

OPEN SPACE ADVISORY COMMITTEE STAFF REPORT

MEETING DATE: February 26, 2018

AGENDA ITEM NUMBER: 3C

STAFF: Ann Bollinger, Open Space Administrator

REQUEST: **For Possible Action:** To recommend to the Board of Supervisors regarding approval of a grant application to the Forest Legacy Program for fee-title acquisition of approximately 100 acres located in the Clear Creek area and administered by the Nevada Division of State Lands.

GENERAL DISCUSSION:

At the December 19, 2016 meeting of the Open Space Advisory Committee, there was general discussion regarding the Clear Creek property administered by the Nevada Division of State Lands. Member Inversin initiated the direction to staff to acquire sufficient land and/or easements to accommodate a trailhead and trail connection to the Clear Creek Trail. Further discussion encouraged staff to seek partnerships and funding sources.

Since that time, there have been several meetings and discussions. Staff met with Mr. Charlie Donohue, Administrator of the Nevada Division of State Lands regarding the acquisition options. Mr. Donohue stated that he wasn't willing to divide a parcel and just sell part of it to accommodate the trailhead and trail – with the primary concern that this recreational use would decrease the value of the remaining land. However, he offered a smaller parking area for 4-6 cars in the NDOT right-of-way, which the City was unwilling to accept due to the location and public safety concerns. Additionally, Mr. Donohue stated his willingness and preference to sell the entire property to Carson City. The most significant remaining challenge relates to the land value. The current zoning is Conservation Reserve which allows one dwelling unit per 20 acres. Mr. Donohue wishes to rezone to 5-acre lots, which the Board of Supervisors denied in 2014.

Staff talked with The Nature Conservancy (who has been interested in the past but currently they don't have sufficient funding) and the U.S. Forest Service (who doesn't wish to own the parcel once again). Therefore and at this time, it appears that Carson City Open Space is the only available and potentially interested entity to acquire the property.

Various grant programs were reviewed, and it was determined that the Forest Legacy Program (FLP) was the best fit. The next application period is May/June 2018. The estimated value is \$1+ million as simply determined by the 2018-2019 Taxable Valuation provided by the Carson City Assessor's Office. The FLP requires a 25% funding or in-kind match; therefore, the required match would be \$250,000+. One potential partner for the funding match is the Carson Valley Trails Association, and a second funding match is the State of Nevada Conservation and

Resource Protection Grant Program (Question 1). In addition to the above research, staff inquired with the Nevada Division of Forestry as a potential partner for land management. There have been initial conversations about entering into an Interagency Agreement for forest management of the site.

