

CARSON CITY REGIONAL PLANNING COMMISSION

Minutes of the March 27, 1996, Meeting

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A regularly scheduled meeting of the Carson City Regional Planning Commission was held on Wednesday, March 27, 1996, at the Community Center Sierra Room, 851 East William Street, Carson City, Nevada, beginning at 3 p.m.

PRESENT: Chairperson Alan Rogers, Vice Chairperson Vern Horton, and Commissioners Allan Christianson, William Mally, Maxine Nietz, Archie Pozzi, and Deborah Uhart

STAFF PRESENT: Community Development Director Walter Sullivan, Deputy District Attorney Mark Forsberg, Division Fire Chief Steve Mihelic, Senior Engineer John Givlin, Associate Planner Tara Hullinger, and Recording Secretary Katherine McLaughlin (P.C. 3/27/96 Tape 1-0001.5)

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 Rogers convened the meeting at 3 p.m. Roll call was taken. The entire Commission was present, constituting a quorum. Chairperson Rogers lead the Pledge of Allegiance.

B. COMMISSION ACTION

1. APPROVAL OF JANUARY 31, 1996, MINUTES (1-0020.5) - Commissioner Christianson moved to approve the Minutes of the January 31, 1996, meeting. Commissioner Pozzi seconded the motion. Motion carried 7-0.

2. APPROVAL OF MAY 16, 1995, MINUTES; 3. APPROVAL OF JUNE 2, 1995, MINUTES; 4. APPROVAL OF JULY 28, 1995, MINUTES; 5. APPROVAL OF AUGUST 22, 1995, MINUTES; 6. APPROVAL OF OCTOBER 22, 1995, MINUTES (1-0029.5) - Discussion indicated all of the Minutes could be approved in one motion. Commissioner Nietz moved that all of the Minutes be accepted as presented. Commissioner Mally seconded the motion. Motion carried 7-0.

C. PUBLIC COMMENT (1-0038.5) - None.

D. MODIFICATIONS TO THE AGENDA (1-0041.5) - Community Development Director Walter Sullivan corrected Item E-3., U-94/95-28, to indicated the correct zoning as being General Office. The zoning had been changed since the original application was submitted. Item F-4., U-95/96-28, should be U.S. Highway 50 West. Item F-9., M-95/96-12, had requested a continuance to next month. Item F-10., GM-95/96-1, had requested a continuance to next month. Item G-1., U-95/96-29, had been withdrawn.

E. CONSENT AGENDA (1-008075.5)

E-1. V-95/96-8, DISCUSSION AND POSSIBLE ACTION ON A VARIANCE APPLICATION FROM JERRY CRUITT

E-2. U-95/96-25 - DISCUSSION AND POSSIBLE ACTION ON A REQUEST FROM MIKE AND NORMA CHILDERS

E-3. U-94/95-28 - DISCUSSION AND POSSIBLE ACTION ON A REVIEW FROM CAROL WYATT

E-4. MPA-95/96-6 - DISCUSSION AND POSSIBLE ACTION ON A RESOLUTION FROM CARSON CITY

E-5. DISCUSSION AND POSSIBLE ACTION ON A CHANGE OF LAND USE REQUEST

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FROM CARSON CITY

E-6. Z-95/96-7 - DISCUSSION AND POSSIBLE ACTION ON A CHANGE OF LAND USE REQUEST FROM CARSON CITY

E-7. A-95/96-5 - DISCUSSION AND POSSIBLE ACTION ON A REQUEST FROM ROBERT HUGHES

HUGHES - Discussion indicated action would be taken on Items F-9 and G-1 when reached on the agenda. Neither the audience, staff, nor the Commission pulled any of the Items for discussion. Commissioner Nietz moved that the Consent Agenda as presented be accepted by the Commission. Commissioner Horton seconded the motion. Motion carried 7-0.

