



## STAFF REPORT

**Report To:** Board of Supervisors **Meeting Date:** May 5, 2022

**Staff Contact:** Lyndsey Boyer, lboyer@carson.org; Robert Nellis, rnellis@carson.org.

**Agenda Title:** For Possible Action: Discussion and possible action regarding direction to staff on the initiation of due diligence and the commencement or completion of any other preparatory tasks for the acquisition of 81.55 acres of privately owned property in Ash Canyon, APN 007-091-28 ("Property") for open space and passive recreation purposes, and a proposed resolution related to an offer to purchase the Property. (Lyndsey Boyer, lboyer@carson.org; Robert Nellis, rnellis@carson.org).

Staff Summary: Staff has learned that the Property has been listed for sale. The Property has been identified as a high priority by the City's Open Space program for acquisition based on important natural resource values such as wildlife habitat, watershed protection, water quality protection and trail connectivity. The Property is currently owned by the Carson Lodge #1 and is listed on the open market for \$750,999. The sellers have indicated they are willing to entertain an offer from Carson City, not to exceed the appraised value for the Property. If approved, and depending on the results of the appraisal, funds for the fee title acquisition would come from the Quality of Life - Open Space budget.

**Agenda Action:** Formal Action / Motion **Time Requested:** 15 Minutes

### Proposed Motion

1. I move to direct staff to proceed with all preparatory tasks required to lawfully acquire the Property in the manner discussed on the record.
2. I move to adopt Resolution No. 2022-R-\_\_\_\_\_.

### Board's Strategic Goal

Quality of Life

### Previous Action

N/A

### Background/Issues & Analysis

The Property, located in Ash Canyon along Ash Creek, has been identified as a high priority in the Open Space Master Plan as it meets several critical Open Space acquisition criteria, including: watershed protection, important wildlife habitat and migration corridor, viewsheds and other natural resource values associated with Ash Creek, which provide an important source of drinking water in our community. Emergent freshwater wetlands are also present on the property, which represent a rare resource in Carson City that require protection and conservation.

Additionally, the Property is critical for trail connections, as identified in the Unified Pathways Master Plan ("UPMP"), as they provide important connections to other highly visited Carson City trail systems, and also contains an extremely popular user-built trail (Creek Trail), that could be made legal with acquisition of the Property. Lastly, acquisition of the Property would allow for the construction of a future trailhead facility, which represents a critical need to serve the recreational demand on the western Carson City trail system.

At the April 18, 2022 meeting of the Open Space Advisory Committee, there was general discussion regarding the Property as a potential acquisition. The Committee did not take specific action as the item was for discussion only, but the Committee indicated their general support for staff's recommendations on future acquisitions.

Currently, the Property is for sale on the open market for \$750,999 and the sellers have indicated that they would be willing to review an offer from Carson City based on appraised value; however, they will continue to list the Property on the open market in the meantime. Staff recommends acquiring the Property under NRS 244.275.

**ATTACHMENTS:**

Exhibit A: Open Space Acquisition Assessment

Exhibit B: Location Map

Exhibit C: Resolution

**Applicable Statute, Code, Policy, Rule or Regulation**

NRS 275.244

**Financial Information**

**Is there a fiscal impact? Yes**

**If yes, account name/number:** 2545047-500309 Quality of Life - Open Space, Professional Services Account.

**Is it currently budgeted? Yes**

**Explanation of Fiscal Impact:** If approved, Carson City Open Space would pay for the cost of an appraisal and title report for the subject property (APN 007-091-28). This expense would be paid for using Quality of Life - Open Space funds - Professional Services account. If the sellers were willing to accept an offer based on appraised value, the funds for the acquisition of the Property would be paid for using Quality of Life - Open Space funds under the undesignated account line item. The current balance of this account is approximately \$2,950,661. The long-term fiscal impacts associated with this acquisition are primarily related to land management. Except for single-track trails, no other improvements are currently planned. Carson City has an existing agreement with Muscle Powered to assist with trail maintenance. The Quality of Life – Open Space budget is already charged \$10,750 annually to contribute towards a contract with the Nevada Division of Forestry for wildfire related services to manage the forested lands on the Property.

