



STAFF REPORT

Report To: Board of Supervisors

Meeting Date: July 21, 2016

Staff Contact: Ann Bollinger, Open Space Administrator

Agenda Title: For Possible Action: To accept the recommendation from the Open Space Advisory Committee for the submittal of a grant application to the Forest Legacy Program for a conservation easement on four parcels – APNs 007-051-12 and 007-051-79 owned by the Old Woods Ranch LLC, APN 007-051-09 owned by Schulz Investments LLC, and the western 55 acres of APN 007-051-70 owned by Schulz Investments LLC. (Ann Bollinger, abollinger@carson.org)

Staff Summary: The four parcels are located on the north side of Highway 50 west, in the vicinity of the Clear Creek interchange. A total of 265 acres, the parcels are adjacent to each other, adjacent to two other fee-title acquisitions by the Open Space Division, and adjacent to the Horsecreek Ranch conservation easement. One of the parcels consists of the remaining section of the high-elevation irrigated meadow shared by Horsecreek Ranch. A conservation easement means the properties will remain in private ownership and on the tax roll for the Carson City yet limit development and protect many of the important values of the area and Clear Creek/Carson River watershed.

Agenda Action: Formal Action/Motion

Time Requested: 15 minutes

Proposed Motion

I move to accept the recommendation from the Open Space Advisory Committee for the submittal of a grant application to the Forest Legacy Program for a conservation easement on four parcels – APNs 007-051-12 and 007-051-79 owned by the Old Woods Ranch LLC, APN 007-051-09 owned by Schulz Investments LLC, and the western 55 acres of APN 007-051-70 owned by Schulz Investments LLC.

Board's Strategic Goal

Quality of Life

Previous Action

February 19, 2015. The Board of Supervisors approved the recommendation of the Open Space Advisory Committee and approved the work program outline calling for the administration of the Open Space portion of the Quality of Life fund for management activities, capital improvement projects, planning activities, and land acquisitions for calendar year 2015.

Background/Issues & Analysis

The subject parcels are identified in the Open Space Plan for protection and meet the high priority area for hillside protection. Attached are past staff reports and other background items for more information on the properties.

The Old Woods Ranch parcels were evaluated in 2007-2008 and an application was submitted to the FY 2010 Farm and Ranch Lands Protection Program (FRPP) through the Natural Resources Conservation Service (NRCS)

for the acquisition of a conservation easement on 130 acres. The NRCS grant funding was not approved. The owners are not interested in a sale but would be interested in pursuing a conservation easement.

The owners of Schulz Investments LLC contacted staff in November 2014 to inquire about interest and possible sale to the Open Space Division. Due to the potential cost and current budget, staff has not proceeded towards a fee title purchase. Throughout the past few months, the family decided that a conservation easement would be a viable option. They are interested in dividing the larger parcel into two parcels in which the western 55 acres would be offered for a conservation easement and the remainder would be sold. Currently, 220 acres are listed for sale on the open market. A second parcel consists of 80 acres and would be added to the conservation easement.

The most recent staff report to the Open Space Advisory Committee on June 27, 2016 attempts to identify a value for the properties. One of the most important facts to remember is that the dollar value is difficult to determine until the restrictions and uses have been identified. With that said, a very rough estimate ranges from \$1,662,610 to \$2,840,469. The Forest Legacy Program would fund up to 75% of the costs including the appraisals and purchase price. The cost difference would be funded by the Quality of Life – Open Space budget.

Applicable Statute, Code, Policy, Rule or Regulation

Carson City Municipal Code 13.06 - Open Space

Financial Information

Is there a fiscal impact? Yes No

If yes, account name/number: Quality of Life - Open Space, Land Acquisition / 254-5047-452-7401

Is it currently budgeted? Yes No

Explanation of Fiscal Impact: The Forest Legacy Program would fund up to 75% of the costs including the appraisals and purchase price, leaving a match requirement for Carson City. A very rough estimate ranges from \$415,652 to \$710,117. The match would be funded by the Quality of Life – Open Space budget.

The acquisition budget had \$537,942 remaining from Fiscal Year 2015-2016 and \$104,225 has been budgeted for Fiscal Year 2016-2017, for a total of \$642,167. If the Forest Legacy Program grant is awarded, the matching funds do not need to be provided until 2018 or 2019. The Open Space Division staff would recommend saving future revenue to accomplish these acquisitions. In addition to this acquisition, staff is working with Mr. Michael Fagen to purchase 20 acres near the Clear Creek interchange.

Alternatives

1. Limit the grant application and conservation easement to certain parcels.
2. Not approve submittal of the grant application.

Board Action Taken:

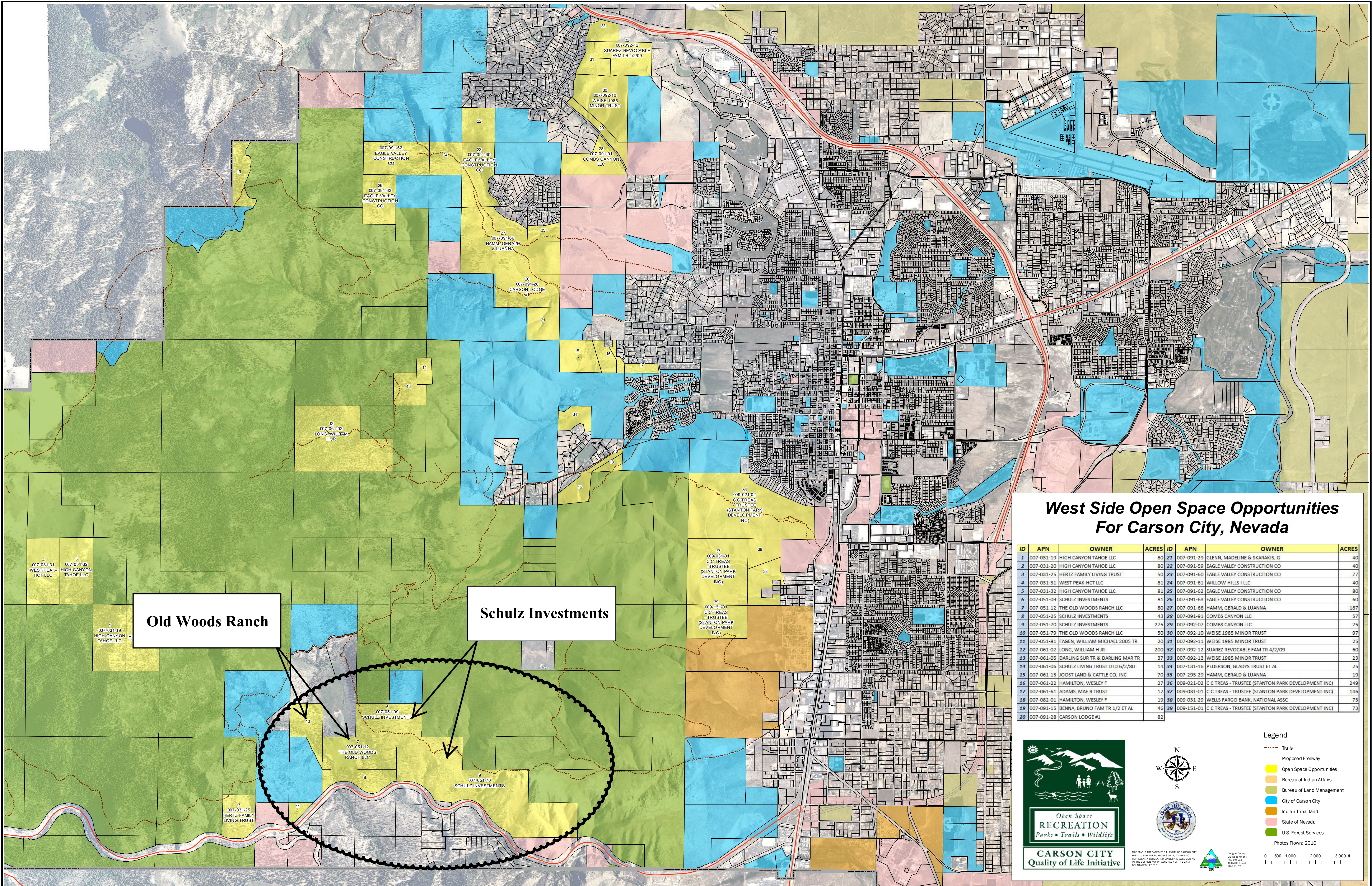
Motion: _____

1) _____

2) _____

Aye/Nay

(Vote Recorded By)



Old Woods Ranch

Schulz Investments

West Side Open Space Opportunities For Carson City, Nevada

ID	APN	OWNER	ACRES	ID	APN	OWNER	ACRES
1	007-031-19	HIGH CANYON TAHOE LLC	80	21	007-091-29	GLENN, MADELINE & SKARAKIS, G	40
2	007-031-20	HIGH CANYON TAHOE LLC	80	22	007-091-59	EAGLE VALLEY CONSTRUCTION CO	40
3	007-031-25	HERTZ FAMILY LIVING TRUST	50	23	007-091-60	EAGLE VALLEY CONSTRUCTION CO	77
4	007-031-31	WEST PEAK-HCT LLC	81	24	007-091-61	WILLOW HILLS I LLC	40
5	007-031-32	HIGH CANYON TAHOE LLC	81	25	007-091-62	EAGLE VALLEY CONSTRUCTION CO	80
6	007-051-09	SCHULZ INVESTMENTS	81	26	007-091-63	EAGLE VALLEY CONSTRUCTION CO	60
7	007-051-12	THE OLD WOODS RANCH LLC	80	27	007-091-66	HAMM, GERALD & LUANNA	187
8	007-051-25	SCHULZ INVESTMENTS	43	28	007-091-91	COMBS CANYON LLC	57
9	007-051-70	SCHULZ INVESTMENTS	275	29	007-092-07	COMBS CANYON LLC	25
10	007-051-79	THE OLD WOODS RANCH LLC	50	30	007-092-10	WEISE 1985 MINOR TRUST	97
11	007-051-81	FAGEN, WILLIAM MICHAEL 2005 TR	20	31	007-092-11	WEISE 1985 MINOR TRUST	25
12	007-061-02	LONG, WILLIAM H JR	200	32	007-092-12	SUAREZ REVOCABLE FAM TR 4/2/09	60
13	007-061-05	DARLING SUR TR & DARLING MAR TR	37	33	007-092-13	WEISE 1985 MINOR TRUST	23
14	007-061-06	SCHULZ LIVING TRUST DTD 6/2/80	14	34	007-131-16	PEDERSON, GLADYS TRUST ET AL	25
15	007-061-13	JOOST LAND & CATTLE CO, INC	70	35	007-293-29	HAMM, GERALD & LUANNA	19
16	007-061-22	HAMILTON, WESLEY F	27	36	009-021-02	C C TREAS - TRUSTEE (STANTON PARK DEVELOPMENT INC)	249
17	007-061-61	ADAMS, MAE B TRUST	12	37	009-031-01	C C TREAS - TRUSTEE (STANTON PARK DEVELOPMENT INC)	146
18	007-082-01	HAMILTON, WESLEY F	19	38	009-031-29	WELLS FARGO BANK, NATIONAL ASSC	73
19	007-091-15	BENNA, BRUNO FAM TR 1/2 ET AL	46	39	009-151-01	C C TREAS - TRUSTEE (STANTON PARK DEVELOPMENT INC)	73
20	007-091-28	CARSON LODGE #1	82				

Open Space
RECREATION
Parks • Trails • Wildlife

CARSON CITY
Quality of Life Initiative

Legend

- Trails
- Proposed Freeway
- Open Space Opportunities
- Bureau of Indian Affairs
- Bureau of Land Management
- City of Carson City
- Indian Tribal land
- State of Nevada
- U.S. Forest Services

Photos Flown: 2010

**OPEN SPACE ADVISORY COMMITTEE
STAFF REPORT**

MEETING DATE: February 22, 2016

AGENDA ITEM NUMBER: 3D

STAFF: Ann Bollinger, Open Space Administrator

REQUEST: **For Possible Action:** To recommend to the Board of Supervisors submittal of a grant application to the Forest Legacy Program for the purchase of a conservation easement on the Old Woods Ranch, APNs 007-051-12 and 007-051-79.

GENERAL DISCUSSION:

On February 19, 2015, the Board of Supervisors accepted the Committee's recommendation to approve the work program for calendar year 2015, including land acquisitions. One of the acquisitions is the subject of this staff report – the Old Woods Ranch LLC. This particular acquisition would be conservation easement rather a fee-title purchase.

There are two parcels under consideration - APNs 007-051-12 (80 acres) and 007-051-79 (50.17 acres). The parcels are located on the west side of Carson City between U.S. Highway 50 on the south and Kings Canyon Road on the north. The elevations range from approximately 5,700' to 6,500'. The parcels are adjacent to the Horsecreek Ranch Conservation Easement, and one parcel includes the southern part of the irrigated pasture. The same parcel is also adjacent to an open space property. To the east, there is a parcel owned by Schulz Investments (some of the same family members). It's possible that 100+ acres may be added to this transaction at a later date.

The Old Woods Ranch parcels were evaluated in 2007-2008 and an application was submitted to the FY 2010 Farm and Ranch Lands Protection Program (FRPP) through the Natural Resources Conservation Service (NRCS) for the acquisition of a conservation easement on 130 acres. The NRCS grant funding was not approved. The owners are not interested in a sale but would be interested in pursuing a conservation easement.

Since the last discussion with the Committee, the Nevada Division of Forestry (NDF) coordinated a meeting with various agencies, organizations, and the family to discuss the various options. Both NDF and the NRCS state the conservation easement is an eligible transaction for their programs and strongly support the purchase.

NDF administers the Forest Legacy Program (FLP), whose mission "protects 'working forests' those that protect water quality, provide habitat, forest products, opportunities for recreation and other public benefits." As stated above, NRCS administers the FRPP in addition to other programs. In 2014, the FRPP was replaced with the Agricultural Conservation Easement Program (ACEP). The ACEP helps "conserve agricultural lands and wetlands and their related benefits." While both agencies and programs would be suitable, the match requirement for NDF is just 25% compared the NRCS at 50%.