F. PUBLIC HEARINGS (1-0168.5)

F-1. DISCUSSION AND POSSIBLE ACTION ON A VARIANCE APPLICATION FROM

JAMES KINGSBURY (1-0182.5) - Mr. Sullivan, Attorney Richard Hill, Associate Planner Tara Hullinger, and William Richards - Mr. Hill explained the financing difficulties his client had encountered. This had eliminated the variance requirements for the setbacks and left only the variance request for the fence. All of the other properties on College Parkway have a six foot fence four feet from the street. The request will make his property look identical to the others. The fence was being constructed at the request of a tenant. The location of this residence was explained with the use of a map. Small children reside at this residence. The fence will reduce the noise level and improve the quality of life for the residents. He did not feel that it would create a significant hardship on the tenant who would be required to go around the fence to get in the backyard. If required by the Commission, the applicant was willing to install a gate in the fence. He suggested that this issue be left to the tenant and landlord. Clarification indicated the parceling has been withdrawn as well as the variance request for the setback. Commissioner Nietz pointed out the Sheriff's concern about the sight distance for the corner lot. Mr. Hill did not have a problem requiring a setback on this property. Mr. Hill conceded that the property to the west belongs to a Church and does not have a fence. He agreed that his photographs were of the properties along College Parkway and not next door. The hardship would be having a fence in a backyard which is not 20 feet in depth due to the setback requirements. Mr. Hill pointed out that the Church should have been notified and that there had been no opposition to the request. Mr. Sullivan agreed that the fence line abuts the right-of-way for the other properties. The difference is that the fence is in the backyard of those properties. This is the front yard for the applicant's properties. If the variance is approved, it would be for a front yard. The property across the street would be the sideyard setback and not the full front yard setback. Ms. Hullinger indicated that Mr. Sullivan had correctly defined the differences between the properties. The variance request would be to deviate ten feet from the typical requirements for the front yard. A six foot fence could be constructed six feet from the property line. A sidewalk would be required for this property. There would be a four foot width between it and the curb which is the area commonly referred to as the "devil's acre". Commissioner Nietz described the Sheriff's concerns about the sight distance and the impact the fence would have. She suggested the fence be no higher than three feet along the driveway. Mr. Sullivan indicated the fence standard for sight distances is three feet in height for a forty foot distance. This would be a requirement for the fence permit. (1-0407.5) Mr. Richards indicated there would be ten foot setbacks on either side with a fence height of three foot. One site would have the three foot fence running 13 feet and 14 feet on the other side. This would provide adequate distance to address the sight concern. Clarification for Commissioner Mally indicated that the Commission did not have to deal with the parcel concerns but only with the fencing variance. (1-0429.5) Public testimony was solicited but none given. Mr. Hill explained his concerns about having the front yard on College Parkway, which is a very busy street. He felt that the street should have been considered rather than the building alignment. Commissioner Christianson indicated it was not the question of needing a fence but rather its location. Mr. Hill responded by expressing his feeling that the neighbors did not perceive it as a problem and that the fence would be in keeping with the neighborhood. Commissioner Nietz explained her personal inspection of the site/street. She agreed that this was the only parcel along College Parkway without a fence. She compared it with Saliman Road and Seelinger School. It may not create a beautiful view but was warranted as tenants would consider this area their backyard. If the sight distance could be provided to mitigate the Sheriff's concerns, she would support the application. Chairperson Rogers explained his concern with the Sheriff's comments on the sight distance. He supported Commissioner Nietz' and recommended approval. Clarification explained the reasons for using College Parkway for the main street. (1-0515.5) Commissioner Nietz moved that the Planning Commission accept the withdrawal of the request for a variance from the front yard setbacks in Multi-Family zoning district and, also, that the Planning Commission

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approve the variance for the front yard fence height requirement in the Multi-Family Apartment District for the property, APN 8-127-02, subject to seven conditions, the five standard conditions. Mr. Sullivan read the five conditions into the record as being: 1. All development shall be substantially in accord with the attached site development plan; 2. All on- and off-site improvements shall conform to City standards and requirements; 3. The use for which this permit is approved shall commence within twelve months of the date of final approval, a single one year extension of time must be requested in writing to the Community Development Department 30 days prior to the one year expiration date, should this permit not be initiated within one year and no extension granted, the permit shall become null and void; 4. The applicant must sign and return the acknowledgement of conditions of approval within ten days of receipt of the notification, if the acknowledgement is not signed and returned within ten days, then the item will be rescheduled for the next Planning Commission meeting for further consideration; and 5. All other Department's conditions of approval which are attached shall be incorporated as conditions of this report. Commissioner Nietz then continued her motion to include: and additional conditions that the fence adjacent to the College Parkway frontage to the east and west of the access driveway for a minimum of 13 feet shall be no more than three feet in height to provide a sight distance. She then corrected the motion to be subject to six conditions. Commissioner Mally seconded the motion. Discussion clarified the minimum distance for the three foot fence as being 13 feet. The motion as indicated was voted and carried 6-1 with Commissioner Pozzi voting Naye.

F-2. U-95/96-26 - DISCUSSION AND POSSIBLE ACTION ON A SPECIAL USE PERMIT

APPLICATION FROM RON KITCHEN (1-0556.5) - Ms. Hullinger, Ron Kitchen - Discussion between Ms. Hullinger and the Commission indicated portable real estate signs similar to the ones in question are used every weekend although temporary outdoor signs are not allowed by Code. This is the reason staff could not support the sign request. Ms. Hullinger felt that the Compliance Officer had contacted several real estate offices concerning their signs. Commissioner Nietz suggested either a sunset clause or an annual review be included in the conditions. Mr. Kitchen explained there are only 23 lots left in this subdivision and his reasons for needing the signage. The model home would remain open only until the last lot is sold. He felt that none of the other developers were aware of the need for the model home to have a special use permit. He expressed a willingness to accept a small directional sign rather than the sales sign at the location of the current signs. This sign would be two feet square. Clarification indicated there is a portable sign at the model home which is placed or removed when the model home is open/closed. Reasons for not using another site for the model were noted. Mr. Kitchen reiterated his request to maintain two small directional signs on the corner and the big sign on Saliman. These signs would be removed when the last house is sold.

