

CARSON CITY OPEN SPACE ADVISORY COMMITTEE

Minutes of the December 16, 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, December 16, 2002 in the Community Center Sierra Room, 851 East William Street, Carson City, Nevada.

PRESENT: Chairperson Steve Hartman
Vice Chairperson Dan Jacquet
Laura Bird
Michael Fischer
Ron Pacheco
Bruce Scott

STAFF: Steve Kastens, 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 and inspection during regular business hours.

A. CALL TO ORDER AND DETERMINATION OF A QUORUM (1-0001) - Vice Chairperson Jacquet called the meeting to order at 6:00 p.m. A quorum was present. Chairperson Hartman arrived at 6:25 p.m. Member Robinson was absent.

B. APPROVAL OF MINUTES (1-0007) - None.

C. PUBLIC COMMENT (1-0009) - Jon Nowlin requested the Committee to consider agendizing discussion regarding management of the open space at Fuji Park and the Fairgrounds. He expressed a concern regarding the status of the riparian zone, and advised that the Board of Supervisors will be providing direction to City staff to work with the Fairgrounds Users Coalition regarding improvements to the recreational areas of the park and the Fairgrounds. He distributed photographs of the subject open space and riparian areas to the Committee members and staff. Mr. Nowlin further requested the Committee to consider agendizing discussion regarding the status of BLM lands along the county line on Highway 395. He advised that the northeast edge of the alluvial fan which makes up Indian Hill forms the southwest view shed of Eagle Valley. He noted that the existing development does not impact the view shed. He expressed the opinion that the City should request the BLM to consider how the land may be disposed of in terms of future development impacts to the view shed. He expressed the understanding that Douglas County's North Valley Plan indicates preservation of the view shed and open space values in Douglas County. However, because the subject land is not visible from Douglas County and Carson Valley proper, he suggested that "it's kind of written off in terms of the impact of development on the view shed." Development of the land could have a major impact on the view shed from Eagle Valley. Mr. Nowlin distributed a photograph of the subject area. Mr. Guzman acknowledged that these issues could be agendized for a future meeting. Vice Chairperson Jacquet recalled that the Committee agreed to consider managing the more natural features of Fuji Park, including the riparian zone.

D. MODIFICATION OF AGENDA (1-0069) - None.

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E. DISCLOSURES (1-0072) - None.

F. PUBLIC MEETING:

F-1. ACTION TO RECOMMEND TO THE BOARD OF SUPERVISORS THE CONSIDERATION TO PURCHASE THE GILBERT PROPERTY, CONSISTING OF FOUR 9.93± ACRE VACANT LOTS, TOTALING APPROXIMATELY 40 ACRES, LOCATED APPROXIMATELY 1300 FEET SOUTHEAST OF THE TERMINUS OF THE PAVED PORTION OF KINGS CANYON ROAD, APNs 7-061-72, -73, -74, and -75 (1-0075) - Mr. Guzman reviewed the staff report. He advised that Mr. Gilbert is not in a position to donate any portion of the land to the open space program. He has agreed to pay for half the costs of closing escrow, but is unwilling to contribute toward the costs of appraisal. Mr. Guzman advised that Mr. Gilbert received a copy of the staff report and was in agreement with the statements contained therein. Mr. Gilbert has requested payment of the purchase price in one lump sum rather than installments.

Mr. Guzman introduced Daniel Leck, the property appraiser, and pointed out the subject property, adjacent properties, and access points on a displayed map. He advised that Mr. Gilbert has an access easement sufficient to accommodate the required 50' right-of-way. He further advised that the appraisal discounts the theoretical value of having to construct the road. At the request of Member Fischer, Mr. Guzman pointed out developable acreage adjacent to the subject property. In response to a question, Mr. Guzman advised there are approximately twelve exceptions in the title report, none of which affect the appraisal. Most of the exceptions relate to the easement and the mineral rights. Mr. Leck explained that the primary exception was the easement through U.S. Forest Service ("USFS") land which would benefit the property. For each of the properties, the easement extends along the western boundary. In response to a question, Mr. Guzman advised that the reservations on the mineral estate were made in the late 1800s. Vice Chairperson Jacquet advised that additional steps may be necessary to withdraw the mineral estate from development. Mr. Guzman advised of having discussed the matter with USFS Ranger Gary Schiff and Marcia Joseph, neither of whom expressed any great concern. Because of the way the Forest Service plan has developed, neither Mr. Schiff nor Ms. Joseph anticipates any viability to the reservations.