In preparation for an application to NDF, as well as general assistance and guidance to manage the forest, the family has begun a Forest Stewardship Plan. Additionally, they have met with various City departments to learn and understand the opportunities and limitations to uses on their property.

At this time, staff is just seeking an action from the Committee to continue working on the project with anticipation of submitting an application to the FLP in late summer/early fall of 2016. At a future meeting of the Committee, the budget will be reviewed. The current balance in the land acquisition account is \$537,942; however, the Committee is also reviewing purchase of another un-related property. Only for background information, the Horsecreek Ranch conservation easement on 175 acres cost \$1,100,000, or \$6,274 per acre. The value of a conservation easement on the Old Woods Ranch will be determined through an appraisal.

RECOMMENDED ACTION: I move to recommend to the Board of Supervisors submittal of a grant application to the Forest Legacy Program for the purchase of a conservation easement on the Old Woods Ranch, APNs 007-051-12 and 007-051-79.







USDA, Natural Resources Conservation Service FY 2010 Farm and Ranch Lands Protection Program – Application	
Entity Information (An Entity or Combination of Entities Submitting Multiple Parcels for Consideration are only Required to Submit Entity Information Once)	
Primary Entity Information (The Cooperating Entity that will be Accepting the Federal Contribution)	
Information Required (Required Attachments in Bold Letters)	Data or Check if Information is Attached
Evidence of an established farmland protection program. (state, Tribal, or local government statute or ordinance or non-governmental organization mission statement attached).	The Municipal Code - Chapter 13.06 Open Space – included as Attachment 1.
Evidence of a commitment to long-term conservation of agricultural or ranch lands through the use of voluntary conservation easements that protect farm or ranch lands from conversion to nonagricultural uses. (list of easements acquired and currently held by the cooperating entity making application).	Attachment 2 is the list of conservation acquisitions/ easement currently managed under the Carson City’s Open Space program.
Evidence of the authority and demonstrated capability to acquire conservation easements or their equivalent. (state, Tribal, or local government statute or ordinance or non-governmental organization mission statement attached) (list of easements acquired by the cooperating entity).	See Attachment 1 and 2 and also Attachment 3, the Carson City Open Space Plan.
Evidence of the authority and demonstrated capability to hold, manage, or enforce conservation easements or their equivalent (state, Tribal, or local government statute or ordinance or non-governmental organization mission statement attached) (list of easements held, managed, and enforced by the cooperating entity).	See Attachment 1 for Municipal Code and Attachment 2 for list of acquisitions and easement.
Evidence of entity title and appraisal policies or standards. (attach policies or standards used).	NRS 244.275 – Sets local government appraisal policy - Attachment 4
Evidence of staff capability dedicated to easement monitoring and stewardship (number of easements held and managed and current staff available).	Program staff/consultant nat. resource professionals currently conduct monitoring on adjoining property.
Evidence of the availability of funds equal to at least 50 percent of the estimated fair market value of the conservation easement (including landowner donation) (State, Tribal, or local government appropriation or statement from non-government organization that funds are available attached). Note: landowner donation not required for program participation.	The Carson City Space Budget – Attachment 5 – has a fund balance of 3 million dollars and an on-going revenue source.

FY 2009 Secondary Entity Information (Not the Entity that will be accepting the Federal contribution, entities that are only contributing funds or are monitoring the easement and enforcing the terms of the easement deed)	
Information Required (Required Attachments in Bold Letters)	Data or Check if Information is Attached
Evidence of an established a farmland protection program (state, Tribal, or local government statute or ordinance or non-governmental organization mission statement attached).	
Evidence of a commitment to long-term conservation of agricultural or ranch lands through the use of voluntary conservation easements that protect farm or ranch lands from conversion to nonagricultural uses (list of easements acquired and held by the cooperating entity).	
Evidence of the authority and demonstrated capability to acquire conservation easements or their equivalent (state, Tribal, or local government statute or ordinance or non-governmental organization mission statement attached) (list of easements acquired by the cooperating entity).	
Evidence of the authority and demonstrated capability to hold, manage, or enforce conservation easements or their equivalent (state, Tribal, or local government statute or ordinance or non-governmental organization mission statement attached) (list of easements held, managed, and enforced by the cooperating entity).	
Evidence of title and appraisal policies or standards (attach policies or standards).	
Evidence of staff capability dedicated to easement monitoring and stewardship (number of easements held and managed and current staff available).	
Evidence of the availability of funds equal to at least 50 percent of the estimated fair market value of the conservation easement (including landowner donation) (State, Tribal, or local government appropriation or statement from non-government organization that funds are available attached).	

FY 2009 Parcel (Farm or Ranch) Information offered for Easement	
National Data Required	
Entity or Entities Associated with the Parcel (List each entity separately)	See Attachment 6
State:	Nevada
County or Counties:	Carson City
Map of the parcel showing the proposed protected (easement) area. (Map attached Include USGS quad map)	See Figure 1
Location map of the parcel. (Map attached, include assessor parcel map)	Seen Figure 2
Legal Description of the parcel. (Document attached).	See Attachment 7
Names of all legal landowners of the parcel. (include mail addresses. Include name, address and phone number of primary decision maker)	See Attachment 6
Verification that landowners have filed current, appropriate Adjusted Gross Income (AGI) paperwork with local Farm Service Agency county office and that SCIMS data has been updated by FSA. Note: a person or legal entity that has an average adjusted gross non-farm income as defined in § 7 CFR 1400.3 that exceeds \$1,000,000 will not be eligible to receive payments or benefits....unless not less than 66.66 percent of the AGI of the person or legal entity is AGI farm income or limitation is waived by NRCS Chief.	The paper work is being submitted to the FSA Minden office and is awaiting response from the Farm Service Agency.
Address of the parcel. (Both mail and physical address)	The Old Woods Ranch 6 Miller Way Carson City, NV 89701
Size of the offered parcel, in acres.	Two adjoining parcels – 130.17 acres
Pending offer for the parcel. (Written offer must be attached).	NA
Acres of the prime, unique, or Statewide and locally important soil in the parcel. (one of three eligibility criteria) (Attach table showing field number or field name, acres of soils that are prime and land of statewide importance and remainder of acres by field number or name of field include acres of water rights within each field). (In Nevada, land of statewide importance is land that is currently irrigated) (must have a legal water right)	See Figure 3 and Figure 4 and Attachment 8 – Certificate of Appropriation of Water; Attachment 9 – Soil map unit descriptions.
Soils map and table of the prime, unique, or Statewide or locally important soils for the parcel. (Map and table attached. See information above)	See Figure 4 – Map units within pasture are Statewide important soils.

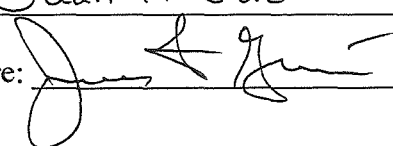
<p>Historical or archaeological resources proposed to be protected, a brief description of the sites' significance and documentation of the site's listing on the Federal, Tribal, or State register. The listing document that describes the significance of the site must be included in the application to compare with the cooperating entity's ability to manage and enforce the easement for historic preservation of the site.</p> <p>(one of three eligibility criteria) (Map of site location and listing document attached).</p>	NA
<p>Manner that each parcel supports a State or local farm or ranch land protection program, if applicable.</p> <p>(one of three eligibility criteria) (Evidence of how parcel supports the policy such as location within a focus area of statement from the unit of government indicating that the parcel supports the unit of government's policy, map or statement attached).</p>	See page 30 CC Open Space Plan – "Goal" -Attachment 3 & Attachment 10 – Carson City's support statement.
<p>Map showing each of the following land uses in the parcel with acres, denote whether irrigated or non-irrigated.</p> <p>(Land uses will include irrigated: cropland, hayland (introduced species), pastureland (introduced species); rangeland, forestland, wetlands, riparian areas, incidental lands, etc. as indicated below.)</p>	See Figure 3
<p>Acres of Cropland and crop produced (irrigated only in Nevada)</p>	NA
<p>Acres of Pastureland (irrigated, introduced species only in Nevada)</p>	34 per Legend – Figure 3
<p>Acres of Hayland (irrigated and introduced species only in Nevada)</p>	NA
<p>Acres of Rangeland (includes native hay)</p>	39 – described as fans and uplands in Figure 3
<p>Acres of Forest (Sum of Wetland and Non-Wetland Forest)</p>	63.3 includes riparian areas.
<p>Acres of Incidental Land (including farmstead, pivot corners and non-forested wetland) Describe the type</p>	1.93 – Corrals, loafing sheds, equipment storage.
<p>Acres of Forested Wetlands (forest with hydric soil)</p>	8.45 – Described as Riparian areas in Figure 3
<p>Acres of Non-wetland Forest (forest without hydric soil)</p>	54.9 – Jeffery pine forest also provides some grazing resource
<p>Acres of Non-Forested Wetland (hydric soil without forest cover)(part if incidental land)</p>	NA

<p>Verification from Farm Service Agency that landowners are in compliance with Highly erodible land and wetland provisions on the offered parcel. Provide appropriate HEL/WC maps along with AD 1026 documentation. (eligibility requirement) (Contact FSA to update information)</p>	<p>The update of the 1960 Conservation Plan is on-going with the Minden Field Office of NRCS. Current snow cover will delay the determination.</p>
<p>Map showing the location of other protected parcels in relation to the land parcels proposed to be protected (Protected parcels include military land, land owned in fee title by US or state or local government, entity whose purpose is to protect agricultural use and related conservation values, or land already subject to easement or deed restriction, that limits the conversion of the land to non agricultural use)</p>	<p>See Figure 5</p>
<p>Estimated value of the easement of the parcel (should equal the sum of the estimated cooperating entity contribution, landowner donation, and Federal contribution).</p>	<p>\$1,000,000</p>
<p>Estimated contribution by the cooperating entity (dollars).</p>	<p>\$500,000</p>
<p>Estimated landowner donation (the appraised fair market value minus the amount that the landowner will accept for the easement) (not a cash donation) (dollars). Note: landowner donation not a program requirement</p>	
<p>Expected Federal contribution. (cannot be more than 50% of the appraised fair market value of the land) (dollars).</p>	<p>\$500,000</p>
<p>Estimated cooperating entity's recommended stewardship fee to be paid by the landowner (dollars).</p>	<p>Stewardship annual assessment to be funded via CC Open Space Program</p>
<p>Indication of the accessibility to markets for the parcel (example: miles to grain elevators, livestock markets, milk processors, cotton gins, types of market for the type of operation and the area within the state, etc).</p>	<p>The operation is 40 to 50 head cow/calf. Weaner calves sold at local auctions.</p>
<p>Indication of an existing agricultural infrastructure, on- and off-farm, and other support system(s) (miles to tractor dealers, agricultural chemical, feed and fertilizer dealers).</p>	<p>All located within 40 miles</p>
<p>Statement regarding the level of threat from urban development for the parcel (Attach map with parcel location and locations closest urban development to the parcel including subdivisions, non-agricultural zoning, etc)</p>	<p>See Figure 5 and Attachment 11.</p>
<p>Percent impervious surface in the parcel.</p>	<p>Less than 1000 sq. ft. – Loafing shed roofs</p>
<p>Percent impervious surface requested (limited to 2% of the easement area without an approved waiver procedure). (Attach map showing location this surface)</p>	<p>NA</p>
<p>Impervious surface waiver procedure. (document attached).</p>	

<p>Ownership of subsurface mineral rights for each parcel. Mining is prohibited on FRPP easements. Subsurface mineral rights owned by third parties must be subordinated or a mineral remoteness test conducted to assess the chance of the minerals being extracted by the third party. Parcels that have a high potential of being mined will not be accepted into FRPP. Exploration and extraction of oil and gas is negotiable and deeds must be written to minimize the disturbance caused by the exploration and extraction.</p>	<p>Mineral rights will be established in the on-going preliminary title report being acquired by Carson City. Owners assume they control the mineral rights until otherwise established.</p>
<p>Desire of landowners to subdivide each parcel. Subdivision in FRPP is generally prohibited. Parcels for which landowners know the exact locations and dimensions of the subdivided parcels should submit the parcels as separate parcels to be ranked at their subdivided size. If a landowner wants the option to subdivide at a date after the application is submitted, permission must be written into the conservation easement deed. The size of the subdivided parcels must be an economically viable size for a farm or ranch in the county in which the parcel is located. Lot sizes less than the size of the average farm in the county at the time of deed approval will not be permitted.</p>	<p>NA</p>
<p>Desire of the landowner to construct additional residences on the easement parcel. Construction of new residences is generally prohibited on FRPP easements. If a landowner wants the option to construct additional residences for children returning to the farm or ranch or full time farm or ranch employees after the application is submitted, permission must be written into the conservation easement deed. The size and location of the residences must also be specified in the conservation easement deed. The deed must state that occupant of each residence must be a full time farm or ranch employee.</p>	<p>Figure 6 and Attachment 12 depict the area the Shultz family would like to construct some cabins that will not be use as residences but for family retreats and gathering an would be used seasonally for family recreation/gatherings. The specific area and type of construction will be described in the conservation easement deed. The improvements, if ever built are also discussed in Attachment 13 – the Baseline Report, pages 4 – 5.</p>

FY 2009 Information Required by the NRCS State Office for State's Ranking Factors	
<p>Succession Plan for the easement if it exists prior to application . (Attach copy)</p> <p>* Succession plan means a general plan to address the continuation of some type of agricultural business on the conserved land; the farm or ranch succession plan may include specific intra-family succession agreements or strategies to address business asset transfer planning to create opportunities for beginning farmers and ranchers</p>	<p>The Shultz Family has established an LLC to manage the ranch. A conservation easement will require that no manner of use or place of use change applications for the water rights will be allowed. The ranch will stay as irrigated pasture.</p>
<p>In order to determine agricultural sustainability of the operation, all crop production will be converted to animal units/yr. (Production capability of the offered land) (For irrigated pasture or rangeland, provide what is carrying capacity of each unit or animal units for specific period to time and animal type utilizing each unit. For irrigated cropland or irrigated hayland, % of soil potential will be used. CALI system will be utilized. Provide cropping sequence and dominate crop (alfalfa will be used for long term rotations) Producer can provide written documentation of irrigated crop and hay yields.</p>	<p>Attachment 13 – A baseline condition report prepared by Walker & Associates, estimated the pasture at 3 to 4 animal unit months per acre. Based on acreage of pasture (Figure 3) that would be 136 AUMs. Estimates of non-irrigated area is 15 acres per AUM equaling 9 AUMs</p>
<p>Where parcels offered will protect or conserve habitat for species of concern provide the following: Provide list of species found on the Nevada Natural Heritage Program – Species of Concern Website; wildlife habitat management plan for the species of concern if complete at time of application. NOTE: Acceptable wildlife habitat management plan for each species being protected will be required prior to deed closing)</p>	<p>NA</p>

I certify that, to the best of my knowledge and belief, the information in this application for federal assistance and in the supporting materials is true, correct and complete.

