



WASHOE COUNTY

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STAFF REPORT

COMMISSION MEETING DATE: December 7, 2021

DATE: November 15, 2021

TO: Open Space and Regional Parks Commission

FROM: Sophia Kirschenman, Park Planner,
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THROUGH: Eric Crump, Operations Division Director
Community Services Department, 328-3625, ecrump@washoecounty.us

SUBJECT: Presentation, discussion, and possible recommendation to the Board of County Commissioners to approve a Consent to Use Agreement between Washoe County and Syncon Homes, a Nevada corporation, which states that Syncon Homes, as manager and trustee of Shadow Ridge 192, LLC, a Nevada limited liability company, agrees that the following easements would not be in conflict with the deed restriction placed on Assessor's Parcel Number (APN) 534-450-05 when the parcel was granted to Washoe County by Shadow Ridge 192, LLC in 2007; and, if supported, recommend to the Board of County Commissioners approval of the following easement deeds between Washoe County and the Truckee Meadows Water Authority: an exploratory well easement totaling ± 4 square feet, a conditional water facilities easement totaling $\pm 10,000$ square feet for a production well and wellhouse, and a temporary construction easement totaling $\pm 22,415$ square feet on APN 534-450-05, part of Sugarloaf Peak Open Space [at the appraised value of \$3,450.00]. (Commission District 4.) (For Possible Action.)

SUMMARY

The Truckee Meadows Water Authority (TMWA) requires a new production well for the community's water supply in the vicinity of Sugarloaf Peak Open Space. TMWA is requesting an exploratory well easement on the open space property (APN 534-450-05) for the installation of a small-diameter exploration well to determine whether the site would be suitable for a large-diameter production well. They are also requesting a water facilities easement for the construction, installation, and maintenance of a new production well and wellhouse, which would be conditioned upon favorable testing results from the exploration well. If the exploration well testing results indicate that the site is unfavorable for a production well, the water facilities easement would not be granted.

There is an existing deed restriction on the subject parcel that conditions the property to be used, in perpetuity, as a public trail and open space area. The current manager and trustee of the company that granted the property to Washoe County has signed a Consent to Use Agreement confirming that the proposed easements would not conflict with the deed restriction. This action item also requires the Washoe County Board of County Commissioners to acknowledge and agree to the Consent to Use Agreement.

AGENDA ITEM # X

Strategic Objective supported by this item: Safe, Secure and Healthy Communities

PREVIOUS ACTION

April 27, 2021 –The Board held a public hearing pursuant to NRS 277.050 to consider objections to Resolution of Intent R21-006 and approved an amended easement agreement and amended easement deed between Washoe County and the Truckee Meadows Water Authority to change an existing access and water facilities easement from ±11,802 square feet to ±20,425 square feet and to amend the terms of a temporary easement totaling ±23,588 square feet to allow for the construction, installation and maintenance of a temporary below-ground waterline on APN 534-521-01, part of Sugarloaf Peak Open Space.

April 14, 2021 – The Board adopted a Resolution of Intent (R21-006) to execute an amended easement agreement and amended easement deed between Washoe County and the Truckee Meadows Water Authority to change an existing access and water facilities easement from ±11,802 square feet to ±20,425 square feet and to amend the terms of a temporary easement totaling ±23,588 square feet to allow for the construction, installation and maintenance of a temporary below-ground waterline on APN 534-521-01, part of Sugarloaf Peak Open Space; and set a public hearing on this matter for April 27, 2021.

April 6, 2021 – The Washoe County Regional Parks and Open Space Commission recommended that the Board of County Commissioners approve an amended easement agreement and amended easement deed to change an existing access and water facilities easement from ±11,802 square feet to ±20,425 square feet and to amend the terms of a temporary easement on APN 534-521-01, part of Sugarloaf Peak Open Space.

January 28, 2020 – The Board held a public hearing and approved an easement agreement and easement deed between Washoe County and TMWA for an access and water facilities easement totaling ±11,802 square feet and a temporary easement totaling ±23,588 square feet on APN 534-521-01, part of Sugarloaf Peak Open Space.