(1-0705.5) Public testimony was solicited but none given. Discussion ensued between the Commission and staff on the recommendation to allow one permanent on-site sign and the signage on Saliman. Mr. Kitchen agreed to the Saliman sign modification. Discussion followed among Commissioners Nietz and Uhart and Ms. Hullinger on having the Conditions include a sunset clause. Ms. Hullinger expressed a willingness to include removal of the signage, flags, streamers, and model home within 30 days of the escrow closure. Comments indicated that Mr. Kitchen had stipulated to this amendment. Chairperson Rogers felt that the stipulation had been that when the last lot is sold, the model home would cease to operate. Mr. Kitchen then stipulated that, upon completion of the sale of the last construction lot, the model home will be sold as a residence. Commissioner Mally commenced a motion. Commissioner Uhart suggested the use of two portable directional signs rather than having a permanent six foot sign in a residential area. Clarification indicated this would be a six foot square sign. Commissioner Uhart requested the record reflect her objection to even a six foot square permanent sign. Commissioner Christianson urged Chairperson Rogers to have the ad hoc sign committee consider this issue as well as the portable "A" frame signs. He felt that citations were not being issued on these problems unless a complaint is signed. Mr. Sullivan agreed and explained staff's attempts to monitor these signs and work with the realtors. A number of complaints have been received by staff from the property owners who find the directional signs posted in their yards. Off-site, permanent signs have been allowed.

Commissioner Mally moved to approve U-95/96-26, a special use permit request from Ronald Kitchen to allow temporary tract sales including a model home, four subdivision identification flags, streamers and one permanent sign in a Single Family 6,000 square foot zoning district based on seven findings and subject to eight conditions of approval contained in the staff report and with the understanding that any acknowledgements to the Commission or

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Board by the applicant may be considered as further stipulations or conditions of approval. Commissioner Horton seconded the motion. Motion carried 7-0.

F-3. U-79-25 - DISCUSSION AND POSSIBLE ACTION ON A REVIEW OF A PREVIOUSLY APPROVED SPECIAL USE PERMIT (1-0817.5) - Ms. Hullinger, Senior Engineer John Givlin, Steve Kreck, Graham Ross - Mr. Givlin explained that a slope stabilization and containment of water running off the site plan, which is called a storm water pollution prevention plan--SWPPP, had been prepared and given to the State. The State had not provided any comments concerning it, therefore, it is assumed to be complete. The Public Works Director had visited the site and discussed the plan. Public Works agrees with the plan with the exception that some of the previous commitments for slope stabilization may not be included in that document. Mr. Givlin felt that it should be added to the document as it will make the report more complete. There had been two modifications requested by the applicant on the ponds which the applicant should address. Mr. Givlin felt that the slope stabilization report originally agreed upon was being implemented, however, as it was not completed, it should be included in the SWPPP report.

(1-0908.5) Mr. Kreck explained the efforts made to eliminate the "staging" area. Mr. Bertagnolli had issued a letter indicating the area would be kept clean or a sight obscuring fence installed. He felt that Mr. Bertagnolli had finally agreed to install the fence as the employees were not complying with his efforts to keep the area clean. This area was described. Ms. Hullinger explained her feeling that the fence would address the problem as it would restrict the equipment to a specified area.

(1-0968.5) Mr. Ross explained the conflict they had encountered between the Commission's desire to fill the settling ponds and the EPA's desire to prevent River pollution. The SWPPP contains a commitment to prevent any storm water generated on the site from reaching the River. Ponds 1 and 4 are used to hold this water. The other ponds are being filled. He requested that this requirement be modified to allow this use. The slope stabilization plan is being worked on at this time. Commissioner Nietz noted the comments "this is in progress" had been heard for several years, however, nothing is completed. She agreed with the need for zero discharge into the River and for the ponds to be filled. She noted that HARC had agreed to allow the mill ruins to be covered if photographs and documentation is provided. She questioned the status of this item. She also questioned when the hydroseeding would occur. Mr. Ross reviewed the history of the hydroseeding and explained the area where it was successful. Ms. Hullinger indicated she would check the site. Mr. Ross reiterated his comments concerning the slope stabilization work, the filling of Ponds 2 and 3, the status of Ponds 1 and 4, and their need to use Ponds 1 and 4 for runoff containment. He then explained the on-going efforts to complete an extensive report on the covering of the mill site and walls. He had completed the survey of the remains, photographed the site, measured the stones on the foundation, completed the drawings of the foundation and the wall, and is now finishing the report. He felt that it was a very extensive report which was more than Mr. Bertagnolli or anyone else had originally wanted, however, he appreciated the significance of the site. He agreed that the report would be given to staff and the State Historic Preservation Office.