Name: Juan F. Guzman Title Open Space Manager, Carson City
 Signature:  Date: 1-27-10

**CARSON CITY MUNICIPAL CODE
CHAPTER 13.06 – OPEN SPACE****13.04.170 Emergency condition.**

In the event an emergency condition is determined by the city to exist, the city shall proceed in such manner as is required under the circumstances with due regard for public health and safety, endangerment to other trees and to the extent possible, notice and cooperation with affected property owners.

(Ord. 1994-28 §§ 1 (part), 18, 1994).

13.04.180 Appeals and hearings.

1. In the event of any suspension, revocation or denial of a business license by the city pursuant to Section 13.04.050, the aggrieved party shall have the right to appeal such suspension or revocation to the board of supervisors. Any such appeal must be submitted in writing to the board within thirty (30) days after the date of suspension or revocation of the license and include:

- a. A statement outlining the interest of each aggrieved party,
- b. A statement of the action(s) being appealed together with any material facts in support of his or her position; and
- c. The signatures of all parties and date.

2. The aggrieved party may request that the shade tree council review the decision of the city and make its recommendation to the board of supervisors. If so requested, a hearing by the shade tree council shall be held at its next regular meeting or a special meeting within fifteen (15) days from the date the appeal is filed with the city. The shade tree council shall recommend to either accept, overrule or otherwise modify any order of the city suspending or revoking the license.

3. For the purposes of considering such a request, the shade tree council may, by a majority vote, on its own motion, or shall, if so requested by the licensee, augment its membership by not more than two (2) certified arborists or graduate foresters who shall have voting privileges at the hearing.

4. The shade tree council shall expeditiously notify the city in writing of its recommendation, which shall include:

- a. Findings of facts;
- b. Recommendations to the board; and
- c. The signature of the chairperson and date.

(Ord. 1994-28 §§ 1 (part), 19, 1994).

13.04.190 Penalty for violation.

It is unlawful, prohibited and a misdemeanor for any person to violate the provisions in this chapter, including failure to comply with any notice and decision of the board of supervisors following appeal. The city must be compensated for damage to or the loss of any tree as determined in accordance with this chapter.

(Ord. 1994-28 §§ 1 (part), 20, 1994).

Chapter 13.06 OPEN SPACE

ions:

13.06.010 Purpose.

- 13.06.020 Creation of an open space advisory committee.
- 13.06.030 Committee membership.
- 13.06.040 Term of office and vacancies.
- 13.06.050 Removal from committee.
- 13.06.060 Powers and duties of open space advisory committee.
- 13.06.070 Organization and procedure of the open space advisory committee.
- 13.06.080 Prohibited interest/confidentiality.
- 13.06.090 Annual report.
- 13.06.100 Preservation of land.
- 13.06.110 Leasing open space lands.
- 13.06.120 Disposal of open space lands and grants of exclusive licenses/permits.
- 13.06.130 Statement of deed.
- 13.06.140 Maintenance and management.
- 13.06.150 Other public lands.

13.06.010 Purpose.

In the broadest sense, the objective of the open space program is to promote quality of life for citizens of Carson City through the preservation and protection of the quality of the natural environment which has given Carson City much of its character. This natural environment includes many spectacular views of the mountains, Carson River, and Eagle Valley. The natural streams, wetlands and open lands, with their water and related plant and animal life complement the scenic vistas and remind us of the area's early history. These natural areas, water bodies, vistas and panoramas, natural landmarks, and native flora and fauna are intended to be preserved and protected for the enjoyment of this and future generations by the judicious use of funding for open space.

As Carson City continues to grow, open spaces should be provided and woven into the fabric of the city. These open spaces may define developed areas within the community, and in certain areas may define the boundary of the city. They are intended to obtain a balance and harmony between physical development and open space for the benefit of Carson City citizens. Preservation of open space in all parts of the city will foster appreciation of the natural environment, provide increased opportunities for passive recreation, preserve agricultural uses, allow connecting open space corridors, and improve the quality of life.

Carson City encourages residents of this community and other concerned persons or parties to donate certain lands or funds for use in the open space program. The board of supervisors may by resolution accept properties not acquired with open space funds into the open space program after a recommendation from the open space advisory committee.

The open space advisory committee shall provide the oversight over the administration and expenditure of funds from the open space division of the quality of life special revenue fund established by Carson City Municipal Code 21.07. The funding for open space including interest and other income, may be used for the acquisition, restoration of natural resources, development and construction which afford for public access, health and safety, equipping, improvement, maintenance, conservation planning and management of real property for open spaces acquired through the fund; and administrative costs approved by the committee.

(Ord. 1997-30 § 1 (part), 2, 1997).

13.06.020 Creation of an open space advisory committee.

There is hereby created an open space advisory committee, hereinafter referred to as the committee, consisting of seven (7) members appointed by the board of supervisors.

(Ord. 1997-30 § 1 (part), 3, 1997).

13.06.030 Committee membership.

1. The members of the committee shall be residents of Carson City, and qualified electors. The members shall

be selected on the basis of expertise in the areas of natural resources, real estate, community planning, community development, outdoor recreation/education or knowledge of the community.

(Ord. 1997-30 § 1 (part), 4, 1997).

13.06.040 Term of office and vacancies.

Members of the committee shall serve for varying term lengths not to exceed four (4) years, provided that the first seven (7) members appointed to the committee shall be appointed two (2) for a two (2) year term, two (2) for a three (3) year term and three (3) for a four (4) year term so that thereafter members shall serve for staggered terms of like duration. (Vacancies shall be filled by board of supervisors from appointed alternates. If an alternate is not available, the vacancy shall be filled for the remainder of the term in the same manner that original appointments are made).

(Ord. 2001-1 § 1, 2001: Ord. 1997-30 § 1 (part), 5, 1997).

13.06.050 Removal from committee.

1. The board of supervisors may remove a committee member for cause.

(Ord. 1997-30 § 1 (part), 6, 1997).

13.06.060 Powers and duties of open space advisory committee.

1. The committee shall develop an open space element to the Carson City master plan for adoption by the regional planning commission. The committee shall identify and prioritize for the city potential open space acquisitions and make appropriate recommendations. The committee shall obtain and consider public input before making recommendations to the board of supervisors on prospective open space acquisitions, disposal, and management. The committee shall review and provide input and comment to the city manager's proposed budget as it relates to open space matters. The committee shall solicit comments of other affected advisory committees and commissions of Carson City. The committee shall also perform other duties as may be specifically assigned to it by the board of supervisors.

2. The committee in developing the open space element to the Carson City master plan, and in selecting open space lands for possible acquisition and preservation, shall be consistent with the intent of the 1996 ballot explanation, which was: The committee will work to sustain natural and scenic resources and the long-term quality of life in Carson City. And, acquisition of open space land will help preserve mountains, hills and scenic resources, conserve wildlife habitat, protect our drinking water sources and allow outdoor enjoyment of natural areas. Open space, which is defined as undeveloped land with valued natural resources, will be acquired from willing sellers, or by other mutually agreeable methods.

3. Open space will be acquired and maintained as conservancy areas to be used for the following purposes:

- a. To provide off-street bicycle, hiking and equestrian trails, and trailhead facilities that connect parks, schools and the valley with the mountains.
- b. To safeguard water resources: watershed areas, water-well sites and designated groundwater recharge areas.
- c. To safeguard waterway corridors, floodplains, wetlands, streams and the Carson River.
- d. To develop regional detention areas and protect floodplains.
- e. To safeguard scenic vistas and enhance the gateways to our city.
- f. Utilization of land for shaping the development of the city and defining growth by establishing an urban boundary.

- g. Strategic acquisitions of land to allow for outdoor relaxation, education and future park settings.
- h. Preservation or enhancement of significant natural areas, wildlife and culturally important lands.
- i. Connecting open space corridors.

(Ord. 1997-30 § 1 (part), 7, 1997).

13.06.070 Organization and procedure of the open space advisory committee.

1. The committee shall elect a chair and a vice-chair. The committee shall keep minutes and records of its meetings and transactions.
2. The committee shall have regular meetings not less than once a month, unless otherwise determined by the committee.
3. Four (4) members of the committee shall constitute a quorum. An affirmative vote of a majority of the members present shall be necessary to authorize any action by the committee, except as otherwise expressly provided herein.

(Ord. 1997-30 § 1 (part), 8, 1997).

13.06.080 Prohibited interest/confidentiality.

Any member appointed to the committee shall, upon the acceptance of such appointment, be deemed as having agreed to not disclose any data, the contents of any report or appraisal, or any information of whatsoever nature concerning any specific, prospective open space acquisition, to any person or entity except to other committee members, to members of the board of supervisors, to city staff members whose specific duties include the administration of the city's open space program, or as such disclosure may be required pursuant to court order. Any member who violates the conduct of confidentiality requirements shall be subject to being summarily suspended from the committee and such a violation may be deemed cause for removal.

(Ord. 1997-30 § 1 (part), 9, 1997).

13.06.090 Annual report.

The committee shall provide an annual report of its activities to the board of supervisors.

(Ord. 1997-30 § 1 (part), 10, 1997).

13.06.100 Preservation of land.

Generally, lands acquired with open space funds shall be preserved and managed in a near natural condition. Such lands might include scenic vistas, wetlands, streams, floodplains, trail corridors, agricultural lands, highly visible natural areas along major streets and open space buffers. Open space land will generally be open for passive recreation improvements developed where appropriate and environmentally compatible. Examples of compatible passive recreation include hiking, bicycling, equestrian trail uses, nature study, interpretive facilities, wildlife habitat, fishing and photography, or similar compatible uses. Development of traditional, active recreational facilities, such as athletic fields, swimming pools, and tennis courts are precluded. Shared participation in multi-use lands is possible. The open space element of the Carson City master plan, public hearing process and criteria developed by this committee shall provide direction for the acquisition of open space.

(Ord. 1997-30 § 1 (part), 11, 1997).

ATTACHMENT 2

**CARSON CITY LIST OF CONSERVATION
ACQUISITIONS AND EASEMENTS**

Open Space acquisition and management

Carson City Ownership / Property Name	Acres	Date Acquired	Carson City Question 18	Grants	Purchase Price
West of Hwy 395 / Carson Street					
Horsecreek	374.91	May-2005	\$ 1,300,000	\$ 1,000,000	\$ 2,300,000
Horsecreek conservation easement	176.00	Mar-2009	\$ 503,653	\$ 596,347	\$ 1,100,000
Hutchinson	40.00	Dec-2006	\$ 100,000	\$ 300,000	\$ 400,000
PH Casey Preserve	77.01	March/April 2008	donation	--	\$ -
Wilson	111.28	Jan-2009	\$ 146,480	\$ 439,440	\$ 585,920
East of Hwy 395 / Carson Street					
Andersen	86.00	Jul-2007	\$ 1,750,000	\$ 1,750,000	\$ 3,500,000
Desormier	19.28	Feb-2007	\$ 170,930	\$ 129,070	\$ 300,000
Fulstone wetlands	8.62	Aug-2001	donation	--	\$ -
Goni Canyon - 50 year open space protection	40.00		donation	--	\$ -
Lompa wetlands	17.62	Aug-2001	donation	--	\$ -
Mexican Dam LLC	64.31	March/April 2008	\$ 1,650,000	--	\$ 1,650,000
Moffat	17.80	Nov-2001	donation	--	\$ -
Total	1032.83		\$ 5,621,063	\$ 4,214,857	\$ 9,835,920

CARSON CITY OPEN SPACE PLAN

An Element of the Carson City Master Plan
Carson City, Nevada



Carson City Open Space Advisory Committee

Carson City Departments of Parks and Recreation
and Community Development

June 2000

RS 244.275 APPRAISAL POLICY

NRS 244.275 Purchase or lease of property for use of county; appraisal.

1. The boards of county commissioners shall have power and jurisdiction in their respective counties:

(a) To purchase any real or personal property necessary for the use of the county.

(b) To lease any real or personal property necessary for the use of the county.

2. No purchase of real property shall be made unless the value of the same has been previously appraised and fixed by one or more competent real estate appraisers to be appointed for that purpose by the county commissioners. The person or persons so appointed shall be sworn to make a true appraisal thereof according to the best of their knowledge and ability. Purchases of real property from other federal, state or local governments are exempt from such requirement of appraisal.