January 14, 2020 – The Board adopted a Resolution of Intent (R20-001) to execute an easement agreement and easement deed between Washoe County and TMWA for an access and water facilities easement totaling ±11,802 square feet and a temporary easement totaling ±23,588 square feet on APN 534-521-01, part of Sugarloaf Peak Open Space.

January 7, 2020 – The Open Space and Regional Park Commission recommended that the Board approve an easement agreement and easement deed between Washoe county and TMWA for an access and water facilities easement totaling ±11,802 square feet and a temporary easement totaling ±23,588 square feet on APN 534-521-01, part of Sugarloaf Peak Open Space.

June 12, 2007 – The Board accepted two quitclaim deeds, which dedicated the Sugarloaf Peak Open Space area to Washoe County.

BACKGROUND

Washoe County owns certain real property, currently identified as APN 534-450-05, part of Sugarloaf Peak Open Space, located east of Pyramid Highway and north of Calle de la Plata in Spanish Springs. There is an existing trail on the property that extends south from Horizon View Avenue and then east, culminating at the top of Sugarloaf Peak. The

Truckee Meadows Water Authority (TMWA) has several existing easements on the various parcels that are part of Sugarloaf Peak Open Space. First, they hold an existing blanket water facilities and access easement across Sugarloaf Peak Open Space for the purposes of accessing and maintaining an underground waterline on County property as well as a water tank and underground well on two nearby properties owned by TMWA. Second, in 2021, TMWA was granted an additional access and water facilities easement on a parcel (APN 534-450-01) that is part of Sugarloaf Peak Open Space for the construction, installation, and maintenance of an additional underground waterline and access road to provide system redundancy and potable water supply to the approved Harris Ranch Subdivision, located north of the open space area.

TMWA is now requesting exploratory well, conditional water facilities and temporary construction easements for the purposes of completing groundwater testing activities and ultimately, for construction of a new production well and wellhouse. According to TMWA, a new production well is needed in this area for the community's water supply as their existing well on the neighboring property is old, undersized and in need of replacement. The location of the existing well is also unsuitable for a future production well and wellhouse as this infrastructure would negatively impact the Sugarloaf Trail and would be directly adjacent to neighboring homes. The current proposed location is farther away from houses and would not impact trail use.

Prior to submitting the current easement request, TMWA analyzed other sites based on water quality and quantity from existing wells in the area. TMWA investigated a site on the west side of Pyramid Highway to the south of an existing mine and found that although the area produced high production rates, the water quality was not suitable. TMWA also analyzed an area at the Spanish Springs Airport on a parcel administered by the Bureau of Land Management and concluded that a well in that location may be impacted by nitrate over time. Other areas to the east of the proposed location are not acceptable geologically and may impact domestic wells. Areas to the south of the proposed location are close to domestic wells and potentially high in nitrate. The proposed location was found to be the most suitable because TMWA already has a well nearby with good water quality, the location is a suitable distance from domestic wells, the area is close to existing water infrastructure, and there is sufficient access to the parcel.

TMWA is currently requesting two permanent easements, one for an exploratory well and one for a production well and wellhouse. Before a large-diameter production capacity well can be utilized, TMWA needs to install the exploratory well to determine site geology as well as the quality and quantity of water that can be expected from the production well. The exploratory well would be small in diameter (6 inches) and would be installed approximately 600 to 800 feet deep. It would be utilized to determine the best zones for high water flow and high-quality water. The exploratory well would have a small overall footprint, with an 18" diameter concrete pad and a capped and locked 6" well casing standing 2-3 feet above land surface. Additionally, the exploratory well would be utilized for ongoing groundwater quality monitoring. Once the water from the exploratory well has been tested, a determination would be made about whether the site is suitable for the larger production well. The permanent water facilities easement is conditioned upon favorable exploratory well testing results. If testing indicates that the site would not be suitable for a production well, TMWA would notify Washoe County and no water facilities easement would be granted.



