tentative Map for St. James's Village (Case Number TM 05-2-92). Specifically, the development agreement provides an extension of the deadline to record the next in a series of final maps from October 16, 2023 to October 16, 2025. St. James's Village consists of approximately 1,626 acres, located south of Galena Forest, and was originally approved in 1992 for 530 residential lots. With construction of the I-580 freeway, the applicants now contemplate a reduction to 467 lots at full build out. The approved subdivision is still active as a result of a series of final map recordings, time extension approvals by the Planning Commission and a previously

approved development agreement. The applicants have submitted final map applications to Washoe County for units 1H and 2C which are currently in review.

The applicants are asking for additional time in order to work with the Truckee Meadows Water Authority (TMWA) to come to agreement on a water project which will be utilized for the provision of water to serve the remainder of the property. When the tentative map was originally approved, Washoe County Water Resources Department approved a water “tree” system in which water lines would run down St. James Parkway and Joy Lake Road. Since the tentative map was originally approved, the Washoe County Water Resources Department has been dissolved and TMWA has taken over as the primary water purveyor, water resource circumstances have changed, regulations have changed, and TMWA has provided a determination that the water “tree” system is not adequate for future development. Rather, TMWA is requiring a looped system which would result in a significantly higher cost. This dispute is currently being litigated through a petition for judicial review filed by St. James’s Village in the Second Judicial District Court in Case No. CV22-01811. Resolution of the water issues is needed to move forward with the development, and it is anticipated that the district court will issue its final order on the petition for judicial review soon.

The proposed development agreement was sent to reviewing agencies and both Washoe County Engineering and Parks requested additional conditions. Please refer to Amended Conditions in WAC23-0013 which are attached to the development agreement as Exhibit B. Since 2021, Parks staff have been working with the developer to obtain a public trail easement over APNs 046-18-12 and 046-180-15 for the existing Brown’s Creek Trail. A trail easement for the beginning section of the Brown’s Creek Trail on adjacent parcel APN 154-010-07 was approved by the Board of County Commissioners on April 25, 2023, and subsequently recorded. The remaining trail sections over APN 046-18-12 and 046-180-15 are required to finalize the public trail access within this section of the St. James’s Village development. The additional conditions proposed by the Parks staff will memorialize the requirement for the recordation of the trail easement and ensure the public has access to this trail in perpetuity. Additionally, Engineering has requested that due to the extensive time that has passed since the original approval of the tentative map for this development, that a condition be added that any future final map submittals comply with current Washoe County Development Codes. The additional conditions from the Parks Program and 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 next final map until October 16, 2025, and provides that the tentative subdivision map will terminate if the next 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 and Parks (WAC23-0013).

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 and Board of County Commissioners 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.

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 a second reading of an ordinance pursuant to NRS 278.0201 through 278.0207 approving a development agreement between Washoe County and St. James's Village, Inc. for St. James's Village, a residential subdivision originally approved in 1992 (Tentative Subdivision Map Case Number TM5-2-92). This agreement extends the deadline for recording the next final map from October 16, 2023, to October 16, 2025, and adopts amended conditions of approval (WAC23-0013). 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 St. James's Village, Inc. for St. James's Village, a residential subdivision originally approved in 1992 (Tentative Subdivision Map Case Number TM5-2-92). This agreement extends the deadline for recording the next final map from October 16, 2023, to October 16, 2025, and adopts amended conditions of approval (WAC23-0013).

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 – Ordinance with Proposed Development Agreement and Exhibits
Attachment B – St. James's Village Application for a Development Agreement
Attachment C – Amended Conditions of Approval for TM5-2-92 approved August 1, 2007
(identified as July 23, 2007 on the conditions of approval)
Attachment D – Amended Conditions of Approval for WAC23-0013
Attachment E – Clean Ordinance with A-1 Development Agreement and Exhibits

cc:

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