

MINUTES
Carson City Planning Commission Regular Meeting
Wednesday, June 24, 2020 ● 5:00 PM
Community Center Sierra Room
851 East William Street, Carson City, Nevada

Commission Members

Chair – Charles Borders, Jr.
Commissioner – Paul Esswein
Commissioner – Teri Preston
Commissioner – Jay Wiggins

Vice Chair – Alex Dawers
Commissioner – Richard Perry
Commissioner – Hope Tingle

Staff

Lee Plemel, Community Development Director
 Hope Sullivan, Planning Manager
 Benjamin Johnson, Deputy District Attorney (via WebEx)
 Steven Pottéy, Engineering Project Manager
 Heather Ferris, Associate Planner
 Tamar Warren, Senior Public Meetings 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 and the approved minutes of this meeting are available on www.Carson.org/minutes.

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

(5:00:42) – Chairperson Borders called the meeting to order at 5:00 p.m. Roll was called and a quorum was present. Commissioner Wiggins led the Pledge of Allegiance.

Attendee Name	Status	Arrived
Chairperson Charles Borders, Jr.	Present	
Vice Chair Alex Dawers	Absent	
Commissioner Paul Esswein (via WebEx)	Present	
Commissioner Richard Perry	Present	
Commissioner Teri Preston	Present	
Commissioner Hope Tingle	Present	
Commissioner Jay Wiggins	Present	

B. PUBLIC COMMENTS

(5:01:18) – Chairperson Borders introduced the item and noted that public comments will be heard at this time; however, they will be discussed during the relevant portions on the agenda. Marla Burdett introduced herself as a resident on Marsh Road and referenced her written public comment regarding her objection to the Special Use Permit on 676 Kay Court (agenda item E-2). Ms. Burdett was opposed to

having her view blocked and her privacy affected because the proposed garage would be close to their kitchen and living room. She was also concerned that the resale value of her house will decrease and preferred to have the neighbors “store their recreation equipment off site.” Chairperson Borders entertained additional public comments; however, none were forthcoming.

C. FOR POSSIBLE ACTION: APPROVAL OF THE MINUTES – MAY 27, 2020.

(5:04:07) – Chairperson Borders introduced the item and entertained comments and/or corrections.

(5:04:26) – Commissioner Tingle moved to approve the minutes of the May 27, 2020 meeting minutes as presented. The motion was seconded by Commissioner Perry.

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

D. MODIFICATION OF AGENDA

(5:04:49) – Chairperson Borders introduced the item. Ms. Sullivan stated that there were no modifications to the agenda.

E. MEETING ITEMS

PUBLIC HEARING

E.1 LU-2020-0012 - FOR POSSIBLE ACTION: DISCUSSION AND POSSIBLE ACTION REGARDING A REQUEST FOR AN ADMINISTRATIVE REVIEW OF A METAL STORAGE CONTAINER ON PROPERTY ZONED RETAIL COMMERCIAL, LOCATED AT 2590 SOUTH CARSON STREET, APN 009-051-10.

(5:05:12) – Chairperson Borders introduced the item. Ms. Sullivan presented the Staff Report, incorporated into the record, and recommended a modification to Condition of Approval No. 8 to reflect that “further review required by the Development Standards can be done administratively,” unless requested by the Community Development Director. She also introduced Cliff Sorenson of Campagni Automotive Group and responded to clarifying questions. Chairperson Borders was in agreement that the approval can be done administratively. Mr. Sorenson confirmed for the Commission that he had read and was in agreement with the Conditions of Approval. Chairperson Borders entertained a motion.

(5:08:00) – Commissioner Preston moved approve LU-2020-0012, based on the findings and subject to the [modified] conditions of approval contained in the staff report. The motion was seconded by Commissioner Wiggins.

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

PUBLIC HEARING

E.2 LU-2020-0015 - FOR POSSIBLE ACTION: DISCUSSION AND POSSIBLE ACTION REGARDING A REQUEST FOR A SPECIAL USE PERMIT TO HAVE THE CUMULATIVE TOTAL OF ACCESSORY BUILDINGS EXCEED 50 PERCENT OF THE SIZE OF THE PRIMARY BUILDING, AND FOR THE CUMULATIVE TOTAL OF THE ACCESSORY STRUCTURES TO EXCEED FIVE PERCENT OF THE LOT SIZE ON PROPERTY ZONED SINGLE FAMILY 21,000 PLANNED UNIT DEVELOPMENT (SF21-P), LOCATED AT 676 KAY COURT, APN 010-575-17.

