

DRAFT MINUTES
Regular Meeting
Carson City Planning Commission
Tuesday November 19, 2019 ● 3:30 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, Senior 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

(3:29:05) – Chairperson Sattler called the meeting to order at 3:29 p.m. Roll was called. A quorum was present. Commissioner Borders led the Pledge of Allegiance.

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

B. PUBLIC COMMENTS

(3:30:00) – Chairperson Sattler entertained public comments; however, none were forthcoming.

C. POSSIBLE ACTION ON APPROVAL OF MINUTES – August 22, 2019 and September 26, 2019, workshop minutes, and the September 25, 2019 regular meeting minutes.

(3:30:20) – Chairperson Sattler entertained comments or motions.

(3:30:42) – **MOTION:** Vice Chair Borders moved to accept the minutes of the September 25, 2019 Planning Commission [regular meeting] minutes. The motion was seconded by Commissioner Esswein. Motion carried 7-0-0.

(3:31:08) – **MOTION:** Vice Chair Borders moved to approve the minutes of the August 22, 2019 Planning Commission Workshop minutes. The motion was seconded by Commissioner Tingle. Motion carried 6-0-1 with Commissioner Esswein abstaining as he was not present at the workshop.

(3:31:36) – Commissioner Dawers noted that he was absent from the September 26, 2019 Planning Commission Workshop and wished to have the correction reflected in the minutes.

(3:31:58) – **MOTION:** Commissioner Tingle moved to approve the minutes of the September 26, 2019 Planning Commission Workshop minutes as corrected. The motion was seconded by Commissioner Esswein. Motion carried 6-0-1 with Commissioner Dawers abstaining as he was not present at the workshop.

D. MODIFICATION OF AGENDA

(3:32:22) – Ms. Sullivan indicated that there were no proposed changes to the agenda; however, she noted that an applicant was not yet present which might result in taking an agenda item out of order.

E. PUBLIC HEARING MATTERS

E.1 SUP-19-169 – FOR POSSIBLE ACTION: DISCUSSION AND POSSIBLE ACTION REGARDING A REQUEST FOR A SPECIAL USE PERMIT TO ALLOW A BEAUTY SHOP ON PROPERTY ZONED GENERAL OFFICE (GO), LOCATED AT 504 EAST MUSSER STREET, APN 004-181-03.

(3:32:58) – Chairperson Sattler introduced the item. Ms. Ferris presented the agenda materials. There were no questions from the Commissioners.

(3:35:27) – Applicant Caresse Williams noted her agreement with the conditions of approval. There were no questions to the applicant. Chairperson Sattler entertained public comments.

(3:36:30) – Jennifer Hilderbrand introduced herself as the property manager and noted that she was in favor of the Special Use Permit. Ms. Hilderbrand; however, was concerned with the cost of upgrading the ADA ramp due to a high bid she had received, and wished to know if the City could help with the cost.

(3:37:38) – Mr. Pottéy noted that he would defer the item to the City Engineer and responded to clarifying questions. Ms. Ferris believed that Condition #5 could read as follows:

“Prior to commencing use, the applicant shall upgrade the pedestrian curb ramp at the corner of East Musser Street and North Valley Street to meet current ADA standards to the satisfaction of the City Engineer.”

(3:38:18) – Discussion ensued regarding the current ADA ramp and whether the City had plans to upgrade it. Ms. Sullivan believed that the revised Condition #5 by Ms. Ferris was “the best flexibility Staff can offer now”. There were no additional comments. Chairperson Sattler entertained a motion.

(3:44:38) – **MOTION:** I move to approve Special Use Permit SUP-19-169 based on the findings and subject to the conditions of approval contained in the staff report including the amendment to Condition #5 [per the discussion above].

RESULT:	APPROVED (7-0-0)
MOVER:	Borders
SECONDER:	Sattler
AYES:	Sattler, Borders, Dawers, Esswein, Preston, Tingle, Wiggins
NAYS:	None
ABSTENTIONS:	None
ABSENT:	None

E.2 SUP-19-083-1 FOR POSSIBLE ACTION: DISCUSSION AND POSSIBLE ACTION REGARDING AN AMENDMENT TO A SPECIAL USE PERMIT FOR OUTDOOR STORAGE TO ALLOW FOR PERSONAL STORAGE WITHIN AN ENCLOSED BUILDING ON PROPERTY ZONED GENERAL COMMERCIAL AND PUBLIC REGIONAL, LOCATED ON THE WEST SIDE OF AIRPORT ROAD, SOUTH OF BUTTI WAY, APN 010-041-76.

(3:45:18) – Chairperson Sattler introduced the item. Ms. Sullivan gave background presented the Staff Report and accompanying documents. She also highlighted the modified conditions of approval. There were no Commissioner or public comments.

