



WASHOE COUNTY PARCEL MAP REVIEW COMMITTEE DRAFT Meeting Minutes

Parcel Map Review Committee Members

Thursday, December 10, 2015
1:30 p.m.

James Barnes, Planning Commission
James English, Health District
John Cella, Utility Services
Mike Gump, Engineering
Amy Ray, Truckee Meadows Fire Protection District
Grace Sannazzaro, Planning and Development

Washoe County Administration Complex
Building A, Room 275
Mt. Rose Conference Room
1001 East Ninth Street
Reno, NV

The Washoe County Parcel Map Review Committee met in regular session on Thursday, December 10, 2015, at 1:30 p.m., in the Washoe County Mt. Rose Conference Room, 1001 East Ninth Street, Reno, Nevada.

1. *Determination of Quorum

Grace Sannazzaro called the meeting to order at 1:30 p.m. The following members and staff were present:

Departments represented: Community Services Department (CSD)
Tim Simpson, Alternate, Utility Services
Mike Gump, Engineering
Grace Sannazzaro, Planning and Development

Health District
James English

Truckee Meadows Fire Protection District
Amy Ray, Fire Marshal

Absent: Planning Commission
James Barnes

Staff present: Eva Krause, AICP, Planner, Planning and Development
Lora Robb, Water Management Planner, Planning and Development
Kimble Corbridge, CSD, Engineering
Vic Erickson, CSD, Engineering
Nathan Edwards, Deputy District Attorney, District Attorney's Office
Katy Stark, Recording Secretary

2. *Ethics Law Announcement

Deputy District Attorney, Nathan Edwards, recited the Ethics Law standards.

3. *Appeal Procedure

Ms. Sannazzaro recited the appeal procedure for items heard before the Parcel Map Review Committee.

4. * General Public Comment

With no response to the call for public comment, the period was closed.

5. Approval of Agenda

In accordance with the Open Meeting Law, Mike Gump moved to approve the agenda of December 10, 2015 as written. The motion, seconded by Amy Ray, passed unanimously.

6. Approval of November 12, 2015 Draft Minutes

Mike Gump moved to approve the November 12, 2015 draft minutes, as written. The motion, seconded by James English, passed unanimously.

7. Project Review Items

A. Tentative Parcel Map Case Number PM15-019 (Bull Wheel/Flume Trail) – Hearing, discussion, and possible action to approve a parcel map, dividing a 144.60 acre parcel into:

- a. One 18.646 acre parcel to be held by the Nevada Land Trust for the benefit of, and ultimate conveyance to, the United States Forest Service for purposes of passive recreation and public use, and
- b. One 125.95 acre parcel to remain with the applicant.

- Applicant: Ponderosa Ranch, LLC
- Property Owner: Ponderosa Ranch, LLC
- Location: East of Ponderosa Ranch Road and Tunnel Creek Road
- Assessor's Parcel Number: 130-010-10
- Parcel Size: 144.60
- Master Plan Category: Rural (R)
- Regulatory Zone: General Rural (GR)
- Area Plan: Tahoe
- Citizen Advisory Board: Incline Village/Crystal Bay
- Development Code: Authorized in Article 606, Parcel Map
- Commission District: 1 – Commissioner Berkbigler
- Section/Township/Range: Section 23 and 24, T16N, R18E, MDM, Washoe County, NV
- Staff: Eva M. Krause, AICP, Planner
Washoe County Community Services Department
Planning and Development Division
- Phone: 775-328-3628
- E-mail: ekrause@washoecounty.us

Grace Sannazzaro opened the public hearing. Eva Krause reviewed her staff report dated December 1, 2015. Ms. Krause noted an email she received from Dave Marlow with Nevada Division of State Lands and submitted it to the Committee.

