

CARSON CITY OPEN SPACE ADVISORY COMMITTEE

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A regular meeting of the Carson City Open Space Advisory Committee was scheduled for 6:00 p.m. on Monday, April 29, 2002 at the Moffat Open Space Property, 4021 Lepire Drive, Carson City, Nevada.

PRESENT: Chairperson Steve Hartman
Vice Chairperson Dan Jacquet
Laura Bird
Michael Fischer
Margaret Robinson
Bruce Scott

STAFF: Steve Kastens, Parks and Recreation Director
Walter Sullivan, Planning and Community Development Director
Juan Guzman, Open Space Manager
Kathleen King, Recording Secretary

NOTE: A tape recording of the proceedings which took place in the Community Center Sierra Room is on file in the Clerk-Recorder's Office and is available for review and inspection during regular business hours.

TOUR OF THE MOFFAT PROPERTY - A quorum of the Committee met at 4021 Lepire Drive and staff conducted a tour of the recently completed improvements. The meeting was recessed at approximately 6:15 p.m. to be reconvened at the Community Center Sierra Room.

A. CALL TO ORDER AND DETERMINATION OF A QUORUM (1-0001) - Chairperson Hartman reconvened the meeting in the Sierra Room at 6:45 p.m. A quorum was present. Member Pacheco was absent.

B. APPROVAL OF MINUTES - March 2, 2002 and March 18, 2002 (1-0007) - Member Scott moved to approve the March 2, 2002 minutes. Member Fischer seconded the motion. Motion carried 6-0. Member Fischer moved to approve the March 18, 2002 minutes. Member Scott seconded the motion. Motion carried 6-0.

C. PUBLIC COMMENT (1-0020) - None.

D. MODIFICATION OF AGENDA (1-0023) - None.

E. DISCLOSURES (1-0024) - None.

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F. PUBLIC MEETING:

F-1. ACTION REGARDING A REVIEW AND RECOMMENDATIONS INVOLVING PLANNING COMMISSION ITEM A-00/01-4(a), AN ORDINANCE AMENDING THE CARSON CITY MUNICIPAL CODE (“CCMC”) TITLE 18 (ZONING), SPECIFICALLY PROPOSED CHANGES TO SECTION 18.04.170 (PUBLIC), SPECIFICALLY ADDING SECTION 18.04.175 (PUBLIC NEIGHBORHOOD), 18.04.180 (PUBLIC COMMUNITY), 18.04.185 (PUBLIC REGIONAL), AND 18.04.186 (PUBLIC), AND DISCUSSION REGARDING THOSE LANDS DESIGNATED AS PARKS OR RECREATIONAL FACILITIES; AND F-2. ACTION REGARDING THE DEVELOPMENT OF AN ORDINANCE FOR THE “OPEN SPACE” ZONING DISTRICT TO BE USED IN DESIGNATING OPEN SPACE LANDS IN CARSON CITY (1-0026) - Mr. Sullivan referred to the staff report included in the agenda materials and provided background information on development of the proposed revisions. He explained that the public zone will eventually be phased into one of the three new zoning designations. Mr. Guzman reviewed the current zoning districts included in CCMC Title 18 and how they are applied. Uses under the public zoning district include office, sewer plant, utilities substation, etc. All uses are subject to special use permit and will continue to be under the proposed zoning designations.

In response to a question, Mr. Guzman indicated he anticipates no problems developing the open space zoning district. He reviewed the ordinance process, and advised there will be plenty of opportunity for public input. He suggested inviting residents adjacent to open space properties to the public meetings. Mr. Sullivan acknowledged that the open space zoning district could apply to public lands such as those included in the Urban Interface Plan which have been identified by the Bureau of Land Management as open space, but advised that the zoning designation would be dependent upon the proposed uses. Most, if not all, of the BLM property is presently zoned conservation reserve which is a “holding zone” for land that is not developed. Mr. Sullivan explained that an open space use has been included in the public regional and public community designations, and reiterated that the designation would be dependent upon the proposed use. Vice Chairperson Jacquet suggested that open space zoning designations on the interface lands would be very useful for providing guidance to the BLM because of discretionary uses such as rights-of-way for pipelines, power lines, roads, etc. Mr. Sullivan explained that although the City has established zoning districts, reference is made to the Urban Interface Plan for actual uses. Chairperson Hartman suggested that attempting to go beyond the Urban Interface Plan on federal lands will create a conflict with the Solicitor General. Mr. Sullivan commented that the zoning relationship between the City and the BLM regarding land uses has been extremely good as proven by the Urban Interface Plan. Discussion took place regarding the possibility of designating federal lands in an open space zoning district.

