

# **CARSON CITY OPEN SPACE ADVISORY COMMITTEE**

## **Minutes of the August 21, 2006 Meeting**

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A regular meeting of the Carson City Open Space Advisory Committee was scheduled for 6:00 p.m. on Monday, August 21, 2006 in the Community Center Sierra Room, 851 East William Street, Carson City, Nevada.

**PRESENT:** Chairperson Steve Hartman  
Michael Fischer  
Tricia Lincoln  
Wayne Perock  
Howard Riedl  
Bruce Scott

**STAFF:** Roger Moellendorf, Parks and Recreation Department Director  
Juan Guzman, Open Space / Property Manager  
Ann Bollinger, Open Space Assistant  
Lee Plemel, Planning and Community Development Principal Planner  
Mary-Margaret Madden, Senior Deputy District Attorney  
Kathleen King, Recording Secretary

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

**CALL TO ORDER AND DETERMINATION OF A QUORUM (6:00:00)** - Chairperson Hartman called the meeting to order at 6:00 p.m. A quorum was present. Vice Chairperson Jacquet was absent. Member Lincoln arrived at 6:02 p.m.

**CITIZEN COMMENTS ON NON-AGENDIZED ITEMS (6:00:02)** - None.

**1. ACTION ON APPROVAL OF MINUTES - June 19, 2006 and August 3, 2006 (6:00:14)** - Member Scott moved to approve the August 3<sup>rd</sup> minutes. Member Perock seconded the motion. Motion carried 5-0. Member Fischer moved to approve the June 19<sup>th</sup> minutes. Member Riedl seconded the motion. Motion carried 5-0.

**2. MODIFICATIONS TO THE AGENDA (6:01:50)** - Chairperson Hartman modified the agenda to address item 3-B prior to item 3-A. (6:32:54) At Mr. Guzman's suggestion, Chairperson Hartman further modified the agenda to address item 3-C prior to item 3-A.

**3. AGENDA ITEMS:**

**3-A. ACTION TO MAKE RECOMMENDATIONS TO THE BOARD OF SUPERVISORS REGARDING THE POTENTIAL DISPOSITION AND ACQUISITIONS OF CITY AND FEDERAL LANDS LOCATED WITHIN THE CARSON RANGE, VIRGINIA RANGE, CARSON RIVER, AND CITY ENVIRONMENTS, THROUGH CONGRESS AND THE FEDERAL LANDS BILL PROCESS (7:10:50)** - Mr. Guzman reviewed the staff report and provided an overview of discussion which took place at the August 3<sup>rd</sup> committee meeting. He pointed out, on a displayed map, the three parcels which will be designated for economic development. The other exchanges, acquisitions, and

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dispositions are predicated on management or open space considerations. Mr. Guzman referred to the detail maps included in the agenda materials and displayed in the meeting room. He hopes to have a final draft of the lands bill map ready to be presented to the Congressional delegation in November or December 2006. Chairperson Hartman disclosed that he is a member of the Carson City Trap Club.

(7:20:04) Mr. Plemel provided background information on his involvement in developing the lands bill map. He noted issues of management and use with regard to ownership decisions. He advised that evaluation of the lands indicates current and proposed ownership, whether or not the City has maintenance responsibility under R&PP leases, and whether the proposed use is allowed under current ownership. He reviewed the Proposed Federal Lands Bill Map Land Use and Ownership Comparison Table included in the agenda materials.

Chairperson Hartman referred to Fire Chief Stacey Giomi's comments, at the August 3<sup>rd</sup> meeting, with regard to fire management. He noted that the same property referred to by Chief Giomi is also managed for watershed. He expressed understanding for Chief Giomi's concerns, but suggested that watershed management represents a larger issue. Member Scott inquired as to the cost associated with management of utilities lands on the west side of town. He noted one of the most critical issues in the open space questionnaire was the community's scenic backdrop. Part of the charge of the Open Space Master Plan element is to preserve the scenic backdrop in the best way possible. Member Scott expressed a willingness to consider investing funds in management of the scenic backdrop in order to keep it from being so susceptible to fire. In response to a question, Mr. Guzman advised that a considerable amount of general fund money was allocated to Waterfall Fire rehabilitation. The U.S. Forest Service funded a great deal of the cost as well. Member Scott expressed the opinion that "it's time for more management" of the west side utilities properties in order to preserve and protect those areas that didn't burn and to rehabilitate and re-establish those areas that did. He suggested the community is at somewhat of a crossroads, and expressed the opinion that the responsibility of the Open Space Advisory Committee is a greater commitment to ongoing management. He suggested more susceptibility on the west side because of trees and the larger brush community. He advised of being intrigued by the possibility of management agreements in which the City could take on sufficient responsibility to "be able to have a lot of say in ... the potential for minimizing the impact of fire." He noted the additional element that management agreements may provide for more law enforcement. He advised of leaning, in a general way, toward keeping more on the west side, not acquiring as much on the east side, and considering management agreements to bridge the gaps.

