

STAFF REPORT FOR PLANNING COMMISSION MEETING OF JULY 29, 2020

FILE NO: LU-2020-0019

AGENDA ITEM: E.1

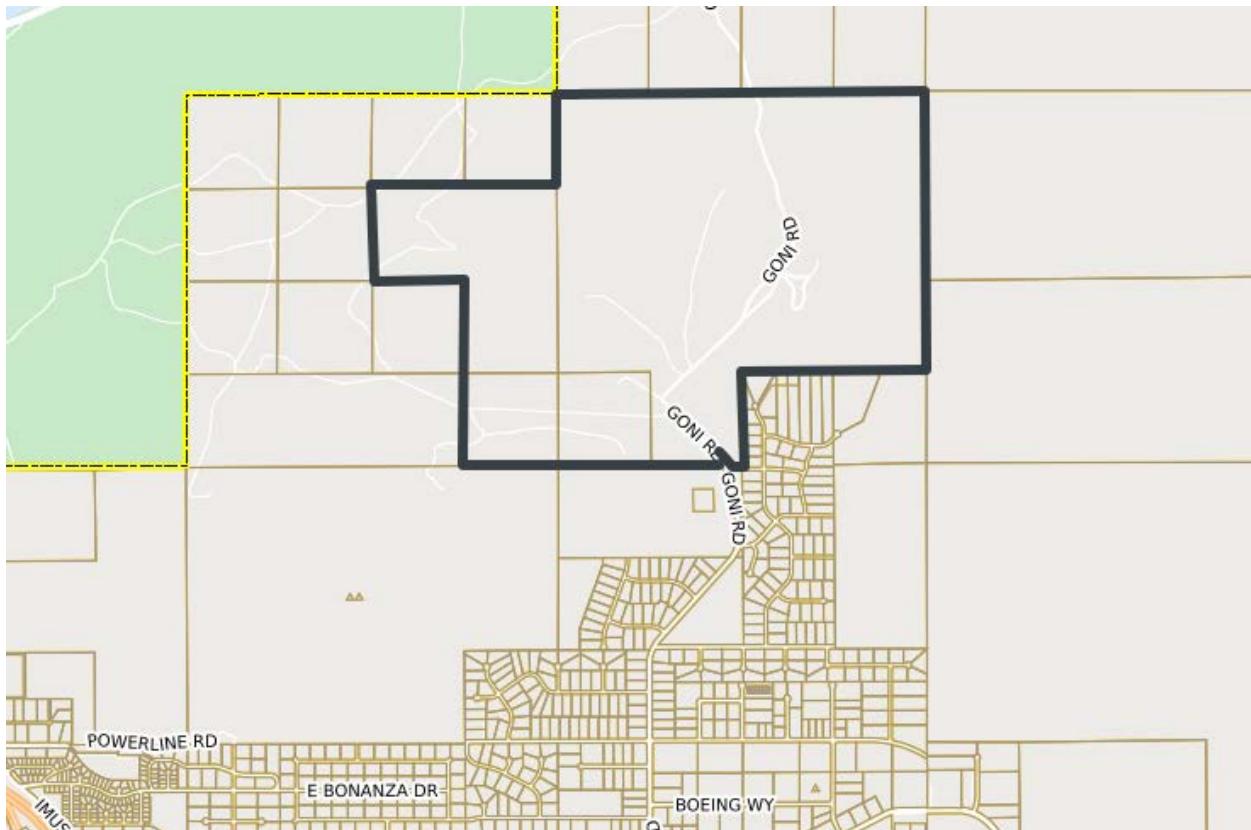
STAFF AUTHOR: Hope Sullivan, Planning Manager

AGENDA TITLE: For Possible Action: Discussion and possible action regarding a five-year review of a previously approved Special Use Permit (SUP-04-095) for an expanded extraction operation (Cinderlite) on property zoned Public Regional (PR) and Conservation Reserve (CR), located at 6100 Goni Road, APNs 008-011-06, -11, -57, and -58. (Hope Sullivan, hsullivan@carson.org)

SUMMARY: In 2004, Cinderlite was granted a Special Use Permit allowing expansion of the existing extraction operation. Per CCMC 18.14.040 aggregate operation and extraction facilities approved for more than five (5) years shall have a review of their conditions by the commission every five (5) years from the initial Special Use Permit approval date to ensure that the conditions are continuing to adequately provide for compatibility between aggregate operations and the surrounding land uses. The Planning Commission is authorized to approve a Special Use Permit.

