

DRAFT MINUTES
Carson City Planning Commission Regular Meeting
Wednesday, October 28, 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)
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

(5:03:53) – Chairperson Borders called the meeting to order at 5:03 p.m. Roll was called and a quorum was present. Chairperson Borders led the Pledge of Allegiance.

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

B. PUBLIC COMMENTS

(5:04:56) – Chairperson Borders introduced the item and read the *Notice to Public*, incorporated into the agenda, regarding the way public comment will be handled during the Governor's Declaration of Emergency directive caused by the COVID-19 pandemic. He noted that the public comments will be heard at this time; however, they will be discussed during the relevant portions of the agenda.

(5:05:35) – Matthew Wilkie, a resident of Mound House, commented on agenda item E.7 and stated that he was “very thankful that the State [has] shut down their [Tahoe Western Asphalt’s] operations. Since their operation has been shut down the air quality has been fantastic, there has been no issues [with] breathing or going outside.” Mr. Wilkie also encouraged the Commission to revoke the Special Use Permit.

C. FOR POSSIBLE ACTION: APPROVAL OF THE MINUTES – AUGUST 26, 2020 AND SEPTEMBER 2, 2020 WORKSHOP.

(5:06:37) – Chairperson Borders introduced the item and entertained comments and/or corrections.

(5:01:15) – Commissioner Perry moved to approve the minutes of the September 30, 2020 meeting as presented. The motion was seconded by Commissioner Esswein.

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

(5:08:02) – Commissioner Esswein moved to approve the minutes of the October 7, 2020 workshop as presented. The motion was seconded by Commissioner Tingle.

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

D. MODIFICATION OF AGENDA

(5:08:53) – Chairperson Borders introduced the item and was informed by Mr. Plemel that there were no modifications to the agenda.

E. MEETING ITEMS

PUBLIC HEARING

E.1 ZA-2020-0007 - DISCUSSION AND POSSIBLE ACTION REGARDING A RECOMMENDATION TO THE BOARD OF SUPERVISORS CONCERNING AN ORDINANCE AMENDING THE TITLE 18 APPENDIX, DEVELOPMENT STANDARDS DIVISION 14 (STORM DRAINAGE) TO REPEAL ALL EXISTING LANGUAGE AND REPLACE IT WITH LANGUAGE DIRECTING THE PUBLIC TO REVIEW THE CARSON CITY DRAINAGE MANUAL.

(5:09:15) – Chairperson Borders introduced the item. Ms. Sullivan presented the Staff Report, incorporated into the record, and noted the presence of Chief Stormwater Engineer Robb Fellows via WebEx to respond to questions. She also clarified that the Commission must make a recommendation for approval to the Board of Supervisors when considering an amendment to the Carson City Municipal Code (CCMC) Title 18.

(5:12:13) – Mr. Fellows explained the reasons for the updating of the City's stormwater design standards, including incorporating low impact design standards. He also clarified the details of the proposal to remove all stormwater drainage design standards and replace them with language referring to the Carson City Drainage Manual. Additionally, Mr. Fellows responded to clarifying questions by the Commissioners. Ms. Sullivan explained that the manual would be approved by the Board of Supervisors via a resolution as a policy document, and that future amendments would be the purview of the Board and not the Planning Commission. Mr. Fellows informed Commissioner Preston that the draft documents were currently on the Public Works website. Chairperson Borders entertained a motion.

(5:26:28) – Commissioner Esswein moved to recommend to the Board of Supervisors approval of the zoning text amendment ZA-2020-0007 as presented. The motion was seconded by Vice Chair Dawers.

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

PUBLIC HEARING

E.2 LU-2020-0037 - FOR POSSIBLE ACTION: DISCUSSION AND POSSIBLE ACTION REGARDING A REQUEST FOR A SPECIAL USE PERMIT TO ALLOW A 2,009 SQUARE FOOT BARN THAT WILL CAUSE THE CUMULATIVE SQUARE FOOTAGE OF THE ACCESSORY BUILDINGS TO BE 225 PERCENT OF THE SIZE OF THE PRIMARY RESIDENCE AND 5.25 PERCENT OF THE PARCEL SIZE, ON PROPERTY ZONED SINGLE FAMILY ONE ACRE (SF1A), LOCATED AT 4071 CENTER DRIVE, APN 009-142-12.

(5:2704) – Chairperson Borders introduced the item. Ms. Ferris presented the Staff Report and recommended approval Subject to the Conditions of Approval incorporated into the record. She also responded to clarifying questions. Applicant Connie Creech, participating via telephone, introduced herself and stated her acceptance of the Conditions of Approval. Chairperson Borders entertained a motion.

