

**City of Carson City
Agenda Report**

Date Submitted: December 6, 2011

Agenda Date Requested: December 15, 2011

Time Requested: 5 minutes

To: Mayor and Board of Supervisors

From: Public Works - Planning Division

Subject Title: For Possible Action: To introduce, on first reading, Bill No. _____, an ordinance to change the zoning of APNs 010-121-44 (20 acres), 010-121-43 (22 acres), 010-121-42 (22 acres) and 010-502-01 (19 acres) from Single Family Five Acre (SF5A) to Public Community (PC). (ZMA-11-131) (Lee Plemel)

Summary: The subject properties, located in the vicinity of the Carson River and Mexican Dam, are currently owned by the Carson City Open Space program. The proposed amendments would make the zoning designations consistent with the actual public ownership and intended long-term use of the subject properties for open space.

Type of Action Requested

☐ Resolution
☐ Formal Action/Motion

☒ Ordinance-First Reading
☐ Other (Specify)

Does This Action Require A Business Impact Statement: () Yes (X) No

Planning Commission Action: Recommended approval on November 30, 2011 with a vote of 7 ayes and 0 nays.

Recommended Board Action: I move to introduce, on first reading, Bill No. _____, an ordinance to change the zoning of certain properties owned by Carson City located in the vicinity of the Carson River and Mexican Dam, as published on the agenda, from Single Family Five Acre to Public Community, based on the findings contained in the staff report.

Explanation for Recommended Board Action: The Board of Supervisors, pursuant to the Carson City Municipal Code, is required to take final action on all zoning map amendments. This is the first of two readings to amend the Title 18 City Zoning Map by ordinance. See the complete staff report to the Planning Commission for more information.

Applicable Statute, Code, Policy, Rule or Regulation: CCMC 18.02.075 (Zoning Map Amendments).

Fiscal Impact: N/A

Explanation of Impact: N/A

Funding Source: N/A

Alternatives:

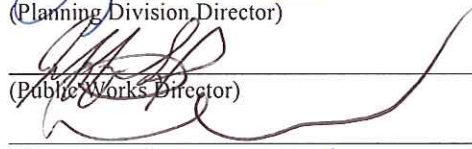
- 1) Approve the Zoning Map Amendment
- 2) Deny the Zoning Map Amendment.
- 3) Refer the matter back to Planning Commission for further review.

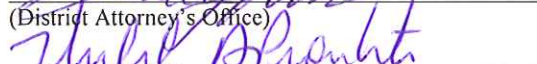
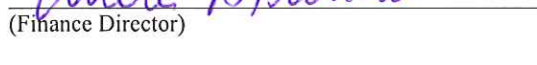
Supporting Material:

- 1) Ordinance
- 2) Planning Commission Case Record
- 3) Staff Report and Planning Commission packet

Prepared By: Janice Brod, Grants Program Coordinator

Reviewed By:


(Planning Division Director)

(Public Works Director)

(City Manager)

(District Attorney's Office)

(Finance Director)

Date: 12-6-11

Date: 12/6/11

Date: 12/6/11

Date: 12/6/11

Date: 12/6/11

Board Action Taken:

Motion: _____

- 1) _____
- 2) _____

Aye/Nay

(Vote Recorded By)

BILL NO. _____

ORDINANCE NO. 2011- _____

AN ORDINANCE TO CHANGE THE ZONING OF APNS 010-121-44 (20 ACRES), 010-121-43 (22 ACRES), 010-121-42 (22 ACRES) AND 010-502-01 (19 ACRES) FROM SINGLE FAMILY FIVE ACRE (SF5A) TO PUBLIC COMMUNITY (PC).

