

CARSON CITY OPEN SPACE ADVISORY COMMITTEE

Minutes of the May 20, 2002 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, May 20, 2002 in the Community Center Sierra Room, 851 East William Street, Carson City, Nevada.

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

STAFF: Juan Guzman, Open Space Manager
Walter Sullivan, Planning and Community Development Department Director
Kathleen King, Recording Secretary

NOTE: Unless indicated otherwise, each item was introduced by Chairperson Hartman. A tape recording of these proceedings is on file in the Clerk-Recorder's Office and is available for review and inspection during regular business hours.

A. CALL TO ORDER AND DETERMINATION OF A QUORUM (1-0001) - Chairperson Hartman called the meeting to order at 6:00 p.m. A quorum was present. Members Bird and Pacheco were absent.

B. APPROVAL OF MINUTES - April 29, 2002 (1-0006) - Vice Chairperson Jacquet moved to approve the minutes. Member Scott seconded the motion. Motion carried 5-0.

C. PUBLIC COMMENT (1-0027) - Lisa Davis, a resident of Washoe Valley, requested the Chairperson to agendaize discussion and action regarding increasing the size of the Lakeview Estates trail head which provides access to the Sierras and Spooner Lake State Park.

D. MODIFICATION OF AGENDA (1-0046) - None.

E. DISCLOSURES (1-0047) - None.

F. PUBLIC MEETING:

F-1. ACTION REGARDING THE DEVELOPMENT OF AN ORDINANCE FOR THE "OPEN SPACE" ZONING DISTRICT TO BE USED IN DESIGNATING OPEN SPACE LANDS IN CARSON CITY (1-0050) - Mr. Guzman referred to the work schedule and the May 17, 2002 memo included in the agenda materials, and reviewed the same. In response to a question, Mr. Sullivan discussed proposed modifications to the work schedule and suggested beginning the public hearing process in September.

Member Scott suggested developing a revised schedule which staff can reasonably accommodate, and commented on the importance of sticking to the schedule. Mr. Sullivan suggested that one or two Committee members meet with staff to review ordinances which have been collected from other cities and

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select various points to be used in developing the open space zoning designation. Vice Chairperson Jacquet volunteered to assist staff.

(1-0137) Tom Quigley requested clarification regarding application of the open space zoning designation to federally-owned properties. Chairperson Hartman explained that zoning for Bureau of Land Management property is related to the Urban Interface Plan. Carson City cannot, as a local governmental entity, bind the BLM. Mr. Quigley expressed a concern that the Board of Supervisors is attempting to apply a public regional zoning designation to BLM property. Chairperson Hartman reiterated that only the federal government can regulate federal lands. In response to a question, he explained that the Board of Supervisors and the Open Space Advisory Committee have been working with the BLM on the Urban Interface Plan. He acknowledged that the open space zoning district would only pertain to privately-owned property within the boundaries of Carson City. In response to a further question, he advised that the property on the east side of the River which the BLM has established as open space would not be included in Carson City's open space zoning district. Vice Chairperson Jacquet advised that the BLM is willing to "use local zoning as guidance."

In response to a question, Mr. Guzman advised that he intends to follow the guidance of the Open Space Advisory Committee. The existing draft preamble of the open space zoning district does not include BLM lands. Chairperson Hartman reiterated that the supremacy clause of the U.S. Constitution will not allow Carson City to do anything on federal land. Mr. Sullivan offered Mr. Quigley the opportunity to work with City staff to develop a zoning district separate from the open space zoning district. Chairperson Hartman again reiterated that this would still not be binding on the BLM, the U.S. Forest Service, or any other federal entity. He expressed a concern that Mr. Quigley not be led to believe he has recourse that is not legally binding. He agreed with Vice Chairperson Jacquet's comments in that the BLM has always worked to follow the intent and the wishes of local government; however, they are not required to do so nor are any of their decisions in that regard binding. Vice Chairperson Jacquet advised Mr. Quigley that he can have input into BLM's land use planning processes.

(1-0288) Bill Schulz inquired as to the effect on private property owners of changing conservation reserve zoning to public regional zoning, and as to an explanation of the plans to develop the open space zoning district. Mr. Sullivan explained that most, if not all, of the properties rezoned to one of the public designations were owned by federal, state, or local government or the Airport Authority. There has been no attempt to rezone private properties. In response to a question, Mr. Sullivan explained the public regional, public community, and public neighborhood zoning designations. Member Scott advised that the Committee has never used zoning to enforce or effect open space. Chairperson Hartman provided historic information on properties included in the conservation reserve zoning district. In response to a question, Mr. Guzman reviewed the properties which the open space zoning district will designate. Chairperson Hartman encouraged Mr. Schulz's participation in development of the open space zoning district.

(1-0417) Larry Taylor referred to the Flint Drive site which has been designated for relocation of the Carson City Fairgrounds. He expressed a concern that the area will become a "magnet for other development" and inquired as to applicable restrictions. Chairperson Hartman referred to the Urban Interface Plan and the City's uses which abut BLM property. He stated it then becomes appropriate to use the Interface Plan and, while Carson City cannot bind the BLM, the BLM has been very good about following the desires of the City. At the request of Chairperson Hartman, Vice Chairperson Jacquet

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reviewed the recreation and public purpose process and uses allowed under R&PP zoning. In response to a question, Chairperson Hartman described the boundaries of the Urban Interface Plan.

