

Douglas County Open Space and Agricultural Lands Preservation Implementation Plan

2007 Update



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2007 Update

On October 11, 2007, the Douglas County Board of Commissioners approved Resolution Number 2007R-082, a Master Plan Text Amendment (ref. DA 07-058), and officially adopted this update to the Douglas County Open Space and Agricultural Lands Preservation Implementation Plan.

Thank You

Douglas County would like to express special thanks to the State of Nevada Department of Conservation and Natural Resources Division of State Lands, which approved a grant of \$18,000 under Question 1 Project ID # DO-OS-04034 to aid in the development and production of this plan.

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Executive Summary



Photo courtesy Mike Jarrett

A Canada goose sits on its nest in the pond at Centerville Lane and State Route 88.

“The primary purpose of this plan is to protect agricultural lands and other designated open space lands from future commercial and housing development. Since the adoption of the original Open Space Plan in 2000, the number of acres preserved under conservation easements in Douglas County has increased 173% from 4,216 to 11,505.”

Executive Summary

The Douglas County Master Plan requires the update of the *Open Space and Agricultural Lands Protection Implementation Plan (OSP)*. The *OSP* provides the framework by which the County may pursue the preservation of agricultural lands and open space. The Master Plan clearly articulates residents' desire to retain the county's open, rural, and agricultural character. Preservation will help secure the quality of life that is the mainstay of Douglas County. Excerpted Master Plan Goals and Objectives have been included in the *OSP* to demonstrate the commonalities between the two documents with regard to preserving agricultural and open space lands.

Another major reason for updating the *OSP* is to meet the requirements of Nevada Revised Statutes (NRS) section 376A.020, which mandates that an open space plan be adopted prior to a county placing an open space funding measure before the voters. The 2000 *OSP* was adopted in order to allow the County to place an open space funding ballot question in front of the voters in the November 2000 general election. That ballot question was not approved. However, finding a way to fund a purchase of development rights (PDR) program remains a keen interest of many county residents.

Four key objectives were met in the development of this plan. The plan has:

1. Defined open space within the context of NRS 376A.010 as well as within the context of public outreach over the past two years.
2. Identified a number of existing and proposed techniques to preserve open space lands.
3. Outlined a framework for the creation of a local PDR program.
4. Created a primary means for implementation of the Conservation Element and the new Agriculture Element of the *Master Plan*.

A number of preservation strategies have been identified. Each emphasizes creativity and commitment to work with multiple partners in order to leverage all available resources. These strategies include:

- transfer of development rights (TDR) and PDR programs, which compensate landowners for conservation and still allow them to retain ownership and use of their lands
- planned and cluster developments that result in more efficient subdivision design, large undeveloped areas being held as open space, and retention of water rights in the county
- federal land exchanges to acquire sensitive lands in return for privatization of non-sensitive lands and/or to acquire conservation or open space easements to protect sensitive lands
- direct purchase of sensitive lands by federal or state agencies, such as the U.S. Forest Service and the State of Nevada
- continued use of zoning regulations to limit development potential in areas desired to be kept in open space
- donation of land as open space or placement of voluntary conservation easements by private property owners
- purchase of conservation easements and/or land containing sensitive wildlife, riparian, or other desirable habitat by non-profit organizations
- direct purchase of lands by local government or other agencies when clear public benefits are determined

- identification and use of other governmental and private programs used to preserve agricultural lands
- systems designed to prioritize areas and parcels for the acquisition of open space easements
- creation of a new County staff position called Agricultural Opportunity Officer to act as the point-person for all preservation initiatives, run a proposed development credit bank and PDR program, and work with community organizations to present estate planning options for agricultural lands

Since the adoption of the original *OSP* in 2000, the number of acres preserved under conservation easements in Douglas County had increased 173% from 4,216 to 11,505. This is despite the failure of the ballot question to provide a levy for the procurement of these easements. Back in 2000, the County estimated that “20,000 to 30,000 of acres within the Carson Valley will need to be involved in the various preservation strategies for the overall goals of the plan to be achieved. In the Antelope Valley and Walker River areas, another 10,000 to 15,000 acres of land needs to be preserved for agriculture.” So we still have a long way to go, but we have taken some mighty steps.

The primary purpose of this plan is to protect agricultural lands and other designated open space lands from future commercial and housing development. The *OSP* is both a broad overview of preservation issues and an action plan designed to foster and provide for:

- implementation of the Goals and Policies of the Douglas County *Master Plan*
- creation of a PDR program and a county-run development credit bank
- development of criteria for the acquisition of conservation easements
- floodplain protection and the preservation of active agricultural operations
- creation of economic incentives to keep specific lands in agricultural or open space use
- enhancement of the economic viability of agri-business
- retention of lands in their natural state
- maintenance of the natural processes for groundwater recharge and flood control
- enhancement of air and water quality
- protection of sensitive wildlife habitat
- identification of important viewsheds, areas that should remain as open buffers between developments, and preservation of the rural feel of the county
- direction of development to areas where public services may be provided at the least cost
- identification and creation of access points and connections between open space areas and existing public lands
- identification and preservation of the most treasured viewsheds
- continued use of irrigated agricultural lands for the beneficial disposal of treated effluent

Lastly, the 2007 update, like the original *OSP*, provides current maps and figures to enhance the reader’s understanding of the state of county. These maps and figures are juxtaposed with the ones from 2000 so that the reader can see changes over time, as well.

Introduction and Overview



Photo courtesy Jacques Etcheberry/ien

The East Fork of the Carson River as it runs through the Mack Ranch on the west side of old Minden – fall 2007.

*“In the past seven years, the county’s population
has grown more than 20 percent
from just over 41,000 to just over 50,000 residents.”*

Introduction and Overview

Of all the counties in Nevada, the County of Douglas may hold the title as the one with the most varied and spectacular scenery. From Lake Tahoe, “the Jewel of the Sierra,” up to the high alpine mountainscape of the Carson Range, across the green and fertile floor of the Carson Valley and rising to the high desert flats of Fish Springs and Holbrook, and then climbing to the dry and rocky folds of the Pinenut Mountains, one passes through a myriad of different ecosystems. The felicitous imprint of human habitation is also evident. There are charming towns, orderly subdivisions, and ranch land spiderwebbed with ditches, sloughs, and rivers that, for many months out of every year, run clean with mountain meltwater and irrigate the fields.

The update of the original Open Space and Agricultural Lands Preservation Implementation Plan (2000 OSP) was first contemplated in 2004, when Douglas County initiated discussions with the State of Nevada’s Division of State Lands to help support the update. State Lands generously agreed to give the County a grant of \$18,000 in 2005, and we are grateful for the support.

Recent History Since the 2000 OSP was adopted on September 7, 2000, preserving this scenery and the rural character of Douglas County has been a major challenge. In the past seven years, the county’s population has grown more than 20 percent from just over 41,000 to just over 50,000 residents. Over 600 acres of sagebrush in the north part of the county have been re-zoned and designated for development.

Douglas County and its residents have mounted a many-faceted response to the challenge of preservation. Before the 2000 OSP, 4,216 acres of agricultural and open space land had been preserved county-wide. These lands were protected primarily through planned and cluster developments, and it was felt that the Transfer of Development Rights (TDR) Program was not driving preservation as well as it should. The 2000 OSP recommended that the TDR Program be revamped so that landowners who stripped development rights from their land would be better-compensated for doing so. This was accomplished in 2001 with the adoption of Ordinance 968. This ordinance provided much greater incentives for participation in the program.

As of today, 11,505 acres of open space, most of it irrigated agricultural land in the primary floodplain of the Carson Valley, has been forever preserved. To put this in perspective, the total area of Douglas County is 472,141 acres (738 square miles), with 139,655 acres in private ownership. The 11,505 acres of land under conservation easement amounts to:

- almost 18 square miles
- 2.4% of the county’s total area
- 8.2% of the privately-held land in the county
- 173% more land than had been preserved as of seven years ago

(See Table A for a detailed accounting of land ownership in Douglas County.)

Public land exchanges

In addition to the lands that have been preserved as open space through efforts of the County, non-profit corporations, local businesses, and private citizens,

a substantial amount of land is currently kept as open space and managed by agencies. The United States Forest Service (USFS), Bureau of Land Management (BLM), Bureau of Indian Affairs (BIA), the Washoe Tribe, the State of Nevada, and other government bodies hold almost 71% of the land in the county. The vast majority of this land is currently vacant with limited development options (*see Map B — Douglas County Public Lands*).

In general, the USFS manages the federal public lands located west of U.S. Highway 395 and south of State Highway 208, while the BLM manages lands east of 395. These holdings provide protection for land within the Sierra Nevada and the Pinenut mountain ranges. The USFS also owns land along much of the upper part of the East Fork of the Carson River, in the Tahoe Basin, adjacent to Topaz Lake, and south of Topaz Lake at the southern tip of the county.

Though public lands are generally assumed to be preserved as open space available to all, this is not always the case. The *2000 OSP* played an integral part in developing the strategy for the *North Douglas County Specific Plan (NDCSP)* area. The strategy was to re-designate 624 acres of BLM land adjacent to 395 from Forest & Range to Commercial land use. Once the land was re-designated, it would have a much greater value. The BLM would then auction the land and spend the proceeds on open space and conservation easements in the Carson Valley.

The County re-designated the land, the BLM did auction it, and the proceeds amounted to almost \$40 million. This money has yet to be used to purchase easements anywhere in the county.

Today, there is a set of public parcels being considered for disposal by the USFS (*see Map H — USFS Douglas County Land Parcel Sale Map*). The fate of these parcels has yet to be determined, and it is part of the purpose of this plan update to suggest a strategy for these parcels. There is still the potential for land exchanges that use the proceeds from the disposal of certain lower value public lands to purchase conservation easements on other public lands that have a higher value as open space.

Douglas County initiatives

In November of 2000, as part of the general election, a ballot question was placed in front of the voters proposing a ¼-percent sales tax to fund a program for the purchase of development rights (PDR). The ballot question, which was conceived of and first publicized in the *2000 OSP*, failed.

In November of 2002, the voters passed ballot Question 4, also known as the Sustainable Growth Initiative (SGI). This initiative would have limited residential growth to 280 new units per year. It became the subject of several different court cases, however, and was never put in force. In June of 2007, SGI was officially repealed and replaced with new provisions in County Code (Ordinance 2007-1199) to limit residential growth to 2% (compounded annually) and require building permit allocations. The ordinance has yet to be officially challenged in court, and the allocation system is working.

Throughout the *2006 Master Plan Update*, the issue of open space and agricultural lands preservation was central. The “20-Year Vision” for the Regional and Community Plan Areas was stated in five parts, and two of them

involved the preservation of open space and agricultural lands. Two of the nine “Value Statements” involved the same concerns. And when the Board of County Commissioners developed their six “Strategic Directions” in early 2006 to guide the Update, one of the six was to “preserve the county’s natural environment, resources, and rural setting.”

Future growth management through conservation

One of the basic underpinnings of the Growth Management ordinance is that Douglas County has a carrying capacity with respect to population, infrastructure, and natural resources. For example, there is only so much groundwater available for pumpage. The ordinance identified the maximum number of parcels remaining that can be developed for residential purposes. Of course, this number goes down every time a development right is retired through a conservation easement. It can also go down as a result of “down-zoning,” which occurs when land is re-zoned for a lower density. On the other hand, the number increases every time land is “up-zoned.”

During the development of the Growth Management ordinance, the possibility that up-zoning could increase the number of remaining parcels beyond the carrying capacity of natural and man-made resources often came up. It is a recommendation of this plan to explore the concept of retirement of development rights to account for any significant increase in density over what is allowed at the time of the proposed increase. This accounting would be aimed at making sure that the number of parcels remaining for residential development is managed within the overall framework of the Growth Management ordinance.

Ranches and farms

Besides the federal open space lands and the more than 11,000 acres that have been preserved through various public and private means, there is also a great deal of land that remains open, productive, and in private ownership. The Carson Valley and the Antelope Valley are defined by agricultural uses, and these uses continue to establish a backdrop of pastoral beauty to complement the wildness of the surrounding mountains and attract people and businesses.

Over time, especially in the last fifteen years, the county has seen a steady decline in larger ranch operations with more and more agricultural land being converted to housing and commercial developments. In 2000, there were eighteen working ranches of at least 1,000 acres and eight with 500 acres or more. Today, there are eleven ranches of at least 1,000 acres and ten with 500 acres or more. On the bright side, agriculturally-zoned (A-19) acreage has increased from 38,551 to 39,193 over the last seven years, though the amount of land zoned for forest and range (FR-19) has decreased from 124,766 to 119,877 acres. BIA and Washoe Tribal lands account for a significant fraction of the lands within these zoning districts, leaving a total of 103,024 acres (104,231 acres in 2000) in other private ownership. (*Map C provides an overview of lands zoned A-19 and FR-19.*)

As one would expect, the majority of the agricultural development has occurred along the rivers, sloughs, and developed irrigation systems, all of which provide the water needed for agriculture. Approximately 20,300 acres of the

agricultural land in Douglas County lies within the primary floodplain. The floodplain encompasses about 24,800 acres along the Carson River and 3,900 acres along the Walker River (see Map A — Douglas County Floodplains). A functioning agricultural economy and its irrigation system is vital to the health of the county for so many reasons, including flood protection, food production, healthy ecosystems, and local heritage. Therefore, one of the key elements of this plan is the preservation of floodplains through the protection of agricultural operations.

Water is one of the Carson Valley's most important natural resources. A substantial amount of water is dedicated to the Valley through the Alpine Decree (see Map D — Carson Valley Alpine Decree Water Rights). Preserving water rights for agricultural uses is an important factor in keeping the valley green, open, and productive. Also, much of the land with Alpine Decree water rights is in the Carson River floodplain. So retaining water rights not only keeps the Valley green, it also protects the floodplain from other kinds of development. It is another key intent of this plan to provide ways and means of retaining water rights for use by current and future property owners.

Wellhead protection areas

The towns of Minden and Gardnerville already have their own Wellhead Protection Programs (WHPP). Douglas County is in the process of creating a county-wide WHPP for the purpose of protecting the groundwater that serves as our source of drinking water. To quote from the new program's materials: *"The goal of wellhead protection is to provide protection from contaminant releases, so that drinking water standards can be maintained at the well. It must be emphasized that it requires much less effort and money to protect an aquifer than to clean up a contaminated one."*

Except for of residents in the Tahoe Basin portion of the county, the majority of whom get their water from the Lake, the people of Douglas County drink groundwater. The County currently owns and operates 23 production wells that serve a total of about 5,800 people. The remainder of residents and businesses are served by private water companies, General Improvement Districts, and their own wells. Preservation reduces development to a minimum and usually results in better wellhead protection. Therefore, it is one of the goals of this plan to see that priorities of the WHPP are considered as the County makes decisions regarding acquisition of open space lands and conservation easements.

Focus of the Updated OSP

The successful implementation of the update of the *OSP* will build on the success of the original 2000 plan. The focus of the update is still mainly on PDR, and it has shifted further from TDR. The TDR Program, which was instrumental in preserving thousands of acres of agricultural land and directing thousands of units of new development to areas with public services and facilities, seems to have stalled again. Today, most owners of large tracts of agricultural land are showing a preference for PDR over TDR. Strategies for creating a successful PDR program, including the development of a new County office and land bank, will be discussed.

Consistency with Master Plan



Photo courtesy Jacques Etchegoyhen

Looking west on Genoa Lane at Ranch No. 1, the first ranch homesteaded and the first land claim in Nevada, as the sun, going down over the Carson Range, sets an old cottonwood tree afire.

*“The 2006 update of the Douglas County Master Plan
included a new ‘Agriculture Element,’
the first of its kind in any county master plan in Nevada.
The Master Plan requires that the
Open Space Plan be updated, as well.”*

Consistency with Master Plan Goals and Policies

The 1996 Douglas County *Master Plan* set the framework for the development of the original *2000 OSP*. The *2006 Master Plan Update* required the *OSP's* update. The 2007 update is the result of a process that included two years of public input and testimony as to what residents and landowners want their community to be in the future. One of the key themes expressed by the public was to retain the rural open space and agricultural quality of life that is enjoyed by all. Throughout the development of the *Master Plan*, the value of our agricultural lands was stated over and over again.

Importance of Open Space and Agriculture

The *2006 Master Plan* included a new “Agriculture Element,” the first of its kind in any county master plan in Nevada. This element, Chapter 7, calls for the creation of a position called “Agricultural Opportunity Officer” (AOO), and one of the chief responsibilities of the AOO is “proactively managing the Transfer of Development Rights policy and facilitating Purchase of Development Rights policies with the intent to preserve the ‘Agriculture’ areas and lands identified in the ecological and cultural resources overlay map.” *Master Plan Policy 14.04.09* states that “the County shall update the Open Space and Agricultural Lands Preservation Plan.”

Throughout the process of updating this plan, there have been echoes of the Goals and Policies in the *Master Plan*. The most significant common factor is the connection between active agriculture and “quality of life.” Residents like the rural character of Douglas County. This character is embodied by the cows and sheep that graze along the roads, the actively worked land, the fresh cut hay drying on the ground, and the irrigation water flowing through the ditches and sloughs and onto the leveled fields. This active, productive agriculture provides the sights, sounds, and smells of our rural county. It helps to minimize urban sprawl and preserve open space, which helps the County avoid the expense of extending urban services outside of urban areas. To protect our heritage and sustain our agricultural economy, we must find ways to add value to agricultural lands and protect agri-businesses and the open space, flood protection, groundwater recharge, and other benefits that it provides.

The viability of agriculture as a business depends on the cost of land, capital, and operations and on local conditions affecting production. It depends on local ranchers’ ability to compete with other producers, the strengths of markets for agricultural products, and the weather. Of course, Douglas County cannot ensure the success of local agriculture, but it can help. The *2006 Master Plan* contains new Goals and Policies to minimize the cost of doing agricultural business while maximizing the flexibility that farmers and ranchers have to use and preserve their land.

Master Plan Goals and Policies

Master Plan Chapters 5, 6, and 7 (the Conservation, Growth Management, and Agriculture Elements, respectively) are especially pertinent to the update of the *OSP*. The following Goals and Policies represent the *Master Plan's* strategies for effective agricultural and open space preservation:

Conservation: Slopes, Hillsides, and Ridgelines

GOAL 5.02 To manage hillside development densities, locations, and project designs in order to minimize impacts on the county's natural resources and aesthetic character and to protect future residents from safety hazards.

Policy 5.02.03 Douglas County shall consider the use of clustering and other flexible design techniques for development of land in areas of moderate to steep slopes, in order to minimize the environmental, seismic, aesthetic, and service impacts of the development.

Policy 5.02.05 Douglas County shall establish regulations and design guidelines to ensure that buildings and structures do not alter the scenic views of significant hilltops and ridgelines. These guidelines may include setbacks from the ridge centerline or hilltop, height limitations, limits in extent and contours of grading, specification of building design, scale and materials, guidelines for landscaping, exterior lighting, and other project design features, and location of roads, and other infrastructure.

Conservation: Flooding and Drainage

GOAL 5.03 Provide the residents of Douglas County sufficient level of safety from flooding.

Policy 5.03.03 Minimize the alteration of natural flood plains, river and stream channels, and natural protective barriers that accommodate or channel floodwaters. The County should investigate establishing funding river and stream conservation corridors.

Policy 5.03.08 Flood-prone areas, including wetlands, sloughs, arroyos, alluvial fans, detention facilities, and other flood risk areas should be considered for acquisition by public purchase or by dedication for public usage as parkways, sports facilities, neighborhood parks, recreational areas, and for wildlife habitat. Adequate right-of-way for the conveyance of stormwater to the Carson River should be obtained.

Policy 5.03.10 Non-structural flood control measures such as zoning limitations, open space acquisition on, and watershed management should be used within the Carson River floodplain as alternatives to structural measures.

GOAL 5.04 Investigate the use of existing irrigation ditches and canals to help alleviate Carson River and stormwater flooding problems, and prevent critical water conveyances from being obstructed or abandoned.

Policy 5.04.01 Improve portions of irrigation system to improve flood conveyance capacities while not impacting operational capabilities

Policy 5.04.02 Assist the agricultural community in maintenance of irrigation systems used for drainage and/or flood control.

GOAL 5.05 Investigate acquisition of rights-of-way, development of conveyances, and utilization of wetlands southeast of Genoa as possible detention facilities.

GOAL 5.06 Evaluate and develop a fair share of maintenance costs for irrigation facilities used for flood control.

Policy 5.06.01 Require sufficient easement widths for improvements and maintenance along

- all conveyance ditches that will be used for stormwater flood flows.
- Policy 5.06.02 Encroachment and structure setbacks should be reviewed to eliminate conflicts and ensure that maintenance of the conveyance ditch and/or storm drain system can be achieved.
- Policy 5.06.03 These policies are not intended to encourage public management or acquisition of private conveyances, but rather to facilitate planning for flood management.
- GOAL 5.07 To protect surface water quality in the county from the effects of growth, urbanization, and agricultural practices.**
- GOAL 5.08 To improve existing drainage and prevent future drainage problems from occurring.**
- Policy 5.08.01 Douglas County shall develop comprehensive storm drainage criteria for developed areas in conjunction with the Towns and GIDs.
- Policy 5.08.03 Continue utilization of the Water Conveyance Advisory Committee for review of projects and effects on irrigation facilities.
- GOAL 5.09 To protect wetlands for their values for groundwater recharge, flood protection, sediment and pollution control, wildlife habitat, and open space.**
- Policy 5.09.03 Douglas County may review the potential for wetland mitigation banking to allow for replacement of wetlands.
- Policy 5.09.04 Wetlands shall be protected to provide for groundwater recharge, flood protection, sediment and pollution control, wildlife habitat, and open space.
- Conservation: Water Resources**
- GOAL 5.11 The County shall identify and protect the functions and values of surface water systems, which include fish and wildlife habitat, aquifer recharge and discharge, and recreational opportunities.**
- Conservation: Forest and Range Resources**
- GOAL 5.16 To create a system of open space areas and linkages throughout the county that protects the natural and visual character of the county, provides contiguous wildlife corridors, and provides for appropriate active and passive recreational uses.**
- Policy 5.16.01 The County should establish an open space acquisition program that identifies acquisition area priorities based on capital costs, operation and maintenance costs, accessibility, open space needs, resource preservation, ability to complete or enhance the existing open space linkage system and unique environmental features. Techniques for acquisition may include fee simple acquisition, acquisition of development rights, transfer of development rights, clustering, or other measures.
- Policy 5.16.02 Douglas County should consider efforts to manage riverbank areas to provide for both active and passive recreational opportunities.
- Policy 5.16.03 The County should promote the design and operation of a regional trail system which provides access connection between major Open Space areas.

- GOAL 5.17** **To preserve USFS, BLM, and other public lands for their habitat, recreational, and scenic values.**
- Policy 5.17.01 The County shall work with other governmental entities to ensure that areas acquired as part of the Open Space System are developed, operated, and maintained to provide the county with a permanent, publicly accessible open space system.
- Policy 5.17.02 Douglas County shall encourage and support land exchanges between private land owners, the U.S. Forest Service, and the Bureau of Land Management when such exchanges are consistent with the Master Plan, particularly the Land Use Element.

Conservation: Wildlife and Vegetation

- GOAL 5.19** **To protect Douglas County's sensitive wildlife and vegetation in recognition of their importance as components of the county's quality of life.**
- Policy 5.19.01 Douglas County shall protect environmentally sensitive and habitat areas that serve valuable ecological functions by limiting their development or by requiring mitigation of adverse impacts resulting from development.

Growth Management

- GOAL 6.02** **Direct new development to locations within or adjacent to existing communities where public facilities can be provided and a sense of community can be created or enhanced.**
- Policy 6.02.01 Douglas County shall use the Land Use Element of this Master Plan to designate areas for distinct urban and rural communities. The designated development areas of these communities shall not include land which cannot be served with adequate facilities and services during the time frame of the Master Plan.
- Policy 6.02.04 Douglas County shall use the Land Use Element of this Master Plan to identify, and optimize the balance between existing sending and receiving areas in its Transfer of Development Rights program.
- Policy 6.02.05 Douglas County shall use the Land Use Element of this Master Plan to establish Agriculture, Ecological, and Cultural overlay zones in coordination with its Transfer of Development Rights program.
- Policy 6.02.08 Douglas County shall revise its Development Code to include provisions for the Growth Management strategies, including but not limited to, Minimum Development Standards, Transfer of Development Rights, Acquisition of Development Rights, Clustering and Urban Service Areas, and a Building Permit Allocation System. Additional incentives for TDRs are to be considered for historic properties, trail development, and open space acquisition.

Agriculture

- GOAL 7.01** **Maintain agriculture as an important land use, and preserve the rural character, cultural heritage, and economic value of Douglas County.**
- Policy 7.01.01 Douglas County shall plan for the continuation of agriculture as a distinct and significant land use in the county.

- Policy 7.01.02 Douglas County shall identify areas for future agricultural use on the Master Plan Land Use Map through Agricultural Overlay Districts that recognize the inherent value to the community provided by existing agricultural lands such as accommodating flood flows, conveying storm drainage within existing ditches, creating direct and indirect economic benefit, preserving scenic views, visual characteristics, water quality, wildlife and culture. Douglas County shall recognize these values and may require compensation to private landowners. In general, irrigated agricultural lands, historic grazing lands and croplands shall be designated "Agriculture" while non-irrigated lands shall be designated "Forest and Range."
- Policy 7.01.03 Douglas County recognizes that the intent of these Overlay Districts is to identify additional values on private property and create mechanism for protecting them. These mechanisms will require compensation to the landowner to the extent that such lands and values are not otherwise protected by state and federal regulations.
- GOAL 7.02 Create alternatives to the urban development of existing agricultural lands, such as market based incentives, programs for financing compensation or development rights transfers, or the purchase of development rights in order to preserve these agricultural areas.**
- Policy 7.02.01 Douglas County shall minimize development of commercially viable agricultural land and ensure that recognized needs for growth are met by infill and contiguous, compact development.
- Policy 7.02.02 Douglas County shall provide for a range of compatible uses on agricultural lands and means for agricultural property owners to obtain benefit from this land while achieving the public goal of agricultural preservation.
- Policy 7.02.04 Douglas County shall establish regulations to provide development options for lands designated "Agriculture" in the Land Use Element and Community Plans. These options shall include division of land into parcels that are suitable for continued agricultural use, clustering of residential development in one part of the property (while the remainder stays in agricultural use), and transfer of development rights.
- Policy 7.02.05 In order to promote the financial viability of continued agricultural operations, Douglas County shall amend its development code to allow flexibility in the Clustering of Development provisions as well as allowing bonus density of one hundred and fifty (150) percent and the clustering of contiguous and non-contiguous lands.
- Policy 7.02.06 Landowners with holdings of over 100 acres of irrigated agricultural land may create a two-acre parcel for sale once every five years. To be eligible for this parceling, the land must have been held by the same owner for the previous five years.
- Policy 7.02.07 Landowners with holdings of over 100 acres of irrigated land under single ownership in Agricultural Overlay Districts shall be exempted from any future building permit allocation provisions on these holdings. One building permit is allowed every five years with the expiration within one year of issuance if not acted upon by the owner.
- Policy 7.02.08 Douglas County shall, in cooperation with the agricultural community, investigate and support the creation of a non-profit land trust for Douglas County.

