



## Warm Springs Citizen Advisory Board

Approval of these draft minutes, or any changes to the draft minutes, will be reflected in writing in the next meeting minutes and/or in the minutes of any future meeting where changes to these minutes are approved by the CAB.

Minutes of the regular meeting of the Warm Springs Rural Citizen Advisory Board held November 13, 2018 at Washoe County Regional Shooting Facility (Classroom) 21555 Pyramid Highway, Reno, NV 89512

### 1. \*1. \*CALL TO ORDER/DETERMINATION OF QUORUM

Roll call was not recited, but a quorum was determined by the Chair. CAB members include: Thomas Prentice, Robert (Bob) Gunn, James Bradbery, Gregory Gilbert, Susan Ambrose (alternate), Robert White (Alternate), Dennis Buck.

### 2. \*PLEDGE OF ALLEGIANCE – The pledge was recited.

### 3. \*PUBLIC COMMENT –

Katherine Snedigar said she wants any development for the County to follow its own rules and guidelines. If you drive around in the SPA, the houses are at ground level with well casings 4 feet; they are in a flood zone. If the well casing is at the normal height, it would contaminate the water. Time will come for owners to collect from the insurance company, but they won't be paid because the developer didn't follow the guidelines of the County. The developer has to follow the guidelines. The rules they put on us are stricter than what they put on the developer.

Public member Ms. Calwheel said she is concerned with traffic on Pyramid Highway. They plan to build hundreds of houses which will add thousands of cars. They don't plan to add infrastructure. She said she is from southern California and she would have to leave her house at 4am to get to work and it was bumper to bumper traffic.

Pam Roberts spoke about the Bob Marshall Ranch project. She said she is concerned with the application. In one part it mentions 1 acre parcels, and another part of the application talked about clustering, and another part spoke about 5 acres per parcel. It's confusing.

Susan Ambrose, CAB alternate, said she wants the Washoe County Planners to ensure the Marshall Ranch is included in the area character plan which will include all the parcels of the moon rock gateway down by the proposed sewer water treatment – all parcels to be considered.

Sharon Korn said she hopes Warm Springs won't be the step child of the County. Things have to get done with infrastructure. We need a two lane highway, underground electrical and all other infrastructure. Fire service needs to be considered. We have one way in and one way out. There needs to be responsible planning and not patch work planning. She said there are signs posted out there – rough road, enter at your own risk. She said she understands there are washed out creeks and hillsides which will require lots of work. The Warm Springs task force did a survey and submitted it to the Board of County Commissioners that shares opinions of those inside the SPA and outside. 118 survey respondents – they reported the following reasons for living in Warm Springs - lots size greater, privacy, agricultural, livestock were the primary reasons.

Hugh said they will talk about master plan amendment and zoning for higher density. The reason for master plan amendments and maps is because when they do that, then the area plan map must be changed. The area plan will follow the master plan. It's a disingenuous approach by the developer and the County. This is the developer and representatives doing an end-run on the area. Nearly everyone would be opposed to this; instead they are going for a master plan change. We worked hard on the area plan. It's a foregone conclusion. He proposed for an alternative approach – we have to take control back from the County Commissioners by creating an unincorporated town. He said he has information with NRS information. He asked the public members to provide an email address to the CAB board for information about unicorporation. An unincorporated town would have a stronger say about development.

Greg Dennis said he was a 'no vote' on the area plan in the past. This is a special plan with amendment. We asked months ago for the County Commission to stop the parceling. We asked for moratoriums. We asked

that this plan would go back for a complete review. This plan may be good or bad, but if it's good now, it will be good this Spring. This plan should be put on hold until we can get a complete master plan done including roads. We have no infrastructure out here with people moving in. There was a flood in 1997 and another one two years ago. This will add to the problems we have out here. We need to look at the plan in a logical manner. We cannot scatter development all over the place. People are purchasing land all over Pyramid Highway wanting to insert warehouses. This will open it up to a monster problem without re-doing the master plan.

Mike Evans, 10 year resident, said there needs to be due diligence before desired change. He said he doesn't believe due diligence has been done in this case. Fire, police, water, there are areas in the SPA that don't have water, basic quality of life issues, and many of us moved here for quality of life with property with land away from the neighbor. The last 7 projects were denied but then passed by the Commissioners. He asked why do we pay for professionals if it gets passed by the Commissioners. There must be due diligence before a project. If infrastructure issues come up, the developer needs to pay for it.

