



WASHOE COUNTY

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STAFF REPORT

BOARD MEETING DATE: August 22, 2023

DATE: July 3, 2023

TO: Board of County Commissioners

FROM: Dave Solaro, Arch., P.E., Assistant County Manager
Community Services Dept., 328-2043, dsolaro@washoecounty.gov

THROUGH: Eric Brown, County Manager

SUBJECT: Recommendation to consider a request from SouthWestern Property Corporation (SWPC), as requested by Commissioner Clark, for Washoe County staff to negotiate an Easement Deed and Easement Agreement between Washoe County (“Grantor”) and SWPC (“Grantee”) for design, construction, installation, use and maintenance of a requested emergency access road, including relocation of an existing public utility easement and associated improvements over, across and through a portion of Washoe County property Assessor’s parcel number (APN) 520-250-31, (5100 Spectrum Boulevard, Regional Public Safety Training Center) located at the terminus of Spectrum Boulevard Reno, Nevada. Said easement request would provide for emergency ingress/egress to the adjacent City of Reno approved residential development; and if approved, authorize County staff to negotiate an Easement Deed and Easement Agreement and require staff to present the negotiated Easement Deed and Easement Agreement to the County Commission for approval at a later date. (Commission District 3.)

SUMMARY

Washoe County owns a ±125 acre site (APN 520-250-31) located at 5100 Spectrum Boulevard at the terminus of Spectrum Boulevard which is utilized as the Regional Public Safety Training Center. SouthWestern Property Corporation (SWPC) has approached Washoe County as the owner of the training center property, with a request to provide an emergency access easement for the benefit of an approved multifamily development within the City of Reno on an adjacent property.

The Regional Public Safety Training Center operates under an Inter-local Agreement between Washoe County, the City of Reno, and the City of Sparks. The agreement allows for equitable participation in the administration and management of the state-of-the-art facility. Within the Inter-local Agreement Washoe County is tasked with administering any alterations, repairs, modifications, or changes of the premises. The Inter-local Agreement specifically calls for approval of the Washoe County Public Works Department (Community Services Department) and/or the Washoe County Commission prior to any adjustments to the property.

AGENDA ITEM # _____

The request from SWPC is to alter the premises and the Board of County Commissioners (Board) should make the determination if this is in the best interest of the County and Training Center.

Staff is requesting the Board review the presentation by SWPC (Attachment C) and provide direction related to the concept of an emergency access, relocation of an existing utility easement, and a possible agreement for the construction, installation, utilization, and long-term maintenance of an easement. This is a request by a third party to obtain an interest in the county's property. The county has no legal obligation to sell or otherwise grant an access easement to the developer.

The Training Center Executive Board, chaired by the Washoe County Sheriff, has heard this presentation and is concerned that creation of an emergency access roadway through the site does not align with the use of the training center and may impede expansion plans for K-9 operations as well as a horseback training facility for law enforcement.

Washoe County Strategic Objective supported by this item: Fiscal Sustainability: Long-term sustainability.

PREVIOUS ACTION

On May 23, 2023, SouthWestern Property Corporation (SWPC) met with the Regional Public Safety Training Center Executive Board to present their project and proposal for the emergency access and water line facility easement.

On August 22, 2022, SouthWestern Property Corporation (SWPC) met with the Regional Public Safety Training Center Executive Board to present their project and proposal for the emergency access and water line facility easement.

On December 14, 1999, the Board approved a Purchase Agreement with Nevada Spectrum, LLC for the purchase of property to house the Regional Public Safety Training Center.

BACKGROUND

As a part of the purchase of property in 1999 by Washoe County from Nevada Spectrum, LLC three easements were included in the purchase and closing documents:

Document 2408401 – grants easements from Nevada Spectrum, LLC to Washoe County for non-exclusive public access and easements for utility service as well as construction easements. This easement was for the benefit of Washoe County to use when developing the training center for creation of the access roadway and utility corridor. The access easement later became Spectrum Boulevard, extinguishing the grant of easement with dedication tract map 3979.

Document 2411466 – grants from Nevada Spectrum, LLC to Washoe County right-of-way ingress and egress over and across Nevada Spectrum, LLC property and it also includes construction easements.

Document 2411467 – grants from Nevada Spectrum, LLC to Washoe County and from Washoe County to Nevada Spectrum, LLC, Utility easements for construction and maintenance of utility services, including water, electricity, natural gas, storm drain, sewer, cable and telephone. This is a blanket easement over a portion of the Washoe County owned property shown on Attachment D.