- Policy 7.02.09 Douglas County shall provide procedures for the acquisition, dedication, or purchase of agricultural preservation easements, by public or non-profit entities, as a means to retain land in agricultural use.
- Policy 7.02.10 Douglas County shall encourage the agricultural community to retain its water rights and protect water quality. When possible the County shall evaluate a program for public acquisition of agricultural water rights as a means to retain water for agricultural uses.
- Policy 7.02.11 Douglas County shall, in cooperation with the agricultural community, evaluate other programs to retain land in agricultural use while providing benefits to the property owner. Such programs may include purchase-leaseback of water for agricultural use through its policies and program regarding water quality and quantity.
- Policy 7.02.12 Douglas County should coordinate its programs for public acquisition and development of open space areas with its efforts to protect land for agricultural use, so that adverse impacts of open space preservation and use on agricultural operations are minimized and the benefits to the county's open space character are maximized.
- Policy 7.02.13 Douglas County shall investigate the creation of an impact fee program to fund the purchase of development rights if authorized by law.
- GOAL 7.04 Allow routine agricultural practices and structures used for agricultural production and processing without restriction, except for compliance with county health laws and federal and state environmental laws, and except where sensitive environmental resources would not be adequately protected.**
- Policy 7.04.01 Douglas County shall work with the agricultural community to identify ways to maintain "routine and ongoing agricultural activities" without further permission from the County and shall modify the Development Code to maintain those activities.
- GOAL 7.05 Provide leadership in the form of a dedicated staff person to match development rights on lands zoned "Agriculture" or "Forest and Range" to an identified set of urban infill or density bonus sites.**
- Policy 7.05.01 Douglas County shall establish and fund an Agricultural Opportunity Officer (AOO) to study and promote opportunities for increasing the economic viability and profitability of commercial agricultural in Douglas County. The AOO should be required to coordinate their activities with both public and private sector entities identified by the County Commissioners and Planning Commission, with advice from leaders in the agricultural community.
- Policy 7.05.02 The AOO shall be primarily responsible for proactively managing the Transfer of Development Rights policy, and facilitating Purchase of Development Rights policies, with the intent to preserve the "Agriculture" areas and lands identified in the ecological and cultural resources overlay map.
- Policy 7.05.03 The AOO should be secondarily responsible for raising the profile of the importance of Douglas County agriculture to local residents, state and national audience, with the intent of building a constituency for the preservation of agriculture.

- Policy 7.05.04 The AOO shall work with the Agricultural community and other interested parties in assisting with the identification of programs and practices which can reduce the threat of invasive plants, and manage vegetation for drainage, ecosystem and wildfire reduction benefits.
- Policy 7.05.06 Douglas County shall arrange a partnership with a non-profit entity to accept private contributions and grants to fund these activities.

Land Use: Community Balance

GOAL 10.02 Retain the beauty, the natural setting and resources, and the rural/agricultural character of the county while providing opportunities for managed growth and development.

- Policy 10.02.08 The County should evaluate development projects for compliance with the comprehensive Trail Plan, to be developed by Douglas County. The County should include provisions within the Development Code for acquisition, construction, and maintenance of trails and trailhead facilities during project review. Such provisions may include allowing developers to utilize a density transfer for land set aside for public access or waiver of Parks and Recreation fees in lieu of dedication of such lands to the County.

Limited Use of Large Lots One way to protect rural character is the use of large lots. The minimum lot size in the A-19 and FR-19 zoning districts is 19 acres. A limited amount of residential development is allowed in these districts without the extension of a full complement of public infrastructure improvements. Larger lots tend to create rural housing projects that provide space for hobby or pleasure activities involving horses, livestock, larger gardens, some crop production, and seclusion. The advantage of large-lot development is that it provides for a kind of open space, albeit one that is not open to the public.

There is a growing sentiment in the county, however, that the 19-acre pattern of development is actually destroying the rural character of the area. This development pattern stands in stark contrast to that of historic rural settlements. Large residential lots can create more of a suburban character than a rural one. They may be placed within the primary floodplain. They require roads, driveways, and fences, and they often impede the movement of livestock and wildlife. They are blamed with breaking up the great ranch properties, disturbing the irrigation systems, and replacing neatly cultivated fields with what are essentially very large and not always well-maintained lawns. These “ranchettes” have been derisively called “weedettes.” It is often pointed out that 19 acres is too large for a homeowner to maintain and too small to graze or grow efficiently. Often, a 19-acre lot ends up as a one-acre home site surrounded by 18 acres of unmanaged land that may adversely affect the operations of a neighboring ranch.

So, the large-lot concept has its champions and its enemies. And despite the negatives, it still has its place within this plan. Large lots do provide buffers at the edge of developments. They can break up the look of subdivisions and work well in areas designated for rural residential development. And they have often been created when farming or ranching families find themselves in financial need. The sale of a 19-acre parcel to repay a debt, buy materials,

replace equipment, or settle inheritance tax issues has at times allowed folks to keep most of their land and continue their agricultural operations.

The problem with selling 19 acres in order to meet present financial needs is that the agricultural operation loses a significant portion of its productive land. The *2006 Master Plan* Update provides several new and improved options for agricultural landowners to promote the continuation of operations without great loss of property. These options include a new provision allowing the creation of a 2-acre parcel once every five years. There is also an increased density bonus for landowners who use the clustering provisions in County Code to create more efficient subdivisions while simultaneously preserving their agricultural operations and water rights.

Purpose of the Open Space Plan



Photo courtesy Harmon Zuckerman

Cattle graze beneath majestic Job's Peak and Job's Sister on the Stodieck Ranch near Waterloo Lane and State Route 88, September 2007.

“Douglas County is fortunate to have a rich physical landscape that not only enhances our quality of life with its beauty but also provides for the traditional livelihoods of the ranching families and their employees.”

Purpose of the Open Space Plan

The purpose of this plan is to develop a program to implement the Conservation Element and the new Agriculture Element of the Douglas County Master Plan. Douglas County is fortunate to have a rich physical landscape that not only enhances our quality of life with its beauty but also provides for the traditional livelihoods of the ranching families and their employees. The county continues to grow as people are drawn to its natural splendor, rural atmosphere, and safe communities. However, this growth is changing its character. This is most evident within the Carson Valley and surrounding areas where growth is putting pressures on the viability of farming and ranching.

The Open Space and Agricultural Lands Preservation Implementation Plan identifies lands that should be protected from commercial and housing development. The purpose of preserving these lands is to:

- promote the economic viability of agricultural properties
- protect floodplains from development, thereby maintaining a passive flood control, drainage, and ground water recharge system
- preserve the open spaces which currently define the landscape
- retain groundwater, surface water, and water rights to Douglas County

The designation of property as potential open space will occur in four phases:

1. Identification of properties zoned A-19 or FR-19 as potential open space, with a special focus on property that is within the FEMA designated 100-year flood zone, is productive agriculture land, or has Alpine Decree water rights.
2. Identification of specific, large properties that meet the basic criteria for preservation (*see Map G, which identifies the properties in the Carson and Antelope Valleys that are 160 acres or more in size and are zoned A-19 or FR-19*).
3. Designation of property as open space through the placement of a conservation easement on the land. The conditions and requirements of each easement may differ based on funding source(s) used to acquire the easement, strategy used to acquire the development rights, types of remaining allowed uses, or other restrictions placed on the property.
4. Review of existing public lands to determine if there are lands that should be designated, in cooperation with public agencies, as permanent open space.

**Community Workshops:
Public Input and
Community Survey**

Since early 2006, the County has held numerous meetings soliciting input on the update of the *OSP*. Some of these meetings were in conjunction with the development of the update of the *Master Plan*. In all, there were 26 events, including:

- two joint meetings of the Board and the Planning Commission
- four open house meetings (two in Minden, one in Indian Hills, and one in Topaz)
- two open space stakeholder group meetings
- two combined stakeholder group meetings
- sixteen public workshops in different communities county-wide

During three of the open house meetings, surveys were distributed to determine the public's opinions with regard to open space and its value here in the county (see *Appendix II for a copy of the survey and compilation of the responses*).

Ninety-five percent of respondents felt that we need to preserve open space and protect agricultural land. Eighty-nine percent said that they are willing to pay for preservation with tax increases. Participants also engaged in mapping exercises to show the open space areas and viewsheds that they hold most valuable (see *Map E — Open Space View Corridors and Buffer Zones*).

**Agriculture:
Economic Value
and Viability**

Agriculture is a significant and relatively stable part of the Douglas County economy. In addition to providing a setting for tourism and recreation, it contributes employment and tax income to the economy. In 1999, agricultural businesses generated approximately \$1.64 million in taxable sales. In 2006, this figure grew to \$2.83 million. The overall economic value is even greater than the figures indicate; not all transactions fall into the category of taxable sales, and spin-off effects further bolster the county's economic vitality.

There were 26 farms and ranches with 500 acres or more in Douglas County in 2000. This year there are only 21. In order for the ranching and farming sectors to remain successful, a critical mass of land must stay in productive agriculture. When ranches and farms are located next to other ranches, farms,

feed and equipment dealers, veterinarians, other agricultural services, and experienced ranch hands, agricultural operations are more likely to succeed. Without this critical mass, people and services will leave because of a lack of work and business, and the costs to remaining farms and ranches will rise.



Photo courtesy Mike Jarrett

Fred Dressler's old barn on Dressler Lane off State Route 88 south of Gardnerville.

NRS Open Space Plan Requirements



Photo courtesy Mike Jarrett

These wooden structures, which stood for decades on the Dressler Ranch, were lost during the winter of 2006-07 when a windstorm came through and blew them down. The cattle, for now, have survived.

“In the November 7, 2000 election, a ¼-percent sales tax measure to fund the preservation of agricultural and open space lands did not pass at the polls. If, in the future, the County chooses to place another such question on the ballot, having an updated OSP is a requirement of Nevada Revised Statutes.”

NRS Open Space Plan Requirements

If, in the future, the County chooses to place another question on the ballot for funding the purchase of open space easements, having an updated *OSP* is a requirement of Nevada Revised Statutes (NRS).

NRS 376A.010 defines open space land, open space plan, and open space use as follows:

1. "Open-space land" means land that is undeveloped natural landscape, including, but not limited to, ridges, stream corridors, natural shoreline, scenic areas, viewsheds, agricultural or other land devoted exclusively to open-space use and easements devoted to open-space use that are owned, controlled or leased by public or nonprofit agencies.
2. "Open-space plan" means the plan adopted by the board of county commissioners of a county to provide for the acquisition, development, and use of open-space land.
3. "Open-space use" includes:
 - a) The preservation of land to conserve and enhance natural or scenic resources;
 - b) The protection of streams and stream environment zones, watersheds, viewsheds, natural vegetation and wildlife habitat areas;
 - c) The maintenance of natural and man-made features that control floods, other than dams;
 - d) The preservation of natural resources and sites that are designated as historic by the office of historic preservation of the department of museums, library and arts; and the development of recreational sites.

NRS 376A.020 requires the open space plan to provide for the following:

- a) The development and use of open space land for a period of 20 years.
- b) The financing for the acquisition of the open space land.
- c) The maintenance of open space land acquired pursuant to the open space plan and the maintenance of any existing open space land in the county.

These requirements apply specifically to open space easements or lands acquired with one or more of the allowed funding alternatives. They also serve as guidelines for open space easements and lands acquired through other means, such as the TDR Program, private party transactions, federal land exchanges, or voluntary actions.

Development and Use of Open Space Land for a Period of 20 Years

The guiding document for the development and use of open space land is the County's *Master Plan*. The *Master Plan* covers a 20-year period and is updated and amended as needed, with the goal of doing detailed reviews every five years. The process of developing and updating the *Master Plan* engaged the community in identifying strategies to preserve agriculture and open space. The *OSP* is a tool for implementation of the *Master Plan* and covers the same planning horizon.

Financing for the Acquisition of Open Space Land

NRS 376A.040 and .050 allows a county to impose a maximum of ¼-percent sales tax for the purpose of open space acquisition. The money received from the tax must be retained by the county or remitted to a city or general improvement district within the county.

Funds generated under NRS 376A.040 may be used to pay the cost of:

- a) acquisition of land in fee simple for development and use as open space land
- b) acquisition of the development rights of land identified as open space land
- c) creation of a trust fund for the acquisition of land or development rights of land
- d) payment of debt service on bonds and other instruments used to acquire land or development rights

Funds generated under NRS 376A.050 may be used to pay the cost of:

- a) planning the acquisition and other administrative acts relating to the acquisition of open space land
- b) operation and maintenance of open space land

State law prohibits the use of sales tax revenues to fund any neighborhood or community park or facility. It also allows voters to approve the levy of a property tax or a real property transfer tax for the purpose of protecting open space. The funds may be used on a pay-as-you-go basis or to secure a bond. These funding sources can only be used with voter approval.

In the November 7, 2000 election, with the failure of the ¼-percent sales tax measure, the County did not achieve the ability to preserve its own agricultural and open space lands. It is still possible that a new sales tax measure could be placed on the ballot in the future. In the mean time, the *OSP* provides for a variety of other means that can be used to generate funding for land preservation.

Maintenance of Open Space Land

Once a piece of land is preserved, the way that it is physically maintained depends on the type of legal instrument used to preserve the land. It is a goal of this plan to have the majority of open space property retained in private ownership through the use of conservation easements. These easements will provide for the continued use of the properties. In this way, the land will be maintained and used in the future as it is being maintained and used today.

At a minimum, conservation easements must be written to ensure the continued operation of irrigation systems, management of noxious weeds, and elimination of fire dangers caused by weeds or acts of neglect. Additionally, if public access is allowed on the property, the maintenance of the access should be addressed in the easement.

In some cases the open space area may be made a part of a development with the requirement for a homeowners' association to handle maintenance duties. Developments can also be configured so that all the open space is placed on a single parcel that is much larger than the others, contains one small area that is allowed to be developed, and is owned by a single owner who is responsible for its maintenance. A business that can benefit from open space or agriculture, such as a golf course or an equestrian center, may take on the maintenance responsibility, as well.

Management of property or easements acquired by federal or state agencies will be accomplished in accordance with their operating standards and funded through normal budget allocations.

Land Preservation Strategies



Photo courtesy Anne Bothwell

Wild mustangs can be found in many places in Douglas County. These were photographed in Fish Springs.

“County Code ought to provide additional flexibility in terms of land use when a landowner creates a conservation easement.”

Land Preservation Strategies

A number of land protection techniques were developed in the 1996 *Master Plan* and expanded with the 2006 *Master Plan* Update to provide a range of options to landowners and the County. The programs rely on private funding and specific development requirements to preserve open space. The underlying requirement in the following discussion is the willing participation of property owners.

County Code Provisions for Land Preservation

Several land preservation techniques have been adopted as part of County Code, including:

- Clustered Development (20.714.020)
- Clustered Residential Subdivision Overlay (20.682)
- Planned Development Overlay (20.676)
- Transfer of Development Rights (20.500.010)
- Ranch Heritage Parcels (20.714.030)

Clustered Development and the Proposed Cluster Overlay District

Clustering provides a way to preserve open space and agriculture by moving all of the development rights that would be available on a large parcel or set of parcels into a more compact area. When smaller lots are created and clustered together, there is greater efficiency in the provision of emergency services, utilities, and other public facilities. Meanwhile, the large undeveloped area keeps its water rights intact and is permanently restricted to agriculture, recreation, or open space uses. Clustering provides the agricultural community an alternative to TDR or large-lot development. It is allowed by County Code and may be used in the A-19 and FR-19 zoning districts.

Currently, an owner of agricultural property who wishes to pursue development while still preserving usable rangeland may create a clustered subdivision of two- to five-acre house lots. If the landowner ties the water rights to the remainder parcel and puts it in a conservation easement, the County offers a 50% density bonus in the subdivision.

So how does this work? Let's say a landowner owns 76 acres of land zoned A-19, which is the same as four 19-acre lots. The landowner has a choice: use the right to create four large parcels or take the density bonus and create six house lots in a clustered subdivision. Say the landowner decides to cluster and sizes the six lots at two acres apiece, for a total of twelve acres, and driveways and drainage facilities cover another acre. The landowner would then have 13 acres under six units of development, and he or she would be required to place a conservation easement on the remaining 63 acres.

Based on the 2006 *Master Plan* Update, the density bonus will be raised by ordinance to 150%. Once this new *Master Plan* provision is made part of County Code, our hypothetical landowner will have the right to create a clustered subdivision with ten lots as opposed to the six allowed with the 50% density bonus. Furthermore, clustering will be allowed on non-contiguous A-19 and FR-19 parcels, and the parcel size limitation for the clustered lots is proposed to be removed.

These new and proposed provisions could result in more and denser development. For example, a rancher with 190 acres of A-19 land, which is the same as ten 19-acre lots, could create a clustered subdivision with 25 lots (that is, 10 plus 150% of 10). The rancher could build this 25-unit subdivision on the 190-acre parent parcel and preserve the remainder in open space. He or she could also propose to move the 25 units to, say, just one FR-19 parcel that is a mile away, up on the benchland.

This scenario highlights the idea behind non-contiguous clustering: it allows all the density to be removed from the agricultural land, preserving agriculture, promoting good floodplain management, and placing development in areas where it can be done more efficiently. The danger is that it can result in the “supercharging” of density on the parcel to which the density is sent. (Take our example of the rancher who proposed to put 25 units on 19 acres.) Therefore, it has also been proposed that landowners who desire to use the clustering provisions to create a non-contiguous clustered subdivision must apply for and receive a Clustered Residential (CR) Subdivision Overlay. The CR Overlay is designed to ensure that the development is compatible with its surroundings and beneficial to the community as a whole.

Planned Development Overlay

The planned development (PD) concept allows a specific plan to be created using a mix of lots to create a development that has at least 25% of the area remaining in open space. PDs may be used in different zoning districts; they provide greater flexibility than is possible in a normal subdivision. Conversely, they require that greater concessions be made by the developer for the public's benefit. For more details about the PD concept, the reader is referred to the *Master Plan* and County Code.

Transfer of Development Rights (TDR) Program

County Code allows the transfer of development rights from property zoned A-19 or FR-19 (sending parcels) to property designated as Receiving Area. Each right is equivalent to a dwelling unit. The program is voluntary and requires agreement between property owners of sending parcels and receiving areas. Like with PDRs, TDRs allow the owner of the sending property to retain ownership and continue to use the property in a manner consistent with the conservation easement.

The TDR Program is simply another opportunity for property owners to sell development rights and continue using their land for agriculture and open space. Though County Code does not presently allow it, TDRs could also be used as a tool to assist in mitigating hillside and floodplain development by allowing owners to transfer development rights from environmentally sensitive lots (not zoned A-19 or FR-19) to ones better suited for building.

At the time the 2000 *OSP* was written, County Code granted only two TDRs per 19-acre parcel. The TDR Program was not working well to preserve agricultural land, and the reason was that with TDRs being so scarce, they were expensive. Developers were not willing to pay what the landowners

were willing to accept for their development rights. Largely because of the workshops that assisted in the creation of the 2000 *OSP*, the TDR Program was amended to provide more development rights per 19-acre parcel. As it stands now, an A-19 parcel is worth one development right plus:

- > nine bonus rights for participating in the program
- > seven bonus rights if it is at least 50% in the FEMA 100-year floodplain
- > seven bonus rights if all water rights are restricted
- > one bonus right for dedication of public access easements

Additionally, a bonus of 20 units for every 100 acres shall be provided for each sending parcel when the parcel or contiguous parcels are a minimum of 100 acres in area. All in all, this works out to a maximum possible of 29 development rights per 19-acre agricultural parcel.

An FR-19 parcel is worth one development right plus:

- > one bonus right if it is at least 50% in the FEMA 100-year floodplain
- > one bonus right for dedication of public access easements

Additionally, a bonus of one unit for every 100 acres shall be provided for each sending parcel when the parcel or contiguous parcels are a minimum of 100 acres in area. All in all, this works out to a maximum possible of 3-and-one-fifth development rights per 19-acre forest and range parcel.

Ranch Heritage Parcels

In order to promote the use of conservation easements as a way to keep large tracts of land in open space and/or agricultural production, County Code ought to provide additional flexibility in terms of land use when a landowner creates a conservation easement preserving 100 or more acres. This should involve the capacity to create smaller-than-19-acre lots, even if they are in the primary flood zone, on a one-time-only basis, with these small lots being created only to support existing primary residence(s) and a very limited number of future parcels for development. These small parcels will provide an effective way to protect the agricultural heritage of Douglas County.

Other Land Preservation Strategies **Conservation Easement**

The use of most of these land preservation tools is generally achieved through a conservation easement. Such an easement is a voluntary and permanent agreement to restrict the development of land in order to preserve conservation values. It can be donated by the landowner (usually with a tax benefit for the development value that is extinguished) or purchased by a public or non-profit entity. The value of a development right is the difference between the value of land as farmland or open space and its value for development. Selling a conservation easement often nets about 80% of the total value of the land. The landowner retains ownership and the right to continue all uses not restricted by the easement. The buyer/recipient is required to make periodic inspections to ensure that the easement's conditions are being met. Like all easements, it is binding on future owners of the land.

It is one of the goals of this plan to see the County develop a PDR program to purchase conservation easements on land determined to have a high priority for continued agricultural or open space use. Like the TDR Program,

PDR provides a means of compensating an owner for relinquishing the development potential of the land while still allowing him or her to retain ownership and use of the land. But while TDR only works if the development rights are transferred to a receiving area where they will be used to create new development at relatively high densities, PDR results in the permanent retirement of the development rights.

Deed Restrictions and Covenants

For landowners who wish to set aside open space land but prefer not to deal with government or non-profit entities, a deed restriction or covenant may be acceptable. The other parties to the agreement are the adjacent landowners, and they enforce the agreement. Therefore, enforcement is not assured, and as a last resort it must be done through the courts. Another disadvantage is that, unlike easements, these agreements are not perpetual and do not provide the tax benefits of charitable deductions.

Donation or Gift

Some landowners with special financial circumstances may find charitable donation particularly advantageous for tax and estate planning purposes. Donations may be in the form of property or property interest through the use of a conservation easement. They may also be structured to allow the donation of cash restricted for the purpose of acquiring conservation easements or open space land. This option may be established through a program of the County and/or a non-profit land trust.

Estate Planning

The combination of state and federal inheritance taxes can create obligations of 55% or more of the value of the property. Often, inheritors are required to sell their inheritance to pay the taxes. A surprising number of landowners are not knowledgeable about inheritance taxes and are unprepared for the consequences to their estate. Land trusts and other public agencies seeking to preserve open space should actively encourage landowners to seek proper assistance in estate planning. In this process, landowners will be more likely to become aware of the advantages and opportunities for charitable donations to reduce estate taxes.

Intergovernmental Agreements (IGAs)

IGAs are a form of cooperation between governments or agencies. Douglas County could participate in IGAs with USFS, BLM, and Nevada Forest and State Trust Lands to address the planning of the urban interface areas between development and open public lands. This could help the County to provide more access to open space, mitigate fire threats, and tackle problems of flooding, drainage, and wildlife management. IGAs could also be used to create trailheads and improve trail continuity and interconnections between Douglas County, Carson City, and Lyon County.

Land Exchange

Public entities occasionally have properties that are of suitable size and location to make them attractive to be traded for private lands desired for open space. Land exchanges are done on the basis of appraised value rather than size. Land trades can be time-consuming and complex but can be beneficial to both the seller (no tax for an equal exchange) and the purchaser (no cash required).

Land Preservation Development

Land preservation development projects are designed to achieve open space preservation through limited development. They usually involve acquisition of a property and a limited, carefully planned development that serves to recover the acquisition costs. This approach requires specialized expertise and initial funding, and although it results in some development, it has been found to be effective in preserving key parcels in areas where other open space tools are not feasible.

Purchase Fee Simple Interest

Purchase at fair market value for fee simple interest is one of the most common transactions between landowners and a public entity. While this may yield the greatest gross return to the seller, the capital gains, estate, and other taxes can make this type of transaction less attractive than it may seem. In addition, the buyer is then saddled with the full slate of ownership duties and maintenance responsibilities for the property.

Defining Open Space Lands



Photo courtesy Anne Bothwell

Sometimes in Douglas County, you can see the past and the present trying to peacefully co-exist. This cattle drive required the crossing of U.S. Highway 395 in Double Springs.

“Even though only a small part of the population lives a truly rural lifestyle today, nearly everyone values the view of irrigated ranches dotted by barns, horses, and thousands of cattle. People are keenly protective of the rural character of Douglas County.”

Defining Open Space Lands

Open space lands fall into a variety of categories. The types of lands that will be pursued for preservation in Douglas County include the following:

Access trails or trailheads

Specific trails to areas suitable for hiking and other forms of exploration provide for expanded public use of public lands and should be considered as an important kind of open space. The continued development of trailheads with parking and other facilities and a trail system along the Carson River or the Martin Slough are high priorities of the *OSP* and the *Master Plan*.

Active recreational space

Open space that people use for hiking, fishing, biking, camping, boating, motorized trail use, trail rides, and other sports is considered active recreational space. It also includes private and public uses such as parks, ball fields, golf courses, picnic areas, campgrounds, trailheads, and trails.