Fiscal Effect: None

THE CARSON CITY BOARD OF SUPERVISORS HEREBY ORDAINS:

SECTION I:

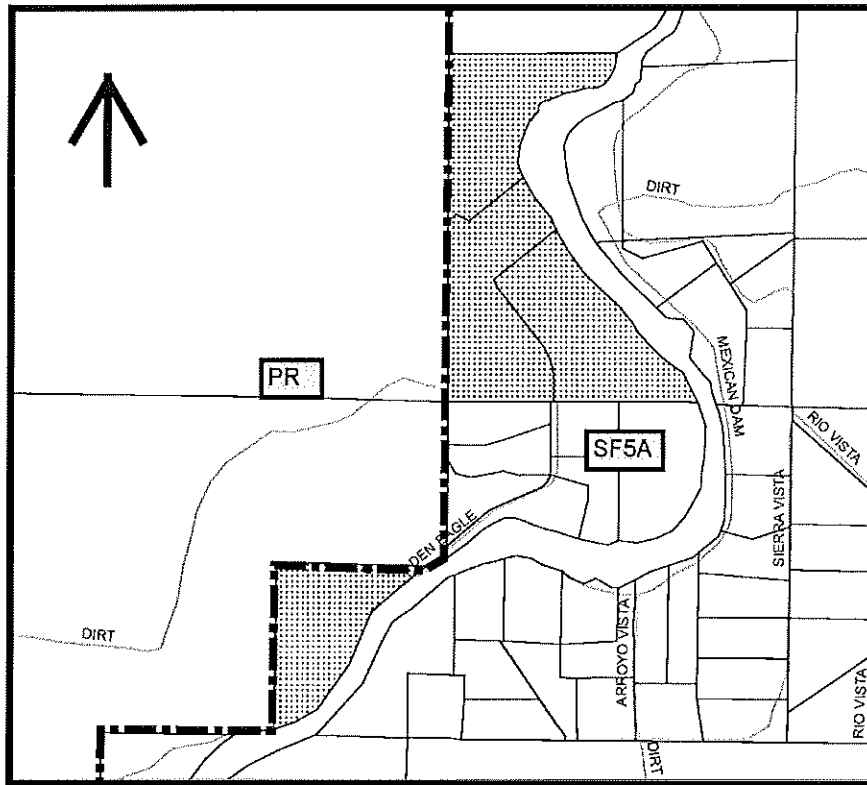
An application for a Zoning Map Amendment on Assessor's Parcel Numbers 010-121-44, 010-121-43, 010-121-42 and 010-502-01, properties located in the southeast quadrant of Carson City, Nevada, was duly submitted by the Carson City Planning Division in accordance with Section 18.02.075, et seq. of the Carson City Municipal Code (CCMC). The request will result in the zoning designation of the subject properties changing from Single Family Five Acre (SF5A) to Public Community (PC). After proper noticing pursuant to NRS 278 and CCMC Title 18, on November 30, 2011, the Planning Commission, during a public hearing, reviewed the Planning Division staff report, took public comment and voted 7 ayes, 0 nays to recommend to the Board of Supervisors approval of the Zoning Map Amendment.

SECTION II:

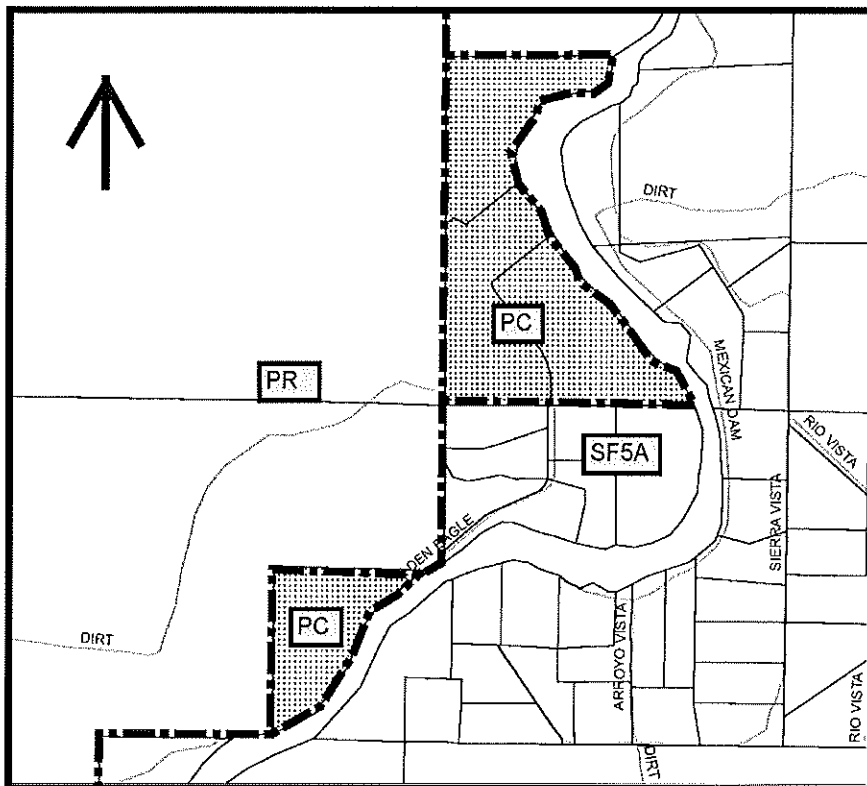
Based on the findings that the Zoning Map Amendment would be in substantial compliance with the goals, policies and action programs of the Master Plan, that the Amendment will provide for land uses compatible with existing adjacent land uses and will not have detrimental impacts to other properties in the vicinity, that the Amendment will not negatively impact existing or planned public services or facilities and will not

Exhibit "A"

EXISTING ZONING



PROPOSED ZONING



CARSON CITY PLANNING COMMISSION

CASE RECORD

MEETING DATE: November 30, 2011

AGENDA ITEM NO.: H-5(B)

APPLICANT(s) NAME: Carson City
PROPERTY OWNER(s): Carson City

FILE NO. ZMA-11-131

ASSESSOR PARCEL NO(s): 010-121-44 (20 acres), 010-121-43 (22 acres), 010-121-42 (22 acres), 010-502-01 (19 acres)

APPLICANT'S REQUEST: For Possible Action: To make a recommendation to the Board of Supervisors on a Zoning Map Amendment application from Carson City (property owner: Carson City) to change the zoning designations of certain properties owned by Carson City located in and around the southeast quadrant of Carson City, changing APNs 010-121-44 (20 acres), 010-121-43 (22 acres), 010-121-42 (22 acres) and 010-502-01 (19 acres) from Single Family Five Acre (SF5A) to Public Community (PC).

COMMISSIONERS PRESENT: ☒ KIMBROUGH ☒ MULLET ☒ HEATH
 ☒ DHAMI ☒ SHIRK ☒ VANCE ☒ WENDELL

STAFF REPORT PRESENTED BY: Jennifer Pruitt
STAFF RECOMMENDATION: ☒ APPROVAL
APPLICANT REPRESENTED BY: Jennifer Pruitt

☐ REPORT ATTACHED
☐ DENIAL

☒ APPLICANT/AGENT
PRESENT

☒ APPLICANT/AGENT
SPOKE

☐ APPLICANT/AGENT
NOT PRESENT

☐ APPLICANT/AGENT
DID NOT SPEAK

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

☐ PERSONS SPOKE IN FAVOR OF THE PROPOSAL

☐ PERSONS SPOKE IN OPPOSITION OF THE PROPOSAL

DISCUSSION, NOTES, COMMENTS FOR THE RECORD:

Discussed with H-5(A)

MOTION WAS MADE TO RECOMMEND APPROVAL WITH THE FINDINGS AS ENUMERATED ON THE STAFF REPORT.