(5:08:38) – Chairperson Borders introduced the item. Ms. Sullivan presented the Staff Report with accompanying photographs, noting that Ms. Burdett’s letter (also presented in the Public Comment section of the agenda) had been included in the agenda materials and stated that Staff could still meet the seven required findings. She also acknowledged the presence of applicants Jeffrey and Margaret Osborne on the teleconference and responded to clarifying questions by the Commissioners. The Osborne’s acknowledged reading and agreeing with the Staff Report and the Conditions of Approval. Ms. Osborne explained that the Covenants, Conditions, and Restrictions (CC&Rs) had been abandoned. She also clarified for Commissioner Perry that having the attached garage would have required a redesign of two bedrooms and a hallway. Chairperson Borders entertained a motion.

(5:18:13) – Commissioner Wiggins moved to approve Special Use Permit LU-2020-0015, based on the findings and subject to the conditions of approval contained in the staff report. The motion was seconded by Commissioner Esswein.

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

PUBLIC HEARING

E.3 LU-2020-0016 - FOR POSSIBLE ACTION: DISCUSSION AND POSSIBLE ACTION REGARDING A REQUEST FOR A SPECIAL USE PERMIT FOR RV AND BOAT STORAGE, ON PROPERTIES ZONED GENERAL COMMERCIAL, GENERAL INDUSTRIAL AND SINGLE FAMILY 21,000 SQUARE FEET, LOCATED AT 4619, 4639, AND 4719 HWY 50 E, AND 2477 EMPIRE RANCH ROAD, APNS 008-283-01, 008-283-02, 008-294-01, AND 008-371-01.

(5:19:21) – Chairperson Borders introduced the item. Ms. Ferris presented the Staff Report, incorporated into the record, and responded to clarifying questions. Commissioner Tingle expressed concern over “a lot of traffic” in the corridor noting the lack of traffic control devices. Mr. Pottéy explained that he had spoken with the Transportation Department Staff who had determined a Traffic Impact Study was not warranted at the intersection. In response to a question by Commissioner Esswein, Ms. Ferris stated that to rezone the residential portion out of the area would require a Master Plan Amendment. Mr. Pottéy informed Commissioner Perry that frontage improvements were planned for Empire Ranch Road and along the multi-use path. Applicant representative Karen Downs of Manhard Consulting noted her agreement with the Conditions of Approval and noted that the Special Use Permit was the “route recommended” during the Major Project Review. Commissioner Perry commented that he was pleased the elm trees were not being removed. There were no additional questions; therefore, Chairperson Borders entertained a motion.

(5:31:52) – Commissioner Perry moved to approve LU-2020-0016 based on findings and subject to conditions of approval contained in the staff report. The motion was seconded by Commissioner Preston.

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

PUBLIC HEARING

E.4 ZA-2020-0006 - FOR DISCUSSION ONLY: PRESENTATION AND DISCUSSION ONLY REGARDING THE DRAFTING OF REGULATIONS FOR THE CULTIVATION OF HEMP.

(5:32:28) – Chairperson Borders introduced the item. Mr. Plemel gave background on the 180-day moratorium for the cultivation of agricultural hemp and invited Lyndsey Boyer, Carson City Open Space Manager, to provide information on hemp production and address how the product relates to marijuana.

(5:31:07) – Ms. Boyer delivered a PowerPoint presentation on the background and cultivation of industrial hemp which, she noted, must have a tetrahydrocannabinol (THC) content of less than three percent, adding that CBD oil was the most profitable of the products. She also discussed the similarities in the plant looks between industrial hemp and marijuana. Ms. Boyer walked the Commissioners through the role of the Nevada Department of Agriculture and its rules and regulation. She reviewed the environmental concerns such as the strong odor and the noxious weeds and water usage. Ms. Boyer also outlined residential concerns such as theft and trespassing.