Agricultural land

A primary purpose of this plan is to see that landowners with large holdings are compensated for choosing not to develop their property and to continue their agricultural operations. There is an expressed community value in active use of land for livestock and crop production. The presence of these activities is a key element of rural character and the county's heritage.

Buffers and corridors

In many cases, residents may simply want to keep a limited buffer between them and the next development. This may be as small as a pocket park, green beltway, or trail system, and it may be as large as a regional park, a big ranch, or the buffer zone between the Airport and the Town of Minden. Buffers and corridors can be used to protect the riverways as well as the viewsheds along Highway 395.

Floodplains

One of the benefits associated with open space is the preservation of the floodplain. Keeping development out of the floodplain provides for the public health and safety and allows for the most effective, cost-efficient, and natural response to flooding.

Habitat and wildlife

Protecting critical habitat and wildlife migration corridors may include the preservation of riparian areas along the river corridors and sloughs, deer migration areas up and down the Carson Range, wetlands, and other areas that are especially important to the health of ecosystems. Many of these areas

are on private property and could be targeted for purchase or other means of preservation. This is not to say that many of the private property owners whose holdings include critical habitat are not excellent stewards of the land and friends to wildlife.

Parks

Open space may include public parks with a variety of both passive and active uses. Parks may be fully developed to serve many active recreational uses or simply be land held in a natural state for passive public use and education.

Passive recreational space

Sometimes, some people enjoy experiencing the great outdoors merely by being outside or seeing what's outside. Passive recreational space is open space that gives people pleasure just because it's there. They can sit in it, walk through it, or observe wildlife in it. This is a low-intensity use that is compatible with the land's natural state and requires very limited or even no development.

Visual open space

As was made evident in the updating of both this and the *Master Plan*, visual open space is vital to county residents. Housing developments are often located to take advantage of the spectacular views of the surrounding mountains. And even though only a small part of the population lives a truly rural lifestyle today, nearly everyone who sees the Carson Valley when driving over the Kingsbury Grade values the view of irrigated ranches dotted by barns, horses, and thousands of cattle. People are keenly protective of the visual rural character of Douglas County; retaining the most characteristic view corridors is a high priority of this plan (*see Map E — Open Space View Corridors and Buffer Zones*).

Criteria for Easement Acquisition



This may be the quintessential Carson Valley image, as taken from Job's Peak Ranch Estates. More than 50% of the land in this subdivision has been retained in permanent open space.

“Having a process or system to objectively prioritize properties for preservation is very important. This will allow the County to determine which easements should be and which ones should not be acquired.”

Criteria for Easement Acquisition

Having a process or system to objectively prioritize properties for preservation is very important. This will allow the County to determine which easements should be and which ones should not be acquired. The process should be consistent with the goals of the *OSP*. Factors to be considered may include:

- whether the land is agriculturally productive
- current level of threat from development
- floodplain status
- presence of wetlands or riparian wildlife habitat
- agricultural character and scenic values
- landowner's willingness to allow recreational access on the property
- whether the land is of sufficient size to support a successful agricultural operation
- presence of important cultural, archeological, or historic values
- whether the land is in a wellhead protection area

There are several different review processes in existence that the County could use to prioritize properties for easement acquisition. One good example is called LESA, the Land Evaluation and Site Assessment method developed by the U.S. Department of Agriculture (USDA). This process is designed to help state and local officials make sound decisions about land use. It is an analytical tool that provides a technical framework to numerically rank land parcels based on local resource evaluation and site considerations. LESA is a comprehensive system of dozens of weighted rating factors. It takes into consideration everything from availability of agricultural support services to the presence of historic buildings to the amount and quality of wildlife habitat. Douglas County could easily adapt this process with respect to our local values and create an excellent way to assign value to agricultural and open space lands and prioritize them for preservation.

Designation of Open Space Lands



This is the home and the old barn on the Henningsen-Frensdorff Ranch, just east of State Route 88 on Waterloo Lane. One hundred of the ranch's 236 acres have already been placed in a conservation easement as part of a TDR sale. The owners are working with the BLM to place an easement over the remaining acreage this year.

“The Open Space Plan looks at the three major geographical areas of Douglas County: the Tahoe Basin, the Carson Valley, and the Antelope Valley.”

Designation of Open Space Lands

The *OSP* is generally not a parcel-specific document. It is designed to be relatively general in identifying agricultural and open space areas that may be considered for preservation. This section of the plan looks at the three major geographical areas of the county:

- the Tahoe Basin
- the Carson Valley (which is further broken down into five sub-areas)
- the Antelope Valley

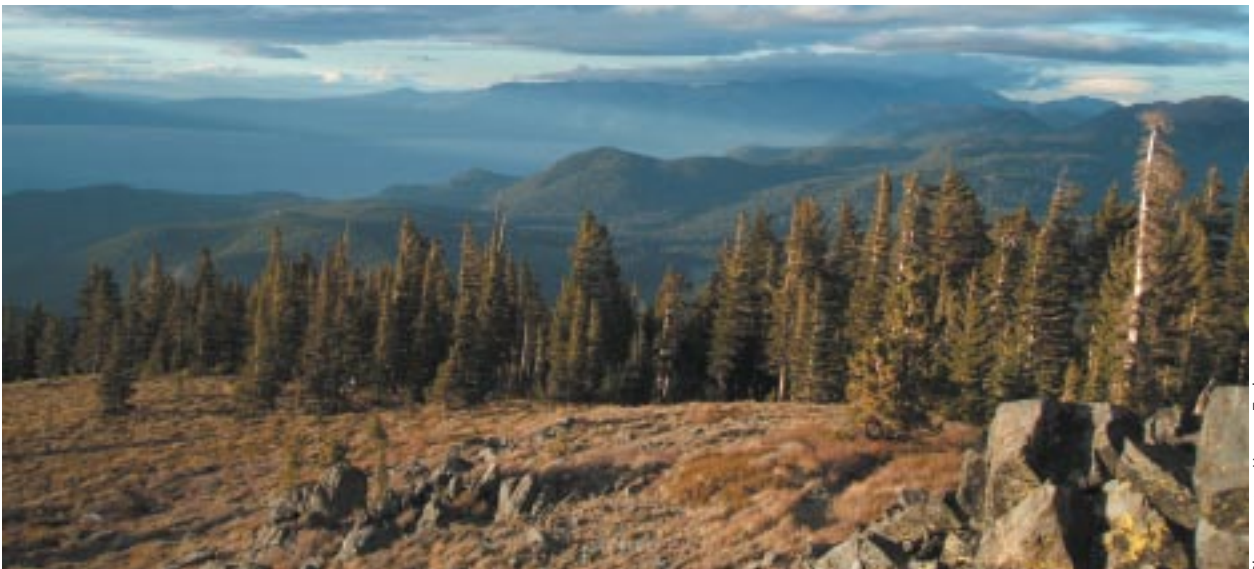
The Tahoe Basin

The Tahoe Basin is a defined area and has the largest number of existing tools for open space preservation. An effective PDR program is in place, and it may be used to preserve any sensitive natural area with open space values. A large portion of the Basin is in public ownership. Douglas County has limited, shared authority in its portion of the Basin; most of the development rules and regulations are imposed by the Tahoe Regional Planning Agency (TRPA).

Preserving private property is one of TRPA's main goals. Under the TRPA Code of Ordinances, anyone wishing to develop a lot must first secure an allocation. Each of the constituent governments within TRPA's jurisdiction is granted a certain number of allocations per year. Because of high demand and limited supply, there is often a long wait for an individual who needs an allocation.

One way to avoid this long wait is to participate in the Sensitive Lot Retirement Program (SLRP). To do this, a person who owns a buildable lot buys another lot that is deemed unbuildable based on its Individual Parcel Evaluation System (IPES) score. The lowest-scoring lots tend to be in stream environment zones or on steep hillsides. The buyer surrenders the development potential on the unbuildable lot to TRPA through a permanent open space easement. He or she is then granted an allocation to allow construction on their other, buildable lot. The SLRP has been very successful at preserving private property in the Basin.

Another goal for the Tahoe Basin is to preserve, provide access to, and promote



Looking northwest across Lake Tahoe from near the base of Genoa Peak.

the use of public lands. It is often difficult to enjoy the Lake and its beautiful surroundings due to the limited access to public lands. Attention should be paid to identifying additional access points for the enjoyment of these lands. Working with federal and state agencies to acquire certain parcels may achieve this goal.

The Carson Valley The primary focus for preservation efforts in the Carson Valley is the floodplain; efforts to limit any future development within the floodplain are welcomed. They may include more restrictive development standards, changes in zoning designations, and incentive programs for landowners who wish to preserve their land in agriculture and/or open space. Planned and cluster development practices should continue to be used to protect this area, allowing development potential to be taken out of the floodplain and concentrated on land appropriate for building.

A second concern to be considered within the Carson Valley is the preservation of agricultural lands with water rights allocated under the Alpine Decree (*see Map D — Alpine Decree Water Rights*). These water rights represent a substantial asset for Douglas County and need to be protected and conserved for future generations.

The third general concern is creating and preserving viewsheds, development buffers, and community access points and trails (*see Map F — Bikeways, Trails, and Community Access*). Retaining these accesses to public lands and identifying new ones is an important part of this plan and the *Master Plan*.

Carson Valley: north sub-area

The northern part of the Carson Valley is located north of Little Mondeaux Ranch and Stephanie Way. There are three sections of this sub-area:

- *the Carson River and the flood zone area extending northeast from U.S. Highway 395 to Carson City* – The majority of this area is designated as a primary floodplain. Open space here provides for flood protection, preservation of riparian area, and physical and visual separation between development in the north part of the county and development west of 395 and north of Stephanie. The area may be protected by voluntary placement of easements on the property by owners or through a federal land exchange. Given that development is heavily restricted in floodplain areas, the value of TDRs and PDRs will be limited.
- *the agricultural area west and north of Jacks Valley Road* – This area provides substantial viewshed benefits from Jacks Valley Road, 395, and U.S. Highway 50 and lends itself well to the use of private or federal conservation easements. There are a number of smaller parcels located in this area that should be considered for purchase from or exchange with the USFS. This would allow the USFS to reduce the number of in-holdings within their boundary and possibly create additional public access to public lands (*see Map H — USFS Douglas County Land Parcel Sale Map*)
- *the USFS property located in the middle of the North Carson Valley area* – This property provides a good limit to the expansion of development westward. It may be considered for recreational purposes with enhanced access points for walking and equestrian activities. A small portion may also be used for vehicle access. Access points from Hobo Hot Springs Road, James Lee Park, and Jacks Valley Road (near Jacks Valley Elementary School) should be considered.



Photo courtesy Jacques Etcheogoyhen

View of Job's Peak and Job's Sister across the Galeppi/Byintgon Ranch north of Genoa Lane. This property has been conserved via a TDR sale.

Carson Valley: north-central sub-area

The north-central part of the Carson Valley is bounded on the west by Jacks Valley Road, on the south by Genoa Lane, on the east by Heybourne Road, and on the north by Stephanie Way. The western and northern portions of the area contain the floodplain. This sub-area as a whole contains a number of large, productive agricultural properties, some of which border 395 and serve to protect the rural viewshed for drivers and passers-by. The agricultural properties between 395 and Heybourne provide a visual buffer to the industrial development on and near the Airport. The use of conservation easements may provide continued visual relief and buffer zones in this area.

The Johnson Lane Park located off of Stephanie should be considered for an expanded access point to BLM lands for hiking, biking and equestrian use. Consideration may also be given to preserving the larger properties between Stephanie and Johnson Lane, west of Heybourne. These properties would serve as a buffer for the more densely developed Johnson Lane area. Large lot development and/or clustering may be used in this area.

Carson Valley: central sub-area

The central part of the Carson Valley extends from Foothill Road to East Valley Road and is bounded on the north and south by Genoa Lane and Muller Lane, respectively. The western third of this area is in the floodplain and mostly encompassed by the River Fork Ranch, a 761-acre property that was preserved when BLM purchased a conservation easement on June 15, 2007 (*see Table B for a list of the largest conservation easements completed since 2000*). The Nature Conservancy plans to build trails and an interpretive center, manage the ranch to maintain its agricultural operations, and provide public access to the West Fork of the Carson River.

The fields that border 395 contain a number of large, productive agricultural properties and continue the rural viewshed from Plymouth Drive/South

Sunridge Drive all the way down to Muller Lane. The area east of 395 provides the open space buffer between the Johnson Lane/Airport development area and the Town of Minden. The southern portion of the Carson Valley Ranch (CVR) is within this area and continues this buffer. The eastern edge of the CVR could be used to provide a connection to the BLM lands located east of East Valley Road. This particular area should be considered for a multiple mode (hiking, biking, equestrian, and motorized) public access point for BLM lands.

While development in much of this sub-area should be limited, consideration should be given for development in particular places that are close to public facilities. Areas to be considered include the industrial areas on and near the Airport and the residential areas near East Valley Road. Development in these areas will allow for the orderly extension of public utilities and have limited impacts on agriculture due to the poor quality of the soils. Expansion into this area can be (and has been) done through the use of receiving areas and the TDR Program.

Carson Valley: south-central sub-area

The south-central part of the Carson Valley is located between Muller Lane to the north and Centerville Lane to the south, with the towns of Minden and Gardnerville to the east and Foothill Road to the west. This area is the heart of the breathtaking valley views seen from Kingsbury Grade. Over half of the property is located within the floodplain. There are several large, productive agricultural properties in the area as well as a fair number of smaller agricultural parcels and operations, (including the county's only remaining active dairy farm, which is located on Waterloo Lane).

This area continues to experience pressure for large-lot development, which may act to the detriment of successful farming and ranching and create greater general risk (and higher value risk) to both life and property in a flood event. Therefore, efforts should be made to preserve the remaining larger parcels. The open ranch land along the west side of Minden also provides a valuable viewshed and is considered one of the town's important community assets.

The East Fork of the Carson River and the surrounding floodplain provide the necessary open buffer between the Gardnerville Ranchos and the town of Gardnerville. The properties located between State Highway 88 and the town boundaries lie in the floodplain and hold high preservation priority.



Photo courtesy Harmon Zuckerman

Cattle on Steve and Linda White's Churia Holstein Ranch, Waterloo Lane. The Whites continue to operate the only remaining dairy in Douglas County.

Carson Valley: south sub-area

The southern part of the Carson Valley extends south from Centerville Lane to the Douglas County line, with Foothill Road to the west and the Gardnerville Ranchos and open public and private lands to the east. The area has a mix of large and small parcels but is mostly owned by a small number of property owners with a large amount of viable agricultural property. The West Fork of the Carson River makes its entrance into the Carson Valley in this area. Thus, a number of the parcels are within the floodplain and have all of the merits associated with floodplain protection.

The area south of the Ranchos, extending from 88 to 395, includes a large USFS property that is used for various recreational purposes, including walking, biking, motor sports, and target shooting. There should be consideration to formalize this as a multi-use recreational area. Adjoining private property could be used to support the recreational activities with limited camp areas, picnic facilities, parking, restroom facilities, and other support services. Other private property nearby has value for open space preservation through the use of TDRs, easements, and federal exchange programs.

While much of the land in the south sub-area meets the criteria for preservation, development pressure is slightly lower than in other parts of the Carson Valley, giving this area a lower priority level. Nevertheless, property owners may be approached for participation in preservation activities. The use of PDRs, clustering, and the sale of conservation easements may also be considered.



Photo courtesy Jacques Etchegoyhen

This barn is on the Scossa Ranch, south of Centerville Lane along Foothill Road. There is a conservation easement sale pending on the ranch.



Photo courtesy Jacques Etchegoyhen

The Mack Ranch as it is seen by many Minden residents. The barn dates from the 1880s. This 450-acre property has been nominated for Southern Nevada Public Lands Management Act funding.

Minden and Gardnerville

The Martin Slough and the lands abutting Minden and Gardnerville should be considered for expanded preservation efforts. (Both towns have recently begun to develop linear parks along portions of the Slough.) The Slough is under increasing development pressures, despite the fact that it is in an identified flood area, serves as a major drainage facility, transports irrigation water, and provides a natural open buffer in the middle of some of the county's most densely developed areas. Securing areas adjacent to the Martin Slough through permanent open space easements may result in the establishment of a feature that will help define Minden and Gardnerville in years to come. It may well serve as a passive recreational amenity that connects the towns, provides walking and biking trails, and allows the continued use of the Slough for flood control, irrigation, and drainage.

In general, properties on both sides of Minden and Gardnerville should be considered for preservation. Given that receiving areas are located directly next to both towns and, in some cases, serve to expand the urbanized area into the floodplain, taking steps to preserve the outlying agricultural land and open space is vital to flood protection and viewshed protection for the historic core of the Carson Valley. A buffer area along the river next to Westwood Village should also be considered.

**South Douglas County
(Antelope Valley/Walker River)**

South County includes the Antelope Valley and the Walker River corridor. The most important area for consideration is the Walker River floodplain. Preserving this floodplain today will eliminate future development pressures and keep the area from experiencing some of the present problems of the Carson Valley. The area is used mostly for agricultural purposes, although only a small portion is irrigated and zoned for agriculture. The surrounding forest and range properties should not be ignored; steps to conserve these lands should also be taken. Also, there is a receiving area in the South County, and properties prioritized for preservation may be considered as TDR sending parcels.

There are opportunities to secure property to enhance public access to the Walker River and Topaz Lake and create new recreational opportunities. There are also significant and spectacular viewsheds off of State Highway 208 at Jack Wright Pass and south from American Way and Kyle Drive. These views provide a wide-open vision of what much of the county used to look like. The 208 corridor has viewsheds that carry a high priority for preservation.



This is the scene 13 years after the fire in Holbrook Junction. The beauty and desolation is emblematic of Nevada.

**Summary of
Open Space Lands**

The most significant and threatened open space lands are within the Carson Valley. The top priority is to protect large, productive agricultural parcels within the floodplain. This will help to preserve agricultural operations, retain water rights to the county, and protect the areas of highest population density from flooding hazards. The other major priorities for preservation are the following:

- agricultural and forest and range land that enhances and protects natural resources
- large view corridors, such as the one along Highway 395 through the heart of the Carson Valley
- smaller viewsheds and development buffers, such as the Martin Slough
- stream environment zones, which are mostly within the Tahoe Basin
- agricultural lands in the Antelope Valley and the Walker River floodplain
- the open space views along Highway 208 at Jack Wright Pass and along American Way and Kyle Drive
- open rangeland in South County
- enhanced recreational opportunities for Topaz Lake and the Walker River

There are public benefits to open space in all of its various forms. They may range from aesthetic appreciation to food production to recreational uses. These benefits contribute to the wealth of the county, boosting its economic, social, historical, and natural capital. They contribute to the long-term sustainability of the community. Open space is more than just a way to use (or not to use) land. It is a value in its own right.

Purchase of Development Rights Program



Photo courtesy Mike Jarrett

Looking southwest at the Town of Minden from Buckeye Road.

“A well-defined, local purchase of development rights program is the primary tool anticipated to be used in achieving the goals and objectives of the Open Space Plan. Studies of areas in which PDR programs are operating have shown that the majority of proceeds from the sale of development rights are reinvested locally.”

Purchase of Development Rights Program

A well-defined, local PDR program is the primary tool anticipated to be used in achieving the goals and objectives of the *OSP*. The *Master Plan* provides the basis for creating a PDR program through the provisions for the establishment of the position of Agricultural Opportunity Officer (AOO). The key steps in establishing a PDR program are:

1. creating the AOO position
2. identifying a source of funds
3. prioritizing the land where rights or easements are to be purchased
4. developing a set of purchase options
5. defining the status of purchased development rights

The Agricultural Opportunity Officer

The idea of having an AOO was developed during the 2006 *Master Plan* Update. The Goals and Policies of the *Master Plan* dictate that this new member of the County staff will be responsible for:

- promoting opportunities for increasing the economic viability and profitability of commercial agriculture in Douglas County
- coordinating activities with both public and private sector entities
- proactively managing the TDR Program and facilitating PDR initiatives
- working to preserve agricultural areas and lands identified in the ecological and cultural resources overlay map
- raising the profile of the importance of Douglas County agriculture to local residents, state, and national audiences
- building a constituency for the preservation of agriculture
- working with the agricultural community and other interested parties in assisting with the identification of programs and practices which can reduce the threat of invasive plants, and managing vegetation for drainage, ecosystem, and wildfire reduction benefits
- reporting to the County Commissioners on specific measures that local non-profit entities, the County, the state, and the federal government can implement to encourage agricultural diversification, reduce agricultural production costs, improve competitiveness with outside producers, compensate landowners for ecosystem services, and expand the output of the agricultural sector while maintaining an adequate agricultural base and protecting the environment

Besides meeting his or her *Master Plan*-dictated responsibilities, it is envisioned that the AOO would also:

- develop and run a PDR program and the County development credit bank
- assist landowners in preparing acquisition requests
- co-hold restrictions; be responsible for monitoring and enforcing restrictions
- provide landowners with a variety of technical services and land protection alternatives
- conduct fundraising efforts to meet project costs and keep the development credit bank operating and solvent

- Funding Sources** There are four funding sources envisioned for a PDR program:
- *a stable, locally generated tax* – Though the 2000 ballot question to levy a ¼-percent sales tax to fund a PDR program failed, it was supported by a majority of residents in pre-election surveys. The survey performed for this OSP update also indicates a willingness to pay such a tax.
 - *federal funding generated through land sales or through the use of land exchanges* – While both regional BLM staff and Douglas County have expressed a strong interest in using revenues generated from the Southern Nevada Public Lands Management Act (SNPLMA), the process is very lengthy, and there is no guarantee if and when funds will be available. The BLM auction of lands in the north part of Douglas County has yet to result in any conservation of local land. Nevertheless, SNPLMA funds have been used to purchase large conservation easements in Douglas County (see *Map I: SNPLMA Acquisitions*). SNPLMA, as well as USFS land exchanges, remain potential sources for preservation funding.
 - *non-profit land preservation organizations* – Working in partnership with these organizations provides viable options for Douglas County to leverage local funds.
 - *a PDR program/development credit bank that uses a revolving fund model and is self-sustaining* – One of the chief functions of the AOO could be to run a development credit bank. This bank would require two events to be viable: 1) a direct donation of a conservation easement or cash to get it started, and 2) a ready market for development credits.

Prioritization of Conservation Easements An effective PDR program will need an objective means of prioritizing potential purchases of development rights. As outlined above, one way to do this is through a locally created and administered Land Evaluation and Site Assessment (LESA) program. This would allow for the various subjective community values to be incorporated into the review process (e.g., view corridors, buffers, soil quality, agricultural value, and flood plain protection). Once the criteria are set, the system could be managed in an objective manner.

Purchase Options The PDR program may be funded through a bond issue (which would provide a substantial amount of funding at the start of the program), or it could take a more conservative approach (such as “pay-as-you-go”). Ultimately, the financing will depend on the number of interested property owners, prioritization and cost of properties, and availability of other programs. The simplest option is the direct purchase of development rights and the placement of conservation easements on properties at the time of purchase. This is also the most expensive option. Other options include the following:

- *bargain sale* – A bargain sale is a combination of a sale and a donation to the purchasing agency. It enables the seller to realize income from the sale and tax benefits from the charitable donation. This option allows a greater number of properties to be preserved for less cost. The level of donation may also play a part in pursuing a lower-priority property due to the financial feasibility of the transaction.

- *charitable gift annuity* – Property owners who have experienced substantial appreciation in their land value may find significant tax advantages in donating the property to a public or private agency in exchange for an annuity payment. For someone paying for retirement with the value of their property, this may provide income in addition to the selling of the property to another rancher. Generally, the conservation easement would be put in place at the outset.
- *first right of refusal* – For properties that have a lower priority or are not facing strong development pressures, a first right of refusal agreement can be advantageous for both the property owner and purchasing agency. The owner agrees to allow the purchasing agency to be the first one to consider any purchase if and when the property is made available for sale.
- *installment purchase* – To meet the financial needs of the program and to provide income over time, a property owner may wish to sell the development rights over an extended period. Using an agreed-upon price, annual or other regular payments would be made until the development rights are purchased in full.
- *rolling option* – Another means to extend a purchase over a number of years is to purchase it through a series of options. An option is the right, but not the obligation, to purchase the property at a specified price before a specified date. In a rolling option purchase, the property is divided into pieces, each with its own option attached. The purchasing entity initially pays for all the options (usually for a token price) and then exercises one of the options each year, or as agreed upon, while renewing the options on the remaining parcels.

Developing a set of purchase options will allow greater flexibility for landowners to voluntarily sell development rights or restrictions to the County. Each option gives ranchers an alternative means of deriving cash from their property without having to borrow against or sell it. The funds from the sale of development rights can be used for any purpose, such as funding retirement, enabling the next generation to take over the operation, paying off debts, carrying out needed improvements on the farm, or buying new equipment. Studies of areas in which PDR programs are operating have shown that the majority of proceeds from the sale of development rights are reinvested locally.

Status of Purchased Development Rights

The *Master Plan* discussion of a PDR program raised the policy question as to the status of purchased development rights. There are three ways to handle development rights once they are purchased:

- allow property owners to retain the rights for re-sale off of the property
- retire the rights
- allow the County to bank the rights for future re-sale or donation

Establishment of a Local PDR Program

Under the Agricultural Opportunity Officer, the County could establish a PDR program that would be centered on a local, publicly-held development credit bank. As stated above, this bank would be designed to run as a revolving fund. Getting the bank started would require an initial infusion of capital, either in the form of cash or a donated conservation easement or easements (i.e., development rights). If the capital came in the form of cash, the cash would be used to buy development rights.

Once there were development rights in the bank, the AOO could use a formula based on the value of the land from which the easements came to convert them into a certain number of development credits. For example, a 19-acre parcel with 76 acre-feet of water rights appurtenant, located in prime agricultural land and both the primary flood zone and the 395 viewshed could be worth, say, 30 development credits. Meanwhile, a 19-acre parcel zoned FR-19 with no water rights and no access to public lands could be worth, say, just three development credits.

The AOO would then set the value of a development credit. If the appraised value of the agricultural parcel's development potential (including water rights) was, say, \$900,000, then each development credit could be sold for \$30,000 and the development credit bank would break even. And by that logic, the FR-19 parcel's development potential would have to be purchased for no more than \$90,000 for the deal to make sense to the AOO.

