

CARSON CITY OPEN SPACE ADVISORY COMMITTEE

Minutes of the August 15, 2005 Meeting

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A regular meeting of the Carson City Open Space Advisory Committee was scheduled for 6:00 p.m. on Monday, August 15, 2005 in the Community Center Sierra Room, 851 East William Street, Carson City, Nevada.

PRESENT: Chairperson Steve Hartman
Vice Chairperson Dan Jacquet
Michael Fischer
Wayne Perock
Howard Riedl

STAFF: Roger Moellendorf, Parks and Recreation Department Director
Juan Guzman, Open Space Manager
Kathleen King, Recording Secretary

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 DETERMINATION OF A QUORUM (1-0007) - Chairperson Hartman called the meeting to order at 6:00 p.m. A quorum was present. Member Scott was absent.

CITIZEN COMMENTS ON NON-AGENDIZED ITEMS (1-0012) - None.

1. ACTION ON APPROVAL OF MINUTES - July 18, 2005 (1-0015) - Member Fischer moved to approve the minutes. Member Perock seconded the motion. Motion carried 5-0.

2. CHANGES TO THE AGENDA (1-0021) - Mr. Guzman requested Chairperson Hartman to defer item 3-A to a future meeting due to the number of citizens present. He further requested to defer item 3-B until the arrival of Mr. Otterstrom.

3. AGENDA ITEMS:

3-A. DISCUSSION AND VISIT ONLY TO THE DEVOLL AND POTTER PARCELS AND THE C-HILL DRAINAGE IMPROVEMENT FACILITY LOCATED IN THE SOUTHWEST QUADRANT OF CARSON CITY WEST OF U.S. HIGHWAY 395 - Deferred.

3-B. ACTION TO EXPRESS GRATITUDE TO MIKE OTTERSTROM OF BOY SCOUT TROOP #45 FOR ORGANIZING, AS AN EAGLE SCOUT PROJECT, A COMMUNITY PLANTING OF 1,000 TWO-YEAR-OLD JEFFREY PINES AT APN 7-091-49, A 56-ACRE CARSON CITY PROPERTY LOCATED SOUTH OF LAKEVIEW WHICH WAS BURNED BY THE WATERFALL FIRE (1-0832) - Mr. Guzman reviewed the staff report and the agenda materials. He expressed sincere appreciation to Mr. Otterstrom for his efforts, and discussed the growth, rebirth, and healing represented by the project. He presented Mr. Otterstrom with a photographic collage commemorating the project. Chairperson Hartman expressed appreciation to Mr. Otterstrom, and discussed contributions to the community by young men and women involved in the Boys and Girls Scouts. The committee members expressed appreciation to Mr. Otterstrom. Mr. Guzman advised that Mr. Otterstrom also works part-time for the City's Engineering Division.

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3-C. ACTION TO ENTER INTO NEGOTIATIONS WITH BUZZ DEVOLL REGARDING THE POTENTIAL FOR PORTIONS OF APNs 9-252-03 AND 9-253-01 TO BE CONSIDERED FOR OPEN SPACE ACQUISITION (1-0036) - Mr. Guzman pointed out the subject property on a displayed map, oriented the committee members to the area, and described the characteristics of the property. He advised that Member Perock accompanied him at the time he evaluated the property. He recommended not entering into negotiations on this property. Member Perock agreed with Mr. Guzman's evaluation, and advised there are better opportunities for open space funds. He discussed the property's characteristics, and expressed the opinion it would not enhance the Open Space Program. **Member Fischer moved to not enter into negotiations on this parcel. Member Riedl seconded the motion.** Chairperson Hartman called for public comment.

(1-0117) Peter Hansel, a resident of Carson City, inquired as to the Open Space budget. Chairperson Hartman explained the City's budget process, and that the Open Space Program has a special revenue fund. In response to a further question, Chairperson Hartman explained the criteria to which all potential open space properties are submitted.

Chairperson Hartman called for a vote on the pending motion; **motion carried 5-0.**

3-D. ACTION TO ENTER INTO NEGOTIATIONS WITH ROB POTTER (PATRICIA POTTER FAMILY TRUST) REGARDING THE ASSESSMENT AND POTENTIAL OF APNs 9-140-05 AND 3-151-25 TO BE CONSIDERED FOR OPEN SPACE ACQUISITION (1-0142) - Mr. Guzman provided an overview of agenda materials which were distributed prior to the start of the meeting. He reviewed the staff report, pointed out the subject property on a displayed aerial map, and described its characteristics. He recommended entering into negotiations with the Potter family toward purchase of the property. He reviewed the August 15, 2005 voice mail transcript from Bruce Scott which was distributed prior to the start of the meeting. Member Perock advised of having visited the property with Mr. Guzman, and agreed with his assessment. He commented that any development on the hillside will "change the composition of the view shed." **Member Perock moved to proceed with negotiations with Mr. Potter. Member Fischer seconded the motion.** Member Riedl commented that the property is a "very worthwhile pursuit." He inquired as to the ownership status of the Ormsby Boulevard right-of-way. Mr. Guzman expressed the belief that the right-of-way is City property.