Member Perock expressed concern over large properties being turned over to the U.S. Forest Service or Nevada State Parks. He advised of having contacted Nevada State Parks representatives earlier in the day, who indicated they were not aware of the lands bill. He expressed the opinion that Nevada State Parks should have been brought in very early, and advised of having invited Nevada State Parks Chief of Planning and Development Steve Weaver to the meeting. He expressed concern over NEPA processes associated with USFS projects, and commented that "everything is so slow, by the time you've planned it, it's too late." He noted that the properties to be acquired by Nevada State Parks would not have to be included in a federal lands bill. He advised of having heard that Senator Amodei may submit a bill draft request for forest health projects in the Little Valley / Hobart area. He suggested that City representatives discuss with the Senator the possibility of expanding the project scope to include some of the forested City properties. He expressed reservations about recommending lands to the USFS, and suggested discussing management agreements with Nevada State Parks representatives.

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Member Riedl expressed concern over the City giving the federal government more of its lands, and the opinion that turning over 2,705 acres to the USFS is ridiculous. He agreed with Member Scott's comments that much of the west side land is not for economic development, but for management purposes. The USFS land will be designated as open space whether or not the City owns it. Member Riedl proposed concentrating on reducing to zero the number of acres to be given to the USFS and on specific management plans for USFS lands within Carson City on the east side of the Tahoe Basin ridge.

Member Fischer expressed surprise at the lack of citizens in attendance to protest the City giving more lands to the federal government. In response to a question, Mr. Guzman advised that fire suppression costs on the west side could "wipe out" the City. Chairperson Hartman inquired as to the whereabouts of the Waterfall Fire report. He noted that a fire starting on City property and / or spreading to City property raises any number of liability issues. He advised his concerns were similar to those expressed by Member Perock. He expressed the opinion there are those who truly care about the forest but "can't get the job done" because of NEPA processes. "By the time they got through the process and litigation, the forest burned up that they were trying to manage." Chairperson Hartman expressed concern over a repeat; that the USFS "can't get out of the way." He discussed the need to circumvent the NEPA process in order to save the forest. He requested Mr. Guzman to agendize the Waterfall Fire report for the next meeting. He agreed that consideration needs to be given to the bigger picture, and that management agreements may be the way to do so. He noted the City doesn't seem to have the same problem as the USFS, and emphasized the need to solve the problem. He opened this item to public comment.

(7:35:00) Nevada Division of State Parks Chief of Planning and Development Steve Weaver distributed to the committee members copies of the 1989 Lake Tahoe, Nevada State Park master plan, and reviewed the same. He expressed a particular interest in properties surrounding Marlette Lake which present a management problem in that the USFS is much less restrictive with regard to back country camping. He advised that Mr. Guzman had discussed the possibility of the City purchasing "a couple parcels of property" on the State Park boundary. Nevada State Parks representatives have discussed the possibility of developing a management agreement or taking over ownership of those parcels. Mr. Weaver acknowledged the possibility of the State being interested in some of the City property. He didn't see the potential for wholesale turnover of City property to the State, however. He expressed the opinion the State would not be interested in any property outside of sections 9, 16, and 17, as depicted on the map. He advised that Nevada State Parks is interested in acquiring federal property. The bulk of an 835-acre tract is in Carson City, together with an 80-acre tract just to the west. Member Perock suggested the main point of considering the entire City land base. "If we're going to do it, we should do it all at once."

Chairperson Hartman advised of the congressional delegation's posture, since the Clark County lands bill, that it all should be done in one bill with all issues addressed. He noted the issue of Tribal allotment grounds which should be included in whatever lands bill ends up being submitted. Member Scott expressed appreciation to Mr. Weaver for his attendance and to Member Perock for having invited him. He expressed the opinion that the map should include Lake Tahoe and "we get everything that Parks needs ... within Carson City on the acquisition list."

(7:41:11) Eddie Mayo, a resident of Deer Run Road, expressed concern over the proposal to construct a shooting range one-half mile from his home. He advised that he hears the sound from the existing shooting range. "To bring it closer would be very uncomfortable." He advised that the proposal "will have a huge impact on people who live in that area." He further advised of having spoken to a few of the area residents,

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and expressed concern that “none of them knew about this proposal.” He discussed with Mr. Guzman the importance of a public meeting with the area residents as the proposal would affect their quality of life, land values, and many other things. He expressed the opinion that holding a public meeting may affect the decision of the committee to include the property in the public lands bill. Chairperson Hartman agreed with the need to hold a sufficient number of public meetings. Mr. Mayo requested the committee members to read the letter he provided which was included in the agenda materials.

At Member Scott’s suggestion, Mr. Guzman explained that City Manager Linda Ritter had requested Planning and Community Development Director Walter Sullivan to develop a citizen participation program. Upon his review of the draft lands bill map, Mr. Guzman suggested presenting it first to this committee because of the many pertinent properties, particularly on the west side. He expressed the belief that this committee and other pertinent advisory committees should be in agreement with the first draft of the lands bill map to be presented to the public. He emphasized “we are just beginning.”

