



STAFF REPORT

Report To: Board of Supervisors

Meeting Date: November 15, 2018

Staff Contact: Jennifer Budge, Parks, Recreation & Open Space Director
Stephanie Hicks, Real Property Manager

Agenda Title: For Possible Action: To include Federal Lands Bill Map Reference 4 in the Resolution expressing support of the proposed technical corrections to the Carson City Lands Bill currently being developed for congressional approval. (Adriana Fralick, AFralick@carson.org; Jennifer Budge, JBudge@carson.org and Stephanie Hicks, SHicks@carson.org)

Staff Summary: The Omnibus Public Land Management Act of 2009 (OPLMA) provided for the disposition of more than 8,000 acres of federal lands within Carson City, including the sale of approximately 150 acres of federal land by the Bureau of Land Management (BLM). City Staff has since identified and is proposing several technical corrections to be made by Congress. On October 22, 2018, the Open Space Advisory Committee and Parks and Recreation Commission approved a recommendation to the Board of Supervisors for the proposed technical map corrections to the Carson City Lands Bill with the exception of Federal Lands Bill Map Reference Number 4 for which no action was taken. Instead, staff was instructed to conduct additional research based on public comment received. This item provides additional information on Federal Lands Bill Map Reference Number 4.

Agenda Action: Formal Action/Motion

Time Requested: 30 minutes

Proposed Motion

I move to include Federal Lands Bill Map Reference 4 in Resolution No. 2018-R-____, expressing support of the proposed technical corrections to the Carson City Lands Bill currently being developed for congressional approval.

Board's Strategic Goal

Efficient Government

Previous Action

January 4, 2007 - Discussion regarding a Carson City Federal Lands Bill Map to identify a preferred alternative to be used as the basis to create a Federal Lands Bill for Carson City consisting of proposed legislation to be considered by U.S. Congress to allow for the exchange and/or transfer in ownership of lands owned by the federal Government in Carson City.

January 18, 2007 - Board approval of Carson City Federal Lands Bill Map to identify the preferred alternative to be used as the basis to create a Federal Lands Bill for Carson City consisting of proposed legislation to be considered by U.S. Congress to allow for the exchange and/or transfer in ownership of lands owned by the federal government in Carson City.

August 16, 2007 - City Manager provided an update on the proposed Carson City Federal Lands Bill.

September 6, 2007 - Board authorized the Mayor to sign a letter directed to the Federal Delegation clarifying the Board of Supervisors' position regarding the Federal Lands Bill request.

August 21, 2008 - Board endorsed the "Carson City Vital Community Act of 2008," a bill introduced in the U.S. Senate providing for the transfer and sale of certain federal lands within Carson City.

July 16, 2009 - Presentation and discussion only regarding the Omnibus Public Lands Management Act of 2009 as it relates to the disposition of federal properties within Carson City.

December 3, 2009 - Board provided recommendation to BLM regarding the sale of certain BLM properties identified for disposal in the Omnibus Public Land Management Act of 2009.

April 21, 2011 - Board authorized the Mayor to execute deeds of correction necessary for the implementation of transfers of lands with the U.S. Forest Service, as authorized by the Omnibus Public Lands Management Act of 2009.

August 4, 2011 - Board authorized the Mayor and City Manager to sign a letter to convey Carson City lands located at the upper reaches of Ash Canyon within the Carson Range to the United States as provided for in Subtitle G, Section 2601, of the Omnibus Public Land Management Act of 2009.

May 17, 2012 - Board authorized staff to execute a programmatic agreement between the Sierra Front Field Office of the Carson City BLM and the Nevada State Preservation Office regarding the conveyance to Carson City of the 5,482 acres of public lands as mandated by the Omnibus Public Lands Management Act of 2009 and 489 acres of private property.

August 15, 2013 - Board authorized the deposit of approximately \$375,000 into the BLM's Silver Saddle Stewardship Account for the oversight and enforcement of the conservation easement, and the transfer of approximately 3,604 acres of federal land to Carson City, as approved by the Carson City Community Vitality Act of 2009.

April 16, 2015 - Board authorized mayor to sign a letter addressed to the BLM providing comments on the Carson City District Draft Resource Management Plan and Environmental Impact Statement.

Background/Issues & Analysis

On January 6, 2009, OPLMA was enacted by Congress to determine the desired future uses of Federal properties surrounding Carson City. This bill was the result of three years of collaboration between City officials, interest groups and Congressional delegates with technical input from Federal agencies.

