



WASHOE COUNTY

Integrity Communication Service

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|-------------|------------|
| CM/ACM | _____ |
| Finance | <u>KE</u> |
| DA | <u>NE</u> |
| Risk Mgt | <u>N/A</u> |
| HR | <u>N/A</u> |
| Comptroller | <u>CH</u> |

STAFF REPORT

BOARD MEETING DATE: February 28, 2017

DATE: February 3, 2017

TO: Board of County Commissioners

FROM: Trevor Lloyd, Senior Planner, Planning and Development,
Community Services Department, 328-3620, tlloyd@washoecounty.us

THROUGH: Bob Webb, Planning Manager, Planning and Development,
Community Services Department, 328-3623, bwebb@washoecounty.us

SUBJECT: Public Hearing, second reading, and possible action to adopt an ordinance approving an "Amended and Restated Development Agreement (Silver Hills)" amending and restating a Development Agreement originally approved in 2012 (DA09-001) regarding Silver Hills Subdivision (approved in 2011 as Tentative Map TM09-001). This agreement (Case Number AC16-005) extends the deadline for filing the next in a series of final maps to February 28, 2022.

- Lifestyle Homes TND, LLC
- Location: East and west of Red Rock Road, north of Longhorn Road
- Assessor's Parcel No: 086-203-05, 086-232-31, 087-390-10, 087-390-13
- Parcel Size: ±36.67, ±192.39, ±307.84, ±243.02 & (±779.92 acres total)
- Regulatory Zone: Low Density Suburban (LDS)
- Master Plan: Suburban Residential
- Area Plan: North Valleys
- Citizen Advisory Board: North Valleys
- Development Code: Article 814, Development Agreements
- Section/Township/Range: Sec 23 & 24, T21N, R18E, MDM

Bill No. 1775

(Commission District 5.)

SUMMARY

The Washoe County Commission is asked to adopt an ordinance approving an "Amended and Restated Development Agreement (Silver Hills)" which will amend Development Agreement Case Number DA09-001. This amendment to the Development Agreement is solely for the purpose of an extension of time for the approved tentative subdivision map for the Silver Hills Tentative Subdivision Map case number TM09-001. The proposed amendment will extend the recordation of the first final map for the subdivision until February 28, 2022.

Washoe County Strategic Objective supported by this item: Safe, secure and healthy communities.

AGENDA ITEM #

14

PREVIOUS ACTION

On April 5, 2011, the Washoe County Planning Commission heard the tentative subdivision map case number TM09-001. The Planning Commission approved the tentative subdivision map by a vote of seven in favor and none opposed.

On February 28, 2012, the Board of County Commissioners (Board) held a second reading and adopted the Development Agreement for Silver Hills (DA09-001) by ordinance. The County Commission adopted the Development Agreement by a vote of three in favor, none opposed and two absent.

On February 14, 2017 The Board held an introduction and first reading of an ordinance approving an "Amended and Restated Development Agreement (Silver Hills)" amending and replacing a Development Agreement originally approved in 2012 (Development Agreement Case Number DA09-001 - Ordinance Number 1484) regarding the Silver Hills Subdivision (approved in 2011 as Tentative Subdivision Map TM09-001) and set the public hearing for second reading and possible adoption for February 28, 2017.

BACKGROUND

The Planning Commission approved the Silver Hills tentative subdivision map on April 5, 2011. The tentative subdivision map involves the development of a 680 lot common open space subdivision on ±780 acres. The property is zoned Low Density Suburban (LDS) in the North Valleys Area Plan. On February 28, 2012, the Board adopted a development agreement by ordinance for the Silver Hills subdivision which established that the first final map would be recorded within five years from the adoption of the agreement (February 28, 2017). This proposed amendment to the development agreement is necessary to extend the recording of the first final map for an additional five years (until February 28, 2022).

The purpose of the original development agreement was to establish design criteria for the approved Silver Hills tentative subdivision map. The development agreement benefits Washoe County by ensuring that adequate utilities and services will be available prior to development and that the subdivision will be designed and built to the standards represented by the applicant. The development agreement also ensures that the subdivision shall be developed in accordance with the approved tentative map and the applicable regulations in place at the time of the tentative subdivision map approval.

PROCESS TO AMEND THE DEVELOPMENT AGREEMENT

Under NRS 278.0205 and Washoe County Code (WCC) Section 110.814.40, such an amendment must be made by ordinance after special notice and a public hearing. Attached as Attachment A is the proposed "Amended and Restated Development Agreement" which extends the date for recording the next final map until February 28, 2022 and provides that the agreement will terminate if the next map is not filed by then. Attached as Attachment B is the proposed Ordinance adopting the Attachment A Agreement.

PERIODIC REVIEW OF COMPLIANCE BY DEVELOPER

As required by NRS 278.0205(1) and WCC Section 110.814.35, the Director of Planning and Development has reviewed the Development Agreement and the status of the project and believes that the developer is in good faith compliance with the terms of the agreement.

COMPLIANCE WITH MASTER PLAN

NRS 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 Development Agreement did not change any uses, standards or policies that would be inconsistent with the Master Plan. Likewise, this amendment makes no changes to uses, standards or policies that would be inconsistent with the Master Plan. Only the time schedule for development is being changed.

FISCAL IMPACT

No fiscal impact.

RECOMMENDATION

It is recommended that the Board hold the Public Hearing for second reading and possible adoption of an ordinance approving an “Amended and Restated Development Agreement (Silver Hills)” amending and restating a Development Agreement originally approved in 2012 (DA09-001) regarding Silver Hills Subdivision (approved in 2011 as Tentative Map TM09-001). This agreement (Case Number AC16-005) extends the deadline for filing the next in a series of final maps to February 28, 2022. The subject parcels are located east and west of Red Rock Road, north of Longhorn Road. The parcels total approximately ±779.92 acres and have a regulatory zone of Low Density Suburban (LDS). The parcels are located within the North Valleys Area Plan, and are situated in portions of Sections 23 and 24, T21N, R18E, MDM, Washoe County, Nevada. (APNs 086-203-05, 086-232-31, 087-390-10, 087-390-13).

POSSIBLE MOTION

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

“Move to adopt the ordinance included as Attachment B to this matter approving an ‘Amended and Restated Development Agreement (Silver Hills)’ amending and restating a Development Agreement originally approved in 2012 (DA09-001) regarding Silver Hills Subdivision (approved in 2011 as Tentative Map TM09-001). This agreement (Case Number AC16-005) extends the deadline for filing the next in a series of final maps to February 28, 2022.” The subject parcels are located east and west of Red Rock Road, north of Longhorn Road. The parcels total approximately ±779.92 acres and have a regulatory zone of Low Density Suburban (LDS). The parcels are located within the North Valleys Area Plan, and are situated in portions of Sections 23 and 24, T21N, R18E, MDM, Washoe County, Nevada. (APNs 086-203-05, 086-232-31, 087-390-10, 087-390-13).

Attachments:

Attachment A – Amended and Restated Development Agreement (Silver Hills)

Attachment B – Ordinance

cc: Lifestyle Homes, TND, LLC, 4790 Caughlin Pkwy, PMB 519 Reno, NV 89519
Summit Engineering, Attn: Thomas Gallagher, 5405 Mae Anne Ave., Reno, NV 89523

APN: 086-203-05;
086-232-31; 087-390-10, 13

Mail Tax Statements To:
N/A

Recording Requested by
When recorded, mail to:
Washoe County
P.O. Box 11130
Reno, Nevada 89512-0027

**AMENDED AND RESTATED DEVELOPMENT AGREEMENT
(Silver Hills Subdivision)**

Summary: Extends duration of agreement until last final map is recorded. Extends until February 28, 2022, the deadline for presenting the next final map to the Planning and Development Director.

THIS AMENDMENT OF AGREEMENT ("First Amendment") is made by and between the following parties and involves the following Tentative Subdivision Map on the following Property:

- Landowner** Lifestyle Homes TND, LLC.

- County** Washoe County, a political subdivision of the State of Nevada
1001 East Ninth Street
Reno, Nevada 89512-0027
Attn: Planning and Development Division

- Tentative Map** Tentative Subdivision Map TM09-001 (Silver Hills) approved on
April 5, 2011

- Development Agr.** Silver Hills Development Agreement (DA09-001) for Tentative Map Case
Number TM09-001; APN 086-203-05, 086-232-31, 087-390-10 and 13.

Recitals

A. Whereas, **Lifestyle Homes TND, LLC**, a Nevada Limited Liability Corporation ("Landowner") having sole legal and equitable interest in the property referenced herein as Exhibit A and the subject of this agreement wishes to enter into an agreement with the governing body of Washoe County concerning the development of land as provided in NRS 278.0201 and Washoe County Development Code Article 814; and

B Whereas, **Washoe County**, a political subdivision of the State of Nevada ("County") has the authority to execute such an agreement as authorized under NRS 278.0201; and

C. Whereas, both parties agree that the proposed development of the subject property as the Silver Hills Subdivision, Case No. TM09-001 is of such a scale and complexity that warrants the use of a development agreement.

Now, therefore, in exchange for the mutual covenants contained herein which the parties agree constitute ample consideration, Landowner and County hereby agree as follows.

1. General Provisions

1.1 Property. Landowner is the owner of real property located in Washoe County known as Assessor's Parcel Numbers 086-203-05, 086-232-31, 087-390-10 and 13 (the "Property") totaling approximately 782 [staff report subject line says 779.92 acres; please clarify] acres as more particularly described in Exhibit A, attached hereto, all of which are subject to the North Valleys Area Plan Element of the Washoe County Master Plan.

1.2 Project. The project that is the subject of this Agreement is a tentative map for a 680 lot single family detached home subdivision more particularly described in Washoe County application Case No. TM09-001 (the "Project") and shown here as Exhibit B. Landowner agrees to develop the Property consistent with the Project as it was finally approved by the Planning Commission on April 5, 2011 and this Agreement. County agrees that it will work with Landowner in good faith to implement the approved Project consistent with the spirit and intent of this Agreement.

1.3 Land Use Designation. The Property has a land use designation of "Low Density Suburban" and is within the "Silver Knolls Suburban Character Management Area" of the North Valleys Area Plan Element of the Washoe County Master Plan.

2. Agreement Concerning Development of the Property

2.1 Development to be built in accordance with Applicable Law. Landowner agrees that the Project shall be constructed in accordance with Applicable Law, which includes:

- a. The Tentative Map TM 09-001 as approved by the Washoe County Planning Commission on April 5, 2011 and subject to all the conditions as specified in Exhibit B hereto; all the Exhibits to this Agreement and the application for approval of the tentative map;
- b. The Washoe County ordinances, resolutions or regulations applicable to the Project land and governing the permitted uses of that land, density, and standards for design, improvements and construction which are in effect at

the time this agreement is made. The County may adopt new ordinances, resolutions or regulations applicable to the Project Land which do not conflict with those ordinances, resolutions and regulations in effect at the time this agreement is made, except that any subsequent action by the Board of County Commissioners must not prevent the development of the land as set forth in this agreement, and the Board of County Commissioners is not prohibited from denying or conditionally approving any other plan for development pursuant to any ordinance, resolution or regulation in effect at the time of that denial or approval;

- c. This Agreement;
and
- d. All ordinances, and regulations by Washoe County (other than those governing the permitted uses of that land, density, and standards for design, improvements and construction as provided in subparagraph 2.1.b above), and all statutes and regulations of the State of Nevada, and the United States of America as amended from time to time and applicable during construction.

2.2 Permitted Uses. The Property shall be limited to single family dwellings as defined in Article 902 of the Washoe County Development Code. Uses that are customarily accessory to single family dwellings shall be permitted. Livestock, subject to the standards and limitations of the County, including the District Health Department, and the Homeowners Association for the Project shall be allowed within the Project.

Other than "cottage" industries or home based businesses controlled by the covenants, conditions and restrictions to be recorded against the Property by the Landowner, no commercial, industrial or multi-family residential or non UBC manufactured home will be permitted within the Project.

2.3 Density. The density of development on the Property shall not exceed 1 dwelling unit per gross acre of land.

2.4 Maximum Building Height and Size. No dwelling within the Property shall exceed two (2) stories in height. Where any proposed dwelling within the Project will be adjacent to an existing single story dwelling along the external edge of the Property such dwelling shall be limited to one (1) story in height. Development is considered adjacent for the purposes of this section if it not separated by a road or minimum 30 foot landscape buffer.