Mr. Guzman advised of having discussed the lands bill with Division of State Lands Administrator Pam Wilcox, who coordinated with other State departments to receive input. He further advised of having discussed the lands bill with Washoe Tribe representatives, who expressed no interest in addressing the problem of private land ownership in the area of the Carson River. He explained that the shooting range proposal had been initiated by members of the Trap Club as a way of resolving the problem of adjacent development. He acknowledged Mr. Mayo’s concerns over the proximity of a shooting facility to residential areas. He noted the additional concern over wild horses in the area.

At Mr. Guzman’s request, Ms. Bollinger noted the importance of management as an element of the lands bill. She advised of having discussed opportunities with Nevada Division of Forestry representatives, who advised her there is funding for projects. She anticipated being able to have a project implemented within two months. Suggested projects include spraying suppression agents on cheat grass, brush and tree thinning. Ms. Bollinger noted that Nevada Division of Forestry processes are quicker. State Historic Preservation Office and Threatened and Endangered Species surveys could be completed within 30 to 45 days. Ms. Bollinger advised that existing funding is available through June 2007, and that project funding is budgeted annually. She noted that these types of management projects would require a full-time Open Space Assistant position. Member Scott expressed support for a full-time position.

Member Scott inquired as to additional funding through the Southern Nevada Public Lands Management Act to be used for extended rehabilitation, erosion control, revegetation, etc. Chairperson Hartman requested Mr. Guzman to consider “flipping the tables” with the City ending up as the entity responsible for that portion of USFS lands within the area of the City’s watershed. A management plan could be developed, including an EIS, and then the City could subcontract with the Nevada Division of Forestry or a separate contractor. Chairperson Hartman noted the thousands of acres over which the USFS and other federal and state agencies are responsible, and the priority given to the Lake Tahoe area. He further noted the importance of management of the interface properties.

Member Scott expressed the belief that a tremendous amount of safety can be incorporated with good management. He acknowledged the legitimate concern over the cost of fire fighting, but expressed the belief that the impact of fire can be tremendously affected by good management and a commitment to resource maintenance. “Everybody needs to know and wants to know what they can do and how they can be creating a safer environment in the interface areas.” Member Scott noted the great deal of potential for

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an overall management plan to substantially reduce the potential and the cost of catastrophe over the course of time. He further noted that the City's resources would be well served by spending more on protecting them, and thus eliminating the possibility for more of the watershed above Ash and Kings Canyon Creeks to burn in the future. Following up on some of Member Perock's comments, he suggested a reasonably good chance for the City to experience problems from fires in the Tahoe Basin because of the inability to manage that resource. Managing in cooperation with Nevada State Parks which, in turn, will manage their portion "might provide a protection for Carson that we don't have right now from the west side."

Mr. Guzman noted the advantage of the City protecting its watershed versus having the watershed managed by another agency. In response to a question, Member Scott suggested the utility would directly benefit by an investment of more funding to manage the watershed, from both the Open Space Program and the utility, in that runoff time would be extended and could be utilized rather than operating wells. Watershed in good shape is needed for utility operations as well as for preservation of the open space view shed and lands identified by the public as priorities. Member Scott expressed the belief that the Open Space Program is moving toward more management and a greater need for management within this committee's purview in order to "put our money where our mouth is" as well as establishing management for public lands.

Chairperson Hartman recalled testimony from the Waterfall Fire Burn Area Emergency Response Team that the property which came through the fire with the least amount of damage was Bill Long's because it had been managed. He emphasized the importance of management and noted that the fire went through the bottom of the Long property but did not get into the crowns of the trees. He noted the amount of water lost down Ash Canyon Creek in the aftermath of the Waterfall Fire. He suggested considering cooperative projects with the Nevada Division of Forestry, and that the Utilities Division needs to consider them as well. He pointed out "this is not just an open space issue; it's a utilities issue."

Mr. Guzman acknowledged a clear understanding of the committee's direction with regard to the west side properties. In response to a question, he advised that resource management is not the purview of many of the other advisory committees. Staff will attempt to address each of the committee's direct purposes with regard to the lands bill. Mr. Guzman advised that once the advisory committees provide input, staff will begin a very detailed public participation process that will influence the final product. Chairperson Hartman cautioned against the perception that public input is irrelevant.

Member Lincoln inquired as to whether other options for the shooting range were considered, and why the suggested location is proposed. Chairperson Hartman advised that he had received no contact from any Trap Club member. He further advised that the range had been located in a couple different locations over the years. Mr. Guzman advised of having considered other areas; however, the proposed location was suggested by members of the Trap Club. He reiterated "it's way too early" to determine where the range will be located. The proposed location is being tested as a possibility. Mr. Guzman noted the group of residents present in the meeting room, and advised he anticipates hearing from other residents. Staff is just beginning to gather information. Member Perock expressed concerns over other activities which take place in the area of the proposed shooting range. In response to a question, Mr. Guzman advised that the City Engineer has many concerns over access. He acknowledged the concept includes any legal weapon, and advised that all the concerns will be considered in developing a recommendation.

