

Item # 70

**City of Carson City
Agenda Report**

Date Submitted: January 27, 2009

Agenda Date Requested: February 5, 2009

Time Requested: 10 minutes

To: Mayor and Board of Supervisors

From: Development Services - Planning Division

Subject Title: Action to approve a Final Map for Division of Land into Large Parcels application from Resource Concepts Inc. (property owner: William Michael Fagen, Trustee) to subdivide approximately 201 acres into a total of three parcels, resulting in two parcels of approximately 40 acres each and one parcel of approximately 121 acres, on property zoned Conservation Reserve (CR), located on Kings Canyon, APN 007-051-78. (LDM-08-101)

Staff Summary: State law (NRS 278.471-4725) provides that the Planning Commission reviews tentative maps and the Board of Supervisors reviews final maps where the resulting parcels are 40 acres or larger.

Type of Action Requested:

☐ Resolution

☐ Ordinance

☒ Formal Action/Motion

☐ Other (Specify)

Does This Action Require A Business Impact Statement: ☐ Yes ☒ No

Planning Commission Action: Recommended approval on November 19, 2008 with a vote of 6 ayes, 0 nays and 1 absent.

Recommended Board Action: I move to approve a Final Map for Division of Land into Large Parcels to subdivide approximately 201 acres into a total of three parcels, resulting in two parcels of approximately 40 acres each and one parcel of approximately 121 acres, on property zoned Conservation Reserve, located on Kings Canyon, APN 007-051-78.

Explanation for Recommended Board Action: The applicant has met all the conditions of approval for the tentative map and the requirements of the Carson City Municipal Code and NRS for Division of Land into Large Parcels. See the attached staff report to the Planning Commission for more information and explanation.

Applicable Statute, Code, Policy, Rule or Regulation: CCMC 17.04 (Land Division Maps); NRS 278.471-278.4725.

Fiscal Impact: N/A

Explanation of Impact: N/A

Funding Source: N/A

Alternatives: 1) If found to not be in compliance with applicable codes, deny the final map.

Supporting Material: Tentative Map Notice of Decision
Planning Commission Case record
Staff Report to the Planning Commission
Maps

Prepared By: Janice Brod, Management Assistant V

Reviewed By: [Signature]
(Planning Division Director)
[Signature]
(Development Services Director)
[Signature]
(City Manager)
[Signature]
(District Attorney's Office)

Date: 1/27/09

Date: 1/27/09

Date: 1-27-09

Date: 1-27-09

Board Action Taken:

Motion: _____ 1) _____ Aye/Nay
2) _____

(Vote Recorded By)



CARSON CITY, NEVADA

CONSOLIDATED MUNICIPALITY AND STATE CAPITAL
DEVELOPMENT SERVICES

★ CLERK ★
FILED

Time 4:02p

DEC 23 2008

By K. King
Deputy
Carson City, Nevada

PLANNING COMMISSION
NOVEMBER 19, 2008

NOTICE OF DECISION

A request for a tentative map for Division of Land into Large Parcels, LDM-08-101, was received from Resource Concepts Inc. (property owner: William Michael Fagen, Trustee) to subdivide approximately 201 acres into a total of three parcels, resulting in two parcels of approximately 40 acres each and one parcel of approximately 121 acres, on property zoned Conservation Reserve (CR), located on Kings Canyon, APN 007-051-78.

The Planning Commission conducted a public hearing on November 19, 2008, in conformance with City and State legal requirements, and approved LDM-08-101, based on the conditions of approval contained in the staff report.

CONDITIONS OF APPROVAL:

1. The applicant must sign and return the Tentative Land Division Map Notice of Decision within 10 days of receipt of the Notice.
2. A final land division map application meeting all the conditions of approval of the tentative map must be filed with the Planning Division for Board of Supervisors review within one year of the date of approval of the tentative map by the Planning Commission. It is the responsibility of the applicant to file the final map application with the Planning Division at least 45 days prior to expiration in order to be placed on the appropriate Board of Supervisors meeting agenda. Should the applicant fail to submit a final map within the required time, this tentative approval shall expire.

