

MINUTES
Regular Meeting
Carson City Planning Commission
Wednesday, June 26, 2019 ● 5:00 PM
Community Center Sierra Room
851 East William Street, Carson City, Nevada

Commission Members

Chair – Mark Sattler	Vice Chair – Charles Borders, Jr.
Commissioner – Alex Dawers	Commissioner – Paul Esswein
Commissioner – Teri Preston	Commissioner – Hope Tingle
Commissioner – Jay Wiggins	

Staff

Lee Plemel, Community Development Director
Hope Sullivan, Planning Manager
Ben Johnson, Deputy District Attorney
Steven Pottéy, Engineering Project Manager
Heather Ferris, Associate Planner
Tamar Warren, Deputy Clerk

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

An audio recording of this meeting is available on www.Carson.org/minutes.

A. ROLL CALL, DETERMINATION OF QUORUM, AND PLEDGE OF ALLEGIANCE

(5:00:57) – Chairperson Sattler called the meeting to order at 5:00 p.m. Roll was called. A quorum was present. Commissioner Esswein led the Pledge of Allegiance.

Attendee Name	Status	Arrived
Chairperson Mark Sattler	Present	
Vice Chair Charles Borders, Jr.	Present	
Commissioner Alex Dawers	Absent	
Commissioner Paul Esswein	Present	
Commissioner Teri Preston	Present	
Commissioner Hope Tingle	Present	
Commissioner Jay Wiggins	Present	

B. PUBLIC COMMENTS

(5:01:45) – Chairperson Sattler entertained public comments; however, none were forthcoming.

C. POSSIBLE ACTION ON APPROVAL OF MINUTES – APRIL 24, 2019 AND MAY 29, 2019.

(5:02:10) – Chairperson Sattler entertained comments, changes, or a motion.

(5:02:23) – MOTION: I move to accept the April 24, 2019 meeting minutes.

RESULT:	APPROVED (6-0-0)
MOVER:	Esswein
SECONDER:	Borders
AYES:	Sattler, Borders, Esswein, Preston, Tingle, Wiggins
NAYS:	None
ABSTENTIONS:	None
ABSENT:	Dawers

(5:02:48) – **MOTION: I move to approve the minutes [of the May 29 meeting].**

RESULT:	APPROVED (6-0-0)
MOVER:	Tingle
SECONDER:	Preston
AYES:	Sattler, Borders, Esswein, Preston, Tingle, Wiggins
NAYS:	None
ABSTENTIONS:	None
ABSENT:	Dawers

D. MODIFICATION OF AGENDA

(5:03:10) – Ms. Sullivan requested hearing item G-4 immediately after adjourning as the Growth Management Commission.

E. RECESS AS THE PLANNING COMMISSION

(5:03:49) – Chairperson Sattler recessed the Planning Commission meeting.

*******GROWTH MANAGEMENT COMMISSION AGENDA*******

1. CALL TO ORDER, ROLL CALL AND DETERMINATION OF A QUORUM

(5:03:55) – Chairperson Sattler called the Growth Management Commission meeting to order. Roll was called and a quorum was present. Commissioner Dawers was absent.

2. PUBLIC COMMENT

(5:04:25) – Chairperson Sattler entertained public comments; however, none were forthcoming.

3. FOR POSSIBLE ACTION: APPROVAL OF THE MINUTES – MAY 30, 2018.

(5:04:34) – Chairperson Sattler introduced the item and entertained comments, edits, or a motion.

(5:04:40) – MOTION: I move to accept the minutes of the May 30, 2018 Growth Management Meeting.

