

**OPEN SPACE ADVISORY COMMITTEE
STAFF REPORT**

MEETING DATE: February 24, 2014

AGENDA ITEM NUMBER: 3B

STAFF: Juan F. Guzman, Open Space Manager
Ann Bollinger, Natural Resource Specialist
Roger Moellendorf, Parks and Recreation Director

REQUEST: To acknowledge the Omnibus Public Land Management Act (OPLMA), the Conservation Easement, Carson City Municipal Codes, Carson City Master Plans, and other reports as related to the Management Plan for the Carson River Area and off-highway vehicle (OHV) recreation.

GENERAL DISCUSSION:

At the previous meeting of the Open Space Advisory Committee on January 27, 2014 regarding the Management Plan for the Carson River Area and specifically related to the Ambrose Carson River Natural Area, Prison Hill Recreation Area, and Silver Saddle Ranch (lands covered by the Conservation Easement), there was discussion regarding OHV use and area closures. Additionally, there were recommendations for further discussion on individual properties and public workshops. In order to continue work on the Management Plan, staff is providing background information that is being used to develop the plan and its recommendations.

Staff would also like to clarify terminology including: travel routes (i.e. the gravel road within Silver Saddle Ranch), vehicle access (to a parking area or destination) and motorized recreation (i.e. the south end of the Prison Hill Recreation Area).

Conservation Easement Lands: Ambrose Carson River Natural Area, Prison Hill Recreation Area, and Silver Saddle Ranch

Regarding the above mentioned properties, staff would like to remind the committee and the public that the OPLMA (Exhibit A) and the subsequent Conservation Easement (Exhibit B) clearly limit the use of motorized vehicles to designated areas: the south end of Prison Hill and the staging area and trails located east of Sierra Vista Road (Lane). The OPLMA was enacted by the United States Congress in January 2009 and the Conservation Easement was approved by the Board of Supervisors in December 2010. The Conservation Easement is considered a legal document and has been recorded with the deed to the properties. Additionally, it should be noted that the south end of Prison Hill and the staging area and trails located east of Sierra Vista Road (Lane) are the only areas currently considered open to OHV recreation by the BLM.

OPLMA

Use of Land – Natural Areas – Silver Saddle Ranch and Carson River Area, page 121:

- (ii) Exception. – Notwithstanding clause (i), the City may – (IV) allow the use of motorized vehicles on designated roads, trails, and areas in the south end of Prison Hill.*

Urban Interface, page 124:

(4) Off-Highway Vehicle Management. – Until the date on which the Secretary, in consultation with the State, the City, and any other interested persons, completes a transportation plan for Federal land in the City, the use of motorized and mechanical vehicles on Federal land within the City shall be limited to roads and trails in existence on the date of enactment of this Act unless the use of the vehicles is needed –

- A. for administrative purposes; or*
- B. to respond to an emergency.*

Conservation Easement

Page 1:

WHEREAS, notwithstanding the above, Carson City may... and allow the use of motorized vehicles on designated roads, trails and areas in the south end of Prison Hill;

WHEREAS, the conservation values as defined in OPLMA include... motorized vehicle use at south Prison Hill;

Permitted Uses, Page 3:

Without limiting the foregoing, the following uses and practices, though not necessarily an exhaustive recital of consistent uses and practices, are permitted under this Easement...

- (i) Except for official use, the right to use or permit the use of motorized off highway vehicles (OHV) on designated roads, trails and areas located in the south end of Prison Hill, consistent with the Management Plan. OHV use may be restricted or prohibited if necessary to meet the objectives of the conservation purpose and values. OHVs may be allowed to use specific staging area(s) and designated trails located east of Sierra Vista Road, formerly known as Mexican Dam Road, for the purpose of access to the Pine Nut Mountains.*

Prohibited Uses, Page 4:

Carson City is prohibited from uses or development of the property that would conflict, impair, or interfere with the conservation purpose and values of this Easement.

- (e) OHV use except in designated areas.*

- (h) Events – motorized events (other than OHV events at South Prison Hill), fairs & carnivals, cars shows and rodeos.*

Prior to enactment, the OPLMA was discussed in Carson City as the “Federal Lands Bill.” The Federal Lands Bill and Conservation Easement were publicly discussed throughout several meetings and with several committees from 2006 to 2010. In addition to the 10+ meetings of the Open Space Advisory Committee, the Federal Lands Bill and Conservation Easement were discussed at the meetings of the Carson River Advisory Committee, Parks and Recreation Commission, Planning Commission, and with final approval by the Board of Supervisors.

Open Space Properties (does not include the Conservation Easement Lands)

The acquisition and management of Open Space Properties is guided by the following resources, some of which were referenced on page 1-12 of the draft Management Plan as “Guidance Documents. Master Plan documents were reviewed in many public meetings and workshops prior to adoption by the Board of Supervisors.

Ballot Question No. 18 (Exhibit C)

Open Space Open space will be acquired and maintained as conservancy areas to be retained and used for the following purposes:

To provide off-street bicycle, hiking and equestrian trails that connect parks, schools and the valley with the mountains.

Carson City Charter (Exhibit D)

Article 8A - Local Sales and Use Tax for Open Spaces, Parks, Trails and Recreational Facilities

Sec. 8A.030 “Open space” defined. “Open space” means real property that is undeveloped or partially developed natural landscape, including, but not limited to, ridges, stream corridors, natural shoreline, scenic areas, watershed areas, viewsheds, agricultural or other land devoted exclusively to open-space use, conservation easements and easements devoted or connecting to open space use.

Sec. 8A.060 “Trail” defined. “Trail” means a path for recreational or leisure activities through or connecting open space, parks or recreational facilities for use by nonmotorized traffic. The term includes a path or additional lane for bicycles.

Carson City Municipal Code, Chapter 13.06 Open Space (Exhibit E)

13.06.010 – Purpose

Preservation of open space in all parts of the city will foster appreciation of the natural environment, provide increased opportunities for passive recreation, preserve agricultural uses, allow connecting open space corridors, and improve the quality of life.

13.06.100 – Preservation of Land

Open space land will generally be open for passive recreation improvements developed where appropriate and environmentally compatible. Examples of compatible passive recreation include hiking, bicycling, equestrian trail uses, nature study, interpretive facilities, wildlife habitat, fishing and photography, or similar compatible uses.

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.

Carson City Municipal Code, Chapter 21.07 Quality of Life (Sales and Use) Tax (Exhibit F)

21.07.010 – Definitions

- 7. “Trail” means a path for recreational or leisure activities through or connecting open space, parks or recreational facilities for use by nonmotorized traffic. The term includes a path or additional lane for bicycle.*

Carson City Master Plan (Exhibit G)

Chapter 3, page 3-22:

Land Use Category: Open Space. Uses: May also be preserved without public access to protect sensitive natural areas. Characteristics: Public access may be provided with designated trails or bicycle facilities; however, in other areas lands may be left intact as visual buffers... or to protect significant ridgelines visible from various areas of the community.

Chapter 8, page 8-28:

Eastern Portal – Virginia & Truckee Railroad Gateway Specific Plan Area – Trail Facilities: The Parks and Recreation will continue to work with the V&T Commission and V&T consultants in locating appropriate trail facilities along the Carson River corridor consistent with the V&T operation plans and the Unified Pathways Master Plan.

Public Participation, Appendix B, pages B-1 through B-4

Open Space Plan (Exhibit H)

Introduction, page 5:

... By this definition, Open Space in Carson City is intended mainly to preserve the natural landscape and to accommodate certain types of passive recreation, such as hiking, running, bicycling and horseback riding. Open Space in Carson City is not intended to be used for traditional active recreation facilities...

Public Input, page 7

Carson City's Open Space Setting, page 5:

But Open Space is important to Carson City for reasons other than just visual...Several areas are used intensively for motor bikes and off-road vehicles.

Opinion Survey – Management of Open Space, page 15:

Looking ahead to management issues on Open Space, respondents were asked about acceptance of possible regulations and restriction on Open Space. Respondents strongly supported virtually all the potential restrictions on Open Space, if necessary for environmental reasons, including: Prohibit motorized vehicles in some areas

Characteristics of Existing Open Space – Areas of Cultural / Recreational Importance, page 21:

Public lands around Carson City are popular for off-highway vehicle use, horseback riding and mountain biking.

Unified Pathways Master Plan (Exhibit I)

Public Input, pages 1-5 through 1-6

OHV Areas, page 9-3:

OHV use is designated for a number of double track trails and several general areas. The areas designated for general OHV use reflect existing use areas in the northeast and southeastern portion of the City – in the Pine Nut Mountain area and the south end of Prison Hill. OHV-designated trails include routes to and between these general OHV use areas, as well as fire roads and other double track trails that are currently used by OHV's.

It is acknowledged that there are other trails, especially single track, that may be currently used by OHVs but are not so designated on the UPMP. The detailed documentation of all trails in the Eagle Valley, and the types of use they experience, is beyond the scope of this Master Plan. It is recommended that detailed trail/use mapping be completed as an early implementation action of the UPMP, followed by a more detailed analysis of OHV needs, opportunities, and compatibilities.

Off-Street Trails Policies, page 9-5:

1. *OHV usage shall be on designated trails only.*

5. *The trailhead symbols on the UPMP are inclusive of those below. That is, OHV trail heads include equestrians and other trail users. Equestrian trailheads exclude OHV use, but include parking for hikers, bikes, etc. Pedestrian trail heads exclude OHV and equestrian use.*

Unified Pathways Master Plan map:

In the Management Plan for the Carson River Area, the only areas designated for OHV use are the south end of the Prison Hill Recreation Area, the trailhead on Sierra Vista Lane, and a short route on Brunswick Canyon Road across the Carson River Canyon Open Space.