**Alternatives**

Do not direct staff to proceed with any means of Property acquisition and/or provide alternative direction .

**Attachments:**

[Mason Property Acquisition - Exhibits.pdf](#)

**Board Action Taken:**

Motion: \_\_\_\_\_ 1) \_\_\_\_\_ Aye/Nay  
2) \_\_\_\_\_

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\_\_\_\_\_  
(Vote Recorded By)

## OPEN SPACE EVALUATION FORM

**Landowner:** Carson Lodge #1

**Assessor's Parcel Number:** 007-091-28 (81.55 acres)

**Location:** Ash Canyon, west of the square pond and water tanks, adjacent to Ash Creek.

**Access:** This parcel can be accessed directly from Ash Canyon Road, which is under Carson City's management for annual maintenance.

**Zoning:** Conservation Reserve; **Land Use:** 120 – Vacant – Single Family Residential

**Master Plan:** Identified as priority for acquisition in the Open Space Master Plan, as well as Open Space Opportunities Map. The Carson City Land Use Master Plan identifies this property as Public Conservation.

**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
<b>Wildlife Habitats / Corridors</b>	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 checked="" 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 type="checkbox"/> Moderate

At this time, it is unknown whether threatened and endangered (T&E) species have been recorded on the property. A data request for T&E species will need to be requested from the Nevada Natural Heritage Program. As part of the Carson Range, according to the Nevada Wildlife Action Plan (2012), the property is considered a focal area that captures at least 90% of the Species of Conservation Priority. Nevada big game species, such as black bear and mule deer, occupy seasonal habitats and critical movement corridors. Nevada small game species, including the California quail and white-tailed jackrabbit, are also present. Other wildlife species, such as the mountain lion and bobcat, utilize the property with their main food source being the mule deer.

Per the Audubon Society, the western portion of this property falls within the Carson Range Important Bird Area (IBA). Species such as Pygmy Nuthatch, Band-tailed Pigeon, Mountain Quail, Pileated Woodpecker, White-headed Woodpecker, Black-backed Woodpecker, Red-breasted Sapsucker, and Winter Wren occur nowhere else in the state (Audubon, Carson Range). Many species are also of conservation concern, such as the Cooper's Hawk, Flammulated Owl, Calliope Hummingbird (and many more) and rely on this ecosystem for their persistence.

<b>Natural Communities</b>	US Army Corps of Eng. or competent specialist, such as the Nevada Natural Heritage Program	<input checked="" type="checkbox"/> Has healthy, sustainable riparian area <input checked="" type="checkbox"/> Presence of mature canopy trees, shrubs <input checked="" type="checkbox"/> Majority of parcel with healthy native grasses <input checked="" type="checkbox"/> Contains jurisdictional (ACOE) wetlands	<input checked="" type="checkbox"/> High <input type="checkbox"/> Medium <input type="checkbox"/> Moderate <input type="checkbox"/> Low
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The property is located in Ash Canyon, with approximately 0.5 miles of Ash Creek running directly through the southern portion of the property. This perennial creek is dominated by riparian vegetation such as willows and aspen groves. Additionally, the southeast portion of the property is dominated by a freshwater forested/shrub wetland, as well as freshwater emergent wetland. These areas represent one of the scarcest, yet most important habitat types in Nevada as wetlands comprise less than 1% of the land in Nevada. These habitats provide critical habitat for migratory birds, fish, aquatic invertebrates, as well as providing a consistent source of water for wildlife in the area such as mule deer, coyotes, bobcats, and mountain lions. Given the small portion of land in Nevada where these habitats exist, preservation of these areas is critical.

In addition to the riparian area to the south, the remainder of the property is comprised of a unique composition of both Great Basin and Sierra Nevada upland plant species. Specifically, the site is composed of numerous shrub species such as sagebrush, bitterbrush, tobacco brush and manzanita, as well as intact trees such as Jeffrey pine that are survivors of the Waterfall Fire in 2004. Forested lands are relatively rare habitat type in Carson City as well. Additionally, a significant portion of the site is dominated by a diverse composition of native perennial grasses, such as bottlebrush squirreltail, Great Basin wildrye, intermediate wheatgrass and needle grass. Lastly, the property also contains several different species of native forbs, including several buckwheat species and mule’s ears. The site is relatively intact and does not host any noxious weeds, and presence of invasive weeds such as cheatgrass and invasive annuals is minimal.

