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A regular meeting of the Carson City Planning Commission was scheduled for 3:30 p.m. on Wednesday, April 27, 2005 in the Community Center Sierra Room, 851 East William Street, Carson City, Nevada.

PRESENT: Chairperson John Peery
Vice Chairperson Mark Kimbrough
Steve Reynolds
Roger Sedway
Roy Semmens
William Vance

STAFF: Walter Sullivan, Planning and Community Development Director
Lee Plemel, Principal Planner
Jennifer Pruitt, Senior Planner
Sean Foley, Associate Planner
Robb Fellows, Senior Project Manager
Mary-Margaret Madden, Deputy District Attorney
Kathleen King, Recording Secretary

NOTE: A tape recording of these proceedings is on file in the Clerk-Recorder's Office, and is available for review during regular business hours.

A. ROLL CALL, DETERMINATION OF QUORUM, AND PLEDGE OF ALLEGIANCE (1-0007) - Chairperson Peery called the meeting to order at 3:30 p.m. Roll was called; a quorum was present. Commissioner Sedway led the pledge of allegiance. Commissioner Reynolds arrived at 3:45 p.m. Commissioner Mullet was absent.

B. COMMISSION ACTION - APPROVAL OF MINUTES - October 27, 2004 Planning Commission, October 27, 2004 Growth Management Commission, September 29, 2004 Planning Commission, September 29, 2004 Growth Management Commission (1-0017) - Commissioner Semmens moved to approve the September 29, 2004 meeting minutes and the October 27, 2004 meeting minutes, together with their corresponding Growth Management Commission minutes. Commissioner Vance seconded the motion. Motion carried 5-0.

C. PUBLIC COMMENT (1-0033) - None.

D. MODIFICATIONS TO THE AGENDA (1-0038) - None.

E. DISCLOSURES (1-0040) - Chairperson Peery advised he would be recusing himself from discussion and action of Item G-7.

F. CONSENT AGENDA

F-1. U-79-25 ACTION REGARDING A TWO-YEAR REVIEW OF A PREVIOUSLY APPROVED SPECIAL USE PERMIT FROM T.E. BERTAGNOLLI & ASSOCIATES TO ALLOW OPERATION OF A CONCRETE BATCH PLANT, ON PROPERTY ZONED CONSERVATION RESERVE (CR), LOCATED AT AND NEAR 7400 BRUNSWICK CANYON ROAD, APNs 008-531-44 AND 008-531-45 (1-0047) - Chairperson Peery introduced this item, and Ms. Pruitt reviewed the staff report. She acknowledged that the special use permit will be reviewed biannually into the future.

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Chairperson Peery called for public comment; however, none was provided. **Commissioner Semmens moved to approve the review of U-79-25, a previously approved Special Use Permit application to allow an extraction operation and concrete and asphalt batch plant on property zoned Conservation Reserve (CR), located on the east side of Deer Run Road at Brunswick Canyon, APNs 008-531-44 and -45, based on compliance with the required conditions of approval. Commissioner Vance seconded the motion. Motion carried 5-0.**

G. PUBLIC HEARING:

G-1. SUP-05-036 ACTION REGARDING A SPECIAL USE PERMIT APPLICATION FROM ROBERT W. PICCOLO, TO ALLOW CONSTRUCTION OF AN ACCESSORY STRUCTURE THAT IS GREATER THAN 75% OF THE SQUARE FOOTAGE OF THE PRIMARY RESIDENCE, ON PROPERTY ZONED SINGLE FAMILY 1 ACRE (SF1A), LOCATED AT 1671 PINION HILLS DRIVE, APN 010-096-11 (1-0108) - Chairperson Peery introduced this item, and Mr. Sullivan reviewed the staff report. He noted the seven letters of support included in the agenda materials, and provided an overview of the letter, distributed to the Commissioners and staff prior to the start of the meeting, in opposition to the application. [Commissioner Reynolds arrived at 3:45 p.m.] Mr. Sullivan referred to the conditions of approval recommended by the Engineering and Fire Departments, and advised of staff's recommended approval of the application subject to the conditions of approval contained in the staff report.

Mr. Piccolo acknowledged having reviewed the staff report, and his agreement with the same. He discussed the purpose of the accessory structure to store an RV and to serve as a guest house, and long-range plans to either add on to or demolish the existing residence. He advised that the accessory structure will not serve as a warehouse. He acknowledged the structure will not be used for his business or for any commercial purpose. Chairperson Peery called for public comment; however, none was provided. Mr. Sullivan responded to questions regarding the special use permit criteria. **Commissioner Semmens moved to approve SUP-05-036, a special use permit request to allow the construction of a detached accessory structure, resulting in the cumulative square footage of accessory structures which exceeds 75% of the existing primary structure and that exceeds 5% of the parcel size, on property zoned Single Family 1 Acre, located at 1671 Pinion Hills Road, APN 010-096-11, based on seven findings and subject to the conditions of approval contained in the staff report. Vice Chairperson Kimbrough seconded the motion. Motion carried 6-0.**

G-2. SUP-05-030 ACTION TO RECONSIDER CONDITIONS OF APPROVAL FOR A SPECIAL USE PERMIT APPLICATION FROM CLAY JORGENSEN (PROPERTY OWNER: IN & OUT LAND COMPANY) TO ALLOW PLACEMENT OF A METAL STORAGE CONTAINER, ON PROPERTY ZONED RETAIL COMMERCIAL (RC), LOCATED AT 3170 SOUTH CARSON STREET, APN 009-111-05 (1-0205) - Chairperson Peery introduced this item, and Mr. Sullivan reviewed the staff report. He provided background information on this item, and clarified that there is no requirement for the applicant to obtain a building permit. With regard to condition 11, Mr. Sullivan advised of a compromise in that Mr. Jorgensen will construct a six-foot fence to completely surround the storage container, with slats inserted into the fence, and the fence, slats, and storage container will be painted to match the exterior of the building. Mr. Sullivan advised that the proposed solution will blend more completely than the previous proposal, and that it meets with Mr. Jorgensen's approval. He further advised of having visited the site and noted the garbage dumpster which creates a sight distance issue and will have to be moved. He narrated slides of the subject building and metal storage container.

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Mr. Jorgensen acknowledged having reviewed the staff report, and his agreement with the same. He advised that the garbage dumpster will be enclosed inside the fence. In response to a question, he expressed the opinion that the proposed solution is a good one. Chairperson Peery called for public comment; however, none was provided. **Commissioner Semmens moved to reconsider the conditions of approval for Special Use Permit SUP-05-030, received from Clay Jorgensen, to allow the placement of a metal storage container on property zoned Retail Commercial (RC), located at 3170 South Carson Street, APN 009-111-05, and hereby delete condition number six and modify condition number 11 to read that the storage container will be painted the same color as the exterior west wall, and the fence and privacy slats will also be painted the same color as the exterior wall and, at the discretion of the Planning Division, staff will make the determination whether the west wall will need to also be painted as well, and that the special use permit is subject to all the remaining conditions of approval again based on the original findings of the staff report. Commissioner Vance seconded the motion. Motion carried 6-0.**

G-3. U-90/91-41 ACTION REGARDING REVIEW OF A PREVIOUSLY APPROVED SPECIAL USE PERMIT FROM THE CARSON CITY PARKS AND RECREATION DEPARTMENT (PROPERTY OWNER: CARSON CITY) TO ALLOW GO-CARTS, MOTORCYCLE AND ALL TERRAIN VEHICLE RACING, ET CETERA, ON PROPERTY ZONED PUBLIC RESERVE (PR), LOCATED AT 601 OLD CLEAR CREEK ROAD, APN 009-303-03 (1-0305) - Chairperson Peery introduced this item, and Mr. Sullivan reviewed the staff report. In response to a question, Mr. Sullivan advised that all uses in the Public zone require a special use permit. The most significant difference between the Fuji Park Fairgrounds and Champion Speedway is that Champion Speedway is a legal, nonconforming use. Mr. Sullivan provided historic information on the zoning changes affecting Champion Speedway over the years. He explained that a special use permit is required any time a non-confirming use is expanded. In response to a question, Mr. Sullivan advised that the mobile home operation to the south of Bodine's will be eliminated after July 2005. In response to a further question, Mr. Sullivan explained that the special use permit applied for in June 1991 covered go-cart racing "et cetera." Quad racing, motorcycle racing, and similar uses have taken place at the Fuji Park Fairgrounds since 1991. Mr. Sullivan reiterated that the Parks and Recreation Department may want to update the special use permit due to the new development which has taken place.

Parks and Recreation Department Director Roger Moellendorf distributed, to the Commissioners, information indicating the types of events which have taken place at the Fairgrounds arena over the past several years. He advised that a motorcycle stunt event was held at the Fairgrounds arena in 2004. He acknowledged his agreement with the staff report. In response to a question, Mr. Moellendorf advised there is no Parks and Recreation Department policy requiring periodic review of special use permits. He expressed agreement with Mr. Sullivan's suggestion to review the special use permit to ensure the allowed uses are still valid. He acknowledged that this would be done in a public meeting through the Parks and Recreation Commission. In response to a question, he advised of no plans to purchase the property to the south of Bodine's. In response to a further question, he reviewed the Parks and Recreation Department process for scheduling special events at the Fairgrounds Rodeo Arena. He discussed specific details regarding the motorcycle racing events to be scheduled at the Fairgrounds. In response to a question, he advised there no regulations regarding engine size. He further advised that the event coordinator assured staff the nature of the event would be geared toward youth and families. Parks and Recreation Department staff established a restriction of four-stroke engines rather than two-stroke. Mr. Moellendorf agreed to the appropriateness of updating the special use permit, and to work with Planning and Community Development Department staff to do so. Chairperson Peery called for public comment.

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(1-0578) Les Kynett advised of having been in the auto racing business in Carson City since 1982. He advised of reading in the newspaper an article indicating a new race track had come to town, called "Carson City Raceway at Fuji Park." He further advised of having contacted Mr. Sullivan and Mr. Moellendorf with regard to the same. He provided historic information on motorcycle racing at Champion Speedway, and the associated special use permit process. He advised that motorcycle racing has never before taken place at the Fuji Park Fairgrounds. He stated that motorcycle racing is "the most obnoxious, noise causing form of auto racing." He advised that the motorcycle event which took place at the Fairgrounds in 2004 was "not anywhere near this type of racing. It was an exhibition of extreme games." He expressed the opinion that there was no precedent for motorcycle racing at the Fairgrounds, "especially in the horse arena." He advised of a "one-time event" which took place in 1999 or 2000 in the Fairgrounds arena for quad racing. He further advised that Mr. Sullivan had assured him the event promoters would have to prove this type of speedway racing had taken place at the Fairgrounds in the horse arena. He felt assured that the matter "would resolve itself either with a special use permit hearing or it would die entirely." He advised that another article appeared in the newspaper approximately two weeks later indicating that the event would begin in April and finish in October. He held a conference call with Mr. Sullivan and Mr. Moellendorf, wherein it was decided that the word "et cetera" included in the 1991 Planning Commission approval provided the "open door to allow virtually anything that you want to happen." He expressed disbelief that the 1991 Planning Commission did not consider all of the possibilities which could take place at the Fuji Park Fairgrounds. He expressed the opinion that the word "et cetera" should mean that if there is something not specifically mentioned, like motorcycle racing or the Burning Man Festival, that it should go to the Planning Commission or, at least, to the Parks and Recreation Commission for further consideration."

