

CARSON CITY PLANNING COMMISSION

Minutes of the July 31, 2002, Meeting

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A regularly scheduled meeting of the Carson City Planning Commission was held on Wednesday, July 31, 2002, at the Community Center Sierra Room, 851 East William Street, Carson City, Nevada, beginning at 3:30 p.m.

PRESENT: Chairperson Allan Christianson, Vice Chairperson Richard Wipfli, and Commissioners Gayle Farley, Mark Kimbrough, John Peery, and Roger Sedway

STAFF PRESENT: Community Development Director Walter Sullivan, Parks and Recreation Director Steve Kastens, Chief Deputy District Attorney Mark Forsberg, Deputy District Attorney Jason Woodbury, Senior Planner Lee Plemel, Senior Engineer Rob Fellows, Recording Secretary Katherine McLaughlin, and Associate Planner Jennifer Pruitt (P. C. 7/31/02 Tape 1-0001)

NOTE: Unless otherwise indicated, each item was introduced by the Chairperson. Staff then presented or clarified the staff report/supporting documentation. 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 -

Chairperson Christianson convened the meeting at 3:30 p.m. Roll call was taken. A quorum was present although Commissioner Farley did not arrive until 4:20 p.m. and Commissioner Pedlar was absent. Commissioner Kimbrough led the Pledge.

B. APPROVAL OF MINUTES - REGULAR MEETINGS OF 5/29/02 AND 6/26/02, THE SPECIAL MEETING OF 7/11/02, AND THE 5/29/02 GROWTH MANAGEMENT MINUTES (1-0016) -

Commissioner Wipfli moved to approve the Minutes as read. Commissioner Kimbrough seconded the motion. Motion carried 5-0. Clarification of the motion indicated all four sets of the Minutes were to have been approved.

C. PUBLIC COMMENTS (1-0030) - Robert Luce questioned whether the Commission had any control over the failure of a developer to complete the landscaping and infrastructure developments around the Long Street estates. Chairperson Christianson indicated that the Commission does have control over these items. Mr. Lewis then explained that he had been to the Parks Commission and wished to speak to the Planning Commission on his concerns. He gave the Commission and Clerk a copy of his remarks. (A copy is in the file.) Purportedly JS Development and Syncon Homes are in the final portion of their development. Mr. Lewis felt that they had failed to complete the landscaping or the grading and capping of the sidewalks. His attempts to have the staff address the problems had resulted in a letter to the engineer. (A copy is included in the file.) Photographs purportedly showing the areas of concern were given to the Commission. (A copy was not given to the Clerk.) He felt that the developer should be sanctioned. He asked that the matter be agenized for the next meeting. Community Development Director Sullivan agreed to agenize the item for the August meeting and indicated that a report will be given to the Commission. Additional comments were solicited but none were given. No formal action was taken or required.

D. AGENDA MODIFICATIONS (1-0121) - A continuation request had been received from the applicant for Item G-7, A-02/03-3, a temporary extraction application. Comments will be received from the public. Item G-8, the fee structure for Planning Commission items, will be continued to a future meeting. A recess was

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requested between Items G-1 and G-2 so that staff could setup the displays.

E. DISCLOSURES (1-0145) - Commissioner Wipfli explained that he had met with Commissioner Farley, the owners of Cinderlite, and Cindy Howard and had toured the Cinderlite extraction pit. Commissioner Sedway indicated that he will recuse himself from Item G-4. Chairperson Christianson explained that he had declined Cindy Howard's invitation to tour the Cinderlite extraction pit due to his belief that there would be plenty of information from staff on this item.

F. CONSENT AGENDA (1-0158) - P-02/03-1 - ACTION ON A TENTATIVE MAP APPLICATION FOR A PUD FROM STEVE SELINGER - Discussion clarified the Consent Agenda item. Public comments were solicited but none were given. Commissioner Wipfli moved to continue Item F-1 and approve the Consent Agenda as read. Commissioner Peery seconded the motion. Motion carried 5-0.

G. PUBLIC HEARING

G-1. A-02/03-1 - ACTION ON AN ORDINANCE AMENDING CARSON CITY MUNICIPAL CODE SECTION 18.03.010 (1-0195) - Senior Planner Lee Plemel, Community Development Director Walter Sullivan, Applicant Carol Dotson, Russ Smith, Michael Zola, Tim Van Meter, Tom Keeton, Don Patton, Dorcy Hoffman, John Anderson - Mr. Plemel's introduction stressed that the merits of the request should be discussed and not a specific application, project or location. The public's contacts regarding the notice were limned. Discussion between the Commission and Mr. Plemel indicated that the SF6000 zoning district is the smallest residential lot with the highest population around it. The other zoning districts were not included in the ordinance but could be in the future. This location will allow the facilities to serve more people from the immediate neighborhood. A comparison of the definitions for a childcare facility and the proposed youth recreational facility and the justification for restricting the youth facility to nonprofit organizations were discussed. Commissioner Sedway felt that there was little difference between a childcare facility and the proposed youth recreational facility. Staff felt that the difference was in the type of programs offered. Commissioners Sedway and Peery felt that a different zoning district should be used to allow additional space for the children and lessen the impact. Commissioner Peery also felt that the facilities should be located in the general and industrial zones rather than the neighborhoods.