Wellhouse Photo Rendering – From Paradise View Drive Facing West

Consent to Use Agreement

In 2007, two of the parcels (APNs 534-450-05 and 534-461-07) that are part of Sugarloaf Peak Open Space were granted to Washoe County. The deed (Attachment A) contains a condition that the properties shall be “designated by the Grantee, in perpetuity, as a public trail and open space area for the benefit of the general public...” When TMWA first approached Washoe County about the current easement proposal, staff were concerned that construction of water facilities on the subject property would be a violation of this deed restriction. As such, TMWA approached Syncon Homes, the current manager and trustee of Shadow Ridge 192, LLC, the company that granted these parcels to Washoe County, to confirm that the proposed easements would not conflict with the deed restriction. Syncon Homes agreed that the proposal would not be a violation of the deed. For clarity and documentation, they signed a Consent to Use Agreement confirming that there is no conflict between the easement use and the deed. If these easements are approved, Washoe County would also need to acknowledge and agree to the Consent to Use Agreement.

Impacts

It is expected that the exploratory well would take approximately three to four weeks to drill, develop, and test. Production wells are also expected to take approximately three to four weeks to drill, develop, and test. Both estimates are dependent upon drilling conditions encountered; and, if hard rock is encountered, drilling times would be longer. Once the production well has been drilled and tested, TMWA’s engineering team will design a wellhouse and piping to bring the new high quality water supply on-line for the

community sometime in the spring or early summer of 2022. Construction of the exploratory well, production well and wellhouse would not impact use of the Sugarloaf Trail.

In terms of revegetation, TMWA shall be required to revegetate the disturbed areas outside of the permanent infrastructure footprint according to an approved Revegetation Plan. In accordance with the Revegetation Plan, they shall be required to submit monitoring reports to the County as prepared by a licensed landscape architect or other qualified professional one (1) year and three (3) years after termination of the Temporary Construction Easement and implementation of the revegetation efforts to ensure success criteria, as identified in the Revegetation Plan, have been met. If the criteria are not met, additional hydroseeding applications and/or plantings shall be required.

Consistency with the Washoe County Parkland Easement Policy

Staff have determined that the proposed easement is consistent with the Parkland Easement Policy as there are no feasible or prudent alternatives and the project is complementary with existing park uses on the subject site. The project will also provide a benefit to the general public by providing additional capacity to the community's water supply.

FISCAL IMPACT

Should the easements be approved, proceeds of \$3,450.00 will be deposited into the Parks Capital Fund (404), District 2C Spanish Springs-East Truckee (900280).

Purchase of the easement, construction, revegetation maintenance, and permitting associated with the project would be the responsibility of the TMWA.

RECOMMENDATION

It is recommended that the Park Commission recommend that the Board of County Commissioners approve a Consent to Use Agreement between Washoe County and Syncon Homes, a Nevada corporation, which states that Syncon Homes, as manager and trustee of Shadow Ridge 192, LLC, a Nevada limited liability company, agrees that the following easements would not be in conflict with the deed restriction placed on Assessor's Parcel Number (APN) 534-450-05 when the parcel was granted to Washoe County by Shadow Ridge 192, LLC in 2007; and, if supported, approval of the following easement deeds between Washoe County and the Truckee Meadows Water Authority: an exploratory well easement totaling ± 4 square feet, a conditional water facilities easement totaling $\pm 10,000$ square feet for a production well and wellhouse, and a temporary construction easement totaling $\pm 22,415$ square feet on APN 534-450-05, part of Sugarloaf Peak Open Space [at the appraised value of \$3,450.00].

POSSIBLE MOTION

Should the Commission agree with staff's recommendation, a possible motion would be:

“Move to recommend to the Board of County Commissioners approval of a Consent to Use Agreement between Washoe County and Syncon Homes, a Nevada corporation, which states that Syncon Homes, as manager and trustee of Shadow Ridge 192, LLC, a Nevada limited liability company, agrees that the following easements would not be in

conflict with the deed restriction placed on Assessor's Parcel Number (APN) 534-450-05 when the parcel was granted to Washoe County by Shadow Ridge 192, LLC in 2007; and, if supported, approval of the following easement deeds between Washoe County and the Truckee Meadows Water Authority: an exploratory well easement totaling ± 4 square feet, a conditional water facilities easement totaling $\pm 10,000$ square feet for a production well and wellhouse, and a temporary construction easement totaling $\pm 22,415$ square feet on APN 534-450-05, part of Sugarloaf Peak Open Space [at the appraised value of \$3,450.00]."