

**City of Carson City
Agenda Report**

Date Submitted: December 6, 2011

Agenda Date Requested: December 15, 2011

Time Requested: 10 minutes

To: Mayor and Board of Supervisors

From: Public Works - Planning Division

Subject Title: For Possible Action: To approve a Master Plan Amendment application to change the Land Use Map designation of certain properties owned by Carson City located in the vicinity of the Carson River and Mexican Dam, changing the Master Plan designation of 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. (MPA-11-130) (Lee Plemel)

Summary: The subject property, is currently owned by the Carson City Open Space program. The proposed amendment would make the Master Plan land use designation consistent with the actual public ownership and intended long-term use of the property for open space.

Type of Action Requested:

☐ Resolution
☒ Formal Action/Motion

☐ Ordinance
☐ Other (Specify)

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

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

Recommended Board Action: I move to approve a Master Plan Amendment application to change the Land Use Map designation of certain properties owned by Carson City located in the vicinity of the Carson River and Mexican Dam, as published on the agenda, changing the Master Plan designation, from Rural Residential to Open Space, based on the findings contained in the staff report.

Explanation for Recommended Board Action: The Board of Supervisors is required to take final action on all Master Plan Amendments. See the attached staff report to the Planning Commission for further information.

Applicable Statute, Code, Policy, Rule or Regulation: CCMC 18.02.070 (Master Plan).

Fiscal Impact: N/A

Explanation of Impact: N/A

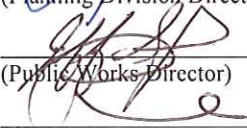
Funding Source: N/A

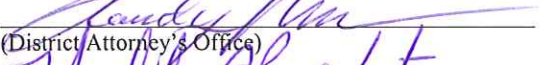
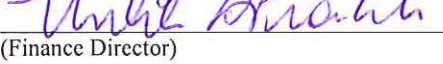
Alternatives: 1) Deny the application, or
2) Refer the matter back to Planning Commission for further review.

Supporting Material:

- 1) Resolution 2011-PC-4
- 2) Case Record
- 3) Staff report

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)

RESOLUTION 2011-PC-4

A RESOLUTION RECOMMENDING TO THE BOARD OF SUPERVISORS APPROVAL OF MPA-11-130, A MASTER PLAN AMENDMENT TO CHANGE THE MASTER PLAN DESIGNATION OF 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.

WHEREAS, NRS 278.210 requires that any adoption of a master plan amendment shall be by resolution of the Planning Commission; and

WHEREAS, the Planning Commission has given proper notice of the proposed amendment in accordance with the provisions of NRS and CCMC 18.02.070, and is in conformance with City and State legal requirements; and

WHEREAS, on November 30, 2011, the Planning Commission obtained public testimony and duly considered recommendations and findings for the proposed master plan amendment and approved Master Plan Amendment MPA-11-130 by an affirmative vote of a two-thirds majority of the Commission, at least five members of the seven-member Commission, pursuant to NRS 278.210, based on four findings of fact; and

WHEREAS, Carson City has acquired these properties for open space purposes to expand the opportunities for the visitors and residents of Carson City and maintain a high quality of life in conformance with the goals and policies of the Master Plan.

NOW, THEREFORE, the Carson City Planning Commission hereby recommends to the Board of Supervisors approval of the Master Plan Amendment to change the Land Use Map designation for a specific property owned by Carson City located in and around the vicinity of the southwest quadrant of Carson City, changing the Master Plan designation of 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 as illustrated in the attached Exhibit A.

Upon motion by Commissioner George Wendell, seconded by Commissioner Paul Esswein, the foregoing resolution was passed and adopted this 30th day of November, 2011, by the following vote:

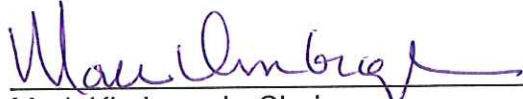
AYES: Commissioner George Wendell
 Commissioner Paul Esswein
 Commissioner Malkiat Dhami
 Commissioner Mark Sattler
 Commissioner Jim Shirk
 Commissioner William Vance
 Chairperson Mark Kimbrough

