

City of Carson City
Agenda Report

Item # 6C

Date Submitted: September 12, 2006

Agenda Date Requested: September 21, 2006

Time Requested: 40 Minutes

To: Mayor and Supervisors

From: Parks and Recreation Department - Open Space

Subject Title: Action to approve in concept the basis for a conservation easement with Mr. Michael Fagen, owner of the Horse Creek Ranch, for the 200-acre meadow area, located two miles west of the paved terminus of Kings Canyon Road, APN 7-051-78.

Staff Summary: Due to the complexity involved in a conservation easement, the Open Space Advisory Committee requested that staff consult with the Board of Supervisors in order to determine whether the proposed basis for the conservation easement is in keeping with the Board of Supervisors' goals.

Type of Action Requested: (check one)

Resolution

Ordinance

Formal Action/Motion

Other (Specify)

Does This Action Require A Business Impact Statement: Yes No

Recommended Board Action: I move to approve in concept the basis for a conservation easement with Mr. Michael Fagen, owner of the Horse Creek Ranch, for the 200-acre meadow area, located two miles west of the paved terminus of Kings Canyon Road, APN 7-051-78.

Explanation for Recommended Board Action: Conservation easements require multiple complexities to be solved and agreed to in a written legal document. The Open Space Advisory Committee wishes to explore the Board of Supervisors' thoughts in this respect. The attached memorandum explains the basis for the drafting of a conservation easement for the meadow area of Horse Creek Ranch. The State of Nevada Resource Protection Grant, Question 1, has awarded \$500,000 towards this project.

Applicable Statute, Code, Policy, Rule or Regulation: N.R.S. 111.400 - 440

Fiscal Impact: Question 1 Grant for \$1.5 million as follows: 1 million towards the fee title portion and \$.5 million towards the conservation easement. Open Space funding will be used to match those awards.

Explanation of Impact: The conservation easement will have to be appraised at the cost of the grantor. Carson City will pay for two opinions of value in accordance with C.C.M.C. Title 20.

Funding Source: Open Space acquisition accounts

Alternatives: Not to accept the basis of the easement

Supporting Material:

Memorandum regarding the basis for the Horse Creek Ranch conservation easement (Pages 1-3)

Nevada Revised Statutes regarding conservation easements (Pages 4-5)

Draft Baseline Analysis (Pages 6-23)

Lodge elevations (Pages 24-33)

Prepared By:

Juan F. Guzman
Juan F. Guzman, Open Space Manager

Date: 9, 8, 06

Reviewed By:

Roger Moellendorf
Roger Moellendorf, Parks & Recreation Director

Date: 9, 12, 06

Linda Ritter
Linda Ritter, City Manager

Date: 9, 12, 06

Mike Singh
District Attorney's Office

Date: 9, 12, 06

Walter Shoups
Finance Department

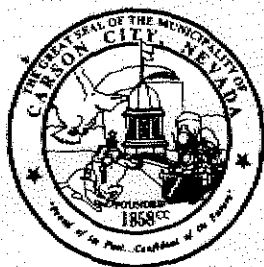
Date: 9, 12, 06

Board Action Taken:

Motion: _____ 1: _____ Aye/Nay

2: _____

(Vote Recorded By)

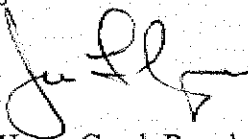


CARSON CITY, NEVADA

CONSOLIDATED MUNICIPALITY AND STATE CAPITAL

Memorandum

To: Mayor Teixeira and Board of Supervisors

From: Juan F. Guzman, Open Space Manager 

Subject: Basis for a Conservation Easement with Horse Creek Ranch

Date: September 12, 2006

General Statements about Conservation Easements

The provisions for conservation easements can be found under N.R.S. Sections 111.390 to 111.440 inclusive. These provisions generally fall within the purview of Chapter 111 of the N.R.S., States in Property. More specifically, N.R.S. 111.410 provides a definitional checklist or characteristics of easements for conservation. Until recently, this chapter was rarely used in order to ensure open space within agricultural areas within both Carson City and Douglas County. Probably the first time this chapter was used in Carson City was to create the circle at the Garth Richards Boulevard within the Silver Oak Subdivision. The circle contained archeological resources which fall under the historic category of conservation easements and is to eventually be improved by the development.

Conservation easements are primarily based on restrictions which are typically the subject of negotiation between the landowner and the easement holder. The restrictions may be self-imposed or arise as a result of the development process and have the concurring attribute of tax planning. The provisions and restrictions can be the subject of enforcement and create rights for the holder of the easement or even an entity or party that is cited as a third party enforcement within the document. This principle is important for the easement with Horse Creek Ranch since the state will be a third party enforcer. The easement must be accepted by the holder of the easement and the grantor and it must also be recorded in the jurisdiction where the property is located.

Easements are normally for long-term duration or perpetuity and are traditionally referred to as running with the land. Conservation easements are favored by government since the owner of the land still holds title and pays a minimum amount of taxes. At the same time, the easement provides for the land to be developed subject to the limitations called for in the easement. The government benefits are related to community land planning goals and implementation of local master plan elements. For the owner, the benefits include individual planning goals, estate planning, and tax planning benefits.

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Considerations Important to Mr. Fagen - the Easement Grantor

Mr. Fagen contemplates the eventual creation of three parcels, with two of the parcels containing approximately 20 acres, which is the minimum needed to comply with the zoning code, which is Conservation Reserve, and one parcel containing approximately 161 acres inclusive of the meadow. The two 20-acre parcels may eventually be developed with one single-family dwelling each plus an approximately 40,000 square foot lodge in keeping with the attached drawings and designs. The lodge is to be used to accommodate occupancies in the realm of 100 people for daily activities and overnight guests in the number of 30. The lodge's main use will be to conduct meetings or gatherings and it will be made available to the public through a reservation system. Mr. Fagen anticipates running the lodge as a non-profit corporation. The two single-family dwellings will accommodate the needs of Mr. Fagen's son and daughter in the future. In respect to the parcel containing the meadow, Mr. Fagen does not have any development needs. It is his anticipation to continue to irrigate and provide in the future for agricultural uses of the type that will not substantially change the character of the meadow.

Carson City's Primary Considerations

It is the City's goal to prevent development of the meadow in order to preserve its open space and scenic qualities. In the past, the City has expressed a desire for access into the meadow; however, that has not been negotiated. Mr. Fagen strongly believes that access by the public at large would impede the agricultural operations and is an intrusion into his ownership of the ranch. He is willing; however, to allow for a limited number of Carson City conducted field trips such as two per year, and he is also willing to allow for limited access into the meadow property through the use of the lodge facility.

One of the main reasons for preserving the meadow, besides its scenic beauty, is for watershed protection. The soils of the meadow act as a sponge facilitating the infiltration of water into the Clear Creek Watershed. Flora of the meadow also provides for desirable habitat for wildlife, including deer, bear, mountain lion, and birds of prey. Please refer to the attached baseline analysis which contains more information regarding the ecological value of the ranch.

Under the present zoning of Conservation Reserve, Mr. Fagen has the ability to divide the property into ten 20-acre plots. It is proposed that the easement will restrict the parcelization to a maximum of three. Under present zoning, one single-family dwelling per 20 acres is allowed. Mr. Fagen proposed two new single-family dwellings plus the lodge. The remainder of the single-family dwelling density provided by the zoning will be extinguished by the easement. The construction of the lodge will require an special use permit under the provisions of the Conservation Reserve zoning district. Mr. Fagen has conducted a major project review in order to begin to ascertain the likelihood that he will be able to construct the lodge.

Transaction Cost and Funding

It will be the job of an appraiser to determine the value of the conservation easement. The accepted methodology to conduct this type of appraisal is to determine the full value of the land without any restrictions. Second, the appraiser will determine the economic value of the restrictions and subtract the full value of the property without restrictions from the value of the restrictions to arrive at an opinion as to the value of the conservation easement. For sake of argument, staff has assumed that as much as 50% of the value of the property may be lost through the conservation easement. One could argue, however, that the construction of the lodge substantially increases the potential value of the land. The Internal Revenue Service requires that if the owner wishes to take advantage of any of the provisions as a charitable donation, the owner of the land must pay for the appraisal. Mr. Fagen anticipates the use of Mr. Bill Kimmel as an appraiser.

Recently, Carson City adopted Title 20 of the Carson City Municipal Code in order to come into compliance with AB312. In order to buy property, the county is required to conduct two appraisals of the property to be purchased. Staff anticipates using the created list of appraisers to request two letters of opinion as to the work conducted by Mr. Kimmel full appraisal.

It is also customary in conservation easement transactions for the property owner or grantor to provide for an endowment fund toward the conservation of the easement. Mr. Fagen anticipates the donation of \$50,000 towards the endowment of this easement. Mr. Fagen has discussed with the Open Space Advisory Committee language to provide that the funding can be used for the administration, compliance, reviews, however, not for suing him in a court of law in order to enforce the easement.

The State of Nevada has awarded Carson City \$593,000 towards the completion of the easement. The Question 1 grant award requires as a minimum of 50% matching from the city. In addition, the state has awarded \$1 million towards the purchase of the fee title portion of the land already bought by the City. It is a condition; however, that in order for those monies to be disbursed, the conservation easement must first be recorded. There is, therefore, a total of \$1.59 million of grants awarded towards the two phases of this project.

Conclusion

It is the consensus of the Open Space Advisory Committee and the Parks and Recreation Department staff that the basis for the conservation easement as presented will advance both the goals of the private party as well as Carson City. There is adequate funding to complete this transaction, which can be used as a model or trigger for another transaction with the southern part of the meadow under ownership of the Schulz Family, as well as a few other property owners that are still maintaining a few irrigated pastures in Carson City. Staff seeks the Board's opinion in order to ascertain if the Board is in general agreement with the principle tenants of the conservation easement as outlined in this memorandum.

EASEMENTS FOR CONSERVATION

WEST PUBLISHING CO.
Easements ⇔ 1.
States ⇔ 85.

WESTLAW Topic Nos. 141, 360.
C.I.S. Easements §§ 1 et seq.
C.I.S. States § 145.

NRS 111.390 General purpose. The general purpose of NRS 111.400 to 111.440, inclusive, is to make uniform the law of those states which enact the Uniform Conservation Easement Act or provisions substantially similar to that act.
(Added to NRS by 1983, 687)

NRS 111.400 Scope.

1. NRS 111.390 to 111.440, inclusive, apply to any interest in real property created:

(a) On or after July 1, 1983, which complies with those sections, whether designated as an easement for conservation or as a covenant, equitable servitude, restriction, easement or otherwise; or

(b) Before July 1, 1983, if the interest would have been enforceable had it been created after July 1, 1983, except that the interest is not enforceable against a bona fide purchaser of the real property for value or the holder of an encumbrance on real property if:

(1) The purchase or encumbrance of the real property was made after the easement for conservation was created but before July 1, 1983; and

(2) The easement for conservation was not enforceable at the time of the purchase or encumbrance of the real property under other law of this state.

2. Those sections do not invalidate any interest in real property whether designated as an easement for conservation or preservation or as a covenant, equitable servitude, restriction, easement or otherwise, which is enforceable under other law of this state.

(Added to NRS by 1983, 687)

NRS 111.410 Definitions. As used in NRS 111.390 to 111.440, inclusive, unless the context otherwise requires:

1. "Easement for conservation" means a nonpossessory interest of a holder in real property, which imposes limitations or affirmative obligations and:

(a) Retains or protects natural, scenic or open-space values of real property;

(b) Assures the availability of real property for agricultural, forest, recreational or open-space use;

(c) Protects natural resources;

(d) Maintains or enhances the quality of air or water; or

(e) Preserves the historical, architectural, archeological or cultural aspects of real property.

