

CARSON CITY PLANNING COMMISSION
Minutes of the December 20, 2000, Meeting
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A regularly scheduled meeting of the Carson City Planning Commission was held on Wednesday, December 20, 2000, at the Community Center Sierra Room, 851 East William Street, Carson City, Nevada, beginning at 3:30 p.m.

PRESENT: Chairperson Allan Christianson, Vice Chairperson Alan Rogers, and Commissioners Gayle Farley, William Mally, Roger Sedway, and Richard Wipfli

STAFF PRESENT: Community Development Director Walter Sullivan, Chief Deputy District Attorney Mark Forsberg, Principal Planner Rob Joiner, and Recording Secretary Katherine McLaughlin
(P.C. 12/20/00 Tape 1-0001)

NOTE: Unless otherwise indicated, each item was introduced by the Chairperson. Staff then presented/clarified the staff report/supporting documentation. 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.

A. ROLL CALL, DETERMINATION OF A QUORUM AND PLEDGE OF ALLEGIANCE - Chairperson Christianson convened the meeting at 3:30 p.m. Chairperson Christianson lead the Pledge of Allegiance. Roll call was taken. A quorum was present although Commissioner Larkin was absent.

B. APPROVAL OF MINUTES - October 25, 2000 (1-0015) - Commissioner Wipfli moved to approve the Minutes as read. Commissioner Mally seconded the motion. Motion carried 6-0.

C. PUBLIC COMMENTS (1-0020) - None.

(1-0932) Mr. Kastens indicated to Chairperson Christianson that he was interested in the basketball stop and would contact him on it later.

D. AGENDA MODIFICATIONS (1-0028) - Community Development Director Sullivan indicated that he would handle the first four items. Mr. Joiner will handle the items five through seven. Mr. Sullivan would handle the eighth item.

E. DISCLOSURES (1-0034) - None.

F. CONSENT AGENDA - U-98/99-32 - DISCUSSION AND ACTION ON THE ANNUAL REVIEW OF A PREVIOUSLY APPROVED SPECIAL USE PERMIT FROM BRYAN AND KRISTINE PARKER (1-0038) - Withdrawn.

G. PUBLIC HEARING

G-1a. AB-00/01-5 - DISCUSSION AND ACTION ON A REQUEST FROM CARSON CITY (PROPERTY OWNER: CARSON CITY) TO ABANDON A PUBLIC RIGHT-OF-WAY AT THE NORTHWESTERN PORTION OF THE INTERSECTION OF OLD CLEAR CREEK ROAD AND US HIGHWAY 395; AND, G-1b. AB-00/01-6 - DISCUSSION AND ACTION ON A REQUEST FROM CARSON CITY (PROPERTY OWNER: CARSON CITY) TO ABANDON A PUBLIC RIGHT-OF-WAY AT THE SOUTHWESTERN PORTION OF THE INTERSECTION OF OLD CLEAR CREEK ROAD AND US HIGHWAY 395 (1-0052) - Community Development Director Walter Sullivan, Chief Deputy District Attorney Mark Forsberg, Gene Lepire - Mr. Forsberg explained his concern that the staff report did not adequately address the legal requirement for an abandonment which indicates whether the property had been dedicated or not by the original property owner. If the property had not been dedicated and a fee is not charged for it, a public benefit must be found which offsets the fee. He requested that the record clearly indicate that the abandonment is not being granted based on a belief that the property had been dedicated originally. The Board of Supervisors

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should make the finding regarding the public benefit. He agreed that the Commission could include this finding in its motion. NDOT had been asked to provide the documentation on whether the property had been dedicated or not. To date it has not been received. Mr. Sullivan supported Mr. Forsberg's request that the finding be included in the motion. The seven findings included in the packet support his contention that the public would not be damaged by the abandonment. Public comment were solicited.

