



# Planning Commission Staff Report

Meeting Date: January 2, 2019

Agenda Item: 9A

MASTER PLAN AMENDMENT:

WMPA18-0006

REGULATORY ZONE AMENDMENT:

WRZA18-0006 (Marshall Ranch)

**BRIEF SUMMARY OF REQUEST:** (1) Amend the Master Plan Category on three parcels totaling ±1,089 acres from Rural to Rural Residential; and (2) Amend the regulatory zone on the same parcels from General Rural to a mix of Medium Density Rural and Open Space.

STAFF PLANNERS:

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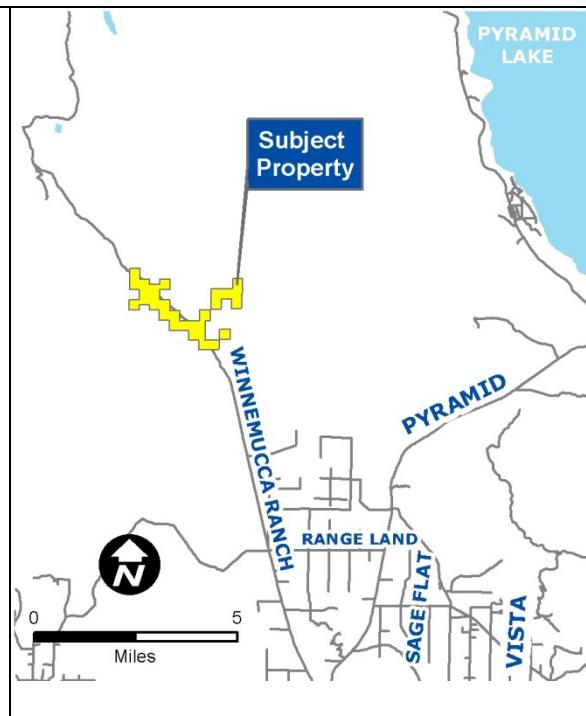
## CASE DESCRIPTION

For possible action, hearing, and discussion:

(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 ±1,088.88-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. If approved, authorize the Chair to sign a resolution to this effect; 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) and Open Space (no allowable density); and if approved, authorize the Chair to sign a resolution to this effect. These changes would potentially allow for up to 187 dwelling units, compared to the 27 dwelling units allowed by the current regulatory zone.

- Applicant: Krater Consulting Group, Attn: Kenneth Krater
- Property Owner: Winnemucca Holdings, LLC, Attn: Jack Fisher
- Location: 9055 Winnemucca Ranch Rd, approx. 9 mi. north of Pyramid Hwy
- Assessor's Parcel Numbers: 079-220-23 (±244-ac.); 079-220-26 (±41.5-ac.); 079-220-37 (±803.2-ac.)
- Existing Master Plan: Rural; recently removed from City of Reno Sphere of Influence
- Proposed Master Plan: Rural Residential
- Existing Regulatory Zone: General Rural
- Proposed Regulatory Zones: Medium Density Rural (±935-ac.) and Open Space (±153-ac.)
- Area Plan: Warm Springs
- Citizen Advisory Board: Warm Springs/Rural
- Development Code: Authorized in Articles 820 and 821
- Commission District: 5 – Commissioner Herman



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**STAFF RECOMMENDATION FOR MASTER PLAN AMENDMENT****ADOPT****ADOPT WITH MODIFICATIONS****DENY****POSSIBLE MOTION FOR MASTER PLAN AMENDMENT**

I move that, after giving reasoned consideration to the information contained in the staff report and information received during the public hearing, the Planning Commission adopt Master Plan Amendment Case Number WMPA18-0006, per the resolution included as Attachment A, having made the following five findings in accordance with Washoe County Code Section 110.820.15(d). I further move to certify the resolution and the proposed Master Plan Amendment in WMPA18-0006 as set forth in this staff report for submission to the Washoe County Board of Commissioners and authorize the chair to sign the resolution on behalf of the Planning Commission.

*(Motion with Findings on Page 27)*

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**STAFF RECOMMENDATION FOR REGULATORY ZONE AMENDMENT****RECOMMEND ADOPTION****RECOMMEND DENIAL****POSSIBLE MOTION FOR REGULATORY ZONE AMENDMENT**

I move that after giving reasoned consideration to the information contained in the staff report and received during the public hearing, the Planning Commission adopt the resolution included as Attachment B, recommending adoption of Regulatory Zone Amendment Case Number WRZA18-0006 having made all of the following findings in accordance with Washoe County Development Code Section 110.821.15(d). I further move to certify the resolution and the proposed Regulatory Zone Amendment in WRZA18-0006 as set forth in this staff report for submission to the Washoe County Board of Commissioners and authorize the chair to sign the resolution on behalf of the Planning Commission.

*(Motion with Findings on Pages 27 and 28)*

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**Attachment Contents**

Master Plan Amendment Resolution .....	Attachment A
Regulatory Zone Amendment Resolution.....	Attachment B
Agency Comments.....	Attachment C
Public Comments.....	Attachment D
Draft Minutes of Warm Springs / Rural CAB Meeting .....	Attachment E
Antelope and Mule Deer Habitat Maps.....	Attachment F
Public Notice Map .....	Attachment G
Addendum to Project Application .....	Attachment H
Project Application .....	Available online at <a href="https://bit.ly/2G91TJ2">https://bit.ly/2G91TJ2</a>

## **Explanation of a Master Plan Amendment**

The purpose of a Master Plan Amendment application is to provide a method of review for requests to amend the Master Plan. The Master Plan guides growth and development in the unincorporated areas of Washoe County, and consists of three volumes. By establishing goals and implementing those goals through policies and action programs, the Master Plan addresses issues and concerns both countywide and within each community. Master Plan amendments ensure that the Master Plan remains timely, dynamic, and responsive to community values. The Washoe County Master Plan can be accessed on the Washoe County website at [www.washoecounty.us/csd/planning\\_and\\_development](http://www.washoecounty.us/csd/planning_and_development) (select Master Plan & Maps), or it may be obtained at the front desk of the Washoe County Planning and Building Division.

**Volume One** of the Master Plan outlines six countywide priorities through the year 2025. These priorities are known as Elements and each is summarized below. The Land Use and Transportation Element, in particular, plays a vital role in the analysis of a Master Plan Amendment.

- **Population Element.** Projections of population, housing characteristics, trends in employment, and income and land use information for the County.
- **Conservation Element.** Information, policies and action programs, and maps necessary for protection and utilization of cultural and scenic, land, water, air and other resources.
- **Land Use and Transportation Element.** Information, policies and action programs, and maps defining the County's vision for development and related transportation facilities needed for the forecasted growth, and protection and utilization of resources.
- **Public Services and Facilities Element.** Information, policies and action programs, and maps for provision of necessary services and facilities (i.e. water, sewer, general government and public safety facilities, libraries, parks, etc.) to serve the land use and transportation system envisioned by the County.
- **Housing Element.** Information, policies and action programs, and maps necessary to provide guidance to the County in addressing present and future housing needs.
- **Open Space and Natural Resource Management Plan Element.** Information, policies and action programs, and maps providing the necessary framework for the management of natural resources and open spaces.

**Volume Two** of the Master Plan consists of 13 Area Plans, which provide detailed policies and action programs for local communities in unincorporated Washoe County relating to conservation, land use and transportation, public services and facilities information, and maps.

**Volume Three** of the Master Plan houses Specific Plans, Joint Plans and Community Plans that have been adopted by the Washoe County Board of Commissioners. These plans provide specific guiding principles for various districts throughout unincorporated Washoe County.

Requests to amend the Master Plan may affect text and/or maps within one of the six Elements, one of the 13 Area Plans, or one of the Specific Plans, Joint Plans or Community Plans. Master Plan Amendments require a change to the Master Plan and are processed in accordance with Washoe County Chapter 110 (Development Code), Article 820, *Amendment of Master Plan*.

When making a recommendation to the Washoe County Board of Commissioners to adopt a Master Plan amendment, the Planning Commission must make at least three of the five findings as set forth in Washoe County Code (WCC) Section 110.820.15(d). If a military installation is required to be noticed, then an additional finding of fact pursuant to WCC Section 110.820.15(d)(6)

is required. If there are findings relating to Master Plan amendments contained in the Area Plan in which the subject property is located, then the Planning Commission must also make all of those findings. A recommendation to adopt the Master Plan amendment requires an affirmative vote of at least two-thirds of the Planning Commission's total membership.

### **Explanation and Processing of a Regulatory Zone Amendment**

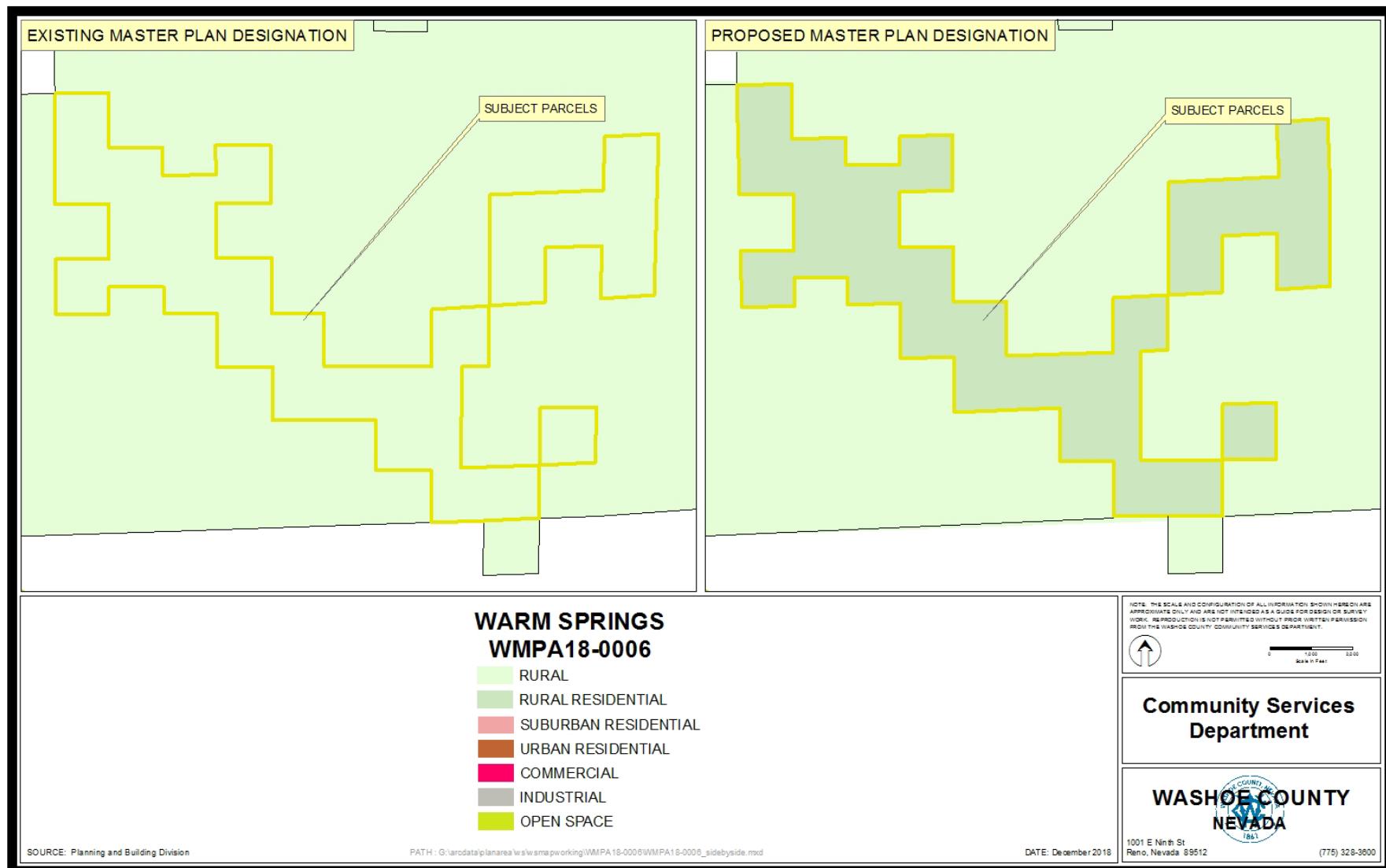
The following explains a Regulatory Zone Amendment, including its purpose and the review and evaluation process involved for an application with such a request. The analysis of the subject proposal can be found beginning on page 9 of this report.

The purpose of a Regulatory Zone Amendment (RZA) is to provide a method for amending the Regulatory Zone Maps of Washoe County. These maps depict the Regulatory Zones (i.e. zoning) adopted for each property within the unincorporated area of Washoe County. The Regulatory Zones establish the uses and development standards applied to each property.

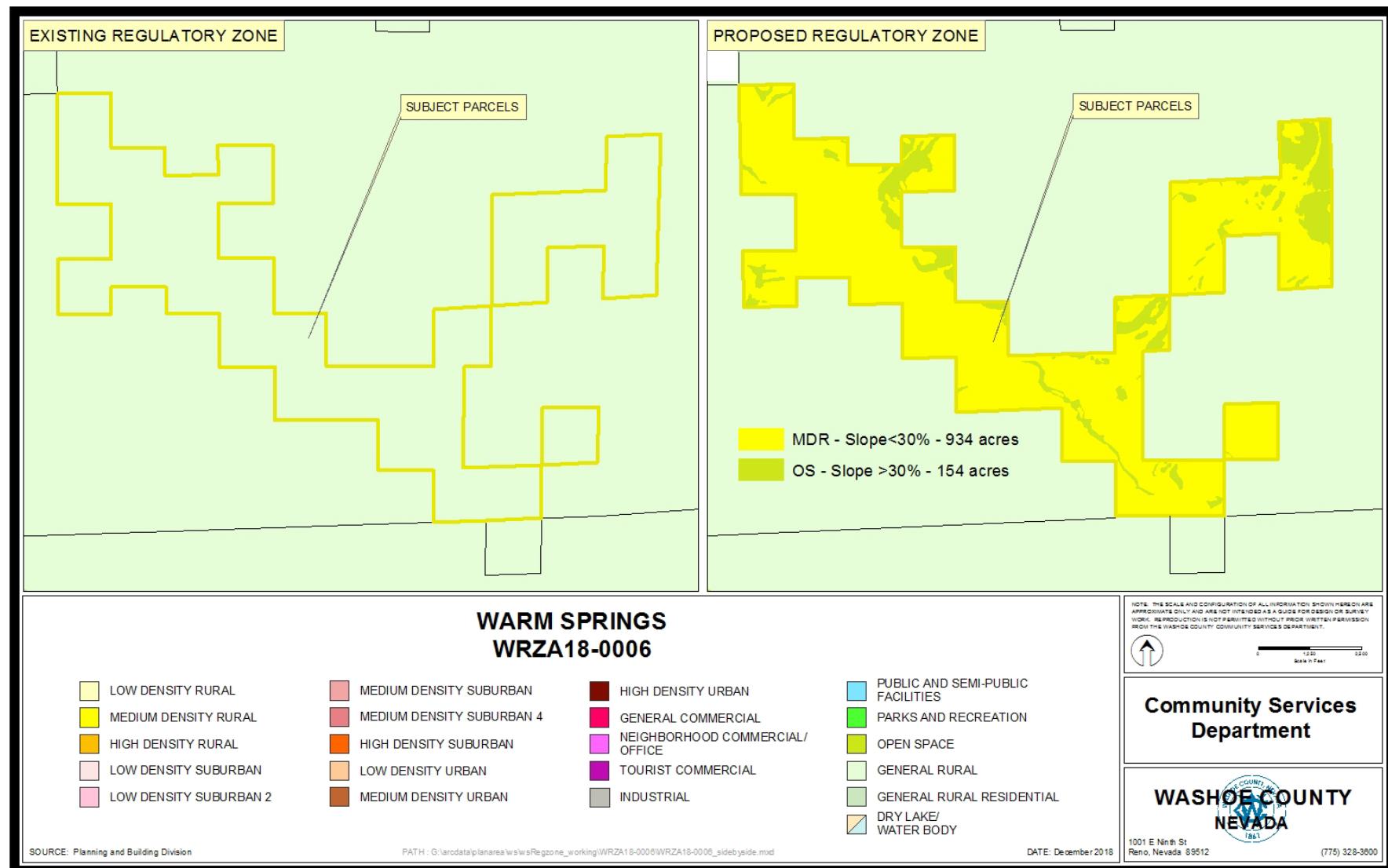
Regulatory zones are designed to implement and be consistent with the Master Plan by ensuring that the stability and character of the community will be preserved for those who live and work in the unincorporated areas of the County. A regulatory zone cannot be changed if it conflicts with the objectives or policies of the Master Plan, including area plans that further define policies for specific communities. The Master Plan is the blueprint for development within the unincorporated County. Pursuant to NRS 278, any action of the County relating to zoning must conform to the Washoe County Master Plan.

Evaluation of the proposed Regulatory Zone Amendment involves review for compliance with countywide policies found in Volume One of the Washoe County Master Plan and applicable area plan policies found in Volume Two of the Washoe County Master Plan. If the subject parcel(s) is within a Specific Plan, Joint Plan or Community Plan found in Volume Three of the Master Plan, then supplemental review shall be required to ensure compliance with the applicable plan. Additionally, the analysis includes review of the proposed amendment against the findings found in Article 821 of the Washoe County Development Code and any findings as set forth in the appropriate Area Plan. Rezoning of a parcel from one Regulatory Zone to another requires action by both the Planning Commission and the Board of County Commissioners (BCC).

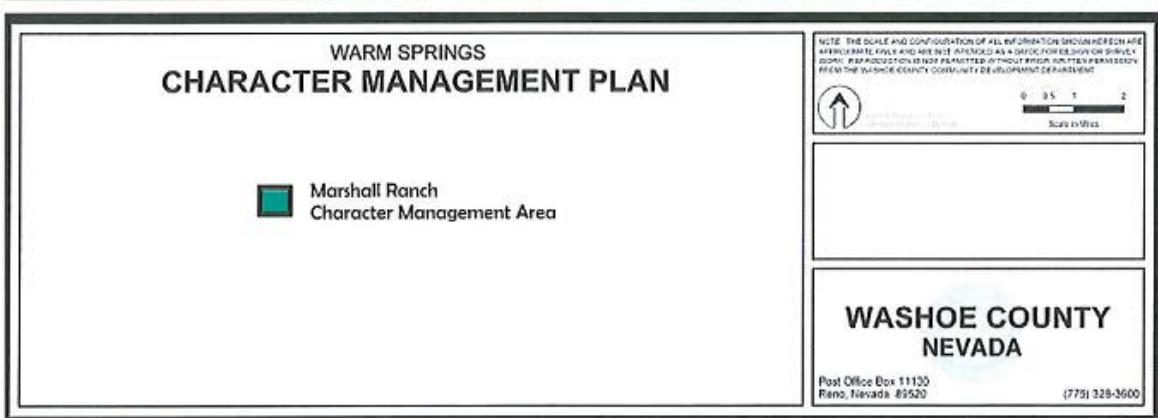
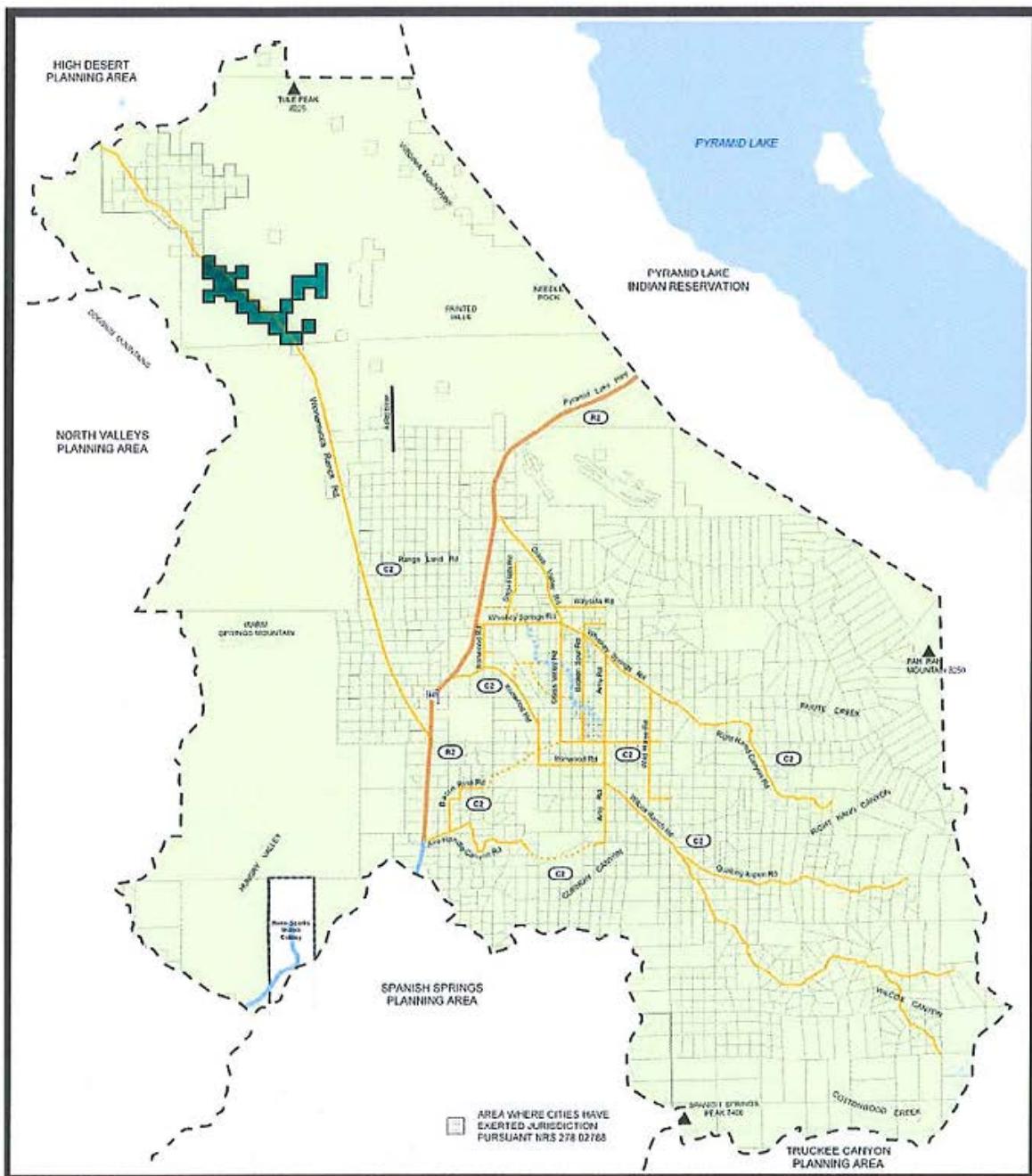
The Planning Commission may recommend adoption of a Regulatory Zone Amendment to the BCC, or it may deny it. Upon an affirmative recommendation by the Planning Commission, the BCC is required to hold a public hearing which must be noticed pursuant to Section 110.821.20 of the Washoe County Development Code. Final action is taken by the BCC who may adopt, adopt with modifications, or deny the proposed amendment.



### Existing and Proposed Master Plan Categories



### Existing and Proposed Regulatory Zones



### Proposed Character Management Plan Map

## **Overview of Request**

The subject site is comprised of three parcels totaling ±1,088.88-acres within the Warm Springs planning area and is commonly known as Marshall Ranch. It is located off of Winnemucca Ranch Road, approximately nine miles north of its intersection with Pyramid Highway. The site is immediately southeast of the City of Reno's Spring Mountain project area. The Marshall Ranch site was recently removed from the City of Reno's sphere of influence (SOI), where it had a Reno master plan category of Special Planning Area. Per Policy 1.2.16 and the translation table contained in Appendix 7 of the 2012 Truckee Meadows Regional Plan, the site currently has a Washoe County Master Plan designation of Rural and a regulatory zone of General Rural (GR). As part of the removal from Reno's SOI, the site was also removed from the Truckee Meadows Service Area and put back into the Rural Development Area (RDA), as defined by the Truckee Meadows Regional Plan. The Regional Plan requires properties within the RDA to have a minimum lot size of 5 acres, and does not currently allow for clustering of lots.

The applicant's request has three main components:

1. Establish a character management area (CMA) for the subject site with policies to control development on these parcels; also update Warm Springs Area Plan Policy 4.6 to allow for Medium Density Rural only in the Marshall Ranch CMA. (See Attachment A for full text.)
2. Amend the subject site's master plan category from Rural to Rural Residential;
3. Amend the subject site's regulatory zone from General Rural (GR; maximum density one dwelling unit per 40 acres) to a mix of Medium Density Rural (MDR; maximum density one dwelling unit per five acres) and Open Space (OS; no allowable density).

The initial application sought MDR across the entire site. However, after further discussion with Washoe County staff regarding constrained areas of the property, the applicant agreed to request Open Space on approximately 153 acres of the site that are constrained by slopes over 30%. The remainder of the project area (approximately 935 acres) would be MDR. With this mix, the proposed regulatory zones would potentially allow for up to 187 dwelling units, compared to the 27 dwelling units currently possible.

## **Sidebar: Conservation Easement**

During meetings with staff and the public, the applicant's representative has made it known that the ultimate goal is for the majority of the property to be placed into a conservation easement, to be coordinated with the North American Land Trust. As described by the applicant, this conservation easement will cover a significant portion of the site and will preclude residential development in those areas. It has been explained that such an easement would provide tax benefits exceeding the value associated with an approval of the current master plan and regulatory zone applications, but that the entitlement is necessary to the success of the agreements that would establish the easement.

It is critical to note that nothing about a conservation easement is included with the application received by the County. Additionally, the establishment of such an easement would be due to a private agreement between the property owner, investors, and anyone else involved in the deal. From staff's perspective, it is speculative only, and is not to be considered as part of this application request. These master plan and regulatory zone applications are to be considered on their own merits, without regard to whether the owners may or may not choose to establish such an easement now or in the future. The conservation easement discussion is included now only because it is expected to be mentioned again during upcoming public hearings on this item. Staff wished to provide a brief overview ahead of time to avoid possible misunderstandings.

### **Site Characteristics**

The subject site was used as a working ranch in the past, and cattle still graze the land today. Several structures, including an old ranch house, remain on the property. As is visible in the following photographs, the site is characterized by limited vegetation other than grasses, some low-growing shrubs and sparse trees. A seasonal creek runs from north to south through the center of the largest parcel. The majority of trees on the site are centered around this water source. FEMA flood zone A is present on either side of the creek.

The site contains varied topography, ranging from gently sloping lowlands to steep hillsides. Approximately 14% of the site ( $\pm 154$  acres) contains slopes of over 30% and are not considered developable. As a result, the applicant has agreed to propose Open Space zoning in these areas. Approximately 26% of the site ( $\pm 288$  acres) contains slopes of 15-30%. The remaining 59% of the site ( $\pm 646$  acres) contain slopes of 0-15%. Due to the site's topography, future development on the property, including tentative subdivision maps, will be required to adhere to the standards of Article 424, *Hillside Development*, which offers stringent guidelines for developing in hilly areas. It should be noted that although the proposed zoning, if approved, would potentially allow for up to 187 dwelling units, that is maximum potential only. Further studies typically done during the tentative subdivision map phase may reduce developable area and likewise the possible number of dwelling units.

The Warm Springs Development Suitability Map identifies various portions of the subject site as being unconstrained, containing flood hazard areas, slopes greater than 15%, and slopes greater than 30%.

Winnemucca Ranch Road traverses through the center of the largest parcel, running roughly parallel with the stream mentioned earlier in this staff report. To the west of the property are the Dogskin Mountains, and to the east are the Virginia Mountains. Federally-owned land, maintained by the Bureau of Land Management (BLM), surrounds the property on all sides.



