

DRAFT MINUTES
Carson City Planning Commission and Growth Management Commission Regular Meeting
Wednesday, June 30, 2021 ● 5:00 PM
Community Center Robert “Bob” Crowell Boardroom
851 East William Street, Carson City, Nevada

DRAFT

Commission Members

Chair – Charles Borders, Jr.
Commissioner – Paul Esswein
Commissioner – Sena Loyd
Commissioner – Teri Preston

Vice Chair – Jay Wiggins
Commissioner – Nathaniel Killgore
Commissioner – Richard Perry

Staff

Hope Sullivan, Community Development Director
Heather Ferris, Planning Manager
Todd Reese, Deputy District Attorney
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 Public Meeting Clerk 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.

GROWTH MANAGEMENT COMMISSION

1. CALL TO ORDER – GROWTH MANAGEMENT COMMISSION

(5:00:26) – Chairperson Borders called the Growth Management Commission meeting to order at 5:00 p.m.

2. ROLL CALL AND DETERMINATION OF QUORUM

(5:00:40) – Roll was called, and a quorum was present.

Attendee Name	Status	Arrived
Chairperson Charles Borders, Jr.	Present	
Vice Chair Jay Wiggins	Present	
Commissioner Paul Esswein	Present	
Commissioner Nathaniel Killgore	Present	
Commissioner Sena Loyd	Present	
Commissioner Richard Perry	Present	
Commissioner Teri Preston	Present	5:09 p.m.

3. PLEDGE OF ALLEGIANCE

(5:00:56) – Commissioner Perry led the Pledge of Allegiance.

4. PUBLIC COMMENTS

(5:01:32) – Chairperson Borders entertained public comments; however, none were forthcoming.

5. FOR POSSIBLE ACTION: APPROVAL OF THE MINUTES – MAY 26, 2021.

(5:01:53) – Chairperson Borders introduced the item and entertained comments or changes and when none were forthcoming, a motion.

(5:02:08) – Commissioner Perry moved to approve the minutes of the May 26, 2021 Growth Management Commission meeting as presented. The motion was seconded by Vice Chair Wiggins.

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

6. MEETING ITEMS

6.A GM-2021-0147 FOR POSSIBLE ACTION: DISCUSSION AND POSSIBLE ACTION REGARDING A RECOMMENDATION TO THE BOARD OF SUPERVISORS FOR A RESOLUTION ESTABLISHING THE MAXIMUM NUMBER OF RESIDENTIAL BUILDING PERMIT ALLOCATIONS UNDER THE GROWTH MANAGEMENT ORDINANCE FOR THE YEARS 2022 AND 2023 AND ESTIMATING THE MAXIMUM NUMBER OF RESIDENTIAL BUILDING PERMITS FOR THE YEARS 2024 AND 2025; ESTABLISHING THE NUMBER OF BUILDING PERMIT ALLOCATIONS WITHIN THE DEVELOPMENT AND GENERAL PROPERTY OWNER CATEGORIES; ESTABLISHING A MAXIMUM AVERAGE DAILY WATER USAGE FOR COMMERCIAL AND INDUSTRIAL BUILDING PERMITS AS A THRESHOLD, AND IDENTIFYING CRITERIA TO APPLY WHEN MAKING DECISIONS REGARDING COMMERCIAL AND INDUSTRIAL PROJECTS SEEKING TO EXCEED THE THRESHOLD.

(5:02:26) – Chairperson Borders introduced the item. Ms. Sullivan gave background and presented the Staff Report, which is incorporated into the record, and responded to clarifying questions. She noted that based on a request from the previous Growth Management Commission meeting, she had compiled a list (incorporated into the Staff Report) of eleven building permits (three of which were for the same project) approved by the Commission since 2005, that exceeded the 15,000 gallon daily water usage threshold and that one project had been denied.

(5:04:24) – City Engineer Randy Rice referenced the late material, incorporated into the record, and reviewed the process proposed by the Public Works Department to evaluate low, average, and high water usage for future applications received by the Commission.