NAYS: None

ABSENT: None

RESOLUTION NO. 2011-PC-4

ABSTAIN: None



Mark Kimbrough, Chairman

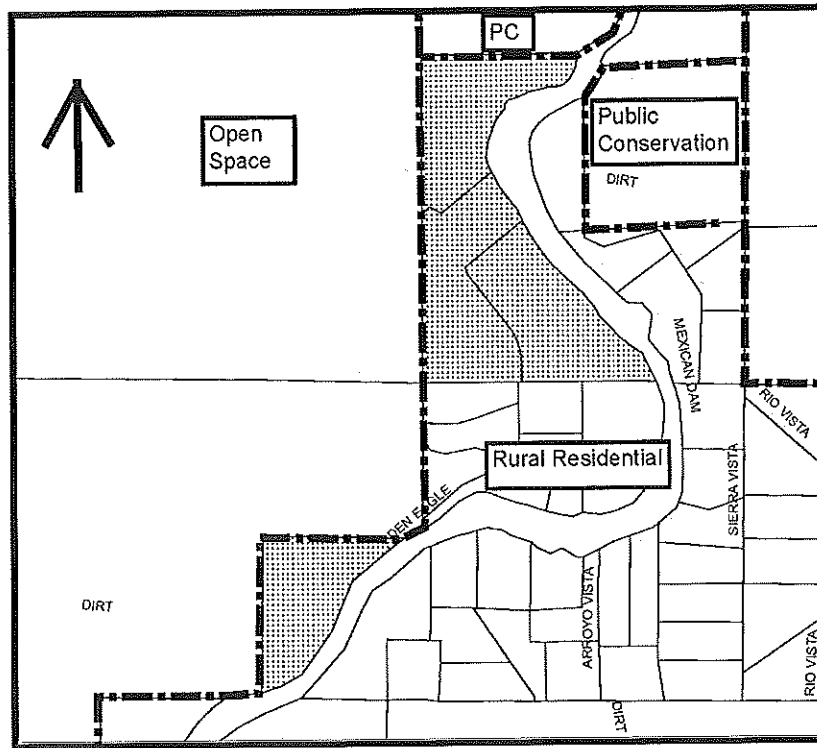
ATTEST:



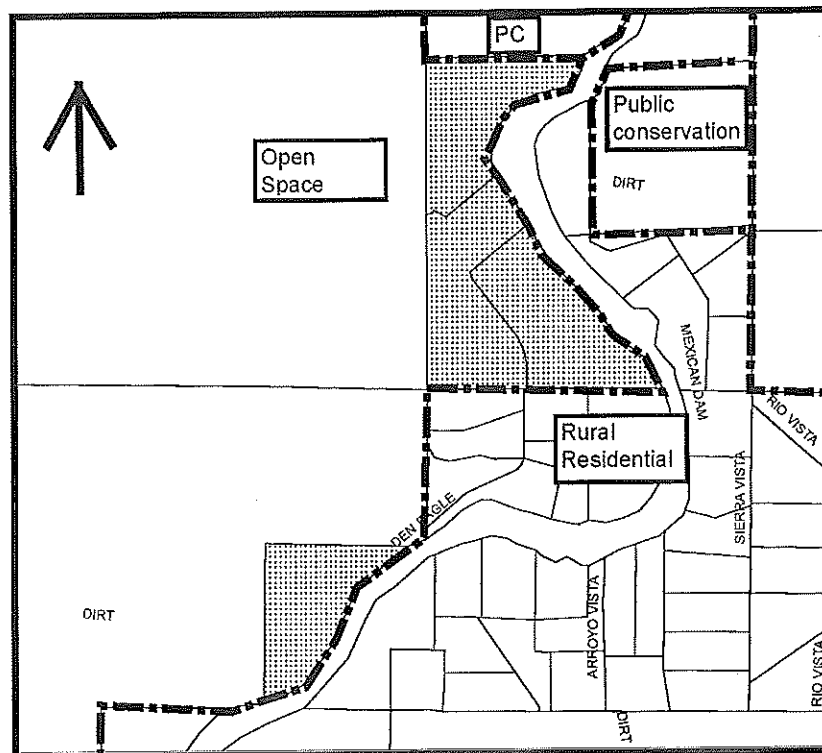
LEE PLEMEL, AICP
Planning Director

EXHIBIT A

Existing Master Plan



Proposed Master Plan



CARSON CITY PLANNING COMMISSION

CASE RECORD

MEETING DATE: November 30, 2011

AGENDA ITEM NO.: H-5(A)