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In response to a question, Mr. Guzman reviewed the Area 3 map which was displayed in the meeting room. Chairperson Hartman called for additional public comment. (8:08:53) Marilyn Payne, a resident of Persia Road, expressed appreciation for the committee's interest in public input. She advised that the area proposed for the shooting range is heavily used by a wild horse herd, equestrians, pedestrians, etc. She noted the existing rifle and pistol range across the River from her property and advised that she hears the noise. She advised of two fires which "have been caused by ricocheting bullets from that particular rifle range." She expressed concern over the potential fire danger of an additional shooting range. She advised that the Bureau of Land Management advertises the proposed area for Christmas tree cutting "because they actually like to thin that area from some of the pinion trees." She commented "it is not a wasteland over there," and reviewed the recent sale prices of adjacent properties.

(8:13:04) Jon Nowlin expressed disagreement with discussion which took place at the August 3<sup>rd</sup> meeting regarding exchange of watershed lands. He expressed the belief that the community should invest more money in protecting the watershed, including the responsibility of owning the watershed. He endorsed the comments of various committee members with regard to actively managing watershed lands, working with the Utilities Division to combine resources with State agencies to protect the watersheds.

(8:14:35) Rob Potter inquired as to the reason for relocating the shooting range. Mr. Guzman explained that the main reason is adjacent development. Additionally, the economic value of the land makes justifying the recreation facility in the location difficult. Chairperson Hartman clarified Mr. Guzman's comments were specific to the trap range. In response to a question, Mr. Guzman explained the concept to incorporate all forms of recreational shooting at the proposed location. Mr. Potter suggested an alternative location. Member Scott suggested discussing a regional shooting facility with Lyon and Douglas County representatives. Chairperson Hartman referred to the Clark County Lands Bill, and discussed development of a joint regional shooting facility.

(8:18:05) Donna Curtis advised that the Parks and Recreation Commission had reviewed a proposal for development of a regional shooting facility. She expressed an interest in "this conversation" being "translated fairly quickly to the Parks and Recreation Commission." Chairperson Hartman explained the difficulty in incorporating a trap range into any indoor facility.

(8:19:27) Marilyn Payne discussed the shooting range used by law enforcement, and suggested this as a possible central location.

In response to a question, Mr. Guzman advised that the shooting facility could also include archers. He reiterated that the Trap Club has taken the initiative in the proposal, and advised that the other shooting facility users are "listening carefully." Chairperson Hartman discussed the need for at least one square mile of area to accommodate all the uses.

(8:21:25) In response to a question, Mr. Guzman advised that the City owns the facility on Arrowhead "provided we use the facility to shoot." Converting the property to some other use would revert ownership to the federal government. The lands bill requests for the federal government to allow the City to own the land, to sell it, and to keep the sale proceeds for allocation to a new facility. Ownership of the rifle range is similar. Mr. Potter suggested selling the properties and developing a regional facility with Douglas and Lyon Counties. He emphasized that the facility should not be in Carson City.

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Member Scott referred to the areas east of the map, essentially BLM and Tribal allotment properties, and suggested considering restrictions such as mining entry, usage of existing trails and roads, etc. Chairperson Hartman suggested that the first step will be for the Bureau of Land Management to remove consideration of use for any mining purposes. Member Perock referred to Vice Chairperson Jacquet's comments, at the August 3<sup>rd</sup> meeting, to place designations on certain properties. Member Scott suggested the lands bill is a more expedient way to designate properties.

Ms. Bollinger referred to the Deer Run Road property addressed in Mr. Mayo's letter, and advised that the Bureau of Land Management actively manages a wild horse herd in the area. Chairperson Hartman referred to the "out-of-the-box ideas" discussed earlier, and requested Mr. Guzman to look into them. Mr. Guzman acknowledged an understanding of the committee's direction.

**3-B. ACTION TO REVIEW AND RECOMMEND TO THE BOARD OF SUPERVISORS A CONSERVATION EASEMENT WITH MR. MICHAEL FAGEN REGARDING THE HORSE CREEK RANCH MEADOW PROPERTY LOCATED AT KINGS CANYON ROAD, APPROXIMATELY THREE MILES FROM THE PAVED TERMINUS (6:03:19)** - Mr. Guzman reviewed the staff report and the provisions of the draft conservation easement, which was included in the agenda materials. He explained an additional issue related to the appraisal in that the Internal Revenue Service requires Mr. Fagen to pay for the appraisal. Mr. Fagen has engaged the services of Appraiser Bill Kimmel. The City will, in turn, either have the appraisal reviewed by an independent appraiser or have an independent appraiser conduct a separate appraisal. The appraisal will consider value of the property with all development rights, then consider the value of the property based on development rights disposed of by Mr. Fagen. The difference in the two values will constitute the value of the conservation easement.