(5:06:43) – Ms. Sullivan also referenced the Staff Report which addressed the proposed three percent growth versus 2.5 percent growth and recommended keeping the growth at three percent. She cited market forces that have allowed for fewer units to be built than the allocated number and noted that the City had “adequate services to meet the three percent [growth].” Ms. Sullivan also discussed “the other effects of water usage,” and advised the Commission to consider “if the use will: 1) Promote health and safety; 2) Create quality jobs; 3) Promote tourism; and 4) Utilize water conservation measures and techniques.” Chairperson Borders complimented Staff on the Staff Report and explained that he was in favor of the 2.5 percent growth; however, he understood and was satisfied with the three percent growth recommendation. Commissioner Perry was informed that the Water Use Application Form would be used anytime an application exceeded the 15,000-gallon potable water threshold.

(5:16:21) Discussion ensued regarding the proposed resolution, incorporated into the record. Commissioner Esswein expressed concern that the City would continue to grow despite the scientific evidence showing “we are in a long-term drought and the availability of water is not guaranteed.” He also recommended reducing the water threshold to 7,500 gallons per day. Commissioner Preston cited the lack of available housing and stated she was in favor of multi-family housing. Commissioner Perry called the presentation made by Water Utilities Manager Eddy Quaglieri during the May 26, 2021 meeting “insightful” and highlighted the reduced water consumption since 2008 while the City was growing.

(5:29:48) – Ms. Sullivan clarified that the Commission could condition an approval for a periodic review should they wish to do so. Commissioner Esswein inquired about consequences of a review and was informed by Ms. Sullivan that the Commission could work with the applicant on conservation; however, she believed that a Staff-level discussion should take place to provide recommendations to the Growth Management and the Planning Commissions. Mr. Rice explained to Commissioner Loyd that Staff had identified several categories of businesses that fall between the 7,500 – 15,000 gallon per day water usage and Chairperson Borders believed that would serve as baseline data. He also recommended keeping the 15,000 gallon per day threshold for now until Staff brings forward a recommendation. Commissioner Esswein suggested seeing the usage by business category. Deputy Public Works Director Dan Stucky believed they could provide that data “but it will take some time” to gather.

(5:26:29) – Ms. Sullivan noted that the resolution in the Staff Report must be voted upon by the Board of Supervisors in July, adding that she had included in it several measures such as: 1) Promoting health and safety; 2) Creating quality jobs; 3) Promoting recreation and tourism; and 4) Utilizing water conservation measures and techniques. She also offered to return with the above-mentioned baseline data and recommendations. Commissioner Preston recommended looking into the high usage to the sewer system if they are separate from water usage. Mr. Stucky offered to provide data analysis; however, he reminded the Commission that sewer usage was not metered. Chairperson Borders entertained additional questions or comments and when none were forthcoming, a motion.

(5:39:18) – Commissioner Perry moved to recommend to the Board of Supervisors approval of the draft resolution with the following changes in Section 6 on page 3: *In considering applications in response to subsection 5, the Growth Management Commission shall consider if the use utilizes water conservations measures and techniques; and if the use will promote health, welfare and safety; or quality of life; or create quality jobs; or promote recreation and tourism.* The motion was seconded by Commissioner Loyd.

RESULT:	APPROVED (7-0-0)
MOVER:	Perry
SECONDER:	Loyd
AYES:	Borders, Wiggins, Esswein, Killgore, Loyd, Perry, Preston
NAYS:	None
ABSTENTIONS:	None
ABSENT:	None

(5:40:03) – Ms. Sullivan stated that she will inform the Board that the Commission had inquired about the utilization of water above the authorized amount by the Commission and the analysis that would be provided to them by Staff per the discussion during item 6-A. Commissioner Esswein suggested including the hydrographs provided by the Public Works Department in the future Staff Reports.

7. PUBLIC COMMENT

(5:41:18) – Chairperson Borders entertained public comments; however, none were forthcoming.

8. FOR POSSIBLE ACTION: ADJOURN AS THE GROWTH MANAGEMENT COMMISSION

(5:41:53) – Chairperson Borders adjourned the Growth Management Commission meeting at 5:41 p.m.

PLANNING COMMISSION

9. CALL TO ORDER – PLANNING COMMISSION

(5:42:01) – Chairperson Borders called the Planning Commission meeting to order at 5:42 p.m.

10. ROLL CALL AND DETERMINATION OF A QUORUM

(5:42:07) – Roll was called, and a quorum was present.