(1-0257) Rob Potter advised of having spoken with Chief Stormwater Engineer Robb Fellows, who is researching the existence of an easement or conveyance for the road. Mr. Fellows located a 10-foot easement for the water. Mr. Potter provided background information on the Ormsby Boulevard right-of-way. He advised that the "lines were drawn and surveyed in, but the transfer never occurred ..." The Assessor's maps indicate two parcels, one 19-acre parcel, the 80-foot Ormsby Boulevard right-of-way, and a 1.83-acre parcel. Mr. Potter advised that if the conveyance never took place, the 80-foot right-of-way is part of the 1.83-acre parcel.

(1-0305) Dan Mooney advised of having walked the trail for 27 years. He stated the C-Hill flag was "born on that trail about three days after 9/11," and suggested, therefore, that the trail has historic significance. He advised there are many people who walk the trail every day, and suggested that "it would be a real travesty if it were turned over to private development." He agreed with Mr. Guzman's evaluation of the property's characteristics. He expressed support for the motion, and offered his assistance.

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(1-0334) Jan Miller advised of owning property, at 508 Terrace Street, which backs up to Potter land. Between 508 and 516 Terrace Street, there is a vacant lot. Ms. Miller advised of having observed people using the trail every day. She would “hate to see people not have access.” She expressed support for the motion in order to ensure access from the street to the hill.

(1-0356) Aaron Barnett, a Terrace Street resident, expressed support for the motion on behalf of his family who uses the trail and the hill.

(1-0364) Peter Hansel, a Tacoma Street resident, expressed support for the motion and advised of regular use of the trail.

(1-0370) Libby Brown, a Terrace Street resident, expressed support for the motion.

(1-0382) Eileen Potter expressed concern over title of the property. She inquired as to U.S. Forest Service property adjacent to the Potter property, and whether it will remain perpetually open. Chairperson Hartman advised that the area is designated to remain open under the terms of the U.S. Forest Service interface area management plan. He clarified that the designations are periodically reviewed and that the City will have to stay involved in the process to ensure the interface areas remain open space. He anticipates that, because of fire issues, the designation would not change. In response to a question, Chairperson Hartman advised that a deed restriction would be applied, in terms of the property being acquired with open space funds, and the property would typically be rezoned to open space. He explained that the committee is currently dealing with perpetuity issues. He advised that it is the desire of this committee and the current Board of Supervisors that open space property remains open space. He clarified that open space property may have passive recreation uses.

In response to a question, Mr. Guzman advised that the most likely funding sources would be the Open Space Program and Question #1. Member Perock explained that perpetuity is a concept inherent in Question #1. He suggested that the Potter family should be fairly confident the property would remain open space. In response to a question, Chairperson Hartman reiterated that the U.S. Forest Service interface management plan designates the adjacent property as open space. He further reiterated that the property would be designated open space in the Carson City master plan. He agreed with Member Perock’s comments, and noted that once Question #1 funds are allocated, the State becomes involved.

In response to a question, Mr. Guzman explained that the R-1 zoned portion of the property will be important in the appraisal process. Once the property was acquired, the zoning would be changed to Public or Open Space. Ms. Potter expressed a concern over the property having a history of R-1 zoning. Chairperson Hartman provided background information on the City’s acquisition, and subsequent sale to the BLM, of the Bernhard property. He anticipates there would be no reluctance to rezoning the property. Vice Chairperson Jacquet expressed the understanding that the property would be retained in the Open Space Program and not transferred to another entity. Mr. Guzman referred to the recently adopted U.S. Forest Service Landscape Analysis, and pointed out the location of a proposed trail head in the vicinity of the subject property.

(1-0570) Mr. Mooney expressed appreciation to the Potter family for allowing access. Chairperson Hartman called for a vote on the pending motion; **motion carried 5-0**. Chairperson Hartman thanked the Potter family and the citizens for their attendance.

