

# CARSON RIVER ADVISORY COMMITTEE

## Minutes of the May 1, 2002 Meeting

### Page 1

A regular meeting of the Carson River Advisory Committee was scheduled for 6:00 p.m. on Wednesday, May 1, 2002 in the Community Center Sierra Room, 851 East William Street, Carson City, Nevada.

**PRESENT:** Chairperson Charles Zimmerman  
Vice Chairperson Claire Clift  
Dan Greytak  
Thomas Hall  
Kevin Walsh  
Barbara Wright

**STAFF:** Steve Kastens, Parks and Recreation Director  
Vern Krahn, Parks Planner  
Juan Guzman, Open Space Manager  
Walter Sullivan, Planning and Community Development Director  
Skip Canfield, Senior Planner  
Tom Hoffert, Utilities Operations Manager  
Laura Lueders, Carson River Intern  
Kathleen King, Recording Secretary

**NOTE:** Unless indicated otherwise, each item was introduced by Chairperson Zimmerman. 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, DETERMINATION OF A QUORUM (1-0001)** - Chairperson Zimmerman called the meeting to order at 6:00 p.m. Roll was called; a quorum was present. Member Johnson was absent.

**B. APPROVAL OF MINUTES - March 6, 2002 (1-0005)** - Vice Chairperson Clift moved to accept the minutes. Member Hall seconded the motion. Motion carried 6-0.

**C. PUBLIC COMMENT ON NON-AGENDIZED ITEMS (1-0010)** - None.

**D. MODIFICATION OF THE AGENDA (1-0015)** - None.

**E. DISCLOSURES (1-0018)** - Member Wright advised of conversations with her neighbor regarding item F-3. Vice Chairperson Clift advised of a conversation with Mr. Sullivan and Mr. Krahn regarding "an open space definition," and that she was contacted by the public regarding item F-1. Member Walsh advised of a meeting with Donna DePauw and her husband regarding vehicle access to the Pine Nut Mountains along Mexican Dam Road.

## CARSON RIVER ADVISORY COMMITTEE

### Minutes of the May 1, 2002 Meeting

#### Page 2

#### F. PUBLIC MEETING

**F-1. ACTION REGARDING A REVIEW AND RECOMMENDATIONS INVOLVING PLANNING COMMISSION ITEM A-00/01-4(a), AN ORDINANCE AMENDING THE CARSON CITY MUNICIPAL CODE (“CCMC”), TITLE 18 (ZONING), SPECIFICALLY PROPOSED CHANGES TO SECTION 18.04.170 (PUBLIC), SPECIFICALLY ADDING SECTION 18.04.175 (PUBLIC NEIGHBORHOOD), 18.04.180 (PUBLIC COMMUNITY), 18.04.185 (PUBLIC REGIONAL), AND 18.04.186 (PUBLIC) (1-0044)** - Mr. Sullivan introduced Mr. Canfield and provided background information on this item. He listed examples of the neighborhood, community, and regional zoning designations, and discussed their development. He advised that the proposed designations were presented for review by the Regional Planning Commission after public notices were mailed on three different occasions. The matter was then agendized for action on first reading of an ordinance before the Board of Supervisors at which time public testimony was received. A subsequent meeting was scheduled between Planning and Community Development staff and residents in the Carson River and Pinion Hills areas. The residents expressed a preference that the property remain in the conservation reserve zoning district.

Mr. Sullivan referred to the Bureau of Land Management Urban Interface Plan, and explained that the City is subject to its provisions with regard to zoning federal lands. He referred to presentations made by Planning and Community Development staff approximately three years ago to the advisory boards, commissions, and committees. As a result of additional public comment received at the recent Board of Supervisors meeting, he decided to return to the advisory boards/commissions/committees, provide an update on the process and opportunity for additional input.