RESULT:	APPROVED (5-0-1)
MOVER:	Borders
SECONDER:	Esswein
AYES:	Sattler, Borders, Esswein, Preston, Tingle
NAYS:	None
ABSTENTIONS:	Wiggins
ABSENT:	Dawers

4. Public Hearing Matters

4A GM-19-081 FOR POSSIBLE ACTION: DISCUSSION AND POSSIBLE ACTION REGARDING A RECOMMENDATION TO THE BOARD OF SUPERVISORS FOR A RESOLUTION ESTABLISHING THE MAXIMUM NUMBER OF RESIDENTIAL BUILDING PERMIT ALLOCATIONS UNDER THE GROWTH MANAGEMENT ORDINANCE FOR THE YEARS 2020 AND 2021 AND ESTIMATING THE MAXIMUM NUMBER OF RESIDENTIAL BUILDING PERMITS FOR THE YEARS 2022 AND 2023; ESTABLISHING THE NUMBER OF BUILDING PERMIT ALLOCATIONS WITHIN THE DEVELOPMENT AND GENERAL PROPERTY OWNER CATEGORIES; AND ESTABLISHING A MAXIMUM AVERAGE DAILY WATER USAGE FOR COMMERCIAL AND INDUSTRIAL BUILDING PERMITS AS A THRESHOLD FOR GROWTH MANAGEMENT COMMISSION REVIEW.

(5:06:09) – Chairperson Sattler introduced the item. Mr. Plemel summarized the background information, noting that the Planning Commission, acting as the Growth Management Commission, was required to make annual recommendations to the Board of Supervisors to establish the number of residential permits that would be available for the following calendar year, and that it had historically been based upon a maximum growth rate of three percent. He also noted that the commercial and industrial daily water usage threshold was 15,000 gallons per day, as an annual average in 2019, above which Growth Management Commission approval would be required.

(5:07:57) – Mr. Plemel also reviewed the Staff Report, incorporated into the record, and highlighted the current allocations, the growth needed to get to the buildout capacity population, and the population projections. Mr. Plemel explained the coordination going on between the school district and the City. He addressed the long term land and water capacities and discussed current and future uses, recommending 679 residential units for 2020, and an average daily water use of 15,000 gallons per day.

(5:19:14) – Commissioner Tingle noted her areas of concern: 1) the overcrowding of the schools, 2) lack of access to primary healthcare, “or healthcare in general”, 3) housing affordability, and 4) street maintenance. Mr. Plemel addressed each area by noting that he hoped the school district would address the capacity issue adding that they were looking into additional properties to purchase for further expansion. He also referenced their responses which are incorporated into the record. Mr. Plemel stated that healthcare had been listed as a private and not a government function. As for affordable housing, Mr. Plemel believed that the supply would lower the housing prices and explained that the street maintenance was paid for by property and other taxes.

(5:26:31) – Curtis Horton, Carson City Public Works, introduced himself and offered to return with the Transportation Staff in order to provide better information on street maintenance. Commissioner Tingle believed

that this was a \$100,000,000 issue that needed to be addressed “sooner than later”. Discussion ensued regarding impact fees and Mr. Plemel explained that they were not required by the Carson City Municipal Code (CCMC); however, the Lompa development fire fee was offered by the developer. Commissioner Preston explained the Nevada tax structure and noted that taxes are higher for new structures. She also received clarification that “tentative maps don’t guarantee building permits in any given year”; therefore, they are subject to the cap and limitations. Commissioner Preston also believed that the [homeowner] associations should be responsible for maintaining the shrubbery of properties that border open space and parks. Commissioner Esswein believed that narrowing neighborhood roads to reduce maintenance costs. Mr. Plemel explained that the Regional Transportation Commission would be the venue to address street maintenance issues. Commissioner Esswein noted that the Transportation Resource Advisory Forum for Carson City (TRAFCC) will meet on July 23, 2019 in the Sierra Room, and that the pavement management system will be on the agenda. Chairperson Sattler entertained public comments.