Ms. Dotson displayed a zoning map which indicated the location of the SF 6,000 zoning districts. Her clients want to put recreational facilities in the community but have been limited by the regulations. Currently they can be placed in General Industrial and Limited Industrial areas by right and in the Retail Commercial, General Commercial, and Public zoning districts with a special use permit. The General Industrial and Limited Industrial areas were felt to be locations that are not appropriate for youth activities. They had studied the regulations in other areas and found that a majority of the facilities are allowed in the denser districts as that is the area where the need and the children are. It provides the children with the ability to walk or ride their bicycles to the facility to attend the after school learning programs. It is difficult for the children to reach the facility when located in the general and limited industrial areas. The use is similar to the schools and churches which are also found in the SF6000 area. The special use permit will allow the neighborhood to discuss the location and determine whether it is appropriate on a case-by-case basis. A change in the zoning to a commercial designation, if allowed in the SF6000 district, was felt to be spot zoning which is an inappropriate use of the zoning regulations. The concerns of theft, loitering, and troubled teens are addressed

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through the programs provided at the facilities which create a team building atmosphere, positive development and career paths for the youths. Therefore, these problems do not appear to be a concern to the surrounding neighborhood. The youth who are participating in the program are very involved in the activities and wish to attend.

Discussion between Ms. Dotson and the Commission indicated the children who attend the facility are between school age and 18. Only the 16 to 18 year olds drive themselves to the facility. Under the concept the YWCA and YMCA would be allowed. There are a lot of youths walking and bicycling to the facility. There are not a lot of teenagers driving to the facility. The outdoor recreational uses vary according to the size of the lot. They can be both passive or active. Examples of the uses were provided. The need for education on the programs and justification for the location were indicated. Commissioner Wipfli suggested that the use be provided at the schools as they are already developed and have the swings and lawns. He preferred to have the use at the proposed site for the Boys and Girls Club but did not want to see it spread out throughout the community on SF6000 lots. Ms. Dotson agreed that the use may not be developed on an SF6000 square foot lot. It will probably require a larger lot but the zoning would be SF6000. She also explained that the programs are in the schools and are provided by Parks and Recreation/the Community Center but additional space is needed. Commissioner Wipfli urged her to work with the Parks Department and expand those programs. Ms. Dotson requested an opportunity to prove that the use could be compatible with the SF6000 lots as provided under the special use permit process. (Commissioner Farley arrived at 4:20 p.m. A quorum was present as indicated although Commissioner Pedlar was absent.) Ms. Dotson explained that the proposed definition had been taken from either the Urban Land Institute or the American Planners Association and includes a caveat that it must be a nonprofit use. This will put the commercial facilities in a commercial district. The special use permit requirements were described. Clarification indicated that the definition is a general definition and not based on the current Boys and Girls Club or their activities. Commissioner Sedway voiced his concern about having the use in the SF6000 area due to his feeling that the definition was the same as for a childcare facility. Ms. Dotson felt that the childcare facility is based on square footage per child and regulated very carefully by State laws. The proposed facility is a recreational program which is set for leisure time, team building and learning activities and not that of an institutional care giver. They could have a shared facility but there is a definite difference between the two operations.

(1-0865) Public comments were solicited. Clarification for Mr. Smith indicated that a group home is already permitted in the SF6000 district with a special use permit. Mr. Zola questioned the reasons he had been noticed as he has more than an acre. He was also concerned that the use would allow a young adult facility and would need multiple lots to handle 20 to 30 children. He suggested that staff limit the number of properties which could be acquired for this use. He agreed that some children will walk or ride their bicycles but teens have cars and will need parking and unloading spaces. This could pose an impact on the neighborhood. He did not wish to have the use allowed throughout the community. It should be tied to the schools and churches. Clarification for Mr. Van Meter indicated that once the Code is revised the use would be allowed with special use permits and noticing for any nonprofit organization submitting an application. Mr. Keeton felt that there are lots of parks and schools that could be used for this purpose. Teenagers are active and noisy. There will be cars and a need for parking. There are an adequate number of other locations that they could use for this purpose, i.e., the high school, middle schools, grades schools, etc. The use should not be allowed throughout the community. A variance for one specific site should be allowed. Mr. Sullivan explained that variances could not be granted for this purpose in Carson City. The use must

