

CARSON CITY PLANNING COMMISSION  
Minutes of the May 26, 2004, Meeting  
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A regularly scheduled meeting of the Carson City Planning Commission was held on Wednesday, May 26, 2004, at the Community Center Sierra Room, 851 East William Street, Carson City, Nevada, beginning at 3:30 p.m.

**PRESENT:** Chairperson Richard Wipfli, Vice Chairperson John Peery, and Commissioners Allan Christianson, Mark Kimbrough, Roger Sedway, and Roy Semmens

**STAFF PRESENT:** Community Development Director Walter Sullivan, Chief Deputy District Attorney Mark Forsberg, Deputy City Engineer John Flansberg, Open Space Manager Juan Guzman, Principal Planner Lee Plemel, Senior Engineer Rob Fellows, Senior Planner Jennifer Pruitt, Recording Secretary Katherine McLaughlin, Associate Planner Sean Foley, and Assistant Planner Kathe Green (P.C. 5/26/04 Tape 1-0009)

**NOTE:** Unless otherwise indicated, each item was introduced by the Chairperson. Staff then presented or clarified the staff report/supporting documentation as well as any computerized slides that may have been shown. Any other individuals who spoke are listed immediately following the item heading. A tape recording of these proceedings is on file in the Clerk-Recorder's office. This tape is available for review and inspection during normal business hours.

**A. ROLL CALL, DETERMINATION OF A QUORUM AND PLEDGE OF ALLEGIANCE** - Vice Chairperson Peery convened the meeting at 3:30 p.m. Roll call was taken. A quorum was present although Chairperson Wipfli did not arrive until 3:56 p.m. and Commissioner Mullet was absent. Commissioner Christianson led the Pledge of Allegiance.

**B. APPROVAL OF MINUTES (1-0023)** - None.

**C. PUBLIC COMMENTS (1-0024) (1-0068)** - Mr. Sullivan introduced Associate Planner Sean Foley.

**D. AGENDA MODIFICATIONS (1-0032)** - Community Development Director Walter Sullivan explained that Items G-7 and G-8 will be heard after 6 p.m. He also indicated that it is a "heavy agenda" and the items may be heard later than indicated. (1-0050) Mr. Sullivan explained a request to continue Item H-1 to either the July or August meeting and the need to take a short recess after the Growth Management meeting.

**E. DISCLOSURES (1-0039)** - Commissioner Christianson disclosed a meeting with Jim Benson regarding Item G-2. He did not believe that it would impact his deliberations on the Item. Commissioner Semmens disclosed that he had also met with Mr. Benson and did not believe that it would sway his opinion.

**F. CONSENT AGENDA (1-0076)** - None.

**G. PUBLIC HEARING (1-0077)**

**G-1. MISC-04-084 - ACTION TO ADOPT BY RESOLUTION AND TO RECOMMEND TO THE BOARD OF SUPERVISORS ADOPTION OF THE CARSON AREA 2004 TRANSPORTATION PLAN (1-0092)** - Community Development Director Walter Sullivan, Deputy City Engineer John Flansberg, Sue Newberry, Chad Macquarie, Penny Fairfield, Donna Curtis, Associate Planner Sean Foley- Mr. Sullivan's

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introduction included the procedural aspects of the process and an indication that the notification requirements had been met. Five positive votes are required for adoption of the plan. Vice Chairperson Peery pointed out that this will require a unanimous vote by the Commission unless Chairperson Wipfli or Commissioner Mullet arrive.

Mr. Flansberg explained the process used to develop the plan and indicated that it may be revised as deemed appropriate in the future to meet public needs. The Pedestrian Element will be developed with Federal MPO funds within the year. The proposed plan is a baseline for today and meets Federal requirements. There have been some public meetings on the bicycle element. It was developed in 2001. It will be revised based on recent public comments. The Airport Authority developed the Aviation Element several years ago. Justification for its inclusion was provided. He then reviewed the staff report on the Plan, including the late material and the need to add the portions of Douglas and Lyon Counties that are within the Carson Area Metropolitan Planning Organization (CAMPO) area to the plan. Copies of the plan are available to the public for \$40. All of the public comments received to date were recapped. Criteria for the placement of stop signs was provided. The comments on a need for a guard rail in Kings Canyon were forwarded to NDOT as it is a State roadway. Reasons a bicycle pathway was not included in the southern freeway plans were noted including the Board of Supervisors agreement with NDOT on the multi-use path along the northern portion of the freeway that requires removal or limitation of any bicycle/multi-use pathway along the southern portion of the freeway. The Board will have to provide staff with direction regarding the southern portion. The Parks and Recreation Commission's (P&RC) wording in the Bicycle Plan requires placement of a bicycle path along the southern portion of the freeway. It does not require the use of private lands to accomplish this pathway. The P&RC's concerns regarding the bicycle lane on Roop Street and the Roop and King Streets revisions were noted. The P&RC changed the language to require bicycle needs of other agencies. He then explained the questions on the Pedestrian Element and the public's desire to have it included in the Plan. Proposed revisions at Roop and Washington were limned and may address the public's safety concerns at this intersection. The comments on the freeway were recapped. Public support for a separate equestrian/nonmotorized crossing over the southern freeway was limned. (Chairperson Wipfli arrived at 3:56 p.m. Vice Chairperson Peery retained the gavel.) Attendance at the meeting was noted. Mr. Flansberg indicated that the bicycle plan will be reviewed in the future as part of the updated comprehensive transportation master plan. It will be reviewed by the Open Space Advisory Committee, P&RC, the Planning Commission, and the Board of Supervisors. The proposed plan is needed to meet Federal MPO requirements. It is substantially the same plan as had been adopted in 2001.

