

**CARSON RIVER ADVISORY COMMITTEE
CARSON CITY OPEN SPACE ADVISORY COMMITTEE
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A joint meeting of the Carson River Advisory Committee and the Carson City Open Space Advisory Committee was scheduled for 5:30 p.m. on Wednesday, June 1, 2005 in the Community Center Sierra Room, 851 East William Street, Carson City, Nevada.

CARSON RIVER ADVISORY COMMITTEE: Chairperson Charles Zimmerman, Tom Farrer, Dan Greytak, Mark McCubbin, Randy Pahl, Keith Wills

CARSON CITY OPEN SPACE ADVISORY COMMITTEE: Vice Chairperson Dan Jacquet, Michael Fischer, Wayne Perock, Howard Riedl

STAFF: Parks and Recreation Department Director Roger Moellendorf, Open Space Manager Juan Guzman, Park Planner Vern Krahn, Principal Planner Lee Plemel, Recording Secretary Kathleen King

NOTE: A tape recording of these proceedings is on file in the Clerk-Recorder's Office, and is available for review during regular business hours.

CALL TO ORDER AND ROLL CALL (1-0007) - Chairperson Zimmerman called the Carson River Advisory Committee to order at 5:30 p.m. Roll was called; a quorum was present. Vice Chairperson Pugsley was absent. Member Farrer arrived at 5:41 p.m. Vice Chairperson Jacquet called the Open Space Advisory Committee to order at 5:31 p.m. Roll was called; a quorum was present. Chairperson Hartman and Members Bird and Scott were absent.

CITIZEN COMMENTS ON NON-AGENDIZED ITEMS (1-0017) - Lynn Zong distributed to the Committee members and staff a map and tables of information. She discussed the recreational aspects of the Brunswick Canyon portion of the Carson River, and offered her assistance to coordinate recreation opportunities. Chairperson Zimmerman suggested agendizing this item for a future Carson River Advisory Committee meeting. Ms. Zong invited the Committee members to participate in a raft trip. [Member Farrer arrived at 5:41 p.m.]

1. CHANGES TO THE AGENDA (1-0087) - None.

2. AGENDA ITEMS:

2-A. DISCUSSION ONLY REGARDING THE COMPREHENSIVE LAND USE MASTER PLAN SCENARIOS WITH REGARD TO THE CARSON RIVER CORRIDOR WITHIN CARSON CITY (1-0089) - Mr. Krahn provided background information on the presentation made at the last Carson River Advisory Committee meeting, and an explanation regarding the purpose of this item.

Ed James, of the Carson Water Subconservancy District ("CWSD"), advised that the CWSD Board takes great pains to not advise any county with regard to land use planning. He provided an overview of his presentation. He advised that the Carson River Advisory Committee ("CRAC") and Carson City adopted the guiding principles of the Carson River Coalition ("CRC") several years ago. He advised of having reviewed the land use master plan scenarios, and discussed the CWSD's strong recommendations to not promote development of the flood plain, to not fill in the flood plain, to not increase zoning density along the River, and to not build near the River. He suggested ensuring that development is prevented from

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creating urban runoff which would pollute the River. He noted Carson City's storm water drainage program which should cover development outside the Carson River corridor. He discussed the importance of maintaining wildlife habitat and connectivity to the River for wildlife.

In response to a question, Mr. James expressed the opinion that Scenario 3 would have the most impact to the River because of new development. He had no concerns over the other two scenarios provided that the proposed development is mitigated. He requested reconsideration of any development within the flood plain, as part of Scenario 3. Chairperson Zimmerman thanked Mr. James for his presentation.