[Part 8:80:1865; A 1871, 47; 1931, 52; 1933, 203; 1953, 681]—(NRS A 1957, 662; 1960, 374; 1965, 737; 1967, 126; 1969, 676, 1393; 1975, 570)

ATTACHMENT 5

CARSON CITY OPEN SPACE BUDGET 2010

Q18 OPEN SPACE
 BUDGET RECAP.
 254-5047-452 FY 09/10

<u>ACCOUNT NUMBER</u>	<u>BUDGET</u>	<u>EXPENDITURES</u>	<u>BALANCE</u>	<u>PERCENT EXPENDED</u>
SALARIES 0101	\$195,181.00	\$95,030.96	\$100,150.04	48.69%
HOURLY/SEASONAL 0102	\$25,000.00	\$18,565.80	\$6,434.20	74.26%
ADMINISTRATIVE PAY 0103	\$0.00	\$0.00	\$0.00	#DIV/0!
SHIFT DIFFERENTIAL 0104	\$0.00	\$280.80	-\$280.80	
MANAGEMENT LEAVE 0106	\$0.00	\$4,633.89	-\$4,633.89	#DIV/0!
ANNUAL LEAVE 0107	\$0.00	\$0.00	\$0.00	#DIV/0!
SICK LEAVE 0108	\$0.00	\$0.00	\$0.00	#DIV/0!
OVERTIME 0111	\$0.00	\$375.60	-\$375.60	#DIV/0!
STANDBY 0113	\$0.00	\$0.00	\$0.00	#DIV/0!
FLSA 0114	\$0.00	\$7.03	-\$7.03	#DIV/0!
SALARIES AND WAGES TOTAL	\$220,181.00	\$118,894.08	\$101,286.92 \$101,286.92	54.00%
MEDICARE 0225	\$3,194.00	\$1,470.07	\$1,723.93	46.03%
RETIREMENT 0230	\$40,947.00	\$20,760.40	\$20,186.60	50.70%
GROUP INSURANCE 0240	\$24,407.00	\$12,303.79	\$12,103.21	50.41%
DISABILITY INSURANCE 0242	\$291.00	\$140.61	\$150.39	48.32%
WORKERS COMP. 0250	\$4,017.00	\$845.23	\$3,171.77	21.04%
EDUCATION INCENTIVE 0260	\$100.00	\$100.00	\$0.00	100.00%
FOUL WEATHER ALLOWANCE 0266	\$60.00	\$60.00	\$0.00	100.00%
CAR ALLOWANCE 0270	\$4,485.00	\$2,277.00	\$2,208.00	50.77%
EMPLOYEE BENEFITS TOTAL	\$77,501.00	\$37,957.10	\$39,543.90	48.98%
PROFESSIONAL SERVICES 0309	\$15,060.00	\$12,500.00	\$2,560.00	83.00%
TRAINING 0330	\$2,880.00	\$2,115.00	\$765.00	73.44%
CONTRACTUAL SERVICE 0349	\$50,000.00	\$0.00	\$50,000.00	0.00%
OFFICE EQUIPMENT RENTAL 0444	\$0.00	\$0.00	\$0.00	#DIV/0!
MAINTENANCE/MANAGEMENT 0450	\$341,944.00	\$8,969.47	\$332,974.53	2.62%
FIRE SUPPRESSION 0451	\$100,000.00	\$0.00	\$100,000.00	0.00%
HORSECREEK STEWARDSHIP/MAN. 0452	\$50,000.00	\$0.00	\$50,000.00	0.00%
PRINTING/ADVERTISING 0542	\$2,000.00	\$0.00	\$2,000.00	0.00%
MEMBERSHIP/PUBLICATIONS 0545	\$1,500.00	\$1,375.95	\$124.05	91.73%

Q18 OPEN SPACE
BUDGET RECAP.
254-5047-452 FY 09/10

TRAVEL 0580	\$2,880.00	\$1,982.86	\$897.14	68.85%	
OFFICE SUPPLIES 0601	\$4,000.00	\$1,325.87	\$2,674.13	33.15%	
POSTAGE/SHIPPING 0602	\$500.00	\$24.43	\$475.57	4.89%	
OPERATING SUPPLIES 0625	\$7,000.00	\$1,635.54	\$5,364.46	23.36%	
BOOKS/PERIODICALS 0645	\$500.00	\$0.00	\$500.00	0.00%	
VEHICLE FUEL 0660	\$1,000.00	\$287.62	\$712.38	28.76%	
SMALL FURNISHINGS 0675	\$0.00	\$0.00	\$0.00	#DIV/0!	
DONATIONS/TRAILS 0688	\$600.00	\$0.00	\$600.00	0.00%	
TELEPHONE 0710	\$2,000.00	\$1,426.40	\$573.60	71.32%	
ISC GENERAL FUND 0901	\$68,526.00	\$0.00	\$68,526.00	0.00%	
FLEET MANAGEMENT 0950	\$3,000.00	\$1,500.00	\$1,500.00	50.00%	
SERVICE AND SUPPLIES	\$653,390.00	\$33,143.14	\$620,246.86	5.07%	
USDA-NRCS#68-9327-8-02 EXP. ACCT. 1205	\$94,572.00	\$1,968.94	\$92,603.06	2.08%	
USDA-NRCS#68-9327-8-02 7805/1205 COVERS	\$0.00	\$93,148.54	-\$93,148.54	#DIV/0!	-\$545.48
SNPLMA-FUELS REDUCTION 1220	\$431,367.00	\$3,795.00	\$427,572.00	0.88%	
PED & EQUESTRIAN BRIDGE 6502	\$50,000.00	\$0.00	\$50,000.00	0.00%	
USDA-NRCS#68-9327-9-04 6588	\$242,100.00	\$0.00	\$242,100.00	0.00%	
LAND ACQUISITION 7401	\$3,319,876.00	\$0.00	\$3,319,876.00	0.00%	
FAGEN PROPERTY 7402	\$0.00	\$0.00	\$0.00	#DIV/0!	
FURNITURE AND FIXTURES 7743	\$0.00	\$0.00	\$0.00	#DIV/0!	
FULSTONE/LOMPA WETLANDS 7812	\$195,000.00	\$0.00	\$195,000.00	0.00%	
CAPITAL OUTLAY TOTAL	\$4,332,915.00	\$98,912.48	\$4,234,002.52	2.28%	
GRAND TOTAL	\$5,283,987.00	\$288,906.80	\$4,995,080.20	5.47%	
CWSCD-FULSTONE/LOMPA WETLANDS 254-0000-337-1612	\$ 20,000.00	\$ -	\$20,000.00		
DONATIONS/TRAILS 254-0000-365-8801	\$ -	\$ -	\$0.00		
HORSECREEK STEWARDSHIP/FAGEN 254-0000-365-8802	\$ 50,000.00	\$ 50,000.00	\$0.00		

Q18 OPEN SPACE
BUDGET RECAP.
254-5047-452 FY 09/10

FHWA/NV. STATE PARKS/FULSTONE			
254-0000-331-6912	\$ 100,000.00	\$ -	\$100,000.00
Q1 - ANDERSEN RANCH			
254-0000-334-4501	\$ 1,748,237.00	\$ 1,748,237.00	\$0.00
Q1 - DESORMIER			
254-0000-334-4502	\$ 128,831.00	\$ 128,831.00	\$0.00
Q1-FULSTONE/LOMPA WETLANDS			
254-0000-334-1512	\$ 75,000.00	\$ -	\$75,000.00
Q1 - HORSECREEK RANCH			
254-0000-334-4504	\$ -	\$ -	\$0.00
Q1 - HUTCHISON			
254-0000-334-4503	\$ 304,722.00	\$ 304,722.00	\$0.00
Q1 - MEXICAN DITCH			
254-0000-334-1513	\$ 85,000.00	\$ 85,000.00	\$0.00
USDA-NRCS FIRE 68-9327-8-02			
254-0000-331-1505	\$ 94,572.00	\$ 94,572.00	\$0.00
USDA-NRCS FIRE 68-9327-9-04			
254-0000-331-1588	\$ 242,100.00	\$ -	\$242,100.00
USDI-SNPLMA FUELS REDUCTION			
254-0000-331-7320	\$ 431,367.00	\$ -	\$431,367.00
SELECTIVE SALES & USE TAX	PROPOSED	ESTIMATED	
254-0000-314-2500	\$ 1,956,266.00	\$ 1,662,345.00	
20% - 254-5012-452	\$ 391,253.00	\$ 332,469.00	
40% - 254-5046-452	\$ 782,506.50	\$ 664,938.00	
40% - 254-5047-452	\$ 782,506.50	\$ 664,938.00	

% OF FY 09/10

54.52%

BOLD AMOUNTS IN SERVICES AND SUPPLIES HAVE BEEN COVERED BY LAND ACQUISITION

Evidence of the availability of funds equal to at least 50% of the estimated fair market value of the conservation easement.

Carson City Open Space funding is generated by a measure approved by the voters in 1986 entitled, "The Quality of Life Initiative"(Q18). This measure provides for a sales tax of .025% and generates approximately \$800K to \$1.1 millions per year exclusively for Open Space projects. At the present time, Carson City Open Space budget has an acquisition line item for \$3.3 million. We are finalizing a State of Nevada Q1 refund for the purchase of a fee title and conservation easement project named Horsecreek Ranch in the amount of \$1.5 million. We also anticipate completing a fee title acquisition on the Carson River (Jarrard Ranch property) which will require approximately \$1 million dollars. Therefore, there are and there will be, sufficient funding to accommodate Carson City's 50% contribution towards this transaction.



By Juan F. Guzman, Open Space Manager 1-21-10

ATTACHMENT 6

ENTITIES ASSOCIATED WITH PARCELS

The Old Woods Ranch LLC (Members List) & (Decision Maker)

HELEN S. GIFFORD 2000 REVOCABLE TRUST

704 Maud Avenue
San Leandro, CA 94577

CHARLES GIFFORD
704 Maud Avenue
San Leandro, CA 94577

SUSAN LUKER

1723 Skyview Drive
San Leandro, CA 94577

THE ALICE S. BENNETT REVOCABLE TRUST

3655 Cashill Boulevard
Reno, NV 89509

HENRY M. BENNETT
3655 Cashill Boulevard
Reno, NV 89509

HELEN SCOTT
7524 SW Roanoke Drive N.
Wilsonville, OR 97070

RAYMOND M. SCHULZ, CO-TRUSTEE

IRENE E. SCHULZ, CO-TRUSTEE
THE SCHULZ REVOCABLE TRUST
1501 N. Division Street
Carson City, NV 89703

JULIE SCHULZ
1635 Nansue Lane
Minden, NV 89423

JOHN ROBERT SCHULZ
2840 Wade
Minden, NV 89423

JEFF SCHULZ
741 Pullman
Carson City, NV 89701

GLENDIA SCHULZ

722 East University Street
Bloomington, IN 47401

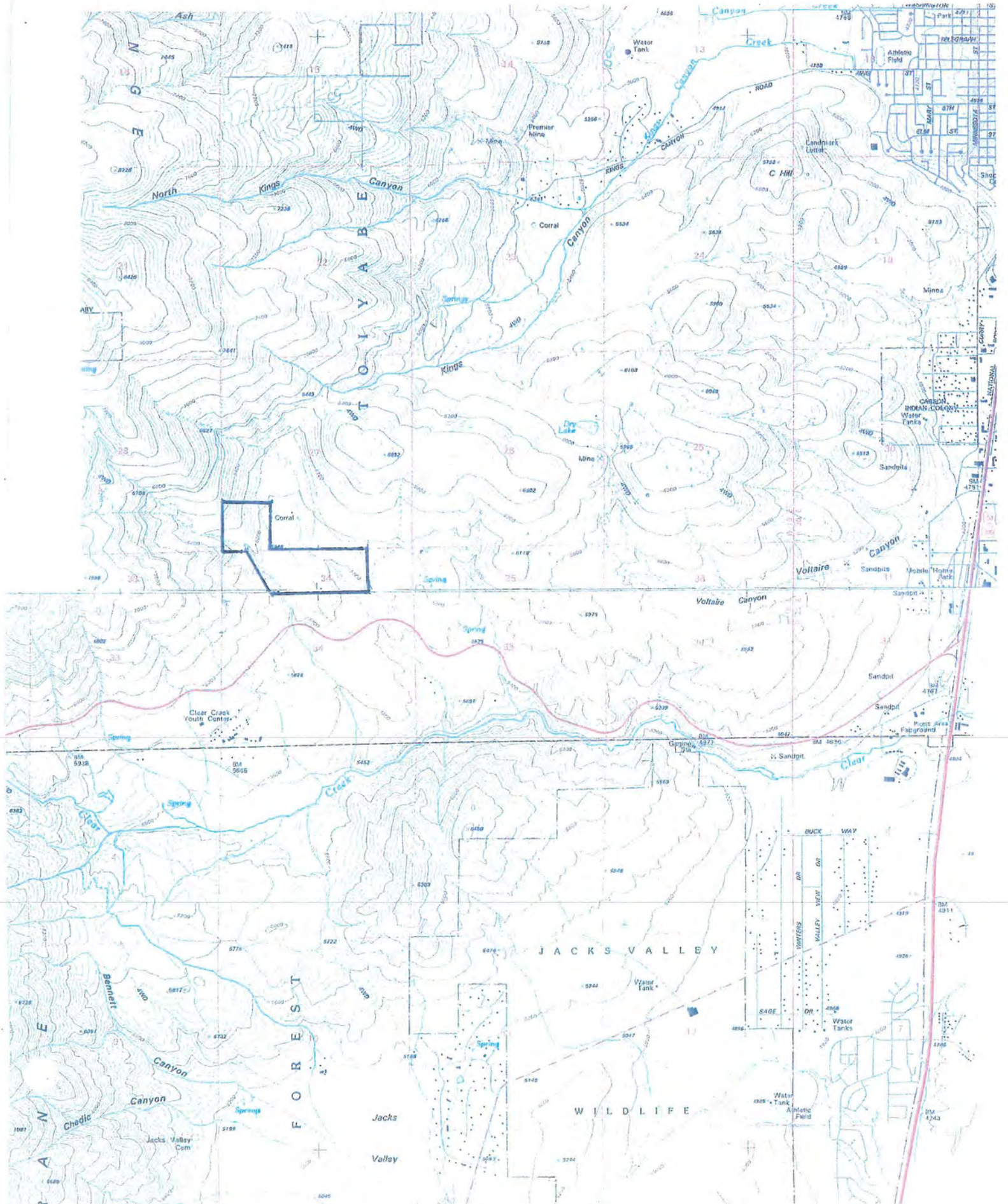
SCHULZ FAMILY, LLC
C/O SANDRA S. McGOWAN
PO Box 125
Lund, NV 89317

FAX: (775) 238-5372
EMAIL: lschlzlc@hughes.net

Decision Maker
Charles R. Gifford
6 Miller Way
Carson City, NV 89703
Ph 510 333 9710
email chasgif@yahoo.com

FIGURE 1

USGS QUAD MAP SHOWING PARCELS



ATTACHMENT 7

LEGAL DESCRIPTION OF PARCELS

Legal Description

Apn 007-051-12 & 007-051-79 Carson City, NV 89703

EXHIBIT "A"

All that real property situated in Carson City, State of Nevada, more particularly described as

follows:

PARCEL 1:

The NW 1/4 of the NE 1/4 and the NE 1/4 of the NW 1/4 of Section 34, Township 15 North, Range 19 East, M.D.B. & M.

