



Parcel Map Review Committee

Staff Report

Meeting Date: March 18, 2021

Agenda Item: 7B

AMENDMENT OF CONDITIONS CASE NUMBER: WAC21-0001 (Lombardi Amendment) for CASE NUMBER WTPM20-0009

BRIEF SUMMARY OF REQUEST: Request to amend the conditions of approval for tentative parcel map case number WTPM20-0009 to remove Engineering condition 2(d) and Parks Program condition 5(a).

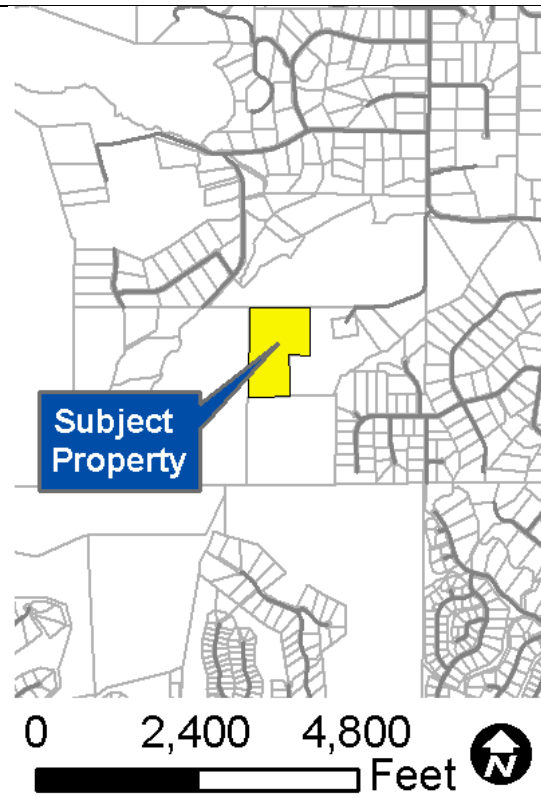
STAFF PLANNER:

Planner's Name: Dan Cahalane
Phone Number: 775.328.3628
E-mail: dcahalane@washoecounty.us

CASE DESCRIPTION

For hearing, discussion, and possible action to approve an amendment of the conditions of approval for tentative parcel map case number WTPM20-0009 to remove Engineering condition 2(d) and Parks Program condition 5(a).

Applicant: Lombardi Lane Partners LLC
Property Owner: Brady Family LLC
Location: Approximately 2,680ft south of the intersection of Lone Tree Ln and Frost Ln, 0 Lombardi Ln
APN: 041-190-11
Parcel Size: 24.023 acres
Master Plan: Rural Residential/Rural
Regulatory Zone: Medium Density Rural/General Rural
Area Plan: Southwest Truckee Meadows
Citizen Advisory Board: South Truckee Meadows/Washoe Valley
Development Code: Authorized in Article 606
Commission District: 2 – Commissioner Lucey



STAFF RECOMMENDATION

APPROVE

APPROVE WITH CONDITIONS

DENY

POSSIBLE MOTION

I move that, after giving reasoned consideration to the information contained within the staff report and the information received during the public meeting, that the Washoe County Parcel Map Review Committee approve Amendment of Conditions Case Number WAC21-0001 which modifies the conditions of approval for Tentative Parcel Map Case Number WTPM20-0009 for Lombardi Lane Partners, subject to the amended conditions of approval included as Exhibit A with the staff report, and make the determination that the following criteria is or will be adequately provided for pursuant to Washoe County Code, Section 110.606.30:

(Motion with Findings on Page 5)

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Washoe County Parks Program Memo Exhibit C