In response to a question, Mr. Guzman reiterated that IRS regulations require Mr. Fagen to pay for the appraisal. Member Scott expressed an interest in Mr. Fagen's comments. Mr. Guzman acknowledged that the lodge, the residences, the caretaker's residence, and the existing structure will be considered as part of the appraisal. Chairperson Hartman noted this would be allowable within the context of Mr. Fagen retaining the appraiser. Mr. Guzman advised of the provision that Mr. Fagen understands the lodge may never be constructed. Mr. Fagen has requested the ability to construct the two houses, the sizes of which increase if the lodge cannot be constructed. In response to a question, Mr. Guzman advised of having discussed this provision with Mr. Fagen prior to the start of the meeting. Member Scott presumed that if some sort of agreement is reached, the appraised value would not have to be revisited at some point in the future if the lodge cannot be constructed. Chairperson Hartman invited Mr. Fagen to the meeting table.

(6:12:47) Mr. Fagen advised that the lodge would be a not-for-profit operation to be used for weddings, by civic and religious groups, etc. He expressed a desire for the lodge to be self-supporting, but advised he would not profit from it. "It's just a way to share this beautiful piece of property with the community and keep it up." Mr. Fagen advised that the lodge is envisioned to accommodate 20 to 30 people on an overnight basis, and 150 to 200 people on a day-use basis. He explained that he has two children. Depending upon his estate plan, he advised of the desire to give half the property to one child and half to the other. The easement would run with both parcels if the subdivision takes place, and each child would have the right to build a house if there were nothing on half of that. Mr. Fagen envisions a north / south division down the middle of the meadow. He advised that the caretaker's residence would be integrated with the shop so as not to be a separate building. He advised of the original idea for a lodge with a few rooms and some cabins behind it. He has since moved away from this idea to minimize the footprint as

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well as for maintenance and energy conservation. He expressed a willingness to extinguish the subdivision rights if the property was to be sold before settlement of his estate.

With regard to construction of the lodge, Mr. Fagen advised of a multi-agency planning review meeting scheduled for September. He further advised that Mr. Guzman has talked with some of the agency representatives and there have been no “show stoppers” thus far. Member Scott inquired as to the possibility of agreeing to not revisit the appraisal if the lodge is not constructed. Mr. Fagen agreed to not revisit the appraisal if the lodge is not built. He expressed the opinion that extinguishment of 80 percent of the building rights should be valued regardless of what is done with the remaining 20 percent in the future. Member Scott requested clarification regarding Mr. Fagen’s willingness to extinguish the subdivision rights. Mr. Fagen explained that the property is one parcel number now. In order to give half to each child, the right need not continue with the new buyer if the property is sold before that happens.

Member Riedl referred to certain forestry plans in the draft conservation easement, and inquired as to the responsibilities of the Open Space Program in carrying out the duties of the conservation easement over time. Mr. Guzman advised that the City would be responsible for enforcing each term of the contract in perpetuity. If the City was no longer able to carry those duties, it would be responsible for finding a similar organization to carry the duties. In addition, since the State of Nevada is funding part of the easement, they reserve enforcement rights over the easement. Mr. Fagen has endowed the City with \$50,000 toward enforcement of the easement. There are some restrictions associated with use of the money. The endowment will be used to provide for administration of the easement in perpetuity. The \$50,000 figure was not established through any formula associated with enforcing the easement. Mr. Guzman acknowledged that enforcement of the easement doesn’t cause any additional burden on existing staff. He noted that the more complicated the easement, the more time consuming enforcement becomes.

Chairperson Hartman inquired as to the origin of the conservation easement form. Mr. Fagen advised that the form is compiled from two, one from New York and one from Colorado. Chairperson Hartman suggested modifications to simplify the document. He expressed an interest in discussing large and small agricultural operations in consideration of how to incorporate them into the document. He commented the draft is a great beginning; that it just needs to be simplified. Mr. Fagen suggested that one-third of the items would never come up. Member Scott suggested keeping in mind the potential for the conservation easement being subject to enforcement by other parties. He suggested keeping the “size of the target” focused on the goal of maintaining open space and allowing for use of the property in a way that’s consistent. Chairperson Hartman agreed with keeping the conservation easement document very simple and straightforward for both Mr. Fagen’s and the community’s purposes.

Mr. Fagen requested Mr. Guzman to reiterate the time table associated with the conservation easement. Mr. Guzman advised of a promise to record the conservation easement by November 2006. In order to do so, the document must be reviewed by counsel and the Board of Supervisors. Mr. Guzman requested the committee members to consider “anything big.”

Chairperson Hartman commented on the potential of the conservation easement to greatly benefit the community. Notwithstanding open space issues, he noted the proposal to cluster development in an area that’s out of the way. The meadow has always been the focus. Chairperson Hartman suggested the only

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issue to still be addressed is public access; to designate a trail on the periphery that doesn't impact the meadow, to allow grazing to go on as it has historically, and to not impact the use in terms of the lodge. Mr. Guzman advised of Mr. Fagen's agreement to allow for field trips and visiting days.