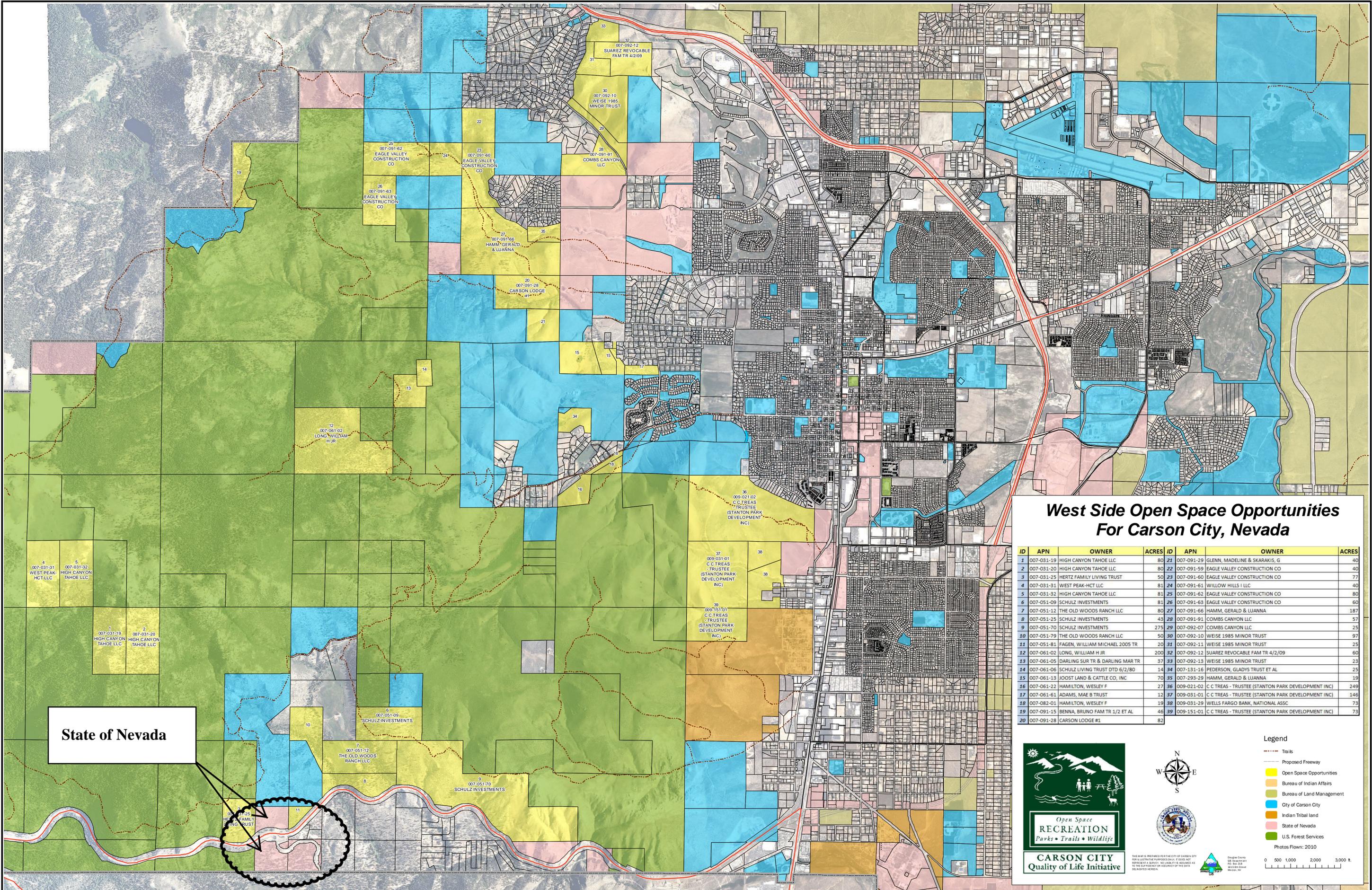
In consideration of potential acquisition by Carson City, staff completed the Open Space Evaluation Form. According the established criteria, most characteristics rank as “high” value and the factors rank as “high” priority (see attached).

The subject parcels were not previously identified on the “Open Space Opportunities Map” perhaps because the Open Space Plan erroneously assumed they were protected,

*EXISTING PROTECCION OF OPEN SPACE – State Lands
... forested lands owned by the state are relatively immune to traditional development.
The State does have this property protected to insure the integrity of the Carson City watershed....*

In summary, it is staff’s recommendation to proceed with a grant application to acquire fee-title ownership of the entire property.

RECOMMENDED ACTION: I move to recommend to the Board of Supervisors regarding approval of a grant application to the Forest Legacy Program for fee-title acquisition of approximately 100 acres located in the Clear Creek area and administered by the Nevada Division of State Lands.



