

CARSON CITY OPEN SPACE ADVISORY COMMITTEE

Minutes of the February 26, 2001 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, February 26, 2001 in the Community Center Sierra Room, 851 East William Street, Carson City, Nevada.

PRESENT: Vice Chairperson Dan Jacquet
Laura Bird
Michael Fischer
Ron Pacheco
Margaret Robinson

STAFF: Steve Kastens, Parks and Recreation Director
Andrew Burnham, Development Services Director
Walter Sullivan, Planning and Community Development Director
Juan Guzman, Open Space Manager
Vern Krahm, Parks Planner
Kathleen King, Recording Secretary
(OSAC 02/26/01)

NOTE: Unless indicated otherwise, each item was introduced by Vice Chairperson Jacquet. A tape recording of these proceedings is on file in the Clerk-Recorder's Office and is available for review and inspection during regular business hours.

A. ROLL CALL AND DETERMINATION OF QUORUM (1-0001) - Vice Chairperson Jacquet called the meeting to order at 6:04 p.m. He welcomed Member Bird. Roll was called; a quorum was present. Chairperson Hartman and Member Scott were absent.

B. APPROVAL OF MINUTES - JANUARY 8, 2001 (1-0010) - Member Fischer moved to approve the minutes. Member Pacheco seconded the motion. Motion carried 5-0-2-0.

C. PUBLIC COMMENT (1-0015) - None.

D. MODIFICATION OF AGENDA (1-0020) - Vice Chairperson Jacquet modified the agenda to address item F-5 upon the arrival of Mr. Bernhard's attorney.

E. DISCLOSURES (1-0028) - Member Pacheco advised that because of his occupation, he would be abstaining from discussion and action on items F-2 and F-3.

F. PUBLIC MEETING

F-1. DISCUSSION AND ACTION ON THE CARSON CITY FREEWAY PHASE I LANDSCAPE/REVEGETATION "VISION DOCUMENT" (1-0035) - Mr. Krahm discussed the reason for agendizing this item and provided background information on the landscape/revegetation vision document. He referred to the displayed Carson City Freeway Phase I map, and pointed out the neighborhood and community gateways, and the west/south side and north/east side embankments. He displayed a slide series, and discussed GROW's vision for the embankments, the proposed seed mixes, the

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proposed landscaping for the neighborhood gateways, the landscape design at the Reno-Tahoe Airport, plans for the multi-use path, and proposed landscaping for the community gateways. Mr. Krahn advised that NDOT will be initially responsible for erosion control and maintenance of the embankments and the gateways. Once funding becomes available for the landscaping, the City will take over maintenance of the gateways. He explained that the landscaping proposed for the neighborhood and community gateways will be similar to that at the Reno-Tahoe Airport. Cost analyses will be developed once the community has provided input regarding expectations for the landscaping.

In response to a question regarding the possibility of toll booths as a means for funding the proposed landscaping, Mr. Burnham advised that toll booths are illegal in Nevada. At Mr. Kastens' suggestion, Mr. Krahn pointed out the freeway medians and discussed the plan for gravel rather than vegetative treatments. He advised that, as part of the phase I construction, NDOT has committed to installing all water taps, irrigation sleeves and electrical drops. The various seed mixes have been decided upon, and the only issue remaining to be decided is the soil medium. Mr. Krahn commended Ms. Fisher, GROW, and the members of the Freeway Landscape Committee on their efforts in this project.

Vice Chairperson Jacquet thanked Ms. Fisher and the members of GROW for all their effort in making Carson City a better place to live. Ms. Fisher thanked the Committee and commended the people involved in the project. She expressed the belief that the freeway can be landscaped as it is constructed. The seeds will take four or five years to become established, and the gateways can look much like the Reno-Tahoe Airport. **Member Fischer moved to approve the Carson City Freeway Phase I Landscape/Revegetation "Vision Document" as presented. Member Bird seconded the motion. Motion carried 5-0-2-0.**

F-2. DISCUSSION AND ACTION ON THE ADOPTION OF THE PROPOSED CARSON CITY TRANSPORTATION PLAN - BICYCLE ELEMENT AND BICYCLE SYSTEM PLAN (1-0447) - Mr. Kastens explained the need for official action to be taken on this matter. He referred to policies B-3h, B-3i, and B-3j of the Bicycle Element included in the agenda materials, and advised that these were added following a public meeting conducted at Seeliger School. He read the three policies into the record and explained changes made to the plan as a result of the same.