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be permitted, an accessory use, or a conditional use. Mr. Patton felt that the use would not be appropriate adjacent to a senior citizen residential facility as it would be too noisy for the residents. Other cities are different from Carson City and should not be used as examples. The SF6000 district is basically a blue collar area. He also felt that the issue was "political". Mr. Hoffman expressed his desire to support youth facilities and complimented Carson City and City staff on their planning efforts. Urban sprawl is occurring and additional planning is needed. There are a lot of open areas that are more suited for the proposal than the dense neighborhoods. His residence is behind the Armory. He did not have a problem with the light commercial uses allowed adjacent to it but felt that the energy and curiosity of the youths could pose a problem as there are a lot of seniors residing in that area. Their streets are wide enough to handle the traffic impact but there is no street lighting in the neighborhood. He and his neighbors opposed the proposal. Mr. Anderson felt that the concern is related to the proposal to allow an additional use in the single family neighborhoods similar to the schools. The use will require a special use permit which will allow the neighbors to discuss their fears and concerns. It will allow the land to be used to the greatest extent possible as the community continues to grow out. The proposal will allow a use that is already provided. Additional comments were solicited but none were given. Public testimony was closed.

Ms. Dotson acknowledged the concerns that had been expressed regarding a new and different use in the neighborhoods. The special use permit process will address these concerns. Justification for placing the use in the SF6000 neighborhoods was reiterated.

Commissioner Wipfli expressed his support for including the use in new subdivisions as growth occurs. He felt that impacting the entire City was wrong. He reiterated his belief that additional education needed to be provided. He was willing to consider a zone change. He also felt that the use had not been well defined. He could not support the proposal if allowed throughout the community. Commissioner Farley disclosed her involvement with the Boys and Girls Club Board. She hoped that the residents would work with staff and the Club as the facility is needed. Its growth and need for a new location has been in the media for several years without there being any negative comments regarding its relocation plans. She asked staff to look for additional alternatives and reminded the public that the youth are the future. Commissioner Peery acknowledged that the youth are the future and indicated that he could not support the proposal as written. He felt that there is adequate zoning to address the issue without changing the Code. There are a lot of areas where the use could be placed without changing the language. He also pointed out that the older youths are more capable of organized activities than the younger youths who would be found in child care facilities. Chairperson Christianson reminded the Commission that the Code revision will allow consideration of the use to occur through the special use permit. The specifics of that application are to be addressed at that time. He felt that a denial would be a slap in the face of the Club and indicated that he would vote to support the change.

Mr. Sullivan indicated that staff understood the Commission's concerns. He asked that the applicant if she would agree to a continuance to allow staff, the public, and the applicant additional time to work through the concerns which included a better definition of the purpose and provides buffers and setbacks. The use may require five to ten acre parcels and not the SF6000 as suggested. Traffic is another concern as well as the movement of children to and from the site. Staff will work with the public and the applicant to address the concerns.

Commissioner Wipfli indicated that he would only support the concept if placed on a larger lot. He urged the

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applicant and staff to rework the proposal. Ms. Dotson requested a continuance and indicated a desire to add more specifics to the concept as well as performance standards. She will explore the definition more thoroughly in the hope of meeting the goal. Commissioner Sedway apologized for having placed Ms. Dotson and her client on the spot. He also expressed his desire to support the concept as he felt that the special use process was the appropriate clearinghouse for the issues. He pointed out the concerns which are repeatedly expressed about childcare facilities and their impact on the neighborhood. It will be difficult to address these issues. Discussion ensued among the Commissioners regarding the number of youths who drive to the current site. Chairperson Christianson explained that his personal knowledge of the site indicated that few if any of the youths attending the facility drive. Ms. Dotson indicated that she would check into the matter. Commissioner Kimbrough explained his difficulty with the definition and requested it be clarified. Ms. Dotson reiterated her request for a one month continuance and invited the public and Commission to participate in the process. Mr. Sullivan asked the public to attend the next meeting on August 28 as he did not propose to renote the community. He also asked the public to contact his office with any concerns and/or to obtain copies of the agenda/staff report. Commissioner Peery expressed the hope that reconsidering the application may have a positive outcome. Commissioner Wipfli moved to continue Item G-1 until the next scheduled meeting in August. Commissioner Peery seconded the motion. Motion carried 6-0.

RECESS: A recess was declared at 4:50 p.m. A quorum of the Commission was present when Chairperson Christianson reconvened the meeting at 5:05 p.m. (Commissioner Pedlar was absent as indicated.)

G-2. U-02-03/1 - ACTION ON A SPECIAL USE PERMIT APPLICATION FROM JOSE PABLO VALLES (1-1318) - Senior Planner Jennifer Pruitt, Jose Pablo Valles - Ms. Pruitt's introduction included photographs illustrating the location, present uses, and topography. An amended motion correcting the address was distributed to the Commission and Clerk. (A copy is in the file.) Mr. Valles explained that it is horse property with over an acre of land. He needed a place for the horses, their hay, and the cars. He agreed with the staff report. Public comments were solicited but none were given. Commissioner Wipfli moved to approve U-01/03-1, a Special Use Permit request from Jose Pablo Valles to allow a detached garage/workshop structure consisting of 720 square feet, which exceeds 50 percent of the square footage of the primary structure on property zoned Mobile Home One Acres located at 6777 Saddlehorn Road, APN 009-712-05, based on seven findings and subject to eight conditions of approval contained in the staff report and with the understanding that any acknowledgements to the Commission/Board by the applicant may be considered as further stipulations or conditions of approval on this application. Commissioner Farley seconded the motion. Motion carried 6-0.