West Side Open Space Opportunities For Carson City, Nevada

ID	APN	OWNER	ACRES	ID	APN	OWNER	ACRES
1	007-031-19	HIGH CANYON TAHOE LLC	80	21	007-091-29	GLENN, MADELINE & SKARAKIS, G	40
2	007-031-20	HIGH CANYON TAHOE LLC	80	22	007-091-59	EAGLE VALLEY CONSTRUCTION CO	40
3	007-031-25	HERTZ FAMILY LIVING TRUST	50	23	007-091-60	EAGLE VALLEY CONSTRUCTION CO	77
4	007-031-31	WEST PEAK-HCT LLC	81	24	007-091-61	WILLOW HILLS I LLC	40
5	007-031-32	HIGH CANYON TAHOE LLC	81	25	007-091-62	EAGLE VALLEY CONSTRUCTION CO	80
6	007-051-09	SCHULZ INVESTMENTS	81	26	007-091-63	EAGLE VALLEY CONSTRUCTION CO	60
7	007-051-12	THE OLD WOODS RANCH LLC	80	27	007-091-66	HAMM, GERALD & LUANNA	187
8	007-051-25	SCHULZ INVESTMENTS	48	28	007-091-91	COMBS CANYON LLC	57
9	007-051-70	SCHULZ INVESTMENTS	275	29	007-092-07	COMBS CANYON LLC	25
10	007-051-79	THE OLD WOODS RANCH LLC	50	30	007-092-10	WEISE 1985 MINOR TRUST	97
11	007-051-81	FAGEN, WILLIAM MICHAEL 2005 TR	20	31	007-092-11	WEISE 1985 MINOR TRUST	25
12	007-061-02	LONG, WILLIAM H JR	200	32	007-092-12	SUAREZ REVOCABLE FAM TR 4/2/09	60
13	007-061-05	DARLING SUR TR & DARLING MAR TR	37	33	007-092-13	WEISE 1985 MINOR TRUST	23
14	007-061-06	SCHULZ LIVING TRUST DTD 6/2/80	14	34	007-131-16	PEDERSON, GLADYS TRUST ET AL	25
15	007-061-13	JOOST LAND & CATTLE CO, INC	70	35	007-293-29	HAMM, GERALD & LUANNA	19
16	007-061-22	HAMILTON, WESLEY F	27	36	009-021-02	C C TREAS - TRUSTEE (STANTON PARK DEVELOPMENT INC)	249
17	007-061-61	ADAMS, MAE B TRUST	12	37	009-031-01	C C TREAS - TRUSTEE (STANTON PARK DEVELOPMENT INC)	146
18	007-082-01	HAMILTON, WESLEY F	19	38	009-031-29	WELLS FARGO BANK, NATIONAL ASSC	73
19	007-091-15	BENNA, BRUNO FAM TR 1/2 ET AL	46	39	009-151-01	C C TREAS - TRUSTEE (STANTON PARK DEVELOPMENT INC)	73
20	007-091-28	CARSON LODGE #1	82				

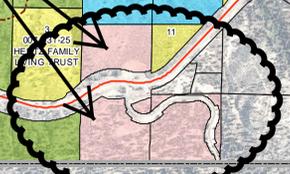
CARSON CITY
Quality of Life Initiative

Legend

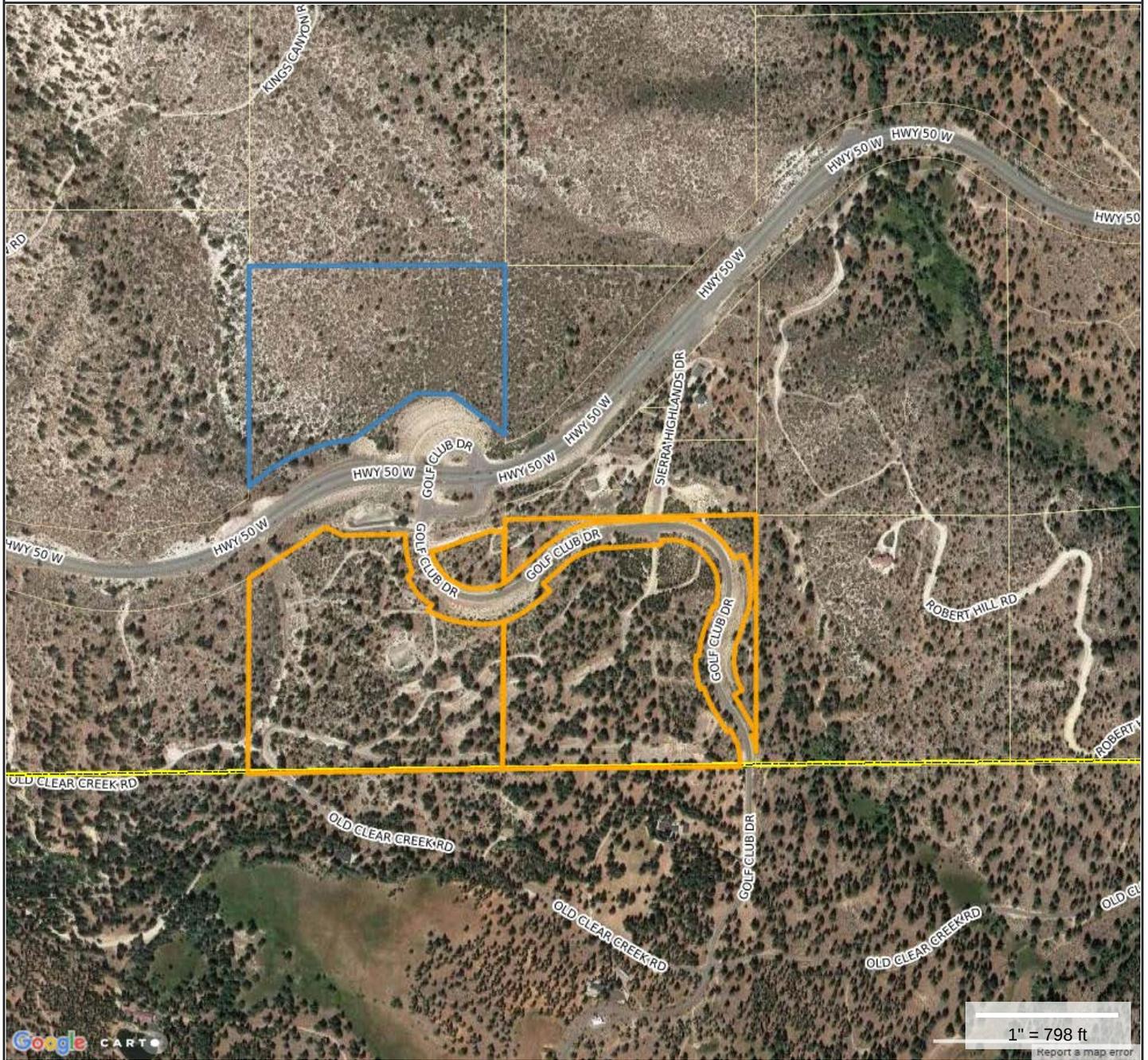
- Trails
- Proposed Freeway
- Open Space Opportunities
- Bureau of Indian Affairs
- Bureau of Land Management
- City of Carson City
- Indian Tribal land
- State of Nevada
- U.S. Forest Services