MOVED: WENDELL SECOND: ESSWEIN PASSED: 7/AYE 0/NO 0/ABSTAIN 0/ABSENT

SCHEDULED FOR THE BOARD OF SUPERVISORS

DATE: December 15, 2011

STAFF REPORT FOR PLANNING COMMISSION MEETING OF NOVEMBER 30, 2011

FILE: ZMA-11-131

AGENDA ITEM: H-5(B)

STAFF AUTHOR: Jennifer Pruitt, Principal Planner

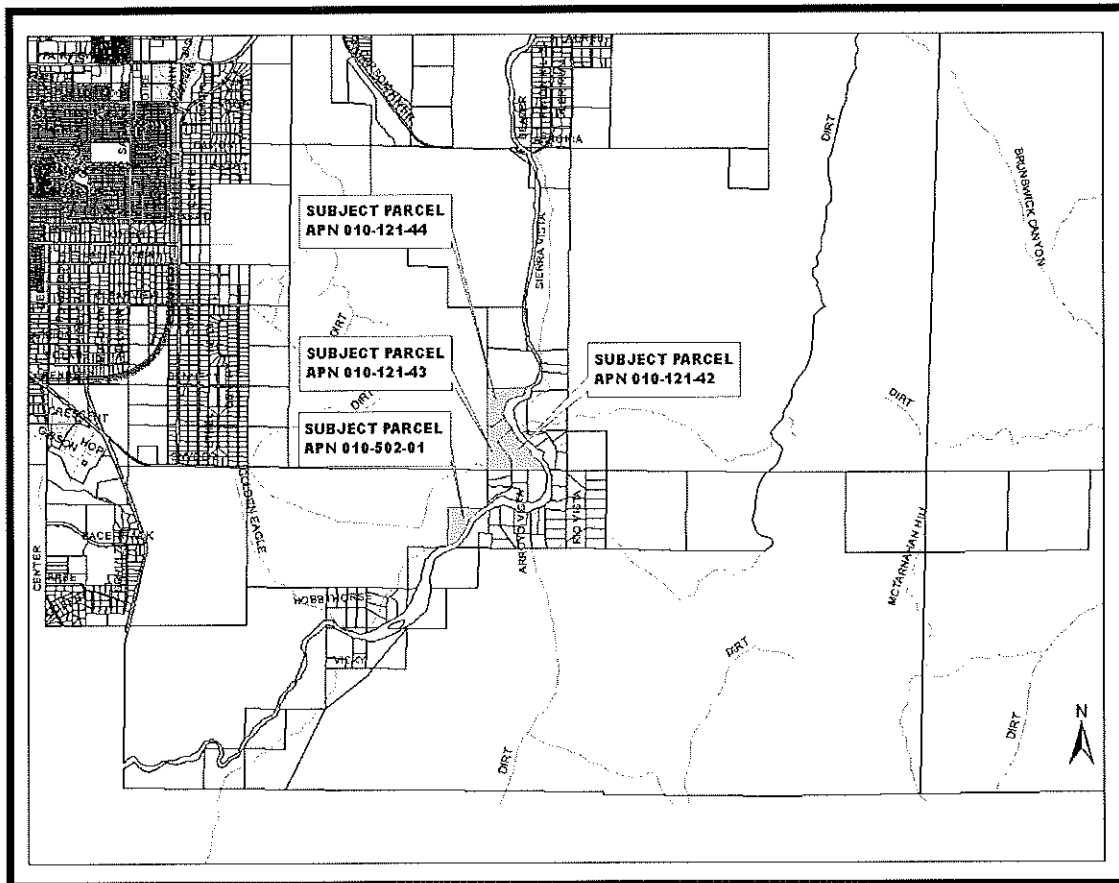
REQUEST: A Zoning Map Amendment to change the zoning designations of property located in and around the southeast quadrant of Carson City, changing APNs 010-121-44 (20 acres), 010-121-43 (22 acres), 010-121-42 (22 acres) and 010-502-01 (19 acres) from Single Family Five Acre (SF5A) to Public Community (PC).