2. "Holder" means:

(a) A governmental body empowered to hold an interest in real property; or

(b) A charitable corporation, charitable association or charitable trust which has among its powers or purposes to:

(1) Retain or protect the natural, scenic or open-space values of real property;

(2) Assure the availability of real property for agricultural, forest, recreational or open-space use;

(3) Protect natural resources;

(4) Maintain or enhance the quality of air or water; or

(5) Preserve the historical, architectural, archeological or cultural aspects of real property.

3. "Right of enforcement by a third person" means a right provided in an easement for conservation to enforce any of the easement's terms granted to a governmental body, charitable corporation, charitable association or charitable trust who is not a holder of the easement although qualified to be one.

(Added to NRS by 1983, 687)

NRS 111.420 Creation; recording; duration; effect on existing interest in real property.

1. Except as otherwise provided in NRS 111.400 to 111.440, inclusive, an easement for conservation may be created, conveyed, recorded, assigned, released, modified, terminated or otherwise altered or affected in the same manner as other easements.

2. No right or duty in favor of or against a holder and no right of enforcement in favor of a third person arises under an easement for conservation before it is accepted by the holder and the acceptance is recorded.

3. An easement for conservation is unlimited in duration unless:

(a) The instrument creating it otherwise provides; or

(b) A court orders that the easement be terminated or modified, according to subsection 2 of NRS 111.430.

4. An interest in real property existing at the time the easement for conservation is created is not impaired by the easement unless the owner of the interest is a party to the easement or consents to it.

(Added to NRS by 1983, 688)

NRS 111.430 Actions affecting easements for conservation.

1. An action affecting an easement for conservation may be brought by:

(a) An owner of an interest in the real property burdened by the easement;

(b) A holder of the easement;

(c) A third person with a right of enforcement; or

(d) A person authorized by other law.

2. NRS 111.390 to 111.440, inclusive, do not affect the power of a court to modify or terminate an easement for conservation in accordance with the principles of law and equity.

(Added to NRS by 1983, 688)

NRS 111.440 Validity. An easement for conservation is valid even though:

1. It is not appurtenant to an interest in real property;

2. It can be or has been assigned to another holder;

3. It is not of a character that has been recognized traditionally at common law;

4. It imposes a negative burden;

5. It imposes affirmative obligations upon the owner of an interest in the burdened property or upon the holder;

6. The benefit does not touch or concern real property; or

7. There is no privity of estate or of contract.

(Added to NRS by 1983, 689)

DRAFT
Baseline Condition Report

Horse Creek Ranch

Date: 8/29/06

Property Owner – Michael Fagen

Introduction

This report provides a resource assessment and describes current operation of lands proposed for agricultural conservation easement purchase under the Carson City Open Space Program. The Baseline Condition Report will be used to document existing conditions of the property and provide an objective basis to insure that the natural resource values initially existing on the lands are maintained. Recommendations based on this report appear at the end of the document. The consultant suggests these issues be addressed as part of the conservation easement for the Horse Creek Ranch. Conservation Easements are recognized in the Open Space Element of the Carson City Master Plan on page 34 as a tool to save desired open space, specifically "working agricultural areas."

Ownership History

Per the 1872 Civil Adjudication of Clear Creek the property was originally owned by John Neal and for many years called the Woods ranch due to its proximity to the property owned by John Woods, the irrigated meadow immediately south owned by the Schultz family today. Later owners included the Winters family and more recently the Hutchinsons. Michael Fagen, the present owner, purchased the property approximately 8 years ago from the Hutchinsons.

Relationship of obtaining a conservation easement to the Open Space element of the Carson City Master Plan.

As detailed in the opening paragraph, a conservation easement purchase of the Horse Creek Ranch would save a "working agricultural area" listed as a Desired Open Space Area on page 30 of the Open Space Plan. Additionally a Conservation Easement will only require annual compliance checks, significantly reducing costs associated with actual ownership. Although the lands remain in private control, the conservation easement provides public benefit as detailed below.

Significance of the Conservation Easement in protecting (as applicable) floodplain function, wildlife habitat, aquifer recharge and irrigated open space.

Wildlife Habitat

This conservation easement would protect existing wildlife habitat both from a cover and foraging standpoint. Irrigated, uncultivated meadows typically contain large populations of Meadow Voles, which provide a year round food source for raptors, coyotes, bears, badgers, weasels and other predators. The mix of vegetative types – open meadows, sagebrush/bitterbrush uplands, manzanita/ceanothus south slopes and Jeffery Pine forests – provide diversity in cover and plant types that correspond to diversity in wildlife. The numerous southern exposures at this elevation also provide foraging areas during the winter for deer. Cows wintering on the adjacent Schultz property would attract Bald Eagles during the late winter/early spring calving season.

Aquifer Recharge

The Horse Creek Ranch per the attached "Summary of Ownership Clear Creek Decree of 1872" owns 6% of the total flow of Clear Creek. Annual mean discharge of Clear Creek (data 1948 – 2005) is 5.42 cubic feet per second. Six percent of this discharge would roughly equal 235 acre feet per year. The irrigation system on the ranch is a well designed, contour ditch system that distributes water from a pipeline running north/south to a series of small ditches spaced approximately 200 feet apart distributing the water across the meadow east to west. By placing the main water flow in a pipe, the erosion associated with running water down a 10 percent slope is eliminated and the contour ditches spread the water effectively across the meadow. This system not only maintains meadow production but through effective water spreading enhances aquifer recharge opportunity. Assuming slopes and direction of the groundwater mimics surface water flow, this recharge benefits the Carson City aquifer and/or reappears as groundwater discharge into Clear Creek further downstream. Maintaining this irrigation not only has wildlife benefit as described above, but also contributes to the water supply for the citizens of Carson City. A conservation easement for this property should require the maintenance and operation of this irrigation system due to its multiple benefits.

Irrigated Open Space

The 48 acre meadow, with its well designed irrigation system, (if maintained) will preserve irrigated open space, achieving one of the principal goals of the Open Space Plan. Additionally the location of this irrigated meadow high up on the watershed provides a significant wildlife foraging area surrounded by undeveloped uplands with forested cover areas. This ranch represents one of the last irrigated pasture lands in Carson City. From a historical standpoint this area has been continually managed as a pasture since the 1860's, representing a land use that has not changed in over 130 years. Maintaining this site provides a historical example of Carson City area basically unchanged from the Comstock era.

General Description of the Operation.

Currently Mr. Fagen has an arrangement with the Schultz family that allows the grazing of the irrigated meadow by approximately 40 pair of cow/calves. The grazing is done during the summer season and the cows winter on the adjacent Schultz property. For the use of the pasture the Schultz family maintains the irrigation system and changes water as necessary. Forage species composition, meadow topography and isolation of the area imply that the best use of the pasture is livestock grazing as the land is marginal for hay production. Mr. Fagen and the Schultz family seek to maintain this current operation into the future. The current operation seems mutually beneficial to both parties. The only change anticipated is the possible construction of a lodge type facility in the north-eastern corner of the property. An area within the designated contour intervals 6120 and 6300 will be used for this facility – see map – and would not be part of the conservation easement. The consultant suggests that areas within this contour interval that are designated riparian areas or are part of the water distribution system be included in the conservation easement.

Irrigation System:

The contour open ditch system with water delivery through a pipe mainline has already been described. A hillside ditch, originating from the north fork of Clear Creek diversion structure, provides the source to the irrigation distribution system. Ditch water flows for approximately ½ mile into an enclosed re-enforced concrete box. The large box fills and then distributes water to the pipeline or by-pass. This box works as the sediment basin for the system. This system, particularly the conveyance ditch, needs to be actively maintained to insure an irrigation supply and prevent gully erosion associated with ditch bank failure. (See map) Jeff Schultz, who manages the water for the two properties, stated that the conveyance losses on this ditch were significant and consequently the ditch is not used during the minimum flow periods of north fork of Clear Creek. Riparian vegetation and aspen down gradient from this ditch does indicate some conveyance loss. This impacts late season (August – October) irrigation of the pasture area. Although the pasture does not receive full season irrigation, the area of meadow has been consistent for many years indicating a sustainable balance between water supply and meadow area, achieved under the current/improved irrigation system.

A significant portion of this ditch flows through property owned by the Schultz family. It is beyond the scope of this report to research easements but based on the priority of the water right (1872), one could assume the ditch would have prescriptive easement.

Another spring discharging approximately 25 gallons per minute this June (see attached map) provides an additional irrigation source to this production unit. Currently the spring discharge point is fenced to protect it from grazing impacts and this protection needs to be maintained into the future.

Additionally an uncontrolled water source occurs on the north-eastern portion of the property and needs to be channeled to that portion of the pasture to enhance

irrigation water distribution. Currently this water source is running down the road and then directly into a gully, not providing any irrigation benefit – (See map).

Description of Vegetative Types within the property -

Irrigated Pasture - 48 acres

When the irrigation system was improved, approximately 10 years ago, an inter-seeding of the pasture area was implemented to improve the forage resource by planting orchard grass and tall fescue. The upper/better drained portion of the pasture (north end) contains these introduced species. Below this upper area the pasture species composition changes to more native species that are better adapted to wetter conditions. These species include several native types of sedge, red top, wire grass, creeping wildrye, owl clover, asters, false hellebore and yarrow. Species composition changes based on the local irrigation induced hydrology, with wetter areas occurring down gradient from the initial start of the contour ditch irrigation system. Based on recent vegetative inventories the pasture is in good condition. The grazing helps maintain plant vigor and utilization seems appropriate. Although pasture productivity is not uniform due to the slope and local pasture topography which impedes uniform distribution of water, the consultant would estimate the overall productivity to be approximately 3 animal unit months (AUMs) per acre. This implies that overall each acre would produce approximately 1.5 tons of grass per acre. Stocking rates for the pasture area should not exceed 150 AUMs based on this estimate.

Jeffery Pine Woodland - 69 acres -

The Horse Creek ranch occurs in transitional vegetative zones between shrub dominated foothills and tree dominated mid-elevation plant communities along the east slope. Consequently forested areas within the ranch property are most developed on north slopes and near riparian areas where more soil moisture is available. The Jeffery Pine forest type is characterized by second growth pines widely spaced and with larger trees assumed to be over 100 years old. (Assumption is based on initial tree harvest of the site during the Comstock era.) Since this forest type occurs on this somewhat dry transitional zone between shrub dominance and tree dominance the tree growth is limited with the most mature trees not over sixty feet tall and diameters not exceeding two feet. The forest canopy is quite open with a shrub dominated understory including bitterbrush, sagebrush, sticky current and needle grasses. Due to low productivity and existing spacing, forestry improvement practices, like pre-commercial thinning, would not be justified unless related to fuel wood harvest. Commercial logging of this woodland should be restricted based on its low productivity and value as wildlife habitat.

Manzanita/Ceanothus Dominated uplands – 37 acres

The western and northern uplands surrounding the irrigated meadow are dominated by a fire induced shrub cover of manzanita and curleaf ceanothus. Sapling size Jeffery Pine occurs throughout this plant community possibly implying this community is transitional and these areas could eventually support

a scattered pine forest. Due to the southern exposures and granitic soils this transition to forest is quite slow and in areas of shallow soils might never occur. Existing shrub density is related to exposure with the steeper south facing slopes having the least shrub cover. This habitat type provides cover and food sources (berries) for black bears and numerous rodents. This plant community is somewhat fire resistant and effectively reduces soil erosion from these steep uplands. In concave drainages with north exposures and in areas adjacent to riparian areas, bitter cherry occurs on this site.

