

CHURCHILL COUNTY SENDING SITE REVIEW COMMITTEE
CHURCHILL COUNTY, NEVADA
155 N. Taylor Street, Suite 194
Fallon, NV 89406
(775) 423-7627
(775) 428-0259 Fax
E-mail: planning@churchillcounty.org

NOTICE OF PUBLIC MEETING

PLACE OF MEETING: Churchill County Administration Complex, Planning Department Conference Room—Suite 193, 155 North Taylor Street, Fallon, Nevada.

DATE & TIME: Monday, 27 February 2012 at 8:30 a.m.

TYPE OF MEETING: Regular meeting of the Sending Site Review Committee

Notes:

- I. These meetings are subject to the provisions of Nevada Open Meeting Law (NRS Chapter 241). Except as otherwise provided for by law, these meetings are open and public.*
- II. Action will be taken on all agenda items, unless otherwise noted.*
- III. The agenda is a tentative schedule. The Sending Site Review Committee may act upon agenda items in a different order than is stated in this notice – so as to affect the people's business in the most efficient manner possible.*
- IV. The Sending Site Review Committee may combine two or more agenda items for consideration, remove an item from the agenda, or delay discussion relating to an item on the agenda at any time.*
- V. In the interest of time, the Sending Site Review Committee reserves the right to impose uniform time limits upon matters devoted to public comment.*
- VI. Any statement made by a member of the Sending Site Review Committee during the public meeting is absolutely privileged.*

Agenda:

CALL TO ORDER

1. Verification of the posting of the Agenda
2. Review and Adoption of Agenda: Action to approve the agenda as submitted or revised.
3. Public Comment: Comment upon matters not on agenda.
4. Review and Adoption of Minutes: Minutes of the January 23, 2012 meeting.

PUBLIC HEARING

Consideration and possible action regarding: An application filed by Kolhoss Properties, LLC for a sending site located at 4263 Harrigan Road, APN: 006-791-15, consisting of ±116.00 acres with ±105.81 water righted acres in the A-10 land use district.

DISCUSSION ITEM

Updates and other items of interest

Public Comment: Comment upon matters not on agenda.

ADJOURNMENT

AFFIDAVIT OF POSTING

STATE OF NEVADA)

§
COUNTY OF CHURCHILL)

I, Diane Moyle, Recording Secretary, do hereby affirm that I posted, or caused to be posted, a copy of this notice of public meeting, on or before the 22nd day of February 2012, at the following locations in Churchill County, Nevada:

1. City Hall;
2. Churchill County Administration Building;
3. Churchill County Road Department;
4. Churchill County Law Enforcement Center;
5. Churchill County Library;
6. Website @ www.churchillcounty.org.

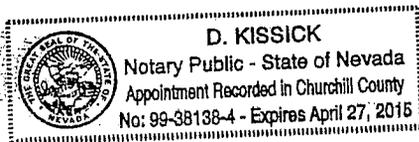
Diane Moyle

Diane Moyle, Recording Secretary

SUBSCRIBED and SWORN to before me this 22nd day of February 2012, by Diane Moyle.

D. Kissick

Notary Public



Endnotes:

Disclosures:

**Churchill County is an equal opportunity provider and employer.*

** "In accordance with Federal law and U.S. Department of Agriculture policy, Churchill County is prohibited from discriminating on the basis of race, color, national origin, sex, age, or disability. (Not all prohibited bases apply to all programs). To file a complaint of discrimination, write USDA, Director, Office of Equal Rights, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9410, or call (800)795-3972 (voice), or (202) 720-6382 (TDD)."*

Accommodations:

**Churchill County will make all reasonable efforts to assist and accommodate physically handicapped persons desiring to attend. Persons who are disabled and require special assistance may contact the Churchill County Planning Department, in writing at 155 N. Taylor Street, Ste 194, Fallon, Nevada 89406, or by calling (775) 423-7627.*

Procedures:

**The schedule of meetings of the Sending Site Review Committee is provided for by Title 16, Chapter 16.14.080 of the Churchill County Code.*

**The public meetings may be conducted according to rules of parliamentary procedure.*

**Persons providing public comment will be asked to state their name for the record.*

**The Sending Site Review Committee reserves the right to restrict participation by persons in the public meeting where the conduct of such persons is willfully disruptive to the people's business.*

MINUTES
CHURCHILL COUNTY SENDING SITE REVIEW COMMITTEE
January 23, 2012

Present: Eleanor Lockwood, Chair
Bob Getto, Committee Member
John Mincer, Committee Member
Diane Moyle, Recording Secretary
Simmie Travis, Applicant
Kenneth Winder, Representative

Absent: Ray Hendrix, Committee Member

CALL TO ORDER

Chairperson Lockwood called the meeting held in the Planning Department Conference Room of the Churchill County Administrative Complex, 155 North Taylor Street, Fallon, Nevada, to order at 8:35 a.m.