APPLICANT: Carson City Planning Division

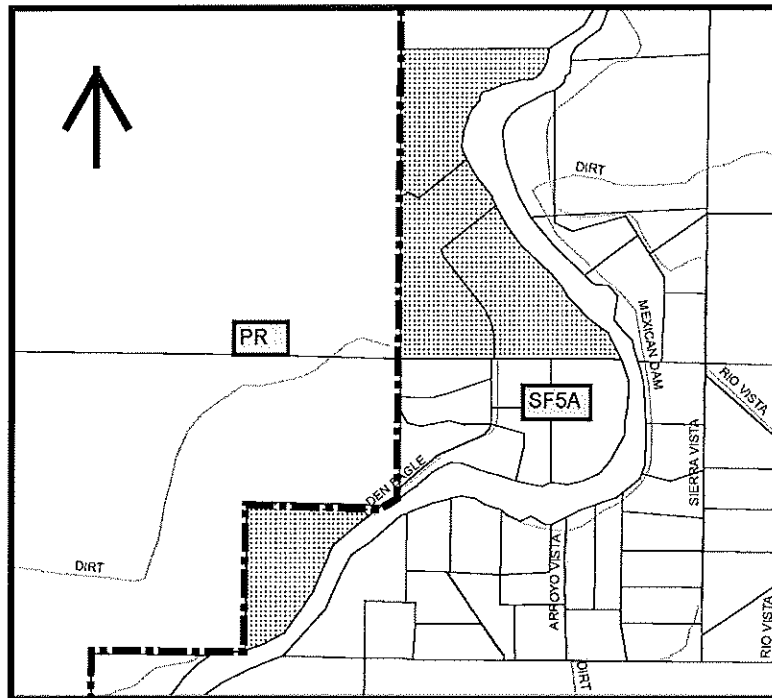
OWNER: Carson City

LOCATION: Southeast quadrant of Carson City (see map below)

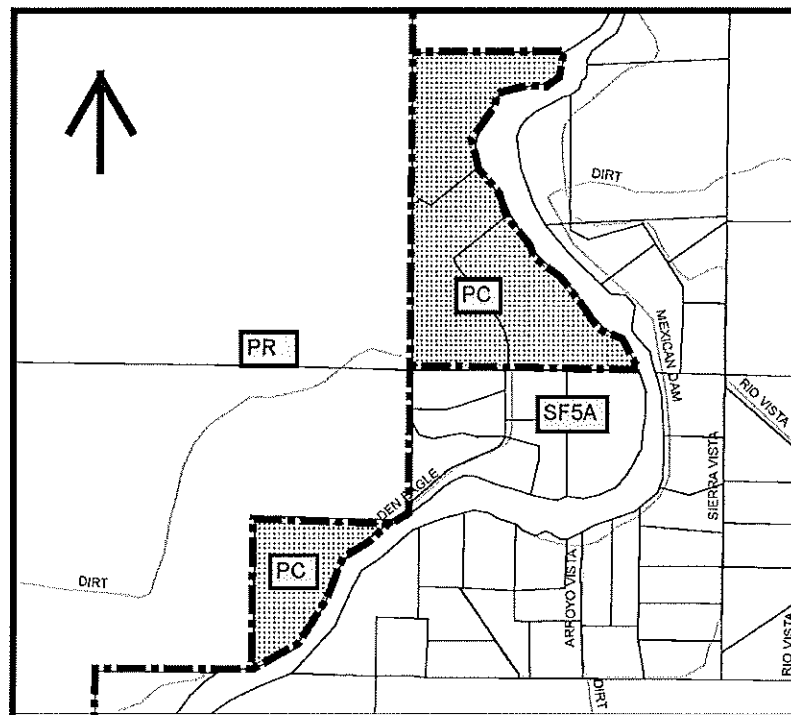
RECOMMENDED MOTION: "I move to recommend to the Board of Supervisors approval of ZMA-11-131, a Zoning Map Amendment to change the zoning designations of property in the southeast quadrant of Carson City from Single Family Five Acre to Public Community as published on the agenda and presented by staff, based on the findings contained in the staff report."



EXISTING ZONING



PROPOSED ZONING



LEGAL REQUIREMENTS: CCMC 18.02.050 (Review); 18.02.075 (Zoning Map Amendments and Zoning Code Amendments).