Photos Flown: 2010

State of Nevada



NDSL - Clear Creek parcels



Property Information

Property ID 00703123
 Location HWY 50 WEST
 Owner STATE OF NEVADA DIV OF ST LANDS



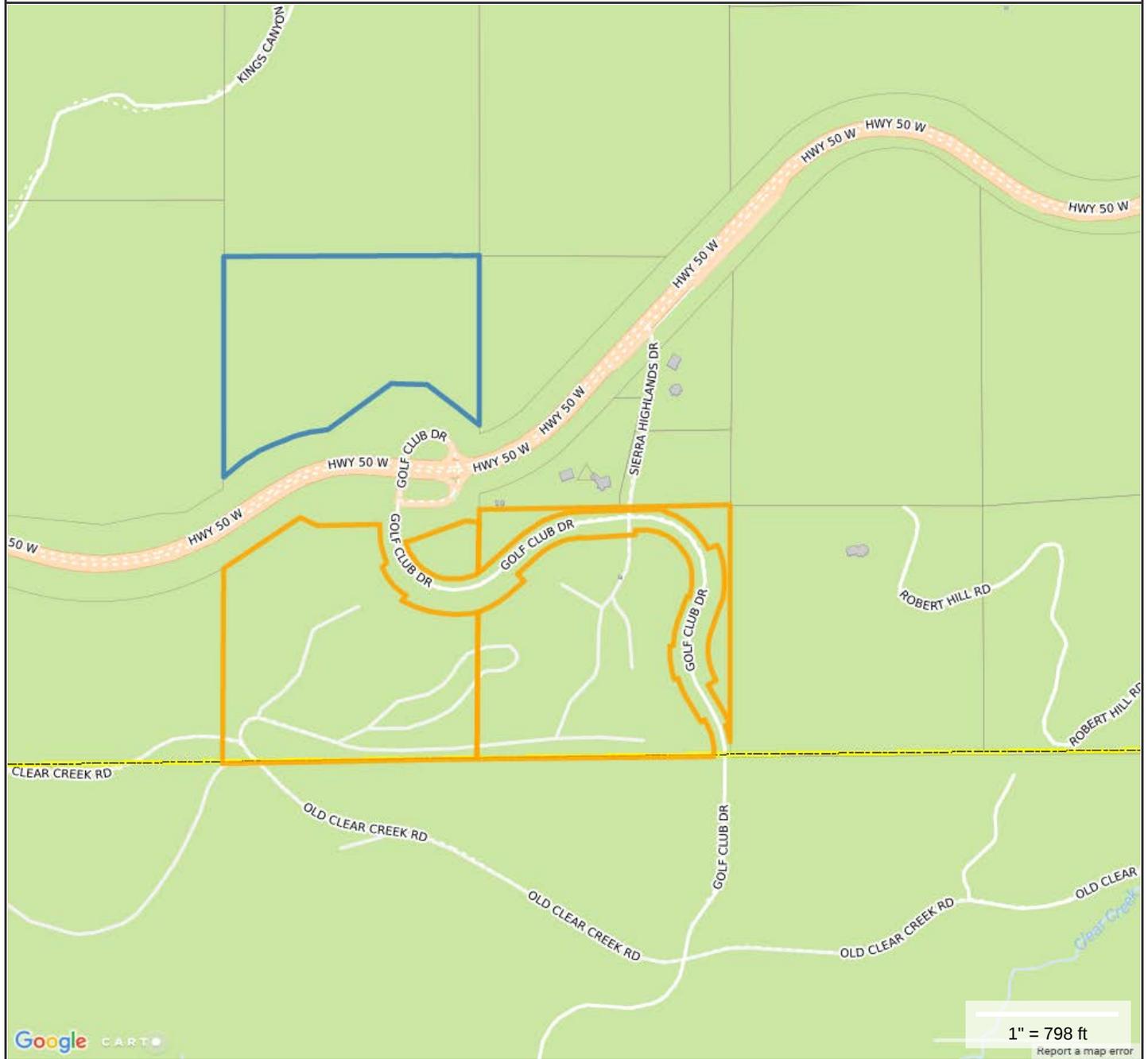
[CLICK LOGO FOR TUTORIAL](#)

