

CARSON CITY OPEN SPACE ADVISORY COMMITTEE

Minutes of the August 20, 2007 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 20, 2007 in the Community Center Sierra Room, 851 East William Street, Carson City, Nevada.

PRESENT: Vice Chairperson Dan Jacquet
Michael Fischer
Tricia Lincoln
Howard Riedl
Bruce Scott

STAFF: Roger Moellendorf, Parks and Recreation Department Director
Juan Guzman, Open Space / Property Manager
Lee Plemel, Planning Division Principal Planner
Joel Benton, 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 (6:02:55) - Vice Chairperson Jacquet called the meeting to order at 6:02 p.m. A quorum was present. Chairperson Hartman and Member Perock were absent.

CITIZEN COMMENTS ON NON-AGENDIZED ITEMS (6:03:16) - None.

1. ACTION ON APPROVAL OF MINUTES - June 18, 2007 (6:03:26) - Member Riedl moved to approve the minutes. Member Fischer seconded the motion. Motion carried 5-0.

2. MODIFICATIONS TO THE AGENDA (6:03:43) - Mr. Guzman advised that Rob Potter had conveyed to Member Riedl he had not received notice of the meeting. At Mr. Guzman's suggestion, item 3-A was deferred to the next meeting.

3. AGENDA ITEMS:

3-A. DISCUSSION ONLY REGARDING THE TRANSACTION WITH THE POTTER FAMILY AND THE STATUS OF THE ORMSBY BOULEVARD OWNERSHIP SOUTH OF KINGS CANYON ROAD - Deferred.

3-B. UPDATE AND STATUS REPORTS REGARDING THE QUESTION #1 FUNDING AGREEMENT AND DEED RESTRICTION NEGOTIATIONS; OPEN SPACE PROJECTS LOCATED WITHIN THE CARSON RANGE (HORSE CREEK RANCH, HUTCHISON, MASONIC LODGE, WILSON TRUST, AND LONG); AND THE CARSON RIVER ENVIRONMENTS (ANDERSEN, JARRARD, SERPA, DESORMIER, GILBERT, AND RED GRAHAM RANCH) (6:05:15) - Vice Chairperson Jacquet introduced this item. Mr. Guzman provided background information on the Question #1 program for the benefit of the public, and reviewed the staff

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report. In response to a question, Mr. Benton clarified that the ten percent eminent domain penalty provisions, included in the existing funding agreement language, would be imposed annually which could result in 3 to 5 times the amount of the grant over a certain period of years. Discussion followed regarding various circumstances in which the eminent domain penalty provisions would apply. Mr. Guzman advised that once the funding agreement is drafted, it will be presented to the committee for review and recommendation to the Board of Supervisors. He anticipates this can be accomplished by the next committee meeting.

Mr. Benton acknowledged that the State of Nevada would be required to pay just compensation for land in the event of condemnation. State of Nevada representatives wanted to ensure the Question #1 grant funding would be returned plus interest even if the land decreased in value. In response to a question, Mr. Benton explained that the ten percent penalty provision would be imposed only in the case of fee purchase transactions. Mr. Guzman had no knowledge as to how the penalty provision has been accepted by other jurisdictions. Member Scott suggested the language may be so onerous as to be considered unconstitutional. In response to a question, Mr. Guzman explained that negotiations on the funding agreement began quite some time ago with good progress until the subject sticking point. He expressed the opinion that referencing the consumer price index may be a solution. In response to a further question, he advised that condemnation for the purpose of a fire road easement or widening a right-of-way on open space property purchased using Question #1 funds could trigger the penalty to the extent that said condemnation rendered the value of the property no longer suitable for open space.

Member Riedl advised of a NRS amendment, passed during the last legislative session, which provides for Washoe County to use the western states consumer price index to calculate its fuel tax. Mr. Guzman suggested this may be more reasonable than the flat ten percent. Member Scott expressed understanding for disincentives to attempting to turn a profit or change the use of properties purchased with Question #1 funding. He expressed opposition to onerous conditions outside the City's control, such as condemnation or eminent domain, where the City would have to "come up with a substantial amount of money for something we didn't instigate." Vice Chairperson Jacquet agreed, and also expressed understanding for the principle represented by the proposed disincentive. He noted that the disincentive is not philosophically opposed to open space principles, but agreed that it seems unfair in the face of condemnation which would be outside the City's control. Mr. Benton acknowledged that Question #1 program representatives have been very amenable to negotiations. The only issue to resolve is the percentage or index to be used regarding the subject penalty. In response to a question, Mr. Benton listed the situations in which the penalty would be imposed. Mr. Guzman provided an example as to the significance of the penalty provision. He acknowledged that Question #1 funding should not be pursued for properties which the City contemplates eventually turning over to the U.S. Forest Service or the Bureau of Land Management. Mr. Guzman reviewed sections 2 and 3 of the staff report. Neither the committee members nor the citizens present had any further comment.

3-C. STATUS REPORT REGARDING THE LEGACY PROJECT ACQUISITION OF THE WILSON PROPERTIES LOCATED IN THE CARSON RANGE AT THE TERMINUS OF ASH CANYON ROAD, APNs 07-031-04 AND 07-091-26 (6:32:47) - Vice Chairperson Jacquet introduced this item. Mr. Guzman pointed out the subject property on a displayed map, and reviewed the staff report. Neither the committee members nor the citizens present had any question or comment.

