



WASHOE COUNTY PARCEL MAP REVIEW COMMITTEE 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,



for Katy Stark, Recording Secretary

Approved by Committee in session on February 11, 2016.



William H. Whitney
Secretary to the Parcel Map Review Committee

Krause, Eva

From: Edwards, Nathan
Sent: Tuesday, December 08, 2015 9:57 AM
To: Krause, Eva
Subject: RE: Staff Report - PM15-019 - Ponderosa LLC - Bull Wheel Parcel

thanks

From: Krause, Eva
Sent: Tuesday, December 08, 2015 9:30 AM
To: Whitney, Bill; Gump, Mike; Corbridge, Kimble
Cc: 'gary@midkiffandassoc.com'; Edwards, Nathan
Subject: FW: Staff Report - PM15-019 - Ponderosa LLC - Bull Wheel Parcel

Nevada State Lands has removed their recommendation for requiring a dedicated access to the new parcel. The applicant would like Planning and Development condition 1.c. and Engineering and Capital Projects conditions 2.e. and 2.m. removed. Gary Midkiff (consultant) will be calling Mike Gump and Kimble Corbridge to discuss these items prior to the meeting.

Eva M. Krause, AICP
Planner
Washoe County Community Services
Planning and Development Division
775.328.3628 new phone number
ekrause@washoecounty.us

From: Dave Marlow [<mailto:dmarlow@lands.nv.gov>]
Sent: Monday, December 07, 2015 3:31 PM
To: Krause, Eva
Cc: Charlie Donohue; Elyse Randles; 'gary@midkiffandassoc.com'; Elizabeth A. Kingsland; Brenda Swart; Dave Marlow
Subject: Staff Report - PM15-019 - Ponderosa LLC - Bull Wheel Parcel

Eva

As we discussed earlier today, the Division of State Land's (NDSL) input, dated November 13, 2015, to this parcel map proposal was predicated on the understanding that any parcel created and approved by Washoe County required access in some form.

In reviewing your Staff Report, the conditions for the approval of the Parcel Map, and our discussion, I believe NDSL's concerns over access to the property (Lot 2B) are resolved and no specific dedication of an easement is required by the County. The conditions that Lot 2B must be transferred to the U.S. Forest Service within a specified time frame or the Parcel Map is void and the subject Lots 2A & 2B revert to acreage and the property owner, addresses NDSL's concerns. With National Forest System Lands (NFSL) adjoining this property on two sides, the access Lot 2B is achieved through the NFSL. It is our understanding that no other dedication of access rights or an easement are necessary.

As a result of this, NDSL is withdrawing its suggestion that there be dedicated access to Lot 2B through the applicant's property. It appears that Washoe County can make the finding that dedicated access, as stipulated in Condition 1c, is not necessary in the long term, with the stipulation of ownership of Lot 2B ultimately vesting with the Forest Service and that Condition 1c can be removed as a condition of approving the Parcel Map.

Please feel free to call or e-mail me with any questions or clarifications.

Dave

=====

Dave Marlow
Deputy Administrator
Nevada Division of State Lands
775-684-2724
775-684-2721 (FAX)
dmarlow@lands.nv.gov

Let our advance worrying become advance thinking and planning.



December 10, 2015

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Karen Ross, Vice Chair
Harry Parsons, Treasurer
Karen Mullen-Ehly, Secretary

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Caryn Swobe
William Thornton
Jack Trainor
Sue Wagner
Bill Watson
Brad Woodring
Gregg Zive

Bull Wheel Parcel Map Review

The Nevada Land Trust would like to place on the record that although the TRPA Permit Condition #1 states: "No physical modifications or increase in development potential will occur as a result of this sub division," this does not apply to the realignment of the existing dirt trail on this newly created parcel. The new alignment will further protect the historic structure and will reduce existing erosion. NLT will be applying to TRPA to get this work done next summer which will be prior to USFS ownership.