DISCUSSION:

The purpose of this application and the additional Master Plan applications and Zoning Map applications is to amend the zoning and master plan of 23 parcels of land owned by Carson City acquired for Open Space purposes to be properly reflected as such on the Land Use map and the Zoning Map of Carson City.

The subject properties are currently owned by Carson City. The current and proposed Zoning Maps are also attached to this staff report with the draft ordinance.

The subject properties were acquired by Carson City through the Open Space program in 2008 from Alpenglou Development, Mexican Dam LLC and River Ranch Holding LTD with the exception of APN 010-502-01 which was acquired by Carson City in 2007 through the Open Space program from the Desormier Family Trust. The subject properties are currently zoned Single Family Five Acre and are proposed to be designated Public Community to be consistent with the Land Use Map of Carson City.

The purpose of Public Community zoning district is typically facilities and uses that serve primarily a smaller portion of Carson City. The use of the subject properties is limited to Open Space because the properties were purchased with the Carson City Open Space funds.

This Zoning Map Amendment is being processed concurrently with a proposed Master Plan Amendment. Further detailed discussion regarding the Master Plan Amendment is included in the staff report for MPA-11-130.

PUBLIC COMMENTS: Public notices were mailed to 30 adjacent property owners within 1,175 feet of the subject parcel in accordance with the provisions of NRS and CCMC 18.02.045. As of November 14, 2011, no written comments have been received either in 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: No concerns with the request.

FINDINGS: Staff recommends the following findings for approval of the Zoning Map Amendment pursuant to the Carson City Municipal Code Section 18.02.075, Zoning Map Amendments.

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

Rationale: *The proposed amendment will be in substantial compliance with the following goals and policies of the Master Plan:*

Goal 1.3 – Promote the preservation of State and Federal lands as a community amenity.

Policy 1.3a – State and Federal Land Disposal – Continue to coordinate with the BLM to ensure that its Urban Interface Plan is consistent with the Land Use Plan.

Policy 1.3b – State and Federal Land Transfers – Monitor lands slated for potential disposal and identify opportunities for the transfer of such lands to City ownership, where lands are needed for public facilities, parks, trail access or similar functions, through the Federal Lands Bill and other programs, particularly within the urbanized area of the City.

Rationale: This application is submitted by the Carson City Planning Division through the cooperation and coordination with the Carson City Open Space Manager to establish appropriate zoning designations consistent with the Land Use Map of Carson City.

Policy 1.4c – Protection of Existing Site Features – Ensure that development at the Urban Interface is designed to minimize disturbances to existing stands of mature trees, distinctive topographic features (hillsides/ridgelines), and other character-defining features, particularly those that are visible from other locations in the community.

Rationale: The proposed amendment will provide for public review of all uses to be established on the properties, allowing review of existing site features. Typically all parcels owned by Carson City are zoned Public Community, Public Neighborhood or Public Regional.

- 2. The proposed amendment will provide for land uses compatible with existing adjacent land uses and will not have detrimental impacts to other properties in the vicinity.**

Rationale: The subject properties were acquired by Carson City through the Open Space program in 2008 from Alpenglow Development, Mexican Dam LLC and River Ranch Holding LTD with the exception of APN 010-502-01 which was acquired by Carson City in 2007 through the Open Space program from the Desormier Family Trust. The purpose of Public Community zoning district is typically facilities and uses that serve primarily a smaller portion of Carson City. The use of the subject properties is limited to Open Space because the properties were purchased with the Carson City Open Space funds. The proposed amendment will be compatible with adjacent land uses.

- 3. The proposed amendment will not negatively impact existing or planned public services or facilities and will not adversely impact the public health, safety and welfare.**

Rationale: The proposed amendment provides consistency purposes with the Carson City Land Use Map. The proposed amendment will not adversely impact the public health, safety and welfare.

4. That sufficient consideration has been exercised by the applicant in adapting the project to existing improvements in the area.

