



# Warm Springs Citizen Advisory Board

Minutes of the regular meeting of the Warm Springs Rural Citizen Advisory Board held **JULY 10, 2019** at Palomino Valley Auxiliary Fire Station, 6015 Ironwood Road, Palomino Valley, NV

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

Tom Prentice called the meeting to order at 6:06 p.m. CAB members present included: Thomas Prentice, Marshall Todd, Robert (Bob) Gunn (Arrived at 6:12 p.m.), Susan Ambrose, James Bradbery (arrived at 6:17 p.m.).

Absent: Robert White (Alternate, not excused)

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

## 3. \*PUBLIC COMMENT –

Pam Roberts, SPA resident, said she loves the rural area. She expressed that she is concerned the CAB meeting signs posted in the area are inaccurate. She said the CAB should insist they should be corrected. She spoke about the the Truckee Meadows Area Plan update and Warm Springs Area plan update managed by Trevor Lloyd. She spoke about the applicant's intent and asked what does he plan to do with additional parcel; does he plan to reduce them by re-zoning them to 5 acre parcels. She spoke about the County's provision for clustering with open space.

Katherine Snedigar said her neighbor received a notice from the State Water Master regarding placing a meter on their well. She said that conflicts with the law and she said they are working to fight it.

Greg Dennis said he works for the State engineer. He said the State Water Master is involved with Surface and Ground water.

**4. APPROVAL OF AGENDA FOR THE MEETING OF JULY 10, 2019 (for Possible Action) –** Marshall Todd moved to approve the agenda for the meeting of **JULY 10, 2019**. Bob Gunn seconded the motion to approve the agenda for **JULY 10, 2019**. Motion carried unanimously.

**5. APPROVAL OF THE MINUTES FOR THE MEETING OF MARCH 12, 2019 (for Possible Action) –** Susan Ambrose moved to approve the minutes of **MARCH 12, 2019**. Marshall Todd seconded the motion to approve the minutes. The motion carried unanimously.

**6. ELECTION OF OFFICERS -** Elections by the CAB members will be held to elect the Chair and Vice-Chair for 2019/2020 term, elected officers will be effective immediately. (for Possible Action)

**CHAIR:** Marshall Todd nominated Susan Ambrose to be Chair person. Tom Prentice seconded the nomination. The motion passed unanimously.

**VICE CHAIR:** Marshall Todd nominated himself to be Vice Chair. Tom Prentice seconded the nomination. The motion passed unanimously.

**7. 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.

**7.A. Master Plan Amendment Case Number WMPA19-0002 and Regulatory Zone Amendment Case Number WRZA19- 0002 (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 ±1,088.9-acres to Rural Residential; to establish a character management area (CMA) with a character statement and specific policies governing these properties; and to amend Policy 4.6 to allow Medium Density Rural within the CMA. 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 ±192.9-acres and Open Space (no allowable density) on ±896-acres. These changes would potentially allow for up to 38 dwelling units, compared to the 27 dwelling units allowed by the current regulatory zone. (for Possible Action)

- Applicant/ Property Owner: Krater Consulting Group\Winnemucca Holdings, LLC
- Location: 9055 Winnemucca Ranch Rd., approx. 9 miles north of its intersection with Pyramid Hwy.
- Assessor's Parcel Numbers: 079-220-23 (±244.2-ac.); 079-220-26 (±41.5-ac.); 079-220-37 (±803.2-ac.)
- Staff: Kelly Mullin, Senior Planner; 775-328-3608; [kmullin@washoecounty.us](mailto:kmullin@washoecounty.us)
- Reviewing Body: Tentatively scheduled for the Planning Commission on August 6, 2019 This agenda item satisfies the requirements of NRS 278.210 for a neighborhood meeting.

Ken Krater, applicant, provided a presentation.

Mr. Krater said this is the 2<sup>nd</sup> version of Marshall Ranch application proposal. He said part of the difference is the reduction in the overall number of potential dwellings from the original application. He introduced Jack Fischer (property owner) and Will Gandy (North American Land Trust).