Brian Diambro said he lives next to Mike Evans, and has been looking at the information about an unincorporated township. He said he is behind it. He said the Board of County Commissioners do not listen to us. We should look at an unincorporated township. When these houses are put out there, the closest fire station that can handle structure fires is about 20 miles away.

Gabriel Barbato said he would like to host weddings out here. He said he wanted to amend the zoning for convention and weddings. He wants to receive a special use permit. 30 households within 1000 feet from the property will be notified. He wanted to let everyone know. He has had valley-wide parties out here. He left a piece of paper to share with the public members. He invited anyone to call him. There will be a few cars out there with the weddings.

Greg Landers said he is a 19 year resident. He said he spent a lot of time in the mountains. He said the application is ill-conceived. He spoke about the access to 395, water flowing and washed out roads. He said a culvert was washed out and the road was closed. He had photographs that showed the damage. He said there is no rush to approve this. This will open the flood gates and we will face these issues for the rest of our lives. He said we should expect 400-500 cars a day; our taxes will be impacted. It's ill-conceived.

Bob Gunn spoke about infrastructure issues and the highway. He spoke about schools and busing kids to schools. He questions the current crowding. He said there are fatalities on the highway. Waste treatment, fire, police, and water are issues.

**4. APPROVAL OF AGENDA FOR THE MEETING OF NOVEMBER 13, 2018 (for Possible Action)** - Tom Prentice moved to approve the agenda for the meeting of **NOVEMBER 13, 2018**. James Bradbery seconded the motion to approve the agenda for November 13, 2018. Motion carried unanimously.

**5. APPROVAL OF THE MINUTES FOR THE MEETING OF JULY 11, 2017 (for Possible Action)** – Tom Prentice moved to approve the minutes of July 11. James Bradbery seconded the motion to approve the minutes. The motion carried unanimously.

**6. DEVELOPMENT PROJECTS** – The project description is provided below with links to the application or you may visit the Planning Program website and select the Application tab and then the Applications Commission District Five.

[https://www.washoecounty.us/csd/planning\\_and\\_development/index.php](https://www.washoecounty.us/csd/planning_and_development/index.php)

**6.A. Master Plan Amendment Case Number WMPA18-0006 and Regulatory Zone Amendment Case Number WRZA18- 0006 (Bob Marshall Ranch)** – Request for community feedback, discussion and possible action to forward community and Citizen Advisory Board comments to Washoe County staff on a request: (1) To adopt an amendment to the Washoe County Master Plan, Warm Springs Area Plan to change a Master Plan Category on three parcels totaling ±1,088.88-acres to Rural Residential; and to establish a character management area with a character statement and specific policies governing these properties. The subject parcels were recently removed from the City of Reno's Sphere of Influence, where they had a Reno Master Plan Category of Special Planning Area and which currently have a Washoe County Master Plan designation of Rural per Policy 1.2.16 and the translation table contained in Appendix 7 of the 2012 Truckee Meadows

Regional Plan; and (2) Subject to final approval of the associated Master Plan change and a finding of conformance with the 2012 Truckee Meadows Regional Plan, to recommend adoption of an amendment to the Warm Springs Regulatory Zone Map, changing the Regulatory Zone from General Rural (maximum density one dwelling unit per 40 acres) to Medium Density Rural (maximum density one dwelling unit per five acres). On the ±1,088.88-acres, this change would potentially allow for up to 217 dwelling units, compared to the 27 dwelling units allowed by the current regulatory zone. (for Possible Action) • Applicant: Krater Consulting Group • Property Owner: Winnemucca Holdings, LLC • Location: 9055 Winnemucca Ranch Rd, approximately 9 miles north of its intersection with Pyramid Highway • Assessor's Parcel Numbers: 079-220-23 (±244-ac.); 079-220-26 (±41-ac.); 079-220-37 (±803-ac.) • Staff: Kelly Mullin, Washoe County Sr. Planner, kmullin@washoecounty.us, 775.328.3608; and Chad Giesinger, Washoe County Planning Manager, cgiesinger@washoecounty.us, 775.328.3626

