

CARSON CITY OPEN SPACE ADVISORY COMMITTEE

Minutes of the September 28, 2009 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, September 28, 2009 in the Community Center Sierra Room, 851 East William Street, Carson City, Nevada.

PRESENT: Chairperson Steve Hartman
Vice Chairperson Dan Jacquet
Member Teri Green-Preston
Member Michael Fischer
Member Howard Riedl

STAFF: Roger Moellendorf, Parks and Recreation Department Director
Juan Guzman, Open Space / Property Manager
Ann Bollinger, Natural Resources Specialist
Lee Plemel, Planning Division Director
Moreen Scully, 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. These materials are available, in the Clerk-Recorder's Office, for review during regular business hours.

CALL TO ORDER AND DETERMINATION OF QUORUM (6:01:21) - Chairperson Hartman called the meeting to order at 6:01 p.m. A quorum was present. Members Lincoln and Scott were absent.

CITIZEN COMMENTS ON NON-AGENDIZED ITEMS (6:01:40) - None.

1. ACTION ON APPROVAL OF MINUTES - June 15, 2009 (6:01:58) - Member Riedl moved to approve the minutes. Vice Chairperson Jacquet seconded the motion. Motion carried 5-0.

2. MODIFICATIONS TO THE AGENDA (6:02:18) - Mr. Guzman acknowledged that item 3-B would be deferred to a future meeting, and explained the reason.

3. AGENDA ITEMS:

3-A. DISCUSSION AND POSSIBLE ACTION TO AUTHORIZE STAFF TO MEET WITH THE OWNERS AND REPRESENTATIVES OF THE ANDERSEN HOME RANCH REGARDING FUTURE LAND USE AND CONSERVATION EASEMENT OPPORTUNITIES FOR THE RANCH (6:02:54) - Chairperson Hartman advised of having met with Andersen family representatives to review the subject opportunities, which he commended. Mr. Guzman introduced this item, and noted the presence of several Andersen family members and representatives in the audience, together with their counsel Mark Amodei, Mark Palmer of Palmer Engineering, and George Szabo. Mr. Guzman also introduced Mr. Plemel, and reviewed the agenda report. Mr. Guzman emphasized there is no proposal at this time.

(6:09:34) Attorney Mark Amodei provided an overview of the presentation. He noted the unique opportunity in the context of this jurisdiction because the property owner has existing zoning and density which would provide the ability to develop. He further noted the property owners' acknowledgment that

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“land use ideas have evolved,” and discussed their interest in considering other opportunities. He emphasized that the property owners’ approach will result in maximizing drainage and open space opportunities. He noted that the subject property is “a heritage piece ... in terms of the Eagle Valley,” and discussed the importance of its agricultural history and its place in the community. He further emphasized that the Andersen family are not developers, and that there is no “eminent plan or desire to bring equipment onto the property and start pushing dirt, ... cutting streets, and digging pipelines.” He discussed the Andersen family’s desire to consider appropriate opportunities “in the context of the new planning and zoning ideas,” and the method by which to “define that in modern terms instead of historic terms in a way that maximizes open space, ... opportunities to help with drainage for the region ...” Mr. Amodei advised that the timing of the subject discussion with this committee “is driven by desires to redefine, not increase, ... in modern terms, the zoning entitlements that have been historically associated with that property” in such a way as to accommodate the family’s estate planning. He expressed appreciation for the committee and staff availability to begin informal discussion and proceed through the open space processes. He requested Mr. Palmer to address municipal issues, particularly drainage.

(6:15:49) Mark Palmer of Palmer Engineering provided background information on a conceptual drainage plan in conjunction with displayed topographical maps. He introduced George Szabo, who reviewed displayed zoning maps and discussed drainage in conjunction with the displayed topographic maps. He emphasized the conceptual nature of the ideas presented and discussed possibilities for property development in consideration of the open space and unified pathways master plan elements. Mr. Palmer noted the importance of drainage in consideration of the fact that both Kings and Ash Canyon Creeks “come into this property.” He discussed a conceptual drainage plan in conjunction with the displayed maps, and referred to a conceptual drainage report summary included in the agenda materials.

At Mr. Amodei’s request, Kim Colard introduced the Andersen family members and representatives present in the audience. Mr. Amodei summarized the presentation as follows: “an opportunity to preserve open space, enhance drainage, while allowing the owners to realize development opportunities and, ultimately, add to the Carson City ledger in terms of quality of life, municipal infrastructure, and also in a tax-base sense, in terms of responsible development of a portion of this property.” He requested the committee to authorize open space staff to work formally with the Andersen family and their representatives to generate specific recommendations for consideration by this committee “to evaluate and pass on as these folks ... enter the land use application process.” He expressed the desire for “this to be the first stop and to have those issues that are within the specific jurisdiction of this [committee] to be dealt with in a specific sense as we move forward ...”