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Parcels updated 02/09/2018
 Properties updated 02/09/2018

Clear Creek aerial map



Property Information

Property ID 00703123
Location HWY 50 WEST
Owner STATE OF NEVADA DIV OF ST LANDS



[CLICK LOGO FOR TUTORIAL](#)

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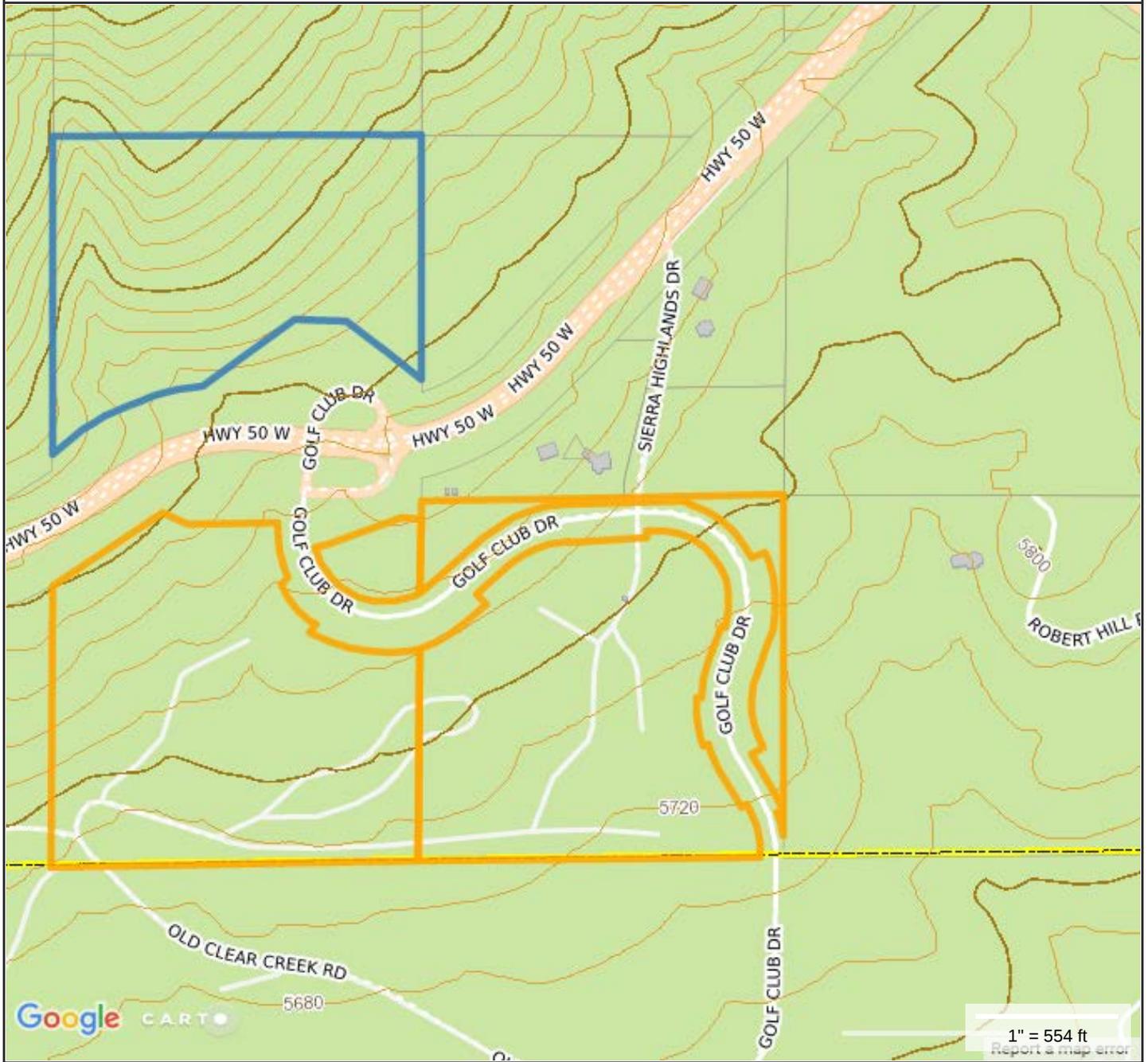
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Parcels updated 02/09/2018
 Properties updated 02/09/2018