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

FILE NO. MPA-11-130

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 adopt a Resolution making a recommendation to the Board of Supervisors regarding a Master Plan Amendment to change the Land Use Map designation of certain properties owned by Carson City located in and around the vicinity of the southeast quadrant of Carson City, changing the Master Plan designation of 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.

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

0 APPLICANT/AGENT
PRESENT

0 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:

Mark Gregory: Property owner across from the river. Need barriers to keep people from crossing river onto private property. Is there an Environmental Impact Statement? Security concerns.

MOTION WAS MADE TO ADOPT RESOLUTION 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: MPA-11-130

AGENDA ITEM: H-5(A)

STAFF AUTHOR: Jennifer Pruitt, Principal Planner

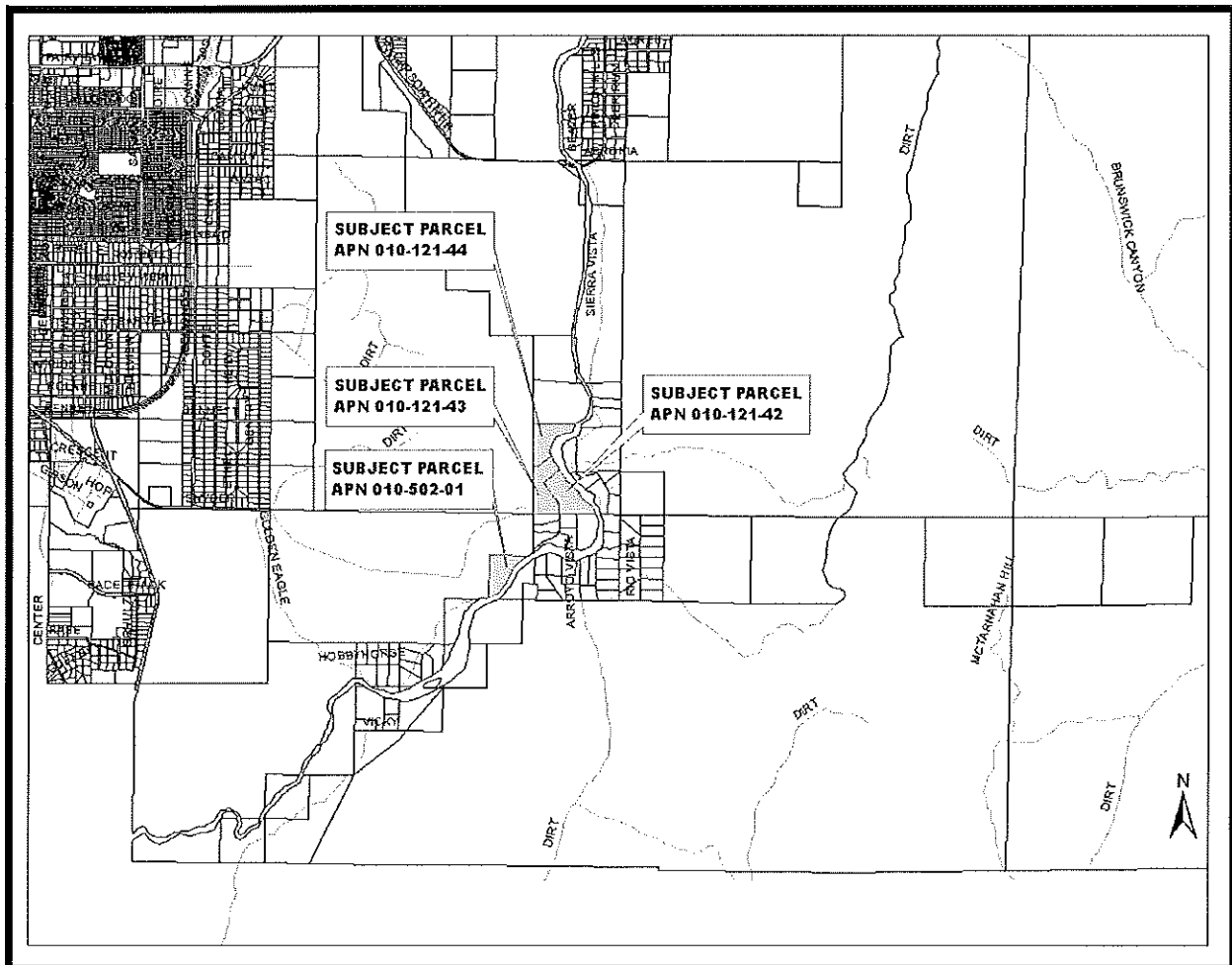
REQUEST: A Master Plan Amendment to change the Land Use Map designation of properties located in and around the vicinity of the southeast quadrant of Carson City, changing the Master Plan designation of APNs 010-121-44 (20 acres), 010-121-43 (22 acres), 010-121-42 (22 acres) and 010-502-01 (19 acres) from Rural Residential to Open Space.