2-B. DISCUSSION ONLY REGARDING THE WORK OF THE CARSON WATER SUBCONSERVANCY DISTRICT AND THE CARSON RIVER COALITION IN REFERENCE TO DEVELOPING A REGIONAL FLOOD PLAIN MANAGEMENT PLAN FOR THE CARSON RIVER (1-0192) - Mr. James advised that the flood plain management plan has been in the development stage for several months. The management plan will include the reaches of the Carson River from Alpine County to the Lahontan Reservoir and to Churchill County. Mr. James noted that water levels are higher this year than many people have seen for a long time. He discussed the concern to preserve the flood plain to ensure it functions as it has since the beginning of time. The CWSD and the CRC will be working with communities along the watershed.

Mr. James provided background information on, and described the agreement between, FEMA and the CWSD to map the entire Carson River watershed from Alpine County to the Lahontan Reservoir. FEMA will also provide future conditions. Mr. James explained that FEMA flood mapping is done for insurance purposes. Future development conditions can be submitted by communities to be run through FEMA flood plain models which will provide for better watershed planning. Mr. James noted that Douglas County has a very large flood plain, Carson City has a narrow flood plain, Lyon County has some flood plain, and Churchill County's flood plain is very small. Future conditions information is also important for recharge, habitat enhancement, etc. Mr. James advised that the FEMA project is approximately two years from being completed. He discussed the concern over flood plain development in the meantime, and advised that the CRC has formed a committee to develop a regional protection program which will be presented to the counties. The CWSD and the CRC are also working with the ranching community. Mr. James advised that Genie Azad is coordinating the program and is more than willing to work with various individuals and groups. In response to a question, Mr. James advised that last year's LIDAR measurements will serve as the base line and elevations for the FEMA mapping. He reiterated that the mapping is 18 months to two years from being completed.

Member Riedl noted the many priorities along the River for open space acquisition. He inquired as to the likely repercussions of development in the flood plain upstream of Carson City. Mr. James expressed the hope that development will not take place. He referred to examples, such as when the Army Corps of Engineers straightened certain reaches of the River in Douglas County during the 1960s. He described the destructive results. He referred to the issue of private property rights, and advised of more lawsuits against counties for allowing development then for preventing it. He advised that any upstream channelization would eventually result in the necessary channelization of the River all the way to the Lahontan Reservoir.

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In response to a question, Mr. James advised that the position of the CWSD and the CRC is to identify the existing flood plain and ensure that conditions are not worsened into the future; to ensure a functioning corridor and flood plain, and to protect the habitat and people. Mr. Krahn inquired as to how the River environment and development could co-exist. Mr. James advised that everything is site specific. Generally, with a narrow flood plain area, no development is better. Mitigation can be done for development in a large flood plain area. There are narrow spots on the Carson River which should definitely not be developed, and there are other places where development could be mitigated. The FEMA model will provide more specific answers. Chairperson Zimmerman suggested there should perhaps be no development in the flood plain until the FEMA model is complete. Mr. James advised that very limited development could be done in some places. He reiterated that the CRC flood plain management committee will be providing recommendations to each county during the interim. Mr. James advised that the biggest concern is encroachment on the River. He suggested limiting any growth in the flood plain, and expressed the hope that a recommendation will be presented to the CRAC in the next couple months that the Board of Supervisors would subsequently be asked to endorse.

Member Fischer inquired as to why a community would be held responsible for the actions of a private citizen. Mr. James speculated that the counties are held responsible for allowing development by issuing building permits. He clarified that most of the cases are not as a result of an individual home, but large developments which impact the flood plain and the River. In response to a further question, Mr. James advised that county ordinances should protect against litigation in situations where developers were not allowed to develop near the River bank. In response to a further question, Mr. James advised that the FEMA mapping will identify the flood plain and everything in it. The purpose is not to reconsider existing structures, however. In response to a question regarding upstream storage, Mr. James provided historic information on the CWSD. He explained that upstream storage couldn't be used for water resources because "every drop ... in the Carson River is already allocated. Even the flood waters are now claimed by Stillwater." Building a dam would only serve as a flood control channel, and the environmental issues would be very hard to overcome. Mr. James advised there may be a dam some day; however, it will result in encroachment on the River which, in turn, will cause new flooding issues. He advised that Washoe County will spend \$325 million to re-establish the Truckee River flood plain. The most cost effective approach for any community, into the future, is to not build in the flood plain.