1" = 798 ft

[Report a map error](#)

Clear Creek topo map



Property Information

Property ID 00703123
Location HWY 50 WEST
Owner STATE OF NEVADA DIV OF ST LANDS



[CLICK LOGO FOR TUTORIAL](#)

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Parcels updated 02/09/2018
Properties updated 02/09/2018

OPEN SPACE EVALUATION FORM

Landowner State of Nevada, Division of State Lands

Access Highway 50 West, exit at Golf Club Drive

ASSESSOR'S PARCEL NUMBER	ADDRESS	IMPROVEMENTS	ACRES	ZONING	MASTER PLAN
703123	HWY 50 WEST	no	40	Conservation Reserve	Public Conservation
703135	7100 OLD CLEAR CREEK RD	(1) Blacktop (1,000-3,000 SF); (2) chain link fence; (3) shed	32	Conservation Reserve	Public / Quasi-Public
705185	7100 OLD CLEAR CREEK RD	no	27.66	Conservation Reserve	Public / Quasi-Public
			99.66		

Table A. Physical Characteristics

For each parcel, select the highest value for each physical feature. If none apply, leave blank.

Physical Feature	Defining Authorities	Characteristics (check if present or applicable)	Value
Wildlife Habitats / Corridors	US Fish & Wildlife Service, NV Dept of Wildlife, or documented scientific observation	<input type="checkbox"/> Contains habitat or corridor for threatened or endangered (T&E) species <input checked="" type="checkbox"/> Contains high value habitat for non-T&E species <input checked="" type="checkbox"/> Contains migration corridor <input type="checkbox"/> Observed presence of wildlife or fish	<input type="checkbox"/> Very High <input checked="" type="checkbox"/> High <input checked="" type="checkbox"/> Medium <input type="checkbox"/> Moderate

At this time, it is unknown whether threatened and endangered (T&E) species have been recorded on the property.

According to the existing forest vegetation with intact understory and adjacent land ownerships with little to no development (resulting in limited habitat fragmentation), the property contains high value habitat for non-T&E species. The Nevada Department of Wildlife web portal for wildlife resource data shows a "mule deer movement corridor" through the property. The National Audubon Society shows the property just outside but in between two designated Important Bird Areas (Carson Range and Carson Valley). It's likely that black bears, mountain lions, bobcats, mountain quail, blue grouse utilize the property as well as other State Conservation Priority Species.

