

**OPEN SPACE ADVISORY COMMITTEE
STAFF REPORT**

MEETING DATE: October 15, 2012

AGENDA ITEM NUMBER: 3C

STAFF: Juan F. Guzman, Open Space Manager



REQUEST: For discussion only pertaining to the management of Open Space lands.

GENERAL DISCUSSION: At the last meeting, Chairman Scott requested that an item be placed on the agenda in order to initiate discussions related to the management of open space lands. Bruce anticipates that the Committee and staff will exchange ideas as to the items that the management of lands entails. For that purpose, staff has provided attachments pertaining to Section 13.06.140, Maintenance and Management of the Carson City Municipal Code, and 13.06.150, Other Public Lands.

In addition, staff has also made copies of the pertinent sections of the Open Space Master Plan that relate to the subject of management of open space. Pages 39-41 specifically talk about stewardship and management. Pages 50-52 contain policies adopted with the plan. Not all of the policies pertain exclusively to management, but some of them do. The Committee is requested to review the materials attached and from your own perceptions and understanding of the program prepare to discuss issues that are relevant to the nature of management of open space lands. We anticipate creating a list of those tasks and issues and continue the discussions and the refinement of concepts that relate to the stewardship of our lands.

RECOMMENDED ACTION: No action may be taken. This item has been placed on the agenda for discussion only.

provisions of the Carson City Municipal Code 13.06."

(Ord. 1997-30 § 1 (part), 14, 1997).

13.06.140 - Maintenance and management.

Except as otherwise provided in this chapter, open space land may not be improved after acquisition unless such improvements are necessary to protect or maintain the land or provide for passive recreation uses such as hiking, bicycling, equestrian and trailhead facilities, nature study, interpretative facilities, wildlife habitat, fishing and photography or similar compatible uses. It may be necessary to close an open space property temporarily, or seasonally, to protect a natural resource, or to make the property safe for public enjoyment. Maintenance and operation funds for open space acquired lands may be made available from the quality of life special revenue fund. The open space element of the Carson City master plan shall provide direction for the maintenance and management of open space lands pursuant to this chapter.

(Ord. 1997-30 § 1 (part), 15, 1997).

13.06.150 - Other public lands.

Funding for open space may be used for passive recreation improvements on other public lands, including federal, state and city-owned lands, maintained in a predominately undeveloped state within Carson City. Examples of compatible passive recreation improvements include trails, bicycling, equestrian and trailhead facilities, nature study, interpretative facilities, wildlife habitat, fishing and photography, or similar compatible uses.

(Ord. 1997-30 § 1 (part), 16, 1997).

MANAGEMENT OF OPEN SPACE

GENERAL REQUIREMENTS

The Open Space plan has been developed through the staffs of the Parks and Recreation Department and the Community Development Department, under the overall direction of the OSAC. Initially, the City's Open Space responsibilities will include public awareness, intergovernmental coordination and property negotiation/acquisition. As the City begins to acquire land and/or easements, it will begin to incur new responsibilities. Eventually, they will include maintenance of improvements, environmental stewardship, and public safety. A comprehensive list of ultimate responsibilities include:

Public Safety

- Leash laws, off-leash areas (coordinate with Env. Stewardship tasks)
- Provisions for fire protection, flooding
- Remedies for infractions

Property Acquisition

- Evaluation, prioritization
- Contact with property owners and/or agents
- Coordinate: title search (including mineral and water rights), hazardous material surveys
- Legal forms for purchase of fee, easements, accepting charitable donations, etc.
- Coordinate efforts of others: land trusts, agencies, governments)
- Recording deeds, agreements and assuring compliance with their conditions

Environmental Stewardship

- Protection/rehabilitation of habitats, species
- Location of improvements to minimize impacts
- Monitoring health of environments
- Fire management

Maintenance of improvements

- Signage (identification, regulations)
- Fencing
- Drainage & erosion control
- Re-vegetation
- Weed control

Public awareness/education

- Nature hikes
- Presentations (schools, community groups)
- Publications (brochures, newsletters, cable TV tours)
- Summer jobs for youth
- Outreach to potential land donors, volunteer organizations
- Corporate stewardship, Adopt-a-Canyon, etc.
- Trail etiquette

MANAGEMENT ROLES/RESPONSIBILITIES

Carson City's Open Space responsibilities can be filled initially by existing City staff that will "wear several hats". Eventually, the program will need its own staff members to oversee various Open Space functions. It will be important, even from the outset, to have a clear definition of roles and responsibilities.