Discussion between Mr. Flansberg and the Commission explained the desire to get the Plan submitted to meet a July 1 Federal deadline. Mr. Flansberg expressed a willingness, if deemed necessary, to submit it by August 1. This will, however, delay access to Federal funds for planning and regional projects including the comprehensive master plan, the freeway, and transportation enhancement projects. The plan must provide for a 20-year span. The financial element will meet the community's needs and established funding levels. The Transit Element currently has Federal funding. Comments indicated that the motion could include timeframes for completion of the open sections of the Plan.

Discussion ensued between the Commission and Mr. Sullivan on the reasons the population estimates had been decreased, including State Demographer Jeff Hardcastle's reasons for feeling that the City's growth will slow down during the next 10 years. Staff believed that the growth rate will remain above the one percent rate.

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Mr. Flansberg explained that a traffic movement level of “D” is acceptable during peak service periods. It was felt that when the freeway is completed the service level may improve to a more acceptable level. Commissioner Kimbrough voiced his objection to a serve level of “E”. Justification for having extended the freeway to Fairview by 2005 in the plan was provided. The plan and modeling had been shared with NDOT. The need for CAMPO to address widening Highway 50 to Dayton was briefly limned. Discussion explained that Graves Lane/College Parkway/Edmonds is a ring road that needs to be connected to Arrowhead. Vehicle usage of Graves Lane/Edmonds to reach the Douglas County line and its commercial developments was detailed. Street improvements to handle this traffic were noted. It was felt that the freeway will handle this traffic in the future. Commissioner Kimbrough felt that the ring road improvements in this area were needed now as the current traffic is very heavy. Mr. Flansberg indicated that these improvements are not in the three to five-year plan at this time. A traffic study may show that it is needed sooner than originally believed. Discussion explained an agreement requiring NDOT to turn Carson Street over to the City. Commissioner Sedway suggested that diagonal parking along Carson Street be allowed at that time. Neighborhood objection to the extension of Ormsby Boulevard was noted. The development of Silver Oak may dictate when or if Ormsby is ever extended to the south. It is currently scheduled for development sometime between 2016 and 2025.

Vice Chairperson Peery pointed out to the Commission that Chairperson Wipfli was present and that a unanimous vote of the Commission would not be required to approve the plan.

(1-0690) Citizen comments were then solicited. Ms. Newberry, as President of Muscle Power, presented a copy of its position paper to the Commission. (A copy was not given to the Clerk.) She indicated that she had purchased a copy of the plan. She acknowledged the need to push it forward at this time for the MPO. She felt that the plan does not go far enough. She asked that her questions be submitted to the Board of Supervisors and CAMPO and that they not accept the plan and forget her questions. The importance of the goals and objectives was stressed. She questioned how the plan influences the entire modeling process? Whether the model would examine downtown traffic movements if parking and pedestrian traffic is allowed? How 30,000 vehicles a day on Carson Street will impact pedestrian and parking usage? Twenty-five percent of the current traffic on Edmonds is created by Carson Middle School students. She questioned the reasons for having bicycle lanes on Roop and Curry Streets? She felt that bicycle lanes will be on Highway 50 when it is widened to six lanes. These lanes should be noted throughout the document. Development of Fifth Street’s bicycle lanes is needed. The lack of a clear policy regarding the placement of a bike lane on “Lompa Ranch Road” was noted. The Ormsby Boulevard extension does not include bicycle lanes, a median, or pedestrian facilities. All streets should reference the inclusion or absence of such on street facilities. The pedestrian element on Page 64 under 7.2 references priority bike lanes, however, such a list does not exist. Muscle Power’s position is that the plan should not move forward without this listing and a timetable for the development of those priorities. She did not agree with using \$80,000 for inventorying the current pedestrian facilities. The plan should de-emphasize the inventorying. Policies, practices and standards in compliance with ADA requirements are more important. Page 66 indicates that curb ramps will be placed “where feasible”. The ADA requirements do no allow this flexibility. The importance of having a pedestrian element along the southern portion of the freeway was stressed. She urged reconsideration of the 2002 agreement with NDOT on the freeway. Justification for revisiting it was limned. Revisions delineating the trail plan being referenced in Policy A-9a and the funding on Page 82 of the document were suggested. She encouraged the handling of pedestrian and bicycle aspects of the Plan in the same fashion as had occurred with the vehicle portions. Until they are, she recommended that approval be delayed.

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Mr. Macquarie indicated that he is also a member of Muscle Power. Three years ago a bicycle path was included in freeway plans for the northern portion and is now being constructed. It was removed from the freeway plans south of Highway 50. A dedicated trail system enhances the quality of life within the community and increases property values. The freeway corridor provides a once in a lifetime opportunity for completion of the north/south nonmotorized trail network. It will connect facilities in the northern portion of the community with those in the southern portion. If the freeway does not include the trail, the opportunity for such a connection will be lost forever. The Planning Commission, P&RC, and Board of Supervisors need to reconsider the NDOT agreement. He urged the Commission to include the trail alignment in the plan.

Ms. Fairfield indicated that she is also a member of Muscle Power. Its weekly walks have had ninety people walk the City streets and sidewalks. The community needs and supports having safe places to walk. She urged the Commission to delay action on the Plan until the comments have been considered and the agreement with NDOT reconsidered. This is the only chance the City will have to do it right.