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3-D. STATUS REPORT REGARDING THE FEDERAL LANDS BILL (6:35:56) - Vice Chairperson Jacquet introduced this item. Mr. Guzman provided an overview of the agenda materials, and background information on this item. He advised that the U.S. Forest Service had submitted a counter proposal, stating the position that transactions should be based on value not on acreage. He explained the City's position would be just the opposite due to the locations of the respective properties. In response to a question, he explained that yellow book appraisal principles are based on economic use. Any transaction would take place prior to an open space use restriction being imposed. Mr. Guzman reviewed a displayed map in conjunction with the proposals presented as part of the federal lands bill. He described the USFS proposal in conjunction with the displayed map, and advised that Board of Supervisors direction has been to "stick to" the original proposal. Staff has been requested to draft a letter accordingly. Mr. Guzman responded to questions regarding details of the USFS proposal. Member Scott expressed continued concern regarding the upper watershed and its associated issues. Mr. Guzman reviewed the displayed map in conjunction with boundaries which can be "trimmed" to make the proposed transfers more suitable. In response to a question, he explained the USFS proposal to transfer 289 acres to the Washoe Tribe with no compensation or adjustment.

Mr. Guzman provided a status report on the east side properties proposed as part of the federal lands bill. He explained that the main issues continue to be future use of the Silver Saddle Ranch and Prison Hill. He reviewed clarifications to be made to the proposed federal lands bill map regarding patents. In response to a question, he provided background information on staff's work with the Friends of the Silver Saddle Ranch ("FOSSR") prior to commencement of the federal lands bill process. Subsequent to submission of the federal lands bill map, City Manager Linda Ritter's direction to staff was to continue working with the FOSSR to identify areas which should be primarily preserved for open space. Mr. Guzman advised of a recent meeting between City staff, FOSSR representatives, National Park Service and Bureau of Land Management staff to discuss management and the possibility of scheduling a charette process to decide the potential future uses of the Silver Saddle Ranch and its surrounding lands.

In response to a question, Mr. Guzman discussed the USFS proposal to enter into use agreements rather than transferring ownership of the Borda Meadow. In response to a further question, he advised that the land use analysis culminating into the road analysis plan was adopted and signed by the State Forester.

4. NON-ACTION ITEMS: (6:55:22) - Mr. Guzman provided background information on the new format for this item. Mr. Benton provided direction with regard to the same.

4-a. DOUG HELLMAN RESEARCH

4-b. SILVER SADDLE MANAGEMENT AGREEMENT (6:56:16) - Previously covered.

4-c. BAWDEN/MILLARD LAND DEDICATION - LOMPA LANE WETLANDS (6:56:20)
- Mr. Guzman described the location of this property. He advised that both Mr. Bawden and Mr. Millard have agreed to dedicate the property to Carson City's Open Space Program. The 25 acres will complete the City's ownership of the entire wetland. Mr. Guzman anticipates presenting the dedication to the committee in the near future, and subsequently to the Board of Supervisors.

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4-d. FUELS REDUCTION (6:56:53) - Mr. Guzman advised that the fuels reduction projects were successful. Open Space Assistant Ann Bollinger will provide a report at the next meeting. Mr. Guzman referred to the memo from RCI which was included in the agenda materials. He reviewed “before and after” photographs of Lakeview Hill where Nevada Division of Forestry crews have been cutting standing, burned timber.

4-e. STEIDLEY PROPERTY ACQUISITION

4-f. OPEN SPACE OPPORTUNITIES MAP

4-g. TAHOE BIKE PATH (6:57:45) - Mr. Guzman advised that Ms. Bollinger has been attending meetings associated with this project. Recent discussions have centered around the specific contract to proceed with planning the bike path. No funding, other than staff attendance at the meetings, has been allocated.

4-h. LOMPA LANE AND FULLSTONE WETLANDS (6:58:15) - Mr. Guzman provided an overview of Wood Rodgers Environmental Program Manager Leslie Burnside’s e-mail which was included in the agenda materials.

4-i. NRCS - WATERFALL FIRE REHABILITATION GRANT (6:58:27) - Mr. Guzman advised that RCI is in the process of developing a final report which will be presented to the committee and to the Board of Supervisors. He further advised that the findings presented to the committee at the July meeting were presented to and approved by the Board of Supervisors. The Board of Supervisors have been using the findings to obtain commitments from the congressional delegation towards future funding. RCI has used the same presentation to begin discussions with property owners regarding future mitigation projects. The presentations have been well received by the property owners, thus far.

4-j. LEGACY PROGRAM NOMINATIONS FOR 2009

5. FUTURE AGENDA ITEMS (6:59:44) - Mr. Guzman advised that item 3-A would be reagendaized for the September meeting. He provided an overview of the tentative September agenda.

6. ACTION ON ADJOURNMENT (7:00:12) - Member Fischer moved to adjourn the meeting at 7:00 p.m. Member Scott seconded the motion. Motion carried 5-0.

The Minutes of the August 20, 2007 Carson City Open Space Advisory Committee meeting are so approved this 17th day of September, 2007.

STEPHEN D. HARTMAN, Chair