

Item # 8A

**City of Carson City  
Agenda Report**

**Date Submitted:** October 10, 2006

**Agenda Date Requested:** October 19, 2006

**Time Requested:** 10 minutes

**To:** Mayor and Board of Supervisors

**From:** Planning and Community Development

**Subject Title:** Action to approve a Tentative Subdivision Map application known as Combs Canyon, LLC from Lumos Engineering (property owner: Combs Canyon, LLC c/o Selinger, Steve with Barton Properties, Inc.) To subdivide approximately 57 acres into 23 residential lots, on property zoned Single Family 1 Acre (SF1A), located approximately 350 feet northwest of the intersection of Timberline Drive and Combs Canyon Road, APN 007-091-91. (File TSM-06-168)

**Staff Summary:** This Tentative Subdivision Map is a request to allow the proposed residential development known as Combs Canyon. The request would result in the subdivision of the subject property into 23 single-family residential lots. The proposed lot sizes for the Combs Canyon Subdivision request is from one acre to 16 acres, with an average lot size of 2.48 acres.

**Type of Action Requested:**

- Resolution
- Formal Action/Motion
- Ordinance
- Other (Specify)

**Does This Action Require A Business Impact Statement:**  Yes  No

**Planning Commission Action:** Recommended approval 6 Ayes and 0 Nays on September 27, 2006

**Recommended Board Action:** I move to approve a Tentative Subdivision Map application known as Combs Canyon, LLC from Lumos Engineering (property owner: Combs Canyon, LLC c/o Selinger, Steve with Barton Properties, Inc.) To subdivide approximately 57 acres into 23 residential lots, on property zoned Single Family 1 Acre (SF1A), located approximately 350 feet northwest of the intersection of Timberline Drive and Combs Canyon Road, APN 007-091-91, subject to the findings and conditions of approval contained in the staff report. (File TSM-06-168).

**Explanation for Recommended Board Action:** Approval of the tentative subdivision map by the Board of Supervisors will allow the developer to proceed to the next level of designing improvement plans and final maps. Once those plans are approved, dwelling units and/or lots units can be sold.

**Applicable Statute, Code, Policy, Rule or Regulation:** CCMC 17.05 (Tentative Maps), 18.02.050 (Review).

**Fiscal Impact:** N/A

**Explanation of Impact:** N/A

**Funding Source:** N/A

**Alternatives:** 1) Deny TSM-06-168 or, 2) Refer back to staff and Planning Commission for further review.

**Supporting Material:**

- Staff Report
- Case Record
- Maps

**Prepared By:** Donna Fuller, Administrative Services Manager

**Reviewed By:** Walter Sullivan Date: 10-6-06  
(Walter Sullivan, Planning Director)  
Andrew Burnham Date: 10-10-06  
(Andrew Burnham, Public Works Director)  
Linda Ritter Date: 10-10-06  
(Linda Ritter, City Manager)  
Michael Suglia Date: 10-10-06  
(Michael Suglia, Deputy District Attorney)

**Board Action Taken:**

Motion: \_\_\_\_\_ 1) \_\_\_\_\_ Aye/Nay  
2) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
(Vote Recorded By)

**CARSON CITY PLANNING COMMISSION  
CASE RECORD**

MEETING DATE: September 27, 2006

AGENDA ITEM NO.: G-5&6

APPLICANT(s) NAME: Lumos Engineering  
PROPERTY OWNER(s): Combs Canyon, LLC c/o Selinger, Steve with  
Barton Properties, Inc.

FILE NO.: TSM-06-168  
VAR-06-169

ASSESSOR PARCEL NO(s): APN 007-091-91

ADDRESS: no address, approximately 350 feet northwest of the intersection of Timberline Drive and Combs Canyon Road

APPLICANT'S REQUEST: Action to consider a Tentative Subdivision Map application known as Combs Canyon, LLC to subdivide approximately 57 acres into 23 lots, on property zoned Single Family 1 Acre (SF1A).

And  
Action to consider a Variance application to allow approximately 11 of the 23 proposed lots to have a lot depth greater than the maximum 360 feet allowed per Carson City Municipal Code, on property zoned Single Family 1 Acre (SF1A).

COMMISSIONERS PRESENT:     PEERY             VANCE             SEMMENS  
  
    BISBEE             MULLET             REYNOLDS             KIMBROUGH

STAFF REPORT PRESENTED BY: Walter Sullivan

REPORT ATTACHED

STAFF RECOMMENDATION:     APPROVAL

DENIAL

APPLICANT REPRESENTED BY: Randall Long of Lumos & Assoc.

APPLICANT/AGENT  
PRESENT

APPLICANT/AGENT  
SPOKE

APPLICANT/AGENT  
NOT PRESENT

APPLICANT/AGENT  
DID NOT SPEAK

APPLICANT/AGENT INDICATED THAT HE HAS READ THE STAFF REPORT, AGREES AND UNDERSTANDS THE FINDINGS, RECOMMENDATIONS, AND CONDITIONS, AND AGREES TO CONFORM TO THE REQUIREMENTS THEREOF. Yes, per Mr. Long

PERSONS SPOKE IN FAVOR OF THE PROPOSAL

PERSONS SPOKE IN OPPOSITION OF THE PROPOSAL

**DISCUSSION, NOTES, COMMENTS FOR THE RECORD:**

- Bruce Kiteess comments it is a compatible plan, asks if curb & gutter & guardrail on Combs Canyon Rd will complicate snow plowing? Could there be a sight distance problem (re: Lot #9), and about water availability? Water line to tank will it compromise Lakeview water supply?
- Mr. Long commented that curb and guardrail are needed and gave comment regarding water system operation.
- Jeff Sharp mentioned curb has no significant impact on snow removal.
- \* Staff will modify staff report conditions #21, #32d and correct Aprn on #37 from 08 to 80.

**MOTION WAS MADE TO RECOMMEND APPROVAL:**

- WITH THE FINDINGS AS ENUMERATED ON THE STAFF REPORT
- WITH THE FINDINGS AND CONDITIONS OF THE STAFF REPORT AS MODIFIED.\*
- WITH THE FINDINGS AND CONDITIONS OF THE COMMISSION ENUMERATED ON THIS CASE RECORD

TSM MOVED: Bisbee SECOND: Semmens PASSED: 6 /AYE 0 /NO    /DQ 1 /ABSENT    /ABSTAINED  
VAR MOVED: Bisbee SECOND: Semmens PASSED: 6 /AYE 0 /NO    /DQ 1 /ABSENT    /ABSTAINED

TSM SCHEDULED FOR THE BOARD OF SUPERVISORS

DATE: 10-19-06

**STAFF REPORT FOR PLANNING COMMISSION MEETING OF SEPTEMBER 27, 2006**

**FILE NO. TSM-06-168  
VAR-06-169**

**AGENDA ITEM(S): G5 and 6**

**STAFF AUTHOR:** Jennifer Pruitt, AICP, Senior Planner  
**APPLICANT/OWNER:** Lumos & Associates/Barton Properties, Inc.(Steve Selinger)  
**LOCATION/APN:** West of Combs Canyon Road/North of Timberline Drive,  
Assessor's Parcel Number 007-091-91.

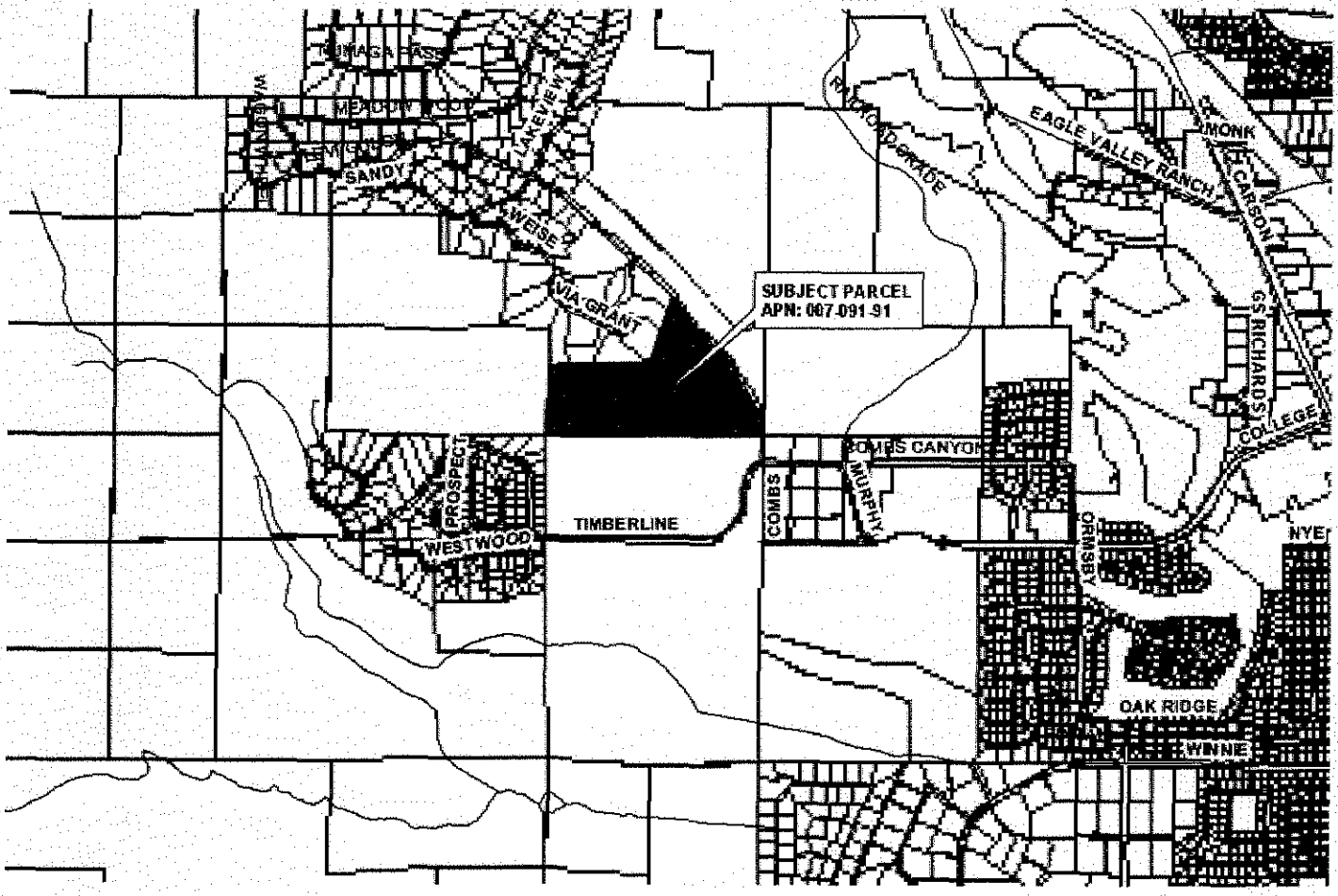
**REQUESTS:**

1. Approval of a Tentative Subdivision Map for a Tentative Subdivision Map (Combs Canyon), consisting of 23 single family residential lots, on 57 acres north of Timberline Drive and west of Combs Canyon Road, Assessor's Parcel Number 007-091-91.
2. Approval of a Variance request to allow approximately 11 of the proposed 23 lots to have a lot depth greater than 360 feet.

**RECOMMENDED MOTIONS**

It is recommended that the Planning Commission:

1. **"I move to recommend Approval to the Board of Supervisors of the Combs Canyon Tentative Subdivision Map (TSM-06-168) from Randall Long, Lumos and Associates, Inc.(property owner: Barton Properties Inc.-Steve Selinger), consisting of 23 residential lots on 57 acres west of Combs Canyon Road/North of Timberline Drive, Assessor's Parcel Number 007-091-91, based on the findings and subject to the recommended conditions of approval contained in the staff report."**
2. **"I move to approve a Variance (VAR-06-169) request to allow approximately 11 of the proposed 23 lots to have a lot depth greater than 360 feet on property zoned Single Family One Ace on 57 acres west of Combs Canyon Road/North of Timberline Drive, Assessor's Parcel Number 007-091-91 based on three findings and subject to the conditions of approval contained in the staff report ."**



**VARIANCE RECOMMENDED CONDITIONS OF APPROVAL:**

**The following shall be completed prior to commencement of the use:**

1. The applicant must sign and return the Notice of Decision / conditions of approval within 10 days of receipt of notification. If the Notice of Decision is not signed and returned within 10 days, the item will be rescheduled for the next Planning Commission meeting for further consideration.
2. The applicant shall meet all the conditions of approval and commence the use (obtain and maintain a valid building permit) for which this permit is granted within two years of the date of final approval. A single, one-year extension of time may be granted if requested in writing to the Planning and Community Development Division thirty days prior to the one year expiration date. Should this Variance not be initiated within two years and no extension granted, the Variance shall become null and void.

**Conditions required to be incorporated into the proposed development plan.**

3. All development shall be substantially in accordance with the development plans approved with this application, except as otherwise modified by the conditions of approval herein.
4. Approval of this Variance does not supersede the prohibition of building in any public utility easement(s) or drainage easements, which, if applicable.
5. This Variance is specific to allow an increase of the required maximum lot depth for 11 identified lots (Lots 5-15).

**The following shall be submitted or included as part of a building permit application:**

6. The applicant must obtain a building permit from the Carson City Building and Safety Division for the proposed construction.
7. The applicant must submit a copy of the Notice of Decision / conditions of approval, signed by the applicant and owner.

**TENTATIVE SUBDIVISION MAP RECOMMENDED CONDITIONS OF APPROVAL:**

**The following shall be completed prior to submittal of construction/improvement plans or final map. These are specific revisions to the Tentative Map:**

1. The revised map must be reviewed and signed by the Planning Director and City Engineer.
2. Revise the Combs Canyon Road section to show 17 foot half street pavement width for collector with bike lane in accordance with Carson City Dwg. No. C-1.11.
3. Show the proposed emergency access gate on the northern access road, and coordinate with Carson City Fire Department on appropriate lock or strobe actuation system to open the gate. The emergency access approach should be designed as a curb cut rather than having radii at the returns. This will help prevent the public from wanting to turn in there thinking that it is a public access.
4. Show street lighting at the Aspen Way and Combs Canyon Road intersection.
5. The applicant must sign and return the Notice of Decision for conditions for approval within 10 days of receipt of notification. If the Notice of Decision is not signed and returned within 10 days, the item may be rescheduled for the next Planning Commission meeting for further considerations.
6. All street names shall be reviewed and approved by Carson City Development Services. The approved names shall be shown on the map.
7. The Tentative Map shall reflect a building envelope per each parcel and shall include all dimensions and square footage of building envelopes.
8. The map shall reflect lots 15 and 16 must be a minimum of one acre or 43,560 sf in size.

**The following are specific conditions to be included in the design of the Improvement Plans:**

9. There is an existing sight distance problem at the intersection of Combs Canyon and Timberline Roads. Vehicles turning east from Combs Canyon Road have limited visibility to oncoming vehicles coming down the hill from Timberline. One possible solution may be to cut down the hillside on the south side of the intersection in order

to increase sight distance. This deficiency should be corrected prior to approval of final map.

10. Frontage improvements along Combs Canyon Road should be designed to urban standard for collector with bike lanes in accordance with Dwg. No. C-1.11, requiring 17 foot half street pavement width.
11. Street grades shall be designed in accordance with Carson City development Standards (CCDS) 12.11.1. Grades at intersection shall be in accordance with CCDS 12.11.2.
12. Street lighting should be provided at the proposed Aspen Way intersection with Combs Canyon Road in accordance with Carson City Development Standards (CCDS) 12.14.
13. In accordance with CCDS 12.10 and 12.11.10, pavement sections shall be based on subgrade strength values determined by Resistance @ Value or California Bearing Ratio (CBR) as shown in the Soils Engineering Report. Refer to CCDS Division 17 for soils report requirements. In no case shall the proposed pavement section be less than the minimum section prescribed in standard drawing C-1.11.
14. Storm drainage facility improvements shall be designed in accordance with CCDS Division 14. A Technical Drainage Study is required with submittal of Improvement Plans in accordance with CCDS 14.9 through 14.10.
15. In accordance with CCDS 15.3 sewer mains shall be analyzed to determine system capability to provide capacity for the ultimate tributary population. This analysis shall be prepared by a qualified Nevada Civil Engineer.

**The following must be completed prior to submitting for a construction permit or final map:**

16. A flood study must be prepared for the project, meeting all Carson City and FEMA requirements. The flood study must be submitted to the City for review and approval prior to submitting the improvement plans for the proposed lots (1 – 8) that fall within a mapped flood hazard area. A Conditional Letter of Map Revision (CLOMR) must be submitted to FEMA to modify the Flood Insurance Rate Map (FIRM) in order to allow houses to be constructed on the affected lots. All of the facilities and improvements necessary to perfect the CLOMR and convey the regulatory flow through this property must be shown on the improvement plans and be included in



the engineer's estimate for the project. The drainage facilities and improvements needed to perpetuate the 100-year flood flows through this site must be constructed and approved by the City or the specific performance of said work secured with a proper surety prior to the recording of the final map. Additionally, an application for a Letter of Map Revision (LOMR), including as-built plans (record drawings) and all supporting documents, must be submitted to the City for transmittal to FEMA at the completion of the project.

17. Final improvement plans for the development shall be prepared in accordance with CCDS Division 19 and the Standard Specifications and Details for Public Works Construction, as adopted by Carson City.
18. The applicant shall obtain a dust control and stormwater pollution prevention permit from the Nevada Division of Environmental Protection (NDEP). The site grading must incorporate proper dust control and erosion control measures.
19. Final water, sewer and traffic reports shall reviewed and approved by the City Engineer. Recommendations of these reports shall be included in the subdivision improvements.
20. The applicant shall follow all recommendations contained in the project soils and geotechnical report. Two copies of the report shall be submitted with any improvement plans.

**General conditions:**

21. Lighting within the project will be limited to placement along streets and will be consistent with the development as a whole while taking into consideration the nearby Jack C. Davis Observatory located at the Western Nevada Community College. Fixtures will be a low-level residential style lighting with shields and reflectors to direct light toward the street and sidewalk areas and will be in accordance with Carson City Development Standards 12.14.
22. The Planning Director and the District Attorney's Office shall approve the development's CC & R's prior to the recording of the first final map.
23. TSM-06-168 approval is contingent upon the approval of Variance VAR-06-169.
24. Prior to the recordation of the final map, the associated improvements must either be constructed and approved by the city, or the specific performance of said work secured by providing the city with a proper surety in the amount of 150 percent of the engineers estimate. In either case, upon acceptance of the improvements by the city,

the developer shall provide the city with a proper surety in the amount of 10% of the engineers estimate to secure the Developers obligation to repair defects in workmanship and materials which appear in the work within one year of acceptance by the city.

25. The improvement plans and final map must comply with the recommendations contained in the project soils and geotechnical report.
26. A "will serve" letter from the City water and wastewater utilities must be requested and obtained by the applicant. The will serve letter must be provided to the Nevada Division of Environmental Protection prior to approval of the final map. The applicant must meet all the requirements of and obtain approval from the Nevada Division of Environmental Protection for the subdivision.
27. Animals and fowl as defined in CCMC Title 18, Section 18.03 (Definitions) are prohibited within the Combs Canyon Subdivision.
28. In order to assure the proper placement of primary structure/accessory structures, all building permit submittals shall show building envelopes and setbacks in addition to the items required for the building permit process.
29. The proposed lots shall not be further parceled, split or divided in any manner that will result in additional residential lots.
30. Placement of all proposed and existing utilities shall be underground within the subdivision.
31. Evidence from the City Health Department and Fire Department that the applicable department's requirements have been satisfied, including but not limited to the location of all fire hydrants.
32. Notes shall be added to the final map:
  - A. "These parcels are subject to Carson City's Growth Management Ordinance and all property owners shall comply with provisions of said ordinance."
  - B. "All development shall be in accord with Tentative Map (TSM-06-168)."
  - C. "All development shall be in accord with Variance (VAR-06-169)."
  - D. "There shall be no structures allowed to be constructed/erected/located outside the building envelopes shown on this map as contained in the CC&Rs."

E. "Animals and fowl as defined in CCMC Title 18, Section 18.03 Definitions are prohibited within the Combs Canyon Subdivision.

33. Hours of construction for site improvement work are limited to 7:00 a.m. to 7:00 p.m. Monday through Friday, and 7:00 a.m. to 5:00 p.m. Saturday. Inspectors may issue cease work orders for violations of the hours of construction.
34. Building permits for home construction will not be issued until streets and infrastructure improvements are deemed substantially complete by the City.
35. A Final Subdivision Map for the property must be recorded with two years of the date of Tentative Subdivision Map approval by the Board of Supervisors. The applicant is responsible for complying with the required conditions of approval and submitting a final map that complies to all conditions of approval at least 30 days prior to the tentative map expiration date. A one-year extension of the tentative map approval period may be granted by the Board of Supervisors upon written request at least 30 days prior to the tentative map expiration date. All dates are pursuant to CCMC and NRS requirements.
36. Chestnut Drive should be relocated to the north between lots 3 and 4, to eliminate the four-way intersection, and to provide additional separation between the two proposed points of access to the development
37. The development shall provide a public access easement from Aspen Way to the northerly boundary of APN-007-091-80. This easement shall be located on the east side of the building envelope to lot 20, and have a width consistent with Aspen Way.
38. The applicant shall retain a qualified consultant to prepare a Fuel Management Plan for review and approval by the CCFD prior to final map approval. Enforcement of the Fuel Management Plan shall be required of the Homes Owners Association as long as the subdivision contains 13 or more habitable lots.
39. This development is within the designated "wildland urban interface" and shall comply with all codes and ordinances applicable to the development. CCMC Title 14 defines conditions for compliance such as access, water supply's, fire sprinkler systems, ignition resistant building construction, fuel modification and defensible space, spark arresters and storage and use of LPG and fuel materials.
40. Access/egress shall meet minimum design criteria of 20 feet wide roadways with a 13 feet 6 inch unobstructed height. In addition, all roadways shall comply with CCMC Title 14 requirements for residential units built within the wildland urban interface. All roadways greater than 650 feet in length will have a secondary means of egress from the development.

41. Future construction would require an application for a Building Permit, issued through the Carson City Building Division. This will necessitate a complete review of the project to verify compliance with all adopted construction codes and municipal ordinances applicable to the scope of the project.
42. Parcels located at or above 5,000 feet above sea level would require structures to be designed by a Nevada Licensed Engineer due to the snow loading.
43. Plan submittal shall meet the current Carson City Building Division requirements for residential construction.
44. Provide a Drainage Site Plan with each permit application, with the finished grade drainage around the perimeter of the proposed dwelling indicated. The finished grade must have a minimum of six inches of fall for the first 10 feet ( five percent minimum) away from the foundation; however, finished grade must not allow the drainage to flow towards neighboring structures or across property lines. Drainage should either flow toward the public right of way, or provisions should be made to retain run off on the property until it is absorbed by the soil. ('03 IRC R401.3)
45. The applicant/developer shall work with the City to develop the necessary trail connectivity across this project as required by the Unified pathways Master Plan. The development shall provide a 30 foot wide public access trail easement from Combs Canyon Road to the development's western and southern boundaries. In general the routing shall extend north from Chestnut Drive, on the easterly side of the creek, to a point at which the trail will cross the creek and extend west along the existing dirt road. In cooperation with the Carson City Parks and Recreation Department, the developer shall establish a final alignment of the trail as part of the subdivision's improvement plans.
46. This development will be subject to the collection of Residential Construction Tax. The Parks and Recreation Department is willing to enter into a development agreement with the developer to use 50% of these funds to assist in the design and construction of the trail system amenities within the subdivision development and use the remaining 50% of these funds to develop other park facilities within the Lakeview Park.

**LEGAL REQUIREMENTS:** NRS Chapter 278A (Planned Development), CCMC Section 18.04.055 (Single Family One Acre), CCMC 17.05 (Tentative Maps), NRS 445.386 (Health Department Requirements), CCMC 18.02.050 (Review); 18.02.085 (Variances); NRS 278.349(a) (Health Department Requirements), NRS 278.349(b) (Water Availability Requirements), NRS 278.349(c)(Utility Requirements), NRS 278.349(d) (Availability of Public Services), NRS 278.349(g) (Streets and Highways Requirements), Divisions 1 through 4 of the Carson City Development Standards

(CCDS).

**MASTER PLAN DESIGNATION:** Low Density Residential (LDR)

**PROPOSED MASTER PLAN DESIGNATION:** No change

**PRESENT ZONING:** Single Family One Acre (SF1A)

**PROPOSED ZONING:** No change

**KEY ISSUES:**

What are the **compatibility** issues with the adjacent neighborhood regarding traffic, character, and quality of life? Does the applicants developmental package meet the City requirements to recommend approval? Does the applicant meet the burden of proof in providing information to the City to approve the development request?

**SURROUNDING ZONING AND LAND USE INFORMATION**

NORTH: Single Family 1 Acre (SF1A)/City View, residential  
SOUTH: Conservation Reserve (CR)/Vacant  
EAST: Conservation Reserve (CR)/Vacant  
WEST: Conservation Reserve (CR)/Vacant

**ENVIRONMENTAL INFORMATION**

- 1 FLOOD ZONE: Zone "B" and "AH"; Areas between the 100 to 500 year flood zone and flood zone areas.
- 2 EARTHQUAKE FAULT: Moderate zones I and II, fault located within 500 feet of the site.
- 3 HILLSIDE ORDINANCE: Does not apply; the project area includes slopes in excess of 30%. However all development will be at the flattest portion of the subject site which has an average slope of less than 15%.
- 4 DRAINAGE: The site drains to the southeast corner of the project area; there is a drainage course along the eastern portion of the subject site.
- 5 SOILS: 34 Dalzell sandy loam.

**SITE DEVELOPMENT INFORMATION**

- 1 LOT SIZE: The entire site contains 57 acres. The average lot size is 2.48 acres.
- 2 PROPOSED BUILDING SIZE: The proposed dwelling units are a minimum of 2,500 square feet in size.
- 3 PROPOSED BUILDING HEIGHT: The proposed maximum height in the SF1A zoning district is 32 feet.
- 4 PARKING: Pursuant to the CCMC the parking requirement is two parking spaces per dwelling unit. Each unit will include parking for two cars in the garage and two cars in the driveway with additional parking allowed on the street.
- 5 SETBACKS: The required minimum setbacks of the SF1A district are 30 feet on the front, 15 feet on the side, with 20 feet at the corner lots, and 30 feet on the rear.
- 6 VARIANCE REQUESTED: An increase to allow 11 of the proposed 23 lots to have a lot depth greater than 360 feet.

**BACKGROUND:**

Over the past few years City staff and Lumos & Associates representing the current

property owner has met on numerous occasions regarding the proposed Combs Canyon Development.

- June of 2002 Lumos & Associates submitted a Tentative Planned Unit Development application (P-02/03-01) for a 91 lot development known as Combs Canyon Planned Unit Development.
- June 17, 2002, this project was discussed at the Carson City Open Space meeting. The Open Space Committee suggested that the area within the project boundary that is proposed for open space remain as natural vegetation with no formal recreation areas and minimal grading.
- July 20, 2002 Lumos & Associates submitted a continuance request to resolve unanticipated issues. On July 31, 2002 the Planning Commission via consent agenda approved the requested continuance.
- August 28, 2002 the above mentioned item was discussed at the Planning Commission, a large amount of public comment was provided and ultimately the item was continued at the applicant's request.
- March 17, 2005 Lumos & Associated submitted an application to the Planning Division for a Conceptual Review for Combs Canyon PUD, (CPUD-05-048).
- April 13, 2005 City staff conducted the Conceptual Review and provided the applicant with comments.
- October 12, 2005 Lumos & Associate conducted a neighborhood open house for City View residents and property owners. Approximately 12 residents participated and provided comments.
- October 13, 2005 Lumos & Associates conducted a neighborhood open house for the Lakeview residents and property owners regarding the proposed development, dozens of members of the public attended and provided comments.
- November 30, 2005 Planning Commission public hearing, the PUD was denied on the basis of the plan as previously submitted did not sufficiently address its consistency with the objectives of the PUD ordinance.
- January 5, 2006 the Board of Supervisors denied the PUD on the basis provided by the Planning Commission that the plan as previously submitted did not sufficiently address its consistency with the objectives of the PUD ordinance.

- July 18, 2006 City staff conducted the required Conceptual Review of the revised Combs Canyon project (CSM-06-126) and provided the applicant with comments.
- August 16, 2006 Lumos & Associated submitted an application to the Planning Division for a Conceptual Review for Combs Canyon Subdivision TSM-06-168.

## **DISCUSSION:**

The term "Tentative Map" shall mean a map made for the purpose of showing the design of a proposed subdivision and the existing conditions in and around it and need not be based on an accurate or detailed final survey of the property.

The subject Tentative Subdivision Map, if approved, would result in the creation of 23 residential lots on property that is presently zoned Single Family One Acre, on approximately 57 acres on APN 007-091-91. It is important to note, this application TSM-06-168 does not include APN 007-091-72 to the northeast. The Combs Canyon project as proposed is a Subdivision to be developed pursuant to the requirements of CCMC Title 17. The Combs Canyon Subdivision if approved will have custom built homes and the applicant will impose architectural guidelines similar in nature to those utilized by the City View Development directly to the north. The proposed residential project will have an average lot size of 2.48 acres and the lot sizes will range from one acre to 16 acres.

Each lot will have a building envelope area which will define the allowable building area established for proposed residential/accessory structures. The envelope will also define the limits of the individual lot grading and mass clearing. The applicant will only grade the roads and building envelopes and other areas will be left undisturbed. Grading will not occur on slopes greater than 15%.

The proposed project is located in northwestern Carson City, north of Timberline Drive and west of Combs Canyon Road. On August 16, 2006 the applicant, Lumos & Associates submitted this Tentative Subdivision Map for staff review and submittal to the Planning Commission for public hearing on September 27, 2006. It is important to note the applicant has improved the plan significantly in addition to incorporating previously suggested adjustments by staff.

The subject site currently contains undeveloped land and includes significant topographical characteristics. The steeper areas are on the northern and western

portion of the subject site. Adjacent development includes single family dwellings to the north and vacant land to the south, east and west.

The northwestern portion of the project site, according to the applicant, will remain undeveloped. The lands that surround the projects perimeter will also remain as undeveloped space and will include a pedestrian trail system.

There will be a pedestrian access easement located along the western portion of the site connecting the subdivision to the open space located west of the site. As the applicant has noted, by clustering the residential envelopes on the flattest area of the property, the site layout will also preserve topographic views and features, including the existing spring, sage and trees.

As part of the Combs Canyon Subdivision request, a Variance is requested to allow approximately 11 of the proposed 23 lots to have a lot depth greater than 360 feet. All variance applications are dealt with on a case-by-case basis. The applicant has demonstrated because of the topographic changes on the subject site, lots which exceed the 360-foot lot depth are necessary because the proposed lots are clustered to the flattest area of the property for engineering and safety purposes; therefor the lots abutting the steepest grade of the property are forced to exceed the maximum depths allowed within the SF1A zoning district.

It is important to note the applicant does not want to develop more than 23 lots. The information provided by the applicant notes the site specific conditions presented with this project; the large area of land, limited number of lots and extremely steep topography, are relatively unique to this property and are not self imposed.

**Summary:**

This proposal is in conformance with the Master Plan and is in conformance with the Zoning Ordinance (Title 18) as demonstrated by this application. The proposal is consistent with a number of goals and policies that support a diverse community with multiple opportunities for housing. In addition, this proposal recognizes a unique site constraints while preserving the existing natural environmental amenities.

With the recommended conditions of approval, the findings to grant approval have been met. Therefore, it is recommended that the Planning Commission recommend to the Board of Supervisors approval of TSM-06-168 and approve VAR-06-169 based on the required findings as noted below the comment section.