Vice Chairperson Jacquet advised of comments he has received from the public and discussions which have taken place internally at the BLM regarding a concern that the public regional designation does not capture the essence of the open space portion of the Urban Interface Plan. The public regional designation best captures the recreational and public purpose portion of the Interface Plan, but there is no current public designation that captures open space. Vice Chairperson Jacquet advised that further dialogue will take place on this issue. Mr. Guzman reviewed the public hearing process for the open space zoning designation. Member Scott requested Mr. Guzman to provide copies of the revised work schedule to Mr. Quigley, Mr. Schulz, and Mr. Taylor. No formal action was taken.

F-2. ACTION REGARDING THE DATE FOR THE RIBBON CUTTING CEREMONY FOR THE MOFFAT PROPERTY, LOCATED AT 4021 LEPIRE DRIVE (1-0621) - Mr. Guzman reviewed the staff report. Member Scott advised he would be out of town on June 11th. **Member Fischer moved to approve the June 11th date for the ribbon cutting ceremony. Member Scott seconded the motion.** Mr. Guzman responded to questions regarding the reason Mr. Moffat may not be in attendance at the ceremony. Chairperson Hartman called for a vote on the pending motion; **motion carried 5-0.** Member Fischer suggested inviting Senator Mark Amodei to the ceremony as he was instrumental in seeing Question #18 through the legislature.

F-3. ACTION REGARDING THE SELECTION OF DATES FOR CONDUCTING FIELD SURVEYS OF PROPERTIES OF INTEREST TO THE OPEN SPACE ADVISORY COMMITTEE, INCLUDING AREAS WITHIN THE CARSON RANGE, VIRGINIA RANGE, AND THE CARSON RIVER ENVIRONMENT (1-0661) - Mr. Guzman reviewed the staff report and the attachment. He acknowledged that the property owners listed on the attachment are aware of the interest in their properties. Consensus of the Committee was to schedule the field trips for June 15th and June 29th.

F-4. STATUS REPORT ONLY REGARDING 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 (1-0712) - Mr. Guzman advised of a meeting with the appraiser and Mr. Gilbert on Friday, May 17th to discuss the parameters of the appraisal. He anticipates the appraisal will be complete in approximately sixty days, and advised that the seller is aware of this time frame. He further advised that the appraiser understands the development process from the City and U.S. Forest Service point of view.

F-5. STATUS REPORT ONLY 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 (1-0735) - Mr. Guzman reviewed the staff report, and advised that Mr. Millard is considering the possibilities of a tax donation as well as a trade. He advised that Mr. Millard is also interested in exploring

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tax advantages which would facilitate the City's purchase of the property, and will be meeting with his accountant to discuss the options.

(1-0758) Jon Springmeyer inquired as to whether the appraisal has been received, and Mr. Guzman advised he anticipates it will be completed in approximately sixty days.

Member Scott suggested considering options once there is an idea of the value. He expressed appreciation for Mr. Millard's willingness to consider tax implications and other alternatives which may facilitate acquiring the property at a lower cost. Mr. Guzman explained to Mr. Millard the City's hesitation in light of the fact that the U.S. Forest Service has indicated no interest in becoming the "long-term keeper of this land." In response to a question, Mr. Guzman advised that he has inquired of the Trust for Public Lands, the American Land Conservancy, and The Nature Conservancy regarding their interest in this property and that each of these entities' representatives indicated little interest.

F-6. DISCUSSION ONLY REGARDING THE PINENUT MOUNTAINS MASTER PLAN UPDATE (1-0791) - Mr. Guzman reviewed the staff report. He advised that approximately nine committees will be considering the issues outlined in the staff report and presenting information to the BLM at the meeting later this evening.

F-7. DISCUSSION ONLY REGARDING THE ACTIVITIES OF THE CLEAR CREEK WATERSHED COUNCIL (1-0909) - Mr. Guzman reviewed the staff report and advised that the Council continues to receive information from various agencies. He referred to the presentation made by Jean Stone of the Nevada Division of Environmental Protection included in the agenda materials. He advised that the Council will continue to receive information from the various agencies prior to developing specific recommendations. Mr. Guzman agreed to provide the Committee with information as to the water quality parameters regarding findings versus the standard. He explained that the main issue is turbidity which triggers additional reviews by the EPA. A recent investigation revealed that the cause was Costco and Wal-Mart and letters were subsequently sent to both proprietors requesting them to address the problem.

G. FUTURE AGENDA ITEMS AND COMMITTEE MEMBER STATUS REPORTS - Previously covered.

H. STATUS REPORTS FROM STAFF (1-0956) - Mr. Guzman reviewed the "FYI" items included in the agenda materials. Discussion ensued regarding conservation easements.

I. ADJOURNMENT (1-1142) - Member Fischer moved to adjourn the meeting at 7:08 p.m. Member Scott seconded the motion. Motion carried 5-0.

The Minutes of the May 20, 2002 meeting of the Carson City Open Space Advisory Committee are so approved this _____ day of June, 2002.

STEPHEN D. HARTMAN, Chair