Mr. Krahn commented that the CRC flood plain management committee recommendations will be very timely with regard to the master planning process. Chairperson Zimmerman thanked Mr. James for his attendance and participation.

2-C. DISCUSSION ONLY REGARDING THE PROGRESS OF THE V&T RAILROAD PROJECT (1-0560) - Ken Dorr, of Capital Engineering, introduced Jerry Luce, of J-Con Consultants, and provided background information on his involvement in the V&T Railway project. He provided historic information on the V&T Railroad and efforts at reconstruction. He reviewed the V&T Railway Reconstruction Accomplishments, the Project Phases, and maps included in the agenda materials.

Mr. Dorr advised that the BLM right-of-way has been secured. The right-of-way on the Serpa and Bently properties has yet to be secured. An issue of concern may arise out of replacing the tracks on the old grade, which is currently used as a four-wheel drive access road between Carson City and Lyon County. The road bed will have to be widened to a minimum of 15' to support the new track structure. This may create a

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problem with vehicular access. Mr. Dorr discussed a recent tour of the railroad, which included Nevada Railway Commission Administrator Kevin Ray and members of Senator John Ensign's staff. He advised that the condition of the River was "embarrassing" due to traces of the "transients that had just been removed" and the many abandoned vehicles. He suggested that vehicular access may be undesirable. He clarified that vehicular access from Lyon County would still be available, and described two routes. He discussed the concern of shooting in the area outside the City's Rifle and Pistol Range.

Mr. Dorr advised that the Bicycle and Trails Element of the Carson City Master Plan currently identifies a non-specific route from Carson City to Lyon County. Because the trail is included in the Carson City Master Plan, the Railway Commission had to guarantee construction of some type of trail in conjunction with the railroad in order to receive a finding of "no significant impact" through the environmental assessment process. Mr. Dorr reviewed the funding sources documentation included in the agenda materials. He requested the consideration of funding allocations and/or options for alternative alignments of the trail.

In response to a question, Mr. Dorr was unaware of whether or not funding would be allocated from the Legislature. Vice Chairperson Jacquet thanked Mr. Dorr for his presentation. He advised that the Serpa and Bently properties have been identified by the OSAC as high priorities for acquisition for the purpose of the V&T right-of-way. He further advised that if the properties are acquired by the City or the Bureau of Land Management, through the Southern Nevada Public Lands Management Act, the right-of-way issue will most likely be solved. Chairperson Zimmerman advised that the intent of the CRAC is to have the V&T and any trail co-exist, recognizing associated engineering issues. In response to a question, Mr. Dorr advised that the section of railroad from Moundhouse to Virginia City is "just railroad. It does not have an access or maintenance road attached." The intent is to utilize the historic section as much as practical. It's not wide enough but in the areas where the existing alignment is to be followed, north of Moundhouse in the Lineham Road vicinity, the intent is to use the old section. There will be an alignment change to get across Highway 50 because the old alignment has been built around by residential and commercial developments. That section doesn't have an associated maintenance access. The right-of-way width is nominally 50' and extends wider than that, as required with slope easements, depending upon the amount of cut and fill.

Member Perock expressed concern with regard to pedestrian safety along the railroad. In response to a question, Mr. Dorr advised that the theoretical maximum speed of the V&T will be 20 miles per hour. In reality, it would be more like 15 miles per hour. Through the canyon, because of the limited visibility, the train will operate at 10 miles per hour. There will be lots of reminders along the way for the engineer to sound the whistle. In response to a further question, Mr. Dorr advised that operation of the railroad needs to be established, but daily track patrols using a motor car or a high rail vehicle will be recommended.