Community Design Charrette for the Silver Saddle Ranch and Carson River Area (Exhibit xxx)

From 2007 to 2009, there was also a Community Design Charrette for the Silver Saddle Ranch and Carson River Area. The charrette recognized OHV recreation, recommended continued use at the south end of Prison Hill, and suggested education programs, signage, etc. The Board of Supervisors accepted the report and its recommendations in July 2009. Similar to the Federal Lands Bill and Conservation Easement, the Design Charrette was publicly discussed throughout several meetings and with several committees. Additionally, there were three public workshops and an intensive three-day charrette.

The Design Charrette did not review the Carson River Canyon Open Space area. Staff would agree that, like the Carson City Master Plan, it is a Specific Plan Area and further analysis should be conducted regarding activities and uses.

In summary, OHV recreation on Ambrose Carson River Natural Area, Prison Hill Recreation Area, and Silver Saddle Ranch is identified and restricted per the terms of the OPLMA and the Conservation Easement. OHV recreation as well as other activities and management recommendations for the Carson River area have been discussed and accepted in recent years and will be incorporated into the Management Plan. Some areas, such as the Carson River Canyon Open Space, may require further analysis.

RECOMMENDED ACTION: I move to acknowledge the Omnibus Public Land Management Act (OPLMA), the Conservation Easement, Carson City Municipal Codes, Carson City Master Plans, and other reports as related to the Management Plan for the Carson River Area and off-highway vehicle (OHV) recreation.

Exhibit A

H. R. 146—120

(A) CONSIDERATION.—Before the conveyance of the 62-acre Bernhard parcel to the City, the City shall deposit in the special account established by subsection (e)(2)(A) an amount equal to 25 percent of the difference between—

(i) the amount for which the Bernhard parcel was purchased by the City on July 18, 2001; and

(ii) the amount for which the Bernhard parcel was purchased by the Secretary on March 24, 2006.

(B) CONSERVATION EASEMENT.—As a condition of the conveyance of the land described in paragraph (2)(B)(ii), the Secretary, in consultation with Carson City and affected local interests, shall reserve a perpetual conservation easement to the land to protect, preserve, and enhance the conservation values of the land, consistent with paragraph (4)(B).

(C) COSTS.—Any costs relating to the conveyance under paragraph (1), including any costs for surveys and other administrative costs, shall be paid by the recipient of the land being conveyed.

(4) USE OF LAND.—

(A) NATURAL AREAS.—

(i) IN GENERAL.—Except as provided in clause (ii), the land described in paragraph (2)(B)(i) shall be managed by the City to maintain undeveloped open space and to preserve the natural characteristics of the land in perpetuity.

(ii) EXCEPTION.—Notwithstanding clause (i), the City may—

(I) conduct projects on the land to reduce fuels;

(II) construct and maintain trails, trailhead facilities, and any infrastructure on the land that is required for municipal water and flood management activities; and

(III) maintain or reconstruct any improvements on the land that are in existence on the date of enactment of this Act.

(B) SILVER SADDLE RANCH AND CARSON RIVER AREA.—

(i) IN GENERAL.—Except as provided in clause (ii), the land described in paragraph (2)(B)(ii) shall—

(I) be managed by the City to protect and enhance the Carson River, the floodplain and surrounding upland, and important wildlife habitat; and

(II) be used for undeveloped open space, passive recreation, customary agricultural practices, and wildlife protection.

(ii) EXCEPTION.—Notwithstanding clause (i), the City may—

(I) construct and maintain trails and trailhead facilities on the land;

(II) conduct projects on the land to reduce fuels;

(III) maintain or reconstruct any improvements on the land that are in existence on the date of enactment of this Act; and

(IV) allow the use of motorized vehicles on designated roads, trails, and areas in the south end of Prison Hill.

(C) PARKS AND PUBLIC PURPOSES.—The land described in paragraph (2)(B)(iii) shall be managed by the City for—

- (i) undeveloped open space; and
- (ii) recreation or other public purposes consistent with the Act of June 14, 1926 (commonly known as the “Recreation and Public Purposes Act”) (43 U.S.C. 869 et seq.).

(D) REVERSIONARY INTEREST.—

(i) RELEASE.—The reversionary interest described in paragraph (2)(B)(iv) shall terminate on the date of enactment of this Act.

(ii) CONVEYANCE BY CITY.—

(I) IN GENERAL.—If the City sells, leases, or otherwise conveys any portion of the land described in paragraph (2)(B)(iv), the sale, lease, or conveyance of land shall be—

- (aa) through a competitive bidding process; and
- (bb) except as provided in subclause (II), for not less than fair market value.

(II) CONVEYANCE TO GOVERNMENT OR NON-PROFIT.—A sale, lease, or conveyance of land described in paragraph (2)(B)(iv) to the Federal Government, a State government, a unit of local government, or a nonprofit organization shall be for consideration in an amount equal to the price established by the Secretary of the Interior under section 2741 of title 43, Code of Federal Regulation (or successor regulations).

(III) DISPOSITION OF PROCEEDS.—The gross proceeds from the sale, lease, or conveyance of land under subclause (I) shall be distributed in accordance with subsection (e)(1).

(5) REVERSION.—If land conveyed under paragraph (1) is used in a manner that is inconsistent with the uses described in subparagraph (A), (B), (C), or (D) of paragraph (4), the land shall, at the discretion of the Secretary, revert to the United States.

(6) MISCELLANEOUS PROVISIONS.—

(A) IN GENERAL.—On conveyance of the non-Federal land under paragraph (1) to the Secretary of Agriculture, the non-Federal land shall—

- (i) become part of the Humboldt-Toiyabe National Forest; and
- (ii) be administered in accordance with the laws (including the regulations) and rules generally applicable to the National Forest System.

(B) MANAGEMENT PLAN.—The Secretary of Agriculture, in consultation with the City and other interested parties, may develop and implement a management plan for National Forest System land that ensures the protection and stabilization of the National Forest System land to minimize the impacts of flooding on the City.

(7) CONVEYANCE TO BUREAU OF LAND MANAGEMENT.—

carrying out, the transfers of land to be held in trust by the United States under subsection (h)(1); and

(iii) acquire environmentally sensitive land or an interest in environmentally sensitive land in the City.

(2) SILVER SADDLE ENDOWMENT ACCOUNT.—

(A) ESTABLISHMENT.—There is established in the Treasury of the United States a special account, to be known as the “Silver Saddle Endowment Account”, consisting of such amounts as are deposited under subsection (b)(3)(A).

(B) AVAILABILITY OF AMOUNTS.—Amounts deposited in the account established by paragraph (1) shall be available to the Secretary, without further appropriation, for the oversight and enforcement of the conservation easement established under subsection (b)(3)(B).

(f) URBAN INTERFACE.—

(1) IN GENERAL.—Except as otherwise provided in this section and subject to valid existing rights, the Federal land described in paragraph (2) is permanently withdrawn from—

(A) all forms of entry and appropriation under the public land laws and mining laws;

(B) location and patent under the mining laws; and

(C) operation of the mineral laws, geothermal leasing laws, and mineral material laws.

(2) DESCRIPTION OF LAND.—The land referred to in paragraph (1) consists of approximately 19,747 acres, which is identified on the Map as “Urban Interface Withdrawal”.

(3) INCORPORATION OF ACQUIRED LAND AND INTERESTS.—Any land or interest in land within the boundaries of the land described in paragraph (2) that is acquired by the United States after the date of enactment of this Act shall be withdrawn in accordance with this subsection.

(4) OFF-HIGHWAY VEHICLE MANAGEMENT.—Until the date on which the Secretary, in consultation with the State, the City, and any other interested persons, completes a transportation plan for Federal land in the City, the use of motorized and mechanical vehicles on Federal land within the City shall be limited to roads and trails in existence on the date of enactment of this Act unless the use of the vehicles is needed—

(A) for administrative purposes; or

(B) to respond to an emergency.

