

Item #70

**City of Carson City
Agenda Report**

Date Submitted: April 10, 2007

Agenda Date Requested: April 19, 2007

Time Requested: 35 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 Phase II, from Lumos Engineers for Barton Properties, Inc., (property owner: Combs Canyon, LLC) to review a subdivision map that consists of 19 lots on approximately 25 acres, and a Variance to allow for greater lot depth than allowed per City municipal code on four of the proposed lots on property zoned Single Family One Acre(SF1A) located on Combs Canyon Road, APN 007-091-72, based on the conditions of approval contained in the staff report. (File TSM-07-027)

Staff Summary: This Tentative Subdivision Map is a request to allow the proposed residential development known as Combs Canyon II. The request would result in the subdivision of the subject property into 19 single-family residential lots. The proposed lot sizes for the Combs Canyon II Subdivision request is from one acre to 1.81 acres, with an average lot size of 1.31 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 4 Ayes, 2 Nays and 1 Absent at the regularly scheduled Planning Commission Meeting of March 28, 2007.

Recommended Board Action: I move to approve a Tentative Subdivision Map application known as Combs Canyon Phase II, from Lumos Engineers for Barton Properties, Inc., (property owner: Combs Canyon, LLC) to review a subdivision map that consists of 19 lots on approximately 25 acres, and a Variance to allow for greater lot depth than allowed per City municipal code on four of the proposed lots on property zoned Single Family One Acre(SF1A) located on Combs Canyon Road, APN 007-091-72, based on the findings and conditions of approval contained in the staff report.

Explanation for Recommended Board Action: With the recommended conditions of approval, the tentative subdivision meets all the city requirements of the Subdivision Ordinance. Therefore, the Planning Commission and staff recommend that the Board of Supervisors approve the Tentative Subdivision Map. See attached Planning Commission staff report for more information.

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

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) Refer back to staff and Planning Commission for further review, or 2) Deny TSM-07-027

Supporting Material:

Staff Report

Case Record

Maps

Prepared By: Donna Fuller, Administrative Services Manager

Reviewed By: Walter H. Sullivan Date: 4/10/07
(Walter Sullivan, Planning & Community Development Director)

[Signature] Date: _____
(Larry Werner, Development Services Director/City Engineer)

[Signature] Date: 4-10-07
(Linda Butler, City Manager)

[Signature] Date: 4/10/07
(District Attorney's Office)

Board Action Taken:

Motion: _____	1) _____	Aye/Nay
	2) _____	_____

(Vote Recorded By)

STAFF REPORT FOR PLANNING COMMISSION MEETING OF MARCH 28, 2007 REVISED

**FILE NO. TSM-07-027
VAR-07-028**

AGENDA ITEM:

STAFF AUTHOR: Jennifer Pruitt, AICP, Senior Planner

APPLICANT/OWNER: Lumos & Associates/Combs Canyon LLC

LOCATION/APN: East of Combs Canyon Road/North of Timberline Drive,
Assessor's Parcel Number 007-091-72.

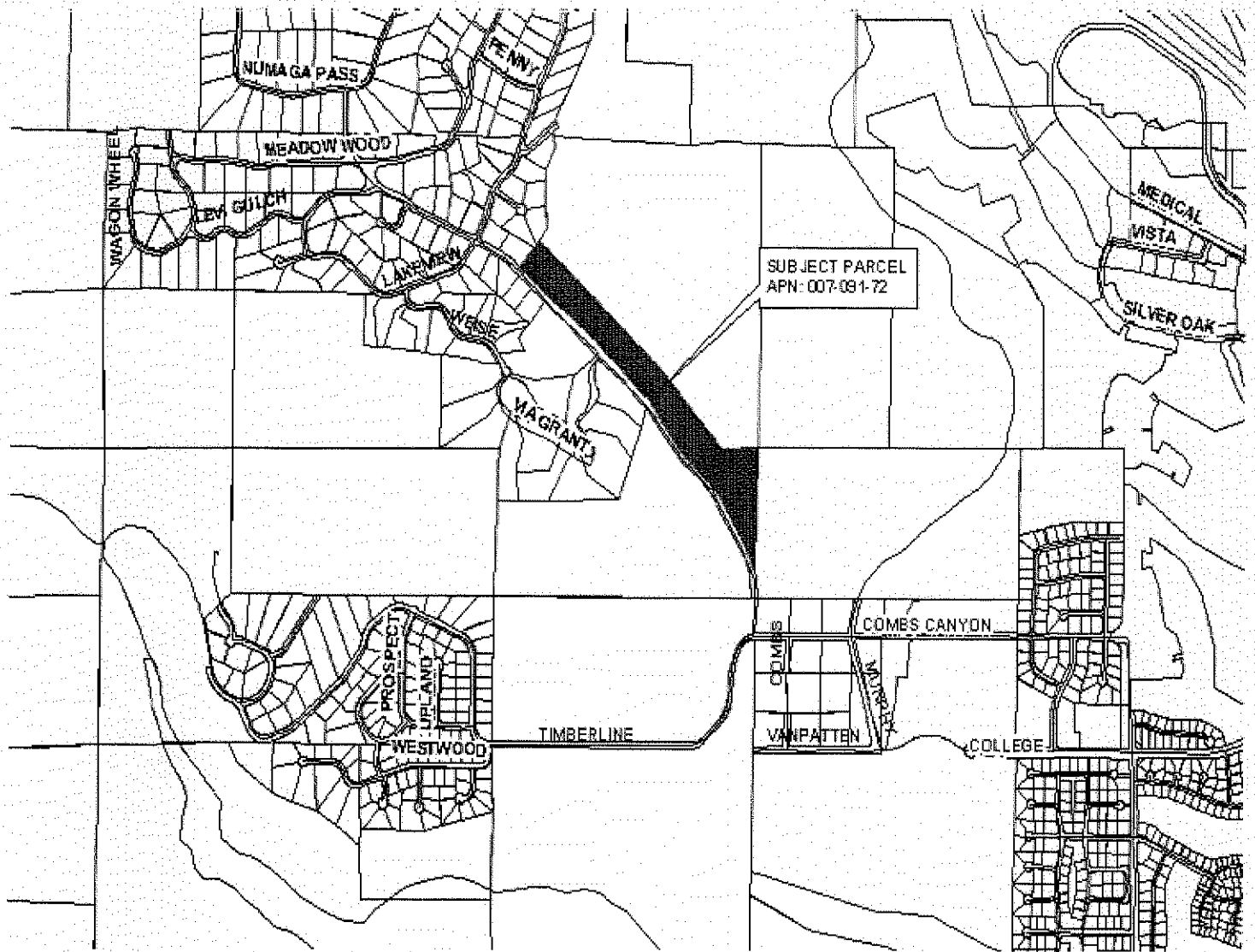
REQUESTS:

1. Approval of a Tentative Subdivision Map for a Tentative Subdivision Map (Combs Canyon II), consisting of 19 single family residential lots, on 25 acres north of Timberline Drive and east of Combs Canyon Road, Assessor's Parcel Number 007-091-72.
2. Approval of a Variance request to allow approximately four (lots 3-6) of the proposed 19 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 II Tentative Subdivision Map (TSM-07-027) from Randall Long, Lumos and Associates, Inc.(property owner: Combs Canyon LLC), consisting of 19 residential lots on 25 acres east of Combs Canyon Road/North of Timberline Drive, Assessor's Parcel Number 007-091-72, 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-07-028) request to allow approximately four (lots 3-6) of the proposed 19 lots to have a lot depth greater than 360 feet on property zoned Single Family One Acre on 25 acres east of Combs Canyon Road/North of Timberline Drive, Assessor's Parcel Number 007-091-72 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 30 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 must 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, if applicable.
5. This Variance is specific to allow an increase of the required maximum lot depth for four identified lots (lots 3-6).

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.

1. 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.
2. The Tentative Map must reflect a building envelope per each parcel and must include all dimensions and square footage of building envelopes. The building envelopes shall **not** include areas of a slope greater than 33%.

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

3. 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.
4. Frontage improvements along Combs Canyon Road shall be designed to an urban standard for a collector with bike lanes in accordance with Dwg. No. C-1.11 and in accordance with the following:
 - a. Frontage improvements from the northwest boundary of the subject parcel (Lot 19) to 1,500 feet southeasterly (Lot 10) shall require a 17-foot half street pavement width.
 - b. Given topographical and utility related constraints, roadway widening from Lot 10 to the southeast boundary of the subject parcel (Lot 1) shall be accomplished by creating a 34-foot roadway section west of the existing curb line. This section was presented on the approved Tentative Map for Combs Canyon Phase I (TSM 06-168) and will require right of way dedication from APN 07-910-91 given that the center of the existing roadway lies west of the right of way centerline.
 - c. The frontage improvement transition between the aforementioned items a and b shall be accomplished in accordance with CCDS 12 and AASHTO requirements.
 - d. Curbing along the edge of pavement is required to control drainage. The sidewalk is not required.
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.
8. "No Parking" signs shall be placed along the project frontage at minimum 250 foot on center spacing.

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

9. The necessary Combs Canyon Road right of way dedication from APN 07-910-91 must be accomplished prior to submittal of improvement plans for Combs Canyon Phase II.
10. Regardless of the status of the Combs Canyon Phase I project, the 34-foot roadway section between Lots 1 and 10 must be designed and built or bonded for prior to recordation of the final map for Combs Canyon Phase II.
11. Final improvement plans for the development must be prepared in accordance with CCDS Division 19 and the Standard Specifications and Details for Public Works Construction, as adopted by Carson City.
12. The applicant must 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.
13. The applicant shall adhere to all City standards and requirements for water and sewer systems, grading and drainage and street improvements.
14. A detailed storm drainage analysis, water system analysis, and sewer system analysis shall be submitted to the Development Engineering Division prior to approval of a final map.

General conditions:

15. The Planning Director and the District Attorney's Office must approve the development's Conditions Covenants & Restrictions (CC&R's) prior to the recording of the final map.

16. TSM-07-027 approval is contingent upon the approval of Variance VAR-07-028.
17. 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% 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.
18. The improvement plans and final map must comply with the recommendations contained in the project soils and geotechnical report.
19. 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.
20. Animals and fowl as defined in CCMC Title 18, Section 18.03 (Definitions) are prohibited within the Combs Canyon II Subdivision. The development's CC& R's or deeds must include this statement.
21. In order to assure the proper placement of primary structure/accessory structures, all building permit submittals must show building envelopes and setbacks in addition to the items required for the building permit process.
22. The proposed lots must not be further parceled, split or divided in any manner that will result in additional residential lots.
23. Placement of all proposed and existing utilities must be underground within the subdivision.
24. 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.
25. 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-07-027)."