At Mr. Sullivan’s request, Mr. Canfield explained that although the purpose statement and definition of a public zone is very broad, any use requires a special use permit. The BLM Urban Interface Plan has a specific overlay of uses for every property east of the River and north of Goni Road. Mr. Canfield referred to a displayed map, pointed out the public regional zones, and advised that the Urban Interface Plan overlay provides for only a few uses east of the Carson River and north of Goni Road. He referred to a letter from the BLM supporting the City’s proposed changes, and explained that staff has been attempting to clarify the uses allowed in public zones. The process will change the existing conservation reserve designation “which is kind of a holding zone” to public regional which is “the best fit” on land which has been designated by the Urban Interface Plan as recreational. Mr. Canfield explained the concerns expressed by the citizens over the various uses listed in the public regional zone.

Mr. Sullivan expressed appreciation for the efforts of Mr. Kastens, Mr. Krahn, and Mr. Guzman to apply the proposed designations to all City parks and to ensure they are consistent with the Carson River and Open Space Master Plan Elements. In response to a question, Mr. Sullivan advised that the proposed changes have not yet gone into effect. In response to a further question, he discussed the desire of the Open Space Advisory Committee to establish an open space zoning district. He responded to additional questions regarding access to open space properties and public notification policies for rezoning properties. He acknowledged that all City-owned river property is currently zoned public and reviewed the proposed rezoning designations as he pointed out the properties on the displayed map.

In response to a question, Mr. Canfield explained that the designations on the displayed map reflect staff’s

## **CARSON RIVER ADVISORY COMMITTEE**

### **Minutes of the May 1, 2002 Meeting**

#### **Page 3**

intent to “match the Urban Interface Plan.” He reiterated the concerns expressed by the Pinion Hills residents, and advised that there was no intent by City staff to allow any use other than those prescribed by the Urban Interface Plan. Member Walsh suggested that since no use could be allowed on federal land at the City level without going through all the proper channels, the map should reflect staff’s proposed zoning designations. Mr. Canfield explained that staff is simply being cautious to avoid a perception that the residents’ concerns have gone unheeded. Zoning on the east side of the River can be revisited at a later time, but Mr. Canfield explained that it was too important to move forward with the remainder of the process. He reiterated that the allowed uses in the area will not change regardless of the zoning. Member Walsh referred to the documentation included in the agenda materials and commented that it indicates staff has made the necessary efforts to inform the public of this process. He expressed a concern regarding consistency in the maps and that making allowances for one area may result in a requirement to make allowances in other areas.

Mr. Sullivan expressed appreciation for Member Walsh’s remarks, and reiterated the reason for resubmitting this matter for review by the Committee. He advised that the Pinion Hills residents’ concerns and preferences will be made known to the Board of Supervisors. He further advised that this matter will be presented to each of the appropriate advisory committees and commissions, and then resubmitted to the Board of Supervisors for final approval. Member Walsh thanked staff for the opportunity to comment on this matter.

In response to a request for clarification, Mr. Canfield explained that the BLM has defined uses for the properties north of Goni Road and the area east of the River. In addition, an open space zoning district will be created for Carson City open space and for areas identified by the BLM and the U.S. Forest Service. In response to a further question, Mr. Canfield reiterated that “every single property owned by the BLM east of the River to that first ridge is identified in [the Urban Interface] Plan as open space for public recreation, horseback riding, hunting, shooting and things like that so we just wanted to match what has already been adopted and that’s what the effort was for.” Vice Chairperson Clift commented that the City-owned open space will be much more restrictive than the open space designated by the BLM. The BLM’s Pine Nut Mountains Plan Amendment allows for vehicular use, equestrian use, etc. Vice Chairperson Clift requested staff to clarify whether the two definitions will match. Mr. Canfield advised that Open Space Manager Juan Guzman has been charged with developing a purpose statement for the open space districts which will be reviewed by the various advisory boards, commissions, and committees, and eventually the Board of Supervisors. Mr. Sullivan reviewed zoning designations and ownership of the land adjacent to the Mexican Dam.