(g) AVAILABILITY OF FUNDS.—Section 4(e) of the Southern Nevada Public Land Management Act of 1998 (Public Law 105-263; 112 Stat. 2346; 116 Stat. 2007; 117 Stat. 1317; 118 Stat. 2414; 120 Stat. 3045) is amended—

(1) in paragraph (3)(A)(iv), by striking “Clark, Lincoln, and White Pine Counties and Washoe County (subject to paragraph 4))” and inserting “Clark, Lincoln, and White Pine Counties and Washoe County (subject to paragraph 4)) and Carson City (subject to paragraph (5))”;

(2) in paragraph (3)(A)(v), by striking “Clark, Lincoln, and White Pine Counties” and inserting “Clark, Lincoln, and White Pine Counties and Carson City (subject to paragraph (5))”;

(3) in paragraph (4), by striking “2011” and inserting “2015”; and

(4) by adding at the end the following:

Exhibit B

United States Department of Interior
Bureau of Land Management
Carson City District

Conservation Easement

This conservation easement is made this 22nd day of December, 2010, between UNITED STATES OF AMERICA, DEPARTMENT OF INTERIOR, BUREAU OF LAND MANAGEMENT, hereinafter referred to as BLM, and CARSON CITY, NEVADA, and its assigns, hereinafter referred to as Carson City,

WHEREAS, the Congress of the United States of America has directed transfer of Silver Saddle Ranch and Carson River Area, approximately 3,604 acres, hereinafter referred to as the Property, subject to the reservation of a conservation easement, to Carson City under the authority of the Omnibus Public Lands Management Act of 2009 (OPLMA), Pub. L. No. 111-11, Section 2601; and

WHEREAS, BLM, acting through the Secretary of Interior, in consultation with Carson City and affected local interests, shall reserve a perpetual conservation easement to protect, preserve, and enhance the conservation values of the Property; and

WHEREAS, the Property shall be managed by Carson City to protect and enhance the Carson River, the floodplain and surrounding upland, and important wildlife habitat; and

WHEREAS, Carson City may use the Property for undeveloped open space, passive recreation, customary agricultural practices, and wildlife protection; and

WHEREAS, notwithstanding the above, Carson City may construct and maintain trails and trailhead facilities, conduct fuels reduction projects, maintain or reconstruct any improvements on the Property that were in existence on March 31, 2009, and **allow the use of motorized vehicles on designated roads, trails and areas in the south end of Prison Hill;** and

WHEREAS, the conservation values as defined in OPLMA include undeveloped open space, natural characteristics, trails and trailheads, flood management, Carson River floodplain, uplands, and wildlife habitat, passive recreation, customary agriculture, fuels management, existing ranch structures and **motorized vehicle use at south Prison Hill;** and

WHEREAS, the development of the conservation easement is guided by the results of a planning and design charrette completed in December 2008, entitled "Creating a Community Vision: Silver Saddle Ranch and the Carson River"; and

WHEREAS, BLM and Carson City mutually agree that the conservation values also include protection of natural resources, preservation of the Property for solitude and nature observation, maintaining green irrigated pastures and hay fields at Silver Saddle Ranch, protecting scenic resources including the preservation of dark skies, protecting cultural resources including the historic structures at Silver Saddle Ranch, promoting environmental education and interpretation, allowing public access, promoting the quality of life, safety and tourism; and

Easement. Carson City shall continue to be fully responsible for compliance with all terms and conditions of this Easement.

Without limiting the foregoing, the following uses and practices, though not necessarily an exhaustive recital of consistent uses and practices, are permitted under this Easement, and are not to be precluded, prevented, or limited by this Easement. They are set forth both to establish specific prohibited and permitted activities and to provide guidance in determining the consistency of other activities with the conservation purpose of this Easement.

- (a) To reside on the Property for the purpose of caretaking and management of the Property.
- (b) The right to lease, rent or permit portions of the Property for agricultural use, together with the right to perform customary agricultural operations for the production of hay, pasture and cattle grazing, including the use of fertilizers, pesticides, herbicides and biocides in accordance with the Management Plan (Section 7), current environmental standards and practices and all applicable laws and regulations.
- (c) The right to prevent trespass and control access to the Property.
- (d) The right to use water resources, including treated effluent, on the Property for use in agricultural operations, wetlands management and for public consumption on the Property.
- (e) The right to store, gather, or dispose of agricultural products and byproducts on the Property, including, but not limited to, agricultural refuse, burn piles, and animal remains, so long as it is done in accordance with all applicable laws and regulations.
- (f) The right to maintain and replace existing facilities and structures. Replacement of existing facilities and structures must be approved by the BLM in writing, consistent with the conservation purpose and values. The size, location, style and use of the replaced facilities and structures will be considered by BLM in determining consistency with the conservation purpose and values.
- (g) The right to conduct or permit passive recreation activities on the Property. Passive recreation are those activities that are temporary in nature and do not require development of permanent structures or facilities not already in place as of March 31, 2009 unless otherwise allowed under this Easement. Passive recreation may include without limitation fishing, birding, nature observation, hiking, running, mountain biking, equestrian riding, including horse drawn wagons and carriages, non-motorized boating, geo caching, swimming, and picnicking.
- (h) The right to conduct or permit events on the Property. Events will be guided by the Management Plan (Section 7) and limited in size, frequency, duration, location and season of use, commensurate with the capacity of existing facilities and in a manner that would not conflict, impair, or interfere with the conservation purpose and values. Events may include without limitations private weddings and parties, music concerts, running events, environmental education, equestrian activities.
- (i) Except for official use, the right to use or permit the use of motorized off highway vehicles (OHV) on designated roads, trails and areas located in the south end of Prison Hill, consistent with the Management Plan (Section 7). OHV use may be restricted or prohibited if necessary to meet the objectives of the conservation purpose and values. OHVs may be allowed to use specific staging area(s) and designated trails located east of Sierra Vista Road, formerly known as Mexican Dam Road, for the purpose of access to the Pine Nut Mountains.
- (j) The right to construct and maintain trails and trailhead facilities.
- (k) The right to conduct fuels reduction projects. Vegetation may be removed, mowed, burned or otherwise treated, to reduce or eliminate fuels to suppress wildland fire in accordance with the conservation purpose and values of this Easement.

6. Prohibited Uses. Carson City is prohibited from uses or development of the property that would conflict, impair, or interfere with the conservation purpose and values of this Easement.

The following activities and uses, though not an exhaustive recital of inconsistent uses and practices, are inconsistent with the conservation purpose and values of this Easement, and are expressly prohibited upon or within the Property.

- (a) The legal or *de facto* subdivision of the Property for any purpose, except as may be required by law for the uses permitted in Section 5 or for a voluntary conveyance to a government or nonprofit entity for public access expressly permitted in Section 5.
 - (b) Residential, non-agricultural commercial, industrial, mining, power production, municipal water development or other incompatible development or improvements of the Property, excepting production of power from wind, geothermal or solar facilities for exclusive use on the Property.
 - (c) The sale, transfer or conveyance of the Property, or a portion of the Property, in accordance with OPLMA and subject to a reversionary interest held by the United States.
 - (d) Organized sports requiring dedicated, constructed fields or courts.
 - (e) OHV use except in designated areas.
 - (f) Golf courses
 - (g) Hunting, over-night camping unless approved as part of an event, disc golf, paint ball games and hot air balloons
 - (h) Events – motorized events (other than OHV events at South Prison Hill), fairs & carnivals, cars shows and rodeos.
 - (i) Disposal or unlawful storage of hazardous substances as defined by the Comprehensive Environmental Response, Compensation and Liability Act, (CERCLA), 42 USC 9601 *et seq.*
7. Management Plan. Carson City will prepare a Management Plan for the Property to be completed within one year from execution of this Easement. The Management Plan will be prepared in consultation with the public and BLM and submitted to BLM for approval. The Management Plan will direct the use and occupancy of the Property, including agricultural operations, public day use and events. The Management Plan will consider the following factors in determining consistency with the conservation purpose and values for events: Size, duration, frequency, location and season of use. The Management Plan will also describe and direct appropriate use and occupancy for specific land use areas, including: Carson River – floodplain and riparian corridor; Prison Hill – motorized and non-motorized areas; agricultural lands – irrigated and non-irrigated; Historic Ranch Complex – Red House, White House, outbuildings and corrals; Ambrose Carson River Natural Area; Wetlands – mitigation wetland area; and East Silver Saddle Ranch - motorized staging areas. BLM and Carson City will meet not less than every five years to review and, if necessary, modify the Management Plan to ensure that use and occupancy of the Property is consistent with the Conservation Purpose and Values.
8. Prior Notice and Approval
- (a) Prior Notice. Where required in this Conservation Easement, BLM has the right to require Carson City to submit proposals for advanced approval by the Authorized Officer. This is to afford the BLM an opportunity to ensure that the proposed activities are designed and carried out in a manner consistent with the purposes of this Conservation Easement. Carson City shall not undertake or permit any activity requiring prior approval by BLM without first having notified and received approval from BLM as provided herein. Whenever notice is required, Carson City shall notify BLM in writing not less than forty-five (45) days prior to the date Carson City intends to undertake the proposed activity. The notice shall describe all aspects of the proposed activity, including location, design, materials or equipment to be used, dates and duration, and any other relevant information

At such time as the Congressional Term Limits Amendment set forth above has become part of the U.S. Constitution, sections A through section I of this Article automatically shall be repealed.

SECTION H. JURISDICTION

Any legal challenge to this amendment shall be filed as an original action before the Supreme Court of this state.

SECTION I. SEVERABILITY

If any portion, clause, or phrase of this initiative is, for any reason, held to be invalid or unconstitutional by a court of competent jurisdiction, the remaining portions, clauses, and phrases shall not be affected, but shall remain in full force and effect.

QUESTION NO. 18

Shall Carson City request that the Nevada Legislature authorize it to fund the acquisition, development and maintenance of parks, open space, trails and recreation facilities through an increase in the sales tax rate of 1/4 of 1 percent (.0025).

Yes 172
No 173

EXPLANATION

This Quality of Life Initiative (QOLI) provides dedicated funding to acquire open space land and develop and maintain new park and recreation facilities. About 40% of the funds would be for acquisition and management of open space land, 40% for development of community park facilities and trails, and 20% for maintenance and operation of these new park facilities. The funds will be separate from the city's general fund, and exclusively for the acquisition of open space, bike & hike trails, new park development and other recreational improvements.

Acquisition of open space land will help preserve mountains, hills and scenic resources, conserve wildlife habitat, protect our drinking water sources and allow outdoor enjoyment of natural areas. Open space, which is defined as undeveloped land with valued natural resources, will be acquired from willing sellers, or by other mutually agreeable methods. Acquisition and conservation would be guided by a citizen's committee appointed by the Board of Supervisors with expertise in the areas of natural resources, real estate, community planning, community development, outdoor recreation/education, or knowledge of the community. This committee, which will be complimentary to other commissions, will have the authority to administer and manage the funds generated by the open space portion of this initiative with the approval of the Board. The committee will work to sustain natural and scenic resources and the long-term quality of life in Carson City.