- C. "All development shall be in accord with Variance (VAR-07-028)."
 - D. "There shall be **no** structures allowed to be constructed/erected/located outside the building envelopes shown on this map."
 - E. "Animals and fowl as defined in CCMC Title 18, Section 18.03 Definitions are **prohibited** within the Combs Canyon Subdivision."
 - F. "The proposed lots must **not** be further parceled, split or divided in any manner that will result in additional residential lots."
26. 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.
27. Building permits for home construction will not be issued until streets and infrastructure improvements are deemed substantially complete by the City.
28. A Final Subdivision Map for the property must be recorded within 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 with 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.
29. This development is within the designated "wildland urban interface" and must comply with all codes and ordinances applicable to the development. CCMC Title 14 defines conditions for compliance such as access, water supply, fire sprinkler systems, ignition resistant building construction, fuel modification and defensible space, spark arresters and storage and use of LPG and fuel materials.
30. All development in hillside areas must comply with provisions contained in the pamphlet entitled "Wildfire Protection for Homeowners and Developers" prepared by the Sierra Front Wildfire Cooperators.
31. Parcels located at or above 5,000 feet above sea level will require structures to be designed by a Nevada Licensed Engineer due to the snow loading.
32. Plan submittal shall meet the current Carson City Building Division requirements for residential construction.
33. 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)

34. 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/construction easement, as required on private property along Combs Canyon Road to the development's northern and southern boundaries. Within this easement will be a unpaved/single tract trail, four foot in width. 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. Any easements needed to construct the trail within private lots must be shown as a public access easement on the final map.

1. It is the Parks and Recreations Department's expectation that the required 4' wide path located along Combs Canyon Road will be constructed in conjunction with all the project's street frontage and utility improvements.

2. Assuming above mentioned #1, that the path is constructed with the above mentioned improvements, there will be no need for a 30' wide construction easement.

3. When the path is constructed by the developer with the above referenced improvements, the Parks and Recreation Department will only need a 15' wide public access and maintenance easement on any private property the trail crosses.

4. Once the path has been constructed and accepted by the Parks and Recreation Department, any future development or grading activities near the path on the individual residential lots or with in the street right-of-way will be required to protect the trail facility from any construction disturbances. In addition, the developer will be required to coordinate with the City's Engineering Department and the Parks and Recreation Department on any future driveway crossings.

35. Before a certificate of occupancy may be issued for any structure on a parcel covered by this Section, the project engineer shall certify in writing that the improvements as built are in compliance with regulation of Chapter 18.08.020.
36. The proposed development must comply with the standards for drainage improvements, driveways and parking, slope stabilization, placement of utilities, buildable area standards, setbacks, fire protection and maintenance of improvements as contained in Division 7 Hillside Development. Engineered grading, drainage, erosion control and re-vegetation plans will be required prior to individual lot development. Maximum allowable driveway slope will be 12%.
37. The residential units within the development will be subject to the collection of Residential Construction Tax.

38. Each single family dwelling site will be designed to accommodate maneuvering of all vehicles and to provide guest parking as required by Division 1 parking.
39. 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 11 or more habitable lots.
40. The applicant will work with the Carson City School District to determine the most appropriate site for a bus stop location.
41. The applicant will work with the Carson City Post Office and Carson City to determine the most appropriate location for the rural cluster mail boxes in groups of two or three per the diagram provided by the Growth Management Coordinator of the Carson City Main Post Office dated March 28, 2007.
42. The trail as proposed by the applicant shall meet all Carson City design standards.
43. Prior to submittal of any final map or parcel maps, Development Engineering shall review and approve all on-site and off-site improvements.
44. All final maps must be in substantially in accordance to the Directors satisfaction with the approved tentative map.
45. All other departments and State agencies conditions of approval, which are attached, shall be incorporated as conditions of approval.
46. All lot areas and lot widths shall meet the zoning requirements approved as part of this tentative map with the submittal of any parcel map or preferably final map.
47. Lots not planned for immediate development shall be left undisturbed and mass grading and clearing of natural vegetation shall not be allowed. Any and all grading shall comply with City standards. A grading permit from the Nevada Division of Environmental Protection shall be obtained prior to any grading. Noncompliance with this provision shall cause a cease and desist order to halt all grading work.
48. Parking is **prohibited** along Combs Canyon Road during construction and following completion of required improvements.

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 1 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)/Vacant/Residential
SOUTH: Conservation Reserve (CR)/Single Family 1 Acre/ Vacant
EAST: Single Family 1 Acre/Conservation Reserve (CR)/Vacant
WEST: Single Family 1 Acre (SF1A)/Vacant/ Residential

ENVIRONMENTAL INFORMATION

- 1 FLOOD ZONE: Zone "C"; Areas of minimal flooding.
- 2 EARTHQUAKE FAULT: Moderate zone V, fault located within 500 feet of the site.
- 3 HILLSIDE ORDINANCE: Does apply; the proposed project will be required to comply with standards identified in Division 7 Hillside Development.
- 4 DRAINAGE: The subject site will be required to design the required storm drainage facilities in accordance with CCDS Division 14.
- 5 SOILS: 59: Surprise Coarse Sandy Loam 4%-8% slopes and 19: Glenbrook-Rock Outcrop Complex 30%-50% slopes.

SITE DEVELOPMENT INFORMATION

- 1 LOT SIZE: The entire site contains 25 acres. The average lot size is 1.31 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 proposed garage and guest parking on site as required per CCDS Division 1 Parking.
- 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 four (lots 3-6) of the proposed 19 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 have 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 I project (CSM-06-126) and provided the applicant with comments. Combs Canyon I did not include APN 007-091-72.
- August 16, 2006 Lumos & Associated submitted an application to the Planning Division for a Conceptual Review for Combs Canyon Subdivision I, TSM-06-168 which did not include the subject parcel.
- September 28, 2006 the Planning Commission approved TSM-06-168 Combs Canyon I.

- January 17, 2007 City staff conducted the required Conceptual Review of the Combs Canyon II (CSM-06-242) and provided the applicant with comments.
- February 14, 2007 the applicant, Lumos & Associates submitted a Tentative Subdivision application (TSM-07-027 and VAR-07-028) for a 19 lot development known as Combs Canyon II Development.

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 19 residential lots on property that is presently zoned Single Family 1 Acre (SF1A), on approximately 25 acres on APN 007-091-72. The Combs Canyon II project as proposed is a Subdivision to be developed pursuant to the requirements of CCMC Title 17. The Combs Canyon II Subdivision if approved will have custom built homes and the applicant will impose architectural guidelines similar in nature to those utilized by the Combs Canyon I Subdivision and City View Development directly to the north. The proposed residential project will have an average lot size of 1.31 acres and the lot sizes will range from one acre to 1.81 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 building envelopes and other areas will be left undisturbed. Grading will not occur on slopes greater than 33%.

The proposed project is located in northwestern Carson City, north of Timberline Drive and east of Combs Canyon Road. On February 14, 2007 the applicant, Lumos & Associates submitted this Tentative Subdivision Map for staff review and submittal to the Planning Commission for public hearing on March 28, 2007.

The subject site is currently undeveloped land covered with sagebrush and grasses and includes significant topographical characteristics. It is important to note the proposed development will be subject to the CCMC 18.08 Hillside Development and CCDS Division 7, Hillside Development. The steeper areas are on the eastern portion of the subject site. The proposed residential units will have a minimum of 2,500 square feet of livable space and per the applicant the CC&R's will prohibit flat roofs or reflective roof materials. The exterior colors of the single family dwelling units will also be required to keep with the natural surroundings and existing homes in the adjacent neighborhoods.

The proposed development **must** comply with all standards for drainage improvements, driveways and parking, slope stabilization, placement of utilities, buildable area standards, setbacks, fire protection and maintenance of improvements as contained in Division 7 Hillside

Development.

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/construction easement, as required on private property along Combs Canyon Road to the development's northern and southern boundaries. Within this easement will be a unpaved/single tract trail, four foot in width. 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.

As part of the Combs Canyon II Subdivision request, a Variance is requested to allow approximately four of the proposed 19 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 for engineering purposes the proposed lots are located on the flattest area of the property; therefore 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 19 lots. The information provided by the applicant notes the site specific conditions presented with this project; oddly shaped subject site, 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 the 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-07-027 and approve VAR-07-028 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 southwest
Timberline	100	3,214 square feet	0.68 acres	1000 feet to the southwest
Lakeview	231	3,703 square feet	1.48 acres	300 feet to the northwest
Murphy Dr/Van Patten	19	3,028 square feet	1.98 acres	100 feet to the southeast

Combs Canyon I	23	2,500 square feet and greater	2.48 acres	75 feet to the south
<u>Combs Canyon II</u>	<u>19</u>	<u>2,500 square feet and greater</u>	<u>1.31 acres</u>	<u>project site</u>

PUBLIC COMMENTS:

Public notices were mailed to 31 adjacent property owners within 585 feet of the subject site. **Two letters from the public have been received by staff regarding concerns of the proposed project (see attached).** Any comments that are received after this report is completed will be submitted to the Planning Commission **prior to or at the meeting** on March 28 2007, depending on their submittal date to the Planning and Community Development Division.

AGENCY COMMENTS:

All comments from various city departments and agencies which were received as of March 23, 2007, are attached to this report and summarized below:

The 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.

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.

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.

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.

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 Conceptual Drainage Study and a Geotechnical Report were both submitted for review by the Development Engineering Division 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 Street. 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. The applicant will work with the Carson City Post Office and Carson City to determine the most appropriate location for the cluster mail boxes.

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 Parks and Recreation Department provided comments noting that the Tentative Map is within an area identified in the Open Space Master Plan as an area for conservation of scenic quality. In addition these lands were subject to review by Open space Advisory Committee at a previous project submittal with a recommendation that a PUD or cluster development be used to minimize impacts to hillside views.

The Parks and recreation Department has provided recommendations if the Planning Commission were to consider approval of the proposed project and they those recommendations have been incorporated into this staff report. As related to parks, the Parks and Recreation Department will not require a neighborhood park facility to be built on the proposed density of 19

units on 25 acres. This residential density on one acre lots or larger and the quantity of units is not commensurate with development to support the standard of the construction of a three to five acre park.

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 will provide a 30 foot wide public access/construction easement, as required on private property along Combs Canyon Road to the development's northern and southern boundaries. Within this easement will be a unpaved/single tract trail, four foot in width. 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. It is anticipated that the design and location of the trail will provide a safe pedestrian environment for residents and visitor of Carson City to use.

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.

The proposed development Combs Canyon II is **not** adjacent to public lands.

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

The proposal **is in conformance with the Master Plan** and will be in conformance with the Zoning Ordinance (Title 18). 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 the unique site while providing housing opportunities within a traditional subdivision.

The subject site is zoned Single Family 1 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 19 single family subdivision with an average lot of 1.31 acres. All lots will satisfy the minimum acreage required. The proposed development is consistent will all requirements for SF1A zoning **except** for the maximum lot depth for which the applicant has submitted the accompanying Variance request VAR-07-028 which has met the required Variance 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 .76 du/ac (19du/25ac) 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 topographic features and views (LDR 1.6), strong visual and physical connections to open spaces (LDR 1.6).

Chapter 3: A Balanced Land Use Pattern

Goal 1.2 Promote Infill and Redevelopment

Policy 1.2a: Priority infill and redevelopment areas.

This property was vacant for many years. Per the applicant the proposed project will also balance

development with conservation by preserving natural vegetation and rock out-croppings.

Goal 2.2 Expand Housing Variety

Policy 2.2 a: Provide a variety of housing types and densities within the urbanized area appropriate to the development size, location and surrounding neighborhood context.

All of the surrounding properties are zoned SF1A , SF2A and CR. Properties on the north and west sides of the subject parcel include existing residential uses with similar lot sizes.

Goal 3.3 Minimize impacts of Potential Natural Disaster Events

Policy 3.3 d,e: Flood Plain and Hazard Area Development/Geologic Hazards.

