

CARSON CITY PLANNING COMMISSION

Minutes of the August 27, 2003, Meeting

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A regularly scheduled meeting of the Carson City Planning Commission was held on Wednesday, August 27, 2003, at the Community Center Sierra Room, 851 East William Street, Carson City, Nevada, beginning at 3:30 p.m.

PRESENT: Chairperson Richard Wipfli, Vice Chairperson John Peery, and Commissioners Mark Kimbrough, Craig Mullet, Roger Sedway

STAFF PRESENT: Community Development Director Walter Sullivan, Senior Planner Lee Plemel, Deputy District Attorney Mary Margaret Madden, Senior Engineer Robert Fellows, Associate Planner Jennifer Pruitt, and Recording Secretary Katherine McLaughlin (P.C. 8/27/03 Tape 1-0010)

NOTE: Unless otherwise indicated, each item was introduced by the Chairperson. Staff then presented or clarified the staff report/supporting documentation as well as any computerized slides that may have been shown. Any other individuals who spoke are listed immediately following the item heading. A tape recording of these proceedings is on file in the Clerk-Recorder's office. This tape is available for review and inspection during normal business hours.

ROLL CALL, DETERMINATION OF A QUORUM, AND PLEDGE OF ALLEGIANCE - Chairperson Wipfli convened the meeting at 3:35 p.m. Roll call was taken. A quorum of the Commission was present although Commissioner Sedway did not arrive until 3:39 p.m. and Commissioners Christianson and Semmens were absent. Commissioner Peery led the Pledge of Allegiance.

B. APPROVAL OF MINUTES (1-0036) - None.

C. PUBLIC COMMENTS (1-0038) - None.

D. AGENDA MODIFICATIONS (1-0046) - Mr. Sullivan explained the applicant's request to continue Consent Agenda items F-1A, B, C, and D for two months in order to obtain additional information. He also indicated that the late material included his memo regarding the Mulberry appeal of the Quinn variance which he would explain at the end of the meeting. (A copy was not in the Clerk's late material.)

E. DISCLOSURES (1-0065) - Commissioner Peery disclosed that last week he had a conversation with Jim Bawden regarding an item agendized for today's meeting. Chairperson Wipfli disclosed that he had visited the Airport/Mr. Bawden's hill which is the same agenda item. Commissioner Mullet disclosed that he had brief comments with Chamber of Commerce Chief Executive Officer Larry Osborne and one or two manufacturers in the Industrial Airpark regarding the same item.

F. CONSENT AGENDA (1-0086)

F-1A. MPA-03/04-1 - ACTION TO CONTINUE A REQUEST FROM RANDALL MILLARD FOR A MASTER PLAN AMENDMENT

F-1B. Z-03/04-4 - ACTION TO CONTINUE A REQUEST FROM RANDALL MILLARD FOR A CHANGE OF LAND USE

F-1C. MPA-03/04-2 - ACTION TO CONTINUE A REQUEST FROM DOUGLAS HONE FOR

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A MASTER PLAN AMENDMENT

F-1D. Z-03/04-3 - ACTION TO CONTINUE A REQUEST FROM DOUG HONE FOR A

CHANGE OF LAND USE - Commissioner Peery moved to approve the Consent Agenda with the modification to continue Items F-1A, F-1B, F-1C, and F-1D for two months. Commissioner Mullet seconded the motion. Motion carried 4-0.

F-2. U-02/03-42 - ACTION TO APPROVE AN AMENDED SITE PLAN TO RELOCATE

A PREVIOUSLY APPROVED BILLBOARD APPROXIMATELY 100 FEET EAST ON THE SAME PARCEL (1 -0120) - Commissioner Peery moved to approve Consent Agenda Item F-2. Commissioner Mullet seconded the motion. Motion carried 4-0.

G. PUBLIC HEARINGS

G-1. Z-91/92-4 - STATUS REPORT REGARDING CITIZEN CONCERNS INVOLVING A CHANGE OF LAND USE REZONING APPLICATION AND THE CONSTRUCTION OF AN APARTMENTBUILDING (1-0128) - Commissioner Sedway arrived during Chairperson Wipfli's reading of the Item Heading-3:39 p.m. (A quorum of the Commission was present although Commissioners Christianson and Semmens were absent.) Community Development Director Walter Sullivan complimented the contractor, Christian Funk, on his resolution of the citizens' concern. Mr. Funk had not been obligated to do anything about the concern. Chairperson Wipfli complimented him on his resolution. No formal action was required or taken.

G-2. U-01/02-32 - ACTION ON THE REVIEW OF A PREVIOUSLY APPROVED SPECIAL USE PERMIT FROM GEORGE WENDELL (1-0172) - Community Development Director Walter Sullivan, Rev. George Wendell - Mr. Sullivan's introduction indicated that there had not been any complaints regarding the dropoff/pickup location for the child care facility. Staff recommended removal of the annual review condition. If problems occur in the future, the Item will be brought back to the Commission. Chairperson Wipfli supported removal of the annual review. Discussion explained that the dropoff/pickup location had been moved to Northgate. The Northgate traffic volume was described. When the freeway is opened, the volume should decrease. Rev. Wendell agreed with the staff's recommendation. Public comments were solicited but none were given. Commissioner Kimbrough moved to approve the review of the Special Use Permit from George Wendell, property owner: Victory Christian Center, to allow a child care facility for 40 children maximum on property zoned General Commercial located at 300 Hot Springs Road, APN 002-062-11, and deleting the condition of a yearly review and adding approval of a drop-off location on Northgate Lane. Commissioner Sedway seconded the motion. Motion carried 5-0.

Mr. Sullivan explained that the Church and childcare facility are adjacent to the City offices at Northgate. He complimented Rev. Wendell on his willingness to work with the City and his openness to suggestions. He also thanked him for his patience during the Department's staff turnover. Rev. Wendell thanked the staff and Commission for their assistance.

G-3. U-01/02-27 - ACTION ON AN ORDER TO SHOW CAUSE TO REVOKE A PREVIOUSLY APPROVED SPECIAL USE PERMIT FOR CARRIE HENSON (1-0278) - Community

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Development Director Walter Sullivan - The inspection is being completed. The driveway surface is "poly seal" and not asphalt. It was felt that the new surface for the disabled space will meet ADA requirements. Staff is confident that the applicant has complied with the conditions of approval and recommended abandonment of the Show Cause Hearing. Clarification noted that the material is setting a new standard for driveway/parking surfaces if it meets the ADA requirements. Discussion also indicated that the material was to have been installed and inspected yesterday and earlier today. The applicant was not present. Public comments were solicited but none were given. Commissioner Peery moved to abandon the show cause on U-01/02-27 for a previously approved Special Use Permit for Carrie Henson for a childcare facility for 30 children. Commissioner Kimbrough seconded the motion. Motion carried 5-0.

G-4. U-03/04-8 - ACTION ON A SPECIAL USE PERMIT APPLICATION FROM

MALKIAT S. DHAMI (1-0355) - Community Development Director Walter Sullivan, Senior Engineer Rob Fellows, Malkiat Dhami, Jaswinde Singh, Patricia Jerman, Deputy District Attorney Mary Margaret Madden - Discussion explained RTC Engineer Harvey Brotzman's request for an access management plan of the entire street including driveways from Carson to Imperial. Staff had reviewed the street configurations and felt that there will not be any conflicts. Staff does need the access management plan for the file. Mr. Fellows felt that southbound traffic will use Imperial and College Parkway. Imperial and Broadleaf are considered collector streets.

Mr. Dhami explained the purchase of the property and the original use proposed for it. The decision was then made to construct apartments. They had discussed the project with Carson-Tahoe Hospital Chief Executive Officer Ed Epperson, who supported it.

Discussion between Chairperson Wipfli and Mr. Sullivan explained the size of the parcel as being 4.97 acres and the proposed density as being 26.56 units per acre. The Code allows for 29 to 39 units per acre if setbacks, parking, open space, etc., requirements are met. Mr. Fellows also indicated that a traffic study has been completed. Mr. Sullivan indicated that the School District had submitted comments during the major project review but had not submitted any comments on the Special Use Permit application.