Kelly Mullin and Chad Giesinger, Washoe County Planners, introduced themselves

- Received application and sent to agencies for review and feedback
- The contact information for the planners is on the agenda – please provide feedback that will be included in the staff report packet for the Planning Commission.
- Mr. Krater will provide a presentation for the application
- She said a staff report is an analysis with all the input provided from the public and various agencies

Mr. Ken Krater, Applicant, provided an overview:

- Mr. Krater said we don't have a project
- This is a beautiful piece of property owned with other partners
- He said he met a group in 2016 –regarding a separate 400 acre property in Hidden Valley with topography. The group looks for challenging topography to put in a conservation district. He said he is looking to create an entitlement. He said he has been involved in the community and given back to the community. He said he is vested in this community.
- In 2005-2006, the Marshall Ranch owner managed to take property and put it in the Reno sphere of influence. We are the only state in the US that depreciates real property taxes – a structure depreciates for 50 years. Your house/structure has 75% depreciation. When it sells, it doesn't reset. Local government taxes have declined. In 2006, developers convinced the city/county to move this property to Reno sphere of influence which is 45 minutes away from Reno.
- Mr. Krater said he worked with a conservation group with other easements. He said we have to take it out of the City of Reno. The Marshall Ranch was planned for 2,500 homes and commercial. There is no way to build infrastructure to accommodate. He convinced his partners to pull Marshall Ranch out of the Truckee Meadow Service Area and end this satellite city in Warm Springs.
- To make it a conservation easement, we need to change the master plan. It's in the Rural Development Area – under the Truckee Meadows Regional Plan.
- There is an article that addresses hillside development – with 15% slopes there is a hillside development constraint. There are 154 acres that exceed 30% slopes which is not suitable for development – there would remain acreage that would allow 187 lots.
- If anyone who would want to develop this area, they would have to do a detailed analysis with hillside development.
- Once it goes into a conservation easement it cannot be developed. He said it would be so expensive to develop the 187 lots.
- He said he wants to amend the Warm Springs Area Plan to create a Character Area Management Plan in order to create requirements for development. He said he modeled it after the Warm Springs Area Plan. He encouraged everyone to read it. It addresses the fire, topography, flooding. If any development would occur, it would have to be done right with hydrology studies to deal with 100 year storms and drainage.
- Clear zone concepts were required
- He spoke about the plan for a Character Management Area.
- He said he raised 10 million dollars to put in a conservation easement; the investors get tax credits to help pay their taxes. There are entitlements for value in property for investors to get tax credits. Entitlements include special use permits, master plan – all the things that you need for development.

- The request is 5 acre per parcel density on 1088 acres of Marshall Ranch. He said they aren't changing the zoning on the remainder of Marshall Ranch, Paiute Ranch, Warm Spring Ranch – GR zoning – no plans to change.
- He spoke about the policies that will be part of the Character Management Area – grading to follow natural contours, cut and fill, natural ridge lines. There are policies that deal with grading to be done right. And a noxious weed control plan would be included. It will be dark sky lighting certified. Required landscaping would use low water requirement with native plants, fire resistant plants, if it were to be developed.
- Water recharge is a big deal. Marshall Ranch has water rights.
- Ponds would need to capture the water to recharge and its good for wildlife.
- A wastewater package plant is in the plan – wastewater facility system would be required if it would be developed. No septic systems or leech fields would be allowed.
- Traffic was another issue – he said Winnemucca Ranch Road would be required to be paved with drainage. Ranch Land Road would have to be chip sealed.
- Mr. Krater said we are requesting a master plan amendment, but we don't have a project – if a project would happen, a tentative map application would be required. All the policies come into play they would have to address issues within the character area management plan.
- The mission is to get a conservation easement so you don't have to worry about development. It would be in a conservation easement for perpetuity.

