The Washoe County Parcel Map Review Committee met in regular session on Thursday, May 12, 2016 at 1:30 p.m., in the Washoe County Mt. Rose Conference Room, 1001 East Ninth Street, Reno, Nevada.

1. *Determination of Quorum
   
   Lora R. Robb called the meeting to order at 1:30 p.m. The following members and staff were present:

   **Departments represented:**
   - Community Services Department (CSD)
   - John Cella, Utility Services
   - Mike Gump, Engineering
   - Lora R. Robb, Planning and Development
   - Health District
   - Wes Rubio
   - Truckee Meadows Fire Protection District
   - Amy Ray, Fire Marshal
   - Planning Commission
   - James Barnes

   **Staff present:**
   - Eva M. Krause, AICP, Planner, Planning and Development
   - Trevor Lloyd, Senior Planner, Planning and Development
   - Dwayne Smith, Division Director, Engineering and Capital Projects
   - Kimble Corbridge, P.E., Project Manager, Engineering
   - David Watts-Vial, Deputy District Attorney, District Attorney’s Office
   - Donna Fagan, Recording Secretary

2. *Ethics Law Announcement

   Deputy District Attorney, David Watts-Vial, recited the Ethics Law standards.
Amy Ray disclosed she had questions from members of the community regarding the water treatment plant. DDA Watts-Vial asked Ms. Ray if there was any discussion that would require her recusal. Ms. Ray said no.

3. **Appeal Procedure**

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

4. **General Public Comment**

Ms. Robb opened public comment.

Jeff Spencer, Attorney representing TL Mt. Rose Estate homeowners, noted many of the people in attendance were there to comment on the Mt. Rose Estates item 7C and would reserve their comments to that item.

5. **Possible action to approve Agenda**

In accordance with the Open Meeting Law, Mike Gump moved to approve the agenda of May 12, 2016, as written. The motion, seconded by Wes Rubio, passed unanimously.

6. **Possible action to approve April 14, 2016 Draft Minutes**

Mike Gump moved to approve the April 14, 2016 draft minutes, as written. The motion, seconded by Amy Ray, passed unanimously.

7. **Project Review Items**

A. **Tentative Parcel Map Case Number PM16-002 (Braninburg)** – Hearing, discussion, and possible action to approve a parcel map dividing one parcel of ±3.71 acres into four parcels of 1.43 acres (Parcel 1); 0.68 acre (Parcel 2); 0.5 acre (Parcel 3); and 1.09 acres (Parcel 4).

- **Owner/Applicant:** Joseph Braninburg
- **Location:** 15355 Toll Road
- **Assessor’s Parcel Number:** 017-110-51
- **Parcel Size:** 3.71 Acres
- **Master Plan Category:** Suburban Residential (SR)
- **Regulatory Zone:** Medium Density Suburban (MDS)
- **Area Plan:** Southeast Truckee Meadows
- **Citizen Advisory Board:** South Truckee Meadows/Washoe Valley
- **Development Code:** Authorized in Article 606, Parcel Maps
- **Commission District:** 2 – Commissioner Lucey
- **Section/Township/Range:** Section 34, T18N, R20E, MDM, Washoe County, NV
- **Staff:** Lora Robb, Planner
  Washoe County Community Services Department
  Planning and Development Division
- **Phone:** 775-328-3627
- **E-mail:** lrobb@washoecounty.us

Lora R. Robb opened the public hearing. Ms. Robb reviewed her staff report dated April 25, 2016.

Ms. Ray disclosed she met with Mr. Braninburg to make sure he was meeting the requirements of his jurisdiction.
Mr. Gump requested an additional condition 2(e), to identify any existing documentation over that portion of Sylvester Road on the property that may exist. Mr. Braninburg said he passed the information on to Dave, during their last conversation.