PUBLIC COMMENT

(5:40:51) – Lee Harter introduced himself and inquired about the transferring the responsibility of maintaining open space adjacent areas to homeowners associations (HOAs), and wished to understand whether it was working or not. Parks, Recreation, and Open Space Director Jennifer Budge explained that the Parks and Recreation Department was dealing with significant issues such as aging infrastructure and deteriorating parks, with limited funds for rehabilitation. Ms. Budge noted that as new subdivisions are built, a maintenance association or similar organization is being required to fund the maintenance of any parks, trails, or open space within that community at 100 percent. She also explained that they work closely with the Carson City Fire Department to ensure adequate defensible space buffers are included in the maintenance, adding that the old agreements still exist at Silver Oak or Long Ranch areas. She also noted that in certain cases when an HOA fails to exist, a landscape maintenance district may be imposed where the City takes over the responsibilities of the HOA while collecting the fees from the homeowners; however, she called this a last resort. There were no additional comments; therefore Chairperson Sattler entertained a motion.

(5:45:34) – MOTION: I move to recommend to the Board of Supervisors approval of a maximum of 679 residential building permit entitlements for 2020, with an allocation of 292 entitlements for the general property owner category and 387 entitlements for the development category, and to continue the commercial and industrial development annual average water usage threshold of 15,000 gallons per day for Growth Management Commission review, and distribution and allocations for future years as further provided in the draft Board of Supervisors Resolution.

RESULT:	APPROVED (6-0-0)
MOVER:	Esswein
SECONDER:	Sattler
AYES:	Sattler, Borders, Esswein, Preston, Tingle, Wiggins
NAYS:	None
ABSTENTIONS:	None
ABSENT:	Dawers

5. PUBLIC COMMENT

None.

6. FOR POSSIBLE ACTION: TO ADJOURN AS THE GROWTH MANAGEMENT COMMISSION

(5:46:29) – Chairperson Sattler adjourned the Growth Management Commission meeting.

F. RECONVENE AS THE PLANNING COMMISSION

(5:46:31) – Chairperson Sattler reconvened the Planning Commission meeting.

G. MEETING ITEMS

G.1 SUP-19-082 – FOR POSSIBLE ACTION: DISCUSSION AND POSSIBLE ACTION REGARDING A SPECIAL USE PERMIT TO CONSTRUCT A BOOSTER PUMP STATION ON PROPERTY ZONED SINGLE FAMILY 21,000 PLANNED UNIT DEVELOPMENT, LOCATED APPROXIMATELY 390 FEET EAST OF LONGVIEW WAY AND 530 FEET NORTH OF WATERFORD PLACE IN THE LONG RANCH PLANNED UNIT DEVELOPMENT, APN 007-392-39.

(7:06:33) – Chairperson Sattler introduced the item. Ms. Ferris Presented the Staff Report with accompanying photographs and responded to clarifying questions. She also addressed the written comments received from the public, noting that they were predominantly about noise and aesthetics adding that the closest home was approximately 55 feet away and the nearest property line was approximately 30 feet away. Ms. Ferris explained that the pump would be housed in an insulated, pre-fabricated building. She also clarified that the pump will run for approximately eight hours during spring and fall, for one hour per month during the winter months, and 24x7 during the summer months. Ms. Ferris likened the noise, which ran at 70 decibels, similar to the noise generated by a vacuum cleaner. She reviewed the conditions of approval which are incorporated into the record. Vice Chair Borders inquired why the pump would not be housed on across from the proposed location and further away from the homes. Public Works Project Manager Brian Elder explained that the selected elevation will keep the structure away from the 100-year floodplain. He also was in agreement with the conditions of approval outlined in the Staff Report. Commissioner Preston was informed that Special Use Permit funds do not transfer between City departments. Chairperson Sattler entertained public comments, and when none were forthcoming, a motion.

(7:17:32) – MOTION: I move to approve SUP-19-082 based on the ability to make the required findings and subject to the conditions of approval included in the staff report.

RESULT:	APPROVED (6-0-0)
MOVER:	Borders
SECONDER:	Esswein
AYES:	Sattler, Borders, Esswein, Preston, Tingle, Wiggins
NAYS:	None
ABSTENTIONS:	None
ABSENT:	Dawers

G.2 SUP-19-076 – FOR POSSIBLE ACTION: DISCUSSION AND POSSIBLE ACTION REGARDING A SPECIAL USE PERMIT TO CONTINUE THE USE OF AN EXISTING BILLBOARD IN GENERAL COMMERCIAL (GC) ZONING, LOCATED AT 5853 SOUTH CARSON STREET, APN 009-304-06.