Discussion between Mr. Dhami and Commissioner Mullet indicated that the remaining parcel(s) will be developed, however, the use(s) has not yet been determined. At this time Mr. Dhami did not envision the entire area as being apartments. It will depend upon the occupancy rate for the 132 apartments that are being requested. Mr. Dhami did not believe that a commercial use would be constructed at this time. Mr. Dhami also indicated that he would construct disabled units if required. Mr. Sullivan explained that three percent of the units must comply with the ADA requirements. He suggested that some of the ground floor apartments be dedicated to this use. Mr. Dhami also indicated that there are no plans to have affordable housing units and that the standard market rates will be charged. Mr. Dhami then explained his reasons for not wanting a pedestrian path along the sound wall. There will be half of an acre of land has been dedicated to the City which is indicated as being 40 feet wide along Carson Street and the 30 feet wide along Broadleaf.

Discussion between Commissioner Sedway and Mr. Fellows explained that the traffic study had been completed. Warrants have not been met for a signal at Broadleaf. Additional projects will be needed in order to have the signal.

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Mr. Singh explained that the hotel wants a restaurant in the open area. There have been discussions on having a strip mall, however, the interest does not appear to support it. A restaurant could provide the impetus for it. They were willing to talk to anyone who is interested in having a restaurant.

Public comments were then solicited. (1-0711) Ms. Jerman explained her residential location and concerns about the use of the residential streets by southbound traffic. She did not believe that the traffic will attempt to turn south from Broadleaf onto Carson Street. Imperial is presently overburdened with traffic from the Broadleaf and Sage Apartments. The traffic does not adhere to the 25 miles per hour speed limit. College Parkway is a "freeway" with speeds in excess of 50-60 miles per hour. Imperial and College Parkway is a dangerous intersection. She supported having a signal at Carson and Broadleaf as it is dangerous for northbound traffic to turn right on Carson Street. Imperial cannot handle the additional traffic. She was also concerned about the heavy trucks that use Broadleaf and Imperial to bypass the heavy traffic on Carson. When a traffic accident occurs on College Parkway or Broadleaf, traffic detours through the residential area. She could understand the need for this traffic but could not support additional daily traffic. She recommended that the site be developed as a park and dedicated to the apartment residents already living in the neighborhood. Additional public comments were solicited but none were given.

Mr. Sullivan explained that Street Operations Manager John Flansberg is the City's liaison to the Regional Transportation Commission. There are a number of warrants which must be met in order to have a signal at an intersection. An intersection can be placed on the transportation improvement program list of projects. When the intersection's priority reaches the top of the list and the warrants are met, a signal can be installed. It costs between \$150,000 and \$250,000 for signals. They are very expensive. As future development comes on line, the intersection may be able to meet the warrants. Public sentiment can also push a project forward. He also noted the late material regarding this project, e.g., an email from Stu Welden opposing the project based on the need for additional houses and the "current water problems" and the memos from Parks Planner Verne Krahn. (Copies are in the file.)

Clarification indicated that Mr. Fellows had stated the Broadleaf and Carson intersection did not meet the warrants for a signal at this time. Mr. Brotzman had purportedly indicated that a restaurant or fast food facility could change the warrants to require one, however, Carson Street is owned by NDOT who will make the decision regarding the signal. A traffic study had been conducted on Carson Street for the hotel. The applicant was required to dedicate property at Broadleaf for the signal so that one can be installed when the warrants are met. There will be a deceleration lane adjacent to the hotel. In order for the occupants of the hotel to go south, they will have to go north on Carson Street and make a "U" turn. Commissioner Kimbrough felt that making left turns from Broadleaf is an unsafe maneuver. College Parkway is a State road. The State could install a "worm" if it does not want left turning movements from Imperial to occur. The Regional Transportation Commission will make recommendations to NDOT on the intersection. Commissioner Sedway also felt that traffic on Imperial will be a City problem. NDOT's warrants must be met as negotiations are not allowed on its streets. He hoped that the next project will meet the necessary warrants for a signal. Mr. Fellows agreed that Imperial and Broadleaf are the only access/egress methods for the site. They connect to State owned roads. The City had requested and obtained the traffic studies. They will do what they can to alleviate the problems and provide whatever improvements are possible. The apartments do not meet the warrants for a signal at this time.

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Commissioner Kimbrough explained that the location will provide a perfect situation for bicyclists and pedestrians to commute to the hospital. He encouraged the applicant to reconsider the bicycle/pedestrian path as it could be used to advertise the facility. A lot of bicycle paths and pedestrian walkways are found adjacent to sound walls. Mr. Singh explained that they had already provided 40 feet for dual left turn lanes. Commissioner Kimbrough explained that he understood what they had provided. Pathways provide a protected, safer area for the users, specifically children and older people. Reasons for his personal interest in bikeways were explained. Ms. Madden indicated that she did not have a problem with the discussion as it is not a requirement.

Chairperson Wipfli explained his belief that the project will create a traffic impact. This is the price that must be paid for progress/growth. He also felt that there were too many apartments being constructed. A regional hospital is going to be in that area. The people must live somewhere. He would like to see it with less density and three car garages but the project does not provide this. He was worried about the traffic which will be an issue as people will use Imperial until the light and the freeway are developed. It is a congested area that is in transition. The school is a concern due to the impact the project will have on it.

Commissioner Kimbrough hoped that people will use the freeway to go southbound when it is completed and that there will not be a problem with cross traffic. This movement will solve the traffic problem for the residential area. Supervisor Kimbrough then moved to approve U-03/04-8, a Special Use Permit request from Carson City Hotel LLC, Malkiat S. Dhami, to allow multi-family apartments as a conditional use on property zoned Retail Commercial zoning district located at 4055 North Carson Street, APN 008-053-31, based on seven findings and subject to 14 conditions of approval contained in the staff report. Commissioner Peery seconded the motion. Motion carried 5-0.

(1-1132) Commissioner Kimbrough felt that it was a "bummer" for the City to have a nice project such as this one that is surrounded on two sides by NDOT roads. The problems cannot be fixed as conditions cannot be added involving NDOT roadways. Mr. Fellows pointed out that the freeway will also impact the development. A restaurant will help establish the warrants. When one is constructed and Silver Oak Boulevard is constructed, the signal will be allowed.

G-5A. MPA-03/04-4 - ACTION TO ADOPT A RESOLUTION REGARDING A MASTER PLAN AMENDMENT FROM PALMER AND LAUDER ENGINEERING; G-5B. Z-03/04-2 - ACTION ON A CHANGE OF LAND USE REQUEST FROM PALMER AND LAUDER ENGINEERING; AND G-5C. P-93/94-1 - ACTION ON A REQUEST FROM SILVER OAK DEVELOPMENT COMPANY FOR AN AMENDMENT TO THE SILVER OAK PUD (1-1115) - Senior Planner Lee Plemel, Mark Palmer - Commissioner Sedway recused himself due to a conflict of interest and left the room 4:35 p.m. (A quorum of the Commission was present.) (1-1152) Mr. Palmer used site plans to illustrate the site and explain the request. Utility and grading permits have been issued for the project. The proposal will place medical offices adjacent to the golf course. The present plan calls for only two buildings ranging in size from 30,000 to 50,000 square feet each and containing six or seven medical offices adjacent to the golf course. In the future two other buildings may be placed on the north side of the road. There may be a total of six or seven buildings when the project is completed. Justification for changing the zoning at this time was provided. The Hospital is currently constructing the road and putting in the utilities with stubbing to Silver Oak and the Children's Home. Public comments were solicited but none were given. Clarification indicated that the Hospital is in escrow for this property. The closing is contingent upon

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the change of land use. The adjacent two single family property owners had been contacted regarding the project and do not oppose it. They purportedly understood the Hospital's needs. The residents wish to remain in their homes. The Hospital may be interested in acquiring these properties when and if they are sold in the future. Efforts have been made to mitigate any concerns with the adjacent property owners. Commissioner Mullet moved to adopt Resolution No. 2003-PC-6 recommending to the Board of Supervisors approval of MPA-03/04-4, a Master Plan Amendment to change the land use designation of a 17.5 acre parcel from Open Space-Recreational-Rural Residential to Commercial located on Eagle Valley Ranch Road, APN 008-062-18, based on the findings in the staff report. Commissioner Peery seconded the motion. Motion carried 4-0-3 with Commissioners Sedway, Christianson, and Semmens absent.