Member Fischer inquired as to whether approving the bicycle plan will "let NDOT off the hook" regarding the federal and state regulations for multi-use paths. Mr. Burnham advised that the agreement made between the Board of Supervisors and the State Transportation Board last April was to remove the bike path from the southern portion of the freeway. He indicated that this does not preclude the City from continuing to seek opportunities to re-establish the path where it can be accommodated. Member Fischer expressed the opinion that this is a bad decision because the City has sold out on federal and state regulations which require NDOT to provide for a multi-use path on any newly constructed highway in the State of Nevada. He commented that it is a disservice to the people involved in getting the quality of life initiative passed. Mr. Burnham acknowledged that once the bike path is removed from the master plan, NDOT is not obligated under federal regulations to include it. He advised that the City is "trying to hold on" as much as possible because of the community interest in the bike path, but the agreement made with NDOT is to remove it. It is part of the compromise to keep the freeway moving forward.

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(1-0594) Ms. Fisher concurred with Dr. Fischer's comments, and discussed her understanding of the agreement regarding the multi-use path. She indicated that the Board of Supervisors does not have the authority to remove the path entirely without conducting public hearings. She commented on an overpass in Las Vegas which crosses Paiute tribal land, and discussed the requirements NDOT met in order to construct it in that location. She expressed the opinion that allowing the path to be removed from the plan is a shame because it is the only opportunity for connecting all the multi-purpose paths in town, and it is one of the most important elements to offer future generations.

Member Fischer expressed appreciation for Ms. Fisher's comments, and explained the reason for his previous comments. He expressed the opinion that the issue before the Committee is how fast the community wants the freeway built. He pointed out that if the community decided not to change the bicycle plan, NDOT would be required to complete a bicycle path along the freeway. He expressed opposition to adopting the plan based on the promises made to the bicycle community during efforts to pass Question 18 in 1996. Vice Chairperson Jacquet pointed out that the Committee's involvement with the bicycle plan has been related to open space connectivity. He indicated that he would hate to convey the impression that the Committee endorses removing the path from the freeway route. Mr. Kastens acknowledged that the recommended motion could be modified to specifically address the connectivity issue. Mr. Burnham advised that the Committee could also choose to take no action. **Member Fischer moved that the Committee not comment on this. Member Robinson seconded the motion.** Member Fischer commented that the Committee will not be considered as having sold out the bicycle plan. **Motion carried 4-0-2-1, Member Pacheco abstaining.**

F-3. DISCUSSION AND ACTION REGARDING CONSIDERATION OF THE NATURE CONSERVANCY OFFER TO TRANSFER OWNERSHIP OF A WETLAND LOCATED WEST OF NORTH LOMPA LANE AND NORTH OF NORTHRIDGE DRIVE, APPROXIMATELY 17.6 ACRES, APN 2-571-25 (1-1105) - Mr. Guzman presented slides of this property. Rob Scanland, Director of Protection for the Nevada Program of The Nature Conservancy ("TNC"), invited Jim Eidel to join him at the table. He explained that Mr. Eidel, of the Lahontan Audobon Society, City staff, and TNC staff have been collaborating on presenting this gift to Carson City and will be playing a role in the future management of the property. Mr. Scanland solicited questions and comments from the Committee.

With regard to associated water rights, Mr. Scanland advised that TNC was gifted the property by Roger Shaheen. He expressed an understanding that there were no water rights specifically related to this property. The property is the natural drainage of the hot springs system to the north. Historically, the water was conveyed into the Steinheimer area; however, the water is now retained on the subject property and seeps into the ground. Mr. Eidel discussed the water rights pertaining to the Northridge property to the south.