(1-1095.5) Public testimony was solicited but none given. Commissioner Mally moved to approve the review of U-79-25, a special use permit for T. E. Bertagnolli and Associates, to allow a concrete and asphalt batch plant and removal of aggregate materials on property zoned Conservation Reserve, located east of Deer Run Road and north of Brunswick Canyon, APN 8-531-12, subject to 13 conditions of approval and four stipulations. Commissioner Christianson seconded the motion. Motion carried 7-0.

F-4. U-95/96-28 - DISCUSSION AND POSSIBLE ACTION ON A SPECIAL USE PERMIT APPLICATION FROM J. SCOTT FORD (1-1115.5) - Mr. Sullivan, Mr. Givlin, Scott Ford - Discussion between the Commission and staff indicated access could be gain to the site from both Highway 50 and Clear Creek Road. There is a valid permit for the Highway 50 access on file with the State. The access from Clear Creek is graded and serviceable but not in "good shape". Mr. Scott had read the staff report and supported it. He elaborated on the road, his plans to widen it, and the NDOT permit. Public testimony was solicited but none given. Commissioner Uhart moved to approve U-95/96-28, a special use permit from Scott Ford for the purpose of constructing a single family dwelling; a barn and other accessory structures which are customary with the residential use of the property based on seven findings and subject to six conditions of approval contained in the

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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 Christianson seconded the motion. Motion carried 7-0.

F-5. U-95/96-24 - DISCUSSION AND POSSIBLE ACTION ON A SPECIAL USE PERMIT

APPLICATION FROM KURT MCFADDEN (1-1248.5) - Mr. Sullivan, Bob McFadden - Mr. McFadden indicated he had just read the staff report. He did not believe he had over 2,000 feet of banners on the property at this time. He then explained his need for the banners. He gave the Commission a report which purportedly indicated the business is the top mobile home dealer in Northern Nevada and number four in the State. (The report was given back to him at the conclusion of the Item.) He then voiced his opposition to the permit fee and the requirement for twenty copies of the application. He urged the Commission to establish a sign committee to handle these issues. Chairperson Rogers explained the ad hoc committee currently working on the sign issues. He urged Mr. McFadden to submit his views in writing to the committee. Mr. McFadden felt that the committee had not been formalized and its composition changed weekly. Chairperson Rogers explained that the committee's composition has been stable and it was formalized. Commissioner Mally questioned Mr. McFadden about the conditions. Mr. McFadden indicated that he had just read the report rather quickly. He did not feel that the report contained "anything he couldn't deal with". Commissioner Uhart questioned Mr. McFadden further on the amount of streamers allowed. Mr. McFadden indicated that he did not have a problem with staff's figure. He felt that he could "wrap his dealership in" 2,000 feet. Public testimony was solicited but none given. Mr. Sullivan explained the fee and copying requirements. Both he and Chairperson Rogers indicated the formula for the signs is currently under review. Mr. McFadden expounded on his request for a committee to review the ordinance and his objection to the fee. Commissioner Nietz moved that the Planning Commission approve a special use permit, U-95/96-24, a request by Kurt McFadden, property owner: Robert C. McFadden, Champion Mobile Homes, Inc., to allow streamers, pennants and banners as advertising devices in a Commercial zoning district on APN 8-302-08 at 3300 Highway 50 East based on four findings and subject to eight conditions of approval contained in the staff report and with the understanding that any acknowledgements to the Commission or Board by the applicant may be considered as further stipulations or conditions of approval on this application. Commissioners Pozzi and Horton seconded the motion. Commissioner Mally indicated he would abstain. The motion was voted and carried 6-0-1-0 with Commissioner Mally abstaining. Commissioner Mally indicated his abstention was based on his objection to Mr. McFadden's attitude and the implication that he should receive special privileges. Everyone who is required to obtain a special permit must do so and so should Mr. McFadden.

F-6. U-95/96-27 - DISCUSSION AND POSSIBLE ACTION ON A SPECIAL USE PERMIT

APPLICATION FROM RON KIPP (1-1477.5) - Mr. Sullivan and Ron Kipp - Mr. Kipp indicated he had read the staff report and concurred with it. Mr. Kipp gave the Commission two copies of photographs of the signs and indicated the signs would be relocated. (He took the photographs back at the end of the Item.) Public testimony was solicited but none given. Commission Mally moved to approve U-95/96-27, a request from Landmark Homes, Inc., to allow temporary sales tract offices and model home complexes within the South Pointe Subdivision, based on seven findings and subject to eight conditions of approval contained in the staff report and with the understanding that any acknowledgements to the Commission or Board by the applicant may be considered as further stipulations or conditions of approval on this application. Commissioner Nietz seconded the motion. Motion carried 7-0.