Granitic Fans - 21 acres

Small areas of non-forested granitic fans occur just east and west of the irrigated pasture. These co-dominate bitterbrush/sagebrush sites are key areas for winter deer use. Currently they are included within the fenced pasture units and heavy utilization of the bitterbrush and perennial needlegrass is occurring. Fencing these areas from the pasture would better maintain them for winter deer habitat.

Riparian areas – 14 acres

Natural drainage channels with perennial stream flow/springs

The most easterly of the two north forks of Clear Creek runs through the western part of the property. The irrigation water source for the pasture is diverted from this stream – see map. The stream gradient is steep within a contained V shaped channel with very limited floodplain. Dominate riparian species are alder, several willow species, red dog wood and aspen/wood rose occur above the edge of the wetted perimeter of the stream. In some depositional areas wetland herbaceous species – Sharp beaked sedge, and perennial wildflowers (columbine, Indian paint brush, tall larkspur, big lupine and others) - occur. The dense cover and water source associated with this riparian area provides a very important wildlife habitat, particularly for migrating songbirds and winter thermal cover. The area is in good ecological condition (with the exception of the road crossing that is off the property) and if left unmanaged will due just fine.

Irrigation induced riparian areas

The hillside conveyance ditch and the drainage channels within the pasture support less dense woody riparian vegetation of the same species as the natural channel. Alder is more dominate. Below the conveyance ditch small aspen grooves appear and are assumed to be partially supported by seepage from this ditch. With continued irrigation and managed grazing these areas will be maintained.

The irrigation drainage channels are basically gullies that have formed where flows – irrigation and snow melt/rain event flow - have concentrated. With one exception the bottoms of the channels seemed to have stabilized supporting mature alder and tree like black willow, indicating channel bottom stability. The sides of the channel where soil is exposed could use some stabilization treatment. A new active headcut is occurring at the very northern reach of the main channel. This should be stabilized as a condition of the conservation easement.

General description and location of existing structures including use and condition of the structures.

Three structures are located on the property. An old storage shed/cowboy shack associated with the corrals on the south-west side is in poor condition. The age is unknown but it was constructed entirely with square nails indicating pre 1900 construction. The other structures are a more modern small home/cabin surrounded by a deck. Adjacent to the house is an older large storage structure partially built with large granite blocks and modernized through the years. Neither structure has recently been occupied but both appear useable.

Establishment of photo point monitoring sites that depict conservation values to visually document the values are maintained over time will be done in coordination with the landowner. These photo sites will need to be described in enough detail including compass bearings, permanently marked point and include recognizable features that would not change over time – mountain, large tree, fence line on property boundary. Photo points will be re-visited annually at the same general time of the year.

From this baseline inventory these photo points are suggested in order to monitor conservation benefits.

General description of photo point location.

A photo point located at the edge of the shrub dominated granitic fan and the irrigated meadow. – see map, photo point 1 –This would be used to monitor shrub invasion into the meadow area indicating irrigation problems.

A photo point located in bottom of the active stable drainage channel to the north east of the house to monitor side slope stability – see map photo point 2.

A photo point located at the most northern active headcut after required stabilization to monitor effectiveness. - see map photo point 3.

A photo point on the hillside conveyance ditch at a location where a previous washout has occurred to monitor ditch maintenance- see map photo point 4.

Two photo points from the Kings Canyon Road that would provide panoramic views of the ranch from a north to south prospective.

Additionally, a 100 foot by 100 foot area (see map) should be permanently marked to monitor pasture condition. Every year, within the same week in August, a person trained in pasture plant species identification should develop a vegetative inventory of the monitoring site to determine vegetative trend and pasture condition. This annual inventory will be used to monitor not only pasture condition, but irrigation efficiency, vegetative response to drought and appropriate livestock utilization.

Legal Issues to be addressed

- a. Parcel Map
- b. Title reports
- c. Water rights including claim number, priority – See attached
- d. Existing easements

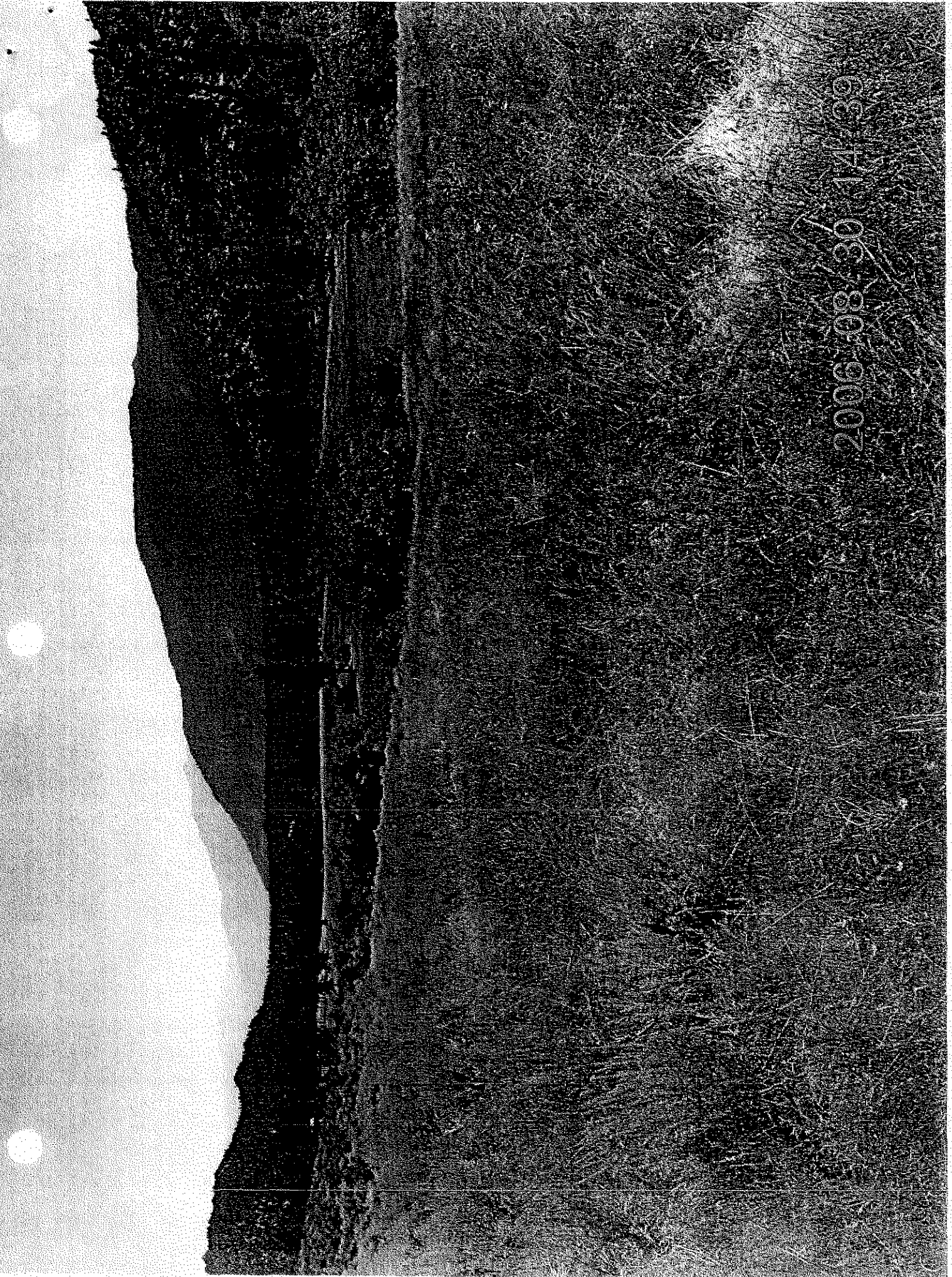
Consultant Recommendations – Prior to finalization of the conservation easement the Consultant recommends that the following issues be addressed.

- **A conservation easement for this property should require the maintenance and operation of this irrigation system due to its multiple benefits.**
- **Water rights should be required to remain in the existing place of use and manner of use.**
- **The owner has requested that areas within this contour interval 6300 to 6120 – see map – be excluded from the conservation easement to eventually build a lodge. Areas within this contour interval that are designated riparian areas or are part of the water distribution system should be included in the conservation easement.**
- **Currently the spring discharge point – see map - is fenced to protect it from grazing impacts. This protection needs to be maintained into the future.**
- **The uncontrolled water source that occurs on the north-eastern portion of the property needs to be channeled to that portion of the pasture to enhance irrigation water distribution.**
- **Fencing the east-side granitic fan from pasture would better maintain that area for winter deer habitat. Although not a critical issue, Carson City and the landowner could consider constructing this fence.**
- **Commercial logging of the woodland should be restricted based on its low productivity and value as wildlife habitat.**
- **A new active headcut is occurring at the very northern reach of the main channel. This should be stabilized as a condition of the conservation easement.**
- **Stocking of the pasture should initially not exceed 150 animal unit months, but could be adjusted based upon pasture condition monitoring**

Report Developed by

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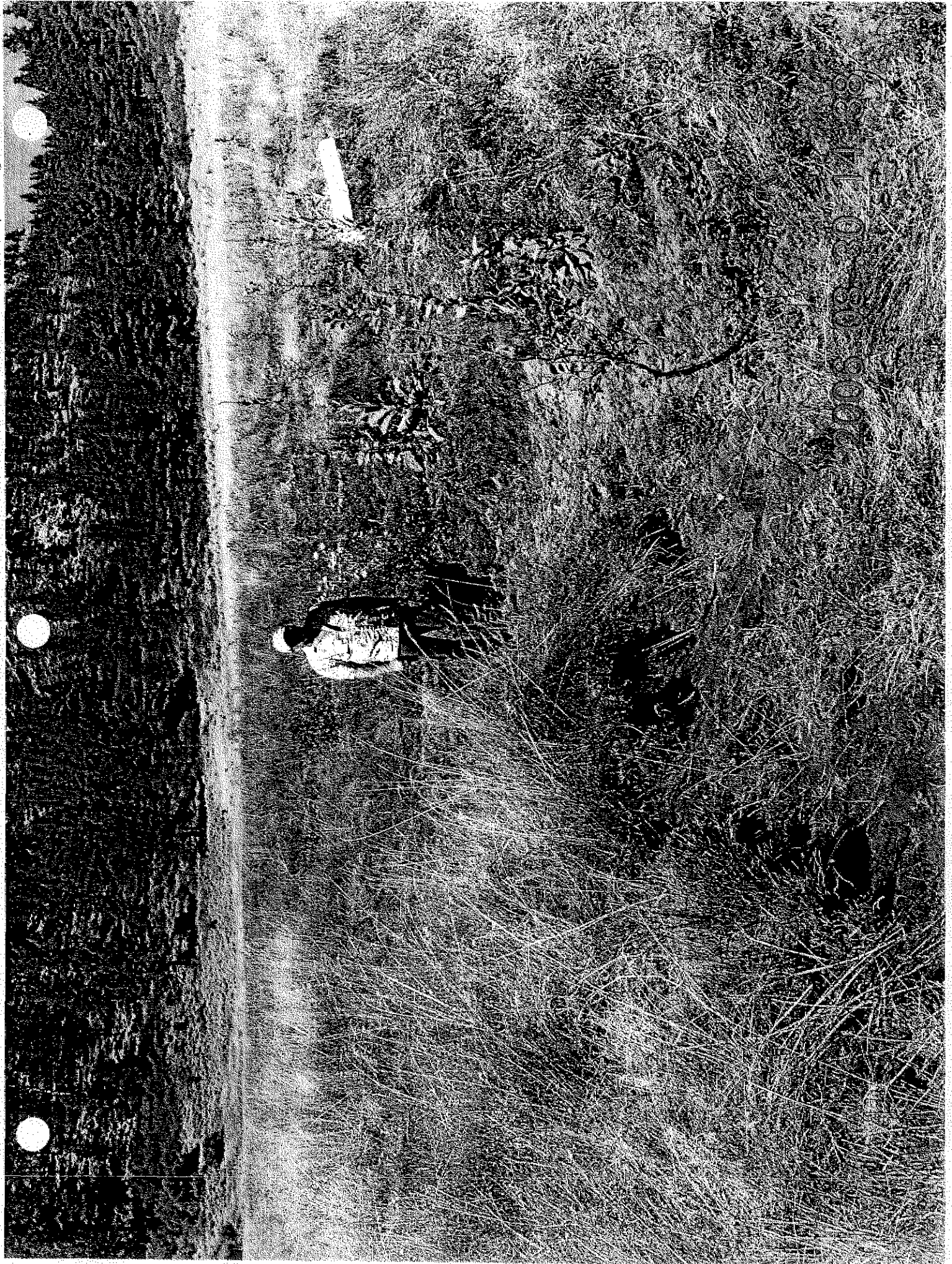
Photo 1



