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A regular meeting of the Carson City Open Space Advisory Committee was scheduled for 6:00 p.m. on Monday, November 18, 2002 in the Community Center Sierra Room, 851 East William Street, Carson City, Nevada.

PRESENT: Chairperson Steve Hartman

Laura Bird Michael Fischer Margaret Robinson

Bruce Scott

STAFF: Juan Guzman, Open Space Manager

Kathleen King, Recording Secretary

NOTE: 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. CALL TO ORDER AND DETERMINATION OF A QUORUM** (1-0001) Chairperson Hartman called the meeting to order at 6:00 p.m. A quorum was present. Vice Chairperson Jacquet and Member Pacheco were absent.
- **B.** APPROVAL OF MINUTES October 14, 2002 and October 21, 2002 (1-0007) Member Fischer moved to approve the October 14, 2002 minutes. Member Bird seconded the motion. Motion carried 5-0. Member Scott moved to approve the October 21, 2002 minutes. Member Fischer seconded the motion. Motion carried 5-0.
- **C. PUBLIC COMMENT** (1-0029) None.
- **D. MODIFICATION OF AGENDA** (1-0030) None.
- **E. DISCLOSURES** (1-0035) None.
- F. PUBLIC MEETING:
- **F-1. DISCUSSION ONLY REGARDING THE INITIAL DRAFT OF THE OPEN SPACE ZONING DISTRICT** (1-0036) Mr. Guzman reviewed the staff report and provided a detailed overview of the attached draft of a proposed section of the Carson City Municipal Code ("CCMC") which would form the open space zoning district. He requested the Committee members to return the agenda materials pertaining to this item and advised that he would place them in three-ring binders in order that additional material can be included. He anticipates that the process for finalizing the language will take approximately 3-4 months.

Member Scott suggested including Tom Quigley in the distribution of information pertaining to this item. He discussed the importance of addressing issues such as existing utilities on open space the City has already purchased or wishes to acquire. He referred to the seminar being planned for March 2003, and suggested that the zoning ordinance should fit with ensuring tax benefits for a property owner who wants to provide a conservation easement. He further suggested introducing language regarding the sale of active recreation areas to the Parks and Recreation Department. Mr. Guzman thanked Member Scott for his comments. He

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advised that, in the case of properties with existing utilities, other provisions of the CCMC would apply. He suggested working through the issue of donated property with existing utilities. Member Scott suggested also including a provision to allow utility companies to extend or connect to utilities on open space property.

Member Bird advised of conversations with Mr. Guzman regarding a tiered open space zoning ordinance. In response to a question, Mr. Guzman advised that active recreational facilities are currently zoned public or conservation reserve. He explained that conservation reserve is a "holding zone" for future utility installations and that the zoning is then changed for development purposes. The public zone is "very vague and general" and allows for many types of uses with a special use permit. He advised that the draft ordinance will be exclusively for the open space district. It will not apply to BLM lands which have been designated as open space or to lands owned by Carson City Utilities which have been designated for water conservation. He referred to comments by Vice Chairperson Jacquet indicating that utilities should never be allowed in open space.

Chairperson Hartman agreed with Mr. Guzman's suggestion to transfer the agenda materials to binders and continue gathering information. He commented that addressing existing above-ground utilities will be relatively simple; however, there will be other situations, such as those mentioned by Member Scott, involving extension or connection of utilities. He suggested that the ordinance may need to be more general. He agreed that conditional use and special use permits are useful to ensure the Board of Supervisors can meet the needs of the community. He suggested stating the prohibitive uses section more positively. Mr. Guzman relayed input provided by Jeff Winston regarding the purpose statement. Chairperson Hartman discussed the importance of including a preamble which will convey the intent of the Committee at the time the ordinance is adopted, and which will be adaptable to the community over time.

Mr. Guzman advised of a contact with a planner from Arizona which Member Bird made at the recent conference they attended in Austin, Texas. The planner has worked with specific open space districts and will be faxing material. Member Bird provided background information on the planner's experience with a three-tiered open space ordinance in Pinal County, Arizona.