Member Scott commented that the property is unique and that the appraisal is "an eye opener" in terms of value. He expressed the opinion that the cost of development can be considered in a number of ways; however, the property deserves the Committee's participation to preserve it as open space with the hope of one day including it in a USFS management unit or, at least, managing the property in conjunction with the USFS. He pointed out that the property is in a sensitive area and that there is no way to develop it without major impacts. If development were to occur in the meadow portion of the property, it would be very visible. He noted that the appraisal contains a lot of detail although good comparables are not available in the immediate area because of the nature of the market. He acknowledged the cost of the property but noted that acquisition of this type of property is the purpose of the open space program. Mr. Guzman acknowledged that the potential exists for future acquisition of the property by the USFS; however, he has promised Mayor Masayko and Chairperson Hartman that the Committee and staff will consider potential purchases based on open space values. He advised that he is working with USFS representatives to nominate the property as part of "the new round 4" of the Southern Nevada Public Lands Management Act ("SNPLMA").

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(1-0248) Mr. Nowlin requested the Committee to consider the view shed and environmental values of the subject property in light of drainage for the purpose of ground water recharge. He advised that the U.S. Geological Survey conducted a study in Carson City approximately six years ago which considered the contributions of various water sheds to the ground water reservoirs for recharge in Eagle Valley. Kings Canyon and Ash Canyon Creeks were the largest sources of recharge to ground water. Approximately 1,000 acre feet of the total 2,600 acre feet of ground water recharge to the valley are derived from the combination of Kings and Ash Canyon Creeks. Mr. Nowlin urged the Committee to keep these values in mind when considering parcels within the water shed. Vice Chairperson Jacquet acknowledged that the Committee and City staff recognize the value of wetlands, and that the subject parcel contributes greatly to Carson City's wetlands and riparian inventories.

Member Fischer moved that the Committee recommend to the Board of Supervisors to follow through with potential purchase of this property for the open space program according to the appraised value. Member Scott seconded the motion. Motion carried 5-0.

(1-0970) Member Fischer referred to page 24 of the appraisal and advised of a correction with regard to the sales tax listed.

F-2. ACTION TO PRIORITIZE THE CONSIDERATION OF POTENTIAL ACQUISITIONS OF LANDS LOCATED WITHIN THE CARSON RIVER AREA AND THE CARSON RANGE (1-0297) - Mr. Guzman reviewed the staff report and the discussion which took place at the last meeting with regard to this matter. He discussed the importance of prioritizing the properties in light of the \$1.9 million in available funding, and the possibility of bonding in consideration of acquiring all of the listed properties. He advised that the Committee members had been provided the environmental information on each of the listed properties and were requested to provide comments to staff. Mr. Guzman pointed out each of the listed properties on a displayed map according to their priority ranking, and discussed their values. [Chairperson Hartman arrived at 6:25 p.m. and Vice Chairperson Jacquet passed the gavel.]

Member Scott advised that, several years ago, the Masonic Lodge was considering sale of its Ash Canyon property for the purpose of constructing a new lodge. He inquired as to the possibility of available City property which could be traded. Mr. Guzman advised that this was previously considered; however, at the time the land first became available, there was no property suitable for the lodge. He will review the City's property inventory again to determine if anything has changed. Member Scott advised of a recent conversation with John Serpa, wherein he indicated that if the V&T Railroad is really going to be constructed, he would entertain selling the Carson River property and possibly consider a more favorable arrangement to the City than an outright sale. Member Scott advised that Mr. Serpa is involved in the V&T Advisory Committee, and noted that the room tax adjustment has been made for the V&T. He suggested that a great deal of the 965.1 acres will tie to the V&T project initially, and that perhaps other buyers are more interested than the open space program at this time. Mr. Guzman explained that the 965.1 acres were included as a priority because the River runs through them and they are very important for the BLM. He further advised that if the BLM should become the owner of the lands, its representatives have been aware of the V&T plans for some time. If that doesn't happen, Mr. Serpa has conveyed to the V&T group that he is willing to work with them to allow the V&T project to proceed. Mr. Guzman advised that the issues to be addressed are the riparian resource, the mercury contamination, and the ability to provide recreation along those areas. He

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referred to recent tours of the area which indicated that it is well used for recreational purposes.