***View from Winnemucca Ranch Rd., looking north at portion of subject site***



*Looking west from Winnemucca Ranch Rd. at subject site*



*View from Winnemucca Ranch Rd., looking south at portion of dry stream bed*



***Looking out over subject property and Winnemucca Ranch Rd.***



***Looking west over subject property from Winnemucca Ranch Rd. with Dogskin Mountains in background (panoramic photo, so aspect is slightly skewed)***

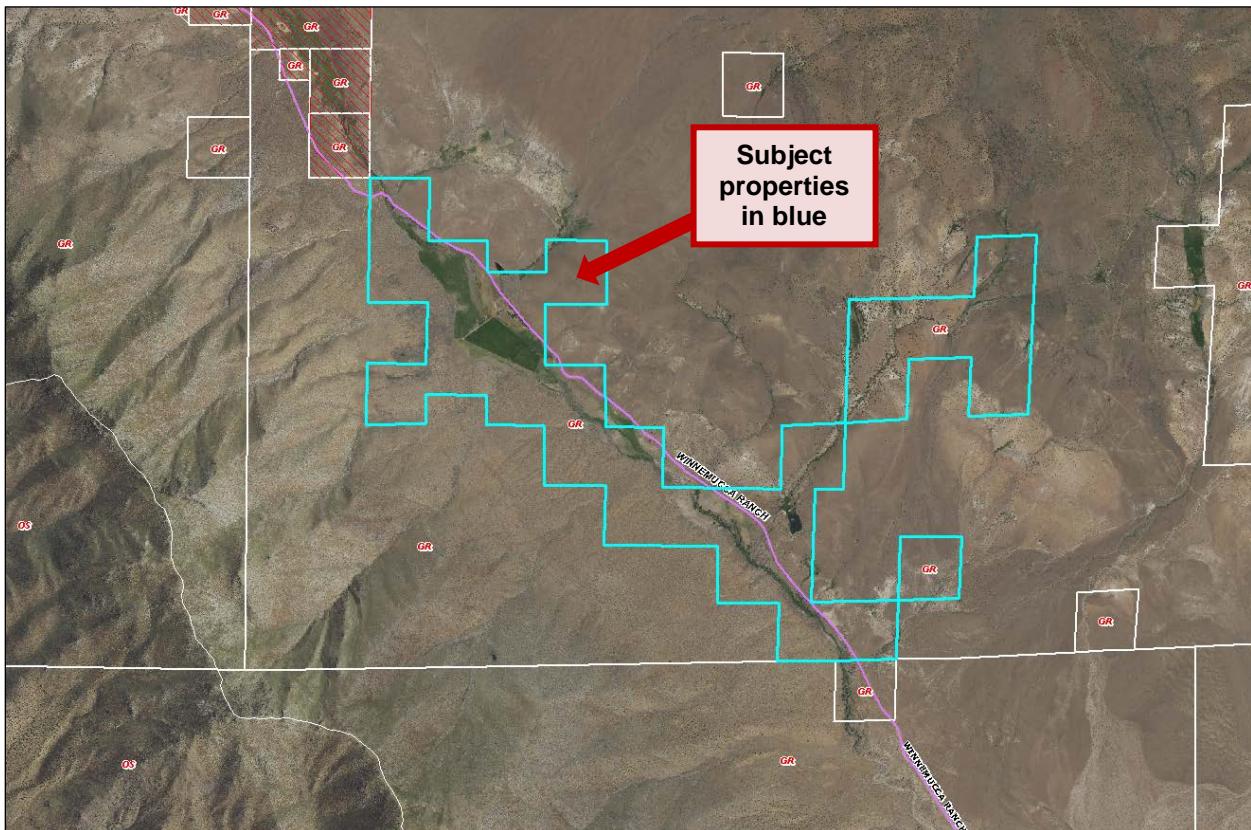


***View from Winnemucca Ranch Rd., looking towards eastern parcels***

## Compatibility

The Warm Springs area is known for its predominantly rural and agricultural characteristics. Outside of the Warm Springs Specific Plan area off of Pyramid Highway, properties in the planning area have master plan categories of either Rural or Open Space, and regulatory zones of General Rural, General Rural Agricultural, or Open Space. The properties surrounding the subject site are federally owned and zoned General Rural, with the exception of the Spring Mountain Planned Unit Development to the north, which is within the City of Reno's sphere of influence.

Apart from the ranch structures already mentioned, the subject parcel is currently undeveloped, as are the surrounding properties. The aerial photo below shows the subject site and surrounding parcels.



In determining compatibility with surrounding land uses, staff reviewed the Land Use Compatibility Matrix with the proposed Regulatory Zone. The compatibility matrix is found in the Land Use and Transportation Element in Volume One of the Washoe County Master Plan. The compatibility between the proposed and existing adjacent regulatory zones is captured in the table below.

**Compatibility Rating of Proposed Regulatory Zones with Existing Regulatory Zones on Adjacent Parcels**

Existing Adjacent Regulatory Zone	Proposed Regulatory Zones	Compatibility Rating
General Rural (GR) (located on all sides)	Medium Density Rural (MDR)	Medium
	Open Space (OS)	High

*High Compatibility: Little or no screening or buffering necessary.*

*Medium Compatibility: Some screening and buffering necessary.*

*Low Compatibility: Significant screening and buffering necessary.*

## **Details of CMA and Proposed Policies**

The newly proposed Marshall Ranch Character Management Area (CMA) includes an extensive character statement crafted by the applicant, along with several policies intended to govern future development on the property. These policies provide standards for water provision, wildlife impacts, fire safety, trail access, access improvements, etc. The character statement provides history of the site; describes its rural nature; calls out portions that should be preserved; and provides high-level guidance on how it should be developed in the future in order to protect the character of the site and surrounding area. In general, staff are supportive of the language provided by the applicant, but recommended several changes intended to bring the proposed language more closely in line with the structure and formatting of other area plans. The recommended changes have been discussed with the applicant, who expressed support for them. Attachment A, the master plan amendment resolution, incorporates these proposed updates. The proposed CMA statement will be added to the end of the existing introduction for the Warm Springs Area Plan. The associated policies are proposed to be added as Appendix B to the area plan.

## **Services and Facilities**

Water Facilities: The subject parcel was recently removed from the City of Reno's Sphere of Influence (SOI) and from the Truckee Meadows Service Area (TMSA) and placed back into the Rural Development Area (RDA) subject to Washoe County planning jurisdiction. The TMSA is the designated area within Washoe County wherein municipal water and sewer systems may be utilized to provide water and sewer service to proposed development. The provision of water for domestic residential use in the RDA is primarily through individual ground water wells. However, the applicant has indicated a desire to develop a private community water system to serve any development resulting from the requested intensification (i.e. 187 lots vs. 27) in lieu of each potential lot having an individual well. The privately owned and maintained community water system would utilize a single production well to provide water for each water distribution zone to any new lots. Proposed policy WS.B.8 would require a community water system to provide water to any future development within the Marshall Ranch Character Management Area. This policy would effectively prohibit future development on individual wells within the Marshall Ranch Character Management Area (with the exception of 4 lots set aside for ranch use).

The developer of any future subdivision project would bear the cost of developing the private community water system, to include preliminary design, preparation, submittal and processing of the application with the Public Utilities Commission of Nevada (PUCN) and approval by the Washoe County Health District. Following approvals by the PUCN and the Washoe County Health District, and prior to recordation of any final map, the developer would be responsible for constructing the backbone well(s), storage tanks, main trunk lines, and distribution lines to individual lots. The community water system would be designated and regulated as a public water system (per NRS 445A.235); however, the operation and maintenance of the system would be the responsibility of the developer or home owners association (HOA) and governed by Conditions, Covenants, and Restrictions (CC&Rs) recorded for the project. The location of the system would be determined at the time of tentative map approval, but would likely be located where the best ground water resources are available and where gravity flows can best be maximized.

The Truckee Meadows Water Authority (TMWA) does not own or operate any water delivery systems in the Warm Springs Hydrographic Basin; therefore, the developer of the community water system would not be required to offer the system for dedication to TMWA. Should the community water system fail for any reason, the developer or HOA would be responsible for any liability or obligations to private property interests. Washoe County is no longer a public water purveyor and would not be required to "take over" the community water system. Per Washoe

County Code (WCC) Section 110.422.25(b), Washoe County assumes no risk or obligation for future operation or maintenance of any potable community water delivery system.

Water Resources: The initial application submitted by the applicant proposed using surface water rights to create a ground water injection project that would essentially involve pumping surface water in the ground water aquifer, allowing natural tertiary treatment to take place, and then pumping the resulting ground water back out for delivery through a community water system. The application listed Court Decreed Adjudicated Surface Water Rights as the source of necessary water rights and water supply to the proposed project (688.2 acre-feet annually [afa]). The application also listed a small block of underground water rights available to the proposed project (64.6 afa). State Engineer's Ruling # 5066 has previously determined the consumptive use component of these decreed surface water rights to be 468.3 afa, which would be adequate to serve 187 residential lots if the actual flows are adequate in a sustainable manner. To determine if the actual flows are adequate in a sustainable manner, however, would require many years of monitoring and permitting by the State before final approvals for any community water system could be issued.

Per Warm Springs Area Plan policy WS.3.1, applications for zone changes must demonstrate that "existing certificated and permitted agricultural and stock water groundwater rights, issued as of July 31, 1990, are utilized in a proportional amount to serve proposed development." The initial proposal by the applicant to use surface water to serve future development does not comply with this policy and is therefore not adequate. In addition, it is unknown at this time if the springs and creek flows are proven to be available in the quantity proposed in a sustainable manner. Subsequent discussions with the applicant regarding this inadequacy have led to an agreement that the property owners / developers will obtain ground water rights meeting the criteria of policy WS.3.1 for use in creating any future community water system.

In order to balance the existing, issued groundwater rights with the planning perennial yield of the Warm Springs Hydrographic Basin (which is 4,000 acre feet), two and one-half acre feet of groundwater rights per dwelling unit must be dedicated to Washoe County. Therefore, the applicant must demonstrate that they own and have available **467.5** acre feet of ground water rights meeting the criteria of policy WS.3.1. The applicant has submitted an addendum (Attachment H) to the application dated Dec. 10, 2018 that indicates the following water rights are owned and available in support of the proposed project:

- Permit #39593 for **64.6**-acre feet of groundwater rights;
- Permit #49669, Certificate 11974, for **140.784** afa of groundwater rights
- Permit #49670, Certificate 11975, for **179.272** afa of groundwater rights;

Thus the total ground water rights identified to date is **384.656** acre feet. This is a partial list and the applicant acknowledges (in the addendum) that they still will have to acquire an additional **82.84** acre-feet to satisfy water rights demand for 187 residential lots. The applicant can currently prove adequate water resources are available to serve approximately 154 lots and is therefore requesting intensification for 33 potential lots that currently do not have water resources identified for future service. Because of time constraints, the applicant was not able to demonstrate the remaining water rights had been acquired as of the writing of this report; however, the applicant is in active negotiations to acquire said rights. In addition, a private community water system would have to obtain all necessary water rights permits from the Nevada Division of Water Resources and the State Engineer's office to enable the water utility to issue water will serve letters to any future customers. This process involves filing of applications to change the point of diversion (POD) place of use (POU), and manner of use (MOU) of existing irrigation ground water rights to Quasi-Municipal uses.

It should be noted that the increased use of ground water rights in this area of the Warm Springs valley was not anticipated in the currently adopted version of the area plan. The plan as currently adopted includes policies and land use designations that envisioned parcels less than 40-acres in size to be within the Warm Springs Specific Plan Area. The plan states that “there has been a desire by other landowners in the Warm Springs planning area to develop residential land uses on parcels less than 40 acres. To accommodate this, the Warm Springs Specific Plan Area (SPA) has been designated as a location for a suburban type community in the Truckee Meadows Regional Plan.” Parcel sizes outside of the SPA were expected to be at 40 acres or larger, as demonstrated by the following policy:

**WS.4.4** Ensure that land in the Warm Springs planning area shown as Rural on the Master Plan map is developed with the following additional conditions:

Parcels will be permitted to be created for 40 acres or larger. No more than 1,604 residential parcels, on individual wells, will be created in the Warm Springs Hydrographic Basin. This development of parcels is based on the planning perennial yield of groundwater in the basin.

Adoption of the proposed amendments to allow 5 acre parcels outside of the SPA would be a departure from this regulatory framework; however, the applicant is proposing the Marshall Ranch Character Management Area and associated policies to ensure that this type of development potential is only available within the character management area and not elsewhere outside of the SPA. The use of groundwater in the character management area at levels to accommodate 5 acre lots instead of 40 acre lots (an increase of approximately 160 lots) could potentially lead to less ground water being available for use in the SPA, per the adopted area plan water budget. However, at this point, the SPA is unlikely to ever develop as initially planned at suburban level densities. Recent parceling in the SPA has been at 2.5 to 5 acre lot sizes. If this development trend continues, significantly fewer lots will be created within the SPA than are currently allowed by zoning and thus less ground water will be necessary to realize zoned development potential.

Wastewater: The application describes the creation of a developer-funded private sanitary sewer system along with an off-site package waste water treatment facility to service future homesites. The applicant indicates “the package plant would be placed on the Warm Springs Ranch [...] where soils are more conducive to [Rapid Infiltration Basins]”. This area is located approximately 3 miles south of the project site and is under the same ownership as Marshall Ranch. The feasibility of such a proposal would be comprehensively evaluated at tentative map stage, when further details are available and the appropriate studies have been completed. Generally, wastewater systems servicing new development are required to be dedicated to Washoe County. However, WCC Section 110.422.35 (c) offers an exception for facilities that obtain a certificate of public convenience and necessity by the State Public Utilities Commission (PUC) and are regulated by the PUC. Additionally, the Truckee Meadows Regional Plan does not allow for municipal (ex. County) sewer service to be provided outside of the Truckee Meadows Service Area, and therefore any such system could not be accepted by the County. If for any reason the proposal for a private sewer system is found to be infeasible, individual septic systems would be required. Either scenario would include extensive review by the Washoe County Health District and/or the Nevada Division of Environmental Protection to ensure conformance with their standards.

Community Services: Truckee Meadows Fire Protection District has a career station near La Posada and Pyramid Highway in Spanish Springs. There is also the Palomino Valley Volunteer Fire Station. Northern Nevada Medical Center in Sparks and Renown Urgent Care on Los Altos Parkway are the nearest health care facilities.

The applicant has indicated the closest schools to the subject site are Taylor Elementary School, Shaw Middle School and Spanish Springs High School. There are several new elementary and middle schools currently under construction or planned for construction within the region. If/when future development is proposed, the Washoe County School District will provide information about student generation factors as well as details about what schools the property is zoned for.

The subject site is surrounded by federal land and popular outdoor recreation areas, including Moon Rocks. The closest County park facilities include Lazy 5 Regional Park and Eagle Canyon Park. The Spanish Springs Public Library is on Pyramid Highway.

Traffic: Access to the site would be via Winnemucca Ranch Road, connecting from Pyramid Highway. Approximately 5 miles of Winnemucca Ranch Rd are unpaved graded gravel leading up to the site. If/when a subdivision is proposed at this location, the roadway would be required to be paved and developed to County standards. A maximum potential of 187 residential lots are associated with the proposed amendments. This would be expected to generate approximately 1,780 average daily trips, 140 AM peak hour trips and 187 PM peak hour trips. The submitted traffic impact study identifies that the adopted levels of service (LOS) for both Winnemucca Ranch Rd and Pyramid Hwy are LOS D. The study further identifies that these roadways would still operate within capacity for that LOS after including traffic generated by future development on the site. A more detailed traffic analysis, including an assessment of key intersections, would be required upon submittal of a tentative subdivision map application. Per Washoe County Engineering and the Nevada Department of Transportation, further needed improvements would likely be identified during that review process. The Traffic Impact Study is included with the project application.

### **Wildlife Impacts**

The Nevada Department of Wildlife (NDOW) and the U.S. Fish and Wildlife Service (FWS) both provided comments on the proposed amendments and identified concerns regarding possible habitats for a number of species in the area.

NDOW's full comments are available within Attachment C. The excerpt below identifies their primary concerns:

This area is currently a wildlife rich area for a diversity of species as it is a mix of wild rangelands and agriculture. We estimate that there are approximately 300 antelope that use the Winnemucca Ranch/Marshal Ranch area during the summer and winters. This area is also used by resident mule deer as well as deer that migrate out of the Sierra's during the winter. Additionally, California bighorn sheep inhabit the Virginia Mountains above the Winnemucca Ranch/Marshal Ranch area. Sage-grouse occupy the Virginia and Dogskin Mountains as well as numerous other upland and migratory bird species. In addition to this area's wildlife diversity, this area provides valuable public access opportunities to wildlife recreationist[s].

Any development of this area will degrade the value to wildlife as habitat is lost and fragmented. Additionally, increased anthropogenic presence will result in increased fires, invasive species, human wildlife conflicts, etc. As such, we recommend that development be permitted within the current development matrix. [...] If a zoning change and development is permitted, we recommend conditioning the permit on having a wildlife mitigation plan acceptable to NDOW.

Attachment F is provided for reference and includes Washoe County's Pronghorn Antelope Habitat and Mule Deer Habitat maps, overlaid with the Marshall Ranch parcels. Within the proposed

language for the Marshall Ranch CMA, the applicant has included a policy requiring coordination with NDOW. As shown within Attachment A, staff made minor changes to the proposed language in order to strengthen the policy requirement. The Planning Commission is encouraged to strongly consider NDOW's comments as part of their review of the request.

FWS also provided comments included with Attachment C. Their primary concern relates to potential direct and indirect impacts to the Carson Wandering Skipper, an endangered butterfly with habitat in the Warm Springs area. The population is located approximately 3 miles south/southeast of the Marshall Ranch site. FWS voiced a desire to better understand how traffic and potential surface and groundwater uses associated with future development on the site may affect the Skipper's habitat. Additionally, they voiced concerns about how the future proposed off-site water and sewer systems may impact the Skipper, as the off-site parcels are located adjacent to the Carson Wandering Skipper Area of Critical Environmental Concern.

FWS requested a new policy be added for the proposed Marshall Ranch Character Management Area that requires the applicant to work with FWS regarding the Skipper and associated requirements of the Endangered Species Act. Recommended language to that effect has been included in Attachment A.

### **Consistency with Warm Springs Area Plan**

Master Plan Amendments and Regulatory Zone Amendments are required to be reviewed for compliance with applicable goals and policies of the Warm Springs Area Plan, which is a part of the Washoe County Master Plan. Some policies are applicable during the development process (ex. tentative subdivision map or special use permit). Those policies would be addressed during the review process for those types of applications and are not included here. The following goals and policies of the Warm Springs Area Plan are applicable to the currently proposed amendment requests.

### **Cultural and Scenic Resources**

**Policy WS.2.3** Washoe County will cooperate with federal and state agencies and willing property owners to recover the Carson Wandering Skipper to the point where it can be delisted from the Endangered Species list.

*Staff Comment: As noted in the previous section, the U.S. Fish & Wildlife Service met with staff and provided comments regarding the Carson Wandering Skipper. This has been addressed with the policies included in the CMA to ensure future development on the site is coordinated with FWS.*

### **Water Resources**

**Policy WS.3.1** Ensure that applications for zone changes, major project reviews, tentative subdivision maps, parcel maps, special use permits, and division of land maps show that the following water resource criteria are met:

- A. Existing certificated and permitted agricultural and stockwater groundwater rights, issued as of July 31, 1990, are utilized in a proportional amount to serve proposed development. In order to balance the existing, issued groundwater rights with the planning perennial yield of the basin, two and one-half acre feet of groundwater rights per dwelling unit will be dedicated to Washoe County. A maximum of 3,097 residential dwelling units on individual wells may be developed in the Warm Springs Valley Hydrographic Basin based on the planning perennial yield of groundwater. Additional water rights will be dedicated to Washoe County for common

landscaped areas, community swimming pools, pastures, etc. within residential developments.

- B. Parcels created by applications submitted through September 4, 1990, may develop for residential uses without the requirement for dedication of water rights. When existing parcels are subdivided, new parcels will require the dedication of water rights; however, one parcel will be designated as existing and will not have to dedicate water rights. The Washoe County Department of Community Development will track the date of parcel subdivisions.
- C. Commercial and industrial development, to include public facilities, golf courses, etc., will be required to document project water demand and supply sufficient groundwater rights for the project. If existing certificated and/or permitted irrigation or stock-watering groundwater rights, issued as of July 31, 1990, are used to serve the proposed project, then water rights will be dedicated to Washoe County at a ratio of 43 percent of existing groundwater rights to one acre-foot of demand. This ratio is necessary to balance the existing, issued groundwater rights with the planning perennial yield of the basin.
- D. Water rights for all development in the Warm Springs planning area will be dedicated to Washoe County at the time of parcel map filing or project recordation. These water rights will be irrevocably tied to the Warm Springs Hydrographic Basin.
- E. The creation of parcels and lots in the Warm Springs Valley Hydrographic Basin shall require dedication of water rights to Washoe County in quantities that are consistent with the water use standards set by Washoe County Ordinance 586 and the policies adopted in this Area Plan.
- F. Residential, commercial, and industrial development must be based upon perennial yield groundwater resources without reliance upon groundwater mining or recharge from agricultural uses. The Washoe County Board of County Commissioners will not approve these types of development if the demands upon the proposed permanent source of water supply exceed the perennial yield of the hydrographic basin or exceed artificial recharge as authorized by the State Engineer under a recharge/recovery permit.

Staff Comment: *The applicant has provided proof of obtaining 384.656 acre feet of certificated ground water to serve the project and will be required to dedicate 2.5 acre feet of water rights per lot at the time of final map recordation. The applicant has acknowledged that they still need to acquire 82.84 acre feet of ground water in support of the requested intensification. The applicant currently has proven ground water rights to accommodate 154 lots.*

**Policy WS.3.2.2**

Proposals for use of surface water from the Warm Springs Valley Hydrographic Basin shall determine the quantity of perennial yield groundwater affected by the removal of the surface water. Transfer of surface water from the basin will be permitted only when a sufficient quantity of development rights based on the degradation of perennial yield groundwater is subtracted from the Warm Springs Valley water budget.

Staff Comment: As indicated earlier in the staff report and with the applicant's addendum (Attachment H), groundwater is being proposed in lieu of surface water to support future development.

- Policy WS.3.10**
- A. Acknowledge the 3,000 acre-feet safe yield for the basin in accordance with the Nevada State Engineer.
  - B. Maintain the current water rights discount factor of 43 percent.
  - C. Maintain the current dedication factor of two and one-half acre-feet for new parcel creations.

Staff Comment: This policy will be complied with upon recordation of any final map resulting from the requested intensification.

## Land Use

- Policy WS.4.4**
- Ensure that land in the Warm Springs planning area shown as Rural on the Master Plan map is developed with the following additional conditions:
- A. Parcels will be permitted to be created for 40 acres or larger. No more than 1,604 residential parcels, on individual wells, will be created in the Warm Springs Hydrographic Basin. This development of parcels is based on the planning perennial yield of groundwater in the basin.
  - B. Requirements for water resources as detailed in the water resources policies and action programs of this Area Plan will be followed for all parcels and lots created.

Staff Comment: As of September 2018, there were an estimated 688 lots on individual wells in the hydrographic basin. Per the policies proposed for the Marshall Ranch CMA, residential development on the site would be required to establish a community water system. If that is not feasible, limit development of the overall site to four single-family homes on individual wells.

- Policy WS.4.6**
- The following Regulatory Zones are permitted within the Warm Springs planning area.
- Public/Semi-Public Facilities (PSP)
  - Parks and Recreation (PR)
  - Open Space (OS)
  - Specific Plan (SP)
  - General Rural (GR)
  - General Rural Agricultural (GRA)

Staff Comment: As indicated previously, the application seeks to make a change to this policy by adding Medium Density Rural (MDR) to the list, specific to the Marshall Ranch CMA only.

## Transportation

- Policy WS.5.10**
- Washoe County will request that future development proposals for the portions of the Reno and Sparks Spheres of Influence (SOI) that lie within the Warm Springs planning area include a thorough traffic analysis that will detail impacts to the existing Warms Springs road network and list mitigation measures

needed to maintain acceptable levels of service on area roadways such as Winnemucca Ranch Road and the Pyramid Lake Highway (SR 445).

*Staff Comment: The subject site was recently removed from Reno's SOI. Traffic generated by future development associated with the proposed amendments is not expected to exceed available capacity of area roads, nor cause those roadways to fall below adopted service levels. Future development will be required to make roadway improvements as described earlier in this report.*

### **Citizen Advisory Board and Neighborhood Meeting**

NRS 278.210(2) and WCC Section 110.820.20 require a neighborhood meeting for any proposed Master Plan amendment. The proposed Master Plan Amendment and related Regulatory Zone Amendment were discussed at a joint neighborhood meeting/Citizen Advisory Board (CAB) meeting held November 13, 2018 at 6 p.m. at the Washoe County Regional Shooting Facility.

Noticing of the meeting was provided in accordance with NRS 278.210 and Washoe County Development Code Articles 820 and 821, which require notice be mailed 10 days prior to the neighborhood meeting. Approximately 40 residents were in attendance, plus Washoe County staff and the applicant's representative.

At the meeting, the applicant made a brief presentation outlining the requested amendments. The CAB chose not to take any official action on the item. Draft minutes summarizing the meeting are provided as Attachment E. In summary, topics of discussion included: details regarding the proposed conservation easement, including timing, longevity, soundness, purpose, etc.; water rights; wastewater plans; confusion over why these amendments have been submitted if a conservation easement is the ultimate goal; and, availability of emergency services.

### **Additional Public Comment**

Four letters were received from members of the public regarding the proposed request. These have been provided as Attachment D. In summary, topics of concern include: access; traffic impacts; public safety; concerns over proposed sewer/septic impacts; distance from school and trash services; water use; general quality of life. Prior to the Citizen Advisory Board/neighborhood meeting, an online poll was also conducted by residents of the Warm Springs area. Those poll results were included with the public comments.

### **Public Hearing Notice**

Notice for Master Plan Amendments has been provided in accordance with the provisions of NRS 278.210; and notice for Regulatory Zone amendments has been provided in accordance with the provisions of NRS 278.260. Notice is required to be provided in a newspaper of general circulation within Washoe County at least 10 days before the public hearing date. NRS requires a minimum of 30 separate property owners be noticed within a minimum 750 foot radius of the subject parcel to which the proposed amendment pertains.

Per Washoe County Code Sections 110.820.20(b) and 110.821.20, owners of all real property to be noticed are owners identified on the latest County Assessor's ownership maps and records. Such notice is complied with when notice is sent to the last known addresses of such real property owners as identified in the latest County Assessor's records. Any person who attends the public hearing is considered to be legally noticed unless those persons can provide evidence that they were not notified according to the provisions of Articles 820 and 821.

35 property owners of 109 parcels within 20,000 feet (3.78 miles) of the subject parcel were noticed of the proposed Master Plan Amendment and Regulatory Zone Amendment by U.S. Mail not less than 10 days before the scheduled Planning Commission meeting of January 2, 2019. See Attachment G for a copy of the noticing map. A legal ad was also scheduled to be published in the Reno Gazette-Journal December 21, 2018 edition.

### **Agency Comments**

The proposed amendment was submitted to the following agencies for review and comment.

- Washoe County Community Services Department
  - Engineering and Capital Projects
  - Operations
  - Parks and Open Space
  - Planning and Building
  - Utilities
  - Water Rights Management
- Washoe County Health District
  - Air Quality
  - Emergency Medical Services
  - Environmental Health Services
- Truckee Meadows Fire Protection District
- Washoe County Sheriff's Office
- Washoe County School District
- Regional Transportation Commission
- U.S. Army Corps of Engineers
- National Resource Conservation Service
- Bureau of Land Management
- U.S. Fish and Wildlife
- U.S. Postal Service
- State of Nevada
  - Division of Environmental Protection
  - Division of Forestry – Endangered Species
  - Department of Transportation
  - Division of Water Resources
  - Department of Wildlife
  - Historic Preservation
- City of Reno – Planning
- Palomino Valley General Improvement District
- Truckee Meadows Regional Planning
- Washoe-Storey Conservation District
- Truckee Meadows Water Authority
- AT&T and NV Energy

Several of the above-listed agencies provided comments in response to their evaluation of the amendment applications. A summary of each agency's comments and their contact information is provided below:

- Nevada Department of Wildlife (NDOW) voiced concerns about impacts to area wildlife such as antelope, mule deer, bighorn sheep, sage grouse and other migratory birds, and recommended a wildlife mitigation plan be developed in coordination with NDOW if the request is approved.

**Contact: Mark Freese, 775.688.1145, [markfreese@ndow.org](mailto:markfreese@ndow.org)**

- U.S. Fish and Wildlife voiced concerns about potential indirect impacts to the Warm Springs population of the Carson wandering skipper butterfly, an endangered species with habitat in the area (although not on the project site).

**Contact: Lara Enders, 775.861.6300, [lara\\_enders@fws.gov](mailto:lara_enders@fws.gov)**

- Washoe County Water Rights provided several comments regarding the proposed water system and water sources in relation to the Warm Springs water budget, noting that a funding mechanism for the water service will need to be identified.

**Contact: Vahid Behmaram, 775.954.4647, [vbehmaram@washoecounty.us](mailto:vbehmaram@washoecounty.us)**

- Washoe County Engineering and Capital Projects provided comments regarding future development and likely requirements regarding flood zones, traffic and sewer.

**Contact: Leo Vesely, 775.328.2313, [ivesely@washoecounty.us](mailto:ivesely@washoecounty.us)**

- Nevada Department of Transportation offered comments on coordination and improvements that may be required for future development proposals, including for Winnemucca Ranch Rd.

**Contact: Tara Smaltz, 775.834.8300, [tsmaltz@dot.nv.gov](mailto:tsmaltz@dot.nv.gov)**

- Washoe County Health District Emergency Medical Services Program provided details regarding availability of emergency services and response times.

**Contact: Christina Conti, 775.326.6042, [cconti@washoecounty.us](mailto:cconti@washoecounty.us)**

- Washoe County School District noted that student generation factors will be provided during future tentative map reviews.

**Contact: Brett Rodela, 775.325.8303, [brett.rodel@washoeschools.net](mailto:brett.rodel@washoeschools.net)**

- Truckee Meadows Fire Protection District offered guidance on code, access and water supply standards to be addressed during future development.

**Contact: Don Coon, 775.326.6077, [dcoon@tmfpd.us](mailto:dcoon@tmfpd.us)**

- Washoe County Parks and Open Space provided comments related to future planning for access to federal lands, connected open space areas and trail systems.