Mr. Kynett advised of owning a business directly across from the Fairgrounds, and described the noise level he experienced on the first night of the event. He discussed future plans for his property to allow development of a hotel, and expressed concern with regard to impact to his property's value of allowing racing activities at the Fuji Park Fairgrounds. He advised that, as the owner of Champion Speedway, he leases out approximately 14 acres of property to a motocross promoter and organizer, who pays \$20,000 per year for the privilege of racing motorcycles in a special use permitted zone. He expressed concern that the Parks and Recreation Department "has virtually given away an entire stadium ... and allowed these individuals to come into Carson City and create a brand new business that's directly in competition ... without having to pay any of the expensive costs of property taxes, insurance, light bills, lease amounts, equipment rental, etc." He stated that "all of these things compounded create a very, very unlevel playing field for our business and a financial impact on my business on Clear Creek Road."

Mr. Kynett acknowledged his understanding of Mr. Sullivan's explanation of the difference between a non-conforming use and a conforming use. Vice Chairperson Kimbrough expressed the hope that, knowing the Parks and Recreation Department will revisit this issue, Mr. Kynett's objective would not be to shut this program down for the rest of the year, and that providing the public another opportunity to be involved would be acceptable. In response to a question, Mr. Kynett indicated there was nothing to be done about the event. He appealed to the Commission, as an adjoining property owner and owner of a competing business, as to the impact created by a decision which was made that should have first been submitted to this Commission. He expressed concern "that it's already happened." He expressed the hope that these types of activities will, in the future, be submitted to a special use permit hearing.

Commissioner Vance expressed the opinion that Mr. Kynett's interpretation of the word "et cetera" is more broad than staff's. He expressed the further opinion that go-cart racing and motorcycle racing are similar uses. He expressed doubt that the Parks and Recreation Department would allow a burning man festival.

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Mr. Kynett expressed the opinion that the racing events would not have been allowed “if Costco had been a hospital.” In response to a question, Mr. Kynett advised that Champion Speedway has had motorcycle racing since 1969. He provided background information on the special use permit process. Chairperson Peery called for public comment.

(1-0822) Gene Lepire, owner of the Comstock RV Park, provided background information on his interaction with Mr. Moellendorf and expressed the opinion that the matter should be submitted to a public hearing. He advised that the previous go-cart operation was located behind Fuji Park, not in the rodeo arena. He further advised of never having been given the opportunity to provide input with regard to scheduling the racing events and that, although the event coordinator was directed to contact him, he did not prior to the Parks Department approving the events. He suggested revoking the permit and bringing the matter to a public hearing. He advised that there have never been motorcycle races at Fuji Park.

(1-0895) Donna DePauw agreed that motorcycle racing is a noisy sport, but expressed the opinion that it is “one of the best forms of recreation.” She advised of many children, who are not involved in traditional sports, who race motorcycles. She discussed the importance of allowing staff to make decisions without bringing every event before an advisory committee or commission. In response to a question, she did not recall any instance where motorcycle racing was requested and denied at the Fuji Park Fairgrounds. She advised that scheduling events have generally been left to the discretion of Parks and Recreation staff.

(1-0956) Mr. Lepire advised of no problem with one event, but with a scheduled season of events. He reiterated the suggestion to require the races to be concluded by 9:00 p.m.

In response to a question, Mr. Sullivan expressed the opinion that the special use permit should be reviewed, but that it allows for the racing events. In response to a question, Mr. Moellendorf advised that the hours of operation for the racing events were scheduled from 4:00 p.m. to 10:00 p.m. He acknowledged the possibility of negotiating the hours, and his willingness to discuss the same with the concerned neighbors. In response to a further question, he advised of no instance where motorcycle racing had been denied at the Fairgrounds arena. Discussion took place with regard to the appropriate action. Commissioner Sedway agreed with Mr. Lepire that the racing events should be concluded by 9:00 p.m. In response to a question, Mr. Moellendorf agreed to speak with the event coordinator regarding concluding the events by 9:00 p.m. He stipulated the same. **Vice Chairperson Kimbrough moved to approve U-90 / 91-41 to permit events, which are described in the Fairgrounds Master Plan, on property zoned Public (P), located at 601 Clear Creek Road, APNs 9-303-02, 03, 04, and 9-302-05, with stipulation that the contract would be renegotiated for a 9:00 p.m. close. Commissioner Sedway seconded the motion. Motion carried 6-0.**

G-4. MPA-05-062 DISCUSSION ONLY REGARDING THE BROWN STREET SPECIFIC PLAN AREA TO PROVIDE POLICIES, STANDARDS, AND POTENTIAL MASTER PLAN LAND USE CHANGES FOR DEVELOPMENT OF THE AREA IN THE GENERAL VICINITY WEST OF GRAVES LANE, INCLUDING PORTIONS OF BROWN STREET AND NORTH EDMONDS DRIVE BETWEEN GORDON STREET AND REEVES STREET (1-1088) - Chairperson Peery introduced this item, and Mr. Plemel reviewed the staff report. He referred to materials distributed to the Commissioners and staff prior to the start of the meeting, and advised of a proposed Senate Bill which would direct the Planning Commission to consider the impacts of mixed use development, transit oriented developments, and various “smart growth” issues as part of the master plan.

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In response to a question, Mr. Plemel pointed out the area under consideration on a displayed parcel map, and advised that all the properties currently zoned Mobile Home 12,000 (MH12,000) were included. In response to a question, he advised that existing uses would be able to continue. Only upon redevelopment of a property would conformance with the new standards be required, including installation of infrastructure, curb, gutter, and sidewalk. In response to a further question, Mr. Plemel explained that mixed use development was not the initial direction. In response to applications received, Planning and Community Development Department staff began considering the area as a whole. Mr. Plemel advised of the potential for a pilot area of mixed use development through the specific planning process. Depending upon the direction received at this meeting, Mr. Plemel expressed the hope to continue to work with the applicants. In response to a question, he estimated a couple dozen property owners within the proposed special plan area. He acknowledged this was the first opportunity to receive public input. Chairperson Peery called for public comment.

(1-1272) Rose Stieha, a mobile home court owner, inquired as to whether her property could continue to be used as a mobile home court if sold. Mr. Plemel explained that if the mobile home court became a nonconforming use, ownership of it could be transferred with continued use. Ms. Stieha inquired as to limits which may accompany the specific plan area. Mr. Plemel explained that only new development would be required to conform with the policies of the specific plan area. Ms. Stieha inquired as to why the proposed boundary was located directly behind her property. Mr. Plemel pointed out a current zoning boundary on a displayed map, and explained that all the MH12,000 properties were included up to the multi-family zoning boundary. If the zoning changes to multi family, there would no longer be a zoning boundary; Ms. Stieha's property zone would be the same as the property to the south.

(1-1311) Doug Hone, representing some of the subject property, expressed the opinion that Carson City is not yet built out. He suggested considering density bonuses to provide private property owners a chance to make a profit from their properties as they transition to more urban uses. He noted that Carson City, as the state capital, is a transportation hub. Interstate 580 will be joined from Interstate 80 to Highway 50 very shortly, and the Dayton corridor is developing at a rapid rate. Mr. Hone suggested that Carson City will need to take into consideration stage two of AIG Baker's project on the "top of the hill." He further suggested that Carson City will need to realize that it is destined to enjoy being the hub of a transportation element which is under construction and that, while the neighbors to the south or to the east may do more shopping locally, the residents of Carson City have the chance to capitalize on other uses, such as apartments, condominiums, mixed use commercial, which will be driven by more on-site use than in the past. He expressed the opinion there are a good number of people who would prefer to stay and work within Carson City instead of commuting. He suggested the opportunity to consider the marketplace and sophistication of land use, and "do something nice and, at the same time, not degrade what Carson City really is." He expressed appreciation for Carson City's history, and suggested designing to that. In response to a question regarding profit incentives, Mr. Hone discussed density bonuses, combining multiple lots into one lot to create larger projects. Density bonuses would add value to a property owner's investment or estate and provide an opportunity to participate in a larger land use.

Chairperson Peery advised that one of the Board of Supervisors' goals is more affordable housing. Mr. Hone suggested people may be able to pay more for housing "if they weren't putting it in a gas pump." Vice Chairperson Kimbrough advised that density provides for more open space, which is a gain for the community. In response to a comment regarding the handouts distributed, Mr. Hone discussed a mixed-use project being constructed by his company at Ontario International Airport. He suggested considering the infrastructure investment in Carson City and the cost-benefit approach, that certain areas can be wisely used and made to look very nice with landscape, etc. This would create a situation where the tax on that kind

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of property would be a benefit to the City rather than a detriment. Mr. Hone noted that there are places in town where it costs more to service a piece of property than what the City is getting from taxes.

(1-1465) Dwight Millard, representing Millard Realty and Construction and Stanton Park Development, suggested that the Commission will struggle with this kind of project for the next few years. He referred to Mr. Hone's comments regarding the benefits of density increases. He suggested being aware of what can be done beyond the current type of zoning restrictions. He expressed an interest in implementing projects "that maybe aren't exactly what fits right in the box that's there today." He discussed development of the Empire Ranch Golf Course, around which several lots were zoned residential/office. He expressed the opinion that the property owners in the subject area should be allowed to continue; they should be allowed to sell. He expressed the opinion that bonus benefits to purchase the property would provide for the City benefitting from better projects. He discussed a project which has been placed on hold to allow the City time to determine what to do with the area. He expressed the opinion that the Commission and staff "have a lot of work to do." He suggested considering the proposed specific plan area with "a lot of open eyes" to determine what can be done in certain areas that are ripe for better planning for higher density and even lower cost housing to make it work for the neighborhoods. He requested the Commission and staff to consider the overall neighborhood in a different way, allowing for development, not to the detriment of the existing property owners and not holding back "good development" because of being concerned over spot zoning. Mr. Millard responded to questions with regard to changing property values in a proposed specific plan area. In response to a further question regarding the project in abeyance, he advised that the City requested Millard Realty and Construction to work together. Millard Realty and Construction agreed because "it is a better way of getting to the final decision."