The following must be submitted with a Final Land Division Map application:

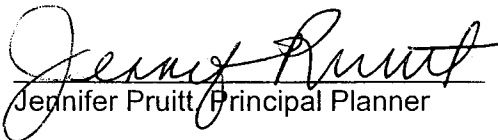
3. A copy of the final land division map in digital format must be submitted on disc with the final map application.

The following are considered general conditions:

4. The applicant shall meet all requirements of Nevada Revised Statutes 278 and of Title 18, specifically zoning requirements.
5. This project is in the Wildland Urban Interface area of Carson City. Therefore it shall meet all codes and ordinances within Title 14.04 and other applicable codes and ordinances.

This decision was made on a vote of 6 ayes, 0 nays, and 1 absent.

PLANNING DIVISION • 2621 Northgate Lane, Suite 62 • Carson City, Nevada 89706
Phone: (775) 887-2180 Fax: (775) 887-2278 E-mail: plandiv@ci.carson-city.nv.us


Jennifer Pruitt, Principal Planner

JP/jmb

Mailed: 12/23/08

By: RMT

CARSON CITY PLANNING COMMISSION

CASE RECORD

MEETING DATE: November 19, 2008

AGENDA ITEM NO.: H-2

APPLICANT(s) NAME: Resource Concepts Inc.
PROPERTY OWNER(s): William Michael Fagen, Trustee

FILE NO. LDM-08-101

ASSESSOR PARCEL NO(s): 007-051-78
ADDRESS: 281 acres in Kings Canyon

APPLICANT'S REQUEST: Action to consider a tentative map for **Division of Land into Large Parcels** application from Resource Concepts Inc. (property owner: William Michael Fagen, Trustee) to subdivide approximately 201 acres into a total of three parcels, resulting in two parcels of approximately 40 acres each and one parcel of approximately 121 acres on property zoned Conservation Reserve (CR).

COMMISSIONERS PRESENT: ☐ PEERY ☒ KIMBROUGH ☒ BISBEE
 ☒ MULLET ☒ REYNOLDS ☒ VANCE ☒ WENDELL

STAFF REPORT PRESENTED BY: Jennifer Pruitt ☐ REPORT ATTACHED
STAFF RECOMMENDATION: ☒ APPROVAL
APPLICANT REPRESENTED BY: William Fagen, Darryl Harris, Resource Concepts

☒ APPLICANT/AGENT WAS
PRESENT AND SPOKE

APPLICANT/AGENT INDICATED THAT HE HAS READ THE STAFF REPORT, AGREES AND UNDERSTANDS THE FINDINGS, RECOMMENDATIONS, AND CONDITIONS, AND AGREES TO CONFORM TO THE REQUIREMENTS THEREOF.

No persons spoke in favor or in opposition of the proposal.

DISCUSSION, NOTES, COMMENTS FOR THE RECORD:

N/A

MOTION WAS MADE TO APPROVE WITH THE FINDINGS AND CONDITIONS AS ENUMERATED ON THE STAFF REPORT

MOVED: George Wendell **SECOND:** Bill Vance **PASSED:** 6/AYE 0/NO 0/ABSTAIN 1/ABSENT

