

CARSON CITY OPEN SPACE ADVISORY COMMITTEE

Minutes of the October 20, 2008 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, October 20, 2008 in the Community Center Sierra Room, 851 East William Street, Carson City, Nevada.

PRESENT: Chairperson Steve Hartman

Michael Fischer

Tricia Lincoln

Wayne Perock

Howard Riedl

Bruce Scott

STAFF: Roger Moellendorf, Parks and Recreation Department Director

Juan Guzman, Open Space / Property Manager

Ken Arnold, Deputy Public Works Director

Vern Krahn, Park Planner

Ann Bollinger, Open Space Coordinator

Kathleen King, Recording Secretary

NOTE: A recording of these proceedings, the committee's agenda materials, and any written comments or documentation provided to the recording secretary during the meeting are public record. These materials are on file in the Clerk-Recorder's Office, and available for review during regular business hours.

CALL TO ORDER AND DETERMINATION OF QUORUM (6:00:00) - Chairperson Hartman called the meeting to order at 6:00 p.m. Roll was called; a quorum was present. Vice Chairperson Jacquet was absent.

CITIZEN COMMENTS ON NON-AGENDIZED ITEMS (6:00:11) - None.

1. ACTION ON APPROVAL OF MINUTES - August 18, 2008 (6:00:20) - Member Riedl moved to approve the minutes. Member Perock seconded the motion. Motion carried 6-0.

2. MODIFICATIONS TO THE AGENDA (6:00:42) - At Mr. Guzman's suggestion, Chairperson Hartman modified the agenda to address item 3-C prior to item 3-A.

3. AGENDA ITEMS:

3-A. ACTION TO RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF A CONSERVATION EASEMENT WITH MICHAEL FAGEN, OWNER OF THE HORSE CREEK RANCH, LOCATED APPROXIMATELY 2.5 MILES EAST OF THE PAVED TERMINUS OF KINGS CANYON ROAD, A PORTION OF APN 007-051-78; and 3-B. ACTION TO MAKE RECOMMENDATIONS TO THE PLANNING COMMISSION AND BOARD OF SUPERVISORS REGARDING A LAND DIVISION MAP APPLICATION (LDM-08-101-JP) CALLING FOR THE DIVISION OF HORSE CREEK RANCH INTO THREE PARCELS, APN 007-051-78 (6:43:28) - Mr. Guzman introduced these items, and invited Mr. Fagen to the meeting table. Chairperson Hartman thanked Mr. Fagen for his attendance and for his patience throughout the duration of the subject transaction.

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Mr. Guzman oriented the committee members to the subject parcel using the Horse Creek Ranch Area detail map which was displayed in the meeting room. He reviewed revisions to the conservation easement, copies of which were included in the agenda materials. Member Perock suggested revisions to pages 6, 7, and 10 of the conservation easement. He expressed support for the use of alternative energy methods, and suggested the main issue will be visual impact from Kings Canyon Road.

(6:56:26) With regard to the energy provisions included in the conservation easement, Mr. Fagen advised that a renewable energy engineer visited the property last week. He discussed various alternative methods, including a Pelton wheel or solar panels on the roof of the cabins. He further discussed the intent to “make any construction invisible from Kings Canyon Road just from a vandalism standpoint.” He noted one new revision to the conservation easement indicating “no new construction of any type.” He pointed out the location of two cabins on the displayed detail map, and discussed the intent to demolish them “because they’re about to fall down.” “Any new construction would be outside the meadow ...” He assured the committee members of the motivation that any new construction would be done “as discreetly as possible.”

Chairperson Hartman noted the extensive “give and take” in drafting the conservation easement. He further noted the difficulty in providing flexibility for future agricultural uses. Mr. Fagen provided historic information on development of the conservation easement since March 2003. He advised that “the easement has become smaller than everybody wants ...” He further advised of having submitted a land division map and that, with a recommendation of approval from this committee, “we can move ahead with the second step which is the easement.” Mr. Guzman discussed the requirement for the applicant to commission the appraisal for a conservation easement. The City will, in turn, hire a review appraiser. Mr. Guzman explained the very specific methodology, determined by the Internal Revenue Service, for appraising an easement. He advised that the subject conservation easement will be the first for Carson City. He estimated the cost at 50 to 75 percent of the full value, and advised there is \$2.6 million available in the Open Space Program acquisition account.