G-3. U-02/03-3 - U-02/03-3 - ACTION ON A SPECIAL USE PERMIT APPLICATION FROM RONALD J. ALLEN (1-1438) - Associate Planner Jennifer Pruitt, Ronald Allen - Ms. Pruitt explained the email in opposition to the application was based on the concern that the building will be used as a business. A home occupation is allowed by Code. Code Enforcement Officer Biddle had investigated the site and not found a violation of the ordinances. Activity was noted at other locations in the vicinity but not at this address. Photographs illustrating the site were displayed. The location of the structure will not be visible from the right-of-way. Chairperson Christianson explained that if a business is operated from the site, the individual who observes it should contact the staff and the item can be brought back to the Commission. Condition 6 prohibits the structure's use as a residential rental or commercial operation. Condition 8 was removed as there is an adequate amount of mature landscaping currently on the site.

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Mr. Allen supported Ms. Pruitt's comments. The structure is for his toys, storage of his vehicles, and as his workshop. He restores furniture and has other home hobbies including trains. It will have a shower and bathroom. His need for a dark room for his photography was also explained. Public comments were solicited but none were given. Commissioner Peery moved to approve U-02/03-3, a Special Use Permit request from Ronald J. Allen, Susan D. Bergman, owner, to allow a detached garage/workshop structure consisting of 2100 square feet, which exceeds 50 percent of the square footage of the primary structure, on property zoned Single Family One Acre, located at 1549 Koontz Lane, APN 010-322-06, based on seven findings and subject to seven conditions of approval contained in the staff report and with the understanding that any acknowledgements to the Commission/Board by the applicant may be considered as further stipulations conditions of approval on this application. Commissioner Farley seconded the motion. Motion carried 6-0.

G-4. U-02/03-2 - ACTION ON A SPECIAL USE PERMIT FROM ED EPPERSON, CHIEF EXECUTIVE OFFICER (1-1575) - Community Development Director Walter Sullivan - Commissioner Sedway stepped from the room—5:17 p.m. (A quorum was still present although Commissioner Pedlar was also absent.) The applicant was not present. Public comments were solicited but none were given. Commissioner Wipfli moved to approve U-02/03-2, a Special Use Permit request from Ed Epperson, Carson-Tahoe Hospital, to allow a temporary freestanding sign ten feet in height and 160 square feet in area on Assessor's Parcel Number 007-091-95, property zoned Conservation Reserve, located north of Eagle Valley Ranch Road on the west side of U. S. Highway 395, based on seven findings and subject to seven conditions of approval contained in the staff report with the understanding that any acknowledgements to the Commission/Board by the applicant may be considered as further stipulations or conditions of approval on this application. Commissioner Kimbrough seconded the motion. Motion carried 5-0-1-1 with Commissioner Sedway abstaining and Commissioner Pedlar absent. (Commissioner Sedway returned at 5:24 p.m. A quorum was present although Commissioner Pedlar was absent as indicated.)

G-5. A-02/03-2 - ACTION ON AN ORDINANCE AMENDING CARSON CITY MUNICIPAL CODE SECTION 18.04.120 (1-1648) - Senior Planner Lee Plemel, Community Development Director Walter Sullivan, Filiberto Anguiano - Discussion between staff and the Commission explained that the proposal will not automatically allow restaurants to have outdoor seating as a special use permit will be required to add outdoor seating. The Health Department will be involved with the business license aspects. It has regulations regarding outdoor cooking and the need for hand washing, etc., as indicated in Health Director Daren Winkelman's memo. Other changes included in the ordinance were briefly noted, i.e., the purpose statement's use of "unless expressly permitted" rather than "explicitly permitted". Mr. Anguiano agreed with the staff report and explained his need for outdoor seating and the location. Public comments were solicited but none were given. Commissioner Farley moved to recommend to the Board of Supervisors approval of A-02/03-2, a Zoning Ordinance Amendment request from Filiberto Anguiano to allow outdoor seating and cooking facilities in conjunction with a restaurant as a conditional use within the Neighborhood Business zoning district based on the four findings identified within the staff report. Commissioner Wipfli seconded the motion. Motion was voted and carried 6-0.