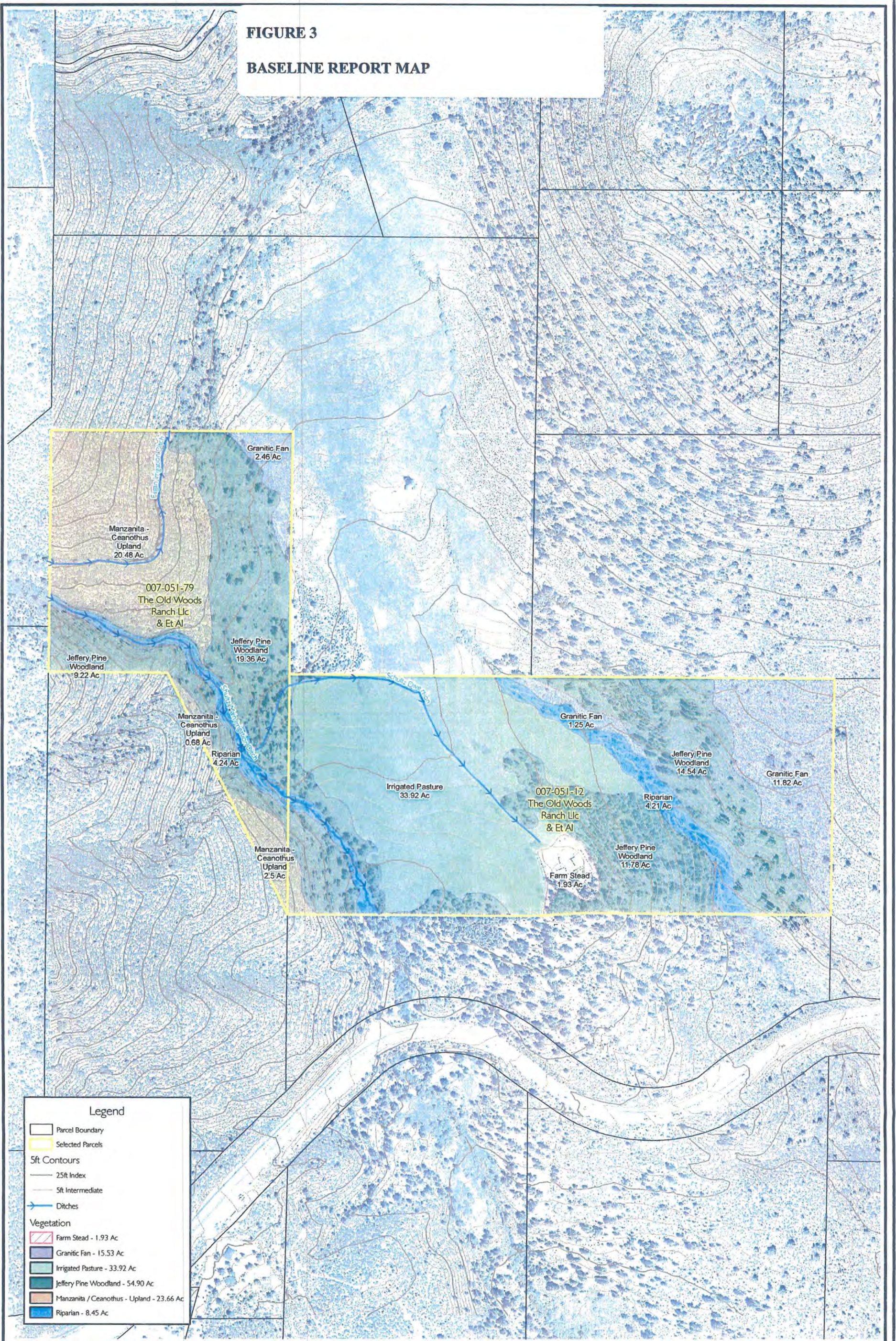
PARCEL 2:

A parcel of land located within a portion of Sections 27 and 34, Township 15 North, Range 19 East, M.D.B & M., Carson City, Nevada being more particularly described as follows:

BEGINNING at the Southwest corner of said Section 27; Thence North 00E36'19" East, along the West line of said Section 27, 1327.83 feet to the North line of the Southwest one-quarter of the Southwest one-quarter of said section 27; thence S. 89E55'40" E., along said North line, 1318.12 feet to the East line of the Southwest one-quarter of the Southwest one-quarter of said Section 27; thence S. 00E43'30" W., along said East line, 1330.28 feet to the South line of said Section 27; thence S. 00E36'55" W. along East line of Northwest one-quarter of the Northwest onequarter of said Section 34, 1311.03 feet to the Southeast corner of the Northwest one-quarter of the Northwest one-quarter of said Section 34; thence N. 26E21'12" W., 1465.29 feet to the North line of said Section 34; thence N. 89E49'21" W., along said North line, 650.79 feet to the POINT OF BEGINNING.

NOTE: The above metes and bounds legal description previously appeared in those certain documents recorded November 15, 2007, as Instrument No. 373921 and Instrument No. 373922 of Official Records, Carson City, Nevada.

FIGURE 3
BASELINE REPORT MAP



Legend

- Parcel Boundary
- Selected Parcels
- 5ft Contours
 - 25ft Index
 - 5ft Intermediate
- Ditches
- Vegetation
 - Farm Stead - 1.93 Ac
 - Granitic Fan - 15.53 Ac
 - Irrigated Pasture - 33.92 Ac
 - Jeffery Pine Woodland - 54.90 Ac
 - Manzanita / Ceanothus - Upland - 23.66 Ac
 - Riparian - 8.45 Ac

Carson City
GIS Division
3505 Butti Way
Carson City, NV 89701
(775) 887-2355

CARSON CITY, NEVADA
THIS MAP IS PREPARED FOR THE CITY OF CARSON CITY
FOR ILLUSTRATIVE PURPOSES ONLY. IT DOES NOT
REPRESENT A SURVEY. NO LIABILITY IS ASSUMED AS
TO THE SUFFICIENCY OR ACCURACY OF THE DATA
DELIMITED HEREON.

Contours & Photos
Generated in 2006

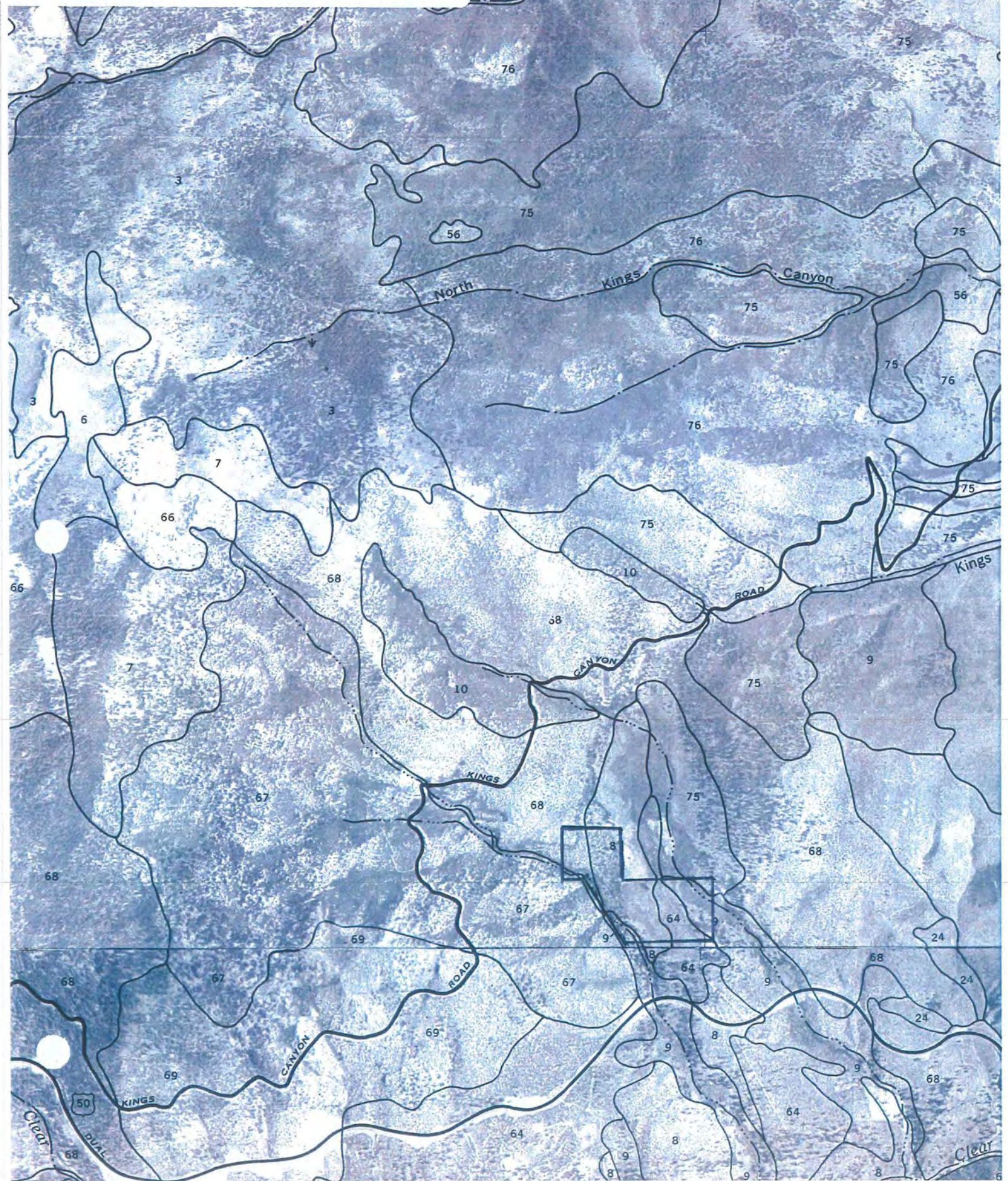
Woods Ranch Area

N
1 Inch = 500 Feet



FIGURE 4

SOIL MAP - 1977 SOIL SURVEY OF
CARSON CITY



Application No. 10395 Certificate Record No. 2743 Book 9 Page 2743
To Change Point of Diversion
and Place of Use

THE STATE OF NEVADA
CERTIFICATE OF APPROPRIATION OF WATER

WHEREAS J. R. Schulz has presented to the State Engineer
of the State of Nevada Proof of Application of Water to Beneficial Use, from
Clear Creek

through Woods Ranch Ditch for
Irrigation and domestic

purposes. The point of diversion of water from the source is as follows: in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 34,
Township 15 N., Range 19 E., M.D.B. & M., or at a point from which the N.W.
Corner of said Section 34 bears N. 75° 28' W., 267 feet,
situated in Ormsby County, State of Nevada.

Now Know Ye, That the State Engineer, under the provisions of Section 72, Chapter 46, Statutes of
1937 has determined the date, source,
purpose and amount of such appropriation, together with the place to which such water is appurtenant, as follows:

Name of appropriator J. R. Schulz
Post-office address Carson City, Nevada
Amount of appropriation * 2.2% of entire stream flow
Period of use, from May 1st to September 15th of each year
Date of priority of appropriation * See note below

~~Decrease~~ * This certificate is issued under Permit No. 10395 which
was issued to change the point of diversion and place of use of water
heretofore appropriated under Permit No. 6428, Certificate No. 1643.
Water is diverted by means of a dam and conveyed by ditch to the SE $\frac{1}{4}$
SW $\frac{1}{4}$ and the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 27 and the NW $\frac{1}{4}$ NE $\frac{1}{4}$ and NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Sec-
tion 34, Township 15 N., Range 19 E., M.D.B. & M., being those lands to
which this water was formerly appurtenant under Court Decree in the
case entitled "Frederick Dangberg and Charles Shultz, Plaintiffs vs.
Henry Ross, et al., Defendants," entered July 22, 1872, in the State of
Nevada, in District Court, Second Judicial District, County of Ormsby.
This water is now being beneficially used in accordance with the above
entitled Decree. The amount of water and the priority of appropriation
are as set up in the herein named Decree.

The right to water hereby determined is limited to the amount which can be beneficially used, not to exceed
the amount above specified, and the use is restricted to the place where acquired and to the purpose for which
acquired.

IN TESTIMONY WHEREOF, I, Alfred Merritt Smith, State Engineer
of Nevada, have hereunto set my hand and the seal of my office, this
29th day of November, A. D. 1943
Alfred Merritt Smith
State Engineer.

Recorded D. Dec. 1, 1943, Bk. 9, Page 36.
Ormsby County Register

ATTACHMENT 8

CERTIFICATE OF APPROPRIATION OF
WATER

ATTACHMENT 9

DESCRIPTION OF SOIL MAP UNITS

DESCRIPTION OF SOIL SERIES WITHIN THE OLD WOODS RANCH

See accompanying Figure 4 – Maps 1 and 4 of the Soil Survey of the Carson City Area, 1977 for the location of the specific map units described below.

64 – Tarloc Variant coarse sandy loam, 2 to 8 percent slopes – This unit dominates the meadow area and is rated fair for livestock grazing and woodland wildlife habitat. Like all soils in the area the parent material is granitic.