(7:03:24) – Chairperson Sattler introduced the item. Ms. Sullivan presented the Staff Report, incorporated into the record, and recommended approval, noting that Special use permits for billboards were valid for five years.

(7:05:20) – Applicant Isabel Recinos noted her approval of the conditions of approval. There were no Commissioner and public comments for the applicant. Chairperson Sattler entertained a motion.

(7:05:50) – MOTION: I move to approve SUP-19-076, based on the findings and subject to the conditions of approval contained in the staff report.

RESULT:	APPROVED (6-0-0)
MOVER:	Esswein
SECONDER:	Borders
AYES:	Sattler, Borders, Esswein, Preston, Tingle, Wiggins
NAYS:	None
ABSTENTIONS:	None
ABSENT:	Dawers

G.3 SUP-19-083 – FOR POSSIBLE ACTION: DISCUSSION AND POSSIBLE ACTION REGARDING A SPECIAL USE PERMIT FOR OUTDOOR STORAGE ON PROPERTY ZONED GENERAL COMMERCIAL AND PUBLIC REGIONAL, LOCATED ON THE WEST SIDE OF AIRPORT ROAD, SOUTH OF BUTTI WAY, APN 010-041-76.

(7:18:35) – Chairperson Sattler introduced the item. Ms. Sullivan presented the following summary: The applicant is seeking to construct a boat and RV storage facility on a 7.28 acre parcel in the Lompa Ranch North Specific Plan Area. The property has two zoning districts. Given that the use is a conditional use in one of the two zoning districts, a Special Use Permit is required and noted that Staff was able to make the findings in the affirmative. She also recommended the following amendment to condition of approval number nine and recommended approval:

9. The project must meet the Carson City Municipal Code, Development Standards, and Standard Detail requirements including:

- The project must either balance flood zone cut and fill quantities, or may have a net gain of cut to increase storm water detention. There may not be a net gain of fill.*
- The project must provide funds to the City to process a CLOMR.*
- The water main must be extended along the frontage as shown.*

(7:22:51) – Ms. Sullivan also indicated that applicant Michael Vicks with Monte Vista consulting was present to answer any questions the Commissioners may have. Mr. Vicks was in agreement with the conditions of approval including the proposed amendment. Chairperson Sattler entertained public comments, and when none were forthcoming, a motion.

(7:24:27) – MOTION: I move to approve SUP-19-083 based on findings and subject to conditions of approval contained in the staff report.

RESULT:	APPROVED (6-0-0)
MOVER:	Sattler
SECONDER:	Borders
AYES:	Sattler, Borders, Esswein, Preston, Tingle, Wiggins
NAYS:	None
ABSTENTIONS:	None
ABSENT:	Dawers

G.4 TSM-19-054 – FOR POSSIBLE ACTION: DISCUSSION AND POSSIBLE ACTION REGARDING A TENTATIVE SUBDIVISION MAP TO CREATE A 103 LOT SINGLE FAMILY RESIDENTIAL SUBDIVISION WITHIN THE LOMPA RANCH SPECIFIC PLAN AREA, AND WITHIN THE BLACKSTONE RANCH SPECIFIC PLAN AREA, ZONED SINGLE FAMILY 6,000 AND LOCATED AT THE EAST END RAILROAD DRIVE AND SALIMAN ROAD, APN 010-051-44.

(5:47:03) – Chairperson Sattler introduced the item. Ms. Sullivan presented the Staff Report which is incorporated into the record and noted that the Commission makes a recommendation to the Board of Supervisors, as the Board is the only entity that can approve the Tentative Subdivision Map. She also responded to clarifying questions by the Commissioners.

(5:59:33) – Vice Chair Borders was informed that all the streets must meet the minimum asphalt thickness of 4 inches or a greater standard per the geotechnical engineer's recommendations. Ms. Sullivan explained that a rural section of the road would still have a pavement requirement, and would extend to Fifth Street. Commissioner Esswein "did not think it's good policy to build in a floodplain" and inquired whether a wetlands analysis was done on the property, calling it "very wet" and "a bad idea". Commissioner Tingle gave a personal account of her home that was built on a flood plain and the issues she was having.