(3:48:25) – Applicant representative Mike Vicks of Monte Vista Consulting acknowledged reading and being in agreement with the conditions of approval outlined in the Staff Report. Chairperson Sattler entertained public comments and when none were forthcoming, a motion.

(3:49:05) – **MOTION:** I move to approve SUP-19-083-1 to amend SUP-19-083 based on findings and subject to conditions of approval contained in the staff report.

RESULT:	APPROVED (7-0-0)
MOVER:	Esswein
SECONDER:	Preston
AYES:	Sattler, Borders, Dawers, Esswein, Preston, Tingle, Wiggins
NAYS:	None
ABSTENTIONS:	None
ABSENT:	None

E.3 SUP-18-111-1 FOR POSSIBLE ACTION: DISCUSSION AND POSSIBLE ACTION REGARDING AN AMENDMENT TO A SPECIAL USE PERMIT FOR A GAMING (UNLIMITED) USE TO ALLOW AN INCREASED BUILDING SIZE, A MODIFIED FAÇADE,

AND A MODIFIED SITE PLAN ON 0.98± ACRES ZONED RETAIL COMMERCIAL, LOCATED AT 2811 S. CARSON STREET, APN # 009-112-25.

(3:49:43) – Chairperson Sattler introduced the item. Ms. Sullivan gave background and presented the agenda materials which are incorporated into the record and recommended approval, noting that they were made the seven required findings for the modifications. She also clarified for Commissioner Esswein that the footprint would change; however, the site plan would stay the same. She also acknowledged the presence of applicant representative Mike Railey of the Christy Corporation.

(3:52:54) – Mr. Railey introduced himself and noted that both he and the applicant were in agreement with the conditions of approval stated in the Staff Report. There were no Commissioner or public comments; therefore, Chairperson Sattler entertained a motion.

(3:53:30) – MOTION: I move to approve SUP-18-111-1, a request for an amendment to SUP-18-111, based on the findings and subject to the conditions of approval contained in the staff report.

RESULT:	APPROVED (7-0-0)
MOVER:	Borders
SECONDER:	Esswein
AYES:	Sattler, Borders, Dawers, Esswein, Preston, Tingle, Wiggins
NAYS:	None
ABSTENTIONS:	None
ABSENT:	None

E.4 SUP-19-162 FOR POSSIBLE ACTION: DISCUSSION AND POSSIBLE ACTION REGARDING A REQUEST FOR A SPECIAL USE PERMIT TO ALLOW FOR A 6-FOOT TALL WALL WITHIN 5 FEET OF THE PROPERTY LINE ON THE STREET SIDE-YARD OF A PROPERTY, ZONED MULTI-FAMILY APARTMENT (MFA), LOCATED AT 150 EAST ROLAND STREET, 009-197-02.

(3:54:05) – Chairperson Sattler introduced the item. Ms. Sullivan gave background, presented the Staff Report with the accompanying documentation, and responded to clarifying questions. She also referenced the late material presented into the record, noting that the applicant had worked with Development Engineering and had found that the right-of-way on Roland Street was wider than necessary; therefore, a five foot strip of street may be abandoned and landscaping may be a way of softening the six-foot fence. Ms. Sullivan recommended modifications to approval items eight and nine per her memorandum, and suggested landscaping to obscure the fence or wall, in addition to the suggested abandonment. Vic Chair Borders received confirmation that “the landscape almost negates what the fence is made of”.

(4:00:00) – Applicant Representative Rachael Kryder of Resource Concepts, Inc. noted her acceptance of the Conditions of Approval outlined in the Staff Report. Commissioner Wiggins inquired about the transition of the fencing from the existing development to the current development, and Ms. Kryder noted that they had not addressed it yet; however, she believed that “the landscaping should soften [the transition] as well.” Commissioner Dawers was informed that the wall will be the back wall of the yards

for the ten units that back into Roland Street. Chairperson Sattler referenced a letter inquiring about the fence, and incorporated into the record, and entertained public comments; however, none were forthcoming. Ms. Sullivan informed Vice Chair Borders that this Commission would improve the previously-discussed abandonment, should it be considered.

(4:03:42) – MOTION: I move to approve SUP-19-162 based on the ability to make the required findings and subject to the conditions of approval.