The overall idea is that the bank would be able to pay fair market value for conservation easements, whereas the common complaint about the TDR Program is that it does not compensate the seller of the development rights for the full value of the easement, let alone the value of the water rights that are usually part of the deal. The bank would be designed to sell development credits for cash and then use the cash to buy more conservation easements, which would then be converted by a fair market formula into more development credits, which would then be sold at fair market value for cash, and so on.

The only hitch in the development credit bank concept is the creation of a ready market for development credits. Today, anyone who buys a buildable parcel in Douglas County is allowed *by right* to build on it whatever is allowed in the parcel's zoning district. And given that at present, there is not enough demand in the residential housing market to create a waiting list for allocations in the County's new allocation program, there is no incentive for builders to offer a sensitive lot for retirement in return for an allocation (as builders do in Tahoe). In fact, the ordinance that governs the allocation program does not contain provisions for a sensitive lot retirement program like TRPA's.

The result is that there is no ready supply of development rights for the bank, and there is no ready demand, either. As pointed out above, supply could be created through donations, a tax levy, or even a program to retire sensitive lots. Demand could be created if the County were to institute legislation requiring a development credit as a precondition to the development of a lot. This has been called the "Build a House, Save an Acre" concept. It is an untested concept, however. Since property owners have always held the right to build as part of the bundle of rights associated with land ownership, extracting this right from the bundle and placing an expensive precondition on it might not be easy. But if it could be done, it would be the single most effective way to produce permanently preserved agricultural and open space lands yet developed.

Basic Strategies *Use the most appropriate preservation techniques, and where appropriate, use multiple techniques in combination with each other.* A number of techniques will allow property to be preserved at less cost. They accomplish this by allowing the County to structure deals that are favorable to the varying tax and estate conditions of the sellers. Several of the techniques can be used in combination with others, thus increasing the benefit to both buyer and seller.

The purchase of fee simple interest in lands through direct purchase should be a last resort, when all other options have been exhausted. Nevertheless, strategic catalyst purchases can be considered to preserve a key parcel, stimulate a market, or provide matching funds for public or private grants.

Work with partners whenever possible to leverage other resources. There are many entities with interests in Douglas County that could be coordinated to achieve open space objectives. Cooperative actions may involve intergovernmental agreements and working with land trusts and conservancies to provide bridge financing and to help negotiate complex transactions.

Conclusion



A beautiful late-February snow on Ranch No. 1's old barn and barnyard in the Town of Genoa.

“Implementation of the techniques discussed in the Open Space Plan will encourage the continuation of a vital farming and ranching sector and protect the open and scenic spaces that make up Douglas County’s unique landscape.”

Conclusion

In order for the programmatic actions recommended by this update of the *Open Space and Agricultural Lands Preservation Implementation Plan* to be successful, Douglas County must exercise a high degree of creativity. The County must also work with as many partners as possible to leverage all available resources. Often, by engaging landowners early in the process and showing flexibility in exploring a variety of options with them, new ways or new combinations of ways can be found to meet the objectives of both the public and the owner.

Each of the techniques discussed in the *OSP* performs a function in the open space and agricultural land preservation system. The strength of this “toolbox” approach is that it does not rely on any one technique but creates a spectrum of approaches appropriate for a range of different landowners. The implementation of these techniques will encourage the continuation of a vital farming and ranching sector and protect the open and scenic spaces that make up Douglas County’s unique landscape.

Appendix, Tables, Maps



Photo courtesy Douglas County

An aerial view of Lake Tahoe's east shore.

Note: Maps are not to scale. Data contained herein has been compiled on a geographic information system for the use of Douglas County. The data does not represent survey delineation and should not be construed as a replacement for the authoritative source, plat maps, deeds, resurveys, etc. No liability is assumed by Douglas County or MAGIC as to the sufficiency or accuracy of the data.

Appendix — Community Survey and Compilation of Responses

Question	Answer				NR = No Response DK = Doesn't Know					
	Yes	No	NR	DK						
Do you think we need to preserve Open Space within Douglas County?	35 94.6%	0 0.0%	2 5.4%	0 0.0%						
Do you think we need to assist in the preservation of active agricultural lands?	35 94.6%	1 2.7%	1 2.7%	0 0.0%						
Do you feel additional access to open space and public lands is needed?	28 75.7%	5 13.5%	2 5.4%	2 5.4%						
Would you consider the following Open Space?	Answer			If so, what level of importance does the following hold for you?						
	Yes	No	NR	1/low	2/med	3/high	NR			
Visual open space (to see open, green space)	35 94.6%	1 2.7%	1 2.7%	5 13.5%	6 16.2%	25 67.6%	1 2.7%			
Recreation (parks, golf, hiking, trails, fishing, biking)	31 83.8%	4 10.8%	2 5.4%	6 16.2%	10 27.0%	17 45.9%	4 10.8%			
Recharge of ground water (quality, quantity)	31 83.8%	5 13.5%	1 2.7%	4 10.8%	8 21.6%	19 51.4%	6 16.2%			
Agriculture (crops, livestock)	36 97.3%	1 2.7%	0 0.0%	3 8.1%	14 37.8%	19 51.4%	1 2.7%			
Increased property value adjacent to open space	20 54.1%	15 40.5%	2 5.4%	15 40.5%	5 13.5%	2 5.4%	15 40.5%			
Habitat protection for wildlife and wetlands	35 94.6%	2 5.4%	0 0.0%	4 10.8%	6 16.2%	27 73.0%	0 0.0%			
Carson River access	27 73.0%	10 27.0%	0 0.0%	10 27.0%	11 29.7%	12 32.4%	4 10.8%			
Flood plain protection	34 91.9%	3 8.1%	0 0.0%	3 8.1%	8 21.6%	24 64.9%	2 5.4%			
Other (write-ins):										
Access to the Walker River	4	0	0	0	0	4	0			
More developed campgrounds	1	0	0	0	0	1	0			
Developed quad/motorcycle trails	1	0	0	0	0	1	0			
Growth limits	1	0	0	0	0	1	0			
Diversify ag -- new focus	1	0	0	0	0	1	0			
Horse trail access to Pinenuts	1	0	0	0	0	1	0			
Sierra mountain views	1	0	0	0	0	1	0			
BLM land, Forest Service Land	0	0	1	0	0	0	1			
Open space w/in & bet subdivisions	1	0	0	0	0	1	0			
Question	Answer									
	Yes	No	NR							
Are you willing to pay for Open Space preservation with an increase in taxes (gas, sales, property, or r/e tranfer tax)?	33 89.2%	4 10.8%	0 0.0%							
Are you willing to contribute to a fund for development rights in areas identified as important for Open Space preservation?	30 81.1%	3 8.1%	4 10.8%	If so, how much per month?						
				\$10	\$25	\$50	\$100	\$1,000	NR	
				7	6	2	2	1	19	
Are agricultural and rural character essential components for the community you envision for yourself and future generations?	34 91.9%	1 2.7%	2 5.4%							
Residing in Douglas County										
	Owner	Renter	NR							
	33 89.2%	2 5.4%	2 5.4%							
Work in Douglas County										
	12 32.4%									
Retired										
	6 16.2%									
No Response										
	19 51.4%									
Business Owner										
	Living within Douglas County									
	12 32.4%									
	Living outside Douglas County									
	0 0.0%									
	No Response									
	25 67.6%									
Rancher/Farmer										
	Less than 40 acres									
	2 5.4%									
	40 acres or more									
	2 5.4%									
	No Response									
	33 89.2%									

37 responses tallied -- August 2006

**Appendix continued —
Community Survey:
Transcription of
Write-in Comments**

Ranchers need to be able to build a house on \pm 2 acres and sell it every year or two to offset operating losses. We need to do this without all the curbs, sidewalks, etc., required by the County. Figure out a way to help the ranchers and the ranchers will help keep it green. A 19-acre parcel with a house will have 17 acres weeds. Go east on Pinnute past the Allerman Channel and look to the south – a new house on the hill and weeds in the pasture. Every person moving in from out of state should pay a 10-15% tax to fund open space.

Preserve Calle Hermosa Road as open space and horse trail leading from East Valley Road to Fish Springs/Pine Nuts. Fish Springs Road is unusable for horses because of small shoulder through canyon.

Please continue to emphasize the importance of Ag and its diversification through economic development strategies. The concept of an Ag “guru” is a good one. This should be a high priority in the next five years.

I feel strongly that if the community wants open spaces, they should jointly purchase them. Requiring landowners to hold land as open space without compensation is wrong!

Please consider access to BLM and USFS land when drafting the plan.

Should groundwater recharge be a subject of the whims of residents? That’s a necessity, not discretionary!

Same with flood plain protection. That is an action government MUST take, not discretionary.

Believe open space is best protected by assuring lots of no less than one acre. The high density construction taking place is a gift to developers, to allow them maximum profit per acre.

Make developers prove the County has the available water resource rather than the Commission delaying for 10 years and after the third report, will demand a forth water study. Pure delay tactics.

Hire long range planner, neighborhood planning specialist. Hire housing specialist to work grants and affordable housing needs.

Consider open space for any N-S bypass, and incorporate bike lanes or bike trails.

Carson River access very important. Water Park would be great. Whitewater Park would be good, too!

Need to make developers make housing that qualifies for a Fannie Mae loan so working people of this county can afford to buy a home. We don't need any more "custom" home developments that have every house fenced off. What happened to being neighborly? Why does every new developed subdivision have a 6' fence around each house. If they tried 4' or 5' decorative fence with mix of soft and hard landscape, each little subdivision would at least feel more open and inviting.

Why do citizens of Douglas County that have lived here several years have to pay for open space? It is the developer and the County allowing the developers (large or small) to take our lands with no impact fees for preservation of open space throughout the county. A golf course in a gated community is not open space. Whatever land is developed, they either need to pay the County fair value for same amount of land being developed, i.e. develop 20 acres, pay County for 20 acres of land to be bought by County at later time at an appropriate place (i.e., river or lake, fishing or swimming beach). If payment is not made in land value, then each home built needs to be assessed an impact fee for the protection of public lands.

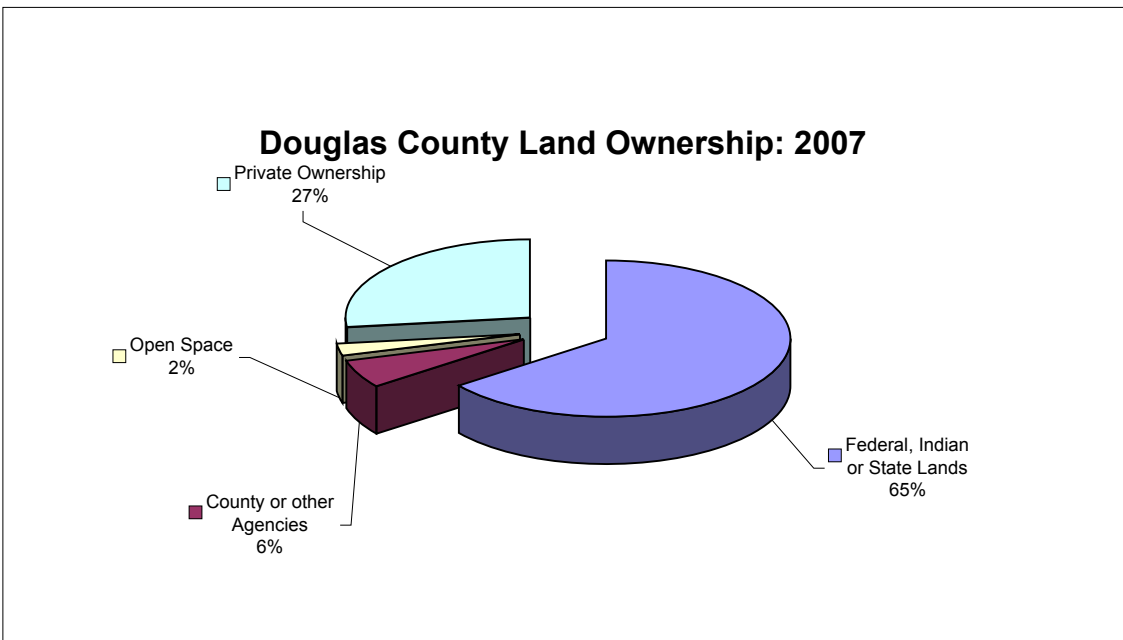
Make developers pay for open space through impact fees that go into a special fund for County to buy or lease land to provide access to more rivers and parks.

Why didn't we take a proactive approach to this 10 years ago? The Valley is gone now. I'm sick of Californians making Nevada look like California.

Nevada is sagebrush, mountains, open range with wild horses and cattle. Nevada is a desert, not a golf course! Douglas County was pristine, but now parts of the county feel and look like Sacramento subdivisions and they suck. I am for development, but it must be controlled and done the Nevada way! We don't need any more need more 3,000-5,000 square foot homes on 10,000 square foot lots. We need more 2,000 square foot homes on 1/3 to 1/2 acre lots. We need to embrace our sagebrush and pinion landscape. Embrace the values that built Douglas County and the state of Nevada. Stop the Californification, keep the lands open, give us our rights back to hunt and fish on the rivers, streams, and lakes.

Table A — Douglas County Open Space / Public Lands

A-1 <i>Douglas County Land Ownership</i>		2007
Total Douglas County Acreage (Including ROW)		472,141
Bureau of Land Management	161,776	
Bureau of Indian Affairs	55,876	
Washoe Tribe	3,614	
USFS	82,361	
Other Federal	569	
State of Nevada	930	
Subtotal	305,126	64.63%
Douglas County	2,340	
Fire Districts	31	
ROWs	5,037	
Water Bodies	17,235	
Other Municipalities	3,328	
School District	319	
Subtotal	28,290	5.99%
TDRs	2,914	
Conservation / Agricultural Easements	3,593	
Flood Zone Conservation Easements	286	
Common Areas	615	
Golf Course Open Space	1,045	
Tentative Open Space / Conservation Easements (Includes Kermin Field--1452 Acres)		
Open Space	2,295	
Historic Open Space		
Private Conservation/Ag Easements	757	
Subtotal	11,505	2.44%
Douglas County acreage excluding Public and Open Space acreage	127,220	26.95%

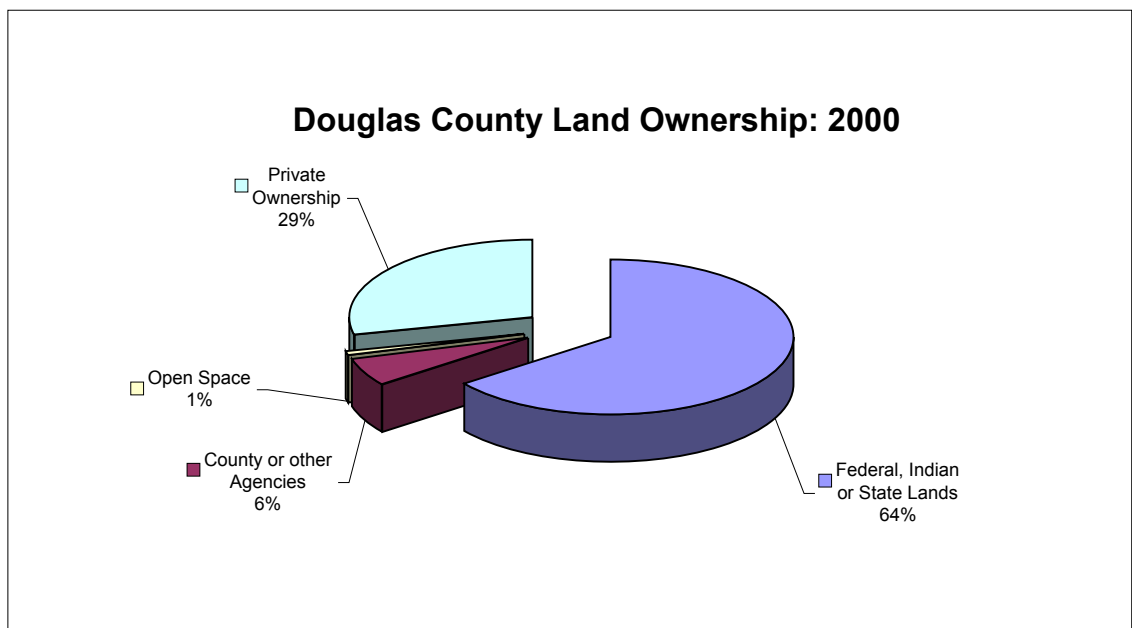


A-2

Douglas County Land Ownership

2000

Total Douglas County Acreage (Including ROW)	472,141	
Bureau of Land Management	161,436	
Bureau of Indian Affairs	57,023	
Washoe Tribe	2,724	
USFS	82,175	
Other Federal	569	
State of Nevada	1,544	
Subtotal	305,471	64.70%
Douglas County	2,227	
Fire Districts	28	
ROWs	4,707	
Water Bodies	17,235	
Other Municipalities	3,246	
School District	314	
Subtotal	27,757	5.88%
TDRs	0	
Conservation / Agricultural Easements	848	
Flood Zone Conservation Easements	250	
Common Areas	975	
Golf Course Open Space	864	
Tentative Open Space / Conservation Easements (Includes Kermin Field--1452 Acres)	687	
Open Space		
Historic Open Space	19	
Private Conservation/Ag Easements	644	
Subtotal	4,287	0.91%
Douglas County acreage excluding Public and Open Space acreage	134,626	28.51%



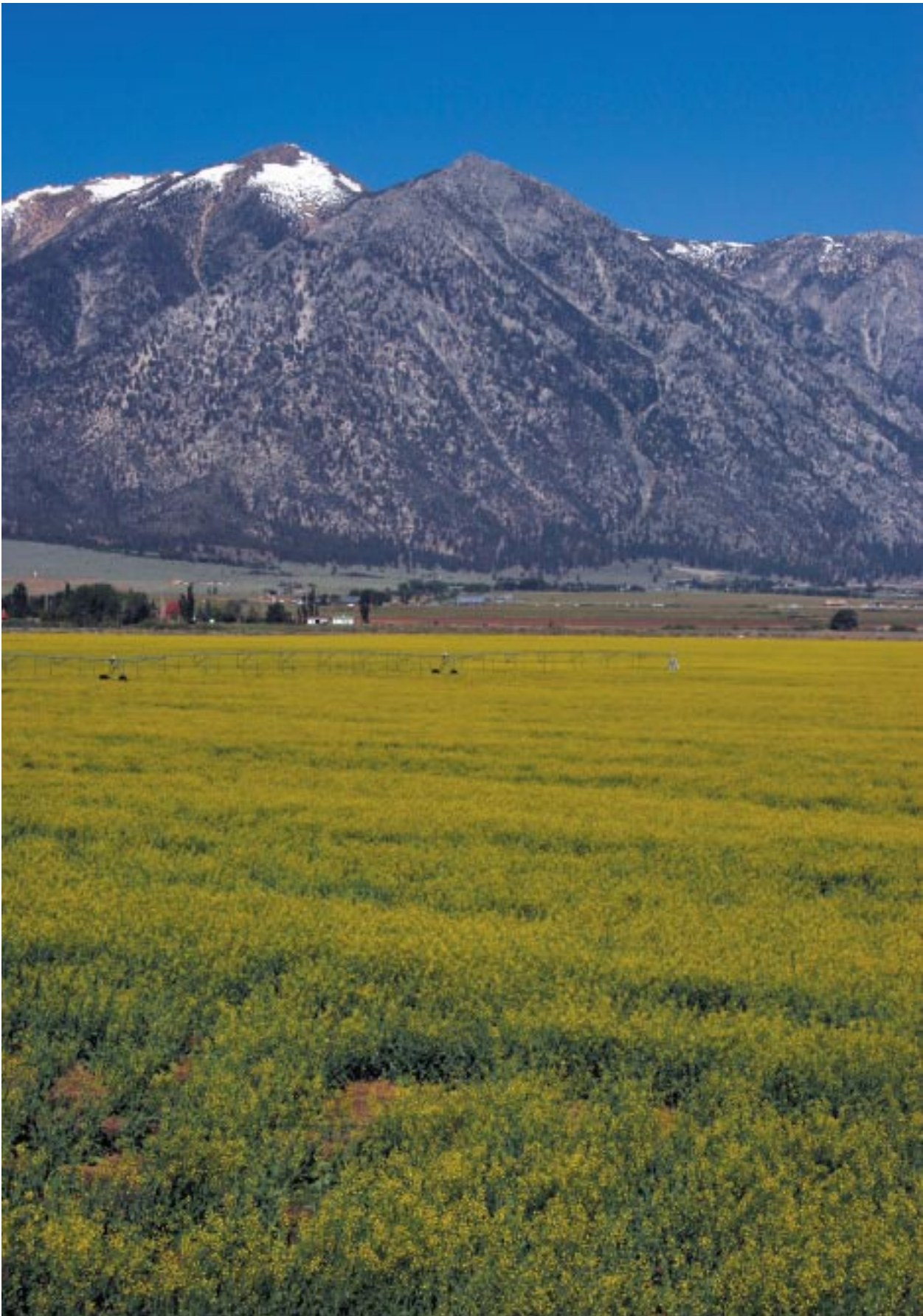


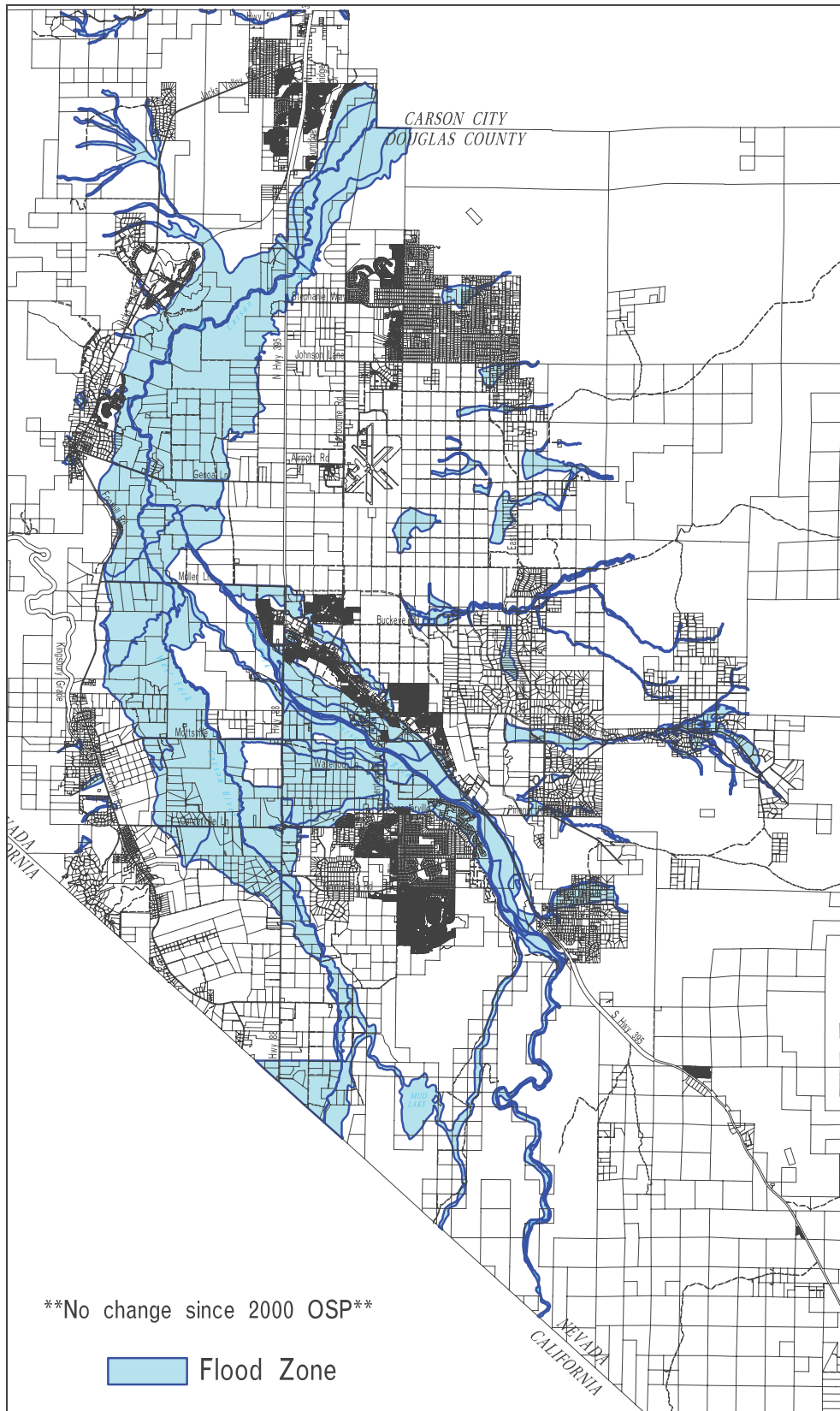
Photo courtesy Douglas County

Canola fields in bloom.