OPLMA provided for the disposition of more than 8,000 acres of Federal lands within Carson City, including the sale of approximately 150 acres of Federal land by BLM. The purpose of the bill was to improve land management throughout Carson City and help fulfill the community's long-term plan for growth and conservation.

Since the land transfers were completed, Staff has identified several desired technical corrections including property the City wishes to acquire, property where the City requests the reversionary interests be removed, and property the City suggests should be disposed of for economic development. Additionally, the City proposes several text corrections for clarification.

On October 22, 2018, a joint Open Space Advisory Committee and Parks and Recreation Commission Meeting was held to provide input to the Board of Supervisors on this proposal. The following public comments have been received:

-Twenty-five property owners indicated they were in opposition of the proposal regarding the four parcels along Bennett Avenue.

- Several comments were made by the public that the process for the technical map corrections was moving too quickly and there should be more opportunity for public comment. Staff explained that the joint meeting as well as the upcoming Board of Supervisors meeting would provide the opportunity for public input.
- Concerns regarding whether the site contained a historic land fill/dump site and other cultural resources.
- Concerns that residential development would negatively affect property values, the environmental and wild/life habitat, the beauty and tranquility of the area.
- Question as to whether a conservation easement applied to these parcels.
- Correction to staff report that there is no OHV use or illegal dumping on these parcels, specifically the two northern parcels.
- Concerns about the municipal well on APN 010-252-02 and what effect residential development would have on the well, the 2 year capture zone and the wellhead protection plan.
- Concerns regarding impacts on viewsheds.
- Concerns about nitrate contamination in the area due to very permeable soils.
- Concerns regarding stormwater runoff and whether the parcels should be retained for flood control/drainage facilities.
- Concern that parcels would be developed at a higher density than Single Family 1 Acre.
- Recommendation for the Parks Department to retain these parcels for dispersed recreation.

After lengthy discussion, the Open Space Advisory Committee and Parks and Recreation Commission approved a recommendation for the technical map corrections to the Carson City Lands Bill with the exception of Federal Lands Bill Map Reference Number 4 for which no action was taken due to pending questions regarding use of this property for flood mitigation, cost-benefit information for retaining versus returning to BLM, confirmation of zoning prior to the City acquiring from BLM, and the City's obligation under Section 106 for historic and cultural resources. These items have been researched by staff and responded to (see attached Federal Lands Bill Map Reference Number 4 packet).

Applicable Statute, Code, Policy, Rule or Regulation

Omnibus Public Lands Management Act of 2009 (OPLMA)

Financial Information

Is there a fiscal impact? ☐ Yes ☒ No

If yes, account name/number:

Is it currently budgeted? ☐ Yes ☒ No

Explanation of Fiscal Impact:

Alternatives

Do not include Federal Lands Bill Map Reference Number 4 in the resolution expressing support of the proposed technical corrections to the Carson City Lands Bill as it is currently being developed for congressional approval.

Propose modified motion.

Board Action Taken:

Motion: _____ 1) _____ Aye/Nay
2) _____

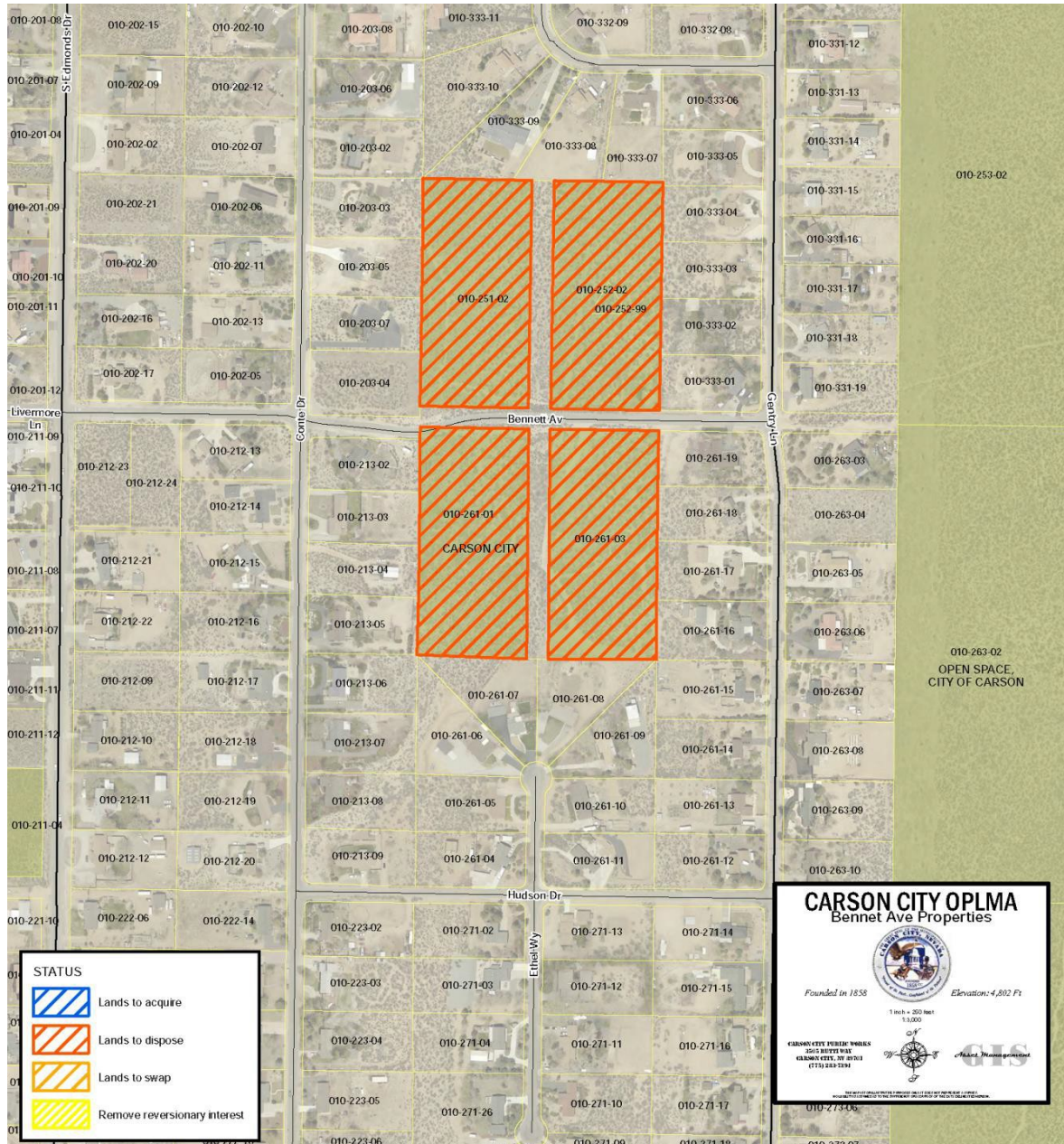
(Vote Recorded By)

Federal Lands Bill Map Reference Number: 4

Property Description: Assessor's Parcel Numbers 010-251-02, 010-252-02, 010-261-01, 010-261-03

Total Acres: 17.45-acres

General Location: East Carson City, east of South Edmonds Drive at Bennett Avenue.



Recommended Actions: City to relinquish ownership and return to BLM.

Proposed Uses: BLM to determine whether to retain or dispose of parcels. However, since this would be an inholding for BLM purposes, disposal by BLM is likely. An option for BLM would be

disposal for residential development, consistent with the adjacent parcels and surrounding zoning. Carson City would retain a Public Utility Easement for a well site on the 02 parcel. Additionally, if needed, the City could acquire an easement for flood control/drainage facilities.

Current Ownership: Carson City

Current management designation/uses: Carson City

Can proposed uses be accomplished under current ownership and designation? No

Master Plan: Public/Quasi Public

Zoning: Single Family 1 Acre – These parcels have been zoned Single Family 1 Acre since at least 1990.

Estimated Maintenance Cost/Source of Funding: Unknown. BLM or private ownership. If the City were to retain this parcel, maintenance costs would be at a minimum \$7,000 every 3 to 5 years for wildland fire fuels reduction.

Property Characteristics: Parcels consist of undulating topography and steep slopes in sections with native vegetation.

Benefits of relinquishing City ownership of property: Disposal by the City would allow for BLM to retain the property as is. Should BLM determine that disposal is desired, there are potential economic development opportunities in the form of residential development consistent with the zoning and existing surrounding uses. Residential development could have a positive impact on the fiscal health of the city by generating property taxes. While residential development could be a consistent use, the same parcel size and density of the adjacent parcels would not be likely due to the undulating topography and drainage. Parcel sizes potentially would be larger, but could still provide some residential development opportunities. Residential development would be required to connect to municipal water and sewer or a denitrifying septic system. Additionally, residential development would be required to mitigate impacts and improve the drainage.