SUBDIVISION	# of Units	AVG HOUSE SIZE	AVERAGE LOT SIZE	PROXIMITY
City View	13	5,047 square feet	3.8 acres	100 feet to the north



Timberline	100	3,214 square feet	0.68 acres	100 feet to the southwest
Lakeview	231	3,703 square feet	1.48 acres	1500 feet to the northwest
Murphy Dr/Van Patten	19	3,028 square feet	1.98 acres	100 feet to the southeast
<b><u>Combs Canyon</u></b>	<b><u>23</u></b>	<b><u>2,500 square feet and greater</u></b>	<b><u>2.48 acres</u></b>	<b><u>project site</u></b>

#### **PUBLIC COMMENTS:**

Public notices were mailed to 31 adjacent property owners within 651 feet of the subject site. Any comments that are received after this report is completed will be submitted to the Planning Commission **prior to or at the meeting** on September 27, 2006, depending on their submittal date to the Planning and Community Development Department.

#### **AGENCY COMMENTS:**

All comments from various city departments and agencies which were received as of September 13, 2006, are attached to this report and summarized below:

**Carson City School District** Transportation Department supports the project and confirms that the School District would provide transportation to Fritsch Elementary, Carson Middle School and Carson High School from this area which will be impacted due to the proposed project.

**The Carson City Engineering Department** had a number of comments that are included in the conditions and attached with their memo.

**The State of Nevada Department of Wildlife** has provided comments see attached memo.

#### **The State of Nevada Division of Environmental Protection**

- Provide documentation that the subdivision is not in a 100-year flood plain.
- Provide a brief description regarding the historical usage of the property or any significant existing environmental degradation that could

- negatively affect the proposed project.
- Supply "Will Serve" or "Intent to Serve" letters from the water and wastewater utilities.
- Provide certification of the proposed sewage disposal method by the Nevada Division of Environmental Protection (NDEP) Bureau of Water Pollution Control.

**The Carson City Fire Department** had a number of comments that are included in the conditions and attached with their memo.

**The Carson City Building Department** had a number of comments that are included in the conditions and attached with their memo.

**The Carson City Parks and Recreation Department** provided comments see attached memo.

**Subdivision Findings.** In considering Parcel Maps, Planned Unit Developments and Tentative Subdivision Maps the Director shall consider the following. These factors are enumerated below and reflected in the Findings as previously detailed in this report:

1. 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.

*Sewer and water infrastructures were analyzed by Carson City. This development will be required to upgrade the water and sewer infrastructures to serve this development as well as provide connections to infrastructure to accommodate further development to the south. The conditions of approval ensure compliance with applicable environmental health laws, including those required by NDEP.*

2. The availability of water which meets applicable health standards and is sufficient in quantity for the reasonably foreseeable needs of the subdivision.

*As indicated in the Engineering Division's analysis of the application, this development will be required to upgrade the water and sewer infrastructures to serve this development as well as provide connections to infrastructure to accommodate further development to the south. The improvements will be completed prior to the final map being recorded.*

*Water supplied to the development will meet applicable health standards.*

3. The availability and accessibility of utilities.

*The applicant shall adhere to all Carson City standards and requirements for water and sewer systems, grading and drainage, and street improvements, as outlined in the Development Standards and other applicable Divisions and as required by the Standard Specifications and Details for Public Works Construction, as adopted by Carson City. No deviations from the standards are allowed unless specifically noted on the approved tentative map.*

*The development is required to comply with all applicable environmental and health laws concerning water and air pollution and disposal of solid waste. The development will be served by the Carson City Community Water System and the Carson City Wastewater Collection System.*

*Neither Carson City's water supply or wastewater treatment capability will be exceeded by final approval of this development. The applicant will extend sewer service from the intersection of Murphy Drive and Combs Canyon Road, approximately 1,500 feet to the proposed development extended along the site frontage.*

*This development will be subject to the Carson City Growth Management System.*

*Lighting within the project will be limited to placement along streets and will be consistent with the development as a whole while taking into consideration the nearby Jack C. Davis Observatory located at the Western Nevada Community College. Fixtures will be a low-level residential style lighting with shields and reflectors to direct light toward the street and sidewalk areas and subject to review and approval from the Planning Division and Development Engineering Division.*

*Electric service will be provided by Sierra Pacific Power Company, gas service will be provided by Southwest Gas Company, telephone service will be provided by SBC Nevada and cable service will be provided by Charter Communications. All services will be underground.*

4. *The availability and accessibility of public services such as schools, police protection, transportation, recreation and parks.*

*A traffic report was submitted for review by the Development Engineering Division which was completed on July 16, 2002 by Lumos & Associates, Inc. for Barton Properties. In addition to the report from 2002, Lumos & Associates has also provided updated information dated August 14, 2006 addressing trip generation calculations, level of service analysis, left turn analysis, right turn analysis and site distance mitigation as it relates to the proposed 23-unit subdivision.*

*A Water Distribution Analysis was submitted for review by the Development*

*Engineering Division which was completed on December 10, 2003 by Lumos & Associates, Inc. For Barton Properties. In addition to the report from 2003, Lumos & Associates has also provided a summary dated August 14, 2006.*

*A Conceptual Drainage Study and a Geotechnical Report were both submitted for review by the Development Engineering Division which both were completed August 2006 by Lumos & Associates, Inc. for Barton Properties.*

*The Carson City Sheriff's Department will provide police protection for the proposed subdivision. The Sheriff's Department is located at 901 E. Musser and is approximately 3.85 miles from the subject site. This development is in patrol beat number one.*

*Fire protection will be provided by the Carson City Fire Department, Station #2. Fire Station #2 is located at 2400 College Parkway and is 3.3 miles from the subject site.*

*Mail service will be provide by the Carson City Postal Service. Each of the homes will have individual mailboxes placed at the fronts of the properties adjacent to the sidewalks/roads.*

*There is a Jump Around Carson (JAC) bus stop located on West College Parkway, at the Western Nevada Community College, approximately .5 miles from the subject site.*

*The Carson City School District has provided a Subdivision Impact Statement. The statement notes transportation would be provided to Fritsch Elementary, Carson Middle School and Carson High School from the subject site proposed subdivision. Fritsch Elementary School will be able to accommodate the students generated by the subject project. Carson Middle School and Carson High School are currently full and to accommodate these students an increase of the square footage of facilities or increasing the student teacher ratio is needed.*

*The applicant/developer will work with the City to develop the necessary trail connectivity across this project as required by the Unified pathways Master Plan. The development shall provide a 30 foot wide public access trail easement from Combs Canyon Road to the development's western and southern boundaries. In general the routing shall extend north from Chestnut Drive, on the easterly side of the creek, to a point at which the trail will cross the creek and extend west along the existing dirt road. In cooperation with the Carson City Parks and Recreation Department, the developer shall establish a final alignment of the trail as part of the subdivision's improvement plans. The Lakeview Park is identified in the recently adopted Parks and Recreation Master Plan as an existing "Natural Park". The subject parcel in not located within any neighborhood park boundaries as noted within the Parks and Recreation Master Plan exhibit 6-5.*

5. Access to public lands. Any proposed subdivision that is adjacent to public lands shall incorporate public access to those lands or provide an acceptable alternative.

*There is also a direct accessibility to public open space using the pedestrian access easement proposed to be located on the subject site. As the applicant has stated the residents will not be required to drive to enjoy the scenery and recreation opportunities of Carson City. See Recreation and Trail easements below on page 20.*

6. Conformity with the zoning ordinance and land use element of the City's Master Plan.

*The subject site is zoned Single Family One Acre and the proposed development as presented will satisfy the setback, building height and uses (except for animals and fowl) allowed within this zoning district. The applicant is seeking approval to develop the proposed 23 single family subdivision with an average lot of 2.48 acres. All lots will satisfy the minimum acreage required. The proposed development is consistent with all requirements for SF1A zoning except for the maximum lot depth for which the applicant has submitted the accompanying Variance request VAR-06-179 which has met the required findings.*

***The subject site has a Master Plan Land Use designation of Low Density Residential (LDR). The density for LDR is .2 du/ac and 3.0 du/ac. The proposed development has a density of .4 du/ac (23du/57ac) which is well within the density range for LDR. The City Master Plan also calls for a variety of lot sizes (LDR 1.2), preservation of open space by clustering homes (LDR 1.5), preservation of topographic features and views (LDR 1.6), strong visual and physical connections to open spaces (LDR 1.6) and multiple vehicular access points (LDR 1.9). The applicant has met these standards of the Carson City Master Plan by providing the following:***

- A pedestrian access easement located along the western portion of the site connecting the subdivision to the open space located west and south of the site;***
- By clustering the residential building envelopes on the flattest portion of the subject site;***
- The preservation of the topographic views and features, including the existing spring, sage and trees and***
- The two points of vehicular access points serving the proposed development.***

7. General conformity with the City's Master plan for streets and highways.

*Prior to submittal of any final map or parcel maps, Development Engineering shall approve all on-site and off-site improvements in conformance with the City's streets and transportation plan.*

*The proposed streets within and extending to the proposed development are consistent with the Carson City Transportation Plan. See Development Engineering report.*

8. The effect of the proposed subdivision on existing public streets and the need for new streets or highways to serve the subdivision.

***In general, the proposed development will not cause adverse impacts to the existing street system. See Development Engineering report.***

9. The physical characteristics of the land such as flood plains, earthquake faults, slope and soil.

*The physical characteristics of the area do not preclude the development as proposed. Proposed building envelopes will be elevated above the 100-year flood elevation for Combs Canyon Creek. No grading is proposed on slopes steeper than 15%. As such, the development is not subject to Hillside Development standards.*

*The area of construction for the proposed development has a slope of less than 15% and will not be subject to the Carson City Hillside Ordinance. Much of the scenic quality of the subject site will be protected by preserving undisturbed rock outcroppings on the steeper portions of the site, leaving native vegetation on the undisturbed areas.*

***A flood study must be prepared for the project, meeting all Carson City and FEMA requirements. The flood study must be submitted to the City for review and approval prior to submitting the improvement plans for the proposed lots (1 – 8) that fall within a mapped flood hazard area. A Conditional Letter of Map Revision (CLOMR) must be submitted to FEMA to modify the Flood Insurance Rate Map (FIRM) in order to allow houses to be constructed on the affected lots. All of the facilities and improvements necessary to perfect the CLOMR and convey the regulatory flow through this property must be shown on the improvement plans and be included in the engineer's estimate for the project. The drainage facilities and improvements needed to perpetuate the 100-year flood flows through this site must be constructed and approved by the City or the specific performance of said work secured with a proper surety prior to the recording of the final map.***

***Additionally, an application for a Letter of Map Revision (LOMR), including as-built plans (record drawings) and all supporting documents, must be submitted to the City for transmittal to FEMA at the completion of the project.***

*All applicable federal, state and local regulations must be met with the development of the property.*

10. The recommendations and comments of those entities reviewing the subdivision request pursuant to NRS 278.330 thru 278.348, inclusive.

*This process, as mandated by State law, is being adhered to and all pertinent entity feedback has been reviewed. Further review will take place at the Planning Commission and Board of Supervisors.*

11. 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.

*On September 5<sup>th</sup> and 8<sup>th</sup>, 2006 the Carson City Fire Department (CCFD) Fire Chief Stacey Giomi and Chief Bruce Van Cleemput met with Randall Long PE, Lumos and Associates, to address the ingress and egress needs for the property and discussed the secondary access requirements from the property to a public road other than Combs Canyon Road. The CCFD concluded that Timberline Drive is the only realistic opportunity to have an easement provided from the project to the south (connecting to Timberline Drive) when the future development of the State property is initiated.*

*Chestnut Drive should be relocated to the north between lots 3 and 4, to eliminate the four-way intersection, and to provide additional separation between the two proposed points of access to the development.*

*The development shall provide a public access easement from Aspen Way to the northerly boundary of APN-007-091-08. This easement shall be located on the east side of the building envelope to lot 20, and have a width consistent with Aspen Way.*

*The applicant shall retain a qualified consultant to prepare a Fuel Management Plan for review and approval by the CCFD prior to final map approval. Enforcement of the Fuel Management Plan shall be required of the Homes Owners Association as long as the subdivision contains 13 or more habitable lots.*

12. Recreation and trail easements.

*The applicant/developer will work with the City to develop the necessary trail connectivity across this project as required by the Unified pathways Master Plan. The development shall provide a 30 foot wide public access trail easement from Combs Canyon Road to the development's western and southern boundaries. In general the routing shall extend north from Chestnut Drive, on the easterly side of the*

*creek, to a point at which the trail will cross the creek and extend west along the existing dirt road. In cooperation with the Carson City Parks and Recreation Department, the developer shall establish a final alignment of the trail as part of the subdivision's improvement plans.*

*This development will be subject to the collection of Residential Construction Tax. The Parks and Recreation Department is willing to enter into a development agreement with the developer to use 50% of these funds to assist in the design and construction of the trail system amenities within the subdivision development and use the remaining 50% of these funds to develop other park facilities within the Lakeview Park. The Lakeview Park is identified in the recently adopted Parks and Recreation Master Plan as an existing "Natural Park".*

*Future residents will be able to access the park by biking, walking or driving. Bike Route 395 is located along Combs Canyon Road and the V & T Bike Path is south of the proposed development. As the applicant has stated, the residents will not be required to drive to enjoy the scenery and recreation opportunities of Carson City.*

**Variance Findings:** The recommendation of approval is based on the following findings as required by Carson City Municipal Code (CCMC) Section 18.02.085 (Variances) enumerated below and substantiated in the public record for the project.

- 1. That because of special circumstances applicable to the subject property, including shape, size, topography and location of surroundings, the strict application of the zoning ordinance would deprive the subject property of privilege enjoyed by other properties in the vicinity or under identical zone classifications.**

*Denial of the Variance request, in this case, would deprive the applicant of a right that has been enjoyed by the owner of the property that abuts the subject property on the north for precisely the same land use. The applicant cannot place the building envelopes any closer to the eastern and northern property lines due to topographic changes.*

*All variance applications are dealt with on a case-by-case basis. The applicant has demonstrated because of the topographic changes on the subject site, lots which exceed the 360-foot lot depth are necessary because the proposed lots are clustered to the flattest area of the property for engineering and safety purposes; therefor the lots abutting the steepest grade of the property are forced to exceed the maximum depths allowed within the SF1A zoning district.*

*It is important to note the applicant does not want to develop more than 23 lots.*



*The information provided by the applicant notes the site specific conditions presented with this project; the large area of land, limited number of lots and extremely steep topography is relatively unique to this property and are not self imposed.*

2. **That the granting of the application is necessary for the preservation and enjoyment of substantial property rights of the applicant.**

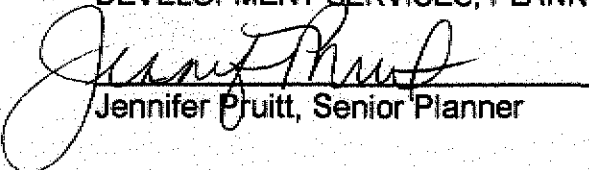
*Within the SF1A zoning district the subject lots must be a minimum of one acre. The applicant has met all other code requirements and has attempted to meet the vision of the public and the City in order to develop this property. Common open space is not required in the SF1A zoning district. Due to the low number of lots proposed by the applicant, it is more practical to include areas that cannot be developed into the area of the lots. This will result in a project with a residential land use that is consistent with adjacent properties and land uses within the general vicinity.*

3. **That the granting of the application will not, under the circumstances of the particular case, adversely affect to a material degree the health or safety of persons residing or working in the neighborhood of the subject property and will not be materially detrimental to the public welfare or materially injurious to property or improvements in the neighborhood of the subject property.**

*The applicant contends that the granting of the requested Variance will not materially damage other properties in the area. The increased lot sizes were a direct request by community members and staff when the project was proposed as a 78-unit Planned Unit Development. This approval of this request would not be materially detrimental to the public welfare or materially injurious to property or improvements in the neighborhood of the subject property. The subdivision as a whole should be a safer place to live due to the fact that applicant is not developing the project on the steepest grades of the property.*

*In addition, the applicant has noted, by not developing on the steeper areas of the subject site the applicant will not be scarring more of the natural landscape than is proposed for the construction of the site, and the area will retain much of the natural beauty that currently exists.*

DEVELOPMENT SERVICES, PLANNING AND COMMUNITY DEVELOPMENT DIVISION

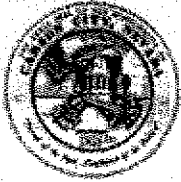
  
Jennifer Pruitt, Senior Planner

Attachments

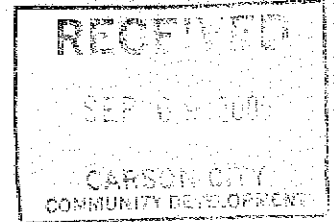
Application (TSM-06-168)


Application (VAR-06-169)  
Carson City Fire comments  
Building Division comments  
Carson City Schools comments  
Engineering Division comments  
Parks and Recreation comments  
Nevada Division of Environmental Protection  
Nevada Department of Wildlife

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## MEMORANDUM



**DATE:** September 8, 2006  
**TO:** Jennifer Pruitt – Planning  
**FROM:**  Jeff Sharp – Engineering  
**RE:** TSM 06-168 Combs Canyon Subdivision  
Engineering Text for Planning Commission Staff Report

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The following text is offered for inclusion in the Planning Commission staff report for the above referenced land use proposal:

**GENERAL:** The Engineering Division has considered the elements of NRS 278.349, the Carson City Municipal Code and the Carson City Development Standards in its review of the tentative map described above.

This recommendation for 'approval with conditions' from the Engineering Division is based on conceptual level analysis that indicates the development as proposed will currently meet or will meet with concurrent improvements, prior to final map approval, Nevada Revised Statutes, the Carson City Municipal Code and the Carson City Development Standards. With the request for final approval of any and all phases, detailed engineering analysis addressing the following issues and recommending system improvements will be submitted to the Engineering Division.

**FINDINGS:** The Conceptual Findings by the Engineering Division are:

(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;*

The development is required to comply with all applicable environmental and health laws concerning water and air pollution and disposal of solid waste. The development will be served by the Carson City Community Water System and the Carson City Wastewater Collection System.

(b) *The availability of water which meets applicable health standards and is sufficient in quantity for the reasonably foreseeable needs of the subdivision;*

Water supplied to the development will meet applicable health standards. Neither Carson City's water supply nor wastewater treatment capability will be exceeded by final approval of this development.

*(c) The availability and accessibility of utilities;*

All other utilities are available in the area to serve this development.

*(d) General conformity with the governing body's master plan of streets and highways;*

The proposed streets within and extending to the development are consistent with the Carson City Transportation Plan.

*(e) The effect of the proposed subdivision on existing public streets and the need for new streets or highways to serve the subdivision;*

In general, the development will not cause adverse impacts to the existing street system.

*(f) Physical characteristics of the land such as floodplain, slope and soil.*

The physical characteristics of the area do not preclude the development as proposed. Proposed building envelopes will be elevated above the 100-year flood elevation for Combs Canyon Creek. No grading is proposed on slopes steeper than 15%. As such, the development is not subject to Hillside Development standards.

**RECOMMENDATION:** If the tentative map is approved, the Engineering Division has the following recommended conditions of approval for the project:

**A. Specific Revisions to the Tentative Map:**

1. The revised tentative map shall be reviewed and signed by the Planning Director and City Engineer.
2. Revise the Combs Canyon Road section to show 17 foot half street pavement width for collector with bike lane in accordance with Carson City Dwg. No. C-1.11.
3. Show the proposed emergency access gate on the northern access road, and coordinate with Carson City Fire Department on appropriate lock or strobe actuation system to open the gate. The emergency access approach should be designed as a curb cut rather than having radii at the returns. This will help prevent the public from wanting to turn in there thinking that it is a public access.
4. Show street lighting at the Aspen Way and Combs Canyon Road intersection.

**B. Specific Conditions to be included in the Design of the Improvement Plans:**

1. There is an existing sight distance problem at the intersection of Combs Canyon and Timberline Roads. Vehicles turning east from Combs Canyon Road have limited visibility to oncoming vehicles coming down the hill from Timberline. One possible solution may be to cut down the hillside on the south side of the intersection in order to increase sight distance. This deficiency should be corrected prior to development of the

- project.
2. Frontage improvements along Combs Canyon Road should be designed to urban standard for collector with bike lanes in accordance with Dwg. No. C-1.11, requiring 17 foot half street pavement width.
  3. Street grades shall be designed in accordance with CCDS 12.11.1. Grades at intersection shall be in accordance with CCDS 12.11.2.
  4. Street lighting should be provided at the proposed Aspen Way intersection with Combs Canyon Road in accordance with Carson City Development Standards (CCDS) 12.14.
  5. In accordance with CCDS 12.10 and 12.11.10, pavement sections shall be based on subgrade strength values determined by Resistance (R) Value or California Bearing Ratio (CBR) as shown in the Soils Engineering Report. Refer to CCDS Division 17 for soils report requirements. In no case shall the proposed pavement section be less than the minimum section prescribed in standard drawing C-1.11.
  6. Storm drainage facility improvements shall be designed in accordance with CCDS Division 14. A Technical Drainage Study is required with submittal of Improvement Plans in accordance with CCDS 14.9 through 14.10.
  7. In accordance with CCDS 15.3 sewer mains shall be analyzed to determine system capability to provide capacity for the ultimate tributary population. This analysis shall be prepared by a qualified Nevada Civil Engineer.

**C. Conditions to be Completed Prior to Submitting for Construction Permit or Final Map**

1. A flood study must be prepared for the project, meeting all Carson City and FEMA requirements. The flood study must be submitted to the City for review and approval prior to submitting the improvement plans for the proposed lots (1 – 8) that fall within a mapped flood hazard area. A Conditional Letter of Map Revision (CLOMR) must be submitted to FEMA to modify the Flood Insurance Rate Map (FIRM) in order to allow houses to be constructed on the affected lots. All of the facilities and improvements necessary to perfect the CLOMR and convey the regulatory flow through this property must be shown on the improvement plans and be included in the engineer's estimate for the project. The drainage facilities and improvements needed to perpetuate the 100-year flood flows through this site must be constructed and approved by the City or the specific performance of said work secured with a proper surety prior to the recording of the final map. Additionally, an application for a Letter of Map Revision (LOMR), including as-built plans (record drawings) and all supporting documents, must be submitted to the City for transmittal to FEMA at the completion of the project.
2. Final improvement plans for the development shall be prepared in accordance with CCDS Division 19 and the Standard Specifications and Details for Public Works Construction, as adopted by Carson City.
3. The applicant shall obtain a dust control and stormwater pollution prevention permit from the Nevada Division of Environmental Protection (NDEP). The site grading must

incorporate proper dust control and erosion control measures.

#### **D. General Conditions**

1. Prior to the recordation of the final map for any phase of the project, the improvements associated with said phase must either be constructed and approved by the City, or the specific performance of said work secured by providing the City with a proper surety in the amount of one hundred fifty percent (150 %) of the engineer's estimate. In either case, upon acceptance of the improvements by the City, the developer shall provide the City with a proper surety in the amount of ten percent (10 %) of the engineer's estimate to secure the Developers obligation to repair defects in workmanship and materials which may appear in the work within one year of acceptance by the City.

**DISCUSSION BULLETS:** The following discussion is offered within Engineering Division areas of purview relative to the proposed Tentative Map:

- Proposed lots 1 through 8 lie within a mapped flood zone for Combs Canyon Creek. A CLOMR will be required to build on these lots.
- A sewer main extension of approximately 1500 feet in length is necessary to extend service from Murphy Drive along Combs Canyon Road to the southern site boundary. Sewer main extension will also be required as proposed along Combs Canyon Road for the full length of the property.
- Proposed water system improvements include a looped 8-inch watermain through the development, upgrades to the existing Lakeview Booster Pump #3, and pro-rated cost sharing for recent City upgrades to the Quill Ranch Booster Pump Station.
- Storm drainage improvements are proposed at the new roadway crossings with Combs Canyon Creek in order to pass the 100 year flood while limiting the depth of flow over the roadway to less than 1 foot.
- Pavement widening and curb & gutter improvements are required along the Combs Canyon Road frontage to be consistent with standards for collector roadway with bike lane.
- The project proposes sidewalks along only one side of interior streets. Since the zoning is SF1A, providing sidewalks is optional, therefore having them on one side exceeds the minimum requirements.

**PUBLIC WORKS  
DEPARTMENT**

ADMINISTRATION  
3505 Butti Way  
Carson City, NV 89701-3498  
Ph: 775-887-2355  
Fx: 775-887-2112

CONTRACTS  
3505 Butti Way  
Carson City, NV 89701-3498  
Ph: 775-887-2355  
Fx: 775-887-2112

FLEET SERVICES  
3303 Butti Way, Building 2  
Carson City, NV 89701-3498  
Ph: 775-887-2356  
Fx: 775-887-2258

OPERATIONS  
(Water, Sewer, Wastewater,  
Streets, Landfill, Environmental)  
3505 Butti Way  
Carson City, NV 89701-3498  
Ph: 775-887-2355  
Fx: 775-887-2112

TRANSPORTATION/  
CAPITAL PROJECTS  
3505 Butti Way  
Carson City, NV 89701-3498  
Ph: 775-887-2355  
Fx: 775-887-2112

**DEVELOPMENT  
SERVICES**

BUILDING and SAFETY  
PERMIT CENTER  
2621 Northgate Lane, Suite 6  
Carson City, NV 89706-1319  
Ph: 775-887-2310  
Fx: 775-887-2202


DEVELOPMENT ENGINEERING  
2621 Northgate Lane, Suite 54  
Carson City, NV 89706-1319  
Ph: 775-887-2300  
Fx: 775-887-2283

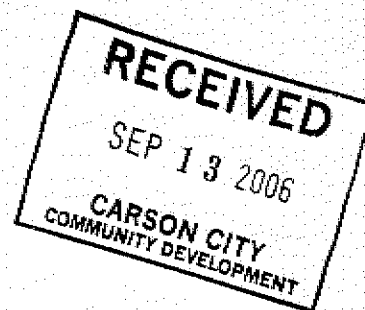
PLANNING  
2621 Northgate Lane, Suite 62  
Carson City, NV 89706-1319  
Ph: 775-887-2180  
Fx: 775-887-2278

**CARSON CITY NEVADA**  
Consolidated Municipality and State Capital



**MEMORANDUM**

To: Carson City Planning Commission  
From: Don Wilkins, Plans Examiner   
CC:  
Date: September 11, 2006  
Re: Tentative Subdivision / "Combs Canyon Subdivision" / TSM 06-168



**Scope of Project:**

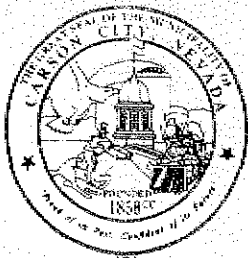
Tentative parcel map to create subdivision, with an estimated 23 dwellings

**Conditions:**

1. Future construction would require an application for a Building Permit, issued through the Carson City Building Division. This will necessitate a complete review of the project to verify compliance with all adopted construction codes and municipal ordinances applicable to the scope of the project.
2. Parcels located at or above 5,000 feet above sea level would require structures to be designed by a Nevada licensed engineer due to the snow loading.
3. Plan submittals shall meet the current Carson City Building Division requirements for residential construction.
4. Dwellings which encroach closer than 3'-0" to the property line shall have rated protection, as prescribed by the 2003 International Residential Code.
5. Provide a Drainage Site Plan with each permit application, with the finished grade drainage around the perimeter of the proposed dwelling indicated. The finished grade must have a minimum of 6" (six inches) of fall for the first 10'-0" (5% min.) away from the foundation; however, finished grade must not allow the drainage to flow towards neighboring structures or across property lines. Drainage should either flow toward the public right of way, or provisions should be made to retain the run off on the property until it is absorbed by the soil. ('03 IRC R401.3)

**Staff Recommendation:**

The above conditions are observations based on the information provided by the applicant. The Carson City Building Division has no objections regarding this project beyond those noted above.



**CARSON CITY, NEVADA**  
CONSOLIDATED MUNICIPALITY AND STATE CAPITAL

**MEMO TO:** Major Project Review Committee  
Heidi Eskew-Herrmann, Assistant Planner, Carson City

**FROM:** Teresa Hayes, Environmental Health Specialist

**DATE:** September 1, 2006

**SUBJECT:** TSM 06-168  
Location: Combs Canyon  
APN: 007-091-91  
Owner/Applicant: Lumos & Associates  
Brief Description of Project: Combs Canyon Subdivision

As of this date the Health Department has no objections to this project as it has been explained in the plans submitted to us. Should there be any changes to the plans please contact us immediately.

Any questions or comments please contact Teresa Hayes at 887-2190 ext 1316.

Thank you



**HEALTH DEPARTMENT**

3303 BUTTI WAY, BUILDING #1 • CARSON CITY, NEVADA 89701

Consumer Health  
(775) 887-2190  
Fax: (775) 887-2248

Code Enforcement  
(775) 887-2190  
Fax: (775) 887-2248

Human Services  
(775) 887-2110  
Fax: (775) 887-2248

Animal Services  
3770 Butti Way  
(775) 887-2171  
Fax: (775) 887-2128



## MEMORANDUM

**DATE:** August 24, 2006

**TO:** Planning and Community Development  
Jennifer Pruitt  
Greg Lehman  
1665 So. Sutro Terrace  
Carson City, NV 89706

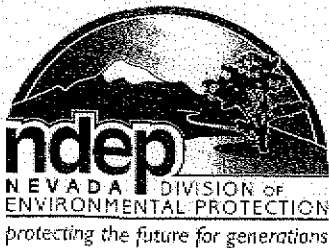
**FROM:** Bruce Van Cleemput Assistant Chief/ Fire Marshal

**SUBJECT:** ADM-06-165 APN 008-011-04, 05, & 07.

We have reviewed the aforementioned project and have the following comments:

- This project resides within the designated Wildland Urban Interface zone which triggers specific requirements for access/egress, ignition-resistant building construction, water supply including fire sprinkler systems, fuel modification and defensible space, spark arresters and storage of liquified petroleum gas and other fuel materials.
- All structures within the wildland interface area must comply with the requirements under the International Fire Code 2003 edition as well as the Carson City Municipal code Title 14. Other codes or regulations may also apply.
- Access/egress will require an all-weather surface and meet minimum design criteria for width, unobstructed height and steepness. Additionally, a minimum of two means of access and egress will be required.
- The fire chief is requiring that all legal documents, deeds, titles, description of property boundaries have a statement note that this project lies "outside of reasonable response criteria established by the Carson City Fire Department for fire protection and emergency medical response".

This is not a comprehensive review and is intended for information only. If you need additional assistance, please contact our office.



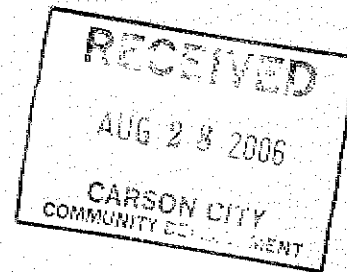
**STATE OF NEVADA**  
Department of Conservation & Natural Resources  
DIVISION OF ENVIRONMENTAL PROTECTION

Kenny C. Guinn, Governor  
Allen Biaggi, Director  
Leo M. Drozdoff, P.E., Administrator

August 23, 2006

WALTER A. SULLIVAN

COMMUNITY DEVELOPMENT DEPARTMENT  
2621 NORTHGATE LANE SUITE 62  
CARSON CITY NV 89701



**Re: Tentative Map  
COMBS CANYON  
23 lots in Carson City**

Dear Mr. SULLIVAN:

The Division of Environmental Protection has reviewed the above referenced subdivision and recommends approval of said subdivision with respect to water pollution and sewage disposal, provided that Carson City commits to provide sewage service to said subdivision.

Please be advised that inclusion under the Nevada Division of Environmental Protection Construction Stormwater General Permit is also required for any project involving land disturbances of one or more acres. If the above-referenced subdivision falls in this category, a stormwater authorization letter must be obtained from this Division prior to commencement of land-disturbing activities at the site. To apply for permit coverage, a Notice of Intent must be submitted along with a \$200 filing fee. For further details regarding this requirement, please contact Mr. Larry Rountree of NDEP at (775) 687-9440.