Mr. Braninburg noted he spoke with Ms. Ray about her wanting him to identify the driveway. Mr. Braninburg said there are four lots there and he doesn’t know exactly where the homes might be built so he is reluctant to add the driveways. He spoke with NV Energy and TMWA and they don’t want any surfaces in before a building permit is issued as that is what triggers the location of the utilities. If he shows the driveways now, the final map may be stuck with locating the house where the driveway is. Ms. Robb noted Ms. Ray’s condition 5(c), “the final map shall show proposed access to these properties.” Mr. Braninburg said he would rather orient the driveway to the house, not the house to the driveway. Ms. Ray said per the discussion with Mr. Braninburg, Toll Road is listed as a state highway on the map. Her concern is if it is a state highway there is going to be specification from Nevada Department of Transportation DOT as to where Mr. Braninburg can access the parcel from or what DOT’s requirements would be. Ms. Ray would like future possible property purchasers to know DOT may not allow access to the properties from Toll Road. Mr. Braninburg said Dave Brown the surveyor checked with the state and found that the document Ms. Ray is referring to had been deleted years ago. He is not opposed to the driveway on Toll Road as the property address is on Toll Road. There are two lots that don’t have driveways but he thinks they could be addressed at the time of the building permit. Ms. Ray noted, in her conditions, she requested “proposed access.”

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

Mike Gump moved 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 with conditions and additional condition 2(e) Parcel Map Case Number PM16-002 for Joseph Braninburg, and that the following criteria is or will be adequately provided for pursuant to Washoe County Development Code, Section 110.606.30. Ms. Ray seconded the motion which carried unanimously.

The motion carried and considered the following criteria:

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.

B. Tentative Parcel Map Case Number: PM16-004 (Cole) – Hearing, discussion, and possible action to approve a Tentative Parcel Map to divide a 2.15 acre parcel into a 1.008 acre parcel and a 1.14 acre parcel.

- Applicant: Terri Cole
- Property Owner: Terri Cole
- Location: 265 Theobald Lane
- Assessor’s Parcel Number: 017-342-29
- Parcel Size: 2.15 acres
- Master Plan Category: Suburban Residential (SR)
- Regulatory Zone: Low Density Suburban (LDS)
- Area Plan: South Valleys
- Citizen Advisory Board: South Truckee Meadows/Washoe Valley
- Development Code: Authorized in Article 606, Parcel Maps
- Commission District: 2 – Commissioner Lucey
- Section/Township/Range: Section 04, T17N, R20E, 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

Ms. Robb opened the public hearing. Eva Krause reviewed her staff report dated April 21, 2016.

Terri Cole, the applicant, had her representative Dennis Chapman, with Landmark Surveying, note there was some confusion on the spelling of Theobald Lane. Ms. Krause said the correct spelling showing on the assessor’s records and the parcel map is Theobald. Mr. Chapman asked for clarification regarding the emergency vehicle turn-around on the parcels. Ms. Ray said for the wildland interface code he is required to provide emergency vehicle turn-around access if the driveways exceed a certain square footage. At the time of the building application they will evaluate the needs to meet the requirements of the code. Ms. Cole asked if that was a condition of the parcel map or the building permit. Ms. Ray said she wants it noted on the parcel map so if someone pulls the map, or the property gets sold there is a condition that at the time of building it'll need to meet all aspects of the code which will include those things. Ms. Cole noted condition 1(o), “add a security interest holder’s certificate to the map if applicable.” Mr. Gump asked the applicant to submit it to him when she gets it. Ms. Cole requested clarification on condition 1(c), “remove fencing and debris that will be on parcel 1.” Mr. Gump wants the fence removed if it’s going to be going across the middle of a new parcel. He’d like it cleaned up to represent where the parcel lines are going to be.

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

Mr. Gump moved 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 Tentative Parcel Map Case Number PM16-004 for Terri Cole, subject to the conditions of approval as listed in the staff report and make the
determination that the following criteria is or will be adequately provided for pursuant to Washoe County Development Code, Section 110.606.30. Mr. Rubio seconded the motion which carried unanimously.

The motion carried and considered the following criteria:

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.

C. Tentative Parcel Map Case Number PM16-006 (TL Mt. Rose Estates) – Hearing, discussion, and possible action to approve a parcel map dividing a ±6.65 acre property into two parcels of ±3.90 and ±2.75 acres.