Member Scott advised he would abstain from voting. Mr. Fagen acknowledged that the agendized item is agreeable. Member Scott thanked Mr. Fagen for his patience and perseverance. Member Scott discussed the Open Space Advisory Committee field trip to Boulder, Colorado, and noted the contrasting methods by which various Colorado entities manage open space. He discussed the importance of providing incentive to the landowner to continue managing the property as open space “by not having the public running through it.” He noted the visual value of the subject property, and pointed out the importance of protecting the resource “not necessarily [to] make a new park.” “... it sounds really attractive to have it publicly open but it’s just not practical in a case like this.” Member Scott noted that public access at the Moffat property “works out well. This one ... that would ruin the whole concept.” With regard to the provisions of the conservation easement, he suggested the important points are “what [Mr. Fagen] has told us are his thoughts and his approach and his vision for the property.” Member Riedl commended Member Scott’s comments regarding public access. He pointed out that the easement does not restrict existing public access. The property “basically functions as it exists today without public access and this is preserving the values that are so important to Michael Fagen and the Carson City residents ...”

Chairperson Hartman called for public comment; however, none was forthcoming. He expressed sincere appreciation to Mr. Fagen for his patience in drafting the conservation easement. He expressed the opinion that the revised conservation easement accomplishes the goals of the Division of State Lands. He entertained a motion. **Member Perock moved to recommend to the Board of Supervisors approval of**

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a conservation easement with Michael Fagen, owner of the Horse Creek Ranch, located approximately 2.5 miles east of the paved terminus of Kings Canyon Road, a portion of APN 007-051-78. Member Riedl seconded the motion. Motion carried 5-0-1, Member Scott abstaining.

Chairperson Hartman entertained a motion for item 3-B. **Member Riedl moved to recommend to the Planning Commission and Board of Supervisors approval of a land division map application (LDM-08-101-JP) calling for the division of the Horse Creek Ranch into three parcels, APN 007-051-78. Member Fischer seconded the motion.** Chairperson Hartman called for additional committee member questions or comments, and for public comment. When none were forthcoming, he called for a vote on the pending motion; **motion carried 5-0-1, Member Scott abstaining.**

3-C. DISCUSSION ONLY REGARDING THE FEE TITLE ACQUISITION OF A 21-ACRE PORTION OF APN 007-101-51, AND TO ACCEPT THE DONATION OF A PERMANENT ACCESS AND EASEMENT WITHIN A PORTION OF THE JOOST RANCH LOCATED AT IMMEDIATELY WEST OF THE PRESENT PAVED TERMINUS OF ASH CANYON ROAD AND THE WELLINGTON CRESCENT SUBDIVISION (6:01:08) - Mr. Guzman introduced this item, reviewed the staff report, and oriented the committee members to the subject property using a displayed aerial photograph. He reviewed the open space values of the subject property, as outlined in the agenda materials. He noted the presence of many Joost family members in the meeting room.

Member Scott noted the offer was significantly below the appraised value of the land, and expressed appreciation for the rare opportunity. (6:07:25) In response to a question, Karen Joost explained that the offer made in the September 15, 2008 letter, which was included in the agenda materials, was with tax benefits in mind. Member Scott offered to support any committee assistance which would provide more of a tax benefit to the Joost family. Ms. Joost advised that the family's biggest concern is completing the transaction in the current calendar year. In response to a question, Mr. Guzman reviewed the time line for agendizing a Board of Supervisors item and recording a parcel map. In response to a further question, he discussed a concern of the Joost family over the abuse of access. Member Scott pointed out that dedicating the road would create the parcel. Mr. Guzman offered to look into the possibility of a 20-foot dedication. In response to a question, Chairperson Hartman advised that appraisals are valid for a period of six months pursuant to the Bureau of Land Management regulations. In response to a question, Mr. Guzman provided background information on and explained the access and buffer easements in conjunction with a displayed aerial photograph. Member Riedl thanked the Joost family for offering the land below the appraised value.

(6:16:06) Peggy Twedt advised that the buffer easement is a benefit to the Wellington Crescent property owners.

In response to a question, Mr. Guzman described the access easement as "permanent and unrestricted. That's the way that you will go if you want to access the water tanks and beyond if you are on a motorcycle, ... in a car, ... in a Jeep, ... on your horse ..." He acknowledged that the topography and drainage will be somewhat more challenging. He further acknowledged the intent to extinguish the access through the Wellington Crescent subdivision and substitute the subject access easement by action of the Board of Supervisors. Member Scott advised of concerns, but expressed the opinion to "keep them separate."

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Chairperson Hartman called for public comment. (6:18:44) Realtor Theresa Annas, representing David Leid, inquired as to the effect of the proposed transaction on Mr. Leid's property. Mr. Guzman reviewed the dimensions of the access easement, the widest point at 20 feet, and expressed the opinion that it will have a neutral effect on Mr. Leid's property. In response to a further question, Mr. Guzman advised that the road adjacent to Mr. Leid's property is used to access water intake facilities which are separate from the water tanks.