Mr. Dorr acknowledged that the right-of-way from Deer Run Road to the Bertagnolli pit will be wide enough to accommodate train and vehicle access. He explained the proposed design, and advised that the intent is to maintain the two-way vehicular access to the Brunswick Canyon Bridge and the Bertagnolli pit. Mr. Krahn discussed the various funding mechanisms through which the reconstruction project can be made to co-exist with recreation opportunities at the River. In response to a question, Mr. Dorr advised that drop off points have been discussed and would have to be worked out with the operator. He further advised the Railway Commission will welcome and consider input from the City advisory committees. In response to

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a question, Mr. Dorr advised that the entire project is dependent upon funding. He acknowledged the Railway Commission is acquiring the right-of-way. He explained that the Railway Commission acquired 95 temporary and permanent easements for phase 1 of the project. NDOT provided technical assistance in identifying parcels. Mr. Dorr discussed significant donations received for phases 1 and 2 of the project. Chairperson Zimmerman thanked Mr. Dorr and Mr. Luce.

2-D. UPDATE ONLY REGARDING THE SOUTHERN NEVADA PUBLIC LANDS MANAGEMENT ACT AND STATE BALLOT QUESTION #1 APPLICATIONS (1-0973) - Mr. Guzman advised that the Bureau of Land Management, through the Southern Nevada Public Lands Management Act ("SNPLMA"), made an offer to Carson City to purchase the Bernhard property for \$2.5 million. Carson City has accepted the offer and is in the process of transferring ownership of the property. Mr. Guzman described the location of the property. He advised that the Bulin-Hollingsworth property was deleted from the SNPLMA process due to lack of an appraisal to justify the owner's asking price. He further advised that Mr. Bulin purchased the adjacent Stein parcel, which was also part of the SNPLMA process.

Mr. Guzman advised that staff is concentrating on the Question #1 application process, and hopes to acquire both the Bulin and Stein parcels. Funding has been received as part of Question #1, Round 1. Staff is "desperately looking for appraisals" and is entertaining proposals from various appraisers. Mr. Guzman advised that funding was received to purchase the Bently 40-acre parcel; however, Mr. Bently is no longer a willing seller. Mr. Bently has indicated no other development interests, and expressed an interest in retaining the property for the purpose of future potential deals in relation to the V&T. Mr. Guzman advised of having received funding to purchase the 19-acre Desormier parcel. He is awaiting appraisal of the property, and described it as a "key access piece into the remainder" of the other parcels previously mentioned.

Mr. Guzman discussed the Anderson and Jarrard properties, and advised that Question #1 funding was awarded for purchase of the Anderson property. A development company now has the properties under contract, however. In the meantime, Mr. Guzman has worked to identify other properties which may be of interest to the developer in order to keep the properties undeveloped.

Mr. Guzman advised that John Serpa has been working with Terra Firma, a company which specializes in conservation transactions, to sell the right-of-way associated with the V&T. He will proceed to negotiate a deal and present it for review by the OSAC, the CRAC, and the Board of Supervisors. Both the CWSD and Question #1 staff have requested Mr. Guzman to prepare a comprehensive list of those projects which are still viable. Once the list is prepared, he will present it to the pertinent advisory committees. Mr. Guzman acknowledged the need for revised City ordinances with regard to development in the flood plain.

Mr. Krahn advised that Carson River Park Phase II was submitted for Question #1 funding. The Board of Supervisors approved residential construction tax funds as the required match for the project. Since that time, staff has been working with the Division of State Lands to develop a funding agreement which has now been signed by Administrator Pam Wilcox. The agreement will be submitted to the Board of Supervisors in the near future. Staff has also been working with BLM staff to develop a memorandum of

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understanding which will allow construction of Carson River Park Phase II on Silver Saddle Ranch property. Staff will be contacting a consultant to get detailed proposals regarding conceptual design of the park which will be presented to the CRAC for review and approval.

3. ACTION TO ADJOURN THE OPEN SPACE ADVISORY COMMITTEE (1-1188) - Member Fischer moved to adjourn the Open Space Advisory Committee at 6:47 p.m. Member Riedl seconded the motion. Motion carried 4-0.