PROPOSED MOTION: "I move to approve the five year review of SUP-04-095, based on the findings and subject to the amended conditions of approval contained in the staff report."

VICINITY MAP:



RECOMMENDED CONDITIONS OF APPROVAL:

The below conditions reflect the conditions of approval put in place in 2015. Conditions proposed for deletion appear in bold with a strikethrough. Conditions proposed to be added appear in bold and are underlined.

1. The applicant must sign and return the Notice of Decision for conditions for approval within 10 days of receipt of notification. If the Notice of Decision is not signed and returned within 10 days, then the item will be rescheduled for the next Planning Commission meeting for further consideration.
2. All development shall be substantially in accordance with the development plans approved with this application, except as otherwise modified by these conditions of approval.
3. All on and off-site improvements shall conform to City standards and requirements.
4. This permit shall encompass rock, sand and gravel extraction only.
5. The permit holder shall comply with applicable requirements of NDEP for noise, erosion, air pollution and dust control.
6. The permit holder shall ensure that water or other appropriate wetting agents are utilized on the stock-piled material.
7. The final reclamation plan shall incorporate a minimum cover of six inches of topsoil and native plant materials and submitted to and approved by Development Engineering. Maximum finish gradient shall be 3:1 (33% slope) or less. The reclamation plans shall be administered through BLM as well as bonding requirements. The applicant shall submit for a no-fee grading permit for the final reclamation plan. A City permit will be issued as manner of record keeping for the closure of extraction operations.
8. No importation of materials for processing is allowed.
9. [Deleted by 2010 Planning Commission review.]
10. When operations are not ongoing, the site must be secured by gates, berthing and boulders and signage posted at the perimeter of the pit every 200 feet by the owner/operator and City Planning Staff.
11. Operating hours are to be from 6:00 a.m. to 6:00 p.m., Monday through Friday, and from 7:00 a.m. to 5:00 p.m. on 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.
12. All vehicles entering and leaving the site shall travel at not more than 25 miles per hour per the posted speed limit.
13. This Special Use Permit shall expire upon completion of the mining operation per the approved mining plan.

14. ~~Carson City will require mitigation of the residential portion of Goni Road from Conestoga to Avery, so that the street will be able to handle the loading proposed from the pit expansion. Cinderlite will participate in the reconstruction of Goni Road north of Conestoga Drive in the amount of \$125,712 at the time of reconstruction in approximately 12 years. This equates to approximately \$10,000 per year as Cinderlite=s obligation.~~ [Completed.]
15. The site shall be reviewed as related to drainage and erosion by the City Engineer on an annual basis, in June of each year. The applicant agrees to maintain any storm water basin in accordance with the Carson City Storm Water Facilities Operation and Maintenance Manual. The applicant shall protect or mitigate disturbance to any nature drainage course as required under the Carson City Development Standards per the City Engineer.
16. All federal, state and other local agency approvals shall be secured relative to the operation of this facility.
17. Adequate bonding to guarantee any restoration operations is necessary at the site at an amount of one hundred fifty percent (150%) of the cost estimate. Carson City Engineering Division will coordinate with BLM to determine the adequacy of the bonding amount to ensure that final grading and re-vegetation will meet City standards. The bond shall continue for the duration of the project and updated every three years by the owner/operator, City Engineer and the Bureau of Land Management (BLM).
18. Cinderlite will limit public access to the pit, including continued utilization of the gate at the entrance to the pit and the strategically located boulders along the access road for the power line which runs along the south side of the pit for restricted access into the pit. During expansion of the pit there will be caution signs placed approximately every 200 feet along the pit perimeter.
19. There shall be no waste development from the mining activity.
20. Blasting is occasionally required when an exceptionally hard area of bedrock is encountered. It is anticipated that blasting will be required four to six times per year. Prior to any blasting the fire and sheriff departments shall be notified and appropriate safety measures will be enforced to ensure no people are in the vicinity of the blast. Blasting hours shall be from 10:00 a.m. to 4:00 p.m., Monday through Friday only.
21. The owner/operator shall request a review by the Commission 180 days prior to the five-year approval anniversary date of this permit approval and subsequent five-year periods thereafter. The next scheduled review for SUP-04-095 will be the scheduled Planning Commission meeting for July 2015 ~~2020~~2025.
22. The owner/operator will need to maintain the existing fire access road to the Wildland area, or provide a new fire access road if existing roads are blocked or eliminated per the Carson City Fire Department.
23. [Deleted by 2010 Planning Commission review.]