(6:20:20) Jim Kiernan, a property owner adjacent to the Wellington Crescent subdivision, advised that the water trucks "do use that road ... every day, twice a day." Mr. Kiernan described the route used by the water trucks, and responded to questions of clarification. Mr. Guzman noted the presence of Deputy Public Works Director Ken Arnold in the meeting room, and advised that he would "make sure that doesn't happen anymore." Mr. Kiernan advised of having discussed this meeting with Wellington Crescent Homeowners Association counsel. He requested to have notice of these meetings, and advised he was not testifying in opposition to the transaction. He expressed the opinion that the proposed transaction "may ultimately resolve a lot of problems and a lot of contentions that have gone on through many years since that subdivision was developed." He expressed appreciation for the kindness of the Joost family in having offered the easement. He discussed the migration patterns of an area deer herd, and expressed concerns over disrupting their path. He discussed additional concerns over dust and litter in the area due to access to the water tanks. "Once this road is opened, ... we will not be able to get our gates up quick enough."

In response to a question, Mr. Kiernan expressed a preference for the proposed access to be along the rear of his property "because we would then gate the community and block off the access as it goes up the hill from our subdivision." He acknowledged a familiarity with and support for covering the access easement with grindings. In response to a further question, he anticipated that trash will blow right up against the residential fences.

Member Scott discussed the need to provide for drainage from the access easement. In response to a question, Ms. Joost anticipated that removal of the temporary berm will improve the drainage situation. In response to a question, Mr. Guzman advised that the transaction allows for an easement. Even a relatively primitive road is a rather major issue to design and construct. In response to an earlier comment, Chairperson Hartman advised that the Open Space Program is not precluded from providing neighborhood notice of public meetings. He noted the importance of publishing advisory committee agendas on the City's website.

Member Scott noted that the Joost family had offered to dedicate the easement if the property is purchased, and inquired as to whether dedication of the easement would require construction of the road. He suggested that the easement could be phased from a technical perspective. Ms. Joost advised of the understanding that the Open Space Program was not interested in the 20+ acres without the easement. (6:36:56) In response to a question, Mr. Arnold advised of plans to continue using the "pipeline road" to access the water tanks. The site will become more critical to the overall water operation as time goes on. Chairperson Hartman noted difficulties associated with turning around at the top of the slope, but suggested this represented an engineering detail to be worked out.

Chairperson Hartman called for additional public comment and, when none was forthcoming, thanked the Joost family for their thoughtfulness and generosity. Ms. Joost discussed the importance of determining whether or not the transaction can be completed in the current calendar year. Chairperson Hartman

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suggested agendaizing this item for a meeting in early November, and discussion followed regarding the parcel process. Chairperson Hartman and the committee members thanked the Joost family.

3-D. REVIEW AND DISCUSSION ONLY REGARDING THE IMPROVEMENTS FOR THE FULSTONE WETLANDS LOCATED NORTH OF NORTHRIDGE DRIVE, ACROSS THE STREET FROM THE NEW BOYS AND GIRLS CLUBS, APN 002-101-73 (7:10:02) - Mr. Guzman introduced this item, and Ms. Bollinger reviewed the staff report in conjunction with a displayed map and photographs. She and Mr. Krahn responded to questions of clarification regarding the trail connection to the NDOT right-of-way. Member Riedl expressed support for the proposed changes as four water crossings would be eliminated. Ms. Bollinger responded to additional questions of clarification regarding the “lower path.” Mr. Krahn responded to additional questions of clarification regarding the NDOT fence openings.

In conjunction with the displayed map, Mr. Guzman described the topography of the project area in relation to the adjacent subdivision and the proposed trail system. He advised of discussions among staff to develop the trail “in the wetland because it will be below the graded area” and below the residential fences. He noted concern over interfering with the wetlands but also creating a privacy issue for the adjacent neighbors. Member Perock suggested considering a boardwalk system, and extensive discussion followed. Chairperson Hartman noted that risk assessment would be part of the design process. Mr. Guzman thanked the committee members for their input.

3-E. DISCUSSION ONLY REGARDING A SIGNAGE PROGRAM AND NAMING OF PROPERTIES FOR OPEN SPACE PROJECTS (7:28:45) - Mr. Guzman introduced this item, and reviewed the staff report. Member Perock discussed the importance of signage standards. Ms. Bollinger described the City Parks and Recreation Department standard signage design. She suggested that said design may not be suitable for all open space properties. She narrated photographs included in the agenda materials. Chairperson Hartman agreed with the importance of standardized signage for open space properties to provide identification as well as direction. He suggested that a work group could develop ideas to present to the committee at a future meeting, and noted Member Perock’s experience with signage. Member Scott suggested a simple design, as follows: a 4 to 6-inch diameter steel post, with common direction or signage, of a certain color, relatively resistant to most vandalism, and visible from a quarter to half mile distance. Discussion followed, and consensus of the committee was to convene the work group comprised of Members Perock and Lincoln.