(1-0932) Ms. Curtis indicated that she is speaking as a private citizen and not as a P&R Commissioner. She thanked Mr. Flansberg for his assistance. Discussion between Ms. Curtis and Mr. Flansberg indicated that the map will be returned to the P&RC at a joint meeting with the Planning Commission. Ms. Curtis indicated that she, personally, had concerns regarding the Bicycle Element and the Trails Element. She felt that revisions will be made to these elements during the 18-month study by the consultants. This process may address her concerns.

Mr. Foley explained that the Plan is a policy statement that will run for 10 years. Mr. Flansberg indicated that it will be updated every five years. The proposed Plan is the baseline from which the City will start. Mr. Foley indicated that as such it does not have to include specifics nor is it set in concrete. Discussion indicated that Mr. Flansberg follows the bicycle plan when making improvements to City streets. Street improvements include doing street overlays. Examples illustrating the inclusion were provided. He felt that these examples clearly show that the City is following the Bicycle Element. The map illustrating areas where the Bicycle Element had been addressed will be included in the Plan. He reiterated that the proposed Plan is to be the baseline which will be built upon in the next 18 to 30 months. A comprehensive overall master plan will put all of the elements together.

Discussion ensued between the Planning Commission and Mr. Flansberg regarding the reasons the multi-use path along the southern portion of the freeway was removed. The arrows along the southern freeway illustrates staff's desire to have the path extended/connected in those areas. It may be possible to use the maintenance road as a multi-use path in those portions of the southern freeway which have a maintenance road. Reasons for having the bicycle path in the linear park and its connectivity were explained. Mr. Flansberg indicated that he will take Muscle Power's comments regarding inclusion of the multi-use path along the southern freeway to the Board of Supervisors for a decision. If the Plan is not adopted, it will halt all Federal funding for CAMPO until it is approved. Phase 1 of the freeway will be allowed to continue but no other projects.

Commissioner Kimbrough explained that he is a member of the Nevada State Bicycle Board. His concern about the lack of a bicycle path along the southern portion of the freeway was limned. His Board is advisory to the Governor. It was concerned about the Governor's signature on the NDOT agreement eliminating/restricting the bicycle path along the southern freeway. The Board has indicated an intent to

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write a letter to Carson City asking that, if the southern freeway route is not supported, the Plan include other ways to solve the issues as have been expressed regarding the equestrian and bicycle needs, accesses to community parks, etc. He understood how Federal timetables impact decisions and how things can be dropped unintentionally. The bicycle plan has some support for making the revisions in the near future but lacks a promise of being completed. He suggested that dates be included within the motion indicating when these elements will be revised. He also felt that strong wording should be used to the Board of Supervisors and NDOT urging them to reconsider the NDOT agreement restricting/eliminating the pathway. He felt that the new NDOT administration was open to such requests. Justification for his Board's decision to seek City assistance rather than go to the Governor was explained.

Commissioner Kimbrough moved to adopt the Carson City Planning Commission Resolution—. Following discussion regarding the need to adopt the Resolution and the addition of two whereas within the Resolution for the Bicycle Element, the Trails Element, approximate dates for their completion, the timeframe for the Board of Supervisors to review the multi-modal trail along the southern extension of the freeway project, and whether to use the term "completed by" or "initiated by", (1-1334) Commissioner Kimbrough moved to adopt Carson City Planning Commission Resolution Number 2004-PC-1, Item Number Miscellaneous-04-084, a Master Plan Element entitled "Carson Area 2004 Transportation Plan", an update of the 1999 Carson City Transportation Plan which includes the text, the graphs, the maps and specific objectives and policies as contained in the plan, including the five Appendices, based on the above findings, and, in addition to that motion, to change the wording in the Resolution, that: Whereas, the following will occur, the transit plan will be completed by June of 2005, the pedestrian element plan will be completed by October 2005, and the bike element will be completed by 2006, and one more element: Whereas upon review and motion by the Board of Supervisors they will review the agreement with NDOT on the southern extension for the pathway on the new segment of the Freeway. Following discussion on a requested amendment, Commissioner Kimbrough amended his motion to include March 2006 to the bicycle element. Commissioner Semmens seconded the motion. Motion carried 6-0.

Vice Chairperson Peery turned the gavel over to Chairperson Wipfli.

**G-2. SUP-04-041 - ACTION ON A SPECIAL USE PERMIT APPLICATION FROM THE ROBERT POLICHIO FAMILY TRUST (1-1375) -** Principal Planner Lee Plemel, Bob Polichio, Community Development Director Walter Sullivan, Cliff Sorensen, Jim Benson - Mr. Plemel's introduction stressed the need for the Commission to stick to the findings and not consider the merits of billboards. Commissioner Semmens questioned whether the indicated location is correct. His concerns regarding the location of a water line in that area and the billboard's impact on the neighbors' signs were noted. He also explained his traffic safety concerns with the billboard and its impact on the signal at Lompa and Highway 50. Commissioner Christianson suggested that the billboard be moved toward the rear of the site. This will eliminate its infringement upon the neighbor's sign and get it out of the highway right-of-way. Mr. Plemel explained that the accuracy of the drawing should be explained by the applicant. He also indicated that the conditions of approval require a separation from above and below ground utilities and that the billboard could not be in the easement. The City does not have a standard regarding the location of a billboard and traffic signals. Commissioner Semmens explained how he had obtained the 250-foot distance between the billboard and the Lompa signal. Mr. Plemel indicated that an NDOT permit will be required for the sign. This is a condition of approval. Commissioner Christianson expressed his belief that the photos illustrating the location are in error and not to scale.