F-2. DISCUSSION AND ACTION TO SEEK DIRECTION REGARDING THE DISPOSITION OF THE OPEN SPACE PRISON HILL PROPERTY (FORMERLY AL BERNHARD) CONSISTING OF 61 ACRES AND LOCATED IMMEDIATELY NORTH OF THE SILVER SADDLE RANCH ON CARSON RIVER ROAD, APN 10-631-01 THROUGH -14 AND 10-632-01 THROUGH -20 AND 10-072-09 (1-0373) - Mr. Guzman reviewed the staff report. Member Fischer expressed the concern that the general public may not fully understand the effect on Carson City of Senator Ensign's decisions with regard to the Southern Nevada Public Lands Management Act. He expressed the opinion that the Committee and the Board of Supervisors "acted appropriately on the request of BLM." Member Scott suggested strongly advising the City Manager and the Board of Supervisors that the property was recommended for purchase because of its open space value. The Committee was optimistic, based on what they were told, that the BLM would reimburse the purchase price of the land. Member Scott further suggested requesting deletion of the lot lines within the parcels to create a single, large parcel of open space property. In response to a question, Mr. Guzman discussed the City Manager's motivation for requesting staff to agendize this item.

Member Robinson recalled that the Committee was "anxious" to acquire the property as open space whether or not the money was to be reimbursed. She expressed the opinion that the Committee is not interested in considering offering the property for sale. She agreed with Member Scott's suggestion to revert the parcels

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to acreage. Member Bird agreed with Member Robinson's recollection of the discussions. She referred to the letter from BLM District Manager John Singlaub to Mayor Masayko, dated May 31, 2001, and read a portion of the same into the record. She suggested that Mr. Guzman follow up to determine other available options. Member Scott noted that the Committee operates under the provisions of Question #18 in order to acquire open space. He expressed the opinion that part of the Committee's purpose is to support and recognize the trust vested through appointment by the Board of Supervisors to represent the community in agreeing to tax itself for the purpose of acquiring open space. He further noted that the Committee has listened to every public comment offered and has worked hard to reach out to the public. He suggested that conveying anything but a very strong commitment of the subject property to open space would be a terrible message. He further suggested that the Board of Supervisors should not consider any other use of the property.

Chairperson Hartman provided an overview of his comments to the Board of Supervisors at the time this matter was considered. He expressed the opinion that the Committee and the City should continue working with the BLM and to support the BLM's Prison Hill plan. He noted that the Committee was united in its purpose to acquire the property because of its open space value. He expressed an interest in determining the effect of reverting the parcels to acreage prior to any action being taken. Mr. Guzman suggested that such specific action would need to be agendized for a future meeting. He will speak with the appraiser, Mr. Johnson, and other appraisers in the meantime. Member Fischer suggested developing a process to prevent a similar situation in the future.

(1-0587) Ernie Walsh, a resident of Carson City, expressed the opinion that making the subject property available for sale would create a credibility problem for the City. He compared the problem experienced by the Board of Supervisors over Fuji Park. The subject property "was purchased with the intent of being open space. Now, you're going to turn around and sell it back to the developers?"

Chairperson Hartman expressed agreement with Mr. Walsh's comments and thanked him for his participation. Mr. Guzman clarified, for the record, that Fuji Park is a different issue because the land was purchased in the late 1880s and not necessarily intended for use as a park. Through time, a portion of the land evolved into a park, another portion into Highway 395, and another portion into Highway 50. Mr. Guzman acknowledged the issue of credibility, but reiterated that the logistics of acquiring the land were very different. The purpose of the open space program is to acquire land and maintain it as open space in perpetuity. Member Fischer moved that the Committee advise the Board of Supervisors that it does not want to see the resale of the former Al Bernhard property consisting of the 61 acres located west of the Silver Saddle Ranch on the south side of the Carson River which is now Carson City open space. Member Scott seconded the motion. Chairperson Hartman called for questions or comments and, when none were forthcoming, called for a vote on the pending motion. Motion carried 5-0.

F-3. DISCUSSION AND ACTION TO PRIORITIZE THE CONSIDERATION OF POTENTIAL ACQUISITIONS OF LANDS LOCATED WITHIN THE CARSON RIVER AREA AND THE CARSON RANGE (1-0633) - Mr. Guzman advised that environmental forms were not available for each of the properties listed. He suggested conducting a strategic assessment regarding how to purchase the lands based on available information and on the perception of the owners' willingness to sell. He referred to a transcribed voice mail message from Beth McCleary, included in the agenda materials. Ms. McCleary is married to Michael Fagen, the owner of 200 acres in the Upper Kings Canyon Meadow. Mr. Guzman advised that the Fagens are not willing to sell the meadow, but they are considering selling a portion of the land which

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surrounds the meadow. He pointed out the Fagen property on a displayed map and the property they are willing to consider selling. He advised of discussing a conservation easement on the meadow portion of the property with Ms. McCleary. He discussed the Fagens future plans for the property. He provided background information on his conversations and meeting with Ms. McCleary.