Member Scott advised of being comfortable with the general elements of the draft document. He expressed an interest in streamlining the provisions. He expressed a willingness to delegate to the chairman or a working group of the committee the ability to work out the details and move forward. He suggested hiring a review appraiser rather than having a second appraisal. **Member Scott moved to consider the draft conservation easement, with the recommended revisions, at a special meeting, if necessary. Member Fischer seconded the motion.** Following discussion, Member Scott reiterated the suggestion to delegate additional revisions to the chairman and staff without having the draft document resubmitted to the committee. Chairperson Hartman called for public comment.

(6:31:25) Rob Potter inquired as to the existing cabin. Mr. Fagen advised the cabin is not a residential property. It could be used for some type of chapel. There is no water, sewer, or power available to the structure. Mr. Potter expressed support for retaining the cabin.

Chairperson Hartman called for additional public comment and, when none was forthcoming, a vote on the pending motion. **Motion carried 6-0.** Chairperson Hartman thanked Mr. Fagen.

**3-C. ACTION TO RECOMMEND TO THE BOARD OF SUPERVISORS THE USE OF UP TO \$50,000 FROM OPEN SPACE FUNDS FOR THE CARSON CITY EQUESTRIAN ALLIANCE TO BE USED AS A MATCH TO A FEDERAL GRANT FOR THE CONSTRUCTION OF AN EQUESTRIAN OVERPASS OVER THE FUTURE CARSON CITY FREEWAY IN ORDER TO PROVIDE ACCESS FROM RESIDENTIAL AREAS IN THE SOUTHEAST QUADRANT INTO THE PRISON HILL RECREATION / OPEN SPACE AREAS** (6:34:09) - Member Scott advised of a potential conflict of interest, as a member of the Equestrian Alliance, and advised he would abstain from voting on this item. Mr. Guzman reviewed the staff report and provided an overview of the agenda materials.

(6:35:58) Carson City Equestrian Alliance President Mike Torvinen provided background information on the request, and reviewed the August 4, 2006 letter included in the agenda materials. In response to a question regarding proposed dimensions and construction details, he estimated a minimum width of 20 feet, spanning the entire freeway which is below grade at that point, with fairly tall fences on both sides. Member Perock inquired as to the Nevada Department of Transportation's requirements with regard to design. Mr. Torvinen advised of a couple different types of structures in the estimate provided by NDOT. In response to a further question, he advised that an overlay of decomposed granite would be desirable for the surface. In response to a question with regard to how to keep ATVs from accessing the overpass, he suggested barriers which would allow for equestrian, bicycle, and pedestrian access only. Member Perock advised of at least seven routes which are being eliminated by the freeway, and acknowledged the need for the overpass.

In response to a question regarding the Open Space Program budget, Mr. Guzman anticipates that the impact of \$50,000 would be minimal. He suggested the more important issue is whether such a structure was contemplated in Question #18 at the time it was posed to the voters. Open space is traditionally considered to be undisturbed ground; however, the concept of linking spaces was included in the Open

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Space Master Plan element. Mr. Guzman expressed the opinion that the overpass “doesn’t get any better” as far as linking open spaces. He advised that the Open Space ordinance provides for such a structure, but inquired again as to whether such a thing was included in the intent of Question #18. Member Perock suggested the overpass concept is consistent with the “every garage a trail head” theme of the Unified Pathways Master Plan. He inquired as to maintenance responsibilities. Mr. Guzman presumed the structure would become part of the City’s infrastructure and facilities and be maintained accordingly. Chairperson Hartman advised that the Open Space Program commitment is the first piece of the puzzle.

Member Riedl commented on the importance of connectivity. Building a freeway through a previously rural area “causes a lot of barriers between open space and the people who enjoyed that.” He expressed support for the proposal. In response to a question, Mr. Guzman advised that the matching funds would most likely be applied to a federal grant. Nothing is known for certain. In response to a further question, Mr. Guzman advised that the hope is the overpass will be constructed in conjunction with the next phase of the bypass. Member Riedl expressed concern that if the overpass is not constructed at the same time as the next phase of the bypass, it will never get built. He advised of having inquired as to the type of match because of transportation enhancement funds. Mr. Guzman advised that the strategy, at this point, has been a commitment that if the Equestrian Alliance is able to raise the funding from a City source, “everything else will fall into place.” Mr. Guzman acknowledged that if the funding is not used toward construction of the overpass, it would revert to the Open Space fund. Chairperson Hartman anticipates that any issue would be re-presented to the committee. He agreed that the connection to open space is a critical component. He further agreed that the subject area was a rural part of the community for many years and remains so today.

Member Lincoln expressed the opinion that the request falls under the definition of recreation, and inquired as to the possibility of the allocation being shared. She suggested that maintenance funding could be allocated from the parks and recreation budget if the match funding is allocated from the open space budget. She agreed that the overpass will provide connectivity to open space, but reiterated that the structure serves recreation as well.

Member Fischer expressed the opinion that the request is within the purview of the original purpose of Question #18. He noted that 40 percent of Question #18 funds are to be allocated to creation of new facilities from a parks and recreation standpoint. The other 40 percent is allocated to acquisition of open space and the Open Space Program, with the remaining 20 percent being allocated to maintenance. He recalled that discussion of the community’s trail system was a big factor in the passage of Question #18. Chairperson Hartman noted Mr. Torvinen’s earlier comment that construction of the overpass will not be used as a way to slow down construction of the freeway. He noted the importance of working within NDOT’s construction time frames.