Ms. Bollinger advised of having recently started developing a matrix of the open space properties, and requested the committee members to consider suggestions for naming the properties. Member Scott suggested that naming the properties should consider whether they were acquired by donation or at fair market value. Member Perock suggested considering the names by which properties are already commonly known, and discussion followed.

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3-F. REVIEW AND DISCUSSION ONLY OF THE NARRATIVE TO BE USED IN A PLAQUE COMMEMORATING THE PURCHASE OF THE WILSON PROPERTY, THE STEWARDSHIP PLAN, AND THE FUELS PLAN FOR THAT PROPERTY PREPARED BY JOHN COPELAND AND JOHN CHRISTOPHERSON WITH THE NEVADA DIVISION OF FORESTRY (7:42:36) - Chairperson Hartman introduced this item, and provided background information on Emerson Wilson's foresight in acquiring the subject property and the resulting benefit to Carson City. He suggested deferring this item to a future meeting pending the work group's presentation of recommendations for standardized signage.

Mr. Guzman referred to the fuels and stewardship plans, included in the agenda materials, which were developed by Nevada Division of Forestry staff. He noted that the fuels plan provides for addressing the ladder fuels. In response to a question, Ms. Bollinger advised that fuels reduction work on the Wilson property will commence once the property is acquired. Member Scott requested staff to draft a letter of appreciation, on behalf of the committee, thanking Nevada Division of Forestry staff for their technical support, and to copy the Board of Supervisors. Mr. Guzman agreed to draft the letter.

3-G. DISCUSSION ONLY REGARDING THE WORK PROGRAM FOR CALENDAR YEAR 2009 CONSISTING OF LAND ACQUISITIONS, MANAGEMENT ACTIVITIES, AND LAND IMPROVEMENTS WITHIN CARSON CITY (7:47:36) - Mr. Guzman introduced this item, and reviewed revisions to the staff report. He requested the committee members to review the staff report and the agenda materials, and advised that he would re-agendize the item. He noted the importance of prioritizing projects, and requested input of the committee members. He advised of Chairperson Hartman's request to list projects with associated cost estimates. Chairperson Hartman noted the importance of balancing the economic side of open space with quality of life. In response to a comment, he agreed with the importance of presenting the work program prior to the City's budget process. Ms. Bollinger responded to questions regarding the Tahoe Bike Path project, and discussion followed.

Ms. Bollinger advised that the Long property, together with the Darling and Schultz properties, had been nominated for both Forest Legacy and Southern Nevada Public Lands Management Act funding. She further advised that the Moffat property linear park trail is under construction. She anticipates the project will be completed by early November.

3-H. REVIEW ONLY OF THE AMENDMENTS TO THE QUESTION #1 FUNDING AGREEMENT AND DEED RESTRICTION TEMPLATE NECESSARY FOR THE REIMBURSEMENT OF FUNDS OF FEE ACQUISITION PROJECTS APPROVED THROUGH THE STATE OF NEVADA, QUESTION #1 CONSERVATION AND RESOURCE PROTECTION GRANT PROGRAM (7:59:54) - Mr. Guzman introduced this item, and reviewed the staff report.

4. NON-ACTION ITEMS

STATUS REPORTS AND ANNOUNCEMENTS FROM STAFF (8:01:25) - Mr. Guzman noted the "FYI" items included in the agenda materials.

MEMBERS' ANNOUNCEMENTS AND REQUESTS FOR INFORMATION (8:01:35) - In response to a question, Ms. Bollinger discussed reporting requirements for various grant funding agencies. Discussion followed.

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4-A. GRAZING MANAGEMENT ON RIPARIAN AREAS WORKSHOP

5. FUTURE AGENDA ITEMS (8:04:36) - Member Scott requested Mr. Guzman to begin looking into the Kelly property in Kings Canyon. He described the property characteristics, and advised of discussions regarding the potential for “multiple-entity acquisition” of the property.

6. ACTION ON ADJOURNMENT (8:06:20) - Member Fischer moved to adjourn the meeting at 8:06 p.m. Member Scott seconded the motion. Motion carried 6-0.

The Minutes of the October 20, 2008 Carson City Open Space Advisory Committee meeting are so approved this 12th day of January, 2009.

STEPHEN D. HARTMAN, Chair