<b>Landform / Scenic Quality</b>	Committee, staff, consultants	<input checked="" type="checkbox"/> Open water (lakes, ponds, river, stream) <input checked="" type="checkbox"/> Contains ridge or promontory with long views <input checked="" type="checkbox"/> Contains a valley that provides enclosure / privacy	<input checked="" type="checkbox"/> High <input type="checkbox"/> High <input type="checkbox"/> Medium
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The property is located in Ash Canyon, which is the single largest sub-watershed on the west side of Carson City. The subject property has an elevation gain of approximately 40’ to its highest point at 5,347’ along the northern property boundary. Near the northern property boundary, a prominent look-out location is present at 5,347’ and offers expansive views across Ash Canyon. Due to its nested topography created by Ash Creek, the property is not located in the “Skyline Restriction Area”, however, the property is within the ‘hillside zone’ as identified by the Open Space Master Plan. Additionally, there are no earthquake fault traversing the property; however, two earthquake faults run directly adjacent to the property to the south and east.

<b>Visibility</b>	Committee, staff, consultants	<input type="checkbox"/> Visible from major roads <input type="checkbox"/> Visible only from local roads <input type="checkbox"/> Visible primarily from adjacent residences	<input type="checkbox"/> High <input type="checkbox"/> Medium <input type="checkbox"/> Low
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The property is visible from both major and local roads, as well as from the Wellington Crescent neighborhood located at the bottom of Ash Canyon Road, directly east of the subject property.

<b>Size</b>	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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The parcel totals 81.55 acres, and is directly adjacent to Carson City owned, Eagle View Open Space, as well as lands owned by Carson City Public Works to the west and south.

<b>Accessibility</b>	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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The public has recreated in the Ash Canyon area for many years mistakenly perceiving all the open space in that area to be public lands. Many miles of trails exist in the Ash Canyon area, and all of them are very popular with hikers, runners, dog walkers, mountain bikers, and equestrians. The UPMP identifies, “Acquisition or securement of easements for trail use in the Ash Canyon and Vicee Canyon areas”, as a First Tier Trail Project.

To that end, since 2018 the City has been able to obtain legal access to many of these trails by various means, including licensing from the Nevada Division of State Lands and Western Nevada College, and the acquisition of the Hamm Property, now named the Eagle View Open Space.

An important opportunity that remains is the subject property, which is located immediately adjacent to the Eagle View Open Space on the south side. Many popular trails exist on this property which are critical to trail connectivity in the Ash Canyon area. Most important of these is the Ash Creek Trail, which is extremely popular but currently located on private property. This trail is not part of Carson City’s trail system due to lack of an easement for the user-built trail. In addition, the UPMP also stresses the importance of trailheads, and the Ash Canyon area which receives heavy visitation, lacks an adequate trailhead with sufficient parking and a vault toilet. Given the proximity to Ash Creek, a vault toilet would be an important addition for proper sanitation to preserve water quality.

<b>Historic / Cultural</b>	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. However, Native Americans and settlers often focused their settlements along waterways such as creeks, – the proximity of Ash Creek in this area lends to a higher probability of culturally significant features. Additionally, the Ash Canyon has a history of mining, logging, and water diversions which may lend to historically significant features as well.