**Contact: Joanne Lowden, 775.328.2039, [jlowden@washoecounty.us](mailto:jlowden@washoecounty.us)**

- Nevada Division of Environmental Protection identified that they will provide review comments if/when a subdivision application is submitted in the future.

**Contact: Patrick Mohn, 775.687.9419, [pmohn@ndep.nv.gov](mailto:pmohn@ndep.nv.gov)**

- Truckee Meadows Water Authority offered comments on water rights and design standards for water system facilities.

**Contact: Amanda Duncan, 775.834.8305, [aduncan@tmwa.com](mailto:aduncan@tmwa.com)**

- The Nevada Division of Water Resources, Washoe County Sheriff's Office, Washoe County Health District Environmental Health Services Division, Regional Transportation Commission, and City of Reno Planning Division indicated they reviewed the proposal and have either no comments or no objections to the request.

### **Staff Comments on Required Findings for Master Plan Amendment**

For a Master Plan Amendment to be adopted, Washoe County Code Section 110.820.15(d) requires the Planning Commission make at least three of the following five findings of fact. No military installations were required to be noticed as a result of this application; therefore the finding related to a military installation is not required. The following findings and staff comments on each finding are presented for the Planning Commission's consideration:

1. Consistency with Master Plan. The proposed amendment is in substantial compliance with the policies and action programs of the Master Plan.

*Staff Comment: The proposed amendment does not conflict with the policies and action programs of the Master Plan as detailed in this staff report.*

2. Compatible Land Uses. The proposed amendment will not result in land uses which are incompatible with (existing or planned) adjacent land uses, and will not adversely impact the public health, safety or welfare.

*Staff Comment: A Rural Residential master plan designation (as proposed, comprised of Medium Density Rural and Open Space regulatory zones) is expected to have a high-to-medium compatibility with the surrounding federally-owned properties that have a Rural master plan designation. Some screening or buffering may be desirable between future development and the surrounding properties, and will be assessed during future application review. The proposed amendment is not expected to adversely impact the public health, safety or welfare, and is considered a drastic reduction in potential density in comparison to what was approved while the property was under City of Reno jurisdiction. Although there are concerns about potential impacts to wildlife in the area, the proposed policies governing development of the CMA would require the applicant to work closely with NDOW and the U.S. Fish & Wildlife Service to create impact mitigation plans.*

3. Response to Change Conditions. The proposed amendment identifies and responds to changed conditions or further studies that have occurred since the plan was adopted by the Board of County Commissioners, and the requested amendment represents a more desirable utilization of land.

*Staff Comment: As detailed in the staff report, the subject site was recently removed from the City of Reno's Sphere of Influence and Truckee Meadows Service Area. Washoe County supported this rollback, due to the significant reduction in potential density and impacts to the surrounding area. The site is still adjacent to the Spring Mountain Planned Unit Development under Reno jurisdiction, but is otherwise surrounded by federal land. With the policies being proposed to govern development in the Marshall Ranch CMA, staff supports the proposed change to Rural Residential.*

4. Availability of Facilities. There are or are planned to be adequate transportation, recreation, utility and other facilities to accommodate the uses and densities permitted by the proposed amendment.

*Staff Comment:* As identified in the application and recommended CMA policies, a private water system is proposed to be developed to serve future homesites. Should the proposed water system prove to be unfeasible, the CMA policies restrict future residential development to four single-family homes on the project site. Wastewater would be handled through either a private sewer system and package plant, or with individual septic systems. A future subdivision will also require significant access upgrades, including improving Winnemucca Ranch Rd. Further traffic studies will likely identify additional necessary improvements during the tentative map review process.

5. Desired Pattern of Growth. The proposed amendment promotes the desired pattern for the orderly physical growth of the County and guides the development of the County based on the projected population growth with the least amount of natural resource impairment and the efficient expenditure of funds for public services.

*Staff Comment:* During the review process for removing the subject site from the City of Reno's Sphere of Influence and Truckee Meadows Service Area, Washoe County expressed its support for the rollback and possible 5-acre lots in the future, as it was a drastic reduction of potential density on the site. Water and sewer service to support future development within the CMA would be funded by the developer and privately maintained. Similarly, future development would likely require significant roadway improvements also to be funded by the developer.

### **Staff Comments on Required Findings for Regulatory Zone Amendment**

Section 110.821.15(d) of Article 821, *Amendment of Regulatory Zone*, within the Washoe County Development Code, requires that all of the following findings be made to the satisfaction of the Washoe County Planning Commission before recommending adoption to the Board of County Commissioners. No military installations were required to be noticed as a result of this application; therefore the finding related to a military installation is not required. Staff has completed an analysis of the Regulatory Zone Amendment application and has determined that the proposal is in compliance with the required findings as follows.

1. Consistency with Master Plan. The proposed amendment is in substantial compliance with the policies and action programs of the Master Plan and the Regulatory Zone Map.

*Staff Comment:* The proposed amendment does not conflict with the policies and action programs of the Master Plan as detailed in this staff report.

2. Compatible Land Uses. The proposed amendment will provide for land uses compatible with (existing or planned) adjacent land uses, and will not adversely impact the public health, safety or welfare.

*Staff Comment:* As described in the staff report and shown on the land use compatibility matrix, the adjacent General Rural properties are expected to have a high compatibility with the proposed Open Space regulatory zones, and a medium compatibility with the areas of proposed Medium Density Rural. Some screening or buffering may be desirable between future development and the surrounding properties, with details determined during future application review.

3. Response to Change Conditions; more desirable use. The proposed amendment responds to changed conditions or further studies that have occurred since the plan was adopted by the Board of County Commissioners, and the requested amendment represents a more desirable utilization of land.

Staff Comment: As detailed in the staff report, the subject site was recently removed from the City of Reno's Sphere of Influence and Truckee Meadows Service Area. Washoe County supported this rollback, due to the significant reduction in potential density and impacts to the surrounding area. The site is still adjacent to the Spring Mountain Planned Unit Development under Reno jurisdiction, but is otherwise surrounded by federal land. With the policies being proposed to govern development in the Marshall Ranch CMA, staff supports the proposed change to Medium Density Rural and Open Space.

4. Availability of Facilities. There are or are planned to be adequate transportation, recreation, utility, and other facilities to accommodate the uses and densities permitted by the proposed amendment.

Staff Comment: As identified in the application and recommended CMA policies, a private water system is proposed to be developed to serve future home sites. Should the proposed water system prove to be unfeasible, the CMA policies restrict future residential development to four single-family homes on the project site. Wastewater would be handled through either a private sewer system and package plant, or with individual septic systems. A future subdivision will also require significant access upgrades, including improving Winnemucca Ranch Rd. Further traffic studies will likely identify additional necessary improvements during the tentative map review process.

5. No Adverse Effects. The proposed amendment will not adversely affect the implementation of the policies and action programs of the Washoe County Master Plan.

Staff Comment: As detailed in the staff report, the amendments are not expected to conflict with the policies and action programs of the Warm Springs Area Plan or other components of the Washoe County Master Plan. The proposed amendment is considered a drastic reduction in potential density in comparison to what was approved while the property was under City of Reno jurisdiction. Although potential impacts to wildlife in the area must be considered as part of our review of the Conservation Element, the proposed policies governing development of the CMA would require the applicant to work closely with NDOW and the U.S. Fish & Wildlife Service to create impact mitigation plans.

6. Desired Pattern of Growth. The proposed amendment will promote the desired pattern for the orderly physical growth of the County and guides development of the County based on the projected population growth with the least amount of natural resource impairment and the efficient expenditure of funds for public services.

Staff Comment: During the review process for removing the subject site from the City of Reno's Sphere of Influence and Truckee Meadows Service Area, Washoe County expressed its support for the rollback and possible 5-acre lots in the future, as it was a drastic reduction of potential density on the site. Water and sewer service to support future development within the CMA would be funded by the developer and privately maintained. Similarly, future development would likely require significant roadway improvements also to be funded by the developer.

## **Recommendations**

Staff recommends that the Planning Commission:

- (1) Adopt the resolution contained at Attachment A of this staff report to amend the Master Plan as set forth in Master Plan Amendment Case Number WMPA18-0006; and to forward the request to the BCC for their consideration; and

- (2) Subject to final approval of the associated master plan amendment, authorize the resolution recommending adoption of a request to amend the Warm Springs Regulatory Zone map as set forth in Regulatory Zone Amendment Case Number WRZA18-0006; and to forward the request to the BCC for their consideration; and
- (3) Authorize the Chair to sign Resolutions 19-04 and 19-05 on behalf of the Planning Commission.

### **Possible Motion for Master Plan Amendment**

I move that after giving reasoned consideration to the information contained in the staff report and information received during the public hearing, the Planning Commission adopt Master Plan Amendment Case Number WMPA18-0006, per the resolution included as Attachment A, having made the following five findings in accordance with Washoe County Code Section 110.820.15(d). I further move to certify the resolution and the proposed Master Plan Amendment in WMPA18-0006 as set forth in this staff report for submission to the Washoe County Board of Commissioners and authorize the chair to sign the resolution on behalf of the Planning Commission.

1. Consistency with Master Plan. *The proposed amendment is in substantial compliance with the policies and action programs of the Master Plan.*
2. Compatible Land Uses. *The proposed amendment will provide for land uses compatible with (existing or planned) adjacent land uses, and will not adversely impact the public health, safety or welfare.*
3. Response to Changed Conditions. *The proposed amendment responds to changed conditions or further studies that have occurred since the plan was adopted by the Board of County Commissioners, and the requested amendment represents a more desirable utilization of land.*
4. Availability of Facilities. *There are or are planned to be adequate transportation, recreation, utility, and other facilities to accommodate the uses and densities permitted by the proposed Master Plan designation.*
5. Desired Pattern of Growth. *The proposed amendment will promote the desired pattern for the orderly physical growth of the County and guides development of the County based on the projected population growth with the least amount of natural resource impairment and the efficient expenditure of funds for public services.*

### **Possible Motion for Regulatory Zone Amendment**

I move that after giving reasoned consideration to the information contained in the staff report and received during the public hearing, the Planning Commission adopt the resolution included as Attachment B, recommending adoption of Regulatory Zone Amendment Case Number WRZA18-0006 having made all of the following findings in accordance with Washoe County Development Code Section 110.821.15(d). I further move to certify the resolution and the proposed Regulatory Zone Amendment in WRZA18-0006 as set forth in this staff report for submission to the Washoe County Board of Commissioners and authorize the chair to sign the resolution on behalf of the Planning Commission.

1. Consistency with Master Plan. *The proposed amendment is in substantial compliance with the policies and action programs of the Master Plan.*
2. Compatible Land Uses. *The proposed amendment will not result in land uses which are incompatible with (existing or planned) adjacent land uses, and will not adversely impact the public health, safety or welfare.*

3. Response to Change Conditions; more desirable use. *The proposed amendment identifies and responds to changed conditions or further studies that have occurred since the plan was adopted by the Board of County Commissioners, and the requested amendment represents a more desirable utilization of land.*
4. Availability of Facilities. *There are or are planned to be adequate transportation, recreation, utility and other facilities to accommodate the uses and densities permitted by the proposed amendment.*
5. No Adverse Effects. *The proposed amendment will not adversely affect the implementation of the policies and action programs of the Washoe County Master Plan.*
6. Desired Pattern of Growth. *The proposed amendment will promote the desired pattern for the orderly physical growth of the County and guides development of the County based on the projected population growth with the least amount of natural resource impairment and the efficient expenditure of funds for public services.*

### **Appeal Process**

Planning Commission action will be effective 10 calendar days after the written decision is filed with the Secretary to the Planning Commission and mailed to the original applicant, unless the action is appealed to the Washoe County Board of Commissioners, in which case the outcome of the appeal shall be determined by that Board. Any appeal must be filed in writing with the Planning and Building Division within 10 calendar days from the date the written decision is filed with the Secretary to the Planning Commission and mailed to the original applicant.

Applicant: Kenneth Krater, 901 Dartmouth Dr., Reno, NV 89509

Property Owner: Winnemucca Holdings, LLC, Attn: Jack Fisher and Jeff Herman, 750 Hammond Dr., Bldg. #17, Atlanta, GA 39328

Staff Report xc: Mojra Hauenstein, Director, Planning and Building Division



## RESOLUTION OF THE WASHOE COUNTY PLANNING COMMISSION

### ADOPTING AMENDMENTS TO THE WASHOE COUNTY MASTER PLAN, WARM SPRINGS AREA PLAN, MASTER PLAN MAP (WMPA18-0006), INCLUDING ASSOCIATED TEXT AND GRAPHICS, AND RECOMMENDING THEIR ADOPTION TO THE BOARD OF COUNTY COMMISSIONERS

Resolution Number 19-04

Whereas, Master Plan Amendment Case Number WMPA18-0006 came before the Washoe County Planning Commission for a duly noticed public hearing on January 2, 2019; and

Whereas, the Washoe County Planning Commission heard public comment and input from both staff and the public regarding the proposed master plan amendments; and

Whereas, the Washoe County Planning Commission gave reasoned consideration to the information it received regarding the proposed master plan amendments;

Whereas, the Washoe County Planning Commission has made the following findings necessary to support adoption of the proposed Master Plan Amendment Case Number WMPA18-0006, as set forth in NRS Chapter 278 and Washoe County Code Chapter 110 (Development Code), Article 820:

#### Washoe County Code Section 110.820.15 (d) Master Plan Amendment Findings

1. Consistency with Master Plan. The proposed amendment is in substantial compliance with the policies and action programs of the Master Plan.
2. Compatible Land Uses. The proposed amendment will provide for land uses compatible with (existing or planned) adjacent land uses, and will not adversely impact the public health, safety or welfare.
3. Response to Change Conditions. The proposed amendment responds to changed conditions or further studies that have occurred since the plan was adopted by the Board of County Commissioners, and the requested amendment represents a more desirable utilization of land.
4. Availability of Facilities. There are or are planned to be adequate transportation, recreation, utility, and other facilities to accommodate the uses and densities permitted by the proposed Master Plan designation.
5. Desired Pattern of Growth. The proposed amendment will promote the desired pattern for the orderly physical growth of the County and guides development of the County based on the projected population growth with the least amount of natural resource impairment and the efficient expenditure of funds for public services.

Now, therefore, be it resolved that pursuant to NRS 278.210(3):

- (1) Subject to approval by the Washoe County Board of Commissioners and a finding of conformance with the Truckee Meadows Regional Plan, the Washoe County Planning Commission does hereby adopt Master Plan Amendment Case Number WMPA18-0006, comprised of the maps as included as Exhibits A and B to this resolution, descriptive matter as included as Exhibit C, and other associated matter intended to constitute the amendments as submitted at the public hearing noted above; and,
- (2) To the extent allowed by law, this approval is subject to the conditions adopted by the Planning Commission at the public hearing noted above.

A certified copy of this resolution shall be submitted to the Board of County Commissioners and any appropriate reviewing agencies in accordance with NRS 278.220.

ADOPTED on January 2, 2019.

WASHOE COUNTY PLANNING COMMISSION

ATTEST:

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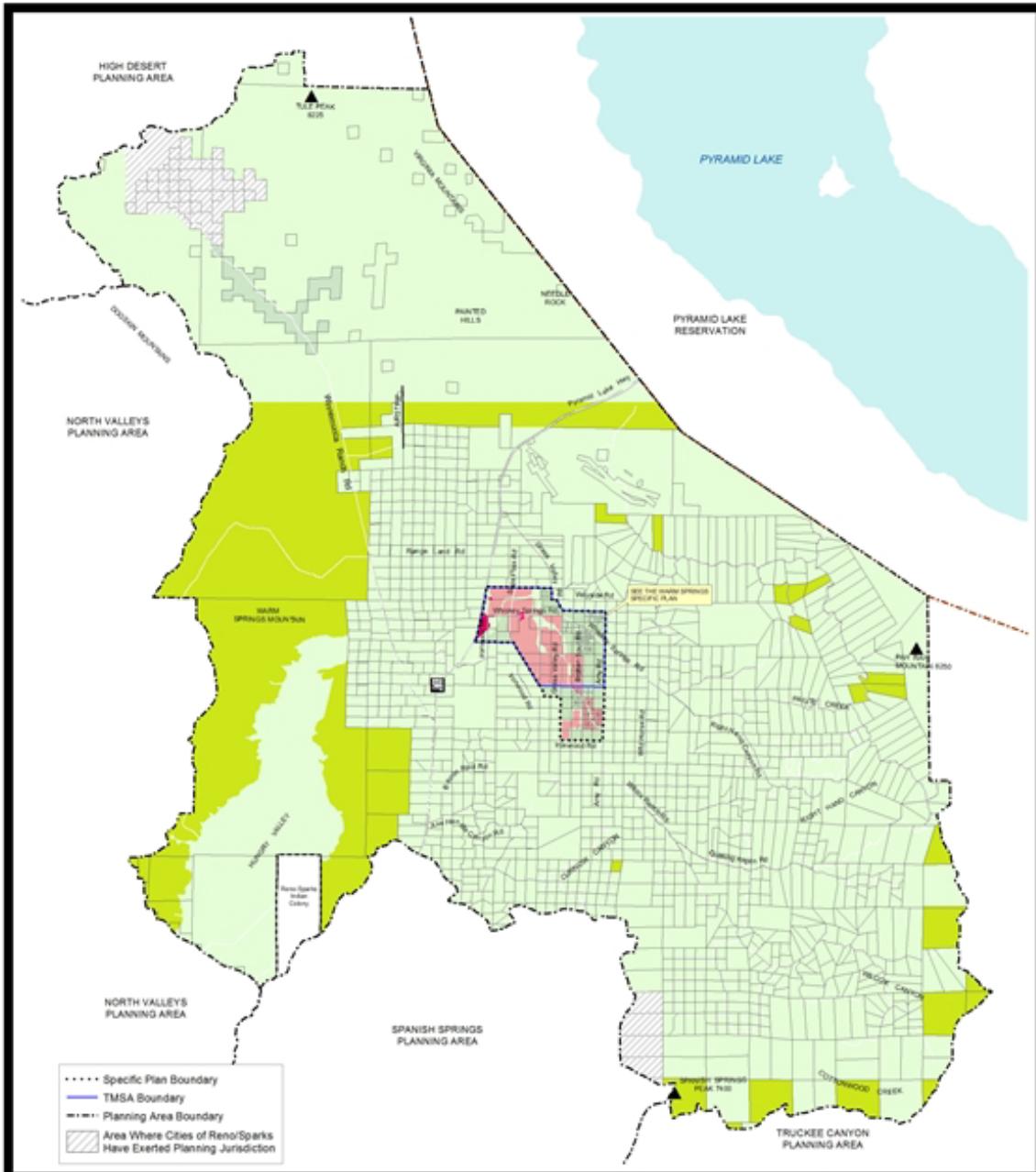
Trevor Lloyd, Secretary

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Sarah Chvilicek, Chair

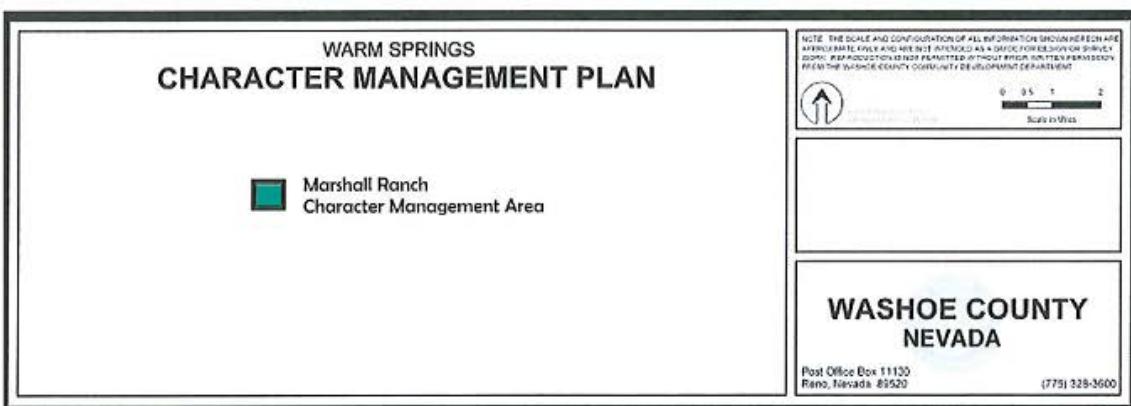
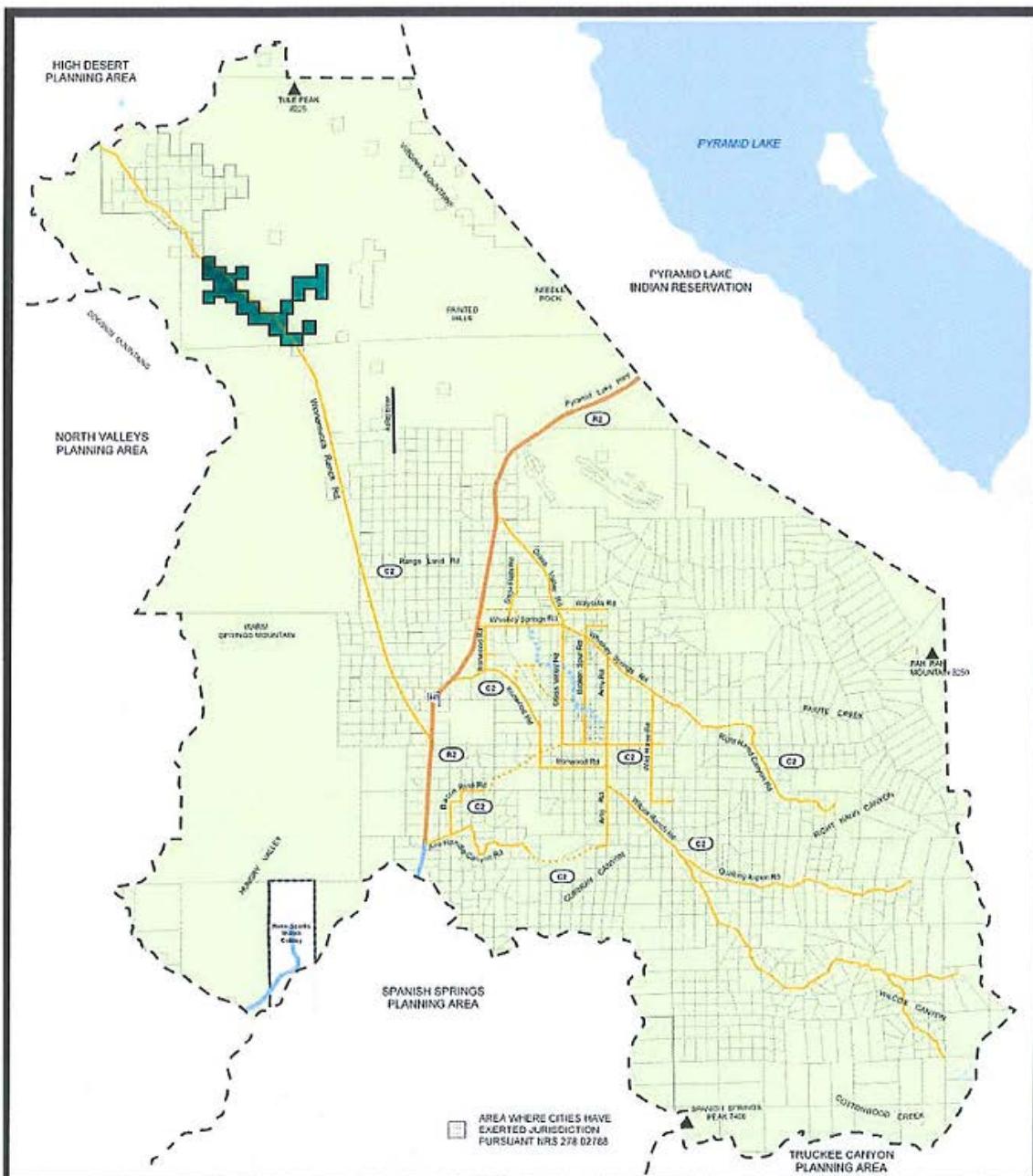
Attachments: Exhibit A – Warm Springs Master Plan Map  
Exhibit B – New Warm Springs Character Management Plan Map  
Exhibit C – Text Updates to Warm Springs Master Plan

**Exhibit A, WMPA18-0006**



**WMPA18-0006 & WRZA18-0006  
ATTACHMENT A**

**Exhibit B, WMPA18-0006**



**WMPA18-0006 & WRZA18-0006  
ATTACHMENT A**

## **Exhibit C, WMPA18-0006**

### **SECTION 1**

**Existing Warm Springs Area Plan Policy WS.4.6 would be amended by adding new language as bolded below:**

**WS.4.6** The following Regulatory Zones are permitted within the Warm Springs planning area.

- Public/Semi Public Facilities (PSP)
- Parks and Recreation (PR)
- Open Space (OS)
- Specific Plan (SP)
- **Medium Density Rural (MDR) (*Only within the Marshall Ranch Character Management Area*)**
- General Rural (GR)
- General Rural Agriculture (GRA)

## **SECTION 2**

**All of the following language is new and would be added to the end of the existing Warm Springs Area Plan introduction:**

# **Marshall Ranch Character Management Area (CMA)**

## **Character Statement**

The boundaries of the Marshall Ranch CMA (Marshall Ranch) are defined by the Warm Springs Character Management map. Policies governing development of this area can be found within Appendix B of this document.

The Marshall Ranch property is unique in its setting, being nestled between the Dogskin Mountains to the southwest and the Virginia Mountains & Tule Peak to the northeast. This property forms the far northeastern boundary of the Warm Springs Area Plan and is accessed via Winnemucca Ranch Road.

In 2017, the owners of the Marshall Ranch property recognized that the highest and best use of their ranch is large lots with maximum five-acre densities (one single family home per five acres) that preserves the scenic views of the adjoining mountains, wildlife corridors, and rural and agricultural character of the area while protecting the water resources and stream zone environments on the properties. Larger lots would provide a buffer between rural properties to the north, east, and south and the Spring Mountain property located to the west. Thus, the property owners took action to withdraw the Marshall Ranch from the City of Reno's TMSA, which was approved by the Truckee Meadows Regional Planning Governing Board on October 26, 2017.

Regardless of whether or not the Marshall Ranch property is developed, it is in the best interest of the Warm Springs community to add additional development protections to the Marshall Ranch if it is developed within the Rural Development Area of the Truckee Meadows Regional Plan within Washoe County under the requirements of the Warm Springs Area Plan. Furthermore, the additional protections coupled with the ability to achieve development at a maximum density of one dwelling unit per five-acres will afford development opportunities in substantial conformance with the Goals and Policies of the Warm Springs Area Plan and the Truckee Meadows Regional Plan, while also encouraging conservation easements on the property.

The previous Reno TMSA designation was an oxymoron given the current rural nature of the Marshall Ranch. This is a remote, beautiful, and bucolic area within Washoe County, yet it is only a 45+- minute drive from the system interchange of I-80 and I-580. Mountain peaks in the vicinity of the Marshall Ranch exceed 8,000 feet above mean sea level and numerous springs feed the creek that runs parallel to Winnemucca Ranch Road. Herds of mule deer and pronghorn antelope are known to frequent the area as their habitat includes much of the Virginia Mountains while portions of the southern part of the Warm Springs Planning area serve as winter range for mule deer. The area provides important habitat to numerous additional wildlife species as noted under the Wildlife and Wildlife Habitats section of the Warm Springs Area Plan.

The majority of land surrounding the Marshall Ranch is public lands, predominantly under the ownership of the Bureau of Land Management (BLM). Winnemucca Ranch Road provides convenient access to many popular recreation areas including the Moon Rocks Recreation area and the Bedell Flats area. Winnemucca Ranch Road is the primary access to the Marshall Ranch from Pyramid Hwy to the far northeast corner of the Warm Springs Area Plan. Winnemucca Ranch Road is paved up to Range Land

Road (approximately 4.5 miles) where it turns into a seasonally maintained gravel road for the remainder of the Marshall Ranch access. Any future development on parcels smaller than 40 acres that is accessed by Winnemucca Ranch Road will require paving of Winnemucca Ranch Road. Paving the entirety of Winnemucca Ranch Road up to and through the Marshall Ranch should improve access to public lands currently accessed from the existing gravel portion of the road.

In the winter and spring of 2017, an incredible amount of rain and snow fell on Washoe County, causing major damage to Winnemucca Ranch Road. A large culvert that allows a creek to flow under the road between the Marshall and Spring Mountain Ranch to the west was washed out as the flow of the creek far exceeded the capacity of the culvert. This resulted in major downstream erosion, washing gravel, silt and debris downstream into the Warm Springs Valley. Future development should ensure that adequate capacity is made available for drainage features within and impacted by a project to help mitigate future flash floods and major storm damage. Letter of Map Revisions (LOMR) will be required with development to accurately characterize flood plain areas within the Marshall Ranch where flood zones exist.