2006-08-30 14:59

(B)

Photo 2



(H)

Photo 3

To be taken after repairs

Photo A - South

006-08-30 11-58



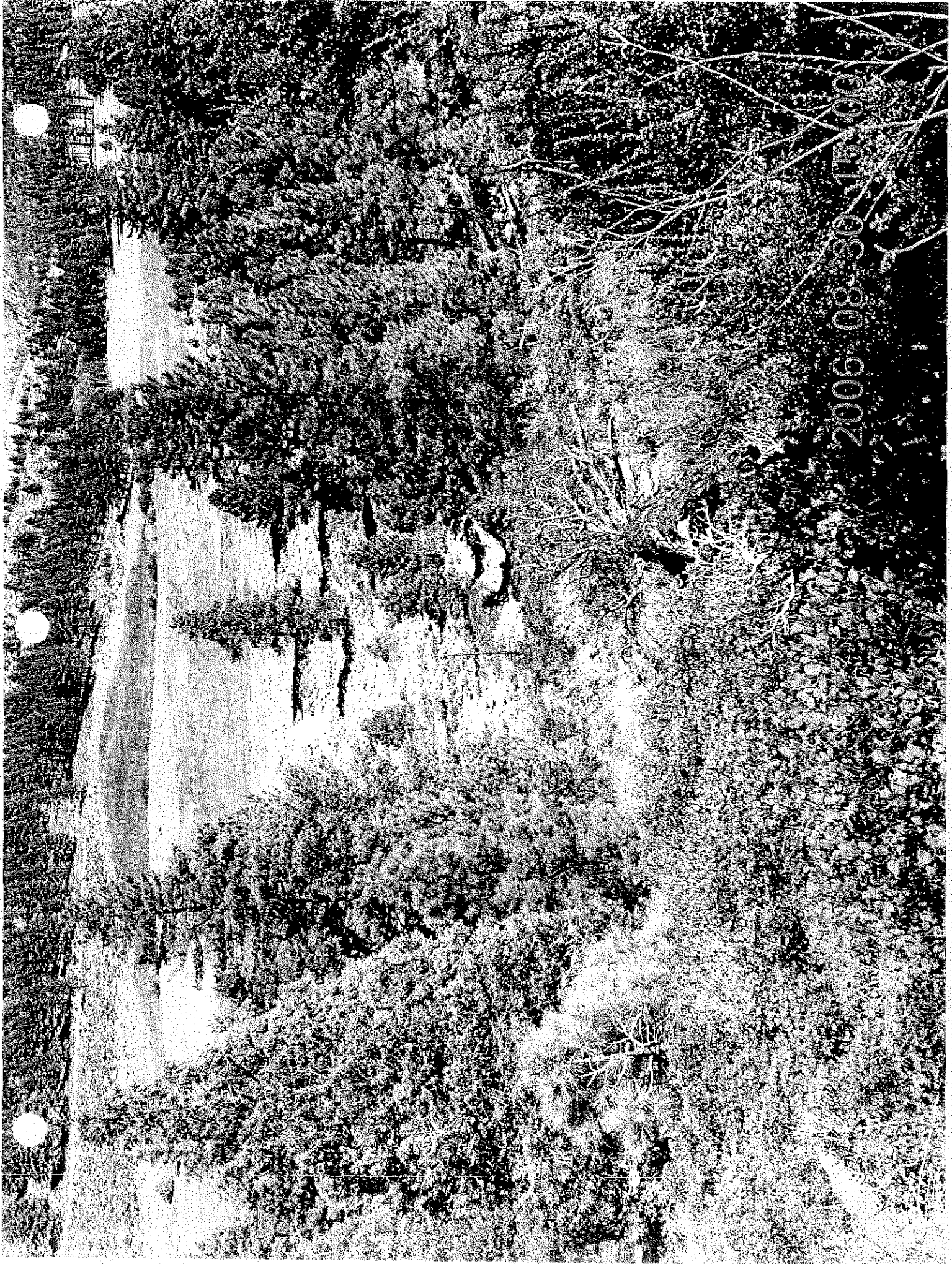
Photo 4 - north



2006-08-30 14:58

Plot 4 - East

2006-08-30 15:00



US

Photo 5 South view

2008/08-30 15:22

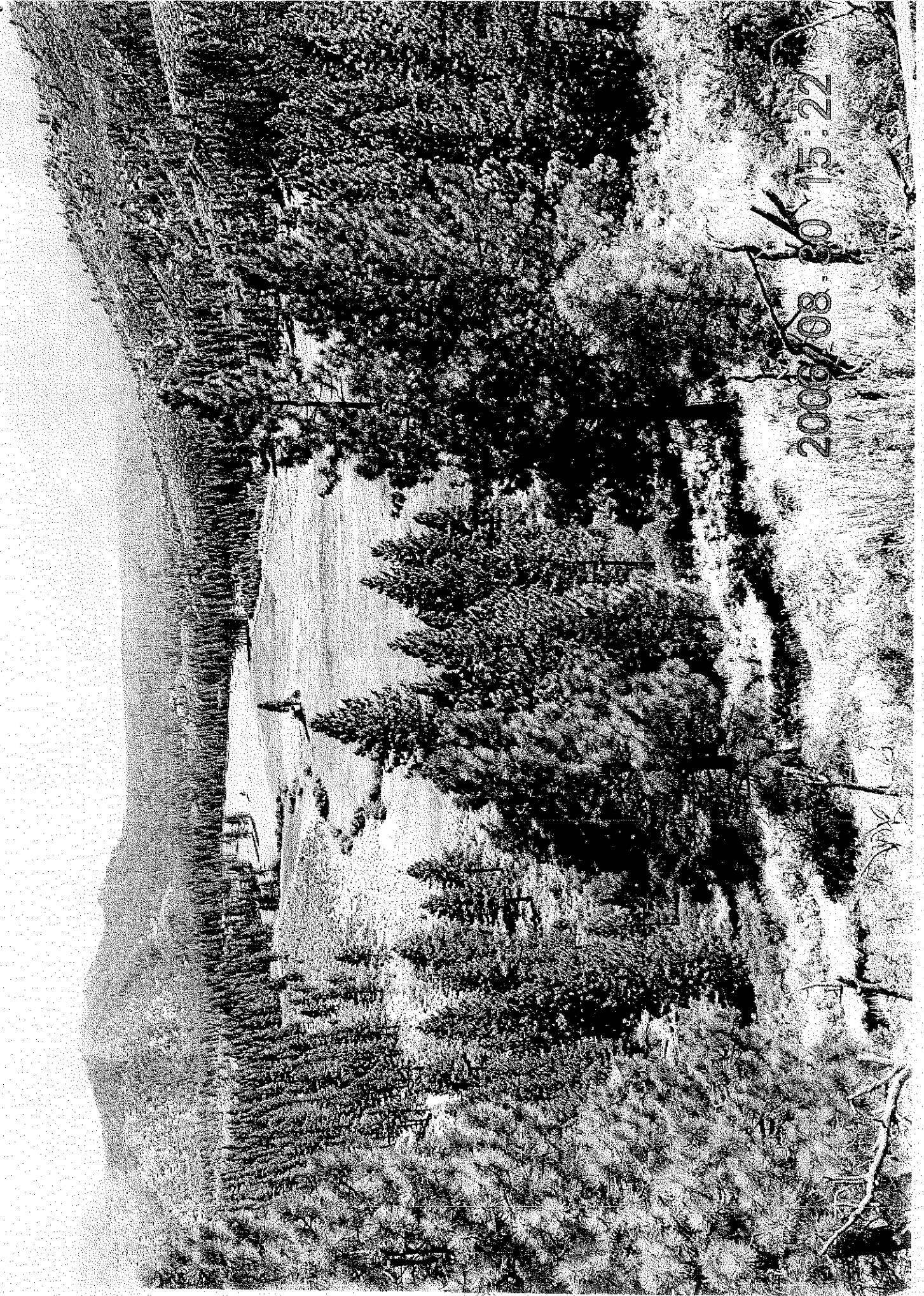
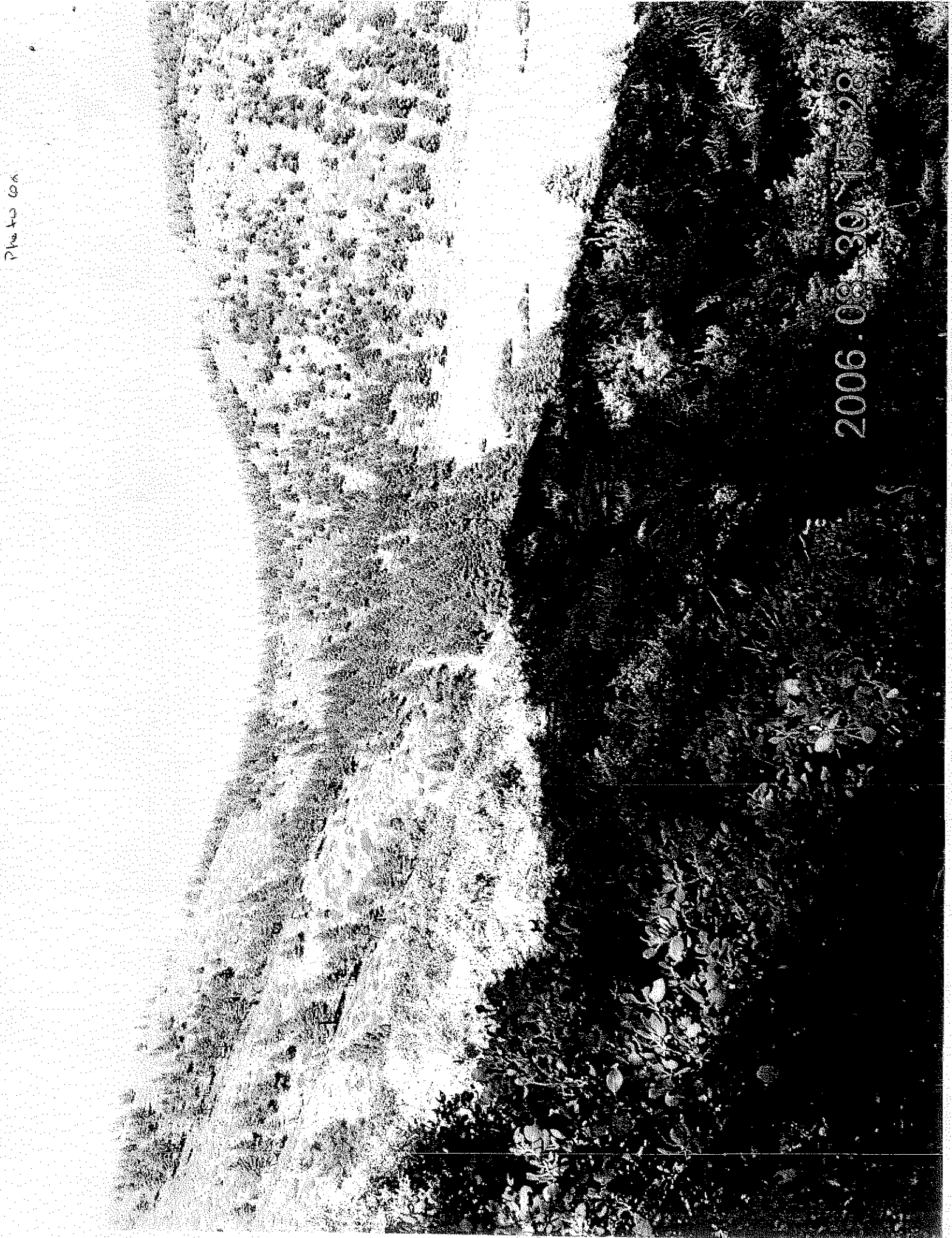