Washoe Storey Conservation District Memo Exhibit D

Project ApplicationExhibit E

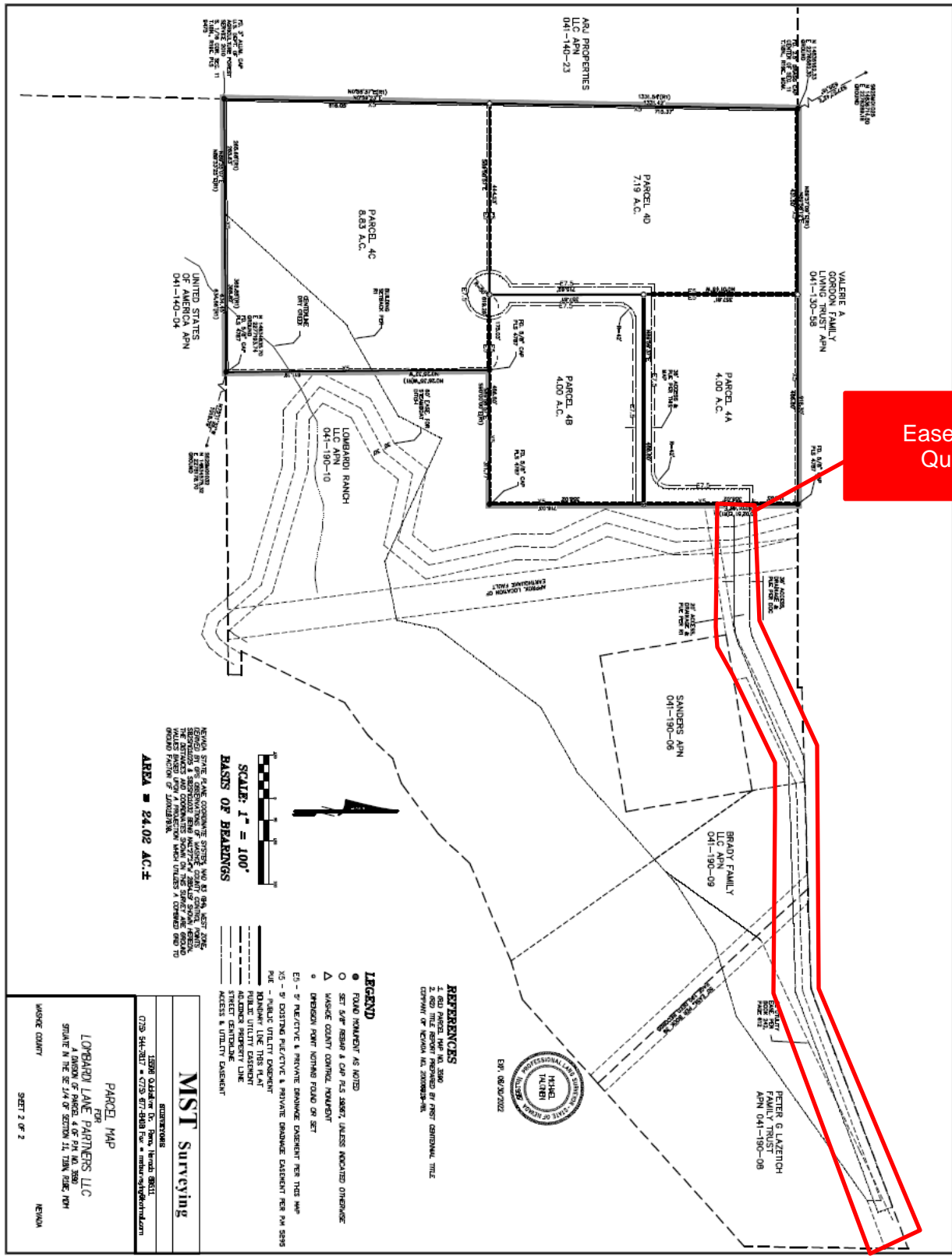
Amendment of Conditions

An amendment of conditions application is necessary in order to change a condition(s) of an approved discretionary permit, such as a special use permit, a variance, an abandonment of an easement or a tentative parcel map or tentative subdivision map. Some examples of why an amendment of conditions application is submitted are listed below:

- Change in operating hours
- Physical expansion
- Extend the expiration date of the discretionary permit
- Extend the time to complete phases of the approved project

The amendment of conditions request is required to be heard by the same board or committee that approved the original application and only the specific amendment may be discussed and considered for approval. The amendment of conditions application is processed in the same manner as the original discretionary permit application, including a public hearing, noticing, possible involvement of a citizen advisory board, agency review and analysis, and satisfying the required findings. If the Parcel Map Review Committee grants an approval of the amendment of conditions request, an amended Action Order is created along with amended conditions of approval.

