



**COMMUNITY
SERVICES DEPARTMENT**

Sierra Reflections Final Map Submission - Appeal

Board of County Commissioners – October 25, 2022

Discussion Summary



1. Project background and timeline
2. Reasons for rejection of final map
3. Sanitary sewer clarifications
4. Appellant's Oct. 5, 2022 proposal and staff assessment
5. Possible motions

(Maps available to review if needed)

Background

- **May 2, 2006:** Sierra Reflections tentative map approved for 938 lots
- **Past 16 years:** Seven extensions received ('08, '09, '10, '12, '14, '18, '20)
- **April 26, 2022:** BCC voted to not introduce an ordinance that would have extended the final map recordation deadline by two additional years
 - Individual Board members voiced various concerns, including changes to the community and adopted policies/standards since the original approval
- **May 25, 2022:** Applicants submitted the final map packet to Washoe County, approximately 3 weeks prior to the map expiration date.
- **May 31, 2022:** CSD Director rejected the final map submittal
- **June 10, 2022:** Applicant appealed decision to reject final map submittal
- **June 14, 2022:** Sierra Reflections tentative map expiration

Reasons for Rejection of Final Map



Schedule Requirements

- Policy 2.1.9 of Sierra Reflections Development Agreement
“The next final map, to be a minimum of five lots, shall be recorded on or before the date of expiration of this Agreement [June 14, 2022].”
- Section 110.610.45(a) of WCC
Requires the first final map to be submitted (“the preliminary submittal”), along with the items required by WCC 110.610.45(a)(1)-(5), a minimum of 60 days prior to the deadline for recordation.

The final map was submitted on May 25, 2022; only 20 days prior to the deadline for recordation. Code requires a minimum of 60 days.

Why is this important?

Requiring final map submittals a minimum of 60 days prior to the recordation deadline allows adequate time for multi-agency review of the numerous maps and documents that need to be submitted. Corrections are often required and reviewed prior to map recordation to ensure all applicable standards have been met.

Reasons for Rejection



Substantive Content

5 Lot Minimum Requirement

The final map submittal packet contains six (6) common open spaces, two (2) utility parcels and one (1) road parcel. These land divisions do not meet the 2020 Development Agreement requirements as they do not qualify as “a minimum of five lots.”

- Tentative map was approved for 938 “residential” lots
- The agreement requires a minimum of 5 lots recorded with first final map
- Common open spaces are not lots and were not identified as lots on the applicant’s final map submittal
- The approved tentative map did not include the roadway parcel, utility parcels or common open space as any of the 938 lots on the approved map

Why is this important?

Common area, utility and road parcels are provided in support of the 938 residential lot subdivision. The County does not “count” those areas and parcels against the 938-lot limit. If the final map were to be accepted without these residential lots, it would create a new precedent in Washoe County - potentially allowing for indefinite extensions of time for any subdivision solely via recordation of periphery parcels.

Reasons for Rejection



Substantive Content

Initial Final Map Submittal Requirements - WCC 110.610.45(a)

- Standard submittal includes engineering/technical support documentation:
 - “Plans, profiles, specifications and necessary details of the proposed construction for streets, curb and gutter, water mains, culverts, etc... to be installed as part of the subdivision.”
- Required for conformance review to TM conditions/entitlements
- Supports required multi-agency review
- Non-Conforming Submittal did not include engineering/technical support documentation or specific Tentative Map requirements:
 - Identified only certain property lines (common area, utility, roadway,)
 - No conformance review opportunity for other stakeholders
 - Did not include ASTM E1527-13 Phase 1 Environmental Site Assessment – Condition of TM
 - Conformance review Article 610 (*Final Subdivision Maps*), Article 702 (*Adequate Public Facilities Management System*) and Article 704 (*Adequate Public Facilities: Sanitary Sewer*) not possible

Why is this important?

A recorded Final Map is “required step” to initiate site work in support of the TM approved subdivision. Included plans, profiles, specifications are necessary to assure all stakeholders and the public that the work is in accordance with TM conditions and the applicant has acquired the necessary permits (NDOT, USACE, etc.), and/or provided necessary financial assurances.

Sanitary Sewer Considerations



Sanitary Sewer Clarifications

(County response in italics)

- County has benefited through applicant's TM extensions.
 - *Washoe County (WC) initiated Reach 3 design and construction planning when it was understood advancement of Sierra Reflections residential development would occur.*
- County is responsible for Pleasant Valley Interceptor (PVI) Reach 3 and Reach 4 sanitary sewer lines.
 - *2016 Sanitary Sewer Infrastructure Dedication Agreement defines obligation of World Properties to design and construct PVI Reach 4 – a project specific sewer solution for Sierra Reflections and St. James's Village. Washoe County is responsible for PVI Reach 3.*
- Applicant has been unable to move forward due to lack of progress on the sanitary sewer lines.
 - *WC Utility received 30% PVI Reach 4 plans from Applicant in early September 2022*
 - *WC Utility staff has consistently supported the Applicant as they've explored project specific sanitary sewer solutions – multiple meetings, site visits, support for NDEP requests, alternative reviews.*
 - *WC has not issued any correspondence or other requests to Applicant to pause or stop their required planning, design and construction of PVI Reach 4.*

Proposed Resolution Letter – Oct 5, 2022



Appellant proposed terms to resolve this appeal and the pending petition for judicial review that was filed when the Board voted to not extend the prior development agreement.