Wildfires are another major issue in this area. In 2018, a major fire started near Herlong at US 395 and burned through Winnemucca Valley and far up the hillsides of the Dogskin and Virginia Mountains. Helicopters used to fight the fires used their pumps to suction water out of a large pond on the north side of the Marshall Ranch. These character management features, although not necessarily entirely unique to the Marshall Ranch property with perhaps the exception of the ponds, should be considered in any future development plans.

As the Marshall Ranch remains largely undeveloped, residents of the Warm Spring Planning area, the North Valleys area, and numerous Truckee Meadows residents and tourists are discovering the peace, tranquility, and dark skies that this area affords. There will be increasing pressure from citizens to maintain public access as this area is discovered thus increasing the need for any future development to occur in a manner that respects the character of this area. In order to maintain the dark sky character of the area, future development should be required to mitigate uses with the potential light pollution impacts and use all Dark Sky certified and fully shielded lighting. Both street and building lighting should only be used for safety purposes and motions sensors should be encouraged to activate the lights during late night hours to help preserve and maintain the area's dark skies.

The vision of this character management statement is to further the policies and protections of the Warm Springs Area Plan, while protecting private property rights, and to work to preserve the wildlife corridors, wildlife habitat, scenic beauty and vistas, rural lifestyle, existing agricultural activities, native vegetation, and water resources as any future development occurs.

Within the Marshall Ranch Character Management Area industrial and commercial development will not be allowed. Only large lot residential uses at a maximum density of one dwelling unit per 5-acres will be allowed within the Marshall Ranch Character Management Area.

To protect the unique qualities present within the Marshall Ranch Character Management Area, future development activities should be conducted in a manner that maintains open space and scenic views and provides connections to existing and planned public roads and trails systems. A recreational trail system should be planned in conjunction with the Washoe County Parks Program of the Community Services Department that will serve a dual purpose of providing access to open space within developed areas and to public lands while minimizing impacts to wildlife. Developers should work with the Nevada Division of Wildlife and county staff to develop a wildlife mitigation plan to ensure that adequate wildlife corridors are maintained for mule deer and pronghorn antelope. The plan should also consider other wildlife species including bighorn sheep, sage grouse, and other upland and migratory bird species.

Property owners on the Marshall Ranch who farm, ranch, and run cattle may continue to do so and any future development should be highly respectful of these private property rights and design their development to minimize the impacts of the residential and agricultural interfaces. Good fencing makes for good neighbors and high-quality fencing should be used along with cattle guards that only restrict access of livestock into developed properties and not public lands. County policies supporting and facilitating a rural approach to the maintenance of animals including livestock, hobby livestock, and pets will contribute to the preservation of the area's character.

The threat of periodic natural hazards including floods, avalanche, earthquakes and wildland fires are a danger in much of the Marshall Ranch Character Management Area. Washoe County should continue to work in close collaboration with other agencies to reduce these threats through the application of development standards, hazard mitigation, emergency management practices, and educational programs.

Prolonged droughts that occur on a regular basis and over utilization of permitted water rights within the Warm Springs Planning Area have resulted in a drawdown of the main aquifers associated with this area. The sustainable management of the area's water resources is necessary to maintain the quality of these aquifers. Development of the Marshall Ranch should meet or exceed the strict sustainability requirements of the Water Budget contained in appendix A of the Warm Springs Area Plan including any updates to the water budget. New development activities should be planned and conducted in such a manner as to enhance water recharge, fully utilize treated wastewater, and minimize the amount of water required for landscaping and amenities.

Due to the Marshall Ranch's function as a gateway to and from public lands and recreation areas, its key natural assets, and its ability to contribute to the Conservation goals of the plan, the Warm Springs Area Plan's unique and valuable character is carefully managed and preserved through the thoughtful and deliberate implementation of the goals and policies specific to the Marshall Ranch Character Management Area. In addition, all other goals and policies of the Warm Springs Area Plan also apply to the character management area.



(L) View from west end of Marshall Ranch – looking west; (R) View from Marshall Ranch Pasture Area – looking south



(L) Downstream damage to creek from washed out culvert; (R) Moon Rocks

## **SECTION 3**

**All of the following policy language is new and would be added as a newly created Appendix B:**

# **Appendix B – Marshall Ranch Character Management Area (CMA)**

## **Policies Applicable to the Marshall Ranch CMA**

- WS.B.1** When feasible, given utility access constraints, grading for development purposes after the date of final adoption of this plan will:
- a. Minimize disruption to the natural topography of the surrounding area.
  - b. Utilize natural looking contours and slopes as specified in Article 424 of the Washoe County Development Code.
  - c. Complement the natural characteristics of the landscape.
  - d. Preserve existing vegetation and ground coverage in areas to be left undisturbed to the extent possible to minimize erosion.
  - e. Graded slopes shall be stabilized with a dust palliative or vegetation within 60 days of completion of grading activities. The developer/applicant shall be required to obtain a dust control permit.
- WS.B.2** Site development plans in the Marshall Ranch CMA must submit a plan for the control of noxious weeds. The plan should be developed through consultation with the Washoe County District Health Department, the University of Nevada Cooperative Extension, and/or the Washoe-Storey Conservation District. The control plan will be implemented on a voluntary compliance basis and shall include both eradication of noxious weeds and reseeding with native grasses and plants.
- WS.B.3** Applicants required to present their items to the Citizen Advisory Board (CAB) must submit a statement to staff regarding how the final proposal responds to the community input received from the CAB.
- WS.B.4** All lighting must be “dark-sky” certified. The use of streetlights will be minimized and lighting shall be used only for safety purposes. All lighting shall be fully shielded, including building lighting, parking lots, and streetlights. Motion sensors shall be used on building and parking lot lighting such that lights shall only be on from the hours of 11:00 pm to dusk when activated by motion sensors.
- WS.B.5** All landscape designs will emphasize the use of native and low water requirement vegetation, with non-native and atypical vegetation integrated sparingly into any landscaped area. Fire resistant landscaping is desirable, especially in clear zones around structures.
- WS.B.6** Development activities should be designed to support the efficient use of infrastructure and the conservation of recharge areas, wetland areas, wildlife habitat areas, wildlife corridors,

and open vistas. Prior to submitting any tentative map, special use permit or other discretionary application, the developer shall consult with the Nevada Division of Wildlife (NDOW) to develop a wildlife mitigation plan acceptable to NDOW to maintain wildlife corridors for mule deer and pronghorn antelope adequate to allow them to move between their natural habitat and winter habitat areas. The plan shall also address bighorn sheep, sage grouse, and other upland and migratory bird species. This plan shall be included with all discretionary applications, and Washoe County staff shall establish the implementation measures as conditions of approval.

- WS.B.7** Prior to submitting any tentative map, special use permit or other discretionary application, the developer shall consult with the U.S. Fish & Wildlife Service (USFWS) to address their concerns regarding potential direct and indirect impacts to the Carson Wandering Skipper, a butterfly classified as an endangered species. The applicant shall work with the USFWS to create a plan acceptable to USFWS addressing requirements of the Endangered Species Act in relation to the Skipper.
- WS.B.8** A community water system shall be required with development to provide water service for the project with conceptual plans to be submitted with a tentative map application. The community water system shall be approved by the Washoe County Health District prior to approval of any final map. The community water system shall be approved by the Public Utility Commission of the State of Nevada (PUCN) and the developer shall obtain necessary certificates of operation from the PUCN prior to approval of any final map. The only exception to the requirement for a community water system is that up to four (4) single family homes, each on an individual 5-acre minimum size lot may use a water well in accordance with County requirements.
- WS.B.9** Washoe County is working with regional partners to ensure best practices for wildland fire prevention and management are used for development activities in the wildland suburban interface. Applicants for any discretionary approval must show how their project will manage the potential threat of wildland fire in accordance with adopted codes. Plans that propose the use of defensible space must include a maintenance plan for that space that demonstrates how that area will be maintained and managed for the life of the project.
- WS.B.10** A recreational trail system shall be planned in conjunction with Washoe County Parks staff that will serve a dual purpose of providing access to open space within the development and to public lands while minimizing impacts to wildlife. The recreational trail system shall be approved by County staff prior to approval of any tentative map for a project and conditioned by Washoe County staff to be constructed in phases with development prior to issuance of any Certificate of Occupancy.
- WS.B.11** Development shall maintain access to all public roads and trails to the satisfaction of County staff. Drainage features both within a project and impacted by the project shall be designed and constructed in accordance with current County requirements to convey the 100-year storm and minimize flood impacts to public and private roads and trails. All roads within and serving the development shall be constructed or improved to Washoe County standards including paving of Winnemucca Ranch Road to its current paved terminus at Range Land Road prior to the issuance of any Certificate of Occupancy, or as required by the County Engineer during tentative map review.
- WS.B.12** A traffic study shall be submitted with any Tentative Map application(s) with a scope of work approved by the County traffic engineer and shall include an analysis of the

intersection of Winnemucca Ranch Road with the Pyramid Highway. Improvements at a minimum shall include a northbound to westbound left turn pocket and any other improvements as required by the Nevada Department of Transportation. The traffic study should also determine the amount of traffic that is likely to use Range Land Road based on existing traffic patterns in the area. If more than 10% of project traffic is estimated to use Range Land Road, then a chip seal surface treatment shall be applied to Range Land Road from Winnemucca Ranch Road to the Pyramid Highway in accordance with Washoe County requirements and best industry practices prior to issuance of the first Certificate of Occupancy for the project.

**WS.B.13** The following Regulatory Zones are permitted within the Marshall Ranch Character Management Area of the Warm Springs planning area.

- Public/Semi Public Facilities (PSP)
- Parks and Recreation (PR)
- Open Space (OS)
- Specific Plan (SP)
- Medium Density Rural (MDR)
- General Rural (GR)
- General Rural Agriculture (GRA)

**WS.B.14** Significant portions of the CMA are subject to the standards of Washoe County Development Code Article 424, *Hillside Development*. Future development of these areas, including but not limited to tentative maps, shall adhere to the standards and requirements of the article, and a site analysis prepared by a qualified engineer shall be submitted to address hillside development standards. In order to reduce the visual impact of development in these areas, grading shall work with and complement the natural terrain and contours and minimize impacts to the natural topography. Graded slopes shall be revegetated with either native plants or other species that are deemed desirable for the area that match the height of surrounding species and are fire resistant.

**WS.B.15** During review of tentative maps and other development proposals, County staff will review the adequacy of the minimum standards established under this plan; and upon a finding that a standard is inadequate to implement these goals, may recommend to the Planning Commission other similar standards as necessary to implement the relevant goal.

**WS.B.16** The standards established in policies WS.B.1-WS.B.14 will be implemented through tentative map conditions, improvements plans, CC&Rs, deed restrictions, or other methods deemed as appropriate by the Director of Planning & Building. When appropriate, Washoe County staff shall establish the implementation measures as conditions of tentative map approval.



## RESOLUTION OF THE WASHOE COUNTY PLANNING COMMISSION

### RECOMMENDING ADOPTION OF REGULATORY ZONE AMENDMENT CASE NUMBER WRZA18-0006 AND THE AMENDED WARM SPRINGS REGULATORY ZONE MAP

Resolution Number 19-05

Whereas Regulatory Zone Amendment Case Number WRZA18-0006 came before the Washoe County Planning Commission for a duly noticed public hearing on January 2, 2019; and

Whereas the Washoe County Planning Commission heard public comment and input from staff regarding the proposed Regulatory Zone Amendment; and

Whereas the Washoe County Planning Commission has given reasoned consideration to the information it has received regarding the proposed Regulatory Zone Amendment; and

Whereas the Washoe County Planning Commission has made the findings necessary to support adoption of this proposed Regulatory Zone Amendment as set forth in NRS Chapter 278 and Washoe County Code Chapter 110, Article 821, *Amendment of Regulatory Zone*;

Whereas the proposed Regulatory Zone Amendment shall be recommended for adoption pending adoption of the accompanying proposed Master Plan Amendment (WMPA18-0006) by the Washoe County Board of Commissioners and a finding of conformance by the Truckee Meadows Regional Planning Commission; and

Whereas, pursuant to Washoe County Code Section 110.821.15(d), in making this recommendation, the Washoe County Planning Commission finds that this proposed Regulatory Zone Amendment:

1. Consistency with Master Plan. The proposed amendment is in substantial compliance with the policies and action programs of the Master Plan;
2. Compatible Land Uses. The proposed amendment will provide for land uses compatible with (existing or planned) adjacent land uses, and will not adversely impact the public health, safety or welfare;
3. Response to Change Conditions; more desirable use. The proposed amendment responds to changed conditions or further studies that have occurred since the plan was adopted by the Board of County Commissioners, and the requested amendment represents a more desirable utilization of land;
4. Availability of Facilities. There are or are planned to be adequate transportation, recreation, utility, and other facilities to accommodate the uses and densities permitted by the proposed amendment;

5. No Adverse Effects. The proposed amendment will not adversely affect the implementation of the policies and action programs of the Washoe County Master Plan,
6. Desired Pattern of Growth. The proposed amendment will promote the desired pattern for the orderly physical growth of the County and guides development of the County based on the projected population growth with the least amount of natural resource impairment and the efficient expenditure of funds for public services; and

Now, therefore, be it resolved that the Washoe County Planning Commission does hereby recommend adoption of Regulatory Zone Amendment Case Number WRZA18-0006 and the Warm Springs Regulatory Zone Map included as Exhibit A to this resolution to the Washoe County Board of Commissioners.

ADOPTED on January 2, 2019.

WASHOE COUNTY PLANNING COMMISSION

ATTEST:

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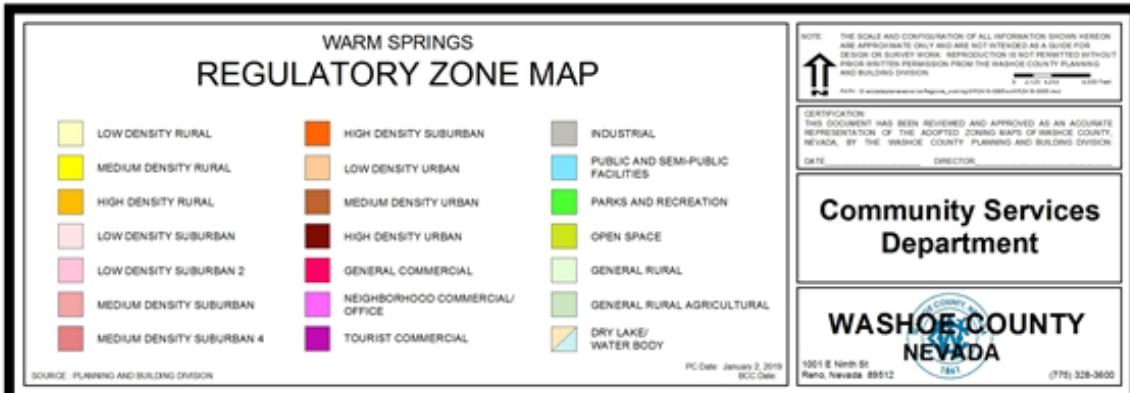
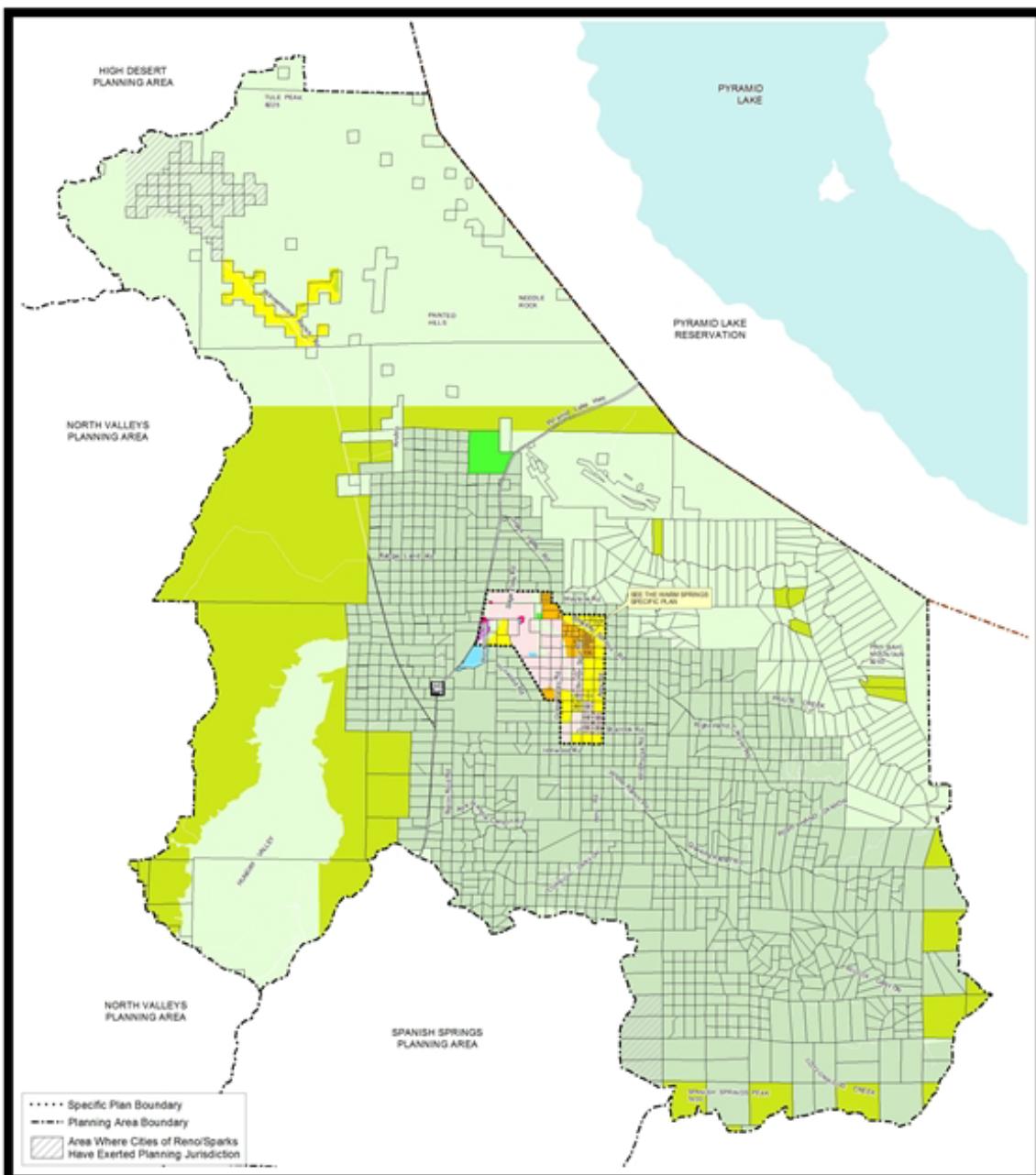
Trevor Lloyd, Secretary

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Sarah Chvilicek, Chair

Attachment: Exhibit A – Warm Springs Regulatory Zone Map

## Exhibit A, WRZA18-0006



**WMPA18-0006 & WRZA18-0006  
ATTACHMENT B**

**NDOW COMMENTS**

**From:** [Mark Freese](#)  
**To:** [Mullin, Kelly](#)  
**Subject:** RE: September Agency Review Memo  
**Attachments:** [image001.png](#)  
[image002.png](#)  
[image003.png](#)  
[image004.png](#)  
[image005.png](#)

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Kelly,

We recommend that development occurs within the current development matrix as opposed to sprawling into new, undeveloped areas outside of existing development. Basically what we mean is that there are areas within the greater Reno/Sparks area where development would be better suited to protect wildlife and their habitats. That is developing those parcels that are currently surrounded and adjacent to existing development is preferred. We recommend minimizing the impacts of urban sprawl on wildlife populations and its habitat by permitting developments in these currently developed areas as opposed to in the areas where many wildlife reside.

Please let me know you need anything else.

Thank you  
mark

---

**From:** Mullin, Kelly [mailto:[KMullin@washoecounty.us](mailto:KMullin@washoecounty.us)]  
**Sent:** Friday, October 12, 2018 5:38 PM  
**To:** Mark Freese <[markfreese@ndow.org](mailto:markfreese@ndow.org)>  
**Subject:** RE: September Agency Review Memo

Thank you, Mark. Would you mind clarifying the comment about recommending that development be permitted within the current development matrix? I'm not sure I completely understand the phrasing and don't want to misinterpret.

Have a great weekend.

Kelly



**Kelly Mullin, AICP**  
Senior Planner | Planning & Building Division | Community Services Department  
[kmullin@washoecounty.us](mailto:kmullin@washoecounty.us) | Office: 775.328.3608 | Fax: 775.328.6133  
PO Box 11130, Reno, NV 89520-0027  
1001 E. Ninth St., Reno, NV 89512

---

**From:** Mark Freese [mailto:[markfreese@ndow.org](mailto:markfreese@ndow.org)]  
**Sent:** Friday, October 12, 2018 4:19 PM  
**To:** Mullin, Kelly; Stark, Katherine; Giesinger, Chad  
**Subject:** RE: September Agency Review Memo

Kelly,

I apologize for the delay in getting you our input. This area is currently a wildlife rich area for a diversity of species as it is a mix of wild rangelands and agriculture. We estimate that there are approximately 300 antelope that use the Winnemucca Ranch/Marshal Ranch area during the summer and winters. This area is also used by resident mule deer as well as deer that migrate out of the Sierra's during the winter. Additionally, California bighorn sheep inhabit the Virginia Mountains above the Winnemucca Ranch/Marshal Ranch area. Sage-grouse occupy the Virginia and Dogskin Mountains as well as numerous other upland and migratory bird species. In addition to this area's wildlife diversity, this area provides valuable public access opportunities to wildlife recreationist.

Any development of this area will degrade the value to wildlife as habitat is lost and fragmented. Additionally, increased anthropogenic presence will result in increased fires, invasive species, human wildlife conflicts, etc. As such, we recommend that development be permitted within the current development matrix.

Thank you

Mark

**From:** [Mark Freese](#)  
**To:** [Mullin, Kelly](#)  
**Subject:** Marshal property  
**Date:** Friday, October 12, 2018 4:50:53 PM

---

Kelly, I forgot to mention that if a zoning change and development is permitted, we recommend conditioning the permit on having a wildlife mitigation plan acceptable to ndow. Thank you and let me know if you have any questions.

Mark

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# United States Department of the Interior

Pacific Southwest Region  
FISH AND WILDLIFE SERVICE

Reno Fish and Wildlife Office  
1340 Financial Boulevard, Suite 234  
Reno, Nevada 89502  
Ph: (775) 861-6300 ~ Fax: (775) 861-6301



October 16, 2018

File No. 2019-TA-0019

Kelly Mullin, Senior Planner  
Chad Giesinger, Senior Planner  
Washoe County Community Services Department  
Planning and Building Division  
1001 East Ninth Street, Building A  
Reno, Nevada 89520-3600

**Subject:** Master Plan Amendment Case Number WMPA18-0006 and Regulatory Zone  
Amendment Case Number WRZA18-0006 (Bob Marshall Ranch)

Dear Ms. Mullin and Mr. Giesinger:

The U.S. Fish and Wildlife Service received notification of the Bob Marshall Ranch Master Plan Amendment Application and request for comments on September 25, 2018. The project proposes amendments to the Washoe County Master Plan, Warm Springs Area Plan, and to the Warm Springs Regulatory Zone Map for parcels associated with the Bob Marshall Ranch off Winnemucca Ranch Road. These changes would allow for up to 217 dwelling units compared to the 27 dwelling units allowed by the current regulatory zone on the approximately 1,100-acre property.

We are concerned with potential project impacts to the Warm Springs population of the Carson wandering skipper (CWS; *Pseudocopaeodes eunus obscurus*). This is a subspecies of butterfly that has been listed as endangered under the Endangered Species Act of 1973, as amended (ESA; 16 USC 1531 *et seq.*), since August 7, 2002. There are three known existing populations of CWS: Carson River population in Carson City and Douglas Counties, Nevada; Honey Lake Valley population in Lassen County, California; and this population, located in Warm Springs Valley, Washoe County, Nevada. Two other CWS populations no longer exist due to residential and commercial development in Spanish Springs Valley, Washoe County and in Carson City.

The Warm Springs population is located approximately 3 miles to the south-southeast of the Bob Marshall Ranch project site. We recognize that based on the maps provided, the project footprint does not appear to directly impact this known population nor do we believe the project area contains habitat. However, we are interested in engagement in this project to understand

potential indirect impacts to the CWS and its habitat in the area, such as, but not limited to: (1) Potential impacts to surface and ground water from water use or changes in drainage patterns due to development, which could affect hydrology associated with CWS habitat, and (2) potential traffic increase along Winnemucca Ranch Road and any associated road infrastructure changes.

In addition, this project application discusses development of a private water system associated with the Bob Marshall Ranch that would pipe treated effluent to the Warm Springs Ranch (APN 079-210-42 and 076-200-37). These two parcels likely do provide habitat for the CWS as the known Warm Springs population is adjacent to these parcels, located on the Bureau of Land Management's Area of Critical Environmental Concern to the east, and such development may have direct or indirect impacts to the CWS.

We appreciate your concern with potential project impacts and early coordination. We would appreciate the opportunity to meet with you and discuss project details. Please contact Lara Enders at (775) 861-6300 or [lara\\_enders@fws.gov](mailto:lara_enders@fws.gov) to schedule a meeting at your convenience.

Sincerely,



Carolyn Swed  
Field Supervisor



# United States Department of the Interior

Pacific Southwest Region

## FISH AND WILDLIFE SERVICE

Reno Fish and Wildlife Office

1340 Financial Boulevard, Suite 234

Reno, Nevada 89502

Ph: (775) 861-6300 ~ Fax: (775) 861-6301



December 6, 2018

File No. 2019-TA-0019

Kelly Mullin, Senior Planner  
 Chad Giesinger, Senior Planner  
 Washoe County Community Services Department  
 Planning and Building Division  
 1001 East Ninth Street, Building A  
 Reno, Nevada 89520-3600

**Subject:** Master Plan Amendment Case Number WMPA18-0006 and Regulatory Zone  
 Amendment Case Number WRZA18-0006 (Bob Marshall Ranch)

Dear Ms. Mullin and Mr. Giesinger:

The U.S. Fish and Wildlife Service received notification of the Bob Marshall Ranch Master Plan Amendment Application and request for comments on September 25, 2018. The project proposes amendments to the Washoe County Master Plan, Warm Springs Area Plan, and to the Warm Springs Regulatory Zone Map for parcels associated with the Bob Marshall Ranch off Winnemucca Ranch Road. These changes would allow for up to 217 dwelling units compared to the 27 dwelling units allowed by the current regulatory zone on the approximately 1,100-acre property. We previously provided comments in a letter dated October 16, 2018 (File No. 2019-TA-0019).

As we mentioned in our previous letter, we are concerned with potential project impacts to the Warm Springs population of the Carson wandering skipper (CWS; *Pseudocopaeodes eunus obscurus*). This is a subspecies of butterfly that has been listed as endangered under the Endangered Species Act of 1973, as amended (ESA; 16 USC 1531 *et seq.*), since August 7, 2002 (see Enclosure 1). There are three known existing populations of CWS: Carson River population in Carson City and Douglas Counties, Nevada; Honey Lake Valley population in Lassen County, California; and this population, located in Warm Springs Valley, Washoe County, Nevada. Two other CWS populations no longer exist due to residential and commercial development in Spanish Springs Valley, Washoe County, and in Carson City.

The Warm Springs population is located approximately 3 miles to the south-southeast of the Bob Marshall Ranch project site. We recognize that based on the maps provided in the Master Plan Amendment Application, the project's residential footprint does not appear to directly impact this known population nor do we believe this portion of the project area contains habitat. However, we are interested in fully understanding potential indirect impacts to the CWS and its habitat in the area, such as, but not limited to: (1) Potential impacts to surface and ground water from water use or changes in drainage patterns due to development, including the plug and pond improvements and use of surface irrigation

rights, which could affect the hydrology as well as water quality associated with CWS habitat needs, and (2) potential traffic increase on Winnemucca Ranch Road and any associated road infrastructure changes.

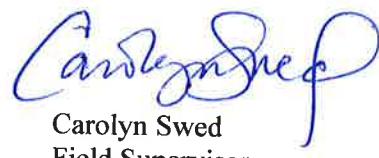
Additionally, this application discusses development of a private water system along with a package wastewater treatment facility to be located at APN 079-210-42 and APN 076-200-37 (collectively referenced as the Warm Springs Ranch and also owned by this applicant). The treated effluent would be piped from the Bob Marshall Ranch to the package facility at Warm Springs Ranch. The package facility may also be used for any future development of the Warm Springs Ranch.

These two parcels, where the package facility is proposed to be located, likely provide suitable habitat for the CWS. The known Warm Springs population of CWS occurs adjacent to these parcels, to the east on the Bureau of Land Management's (BLM) Carson wandering Skipper Area of Critical Environmental Concern (ACEC; see Enclosure 2). While the ACEC encompasses a portion of occupied habitat in this area, it does not contain the CWS's entire habitat for this population. Development of these two parcels likely will have direct and indirect impacts to the CWS.