STAFF REPORT FOR PLANNING COMMISSION MEETING OF NOVEMBER 19, 2008

FILE NO: LDM-08-101

AGENDA ITEM: H-2

STAFF AUTHOR: Jennifer Pruitt, Principal Planner

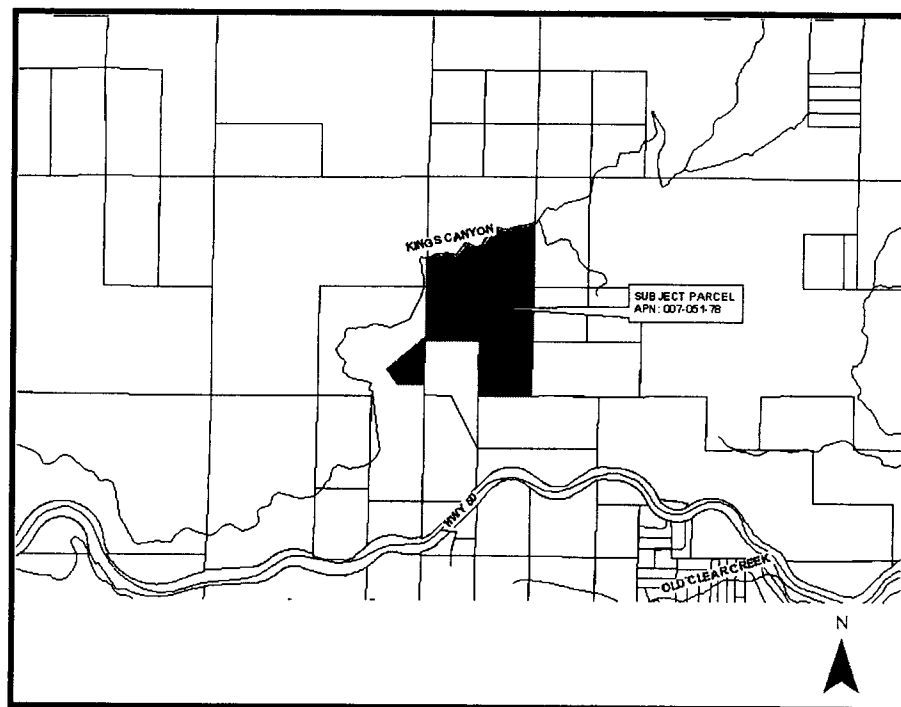
REQUEST: A tentative map for Division of Land into Large Parcels (40-plus acres) to subdivide approximately 201 acres into a total of three parcels, resulting in two parcels of approximately 40 acres each and one parcel of approximately 121 acres.

APPLICANT/OWNER: William Michael Fagen/William Michael Fagen 2005 Trust

LOCATION: Kings Canyon Road

APN: 007-051-78

RECOMMENDED MOTION: "I move to approve application LDM-08-101, a tentative map for Division of Land into Large Parcels to subdivide a parcel of approximately 201 acres into three parcels, resulting in two parcels of approximately 40 acres each and one parcel of approximately 121 acres, APN 007-051-78, subject to the conditions contained in the staff report."



RECOMMENDED CONDITIONS OF APPROVAL:

1. The applicant must sign and return the Tentative Land Division Map Notice of Decision within 10 days of receipt of the Notice.
2. A final land division map application meeting all the conditions of approval of the tentative map must be filed with the Planning Division for Board of Supervisors review within one year of the date of approval of the tentative map by the Planning Commission. It is the responsibility of the applicant to file the final map application with the Planning Division at least 45 days prior to expiration in order to be placed on the appropriate Board of Supervisors meeting agenda. Should the applicant fail to submit a final map within the required time, this tentative approval shall expire.

The following must be submitted with a Final Land Division Map application:

3. A copy of the final land division map in digital format must be submitted on disc with the final map application.

The following are considered general conditions:

4. The applicant shall meet all requirements of Nevada Revised Statutes 278 and of Title 18, specifically zoning requirements.
5. This project is in the Wildland Urban Interface area of Carson City. Therefore it shall meet all codes and ordinances within Title 14.04 and other applicable codes and ordinances.

LEGAL REQUIREMENTS: CCMC 18.04 (Land Division Maps); NRS 278.471 – 278.4725.

CURRENT MASTER PLAN DESIGNATION: Conservation Reserve, Private (20-plus ac/du)

CURRENT ZONING: Conservation Reserve (minimum 20 acres per parcel)

SURROUNDING LAND USE AND ZONING:

North: Carson City Lands Open Space/ Conservation Reserve
West: Carson City Lands Open Space/ Conservation Reserve
South: Schulz Family LLC/Conservation Reserve
East: US Forest Service Land/ Conservation Reserve

PREVIOUS REVIEWS:

On September 19, 2006, the Major Project Review (MPR) Committee reviewed proposal for the Horse Creek Nature Retreat Center. City Staff provided the applicant with comments related to the proposed retreat development at the MPR meeting.

