A regular meeting of the Carson City Open Space Advisory Committee was scheduled for 6:00 p.m. on Monday, April 16, 2007 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:** Juan Guzman, Open Space / Property Manager

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 QUORUM** (6:01:35) - Chairperson Hartman called the meeting to order at 6:01 p.m. A quorum was present. Vice Chairperson Jacquet was absent.

CITIZEN COMMENTS ON NON-AGENDIZED ITEMS (6:01:51) - None.

- 1. ACTION ON APPROVAL OF MINUTES March 26, 2007 (6:02:08) Member Riedl moved to approve the minutes. Member Perock seconded the motion. Motion carried 6-0.
- **2. MODIFICATIONS TO THE AGENDA** (6:02:00) None.
- 3. AGENDA ITEMS:

3-A. ACTION TO ENDORSE THE USE OF AREAS AFFECTED BY THE WATERFALL FIRE AS A PLATFORM FOR DOUG HOLDERMAN, A STUDENT OF ENVIRONMENTAL ENGINEERING AT THE UNIVERSITY OF NEVADA, RENO, WHO IS CONDUCTING RESEARCH RELATING TO "THE ROLE OF SWITCH-CAUSED BOUNDARY LINES IN SAGEBRUSH AND JEFFREY PINE ECOSYSTEMS IN RELATION TO FIRE DISTURBANCE" (6:02:32) - Mr. Guzman introduced this item and Doug Holderman, who reviewed the proposal which was included in the agenda materials. Member Scott inquired as to the possibility of an RCI staff person becoming familiar enough with the project to monitor it over time. Mr. Holderman requested permission to leave a few of the seedlings to be monitored over time. He explained he would dig up the majority of the seedlings to record certain data. Member Perock expressed support for the use of City and State property by University of Nevada, Reno students. He encouraged Mr. Holderman to work with Nevada Division of Forestry representatives to obtain the necessary plant material. In response to a question, Mr. Holderman explained the concept of a plant ecosystem switch. Chairperson Hartman thanked Mr. Holderman for his presentation, and entertained a motion. Member Scott moved to endorse the project. Member Fischer seconded the motion. Motion carried 6-0.

3-B. ACTION TO REVIEW AND APPROVE A REQUEST BY MR. MICHAEL FAGEN TO REVISE THE AMOUNT OF ACREAGE AND OTHER RELATED MATTERS IN A DRAFT CONSERVATION EASEMENT FOR HORSE CREEK RANCH, LOCATED AT KINGS CANYON ROAD, APN 007-051-78 (6:11:35) - Mr. Guzman introduced this item, and invited Mr. Fagen to the meeting table. Mr. Guzman reviewed the staff report in conjunction with an area detail map of the Horse Creek Ranch which was displayed in the meeting room. Mr. Fagen expressed a preference to term the agreement as something other than an easement. He provided background information on the parcels in conjunction with the displayed area detail map, and on the preference to term the agreement as other than an easement. He expressed the desire to sell Carson City seven of the building units and to retain three. He pointed out the desired location of the three, contiguous 20-acre parcels which he will agree to maintain in "current status or better."

Mr. Fagen acknowledged that the initial proposal would be in the form of a parcel map, creating three 20acre parcels and one remainder parcel. In response to a question, he advised that, at one point in time, he and Mr. Guzman discussed designating the easement at an elevation line which Mr. Guzman pointed out on the displayed map. Mr. Fagen explained this would "pretty much ensure that the whole meadow is in there." He proposed a method by which to delineate the parcels, and expressed general support for protecting the entire meadow. He expressed a preference for not mixing regulations by parcel, but to "keep it as clean as possible" so that future construction does not require appearing before this committee or the Board of Supervisors to ensure no encroachment on a conservation easement. In response to a question, he expressed a preference that none of the structures should be visible from Kings Canyon Road "primarily from a security standpoint." He expressed the opinion "there are plenty of places because of how steep it is, from that red line up to the road, where you can hide them behind the trees and with the elevation." He expressed a further preference that, from the meadow, buildings would be as "camouflaged as possible with natural materials that blend into the environment and with as green ... construction and alternative energy as possible." He was uncertain as to how this would be documented. He expressed a preference to be able to simply submit building plans to the Building Department. In response to a question regarding the lodge concept, Mr. Fagen advised that "from a strictly legal standpoint, there is no quid pro quo. From a goodwill standpoint, the committee has expressed, over time, their support of the idea and the complete Board of Supervisors and the Mayor have been in support of an idea of a facility like this in Carson City for Carson City organizations and people to use." Mr. Fagen expressed the hope that there would be continued support, over time, of the lodge concept from both this committee and from the Board of Supervisors even though there is no "prerequisite of some type of preapproval of the lodge ... to do the conservation easement ... up to and including waivers, if that's required for certain aspects of, for example, not having to build a four-lane asphalt road between Highway 50 and Kings Canyon Road which would greatly diminish the idea of what the lodge is going out there for in the first place ... for enjoyment of wilderness."