Photo 6a



2006-08-30 15:28

Photo 6 b

2008 09 30 15 28
ESR 8000

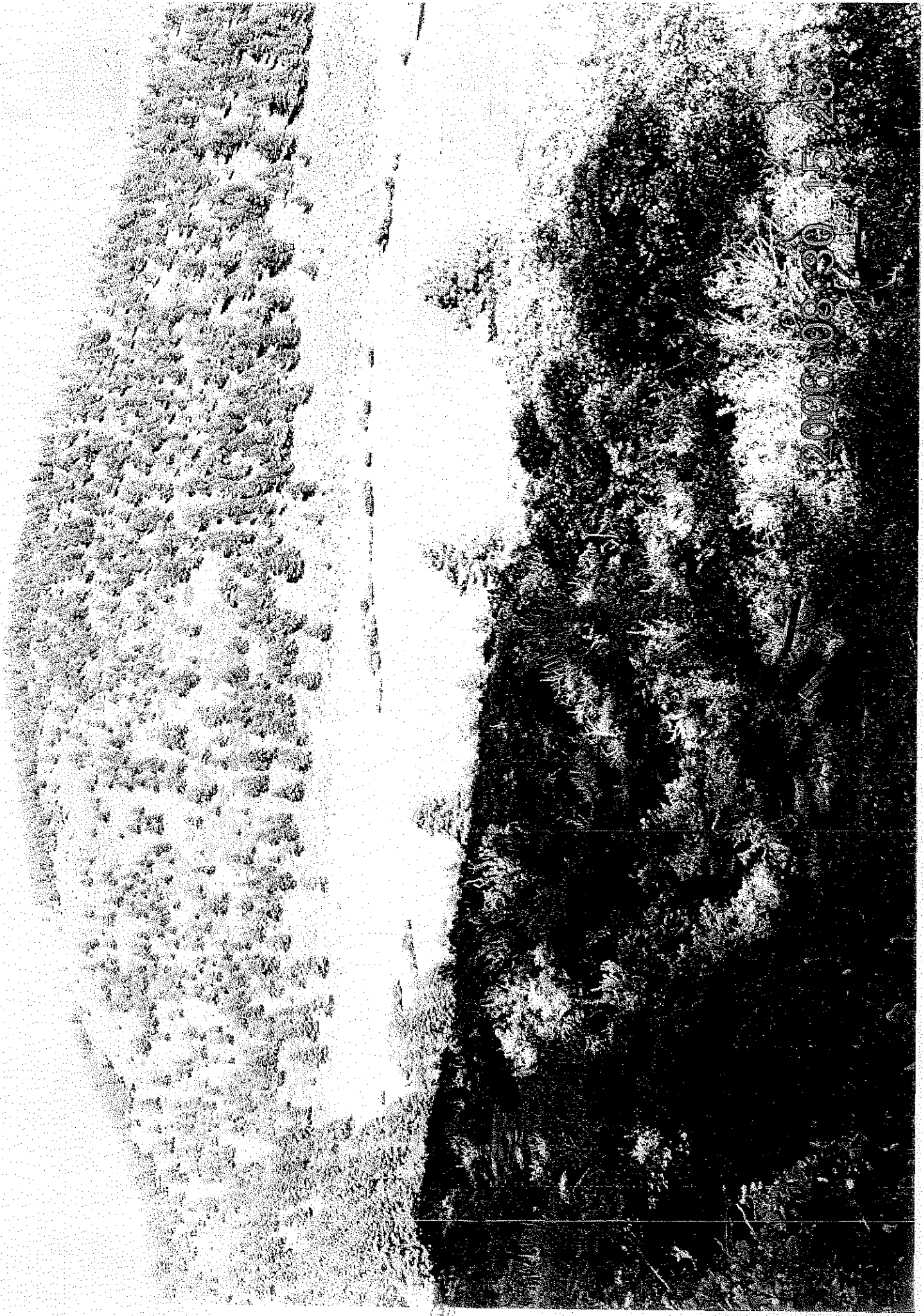
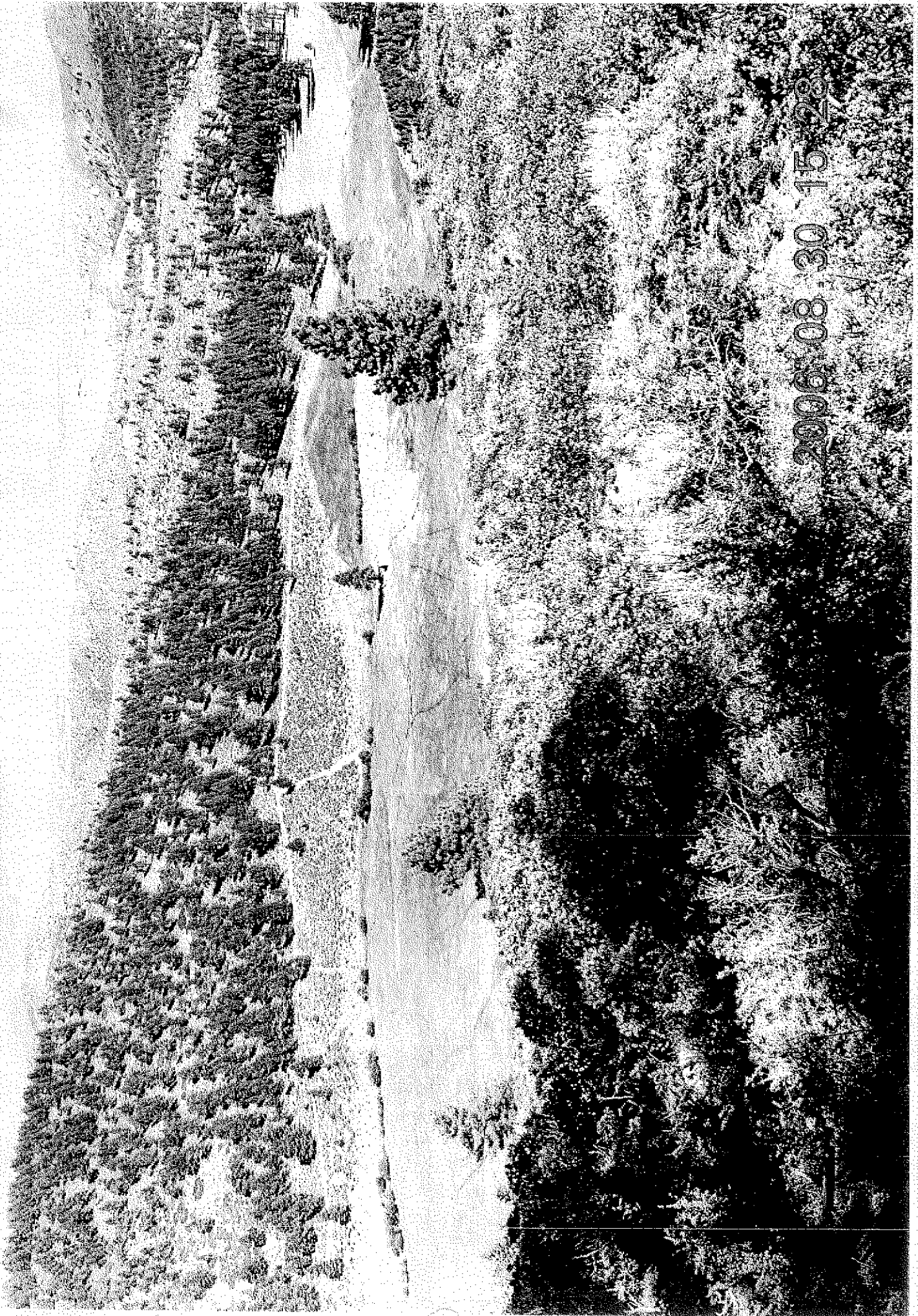