Open space will be acquired and maintained as conservancy areas to be retained and used for the following purposes:

- To provide off-street bicycle, biking and equestrian trails that connect parks, schools and the valley with the mountains.
- To safeguard water resources: watershed areas, water well sites and designated groundwater recharge areas.
- To safeguard watershed corridors, wetlands, streams and the Carson River.
- To develop regional detention areas and protect floodplains.

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To safeguard scenic vistas and enhance the gateways to our city. Utilization of land for shaping the development of the city and defining growth by establishing an urban boundary.

Strategic acquisitions of land to allow for local outdoor relaxation, education and future park settings.

Preservation or enhancement of significant natural areas, wildlife and culturally important lands.

As Carson City has grown, the need for ballfields, bike paths, open space, trails and community park facilities has increased beyond capacity. New park and recreation facilities that allow for a full range of recreational opportunity are needed. From open space trails for family outings to sports fields for organized play, the QOLI (Question #18) benefits our community.

The projects presently anticipated to be developed first are:

Trails and bike lanes: a network of off-street multiple-use trails and on-street bike lanes.

Aquatic Facility: a new therapy pool and a structural enclosure of the outdoor pool for year-round aquatic activity; swim work-outs, instruction for children, etc.

Carson River: new recreation trails, picnic areas and trailhead parking.

Beautification: initiate a street tree program and landscape enhancement of public areas.

Centennial Park: add two adult softball fields, renovate three existing fields and pave the parking lot.

Mills Park: complete landscape/tree installation, pathways and restore little Wungenema House.

New facilities for youth sports: multi-use fields for soccer, t-ball, football, softball, etc.

Boys & Girls Club: maintenance of a newly constructed facility (about one hundred twenty-thousand dollars annually).

Community Center: primarily improvements for theatrical, cultural and musical arts.

Rifle/Pistol Range: range improvements, security facility and improved access.

Fuji Park: renovate irrigation, add group picnic and exhibit areas, restrooms and parking.

Multi-purpose Gymnasium: build a new community gym for year-round activity.

This QOLI creates dedicated funds for park, open space, trails and recreation facilities and will supplement, but not replace, current limited park funding levels. A portion of these funds will go toward maintenance of the new facilities and will allow better park upkeep. With development of these new park facilities, citizen suggestions for other park improvements will be requested.

ARGUMENT IN FAVOR OF PASSAGE

This QOLI will allow Carson City to improve and maintain park and recreational facilities and provide locally available trails and open space. It will help protect access to the surrounding mountains and our scenic view of hillsides that are presently subject to private development. It will help protect the water resources and natural areas that are important to the health and quality of life in our community.

This small raise in sales tax (1 penny on a \$4.00 picnic lunch) will produce a dedicated park and open space fund. Residents from Carson City benefit because using a sales tax to fund

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Sec. 7.060 Bonds of Ormsby County and Carson City declared valid. All bonds of Ormsby County and Carson City which have previously been authorized or issued pursuant to law, and which are now outstanding and have not been declared invalid by a court of competent jurisdiction, are hereby validated and declared to be legal and binding obligations in accordance with their terms, notwithstanding any question as to the validity of such bonds which could have been raised except for the adoption of this Charter.

(Ch. 213, Stats. 1969 p. 309)

ARTICLE 8 - Revenue

Sec. 8.010 Municipal taxes.

1. The Board shall annually, at the time prescribed by law for levying taxes for State and County purposes, levy taxes at the appropriate rates upon the assessed value of all real and personal property within Carson City. The taxes so levied must be collected at the same time and in the same manner and by the same officers, exercising the same functions, as prescribed and provided in the revenue laws of the State for the collection of State and County taxes. The revenue laws of the State are, in every respect not inconsistent with the provisions of this Charter, applicable to the levying, assessing and collecting of the municipal taxes.

2. For the purposes of the equalization of assessments, the rights of Carson City and the inhabitants thereof must be protected in the same manner and to the same extent by the action of the Board of Equalization as are the State and the several counties.

3. Whenever or wherever practicable and expedient, all forms and blanks used in levying, assessing and collecting the revenues of the State and the several counties must, with such alterations or additions as may be necessary, be used in levying, assessing and collecting the revenues of Carson City. The Board shall enact all such ordinances as it may deem necessary and not inconsistent with this Charter and the laws of the State for the prompt, convenient and economical collecting of the revenue.

(Ch. 213, Stats. 1969 p. 309; A—Ch. 690, Stats. 1979 p. 1866; Ch. 425, Stats. 1983 p. 1061)

Sec. 8.020 Revenue ordinances. The Board shall have full power to pass and enact all ordinances necessary to carry into effect the revenue laws in Carson City and to enlarge, fix and determine the powers and duties of all officers in relation thereto.

(Ch. 213, Stats. 1969 p. 309)

ARTICLE 8A - Local Sales and Use Tax for Open Spaces, Parks, Trails and Recreational Facilities

Sec. 8A.010 Definitions. Except as otherwise provided in this article or where the context otherwise requires, terms used or referred to in this article have the meanings ascribed to them in [chapter 374](#) of NRS, as from time to time amended; but the definitions in sections 8A.020 to 8A.060, inclusive, except where the context otherwise requires, govern the construction of this article.

(Added—Ch. 16, [Stats. 1997 p. 42](#); A—Ch. 37, [Stats. 1999 p. 86](#))

Sec. 8A.020 “Department” defined. “Department” means the Department of Taxation.

(Added—Ch. 16, [Stats. 1997 p. 42](#))

Sec. 8A.030 “Open space” defined. “Open space” means real property that is undeveloped or partially developed natural landscape, including, but not limited to, ridges, stream corridors, natural shoreline, scenic areas, watershed areas, viewsheds, agricultural or other land devoted exclusively to open-space use, conservation easements and easements devoted or connecting to open-space use. (Added—Ch. 16, [Stats. 1997 p. 42](#))

Sec. 8A.040 “Park” defined. “Park” means real property designed to serve the recreational and outdoor needs of natural persons.

(Added—Ch. 16, [Stats. 1997 p. 42](#))

Sec. 8A.050 “Recreational facility” defined. “Recreational facility” means personal property and improvements to real property for athletic and leisure activities and all appurtenant or customary facilities and uses associated therewith.

(Added—Ch. 16, [Stats. 1997 p. 42](#))

Sec. 8A.060 “Trail” defined. “Trail” means a path for recreational or leisure activities through or connecting open space, parks or recreational facilities for use by **nonmotorized traffic**. The term includes a path or additional lane for bicycles.

(Added—Ch. 16, [Stats. 1997 p. 42](#))

Sec. 8A.070 Imposition of tax; use of proceeds.

1. The Board may enact an ordinance imposing a local sales and use tax for the acquisition, development, construction, equipping, operation, maintenance, improvement and management of open spaces, parks, trails and recreational facilities located within Carson City.

2. The proceeds from the tax imposed pursuant to this article and the interest and other income earned on the proceeds of the tax must be used as follows:

(a) Forty percent of the proceeds of the tax, including interest and other income, may be used for the acquisition, development, construction, equipping, improvement, maintenance and management of real property for open spaces.

(b) Except as otherwise provided in paragraph (e), 40 percent of the proceeds of the tax, including interest and other income, may be used for the acquisition, development, construction, equipping and improvement of parks, trails and recreational facilities.

(c) Twenty percent of the proceeds of the tax, including interest and other income, may be used for the operation, maintenance and management of parks, trails and recreational facilities.

(d) Except as otherwise provided in paragraph (e), the Board may authorize expenditures in an amount that varies from the percentage stated in paragraphs (a), (b) and (c) by not more than 2 percent for each use.

(e) If operation, maintenance and management expenses for parks, trails and recreational facilities do not equal or exceed 20 percent of the proceeds of the tax, including interest and other income, the balance of the proceeds of the tax, including interest and other income, authorized in paragraph (c) may be used for the acquisition, development, construction, equipping and improvement of parks, trails and recreational facilities in addition to the amount authorized in paragraph (b).

Exhibit E

Carson City, Nevada, Code of Ordinances >> Title 13 - PARKS AND RECREATION >> [Chapter 13.06 - OPEN SPACE](#) >>

Chapter 13.06 - OPEN SPACE

Sections:

- 13.06.010 - Purpose.
- 13.06.020 - Creation of an open space advisory committee.
- 13.06.030 - Committee membership.
- 13.06.040 - Term of office and vacancies.
- 13.06.050 - Removal from committee.
- 13.06.060 - Powers and duties of open space advisory committee.
- 13.06.070 - Organization and procedure of the open space advisory committee.
- 13.06.080 - Prohibited interest/confidentiality.
- 13.06.090 - Annual report.
- 13.06.100 - Preservation of land.
- 13.06.110 - Leasing open space lands.
- 13.06.120 - Disposal of open space lands and grants of exclusive licenses/permits.
- 13.06.130 - Statement of deed.
- 13.06.140 - Maintenance and management.
- 13.06.150 - Other public lands.

13.06.010 - Purpose.

In the broadest sense, the objective of the open space program is to promote quality of life for citizens of Carson City through the preservation and protection of the quality of the natural environment which has given Carson City much of its character. This natural environment includes many spectacular views of the mountains, Carson River, and Eagle Valley. The natural streams, wetlands and open lands, with their water and related plant and animal life complement the scenic vistas and remind us of the area's early history. These natural areas, water bodies, vistas and panoramas, natural landmarks, and native flora and fauna are intended to be preserved and protected for the enjoyment of this and future generations by the judicious use of funding for open space.