Commissioner Mullet moved to recommend to the Board of Supervisors approval of Z-03/04-2, a Change of Land Use application to change the zoning designation of a 17.5 acre parcel from Single Family 12,000-Planned Unit Development and Conservation Reserve to Retail Commercial located on Eagle Valley Ranch Road, APN 008-062-18, based on the findings contained in the staff report. Commissioner Peery seconded the motion. Motion carried 4-0-3 with Commissioners Sedway, Christianson, and Semmens absent.

Commissioner Mullet moved to recommend abandonment of the Silver Oak Planned Unit Development designation of a 17.5 acre parcel from the Planned Unit Development including the deletion of 49 residential units from the overall development plan located along the development border of Eagle Valley Ranch Road, APN 008-062-18. Commissioner Peery seconded the motion and requested an amendment. Commissioner Mullet amended his motion to eliminate the word abandonment and insert the word amend. Commissioner Peery concurred with the amendment. The motion was voted and carried 4-0-3 with Commissioners Sedway, Christianson, and Semmens absent.

Mr. Sullivan explained the statutory requirement that a Master Plan Amendment must carry with a two-thirds vote. This is five votes. Therefore, the Master Plan Amendment will be sent to the Board of Supervisors as a denial as there were only four votes. The Board Action Request Form will include an explanation of the Commission's action. The item will be heard by the Board on September 18. The other two items need a simple majority to carry.

RECESS: A recess was declared at 4:55 p.m. A quorum of the Commission was present when Chairperson Wipfli reconvened the meeting at 5:05 p.m. (Commissioner Sedway had returned. Commissioners Christianson and Semmens were absent.)

G-6. U-03/04-9 - ACTION ON A SPECIAL USE PERMIT APPLICATION FROM

PARAGON ASSOCIATES (1-1505) - Senior Planner Lee Plemel, Community Development Director Walter Sullivan, Senior Engineer Rob Fellows, Airport Authority Legal Counsel Steve Tackes, Applicant's Representative Greg Evangelatos, Del White, James Parker, Robert "Bud" Cooper, Terry Marshall, Bud Milstead, Robert "Bob" Osborn, Mike Etchelecy, Ken Uber, Paul McKenzie, Carl Griffis, Granite Construction Environmental Compliance and Permitting Manager Tom Waldrum, Michelle Middleton - Chairperson Wipfli asked that the public comments be brief, concise and to the point. Mr. Plemel's introduction included slides illustrating the location and showing the hill which is to be removed. The haul routes and freeway use locations have been identified and are within five miles of the hill. Any other uses for the material will require additional special use permits. Outside sales will not be allowed. The site will be developed in accordance with the Airport Master Plan. Rehabilitation of disturbed areas,

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dust control and slope stabilization will be required. Benefits of the project were noted. The Commission's role is to consider the neighborhood concerns which include noise and dust. The potential impact to the neighborhood was described. The proposed alignment for a connector road between Graves Lane and Arrowhead was limned. The noticing requirements were spelled out. Reasons some individuals may have been noticed while an adjacent neighbor may not have received the same notice were explained. The notices were sent on August 12. Staff had not received any responses as of August 20th, when the report was written. A letter was received after the report was written and is included in the staff packet. The writer opposed the request due to concerns about the noise, dust and a 24-hour operation. He/she suggested that the plant be placed on the northwest side of the hill away from the neighborhood and that its access be from Arrowhead. This could mitigate some of the concerns regarding visual and noise impacts. This route was not part of the application. Therefore, it had not been considered. It could require additional conditions based on the revised haul routes. The Commission should consider the normal requirements placed on an extraction operation. Findings for approving the Special Use Permit were included in the packet. Staff's recommendation of approval was based on those findings. He then distributed copies of Connie and Richard Rogers' letter to the Commission and Clerk and read it into the record. (A copy is in the file.)

Mr. Sullivan pointed out that there are 29 conditions in the staff report. Some of the conditions must be met before the use occurs. If they are not met, the use will not be allowed. He then summarized the conditions. Other projects could be added to the permit after Commission approval for them is obtained. Outside sales are prohibited unless tied to the freeway. Freeway construction could require a 24-hour operation. Development Services will need written information from NDOT regarding the potential of having a 24-hour operation. The Commission will reconsider the special use permit and compliance with the conditions. The permit is valid for five years. Extensions must be granted by the Commission. Written extension requests must be received 180 days before expiration of the permit. Any damage to City streets must be repaired to the satisfaction and acceptance of the Street Department.

Mr. Fellows explained the requirement that if a dust problem or any other nuisance arises, the applicant must increase the efforts to control it. Discussion between the Commission and Mr. Plemel explained that the applicant will have one year in which to commence the use. A one year extension to this deadline can be requested. Mr. Sullivan explained that the Airport has a representative present who can explain the approvals it needs to grant. The Airport will benefit from the removal of the hill as it will allow the Airport to relocate the runway north of its present location. He also indicated that the Airport will be having a special meeting on the proposal in one-half hour. Mr. Plemel suggested that the applicant explain his need to have a concrete and asphalt plant. He felt that the proposal is to crush the aggregate to a size and make other materials. Mr. Fellows indicated that there are concerns with the haul routes. Therefore, a request for designation of the haul routes had been made. Mr. Sullivan indicated that the lighting plan was requested so that the impact on the neighborhoods could be reduced particularly if the lighting is used for a 24-hour operation or for security reasons. The lighting should not impact either the neighbors or the pilots on the Airport runway. Discussion between Commissioner Sedway and Mr. Sullivan explained the need to know the hours of operation and whether or not the NDOT contract will require a 24-hour operation. Mr. Sullivan also explained that the year for closure of the extraction operation is to allow time to rehabilitate the site. Mr. Fellows pointed out that the closure date is unknown as it depends on the status of the freeway. All equipment must be moved off the site and any excess material issues be resolved. The permit limits the use of the material to the freeway. Obtaining the permit is speculative and contingent upon obtaining a contract for the material. If a contract for the material is not obtained,

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nothing can happen with the hill. Mr. Plemel felt that the City will not be liable for any costs, etc., encountered by the applicant for failure to obtain a contract for the material. Approval of the application allows the applicant to have the ability to negotiate a contract. If the material cannot be used for the freeway, then a new use/location will have to be found and a Special Use Permit request for that purpose. Mr. Fellows clarified that the Special Use Permit is for only Phase 1B of the freeway.

Discussion indicated a need to allow the Airport Authority representative to speak before the applicant does. (1-2300) Mr. Tackes explained the Authority's conceptual support for the application was based on the proposal to remove the hill. This will allow the runway to be moved to the north in compliance with the FAA requirements and the Airport Master Plan. The Master Plan has been approved by the Authority, Commission, and Board of Supervisors. It was accepted by the FAA. The desire to implement the plan was indicated. The freeway needs the material found in the hill. In order to implement the Master Plan, the portion of the hill under the Authority's control must be removed. A grant will have to be obtained to remove it. The proposal is a better economic plan than spending funds to relocate it without a purpose or use. Discussion regarding its removal has included negotiations on the terms for removal of the hill. The Authority has not acted on them. Approval is consistent with Master Plan including the development of a connector road that has been on the Regional Transportation Commission's Master Plan for some time. The need for a connector road between Graves and Arrowhead was indicated. Its exact alignment has not been established. The importance of the Master Plan to the economic vitality of the community was noted. He introduced Authority Chairperson Harlow Norvell and Member Gene Sheldon. He thanked the Commission for taking them out of order. He then reiterated the reasons for approving the application at this time. Discussion between Commissioner Kimbrough and Mr. Tackes explained that the plan included a designated area for the connector road although its exact alignment has not been established. The site plan is a concept and the suggested location. The plan also included a location for a detention basin which was required as a result of a lawsuit. The Airport needs a clear zone which is the proposed location for the detention basin. The exact locations for the basin and roadway have yet to be determined. The FAA, Board of Supervisors, and the Commission were aware of the fact that the locations are conceptual. Street Operations Manager John Flansberg has also indicated a desire to have a sound suppression system for the neighbors. This could be either berms or depressions. The Airport also wants to be a good neighbor. Clarification between Commissioner Sedway and Mr. Tackes indicated that the hill is half owned by the Authority and half by Mr. Serpa. The Airport currently owns the top of the hill and maintains an "obstruction light" at the top of the hill to warn approaching aircraft. It is his understanding that the application included removal of the dirt from the Airport portion of the hill. Mr. Plemel explained that the hill could be leveled by acquiring a grading permit. The processing and the use of the material requires a Special Use Permit. This is the reason the Airport is not part of the application. Clarification indicated that the master plan includes a slice of the hill as well as a portion which the Airport needs to acquire. FAA has required that environmental and cost benefit assessments be made. This evening's meeting is to award the contracts for these assessments. FAA will not fund removal of the hill if a biological or any other issue is found. The Airport plan calls for acquiring the additional land next year. Reasons for moving the runway to the north as well as removal of the hill were then explained. Mr. Tackes then explained that a portion of the hill could be used for fill at the Airport if the material is the right type for this purpose. Geotechnical testing will determine if the material can be used. Some of the old runway material can also be used as fill, however, the need to have an operational runway was also noted. Mr. Tackes felt that the assessments would be completed within the next nine months and that the entire hill will have to be removed. If the hill cannot be removed, the environmental assessment will provide other options. FAA will not fund removal of the