G-6. U-79-30 - ACTION ON THE REVIEW OF A PREVIOUSLY APPROVED SPECIAL USE PERMIT APPLICATION FROM CINDERLITE TRUCKING CORPORATION (1-1835) - Senior Planner Lee Plemel, Community Development Director Walter Sullivan, Applicant's Representative Carol Dotson, Senior Planner Rob Fellows, Steven Lani, Cyndi Howard, Patricia Lincoln, Fred Case, John Mancebo, Chuck

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Zimmerman, Glen Martel, Lee Radtke - Mr. Plemel showed slides of the site. BLM has also investigated the site. They believe that approximately one-quarter of an acre of their property has been disturbed. They are working with Cinderlite to revegetate this area. Staff was asked to check slides to compare the size of the site with pictures of the site which were taken approximately 20 years ago. Clarification illustrated the location of the BLM site and the ownership of the surrounding parcels, and explained the purpose of the revegetation plan.

Ms. Dotson reviewed the history of the site and the complaints which had been received. She explained a need to review the conditions further and conduct additional independent studies. There are three conditions whose status is unknown at this time. There is a memo in the packet from Senior Engineer Rob Fellows regarding the status of the operational plan. The operational elements are different from the original operational plan as the current requirements necessitate more details. A consultant, JBR Environmental, has been retained for its technical expertise in extraction and mining reclamation projects. Their representatives toured the site yesterday. Ms. Dotson then explained aerial photographs of the site. Adequate buffering between the site and the surrounding properties has been maintained. This has allowed for screening and buffering for those parcels. It also provides adequate drainage for the surrounding parcels and allows the recreational uses on the BLM property to continue, i.e., biking and hiking. The pit has been there since the 1950s. It has not grown in size as the mining is moving downward rather than outward. This allows the mine to be maintained within a limited area creating the least disturbance. There have not been any violations on the pit. They are willing to comply with the conditions of the special use permit and include operating plans within those conditions. The revegetation plans will be included within the operating plans. It will be difficult to do the revegetation while the mine is operational. Revegetation normally occurs in a step down process when mining is stopped in an area. The proposal at this time is to include the revegetation plan in the reclamation program when the mining ceases. The operational plan will be completed in September or October. Originally BLM did not believe that they had crossed onto their property, however, the line is not as accurate as they had hoped. The site tour yesterday has indicated that the reclamation plan for that area can be started with the top soil that has been stockpiled on the site. It is currently at the south border and is one to two feet in depth. The new operational plan being developed by the consultant indicates that revegetation may not occur until the mining is completed as is the common practice. The importance of the mine to the community was limited. Safety precautions were described which include a night watchman, the method of securing the operation, the hours of operation, etc. There have not been any violations at the site. The operational plan will be established under the Code requirements. Their concerns with Conditions 7 and 5 are due to the Soil Conservation District's lack of jurisdiction over the drainage and grading requirements. The controlling agency should be modified to reflect the correct agency. The economy and material source drive the use. It is unknown how long the demand for the material will continue due to the uniqueness of the material supplied. Examples of the users were limited. The reclamation plan will include dates for bonding purposes. She acknowledged that the bonding amount may be low. It may be that the pit will move west in the future although the current plan is to remain at the present location.

Discussion between Commissioner Kimbrough and Mr. Fellows indicated the City does not have "V and P's". There are national standards that could be used. Clarification by Ms. Dotson indicated that the site that will be revegetated is the disturbed BLM area. They had already revegetated the area where the fire had been. JBR has recommended waiting on the remainder of the revegetation until the mining is completed. The stability of the slopes will determine whether the hillside can be brought back to the surrounding contour. Normally they attempt to accomplish a two to one slope depending on the benching and stability of the material. Geology testing may be conducted to determine

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the finished slope. Temporary irrigation may be used. The normal practice is to allow nature to provide irrigation. The revegetation plan includes soil tests and uses experts to determine what should be done. Clarification explained that the use of a "GPS" is not as accurate in determining the boundary lines. The "GPS" had determined that the mine was within its boundaries, however, since then it has been determined that some slight encroachment has occurred on the BLM property. Discussion pointed out that there were four condition violations and three conditions which require additional research to determine their status in addition to several NDEP environmental concerns. Ms. Dotson felt that they were not in violation of any of the conditions and that some of the unknowns had been resolved. The Codes have changed overtime. Today more and more information is required than had been under the old permit. The operational plan updates have been given and reviewed on an informal, annual basis. This is the first time it was requested at another level. They are trying to respond to that requirement.

Discussion between the Commission and staff indicated that in December 2000, the Planning Commission had indicated that annual reviews were no longer required. Staff missed the requirement for an operational plan in December 2001. It was felt that the annual reviews had been discontinued based on the feeling that Mr. Lehman was being a "good neighbor" and doing the things that had been required. It was pointed out that the Commission could accept an alternative tightening the process. Mr. Fellows pointed out the storm water regulations that focus on erosion and water protection. This will require even more "V and P's" to comply with drainage and water quality protection requirements. Therefore, an update is needed.