The conditions of approval for Amendment of Conditions Case Number WAC21-0001 is attached to this staff report and will be included with the amended action order.



Site Plan

Background and Evaluation of Amendment Request

The applicant received approval on October 8, 2020 for WTPM20-0009 subject to the conditions of approval. The applicant has made a good faith effort to adhere to the conditions of approval, but has found it impossible to meet condition 2.d:

2.d) Provide evidence of a 36-ft documented access that favors the applicant.

Currently, this parcel is accessed via a 20ft wide access easement crossing through APNs 041-190-10, 041-190-09, and 041-190-08. This condition requires that the applicant secure a 36-ft access easement from neighboring property owners on APNs 041-190-10, 041-190-09, and 041-190-08. The property owner of APN 041-190-08 was unwilling to grant an expanded public access easement. After review, it has been determined that as constructed, the requirement for a 36ft access easement does not balance the public safety police power needs for access against a potential taking or inverse condemnation claim. Therefore, engineering staff has provided amended conditions of approval in Exhibit A maintaining the width of the 20ft access easement within the purview of the County Engineer's discretion.

Moreover, the applicant is requesting to remove condition 5(a), which required the provision of a 30-ft-wide relocatable public trail easement. This easement would have ultimately allowed the Parks Program of the Community Services Department to construct a loop trail from Ballardini Ranch Trailhead, thereby providing access to public lands managed by the United States Forest Service, as outlined in the Open Space and Natural Resource Management Plan. However, given the applicant's opposition to this easement, the Parks Program supports the removal of this condition.

No other conditions of approval have been requested or recommended for this amendment of conditions request.

Reviewing Agencies

The following agencies/individuals received a copy of the project application for review and evaluation.

Agency	Sent to Review	Responded	Provided Conditions	Contact
Washoe County Parks & Open Spaces	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Sophia Kirschenman Skirschenman@washoecounty.us
Washoe County Engineering	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Leo Vesely, PE Lvesely@washoecounty.us
Washoe Storey Conservation District	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Jim Shaffer Schafferjam55@gmail.com

All amended conditions required by the contacted agencies can be found in Exhibit A, Amended Conditions of Approval.

Recommendation

After a thorough review and analysis, Amendment of Conditions Case Number WAC21-0001 is being recommended for approval with conditions. Staff offers the following motion for the Parcel Map Review Committee's consideration.

Motion

I move that, after giving reasoned consideration to the information contained in the staff report and information received during the public hearing, the Washoe County Parcel Map Review Committee approve Amendment of Conditions Case Number WAC21-0001 which modifies the conditions of approval for Tentative Parcel Map Case Number WTPM20-0009 for Lombardi Lane

Partners, having made the determination that the following criteria is or will be adequately provided for pursuant to Washoe County Code in accordance with Washoe County Code Section 110.606.30:

- 1) 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.

Appeal Process

Parcel Map Review Committee action will be effective 10 calendar days after the written decision is filed with the Secretary to the Parcel Map Review Committee, unless the action is appealed to the Washoe County Board of County Commissioners, in which case the outcome of the appeal shall be determined by the Board of County Commissioners. Any appeal must be filed in writing within 10 calendar days from the date the written decision is filed with and signed by the Secretary of the Parcel Map Review Committee and mailed to the applicant.

Applicant: Lombardi Lane Partners, LLC
1100 California Ave.
Reno, NV 89509

Representatives: MST Surveying
15506 Quicksilver Dr.
Reno, NV 89511

Action Order xc: Jen Gustafson, District Attorney's Office; Keirsten Beck, Assessor's Office; Rigo Lopez, Assessor's Office; Tim Simpson, Utilities; Leo Vesely, Engineering and Capital Projects; Dale Way, Truckee Meadows Fire Protection District; Nevada Division of Environmental Protection, 901 South Stewart Street, Suite. 4001, Carson City, NV 89701-5249; Regional Transportation Commission; Truckee Meadows Regional Planning Agency