As Carson City continues to grow, open spaces should be provided and woven into the fabric of the city. These open spaces may define developed areas within the community, and in certain areas may define the boundary of the city. They are intended to obtain a balance and harmony between physical development and open space for the benefit of Carson City citizens. Preservation of open space in all parts of the city will foster appreciation of the natural environment, provide increased opportunities for passive recreation, preserve agricultural uses, allow connecting open space corridors, and improve the quality of life.

Carson City encourages residents of this community and other concerned persons or parties to donate certain lands or funds for use in the open space program. The board of supervisors may by resolution accept properties not acquired with open space funds into the open space program after a recommendation from the open space advisory committee.

may be required pursuant to court order. Any member who violates the conduct of confidentiality requirements shall be subject to being summarily suspended from the committee and such a violation may be deemed cause for removal.

(Ord. 1997-30 § 1 (part), 9, 1997).

13.06.090 - Annual report.

The committee shall provide an annual report of its activities to the board of supervisors.

(Ord. 1997-30 § 1 (part), 10, 1997).

13.06.100 - Preservation of land.

Generally, lands acquired with open space funds shall be preserved and managed in a near natural condition. Such lands might include scenic vistas, wetlands, streams, floodplains, trail corridors, agricultural lands, highly visible natural areas along major streets and open space buffers. **Open space land will generally be open for passive recreation improvements developed where appropriate and environmentally compatible. Examples of compatible passive recreation include hiking, bicycling, equestrian trail uses, nature study, interpretive facilities, wildlife habitat, fishing and photography, or similar compatible uses.** Development of traditional, active recreational facilities, such as athletic fields, swimming pools, and tennis courts are precluded. Shared participation in multi-use lands is possible. The open space element of the Carson City master plan, public hearing process and criteria developed by this committee shall provide direction for the acquisition of open space.

(Ord. 1997-30 § 1 (part), 11, 1997).

13.06.110 - Leasing open space lands.

Certain open space properties may be leased for continued open space agricultural uses such as farming or grazing. This approach can provide a link to Carson City's past, protect the land from development and can shift some maintenance costs to the leasee. Generally, the leased properties will continue to afford access for passive enjoyment, to the extent feasible.

(Ord. 1997-30 § 1 (part), 12, 1997).

13.06.120 - Disposal of open space lands and grants of exclusive licenses/permits.

In certain cases, it may be necessary to acquire a larger property in order to preserve a portion of the property as open space. In such cases, the city may dispose of the remainder. No open space lands may be sold, leased (does not include agricultural lease), traded, or otherwise conveyed, nor may any exclusive license or permit on such open space land be given until approval of such disposal or license or permit by the board of supervisors. The committee must hold a public hearing on a proposed disposal or license or permit. The city may not dispose of such lands or give any exclusive license or permit without a recommendation from the committee. The quality of life open space division shall be reimbursed the current market value of the disposed land at the time of its sale, or the cost of that land at the time of its original acquisition, whichever is higher.

(Ord. 1997-30 § 1 (part), 13, 1997).

13.06.130 - Statement of deed.

Any deed conveying to the city open space property that was purchased using open space funds shall contain the notation "This land was purchased with Quality Of Life Sales And Use Tax Funds, and is subject to 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).

Exhibit F

Carson City, Nevada, Code of Ordinances >> Title 21 - TAXATION >> [Chapter 21.07 - QUALITY OF LIFE \(SALES AND USE\) TAX](#) >>

Chapter 21.07 - QUALITY OF LIFE (SALES AND USE) TAX

Sections:

- 21.07.010 - Definitions.
- 21.07.020 - Imposition of tax—Rate of tax—Exemptions.
- 21.07.030 - Creation of fund.
- 21.07.040 - Use of proceeds of tax.
- 21.07.050 - Payment of proceeds to state department of taxation and distribution.
- 21.07.060 - Issuance of bonds and other securities.
- 21.07.070 - Impairment of obligations prohibited.
- 21.07.080 - Incorporation of provisions of Chapter 374 of the NRS.

21.07.010 - Definitions.

As used in this chapter, unless context otherwise requires:

1. "Department" means the Nevada Department of Taxation.
2. "Open space" means real property that is undeveloped or partially developed natural landscape, including, but not limited to, ridges, stream corridors, natural shoreline, scenic areas, watershed areas, viewsheds, agricultural or other land devoted exclusively to or connecting to open space use.
3. "Park" means real property designed to serve the recreational needs of natural persons.
4. "Proceeds of the tax" means the proceeds of the tax imposed pursuant to this chapter including interest and other income earned on the proceeds of the tax.
5. "Recreational facility" means personal property and improvements to real property for athletic and leisure activities and all appurtenant or customary facilities and uses associated therewith.
6. "Tax" means the tax imposed pursuant to this chapter of the CCMC and authorized by Article 8A of the Carson City Charter.
7. "Trail" means a path for recreational or leisure activities through or connecting open space, parks or recreational facilities for use by nonmotorized traffic. The term includes a path or additional lane for bicycle.

(Ord. 1997-31 § 2 (part), 3, 1997).

21.07.020 - Imposition of tax—Rate of tax—Exemptions.

1. There is hereby imposed a tax of one-quarter of one percent (0.25%) of the gross receipts of any retailer from the sale of all personal property sold at retail, or stored, used or otherwise consumed in Carson City. This tax is imposed under authority of Article 8A of the Carson City Charter and was a tax approved by a majority of voters in the 1996 Carson City general election.
2. There is hereby exempted from the tax the gross receipts from the sale of tangible personal property used for the performance of a written contract for the construction of an improvement to real property:
 - a. That was entered into on or before the effective date of the tax; or
 - b. For which a binding bid was submitted before the effective date if the bid was afterward accepted, and pursuant to the terms of the contract or bid, the contract price or bid amount may not be adjusted to reflect the imposition of the tax.

(Ord. 1997-31 § 2 (part), 4, 1997).

Exhibit G

3-22 A Balanced Land Use Pattern

LAND USE CATEGORY	RANGE OF DENSITY/SIZE	USES	CHARACTERISTICS	ZONE DISTRICTS
Open Space (OS)	N/A	<p><i>Primary:</i> Publicly-owned and accessible lands preserved by the City, other government agencies, or as part of a private development (e.g. planned unit development) for conservation, resource protection, or recreational use. May also be preserved without public access to protect sensitive natural areas.</p> <p><i>Secondary:</i> Utilities (e.g. municipal wells or other utility structures).</p>	<ul style="list-style-type: none"> ▪ Provides wildlife habitat, view protection and/or recreational linkages between different areas of the City. ▪ Public access may be provided with designated trails or bicycle facilities; however, in other areas lands may be left intact as visual buffers along an important scenic corridor or gateway, or to protect significant ridgelines visible from various areas of the community. ▪ May be purchased outright by the City for public use, donated to private land trusts, or protected using another method, such as conservation easements, signage restrictions, and design controls. ▪ <i>Relationship to previous Master Plan:</i> Open Space replaces the Open Space/Recreational/Rural Residential land use category. 	OS, P, PN, PC, PR
Public Conservation (PC)	N/A	<p><i>Primary:</i> Publicly-owned and accessible lands preserved for conservation, resource protection, or recreational use by the Bureau of Land Management (BLM), United States Forest Service (USFS), or State of Nevada Forest Service (SNFS).</p> <p><i>Secondary:</i> Utilities (e.g. municipal wells or other utility structures).</p>	<ul style="list-style-type: none"> ▪ Large tracts of property that have been preserved through public ownership. ▪ Provides natural resource protection, view protection, protection of steep slopes or other sensitive areas. ▪ Active uses include unimproved trails for hiking, biking, equestrian use, and off-road vehicle use. ▪ Public access is generally provided through formal or informal trails and roadways; however, in other areas lands may be left intact as visual buffers along an important scenic corridor or gateway, or to protect significant ridgelines visible from various areas of the community. ▪ <i>Relationship to previous Master Plan:</i> Public Conservation replaces the Open Space/Public Regional land use category. 	P, PN, PC, PR, CR

V&T SPA—1.2 Zoning

Rezone the private lands in Carson City along Highway 50 East from General Industrial to a commercial designation consistent with the Master Plan Land Use Map.

V&T SPA—1.3 View Corridors

Identify critical views of the landfill area from V&T route and adjacent commercial areas and mitigate visual impacts by plantings, screening or other methods around the landfill.

V&T SPA—1.4 Compatibility with Adjacent Uses

- Prohibit new uses on public lands within the V&T-SPA that would conflict with the V&T and related commercial-tourism in the vicinity, such as uses that generate excessive noise, dust or odors, excluding the continued operation of the landfill; and
- Consider limiting the use of public lands as part of any proposed disposal of the BLM property into Carson City ownership through a federal lands bill.

V&T SPA—1.5 Drako Way Vicinity Land Use Change

The land use designation of the property in the vicinity of Drako Way, east of the V&T railroad alignment, shall be changed by Carson City from Industrial to Mixed-Use Commercial and/or Mixed-Use Residential upon removal of the old landfill identified on the site or with approved engineering controls in accordance with NDEP standards upon development of the property.

(V&T-SPA) PARKS AND OPEN SPACE POLICIES**V&T SPA—2.1 Trail Facilities**

The Parks and Recreation will continue to work with the V&T Commission and V&T consultants in locating appropriate trail facilities along the Carson River corridor consistent with the V&T operation plans and the Unified Pathways Master Plan.