The property is not located in a flood-plain and no earthquake faults are located on site or within close proximity of 300 feet. The proposed project satisfy all of the required setbacks.

Policy: Land Use table descriptions: Provide for levels of service (i.e. water, sewer, road improvements, sidewalks, etc.) consistent with the Land Use designation and adequate for the proposed development.

Primary uses in LDR are Single Family Residences. Secondary uses include Schools, Parks, Recreation and Open Space in a planned neighborhood setting.

The LDR category contains a number of established neighborhoods, change in not anticipated or encouraged in these areas.

Impacts to water, sewer and road improvements have been addressed by the Engineering Division. Conditions of approval have be included within this staff report.

Chapter 6: Livable Neighborhoods and Activity Centers

Goal 6.2 Promote Compatible infill and Redevelopment:

Policy 6.2: Neighborhood Compatibility

The development does promote variety and visual interest through the incorporation of varied lot sizes. The applicant has noted the proposed single family dwelling units will be a custom-built product. The project has been designed to be compatible with the surrounding developments.

Chapter 7: A Connected City

Goal 12.1 Establish a City wide system of multi use pathways

Policy 12.1a,c—Enhance the Pathways Network/Section by Section Implementation

The proposed subdivision is located in close proximity to trails, Lakeview Park, bike routes and open space.

Future residents will be able to access the Lakeview 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.

As noted in this staff report the applicant/developer will be required to work with the City to develop the necessary trail connectivity across this project as required by the Unified Pathways Master Plan.

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 existing Combs Canyon Road frontage will be upgraded to the standard of collector street with bike lanes, consistent with the Carson City Transportation Plan.

Frontage improvements along Combs Canyon Road shall be designed to an urban standard for a collector with bike lanes in accordance with Dwg. No. C-1.11 and in accordance with the following:

- *Frontage improvements from the northwest boundary of the subject parcel (Lot 19) to 1,500 feet southeasterly (Lot 10) shall require a 17-foot half street pavement width.*
- *Given topographical and utility related constraints, roadway widening from Lot 10 to the southeast boundary of the subject parcel (Lot 1) shall be accomplished by creating a 34-foot roadway section west of the existing curb line. This section was presented on the approved Tentative Map for Combs Canyon Phase I (TSM 06-168) and will require right of way dedication from APN 07-910-91 given that the center of the existing roadway lies west of the right of way centerline.*
- *The frontage improvement transition between the aforementioned items a and b shall be accomplished in accordance with CCDS 12 and AASHTO requirements.*
- *Curbing along the edge of pavement is required to control drainage. The sidewalk is not required.*

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

A Traffic Impact Analysis was prepared by Lumos and Associates, Inc. in July 2002 for the Combs Canyon PUD (90 lots) and its first addendum Combs Canyon I (23 lots) in August 2004 has been submitted by the applicant.

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

The applicant has investigated the possibility of combined access points on Combs Canyon Road to reduce the possibility of turning conflicts. A total of 11 lots will have a traditional driveway to Combs Canyon Road and there will be a total of four shared driveways to access the remaining eight lots. The applicant has noted due to the topographic constraints, shared driveways are not feasible for the remaining 11 lots.

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

The proposed development must comply with the standards for drainage improvements, driveways and parking, slope stabilization, placement of utilities, buildable area standards, setbacks, fire protection and maintenance of improvements as contained in Division 7 Hillside Development. Engineered grading, drainage, erosion control and re-vegetation plans will be required prior to individual lot development. Maximum allowable driveway slope will be 12%.

The physical characteristics of the area do not preclude the development as proposed. Proposed grading of individual lots will occur on existing slopes steeper than 15%, therefore will be subject to Hillside Development requirements of Division 7 of the Carson City Development Standards (CCDS).

It shall be strongly encouraged to preserve and/or protect rugged and steeply sloping terrain associated with slopes of thirty-three percent (33%) or more as undisturbed/undeveloped area.

A Geotechnical Report was prepared by Lumos and Associates, Inc. in December 2006 for the Combs Canyon II Subdivision. The purpose of the investigation was to characterize the site geology and soil conditions, describe the native soils and determine their engineering properties as they relate to the proposed construction and to identify any adverse geologic, soil, or groundwater conditions.

A Water Distribution Analysis prepared by Lumos and Associates, Inc. in December 2003 (revised) was submitted by the applicant.

A Conceptual Drainage Study was prepared by Lumos and Associates, Inc. in February 2007 for Combs Canyon II. The drainage study includes existing conditions, existing and proposed hydrology, proposed drainage facilities

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.

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.

All development in hillside areas must comply with provisions contained in the pamphlet entitled "Wildfire Protection for Homeowners and Developers" prepared by the Sierra Front Wildfire Cooperators.

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 11 or more habitable lots.

12. Recreation and trail easements.

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/construction easement, as required on private property along Combs Canyon Road to the development's northern and southern boundaries. Within this easement will be a unpaved/single tract trail, four foot in width. 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.

Future residents will be able to access the Lakeview 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.

The residential units within the 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 the funds to develop other park facilities within Lakeview Park.

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 property owners within the vicinity with precisely the same land use. The applicant cannot place the building envelopes any closer to the eastern portion of the site 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 proposed at the fronts 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 19 lots. The information provided by the applicant notes the site specific conditions presented with this project; the oddly shaped parcel, 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 proposed subdivision. 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.

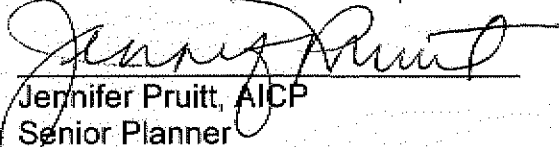
3. **That the granting of the application will not, under the circumstances of the particular case, adversely affect to a material degree the health or safety of persons**

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.

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.

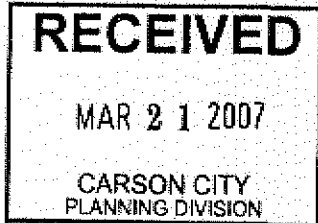
DEVELOPMENT SERVICES, PLANNING DIVISION


Jennifer Pruitt, AICP
Senior Planner


Attachments

- Application (TSM-07-027)
- Application (VAR-07-028)
- 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
- Carson City Health & Human Services

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MEMORANDUM

DATE: March 21, 2007
TO: Jennifer Pruitt – Planning
FROM:  Jeff Sharp – Engineering
RE: TSM 07-027 Combs Canyon II Tentative Subdivision
Engineering Text for Planning Commission Staff Report

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 existing Combs Canyon Road frontage will be upgraded to the standard of collector street with bike lanes, 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 grading of individual lots will occur on existing slopes steeper than 15%, therefore will be subject to Hillside Development requirements of Division 7 of the Carson City Development Standards (CCDS).

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

A. 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 shall be corrected prior to development of the project.
2. Frontage improvements along Combs Canyon Road shall be designed to an urban standard for a collector with bike lanes in accordance with Dwg. No. C-1.11 and in accordance with the following:
 - a. Frontage improvements from the northwest boundary of the subject parcel (Lot 19) to 1,500 feet southeasterly (Lot 10) shall require a 17-foot half street pavement width.
 - b. Given topographical and utility related constraints, roadway widening from Lot 10 to the southeast boundary of the subject parcel (Lot 1) shall be accomplished by creating a 34-foot roadway section west of the existing curb line. This section was presented on the approved Tentative Map for Combs Canyon Phase I (TSM 06-168) and will require right of way dedication from APN 07-910-91 given that the center of the existing roadway lies west of the right of way centerline.

- c. The frontage improvement transition between the aforementioned items a and b shall be accomplished in accordance with CCDS 12 and AASHTO requirements.
- d. Curbing along the edge of pavement is required to control drainage. The sidewalk is not required.
3. 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.
4. 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.
5. 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.
6. "No Parking" signs shall be placed along the project frontage at minimum 250 foot on center spacing.

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

1. The necessary Combs Canyon Road right of way dedication from APN 07-910-91 must be accomplished prior to submittal of improvement plans for Combs Canyon Phase II.
2. Regardless of the status of the Combs Canyon Phase I project, the 34-foot roadway section between Lots 1 and 10 must be designed and built or bonded for prior to recordation of the final map for Combs Canyon Phase II.
3. 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.
4. 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.

C. 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.

2. Parking is prohibited along Combs Canyon Road during construction and following completion of required improvements.

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

- A sewer main extension of approximately 3000 feet in length is necessary to extend service from Murphy Drive along Combs Canyon Road to the northern site boundary.
- Proposed water system improvements include a new watermain along the project frontage, 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 along Combs Canyon Road at the existing roadway sag points in order to intercept gutter flow and convey it to Combs Canyon Creek.
- Pavement widening and curb & gutter improvements are required along the Combs Canyon Road frontage to be consistent with standards for a collector roadway with bike lanes. Curbing along the edge of pavement is required to control drainage. The sidewalk is not required.
- Future development of the individual lots will require adherence to the Hillside Development requirements within Division 7 of the CCDS. Engineered grading, drainage, erosion control and revegetation plans will be required prior to individual lot development. Maximum allowable driveway slope will be 12%.
- Parking will be prohibited along Combs Canyon Road during construction and following completion of required improvements.

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CARSON CITY, NEVADA

CONSOLIDATED MUNICIPALITY AND STATE CAPITAL
DEVELOPMENT SERVICES

MEMORANDUM

TO: Community Development Department
FROM: John Symons, Plans Examiner
DATE: March 12, 2007
SUBJECT: Planning Commission Agenda for March 28, 2007

ZCA-07-023 Action to consider an application for a **Zoning Code Amendment** from Carson City Planning Division for an amendment to Title 18 Zoning and Development Standards, specifically to the current Landscaping Ordinance adding sections regarding Xeriscape applications, trees and shrubs within the Historic District, tree protection measures, modifications to the current City ordinance to include riparian corridors, tree (et al) planting details and general landscaping details, and other matters related thereto. (Walter Sullivan)

No Building Division Comments.

ZCA 06-181 Action to consider an application for a **Zoning Code Amendment** from Carson City Planning Division for an amendment to Title 18 Zoning and Development Standards, specifically to the Lighting Ordinance regarding performance standards relative to display and security lighting. (Walter Sullivan)

No Building Division Comments.

SUP-07-025 Action to consider a **Special Use Permit** application from Matt Hansen, Licata Hansen Assoc. Arch. (property owner: (Name of lessee)/Carson City/Airport Authority) to construct airport hangars consisting of 12 small hangars and a main hangar building which includes pilot accommodations and office/administration space for the project known as Jet Ranch on property zoned Public Regional (PR) located at 2600 College Pkwy (Carson City Airport), Lot #207, APN 008-901-01. (Kathe Green/Walter Sullivan)

Building permits shall be obtained prior to commencing construction.

SUP-07-022 Action to consider a **Special Use Permit** application from property owner Brian K. Collings to construct a 4,800 square foot metal building for storage purposes with seven parking bays as a detached structure beside the residence on property zoned Single Family One Acre (SF1A) located at 4540 Silver Sage Drive, APN 009-175-04. (Sean Foley)

Building permits shall be obtained prior to commencing construction.

ZMA-07-026 Action to consider a **Zoning Map Amendment** application from Resource Concepts, Inc. (property owner: Nevada Children's Foundation) to change the zoning on a portion of a parcel from Conservation Reserve (CR) to Retail Commercial (RC) for the

Eagle Valley Children's Home on property presently zoned Conservation Reserve (CR) located at 2300 Eagle Valley Ranch Road, APN 007-511-06. (Lee Plemel)

No Building Division Comments.