Natural Communities	US Army Corps of Eng. or competent specialist, such as the Nevada Natural Heritage Program	<input type="checkbox"/> Has healthy, sustainable riparian area <input checked="" type="checkbox"/> Presence of mature canopy trees, shrubs <input type="checkbox"/> Majority of parcel with healthy native grasses <input type="checkbox"/> Contains jurisdictional (ACOE) wetlands	<input type="checkbox"/> High <input checked="" type="checkbox"/> Medium <input type="checkbox"/> Moderate <input type="checkbox"/> Low
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The U.S. Geological Survey 7.5' Topo Map shows an ephemeral stream on the west side of the property; however it was dry during the past several visits to the property.

The property contains mature canopy trees and shrubs. Specifically, the site is primarily composed of varying age classes of Jeffrey pine. Additionally, numerous shrub species were noted such as manzanita, tobacco brush, sagebrush and bitterbrush. Several grass and forb species, such as Indian ricegrass and Palmer's penstemon, were also present.

Landform / Scenic Quality	Committee, staff, consultants	<input type="checkbox"/> Open water (lakes, ponds, river, stream) <input checked="" type="checkbox"/> Contains ridge or promontory with long views <input checked="" type="checkbox"/> Contains a valley that provides enclosure / privacy	<input type="checkbox"/> High <input checked="" type="checkbox"/> High <input checked="" type="checkbox"/> Medium
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The parcel on the north side of U.S. Highway 50 contains long views to the south towards Carson Valley. In contrast, the parcels on the south side of U.S. Highway 50 are more enclosed within the mature forest canopy.

Visibility	Committee, staff, consultants	<input checked="" type="checkbox"/> Visible from major roads <input type="checkbox"/> Visible only from local roads <input type="checkbox"/> Visible primarily from adjacent residences	<input checked="" type="checkbox"/> High <input type="checkbox"/> Medium <input type="checkbox"/> Low
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The property is adjacent to and visible from Highway 50 west.

Size	Staff	<input checked="" type="checkbox"/> Large than 40 acres <input type="checkbox"/> 20 to 40 acres <input type="checkbox"/> 10 to 20 acres	<input checked="" type="checkbox"/> High <input type="checkbox"/> Medium <input type="checkbox"/> Low
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The property is approximately 100 acres.

Accessibility	Committee, staff, consultants	<input checked="" type="checkbox"/> Significant portions can be opened to public <input type="checkbox"/> Limited portions opened to public use	<input checked="" type="checkbox"/> High <input type="checkbox"/> Medium
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While the property will be 100% open to the public, the public will be encouraged to remain on the proposed trails and trailhead.

Historic / Cultural	State Historic Preservation Office	<input type="checkbox"/> Known or high potential archaeological resource <input type="checkbox"/> Historic designation (national, state, or local) <input type="checkbox"/> Significant local cultural feature (physical landmark, working farm, unique structure, etc.)	<input type="checkbox"/> High <input type="checkbox"/> Medium <input type="checkbox"/> Moderate
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Unknown at this time.

Water Protection	CC Public Works	<input type="checkbox"/> Within 5 year well protection zone <input type="checkbox"/> Within 10 year well protection zone <input checked="" type="checkbox"/> Contains high-infiltration soils within watershed protection area	<input type="checkbox"/> High <input type="checkbox"/> High <input checked="" type="checkbox"/> Medium
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The property is not within a 5 or 10 year well protection zone. According to the Natural Resource Conservation Service's Web Soil Survey, the soils are considered gravelly sand, which allow high infiltration but they are also highly erodible. The Open Space Plan (2000) identifies the area as a watershed protection area; and the Community Source Water Protection Plan (2014) identifies Clear Creek as a recharge source for at least eight public water systems down stream in the capture zone.

Flood Hazard	Federal Emergency Management Agency	<input type="checkbox"/> Within FEMA-designated 100 year floodplain <input type="checkbox"/> Within area of known flooding	<input type="checkbox"/> Low <input type="checkbox"/> Medium
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None

Prime Farmland	US Dept of Agriculture	<input type="checkbox"/> Land has statewide agricultural importance (irrigated farmland)	<input type="checkbox"/> High
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Not applicable

Submitted by: _____

Date: _____

Submitted by: _____

Date: _____

Table B. Prioritizing Factors

This part of the evaluation assumes that some form of acquisition is necessary to protect the parcel(s) not otherwise protected by existing City, State or Federal regulation (wetlands, floodplain, easements, etc.)