Appendix B: Background & Context

A thorough inventory of existing conditions was prepared early in the planning process to inform and guide the development of the Carson City Master Plan. The inventory provided background and context to the planning team and the community on issues such as: historic growth trends; projections for future population growth; existing land use patterns; planned transportation improvements; economic factors; infrastructure and service capacity; and existing and planned park, trail, open space facilities among others. In addition, several inventory maps were prepared to help convey existing land use patterns, development constraints, and future development opportunities. Project information was made available to the public for review and comment at each stage of the process through a variety of means. The multi-faceted public participation component of the planning process is described below.

Using available background information above, a Capacity Analysis was prepared to evaluate the City's future development potential based upon the current Master Plan. This Analysis served as the basis for the preparation of the future development scenarios that led to the Land Use Map adopted as part of this Master Plan.

An overview of the planning process used and the background and context information prepared is provided below.

PLANNING PROCESS & PUBLIC PARTICIPATION

Ensuring equal and fair representation of a diverse community and providing adequate opportunity for community involvement are important to the success of a plan. Public officials, City staff, stakeholders, consultants, and the public collaborated over a period of 18 months from August 2004 through February 2006 to develop the updated Carson City Master Plan. The process was conducted by the Master Plan Management Team which consisted of key planning staff from the City, and the consultant's project manager. The Master Plan Management Team provided technical expertise to the consultants and managed the public outreach process, which provided numerous opportunities for the public and other stakeholders to participate



Community Forum.



Community Workshop.

throughout the process of developing the Master Plan. These opportunities are summarized briefly below.

COMMUNITY WORKSHOPS AND OPEN HOUSES

A series of community workshops and open houses were held at key points during the planning process. Events were locally advertised and were designed to allow citizens an opportunity to participate in hands-on plan development, review project materials, and convey their questions and concerns to City staff and the consultant team.

PROJECT WEBSITE

The Master Plan Management Team also maintained a project website at www.carsoncitymasterplan.com, which provided an overview of the planning process, contact information, and access to work products for review and comment throughout the project, including all maps and written materials. The project website also provided an on-line community forum and direct link to the City website. The website received over 20,000 visitors through the duration of the planning process.

City staff also maintained an e-mail distribution list of interested citizens and sent frequent updates to keep them informed of upcoming events and to notify them as new work products were made available.

PROJECT NEWSLETTERS

Illustrated project newsletters were developed at several key points in the project. Each of the newsletters provided updated information about progress on the Master Plan, contact information, and served as a medium for advertising the dates and locations of the upcoming meetings or public events. Newsletters were distributed electronically through the project website and made available at various City offices.

NEWSPAPER

Bi-monthly updates on the planning process were published in the Capitol City Focus, a Nevada Appeal insert, along with notice of dates and locations of upcoming meetings and public events.



LOCAL ACCESS TELEVISION

At key milestones through the process the consultants worked with Carson Access Television (CATV) and the Carson City Public Information Team to provide general updates as to the Comprehensive Plan process. This included: inviting CATV staff to public meetings and interviews with PMT members, City staff, etc.

STAKEHOLDER GROUP MEETINGS

Members of the Master Plan Management Team met with various stakeholder groups in the community on an informal basis throughout the planning process. Meetings were primarily conducted by City staff and generally occurred during each of the three primary phases of the development of the Master Plan.

While this is not intended as an exhaustive list, the following stakeholder groups were identified:

- Local/neighborhood organizations
- Chamber of Commerce
- Manufacturers Association
- Builders Association of Western Nevada (BAWN)
- Carson-Tahoe Regional Medical Center
- Western Nevada Community College
- State of Nevada Division of State Lands
- Downtown Redevelopment/Historic
- Washoe Tribe
- Various Recreation User Groups
- Carson City School District
- Bureau of Land Management (BLM)
- United States Forest Service (USFS)
- Airport Authority

BOARD OF SUPERVISORS, PLANNING COMMISSION, AND ADVISORY BOARD UPDATES

The Master Plan Management Team held meetings with members of the Planning Commission, Board of Supervisors, Parks and Recreation Commission, Open Space Advisory Committee, and Carson River Advisory Committee at key points in the planning process to provide progress updates, to present preliminary findings and alternative solutions, to receive public comments, and receive policy direction. Meetings between the Board of Supervisors and Planning Commission were conducted as joint meetings

to encourage an open dialogue between the two groups throughout the planning process.

INTRODUCTION

In 1996, the citizens of Carson City approved ballot question #18, the Quality of Life Initiative that authorized a ¼ of 1% (.25%) increase in the sales tax to raise funds for Open Space, parks and trails. This tax will raise approximately \$1,700,000 per year initially, with 40% allocated to Open Space, 40% allocated to Parks/Trails¹ and 20% to Maintenance of new parks projects. This Master Plan is intended to guide the use of the Open Space funds as well as other means to preserve Open Space for Carson City.

Ballot Question #18 defined Open Space as “undeveloped land having significant natural resources important to the quality of life in our community.” This definition has been refined by the Open Space Advisory Committee to include land that:

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

By this definition, Open Space in Carson City is intended mainly to preserve the natural landscape and to accommodate certain types of passive recreation, such as hiking, running, bicycling and horseback riding. 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. However, under certain circumstances, the only physical facilities to be located in Open Space areas are trails and supporting picnic areas, interpretive facilities, restrooms, and parking lots. Open Space lands may be converted to parks through an easement purchase or land exchange with the Parks and Recreation Department.

CARSON CITY'S OPEN SPACE SETTING

Open Space plays an important role in the quality of life of Carson City. Entering Eagle Valley from any one of the four dramatic gateways, one is struck by the visually compact Carson community surrounded on three sides by mountain ranges. From any location in town one can see close, surrounding mountains in almost every direction: the forested Sierra Nevada Range on the west, the Virginia Range on the north and the Pine Nut Range on the east. Within the valley are several prominent topographic features such as Lone Mountain, Rattlesnake Mountain and Prison Hill. In and near town there are still a number of pastures and open meadows that give an immediate connection with rural character and Carson City's agricultural past. On the east edge of the valley the Carson River meanders south-to-north through a corridor lined with tall cottonwoods, creating a shady respite from the openness of the valley.

But Open Space is important to Carson City for reasons other than just visual: Carson City's water supply comes from wells that are replenished by rain and snowfall that falls on open land and infiltrates the ground. The hillsides are used extensively for walking and biking. Several areas are used intensively for motor bikes and off-road vehicles. The Carson River corridor is a popular retreat for strolling, fishing and picnicking.

¹ Open Space funds may be used to acquire lands for trails and the park/trail funds may be used for trail construction.

HOW THE PLAN WAS CREATED

Public Input and Review

This plan was created under the direction of the Open Space Advisory Committee (OSAC), comprised of seven members and two alternate members representing a cross-section of community interests and public agencies. The staff of the City's Departments of Parks and Recreation and Community Development provided day-to-day coordination.



Figure 2: An OSAC committee worksession.

In addition to many public OSAC meetings, there were many other opportunities for individual citizens to share their suggestions and concerns about Open Space. These included:

- > the distribution of over 1,600 mail-back questionnaires with informational brochures;
- > the return of over 500 completed questionnaire responses;
- > extensive coverage by CATV
- > updates in 10 issues of the Carson City Capitol City Focus newsletter;
- > four neighborhood meetings;
- > a city-wide open house;
- > the printing and distribution of more than 60 copies of a draft plan for public review and comment;
- > numerous presentations by OSAC members to community groups and local organizations; and,
- > public hearings before the City Planning Commission and the Board of Supervisors.

Many suggestions and comments received were incorporated in the plan.

Approaches to Acquisition of Open Space

In response to Question 8 about the *sequence* of acquiring vs. improving Open Space, a majority of respondents preferred buying land *and* concurrently making improvements (trails, parking, signs, and environmental restoration) – a balanced approach – rather than just buying land as quickly as possible.

When asked about means of *paying* for acquisitions (Question 9) respondents also favored a balanced approach, combining bonds *and* pay-as-you-go, rather than just using bonds (bonds would allow more land to be bought initially, but require interest payments) or just using pay-as-you-go (which would make less money available initially and result in slower acquisition).

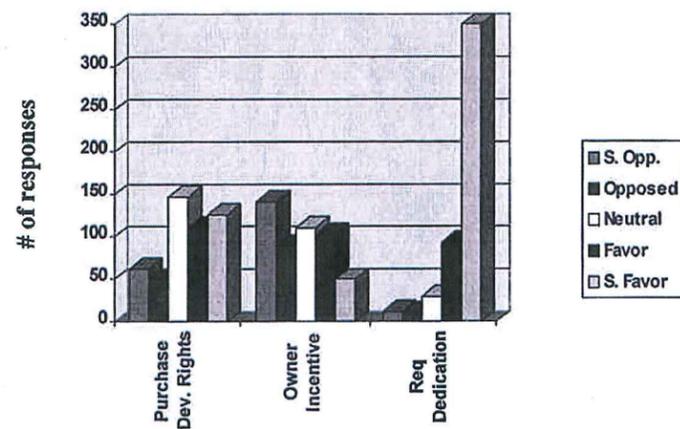
With regard to *methods* of acquisition *other than purchase* (Question 4), Respondents slightly favored purchase of development rights. They tended to oppose giving density incentives to landowners, and very strongly favored required dedications of land and trails in conjunction with new subdivisions.