Therefore, we request that a policy/condition be attached to this proposed project that includes the applicant entering into conversations with the U.S. Fish and Wildlife Service as they relate to the ESA. Depending on the potential direct and indirect impacts or the potential for a Federal nexus (U.S. Army Corps of Engineers, BLM) it may be appropriate to conduct a consultation (section 7) or consider pursuit of an incidental take permit (section 10) under the ESA in the future.

We appreciate your interest and early coordination. We appreciate your assistance in providing us with the opportunity to meet with the applicant to discuss project details. Please contact Lara Enders at (775) 861-6300 or [lara\\_enders@fws.gov](mailto:lara_enders@fws.gov) if you have any questions.

Sincerely,



Carolyn Swed  
Field Supervisor

Enclosures:

Enclosure 1 – Photograph of Carson wandering skipper

Enclosure 2 – Map of Bob Marshall Ranch, Warm Springs Ranch, and Carson wandering skipper ACEC

Kelly Mullin and Chad Giesinger, Senior Planners

File No. 2019-TA-0019

Enclosure 1.

Photograph of Carson wandering skipper

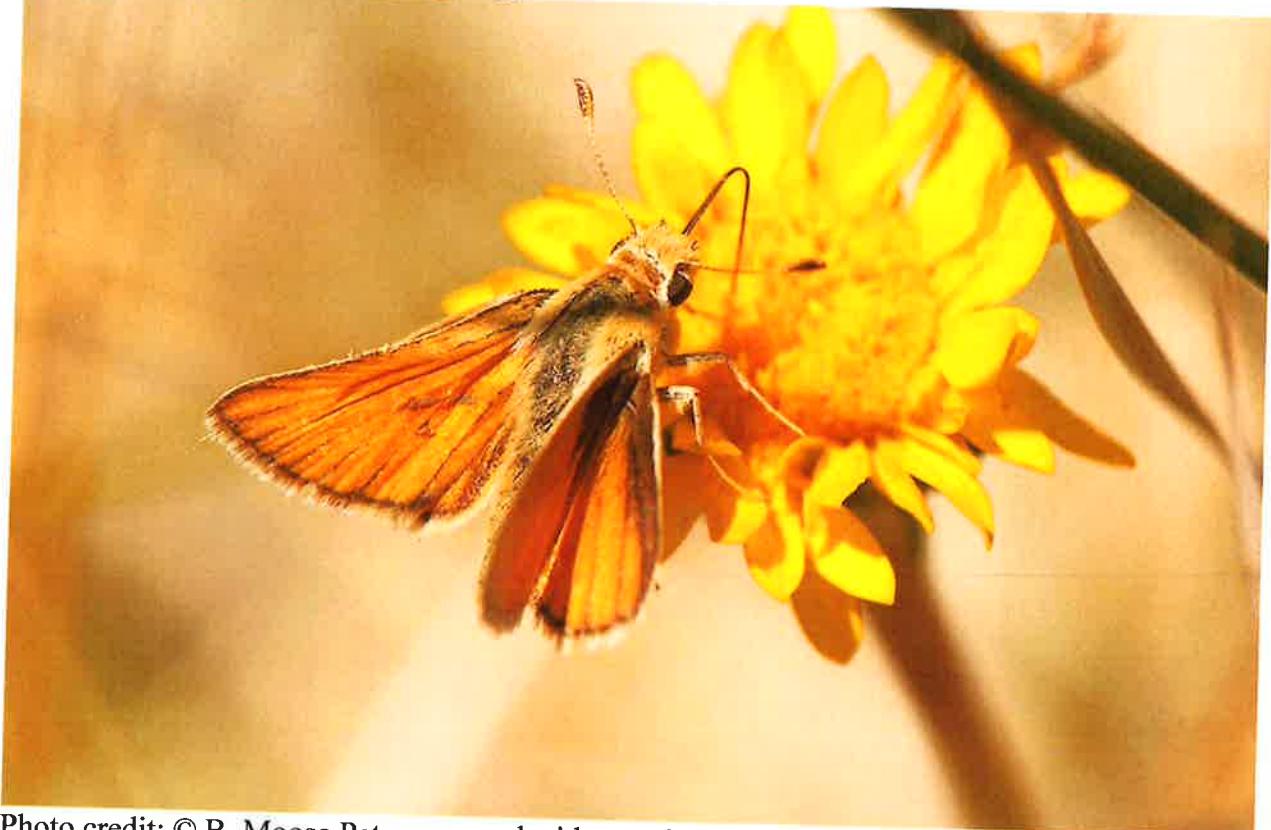
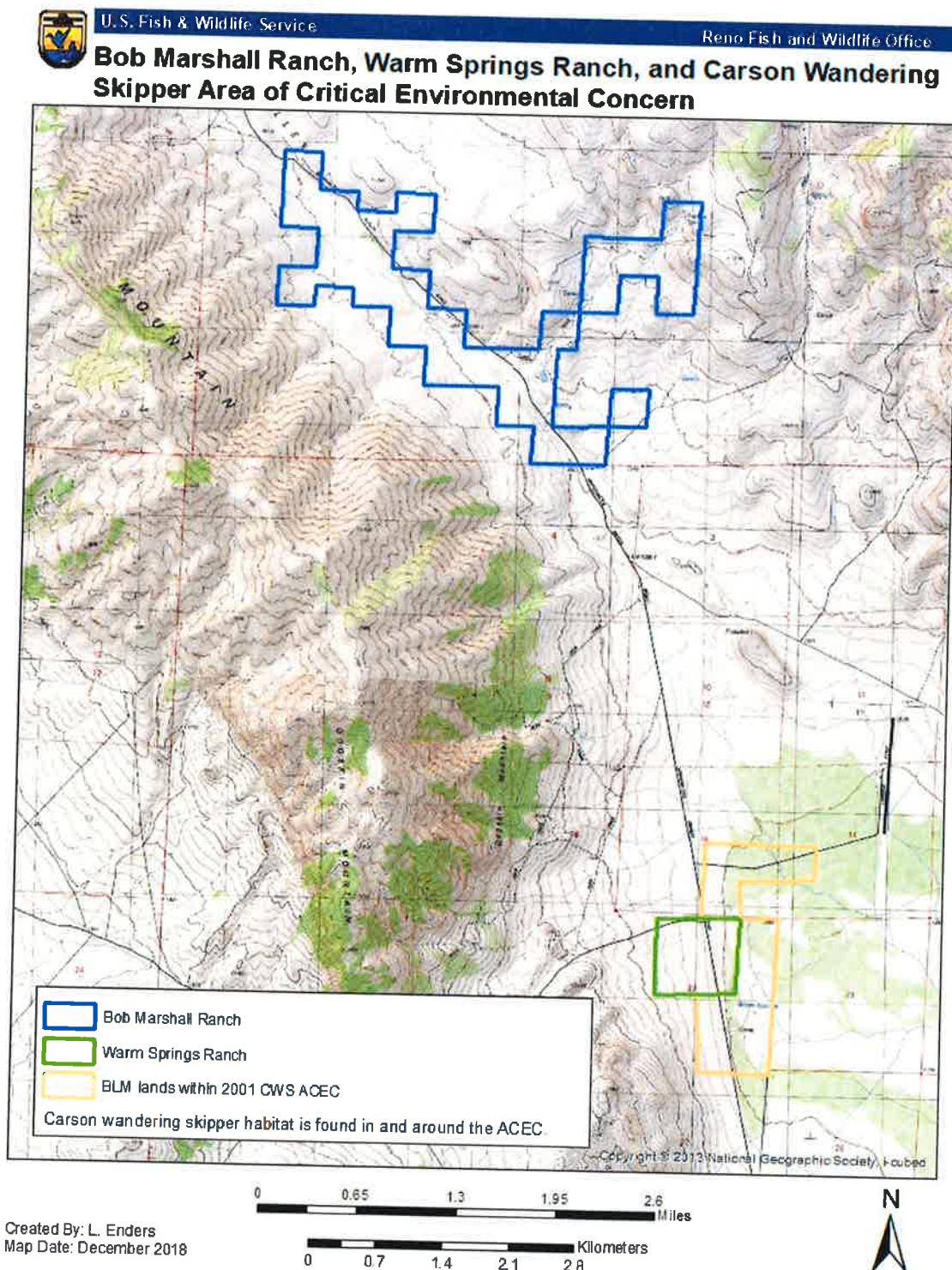


Photo credit: © B. Moose Peterson, used with permission

Kelly Mullin and Chad Giesinger, Senior Planners

File No. 2019-TA-0019

Enclosure 2.





# WASHOE COUNTY

## COMMUNITY SERVICES

### INTEGRITY COMMUNICATION SERVICE

P.O. Box 11130  
 Reno, Nevada 89520-0027  
 Phone: (775) 328-3600  
 Fax: (775) 328-3699

December 11, 2018

**TO:** Kelly Mullin, AICP, Senior Planner and Chad Giesinger, AICP, Senior Planner  
 Washoe County Community Services Department Planning and Building Division

**FROM:** Vahid Behmaram, Water Management Planner Coordinator, CSD

**SUBJECT:** Master Plan Amendment Case Number WMPA18-0006 and Regulatory Zone  
 Amendment Case Number WRZA18-0006 (Bob Marshall Ranch)

**Project description:**

- (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 ±1,088.88-acres to Rural Residential. The properties 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 the ±1,088.88-acres, this change would potentially allow for up to 187 dwelling units, compared to the 27 dwelling units allowed by the current regulatory zone.

Location: 9055 Winnemucca Ranch Rd, approximately 9 miles north of its intersection with Pyramid Highway, Assessor's Parcel Numbers: 079-220-23 (±244.16-ac.); 079-220-26 (±41.51-ac.); 079-220-37 (±803.21-ac.)

***The Community Services Department (CSD) offers the following Water Rights conditions and /or comments regard these amendments:***

- 1) The application indicates the desire of the applicant to construct private water and sanitary sewer systems as means of water supply and sanitary sewer service to proposed development which may come forth following the approval of the proposed Master Plan Amendment and Regulatory Zone Amendment.
- 2) A private water system would have to conform to Washoe County District Health regulations.



# WASHOE COUNTY

## COMMUNITY SERVICES

### INTEGRITY COMMUNICATION SERVICE

P.O. Box 11130  
Reno, Nevada 89520-0027  
Phone: (775) 328-3600  
Fax: (775) 328-3699

- 3) A private Water system would have to conform to Public Utilities Commission of Nevada (PUCN) regulations and obtain necessary certificates of operation from PUCN.
- 4) A private Water system would have to obtain all necessary water rights permits from the Nevada Division of Water Resources, State Engineer's office, to enable the water utility to issue water will serve letters to any future customers. This process involves filing of applications to change the point of diversion (POD) place of use (POU), and manner of use (MOU) of existing irrigation ground water rights to Quasi-Municipal uses.
- 5) The addendum to the application dated 12/10/2018 indicates the following water rights in support of the proposed project. This is a partial list and the applicant acknowledges that they still will have to acquire an additional 82.84 acre-feet to satisfy water rights demand for 187 residential lots.
  - a. Permit #39593 for 64.6-acre feet of groundwater rights,
  - b. Permit #49669, Certificate 11974, for 140.784 afa of groundwater rights;
  - c. Permit #49670, Certificate 11975, for 179.272 afa of groundwater rights

Total ground water rights identified to date = 384.656 acre feet.

- 6) The application fails to adequately answer the question regards funding mechanism for water service as described in the application.

The use of underground water rights in the amount of 2.5 acre-feet per dwelling is consistent with the Warm Springs area plan and water budget.

# WASHOE COUNTY HEALTH DISTRICT

ENHANCING QUALITY OF LIFE

November 8, 2018

Kelly Mullin, Senior Planner  
 Chad Giesinger, Senior Planner  
 Washoe County Community Services  
 Planning and Development Division  
 PO Box 11130  
 Reno, NV 89520-0027

RE: Bob Marshall Ranch; 079-220-23,079-220-26,079-220-37  
 Master Plan Amendment; WMPA18-0006; Regulatory Zone Amendment; WRZA18-0006

Dear Ms. Mullin and Mr. Giesinger:

The Washoe County Health District, Emergency Medical Services (EMS) Oversight Program, has reviewed the above referenced project. Based on the proposed development packet, there may be impacts regarding EMS responses to the area, particularly during peak hours. Additionally, the addition of 187 dwellings may increase the use of the healthcare system in the region.

Advanced Life Support (ALS) fire services are provided by Truckee Meadows Fire Protection District and ALS ambulance services are provided by REMSA through a Franchise agreement with the Washoe County Health District. For the parcel location, REMSA's Franchise response requirement for life-threatening calls is 31 minutes or more for 90 percent of calls. Washoe County population and franchise map response zones are evaluated annually.

The closest hospital is Northern Nevada Medical Center, which is approximately 28 miles away from the parcel, should individuals require such services. There are also several other acute care hospitals and healthcare resources available in Washoe County.

It is recommended that the address number is clearly marked on the curb and the structure(s) so the individuals can be quickly located by public safety agencies. Additionally, please ensure that all structures meet ADA requirements, as appropriate.

Please feel free to contact me if you have any questions.

Sincerely,

Christina Conti  
 EMS & PHP Program Manager  
[cconti@washoecounty.us](mailto:cconti@washoecounty.us)  
 (775) 326-6042

#### EPIDEMIOLOGY AND PUBLIC HEALTH PREPAREDNESS

1001 East Ninth Street | P.O. Box 11130 | Reno, Nevada 89520

EPHP Office: 775-326-6055 | Fax: 775-325-8130 | [washoecounty.us/health](http://washoecounty.us/health)  
 Serving Reno, Sparks and all of Washoe County, Nevada. Washoe County is an Equal Opportunity Employer

WMPA18-0006 & WRZA18-0006



Public Health

ATTACHMENT C



# **WASHOE COUNTY**

## **COMMUNITY SERVICES DEPARTMENT**

### **Engineering and Capital Projects**

1001 EAST 9<sup>TH</sup> STREET  
PO BOX 11130  
RENO, NEVADA 89520-0027  
PHONE (775) 328-3600  
FAX (775) 328.3699

Date: November 26, 2018

To: Kelly Mullin, Senior Planner  
Chad Giesinger, Planning Manager

From: Leo R. Vesely, P.E., Licensed Engineer

Re: Bob Marshall Ranch  
Master Plan Amendment WMPA18-0006; Regulatory Zone Amendment WRZA18-0006  
APN: 079-220-03, 079-220-26, & 079-220-37

#### **DRAINAGE (COUNTY CODE 110.416, 110.420, and 110.421)**

Contact Information: Leo Vesely, P.E. (775) 328-2313}

Staff has reviewed the referenced master plan and regulatory zone amendments and we see no significant CSD –Engineering (public works) service impacts.

Please note that portions of the project are within flood Zone A per FIRM panels 32031-C2450G & C2475G. Upon the submittal of a tentative map application for this property, a condition of approval will require a Letter of Map revision be prepared and submitted to FEMA for approval.

#### **TRAFFIC AND ROADWAY (COUNTY CODE 110.436)**

Contact Information: Mitch Fink (775) 328-2050

The traffic report submitted is considered preliminary, as current traffic count data was not available for the key project intersections affected. The report was based on review of the regional roadway network data that was available and the impact that the proposed project traffic would have on this roadway network. Based on this information the regional roadway network affected would operate within an acceptable Level of Service standard “D”. With the submittal of a tentative map application for this project, a more detailed traffic analysis will be required to assess the key intersections and update the traffic counts.

#### **UTILITIES (County Code 422 & Sewer Ordinance)**

Contact Information: Tim Simpson, P.E. (775) 954-4648

There are no Utility related comments



**INTEGRITY**



**EFFECTIVE  
COMMUNICATION**

[WWW.WASHOECOUNTY.US](http://WWW.WASHOECOUNTY.US)



**QUALITY  
PUBLIC SERVICE**

**WMPA18-0006 & WRZA18-0006**

**ATTACHMENT C**

**ENGINEERING  
COMMENTS - SEWER**

**From:** [Simpson, Tim](#)  
**To:** [Mullin, Kelly](#)  
**Cc:** [Smith, Dwayne E.](#); [Jones, Alan](#)  
**Subject:** Marshall Ranch Development  
**Date:** Tuesday, December 18, 2018 1:01:01 PM  
**Attachments:** [image001.png](#)  
[image002.png](#)  
[image003.png](#)  
[image004.png](#)  
[image005.png](#)

---

Kelly,

The proposed Marshall Ranch development is currently located outside the Truckee Meadows Service Area. Washoe County is currently unable to assume responsibility for facilities outside this boundary. Washoe County Utilities has reviewed the requirements of Article 422 of the Washoe County Development Code and have determined that the Marshall Ranch development may apply for a utility certificate of public convenience and necessity for water and/or wastewater with the Public Utility Commission of Nevada.



**Timothy Simpson, P.E.**

**Licensed Engineer | Community Services Department**

[tsimpson@washoecounty.us](mailto:tsimpson@washoecounty.us) | Office: (775) 954-4648 | Fax: (775) 328-3699

1001 East 9<sup>th</sup> Street, Bldg A, Reno, NV 89512



The content of this email is the confidential property of Washoe County and should not be copied, modified, retransmitted, or used for any purpose except with written authorization. If you are not the intended recipient, please delete all copies and notify us immediately.

**Truckee Meadows Fire Protection District (TMFPD)**

1. The following conditions are requirements of the Truckee Meadows Fire Protection District, which shall be responsible for determining compliance with these conditions. Unless otherwise stated, these conditions shall be met prior to the issuance of any building or grading permit or on an ongoing basis as determined by TMFPD.

**Contact Name – Don Coon, 775.326.6077, [Dcoo@tmfpd.us](mailto:Dcoo@tmfpd.us)**

- a. Fire protection of the new residential subdivision shall be as required by the current adopted International Fire Code, Wildland Urban Interface Code with associated amendments and the requirements of the appropriate NFPA standard(s) to include the installation of:
  - I. Fire Apparatus Access Roads (2), in compliance with IFC Section 503 and Appendix D-106.2. Also, WUIC Section 402 subdivision requirements shall apply.
  - II. Fire Protection Water Supply shall be provided in accordance with WUIC Section 404 within 1000' of all portions of the subdivision.



**STATE OF NEVADA  
DEPARTMENT OF TRANSPORTATION**

**NDOT COMMENTS**

District II  
 310 Galletti Way  
 Sparks, Nevada 89431  
 (775) 834-8300 FAX (775) 834-8319

October 10, 2018

BRIAN SANDOVAL  
*Governor*

RUDY MALFABON, P.E., *Director*

Washoe County- Community Services Department  
 Planning and Building Division  
 P.O. Box 11130  
 Reno, NV 89520-0027

WMPA18-0006 & WRZA18-0006  
 Bob Marshall Ranch  
 SR-445, Pyramid Way

Attention: Mr. Chad Giesinger and Ms. Kelly Mullin, AICPs, Senior Planners

Dear Mr. Giesinger and Ms. Mullin:

The Nevada Department of Transportation District II(Department), has reviewed the request to adopt an amendment to the Washoe County Master Plan, Warm Springs Area Plan to change a Master Plan Category on three parcels(079-220-23,079-220-37, and 079-220-26) totaling ±1,088.88-acres to Rural Residential as well as the request to adopt 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 the ±1,088.88-acres, this change would potentially allow for up to 217 dwelling units, compared to the 27 dwelling units allowed by the current regulatory zone.

District II comments specific to the referenced request:

1. A traffic impact study will be required to determine the impacts to State Route 445(Pyramid Way) at the intersection of Winnemucca Ranch Road. For information regarding the Departments requirements for traffic impact studies, please reference the *Terms and Conditions Relating to Right of Way Occupancy Permits* booklet available online at nevadadot.com.  
<https://www.nevadadot.com/home/showdocument?id=7086>
2. The proposed Master Plan Category/Regulatory Zone Map change from 27 dwelling units to 217 dwelling units would increase the traffic on Winnemucca Ranch Road and its intersection with Pyramid Way. The Applicant, in coordination with the County, should consider improving the intersection to meet current safety and access management standards as development continues on Winnemucca Ranch Road. The 2017 NDOT *Access Management System and Standards* is available online at nevadadot.com.  
<https://www.nevadadot.com/home/showdocument?id=11581>

Other comments specific to the future development/ permitting process:

3. An occupancy permit is required for facilities within the NDOT Right-of-Way. Please see the *Terms and Conditions Relating to Right of Way Occupancy Permits* booklet available online at nevadadot.com. Contact the Permit Office at (775) 834-8330 for more information regarding an occupancy permit.
4. The applicant is encouraged to coordinate with the Permit Office early for any required occupancy permit (access management, hydraulic design and drainage facilities, maintenance memo of understanding (MOU), roadway abandonment, intersection control evaluation, leases, etc.). NDOT's permit processing time may vary based on project complexity; however, the processing time is approximately 45 working days. This does not include any revision time needed to make necessary changes in the design.
5. Applicant is encouraged to coordinate with NDOT on the Traffic Impact Study and seek NDOT's acceptance of the study early in the development planning process. NDOT District II Permit Office will require an NDOT acceptance letter for any traffic impact study submitted with a permit application. For questions and comments, please contact Mr. O.J. Oujevolk at the NDOT District II Traffic Office, (775) 834-8304.
6. The Nevada Revised Statutes (NRS) prohibits advertising within NDOT Right-of-Way. Please refer to NRS 405.110 Unlawful advertising on or near highway or on bridge. This means any signage with the event name,
7. Signs for advertising will not be allowed within NDOT Right-of-Way. Please refer to NRS 405.110 Unlawful advertising on or near highway or on bridge. Please ensure sign base, post and sign edge is outside of NDOT Right-of-Way.
8. The state defers to municipal government for land use development decisions. Public involvement for Development related improvements within the NDOT Right-of-Way should be considered during the municipal land use development public involvement process. Significant public improvements within the NDOT Right-of-Way developed after the municipal land use development public involvement process may require additional public involvement. It is the responsibility of the permit applicant to perform such additional public involvement. We would encourage such public involvement to be part of a municipal land use development process.
9. No other comments at this time.

Thank you for the opportunity to review this development proposal. NDOT reserves the right to incorporate further changes and/or comments as the design review advances. I look forward to working with you and your team, and completing a successful project. Please feel free to contact me at (775)834-8300, if you have any further questions or comments.

Sincerely,

DocuSigned by:  
  
F9FB080A68BF478...

Tara Smaltz  
District II Traffic Engineer

cc: Michael Fuess, NDOT District Engineer  
Richard "O.J." Oujevolk, NDOT Traffic  
Kenneth Krater, Krater Consulting Group  
Jack Fisher, Winnemucca Holdings, LLC  
File

DS  


## PARKS COMMENTS

**From:** [Lowden, Joanne](#)  
**To:** [Mullin, Kelly](#); [Giesinger, Chad](#)  
**Subject:** FW: September Agency Review Memo  
**Date:** Monday, October 08, 2018 4:40:01 PM  
**Attachments:** [image001.png](#)  
[image002.png](#)  
[image003.png](#)  
[image004.png](#)  
[image005.png](#)

---

Hi Kelly and Chad,

Parks has reviewed Master Plan Amendment Case Number WMPA18-0006 and Regulatory Zone Amendment Case Number WRZA18-0006 (Bob Marshall Ranch) and has the following comments:

The parcels are surrounded by Forest Service managed lands and are located within Park District 2B, which does not currently contain any county parks. The closest county park facilities are Eagle Canyon Park and Lazy 5 Regional Park which are both in Park District 2C. The application mentions that future development plans would consider natural resources including wildlife corridors, stream/riparian areas, fuels, and cultural resources. Considerations for future development planning should also include connected open space areas, preserving existing access to surrounding Forest Service lands, and inclusion of a recreational trail system.

Thanks,

Joanne Lowden

Natural Resource Planner | Washoe County Community Services Department-Parks  
p 775.328-2039 | f 775.829.8014

Physical Address: 1001 E. 9<sup>th</sup> Street, Reno NV 89512  
P.O. Box 11130 | Reno, NV 89520

[www.washoecountyparks.com](http://www.washoecountyparks.com)

 Please consider the environment before printing this e-mail



**From:** Patrick Mohn  
**To:** Mullin, Kelly  
**Subject:** Bob Marshall Ranch WMPA18-006/WRZA18-0006  
**Date:** Tuesday, November 13, 2018 1:29:52 PM

---

Kelly,

The NDEP was asked to comment on the proposed project. Given that this project is in the early conceptual stage, it is premature for the NDEP to provide specific comments at this time. However, the NDEP reminds Washoe County that the project will have to go through the Tentative Subdivision Map review process in accordance with NAC 278, given that the proposed project will ultimately have up to 190 residential lots. Formal recommendations will be made by the NDEP in accordance with subdivision review under NAC 278.

Pat Mohn



Patrick A. Mohn, M.Sc., P.E.  
UIC Compliance Coordinator  
Bureau of Water Pollution Control (BWPC)  
Nevada Division of Environmental Protection  
901 South Stewart Street, Suite 4001  
Carson City, NV 89701  
p: 775.687.9419 fax: 775.687.4684  
pmohn@ndep.nv.gov

**From:** [Duncan, Amanda](#)  
**To:** [Mullin, Kelly](#); [Giesinger, Chad](#)  
**Cc:** [Enloe, John](#)  
**Subject:** November Agency Review Memo (WRZA18-0006) Bob Marshall Ranch  
**Date:** Monday, November 26, 2018 4:02:39 PM

---

Chad & Kelly,

TMWA has the following conditions for this Application:

1. Please ensure that applicant designs any Water System facilities according to Washoe County Ordinance 1568 and that Water Delivery Facilities are designed per the standards within Section 110.422.25.
2. Please ensure that applicant adheres to Section 110.422.20 as amended by Washoe County Ordinance 1568 with regards to Authority to Utilize Dedicated Water Rights and Applicant's Responsibilities.

Thank you!

**Amanda Duncan, ARWP**  
Land Agent  
Truckee Meadows Water Authority  
1355 Capital Blvd. I Reno, NV 89502  
O: (775) 834-8035, M: (775) 815-7195  
[aduncan@tmwa.com](mailto:aduncan@tmwa.com) | [www.tmwa.com](http://www.tmwa.com)



\*\*\*Our vision is to enhance the quality of life in the Truckee Meadows by delivering exceptional, customer-focused water services.\*\*\*

**WASHOE COUNTY  
HEALTH DISTRICT**  
ENHANCING QUALITY OF LIFE

**HEALTH DISTRICT  
COMMENTS**

November 28, 2018

Kelly Mullin, Planner  
Washoe County Community Services  
Planning and Development Division  
PO Box 11130  
Reno, NV 89520-0027

RE: Bob Marshall Ranch; APN 079-220-23  
Master Plan Amendment & Regulatory Zone Amendment; WMPA18-0006 & WRZA18-0006

Dear Ms. Mullin:

The following conditions are requirements of the Washoe County Health District, Environmental Health Division, which shall be responsible for determining compliance with these conditions.

**Contact Name – Wesley Rubio, 775.328.2434, wrubio@washoecounty.us**

- a. WCHD has no objections to the approval of the master plan amendment and the regulatory zone amendments as proposed.

If you have any questions or would like clarification regarding the foregoing, please contact Wes Rubio, Senior Environmental Health Specialist at [wrubio@washoecounty.us](mailto:wrubio@washoecounty.us) regarding all Health District comments.

Sincerely,



James English, REHS, CP-FS  
EHS Supervisor  
Waste Management/Land Development Programs

JE:wr

**ENVIRONMENTAL HEALTH SERVICES**

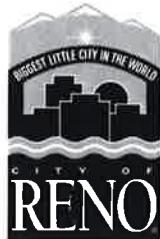
1001 East Ninth Street | P.O. Box 11130 | Reno, Nevada 89520  
775-328-2434 | Fax: 775-328-6176 | [washoecounty.us/health](http://washoecounty.us/health)

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**WMPA18-0006 & WRZA18-0006**



**ATTACHMENT C**



## Community Development Department

### MEMORANDUM

**Date:** October 1, 2018  
**To:** Trevor Lloyd, Planning Manager, Washoe County  
**From:** Nathan Gilbert, AICP, Associate Planner *NG*  
**Subject:** WMPA18-0006 and WRZA18-0006 (Bob Marshall Ranch)

---

City of Reno staff has reviewed the applications referenced above and has no comments at this time.

We appreciate the opportunity to comment on these applications. If you have any questions or wish to discuss further, please call me at 334-2698 or email at [gilbertn@reno.gov](mailto:gilbertn@reno.gov).



## REGIONAL TRANSPORTATION COMMISSION

*Metropolitan Planning • Public Transportation & Operations • Engineering & Construction*

Metropolitan Planning Organization of Washoe County, Nevada

RTC COMMENTS

September 27, 2018

FR: Chrono/PL 183-18

Mr. Roger Pelham, Senior Planner  
Mr. Chris Bronczyk, Planner  
Community Services Department  
Washoe County  
PO Box 11130  
Reno, NV 89520

**RE: WMPA18-0007 (Upland Estates) and WRZA18-0007 (Upland Estates)  
WMPA18-0006 and WRZA18-0006 (Bob Marshall Ranch)**

Dear Mr. Pelham and Mr. Bronczyk,

We have reviewed the above applications and have no comments at this time.

Thank you for the opportunity to comment on this applicant. Please feel free to contact me at 775-332-0174 or email me at [rkapuler@rtcwashoe.com](mailto:rkapuler@rtcwashoe.com) if, you have any questions or comments.