Sincerely,

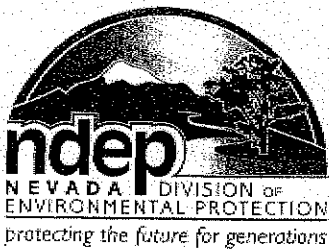
Steve McGoff, P.E.  
Technical Services Branch  
Bureau of Water Pollution Control

cc:

RICH DREW Nevada Division of Environmental Protection, Bureau of Safe Drinking Water, 901 South Stewart Street Carson City 89701  
Engineer: LUMOS & ASSOCIATES (RENO) 5401 Longley Lane Ste 5 Reno, NV 89511  
Developer Name: BARTON PROPERTIES 11611 SANDICIENDE BLVD STE 605 LOS ANGELES, CA 90049

Control No. 8350



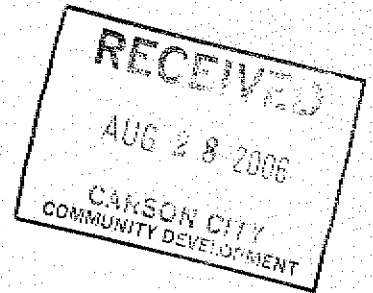


STATE OF NEVADA  
Department of Conservation & Natural Resources  
DIVISION OF ENVIRONMENTAL PROTECTION

Kenny C. Guinn, Governor  
Allen Biaggi, Director  
Leo M. Drozdoff, P.E., Administrator

August 24, 2006

Walter Sullivan, AICP  
Carson City Planning and Community Development Department  
2621 Northgate Lane, Suite 62  
Carson City, NV 89706-1319



**RE: TENTATIVE MAP: COMBS CANYON SUBDIVISION (23 Lots)**  
In reply, please refer to plan review number (CC-2572-06LAK)D

Dear Mr. Sullivan:

The Nevada Division of Environmental Protection, Bureau of Safe Drinking Water, has reviewed the tentative subdivision map and cannot recommend approval at this time because the application is incomplete or deficient.

The following information or activity is requested of the developer or the developer's engineer/surveyor:

1. Provide documentation that the subdivision is not in a 100-year flood plain.
2. Provide a brief description regarding the historical usage of the property or any significant existing environmental degradation that could negatively affect the proposed project.
3. Supply "Will Serve" or "Intent to Serve" letters from the water and wastewater utilities.
4. Provide certification of the proposed sewage disposal method by the Nevada Division of Environmental Protection (NDEP) Bureau of Water Pollution Control.

If you have any questions or comments, please contact me at (775) 687-9524.

Sincerely,

Lisa Kremer, P.E.  
Bureau of Safe Drinking Water

cc: Doug Zimmerman, Chief, Bureau of Safe Drinking Water  
Jim Balderson, P.E., Engineering Supervisor, Bureau of Safe Drinking Water  
David Bratcher, P.L.S., Lumos and Associates, Inc.  
Randall M. Long, P.E., Lumos and Associates, Inc.  
Steve Selinger, Barton Properties, Inc.



State of Nevada

**DEPARTMENT OF WILDLIFE**

TERRY R. CRAWFORD  
Director

1100 Valley Road

Reno, Nevada 89512

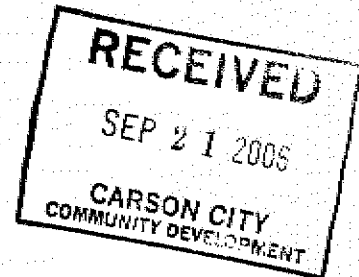
DOUG BUNT  
Assistant Director

KENNY C. GUINN  
Assistant Director

(775) 688-1500

Fax (775) 688-1595

September 19, 2006



Carson City Community Development Department  
Jennifer Pruitt, Senior Planner  
2621 Northgate Lane, Suite 62  
Carson City, Nevada 89706

Dear Ms. Pruitt:

The Department of Wildlife has reviewed the Combs Canyon subdivision, we offer the following comments:

Western slopes of the Carson Range have historically provided critical mule deer winter range that provide thermal and forage cover of sagebrush and bitterbrush. The Carson deer herd has declined the past two decades due to wild fire and development of this winter habitat. The area where the development is planned is a historic staging area for deer before migrating further east across Hwy 395. Black bear, mountain lion, coyote, bobcat and a list of other small mammals and birds utilize the sagebrush ecosystems, relying on these areas most heavily during the winter. Further loss of this habitat will have irreversible loss of animals and *perpetuate conflicts with wildlife and urban developments.*

Mitigation measures might best serve the wildlife resources displaced by the pending development. We recommend the developer take the necessary precautions to reduce human/wildlife conflicts. The main conflicts that can and do arise on the entire west side of Carson are with mule deer and black bear. We continue to encourage Carson City to take actions to reduce black bear complaints west of Carson City, particularly in Timberline and Lakeview. A majority of complaints are trash related, and yet there is no requirement for anyone living in black bear habitat to store trash in bear-proof containers. If conditioned to looking in certain areas for food the bears will progress to breaking and entering homes and cars, and thereby becoming a public safety threat.

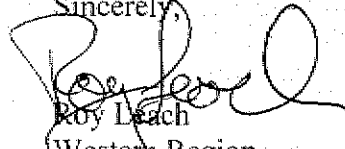
Nuisance wildlife management in these areas can be a very polarizing issue. Some people have a high tolerance of wildlife and expect to see it after buying a home in wildland habitat. Others, even though they may be feeding the urban deer, are shocked to learn that they have attracted mountains lions along with the deer. Similarly, bird feeders attract black bears when left out at night.

Ms. Jennifer Pruitt  
September 19, 2006  
Page 2

If the developer were to simply include a few items in the CC&R's addressing wildlife issues they would be setting the example for others to follow. These would include: 1) requirement of bear-proof trash containers; 2) caution homeowners about planting shrubs, fruit trees and other plants that are attractive and palatable to deer and bears; 3) do not permit the yards to be fenced, allowing free movement of the wildlife; 4) Maintain open space which acts as a travel corridor for wildlife.

Wildlife conservation and research is a very important issue with most people. Most of what we know about the wildlife at the urban-wildland interface is due to ongoing research projects investigating such things as wildlife population densities, migration patterns, travel corridors and foraging habits. Since this piece of property will no longer be suitable for wildlife, there is an opportunity for contributions to providing funding that will allow us to fit a few animals with radio collars, thereby giving us the opportunity to address these questions in the future.

Thank you for this opportunity to provide comments, if there are any questions or need for additional input, please contact Mr. Carl Lackey, Wildlife Biologist, 775 720-6130.

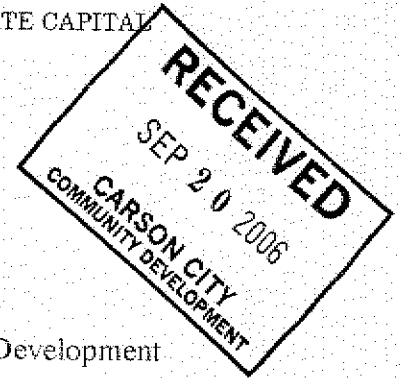
Sincerely,  
  
Roy Leach  
Western Region

cc. Carl Lackey



**CARSON CITY, NEVADA**  
CONSOLIDATED MUNICIPALITY AND STATE CAPITAL

Memorandum



Date: September 20, 2006

To: Walter A. Sullivan, Director, Planning & Community Development  
Jennifer Pruitt, Senior Planner  
Planning Commission

From: Roger Moellendorf, Director, Parks and Recreation Department  
Vern L. Krahn, Park Planner  
Juan F. Guzman, Open Space Manager

Subject: Combs Canyon Tentative Subdivision Map (TSM-06-168)

The Carson City Board of Supervisors adopted the Parks and Recreation Master Plan and the Unified Pathways Master Plan on April 6, 2006 and the Open Space Master Plan in 2000. After review of the Tentative Subdivision Map from the applicant known as Combs Canyon, LLC, our department has the following comments to submit to the Planning and Community Development Division:

This development is located in-between Neighborhoods #1, #2, and #3 which are identified in the Parks and Recreation Master Plan (Refer to Exhibit A). Implementation strategies for Neighborhood #1 and #2 identify "Future subdivisions should provide recreation space in the form of trails, natural areas, and open space anchored to several small passive parks with tot lot equipment to serve future young families". As proposed, this subdivision does not offer sufficient park or trail amenities to address the intent of these implementation strategies. However, the Parks and Recreation Department will not require a neighborhood park facility be built based on the proposed density of 23 units on 57 acres. This residential density on one acre lots or larger cannot support our department's standard of the construction of a three to five acre park.

The Unified Pathways Master Plan identifies this property with conceptual routes which indicate the City's interest in a trail system to connect into this property, provide connectivity within the northwest area of Carson City, and provide a future linkage to the V&T Trail to the east (Refer to Exhibit B). Also, the Parks and Recreation Master Plan public opinion survey indicated a great desire to have a connected and walkable community. This development's location is critical to the continued development of the City's trail system on the community's west side.

To the west lies a fire access road / path connecting United States Forest Service (USFS) land and City land to the northwest. It was the original intent of this pathway to connect to the Timberline subdivision, however there is a missing segment. Our department believes the proposed subdivision plan offers limited connectivity and that the proposed development is not addressing the intent of the Unified Pathways Master Plan. Also, our department wants to work with the developer to design and construct a trail system that perpetuates the area's existing trail network, enhances the City's future trail system including connectivity to the surrounding neighborhoods, to the V&T Trail, and possibly an internal trail system for the development. As a result, our department would request that the following conditions of approval be added to the requirements of the Tentative Subdivision Map:

1. The proponent shall work with City staff to develop the necessary trail connectivity across this property as required by the Unified Pathways Master Plan. With this in mind, the development shall provide a 30 foot wide public access trail easement from Combs Canyon Road to the development's western and southern boundaries. In general the routing shall extend north from Chestnut Drive, on the easterly side of the creek, to a point at which the trail will cross the creek and extend west along the existing dirt road. In cooperation with the Carson City Parks and Recreation Department, the developer shall establish a final alignment of the trail as part of the subdivision's improvement plans.
2. This development will be subject to the collection of Residential Construction Tax. Our department is willing to enter into a development agreement with the developer to use 50 % of these funds to assist in the design and construction of the trail system amenities within this subdivision development and use the remaining 50% of these funds to develop other park facilities within Lakeview Park.

Please be aware that these lands were the subject of review by the Open Space Advisory Committee at a previous project submittal with a recommendation that a Planned Unit Development or cluster development be used to minimize impacts to adjacent USFS lands and hillside views.

If you or the developer has any questions regarding the above requirements and comments, please feel free to contact our department at 887-2363. Also, in order to assist the developer, our department is willing to commit staff time to work with the developer or his representatives on the incorporation of these proposed trail amenities within the subdivision.

The following is a neighborhood-by-neighborhood analysis relative to Neighborhood park needs. It includes general observations about existing and potential future conditions, as well as relevant survey results. Two key survey questions are referenced: Q19 asked whether the City should purchase land in the respondent's neighborhood for a Neighborhood park. Q17 asked the respondent to indicate the importance of several potential recreation facilities, including Neighborhood parks and Natural parks. This question is referenced to give a perspective on how the respondents from each neighborhood felt generally about Neighborhood parks, and Natural parks as a comparison with their response to with Q19.

## 1



<b>PARK:</b>	Lakeview Park
<b>TYPE:</b>	Natural
<b>SIZE:</b>	40 acres
<b>NOTES:</b>	27% of population within walking distance of park
<b>SCHOOL:</b>	None

<b>OBSERVATIONS:</b>	This relatively low density neighborhood is adjacent to Lakeview Park as well as public lands with a number of trails. The neighborhood has relatively little growth potential.
<b>SURVEY:</b>	Q19: Relatively little interest (35%) in purchasing land in the neighborhood for a park. Q17: 42% felt that it was generally important for the City to add Neighborhood parks. However, 53% felt it was important to add Natural Parks.
<b>IMPLEMENTATION STRATEGIES:</b>	Future subdivisions should provide recreation space in the form of a trails, natural areas, and open space anchored to several small passive parks with tot lot equipment to serve future young families. Develop Lakeview Park to include natural amenities.

## 2



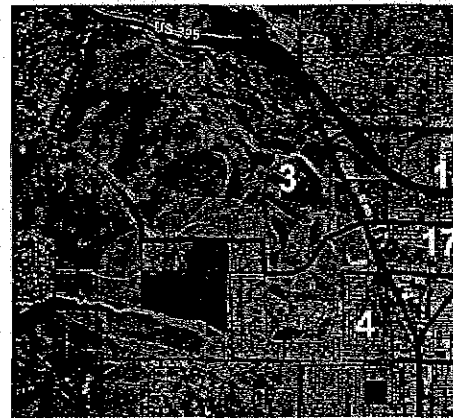
<b>PARK:</b>	None
<b>TYPE:</b>	N/A
<b>SIZE:</b>	N/A
<b>NOTES:</b>	0% of population within walking distance of park
<b>SCHOOL:</b>	None

<b>OBSERVATIONS:</b>	This relatively low density neighborhood has no park or school access, but is surrounded by public open lands with a number of trails. However, there is growth potential—the adjacent state land could develop as homes.
<b>SURVEY:</b>	Q19: There is moderate interest (44%) in developing a Neighborhood park. Q17: 39% felt it was important generally to add Neighborhood parks, but 66% supported adding Natural parks.
<b>IMPLEMENTATION STRATEGIES:</b>	Future subdivisions should provide recreation space in the form of a trails, natural areas, and open space anchored to several small passive parks with tot lot equipment to serve future young families.



## 3

<b>PARK:</b>	Silver Oak Park
<b>TYPE:</b>	Traditional
<b>SIZE:</b>	3 acres
<b>NOTES:</b>	13 % of population within walking distance of Park
<b>SCHOOL:</b>	Western Nevada Community College 70% of population within walking distance of School



<b>OBSERVATIONS:</b>	This neighborhood will soon be served by the relatively small Silver Oak Park. The neighborhood is expecting up to 700 new homes eventually filling in the golf course development. The Carson Tahoe Regional Medical Facility's trails and Eagle Valley Creek detention basins will meet the neighborhood's needs for recreation.
<b>SURVEY:</b>	Q19: The neighborhood is evenly split (50%) on the need for a new park; however, Silver Oak was not completed at the time of the survey. Q17: The neighborhood feels strongly about the general need to add Neighborhood parks (65%), and only a little less strongly about Natural parks (50%)
<b>IMPLEMENTATION STRATEGIES:</b>	Continue to partnership with the Carson Tahoe Regional Medical Facility to enhance trail and recreational amenities at the Eagle Valley Creek detention basins.

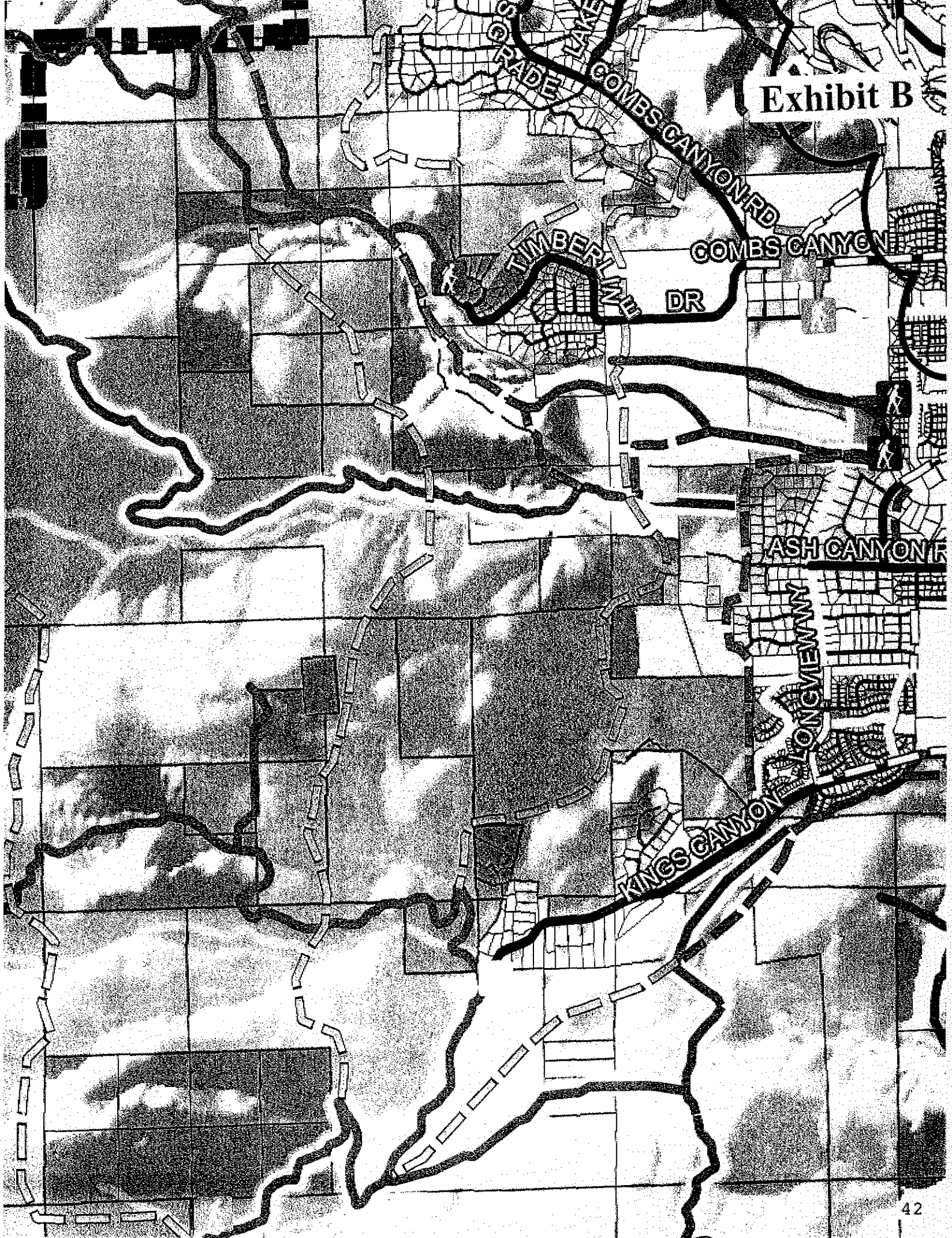
## 4

<b>PARK:</b>	Silver Oak/Carriage Square Parks
<b>TYPE:</b>	Traditional
<b>SIZE:</b>	3.5 acres
<b>NOTES:</b>	40% of population within walking distance of Park
<b>SCHOOL:</b>	Fritch Elementary School 25% of population within walking distance of School



<b>OBSERVATIONS:</b>	This small neighborhood is relatively built-out, with little potential for future growth. There are no opportunities for park development.
<b>SURVEY:</b>	Q19: A majority of the neighborhood desires a neighborhood park (55%). Q17: 62% support the general need to add Neighborhood parks, and 57% support adding Natural parks.
<b>IMPLEMENTATION STRATEGIES:</b>	Silver Oak will serve the northern portion of the neighborhood. With no opportunities, no action is proposed.

Exhibit B



6-596



United States  
Department of  
Agriculture

Forest  
Service

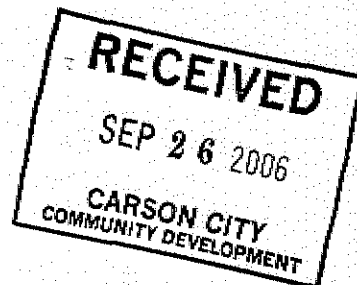
Humboldt-Toiyabe  
National Forest

Carson Ranger District  
1536 S. Carson Street  
Carson City, NV 89701  
(775) 882-2766 Fax (775) 884-8199

File Code: 5460

Date: September 12, 2006

John Peery  
Chairman  
Carson City Planning  
2621 Northgate Lane Suite 62  
Carson City, NV 89706-1319



Dear Mr. Peery

Here are my written comments responding to your distribution of the tentative plan for the Combs Canyon Subdivision. We value the requirement for the 20 foot pedestrian access easement between lots 12 and 13. The easement will provide important public recreational access to National Forest System (NFS) land in the SE ¼ of Section 2, T15 N, R 19 E, MDM. The easement may also be useful for emergency fire equipment access, depending on the terrain features at the NFS point of access. Field reconnaissance may be needed to determine specific site requirements.

Please consider roadway design that would allow the passage of wildfire fire suppression equipment. The critical design vehicle is a D-8 dozer on a low-boy transport for passing Aspen Way and off loading onto the pedestrian access easement from the roadway at the cul-de-sac. Attention to these things at this time will make a big difference during times of need. We appreciate your interest in supporting our mutual benefits in this matter.

Sincerely,

GARY SCHIFF  
District Ranger



**Combs Canyon Subdivision**

**Tentative Map and  
Variance Applications**

**Prepared for:**

**Barton Properties**  
11611 Sandiciende Blvd. Suite 605  
Los Angeles, CA 90049

**Prepared by:**

**Lumos and Associates, Inc.**  
5401 Longley Lane  
Reno, NV 89511



August 15, 2006

Mr. Walt Sullivan, Director  
Carson City Community Development  
2621 Northgate Lane, Suite #62  
Carson City, NV 89706

**Re: Combs Canyon Subdivision Tentative Map and Variance Application**

Dear Walt:

Barton Properties ("Applicant") is formally submitting a Tentative Map and Variance Application to the Carson City Community Development Department for consideration and review. The Applicant is seeking to develop the Combs Canyon Subdivision on approximately 57 acres of undeveloped land along the western portion of Combs Canyon Road in Carson City, Nevada (APN 007-091-91). The Applicant completed the conceptual plan review process with the Community Development Department, and comments and concerns raised during the review have been addressed in this application.

The project area is currently zoned Single Family 1-Acre (SF1A), and the parcel has a Master Plan designation of Low Density Residential. The Applicant intends to develop the project through a traditional subdivision process. The project is proposed as a single-family residential development, consisting of 23 lots, with the largest parcel being in the order of 16 acres, and the smallest being 1 acre. The average lot acreage is 2.2 acres. The proposed residential units will be custom built, and the Applicant will impose architectural guidelines similar in nature to those implemented by the adjacent City View development.

I appreciate your consideration of this request and look forward to your review of this project. Should you have any questions regarding the project or this submittal, please do not hesitate to contact me at (775) 827-6111.

Sincerely,

A handwritten signature in black ink, appearing to read 'Audra Miller', is written over a horizontal dotted line.

Audra Miller, Senior Planner  
Lumos and Associates, Inc.

AM/kr

Enc.

## Table of Contents

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Variance Questionnaire.....	8
Variance Findings .....	10

### Exhibits

8 1/2" x 11" Site Plan.....	A
8 1/2" x 11" Utility Plan .....	B
8 1/2" x 11" Grading and Drainage Plan .....	C
8 1/2" x 11" Tentative Map.....	D
Title Report .....	E
CC&R's.....	F
Schools Impact Report.....	G
Tax Certificate .....	H

### Engineering Reports (5 copies)

Geotechnical  
Hydrology  
Traffic  
Drainage

### Map Pockets

Site Plan .....	C-1
Utility Plan.....	C-2
Grading and Drainage Plan.....	C-3
Average Slope Calculation Plan .....	C-4
Erosion Control Plan.....	C-5
Tentative Map .....	T-1 & T-2

**Carson City Planning and Community Development**

2621 Northgate Lane, Suite 62 • Carson City NV 89706  
Phone: (775) 887-2180 • E-mail: pflanddept@ci.carson-city.nv.us

FOR OFFICE USE ONLY:

TSM-05-

TSM - 06 - 168

APPLICANT: Barton Properties, Inc. Attn: Steve Selinger (310) 826-4658

TENTATIVE MAP FOR A SUBDIVISION  
FEES: \$1,500 (plus \$1/lot over 25 lots)

MAILING ADDRESS, CITY, STATE, ZIP: 11611 San Vicente Blvd., Suite 605, Los Angeles, CA 90049

SUBMITTAL PACKET

ENGINEER: Lumos and Associates, Inc Attn: Randall Long (775) 883-7077

See checklist.

MAILING ADDRESS, CITY, STATE, ZIP: 800 E College Parkway, Carson City, NV 89706

Application Reviewed and Received By:

E-MAIL ADDRESS: rlong@lumosengineering.com

PROPERTY ADDRESS, CITY, STATE, ZIP: Combs Canyon Road, Carson City, NV

PC Date:

BOS Date:

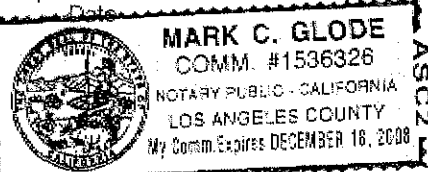
PRESENT ZONING: Single-Family 1-Acre APN(S): 007-091-91

REQUEST: In accordance with the provisions of Title 17 of the Carson City Municipal Code, application is hereby made for a Subdivision on property situated at: **Combs Canyon Road, APN 007-091-91, in Carson City, Nevada.**

The required modifications to Carson City's Land Use Regulations are as follows: **N/A**

ACKNOWLEDGMENT OF APPLICANT: (a) I certify that the foregoing statements are true and correct to the best of my knowledge and belief. (b) I agree to fulfill all conditions established by the Board of Supervisors.

Applicant's Signature



**PROPERTY OWNER'S AFFIDAVIT**

I, Steve Selinger, manager, Combs Canyon LLC, being duly sworn, do hereby affirm that I am the record owner of the subject property and that I have knowledge of, and I agree to, the filing of this application.

Signature

Address

Date

Use additional page(s) if necessary for other names.

STATE OF NEVADA California  
COUNTY Los Angeles

On August 9, 2006, personally appeared before me, a notary public, Stephen R. Selinger, personally known (or proved) to me to be the person whose name is subscribed to the foregoing document and who acknowledged to me that he/she executed the foregoing document.

Notary Public

NOTE: In order to avoid unnecessary time delays in processing your develop project, it is important that it be as complete as possible when submitted. A checklist is available to assist you and your engineer. If you have further questions regarding your application, please call Planning and Community Development at (775) 887-2180.

## Tentative Subdivision Submittal Checklist

- | Yes | No  |   |
|-----|-----|---|
| /   | --- | 1. Presubmittal conference held previous to submittal of Subdivision application. |
| /   | --- | 2. 36 copies of Tentative Map (Folded to 8-1/2 X 11).                             |
| /   | --- | 3. 21 copies of Informational Booklet.  |
| /   | --- | 4. Fee payment.   |
| /   | --- | 5. Application form completed.  |

COMPLETE APPLICATION PACKET  
TIME OF TENTATIVE SUBMITTAL

Note: Digital data is required on a 3.5 floppy diskette (DWG or DXF format).

The tentative submittal packet must include all of the following information. Packets which do not contain this information or information requested at the conceptual may not be scheduled on the next available Planning Commission agenda. It is up to the applicant to ensure that all required information is submitted in order for staff and the Planning Commission to make a proper recommendation.

- | Yes | No  |   |
|-----|-----|---|
| /   | --- | 1. The location and size of the site, the lot layout and the lot lines of the proposed development, including a legal description of the land and the owners interest in the land proposed to be developed, by an affidavit of ownership. |
| /   | --- | 2. The density of land use to be allocated to parts of the site to be developed; a tabulation of the total land area and the percentage designed for the various uses.  |
| /   | --- | 3. The location, size of any park land or open space, and the form of organization proposed to own and maintain any common open space, and amount of recreational improvements. <u>Provide two copies of proposed C.C. and R.'s.</u>      |
| /   | --- | 4. The subdivision/PUD name, and name and address of the developer and engineer and date of map.  |
| /   | --- | 5. The proposed circulation pattern including the design of all public and private streets, name and width of streets and the location of adjoining streets, sidewalks and bikeways.  |
| /   | --- | 6. Provide a street grading plan.   |
| /   | --- | 7. Adjacent subdivision, land uses, zoning, and ownership abutting the project.   |
| /   | --- | 8. Number, size, square footage and use of proposed parcels. Blocks and parcels are to be numbered consecutively and the dimension of all parcels are to be shown.  |
| /   | --- | 9. A proposed grading plan meeting department of public works standards and requirements showing all cuts and retaining walls to be designated.   |
| /   | --- | 10. Provide a landscape plan for the development.   |
| /   | --- | 11. Topographic map with contour intervals of two and one-half feet for slopes of less than 10% and five feet for slopes of greater than 10%.   |
| /   | --- | 12. A note indicating location of all utility easements proposed and existing.  |
| /   | --- | 13. The layout of water, sewer, and storm drainage systems.   |
| /   | --- | 14. A soils report including soil types, seasonal high water table, and percolation rates (if on septic).   |
| /   | --- | 15. North arrow and scale, all sheets to be numbered.   |
| /   | --- | 16. Location of existing buildings.   |
| /   | --- | 17. Building setbacks to be noted on plat. If applying to planning commission for staggered setback approvals, separate set of 12 plans to be submitted.  |
| /   | --- | 18. Areas not a part of the subdivision to be designated as "not a part".   |
| /   | --- | 19. Provide a conceptual drainage study meeting the standards and requirements of the Carson City Development Standards Division 14.3.  |
| /   | --- | 20. An indication of the type of water system to be used, its water sources and engineering data on fire flows.   |
| /   | --- | 21. Location of all natural drainage features shown.  |



Yes No

22. An erosion control plan including stream protection, road drainage, erosion prevention, prevention of untreated discharge to streams, if applicable.
23. Solid waste provision.
24. Height, size, location and use of all structures, fences and walls are to be shown.
25. An indication of method of sewage disposal to be used and area of disposal.
26. A map showing a 100 year flood plan, as determined by recognized methods, for those areas subject to flooding; show earthquake fault lines through the proposed development with building setbacks from fault line as recommended by a geotechnical study.
27. The development shall be described by 40 acre subdivision, section, township and range.
28. Indicate master plan designation for the project.
29. A master plan for potential development of the property under the ownership or control of the developer in the area of the proposed development.
30. Location, dimensions of all vehicle parking and/or boat/RV storage areas, if applicable.
31. In the case of plans which call for development over a period of years, a schedule showing proposed time within which applications for final approval of all sections of the development are intended to be filed.
32. Shall prove that no tax is delinquent by placing a certificate signed by the city treasurer to this effect (NRS.278.349(5)) on the plat.
33. Traffic study stating average daily trips generated from the project.
34. A written document indicating the benefits of the development to Carson City, any adverse impacts which may arise from the development and the mitigation programs, and how the proposed development will enhance or benefit the surrounding areas and stating how dust will be controlled. Address how your project complies with the attached NRS278.349(3): addressing each section item by item.
35. Application complete anda Miller Date 8/15/06

The State Division of Environmental Protection will now require fees for the review of subdivision and planned unit development applications. This fee is in addition to the fees required by State Consumer Health and State Water Resources.

To assure the necessary reviews are completed, the Planning and Community Development Department will require payment of the State fees at the time of the City application submittal. This can be handled by submitting four checks to this office: one check payable to the NEVADA STATE DIVISION OF HEALTH in the amount of \$400 per map plus \$3.00 per lot; the second check payable to the STATE WATER RESOURCES in the amount of \$150 per map plus \$1.00 per lot; the third check payable to NEVADA DIVISION OF ENVIRONMENTAL PROTECTION in the amount of \$100 per map plus \$1.00 per lot; and the fourth check payable to CARSON CITY PLANNING DIVISION in the amount of \$1,500 per map plus \$1.00 per lot over 25 lots. The checks will be routed to the State offices with their copy of the application packet. The alternative method is to pay the State offices directly and submit the receipts with your City application.

The State Division of Environmental Protection will also require a non-refundable fee of \$50 for each review of final subdivision and planned unit development maps.

**NOTE:** Fees are subject to change. It is applicant's responsibility to ensure their checks are submitted with current required fees.

**Carson City Planning and Community Development**  
 2621 Northgate Lane, Suite 62 • Carson City NV 89708  
 Phone: (775) 867-2180 • E-mail: [plandep@ci.carson-city.nv.us](mailto:plandep@ci.carson-city.nv.us)

FOR OFFICE USE ONLY:

CCMC 18.02

FILE # VAR - 06 -

VAR - 06 - 169

**VARIANCE**

FEE: \$500.00 + noticing fee

**PROPERTY OWNER**

Barton Properties, Inc Attn: Steve Selinger

**SUBMITTAL PACKET**

- G Application Form
- G Site Plan
- G Building Elevation Drawings and Floor Plans
- G Proposal Questionnaire With Both Questions and Answers Given
- G Applicant's Acknowledgment Statement
- G 26 Completed Application Packets (1 Original + 25 Copies)
- G Documentation of Taxes Paid-to-Date

**MAILING ADDRESS, CITY, STATE, ZIP**

11611 San Vicente Blvd., Suite 605, Los Angeles, CA 90049

**PHONE #**

(310) 826-4658

**FAX #**

(310) 826-3200

Name of Person to Whom All Correspondence Should Be Sent

**APPLICANT/AGENT**

Lumos and Associates, Inc Attn: Randall Long

**MAILING ADDRESS, CITY, STATE ZIP**

800 E College Parkway. Carson City, NV 89706

Application Reviewed and Received By:

Submital Deadline: See attached 2006 PC application submittal schedule.