At least 50% of the homes within the Project shall be one (1) story in height. Building sizes shall be as provided in Article 402 of the Washoe County Development Code.

2.5 Lot Sizes. In no case shall any lot within the Project be smaller than 21,780 square feet in size. In all cases 50% or more of the lots within the Project shall be at least 43,560 square feet in size.

2.6 Maximum Number of Lots. The total number of lots within the Project shall not exceed 680.

2.7 Fencing. Each final map submission shall include a fencing plan detailing the location, height and type of any proposed fencing to be erected within that phase of development. Fencing limitations to be placed on all lot and/or home purchasers shall also be included in the final CC&Rs to be submitted to County with the final map. Said fencing plan shall be reviewed and approved by the Washoe County Design Review Committee prior to the approval of any final map. County shall assure that the review of the fencing plan by the Design Review Committee is prompt and does not depart from the spirit and intent of this Agreement.

Fencing shall primarily be "open view" consisting of, but not limited to, rail, wire mesh, wrought iron and barb wire (i.e. for livestock). The use of solid block or concrete walls will be limited to posts, pillars and similar uses and not be used for panel or wall sections. Opaque solid fencing shall be limited to dog runs and privacy areas around patios and shall not extend beyond the development pad created with the initial lot grading with each subdivision map.

2.8 Landscape Plans. Prior to the recordation of the first final map for the Project, Landowner will submit landscape plans with designs that emphasize the use of native vegetation, with non-native and atypical vegetation integrated sparingly in landscaped areas. Landowner will offer at least two separate xeriscape or equivalent options in front yard landscaping.

2.9 Setbacks. In order to provide a varied and interesting streetscape, front and side yard setbacks in any subdivision unit of the Project may vary from those established in Section 110.406.05.1. Minimum setbacks will be defined with each final map and shall be determined based on minimizing grading and creating a varied streetscape. In no case will a front yard setback be less than 20 feet, a side yard setback less than 8 feet or a rear yard setback less than 30 feet.

2.10 Driveway Placement. Driveway placements on the same street shall be varied so as to avoid a homogenous appearance. Applications for final map approval shall include

a plan(s) demonstrating compliance with this standard to the satisfaction of the Director of Community Development.

2.11 Architecture. With each final map application the Landowner shall submit architectural plans for the subject phase demonstrating that no more than 10% of the homes in that phase shall have the same architectural elevation.

2.12 Utilities. All homes within the Project shall be connected to community water and sewerage systems (as opposed to individual septic systems or individual wells on Lots) which community water and sewerage systems shall be constructed and financed as mutually agreed upon between County and Landowner, which financing may be through the establishment of a special assessment district or other statutorily based method of financing as may be agreed upon by County and Landowner.

2.13 Garages. Each home within the Project shall have a minimum of two (2) enclosed garages spaces.

2.14 Curbs, gutters and sidewalks. In order to maintain the rural character of the Silver Knolls community, no sidewalks will be constructed within the Project. In place of sidewalks, a non-cement or non-paved pedestrian path system will be constructed in substantial conformance with Exhibit F herein. V-ditches shall be provided if approved by the Washoe County Planning Commission.

2.15 Exterior Lighting. Landowner will apply "dark sky" lighting practices in developing the Project. County will limit the amount of street lights required to be installed within the Project to the minimum necessary.

2.16 Park Taxes. Residential Construction Taxes relating to the Project collected by the County under NRS 278.4983 and Washoe County Code 20.457, estimated to be \$680,000, will be used for improvements to the Silver Knolls Park or other parks improvements within the Silver Knolls community. Specific park improvements will be determined by the County after a neighborhood meeting with Landowner and lot owners within the Project.

2.17 Open Space/Common Areas. Landowner agrees to participate in any cooperative effort to achieve an agreement on use, access, maintenance, ownership or other issues related to the collective open space, including that which is within the Project, that is in and around the Silver Knolls area. Participants in this process may include, but are not limited to, Landowner, County, Bureau of Land Management, Silver Knolls Homeowners Association, City of Reno and the State of Nevada.

Unless otherwise determined through the process defined above, all common area within the Project will be maintained by the homeowners association formed for the Project.

Access to the adjacent public lands will be provided consistent with Exhibit C "Silver Hills Open Space Access" included herein. Landowner will assure public pedestrian, equestrian and bicycle access at point 1 as shown on Exhibit C but will provide signage to preclude motorized access at this location. In addition to allowing public pedestrian, equestrian and bicycle access, Landowner may also allow motorized access, with limitations, at access point 2 as shown on Exhibit C. Landowner reserves the right to limit all motorized access from the Project to public lands adjacent to the Property.

2.18 Retention of Native Vegetation. Grading for the Project will follow the concepts defined in Exhibits D and E included herein. In general, lots that are less than 1 acre in size shall retain a minimum of 15% of the lot in native vegetation and lots of 1 acre or greater in size shall retain a minimum of 45% of the lot in native vegetation. While an individual lot may vary from this standard, the subdivision, as a whole, will meet this standard. Landowner will assure, through deed restrictions or other appropriate means, that no potable water is used within areas that are outside the building pad for each lot with the final map.

2.19 Water Rights. Landowner has designed the Project to maximize lot sizes and retain undisturbed area within individual lots (Section 2.17 herein) to conform to the desires of the community. To acknowledge the public benefit of these design objectives and restrictions and of minimizing the use of potable water consumption, County agrees to work with Landowner to establish water right dedication duties for the Project that are based on the actual projected water demands of the Project. Further, once County has established such water demands or duties for the Project, Landowner shall dedicate such water rights and perfect the beneficial use thereof and County will cooperate with any effort by the Landowner to gain approval of such beneficial use by the Nevada State Engineer.

2.20 Duration of Agreement. Notwithstanding any other provision of this Agreement, if no final map is filed by February 28, 2022, the tentative map shall terminate. If a first in a series of final maps is timely filed by February 28, 2022, each subsequent final map shall thereafter be due and filed within 2 years of the filing of the previous final map in accordance with NRS 278.360. Any failure to timely file the next in a series of final maps shall result in termination of the remaining portions of the tentative map for which no final map has been filed.

2.21 Time Frame for Filing Final Maps. The first final map for the Project shall be filed with Washoe County by February 28, 2022. Subsequent filings shall be in accordance

with NRS 278.360 as it is uniformly applied by County. The failure to file a final map within the timeframes specified in NRS or this Agreement renders the map void as to any final maps that have not been filed.

2.22 Breach. Failure to perform any obligation imposed by this Agreement when it is due constitutes a breach. Failure to perform any material provision of this Agreement when it is due constitutes a material breach. Breaches may be cured within a reasonable period of time with the consent of the non-breaching party upon notice of by the party in breach.

3. Miscellaneous Provisions

3.1 Time is of the Essence. All parties agree that time is of the essence in execution of this agreement.

3.2 Assignment. This agreement runs with the land and shall be binding upon all future successors in interest for the Property and each successor shall assume the duties and obligations under this agreement.

3.3 Entire Agreement; Severability. This agreement is the entire agreement and is the final expression of the parties with respect to the subject matter contained herein and supersedes all prior understandings with respect thereto. This Agreement shall be valid and enforced to the extent permitted by law. If any term or provision of this Agreement or the application thereof is held to be invalid or unenforceable by a court of competent jurisdiction, it shall be deemed to be modified to bring it within the limits of validity or enforceability, but if it cannot be so modified, then it shall be severed from this Agreement but in either event the remainder of this Agreement, or the application of such term or provision to circumstances other than those to which it is invalid or unenforceable, shall not be affected.

3.4 Waivers. Failure or delay by any party in asserting any of its rights or remedies as to any breach or default shall not operate as a waiver or imply an obligation to waive or deprive any such party of its right to institute and maintain any actions or proceedings which it may deem necessary to protect, assert or enforce any such rights or remedies. No waiver or any breach of any covenant or provision herein contained shall be deemed a waiver of any other proceeding 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 obligations or act except those of the waiving party, which shall be extended by a period of time equal to the period of the delay.

3.5 Modifications. Modifications or amendments to this Agreement shall be approved as provided in NRS 278.0205. Minor modifications hereto which are in substantial compliance with the overall tentative map and this Agreement may be requested by Landowner and approved by the Director of Community Development. The Director of Community Development shall also decide whether or not a proposed change is in substantial compliance with the tentative map. Landowner may appeal an adverse decision of the Director of Community Development to the Board of County Commissioners by filing a written appeal with the Director of Community Development within twenty five (25) days of the adverse decision. No oral statements or representations subsequent to the execution of this agreement by either party are binding, and neither party shall have the right to rely on such oral statements or representations.

3.6 Governing Law. The parties acknowledge that this Agreement has been negotiated and entered into in the State of Nevada. The parties expressly agree that this Agreement shall be governed by, and interpreted under, and construed and enforced consistent with the laws of the State of Nevada and venue for any actions shall be in state district court for Washoe County, Nevada.

3.7 Cooperation. Any party shall, at the request of the other, at any time, execute and deliver to the requesting party all such instruments as may be reasonably necessary or appropriate to carry out or effectuate the purpose and intent of this agreement.

3.8 Review by Counsel. Parties acknowledge and agree that each has been given the opportunity to have this Agreement independently reviewed with legal counsel.

3.9 Meaning of words. Unless explicitly defined herein, all words are intended to have their plain and ordinary meanings or their meaning as defined in Article 902 of the Washoe County Development Code provided no wording shall be interpreted by any party to defeat or frustrate the implementation or completion of the Project.

3.10 Remedies. In the event of a breach or default under this Agreement, a party may bring an action for damages or enforcement by specific performance. The prevailing party to any action to enforce this Agreement may be awarded reasonable attorneys fees and costs as the Court deems just.

3.11 No Third Party Beneficiaries. There are no third party beneficiaries intended by this Agreement and no third parties have any standing to enforce any of the provisions of this Agreement.

3.12 Effective Date. This Agreement shall be effective when executed by all the parties, approved by ordinance and recorded.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of _____ 2017.

Landowner

**Lifestyle Homes TND, LLC, a Nevada
Limited Liability Corporation**

By: _____
Robert J. Lissner, Manager

STATE OF NEVADA)
) Acknowledgement in Representative Capacity
COUNTY OF WASHOE) (NRS 240.1665)

This Instrument was acknowledged before me on _____ by Robert J. Lissner as
Manager of Lifestyle Homes TND, LLC, a Nevada Limited Liability Company.

Notary Public

County
WASHOE COUNTY, a political subdivision of the State of Nevada

By _____ Date _____
Bob Lucey, Chair
Washoe County Commission

Attest:

By _____ Date _____
Nancy Parent, County Clerk

STATE OF NEVADA)
) Acknowledgement in Representative Capacity
COUNTY OF WASHOE) (NRS 240.1665)

This Instrument was acknowledged before me on _____ by Bob Lucey as
Chairman of the Washoe County Board of County Commissioners.

Notary Public

Exhibit A
LEGAL DESCRIPTION

APN 086-203-05

THE SOUTHWEST QUARTER OF SECTION 24, TOWNSHIP 21 NORTH, RANGE 18 EAST, M.D.B.&M.

EXCEPTING THEREFROM THAT PARCEL OF LAND CONTAINED WITHIN THE BOUNDARIES OF "SILVER KNOLLS RANCHES, UNIT 6-A", ACCORDING TO THE MAP THEREOF, FILED IN THE OFFICE OF THE COUNTY RECORDER OF WASHOE COUNTY, STATE OF NEVADA ON OCTOBER 27, 1966.

AND, ALSO EXCEPTING THEREFROM THE PARCEL OF LAND DESIGNATED AS PARCEL "B" BEING SHOWN ON SAID MAP AS "NOT A PART".

APN 086-232-31

THE NORTHWEST QUARTER; THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 24, TOWNSHIP 21 NORTH, RANGE 18 EAST, M.D.B.&M.