Management of Open Space

Looking ahead to management issues on Open Space, respondents were asked (Question 7) about acceptance of possible regulations and restriction on Open Space. Respondents strongly supported virtually all the potential restrictions on Open Space, if necessary for environmental reasons, including:

- Require dogs be kept on leashes
- Require people to stay on trails
- Prohibit motorized vehicles in some areas
- Make some areas off limits during certain seasons
- Prohibit bicycle access to some areas

Q4: Other Means of Acquisition



important. In the developed portion of the City, some of the flood plains disappear since the flood flows are conveyed through the city by drainage ditches and underground pipes.

The Open Space Plan can facilitate the preservation of lands subject to flooding and drainages therefore contributing to the health, safety and welfare of residents.

Areas of Cultural/Recreational Importance⁵

Carson City's historic sites are generally related to its role as a government center and mining community in the 1800's. Recorded historic sites include historic sites related to Open Space include numerous government buildings, such as the Nevada State Capital, the U.S. Mint, the Nevada State Library, Pony Express trails, V&T railroad grade and the Carson River route of the Emigrant Trail. Mill sites are located near the V&T grade along the Carson River. On Duck Hill is located the Virginia City Pipeline and Flume that carried water from Marlette Lake and Hobart Reservoir to Virginia City. Some known pre-historic sites have been identified but remain not well publicized for their protection.

Public lands around Carson City are popular for off-highway vehicle use, horseback riding and mountain biking. The Prison Hill area receives an estimated 7,000 visits annually from local residents.⁶ The Carson River, with its tall cottonwood trees, is a popular destination for passive recreation such as walking, fishing, and canoeing. Relatively little of the Carson River corridor is in public ownership.



Figure 8: Carson City's open areas are used recreationally in all seasons.

The areas of Cultural and Recreational importance enhance the enjoyment of Open Space. The plan may be one additional means of permanently preserving Carson City's historic context.

EXISTING PROTECTION OF OPEN SPACE

Although there is a significant amount of undeveloped land in and around Carson City, not all of it is subject to imminent development. Land that has some form of

⁵ Recreation on Open Space land is intended to be oriented to take advantage of the land in its natural condition, as differentiated from the more organized recreation that takes place in parks.

⁶ Carson City Urban Interface Plan Amendment, 1996.

1.6 PUBLIC INPUT

The UPMP planning process actively involved residents in the decision-making. A variety of opportunities were provided for community input, including: an extensive public opinion survey, neighborhood meetings, a trails workshop, open houses, public hearings, and stakeholder work sessions.

The UPMP has been approved, in public hearings, by the Carson City Parks and Recreation Commission, the Regional Transportation Commission, the Carson City Planning Commission and the Board of Supervisors.

Through the broad input received, this document is the community's plan. It is an expression of the resident's desire to maintain and improve the quality of life for every person living within the City's boundary.



*Neighborhood Meeting
at the Community Center*

1.6.1 NEIGHBORHOOD MEETINGS

Neighborhood Meetings were held in the four major sub-areas of the city. These meetings were held in conjunction with the City Master Plan to solicit observations, ideas, and issues from Carson City residents. Attendance varied from over seventy people attending the first Neighborhood Meeting to approximately twenty-five people attending the subsequent Meetings. Residents were asked to give their opinions about Carson City's trails system.



*Neighborhood Meeting
at the Community Center*

1.6.2 WORKSHOPS

A trails workshop was held early in the UPMP process to gather residents' input about existing trail conditions and future trail needs. After discussing trail issues and problems, citizens were divided into groups representing various sections of the City. They were then asked to draw "desire lines" on maps to indicate where they would like to see future trail corridors in and around Carson City. The Trails workshop was well attended, drawing over 60 residents. A public session was also held early in the planning stages for the bicycle and sidewalk plan.

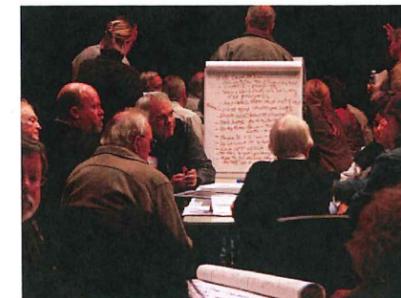


City Staff and Stakeholder Worksession

As refinements were being made to the UPMP, another workshop was held for major stakeholders to meet and resolve trail use conflicts and establish priorities.

1.6.3 PUBLIC OPINION SURVEY

A comprehensive public opinion survey was conducted in the spring of 2005 to understand current attitudes of Carson City residents about parks, recreation, and pathways. Three thousand surveys were sent to randomly-selected households in Carson City. Approximately 900 surveys were returned, giving the survey a 95% to 99% confidence level.



*Input on specific topics at the
Neighborhood Meeting at the Community
Center*

In the survey, respondents were asked to rate their satisfaction with Carson City's parks, pathways, and recreation facilities. They were also asked for their opinions about the need to improve existing facilities and their desire to add new recreation facilities to Carson City. The complete results of the survey can be found in a separate document: Parks, Recreation and Trails Master Plan Public Opinion Survey Results (Summer 2005).

1.6.4 INPUT BY INTEREST GROUPS AND CITY STAFF

Carson City Parks and Recreation staff participated in multiple work sessions during which they helped identify the condition of current trails and provided in-house observations on present and future needs for pathways, as well as potential pathway locations. Members of various interest groups (equestrians, bicyclists, OHV's etc.) worked with the City staff to gather information about existing pathways and analyze the feasibility of future pathway alignments. Several meetings were held with the Parks and Recreation Commission and public comments were received during these meetings.

5.5 OFF-HIGHWAY VEHICLE USERS

Off-highway vehicles (OHV) include a broad range of vehicle types: 2-wheel motorcycles, 3-wheel and 4-wheel ATV's, and 4-wheel drive enclosed vehicles. Some of the vehicles are typically licensed for on-street use, and many are not (especially 3- and 4-wheel ATV's). As a result, OHV use represents perhaps the broadest range of trail types. High-clearance two-wheel vehicles (motorcycles) can use single track trails, whereas 3- and 4-wheel vehicles are more suited to double track trails (wider trails that include small roads such as fire-roads). Some OHV use revolves around extreme challenges such as "rock crawling" and hill climbing, which are often not related to specific trails but are generalized use of a broad area.

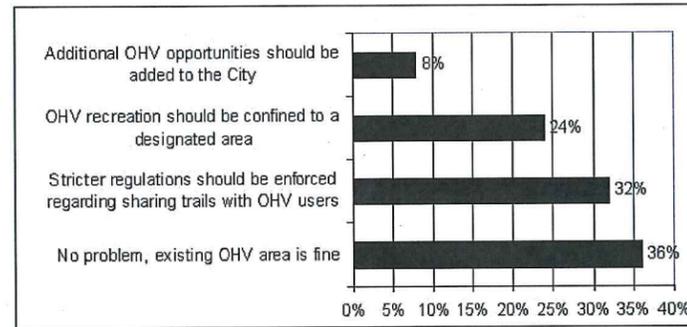
OHV's allow users to reach areas further away from the city more quickly than do other types of trail use. At the same time, the speed and noise associated with some OHVs can be detrimental to the enjoyment of other trail users. Workshop participants indicated that joint use of trails by OHV and non-motorized users was possible with careful adherence to trail etiquette such as slow speeds and noise control in the presence of other trails users, stopping and shutting off engines when horses are passing, etc.



Motorized OHVs allow access to more remote areas than are easily accessible by foot, bicycle or horse.

Although there is some OHV use in most of the area surrounding Carson City, according to participants at the Trails Workshop the majority of OHV use in Carson City is on the BLM land located to the east and north of the City—the Pine Nut Mountains. Many of the OHV users expressed the need for large areas designated for OHV use where there are no designated trails (e.g., rock crawling areas). OHV users also indicated a desire to increase OHV access to fire roads located on the peripheries of the city.

Opinions from the public opinion survey about OHV usage are shown below:



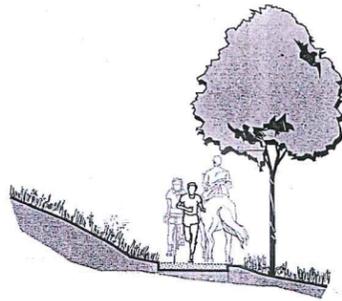
Considerations for OHV users include the following:

- There are ecological considerations such as soil erodability, riparian habitats, etc. that must be used to ascertain an area's ability to sustain OHV use
- Provide adequate parking at trail heads (for OHV's not licensed for street use)
- Coordinate trail access with uses allowed on public lands
- Signage about proper trail etiquette
- Adequate trail clearance
- Initiate an awareness program targeting young riders to provide education on responsible OHV use
- Locate trails in areas that don't cause soil erosion
- Assure that noise, dust, and speed impacts of OHV use are controlled where they will diminish the enjoyment by other users

6.6 OFF-STREET/UNPAVED/SINGLE TRACK

The single track trail is primarily designed for mountain bicyclists, equestrians, and pedestrians. They may be used by two-wheeled OHVs in designated areas related particularly to environmental conditions, noise, and speed impacts on other users. Single track trails are typically located outside of the City's urban area.