(1-0310) Jon Nowlin suggested including a public open space zoning district rather than a separate open space zoning district. Mr. Sullivan referred to a memo included in the agenda materials and discussed uses included in the proposed open space zoning district. Mr. Nowlin clarified that his suggestion included a “public, open space” zoning designation which would not be within the proposed subcategories. Mr. Guzman acknowledged that this is what staff proposes to develop and submit to the Committee for review.

(1-0394) Tom Quigley discussed a neighborhood meeting conducted by City staff, and inquired as to the

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status of zoning changes on the east side of the Carson River. Mr. Sullivan advised that staff will inform the Board of Supervisors that residents on the east side of the Carson River do not want the public regional zoning district to go into effect and have expressed a preference that the area remain in the conservation reserve zoning district. Mr. Quigley suggested leaving the conservation reserve zoning until the open space zoning district has been developed. Chairperson Hartman reiterated that nothing Carson City does will have any affect on public lands owned by the federal government; the Urban Interface Plan is used to deal with those issues. Mr. Quigley inquired as to why the conservation reserve zoned lands were included in this process, and Chairperson Hartman explained that when the conservation reserve zoning district was developed, one of its functions was to serve as a public zone. At that time, an open space element in the public sense was included. Chairperson Hartman indicated that many people were concerned about private lands being converted to conservation reserve zoning and there was discussion about the public aspect such as viewshed. He suggested that the subject process will refine the designations.

In response to a question, Mr. Guzman advised that the open space zoning district will include lands acquired through the open space program as well as other lands which will fit within the definition of open space. Mr. Quigley requested the Committee to exclude property on the east side of the River from any recommendations regarding zoning changes, and continue to consider development of the open space zone. Chairperson Hartman commented on the importance of specifying attributes for public and open space zones. Mr. Guzman advised that, other than the Bernhard property, the City would like to rezone conservation reserve property to public zoning.

Member Fischer moved to follow staff's recommendation on item F-1. Member Scott seconded the motion. Mr. Sullivan referred to *The Zoning Report* included in the agenda materials and suggested that the Committee members consider the article regarding open space zones in zoning codes in developing the open space zoning district. Chairperson Hartman called for a vote on the pending motion; **motion carried 6-0.** **Member Fischer moved to request staff to develop language for an open space zoning district. Member Scott seconded the motion,** acknowledged the concerns expressed by Mr. Quigley on behalf of the Carson River residents, and requested staff to keep the Carson River Advisory Committee advised of the progress of this matter. Mr. Sullivan advised that this item is agendized for the May 1st Carson River Advisory Committee meeting. Chairperson Hartman called for a vote on the pending motion; **motion carried 6-0.**

F-3. ACTION REGARDING THE CONSIDERATION FOR POSSIBLE PURCHASE OF FOUR (4) PARCELS OF LAND TOTALING 39.72 ACRES, UNDER THE OWNERSHIP OF MIKE GILBERT, LOCATED APPROXIMATELY 2,000 FEET SOUTH OF THE PAVED TERMINUS OF KINGS CANYON ROAD EAST OF THE BORDA MEADOW, NE 1/4, SE 1/4 OF SEC. 23, T.15N., R.19E., M.D.B.&M., APNs 7-061-72, -73, AND -74 (1-0590) - Mr. Guzman reviewed the staff report, and advised that the U.S. Forest Service is interested in purchasing the land from either The Trust for Public Lands or the City with funds from the Southern Nevada Public Lands Management Act. This may take up to 18 months, however, and representatives of The Trust for Public Lands have expressed concerns regarding the carrying costs. Mr. Guzman referred to the findings of the slope analysis attached to the staff report and pointed out the various elevations on a displayed map. He advised that the entire parcel is within the City's skyline designation which will require a special use permit for development. He