Mr. Torvinen advised of having participated in discussions with the congressional delegation. The message from both senators was supportive provided the Board of Supervisors is supportive of the request for match funding. Mr. Torvinen advised of having discussed the project with representatives of the Federal Highway Administration, who also indicated support of the worthwhile project. Member Perock suggested that Mr. Torvinen discuss the project with Steve Weaver at Nevada State Parks in light of the possibility of trail grant funding. Chairperson Hartman called for public comment.

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(6:51:45) Deputy Sheriff Ed Park provided an explanation of equestrian behavior and discussed issues of public safety. Member Fischer inquired as to a protective cover which would provide the most safety and assurance to horses as they cross the freeway. Deputy Park described the proposed overpass cover design.

(6:56:44) In response to a question, Mr. Torvinen advised of extensive discussions with NDOT representatives regarding design of the overpass. NDOT's issues are funding and schedule. As long as both of those issues can be overcome, the Equestrian Alliance will work with NDOT to design a structure that is primarily safe for horses and, to that extent, safe for pedestrians and non-motorized uses also.

In response to a further question, Chairperson Hartman suggested that maintenance issues will most likely be discussed once funding of the project is accomplished. Because the overpass would be part of the trails system, he anticipates maintenance would be the responsibility of the Parks and Recreation Department. Deputy Park and Chairperson Hartman noted the enhanced safety represented by the overpass structure for both equestrians and pedestrians and for automobiles on the freeway.

(6:58:43) Jon Nowlin, a resident of Conte Drive, expressed support for the proposal. He advised of having attended every public meeting with regard to design of that section of the freeway and of expressing concern over the need for an overpass to provide connectivity to the open space in the area. He further advised of having used the American River Parkway, which is a chain link structure that curves at the top, totally open, and accommodates "all the uses down there and seems to work very well." He expressed the opinion that the structure doesn't look to be extremely expensive. He reiterated his endorsement of the project from the standpoint of a resident in the area.

(6:59:59) Dave Hampton, a resident of the area, expressed concern over children accessing the Edmonds Sports Complex. He suggested considering a horse trailer park area which may obviate the need for riding a horse to the subject area. He expressed support for the concept, but concern over the limits.

Chairperson Hartman called for additional public comment and, when none was forthcoming, entertained a motion. **Member Fischer moved to recommend to the Board of Supervisors the use of up to \$50,000 in open space funds for the Carson City Equestrian Alliance to be used as a match to a federal grant for construction of an equestrian overpass over the future Carson City freeway in order to provide access from residential areas in the southeast quadrant into the Prison Hill recreation / open space areas. Member Riedl seconded the motion.** Chairperson Hartman called for additional public comment; however, none was forthcoming. Member Lincoln agreed with Mr. Hampton's comments and expressed concern over an additional request for an overpass closer to the Edmonds Sports Complex. Mr. Guzman advised that the proposed overpass will provide access to the east side of the freeway and thus a safer route to move south toward the Edmonds Sports Complex. Discussion followed. Mr. Guzman acknowledged that bicycle lanes will be included as part of the Clearview Drive bridge. In response to a further question, Mr. Guzman advised that Edmonds Drive is considered a bicycle route, not a bicycle facility with painted lanes. In response to a question, Mr. Guzman explained the work done to accommodate a designated trail adjacent to the southern leg of the freeway. (7:08:21) Mr. Nowlin advised of an "extra wide easement" on the west side of South Edmonds Drive. Member Riedl expressed concern that \$50,000 will not be sufficient in light of the possibility that NDOT will require a twenty percent match. He reiterated the importance of constructing the overpass in conjunction with the next phase of freeway construction. Mr. Guzman anticipates the Equestrian Alliance will return to the committee if more funding is needed. He advised that the \$50,000 demonstrates a commitment to the congressional delegation. Chairperson

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Hartman called for a vote on the pending motion; **motion carried 5-0-1, Member Scott abstaining.** Member Scott reiterated the commitment to work hard to get the project accomplished without adversely affecting the bypass from moving forward, and to coordinate within the City to that end. He advised of having spoken with Mayor Teixeira to ensure “we all have the same goal and that is to keep the bypass on track time wise.”

**3-D. STATUS REPORT ONLY REGARDING THE WETLANDS ENHANCEMENT PROJECT, TASK 1, BEING CONDUCTED BY WOOD RODGERS AND ASSOCIATES (8:27:27) -** Mr. Guzman reviewed the staff report, and introduced Adam Sullivan of Wood Rodgers. Mr. Sullivan referred to the August 14, 2006 status report included in the agenda materials and provided an overview of the same. In response to a question, he advised of no significant findings with regard to the soil data. Mr. Guzman advised of the need to consider subsequent tasks for the project. He further advised that reimbursement funds have been requested and allocated by both Mr. Raffety as well as the new owner of the property. Member Scott expressed pleasant surprise at the water quality from the Raffety property. He expressed an interest in entering into an agreement with the City to provide effluent as a source for wetlands. He acknowledged Nevada Department of Environmental Protection concerns over management of the wetlands in consideration of ground water. Once a determination is made with regard to using effluent for the wetlands, he expressed an interest in designating an effluent source. Mr. Guzman advised that Wood Rodgers would be requested to consider the feasibility. Chairperson Hartman called for public comment and, when none was forthcoming, thanked Mr. Sullivan for his attendance and presentation.