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hill if a problem is encountered. The Airport is environmentally committed and wants to react responsibly. The sites for the connector road and the detention ponds as well as the noise abatement program for the neighbors are important to the Airport. Mr. Tackes also indicated that the FAA wants the collection data to be done before removal of the hill commences. This data will be collected immediately for the environmental assessment. This will eliminates the need to hold up removal of Mr. Serpa's portion of the hill.

(1-2690) Mr. Evangelatos complimented staff on the report. The proposal accomplishes benefits for the City and is timely for the freeway. He had read the staff report and concurred with all of the conditions. He agreed that they could move the equipment, if necessary, so that the hill will shield some of the noise. The proposed location of the equipment is conceptual at this time. If the Commission and Authority act favorably on the request, they will negotiate with the contractor on the freeway materials. The next issue is to deal with NDOT regarding the 24-hour operation. A 24-hour operation will create a larger impact on the neighbors while reducing the impact on the traffic. "The record should show that by allowing this site to operate it will provide a congregation of impacts related to the traffic with the bypass construction." If the material is imported from Moundhouse or other sites, there will be greater traffic volume and disruption, greater impacts on the streets, greater congestion, etc. The proposal concentrates the impact within a compact area. Selection of the access route from Graves Lanes provides the safest and closest route to the site with minimal impact on traffic. The use of Arrowhead and Goni, with their turning movements and traffic control, will be more destructive. The proposed construction of the linkage road provides minimal impact, creates a roadway as designed on the approved Transportation Master Plan, and reduces the invasion as much as possible. The proposal to have asphalt and concrete plants on the site addresses the need to provide infill, backfill, and mixes as required by NDOT for the freeway. He noted the public benefits from the elimination of the hill. The hill contains one million cubic yards of rock. Its exportation will create a \$4 or \$5 million removal project. The proposal reduces this cost and allows the expansion in an orderly fashion as outlined. The conditions include roadway improvements for the connector road which will be a benefit to Carson City and the Airport. It is approximately half a mile from the hill to the residential neighborhood. He acknowledged the environmental concerns but felt that the noise impact would be no greater than the Airport's. State of the art facilities will be used to reduce the noise impact. The hill could be used to assist with the noise mitigation. They have a lot of water trucks and can mitigate any potential dust or air pollution. They were willing to talk about the use of stabilization and dust retardants on the land that is disturbed. They will be cognizant of the boundary. They were in agreement with the conditions. He realized that the Special Use Permit is temporary, however, five years is a long term impact for the neighbors. They want to be an economic asset that helps the community grow and develop without disrupting the neighborhood. They were willing to consider any reasonable accommodations. He reiterated their belief that the project will be beneficial to the community.

Discussion between the Commission and Mr. Evangelatos indicated that moving the operation to the other side of the hill could help the neighborhood. Onsite mitigation will be used to address any dust/air pollution problems. This includes an onsite sprinkler system and water trucks. The prevailing northeast winds may reduce the dust pollution. They will attempt to work in an as compacted area as is possible. The rock is a dense material that will be cut down gradually during the five-year project. The rock will be crushed in a methodical process. Machinery will be used to "chomp" into the rock, however, some blasting may be required. It can be insulated. The "proper methods" will be used which will reduce the impact on the neighbors. Commissioner Peery explained his personal knowledge of the art of blasting. The amount of control that is possible over the situation had surprised him. Mr. Evangelatos indicated that the road surface for the loop road would be a hard surface which may be a "type 2 base". If the

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engineers require an overlay to stabilize it, one will be done even if it must be asphalt. Chairperson Wipfli felt that dust should be controlled as it will impact the neighbors and their ability to barbecue in their backyards. Mr. Evangelatos felt that the amount of rock that would be provided would be a "close match" to that required by NDOT. He also noted that Mr. Tackes had indicated that the extension of the runway could absorb a lot of the material. The primary consideration is what is required to accomplish the removal of the hill and, secondarily, being a good neighbor and not disruptive. He then explained that the dirt removal will be concentrated to the area of removal of the aggregate. The other parcels on the map were to identify ownership.

Discussion between Commissioner Sedway and Mr. Fellows indicated that NDOT could haul on State streets. NDOT has not yet discussed the hauling routes with the City staff. They will work with the City if City roads are to be used. Commissioner Sedway acknowledged that the freeway and the project are an economic asset for the City as well as the Applicant. The asphalt and concrete portions of the project, however, will compete with others in the industry and area. Mr. Evangelatos acknowledged this competition and pointed out that they also pay fees, licenses, and taxes, acquire the same permits, and compete the same as other existing businesses. This is the American system. It would be presumptuous of them to start with NDOT before knowing whether the City would allow the project to occur. Once the City and Airport's positions are known, they will be able to move forward and work with the others. He also clarified that the crushing operation will occur between the hours of 7 a.m. and 7 p.m. only. NDOT's asphalt requirement will require night work. He indicated that he will "adjust" the application to stipulate 24-hours for the asphalt and concrete and that no crushing will occur outside the 7 a.m. to 7 p.m. timeframe. He acknowledged that the noise could cause a problem for the residences/businesses located on the other side of the hill and felt that this is part of an "imperfect world".

Mr. White explained a meeting that had been conducted with Mr. Serpa when the master plan was being amended. He had not wanted to change the zoning at that time. Now he wants a business with asphalt and concrete as it will benefit him. The manufacturers will have to pay for the removal of the mountain on his side. He felt that a deal should be cut with the contractor, the hill should be given to the Airport, and the FAA should pay for its removal. He objected to the five-year life of the Special Use Permit. The Applicant should not be allowed to sell to the outside. The freeway was being used as "smoke". It should not be allowed. Only the Airport side of the hill should be removed. He also encouraged the Commission to change the noticing procedures. He had not received any notice on the proposal. He felt that no one enforces the conditions on Special Use Permits as indicated by what had happened at Roop and Hot Springs. The area is not zoned for the proposed use. The fiscal impact on the surrounding area will be more than the benefits. He also felt that they should not be allowed to bring material to the site. He urged the Commission to deny the Special Use Permit or put it on hold until additional information is known.

Clarification by Mr. Sullivan indicated that proposed use is allowed in this zoning district, however, the sale of the material is not allowed without a Special Use Permit.