Note: Submittals must be of sufficient clarity and detail such that all departments are able to determine if they can support the request. Additional information may be required.

**PHONE #**

(775) 863-7077

**FAX #**

(775) 863-7144

**E-MAIL ADDRESS**

[rlong@lumosengineering.com](mailto:rlong@lumosengineering.com)

**Project's Assessor Parcel Number(s):**

APN 007-091-91

**Street Address**

West Side of Combs Canyon Road, Carson City, NV

**ZIP Code**

**Project's Master Plan Designation**

Low Density Residential

**Project's Current Zoning**

SF1A

**Nearest Major Cross Street(s)**

Combs Canyon Road and Timberline Drive

Briefly describe your proposed project. (Use additional sheets or attachments if necessary)

In accordance with Carson City Municipal Code (CCMC) Section \_\_\_\_\_, or Development Standards, Division \_\_\_\_\_

Section 18.02.095 a request to allow a variance as follows:

The Applicant is requesting a variance to allow 10 of the proposed lots to have a lot depth greater than 360 feet. The Site Development Standards in Chapter 18.04.190 only allow lots in SF1A zoning districts to have maximum lot depths of 360 feet. See project description for full explanation and corresponding arguments.

**PROPERTY OWNER'S AFFIDAVIT**

I, Combs Canyon LLC, Steve Selinger, manager, being duly deposed, do hereby affirm that I am the record owner of the subject property, and that I have knowledge of, and I agree to, the filing of this application.

Signature [Signature] Address 11611 San Vicente Blvd. #605 L.A. CA Date 8/15/06

Use additional page(s) if necessary for other names.

STATE OF ~~NEVADA~~ CALIFORNIA  
COUNTY LOS ANGELES

On 8-15-06, 2006, Stephen R. Selinger, personally appeared before me, a notary public, personally known (or proved) to me to be the person whose name is subscribed to the foregoing document and who acknowledged to me that he/she executed the foregoing document.

Notary Public [Signature]

**MARK C. GLODE**  
COMM. #1536326  
NOTARY PUBLIC - CALIFORNIA  
LOS ANGELES COUNTY  
My Comm. Expires DECEMBER 18, 2008

NOTE: If your project is located within the historic district, airport area, or downtown area, it may need to be scheduled before the Historic Resources Commission, the Airport Authority, Downtown Design Review, and/or the Redevelopment Authority Citizens Committee. Prior to being scheduled for review by the Planning Commission, Planning and Community Development Department personnel can help you make the above determination.

**MARK C. GLODE**  
COMM. #1536326  
NOTARY PUBLIC - CALIFORNIA  
LOS ANGELES COUNTY  
My Comm. Expires DECEMBER 18, 2008

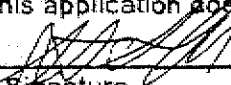
The following acknowledgment and signature are to be on the response to the questionnaire prepared for the project. Please type the following, signed statement at the end of your application.

**ACKNOWLEDGMENT OF APPLICANT**

I certify that the foregoing statements are true and correct to the best of my knowledge and belief. I agree to fully comply with all conditions as established by the Planning Commission/ Board of Supervisors. I am aware that this permit becomes null and void if the use is not initiated within one year of the date of the Planning Commission/Board of Supervisors approval; and I understand that this permit may be revoked for violation of any of the conditions of approval. I further understand that approval of this application does not exempt me from all City Code requirements.

Applicant's Signature

Date



8/5/06

**COMBS CANYON SUBDIVISION  
Tentative Map Application**

**Project History**

Barton Properties ("Applicant") is seeking to develop approximately 57 acres of undeveloped land along the western portion of Combs Canyon Road in Carson City, Nevada (APN 007-091-91). The Applicant submitted two separate PUD applications to Carson City ("the City") requesting a zoning change from Single Family 1-Acre ("SF1A") to SF1A-PUD, one in 2002 and the other in 2005, prior to this application. The Applicant requested a 90-unit PUD in 2002, but the Applicant withdrew the application. The Applicant modified the PUD from the 2002 application and requested a 78-unit PUD in 2005, but the City denied that application.

The Applicant is now submitting a Tentative Map application to subdivide its property into 23 single-family lots. As part of the Tentative Map application, the Applicant is also submitting a Variance application to allow 10 of the proposed lots to have depths exceeding 360 feet. All lots are at least 1 acre in size, and the development will meet all of the City's development standards for a SF1A zoning district except for maximum lot depths. The proposed subdivision is consistent with surrounding neighborhoods, the Zoning District, and the Master Plan designation. The Applicant completed a Conceptual Development Review with the Community Development Department in July 2006, and the proposed Tentative Map and improvement plans reflect the comments and recommendations expressed during the review process.

**Project Description**

The Applicant is seeking to develop a 23-unit residential subdivision on a 57-acre parcel located on the west side of Combs Canyon Road, south of the area known as Lakeview Estates. Each of the lots will be owned in fee simple.

The project area is currently zoned SF1A, and the subject parcel has a Master Plan designation of Low Density Residential ("LDR"). There are a variety of surrounding Master Plan designations, including open space to the west, Conservation Reserve to the south, and low density residential to the east and north. At this time, the majority of these lands have been left undeveloped apparently due to topography or infrastructure constraints.

The Applicant intends to develop the project through a traditional subdivision process. The proposed project is a single-family residential development, with the largest parcel being approximately 16 acres, and the smallest being 1 acre. The average lot size is 2.2 acres. The proposed residential units will be custom built, and the Applicant is proposing architectural guidelines as part of the CC&R's, which are similar in nature to those implemented by the adjacent City View development. The Applicant has prepared the plan for this site to respect the topography, view shed and surrounding areas.

**Combs Canyon Subdivision  
Tentative Map and Variance Application**

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As stated in the project history, the development will comply with the development standards for a SF1A zoning district except for the lot depths of 10 of the lots. The homes will be setback at a minimum of 30 feet in the front, 15 feet from the sides, 20 feet from street sides, and 30 feet in rear of each property. Each of the lots will be a minimum of 120 feet in width, and none of the structures will surpass the maximum height standard of 32 feet. Each lot will have a building envelope area defined setting forth the allowable area to establish the residential structure. The envelope will define the limits of the individual lot grading. Mass clearing and grading will not occur in this project and the Applicant will only grade the roads and building envelopes. Grading will not occur on slopes greater than 15%.

The topography of the site does not allow the Applicant to meet the lot depths standards due the steep slopes associated with the property. See the Variance Questionnaire and Variance Findings below for a complete explanation of the Variance request.

**Zoning and Master Plan Conformity**

The property is zoned SF1A, and the proposed development is permitted in the zoning district. The Applicant is seeking to develop 23 single-family lots with a minimum lot size of 1 acre. The average lots size for the development will be 2.2 acres. Each of the lots will meet the site development standards for area, density, width, and setbacks. The proposed development is consistent with all of the requirements for SF1A zoning districts except for maximum lot depth.

The Master Plan designates the property as a LDR area, and it states LDR areas should be primarily developed as single-family residences. Furthermore, the density of such developments should be between 0.2 du/acre and 3.0 du/acre (LDR 1.2). The proposed density of the development is 0.4 du/acre (23 du/57.04 acres), which is within the desirable range proposed by the Master Plan. The Master Plan also calls for a range of lot sizes (LDR 1.2), a variety of housing models (LDR 1.4), preservation of open space by clustering homes (LDR 1.5), preservation of topographic features and views (LDR 1.6), strong visual and physical connections to open spaces (LDR 1.6), and multiple vehicular access points (LDR 1.9). The Applicant has met these standards of the Master Plan. The lot sizes vary from 1 acre to 16 acres and a variety of custom housing types will be built at the site. There is a pedestrian access easement located along the western portion of the site connecting the subdivision to the open space located west and south of the site. By clustering the residential footprints to the flattest area of the property, the site layout will also preserve topographic views and features, including the existing spring, sage and trees, and there will be a strong visual and physical connection to the open space surrounding the area. There are also two vehicular access points serving the subdivision. The northern access will be gated with a crash gate and will be used by emergency vehicles as a secondary access.

**Combs Canyon Subdivision**  
**Tentative Map and Variance Application**

**Compatibility with Surrounding Properties**

The project will be a residential land use consistent with adjacent properties and land uses in the general vicinity. The surrounding area includes open space to the west, Conservation Reserve to the south, and low density residential uses to the east and north. The adjacent developed areas are zoned either SF1A or SF2A, and the proposed development is compatible with both of the existing land uses.

The development will be an upscale, custom-built community, and the homes will be consistent with the architectural and color characteristics of existing homes and the natural environment in the area. The residential units will have a minimum of 2,500 square feet of livable space, and the CC&R's will prohibit flat roofs or reflective roof materials. The exterior colors of the units will also be required to keep with the natural surroundings and existing homes in adjacent neighborhoods.

**Traffic and Parking**

The project will have two accesses from Combs Canyon Road to accommodate traffic generated by the development. The southern access will be the primary access for ingress and egress, whereas the northerly access will be for emergency use. Combs Canyon Road has a right-of-way of 60 feet and a front face of curb width of 40 feet. The proposed entryway to the subdivision will have a 50-foot right-of-way with a front face of curb width of 28-feet. Once inside the development, parking will be provided on street. A sidewalk will be provided around the interior loop road but only on one side to promote internal pedestrian circulation. One segment of sidewalk will be provided to Combs Canyon Road along the southerly entrance. A pedestrian access easement will be granted to the City to provide access to the City's future master planned trail system to the west. The development conforms with the intentions of the Carson Area Transportation Plan, and it will not generate large amounts of traffic or create a need for roadway improvements outside of the Applicant's property.

The level of service for intersections impacted by the development will remain at a LOS B. The single-family detached houses (Land Use #210, *ITE Trip Generation Manual, 7<sup>th</sup> Edition*) should generate approximately 220 average daily trips with 17 a.m. peak hour trips and 23 p.m. peak hour trips. Due to the modest amount of cars generated by the development, there will not be a need for left or right hand turn lanes on Combs Canyon Road at the development's primary access. (See the Traffic Report).

Each residence will have an attached two-car garage, for a total of 46 interior spaces. Each lot will also have a driveway, and on-street parking is allowed for additional visitor parking. The Development Code only requires 2 spaces per residential dwelling unit (46 for this development), and the Applicant has exceeded that requirement.

**Combs Canyon Subdivision**  
**Tentative Map and Variance Application**

**Utilities**

The proposed project has been designed to fully utilize the existing extension of utilities within the area. Utilities that are available in Combs Canyon Road include water, electrical power, television, telephone and natural gas.

*Water Availability*

An extension of the existing infrastructure will be utilized to provide for the domestic water and fire flows. An existing 12-inch water main will supply service to the site from Combs Canyon Road. The development will require the construction of a new waterline from the City's Lakeview Booster Pump No. 3. Also, the development will have a second connection point to the existing 12-inch waterline in Combs Canyon Road below the City's Booster Pump No. 2. These two connections will provide service to the development. The interior water system will be looped to provide increased efficiency. Fire hydrant spacing is planned for 500-foot intervals for fire protection. The improvements will include replacing the existing impeller with a new impeller to increase the production rate into the Lakeview area by approximately 25gpm to facilitate the new development. Existing water storage within the Lakeview water zone was found to be adequate for the proposed project. (See the Water System Analysis Report)

*Method of Sewage Disposal*

Existing sanitary sewer infrastructure is planned for extension from the end of College Parkway (WNCC Campus) to the west to the intersection of Loessa Lane and Murphy Drive, then to the north to the intersection of Murphy Drive and Combs Canyon Road. These improvements are currently being undertaken by a joint effort between Carson City and the Western Nevada Community College Foundation.

The Applicant, therefore, will extend the sewer from the intersection of Murphy Drive and Combs Canyon Road, approximately 1,500 feet to the southerly boundary of the proposed development. The sewer will be approximately 24 feet in depth at the intersection of Timberline and Combs Canyon Road in order to provide gravity sewer capabilities to the north. (See the Sewer Report)

*Other Utilities*

Electric service will be provided by Sierra Pacific Power Company, gas service by Southwest Gas Corporation, telephone by SBC and cable by Charter Communications. All proposed utility services at the site would be underground.

\* 1500LF to Aspen + 1500LF to  
North of the Boundary

**Grading, Drainage and Existing Environmental Issues**

The existing terrain is undeveloped and covered with sagebrush and grass. The proposed development is a "custom build" subdivision, thus onsite grading and drainage will be the responsibility of the owner or developer of each individual lot. Along with

**Combs Canyon Subdivision  
Tentative Map and Variance Application**

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the grading and drainage design of each lot, proposed retaining walls will be reviewed by the Architectural Committee as part of the review process for new construction as outlined in the CC&R's.

Onsite grading has been designed to convey any run-off caused by the project to the southeast corner of the project site, where it will cross under Combs Canyon Road. Any grading associated with this project will not exceed 30% in order to limit scarring to of the hillside. The 30% slope boundary and the FEMA limits define portions of the building envelopes. Building envelopes have been defined on the development plan for reference. These areas define the location that a residential structure can be placed within each lot. Development cannot encroach into the setback limits, into slopes steeper than 30% or into the FEMA flood hazard area.

The Combs Canyon Creek currently flows through the proposed project site. The drainage facilities relating to this project were designed based upon the estimated 100-year flow in Combs Canyon Creek, which was established by the WRC study in 1997. The development will be protected from offsite flows by brow ditches and a storm drain system, which will intercept the offsite flow and carry it through the development in a series of pipes and channels. At the location where Combs Canyon Creek intersects Combs Canyon Road, the dip will be continued along with a dip section on Aspen Way. The proposed dip section has been design to carry the same depth of flow for a 100-year storm as the existing dip section.

A preliminary geotechnical review was prepared for the proposed Osage Hills PUD in 1994, which covered approximately the same general area as this development. The information provided in the 1994 preliminary report for Osage Hills and the following addendum analysis conducted by Lumos should fulfill the City's requirement for a Geotechnical Report. (A copy of the Preliminary Geotechnical Review for the Proposed Osage Hills PUD conducted by Lumos and Associates in 1994 has been provided).

### **Hillside Development**

The area of construction for the development has a slope less than 15% and will not be subject to the Hillside Development standards (CCDS, Division 7). Grading will not occur on slopes greater than 15%, as construction will be limited to the flatter areas of the property and none of the proposed lots will significantly increase the hazards of avalanche, rock landslides, flooding, or soil erosion. (See Slope Determination Plan).

Much of the scenic quality of the site will be protected by preserving undisturbed rock outcroppings on the steeper portions of the site, leaving native vegetation on the undisturbed areas, and replanting of developed areas.



**Landscaping and Fencing**

The Applicant is not providing landscaping at the time of construction, but all of the lots will be landscaped when the residences are occupied. The proposed development will have no common area or open space. Landscaping, therefore, will be limited to each custom built lot. Landscaping plans will be submitted as part of the residential design package to the Architectural Committee for review and approval prior to construction.

Each of the individual lots will be fenced according to the standards of the CC&R's. Walls or fences cannot be above 6 feet in height and can only be of solid construction up to 4 feet, so as not to completely obstruct the views of adjacent properties and open space.

**Lighting**

Lighting within the project will be limited to placement along the streets and will be consistent with the development as whole while taking into consideration the nearby Jack C. Davis Observatory facility located at the Western Nevada Community College. The fixtures within the subdivision will be low-level residential style lighting with shield and refractors to direct the light toward the streets and sidewalk areas without affecting the surrounding neighborhoods and will be in accordance with CCDS 12.14. Street lighting will also be designed to meet "Dark Sky" requirements.

**Availability of Public Services**

The subdivision should have availability and accessibility of all public services. Fritsch Elementary, Carson Middle, and Carson High are the schools available for children living in the subdivision. The development is estimated to generate six elementary students, four middle school students, and four high school students. Fritsch Elementary is currently under capacity and will be able to accommodate the project. Carson Middle and Carson High are currently full, but both schools can accommodate the four additional students.

The Carson City Sheriff's Department will provide police protection for the subdivision. The Sheriff's Department is located at 901 E. Musser Street and is approximately 3.85 miles from the project site. Response times should be adequate since the project is relatively close to the Sheriff's Department. Additionally, there will be patrol units in the general area to reduce response times.

Fire Protection will be provided by the Carson City Fire Department, Station 2. Station 2 is located at 2400 College Parkway and is approximately 3.3 miles from the development site. Station 2 houses a first-out Type I engine and a Type III wildland brush engine suitable for fighting brush and wild fires. The Fire Department should have adequate response times due to the close proximity with the development

**Combs Canyon Subdivision  
Tentative Map and Variance Application**

Mail service will be provided by the Carson City Postal Service. Each of the homes will have individual mailboxes placed at the fronts of the property adjacent to the proposed sidewalks. Mail carriers will be able to access the individual boxes using the sidewalks located in the rights-of-way.

There is a JAC bus stop located on West College Parkway, at the Western Nevada Community College, approximately a ½ mile from the southeast corner of the project site.

*Will be located*

The subdivision is also located in very close proximity to trails, parks, bike routes, and open space. The Lake View Park is located just northwest of the development, and future residents will be able to access the park by biking, walking, or driving. There are bike routes in the area, including Bike Route 395 along Combs Canyon Road and the V&T Bike Path south of the development, which can be utilized by residents. There is also direct accessibility to public open space using the pedestrian access easement located on the subject property. Residents will not be forced to drive in order to enjoy the scenery and recreation opportunities of Carson City.

**Solid Waste Provision**

Waste Management will handle solid waste disposal, and each residence will have its own individual trashcan. Each home will place trashcans on the proposed roads during days of trash service. On the designated trash day, residents will place the trashcans on the edge of roads adjacent to their home and adjacent to the curb and gutter. On non-pickup days, trashcans will be stored within garages or another acceptable location by the homeowner.

**Project Timeline**

Assuming the City approves the proposed development in October of 2006 and favorable marketing conditions, the Applicant expects the development will take six to eight months (June 2007) for design of infrastructure improvements and an additional three months (September 2007) for permitting. Site work construction is expected to take approximately eight months (May 2008). All 23 lots of the Combs Canyon Subdivision will be developed in one phase.

**CC&R's**

The Applicant has prepared a set of CC&R's, which are included in this application. The CC&R's will be provided to each resident upon purchase of the home, and the residents must adhere to the restrictions set forth therein. Fines will be incurred if a resident within the subdivision does not follow these restrictions.

**Variance Application Questionnaire**

- 1. Describe the special circumstances or conditions applying to the property under consideration which exist making compliance with the provisions of this title difficult and a cause for hardship to, and abridgement of a property right of the owner of the property; and describe how such circumstances or conditions do not apply generally to the other properties in the same land use district and explain how they are not self-imposed.*

The property's topography makes it very difficult to meet the maximum lot depth allowed by the SF1A zoning district standards. A steep hill is located at the rear of the 10 lots exceeding the 360-foot lot depth. The largest lot has a grade change of approximately 400 feet, while the other 9 lots have grade changes from 50 feet to 150 feet. The topography of these lots forces the Applicant to develop homes on the fronts of the proposed lots and leaving the rear areas as undeveloped space. The proposed lots are clustered to the flattest area of the property for engineering and safety reasons; therefore the lots abutting the steepest grades of the property are forced to exceed the maximum depths allowed.

The Applicant does not want to develop more than 23 lots, and the steep slope abutting many of the proposed lots must either be included in the lots or included in the subdivision as common area/open space. If a common area is provided in the development, an organization must maintain the space, which is usually a Home Owners Association. The Applicant does not want a common area in the development because it is too small of a development to warrant a Home Owners Association. The conditions presented with this project, i.e., large area of land, limited number of lots and extremely steep topography are relatively unique to this property and were not created by the Applicant, who is merely trying to develop within topographical constraints of the site and the City's vision for this area.

The Applicant would incur a hardship if the property were not allowed to subdivide in the manner proposed. The Applicant cannot place the lots any closer to the eastern and northern property lines and must request a variance to allow lot depths greater than 360 feet.

- 2. Explain how granting the variance is necessary to do justice to the applicant or owner of the property without extending any special privilege to them.*

Special privileges would not be extended to the Applicant if the variances were approved. The topography of the site does not allow the Applicant to design the site with all the lots depths meeting City standards. The Applicant is not gaining anything by extending the lot depths and is merely including undeveloped land within the individual lots. Further, by not developing on the steeper areas of the property, the Applicant will not be scarring more of the natural landscape than is necessary for construction of the site, and the area will retain much of the natural beauty that currently exists.

**Combs Canyon Subdivision  
Tentative Map and Variance Application**

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3. *Explain how granting of the variance will not result in material damage or prejudice to the other properties in the vicinity nor be detrimental to the public health, safety and general welfare.*

Granting of the requested variance would not materially damage other properties in the area. The increased lot sizes were a request made by the community members when this project was proposed as a 78-unit PUD. Many of the properties in the area are zoned SF2A, and there is not a maximum lot depth for that zoning district.

Public health, safety and welfare will not be negatively affected by the variance. Lot depths do not affect the safety of the site unless the lots are too shallow or too small to be developed. The increase depths will not be a detriment to the surrounding neighborhoods or the future residents of the subject development. The residential subdivision, overall, should be a safer place to live since the Applicant is not developing the project on the steepest grades of the property.

**Variance Findings**

- a. That because of special circumstances applicable to the subject property, including shape, size, topography or location of surroundings, the strict application of the zoning ordinance would deprive the subject property of privileges enjoyed by other properties in the vicinity or under identical zone classification.*

The topography of the site greatly limits the developable area of the property, and the Applicant can only develop lots on the flatter areas of the site. The topography does not allow the Applicant to develop 360-foot lots near the northern and western boundaries of the property. The steep topography of the property is the reason for the proposed lot layout.

The Applicant does not want to develop more than 23 lots, and the steep slope abutting many of the proposed lots must either be included in the lots or included in the subdivision as common area/open space. If a common area is provided in the development, an organization must maintain the space, which is usually a Home Owners Association. The Applicant does not want a common area in the development because it is too small of a development to warrant a Home Owners Association.

The terrain dictated the proposed site design, and the Applicant is developing within the City's vision for this area. The increased lot depth merely allows the Applicant to account for property that cannot be developed.

- b. That granting of the application is necessary for the preservation and enjoyment of the substantial property rights of the applicant.*

In order to meet the 1-acre minimum lot size required in a SF1A zoning district and the lower density desired by community members and the Master Plan, the Applicant is developing large lots on its property. Some of the lots will have a depth greater than 360 feet, but the lot depths will not negatively impact public health, safety or welfare. The Applicant has met all other requirements of the Code and has attempted to meet the visions of the public and the City in order to develop the property. Common area/open space is not required in SF1A zoning districts and due to the low number of units, it is more practical to include area that cannot be developed into the area of the lots.

- c. That granting of the application will not, under the circumstances of the particular case, adversely affect to a material degree the health or safety of persons residing or working in the neighborhood of the subject property and will not be materially detrimental to the public welfare or materially injurious to property improvements in the neighborhood of the subject property.*

**Combs Canyon Subdivision  
Tentative Map and Variance Application**

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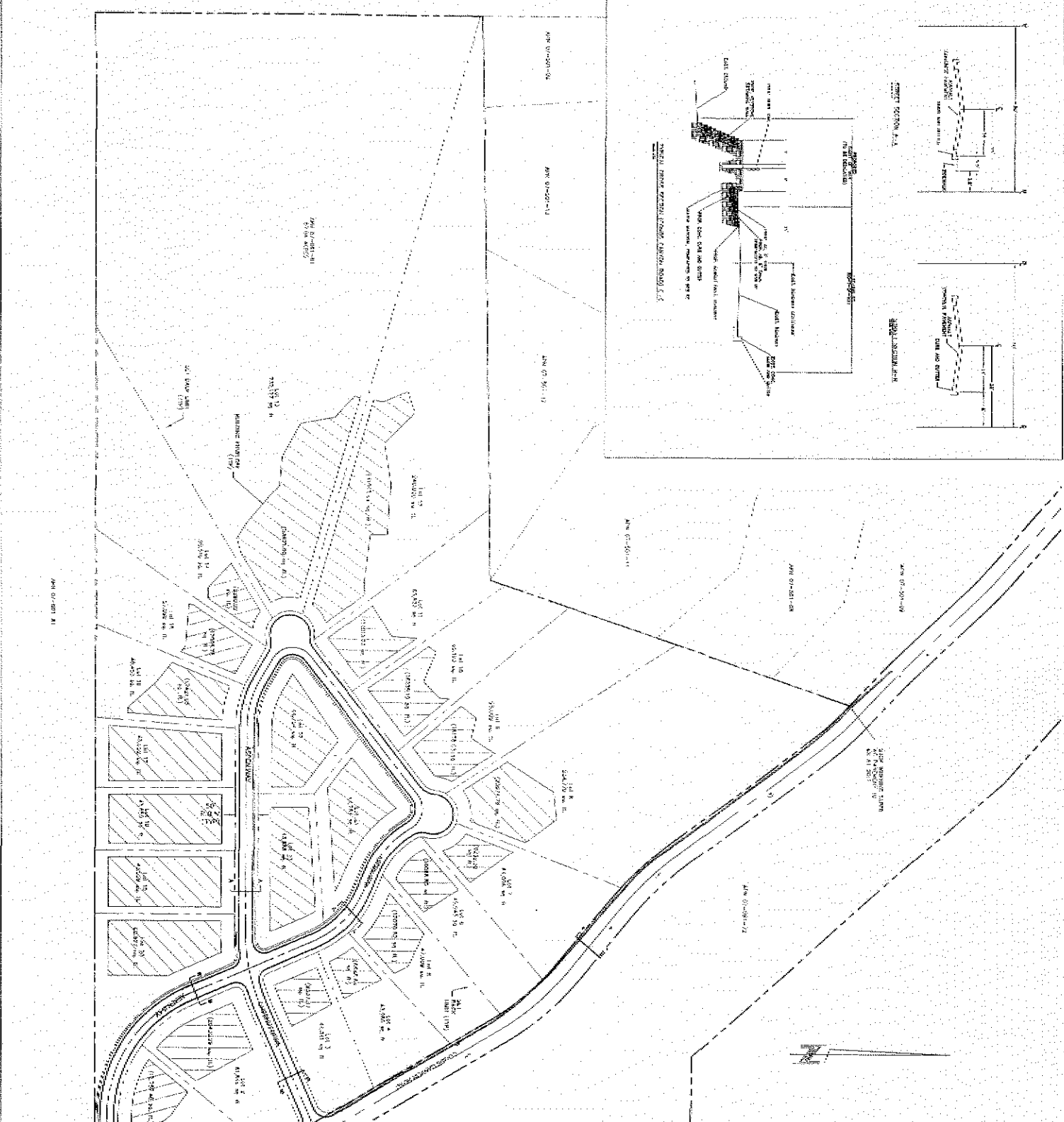
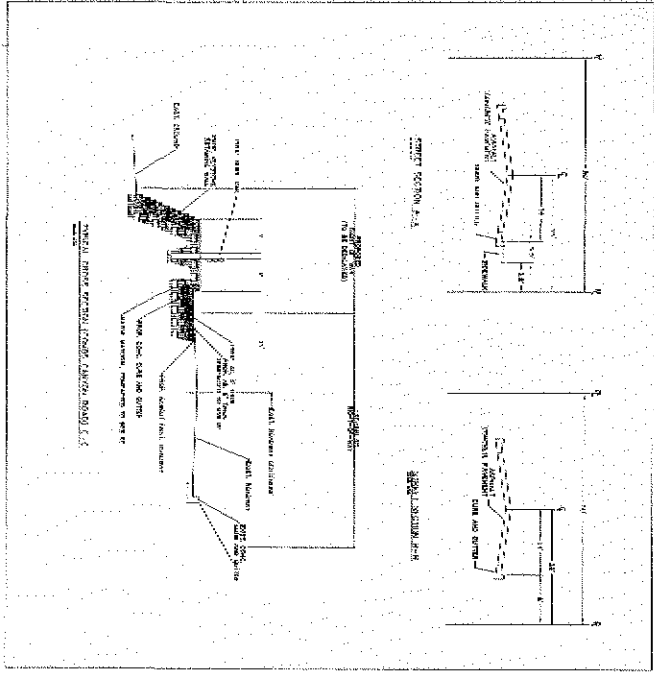
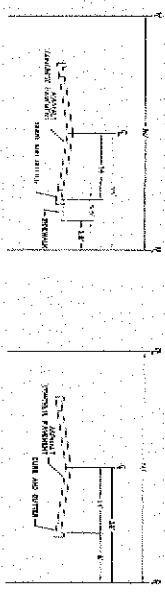
Granting of the requested variance would not materially damage other properties in the area. The increased lot sizes were a request made by the community members when this project was proposed as a 78-unit PUD. Many of the properties in the area are zoned SF2A, and there is not a maximum lot depth for that zoning district.

Public health, safety and welfare will not be negatively affected by the variance. Lot depths do not affect the safety of the site unless the lots are too shallow or too small to be developed. The increased depths will not be a detriment to the surrounding neighborhoods or the future residents of the subject development. The residential subdivision, overall, should be a safer place to live since the Applicant is not developing the project on the steepest grades of the property.