On October 20, 2008, the Open Space Advisory Committee reviewed LDM-08-101 calling for the division of Horse Creek Ranch into three parcels, all within APN 07-051-78. The Open Space Advisory Committee recommends to the Planning Commission and Board of Supervisors approval

of the land division map as submitted.

BACKGROUND:

Division of Land into Large Parcels, or a Land Division Map, is defined in NRS 278.471 as the creation of lots that are at least “one-sixteenth of a section as described by a government land office survey” (sometimes slightly less than 40 acres) or at least 40 acres in area. Unlike with parcel maps or subdivision maps, the provisions of NRS for Land Division Maps are structured to allow such divisions of land with minimal improvement requirements (e.g. water, sewer, streets, etc.) and procedural steps.

Discretionary review of Land Division Maps is generally limited to:

- 1) “Any roads or easements of access which are shown on the applicable master plan and any roads or easements of access which are specifically required by the planning commission or governing body...” (NRS 278.472[4]b)
- 2) The requirement that each lot contains an access road that is suitable for use by emergency vehicles. (NRS 278.4725[5])
- 3) Other technical map requirements for recording the final map.

The Planning Commission or Board of Supervisors cannot place conditions upon the map beyond the scope of what the provisions of NRS allow for Land Division Maps.

Tentative Land Division Maps are reviewed by the Planning Commission. Upon meeting the requirements of the Tentative Land Division Map conditions of approval, the Final Land Division Map is reviewed by the Board of Supervisors, after which time the map is recorded.

DISCUSSION:

The subject site is located approximately 2.5 miles west of the paved terminus of Kings Canyon Road. The property is located in an area know as Horse Creek Ranch and is approximately 201 acres. The purpose of this tentative map for Division of Land into Large Parcels (40-plus acres) is to subdivide approximately 201 acres into a total of three parcels, with two parcels of approximately 40 acres each and one parcel of approximately 121 acres. The parcels are surrounded predominantly by US Forest Service Land, private properties owned by Schulz Family LLC to the south and land owned by Carson City to the north and to the west.

The subject parcel appears to partly be within Flood Zone “C” and partly outside the study area. If applications are submitted for land development, a geotechnical study may be a requirement placed on the project; the existing topography will require compliance of the Carson City Hillside Ordinance.

Since the discretionary aspects of a Land Division Map are limited by NRS. The map provide clearly identifies two existing points of access for the subject parcel and the proposed three parcels that would result from the recordation of the Land Division Map. The primary access is from Kings Canyon Road from the north and a secondary access is identified as an access easement previously created by document #356895 and is from the south of the subject parcel, which originates from US Highway 50.

Public access through the area, for both motorized and non-motorized trails, is identified through the area on the Unified Pathways Master Plan as an existing off-street unpaved single-track pathway for connecting existing recreational pathways within the southwest portion of Carson City.

PUBLIC COMMENTS: As of November 07, 2008, no written comments have been received in either support or opposition of this application. Any comments that are received after this report is completed will be submitted prior to or at the Planning Commission meeting, depending on their submittal date to the Planning Division.

OTHER CITY DEPARTMENT OR OUTSIDE AGENCY COMMENTS:

ENGINEERING DIVISION COMMENTS:

The Engineering Division has reviewed the above referenced land use application and has no preference or objection to the request, and no recommended conditions of approval.

FIRE DEPARTMENT COMMENTS

This project is in the Wildland Urban Interface area of Carson City. Therefore it shall meet all codes and ordinances within Title 14.04 and other applicable codes and ordinances.

BUILDING DIVISION COMMENTS:

The Carson City Building Division does not have any comments at this stage of development.

HEALTH DEPARTMENT COMMENTS:

Carson City Health and Human Services has no comments regarding the project as described in the packet received. The applicant must meet all applicable codes and ordinances as they apply to this request.

OPEN SPACE AND PARKS AND RECREATION DEPARTMENT COMMENTS:

The Open Space Advisory Committee and Parks and Recreation Department staff have been working with Mr. Michael Fagen for approximately six years towards the development of a conservation easement on Horse Creek Ranch. The land division map, as presented, reflects the division of the land necessary to implement the conservation easement. The two proposed 40-acre parcels are to be left out of the conservation easement, while the remaining parcel will be entirely the subject of the conservation easement parcel.