Karen Mullen-Ehly Trustee

Nevada Land Trust

Executive Directors

Alicia Reban
Chuck Pope



PM 15-019
Dec. 10, 2015



**TAHOE
REGIONAL
PLANNING
AGENCY**

Mail

PO Box 5310
Stateline, NV 89449-5310

Location

128 Market Street
Stateline, NV 89449

Contact

Phone: 775-588-4547
Fax: 775-588-4527
www.trpa.org

December 9, 2015

COPY

Gary Midkiff
Midkiff & Associates, Inc.
P.O. Box 12427
Zephyr Cove, NV 89448

**SUBDIVISION FOR CONVEYANCE TO PUBLIC ENTITY, 0 SWEETWATER RD, WASHOE COUNTY, NEVADA,
ASSESSOR'S PARCEL NUMBER (APN) 130-010-10, TRPA FILE NUMBER SUBD2015-1068**

Dear Mr. Midkiff:

Enclosed please find the Tahoe Regional Planning Agency (TRPA) permit and attachments for the project referenced above. If you accept and agree to comply with the Permit conditions as stated, please make a copy of the permit, sign the "Permittee's Acceptance" block on the first page of the Permit, and return the signed copy to TRPA within twenty-one (21) calendar days of issuance. Should the permittee fail to return the signed permit within twenty-one (21) calendar days of issuance, the permit will be subject to nullification. Please note that signing the permit does not of itself constitute acknowledgement of the permit, but rather acceptance of the conditions of the permit.

TRPA will acknowledge the original permit only after all standard and special conditions of approval have been satisfied. Please schedule an appointment with me to finalize your project. Due to time demands, TRPA cannot accept drop-in or unannounced arrivals to finalize plans.

Pursuant to Rule 11.2 of the TRPA Rules of Procedure, this approval may be appealed within twenty-one (21) days of the date of this correspondence.

Thank you very much for your patience in this matter. Please feel free to call me if you have any questions regarding this letter or your permit in general.

Sincerely,

Wendy Jepson,
Current Planning Manager
Planning Department

cc: Ponderosa Ranch, LLC
P.O.Box 4237
Incline Village, NV 89450

PH15-019
Dec 10, 2015



**TAHOE
REGIONAL
PLANNING
AGENCY**

Mail
PO Box 5310
Stateline, NV 89449-5310

Location
128 Market Street
Stateline, NV 89449

Contact
Phone: 775-588-4547
Fax: 775-588-4527
www.trpa.org

PERMIT

PROJECT DESCRIPTION: Subdivision for Conveyance to Public Entity **APN** 130-010-10

PERMITTEE(S): Ponderosa Ranch, LLC **FILE #** SUBD2015-1068

COUNTY/LOCATION: Washoe County/0 Sweetwater Rd.

Having made the findings required by Agency ordinances and rules, the TRPA approved the project on December 9, 2015 subject to the special conditions found in this permit.

This permit shall expire on December 9, 2018 without further notice unless the permit is acknowledged with the TRPA. The expiration date shall not be extended unless the project is determined by TRPA to be the subject of legal action which delayed or rendered impossible the diligent pursuit of the permit.

Wendy Gypson 12-9-2015
TRPA Executive Director/Designee Date

PERMITTEE'S ACCEPTANCE: I have read the permit and the conditions of approval and understand and accept them. I also understand that I am responsible for compliance with all the conditions of the permit and am responsible for my agents' and employees' compliance with the permit conditions. I also understand that if the property is sold, I remain liable for the permit conditions until or unless the new owner acknowledges the transfer of the permit and notifies TRPA in writing of such acceptance. I also understand that certain mitigation fees associated with this permit are non-refundable once paid to TRPA. I understand that it is my sole responsibility to obtain any and all required approvals from any other state, local or federal agencies that may have jurisdiction over this project whether or not they are listed in this permit.

Signature of Permittee(s) _____ Date _____

PERMIT CONTINUED ON NEXT PAGE

APN 130-010-10
FILE NO. SUBD2015-1068

Security Posted (1): Amount \$ 500 Type ____ Paid ____ Receipt No. ____

Special Security (2): Amount \$ 5,000 Type ____ Paid ____ Receipt No. ____

Security Administrative Fee (2): Amount \$ _____ Paid ____ Receipt No. ____

Notes:

- (1) See Special Condition 2. D, below.
- (2) See Special Condition 2.E, below.
- (3) \$152 if a cash security is posted, or \$135 if a non-cash security is posted.