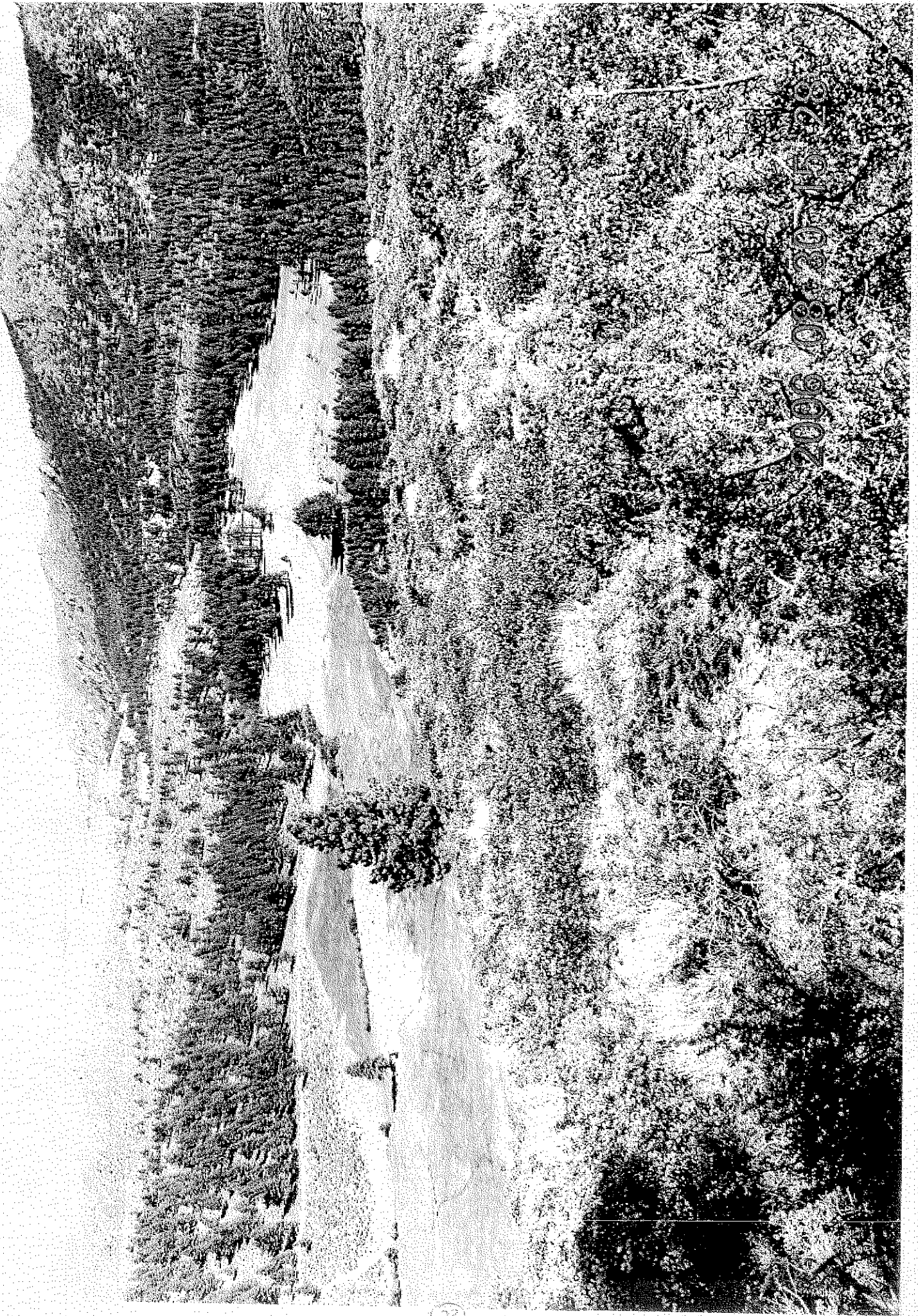
Photo GC



2006-08-30 15:28

30

Photo 603



11/11/11

RECEIVED
SEP 05 2006
CARSON CITY
COMMUNITY DEVELOPMENT

MPR - 06 - 178



HORSE CREEK RANCH

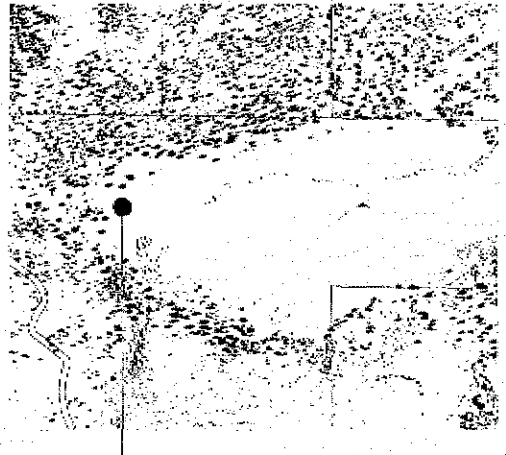
CARSON CITY, NEVADA

HORSE CREEK NATURE RETREAT CENTER

PROJECT DISTRIBUTION SCHEDULE

GENERAL	PROJECT INFORMATION	DATE
G-001	PROJECT INFORMATION	19 SEPT 2006
A-001	SITE PLAN	MPR
A-002	GROUND PLAN	
A-101	LOWER FLOOR PLAN MAIN BUILDING	
A-102	GROUND FLOOR PLAN MAIN BUILDING	
A-103	SECOND FLOOR PLAN MAIN BUILDING	
A-104	THIRD FLOOR PLAN MAIN BUILDING	
A-201	ELEVATIONS MAIN BUILDING	
A-202	3D VIEWS MAIN BUILDING	
A-203	PLANS, ELEVATIONS AND 3D VIEWS CABIN	

AIRIAL VIEW



PROJECT LOCATION

GENERAL PROJECT INFORMATION

- FLOOD AREAS - FEMA 100 YEAR ZONES - ZONE C, FIRM 920001 0120 B.
- EARTHQUAKE FAILING - SEISMIC DESIGN CAT 3.
- AREAS SUBJECT TO 15% OR MORE SLOPES - ALL CONSTRUCTION IS PLANNED FOR SLOPES OF 15% OR LESS. ALL SETBACKS ARE GREATER THAN 100 FT FROM PROPERTY BOUNDARIES.
- INVENTORY OF EXISTING TREES - SEE BASELINE ANALYSIS AND PHOTOS FOR TREE LOCATION.
- ASSESSOR'S PARCEL NUMBER - 7-051-76
- ACCURATE LOCATION OF PROPOSED PROJECT - 2 MILES WEST OF PAVED TERMINUS OF KINGS CANYON RD. SEE PROJECT LOCATION IN AERIAL VIEW.
- ADJACENT LAND USES/OWNERSHIP -

DIRECTION	OWNER	LAND USE
TO NORTH	CARSON CITY	OPEN SPACE
TO SOUTH	BENNETT (SCHULZ)	RANCHING
TO EAST	USFS	OPEN SPACE
TO WEST	CARSON CITY	OPEN SPACE
- FOOTPRINT SQUARE FOOTAGE OF BUILDING 311F - APPROX 40,000 SF.
- INTENDED USE OF BUILDING - NATURE RETREAT CENTER, SMALL CONFERENCES, MAIN BUILDING.

SQUARE FOOTAGE OF BUILDING	10,744 SF.
TOTAL FLOORS	3
- CABIN (TEACH):

SQUARE FOOTAGE OF BUILDING	1,782 SF
TOTAL FLOORS	1+LOFT
- CARAGE/MAINTENANCE BUILDING:

SQUARE FOOTAGE OF BUILDING	2,800 SF
TOTAL FLOORS	2
- DIMENSIONS OF PROPOSED BUILDING - SEE GROUND PLANS A-102, A-203 FOR BUILDING DIMENSIONS.
- PROXIMITY TO BIRLE LAKES AND PATHS - SEE SITE PLAN A-001. BIKE PATH AT NORTHERN BOUNDARY OF PROPERTY ON UNPAVED SECTION OF KINGS CANYON RD.
- PRELIMINARY LOCATION AND TYPES OF SIGNS - N/A
- SQUARE FOOTAGE OF PAVED SURFACES - 3300 SF PAVED PARKING, DRIVE SURFACES AND PERIPHERAL LOTS; ENGINEERED GRAVEL.
- LOCATION OF LANDSCAPE AREAS - ALL LANDSCAPE NATIVE VEGETATION.
- PARKING RATIO CALCULATIONS - PARKING = 30 SPACES + 4 RESERVED/HANDICAP.
- SITE TOPOGRAPHY - SEE AERIAL VIEW AND SITE PLAN A-001 FOR TOPOGRAPHIC DATA.
- PARKING AREAS AND CIRCULATION IN/AROUND PARKING LOT - SEE SITE PLAN A-001.
- INGRESS/EGRESS TO SITE/PARKING LOT - SEE SITE PLAN A-001.
- WIDTH/LOCATION OF ANY ACCESS WAYS TO THE STRUCTURE/PROJECT - SEE GROUND PLAN A-002
- SHOW LOCATION OF ALL EXISTING/PROPOSED BIKE PATHS AND/OR PEDESTRIAN WAYS - SEE SITE PLAN A-001.
- PROPOSED METHOD OF WATER SUPPLY AND SEWAGE DISPOSAL - PRIVATE WELL AND ENGINEERED SEPTIC.
- SITE AND LOCATION OF EXISTING AND PROPOSED WATER AND SEWER LINES - N/A
- EXISTING AND PROPOSED CONNECTIONS TO THE LINES - N/A
- PROJECTED WATER USE AND SEWER CONTRIBUTION - WATER AND SEWAGE ARE SELF CONTAINED ON SITE.
- PROPOSED METHOD OF ACCOMMODATING DRAINAGE INCLUDING DETENTION, DETENTION POND.
- LOCATION AND SIZE OF EXISTING AND PROPOSED STORM DRAINS, CHANNELS, DITCHES OR SWALES - SEE SITE PLAN A-001.
- ALL BUILDING ELEVATIONS, INCLUDING ARCHITECTURAL FEATURES - SEE DRAWINGS A-201, A-202, A-203.
- APPROXIMATE USE OR OCCUPANCY OF BUILDING - NATURE RETREAT CENTER, SMALL CONFERENCES.
- PROPOSED OCCUPANT LOAD - 100 MAXIMUM, 20-30 AVERAGE.
- BUILDING TYPE PER CURRENT ADOPTED BUILDING CODE - R-1 RESIDENTIAL.
- BUILDING TYPE PER CURRENT ADOPTED BUILDING CODE - BUILDING TYPE V-A.
- FIRE SPRINKLER SYSTEM PROVIDED - YES.
- FIRE ALARM SYSTEM PROVIDED - YES.
- SHOW ALL EXISTING FIRE HYDRANT LOCATIONS WITHIN 500 FEET - N/A
- HAZARDOUS MATERIALS USED IN PROCESS - NONE.
- CIRCULATION OF VEHICLES AND PEDESTRIANS AROUND THE SITE - SEE SITE PLAN A-001 AND GROUND PLAN A-002.
- SHOW ALL ROADS, DRIVEWAYS, FENCES AND GATES WITHIN 150 FEET OF THE PROPERTY BOUNDARIES - SEE SITE PLAN A-001.
- WILL ANY WELDING, FLAMMABLE FINISH PAINTING/DIPPING, OR HANDLING OF FLAMMABLE MATERIALS TAKE PLACE - NO.

ARCHITECT
FRANZEN KARPOVA
1000 N. 10TH ST.
CARSON CITY, NV 89201

CLIENT
MICHAEL PACEN
HORSE CREEK RANCH
NATURE RETREAT CENTER
1000 N. 10TH ST.
CARSON CITY, NV 89201

PROJECT NAME AND ADDRESS
HORSE CREEK RANCH
CARSON CITY, NV
PROJECT NUMBER
SD
PROJECT INFORMATION

HORSE CREEK RANCH
HORSE CREEK NATURE RETREAT CENTER
CARSON CITY, NEVADA

NO. DATE	1	11/21/00
NO. DATE	2	11/21/00
NO. DATE	3	11/21/00
NO. DATE	4	11/21/00
NO. DATE	5	11/21/00
NO. DATE	6	11/21/00
NO. DATE	7	11/21/00
NO. DATE	8	11/21/00
NO. DATE	9	11/21/00
NO. DATE	10	11/21/00