1. Verification of the posting of the Agenda

Chairperson Lockwood verified that the agenda had been properly posted. It was stated that since the County website had been changed, the agenda that was posted to the website didn't have a location for people to view it. She asked if there were any changes to the agenda, and Secretary Moyle stated that it was noticed that there were still references to the Planning Commission on the agenda; however, the title at the top stated that it was for the Sending Site Review Committee.

2. Review and Adoption of the Agenda

Chairperson Lockwood approved the agenda as posted.

3. Public Comment

Chairperson Lockwood asked if there were any public comments on anything not on the agenda, and there were none.

4. Review and Adoption of Minutes

Committee members had previously been provided with the Minutes of December 13, 2010.

Member Getto moved to approve the Minutes of December 13, 2010 as submitted. The motion was seconded by **Member Mincer** and was unanimously approved.

PUBLIC HEARING

Consideration and possible action re: An application filed by Donald & Simmie Travis for a sending site located at 2000 Berney Road, APN: 006-851-79, consisting of ±80.33 acres with

±49.04 water righted acres in the A-10 land use district. The applicant proposes to place a conservation easement on the property.

A map was provided to show the property in relation to NAS Fallon and other approved sending sites. The members of the committee verified that they were familiar with the property and had been out there before. It was clarified that there is one residence that is occupied on the parcel.

Chairperson Lockwood informed the members that the staff TDR calculation worksheet is different from that provided with the application in that the acreage of the property was shown as it is the Assessor's information with the decimal figures. She pointed out that the overall TDR total didn't change.

Chairperson Lockwood then went on to explain to the applicant that the partnership agreement between the Navy and Churchill County has been the key point to the success of this program. She further outlined that there are right now two sending sites that were appraised approximately one year ago that are moving forward in the process for purchase of the conservation easement by the County and Navy; however, these are the only two that will be moving forward during this calendar year due to the economy and resulting budgeting constraints. She informed the applicant that there are a few other properties that were appraised about a year ago that will be first on the list for any further purchase agreements, and then there are several properties indicated in yellow on the TDR map (see attached) that are still waiting for partnership funding for the conservation easements. She explained that this is a lengthy process that could take a few years before their sending site might come up to purchasing a conservation easement. Chair Lockwood stated that this county process is still necessary in order to be eligible for participation with the County and Navy purchasing partnership.

Motion by **Member Getto**, based on meeting the criteria for a Sending Site, including zoning designation, minimum acreage, water rights, and military operations buffer area, that the application concerning Assessor's Parcel Number 006-851-79, at 2000 Berney Road, consisting of ±80.33 acres, with ±49.04 water righted acres, be recommended for approval as a Sending Site. **Member Mincer** seconded the motion and it passed unanimously.

Member Getto made a motion based upon the calculations for acreage, water righted acreage, and location in the military buffer zone to recommend a total of **81 TDRs** be approved for APN 006-851-79 at 2000 Berney Road. The motion was seconded by **Member Mincer** and was carried unanimously.

Chairperson Lockwood explained that this committee will submit its recommendation to the Planning Commission that this property be approved as a sending site and that 81 transferrable development rights be approved, and the next Planning Commission meeting will be on February 8, 2012 at 7:00 p.m. She stated that the applicant would receive a letter stating the date and appointed time that the application would be heard. She thanked the applicant and representative for attending this meeting and invited them to stay if they wished for the remainder of the meeting.

DISCUSSION ITEM

Updates and other items of interest.

Chairperson Lockwood handed out updated public information spreadsheets regarding recorded conservation easements that have been completed through the TDR Program. Chairperson Lockwood said that this spreadsheet is a tracking tool that is used to identify the total number of acreage that has been placed under a conservation easement, the total purchase price, and so forth. She commented that the program has been extremely successful; however, due to the times, the progress with the program has been slowing down tremendously. She stated that this information in no way indicates how much per acre or TDR that a person would receive if they participate in the program. She explained that the amounts paid are based upon appraisals that show fair market value, and since the County and Navy are governmental entities no payment may be made above this value.