<b>Water Protection</b>	CC Public Works	<input type="checkbox"/> Within 5-year well protection zone <input type="checkbox"/> Within 10-year well protection zone <input checked="" type="checkbox"/> Contains high-infiltration soils within watershed protection area	<input type="checkbox"/> High <input type="checkbox"/> High <input checked="" type="checkbox"/> Medium
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The 2014 Carson City Community Sourcewater Protection Plan has identified this parcel in the 25-year and 10-year Sourcewater Protection Area. Per this plan, Carson City is directed to coordinate between departments to ensure source water protection is a key component of natural resource protection in local land management plans. This strategy contributes to source water protection by recognizing that these lands are needed to preserve drinking water quality, in addition to providing wildlife habitat, watershed protection, and recreational opportunities. Additionally, the plan identifies that the Carson City municipal system obtains roughly 30% of its water supply annually from surface water supplied by springs and creek intakes in Kings Canyon and Ash Canyon (operated by Carson City Public Works); and the Marlette–Hobart distribution system (operated by the State of Nevada). These surface waters originate within the areas designated Watershed 1 and Watershed 2, which Ash Creek is located in. Surface water from Ash Creek is collected and then treated at the Quill Surface Water Treatment Plant prior to distribution. The intake for the waterline is located just below the property on adjacent State of Nevada lands. The importance of Ash Creek is also identified in the Carson City Watershed Control Plan, which was prepared in 2020 for Carson Public Works.

<b>Flood Hazard</b>	Federal Emergency Management Agency	<input type="checkbox"/> Within FEMA-designated 100-year floodplain <input checked="" type="checkbox"/> Within area of known flooding	<input type="checkbox"/> Low <input checked="" type="checkbox"/> Medium
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The subject property has not been formally mapped for the FEMA designated floodplains as there are no homes on or near the property. However, Ash Creek is a known flood-hazard within Carson City. Additionally, the Ash Canyon area has a history of fire and landslide events. Given the steep slopes on the southern portion of the property, this property has the potential for a significant landslide following a fire.

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

**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
<b>Uniqueness of Habitat Type</b>	<input checked="" type="checkbox"/> One of few remaining examples of at least one characteristic in Table A	<input checked="" type="checkbox"/> High
	<input checked="" type="checkbox"/> Habitat or physical setting is relatively rare in Carson City	<input type="checkbox"/> Low

Given the proximity of riparian habitat along Ash Creek, as well as the presence of freshwater emergent and forested/shrub wetlands, this property hosts habitat that is both rare and critical within Carson City for preservation.

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

To be determined. The assessed value is identified as \$187,895 on the Carson City Assessor’s website. The parcel is currently on the open market and the seller has it listed for \$750,999. An appraisal has not been completed but would need to be completed prior to the City making an offer. The seller is interested and willing to entertain an offer from Carson City, but plan to continue marketing the property publicly in the meantime.

<b>Potential To Share Cost</b>	<input type="checkbox"/> Likely significant participation of non-city funding partners	<input 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

At this time, open funding assistance opportunities are not available; the acquisition would likely be completed utilizing currently budgeted Quality of Life – Open Space funds.

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

The property is currently on the open market for purchase. The realtor has identified that offers have been received for the property, but the property is currently still for sale. Given the scenic viewsheds, riparian areas and associated reach of Ash Creek – this property will likely garner significant public interest.

<b>Is a Significant Part of Open Space Plan</b>	<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 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 type="checkbox"/> Medium

The property is located in a hillside zone, as identified in the Open Space Master Plan. It is also located within a known flood zone (Ash Creek), as well as a Sourcewater Protection Zone. Additionally, the presence of wetlands and location in a watershed protection zone, this property meets multiple identified criteria for potential Open Space acquisition. In addition to these critical features, another important factor for acquisition is for the trail connection opportunities, as well as to legalize the existing system of user-

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built trails present on site, in addition to potential trailhead opportunities.

<b>Citizen Support</b>	<input checked="" type="checkbox"/> Has city-wide citizen support / advocacy	<input checked="" type="checkbox"/> High
	<input type="checkbox"/> Has local citizen support	<input type="checkbox"/> Medium
	<input type="checkbox"/> No significant opposition	<input type="checkbox"/> Low

The subject property has significant support from the Muscle Powered community, as the Ash Creek Trail and surrounding trails are some of the most heavily visited trails in Carson City. Additionally, these trails have been identified as a high priority in the Eagle Valley Trails Committee "Community Trail Inventory, Review, Evaluation and User Needs Assessment Report" (2017) as they provide critical connections to other Carson City trail systems and also contains several non-sanctioned user-built trails that could be made legal with acquisition of the property.

