



WASHOE COUNTY

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STAFF REPORT

BOARD MEETING DATE: April 23, 2024

DATE: March 14, 2024
TO: Board of County Commissioners
FROM: Chris Bronczyk, Senior Planner, Planning and Building Division,
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THROUGH: Kelly Mullin, AICP, Division Director, Planning & Building Division,
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SUBJECT: Public Hearing: Second reading and possible adoption of an ordinance pursuant to Nevada Revised Statutes 278.0201 through 278.0207 approving a development agreement between Washoe County and North Pyramid Investors LLC for Blue Oaks, a residential subdivision (Tentative Subdivision Map Case No. WTM19-003).

The purpose of the development agreement is to extend the deadline for recording the first final map from January 7, 2024, to January 7, 2026, and to adopt amended conditions of approval (WAC24-0001). The project is located along Campo Rico Lane, east of Pyramid Highway. The project encompasses a total of approximately 9.88 acres, and the total number of residential lots allowed by the approved tentative map is 10. The parcels are located within the Spanish Springs Planning Area and Washoe County Commission District No. 4. (APN: 534-600-23).

If approved, authorize the Chair of the Board of County Commissioners to sign the Development Agreement. (Commission District 4.)

SUMMARY

The Washoe County Commission is asked to hold a second reading, public hearing, and possibly adopt an ordinance approving a development agreement for Blue Oaks, a 10-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 first final map for an approved tentative subdivision map (Blue Oaks) within the Spanish Springs Planning Area. Also attached to the development agreement are amended conditions of approval (WAC24-0001), 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 March 19, 2024, the Board of County Commissioners (Board) introduced and conducted a first reading of an ordinance approving the aforementioned development agreement between Washoe County and North Pyramid Investors LLC for the purpose of extending the time to record the final map under approved Tentative Subdivision Map Case No. WTM19-003 for Blue Oaks, a residential subdivision; and to adopt amended conditions of approval (WAC24-0001). These amended conditions of approval shall survive termination and/or expiration of the subject development agreement.

On January 7, 2020, the Washoe County Planning Commission approved Tentative Subdivision Map Case Number WTM19-003 for Blue Oaks. Since that time, the applicant has submitted for Final Map on November 29, 2023.

BACKGROUND

North Pyramid Investors, LLC is asking Washoe County to approve a development agreement to grant an extension of time for the approved Tentative Map for Blue Oaks (Case Number WTM19-003). Specifically, the development agreement provides an extension of the deadline to record the final map from January 7, 2024 to January 7, 2026. Blue Oaks consists of approximately 9.88 acres and was originally approved in 2020 for 10 residential lots. Lot sizes will range from 35,010 square feet to 47,110 square feet and the subdivision includes a private cul-de-sac street to be improved to Washoe County's street standards. The applicant contends that the project was contingent on the completion of Kings River Road which is the main roadway into the Harris Ranch Development. The applicant states that they did not move forward with the final map while waiting for the roadway and associated TMWA water service to be constructed and made operational. These improvements were completed in late 2021. The original property owner and applicant, Ken Dixon, sold the project to North Pyramid Investors, LLC in June 2022. The new property owner contends that due to the housing market and financial conditions in the second half of 2022 and 2023, and due to entertaining a potential buyer for the project, they chose to not move forward with the project until late 2023.

The applicant further contends that during final design and initial submittal phases of the project, the applicant was made aware of an issue with final map processing by the Nevada Department of Environmental Protection's (NDEP) Bureau of Water Pollution Control. According to the applicant, NDEP would not approve maps based on Washoe County sanitary sewer will-serve letters that list a capacity deficit per the 2005 Interlocal Agreement with the City of Sparks. The applicant believed it was unlikely that this issue would be resolved in enough time to allow the final map to be recorded prior to the tentative map's 4-year expiration date. The applicant states that they were informed recently that an update to the 2005 Interlocal Agreement had been reached and that the project can now move forward. The applicant submitted for Final Map in November 2023, along with site improvement plans.

The proposed development agreement was sent to reviewing agencies including Washoe County Engineering, NDOT, and NDEP. NDEP did not provide comments or conditions. However, the Nevada Department of Transportation (NDOT) requested additional conditions. Please refer to Amended Conditions in WAC24-0001 which are attached to the development agreement as Exhibit B. Additionally, Engineering has requested that due to the 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 then-current Washoe County Development Codes. The additional conditions from NDOT are included as Attachment D, Amended Conditions.

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 January 7, 2026, and provides that the tentative subdivision map will terminate if the first 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 the Nevada Department of Transportation (WAC24-0001).

If the Board introduces and conducts a first reading of the ordinance, then the County Clerk will publish the title of the ordinance and the required notice of intent to adopt the ordinance and schedule a public hearing for the second reading and possible adoption in accordance with NRS 244.100 and Washoe County Code.

Under WCC 110.814.25, notice of the public hearing and possible adoption of a development agreement must be sent to all property owners within three hundred (300) feet of the property which is the subject of the development agreement. Notice will also be provided in a newspaper of general circulation within Washoe County at least 10 days before the public hearing date.

COMPLIANCE WITH MASTER PLAN

NRS 278.0203(1), 278.0205(2) and WCC Section 110.814.40(b) require that when development agreements are adopted or amended, there must be a finding that the agreement is consistent with the Master Plan.

When the Tentative Subdivision Map was approved, the Planning Commission determined that the development was consistent with the Master Plan. The proposed Development Agreement does not change any uses, standards or policies that would be inconsistent with the Master Plan. Only the time schedule for development is being changed and NDOT conditions are being added.

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

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| (d) | <u>Findings.</u> 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 approving a development agreement between Washoe County and North Pyramid Investors LLC for Blue Oaks, a residential subdivision originally approved in 2020 (Tentative Subdivision Map Case Number WTM19-003). This agreement extends the deadline for recording the first final map from January 7, 2024, to January 7, 2026, and adopts amended conditions of approval (WAC24-0001). 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 North Pyramid Investors LLC for Blue Oaks, a residential subdivision originally approved in 2020 (Tentative Subdivision Map Case Number WTM19-003). This agreement extends the deadline for recording the next final map from January 7, 2024, to January 7, 2026, and adopts amended conditions of approval (WAC24-0001). And further move to authorize the Chair to sign the development agreement.

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

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

Attachments:

Attachments A & A-1 – Draft Ordinance with Proposed Development Agreement and Exhibits

Attachment B – Blue Oaks Application for a Development Agreement

Attachment C – Conditions of Approval for WTM19-003 approved January 7, 2020

Attachment D – Amended Conditions of Approval for WAC24-0001

Attachment E & A-1 – Clean Ordinance with Development Agreement and Exhibits

cc:

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