EXCEPTING THEREFROM ANY PORTION THEREOF LYING WITHIN THE BOUNDARIES OF "WASHOE RANCHES UNIT NO. 1, 2 AND 5", ACCORDING TO THE MAP THEREOF, FILED IN THE OFFICE OF THE COUNTY RECORDER OF WASHOE COUNTY, STATE OF NEVADA ON AUGUST 12, 1964, AUGUST 27, 1964 AND SEPTEMBER 18, 1968, RESPECTIVELY.

ALSO EXCEPTING THEREFROM THE PARCELS OF LAND AS DESCRIBED IN INSTRUMENTS RECORDED MARCH 8, 1972 IN BOOK 619, PAGE 180, DOCUMENT NO. 237019, OFFICIAL RECORDS; AND RECORDED MARCH 13, 1972 IN BOOK 620, PAGE 400, DOCUMENT NO. 237523, OFFICIAL RECORDS; AND RECORDED APRIL 10, 1972 IN BOOK 627, PAGE 153, DOCUMENT NO. 240432, OFFICIAL RECORDS; AND RECORDED JUNE 14, 1972 IN BOOK 644, PAGE 427, DOCUMENT NO. 247742, OFFICIAL RECORDS, AND RECORDED JUNE 14, 1972 IN BOOK 644, PAGE 430, DOCUMENT NO. 247743, OFFICIAL RECORDS AND RECORDED NOVEMBER 15, 1973 IN BOOK 778, PAGE 448, DOCUMENT NO. 308565, OFFICIAL RECORDS; AND RECORDED NOVEMBER 15, 1973 IN BOOK 778, PAGE 450, DOCUMENT NO. 308566, OFFICIAL RECORDS.

APN 087-390-10

A PARCEL OF LAND SITUATE WITHIN THE EAST HALF OF SECTION 23,
TOWNSHIP 21 NORTH, RANGE 18 EAST, MDM, WASHOE COUNTY, NEVADA
MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE WESTERLY RIGHT-OF-WAY
OF RED ROCK ROAD AND THE SOUTH LINE OF SAID SECTION FROM
WHICH THE SOUTHEAST CORNER OF SAID SECTION BEARS NORTH
88°00'52" EAST A DISTANCE OF 80.10 FEET;
THENCE WITH SAID SECTION LINE SOUTH 88°00'52" WEST A DISTANCE
~~OF 2584.75 FEET TO THE SOUTH QUARTER CORNER OF SAID SECTION;~~
THENCE WITH THE CENTER SECTION LINE OF SAID SECTION NORTH
00°48'19" EAST A DISTANCE OF 2718.57 FEET TO THE CENTER SECTION;
THENCE CONTINUING WITH SAID CENTER SECTION LINE NORTH
00°47'43" EAST A DISTANCE OF 2496.34 FEET TO THE NORTH QUARTER
CORNER OF SAID SECTION;
THENCE WITH THE NORTH LINE OF SAID SECTION NORTH 87°03'14" EAST
A DISTANCE OF 2594.37 FEET TO A POINT ON SAID RIGHT-OF-WAY;
THENCE WITH SAID RIGHT-OF-WAY SOUTH 00°52'40" WEST A DISTANCE
OF 2625.94 FEET;
THENCE SOUTH 00°52'43" WEST A DISTANCE OF 78.89 FEET;
THENCE DEPARTING SAID RIGHT-OF-WAY NORTH 89°07'17" WEST A
DISTANCE OF 290.40 FEET;
THENCE SOUTH 00°52'43" WEST A DISTANCE OF 250.00 FEET;
THENCE SOUTH 89°07'17" EAST A DISTANCE OF 290.40 FEET TO A POINT
ON SAID RIGHT-OF-WAY;
THENCE WITH SAID RIGHT-OF-WAY SOUTH 00°52'43" WEST A DISTANCE
OF 2303.98 FEET TO THE POINT OF BEGINNING.

EXCEPTING THEREFROM ALL THAT LAND DESCRIBED IN EXHIBIT "A" OF DEED
DOCUMENT 631016, RECORDED SEPTEMBER 21, 1979 IN BOOK 1432, PAGE 384
MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT FROM WHICH THE SOUTHEAST CORNER OF SAID
SECTION BEARS SOUTH 79°32'24" EAST A DISTANCE OF 1165.52 FEET;
THENCE NORTH 89°08'48" WEST A DISTANCE OF 181.50 FEET;
THENCE NORTH 00°51'12" EAST A DISTANCE OF 100.00 FEET;
THENCE SOUTH 89°08'48" EAST A DISTANCE OF 183.24 FEET;
THENCE FROM A TANGENT WHICH BEARS SOUTH 04°08'56" WEST,
ALONG A CIRCULAR CURVE TO THE LEFT WITH A RADIUS OF 1054.82
FEET AND A CENTRAL ANGLE OF 03°17'44" AN ARC LENGTH OF 60.67
FEET;
THENCE SOUTH 00°51'12" WEST A DISTANCE OF 39.36 FEET TO THE
POINT OF BEGINNING.

ALSO EXCEPTING THEREFROM ALL THAT LAND DESCRIBED IN EXHIBIT "B" OF DEED DOCUMENT 631016, RECORDED SEPTEMBER 21, 1979 IN BOOK 1432, PAGE 384 MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT T A POINT FROM WHICH THE SOUTHEAST CORNER OF SAID SECTION BEARS SOUTH 23°43'54" EAST A DISTANCE OF 917.01 FEET;
THENCE NORTH 08°48'38" WEST A DISTANCE OF 125.00 FEET;
THENCE NORTH 81°11'22" EAST A DISTANCE OF 50.00 FEET;
THENCE SOUTH 08°48'38" EAST A DISTANCE OF 50.00 FEET;
THENCE SOUTH 81°11'22" WEST A DISTANCE OF 30.00 FEET;
THENCE SOUTH 08°48'38" EAST A DISTANCE OF 75.45 FEET;
THENCE FROM A TANGENT WHICH BEARS SOUTH 83°47'41" WEST ALONG A CIRCULAR CURVE TO THE LEFT WITH A RADIUS OF 440.00 FEET AND A CENTRAL ANGLE OF 02°36'19" A DISTANCE OF 20.01 FEET TO THE POINT OF BEGINNING.

SAID PARCEL FURTHER DESCRIBED AS PARCEL 1 AS SHOWN IN SURVEYS RECORDED MARCH 04, 2004, AS INSTRUMENT NO. 3002373 ON FILE IN THE OFFICE OF THE COUNTY RECORDER, WASHOE COUNTY, NEVADA.

NOTE: THE ABOVE METES AND BOUNDS DESCRIPTION PREVIOUSLY APPEARED IN THAT CERTAIN DOCUMENT RECORDED MARCH 04, 2004 IN BOOK N/A OF OFFICIAL RECORDS AS INSTRUMENT NO. 3002372, WASHOE COUNTY, NEVADA.

APN 087-390-13

A PARCEL OF LAND SITUATE WITHIN A PORTION OF THE WEST 1/2 OF SECTION 23, TOWNSHIP 21 NORTH, RANGE 18 EAST, M.D.M., WASHOE COUNTY, NEVADA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTH QUARTER CORNER OF SAID SECTION 23, BEING MARKED BY A U.S.G.L.O. BRASS CAP MONUMENT DATED "1942", THENCE ALONG THE NORTH-SOUTH CENTERLINE OF SAID SECTION 23 SOUTH 00°47'43" WEST A DISTANCE OF 2496.34 FEET TO THE CENTER OF SAID SECTION 23, MARKED BY A 2" BRASS CAP MONUMENT SET IN CONCRETE STAMPED "RLS 1004", DATED "1975";
THENCE CONTINUING ALONG THE NORTH-SOUTH CENTERLINE OF SAID SECTION 23 SOUTH 00°48'19" WEST A DISTANCE OF 2718.57 FEET TO THE SOUTH QUARTER CORNER OF SAID SECTION 23, BEING MARKED BY A U.S.G.L.O. BRASS CAP MONUMENT DATED "1942";
THENCE ALONG THE SOUTH LINE OF SAID SECTION 23 SOUTH 88°00'16" WEST A DISTANCE OF 1999.57 FEET;

THENCE LEAVING SAID LINE NORTH 00°21'56" EAST A DISTANCE OF 2785.13 FEET TO THE EAST-WEST CENTERLINE OF SAID SECTION 23;
THENCE NORTH 01°54'25" EAST A DISTANCE OF 2580.09 FEET TO THE NORTH LINE OF SAID SECTION 23;
THENCE ALONG SAID LINE SOUTH 87°40'49" EAST A DISTANCE OF 1969.20 FEET TO THE POINT OF BEGINNING.

SAID PARCEL FURTHER DESCRIBED AS PARCEL 1 AS SHOWN IN SURVEYS RECORDED NOVEMBER 23, 2005 AS INSTRUMENT NO. 3312070 ON FILE IN THE OFFICE OF THE COUNTY RECORDER, WASHOE COUNTY, NEVADA.

NOTE: THE ABOVE METES AND BOUNDS DESCRIPTION PREVIOUSLY APPEARED IN THAT CERTAIN DOCUMENT RECORDED NOVEMBER 23, 2005 IN BOOK N/A OF OFFICIAL RECORDS AS INSTRUMENT NO. 3312069, WASHOE COUNTY, NEVADA.

Description Prepared By:
Ryan G. Cook, PLS 15224
Summit Engineering Corp.
5405 Mae Anne Ave.
Reno, NV 89523

N:\DWGS\J28813_SilverHills\Survey\TMAP_LEGAL_ExhibitA.doc



Exhibit B

Planning Commission Amended Action Order

Tentative Subdivision Map Case No. TM09-001

Decision: Approval with Conditions

Decision Date: April 5, 2011

Owner/Applicant: Lifestyle Homes TND, LLC, Attn: Bob Lissner

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

Project Description: To subdivide 4 parcels totaling 780.30 acres in order to develop a 680-lot common open space subdivision, as authorized in Article 608, Tentative Subdivision Maps, and Article 408, Common Open Space Development, of the Washoe County Development Code. The subject properties are located west and northeast of the intersection of Red Rock Road and Silver Knolls Blvd. The subject parcels are within the Truckee Meadows Service Area (TMSA), and within the Area of Interest of the City of Reno, as identified by the 2007 Truckee Meadows Regional Plan. The subject parcels are located within Sections 23 & 24, T21N, R18E, MDM, Washoe County, Nevada. The property is within Washoe County Commission District 5 and within the North Valleys Citizen Advisory Board boundary. (APNs: 086-203-05; 086-232-31; 087-390-10 & 13)

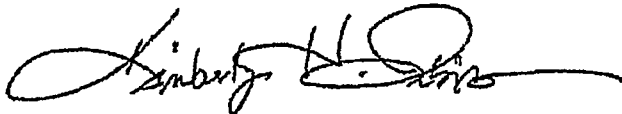
Notice is hereby given that the Washoe County Planning Commission granted approval with conditions of the above referenced case number based on the findings in accordance with Washoe County Development Code Article 608. If no appeals have been filed within 10 days after issuance of the decision, the 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. If the end of the appeal period falls on a non-business day, the appeal period shall be extended to include the next business day. An appeal shall be filed in accordance with the provisions found in Article 608 of the Washoe County Development Code.

This Action Order grants approval 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 7 days of receipt of this Order to review the steps necessary to satisfy the Conditions of Approval. A 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 grading or building without issuance of the necessary permits from the Washoe County Building and Safety Department.

To: Lifestyle Homes TND, LLC, Attn: Bob Lissner
Subject: Tentative Subdivision Map Case No. TM09-001
Date: April 11, 2011
Page: 2

Washoe County
Community Development



Kimberly H. Robinson, MUP
Secretary to the Planning Commission

KHR/TL/ds (TM09-001 Silver Hills Action Order)

Attachments:

- Conditions of Approval

xc:Owner/Applicant: Lifestyle Homes TND, LLC., Attn: Bob Lissner, PO Box 7548,
Reno, NV 89510

Representatives: Conrey Consulting, LLC., Attn: Bill Thomas, 1875 Carlentini Ct.
Reno, NV 89519

Other Contact: Summit Engineering Corp., Attn: Colin Hayes, 5405 Mae Anne
Ave., Reno, NV 89523

Agencies: Nathan Edwards, Esq., District Attorney's Office; Carol Buonanoma,
Assessor's Office (CAAS); Theresa Wilkins, Assessor's Office; Susan
Hood, Department of Water Resources; Leo Vesely, Engineering
Division; Kurt Latipow, Fire Services Coordinator, Joan Presley, Truckee
Meadows Division, Reno Fire Department; Nevada Division of
Environmental Protection, 901 South Stewart Street, Suite. 4001, Carson
City, NV 89701-5249; Regional Transportation Commission, Attn:
Patrice Echola; Truckee Meadows Regional Planning Agency, One East
First Street, Suite 900, Reno, NV 89501-1625; North Valleys Citizen
Advisory Board, Chair



Conditions of Approval

Tentative Subdivision Map Case No. TM09-001

The project approved under Tentative Subdivision Map Case No. TM09-001 shall be carried out in accordance with the Conditions of Approval granted by the Planning Commission on May 4, 2010. 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.