8 – Corbett gravelly sand, 8 to 15 percent slopes – This soil is excessively drained and consequently rated poor for most uses. On the ranch it represents part of the irrigated meadow and moderately sloping woodlands.

9 – Corbett gravelly sand 30 to 50 percent slopes – Same soil as map unit 8 except on steeper slopes. On ranch this soil is associated with scattered Jeffrey Pine woodlands that occurs on the eastern slopes.

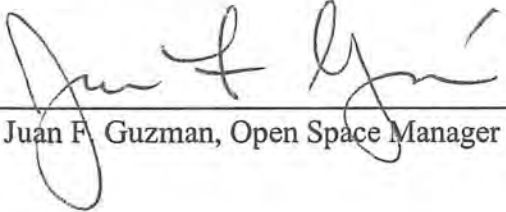
68 – Toiyabe-Rock outcrop complex, 30 to 50 percent slopes - This soil occurs on the very steep southern exposures of the ranch and is associated with a manzanita/ceanothus shrub dominated vegetative type with scattered Jeffrey Pines.

ATTACHMENT 10

CARSON CITY'S SUPPORT STATEMENT

Carson City's commitment towards this project

The Open Space Advisory Committee authorized staff to pursue negotiations towards a conservation easement with the Shulz family and his consultant, Mr. Steve Walker. The Woods Ranch is of great importance to Carson City, to the north there is already a conservation easement within the 2/3 northern most portion of the meadow under the ownership of Mr. Michael Fagan, proprietor of the Horsecreek Ranch. Once an easement has been drafted for the Woods Ranch, it will be reviewed and recommended for approval to the Board of Supervisors. All these actions will take place in public meetings conducted in full compliance with the Nevada Revised Statutes, and the Carson City Municipal Code.



By Juan F. Guzman, Open Space Manager 1-21-10

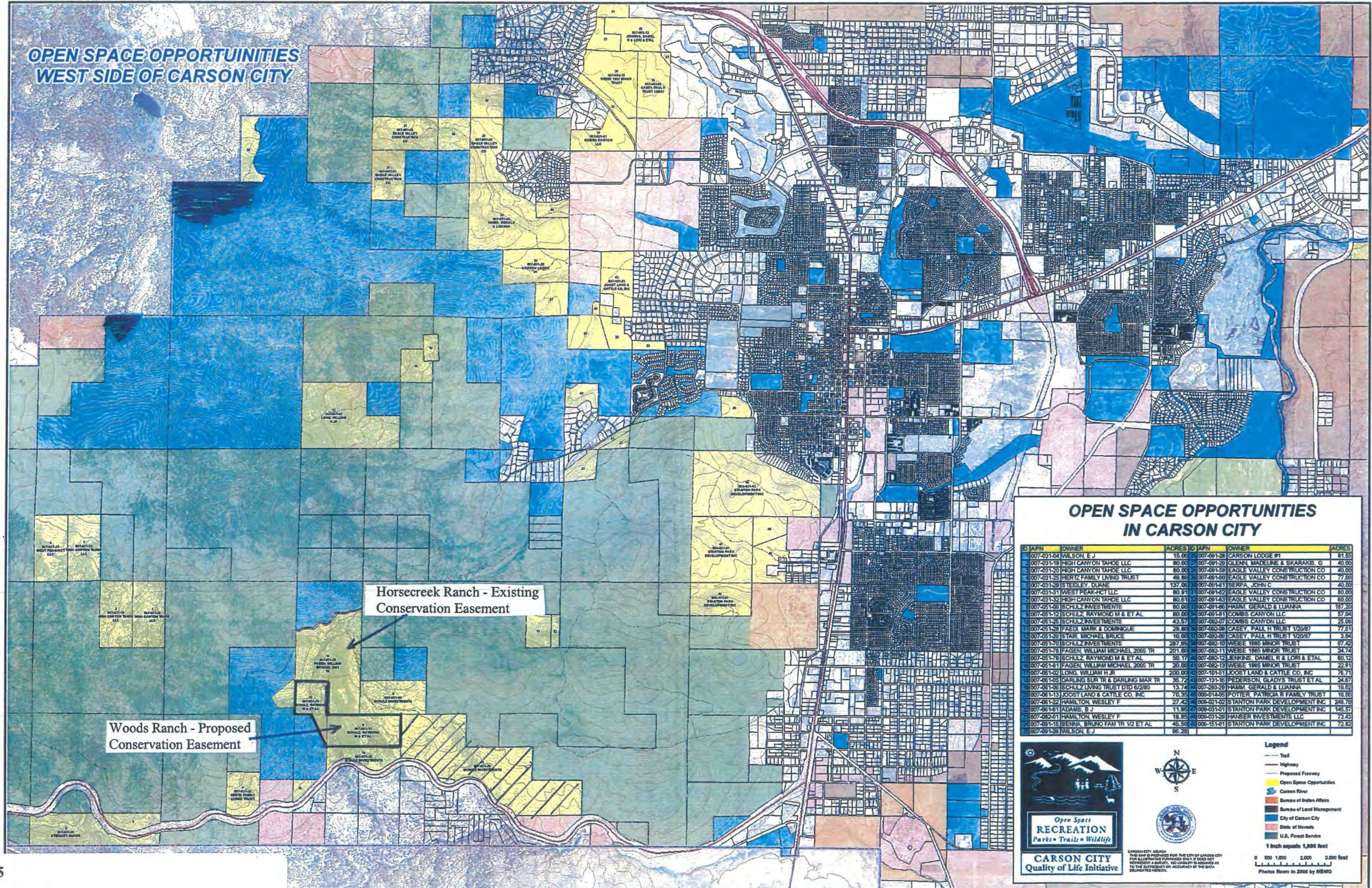


FIGURE 5
GENERAL LOCATION MAP WITH PROTECTED ADJACENT PARCELS

ATTACHMENT 11

DESCRIPTION OF ADJACENT ZONING

The parcels adjacent to the Old Woods Ranch – refer to Figure 5 – are as described.

The largest parcel adjacent to the ranch on the South-East corner and cross hatched is zoned at 5 acres per dwelling unit.

The parcel immediately to the south between the ranch and the Highway 50 is zoned at 20 acres per dwelling unit.

The parcel immediately north and owned by William Fagan has a conservation easement on it held by Carson City and funded through their open space program.

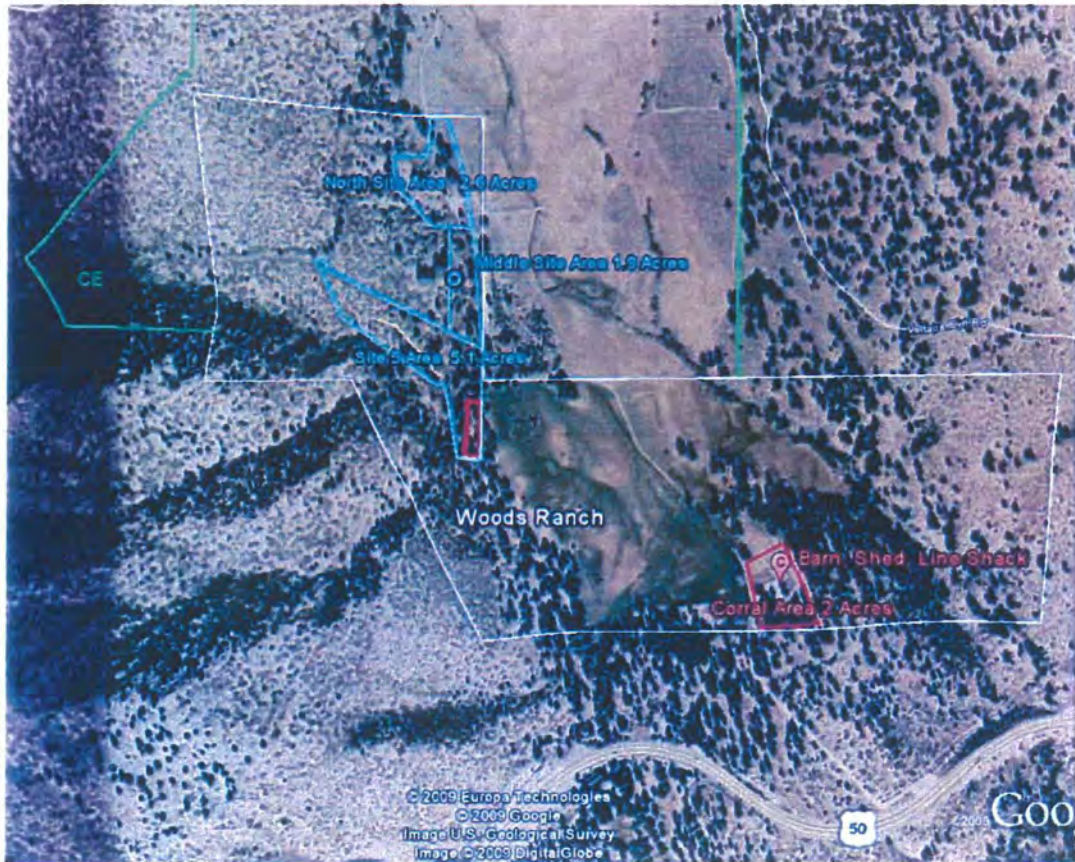
The blue parcels are lands purchased by the Carson City Open Space program and will not be developed.

The 80 acre parcel adjoining the north east corner of the ranch and owned by Schulz Investments is zoned at 20 acres per dwelling unit.

Currently there is no power in the vicinity of the ranch and access to Highway 50 is limited to one-way heading west.

FIGURE 6

POTENTIAL AREA OF FAMILY RETREAT



Woods Ranch Overview Map Photo

Red is the farm stead area

Blue outline bubbles encompass potential cabin sites/retreat and includes proposed CE photo monitor point observation deck (abuts curve in ditch).

Green outlined property is the adjoining ranch that has completed a conservation easement with the Carson City Open Space Program

DESCRIPTION OF POTENTIAL STUCTURES

1/26/2010

Schulz Family Retreat and Facilities Improvements (Outline)

Power and utilities: The intent is to use alternative energy resources for power and wireless for phone etc. We do reserve the right to bring in power line and utilities if needed to support ranch operations. We maintain the right to drill domestic wells, as necessary.

Family Retreat

There is a secluded forested section on the West side of the ranch. It is here that the children of the five family heirs intend to someday build a family retreat to be used for both recreation and in facilitating ranch operations. This will be for family and/or ranch hands only and not for any other kind of commercial enterprise other than the ranching business.

- Total area of retreat buildings not to exceed 7,000 sq ft
- Total area of supporting utility buildings not to exceed 2500 sq ft
- Not to exceed more than two stories
- To be located somewhere in the 9.6acre area (refer Figure 6)
- Building could take the shape of:
 - A cluster of a common great room cabin and 4 or 5 small sleeper cabins
 - 4 or 5 individual cabins clustered in 9.6-acre area (refer map1)
- To be powered by one or a combination of the following:
 - Micro hydroelectric
 - Solar
 - Wind

Facilities Improvements (refer Figure 6)

It is intended to update and improve the operational facilities of the ranch. This includes the corals, equipment sheds and hay storage area. The design of these improvements is not done but could include:

- Barn with covered manger and concrete pad

- Line Shack with water and septic
- Equipment shed
- Solar and/ or wind power

Irrigation improvements (May include the following)

- Reservoir
- Filtration boxes
- Ditch liners and/or pipes
- Multiple gates
- Solar and/or wind powered pumps
- Sprinkler system
- Any other typical irrigation enhancements

Baseline Condition Report

Schulz Family Ranch

Date: 8/18/08

Property Owner – Schulz Family LLC

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. Walker & Associates suggests these issues be addressed as part of the conservation easement for the Schulz Family Ranch.

Ownership History

Per the 1872 Adjudication of Clear Creek, the property was originally owned by John Woods and purchased by the Schulz Family 98 years ago (1910) and has remained in the family since that time.

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

A conservation easement purchase of the Schulz Ranch could 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

The Schulz Ranch is in transitional vegetative zone between shrub uplands and a pine forest creating an area of high species diversity referred to as an ecotone – the transitional area between two ecosystems. Ecotones support a wider variety of plants and animals than the adjoining shrub or forest vegetative types, making them very important wildlife habitat. This 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. Additionally the 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 property has willow/alder dominated riparian areas that are very important habitat for song birds that nest here or migrate through, provide winter thermal cover for larger species and are an important source of drinking water. The numerous southern exposures at this elevation also provide foraging areas during the winter for deer. Cows wintering on the Schulz Ranch would attract Bald Eagles during the late winter/early spring calving season.

Aquifer Recharge

The Schulz Ranch per the “Summary of Ownership Clear Creek Decree of 1872” owns 2.2 percent of the total flow of Clear Creek under Certification 2743. (Attached) Annual mean discharge of Clear Creek (data 1948 – 2005) is 5.42 cubic feet per second. Two point two (2.2) percent of this discharge would roughly equal 86 acre feet per year. The irrigation system on the ranch originates from a direct diversion of Horse Creek (North Fork of Clear Creek) and to a lesser extent, tail water from the up-gradient irrigation of the Fagan property. The water is distributed via contour ditches through-out the irrigated portion of the property. The annual water supply varies, correlated to the annual snow pack, but the family has never seen the source completely dry. This water spreading system not only maintains productive meadow but also increases the area of aquifer recharge in a very good location, higher in the watershed. This enhanced ground water recharge 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 34 acre meadow is irrigated open space and if it is maintained through a conservation easement it will help implement one of the principal goals of the Open Space Plan. Again, 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 the Carson City area basically unchanged from the Comstock era.

General Description of the Operation.