#### Public comments:

- A public member asked about the conservation easement. Mr. Krater said you cannot build homes. It's a legal document that is very specific. He said only 2-3 parcels could be developed. The most amount of homes that can be developed under a conservation easement could be 4 homes at most. You can restore the original estate. Mr. Krater said if we create entitlement value to get a conservation easement – people want to invest into the property. Under the IRS, it allows tax credits to be created for investors. You create tax credits in more money than what is put into it.
- A public member said it's a tax scam. Mr. Krater said no, it's legit tax. Winnemucca Ranch did a conservation easement done through the city. They have an entitlement for 12,000 homes. They didn't put the entire property in easement, just portions.
- Public member asked about water rights at Bob Marshall Ranch. Mr. Krater said this property has rights, 688 acres of ground water and 64 acre surface water rights would help with recharge.
- A public member said it's like carbon credits trading. Water rights will be used somewhere else. Mr. Krater said no, there is no trade. Whatever entitlement is on the property cannot be transferred to any other property. It's just tax credits to be profitable for the team.
- A public member asked if Ken can make the PowerPoint available for the public. He said yes.
- Katherine Snedigar asked what the investors will get out of 10 million dollars that has been invested. Mr. Krater said they will get 15% more in tax credit.
- A public member asked about the wastewater plant by Moon Rocks. It's confusing everyone. No one can follow the end game product. He asked why we are going through this process to show we can do this, and why put a wastewater plant if you aren't going to go through with anything. In this document, the package plant will be used for something else. He asked what the end game is and how it all turns out. He asked how do we stop the proliferation. How does it all work out. Mr. Krater said within policies for character area management plan, they would have to build the wastewater facility for up to 187 homes. He said we would propose putting it near the pivot to help screen it; it's not a big plant.
- Mr. Krater said we will work with US Natural Land Trust to write this with flexibility to build 4 ranch homes on 40 acres or an option to develop the Marshal Ranch home. If it were developing more than that, it would have to build the package waste water plant.
- A public member said it's hard to believe the tax benefit and believe that's all they want to do. The tentative map will explain all these things they would have to do. Mr. Krater said it would be a very expensive project with expensive homes to complete a development. He said he was specific when he wrote the plan – Marshall Ranch was within the Truckee Meadow Service Area which is in the city – that sets a strong precedent. He said this is specific to the Marshal property to get out of Reno sphere of influence. It would make it harder to be part of the character area management plan.
- Kelly Mullin said she understands Mr. Krater's goal, but she wants to be clear, if the applicant's plans fall through for any reason, we are looking at the Character Management Area and policies described

in the application only. She said she understands the conservation easement is the end goal, but that's not being looked at by the County.

- Renae Smith said there are 4 homes, if a fire occurs, it will take 45 minutes to get medical assistance. Mr. Krater said there are people in rural areas who understand they are away from services and amenities. He said the homes would have to meet Truckee Meadow Fire Protection District fire criteria.
- Kathy said this project is heavily conditioned; if conservation district doesn't go through then the developer would have to meet all the conditions with infrastructure. We need to include infrastructure needs such as schools, fire, and police. Mr. Krater said that is exactly right.
- A public member asked about timing for the conservation easement. Mr. Krater said by the end of the year. There is a level of risk for investors – it needs to go to Commissioners to move forward.
- Katherine said she wanted to know how he is able to write an amendment when that is up to the resident. Mr. Krater said he submitted an application. He said he has engineering and planning background and took it upon himself to do this. He said that is why he is here tonight.
- Bob Gunn said our comments are ignored. He wants to know what is the guarantee is included to make sure CAB is being considered. Mr. Krater read his policy regarding requiring CAB input on the project – additional conditions of approval.
- Katherine said the Warm Springs Area Plan is not a guarantee – staff and commissioners change things for the developers. Protections are ignored by the county. Mr. Krater said he has done development, planning, and engineering for 30 years. He said when things aren't written crystal clear is the problem – you have to be specific with the policies. Staff is looking out for you.
- A public member asked about how he will protect the Winnemucca Ranch corridor residents. Mr. Krater asked for input regarding protection. A public member said keep Bob Marshall a working ranch.
- A public member said he wants a guarantee the entire ranch will remain a conservation easement. Mr. Krater said it will occur the end of the year for tax rules.
- Katherine said that is what Nevada needs – more land that no one can do anything with. She asked if the cows graze on the land. Mr. Krater said we can include the grazing rights in the Marshall Ranch. He said that is why we have the National Land Trust to help write this so they have the expertise with language to include agriculture uses.
- A public member asked about a conservation easement before the Planning Commission review. You are asking for entitlement for master plan amendment and regulatory zone. It will go to Board of County Commissioners and the Regional Planning agency to make sure it conforms. Mr. Krater said they are willing to go through this process. It's a risk.
- Mike Evans said this entitlement requires change to plan that won't happen until January. Those dates don't sync. The easement precludes the change to plan. He said he is confused on timeline. Mr. Krater said yes, easement will happen, but will have to get master plan and zoning amendments. The County Commissioners can do master plan amendment and zone change with staff. None is precluded. Approving master plan amendment and zone change. There is no tentative map. It doesn't stop the process to firm-up the master plan and zone change.
- Kelly Mullin said we will check with the District Attorney to see how it affects the process.
- Chad Giesinger said the analysis is not based on the conservation easement; County staff is considering the application for master plan amendment and regulatory zone change. Even if the conservation district doesn't happen, it would require high quality development.
- Larry said he has worked on similar conservation. He said Marshall Ranch is special; this is the best thing that could happen to it and the residents to the area. He said Ken has to draft up this conservation easement for tax purposes. Larry said Ken should come back and present the conservation easement document. Larry spoke about conservation cattle easements. If properly done, they can be wonderful. If we could meet after the first of the year, provide documentation, we will go to Planning Commission and County Commission and show support.
- A public member said on the 1088 acres and Marshall Ranch would be in the conservation easement, but the corridor will not be in conservation, nor will the pivot. You are looking for regulatory zone amendment. Mr. Krater said that's not part of the Character Area Management Plan. He said it's a different animal – it's still zoned GR 40 acre. It's not part of this plan.
- Mr. Krater said he will provide the PowerPoint with more details to help answer questions. Ms. Mullin said we post all minutes for the CAB online. When we have the digital PowerPoint document, we will put it with the minutes.