Mr. Lepire explained that his attorney is out of town and had not had an opportunity to review the packet. He did not wish to appeal the matter to the Board of Supervisors, however, did want to confer with his attorney about the agreement which had been made with the City regarding to Costco. He asked if the State comes in later and takes back the property whether he would be reimbursed for it at fair market value. Mr. Sullivan indicated that he was unsure of the terms in the State agreement. The land had been offered with the proviso that the State may need to use it in the future and that they do not want to purchase it a second time. Mr. Lepire did not feel that the agreement indicated they would not purchase it. It merely states that the State can come back on the property. His attorney had negotiated the agreement. He had not been able to contact him. Mr. Sullivan indicated that he had not participated in these negotiations. It would not be necessary for Mr. Lepire to appeal the abandonment. It is automatically sent to the Board of Supervisors who will consider it on January 18. Mr. Lepire then asked if he constructed a building on the parcel and the State takes the property back if the State will purchase it or take it. He then reiterated his desire to not have to appeal the matter to the Board. Commissioner Rogers read from the the first page of the staff report on the abandonment request which indicated that NDOT may use the right-of-way easement if needed for the Carson City freeway project at no cost. Mr. Lepire felt that when he had signed the agreement that he would receive the 1.9 acres for compensation for allowing Costco to have a special use permit. If his attorney agrees with what the document says, he will accept the terms. He had not understood the agreement as written. Mr. Sullivan felt that there is time between the Commission meeting and the Board meeting for answers to be obtained by Mr. Lepire. Mr. Lepire reiterated his desire not to have to go through the appeal process to the Board of Supervisors. Chairperson Christianson explained that he would not have to appeal it. Mr. Lepire could attend the meeting and state his concerns. Mr. Lepire felt that he would have to complete a form to appeal it. Mr. Sullivan explained that a form is not required. The Planning Commission makes a recommendation to the Board of Supervisors who will make the final decision on the relinquishment. Discussion noted that the City is the applicant in this abandonment. As Mr. Lepire had entered the record, he would be part of the process. Abandonments are forwarded to the Board of Supervisors. There is an appeal process for the Board of Supervisors decision. Discussion explained the note below the recommendation to the Board of Supervisors. Clarification indicated that the statement read by Commissioner Rogers related to Item G-1b. and not Mr. Lepire's property. Mr. Lepire explained that this is the reason for his concern. Mr. Sullivan referenced the bottom of page 3 of the packet for Item G-1a. which indicated that the State may use the this right-of-way in the future. Mr. Lepire agreed and reiterated his question regarding whether he would be compensated for that usage. Chairperson Christianson felt that the Commission had not been involved and, therefore, could not make a decision on his issue. Mr. Forsberg indicated that the future of the property, any conditions on it, and how it impacts the agreement which was negotiated between the City and Mr. Lepire must stand on the terms of the agreement. The terms of that agreement are not before the Commission. He also noted that the City could only abandon what it owns. If the State, and he was unsure as he had not seen the document, relinquished the property to the City with conditions, the City can only transfer it with the conditions. The conditions will run with the property regardless of the City's desires or intents. The City was only abandoning its interest in the property. The Commission was being asked whether the City should abandon its interest however conditioned it may be. The conditions could be raised by Mr. Lepire to the Board. The same is true of issues within the agreement regarding the property. This is not part of the abandonment question. Commissioner Rogers noted that the Commission could only address the question of whether the Commission thinks it is in the best interest to abandon the property and could only make a recommendation to the Board of Supervisors. The Commission does not have approval authority over these issues. The Board of Supervisors will make the ultimate decision. Mr. Forsberg agreed with his statements. Commissioner Sedway questioned whether Mr. Lepire had the same rights as the State and would be able to have final say over the approval to assure that his interests would be protected and whether to make this another condition. Mr. Forsberg indicated that Mr. Lepire had several rights including the ability to address the matter in front of the Board of Supervisors as well as before the Commission. He also has the right to enforce any agreement that the City may have made with him regarding whether this is compensation for something. These are not Commission issues, Mr. Lepire indicated that he understood Mr. Forsberg's comments, however, his question had not been answered. His rights should be settled at the Commission level as the Board always takes the

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Commission's recommendations. Therefore, he wished to have an answer from the Commission. He had not had adequate notice to provide his attorney with the packet and obtain an answer. He then asked if he would be given a parcel map with the exact footage. Mr. Sullivan referenced the legal description included within the staff report. Mr. Lepire reiterated his request for an amended parcel map with the exact footage. Mr. Sullivan was unsure whether the Assessor would combine the two descriptions. Mr. Lepire asked the Commission to include in its motion to have Northern Nevada Title or Lumos make the measurements. The cost for this work should be minor-\$20 or so. Commission comments indicated it was included in the packet. Mr. Lepire said that this is in writing and that he wanted it on the map. He purportedly did not know where all his corners are and wanted the map to delineate the locations. All of the information should be found on one page. Chairperson Christianson explained that the Commission did not control this process. The Commission could only consider the abandonment. Mr. Sullivan indicated that the request should be made to the Board of Supervisors. This is not part of the abandonment process.