24. The upper limit of on-site disturbance on the existing pit is at an elevation of approximately 5,280 feet. The maximum upper elevation of the proposed expansion is at an elevation of approximately 5,330 feet per the approved mining plan.
25. ~~The owner/operator (Cinderlite) will continue to work with City staff (Juan Guzman, Open Space Manager) to provide additional mitigation measures pursuant to Mr. Guzman's memo of July 21, 2004. [Completed.]~~
26. **By June 30, 2020, Cinderlite or its successor in interest shall provide the City with a cash deposit equal to the cost of a slurry seal and striping of Goni Road from Conestoga Drive to Kelvin Road (square footage of the asphalt section of the road multiplied by the price per square foot that Carson City has negotiated with its seasonal provider) to the satisfaction of the public works director.**

LEGAL REQUIREMENTS: Carson City Municipal Code 18.02.080 (Special Use Permit), CCMC 18.14 (Extraction Operations)

MASTER PLAN DESIGNATION: Conservation Reserve, Rural Residential, and Open Space

PRESENT ZONING: Conservation Reserve (private property) and Public Regional.

KEY ISSUES: Do the conditions of approval for the Special Use Permit continue to adequately provide for the compatibility between aggregate operations and the surrounding land uses?

SURROUNDING ZONING AND LAND USE INFORMATION:

NORTH: Conservation Reserve / Vacant

SOUTH: Public Regional and Single Family 1 Acre / Single Family Homes

EAST: Public Regional / Vacant

WEST: Conservation Reserve and Public Regional / Vacant

ENVIRONMENTAL INFORMATION:

1 FLOOD ZONE: Zone X

2 EARTHQUAKE FAULT: on-site

3 SLOPE/DRAINAGE: Hillside

HISTORY:

May 1975 – Eagle Valley Construction obtained a Special Use Permit (U-79-30) for an extraction operation. A yearly review of the permit was required and conducted by the Planning Commission. This was one of four conditions of approval placed on the operation at the time.

August 1994 – The Special Use Permit conditions of approval were modified substantially, with a total of 18 conditions.

December 2000 – The Planning Commission conducted its review of the Special Use Permit and removed the requirement for the Commission's annual review of the application, requiring that an operations plan be submitted to staff annually.

May 29, 2002 – Neighbors in the vicinity presented complaints regarding the existing operation to the Planning Commission, and the Planning Commission directed staff to investigate these complaints with regards to the conditions of approval.

July 31, 2002 – The Planning Commission reviewed a status report regarding the operation, and the Commission heard testimony from the applicant and surrounding property owners both in support and in opposition of the existing extractions operation and alleged violations. Based on a review of a status report on the existing Special Use Permit, the Planning Commission directed the applicant to submit the required operations plan to staff by September 20, 2002 and scheduled the Special Use Permit for reexamination on October 30, 2002.