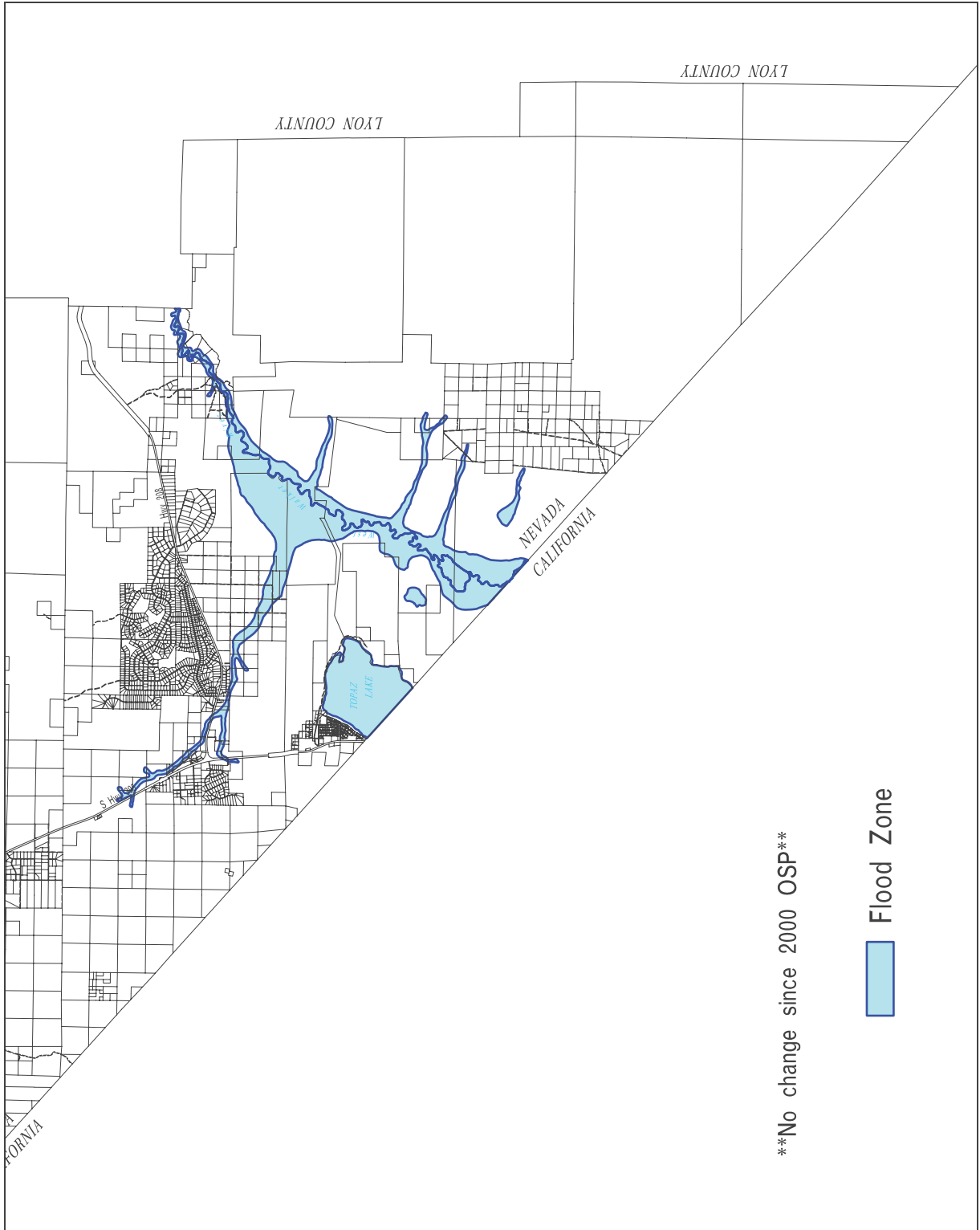
**Table B —
Largest Conservation Easements Completed Since 2000**

Name of Conservator/Property	# of Acres	Year
Charney	1,451	2003
Kirman/Bently	1,027	2005
River Fork Ranch	761	2007
Eagle Ridge	722	2005
Galeppi	700	2005
Little Mondeaux	522	2002
Hussman	260	2006
Gansberg	174	2004
TOTAL	5,617 acres	

Map A — Carson Valley Flood Zone



Map A — South County Flood Zone



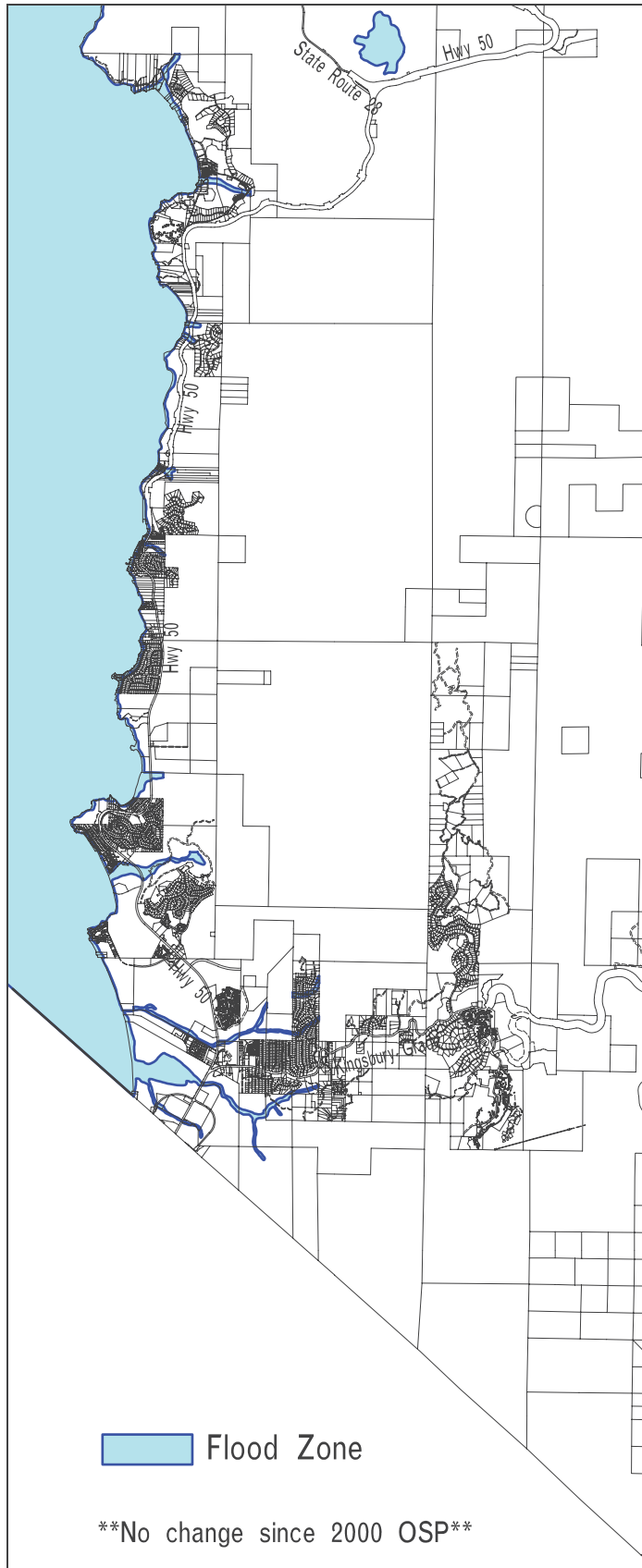
No change since 2000 OSP

Flood Zone



Scale: Not to Scale
Print Date: 09/27/07
Map Name: DH060.T2

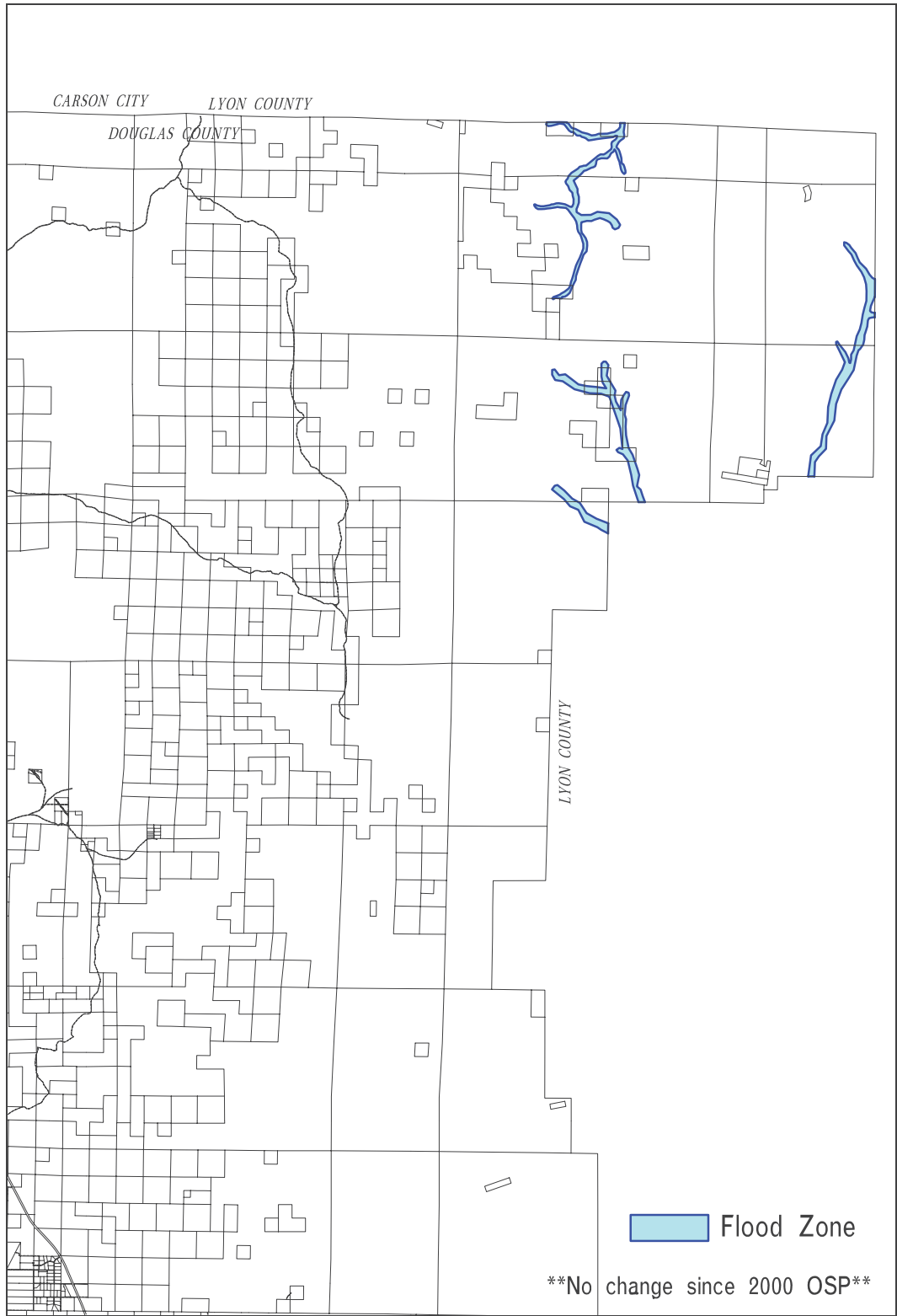
Map A — Lake Tahoe Flood Zone



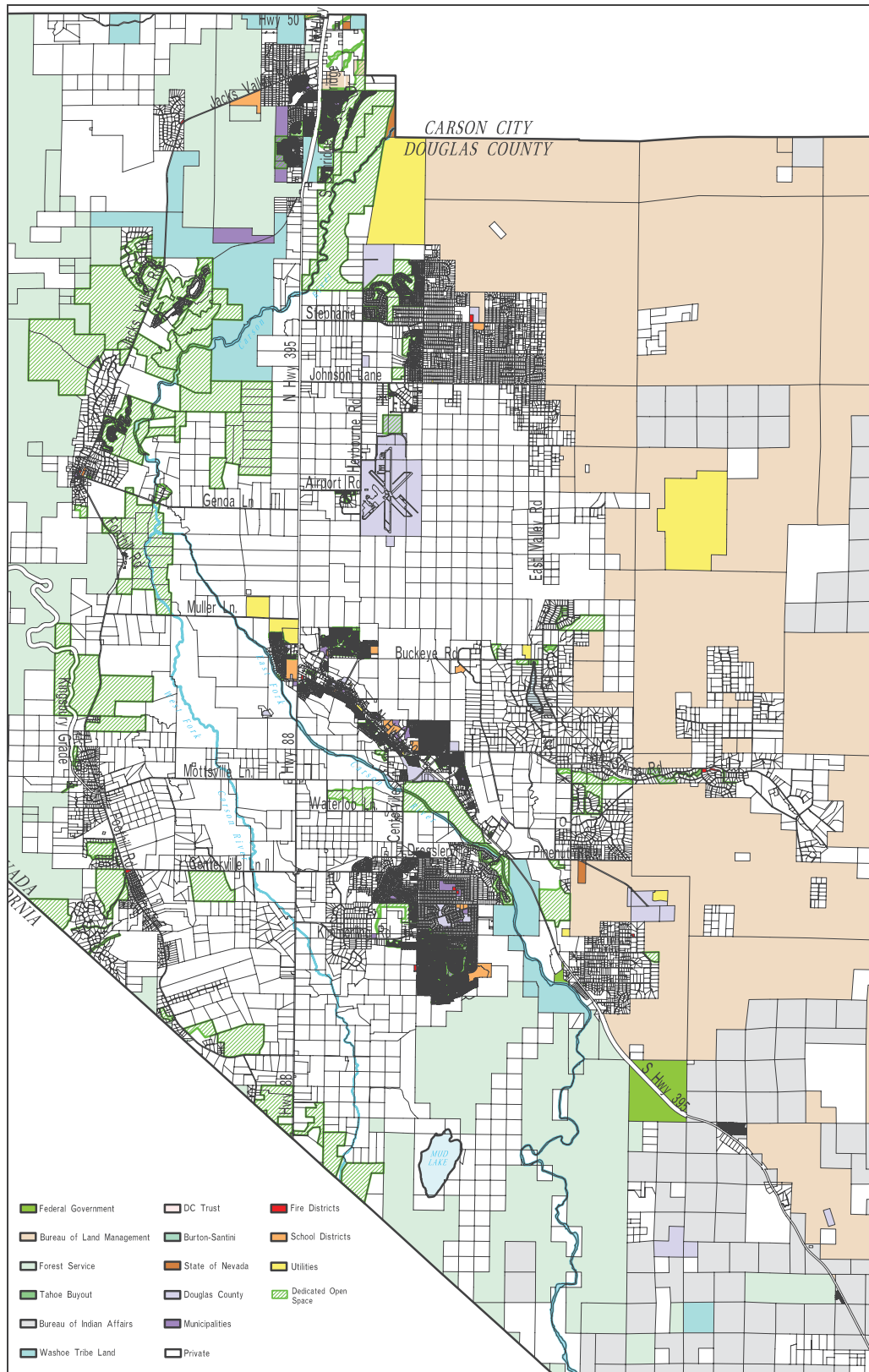
Flood Zone

No change since 2000 OSP

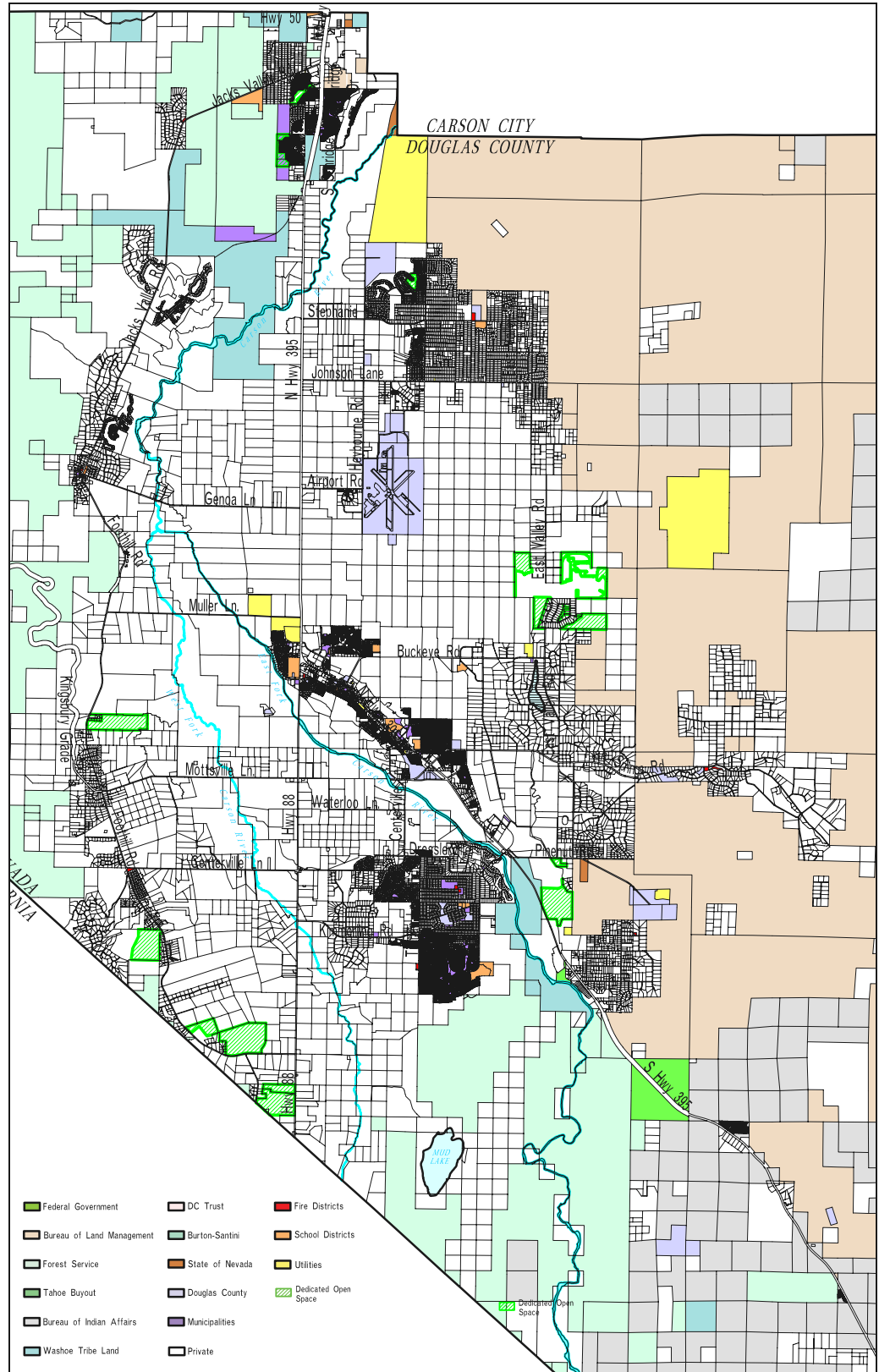
Map A — East Carson Valley Flood Zone




Map B — Carson Valley Public Lands and Open Space Easements / 2007

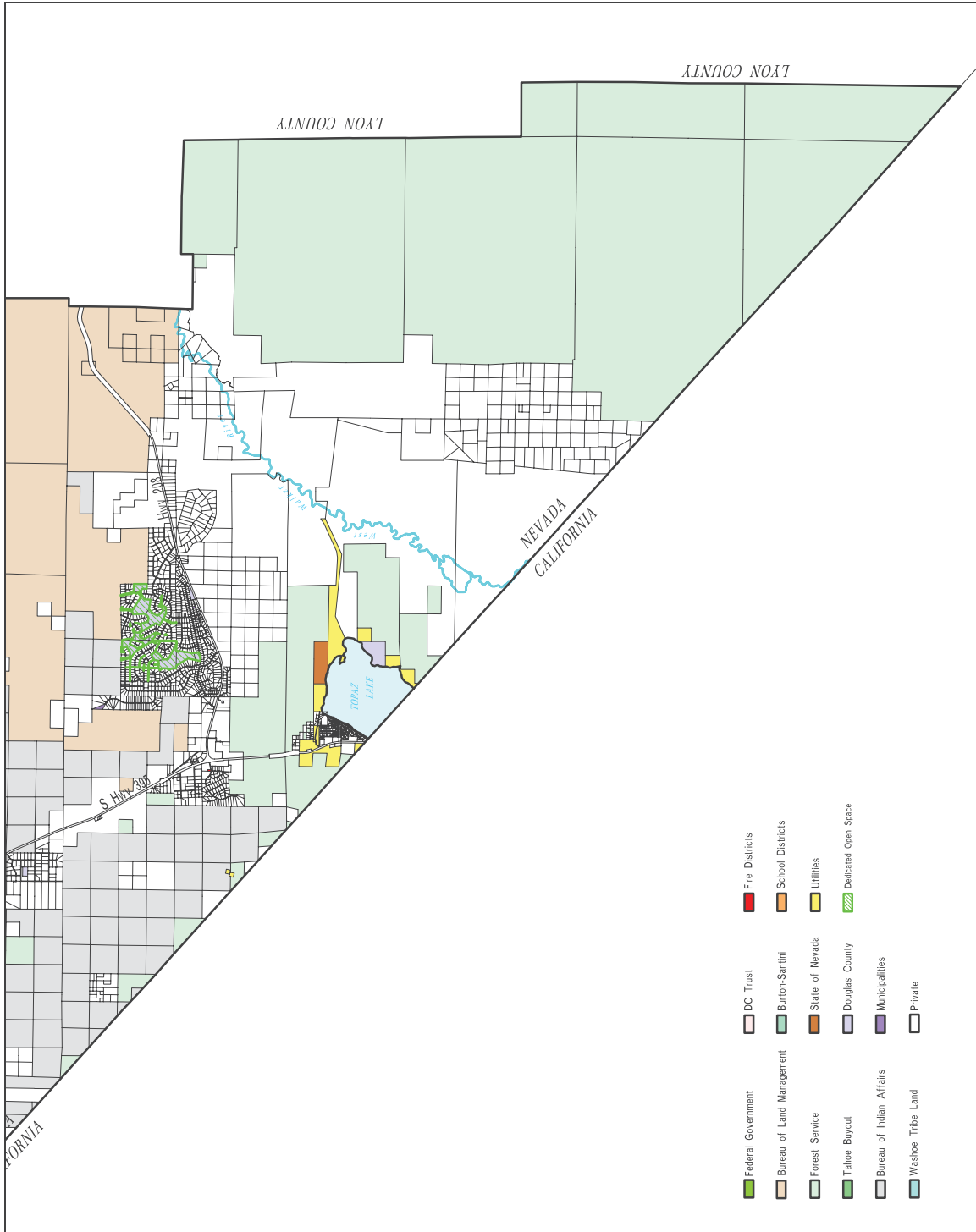


Map B — Carson Valley Public Lands and Open Space Easements / 2000

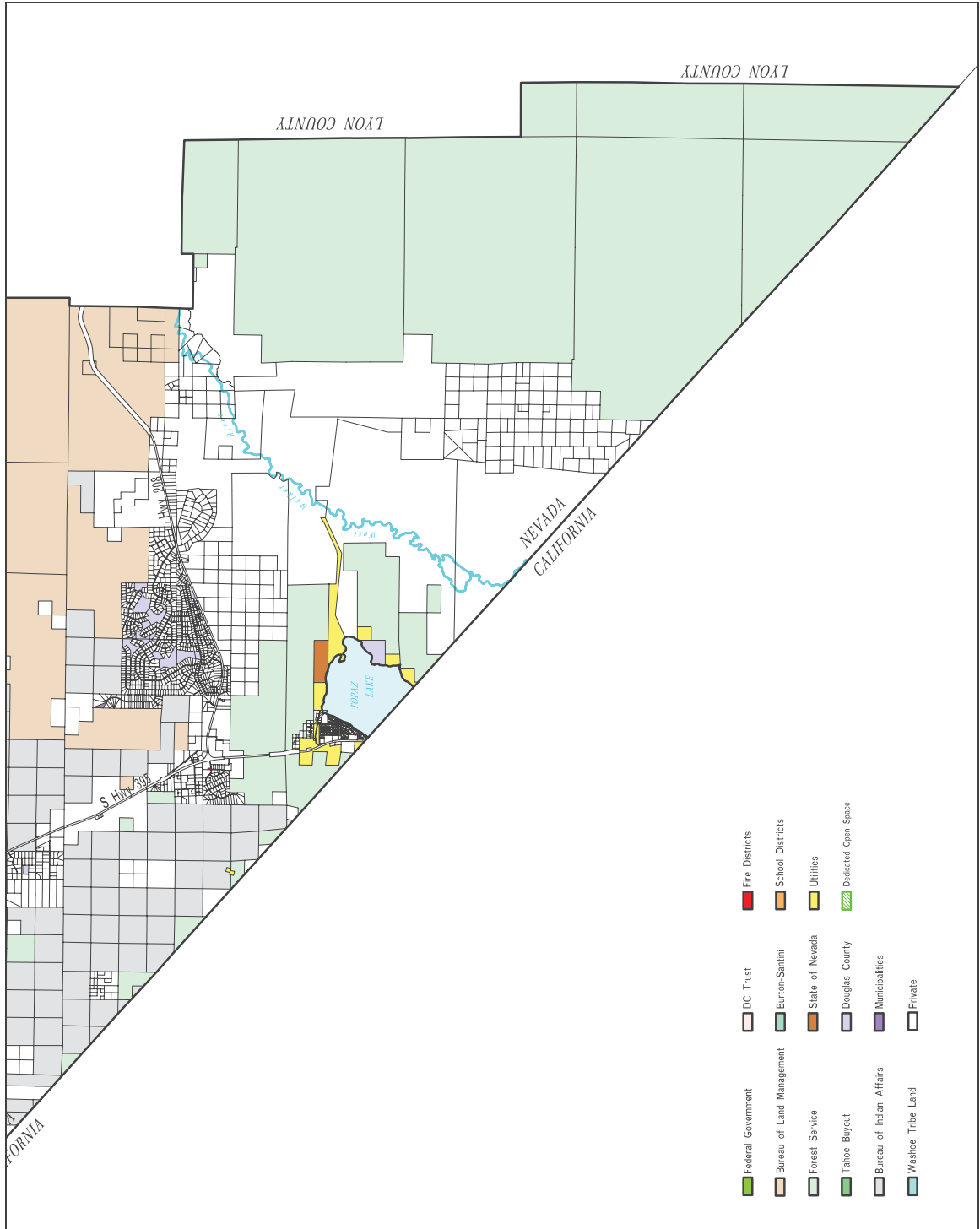



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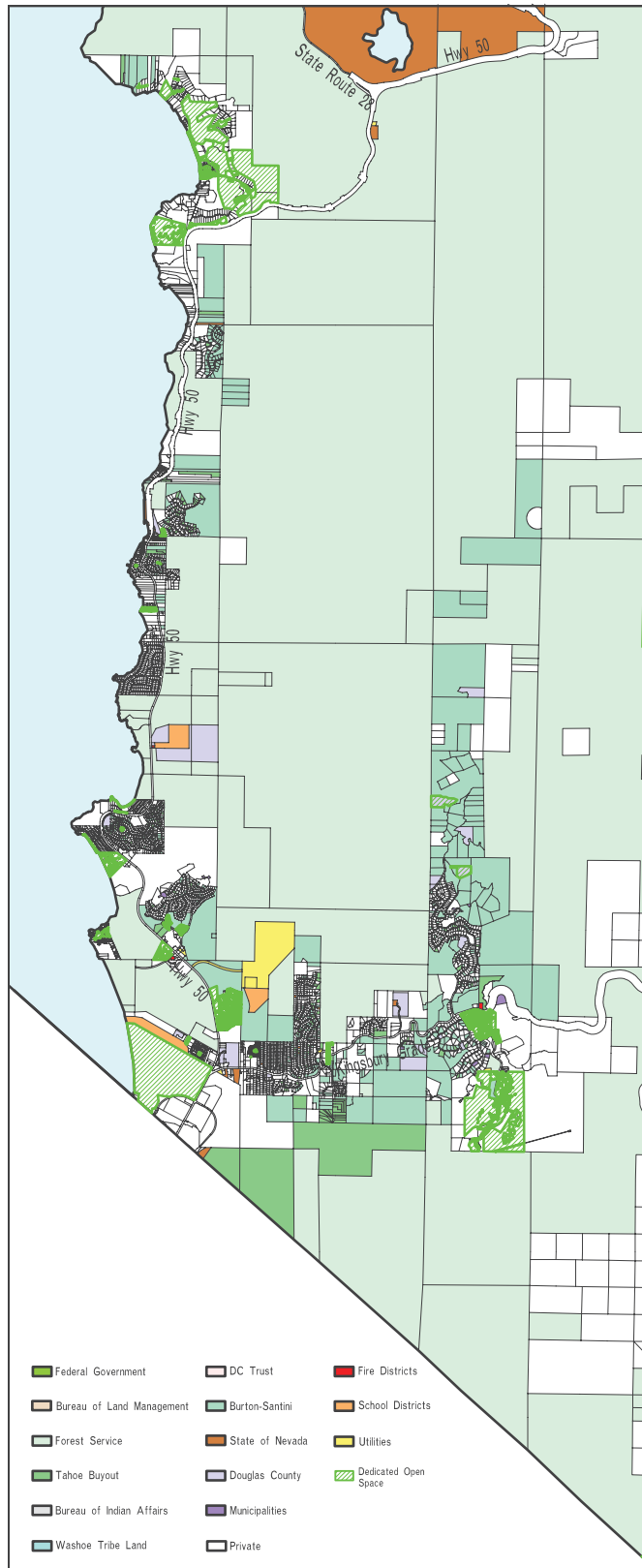
Map B — South County Public Lands and Open Space Easements / 2007



