

CARSON CITY PLANNING COMMISSION

Minutes of the March 25, 2009 Meeting

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A regular meeting of the Carson City Planning Commission was scheduled for 5:00 p.m. on Wednesday, March 25, 2009 in the Community Center Sierra Room, 851 East William Street, Carson City, Nevada.

PRESENT: Chairperson Mark Kimbrough
Vice Chairperson Craig Mullet
Connie Bisbee
John Peery
Steve Reynolds
William Vance
George Wendell

STAFF: Lee Plemel, Planning Division Director
Jennifer Pruitt, Principal Planner
Joel Benton, Senior Deputy District Attorney
Kathleen King, Recording Secretary

NOTE: A recording of these proceedings, the commission's agenda materials, and any written comments or documentation provided to the recording secretary during the meeting are public record. These materials are available for review in the Clerk-Recorder's Office during regular business hours.

A. CALL TO ORDER, DETERMINATION OF A QUORUM, AND PLEDGE OF ALLEGIANCE (5:02:04) - Chairperson Kimbrough called the meeting to order at 5:02 p.m. Roll was called; a quorum was present. Vice Chairperson Mullet led the pledge of allegiance.

B. COMMISSION ACTION ON APPROVAL OF MINUTES - February 25, 2009 (5:03:03) - Commissioner Vance moved to approve the minutes. Commissioner Peery seconded the motion. Motion carried 7-0.

C. MODIFICATION OF AGENDA - None.

D. PUBLIC COMMENTS (5:03:29) - None.

E. STAFF PUBLIC SERVICE ANNOUNCEMENTS (5:04:04) - Mr. Plemel advised that the Carson City lands bill, also known as the Carson City Community Vitality Act, had passed the U.S. Senate last week and the U.S. House of Representatives earlier today, as part of the Omnibus Bill. Mr. Plemel provided an overview of the federal lands bill, and advised that it is expected to be signed into law in the near future. Commissioner Reynolds requested to review, at a future meeting, the zoning and master plan designations for the lands to be transferred to Carson City.

F. DISCLOSURES (5:06:02) - None.

G. CONSENT AGENDA (5:06:13) - None.

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H. PUBLIC HEARING MATTERS:

H-1. SUP-06-068(a) ACTION TO REVIEW SUP-06-068(a) (PROPERTY OWNER: CARSON CITY CHRISTIAN FELLOWSHIP) IN COMPLIANCE WITH CONDITION OF APPROVAL #32, WHICH STATES THAT THIS SPECIAL USE PERMIT SHALL BE REVIEWED AT THE MARCH 2009 PLANNING COMMISSION MEETING TO ENSURE COMPLIANCE WITH THE SPECIAL USE PERMIT AND THE GROWTH MANAGEMENT ORDINANCE, AS WELL AS A REQUEST FOR A 1,200-SQUARE-FOOT STORAGE BUILDING, ON PROPERTY LOCATED AT 1635 CLEARVIEW DRIVE, APN 010-191-22 (5:07:23) - Chairperson Kimbrough introduced this item. Ms. Pruitt reviewed the staff report, narrated pertinent slides, and noted staff's recommendation of approval. In response to a question, she advised that staff checks all commercial sites for compliance with lighting requirements, and that said compliance checks are done after dark. In response to a comment, she commended Associate Planner Heidi Eskew-Herrmann and the applicant on the comprehensive agenda materials. She responded to questions regarding the proposed setback for the storage building and the Northview Drive roadway surface. In response to a further question, she was unaware of any complaints regarding on-site activity or associated traffic.

(5:16:45) Carson City Christian Fellowship Pastor Patrick Propster acknowledged his agreement with the conditions of approval. In response to a question, he suggested that the City consider providing more than 14 days' notice for removal of non-compliant metal storage containers. Chairperson Kimbrough commended Pastor Propster on development of the property. Pastor Propster provided an overview of development of and plans for the property. He responded to questions with regard to providing electricity to the storage building. In response to a further question, he advised that Northview Drive has an asphalt surface. He further advised of an "open line of communication" between church representatives and Parks and Recreation Department staff with regard to a proposed pathway easement.