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 Department of Community Development.

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 institution 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. Any conditions set by the District Health Department must be appealed to the District Board of Health.

- **The RENO-TAHOE AIRPORT AUTHORITY is directed and governed by its own Board. Therefore, any conditions set by the Reno-Tahoe Airport Authority must be appealed to their Board of Trustees.**
- **The REGIONAL TRANSPORTATION COMMISSION (RTC) is directed and governed by its own board. Therefore, any conditions set by the Regional Transportation Commission must be appealed to that Board.**
- **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.**

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|---|
| STANDARD CONSIDERATIONS FOR SUBDIVISIONS Nevada Revised Statutes 278.349 |
|---|

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 Community Development

1. The following conditions are requirements of the Department of Community Development, which shall be responsible for determining compliance with these conditions.

Contact Name -- Trevor Lloyd, 775.328.3620

- a. The applicant shall demonstrate substantial conformance to the plans approved as part of this tentative subdivision map.
- b. The subdivision shall be in substantial conformance with the provisions of Washoe County Development Code Article 604, Design Requirements, and Article 608, Tentative Subdivision Maps, consistent with the approved Tentative Map.
- c. 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.
- d. 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.
- e. 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.
- f. All final maps shall contain the applicable portions of the following jurat:

The Tentative Map for TM09-001 was APPROVED BY THE WASHOE COUNTY PLANNING COMMISSION ON APRIL 5, 2011.

THIS FINAL MAP, [MAP NAME AND UNIT/PHASE #], MEETS ALL APPLICABLE STATUTES, ORDINANCES AND CODE PROVISIONS, IS IN SUBSTANTIAL CONFORMANCE WITH THE TENTATIVE MAP AND ITS CONDITIONS, WHICH ARE INCORPORATED HEREIN BY THIS REFERENCE, AND THOSE CONDITIONS HAVE BEEN SATISFIED FOR RECORDATION OF THIS MAP, EXCEPT THAT THE "OPERATIONAL CONDITIONS" CONTAINED IN THE RECORDED ACTION ORDER SHALL REMAIN IN FULL FORCE AND EFFECT IN PERPETUITY.

IF ALL LOTS ON THIS MAP ARE REVERTED TO ACREAGE AND A NEW SUBDIVISION APPROVAL IS OBTAINED AT A FUTURE DATE, THE PROVISIONS OF THIS APPROVAL SHALL BE NULL AND VOID, UPON APPROVAL BY WASHOE COUNTY OF THOSE ACTIONS.

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

THE NEXT FINAL MAP FOR TM09-001 MUST BE APPROVED AND ACCEPTED FOR RECORDATION BY THE COMMUNITY DEVELOPMENT DIRECTOR ON OR BEFORE THE EXPIRATION DATE, THE _____ DAY OF _____, 20____, OR AN EXTENSION OF TIME FOR THE TENTATIVE MAP MUST BE APPROVED BY THE WASHOE COUNTY PLANNING COMMISSION ON OR BEFORE SAID DATE.

THIS FINAL MAP IS APPROVED AND ACCEPTED FOR RECORDATION THIS _____ DAY OF _____, 20____ BY THE COMMUNITY DEVELOPMENT DIRECTOR. THE OFFER OF DEDICATION FOR STREETS, SEWERS, ETC. IS REJECTED AT THIS TIME, BUT WILL REMAIN OPEN IN ACCORDANCE WITH NRS CHAPTER 278.

DAVID CHILDS, ACTING DIRECTOR OF COMMUNITY DEVELOPMENT

- g. Prior to acceptance of public improvements and release of any financial assurances, the developer shall furnish to the Department of Water Resources and Engineering Division a complete set of reproducible as-built construction drawings prepared by a civil engineer registered in the State of Nevada.
- h. 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.

- i. 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.

- j. The developer and all successors shall direct any potential purchaser of the site to meet with the Department of Community Development to review conditions of approval prior to the final sale of the site. Any subsequent purchasers of the site shall notify the Department of Community Development of the name, address, telephone number and contact person of the new purchaser within thirty (30) days of the final sale.
- k. The applicant shall submit complete construction plans and building permits shall be issued within four (4) years from the date of approval by Washoe County. The applicant shall complete construction within the time specified by the building permits. Compliance with this condition shall be determined by the Department of Community Development.
- l. Prior to the issuance of any administrative permit issued by Washoe County, the applicant shall remove all off-premise signs (billboards) from the project site (APN: 86-203-05, 86-232-31, 87-390-10) and place a restrictive covenant on the property that prohibits the further erection of off-premise signs, with Washoe County made a part to the covenant. The District Attorney's Office and the Department of Community Development shall determine compliance with this condition.
- m. A certification letter or series of letters by a registered landscape architect or other persons permitted to prepare landscaping and irrigation plans pursuant to N.R.S. 623A shall be submitted to and approved by the Department of Community Development. The letter(s) shall certify that all applicable landscaping provisions of Articles [408, 410 and 412] of the Development Code have been met. Any landscaping plans and the letter shall be wet-stamped. The letter shall indicate any provisions of the code that the Director of Community Development has waived.
- n. All landscaping shall be maintained in accordance with the provisions found in Section 110.412.75, Maintenance. A three-year maintenance plan shall be submitted by a licensed landscape architect registered in the State of Nevada to the Department of Community Development, prior to a Certificate of Occupancy. The plan shall be wet-stamped.
- o. Failure to comply with the conditions of approval shall render this approval null and void.
- p. Conditions, covenants, and restrictions (CC&Rs), including any supplemental CC&Rs, shall be submitted to the Community Development 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 Community Development Department 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:
 - i. ~~Vegetation management;~~
 - ii. Watershed management;
 - iii. ~~Debris and litter removal;~~
 - iv. Fire access and suppression; and
 - v. 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.
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 (if any), height, and location limitations, and re-fencing standards. Replacement fence must be compatible in materials, finish and location of existing fence.

10. Livestock and poultry is an allowed use within the subdivision and regulated per Washoe County standards.
- q. Where any proposed dwelling within the project will be adjacent to an existing single story dwelling along the external edge of the property such dwelling shall be limited to one (1) story in height.
- r. With each final map application, the property owner shall submit architectural plans for the final map phase demonstrating that no more than 10% of the homes in that phase or in previous phases will have the same architectural elevation.
- s. The applicant shall submit a cultural resources inventory to the State Historic Preservation Office (SHPO) prior to the recordation of any final map. The State Historic Preservation Office and the Department of Community Development shall be responsible for determining compliance with this condition.
- t. Grading activity, with the exception of roadway and drainage construction, shall be prohibited within 10-feet from any adjoining property that has an existing residence outside of this development.
- u. Each final map will include no more than 75 lots. Grading will be limited to the area defined in the final map except for a fill or borrow site of no larger than 15 acres in size and Washoe County will prohibit the grading of any subsequent phase until at least 50% of all the lots within the previous phase have been built.

Washoe County Department of Public Works

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

Contact Name – Leo Vesely, 775.325.8032

General Engineering Conditions

- 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 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. 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.
 - f. 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.
 - g. 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.
 - h. All existing overhead utility lines shall be placed underground, except electric transmission lines greater than 100 kilovolts, which can remain above ground. The County Engineer shall determine compliance with this condition.
 - i. 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 for lots, project roadways, erosion control (including BMP locations and installation details), slope stabilization and mosquito abatement. A conceptual grading and drainage scheme shall be indicated for each lot on the grading plan. If drainage from one lot to another is proposed, then appropriate drainage easements shall be provided. Disposal of any excavated material onsite shall be indicated on the grading plans. The County Engineer shall determine compliance with this condition.
 - j. Public streets shall be constructed, to county standards, using "L" type curb & gutter. The County Engineer shall determine compliance with this condition.
 - k. A pedestrian/equestrian path plan shall be submitted and approved to the Department of Public Works prior to approval of the final map. The County Engineer shall determine compliance with this condition.
 - l. With each final map that is adjacent to Red Rock Road the applicant shall dedicate right-of-way adequate to complete Regional Transportation Plan (RTP) improvements. RTC anticipates a minimum 98-foot right-of-way will be necessary. Additional right-of-way may be required for dedicated turn lanes at intersections. The County Engineer shall determine compliance with this condition.
 - m. If required by RTC, the applicant shall dedicate any necessary right-of-way for and construct bus turn-out(s) and loading pad(s). The County Engineer shall determine compliance with this condition.

- n. A public access, including a pedestrian/equestrian access trail, shall be provided to the Washoe County Park site. Trail detail and materials shall comply with Washoe County Green Book Standards if required by the Parks Department. The County Engineer and Regional Parks and Open Space shall determine compliance with this condition.
- o. A hammer-head turnaround shall be provided at the end of Bighorn Drive within the existing right-of-way. The County Engineer shall determine compliance with this condition.
- p. Applicant shall grant a 25-foot public access and public utility easement adjacent to 11380 and 11400 Deadwood Drive.

Drainage Conditions

- q. 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.
- r. 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.
- s. 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.
- t. 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 Division.
- u. The developer shall provide pretreatment for petrochemicals and silt for all storm drainage leaving the site to the satisfaction of the Engineering Division.
- v. 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.
- w. 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.
- x. 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.

- y. 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.

- z. ~~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.~~

- aa. 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.
- bb. Maintenance access and drainage easements shall be provided for all existing and proposed drainage facilities. The County Engineer shall determine compliance with this condition.
- cc. Any storm water currently passing through parcels downstream of the project site must be contained in pipes or open channels in accordance with Washoe County Standards or, if approved, may be engineered to pass through the parcels maintaining the same flow characteristics as the pre-development flows. To control nuisance drainage flows, infiltration trenches or piping to a public storm drain may be required. The County Engineer shall determine compliance with this condition.
- dd. Drainage easements shall be provided across individual lots on the official map for all storm runoff that crosses more than one lot. The County Engineer shall determine compliance with this condition.
- ee. Common Area drainage onto residential lots shall be intercepted and routed to appropriate storm drainage facilities. The County Engineer shall determine compliance with this condition.

Traffic Conditions

- ff. 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.

- gg. Street names shall be reviewed and approved by the Regional Street Naming Coordinator.
- hh. 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.
- ii. No direct access from individual lots shall be allowed onto residential collector streets where the ADT exceeds 2000. The County Engineer shall determine compliance with this condition.
- jj. 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.
- kk. 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.
- ll. 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.
- mm. 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.
- nn. No retaining walls that retain soil from the County right-of-way or private right-of-way shall be located within a plowed snow storage easement. The County Engineer shall determine compliance with this condition.
- oo. Because of the lengths of some of the interior streets, traffic calming speed humps will be required in accordance with the adopted County speed hump policy. Specifically, roads A, 1, 3, 5 & 7 shall be constructed with traffic calming measures. The County Engineer shall determine when the speed humps are to be constructed.
- pp. The applicant shall provide pedestrian paths/equestrian paths from proposed development including Bighorn Dr. to park driveway, Road 5 to BLM property to the north, Deadwood Drive to Road F and Road I to property to the north.

Washoe County Department of Water Resources (DWR)

3. The following conditions are requirements of the Department of Water Resources, which shall be responsible for determining compliance with these conditions.

Contact Name – Susan Hood, 775.954.4600

- a. The applicant shall dedicate necessary water rights prior to issuance of a Will-Serve letter. The dedication of water rights shall be in accordance with Article 422 and the North Valleys Area Plan. Water rights must be permitted by the State of Nevada Division of Water Resources and the point of diversion, place and manner of use must be acceptable to the DWR.