(1-1614) In response to a previous question, Tom Metcalf, of Metcalf Builders, explained that land prices in Carson City have increased enough certain areas are demanding higher density projects or they will not be developed. He agreed with Mr. Hone that Carson City is not yet built out, and expressed the opinion that urbanization is Carson City's next step. He further agreed that the City needs to become a "team member with this type of a thought process." He discussed development pressures, and a recent article on demographics. He advised of a recent major project review with the various City departments for a potential mixed use project for a Curry Street property. He discussed "being mugged" by State workers, hospital workers, City workers inquiring as to when condominiums will be built in Carson City. He expressed the opinion that "the time is now." He anticipates that interest rates will increase pressure. He advised of participating in two major condominium booms during his career, one in Hawaii that lasted for 20 years and has now returned after a 10-year hiatus. He expressed the opinion that "we need to get ahead of the curve."

Vice Chairperson Kimbrough expressed appreciation for the attendance and participation of Messrs. Hone, Millard, and Metcalf.

(1-1691) Doris Swift, of Swift Construction, advised that the mobile homes on Brown Street are occupied by renters. She discussed having spent the last three years "trying to clean that area up from methamphetamine dealers, other drug dealers, gang members." She described her vision to purchase the lots and begin constructing single-family homes which she would sell through VA loans. She advised that the area is a strain on the police and fire departments, and on the schools; that renters are "building thousands of square feet of shack ... to run chop shops out of." She expressed the opinion that there shouldn't be so much concern over how to rezone the area, and support for rezoning and making it into

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something that will compliment the community. She requested the Commissioners to not consider the area as one which needs to be protected. She described it as a “ghetto,” and suggested that the Commissioners drive through the area. Vice Chairperson Kimbrough commended Ms. Swift on her efforts.

(1-1791) Linda Lang, a private property owner on Brown Street, expressed support for proposal. She advised of owning “the only other house on Brown Street” on half an acre of property. She advised of having purchased the property in 1986 and briefly living there. She expressed an interest in improving the area, and support for the proposed rezoning.

(1-1823) Evelyn West Smit, a property owner on Brown Street, agreed the area is a ghetto. She advised of a recent murder in the area, and expressed support for the proposal. She encouraged the Commissioners to drive through the area.

Mr. Plemel offered his phone number for anyone interested in providing additional comments.

G-5a. MPA-05-033 ACTION TO ADOPT RESOLUTION 2005-PC-02 RECOMMENDING TO THE BOARD OF SUPERVISORS APPROVAL OF A MASTER PLAN AMENDMENT APPLICATION FROM PEAK CONSULTING ENGINEERS, LLC (VARIOUS PROPERTY OWNERS) TO CHANGE THE MASTER PLAN DESIGNATION FROM INDUSTRIAL (I) TO COMMERCIAL (C), ON PROPERTY LOCATED AT LEPIRE DRIVE AND NORTH EDMONDS DRIVE, APNs 010-351-92, 010-351-93, 010-351-03, 010-351-06, 010-351-07, 010-351-10, 010-351-14, 010-351-15, 010-351-16, 010-351-18, 010-351-90, AND 010-351-04; and G-5b. ZMA-05-034 ACTION REGARDING A ZONING MAP AMENDMENT APPLICATION FROM PEAK CONSULTING ENGINEERS, LLC (VARIOUS PROPERTY OWNERS) TO CHANGE THE ZONING DESIGNATION FROM GENERAL INDUSTRIAL (GI) TO GENERAL COMMERCIAL (GC), ON PROPERTY LOCATED AT LEPIRE DRIVE AND NORTH EDMONDS DRIVE, APNs 010-351-91, 010-351-93, 010-351-03, 010-351-06, 010-351-07, 010-351-10, 010-351-14, 010-351-15, 010-351-16, 010-351-18, 010-351-90, AND 010-351-04 (1-1864) - Chairperson Peery introduced this item, and Mr. Plemel reviewed the staff report. He noted a correction to the staff report, specifically the parcel map at page 12, in that a portion of the building on the south side of Lepire Drive is occupied by a machine shop. He reviewed the alternative action provided in the staff report. He reviewed a letter from Kel Aiken which was provided to the Commissioners and staff prior to the start of the meeting. He advised that a representative of Peak Engineers was present at the meeting.

Vice Chairperson Kimbrough noted the number of vacant industrial properties in the City, as outlined in the summary table provided on page 3 of the staff report. He commented on the importance of demonstrating the opportunities available for industrial development throughout the City. Mr. Plemel reviewed the information contained in the summary table. He noted that, to this point, there hasn’t been a demand for industrial property; however, it is something to balance in the overall, Citywide master plan. In response to a question, Mr. Plemel explained the purpose of the agenda item. In response to a further question, he advised the only comment received following the most recent mailing was from Mr. Aiken.

Keith Shaffer, of Peak Consulting Engineers representing Nevada West Land, pointed out the property owned by his client. He noted that, as the application was submitted to have the area changed to general commercial, it was mutually agreed upon with City staff to consider the entire area. He expressed the opinion that Mr. Plemel’s staff report is very comprehensive. He agreed there seems to be a significant amount of general industrial property available in the City, “millions of potential square feet to be developed, and this is just an extremely small area.” He expressed the opinion that an economic analysis

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of the viability of this particular area would be unfruitful. The request to change the zoning to general commercial provides the opportunity to consider uses which are not currently allowed in general industrial, and it removes from the friction zone issues previously presented to the Commission. Mr. Shaffer referred to the previous agenda item, and expressed the opinion that the subject agenda item represents "a great example of what we need to do in the City." He suggested seriously considering the subject area. He noted the interesting topography, that it is very steep, and would be very difficult to develop a legitimate industrial operation. He expressed the opinion that the subject request is sound and provides the opportunity to consider future proposed development. He acknowledged agreement with the staff report.

Mr. Shaffer acknowledged that the plans would not be influenced if the general industrial lots south of Lepire Drive were to remain. In response to a further question, he advised that an effort was made to contact all property owners in the area; however, it was difficult to get hold of some of them. He advised of receiving verbal comments expressing concerns involving continued existing uses. Commissioner Sedway pointed out there may be future conflicts with expanding existing general industrial uses. He suggested it may be in the best interests of the applicant for the entire area to be changed to general commercial. Mr. Shaffer acknowledged the acceptability of leaving as they are existing general industrial zoned properties. He commented "it's not the best scenario ... allows potential friction areas." Commissioner Sedway agreed that rezoning the entire area to general commercial would be ideal, but noted "it may not come out that way." Chairperson Peery called for public comment.

(1-2265) Kel Aiken thanked Mr. Plemel for correcting the staff report. He pointed out his property on the displayed parcel map, and discussed its current uses. He expressed a preference to maintain the general industrial zoning because of parking issues and the potential for additional tenants. He advised that his building cannot be expanded or divided into smaller spaces. He further advised of having read the grandfather clause, and commended the City with regard to the same. After having read the staff report, he suggested possible alternatives such as overlay zoning. He further suggested accepting the alternative to rezone the applicant's properties to general commercial and leave the others as general industrial.

(1-2361) Antonio Rivas, of Carson-Tahoe Masonry, advised he has no building in the area; he uses two lots to store rock. He opposed the change if it will affect his business, but requested an explanation of the implications to his property. Mr. Plemel explained that the outside storage would become a non-conforming use if the area is rezoned to general commercial; however, it would be considered legal, non-conforming and allowed to continue indefinitely. Developing the property with a different use would require conformance with the provisions of the general commercial zone. Mr. Plemel reiterated that the outside storage, building materials, etc. could remain indefinitely.

In response to a question with regard to approving the rezoning of only the applicant's parcels, Mr. Plemel advised that some general commercial uses may conflict with general industrial, including mixed use of some residential component. Based on the discussion, he advised that the City would most likely consider at least a master plan amendment for the entire area to general commercial so that if a property owner initiated change is presented later, the area could transition to general commercial in the long term. He noted this would not be the best long-term solution, and advised that the Planning Department is trying to discourage any expansion and additional industrial conflicts. In response to a question, he acknowledged that the vacant lots would be rezoned to general commercial. In response to a further question, Mr. Sullivan reviewed the alternative action, and cited NRS 278.250(2). He acknowledged that the general industrial parcels would be protected by the grandfather clause in a master plan amendment. He responded to questions regarding possible scenarios.

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Commissioner Sedway expressed concern with regard to changing the general industrial parcels to general commercial for property owners who had no desire for this item to be presented. Changing the parcels to general commercial causes the property owner to lose the ability to develop the property under general industrial zoning. Commissioner Sedway expressed understanding for staff's request to rezone the entire area in order to avoid friction; however, he reiterated his concern that the general industrial property owners will be giving up their right to develop their property according to the provisions of the general industrial zone. He stated that grandfathering only saves its use for today. Chairperson Peery echoed that sentiment, particularly with regard to Mr. Rivas as the example. Mr. Rivas' specific use of the property for rock storage limits his marketability for a turnaround on the property in a general commercial zone. Commissioner Reynolds suggested, given Mr. Plemel's concern and the Commission's issues, amending the master plan for the entire area's land use designations and then recommending the zoning change only for the applicant's properties. **Commissioner Reynolds moved to adopt Resolution 2005-PC-2 to recommend to the Board of Supervisors approval of MPA 05-033, a Master Plan Amendment to change the land use designations for APNs 10-351-03, -04, -06, -07, -10, -14, -15, -16, -18, -90, -92, and -93, from Industrial to Commercial based on the findings contained in the staff report. Commissioner Sedway seconded the motion. Motion carried 6-0.**

Commissioner Reynolds moved to recommend to the Board of Supervisors approval of ZMA-05-034, a Zoning Map Amendment to change the zoning of APNs 10-351-04, -92, and -93, from General Industrial to General Commercial, based on the findings contained in the staff report. Commissioner Semmens seconded the motion. Motion carried 6-0.

G-6. SUP-04-215 ACTION REGARDING A SPECIAL USE PERMIT APPLICATION FROM JOHN MICHAEL AND MAGGIE M. SERRANO TO ALLOW A 1892 SQUARE FOOT, TWO-FAMILY DWELLING, ON PROPERTY ZONED GENERAL COMMERCIAL (GC), LOCATED AT 3444 HIGHWAY 50 EAST, APN 008-271-13 (1-2660) - Chairperson Peery introduced this item, and Mr. Foley reviewed the staff report. In response to a question, he explained the reason for distinguishing between form letters and individual letters in the table included in the staff report. In response to a further question, he advised that the relevant examples of two-story structures were provided by the applicant, who requested staff to include them in the agenda materials. In response to a question, Mr. Sullivan advised that the two members of the Board of Supervisors did not provide a reason for their dissenting votes. He advised of a comment by one of the dissenting voters that they preferred to take action on the appeal that day. He noted that the Board of Supervisors did not remand this matter to the Commission with any direction as to any particular aspect of the appeal. He suggested, therefore, that the Commission could consider the entire special use permit application. He noted that new evidence and new comment was submitted at the Board of Supervisors meeting. Once this was heard, the Mayor indicated that the Board of Supervisors policy is to remand the matter back to the Commission. Mr. Sullivan noted that the draft Board of Supervisors minutes were included in the Commission's agenda materials. Mr. Foley narrated photographs pertinent to this item.