In 2011 Conservation Easements were recorded for a portion of the approved sending site for Frey Ranch LLC on Dodge Lane (that portion that lies within the sending site approval area), Marjorie Shepard on Stark Lane, and a portion of the approved sending site for Bill and Gwen Washburn on Harrigan Road.

In late 2011 the County Commissioners approved a purchase agreement for the Beulah Testolin sending site conservation easement, and at their last meeting, January 18, 2012 they approved a purchase agreement for the Raymond & Bruna Mertens sending site conservation easement. The Planning Department will proceed with preparing the easement documents for the Navy's review in hopes they will continue with the purchase of the easements this calendar year.

Chairperson Lockwood then commented that another sending site application was received last week for Kulhoss Properties LLC on Harrigan Road. She remarked that the applicants are well aware that if they are looking toward the Navy and County partnership purchase of the conservation easement, it will be a very slow process. The applicants do want to move forward with their application. It was agreed that the next Sending Site Review Committee meeting be held on Monday, February 27, 2012 to review the new application.

Member Mincer asked regarding the Chris Utter sending site in the TDR process. Chairperson Lockwood clarified that Chris Utter's property has been approved as a sending site. She didn't think that his property has been appraised yet. She then commented that she believes appraisals have been completed on the Goings and Uran properties in addition to the Testolin and Mertens properties.

Member Getto asked concerning the length of time a person has to accept the appraised value for the conservation easement and whether after a certain period of time they would have to come back before the committee or boards prior to approval. It was determined that the Navy generally accepts appraisals within a year timeframe. Discussion took place regarding the sending site process, and once a property has been approved, there is no need to come back for review with the committee or boards unless there is a significant change in the property, water, or uses on the property. This is the county process, and it is necessary in order to be eligible to participate in the Navy and County partnership easement purchase, which is a separate process

that involves appraisals, purchase agreements, and so on. Appraisals are completed once for a sending site, and if the owner does not accept the purchase price, they are moved to the bottom of the list in a category of not interested at this time. There are several factors that would be considered if someone wanted to participate at a later time more than one year after the appraisal was completed.

Member Getto and Kenneth Winder requested a copy of the TDR map be emailed to them.

Public Comment:

Chairperson Lockwood asked if there were any other public comments, and there were none.

ADJOURNMENT

Chairperson Lockwood adjourned the meeting at 8:54 a.m.

Respectfully submitted,

Diane Moyle
Recording Secretary

B. PROPERTY INFORMATION

1. General location of property (including nearest intersection): Harrigan
and Lazy Heart Roads

2. List Assessor's parcel number(s) and acreage:

APN 006-791-15 Section, township, and range 17-18-29 Acreage 116
APN _____ Section, township, and range _____ Acreage _____
APN _____ Section, township, and range _____ Acreage _____
APN _____ Section, township, and range _____ Acreage _____

Total Acreage: 116

3. Present zoning: A-10

4. Amount of water rights appurtenant to the property 105, 810

Please provide a copy of the TCID Water Right Detail.

If no water rights are appurtenant to the property, has irrigation been removed and or vegetation been stripped from the property within the last six (6) years? Yes () No ()

If yes, attach an affidavit of compliance with the Dust Control requirements of Churchill County Code.

5. Property location (Check if applicable)

Water resource area () Military Installation buffer zone ()
FEMA designated flood plain () (Include copy of FEMA map) Other () _____

C. LAND USE INFORMATION

Describe the Sending Site providing details about the current land uses including number and types of livestock, wildlife species, a general description of crops and acreage, native fauna, wetlands and other property characteristics that have a community benefit that would be degraded by increased residential development

Provide any other information including photos and maps that clearly describe the sending site.

cattle, pasture, alfalfa, wheat

Current number of homes on the property: 0

Number of reservations for future homes on the property: 1

[Please Note: This may affect the appraisal value for the easement and purchase price for the easement should the Navy and/or County participate to purchase the easement.]

Please attach copies of any documents that may assist the sending site review committee in determining the community benefit of the sending site.