- b. The Developer shall pay all fees associated with each final map prior to recordation.

- c. Improvement plans shall be in compliance with all pertinent standards, specifications and NAC 445A. Plans and specifications shall be reviewed and approved prior to the recordation of each final map.
- d. The Developer will be responsible to fund the design and construct all major infrastructure required to provide service to the project. However, the actual design will be the responsibility of DWR. DWR may either provide such design in-house, or select an outside consultant. When an outside Consultant is used DWR shall approve the consultant selection prior to commencement of the design.
- e. If DWR requests that a facility be over-sized to accommodate future developments then the developer and DWR shall enter into an over-sizing agreement prior to the first final map recordation.
- f. The Applicant shall submit an electronic copy of the street and lot layout with each final map submittal.
- g. The Developer shall construct and/or provide the financial assurance for the construction of DWR facilities prior to approval of each final map. The financial assurance must be in an acceptable form and amount.
- h. Only approved improvement plans shall be used for construction. Inspection of DWR improvements will be performed by DWR's Inspection Staff.
- i. Certificates of Occupancy's will not be released until the as-built plans and improvements are accepted by DWR inspection staff.
- j. The Developers' engineer shall submit a plan or letter from the appropriate fire agency identifying the approved fire hydrant locations and identifying the fire flow and duration required for each final map.
- k. A master sanitary sewer report for the entire tentative map shall be prepared and submitted by the applicant's engineer, prior to approval of the first final map, which addresses:
 - i. the estimated sewage flows generated by this project,

- ii. projected sewage flows from potential or existing development within tributary areas,
 - iii. the impact on capacity of existing infrastructure,
 - iv. slope of pipe, invert elevation and rim elevation for all manholes, and
 - v. proposed collection line sizes, on-site and off-site alignment, and half-full velocities
- l. DWR facilities shall be offered for dedication along with the recordation of each final map.
 - m. A facility and access easement shall be granted to DWR for facilities not located in a dedicated right of way.
 - n. An all weather sewer access road shall be constructed to facilitate access to all off-site sanitary sewer manholes not located in paved roadways.
 - o. Easements and real property that contain DWR infrastructure shall be offered for dedication along with the recordation of each final map.
 - p. Any well on the property not in use for production or monitoring purposes, shall be properly abandoned in accordance with state regulations governing Water Wells and Related Drilling.
 - q. No structures (including retaining or rockery walls, building's, etc.) shall be allowed within or upon any County maintained utility easement.
 - r. A Sewer Service Inter-local Agreement will need to be finalized between the City of Reno and Washoe County prior to the first final map recordation.
 - s. Developer shall pay appropriate connection fee to the agency providing sewer service in accordance with that agency's requirements.

Washoe County District Health Department

- 4. The following conditions are requirements of the District Health Department, 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 District Health Department must be appealed to the District Board of Health.

Contact Name – Doug Coulter, 775.328.2429

- a. Construction plans for the development must be submitted to this 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 the Health District.
- b. Prior to approval of each final map, the applicant shall submit a final map fee.

- c. All land disturbing activities during construction phases, such as, but not limited to, grading, excavation, cut and fill, etc., must be done with effective dust control measures consistent with Washoe County District Board of Health Regulations governing Air Quality Management, Section 040.030. Disturbances greater than 1 acre in size must obtain an approved dust control plan prior to beginning work.
- d. Any storm drainage from this site must have pretreatment for petrochemicals and silts.
- e. A letter from Washoe County committing sewer service to this proposal must be submitted. This letter shall indicate that the treatment facility will not be brought beyond its permitted capacity by this service.

- f. The Nevada Division of Environmental Protection must submit a letter to the Health District certifying their approval of the final map.

- g. A Water System Facility Plan must be submitted to the Health District prior to approval of the first final map. The Water System Facility Plan must be prepared by the water purveyor and include the network hydraulic analysis, service area and pressure zone boundaries, facilities necessary to serve developments within these boundaries, and the location and timing of the necessary facility improvements. The Water System Facility Plan must be in compliance with NAC 445A.65505 through 445A.6731 and approved by the health District prior to review of any final map for the proposed subdivision. The appropriate plan review fee will also be required.
- h. Before final approval will be considered, a "Commitment for Water Service" letter from the water purveyor committing adequate water service to this proposal must be submitted to the Washoe County Health district.
- i. A letter of approval must be submitted from the Division of Water Resources for this proposal.
- j. Prior to approval of a final map for the referenced proposal, the design engineer shall submit to the satisfaction of the Health District a plan for periodic inspection of the construction of the systems for water supply and community sewerage. The design engineer shall, pursuant to the approved inspection plan, periodically certify in written to the Health District that the improvements are being installed in accordance with the approved plans and recognized practices of the trade.

Washoe County District Health Department – Vector Borne Diseases

- 5. The following conditions are requirements of the District Health Department, Vector Borne Diseases, 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 District Health Department must be appealed to the District Board of Health.

Contact Name – Jim Shaffer, 775.328.2434

- a. If road side ditches are to be used, the applicant shall apply a weed fabric material situated in the bottom of the channel prior to the placement of 4-6 inch rock rip rap.

- b. The proposed detention basins will require the Health Department's Standard Design of a cobble line (4-6 inch natural rock) low flow channel one foot deep 2-3 feet connecting the inlet (or inlets) to the outlet pipe. If vegetation is planted as part of the landscape design, no planting shall occur within one foot on either side of the low flow channel.
- c. The following maintenance language for the detention basins and road side ditches will be placed in the CC&R's of the Homeowner's Association. "All vegetation, debris and blockages shall require removal in the low flow channels of the basins and bottoms of the ditches prior to June of each year. The maintenance plan will mitigate insect development by preventing standing water from ponding longer than seven (7) days."
- d. Livestock under CC&R's will be an allowed use for the homeowner. To prevent the occurrence of adult flies, manure will need to be managed properly. The following language shall be placed in the CC&R's for managing livestock manure. "All manure generated by domestic animals shall be picked up and removed weekly (050.150). In addition to this all manure shall be stored in such a manner that there shall be no escape of odor and no attraction, harborage or breeding of vectors or vermin and no creation of nuisance (050.155). This will eliminate the emergence of flies thru the timely pick up and storage of manure from becoming an annoyance to the community."

Washoe County Department of Regional Parks and Open Space

- 6. The following conditions are requirements of the Washoe County Department of Regional Parks and Open Space, which shall be responsible for determining compliance with these conditions.

Contact Name – Jennifer Budge, 775.823.6513

- a. Seed mix proposed is not consistent with Washoe County and Bureau of Land Management specifications or the natural environment surrounding the development. Applicant shall submit a revised seed mix and revegetation plan for approval.
- b. Applicant shall coordinate with Washoe County and Bureau of Land Management on development of a Silver Hills Trails Plan providing access to the neighboring public lands. Trail Plan, as a minimum address the following:
 - i. Trail construction
 - ii. Trail/road decommissioning
 - iii. Revegetation
 - iv. Trail alignment and regional connectivity
 - v. Signage
 - vi. Open Space access and vehicle barriers
- c. The applicant shall provide 30' wide relocatable non-motorized public access trail easements concurrent with all trails proposed in the Silver Hills Trails Plan. The applicant shall construct trails with associated signage in compliance with

Washoe County and Bureau of Land Management standards for public access to the adjacent open space. Exact trail dimensions, location, type and material to be reviewed and approved by Bureau of Land Management and Washoe County. [Note: Department of Regional Parks and Open Space does not recommend trails and access locations or motorized access as outlined in Exhibit C, due to the close proximity to Silver Knolls Park, as this is a duplicative effort and causes concern for violation of noise ordinances and neighborhood conflicts.]

- d. Trails outlined in the Silver Hills Trails Plan shall be constructed and maintained in accordance with Washoe County "Green Book" standards. Designated trails shall be maintained and perpetually funded by the homeowners association. The maintenance and funding of the trail corridor and related improvements shall be addressed in the CC&Rs to the satisfaction of the Washoe County District Attorney. Trail corridor maintenance shall, as a minimum address the following:

- i. Debris and litter removal
- ii. Weed abatement
- iii. Safety and sustainability
- iv. Drainage and watershed management
- v. Signage

Reno Fire Department

- 7. The following conditions are requirements of the Reno Fire Department, which shall be responsible for determining compliance with these conditions.

Contact Name – Joan Presley, 775.657.4626

- a. The Washoe County Comprehensive Plan, Land Use/Transportation Element sets a maximum 10 minute fire and emergency medical response time in suburban areas of the county for new development. In order to assemble an effective fire force without exceeding the 10 minute response baseline, applicant agrees to extend Echo Avenue through to Osage Road. The extension of Echo Avenue shall be a permanent all weather fire apparatus road meeting Washoe County Standards for emergency access. The applicant shall provide a road maintenance plan to ensure that the road remains passable throughout the year. If the road must be gated, a rapid entry system of opening the gate shall be established, which operates by radio operated controls (i.e., Click2Enter.).
- b. The development shall comply with all applicable codes and ordinances at the time of building permit.
- c. Prior to starting construction, the applicant shall submit to the local fire authority and the Washoe County Fire Services Coordinator, for their approval, a construction fire safety plan that is consistent with the applicable sections of the most recently adopted version of the fire code. Prior to commencement of grading, the contractor shall confirm that all workers including subcontractors have been trained on the requirements and provisions of the plan. A copy of the approved plan shall be kept on site for the duration of the project.

- d. The applicant shall install fire hydrants with fire flows acceptable to the Truckee Meadows Fire Protection District. For fire flow information and exact locations please contact the Plan Review Services for the Division of Fire Prevention, Reno Fire Department.
- e. Approved fire apparatus access roads shall be provided as outlined in Section 503 of the International Fire Code. Permanent all-weather fire apparatus access roads shall be paved surfaces, following Washoe County Standards, not less than 20 feet in width and an unobstructed vertical clearance of not less than 13'-6".
- f. Turns in the fire access roadways shall provide a minimum 40-foot centerline-turning radius. Cul-de-sacs or turnarounds shall be a minimum of 100 feet in diameter, curb to curb, which will permit parallel parking along the cul-de-sac. The maximum dead end length for a cul-de-sac shall be 1500 feet.
- g. A minimum street width per county standard, front face of curb to front face of curb (FFC to FFC) is necessary in order to permit home owners and residents to park motor vehicles on the streets in front of their respective homes. If the street section width has significant negative impact on the grading, then FFC to FFC dimension may not be less than 20 feet; and off-street parking is to be provided in designated parking areas that are to be evenly distributed throughout the community; and appropriate signage is to be provided to the satisfaction of the fire department indicating that on-street parking is prohibited. Please verify with the Washoe County Planning Department that adequate parking is provided.

Reno-Tahoe Airport Authority

8. The following conditions are requirements of the Reno-Tahoe Airport Authority, which shall be responsible for determining compliance with these conditions. The Reno-Tahoe Airport Authority is directed and governed by its own board. Therefore, any conditions set by the Reno-Tahoe Airport Authority must be appealed to their Board of Trustees.

Contact Name – Dean Schultz, 775.328.6400

- a. The applicant(s) and/or property owner(s) shall provide a list, verified by a qualified acoustical consultant, of construction methods to be utilized for noise attenuation to a maximum interior noise level of 45dBA Ldn prior to the issuance of a building permit.