In response to a question regarding the adjacent Steinheimer mitigation site, Mr. Scanland indicated that connecting the two parcels will provide the opportunity for an urban wetland park. He anticipates that the two parcels will become a "wetland jewel" for Carson City. Mr. Guzman acknowledged that Carson City will manage the Steinheimer mitigation property and the subject parcel. He further acknowledged that the Committee is being asked to review management options, and referred to the management proposals submitted by Carter Schleicher, Harding ESE, and Walt and Jill Devaurs included in the agenda materials. He discussed the parcel which will be deeded as open space to the City from the Northridge subdivision,

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and pointed out the location of the linear park which will continue under the freeway corridor and connect the Northridge parcel and TNC gift parcel. Mr. Guzman advised that the Audobon Society is interested in developing exhibits and assisting the City with wetlands management.

Mr. Eidel commented that this is an opportunity to create a jewel within the city limits. He recommended accepting the gift only if the City intends to combine it with the adjacent property to the south. With respect to the bird life, he advised that there have been approximately 90 species which have used the area in the past. He discussed the tremendous opportunity for education, and referred to the flood hazard designation on the evaluation form. He recommended considering the parcel as a flood protection area because of the water retention characteristic of marshes. The area would be an advantage in helping to control flooding adjacent to the freeway. He advised of a U.S. Fish & Wildlife staff person who is interested in the area and can contribute biological knowledge. He expressed appreciation for the involvement of Mr. and Mrs. Devaurs and discussed the benefits of their experience. He suggested creating a bird list as soon as possible, and discussed low cost restoration which could take place immediately.

Vice Chairperson Jacquet discussed the benefits of the wetlands area in this location, and expressed appreciation for the offer by TNC. Mr. Scanland referred to the conditions listed in the staff report requesting that TNC provide a survey of the property, a title search, and a Phase I analysis. He advised that the property was surveyed when it was conveyed by Mr. Shaheen, and that a preliminary title report would be provided for review. In consideration of the possibility that a management plan may be developed at no cost, Mr. Scanland requested that the Committee fund the Phase I analysis. He indicated that a hazardous materials study may have been done by Lumos & Associates at the time the property was gifted by Mr. Shaheen, and suggested that Lumos & Associates may be willing to update the report on behalf of the Committee. Mr. Kastens inquired as to the reason for Mr. Scanland's request. Mr. Scanland explained that TNC doesn't have a budget for this particular property and that the Phase I study would require a fund raising effort. Mr. Kastens advised that the Committee would need to provide a recommendation with regard to the request. **Member Fischer moved to approve acceptance of this gift to the City and to pass the recommendation on to the Board of Supervisors and, if in discussing with Lumos & Associates there isn't any type of cooperation, that open space funds be used for the Phase I study.** Vice Chairperson Jacquet reviewed the motion, and stated that condition number two in the staff report was modified to indicate that Carson City open space funds are available for the Phase I environmental site assessment if Lumos & Associates is not willing to donate the service. Mr. Scanland reiterated that a survey has already been conducted, and Vice Chairperson Jacquet noted that the additional condition regarding the survey appears to be met by the existing legal description of the property. **Member Robinson seconded the motion.**

Discussion took place regarding whether the freeway will change the character of the wetlands. Mr. Eidel advised of discussions with Catholic Church representatives who indicated a willingness to discuss the matter of access from the east. Mr. Kastens advised that there should be no concern about this parcel remaining wetlands as the water source is an underground hot springs. The property the City will receive from the Northridge subdivision may be changed somewhat by the freeway structure, but the gifted property is to remain fairly untouched with regard to freeway drainage and improvements. Mr. Eidel advised that the permanent water source from the north is protected all the way into the marsh. In response to a question, Mr. Scanland provided historical information on water rights in the area. Vice Chairperson Jacquet suggested that the issue of acquiring water rights should be explored as part of the management

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plan. In response to a question, Mr. Guzman advised that the parcel was recorded following its creation after a lot line division. Vice Chairperson Jacquet called for a vote on the pending motion. **Motion carried 4-0-2-1, Member Pacheco abstaining.** Vice Chairperson Jacquet thanked Mr. Scanland and Mr. Eidel.