Currently the pasture area of both the Schulz Ranch and the adjacent Horse Creek Ranch are managed by Jeff Schulz who does an excellent job of spreading a limited water supply over both meadow areas. The pasture areas between the properties are separated by a fence that is used to rotate the livestock use. Currently cattle, owned by Mr. Schulz, graze both pastures and the adjacent uplands. The stocking rate is approximately 30 head of cow/calves and 8 steers. The steers will be butchered this fall and the calves weaned and sold minus replacement heifers and some steers. Cows winter at the ranch and are fed purchase hay in an upland area adjacent to existing corrals and loafing sheds.

The current pasture management at the Schulz Ranch has created a pasture in excellent condition with a good diversity of forage species and very little invasion of exotic weeds or native meadow plants that increase with over-grazing such as wild iris. Based on a field inventory this summer (August 11, 2008) the pasture is somewhat under utilized and the stocking rate could be increased by another 10 cow/calves or equivalent other classes of livestock without any resource impact in the opinion of Walker & Associates. This increase assumes the Fagan meadow is also available. The Schulz family wants to maintain the current operations into the foreseeable future. In the long-term, classes of livestock could change – e.g. horses, sheep, etc..., but with the expected requirement that a conservation easement will mandate maintenance of the irrigation system and corresponding pasture, livestock grazing of the area will continue. Stocking rates on the pasture area within the Schulz Ranch should be between 3 to 4 animal unit months (AUMS) per irrigated acre. Assuming 40 acres of pasture and 7 months per year of utilization, this rate would support 20 cows with calves or equivalent other classes of livestock.

Some changes to the property are anticipated and need to be agreed to within the proposed conservation easement. A small pond or concrete

water control structure is planned to be constructed at the north central part of the property – see attached map. This, yet to be designed, improvement would provide a source of water for fire protection for the surrounding area, possibly improve irrigation water management and serve as a component of a potential system to generate hydro-power. The general slope of the property on the irrigated parcel is approximately six percent (6 feet of fall per 100 feet of length), possibly allowing this use. Additionally other power sources -wind generator, solar panels, or commercial power - would need to be recognized as potential planned improvements.

The Schulz family plans to develop a family compound area on property as described and depicted on the attached “Schulz Family Retreat and Facilities Improvement Outline. The specifics have not been determined but a commitment to area and total square feet of all the improvements is provided in the attached

Irrigation System: See Figure 3

Water is directly diverted out of Horse Creek (a northern Fork of Clear Creek) and runs along a side hill ditch to the north-west corner of the meadow, the high point of the pasture. The delivery ditch is a small high velocity channel with a bedrock bottom. This ditch has effectively delivered water for over 130 years to the property, although removal of plant litter – pine needles/cones – is required on a regular basis. From high point of the pasture the water is distributed over the property via a system of contour ditches. The Schulz family has successfully tinkered with this system for 3 generations making it a very affective irrigation system especially considering the challenging, sloping terrain of the pasture area. Walker & Associates did a site review of the area and noticed the need to control minor head cutting in two ditches that run down slope, south to north. The stabilization would require some minor re-shaping of the head-cut area and placement of a small load of medium sized rocks. These areas are noted on the attached map. During this same survey (August 11, 2008) Walker & Associates observed the ditch was delivering enough water to irrigate this late in the season on a 70% snow pack year. As a comparison only a few ranches in adjacent Carson Valley have irrigation water this late unless they have supplemental wells.

A small portion of this ditch flows through property owned by Michael Fagan. 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.

Description of Vegetative Types within the property -

Irrigated Pasture – 34 + acres

The species composition of the irrigated pasture is very similar to native meadows in good ecological condition. The species include several types of sedge, red top, timothy, wire grass, blue grass, streambank wheat grass, owl clover, asters, potentilla, daisy, false hellebore and yarrow. In a small portion of the well-drained upper areas some young Jeffery Pine trees have moved into the meadow. Species composition changes based on the local irrigation induced hydrology, with wetter areas supporting the plants more adapted to wetter conditions – sedges, wiregrass, redtop. Due to a lack of fence on the eastern boundary, the pasture area just east of the access road has only been grazed by sheep recently. The Schulz family is in the process of building a fence to control livestock and use this pasture which needs some utilization to enhance productivity. As previously stated Walker & Associates would estimate the overall productivity to be approximately 3 - 4 animal unit months (AUMs) per acre.

Jeffery Pine Woodland - 55 acres –

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 some larger trees assumed to be over 100 years old. A few Incense Cedar and White Fir occur in the most advantageous – north exposure, deeper soils - sites. 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. The Schulz family will remove dead trees as necessary for firewood. Walker & Associates believes an agreement to save a few large old snags for nesting habitat would be accepted by the Schulz family.

Manzanita/Ceanothus Dominated uplands – 23.6 acres

The north-western portion and the southern tip of the non-irrigated 50 acre parcel are dominated by a fire induced shrub cover of manzanita and curleaf ceanothus. In areas of soil accumulation sapling size Jeffery Pine and bitter brush occurs. Due to the southern exposures, steep slopes and well drained granitic soils these sites are quite limited. 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 - 15.5 acres

Small areas of granitic fans with scattered Jeffery Pine trees occur on the north east side of the major drainage channel on the east side of the pasture area. These co-dominate bitterbrush/sagebrush sites are key areas for winter deer use. These areas are quite limited on the Schulz Ranch.

Riparian areas – 8.45 acres

Natural drainage channels with perennial stream flow/springs

Two major drainages run south to north through the property – the west side drainage in the 50 acre non-irrigated parcel is locally referred to as Horse Creek. 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 as previously noted. The area is in good ecological condition and if left unmanaged will due just fine.

The east side drainage channel supports a riparian vegetative community that is mostly irrigation water induced. Water diverted to the eastern sides of the Fagan property or the Schulz Ranch eventually end up in this channel. Riparian woody species include willows, alder, wood rose and aspen. The woody cover is less dense than the Horse Creek riparian area and contains lower gradient depositional areas that are dominated by robust Nebraska and Sharp Beak sedges. The area is periodically grazed.

A very health aspen groove occurs at the south edge of the parcel along the drainage way. The groove is a distinct mix of older, large mature trees, some intermediate sized trees and saplings moving out in the pasture. The distinct mix is probably a factor of intermittent grazing. The area has high ecological value as it represents the only significant component of a deciduous forest with significant vertical habitat used for raptor hunting sites and nesting.

General description and location of existing structures including use and condition of the structures. See Figure 3

The existing structures on the ranch are corrals, three-sided loafing sheds, hay storage cover and some small storage sheds. Surrounding the corral area is assorted construction equipment/material, small trailers, old farming implements and various other treasures collected through the years. There is no permanent living quarters on the ranch

Establishment of photo point monitoring sites that depict conservation values to visually document the values are maintained over time will be established 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. See attached map.

General description of photo point location.

A photo point located at the edge of the aspen groove described above to monitor sapling survival and general condition of this plant community..

A photo point located along the diversion ditch at a point where it contours along a steep south slope – the most unstable section.

A photo point located at two or three of the active head cuts after stabilization to monitor effectiveness.

A photo point at the proposed location of the storage pond/structure to capture a panoramic view of the pasture and not any changes in irrigation efficiencies.

A photo point within a typical forested area to monitor forest health/plant succession.

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. Title reports
- b. Water rights including claim number, priority –
- c. 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 location of the future structure described above needs to be located to not affect the irrigation system or pasture area, away from riparian areas and not on any slope exceeding 15 percent.**
- **The east-side pasture fence to control livestock from leaving the property needs to be completed to enhance pasture management and specifically better use the east side pasture.**
- **Commercial logging of the woodland should be restricted based on its low productivity and value as wildlife habitat.**
- **Several small but active head cuts on the down slope ditches need to be stabilized as described.**
- **Stocking of the pasture should initially not exceed 140 animal unit months, but could be adjusted based upon pasture condition monitoring**

Report Developed by

Steve Walker
Walker & Associates

CONSERVATION PROGRAM APPLICATION

Name: <i>THE OLD WOODS RANCH LLC</i>	Application Number: AGENCY USE
Address: <i>6 MILLER WAY CARSON CITY, NV. 89703</i>	Application Date:
	County and State: <i>CARSON CITY NEVADA</i>
Telephone: <i>510-333-9710</i>	Watershed: AGENCY USE
	Subaccount: AGENCY USE
Location (Legal Description, or Farm and Tract Number): <i>SEE ATTACHMENT</i>	

(Please note that not all questions apply to all Programs)

1. This is an application to participate in the:

<input type="checkbox"/> Agricultural Management Assistance (AMA)	<input type="checkbox"/> Environmental Quality Incentives Program (EQIP)
<input type="checkbox"/> Conservation Security Program (CSP)	<input type="checkbox"/> Wildlife Habitat Incentives Program (WHIP)
<input type="checkbox"/> Grassland Reserve Program (GRP)	<input type="checkbox"/> Healthy Forest Reserve Program (HFRP)
<input type="checkbox"/> Wetland Reserve Program (WRP)	<input checked="" type="checkbox"/> <i>FARM & RANCHLAND PROTECTION PROGRAM</i>

2. Yes No Do you have farm records established with the appropriate USDA Service Center Agency? - *FARM RECORDS ARE BEING UPDATED.*

If no, you must establish them with the appropriate USDA Service Center Agency prior to submitting this application.

3. Are you applying to participate in a conservation program as an (check one of the following):

Individual

a) Please enter your legal name and tax identification number:

Name: _____ Tax Number: _____

Entity (Corporation, Limited Partnership, Trust, Estate, etc.) *LLC.*

a) Please enter entity legal name and tax identification number:

Name: *OLD THE OLD WOODS RANCH, LLC* Tax Number: *1008120928*

b) Yes No Do you have appropriate documents including proof to sign for the entity?

Joint Operation (General Partnership, Joint Venture)

a) Please enter joint operation legal name and tax identification number:

Name: _____ Tax Number: _____

b) Yes No Do you have appropriate documents including proof to sign for the joint operation?

4. A Dun & Bradstreet Data Universal Numbering System (DUNS) number is necessary for federal grants or contracts equal to or more than \$25,000. If you do not have a number information is available at <http://fedgov.dnb.com/webform/displayHomePage.do>

DUNS Number: [REDACTED]

5. Is the land being offered for enrollment used for crop or livestock production?

- Crop Production Crop Type: [REDACTED]
 Livestock Production Livestock Type: COW/CALVES

6. The land offered under this application is (check all that apply):

- Private Land
 Public Land (Federal, State, or Local Government)
 Tribal, Allotted, Ceded, or Indian Land

7. Certification of control of the land offered under the application:

- Deed or other evidence of land ownership
 Written lease agreement
Years of control are [REDACTED] through [REDACTED]
 Other agreement or legal conveyance (describe): [REDACTED]
Years of control are [REDACTED] through [REDACTED]

8. Yes No Is the land offered under this application enrolled in any other conservation program?

Program, Year, Tracts, Fields: [REDACTED]

9. Are you either a Limited Resource Farmer or Rancher or a Beginning Farmer or Rancher?

- Limited Resource Farmer
 Beginning Farmer or Rancher

If you wish to apply in either of these categories, you must complete certification requirements. For more information please go to this website: <http://www.lrftool.sc.egov.usda.gov/>.

All participants that certify eligibility as a Limited Resource Farmer or Rancher or Beginning Farmer will provide all records necessary to justify their claim as requested by a Natural Resources Conservation Service (NRCS), representative. It is the responsibility of the participant to provide accurate data to support all items addressed in this application at the request of NRCS. False certifications are subject to criminal and civil fraud statutes.

10. Yes No If applying for the EQIP and if the application includes irrigation practices, has the land been irrigated at least 2 of the last 5 years?

11. Yes No If applying for the EQIP, are you engaged in livestock or agricultural production, and have you produced at least \$1000 of agricultural products in a year? (Forest agricultural producers may select yes as they are exempt from the \$1,000 requirement)


On the farm(s) identified above, the Applicant agrees to participate in the identified program if the offer is accepted by the NRCS. The undersigned person shall hereafter be referred to as the "Participant." The participant understands that starting a practice prior to contract approval causes the practice to be ineligible for program financial assistance. The participant will obtain the landowner's signature on the contract or provide written authorization to install structural practices.

The Participant agrees not to start any financially assisted practice or activity or engage the reimbursable services of a certified Technical Service Provider before a Contract is executed by Commodity Credit Corporation (CCC). The Participant may request, in writing, a waiver of this requirement for financially assisted practices by the NRCS State Conservationist.

All participants that certify eligibility as a Limited Resource Farmer or Rancher or Beginning Farmer will provide all records necessary to justify their claim as requested by a NRCS representative. It is the responsibility of the participant to provide accurate data to support all items addressed in this application at the request of NRCS. False certifications are subject to criminal and civil fraud statutes.

The Participant acknowledges that highly erodible land conservation/wetland conservation, adjusted gross income certifications, and member information for entities and joint operations are on file with the appropriate USDA Service Center Agency.

12. Yes No I have received a copy of the program appendix where appendix is applicable.

Applicant Signature 	Date 1-27-2010
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Public Burden Statement

In accordance with the Privacy Act of 1974 (5 USC 552a) and the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is _____. The time required to complete this information collection is estimated to average 45 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

NONDISCRIMINATION STATEMENT

The U.S. Department of Agriculture (USDA) prohibits discrimination in all its program and activities on the basis of race, color, national origin, age, disability, and where applicable, sex, marital status, familial status, parental status, religion, sexual orientation, genetic information, political beliefs, reprisal, or because all or part of an individual's income is derived from any public assistance program. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at (202) 720-2600 (voice and TDD). To file a complaint of Discrimination, write to USDA, Director, Office of Civil Rights, 1400 Independence Avenue, SW., Washington, DC 20250-9410, or call (800) 795-3272 (voice) or (202) 720-6382 (TDD). USDA is an equal opportunity provider and employer.

PRIVACY ACT STATEMENT

The following statement is made in accordance with the Privacy Act of 1974 (5 USC 552a). This information is used to track contract or agreement progress. The authority for requesting the following information is 7 CFR 630 (Long Term Contracting); 7 CFR 1410 (CRP); 7 CFR 631 and 702 (IEQIP); 7 CFR 636 (WHIP); 7 CFR 622 (WPFPP); 7 CFR 1465 (AMA); 7 CFR 1469 (CSP); 7 CFR 625 (HFR); 7 CFR 1494 (FRPP); and 7 CFR 1467 (WRP). Furnishing information is voluntary and will be confidential; however, it is necessary in order to receive assistance.