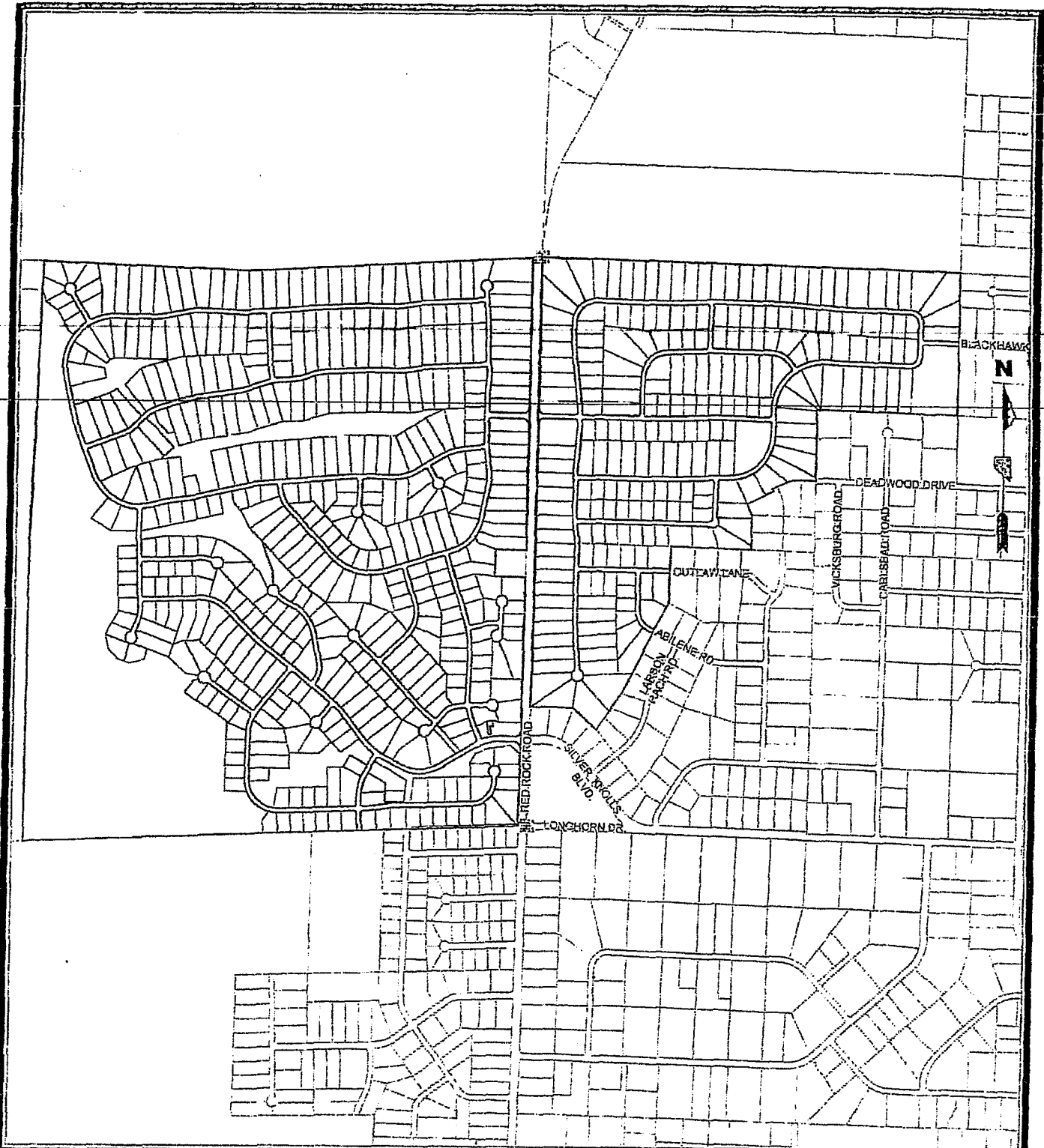
Nevada Division of Environmental Protection

9. The following conditions are requirements of the Nevada Division of Environmental Protection, which shall be responsible for determining compliance with these conditions.

Contact Name – Steve McGoff, 775.687.4670

- a. For any land disturbances of one or more acres, a stormwater authorization letter must be obtained from the Division of Environmental Protection prior to the commencement of land-disturbing activities to the site.

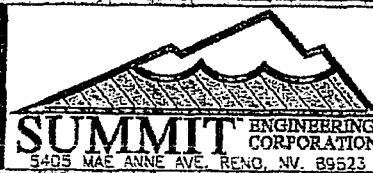
*** End of Conditions ***



**EXHIBIT B
SILVER HILLS**

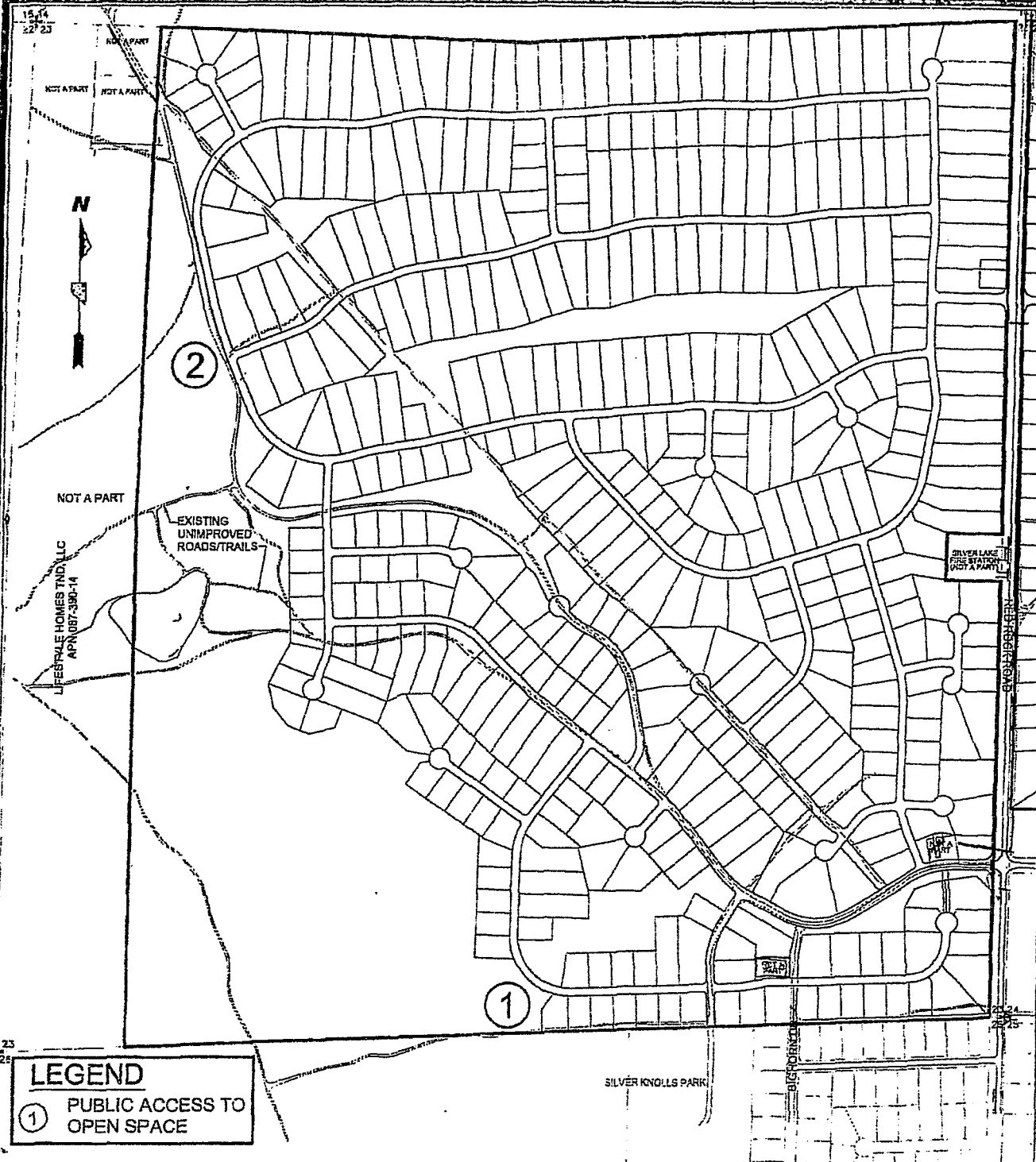
SCALE 1" = 1200'

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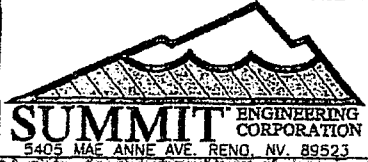
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**EXHIBIT C
SILVER HILLS
OPEN SPACE ACCESS**

SCALE 1" = 700'

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NOTES

- APPLIES TO THE FOLLOWING LOTS FOUND ON THE PRELIMINARY GRADING, DRAINAGE AND EROSION CONTROL PLAN FOR SILVER HILLS DATED MARCH 16, 2009:
EAST SIDE LOTS: 1 THRU 37, 49 THRU 51, 54 THRU 73, 75, 76, 82, 84 THRU 109, 131 THRU 139, 142 THRU 150, 160 THRU 155, 168 THRU 175, AND 177 THRU 183.
WEST SIDE LOTS: 231 THRU 241, 243 THRU 258, 262 THRU 269, 277 THRU 291, 293 THRU 307, 313 THRU 328, 331 THRU 333, 343, 344, 358 THRU 362, 372 THRU 382, 387 THRU 389, 391, 400 THRU 405, 407 THRU 412, 423 THRU 426, 431, 437, 438, 448 THRU 463, 465 THRU 467, 474, 475, 486, 497, 499 THRU 504, 508, 507, 514 THRU 516, 520 THRU 525, 529 THRU 531, 538 THRU 540, 552, 553, 558 THRU 564, 567, 568, 591, 598, 608 THRU 610, 612 THRU 621, 623 THRU 629, 631 THRU 642, 645 THRU 656, AND 658 THRU 671.
- ACTUAL LOT DETAILS MAY VARY WITH FINAL MAP AND FINAL CIVIL IMPROVEMENT DESIGN.