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further advised that the parcel is classified as a wetland and includes a riparian resource. He indicated his

intent to continue negotiating with Mr. Gilbert and, as soon as the appraisal has been conducted, he will present the information to the Committee for a decision.

In response to a question, Mr. Guzman indicated he anticipates the appraisal to be completed in approximately 45 days. Member Scott referred to the Committee's recommendation, during the April meeting, to encourage and support The Trust for Public Lands in taking a primary role. He advised of a conversation with Mr. Gilbert, who expressed some frustration over "third-hand comments" related to this matter by a member of the Board of Supervisors. Mr. Gilbert is willing to go through with the appraisal, recognizes that the City will have to use it, and has requested the Committee to keep in mind that the appraisal is theoretically fair market value. Member Scott agreed with proceeding as recommended by Mr. Guzman, but suggested continuing to work with The Trust for Public Lands so that Mr. Gilbert is not required to wait a number of months while the City negotiates. He discussed the importance of the City being in a position to make decisions as information becomes available.

Chairperson Hartman suggested that The Nature Conservancy may be interested as well, and Mr. Guzman agreed to contact their representatives. He acknowledged he will keep the Committee updated with regard to the status of this matter. He has advised Mr. Gilbert of the environmental assessment process which will be required by the U.S. Forest Service in the event he decides to develop the property. Member Scott agreed with presenting the development requirements to the appraiser to evaluate and determine the impact of the regulations, the potentials, and the costs of development/access. He suggested being cautious in portraying the City or the Committee as obstacles to development or making the process more complex. No formal action was taken.

F-4. ACTION REGARDING CONSIDERATION FOR POSSIBLE PURCHASE OF THREE (3) PARCELS OF LAND TOTALING 467.08 ACRES, UNDER THE OWNERSHIP OF STANTON PARK DEVELOPMENT, INC., LOCATED SOUTH OF THE CREST OF "C-HILL", SOUTH OF CRAIN STREET AND WEST OF CURRY STREET, A PORTION OF SECTIONS 19 AND 30, T.15N., R.20E., M.D.B.&M., APNs 9-021-02; 9-031-01 AND 9-151-01 (1-0822) - Mr. Guzman referred to the displayed slope analysis map and reviewed the staff report. He pointed out an area which may be developable as a park or for recreation, the access road, and the steepest parcel. He responded to questions regarding possible development of an amphitheater and the potential for development of a road. He acknowledged that this property is on the same appraisal time frame as the Gilbert property. Member Scott suggested wording the agenda item in a way which does not imply the Committee may be taking action to purchase the property, and discussion took place with regard to the same. Mr. Kastens advised of the visibility of the bowl from the east side of the valley, and that any development will be very obvious. In response to a question, Mr. Guzman reviewed the slope percentages of the various colors represented on the displayed map. No formal action was taken.

F-5. ACTION REGARDING SELECTION OF A REGULAR MONTHLY DATE FOR HOLDING THE OPEN SPACE ADVISORY COMMITTEE REGULAR MEETING (1-0993) - Mr.