Sincerely,

Rebecca Kapuler  
Planner

RK/jm

Copies: Mojra Hauenstein, Washoe County Community Services  
Trevor Lloyd, Washoe County Community Services  
Kelly Mullin, Washoe County Community Services  
OJ Oujevolk, Nevada Department of Transportation District II  
Daniel Doenges, Regional Transportation Commission  
Tina Wu, Regional Transportation Commission  
Mark Maloney, Regional Transportation Commission  
Julie Masterpool, Regional Transportation Commission  
David Jickling, Regional Transportation Commission

/Washoe County no comment 09027018

**SCHOOL DISTRICT  
COMMENTS**

**From:** [Rodela, Brett A](#)  
**To:** [Mullin, Kelly](#)  
**Cc:** [Boster, Mike](#)  
**Subject:** WMPA18-0006/WRZA18-0006 Bob Marshall Ranch  
**Date:** Monday, October 08, 2018 3:43:25 PM

---

Hi, Kelly,

Regarding the zoning change for Bob Marshall Ranch, the Washoe County School District will be prepared to provided student generation factors upon tentative map phase. Please inform of any further needed items.

***Brett A. Rodela***

**GIS Analyst**

Washoe County School District

Office: (775) 325-8303 | Cell: (775) 250-7762



**SHERIFF COMMENTS**

**From:** [O'Connor, Tim](#)  
**To:** [Mullin, Kelly](#); [Giesinger, Chad](#)  
**Subject:** Master Plan Amendment Case Number WMPA18-0006 and Regulatory Zone Amendment Case Number WRZA18-0006 (Bob Marshall Ranch)  
**Date:** Tuesday, September 25, 2018 7:57:54 AM

---

With regard to the Master Plan Amendment Case Number WMPA18-0006 and Regulatory Zone Amendment Case Number WRZA18-0006 (Bob Marshall Ranch), the Washoe County Sheriff's Office Patrol Division has no issues or concerns with the project.

Captain Tim O'Connor  
Washoe County Sheriff's Office  
Patrol Division  
775-328-3354  
PRIDE - Professionalism, Respect, Integrity, Dedication, Equality

BRIAN SANDOVAL  
*Governor*

**STATE OF NEVADA**



BRADLEY CROWELL  
*Director*

JASON KING, P.E.  
*State Engineer*

**STATE WATER  
COMMENTS**

**DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES  
DIVISION OF WATER RESOURCES**

**901 South Stewart Street, Suite 2002  
Carson City, Nevada 89701-5250  
(775) 684-2800 • Fax (775) 684-2811  
<http://water.nv.gov>**

October 1, 2018

**To:** Kelly Mullin  
Washoe County Planning and Building Division  
1001 East 9<sup>th</sup> Street  
Reno, NV 89520-0027

**Re:** DWR Tracking No. 20894-T  
Washoe County Application Review Number WMPA 18-006 & WRZA 18-0006

**Name:** **Bob Marshall Ranch**

**County:** Washoe County – Pyramid Way and Eagle Canyon Drive

**Location:** A portion of Townships 24 North, Range 20 & 21, East, MDB&M.

**Plat:** Tentative: Three lots totaling approximately 1,088.88 acres and being Washoe County Assessor's Parcel Numbers 079-220-23, 079-220-26, and 079-220-37.

**Water Service Commitment**

**Allocation:** Applicant states that 752.80 acre-feet annually from Permits V02737, V02738, V02739, and Permit 39593, Certificate 16807 are appurtenant to these lands.

**Owner-Developer:** Winnemucca Holdings, LLC  
Jack Fisher, President  
750 Hammond Drive, Building 17  
Atlanta, GA 30328

**Engineer:** Ken Krater  
901 Dartmouth Drive  
Reno, NV 89509

**Water**

**Supply:** Surface and underground water right permits.

**General:**

An application was presented and approved by this office on October 1, 2018 as described on the **Bob Marshall Ranch Master Plan Amendment and Rezone Application.**

**Action:**

No comment concerning water quantity as required by statute for **Bob Marshall Ranch** subdivision based on water service by the applicant.

Best regards,

*Steve Shell*

Steve Shell  
Water Resource Specialist II



## Washoe County Citizen Advisory Boards CAB Member Worksheet

Citizen Advisory Board: Warm Springs Rural \_\_\_\_\_

Meeting Date (if applicable): November 14, 2018 \_\_\_\_\_

Topic or Project Name (include Case No. if applicable): Master Plan Amendment Case

Number WMPA18-0006 and Regulatory Zone Amendment Case Number WRZA18-0006

(Bob Marshall Ranch). \_\_\_\_\_

---

Washoe County Planner Kelly Mullin and Chad  
Giesinger \_\_\_\_\_

Please check the appropriate box:

My comments  were (or)  were not discussed during the meeting.

**Identified issues and concerns:**

1. Short notice for CAB worksheet/submission due before community meeting to be held. \_\_\_\_\_

2. County Road to project is seasonal / no alternative emergency evacuation route/Pyramid Highway has two lanes and no separate passing lanes/crossing dotted line only. \_\_\_\_\_

3. Wildland fire safety in remote area with cluster design/over 30 minute TMFPD response time. \_\_\_\_\_

4. Inadequate Sheriff office coverage in case of emergency 911 calls. \_\_\_\_\_

5. No nearby services for Waste Management or WCSD buses.Rural private mail contractor for area. \_\_\_\_\_

6. Community sewer suggested for future development raising concern for effluent runoff for two hundred homes/ or if on 5 acres with septic possible pollution of the Warm Springs Aquifer. Not in TMWA.Small package treatment plant not yet approved by engineering department for public safety. \_\_\_\_\_

7. Serial parcel maps created in future by neighboring land owners also desiring to split 40 acre plus parcels GRA zoning to Rural Residential Zoning. \_\_\_\_\_

Suggested alternatives and/or recommendations:

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See attached documentation and photos for suggested alternatives.

Recommendation is to deny the project at this time with Revision of Truckee Meadows Regional maps planned for the Spring and possible revision of the Warm Springs Area Plan in the Spring.

---

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---

Name Maeve Susan Ambrose  
10/7/18 \_\_\_\_\_

(Please Print)

Date:

10/8/18

Signature: \_\_\_\_\_

This worksheet may be used as a tool to help you take notes during the public testimony and discussion on this topic/project. Your comments during the meeting will become part of the public record through the minutes and the CAB action memorandum. Your comments, and comments from other CAB members, will and shall not collectively constitute a position of the CAB as a whole.  
**\*\*Due to Nevada Open Meeting Law considerations, please do not communicate with your fellow CAB members on items outside of the agendized discussions held at your regular CAB meetings.\*\***

If you would like this worksheet forwarded to your Commissioner, please include his/her name.

Commissioner's Name: Jeanne Herman\_\_\_\_\_

Use additional pages, if necessary.

Please mail, fax or email completed worksheets to: Washoe County Manager's Office  
Attention: CAB Program Coordinator  
Post Office Box 11130, Reno, NV 89520-0027  
Fax: 775.328.2491  
Email: [cab@washoecounty.us](mailto:cab@washoecounty.us)

Suggested alternatives for the 7 concerns listed on page one:

1. Allow more time for Community education by having developer and County staff attend the special November CAB meeting to answer questions raised by citizens, registered voters, residents, property owners, who will be impacted by the proposed development to Pyramid Highway, to area schools, sheriff and fire services, water table, etc.
2. On October 5, 2018 Sharon Korn another resident of Warm Springs (Palomino Valley) and a member of the Warm Springs Community Task Force took a drive with me to the proposed project location. The drive from Pyramid Highway on Winnemucca Ranch Road was 9.4 miles to start of proposed parcels, 10.7 miles to the Old Winnemucca Ranch house, which we then travelled through to the end of the County road 15.7 miles from Pyramid Highway. I have included photos of the Washoe County road maintenance signs along the way. As you enter from Pyramid Highway there is a Washoe County paved road to the cut-off to the BLM ORV recreation area site to the South. This area is a popular year round recreational area for camping, ATV's, jeeps, dirt bikes and other modified vehicles. There is consequently heavy traffic on the paved stretch of two lane roadway with camping trailers/car haulers/people etc. on weekends and when special events are being held at the Moon Rocks. At the cut-off to Moon Rocks the Winnemucca Ranch Road becomes a seasonally maintained County gravel road. At the Moon Rocks cut-off I have included a photo of a sign placed by Washoe County on the gravel road segment which states Travel at your own risk--- not maintained October 1 to April 1. This is the road into the developer proposed parcels. Washoe County would have to assume maintenance and repair of this stretch year round so the 210 homes would have year round access as well as snow removal in the Winter. The gravel road continued to just beyond the old Winnemucca Ranch house at which point it went to a single lane dirt road where the County had signs as you see in the photos rough road, single lane road to the end of the County road 4 1/2 miles past the ranch house and project location. At that site the road narrows to 4 wheel access jeep trail dirt road. The developer should be responsible for improving the road to County standards to support vehicle traffic for 200 plus homes with two vehicles per home to the project as well as building a new road to County standards and then dedicate to the County for maintenance, repair, and replacement a secondary road for emergency access in the event of a wild land fire which could handle over 200 vehicles in the event Winnemucca Ranch road was cut-off due to fire to East of the project. The County additional cost to tax payers should be considered.
3. This area lies within a "high risk" fire rating area and has a history of multiple fires over the last several years resulting in loss of homes, structures, and property. The Warm Springs area encompasses approximately 291 square miles. The proposed Marshall Ranch parcels were burned in the 2016 Tule fire. The Tule fire was part of the Virginia Mountains Complex of five fires which all started due to multiple lightning strikes in August of 2016. The final acreage for the five fires was 62,020 acres. The Tule Mtn. Fire burned 27,379 acres and was the largest of the five fires. One of the five fires was in Rancho Haven near 395 and one was in Red Rock, both areas listed by proposed developer as ways out of the back of the Winnemucca Ranch Valley. At this time there were only a few ranches in the area not a subdivision of 200 plus homes. The roads ends as you see in the pictures I added three miles past the subject area and becomes single lane dirt road which could not allow multiple vehicles to evacuate quickly or safely. The following year on the Fourth of July was the Winnemucca Ranch Road fire as it began due to resident accidental starting at Pyramid Highway and Winnemucca Ranch road intersection. Both roads were closed for a time at this intersection. This fire due to Westerly winds at the time, blew over the top of the hills into the East side of Palomino Valley along Ironwood road. The following day on July 5, 2018 a back fire started by firefighters off of Amy Road, created a firestorm that completely burned to the ground the home of Ken McGuire and his son's mobile home in which he lived on their property. The McGuires were quoted in the RGJ and local TV news stations as saying "That fire was like a river of water coming down, it moved that fast. They gave us about two minutes to get out basically with just their clothes on their back." Page 1

"A neighbor per Sue McGuire had to shelter in place on Amy road and went into her basement with four fire extinguishers and her dogs, praying for her life, when the firestorm passed over her property. This fire had 300 fire personnel, 55 engines, and hand crews and involved over 3,500 acres. Power outage effected 537 Nv. Energy customers due to burned electric poles. This year in 2018 were two fires on the East side of Pyramid Highway, the Perry fire, arsonist caused, and the Pioche fire accidentally started by a resident welding. The Perry fire had three residences lost and totaled over 50,000 acres and called for multiple evacuations. No structures were lost during the Pioche fire as a neighbor had a high pressure water tank with enlarged water hose attached they hauled to the fire and hosed down the property waiting for the thirty minutes for TMFPD to arrive. TMFPD prepared a risk and hazard assessment as part of the Living With Fire Charter formed in the area by the Volunteer fire department in Palomino Valley in 2016. This report included section 19.1.1 Community design. It stated the wildland-urban interface area in Palomino Valley is characterized as an intermix condition. There is no clear line of demarcation between wildland fuels and the residential structures in the community. Most of the residences are located on lots greater than 10 acres in size. Under access: State route 445 , the Pyramid Highway, is the primary transportation route of the community and is two laned. Several secondary roads such as Winnemucca Ranch road and Rangeland road on the West side of Pyramid Highway provide one way in and one way out access to portions of the community. Secondary roads are steep and narrow with dead ends in the South portion of the community. The winds in our Warm Springs area have the afternoon Zephyrs and can blow from the West/North/or the East. In 1985 a lightning strike on Winnemucca Ranch road side of highway jumped Pyramid Highway at Winnemucca Ranch road and burned over the top of the hill into the East side of the highway along Ironwood road. This fire caused by a lightning strike was over 26,000 acres in size. No homes were lost in this fire as there were fewer residents at the time allowing house protection efforts to be successful by fire personnel. Of concern as housing density increases in this fire prone area , the over forty minute estimated response time for station 17 in Spanish Springs to reach the proposed development area, an understaffed volunteer fire dept. , currently only two volunteers, and the BLM seasonal fire station on Whiskey Springs road able to fight fires on public lands and structure line protection but are untrained to fight structure fires if the home is on fire. The cluster housing concept proposed by the Marshall Ranch developer could cause potential loss of life as well as homes lost as a pod complex subdivision could allow fire spread from roof top to roof top more quickly in a wild land fire. Consider at this time there are no emergency access roads which could accommodate two hundred residents attempting to evacuate on a single lane road if the East end of Winnemucca Ranch road was cut-off. The single lane back up of cars would result in a fast moving fire storm engulfing many individuals either trapping them in their homes or in their cars similar to what we have seen this past year with homes and lives lost in California fires. Alternative/ do not allow clustering as they have been doing in the Murphy/Capurro developments in the Warm Springs Special Area Plan area on 5 acre lots/ maintain 10 acre minimum low density rural type lots as in Spanish Springs North of Alamosa road, which have not used the clustering concept, which would allow time during a fire for fire vehicles to move from home to home rather than having four houses facing each other in close proximity. A secondary evacuation road should be put in by developer to County standards and given to Washoe County for maintenance, as is imperative for public safety in this remote area. The volunteer fire station on Little Ironwood road could become a TMFPD auxiliary station manned year round by TMFPD employees if this project is to be approved. The County additional cost for additional fire personnel needed, should be considered.

4. Currently on any given day or night 6-9 deputies are responsible for the 6542 square miles of Washoe County. The population of Washoe County has drastically increased and continues to increase without adequate increases by Washoe County in public safety personnel. There were 379 deputies positions funded in 2010 which includes the regional jail on Parr blvd. The number of deputies currently funded in 2018 is 346. During the recession of 2010 30 deputy positions ~~were frozen or eliminated~~.

Page 2

The Washoe County sheriff department and TMFPD need additional manpower to properly address our growing community's need for all of the subdivisions currently approved by Washoe County, and under consideration for approval by Washoe County. Public safety should be paramount in the consideration of subdivision approvals. Recommend substations be placed in the areas outside of 30 minute response times for fire /sheriff/REMSA. Continue to approve staffing requests by WCSO and TMFPD. The safety of the officers in the remote areas of Washoe County is also a concern.

5. This proposed housing development will impact Alyce Taylor elementary school. Spanish Springs Elementary School is currently on a year round multi track schedule due to overcrowding. This school provides service to students in Palomino Valley living on the East side of Pyramid Highway. Alyce Taylor currently has 650 students so the proposed Marshall development will most likely cause Alyce Taylor Elementary to have to go into a year round multi -track schedule. The WCSD bus dispatcher for this area told me the current pick-up and drop off location for students is at Rangeland road and Winnemucca Ranch road where the pavement ends. The dispatcher said unless the paved road section was continued to the proposed Marshall development, and maintained by the County year round, WCSD would not send buses back to subject parcels. The dispatcher added that the High School and Middle school students are on the bus for an hour and 15 minutes to school each way and the elementary students for an hour each way. The dispatcher added if the Marshall project was approved for 200 homes the WCSD would have to re-route buses as currently all buses are full to the West side of Pyramid Highway. Waste management service on the East side of Pyramid Highway, further back on Wilcox Ranch and Quaking Aspen roads , wet or snowy weather have caused their trucks to get stuck and required pulling the trucks out by tow trucks. They have since established single locations for residents to have their trash cans permanently located. Residents on trash day drive their plastic trash bags out to their Waste Management trash bins. I anticipate this will be same for Marshall development due to road conditions. Our area is serviced for USPS mail by a private contractor. The service has been sub par and contractor has had multiple complaints filed for missing mail and missing pkgs. In addition folks with private mailboxes have had multiple complaints of mail theft. If Washoe County wishes to approve this subdivision of over 200 homes they must insure the residents of safe mail pick-up and delivery/ garbage services to their area/ and WCSD school bus pick-up and drop off to their area.

6. The applicant references in supplemental information number 9 D. if and when a development is proposed, a private water system would be planned along with a package waste water treatment facility to allow clustering of lots as small as 2 1/2 acres and allow preservation of desirable open space and minimize required infrastructure. Washoe County has been involved in lengthy litigation with developers and residents in the Warm Springs Specific Plan area which the original developers proposed a similar community system for roads,sewer, and water for lots on 2 1/2 acres, 5 acres, and 10 acres. The infrastructure mentioned never materialized and Washoe County was left having to pay all the SPA residents a refund. This developer is looking forward to the far off future when the Spring Mountain proposal of a city to the North of Marshall properties is proposed with 25,000 residents, and commercial developments. At the current time this developer is answering the County question will future development be fiscally positive and they answer yes as minimal infrastructure will be required. How is that possible if County roads have to be improved, expanded for maintenance, repair, and replacement, additional fire, sheriff, school, waste management, mail services are required etc. How will this be funded?

7. Plus this area with 40 acres up to over 600 acres that has agricultural ranches raising livestock , could at any given time if the zoning change is made to rural residential from rural agricultural have neighboring parcel owners seek to change their zoning through serial parcelling to rural residential. Washoe County in the past has not allowed the 40 acre minimums outside of the SPA to subdivide due to the concern over the over allocation of water rights to the Valley and the lowering water table on the East side of the Warm Springs basin. Does this developer have sufficient water rights for dedication? The County continues to stay status Quo on water level estimations in the Warm Springs basin. The potential for multiple properties on individual wells and septic tanks to become reality is concerning.

So in conclusion for alternative suggestions: The County is currently understaffed to handle all the waiting development projects, and upcoming area plan reviews. Putting attention on building projects already approved, projects close to new commercial development approved with large hiring numbers for new employees, projects close to RTC improvement projects, close to new schools being built,makes more sense than considering projects as this time in areas lacking of infrastructure,fed by a two lane Pyramid Highway(not on NDOT ten year plan for widening) and without passing lanes other than divided highway for a short stretch, and no shoulders for emergency pull off. Students should be accessing new elementary schools built by WCSD. Which there are none for this school zoned area and only adds to preexisting crowding of current elementary schools. There currently is over 35 minute response times for REMSA, WCSO, and TMFPD, and the sheriff and Fire personnel are underfunded by Washoe County.

The single commercial development in this area is the Ironwood Equestrian Events Center. To get gas, groceries, Walmart, Home Depot, pharmacy etc. Is a 30 minute drive for most residents in Palomino Valley but add an additional drive time of 25 minutes for the Marshall project. The applicants themselves in their application to the City of Reno to be removed from Reno's SOI stated that their property in question was thirty miles from the I80/I580 Spaghetti Bowl, rural in nature, and has no reasonable access to public utilities and services.

Page 4

Susan Ambrose WSRC alternate member





end of Pavement by Moon Rocker - Start of Cuty  
gravel rd. to project



Subject parcel area after tile fire

*End of ranch where gravel road ends*



End of ranch properties where gravel road  
ends





4 miles past end of Marshall property

**From:** [Stark, Katherine](#)  
**To:** ["Michael Evans"](#); [Herman, Jeanne](#); [CAB](#)  
**Cc:** [Mullin, Kelly](#); [Giesinger, Chad](#)  
**Subject:** RE: Master Plan Amendment Case Number WMPA18-0006 & Regulatory Zone Amendment Case Number WRZA18-0006 (Bob Marshall Ranch)  
**Date:** Thursday, October 04, 2018 7:41:14 AM  
**Attachments:** [image001.png](#)  
[image002.png](#)  
[image003.png](#)  
[image004.png](#)  
[image005.png](#)

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Good morning Mr. Evans,

Thank you for sharing your response to the proposed project. I am copying the Planners for this case in this email.

Kind Regards,



**Katy Stark**

**Office Support Specialist, Planning and Building Division | Community Services**

**Department**

[krstark@washoecounty.us](mailto:krstark@washoecounty.us) | Office: 775.328.3618 | Fax: 775.328.6133

PO Box 11130, Reno, NV 89520-0027

1001 East Ninth Street, Bldg. A, Reno, NV 89512



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**From:** Michael Evans [mailto:[msevanselk@gmail.com](mailto:msevanselk@gmail.com)]

**Sent:** Thursday, October 04, 2018 2:39 AM

**To:** Stark, Katherine; Herman, Jeanne; CAB

**Subject:** Master Plan Amendment Case Number WMPA18-0006 & Regulatory Zone Amendment Case Number WRZA18-0006 (Bob Marshall Ranch)

Ms. Stark, Ms. Herman and CAB Program Coordinator:

My name is Michael S. Evans. My wife and I are property owners residing at 3205 Wilcox Ranch Road in Palomino Valley.

The purpose of this communication is to voice our opposition to the proposed changes being considered in Master Plan Amendment Case Number WMPA18-0006 & Regulatory Zone Amendment Case Number WRZA18-0006 (Bob Marshall Ranch). The proposed changes are ill advised.

Our opposition is based upon the inadequacy of infrastructure to support an additional 217 residences on Winnemucca Ranch Road. I will remain opposed unless and until the concerns that follow are adequately addressed and mitigated.

1. Traffic: Pyramid Highway is incapable of safely supporting the additional increase in vehicular traffic and Winnemucca Ranch Road is even less able to support the increased traffic flow, as are potential alternative routes via Rangeland and Grass Valley Roads. During daily commute hours and at other times, such as during weekends with the traffic going to Pyramid Lake and during the "Burning Man" event, it is hazardous to operate a vehicle on Pyramid Highway. The idea that a few more stop lights will address the problem is short sighted. Rather what is required is construction of an additional northbound and southbound lane, at least past Grass Valley Road to facilitate traffic flow.
2. Water: The drawdown of the water table that will result with the construction of an additional 217 homes is unacceptable. The aquifers in the valley are proving inadequate for the existing residences, with many homeowners on

the valley floor are already experiencing diminished water flow. To add an additional drain on existing resources, which are exacerbated during frequent dry years, is not prudent.

3. Sewage: While not impossible, placing 217 septic systems in the proposed development area is untenable. The most acceptable means to deal with waste affluent would be the construction of sewer lines and a sewage treatment facility.
4. Schools: The schools the residents send their children to are already at capacity. To add an additional large number of students would overload the system. The alternative of bussing the students to schools in the greater Reno/Sparks area places an unreasonable burden on current residents and their children, as well as new residents. This is over and above the issues of safety imposed by the inadequacy of current road system.
5. Police and Fire Services: Law enforcement presence and response is already virtually non-existent. If there is not an active felony in progress, residents cannot expect a response. To increase the valley population to the degree the development would entail without additional law enforcement resources is foolhardy at best. As relates to fire services, the several fires in the valley over the past two years point out the small TMFPD, staffed primarily with a volunteer force, is incapable of covering the large geographic area without externally augmented manpower and material resources.

While not related directly to infrastructure concerns, the quality of life issue must be a consideration. The vast majority of current residents, a significant number of whom are not ranchers, moved to this area to enjoy the relative peace and quiet of the unencumbered rural, pastoral environment. They cope with poor roads during inclement weather; willingly spend the time and fuel to drive 60 or more miles round trip to access products and services; have invested considerable fiscal resources in order to provide for infrastructure that is unavailable; accept the reduced fire, police and road services; and, contribute to a community of neighbors always ready, willing and prepared to assist each other in times of need, a rarity in most urban environments.

While we understand population growth necessitates expansion into outlying areas, such expansion should be reasonable and responsible and should be as minimally disruptive on the area as possible. The proposed change to the master plan and development are not, in my view, reasonable, responsible, or minimally disruptive. Rather, the increase from 27 homes to 217 seems oriented primarily to increasing the wealth of the developer(s) and associated parties and providing the county with increased tax revenues, at the deterioration of the welfare, safety and quality of life of the current residents.

We humbly request these issues be dutifully considered before a final determination is made; and, that determination be to leave the master plan unchanged.

Respectfully yours,

Michael and Teri Evans

**From:** Gunn, Robert  
**Sent:** Thursday, October 04, 2018 11:01 AM  
**To:** Stark, Katherine  
**Cc:** jeannesland@gmail.com  
**Subject:** Bob Marshall Rance

## Washoe County Citizen Advisory Boards

# CAB Member Worksheet

**Citizen Advisory Board:**

**Meeting Date** (if applicable):

**Topic or Project Name** (include Case No. if applicable): **Bob Marshall Ranch WMPA 18-0006**

**Washoe County Planner**

---

**Please check the appropriate box:**

My comments  were (or)  were not discussed during the meeting.

**Identified issues and concerns:** 1. Water and sewer. Water requirements should not affect future domestic use of all other residences in Palomino Valley. The State of Nevada has already twice proposed to reduce domestic well use which is unacceptable.

2. Traffic. This project should not be approved until first improving road conditions both on Winnemucca Ranch Rd. and Pyramid Hwy. There are already 58 new homes approved and in various stages of completion near Whiskey Springs Road. These plus the proposed project will add 300 plus cars to Pyramid Hwy. each morning, plus inevitable new projects will add. Pyramid Hwy is no-passing for most of its length from Whiskey Springs to Spanish Springs, except for about one mile. Driver frustrations will cause fatalities. The highway must be improved immediately.

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3. Schools: How will an additional 300-500 school children be handled

4. The Mexican Rodeo Permit must be revoked. Animal cruelty for the sake of public entertainment is both Barbarian and unacceptable.

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**Suggested alternatives and/or recommendations:**

It is imperative that Pyramid Highway be improved prior to any additional housing developments be approved. We cannot wait until a crisis is created.

---

Name Robert F. Gunn CAB Chair Date: Oct. 4, 2018

**(Please Print)**

**Signature:**

This worksheet may be used as a tool to help you take notes during the public testimony and discussion on this topic/project. Your comments during the meeting will become part of the public record through the minutes and the CAB action memorandum. Your comments, and comments from other CAB members, will and shall not collectively constitute a position of the CAB as a whole. **\*\*Due to Nevada Open Meeting Law considerations, please do not communicate with your fellow CAB members on items outside of the agendized discussions held at your regular CAB meetings.\*\***

If you would like this worksheet forwarded to your Commissioner, please include his/her name.

Commissioner's Name: Jeanne Herman

Use additional pages, if necessary.

Please mail, fax or email completed worksheets to: Washoe County Manager's Office

Attention: CAB Program Coordinator

Post Office Box 11130, Reno, NV 89520-0027

Fax: 775.328.2491

Email: [cab@washoecounty.us](mailto:cab@washoecounty.us)

**From:** [Tom Prentice](#)  
**To:** [Mullin, Kelly](#)  
**Subject:** Re: Your comments on Marshall Ranch  
**Date:** Monday, December 10, 2018 8:54:25 PM  
**Attachments:** [image001.png](#)  
[image002.png](#)  
[image003.png](#)  
[image004.png](#)  
[image005.png](#)

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Hi Kelly,

I am one of the members who has met with the applicant and principals behind the purchase and proposed development of the Bob Marshall Ranch parcels. Most recently Hugh Ezzell and I met with Ken Krater (applicant), Jack Fisher and Jim Sinnot (principals in Winnemucca Holdings LLC the property owners) on Saturday 12-8-2018.

At the time of my October submittal of the poll results and comments from residents and property owners in Palomino Valley and Warm Springs the members of this community were under the impression the new owners intended to build close to 217 houses on the Marshall Ranch parcels. We learned at the November 13, 2018 CAB meeting there was a second alternative being considered that being placing most of the Marshall Ranch land into a Conservation Easement.

As such easement would prevent development, in perpetuity, of these parcels except as allowed in the easement document(s) there is a great deal of support for such an easement. I have spoken with about two dozen individuals in the community about placing the Marshall Ranch into a Conservation Easement and only two of them expressed any concerns about doing so.

At our meeting last Saturday we were told that the investors would be voting this week on whether to: 1. Develop the Marshall Ranch parcels or 2. Place the majority of the 'ranch' into a Conservation Easement. Therefore the answer to your question about providing the information I submitted in October to the Planning Commission is really dependent on the outcome of the investor's vote. Should the investors vote to develop the land and build the 217 houses discussed in their amendment applications our community will strongly oppose such development. In that case I would like to see the information sent to the Planning Commission. However, based on discussions with other members of the community, should the investors decide to place the greatest majority of the 'ranch' into a Conservation Easement, preventing significant future development, the majority of the community would welcome and support that outcome and the data I submitted need not be forwarded to the planning commission.

Until the investors vote and the results of their vote is known I can't give you a more definitive answer. The feeling among the individuals we met with on

Saturday is that the investors are likely leaning toward placing most of the 'ranch' into a Conservation Easement. I expect to hear from Ken Krater (applicant) some time this week what the investors decided. The bottom line is the community opposes medium density development of the 'ranch' but supports placing it into a Conservation Easement.