Thank you for the opportunity to comment on this project. Parks and Recreation Department staff will be available at the Planning Commission meeting on Wednesday, November 19, 2008, to answer any questions.

CONCLUSION:

With the proposed conditions of approval to protect the public safety and to meet the requirements of NRS for Land Division Maps and the criteria noted in the Carson City Municipal Code Chapter 17.04 Land Division Maps 17.04.005 Application Review, staff believes that the proposed tentative map complies with the applicable provisions of NRS and the Carson City Municipal Code and recommends approval of the Tentative Land Division Map, LDM-08-101.

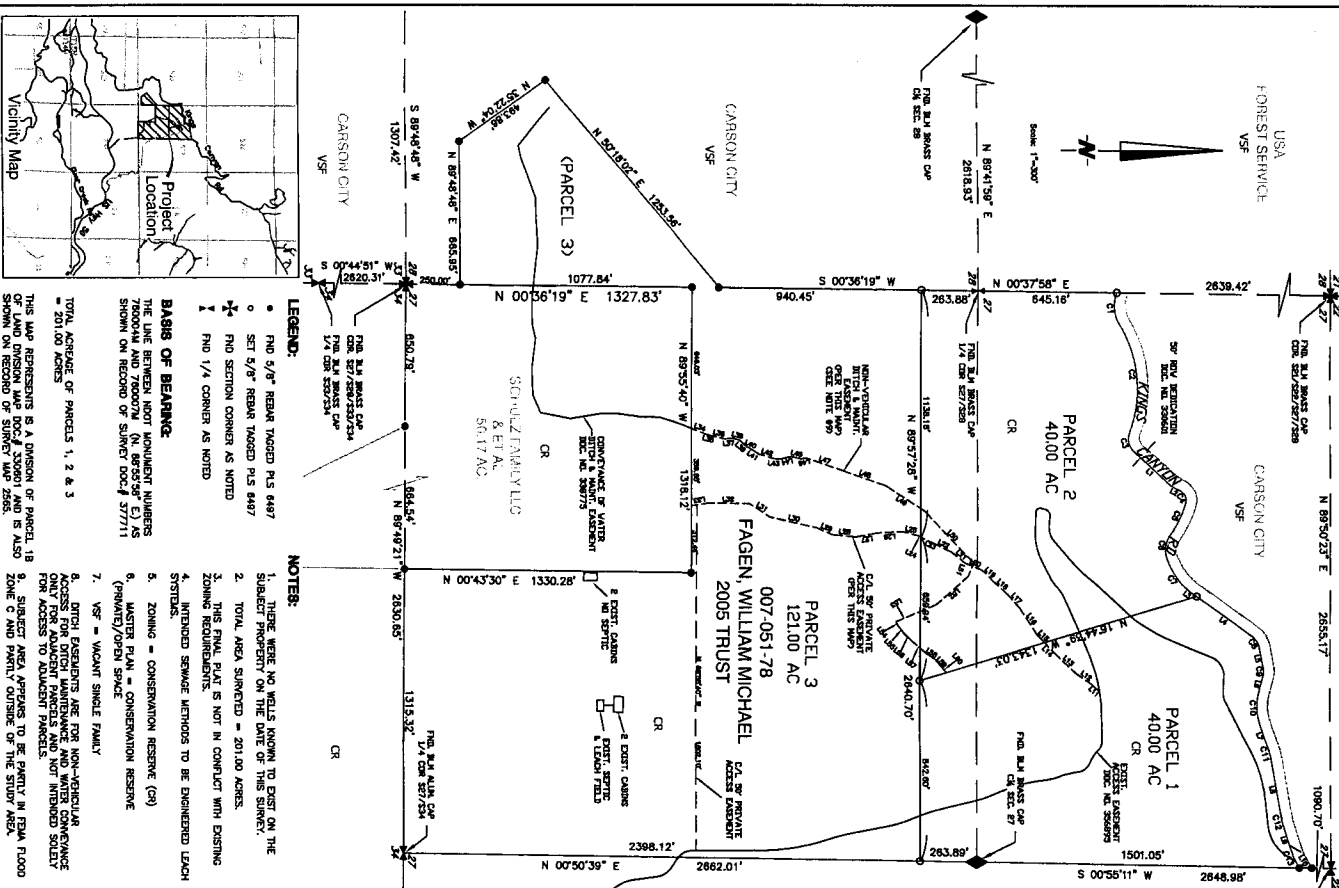
Respectfully submitted,

PLANNING DIVISION

Jennifer Pruitt

Jennifer Pruitt, AICP, LEED AP
Principal Planner

Attachments
Application (LDM-08-101)
Building comments
Fire Comments
Engineering comments
Open Space and Parks and Recreation comments



LEGEND:

- PND 5/8" READ TANGED PLS 4497
- SET 5/8" READ TANGED PLS 4497
- PND SECTION CORNER AS NOTED
- PND 1/4" CORNER AS NOTED

NOTES:

1. THERE WERE NO WELLS KNOWN TO EXIST ON THE SUBJECT PROPERTY ON THE DATE OF THIS SURVEY.
2. TOTAL AREA SURVEYED = 201.00 ACRES.
3. THIS FINAL PLAT IS NOT IN CONFLICT WITH EXISTING ZONING REQUIREMENTS.
4. INTENDED SURVEY METHODS TO BE ENGINEERED LEACH SYSTEMS.
5. ZONING = CONSERVATION RESERVE (CR)
6. MASTER PLAN = CONSERVATION RESERVE
7. VSF = VACANT SINGLE FAMILY
8. DITCH EASEMENTS ARE FOR NON-AGRICULTURAL ACCESS FOR DITCH MAINTENANCE AND WATER CONVEYANCE FOR AGRICULTURAL PURPOSES.