## **Exhibits**

**A. 8 1/2" x 11" Site Plan**





**PROJECT SUMMARY**

**TITLE:** STANIS CANTON SUBDIVISION  
**OWNER:** MR. STEVE BEANES  
**DESIGN PROFESSIONAL:** HUSTON ENGINEERS, INC.  
**PROJECT ADDRESS:** 11501 VAN VORSTEN BLVD., SUITE 005  
**LOS ANGELES, CA 90049**  
**TEL:** (310) 826-4636  
**FAX:** (310) 826-2200

**APN:** 01-01-01-8  
**QUARTER:** 01  
**SECTION:** 08  
**WESTERLY:** 01  
**NORTHERLY:** 01

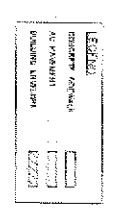
**LOT AREA:** 5476 AC  
**NET AREA:** 348 AC  
**RESIDUAL AREA:** 57.00 AC  
**AVERAGE DENSITY:** 8.72 AC  
**22 UNITS**

**APPROX. GRT:** 2.52 ACRES  
**MAXIMUM SEAT:** 103 SEATS

**TOTAL BUILDING ENVELOPE AREA:** 448,000 SF  
**AVERAGE FLOOR AREA:** 19,000 SF

**PROPOSED SETBACKS:**  
**FRONT:** 30'  
**SIDE:** 15'  
**REAR:** 20'

**UTILITIES:**  
**WATER/SANITARY:** CARSON CITY UTILITIES  
**ELECTRIC:** SPPD  
**SEWER:** SPPD  
**GAS:** SMC



**GRAPHIC SCALE**  
 SCALE IN FEET  
 0 100 200

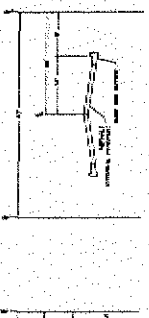
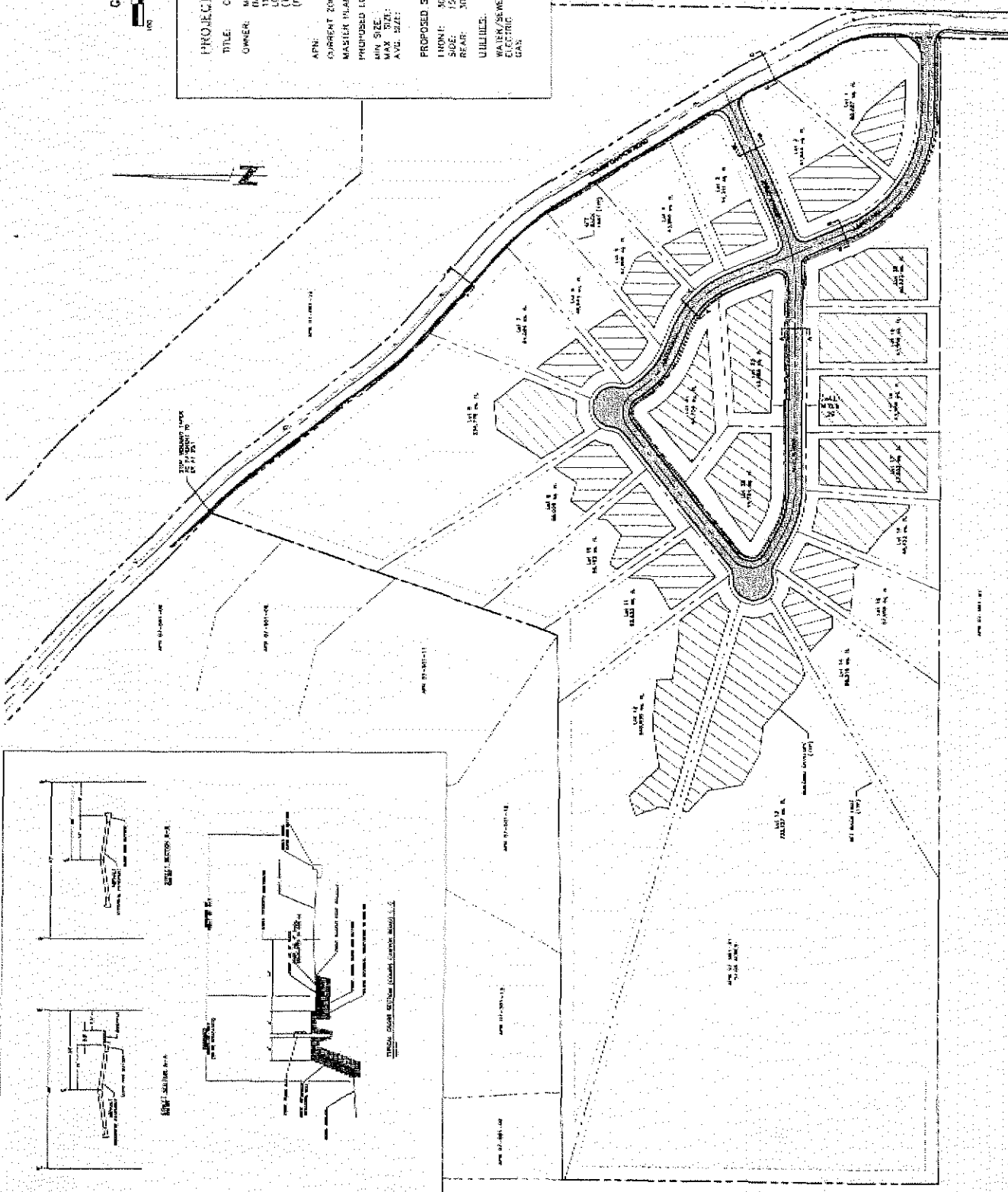
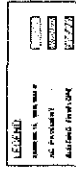
**PROJECT SUMMARY:**

TITLE: COMBS CANYON SUBDIVISION  
 OWNER: MR. STEVE SELINDER  
 MR. STEVE SELINDER INC.  
 21015 AIRPORT BLVD., SUITE 800  
 LOS ANGELES, CA 90045  
 (310) 828-4658  
 (F) (310) 828-3700

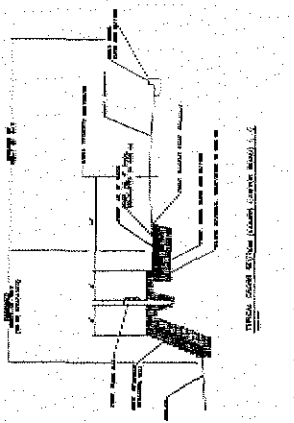
APN: 07-091-01  
 CURRENT ZONING: SRA  
 MASTER PLAN: LDR  
 PROPOSED LOTS: 23  
 MIN. SIZE: 1 ACRES  
 MAX. SIZE: 18 ACRES  
 AVE. SIZE: 2.48 ACRES

**PROPOSED UTILITIES:**

IRON: 30"  
 SIDE: 15"  
 REAR: 30"  
 UTILITIES: GATSON CITY UTILITIES  
 WATER SEWER - 30"  
 ELECTRIC - 30"  
 GAS - 30"



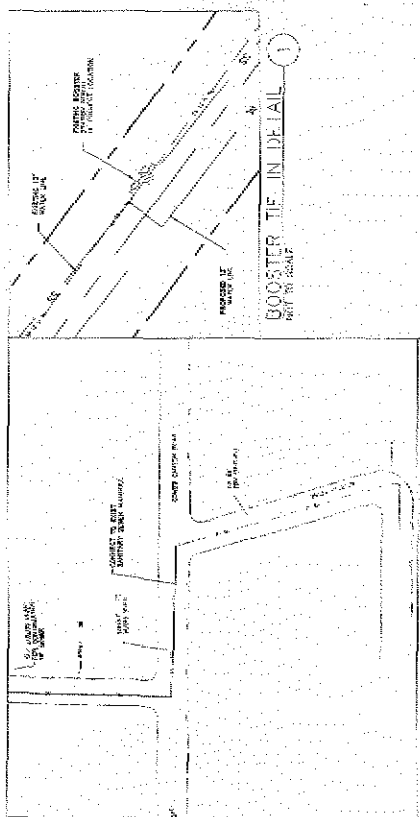
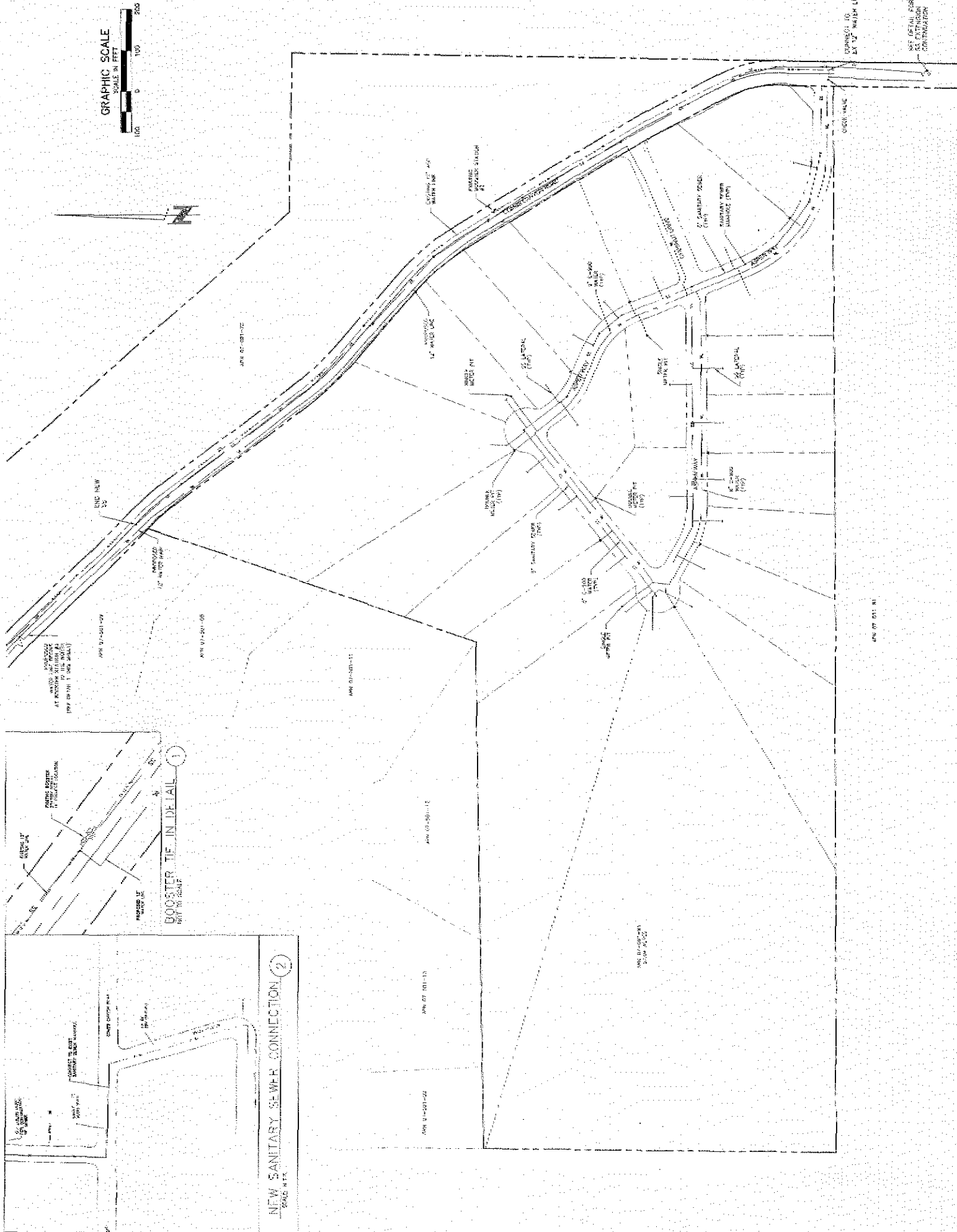
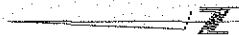
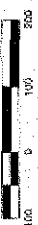
**ELEVATED VIEW**



**UTILITY PLAN**

**B. 8 1/2" x 11" Utility Plan**

GRAPHIC SCALE  
SCALE IN FEET

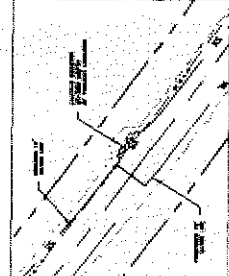
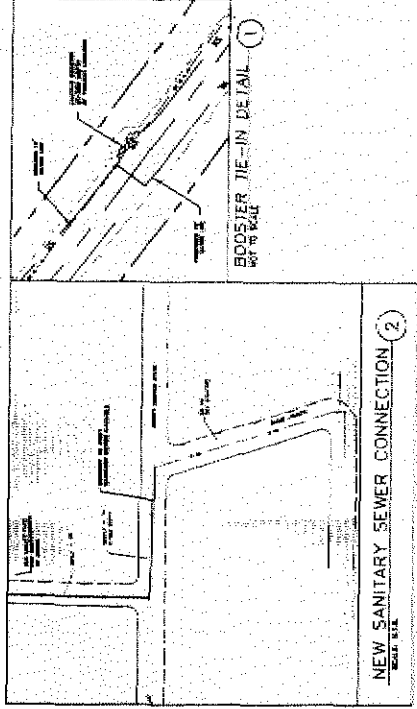
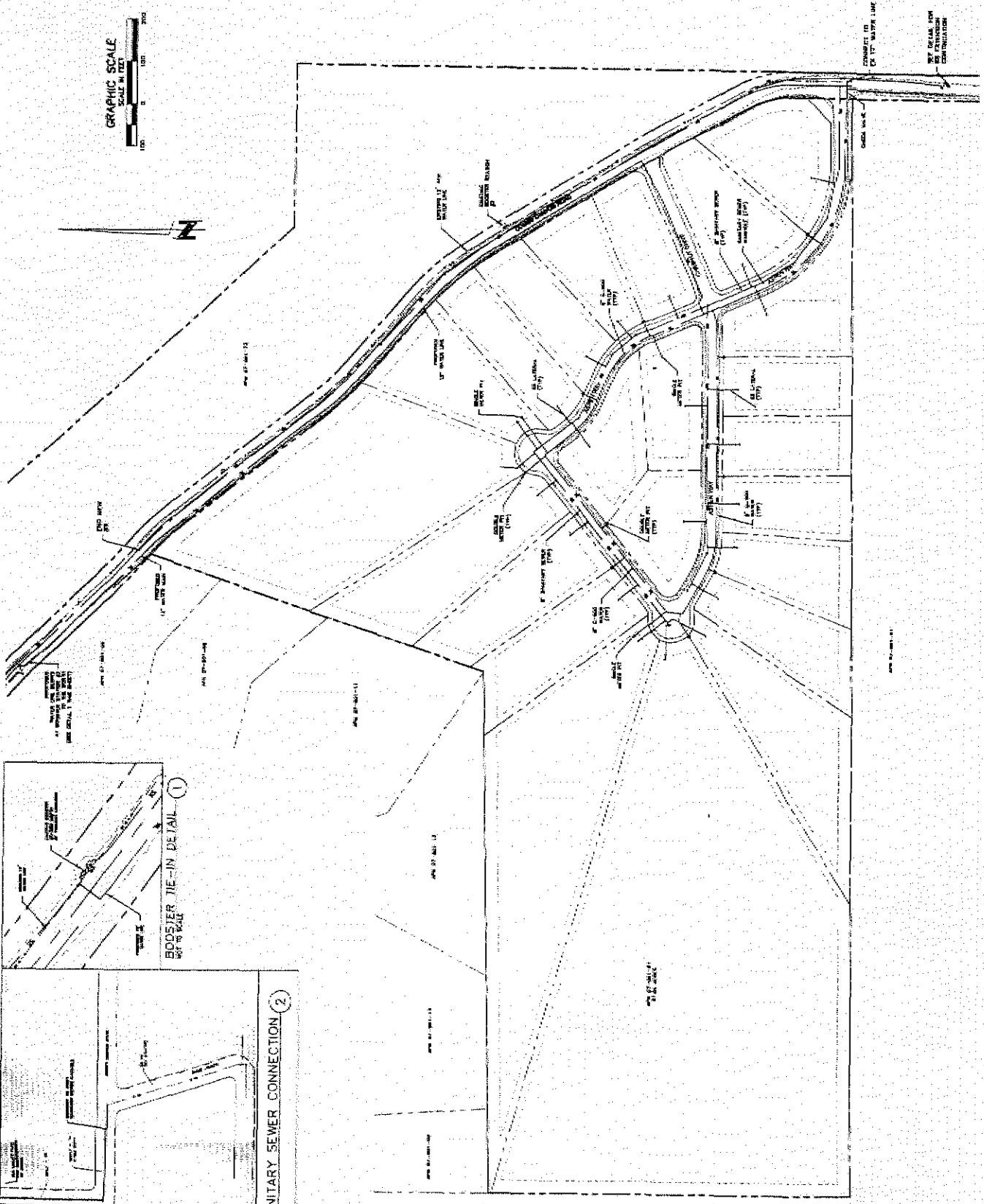
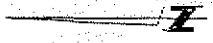


NEW SANITARY SEWER CONNECTION (2)  
SCALE: N.P.S.

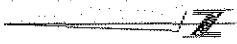
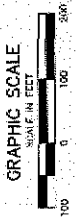
SEE DETAIL FOR  
CONNECTION  
CONSTRUCTION

DATE:	AUGUST 2007
DRAWN BY:	RLA
CHECKED BY:	RLA
DATE:	08/01/07
PROJECT:	COMBS CANYON

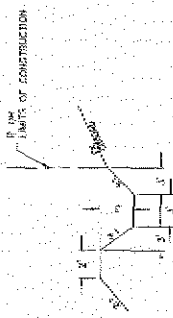
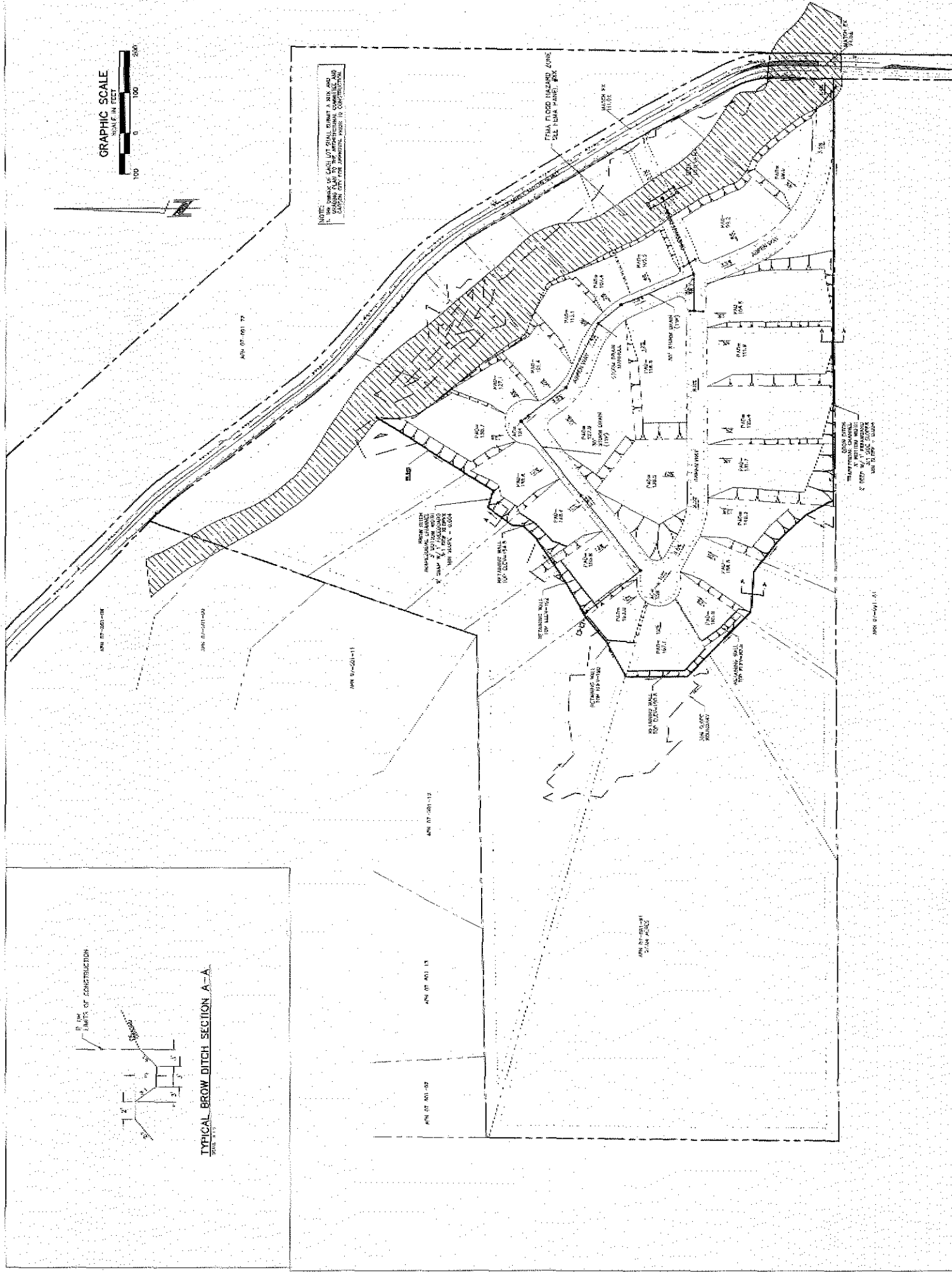
**C2**



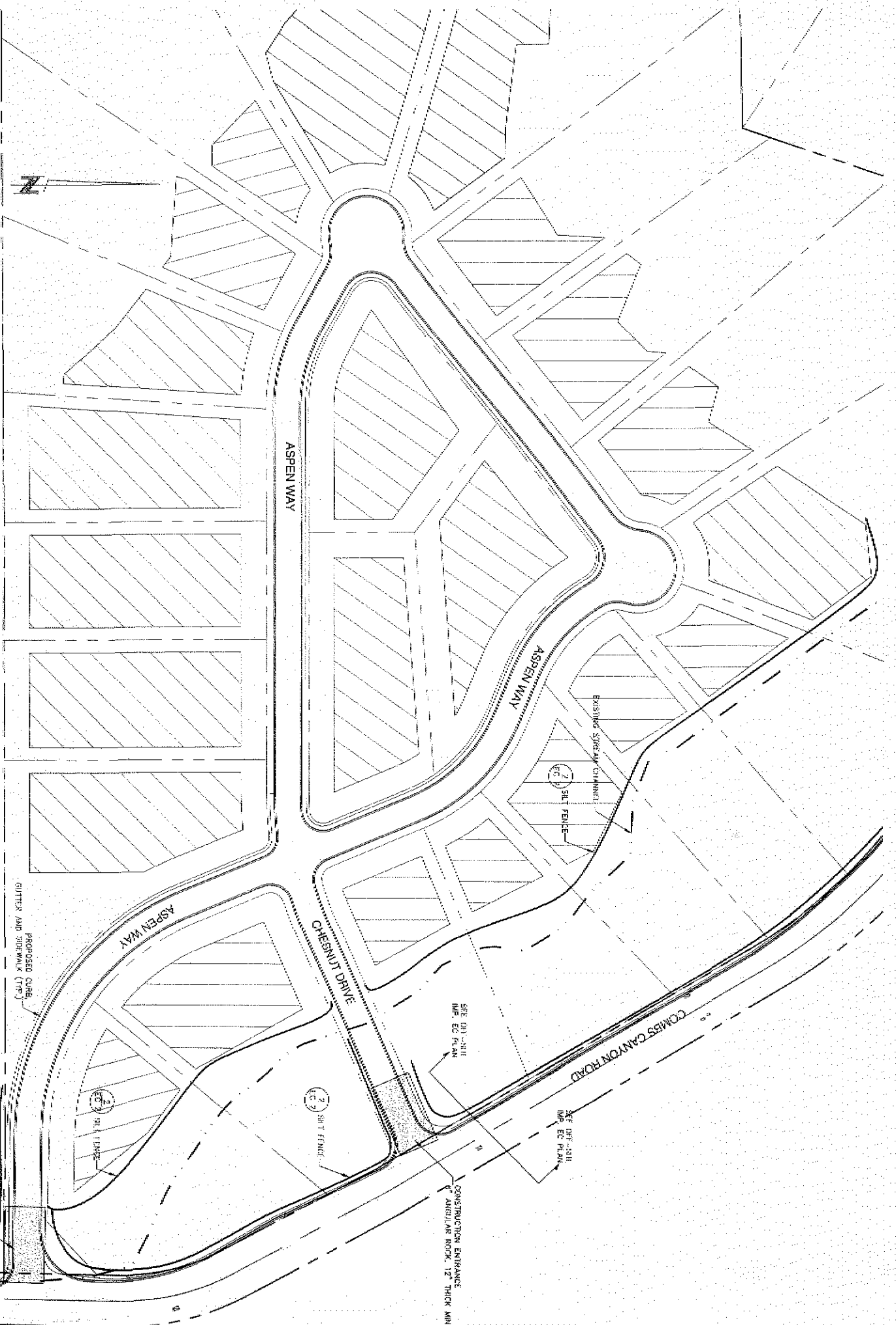
**C. 8 1/2" x 11" Grading and Drainage Plan**



NOTE:  
 1. THE OWNERS OF THIS LOT SHALL BE RESPONSIBLE FOR THE PROVISION OF ALL NECESSARY PERMITS TO CONSTRUCTION.  
 2. THE CITY OF CHICAGO SHALL BE RESPONSIBLE FOR THE PROVISION OF ALL NECESSARY PERMITS TO CONSTRUCTION.



TYPICAL BROW DITCH SECTION A-A



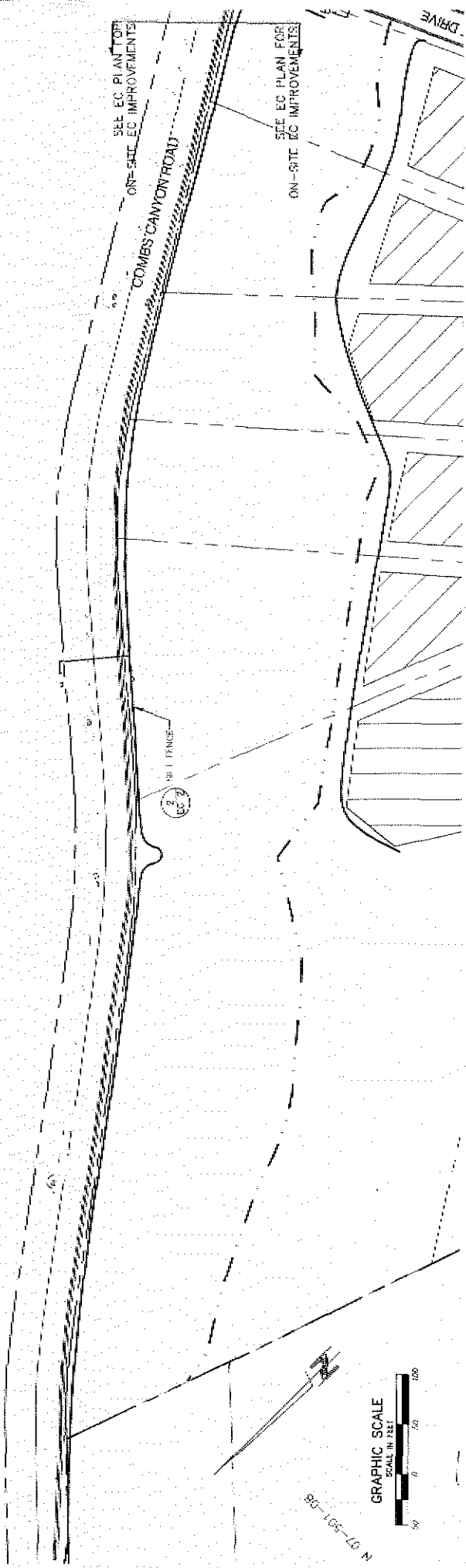
**GRAPHIC SCALE**  
 1" = 20'  
 0 20 40



APN 07-091-81



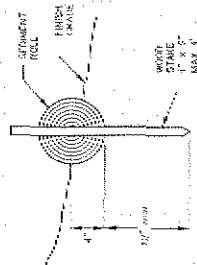
10 feet



GRAPHIC SCALE  
SCALE IN FEET

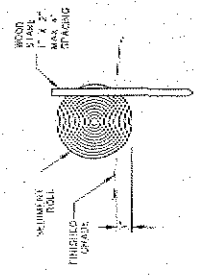


N 07-507-38



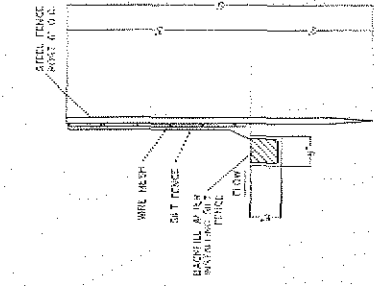
SEDIMENT ROLL  
IN SLOPE AREA

- NOTES:
1. SEDIMENT ROLLS MAY BE 18\"/>



SEDIMENT ROLL  
IN FLAT AREA

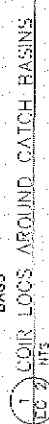
- NOTES:
1. SEDIMENT ROLLS MAY BE 18\"/>



DROP INLET DETAIL

- NOTE: FILTER FABRIC TO BE REPLACED INTO THE DRAINAGE.

WEIGHT COIR LOG WITH GRAVEL BAGS



COIR LOGS AROUND CATCH BASINS

SEDIMENT ROLL

1. TYPICALY UNIFORM CONTOUR (UNIFORM SLOPE) SHALL BE MAINTAINED AND MAINTENANCE THROUGHOUT THE PROJECT. IN INTERMITTENT AND STEEP SLOPES, HIGH CONTOUR OR UNIFORMITY AREAS SHOULD BE MAINTAINED. INSTALLATION SHALL BE IN ACCORDANCE WITH THE SPECIFICATIONS AND THE UNIFORMITY OF THE PROJECT. E.T.A. UNIFORM SLOPE, CONTOUR AND UNIFORMITY SHALL BE MAINTAINED IN THE SLOPE.
2. SLOPE SHALL BE 2:1 OR FLATTER OR AS INDICATED ON THE PLAN.
3. FOLLOWING THE CONTOUR, SLOPE, GRADE, AND SLOPE SHALL BE MAINTAINED THROUGHOUT THE PROJECT.
4. IN A SLOPE OF 2:1 OR FLATTER, ALL SLOPE SHALL BE MAINTAINED THROUGHOUT THE PROJECT.
5. SEDIMENT ROLLS MAY BE SUBSTITUTED FOR SILT FENCE AT 2:1 SLOPE.