Chairperson Zimmerman called for public comment on this item. (1-0455) Paul Pugsley inquired as to whether the property which has been offered to the BLM for purchase as part of the Southern Nevada Public Lands Management Act (“SNPLMA”), Round 4, will be incorporated into the Urban Interface Plan. Mr. Kastens advised that the City’s open space program is facilitating purchase of those lands by the BLM for BLM open space purposes. He explained the purpose of SNPLMA funds, and acknowledged that lands purchased with SNPLMA funds will be incorporated into the Urban Interface Plan for BLM and U.S. Forest Service purposes. Mr. Canfield acknowledged the possibility of developing an open space zoning designation that would be more restrictive than the Urban Interface Plan. In response to a further question, Mr. Sullivan clarified that the BLM would still have to accept and adhere to the more restrictive zoning requirements.

## CARSON RIVER ADVISORY COMMITTEE

### Minutes of the May 1, 2002 Meeting

#### Page 4

(1-0514) Jon Nowlin suggested that more restrictive zoning by the City may be an incentive for the BLM, in negotiating updates of the Urban Interface Plan, to adopt more restrictive zoning. Mr. Sullivan agreed but indicated there would be no guarantees.

(1-0545) Tom Quigley expressed appreciation for staff leaving the existing conservation reserve zoning on the east side of the River “for the time being.” He referred to the Public Zoning District Informational Handout included in the agenda materials, reviewed the same, and expressed concern regarding the uses allowed under the public regional zoning district.

Member Walsh advised that the BLM is in the process of amending the Pine Nut Mountains Plan, and encouraged public involvement. He advised of the next scheduled meeting, and that one of the major issues is the urban interface.

In response to a question, Mr. Krahn referred to the recommended action included in the staff report. Vice Chairperson Clift moved to recommend City staff proceed with Public Zoning Districts, as presented. Motion died for lack of a second. In response to a question, Mr. Sullivan assured the Committee that once the open space zoning district has been developed, the areas in question can be revisited. Vice Chairperson Clift suggested that any zoning change affecting the area of the Carson River and within the purview of the Committee should be presented for review. **Member Greytak moved that City staff proceed with public zoning districts with the reservation that, when an open space designation is determined, the Committee be allowed to review that and to review those parcels that are going to be considered for open space designation versus public designation and that the Committee be allowed to review any zoning changes that would have impact on the Carson River corridor. Vice Chairperson Clift seconded the motion.** Mr. Sullivan acknowledged that the motion would “leave the door open” to adjust the maps at a future time. Member Hall commented that he was surprised the Committee was involved in the zoning process. Member Wright agreed. Mr. Kastens explained the reason for agendaizing this item. Chairperson Zimmerman inquired as to the value of referencing the Carson River Master Plan element and the possibility of conflicting issues in the motion. Vice Chairperson Clift suggested that the explanation provided by Mr. Sullivan and Mr. Canfield indicates the proposed designations are compatible with the Carson River Master Plan element. Mr. Sullivan advised that staff’s policy is to agendaize items such as this for review by the relevant committee prior to agendaizing them for review by the Regional Planning Commission in order that the Regional Planning Commission has the benefit of the advisory committee’s comments. Chairperson Zimmerman called for a vote on the pending motion; **motion carried 6-0.** Chairperson Zimmerman thanked staff for their presentation and the public for their input.

**F-2. ACTION REGARDING THE TRUCKEE RIVER OPERATION AGREEMENT (“TROA”) AND THE POSSIBILITY OF THE CARSON RIVER WATERSHED HAVING ITS OWN FEDERAL WATER MASTER (1-0755)** - Mr. Hoffert referred to the April 23, 2002 memo included in the agenda materials and reviewed the same. Carson Water Subconservancy District (“CWSD”) General Manager Ed James provided background information on the TROA and the function of the federal water master. He reviewed the purpose and responsibilities of the administrator position created by the TROA as outlined in the staff report. He advised of a concern over a possible conflict between the entities selecting the administrator. Mr. James advised of visiting with representatives of the various water conservation districts to determine their concerns, and that the CWSD Board has directed him to visit with representatives of each

## CARSON RIVER ADVISORY COMMITTEE

### Minutes of the May 1, 2002 Meeting

#### Page 5

county to solicit input. Ultimately, the CWSD Board will draft a letter regarding the issue of a separate water master for the Carson and Truckee Rivers. Mr. James advised that he is currently in the process of visiting the various counties and will eventually present information to the Board of Supervisors.