Mike Gump asked who would be responsible for following up on the reversion mentioned in condition 1(e). Ms. Krause said it was something that would need to be tracked. Mr. Gump said if this parcel doesn't get used as intended there will still be a parcel there because the map is recorded. Ms. Krause said it would be considered an abandonment of that map. Mr. Gump asked if they would have to go through Nevada Revised Statutes (NRS) for the reversion process. Ms. Krause said NRS says an abandoned map has to be reverted back to the previous owner or their heirs. Mr. Gump stated there is a cost to that. Ms. Krause said yes. Ms. Krause said this tentative map is unusual. It's going to Nevada Land Trust first because the United States Forest Service wants work done on the property before they'll accept ownership of it. Mr. Gump asked what it means for the county if the property doesn't get transferred. Deputy District Attorney (DDA) Nathan Edwards stated the code section that requires minimum lot size says if it's being created for a public entity it will be held in trust for the United States Forest Service (USFS). Legal ownership would be Nevada Land Trust (Trust) and the equitable ownership would be the USFS until the time they convey legal ownership over to the USFS then the legal and equitable titles would merge at which time the USFS would have it in total. Meanwhile, if this doesn't happen in 10 years he suggests putting a notation on the map that way what is recorded shows on that document and if looked at in the future it'll say this condition has to be satisfied or it will go away. Mr. Gump noted regarding access to the parcel, that they've asked to get access onto the parcel with a sunset. Once it transfers it extinguishes the easement but there seems to be reluctance to do that on this map. Ms. Krause said it was her understanding that the USFS, not having possession yet, doesn't want to grant an access. The applicant is giving over to the public entity because he does not want access to the public on his property. The Trust does have a temporary back country permit.

Karen Mullen, Trustee with Nevada Land Trust, explained an access could be created only to abandon it which would cost money. When there's already access via dirt roads and trails and that is what Nevada State Lands (NSL) is referring to. They're all happy with the dirt trails and roads access that is currently there and the USFS and NSL, with the Tunnel Creek Road, does not have a problem with us accessing it. All that is required is a back country permit for us to be able to access the land, for monitoring purposes, and there's a trail that needs to be realigned. Ms. Mullen isn't sure if Mr. Gump is looking for a legal access/easement but NSL and USFS are both saying there are existing roads there, verified by GPS so their all talking about the same road systems. Everybody is on board and will be filling out the back country permit for access. The Trust is doing this on USFS's behalf. It is a different kind of project in that the Trust will hold the land while things are done on the property, then they wait for the USFS process, which is acceptance of the property, over the next two or three years. Mr. Gump asked where the back country permit resides. Ms. Mullen said it's commonly done with state lands. Kimble Corbridge opined that the conditions that Engineering put on are to allow them not just to hear it but to see something, talk to the DDA's about it, see if it makes sense, and works for them to provide some kind of access so someone can get there and at least look at it even if it's the USFS's. He feels it's the applicant's due diligence to show what they have up to the site and/or through the site that way they can decide if it's acceptable in the 10 year period. Ms. Mullen said the back country permit is the most logical access to the property as it's not something you can get to easily. You have to go up through the dirt road systems. Having the back country permit is the easiest way to get there and it's the way the current property owner gets there. Mr. Corbridge said he'd like to have that information in the files with GPS or something to distinguish how to get to that property as well as how long the permit is for. He doesn't think it's something that can be discussed in 10 minutes and feel comfortable about taking it out of the conditions.

Gary Midkiff, property owner's representative, stated they have been working on this process for several years; applying for a use permit with the USFS and NSL for access. As they became familiar with what the property owner was planning on doing Mr. Rudman, with USFS, said they didn't want to take the time to prepare and work through a permit as they were going to own the property soon and they're fine with providing access now and with the trust, and the letter from Dave Marlow (NSL) says the same thing. The public, today, has access walking or

bicycling over (unheard) road and power line roads and (unheard) road that runs through the private land. They've both said fine, no permits are needed. We will allow as we have in the past, the ranch to go through the USFS and NSL, we'll allow the trust to do the same. We don't need any further legal access to get to the property. Mr. Midkiff noted they had previously provided the County with a map that shows Tunnel Creek Road, Ponderosa Ranch Road, Highway 28, up to the Bull Wheel location along with GPS points along that road to document how to get to the site. Ms. Krause noted the map is in the packet. Mr. Midkiff hopes they can rely on the statements by the USFS and NSL that the access is acceptable with no other easements or permits to get them and the trust to the site. The difference is they're asking for vehicular access to allow the trust to get there, like we have today. Last year we worked on the Bull Wheel to stabilize it. The USFS and State Parks allowed us access with trucks and equipment to work on the Bull Wheel, last year. The Trust needs access to relocate and improve the trail through the property as it's not been maintained and doesn't meet existing USFS standards. The only access for vehicles through those properties is for equipment and vehicle access for a trail and monitoring purposes not for the general public. The general public has bicycle and walking access already and that would continue. The purpose of this parcel conveyance to the USFS is to allow the public to legally access and use the trail through the property and to see and experience the Bull Wheel from the Great Incline Railway of the Sierra from 1880. Mr. Midkiff and his client hope this will come to pass in the next five years. He is happy with the County's recommendation for a 10 year period.