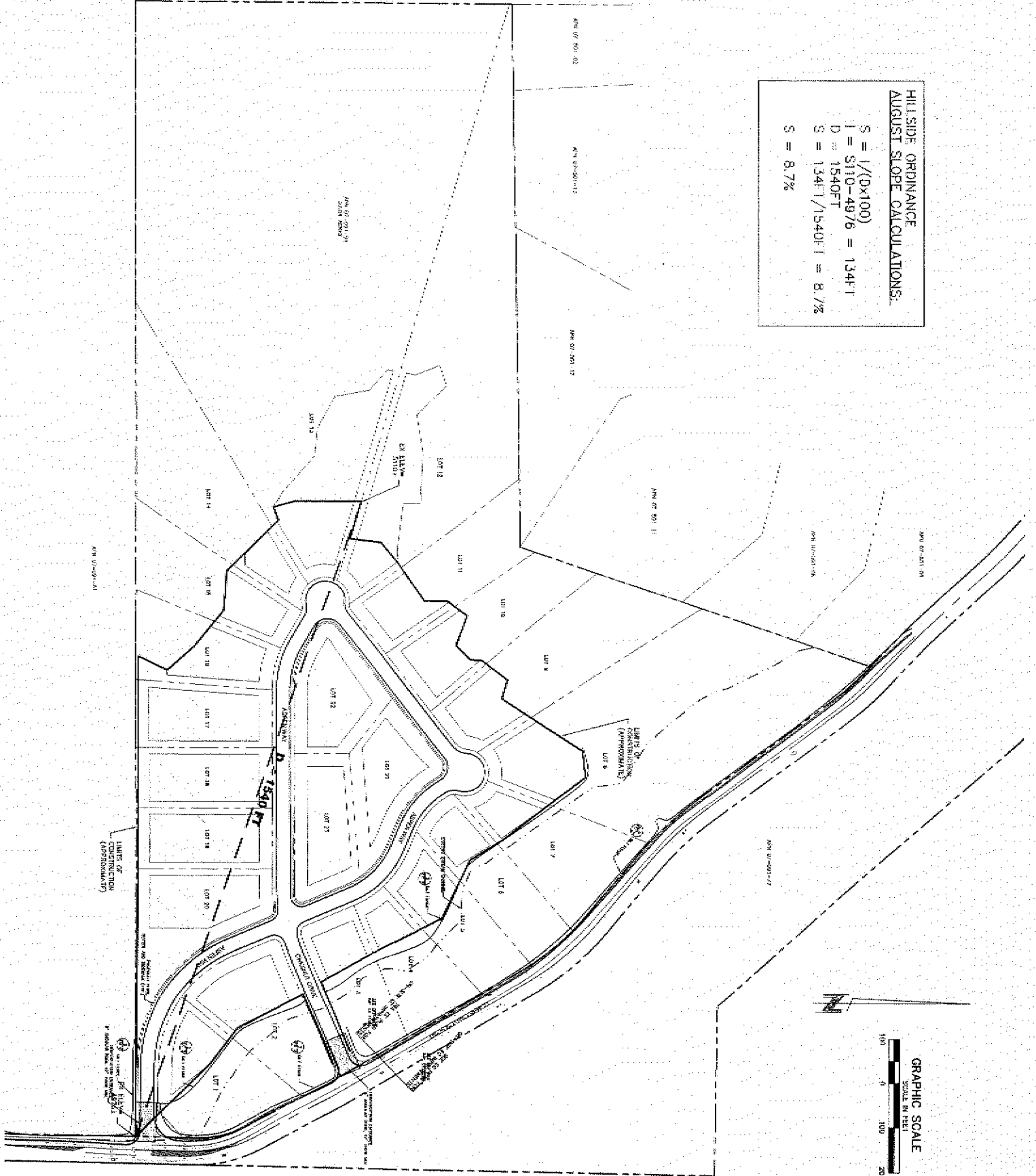
SILT FENCE AND DROP INLET PROTECTION



HILLSIDE ORDINANCE  
AUGUST SLOPE CALCULATIONS:

$S = 1/(D \times 100)$   
 $1 = S(10 - 49/6) = 134F1$   
 $D = 1540F1$   
 $S = 134F1 / 1540F1 = 8.7\%$   
 $S = 8.7\%$

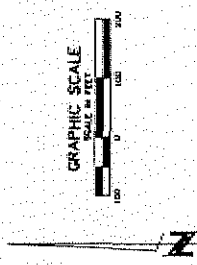
GRAPHIC SCALE  
SCALE IN FEET  
0 100 200



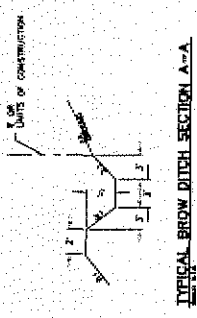
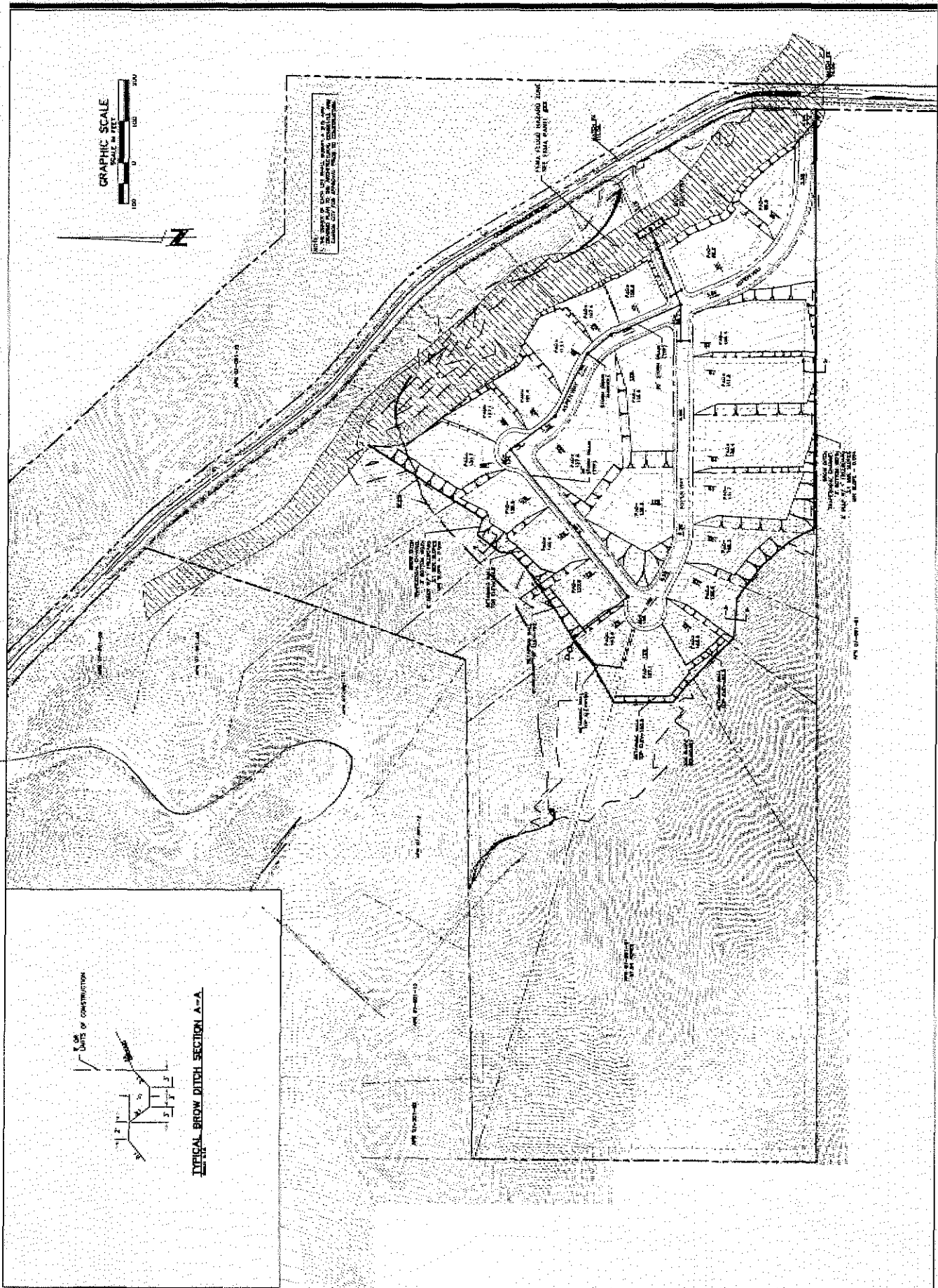
SECTION	DATE

**C3**

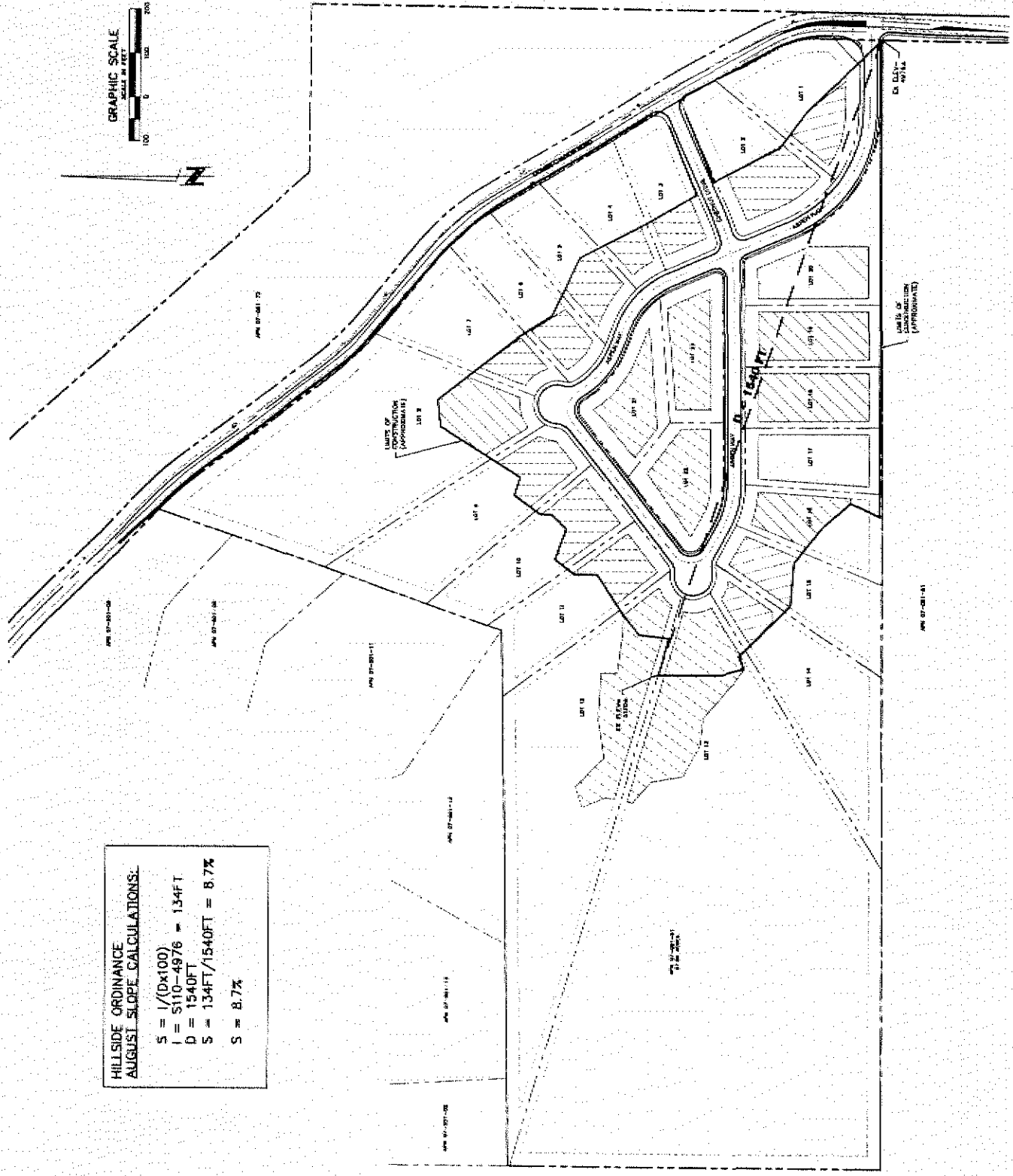
DATE: 10/11/10  
 DRAWN BY: JLD  
 CHECKED BY: JLD  
 JOB NUMBER: 10100001



NOTE: ALL DIMENSIONS SHALL BE AS SHOWN UNLESS OTHERWISE NOTED. ALL DIMENSIONS SHALL BE TO FACE UNLESS OTHERWISE NOTED.



NO.	DATE	DESCRIPTION



**HILLSIDE ORDINANCE  
 AUGUST SLOPE CALCULATIONS:**

$S = 1 / (D \times 100)$   
 $I = 5110 - 4976 = 134 \text{ FT}$   
 $D = 154 \text{ DFT}$   
 $S = 134 \text{ FT} / 154 \text{ DFT} = 8.7\%$   
 $S \approx 8.7\%$

**D. 8 1/2" x 11" Tentative Map**

# TENTATIVE MAP FOR COMBS CANYON SUBDIVISION

THE BOARD OF PLANNING AND COMMUNITY DEVELOPMENT HAS REVIEWED THE MAP AND APPROVED IT AS SHOWN ON THE ATTACHED PARCELS AS SHOWN ON THE PLAN OF THE CITY OF LAS VEGAS, NEVADA.

- 1) I AGREE TO ACCEPT THE REQUIRED REGULATORY REQUIREMENTS AND TO ACCEPT THE CITY'S PLAN OF THE CITY OF LAS VEGAS, NEVADA.
- 2) I AGREE TO ACCEPT THE REQUIRED REGULATORY REQUIREMENTS AND TO ACCEPT THE CITY'S PLAN OF THE CITY OF LAS VEGAS, NEVADA.
- 3) I AGREE TO ACCEPT THE REQUIRED REGULATORY REQUIREMENTS AND TO ACCEPT THE CITY'S PLAN OF THE CITY OF LAS VEGAS, NEVADA.
- 4) I AGREE TO ACCEPT THE REQUIRED REGULATORY REQUIREMENTS AND TO ACCEPT THE CITY'S PLAN OF THE CITY OF LAS VEGAS, NEVADA.

THE AGREEMENT HAS BEEN MADE BY AND FOR THE SIGNER AND APPROVED BY THE BOARD OF PLANNING AND COMMUNITY DEVELOPMENT OF THE CITY OF LAS VEGAS, NEVADA.

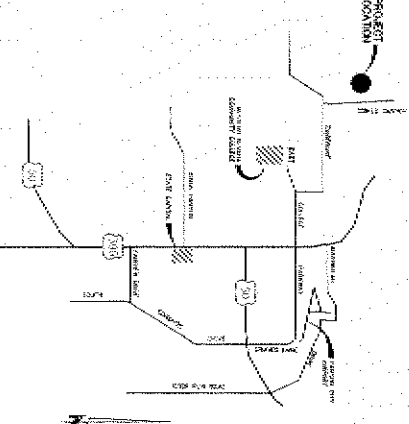
**REQUIREMENTS BY ORDER OF THE STATE OF NEVADA**

THE INSURER'S LIABILITY CERTIFICATE THAT THIS PLAN HAS BEEN EXAMINED THAT THE CITY OF LAS VEGAS, NEVADA, HAS REVIEWED AND APPROVED THE MAP AS SHOWN ON THE ATTACHED PARCELS AS SHOWN ON THE PLAN OF THE CITY OF LAS VEGAS, NEVADA.

THIS INSTRUMENT HAS BEEN RECORDED BY THE CLERK OF THE COUNTY OF CLAY COUNTY, NEVADA.

APPLICANT NAME	DATE	CITY	COUNTY	STATE
COMBS CANYON SUBDIVISION				
DATE OF REVIEW				

THE BOARD OF PLANNING AND COMMUNITY DEVELOPMENT HAS REVIEWED THE MAP AND APPROVED IT AS SHOWN ON THE ATTACHED PARCELS AS SHOWN ON THE PLAN OF THE CITY OF LAS VEGAS, NEVADA.



THIS MAP WAS PREPARED BY THE ENGINEER OF PROFESSIONAL ENGINEERING AND SURVEYING COMPANY, INC. UNDER THE CLOSE PERSONAL SUPERVISION OF THE ENGINEER AND SURVEYOR. THE ENGINEER AND SURVEYOR HAS REVIEWED THE MAP AND APPROVED IT AS SHOWN ON THE ATTACHED PARCELS AS SHOWN ON THE PLAN OF THE CITY OF LAS VEGAS, NEVADA.

THE INSURER'S LIABILITY CERTIFICATE THAT THIS PLAN HAS BEEN EXAMINED THAT THE CITY OF LAS VEGAS, NEVADA, HAS REVIEWED AND APPROVED THE MAP AS SHOWN ON THE ATTACHED PARCELS AS SHOWN ON THE PLAN OF THE CITY OF LAS VEGAS, NEVADA.

THE BOARD OF PLANNING AND COMMUNITY DEVELOPMENT HAS REVIEWED THE MAP AND APPROVED IT AS SHOWN ON THE ATTACHED PARCELS AS SHOWN ON THE PLAN OF THE CITY OF LAS VEGAS, NEVADA.

DATE OF REVIEW: 1/15/2024  
DATE: 1/15/2024

**TENTATIVE MAP**  
FOR  
**COMBS CANYON SUBDIVISION**

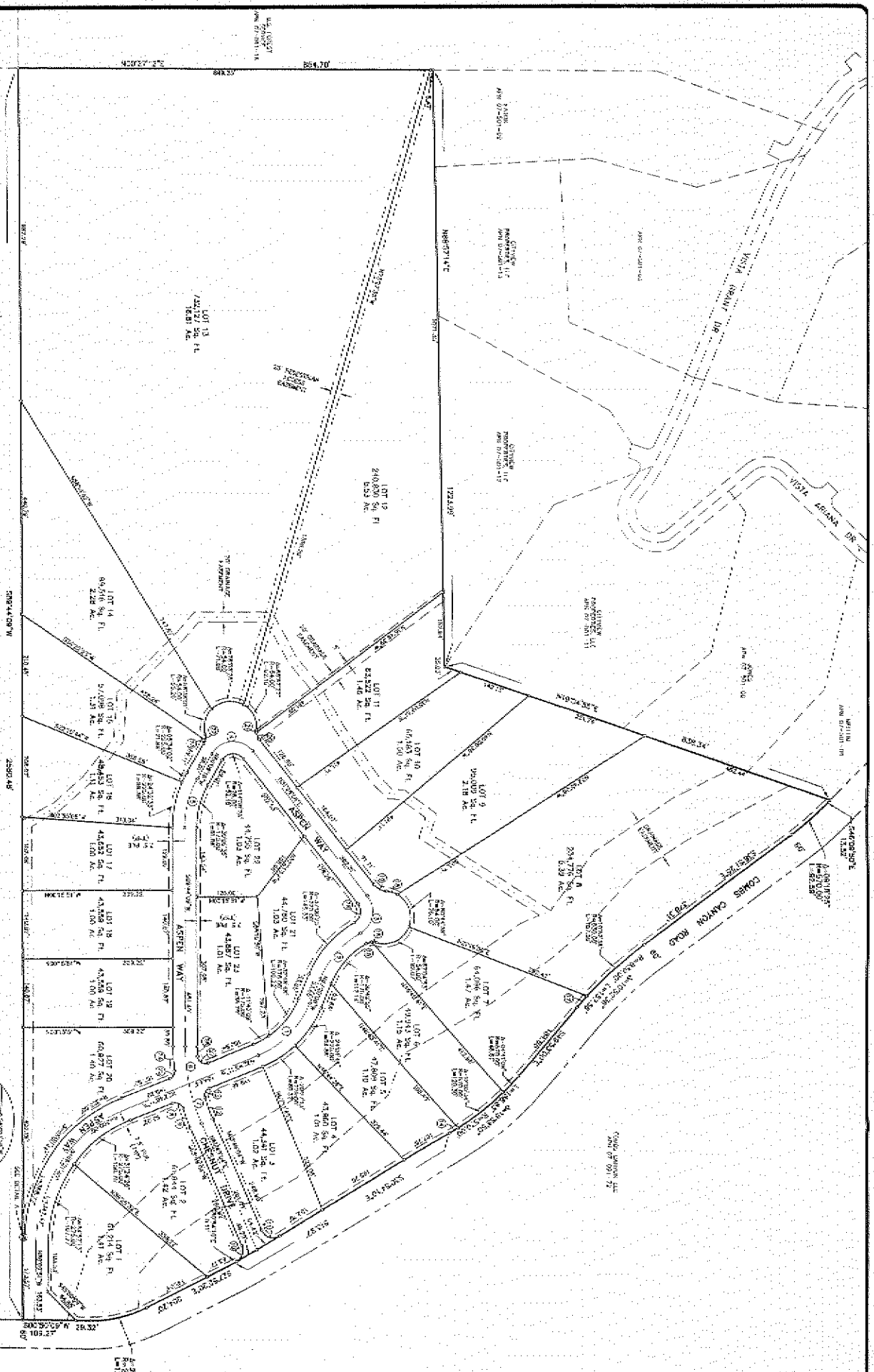
A SUBDIVISION OF THE WEST PART OF  
SECTION 16, TOWNSHIP 36N, RANGE 12E,  
SOUTHERLY QUARTER OF SECTION 16,  
RANGE 12E, TOWNSHIP 36N, RANGE 12E,  
SOUTHERLY QUARTER OF SECTION 16,

CASSIN CITY, NEVADA

DATE: 6-17-20  
JOB NO: 2021/001  
DWS: 2021/001

SHEET 1 OF 2

REVISIONS:  
DATE: 6-17-20  
REVISIONS: 2021/001



LOT	ACRES	SQ. FT.	OWNER
1	1.28	54,880	...
2	1.10	47,600	...
3	1.10	47,600	...
4	1.10	47,600	...
5	1.10	47,600	...
6	1.10	47,600	...
7	1.10	47,600	...
8	1.10	47,600	...
9	1.10	47,600	...
10	1.10	47,600	...
11	1.10	47,600	...
12	1.10	47,600	...
13	1.10	47,600	...
14	1.10	47,600	...
15	1.10	47,600	...
16	1.10	47,600	...
17	1.10	47,600	...
18	1.10	47,600	...
19	1.10	47,600	...
20	1.10	47,600	...
21	1.10	47,600	...
22	1.10	47,600	...
23	1.10	47,600	...

**BASIS OF BEARINGS**  
 THE BASIS OF BEARINGS OF THE MAP IS THE EQUILIBRIUM LINE OF THE  
 TERRESTRIAL MAGNETIC MERIDIAN FOR THE YEAR 1983.000, AS SHOWN IN  
 THE RECORD OF SURVEY FOR THE W 1/2 OF SECTION 1, T12N, R12E, S12E,  
 RECORD OF CANYON CITY, NEVADA.

**REFERENCE DOCUMENTS**  
 (1) RECORD OF SURVEY FOR THE ADJACENT MAP BOOK R. 1462, 2192

**TENTATIVE MAP**  
 FOR  
**COMB CANYON SUBDIVISION**  
 A SUBDIVISION OF THE WEST HALF OF  
 RECORD OF SURVEY FOR THE W 1/2 OF SECTION 1,  
 T12N, R12E, S12E,  
 CANYON CITY, NEVADA

**LUMOS**  
 115 N. 218 E. PARK W.  
 CANYON CITY, NEVADA  
 PHONE: 795-1111  
 FAX: 795-1112

DATE: 11-17-88  
 JOB NO. 2501-001  
 ONE SOUTHWEST  
 SHEET 2 OF 2

FILE NO. \_\_\_\_\_  
 RECORDING FILE: \_\_\_\_\_  
 RECORDING DATE: \_\_\_\_\_

# TENTATIVE MAP FOR COMBS CANYON SUBDIVISION

THE UNDERSIGNED ORDER OF THE AFFECTED PARCELS AS SHOWN ON THIS PLAN DO  
 1) I HAVE EXAMINED THIS PLAN AND APPROVE AND AUTHORIZE ITS RECORDING.  
 2) I HAVE TO REQUEST THE REQUIRED DOCUMENTS CREATING ANY ENCUMBRANCE WHICH  
 IS SHOWN HEREON.  
 3) I AGREE TO EXECUTE THE REQUIRED DOCUMENTS AMENDING ANY EXISTING EASEMENT  
 PURSUANT TO THE PROVISIONS OF NRS 271.010 TO 271.030, INCLUSIVE.  
 4) ALL PROPERTY TAXES ON THE LAND FOR THE FISCAL YEAR HAVE BEEN PAID.

COMBS CANYON, LLC  
 BY \_\_\_\_\_ DATE \_\_\_\_\_

THIS INSTRUMENT WAS CONSIDERED BEFORE ME ON THIS \_\_\_\_\_ DATE \_\_\_\_\_  
 BY \_\_\_\_\_

NOTARY PUBLIC IN AND FOR THE STATE OF NEVADA  
 \_\_\_\_\_ DATE \_\_\_\_\_

THE UNDERSIGNED JEREMY CERTIFIED THAT THIS PLAN HAS BEEN  
 DEVELOPER OBTAINING SAID MAP IS THE LAST RECORD TITLE HOLDER OF  
 THE LANDS SHOWN HEREON.  
 \_\_\_\_\_ DATE \_\_\_\_\_

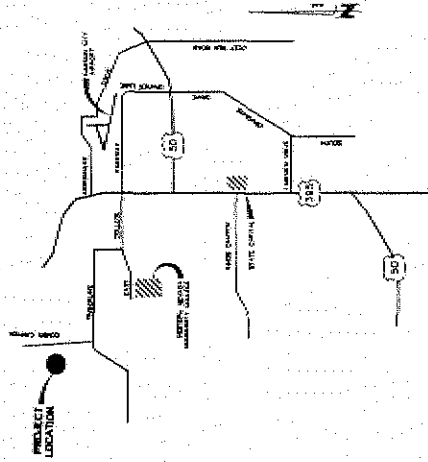
THE FOLLOWING IS A COMPLETE LIST OF LENS AND/OR MORTGAGE  
 HOLDERS OF RECORD:  
 1) \_\_\_\_\_ DATE \_\_\_\_\_

THE PUBLIC UTILITY & RAILROAD EASEMENTS SHOWN ON THIS PLAN HAVE BEEN CREATED AND APPROVED BY:

AT&T NEVADA	DATE	SOUREMEST GAS CORP.	DATE
NEVADA PACIFIC POWER COMPANY	DATE	CHARTER COMMUNICATIONS	DATE
CARSON CITY UTILITIES DEPT.	DATE		

THIS FINAL PLAN HAS BEEN EXAMINED AND FOUND TO BE SUBSTANTIALLY THE SAME AS IT APPEARED ON THE  
 TENTATIVE MAP APPROVED BY THE BOARD OF SUPERVISORS ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_  
 AND ALL CONDITIONS IMPROVED UPON ITS APPROVAL HAVE BEEN SATISFIED. THE FINAL MAP OF THE SUBDIVISION  
 THE SUBDIVISION \_\_\_\_\_ DAY OF \_\_\_\_\_

PLANNING COMMISSION CHAIRMAN \_\_\_\_\_ DATE \_\_\_\_\_  
 PLANNING AND COMMUNITY DEVELOPMENT COMMISSIONER \_\_\_\_\_ DATE \_\_\_\_\_



LOCATION MAP

DAVID L. BRATCHER, A PROFESSIONAL LAND SURVEYOR LICENSED IN THE STATE OF NEVADA, CERTIFY THAT:  
 1) THIS IS A TRUE AND ACCURATE REPRESENTATION OF THE LANDS SUBMITTED UNDER #7  
 2) THIS MAP WAS PREPARED BY ME OR UNDER MY CLOSE PERSONAL SUPERVISION AND TO THE BEST OF MY KNOWLEDGE AND BELIEF IT COMPLETELY ACCURATELY REPRESENTS THE TRUTH.  
 3) THIS MAP IS NOT IN CONFLICT WITH THE PROVISIONS OF NRS 271.010 TO 271.030, INCLUSIVE, OR WITH PROVISIONS OF NRS 272 AND ALL LOCAL ORDINANCES.  
 4) THE MONUMENTS ARE OF THE CHARACTER SHOWN, OCCUPY THE POSITIONS INDICATED, AND ARE OF SUFFICIENT DURABILITY.  
 DAVID L. BRATCHER, PLS TDSN \_\_\_\_\_ DATE \_\_\_\_\_

THIS FINAL MAP IS APPROVED BY THE BOARD OF ENVIRONMENTAL PROTECTION OF THE DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES. THIS APPROVAL CONCERNS SEWAGE DISPOSAL, WATER POLLUTION, WATER QUALITY AND WATER SUPPLY FACILITIES AND IS NOT A GUARANTEE OF THE ACCURACY OF THE SURVEY DATA AND A COMMUNITY SEWAGE DISPOSAL SYSTEM.

DIVISION OF ENVIRONMENTAL PROTECTION \_\_\_\_\_ DATE \_\_\_\_\_

THIS FINAL MAP HAS BEEN APPROVED BY THE HEALTH DIVISION OF THE DEPARTMENT OF HEALTH SERVICES. THIS APPROVAL CONCERNS SEWAGE DISPOSAL, WATER POLLUTION, WATER QUALITY AND WATER SUPPLY FACILITIES AND IS NOT A GUARANTEE OF THE ACCURACY OF THE SURVEY DATA AND IS SUBJECT TO THE CARSON CITY GROWTH MANAGEMENT ORDINANCES.

HEALTH DIVISION \_\_\_\_\_ DATE \_\_\_\_\_

I DO HEREBY CERTIFY THAT I HAVE EXAMINED THE PLANNED UNIT DEVELOPMENT MAP AND THAT THE INFORMATION CONTAINED THEREIN AS IT APPEARED ON THE TENTATIVE MAP AND ANY ALTERATIONS THEREOF, THAT ALL PROVISIONS OF NRS 271.010 TO 271.030 AND ALL LOCAL ORDINANCES HAVE BEEN SATISFIED AND THAT THE PROVISIONS OF NRS 272, INCLUSIVE, CORRECTLY CORRECTS A PROPER PERFORMANCE BOND HAS BEEN DEPOSITED COMPARTING THAT THE REQUIREMENTS WILL BE OF CHARACTER WITH THE PROVISIONS OF NRS 271.010 TO 271.030, INCLUSIVE. RECORDING DATE OF THIS MAP.

CITY ENGINEER \_\_\_\_\_ DATE \_\_\_\_\_

ALL PROVISIONS OF NRS 271.010 TO 271.030 INCLUSIVE AND ALL LOCAL ORDINANCES HAVE BEEN COMPLIED WITH. THE TENTATIVE MAP WAS APPROVED AND RECORDED BY THE CARSON CITY BOARD OF SUPERVISORS ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2002.

WATSON \_\_\_\_\_ DATE \_\_\_\_\_

CITY CLERK \_\_\_\_\_ DATE \_\_\_\_\_

PLANNING AND COMMUNITY DEVELOPMENT COMMISSIONER \_\_\_\_\_ DATE \_\_\_\_\_

## TENTATIVE MAP

### COMBS CANYON SUBDIVISION

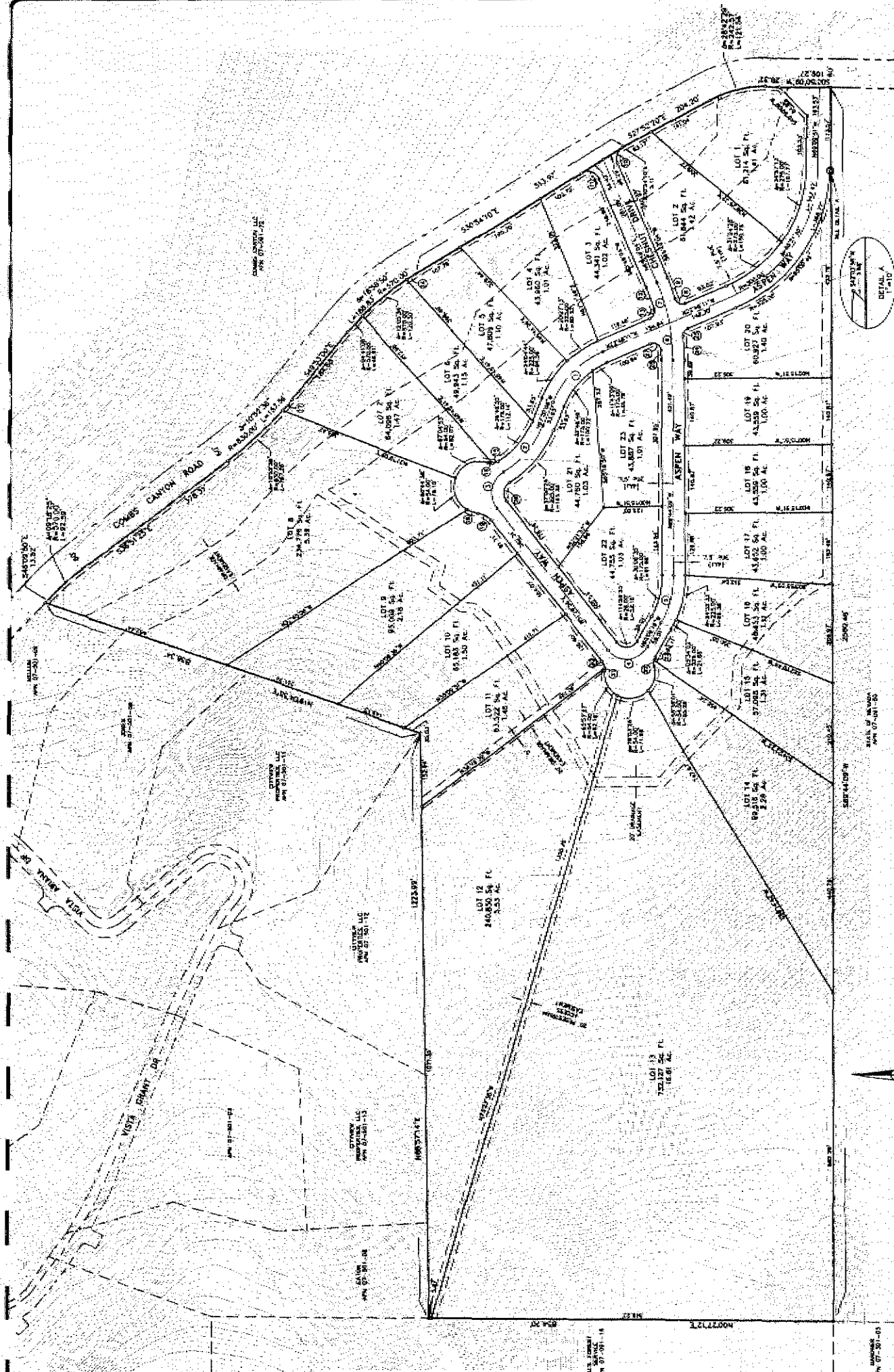
A SUBDIVISION OF THE NEIGHBORHOOD OF CARSON CITY, NEVADA, AS SHOWN ON THE TENTATIVE MAP OF THE SUBDIVISION, FILED WITH THE DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES, ON \_\_\_\_\_ DAY OF \_\_\_\_\_, 2002.

RECORDING FEE \_\_\_\_\_  
 FILE NO. \_\_\_\_\_  
 SHEET 1 OF 2

LUMOS

FILED FOR RECORDS THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2002.  
 OFFICE RECORDS OF CARSON CITY, NEVADA  
 AT THE REQUEST OF \_\_\_\_\_  
 A RECORDS LIMITED LIABILITY COMPANY





**TENTATIVE MAP**  
**COMB CANYON SUBDIVISION**  
 A SUBDIVISION OF THE NECE PARCEL OF  
 LOCATED WITHIN A PORTION OF THE W 1/2 OF SECTION 1,  
 T.5 N., R.74 E., M.8 R.M.  
 CARSON CITY,  
 NEVADA

FILED FOR RECORD IN BOOK 47 OF THE OFFICIAL RECORDS OF CARSON CITY, NEVADA AT THE REQUEST OF NEVADA, LLC A NEVADA LIMITED LIABILITY COMPANY.