Attendee Name	Status	Arrived
Chairperson Charles Borders, Jr.	Present	
Vice Chair Jay Wiggins	Present	
Commissioner Paul Esswein	Present	
Commissioner Nathaniel Killgore	Present	
Commissioner Sena Loyd	Present	

Commissioner Richard Perry	Present	
Commissioner Teri Preston	Present	

11. PUBLIC COMMENT

(5:42:25) – Chairperson Borders entertained public comments on non-agendized items; however, none were forthcoming.

12. FOR POSSIBLE ACTION: APPROVAL OF THE MINUTES – May 26, 2021

(5:42:28) – Chairperson Borders introduced the item and entertained comments or corrections and when none were forthcoming, a motion.

(5:42:30) – Commissioner Perry moved to approve the minutes of the May 26, 2021 Planning Commission meeting as presented. The motion was seconded by Vice Chair Wiggins.

RESULT:	APPROVED (7-0-0)
MOVER:	Perry
SECONDER:	Wiggins
AYES:	Borders, Wiggins, Esswein, Loyd, Killgore, Perry, Preston
NAYS:	None
ABSTENTIONS:	None
ABSENT:	None

13. MEETING ITEMS

13.A PUBLIC HEARING: LU-2021-0182 FOR POSSIBLE ACTION: DISCUSSION AND POSSIBLE ACTION REGARDING A REQUEST FOR A SPECIAL USE PERMIT TO CONSTRUCT AN ACCESSORY STRUCTURE THAT WILL RESULT IN THE CUMULATIVE AREA OF ACCESSORY STRUCTURES EXCEEDING 75 PERCENT OF THE SIZE OF THE PRIMARY BUILDING, AND 5 PERCENT OF THE PARCEL SIZE ON A PROPERTY ZONED SINGLE FAMILY 1 ACRE (SF1A), LOCATED AT 5180 SILVER SAGE DRIVE, APN 009-231-08.

(5:41:45) – Chairperson Borders introduced the item. Ms. Ferris presented the subject property and the Staff Report, which is incorporated into the record, noting that no public comments were received regarding the project and introduced Applicant Robert Amundsen who was present in the audience. Ms. Ferris explained that the Commission had requested a comparison between the current code and the proposed changes to Title 18, noting that in this situation a Special Use Permit would still be required because the total square footage of all accessory structures would exceed 1,000 square feet, and 100 percent of the primary structure size.

(5:46:20) – Chairperson Borders inquired about the requirement to have the applicant pave the driveway. Assistant Project Manager Guillermo Munoz clarified that the Carson City Municipal Code (CMCC) Development Standards, Section 12.12.2 (Residential Driveway Access) required the driveway construction, adding that since the property was approved prior to the CCMC, “we’re just bringing it to

current compliance.” Ms. Ferris clarified that code requirements were not included in Conditions of Approval.

(5:48:17) – Mr. Amundson believed he had “no choice but to pave the driveway” when he was informed that the paving of the driveway was not included in the Conditions of Approval because it was part of the CCMC. Commissioner Wiggins understood that “the new shop had to meet the City requirements;” however, he believed that the retroactive paving of the driveway was “a little onerous.” Mr. Munoz likened the paving of the driveway to meeting the Americans with Disabilities (ADA) code. Mr. Rice believed that the Public Works Department was being fair and equitable” and called the building permit “a catalyst” to bring the building up to code. He also clarified that the condition was “for paving to the shop and paving to the existing detached garage.” Mr. Amundson called the requirement “ridiculous” and responded to clarifying questions. Ms. Ferris noted that the parcel numbers indicated in the Staff Report are the correct ones, adding that the applicant may have used old parcel numbers when filling out the application. Commissioner Perry was informed that the shop would be used for RV storage. Chairperson Borders entertained a motion. Vice Chair Wiggins expressed concern that “the City is going to retroactively apply a lot of things” and hoped that the City tries to be reasonable and use the grandfather clause for such cases.