Mr. Parker gave a petition to the Clerk which had been signed by the neighborhood and opposed the project. (A copy is in the file.) He understood the desire to save money on the removal of the hill. He and his neighbors had acquired their properties in a quiet adult neighborhood. They like to see the quail and rabbits. He questioned the wisdom of allowing blasting on an earthquake fault which he believed ran under the hill. He also indicated that the

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notice had not given him a lot of time to prepare for the meeting. He asked who would be responsible for any damage created by blasting on the fault line. Chairperson Wipfli pointed out that the entire Sierra Mountain range is a result of earthquakes. The danger created by the use of dynamite on a fault is beyond his league. Mr. Fellows explained that the fault line is east of the hill. It will be considered in the operations plan which is part of the applicant's responsibility. Mr. Parker felt that although the Airport is loud, the trucks create a different noise. The plan indicates that there will be 240 trucks a day at the site. Chairperson Wipfli explained that the freeway will require a lot of dirt which will come from different areas. It must be hauled through someone's neighborhood to reach the freeway site. Mr. Parker encouraged the Commission to require the road to be paved as 240 trucks will create a lot of dust. He did not believe that a dirt berm would reduce the noise. They understood the need to remove the hill. He questioned what projects would be added in the future. The permit appears to be open-ended without consideration of the neighborhood. He compared the noise of an occasional aircraft to 240 trucks a day. There is increased traffic from Dayton coming into the City daily. College Parkway and Graves Lane are a freeway now. The proposed access point from Graves Lane is in the middle of a blind curve. It will pose a hazard to have double and triple trailers make right and left turns onto Graves Lane. This safety concern should be considered. He questioned whether the City Engineer or Mr. Larry Werner could determine whether the operation is a nuisance once it is allowed. Mr. Fellows explained the process. Mr. Parker asked for better sound mitigation and that the road not be placed against the residences. Condition 29 is too broad and a catchall. The environmental assessment will not be completed until after the hill is removed. Commissioner Kimbrough explained that the assessment will be completed in nine months. Mr. Parker felt that the rock crusher should not be allowed to be placed so close to the residences due to the noise factor. Chairperson Wipfli explained that flaggers will be required on Graves Lane if it is as difficult a turning movement and hazard as indicated. If the 240 trucks do not obtain the material from the proposed site, they will be bringing it from Moundhouse or other locations. This means that they will traverse City streets and impact some neighborhoods somewhere else. Valid suggestions were needed to help mitigate any impacts such as the dirt berms and asphalt roadways. Commissioner Sedway pointed out that the removal of the hill will require trucking regardless of the use. The proposal gives the material a purpose.

Mr. Cooper recommended that the item be postponed until the issues are addressed, i.e., the environmental issues, the truck routes, enforcement of the Special Use Permit conditions, etc. The neighborhood supported realignment of the runway due to the plane crash that had occurred in its neighborhood five years ago. He did not believe that it would take five years to move the hill. With extensions the use could be allowed 10 to 20 years. Rock crushing should be done at its own area and not in an airport or neighborhood setting. The material should be moved to an area allocated for such activity. The neighborhood believes that the proposed truck route is not good for them. Arrowhead and Goni should be used for access. He acknowledged the potential for turning radius concerns particularly for triple trailers but felt that they were more appropriate accesses than Graves Lane as Arrowhead is an industrial area with many large trucks daily. The turning radius issues could be mitigated by widening the intersections. This would keep heavy trucks out of a residential area. Chairperson Wipfli explained that trucking the rock to a crushing site at Moundhouse or elsewhere would require bringing it back and double the total number of daily truck trips. Mr. Cooper felt that this would reduce the impact on Graves Lane and the residential neighborhood. Chairperson Wipfli also pointed out that the Arrowhead-Goni route would be longer. Mr. Cooper felt that the half-mile difference was not that much and that it could be somewhat mitigated by the fact that it is closer to the freeway site. He also felt that the location is not appropriate for rock crushing. He asked that the item be continued until more of the questions are answered. Chairperson Wipfli explained that the notification process had complied with the

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Statutes. To do more could create a problem as the question then becomes where is the line and when is enough noticing appropriate. Mr. Cooper felt that he should have been included in the notices that were sent out.

Mr. Fellows read Mr. Brotzman's memo into the record. Mr. Brotzman's concerns were the potential use of Arrowhead as a "haul" road and the need for a more defined description of the project so that the impact can be determined. The designated location of the "connector road" between Graves and Arrowhead is not as preferred by RTC. The proposed use will accelerate the loading of certain streets in Carson City. An evaluation of the impact must be prepared in order to determine the effect of the loading. The cost of this study is to be bore by the applicant. Mr. Brotzman did not support the proposed position of the "haul road". Commissioner Sedway voiced his opposition to the connector road. He believed that, if the road is constructed at the proposed location and it is asphalted, it will remain for perpetuity. This subject needs to be discussed in more detail in the future.

Ms. Marshall explained that all of the residents oppose having a rock crushing operation behind their homes. The location of a processing plant within 1500 feet is not appropriate. The neighborhood wants the hill removed and the runway moved. They had attended the Airport Authority meeting and supported Option E without the access road. The notice that had been given regarding the meeting had failed to indicate the plant location. She learned it after she arrived for the meeting. The location of the access/haul road in the middle of the curve on Graves Lane is not safe. People have gone through the fence at that location. The Airport Authority's legal counsel had spoken about the Master Plan and FAA requirements. She had talked to them on numerous occasions without anyone ever telling her that there are plans to do this work. She felt that an approval for the relocation of the runway and removal of the hill had not been given. If the access/haul road is built for trucks carrying rocks and paving materials, it will be usable for pedestrians and automobiles. They had not been told the period that the operation will be allowed to exist at the site. Five years was felt to be unacceptable as it will disturb their peace and quiet. There are rock crushing operations in the New Empire and Goni areas. She suggested that the material be trucked to these sites instead of being crushed in their backyards. As the first phase of the freeway is just beginning, it will take 20 years to complete the operation. This will drastically impact the value of their homes. She supported having the operation occur on the north side of the hill, however, the wind will carry its dust and noise to their homes. She urged the Commission to not build the haul road. The suggested alternate route will provide access without it. Chairperson Wipfli explained that the Goni area she had referenced currently has a huge problem with the "grandfathered" trucking related to an excavation operation in that area. They traverse a hill and road that are quite dangerous. He did not feel that the site was feasible and will impact another neighborhood even more than the proposed location. Ms. Marshall indicated that the location she had referenced was at Red Rock and did not require traversing the hill on Goni. Chairperson Wipfli explained that the freeway is located near the proposed site. Her suggestion would require trucking all of the material to another area and back.

Mr. Milstead provided his address and explained his belief that the contractor must list all of the subcontractors in the bid documents. The proposal to allow another subcontractor to come in who is not listed would provide an unfair advantage for the contractor. He agreed that the hill needed to be removed. He pointed out that the Airport fence currently has a hole in it at the Graves Lane curve. He urged the Commission to deny the request for a rock crushing operation at the proposed location. He felt that the Statute was a guideline for providing notices and that additional noticing should be provided. He had been one of the few who received a notice from the City. He claimed to have heard about the Airport Authority hearing through the Reno paper. Mr. Sullivan explained that the noticing

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requirement is a Statute and not a guideline. The District Attorney's office had issued an opinion advising the Department to adhere to the letter of the law. Justification for this recommendation was provided. Clarification indicated that the 300-foot noticing is from the edge of the parcel and not from the street. Mr. Sullivan urged the neighbors who had not received a notice to put their names and addresses on a list to receive the agendas/notice for a special use permit for the site. He also indicated that the notification distance is always debated during the legislative sessions. He then explained that the operational plan must address the flood plain issues and acknowledged that drainage is a concern. (Commissioner Sedway stepped from the room at 7 p.m. and returned at 7:03 p.m. A quorum was present the entire time.)

Mr. Osborn referenced a letter he had submitted earlier in the day. He felt that he lived closer to the proposed site than Mr. Milstead. All of his complaints had been covered. They opposed the batch, rock, and cement plants due to the pollution. The prime contractor should have already selected the subcontractor for the materials. He felt that the proposal is getting the cart before the horse. The crusher and plants should be located in the freeway right-of-way which will eliminate the truck traffic. He also felt that if all three of the plants are operating at the same time, more than 700 trucks will be accessing/egressing the site. This is an unbelievable and unhandleable number.

Mr. Etchelecy felt that he was to supply the asphalt for the contractor which will be coming from Freyer Construction in Moundhouse. His contract should be signed and sealed in two days. He was not sure where the contractor was going to obtain the rock or materials but they had discussed Reno-Sparks Ready Mix and American Concrete as potentials. He was certain this subcontractor was not from Carson City.