Chairperson Kimbrough opened this item to public comment and, when none was forthcoming, entertained additional discussion or a motion. **Commissioner Bisbee moved to approve the review of SUP-06-068(a), a special use permit application from R.O. Anderson Engineering, owner Carson City Christian Fellowship, based on satisfaction of the conditions of approval contained in the staff report; and to approve a 1200-square-foot storage building to be located on the church site subject to twelve conditions of approval. Commissioner Peery seconded the motion. Motion carried 7-0.**

H-2. MISC-09-014 ACTION TO ACCEPT AND RECOMMEND TO THE BOARD OF SUPERVISORS ACCEPTANCE OF THE RECOMMENDATIONS OF THE SILVER SADDLE RANCH AND CARSON RIVER CHARRETTE SUMMARY, CREATING A COMMUNITY VISION, REGARDING THE PLANNING VISION FOR PUBLIC RECREATION AND OPEN SPACE OPPORTUNITIES IN THE SILVER SADDLE RANCH, PRISON HILL AREA, AND ALONG THE CARSON RIVER (5:22:29) - Chairperson Kimbrough introduced this item. Mr. Plemel reviewed the staff report, and introduced Open Space / Property Manager Juan Guzman. Mr. Guzman introduced Friends of Silver Saddle Ranch ("FOSSR") President Nancy Santos and, in conjunction with displayed maps, reviewed the charrette summary included in the agenda materials.

(5:42:16) Ms. Santos provided an overview of the public workshops which were held prior to the scheduled charrette, noting the "tremendous" community support and participation. Chairperson Kimbrough commended Ms. Santos on her volunteer leadership of FOSSR. Ms. Santos expressed appreciation for the

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National Park Service grant funding which was important in facilitating the workshops, charrette, and summary prepared by Anne Dove.

In conjunction with the displayed maps, Mr. Guzman pointed out areas of the bypass which will affect BLM property. Mr. Guzman and Ms. Santos responded to further questions regarding the term "upland perimeter" and existing trails. Commissioner Vance commended the report prepared by Anne Dove. Mr. Guzman and Ms. Santos responded to additional questions regarding the maps included in the charrette summary. Commissioner Reynolds commended the time and effort invested in the entire process, and noted the relative underutilization of the subject area. In response to a question regarding an area formerly proposed for low income housing development, Mr. Plemel advised that it had been re-designated in the federal lands bill for conservation. In response to a further question, Mr. Guzman discussed the route of the bicycle path adjacent to the freeway bypass at Fifth Street. He further discussed the conservation easement associated with the Bureau of Lands Management properties along the River corridor which are to be transferred to the City through the federal lands bill. Chairperson Kimbrough commended the efficiency of the workshops and charrette process, and the smooth collaboration between the City, the FOSSR, and the Bureau of Land Management. He expressed appreciation for the opportunity to have participated as each person's viewpoint was valued. Mr. Guzman noted the importance of the process in convincing the federal delegation of Carson City's ability to manage the lands. He further noted that the concepts expressed in the federal lands bill echo the results of the workshop and charrette process.

Chairperson Kimbrough opened this item to public comment and, when none was forthcoming, entertained a motion. **Commissioner Peery moved to accept and recommend to the Board of Supervisors acceptance of the recommendations of the "Silver Saddle Ranch and Carson River Charrette Summary, Creating a Community Vision," regarding the planning vision for public recreation and open space opportunities on the Silver Saddle Ranch, Prison Hill recreation area, and along the Carson River. Commissioner Wendell seconded the motion. Motion carried 7-0.**

H-3. ZCA-09-012 ACTION TO MAKE A RECOMMENDATION TO THE BOARD OF SUPERVISORS ON A ZONING CODE AMENDMENT, AN ORDINANCE AMENDING THE CARSON CITY MUNICIPAL CODE, TITLE 18, ZONING, CHAPTER 18.16, DEVELOPMENT STANDARDS, DIVISION 4, SIGNS, SECTION 4.4.7, ADMINISTRATION, EXCEPTIONS, TO MODIFY THE REGULATIONS RELATING TO POLITICAL SIGNS, AND OTHER MATTERS PROPERLY RELATED THERETO (6:02:26) - Chairperson Kimbrough introduced this item. Mr. Plemel advised that the agenda materials had been prepared in consultation with Mr. Benton. Mr. Plemel reviewed the staff report, noting the correspondence included in the agenda materials. He discussed one telephone call from a citizen who expressed concern over safety issues associated with sign placement.

In response to a question, Mr. Benton explained that governments are allowed to reasonably restrict time, place, and manner of free speech. This would include signage size, placement, and method of placement. Concerns would be associated with attempting to impose regulations based on sign content. After thorough research, Mr. Benton advised of not having found a single case of a municipality prevailing in a legal matter after having imposed a time limit on signage placement. He explained the recommended ordinance amendment to preempt any challenges.