Issues:

Potential Historic and Cultural Resources – While it is believed that the parcels contain a former landfill/dump site and cultural resources from the encampments along the Emigrant Trail, these properties have not been inventoried for cultural resources. Therefore, it is unknown whether historic properties are present. In order to be in compliance with Section 106 of the National Historic Preservation Act which requires federal agencies to consider the impact of their actions on historic properties, Carson City was required to enter into a Programmatic Agreement with BLM and the State Historic Preservation Office (SHPO) for any OPLMA conveyance properties. The agreement requires that prior to any ground-disturbing activities, the City must consult with SHPO to determine the need for an inventory. If an inventory is needed, the City is responsible for all associated expenses and must ensure that all cultural resources are recorded in compliance with BLM and SHPO standards. Depending on the scope of the inventory, costs associated with this could range from \$3,000 to \$50,000.

Additionally, since this site is possibly a former landfill site, an Environmental Site Assessment should be completed to determine the extent and if any mitigation is needed.

Flood Mitigation – These parcels were originally designated for flood control or drainage facilities, and stormwater drainage flows through the site. However, in consideration of the most cost efficient approach that would benefit the largest number of residents, this site would not be selected as a regional stormwater facility. There is a site located and owned by the City upstream and north of East Clearview that would be the best location for a regional basin. The City could still acquire a right-of-way from BLM if the need and funding for a localized drainage improvement come to fruition. However, future residential development may resolve the drainage issue with no cost to the City.

Wellhead Protection – The Community Source Water Protection Plan for Public Water Systems in Carson City discusses wellhead protection. A Source Water Protection Management Strategy listed in Section 3.4 of that report suggests limiting septic tank proliferation and extending municipal sewage facilities. Any new residential development in this area would be required to connect to municipal sewage facilities in order to reduce nitrate contamination in ground water.

Rationale: These parcels were originally leased to the City from BLM in the 1980's for roadway and drainage improvements and groundwater basin recharge. Justification for the proposed use included complaints received from residents due to illegal dumping and wildfire hazards. Subsequently, during the Federal Lands Bill, the properties were transferred to the City for recreation and public purposes.

Since this time, Pete Livermore Sports Complex has been developed to the west and Prison Hill Recreation Area is located to the east. Therefore, this site is not needed for public recreation purposes. Additionally, these properties would not be appropriate for a regional stormwater basin. It is an inholding that is a potential maintenance burden and liability to the City. Both the Open Space Advisory Committee and the Parks and Recreation Commission have reviewed the property and agree that it does not fit within their programs and will not be added to their master plans. Should BLM retain the parcels, there is no anticipated change to the property. However, should BLM dispose of the property, it could allow for economic development opportunities and have a positive impact on the fiscal health of the City by generating property taxes.

PUBLIC COMMENT
SIGN IN SHEET

Date: 10/22/2018
Meeting: OSAC/PRC

Name (Please Print)
or leave a business card

Address and Telephone No.
City

Micah Bist

Tracy Shane

Linda Law

Doug MARTIN
Doug Martin

COAA

5000 GENTRY LN
Carson City

Ralph Thomas

Carson City

STEVE

Steve Knight

5020 GENTRY

Carson City

Carson City

Wayne Perock

Fred Droes

Carson City

5420 Ethel Way
CL, NV

Robyn O'Leary

DAVID PATTERSON

CARSON CITY

PUBLIC COMMENT
SIGN IN SHEET

Date: 10/22/2018
Meeting:

Name (Please Print)
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Address and Telephone No.

Patrice Burke

5637 Conte Dr., CE - 883-0251

Scott Giotto

4841 Gentry Ln.

Christine Taylor

4961 Conte Dr
885-7353

Eric Taylor

4961 Conte Dr
885-7353

Sally Zala

4923 Conte Dr 89701
882-8169

Stanley Pesis
Elizabeth King

5211 Conte Dr 89701
882-6773

CONNIE MARTIN
DOUG MARTIN

5000 GENTRY LN
CARSON CITY, NV 89701

LISA SHADDEN
JEANNETTE FAMOSO

231 HEIDI CIRCLE
CARSON CITY

PUBLIC COMMENT
SIGN IN SHEET

Date:

Meeting:

Name (Please Print)
or leave a business card

Address and Telephone No.