- Appellant requests a full list of submittal deficiencies and then commits to resolving those deficiencies within 120 days, including re-submittal of a map that includes 5+ residential lots.
- Appellant commits to not requesting additional extensions, unless a minor extension is needed if it is close to the recordation deadline and the map is close to finalization.
- Appellant proposes adding two additional conditions to the tentative map related to extensions of the sewer collection system and reclaim water line.
- Pending judicial petition would be withdrawn.

Staff and District Attorney's assessment:

- The Oct. 5 letter is essentially an alternative request for a time extension. The items proposed were already requirements of code and/or conditions of approval.
- The two proposed conditions simply memorialize already required/agreed upon work to be completed (it should be noted the reclaim water proposal is to the applicant's benefit). Additionally, this agenda item is not styled to add conditions to a tentative map.

Summary

- Tentative map approved in 2006; extended seven times in last 16 years
- In April, BCC chose to not further extend the life of the map
- In May, the applicant submitted a final map packet that was rejected because it:
 1. Was not submitted in accordance with code and agreement timeframes (submitted 20 days prior to expiration rather than the required 60 days)
 2. Contained substantive issues
 - a. Final map submission comprised solely of common areas, utility parcels and a roadway parcel – no residential lots
 - b. Did not include required information to ensure multi-agency conditions of approval and code requirements met
- Oct. 5 proposal from appellant is essentially a request for another extension of time and does not offer anything not already required

Possible Motions



Motion to Deny Appeal:

Move to affirm the decision of the Director of the Community Services Department to reject the submittal of the final map and deny the appeal.

Motion to Approve Appeal:

Move to reverse the decision of the Director of the Community Services Department to reject the submittal of the final map and approve the appeal. I further direct the Community Services Department to proceed with the review and recordation of the final map submission in compliance with all conditions of approval as amended by the Board on April 28, 2020 with the additional following instructions [*insert specific guidance*].