(5:58:03) – Vice Chair Wiggins moved to approve Special Use Permit LU-2021-0182, 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 (7-0-0)
MOVER:	Wiggins
SECONDER:	Esswein
AYES:	Borders, Wiggins, Esswein, Loyd, Killgore, Perry, Preston
NAYS:	None
ABSTENTIONS:	None
ABSENT:	None

13.B PUBLIC HEARING: LU-2021-0187 FOR POSSIBLE ACTION: DISCUSSION AND POSSIBLE ACTION REGARDING A REQUEST FOR A SPECIAL USE PERMIT TO ALLOW A TEMPORARY TRACT SALES OFFICE, MODEL HOMES, PARKING AREA, AND ADVERTISING SIGNAGE ON PROPERTIES ZONED MULTI-FAMILY DUPLEX (MFD) LOCATED AT 1350, 1356, 1362, 1368, 1374, AND 1380 LITTLE LANE, APNS: 004-391-01, 004-391-02, 004-391-03, 004-391-04, 004-391-05, 004-391-06.

(5:58:39) – Chairperson Borders introduced the item. Ms. Ferris gave background and presented the Staff Report which is incorporated into the record. She also clarified that the proposed signage will be within the limitations allowed in the code. Applicant Fred Bates noted that the Conditions of Approval were acceptable to him. Commissioner Esswein believed that the requirement for a Special Use Permit for a model home was “excessive” as developments were expected have a sales office. He recommended incorporating that into the new Title 17 or Title 18 changes. Vice Chair Wiggins was in agreement and encouraged Staff to incorporate the model homes in the Tentative Map request. Chairperson Borders entertained a motion.

(6:03:54) – Commissioner Esswein moved to approve Special Use Permit LU-2021-0187, based on the findings and subject to the Conditions of Approval contained in the Staff Report. The motion was seconded by Vice Chair Wiggins.

RESULT:	APPROVED (7-0-0)
MOVER:	Esswein
SECONDER:	Wiggins
AYES:	Borders, Wiggins, Esswein, Killgore, Loyd, Perry, Preston
NAYS:	None
ABSTENTIONS:	None
ABSENT:	None

13.C U-93/94-67 FOR POSSIBLE ACTION: DISCUSSION AND POSSIBLE ACTION REGARDING A REQUEST FOR AN INVESTIGATION BY THE DIRECTOR OF SPECIAL USE PERMIT U-93/94-67 FOR EMPIRE RANCH GOLF COURSE LOCATED IN THE AGRICULTURE (A) ZONING DISTRICT AT 1875 FAIR WAY, APN 010-581-15.

(6:04:20) – Chairperson Borders introduced the item. Ms. Sullivan gave background and presented the subject property and the Staff Report, incorporated into the record, and responded to clarifying questions. She also provided the Commission with the following choices of action per CCMC 18:02:095:

- Do nothing.
- Request that the Community Development Director investigate the conduct of an applicant to determine whether grounds for revocation or reexamination of a Special Use Permit exist. The consequence of this step would be to determine whether or not to conduct a show cause hearing.

(6:08:13) – Chairperson Borders entertained public comments.

(6:08:32) – Glenn Conant introduced himself as an Empire Ranch Resident and updated the Commission on his discussions with the Federal Emergency Management Agency (FEMA) Region 9 Office in San Francisco, which is also responsible for Carson City, and had received the following information:

- No fill dirt would be brought in from an outside source.
- Elevation change is limited to 12 inches
- An engineering report must be completed before any extensive work is done to the site.

Mr. Conant was informed that City Ordinances would enforce and manage the FEMA rules. He also cited Carson City Municipal Code (CCMC) 12.09.080 - Provisions for Flood Hazard Reduction:

6. *Floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters, which carry debris, potential projectiles, and erosion potential, the following provisions apply.*

- a. *If a floodway has not been designated within the special flood hazard areas established in Basis for Establishing Areas of Special Flood Hazard, no new construction,*

substantial improvement, or other development (including fill) shall be permitted within Zones AI—30 and AE, unless it has been demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than 0.99 foot at any point within the community.

(6:10:07) – Mr. Conant believes that 100 percent of the above code was violated and inquired as to why no action was taken. He stated that the soccer fields have been built as new grass has been planted, the fields have been watered, and are being promoted as Battle Born Futbol Club, located at 5101 Morgan Mill Road, without any permits. Mr. Conant was in favor of conducting the investigation noted in the agenda.

(6:12:24) – Russ Wilson also introduced himself as an Empire Ranch Resident and requested that the Commission authorize the investigation for the Empire Ranch Golf Course Special Use Permit. He stated that he has also spoken to FEMA and the State Business License Office, adding that the soccer organization had been conducting business in Nevada without a license. Mr. Wilson believed that no initial land survey, environmental impact report, or an initial engineering report had been conducted prior to the start of construction in an area prone to flooding. He added that work had continued on the fields after a “stop work” notice had been issued and that the applicant had not reached out to the community.