In response to a question, Mr. Guzman advised that lands at the top of Ash Canyon will be very difficult to develop. Member Fischer expressed a concern that the general public may question the Committee's actions to purchase lands which are outside the view shed of Eagle Valley unless a great deal of funding from an alternate source is secured. Mr. Guzman advised that properties at the top of Ash Canyon are within the view shed of Eagle Valley. He commented that when visiting the Wilson and Benna/Marshall properties, one understands their scenic qualities; the views are very impressive. He advised that the properties' potential is recreation, and that they would be better managed by Nevada State Parks or by the USFS. He clarified that the USFS has indicated the opinion that it is more appropriate for Carson City to manage lands adjacent to those owned by the Carson City Utilities Department. He advised that an access problem associated with the Benna/Marshall property has been corrected in the last few months. He acknowledged that the Utilities Department is interested in the property for watershed purposes; discussions are ongoing and no offer to purchase has yet been made. Chairperson Hartman advised that former Public Works Director Dorothy Timian-Palmer had expressed an interest in the properties for watershed purposes. He agreed that the properties are remote and that access would be difficult.

In response to a question, Mr. Guzman advised that Nevada State Parks representatives have expressed an interest in applying for grant funding through Question #1 to purchase some of the more "remote pockets" of land. However, at the time use of Question #1 funding was contemplated, there were not yet any willing sellers. Mr. Guzman advised that he will continue discussing the matter in the hope that the properties will become a higher priority. Vice Chairperson Jacquet suggested creating an additional column in the potential purchases table to accommodate the potential for Question #1 funding. Mr. Guzman expressed the opinion that all the properties have very high potential for Question #1 match funding. He advised of a meeting scheduled with Ame Hellman, of The Nature Conservancy, in January 2003 to discuss bonding. Member Scott pointed out that Ash and Kings Canyon are part of the Carson watershed. Chairperson Hartman commented that the Stanton Park property is an issue in terms of subdivision development. Mr. Guzman acknowledged that the land owned by the University of Nevada Board of Regents was not included in the potential purchases table. Chairperson Hartman recalled that the properties owned by the Masonic Lodge, Mr. Serpa, and the University were being considered for a proposed subdivision. He agreed with Member Scott's earlier comments regarding the V&T project.

Member Bird requested input from Mr. Kastens regarding the recreation potential and possible problems associated with the Stanton Park property. Mr. Kastens advised that the property is very popular with hang gliders and that hang gliding, as a high risk activity, would have to be considered in the management plan in light of the City's potential for liability. He advised that the hill is also used extensively by off-road vehicles and that this would be an additional liability concern. He indicated that the City's Risk Management Division and the District Attorney's Office will have to be consulted regarding the City's exposure in allowing the current uses to continue. In response to a comment, Mr. Kastens suggested that fire management would be the least of the City's liability concerns. He advised that these issues would be researched and the information provided to the Committee members. Member Bird commented that the Stanton Park acreage is much larger than the other potential purchases, and agreed that these issues are important to consider in prioritizing the properties. Vice Chairperson Jacquet inquired as to whether the risks are offset by the property's value to the public. Mr. Kastens indicated that he would first have to know the risks, but agreed

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that there are many people who simply like to walk or hike the property. He discussed the value to the open space program of preserving the view shed as the property is very exposed and visual throughout Carson City. He agreed that the risks and liability will have to be weighed against the benefit. Member Bird suggested that management costs should be another consideration. Chairperson Hartman commented that reasonably simplistic management issues have been dealt with thus far. He agreed that such activities as hang gliding will change the context of open space property management. He acknowledged the value of and interest in the Stanton Park property.