(1-0469) Chairperson Christianson indicated for Jim Alderson, one of the Bodine's property owners, that the Commission would vote on the abandonment requests separately. Mr. Alderson indicated that they were aware of the conditions on the parcel and that NDOT may come through and take the space. They were comfortable with the conditions. They proposed to use the area for landscaping and parking. Although he understood Mr. Lepire's concerns, he did not wish to have to keep coming back time and again. Discussion ensued on the new entrance which Mr. Alderson felt had not attracted more business. It was a safer intersection now although after dark it is difficult to find the entrance on Clear Creek Road. A majority of his clientele is local residents. There are few travelers. He asked that his abandonment be handled separately. Additional public comments were solicited but none given. Public comments were closed.

Commissioner Sedway moved to approve a motion to recommend that the Board of Supervisors approve Application AB-00/01-5, an abandonment request from Carson City for an area consisting of approximately 86,531 square feet, located along the southern property line of APN 8-302-13, and authorize the recording of the Order of Abandonment, based on seven findings and subject to four conditions of approval contained in the staff report and with the understanding that any acknowledgements to the Commission by the applicant may be considered as further stipulations or conditions of approval on this application and that it be noted that the public benefit of this dedication has to do with the City's agreement regarding the Costco project. Following discussion with Mr. Forsberg, Commissioner Sedway amended his motion to indicate that the dedication or public benefit will be decided by the Board of Supervisors. Commissioner Wipfli seconded the motion. Motion carried 6-0.

Commissioner Sedway moved to approve a motion to recommend that the Board of Supervisors approve application AB-00/01-6, an abandonment request from Carson City for an area consisting of approximately, following discussion on the size of the area, 29,373 square feet located along the southern property line of APN 8-303-04, based on seven findings and subject to four conditions of approval contained in the staff report and with the understanding that any acknowledgements to the Commission by the applicant may be considered as further stipulations or conditions of approval on this application and that the public benefit or dedication of the property will be determined by the Board of Supervisors. Commissioner Wipfli seconded the motion. Motion carried 6-0. Discussion noted the suggested motions for the Board of Supervisors were also included in the packets.

G-2. AB-00/01-4 - DISCUSSION AND ACTION ON A REQUEST FROM CARSON CITY TO ABANDON A PUBLIC RIGHT-OF-WAY LOCATED AT THE SOUTHEAST CORNER OF GRAVES LANE AND AIRPORT ROAD (1-0600) - Community Development Director Sullivan, Chief Deputy District Attorney Mark Forsberg - Concerns regarding the bicycle path were noted. This issue will be discussed during the development review process if the path is not located on the street. The Board will consider the abandonment issue of selling the property, as the City had purchased it for the intersection, or using the area as a trade-off for having affordable living units with reduced rents for a specified period of time during its deliberations. This proposal may be considered a public benefit. Public testimony was solicited but none given. Commissioner Wipfli moved to approve a motion to recommend that the Board of Supervisors approve application AB-00/01-4, an abandonment request by Carson City for an area consisting of approximately 6,800 square feet located along the southern property line of APN 008-142-01 based on seven findings and subject to four conditions of approval contained in the staff report and with the understanding that any acknowledgements to the Commission by the

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applicant may be considered as further stipulations or conditions of approval on this application. Commissioner Rogers seconded the motion. Chairperson Christianson noted the recommendation for the Board of Supervisors. Mr. Sullivan explained that Mr. Guzman would be leaving his Department and becoming the Open Space Manager. He had developed the packets to address both meetings. The normal practice is to make a summary report of the Commission's action which includes a recommended Board action. The motion to approve the abandonment was voted and carried 6-0.

G-3. U-00/01-21 - DISCUSSION AND ACTION ON A SPECIAL USE PERMIT APPLICATION FROM STEVE KASTENS, CARSON CITY PARKS AND RECREATION DIRECTOR (1-0733) -

Community Development Director Walter Sullivan, Parks and Recreation Director Steve Kastens, Sandra Guaglianone - Discussion between the Commission and Mr. Sullivan explained the term "portage" and indicated the portage would be from the river to a vehicle. Public comments were solicited.

The Commission and Mr. Kastens explained for Ms. Guaglianone the location with the use of a map. Mr. Kastens also explained his reasons for sending her a notice. Ms. Guaglianone was concerned about the amount of water which would be used for a "Parks and Recreation project from the Mexican Ditch". Chairperson Christianson explained that this topic had not been agendized and asked her to talk with Mr. Kastens after the meeting. Additional public comments were solicited but none given.

Mr. Kastens indicated for the record that the River does not allow/handle motorized craft. The proposal is for canoes and inflatable rafts, etc. This is the reason for the small parking lot. The users may enter at the Carson River Park, approximately two miles upstream, and exit at the portage area. Other potential entry locations were noted. Trespassing at Deer Run Bridge may be eliminated with this proposal. Signage informing the public of the portage area will be provided. Volunteers and prison crews had worked diligently on development of the area. A volunteer day will be held on January 15 and the public was invited to participate. Mr. Kastens agreed to check the definition of portage and, if necessary, rename the area.