Mr. James discussed costs associated with separate federal water masters for the Carson and Truckee Rivers. He estimated the cost will increase approximately 50% and, in response to a question, Mr. Hoffert advised that the current annual assessment fee is approximately \$1,700. Mr. James advised that the TROA has not yet been finalized. Once the final language is approved, it will be submitted to an environmental impact process.

In response to a question, Mr. James advised that the TROA will only affect property owners with water rights along the Carson River. In response to a further question, he indicated there have most likely been disputes over decisions made by the existing water master, but knew of no conflicts of interest. He further advised that the current water master used to work in this area and is familiar with the Carson River. He discussed potential concerns such as differences in interpretation, and acknowledged that the users in the district would fund the federal water master position. He advised that water users above the Lahontan reservoir have expressed a preference for a separate federal water master. Water users below the Lahontan reservoir "don't even like the idea of having an administrator in the first place." In response to a question, he reviewed the responsibilities of the federal water master and the administrator.

At the request of Mr. Kastens, Mr. Hoffert explained that Carson City has a unique arrangement for credit and use of Carson River water which is well understood by the current federal water master and the State Engineer. The Parks Department uses the Mexican Ditch to convey water to the Fifth Street wetlands park area. A concern exists that without someone who understands and cares about the Carson River, many of the current arrangements and practices which benefit the Parks Department, Carson City, and the Mexican Dam/Ditch users will be jeopardized. Mr. Hoffert expressed a concern that the Carson River system will take a "second seat" to installment of an administrator who then becomes the federal water master as prescribed by the TROA. He explained that the Alpine Decree has established guidelines and that the current federal water master endeavors to ensure that all parties receive a part of the flow. The current water master communicates those requirements very well to all the users and provides plenty of lead time for changes. Mr. Hoffert advised that the Orr Ditch Decree and the Alpine Decree are separate agreements administered in different ways, and that the administrators need to understand both.

(1-1078) Jon Nowlin expressed the understanding that the federal water master is an officer of the federal court, appointed by a federal judge to administer the Orr Ditch Decree and the Alpine Decree. Mr. James acknowledged that the letter to be drafted by the CWSD Board of Directors will be a petition to the judge requesting a separate water master for the Alpine Decree. Mr. Nowlin inquired as to whether the judge has been asked to approve the concept of a system administrator functioning as the federal water master. Mr. James advised that the language has not yet been submitted to the court, that the judge is not required to accept the language but will be required to provide a reasonable explanation if he does not. Mr. Nowlin reiterated that the water master is an officer of the federal court, and advised that the TROA is being developed by the executive and legislative branches of the federal government. He explained that the judge will be asked to approve the recommendation that the system administrator and the water master be the same person.

## CARSON RIVER ADVISORY COMMITTEE

### Minutes of the May 1, 2002 Meeting

#### Page 6

In response to a question, Mr. Krahn referred the Committee members to the recommended action included in the staff report. **Member Hall moved to follow staff's suggestion that a separate water master be appointed for the Carson River, the Alpine Decree, and the Orr Ditch Decree. Member Wright seconded the motion. Motion carried 6-0.** Chairperson Zimmerman thanked Mr. James and Mr. Hoffert for their presentation.

**F-3. ACTION TO ACCEPT AND FILE THE CARSON CITY OPEN SPACE OPPORTUNITY MAP FOR THE CARSON RIVER (1-1181)** - Mr. Guzman referred to the open space opportunities map which was included in the agenda materials and also displayed, and reviewed the staff report. Vice Chairperson Clift referred to properties depicted on the map to the east of the Carson River and inquired as to the mercury contamination in relation to the SNPLMA nomination. Mr. Guzman advised that the BLM cannot take title to lands which are known to be contaminated, so City staff is attempting to find a different owner for a portion of those lands. He advised that State Parks is a good candidate and that they already own the land up to the high water mark. The contaminated area will be located, and a determination made regarding which agency can obtain title to those parcels separate from the remainder of the land. This proposal has been acceptable in preliminary discussions with BLM District Manager John Singlaub. Mr. Guzman responded to questions regarding access to and development plans for the Howard/ Dombrowski properties and incorporation of GIS information into the opportunity map. Chairperson Zimmerman called for public comment.