Best regards,

Tom Prentice

On Monday, December 10, 2018, 3:26:42 PM PST, Mullin, Kelly <KMullin@washoecounty.us> wrote:

Hello Tom,

In October you submitted the attached comments on the Marshall Ranch proposal. I know that some members of the community have met with the applicant separately since then, so I'd like to check in and see if you'd still like the attached comments to be provided as-is to the Planning Commission. If so, just let me know. Otherwise, if you'd like to submit a replacement statement, please email to me by tomorrow.

Thank you, and regards,



**Kelly Mullin, AICP**

**Senior Planner | Planning & Building Division | Community Services Department**

[kmullin@washoecounty.us](mailto:kmullin@washoecounty.us) | Office: 775.328.3608 | Fax: 775.328.6133

1001 E. Ninth St., Reno, NV 89512





## Washoe County Citizen Advisory Boards CAB Member Worksheet

Citizen Advisory Board: WSR

Meeting Date (if applicable): N/A No known meetings currently scheduled for WSR-CAB

Topic or Project Name (include Case No. if applicable): WMPA18-0006 & WRZA-0006

Washoe County Planner Kelly Mullin

---

Please check the appropriate box:

My comments  were (or)  were not discussed during the meeting.

Identified issues and concerns:

1. Water rights for 190 additional houses beyond current plans.
2. Added traffic on Pyramid Way / SR445 North of Eagle Canyon/La Posada
3. Added traffic on unimproved sections of Winnemucca Ranch Road
4. Housing densities inconsistent with surrounding areas of Warm Springs and Palomino Valley
5. Majority of property owners in Palomino Valley object to the proposed changes.
6. Lack of adequate fire protection services for the 190 additional houses.
7. This will likely cause another zoning disaster like the SPA

Suggested alternatives and/or recommendations:

1. Deny any all zoning changes that allow for parcel sizes of less than 40 acres consistent with Palomino Valley / Warm Springs GRA zoning.
2. Allow building only consistent with current GRA zoning (Maximum of 2 houses on each 40+ acre property).
3. See attached poll results and comments.
- Note: Allowing greater housing densities runs counter to the will of the overwhelming majority of property owners and current residents.
4. A complete environmental impact study should be required before approval.

Name Thomas Prentice Date: 10/8/2018

(Please Print)

Signature:

This worksheet may be used as a tool to help you take notes during the public testimony and discussion on this topic/project. Your comments during the meeting will become part of the public record through the minutes and the CAB action memorandum. Your comments, and comments from other CAB members, will and shall not collectively constitute a position of the CAB as a whole.

**\*\*Due to Nevada Open Meeting Law considerations, please do not communicate with your fellow CAB members on items outside of the agendized discussions held at your regular CAB meetings.\*\***

If you would like this worksheet forwarded to your Commissioner, please include his/her name.

Commissioner's Name: Jeanne Herman

Use additional pages, if necessary.

Please mail, fax or email completed worksheets to: Washoe County Manager's Office  
Attention: CAB Program Coordinator  
Post Office Box 11130, Reno, NV 89520-0027  
Fax: 775.328.2491  
Email: [cab@washoecounty.us](mailto:cab@washoecounty.us)

***Washoe County Development Code  
(Chapter 110 of the Washoe County Code)  
Definition of Applications***

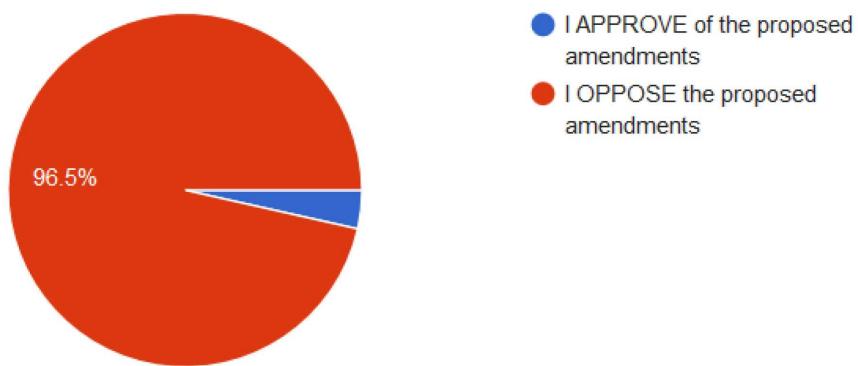
Type of Application	Definition	Chapter/Article
<b>Parcel Maps; and Second or Subsequent Parcel Maps</b>	A parcel map is required for all minor subdivisions of four or fewer lots or common-interest units. If the application is subdividing a lot or lots created within five years from the creation of the original lot, a public notice card shall be sent to advisory boards indicating the review criteria and date and time of meeting.	110.606
<b>Tentative Subdivisions</b>	A tentative subdivision application is required for all proposed subdivisions of five or more lots and all common-interest units consisting of five or more units.	110.608
<b>Variances</b>	Standards within the Development Code may be varied (e.g. such as building height, setback requirements, landscape modifiers, etc.). Different standards apply in different land use designations. Typical requests are for lots with unique physical conditions that create a hardship (i.e. shape, topography, wetlands, public easements, etc.).	110.804
<b>Use Permits</b>	Civic, residential, commercial and industrial uses on a property may require a use permit. The type of use permit, if required, is noted on the <i>Table of Uses in the Development Code (110.302.05)</i> . <b>Administrative Permits</b> are approved by the Hearing Examiner and usually involve relatively small impacts from a use. A <b>Special Use Permit</b> may be required for a proposed project when the intensity or size of the project, traffic generation, noise, impact on public facilities or compatibility with surrounding uses or other impacts must be evaluated.	110.808 and 110.810
<b>Development Agreements</b>	Allows for any person having a legal or equitable interest in land to enter into an agreement with Washoe County concerning the development of that land.	110.814
<b>Development Code Amendment</b>	Provides a method for amending the Development Code.	110.818
<b>Master Plan Amendment</b>	Provides a method for amending the Master Plan (e.g. changes of land use).	110.820
<b>Regulatory Zone Amendment</b>	Provides a method for amending regulatory zone boundaries (i.e. zone changes).	110.821

In an online poll\* of residents and property owners in the 89510 zip code, relating to the proposed Bob Marshall Ranch Master Plan and Regulatory Zone amendments, the following results and comments were obtained:

55 owners or residents submitted votes in this poll. The tally of votes to date are 2 in favor of the Bob Marshall Ranch amendments and 53 opposed. The pie chart data is off by 0.1% because there were two duplicate votes which were removed from the results (57 votes recorded only 55 eligible) Whereas the pie chart data shows the approval / disapproval ratio as 96.5% disapprove the correct number is 96.4% disapprove. Here is a screen shot of the pie chart at the time of this writing:

### Do you approve or oppose the proposed amendments?

57 responses



\*Note: The poll is located at wsrcab.com. As of today (10-8-18) this poll has only been available online for the last 8 days. Over time I expect there will be more interest and more votes as the 'word gets out' about the proposed amendments.

Based on the vote ratio above it is obvious that the proposed amendments are **extremely unpopular** with the property owners and residents of the Palomino Valley and Warm Springs community.

One might argue that this poll isn't representative of the community at large because of the small number of respondents compared to the population of the area. Using the Margin of Error Calculator from this website... <https://goodcalculators.com/margin-of-error-calculator/> I input the data based on the poll vote counts for and against. The "Proposition Percentage (p)" is (2/55)\* which = 0.0377 or 3.77%. \*votes in favor divided by total votes.

Based on the results of the MOE calculation it can be seen the MOE for this poll is +/- 6.616% at a 99% confidence level. This is based on an infinite population. As the population gets smaller the MOE also gets smaller.

## Attachment to the CAB Member Worksheet submitted by Thomas Prentice

Here is a screen capture of the MOE calculation for the wsrcab.com poll:

The Margin of Error in Statistics

The majority of surveys that are conducted for research purposes are based on information that is collected from a sample population as opposed to the full population (a census). As the sample is only representative of the full population, it is likely that some error will occur, not in terms of the calculation, but in terms of the sampling. That is, a sampling error will emerge because the researchers did not include everyone that exists within a given population. The MOE measures the maximum amount by which the sample results may differ from the full population. As most responses to survey questions can be presented in terms of percentages, it makes sense that the MOE is also presented as a percentage.

**Margin of Error (MOE) Calculator**

Confidence Level ( $\alpha$ )	99%
Sample Size (n)	55
Proportion Percentage (p)	3.77
Population Size (N) (optional)	

**Results**

Margin of Error: **±6.616%**

The Margin of Error (MOE) is calculated according to the formula:  $MOE = z * \sqrt{p * (1 - p)} / \sqrt{n}$

Where: z = 2.576 for a confidence level ( $\alpha$ ) of 99%, p = proportion (expressed as a decimal), n = sample size.

$z = 2.576, p = 0.0377, n = 55$

$MOE = 2.576 * \sqrt{0.0377 * (1 - 0.0377)} / \sqrt{55}$

$MOE = 0.491 / 7.416 * 100 = 6.616\%$

The margin of error is ±6.616%

In the worst-case analysis, based on the MOE calculation, the percentage of opposition votes of the entire population of the area in question would be the sample opposed votes (96.4%) minus the Margin of Error (6.616%) for a projected total of 89.9%.

What this then tells us is that if every resident and property owner in the 89510 zip code voted in the poll the expectation is, with 99% certainty, 89.98% of the votes would oppose the proposed amendments to the Master Plan and Regulatory Zone to allow medium density housing to be built on the Bob Marshall Ranch parcels. With a less than infinite population that percentage will go higher meaning greater opposition to the amendments.

Of the 55 proper votes received on the website 39 voters also left comments. Neither of the two proponents of the amendments left comments. Each of the numbered statements represents a different voter. The comments are as follows:

Comments:

1. I strongly oppose these changes as they will have an extremely negative impact on the PV-WS community. The addition of 217 homes on parcels as small as 2.5 acres will put unnecessary stress on the existing ground water resources which have already proven to be problematic for some property owners.

Then there is the general lack of infrastructure to support the 'new' community that will be created if this plan is approved. This will likely be a nightmare for the Sheriff as the number of 'calls' to which the sheriff must respond will be much higher proportionally than the surrounding GRA properties.

Overall this is BAD for the PV--WS community and everyone I've spoken to about the proposed development agrees with me on this.

2. The application repeatedly mentions 2.5-acre minimum parcel sizes, so if this amendment and rezoning goes through, there's the danger of even more houses than 212. Just because this is "less than what was envisioned under City of Reno's Sphere of Influence, is not a reason to allow this level of density out here. I disagree with the Warm Springs Specific Plan Area and the higher densities and I disagree with the Bob Marshall Ranch proposed density. Forty-acre minimums should remain the norm; that's the only way the rural, "bucolic" character of the Warm Springs Planning Area will be retained.

In answer to question 12 of the application, the developer's answer is "No" to the question of, "Will the proposed amendment impact existing or planned transportation systems?" How can a residential development of 200 homes NOT impact the traffic on Winnemucca Ranch Road and Pyramid Highway? How can the applicant state that there will only be 200 peak hour trips with 200 residential units? Maybe I don't know how "peak hour trips" are calculated, but nonetheless, there will most certainly be an impact to the transportation system.

Say NO to these amendment and rezoning requests.

3. I am concerned about water and road issues. These must be thoroughly addressed before such an expansion like this is considered. Further, the developments should not negatively impact the current water rights of the current properties.
4. There needs to be more meetings for the community to understand what is being proposed, and what is being done to mitigate the impacts on the community and local/state government. What order these mitigation efforts will happen in the grand scheme of the development.
5. The proposed sub-division would put to much strain on the existing property owners, in the way of excessive traffic, increased pressure on our aquifers, from new wells and septic systems, and from what I understand the Palomino Valley was designed to a minimum of 40 acre parcels, because that was what all the aquifers could support. Not 5 acre and 2.5 acre parcels. I will not

give up one drop of my water rights!!!! . The Marshall Ranch has an historic landmark stage line station on the property that should be protected and preserved.

6. This is a rural area and should stay as such. Traffic volumes will create major changes to the area that are not supportable.
7. No water.
8. My 1200ft deep well has already run dry. I chose this valley b/c of the large parcels. I am not in favor of increased traffic and population. I think it very irresponsible of this County to turn fertile land that could be used to grow food locally. I live on the side of the mountain and have bad water and useless soil. The valley floor should be used to grow food, not turned into a cesspool.
9. PLEASE do not consider adding more homes to be built in a desert where we rely on our well. Please only consider a land use change if a 2018 water table analysis is in front of you and it supports the installation of 217 new wells. We are in jeopardy of hugely over-allocating well permits - we do not have the water some people think we have because they are basing their opinions on reports that are over five decades old.  
Please do not approve this Master Plan Amendment.
10. The addition of hundreds of homes in Warm Springs is unnecessary with the amount of vacant lots in the area. I could see if all the lots available in the area were full and the nearby land was at max capacity but to change the zoning in a rural agriculture area with 40 acre minimum lots just for one owner's gain is outlandish.
11. I don't feel that Winnemucca Ranch Road can handle the amount of increased traffic that would occur with this development. A stop light at the intersection of Winnemucca Ranch Road and Pyramid Way is no solution. How about investment in infrastructure before development?
12. Do not approve smaller lot size causing increased traffic on Pyramid Highway, limited water resources and sewer treatment plant impacting the beauty of the valley.
13. Nothing but bullshit cramming it down our throat. Also home on Amy Way. I dare them .. Not going down without a BIG FIGHT !!!! I
14. There are already numerous lots available for residential use in the area. Real estate prices in the Valley have dropped drastically during the Great Recession of a decade ago and have not yet fully recovered, consequently there is no indication that the demand for the existing residential lots will require additional subdivision. This valley is not equipped for higher housing density. The demands of the new residents would pose additional stress on the current and future residents who sooner or later will occupy the lots that are already designated for residential/agricultural use. Over the past several years many residents have been forced to deepen their wells, install storage tanks or even drill new wells as the water table level drops every time new users tap into it. Our roads have already become inadequate to the increased traffic, due not only to new residents, but also to the aging of families, whose children have become young adults, with their own lives and their own transportation needs. New high-density housing will also further reduce the habitat of wildlife which represented one of the characteristics that attracted residents to this area.

15. Traffic has already increased significantly with people purchasing land and homes out here. The dirt roads are unable to be maintained as we have such a small GID to do the work and so much to take care of as of now. The additional lights throughout the valley are becoming extensive.

16. I moved out here to live in peace and quiet. I want to be away from sub-divisions. Didn't figure they would follow me out here. I think it's disgraceful that the county wants to ruin/change the character of our valley, just for tax money. The developer doesn't even live in the state.

The application was comical. You can't add 200+ houses and use logic that we don't need additional services (including fire protection) or infrastructure because it currently doesn't exist out here now. If the SPA finally gets going, it will be a disastrous mess out here (and I'm including all the folks that are going to get killed on the highway because of the blind spots on Pyramid Highway, Winnemucca and Ironwood).

Plus, the county doesn't even enforce its own policies/rules/guidelines. Infrastructure is supposed to be in place before even one stick goes up. Hasn't been enforced down in the SPA, why would it be enforced on Winnemucca?

Guess it's time to consider moving before this becomes a place no one wants to live.

**NO MORE SUB-DIVIDING OF LAND!!!**

17. Nothing wrong with the 40 acre plots. Let's keep this area rural.

18. The existing zoning was adopted after many, many months of discussions and suggestions from the area residents. The zoning was put in place to preserve the rural lifestyle we residents value tremendously! There is no need for this zoning change to allow this new subdivision when there is so much open space and proposed residential developments MUCH closer to Sparks.

There are so many negatives associated with this development being located so far from the necessary infrastructures required, it will be a HUGE negative for our rural area!

19. Top concerns: Erosion of our rural lifestyle due to traffic lights, increased road traffic and noise.

20. The proposed changes and residential construction are ill advised until, and only if, the serious infrastructure concerns are addressed and mediated. Those concerns relate to the inadequacy of Pyramid Hwy to support additional traffic; the impact on the schools; the drawdown of the water table; and waste affluent, i.e., sewer or septic; the impact on police and fire services, to mention a few.

21. The proposed amendment goes against the desires of all valley residents, our county commissioner and the precepts of the Warm Springs Area Plan, updated a decade ago. The concept that Washoe County would adopt and change the Master Plan for a Master Plan Amendment that would enable a subdivision to hopscotch many miles beyond the reach of developed infrastructure is absurd.

This proposal will require NDOT to update Pyramid Way to 4 lanes as far as Winnemucca Ranch Rd and potentially install a traffic light at that intersection. Winnemucca Ranch Rd will require updating to handle increased truck and auto traffic and likely require widening to 4 lanes as well. The costs of these and other infrastructure improvements very likely will result in a special assessment district encompassing the entire western side of Warm Springs Valley.

Why should our taxes increase to enable and support development that no one wants? In addition, we have fears of new out-of-the-area developers coming into our valley, developing willy-nilly and seeking shelter by fly-by-night with the profits to leave our valley and the County with a mess of infrastructure upgrade requirements, police problems, fire problems, noise, light and etc.

Hopscotch development is never good. This proposal is especially bad.

22. I haven't seen a recent study of the water resources that would support this growth, the roads are not designed for this amount of traffic, and this type of development adversely affects the rural/agricultural environment that now exists.
23. Traffic/highway improvements essential, schools, sewer treatment, well water usage as it affects the entire valley, issues with the existing Mexican Rodeo permit: all these must be resolved prior to approval.
24. I am very concerned about the additional traffic that would be added on Winnemucca Rd., which runs across our property. It is already at the level we left we experienced from the 105 freeway. I believe that the application for change said that traffic and environmental studies were not required? How is this possible?
25. The Winnemucca Ranch Road crosses our property, with and easement, and the increase in traffic will adversely affect our lives every day. I am also concerned deeply about the apparent lack of environmental requirements and their effect on our water, sewage, etc.
26. I made the decision to purchase 46 acres in Palomino Valley with the understanding this was valley floor/farmland and not to be subdivided or developed on acreage less than 40 acres. I'm very concerned about the massive increase in vehicle traffic on Hwy 445 which has significantly increased in just this past year and would surely become worse, additional traffic signals and backups.  
The "Darkness" of the Country for those off WRR will go away and those that purchase out there will have their own ideas about what's ok for a farmer to do with his 40+ acres of farm land and it may not include farming.
27. There are already problems in PV on the east side with developers not considering or caring about the ramifications of their actions. Pyramid Hwy. cannot support this additional traffic, and it would need to be greatly improved to do so. Where is the water coming from to support these developments? No, this is a very bad idea.
28. no infrastructure/poor roads to site/no safe evacuation route from fire to accommodate 200 homes/over 30 minute response times fire and sheriff/five acre lots not compatible with surrounding area.
29. We purchased and built on this property to have peace and quiet. I do not want to have more people using Rangeland Rd. and you can bet that these proposed residents would use it. We need to remain a lovely place to live, not where it is noisy, dangerous and undesirable to reside. Our neighbors are friendly, compatible and dependable and I want it to stay that way!
30. The reason we live here is exactly for the low density and light traffic. 40 acre minimums need to stay.

31. I am totally against it .Jassic and his partner tried it with Winnemucca Ranch a few years ago. What is the difference. We don't need it and don't want it Washed Out Co.!
32. There are already problems in PV on the east side with developers not considering or caring about the ramifications of their actions. Pyramid Hwy. cannot support this additional traffic, and it would need to be greatly improved to do so. Where is the water coming from to support these developments? No, this is a very bad idea.
33. This type of development is not consistent with the character of Palomino Valley and the overall Warm Springs area and should NOT even be considered.

There is plenty of land available for development much closer to the employment centers of Sparks and Reno and to the east of those cities. In addition to being an ill-conceived plan it is not in the best interest of the PV-WS community and the County must recognize that fact.

Another fact that must be realized is that the property owners and residents of this largely GRA community, by overwhelming majority, DO NOT WANT to see the measures proposed for the Bob Marshall Ranch approved.

As Jeanne Herman has probably already told the rest of the BCC the proposed changes to the Master Plan and GRA Zoning go completely against the character of the valley and the will of the people who live here.

There is no logical reason to divide the three parcels known as the Bob Marshall Ranch to anything smaller than 40 acre parcels consistent with the current Master Plan and zoning for our area. The only reason I can think this plan would be approved by the BCC is if members of the board are promised something beneficial by the developer.

I see the current SPA as a disaster in the making and sub-dividing the Marshall Ranch parcels into home sites of less than 40 acres will create another set of problems like the SPA.

I believe, before any changes should be made to the Master Plan or GRA zoning the County MUST conduct an environmental impact study to show what the impact of the proposed amendments would be to the PV-WS area.

34. This is an ill-conceived plan that will only harm the Palomino Valley & Warm Springs community. I strongly oppose the amendments to allow sub-division of the Bob Marshall Ranch.
35. Very concerned about water availability, over population, increased traffic.
36. Totally inadequate infrastructure for this Plan.
37. The application is vague and fails to address fire protection, water, safety of the subdivision site and most importantly the FACT that Washoe County cannot guarantee they will enforce any of this plan. Just like the County completely failed to protect the home buyers in the SPA!
38. We don't want or need another development like the disaster that is the SPA!
39. If approved this project will greatly and negatively impact all of the GRA properties in the Warm Springs valley. The impact will be felt by each and every resident and property owner in the area.

In conclusion it can be seen from the foregoing data there is overwhelming opposition to the proposed amendments even allowing for errors inherent in statistical sampling of populations.

I don't see how the County, in good conscience, could approve these amendments when it is so clearly against the will of those who live and own properties in the areas affected by the proposed changes.

For the reasons stated in the foregoing property owner / resident comments I, as vice-chair of the WSR-CAB must insist the Washoe County Board of County Commissioners reject the proposed amendments as not in the best interest for the area and not consistent with the will of the communities most affected by the amendments.

For those who wish to live on a parcel smaller than 40 acres there are still hundreds of such parcels available in the Specific Plan Area (SPA). It would be better for all if the County took a more pro-active role in helping to develop the SPA and the infrastructure necessary to complete that project than to approve a new project that will most likely suffer the same builder / buyer apathy as the SPA has in its 20 year plus existence.

The numbers speak for themselves. If the County should chose to ignore the will of the community in favor of an out-of-state investor/developer I believe there will be a tremendous backlash from the community which might involve legal action to prevent the developer from proceeding with such an unpopular / unacceptable project.

I don't believe there would be much, if any, opposition to building the 27 homes currently allowed by the zoning if the larger parcels were divided into the 40 acre parcel size currently required for the GRA Regulatory Zone.



## Warm Springs Citizen Advisory Board

Approval of these draft minutes, or any changes to the draft minutes, will be reflected in writing in the next meeting minutes and/or in the minutes of any future meeting where changes to these minutes are approved by the CAB.

Minutes of the regular meeting of the Warm Springs Rural Citizen Advisory Board held November 13, 2018 at Washoe County Regional Shooting Facility (Classroom) 21555 Pyramid Highway, Reno, NV 89512

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

Roll call was not recited, but a quorum was determined by the Chair. CAB members include: Thomas Prentice, Robert (Bob) Gunn, James Bradbery, Gregory Gilbert, Susan Ambrose (alternate), Robert White (Alternate), Dennis Buck.

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

### 3. \*PUBLIC COMMENT –

Katherine Snedigar said she wants any development for the County to follow its own rules and guidelines. If you drive around in SPA, the houses are at ground level with well casings 4 feet; they are in a flood zone. If the well casing is at the normal height, it would contaminate the water. Time will come for owners to collect from the insurance company, but they won't be paid because the developer didn't follow the guidelines of the County. The developer has to follow the guidelines. The rules they put on us are stricter than what they put on the developer.

Public member Ms. Calwheel said she is concerned with traffic on Pyramid Highway. They plan to build hundreds of houses which will add thousands of cars. They don't plan to add infrastructure. She said she is from southern California and she would have to leave her house at 4am to get to work and it was bumper to bumper traffic.

Pam Roberts spoke about the Bob Marshall Ranch project. She said she is concern with the application. In one part it mentions 1 acre parcels, and another part of the application talked about clustering, and another part spoke about 5 acres per parcel. It's confusing.

Susan Ambrose, CAB alternate, said she wants the Washoe County Planners to ensure the Marshall Ranch is included in the area character plan which will include all the parcels of the moon rock gateway down by the proposed sewer water treatment – all parcels to be considered.

Sharon Kern said she hopes Warm Spring won't be the step child of the County. Things have to get done with infrastructure. We need a two lane highway, underground electrical and all other infrastructure. Fire service needs to be considered. We have one way in and one way out. There needs to be responsible planning and not patch work planning. She said there are signs posted out there – rough road, enter at your own risk. She said she understands there are washed out creeks and hillside which will require lots of work. The Warm Springs task force did a survey and submitted it to Board of County Commissioners that shares opinions of those inside SPA and outside. 118 survey respondents – they reported the following reasons for living in Warm Springs - lots size greater, privacy, agricultural, livestock were the primary reasons.

Hugh said they will talk about master plan amendment and zoning for higher density. The reason for master plan amendments and maps is because when they do that, then the area plan map must be changed. The area plan will follow the master plan. It's a disingenuous approach by the developer and the County. This is the developer and representatives doing an end-run on the area. Nearly everyone would be opposed to this; instead they are going for a master plan change. We worked hard on the area plan. It's a foregone conclusion. He proposed for an alternative approach – we have to take control back from the County Commissioners by creating an unincorporated town. He said he has information with NRS information. He asked the public members to provide an email address to the CAB board for information about unicorporation. An unincorporated town would have a stronger say about development.

Greg Dennis said he was a 'no vote' on the area plan in the past. This is a special plan with amendment. We asked months ago for County Commission to stop the parcelling. We asked for moratoriums. We asked that

this plan would go back for a complete review. This plan may be good or bad, but if it's good now, it will be good this spring. This plan should be put on hold until we can get a complete master plan done including roads. We have no infrastructure out here with people moving in. There was a flood in 1997 and another one two years ago. This will add to the problems we have out here. We need to look at the plan in a logical manner. We cannot scatter development all over the place. People are purchasing land all over Pyramid Highway wanting to insert warehouses. This will open it up to a monster problem without re-doing the master plan.

Mike Evans, 10 year resident, said there needs to be due diligence before desired change. He said he doesn't believe due diligence has been done in this case. Fire, police, water, there are areas in the SPA that don't have water, basic quality of life issues, and many of us moved here for quality of life with property with land away from the neighbor. The last 7 projects were denied but then passed by the Commissioners. He asked why do we pay for professionals if it gets passed by the Commissioners. There must be due diligence before a project. If infrastructure issues come up, the developer needs to pay for it.

Brian Diambro said he lives next to Mike Evans, and has been looking at the information about unincorporated township. He said he is behind it. He said the Board of County Commissioners do not listen to us. We should look at unincorporated township. When these houses are put out there, the closest fire station that can handle structure fires is about 20 miles away.

Gabriel Barbato said he would like to host weddings out here. He said he wanted to amend the zoning for convention and weddings. He wants to receive a special use permit. 30 households within 1000 feet from the property will be notified. He wanted to let everyone know. He has had valley-wide parties out here. He left a piece of paper to share with the public members. He invited anyone to call him. There will be a few cars out there with the weddings.

Greg Landers said he is a 19 year resident. He said he spent a lot of time in the mountains. He said the application is ill-conceived. He spoke about the access to 395, water flowing and washed out roads. He said a culvert was washed out and the road was closed. He had photographs that showed the damage. He said there is no rush to approve this. This will open the flood gates and we will face these issues for the rest of our lives. He said we should expect 400-500 cars a day; our taxes will be impacted. It's ill-conceived.

Bob Gunn spoke about infrastructure issues and highway. He spoke about schools and busing kids to schools. He questions the current crowding. He said there are fatalities on the highway. Waste treatment, fire, police, and water are issues.

**4. APPROVAL OF AGENDA FOR THE MEETING OF NOVEMBER 13, 2018 (for Possible Action)** - Tom Prentice moved to approve the agenda for the meeting of **NOVEMBER 13, 2018**. James Bradbery seconded the motion to approve the agenda for November 13, 2018. Motion carried unanimously.

**5. APPROVAL OF THE MINUTES FOR THE MEETING OF JULY 11, 2017 (for Possible Action)** – Tom Prentice moved to approve the minutes of July 11. James Bradbery seconded the motion to approve the minutes. The motion carried unanimously.