RESULT:	APPROVED (7-0-0)
MOVER:	Borders
SECONDER:	Tingle
AYES:	Sattler, Borders, Dawers, Esswein, Preston, Tingle, Wiggins
NAYS:	None
ABSTENTIONS:	None
ABSENT:	None

E.5 SUP-19-164 FOR POSSIBLE ACTION: DISCUSSION AND POSSIBLE ACTION REGARDING A REQUEST FOR A SPECIAL USE PERMIT FOR A RESIDENTIAL USE IN A NON-RESIDENTIAL ZONING DISTRICT TO CONSTRUCT 126 APARTMENT UNITS ON A 6.13-ACRE PARCEL ZONED NEIGHBORHOOD BUSINESS (NB), LOCATED ON THE SOUTH SIDE OF LITTLE LANE, WEST OF JANAS WAY, APN 004-015-06.

(4:04:14) – Chairperson Sattler introduced the item. Ms. Sullivan entertained disclosures. Commissioner Dawers noted that his company, Superior Door and Window, was a bidder on part of the project for one of the contractors on the item; therefore, he would abstain from voting due to a disqualifying conflict. Commissioner Preston disclosed that as a commercial real estate agent for Coldwell Banker Select, and has occasionally co-listed property with an agent of the applicant; however, she noted that they do not share “offices or staff” and are independent contractors. Commissioner Preston also noted that she did not have a co-listing on the project and would not receive any compensation; however, she was “making this disclosure in the best interest and transparency” and that she would be voting on the item as she did not have a disqualifying conflict.

(4:06:32) – Ms. Sullivan presented the Staff Report and the accompanying documents and recommended approval since Staff was able to make the seven required findings in the affirmative. She also noted that applicant representative and project architect Terry Novak was present and ready to answer questions. In response to a question by Commissioner Tingle, Mr. Pottéy explained that the FEMA submission would occur after the City’s Storm Water Engineer reviews the applicant’s flood zone analysis and proposed changes. Commissioner Tingle expressed concern over the traffic on Little Lane and Saliman Road, and Mr. Pottéy believed that the impact study will be updated should the levels of service decline. Ms. Sullivan noted that the School District had requested utilizing their previously-submitted comments. Chairperson Sattler invited the applicant to come forward.

(4:13:32) – Architect Terry Novak introduced himself and noted that he was in agreement with the Conditions of Approval Outlined by Staff. Chairperson Sattler entertained public comments and when none were forthcoming, a motion.

(4:14:24) – **MOTION:** I move to recommend approval of SUP-19-164 based on the ability to make the required findings, and subject to the conditions of approval contained in the staff report.

RESULT:	APPROVED (6-0-1)
MOVER:	Borders
SECONDER:	Wiggins
AYES:	Sattler, Borders, Esswein, Preston, Tingle, Wiggins
NAYS:	None
ABSTENTIONS:	Dawers
ABSENT:	None

E.6 AB-19-168 FOR POSSIBLE ACTION: DISCUSSION AND POSSIBLE ACTION REGARDING A REQUEST FOR AN ABANDONMENT OF A PUBLIC RIGHT-OF-WAY, SPECIFICALLY A PORTION OF LAMOTTE DRIVE, BEGINNING AT THE REAR PROPERTY LINES OF 3493 ARROWHEAD DRIVE (APN 005-052-03) AND 3505 ARROWHEAD DRIVE (APN 005-053-03), AND EXTENDING TO APPROXIMATELY THE EASTERN PROPERTY LINE OF 3321 LA MOTTE DRIVE (APN 005-053-12).

(4:15:21) – Chairperson Sattler introduced the item. Ms. Sullivan presented the Staff Report and noted Staff’s support of the abandonment, “but we think we need some street improvements before we can actually abandon the road to accommodate these turnarounds.” She also outlined the abandonment process which would require the Planning Commission’s recommendation to the Board of Supervisors based on the seven required findings. Ms. Sullivan acknowledged the presence of the applicant’s representative, Derek Wilson of the Rubicon Group and explained to vice Chair Borders that the City will most likely rename one of the streets. Ms. Sullivan and Mr. Pottéy also responded to clarifying questions from the Commissioners.

(4:14:48) – Mr. Wilson stated that they are in agreement with the conditions of approval. He also clarified for the Commission that “everything proposed for abandonment is unbuilt now” and that items noted in Condition five are also being addressed by the applicant. Chairperson Sattler entertained public comments and when none were forthcoming, a motion.

(4:19:51) – **MOTION:** I move to recommend that the Board of Supervisors approve AB-19-168, based on seven findings and subject to the conditions of approval contained in the staff report.

RESULT:	APPROVED (7-0-0)
MOVER:	Sattler
SECONDER:	Borders
AYES:	Sattler, Borders, Dawers, Esswein, Preston, Tingle, Wiggins
NAYS:	None
ABSTENTIONS:	None
ABSENT:	None

E.7 SUP-19-177 FOR POSSIBLE ACTION: DISCUSSION AND POSSIBLE ACTION REGARDING A REQUEST FOR A SPECIAL USE PERMIT FOR A RESIDENTIAL USE IN A NON-RESIDENTIAL ZONING DISTRICT TO CONSTRUCT 12 APARTMENT UNITS ON A 0.63-ACRE PARCEL ZONED NEIGHBORHOOD BUSINESS-PLANNED UNIT DEVELOPMENT (NB-P), LOCATED ON THE SOUTHEAST CORNER OF STAFFORD WAY AND SILVER SAGE DRIVE, APN 009-563-07.