D. CONSERVATION EASEMENT DESCRIPTION

*A **Conservation Easement** – a legal agreement between a landowner and an eligible organization that restricts future activities on the parcel, parcel(s) or portion thereof to protect its conservation, agricultural, open space or similar value in perpetuity.*

A conservation easement granted through the TDR program shall be required for land and water contained in the sending site. The conservation easement may be placed on the entire parcel or parcels or only the portion of the parcel or parcels that is qualified as the sending site. The conservation easement shall indicate the portion of the parcel or parcels restricted from future residential development, or limitations on future residential and nonresidential development within the conservation easement and the amount of water right.

Provide information that briefly describes the proposed conservation easement including:

- Assessor's plat map or maps of the parcel or parcels
- A site plan depicting the proposed conservation easement area, existing and proposed residential units, submerged lands, any area already in a conservation easement or similar encumbrance
- A brief description of the site resources including appurtenant water rights, including a copy of the TCID Water Right Detail and TCID map showing water application/irrigation
- If the site is qualifying as habitat for a threatened or endangered species:
 - i) A wildlife habitat conservation plan, or
 - ii) A wildlife habitat restoration plan, and
 - iii) A wildlife present conditions report.

Please list the attachments providing the above information:

Assessor's plat map _____

TCID Water Right Detail _____

Aerial Map _____

Are there any existing easements for access, utilities, or any other purposes or other encumbrances? Yes No. If yes, show on site plan or maps and provide the recorded document number. Dirt Road

List all lien holders (mortgages, deeds of trust, lessees, or other encumbrances). Lien holders will be required to subordinate their mortgage or deed of trust to the conservation easement:

Are there any properties adjacent to your lands that are subject to existing conservation easements, variance or plat restrictions, or public owned open space?

Yes No Don't Know

E. TRANSFER OF DEVELOPMENT RIGHTS CALCULATION

BASE DENSITY

Sending sites designated on the zoning map as A-5, A-10 or RR-20 and in the Master Plan as outside of the urbanizing area shall be assigned a base density of one (1) equivalent residential units (ERC) per four (4) acres

APN 006-791-15 Acreage 116: Acreage/4 x 1ERC = 29
APN _____ Acreage _____: Acreage/4 x 1ERC = _____
APN _____ Acreage _____: Acreage/4 x 1ERC = _____

Total = 29 ERCs (1)

WATER RIGHTED ACREAGE

One (1) equivalent residential unit per irrigated water righted acre.

APN: 006-791-15 Water righted acres: 105.810
APN: _____ Water righted acres: _____
APN: _____ Water righted acres: _____

Total water righted acres = 105.810

Total water righted acres 105.810 x 1ERC = 105.810 ERCs (2)

BONUS AREAS:

a. Sending sites or a portion thereof located within a drinking water recharge protection or Water Resource area, military operations buffer area, or FEMA designated flood plain are allocated 1.5 ERCs per 10 acres. (*Note: this calculation is not cumulative. Only include the acreage of the parcels located within one of these sites*)

APN: 006-791-15 . Acreage 116
Acreage /10 x 1.5 ERCs = 17.4 ERCs (3)

b. Sending sites/parcels which total 100 or more acres are allocated one (1) ERC per ten (10) acres. (*Note: Calculate total acreage of all parcels included in the sending site application. Total acreage/10 x 1ERC*)

APN 006-791-15 Acreage 116 APN _____ Acreage _____
APN _____ Acreage _____ APN _____ Acreage _____
Total Acreage= _____

Total Acreage (116)/10 x 1ERC = 11.6 ERCs (4)

c. Sending sites providing beneficial public access as defined by the County to recreation areas, walking trails, bicycle paths, wetlands, rivers, lakes, State parks, or Federal lands - 10 ERCs per parcel;

Walking trail: ___ APN: _____ Bicycle path: ___ APN: _____
 Wetland: ___ APN: _____ River: ___ APN: _____
 Lake: ___ APN: _____ State park: ___ APN: _____
 Federal land: ___ APN: _____

Total number of parcels providing access = _____
 10 x number of parcels providing access = _____ ERCs

TOTAL NUMBER OF ERCs:

Total Base Density = 29

Total Water Righted = 105.81

Total Bonus Area (a) = 17.4

Total Bonus Area (b) = 11.6

Total Bonus Area (c) = _____

GRAND TOTAL = 163.81 = TOTAL TDRs 164

VERIFICATION

Pamela Wickizer, BEING DULY SWORN, DEPOSES AND SAYS THAT HE/SHE HAS AN INTEREST IN THE PROPERTY DESCRIBED IN THE FOREGOING APPLICATION; THAT HE/SHE HAS READ SAID APPLICATION AND KNOWS THE CONTENTS THEREOF; THAT THE STATEMENTS THEREIN ARE TRUE AND CORRECT TO HIS/HER KNOWLEDGE EXCEPT THOSE CLEARLY INDICATED TO BE TRUE AND CORRECT TO HIS/HER BELIEF WITHIN THE LIMITS OF HIS/HER KNOWLEDGE; THAT THE TRANSFER OF DEVELOPMENT RIGHTS ORDINANCE HAS BEEN READ AND UNDERSTOOD; THAT THE INFORMATION PROVIDED ABOUT THE TRANSFER OF DEVELOPMENT RIGHTS PROGRAM HAS BEEN READ AND UNDERSTOOD; AND THE BENEFITS AND IMPLICATIONS OF CONSERVATION EASEMENTS HAVE BEEN DISCUSSED WITH ALL INDIVIDUALS WHO HAVE AN INTEREST IN THE PROPERTY DESCRIBED.

FURTHERMORE, HE/SHE AFFIRM THAT THE SENDING SITE FOR WHICH TDR CERTIFICATES ARE SOUGHT CONTAINS ONLY UNDIVIDED LEGAL LOTS AND THAT NO SUBSTANDARD LOTS OUTSIDE OF THE SENDING SITE ARE HELD IN COMMON OWNERSHIP WITH THE SENDING SITE.

HE/SHE UNDERSTAND THAT THIS APPLICATION IS SUBJECT TO REVIEW FOR CONSISTENCY WITH SELECTION POLICIES AND CRITERIA BY THE SENDING SITE REVIEW COMMITTEE IN ORDER TO PROPERLY EVALUATE AND PROCESS THIS APPLICATION. I/WE AGREE TO ALLOW SENDING SITE REVIEW COMMITTEE ENTRY TO OUR PROPERTY WITH ADVANCE NOTICE. HE/SHE UNDERSTANDS THAT THE \$150 FILING FEE IS NONREFUNDABLE.

SIGNED: Pamela Wickizer

MAILING ADDRESS 114 Carson River Dr. Fallon, NV 89406

PHONE: (775) 423-5288

SUBSCRIBED AND SWORN TO BEFORE ME BY Pamela Wickizer

THIS 19 DAY OF January, 2012.

Tasha Hesse
NOTARY PUBLIC, IN AND FOR THE
STATE OF _____
County of _____



Serial #: **265-1**

Owner's Name: **Kolhoss Properties, LLC**

Control #: 6085	420 S. Allen St.		
APN: 679115 C			
Hold:	Fallon	NV	89406-3740
Pump Permit:	Phone: (775) 423-4866		
Property	Irrigator's Name: Washburn, Bill or Wes		
Physical Address: Harrigan Rd.	5225 Harrigan Rd.		
	Fallon	NV	89406-8981
	Phone 1: (775) 423-2601		
	Phone 2:		
	Phone 3:		

Assessment: **Yes, Parcels are assessed on the tax roll**

District	Lateral	Takeout			Total	W.R.		
Description	Sc	Tn	Rn	Acres	Acres	Susp	Duty	
Central	L1-7	L1-7-T15						
	L1-7	L1-7-T16						
	L1-7	L1-7-T17						
	L1-7-2	L1-7-2-T1						
SE4 NW4, SW4 NE4, Pt. SW4 NW4	17	18	29	116.00	102.40		3.5	
3-18-85 WRT #47881	17	18	29		3.20		3.5	
BOR RECLASS 2-85	17	18	29					
2-20-87 WRT #49283	17	18	29		.62		3.5	
CONTESTED TRANSFER IRRIGATED ACRES REDUCED								
Irr. Ac. reset per BOR Cad 4/29/95								
10-06 Withdraw fr 49283 # 49283 TO 538					-.22		3.5	
10-06 Withdraw fr 49283 # 49283 TO 538-13-B-8					-.19		3.5	
				Total	W.R.			
				Acres	Acres	Susp	Duty	
Totals				116.00	105.81	.00		

This document only represents the current records of the District and is not a warranty or guarantee of title or ownership. If a warranty or guarantee of title to ownership of land or water rights is desired, you will have to obtain such from a title company or registered land or water right surveyor.