Member Riedl expressed the opinion that separating the conservation rights or easement from the other parcels to be retained by Mr. Fagen creates a situation where this committee could be more supportive of the development concepts. He noted a separation of responsibilities between the "Open Space point of view and the development side of the City." He expressed the opinion the current approach "seems a little cleaner and … would facilitate the conservation rights a little bit easier."

Mr. Fagen requested to be able to ask questions of Ms. Wright following her comments. Chairperson Hartman inquired as to Mr. Fagen's intent regarding water rights in the meadow if, for one reason or another, the lodge is not developed. He explained the committee's preference that the water rights stay with

the property. Mr. Fagen advised that the most recent version of the contract would be to not sell the water rights unless a determination is made that there is an excess in which case the City would have first refusal rights. He noted that the agreement developed by the Schulz family attorneys states the water rights would not be sold at all. He expressed a preference to not "overly tie the hands" of future citizens.

Chairperson Hartman called for public comment. (6:32:17) Attorney Joan Wright, of the Allison, MacKenzie law firm, expressed support, on behalf of her clients, "going forward with the open space easement for the smaller acreage." She expressed support for isolating "what might happen with those other 60 acres from the conservation easement." Chairperson Hartman advised of various conversations with Schulz family members. He advised of the committee's goal to have "absolutely as much as we possibly can up in that neck of the woods ultimately end up in a conservation easement." He acknowledged the "extraordinarily long time" associated with this process, and apologized for the delays. He expressed the hope that the Schulz family "will be on a similar bent at some point in the future." Ms. Wright agreed that as many acres as can be included in a conservation easement "is what should happen." "We would love to see the whole area and we would like his sixty acres too, but he has the right to pull them out and we didn't want you to abandon the idea if he did pull the sixty out." Member Scott expressed appreciation for the Schulz's support of the general concept, and the fact that we're all working together toward the same long-term goal in a way that works for all parties in potentially two separate transactions. He expressed enthusiasm with regard to "finding a way to get this process back on track and moving." He looks forward to continuing to work together with Mr. Fagen and with the Schulz family.

In reference to the cover letter which accompanied the proposed agreement drafted by the Schulz family attorneys, Mr. Fagen noted an indication that the Schulz family would likely support the proposed agreement format in the future. He inquired as to "how likely and how soon." He expressed a willingness to continue to be flexible "particularly with respect to which document we work from, but hearing that the Schulzes would be ready to enter into discussions with open space on doing an easement on their portion of the meadow using the same document that they've produced would be great motivation for me to relinquish the one that we have so much blood, sweat, and tears, and move to the Allison, MacKenzie version." Ms. Wright advised of the intent "to create a template that would be good for that area" which could be used for the Fagen property and the Schulz family properties "that would represent the values that we were all looking for that was a little simpler and more direct on what the issues were." She advised that her clients have not indicated any time line with regard to when they would come forward in this process "partly because there are so many of them." She advised of "actively trying to get decisions made that can move things forward." She suggested the faster Mr. Fagen moves forward, "the more likely we go forward."