(4:20:32) – Chairperson Sattler introduced the item. Ms. Sullivan presented the Staff Report, incorporated into the record, and responded to clarifying questions. She also recommended approval of the Special Use Permit based on having met the seven required findings. Applicant Jeff Pisciotta, and applicant representatives Christopher Moltz and Mark Johnson of Stanka Consulting LTD introduced themselves and noted their agreement to the conditions of approval by Staff. Vice Chair Borders received clarification that the apartments touching Heaton Way will have private backyards and will have fences of undetermined height. Mr. Pisciotta explained that he had contacted the homeowners association (HOA) of the Heaton Way properties but had not heard back from them regarding maintaining that portion of their property. Commissioner Dawers was informed that the trash will be collected in cans and not in large receptacles. Mr. Moltz stated that there would be private garage parking for each apartment (12 total), 12 assigned uncovered parking spaces, and three unassigned guest parking spaces. Chairperson Sattler entertained public comments.

(4:40:45) – Carl Bolton introduced himself as “the president of the homeowners association that’s adjacent to this development, on the south and the east portion.” Mr. Bolton objected to the two-story units being planned, and believed “there’s never enough parking spaces in an apartment complex”, adding that only six or seven cars may be allowed on Stafford Way.

(4:43:31) – William Reinbolt introduced himself as a Stafford Way resident, and objected to the two-story complex and the anticipated traffic.

(4:45:06) – Kathleen St. Clair introduced herself as a Heaton Way resident and spoke in opposition to the proposed development and believed people will start parking on her street which she noted was a private street.

(4:46:12) – Katherine Borde introduced herself as a Heaton Way resident and noted that she had bought two units “because of the beautiful views” and did not wish to see her views obstructed with the two-story apartments, and she did not want “a high-transient, packed-in group across from where I live.” Ms. Borde also stated that many residents on Heaton Way had not received notices regarding the development

(4:48:57) – Sandra Stephen introduced herself as a 13-year resident living on Heaton Way and expressed opposition to the two-story buildings as well.

(4:50:28) – Don Fox introduced himself as another Heaton Way resident and explained that he was speaking on behalf of his wife, who owned the complex they were living in. Mr. Fox was also concerned about losing their view and the extra cars that would drive through the neighborhood or cause parking problems.

(4:56:06) – Gene Carhart introduced himself and spoke against having apartment Windows looking down on Heaton Way.

(4:56:59) – Chairperson Sattler entertained additional comments; however, none were forthcoming. He also addressed the issue of notifications to the neighbors, stating that “everyone within 100 yards of that property would have been notified,” per City requirements. The Chair expressed concern that only three guest parking spaces would be available. Ms. Sullivan clarified that windows would face Heaton Way. Commissioner Esswein was informed that the maximum building height in a commercial district was 26 feet, the same height proposed by the developer, and offered to explain the allowable uses in a commercial zone. Chairperson Sattler explained that “although views are nice to have, there’s no guarantee on adjacent property that your view is not going to be blocked.” Commissioner Esswein recommended towing “a car that isn’t supposed to be there” adding that he had noticed “any number of duplexes and any number of two-story units in this immediate neighborhood...this is a permitted use with a Special Use Permit”.

(5:03:59) – Commissioner Tingle believed that this development would not address the issue of affordable housing and Chair Sattler noted “that’s really not in our control to tell a developer what he has to put in affordability-wise.” Commissioner Preston called the development an “infield project”, which she believed would be attractive for the neighborhood. Commissioner Dawers believed the open space is minimal; however, after driving in the neighborhood, he called the project, he believed it “meshes perfectly with the surrounding areas” and that it was “a pretty good buffer between single-family homes and light commercial [zoning]”. Chairperson Sattler entertained further discussion, and when none were forthcoming, a motion.

(5:08:13) – MOTION: I move to recommend approval of SUP-19-177 based on the ability to make the required findings, and subject to the conditions of approval contained in the staff report.

RESULT:	APPROVED (7-0-0)
MOVER:	Dawers
SECONDER:	Preston
AYES:	Sattler, Borders, Dawers, Esswein, Preston, Tingle, Wiggins
NAYS:	None
ABSTENTIONS:	None
ABSENT:	None

(5:08:44) – Mr. Plemel noted that this action was the final decision on the Special Use Permit application unless appealed which could be filed within 10 days from this date, by contacting the Planning Division.