(6:16:01) – Dwight Millard introduced himself as “representing Empire Ranch” and wished to speak about “the water that is allocated by priority to Empire Ranch Golf Course.” Mr. Millard explained that they had “spent approximately five years permitting this golf course, half a million dollars in permits and planning, \$8.5 [million] to build it. It would seem very remiss to me that the Planning Commission would go to the elevation of saying we’re going to revoke that Special Use Permit for that golf course, and you need to find another use for it.” Mr. Millard explained that they had received a temporary use permit to use it as a soccer field in the past. He also noted “you haven’t given permission for the flat fields. Those flat fields can easily be used on the golf course as a side farm or a driving range, and contrary to some of the information that’s been presented.” He noted that they were not hiding anything and that “the neighbors have a cause and they’re welcome to their opinion.” Mr. Millard informed the Commission that they had been issued a summons and had appeared in court for a misdemeanor, “we haven’t been proven guilty, there has been no trial, so there’s really not a character flaw yet that you can come after me for, till after that.” He also offered to respond to the Commissioners’ questions.

(6:19:16) – Commissioner Killgore was informed that the existing turf was removed because “it was high in alkali.” Mr. Millard also explained that they had involved the Nevada Department of Environmental Protection (NDEP) which had requested that they replant the sod quickly to “keep the contamination down.” He added that they had been in contact with the City to see if they could trade the property for another, better suited one. Chairperson Borders reminded everyone that this public hearing was to receive input from the public on whether to request that the Director investigate Empire Ranch Golf Course’s special use permit.

(6:23:36) – Jeff Surber inquired whether the Commission or the City had been contacted prior to any work being done on the flat fields. Ms. Sullivan noted that the applicant had spoken with City Staff and was advised a Special Use Permit would be needed. Chairperson Borders entertained additional comments and when none were forthcoming, a motion.

(6:25:13) – Commissioner Preston moved to request the Director to investigate Special Use Permit U-93/94-67. The motion was seconded by Commissioner Loyd.

(6:25:42) – Ms. Sullivan offered to provide an update at the Commission’s next meeting. Commissioner Perry requested the inclusion of any government agency’s input in the report. Chairperson Borders called for the vote.

RESULT:	APPROVED (7-0-0)
MOVER:	Preston
SECONDER:	Loyd
AYES:	Borders, Wiggins, Esswein, Killgore, Loyd, Perry, Preston
NAYS:	None
ABSTENTIONS:	None
ABSENT:	None

14. STAFF REPORTS (NON-ACTION ITEMS)

(6:26:40) – Chairperson Borders introduced the item.

- DIRECTOR'S REPORT TO THE COMMISSION

(6:26:42) – Ms. Sullivan provided an update on the Board of Supervisors’ actions concerning the Commission. She stated that an ordinance was introduced for a Planned Unit Development on Longview Way, and a final map was approved for Blackstone Ranch phase one.

- FUTURE AGENDA ITEMS

(6:27:24) – Ms. Sullivan announced the following future agenda items: a Special Use Permit for a congregate care facility on East Long Street; Special Use Permit for a single family attached residence on College Parkway; a Special Use Permit for a storage warehouse on State Street; a Tentative Map on East Nye Lane; and a Tentative Map on College Parkway. She, along with Ms. Ferris, also responded to clarifying questions by the Commissioners.

- COMMISSIONER REPORTS/COMMENTS

There were no Commissioner reports or comments.

15. PUBLIC COMMENT

(6:30:00) – Chairperson Borders entertained final public comments. Mr. Conant wished to clarify the NDEP report, noting that soil samples were done; however, according to the Environmental Protection Agency (EPA), to obtain “the true results of mercury contamination,” it must be done by an independent laboratory. He offered to provide the appropriate EPA information to Staff.

16. FOR POSSIBLE ACTION: ADJOURNMENT

(6:34:17) – Chairperson Borders adjourned the meeting at 6:34 p.m.

The Minutes of the, June 30, 2021 Carson City Planning Commission meeting are so approved this 28th day of July, 2021.