Washoe County staff has reviewed the information provided by SWPC and the proposal is technically achievable. Due to the potential impact to future operational needs at the Training Center, staff requested that SWPC provide their request and presentation to the Executive Board of the RPSTC. The Executive Board is made up of:

Chairman, Washoe County Sheriff
Reno Police Department, Police Chief
Reno Fire Department, Fire Chief
Sparks Police Department, Police Chief
Sparks Fire Department, Fire Chief

The Training Center Executive Board is concerned about the potential for the roadway improvements to interfere or limit the use of portions of the property. Current plans include the construction of a K-9 training facility as well as a horseback training area for law enforcement. The proposed access easement would render the Training Center unable to construct the K-9 training facility and horseback training facility as currently planned. Impediment of future expansion needs of the training center is a concern that cannot be taken lightly as the public expenditure of monies for the current facility is substantial.

Information provided to Washoe County staff from SWPC:

SWPC obtained entitlements in August 2017 and again on April 7, 2021 to allow for construction of 420 apartment units on SWPC's parcel. Construction will require an additional emergency access road and a secondary source of water to satisfy conditions of approval. NDOT would permit the construction of the water line under the US 395 freeway (via a jack and bore) but this would not provide water redundancy for the Regional Public Safety Training Center.

When the project was originally approved, SWPC did not have a formal requirement at that time to have emergency access through the Regional Public Safety Training Center. However, the International fire Code now required two distinct means of access and NDOT/FHWA will not permit emergency access of the US 395 northbound on-ramp.

SWPC's project will allow for 420 multi-family housing units to be provided that will help ease our ongoing housing shortage. In addition, this project will allow individuals and families that work in the vicinity of the site to live closer to their place of employment. Conditions of approval will provide for recreational trail facilities and pedestrian amenities with a public use easement that will benefit Regional Public Safety Training Center employees.

When SWPC originally approached the Regional Public Safety Training Center, plans called for the emergency access/water line facilities to be placed along the west boundary of the site and this is what was discussed at the August 22, 2022 with the Regional Public Safety Training Center Executive Board (**ATTACHMENT A**). Since that time, Washoe County also discussed an alignment on the east property boundary that may be less impactful to long term plans for the facility (**ATTACHMENT B**). Both the original proposed alignment and currently proposed alignment are attached to this staff report.

TMWA has a project in their 2035 Water Facility Plan for the North Valley's area to run 2,000 lineal feet of 12" main line from Ranger Road to the Panther Tank Zone on the Regional Public Safety Training Center parcel. SWPC's project is consistent with this plan and will use private funds to construct the line in lieu of the estimated \$939,000 in public funds that would be required as identified in an internal TMWA north valley infrastructure report

Construction activities are expected to last for approximately 3-4 weeks. SWPC is required to coordinate closely with the Director of the Regional Public Safety Training Center to ensure construction does not impact important or critical center activities. Additionally, all disturbed areas must be reseeded with a native vegetation mix, as reviewed and approved by the Washoe County Community Services Department.

Consistency with the Washoe County Easement Policy

SWPC believes the proposed easement is consistent with the Washoe County Easement Policies as there are no feasible or prudent alternatives and the project will benefit the subject site with negligible impacts.

Staff Notes Regarding SWPC's Information:

Staff disagrees that the proposed access easement would have negligible impacts. The proposed access easement would limit or prohibit certain Training Center development, such as construction of a K-9 training facility as well as a horseback training area for law enforcement. Attachment E is a letter from the members of the Training Center Executive Board which outlines the staff concern with the access easement.

Additionally, the executive board met with the developer on two occasions, neither meeting resulted in support for granting of the emergency access easement. Below is an e-mail from the Sheriff to the Board of County Commissioners outlining the latest discussion from a May 2023, special meeting of the executive board:

"Good evening Commissioners,

On Tuesday May 23rd, a special Executive Board Meeting was held to specifically discuss and vote on the support for the Spectrum Apartment complex. Once all items were discussed a vote was called and it was unanimous 5-0 vote to not support the project as presented to our board. Furthermore, for the chair of the Executive Board to inform the Commission of our vote.

I would like to provide a brief overview of how we came to this conclusion. Prior to the special meeting, the Executive Board voted to allow myself as chair to deal directly with Mr. Mark Campbell, who is one of the main investors, related to the Executive Boards concerns regarding the secondary fire access road, maintenance of the fire access road, secondary access gate, and the regional range.