RECORDING FEE: \$15.00  
 FILE NO.:  
 DRAWING NUMBER: 07-30-14

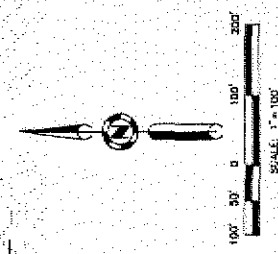
DATE: 07-30-14  
 LOT NO.: 30/10/11  
 DIME: 30/10/11/11  
 SHEET 2 OF 2

**BASIS OF BEARINGS**  
 THE BASIS OF BEARINGS OF THIS MAP IS THE SOUTHERLY LINE OF THE SUBDIVISION SHOWN AS S 89° 49' 00" W ON THE RECORD OF SURVEY FOR PAGES 1 AND 2, RECORDED IN BOOK 8 AT PAGE 2182, OFFICIAL RECORDS OF CARSON CITY, NEVADA.

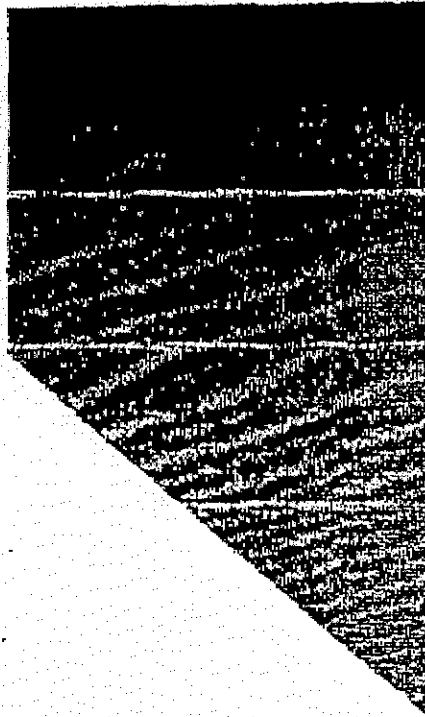
**REFERENCE DOCUMENTS**  
 (1) RECORD OF SURVEY FOR THE NEVADA MAP BOOK 8, PAGE 2182.

DEPT.	NO.	DATE	DESCRIPTION	AMOUNT
1	1	07/30/14	RECORDING FEE	15.00
1	2	07/30/14	RECORDING FEE	15.00
1	3	07/30/14	RECORDING FEE	15.00
1	4	07/30/14	RECORDING FEE	15.00
1	5	07/30/14	RECORDING FEE	15.00
1	6	07/30/14	RECORDING FEE	15.00
1	7	07/30/14	RECORDING FEE	15.00
1	8	07/30/14	RECORDING FEE	15.00
1	9	07/30/14	RECORDING FEE	15.00
1	10	07/30/14	RECORDING FEE	15.00
1	11	07/30/14	RECORDING FEE	15.00
1	12	07/30/14	RECORDING FEE	15.00
1	13	07/30/14	RECORDING FEE	15.00
1	14	07/30/14	RECORDING FEE	15.00
1	15	07/30/14	RECORDING FEE	15.00
1	16	07/30/14	RECORDING FEE	15.00
1	17	07/30/14	RECORDING FEE	15.00
1	18	07/30/14	RECORDING FEE	15.00
1	19	07/30/14	RECORDING FEE	15.00
1	20	07/30/14	RECORDING FEE	15.00
1	21	07/30/14	RECORDING FEE	15.00
1	22	07/30/14	RECORDING FEE	15.00
1	23	07/30/14	RECORDING FEE	15.00
1	24	07/30/14	RECORDING FEE	15.00
1	25	07/30/14	RECORDING FEE	15.00
1	26	07/30/14	RECORDING FEE	15.00
1	27	07/30/14	RECORDING FEE	15.00
1	28	07/30/14	RECORDING FEE	15.00
1	29	07/30/14	RECORDING FEE	15.00
1	30	07/30/14	RECORDING FEE	15.00

DEPT.	NO.	DATE	DESCRIPTION	AMOUNT
1	1	07/30/14	RECORDING FEE	15.00
1	2	07/30/14	RECORDING FEE	15.00
1	3	07/30/14	RECORDING FEE	15.00
1	4	07/30/14	RECORDING FEE	15.00
1	5	07/30/14	RECORDING FEE	15.00
1	6	07/30/14	RECORDING FEE	15.00
1	7	07/30/14	RECORDING FEE	15.00
1	8	07/30/14	RECORDING FEE	15.00
1	9	07/30/14	RECORDING FEE	15.00
1	10	07/30/14	RECORDING FEE	15.00
1	11	07/30/14	RECORDING FEE	15.00
1	12	07/30/14	RECORDING FEE	15.00
1	13	07/30/14	RECORDING FEE	15.00
1	14	07/30/14	RECORDING FEE	15.00
1	15	07/30/14	RECORDING FEE	15.00
1	16	07/30/14	RECORDING FEE	15.00
1	17	07/30/14	RECORDING FEE	15.00
1	18	07/30/14	RECORDING FEE	15.00
1	19	07/30/14	RECORDING FEE	15.00
1	20	07/30/14	RECORDING FEE	15.00
1	21	07/30/14	RECORDING FEE	15.00
1	22	07/30/14	RECORDING FEE	15.00
1	23	07/30/14	RECORDING FEE	15.00
1	24	07/30/14	RECORDING FEE	15.00
1	25	07/30/14	RECORDING FEE	15.00
1	26	07/30/14	RECORDING FEE	15.00
1	27	07/30/14	RECORDING FEE	15.00
1	28	07/30/14	RECORDING FEE	15.00
1	29	07/30/14	RECORDING FEE	15.00
1	30	07/30/14	RECORDING FEE	15.00



## **E. Title Report**



# WESTERN TITLE

COMPANY, INC.

*Since 1902*

## Preliminary Report

**NATIONWIDE SERVICE AVAILABLE THROUGH OFFICES LOCATED AT:**

241 Ridge Street • Reno, Nevada 89501 • (775) 332-7100 • FAX (775) 332-7121  
500 Camonte Ranch Pky. Suite 857, Reno, Nevada 89521 • (775) 850-5544 • FAX (775) 850-7171  
835 Sierra Rose Drive • Reno, Nevada 89511 • (775) 829-4980 • FAX (775) 829-4976  
280 E. Moana Lane • Suite 3 • Reno, Nevada 89502 • (775) 332-7180 • FAX (775) 332-7185  
83 Continental Drive • Suite A • Reno, Nevada 89509 • (775) 789-5845 • FAX (775) 789-5649  
1528 Highway 395 • Minden, Nevada 89423 • (775) 782-8771 • FAX (775) 782-8738  
• Stateline, Nevada • (775) 588-5821 • FAX (775) 588-3815  
301 W. Washington Street • Carson City, Nevada 89703 • (775) 887-8500 • FAX (775) 887-8511  
401 South Bridge St. • Winnemucca, Nevada 89445 • (775) 823-4477 • FAX (775) 823-4193  
• Lovelock & Battle Mountain, Nevada • (800) 840-0432  
55 N. Center St. • Suite 3 • Fernley, Nevada 89408 • (775) 575-8111 • FAX (775) 575-8124  
720 S. Main Street • Suite D • Yerington, Nevada 89447 • (775) 463-1889 • FAX (775) 463-1389

CLTA Preliminary Report

**PRELIMINARY REPORT**

Assessor's Parcel No.: 7-091-72, 7-091-91  
Property Address: COMBS CANYON ROAD  
CARSON CITY, NEVADA  
Buyers: BARTON PROPERTIES

Order No.: 00027695-099  
Escrow Officer: KELLY SIMONEAU  
Office Location:  
Reference No.: 2000142-KS

In response to the above referenced application for a Policy of Title Insurance, Fidelity National Title Insurance Company hereby reports that it is prepared to issue, or cause to be issued, as of the date hereof, a Policy or Policies of Title Insurance describing the land and the estate or interest therein, hereinafter set forth, insuring against loss which may be sustained by reason of any defect, lien or encumbrance not shown or referred to as an Exception below or not excluded from coverage pursuant to the printed Schedules, Conditions and Stipulations of said Policy forms.

The printed Exceptions and Exclusions from the coverage of said Policy or Policies are set forth on the attached cover. Copies of the Policy forms should be read. They are available from the office which issued this report.

Please read the exceptions shown or referred to below and the Exceptions and Exclusions set forth on the attached cover of this report carefully. The exceptions and exclusions are meant to provide you with notice of matters which are not covered under the terms of the title insurance policy and should be carefully considered. It is important to note that this Preliminary Report is not a written representation as to the condition of title and may not list all liens, defects, and encumbrances affecting title to the land.

This report (and any supplements or amendments hereto) is issued solely for the purpose of facilitating the issuance of a policy of title insurance and no liability is assumed hereby. If it is desired that liability be assumed prior to the issuance of a policy of title insurance, a Binder or Commitment should be requested.

Dated as of December 21, 2004 at 7:30 A.M.

Western Title Company, Inc., an authorized agent

By:

H. W. FRISKEY



The form of Policy of Title Insurance contemplated by this report is:

- CLTA Standard Owner's Policy
- ALTA Extended Lender's Policy

The estate or interest in the land hereinafter described or referred to covered by this Report is:

A Fee

Title to said estate or interest at the date hereof is vested in:

NEWTON W. FREEMAN, IV, SUCCESSOR TRUSTEE OF THE GRANT J. WEISE, JR., 1979 TRUST,  
DATED AUGUST 7, 1979, AS TO PARCEL 1; GRANT J. WEISE, JR., INDIVIDUALLY, AS TO PARCEL 2

**EXCEPTIONS**

At the date hereof exceptions to coverage in addition to the printed Exceptions and Exclusions in said policy form would be as follows:

1. Any additional liens which may be levied by reason of said premises being within the CARSON CITY UTILITIES DEPARTMENT.
2. Water rights, claims or title to water, whether or not recorded.
3. Rights of way for any existing roads, trails, canals, streams, ditches, drain ditches, pipe, pole or transmission lines traversing said premises.
4. Provisions, Reservations, Easements and the effect thereof, contained in the Patent from the UNITED STATES OF AMERICA  
Recorded: June 5, 1891, in Book 25, Page 366, Land Patent Records of Carson City County, Nevada.
5. Easements, dedications, reservations, provisions, recitals, building set back lines, and any other matters as provided for or delineated on Parcel Map No. 1448, filed in the office of the County Recorder of Carson City County, State of Nevada, on April 28, 1987, as Document No. 57744.

Reference is hereby made to said map for particulars. If one is not included herewith, one will be furnished upon request.

6. Matters as disclosed on Record of Survey filed in the office of the County Recorder of Carson City County, State of Nevada on November 25, 1996, as Document No. 196595, Survey Map No. 2192.
7. Rights of the public, county and/or city in that portion lying within the street as it now exists:  
  
Street Name: COMBS CANYON ROAD
8. The requirement that a copy of the GRANT J. WEISE, JR. 1979 TRUST Agreement and any amendments thereto, referred to in the vesting herein, be supplied to this office for review prior to the issuance of any policy of title insurance.
9. The possible community or homestead interest of the spouse of the herein vested title holder if said holder is a married person.

NOTE: Taxes for the fiscal year 2004-2005, in the amount of \$547.73 have been paid in full.  
(APN 7-091-91)

NOTE: Taxes for the fiscal year 2004-2005, in the amount of \$240.83 have been paid in full.  
(APN 7-091-72)

NOTE: This report is subject to a minimum cancellation charge of \$300.00 as required by the rate schedule on file with the insurance commissioner of the State of Nevada pursuant to N.R.S. 592A.120-692A.140.

Order No. 00027695-099

**EXCEPTIONS - Continued**

**THE FOLLOWING NOTE IS FOR INFORMATION PURPOSES ONLY:**

A search of the Official Records for the county referenced in the above order number, for the 24 months immediately preceding the date above discloses the following instruments purporting to convey the title to said land:

(NONE)

**NOTE:**

If any current work of improvements have been made on the herein described real property (within the last 90 days) and this Report is issued in contemplation of a Policy of Title Insurance which affords mechanic lien priority coverage (i.e. ALTA POLICY); the following information must be supplied for review and approval prior to the closing and issuance of said Policy:

- A. Copy of Indemnity Agreement
- B. Financial Statements
- C. Construction Loan Agreement
- D. Building Construction Contract between borrower and contractor
- E. Cost breakdown of construction
- F. Appraisal
- G. Copy of Voucher or Disbursement Control Statement (if project is complete)

**NOTE:** This report makes no representations as to water, water rights, minerals or mineral rights and no reliance can be made upon this report or a resulting title policy for such rights or ownership.

**NOTE:** The map, if any, attached hereto is subject to the following disclaimer:

WESTERN TITLE COMPANY, INC. does not represent this plat as a survey of the land indicated hereon, although believed to be correct, no liability is assumed as to the accuracy thereof.

**ALTA SUPPLEMENT**

Attached to Preliminary Title Report No. 00027695

This report is preparatory to the issuance of an ALTA Policy of Title Insurance. We have no knowledge of any fact which would preclude the issuance of said ALTA Policy with Endorsements 100 and 116 attached. (Provided there is a valid Notice of Completion of record.)

There is located on said land a VACANT LAND, known as COMBS CANYON ROAD.

**EXCEPTIONS - Continued**

**ALTA SUPPLEMENT**

Attached to Preliminary Title Report No. 00027695

This report is preparatory to the issuance of an ALTA Policy of Title Insurance. We have no knowledge of any fact which would preclude the issuance of said ALTA Policy with Endorsements 100 and 116 attached. (Provided there is a valid Notice of Completion of record.)

There is located on said land a VACANT LAND, known as COMBS CANYON ROAD.

### Legal Description

All that real property situate in Carson City, State of Nevada, described as follows:

#### PARCEL 1

BEING A PORTION OF THE WEST 1/4 SECTION 1, TOWNSHIP 15 NORTH, RANGE 19 EAST, M.D.B.&M., AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

Commencing at the West 1/4 corner of Section 1, Township 15 North, Range 19 East, M.D.B.&M., thence South 00°27'12" West, 459.03 feet to the Northwest corner of Assessor's Parcel Number 7-091-53, said point being the TRUE POINT OF BEGINNING, thence North 88°57'14" East, 1233.99 feet; thence North 19°04'55" East, 838.34 feet to a point intersecting the Southwest side of the Combs Canyon Road right of way; thence along said right of way 46°09'50" East, 13.52 feet; thence along a curve to the right with a radius of 570 feet, an included angle of 09°18'25", a tangent length of 46.40 feet, and an arc length of 92.59 feet; thence South 36°51'25" East, 378.21 feet; thence along a curve to the left with a radius of 830 feet, an included angle of 13°01'35", a tangent length of 94.76 feet, and an arc length of 188.70 feet; thence South 49°53'00" East, 184.68 feet; thence along a curve to the right with a radius of 570 feet; an included angle of 18°58'50", a tangent length of 95.29 feet, and an arc length of 188.83 feet; thence South 30°54'10" East, 513.97 feet; thence South 27°52'20" East, 204.20 feet; thence along a curve to the right with a radius of 242.57 feet, an included angle of 28°42'29", a tangent length of 62.07 feet, and an arc length of 121.54 feet; thence South 00°50'09" West, 138.59 feet to a point intersecting the Southwest 1/16 line; thence along said 1/16 line South 89°44'09" West, 2580.48 feet to the Southwest 1/16 corner; thence North 00°27'12" East, 854.70 feet to the TRUE POINT OF BEGINNING.

#### PARCEL 2:

Parcel D as shown on that certain parcel map for Grant J. Weise, Sr. shown as Parcel Map 1448, recorded in the Office of the Recorder of Carson City, Nevada on April 28, 1987.



WESTINGHOUSE ELECTRIC CO. MADE IN U.S.A.

7-09

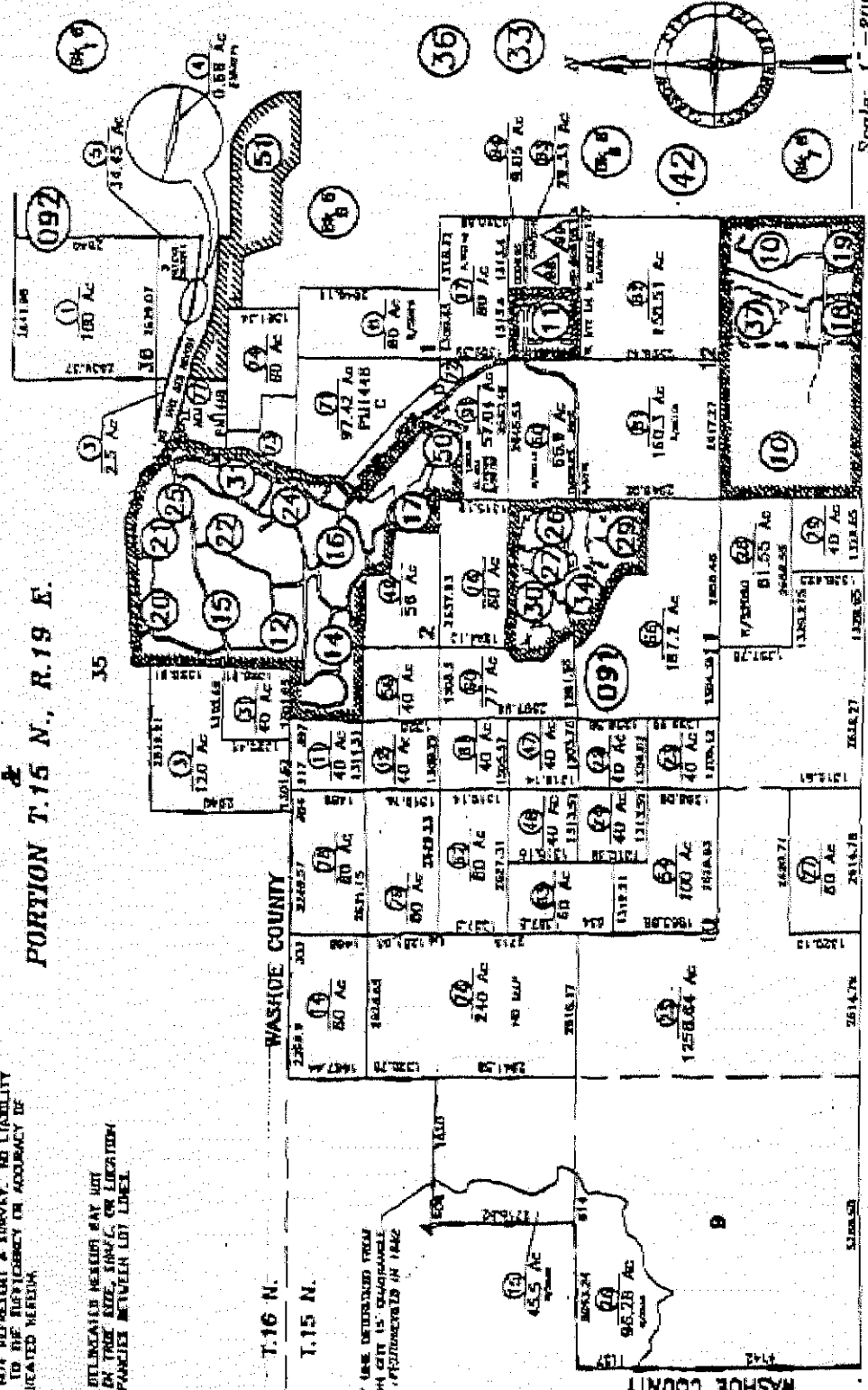
Western Title Company, Inc. 1000  
The point of reference at the time of the survey is the  
reference monument as shown on the plat.

PORTION T.16 N., R.19 E.  
&  
PORTION T.15 N., R.19 E.

CARSON CITY, NEVADA  
THIS MAP IS PREPARED FOR THE USE OF THE CARSON CITY  
ASSISTANT FOR ASSIGNMENT AND BUREAU PURPOSES  
ONLY. IT DOES NOT REPRESENT A SURVEY AND LIABILITY  
IS ASSIGNED AS TO THE SURVEYOR OR AGENCY OF  
THE DATA INDICATED HEREIN.

NOTE:  
SOME PARCELS DELINEATED HEREON MAY NOT  
BE PRECISELY IN THIS SIZE, SHAPE OR LOCATION  
DUE TO DISCREPANCIES BETWEEN LOT LINES.

PROPERTY LINE DETERMINED FROM  
USGS BATHYMETRIC DATA  
APPROXIMATELY IN 1942



6

3

## PRIVACY POLICY

The Financial Services Modernization Act recently enacted by Congress has brought many changes to the financial services industry, which includes insurance companies and their agents. One of the changes requires Western Title Company, Inc., to explain to you how we collect and use customer information.

Western Title Company has always and will continue to adhere to strict standards of confidentiality when it comes to protecting the privacy, accuracy and security of customer information provided to us.

### PERSONAL INFORMATION WE MAY COLLECT:

Western Title collects information about you (for instance, your name, address and telephone number), and information about your transaction, including the identity of the real property you are buying or refinancing. We obtain copies of deeds, notes or mortgages that may be involved in the transaction. We may obtain this information directly from you or from the lender, attorney, or real estate broker or agent that you have chosen. When we provide escrow, or settlement services, or mortgage loan servicing, we may obtain your social security number, along with other information from third parties including appraisals, credit reports, land surveys, loan account balances, and sometimes your bank account information in order to facilitate your transaction.

### HOW WE USE THIS INFORMATION:

Western Title Company does **NOT** share your information with marketers outside our own family. There is **NO** need to tell us to keep your information to ourselves because we share your information only to provide the service requested by you, your lender or in other ways permitted by law. The privacy law permits some sharing of information without your approval. We may share your information internally and with nonaffiliated third parties in order to carry out and service your transaction, to protect against fraud or unauthorized transactions, for institutional risk control and to provide information to government and law enforcement agencies. Companies within a family may share certain information among themselves in order to identify and market their own products that they think may be useful to you. Credit information about you is shared only to facilitate your transaction or for some other purpose permitted by law.

### HOW WE PROTECT YOUR INFORMATION:

We restrict access to nonpublic information about you to our employees that need the information to provide products and services to you. We maintain physical, electronic and procedural safeguards that comply with the law to guard your nonpublic information. We reinforce Western Title's privacy policy with our employees.

You do not need to respond to this notice, unless you have concerns about any information we have obtained. You can write us at:

Western Title Company, Inc.  
Attention: Operations Manager  
P.O. Box 3059  
Reno, NV 89505

Western Title Company, Inc., is an agent for Ticor Title Insurance Corporation, Chicago Title, Westcor Land Title Insurance Company, Fidelity National Title and Lawyers Title Insurance Corporation (Landamerica). You may receive additional Privacy Policy information from these companies.

## LIST OF PRINTED EXCEPTIONS AND EXCLUSIONS

### CALIFORNIA LAND TITLE ASSOCIATION STANDARD COVERAGE POLICY - 1980

#### EXCLUSIONS FROM COVERAGE

The following matters are expressly excluded from the coverage of this policy and the Company will not pay loss or damage, costs, attorneys' fees or expenses which arise by reason of:

1. (a) Any law, ordinance or governmental regulation (including but not limited to building and zoning laws, ordinances, or regulations) restricting, regulating, prohibiting or relating to (i) the occupancy, use, or enjoyment of the land; (ii) the character, dimensions or location of any improvement now or hereafter erected on the land; (iii) a separation in ownership or a change in the dimensions or area of the land or any parcel of which the land is or was a part; or (iv) environmental protection, or the effect of any violation of these laws, ordinances or governmental regulations, except to the extent that a notice of the enforcement thereof or a notice of a defect, lien or encumbrance resulting from a violation or alleged violation affecting the land has been recorded in the public records at Date of Policy.
- (b) Any governmental police power not excluded by (a) above, except to the extent that a notice of the exercise thereof or a notice of a defect, lien or encumbrance resulting from a violation or alleged violation affecting the land has been recorded in the public records at Date of Policy.
2. Rights of eminent domain unless notice of the exercise thereof has been recorded in the public records at Date of Policy, but not excluding from coverage any taking which has occurred prior to Date of Policy which would be binding on the rights of a purchaser for value without knowledge.
3. Defects, liens, encumbrances, adverse claims or other matters:
  - (a) whether or not recorded in the public records at Date of Policy, but created, suffered, assumed or agreed to by the insured claimant;
  - (b) not known to the Company, not recorded in the public records at Date of Policy, but known to the insured claimant and not disclosed in writing to the Company by the insured claimant prior to the date the insured claimant became an insured under this policy;
  - (c) resulting in no loss or damage to the insured claimant;
  - (d) attaching or created subsequent to Date of Policy; or
  - (e) resulting in loss or damage which would not have been sustained if the insured claimant had paid value for the insured mortgage or the estate or interest insured by this policy.
4. Unenforceability of the lien of the insured mortgage because of the inability or failure of the insured at Date of Policy, or the inability or failure of any subsequent owner of the indebtedness, to comply with applicable doing business laws of the state in which the land is situated.
5. Invalidity or unenforceability of the lien of the insured mortgage, or claim thereof, which arises out of the transaction evidenced by the insured mortgage and is based upon usury or any consumer credit protection or truth-in-lending law.
6. Any claim, which arises out of the transaction vesting in the insured the estate or interest insured by this policy or the transaction creating the interest of the insured lender, by reason of the operation of federal bankruptcy, state insolvency or similar creditors' rights laws.

#### EXCEPTIONS FROM COVERAGE

This policy does not insure against loss or damage (and the Company will not pay costs, attorneys' fees or expenses) which arise by reason of:

1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records.
- Proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the public records.
2. Any facts, rights, interests or claims which are not shown by the public records but which could be ascertained by an inspection of the land or which may be asserted by persons in possession thereof.
3. Easements, liens or encumbrances, or claims thereof, which are not shown by the public records.
4. Discrepancies, conflicts in boundary lines, shortages in area, encroachments, or any other facts which a correct survey would disclose, and which are not shown by the public records.
5. (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) water rights, claims or title to water, whether or not the matters excepted under (a), (b) or (c) are shown by the public records.

### CLTA HOMEOWNER'S POLICY OF TITLE INSURANCE (6/2/98)

### ALTA HOMEOWNER'S POLICY OF TITLE INSURANCE (10-17-88)

#### EXCLUSIONS FROM COVERAGE

In addition to the exceptions in Schedule B, you are not insured against loss, costs, attorney's fees and expenses resulting from:

1. Governmental police power, and the existence or violation of any law or government regulation. This includes ordinances, laws and regulations concerning:
 

a. building	d. improvements on the Land
b. zoning	e. land division
c. land use	f. environmental protection

This Exclusion does not apply to violations or the enforcement of these matters if notice of the violations or enforcement appears in the Public Records at the Policy Date.

This Exclusion does not limit the coverage described in Covered Risk 14, 15, 16, 17 or 24.
2. The failure of Your existing structures, or any part of them, to be constructed in accordance with applicable building codes. This Exclusion does not apply to violations of building codes if notice of the violation appears in the Public Records at the Policy Date.
3. The right to take the Land by condemning it, unless:
  - a. a notice of exercising the right appears in the Public Records at the Policy Date; or
  - b. the taking happened before the Policy Date and is binding on you if You bought the Land without knowing of the taking.
4. Risks:
  - a. that are created, allowed, or agreed to by you, whether or not they appear in the Public Records;
  - b. that are known to You at the Policy Date, but not to US, unless they appeared in the Public Records at the Policy Date;
  - c. that result in no loss to You; or
  - d. that first occur after the Policy Date - this does not limit the coverage described in Covered Risk 7, 8c, 22, 23, 24 or 25.
5. Failure to pay value for Your Title.
6. Lack of a right:
  - a. to any land outside the area specifically described and referred to in paragraph 3 of Schedule A; and
  - b. in streets, alleys, or waterways that touch the Land.

This Exclusion does not limit the coverage described in Covered Risk 11 or 16.

AMERICAN LAND TITLE ASSOCIATION RESIDENTIAL TITLE INSURANCE POLICY (6-1-87)

EXCLUSIONS FROM COVERAGE

In addition to the exceptions in Schedule B, you are not insured against loss, costs, attorney's fees and expenses resulting from:

- 1. Governmental policy power, and the existence or violation of any law or government regulation. This includes building and zoning ordinances and also laws and regulations concerning:
  - land use
  - use improvements on the land
  - land division
  - environmental protection

This exclusion does not apply to the violations or the enforcement of these matters which appear in the public records at Policy Date. This exclusion does not limit the zoning coverage described in Items 12 and 13 of Covered Title Risks.

- 2. The right to take the land by condemning it, unless:
  - a police of exercising the right appears in the public records on the Policy Date
  - the taking happened prior to the Policy Date and is binding on you if you bought the land without knowing of the taking

- 3. Title Risks:
  - that are created, allowed, or agreed to by you
  - that are known to you, but not to us, on the Policy Date - unless they appeared in the public records
  - that result in no loss to you

- 4. Failure to pay value for your title.

- 5. Lack of a right:
  - to any land outside the area specifically described and referred to in Item 3 of Schedule A, or
  - in streets, alleys, or waterways that touch your land

This exclusion does not limit the access coverage in Item 6 of Covered Title Risks.

EXCEPTIONS FROM COVERAGE

In addition to the Exclusions, you are not insured against loss, costs, attorney's fees and expenses resulting from:

- 1. Someone claiming an interest in your land by reason of:
  - A. Easements not shown in the public records
  - B. Boundary disputes not shown in the public records
  - C. Improvements owned by your neighbor placed on your land
- 2. If, in addition to a single family residence, your existing structure consists of one or more Additional Dwelling Units, Item 12 of Covered Title Risks does not insure you against loss, costs, attorney's fees, and expenses resulting from:
  - A. The forced removal of any Additional Dwelling Unit, or
  - B. The forced conversion of any Additional Dwelling Unit back to its original use.

If said Additional Dwelling Unit was either constructed or converted to use as a dwelling unit in violation of any law or government regulation.

AMERICAN LAND TITLE ASSOCIATION LOAN POLICY (10-17-82)  
WITH ALTA ENDORSEMENT - FORM 1 COVERAGE

and

AMERICAN LAND TITLE ASSOCIATION LEASEHOLD LOAN POLICY (10-17-82)  
WITH ALTA ENDORSEMENT - FORM 1 COVERAGE

EXCLUSIONS FROM COVERAGE

The following matters are expressly excluded from the coverage of this policy and the Company will not pay loss or damage, costs, attorney's fees or expenses which arise by reason of:

- 1. (a) Any law, ordinance or governmental regulation (including but not limited to building and zoning laws, ordinances, or regulations) restricting, regulating, prohibiting or relating to (i) the occupancy, use, or enjoyment of the land; (ii) the character, dimensions or location of any improvement now or hereafter erected on the land; (iii) a separation in ownership or a change in the dimensions or area of the land or any parcel of which the land is or was a part; or (iv) environmental protection, or the effect of any violation of these laws, ordinances or governmental regulations, except to the extent that a notice of the enforcement thereof or a notice of a defect, lien or encumbrance resulting from a violation or alleged violation affecting the land has been recorded in the public records at Date of Policy.
- (b) Any governmental police power not excluded by (a) above, except to the extent that a notice of the exercise thereof or a notice of a defect, lien or encumbrance resulting from a violation or alleged violation affecting the land has been recorded in the public records at Date of Policy.
- 2. Rights of eminent domain unless notice of the exercise thereof has been recorded in the public records at Date of Policy, but not excluding from coverage any taking which has occurred prior to Date of Policy which would be binding on the rights of a purchaser for value without knowledge.
- 3. Defects, liens, encumbrances, adverse claims or other matters:
  - (a) created, suffered, assumed or agreed to by the insured claimant;
  - (b) not known to the Company, not recorded in the public records at Date of Policy, but known to the insured claimant and not disclosed in writing to the Company by the insured claimant prior to the date the insured claimant became an insured under this policy;
  - (c) resulting in no loss or damage to the insured claimant;
  - (d) attaching or created subsequent to Date of Policy (except to the extent that this policy insures the priority of the lien of the insured mortgage over any statutory lien for services, labor or material or to the extent insurance is afforded herein as to assessments for street improvements under construction or completed at Date of Policy); or
  - (e) resulting in loss or damage which would not have been sustained if the insured claimant had paid value for the insured mortgage.
- 4. Unenforceability of the lien of the insured mortgage because of the inability or failure of the insured at Date of Policy or the inability or failure of any subsequent owner of the indebtedness, to comply with applicable zoning business laws of the state in which the land is situated.
- 5. Invalidity or unenforceability of the lien of the insured mortgage, or claim thereof, which arises out of the transaction evidenced by the insured mortgage and is based upon usury or any consumer credit protection or truth in lending law.
- 6. Any statutory lien for services, labor or materials (or the claim or priority of any statutory lien for services, labor or materials over the lien of the insured mortgage) arising from an improvement or work related to the land which is contracted for and commenced subsequent to Date of Policy and is not financed in whole or in part by proceeds of the indebtedness secured by the insured mortgage which at Date of Policy the insured has advanced or is obligated to advance.
- 7. Any claim, which arises out of the transaction creating the interest of the mortgagee insured by this policy, by reason of the operation of federal bankruptcy, state insolvency, or similar creditors' rights laws, that is based on:

- (i) the transaction creating the interest of the insured mortgagee being deemed a fraudulent conveyance or fraudulent transfer, or
- (ii) the subordination of the interest of the insured mortgagee as a result of the application of the doctrine of equitable subordination; or
- (iii) the transaction creating the interest of the insured mortgagee being deemed a preferential transfer except where the preferential transfer results from the failure:
- to timely record the instrument of transfer; or
  - of such recordation to impart notice to purchaser for value or a judgment or lien creditor

The above policy forms may be issued to afford either Standard Coverage or Extended Coverage. In addition to the above Exclusions from Coverage, the Exceptions from Coverage in a Standard Coverage policy will also include the following General Exceptions:

### EXCEPTIONS FROM COVERAGE

This policy does not insure against loss or damage (and the Company will not pay costs, attorneys' fees or expenses) which arise by reason of:

- Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records.  
Proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the public records.
- Any facts, rights, interests or claims which are not shown by the public records but which could be ascertained by an inspection of the land or by making inquiry of persons in possession thereof.
- Easements, liens or encumbrances, or claims thereof, which are not shown by the public records.
- Discrepancies, conflicts in boundary lines, shortage in area, encroachments, or any other facts which a correct survey would disclose, and which are not shown by the public records.
- (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) water rights, claims or title to water, whether or not the matters excepted under (a), (b) or (c) are shown by the public records.