(5:30:50) – Commissioner Tingle moved to approve Special Use Permit LU-2020-0037, 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 (6-0-0)
MOVER:	Tingle
SECONDER:	Esswein
AYES:	Borders, Dawers, Esswein, Perry, Preston, Tingle
NAYS:	None
ABSTENTIONS:	None
ABSENT:	Wiggins

PUBLIC HEARING

E.3 LU-2020-0036 - FOR POSSIBLE ACTION: DISCUSSION AND POSSIBLE ACTION REGARDING A REQUEST FOR A SPECIAL USE PERMIT FOR MORE ADDITIONAL SIGNAGE THAN IS ALLOWED ON PROPERTY ZONED MULTI-FAMILY APARTMENT (MFA) AND GENERAL COMMERCIAL (GC), LOCATED AT 400 WEST CLEARVIEW DRIVE AND 3700 SOUTH CURRY STREET, APN 009-151-65.

(5:31:32) – Chairperson Borders introduced the item. Ms. Sullivan presented the Staff Report with accompanying documentation and noted that Staff had been able to make the seven required findings in the affirmative, recommending approval. She also responded to clarifying questions by the Board.

(5:34:23) – Vice Chair Dawers read into the record a prepared disclosure statement, advised of no disqualifying conflict of interest, and stated that he would participate in discussion and action.

(5:37:07) – Applicant Nachele Seuss of Tanamera Construction, LLC, introduced herself and acknowledged reviewing the Staff Report and her agreement with the Conditions of Approval. Chairperson Borders entertained Commissioner comments or questions and when none were forthcoming, a motion.

(5:38:04) – Commissioner Perry moved to approve LU-2020-0036, based on ability to make the required findings and subject to the conditions of approval contained in the staff report. The motion was seconded by Commissioner Dawers.

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

PUBLIC HEARING

E.4 LU-2020-0038 - FOR POSSIBLE ACTION: DISCUSSION AND POSSIBLE ACTION REGARDING A MODIFICATION TO SPECIAL USE PERMIT (SUP-17-047) TO ALLOW FOR AN 8000 SQUARE FOOT ADDITION TO AN AUTOBODY REPAIR FACILITY, ON PROPERTY ZONED LIMITED INDUSTRIAL (LI), LOCATED AT 2016 SOUTH EDMONDS DRIVE, APNS 010-063-03 AND -04.

(5:34:35) – Chairperson Borders introduced the item. Ms. Ferris gave background, presented the Staff Report, incorporated into the record, and recommended approval.

(5:41:09) – Harold Morris, President of Morris Engineering, Ltd, participating via telephone, introduced himself and noted that he had read the Staff Report and agreed with the Conditions of Approval on behalf of the business owner. Commissioner Perry thanked Mr. Morris for including an earthquake map. Chairperson Borders entertained a motion.

(5:43:04) – Vice Chair Dawers moved to approve Special Use Permit LU-2020-0038 based on the findings and subject to the conditions of approval contained in the staff report. The motion was seconded by Commissioner Perry.

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

PUBLIC HEARING

E.5 LU-2020-0033 - FOR POSSIBLE ACTION: DISCUSSION AND POSSIBLE ACTION REGARDING A REQUEST FOR A SPECIAL USE PERMIT FOR A CONCRETE BATCH PLANT AND ROCK CRUSHING OPERATION, WITH SILOS EXCEEDING THE 45-

FOOT HEIGHT LIMITATION ON PROPERTY ZONED GENERAL INDUSTRIAL AIRPORT (GIA), LOCATED AT 4500 RYAN WAY, APN 005-072-06.

(5:43:32) – Chairperson Borders introduced the item. Ms. Ferris presented the Staff Report and responded to clarifying questions.

(5:50:00) – Engineering Project Manager Steven Pottéy addressed the following requirement (No. 14) which will precede the site improvement permit or building permit application:

“An eastbound left turn lane must be installed on Arrowhead Drive at Ryan Way. The turn lane shall include a 100-foot-long storage pocket and appropriate tapers per either American Association of State Highway and Transportation Officials (AASHTO) or Nevada Department of Transportation (NDOT) geometric design guidance. Lane widths shall be consistent with Carson City Standard Detail for urban streets.”