- Applicant/ Property Owner: TL Mt. Rose Estates, LP
- Location: Northern Terminus of Callahan Road
- Assessor’s Parcel Number: 150-460-05
- Parcel Size: 6.65 Acres
- Master Plan Category: Suburban Residential (SR) and Rural (R)
- Regulatory Zone: High Density Rural (HDR) and General Rural (GR)
- Area Plan: Southwest Truckee Meadows
- Citizen Advisory Board: South Truckee Meadows/Washoe Valley
- Development Code: Authorized in Article 606 Parcel Maps
- Commission District: 2 – Commissioner Lucey
- Section/Township/Range: Section 35, T18N, R19E, MDM, Washoe County, NV
- Staff: Trevor Lloyd, Senior Planner
  Washoe County Community Services Department
  Planning and Development Division
- Phone: 775-328-3620
- E-mail: tlloyd@washoecounty.us
Ms. Robb opened the public hearing. Mr. Lloyd reviewed his staff report dated April 26, 2016. Mr. Lloyd noted there are two additional conditions 1(i), “The property is still subject to any applicable legal restrictions that might exist on it; Washoe County takes no position one way or the other on any such restriction” and 1(j), “The following note shall be placed on the final map: No dwelling unit shall be placed on parcel A-1 or parcel A-2.”

Ms. Ray requested a note be added that all permits pulled for this site, parcel A-1 and A-2 shall meet the requirements of Washoe County Code

Steve Strickland, the applicant’s representative with Wood Rodgers, said they had no problem with the conditions in the staff report or the additional conditions made by Mr. Lloyd. Mr. Strickland emphasized the meeting today is about the parcel map, the water treatment plant has already been approved.

Mr. Lloyd added, the use of the water treatment facility has been approved and could be established whether or not this parcel map is approved.

Ms. Robb opened public comment.

Jeff Spencer, attorney retained by the homeowners, is here to oppose the division of the parcel. The one parcel is planned to be used by TMWA for a water treatment facility. The other parcel; it is uncertain what its future is. Mr. Spencer provided the Committee with a signed petition from homeowners in the Mt. Rose Estates community. There are 29 signatures representing 29 homes in the community, all opposed to the division of the parcel and further opposed to the TMWA facility in that location. Mr. Spencer confirmed there are 62 lots in the Mt. Rose Estates subdivision, two of them are owned by Washoe County, 16 are owned by the developer, and 44 are owned by homeowners. Within a week 29 of the homeowners have signed the petition and formally opposed the division of the parcel. If there is any question whether the public is in favor or opposed to this, the overwhelming evidence is they are completely opposed. The basis of the opposition is: Mr. Spencer doesn’t believe the developer had the right to strip off this parcel to begin with. This tentative parcel map shouldn’t be in front of the Parcel Map Review Committee and he will seek further action to unwind this task. Mr. Spencer submitted a example of a zoning plat that was signed by each of the homeowners, in 2013, at the time they purchased their lots. In it, it clearly shows an open space designation next to a retention basin in the parcel they are discussing today, in the upper right portion of the subdivision. That open space designation goes along with the bylaws of Monte Vista at Mt. Rose language which defines common area and open space and its land that should have been deeded to the community itself rather than taken off for the developers own personal benefit. During the application process on December 15, 2015 as part of the application, Wood Rodgers prepared a map that contained a designation of this lot as “common area C.” “Common area C” is not part of a recorded plat but it does show the intent, at least up to this point, of the developer was this was going to be open space or common area for the homeowners to enjoy and, based on the signature cards, they bought their lots in reliance of this parcel remaining open. Mr. Spencer went on to say, a subsequent application by Wood Rodgers corrected their designation and now it became the mysterious “parcel A”. Not recorded, this does not change its designation. Mr. Spencer indicated a notice issue where, when the application was submitted by TMWA, the location was designated as, “water treatment plant is located in the approved, unbuilt Monte Vista subdivision approximately 1/3 mile north.” At the time of this application, December 2015, this was not an unbuilt subdivision. It was lived in. These homeowners were in place before this approval was granted. Mr. Spencer noted open space requirements as promised by the developer initially have not been met. Wood Rodgers has been very good about keeping track of the open space, they’re very consistent about their other measurements but the open space hasn’t been followed. It has been shrinking: 8.3 acres has disappeared out of the 28 acres, which is a 30% error. That’s far beyond substantial compliance. Mr. Spencer asks the Committee, because of the opposition,
the lack of appropriate notice, and the fact the developer didn’t have the right to sell this land to begin with and the damage to the homeowners should this go forward, to deny this application.