(5:09:34) – Chairperson Sattler recessed the meeting.

(5:18:54) – Chairperson Sattler reconvened the meeting and noted that the Commission would address agenda item E-9 prior to item E-8. A quorum was still present.

-- THE FOLLOWING ITEM WILL BE HEARD NO EARLIER THAN 5:30 PM --**E.8 SUP-10-115-2 FOR POSSIBLE ACTION: DISCUSSION AND POSSIBLE ACTION REGARDING THE ONE YEAR REVIEW OF THE APPROVAL OF A MODIFICATION TO A SPECIAL USE PERMIT FOR AN ASPHALT PLANT ON PROPERTY ZONED GENERAL INDUSTRIAL, LOCATED AT 8013 HIGHWAY 50 EAST, APN 005-611-35.**

(5:33:01) – Chairperson Sattler introduced the item and explained the meeting format to the audience, noting that public comment will take place after the Staff and the plant operator presentations; however responses will be reserved until after all the comments have been heard. Ms. Sullivan presented the Staff Report, incorporated into the record, and responded to clarifying questions. She also clarified for Chairperson Sattler that this item was agendaized as a one-year review of the approval of the modification of the Special Use Permit, and confirmed that in a one-year period there had been 226 complaints.

(5:42:35) – Business Operator Robert Matthews introduced himself as a South Curry Street resident and explained that many of the calls had been during non-operational hours, and that he had been running the plant for “two nights this year”. He also confirmed for Commissioner Dawers, that he had been using an additive [for odor mitigation] “since the last meeting, non-stop”. Chairperson Sattler reiterated the public comment format and expectations and invited the public to comment.

(5:45:00) – Michele Busk introduced herself as a resident of Traci Lane in Mound House and stated that she “got immediately nauseated; it was so strong” upon walking outside of her house that morning from the odor. She stated that “they were cooking about a week and a half ago at night. They were cooking the night before last. I have woken up several times at 3:00 in the morning, as they start cooking then. It makes a horrible sound. But most of all, I can’t breathe, I can’t go outside, I am in my house, all my windows are closed.” She stated that she is forced to close “everything” because she has woken up at night “coughing, and choking, and not being able to swallow.” She requested to know what the chemicals are that “they are putting in to stop the smell,” as they are not stopping the smell, and she believes they may be “more dangerous than the smell.” Ms. Busk mentioned her concern for the property value of her home and stated that no one had told her about the asphalt plant despite buying the property after Mr. Matthews built it. She also stated that she would invite “anybody” to her house to smell the odor firsthand. She stated that she “called this office so many times. I’ve called NDEP office so many times, so they said ‘start calling every day.’” Ms. Busk commented on how the law that Ms. Sullivan referred to should be changed in her opinion. She also mentioned how she’d get a lawyer if she could afford to do so.

(5:49:19) – Judy Lucas introduced her as a resident of Marianne Way in Mound House and thanked the Commission, NDEP, and Code Enforcement for trying to help the residents involved. Chairperson Sattler reminded Ms. Lucas to remain on topic, and Ms. Lucas stated how there were “a lot of angry people” at the meeting, and she was trying to “stop them from being so angry.” She stated that this was approximately the third or fourth time many of the residents had attended the meeting regarding the asphalt plant, and she did not “know how this man could do what he’s doing” to them and to their children. She commented that she is “so worried about these little children in our neighborhood. Yes, the smell is there, but what about the ashes? Where do these ashes all go? And they’re toxic.” Ms. Lucas referenced a document from OSHA “how bad it is.” She stated that she would not be able to afford

another house and welcomed the Commission members to her house to experience the asphalt plant firsthand. Ms. Lucas called the applicant a “terrible, terrible man” and mentioned how he runs the plant at times he was not directed to. She stated that “he knows how he can do his cooking ... and have it shut down before NDEP gets there ... He just does not care ... The time that he started, we were Carson City, and nobody bothered to look over the hill to see us, and we were there, and I don’t understand how that can happen ... We’re all getting sick ... If I’m getting sick, what’s happening to children?”

(5:53:29) – Chairperson Sattler reminded those commenting to keep comments at about three minutes or less.

(5:53:34) – Melanie Harris introduced herself as a resident of Marianne Way in Mound House and stated that because she works graveyard shifts, she leaves for work late and has smelled the asphalt plant when leaving as well as in the morning when she has come home to indicate that Mr. Matthews is cooking at night. She stated that the residents were never notified about the plant. She mentioned how many residents were forced to “tape up” their swamp coolers, and that she has had to buy a portable one because she has not been able to use her swamp cooler in three years. She stated that they “can’t sell our houses because we would disclose [the effects of the asphalt plant].” She showed pictures of the smoke from the asphalt plant to the Commissioners and indicated how the smoke goes over the hill and into her neighborhood. Ms. Harris stated that “no one is helping” them and had not in the three years the plant has been in operation, and they “should be rezoned or [Mr. Matthews] should be out of there.”