Mr. Uber indicated that he had not gotten the contract and that Freyer Construction had been listed in the bid documents as the paving contractor. He also described the process required for obtaining State approval of excavation material for use in its projects. He was unsure whether the material in the hill is what NDOT wants to use on the freeway. Lots of water is required with concrete plants to clean the trucks at the end of a day. This requires separation ponds to collect the runoff from the trucks. He questioned the wisdom of allowing importation of materials. He felt that the haul routes for the freeway will use the NDOT rights-of-way and Highway 50. His experience with heavy trucks and excavation operations indicates they are noisy and create dust. He has permits which allow him to perform this type of work. Some sites will not allow batch plants to operate as the permit air quality standards cannot be met. He felt that it is more economical to crush the rock on site than to haul it to another location. He imports his rock and does not have a rock crusher.

Mr. MacKenzie indicated that he is does contract compliance for Operating Engineers Local No. 3. He pointed out that the request is for a limited use permit which will restrict the material uses to the freeway right-of-way. This is a public works project which must meet NRS requirements. It is not possible to come in as a supplier as suggested. The contractor/subcontractor must be "bid into the project". He did not feel that it would be possible for the hill material to be used on the project. Commissioner Sedway agreed that the process will not allow another supplier to come forward after the bid is let. The economic impact of such a process would be negative for the community and positive for the general contractor who will be the only one to "reap the benefits" of a lower price. This is the reason the public works laws are written as they are. The suppliers must be listed in the bid. Mr. MacKenzie also felt that the Supreme Court had ruled that "pits" for a similar project must fall under the prevailing wage and public works regulations. The freeway is a portion of a public works project which includes the Airport.

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Mr. Griffis indicated that he had received a notice on the hearing. His experience with the heavy trucks on Goni Road was explained. He had also lived in Fernley. His experience with its cement plant there was described. The cement plant is now being relocated due to contamination problems. The residents are located downwind of the proposed cement plant. He objected to it. He had selected his home with its prevailing north and west winds. The airplanes are small and are throttling down when flying over his area. He objected to the Airport Authority's statement that airplanes at full throttle and an enlarged runway will not create more noise. The trucks will be going up hill which will make them louder and slower. He also opposed the proposed roadway. He did not oppose removal of the hill. He opposed the cement plant and use of taxpayers' funds to support a new business. His had a business in Carson City for 13 years. He had to close it due to competition. The only way he would have been able to stay in business would have been with the taxpayers' support. The proposal gives the applicant a waiver to have a business in an area not designated for the business. The Airport Authority is looking for the cheapest way to move the hill. He felt that the rock will not meet Federal Highway standards but could be used for fill at the Airport. The remainder of the material would have to be imported which will require additional trucks. He questioned whether the water could be diverted without FEMA's approval and a study of the flood plain. The earthquake fault is active and the blasting will impact it. His experience also indicated that the noise from the blasting could be contained. He supported blasting and hauling the rocks. His knowledge of Las Vegas indicates that it should not take five years to remove the hill. He urged the Commission to continue the item and allow him to work with staff. The proposal should be fair and equitable for all of the participants. He clarified his statement regarding his experience with the blasting indicates that it could be done. He was not familiar with crushing operations and could not indicate whether it would be acceptable.

(2-0930) Mr. Waldrum explained that his firm had bid the project as a prime contractor and would have been before the Commission seeking permission to use the same hill as an aggregate source. He emphasized that the temporary permits restrict the use of a site to a specified use. The Freeway is to be done by 2006. This will limit the project. Once it is completed, the land will be reclaimed and they will leave the site. He felt that Condition 1 indicates the permit will be for more than a temporary use. Conditions 2 and 3 allow material to be imported which is contrary to most temporary permits. He urged the Commission to restrict the projects to just the freeway and not allow any other uses including the proposed Airport project. The asphalt and concrete plants will provide unfair competition for others. Clarification indicated that they had proposed to use the material from the hill for base aggregates. Their testing had indicated that it is questionable whether the material could be used in the asphalt and concrete aggregate mix. It was felt that the freeway will take approximately one million cubic yards of base aggregate. The hill would have been a good source for this base aggregate.

Ms. Middleton explained her residential location, her health problems, and her inability to move. She urged the Commission to continue the decision to another meeting.

Mr. Evangelatos iterated that the final design will consider the seismic issues. They will avoid any activity that will create a seismic problem. There will be traffic control including flaggers on Graves Lane. Traffic coordination will allow people to traverse through the site. The plan will follow NDOT's recommendations. The haul road will not be open to pedestrians or automobiles unassociated with the project. The material has been tested and does meet NDOT standards. The rules and regulations including those mandated by NDOT will be followed regarding who

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will be allowed at the site. The Airport will be part of the aggregate plan. The project will be limited to 395. The use of the hillside for fill is practical. Their intent is to be involved with only 395 and the Airport. Some of the export material from 395 will be placed at the hill location. This is the material that is to be imported. The timeframe is restricted to the construction of 395. They cannot compress it. There is no desire to extend it. It will be less, if possible. The only other project is the one proposed use on the Airport. They can live with a limitation to these two projects. Clarification indicated that the proposed use for the Airport is to be the amount of aggregate that will be placed on the runway extension and its fill requirement. Commissioner Mullet questioned the reasons the material extracted from the 395 right-of-way had to be placed at this site. Mr. Evangelatos indicated that they do not know what the contract requires. There could be some detention facilities onsite which could benefit from this material. There are known plans to export material from the 395 sites. They know about the extraction material on Lompa and the low land top soil. Mr. Evangelatos indicated that they had a problem with not having a permit for the asphalt and concrete plants if the material fails to meet NDOT requirements. Commissioner Mullet expressed his belief that the project should be limited to the freeway base material and not include the concrete or asphalt as it will make the removal faster and cover a shorter period of time. He also expressed his desire to discuss the access with the Airport in the hope that a different access route could be found. It may require them to remain on the Airport property for a longer period but access would be a straight shot rather than in the curve. Mr. Evangelatos felt that Mr. Brotzman's analysis had included this suggestion and expressed a willingness to work with Development Services to find the optimum location for safety and noise mitigation reasons. The proposed line was considered very conceptual. Chairperson Wipfli felt that the asphalt and concrete plants create the most offense due to the environmental and health risks. The rock crushing and hill removal were felt to be acceptable. Mr. Evangelatos did not wish to eliminate the concrete and asphalt plants as they make the program more economically viable. Commissioner Sedway pointed out the lack of information regarding the amount of material that will be imported. Mr. Evangelatos explained that the traffic study had included this traffic. The construction timeframe for the removal was 18 to 24 months. There is one million yards of material to be exported. The contractor will move 24 loads an hour under normal working conditions. There is 100,000 tons of aggregate in the asphalt mix. He also clarified that there will be 240 trucks a day. Discussion indicated that Mr. Evangelatos was not sure of the amount of material which will be imported to meet the mix requirements for the concrete and asphalt. Commissioner Mullet felt that this information is needed. He also expressed his desire to have the hill removed and used as a subbase in a fashion that would be economical for all. Mr. Evangelatos indicated that there is a "balancing act in terms of the materials". He then clarified that the applicant was not the sub who had bid on the job. They had explored the bid requirements but not contacted the successful bidder. They plan to contact the firm and see if they are interested in the material. It is a roll of the dice. They are willing to take their chances. The Airport project still needs to be bid. Commissioner Kimbrough pointed out that there had been testimony indicating that the process for providing the material could not happen as he had suggested. He also explained that both he and the neighborhood are concerned about the missing pieces of information. Mr. Evangelatos indicated that they are sensitive to the environmental issues. There are a number of moving parts and broad based public benefits. The special use permit will provide the ability and time to iron out all of the issues as spelled out in the conditions. This mitigates the impacts and surrounding concerns. Chairperson Wipfli explained his reluctance to delay the matter, however, there are several questions which need to be answered. Commissioner Peery supported a continuance due to the unanswered variables and the significant neighborhood impacts. He also indicated his discomfort at granting a monopoly. Mr. Evangelatos felt that a delay would preclude their ability to do the project. Time is of the essence. Staff's recommendation included 29 conditions to which they had agreed. Commissioner Kimbrough and Chairperson Wipfli thanked the audience for their attendance and assistance/education

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regarding the process and concerns. Chairperson Wipfli agreed that removal of the hill would be beneficial to both the City and the Airport. He questioned the need and reasons to remove a one million cubic yard hill and add 100,000 yards of material to make the hill better. Why must so much material be added? Commissioner Peery felt that additional time would allow more things to be resolved and for the community and Applicant to work together on the project. The removal of the hill and realignment of the runaway should be both beneficial and bearable for everyone. Mr. Evangelatos felt that the prime contractor would make a decision in less than 30 days. Commissioner Mullet suggested that, as the asphalt and concrete seem to pose the largest concerns, the Special Use Permit be limited to two years for the removal of the aggregate for the 395 project and that the Special Use Permit for the Airport be considered at a future time. This allows the removal of the hill for aggregate material and the Applicant to work with the State and prime contractor. Mr. Evangelatos requested a moment to discuss the compromise with Mr. Bawden.