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Guzman reviewed the staff report. **Member Fischer moved to hold the monthly meeting on the third Monday of every month. Vice Chairperson Jacquet seconded the motion.** Mr. Guzman discussed the problems associated with not having a set date, and advised that special meetings can be scheduled when necessary. Chairperson Hartman called for a vote on the pending motion; **motion carried 6-0.**

F-6. DISCUSSION ONLY REGARDING STATUS REPORT ON THE IMPROVEMENT PROJECT AT MOFFAT PROPERTY, LOCATED AT 4021 LEPIRE DRIVE AND F-7. ACTION REGARDING THE LOCATION AND COST OF THE PLAQUE IN HONOR OF THE MOFFAT FAMILY AND SELECTION OF DATE FOR RIBBON CUTTING CEREMONY AT THE MOFFAT PROPERTY (1-1076) - Mr. Guzman advised that bills are still coming in, and that the total budget has almost been spent. He advised of receiving comments from the public regarding the direction of the benches. He further advised of the possibility of a Boy Scout project to pick up trash and clean graffiti, and that the Girl Scouts are interested in presenting a signage program. He discussed the proposed location for the plaque, and acknowledged that the project will not be over budget even with the change orders. He discussed a recent site visit with Parks Superintendent Scott Fahrenbruch, who arranged to have Parks crews clean up the trash and the graffiti. Chairperson Hartman commented on the benefit of the site to the community and commended staff on a job well done.

Member Scott moved approval of the proposed language with deletion of the last quotation mark above the date of dedication and correction of the contractor's name. Member Fischer seconded the motion. Mr. Guzman acknowledged that Mr. Moffat's representatives have approved the text, and that he will have it reviewed again before submitting it to the manufacturer. Chairperson Hartman called for a vote on the pending motion; **motion carried 6-0.**

Discussion took place regarding a proposed date for the ribbon cutting ceremony, and **Member Fischer moved to schedule the date for May 20th or for the second week in June. Member Scott seconded the motion.** Discussion took place regarding whom to invite, and Mr. Guzman reviewed the list. Member Scott suggested including the Carson River Advisory Committee. Member Fischer suggested including the citizens involved in the Quality of Life Initiative. Chairperson Hartman suggested including the Parks and Recreation Commission. Discussion took place regarding the need to accommodate parking. Chairperson Hartman called for a vote on the pending motion; **motion carried 6-0.** Mr. Guzman advised of his intent to spend approximately \$1,000 for the plaque and the Committee members concurred.

F-8. DISCUSSION ONLY REGARDING THE PINE NUT MOUNTAINS MASTER PLAN UPDATE (1-1310) - Mr. Guzman reviewed the staff report and advised that the next meeting is scheduled for Monday, May 6th. He discussed the issues identified in the pre-plan analysis which will be presented to the Committee for review in the near future. He acknowledged that he would provide more detailed information to the Committee members at the time the item is agendaized. In response to a question, he reviewed the issues list included in the agenda materials.

F-9. DISCUSSION ONLY REGARDING THE ACTIVITIES OF THE CLEAR CREEK WATERSHED COUNCIL (1-1415) - Mr. Guzman reviewed the staff report and the attached minutes of the April 25th and March 18th meetings. Member Scott commented on the importance of the Clear Creek

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watershed study issue and acknowledgment by NDOT of the Highway 50 drainage as a contributing factor to the sediment load. In response to a question regarding the time frame for making recommendations, Mr. Guzman advised that the current emphasis is to continue gathering information.

(1-1491) Mr. Nowlin commented that the Clear Creek Watershed Council and the NDOT erosion study are two separate activities. He advised that the next meeting of the NDOT consulting team is May 14th. The erosion study will ultimately lead to erosion control recommendations from the consultants in terms of NDOT's sources as well as other sources in the watershed. Mr. Nowlin discussed the erosion taking place on Old Clear Creek Road, and advised that the NDOT erosion study is on the "fast track" for specific recommendations.