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Submitted by: *Kimberly Beatty*  
Open Space Administrator

Date: 04/26/2022





**Photo 1: View looking west.**



**Photo 2: Early morning runner using Ash Canyon Trails.**





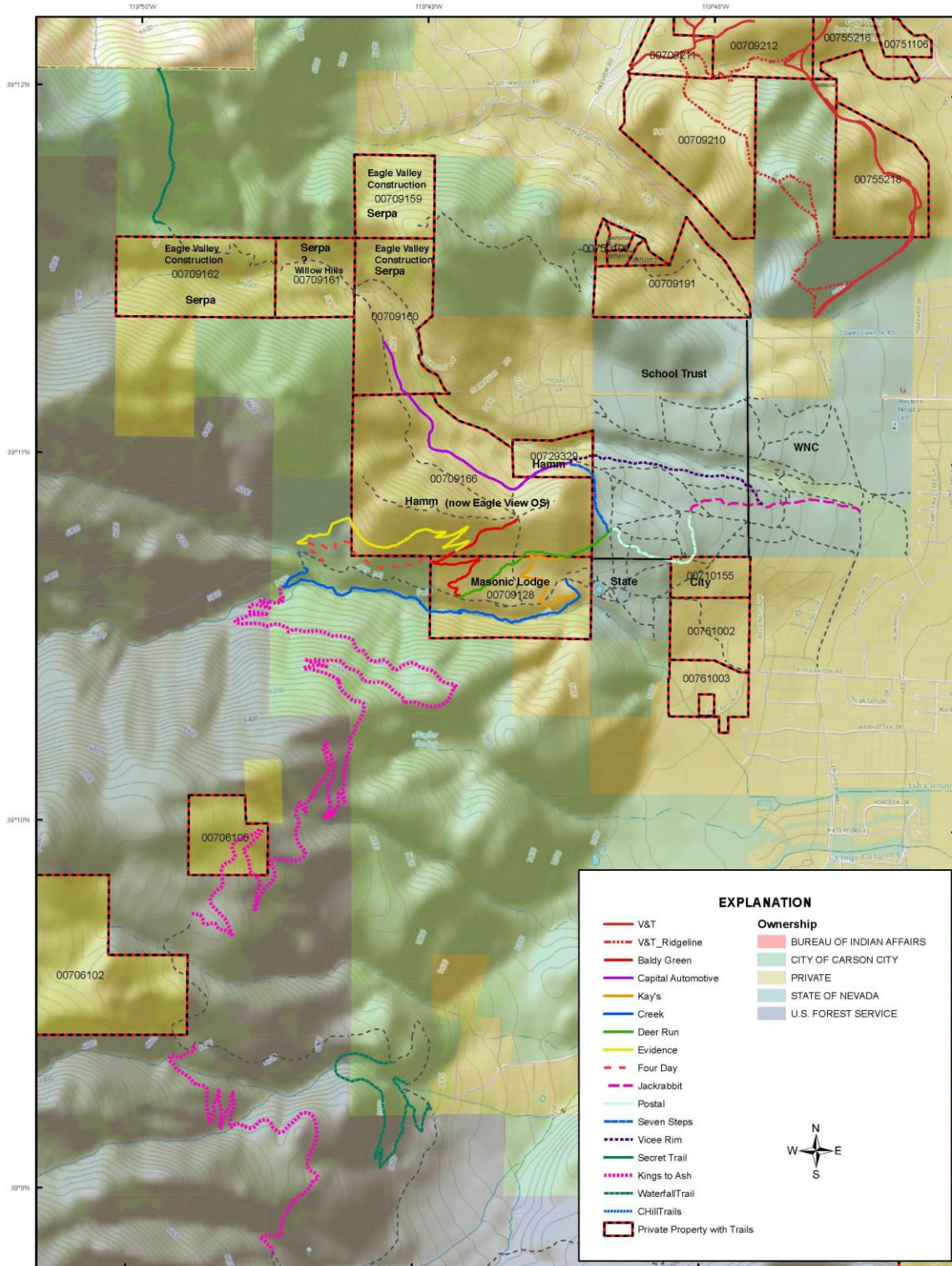
**Photo 3: Stunning display of fall colors in the sspen groves present along Ash Creek.**