RECESS: A recess was declared at 7:50 p.m. A quorum of the Commission was present when Chairperson Wipfli reconvened the meeting at 8 p.m. Commissioners Christianson and Semmens were absent.

Discussion between Chairperson Wipfli and Mr. Evangelatos ensued concerning Commissioner Mullet's compromise which would allow the aggregate removal from the hill for two years for only the 395 project. Mr. Evangelatos countered with a request for the aggregate and concrete elements to be reconsidered in 30 to 60 days. Commissioner Mullet explained that he understood the economic need for the asphalt and concrete plants, however, was not in favor of them without more information. He suggested that two special use permits be used for the operation. One could be issued at this time for the aggregate portion for the freeway. This allows them to negotiate with NDOT and the prime contractor and start to work removing the hill. There is time to discuss the proposed Airport use. He wished to see the NDOT timeline/calendar for the different phases of the freeway project. This will allow time to address the issues with the infiltration process, the sediment ponds, etc., related to the asphalt and concrete portions of the request. The neighborhood knows that the hill must be removed. The traffic issues will be resolved.

Mr. Sullivan recommended a 60 day delay to allow staff time to work on the details. If the Commission wishes to approve the aggregate portion tonight, conditions should be deleted that are not related to it. Commissioner Kimbrough expressed his belief that this would remove at least 20 percent of the conditions. It will take time to ensure that the remaining conditions are appropriate and agreeable. Mr. Evangelatos suggested that they agree to the 29 conditions, the revisions for the rock and aggregate projects be made in the next 60 days, and those conditions deemed to be inappropriate be "culled". Chairperson Wipfli expressed his belief that there are concerns with the aggregate portion of the proposal. Commissioner Peery indicated his dislike for approving items with "loose ends". He could not support an incomplete project. Mr. Sullivan explained that the Commission must make a decision within 65 days of the submittal date. Unless the Commission has a special meeting on the item, it could not continue the item to the September meeting and comply with this deadline. The Applicant could request a continuation. Chairperson Wipfli asked that the Commission provide guidance to the Applicant. He also felt that there are loose ends on the aggregate project. Commissioner Sedway expressed his feeling that the Applicant is working under a time constraint. The Commission believes there are lots of loose ends, with which he agreed. The Commission could make it work with the understanding that Public Works could make the concerns mute particularly if the contract is let with Ames Construction. The bid documents are understood to include a listing of materials and that substitution is not allowed. He also believed that any savings created by the proposed scenario would benefit the prime contractor and not the

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City. If the Commission denies the application, the applicant could appeal to the Board of Supervisors. The Commissioners should put their reasons for a denial on the record. He expressed his desire for the item to be returned, if timing is not an issue, and for the Applicant to work with the neighbors and City staff, including Mr. Brotzman. He did not want to approve it and allow it to be worked out later. Chairperson Wipfli felt that the Commission supported the aggregate portion of the application even though there are problems which need to be worked out. The project is beneficial to the community. He then expressed his belief that the applicant could postpone the item and provide additional information or the application should go to a vote. He did not wish to reopen public comments.

Ms. Marshall indicated that the Commission has not addressed the location. Mr. Cooper felt that the asphalt contract had not been let by NDOT. Chairperson Wipfli indicated that the Commission is not privy to this information. Mr. Cooper responded that the contract had not been signed.

Discussion between Commissioner Mullet and Mr. Plemel indicated that the application included an indication of the location for the aggregate operation. The Commission should indicate in the motion the location if a change is desired. The access route is a conceptual alignment. The proposal is to align it with a future connector roadway. Mr. Sullivan also indicated that the site plan had already been submitted. If the plant is moved to a location behind the hill, an amendment to it must be made. The roadway is conceptual and matches the 1999 transportation and Airport master plans. The exact location must be worked out.

Commissioner Peery reminded the Commission that “giving a Special Use Permit without all of the information is giving carte blanche and easily defeatable in court”. He could not agree to granting the permit.

(2-1882) Commissioner Kimbrough expressed his difficulty in trying to make it happen. It is a great project, however, the votes are not there. Chairperson Wipfli agreed. There are some incomplete items. There are a lot of parts of the proposal that are beneficial to the City. He did not wish to throw the entire project away. He must consider the public concerns. He then asked the Applicant if he desired a continuance as the Commission could not continue the item. If the Applicant does not want a continuance, the Commission will move forward with a motion and vote.

Mr. Evangelatos indicated that a delay would not allow them to move forward. They agreed to a modification in tightening the roadway location and placement of the plant behind the hill. Chairperson Wipfli then asked the Commission for a motion as the Applicant could not request a continuance due to the time constraints.

Commissioner Peery moved to deny U-03/04-9, a Special Use Permit Application that would have allowed aggregate facilities and production on property zoned limited industrial located on the south side of Arrowhead Drive, APNs 008-206-01, 02, 04, 05, 06 and 13, and solicited direction from Mr. Sullivan concerning the need for findings. Upon Mr. Sullivan's indication that findings are needed, Commissioner Peery continued his motion to deny based upon an incomplete application at this time. Mr. Sullivan asked for better defined findings in order for him to be able to explain the denial to the Board of Supervisors. He urged Commissioner Peery to be forthright with the findings, e.g., problems with the haul routes, the rock crushing location, the areas needing more information or to have the public review the plan, etc. Mr. Sullivan also felt that each Commissioner could list his

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problems with the application. This allows the Applicant to address the issues when appealed to the Board of Supervisors. He also explained the Board's policy to return applications when new information is presented to them that has not been heard by the Commission. The Commission is to make the final decision based on good information. **Commissioner Peery amended his motion to include based upon the development plans not being substantially in accordance with the site plan, with route issues, the location of the plant itself, and with the type of production facility in its final stage. Commissioner Kimbrough seconded the motion.** Chairperson Wipfli explained his feeling that the project had a lot of good in it. He hated to see it defeated. He preferred to stay late and work on finding a way to approve it. Removal of the hill and what the project does for the community creates a lot of positive things for the community. The cement and the asphalt are off the table. They are not a concern for him. The aggregate should be done. Discussion among Commissioner Kimbrough, Chairperson Wipfli, and Mr. Sullivan indicated that it would be possible for staff to revise the conditions and that a brief recess may be necessary to do so. Legal discussions also needed to occur on the conditions. Mr. Sullivan also felt that 60 days would provide adequate time to develop the conditions required for the asphalt and concrete plants. Mr. Bawden, however, does not have this amount of time. Even a 30-day extension would not meet the Commission's mandatory 65 days for a decision as required by the Statutes. The 30-day schedule will not allow a lot of time for staff to review the information.

Mr. Evangelatos offered a compromise that would allow the Commission to deal with the conditions for the modification which is segregated for only the aggregate and crusher and that function. This excludes the asphalt and the concrete. They were willing to waive the review in terms of the final. They were willing to take the approval with the modified conditions and allow those two elements to be explored. Chairperson Wipfli felt that this is where the Commission is. Nothing changed with his offer.

Commissioner Sedway encouraged each Commissioner to put his thoughts on the record for the Board of Supervisors. This will provide a clear understanding for the Board of their reasons for their votes if the application is appealed. Commissioner Mullet indicated that if he had to vote on the application, he would deny it as there is not enough information on the concrete and asphalt operations. He would like to see the rock crushing operation moved around the hill to shield the noise from the residents. He also felt that the access road should be on Graves but closer to the State hangar, which is in a straightaway and away from the curve. It is also less dangerous to the public and the traffic flow. He has had questions concerning the type of material that is to be removed from the State project and how it will be used at the Airport. He wanted to see a State timeline on its project as the proposed project is based substantially upon the State project. He also understood that the Airport phase could be accomplished after the freeway is completed. There is not enough information on these items.