F-10. ACTION TO AUTHORIZE THE COMMITTEE CHAIRMAN TO SIGN LETTERS TO THE BUREAU OF LAND MANAGEMENT, U.S. FOREST SERVICE, DEPARTMENT OF WILDLIFE, AND THE SECRETARY OF THE INTERIOR IN SUPPORT OF PURCHASE BY THE BUREAU OF LAND MANAGEMENT OF THE FORMER AL BERNHARD PROPERTY CONSISTING OF 61 ACRES AND LOCATED AT THE WEST SIDE OF CARSON RIVER ROAD (APNs 10-631-01 THROUGH 14; 10-632-01 THROUGH 20; AND 10-072-09) FROM CARSON CITY FOR OPEN SPACE/RECREATION PURPOSES (1-1531) - Mr. Guzman reviewed the staff report. **Member Fischer moved to recommend that the Committee Chairman be authorized to sign letters on behalf of the Open Space Advisory Committee, expressing to the decision makers the importance of the Bureau of Land Management's purchase of the former Al Bernhard property from Carson City. Member Scott seconded the motion.** In response to a question, Mr. Guzman advised that this matter was recently presented to the Board of Supervisors because of the narrow time frame. He has spoken with Jacques Etchegoyhen, who will be meeting with the Secretary of the Interior in the near future, and asked him to hand carry a "care package" from Carson City and talk to her regarding this purchase.

Member Scott suggested that certain members of the Committee would be able to help ensure that the letter best presents the case, and urged staff to take advantage of that expertise. Mr. Guzman advised that Chairperson Hartman has reviewed the letter and made suggested revisions. He invited other members of the Committee to do the same, and responded to questions regarding the circumstances surrounding Mr. Etchegoyhen's meeting with the Secretary of the Interior. In response to a question, Vice Chairperson Jacquet indicated that the letter accurately portrays the relationship between the BLM and the City and the reasons the acquisition is important both for acquiring environmentally sensitive lands and in facilitating relationships. Chairperson Hartman called for a vote on the pending motion; **motion carried 6-0**. Member Scott suggested including a sketch or a map of the property in the care package and Mr. Guzman advised that a three-dimensional model will be included.

G. FUTURE AGENDA ITEMS AND COMMITTEE MEMBER STATUS REPORTS (1-1715) - Vice Chairperson Jacquet suggested agendizing discussion regarding unregulated OHV use on hillsides in terms of how it may affect open space quality. He suggested researching ordinances from other cities regarding OHV activity. Mr. Guzman advised that this issue was addressed and substantial information provided at the recent State Lands Summit Conference, and that the Pine Nut Mountains Plan Amendment intends to address the issue as well. Mr. Kastens suggested this may be a zoning issue rather than an open

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space issue, and discussion took place with regard to the same.

Mr. Guzman advised that an item would be agendized to discuss sponsoring a program regarding appraisals, as well as an item regarding a clean up project for the canyons. He advised he would continue to work on the open space zoning district and keep the Committee up to date.

Member Bird advised of attending the Pacific Land Trust Conference at Fallen Leaf Lake with Mr. Guzman and Mr. Kastens. She discussed the topics presented and expressed appreciation for Carson City's open space program. Mr. Guzman reviewed the seminar topics, including due diligence and development of a planned giving program.

H. STATUS REPORTS FROM STAFF (1-1831) - Mr. Guzman discussed a tri-county effort which will be agendized for review by the Committee in the near future. He advised of attending recent Carson Valley Conservation District meetings, wherein discussions have taken place regarding amendment to the forest service boundary line. He further advised of a presentation regarding the open space program to the State Land Use Committee with Supervisor Pete Livermore. He has been talking frequently with BLM representatives about the Pine Nut Mountains Plan Amendment. On Thursday, April 18th, the Board of Supervisors adopted the Committee's recommendation on the wetlands study, appointed Dan Leck as appraiser for the Gilbert and Stanton Park properties, and reviewed and signed letters for the Secretary of the Interior regarding the Bernhard property. Mr. Guzman advised of speaking with representatives of The Trust for Public Lands and the U.S. Forest Service regarding the Gilbert property. With regard to development of the open space zoning district, Member Fischer suggested keeping in mind previous discussions regarding protection of open space in perpetuity.

I. ADJOURNMENT (1-1910) - Member Fischer moved to adjourn the meeting at 8:32 p.m. Member Scott seconded the motion. Motion carried 6-0.

The Minutes of the April 29, 2002 meeting of the Carson City Open Space Advisory Committee are so approved this _____ day of May, 2002.

STEPHEN D. HARTMAN, Chair