(6:03:50) – Steven Pottéy of Carson City Development Engineering explained that the development was required to meet the national FEMA requirements and standards and that the homes will be built two feet above the base foot elevation. Mr. Pottéy also explained that they relied on the Army Corps of Engineers' permitting and mitigation processes. Chairperson Sattler also gave anecdotal information about his home being on a floodplain and the insurance requirements he needed to adhere to.

(6:08:34) – Rubicon Design Group representative Mike Railey introduced himself as the applicant's representative and noted that they would be open to a condition of approval requiring a review by the Army Corps of Engineers. He also explained that a secondary entrance on Fifth Street was the result of neighborhood meetings, in addition to increasing the lot sizes. Mr. Railey noted his agreement with the conditions of approval and Ms. Sullivan reiterated the added condition that "the Army Corps of Engineers' approval must be in place prior to the issuance of any construction permits, and all construction permits must incorporate any recommendation of the Army Corps [of Engineers] to protect the recharge areas." Chairperson Sattler entertained public comments and explained that responses will be provided after all public comments are heard.

PUBLIC COMMENT

(6:11:30) – Mr. Harter explained that he lived adjacent to the proposed development and referenced his letter, incorporated into the record, which included photographs of the freeway which is above many of the proposed lots. He also indicated that he had measured the freeway noise and believed the average decibel level was "quite

high” and cited articles that showed high decibel level noises causing health issues. Mr. Harter suggested a study by a sound engineer.

(6:18:17) – Rick Riendeau also stated that the freeway noise was loud and believed 103 homes were “a lot on a small piece of land”. He was also grateful to the Commission for involving the Army Corps of Engineers.

(6:25:51) – Jim Flegel introduced himself and believed that the floodplain is a key concern. He also wished to see fewer lots. Another member of the audience who did not identify himself explained that the flood control canal overflowed several times.

(6:29:10) – Area resident Kelly Clark introduced herself and explained that she had submitted her written comments as well. Ms. Clark inquired whether an easement acquisition had taken place. She also noted that the map had misrepresented the property as not being on a floodplain and that the project did not add any significant open space or trails based on the City’s open space definitions. Chair Sattler noted that Ms. Sullivan had addressed Ms. Clark’s issues; however, he suggested she repeat her comments.

(6:32:51) – Pam Johnson introduced herself and was pleased to hear that access [to the development] through Fifth Street had been acquired, and recommended having signs at the alternate accesses directing the construction vehicles to the Fifth Street access.

(6:33:56) – Heidi Marales requested the exact location of the Fifth Street access and noted her agreement to the comments made by her neighbors.

(6:34:37) – Ms. Sullivan explained that she had spoken to Mr. Harter regarding the noise and expected the applicant’s representative to address the noise issues. She also noted that she liked Ms. Johnson’s signage idea; however, she did not wish to see the City become the traffic enforcer and suggested that the applicant have a sign directing traffic to Fifth Street. Mr. Pottéy explained that Chief Storm Water Engineer Rob Fellows had been in contact with FEMA and the applicant and believed the design would be approved, adding that there are two pending FEMA applications, one for the subdivision and one for the new road to Fifth Street. Ms. Sullivan also addressed Mr. Riendeau’s concerns regarding noticing and stated that 48 first class mail letters were sent to those within 600 feet of the property. Additionally, the community was notified via the City’s and the State’s websites and via an advertisement in the Saturday edition of the Nevada Appeal, and also via bulletin boards. Mr. Plemel also explained that they abide by the code due to “a constitutional equal protection issue”. Ms. Sullivan explained that she had personally reached out to Mr. Riendeau and to Mr. Harter. She also explained to Mr. Flegel that fewer lots would not be accommodated; however, she noted that the road from the development to Fifth Street would be built to the rural standard (no sidewalks or curb and gutter) and improved to the urban standard prior to the project completion. The easement acquisition, according to Ms. Sullivan, would take place after the entitlement and prior to the construction. She noted that the applicant had made an error on the map, since a Tentative Map did not require a 150 square feet of open space per unit, and acknowledged that the development is in a floodplain. Mr. Pottéy explained that a roundabout intersection would most likely be able to fit the Fifth Street access road.