Amended Conditions of Approval

Amendment of Conditions Case Number WAC21-0001
For WTPM20-0009 Lombardi Ranch

The project approved under Amendment of Conditions Case Number WAC21-0001 for WTPM20-0009 shall be carried out in accordance with the Amended Conditions of Approval granted by the Washoe County Parcel Map Review Committee on March 18, 2021. Note: These Amended Conditions of Approval are in addition to the conditions required in the Conditions of Approval for WTPM20-0009. Unless otherwise specified herein, all Conditions of Approval for WTPM20-0009 remain in full force and effect. Conditions of approval are requirements placed on a permit or development by each reviewing agency. These conditions of approval may require submittal of documents, applications, fees, inspections, amendments to plans, and more. These conditions do not relieve the applicant of the obligation to obtain any other approvals and licenses from relevant authorities required under any other act or to abide by all other generally applicable Codes, and neither these conditions nor the approval by the County of this project/use override or negate any other applicable restrictions on uses or development on the property.

Unless otherwise specified, all conditions related to the amendment of conditions approval regarding the WTPM20-0009 shall be met or financial assurance must be provided to satisfy the conditions of approval prior to issuance of a grading or building permit. The agency responsible for determining compliance with a specific condition shall determine whether the condition must be fully completed or whether the applicant shall be offered the option of providing financial assurance. All agreements, easements, or other documentation required by these conditions shall have a copy filed with the County Engineer and the Planning and Building Division.

Compliance with the amended conditions of approval related to the WTPM20-0009 is the responsibility of the applicant, his/her successor in interest, and all owners, assignees, and occupants of the property and their successors in interest. Failure to comply with any of the amended conditions imposed regarding the approved WTPM20-0009 may result in the initiation of revocation procedures.

Washoe County reserves the right to review and revise the amended conditions of approval related to this WAC21-0001 should it be determined that a subsequent license or permit issued by Washoe County violates the intent of this approval.

For the purpose of conditions imposed by Washoe County, “may” is permissive and “shall” or “must” is mandatory.

Conditions of approval are usually complied with at different stages of the proposed project. Those stages are typically:

- Prior to permit issuance (i.e., grading permits, building permits, etc.).
- Prior to obtaining a final inspection and/or a certificate of occupancy.
- Prior to the issuance of a business license or other permits/licenses.
- Some “Conditions of Approval” are referred to as “Operational Conditions.” These conditions must be continually complied with for the life of the project or business.

FOLLOWING ARE CONDITIONS OF APPROVAL REQUIRED BY THE REVIEWING AGENCIES. EACH CONDITION MUST BE MET TO THE SATISFACTION OF THE ISSUING AGENCY.

Washoe County Planning and Building Division

1. The following conditions are requirements of Planning and Building, which shall be responsible for determining compliance with these conditions.

Contact Name – Dan Cahalane, Planner, dcahalane@washoecounty.us 775-328-3628

- a. The applicant shall attach a copy of the action orders approving this project for WAC21-0001 **AND** WTPM20-0009 to all permits and applications (including final maps) applied for as part of this approval.
- b. **The applicant shall comply with all the conditions of approval and shall submit a final map for signature by the Director of the Planning and Building Division within 22 months from the date of approval by the Parcel Map Review Committee. Each agency responsible for imposing conditions may determine whether its conditions must be fully completed or whether the applicant shall be offered the option of providing financial assurances as a means of assuring compliance.**

Washoe County Engineering and Capital Projects

2. The following conditions are requirements of Engineering and Capitol Projects, which shall be responsible for determining compliance with these conditions.

Contact Name – Leo Vesely, PE, ivesely@washoecounty.us

- a. Comply with the conditions of the Washoe County technical check for this map.
- b. Add the granting of the twenty foot access easement to the Owner’s Certificate.
- c. Place a note on the map stating that the natural drainage will not be impeded.
- d. Grant 100 foot drainage easement centered on Dry Creek.
- e. Add the following note to the map; “All properties, regardless if they are located within or outside of a FEMA designated flood zone, may be subject to flooding. The property owner is required to maintain all drainage easements and natural drainages and not perform or allow unpermitted and unapproved modifications to the property that may have detrimental impacts to surrounding properties.”