Parcel
Lynn Remick - against 4

5321 Gentry Ln
CC 89701

Parcel
Greg Remick - against 4

5321 Gentry Ln
CC NV 89701

Parcel
Robyn ORloff against 4

5420 Estel Wy
CC, NV 89701

(AGAINST)

A

DAVID MARIA CORTEZ

2525 CLERVIEW DR
CARSON City

Geoff HALL

1515 MALAGA DR
CARSON CITY

Please
Print

PUBLIC COMMENT
SIGN IN SHEET

Date:

Meeting:

Name (Please Print)
or leave a business card

Address and Telephone No.

Michael P. Zola

4923 Court Dr., CC

Richard Hanson

5140 Gentry Ln, CC

LISA SHADDEN

231 HEIDI CIRCLE
(775) 841-7100

Please

Connie Bistek

5290 Gentry Ln.
775-883-8073

Richard Stokes

1402 W. King St.

Print

Douglas Martin

From: Douglas Martin <douglas.j.martin@att.net>
Sent: Tuesday, October 2, 2018 3:08 PM
To: 'npaulson@carson.org'
Cc: 'bcrowell@carson.org'; 'BBonkowski@carson.org'; 'JBarrette@carson.org'; 'LBagwell@carson.org'; 'KAbowd@carson.org'
Subject: Proposed Motion to Adopt Resolution No. 2018-R expressing support of the proposed technical corrections to the Carson City Lands Bill

Dear Mr. Crowell and Supervisors,

This is in reference to the October 4, 2018 Board of Supervisors meeting agenda item with proposed motion to adopt Resolution No. 2018-R expressing support of the proposed technical corrections to the Carson City Lands Bill. We request this proposed motion be delayed or amended. These "technical corrections" would have a major impact on adjacent property owners. To describe this major land use change from open space to residential development as technical corrections is inappropriate from our perspective. It's more than a technical change and we adjacent property owners were not provided sufficient time to protect landowners private property rights and interests.

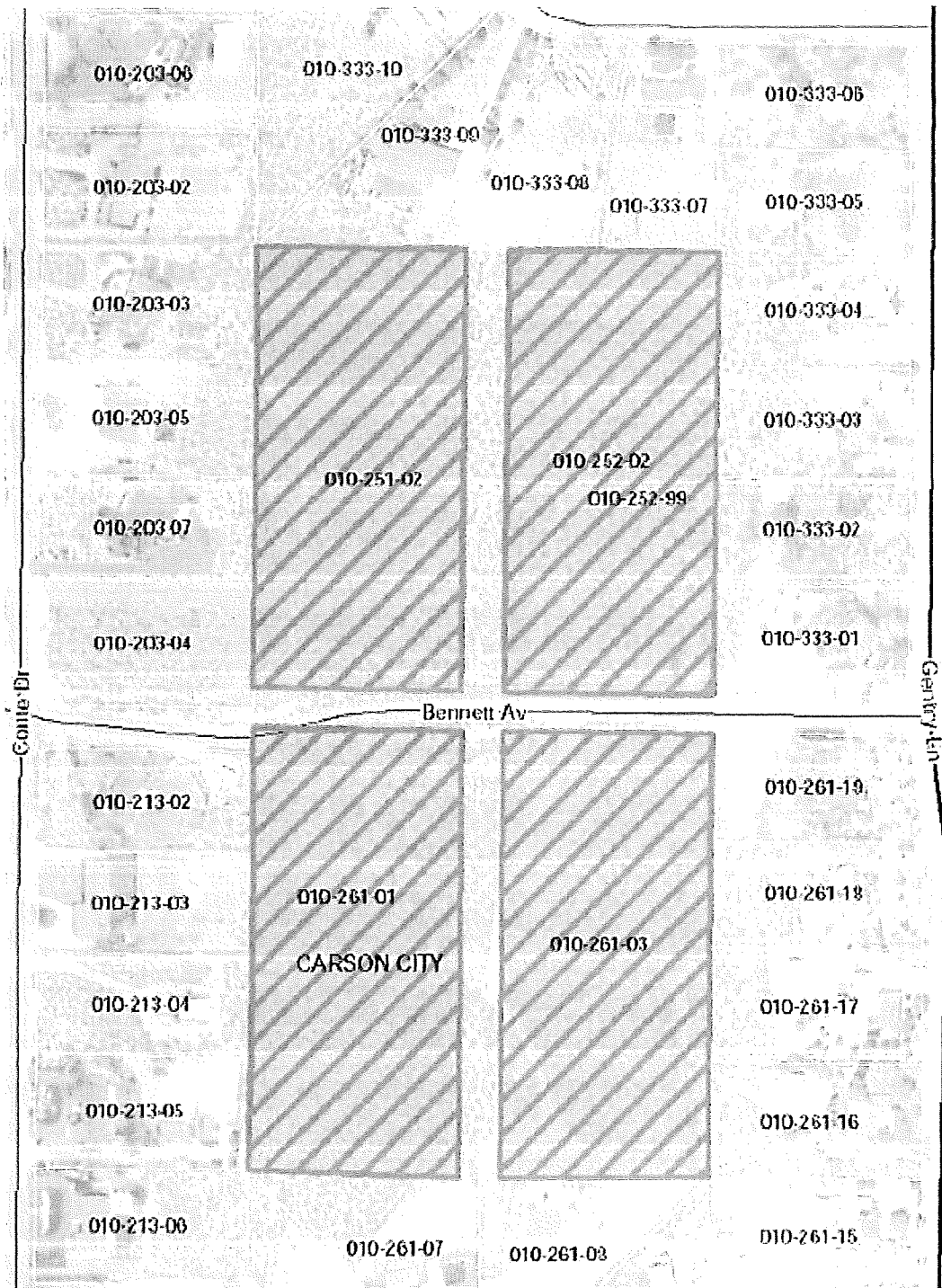
My wife and I are 46 year residents of Carson City who live at 5000 Gentry Lane (parcel 110-333-02). We oppose the adoption of Resolution No. 2018 as written and the proposed technical corrections (Federal Lands Bill Map Reference Number : 4) to the Carson City Lands Bill to dispose of City parcels 010-252-02 and 010-251-02 for residential development (see action and staff report below). We request these parcels be retained as Carson City open space. When we purchased our home these lands were BLM open space and this feature was important to us. Residential development would negatively impact our property values and the environmental habitat, beauty and tranquility of the area as well. When these parcels were transferred to the City several years ago, we contacted the City and expressed our concern about not wanting them to be developed. The resulting action regarding these parcels did not indicate that they would be converted to private property for development.