CARSON RIVER ADVISORY COMMITTEE AGENDA

CITIZEN COMMENTS ON NON-AGENDIZED ITEMS (1-1199) - None.

1. ACTION ON APPROVAL OF MINUTES - May 10, 2005 (1-1200) - Member Pahl moved to approve the minutes. The motion was seconded and carried 6-0.

2. CHANGES TO THE AGENDA (1-1215) - None.

3. AGENDA ITEMS:

3-A. ACTION TO MAKE RECOMMENDATIONS TO THE PLANNING COMMISSION AND THE BOARD OF SUPERVISORS REGARDING THE COMPREHENSIVE LAND USE MASTER PLAN SCENARIOS WITH REGARD TO THE CARSON RIVER CORRIDOR WITHIN CARSON CITY (1-1218) - Mr. Krahn reviewed the staff report. Mr. Guzman referred to the recommended action included in the agenda materials. He expressed the belief that the “best point of beginning” was to convey to the Planning Commission and the Board of Supervisors that the CRAC was created to be the custodians of the River and that the master plan should provide for the River to be naturally conserved.

In reference to Mr. James’ presentation earlier in the meeting, Member Greytak inquired as to whether the master plan is the place to protect the River corridor. Chairperson Zimmerman suggested that the flood plain issues should be addressed once more information is available to codify recommendations in a City ordinance. He further suggested that the master plan scenarios don’t allow for ordinance creation or restrictive zoning as part of a scenario selection, either generally or specifically, for each of the areas within the City. Mr. Plemel explained that the master plan is the place to start addressing protection of the flood plain. He noted that the current Carson River Master Plan element has policies to protect the flood plain, and the City has ordinances related to flood plain development. He suggested affirming or strengthening the policies of the Carson River Master Plan element with regard to flood plain development. Mr. Guzman explained that the master plan is not zoning, it is a blueprint as to where we want to go. The master plan can only be revised twice each year, in accordance with State law. The master plan is primarily the focus of the Planning Commission and not the Board of Supervisors, but there is some flexibility to adjust to changing times and circumstances. In trying to address flood plain and development regulations, the master plan provides the foundation for specific ordinances to address specific subjects. In the situation of litigation, a judge would look at the master plan to determine whether regulations are arbitrary and capricious. Chairperson Zimmerman commented that the explanations made sense in that it is the Committee’s obligation to consider the recommended action relative to the various scenarios presented.

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He suggested agendaizing, for a future meeting, consideration of specifics in terms of ordinance creation or how to deal with development and flood plain issues.

In response to a comment, Mr. Krahn explained that the Committee was being asked to decide on the scenarios and key choices related to the River. Staff identified in the staff report areas #4, #7, and #8 as the key choices most geographically related to the River. Mr. Krahn referred to the surveys included in the agenda materials, and advised that each Committee member could submit them to Mr. Plemel. He reviewed the recommended action included in the staff report.

Member Pahl expressed support for rejecting Scenario #3. He expressed the opinion that Scenarios 1 and 2 look the same next the River. Mr. Guzman explained the differences between Scenarios 1 and 2. He expressed the opinion that economic nodes make more sense in general planning practice. Member Pahl expressed support for considering viewsheds and storm water issues, especially along Highway 50. Mr. Guzman explained this is one reason he supports activity nodes. Member McCubbin suggested the residential development at the Race Track will impact the southern end of the Carson River more than allowing low density residential development in the northern portion where infrastructure is already in place. In response to a question, Mr. Plemel advised that the Race Track property is identified the same in all three scenarios, as approved by the Board of Supervisors on May 19, 2005.