In reference to funding, Chairperson Hartman advised of the requirement to include certain things in the agreement "to satisfy others." He acknowledged that some of what is included in the proposed agreement is "clearly an improvement." He advised of certain provisions which have to remain in the document. Ms. Wright advised of not having been certain of the provisions which had to remain. She requested clear instruction with regard to the same, and Chairperson Hartman offered to provide assistance. Mr. Fagen advised of a provision which he intended to have included, as follows: "a clear elucidation ... that there are easements in place on the property that need to be respected going forward, specifically to do with rights for the Schulzes to access the water flume and to cross over the property and me cross over, at least

in the case of the Bill Schulz family property." Ms. Wright explained that the subject document should not affect other easements already in place. Chairperson Hartman suggested that, in light of the third party, the provision should be included.

Chairperson Hartman called for additional public comment and, when none was forthcoming, thanked Mr. Fagen and Ms. Wright. He entertained a motion. Mr. Guzman acknowledged no anticipation that the Board of Supervisors will go with something different than the recommended action. In response to a question, Mr. Guzman reviewed Division of State Lands requirements. He acknowledged no anticipation that the reduction in acreage from previous documents will be an issue with the Division of State Lands funding. He advised that Division of State Lands representatives are provided all the same information as the committee. Chairperson Hartman suggested there may be an issue with regard to the quantity of funding to be allocated by the Division of State Lands. In addition, there are statutory provisions which must be included in the agreement to accommodate Division of State Lands requirements. Chairperson Hartman expressed the opinion that the language of the monitoring provisions represents a good compromise. It provides the measurement of impacts based on the information provided by Consultant Steve Walker. He suggested the Natural Resources Conservation Service would be a good potential independent third party. He noted the purpose of this agenda item to readjust acreages. The agreement to restrict development and preserve open space will have to be revisited and "melded together." Chairperson Hartman expressed support for developing a template that "works for everybody ... up in that area." In response to a question, Mr. Guzman advised that the dollar figure will, in the end, be tied to an appraisal which will determine the value. A request has been submitted for \$1 million, which has turned out to be "about 35 percent of the fee purchase title, the 370 acres that we already purchased and then we estimated at least half a million more for the conservation easement." Those two figures are tied to completing both transactions. Once an agreement is developed, Mr. Fagen will contact an appraiser, who will conduct the appraisal. The City will then hire an appraiser to review that appraisal. Out of those discussions, the figure will emerge. Chairperson Hartman advised that the figure will be based upon the development rights on the conservation easement "with a base value that stays there that has its ag value that goes on in perpetuity."

Member Lincoln expressed appreciation for the parties' patience and tenacity. Chairperson Hartman entertained a motion. Member Fischer moved to revise the amount of acreage and other related matters in a draft conservation easement for Horse Creek Ranch, located at Kings Canyon Road, APN 7-051-78, as follows: the conservation easement should include at least 141 acres; the property may be divided into four separate, legal parcels as follows: three 20-acre parcels and one remaining parcel; whenever possible, extend the considerations of the conservation easement into any of the meadow areas located within any of the proposed three private parcels. Member Lincoln seconded the motion. Member Scott advised he would abstain from voting on this item. Member Riedl requested clarification on the motion in that the property may be divided into four separate, legal parcels, being three 20-acre parcels and one 141-acre parcel which would become part of the conservation easement. Mr. Guzman acknowledged the accuracy of his statement. Chairperson Hartman called for a vote on the pending motion; motion carried 5-0-1, Member Scott abstaining. Chairperson Hartman thanked all the parties for their patience.

3-C. ACTION TO RECOMMEND TO THE BOARD OF **SUPERVISORS** IMPROVEMENTS TO THE LOMPA WETLANDS AND ADJACENT PROPERTY BASED ON THE WETLAND ENHANCEMENT STUDIES CONDUCTED BY WOOD RODGERS AND ASSOCIATES, APNs 2-101-73, 8-931-01, 8-931-02, AND 8-922-11 (6:49:49) - Mr. Guzman introduced this item and Wood Rodgers Consultant Leslie Burnside, who provided a status report on the project in conjunction with an illustrative plan which was displayed in the meeting room. Ms. Burnside introduced Adam Sullivan, of Wood Rodgers, who reviewed design goals from an engineering and hydrologic perspective. Ms. Burnside discussed aspects of the design which will improve the wetland and allow for the future use of effluent water at the site. She advised that the design minimizes surface water, explaining that not all wetlands are aquatic habitat. The best wetlands have emergent habitat, with a little bit of water and a lot of vegetation that's wet part of the time and dry part of the time. In response to a question from a previous meeting, Ms. Burnside advised of having discussed with Nevada Department of Wildlife staff the possibility of the wetlands being attractive to geese. Because of the number of golf courses in the area in much closer proximity to the airport, the subject wetlands shouldn't be a draw for geese and therefore not an issue for airport operations. Ms. Burnside anticipates no problems. She discussed the need to demonstrate to FEMA and City flood control officials that there will be no impacts from the wetlands to make the flooding situation any worse. She expressed the hope to be able to demonstrate the ability to contain more water on site to be used while it's passing through.