TSM-07-027 Action to consider a **Tentative Subdivision Map** application, known as Combs Canyon Phase II, from Lumos Engineers for Barton Properties, Inc. (property owner: Combs Canyon, LLC) to review a subdivision map that consists of 19 lots on approximately 25 acres, and a **Variance** to allow for greater lot depth than allowed per City municipal code on four of the proposed lots on property zoned Single Family One Acre (SF1A) located on Combs Canyon Road, APN 007-091-72. (Jennifer Pruitt)

Building permits shall be obtained prior to commencing construction.

SUP-04-221a Action to consider an application to amend a previously approved **Special Use Permit** for Fuji Park and Fairgrounds, from Vern Krahn, Carson City Parks & Recreation (property owner: Carson City) to add a new conceptual site plan, add a new construction phasing plan, and deletion of the watchman's quarters on property zoned Public Regional and General Commercial (PR and GC), located at 601 & 803 Old Clear Creek Rd., APNS 009-303-02, -03, -05, -07. (Lee Plemel)

Building permits shall be obtained prior to commencing construction.

SUP-06-068a Action to consider an application to amend a previously approved **Special Use Permit** from Stephanie Hicks of RO Anderson Eng. (property owner: Calvary Chapel of CC) to reduce the building size for a church on property zoned Single Family One Acre (SF1A) located on Clearview Drive, APN 010-191-14. (Heidi Eskew-Hermann)

Building permits shall be obtained prior to commencing construction.

TSM-06-203 Action to consider modification to a previously approved Tentative Subdivision Map application known as Summer Hawk from Capital Engineering (property owners: Stanton Park Development and Hansler, LLC), to allow modification of the placement of the proposed building envelopes **ONLY** in relation to the construction of 201 single family residential units with approximately 86.2% common areas/open space on approximately 548.2 acres on property zoned Conservation Reserve (CR)/ Single Family 12,000 (SF12) located on Rhodes Street and Curry Street, APNs 009-021-02, 009-031-01, 009-031-02, 009-031-07 and 009-151-01. (Jennifer Pruitt /Heidi Eskew-Hermann)

Building permits shall be obtained prior to commencing construction.

SUP-05-089 and SUP-05-035 Action to consider a modification to the previously approved **Special Use Permits'** conditions of approval, specifically to allow use of the baseball facility for seven days a week, including Sundays, from 9:00 a.m. to 6:00 p.m., on property zoned Public Regional (PR) and located at 2201 West College Parkway, APN 007-521-01. (Walter Sullivan)

No Building Division Comments.

MISC-07-029 Discussion only regarding the subject of guest houses performance standards to be contained in Title 18 and in Development Standards.

No Building Division Comments.



CARSON CITY, NEVADA

CONSOLIDATED MUNICIPALITY AND STATE CAPITAL

Memorandum

RECEIVED

MAR 15 2007

CARSON CITY
PLANNING DIVISION

Date: March 15, 2007

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

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

Subject: Combs Canyon Subdivision – Phase 2 (CSM-06-242)

After review of the Tentative Subdivision Map from the applicant known as Combs Canyon, LLC, our department has the following comments to submit to Planning staff and the Planning Commission. The tentative map is within an area identified in the Open Space Master Plan as an area for conservation of scenic quality. Due to steep topography, development will require massive grading affecting the scenic quality. Potential solutions include: 1) Cluster into one or two buildings; and 2) Move density into Phase 1, which will require re-configuring an already approved Tentative Map. **Staff understands that prior attempts to move density into Phase 1 failed. However, not developing the site with the topographic limitations will result in less impact and therefore, as better project.** In addition, 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 hillside views.

If the Planning Commission were to consider approval of the project as submitted, the following information, recommendations, and concerns are offered:

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. This development is located in-between Neighborhoods #1, #2, and #3 which are identified in the Parks and Recreation Master Plan. 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.

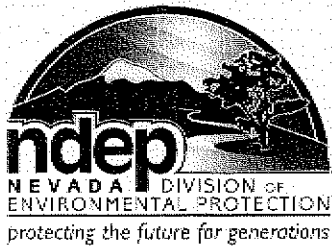
As related to parks, the Parks and Recreation Department will not require a neighborhood park facility be built based on the proposed density of 19 units on 25.08 acres. This residential density on one acre lots or larger and the quantity of units is not commensurate with development to support our department's 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. 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.

It was the original intent of this pathway segment to connect to the Lakeview subdivision. Our department believes the proposed subdivision plan offers no 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 an internal trail system for the development. As a result, our department has identified the following issues that need to be addressed during the approval of the Tentative Subdivision Map:

- 1. As shown in the site grading/utility plan, the proponent shall continue to 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 developer shall provide a four foot wide off-street /unpaved/single track trail including a 30' wide public access/construction easement, as required on private property along Combs Canyon Road to the development's northern and southern boundaries. In general, the alignment will vary from public to private property, including crossing driveways. The alignment shall be conceptual in nature and allow for future connectivity to the V&T Trail and into the Lakeview subdivision. The developer shall establish a final alignment of the trail as part of the subdivision's improvement plans in cooperation with the Carson City Parks and Recreation Department. Any easements needed to construct the trail within the private lots must be shown as a public access easement on the tentative map.
- 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.

Regarding any questions on the above project requirements and comments, please feel free to contact our department at 887-2363.



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

Jim Gibbons, Governor
Allen Biaggi, Director
Leo M. Drazdoff, P.E., Administrator

February 23, 2007

WALTER A. SULLIVAN

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



Re: **Tentative Map**
Combs Canyon Sub. Phase II
19 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. Steve McGoff of NDEP at (775) 687-9429.

Sincerely,

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

cc:

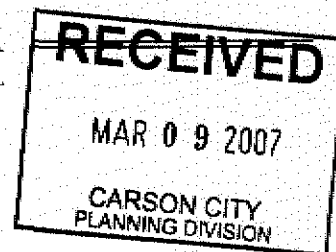
JIM BALDERSON, P.E. Nevada Division of Environmental Protection, Bureau of Safe Drinking Water,
901 S. STEWART ST. CARSON CITY, NV 89701
Engineer: LUMOS & ASSOCIATES (CARSON) 800 E College Pkwy Carson City, NV 89706
Developer Name: BARTON PROPERTIES, INC (CA) 11611 San Vicente Blvd Ste 605 Los Angeles, CA
89004

Control No. 8487





CARSON CITY, NEVADA
CONSOLIDATED MUNICIPALITY AND STATE CAPITAL



MEMO TO: Major Project Review Committee

FROM: Teresa Hayes, Environmental Health Specialist

DATE: March 7, 2007

SUBJECT: TSM 07-027
Location: Combs Canyon Phase II
APN: 007-091-72
Owner/Applicant: Lumos & Associates
Brief Description of Project: subdivison

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 the Health Department immediately.

Any questions or comments please contact Teresa Hayes at 887-2190 ext 1024.

Thank you

Carson City Health & Human Services
900 E. Long Street • Carson City, Nevada 89706

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

Preventative Health
(775) 887-2195
Fax: (775) 887-2192

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

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

Animal Services
(775) 887-2171
Fax: (775) 887-2128



JIM GIBBONS
Governor

State of Nevada

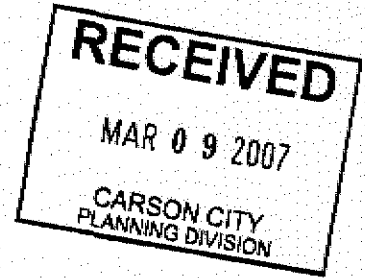
DEPARTMENT OF WILDLIFE

1100 Valley Road
Reno, Nevada 89512

(775) 688-1500 • Fax (775) 688-1595

KENNETH E. MAYER
Director

DOUG HUNT
Deputy Director



March 5, 2007

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-Phase II, we offer the following comments:

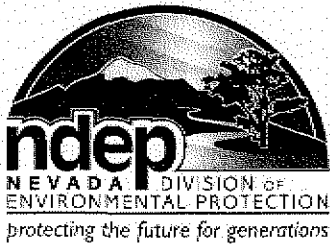
All of my comments are similar to the written comments I provided on Phase I of this subdivision. The area where the development is planned is a historic staging area for deer before migrating further east across Hwy 395. I would ask the developer to provide written documentation to their clients on ways to avoid mule deer conflicts, including information on planting landscape that is not palatable to deer and why the intentional feeding of deer is detrimental.

Additionally, mitigation measures might best serve the wildlife resources displaced by the pending development. We recommend the developer take the necessary precautions to reduce other human/wildlife conflicts, such as with bears. 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. Bear proof trash receptacles are available commercially in Carson, in Lake Tahoe and on the internet.

People need to understand that they are moving into an area historically very important to wildlife, and that they must take exclusionary precautions as related to wildlife attractants before we will respond to wildlife complaints.

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.

Carl Lackey - Wildlife Biologist
Nevada Department of Wildlife

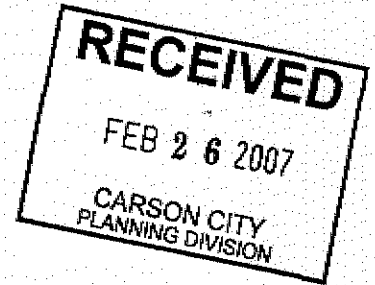


STATE OF NEVADA
Department of Conservation & Natural Resources
DIVISION OF ENVIRONMENTAL PROTECTION

Jim Gibbons, Governor
Allen Biaggi, Director
Leo M. Drozdoff, P.E., Administrator

February 22, 2007

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 PHASE II (19 Lots)
In reply, please refer to plan review number (CC-2801-07LAK)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. Supply "Will Serve" or "Intent to Serve" letters from the water and wastewater utilities.
2. Provide a letter from the NDEP, Bureau of Water Pollution Control, certifying the method of wastewater collection, treatment and disposal.
3. Provide subdivision description by specific area section, township and range on the Tentative Map.
4. Provide a master plan showing the future development and intended use of all land under the ownership or control of the developer in the vicinity of the proposed subdivision.

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
Jeff Sharp, P.E., Carson City Development Engineering Services
Tom Grundy, E.I., Carson City Development Engineering Services
Randall M. Long, P.E., Lumos and Associates, Inc.
Steve Selinger, Barton Properties, Inc.



MEMORANDUM

DATE: December 21, 2006
February 22, 2007

TO: Planning and Community Development
Jennifer Pruitt
Steve Selinger, Barton Properties
11611 San Vicente Blvd. Suite 605
Los Angeles, CA 90049

FROM: Bruce Van Cleemput Assistant Chief/ Fire Marshal

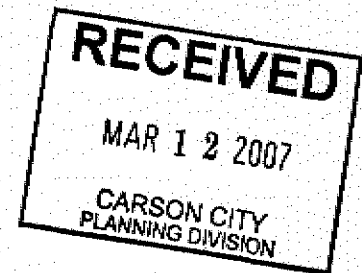
SUBJECT: CSM-06-242 APN 007-091-72 Combs Canyon Subdivision
TSM-07-027 VAR-07-028

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

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.

If you need additional assistance, please contact our office or myself directly at (775) 887-2210 ext. 1002.