Map B — South County Public Lands and Open Space Easements / 2000

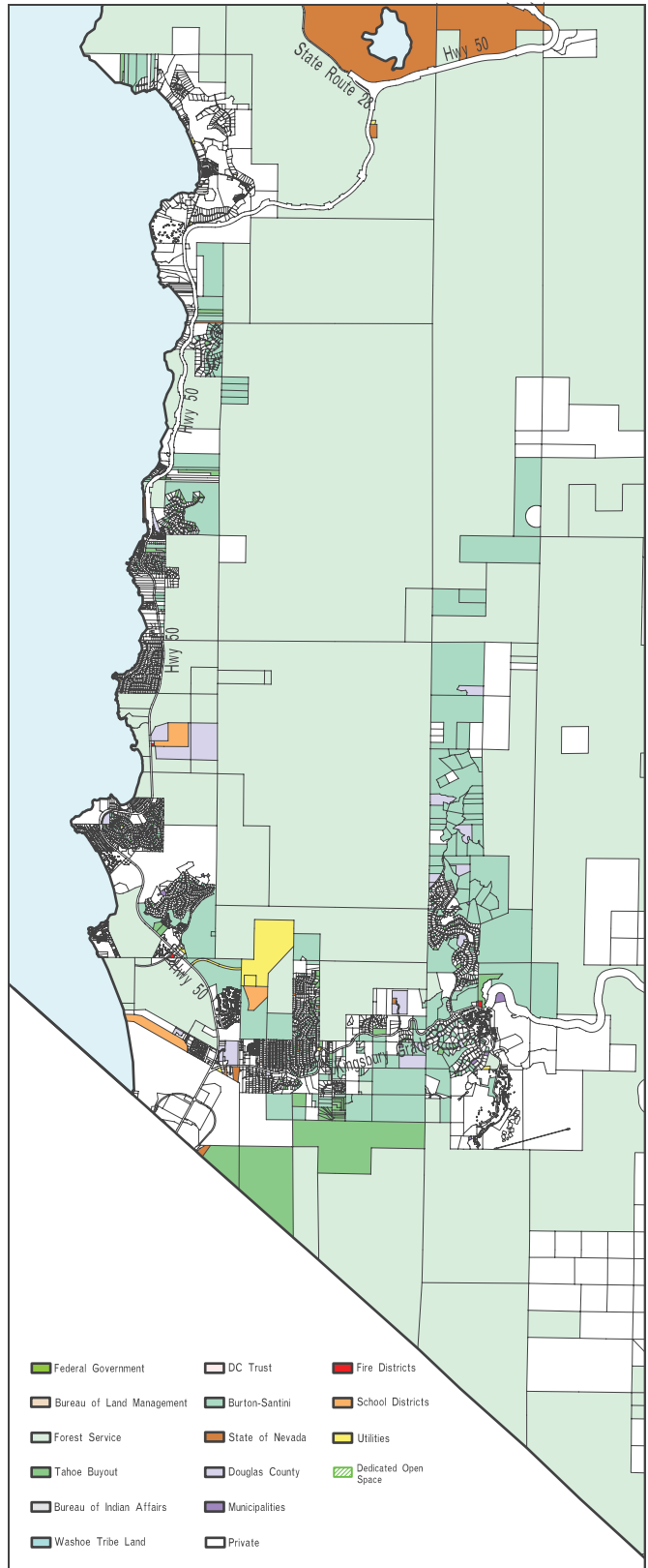


Map B — Lake Tahoe Public Lands and Open Space Easements / 2007



DOUGLAS COUNTY
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 Print Date: 09/27/07
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Map B — Lake Tahoe Public Lands and Open Space Easements / 2000



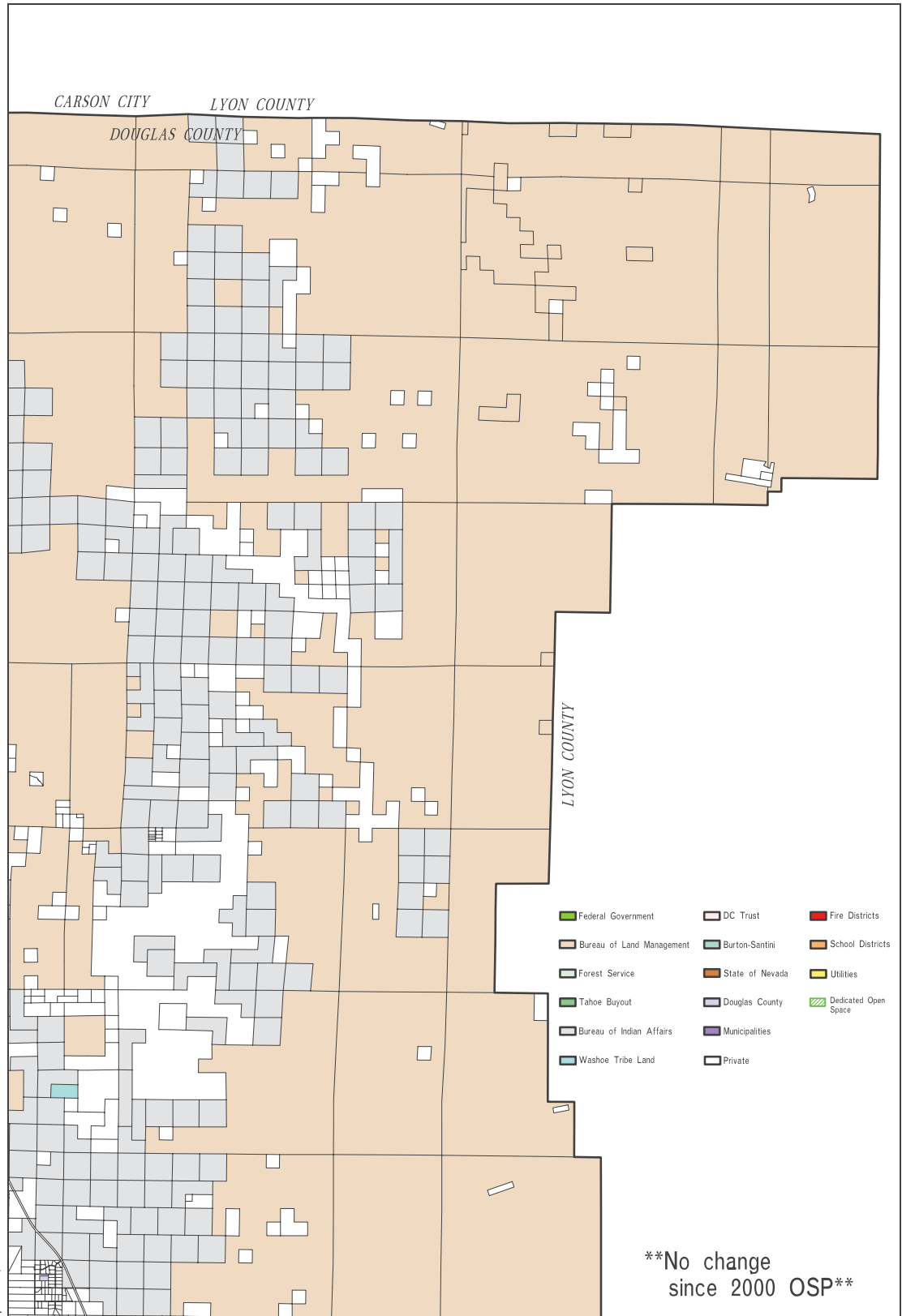

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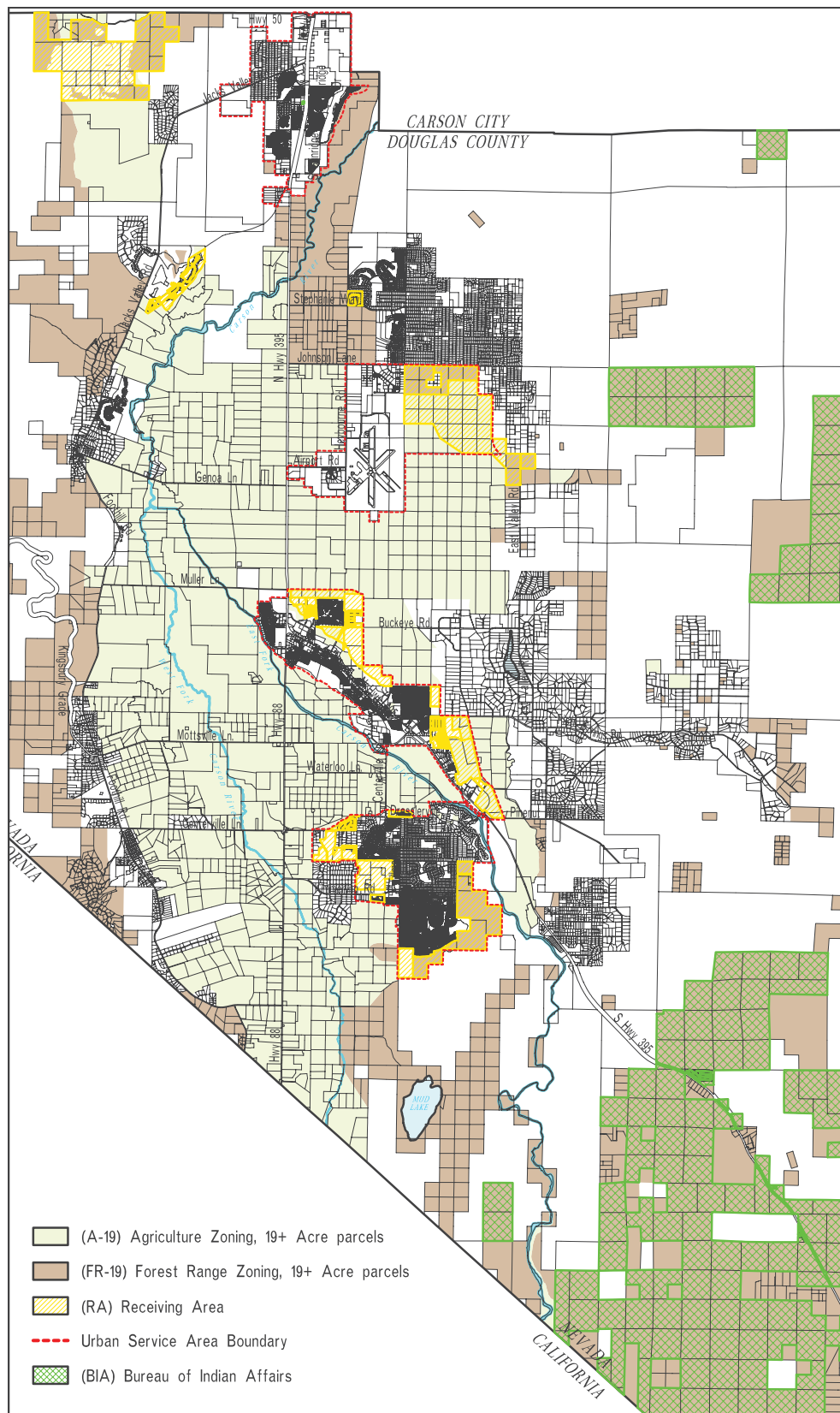
Photo courtesy Douglas County

Carson River after spring runoff.

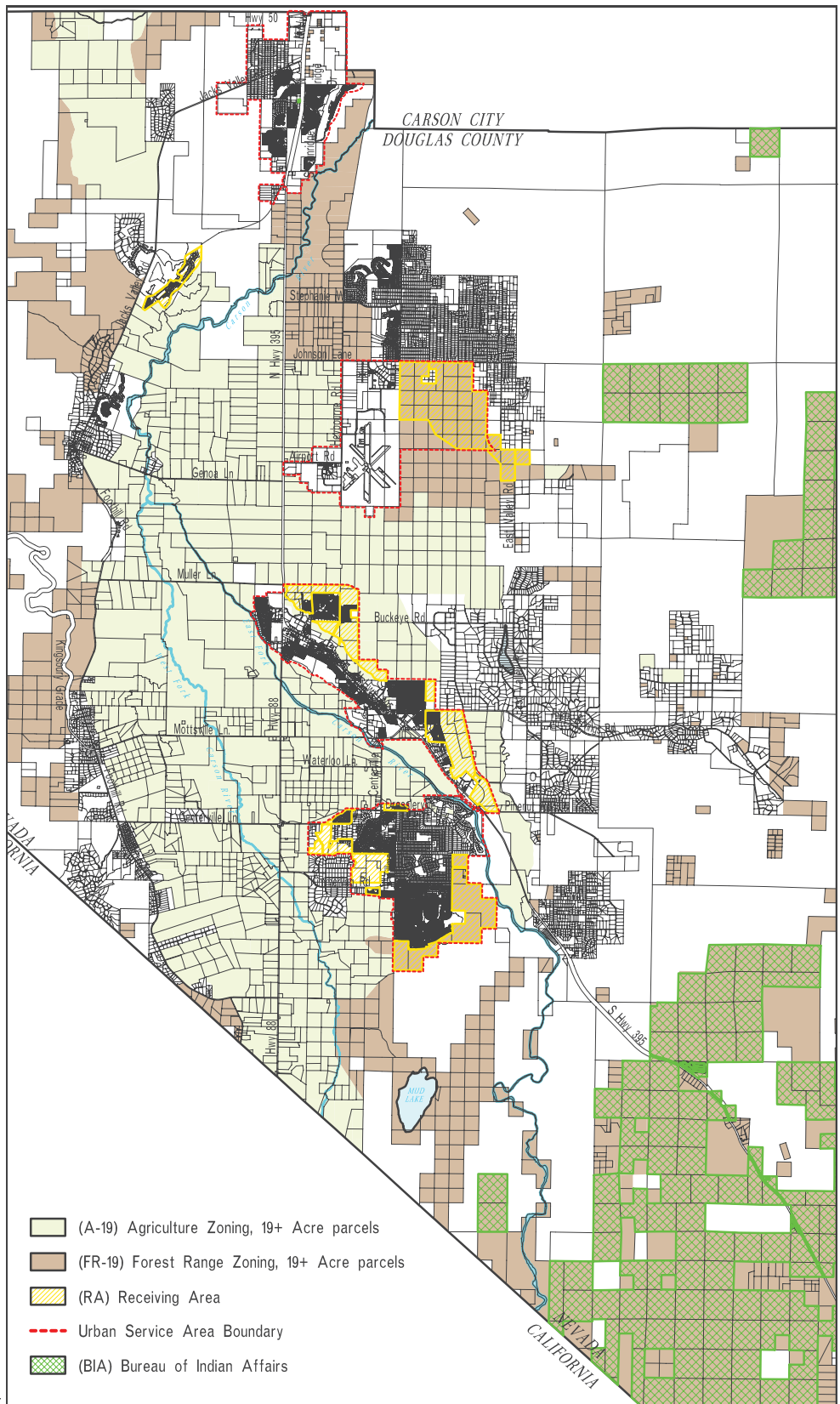
Map B — East Carson Valley Public Lands and Open Space Easements / 2007



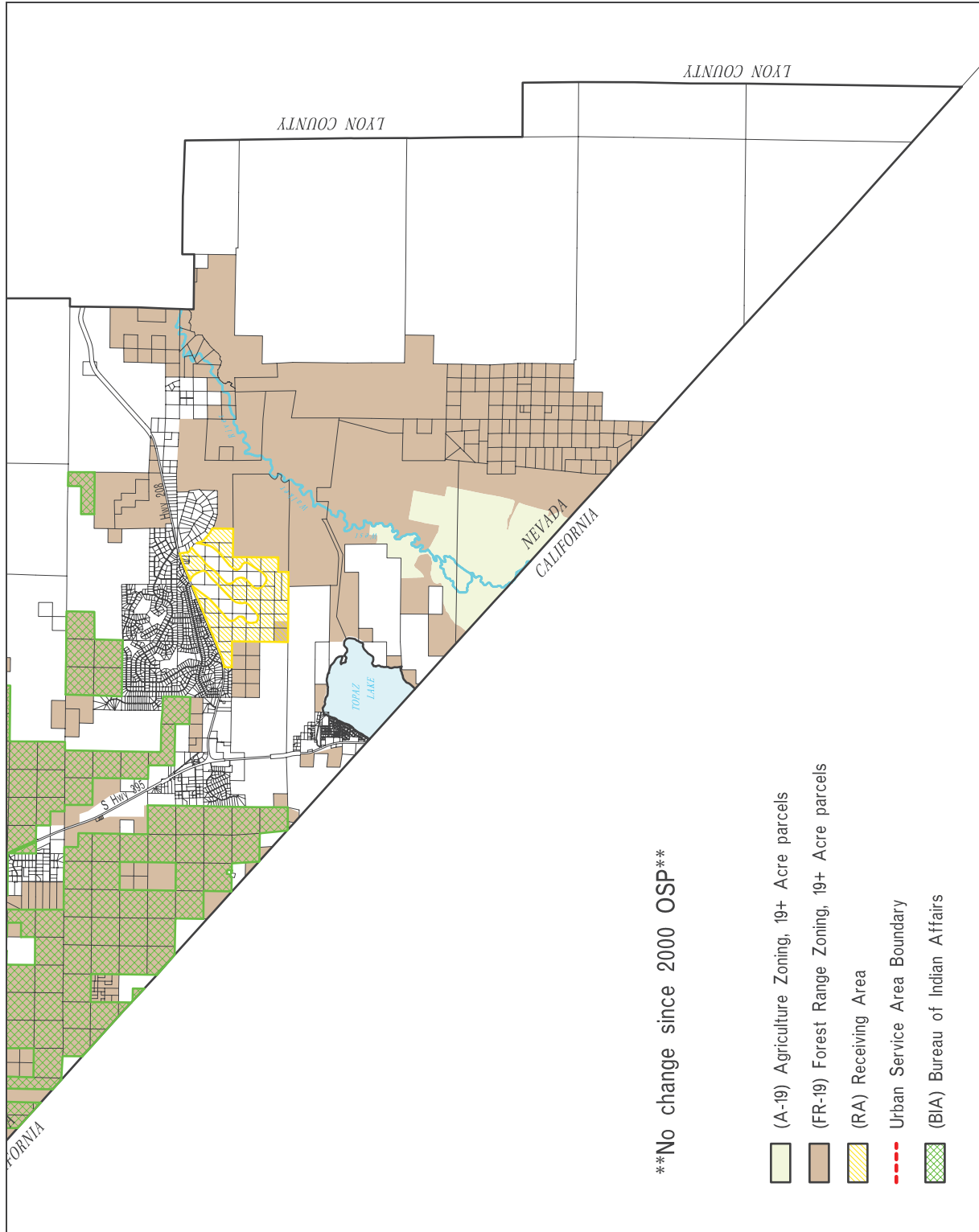
Map C — Carson Valley A-19 and FR-19 Zoning / 2007



Map C — Carson Valley A-19 and FR-19 Zoning / 2000



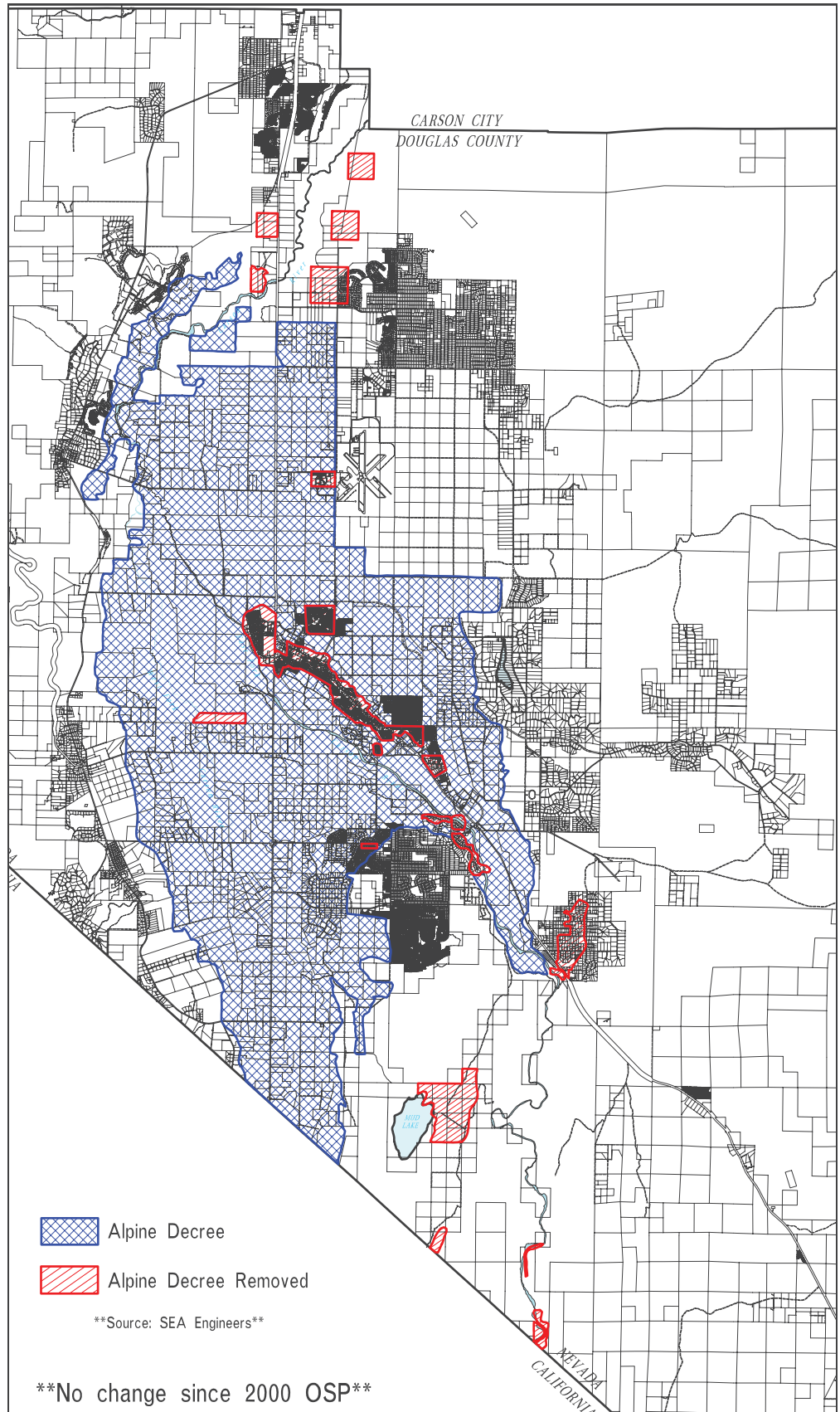
Map C — South County A-19 and FR-19 Zoning / 2007



No change since 2000 OSP

- (A-19) Agriculture Zoning, 19+ Acre parcels
- (FR-19) Forest Range Zoning, 19+ Acre parcels
- (RA) Receiving Area
- Urban Service Area Boundary
- (BIA) Bureau of Indian Affairs