(5:55:19) – Kaila Lopez introduced herself as a resident of Mound House and stated that she has lived in Mound House her entire life, and her kids are “growing up there.” She stated that she was not warned about the asphalt plant, and she has been on short term disability “pretty much this whole year.” She commented on how she could not open her windows, and the kids could not play outside or go to the park nearby because of the plant. She stated that the smell from the plant “is a really strong smell. I don’t think that he realizes it.” She referred to the pictures taken by Ms. Harris and stated that she has “seen it worse where I’m coming from Dayton, and our whole area, even further down, is just smoke. It is unbearable how bad it is.”

(5:57:17) – Cindy Jones introduced herself and stated that she and her husband had retired in the neighborhood recently to be closer to their daughter. She noted that she and her husband were excited about relocating there, and her husband has chronic obstructive pulmonary disease (COPD) and had been “managing it very well.” Ms. Jones stated that her husband had been at Quick Care every month for breathing, since August, and his medications had been changed. She commented that the “fumes are one thing,” but they “didn’t even know what was going on,” and her husband had mentioned to her the sounds from the plant that could be heard “all night long.” She stated that they cannot sell, although she had realized the long-term effects of living near the plant, and they would not want to because they “love it here.” She also pointed out Fernley’s use of the regenerative thermal oxidizer to “depreciate this stuff over many years.” She stated that while she did not want the applicant to leave, she was afraid of losing her husband, who is 71-years-old and in “very good health,” and he had been fatigued from what she believed was the effects of the plant.

(5:59:51) – Lynne Stillman introduced herself as a resident of the Carson Highlands Mobile Home Park in Mound House, and she stated that “the fumes have a tendency to lay in the lower areas,” which she indicated is where she lives. She pointed out that that morning “it was so bad, which it usually is on a

daily basis and in the evenings also that I have a previous lung problem where I had a lung collapse twice ... I know now that with these fumes I can tell as soon as I open a door or a window that I can feel the heaviness in my chest, and I also get migraines from these fumes, and I really think it's time that they do something about it ... I wanted to let you know that it's definitely a problem in my area."

(6:01:00) – Octavio Juarez introduced himself as a resident of Mound House and stated that he is translating for his father. He commented that every time in the morning that he wakes up to go to school, "the pain is really strong" and explained how his eyes burn, and his head hurts "really bad" when he wakes up on the weekends. He also noted that the plant affects his little brother more because he has asthma.

(6:01:54) – Ed Wawrytko introduced himself as the owner of Ed's Custom Sheds in Mound House and stated that he lives in his shop. He believed that Mr. Matthews had been running his product "straight through without using the bag house" and explained that the bag house refers to the filter, and that the bag house is being avoided. He noted that he noticed nothing coming out of the bag house stack while there had been a huge amount of dust and debris coming out where the trucks were being loaded. He stated that Mr. Matthews was getting his product "anyway [he] can" while the residents were the ones "suffering from it." He mentioned having seen "big flumes of dust going over the houses" and a "plume of dust" as he was traveling that day, and that the streak of sunlight showed that the fumes were a "brownish color." He requested a field inspector go to inspect Mr. Matthews's plant "immediately." He also stated that "what [Mr. Matthews] is doing to [the residents] is ungodly."

(6:04:39) – Loyaul Fraker introduced himself as a 30-year resident of Mound House and mentioned that the asphalt plant could not be grandfathered in." He stated that Monday through Friday, sometimes through Saturday, it is "unbelievable how loud" the plant is in the neighborhood, and the smoke comes through the neighborhood to the point that "you can't even see the houses down the street" when the wind is "just right." He called the situation "asinine." He stated that although he and the other residents are in a different county, they are "the ones suffering" and "nobody in Carson City is suffering from this."

(6:06:13) – Dave Lockhart introduced himself as a resident of Mound House and affirmed what the other commenters had stated. He stated that he smells the emissions from the plant "every morning" when he walks out his front door for work at 8:00 a.m. He also commented that he believed that Mr. Matthews is running the plant "outside his parameters at night," as Mr. Lockhart mentioned he works on a lot of hobbies at night in the garage and the backyard, and he can still smell the fumes at approximately 8:00 p.m. – 10:00 p.m. He stated that people that live on Linehan Road that mentioned to Mr. Lockhart having seen plumes from the plant in the air. He requested that the asphalt plant get shut down or "clean the stuff up." He pointed out that his sense of smell is "not that good, so if [he is] smelling it, [he] can't imagine [how] it is for people who have a normal sense of smell. It's going to be a lot worse, and it's not healthy for us."