Truckee-Carson Irrigation District
Water Rights Detail Record

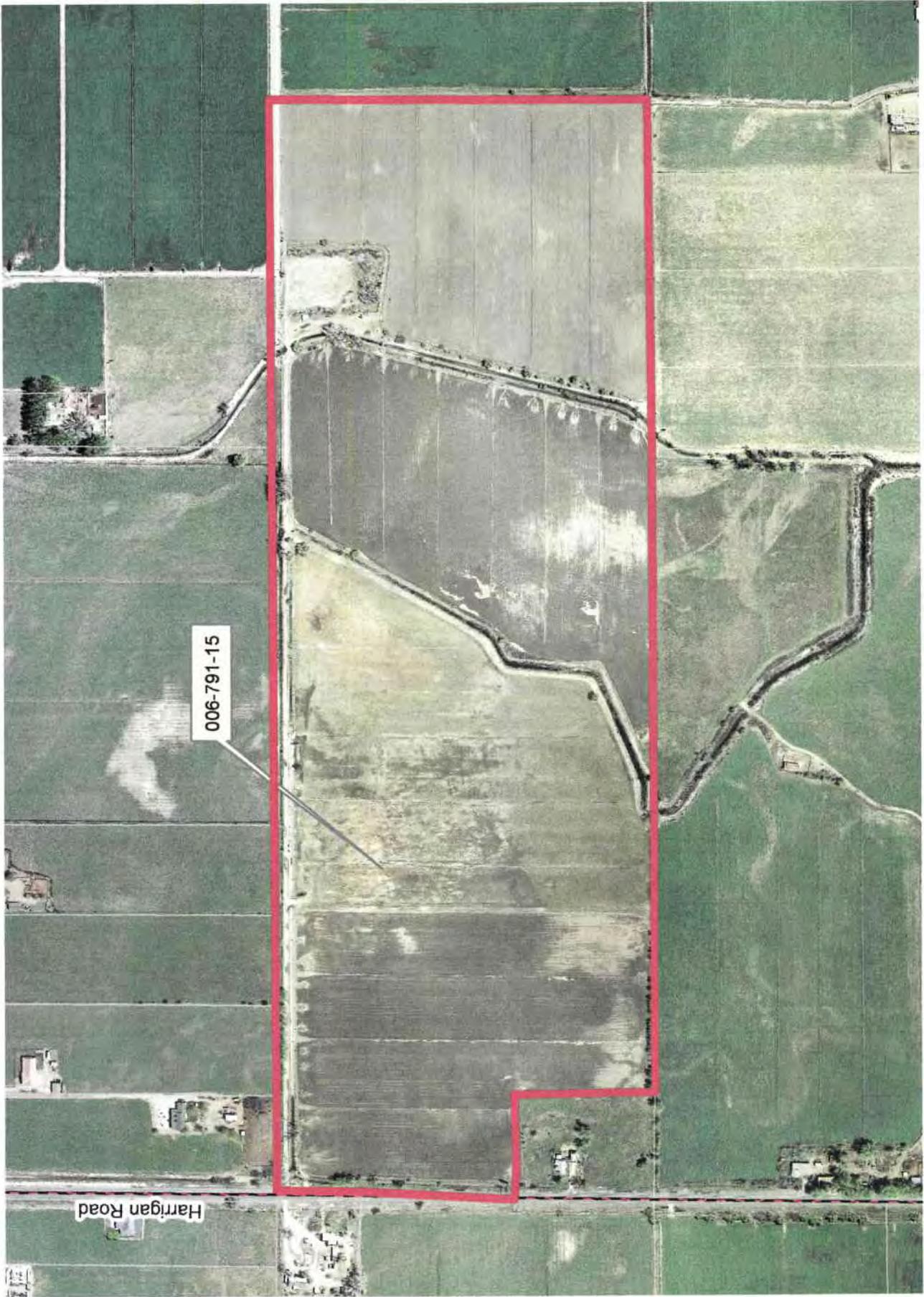
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1/18/2012