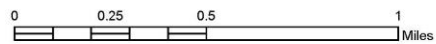
**Photo 4: Views of fall colors along Ash Creek, as well as a stand of mature Jeffrey pine.**



# Private Property Access Ash Canyon Area



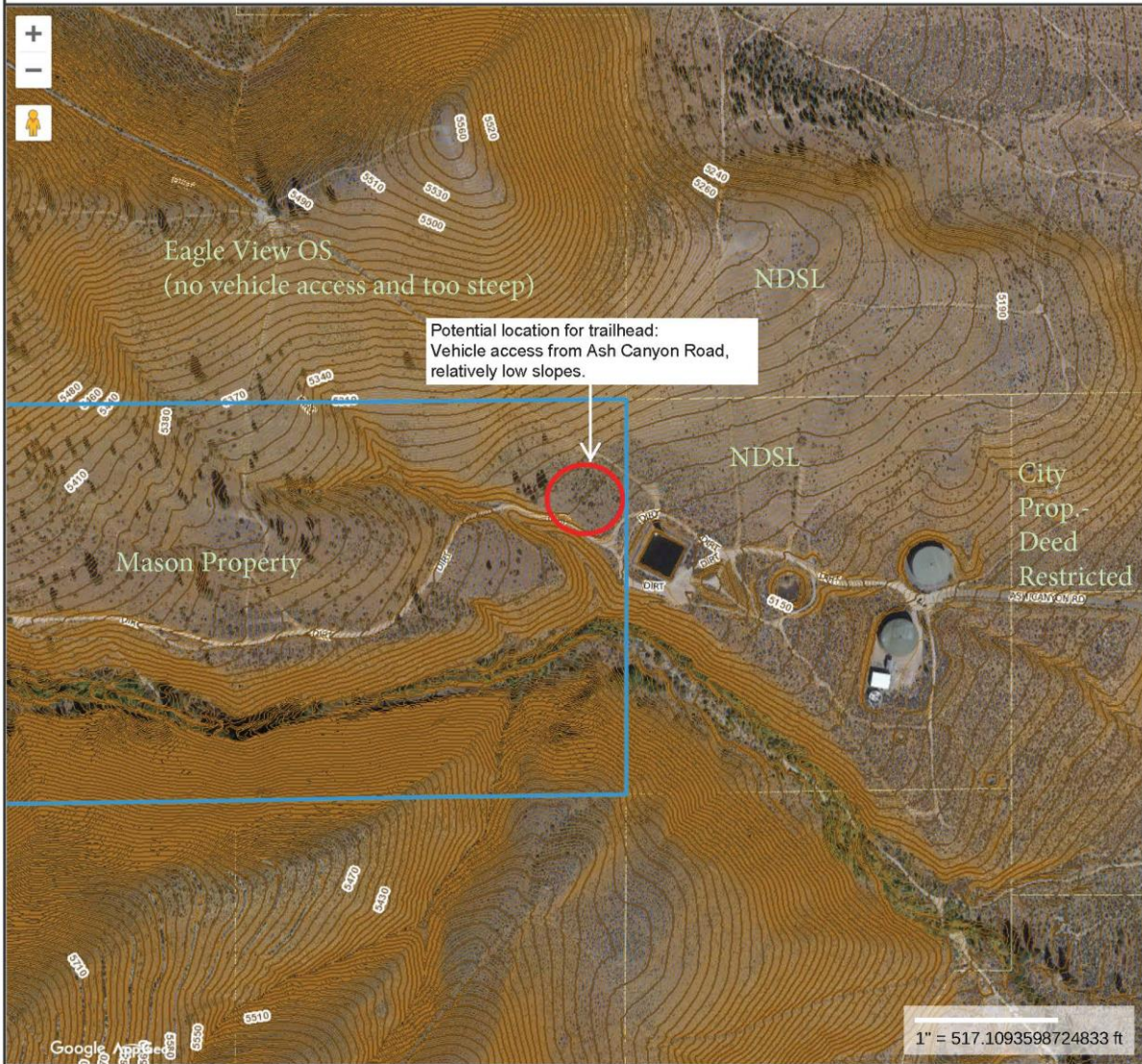
Basemap from USGS The National Map: National Boundaries Dataset, National Elevation Dataset, Geographic Names Information System, National Hydrography Dataset, National Land Cover Database, National Structures Dataset, and National Transportation Dataset; U.S. Census Bureau - TIGER/Line; HERE Road Data, 2015. Nevada West State Plane US Feet (FIPS 2703), North American Datum of 1983.