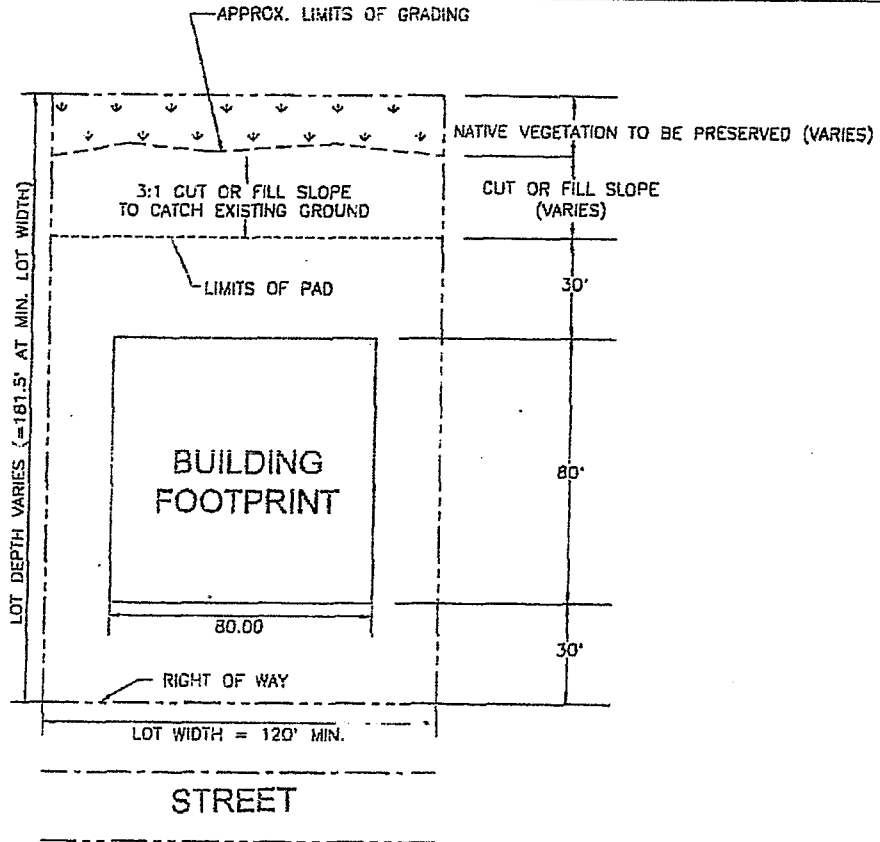


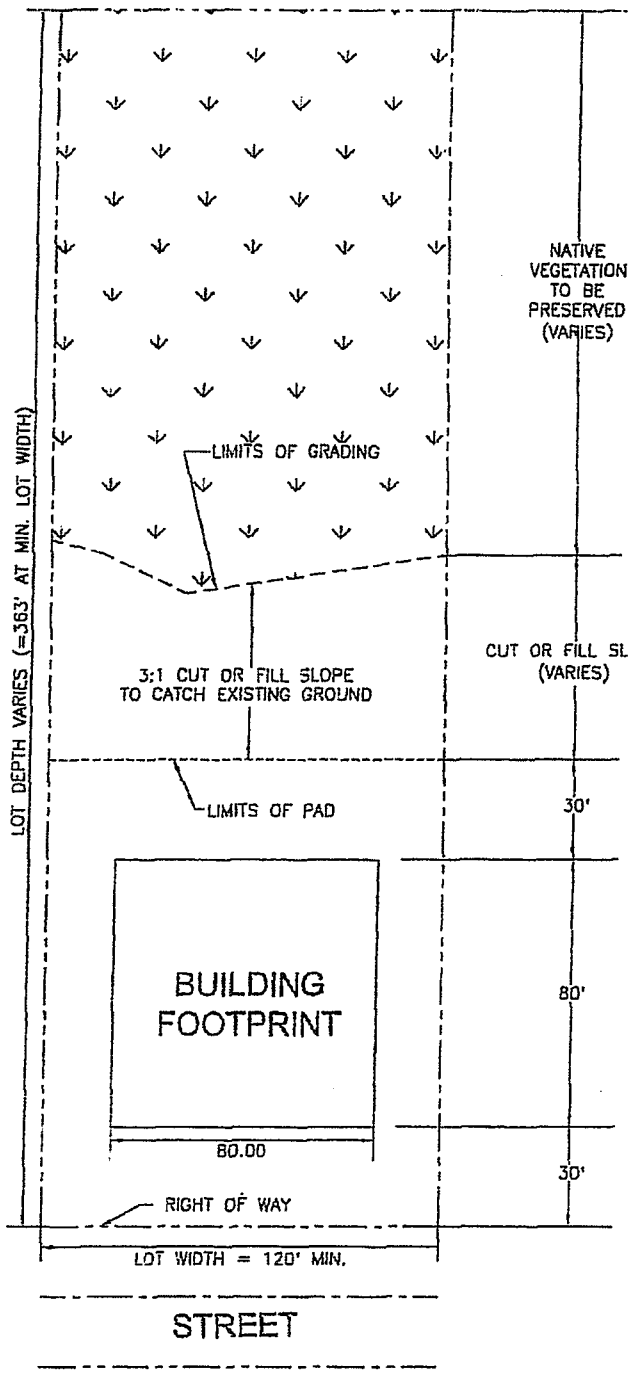
EXHIBIT D
TYPICAL LOT GRADING
1/2 ACRE LOT

SCALE 1" = 50'

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NOTES

- APPLIES TO THE FOLLOWING LOTS FOUND ON THE PRELIMINARY GRADING, DRAINAGE AND EROSION CONTROL PLAN FOR SILVER HILLS DATED MARCH 16, 2009:
EAST SIDE LOTS: 1 THRU 37, 49 THRU 51, 54 THRU 73, 75, 76, 82, 84 THRU 109, 131 THRU 139, 142 THRU 150, 160 THRU 165, 168 THRU 175, AND 177 THRU 183.
WEST SIDE LOTS: 231 THRU 241, 243 THRU 258, 262 THRU 269, 277 THRU 291, 293 THRU 307, 313 THRU 328, 331 THRU 333, 343, 344, 358 THRU 362, 372 THRU 382, 387 THRU 389, 391, 400 THRU 405, 407 THRU 412, 423 THRU 426, 431, 437, 438, 448 THRU 463, 465 THRU 467, 474, 475, 496, 497, 499 THRU 504, 506, 507, 514 THRU 516, 520 THRU 525, 529 THRU 531, 538 THRU 540, 552, 553, 558 THRU 564, 567, 568, 591, 598, 608 THRU 610, 612 THRU 621, 623 THRU 629, 631 THRU 642, 645 THRU 656, AND 658 THRU 671.
- ACTUAL LOT DETAILS MAY VARY WITH FINAL MAP AND FINAL CIVIL IMPROVEMENT DESIGN.

NATIVE VEGETATION TO BE PRESERVED (VARIES)

3:1 CUT OR FILL SLOPE TO CATCH EXISTING GROUND

CUT OR FILL SLOPE (VARIES)

BUILDING FOOTPRINT

80.00

RIGHT OF WAY

LOT WIDTH = 120' MIN.

STREET

LOT DEPTH VARIES (=363' AT MIN. LOT WIDTH)

LIMITS OF PAD

30'

80'

30'

EXHIBIT E
TYPICAL LOT GRADING
1 ACRE LOT

SCALE 1" = 50'

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| KEY | |
|-----|---|
| | STREETS PER SECTION A-A (PEDESTRIAN/EQUESTRIAN DG PATH ON BOTH SIDES OF STREET) |
| | STREETS PER SECTION B-B (PEDESTRIAN/EQUESTRIAN DG PATH ON ONE SIDE OF STREET) |
| | STREETS PER SECTION C-C (NO PEDESTRIAN/EQUESTRIAN PATH IN CUL-DE-SACS ONLY) |

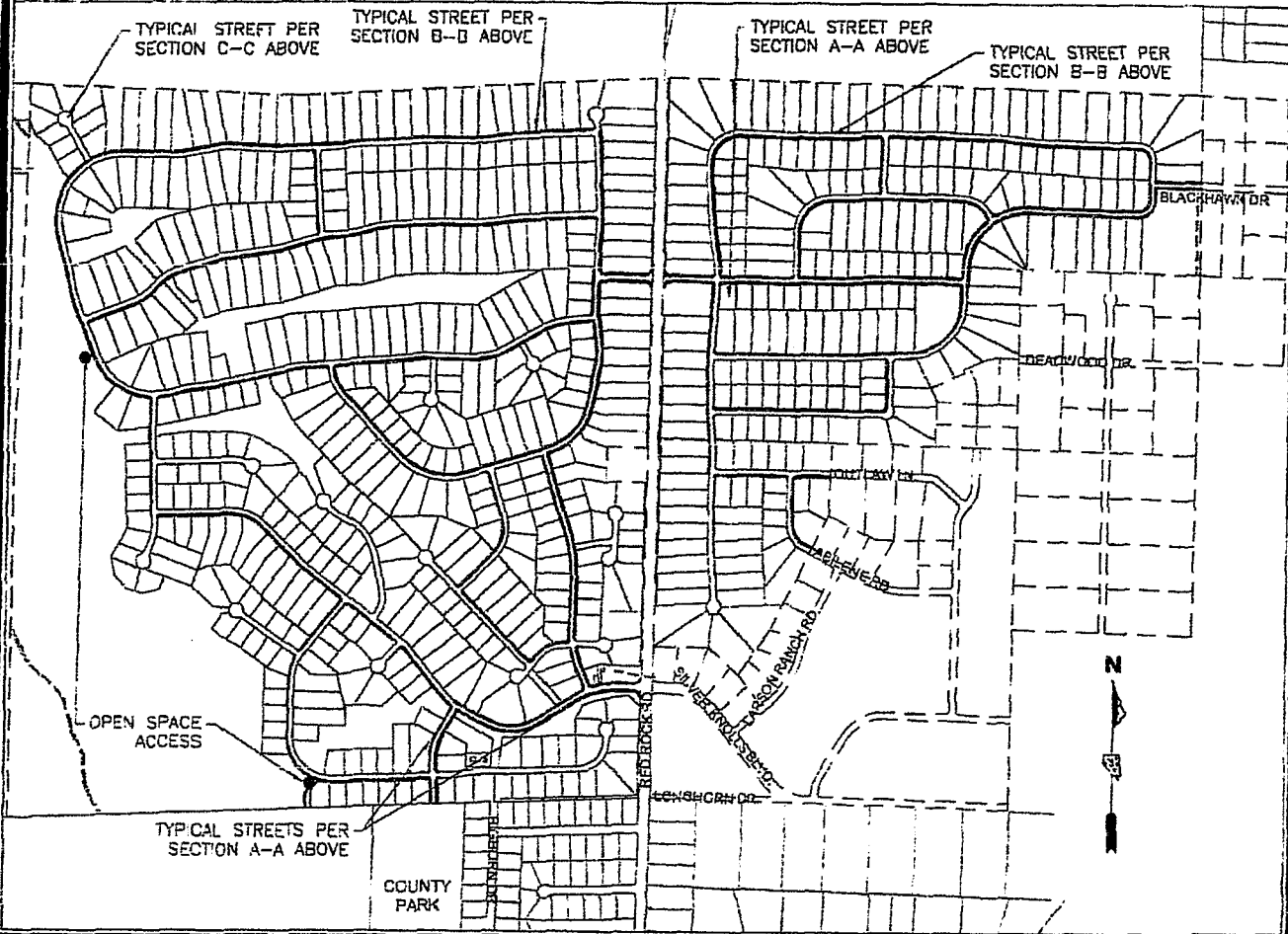
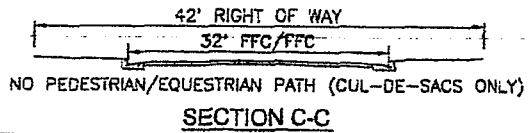
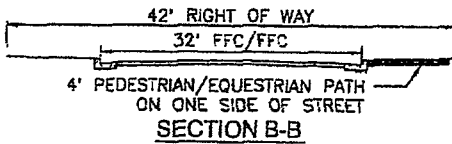
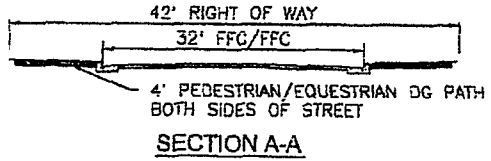


Exhibit F ~ Silver Hills
Pedestrian/Equestrian
Internal Trail Plan

SCALE 1" = 1200'

Copyright SUMMIT ENG 2011



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OF
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Attachment B

APNs: 086-203-05, 086-223-31, 087-390-10,
087-390-13

Mail Tax Statements To:
Lifestyle Homes TND, LLC, attn. Robert Lissner
4790 Caughlin Parkway, PMB 519
Reno NV 89519

Recording Requested By County Clerk.
When recorded, copy to Community Services

| |
|--|
| Notice: Per NRS 239B.030, this document does not contain personal information as defined in NRS 603A.040 |
|--|

ORDINANCE APPROVING “AMENDED AND RESTATED DEVELOPMENT AGREEMENT (SILVER HILLS)”

SUMMARY: Approves a Development Agreement amending and restating a Development Agreement originally approved in 2009 (DA09-001, Ordinance Number 1484) regarding the development of a 680 lot residential development on land described in Exhibit A and extending the deadline to file a final map to February 28, 2022.

BILL NO. _____

ORDINANCE NO. _____

TITLE:

AN ORDINANCE APPROVING AN “AMENDED AND RESTATED DEVELOPMENT AGREEMENT (SILVER HILLS)” AMENDING AND RESTATING A DEVELOPMENT AGREEMENT ORIGINALLY APPROVED IN 2012 (DEVELOPMENT AGREEMENT CASE NUMBER DA09-001 ORDINANCE NUMBER 1484) REGARDING THE SILVER HILLS SUBDIVISION (APPROVED IN 2011 AS TENTATIVE MAP TM09-001). THIS RESTATED AGREEMENT (CASE NO. AC16-005) EXTENDS THE DEADLINE FOR FILING THE NEXT IN A SERIES OF FINAL SUBDIVISION MAPS TO FEBRUARY 28, 2022. THE PROJECT INCLUDES A TOTAL OF FOUR PARCELS. THE SUBJECT PARCELS ARE LOCATED EAST AND WEST OF RED ROCK ROAD, NORTH OF LONGHORN ROAD. THE PARCELS TOTAL APPROXIMATELY ±780 ACRES AND HAVE A LOW DENSITY SUBURBAN REGULATORY ZONE. THE PARCELS ARE LOCATED WITHIN THE NORTH VALLEYS AREA PLAN, AND ARE SITUATED IN PORTIONS OF SECTIONS 23 AND 24, T21N, R18E, MDM, WASHOE COUNTY, NEVADA. (APNS 086-203-05, 086-223-31, 087-390-10, 087-390-13).