John Enloe, with TMWA, addressed some of the aforementioned issues expressed. In terms of the “open space” designation; the current CC&R’s are applicable to the Estates at Mt. Rose 3A. Mt. Rose 3B is where this parcel will lie, ultimately, is an annexable portion of that property or of those CC&R’s but isn’t currently part annexed into that CC&R, so technically that property is not currently subject to the CC&R’s as they are today. If it were, those CC&R’s also reserve the right for the developer to dedicate parcels to quasi-public and public entities and utilities for the purposes of public utilities of which the water treatment plant would be one of. The CC&R’s also talk about the ability to annex in a portion, or all, or none of the annexable portion which is 3A. Mr. Enloe continued, in terms of the acreages they have worked with the County to make sure the acreages meet what they need to meet the future 23 sub-dividable lots. The parcels have changed. The original tentative map has changed. Originally, they showed a much bigger portion of that area as open space but Washoe County Parks didn’t want all that open space they just wanted the trail around White’s Creek. So, some of the property changed from open space or common area elements. There’s been a boundary line adjustment to create the parcel that was ultimately dedicated to Washoe County. There has been a lot of moving parts getting to this point but they have worked with the County and they are in conformance with acreages that are required to develop the 23 lots they’ve got there.

Bret Lowry, a homeowner, said he doesn’t feel he got proper notice of the water plant being approved. A lot of the neighbors he spoke with didn’t receive anything. He feels this was pushed under the rug and they were never really notified. When they did find out about it and started digging into it, they found out a lot of things in the CC&R’s do apply to this property and they were all induced, fraudulently, into purchasing their properties because that parcel was always supposed to be open space and it didn’t remain that way. All the documents they have on their purchase agreements enforce that. They feel what’s going on is underhanded and that is why they are here today.

Jason Cowen, a homeowner, said his backyard will look into the water treatment facility. The problem he has is; when he bought the house he made the mistake of believing the salesperson that nothing would ever be built behind us, except across the street. Now, conveniently, things have been moved around and now our builder is selling this land to help them to pay for a bridge for them to continue to build homes. He feels it was misleading. If he and his wife had been told there was a potential for this to happen they would have never bought there. He thinks the salesperson had a responsibility. In his dealings with the builder he feels they’ll take any shortcut they can to make a profit. He’s frustrated and wants to sell his house. He bought the land for their family to grow but thinks this will affect the value of their homes. Who wants to look at a water treatment plant behind their homes?

Mr. Enloe wanted to address two things regarding public notification and misperceptions about the timing of how all this went down. Mr. Enloe opined there was a perception the developer knew this was in the works for a long period of time which is not the case. TMWA took over the water system in that area from Washoe County, January 1, 2015. TMWA knew there were issues with groundwater sustainability in this area when they acquired the water system so they started working immediately towards improvements to help the situation. Based on a meeting he had with Mr. Garcia, a resident, he looked for the first email correspondence he had with Rich Ballestrari, of Tim Lewis Homes, and he thinks it was sometime in August 2015. That was the first written communication TMWA had with this developer, that they were interested in his parcel. So, in 2013 – 2014, the developer had no idea. This treatment plant wasn’t proposed until May or June 2015 when TMWA adopted new rules. Did the process happen quickly, yes. TMWA had a public meeting with their Board of Directors on November 18, 2015 where the purchase agreement for this piece of property was reviewed and approved by their Board. Mr. Spencer asked who approached who. Mr. Enloe said he approached Rich Ballestrari. Mr. Spencer asked, because of the location? Mr. Enloe said yes. Mr. Enloe went
on that November 18, 2015, after the Board of Directors meeting, TMWA had a meeting with Monte Vista HOA at which they presented the concept of the water treatment plant. The meeting was held at an office off Professional Circle in Damonte Ranch. TMWA filed the special use permit application in December 2015. They sent out 6,500+ letters to the community and all of south Reno regarding the need for the water treatment plant. The people in the Monte Vista subdivision got two variations of that letter one of which notified them of a TMWA sponsored open house on January 11, 2016. There was also a Citizen Advisory Board (CAB) meeting on January 14, 2016 where this issue was discussed. There was also a district forum meeting hosted by Commissioner Lucey on January 21, 2016 regarding this project. Then there was the public hearing at the Board of Adjustment on February 4, 2016 for the special use permit, which was reviewed and approved. Mr. Enloe feels TMWA has been very transparent and open. He understands the property owners may have been told one thing by the salespersons but at that time they didn’t know any different. The Ross’, who live to the north of the property, immediately adjacent to the treatment plant, had concerns about the reduction to their homes value so TMWA hired an appraiser to review their house, the treatment plant as was proposed, and would it cause any detriment to their property. The comment from the appraiser was, “…based upon my inspection of the subject residence and the site for the new water treatment plant coupled with the information which has been set forth in the preceding paragraphs it is my opinion based on the information currently available that the proposed water treatment plant will not have a material impact on the value of the nearby Ross’ residence.” TMWA has agreed to work with the neighbors to install landscape, etc., to mitigate potential view impacts. TMWA knows it’s not what the property owners signed up for for then they bought their residences there but this is an essential facility for the water system that serves those residences.