(5:51:05) – Mr. Pottéy noted that the above requirement was confirmed by the City’s Transportation Engineer based on the Nevada Department of Transportation (NDOT) and the American Association of State Highway and Transportation Officials (ASHTO) Standards. He also responded to clarifying questions. Discussion ensued regarding Conditions of Approval No. 13 and No. 15 as well. Ms. Sullivan clarified that “the issue of vehicular traffic is a different finding than the issue of overburdening public roads.” Mr. Plemel confirmed that “the recommendation is following what the code says now.” He also added that the half street would still have to have adequate access for emergency vehicles, adding that the discussion at hand is for this development only. Ms. Sullivan recommended hearing from the applicant prior to making a decision. Commissioner Esswein inquired about ways the project may degrade the level of service at the intersection of Arrowhead Drive and Ryan Way. Deputy Public Works Director Dan Stucky clarified that the left turn was required because a large truck would require a “pretty big gap” to make a left-hand turn, thus delaying traffic and “creating a dangerous situation.”

(6:19:40) – Stacie Huggins, Senior Planner at Wood Rodgers, Inc., introduced herself and explained that their engineering team, applicant Alex Nichols, and Headway Transportation Principal Loren Chilson were also participating telephonically. Ms. Huggins objected to Condition 14 because “the traffic associated with this batch plant is minimal” and will occur during off-peak hours, and believed might “kill the project” as the burden is being put on one project only. Mr. Pottéy clarified for Commissioner Dawers that “since there’s no demand to turn left on to Ryan [way] then it’s not warranted currently.” Mr. Chilson explained that “a left turn lane is someday warranted,” however, he did not believe it will be needed with this project and that it was “a low trip generator.”

(6:28:00) – Ms. Huggins clarified for Chairperson Borders that she had read the Conditions of approval, including the proposed amendment (prohibiting advertisements on silos) in Condition 6, and aside from Conditions 14, she was in agreement with them. Ms. Ferris explained that the Carson City Airport Manager had been consulted about silo height (and the other Conditions of Approval). At Commissioner Perry’s request, Mr. Nichols provided information on the crushing operation and the plant layout, noting

“this is strictly a concrete batch plant, for manufacturing of concrete only.” She also clarified that approximately six trucks will travel to the plant daily, during non-peak hours. Mr. Stucky spoke in favor of the left-hand turn lane and Mr. Chilson recommended that “the [left] turn pocket length be 100 feet.” Commissioner Esswein was informed by Mr. Pottéy that the current City standards did not include enforcing “transportation and other roadway improvements that would force other parcels in an area to contribute in the future.” Commissioner Esswein recommended looking into the latter during the Title 18 workshops. Chairperson Borders entertained a motion.

(6:39:38) – Vice Chair Dawers moved to approve LU-2020-0033 based on findings and subject to conditions of approval contained in the staff report, with an amendment to add to Condition No. 6 prohibiting advertising on silos. The motion was seconded by Commissioner Perry.

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

(6:40:29) – Chairperson Borders recessed the meeting from 6:40 p.m. until 6:46 p.m.

PUBLIC HEARING

E.6 2010-00000115 (SUP-10-115-2) - FOR POSSIBLE ACTION: DISCUSSION AND POSSIBLE ACTION REGARDING THE ONE-YEAR REVIEW OF THE SPECIAL USE PERMIT FOR AN ASPHALT PLANT ON PROPERTY ZONED GENERAL INDUSTRIAL, LOCATED AT 8013 HIGHWAY 50 EAST, APNS 008-611-31, -33, -37 AND -41.

(6:46:30) – Chairperson Borders reconvened the meeting and at Ms. Sullivan’s request, introduced items E.6 and E.7 for discussion concurrently, noting that they would; however, be acted upon separately. Ms. Sullivan provided background and presented the item E.6 Staff Report which is incorporated into the record. She also stated that no substantive changes were made to the Conditions of Approval of the Special Use Permit (SUP); however, she recommended that the Planning Commission conduct an annual review of the SUP in October 2021.

(6:50:00) – Mr. Plemel presented the Staff Report for item E.7, incorporated into the record, which included the Carson City Code Enforcement’s “summary of all the complaints, inspections and interactions involving Case #101162, Tahoe Western Asphalt [TWA] LLC.,” and the Nevada Division of Environmental Protection’s Stop Order No. 2021EA-02, which directed “TWA to cease operation of all emission units located at 8013 U.S. Highway 50 East, Carson City, Nevada starting on Close of Business on August 25, 2020.” Mr. Plemel also reviewed the process and reasons for revocation of an SUP noting that an SUP “may be revoked for good cause including but not limited to failure to comply with any

conditions of the permit and any act relating to the Special Use Permit that creates a public nuisance or is detrimental to the public health, safety and welfare. If the Planning Commission determines that grounds for revocation or reexamination of the Special Use Permit exist, the Commission may order a show-cause hearing, which would be at a future meeting. If a show-cause hearing is ordered, the applicant would have the opportunity to present evidence at that meeting as to why the Special Use Permit should not be revoked or reexamined.”