Member Scott suggested sorting through properties which may potentially qualify for some SNPLMA consideration in the future and those which may be acquired by other funding sources, and prioritizing the properties based on some sort of calculated risk with regard to the possibility of imminent development. Another consideration is the possibility of bonding or generation of a relatively significant amount of funding with which to acquire property. He pointed out that some of the listed properties would become instant priorities if they were to be made available on the open market. He expressed a concern regarding inability of the Committee to make decisions if some of the key properties were to become available. Member Fischer suggested creating a reserve fund to ensure the Committee's ability to act when properties become available on short notice. Mr. Guzman advised that the Trust for Public Lands, The Nature Conservancy, and the American Land Conservancy have indicated a willingness to contribute funding for purchase of the Jerrard/Anderson land. Some of the lands around Carson City are already well known in the environmental community. Chairperson Hartman suggested that the issue is timing and that the Committee will need to be cautious in indicating its priorities to include the known parcels which embody the open space program vision that are not yet available.

Discussion took place with regard to officially prioritizing the properties, and consensus of the Committee was to further research some of the issues discussed. Member Scott suggested that the listed properties can be assigned to categories, and that the Committee members should consider properties which would be high priorities if they were available. No formal action was taken.

G. FUTURE AGENDA ITEMS AND COMMITTEE MEMBER STATUS REPORTS (1-0988) - Mr. Guzman referred to the 2003 meeting schedule included in the agenda materials and provided an overview of the January 2003 agenda.

H. STATUS REPORTS FROM STAFF (1-1006) - Mr. Guzman advised that the Board of Supervisors considered the Committee's recommendations on the BLM's Pinenut Mountains Plan Amendment. The Board amended one recommendation to allow consideration of mining in the area of Brunswick Canyon to El Dorado Canyon, which is the urban interface area boundary. Mr. Guzman reviewed Supervisor Plank's comments provided at the September 16, 2002 joint meeting of the Open Space Advisory Committee, the Carson River Advisory Committee and the Parks and Recreation Commission with regard to maintaining the possibility of mining in the Pinenuts. He advised that the Board was very complimentary of the Committee's annual report and grateful for the members' service to the community.

Mr. Guzman advised that he has been working with Ame Hellman regarding bond issues. He has discussed, with Division of State Lands Director Pam Wilcox, the possibility of presenting information to the Committee on Question #1, and Ms. Wilcox has indicated a willingness to do so. Vice Chairperson Jacquet

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reviewed the agenda items requested by Mr. Nowlin under public comment for the benefit of Chairperson Hartman.

Mr. Guzman advised that City Manager John Berkich attended a meeting with Senator Ensign's staff and other city managers of counties in northern and southern Nevada in which discussion took place regarding future implementation of the SNPLMA. Senator Ensign has requested one of his staff people to be present at the tri-county group meeting where properties are recommended for nomination. Senator Ensign's staff also discussed with Mr. Berkich the possibility of the BLM being able to reimburse Carson City for the Bernhard property. The reimbursement funding would be allocated out of funds remaining from round 3 or round 4. In response to a question, Mr. Guzman advised that John Lopez will be Senator Ensign's representative to the tri-county group.

Mr. Guzman advised that nominations for SNPLMA round 4 are proceeding. He has been working with USFS representatives who have reviewed the nominations and have requested more detail regarding how to orchestrate the Swafford sale. He has also been working with BLM representatives, and advised that nominations are due January 10th. The nominations to be submitted are lands which were previously prioritized. In response to a question, Mr. Guzman advised that the phase I environmental studies were recently completed on the round 2 properties; there was nothing negative to report. He discussed concerns associated with one property regarding vehicle access. He responded to questions regarding tax collection projections. Chairperson Hartman discussed development tools which could contribute to open space.

I. ADJOURNMENT (1-1193) - Member Fischer moved to adjourn the meeting at 7:12 p.m. Member Scott seconded the motion. Motion carried 6-0.

The Minutes of the December 16, 2002 meeting of the Carson City Open Space Advisory Committee are so approved this _____ day of January, 2003.

STEPHEN D. HARTMAN, Chair