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3-E. ACTION TO ENTER INTO NEGOTIATIONS WITH ED SWAFFORD REGARDING THE POTENTIAL OF APNs 7-061-34 THROUGH 7-061-41 TO BE CONSIDERED FOR OPEN SPACE ACQUISITION (1-0601) - Mr. Guzman reviewed the staff report, and pointed out the subject properties on a displayed map. He noted that the subject properties were the very first to ever be considered by the committee, going back to 1997. He recommended appraising the property and submitting an offer to the land owner. He is awaiting a written offer from the U.S. Forest Service on the Gilbert property which is relatively close to the subject properties. He pointed out the Hutchison property, the purchase of which is being contemplated. He advised that the subject property fits the Open Space Program criteria as well as that of the U.S. Forest Service. He described the property characteristics and recommended entering into negotiations with the property owner.

Member Fischer expressed concern that the U.S. Forest Service may offer less than what the Open Space Program would allocate to purchase the property. Mr. Guzman advised that the committee would then have the option of retaining the property. Member Perock advised of having recently visited the property, and discussed the potential for the City's recreation department to conduct programs at the cabin site. In response to a question, Mr. Guzman advised that the 40 acres which includes the cabin could be retained by the City for recreation uses. **Member Fischer moved to authorize Mr. Guzman to enter into negotiations. Member Perock seconded the motion.** Chairperson Hartman expressed grave concerns over the ability of the U.S. Forest Service to perform. Mr. Guzman advised that the Secretary of the Interior had approved the purchase.

(1-0716) Mary Jo Brummer, representing Re-Max Realty Affiliates and the Swafford family, described characteristics of the property. She distributed flyers on the property to the committee members and staff, and discussed potential buyers. She advised that the property owners "are not desperate to sell," and have expressed concern over the CR-10 acre zoning. She further advised that the zoning was changed to CR-20 in December 2004. She stated that the property owners "have full capability to develop this property themselves if they so choose." She requested that the property be rezoned to 10-acre parcels and inquired as to the City's interest in purchasing it.

Chairperson Hartman explained the committee had no authority to rezone property, but reiterated that the subject property had been under consideration for a number of years. In response to a comment, he advised that the property is reasonably high on the committee's list of priorities and agreed with continuing to consider it. He reiterated the concern over the U.S. Forest Service. Member Fischer referred to the motion and suggested that the Board of Supervisors should be made aware of Chairperson Hartman's concerns.

In response to a question, Mr. Guzman advised that open space funds would be used to purchase the property with the intent of selling it to the U.S. Forest Service. Open space funds and Question #1 funds would be used to purchase the property with the intent of retaining and managing it for the City. This would assure perpetuity.

Member Riedl expressed the understanding that the motion authorized Mr. Guzman to enter into negotiations, and that the item would be reagendaized for consideration of whether or not to request U.S. Forest Service participation. Mr. Guzman commented that Chairperson Hartman's concerns are valid. He discussed the Bernhard property transaction, and noted the importance of purchasing property which meets the Open Space Program criteria.

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Ms. Brummer commented that the Horse Creek Ranch represents a “wonderful comparable” property. She noted that the subject property is very close in proximity to the Horse Creek Ranch and similar in characteristics. Chairperson Hartman called for public comment and, when none was forthcoming, a vote on the pending motion; **motion carried 5-0.**

4. NON-ACTION ITEMS:

STATUS REPORTS AND COMMENTS FROM COMMITTEE MEMBERS - None.

STATUS REPORTS AND COMMENTS FROM STAFF (1-0904) - Mr. Guzman advised of an upcoming meeting scheduled with Michael Fagan, and that they will dedicate one day a week to continue work on the conservation easement. He further advised that Jeff Winston will present the draft trails plan to the committee at the next meeting. (1-0957) Member Fischer requested that Mr. Winston present information regarding how Boulder, Colorado has handled open space in perpetuity. Chairperson Hartman discussed the need to address the practical issues of open space in perpetuity.

Mr. Guzman advised of having hired a firewood company to remove wood from the Joost property. Consideration has been given to opening the area for general fire wood cutting, but there are details to first be worked out with the Fire Chief. Mr. Guzman reported that Ash Canyon Road will be opened to general traffic later in the week. Chairperson Hartman noted the many residents who cut wood for winter heating, and that such an activity would enhance the rehabilitation efforts. He suggested “the sooner, the better” for opening the area to fire wood cutting. He expressed concern over the water shed in the spring.

Mr. Guzman advised that Laura Bird had submitted her resignation due to a conflict with a graduate studies course. He discussed Ms. Bird’s many contributions to the Open Space Program.

FUTURE AGENDA ITEMS FROM COMMITTEE MEMBERS - Previously covered.

5. ACTION ON ADJOURNMENT (1-0998) - Member Fischer moved to adjourn the meeting at 7:02 p.m. Vice Chairperson Jacquet seconded the motion. Motion carried 5-0.

The Minutes of the August 15, 2005 meeting of the Carson City Open Space Advisory Committee are so approved this 3rd day of October, 2005.

STEPHEN D. HARTMAN, Chair