(1-1331) Chuck Wright requested that the City make a request to the BLM that the road be developed and made publicly accessible. In response to a question, Mr. Guzman explained that the "recreation" designation is applied to the open and scenic nature of the property. He offered to discuss this matter further with Mr. Wright and provide assistance.

**Vice Chairperson Clift moved to accept the map as presented. Member Greytak seconded the motion. Motion carried 6-0.**

**F-4. DISCUSSION ONLY REGARDING THE PILOT STUDY REPORT TO IDENTIFY, INVENTORY AND CLASSIFY WETLANDS AND RIPARIAN RESOURCES WITHIN CARSON CITY, NEVADA (1-1418)** - Mr. Guzman reviewed the staff report and referred to the PowerPoint presentation included in the agenda materials. He reviewed the process for developing the classification system, the data base, and the GIS to sustain it. He advised that the NDEP has committed to maintaining the system and that the City has committed to providing data on new jurisdictional wetlands and study areas. He distributed the wetlands study area atlases to the Committee members. In response to a question, he advised that the recently updated Chapter 3 of the Carson River Master Plan element was provided to the consultants. Chairperson Zimmerman thanked Mr. Guzman for his presentation.

## CARSON RIVER ADVISORY COMMITTEE

### Minutes of the May 1, 2002 Meeting

#### Page 7

**F-5. ACTION REGARDING RESUBMITTAL OF A RESIDENTIAL CONSTRUCTION TAX APPLICATION AND DESIGN/CONSTRUCTION COST CONSIDERATIONS FOR CARSON RIVER PARK - PHASE 2 (1-1530)** - Mr. Krahn provided an overview of the residential construction tax allocation process and reviewed the staff report. He discussed the outcome of the application submitted last year, and suggested that the Committee consider presenting the application to the Parks and Recreation Commission or scheduling a joint meeting with the Commission to conduct a tour of River properties. In response to a question, Mr. Kastens advised that approximately \$100,000 in residential construction tax funding is available this year. He suggested submitting another application if the Committee is still interested in pursuing this project. He acknowledged that the total cost of the phase 2 project is \$125,000. Vice Chairperson Clift suggested that staff pursue the \$6,600 proposal outlined in the staff report. Member Greytak suggested that other funding sources may be available. Vice Chairperson Clift commented on the importance of expressing the Committee's desire to complete the Carson River Park Master Plan.

(1-1686) Chris Miller, of the Bureau of Land Management, advised that the Friends of the Silver Saddle Ranch is in the process of obtaining its 501(c)(3) non profit status. She concurred with the suggestion that funding may be available from this organization, and offered her assistance to the Committee.

Chairperson Zimmerman called for additional comments/questions; however, none were provided. **Vice Chairperson Clift moved to move forward with presentation of the development process of phase 2 to be presented to the Parks and Recreation Commission for residential construction tax funding. Member Wright seconded the motion. Motion carried 6-0.**