PROJECTS
COOK FRANKEN
ZANE WARGOVA

CLIENT
MICHAEL FAGER

PROJECT NUMBER
HK 010101 00

PROJECT NAME AND ADDRESS
**HORSE CREEK
NATURE RETREAT
CENTER**

HORSE CREEK RANCH
CARSON CITY, NV

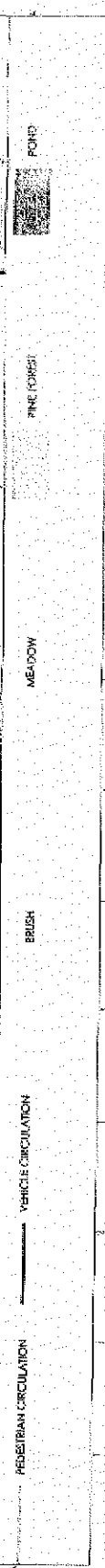
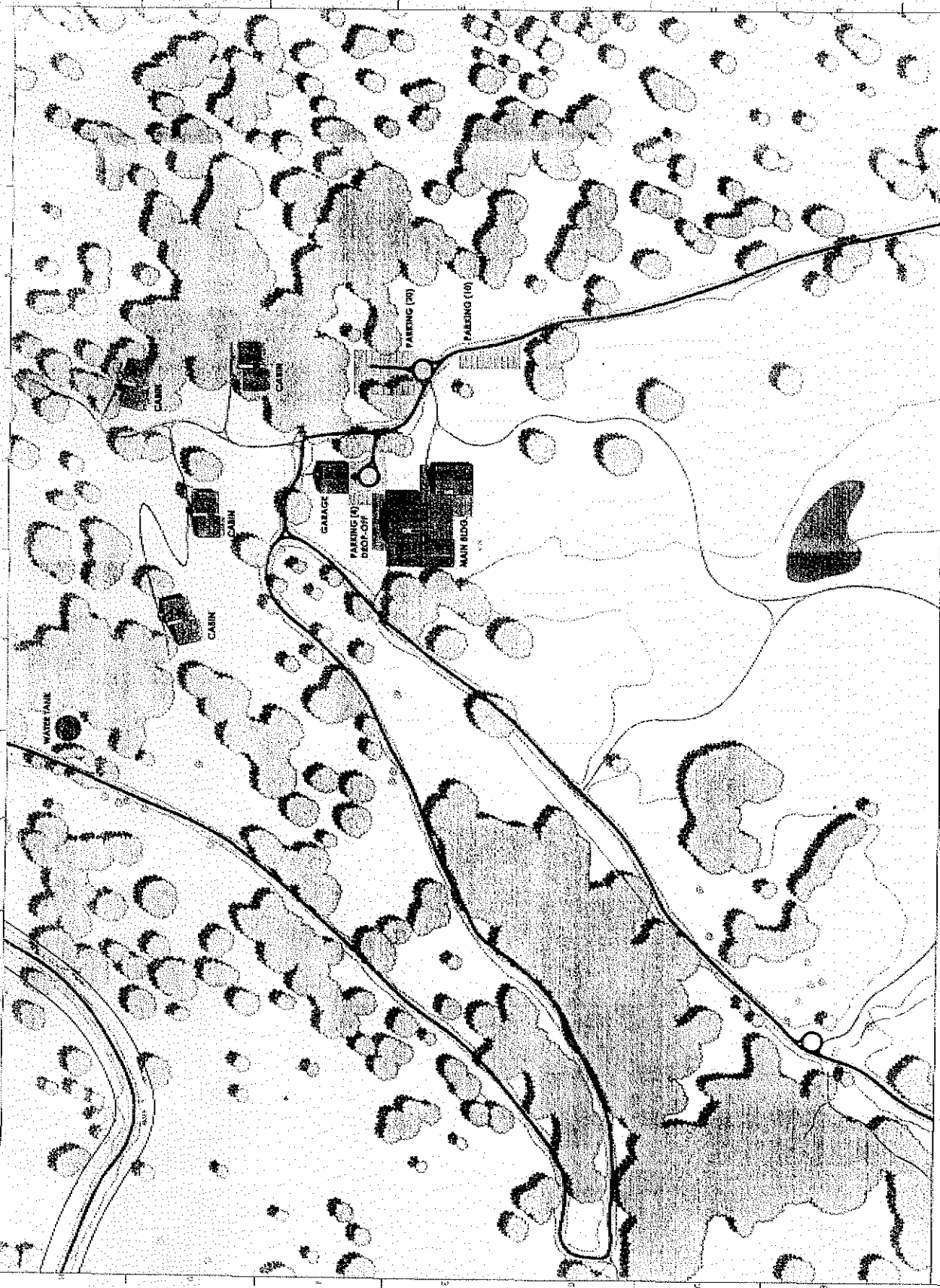
PROJECT PHASE
SD

DRAWING
SITE PLAN

SCALE
1"=150'

A-001
R3
SHEET

26



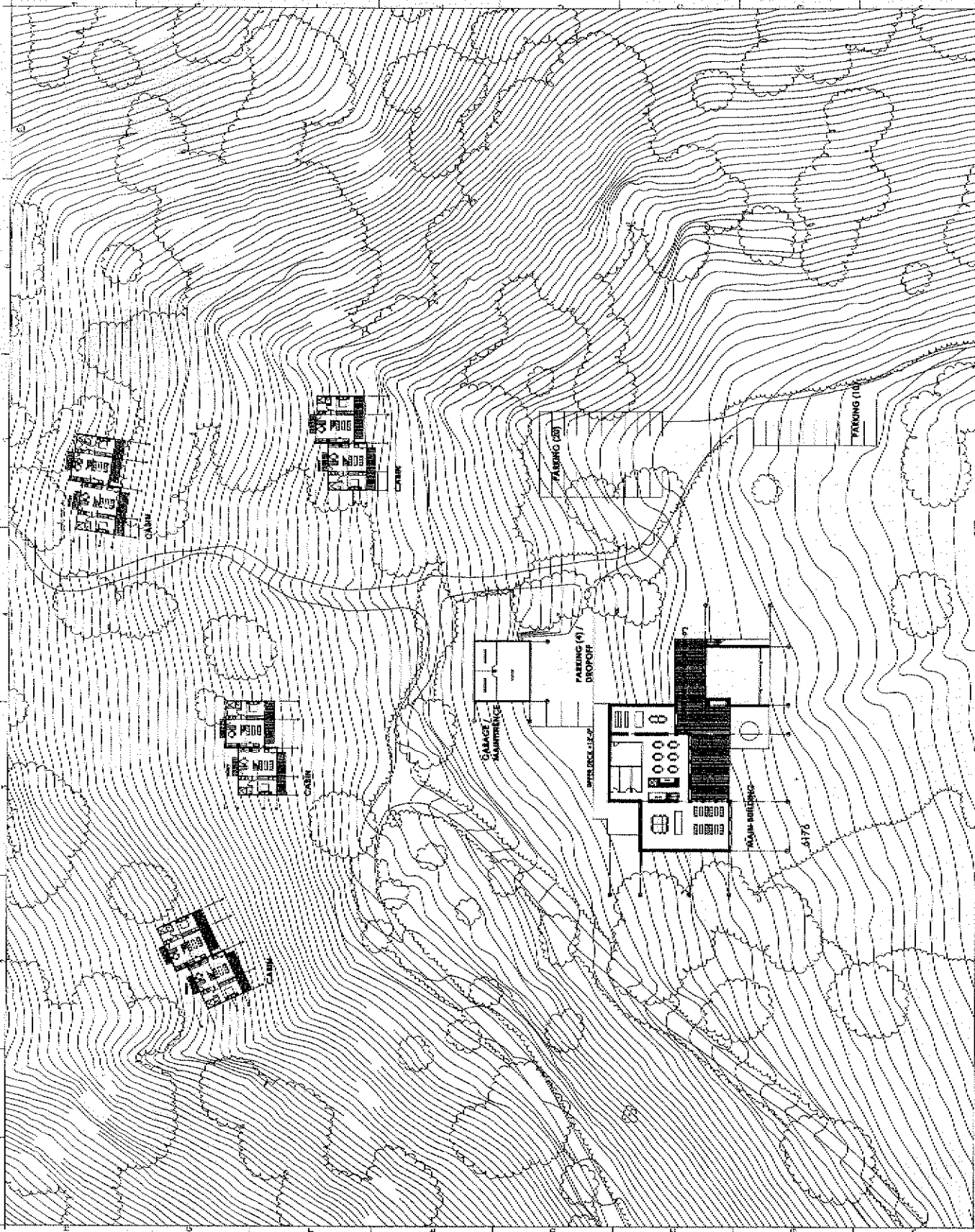
SCALE
DATE
DRAWN BY
CHECKED BY
APPROVED BY
T.S.D.

ARCHITECTS
 COFFIN FRANZEN
 KAYOVA PARTNERS
 CLIENT
 MICHAEL FRAGEN
 PROJECT NUMBER
 PK 03191.00
 PROJECT NAME AND ADDRESS
 HORSE CREEK
 NATURE RETREAT
 CENTER

HORSE CREEK RANCH
 CARSON CITY, NV
 PROJECT PHASE
 SD
 DRAWING
 GROUND PLAN

SCALE
 1"=60'
 SHEET

A-002
 PAGE
 04



NO.	REVISION	DATE

DATE: 08/25/10
 PROJECT NO: PK 08101.00
 DRAWING NO: 1/16"=1'-0"

ARCHITECTS:
 COURT FRANZEN
 FANIE KARPOVA

CLIENT:
 MICHAEL FAGIN

PROJECT NUMBER:
 PK 08101.00

PROJECT NAME AND ADDRESS:
**HORSE CREEK
 NATURE RETREAT
 CENTER**

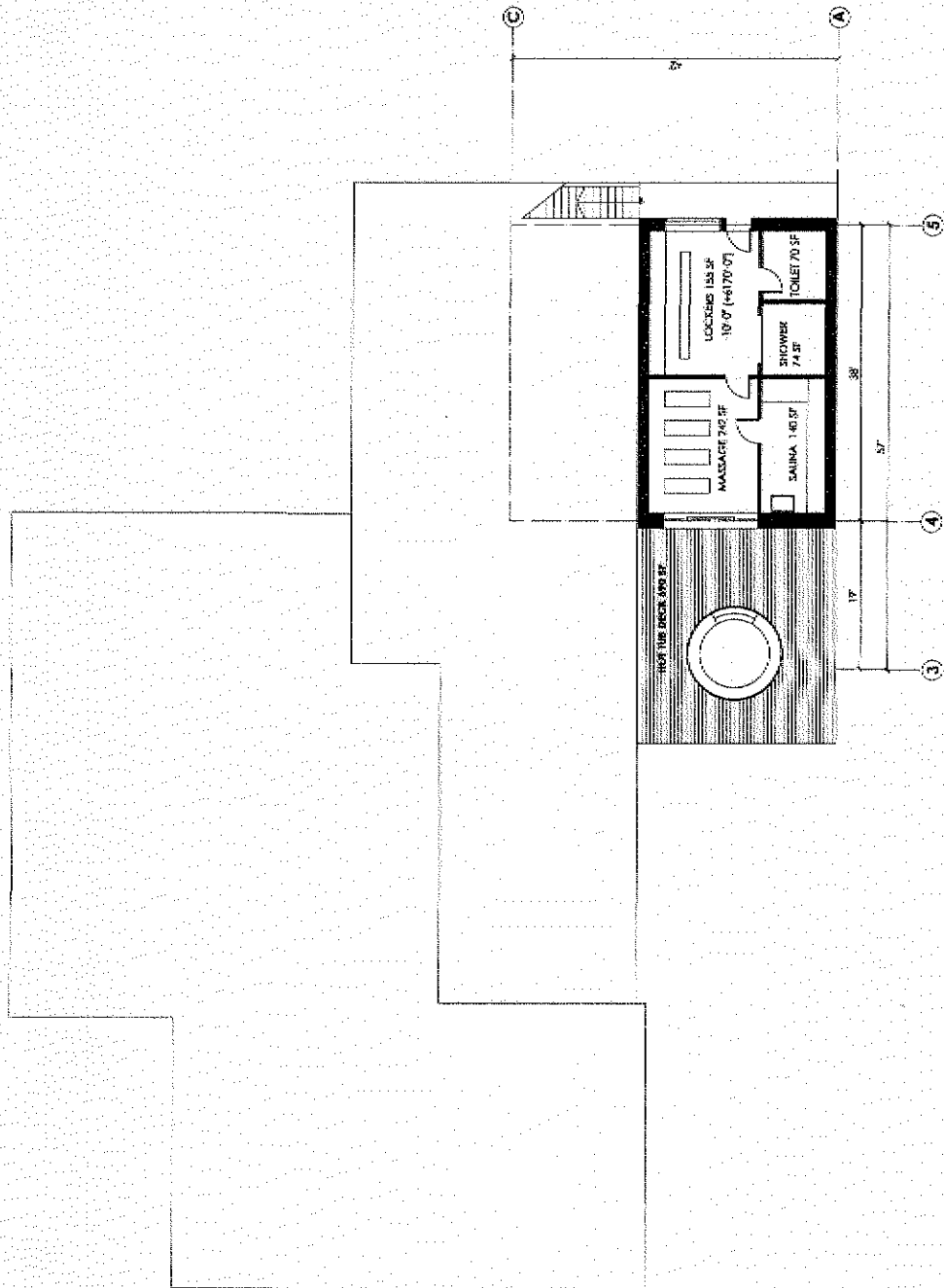
**HORSE CREEK RANCH
 CARSON CITY, NV**

PROJECT TYPE:
SD
 PROGRAM:
 LOWER FLOOR
 MAIN BUILDING

SCALE:
1/16"=1'-0"