Gilbert A. Yanuck
4100 Lakeview Road
Carson City, Nevada 89703



TEL: 775-841-3675
FAX: 775-841-6547
gilcalif@att.net

March 12, 2007

Ms. Jennifer Pruitt, Sr. Planner
Carson City community Development
2621 Northgate Lane, Suite 62
Carson city, NV 89706

RE: Combs Canyon Subdivision Phase II Variance

Dear Jennifer:

Thank you for the opportunity to review the Variance Request and Traffic Study for the Combs Canyon Sub-division Phase II project. I would like to point out a number of items in each that, I believe, is relevant to the Planning Commission's review:

Traffic Report

1. The traffic report submitted was prepared in 2002. This is prior to the creation of the bicycle lanes and "share the road" program along Ormsby and Combs Canyon Road. In addition, it was prepared before the construction of the first phase of the Carson City by-pass. Both of these items have caused a significant increase in the traffic along Combs Canyon Road.
2. The survey was conducted after 7:00 am. I walk my dogs along Combs Canyon Road every morning between the hours of 6:00 am and 7:30 am and the number of vehicles using Combs Canyon Road by the residents of Timberline to access the freeway on-ramp at East Lake Blvd. has increased four-fold in the past year. In addition, students attending WNCC also use Combs Canyon Road as a way to get to and from the rear entrance to the college in the morning, afternoon and evening after the night classes are over. I have contacted the Sheriff's office numerous times about the speeding and lack of concern to the pedestrians that walk along Combs Canyon Road. A new traffic study that takes into account all these issues must be conducted as the one submitted is no longer valid.

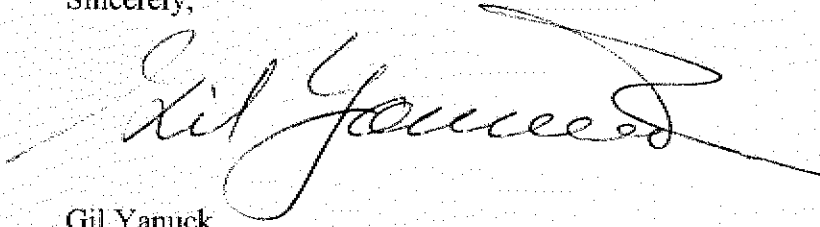
Variance Request

1. The construction of 15 driveways with a grade of 8-12% without some minimum flat stopping area at the entrance to the road is extremely dangerous and ill conceived, especially when they are covered with ice or snow. The City should require a minimum of 15 to 25 feet of flat pad at the base of the driveways to avoid any potential problems.
2. The condition of Combs Canyon Road is definitely a sore point for those that currently use it on a daily basis. It has numerous "pot holes", large "sink" areas and is banked in the wrong direction in several places. There are no guard rails or reflectors along the canyon side of the road to warn drivers of the various hazards. Shrubs and other plant growth encroach the sides of the road in numerous places. All this leads to the potential for accidents to occur and with the addition of several hundred more vehicle trips along this poorly constructed road, the situation will just get worse. Now is the time for the Planning Commission to improve Combs Canyon Road by ensuring that the developer pays for the reconstruction of the entire length of Combs Canyon Road not just the portion in front of the 19 homes.
3. Since Combs Canyon Road is the only escape route for the residents of Lakeview in the event of a major fire or other catastrophe that might occur, it is imperative that serious consideration and planning be done to provide clear access out of the Lakeview area during the construction period. In addition, consideration must be given to where the developer and the contractors will store their supplies and park their equipment so as not to block the roadway as well as providing adequate parking for the vehicle belonging to the construction workers.
4. In the Utilities section of the Variance Request there is a comment about the construction of a new water line from the City's Lakeview booster pump number 3 to lot number 1. Is the developer paying for the construction of this Line? What will be the effect on the water pressure to the Lakeview residents whose home sit approximately 600 feet above the development? Are they going to experience the severe drop in pressure that the homeowners in Timberline currently experience on a daily basis? The new, larger impeller for the booster pump, who is paying for that? Who is paying for the cost of the increased power to drive this new, larger impeller? What about the increased wear and tear on the booster pump? Should the City have a stand-by booster pump available in case the primary one fails so that there will be adequate water for the fire hydrants and residents? Who should pay for this stand-by booster pump?
5. Since the City has taken the position of not enforcing CC&R's, who will enforce all the various rules and regulations described in the CC&R's after the developer has sold all the lots and moved on to greener pastures?

I know that a lot of these issues seem petty on their reading. Having lived in this area for the past ten years I have these seemingly petty issues become nightmares to the homeowners when the developers leave them on their own to enforce CC&R's without lien rights and their only recourse is to sue one another.

I implore the Planning Commission to weigh heavily on every aspect of this Variance Request. Take nothing for granted and forget every promise unless it is in writing and fully bonded so that the financial burden for issues that develop later do not become the financial burden of the City and its taxpayers.

Sincerely,

A handwritten signature in cursive script that reads "Gil Yanuck". The signature is written in black ink and is positioned above the printed name.

Gil Yanuck

March 20, 2007

TO: Carson City Planning Commission

RE: Combs Canyon Subdivision Phase II, hearing March 28, 2007

Background:

In past actions the Commission and Board of Supervisors rejected two Planned Unit Development tentative maps, one for 92 lots and a second for 78 lots. Each PUD included two parcels, one 57 acres and one 25 acres. In the fall of 2006, the City approved a 23 lot standard subdivision, Phase I, on the 57 acre parcel only.

Last year the Commission approved the 2006 Master Plan. A few months later you amended the plan for Weise & Jenkins, 204 acres, east of Lakeview Rd and Buckskin Road. The zoning remained residential one acre with an entitlement of 204 homes. However the amendment permits up to 332 homes and of course if a PUD is submitted and approved the developers would be entitled to a 10% bonus resulting in a potential 355 homes. In the future, approximately 600 homes only access to downtown will be the freeway or Combs Canyon Rd.

Phase II

The subject parcel was created in 1987 with no limitation as to the number of driveways accessing Combs Canyon Rd. The parcel has been and remains zoned residential one acre. In the City's view the property is entitled to 25 lots and we should consider ourselves lucky the property owner is only requesting 19 lots. 15 driveways are proposed. Eight homes would share a driveway and 11 lots would have single driveways.

We are assuming staff has determined Hillside Ordinance 7.4.1 is not applicable. "No development is permitted which significantly increases hazards of avalanche, rock fall landslide, flooding, or soil erosion." A number of lots include or are in close proximity to large boulders high up on the hillside. If grading or construction operations cause a boulder or boulders to be dislodged and roll across Combs causing personal injury and/or property damage, who will be liable: the City for having approved the subdivision in a hazardous area; the developer or the home builder? Any mitigation proposed?

Page 2 of 3 pages

Combs Canyon Rd is a 60' right of way. Combs is a collector street at an average 8% grade. Currently there are two 12' lanes shared with bicycles. At the time of this writing the Engineering Department has not submitted their requirements to the Planning Department. After a phone discussion with Engineering we are expecting a requirement to rebuild Combs to three 12' lanes; 36' of pavement, crowned for drainage to flow to the curb and gutter on either side. Good idea. However, the three lanes would only be required on the frontage of the project. Bad idea. There should be no transitions from two lanes to three lanes and back to two lanes from the intersection of Combs & Timberline to the intersection of Combs & Lakeview Rd. Two transitions will create a hazard.

We are told the City has no right to require the developer to perform any onsite grading. The City may require only offsite improvements. These are simply paper lots for future buyers to build custom homes. Potentially nineteen lot owners will be submitting plans over the years and each grading their own lot accessed from Combs. We believe the developer should be required to remove all of the overburden from back of curb to the property line in order to provide temporary parking during grading and construction. There should be no on street parking for anyone, except City maintenance vehicles.

Last year the City adopted A Master Trail Plan. The plan designates a non paved 4' public trail across the project and 6' behind the curb. We support this requirement within the public right of way.

We believe the most critical safety issue is automobile access to and from the proposed lots. The conceptual project plans stated driveways will be at 8% to 12% grade. Guest parking will be on the driveways. There must be clear site distance for the homeowner's vehicles as well as for vehicles traveling up and down Combs. Each driveway approach should be at 2% to 3% grade and one car length behind the curb. Note: it is unknown at this time the distance between back of new curb to the property line.

The City has stated many times, "we do not enforce CC&Rs." Does this developer want us to believe his Architectural Committee will actually review building plans over the years and enforce all the

Page 3 of 3 pages

CC&Rs after the lots are sold? The responsibility will be the City Building Department.

We understand the building envelopes will be all of the lot within the front and side setbacks and up to the 33% slope line.

The request for a variance for four (4) proposed lots with greater than 360 foot depth is reasonable. However, the City can be guaranteed that building on these proposed lots in the 15% to 33% slope range will bring about many hardship variance applications. Given the tight conditions, individual lots owners will overlook and/or ignore the CC&R's and no one will enforce them.

Report comments by page:

Page 4. "Each lot will be designed to collect storm water runoffand conveyed to underground infiltration basin." Storing water subsurface on a hillside lot can cause foundation damage and slope failures and should not be required.

Page 5 "but all of the lots will be landscaped when the residences are occupied." Nonsense, don't count on it.

Page 6 street lighting. Since there is no homeowner's association, the street lighting will be public and specified by the City.

Page 9 "Each of the homes will have individual mailboxes placed at the front of the property. This is another reason to prohibit on street parking. It is a concern for our mail carrier starting and stopping on Combs Canyon not to mention the bicyclists cycling uphill.

Page 16 "no need for roadway improvements outside Applicant's property". Is this because offsite improvements will be done under Phase I requirements? What if the Phase II is built before Phase I?

Cordially,

Bruce Kittess, 4401 Levi Gulch, Carson City

**CARSON CITY PLANNING COMMISSION
CASE RECORD**

MEETING DATE: March 28, 2007

AGENDA ITEM NO.: G-8

APPLICANT(s) NAME: Lumos Engineers for Barton Properties, Inc. FILE NO. TSM-07-027
PROPERTY OWNER(s): Combs Canyon, LLC

ASSESSOR PARCEL NO(s): APN 007-091-72
ADDRESS: Combs Canyon Road

APPLICANT'S REQUEST: Action to consider a Tentative Subdivision Map application, known as Combs Canyon Phase II, to review a subdivision map that consists of 19 lots on approximately 25 acres, and a Variance to allow for greater lot depth than allowed per City municipal code on four of the proposed lots on property zoned Single Family One Acre (SF1A).

COMMISSIONERS PRESENT: PEERY VANCE SEMMENS

 BISBEE MULLET REYNOLDS KIMBROUGH

STAFF REPORT PRESENTED BY: Jennifer Pruitt/Walter Sullivan REPORT ATTACHED
STAFF RECOMMENDATION: CONDITIONAL APPROVAL DENIAL
APPLICANT REPRESENTED BY: Randall Long of Lumos

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.