Mr. Guzman reviewed the staff report. He responded to questions regarding available funding, and advised that discussions have taken place regarding the possibility of bonding. He reviewed, discussed and pointed out on a displayed map the properties listed on the potential purchases table included in the agenda materials. He responded to additional questions regarding the potential of utilizing SNPLMA funding, the urgency to acquire the Gilbert property, the property owners' input regarding the estimated prices assigned to the Gilbert and Stanton Park properties, and utility and access connections to the Fagen property. Member Scott discussed the possibility of reprioritizing the properties as necessary in the future to accommodate specific situations and opportunities.

Chairperson Hartman recessed the meeting at 6:59 p.m. in order that Mr. Guzman could point out the properties on the displayed map to the public. He reconvened the meeting at 7:04 p.m. and requested Mr. Guzman to reagendize this item for additional discussion at a future meeting. He suggested that the Committee members review the list in the meantime. Mr. Guzman requested the Committee members to provide input on the priorities. Member Scott advised of contact with Mr. Serpa during the month, and requested Mr. Guzman to advise of the status of properties along the Carson River which may be involved in development of the V&T Railroad. He suggested that the agenda be limited to consideration of one acquisition at a time when serious proposals are submitted. In response to a question, Mr. Guzman advised that the process for purchasing property takes approximately 90 days, and includes completion of an environmental assessment, thorough review of escrow papers, and submission of the recommendation to the Board of Supervisors. Chairperson Hartman suggested including phase 1 environmental assessments on some of the priority properties at the time appraisals are conducted in order to avoid losing a potential seller because the process is so drawn out. Mr. Guzman acknowledged he had sufficient direction with which to proceed. Chairperson Hartman called for public comment; however, none was provided. No formal action was taken.

F-4. ACTION TO ADOPT THE BASIC GUIDELINES IN ORDER TO CONDUCT A CONSERVATION EASEMENT SEMINAR IN THE EARLY WINTER OF 2003 (1-1058) - Mr. Guzman reviewed the staff report and requested input from the Committee members regarding how to proceed. Discussion took place regarding speakers, topics, the availability of legislators to attend, co-sponsors, CEUs, and extending invitations to specific landowners. Mr. Guzman acknowledged that he had sufficient direction with which to proceed and requested the Committee members to telephone him with additional input. (1-1839) Member Scott suggested vesting Chairman Hartman and Mr. Guzman with the authority to make whatever decisions are necessary to move forward with the seminar.

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- **F-5. STATUS REPORT REGARDING THE APPRAISALS FOR THE STANTON PARK AND GILBERT PROPERTIES** (1-1326) Mr. Guzman reviewed the staff report. Member Scott requested an opportunity to review the appraisals prior to the meetings for which they are agendized. Mr. Guzman responded to questions regarding the appraiser's fee. Member Scott suggested including in the staff reports some detail regarding the owners' willingness to discuss tax benefits, partial donations, terms, etc. Mr. Guzman acknowledged he would provide the draft appraisals to the Committee members for review.
- F-6. DISCUSSION ONLY REGARDING THE RULES OF ARBITRAGE AS RELATED TO MUNICIPAL BONDS (1-1400) Mr. Guzman reviewed the staff report and the attachments provided by the Finance Department. In response to a question, he advised that the plan is to develop scenarios regarding the amount of money for which the City can bond and present them to the Committee for consideration. Chairperson Hartman commented that it is important to explore the possibility of bonding, but the reality is that some of the property owners are not ready to consider selling and may never be. He responded to questions regarding the City's bonding capacity and the bonding cycle. Discussion took place regarding land trusts which partner with local government to purchase land packages, and the possibility of securing enforceable purchase options. Member Scott pointed out that many property owners will have some motivation from a public benefit standpoint and that staff and the Committee should work with them regarding ways they can net the same amount but donate a portion, similar to that which was done with the Moffat property.
- Guzman advised that the next meeting is scheduled for December 16th. Discussion took place regarding the possibility of scheduling two meetings to address the Stanton Park and Gilbert properties separately. Consensus of the Committee was to agendize the Gilbert property appraisal and the priority list for the December 16th meeting and the Stanton Park property appraisal for the January 27th meeting.
- **H. STATUS REPORTS FROM STAFF** (1-1825) Mr. Guzman reviewed the "FYI" items included in the agenda materials. He invited the Committee members to call him with questions regarding any of the articles.
- **I. ADJOURNMENT** (1-1900) Member Fischer moved to adjourn the meeting at 7:53 p.m. Member Scott seconded the motion. Motion carried 5-0.

The Minutes of the November 18, 2002 meeting of the Carson City Open Space Advisory Committee are so approved this _____ day of January, 2003.

STEPHEN D. HARTMAN, Chair