Kelly Mullin, Washoe County Planner, noted that comments should be provided to her preferably by Monday to be included in the August 6, 2019 Planning Commission Staff report.

Mr. Krater spoke about the application. He said the Marshall Ranch is 1089 acres. He said the neighboring ranch, Spring Mountain Ranch is 6100 acres owned by Samuel Jaksick. He said several years ago Bob Marshall worked with Sam Jaksick to put both Spring Mountain and Marshall Ranch into a special planning area in the City of Reno's Sphere of Influence and the Truckee Meadows Service Area.

Ken Krater spoke about the conservation easement. He said in 2016, they began the process to get the Marshall Ranch property out of the Sphere of Influence. Then in 2018, he applied for a zone change to allow 5 acre properties. There are 840 acres in the conservation easement. Over 200 acres are not in the conservation easement; of that, 193 acres is currently proposed to change to Medium Density Rural, (MDR), for which 38 lots could be created. The rest of the acres are steep slopes and open space. He said under the current zoning of General Rural, 27 lots could be allowed. He said the neighboring Jaksick property could be annexed and developed currently.

Ken Krater said they developed a Character Area Management Plan specific to the Marshall Ranch property to ensure development would be near impossible and not feasible. The Management Plan would include dark skies compliance, community water system, paving. He said it's a bullet proof plan to prevent development. He explained this approach is the highest and best use.

Will Gandy, North American Land Trust (NALT), provided background on the NALT, which is a private, non-profit that works to preserve land. He says his job is to ensure conservations are intact. He said according to the bi-laws of stewardship of the endowment, he has to inspect the conservation easement. He spoke about protecting the game species which have been deemed critical. He said the encumberment of the Marshall Ranch abuts miles of public BLM land. It was important to continue the habitat.

Ken Krater said he hasn't heard, nor are they true, the rumors about a private hunt club. There are no plans for that.

Pam Roberts asked about retention ponds' impact on species and critical habitat. Will Gandy said any work would be to improve grazing for the working ranch. He said he understands hydrology impacts. He said they will not be extracting water from the basin. He said he will make sure habitat will not be interrupted.

Dennis Greg spoke about access and hunting on BLM land. He spoke about Ruby Mountains. He said there is limited access to public lands.

Jack Fischer, new resident of Reno, and property owner of Marshall Ranch. He said he grew up on a farm in North Carolina. He was an accountant. He looked for land sense of value. He spoke about setbacks on easements. He plans to keep the Marshall ranch as a working ranch. He said they want to keep the old ranch house, but might have to tear it down, but keep the stagecoach side. He said they are improving irrigation and ponds, but there are no plans for a retention pond. He said they will follow NRCS code to slow down the water and allow water to flow over rocks. Steve Capurro said the easement doesn't allow public access on a working cattle ranch. Jack Fischer said he will put a caretaker out there to prevent vandalism.

Pam Roberts asked if the road that goes through the ranch currently will allow public access. Ken said Winnemucca Ranch road is maintained by the County. In 2017, with heavy rains, there was significant erosion. He said he is working with Dwayne Smith of Washoe County to get crews out there to improve the road, with shared costs. He said Jack would help fund a permanent headwall and culvert so it doesn't wash out and erode the road. He said the public should call and ask permission to go off the road and onto the property because there are some hazardous areas.

Greg Dennis wants he wants to know the difference between past proposal and current proposal. Ken Krater referenced the property map and said everything in cross hatch pattern on the map is in permanent conservation. He said the only land that wasn't MDR was the steep slopes. Now everything within the conservation easement is open space. He said the only land in the new application that is MDR is about 160 acres to the northeast, and another 28 acres near the ranch house. He showed steep slopes and creek running through it. Ken Krater spoke about the Character Management Plan. He said only 4 homes could be developed before having to build a water system and other improvements. Jack purchased Paiute Ranch, Warm Springs Ranch, and another 40 acre parcel in addition to the Marshall Ranch. The only 5-acre zoning request under the current application is within a portion of the main Marshall Ranch. There are 812 acres in the conservation easement – with open space there and in areas of steep slopes. This is a huge improvement.