For each parcel check the most appropriate priority factor for each category below.

Category	Definition (check if present)	Priority
Uniqueness of Habitat Type	<input checked="" type="checkbox"/> One of few remaining examples of at least one characteristic in Table A	<input checked="" type="checkbox"/> High
	<input type="checkbox"/> Habitat or physical setting is relatively rare in Carson City	<input type="checkbox"/> Low

Ease of Acquisition	<input type="checkbox"/> Landowner motivated to sell at less cost than market value	<input type="checkbox"/> High
	<input type="checkbox"/> Can be acquired with terms (options, payment structure, trade, etc.) favorable to the city	<input type="checkbox"/> Medium
	<input checked="" type="checkbox"/> Cost is not greater than appraised value, terms are not unfavorable	<input checked="" type="checkbox"/> Low

Potential To Share Cost	<input checked="" type="checkbox"/> Likely significant participation of non-city funding partners	<input checked="" type="checkbox"/> High
	<input type="checkbox"/> Likely participation from other funding sources	<input type="checkbox"/> Medium
	<input type="checkbox"/> Likely significant participation from other city departments	<input type="checkbox"/> Low

Currently, there is a proposal to submit a grant nomination to the Forest Legacy Program, which could pay up to 75% of the fee-title purchase and other acquisition costs. Other funding partners/sources include the Carson Valley Trails Association and the State of Nevada Conservation and Resource Protection Grant Program (Question 1).

Urgency	<input checked="" type="checkbox"/> Development is imminent	<input checked="" type="checkbox"/> High
	<input type="checkbox"/> For sale (acquisition / development likely)	<input type="checkbox"/> Medium
	<input type="checkbox"/> Private negotiation, not on open market	<input type="checkbox"/> Low

During the 2015 Nevada Legislative Session, Assembly Bill No.15 was passed and signed by Governor Sandoval to authorize the sale of this property with the proceeds benefitting the Stewart Indian School.

Is a Significant Part of Open Space Plan	<input checked="" type="checkbox"/> Located within an Open Space priority area	<input checked="" type="checkbox"/> High
	<input type="checkbox"/> Parcel is designated on current Open Space master plan	<input type="checkbox"/> Medium
	<input checked="" type="checkbox"/> Adjacent to or can be linked to other Open Space parcel(s), trail(s), or park(s)	<input checked="" type="checkbox"/> Medium

The property is located within the “hillside” priority area.

The subject parcels were not previously identified on the “Open Space Opportunities Map” perhaps because the Open Space Plan erroneously assumed they were protected, “*EXISTING PROTECCION OF OPEN SPACE - State Lands: ... forested lands owned by the state are relatively immune to traditional development. The State does have this property protected to insure the integrity of the Carson City watershed....*”

(continued)

On the north side of Highway 50, the property is directly adjacent to the Horse Creek Ranch fee-title acquisition and potentially a second fee-title acquisition from Mr. Fagen. On the south side of Highway 50, the property is adjacent to U.S. Forest Service administered lands and the Clear Creek Tahoe (Golf Course) which has a conservation easement held by The Nature Conservancy.

Perhaps the most important factor for acquisition is the bi-county trail connection between the existing Clear Creek Trail and potential trail connection to Carson City and Kings Canyon area.

Citizen Support	<input checked="" type="checkbox"/> Has city-wide citizen support / advocacy	<input checked="" type="checkbox"/> High
	<input type="checkbox"/> Has local citizen support	<input type="checkbox"/> Medium
	<input type="checkbox"/> No significant opposition	<input type="checkbox"/> Low

The Carson Valley Trails Association has been advocating for a trailhead in this location since 2008. Recently, Muscle Powered joined the efforts for acquisition and trailhead construction.

Submitted by: _____

Date: _____

Submitted by: _____

Date: _____



Potential entrance off Golf Club Drive



Connection with the existing Clear Creek Trail

Clear Creek properties – Nevada Division of State Lands
APNs 007-031-23, 007-031-35, 007-051-85



Clear Creek properties – Nevada Division of State Lands
APNs 007-031-23, 007-031-35, 007-051-85