John Serrano provided background information on his purchase and ownership of the subject property. He advised of having visited the Building Department on numerous occasions to determine the type of development best suited for the property. He considered various mini storage buildings and other commercial projects, and concluded that the best use for the property would be a duplex because "it met all the parameters, all the setback requirements, height limitations, and easement requirements." He advised of having invested significantly in the property, and stated "he didn't think he was gambling" at the time of purchase. He further advised of owning the 26 Kit Sierra Loop property and the subject property; that he is not a California property owner. Upon purchasing the property, he had a 10-year plan

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for retirement which included living in one unit of the townhouse-style duplex. Mr. Serrano advised he will be of retirement age within five years. He further advised of having visited Nevada frequently since childhood, and that he lived in the Lake Tahoe area for approximately 20 years. He indicated that the project has been well thought out, and advised that the funding used to design it was taken from an individual retirement plan for which he is being charged early withdrawal penalties. He reiterated he has met every requirement. He acknowledged the concerns previously expressed by the Commission, and expressed the opinion that these had been adequately addressed. He reiterated that the proposed project meets the requirements whether or not the Commissioners personally like it. He noted the 5-2 vote at the previous Commission meeting.

Mr. Serrano referred to a letter by the appellant which expressed concern over “undesirables” living in the duplex, and reiterated that he intends to be a resident. He advised he respects the residents of the neighborhood. With regard to the block wall requested by the neighbors to the south of the subject property, Mr. Serrano advised of no problem constructing it “if that makes him feel comfortable.” He further advised of City ordinances being currently violated in the area, including commercial vehicles parked in the street overnight and over the weekend. He stated that any trash which blows into the neighborhood does not belong to him. He advised there are other duplexes and two-story structures in the area. He acknowledged agreement with the staff report.

Commissioner Sedway inquired as to the new information presented at the Board of Supervisors meeting. Mr. Sullivan advised that a packet of information was provided to the Board of Supervisors. Mr. Sam Ward spoke, and had not done so at the previous Planning Commission meeting. The Mayor determined this to be new information which was not made available to the Planning Commission, and Supervisor Staub made the motion to remand the matter to the Commission. Mr. Sullivan acknowledged that the appellants had not spoken at the previous Planning Commission meeting; they sent written opposition. He further acknowledged that the subject property is zoned general commercial, and that the special use permit is for construction of a duplex. He acknowledged that a primary, permitted general commercial project could be constructed on the property accessed from Kit Sierra Loop. He further acknowledged that most every general commercial project would have more of a traffic impact than would a duplex. Mr. Serrano requested the opportunity for rebuttal at the end of public comment. Chairperson Peery called for public comment.

(1-3255) Randa Lay, a resident of 8 Kit Sierra Loop, inquired as to whether Mr. Serrano had the property surveyed. She displayed and narrated photographs, and submitted them to the Commission for review. She expressed concern with regard to child safety, that the property had already been surveyed, fire suppression for the proposed duplex, and for the safety of the residents whose property backs up to the subject lot. She advised that more traffic in the area is not welcome.

(1-3350) Estia Warren recognized the citizens present in the audience, and advised that she had a list of approximately 60 signatures, 17 of which were from a trailer park that is accessed from Highway 50 and were noticed by the Planning and Community Development Department. In response to a comment, Chairperson Peery provided direction with regard to taking public comment from the citizens present. Ms. Warren advised that 88 notices were sent to a trailer park “that has no real property owners; they own their units but pay space rental.” The access for said trailer park is from Highway 50. Ms. Warren advised of having contacted 20 people randomly during one afternoon, and receiving 17 signatures in opposition, one gentleman wished to remain neutral, and two declined due to disinterest. In response to a question, Ms. Warren advised that the chief concern over development of the subject property, as suggested, is that the residents’ voices have not been heard. She expressed the opinion there was some degree of

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misunderstanding at the previous Planning Commission meeting because of the address being listed as 3444 Highway 50 East, “and most of the residents didn’t realize that it was right in their backyard; that it was going to be accessed off of Kit Sierra Loop.” She stated that the duplex will create a tri-plex, with the single-family residence in front of it, which is an investment property. She noted this is “certainly not single-family and certainly not residential in character. It will totally change the character of the neighborhood.” She advised the residents are also concerned over safety and privacy since the proposed duplex will be a two-story unit “with a view of ... everybody’s backyard.” She questioned Mr. Serrano’s assertion with regard to living in the duplex after five years. She invited Sam Ward to address the issue of property value, and Chairperson Peery provided additional direction with regard to receiving public comment.

Ms. Warren read portions of the February 23rd Commission minutes and a prepared statement into the record. She advised that the residents believe the project “will significantly detract from ... property values, significantly and negatively impact enjoyment of property, and safety and privacy.” She requested names, addresses, and specific locations where a two-story duplex on commercial property has been introduced into a single family, single-story neighborhood and property values have increased as a result. She expressed concern that approval of the project will set a very dangerous precedent, which “will harm and damage each of us significantly.” She stated that the residents believe the Commissioners are required, by the master plan, to enhance and protect the property values, vistas and views of residential neighborhoods, and that the proposed project “absolutely does not do that.” She discussed concerns over flood control, and read into the record a letter from John Serrano, which was addressed “to several of the neighbors.” Ms. Warren expressed the opinion that the tone of Mr. Serrano’s letter was threatening and discourteous to the neighbors. She reiterated her disbelief of Mr. Serrano’s intentions to live in one unit of the duplex within five years. She continued reading her prepared statement into the record.

(2-0066) Jane Gray expressed the opinion that the decision is whether to construct a multi-family residential or a commercial project on the subject lot. She suggested that a two-story duplex would be better “than the possible 45 feet that he could technically build” as a commercial building. She discussed the purpose of Mr. Serrano’s letter, read into the record by Ms. Warren, to inform the neighbors of all the facts to provide understanding as to what they were opposing. Ms. Gray advised that a commercial building would have more traffic and annoying lighting, which would disturb the neighbors. She noted that three sides of the property are adjacent to residential units; only one side is adjacent to a commercial property. She pointed out that commercial development may attract loitering after hours. She advised that two-story residences or structures are allowed to be constructed in the subject neighborhood, and noted there is no guarantee of privacy or single story residences throughout the neighborhood. She noted that a single-family residence requires two parking spaces, whereas a duplex plan requires two per unit, “yet residence size could possibly be 1800+ square feet for a single family home.” She expressed the opinion that a multi-family unit is an ideal transition property between commercial development and single-family residences. With regard to neighborhood privacy, Ms. Gray advised that abiding by commercial setbacks would place the proposed structure 30' from the north and west property lines. Properties to the west are tiered, approximately 4.5' to 5' above grade, at 3444 Highway 50 East. “That in combination with a 6' foot fence for a total height of 10.5' to 11', plus the duplex set back at 30' and the fact that the second story is not very large, with only two windows, it would be very difficult to peer into a neighbor’s yard.” Ms. Gray advised that the south elevation has only one small bathroom window toward the rear of the building. The duplex would be positioned approximately 17' from the south property line, and the second story is another 14' from the edge of the building. Ms. Gray noted this would also make it difficult to peer into the property on Champion. She displayed and described corresponding elevation drawings and photographs. She described landscape and planting areas. She advised that some of the signatures on Ms. Warren’s petition

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are those of tenants, not owners, and she reviewed the corresponding addresses. Ms. Gray advised that each duplex unit will only be two bedroom, 1½ bath, "which is going to dictate how large a family is going to be able to move into each unit." She noted that a four bedroom house could easily accommodate two families "and have less parking." She expressed the opinion that the duplex proposal is "a better idea." With regard to fire and safety hazards, Ms. Gray advised that the proposed plan had been reviewed by the City's Fire and Engineering Departments. Fire and safety hazards have been discussed and finalized. With regard to flood concerns, Ms. Gray advised of a storm drain adjacent to the property to which Mr. Serrano would be required to connect. Ms. Gray listed letters in support of residential use for the subject property. She advised that Mr. Serrano had consulted a commercial appraiser for an opinion of the effect of a stick built duplex on the neighborhood. The appraiser informed Mr. Serrano that "in accordance with the Nevada Revised Statutes, the Nevada Administrative Code, and the Uniform Standards of Professional Appraisal Practice, he would have to develop a file and do a detailed analysis of the neighborhood and that analysis would run approximately \$3,000 to \$5,000. He said because of the professional standards he must adhere to, as an appraiser, he could not render an opinion without a thorough analysis and building a file with documentation." She expressed the opinion that Mr. Sam Ward would be required to adhere to the same set of professional standards. She provided photographs of multi-family units and two-story structures which are located in the mobile home zone. She advised of a mobile home property at 3600 Highway 50 East, which residents utilize 31 Kit Sierra Loop for access to and from the property.

(2-0240) Sam Ward, a professional appraiser, advised he had not appraised any property. He advised of having been contacted by Ms. Warren requesting a valuation opinion, which he declined to do. He did offer to look at the neighborhood and "offer a few comments." He advised that any appraisal of any property would consider zoning, the trim, the character of the neighborhood. He noted that all the mobile homes back up to commercial property, "and they take their chances when they move in there, there could be something commercial developed." He observed that allowing a multi-family residence to be developed on the commercial lot with access through the residential lot would "change the character of the neighborhood which will, in turn, have a detrimental affect on all the properties." He advised that this could not be measured without an example, but that it would be able to be measured later. He expressed the opinion that increased traffic would start to have a negative effect. He advised of having appraised other commercial properties in town where the City would not allow egress to a public street because of not wanting to increase traffic. He provided examples of the Nevada Cares facility and the Dyer, Cooney, & Lawrence law firm which were required to access and exit their properties from Nye Lane, not Mountain Street. He expressed concern that changing the precedent will change the character, which effects could be measured at some point in the future.

(2-0277) Dave Lester, the owner of the property directly to the south of the subject property, expressed opposition to the proposed development. He expressed concern that the proposed development will devalue his property, change the "feeling of the neighborhood," and create access and easement problems into the future. He noted that the proposed development is unprecedented, and expressed concerns with regard to loss of privacy. He requested the Commissioners to decide based upon "what's good for the many, not the few or not the one."

(2-0310) Debra Songer, a resident of 31 Kit Sierra Loop, discussed access to the 5600 Highway 50 East property, and expressed concern over fire and flood safety and loss of privacy.

(2-0391) Tamara Alexander provided background information on the length of her residence at 10 Kit Sierra Loop, and discussed emergency access issues. She expressed concern over the potential increase in traffic in such a small neighborhood with many children. In response to a question, she advised that the

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speed limit is posted at 25 miles per hour “which is way too fast.” She discussed attempts to get the speed limit changed to 15 miles per hour, and reiterated that the area is very small. She described her experience during the 1997 flood.

(2-0430) Al Hayes expressed opposition to the project, expressed concern with regard to traffic, safety, and setting a precedent. He reiterated his opposition.