F-4. DISCUSSION AND ACTION REGARDING A TRADE/PURCHASE PROPOSAL FOR PROPERTY LOCATED AT KINGS CANYON ROAD UNDER THE OWNERSHIP OF ED SWAFFORD (FORMERLY AL RUSHING PROPERTY), APNs 7-061-34, 35, 36, 37, 38, 39, 40 AND 41, CONSISTING OF A TOTAL OF APPROXIMATELY 320 ACRES (1-1706) - Mr. Guzman reviewed the staff report. In response to a question, he advised that the Building Department does not have an elevation cap, only a requirement to meet the snow load. He discussed other City regulations regarding elevation in terms of the Hillside Development Ordinance, and advised that the elevation is 5,200' in that vicinity and the subject area is within the sky line. Prior to development, the applicant will be required to obtain a special use permit. He explained the difficult situation in which this puts the Regional Planning Commission if they deny development.

Mr. Guzman displayed a series of slides on the property. He pointed out Kings Canyon Road, U.S. Forest Service property, private property in the area, and the existing cabin. He reviewed staff's recommendation and, in response to a question, advised that the total sale price was \$215,000 two years ago. In response to a further question, Mr. Guzman explained conservation reserve zoning. He advised of the difficulty in dividing the subject parcels into 10-acre parcels due to access and the lack of facilities. In response to an additional question, Mr. Guzman advised that the Open Space Master Plan contemplates that unimproved properties will be pursued. He expressed the opinion that if the cabin can be accommodated into something that the Parks and Recreation Department or some other group could use, the parcel would still fit the criteria. He acknowledged that other City funds may be available to acquire the improved parcel. He further acknowledged that Kings Canyon Road goes through the property. He explained that it is a public road without a legal width, and the conditions under which it was acquired as a public road. **Member Fischer moved that the Open Space Advisory Committee instruct its manager to move forward with negotiations and present the results back to the Committee. Member Pacheco seconded the motion.** Vice Chairperson Jacquet called for further discussion or public comment; however, none was provided. **Motion carried 5-0-2-0.**

F-5. DISCUSSION AND ACTION REGARDING CONSIDERATION OF PROPERTIES OWNED BY ALEXANDER BERNHARD, APPROXIMATELY 61.5 ACRES, APNs 10-072-08 AND 10-072-09, LOCATED ON THE WEST SIDE OF THE CARSON RIVER, NORTH OF SILVER SADDLE RANCH (1-0723) - Mr. Guzman reviewed the staff report. He referred to the evaluation form included in the agenda materials, and advised that Mr. Bernhard is a willing seller represented at the meeting by Attorney Scott Heaton. Mr. Guzman reviewed staff's recommended action, and explained the reason for agendaizing this item. He displayed a series of slides on the property, and pointed out the developable land and the proposed location for a water tower.

Member Fischer inquired as to the percentage of loss between the purchase by the City and the sale to BLM. (1-0920) John Singlaub, BLM Field Office Manager for Carson City, advised of a conversation with the BLM's chief review appraiser who indicated that the highest and best use would remain the same as it is now only adjusted over time. In other words, the only loss to Carson City will be if property values

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decrease. Mr. Singlaub indicated that the BLM is restricted to purchasing land only from willing sellers at appraised fair market value. He suggested that Mr. Guzman work with the BLM chief appraiser to reach an agreement. He clarified that the BLM is not attempting to impose its will on the City, but rather trying to help and be consistent with the City's Open Space Master Plan element. He discussed funding mechanisms, including the Southern Nevada Public Land Management Act, which can be used to purchase environmentally sensitive land. He advised that the purchase could be accomplished more quickly using open space funds. He discussed this parcel with his boss, who indicated that it is a good acquisition. In response to a question, Mr. Singlaub advised that an appraisal has not yet been done.