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Mr. Polichio acknowledged that the representation may not be to scale. He had taken the pictures. His brother had imposed the rectangle on it relative to the size of his truck. Its location was indicated. The photos were taken from the property lines which made the billboard out of proportion when superimposed. Neither pictures had considered the Highway 50 traffic. He felt that the building permit process will determine the actual location, setbacks, height, size, shape, traffic signal locations, etc. If desired, he was willing to have a professional photograph created. Commissioner Peery suggested that the item be continued to allow a better presentation. Justification for his suggestion included the potential economic impact on his neighbors, the intrusion into the right-of-way, impact on the powerline, etc. Mr. Sullivan indicated that the continuance could be handled without an additional fee. Chairperson Wipfli expressed his desire that the Commission give Mr. Polichio clear direction on how it feels about the billboard. His record of supporting property rights and billboards was noted. The proposal was unclear. He was uncertain whether it could be located in an area that would not be detrimental to the neighbors. Discussion described what Mr. Polichio felt the sign would look like. Commissioner Peery suggested that a vertical sign be used as it would create less visual impact, reduce some of the congestion, and reduce the impact on existing signage. Mr. Polichio expressed a willingness to meet whatever standards the Commission imposes. Chairperson Wipfli explained that moving the sign back could reduce the impact on his neighbor's sign. Commissioner Christianson also encouraged him to take better photographs and provide a better correlation between the size, location, and visual impacts. He suggested a potential location for the billboard which he felt would reduce the negative impacts. Mr. Polichio explained that he had taken the photographs from the south side of Highway 50 which had further skewed the size and location. He repeated his intent to hire a professional to develop the photo-simulation. Chairperson Wipfli expressed his belief that a smaller size would also create less of an impact. Mr. Polichio indicated that he was willing to consider it. He also explained that the truck sign advertises the business now located at the site. The billboard will be used to advertise other businesses. Chairperson Wipfli explained that the billboard will impact the viewshed and the neighbors. Commissioner Semmens expressed his belief that Mr. Polichio had been asked to submit photographs at the last meeting. He felt that the Commission had not received what it wanted. Mr. Sullivan felt that the photograph does not match the site plans. Commissioner Peery suggested that a continuance be requested and that the applicant be asked to work with staff and the neighbors to find a compromise. Public comments should be accepted before a motion is made. Chairperson Wipfli concurred. Mr. Polichio explained that he had been solicited about locating a billboard on the site by more than one firm. He then requested a continuance. Public comments were solicited.

Mr. Sorensen explained the ownership of D&D Autos. They rent the space from Mr. Polichio. They had received Community Development's letter regarding the proposal but thought that it was another parcel as the address is 2794 and not 2974 as contained in the letter and on the agenda. He appreciated having the continuance. Additional public comments were solicited.

Mr. Benson explained the location of his business. His concerns with the size, location, and impact to his new facade were indicated. He had not seen the representations which were being discussed. He agreed to meet with Mr. Polichio about his concerns. Additional public comments were solicited but none were given.

Commissioner Peery moved to continue G-2, SUP-04-041, action regarding a Special Use Permit application from Robert Polichio Family Trust for a billboard. Commissioners Christianson and Semmens seconded the motion. Mr. Sullivan explained the need to have the information to staff within ten days or it would be agenzized for the July meeting. Mr. Polichio asked that it be put on the July agenda. Commissioner Sedway expressed his intent to oppose the motion due to his objection to the billboard location. Chairperson Wipfli

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indicated an intent to support the motion due to his belief that a billboard could be designed that he could support. The motion was voted and carried 5-1-0-1 with Commissioner Sedway voting Naye and Commissioner Mullet was absent.

Discussion between Commissioner Kimbrough and Mr. Plemel explained the need for findings to deny a billboard. A previous denial had been based on Division 4 which are not proper for this request.

**G-3. SUP-04-061 - ACTION REGARDING A SPECIAL USE PERMIT APPLICATION FROM PACIFIC PATHWAYS, LLC (1-2145)** - Principal Planner Lee Plemel, Applicant's Representative Robert Storey - Discussion between staff and the Commission explained the sign's proposed location adjacent to the Douglas County /Carson City line and questioned how approval of the sign complies with Finding No. 1 and Policy 2.3 by reducing visual clutter, enhancing Carson City's physical environment, reducing pedestrian and motorist hazards, and improving/enhancing the appearance and aesthetic qualities of the community. Commissioner Sedway felt that the District Attorney's comments had indicated that the Commission's findings are to be those under the land use/master plan elements and not those under the billboard ordinance.

Mr. Storey indicated that they had read the staff report and understood the billboard concerns. His experience in the field was described. He felt that the billboards provide benefits for local advertisers that are not available elsewhere. He purported to have a list of local businesses who want to advertise. The 100-foot setback was an attempt to avoid a conflict with the neighbors. They had considered future development from both the Douglas County and Carson City areas when deciding the location for placement. The condition mandating illumination of the sign is to prevent light pollution. The proposed light fixtures are "panel views" which direct the lighting to the panels. It lights only the panels and not the sky. The decks are mandated by OSHA for safety reasons. They plan to use solar lighting which is softer. They want to place it on the deck rather than the top. They can meet the other conditions. They agreed to place the sign away from any utilities and to address the other concerns.

Discussion between the staff and the Commission explained that previous Commission action had directed that the lighting be shielded and pointed downwards. The process allows the Commission to be more restrictive and require the shielding. The Code requires the lighting to be projected in a fashion that allows it to serve its main purpose and not glare onto adjacent property or right-of-way. There are light fixtures on the market which will accomplish the same goal. Lighting at the Hospital was used to illustrate that upward lighting has been permitted and used successfully. Mr. Plemel was not certain how the modern light fixtures work or whether they create a glare problem. Mr. Storey indicated that the proposed signage is the first one of its technology in Northern Nevada. Commissioner Christianson pointed out that staff could monitor the sign and ensure that light pollution does not occur. He felt that the signage used as examples had not yet been turned on. Chairperson Wipfli felt that the lighting should not pose a problem in view of the commercial development which is occurring around it. He also suggested that an additional condition be added requiring Mr. Storey to deal with the problem if the proposed LED panel view lighting does not work out. Mr. Storey agreed. He also indicated that the intent is to light only the sign's face. Commissioner Wipfli felt that the location is not "the darkest area of town". The City is very committed to having a dark sky as much as possible. Public comments were solicited but none were given.