I reached out to Mr. Campbell and initiated conversations related to the boards concerns. During our exchanges, Mr. Campbell went on vacation, so I began dealing Joseph Pelham, who is another one of his partners. I verbally discussed the following points of concern and reaffirmed them through emailed:

- The RPSTC Executive Board expressed concerns about the future maintenance costs associated to the secondary fire access road like, sealant, weather maintenance, electric access gate, etc. Currently, the RPSTC does not have future funding designated for any additional maintenance costs that may be incurred for anything outside of the current obligations that exist. We discussed the developer would be responsible for any future maintenance costs. The maintenance cost obligation would run with the land, so that if the property was sold that those future costs would be passed on to any future owner, successor, beneficiary or assign of the development. We discussed these concerns and

you indicated that your organization was willing to accept the future costs noted above and include with any future sale of the development to any future owner.

- The RPSTC Executive Board also discussed the concern of abandoned vehicles being left within our current parking lot and the nuisances or costs associated with the removal of these vehicles. We discussed having your organization implementing a security gate that would be built in front of the roundabout in front of the RPSTC that could be closed in evening hours to prohibit vehicles from the apartment complex from being parked or dumped within our parking lot. We discussed the concerns, and you indicated the developers would be willing to pay for the cost of the installation of such gate.
- Lastly, RPSTC Executive Board continued to discuss the future concerns of the regional range being shut down once the apartment complex was inhabited. Currently, the regional range operates on a special use permit that allows for 24/7 range use. There is a large concern that the presence of a large multifamily development next to the existing shooting range could affect the special use permit or otherwise interfere with or prohibit range operations. Mr. Campbell, on behalf of the developers, offered to set aside \$300,000 to address potential interference issues with the regional range operations. The Board expressed that the cost to just purchase a required amount of land would far exceed 300K. The RPSTC Board agreed the money should be increased to allow for the partners to have a high probability to have monies to help purchase any needed land to build a new range if required. We discussed the monetary amount should be around 500K. You spoke with your respective investors and expressed they would be willing to set aside 500K for any future costs that may be associated with the need to find a new range.

Mr. Pelham responded back that the partners had agreed to all the above concerns and would address each of them in related documents. Unfortunately, as I was in conversations with Mr. Pelham, Reno Iron Works development was halted by an injunction sought by SPCA and granted by District Court Judge Kathleen Sigurdson. The contention from SPCA, was if Reno Iron Works was allowed to flatten the hillside on their property it would eliminate the "natural" sound barrier between our regional range and the SPCA thus continuing to traumatize the animals they were attempting to rehabilitate. As of this writing, the construction has remained halted due to the injunction.

At the RPSTC Executive Board meeting partner members expressed their concerns about the regional range falling victim to the same type of injunction once individuals began living within the apartment complex. Although the developer was willing to set aside 500k, everyone agreed that would not be enough to even purchase land and develop another range within the immediate area for all agencies that utilize the range. It also was not enough to develop and build an indoor range on the existing site of the regional range. They also expressed their concerns regarding the disruption of first responder training as construction on the secondary fire lane was being completed. Currently, both law enforcement and fire are holding multiple academies throughout the year to train and build back their thinning forces.

If you have any questions please feel free to contact me.

Respectfully,

Sheriff Balaam"

FISCAL IMPACT

Creation of the easement, design, construction and permitting associated with the project would be the responsibility of SouthWestern Property Corporation. SWPC may be required to pay market value for the easements.

There will be no direct costs from Washoe County; however, it is estimated that 55 hours of staff time between Community Services Department and the District Attorney's Office will be necessary for easement negotiations and agreement review.

RECOMMENDATION

It is recommended the Board of County Commissioners review the information provided by SWPC for access/utility easements across County owned property (APN520-250-31) and deny SWPC's request, after making a determination that it is not in the best interest of the region to have staff work with SWPC in fulfilling their request.

POSSIBLE MOTION

Should the Board agree with staff's recommendation, a possible motion would be: "Move to deny SWPC's request for access/utility easements across County owned property, APN 520-250-31, 5100 Spectrum Boulevard, Regional Public Safety Training Center."

Alternatively,

Should the Board disagree with staff's recommendation, a possible motion would be: "Move to authorize County staff from the Community Services Department and the District Attorney's Office to negotiate an Easement Deed and Easement Agreement to design, construct, install, use and maintain a requested emergency access road, relocation of an existing public utility easement, and associated improvements over, across and through a portion of Washoe County property APN 520-250-31, (5100 Spectrum Boulevard, Regional Public Safety Training Center) located at the terminus of Spectrum Boulevard Reno, Nevada; and require staff to present the negotiated Easement Deed and Easement Agreement to the County Commission for approval at a later date."

Attachment A – Water and emergency access, west alignment

Attachment B – Water and emergency access, east alignment

Attachment C – SWPC Regional Training Center presentation, August 22, 2022 and memorandum from Dandini Spectrum Holdings, LLC, March 20, 2022

Attachment D – Regional Public Safety Training Center site map

Attachment E – Regional Public Safety Training Center Executive Board letter of opposition