OPEN SPACE ADVISORY COMMITTEE STAFF REPORT

MEETING DATE: June 27, 2016

AGENDA ITEM NUMBER: 3B

STAFF: Ann Bollinger, Open Space Administrator

REQUEST: **For Possible Action:** To recommend to the Board of Supervisors submittal of a grant application to the Forest Legacy Program for a conservation easement on two properties owned by Schulz Investments LLC, APN 007-051-09 consisting of 80 acres and APN 007-051-70 consisting of the western 55 acres.

GENERAL DISCUSSION:

At the April 27, 2015 meeting, the Committee authorized the staff to enter into discussions and determine the feasibility of a land transaction for the Old Woods Ranch LLC, APNs 007-051-79 and 007-051-12, and adjacent parcels owned by Schulz Investments, APNs 007-051-09 and 007-051-70, all located along the north side of U.S. Highway 50. Since that time, discussions have continued with both land owners and the Committee has approved submitted of a grant application to the Forest Legacy Program (FLP) for the Old Woods Ranch LLC consisting of 130 acres. If approved, the Schulz Investments LLC parcels would be added to the same application.

Schulz Investments LLC owns two parcels: 1) APN 007-051-09 consisting of 80 acres and 2) APN 007-051-70 consisting of 275 acres. In November 2014, the land owner called staff to inquire about interest and possible sale to the Open Space Program. Due to the potential cost and current budget, staff has not proceeded towards a fee title purchase. Throughout the past few months, the family decided that a conservation easement would be a viable option. They are interested in dividing the larger parcel into two parcels in which the western 55 acres would be offered for a conservation easement and the remainder would be sold. Currently, 220 acres are listed for sale on the open market.

The Schulz Investments LLC parcels lie between Carson City Open Space and U.S. Forest Service properties to the north and U. S. Highway 50 to the south. The parcels are identified in the Open Space Plan as a high priority area for hillside protection. The attached "Open Space Evaluation Form" identifies and describes other important values to the Open Space Program such as wildlife habitat, plant communities, scenic quality, visibility, etc.

If approved, the conservation easement on Old Woods Ranch and Schulz Investments would include a total of 265 acres. One of the most important facts to remember is that the dollar value

is difficult to determine until the restrictions and uses have been identified. With that said, below are past acquisitions which may be helpful when developing a cost estimate.

Carson City:

1. Horsecreek Ranch - \$1,100,000 for 175 acres or \$6,274 per acre

Douglas County:

Dominique Etchegoyhen from Legacy Land and Water, LLC, “We have primarily relied on the BLM’s previous acquisition and associated Office of Valuations' appraisal work to help us determine a reasonable value range. The established values that have transacted under BLM SNPLMA Conservation Easement Acquisitions in Carson Valley between 2006-2014 are as follows:”

1. Hussman - \$3,040,000 for 307 acres, or \$9,887 per acre
2. Scossa Home Ranch - \$7,125,000 for 375 acres or \$19,000 per acre
3. Scossa Mottsville - \$1,575,000 for 155 acres, or \$10,161 per acre
4. Ranch No. 1 Centerville - \$495,000 for 86 acres or \$5,731 per acre
5. Ranch No. 1 Home Ranch - \$3,065,000 for 271 acres, or \$11,306 per acre
6. River Fork Ranch - \$4,000,000 for 739 acres, or \$5,412 per acre
7. Stodieck Brothers - \$1,725,000 for 155 acres, or \$11,815 per acre
8. White - \$1,740,000 for 140 acres, or \$12,438 per acre

Using the examples above, the following table provides a very general cost estimate.

	Average Cost / Acre	Conservation Easement on the Old Woods Ranch & Schulz Investments	Forest Legacy Program grant (75%)	Carson City Quality of Life – Question 18 contribution (25%)
Carson City	\$6,274	\$1,662,610	\$1,246,957	\$415,652
Douglas County	\$10,719	\$2,840,469	\$2,130,351	\$710,117

The acquisition budget will have \$537,942 remaining from Fiscal Year 2015-2016 and \$104,225 has been budgeted for Fiscal Year 2016-2017, for a total of \$642,167. If the Forest Legacy Program grant is awarded, the 25% matching funds do not need to be provided until 2018 or 2019. In addition to this acquisition, staff is working with Michael Fagen to purchase 20 acres near the Clear Creek interchange.

RECOMMENDED ACTION:

I move to recommend to the Board of Supervisors submittal of a grant application to the Forest Legacy Program for a conservation easement on two properties owned by Schulz Investments LLC, APN 007-051-09 consisting of 80 acres and APN 007-051-70 consisting of the western 55 acres.

Landowner	Schulz Investments LLC
Total Acres	135 acres

Assessor's Parcel Number	007-051-09
Location	SEC 27 15/19 S2 SE4
Acres	80.078
Current Land Use Code	600 - Agricultural Qualified per NRS 361A – Vacant
Zoning	Conservation Reserve
Carson City Master Plan, Land Use Map	Conservation Reserve (Private)
Access	Highway 50 west
FEMA Flood Zones	none

Assessor's Parcel Number	007-051-70
Location	5000 HWY 50 WEST
Acres	55 acres (total parcel is 275 acres)
Current Land Use Code	600 - Agricultural Qualified per NRS 361A – Vacant
Zoning	SF5A
Carson City Master Plan, Land Use Map	Conservation Reserve (Private)
Access	Highway 50 west
FEMA Flood Zones	none

Landowner	Schulz Investments LLC
Total Acres	135 acres

OPEN SPACE EVALUATION FORM

Table A. Physical Characteristics

For each parcel, select the highest value for each physical feature. If none apply, leave blank.

Physical Feature	Defining Authorities	Characteristics (check if present or applicable)	Value
Wildlife Habitats / Corridors	US Fish & Wildlife Service, NV Dept of Wildlife, or documented scientific observation	<input type="checkbox"/> Contains habitat or corridor for threatened or endangered (T&E) species <input checked="" type="checkbox"/> Contains high value habitat for non-T&E species <input type="checkbox"/> Contains migration corridor <input checked="" type="checkbox"/> Observed presence of wildlife or fish	<input type="checkbox"/> Very High <input checked="" type="checkbox"/> High <input type="checkbox"/> Medium <input checked="" type="checkbox"/> Moderate

According to data provided by the Nevada Natural Heritage Program in May 2016, no threatened or endangered species have been identified on the property. However, the parcels have been under private ownership so surveys probably have not been conducted.

Nearly surrounded by public lands (Carson City and U.S. Forest Service) and surrounded by undeveloped properties (one existing conservation easement on Horsecreek Ranch and one proposed conservation easement on the Old Woods Ranch LLC), the subject properties provide unfragmented and high value habitat for non-threatened and endangered species.

Natural Communities	US Army Corps of Eng. or competent specialist, such as the Nevada Natural Heritage Program	<input type="checkbox"/> Has healthy, sustainable riparian area <input checked="" type="checkbox"/> Presence of mature canopy trees, shrubs <input type="checkbox"/> Majority of parcel with healthy native grasses <input type="checkbox"/> Contains jurisdictional (ACOE) wetlands	<input type="checkbox"/> High <input checked="" type="checkbox"/> Medium <input type="checkbox"/> Moderate <input type="checkbox"/> Low
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The plant community is diverse with shrubs (bitterbrush, sagebrush, and manzanita), a mixed-age class of conifers (Jeffery Pine and Ponderosa Pine), and a minor component of grasses (squirreltail and bluegrass) and forbs (arrowleaf balsamroot). Cheatgrass is present but not abundant.

Landform / Scenic Quality	Committee, staff, consultants	<input type="checkbox"/> Open water (lakes, ponds, river, stream) <input checked="" type="checkbox"/> Contains ridge or promontory with long views <input type="checkbox"/> Contains a valley that provides enclosure / privacy	<input type="checkbox"/> High <input checked="" type="checkbox"/> High <input type="checkbox"/> Medium
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The elevations range from 5,700 to 6,330 with views to and from Carson Valley.

Visibility	Committee, staff, consultants	<input checked="" type="checkbox"/> Visible from major roads <input type="checkbox"/> Visible only from local roads <input type="checkbox"/> Visible primarily from adjacent residences	<input checked="" type="checkbox"/> High <input type="checkbox"/> Medium <input type="checkbox"/> Low
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The parcels are adjacent to and visible from Highway 50 west. This area is also the gateway into Carson City from the west.

Landowner	Schulz Investments LLC
Total Acres	135 acres

Size	Staff	<input checked="" type="checkbox"/> Large than 40 acres <input type="checkbox"/> 20 to 40 acres <input type="checkbox"/> 10 to 20 acres	<input checked="" type="checkbox"/> High <input type="checkbox"/> Medium <input type="checkbox"/> Low
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135 acres

Accessibility	Committee, staff, consultants	<input type="checkbox"/> Significant portions can be opened to public <input type="checkbox"/> Limited portions opened to public use	<input type="checkbox"/> High <input type="checkbox"/> Medium
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Unknown at this time. Because the property will remain in private ownership, it is not anticipated that significant portions will be open to the public. Staff will continue discussions with the family to determine whether limited access for trail connectivity will be an option. The Forest Legacy Program gives a higher ranking to projects with public access.

Historic / Cultural	State Historic Preservation Office	<input type="checkbox"/> Known or high potential archaeological resource <input type="checkbox"/> Historic designation (national, state, or local) <input type="checkbox"/> Significant local cultural feature (physical landmark, working farm, unique structure, etc.)	<input type="checkbox"/> High <input type="checkbox"/> Medium <input type="checkbox"/> Moderate
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Unknown at this time.

Water Protection	CC Public Works	<input type="checkbox"/> Within 5 year well protection zone <input type="checkbox"/> Within 10 year well protection zone <input type="checkbox"/> Contains high-infiltration soils within watershed protection area	<input type="checkbox"/> High <input type="checkbox"/> High <input type="checkbox"/> Medium
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The parcels are not located within a well protection zone nor watershed protection area.

Flood Hazard	Federal Emergency Management Agency	<input type="checkbox"/> Within FEMA-designated 100 year floodplain <input type="checkbox"/> Within area of known flooding	<input type="checkbox"/> Low <input type="checkbox"/> Medium
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Not applicable.

Prime Farmland	US Dept of Agriculture	<input type="checkbox"/> Land has statewide agricultural importance (irrigated farmland)	<input type="checkbox"/> High
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Not applicable.

Submitted by: A. Bell

Date: 4/15/14

Landowner	Schulz Investments LLC
Total Acres	135 acres

Table B. Prioritizing Factors

This part of the evaluation assumes that some form of acquisition is necessary to protect the parcel(s) not otherwise protected by existing City, State or Federal regulation (wetlands, floodplain, easements, etc.)

For each parcel check the most appropriate priority factor for each category below.

Category	Definition (check if present)	Priority
Uniqueness of Habitat Type	<input checked="" type="checkbox"/> One of few remaining examples of at least one characteristic in Table A	<input checked="" type="checkbox"/> High
	<input type="checkbox"/> Habitat or physical setting is relatively rare in Carson City	<input type="checkbox"/> Low

With its forested landscape, size, and visibility, this is one of the few remaining privately-owned parcels which exhibit desirable characteristics to the Open Space Program.

Ease of Acquisition	<input type="checkbox"/> Landowner motivated to sell at less cost than market value	<input type="checkbox"/> High
	<input checked="" type="checkbox"/> Can be acquired with terms (options, payment structure, trade, etc.) favorable to the city	<input checked="" type="checkbox"/> Medium
	<input checked="" type="checkbox"/> Cost is not greater than appraised value, terms are not unfavorable	<input checked="" type="checkbox"/> Low

The owners are willing sellers. The proposed purchase of a conservation easement rather than a fee title purchase is a benefit to the City such that the property will remain on the tax role and there is a lower purchase cost. Additionally, the family has exhibited patience with the process for review, approval, grant submittals, etc.

Potential To Share Cost	<input checked="" type="checkbox"/> Likely significant participation of non-city funding partners	<input checked="" type="checkbox"/> High
	<input type="checkbox"/> Likely participation from other funding sources	<input type="checkbox"/> Medium
	<input type="checkbox"/> Likely significant participation from other city departments	<input type="checkbox"/> Low

The current proposal is to submit a grant application to the Forest Legacy Program. If awarded, the grant will pay up to 75% towards the cost of the conservation easement.

Urgency	<input type="checkbox"/> Development is imminent	<input type="checkbox"/> High
	<input type="checkbox"/> For sale (acquisition / development likely)	<input type="checkbox"/> Medium
	<input checked="" type="checkbox"/> Private negotiation, not on open market	<input checked="" type="checkbox"/> Low

Currently, 220 acres of APN 007-051-70 is for sale on the open market. If a conservation easement is not purchased on the western 55 acres, it very likely it will be listed for sale as well.

Is a Significant Part of Open Space Plan	<input checked="" type="checkbox"/> Located within an Open Space priority area	<input checked="" type="checkbox"/> High
	<input checked="" type="checkbox"/> Parcel is designated on current Open Space Master Plan	<input checked="" type="checkbox"/> Medium
	<input checked="" type="checkbox"/> Adjacent to or can be linked to other Open Space parcel(s), trail(s), or park(s)	<input checked="" type="checkbox"/> Medium

All of the above. The parcels are located with the hillside priority area, in the Open Space Master Plan, on the Open Space Opportunities Map, and adjacent to the Hutchinson acquisition and Horsecreek conservation easement.

Landowner

Schulz Investments LLC

Total Acres

135 acres

Citizen Support

Has city-wide citizen support / advocacy

High

Has local citizen support

Medium

No significant opposition

Low

Neither support nor opposition has been received.

Submitted by:

Am Balleyn

Date:

6/15/14