Thank you



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Additional Info

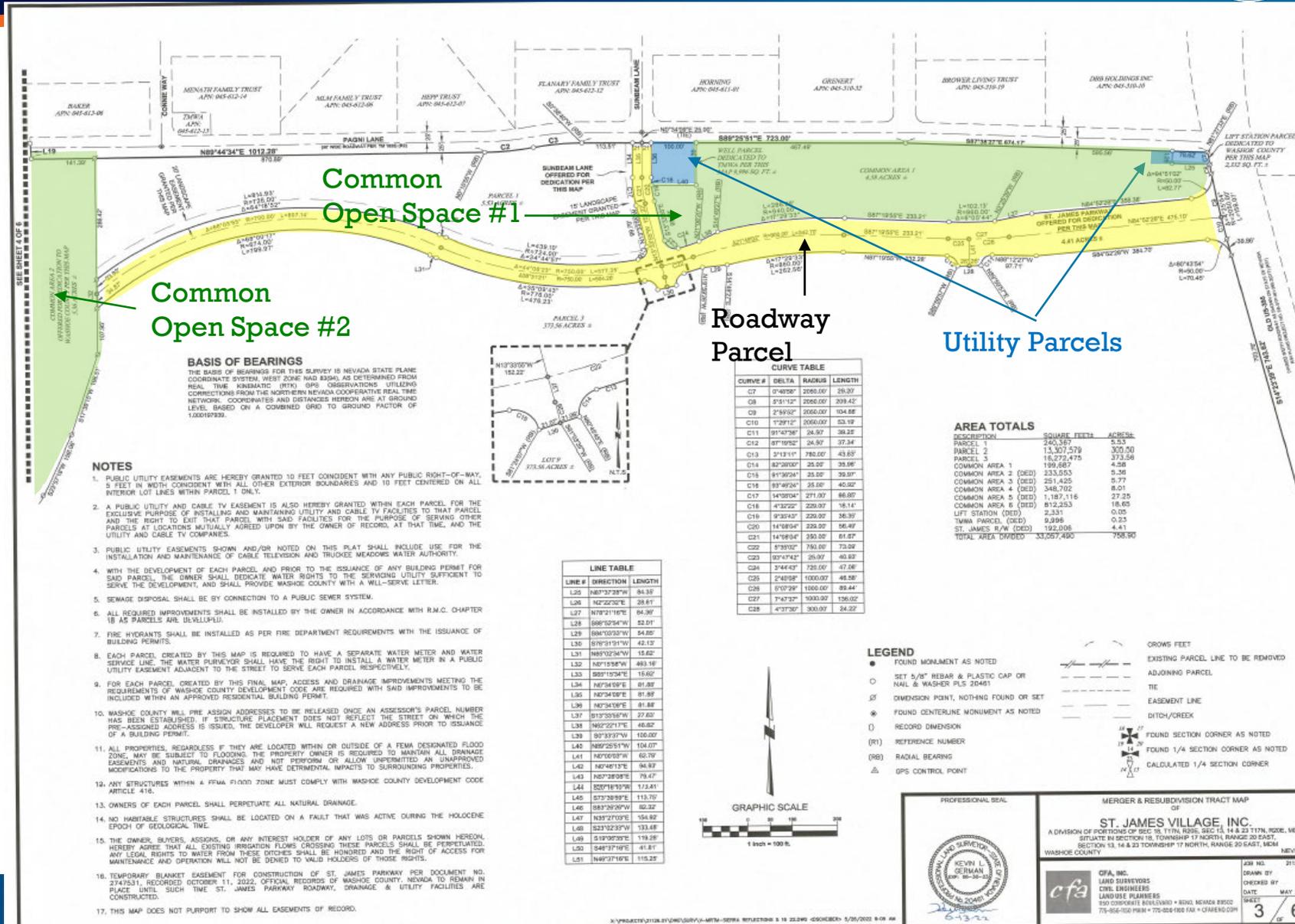
Approved Tentative Map



Final Map – Roadway, Utility & COS 1 & 2



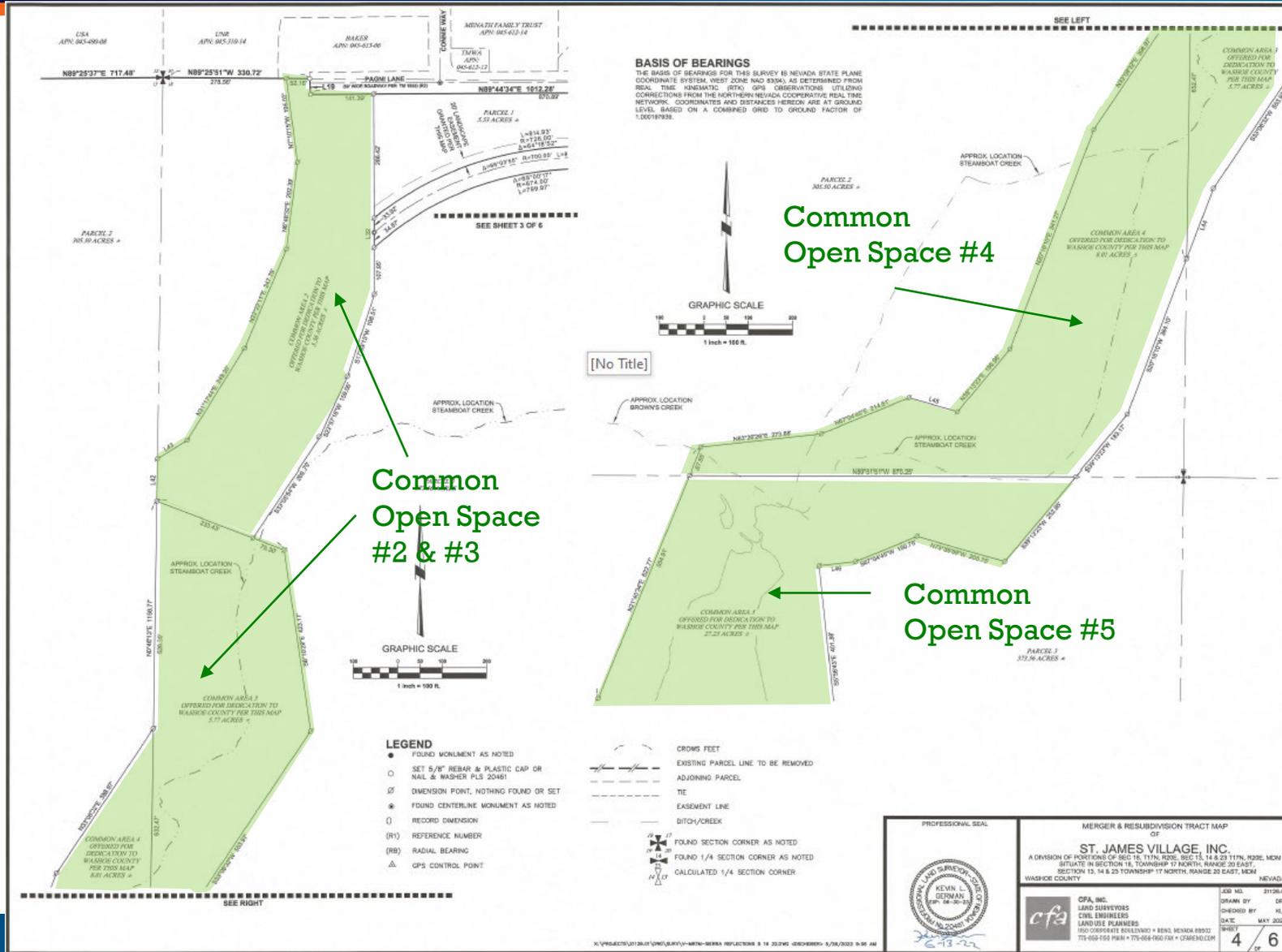
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Final Map – Common OS 2, 3, 4 & 5



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Final Map – Common OS 4, 5 & 6