**F-6. ACTION REGARDING AN ACTIVITY REPORT ON THE UPPER CARSON RIVER MANAGEMENT PLAN, INCLUDING FUTURE PROJECTS AT SILVER SADDLE RANCH/ CARSON RIVER PARK, AMBROSE NATURAL AREA, AND ACROSS FROM THE MORGAN MILL ROAD ACCESS AREA (1-1739)** - Paul Pugsley, of the Carson Valley Conservation District, reported on the rock wall constructed by the Parks and Recreation Department in conjunction with the BLM to prevent vehicle traffic from entering the River from the east side of the River along the Silver Saddle property. Continued observation of the area will be necessary as concerns exist that the wall will be removed by OHV users. Mr. Pugsley further reported that the Natural Resources Conservation Service ("NRCS") is hosting a borrow engineering workshop tentatively scheduled for the week of October 21, 2002, and that the vertical bank in the middle portion of the Ambrose Natural Area will be the subject of a work day. Mr. Pugsley is working with a rancher across from the Morgan Mill to fence the riparian area. The rancher has agreed to a grazing management plan with the NRCS. Mr. Pugsley advised of receiving approval to construct a diversion to establish a new wetland on prison property. The project will proceed once U.S. Fish and Wildlife review and approval has been completed. No formal action was taken.

**F-7. ACTION REGARDING A CARSON RIVER ADVISORY COMMITTEE CANOE/ RAFT TRIP ON THE CARSON RIVER IN MAY 2002 (1-1860)** - Mr. Pugsley advised of two available dates, May 18<sup>th</sup> and June 8<sup>th</sup>. He discussed last year's peak runoff date and this year's anticipated date, and requested input from the Committee members regarding their interest in the trip. Vice Chairperson Clift suggested a rafting trip down the east fork of the River, and discussed points of interest. In response to a

question, Mr. Pugsley highly recommended rafts for the east fork instead of canoes. (1-1978) Tom Quigley

**CARSON RIVER ADVISORY COMMITTEE**

**Minutes of the May 1, 2002 Meeting**

**Page 8**

suggested inviting the public to participate. No formal action was taken.

**F-8. DISCUSSION AND ACTION REGARDING SELECTION OF CARSON RIVER ADVISORY COMMITTEE MEMBERS TO ACT AS COMMITTEE LIAISONS TO VARIOUS CARSON RIVER COALITION PARTNERS, THE PINE NUT MOUNTAINS LAND USE PLAN AMENDMENT AND VARIOUS CITY ADVISORY BOARDS (1-2013)** - Mr. Krahn reviewed the staff report and attachments. Chairperson Zimmerman requested input from the Committee members, and each of them expressed agreement with the proposed assignments. **Member Greytak moved to approve Carson River Advisory Committee members to act as committee liaisons to the Open Space Advisory Committee, the Storm Drainage Advisory Committee, the Advisory Board to Manage Wildlife, the BLM Pine Nut Mountains Management Plan, and the Clear Creek Watershed Council. Vice Chairperson Clift seconded the motion.** Mr. Krahn acknowledged that the Committee members will be added to the appropriate agenda distribution lists. Chairperson Zimmerman called for a vote on the pending motion; **motion carried 6-0.**

**F-9. DISCUSSION AND UPDATE REGARDING THE STATUS OF JUNK CARS NEAR DEER RUN ROAD BRIDGE (1-2112)** - Member Walsh advised that the cars have been removed from this area.

**G. FUTURE AGENDA ITEMS AND COMMITTEE MEMBER STATUS REPORTS (1-2128)** - Chairperson Zimmerman advised of receiving a telephone call from Julie Koop at the high school regarding the possibility of agendizing a report on her students' river projects. Due to the upcoming finals schedule and summer vacation, Chairperson Zimmerman requested Mr. Krahn to contact Ms. Koop and discuss agendizing a presentation by the students for next year at this time. Mr. Krahn advised that signage standards for City parks are being developed and will be agendized for presentation at a future meeting. (1-2222) In response to a question, Mr. Pugsley indicated that Dawn Rafferty may be available for a presentation on tall white top at the June meeting.

**H. STATUS REPORTS FROM STAFF (1-2200)** - Mr. Krahn advised that the last few storms have been beneficial to the revegetation effort at Carson River Park.

**I. ACTION ON ADJOURNMENT (1-2225)** - Member Hall moved to adjourn the meeting at 8:02 p.m. Member Walsh seconded the motion. Motion carried 6-0.

The Minutes of the May 1, 2002 meeting of the Carson River Advisory Committee are so approved this \_\_\_\_\_ day of August, 2002.

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CHARLES ZIMMERMAN, Chair