Ms. Burnside acknowledged that the design has been established to spread and manage water during both low and high flows. During high flows the design will "attenuate the peak ... and then discharge into the system already in place going downstream." In response to a question, Ms. Burnside advised that the northern portion of the project is "the farm for mosquito fish in the valley." She advised of never having seen a mosquito fish; "they get themselves down into the mud and stay cool." The best way for mosquitos to not hatch is to have any water surface subject to wind action. Mosquitos cannot breed on moving water surfaces. Vegetation management rather than water management will be the focus of the design. Ms. Burnside advised that the west side of the property is "the worst problem area for this site with respect to mosquitos." She reviewed the project proposed by Eagle Scout Dan Childs at the March committee meeting. She will be working closely with Mr. Childs to get some of the "really shallow areas deepened and keep the water moving," thereby preventing mosquitos from breeding.

In response to a question, Mr. Guzman advised that the wetlands will be maintained by independent contractors to ensure effective monitoring. In response to a question, Ms. Burnside advised that the contractor's scope of work includes development of an operations and maintenance plan. A SCADA valve will be required for use of on-site effluent. Ms. Burnside advised that the Eagle Scout project approved at the March committee meeting represents a great opportunity in terms of vegetation management. She and Mr. Guzman have also discussed the possibility of involving other entities. By creating a wetlands delineation and being able to track what is created through the design, Ms. Burnside advised that, at some point in the future, the City will have wetland credits to sell, thereby creating endowment funds to be used for future maintenance of the site.

Member Lincoln inquired as to whether the run off from ongoing construction projects in the area and future development at St. Teresa's Catholic Church has been taken into consideration. Ms. Burnside advised that "best management practices" are in place for the development which is taking place to the west of the wetlands property. She expressed doubt that the measures are "actually offering any protection whatsoever for precipitation falling on their site and not making it to adjacent sites." In the short term, a

precipitation event will likely create off-site impacts from adjacent construction sites in terms of sediment entering the wetlands. Ms. Burnside was uncertain as to who is responsible for ensuring that best management practices are maintained. With regard to future construction, offers have been presented to adjacent property owners to detain storm water runoff at the wetlands. In return, they would have to provide pre-treatment in terms of sediment and oil separators on their sites. This benefits the involved properties in that the wetlands receives clean storm water run off and the development properties receive more developable property because of not having to provide on-site detention. Church representatives are amenable to the offer. Their plans are between 7 and 10 years into the future. Ms. Burnside advised that she has been unable to reach the other three property owners to the west in order to convey the same offer. She advised of no specific impacts as of yet, but anticipates the potential for some.

In response to a further question, Mr. Guzman advised of ordinances which deal with both the quantity and quality of surface drainage. The key issue is to ensure that City officials enforcing those ordinances are aware of the desire for the pre-treated water to be detained at the wetlands. Member Riedl reminded the committee members and the public of the existing wetlands which "failed miserably." He provided background information on the funds received from Charles Raffety, a developer upstream of the subject site, for development of the wetlands project. He expressed adamant opposition to the parking lot on the west property adjacent to one of the best bicycle paths in the Carson City area. He advised that constructing a parking lot in the designated location will conflict with bicyclists. In addition, the parking lot would be offset from the intersection, thereby causing more conflicts with bicyclists and pedestrians which may use the Boys and Girls Club. Member Riedl expressed the opinion there is no need for anyone to drive their cars to the site. "They should be walking, they should be riding their bikes." Member Riedl suggested saving the money and designating a couple parallel parking spaces against the roadway. He expressed the opinion that constructing a parking lot in the proposed location would be "ridiculous."