9. SUBJECT AREA APPEARS TO BE PARTLY IN FEMA FLOOD ZONE C AND PARTLY OUTSIDE OF THE STUDY AREA.

BASIS OF BEARING:

THE LINE BETWEEN ADJACENT PARCELS 1, 2 & 3 = 201.00 ACRES

THIS MAP REPRESENTS A DIVISION OF PARCEL 18 SHOWN ON RECORD OF SURVEY DOC# 377711

TITLE CERTIFICATE

THIS IS TO CERTIFY THAT THE PARTIES AS LISTED WITHIN THE OWNERS CERTIFICATE ARE THE ONLY PARTIES OF RECORD HAVING A RECORD INTEREST IN THE LAND SURVEYED WITHIN THE CHARTERED BOUNDARY SHOWN ON THIS PLAT.

BOARD OF SUPERVISORS' APPROVAL:

ALL PROVISIONS OF N.E.S. 278.471 TO 278.473, INCLUDING, AND ALL LOCAL ORDINANCES, AND THE CHARTER OF THE CITY OF CARSON CITY, NEVADA, ARE HEREBY ACCEPTED BY THE BOARD OF SUPERVISORS ON THIS _____, 2008.

BY: (NAME) _____ ATTEST: (CITY CLERK)

USA
FOREST SERVICE
LAND USE 120, VSF

OWNER	ACRES	PERCENT	AREA
PARCEL 1	40.00	19.90%	160.00
PARCEL 2	40.00	19.90%	160.00
PARCEL 3	121.00	59.20%	484.00
TOTAL	201.00	100.00%	804.00

NO.	OWNER	ACRES	PERCENT	AREA
1	PARCEL 1	40.00	19.90%	160.00
2	PARCEL 2	40.00	19.90%	160.00
3	PARCEL 3	121.00	59.20%	484.00
4	TOTAL	201.00	100.00%	804.00

OWNER'S CERTIFICATE:

THIS IS TO CERTIFY THAT WILLIAM MICHAEL FAGEN, TRUST, WILLIAM MICHAEL FAGEN, TRUST, IS THE OWNER OF THE TRACT OF LAND REPRESENTED ON THIS PLAT, AND THAT THE SAME IS EXECUTED IN COMPLIANCE WITH AND SUBJECT TO THE PROVISIONS OF N.E.S. CHAPTER 278.471 TO 278.473, INCLUDING, AND ALL LOCAL ORDINANCES, AND THE CHARTER OF THE CITY OF CARSON CITY, NEVADA, ARE HEREBY ACCEPTED BY THE BOARD OF SUPERVISORS ON THIS _____, 2008.