Required plans determined to be in conformance with approval: Date: _____

TRPA ACKNOWLEDGEMENT: The permittee has complied with all pre-construction conditions of approval as of this date:

TRPA Executive Director/Designee

Date

SPECIAL CONDITIONS

1. This permit specifically authorizes the subdivision of one parcel containing 144.60 acres into two parcels for the purpose of conveying the smaller parcel to a public entity for the Incline Flume Trail/Bull Wheel Parcel. The conveyance parcel contains 812,206 square feet, or 18.646 acres, and has a base allowable coverage of 8,122 square feet. The parcel contains 14,042 square feet of existing coverage based on the Flume Trail and the Bull Wheel structures. No physical modifications or increase in development potential will occur as a result of this subdivision. The smaller parcel will be conveyed to the Nevada Land Trust initially and shall eventually be conveyed to a public entity, as required by the TRPA Code Section 39.1.3.A.
2. Prior to permit acknowledgement, the following special conditions of approval must be satisfied:
 - A. The project area deed restriction recorded in Document No. 3502751 in the Office of the Washoe County Recorder on February 27, 2007 shall be revised to reflect the new legal boundary and parcel area for APN 130-010-10 (formerly APN 130-010-04). The required deed restriction revision is subject to TRPA review and approval.
 - B. The permittee shall submit a letter from the Nevada Land Trust as required in Special Condition 3, below.

- C. The permittee shall provide, prior to final recordation of the subdivision, a final Mylar map, or similar document, for the approved subdivision which contains a signature block for TRPA to document regional approval, and three copies of the Parcel Map.
 - D. The permittee shall post a security in the amount of \$500. The security is required to ensure that the Parcel Map is recorded and that a copy of the recorded document is provided to TRPA. Please see Attachment J, Security Procedures, for appropriate methods of posting the security and for calculation of the required security administration fee.
 - E. The permittee shall post a special security in the amount of \$5,000 to ensure compliance with the special conditions concerning conveyance of the parcel to a public entity.
3. The permittee shall record the attached deed restriction requiring reconveyance of the newly created parcel to the permittee (original owner) if the parcel is not acquired by the USDA Forest Service or the Nevada Division of State Lands by December 31, 2020. The deed restriction shall extinguish upon acquisition in whole by the USDA Forest Service or the Nevada Division of State Lands.
4. To the maximum extent allowable by law, the Permittee agrees to indemnify, defend, and hold harmless TRPA, its Governing Board, its Planning Commission, its agents, and its employees (collectively, TRPA) from and against any and all suits, losses, damages, injuries, liabilities, and claims by any person (a) for any injury (including death) or damage to person or property or (b) to set aside, attack, void, modify, amend, or annul any actions of TRPA. The foregoing indemnity obligation applies, without limitation, to any and all suits, losses, damages, injuries, liabilities, and claims by any person from any cause whatsoever arising out of or in connection with either directly or indirectly, and in whole or in part (1) the processing, conditioning, issuance, or implementation of this permit; (2) any failure to comply with all applicable laws and regulations; or (3) the design, installation, or operation of any improvements, regardless of whether the actions or omissions are alleged to be caused by TRPA or Permittee.

Included within the Permittee's indemnity obligation set forth herein, the Permittee agrees to pay all fees of TRPA's attorneys and all other costs and expenses of defenses as they are incurred, including reimbursement of TRPA as necessary for any and all costs and/or fees incurred by TRPA for actions arising directly or indirectly from issuance or implementation of this permit. Permittee shall also pay all costs, including attorneys' fees, incurred by TRPA to enforce this indemnification agreement. If any judgment is rendered against TRPA in any action subject to this indemnification, the Permittee shall, at its expense, satisfy and discharge the same.

END OF PERMIT