F-7. S-95/96-6 - DISCUSSION AND POSSIBLE ACTION ON A TENTATIVE SUBDIVISION

MAP REQUEST FROM BERNHARD FAMILY TRUST (1-1575.5) - Senior Planner Sandy Danforth, Jack Randell, Deputy Utilities Director Jay Ahrens, Mr. Givlin, Division Fire Chief Steve Mihelic - Mr. Randall explained the reasons for changing the name. He had reviewed the staff report and was in agreement with all of the items. Benefits to the community were included in the packet. He indicated it was originally a 31 lot subdivision as an area which is "not a part" was counted as one lot. When it and another area which is also "not a part" are removed, there are only 29 lots. Reasons for having these two "not a part" areas were explained. One is being considered for an access to a school site. He agreed that there are some areas with steep slopes. He gave the Commission papers detailing these areas and the plan to restrict the building sites and to provide access. He requested an opportunity to obtain a soils analysis before stipulating the stabilization action plan. Storm runoff will be channeled into the Mexican Ditch as had been provided for the Hidden Meadows PUD. He agreed to work

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with Public Works on this plan.

(1-1742.5) Mrs. Danforth reviewed the staff report. Her analysis of the slope areas indicated Lots 15, 16, and 17 have adequate space for a building envelope. The Condition mandating the engineer designate the building envelopes on the maps for those areas containing slopes of 20 percent or more before recordation was noted. Slopes on Lots 18, 19, and 20 were not as steep and would not be required to have the designated building envelopes. Houses would, however, have to be constructed in areas with less than 15 percent slopes. Four foot fences will be maintained along the front of the lots and along the back of Lots 1 through 14 which abuts the Mexican Ditch and its trail. The easement for public access along the Mexican Ditch was explained. Residential Construction Tax monies may be used to acquire Lot 30 so that public access to the trail and school could be obtained. If this does not occur and the lot is sold, the Conditions will require the buyer to comply with all the subdivision requirements.

(1-1855.5) Mr. Givlin felt that the conditions regarding the storm runoff were adequate and that the applicant would work with staff to mitigate any concerns. Concerns with this proposal were explained in depth and were due to the proposed public use of the trail abutting the Ditch and the increased volume of runoff created by the development. The Parks Department had accepted responsibility for maintaining the trail. Public access to the trail will be provided. Riparian water and water rights issues must be addressed. Clarification between Commissioner Mally and Mrs. Danforth indicated Mr. Jarrard had entered into an agreement with Mr. Bernard regarding the trail. Mr. Jarrard had expressed a willingness to also enter into an agreement with the City at the appropriate time. Mr. Givlin detailed the original PUD agreement concerning the use of the Mexican Ditch to handle the runoff. He felt that the runoff would be collected and used to enhance the riparian area. A final plan will be designed to address this proposal. Detention is a separate issue which he explained.

Mrs. Danforth expressed a willingness to accept the engineer's determination of the location for the building envelopes as the sites would be required to meet the Hillside Ordinance. This review would be done at the time the building permit is requested. Mr. Randall outlined how he had determined those locations. He also explained that Lot 17 would have an engineered pad which will be cut at the time development occurs. Lot 16's envelope was established by the "natural topography". Slope stabilization will be constructed along the roadway. Some of the roadway cuts will be ten feet deep. He requested an opportunity to perform a soils analysis before constructing the retaining wall as alternatives may be possible. He was not sure what the final landscaping requirements would be but the soils analysis would provide that information. He then explained the negotiations concerning the "not a part" area. Mr. Bernhard may construct the school site for the School District in trade for some BLM property on the west. He had not planned to gate the temporary emergency access road from the Carson River Road. It would be gravelled. Mr. Mihelic explained the reasons the Fire Department had not required the road to be gated. If problems arise, the applicant may be requested to gate the road. Mrs. Danforth explained the restriction against the use of Residential Construction Tax monies to provide the trail along the Mexican Ditch. Mr. Bernard had agreed to develop the trail. Mr. Jarrard had granted an access and maintenance easement for the trail. The City will not own the trail. Commissioner Uhart commended Mr. Bernhard for his assistance with the trail and keeping it contiguous along the Mexican Ditch. Public testimony was solicited but none given.

(1-2249.5) Commissioner Mally moved that the the Regional Planning Commission approve S-95/96-6, a motion to recommend that the Board of Supervisors approve a tentative subdivision application from The Bernhard Family Trust based on three findings and subject to 19 conditions of approval as contained within the staff report and with the understanding that any acknowledgements to the Commission or Board by the applicant may be considered as further stipulations or conditions of approval on this application. Commissioner Uhart seconded the motion. Motion carried 7-0.