Serial #: **265-1**

Owner's Name: **Kolhoss Properties, LLC**

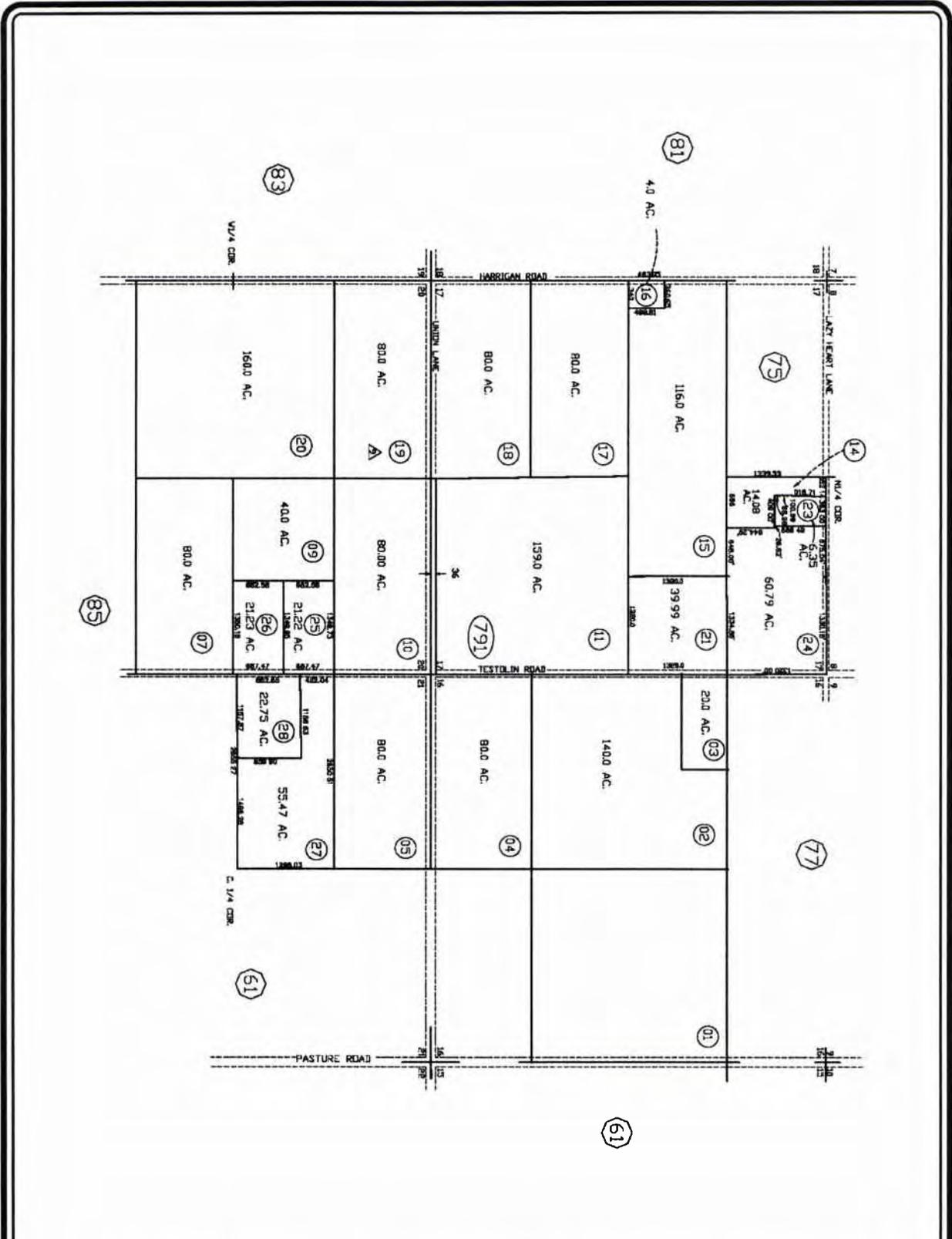
	1.5	2.99	3.5	4.5	Other
Irrigated Acreage:	.00	.00	104.80	.00	.00

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006-791-15

Harrigan Road



06-79



18 N. 29 E. 16,17,20, & 21
 TOWNSHIP RANGE SECTION

NOTE: This plat is for assessment use only and does not represent a survey. No liability is assumed as to the accuracy of the data derived hereon. Use of this plat for other than assessment purposes is not recommended and Churchill County expressly disclaims any liability for use other than for assessment purposes.

LEGEND
 ZONING
 ELLIPSE
 BRACKET
 PARCEL #
 ROAD
 FISCAL YEAR

ZONE
 A-10

LAST REVISED:
 JULY 24, 2007

STATE OF NEVADA
 COUNTY OF CHURCHILL
 REVISED BY:
 ASSESSOR
 FISCAL YEAR
 2010/2011

1"=1200'
 06-79