ON THIS _____ DAY OF _____, 2008, PERSONALLY APPEARED BEFORE ME, A NOTARY PUBLIC, WILLIAM MICHAEL FAGEN, TRUST, AS A SINGLE TRUSTEE, AND THAT HE KNOWS BY ME TO BE THE PERSON DESCRIBED HEREIN, WHO ACKNOWLEDGED THAT HE EXECUTED THE ABOVE INSTRUMENT.

NOTARY PUBLIC:

SURVEYOR'S CERTIFICATE:

I, DARRYL W. HARRIS, A PROFESSIONAL LAND SURVEYOR LICENSED IN THE STATE OF NEVADA, HEREBY CERTIFY THAT:

1. THIS PLAT REPRESENTS THE RESULTS OF A SURVEY CONDUCTED UNDER MY DIRECT SUPERVISION AT THE INSTANCE OF WILLIAM MICHAEL FAGEN.
2. THE LANDS SURVEYED LE WITHIN SECTIONS 27 & 28, T.15 N., R.19 E., M.14 W., AND THE SURVEY WAS COMPLETED ON SEPTEMBER 19, 2008.
3. THIS PLAT COMPLETES WITH THE APPLICABLE STATE STATUTES AND ANY LOCAL ORDINANCES IN EFFECT ON THE DATE THAT THE GOVERNING BODY GAVE ITS FINAL APPROVAL.
4. THE MONUMENTS DEPICTED ON THE PLAT ARE OF THE CHARACTER SHOWN AND OCCUPY THE POSITIONS INDICATED, AND ARE OF SUFFICIENT NUMBER AND DURABILITY.

DARRYL W. HARRIS, PROFESSIONAL LAND SURVEYOR NO. 6447



CITY ENGINEER'S CERTIFICATE:

I DO HEREBY CERTIFY THAT I HAVE EXAMINED THIS MAP OF DIVISION OF LAND INTO LARGE PARCELS, THAT ALL PROVISIONS OF N.E.S. 278.471 TO 278.473, INCLUDING, AND ALL LOCAL ORDINANCES HAVE BEEN COMPLIED WITH, AND THAT THIS MAP IS TECHNICALLY CORRECT.

CITY ENGINEER _____ DATE _____

COMMUNITY DEVELOPMENT & PLANNING COMMISSION CERTIFICATE:

THIS FINAL PLAT HAS BEEN EXAMINED AND FOUND TO BE SUBSTANTIALLY THE SAME AS IT APPEARED ON THE TENTATIVE MAP APPROVED BY THE PLANNING COMMISSION ON THE _____ DAY OF _____, 2008. THE PLAT HAS BEEN RECORDED IN THE PLANNING DIVISION OF THE _____ DIVISION OF LAND SURVEYING HEREIN AND REVIEWED BY THE PLANNING DIVISION ON THE _____ DAY OF _____, 2008.

PLANNING COMMISSION CHAIRMAN _____ DATE _____

PLANNING DIVISION DIRECTOR _____ DATE _____

COUNTY RECORDER'S CERTIFICATE:

FILED FOR RECORD THIS _____ DAY OF _____, 2008, AT _____, N. IN BOOK _____ PAGE _____ OF THE OFFICIAL RECORDS OF CARSON CITY, NEVADA AT THE REQUEST OF WILLIAM MICHAEL FAGEN.

RECORDING FEE: _____ FILE NO.: _____

CLERK/RECORDER _____

FINAL MAP OF DIVISION INTO LARGE PARCELS LHM 08-101 FOR WILLIAM MICHAEL FAGEN 2005 TRUST 15925 Caswell Ln. Reno, Nevada 89511

LOCATED WITHIN SECTIONS 27 & 28, T.15 N., R.19 E., M.14 W. CARSON CITY, NEVADA