**3-E. ACTION TO APPROVE A NOT-TO-EXCEED BUDGET OF \$5,000 TO BE EXPENDED IN THREE ACTIVITIES TO CELEBRATE THE TEN-YEAR ANNIVERSARY OF THE QUESTION #18, QUALITY OF LIFE INITIATIVE (8:33:04) -** Mr. Guzman reviewed the staff report. In response to a question, Mr. Moellendorf advised that funding from the Parks and Recreation portion of Question #18 will also be allocated to this event. He reviewed possible events in conjunction with the celebration, and discussed publicity. Member Fischer noted the importance of sufficient publicity for the benefit of new residents who may not be familiar with Question #18. **Member Lincoln moved to approve a not-to-exceed budget of \$5,000 to be expended in three activities to celebrate the ten-year anniversary of the Question #18 Quality of Life Initiative. Member Perock seconded the motion.** Chairperson Hartman called for public comment and, when none was forthcoming, a vote on the pending motion. **Motion carried 6-0.**

#### **4. NON-ACTION ITEMS:**

**STATUS REPORTS AND ANNOUNCEMENTS FROM STAFF (8:38:00) -** Mr. Guzman reviewed the “FYI” items included in the agenda materials. He reported that appraisers had been retained for the Desormier property and for the Wilson Trust property. The hay contract at the Silver Saddle Ranch has been approved and the farmer will be hired in the near future. With regard to item 3-E, Mr. Guzman advised of having toured open space properties throughout the City with Photographer Jay Aldrich. He further advised of having presented information to the Carson River Advisory Committee and the Parks and Recreation Commission regarding the Question #1 program. He reported on a meeting with Mr. Moellendorf and Finance Director Tom Minton to discuss ideas for providing more funding for maintenance of parks and open space properties. He advised of having provided a presentation to the Rotary Club regarding the Open Space Program. He further advised of having participated in preparing a NRCS grant application for \$309,000. Resource Concepts, Inc. was selected from four companies to

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enter into a contract to execute the grant. Mr. Guzman reported on having worked with Rob Potter and a title company representative to determine ownership of Ormsby Boulevard.

Ms. Bollinger advised of having served as the City's representative regarding the Linehan fire. She participated in a site survey with BLM representatives, who have initially indicated that the area will be left to natural recovery. The root crown of the perennial grasses remains; only the tops burned. Ms. Bollinger reported that the recent goat grazing project was successful with regard to the Russian knap weed. After the initial area was grazed, 10 to 20 goats were moved to Timberline for a fuels reduction project on the east side of the residences. Ms. Bollinger expressed the opinion that this project was minimally successful due to the type of vegetation in the area. She has agreed to consider an area above the project area for next year in response to a request by residents. She advised of having toured the area which was grazed by sheep in the early spring. RCI representatives have recommended continuing spring grazing to reduce the cheat grass. Ms. Bollinger advised of having recently visited the Wilson property, together with Mr. Guzman, City Manager Linda Ritter, and a NDF representative. Ms. Bollinger discussed with the NDF representative a fuels reduction project on the property. She advised that she and Mr. Guzman have continued attending meetings regarding the Lake Tahoe Bike Path. A request for qualifications has been released for a consultant to determine an alignment from state line to state line. At that point, two demonstration projects will be designed and constructed.

#### **MEMBERS' ANNOUNCEMENTS AND REQUESTS FOR INFORMATION (8:47:53)**

Member Scott commented on the importance of Ms. Bollinger's position to the Open Space Program, and that the Public Works Department continues to fund it into the next year.

**5. FUTURE AGENDA ITEMS (8:44:56)** - Mr. Guzman advised of the possibility of a special meeting with regard to the Horse Creek Ranch conservation easement. Chairperson Hartman requested Mr. Guzman to agendaize an action item regarding grazing projects for the December committee meeting. Ms. Bollinger advised that she and Mr. Guzman will be conducting mobile tours for the northern Nevada chapter of the American Planning Association. Member Riedl suggested agendaizing the Property Owners' Bill of Rights for review by the committee. Member Fischer requested a report on how Mr. Guzman's responsibilities as Open Space Manager fit in with the City's hierarchy.

**6. ACTION ON ADJOURNMENT (8:48:53)** - Member Fischer moved to adjourn the meeting at 8:48 p.m. Member Riedl seconded the motion. Motion carried 6-0.

The Minutes of the August 21, 2006 Carson City Open Space Advisory Committee meeting are so approved this 18<sup>th</sup> day of September, 2006.

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STEPHEN D. HARTMAN, Chair