### AMERICAN LAND TITLE ASSOCIATION OWNER'S POLICY (10-17-92)

and

### AMERICAN LAND TITLE ASSOCIATION LEASEHOLD OWNER'S POLICY (10-17-92)

### EXCLUSIONS FROM COVERAGE

The following matters are expressly excluded from the coverage of this policy and the Company will not pay loss or damage, costs, attorneys' fees or expenses which arise by reason of:

- (a) Any law, ordinance or governmental regulation (including but not limited to building and zoning laws, ordinances, or regulations) restricting, regulating, prohibiting or relating to (i) the occupancy, use, or enjoyment of the land; (ii) the character, dimensions or location of any improvement now or hereafter erected on the land; (iii) a separation in ownership or a change in the dimensions or area of the land or any parcel of which the land is or was a part; or (iv) environmental protection, or the effect of any violation of these laws, ordinances or governmental regulations, except to the extent that a notice of the enforcement thereof or a notice of a defect, lien or encumbrance resulting from a violation or alleged violation affecting the land has been recorded in the public records at Date of Policy.
- (b) Any governmental police power not excluded by (a) above, except to the extent that a notice of the exercise thereof or a notice of a defect, lien or encumbrance resulting from a violation or alleged violation affecting the land has been recorded in the public records at Date of Policy.
- Rights of eminent domain unless notice of the exercise thereof has been recorded in the public records at Date of Policy, but not excluding from coverage any taking which has occurred prior to Date of Policy which would be binding on the rights of a purchaser for value without knowledge.
- Defects, liens, encumbrances, adverse claims or other matters:
  - created, suffered, assumed or agreed to by the insured claimant;
  - not known to the Company, not recorded in the public records at Date of Policy, but known to the insured claimant and not disclosed in writing to the Company by the insured claimant prior to the date the insured claimant became an insured under this policy;
  - resulting in no loss or damage to the insured claimant;
  - attaching or created subsequent to Date of Policy; or
  - resulting in loss or damage which would not have been sustained if the insured claimant had paid value for the estate or interest insured by this policy.
- Any claim, which arises out of the transaction vesting in the insured the estate or interest insured by this policy, by reason of the operation of federal bankruptcy, state insolvency, or similar creditors' rights laws, that is based on:
  - the transaction creating the estate or interest insured by this policy being deemed a fraudulent conveyance or fraudulent transfer, or
  - the transaction creating the estate or interest insured by this policy being deemed a preferential transfer except where the preferential transfer results from the failure:
    - to timely record the instrument of transfer; or
    - of such recordation to impart notice to a purchaser for value or a judgment or lien creditor.

The above policy forms may be issued to afford either Standard Coverage or Extended Coverage. In addition to the above Exclusions from Coverage, the Exceptions from Coverage in a Standard Coverage policy will also include the following General Exceptions:

### EXCEPTIONS FROM COVERAGE

This policy does not insure against loss or damage (and the Company will not pay costs, attorneys' fees or expenses) which arise by reason of:

- Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records.  
Proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the public records.
- Any facts, rights, interests or claims which are not shown by the public records but which could be ascertained by an inspection of the land or by making inquiry of persons in possession thereof.
- Easements, liens or encumbrances, or claims thereof, which are not shown by the public records.
- Discrepancies, conflicts in boundary lines, shortage in area, encroachments, or any other facts which a correct survey would disclose, and which are not shown by the public records.
- (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) water rights, claims or title to water, whether or not the matters excepted under (a), (b) or (c) are shown by the public records.

## F. CC&R's

## **COMBS CANYON, LLC ESTATES**

### **DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS**

THIS DECLARATION is made on the date hereinafter set forth by COMBS CANYON, LLC, a Nevada Limited Liability Company (hereinafter referred to as "Declarant.>").

#### **WITNESSETH:**

WHEREAS, Declarant is the owner in fee simple of all the property described in Exhibit "A," attached hereto; and

WHEREAS, Declarant will convey lots, as the term is hereinafter defined, in the said property, subject to certain protective covenants, conditions, restrictions, reservations, liens and charges as hereinafter set forth.

NOW, THEREFORE, Declarant hereby declares that all of the above-described property is hereby made subject to the following easements, restrictions, covenants and conditions, all of which are for the purpose of enhancing and protecting the value, desirability, and attractiveness of the real property. These easements, covenants, restrictions, and conditions shall run with the real property, and shall be binding on all parties having or acquiring any right, title or interest in the described property or any part thereof, and shall inure to the benefit of each owner thereof.

#### **ARTICLE I**

##### **DEFINITIONS**

Section 1. "Association" shall mean and refer to COMBS CANYON, LLC HOMEOWNERS' ASSOCIATION, INC., a non-profit Nevada corporation, its successors and assigns.

Section 2. "Property" shall mean and refer to that certain real property described on Exhibit "A," and such additions thereto as may hereafter be brought within the jurisdiction of the Association.

Section 3. "Lot" shall mean and refer to a parcel of land within the Property described in Exhibit "A," conveyed or to be conveyed to an "Owner," upon which there has been constructed or will be constructed a home.

Section 4. "Home" shall mean and refer to the single-family dwelling constructed upon a Lot.

Section 5. "Member" shall mean and refer to every person or entity that holds membership in the Association.

Section 6. "Owner" shall mean and refer to the record owner, whether one (1) or more persons or entities, of the fee simple title to any Lot which is part of the Property, including

contract sellers, but excluding those having such interest merely as security for the performance of any obligations.

Section 7. "Declarant" shall mean and refer to Combs Canyon, LLC, a Nevada Limited Liability Company, its successors and assigns. (Declarant may sometimes herein be referred to as "Developer.")

Section 8(a). The term "Institutional Lender" means a bank or savings and loan association, or any insurance company, or pension fund, or real estate trust, or any other party which is engaged in the business of financing home construction or purchase, which owns or holds a first and prior Deed of Trust encumbering a Home, and shall include any corporate subsidiary of such entity.

Section 8(b). The term "Institutional First Deed of Trust" means a Deed of Trust executed in favor of a bank or a savings and loan association, or any insurance company, or a pension fund or a real estate trust, or any other party engaged in the business of home financing, which is a first and prior Deed of Trust encumbering a Home.

Section 9. "Declaration" shall mean and refer to the within instrument, together with those exhibits which are attached hereto and made a part hereof, and shall include such amendments, if any, as may be adopted from time to time pursuant to the terms thereof. The within Declaration may be referred to in any other documents as COMBS CANYON, LLC ESTATES DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS.

Section 10. "Articles of Incorporation" shall mean and refer to the Charter of COMBS CANYON, LLC ESTATES HOMEOWNERS' ASSOCIATION, INC., a Nevada corporation, all exhibits which are attached thereto and made a part thereof, and shall include such amendments, if any, as may be adopted from time to time pursuant to the terms thereof.

Section 11. "Bylaws" shall mean and refer to the Bylaws of COMBS CANYON, LLC, ESTATES HOMEOWNERS' ASSOCIATION, INC., all exhibits which are attached thereto and made a part thereof, and shall include such amendments, if any, as may be adopted from time to time pursuant to the terms thereof.

Section 12. "Access Easement" shall mean and refer to those certain public access, drainage, public utilities, roadway construction, and slope maintenance easements, descriptions of which are attached hereto as Exhibits "B," "C," and "D," together with any other easements that shall hereafter be conveyed, granted, transferred, deeded to, or acquired by the Association.

## ARTICLE II

### PROPERTY SUBJECT TO THIS DECLARATION

The Property shall be held, transferred, sold, conveyed and occupied subject to the terms and conditions of this Declaration and any lawful amendments hereto, and subject to the Declaration of Restrictions and any lawful amendments thereto. The filing of this Declaration and the subjecting of the Property to the conditions and easements contained herein shall not be construed in any way, and shall never inhibit or prohibit Declarant from conveying the Lots or improvements within the Property to third parties free and clear of any conditions, restrictions or easements, except for those specifically provided for in this Declaration. Lots so



conveyed by Declarant to third parties shall be used and held in fee simple title by said third parties in accordance with this Declaration.

### **ARTICLE III MEMBERSHIP**

Every person or entity that is a record owner of a fee or undivided fee interest in any Lot that is subject to covenants of record to assessment by the Association, including contract sellers, shall be a Member of the Association. The foregoing is not intended to include persons or entities that hold an interest merely as security for the performance of an obligation. No Owner shall have more than one (1) membership. Except for Declarant, membership shall be appurtenant to a lot, and may not be separated from ownership of any Lot that is subject to assessment by the Association. Ownership of such Lot shall be the sole qualification for membership, provided, however, that, in the event that Declarant shall have sold all lots subject to these covenants, Declarant shall remain a Member entitled to all voting and other rights hereunder until twenty three (23) lots of Declarant's or its successor have been sold, or until the fifteenth (15<sup>th</sup>) anniversary of the date of recording in the Recorder's Office of this Declaration, whichever shall first occur. Nothing in this section shall prevent Declarant from being a Class A Member as provided in this Declaration.

### **ARTICLE IV VOTING RIGHTS**

The Association shall have two (2) classes of voting membership.

Class A. Class A Members shall be all those Owners as defined in Article III, with the exception of Declarant. Class A Members shall be entitled to one (1) vote for each Lot in which they hold the interest required for membership by Article III. When more than one (1) person holds such interest in any Lot, all such persons shall be Members. The vote for each Lot shall be exercised as they among themselves determine, but in no event shall more than one (1) vote be cast with respect to any lot.

Class B. The Class B Member shall be Declarant, its successors and assigns. The Class B Member shall be entitled to twenty three (23) votes for each Lot in which it holds the interest required for membership by Article III, provided that the Class B membership shall cease and be converted to Class A membership on the happening of either of the following events, whichever occurs earlier:

(a) Upon the sale of twenty three (23) lots. Said twenty three (23) lots shall consist of those lots described in Exhibit "A," together with any lots subsequently annexed to the Property pursuant to Article XII of this Declaration.

(b) Declarant, in Declarant's sole and exclusive discretion, shall voluntarily elect to convert its Class B membership into a Class A membership. Any other provisions of this Declaration notwithstanding, if, at any time prior to the sale of twenty three (23) lots, Declarant shall not own any lots subject to this Declaration, Declarant

shall continue to be a Class B Member, and shall not have less than twenty three (23) votes for all purposes hereunder.

## ARTICLE V

### PROPERTY RIGHTS

Section 1. MEMBERS' EASEMENTS OF ENJOYMENT. Every Member shall have a right and easement of enjoyment in and to any easement dedicated to the association, and such easement shall be appurtenant to and shall pass with the title to every Lot, subject to the following provisions.

(a) The right of the Association to dedicate or transfer all or any part of the access easement to any public agency, authority, or utility for such purposes and subject to such conditions as may be agreed to by the Members. No such dedication or transfer shall be effective unless an instrument signed by Members entitled to cast two-thirds (2/3) of the votes of the Class A membership and two-thirds (2/3) of the votes of the Class B membership, if any, has been recorded, agreeing to such dedication or transfer, and unless written notice of the proposed action is sent to every Member not less than thirty (30) days nor more than sixty (60) days in advance of the duly-called meeting at which the vote of such dedication or transfer is held.

(b) Existing easements and agreements of record.

(c) Easements referred to in Article XI hereof.

Section 2. DECLARANT'S RESERVED RIGHTS. Notwithstanding any provision herein to the contrary, the Property Rights under this Article V shall be subject to:

(a) The right of Declarant to execute all documents and take such actions and do such acts affecting the Property which, in Declarant's sole discretion, are desirable or necessary to facilitate Declarant's actual construction or development of the Property. However, nothing contained herein shall authorize Declarant to take any action that would diminish the rights of any lien holder or the holder of any Deed of Trust on any Lot, or take any action that will modify title to any of the Lots after conveyance to third parties.

(b) Easements of record on the date hereof and any easements which may hereafter be granted by Declarant to any public or private utilities or governmental bodies for the installation and maintenance of cable television, electrical, fiber optic, and telephone conduit and lines, natural gas lines, sewers or water pipes, or any other utilities or services to any Lots within the Property.

(c) Declarant shall have full right to assign all of its right, title and interest in the Property, both as Declarant and as a Member of the Association to another party by the execution and recording of a proper instrument in the public records of Carson City, Nevada.

Section 3. INCORPORATION OF EASEMENTS BY REFERENCE. Reference in the respective Deeds of Conveyance, or any mortgage or Trust Deeds or other evidence of obligation, to the easements and covenants to the respective grantees, mortgagees or trustees of said parcels is

as though said easements and covenants were fully recited and set forth in their entirety in such documents.

## **ARTICLE VI ARCHITECTURAL COMMITTEE**

Section 1.     **MEMBERSHIP.** For the purposes of ensuring the orderly development of COMBS CANYON, LLC ESTATES, and of establishing a unique and prestigious architectural format, there is hereby created an Architectural Committee (hereinafter referred to as the "Committee"). The Committee shall consist of Stephen Selinger or assignee and whoever else Selinger chooses to appoint. The original Members shall serve for a period of three (3) years. Thereafter, Declarant reserves the right to appoint a majority of the Members of the Committee until twenty three (23) lots of Declarant's or its successors have been sold, or until the fifteenth (15<sup>th</sup>) anniversary of the date of recording in the County Recorder's Office of this Declaration, whichever occurs first. Members of the Committee appointed by Declarant need not be Owners of Lots. After COMBS CANYON LLC sells its 23<sup>rd</sup> lot, the Owners of the Lots in COMBS CANYON, LLC ESTATES (exclusive of Declarant) shall have the power to appoint the remaining Members of the Committee; such Members of the Committee shall be selected from the Owners of the Property within COMBS CANYON, LLC ESTATES, and shall be selected by election with the voting rights set forth in Article IV of this Declaration. The Committee shall have the power to establish its own internal rules, regulations, and procedural details.

Section 2.     **CONFORMITY OF DESIGN.** The Committee shall exercise its best judgment to see that all improvements, construction, landscaping, and alterations on the lands within COMBS CANYON, LLC ESTATES conform with the natural surroundings and with existing structures as to external design, materials, color, siting, height, topography, grade, finished ground elevation, and the influence or effect any structure may have upon the view or outlook of adjacent or neighboring homes within COMBS CANYON, LLC ESTATES.

Section 3.     **ARCHITECTURAL CONTROL.** No buildings, structures, fences, or any additions thereto or any alterations thereof shall be erected, constructed, placed, or suffered to remain upon the premises unless or until the Committee approves the same. Therefore, the size, location, type, cost, use, the materials of construction thereof, the color scheme thereto, the grading plan of the lot, including the grading elevations of the location of the buildings and structures upon the premises, and the plans, specifications and details of the buildings and structures, shall have been approved in writing by the Committee, and a true copy of the plans, specifications and details shall have been lodged permanently with the Committee. No buildings or structures, except such as conformed to the plans, specifications and details, shall be erected, reconstructed or suffered to remain upon the premises. The approval or rejection of said plans is within the sole discretion of the Committee.

Section 4.     **PROCEDURE.**

(a) Before any construction activity begins, the following shall be submitted to the Committee:

(1) Two (2) sets of complete construction plans prepared and signed by a registered architect or residential planner.

(2) Two (2) sets of prints and drawings showing external color schemes.

(3) Two (2) copies of plat plans showing building location with respect to parcel boundaries.

Upon approval, one (1) set of these exhibits shall be certified as "approved," and returned to the Owner or the Owner's agent. The second set will be filed.

(b) The Committee's approval or disapproval as required in these covenants shall be in writing. In the event the Committee, or its designated representative, fails to approve or disapprove within forty-five (45) days after the plans and specifications have been submitted, approval will not be required, and the related covenants shall be deemed to have been fully complied with.

Section 5. COMPENSATION. None of the Members of the Committee shall be entitled to any compensation for services rendered under this Declaration.

Section 6. LITIGATION. The Committee shall not be liable for damages to any person or association submitting any architectural plans for approval, or to any Owner or Owners of lands within COMBS CANYON, LLC ESTATES, by reason of any action, failure to act, approval, disapproval, or failure to approve or disapprove, with regard to such architectural plans. Any person or association acquiring the title to any property in COMBS CANYON, LLC ESTATES, or any person or association submitting plans to the Committee for approval, by so doing, does agree and covenant that he, she or it will not bring any action or suit to recover damages against the Committee, its Members as individuals, or its advisors, employees, or agents.

## ARTICLE VII

### USE RESTRICTIONS

The premises may be used for one (1) single-family residence, with attached or detached garage, and with attached or detached guest/mother-in-law quarters, and for no other purpose. No commercial activity of any kind may be carried out upon the premises, nor shall anything be done which could become an annoyance or nuisance to the neighborhood. This restriction is not intended to prohibit the establishment of an "in-home" office for use by the Owner.

## ARTICLE VIII

### BUILDING RESTRICTIONS

(a) Except as otherwise provided herein, all structures, except for fencing, shall be constructed within the setbacks established by the Carson City Municipal Code, or any other regulatory agency with jurisdiction over the premises. Each parcel has a designated home site building envelope approved by the Carson City Community Development Department located so as to comply with the Carson City Hillside Ordinance, as well as to preserve view corridors and the natural beauty of the area. No structures shall be constructed, erected, or permitted outside the approved building envelope except where unusual necessitous conditions may exist, and then only after the approval of the Committee and the Carson City Community Development Department or its successor department. The above notwithstanding, fences in compliance with

these Covenants, Conditions and Restrictions may be constructed outside of the building envelopes. No structures, including fencing, or any other improvements, shall be constructed within that portion of the premises burdened with access easement.

(b) Any subsequent alterations and/or additions affecting the exterior appearance of any structures are also subject to the Committee's approval.

(c) Prime living area of the structure, exclusive of basements, garages, porches (covered or uncovered), patios, breeze ways, covered walks, decks, and similar improvements, may not be less than 2,500 (TWO THOUSAND FIVE HUNDRED) square feet.

(d) No flat roofs and no roofs constructed of a light reflecting material or finish will be allowed. All roofs must be of fire resistant material that meets the standards of the Nevada Division of Forestry, the regulations of the Carson City Fire Department, and the Carson City Municipal Code. No exceptions will be allowed.

(e) All structures with fireplaces, including outside barbecues or fireplaces, must be equipped with directional spark arrestors or other similar devices approved by the Carson City Fire Department or other regulatory agencies with jurisdiction over the premises and the subject matter.

(f) For fire safety purposes, improvements must be constructed in compliance with the Carson City Municipal Code, including, but not limited to, those applicable provisions of the Code entitled, "Wildland Urban Interface," CMC 14.10, addressing topics such as Access and Addresses, Water Supply, Ignition-Resistant Building Construction, Fuel Modification, Defensible Space, and Spark Arrestors.

(g) No structure shall be painted or otherwise decorated in any color or in any manner that is not in keeping with the natural surroundings or is otherwise objectionable or detrimental to surrounding properties.

(h) No night-guard, lighted flag poles, lighted displays, or other all-night lighting that could prove objectionable to adjoining parcels shall be erected. Christmas decorations during the Christmas holiday season are acceptable.

## **ARTICLE IX**

### **SPECIAL RESTRICTIONS AND RESERVATIONS**

(a) The lots shall not be parceled, split, or in any way divided. In the event some condition unknown at this time should exist or occur, such as drainage, utilities supplies, access, or some similar condition that might only be resolved on a practical basis by the adjustment of the recorded property lines, such change may be recommended by the Association and, with the approval of the appropriate departments of Carson City, may be adjusted accordingly.

(b) No fences, walls, hedges, or other sight barriers shall be erected or allowed to grow higher than six (6) feet. Walls or fences may be of solid construction up to four (4) feet in height, but shall have an open area of at least sixty-five percent (65%) over four (4) feet high so as not to totally obstruct the view of adjoining properties. Tennis court fencing in excess of six (6) feet may be permitted on a case-by-case basis with written approval from the Architectural Review Committee.

(c) No signs or other advertising, other than Declarant's marketing signs, the Owner's name, or resale signs, shall be displayed on the premises.

(d) Horses, chickens, pigs, or other farm livestock may not be kept on the premises.

(e) No firearms may be discharged in the area.

(f) No burning, either in incinerators or in open conditions, will be permitted at any time.

(g) No waste material of any kind shall be stored on the premises or the access easement, except normal household garbage and trash, which shall be kept in sanitary containers, and such containers shall be housed as to be protected from animals and the elements.

(h) No outdoor clotheslines will be permitted.

(i) No "temporary living" facilities, such as mobile homes, trailers, and/or campers may be used as such. Except for snow removal equipment owned or leased by the Association, no tractors, large commercial trucks, commercial trailers, or similarly-sized vehicles may be permanently parked or stored on the lot, whether in an enclosed structure or not. Other recreational possessions, including, but not limited to, boats, recreational vehicles, motor homes, travel trailers, vehicles, snowmobiles, motorcycles, or other equipment must be stored or housed under roof with total enclosure such as a garage or other approved structure. Said structures shall be scaled and sized to blend with and conform to the residential structure, and be of residential garage size with garage doors no greater than ten (10) feet in height. Vehicles or other possessions as described above shall be considered as being permanently parked or stored if they are present on the premises or the access easement for a period exceeding seven (7) days.

## **ARTICLE X**

### **EASEMENTS**

Section 1. INGRESS AND EGRESS, AND UTILITY EASEMENTS. Easements for ingress and egress, and for the installation and maintenance of all utilities and drainage facilities, are reserved on and over each Lot. The right is also reserved for the Developer and the Association to create additional utility easements by separate instrument as may be required from time to time.

## **ARTICLE XI**

### **ANNEXATION OF ADDITIONAL PROPERTIES**

Section 1. Annexation of additional property shall require the assent of two-thirds (2/3) of the Class A Members, and two-thirds (2/3) of the Class B Members, if any, at a meeting duly called for this purpose, written notice of which shall be sent to all Members not less than thirty (30) days, nor more than sixty (60) days, in advance of the meeting setting forth the purpose of the meeting. The presence of Members or of proxies entitled to cast 60% of the votes of each class of membership shall constitute a quorum. If the required quorum is not forthcoming at any meeting, another meeting may be called subject to the notice requirement set forth above, and the required quorum at such subsequent meeting shall be one-half (1/2) of the required quorum of the preceding meeting. In the event that two-thirds (2/3) of the Class A membership, or two-thirds (2/3) of the Class B membership, are not present in person or by proxy, Members not present may give their written assent to the action taken thereat.

Section 2. Notwithstanding the provisions of Section 1 of this Article, if, within fifteen (15) years of the date of incorporation of the Association, Declarant, and/or its successors or assigns, should develop additional lands contiguous to the Property first herein above described, exclusive of public streets and roadways, such additional lands may be annexed to said Property without the assent of the Class A Members.

Section 3. Annexation shall be accomplished by filing with the Office of the County Recorder a Declaration of Annexation, which refers to these Covenants, Conditions and Restrictions, both describing therein the real property to be annexed, and executed by the President of the Association or Declarant, depending on Section 1 or 2.

## **ARTICLE XII**

### **GENERAL PROVISIONS**

Section 1. COVENANTS RUN WITH THE LAND. All restrictions, reservations, covenants, conditions and easements contained in this Declaration shall constitute covenants running with the land, and all grantees, devisees, or mortgagees, their heirs, personal representatives, successors and assigns, and all parties claiming by, through or under such persons, agree to be bound by the provisions of: (a) this Declaration of Covenants, Conditions and Restrictions; and (b) the Articles of Incorporation and Bylaws of the Association. The Association shall be the entity responsible for the operation and maintenance of the Access Easements.

Section 2. ENFORCEMENT. The Association, Declarant, or any Owner, shall have the right to enforce, by a proceeding at law or in equity, all restrictions, conditions, covenants, reservations, liens and charges now or hereafter imposed by the provisions of this Declaration. Failure by the Association, Declarant, or by any Owner, to enforce any covenant or restriction herein contained shall in no event be deemed a waiver of the right to do so thereafter.

Section 3. SEVERABILITY. Invalidation of any one of these covenants or restrictions by judgment or Court order shall not affect any other provisions, which shall remain in full force and effect.

Section 4. AMENDMENT. The covenants and restrictions of this Declaration shall run with and bind the land, and shall inure to the benefit of and be enforceable by the Association, or the Owner of any Lot subject to this Declaration, their respective legal representatives, heirs, successors and assigns, for a term of forty (40) years from the date this Declaration is recorded,

after which time said covenants shall be automatically extended for successive periods of ten (10) years. During the time that Declarant shall be a Class B Member, the covenants and restrictions of this Declaration may be amended by an instrument signed by not less than ninety percent (90%) of the Lot Owners, and Declarant. After Declarant shall cease to be a Class B Member, and for a period ending forty (40) years after the date of the recording of this Declaration in the County Recorder's office, the covenants and restrictions of this Declaration may be amended by an instrument signed by not less than ninety percent (90%) of the Lot Owners, and thereafter by an instrument signed by not less than seventy-five percent (75%) of the Lot Owners. Any amendment must be properly recorded, provided, further, however, that Declarant may file the amendment referred to in Article XII hereof for the purpose of adding portions of the Additional Properties to the Development Area, and for submitting Additional Properties to this Declaration by an instrument executed only by Declarant. Such amendment need not be signed or executed in the manner otherwise provided for herein.

Section 5. REMEDY FOR VIOLATION. For violation of a breach of any of the provisions of this Declaration, or the provisions of the Articles of Incorporation, or Bylaws of the Association by any person claiming by, through or under Declarant and/or the Association, or by virtue of any judicial proceedings, the Owner of the Association, or Declarant, or any of them, severally, shall have the right to proceed at law for damages or in equity to compel compliance of any such provisions, or for such other relief as may be appropriate. In addition to the foregoing right, whenever there shall have been built within the Property any structure which is in violation of this Declaration, duly authorized representatives of the Association may enter upon the property where such violation exists and summarily abate or remove the same at the expense of the Owner, provided, however, that the Association shall then make the necessary repairs, construction, etc., to ensure that the property and improvements where such violation occurred is restored to the same condition in which it existed prior to such violation, and any such entry, abatement, removal or restoration and construction work shall not be deemed a trespass.

Section 6. EFFECT OF WAIVER OF VIOLATION. No waiver of a breach of or violation of any of the terms, provisions, and/or covenants in this Declaration, or in the Articles of Incorporation or Bylaws of the Association, shall be construed to be a waiver of any succeeding breach or violation of the same term, provision or covenant of this Declaration, or the Articles of Incorporation and Bylaws of the Association.

Section 7. INSTRUMENTS GOVERNING OWNERS OF LOTS. This Declaration and the Articles of Incorporation and Bylaws of the Association, and any lawful amendments thereto, shall govern the rights, duties and responsibilities of the Owners of Lots.

Section 8. NOTICE TO OWNERS. Whenever notices are required to be given hereunder, the same shall be sent to the Owners by United States' mail at the address of the dwelling situated upon the Lot, or if there is no dwelling on the lot, at such other address as the Owner may designate in writing. Such notices shall be deemed given when deposited in the United States' mail. Any Owner may change his or her mailing address by written notice given to Declarant at:

COMBS CANYON, LLC  
11611 San Vicente Blvd Suite 605  
Los Angeles CA 90049

With Copy to:



Section 9. GRAMMATICAL CONSTRUCTION. Whenever the context so requires, the use of any gender shall be deemed to include all genders, and the use of the singular shall include the plural, and the plural shall include the singular.

Section 10. JURISDICTION; LAW; VENUE. This Declaration shall be interpreted according to the laws of the State of Nevada. Any judicial proceedings commenced for damages for violation of the provisions hereof, or to compel compliance with any such provisions, shall be held in the First Judicial District Court of the State of Nevada, in and for Carson City, which said Court shall have jurisdiction over all such proceedings.

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IN WITNESS WHEREOF, COMBS CANYON, LLC, a Nevada Limited Liability Company, has caused these presents to be signed in its name by its President, and its corporate seal affixed, attested by its Secretary, the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

COMBS CANYON, LLC

\_\_\_\_\_  
NOTARY PUBLIC

My Commission Expires: \_\_\_\_\_

## **G. Schools Impact Report**

CARSON CITY SCHOOL DISTRICT

PROPOSED SUBDIVISION PLAN  
IMPACT STATEMENT

SUBDIVISION COMBS CANYON UNITS 23

NRS 278.349 - Availability of School Services

This property, Combs Canyon, consists of 23 units. Our impact statement indicates the total number of children that this project generates and which schools are affected.

Transportation: Transportation will be provided to the applicable, zoned schools in accordance with Carson City School District policies and regulations.

- A. Transportation would be provided to Fritsch Elementary, Carson Middle School and Carson High School from this area.

Staffing/Supplies/Other: As enrollment increases, funds for staffing, materials and other costs are made available through the State of Nevada per pupil funding allocations, 2003-04 allotment is approximately \$4,800 per pupil.

Elementary School (s): Fritsch Elementary # Students 6

Middle School: Carson Middle School # Students 4

High School: Carson High School # Students 4

Discussion: Fritsch Elementary School will be able to accommodate the students generated by this project. The middle school and high school are currently full and to accommodate these additional students will require increasing either the square footage of the facilities or by increasing the student teacher ratio.

NRS 278.346 - Site Acquisition: Being reviewed by Master Plan Committee.

Michael A. Mitchell  
Signature

Director of Operations  
Title

August 7, 2006  
Date

## **H. Tax Certificate**



# Carson City, Nevada Online

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## Secured Property Tax Records

Note: will automatically disconnect if no activity for five minutes

Parcel #	007-091-91	
Property Loc	COMBS CANYON RD, SEC 01 15/19	2007 Roll #: 003523
Billed to	COMBS CANYON LLC 11611 SAN VICENZTE BLVD SUITE 605 LOS ANGELES, CA 90049-0000	Year 2007 Roll # 003523 District 2.5 Tax Service Land Use Code 120

### Secured Property Taxes Billed, Paid, and Owing

Prior Year	Tax Billed	Penalty & Interest	Total	Amount Paid	Cumulative Total Due
<b>Current Year</b>					
08/21	146.95		146.95	146.95	.00
10/02	146.00		146.00	146.00	.00
01/02	146.00		146.00	146.00	.00
03/05	146.00		146.00	146.00	.00
Totals	584.95	.00	584.95	584.95	No Taxes Owing

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