Map 1: Ash Canyon Trail System



### Ash Canyon potential trailhead location



<p><b>Property Information</b></p> <p><b>Property ID</b> 00709128  <b>Location</b> SEC 11 15/19 S2 SE4  <b>Owner</b> CARSON LODGE #1  <b>Acres</b> 81.55</p>	 <p><b>MAP FOR REFERENCE ONLY NOT A LEGAL DOCUMENT</b></p> <p>Carson City , NV makes no claims and no warranties, expressed or implied, concerning the validity or accuracy of the GIS data presented on this map.</p> <p>Geometry updated 11/17/2018 Data updated 11/17/2018</p>	<p>Print map scale is approximate. Critical layout or measurement activities should not be done using this resource.</p>
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**Map 2: Potential Ash Canyon Trailhead Location**



APN: 007-091-28



**Property Information**

**Property ID** 00709128  
**Location** SEC 11 15/19 S2 SE4  
**Owner** CARSON LODGE #1  
**Acres** 81.55



**MAP FOR REFERENCE ONLY  
NOT A LEGAL DOCUMENT**

Carson City , NV makes no claims and no warranties, expressed or implied, concerning the validity or accuracy of the GIS data presented on this map.

Geometry updated 11/17/2018  
Data updated 11/17/2018

Print map scale is approximate. Critical layout or measurement activities should not be done using this resource.

**RESOLUTION NO. 2022-R-\_\_\_\_\_**

**A RESOLUTION TO OFFER TO PURCHASE PRIVATE PROPERTY KNOWN AS APN 007-091-28, LOCATED IN ASH CANYON, TOTALING APPROXIMATELY 81.55 ACRES UNDER NRS 244.275 FOR OPEN SPACE**

**WHEREAS**, NRS 244.275 allows the City to purchase real property necessary for the use of the City; and

**WHEREAS**, APN 007-091-28 is offered for sale at \$750,999.00; and

**WHEREAS**, the proposed purchase of the property would be consistent with NRS 244.275;

**NOW, THEREFORE**, the Carson City Board of Supervisors hereby resolves that:

- (1) It is in the best interests of Carson City to purchase APN 007-091-28 (“Property”) for open space purposes and quality of life purposes; and
- (2) Carson City staff shall perform the due diligence required to initiate the purchase of the Property under NRS 244.275; and
- (3) the purchase price shall be fixed by one or more competent real estate appraisers pursuant to NRS 244.275(2), not to exceed Seven Hundred, Fifty-Thousand, Nine-Hundred and Ninety-Nine Dollars and no cents (\$750,999.00); and
- (3) In the event the seller agrees to sell the Property to the City for no more than the appraised value, City staff shall prepare a purchase agreement for Board of Supervisors approval; and
- (4) the purchase shall be made under NRS 244.275.

Upon motion by Supervisor \_\_\_\_\_, seconded by Supervisor \_\_\_\_\_, the foregoing Resolution was passed and adopted this \_\_\_\_ day of \_\_\_\_\_, 2022 by the following vote.

VOTE:

AYES:

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NAYS:

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\_\_\_\_\_  
\_\_\_\_\_

ABSENT: \_\_\_\_\_

ABSTAIN: \_\_\_\_\_

\_\_\_\_\_  
Lori Bagwell, Mayor

ATTEST

\_\_\_\_\_  
Aubrey Rowlett, Clerk  
Carson City, Nevada