Map D — Carson Valley Alpine Decree Water Rights

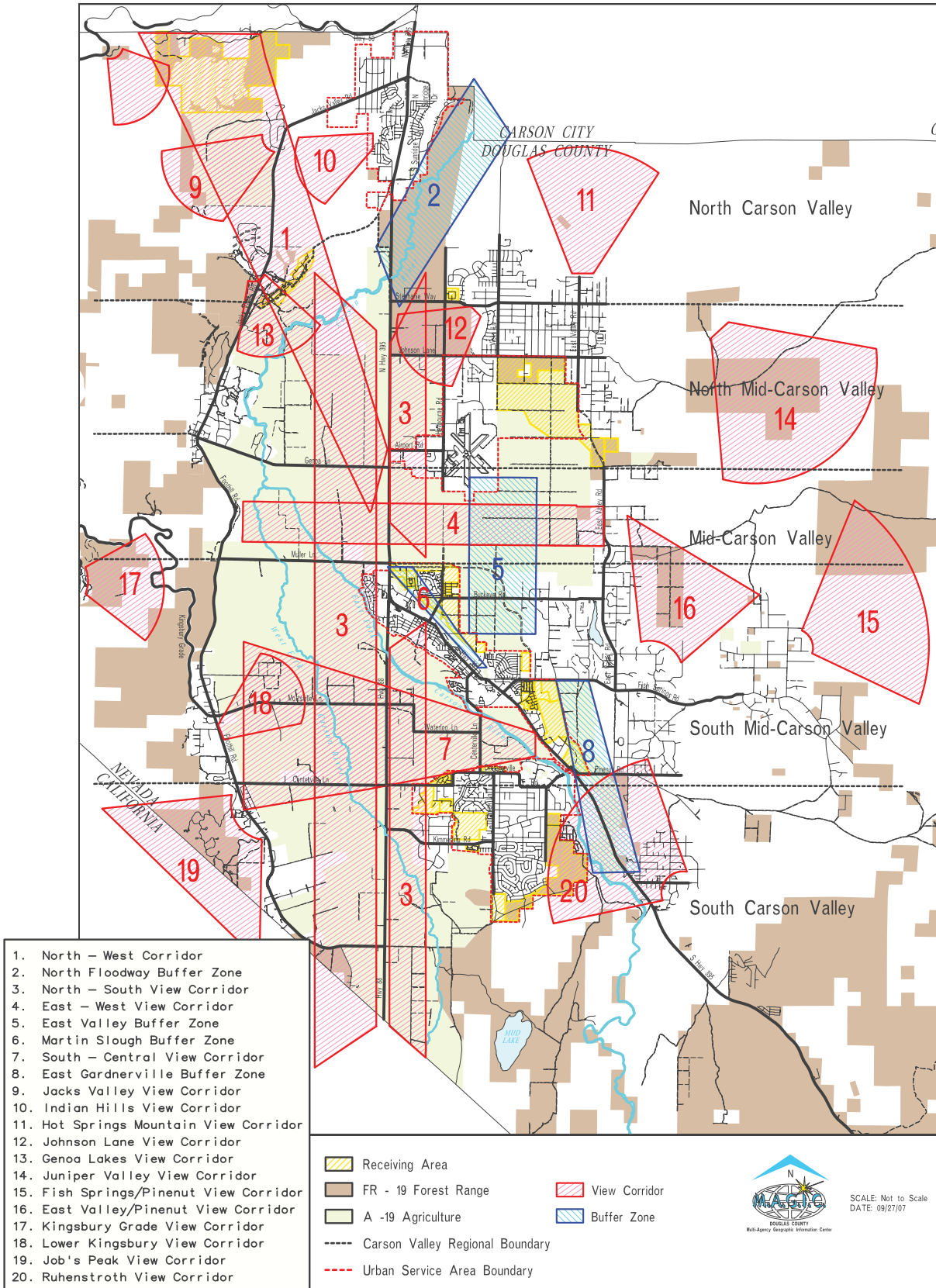



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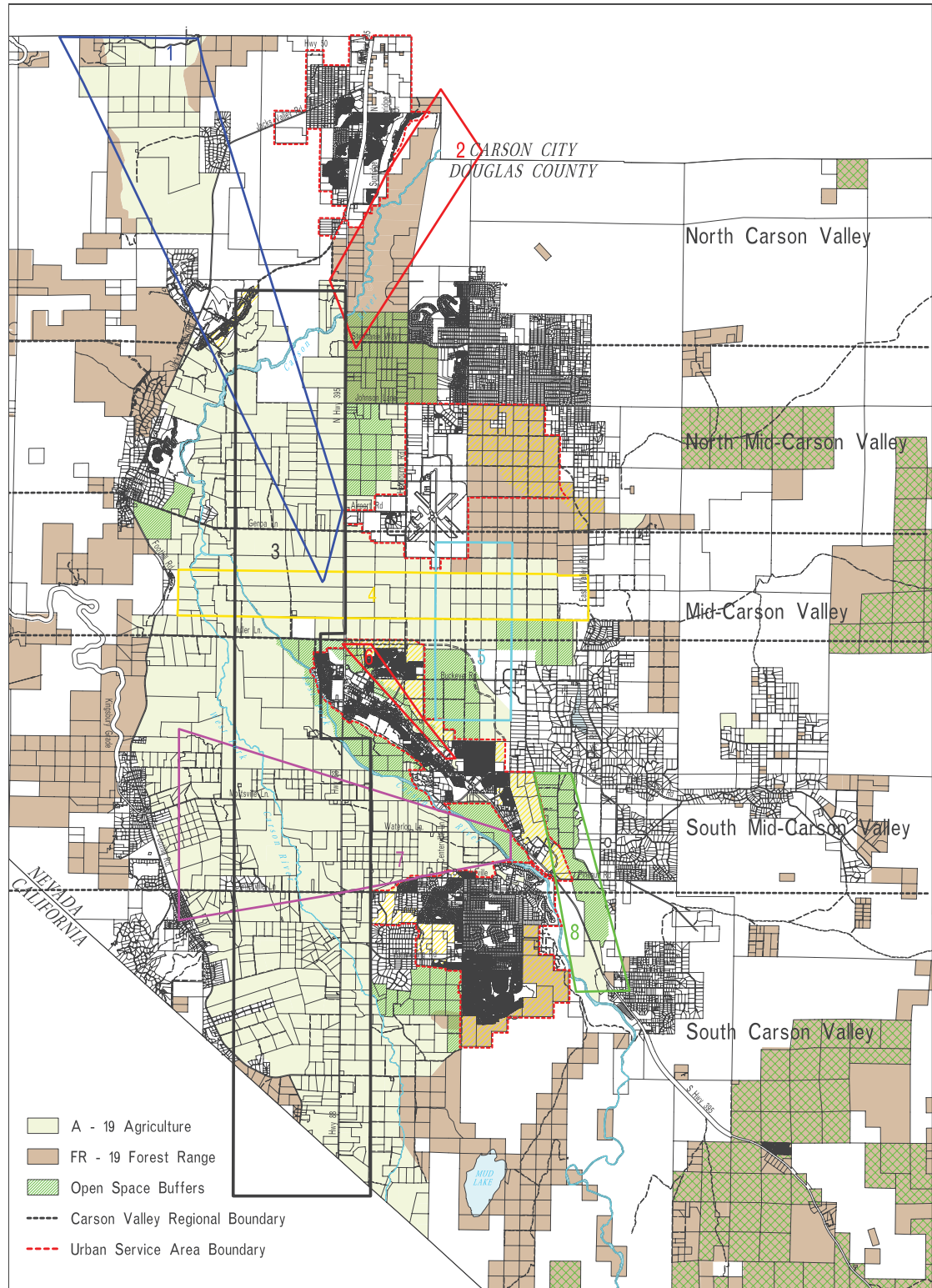
Source: SEA Engineers

No change since 2000 OSP

Map E — Carson Valley Open Space View Corridors and Buffer Zones / 2007



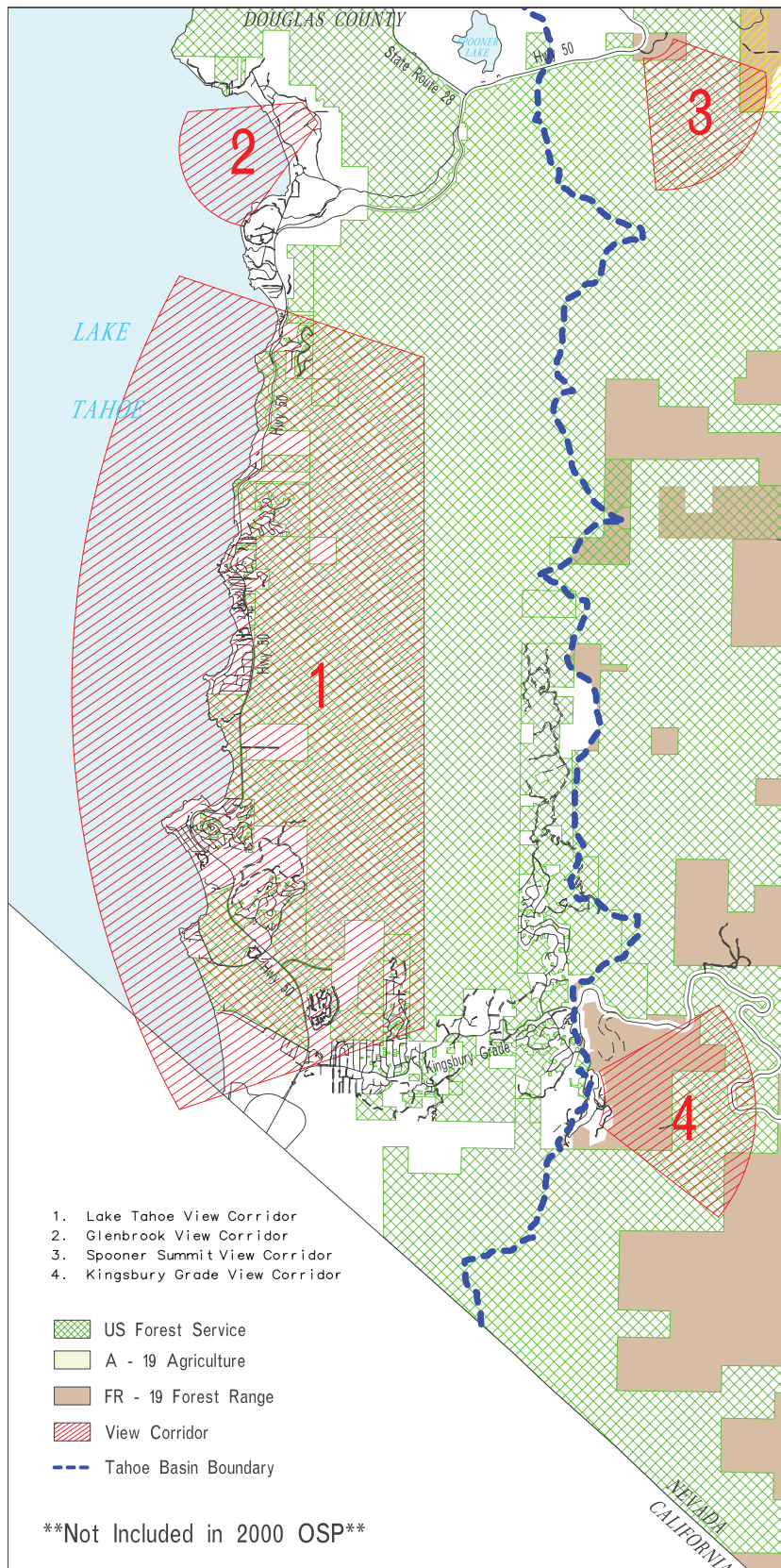
Map E — Carson Valley Open Space View Corridors and Buffer Zones / 2000



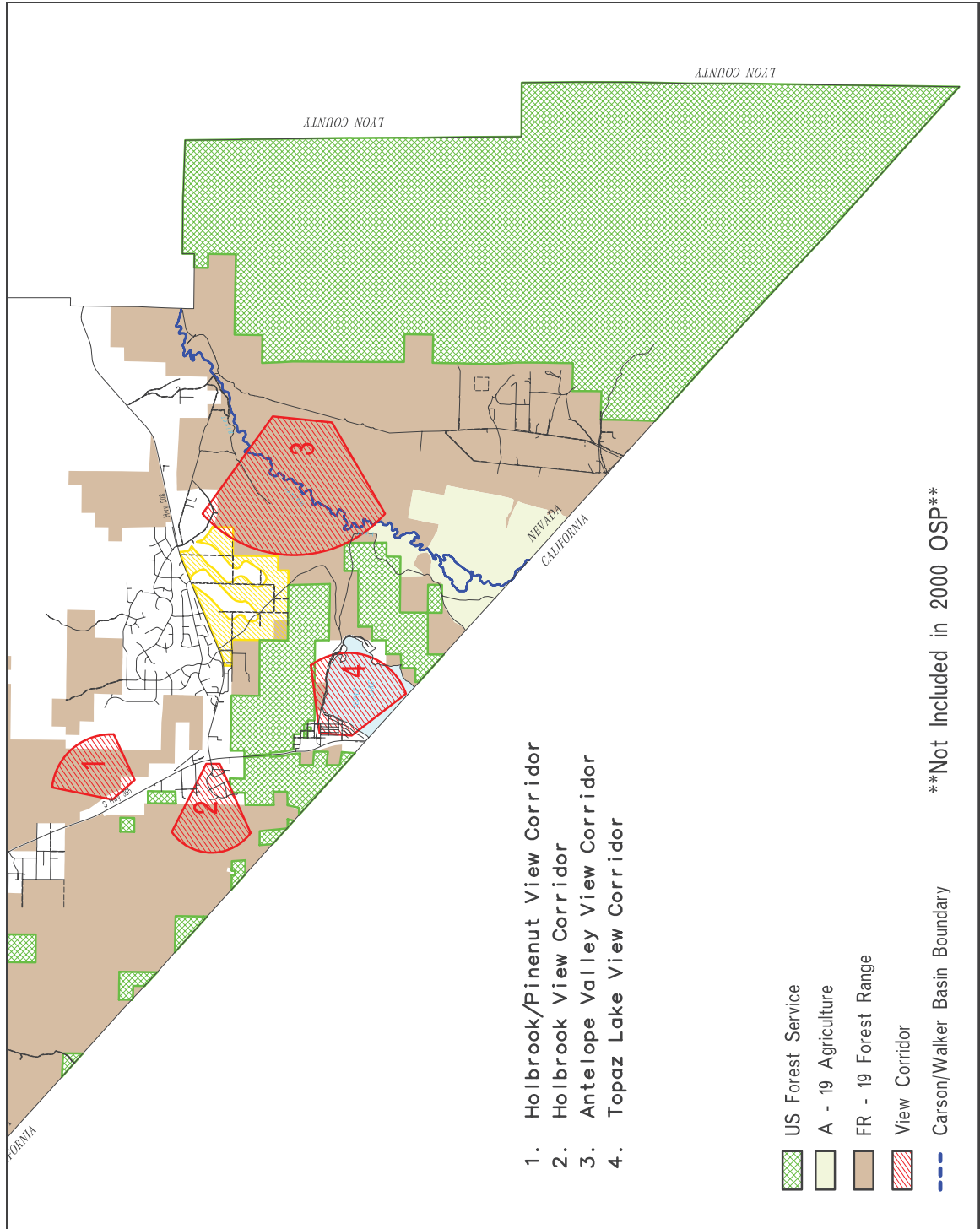
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- | | | | |
|------------------------------|-------------------------------|---------------------------|---------------------------------|
| 1 North - West View Corridor | 3 North - South View Corridor | 5 East Valley Buffer Zone | 7 South - Central View Corridor |
| 2 North Flood Way | 4 East - West View Corridor | 6 Martin Slough | 8 East Gardnerville Buffer Zone |

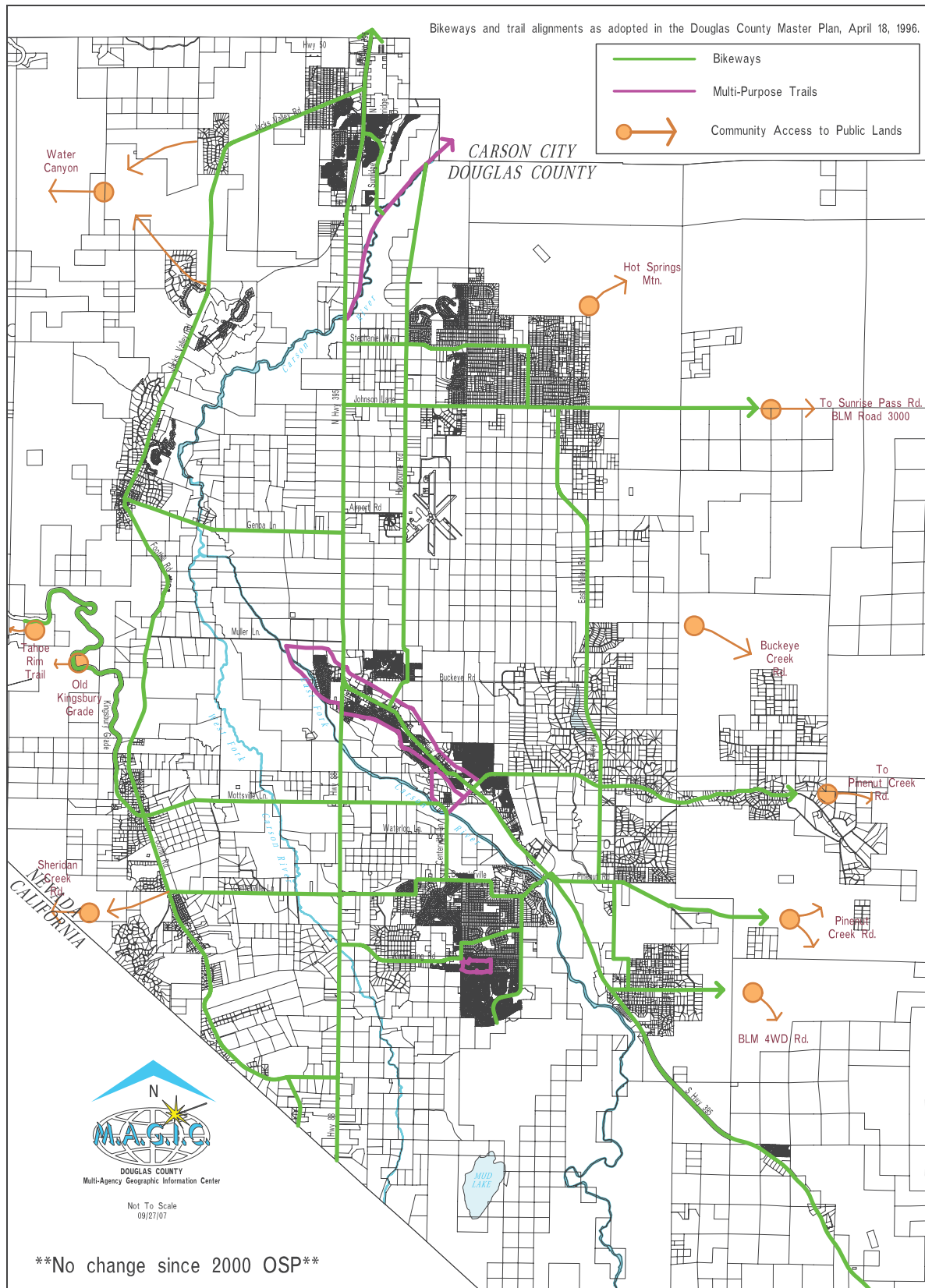
Map E — Lake Tahoe Open Space View Corridors and Buffer Zones / 2007



Map E — South County Open Space View Corridors and Buffer Zones / 2007

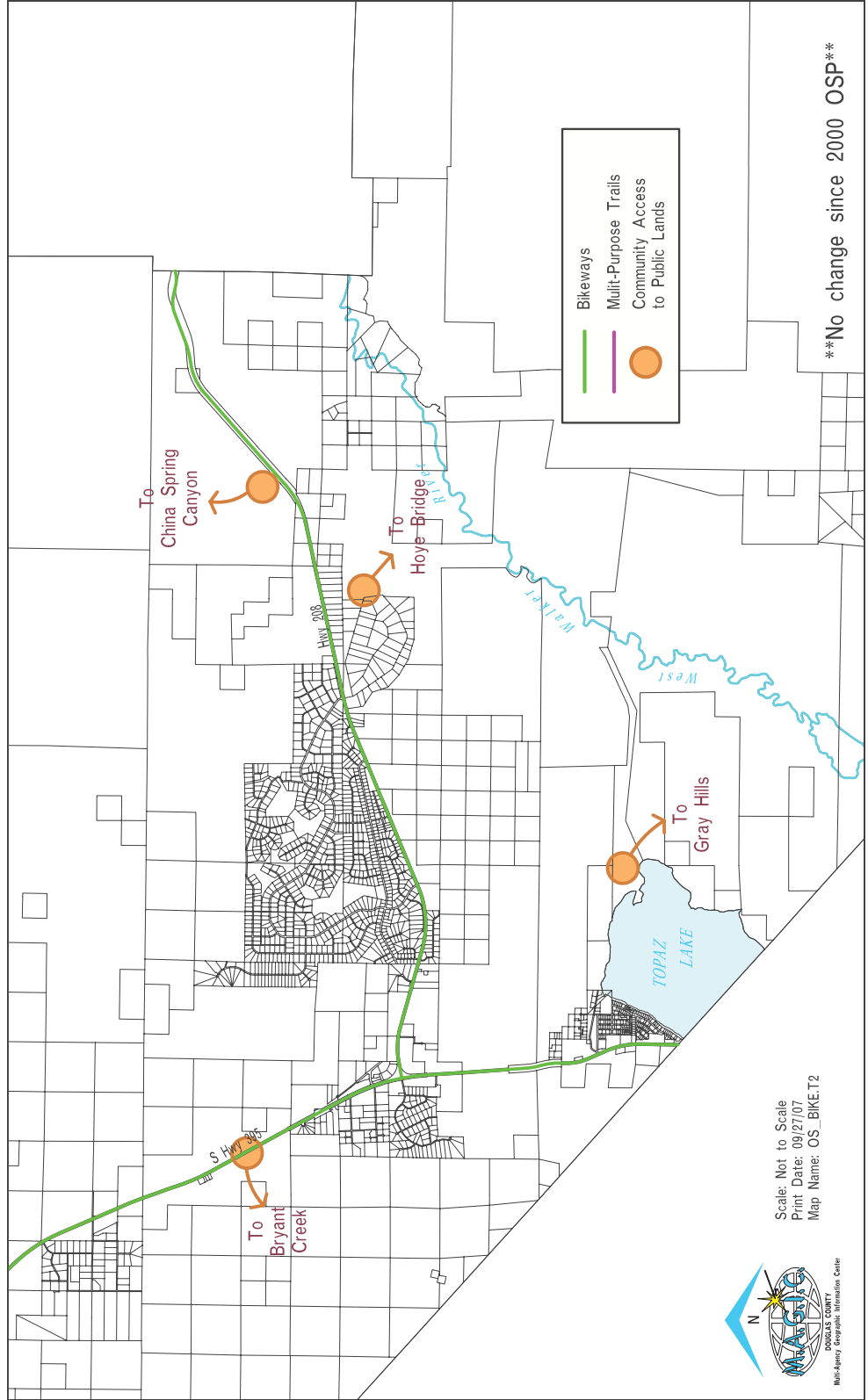


Map F — Carson Valley Bikeways, Trails and Community Access / 2007



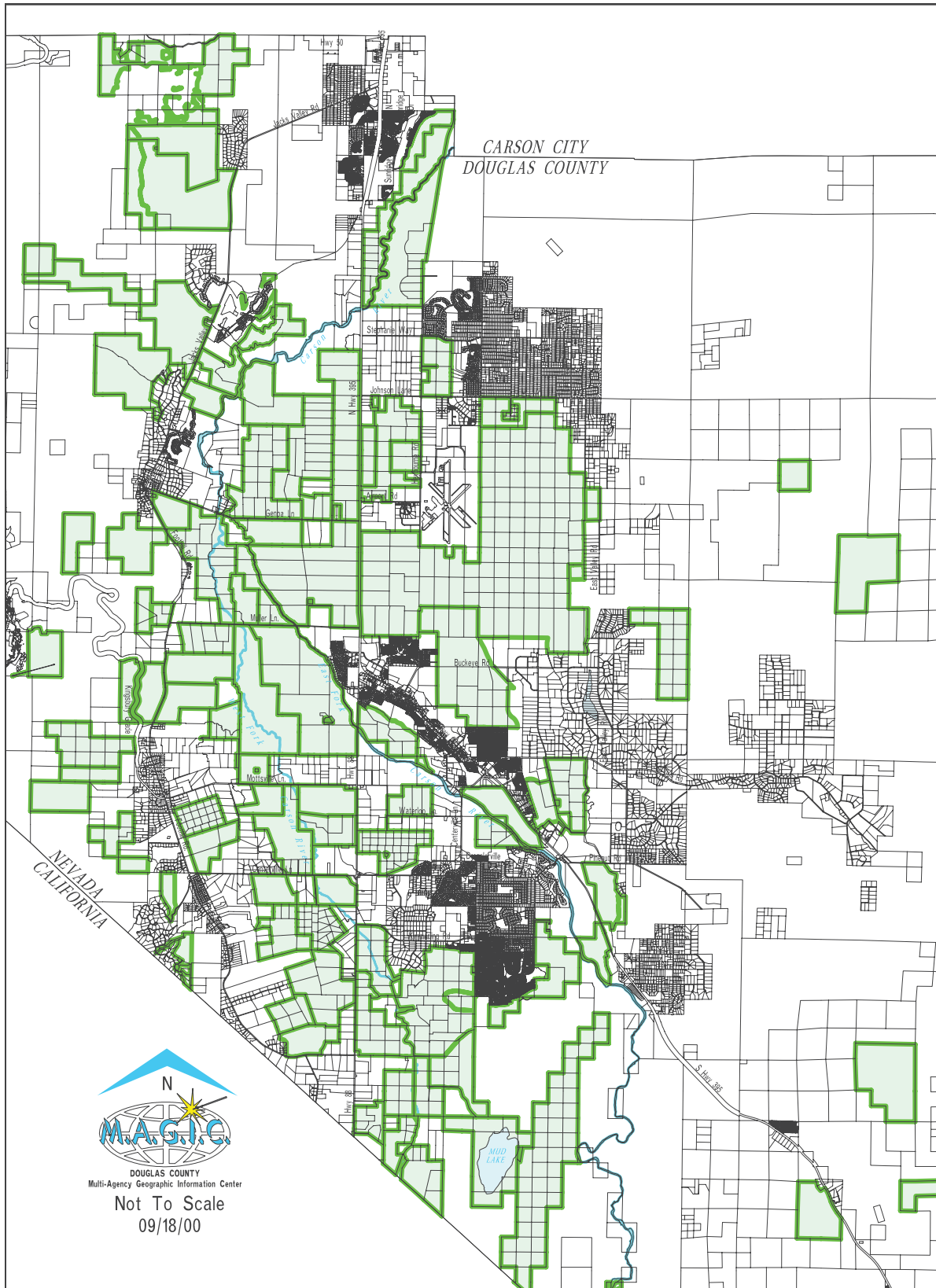
Map F — South County Bikeways, Trails and Community Access / 2007