(6:07:29) – Melissa Fraker introduced herself and stated that she had "been here ever since this has started." She stated that her lungs had been getting "super, super bad." She commented that she had the plant on film running at 3:00 a.m. and at other unpermitted times. She noted herself and others being unable to breathe, and the air quality emissions had been up to 20 percent according to Ms. Fraker. She stated that Mr. Matthews shuts the plant down for fifteen minutes to comply with the guidelines, and he

is “well aware of what he does ... in the operations area.” She requested information on how far an asphalt plant could be from a community, and she noted that she did not know “why we are going on 1975 ratings when now we are in 2019.” The public applauded her statement. She also commented that “it’s over the period of time where we can live comfortably.” Ms. Fraker brought to the Commission’s attention a petition with 75 signatures, and Chairperson Sattler advised Ms. Fraker that the Commission could not take her petition at that time. Ms. Fraker thanked the Commission members for hearing her and requested that they “please help” the residents.

(6:12:00) – Jan Wiley introduced herself as a resident from Traci Lane in Mound House, and she pointed out the Special Use Permit that had been modified for the asphalt plant to modify the hours of operation, and that Mr. Matthews was not abiding by the indicated hours according to those that had commented. She inquired about when Mr. Matthews could run the plant, and Chairperson Sattler stated that the Commission would take input and later respond with answers. Ms. Wiley informed the Commission that Mr. Matthews “does run on Saturdays, and sometimes you want to enjoy your backyard on Saturdays, and you can’t.”

(6:12:58) – Juan Delgado introduced himself as a resident from Chari Drive in Mound House, and stated that back when he and his wife purchased their house in 2003, it was quiet and there were no smells in their neighborhood, but now “we can’t even go outside, it’s so bad.” He commented that one of his children is still living with him, and Mr. Delgado and his wife have thought about selling the property.

(6:13:52) – Rosa Irigoyen introduced herself as a resident from Jenni Lane in Mound House and stated that the fumes “are really so bad” and they had been “bothering” the residents in the area.

(6:14:50) –Matthew Wilkie introduced himself as a “brand new home owner in the community” and stated that he had purchased his house approximately a month ago and had not been informed by his realtor about the asphalt plant. He commented that “it is almost a constant daily struggle and process” and he “almost regret my decision to purchase in this community” despite him “really looking forward to it” and it being “a closer commute” to his work. He mentioned that the animals had also been affected by the plant and noted his dog had been wheezing and coughing more. He stated that the product Mr. Matthews had been running for a year was “clearly not” working, and Mr. Matthews “is profiting while we’re suffering. It should be on his dime to get this fixed.”

(6:17:04) – Lyon County Code Enforcement Officer David Scott introduced himself and noted all the complaints he had received, along with inquiries from several organizations, including the Lyon County Board of Commissioners and the Planning Department. He wished to hear the Commission’s decision to take back to “the people I work for”.

(6:18:12) – Chairperson Sattler relayed his experience of working in an asphalt plan in the past, adding that he had personally experienced the strong odor of Mr. Matthews’ plant and believed “if there’s anything we can do, I think we have to try to make an effort to try and make something of this issue” to be good neighbors. Ms. Sullivan reminded the Commission that in October 2018 they had crated the following condition of approval (#17): *The operator shall utilize Ecosorb in operations to suppress odors.* However, the use of regenerative thermal oxidizer had not been one of the conditions. Commissioner Preston was informed that the following operating hours were approved in 2018 as condition of approval #13: *Operating hours are to be from 6:00 a.m. to 6:00 p.m., Monday through*

Saturday. Operating on Sunday would be on emergency basis only; emergency basis means fire, flood or other major event where the City is in need of material for a crisis. The applicant may work at night or on a Sunday up to 30 times in a calendar year. When work is to occur at night or on a Sunday, the operator shall advise the Community Development Director in writing 72 hours prior. Ms. Sullivan stated that the Nevada Division of Environmental Protection (NDEP) and Carson City Code Enforcement had been to the plant several times to monitor start times and had been unable to find violations. Commissioner Esswein noted that the issue was the plant's inability to control the odor; therefore, he believed that condition #17 should either change to require the use of the regenerative thermal oxidizer or "move to revoke the permit". Mr. Johnson clarified that "revocation is not an option tonight...there's a specific process laid out in Carson City Municipal Code (CCMC) for revocation." Ms. Sullivan suggested amending condition of approval (#17) to state: *Operator shall utilize a regenerative thermal oxidizer.* Commissioner Esswein recommended not permitting Mr. Matthews to operate until installing the oxidizer. Ms. Sullivan recommended requesting that "the Community Development Director begin an investigation into the Special Use Permit" as the first step towards the revocation process.