(1-0988) Attorney Scott Heaton, representing Mr. Bernhard, advised that the property has been approved for development of 33 one-acre lots. He indicated that Mr. Bernhard is willing to "leave some money on the table" and not proceed with the development. Mr. Bernhard's offer for the 61 acres is \$875,000 or a little less than \$14,500 per acre. In addition to the payment of that amount, the subdivision maps contemplate installation of a water tank which would accommodate this portion and a previous portion of the development. Mr. Heaton advised that the water tank requirement would have to be waived. He advised that Mr. Bernhard would be willing to allow payment of one-half the stated sum within a period of sixty days with the balance due within one year. The balance would bear interest at 10% and presumably be secured by the property. Mr. Heaton acknowledged the necessity of the appraisal process, but advised that Mr. Bernhard would prefer to avoid delays. Mr. Guzman indicated that he would do his best to get an appraisal within sixty days. In response to a question, Mr. Heaton explained that Mr. Bernhard has a joint venture agreement with Jim Bawden, of Landmark Homes & Development, who is willing to "let the agreement go."

(1-1060) Jerry Beavont expressed appreciation for the spirit of cooperation between the three entities - the developer, BLM, and the City. He commented that this is a worthwhile opportunity for the City, particularly since the BLM is offering to step in and assist with funding. He encouraged the parties to move forward. (1-1072) Jim Eidel, of the Great Basin Bird Observatory and the Lahontan Audobon Society, indicated that the property adds considerable diversity of habitat to the Silver Saddle Ranch. From that point of view, he expressed the opinion that the parcel is an important acquisition.

Vice Chairperson Jacquet called for additional public comment; however, none was provided. **Member Fischer moved that the new open space manager, Juan Guzman, move forward with the necessary negotiations to acquire this property, including the appraisal. Member Bird seconded the motion.** Member Fischer acknowledged that the motion was made with the understanding that the BLM will follow up with the City to pursue an acquisition. **Motion carried 5-0-2-0.**

F-6. DISCUSSION AND ACTION REGARDING THE OPEN SPACE BUDGET FOR FISCAL YEAR 2001/2002 (1-2042) - Mr. Guzman reviewed the Goals and Objectives included in the agenda materials. Mr. Kastens referred to the Budget Preparation Worksheet and the Personnel Detail Worksheet included in the agenda materials and reviewed the same. **Member Fischer moved to approve the proposed budget and pass it on to the Board of Supervisors. Member Pacheco seconded the motion. Motion carried 5-0-2-0.**

G. FUTURE AGENDA ITEMS AND COMMITTEE MEMBER STATUS REPORTS (1-2263) - Mr. Guzman cautioned the Committee regarding the requirements of the Open Meeting Law as pertaining

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to this item. Member Fischer requested a report on the laws regarding highway maintenance. Member Bird requested Mr. Guzman to research the possibility of including open space as part of the development procedure process. Vice Chairperson Jacquet advised of previous discussions with regard to this matter, and commented on the importance of the same. Mr. Guzman acknowledged that a development review committee is included as part of the process. Mr. Guzman advised that the next meeting is scheduled for Monday, March 19th.

H. STATUS REPORTS FROM STAFF (1-2354) - Mr. Kastens commented on the obvious necessity of getting the Open Space Manager on board. He advised that Mr. Guzman has had several contacts regarding the possibility of open space acquisition. He referred to the staff reports prepared by Mr. Guzman included in the agenda materials. Vice Chairperson Jacquet thanked Mr. Guzman and commended him on the efficiency with which the Committee was able to move through some fairly complex issues and make decisions about land acquisition. He commended Mr. Guzman on his efforts and expressed appreciation for the staff reports. He thanked former Alternate Member Patrick Anderson for his contribution to the Committee.

I. ADJOURNMENT (1-2438) - Member Fischer moved to adjourn the meeting at 8:17 p.m. Member Pacheco seconded the motion. Motion carried 5-0.

The Minutes of the February 26, 2001 meeting of the Carson City Open Space Advisory Committee are so approved this _____ day of March, 2001.

STEVE HARTMAN, Chairperson