Mrs. Danforth corrected her comments in indicate the Residential Construction Tax rather than the Regional Transportation tax.

F-8. U-95/96-14 - DISCUSSION AND POSSIBLE ACTION ON AMENDING A CONDITION OF APPROVAL ON THE SPECIAL USE PERMIT APPLICATION FROM ROGER SEDWAY (1-2265.5) -
Mr. Sullivan explained the request to amend Condition 7 and read Mr. Sedway's letter into the record indicating his acceptance of the amendment. The letter also indicated he would not attend the meeting. Public testimony was

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solicited but none given. Commissioner Nietz moved to approve an amendment to Condition Number 7 of U-95/96-14 by replacing 65 DBA with 55 DBA and replacing 55 DBA with 45 DBA. Commissioner Pozzi seconded the motion. Motion was voted and carried 7-0.

F-9. M-95/96-12 - DISCUSSION AND POSSIBLE ACTION ON A REQUEST FROM RICHARD LANGSON TO APPEAL AN ADMINISTRATIVE INTERPRETATION OF CARSON CITY MUNICIPAL CODE TITLE 20 (1-2345.5) - Mr. Sullivan noted the letter requesting a continuance and expressed a willingness to continue the item if the \$150 continuance fee is paid. He agreed to the continuance and indicated there is a new legal counsellor involved. The continuance will provide this individual with an opportunity to become familiar with the case and the sign concerns. Public testimony was solicited but none given. Commissioner Nietz moved that the Regional Planning Commission continue Item F-9 to the Commission's next regularly scheduled meeting. Commissioner Pozzi seconded the motion. Motion carried 7-0.

RECESS THE PLANNING COMMISSION AND CONVENE THE GROWTH MANAGEMENT COMMISSION (1-2399.5) - Chairperson Rogers then recessed the Regional Planning Commission session and immediately convened the Growth Management Commission. The entire Commission was present constituting a quorum.

F-10. GM-95/96-1 - DISCUSSION AND POSSIBLE ACTION ON A REQUEST FROM CARSON CITY TO AMEND TITLE 18.82 (1-2402.5) - Mr. Sullivan read Steve Hartman's letter requesting a continuance which had included a check for the \$150 continuance fee. Mr. Sullivan expressed a willingness to continue the item. Public testimony was solicited but none given. Commissioner Nietz moved that Item F-10 on the Agenda be continued to the next regularly scheduled Planning Commission meeting. Commissioner Pozzi seconded the motion. Discussion indicated the item would be considered at the next regularly scheduled Planning Commission meeting. Motion carried 5-0.

RECESS THE GROWTH MANAGEMENT COMMISSION AND RECONVENE THE REGIONAL PLANNING COMMISSION (1-2449.5) - Chairperson Rogers then recessed the Growth Management Commission and immediately reconvened the session as the Regional Planning Commission. The entire Commission was present constituting a quorum.

H. INTERNAL COMMUNICATIONS AND ADMINISTRATIVE MATTERS (NON-ACTION ITEMS)

H-1. CORRESPONDENCE TO THE COMMISSION (1-2454.5) - Mr. Sullivan referenced the miscellaneous letters contained in the packet. The compliance reports from K-Mart were distributed to the Commission and Clerk. It will be agendized for the next meeting. Copies will be given to the Board of Supervisors. Copies of "Avoiding Land Use Liability and Related Issues" were distributed to the Commission.

H-2. STAFF BRIEFING ON STATUS OF COMMISSION RECOMMENDATIONS TO THE BOARD OF SUPERVISORS (1-2502.5) - The Change of Land Use requests from both Randy Harris and Don Langson were continued. The Harris requests may not be considered until after the new Master Plan is adopted. The Langson request will be heard on May 2. Discussion ensued on the operations underway on his property at this time. Stable activities are permitted, however, there are several outstanding requirements on the other activities. Mountain Park Unit 6 and the Northridge maps were approved as recommended. Randy Harris' abandonment request was approved. Discussion resumed on the grading activities occurring on the Langson property. A Public Works grading permit and the State dust control requirements have not been met. Discussion ensued on the status of the Commission's recommendation that Plaza Street be made two way when the State parking lot is constructed. Staff was requested to provide a status report on this item. The lot is to be open to the general public. Concerns were expressed about the adequacy of parking in this area when the City relocates to the former Bank of America building. Commissioner Horton questioned when the landscaping would be installed in the jointly constructed parking lot between Curry and Nevada which had closed Proctor Street. He felt that it was unfair to hold contractors to landscaping requirements when the City fails to meet a similar standard. Mr. Givlin indicated it was on the list of projects. He felt that it would be constructed this year.