October 2002 – The Planning Commission reviewed U-79-30 for compliance, including the required operations plan. The Planning Commission continued the item indefinitely to allow additional time for the applicant to address items identified by City staff.

June 2004 – The Planning commission approved a new Special Use Permit SUP-04-095 to allow for the expansion of the land area of a previously approved Special Use Permit U-79-30, subject to 25 conditions of approval, including an annual review.

June 2005 – The Planning Commission conducted its annual review and modified the conditions of approval to require ongoing review every five years.

July 2010 – The Planning Commission conducted its five year review and approved the review with modified the conditions of approval to reflect actions that were completed.

July 2015 – The Planning Commission conducted its five year review and approved the review with modified the conditions of approval to reflect actions that were completed.

DISCUSSION:

The Cinderlite Goni Road Pit is located in the northern portion of Carson City and currently produces screened decomposed granite, base rock, drain rocks, structural fill materials, decorative rocks and assorted boulders.

The purpose of this five-year review is to satisfy CCMC 18.14 Extraction Operations, 18.14.040 Periodic Review of Conditions:

Aggregate operations and extraction facilities approved for a period of more than five (5) years shall have a review of their conditions by the Commission every five (5) years from the initial Special Use Permit approval date to ensure that the conditions are continuing to adequately provide for the continued compatibility between aggregate operations and the surrounding land uses.

The most recent action taken by the Planning Commission regarding the Special Use Permit conditions of approval was on July 29, 2015. These conditions of approval are currently in effect.

Of note, the Special Use Permit has had a condition of approval requiring Cinderlite to participate in the reconstruction of Goni Road north of Conestoga Drive in the amount of \$125,712. Over time, an annual payment of \$10,000 per year was made with the final payment made in 2016.

Staff continues to be concerned about the condition of Goni Road and is again seeking Cinderlite's participation in the maintenance of Goni Road. Specifically, staff is recommending the addition of Condition 26 which states: "By June 30, 2023, Cinderlite or its successor in interest shall provide the City with a cash deposit equal to the cost of a slurry seal and striping of Goni Road from Conestoga Drive to Kelvin Road (square footage of the asphalt section of the road multiplied by the price per square foot that Carson City has negotiated with its seasonal provider) to the satisfaction of the public works director."

Management at Cinderlite has verified that in the next five years, there are no plans to expand beyond the currently approved footprint where extraction is currently occurring.

Overall, staff finds that Cinderlite has been operating consistent with the Special Use Permit, and recommends approval of the five year review subject to the conditions of approval outlined in the staff report.

PUBLIC COMMENTS: Public notices were mailed to 48 property owners within 900 feet of the subject site in accordance with the Carson City Municipal Code and NRS. As of the writing of this report, two comments have been received: one noting the condition of the road and a second seeking a trail on BLM property. Any comments that are received after this report is completed will be submitted to the Planning Commission prior to or at the meeting on July 29, 2020, depending on the date of submission of the comments to the Planning Division.

OTHER CITY DEPARTMENTS OR OUTSIDE AGENCY COMMENTS: Other City department comments are attached to this report. There are no comments or concerns that would affect the Special Use Permit conditions.

Development Engineering

The Engineering Division has no preference or objection to the special use request provided that the following conditions of approval is added to the existing conditions of approval:

- By the end of June, 2023, the applicant shall provide the City with a cash deposit equal to the cost of a slurry seal and striping of Goni Road from Conestoga Drive to Kelvin Road (square footage of the asphalt section of the road multiplied by the price per square foot that Carson City has negotiated with its seasonal provider) to the satisfaction of the public works director.

The Engineering Division has reviewed the application within our areas of purview relative to adopted standards and practices and to the provisions of CCMC 18.02.080, Conditional Uses. The Engineering Division offers the following discussion:

C.C.M.C. 18.02.080 (5a) - Master Plan

The request is not in conflict with any Engineering Master Plans.