Public comments were solicited. (1-2655) Mr. Lani explained his review of the conditions and expressed his support for having Mr. Lehman as a neighbor. When he has a problem, he contacts the property owner to obtain an answer. He felt that the trucks were obeying the traffic laws while the residents are speeding as indicated by the number of individuals following/passing trucks. He explained he is employed as an NDOT civil engineer in the paving materials area and sited several projects which had used Cinderlite materials. He also indicated that he was not speaking as an NDOT engineer but rather as a Carson City resident. Based on his personal knowledge, he felt that they had done a good job at being a good neighbor as evidenced by the small size of the site and maintained preventive rehabilitation mining while obtaining the best material. He felt that the owner could have expanded the area instead of providing a buffer for the residents. Rehabilitation should occur later. The current regulations need to be modified as they are vague, e.g., Condition 7. The conditions requiring rehabilitation by December 2000 and June 1994 should be eliminated. Progressive rehabilitation should occur when the site is abandoned. Softening of the slopes will occur with this revegetation. The condition requiring an operational plan does not mandate a new annual plan but does require annual review. Condition 15 requires the revegetation plan to be included in the operational plan. This cannot happen until the mine is closed/abandoned. He supported allowing the mine to continue operating. He also felt that they should be allowed to expand as it will make it easier to rehabilitate the present site. He agreed that the conditions needed to be revisited so that everyone is aware of them. (Commissioner Sedway stepped from the room during his comments—6:17 p.m. A quorum was still present.)

(1-2898) Ms. Howard distributed a packet of information regarding the extraction pit and 108 petitions in opposition to the Commission and staff. (A copy is in the file.) (Commissioner Sedway returned at 6:19 p.m. A quorum was present although Commissioner Pedlar was absent.) She explained her 1993 support for the pit. The photographs in her packet were described. Commitments made at that meeting were restated by playing a copy of a tape purportedly from that Planning Commission meeting. Her reasons for supporting the special use permit for Mr. Lehman, her concern with the current slope of the pit and the hazard it poses to the area recreational users were

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limned. She felt that the native plantings and rehabilitation efforts should have been done in 1994. They still have not been done. She asked that the rules be "nailed down" so that everyone knows what is required. She felt that Mr. Lehman was failing to follow the rules which he had signed. She read Juan Guzman's letter notifying Mr. Lehman of his failure to comply with the conditions into the record. She felt that the trucks were exceeding the speed limits. The bond is too low to accomplish the necessary rehabilitation. The operational plan has not been maintained and updated. Progressive rehabilitation has not occurred and it has been indicated that it will not be until the pit is closed. Slope standards are required. The slopes were at a two to one ration in 1995. In 1999 they were at a three to one ratio which is in compliance with the Federal and State regulations. The meaning of this term was described. As the boulders that had purportedly marked the limit of the property at the top of the slope are now gone, she believed that they had/were encroaching onto the BLM property. The original site was to have been 20 acres. It is now 40 acres. Photographs of the area were used to explain the location of these boulders. It may be possible to encroach into the area where the power lines are located without causing harm, however, the gas line in the same vicinity could be impacted. She questioned when would it be determine that the use has been used up. As the pit is now located at the boundary line, it poses a threat and concern to the recreational users of the area who may not know that the slope drops off so radically. Although BLM has said industrial resources are valuable, BLM has also withdrawn the mineral rights. The City does not want mining that impacts the scenic quality of the area. A photograph illustrating the scar that is there was shown. The statement has been made that the City must allow the mine to continue to operate or Mr. Lehman will charge more for the same material that must be obtained from some of his other mines. These other sites provide excellent material. Although his money supports the community, the residents also support the community with their taxes which she felt represented more money than the pit provided. There had been promises to not increase the truck volume, however, truck traffic now goes from 6 a.m. to 6 p.m. on a road not designed for trucks. The street is a residential neighborhood. The residents have a right to the quality of life they had paid for. Something should be done about the mine. (Commissioner Farley stepped from the room at 6:45 p.m. A quorum was still present.)

(2-0067) Ms. Lincoln urged the Commission to protect and uphold her property rights. She should not have to tolerate the noise. The operation is detrimental to her peaceful enjoyment and the use of her property. It infringes on the economic value of her property and fails to meet the conditions required for a variance as found in Title 18, which she iterated. The operation should not be allowed to continue without fixing the problems.

Mr. Case felt that the scar could be seen from anywhere in the Valley. The noise and dust are not enjoyable to him when the operation is working the slope. The traffic impacts from the numerous trucks using Goni Road were explained to illustrate his concern and delay in leaving his street. The road is even worse in the winter time when the snow is not plowed by the City which makes it possible to "slide" into town. (Commissioner Farley returned at 6:50 p.m. A quorum of the Commission was present although Commissioner Pedlar was absent as indicated.)