(6:55:12) – Mr. Plemel also read into the record the following Summary of the Investigation Findings:

1. TWA has been in violation of its NDEP permit, as evidenced by the NDEP violation notices identified above, in violation of Special Use Permit condition number 12. (CCMC 18.02.090[1])

2. While TWA has operated outside the permitted hours at times in the past, there is no evidence that they exceeded their permitted number of days on which they were permitted to do so pursuant to condition of approval number 13, and no evidence that they operated outside the permitted hours after June 4, 2020.

3. The TWA operation has violated the requirement in condition number 17, which requires odors to be controlled and prohibits odors from being detected beyond the property line. (CCMC 18.02.090[1])

4. The TWA operation has created or tended to create a public nuisance to the residents to the east of the property due to odors leaving the site on an ongoing basis during hours of operations and when the plant is not in operation. (CCMC 18.02.090[5])

(7:01:42) – Chairperson Borders inquired whether there were any callers from TWA for comment; however, none were forthcoming. He entertained additional discussion on item E.6; however, hearing none, he entertained a motion.

(7:02:11) – Commissioner Esswein moved to accept the annual report, and to modify Condition 18 of the Special Use Permit to state:

18. This Special Use Permit is subject to review in October 2020 2021. In reviewing the Special Use Permit, the planning Commission shall conduct a public hearing, and the notice for the public hearing shall be consistent with CCMC 18.02.045.

The motion was seconded by Vice Chair Dawers.

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

E.7 2010-00000115 (SUP-10-115-2) - FOR POSSIBLE ACTION: DISCUSSION AND POSSIBLE ACTION REGARDING THE FINDINGS OF THE INVESTIGATION INTO SPECIAL USE PERMIT SUP-10-115 AND POSSIBLE DIRECTION TO STAFF TO SERVE THE APPLICANT WITH AN ORDER TO SHOW CAUSE WHY THE SPECIAL USE PERMIT FOR THE ASPHALT PLANT LOCATED AT 8013 HIGHWAY 50 EAST, APNS 008-611-31, -33, -37 AND -41, SHOULD NOT BE REVOKED OR REEXAMINED BASED ON THE RESULTS OF THE INVESTIGATION INITIATED BY THE PLANNING COMMISSION ON DECEMBER 17, 2019.

(7:02:49) – Chairperson Borders entertained a motion for this item per the discussion during item E.6.

(7:03:11) – Commissioner Preston moved to direct staff to serve the applicant [TWA] with a show-cause order based on the evidence presented at this meeting, including failure to comply with the conditions of the Special Use Permit and creating a public nuisance. The motion was seconded by Commissioner Dawers.

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

(7:05:15) – Chairperson Dawers was informed that Staff may bring this item back to the Commission's December or January meeting.

F. STAFF REPORTS (NON-ACTION ITEMS)

- DIRECTOR'S REPORT TO THE COMMISSION

(7:06:24) – Chairperson Borders introduced the item. Mr. Plemel reminded the Commission of the upcoming Title 18 workshop on Monday, November 5, 2020. He encouraged members of the public to view the documents on the City's website at <https://carson.org/title18>. Mr. Plemel also reminded the Commission that due to the upcoming holidays, the next meeting will take place on Tuesday, November 17, 2020 when one of the discussion items will entail an expansion of the School District offices on King Street.

- FUTURE AGENDA ITEMS

Previously discussed.

- COMMISSIONER REPORTS/COMMENTS

(7:07:38) – Vice Chair Dawers announced that he had resigned from the Commission due to a move to Douglas County. He also recommended having members of the public available during the TWA discussions. Chairperson Borders and the Commissioners thanked Vice Chair Dawers for his service. Commissioner Tingle expressed her disappointment in the Board of Supervisors' decision on hemp cultivation, calling it “short-sighted.” She also encouraged the Commission to “pay attention to the Carson Water Subconservancy District” as decisions are made about future developments in the area. Commissioner Preston thanked Mr. Plemel and the Carson City Public Works department “for cleaning up that wellhead (mentioned by her at the previous meeting).”

G. PUBLIC COMMENT

(7:13:23) – There were no public comments.

H. FOR POSSIBLE ACTION: ADJOURNMENT

(7:13:48) – Chairperson Borders adjourned the meeting at 7:13 p.m.

The Minutes of the, October 28, 2020 Carson City Planning Commission meeting are so approved this 17th day of November, 2020.