A-101

PAGE: **05** (25)



SQUARE FOOTAGE OF LOWER FLOOR - 881 SF

franzen
kayova

PROJECT NO.	15000
DATE	08/15/10
SCALE	1/16" = 1'-0"
PROJECT NAME	WOOSE CREEK RANCH
CLIENT	MICHAEL HAGEN
PROJECT NUMBER	PK 03101.00
PROJECT ADDRESS	WOOSE CREEK NATURE RETREAT CENTER
PROJECT CITY	WOOSE CREEK RANCH, CANSON CITY, NV
PROJECT STATE	SD
PROJECT COUNTY	BLAINE COUNTY
PROJECT ZIP	57854
PROJECT PHONE	
PROJECT FAX	
PROJECT EMAIL	
PROJECT WEBSITE	
PROJECT ARCHITECT	FRANZEN KAYOVA
PROJECT ENGINEER	
PROJECT CONTRACTOR	
PROJECT SUBMITTER	
PROJECT REVIEWER	
PROJECT APPROVER	
PROJECT DATE	
PROJECT STATUS	
PROJECT COMMENTS	

ARCHITECTS
COLIN FRANZEN
LANE KAYOVA

CLIENT
MICHAEL HAGEN

PROJECT NUMBER
PK 03101.00

PROJECT NAME AND ADDRESS
WOOSE CREEK
NATURE RETREAT
CENTER

WOOSE CREEK RANCH
CANSON CITY, NV
PROJECT NUMBER
SD

DRAWN BY
GROUND FLOOR

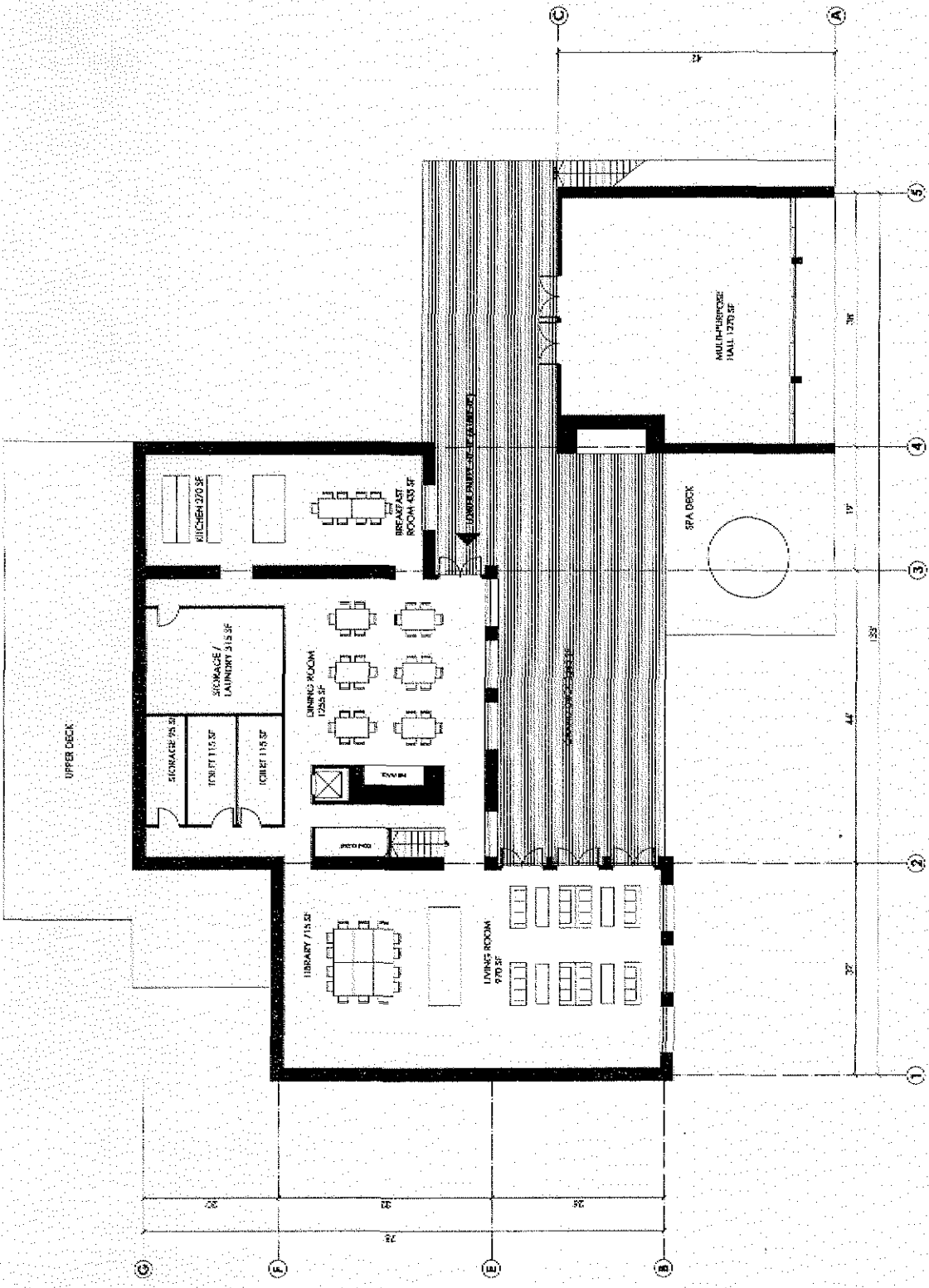
PLAN
MAIN BUILDING

SCALE
1/16" = 1'-0"

A-102

06

PAGE



SQUARE FOOTAGE OF GROUND FLOOR - 2555 SF

NO.	DATE	DESCRIPTION
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ARCHITECT OF RECORD: FRANZEN KARPOVA
L.L.P.

ARCHITECTS:
COLIN FRANZEN
CAROL KARPOVA

DESIGN:
MICHAEL FAGEN

PROJECT NUMBER:
PK 0510.100

PROJECT NAME AND ADDRESS:
HORSE CREEK
NATURE RETREAT
CENTER

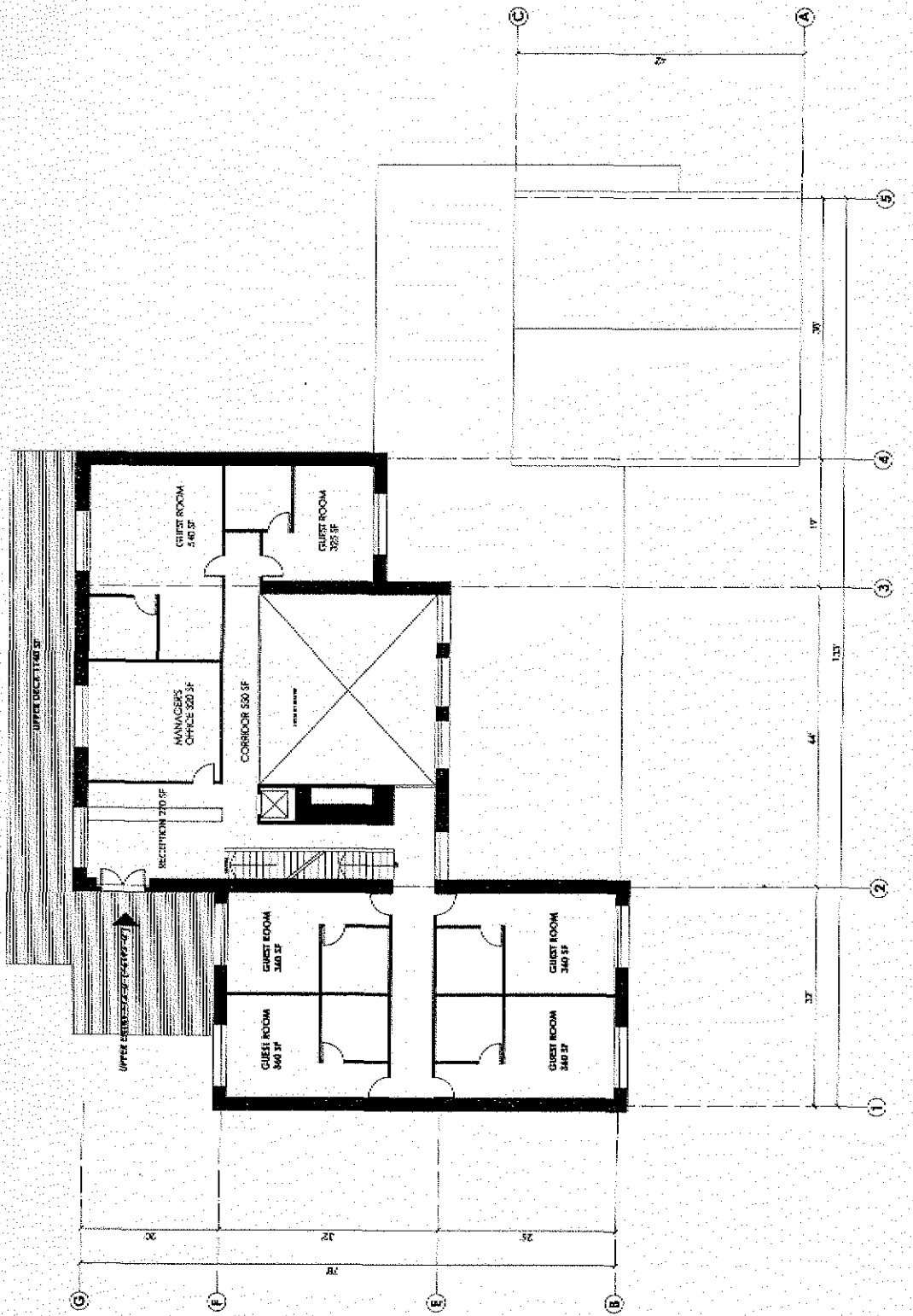
HORSE CREEK RANCH
CARSON CITY, NV
PROJECT FLOOR

SD
DRAWING:
SECOND FLOOR
MAIN BUILDING

SCALE:
1/16"=1'-0"

A-103

DATE: 07



SQUARE FOOTAGE OF GROUND FLOOR - TRANS