(2-0454) Roy Clegg, a resident of 2225 Mayflower, responded to questions regarding the child’s playhouse on his property. He expressed opposition to the two-story structure, and suggested a single-story, single-family structure. He stated that the two-story structure will affect his view and his privacy. He advised of having been before the Commission three years ago “fighting to get [his] home.” He expressed concerns over increased traffic and noise, and requested the applicant to consider a single-story structure.

(2-0485) Estia Warren read a prepared statement into the record listing concerns regarding precedent, negative impacts to the neighborhood, quiet enjoyment of property, security and privacy, and property values. She urged the Commission to deny the proposal.

(2-0506) In response to a question, Mr. Serrano advised that an easement was done on his property, which had not yet been recorded. He advised that his property had not been officially surveyed. He suggested that the comments indicated more of a concern over establishing precedent. He advised of “trying to respect everyone associated with this.” He reiterated he “never felt like [he] was gambling” and that he conducted all the necessary research. He further reiterated that only one unit will be rented; that he intends to live in the other unit. He indicated he will not be there 100% of the time, but it will serve as his residence because he doesn’t own any other property. In reference to comments made at the Board of Supervisors meeting, he acknowledged not being a resident voter in Carson City, but advised that he is a taxpayer. He respectfully requested that the Commissioners’ unanimous vote.

In reference to photographs submitted earlier, Mr. Foley explained that the markings depicted were for utility locations, not survey markings. He advised that the subject property does have some kind of access easement to Highway 50. With regard to concerns over access from Highway 50, Mr. Foley advised that the proposal is for access through Kit Sierra Loop. With regard to the issue over using the 3444 Highway 50 East address, he explained that the address is obsolete. In response to a question, Mr. Fellows advised he was not aware of the easement to access Highway 50. He confirmed that the photographs provided earlier in the meeting depict USA dig marks for utility locations.

Chairperson Peery requested each of the Commissioners’ input. In response to a question, Mr. Sullivan advised that the project will not set a precedent because separate findings and conditions of approval are made for each and every application. With that in mind, one set of conditions will not be applied to another. In response to a further question, Mr. Sullivan had no idea how the subject parcel became landlocked. Commissioner Sedway noted that the subject parcel is located in the general commercial zone, and that there are a lot of options available which “would be a lot worse than a duplex in the middle of a residential neighborhood.” He expressed understanding for the concerns of the neighbors, but pointed out that the options are available for “this particular, extremely unique condition.” He noted that the east view will look over a storage unit, and that the Commission cannot impose a single story structure on a property owner. He acknowledged that the situation is not ideal, but reiterated the proposal is for a duplex in the midst of a residential neighborhood.

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Commissioner Vance advised of being one of the two dissenting votes at the previous Commission meeting. He expressed discomfort with constructing a duplex on Kit Sierra Loop.

Vice Chairperson Kimbrough provided background information on his previous vote. He noted that the Fire Department had reviewed and approved the project, and that the road and drainage issues had been studied. He didn't agree with the argument regarding concerns over undesirables and the negative feelings over the proposal. He noted that Mr. Serrano has every right to apply for a special use permit. He expressed understanding for the concerns of the neighbor directly behind the subject property.

Commissioner Reynolds noted the uniqueness of the neighborhood, and expressed an understanding for how a closeness has developed among the residents. Considering all the issues discussed, he noted that the laws and regulations allow the proposed project. He acknowledged that the project will impact the neighborhood, but expressed the opinion that the comments amount to conjecture. He indicated he would vote in favor of the project.

Commissioner Semmens acknowledged Mr. Serrano's legal right to construct the duplex. He expressed opposition to the project, and sided with the residents. He expressed the opinion that, although the Fire Department approved the project, there is still a safety issue because the parcel is landlocked. He expressed support for a single-family structure.

Chairperson Peery expressed personal concerns since the last meeting having more to do with realizing the scope of change to the character of the neighborhood. He advised of being more inclined, especially in the face of additional evidence, toward a single story residence. He discussed the concept of "buyer beware," and advised of wavering on his previous decision to support the project because of additional evidence. He entertained a motion.

Commissioner Reynolds moved to approve SUP-04-215, a Special Use Permit application from John and Maggie Serrano, to allow construction of a duplex, on property zoned General Commercial (GC), located at 3444 U.S. Highway 50 East, APN 008-271-13, based on seven findings and subject to the recommended conditions of approval contained in the staff report. Commissioner Sedway seconded the motion. Motion failed 2-4.

Commissioner Vance moved to deny SUP-04-215, a Special Use Permit application from John and Maggie Serrano to allow construction of a duplex on property zoned General Commercial (GC), located at 3444 U.S. Highway 50 East, APN 008-271-13, based on testimony received this evening and the impact on the neighborhood. Commissioner Sedway seconded the motion. Motion carried 5-1.

[Chairperson Peery recessed the meeting, and Vice Chairperson Kimbrough reconvened. Chairperson Peery had left the meeting room as he was recusing himself from discussion and action of item G-7.]

G-7. SUP-05-008 ACTION REGARDING A SPECIAL USE PERMIT APPLICATION FROM APS ENERGY SERVICES (PROPERTY OWNER: STATE OF NEVADA) TO ALLOW CONSTRUCTION AND OPERATION OF A RENEWABLE ENERGY CENTER CONSISTING OF ONE BIOMASS-FIRED BOILER, CO-GENERATION PLANT AND PHOTOVOLTAIC FACILITY AT THE NORTHERN NEVADA CORRECTIONAL CENTER, ON PROPERTY SPLIT ZONED PUBLIC (P) AND AGRICULTURAL (A), LOCATED AT 1721 SNYDER AVENUE, APN 010-281-46 (2-0808) - Vice Chairperson Kimbrough provided background information on this item, and explained that, until last week there had been only a few calls to the Planning and Community Development

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Department. He displayed the number of e-mails which were received by 2:40 p.m. today. He explained that the process had not worked out as anticipated, and that a decision had been made by staff to schedule public workshops. He proposed that the representatives of APS Energy Services provide their scheduled presentation. He introduced the agenda item, and Ms. Pruitt advised of having met with the applicant, who had been extremely helpful to staff to provide extensive information. She reviewed the noticing requirements pursuant to the Nevada Revised Statutes and the Carson City Municipal Code, and advised that 48 properties had been notified. One e-mail was received which was included as part of the staff report. Ms. Pruitt advised of receiving faxes in opposition to the special use permit application beginning last Friday. A total of 134 written oppositions had been received at the time of this meeting. Ms. Pruitt advised that Planning and Community Development Department staff contacted every person, who had provided written or verbal opposition, with regard to the time of the hearing for this item. She noted the need for a workshop between the applicant and the concerned public. She advised that staff had been in contact with other facilities regarding similar projects, and that this information would be provided to the public as well as to the Commission. In speaking with the applicant earlier in the day, staff strongly suggested continuing this particular item in order to provide an opportunity for the applicant to meet with the concerned citizens. Ms. Pruitt advised that the Planning Division will assist, in any way possible, with notifying the public of the workshop. She advised that the applicant has been very patient and expressed a willingness to meet with the public. She offered her contact information.

At Commissioner Sedway's request, Ms. Pruitt read a form letter into the record expressing typical concerns. She reiterated that staff contacted each of the persons submitting written opposition to ensure they were aware this item would not be heard until 6:15 p.m. this evening. She advised that, based on conversations, it was apparent more information is needed. She discussed the importance of ensuring the public has an opportunity for direct dialogue with the applicant. She noted the main concerns expressed in the form letter, including the wood source, emissions, and health concerns associated with the smoke stack. Mr. Sullivan requested any citizen in attendance, who had not previously sent a letter, to call the Planning and Community Development Department with their contact information. He advised that each citizen would be contacted by telephone with the workshop information.

Jay Johnson, Business Development Manager of APS Energy Services, introduced Rich Minetto also of APS Energy Services and Stan Raddan, of Carson City Renewable Resources. Mr. Johnson advised that the applicants are in agreement with continuing this item, and welcomed the opportunity to meet with concerned citizens. He accepted Ms. Pruitt's offer of assistance to communicate the time, date, and location of the workshop to the citizens. He introduced representatives of the Nevada Department of Corrections, and narrated a PowerPoint presentation, copies of which were included in the agenda materials.

Stan Raddan, of Carson City Renewable Resources, expressed concern over miscommunication or misinformation about the material to be burned. He explained that the material will be wood chips, not biomass, and discussed his experience, over the past 21 years, separating wood from other waste products and preparing it to be burned. He discussed the benefits of the process in Sand Point, Idaho, including that the community's air quality has been improved. He explained that the process has been developed over many years, and reviewed the same using the example of trees thinned from the forest at Lake Tahoe. He displayed samples of the wood product which had been prepared for burning. He advised that the ash content is around 1% to 2% and attempts are made to get it to 3/4 of 1%. He compared burning wood in

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a fire place which produces approximately 30% ash content and “a lot of emissions.” At Mr. Johnson’s request, Mr. Raddan advised that the wood product, as it is redirected from the landfill, will free up approximately 64,000 cubic feet for other waste items. He explained that wood products take approximately 7 years to break down and, during that process, formaldehyde and other toxins are released into the soil.

Mr. Johnson circulated samples of the wood product. He described it as very dry and clean, and reviewed the very strict specifications with regard to moisture content, size, and freedom from foreign particles. He advised of the fuels reduction efforts being conducted by the Bureau of Land Management, the U.S. Forest Service, the Nevada Division of Forestry, the Division of State Lands, and private parties in the Tahoe Basin. Their options are to stack and burn the material or masticate the material and spread it over the forest floor. Mr. Johnson advised that spreading the material creates more food supply for bark beetles and is negative to the environment. Burning in the mountains creates significant pollution problems. Mr. Johnson explained the combustion process, which is very controlled and efficient. The material is burned at 1600 degrees and emissions are released as water vapor. There is no visible smoke; however, on cold days steam may be visible. Mr. Johnson advised of systems in Ely and Darby, Montana which are located adjacent to elementary schools and residential areas. He advised that the demand on Southwest Gas Company will be reduced; that the plant will produce 1 megawatt of electricity, thus deferring additional energy generation by Sierra Pacific Power Company. He reviewed other economic benefits, including promotion of local business and tax generation for the City, creation of new jobs, and the provision of revenue and savings for the Department of Corrections. He reviewed the proposed location for the biomass plant at the Northern Nevada Correctional Center. He advised that the ambient air quality standards are those developed by the Nevada Environmental Protection Agency. He reviewed project impact figures anticipated to be generated from the proposed plant. He described a design rendering and narrated photographs of the plant at David E. Norman Elementary School in Ely, Nevada.

Richard Minetto, Managing Member of RM Engineering, provided background information on his experience, and on the Northern Nevada Correctional Center’s interest in considering power generation. He reviewed statistical information with regard to the practice of thinning forests, the cost savings to the NNCC of the proposed plant, and the emissions.