**6. 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.

[https://www.washoecounty.us/csd/planning\\_and\\_development/index.php](https://www.washoecounty.us/csd/planning_and_development/index.php)

**6.A. Master Plan Amendment Case Number WMPA18-0006 and Regulatory Zone Amendment Case Number WRZA18- 0006 (Bob 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 ±1,088.88-acres to Rural Residential; and to establish a character management area with a character statement and specific policies governing these properties. 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 the ±1,088.88-acres, this change would potentially allow for up to 217 dwelling units, compared to the 27 dwelling units allowed by the current regulatory zone. (for Possible Action) • Applicant: Krater Consulting Group • Property Owner: Winnemucca Holdings, LLC • Location: 9055 Winnemucca Ranch Rd, approximately 9 miles north of its intersection with Pyramid Highway • Assessor's Parcel Numbers: 079-220-23 (±244-ac.); 079-220-26 (±41-ac.); 079-220-37 (±803-ac.) • Staff: Kelly Mullin, Washoe County Sr. Planner, kmullin@washoecounty.us, 775.328.3608; and Chad Giesinger, Washoe County Planning Manager, cgiesinger@washoecounty.us, 775.328.3626

Kelly Mullin and Chad Giesinger, Washoe County Planners, introduced themselves

- Received application and sent to agencies for review and feedback
- The contact information for the planners is on the agenda – please provide feedback that will be included in the staff report packet for the Planning Commission.
- Mr. Krater will provide a presentation for the application
- She said a staff report is an analysis with all the input provided from the public and various agencies

Mr. Ken Krater, Applicant, provided an overview:

- Mr. Krater said we don't have a project
- This is a beautiful piece of property owned with other partners
- He said he met a group in 2016 –regarding a separate 400 acre property in Hidden Valley with topography. The group looks for challenging topography to put in a conservation district. He said he is looking to create an entitlement. He said he has been involved in the community and given back to the community. He said he is vested in this community.
- In 2005-2006, Marshall Ranch owner managed to take property and put it in the Reno sphere of influence. We are the only state in US that depreciates real property taxes – a structure depreciates for 50 years. Your house/structure has 75% depreciation. When it sells, it doesn't reset. Local government taxes have declined. In 2006, developers convinced city/county to move this property to Reno sphere of influence which is 45 minutes away from Reno.
- Mr. Krater said he worked with conservation group with other easements. He said we have to take it out of City of Reno. The Marshall Ranch was planned for 2,500 homes and commercial. There is no way to build infrastructure to accommodate. He convinced his partners to pull Marshall Ranch out of the Truckee Meadow Service Area and end this satellite city in Warm Springs.
- To make it a conservation easement, we need to change the master plan. It's in the Rural Development Area – under Truckee Meadows Regional Plan.
- There is an article that addresses hillside development – with 15% slopes there is a hillside development constraint. There are 154 acres that exceed 30% slopes which is not suitable for development – would remain acreage that would allow 187 lots.
- If anyone who would want to develop this area, they would have to do a detailed analysis with hillside development.
- Once it goes into a conservation easement it cannot be developed. He said it would be so expensive to develop the 187 lots.
- He said he wants to amend the Warm Springs Area Plan to create a Character Area Management Plan in order to create requirements for development. He said he modeled it after the Warm Spring Area Plan. He encouraged everyone to read it. It addresses the fire, topography, flooding. If any development would occur, it would have to be done right with hydrology studies to deal with 100 year storms and drainage.
- Clear zone concepts were required
- He spoke about the plan for a Character Management Area.
- He said he raised 10 million dollars to put in conservation easement; the investors get tax credits to help pay their taxes. There are entitlements for value in property for investors to get tax credits. Entitlements include special use permits, master plan – all the things that you need to development.

- The request is 5 acre per parcel density on 1088 acres of Marshall Ranch. He said they aren't changing the zoning on the remainder of Marshall Ranch, Paiute Ranch, Warm Spring Ranch – GR zoning – no plans to change.
- He spoke about the policies that will be part of Character Management Area – grading to follow natural contours, cut and fill, natural ridge lines. There are policies that deal with grading to be done right. And a noxious weed control plan would be included. It will be dark sky lighting certified. Required landscaping would use low water requirement with native plants, fire resistant plants, if it were to be developed.
- Water recharge is a big deal. Marshall Ranch has water rights.
- Ponds would need to capture the water to recharge and its good for wildlife.
- A wastewater package plant is in the plan – wastewater facility system would be required if it would be developed. No septic systems or leech fields would be allowed.
- Traffic was another issue – he said Winnemucca Ranch Road would be required to be paved with drainage. Ranch Land Road would have to be chip sealed.
- Mr. Krater said we are requesting a master plan amendment, but we don't have a project – if a project would happen, a tentative map application would be required. All the policies come into play they would have to address issues within the character area management plan.
- The mission is to get conservation easement so you don't have to worry about development. It would be in a conservation easement for perpetuity.

Public comments:

- A public member asked about conservation easement. Mr. Krater said you cannot build homes. It's a legal document that is very specific. He said only 2-3 parcels could be developed. The most amount of homes that can be developed under a conservation easement could be 4 homes at most. You can restore the original estate. Mr. Krater said if we create entitlement value to get conservation easement – people want to invest into the property. Under the IRS, it allows tax credits to be created for investors. You create tax credits in more money than what is put into it.
- A public member said it's a tax scam. Mr. Krater said no, it's legit tax. Winnemucca Ranch did a conservation easement done through the city. They have an entitlement for 12,000 homes. They didn't put the entire property in easement, just portions.
- Public member asked about water rights at Bob Marshall. Mr. Krater said this property has rights, 688 acres of ground water and 64 acre surface water rights would help with recharge.
- A public member said it's like carbon credits trading. Water rights will be used somewhere else. Mr. Krater said no, there is no trade. Whatever entitlement is on the property cannot be transferred to any other property. It's just tax credits to be profitable for the team.
- A public member asked if Ken can make the PowerPoint available for the public. He said yes.
- Katherine Snedigar asked what the investors will get out of 10 million dollars that has been invested. Mr. Krater said they will get 15% more in tax credit.
- A public member asked about the wastewater plant by Moon Rocks. It's confusing everyone. No one can follow the end game product. He asked why we are going through this process to show we can do this, and why put a wastewater plant if you aren't going to go through with anything. In this document, package plant will be used for something else. He asked what the end game is and how it all turns out. He asked how do we stop the proliferation. How does it all work out. Mr. Krater said within policies for character area management plan, they would have to build the wastewater facility for up to 187 homes. He said we would propose putting it near the pivot to help screen it; it's not a big plant.
- Mr. Krater said we will work with US Natural Land Trust to write this with flexibility to build 4 ranch homes on 40 acres or an option to develop the Marshal Ranch home. If it were developing more than that, it would have to build the package waste water plant.
- A public member said it's hard to believe the tax benefit and believe that's all they want to do. The tentative map will explain all these things they would have to do. Mr. Krater said it would be a very expensive project with expensive homes to complete a development. He said he was specific when he wrote the plan – Marshall Ranch was within Truckee Meadow Service Area which are in the city – that sets a strong precedent. He said this is specific to Marshal property to get out of Reno sphere of influence. It would make it harder to be part of the character area management plan.
- Kelly Mullin said she understands Mr. Krater's goal, but she wants to be clear, if the applicant's plans fall through for any reason, we are looking at the Character Management Area and policies described

in the application only. She said she understands the conservation easement is the end goal, but that's not being looked at by the County.

- Renae Smith said there are 4 homes, if a fire occurs, it will take 45 minutes to get medical assistance. Mr. Krater said there are people in rural areas who understand they are away from services and amenities. He said the homes would have to meet Truckee Meadow Fire Protection District fire criteria.
- Kathy said this project is heavily condition if conservation district doesn't go through then the developer would have to meet all the conditions with infrastructure. We need to include infrastructure needs such as schools, fire, and police. Mr. Krater said that is exactly right.
- A public member asked about timing for conservation easement. Mr. Krater said by the end of the year. There is a level of risk for investors – needs to go to Commissioners to move forward.
- Katherine said she wanted to know how he is able to write an amendment when that is up to the resident. Mr. Krater said he submitted an application. He said he has engineering and planning background and took it upon himself to do this. He said that is why he is here tonight.
- Bob Gunn said our comments are ignored. He wants to know what is the guarantee is included to make sure CAB is being considered. Mr. Krater read his policy regarding requiring CAB input on the project – additional conditions of approval.
- Katherine said Warm Springs Area Plan is not a guarantee – staff and commissioners change things for the developers. Protections are ignored by the county. Mr. Krater said he has done development, planning, and engineering for 30 years. He said when things aren't written crystal clear is the problem – you have to be specific with the policies. Staff is looking out for you.
- A public member asked about how he will protect the Winnemucca Ranch corridor residents. Mr. Krater asked for input regarding protection. A public member said keep Bob Marshall a working ranch.
- A public member said he wants a guarantee the entire ranch will remain a conservation easement. Mr. Krater said it will occur the end of the year for tax rules.
- Katherine said that is what Nevada needs – more land that no one can do anything with. She asked if the cows graze on the land. Mr. Krater said we can include the grazing rights in the Marshall Ranch. He said that is why we have the National Land Trust to help write this so they have the expertise with language to include agriculture uses.
- A public member asked about conservation easement before planning commission review. You are asking for entitlement for master plan amendment and regulatory zone. It will go to Board of County Commissioner and Regional Planning agency to make sure it conforms. Mr. Krater said they are willing to go through this process. It's a risk.
- Mike Evans said this entitlement requires change to plan that won't happen until January. Those dates don't sync. The easement precludes the change to plan. He said he is confused on timeline. Mr. Krater said yes, easement will happen, but will have to get master plan and zoning amendments. The County Commissioners can do master plan amendment and zone change with staff. None is precluded. Approving master plan amendment and zone change. There is no tentative map. It doesn't stop the process to firm-up the master plan and zone change.
- Kelly Mullin said we will check with the District Attorney to see how it affects the process.
- Chad Giesinger said the analysis is not based on the conservation easement; County staff is considering the application for master plan amendment and regulatory zone change. Even if the conservation district doesn't happen, it would require high quality development.
- Larry said he has worked on similar conservation. He said Marshall Ranch is special; this is the best thing that could happen to it and the residents to the area. He said Ken has to draft up this conservation easement for tax purposes. Larry said Ken should come back and present the conservation easement document. Larry spoke about conservation cattle easements. If properly done, they can be wonderful. If we could meet after the first of the year, provide documentation, we will go to Planning Commission and County Commission and show support.
- A public member said on the 1088 acres and Marshall Ranch would be in the conservation easement, but the corridor will not be in conservation, nor will the pivot. You are looking for regulatory zone amendment. Mr. Krater said that's not part of the Character Area Management Plan. He said it's a different animal – it's still zoned GR 40 acre. It's not part of this plan.
- Mr. Krater said he will provide the PowerPoint with more details to help answer questions. Ms. Mullin said we post all minutes for CAB online. When we have the digital PowerPoint document, we will put it with the minutes.

- A public member asked how to get a property out of conservation. Mr. Krater said it's in perpetuity – a contract with trust will remain in conservation easement forever. A public member said he is aware of another nature conservancy who sold to a developer.
- Mr. Krater said he can come back and have everyone read the conservation easement. No one wants to see the Marshall Ranch developed.
- Bob Gunn said anxiety and confusion came from how the agenda was written. Mr. Krater said it has to be written that way – they are thinking worst case scenario, they are looking out for the residents.
- Kelly Mullin asked for action on this item. Bob Gunn said no action on this item.
- Bob Gunn said we are requesting meeting for January.

## **7. \*PUBLIC OFFICIAL REPORTS**

**7.A.\*Washoe County Commission Update** — A Washoe County Commissioner may be available to provide updated information on discussions and actions by the Board of County Commissioners (BCC). Following the presentation the Commissioner will be available to address questions and concerns from the CAB and the audience (This item is for information only and no action will be taken by the CAB).

Commissioner Herman welcomed everyone. She said another subdivision was approved for Lemmon Valley. Renia congratulated Commissioner Herman for her re-election.

**8. \*CHAIRMAN/BOARD MEMBER ITEMS-** This item is limited to announcements by CAB members. (This item is for information only and no action will be taken by the CAB).

Tom Prentice thanked Ken for coming out and explaining the application.

## **9. \*PUBLIC COMMENT –**

Pam Roberts said the conservation is a great idea, but it's not in writing. She said they could be hit by a bus or get a great offer for more than the tax savings. If conservancy doesn't happen, the way the application reads, it could be 5 acre lots. Just as it happened in the SPA, investors made promises that didn't happen; they backed out. There are potential for growth as written.

Mr. Krater said he will read the conservation language when comes back out and you can make up your mind.

Larry Barnes said he was disappointed. This board meets as scheduled or authorized by the County. He said there was a series of parcel maps through Washoe County when the CAB didn't meet; therefore, you weren't afforded the opportunity to weigh in which has significant impact on the area. Is it up to you to request to County when there is development in valley proposed, you should have opportunity to meet on any development. He said he doesn't care if it's once a month, it's when development happens.

Katherine Snedigar said the applications fall after the CAB meeting dates are scheduled. She said Dave Solaro is who rules us.

Tom Prentice said the County claims that the CAB meetings cost the County \$4,000.

Commissioner Herman encouraged them to request their CAB meetings.

**MOTION:** Tom Prentice moved to notify County we wish to hold a CAB meeting when any development activity with changes to maps that affects our area, and the County can't say the meeting is too far out and cannot get this done. The motion was seconded. Motion passed unanimously.

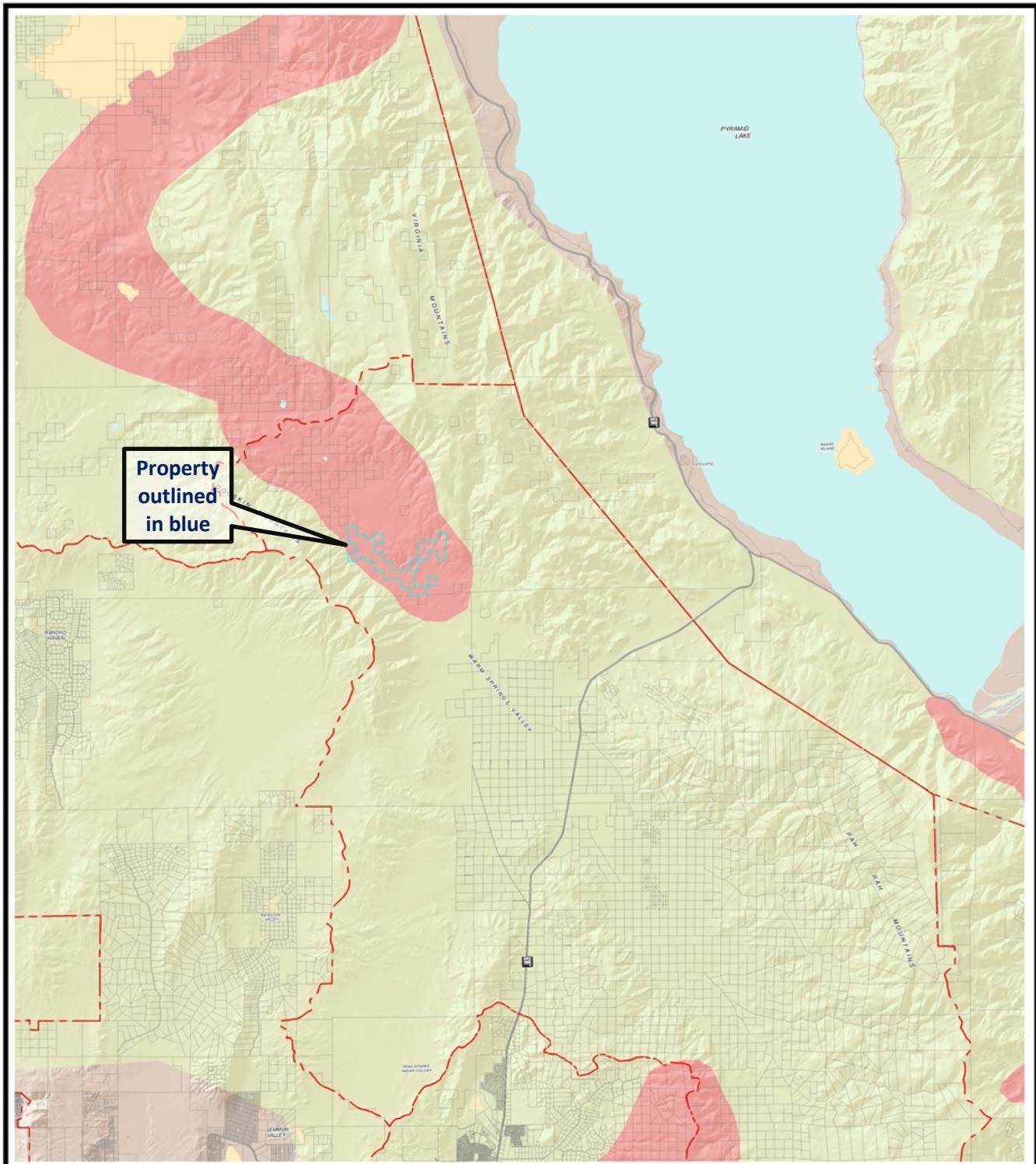
**Meeting adjourned at 8:06 p.m.**

Number of CAB members present: 7

Number of Public Present: 40

Presence of Elected Officials: 1

Number of staff present: 2



## WASHOE COUNTY PRONGHORN ANTELOPE HABITAT

- [Yellow square] INTERMITTENT LAKE / ISLANDS
- [Light Blue square] WATER BODY
- [Grey square] RENO/SPARKS CITY LIMITS
- [Brown square] HILLSHADE / SHADED RELIEF
- [Light Green square] YEAR ROUND HABITAT
- [Red square] CRUCIAL WINTER RANGE
- [Dashed Red line] COUNTY PLANNING AREA BOUNDARY
- [Black line] ROADS

NOTE: THE SCALE AND CONFIGURATION OF ALL INFORMATION SHOWN HEREON ARE APPROXIMATE ONLY AND ARE NOT INTENDED AS A GUIDE FOR DESIGN OR SURVEY WORK. REPRODUCTION IS NOT PERMITTED WITHOUT PRIOR WRITTEN PERMISSION FROM THE WASHOE COUNTY COMMUNITY DEVELOPMENT DEPARTMENT.



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**Community Services  
Department  
Planning and Building  
Division**

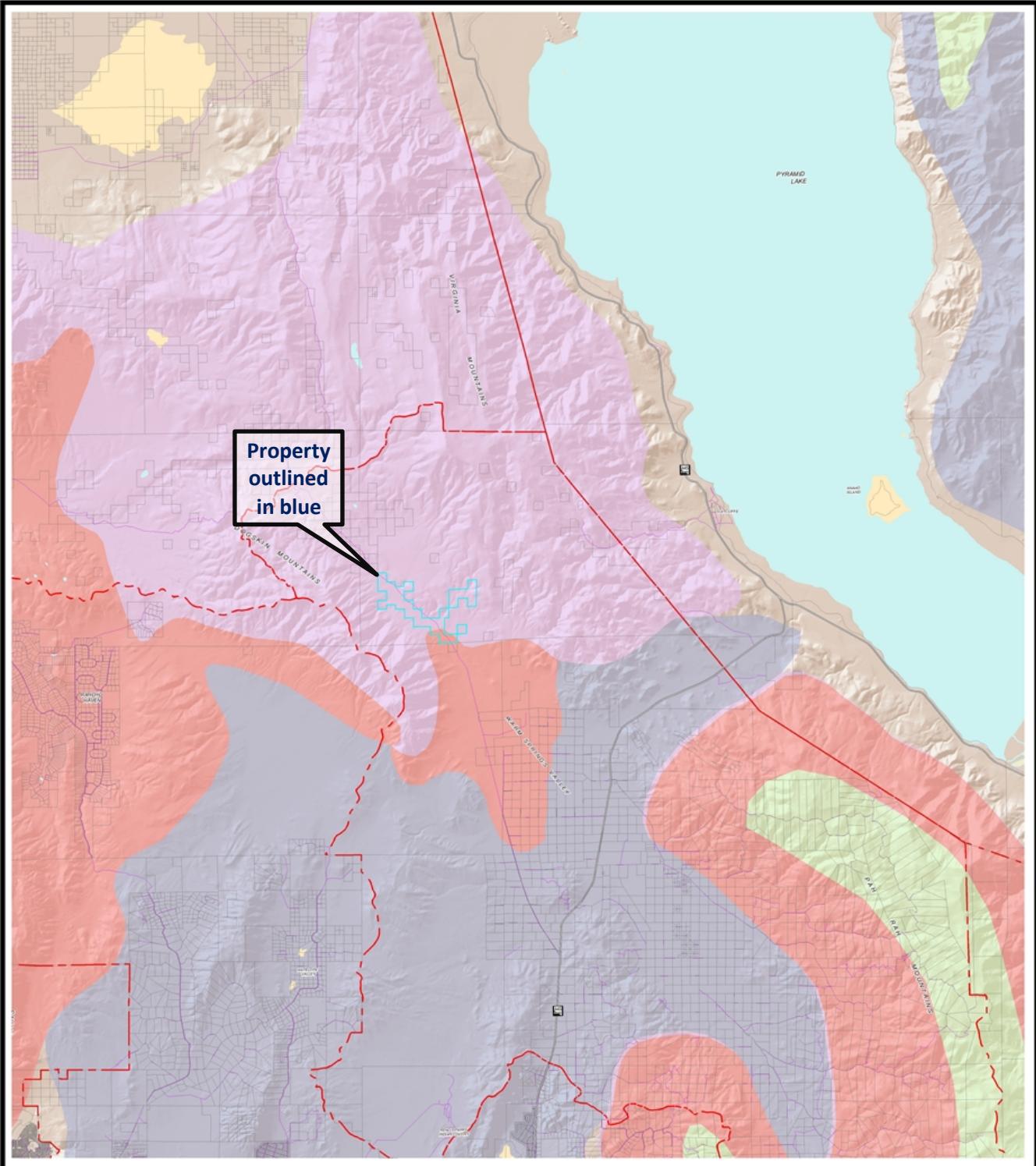
**WASHOE COUNTY  
NEVADA**

SOURCE: Community Services / Nevada Department of Wildlife

Adopted by the WC Planning Commission: April 7, 2009  
Adopted by the WC Board of County Commissioners: August 11, 2009

Post Office Box 11130  
Reno, Nevada 89520

775) 328-3600



## WASHOE COUNTY MULE DEER HABITAT

INTERMITTENT LAKE /  
ISLANDS

WATER BODY

RENO/SPARKS  
CITY LIMITS

HILLSHADE /  
SHADED RELIEF

ROADS

LIMITED HABITAT (e.g. small resident populations)

KEY WINTER HABITAT

SUMMER HABITAT

YEAR ROUND HABITAT

COUNTY PLANNING  
AREA BOUNDARY

NOTE: THE SCALE AND CONFIGURATION OF ALL INFORMATION SHOWN HEREON ARE APPROXIMATE ONLY AND ARE NOT INTENDED AS A GUIDE FOR DESIGN OR SURVEY WORK. REPRODUCTION IS NOT PERMITTED WITHOUT PRIOR WRITTEN PERMISSION FROM THE WASHOE COUNTY COMMUNITY DEVELOPMENT DEPARTMENT.



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Miles

**Community Services  
Department  
Planning and Building  
Division**

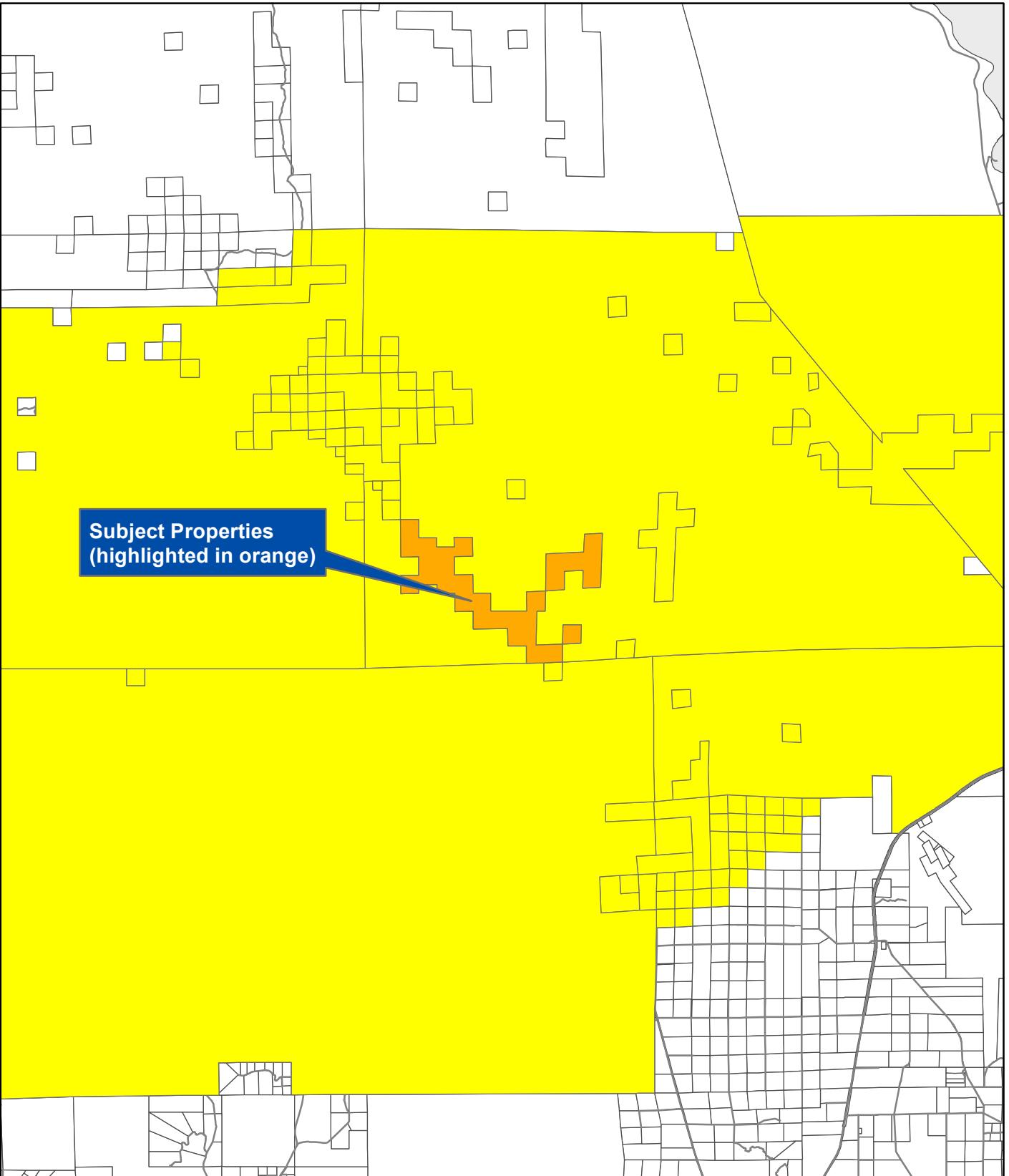
**WASHOE COUNTY  
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Reno, Nevada 89520

Post Office Box 11130  
(775) 328-3600



Public Notice Map

Master Plan Amendment Case WMPA18-0006 and Regulatory  
Zone Amendment Case WMPA18-0006 (Marshall Ranch)

*Provided with notice: 35 owners of 109 parcels  
within a distance of 20,000 feet of the project site.*

Source: Planning and Building Division



Date: Nov. 2, 2018

Community Services  
Department



Post Office Box 11130  
Reno, Nevada 89520  
(775) 328-3600

# KRATER CONSULTING GROUP

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December 10, 2018

Kelly Mullin, AICP, Senior Planner  
Planning & Building Division | Community Services Department  
Washoe County  
1001 E. Ninth Street  
Reno NV 89512

Dear Kelly:

**SUBJECT: Marshall Ranch: WMPA18-0006 and WRZA18-0006 (APN #079-220-23, 26 & 37)**

Per our previous meetings and discussions, I wanted to put on the record the following two items:

1. **Constrained areas with slopes exceeding 30% will be designated as open space.** Only portions of the properties with slopes less than 30% will be designated as Medium Density Rural (MDR). Per the previously submitted slope maps, 153.9 acres or roughly 14% of the property has slopes that exceed 30%. Per Article 424, Hillside Development, areas with slopes exceeding 30% are less suitable for development. Under the Truckee Meadows Regional Plan, areas with slopes exceeding 30% are considered development constrained. The application always contemplated that portions of the properties with slope exceeding 30% would not be developed with homes although roads, trails, and drainage systems may cross these steeper slope areas. Thus, this clarifies that areas with slopes exceeding 30% will be designated as open space (OS) providing for a maximum of 935 developable acres or a maximum potential lot count of 187 single family homes.
2. A clarification on water rights: **only groundwater rights will be used to provide water service to the homes.** The application stated that we would use a mix of groundwater rights and existing surface rights via State Engineer Ruling #5066 allowing a consumptive use component. After further discussion, we hereby state that the surface water rights and the consumptive use component will not be used to provide required water rights and that only ground water rights pertinent to the Warm Springs basin will be used for this project. Water rights identified to date include:
  - a. Permit #39593 for 64.6-acre feet of groundwater rights,
  - b. Permit #49669, Certificate 11974, for 140.784 afa of groundwater rights;
  - c. Permit #49670, Certificate 11975, for 179.272 afa of groundwater rights

Total ground water rights identified to date = 384.656 acre feet.

I hope that this letter adequately clarifies these two issues. Please let me know if you have any questions.

Sincerely,

A handwritten signature in black ink that reads "Kenneth B Krater". The signature is fluid and cursive, with "Kenneth" and "B" being more formal and "Krater" being more stylized.

Kenneth Krater, P.E.