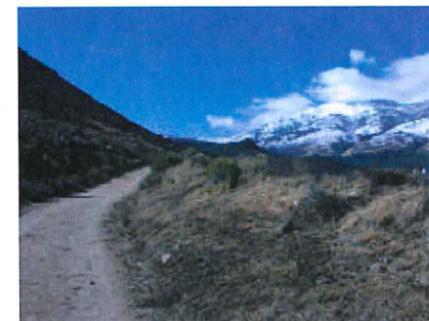
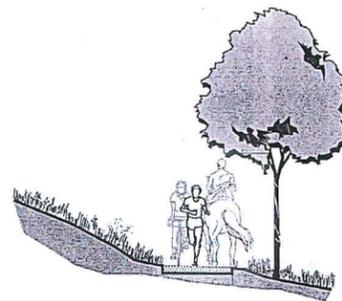
OFF-STREET/UNPAVED/SINGLE TRACK	
Location:	Open lands, Mountains
Width:	2' to 4' wide (maximum)
Surface:	Natural or soft surface
Amenities	Signage conveying regulations and environmental information



6.7 OFF-STREET/UNPAVED/DOUBLE TRACK

The double track path can be used by a variety of user groups including bicyclists, pedestrians, and equestrians. OHVs may use these trail in designated areas only. Double tracks are located primarily outside of the City's urban area and are often located on fire-access roads.

OFF-STREET/UNPAVED/DOUBLE TRACK	
Location:	Open lands, Mountains
Width:	12' wide standard, 10' minimum
Surface:	Natural or soft surface
Amenities	Regulatory and environmental signage



through the foothills of Carson City. Not only will this challenging trail serve existing Carson City residents, but it can also serve as a tourist attraction, drawing a number of visitors.

9.1.9 OHV AREAS

OHV use is designated for a number of double track trails and several general areas. The areas designated for general OHV use reflect existing use areas in the northeast and southeastern portion of the City—in the Pine Nut Mountain area and the south end of Prison Hill. OHV-designated trails include routes to and between these general OHV use areas, as well as fire roads and other double track trails that are currently used by OHV's.

It is acknowledged that there are other trails, especially single track, that may be currently used by OHVs but are not so designated on the UPMP. The detailed documentation of all trails in the Eagle Valley, and the types of use they experience, is beyond the scope of this Master Plan. It is recommended that detailed trail/use mapping be completed as an early implementation action of the UPMP, followed by a more detailed analysis of OHV needs, opportunities, and compatibilities. This effort should be coordinated with an update of the BLM's Pine Nut Mountain area management plan.

9.1.10 EQUESTRIAN TRAILS

Horses may be ridden legally on any street in Carson City, unless otherwise posted. In the UPMP, horses are also shown as allowed uses on the multi-use trails (soft surface portion) and off-street unpaved trails.

In addition, there are areas of the city that have concentrations of horse properties, and areas in and around Carson City (e.g. southeast quadrant, Prison Hill area) that have traditionally been destinations for equestrian use. For this reason, it is recommended that equestrian signs be installed in these areas to alert automobiles and other types of trail users of the potential for higher-than-usual equestrian use.

9.2 TRAIL AMENITIES

9.2.1 SIGNAGE

Signs add to the enjoyment, convenience, and safety of pathway users. To increase comprehension, it is recommended that the City develop standard types of signs for the pathway system. It may be desirable to develop a theme or logo that can be used on all of the signs along the trail to promote the identity of the pathway. Pathway signs should be created to perform some or all of the following functions:

- **Direction:** On-street signs to direct people to trail access points. The design of these signs should be coordinated with the City's transportation department. On-street signs generally must conform to the Manual of Uniform Traffic Control Devices and therefore may need to differ in size and style from trailside signs. • **Trailhead:** Identify trail access points and parking areas.



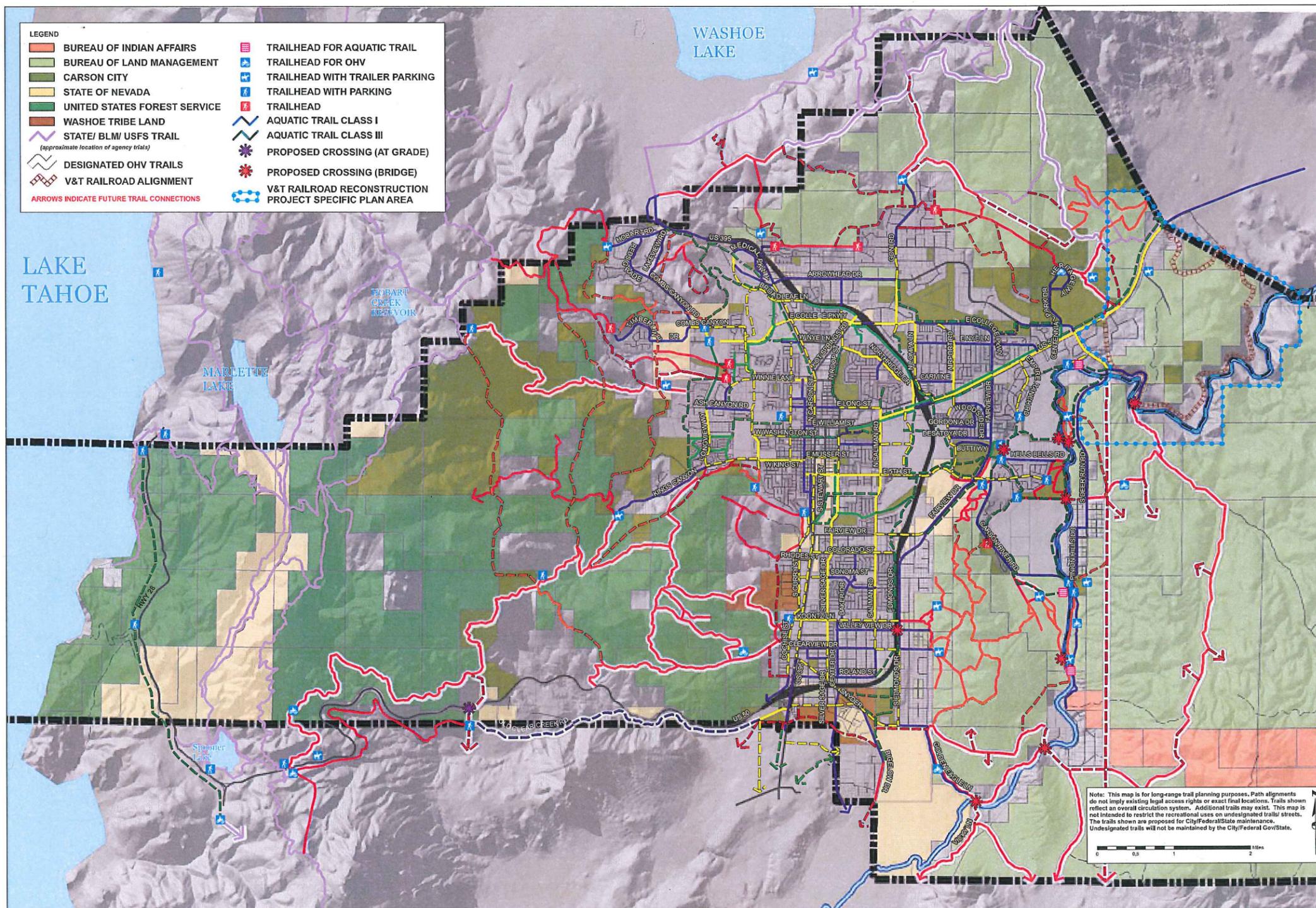
An example of where signage would be helpful to inform users about the purpose of the bollards.

urban area.

- ⌘ **Shade Structures with Benches:** Shade structures offer relief from the summer sun and shelter from inclement weather. Where possible, shade structures should be located at the trailheads of heavily utilized trails. The City may also wish to consider placing smaller shade structures along some of its heavily utilized urban pathways.
- ⌘ **Lighting:** In areas likely to receive use at night, pathway lighting helps users avoid conflicts at intersections and allows users to better observe trail direction, surface conditions, and obstacles. Lighting can also increase the sense of security along a pathway. Lighting use may vary from no lighting on rural soft surface trails to full coverage lighting in promenade areas.
- ⌘ **Restrooms:** A number of Carson City's trails are located in the outskirts of the City, away from restroom facilities. The City should do a demonstration project to test the level of use and service costs of temporary restrooms at the trailheads of its heavily used trails.

9.3 OFF-STREET TRAILS POLICIES

1. Off-street trails shall be designed for multiple uses unless constrained by available land (steepness, ROW width), incompatible adjacent land uses, the comfort and safety of users, or environmental considerations dictate restricted uses. **OHV usage shall be on designated trails only.**
2. In creating recreational trails, off-street paths are strongly preferred over on-street bike lanes.
3. The City supports the continued designation and use of areas for specific forms of non-automobile usage. An example is the portion of Prison Hill designated for non-motorized use.
4. Horses are allowed on all streets in Carson City. However, in some areas of the City with significant horse ownership, equestrian routes may be signed to alert drivers and other users.
5. **The trailhead symbols on the UPMP are inclusive of those below. That is, OHV trail heads include equestrians and other trail users. Equestrian trailheads exclude OHV use, but include parking for hikers, bikes, etc. Pedestrian trail heads exclude OHV and equestrian use. Walk-to trail heads exclude any kind of vehicle parking.**
6. In order to impact the least amount of private property possible, off-street trails should generally be aligned along property lines or in locations compatible with existing or proposed land uses, so long as the intent of the pathways system is accomplished.
7. Carson City may periodically close trails for rehabilitation of trails, sensitive lands, and watersheds.



**UNIFIED PATHWAYS
MASTER PLAN**

CARSON CITY,
NEVADA



Adopted - April 6, 2006

Revised - March 15, 2007 / Incorporation
of Carson River Aquatic Trail.