Commissioner Kimbrough indicated his tough time with the findings. They do not fit with the concerns he has with the nitch of the project. He was confused by the asphalt and concrete. At first they were not willing to discuss them, then they were. This was his key issue. The proposed roadway system has not been solved. He was unsure whether there is a perfect ending to it. The recommendations include this roadway and that it is paved. The access point is merely a road control issue. At the State hangar there is an island that will prevent left turns. A flagman will be required regardless. NDOT's contracts require road controls with all kinds of parameters and a plan is developed showing the number of people. It quite an integral part of what they do. This is one issue. He also questioned how far they could get away from the homes. If it is put on the other side of the hill, it may echo against the mountain and

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then the Goni residents will be complaining. The hill behind it may help carry the noise further up the hill. The crushing should not occur at night. The hours should be restricted even more. This eliminates the 24-hour concerns. There is a condition indicating that the permit will be reviewed by the Commission every two years. He preferred to see it reviewed every six months or annually to check "how it is flying" after it starts. He also had difficulty determining where the haul route is. What has been proposed may be a difficult turn for some of the trucks. He was unsure whether it will be possible for them to make the turns. This could be a larger hazard than using Graves. He assumed that it would work as it will be going into a commercial truck area. Therefore, it is hoped that the roadway is designed well enough to be able to handle the turning movements. His issues are the road, the location of the crusher, and the times of day.

Commissioner Sedway pointed out the irony he found in setting on the Planning Commission and having so many people come before it to say how wonderful it is to live next to an airport. He found this amazing. The application talks about freeway construction and then the discussion indicates that the Airport is also involved. He requested clarification as to what was really being done. He believed and asked that the Applicant obtain an answer from NDOT on whether it is to be a 24-hour operation and if they could sign a contract with them. The process was felt to be totally backwards. The Applicant should go to NDOT to resolve a lot of the questions before coming back to the Commission on the application. He felt very uncomfortable, like Commissioner Peery, about the unanswered questions and the carte blanche associated with basing it that way. The 24-hours is a major issue. He felt that 7 to 7 would be, certainly, much better. The rock crushing itself is an issue. The noise over five years needs to be specifically tied to the freeway project. The haul route is a major issue particularly when City RTC Engineer Harvey Brotzman has problems with it. Obviously, a lot of the folks associated with the haul routes have an issue with it. He felt that the concrete and asphalt will be an adverse economic impact to the community. There are contractors who have been in business and do this for a living every day. The proposal sets up a new business for someone else. That is a major question/concern. He believed that the environmental assessment is an issue which has not been clearly defined. The air quality implications of the application are not specifically presented with regards to the concrete and asphalt and even the rock crushing and the elimination of the hill itself. The water supply issue for the concrete plant was also brought up. There are a lot of issues related to water and how they do the operations.

Commissioner Peery indicated that as the motion maker he agreed with the concept of having his fellow Commissioners put their comments on the record for whatever transpires.

Chairperson Wipfli felt that all of the comments had been made. His comments would simply be that he was trying to blow air into it to resurrect it and make it positive. There are too many questions that need to be answered. If Mr. Sullivan felt he could fix it this evening, he was willing to agree to stay and do it. There are so many questions involved. The majority of these questions were indicated by Commissioner Sedway. The questions need to be answered. The people who live there deserve to know if it is to be 300 trucks, where the route is going to be, and the side of the hill that the batch plant will be located on. He was certain that the applicant would be willing to say it is going on the other side, or whatever. For the Commission to simply say at this late hour that they should approve it or disapprove, this is where we are now and we are stuck. He felt that part of the blame, if it must be laid anywhere, is with the Applicant's unyielding and unwillingness to give himself or the Commission a second chance and way out. He then called for the vote. **The motion was repeated as being to deny the application as the development plans are not in accordance with the site plan, the route issues, the location of the plant itself,**

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and the type of production facility that will be in its final stage. The motion was voted and carried 5-0.

Mr. Sullivan described the appeal process. He repeated his request that anyone wishing to have a copy of the agenda or receive a notice regarding the application/site to put his/her name on a mailing list or call the office.

G-7. A-03/04-5 - ACTION ON A CODE AMENDMENT TO DEVELOPMENT STANDARDS

SECTIONS 7.9.12, 12.11.1, AND 18.05.030, AND SUBSECTION 4 (2-2385) - Community Development Director Walter Sullivan, Gil Yanuck, Senior Engineer Rob Fellows - Mr. Sullivan's introduction included an explanation of Gil Yanuck's letter supporting retention of the Code as it is presently written. Clarification indicated that the RV revision had been made in error. The Commission had directed that the RVs were to be allowed to park in the driveways. The error was brought to light when an individual filed a complaint against an individual for parking in his/her driveway. This keeps the RVs off the street and sidewalks. Discussion indicated that large vehicles and shrubs pose a hazard at intersections and should be prohibited. When encountered, a report should be made to the Traffic Engineer at Development Services. The best management practices are analyzed when encountering such problems. Mr. Yanuck's points were acknowledged as being valid, however, the Code will place the vehicles in the streets. Mr. Sullivan explained his intent to work with Mr. Yanuck and establish areas where the RVs can be safely parked. The current Code also restricts the size of commercial vehicles which are allowed to park on the streets in residential areas. It also allows a motorized vehicle to be parked in the street for seven days before being moved. A fifth wheel can park in the street for 72 hours without being moved. Examples of the hazards parking RVs and fifth wheels on the street create were limned. It was also felt that it is difficult to enforce the seven-day parking restriction.

Mr. Yanuck felt that there had only been one issue in 18 months out the 16,000 residences found in Carson City. The ordinance should be allowed to remain as written. Its enforcement is selective at best. The proposal will make it worse for the Sheriff's Office to enforce. The neighbors should not be the only ones allowed to complain. He purportedly had a three-page list of violations. He was not sure how many of them are grandfathered. He also felt that many RV and fifth wheel owners have the wherewithal to acquire the vehicles but not an area for parking them. These vehicles should be put in storage.

Commissioner Peery explained that the Code is not enforceable as written. It had been included in error and should be amended. He acknowledged the concerns which Mr. Yanuck had raised but felt that there are "ways to go around the Code" and that the vehicles should be parked off the street. Commissioner Sedway felt that the issues are the front yard setback requirement and the safety concerns about blocking the sidewalk/street. The CC&Rs should not require parking behind the setback but should restrict parking in front of the property line. Mr. Sullivan explained that the grandfathered issue relates to those vehicles which were parked on the street before the ordinance was enacted. If the owner can prove that the vehicle was there first, the vehicle/use is considered to be grandfathered.

Mr. Fellows explained that the safety issue includes more than just vehicles and hedges. Trees and trash cans should not be allowed on the sidewalks. Uniformity should be provided rather than focusing on one specific item such as RVs. Additional public comments were solicited but none were given. Commissioner Kimbrough then moved to recommend to the Board of Supervisors the Code amendments contained in the Staff Report A-03/04-5 involving street grades set at ten percent and the allowance of parking of Recreational Vehicles within the front yard setbacks.

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Commissioner Mullet seconded the motion. Motion carried 5-0.

STAFF REPORTS (2-2900) - Mr. Sullivan explained that there is a landscaping buffer between the two units and that Messrs. Mulberry and Quinn had withdrawn the variance appeal. He also explained that he had given the Commissioners a copy of Ann Gerken's letter on the PUD issue on Lepire Drive and a memo on exparte communications. Mr. Sullivan recommended that the Commissioners not accept an applicant's offer to walk them through a project. Deputy District Attorney Madden supported his recommendation unless the tour is open to all of the Commissioners and the public. Justification for the recommendation was noted. No formal action was taken or required.

H. ADJOURNMENT - Commissioner Peery moved to adjourn. Commissioner Sedway seconded the motion. Motion carried 5-0. Chairperson Wipfli adjourned the meeting at 9 p.m.

The Minutes of the August 27, 2003, Carson City Planning Commission meeting

ARE SO APPROVED ON September 24, 2003.

/s/

Richard Wipfli, Chairperson