PERSONS SPOKE IN FAVOR OF THE PROPOSAL 6 PERSONS SPOKE IN OPPOSITION OF THE PROPOSAL

DISCUSSION, NOTES, COMMENTS FOR THE RECORD:

Public Comments:

- Gil Yanuck - Noted letter submitted into the record. Road width should be looked at beyond project boundaries to address future development and emergency egress from the area.
- Bruce Kittess - Phase II is ill conceived as a collector street; Two ways city, the Freeway or Combs Canyon Rd. He doesn't care how many lots it has. Wants clear access to Carson City. Combs Canyon Rd. should build full road section from Timberline Dr. to Lakeview Rd.
- Dr. Gabriel - Turn lane needed, plan for growth in this area, need guardrail on Combs Canyon Rd. from top to bottom. Driveways are going to be too steep.
- Bill Miles - Has a cost analysis been done on the subdivision? Believes this will take a lot of money to grade and develop lots. Need trail and road easements.
- Bob Green, Combs Canyon resident -What kind of driveways will they be? Snow plows block driveways with snow.
- George Conner - resident of Lakeview area - Will they sell lots or develop them themselves? Buyers may not know of City requirements.

MOTION WAS MADE TO RECOMMEND APPROVAL:

- WITH THE FINDINGS AND CONDITIONS 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 *
with stipulation that CC&Rs require turn-arounds to remain clear and changes on 2 of the conditions.

MOVED: Reynolds SECOND: Kimbrough PASSED: 4 /AYE 2 /NO /DQ 1 /ABSENT /ABSTAINED

SCHEDULED FOR THE BOARD OF SUPERVISORS

DATE: 4-19-07

COMBS CANYON SUBDIVISION

PHASE II

**TENTATIVE MAP
AND VARIANCE APPLICATION**

Carson City, Nevada

Prepared for:

**Barton Properties, Inc.
Steve Selinger
11611 San Vicente Blvd., Suite 605
Los Angeles, CA 90049**

Prepared by:

LUMOS and ASSOCIATES, INC.
800 E. College Parkway
Carson City, Nevada 89706
Tel: (775) 883-7077
Fax: (775) 883-7114

February, 2007

JN: 5501.002



February 14, 2007

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

Re: Combs Canyon Subdivision Phase II 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 Phase II on approximately 25 acres of undeveloped land along the northeastern portion of Combs Canyon Road in Carson City, Nevada (APN 007-091-72). The Applicant recently received Tentative Map and Variance approval for the undeveloped property directly across Combs Canyon (APN 007-091-91, Combs Canyon Subdivision Phase I), and the proposed development will be similar in nature to the approved single-family development (Combs Canyon Subdivision, TSM 06-168 and VAR 06-169). 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 19 lots, with the average lot size being 1.31 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 Combs Canyon Subdivision Phase I.

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 cursive script that reads 'Audra Miller'.

Audra Miller, AICP Senior Planner
Lumos and Associates, Inc.

AM/kr

Enc.

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NRS 278.349(3)	7
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Exhibits

8 1/2" x 11" Site, Grading, and Utility Plan	A
8 1/2" x 11" Tentative Map	B
8 1/2" x 11" Erosion Control Plan	C
Title Report	D
Legal Description	E
CC&R's (2 copies in original only)	F
Schools Impact Report	G
Tax Certificate	H

Engineering Reports (6 copies)

Geotechnical
Hydrology
Traffic
Drainage

Map Pockets

Title Sheet	C-1
Site, Grading, and Utility Plan	C-2
Site, Grading, and Utility Plan	C-3
Slope Analysis Plan (engineering copies only)	C-4
Tentative Map (engineering copies only)	T-1
Tentative Map	T-2

Carson City Planning and Community Development

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

FOR OFFICE USE ONLY:

TSM-07-

APPLICANT PHONE #
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 PHONE #
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:

PRESENT ZONING APN(S)
Single-Family 1-Acre 007-091-72

BOS Date:

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 007-091-72, 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 statement 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.

[Signature] 2/12/07
Applicant's Signature Date

PROPERTY OWNER'S AFFIDAVIT

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] 11611 San Vicente Blvd #605, LACA 2/12/07
Signature Address Date

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

STATE OF NEVADA Los Angeles
COUNTY Los Angeles

On FEB 12, 2007 personally appeared before me, a notary public, STEVE SELINGER, personally known (or proved) to me to be the person whose name is subscribed to the foregoing document, who acknowledged to me that he executed the foregoing document.

Notary Public [Signature]



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 | |
|-------------------------------------|--------------------------|---|
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 1. Presubmittal conference held previous to submittal of Subdivision/PUD application. |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 2. 25 copies of Tentative Map (Folded 8-1/2 X 11). |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 3. 10 copies of Informational Booklet. |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 4. Fee payment. |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 5. Application form completed. |

COMPLETE APPLICATION PACKET
TIME OF TENTATIVE SUBMITTAL

Note: Digital data is required on a CD.

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 | |
|-------------------------------------|--------------------------|---|
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 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. |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 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. |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 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.&R.'s.</u> |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 4. The subdivision/PUD name, and name and address of the developer and engineer and date of map. |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 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. |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 6. Provide a street grading plan. |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 7. Adjacent subdivision, land uses, zoning, and ownership abutting the project. |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 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. |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 9. A <u>proposed grading plan</u> meeting department of public works standards and requirements showing all cuts and retaining walls to be designated. |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 10. Provide a landscape plan for the development. |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 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%. |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 12. A note indicating location of all utility easements proposed and existing. |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 13. The layout of water, sewer, and storm drainage systems. |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 14. A soils report including soil types, seasonal high water table, and percolation rates (if on septic). |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 15. North arrow and scale, all sheets to be numbered. |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 16. Location of existing buildings. |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 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. |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 18. Areas not a part of the subdivision to be designated as "not a part". |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 19. Provide a conceptual drainage study meeting the standards and requirements of the Carson City Development Standards Division 14.8. |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 20. An indication of the type of water system to be used, its water sources and engineering data on fire flows. |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 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. A written document addressing the Master Plan Policy Checklist for a Conceptual Map for a Planned Unit Development of the five items that appear in the Carson City Master Plan. Each theme looks at how a proposed development can help achieve the goals of the Carson City Master Plan. Address each theme; a check indicates that the proposed development meets the applicable Master Plan Policy. In your own words provide written support of the policy statement. You may want to acquire a free CD or purchase a paper copy of the Master Plan from the Planning Division, or review the copy in the Planning Office or in the reference section of the Ormsby Public Library on Rook Street, or use our website at www.carson-city.nv.us.
- 36. Application complete *[Signature]* Date 4/11/07

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. They also require wet stamped original maps.

To assure the necessary reviews are completed, the Planning Division 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 payable to NEVADA STATE SAFE DRINKING WATER for \$400 per map plus \$3.00 per lot; the second check payable to 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 \$2,200 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 for current required fees.

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

FOR OFFICE USE ONLY:

CCMC 18.02

FILE # VAR - 06 -

VARIANCE

FEE: \$500.00 + noticing fee

PROPERTY OWNER
 Barton Properties, Inc Attn: Steve Seinger

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 # FAX #
 (310) 826-4658 (310) 826-3200

Name of Person to Whom All Correspondence Should Be Sent
APPLICANT/AGENT
 Lumos and Associates, Inc Attn: Randall Long

Application Reviewed and Received By:

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

Submittal Deadline: See attached 2006 PC application submittal schedule.

PHONE # FAX #
 (775) 883-7077 (775) 883-7144

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.

E-MAIL ADDRESS
 rlong@lumosengineering.com

Project's Assessor Parcel Number(s): APN 007-091-72	Street Address Northeast 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 18.02.085 a request to allow a variance as follows:

The Applicant is requesting a variance to allow four (4) of the proposed lots to have a lot depth greater than 360 feet (Lots 3-6). 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, Steve Selinger, 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.

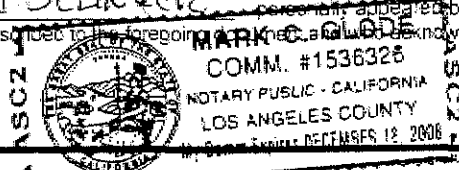
Signature: [Signature] Address: 11611 San Vicente Blvd #605, SACA Date: 2/12/07

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

STATE OF NEVADA
 COUNTY Los Angeles

On Feb 12, 2007, STEPHEN SELINGER A.K.A. STEVE 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 he/she executed the foregoing document.

Notary Public: [Signature]



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.

**COMBS CANYON SUBDIVISION PHASE II
Tentative Map and Variance Application**

Project History

Barton Properties, Inc. ("Applicant") is seeking to develop approximately 25 acres of undeveloped land along the northeastern portion of Combs Canyon Road in Carson City, Nevada (APN 007-091-72). The Applicant recently received Tentative Map and Variance approval for the undeveloped property directly across Combs Canyon (APN 007-091-91, Combs Canyon Subdivision Phase I), and the proposed development will be similar in nature to the approved single-family development (Combs Canyon Subdivision, TSM 06-168 and VAR 06-169).

The Applicant is now submitting a Tentative Map application to subdivide its property into 19 single-family lots. As part of the Tentative Map application, the Applicant is also submitting a Variance application to allow four of the proposed lots to have depths exceeding 360 feet (Lots 3-6). 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 depth. 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 on January 17, 2007, and the proposed Tentative Map and preliminary improvement plans reflect the comments and recommendations expressed during the review process.

Project Description

The Applicant is seeking to develop a 19-unit residential subdivision on a 25-acre parcel located on the northeast side of Combs Canyon Road, adjacent to the Combs Canyon Subdivision Phase I development. 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"). The surrounding Master Plan designations include Conservation Reserve to the east and Low Density Residential to the west, north and south.

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 1.81 acres, and the smallest parcel being 1 acre. The average lot size is 1.31 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 and the above-mentioned Combs Canyon Subdivision Phase I. The Applicant prepared the plan for this site to respect the topography, view shed, and surrounding areas.

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

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 four 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 grading will not occur on slopes greater than 33%.

The topography of the site precludes the Applicant from meeting the lot depth 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.

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 undeveloped SF1A land to the north, Conservation Reserve to the east, the Combs Canyon Subdivision to the south, and developed SF1A areas to the west. The adjacent developed areas are zoned either SF1A or SF2A, and the proposed development is compatible with both of these 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.

As part of the City's Unified Path Master Plan (UPMP), a trail alignment is required across the subject property to link the V&T trail to the south to Lakeview via the north side of project. The trail will be a non-paved, four-foot wide use path located in the front of each of the proposed lots, six feet from the curb and gutter on Combs Canyon Road. The design and location of the trail will provide for a safe pedestrian environment for people utilizing the trail. Lumos met with the Parks Department prior to submitting this application, and Parks requested, as part of the UPMP, that the Applicant provide the trail in the frontage of the proposed lots so a future connection to the South V&T Trail could be accomplished. The Applicant has agreed with this request, and the trail will be in compliance with the UPMP. The Applicant is proposing to grant a pedestrian access easement for the proposed trail as identified on the site plan with the understanding that a final trail alignment will be determined at the Final Map stage.

Traffic and Parking

Pursuant to the *ITE Trip Generation Manual, 7th Edition*, the proposed 19-unit subdivision is estimated to generate 180 average daily trips with a maximum peak hour estimate of 19 trips. Based on the estimated average daily trips and peak hour trips, a traffic analysis is not required for this project (CCDC Section 12.3). However, in review of the Combs Canyon Subdivision Phase I traffic analysis, the proposed Phase II development is not expected to change the existing levels of service in the area. The level of service for intersections impacted by the development will remain at a LOS B. (See the Combs Canyon Subdivision Phase II Traffic Report).