- A public member asked how to get a property out of conservation. Mr. Krater said it's in perpetuity – a contract with trust will remain in conservation easement forever. A public member said he is aware of another nature conservancy who sold to a developer.
- Mr. Krater said he can come back and have everyone read the conservation easement. No one wants to see the Marshall Ranch developed.
- Bob Gunn said anxiety and confusion came from how the agenda was written. Mr. Krater said it has to be written that way – they are thinking worst case scenario, they are looking out for the residents.
- Kelly Mullin asked for action on this item. Bob Gunn said no action on this item.
- Bob Gunn said we are requesting a meeting for January.

## **7. \*PUBLIC OFFICIAL REPORTS**

**7.A.\*Washoe County Commission Update** — A Washoe County Commissioner may be available to provide updated information on discussions and actions by the Board of County Commissioners (BCC). Following the presentation the Commissioner will be available to address questions and concerns from the CAB and the audience (This item is for information only and no action will be taken by the CAB).

Commissioner Herman welcomed everyone. She said another subdivision was approved for Lemmon Valley. Renia congratulated Commissioner Herman for her re-election.

**8. \*CHAIRMAN/BOARD MEMBER ITEMS-** This item is limited to announcements by CAB members. (This item is for information only and no action will be taken by the CAB).

Tom Prentice thanked Ken for coming out and explaining the application.

## **9. \*PUBLIC COMMENT –**

Pam Roberts said the conservation is a great idea, but it's not in writing. She said they could be hit by a bus or get a great offer for more than the tax savings. If the conservancy doesn't happen, the way the application reads, it could be 5 acre lots. Just as it happened in the SPA, investors made promises that didn't happen; they backed out. There is potential for growth as written.

Mr. Krater said he will read the conservation language when it comes back out and you can make up your mind.

Larry Barnes said he was disappointed. This board meets as scheduled or authorized by the County. He said there was a series of parcel maps through Washoe County when the CAB didn't meet; therefore, you weren't afforded the opportunity to weigh in which has significant impact on the area. Is it up to you to request to County when there is development in valley proposed. You should have opportunity to meet on any development. He said he doesn't care if it's once a month, it's when development happens.

Katherine Snedigar said the applications fall after the CAB meeting dates are scheduled. She said Dave Solaro is who rules us.

Tom Prentice said the County claims that the CAB meetings cost the County \$4,000.

Commissioner Herman encouraged them to request their CAB meetings.

**MOTION:** Tom Prentice moved to notify the County we wish to hold a CAB meeting when any development activity with changes to maps that affects our area, and the County can't say the meeting is too far out and cannot get this done. The motion was seconded. Motion passed unanimously.

**Meeting adjourned at 8:06 p.m.**

Number of CAB members present: 7

Number of Public Present: 40

Presence of Elected Officials: 1

Number of staff present: 2