In response to a question, Mr. Minetto reviewed the methods for ensuring that the plant burns clean. He explained that the fuel is sent to a certified laboratory for testing, and advised this will most likely be required on a random basis over the continuous operation of the plant. He advised that a State permit is required for the boiler which will dictate the amount of emissions allowed by the plant itself. An annual report is typically required which includes an emissions test or an emissions certification and fuel testing. Mr. Minetto acknowledged that, from the perimeter of the prison, the stack will not have any visual or odorous emissions. He advised that the Ely plant was commissioned approximately a month and a half ago. There is no detectable odor from the plant and the fuel is slightly more moist than the proposed plan. There is a steam plume at certain times of the year depending upon the outside air temperature. In response to a question, Mr. Minetto anticipates that the emissions testing will be done on an annual or quarterly basis. He advised that the reason for the height of the stack is to move emissions to a higher level for proper dispersion of the plume, and for faster dissipation on any emissions from the stack. Emissions temperature is an additional reason. Vice Chairperson Kimbrough called for public comment.

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(2-1601) Dave Morgan advised of gathering information on the general experience of people who live near biomass plants. He indicated that a key is the quality of the fuel, which he suggested has been borne out by the applicant's comments. He discussed the importance of assuring the neighbors that the fuel will be the same quality displayed and described at this meeting.

(2-1622) Dave Hampton read prepared remarks into the record with regard to the high concentration of pollutants which will be endured by his family and neighborhood once the Carson City freeway bypass is completed. He expressed opposition to the proposal because it will create an "increase in [his] pollution loading."

(2-1645) Scott Leftwich advised of receiving a notice two weeks ago which listed biomass as the material to be burned. He further advised that the notice discussed two boilers and two stacks, and that this seems to have changed. He noted that the Ely plant is "a tenth of the size ... has been open thirty days." He suggested that this is not a fair comparison. He expressed concern with regard to the emissions and pollutants, and that the adjacent residents' quality of life will be diminished. He expressed disagreement with a comment in the staff report that this plant will enhance the quality of life for the citizens of Carson City.

(2-1682) Susan Rogers advised of having received no notice with regard to this matter. She requested some consideration for changing the notification process to accommodate property owners who are beyond 300 feet but would still be affected. She requested consideration of solar power rather than wood burning.

Vice Chairperson Kimbrough advised that the notification process is set forth in the Nevada Revised Statutes and the Carson City Municipal Code. He noted that Planning and Community Development Department staff had listened to Ms. Rogers' comment.

(2-1702) In reference to the applicants' assertion that the emissions are clean because they can't be seen coming out of the stack, Steve Drescher pointed out that the emissions from the exhaust pipe on his car can't be seen but are deadly. He inquired as to how the 16,000 tons of fuel will be transported. He advised that during inversions in Reno, the residents can receive 5-7 millirads of radiation greater than what is normally received. He suggested that building up pollutants in the Carson Valley will result in a higher radiation dose as well.

Vice Chairperson Kimbrough called for additional public comments; however, none were provided. He reminded the citizens they would be receiving a telephone call inviting them to attend the workshop to be scheduled in the next couple weeks. Following a brief discussion, **Commissioner Reynolds moved to continue item G-7 until the next scheduled Planning Commission meeting. Commissioner Vance seconded the motion. Motion carried 5-0-1.** [Vice Chairperson Kimbrough recessed the meeting at 8:17 p.m.]

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G-8. MPA-05-044 ACTION TO ADOPT RESOLUTION 2005-PC-1 RECOMMENDING TO THE BOARD OF SUPERVISORS APPROVAL OF A SPECIFIC PLAN AREA TO CHANGE THE MASTER PLAN DESIGNATION AND ZONING OF APNs 009-311-03, -14, -15, -08, -09, -10, AND -47 FROM SUBURBAN RESIDENTIAL TO MEDIUM DENSITY RESIDENTIAL, AND MOBILE HOME ONE ACRE (MH1A) AND SINGLE FAMILY ONE ACRE (SF1A) TO SINGLE FAMILY 6,000 (SF6), RESPECTIVELY, AND TO CHANGE THE MASTER PLAN DESIGNATION AND ZONING OF APNs 009-711-01, -02, -03, -04, -05, APNs 009-712-01, -02, -03, -04, -05, -06, -07, APNs 009-713-01, -02, -03, -04, -05, -06, -07, -08, -09, APNs 009-311-04, -06, -27, -34, -41, -42, APNs 009-321-01, -02, -05, -06, APNs 009-323-01, -02, -03, -04, APNs 009-322-12, -13, -14, APNs 009-311-12, -16, -20, -21, -22, -29, -30, -31, AND -46, FROM SUBURBAN RESIDENTIAL TO LOW DENSITY RESIDENTIAL, AND MOBILE HOME ONE ACRE (MH1A) AND SINGLE FAMILY ONE ACRE (SF1A) TO SINGLE FAMILY 21,000 (SF21), RESPECTIVELY, INCLUDING SPECIFIC DEVELOPMENT STANDARDS, GUIDELINES, AND POLICIES, FOR THE DEVELOPMENT OF A RESIDENTIAL SUBDIVISION, ON PROPERTY GENERALLY LOCATED IN THE VICINITY OF RACE TRACK ROAD BETWEEN CENTER DRIVE AND SCHULZ DRIVE (2-1758) - Chairperson Peery reconvened the meeting at 8:22 p.m., and introduced this item. Mr. Plemel reviewed the staff report, described and pointed out the subject area on a displayed map.

(2-1901) Mimi Moss, Douglas County Assistant Community Development Director and Planning Manager, expressed appreciation for the opportunity to address the Commission. She advised that the Douglas County project area is just west of Center Drive and essentially considers approximately 40% developed area of commercial use generally along the east side of Highway 395 with some on the west side. She further advised of a potential project south of Topsy Lane, east of Highway 395, which considers 85,000 to 90,000 square feet of commercial floor area. She noted that the project has not yet been finalized, and that Capital Engineering is working with Douglas County Community Development staff on the utilities, the project layout, and the developer for final design. Potential traffic impacts and improvements to Topsy Lane will be considered as part of the project. Ms. Moss advised that the subject specific plan area considers extending Topsy Lane eastward through Center Drive toward the north. A concern of Douglas County is the potential traffic numbers on Topsy Lane. Ms. Moss advised that the Douglas County project area considers an internal connection road from Topsy Lane south to North Sunridge Drive. Capital Engineering is reviewing the traffic numbers to determine how much can be dispersed onto Highway 395 at Topsy Lane as well as from North Sunridge Drive.

Ms. Moss explained that the specific plan in Douglas County considers approximately 750 to 800 residential units. The density is from 8,000 to 12,000 square foot parcels, which are fairly similar to the vision of the Carson City specific plan area. From a planning perspective, the transition from Carson City to Douglas County is good in terms of overall density and parcel sizes. Ms. Moss commended Carson City staff for considering connections to Topsy Lane as well as considering density which is similar to the Douglas County plan.

Ms. Moss advised that the Douglas County specific plan area considers open space through the middle of the property, following the natural drainage course of the property. The Carson City specific plan area considers open space connections to the Douglas County specific plan open space for pedestrian and trail access. Ms. Moss noted this as an important provision of both plans. She reiterated that the main concern is traffic on Highway 395, Topsy Lane, and North Sunridge Drive. She advised that the Nevada Department of Transportation is in the process of beginning a Highway 395 corridor study, which will consider Clearview Drive to the Douglas County line at Topaz Lake. NDOT will consider the capacity of Highway 395 and what, if anything, needs to be adjusted. With the commercial project, Ms. Moss advised

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of the likelihood that a third northbound lane on Highway 395 along the project frontage from North Sunridge to Topsy Lane will be added to serve the development. She discussed the importance of identifying that Highway 395 has a certain capacity. Whether or not there may be another transportation route to the east side of both the Carson City specific plan area and the Douglas County specific plan area has yet to be determined. Ms. Moss commented that the projects present a good opportunity for NDOT to consider density in the area, include it with their corridor study, and consider what needs to be done to Highway 395 or whether additional roadways are necessary. Ms. Moss reiterated that the Douglas County project is a specific plan; no final projects have yet been approved. The Bureau of Land Management has auctioned off the first piece of commercial property, and are in the process of considering auctioning an additional piece of property to the east.

Chairperson Peery expressed appreciation for the opportunity to cooperate on the two projects. In response to a question, Ms. Moss advised that Topsy Lane will be an 80' right-of-way with four lanes. She acknowledged that the well is Douglas County's, and that the 8,000 to 21,000 square foot parcels will be located just west of Center Drive. In response to a question, she advised there is no other legal, public access to the south of Center Drive. She noted this as a concern, and advised that traffic will be routed to Topsy Lane, cut through the future shopping center. Traffic moving south could go to North Sunridge or out Topsy Lane. In response to a further question, Ms. Moss advised that Mr. Bently has been working with the American Land Conservancy on setting aside the property south of the subject property along the River in a conservation easement. The parties involved are still working on the allowed uses within the conservation easement area. In response to a further question, she reviewed the various zoning districts and property ownership depicted on the displayed map. Chairperson Peery thanked Ms. Moss for her attendance and presentation.

Mr. Plemel thanked Ms. Moss. He reviewed the process by which notices were provided to adjacent property owners and interested citizens. He explained that a specific plan includes a revised land use designation. The SPA document provides for specific setbacks and a variety of lot sizes; a phasing plan which includes closing the race track; multi-use and bike/pedestrian routes through the development, both north, south, east, and west, and neighborhood park requirements; and residential design standards for a variety and style of single-family homes. Mr. Plemel referred to comments made during the March 30th Commission meeting, and noted that the specific plan document included in the agenda materials highlights additions and modifications. Specifically, the policy regarding the location of smaller lots within the development was modified to require a transition from the one-acre and away from that to the smaller lots. Disclosure of horse keeping will be required. With regard to the buffer lots, the policy notes specifically that they should be laid out, as shown in the conceptual plan, to match the surrounding, existing properties. In addition, a limit to one-story homes was added on those lots which abut the existing one-acre development. Sewer and water connection requirements have been clarified. A new environmental policy was added which requires Clear Creek flood plain protection and environmental clean up of the race track facilities. Mr. Plemel explained that the Planning Commission will make a recommendation to the Board of Supervisors. With regard to the proposed development, the developers will then be required to submit a tentative subdivision map following adoption of the specific plan.

Mr. Plemel reviewed key issues outlined in the staff report, as well as the Parks and Recreation Commission recommendation. He referred to the written public comments provided as part of the staff report. He reviewed and commented on an April 2, 2005 e-mail from Sue Newberry, copies of which were provided to the Commissioners and staff prior to the start of the meeting. He referred to Area B, pointed

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it out on the displayed map, and noted the tentative proposal to change it to half-acre zoning as part of the plan. He advised of requests from certain property owners, as noted on page 33 of the staff report, and reviewed the corresponding parcels on the parcel map at page 34.