To this end, initial roles and responsibilities for Open Space will be assigned as follows:

*Open Space Coordinator*¹⁰

- Coordinates the work of other city staff members assigned to Open Space
- Act as point person and coordinates negotiations with property owners
- Work with the Parks & Recreation Director to prepare the annual budget for Open Space activities
- Assure that Open Space maps are current and the Open Space master plan is updated at least every 5 to 7 years
- Coordinate Open Space activities, land acquisitions and management with other City departments
- Present recommended actions to the Open Space Advisory Committee and to the Board of Supervisors
- Direct preservation and construction work on Open Space lands purchased by the City

Open Space Advisory Committee

- Make recommendations to Board of Supervisors regarding Open Space purchases, physical improvements, plan review, and development recommendations and policies
- Assist the Open Space Coordinator with preliminary property negotiations and provide resource information

CC Board of Supervisors

- Approve amendments to the Open Space Element of the Carson City Master Plan
- Authorize negotiations and purchases of Open Space by the City
- Approve Open Space Implementation plan, policies and procedures

POLICIES

Most organizations are guided by policies. Policies are "decisions made in advance". They usually address recurring issues so they don't have to be debated each time they come up. Policies help remove bias and bring predictability to the operation of an organization. Policies can be formal or informal. Organizations that operate in the public domain are usually required to develop and follow formal policies. Since Open Space has not been a domain of Carson City in the past, there are few, if any Open Space policies already established.

¹⁰ Because this position may include physical improvements and technical environmental expertise (weed control, wildlife monitoring, etc.) this position should be located within the purview of Parks and Recreation Department.

Conflicts will inevitably occur between preservation of resources and public use. To resolve these issues it will be important for the City to begin to develop and follow formal policies with regard to Open Space. In the Appendix are listed a preliminary list of policies, that will undoubtedly be refined and amended as the Carson City Open Space program matures.

This is not to suggest that Open Space will be inflexibly bound by policies. Rather, it merely assures that when a decision is made to depart from "policy", it will do so consciously and with justification.

See the Appendix for Open Space Policies.

A.2: POLICIES

1. Purposes of Open Space

1.1 Open Space is land that is:

- in a natural or primarily natural state
- contains significant natural, visual, or cultural features that warrant protection and
- permanently protected.

1.2 Open Space in Carson City is intended mainly to preserve the natural landscape, and certain types of passive recreation, such as hiking, running, bicycling and horseback riding. Recreational facilities in Open Space areas are typically limited to trails and supporting picnic areas, interpretive facilities, restrooms, and parking lots.

1.3 Open Space in Carson City is not intended to be used for traditional active recreation facilities such as parks, playground equipment, baseball diamonds, soccer fields, and swimming pools.

2. Acquisition and Protection of Open Space Land

2.1 Open Space land may not be improved after acquisition except to manage, protect or provide passive recreation use, habitat for native plant or wildlife species, or to permit continuation of agriculture.

2.2 Open Space funds may be used to purchase land; to protect, preserve or restore natural resources; to afford limited public access and protect users and property.

2.3 Trails and trail-related improvements (trailhead parking, signage, restrooms, trash receptacles, etc.) will not be funded from the Open Space portion of the Ballot 18 Sales Tax. These improvements will be funded from the Parks portion of Ballot Question 18, in conjunction with conveying easements or land.

2.4 Open Space can be protected through a variety of mechanisms, including, but not limited to: donations, intergovernmental agreements, acquisition of partial-fee interests (easements, development rights, etc.), and zoning and other regulatory restraints on development.

2.5 The City will purchase land for Open Space only when no other approach is possible that will meet OS objectives.

2.6 Open Space funds may be used to purchase:

- Land
- easements that preserve the land in an undeveloped condition,
- development rights that preclude development of specific parcels, and
- water rights that may be used for the management of the land or for preservation of habitat.

2.7 Decisions to purchase Open Space lands are made by the Carson City Board of Supervisors. The OSAC makes acquisition recommendations to the Board of Supervisors, based on the directions and policies of the Carson City Master Plan, (including this and other elements)

and an evaluation of the Open Space needs of the community. Acquisition procedures are subject to all applicable federal, state and local statutes, ordinances and regulations.