Chairperson Zimmerman suggested approving staff's recommended actions #1 through #4. He expressed the opinion that action #1 is the most important, and that it seems to reflect the general comments of the committee from the last meeting. He suggested deferring action #6 in order to have more of an opportunity to discuss ordinances. Mr. Krahn commented that the recommended actions are very broad and general, and advised that policy-related issues will be revisited once a preferred land use plan is designated. Member Pahl expressed support for the recommended actions in that they tie in with the Carson River Master Plan element. **Member Pahl moved to approve actions #1 through #4. Member Wills seconded the motion.** At Member Greytak's request, **Member Pahl agreed to amend his motion to approve actions #1 through #3 only. Member Wills continued his second. Motion carried 6-0.**

With regard to recommended action #4, Member Greytak expressed a preference for recommending development of Scenario #1 in Key Choices #8 in order to avoid pursuing the transfer or sale of BLM lands. Mr. Guzman described the lands in the eastern portal and advised that they are designated by the BLM Urban Interface Plan for recreation and public purpose. He explained that Scenario #2 suggests considering the development potential of those lands. Member Greytak advised of a preference to review topographic maps and impacts to the River prior to considering development of lands in the area of the eastern portal. Member Pahl reiterated that it is difficult to tell which of the scenarios would have an impact on the River. Discussion ensued, and Mr. Plemel explained that "choosing #1 doesn't mean you like #1 everywhere." Mr. Guzman advised that the OSAC recommended Scenario 1.5. In response to a question, he explained that Scenario #2 brings nodes whereas Scenario #1 is more market driven. He commented that "what we have is the product of a market-driven economy," particularly along Highway 50. Member Greytak noted that the area is a lot larger and has a lot of open space. He expressed concern over the potential for high density development. In response to a question, Member Farrer noted that Scenario #1 proposes a potential 20 housing units as opposed to 1,262 in Scenario #2. Mr. Guzman explained that the area would be proposed for mixed use development. Mr. Plemel explained the mixed use commercial zoning designation, which assumes a residential development component.

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With regard to Action #4, Member Greytak moved to recommend the development of Scenario #1 in Key Choice #8 to develop the Eastern Portal along the Carson River for the preferred land use master plan because it is consistent with the Carson River Master Plan. Member McCubbin seconded the motion. Motion carried 5-1.

Chairperson Zimmerman entertained a motion with regard to Action #6; however, none was forthcoming. Member Farrer expressed an interest in reviewing more “concrete development proposals” prior to making any additional recommendation.

3-B. ACTION TO RELOCATE THE CARSON RIVER ADVISORY COMMITTEE’S REGULARLY SCHEDULED MEETINGS FROM THE COMMUNITY CENTER SIERRA ROOM TO THE CITY HALL CAPITOL CONFERENCE ROOM (1-2158) - Member Greytak advised of receiving comments since the last meeting from citizens who regularly watch the Committee meetings on television. He suggested that moving the meeting location may not be a good idea if the meetings will no longer be televised. Mr. Krahn provided background information on this item. Discussion ensued, and consensus of the Committee was to remain in the Sierra Room with set up of the meeting tables on the floor rather than the dais. No formal action was taken.

4. NON-ACTION ITEMS:

STATUS REPORTS AND COMMENTS FROM COMMITTEE MEMBERS (1-2448) - Member Greytak reviewed the “FYI” items included in the agenda materials.

STATUS REPORTS AND COMMENTS FROM STAFF (1-2414) - Mr. Krahn suggested scheduling the next Committee meeting in August.

FUTURE AGENDA ITEMS FROM COMMITTEE MEMBERS (1-2463) - Member Pahl advised of having recently rafted the Brunswick Canyon portion of the River. He suggested agendizing discussion with regard to promoting the area as a recreation opportunity. Member Greytak requested staff to present information regarding existing ordinances governing flood plain development.

5. ACTION ON ADJOURNMENT (1-2540) - Member McCubbin moved to adjourn the meeting at 7:51 p.m. Member Pahl seconded the motion. Motion carried 6-0.

The Minutes of the June 1, 2005 meeting of the Carson River Advisory Committee are so approved this 3rd day of August, 2005.

CHARLES ZIMMERMAN, Chair