Mr. Plemel reviewed the alternative actions outlined in the staff report, together with the potential impacts of a zoning change in Area B. Mr. Plemel reviewed comments provided to the Commissioners and staff from Juli McKean. In response to one of Ms. McKean's concerns with regard to traffic, Mr. Plemel advised that there are methods for slowing traffic which the applicant may consider at a more detailed level. In response to a question, Mr. Plemel advised that the proposed zoning is SF6000 or SF21,000, which establishes the base density pursuant to the requirements of the Carson City Municipal Code. He acknowledged that the eight-acre parcel is included on the map and in the recommended motion. Vice Chairperson Kimbrough noted the importance of remembering the Commission is not approving the subdivision, but considering a vision of what it might look like built out. Mr. Plemel advised that policies have been incorporated to address the locations of the smaller lots and the appearance of the buffer lots. Although there are general policies as to the road layout, it may change. The lot configurations could change. So, to some extent, the conceptual plan "is just that and it could look different in a final product." Mr. Plemel responded to additional questions regarding the displayed map. In response to a further question, he advised that approximately 150 acres would be zoned SF6,000, half of the remaining acreage would be rezoned to SF21,000, and the rest would remain SF1-acre. Mr. Plemel responded to questions of clarification.

(2-3067) Mark Rotter, of Capital Engineering, representing Reynen & Bardis and Barker Coleman Homes, narrated a PowerPoint presentation. He pointed out, on a displayed map, an area of Bureau of Land Management property. He advised that the BLM is planning to release three sales of the property. The first sale has already occurred, and was an area pointed out by Ms. Moss in her presentation, which will be developed into a commercial shopping center. A second sale will take place to release property for residential development. Topsy Lane and Sunridge Drive are the main access points to Highway 395 for that specific area plan, and they have been planned to accommodate traffic from the entire area. Highway 395 improvements include a third lane along the frontage of the commercial property to Clear Creek Road. Topsy Lane from Highway 395, with the commercial development, will be approximately six lanes until the first entry into the shopping center. Past the shopping center, Topsy Lane is planned for four lanes. Initially, the developers would propose to construct two lanes of the four and, subsequently, as the residential area develops, the additional two lanes would be constructed on Topsy Lane and Sunridge Drive. There is also a plan, within the specific plan area document, to connect Topsy Lane and Sunridge Drive. Mr. Rotter advised that Development Services Director Andy Burnham and Deputy City Engineer John Flansberg met with Ms. Moss and Douglas County Manager Dan Holler to discuss constructing the Topsy Lane connection between the commercial development and residential development construction. Mr. Rotter emphasized that overall traffic planning is taking place, not just in conjunction with the Douglas County commercial and residential development and the subject proposal.

Mr. Rotter advised that the subject area was proposed for a master plan amendment in 2002. There are approximately 90 homes south and east of Area A. Of the 90 homes, approximately 54 are manufactured and 37 are stick built. From a traffic standpoint, there is no connection on Center Drive to the south. Any future connection would be constructed east of the specific planning area. Mr. Rotter explained the reasons for considering the subject area are the five large parcels of land previously known as the Schulz Ranch, the race track property, and an additional eight acres owned by another party and included in the SPA document. Mr. Rotter advised that the developers have carefully reviewed water / sewer issues, traffic, density, parks, conflict, etc. He referred to comments at a previous Commission meeting with regard to

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buffering the existing one-acre lots with the proposed development. He discussed the proposal to make the frontage adjacent to the one-acre lots the same width. Within one-acre zoning, there is a 30' setback requirement for both front and rear yards and a 10' side yard setback requirement. The developers propose to identify what the individual property owners "would see" if one acre lots were developed across or adjacent. He referred to a displayed map and described the proposal. He pointed out park and trail facilities, and discussed the presentation made to, and the recommendation of, the Parks and Recreation Commission. He advised that the park size, as proposed at 3.7 acres, is at or above the national as well as the Carson City average for the proposed development. He noted that the proposed 3.5 to 5-acre park "is a pretty acceptable sizing," and that the developers will be working through the details with the Parks and Recreation Department staff and commission. Mr. Rotter displayed and narrated photographs of linear park facilities constructed by the developers.

(3-0035) Mr. Rotter reviewed proposed densities as depicted on a displayed map. In response to a question, he advised that the lowest price point would be approximately \$275,000 to \$280,000. In addition to considering product and lot size, the developers have considered "the six pack" which involves a T-clustering concept with a main roadway in front. Mr. Rotter responded to questions regarding the size of the buffer lots. He acknowledged that the developers will construct Topsy Lane and that it will be two lanes from the commercial development to Center Drive. In response to a question, Mr. Rotter advised of having discussed, early in the process, whether apartments should be included in the development; it was ruled out. He acknowledged that the buffer lots have been averaged into the overall area. The entirety of Area A is proposed to be zoned SF6,000.

In response to a question with regard to committing to a five-acre park, Mr. Rotter expressed a preference to be able to work through that process. He advised that the developers' preference is to size the park based on the needs of the neighborhood. Commissioner Vance expressed the opinion that the neighborhood park should serve the entire area. He suggested that the concession "would be a nice gesture to a whole bunch of people in this room ..." After conferring with his client, Mr. Rotter advised that "if the process creates five acres [the developers] are willing to do five acres." He advised that two basketball courts, a large pavilion, a climbing wall, and restroom facilities have been included in the proposed 3.7-acre park. The Parks and Recreation Commission proposed additional amenities, and Mr. Rotter advised that if five acres are warranted, "we're willing to say five acres." In response to a question, he advised that the developers will be working with the Parks and Recreation Department and commission to create the park plan, and that it will be presented to this Commission at the appropriate time. In response to a further question, Mr. Rotter explained the reasons for not considering all half-acre parcels for the development. He responded to additional questions regarding pricing, densities, and the special planning area.

In response to a question, Mr. Rotter advised of no consideration given to proposing SF8,000 and SF12,000 within Area A. He acknowledged that the two lanes on Topsy will be constructed prior to any of the residential units being occupied. Commissioner Semmens suggested that the developer construct Topsy Lane with four lanes in order to accommodate the increased traffic. Mr. Rotter advised that a detailed traffic study will be included in "the next step" which will identify the level of service associated with Topsy Lane. The initial calculations indicate that the two lanes will be more than adequate and Douglas County representatives have concurred. Design of the road will ultimately provide for four lanes; however, the impact of the 500 units does not warrant more than two lanes according to the preliminary figures. Mr. Rotter advised that if the traffic analysis indicates a need for four lanes, the developers will consider how to make it happen. In response to a further question, he advised that the requirements of the Douglas County specific plan area are similar to the requirements of the subject specific area plan. In response to an additional question, Mr. Rotter pointed out proposed locations of storm water detention facilities. He

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advised that the projected build out is dependent upon the market, but he anticipates a 3-5 year time frame. He acknowledged that the infrastructure costs will be carried by the developers. The only City participation would be if traffic off-site pro-rations are considered for reconstruction of Center Drive.

Mr. Sullivan advised of having been in contact with Mr. Flansberg and Senior Regional Transportation Engineer Harvey Brotzman with regard to traffic issues. He advised that a full traffic study will be required when the development portion of this project is submitted. Mr. Flansberg and Mr. Brotzman have indicated that adequate access to and from the proposed development is available via Topsy Lane, Center Drive, and Bigelow Drive. Mr. Sullivan advised that the traffic study will dictate the type of improvements and the time they will have to be made. In response to questions, Mr. Fellows advised that the development will tie into an existing lift station near the prison. He acknowledged that the development will expand the City's water system, and that the developers will provide a water model to accommodate fire flows, etc. Chairperson Peery called for public comment, and provided direction with regard to the same.

(3-0515) Pete Bachstadt commented that the benefits to the City as well as to the developers are "quite significant and readily apparent." He stated that "no man should profit at another's expense." He discussed "a lot of rhetoric and conversation about appeasement and very little ... as to the benefits to accrue" to the current residents and their established lifestyle. He expressed concern that taxes will be increased after the development is constructed, that the availability of water will be decreased. He inquired as to whether the developers will live in the development, and whether the area will be as safe and quiet as it has been over the past 19 years. He discussed the problem of dumping in the area, and expressed concern over 6,000 square foot lots.

(3-0564) Jon Nowlin urged the Commission to recommend denial of the proposal to rezone Areas A and B. He advised of having compiled a list from the Assessor's web site and the staff report indicating the APNs involved in each area, the owners, and the acreages. With regard to Area A, he complimented staff and the developer for their efforts in considering all the options and meeting City requirements for the proposed special plan area. He expressed the opinion that the proposed SPA is the "wrong place and the wrong time to put this high density development in Carson City." He advised that in every community he's ever known, "increased population and increased development have not paid for themselves." He discussed the action of the Legislature to reduce property taxes. He expressed the opinion that the proposed development will require more work on streets outside the development area, "outside the responsibility of the developer." "There will be an impact on water and sewer; there will be an impact on the school system; and there will be a considerable impact on quality of life not just for the 90 parcels that are occupied right now ... but for all the residents in terms of changing the diversity of land use in this valley." He noted that the proposed development will decrease the amount of suburban rural land available in the valley in an area right next to Douglas County. He expressed the opinion that the residents of the proposed development will shop in Douglas County. He commented that the proposed development "fits right into Douglas County's North Valley Development Plan. It does not fit in to plans for commercial development in Carson City." With respect to Area B, Mr. Nowlin expressed the opinion that staff "has missed a point in the past meetings." He inquired as to where the idea came to rezone 47 parcels in Area B. He heard the residents say they don't want the quality of life changed in the area; they don't want higher density; they don't want to have acre parcels turned into half-acre parcels." He expressed the opinion there is no justification to approve rezoning Area B, and urged the Commission to recommend denial for Area A.

(3-0638) Juli McKean expressed apology "to all of the residents out there" for mentioning subdividing property. She expressed opposition to subdividing any of the existing one-acre parcels. She referred to Alternatives 1 and 2 on page 7 of the staff report, and advised that people who do not have livestock now

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cannot have livestock later. She advised that the problem with emergency services has not yet been addressed, and discussed a personal experience with an emergency situation. She requested that Area B be removed from consideration. She referred to the proposed trails depicted on the displayed maps, and advised there is no indication as to the types of uses to be allowed. She noted that one trail appears to be located in Clear Creek. She commented that the buffer concept “sounds great until [she] realized the numbers.” She expressed concern over traffic circulation and the issue of affordable homes. She suggested half acres with manufactured homes. She inquired as to who will be responsible for cleaning up the race track area.