Bob Gunn asked the cost to install all infrastructure if development would happen. Ken Krater said bringing in infrastructure would cost \$160,000 per lot. He said why would you spend \$160,000 to make \$50,000 or \$100,000. He said it would cost \$6 million to do a water system and paving. He said even if you built one million dollar homes, it's not the area for that home price.

Jack said investors look at this property. He said he got it down to 38 lots down from thousands of lots. Bob Gunn said by rezoning the lot, it creates value, and tax credits. Ken Krater said the Jaksicks could do the same thing. There would not set precedent. Susan Ambrose referenced a Planning Commission meeting, where DDA Edwards stated other people could also ask for a zoning change. She said she is concerned the lots could be splintered in the future. Ken Krater said if Jack bought Jaksick's ranch, he would have to go through this whole process again and go to the Regional Planning Agency to get it out of the Sphere of Influence. He would have to go to the County to file an application to change land use designation and zoning. The precedent that would be set is that anything that goes in conservation easement would become open space. He said he reviewed the open space on the Jaksick ranch, and there could be 150 homes. He said we would have to get tentative map approved by this board if any of those lots were to come true.

Susan Ambrose said the working ranch is awesome. She said the timing isn't great. Regional Plan hasn't been updated yet, nor have there been updates to any of the area plans. She said she thinks this should wait. This could impact his development. Ken Krater said if he gets general support of the plan, he could work with the County to do this process concurrently with the regional plan update. He said we want to get this done; it's a good thing for the community. Jack is now a neighbor and has an interest to work with the community.

Marshall Todd asked if this would set a precedent. He said we love our rural environment. He said he appreciates the conservation easement. Kelly Mullin, staff planner, said Susan's reference of the Planning Commission meeting with the statement by DDA Edwards was correct. Applications are reviewed on their own merits. The application is reviewed to see if the request is appropriate. Marshall Todd said he agrees with Susan. Regional Plan needs to be updated. Kelly Mullin said within the next few months there will be a draft of the Regional Plan. Jack and Ken said they would be fine with waiting until the Regional Plan update.

Tom Prentice asked if there will be no occupancy permits until structures are in place. He asked if Reno annexed Jaksick's Spring Mountain ranch, could they develop. Ken Krater spoke about infrastructure costs.

Bob Gunn asked about potential access to Spring Mountain – Winnemucca Ranch Rd or 395. Ken Krater said a good thing about conservation easement is that it goes up to right-of-way line. If they develop, it would require a 4-lane arterial. They would get the County to condemn right-of-way that would cross the flood plain. Bob said it's not realistic to run traffic down that road.

Bob Gunn said he attended all the meetings and thanked Ken for attending. He said there are facts and there is speculation about the plan. Change is inevitable whether we like it or not. It's been disastrous or beneficial to mankind. We have to look at the pros and cons. He hasn't heard of any negatives that are facts. Ken Krater said he can't think of any negatives. He has worked on this for over a year to make sure the development costs would prevent any development from happening. He said Jack is a good person. He said we will work with Regional Planning and slow this down. He hopes he buys other properties and turns them into the conservation easement.

Susan asked Kelly about application – Kelly said if applicant wants to develop additional lots, he would have to come back with a tentative map. If there are more than 4 lots, it would be a subdivision.

Public comment:

Gretchen Miller said if you were to get 5 acre zoning, you could build 187 homes based on 1088 acres. Kelly Mullin provided some clarification and said the current application requested the majority of the property to be open space zoning, not MDR. Ken said the max of homes that could be built is 38 with the current application. Gretchen asked about clustering. Ken said the current Regional Plan doesn't allow for clustering in rural development areas. This property is now part of the rural development area now that it's out of Sphere of Influence.