Discussion between Commissioners Christianson and Sedway indicated that the closest billboard sign is 1400

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feet away. Commissioner Christianson moved to approve SUP-04-061, a Special Use Permit request from Pacific Pathways LLC to allow the placement of a 378 square foot billboard on property zoned General Commercial, located at 5853 South Carson Street, APN 009-304-06, based on seven findings and subject to the conditions of approval contained in the staff report with an additional item about the lights being that if the upward facing lights do not meet with the City's approval that he will find other ways to do it. Commissioner Peery seconded the motion. Commissioner Kimbrough explained that he will vote Naye. Most communities work hard to eliminate billboards in their communities. Every time he is at a meeting a billboard situation is again presented. He understood the rules requiring 1,000 feet between billboards and the attempt to accommodate the industry, which he supports. He felt, however, that Carson City has many advantages created by not allowing so many billboards at the gateway. He cannot find, as Commissioner Sedway had cited, and has never been able to find in the findings that it meets the requirement, in fact, that it will encourage reduction of visual clutter. The location is perhaps the heaviest bill boarded area. It is just past the carlots that are at that end of the City. It is a gateway for people coming into the community. He will vote Naye due to that finding. Commissioner Semmens explained that, regarding the picture of the Slot World billboard, if the Commissioners had personally looked at it, they would have observed that the Slot World side is beautiful. The back side, however, is painted grey. It does not have a billboard on it. It is grey wood. No one has leased that portion of that particular billboard on Highway 50. Commissioner Sedway indicated that his decision is not based on his personal preference about liking or not liking billboards. It has everything to do with the burden of proof being on the applicant to make the findings as they were written. He would grant the fact that it might have an economic value. The Board of Supervisors approved these particular findings, which must be met. He did not think that a billboard would meet finding number one. It is that simple. Chairperson Wipfli felt that the proposed billboard may be a textbook case of someone doing the best he could to put it back off the road. The height is fine even if the hill blocks it. As far as visual clutter is concerned, visual clutter is relative. A five-story building is visually cluttering. All of the storage sheds are cluttering. He felt that the application met all of the criteria and he will support it. The motion was voted by roll call with the following result: Sedway - No; Peery - Aye; Semmens - Naye; Christianson - Aye; Kimbrough - Naye; Wipfli - Aye. Motion failed on a 3-3-0-1 vote. (Commissioner Mullet was absent.) Commissioner Sedway indicated that he could not support Findings 1, 2, and 7.

Mr. Sullivan explained the need to have the Naye findings on the record. A tied vote is typically considered a motion for denial. Special Use Permits are appealed to the Board of Supervisors for further review. The applicant must file an appeal with the Department within 10 days. The record will show the Commissioners' reasons for their votes.

**G-4. SUP-04-067 - ACTION ON A SPECIAL USE PERMIT APPLICATION FROM RICHARD CAMPAGNI (1-2672) - Senior Planner Jennifer Pruitt, Applicant's Representative Cliff Sorensen - Mr. Sorensen explained the reasons for needing to change the signage. Public comments were solicited but none were given. Commissioner Christianson moved to approve SUP-04-067, a Special Use Permit request from Richard Campagni, Carson City Toyota, to increase the permitted sign height for a secondary freestanding sign from 6 feet to 24 feet and an increase in total on-site sign area on site to 718 square feet located at 3659 South Carson Street on APN 009-122-04 based on seven findings and subject to the conditions of approval as contained in the staff report. Commissioner Semmens seconded the motion. Motion carried 6-0.**

**G-5. VAR-04-072 - ACTION ON A VARIANCE APPLICATION FROM JEFFREY**

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**FONTAINE (1-2796)** - Community Development Director Walter Sullivan, Jeffrey Fontaine - Mr. Sullivan's introduction included noting that the abandonment of a public utility easement has been completed but not recorded. Mr. Fontaine explained that he and his wife own the property. Reasons for needing the variance were described. Their neighbors support the request. He had read the staff report and agreed to it. Public comments were solicited but none were given. Commissioner Semmens moved to approve VAR-04-072, a Variance request from Jeffrey and Sohyla Fontaine to allow a reduction in the rear yard setback requirement of 10 feet to 5 feet for the expansion of a single family dwelling located at 400 Bunker Hill Drive, APN-003-334-13, based on three findings and subject to eight conditions of approval contained in the staff report. Commissioner Christianson seconded the motion. Motion carried 6-0.

**G-6. RECESS THE PLANNING COMMISSION AND CONVENE THE GROWTH MANAGEMENT COMMISSION (1-2952)** - Chairperson Wipfli recessed the Planning Commission and immediately convened the Growth Management Commission. (For Minutes of its meeting, please see its folder.)

**PLANNING COMMISSION (2-0002)** - Chairperson Wipfli recessed the Growth Management Commission and immediately reconvened the Planning Commission. A quorum of the Commission was present although Commissioner Mullet was absent.