C.C.M.C. 18.02.080 (5b) – Use, Peaceful Enjoyment, Economic Value, Compatibility

Development Engineering has no comment on this finding.

C.C.M.C. 18.02.080 (5c) - Traffic/Pedestrians

The existing infrastructure is sufficient to provide safe access and circulation if conditions are met.

C.C.M.C. 18.02.080 (5d) - Public Services

The existing storm drain infrastructure are sufficient to provide service to the project. The project is not served by City sewer or water.

C.C.M.C. 18.02.080 (5e) – Title 18 Standards
Development Engineering has no comment on this finding.

C.C.M.C. 18.02.080 (5f) – Public health, Safety, Convenience, and Welfare
The project meets engineering standards for health and safety.

C.C.M.C. 18.02.080 (5g) – Material Damage or Prejudice to Other Property
Development Engineering has no comment on this finding.

C.C.M.C. 18.02.080 (5h) – Adequate Information
The plans and reports provided were adequate for this analysis.

Fire Department

1. Project must comply with the International Fire Code and northern Nevada fire code amendments as adopted by Carson City.
2. Continue with existing conditions of approval.

FINDINGS: Staff's recommendation is based upon the findings as required by CCMC Section 18.02.062 (Special Use Permits) enumerated below and substantiated in the public record for the project.

1. Will be consistent with the master plan elements.

Staff finds that the use continues to comply with the Master Plan, specifically the theme of a balanced land use pattern that promotes vitality and long-term economic stability, and guiding principle 5 which states the City will seek to have a strong diversified economic base.

The general theme of the Master Plan is to have a compact, diversified City surrounded by open space. The Cinderlite operation is consistent with this theme in that it utilizes a large area of land, and is located at an edge of the community, thus contributes to the economic vitality of the community without compromising the opportunity for compact and diversified land use.

2. Will not be detrimental to the use, peaceful enjoyment, economic value, or development of surrounding properties or the general neighborhood; and will cause no objectionable noise, vibrations, fumes, odors, dust, glare or physical activity.

In the last five years, the City has only received one complaint about Cinderlite, and it was relative to a Cinderlite truck in Silver Oak spilling fuel. Otherwise, there have been no complaints in the last five years relative to the operations.

With the noticing for the five-year review of the Special Use Permit, staff has spoken with residents concerned about the condition of Goni Road, as well as concerned relative to potential expansion of the pit, and potentially associated noise and dust. Of note, management at Cinderlite has advised that there are no plans to expand the extraction operation beyond the current footprint where extraction is currently permitted.

Staff finds that the existing conditions of approval are adequate to make this finding in the affirmative.

3. Will have little or no detrimental effect on vehicular or pedestrian traffic.

The existing use, as anticipated in 2004, has significant truck traffic on Goni Road. This has compromised the condition of the roadway for other vehicular traffic. In 2004, a condition was put in place to collect funds for construction improvements on Goni Road. That condition was met in 2016 when the final required annual payment was made. Because of the continued impact the use will have on the condition of Goni Road, staff is recommending a condition of approval that by June 30, 2023, Cinderlite or its successor in interest shall provide the City with a cash deposit equal to the cost of a slurry seal and striping of Goni Road from Conestoga Drive to Kelvin Road (square footage of the asphalt section of the road multiplied by the price per square foot that Carson City has negotiated with its seasonal provider) to the satisfaction of the public works director.

4. Will not overburden existing public services and facilities, including schools, police and fire protection, water, sanitary sewer, public roads, storm drainage, and other public improvements.

The use does not overburden existing public services and facilities such as schools, police, fire, water, sanitary sewer, and storm drainage. The use does create a burden on public roads due to the weight of the loads utilizing the roads, particularly Goni Road. In recognition of this impact, staff is recommending a condition of approval #26 that Cinderlite participate in improvements on Goni Road in 2023.