(3-0730) Rich Wantorski, advised of having attended many meetings and of having discussed this matter with people around town. He further advised that his role in this process has been to provide a voice for the equestrian community in recreation, transportation, and economic planning in the community, through education and public involvement; to work with the equestrian trails, open spaces, recreation organizations and to provide support in common goals; to reach out to the equestrian and non-equestrian communities to provide education and communication for the opportunities, values, and needs of equestrian activities and the importance of the horse-related industry for the local economy. Mr. Wantorski advised of having met with Jeffrey Osborne, of the Nevada Department of Prisons, on Tuesday, April 26th to discuss the boundaries, fences, and gates on a portion of Bigelow Drive and the V&T railroad. He advised that a trail which has been used for a number of years was closed three weeks ago. He advised of having met Timothy Bryant and Justin, the Prison Ranch manager, as well as the Prison Warden. He advised that the original gate is at least 50-60 years old, and that the Department of Prisons does not own the right of way on Bigelow Drive or the V&T Railroad trail. He advised that the area is “loaded with criss-cross, historic trails, Pony Express, California Overland and V&T Trails.” He emphasized the importance of preserving historic equestrian lifestyles and access to the open spaces for future generations. He expressed an interest in working together with the developers and City staff on a common goal. He suggested that the developers contribute to recreation trails.

(3-0815) Bob Bateman expressed the opinion that inviting Ms. Moss to the meeting “was very unprofessional.” He commented that Douglas County didn’t consider a transition “when they built all that real estate right on our county line.” He expressed the opinion that another developer will propose a development within a few years, “someone that would be willing to build one-acre parcels or three-quarters, something like that.” He advised that many of the property owners purchased their acreage years ago, built their homes with local contractors, made additions, alterations, and other improvements through retailers in Carson City. He advised that the homes have increased in value, and that the property owners “have a very vested interest.” He discussed the history of many citizens of the community, and advised that the current residents are not adverse to developing the area into one-acre parcels. He commented that the subject area is not “the most influential part of town.” He expressed doubt that a developer could go into Lakeview or Timberline and say we need high density homes in Carson City. He commented that the idea would not be entertained. He discussed the role of the Commission to represent the citizens of the community, and to be concerned over the impact of the subject development to the school district, the aesthetics of the valley, appreciation of the community’s values, and the community’s quality of life. He expressed appreciation for the Commission’s volunteer hours. He reiterated there would be no problem with proposed one-acre parcel development. He requested the Commissioners to “do the right thing.” Mr. Sullivan advised that one of the Commissioners requested Ms. Moss’ attendance at this meeting. Mr. Bateman expressed appreciation for the explanation.

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(3-0912) Brian Wallace, Chairman of the Washoe Tribe of Nevada and California, expressed concern over cumulative impacts regarding non-point source water quality issues on lower Clear Creek, and over the interaction between surface water and the ground water aquifer and the integrity of the hydrologic basin. He discussed Clear Creek as a cultural and habitat resource to the residents of the proposed SPA and to the Washoe Tribe. He discussed concerns with regard to the recommendation for the highest densities and the most direct impacts to be located adjacent to the Clear Creek watershed and along Tribal Land boundaries. He expressed concern with regard to erosion control and soil sedimentation issues, higher traffic counts in the area, and erroneous recordation of Tribal lands on the SPA map. He requested to be involved in the ongoing process.

(3-1079) Jimmy Levi, of the Washoe Tribe of Nevada and California Environmental Department, advised that the staff report had not been provided until yesterday afternoon. He advised that the northern portion of the proposed development appears to be included in the FEMA map. He expressed concern over urban sprawl, additional traffic through the reservation, Tribal resident water / sewer hook ups, urban run off, FEMA, and an irrigation ditch on Tribal property.

(3-1135) Tim Seward, General Counsel for the Washoe Tribe of Nevada and California, discussed concerns over compatibility of the proposed development with Tribal land and protection of cultural and environmental resources.

(3-1216) Steve Luschar pointed out his parcel on a displayed map, and expressed a desire to be included in the zoning change to medium density, SF6000. He thanked Mr. Plemel for promptly responding to recent questions.

(3-1241) Ron Luschar commended the Planning staff on their foresight. He discussed the importance to "get with our neighbors in Douglas County." He expressed support for alternative 4, which would include his property in the SF6,000 zone.

(3-1275) Dan Greytak, representing the Clear Creek Watershed Council, provided background information with regard to the same. He expressed concern over the negative impacts to Clear Creek resulting from development in the valley, Highway 50, and from logging and forest practices. He discussed the need to address cumulative impacts throughout the watershed, and noted that Clear Creek is the only free-flowing stream that goes to the Carson River. He noted that Clear Creek is an "important biological jewel," and expressed concern that the SPA does not adequately address storm water runoff from such a high density development adjacent to the Creek. He advised that development in Douglas County is also having a negative impact on Clear Creek. He suggested waiting until the master plan is in place to consider the subject proposal.

(3-1308) Kenneth Morton advised that not everyone in Area B is against subdividing their properties. He pointed out a parcel owned by his parents and grandmother.

(3-1320) Betty Ferris read a letter into the record.

(3-1393) Don Schulz, owner of one of the parcels under consideration, provided historic information on the purchase and ownership of his family's land. He requested the Commissioners to approve increased density of the Schulz Home Ranch.

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With regard to the equestrian trail issue, Mr. Rotter advised that the developers will continue to work with Mr. Wantorski. He acknowledged that clean up of the race track will be the responsibility of the developers. He requested the Commissioners to keep in mind that a key to the whole master plan was removal of the race track, as its incompatibility has been a major issue over the years. He noted that requirements associated with the flood plain and storm drainage are all federally mandated.

Chairperson Peery requested input from each of the Commissioners. Vice Chairperson Kimbrough inquired as to how anyone would know if the 8,000 or 12,000 square foot lots would actually “pencil out” for the developer. Mr. Plemel advised that a pro forma has never been submitted together with a development project. He doesn’t anticipate ever seeing one, from a land use planning standpoint and the associated requirements. In response to a further question, Mr. Plemel explained that consideration is not given to how much money the developer will make. Decisions are made based on appropriate land use. It is the applicant’s job to make sure a project will pencil out. Vice Chairperson Kimbrough noted that higher densities result in more profit. He expressed concern that the proposed project area will be surrounded by one-acre parcels “on one side and 8 and 12 on the other side; that’s a pretty big drop in the middle there, even understanding the fact that higher densities are more ... to this community.” He expressed difficulty in understanding how to negotiate some level of density versus considering 6,000 square foot parcels “without much discussion about any change to that.” Mr. Plemel advised that the application for the medium density 6,000 is before the Commission for consideration now.

Commissioner Vance suggested that considering 8,000 square foot parcels rather than 6,000 would not change the concerns expressed during this meeting, “except that it may be slightly more compatible with the area to the west, Douglas County.” He commented that SF6,000 is very common in Carson City. Mr. Sullivan advised that SF6,000 is the City’s base zoning district.

In response to a question, Mr. Plemel advised that the Tribal representatives raised a number of questions in the two-page letter submitted at this meeting. He wouldn’t say that all the Tribal issues have been addressed. He advised that some of the issues are addressed through federal permits. He will contact the State Historic Preservation Office to review identified resources. He will contact the Tribal representatives following this meeting to review the process, as well as other general master planning issues. He acknowledged that the Washoe Tribe will have opportunity to participate in the subject process. Chairperson Peery commented that one of the hardest things faced by the Commission is impacts to other people. Unless there is an imperative reason, land use development cannot be constrained. He reviewed the comments received, including impacts to Tribal lands, runoff issues, storm water pollution, etc. He suggested that the comments with regard to “wrong place, wrong time” are not as important. He expressed the opinion that horse trails are very important to Carson City and its residents. Cultural resources are very important, as well as the watershed. Chairperson Peery suggested there are issues with the watershed which haven’t been fully explored. Whatever the situation with the subject area, Chairperson Peery expressed the opinion there is no reason to kill the project outright.

Commissioner Sedway thanked staff, particularly Mr. Plemel, for their time and effort, Mr. Rotter for his presentation, and for the citizens’ willingness to wait for hours to provide their comments. He expressed agreement with the areas of importance listed by Chairperson Peery. He discussed the importance of the master plan designation. He thanked Ms. Moss for her attendance and presentation, and commented that Douglas County has a different vested interest in the area. He expressed a willingness to consider a zoning

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change to accommodate development of the subject area, but expressed concern that the density of the project is “a little too much at this particular time” to approve. He expressed a willingness to consider compromises, and commented that “it’s too big of a jump for the people who have bought out there and ... have a lifestyle that they expected the City to maintain.”

Chairperson Peery entertained a motion and, following discussion with regard to the appropriate action, **Commissioner Vance moved to adopt Resolution 2005-PC-1 to recommend to the Board of Supervisors approval of MPA-05-044, a specific plan area to change the master plan designation from suburban residential to medium density residential, and to change the zoning from mobile home one acre and single family one acre to single family 6,000, APNs 009-311-03, -14, -15, -08, -09, -10, and -47, including specific development and zoning standards, guidelines and policies contained in the Schulz Ranch Specific Plan Area document for the future development of a residential subdivision, based on the findings contained in the staff report. Commissioner Reynolds seconded the motion.** Vice Chairperson Kimbrough advised of living in a rural area, and related a similar situation which occurred in Spanish Springs. He suggested that the one-acre solution may not be the easiest. He noted that higher densities will have to happen in this community, and that this is the first area in which it will take place. He expressed the opinion that if the plan moves forward the way it is, using 6,000 and given some of the buffer zones proposed, “it’s a good compromise for this area.” He expressed support for the motion while acknowledging “it’s not easy.” Chairperson Peery called for a vote on the pending motion; **ayes - 4; nayses - 2.** Mr. Sullivan explained the 2/3 majority requirement for the master plan amendment, and advised that the Commission’s action would be forwarded as a denial to the Board of Supervisors. In response to a question, the Commissioners indicated no intent to take action with regard to Area B or any other area.

H. STAFF REPORTS

H-1. REPORT ON BOARD OF SUPERVISORS’ ACTION ON PRIOR PLANNING COMMISSION APPLICATIONS (3-1957) - Mr. Sullivan reported that the RV Ordinance revisions were approved, as recommended.

H-2. MPA-04-127 STATUS REPORT ON ACTIVITIES RELATED TO “ENVISION CARSON CITY,” THE UPDATE OF THE CARSON CITY MASTER PLAN AND THE PARKS, RECREATION, AND TRAILS PLAN (1-1948) - At Chairperson Peery’s request, Mr. Plemel agreed to e-mail the Commissioners a status report due to the lateness of the hour. Mr. Plemel advised of a presentation and workshop scheduled for Monday, May 9th at 6:30 p.m. in the Community Center Theater.

I. ACTION ON ADJOURNMENT (3-1970) - Commissioner Semmens moved to adjourn the meeting at 11:25 p.m. Commissioner Vance seconded the motion. Motion carried 6-0.

The Minutes of the April 27, 2005 meeting of the Carson City Planning Commission are so approved this 25th day of May, 2005.

JOHN PEERY, Chair