Member Scott suggested another possible source of funding as the potential sale of wetland credits which generate new wetlands that could be utilized to offset with developers who want to take wetlands out and need a place to reinvest. In response to a question, Ms. Burnside advised of no comments, at the major project review meeting, with regard to the need for a parking lot on the west side. She advised that the parking lot was reconfigured with regard to the point at which trails came off of it, based on comments received at the major project review meeting. Mr. Guzman agreed with Member Riedl to the extent that the parking lot is offset from the adjacent intersection, and that there is no need for the parking lot in that the parcel is supposed to serve the neighborhood. He advised he would do his best to get the parking lot removed. In response to a comment, he advised that Park Planner Vern Krahn may receive funding for park improvements which he will want to discuss with the committee. Member Perock suggested a small parking lot on the east side of the freeway may be more appropriate. In response to a question, Mr. Guzman advised that portable restroom facilities are being considered for the park site. Member Scott agreed with Member Riedl's comments, and pointed out an access to Eastridge Drive on the west side of the parcel. He noted that parking would be available at the Boys and Girls Club facility across the street. Mr. Guzman discussed the five-foot wide sidewalk included in the design, and requested input of the committee members. Chairperson Hartman inquired as to why the Open Space Program would have a standard different than that which is required of private developers.

In response to a question, Mr. Guzman advised of a five-foot wide sidewalk under the bridge, constructed pursuant to NDOT standards. He advised that the sidewalks should be hard surface rather than decomposed granite. He further advised that Ms. Burnside has addressed ADA requirements by providing for one trail

on the south and one on the north to be hard surface. Ms. Burnside clarified that the ADA requires hard surface but not necessarily concrete or "AC." She pointed out the locations of the sidewalks on the displayed illustrative plan. With regard to the parking lot, she explained the thought process, in light of the small site, to ensure sufficient parking for a bus load of school children. She acknowledged the proximity of the Boys and Girls Club parking lot, but expressed concern over safety issues associated with elementary or middle school-aged children crossing Northridge Drive. Member Riedl reiterated the suggestion to include parallel parking spaces against the curb. Member Perock suggested considering relocation of the trails in order to accommodate disabled persons accessing them from a vehicle. In response to a question, Ms. Burnside advised of a curb cut in the same location. In response to a further question, she pointed out property, on the illustrative plan, which is part of that which is being acquired from Mr. Bawden and Mr. Millard. Mr. Guzman advised that, in the end, "there will be Carson City ownership and NDOT ownership and that's it." He acknowledged that the end is near.

Mr. Guzman advised that construction estimates are being developed. The committee members acknowledged an interest in reviewing them. In response to a question, Mr. Guzman advised that the project is thus far under the contract budget. He anticipates that the project will be completed with monies left over, and advised that an RCI consultant will be requested to seek grant funding. Mr. Guzman provided an overview of the presentation and discussion. He and the committee members thanked Ms. Burnside and Mr. Sullivan. Consensus of the committee was that no action was necessary. Chairperson Hartman recessed the meeting at 7:38 p.m. and reconvened at 7:44 p.m.