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Vice Chairperson Mullet expressed concern over “abusing other people’s rights as far as clutter ...” In response to a question, Mr. Benton advised of no state statute providing for a time limit on signage placement. NDOT regulates placement of signage in their rights-of-way. Mr. Benton further explained that the issue of free speech tends to “trump” issues of neighborhood clutter “to some extent.” “In this particular case, we’ve picked a particular type of sign, based on its content, and singled that sign out for regulation. That’s where the concern is ...” In response to a further question, he advised that the current code language is pertinent to signs on private property. In response to a comment, Mr. Benton reiterated that the intent of the proposed amendment is preemptive. Mr. Plemel acknowledged that political signs are prohibited from being posted on public property, with the exception of NDOT right-of-way for which an application can be submitted to NDOT. He was unaware of any permitted sign posted in NDOT rights-of-way during the last presidential election. He advised that the City’s Code Enforcement Division was busy, during the last election season, “getting people to move signs out of the [City’s] right-of-way and back onto private property.” Discussion followed and, in response to a comment, Mr. Benton noted a distinction between regulating commercial speech and political or non-commercial speech.

Chairperson Kimbrough noted there no citizens present for public comment, and entertained a motion. **Based on the findings of fact and conclusions of law, Commissioner Wendell moved to recommend to the Board of Supervisors the approval of ZCA-09-012, a zoning code amendment amending the Carson City Municipal Code, Title 18, Appendix, Development Standards, Division 4, Signs, Section 4.4, Administration, to eliminate time limits for political signs, based on the findings contained in the staff report.** Chairperson Kimbrough expressed confusion over the verbiage of the motion as “outside the business of the board.” Commissioner Wendell explained his intent to include the findings of fact and conclusions of law, identified by Mr. Benton as part of the agenda report, in support of his motion. Discussion ensued, and motion died for lack of a second. Chairperson Kimbrough entertained a motion. **Commissioner Vance moved to recommend to the Board of Supervisors the approval of ZCA-09-012, a zoning code amendment amending the Carson City Municipal Code, Title 18, Appendix, Development Standards, Division 4, Signs, Section 4.4, Administration, to eliminate time limits for political signs based on the findings contained in the staff report. Commissioner Wendell seconded the motion. Motion carried 7-0.**

H-4. MISC-09-016 ACTION TO TAKE PUBLIC COMMENTS REGARDING THE COMMUNITY DEVELOPMENT BLOCK GRANT (“CDBG”) FIVE-YEAR CONSOLIDATED PLAN AND THE 2009 / 2010 ANNUAL ACTION PLAN (6:24:00) - Chairperson Kimbrough introduced this item. Mr. Plemel reviewed the staff report in conjunction with a PowerPoint presentation of the CDBG Annual Action Plan and Five-Year Consolidated Plan.

Commissioner Reynolds commented on the cost associated with ADA improvements, and discussion ensued. In response to a comment, Mr. Plemel reviewed the funding criteria for public services projects. Discussion took place regarding the funding criteria pertinent to public improvement projects. Chairperson Kimbrough noted there were no citizens present for public comment. Consensus of the commission was that no action was necessary.

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I. STAFF REPORTS

I-1. COMMISSIONER REPORTS / COMMENTS (6:42:00) - In response to a question, Mr. Plemel explained that the BLM hot shots facility had been agendized as part of a public information meeting in order for the BLM to begin their environmental assessment. In response to a further question, he advised that the matter had been discussed by a citizen under public comment at a recent Board of Supervisors meeting.

I-2. DIRECTOR'S REPORT TO THE PLANNING COMMISSION (6:43:26) - Mr. Plemel provided an overview of the director's report, copies of which had been included in the commissioners' agenda materials.

I-3. FUTURE AGENDA ITEMS (6:44:59) - Chairperson Kimbrough and Mr. Plemel reviewed the tentative April commission agenda.

J. ACTION ON ADJOURNMENT (6:45:21) - Commissioner Peery moved to adjourn the meeting at 6:45 p.m. Vice Chairperson Mullet seconded the motion. Motion carried 7-0.

The Minutes of the March 25, 2009 Carson City Planning Commission meeting are so approved this _____ day of April, 2009.

MARK KIMBROUGH, Chair