H-3. REPORTS FROM COMMISSIONERS (1-2702.5) - Commissioner Pozzi presented Mr. Sullivan with a toy Koala Bear as a remembrance of Commissioner Pozzi's trip to New Zealand and Australia. Commissioner Uhrt indicated she would miss the next Commission meeting. Chairperson Rogers explained the

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status of the ad hoc sign committee's efforts. He commended staff on its assistance in obtaining examples from other communities. Commissioner Christianson questioned the procedure for controlling temporary signs. Community Development currently tracks those signs. Chairperson Rogers was not sure how long it would be before this item is discussed. There is currently a one year restriction on how long a sign could remain after a business closes. Examples cited were the Golden Dragon, the Golden Spike, and the Spur. Mr. Sullivan explained that the Golden Dragon is involved in a bankruptcy and indicated he would check with the courts to determine whether something could be done. The owner of the Spur had been working with staff on various projects for that site. There is purportedly a sale pending on the other property.

5. FUTURE COMMISSION ITEMS (1-2910.5) - Mr. Sullivan assured the Commission the next meeting would be lengthy. The items which had been continued today will be added to that meeting. Efforts will be made to add some of the items to the Consent Agenda. Noticing requirements and the number of special meetings planned for April were discussed. Mr. Sullivan expressed a willingness to attempt, with Chairperson Rogers' input, to establish timeframes for the items. Chairperson Rogers questioned whether the meeting should begin at 2 p.m. Mr. Sullivan explained his concern if items are continued. He recommended starting at 3 p.m. Chairperson Rogers noted that he had been timing the items today and had discovered a majority of them were faster than allotted.

H-4. STAFF COMMENTS (1-3018.5) - None.

DINNER RECESS (1-3035.5) - Chairperson Rogers recessed the Planning Commission meeting at 5:45 p.m. for the dinner break. He reconvened the Planning Commission at 7 p.m. The entire Commission was present constituting a quorum. Staff present included: Community Development Director Sullivan, Deputy District Attorney Forsberg, Deputy Utilities Director Ahrens, Senior Engineer Givlin, and Recording Secretary McLaughlin.

G. PUBLIC HEARINGS (CONTINUED)

G-1. U-95/96-29 - DISCUSSION AND POSSIBLE ACTION ON A SPECIAL USE PERMIT APPLICATION FROM RINS DEVELOPMENT (1-3048.5) - Mr. Sullivan explained the withdrawal request. Public testimony was solicited but none given. Commissioner Nietz moved to accept the withdrawal and close the file on Item G-1. Commissioner Horton seconded the motion. Motion carried 7-0.

G-2. A-95/96-7 - DISCUSSION AND POSSIBLE ACTION ON A REQUEST FROM CARSON CITY TO AMEND CCMC SECTION 18.03.330 (1-3076.5) - Mr. Sullivan, John McKenna, Roy Semmens, Mr. Forsberg, Faye Semmens, David Nordyke, and Al Rushing - Following Mr. Sullivan's introduction, public testimony was solicited. Chamber of Commerce President McKenna encouraged the Commission to keep the Code fair and equitable for all home occupations. If home sales are allowed for firearms, then other sales activities should be allowed. The gun dealers should obtain a store front and practice business as other gun dealers in the City do. Mr. Semmens wholesales guns, art, coins, stamps, and performs appraisals for attorneys. He questioned the reasons he was given a business license if his activity was illegal. Chairperson Rogers explained that wholesaling is allowed as a home occupation. Retail sales from homes are not allowed. Discussion ensued on the terms "wholesale" and "retail" and the need for a definition. Chairperson Rogers explained that the request before the Commission is to consider whether to change home occupancy codes to allow retail sales from a residence. The gun could not be sold at a residence. Mrs. Semmens explained her wholesale operation. Only personal friends are allowed to come to the home. Chairperson Rogers explained that the issue was having the customer come to the residence. This is not allowed by Code. Mrs. Semmens urged the Commission to maintain the current Code as she did not wish to have buyers coming to her home. She "deals" through the use of a telephone and UPS. Mr. Sullivan reminded them that the City is not trying to address the ATF requirements. Gunsmithing is a service. (2-0035.5) Mr. Nordyke felt that the Semmens were not aware of the ATF requirements. Dealers must have a physical address where the guns would be sold. This address could be a personal residence which is in direct conflict with the City's ordinances. He felt that there are sales now occurring throughout Carson City from the homes. It is "low key" and enforced only by complaint. ATF is requiring business hours to be maintained. Mr. Sullivan and Mr. Forsberg outlined the City's Code restrictions on the amount of the residence which could be used for a business. Mr. Nordyke indicated that he used his garage. The dealers are "low key". ATF requirements were reiterated. Mr. Forsberg reiterated the point that Federal law was not forcing the City to react. The City's