Your report cites reasons to dispose of the parcels which in our observations are not accurate for the two northern parcels (010-252-02 and 010-251-02). (As we do not live adjacent to the southern parcels, we cannot speak regarding them.) The two northern parcels are not used by off road vehicles nor are they used for illegal dumping. Additionally, these parcels would be a challenge to develop residentially due to slope and drainage issues, as well as having a historic old dump on the parcels. We understand these parcels were historic dumps that flourished around Carson City in the 1950s and '60s. Another challenge to development is protecting the watershed of the existing Carson City drinking water well located in the southeast corner of parcel 010-252-02, especially since this area does not have City sewer service.

In conclusion, we request removal from the proposed technical corrections of this recommended action (Federal Lands Bill Map Reference Number: 4) to dispose of parcels 010-252-02 and 010-251-02 for residential development. Thank you.

Sincerely,

Doug and Connie Martin
5000 Gentry Lane
Carson City, Nevada 89701
(775) 882-3086



Agenda Title: For Possible Action: To adopt a Resolution expressing support of the proposed technical corrections to the Carson City Lands Bill currently being developed, and authorizing the Mayor to submit a letter to appropriate federal and state authorities expressing that support

Federal Lands Bill Map Reference Number: 4

Property Description: Assessor's Parcel Numbers 010-251-02, 010-252-02, 010-261-01, 010-261-03

Total Acres: 17.45-acres

General Location: East Carson City, east of South Edmonds Drive at Bennett Avenue.

Recommended Actions: Dispose of for economic development purposes: Residential Development.

Benefits of relinquishing City ownership of property: Disposal would allow for economic development opportunities in the form of residential development consistent with the zoning and existing surrounding uses. Residential development would have a positive impact on the fiscal health of the city by generating property taxes. Residential development would also reduce the negative impacts to the adjacent neighbors, by reducing OHV access points and misuse. While residential development would be a consistent use, the same parcel size and density of the adjacent parcels would not be possible due to the undulating topography, but still provide some residential development opportunities.

Issues: Possibly a former landfill site, but an Environmental Site Assessment should be completed to determine the extent and if any mitigation is needed.

Rationale: With Pete Livermore Sports Complex only four blocks to the west, this site is not needed for public recreation purposes. It is an inholding that is a maintenance burden to the city and is the location of OHV misuse and illegal dumping. Residential development would help mitigate safety concerns, and reduce impacts to neighboring properties. Disposal would also allow for economic development opportunities and have a positive impact on the fiscal health of the city by generating property taxes.