WHEREAS:

- A. Lifestyle Homes TND, LLC ("Landowner") has received approval by the Washoe County Planning Commission of a tentative map (TM 09-001) for a 680 lot residential subdivision project generally known as the Silver Hills Subdivision to be located on the real property generally described in Exhibit A hereto), and has applied to Washoe County to enter into a development agreement pursuant to NRS 278.0201; and; and
- B. The deadline for filing a final map under NRS 278.360 was extended to February 28, 2017, under approved Development Agreement Case Number DA09-001 as Ordinance Number 1484.
- C. On a petition timely filed before the expiration date, for good cause appearing, the current property owner and the Board of County Commissioners desire to replace the previous development agreement with the "AMENDED AND RESTATED DEVELOPMENT AGREEMENT (SILVER HILLS)" to further extend the deadline for filing a final map to February 28, 2022; and
- E. The Board determines that this action is being taken under NRS 278.0205, and therefore is not a rule within the meaning of NRS 237.060;

NOW THEREFORE, THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF WASHOE DOES HEREBY ORDAIN:

SECTION 1.

The "AMENDED AND RESTATED DEVELOPMENT AGREEMENT (SILVER HILLS)" attached hereto as Exhibit A is hereby APPROVED by this ordinance. The Chairman is authorized to execute and deliver it for recording in the official records of Washoe County.

SECTION 2. General Terms.

- 1. This Ordinance and the Development Agreement shall be recorded in the Official Records of Washoe County.

Development Agreement DA09-001

(TM09-001 Silver Hills)

Page 2 of 4

2. 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.
3. The Chairman of the Board and the officers of the County are authorized and directed 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 and the attached agreement.
4. All ordinances, resolutions, bylaws and orders, or parts thereof, in conflict with the provisions of this ordinance are hereby superseded for purposes of this Agreement only and to the extent only of such inconsistency. This shall not be construed to revive any ordinance, resolution, bylaw or order, or part thereof, heretofore repealed.
5. 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.

Passage and Effective Date (DA09-001, Silver Hills)

Proposed on _____ (month) _____ (day), _____ (year).

Proposed by Commissioner _____.

Passed _____ (month) _____ (day), _____ (year).

Vote:

Ayes: Commissioners

Nays: Commissioners

Absent: Commissioners

Attest:

County Clerk

Chair of the Board

This ordinance shall be in force and effect from and after
the _____ day of the month of _____ of the year
_____.

Exhibit A
LEGAL DESCRIPTION

APN 086-203-05

THE SOUTHWEST QUARTER OF SECTION 24, TOWNSHIP 21 NORTH, RANGE 18 EAST, M.D.B.&M.

EXCEPTING THEREFROM THAT PARCEL OF LAND CONTAINED WITHIN THE BOUNDARIES OF "SILVER KNOLLS RANCHES, UNIT 6-A", ACCORDING TO THE MAP THEREOF, FILED IN THE OFFICE OF THE COUNTY RECORDER OF WASHOE COUNTY, STATE OF NEVADA ON OCTOBER 27, 1966.

AND, ALSO EXCEPTING THEREFROM THE PARCEL OF LAND DESIGNATED AS PARCEL "B" BEING SHOWN ON SAID MAP AS "NOT A PART".

APN 086-232-31

THE NORTHWEST QUARTER; THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 24, TOWNSHIP 21 NORTH, RANGE 18 EAST, M.D.B.&M.

EXCEPTING THEREFROM ANY PORTION THEREOF LYING WITHIN THE BOUNDARIES OF "WASHOE RANCHES UNIT NO. 1, 2 AND 5", ACCORDING TO THE MAP THEREOF, FILED IN THE OFFICE OF THE COUNTY RECORDER OF WASHOE COUNTY, STATE OF NEVADA ON AUGUST 12, 1964, AUGUST 27, 1964 AND SEPTEMBER 18, 1968, RESPECTIVELY.

ALSO EXCEPTING THEREFROM THE PARCELS OF LAND AS DESCRIBED IN INSTRUMENTS RECORDED MARCH 8, 1972 IN BOOK 619, PAGE 180, DOCUMENT NO. 237019, OFFICIAL RECORDS; AND RECORDED MARCH 13, 1972 IN BOOK 620, PAGE 400, DOCUMENT NO. 237523, OFFICIAL RECORDS; AND RECORDED APRIL 10, 1972 IN BOOK 627, PAGE 153, DOCUMENT NO. 240432, OFFICIAL RECORDS; AND RECORDED JUNE 14, 1972 IN BOOK 644, PAGE 427, DOCUMENT NO. 247742, OFFICIAL RECORDS, AND RECORDED JUNE 14, 1972 IN BOOK 644, PAGE 430, DOCUMENT NO. 247743, OFFICIAL RECORDS AND RECORDED NOVEMBER 15, 1973 IN BOOK 778, PAGE 448, DOCUMENT NO. 308565, OFFICIAL RECORDS; AND RECORDED NOVEMBER 15, 1973 IN BOOK 778, PAGE 450, DOCUMENT NO. 308566, OFFICIAL RECORDS.

APN 087-390-10

A PARCEL OF LAND SITUATE WITHIN THE EAST HALF OF SECTION 23,
TOWNSHIP 21 NORTH, RANGE 18 EAST, MDM, WASHOE COUNTY, NEVADA
MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE WESTERLY RIGHT-OF-WAY
OF RED ROCK ROAD AND THE SOUTH LINE OF SAID SECTION FROM
WHICH THE SOUTHEAST CORNER OF SAID SECTION BEARS NORTH
88°00'52" EAST A DISTANCE OF 80.10 FEET;
THENCE WITH SAID SECTION LINE SOUTH 88°00'52" WEST A DISTANCE
OF 2584.75 FEET TO THE SOUTH QUARTER CORNER OF SAID SECTION;
THENCE WITH THE CENTER SECTION LINE OF SAID SECTION NORTH
00°48'19" EAST A DISTANCE OF 2718.57 FEET TO THE CENTER SECTION;
THENCE CONTINUING WITH SAID CENTER SECTION LINE NORTH
00°47'43" EAST A DISTANCE OF 2496.34 FEET TO THE NORTH QUARTER
CORNER OF SAID SECTION;
THENCE WITH THE NORTH LINE OF SAID SECTION NORTH 87°03'14" EAST
A DISTANCE OF 2594.37 FEET TO A POINT ON SAID RIGHT-OF-WAY;
THENCE WITH SAID RIGHT-OF-WAY SOUTH 00°52'40" WEST A DISTANCE
OF 2625.94 FEET;
THENCE SOUTH 00°52'43" WEST A DISTANCE OF 78.89 FEET;
THENCE DEPARTING SAID RIGHT-OF-WAY NORTH 89°07'17" WEST A
DISTANCE OF 290.40 FEET;
THENCE SOUTH 00°52'43" WEST A DISTANCE OF 250.00 FEET;
THENCE SOUTH 89°07'17" EAST A DISTANCE OF 290.40 FEET TO A POINT
ON SAID RIGHT-OF WAY;
THENCE WITH SAID RIGHT-OF-WAY SOUTH 00°52'43" WEST A DISTANCE
OF 2303.98 FEET TO THE POINT OF BEGINNING.

EXCEPTING THEREFROM ALL THAT LAND DESCRIBED IN EXHIBIT "A" OF DEED
DOCUMENT 631016, RECORDED SEPTEMBER 21, 1979 IN BOOK 1432, PAGE 384
MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT FROM WHICH THE SOUTHEAST CORNER OF SAID
SECTION BEARS SOUTH 79°32'24" EAST A DISTANCE OF 1165.52 FEET;
THENCE NORTH 89°08'48" WEST A DISTANCE OF 181.50 FEET;
THENCE NORTH 00°51'12" EAST A DISTANCE OF 100.00 FEET;
THENCE SOUTH 89°08'48" EAST A DISTANCE OF 183.24 FEET;
THENCE FROM A TANGENT WHICH BEARS SOUTH 04°08'56" WEST,
ALONG A CIRCULAR CURVE TO THE LEFT WITH A RADIUS OF 1054.82
FEET AND A CENTRAL ANGLE OF 03°17'44" AN ARC LENGTH OF 60.67
FEET;
THENCE SOUTH 00°51'12" WEST A DISTANCE OF 39.36 FEET TO THE
POINT OF BEGINNING.

ALSO EXCEPTING THEREFROM ALL THAT LAND DESCRIBED IN EXHIBIT "B" OF DEED DOCUMENT 631016, RECORDED SEPTEMBER 21, 1979 IN BOOK 1432, PAGE 384 MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT T A POINT FROM WHICH THE SOUTHEAST CORNER OF SAID SECTION BEARS SOUTH 23°43'54" EAST A DISTANCE OF 917.01 FEET;
THENCE NORTH 08°48'38" WEST A DISTANCE OF 125.00 FEET;
THENCE NORTH 81°11'22" EAST A DISTANCE OF 50.00 FEET;
THENCE SOUTH 08°48'38" EAST A DISTANCE OF 50.00 FEET;
THENCE SOUTH 81°11'22" WEST A DISTANCE OF 30.00 FEET;
THENCE SOUTH 08°48'38' EAST A DISTANCE OF 75.45 FEET;
THENCE FROM A TANGENT WHICH BEARS SOUTH 83°47'41" WEST ALONG A CIRCULAR CURVE TO THE LEFT WITH A RADIUS OF 440.00 FEET AND A CENTRAL ANGLE OF 02°36'19" A DISTANCE OF 20.01 FEET TO THE POINT OF BEGINNING.

SAID PARCEL FURTHER DESCRIBED AS PARCEL 1 AS SHOWN IN SURVEYS RECORDED MARCH 04, 2004, AS INSTRUMENT NO. 3002373 ON FILE IN THE OFFICE OF THE COUNTY RECORDER, WASHOE COUNTY, NEVADA.

NOTE: THE ABOVE METES AND BOUNDS DESCRIPTION PREVIOUSLY APPEARED IN THAT CERTAIN DOCUMENT RECORDED MARCH 04, 2004 IN BOOK N/A OF OFFICIAL RECORDS AS INSTRUMENT NO. 3002372, WASHOE COUNTY, NEVADA.

APN 087-390-13

A PARCEL OF LAND SITUATE WITHIN A PORTION OF THE WEST 1/2 OF SECTION 23, TOWNSHIP 21 NORTH, RANGE 18 EAST, M.D.M., WASHOE COUNTY, NEVADA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTH QUARTER CORNER OF SAID SECTION 23, BEING MARKED BY A U.S.G.L.O. BRASS CAP MONUMENT DATED "1942", THENCE ALONG THE NORTH-SOUTH CENTERLINE OF SAID SECTION 23 SOUTH 00°47'43" WEST A DISTANCE OF 2496.34 FEET TO THE CENTER OF SAID SECTION 23, MARKED BY A 2" BRASS CAP MONUMENT SET IN CONCRETE STAMPED "RLS 1004", DATED "1975";
THENCE CONTINUING ALONG THE NORTH-SOUTH CENTERLINE OF SAID SECTION 23 SOUTH 00°48'19" WEST A DISTANCE OF 2718.57 FEET TO THE SOUTH QUARTER CORNER OF SAID SECTION 23, BEING MARKED BY A U.S.G.L.O. BRASS CAP MONUMENT DATED "1942";
THENCE ALONG THE SOUTH LINE OF SAID SECTION 23 SOUTH 88°00'16" WEST A DISTANCE OF 1999.57 FEET;

THENCE LEAVING SAID LINE NORTH 00°21'56" EAST A DISTANCE OF 2785.13 FEET TO THE EAST-WEST CENTERLINE OF SAID SECTION 23;
THENCE NORTH 01°54'25" EAST A DISTANCE OF 2580.09 FEET TO THE NORTH LINE OF SAID SECTION 23;
THENCE ALONG SAID LINE SOUTH 87°40'49" EAST A DISTANCE OF 1969.20 FEET TO THE POINT OF BEGINNING.

SAID PARCEL FURTHER DESCRIBED AS PARCEL 1 AS SHOWN IN SURVEYS RECORDED NOVEMBER 23, 2005 AS INSTRUMENT NO. 3312070 ON FILE IN THE OFFICE OF THE COUNTY RECORDER, WASHOE COUNTY, NEVADA.

NOTE: THE ABOVE METES AND BOUNDS DESCRIPTION PREVIOUSLY APPEARED IN THAT CERTAIN DOCUMENT RECORDED NOVEMBER 23, 2005 IN BOOK N/A OF OFFICIAL RECORDS AS INSTRUMENT NO. 3312069, WASHOE COUNTY, NEVADA.

Description Prepared By:
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