Washoe County Parks Program

3. The following conditions are requirements of the Washoe County Parks Program, which shall be responsible for determining compliance with these conditions.

Contact Name – Sophia Kirschenman, skirschenman@washoecounty.us

- a. Removal of the requirement to meet Condition 5(a) of Exhibit A of WTPM20-0009.

*** End of Amended Conditions ***



WASHOE COUNTY

COMMUNITY SERVICES DEPARTMENT

Engineering and Capital Projects

1001 EAST 9TH STREET
RENO, NEVADA 89512
PHONE (775) 328-3600
FAX (775) 328.3699

INTEROFFICE MEMORANDUM

PARCEL MAP REVIEW

DATE: February 24, 2021 - Revised

TO: Dan Cahalane, Planner - Department of Community Services

FROM: Wayne Handrock, PLS, Engineering and Capital Projects Division

SUBJECT: *Parcel Map for: Lombardi Lane Partners, LLC*
Amendment of Conditions Case No.: WAC21-0001
Parcel Map Case No.: WTPM20-0009
APN: 041-190-11
Review Date: September 22, 2020

The Engineering and Capital Projects Division has reviewed the subject parcel map and the following conditions must be successfully completed prior to final approval of this application by the Division.

1. Comply with the conditions of the Washoe County technical check for this map.
2. Add the granting of the twenty foot access easement to the Owner's Certificate.
3. Place a note on the map stating that the natural drainage will not be impeded.
4. Grant 100 foot drainage easement centered on Dry Creek.
5. Add the following note to the map; "All properties, regardless if they are located within or outside of a FEMA designated flood zone, may be subject to flooding. The property owner is required to maintain all drainage easements and natural drainages and not perform or allow unpermitted and unapproved modifications to the property that may have detrimental impacts to surrounding properties."



INTEGRITY



EFFECTIVE
COMMUNICATION



QUALITY
PUBLIC SERVICE



WASHOE COUNTY

COMMUNITY SERVICES DEPARTMENT

Regional Parks and Open Space

1001 EAST 9TH STREET
RENO, NEVADA 89520-0027
PHONE (775) 328-3600
FAX (775) 328.3699

TO: Dan Cahalane, Planner

FROM: Sophia Kirschenman, Park Planner

DATE: February 11, 2021

SUBJECT: Amendment of Conditions Case Number WAC21-0001
(Lombardi Lane)



This application is a request to amend the conditions related to Tentative Parcel Map Case Number WTPM20-0009. The Washoe County Regional Parks and Open Space Program (Parks Program) had originally included Condition 5(a), requiring the applicant to provide a 30-ft-wide relocatable public trail easement for the development of a non-motorized trail. After this permit was approved, it came to the attention of Parks Program staff that the applicant is adamantly against providing this trail easement.

This easement would have ultimately allowed the Parks Program to construct a loop trail from Ballardini Ranch Trailhead, thereby providing access to public lands managed by the United States Forest Service, as outlined in the Open Space and Natural Resource Management Plan. However, given the applicant’s opposition to this easement, the Parks Program supports the removal of this condition.



INTEGRITY



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PUBLIC SERVICE**

**WAC21-0001
EXHIBIT C**



Washoe-Storey Conservation District

Bret Tyler Chairmen
Jim Shaffer Treasurer
Cathy Canfield Storey app
Jean Herman Washoe app

1365 Corporate Blvd.
Reno NV 89502
775 857-8500 ext. 131
nevadaconservation.com

February 24, 2021

Washoe County Community Services Department

C/O Dan Cahalane, Planner

1001 E Ninth Street, Bldg. A

Reno, NV 89512

R: WAC21-0001 Lombardi Amendment

Dear Dan,

In reviewing the discussion to amend the conditions by engineering and the Parks Program, the Conservation District has the following comment.

As a Conservation District we do not agree to amending the 30-foot-wide public trail in that it provides recreational opportunities to connect our Community to their environment and fosters conservation with responsible land use.

Thank you for providing us the opportunity to review the project that may have impacts on our natural resources.

Sincerely,

Shaffer-Tyler