Mr. Mancebo explained that the pit had been there since 1975. He resides in Phase 2 of Goni Estates. He is a retired trucker who had visited/hailed from many different California extraction operations. The pit is consistent with those of successful, small quarry operations. The noise is consistent with small operations and not bothersome to him. Mr. Lehman has been a good neighbor as illustrated by his using the water truck to control the dust. The drivers are courteous and maintain the speed limit. He felt that the unhappy, former California residents should return to California. He had moved to Carson City to get away from the restrictions and to enjoy the desert. He disagreed

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with the homeowners' association regarding the operation.

Mr. Zimmerman explained that he is a member of the Carson River Advisory Committee and had been dealing with the quality of life issues. He had acquired his home in 1994. He was unhappy about the noise produced by the operation. His experience in the mining industry was limited. Based on this experience he encouraged the Commission/staff to look carefully at the reclamation plans. The present bond is not adequate to cover the cost for reclamation. He suggested that a sophisticated digital visual image be provided illustrating what the revegetated site is to look like when completed. He also felt that it is impossible to get revegetation to occur in Nevada on slopes of more than 2-1/2 to one although both BLM and the Forest Service allow it on three to one slopes. He urged the Commission to stay with the 2-1/2 to one.

Mr. Martel indicated that he represented Jim Bawden of Landmark Homes and supported Cinderlite's operations. He felt that they have been proactive in the community and provide quality materials for the City. The City has the tools under the Special Use process to resolve the issues. He hoped that the process will continue.

Mr. Radtke indicated that his home faces the pit and that he may have the best view of it. Cinderlite is a good cooperative neighbor. He had not complained about the noise. They clean the street. They are doing all that they can to run a good operation. He supported the operation. Public testimony was then closed.

Discussion between the Commission and Ms. Dotson indicated that the reclamation plan will address the safety issues. The slopes have varied between 1-1/2 and 2-1/2 to one ratios. The industry standard and the final reclamation standard may be different. Chairperson Christianson felt that the slopes may require water to start the plants due to reclamation experience with other sites. Ms. Dotson reiterated that the plan will address the slope and that the operational plan will include specifics on dust control, the fencing and safety issues. This report is their opportunity to provide an update on the status of the operation. A new operational and revegetation plan needs to be developed. The bond amount should be reviewed. There are five or six other conditions which also need to be addressed. The new standards and codes will be complied with. The issues that were raised this evening will be addressed. There had been indications that they had been good neighbors, however, the quality of life issues also need to be addressed. Traffic, dust and noise are required for all operations. The mine predates the residential development. The Special Use Permit conditions require an operational plan. The time is right for additional oversight. It was hoped that improvements could occur regarding the issues that have been raised and that a better job will be performed in the future. Ms. Dotson felt that the operational plan could be submitted in September or October. The safety issues, dust control, and strict compliance with the speed limits will be included. Concerns regarding Condition 17 were voiced as it appears that revegetation cannot occur while the mine is in operation. This issue and the safety concerns need to be addressed in the operational plan. There is a visual scar that will take a lot to address. The site may be an attractive nuisance which increases the safety issues.

Chairperson Christianson expressed his belief that it had been his voice that had been played regarding the speed at which the trucks were to travel. He also explained that a personal friend of his lives on Goni and his belief that the trucks were abiding with the 25 miles per hour speed limit. He also felt that the original concern regarding whether the street could handle the heavily loaded trucks had been resolved.

Ms. Howard urged the Commission to require fencing around the back side of the slope. It is dangerous and open.

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Individuals who are recreating in the area and not aware of it could be hurt. The "rules" require it to be fenced. Compliance should be required. Additional liability issues need to be addressed.

Commissioner Farley disclosed her visit to the site with Ms. Howard. She had also toured other pits in the State. There are water trucks and water on the site. They are used to control the dust. Her own grandchildren's recreational motocross activities were explained to illustrate the need for parents to be cognizant about their children's activities. Recreational uses of "C" hill were also limned to illustrate concerns related with hiking/biking in unfamiliar areas. Mr. Lehman is a good employer and neighbor. She also pointed out that the petitions were signed by two individuals per household. Two individuals appeared to have signed twice. Later discussion (2-0639) indicated that they were two different individuals with similar names. Commissioner Farley apologized for this confusion.

Ms. Howard explained her contact with the Department of Mining regarding the lack of fencing. They allegedly indicated that fencing is required. They do not regulate the excavation process. Mr. Plemel had purportedly agreed that access from that side of the mine should be prohibited. She urged the Commission to enforce the Conditions under which the Special Use Permit had been issued. Commissioner Farley encouraged her to purchase the property if she did not like the operation. Ms. Howard felt that it calloused to believe that a person should be allowed to do anything he/she desired with his/her property without any regard for others. This process would not have established permits and procedures.