(5:48:19) – Commissioner Preston noted that “we have not had a lot of crops” in the area and expressed concern regarding water, dust, pesticide, and fertilizer issues. She also noted the strong odor generated by hemp, comparing it to that of marijuana. Commissioner Preston also explained that Carson City did not have “fields of strawberries, blueberries, corn,” and believed “it’s going to be a problem.”

(5:51:37) – Commissioner Tingle stated that hemp grows near her family’s residences in Iowa and “nobody has a problem with it, it’s just there.” She also cited the example of the “water treatment plan” as odorous and did not believe hemp would be as big of an issue.

(5:54:06) – Commissioner Perry inquired about the agricultural products in industrial zoning districts and Mr. Plemel gave examples of Lompa Ranch and Buzzy’s Ranch that are zoned agricultural, adding that indoor processing could be allowed in industrial areas. He also noted that there were no odor requirements for hemp at this time.

(5:59:50) – Chairperson Borders noted his agreement with Commissioner Preston’s comments about odors because the areas of discussion are near residences, adding that “we’re opening up a Pandora’s Box for odors” and other problems and he believed was not a good fit. He was in favor of having the same regulations as marijuana with the added “Conservation Reserve” zoning. Mr. Plemel reminded the Commission that their purview was to look into zoning. Commissioner Preston reminded the Commission that the potential use of fertilizers in hemp growing zones impact the wetlands that will go into the Carson River and the aquifers.

(6:04:27) – Commissioner Esswein noted that as a sheep rancher he believed the farm odors were more offensive to him than marijuana and hemp, adding “I don’t think we should be concerned with odors in agricultural areas...we should allow it by right within the agricultural district and have regulations for growing it in other areas.”

(6:05:20) – Commissioner Wiggins believed that the issues discussed can be solved on a case-by-case basis and with a Special Use Permit. He anticipated opposition from residents in some areas and believed they should be taken into account. In response to a question by Commissioner Perry, Mr. Plemel explained that the Commission was expected to provide recommendations for regulations to the Board of

Supervisors. Commissioner Perry was concerned that the City's permitted water rights may be needed to grow hemp. Ms. Boyer explained that municipal water or surface water rights may be used for the hemp growth and Commissioner Perry referred to the Growth Management Commission's decision for water allocation and was concerned that it would "give away our ability to grow the City." He was not opposed to growing hemp only with surface water but not with municipal water. Mr. Plemel clarified that water usage is monitored by engineering for new projects. Commissioner Perry also discussed compliance, noting that the City must rely "on a state agency to determine whether or not these fields are in compliance." Mr. Plemel offered to return with options on making a recommendation to the Board. This item did not require any action.

F. STAFF REPORTS (NON-ACTION ITEMS)

(6:06:12) – Chairperson Borders introduced the item.

- DIRECTOR'S REPORT TO THE COMMISSION

(6:16:28) – Mr. Plemel announced that the Board of Supervisors had approved the Silver Oak Planned Unit Development amendments and the Butti Way rezoning from Public to Multi-Family (for the affordable housing project) had been approved. He also updated the Commission on the Tahoe Western Asphalt (TWA) appeal where the Board had upheld the Planning Commission's decision on not allowing to operate after hours, and to continue to monitor the odors but not take enforcement action because of their pending permit with the Nevada Department of Environmental Protection (NDEP). Mr. Plemel explained that the Zoning Map Amendment on Silver Sage Drive and Clearview Drive had been continued by the Board of Supervisors.

- FUTURE AGENDA ITEMS

(6:20:00) – Mr. Plemel expected a Special Use Permit and the hemp cultivation ordinance to be agendized for the next meeting. He also noted that the following week's Title 18 workshop will focus on Development Standards (specifically Definitions and Uses).

- COMMISSIONER REPORTS/COMMENTS

(6:22:27) – Chairperson Borders requested an update on the pumphouse discussed in an earlier meeting.

J. PUBLIC COMMENT

(6:22:45) – There were no public comments.

K. FOR POSSIBLE ACTION: ADJOURNMENT

(6:23:06) – Chairperson Borders adjourned the meeting at 6:23 p.m.

The Minutes of the, June 24, 2020 Carson City Planning Commission meeting are so approved this 29th day of July, 2020.