**RECESS:** A recess was declared at 6:19 p.m. A quorum of the Commission was present. Commissioner Mullet was absent as indicated. Members of the Parks and Recreation Commission who were present were: Vice Chairperson DePauw and Commissioners Curtis, Felesina, Herst, Hoffman, Livermore, McKenna and Patton.

**G-7. JOINT PUBLIC HEARING WITH THE PARKS AND RECREATION COMMISSION (P&RC) - CONVENE THE PARKS AND RECREATION COMMISSION AND DETERMINATION OF A QUORUM OF THE PARKS AND RECREATION COMMISSION (2-0001)** - Vice Chairperson Donna DePauw convened the P&RC Commission. Roll call was taken. A quorum was present although Chairperson Tom Keeton was absent.

**A. PRESENTATION AND DISCUSSION ONLY REGARDING PLANNING COMMISSION'S (PC) AND PARKS AND RECREATION COMMISSION'S ROLES IN AMENDMENTS TO THE CARSON CITY MASTER PLAN OR MASTER PLAN ELEMENTS (2-0035)** - Community Development Director Walter Sullivan, Principal Planner Lee Plemel, Parks Planner Vern Krahn - The roles of the Commissions were described. Mr. Krahn indicated that P&RC will be intimately involved in its elements. The final draft of its elements will be approved by the P&RC before being considered by the PC. The Board of Supervisors then considers the elements. Mr. Sullivan explained the Master Plan amendment process. Amendments are submitted to the PC before going to the Board of Supervisors. Public comments were solicited but none were given.

**B. ACTION BY THE PARKS AND RECREATION COMMISSION TO RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF A SCOPE OF WORK FOR THE COMPLETION OF A PARKS AND RECREATION ELEMENT UPDATE (2-0221)** - Parks Planner Vern Krahn, Senior Planner Lee Plemel - Discussion indicated that the scope of work will include Senior Olympics, the pavilion, and items other than just sports. All aspects of recreational opportunities at the City facilities

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will be studied. They make a difference to the community and need to be defined. The economic portion of the scope of work will be expanded to allow inclusion of these opportunities. Justification was provided for including the scope of work and trail implementation plan within the study. It stressed the P&RC's need to provide connectivity on a countywide basis for the trails network. This requires identification of needed parcels and will provide an integrated program with the street/roadway element as well as the Capital to Capital and other trail programs. The public meetings on the P&RC elements will "dovetail" with PC Master Plan public meetings. Staff will attend these meetings. Mr. Winston's timeline will include trail implementation dates. The estimated timeline for the meetings were limned. It was felt that the entire process will take between 18 months and two years to complete. During that time the Question 18 projects will continue to be worked on. Examples of its projects were noted. These projects are considered a part of the P&RC element update. Commissioner Livermore explained that the commitments made to the electorate when voting on Question 18 had provided the ability for the projects to reflect community needs of the future. The funding element will not sunset unless repealed by the voters. Consideration needs to be given to the appropriateness of the projects and how they will be used. He had not been aware of the ability to use Question 1 funds. He suggested that the Question 1 funds be used to match the Question 18 funds to maximize the City's uses and vice versa. His support for the Master Plan and the P&RC element was based on this ability. Commissioner Christianson explained his vision of the community including his belief that the Fairgrounds and Fuji Park should be relocated to the City's eastern portal and their current sites commercially developed. Commissioner Curtis reiterated the comments she had made earlier as a private citizen and now as a Commissioner regarding the Transportation Element, the Bicycle Plan, and the Unified Trails Implementation Plan. She believed that the questions on the Bicycle Element have not been answered and should be at this time rather than wait five years for reconsideration. Public comments were solicited but none were given. Commissioner Hoffman moved to recommend to the Board of Supervisors approval of a scope of work for the completion of a Parks and Recreation Element update. Commissioner Curtis seconded the motion. Motion carried 8-0.

**C. ACTION BY THE PLANNING COMMISSION TO RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF A SCOPE OF WORK FOR THE COMPLETION OF A COMPREHENSIVE MASTER PLAN UPDATE (2-0535)** - Principal Planner Lee Plemel, Community Development Director Walter Sullivan - Public comments were solicited but none were given. Mr. Sullivan explained the proposal to update of the BLM Urban Interface Plan during the Comprehensive Master Plan update. This is the first update that has been considered for that area. BLM's staff intends to attend the City's public meetings to present their planning efforts. This means that there will be three processes occurring at the same time-PC, P&RC, and BLM processes. There will be "lots of areas" where the public can obtain information on these processes. The informational media includes newsletters, chat rooms, website, and CAT-10 and 26. The PC and P&RC will be the major public groups in these efforts. Periodic updates will be provided to the Board of Supervisors. Commissioner Peery moved to recommend to the Board of Supervisors approval of the scope of work for the Carson City Master Plan update as presented by staff. Commissioner Semmens seconded the motion. Motion carried 6-0.

**D. RECESS THE PARKS AND RECREATION COMMISSION (2-0669)** -Commissioner Livermore moved to adjourn. Vice Chairperson DePauw seconded the motion. Motion carried 8-0. Vice Chairperson DePauw adjourned the meeting at 7:07 p.m.

RECESS: A recess of the PC was declared at 7:07 p.m. A quorum of the PC was present when Chairperson

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Wipfli reconvened the meeting at 7:16 p.m. Commissioner Mullet was absent.