- 2.8 Potential acquisitions will be evaluated according to the Open Space Guidelines form in this document. The Open Space Guidelines form may not be modified in the same meeting as they are used to evaluate a specific parcel of land.
- 2.9 The City will attempt to acquire mineral and water rights associated with or of benefit to a parcel of irrigated land if financially feasible and if consistent with Open Space objectives.
- 2.10 Potential acquisitions will be assessed for potential hazardous waste problems. Clean-up responsibilities will be delineated in the acquisition documents.
- 2.11 Acquisition includes a responsibility for stewardship. Land that is acquired will be inventoried in detail (collect existing data, photographic record, and specific studies as warranted to document unique conditions) and thereafter monitored at least annually.
- 2.12 Contact with property owners for negotiation purposes will only be conducted through the Chairperson of the OSAC for the first two years of the plan and through or with the Open Space Coordinator thereafter.
- 2.13 Generally, property purchased for Open Space may not be disposed of, or converted to another use. In certain cases it may be necessary to acquire a total property when only a portion of the property is desired for Open Space purposes. In such cases, and when identified prior to acquisition, the City may dispose of the undesired portion of the parcel and shall reimburse the Open Space fund by the higher of: the sale price of the undesired portion or the original pro-rata cost of the undesired portion.
- 2.14 Property originally acquired for Open Space may be converted to another public use, such as a park if the Open Space fund is reimbursed for the value of the converted property at the time of its conversion or original cost, whichever is higher.
- 2.15 In special circumstances, Open Space lands may be used for rights-of-way for roads provided they have been previously identified in the City's Master Plan and elements thereof. Water, sewer and other below ground utilities may be installed on Open Space lands only if adequate financial guarantees are escrowed to assure that the disturbed area will be restored to an indistinguishable natural appearance. Visible structures unrelated to the use or management of the Open Space (such as overhead powerlines, transformers, signs, etc.) will not be permitted on Open Space lands.

3. Management of Open Space lands

- 3.1 Open Space lands will generally be open for passive public use and enjoyment and trails will be developed where possible to appropriate access.
- 3.2 Certain Open Space properties may be leased for continued agricultural uses such as farming and grazing. Agricultural leases may continue to afford limited public access for passive use when not precluded by safety considerations
- 3.3 A goal of the Open Space Program is the protection and perpetuation of native plants, animals, birds, fish and reptiles as part of the natural ecosystem of Open Space lands. Native plants, animals, birds, fish and reptiles will be protected from removal. Natural processes and the controlling rules and regulations of federal and Nevada wildlife agencies will be used to

control and manage native species. Non-native species may be introduced only if they do not eliminate or displace native species and only with the approval of the appropriate federal and state agencies.

- 3.4 The City will seek to restore, maintain or improve the quality of all surface and ground water resources on Open Space lands. Activities with high potential for point or non-point source water pollution will be avoided.
- 3.5 It may be necessary to close an Open Space property or water body temporarily in order to protect a natural resource or to make a property safe for public enjoyment.
- 3.6 Landscape conditions caused by natural phenomena (flooding, erosion, wildfires) may be modified for habitat restoration, public safety or reconstruction of public facilities such as trails or cultural resources. Where erosion control is required, a natural-appearing method will be used.
- 3.7 To the maximum extent possible, plantings other than agricultural crops will consist of species native to the local ecosystem. High priority will be given to management of weeds that will have a substantial impact or can be reasonably controlled. Chemical pesticides, insecticides and herbicides will be used only when staff has determined that other options are not feasible or acceptable.
- 3.8 The City will maintain the integrity of water delivery and storage structures on its Open Space lands. It will responsibly manage water for beneficial uses to ensure the protection of water rights.
- 3.9 The City will seek to protect significant historic, archeological and ethnographic values on Open Space lands. Potential resources will be evaluated according to Carson City's Historical Architecture Review Committee and State and National Register standards. Archeological resources shall be left undisturbed unless removal is justified for protection. Historic areas, structures or landscapes will be preserved in their present condition if that condition allows satisfactory maintenance and use within the financial constraints of the Open Space program. Cultural resources not identified as having local, state or national significance may be permitted to deteriorate naturally, unless their removal is necessary for public safety or to restore land to its natural condition.
- 3.10 Volunteers are a valuable resource to the Open Space staff and to the public. The Open Space program will make an organized effort to provide volunteer work that is meaningful, productive and satisfying for the volunteers as well as Open Space staff.
- 3.11 The Open Space element of the Carson City Master Plan will be updated at least every 5 to 7 years.