- 3-D. ACTION TO RECOMMEND TO THE BOARD OF SUPERVISORS THE APPROVAL OF THE 2007-08 BUDGET FOR THE OPEN SPACE DIVISION (7:44:02) - Mr. Guzman introduced this item, and reviewed the staff report and the attachments. He advised that an additional line item for the pedestrian / equestrian bridge across the freeway has been requested. He responded to questions regarding annual revenues from Question #18. In response to a comment, he advised that most of the Open Space Program transactions are done in cash for the full amount. He suggested, at some point in time, beginning to offer payments to make Open Space Program funding go further. He discussed the importance of taking advantage of partnerships. He acknowledged that the Open Space Program accounts are interest bearing. In response to a question, Chairperson Hartman explained the method by which Open Space Program funding is managed. Mr. Guzman responded to additional questions regarding the figures reflected in the services and supplies line item. Chairperson Hartman explained interagency charges. Mr. Guzman acknowledged the corrected figure of \$8,179,948 for estimated 2007 capital outlay. Chairperson Hartman entertained a motion. Member Riedl moved to recommend to the Board of Supervisors the approval of the 2007-08 budget for the Open Space Division per staff recommendations, with the noted changes. Member Perock seconded the motion. Motion carried 6-0.
- 3-E. DISCUSSION ONLY REGARDING THE PROGRESS OF THE FUELS REDUCTION PROJECT THROUGH THE USE OF SHEEP ALONG THE CARSON RANGE WILDLAND / URBAN INTERFACE (7:54:19) Resource Concepts, Inc. ("RCI") Resource Technician Aid Ann Bollinger expressed appreciation to RCI for planning last year's project. The plan has assisted in implementing this year's project. She advised that the weather was favorable to a successful project. She reviewed the staff report, and discussed various unexpected occurrences. She advised of the location of the sheep as of earlier in the day. She responded to questions regarding the actual fuels reduction which is taking place. In response to a further question, she advised that the sheep could be brought back to

#### CARSON CITY OPEN SPACE ADVISORY COMMITTEE

Minutes of the April 16, 2007 Meeting Page 8

regraze certain areas this year. She noted, however, that once the cheatgrass begins to cure, the sheep won't eat it. She advised the sheep are currently eating whatever is green. In response to a further question, she advised that approximately 2200 acres were identified for this year's proposed project area. She estimated that half of that has been grazed at this point. In response to a question, she advised the sheep will be out for a period of 30 to 45 days. She advised of having worked with the same partners as last year. Consensus was to keep the sheep out longer this year and bring the fuels down as low as possible. Ms. Bollinger advised that there growing season remains for the preferred perennial grasses. Chairperson Hartman thanked Ms. Bollinger and requested her to keep the committee informed.

#### 4. NON-ACTION ITEMS:

STATUS REPORTS AND ANNOUNCEMENTS FROM STAFF (8:01:09) - Mr. Guzman reported he is continuing to work on the Horse Creek Ranch agreement; that he is awaiting an appraisal for the Anderson property; that the appraisal for the Jarrard property has been completed; that he has hired a title researcher to help "figure out the issue with the road" on the Potter property; that he has been talking with Karen Joost; that the Legacy Wilson nomination has been funded and he is working to retain an appraiser; that the federal lands bill was completed and sent to the Congressional delegation. A meeting is scheduled next week with Senator Ensign's staff. Mr. Guzman advised that City Manager Linda Ritter and Mayor Marv Teixeira will represent the lands bill in Washington, D.C. Natural Resources Conservation Service representatives continue to work with RCI representatives. Mr. Guzman referred to information included in the committee members' agenda materials regarding recommendations from the NRCS and RCI which need to be immediately implemented. He advised that a presentation by RCI representatives would be agendized for a future meeting regarding findings and preliminary recommendations. He reported having received an appraisal for the property south of the Mexican Dam, and that it will be agendized for discussion at the next committee meeting. He further reported that the Nevada Division of Forestry has been cutting and planting trees.

MEMBERS' ANNOUNCEMENTS AND REQUESTS FOR INFORMATION (7:59:10) - In response to a question, Ms. Bollinger provided information on the goat grazing project. She anticipates the goats will be in Carson City in June to feed on Russian knapweed. In response to a further question, she advised that the goats will graze the Quill Ranch in Kings Canyon. Chairperson Hartman advised that the results of last year's goat grazing project are very distinguishable from the top of the hill. Ms. Bollinger anticipates being able to also measure results of chemical treatments this year.

- **5. FUTURE AGENDA ITEMS** (8:04:47) Mr. Guzman reviewed the tentative agenda for the May committee meeting.
- **6. ACTION ON ADJOURNMENT** (8:05:21) Member Fischer moved to adjourn the meeting at 8:05 p.m. Member Perock seconded the motion. Motion carried 6-0.

The Minutes of the April 16, 2007 Carson City Open Space Advisory Committee meeting are so approved this 18<sup>th</sup> day of June, 2007.