Mr. Guzman oriented the committee members to the subject property using the displayed maps. Chairperson Hartman opened this item to public comment. (6:40:10) Steve Walker requested the committee to consider that “irrigating down there, particularly during the spring flush and the other abundant water supply, you’re doing aquifer recharge and it’s becoming part of your ground water supply.” He advised that 70 percent of the wells pumped in the Carson Valley “have a Carson River origin.” He suggested considering the benefit of aquifer storage, recharge, and eventual recovery through the Carson City utility in analyzing the presentation and future recommendations.

Member Green-Preston discussed her familiarity with the Andersen property, having grown up in Carson City. She expressed appreciation for the possibility of incorporating “this swale situation for recharging the aquifers.” She advised of having “managed trails with that in Washington State ...” within flood plains

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and “it works out very well for the recreational possibilities” as well as retention / detention / aquifer recharge. She expressed appreciation for the consideration given to the presentation. Member Riedl expressed appreciation for the Andersen family “coming early” in the process and for the concepts presented. He advised that development density is always a consideration in the preservation of open space. He expressed appreciation for the consideration given to connectivity in order to enhance public access to open space. He suggested one challenge will be determining the assistance necessary “through open space ... and ... through ... the public works area” in consideration of flood control, retention / detention. Member Fischer thanked the Andersen family and their representatives for the presentation, and discussed the history of the open space advisory committee’s interest in the subject property. Vice Chairperson Jacquet expressed appreciation for the consideration given to public access and storm water drainage. He advised that maintaining the historic agricultural appearance of the property was fundamental to the open space master plan element. He expressed the opinion that the concepts presented “do a good balancing act” of representing the property’s value; preserving open space, history; and accommodating the City’s infrastructure. Chairperson Hartman thanked the Andersen family and their representatives. He discussed the history of drainage issues from the west side of Carson City, and advised of past discussions with City Utility Division representatives. He noted the need for additional discussion with Utility Division representatives, and the obligation to the Andersen family and all residents. In terms of solving downstream problems, “this represents a significant improvement.” He commended the Andersen family and their representatives on the creative presentation in consideration of trails and connectivity. He entertained additional public comment; however, none was forthcoming.

Mr. Guzman provided a summary of the issues. The first consideration is “can we buy all of it?” Mr. Guzman advised of the uncertainty that the “trust is willing to do that,” and that “we cannot afford it.” In response to a comment, he advised that the third consideration is “some of this land, even with drainage constraints, has relatively few constraints in terms of development potential.” He explained that, “under normal circumstances,” the family would be encouraged to pursue a planned unit development, with deferred density, and a subsequent dedication of property to open space. Mr. Guzman explained that the Andersen family “has more density than they want to use.” In addition, they are interested in preserving the old house and its adjacent property; in which case “something other than a PUD” would have to be considered. Mr. Guzman suggested the best approach would be a conservation easement, very similar to the Horse Creek Ranch transaction. In consideration of funding, he agreed with Chairperson Hartman regarding the importance of involving Public Works Department representatives in the discussions, considering “a whole bunch of this is drainage related ...” Mr. Guzman discussed the importance of maximizing tax advantages. He and Member Green-Preston will be attending the LTA seminar in the near future and will “pay attention to that type of class that will give us the latest and newest information” regarding tax opportunities.

Chairperson Hartman reiterated the conceptual nature of the presentation, and requested the Andersen family’s patience with the process. He described various tools in terms of providing assurances to the family as well as flexibility in the process. In response to a question, Mr. Plemel advised of having been involved in discussions with the Andersen family representatives to ensure consistency with the City’s comprehensive master plan and the property’s existing zoning. He explained the concept of a specific plan area in consideration of accomplishing the goal of “looking long term without short-term development plans.” A specific plan area would accomplish an understanding between the property owner and the City as to future development of the property.

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Mr. Amodei expressed agreement with the direction of the discussion. He stated, "It would be wrong, in our opinion, to do nothing and leave the existing zoning on the property ..." He advised that "this applicant, when they are an applicant, will come ... with the ability to develop." He requested the opportunity to "start the process to transform that ability into something that's more modern that meets the goals of this committee, and City municipal considerations, ... so that when they leave this process, they have a defined development right just as they have right now." He noted the Andersen family's existing definitional rights, and expressed an interest in redefining those "so that they have those when they leave, that they are bound by those just as they are the ones now ..." Mr. Plemel explained that part of the specific plan area approach is to consider mutual benefits. Developing by strict zoning can be unimaginative, "but probably we want to look at something different that has mutual benefits to those you talked about and the surrounding property owners ... that are looking at this to provide some open space and buffers ... that you don't get with just developing through straight zoning." Chairperson Hartman expressed understanding of the need for assurance on everyone's part.

Chairperson Hartman entertained a motion. **Member Fischer moved to authorize staff to meet with the owners and representatives of the Andersen Home Ranch regarding future land use and conservation easement opportunities for the ranch. Member Riedl seconded the motion. Motion carried 5-0.** Chairperson Hartman reiterated his thanks to the Andersen family and their representatives.