Pam Roberts asked Kelly about the proposed Character Management Area Plan and how binding is it. She asked if it's a new concept and how easily can it be changed. Kelly Mullin said Character Management Areas are very common tools used throughout the County. Specific areas use them to establish policy to further control development on the property. Because the applicant wants to establish a Character Management Area, it gives more control over land development. Pam Robert spoke about the conservation easement. Kelly said the conservation easement may be the main reason driving this application and important to the community, but for staff's analysis of this application, we are not looking at the conservation easement. The application for the master plan amendment and zone change have to stand on their own merits without the conservation easement. [~~Pam Roberts said it's a good plan. It's beautiful.~~] *Amended to read: Pam Roberts said the conservation easement is a good thing and the area is beautiful.*

Katherine Snedegar said in 1997, they implemented the area plan and character management plan. She said it's a ram and scam with the SPA to make more rules.

Greg Dennis said a CAB member worked with the County to make sure this happened. He said it bothers him that there isn't a process to review public officials. He said he doesn't like seeing hand holding with developers when we are looking at projects. He said this can open it to special interest. He said it's absurd what the City of Reno did. He said then we use that as an excuse and take action and approve it because it's less than what the City did. The City is annexing up to Paiute land, but the State slowed them down. We need to be careful with special area plan. It was development for certain density. He said he loves what Ken has done, but scared about 5 acre parcels, traffic, and impacts to Winnemucca Ranch lifestyle. If you add the Jaksick's property, there is a problem. He said he doesn't hear solutions. He said he appreciates what Ken has done. They want to turn this into North Valleys. He asked if there was a waste water plant. Ken said no, they would be on septic.

Tom Prentice said if the approval is delayed, do you run into a situation of the application expiring. Ken said he will work with Kelly or do a re-submittal if necessary. He will work Kelly to see how the schedule looks.

Greg Dennis asked if we can request not to have a closed door policy with open space. He asked for access to BLM through easement. Will Gandy said it's up to owner. Greg said it needs to be done ahead of time. Ken said he will have a future meeting with Jack and look at other roads that come off Winnemucca Ranch that

have access and that are safe to create trails and pathways. Jack will be willing to do grant access to public lands.

Katherine Snedegar said development is happening, and we can't stop it, but we can control it. She said Ken has done an excellent job showing us how the land will be protected. She said the Jaksick's Spring Mountain Ranch can be development unless Jack and Ken can do a deal with them.

Marshall said it's a good idea to have conservation easement. He said we don't want to turn the place into New York City. He said he would like to delay action until Regional Plan is approved. Ken asked the audience if he works with the Regional Plan and Warm Springs Plan, would the majority would support this effort. ~~Everyone agreed~~ *Amended to read: The majority of attendees appeared to agree.* In response to a question from a CAB member, Kelly Mullin said that the same application would not be required to come back before the CAB unless the applicant volunteered to. Ken said he is happy to come back.

Kelly said the Regional Plan update will take place within the next few months. If it gets adopted, Washoe County will work to update the area plans which could take a year or two. Ken said he can postpone this item from the Planning Commission. Marshall Todd said he would like to recommend approval to wait until the Regional Plan is updated.

MOTION: Bob Gunn moved to recommended approval of the application, pending the outcome of the Regional Plan. James Bradberry seconded the motion. Susan Ambrose opposed. Motion carried in favor 4 to1.

## **8. \*PUBLIC OFFICIAL REPORTS**

**8.A.\*Washoe County Commission Update** — Commissioner Herman was not available.

**9. \*CHAIRMAN/BOARD MEMBER ITEMS-** There were no announcements.

## **10. \*GENERAL PUBLIC COMMENT AND DISCUSSION THEREOF –**

Greg Dennis said the SPA was created for higher density. Warm Springs needs to be 40 acre agricultural parcels. We need to be careful not to open the flood gates.

Ken Krater said he will work with the group and experts in planning to help with the update to the Warm Springs area plan.

**Meeting adjourned at 7:48 p.m.**

Number of CAB members present: 5

Number of Public Present: 18

Presence of Elected Officials: 0

Number of staff present: 1