(6:43:52) – Mr. Railey stated that noise will be disclosed upon the sale of the homes, adding that building materials could be used to mitigate some of the noise. He explained that the lower elevation would mitigate the noise as well, in addition to having some noise buffer for existing residences. Mr. Baily questions the decibel reading presented in public comment and shared a Purdue University study regarding noise levels. He noted that the original plan had been to build 138 lots; however, after receiving public input, that number had been reduced

to 103 lots while the existing zoning allowed for 195 lots. Commissioner Tingle was informed that a portion of the lots were in a floodplain.

(6:47:00) – Ms. Sullivan clarified that based on the evening’s discussion, condition number 17 would now be condition number 17 B, and condition number 17 A will be added to state “that the extension of Railroad Drive north of Linear Park to Fifth Street must be constructed prior to recordation of the final map”. Mr. Baily agreed to the amended condition of approval. Commissioner Esswein believed it was reasonable to reduce the number of lots in the floodplain. Commissioner Preston cited her experience with the Army Corps of Engineers, noting that they would mitigate flood plain issues; however, Commissioner Esswein wished to see them not build on it instead of mitigating. Ms. Sullivan clarified that she had found condition 17 A listed elsewhere and recommended that condition 17 remain as is. She also recommended reviewing Commissioner Esswein’s concerns of the physical characteristics of the land such as flood plains, earthquake faults, slope and soil, should be framed according to the findings, which in this case is finding number nine, on page 11 of 22 of the Staff Report. Ms. Sullivan reported that any changes by FEMA and the Army Corps of Engineers will be incorporated in the final map approval. There were no additional comments; therefore, Chairperson Sattler entertained a motion.

(6:48:18) – MOTION: I move to recommend approval of Tentative Subdivision Map TSM-19-054 based on the ability to make the required findings and subject to the conditions of approval, including number 49 which Ms. Sullivan reiterated as: “the Army Corps of Engineers’ approval must be in place prior to the issuance of any construction permits, and all construction permits must incorporate any recommendation of the Army Corps [of Engineers] to protect the recharge areas.”.

RESULT:	APPROVED (4-2-0)
MOVER:	Sattler
SECONDER:	Wiggins
AYES:	Sattler, Borders, Preston, Wiggins
NAYS:	Esswein, Tingle
ABSTENTIONS:	None
ABSENT:	Dawers

(6:54:57) – Mr. Plemel noted that this item will be heard by the Board of Supervisors for approval during their July 18, 2019 meeting.

(6:55:09) – Chairperson Sattler recessed the meeting.

(7:03:14) – Chairperson Sattler reconvened the meeting, and announced that Item G-2 will be heard before item G-1.

H. Staff Reports (non-action items)

H.1 - DIRECTOR'S REPORT TO THE COMMISSION.

(7:25:36) – Mr. Plemel noted that the Board of Supervisors had approved the Master Plan Amendments and Zoning Plan Amendments initiated as part of the Master Plan review.

- FUTURE AGENDA ITEMS.

(7:26:10) – Mr. Plemel explained that another floodplain discussion and a Tentative Map discussion were being planned for the July meeting.

- COMMISSIONER REPORTS/COMMENTS.

There were no Commissioner reports or comments.

I. PUBLIC COMMENT

There were no public comments.

J. FOR POSSIBLE ACTION: ADJOURNMENT

(7:27:14) – Commissioner Tingle moved to adjourn. Chairperson Sattler adjourned the meeting at 7:27 p.m.

The Minutes of the June 26, 2019 Carson City Planning Commission meeting are so approved this 31st day of July, 2019.

MARK SATTLER, Chair