**G-8. ZCA-04-083 - ACTION ON A ZONING CODE AMENDMENT TO AMEND THE CCMC SECTION 18.03.010 (2-0670)** - Principal Planner Lee Plemel, Community Development Director Walter Sullivan, Chief Deputy District Attorney Mark Forsberg, Supervisor Ward 3 Pete Livermore, Al LeBalch, Sierra Pacific Power Company Land Use Consultant Bill Bennett, John Nunez - Mr. Plemel's introduction included explaining that extra copies of the staff report had been distributed to the audience and copies are available at the back of the room. He also pointed out a clerical error in the attached ordinance. The utility substation should be bracketed and struck to indicate that it is being deleted. Mr. Sullivan explained the request for a revision and thanked Mr. LeBalch for his input. Some of his suggestions were included in the ordinance. Mr. Sullivan pointed out that the Code amendment will impact the entire LI area. It is a citywide amendment and is not tied to any one specific site. Clarification emphasized that a special use permit will be required for a substation in the LI zone if the ordinance is adopted. It will no longer be a permitted use. The use will not be allowed in the Public Neighborhood zone. The effective date of the ordinance, if adopted by the Board of Supervisors, was described. Any utility substation constructed in the LI district after that date will need to have a special use permit. The proposed substation on Fairview may not have to have a special use permit if the engineering or building permits are obtained before that date.

Commissioner Sedway pointed out that the Fairview LI abuts a residential district. This creates a friction zone. Minimum setbacks may need to be required for such friction areas. He felt that it would not be possible for substations in such friction zones to meet Findings 2, 6, and 7. Discussion between the Commissioner Sedway and Mr. Sullivan indicated that staff had not considered performance standards. The special use permit process requires the applicant to prove the need and establishes the standards. The normal setback for LI uses abutting a residential district is 50 feet. Additional performance standards can be required during the special use permit process. A Walmart special use permit was cited as an example of how this occurs. Commissioner Sedway believed that additional or more restrictive setback requirements should be included in the Code at this point rather than through the special use permit process. He felt that better guidelines are set at this stage than during the public meetings. He also questioned the need for additional substations and asked the applicant to advise the Commission on the maximum number that would be constructed in the City. Chairperson Wipfli pointed out that this is not part of the agenzized item. He questioned whether Commissioner Sedway was establishing the setback for only electrical substations or for all utility substations. Mr. Forsberg indicated that in order to approve expansion of the setback requirement, the item will have to be reagenized and noticed. Discussion, however, can occur. Commissioner Peery felt that the merits of the special use permit should consider the matter on a case-by-case basis. Adoption of too many restrictions and/or timeframes could paint the Commission into a corner when buildout is reached. Variances will then be required as space will be limited and the established setbacks will be unattainable. He encouraged the Commission to leave the setbacks as they presently are. Chairperson Wipfli pointed out that the term "substation" is very broad and includes a sewer pump in the street and a well at Sunset Park. He supported Commissioner Peery's comments. He agreed to reagenize the matter if the Commission desired. Additional comments for staff were solicited but none were given. He then asked that public comments be concise and remain within the five minute timeline. Public comments were then solicited.

Supervisor Livermore explained his request that the Code be revised and reasons for the request. He pointed out that Sierra Pacific had committed several years ago to return to the City with a master plan in two years. It had not materialized. He also noted statements that were made in public meetings indicating that two or

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three additional substations were needed in the community. Growth creates the need for these substations. Population estimates, however, indicate that they will need at least four more substations. Concerns regarding whether additional substations will be constructed in Carson City to meet growth in adjacent counties and on the Fairview substation plans and location were noted. The proposal will provide a “level playing field” for the Company and the residents of Carson City. A hearing is not required for permitted uses. A special use permit allows a hearing on conditional uses. Clarification indicated that he supported the revision as drafted and reiterated the need for a utility master plan. An alleged reason the Company failed to submit one was indicated. Commissioner Christianson urged the Company to develop a master plan. Discussion ensued on the reasons substations could be targeted by terrorists was noted. Supervisor Livermore felt that the threat was a “stretch” and questioned whether there is a real terrorist issue. Additional public comments were solicited.

Mr. LeBalch thanked staff for addressing his issues. He then explained his belief that the entire City should have been noticed about the proposed ordinance change. Mr. Forsberg indicated that he “felt good about the notification” that had been given. Chairperson Wipfli indicated that the notification would “stay”. Clarification indicated that the ordinance will correct the discrepancy between the GI and LI uses. Mr. LeBalch felt that the Company’s planning was poor and that they had failed to look at the Code and the Master Plan and determine where the frictional zones were. Commissioner Christianson explained that they had not read the Code in the same manner as Mr. LeBalch had. Discussion explained that the conflicts in the LI and GI Code that Mr. LeBalch had referenced were addressed in the ordinance, that the Fairview site the Company is placing a substation on was zoned LI in 1978, and how the current definition of a utility substation was created and used during the last 26 years. Mr. Forsberg also explained how the court views issues similar to the LI and GI conflicts. He indicated that the Code should be read in its entirety and applied in that fashion. He, therefore, opined that the current Code indicates that a utility substation is a permitted use in LI. Mr. LeBalch reiterated his contention that the utility substation is not listed in LI. It is listed in GI as a conditional use. An exclusionary clause removed it from LI. He reiterated that the conflicts are with tattoo parlors and substations only. Chairperson Wipfli explained that he would support the District Attorney’s opinion. The Board of Supervisors will review the matter further. Mr. LeBalch alleged that Sierra Pacific had admitted that their use does decrease property values in its application for the Arrowhead substation. Chairperson Wipfli indicated that he would personally agree, however, the Company was doing a good thing by requesting a special use permit. The proposal will require the company seeking a special use permit to explain their case better. The District Attorney’s interpretation of the Code should be adhered to. Mr. LeBalch indicated that he also supported the interpretation, however, the current situation could go either way.