Commissioner Mally moved that the Planning Commission approve U-00/01-21, a special use permit for the construction of a portage area on the north bank of the Carson River in the vicinity of Morgan Mill Road, APN 10-581-17, based on seven findings and subject to six conditions of approval contained in the staff report and with the understanding that any acknowledgements to the Commission/Board by the applicant may be considered as further stipulations or conditions of approval on this application. Commissioner Wipfli seconded the motion. Motion carried 6-0.

G-4. M-00/01-5 - DISCUSSION AND ACTION ON A REQUEST FOR MODIFICATION TO THE FRONT AND SIDE YARD SETBACKS (CCMC 18.06.054<>) (1-0952) - Community Development Director Walter Sullivan, Landmark Homes Representative Glen Martel - Mr. Martel concurred with the conditions. There will not be any two story structures. Three homes which had been in the front yard setback had been drafted incorrectly. They will be moved to meet the 20 foot setback. Public comments were solicited but none given. Commissioner Mally moved that the Planning Commission approve M-00/01-5, a request from Landmark Homes and Development, Inc., to vary the front and side yard setbacks of 21 units in accordance with CCMC 18.06.0554A located on Oxbow Drive, Northridge Phase 6 and 3, based on three findings and subject to seven conditions and with the understanding that any acknowledgements to the Commission/Board by the applicant may be considered as further stipulations or conditions of approval on this application. Commissioner Wipfli seconded the motion. Motion carried 6-0.

G-5. U-79-30 - DISCUSSION AND ACTION ON THE ANNUAL REVIEW OF A PREVIOUSLY APPROVED SPECIAL USE PERMIT FROM CINDERLITE (1-1017) - Principal Planner Rob Joiner, Gary Lehman, Senior Engineer John Givlin - Commissioner Mally stepped from the room during Mr. Joiner's introduction--4:38 p.m. (A quorum was still present.) Mr. Joiner indicated that the project does not impact the bicycle plan. Comments expressed the need to develop better communications with the Parks and Recreation Department on this issue. Mr. Lehman indicated his agreement with the conditions and stipulations which had all been met. His interest in mitigating dust problems before they occur when possible was noted. Discussion

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explained the location and indicated roadway improvements which he had made. Public testimony was solicited but none was given. Commission comments noted the years of review which had been held on this permit and suggested that the requirement be eliminated. (Commissioner Mally returned at 4:42 p.m. A quorum of the Commission was present.) Messrs. Givlin and Joiner agreed with removing the requirement. Mr. Joiner indicated that he had discussed having the report every two years. The State and other City agencies are also reviewing the project. If concerns arise, the permit will be agendized for reconsideration. Commissioner Rogers moved to approve the annual review of special use permit U-79-30, a request by Cinderlite, property owner: Gary Lehman, et al., to allow continuing use of an extraction operation on property zoned Conservation Reserve located at 6100 Goni Road, APN 8-011-58, based on four findings and subject to 17 conditions of approval with the elimination of Condition 18 requiring annual review by the Planning Commission. Commissioner Sedway seconded the motion. Motion carried 6-0.

G-6. V-96/97-4 - DISCUSSION AND ACTION ON THE ANNUAL REVIEW OF A PREVIOUSLY APPROVED VARIANCE FOR BRIAN SMITH; AND G-7. U-96/97-5 - DISCUSSION AND ACTION ON THE ANNUAL REVIEW OF A PREVIOUSLY APPROVED SPECIAL USE PERMIT FOR BRIAN SMITH (1-1150) - Principal Planner Rob Joiner, Brian Smith, Community Development Director Walter Sullivan, Chief Deputy District Attorney Mark Forsberg - Discussion between the Commission and Mr. Joiner explained the location and explored options which could be pursued to attempt to obtain the necessary action from the holding company. Staff opposed closing the parking area as it is open to the public and is in an area which has a shortage of parking spaces. Discussion supported having the Chairperson submit a letter to the firm and delaying action for 90 days. Mr. Smith explained his unsuccessful efforts to obtain answers. He felt that he had a potential lead as to whom to contact at the holding company and would make additional attempts. A 90 day delay may give him time to follow through on it. The area is cleaning itself. Efforts could be made, however, which would expedite the process. Development plans for the site were noted. Mr. Sullivan volunteered to discuss the issue with the District Attorney's office and draft a letter expressing the Commission's position. Chairperson Christianson suggested the letter be from the District Attorney's office. Mr. Forsberg agreed to cooperate in urging them to act. Mr. Smith expressed his hope that the new contact person would respond within the next ten days. Once communication occurs, he will contact the City and ask for this support. Chairperson Christianson asked Mr. Smith to keep in contact with Community Development and the District Attorney's office regarding the status of this action plan. Mr. Smith purported that his contact was to have already sent a letter to Mr. Joiner regarding the property's status. He felt certain that a two-way communication could occur with this person. Discussion ensued on other cleanup areas and how those efforts had been finalized. Mr. Forsberg indicated that cooperation between the City Departments, including the Health Department, and the State EPA should occur. Mr. Smith felt that the State was satisfied with the cleanup which had occurred and was no longer interested in the area. Commissioner Farley suggested use of the Ground Revitalization Act. Mr. Smith agreed to pursue this avenue. Public comments were solicited but none given. Commissioner Rogers moved to approve the review of variance V-96/97-4 and special use permit U-96/97-5 with the condition that the items be brought back at the regular Planning Commission meeting in March 2001 at which time a technical report will be presented summarizing the condition of the soil and the current remediation process as well as a timeframe and plans for completion of the remediation. Commissioner Mally seconded the motion. Motion carried 6-0.