Ms. Mullen added, someone might ask why does it take five or 10 years. They've met with the USFS and they're excited about the project and they're moving it forward through the Tahoe Basin side but it has to go through the regional office and they can't get onto the regional program until April 2016. The federal process is slower.

Mr. Midkiff said Mr. Gump and Mr. Corbridge mentioned flexibility and asked what type of flexibility; is it something other than permission from parks and state lands and the USFS is not being adequate. Mr. Corbridge believes Ms. Krause has it correct in condition 1(c) "The final map shall include an access easement to Lot 2B, that is acceptable to Nevada State Lands, USFS, Washoe County and any effected property owners." He likes what he's hearing but would be more comfortable with a letter from the USFS and NSL saying, they agree with the map, they approve the access and it's the access to the property, they're okay with it being a hiking area. Ms. Krause noted condition 2(m) "Add the granting of the 20 foot access easement to the Owner's Certificate", saying it is a little more restrictive than what they are currently talking about and suggests reconsidering it. Mr. Gump and Mr. Corbridge agreed to change the language of condition 2(m).

Ms. Sannazzaro opened public comment.

Gary Midkiff said he would accept adding language to the map about the reversion of the property. His main concern is to avoid another access through the property for several reasons; there is no road or trail access from the lower portion of the ranch up to the Bull Wheel area so there would be a strip of easement almost vertical up the mountain that would serve no purpose. Also, there is the issue with having people wandering around ±450 acres; privacy issues, liability issues, along with others. It's not just as simple as saying there's a road there, use it. The only access is the Tunnel Creek Road and the power line road that comes up the edge of the property and there's a short private road that goes to the Bull Wheel location. It would be difficult to provide any additional access that would make any sense. Mr. Midkiff said he would accept a note on the map referring to the NSL map with the GPS coordinates.

Karen Mullen stated the Nevada Land Trust was going to be relocating the existing trail slightly and submitted a letter stating, Condition 1 on the TRPA letter says "...no physical modifications or increase in development potential will occur as a result of this subdivision..." and they will be working with TRPA on a permit to relocate that trail.

Ms. Sannazzaro closed public comment.

Mr. Corbridge proposed to change condition 2(m) language be changed to read: "If there are any access easements on the property they will be granted in the Owner's Certificate."

Mr. Gump requested to add another condition 2(t) add a reversion note to the map.

Mr. Corbridge requested to change the language in condition 1(c). DDA Edwards suggested changing the language from "an access easement" to "proof of access."

Mike Gump moved that, after giving reasoned consideration to the information contained within the staff report and the information received during the public meeting including the modified condition, that the Washoe County Parcel Map Review Committee approve Tentative Parcel Map Case Number PM15-019, Bull Wheel/Flume Trail, which has determined that the following criteria is or will be adequately provided for pursuant to Washoe County Development Code, Section 110.606.30. Tim Simpson seconded the motion which carried unanimously. (5 in favor, one absent)

The motion carried and considered the following criteria:

General improvement considerations for all parcel maps including, but not limited to:

- a) Environmental and health laws and regulations concerning water and air pollution, the disposal of solid waste, facilities to supply water, community or public sewage disposal and, where applicable, individual systems for sewage disposal;
- b) The availability of water which meets applicable health standards and is sufficient for the reasonably foreseeable needs of the subdivision;
- c) The availability and accessibility of utilities;
- d) The availability and accessibility of public services such as schools, police and fire protection, transportation, recreation and parks;
- e) Conformity with the zoning ordinances and master plan;
- f) General conformity with the governing body's master plan of streets and highways;
- g) The effect of the proposed subdivision on existing public streets and the need for new streets or highways to serve the subdivision;
- h) Physical characteristics of the land such as floodplain, slope and soil;
- i) The recommendations and comments of those entities reviewing the tentative parcel map pursuant to NRS 278.330 and 278.348, inclusive;
- j) The availability and accessibility of fire protection including, but not limited to, the availability and accessibility of water and services for the prevention and containment of fires including fires in wild lands;
- k) Community antenna television (CATV) conduit and pull wire; and
- l) Recreation and trail easements.

8. *Reports and Future Agenda Items

A. *Legal Information and Updates

None

9. *Public Comment

As there was no response to the call for public comment, the comment period was closed.

10. Adjournment

Ms. Ray made the motion to adjourn at 2:16 p.m.

Respectfully submitted,

Katy Stark, Recording Secretary

Approved by Committee in session on _____, 2016.

William H. Whitney
Secretary to the Parcel Map Review Committee