3-B. ACTION TO MAKE RECOMMENDATIONS TO THE PLANNING COMMISSION AND BOARD OF SUPERVISORS REGARDING A PROPOSED TENTATIVE MAP, SPECIAL USE PERMIT, AND VARIANCE FOR THE LAKEVIEW ESTATES GATED DEVELOPMENT, A PLANNED UNIT DEVELOPMENT WITHIN APN 007-092-12, LOCATED AT THE EAST TERMINUS OF BUCKSKIN ROAD, AND A RECOMMENDATION TO THE PLANNING COMMISSION AND BOARD OF SUPERVISORS REGARDING THE VOLUNTARY DEDICATION BY THE APPLICANT OF APPROXIMATELY 26 ACRES TO THE OPEN SPACE PROGRAM - Deferred.

3(C) ACTION TO AUTHORIZE STAFF TO PROCEED WITH SUBMITTALS FOR THE SOUTHERN NEVADA PUBLIC LANDS MANAGEMENT ACT GRANTS, ROUND #11, NOMINATIONS TO EITHER IMPROVE OR ACQUIRE LANDS FOR PARKS AND OPEN SPACES ALONG THE CARSON RIVER AND FEDERAL ACQUISITION NOMINATIONS (6:59:22) - Mr. Guzman introduced this item, and reviewed the agenda report. Chairperson Hartman disclosed a professional relationship with Vidler Water Company, and advised he would not participate in discussion and action of this item. He passed the gavel to Vice Chairperson Jacquet.

In response to a question, Mr. Guzman reiterated his recommendation to designate the Bently property as the City's nomination. Vice Chairperson Jacquet explained the differences between the subject Southern Nevada Public Lands Management Act program and previous SNPLMA programs under which nominations have been submitted. He expressed concern over the associated time frames and willing-seller requirements, and agreed with a previous suggestion to designate the Serpa and Jarrard properties as "back up" nominations. Discussion followed, and Mr. Guzman advised that Question #1 program representatives have requested progress on both the Serpa and Jarrard nominations. He further advised of having passed the information along to the property owners' representatives.

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Member Green-Preston reiterated previously-stated concerns over the Serpa property and obligations to accommodate emergency services access. She expressed a preference for the Jarrard property to be considered “because that’s already contiguous ... with the rest of them, and Serpa has its own different issues.”

Vice Chairperson Jacquet entertained public comment and, when none was forthcoming, a motion. **Member Riedl moved to authorize staff to proceed with submittals for the Southern Nevada Public Lands Management Act grants, Round 11, for federal nominations, the Schulz 13-acre property, and for City nomination, the following properties in order of priority: (1) Bently; (2) Jarrard; and (3) Serpa. Member Fischer seconded the motion. Motion carried 4-0-1.** Vice Chairperson Jacquet returned the gavel to Chairperson Hartman.

4. NON-ACTION ITEMS:

STATUS REPORTS AND ANNOUNCEMENTS FROM STAFF (7:15:55) - Mr. Guzman reviewed the Quality of Life Open Space Fund information which was included in the agenda materials. He advised it would be included as a regular agenda item for future meetings.

MEMBERS’ ANNOUNCEMENTS AND REQUESTS FOR INFORMATION (7:19:35) - Member Riedl congratulated the Boys and Girls Clubs of Western Nevada on their recent grand opening, and the Boys and Girls Clubs of Western Nevada Board of Directors “for paying attention to the connectivity with the dead end at Belmont Avenue and Northridge Drive. That shows how well staff is planning and keeping alive that connectivity.” Member Riedl advised of having met with Regional Transportation Division staff, Clear Creek Road property owners, Parks and Recreation Department staff, and Muscle Powered representatives to discuss ways to ensure public access on Old Clear Creek Road. He expressed concern over losing the established public access “because that is the only way into the Clear Creek basin. The roadway coming off the interchange is a private road.” He assured the committee members he has been involved in this issue only as a private citizen. Member Green-Preston advised of the understanding that the “road coming off of Spooner ... was going to be turned over to the City ...” Based on her inquiry, Mr. Guzman offered to look into the matter and report back to the committee. (7:22:39) Member Green-Preston requested to meet with emergency services representatives for Lyon and Storey Counties and Carson City to ensure access to the canyon via the Serpa property.

5. FUTURE AGENDA ITEMS (7:22:10) - Chairperson Hartman suggested agendizing the issue of access on Old Clear Creek Road.

6. ACTION ON ADJOURNMENT (7:24:28) - Member Fischer moved to adjourn the meeting at 7:24 p.m. Member Riedl seconded the motion. Motion carried 5-0.

The Minutes of the September 28, 2009 Carson City Open Space Advisory Committee are so approved this 19th day of October, 2009.

STEPHEN D. HARTMAN, Chair