Rationale: The proposed amendment is not associated with a specific project. The subject properties were acquired by Carson City through the Open Space program over the past few years. The subject properties are currently zoned Single Family Five Acre (SF5A) and are proposed to be designated Public Community (PC) to be consistent with the Land Use Map of Carson City.

Respectfully submitted,
PUBLIC WORKS, PLANNING DIVISION

Jennifer Pruitt

Jennifer Pruitt, AICP, LEED AP
Principal Planner

Attachments

- 1) Draft ZMA Ordinance with Maps
- 2) Code Section 18.04.180 (PC)

Late Info
H-5 (A)

RECEIVED

NOV 23 2011

CARSON CITY
PLANNING DIVISION

TO: Carson City Planning Division

SUBJECT: Master Plan Amendment MPA-1130 and Zoning Map Amendment ZMA-11-131

We are writing this letter in opposition to the proposed Master Plan Amendment MPA-11-130 and Zoning Map Amendment ZMA-11-131 to change Land Use Maps APNs 010-121-44 (20 acres), 010-121-43 (22 acres), 010-121-42 (22 acres) and 010-502-01 (19 acres) from Rural Residential to Open Space and change the Zoning from Single Family Five Acre (SF5A) to Public Community (PC).

We are the owners of a property on the east side of Mexican Dam, located directly across the river from subject parcels. Public access to the river has not been granted from our property nor will it be granted in the future. Members of the public have knowingly trespassed on our property; destroying private property signage, climbed, cut, rammed gates and ripped fence posts from our privately held property. In other words, improper, illegal actions continue to occur and Carson City continues to do little to protect my property and interests. These are not random incidents that occur. Each and every time I come out to work on the property I have to inform multiple individuals that they are trespassing on private property after they have climbed our gates or crossed the river.

These are just a few examples: During high flow on the Carson River rafters cut across our property to place their rafts in the water below Mexican Dam. The signage identifying Private Property and NO TRESPASSING is large and is highly visible from the river; at low flow of the Carson River, people either cross Mexican Dam or the low flow areas of the river and trespass leaving trash or destroying infrastructure on the property. Continuously, we have had trespass issues. The proposed master plan and zoning amendment changes will only make matters worse.

Additionally, the following questions need to be answered concerning this change of land use:

1. Has an environmental impact statement been conducted to determine how the riparian area will be affected by increasing public access?
2. How is changing zoning from Rural Residential to Open Space and rezoning from Single Family Five Acre (SF5A) to Public Community (PC) going to affect the private property owners and designations adjacent to these properties?
3. How is Carson City going to maintain security for the public and most importantly the private home and or land owners along these remote sections of the river?
4. Will Carson City provide fencing to keep the public from encroaching on private property i.e., barrier fence on Mexican Dam to keep them from crossing where they are not welcome?
5. If someone is injured crossing Mexican Dam onto those private properties who is liable for these injuries?

As the land owner I request that these properties remain Rural/Agricultural and the zoning remain the same.

If these questions and concerns are not answered with suitable solutions, the City of Carson City is opening itself up to expensive litigation. Again, as the property owner directly across the river we are opposed to the the Master Plan Amendment MPA-11-130 APN 010-121-42, 43, and 44 and Zoning Map Amendment ZMA-11-131.

Sincerely,

/s/

Mark A. Gregory
Sandy Gregory

Cc: Jim Cavilia ESQ. Allison, McKenzie, Pavlakis, Wright, Fagan

From: Juan Guzman
To: mag0676@sbcglobal.net
CC: Djacquet1@aol.com; Moellendorf, Roger; Plemel, Lee; Pruitt, Jennifer;...
Date: 11/29/2011 5:22 PM
Subject: Fwd: MPA-11-1130 and ZMA-11-131
Attachments: MPA-1130_2.doc

This is a second try I misspelled you address.