Each residence will have an attached two-car garage, for a total of 38 interior spaces. Each lot will also have a driveway for additional/visitor parking. The Development Code only requires 2 spaces per residential dwelling unit (38 for this development), and the Applicant exceeds this requirement. The Community Development Department requested the Applicant investigate the possibility of combining driveways in order to reduce the accesses on to Combs Canyon Road. The shared driveway design is being provided to eliminate access points to Combs Canyon Road realizing the safety benefits in reducing potential turning conflicts. A total of eleven lots will have a traditional driveway to Combs Canyon Road, and there will be a total of four shared driveways providing access to the remaining eight lots. Due to topographic constraints, shared driveways are not feasible for the remaining eleven lots. The driveways will have a minimum width of 12 feet and a maximum slope of 12%. Due to the terrain, each lot will be required by the CC&R's to have an adequate turn area along with a two-car garage. One of the Applicant's earlier site layouts considered a frontage road. Further review of this alternative proved not viable due to topography, the City's roadway design criteria, and the fact that the units would be push up the slope causing more grading and visual impacts. Residential access to Combs Canyon Road is permissible pursuant to Section 12.12.2 of the City's Development Standards.

Utilities

The proposed project has been designed to fully utilize the existing extension of utilities within the area. Available utilities located in Combs Canyon Road include water, electrical power, television, telephone, and natural gas. All utilities will be located underground.

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 south to its terminus point at the proposed lot number 1. This terminus point will provide further extension capabilities into the previously approved Phase I development located on the west side of Combs Canyon Road. Water service and meters will be extended from the proposed main

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

extension. Fire hydrants along the Combs Canyon frontage will meet the City's spacing requirements for fire protection. Additional improvements will include replacing the existing impeller with a new impeller to increase the production rate into the Lakeview area by approximately 20 gpm 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 located at the intersection of Murphy Drive and Combs Canyon Road. The proposed development will require extension of the sewer from the intersection of Murphy Drive and Combs Canyon Road, approximately 3,000 feet to the northerly 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. The Applicant does not know of any capacity issues related to the existing sewer infrastructure and believes that sufficient capacity is available.

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 will be underground.

Grading and Drainage

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 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.

The development of each of the 19 residential lots will involve individual storm water mitigation measures. Each lot will be designed to collect storm water run off generated by roofs, driveways, and concrete areas and convey it to an underground infiltration basin. The underground basins will detain the increase in stormwater generated by the development to mitigate impacts to downstream properties. Additionally, the Drainage Study included with this application has identified the need to install catch basins at two sag points of Combs Canyon Road to effectively convey the road's run off to the Combs Canyon Creek.

The proposed subdivision is not located in a 100-year flood plain as defined by FEMA.

Hillside Development

The area of construction for the development has slopes averaging greater than 15% and will be subject to the Hillside Development standards (CCDS, Division 7). All of the required engineering reports and plans are included with this application (See Hydrology Report, Geotechnical Report, Slope Analysis Map, Drainage and Grading Plan, Vegetation and Revegetation Plan, and Topographic Map).

The buildable area of the development will not significantly increase the hazards of avalanche, rockslides, flooding or soil erosion. The Applicant will also generate a minimum of cuts, fills and grading to preserve the natural landscape. In addition, none of the driveways will have a slope greater than 12%. Much of the scenic quality of the site will be protected by preserving undisturbed slope on the steeper portions of the site (greater than 33% slope), leaving native vegetation on the undisturbed areas, and replanting of developed areas.

The lot size and potential placement of structures shall be such that adequate clearance of hazardous, flammable vegetative cover may be accomplished. The development will provide fuel breaks and non-combustible roofs and building materials. Cleared underbrush and excess vegetation near dwelling units will be replaced by fire resistant local plant species. All of the residences will be located within 1000-feet from the nearest water supply. The Applicant will provide a 30-foot defensible space setback on each of the lots. The Applicant is also developing a full mitigation plan, referenced in the CC&R's, which is in compliance with the Hillside Development Standards of the City's Code. In addition to the standards provided above, the Applicant will adhere to the *Wildlife Protection for Homeowners and Developers*, prepared by the Sierra Front Wildlife Cooperators.

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. Any disturbance during construction for infrastructure will adhere to dust control requirements. 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 in order to ensure landscaping is in compliance with Hillside Development Standards.

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.

Yes.

- Protect environmentally sensitive areas through proper setbacks, dedication, or other mechanisms (3.1b)?

Yes.

- If at the urban interface, provide multiple access points, maintain defensible space (for fires) and are constructed of fire resistant materials (3.3b)?

Yes.

- Sited outside the primary floodplain and away from geologic hazard areas or follow the required setbacks or other mitigation measures (3.3d, e)?

Yes.

- Provide for levels of services (i.e. water, sewer, road improvements, sidewalks, etc.) consistent with the Land Use designation and adequate for the proposed development (Land Use table descriptions)?

Yes.

- If located within an identified Specific Plan Area (SPA), meet the applicable policies of that SPA (Land Use Map, Chapter 8)?

N/A

Since the development will be comprised of custom-built homes, there will be an increase in housing choices in Carson City. The development will also utilize existing water resources and sewer capacity. The development is being constructed on undeveloped land within city boundaries where services already exist. The project will also balance development with conservation by preserving natural vegetation and outcroppings since only the building footprints will be graded. Only areas suitable for construction (less than 30%) grade will be constructed upon.

Chapter 4: Equitable Distribution of Recreational Opportunities

The Carson City Master Plan seeks to continue providing a diverse range of park and recreational opportunities to include facilities and programming for all ages and varying interests to serve both existing and future neighborhoods.

Is or does the proposed development:

- Provide park facilities commensurate with the demand created and consistent with the City's adopted standards (4.1b, c)?

The site allows for a walking trail that will connect to existing open space and existing and proposed trails in the area.

- Consistent with the Open Space Master Plan and Carson River Master Plan (4.3a)?

Yes.

The surrounding area has various trails, bike paths and open space that can be utilized by all residents in the area. The proposed development will in no way decrease the recreational opportunities for current or future residents.

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 for the four lots in question. The steep topography of the property is the reason for the proposed lot layout.

The Applicant does not want to develop more than 19 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. The Applicant does not want to have any common area since the amount of area available would be very small and not very useful. It is better to have the steep slope area within the individual lots and make the applicable homeowners' responsible for maintenance.

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 vision 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.*

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 during the development process of Combs Canyon Phase I. Many of the properties in the area are zoned SF2A, and there is not a maximum lot depth for that zoning district.

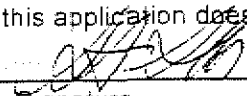
**Combs Canyon Subdivision Phase II
Tentative Map and Variance Application**

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. CC&R's mandate the individual property owners maintain the lots, including fire suppression.

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

2/13/07

Date

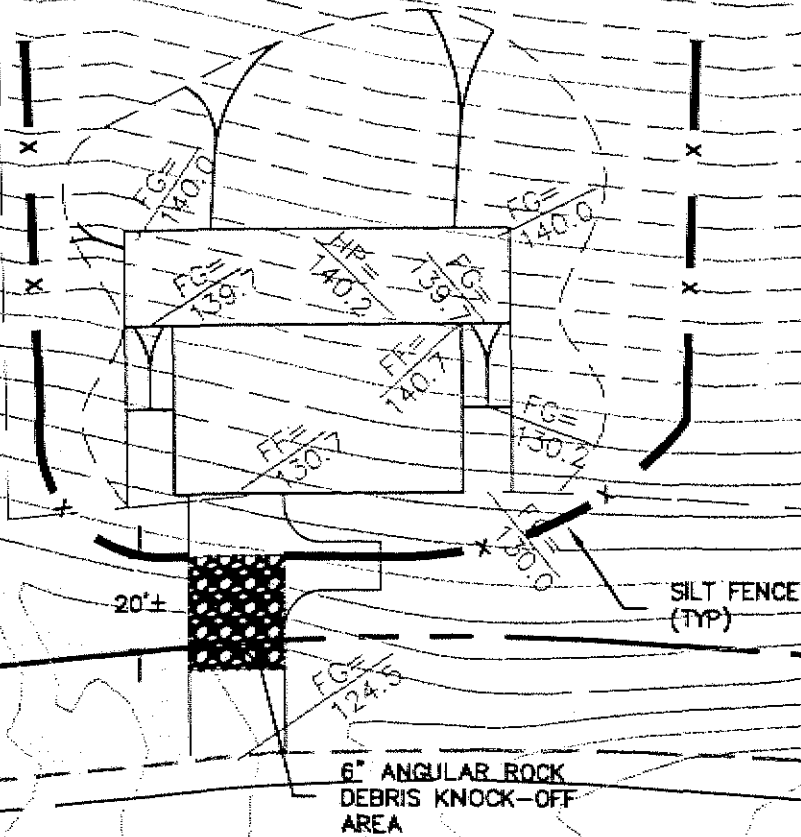
Exhibits

**A. 8 1/2" x 11" Site, Grading, and
Utility Plan**

B. 8 1/2" x 11" Tentative Map

C. 8 1/2" x 11" Erosion Control Plan

Lot 10
66,606 SQ. FT.
1.53 ACRES



LUMOS
& ASSOCIATES
850 E. COLLEGE PARKWAY
CARSON CITY, NEVADA 89706
PH. (775) 883-7077 FAX (775) 883-7114

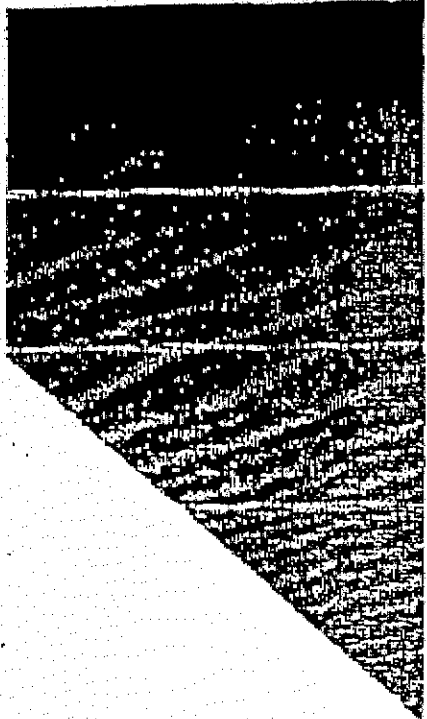
BARTON PROPERTIES, INC.
TYPICAL EROSION CONTROL PLAN
COMBS CANYON SUBDIVISION - PHASE II

Date: FEBRUARY 2007
Scale: 1"=40'
Job No: 5501.002
FIGURE 1

CARSON CITY

NEVADA

D. 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
- 885 Sierra Rose Drive • Reno, Nevada 89511 • (775) 829-4980 • FAX (775) 829-4976
- 280 E. Moana Lane • Suite J • 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
- 1828 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) 483-1889 • FAX (775) 483-1389

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 Leader'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. WIESE, JR., 1979 TRUST,
DATED AUGUST 7, 1979, AS TO PARCEL 1; GRANT J. WIESE, 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 166, 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. 196395, 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. 692A.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.

Order No. 00027695-099

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, 1223.99 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.