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Code was read. It restricts the sales and storage of goods on the premise. The question before the Commission was whether to allow the sale of goods

from homes. The sale could be arranged at the home, however, the actual transfer should occur elsewhere. Mr. Sullivan indicated that the Code does not restrict the sale of a single gun, vacuum cleaner, car, etc. When more than a single sale occurs, it becomes a business. If 100 guns are sold without passing through the seller's hands, it would not be considered a sale on the premises and would be considered a home occupancy for a wholesaler. Mr. Forsberg explained the intent of the Code as being to retain the residential character of a neighborhood. Mr. Nordyke reiterated his feeling that ATF was forcing the City to allow home sales as guns could not be transferred/sold on a corner. It could only occur at the licensed location. Chairperson Rogers explained that the City could not deal with this issue and cautioned against broadening the Code. Mr. Nordyke suggested an exemption be granted for FFL holders. Mr. Nordyke claimed that the State of Oregon had passed a law allowing the sale of guns anywhere in the State. Commissioner Christianson explained the options available to a gun dealer which would allow him/her to acquire a store front, relocate his residence to an commercial zone, or drop his FFL. Mr. Nordyke felt that many dealers would give up their licenses and go underground. His business required the individual to bring the gun to his home. Chairperson Rogers pointed out that the City could not address the Federal code requirements. Mr. Semmens indicated that private individuals did not have to handle the paperwork required from dealers. Mr. McKenna reiterated his earlier comments that everyone should have the same restrictions and that there should not be an exception for one group. (2-0307.5) Mr. Rushing indicated he is a dealer and must by Federal law have a physical address from which he can receive and sell the guns. Both Washoe and Douglas County provide flexibility in the Code to allow the dealers to operate. He suggested that the nuisance laws be used to enforce the restrictions. As everyone in the audience had spoken, Chairperson Rogers closed public testimony.

Chairperson Rogers explained his feeling that the question was what the City would allow as a home occupancy. Making exceptions for one class of individuals would be a dangerous area for the Commission to enter. The same hardships used for this class of individuals could be used for all other classes and then the restrictions could not be enforceable. He recommended maintaining a fair and equitable playing field for all. (2-0375.5) Commissioner Nietz moved that the Planning Commission not make any changes at this time to the Carson City Municipal Code Section 18.03.330 "Home Occupation". Commissioner Horton seconded the motion. Motion carried 7-0.

(2-0385.5) Chairperson Rogers passed the gavel to Vice Chairperson Horton and left the meeting at 7:48 p.m. (A quorum was still present.)

G-3. M-95/96-15 - DISCUSSION AND POSSIBLE ACTION ON BUDGET SUPPLEMENTAL REQUESTS (2-0395.5) - Mr. Sullivan reviewed the budget documents and explained his reasoning behind the priorities for the supplemental requests. Commissioner Christianson suggested that another map holder be setup facing the rear of the room so that the audience could follow any discussions. Mr. Sullivan responded by explaining the \$12,500 CPI funding for sound system improvements to the Sierra Room. He agreed to request applicants provide the second map. Commissioner Nietz supported the travel and training as well as the microfilm machine recommendations. She suggested that the gravel and sand resource element be held for a couple of years as BLM may then be in the position to support the study. Mr. Sullivan responded by explaining his reasons for feeling the study was warranted at this time. Commissioner Nietz also supported the open space study requested the zoning map's priority be raised. Mr. Sullivan indicated this was staff's top priority. He expressed a willingness to prepare a resolution of support for the open space or a letter if so desired. He agreed with the statements concerning the need to address the zoning map. (2-0701.5) Commissioner Pozzi moved that the Planning Commission recommend the supplemental requests by the Community Development program except for the training program at this time. Commissioner Christianson seconded the motion. Motion carried 6-0.

(1-0708.5) Commissioner Pozzi then explained his feeling that the Commission needed to give serious consideration to having a second regular meeting each month. Mr. Sullivan supported his recommendation. Commissioner Mally suggested the items be timed better. Mr. Sullivan indicated the applicants are told not to come until a certain time. Comments indicated a feeling that the public is not being served appropriately when the meetings run long. Mr. Sullivan explained the provisions allowing a Hearing Officer to be utilized for specific

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planning items. Appeals could be made to the Planning Commission. This was similar to the Commission's Consent Agenda. Few, if any, of these items are appealed to the Board of Supervisors. Commissioner Pozzi reiterated his suggestion for a second meeting. There will be three meetings in April. No formal action was taken.

I. ADJOURNMENT (2-0848.5) - Commissioner Pozzi moved to adjourn. Commissioner Mally seconded the motion. Motion carried 6-0. Vice Chairperson Horton adjourned the meeting at 8:15 p.m.

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ARE SO APPROVED ON _____, 1996.

Alan Rogers, Chairperson