(6:26:45) – Commissioner Dawers recommended not having the entire plant operate without the oxidizer, adding that "a year ago we promised these people that we would get the smell taken care of." Ms. Sullivan suggested inserting finding #2, compatibility with the neighborhood as part of the motion. She also reminded the public that Mr. Matthews can appeal this evening's decision. Chairperson Sattler entertained a motion. Commissioner Dawers was informed that tonight's decision will be revisited in a year, as outlined in the conditions of approval. Mr. Plemel explained how the noticing occurs between Carson City and Lyon County.

(6:29:07) – MOTION: "I'd like to propose that we amend SUP 10-115-2, to amend conditions 13 to eliminate night operations except for emergencies by striking: *The applicant may work at night or on a Sunday up to 30 times in a calendar year. When work is to occur at night or on a Sunday, the operator shall advise the Community Development Director in writing 72 hours prior,* and revising condition 17 to require the installation of the regenerative thermal oxidizer, and prior to any continued use of this facility that equipment will be installed."

(6:24:20) – Vice Chair Borders inquired about Mr. Matthews' business commitments since he would be unable to operate the plant until the new equipment is installed. Mr. Plemel clarified that the conditions of approval will be effective after the appeals period of 10 days; however, should Mr. Matthews decide to appeal, the outcome will be effective after the final decision by the Board of Supervisors. Ms. Sullivan recommended adding a date to condition of approval 18.

(6:39:04) – Commissioner Esswein amended his motion to include a date of October 2020 for the next review of the Special Use Permit. The seconder accepted the amendment. Chairperson Sattler called for the vote.

RESULT:	APPROVED (7-0-0)
MOVER:	Esswein
SECONDER:	Sattler
AYES:	Sattler, Borders, Dawers, Esswein, Preston, Tingle, Wiggins
NAYS:	None
ABSTENTIONS:	None
ABSENT:	None

(6:40:20) – Commissioner Preston recommended reporting any odors in the next 10 days because of inversions at this time of year that exacerbate health conditions. Commissioner Dawers suggested contacting U.S. House and Senate elected officials as well.

(6:41:20) – Mr. Johnson advised that any request for the Community Development Director to investigate into possible revocation must be agendaized for the December 2019 meeting.

E.9 MPA-19-178 FOR POSSIBLE ACTION: DISCUSSION AND POSSIBLE ACTION TO MAKE RECOMMENDATIONS TO THE BOARD OF SUPERVISORS REGARDING THE ANNUAL MASTER PLAN REPORT.

(5:19:22) – Chairperson Sattler introduced the item. Mr. Plemel gave background and reviewed a presentation, incorporated into the record, highlighting the Planning Staff deliverables concerning the Commission's annual recommendations to the Board of Supervisors regarding the implementation of the Master Plan. Mr. Plemel, along with Mr. Pottéy, also responded to clarifying questions by the Commissioners, especially regarding water resources. Chairperson Sattler entertained public comments and when none were forthcoming, a motion.

(5:32:40) – MOTION: I move to recommend to the Board of Supervisors acceptance of the Master Plan annual report as presented by Staff.

RESULT:	APPROVED (7-0-0)
MOVER:	Sattler
SECONDER:	Borders
AYES:	Sattler, Borders, Dawers, Esswein, Preston, Tingle, Wiggins
NAYS:	None
ABSTENTIONS:	None
ABSENT:	None

F. STAFF REPORTS (NON-ACTION ITEMS)

(6:45:10) – Mr. Plemel updated the Commission on the Title 18 updates discussed during the first Board of Supervisors meeting in November. He also noted that the workshops will resume in January of 2020, and reminded the Commission that the next Planning Commission meeting will take place on Tuesday, December 18, at 3:30 p.m. with the Andersen Ranch Subdivision discussion agendaized for a 5:30 p.m. start time.

**F.1 - DIRECTOR'S REPORT TO THE COMMISSION.
- FUTURE AGENDA ITEMS.
- COMMISSIONER REPORTS/COMMENTS.**

(6:49:02) – Chairperson Sattler indicated that he would remain on the Commission until the sale of his house. Commissioner Esswein recommended postponing the Andersen Ranch discussion until January 2020 so he can be present.

G. PUBLIC COMMENT

There were no public comments.

H. FOR POSSIBLE ACTION: FOR ADJOURNMENT

(6:50:40) – MOTION: Chairperson Sattler adjourned the meeting at 6:50 p.m.

The Minutes of the, November 11, 2019 Carson City Planning Commission meeting are so approved this 19th day of December, 2019.