APPLICANT: Carson City Planning Division

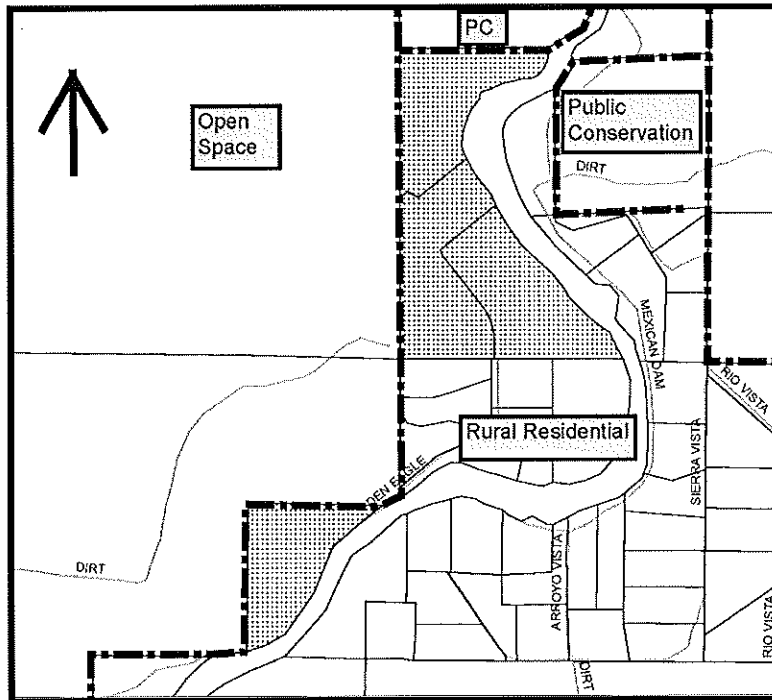
OWNER: Carson City

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

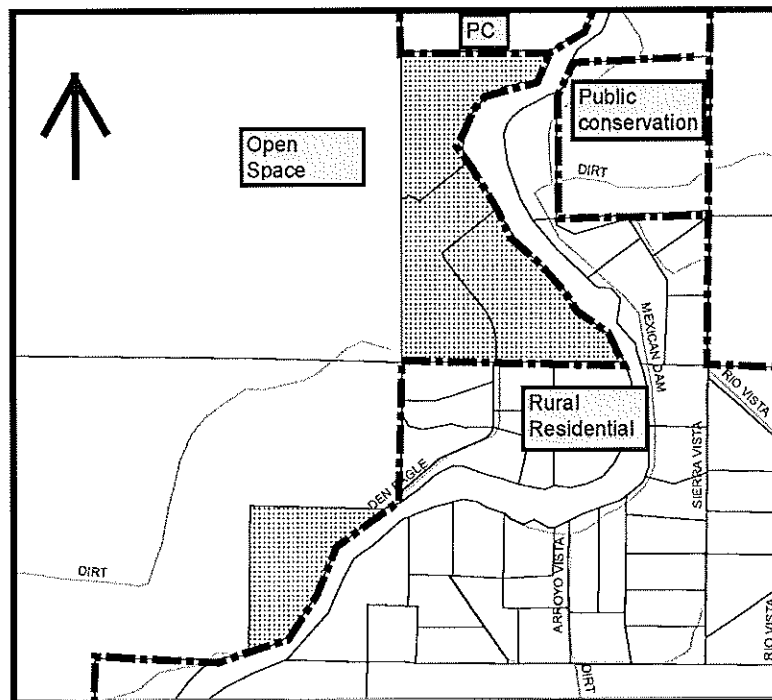
RECOMMENDED MOTION: "I move to adopt Resolution 2011-PC-04 recommending to the Board of Supervisors approval of MPA-11-130, a Master Plan Amendment to change the Land Use designations of property located in the vicinity of the southeast quadrant of Carson City as published on the agenda and presented by staff from Rural Residential to Open Space, based on the findings contained in the staff report."