Mr. Bennett explained that the Company is experiencing a growth rate of between 3.2 and 4.4 percent. Fairview was the first need targeted in the electrical master plan for 2004-2005. At the current rate of growth it is predicted that seven transformers will be needed by 2023 or 2030. Actual construction will depend upon the actual growth rate. He also indicated that the master plan includes more details. He was not present to support or refute the proposed ordinance change. He reiterated that the ordinance revision was a result of a proposed substation on Fairview at a site that abuts a residential district. The City had required additional mitigation measures as a buffer. The Company prefers to avoid such frictional zones when possible. He alleged that the Company had selected that site seven or eight years ago. It was surprised to learn of the concerns. He indicated that there “is more to the story than has been told” and that he would provide additional facts to the Commission. The energy that is being created at the site will be used in Carson City.

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Less than three percent of that energy will be sent elsewhere unless there is an emergency. An emergency was defined as a major event that is different than the normal day-to-day demand. Discussion reiterated that the resource would be used in the community except during an emergency shortage elsewhere and that seven additional substations are required to meet the community's growth for the next 30 years. The Company's master plan will attempt to plan the location of those substations. Mr. Bennett indicated that the master plan will be completed by October and that the City should receive it soon. Discussion also explained that the Company reviews its master plan on a biennial basis. Mr. Bennett also explained that he was not involved with the Arrowhead substation or commitments that were made as a result of it. Therefore, he could not comment on them. The master plan should be completed by October and will be submitted to the City soon. Chairperson Wipfli indicated that the agenda did not allow the Commission to place a stipulation upon the Company mandating that the power created at the Fairview substation will be used in Carson City. Mr. Forsberg also indicated that the agenda would allow some discussion of the history and agreed that the appropriateness of the Fairview Drive substation should not be discussed at this time. He urged the Commission to limit the scope of the discussion accordingly. Chairperson Wipfli concurred. Additional public comments were solicited.

(2-1745) Mr. Nunez explained his wish that the special use permit process had been part of the Code when the Company first looked at the Fairview Drive site. The substation allegedly will be within 51 feet of his home. Several meetings had been held on the substation. Efforts to relocate it were unsuccessful. Several appraisers have purportedly indicated that the residential property values will drop between 14 and 20 percent as a result of the substation. Health and safety issues with the equipment were noted. Chairperson Wipfli asked that his remarks be about the Code amendments and not the Fairview substation. Mr. Nunez indicated that the ordinance will not help the residents. Chairperson Wipfli indicated that the ordinance will provide more leverage in dealing with the Company in the future. Mr. Nunez expressed the hope that it is not placed in anyone's backyard again. Additional public comments were solicited. None were given.

Discussion between Commissioner Kimbrough and Mr. Sullivan indicated that small transformers/generators required by some GI businesses do not fit the definition of a substation. The description of a substation was read. Mr. Sullivan then explained his interpretation of a utility substation which would reduce a high level of electrical energy to that required for distribution.

Commissioner Kimbrough moved to recommend approval of ZCA-04-083 to the Board of Supervisors, a Zoning Code Amendment modifying the Carson City Municipal Code Title 18, Zoning, Section 18.03.010, Definitions, to delete the definition for "Electrical Distribution Substation"; to modify Sections 18.04.145, Limited Industrial, and 18.04.150, General Industrial, to change "Utility Substation" from a primary permitted use to a conditional use requiring a special use permit; to modify the purpose statement of Section 18.04.145, Limited Industrial; to modify Sections 18.04.125, Downtown Commercial, 18.04.140, Tourist Commercial, 18.04.155, Air Industrial Park, and 18.04.170, Public, to include "utility substation" as a conditional use requiring a special use permit; to modify Sections 18.04.125, Downtown Commercial, and 18.04.140, Tourist Commercial, to add "municipal well facility" as a conditional use requiring a special use permit; to modify Section 18.04.175, Public Neighborhood, to note that "utility substation" is a prohibited use within the Public Neighborhood (PN) zoning district; and other clerical and typographical corrections to these Sections based on the findings contained in the staff report. Commissioner Semmens seconded the motion. Motion carried 6-0.

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Chairperson Wipfli gave the gavel to Vice Chairperson Peery.

**H. STAFF REPORTS (2-1920)**

**H-1. DISCUSSION ONLY ON OPEN MEETING LAW REQUIREMENTS** - Community Development Director Sullivan requested the item be continued to a date when the new Commissioners are present. Vice Chairperson Peery ruled the item tabled.

**H-2. REPORT ON BOARD OF SUPERVISORS ACTION ON PRIOR PLANNING COMMISSION APPLICATIONS (2-1935)** - Community Development Director Walter reported on the Board's action regarding the Carmine Street zoning amendment. Its subdivision will be submitted soon. A meeting with an adjacent neighbor, Jan Baldwin, regarding the subdivision was briefly noted. The action/status of the development standards for nonresidential district condominiums, the temporary use of RVs/trailers while caring for the infirmed, and the Growth Management Resolution revision were described.

**OTHER MATTERS (2-1978)** - Commissioner Christianson thanked Mr. Forsberg for his attendance and sage advice. Mr. Forsberg explained his professional conduct when providing legal advice and that his duty is to interpret the law. Chairperson Wipfli thanked him for his clear direction.

**I. ACTION TO ADJOURN (2-2030)** - Chairperson Wipfli then moved to adjourn. (Vice Chairperson Peery had the gavel.) Commissioner Semmens seconded the motion. Motion carried 6-0. Vice Chairperson Peery adjourned the meeting at 8:24 p.m.

The Minutes of the May 26, 2004, Carson City Planning Commission meeting

ARE SO APPROVED ON February 23, 2005.

/s/  
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John Peery, Chairperson