Juan F. Guzman
Open Space / Property Manager
Carson City Parks & Recreation Dept.
3303 Butti Way, #9
Carson City, NV 89701
T: 775-887-2262 ext. 7341
F: 775-887-2145
>>> Juan Guzman 11/29/2011 5:13 PM >>>
Mrs and Mr. Gregory:

Lee Plemel and Jenny Pruitt have shared with me your letter to the Planning Commission (attached) expressing opposition to the Master Plan Amendment and Zoning Map Amendment for the 3 City owned parcels located directly across the Carson River from your property. You are also in opposition to a similar proposed change for a City 19 acre parcel approximately half a mile to the south on the west bank of the River. In the past we had a difference of opinion regarding the Aquatic Trail where you articulated to the Carson River Advisory Commission concerns with the impact of the public on your property. I will follow the same order of your questions to planning staff.

1-An Environmental Impact Statement has not been conducted since it is not required in accordance with the provisions of the Nevada Revised Statutes and the Carson City Municipal Code. The use of the City properties for open space under the present designation will not change with the proposed designation. As a matter of fact, under the present designations parks are allowed by right as a primary use. Under the proposed designations a special use permit requiring public notice is mandated prior to future use. A Special Use Permit will provide you with a public process to express your opinion in opposition to the present Zoning of the properties were a special use permit hearing is not required. Under the existing or proposed designations Carson City will develop management plans that more specifically provide for the management of recreation facilities and their location in relation to sensitive areas such as the riparian zones. This is not a new endeavor for staff but a continuation of the work that commenced with the public hearings for the Carson City Lands Bill and the Friends of Silver Saddle Ranch effort that culminated in the adoption of a common vision for the management of Public Lands within the Carson River thru a charrette process.

2-I believe the Open Space Designation will not have a negative impact on surrounding properties and may in fact have a positive economic impact. It has been my experience that proximity to an open space may be seen as a benefit with its inherit opportunity for the protection of vistas and scenic resources as opposed to additional residential uses. In surveys conducted for the development of the Parks and Recreation Master Plan the construction of trail facilities and nature parks has ranked very high.

3-Carson City will maintain security for the public thru the use of our Park Ranger, controlling

access, and signs containing safety and use information. Carson City has commenced work in developing a force of parks ambassadors and volunteers to facilitate public safety. Staff from the Sheriff and Fire Departments have participated in public discussions related to public safety in our remote open spaces.

4-Fencing is one of the tools that will be used to manage access where appropriate, based on need and economic resources availability. The safety of the public around the Mexican Dam, a facility owned by the Mexican Ditch Company of which Carson City is a member, is in my estimation very important. As such, this discussion will be a part of the public process and plans to the extent and capabilities of staff.

5-Jim is a very capable attorney and I would defer legal advice to him. However the provisions of NRS 41.5101 Limitations of Liability come to mind.

I appreciate your position and acknowledge that Lee and Jenny will make all efforts to ensure that the Planning Commission will receive your letter. If you have any questions please do not hesitate to contact me at my cell phone 775-690-7671 or my office number 775-283-7341.

Juan F. Guzman
Open Space / Property Manager
Carson City Parks & Recreation Dept.
3303 Butti Way, #9
Carson City, NV 89701
T: 775-887-2262 ext. 7341
F: 775-887-2145

18.04.180 Public Community (PC). PC means facilities and uses that serve primarily a large portion of Carson City. The Conditional Uses permitted in the PC District which require approval of a Special Use Permit are:

Buildings and facilities owned, leased, or operated by the City of Carson City, Carson City School District or any other district, State of Nevada or the government of the United States.

Cemetery

Child Care Facility

Civic Auditorium and Theater

Fire Station

Historical Site

Hospital

Library

Municipal Well Facility

Museum

Public Administrative Office

Public Parks

Public Parking Lots

Resource Management Use/Groundwater Recharge Use

Schools (Elementary, Middle, High School, and College/University)

Senior Center

Sheriff's Office and Jail

Storage

Storage containers (permanent) as an accessory to a primary permitted use, subject to Division 1 and 1.10 Personal Storage of the Development Standards

Storm Drainage and Floodplain Devices

Swimming Pool

Utility Easement

Utility Facilities

Utility Substation