EXISTING MASTER PLAN



PROPOSED MASTER PLAN



LEGAL REQUIREMENTS: CCMC 18.02.050 (Review); 18.02.070 (Master Plan).

DISCUSSION:

The subject properties were acquired by Carson City through the Open Space program in 2008 from Alpengl 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 current and proposed Master Plan maps are attached to this staff report with the draft Master Plan Amendment resolution.

The subject parcels are located within the southeast quadrant of Carson City. The parcels range in size from 19 acres to 22 acres.

The properties are currently designated "Rural Residential" on the Master Plan Land Use Map and are proposed to be designated "Open Space" for consistency purposes.

As noted in the Carson City Master Plan, Carson City will continue to pursue opportunities to expand or enhance the community's open space network using a range of available tools (as specified in the Open Space Master Plan) to help implement the objectives of this Master Plan.

The Carson City Master Plan states that the primary purpose of the Open Space areas is primarily publicly-owned and accessible lands preserved by the City, other government agencies, or as part of a private development (e.g. planned unit development) for conservation, resource protection, or recreational use.

The Planning Division is proposing to concurrently rezone the subject parcels from Single Family Five Acres to Public Community. Further detailed discussion regarding the rezoning is included in the staff report for ZMA-11-131.

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 Master Plan Amendment pursuant to the Carson City Municipal Code Section 18.02.070, Master Plan.

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.

Goal 4.3 –Expand the City's Open Space Network.

Policy 4.3a – Open Space Master Plan- Continue to review future development proposals for consistency with the City's Open Space Master Plan and continue to coordinate with the Open Space Advisory Committee and the Carson River Advisory Committee on Master Plan issues.

Policy 4.3b– Open Space Network- Continue to pursue opportunities to expand or enhance the community's open space network using a range of available tools (as specified in the Open Space Master Plan) to help implement the objectives of this Master Plan.

Rationale: The proposed Master Plan Amendment includes designating the parcels obtained by the Open Space program as Open Space in order to protect the area from future development and preserve views.

- 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 proposed Open Space designation is consistent with the public uses that are already occurring on the properties. The use of the subject parcels is limited to open space because of their ownership by the Carson City Open Space program.

- 3. The proposed amendment is in response to changed conditions that have occurred since the plan was adopted and the requested amendment represents a more desirable use of land.**

Rationale: The subject properties have been acquired by Carson City from 2007 through 2008. The purpose of this application is to amend the Master Plan to properly reflect these publicly owned parcels for Open Space purposes.

- 4. The requested amendment will promote the desired pattern of orderly physical growth and guides development based on the projected population growth with the least amount of natural resource impairment and the efficient expenditure of funds for public services.**

Rationale: The proposed amendment provides areas associated with Open Space uses to be properly designated and to promote the desired pattern of orderly physical growth in other areas identified in Carson City.

Respectfully submitted,
PUBLIC WORKS, PLANNING DIVISION

Jennifer Pruitt

Jennifer Pruitt, AICP, LEED AP
Principal Planner

Attachments
Planning Commission Resolution 2011-PC-04 with Maps

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 inherent 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