*Bikeways and trail alignments as adopted in the Douglas County Master Plan, April 18, 1996



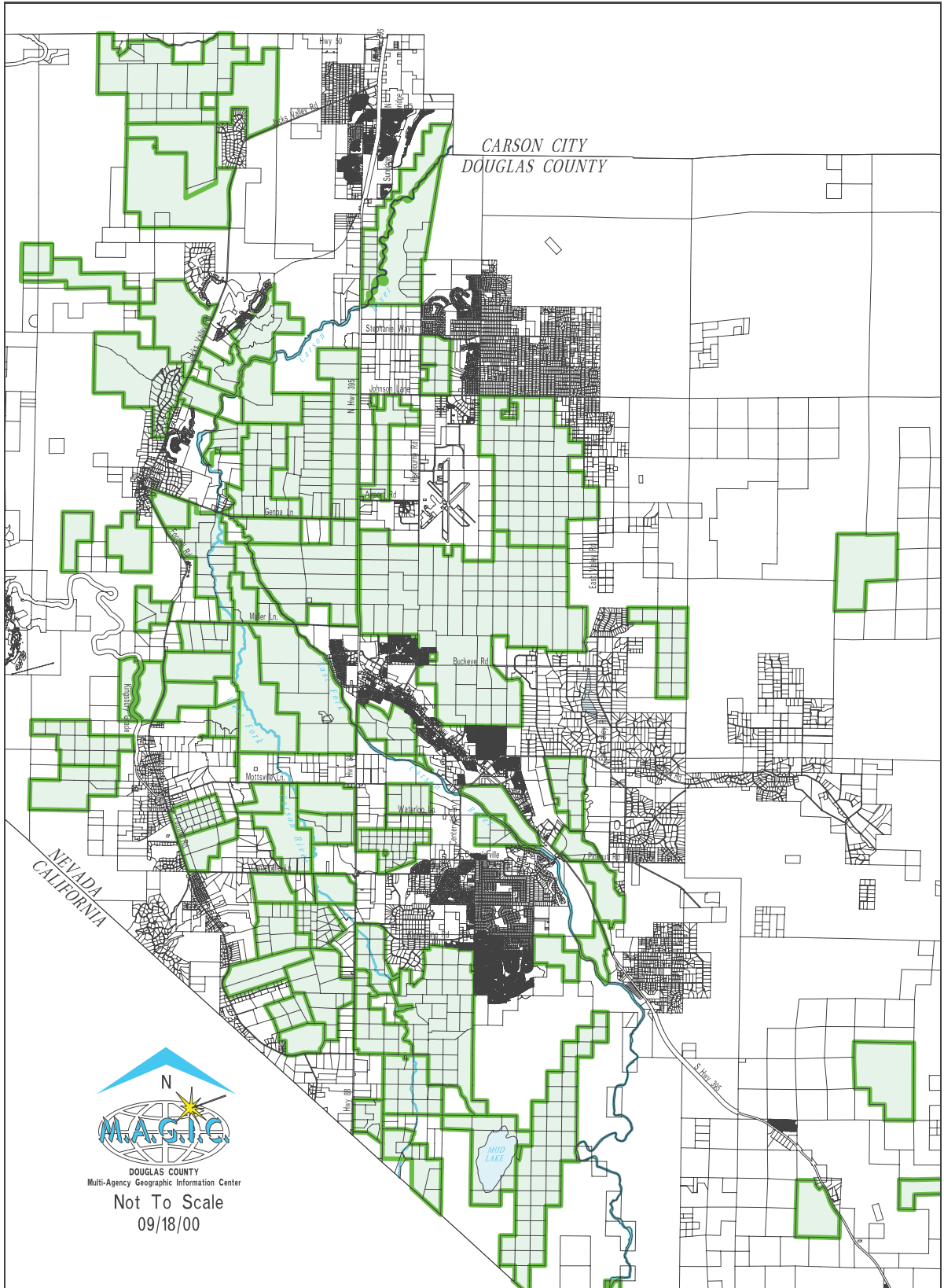
Map G — Carson Valley Large Parcels / 2007

Privately owned parcels or land holdings in excess of 180 acres and zoned A-19 or F-19.



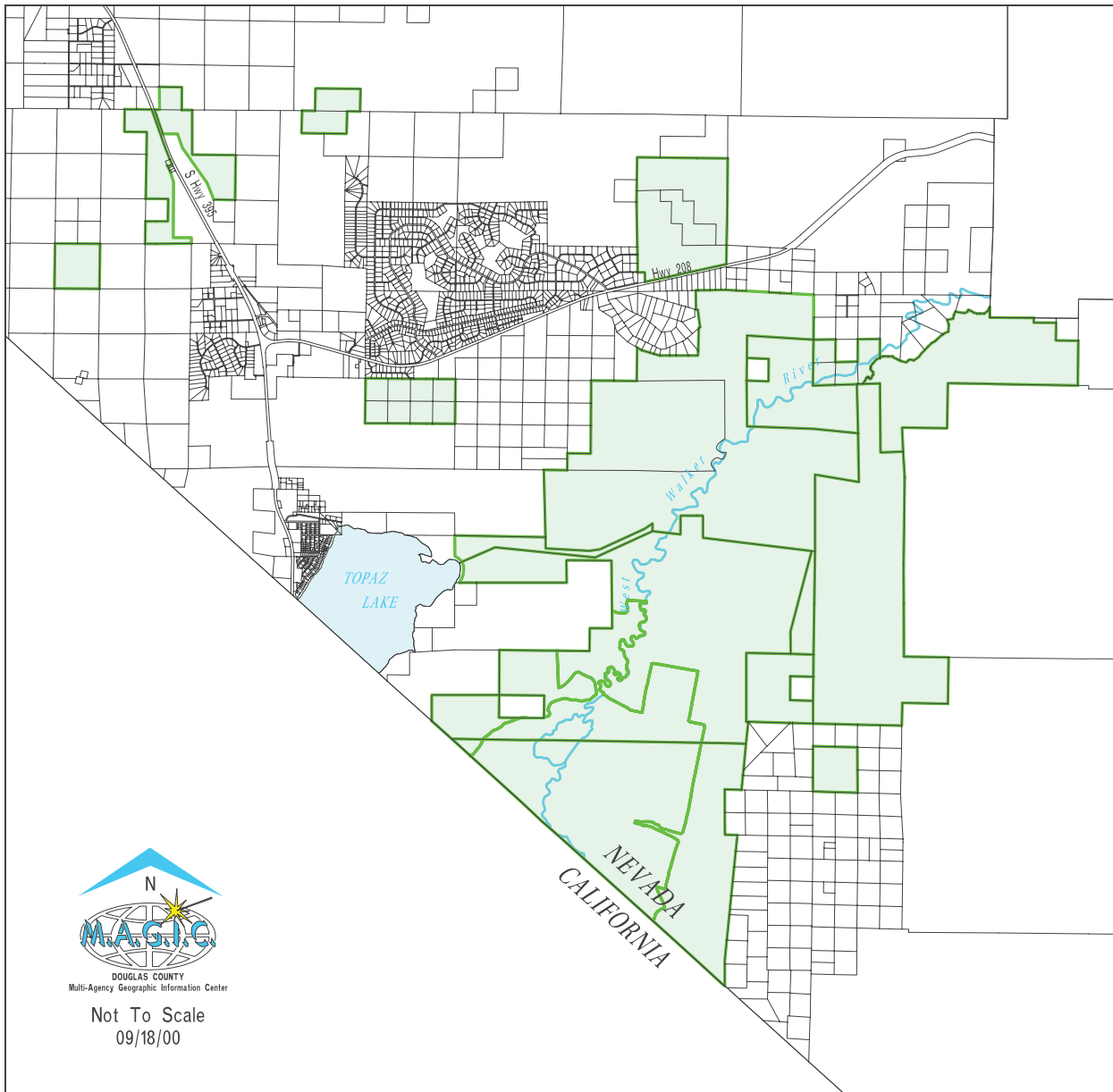
Map G — Carson Valley Large Parcels / 2000

Privately owned parcels or land holdings in excess of 180 acres and zoned A-19 or F-19.



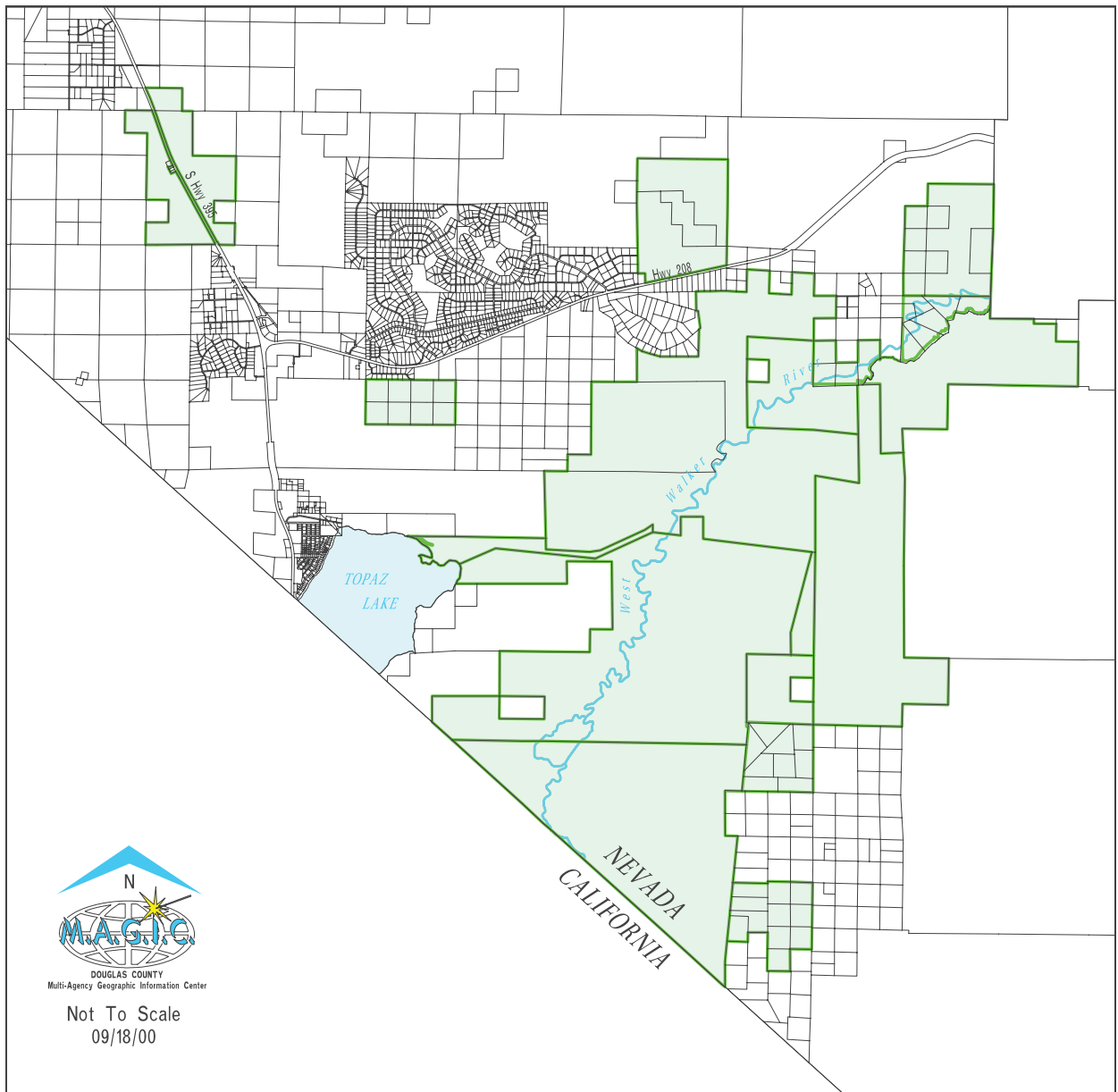
Map G — South County Large Parcels / 2007

Privately owned parcels or land holdings in excess of 180 acres and zoned A-19 or F-19.

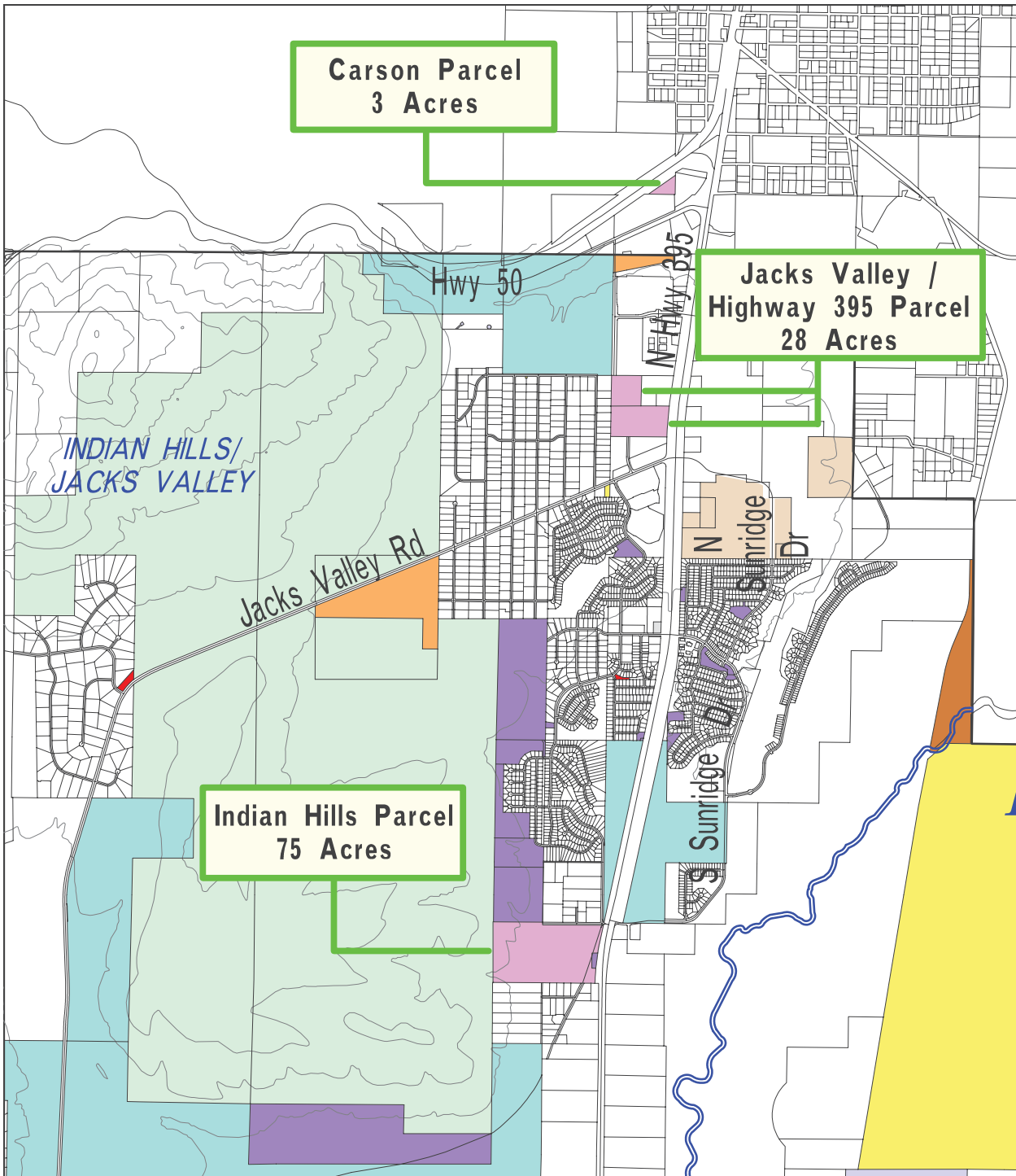


Map G — South County Large Parcels / 2000

Privately owned parcels or land holdings in excess of 180 acres and zoned A-19 or F-19.



Map H — USFS North Douglas County Land Parcel Sale Map



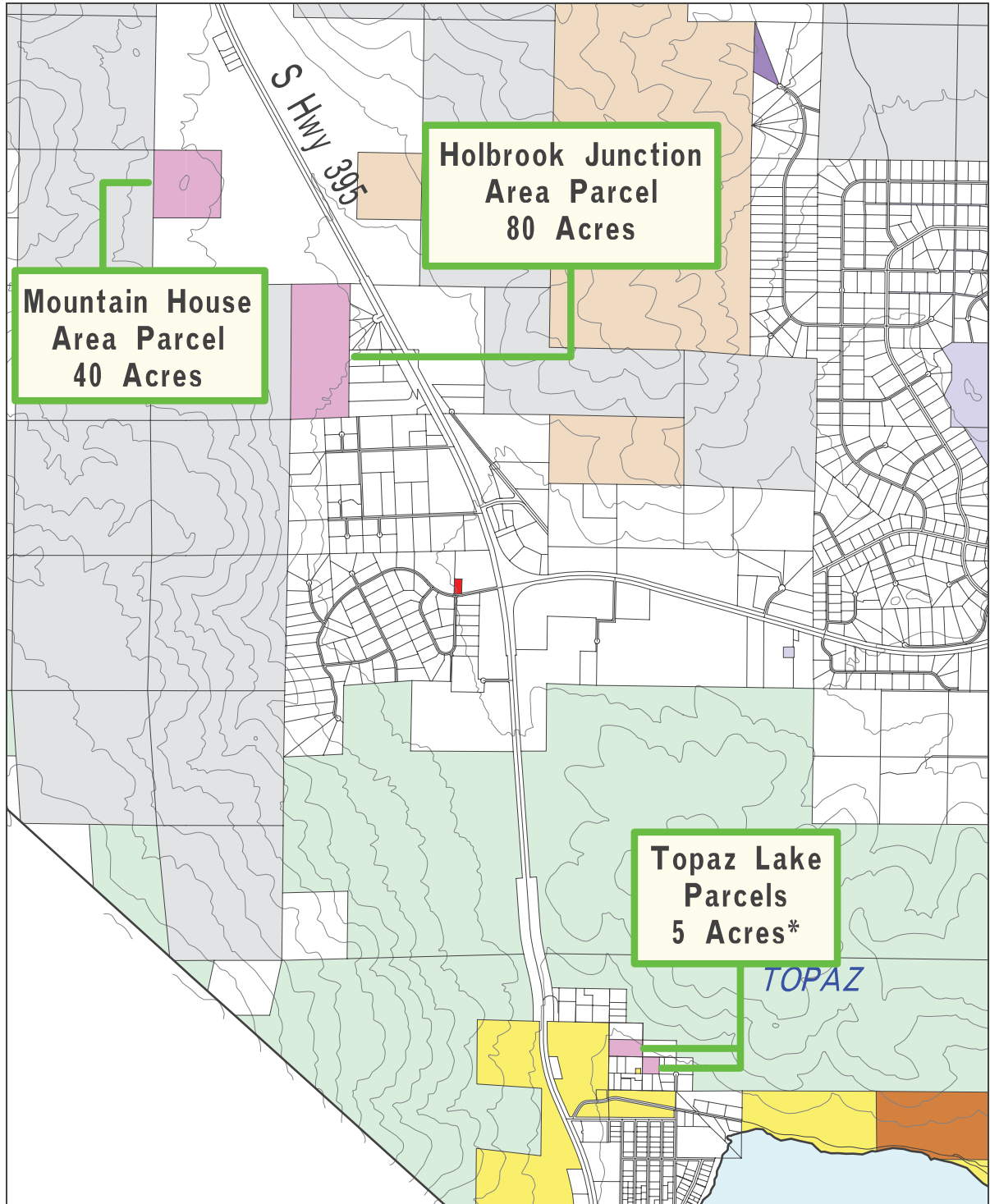
Public Lands Legend

- | | | |
|---------------------------|-----------------|------------------------------|
| Bureau of Land Management | Burton-Santini | Fire Districts |
| Forest Service | State of Nevada | School Districts |
| Other Federal Lands | Douglas County | Utilities (Private & Public) |
| Bureau of Indian Affairs | Municipalities | Private |
| Washoe Tribe Land | | |



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 Map Name: LG2570.T3

Map H — USFS South Douglas County Land Parcel Sale Map



Public Lands Legend

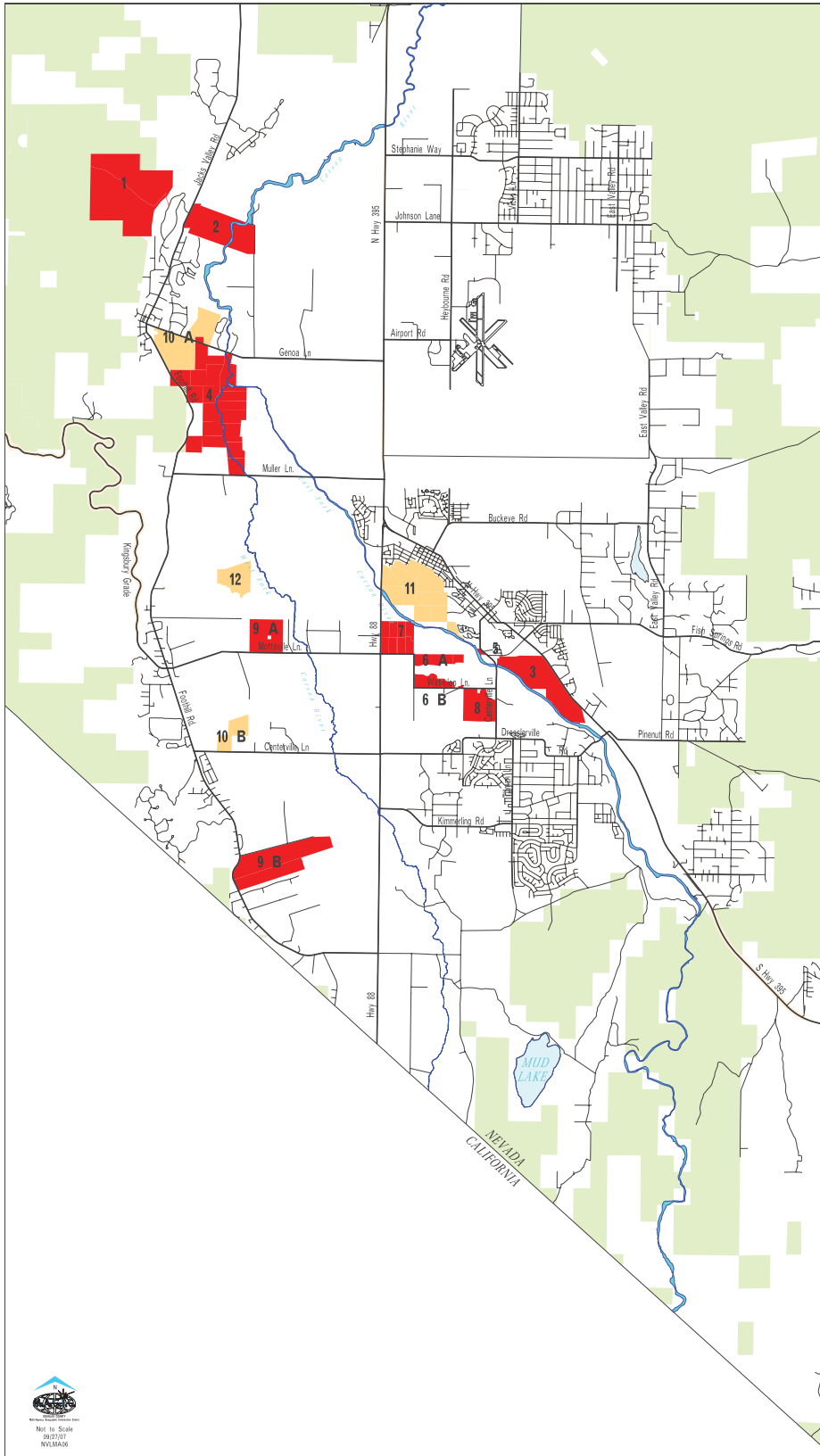
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|---------------------------|-----------------|------------------------------|
| Bureau of Land Management | Burton-Santini | Fire Districts |
| Forest Service | State of Nevada | School Districts |
| Other Federal Lands | Douglas County | Utilities (Private & Public) |
| Bureau of Indian Affairs | Municipalities | Private |
| Washoe Tribe Land | | |



Not to Scale
 Print Date: 09/27/07
 Map Name: LG2570.T3

Map I — Southern Nevada Public Land Management Act 2007

Approved and Proposed Conservation Easements and Acquisitions



LEGEND

Approved	
1. Adams Canyon *	EAGLE RIDGE AT GENOA LLC
Approved Round 6	725.00 Acres
2. Adams **	FLYING J RANCH LLC
ADAMS REVOCABLE TRUST	Approved Round 4
290.00 Acres	
3. Hussman **	HUSSMAN LAND & LIVESTOCK CO
Approved Round 4	308.00 Acres
4. Riverfork **	TIMKEN-STURGIS FOUNDATION ET AL
Approved Round 4	770.00 Acres
5. Bing Property *	DOUGLAS COUNTY
Approved Round 4	3.66 Acres
6 A.B. Henningsen **	HENNINGSEN NEVADA TRUST 1996
FRENSDORFF, DONALD K & CAROLINE	Approved Round 4
~138.00 Acres	
7. Stodleck **	STODIECK BROTHERS LLC
Approved Round 4	153.00 Acres
8. White **	CHURIA HOLSTEIN LMT PARTNERSHIP
Approved Round 4	139.00 Acres
9 A, B. Scossa Bros. **	SCOSSA BROTHERS
Approved Round 4	530.00 Acres
TOTAL	3,056.66 Acres

Proposed	
10 A, B. Ranch No 1 **	RANCH NO 1 LIMITED PARTNERSHIP
Proposed Round 7	371.00 Acres
11. Mack Ranch **	MACK LAND & CATTLE CO
Proposed Round 7	443.27 Acres
12. Knox Johnson Property **	JOHNSON REVOCABLE TRUST
Proposed Round 7	118.55 Acres
TOTAL	932.82 Acres

* USFS Fee Title
 ** BLM Conservation Easement

BLM and Forest Service Lands

Not Included in 2000 OSP





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4/1/08