G-8. M-00/01-6 - PRESENTATION REGARDING THE MAXIMUM PROJECTED POPULATION OF CARSON CITY BASED UPON ANALYSIS OF THE BUILDOUT OF ALL AVAILABLE VACANT RESIDENTIAL PARCELS OF LAND WITHIN CARSON CITY (1-1470) -

Community Development Director Walter Sullivan explained the reasons for projecting the population at complete buildout and the process used to develop this figure. The State Demographer's anticipated population for July is 53,095. The process estimated that the City's population at buildout will be approximately 78,000. The census information should be available by April 2001 and will provide validity or rejection for the 53,095 figure. Growth Management does not control population but the number of building permits which are issued. The importance of having the projected population figures was noted. A similar presentation will be made to the Regional Transportation Commission and the Board of Supervisors. The Growth Management process for obtaining information will commence in late January and a report presented to the Commission in May. Board comments concerning this process commended the Commission on the process and its functions. The Department had not seen any adversity regarding the Growth Management/building permit process. The interest rates may

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create an impact. Mr. Sullivan felt that less than 50 percent of the permits had been taken this year. He looked forward to having the census report as it will validate the State Demographer's figures and the process. No formal action was required or taken.

H. INTERNAL COMMUNICATIONS AND ADMINISTRATIVE MATTERS - NON-ACTION - STAFF BRIEFING REGARDING THE STATUS OF COMMISSION RECOMMENDATIONS TO THE BOARD OF SUPERVISORS AND CORRESPONDENCE TO THE COMMISSION (1-1642) - Community Development Director Sullivan distributed a memo to the Commission regarding updates to Title 18. (A copy is in the file.) Chairperson Christianson expressed his sorrow at former Commissioner Archie Pozzi's death and indicated that he would be missed. Mr. Sullivan indicated that a card from the Commission and staff had been sent to the family. Mr. Sullivan then reviewed his memo regarding the efforts to complete the Title 18 revisions as soon as possible. He corrected the record to regarding the push as not having come from the Board of Supervisors. Staff appreciated the Commission's time and efforts on this project. The intent is to create an ordinance and development standards guideline which is comprehensive and easily understood by the users. Chairperson Christianson expressed the Commission's feeling that more meetings were warranted. Mr. Sullivan felt that a majority of the information which had been reviewed would proceed. The District Attorney's office will be analyzing it. This material should be submitted to the Board in March. The remaining areas will take more time and efforts. It may be possible to address those areas at the January meeting. Commissioner Sedway also felt that some of the subcommittees need to work on the revisions. The schedule of meetings which had been sent to all of the property owners in the community had been helpful and should be sent again on the remaining items. Chairperson Christianson explained the comments concerning the RV parks and campgrounds as examples of the need to have the subcommittees meet on the remaining items. Commissioner Farley asked that letters be sent to the subcommittee members and public who were originally involved in the process inviting them to participate in the hearings. Commissioner Mally pointed out the concerns with the water and sewer connections as another example of the concerns with the RV parks. Mr. Sullivan agreed that these were areas of concern. Chairperson Christianson wished everyone a good holiday season.

I. ADJOURNMENT (1-1845) - Chairperson Christianson adjourned the meeting at 5:20 p.m.

The Minutes of the December 20, 2000, Carson City Planning Commission meeting

ARE SO APPROVED ON January 31,
2001.

/s/

Allan Christianson, Chairperson