Duane Warth spoke in response to Mr. Enloe saying he doesn’t think the history is the problem. From his research he doesn’t think Tim Lewis had a right to sell the property. He thinks if the map is approved it will be premature and will cause a lot of problems down the road. He thinks there are other things in the “wind” of which he’s not at liberty to discuss. He asks the Committee to put off approving the map until the issues can be resolved.

Joseph Pennacchio, a resident, submitted a plat showing the location of his residence in relation to the water treatment plant along with a map which complies with the CC&R map. He noted there is a common area and open space as indicated on what Mr. Spencer produced as the document of plat the residence all signed given to them by Tim Wilson (Lewis?). Mr. Pennacchio submitted a drawing of the water treatment plant that will be behind his house along with pictures of the lots in relationship to the water treatment plant.

Ms. Robb closed public comment.

Mr. Gump said he was concerned about making a decision on the item without a resolution between the two parties. He suggested a condition be added that all parties sign off before the construction of the facility.

Ms. Ray confirmed the use of the parcel, before splitting, has already been determined and whether the Committee approves, recommends continuance, or disapproves, the use of the parcel is still going to continue based on actions already stated. Ms. Ray requested advice from legal counsel on how to proceed.

DDA Watts-Vial noted there is specific review criteria described in Article 606 and agreement of adjacent property owners is not listed in there. To put that in as a condition of approval is not appropriate. The use of the property has already been approved and that is not what this committee is here to do. They are here to decide whether or not to parcel.
Mr. Rubio said he understood everyone’s concerns and based on the Health aspect side TMWA has met every condition of the Washoe County Health District. From his standpoint, he wouldn’t have any grounds not to approve this project.

DDA Watts-Vial read into the record, under development code section 110.606.30 (c), “action required by the Parcel Map Review Committee, if the application is determined to be complete, the Parcel Map Review Committee shall approve, conditionally approve, or disapprove the tentative parcel map within 60 days of the date the application is determined to be complete unless the time limit is extended in writing by the mutual consent of the sub-divider and the Director of Community Development. Failure of the Parcel Map Review Committee to take action within the time prescribed, in this section, shall result in approval of the parcel map.” DDA Watts-Vial brought that up as there has been a call for a motion but there is not a response to that, essentially it will die due to a lack of a motion the time limit will continue to press on. If the time limit goes by, it'll be approved by operation of law.

Ms. Robb moved that, after giving reasoned consideration to the information contained within the staff report and the information received during the public meeting, the Washoe County Parcel Map Review Committee approve Parcel Map Case Number PM16-006 for TL Mt. Rose Estates, LP, subject to the conditions of approval as listed in the staff report, and make the determination that the following criteria is or will be adequately provided for pursuant to Washoe County Development Code, Section 110.606.30, including conditions 1(i) and 1(j). Mr. Rubio seconded the motion which carried unanimously.

The motion carried and considered the following criteria:

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.

8. *Reports and Future Agenda Items
   A. *Legal Information and Updates
Ms. Robb said she will be creating a staff report to update the current PMRC Rules, Policies, and Procedures to better reflect how the Committee should function and to change membership due to the water merger and fire service changes. Ms. Robb also requested members to think about alternates.

9. *Public Comment*

Jeff Spenser requested the Committee look at the amount of time still available under Section 606.15(c) and give it some time to work itself out. All the issues that have been identified so far were found within a week so they will find additional issues. Rather than complicating things by having to unwind a division, he asks the Committee to take the time allotted to them.

10. Adjournment

Ms. Robb adjourned the meeting at 2:34 p.m.

Respectfully submitted,

____________________________________
Donna Fagan, Recording Secretary

Approved by Committee in session on ________________, 2016.

____________________________________
William H. Whitney
Secretary to the Parcel Map Review Committee