7-09

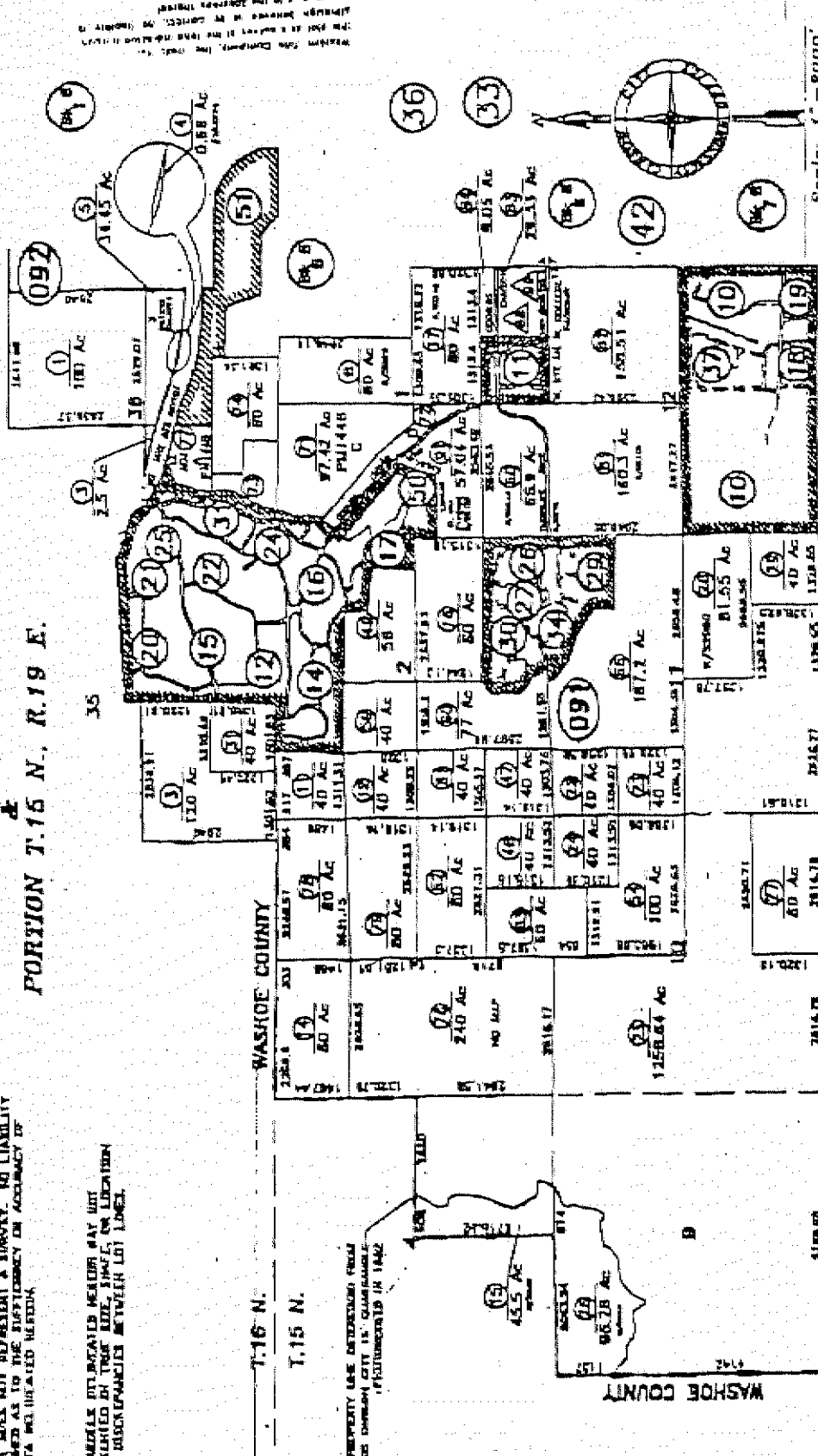
PORTION T.16 N., R.19 E.
 &
 PORTION T.15 N., R.19 E.

EDEN CITY, NEVADA
 THIS MAP IS PREPARED FOR THE USE OF THE EDEN CITY
 ASSessor FOR Assessment AND ADMINISTRATIVE PURPOSES
 ONLY. IT DOES NOT REPRESENT A SURVEY. NO LIABILITY
 IS ASSUMED AS TO THE SUFFICIENCY OR ACCURACY OF
 THE DATA OR UNDISCLOSED DEFECTS.

NOTE
 SOME PARCELS UTILITIES MENTION MAY NOT
 BE PUBLISHED IN THIS EDITION. SURVEY OR LOCATION
 ARE TO DISCREPANCIES BETWEEN LOT LINES.

T.16 N.
 T.15 N.

PROPERTY LINE DEFINED FROM
 WASHOE COUNTY CITY 15' CLEARANCE
 ESTABLISHED IN 1942



Scale: 1" = 2000'
 Revised 02.12.2003

△ BUILDING ON CORNER LOT

6

3

WASHOE COUNTY

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 - 1990 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 (10-17-98)

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 of 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, 18, 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, 8d, 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 18.

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 police 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
- land division
- user improvements on the land
- 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 notice 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 5 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 (10-17-92)

WITH ALTA ENDORSEMENT - FORM 1 COVERAGE

and

AMERICAN LAND TITLE ASSOCIATION LEASEHOLD LOAN POLICY (10-17-92)

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 restricting 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 those 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 materials 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 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 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:
 (a) to timely record the instrument of transfer; or
 (b) 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 (10-17-82)

and

AMERICAN LAND TITLE ASSOCIATION LEASEHOLD OWNER'S POLICY (10-17-82)

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.

E. Legal Description

Order No. 00027695-099

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, 1223.99 feet; thence North 19°04'55" East, 838.54 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°31'25" 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. Weiss, Sr. shown as Parcel Map 1448, recorded in the Office of the Recorder of Carson City, Nevada on April 28, 1987.

F. CC&R's (2 copies in original only)

COMBS CANYON PHASE 2, 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 PHASE 2, 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 PHASE 2, LLC, ESTATES DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS.

Section 10. "Articles of Incorporation" shall mean and refer to the Charter of COMBS CANYON PHASE 2, 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 PHASE 2, 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 nineteen (19) lots of Declarant's or its successor have been sold, or until the fifteenth (15th) 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 nineteen (19) 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 nineteen (19) lots. Said nineteen (19) lots shall consist of those lots described in Exhibit "A," together with any lots subsequently annexed to the Property pursuant to Article XI 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 nineteen (19) 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.

(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 PHASE 2, 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 PHASE 2, 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.
- (i) For fire safety purposes, all Owners must clear underbrush and excess vegetation from around his/her Home. Fire resistant local plant species shall be used in landscaping Lots.
- (j) Addresses for Homes must be at least 4" high and shall be clearly visible from the street.
- (k) Roofs of Homes shall not be constructed of non-treated wood shingles.
- (l) Each Home must be within 1000 feet of a water supply as measured along an unobstructed line of vehicular travel.
- (m) Owners must maintain and repair all graded surfaces and erosion prevention devices, retaining walls, drainage structures or means and other protective

devices, plantings, and ground cover installed or completed as part of an approved grading plan or building permit.

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: _____

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 whomever 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 nineteen (19) lots of Declarant's or its successors have been sold, or until the fifteenth (15th) 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 19th lot, the Owners of the Lots in COMBS CANYON PHASE 2, 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 PHASE 2, 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 PHASE 2, 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.

COMBS CANYON PHASE 2, 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 PHASE 2, 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 PHASE 2, LLC, ESTATES DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS.

Section 10. "Articles of Incorporation" shall mean and refer to the Charter of COMBS CANYON PHASE 2, 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 PHASE 2, 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

G. Schools Impact Report

CARSON CITY SCHOOL DISTRICT
PROPOSED SUBDIVISION PLAN
IMPACT STATEMENT

SUBDIVISION COMBS CANYON PHASE II UNITS 19

NRS 278.349 - Availability of School Services:

This property, Combs Canyon Phase II, consists of 19 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 5

Middle School: Carson Middle School # Students 3

High School: Carson High School # Students 3

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

February 6, 2007
Date

H. Tax Certificate

Secured Tax Billing & Payment History

TC0150A

Parcel #..... 007-091-72 Current Owner... COMBS CANYON LLC

Property Loc... COMBS CANYON RD

2/12/07

Set to Tax Year... Show Special Assessments for Year... 11:06:52

Yr/Typ	Billed to/Payor/Adj Reason	Date	Amount	Balance
2004-05	WEISE, GRANT J JR	07/09/04	240.83	445.65
Intrst	Monthly Interest	08/02/04	1.47	447.12
Pmt-Ck	WEISE, GRANT	08/17/04	447.12-	.00
2005-06	COMBS CANYON LLC	07/15/05	240.82	240.82
Penlty	Instlmnt 1 Penalty for 2005-06	08/26/05	2.41	243.23
Penlty	Instlmnt 2 Penalty for 2005-06	10/14/05	6.02	249.25
Penlty	Instlmnt 3 Penalty for 2005-06	01/13/06	10.84	260.09
Penlty	Instlmnt 4 Penalty for 2005-06	03/17/06	16.86	276.95
Penlty	Notification Costs	03/21/06	2.00	278.95
Pmt-Ck	BARTON PROPERTIES INC	03/29/06	278.95-	.00
2006-07	COMBS CANYON LLC	07/10/06	257.20	257.20
Pmt-Ck	BARTON PROPERTIES INC	07/21/06	64.00-	193.20
Pmt-Ck	BARTON PROPERTIES INC	07/21/06	64.00-	129.20
Pmt-Ck	BARTON PROPERTIES INC	07/21/06	64.00-	65.20
Pmt-Ck	BARTON PROPERTIES INC	07/21/06	64.00-	1.20
Pmt-Ck	BARTON PROPERTIES INC	08/03/06	1.20-	.00

Bottom

Other History: F2=Special Asmt F6=Abatement/Recapture
 F4=Bank/Check #s F9=Scan >/< ≥ F12=Return F17=Assr Inquiry Roll Up/Down

Maps



COMBS CANYON SUBDIVISION - PHASE II
 SITE/GRADING/UTILITY PLAN
 BARTON PROPERTIES, INC.

DATE	
PROJECT	
CLIENT	
DESIGNER	
CHECKED BY	
DATE	

C3
 DATE: 10/15/10
 PROJECT: COMBS CANYON SUBDIVISION - PHASE II
 CLIENT: BARTON PROPERTIES, INC.
 DESIGNER: LUMOS 6 ASSOCIATES
 CHECKED BY: [Signature]
 DATE: 10/15/10

DEVELOPMENT ENVELOPE SUMMARY:

LOT	SUBMITTED ENVELOPE
12	21,574
13	20,000
14	20,000
15	20,000
16	20,000
17	20,000
18	20,000
19	20,000

PROJECT SUMMARY:

TITLE: COMBS CANYON SUBDIVISION
 OWNER: MR. STEVE BELINGER
 BARTON PROPERTIES, INC.
 10000 WILSON AVENUE, SUITE 400
 LOS ANGELES, CA 90024
 (714) 310-8248-1038
 (714) 310-8248-3200
 A/E/C: 07-081-81
 CURRENT ZONING: SFA
 PREVIOUS ZONING: SFA
 PROJECT NO.: 10
 SHEET NO.: 18

DESIGNED SETBACKS:

FRONT: 30'
 SIDE: 15'
 REAR: 30'
 UTILITIES:
 WATER/SANITARY - CARSON CITY UTILITIES
 ELECTRIC - CUC
 GAS - SWG

GENERAL NOTES:

TOTAL BUILDING ENVELOPE AREA = 341,074 SQ. FT.
 APPROX. DEVELOPE AREA = 263,000 SQ. FT.