5. Meets the definition and specific standards set forth elsewhere in this title for such particular use and meets the purpose statement of that district.

The use has been lawfully established and lawfully operating consistent with the City's Municipal Code.

6. The use will not be detrimental to the public health, safety, convenience and welfare.

As noted, the City has only received one complaint about Cinderlite in the last five years, and it was related to an off-site fuel spill. The use has been operating in a way that is not detrimental to public health, safety, convenience and welfare. The primary issue with the use is the condition of Goni Road.

7. Will not result in material damage or prejudice to other property in the vicinity.

The heavy truck traffic is compromising the condition of Goni Road. There are residences along Goni Road, and residential neighborhood on the east and west sides of Goni Road that rely on Goni Road. In recognition of this, staff is recommending condition #25 that Cinderlite participate in financing improvements to a portion of Goni Road.

Attachments:

Public correspondence

Hope Sullivan

From: Jeff Potter <jeffpotter5@icloud.com>
Sent: Monday, July 20, 2020 1:17 PM
To: Hope Sullivan
Cc: Gregg Berggren; peter Doenges
Subject: Cinderlite SUP

Follow Up Flag: Follow up
Flag Status: Flagged

This message originated outside of Carson City's email system. Use caution if this message contains attachments, links, or requests for information.

Hi Hope,

This email is in regards to a SUP renewal by Cinderlite.

The parcel in question is critical for a recreation trail (single track) connecting Centennial Park to Washoe State Park. While I don't oppose the SUP I would like to ensure public access is retained and a trail be allowed to pass through once we comply with NEPA requirements.

We did contact Cinderlite multiple times, with no response, about 3 parcels they own which is adjacent to the SUP parcel. The contact was initiated as a request to construct a trail alignment through the Cinderlite parcels in an effort to get trail users off Goni Rd. As a result of their reluctance for trail access we have to use Goni Rd for 1 mile to connect to Washoe State Park.

While it benefits the public *and Cinderlite* to keep bicycles, hikers and equestrians off Goni Rd I understand their reluctance to grant access. So my concern is that with their SUP they would oppose a trail traveling through the parcel in question, though it would be great if a solution could be reached that addressed the public's and Cinderlite's needs.

Thank you for reading.

Sincerely
Jeff Potter
Muscle Powered Crew Leader.

Hope Sullivan

From: Planning Department
Sent: Friday, July 17, 2020 11:54 AM
To: Hope Sullivan
Subject: FW: Cinderlite Special Use Permit Renewal

-----Original Message-----

From: patricia baker <patricia2877@sbcglobal.net>
Sent: Friday, July 17, 2020 11:39 AM
To: Planning Department <planning@carson.org>
Subject: Re: Cinderlite Special Use Permit Renewal

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Carson City Planning Commission

To whom it may concern:

First of all I would like to thank Ms. Hope Sullivan for returning my phone call of 7/13. She provided me with information regarding the renewal of special use permits for the extraction operation by Cinderlite. It is her understanding that Cinderlite has not indicated whether or not they will be exercising the permits on the property along Goni Road other than what they are currently using. That is good news for the home owners adjacent to that property. The down size is as each month/year goes by the section of road from Kelvin to the end of Goni just continues to disintegrate. I am sure Public Works has a note in their file regarding this stretch of road. With construction so heavy on South Carson Street this year this section of Goni has really seen a huge increase in truck traffic which has exacerbated the problem. After the Carson Street project has been completed Public Works will need to review the timetable for repairs in my opinion. If Cinderlite for some reason feels a need to utilize the property up for renewal, several issues (beside the road) will need to be addressed, i.e. noise abatement/sound walls (?), dust abatement, erosion control to prevent silt from the pit moving down into the housing development during a heavy rain event. These are all issues that I am sure you are aware of at this time. Thank you for listening to my comments and concerns.

Patricia Baker
6088 Salk Rd
Carson City
775-530-5554