Mr. Sullivan summarized the options for the Commission. Commissioner Wipfli moved to direct staff to re-examine the paperwork and the bond limit and go through it and come back. He felt that adequate discussion had been provided to indicate the concerns. It is premature to require a show cause hearing at this time. He then amended his motion to redirect staff to re-examine the Special Use Permit U-79-30 staff report and report back in October if the applicant supplies the materials by September 20th. Commissioner Sedway seconded the motion. Commissioner Kimbrough expressed his feeling that there had been a failure on all of the participants parts after the Commission stopped reviewing the status. The staff had failed to continue monitoring the site. He felt that all of the participants could be brought together and a better package prepared for the October meeting. The property owner is willing to pay for the necessary expertise to accomplish this. He also felt that the revegetation would be more expensive than anything else. The bond is inadequate to handle that cost. Mr. Sullivan thanked all of the participants for their comments. He felt that it had provided an adequate understanding of the concerns. The file will be re-examined and supplemented. A review of the Minutes from previous meetings will also be conducted. Chairperson Christianson supported his proposal. Commissioner Peery felt that the continuance will provide a good middle of the road opportunity. If the same conditions exist in October, he will be less forgiving. Commissioner Kimbrough expressed a desire to tour the site with the landowner. Mr. Sullivan expressed a willingness to agenzize a tour for the Commission, if desired. The public could also go on this tour. Chairperson Christianson agreed to schedule the tour. The motion to direct staff to re-examine the conditions and provide a report in October was voted and carried 6-0.

RECESS: A recess was declared at 7:20 p.m. A quorum of the Commission was present when Chairperson Christianson reconvened the meeting at 7:30 p.m. Commissioner Pedlar was absent as indicated.

G-7. A-02/03-3 - ACTION ON AN ORDINANCE AMENDING CCMC SECTION 18.03.010

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(2-0662) - Community Development Director Walter Sullivan, Senior Planner Lee Plemel, Applicant's Representative Glen Martel, Mark Krugler, Tom Watson, Senior Engineer Rob Fellows, John Tanzi, Mildred Heinz, Frank Longaberger, Chuck Davis, Al Bernhard, Fred Daniels, Bill Heinz - The applicant had requested a continuance. Public comments were to be solicited. Reasons for the continuance were provided. The Code change will impact the entire community. Discussion should not be restricted to a specific project/location. Discussion noted the complexity of the issue. The current code prohibits the sale of material from a temporary extraction operation. There are approximately six sites in the community which have an overabundance of material. The Northridge development was allowed to remove a hillside. This material was to have been used for roads and improvements within the subdivision. It has been discovered that there is more material in this hillside than had originally been estimated. If the material cannot be sold, it must be trucked to another site. The proposal will allow the material to be hauled by other companies from the site. Discussion noted the amount of work that had to be done to remove the material/hillside.

Mr. Martel explained the permit which had been issued that would have allowed the removal of 550,000 yards of material. The amount of yardage had been underestimated by 60,000 yards. They cannot use this additional material in the project and would like to sell it. The Code amendment will allow for expediting the removal by eliminating the need to haul it to another site. The 60,000 extra yards of material was felt to be within the ten percent range for estimations. They had been piecemealing with other projects to use the material. The concept will allow for processing the material on site rather than hauling it to a processing site and then taking it to the use area. The proposal will not expand the use in a LI district. The site will not be considered a full service site. He also supported inclusion of restrictions to prohibit the use if the amount of material does not warrant having an extraction permit. Importing material should be prohibited. The amount of truck traffic created to remove the 50,000 yards of material was discussed. The use permit will include an analysis of the location, the haul rights, and the time period for hauling. They are currently leasing and using an adjacent parcel to handle the removal. This will eliminate the impact on the adjacent neighbors. Mr. Martel also indicated for the record that they were requesting a continuance at this time in order to have additional time to work on the language. Clarification indicated that they have rocks of various sizes and sand which needs to be removed. There had also been some huge boulders found on the site. Mr. Martel agreed to check to see what was most profitable to haul. Commissioner Farley explained for the elderly neighbors that Landmark Homes is easy to work with and urged them to contact the developer to discuss any concerns. Mr. Martel explained their desire to reduce the impact on the neighbors.

Mr. Krugler indicated that he lived in the vicinity. He appreciated having the opportunity to discuss the issues although he felt that deliberations were occurring in violation of the Open Meeting Law. He did not oppose a continuation. He wished to hear additional information on the concept. He had concerns regarding the traffic, noise, dust, property values, etc. Chairperson Christianson indicated that the issue will be noticed when it returns to the Commission. Mr. Krugler requested an agenda for that meeting.

Mr. Watson indicated that he lived within 400 yards of the extraction work. It had been a noisy operation. He was concerned about whether the streets could handle the heavy loads as well as the dust, pollution, and property values. Chairperson Christianson indicated that the use would be temporary. The process should discuss his issues. Mr. Watson supported having time limits on the use. Discussion indicated that if they work at 2 a.m., the contractor could

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be and had been cited. Clarification also indicated that the use would be restricted to removal of the 50,000 yards. Mr. Watson expressed his belief that an accurate estimation should have been obtained. The residents will ultimately have to pay for the developer's "lack of concern".

Mr. Fellows explained the reasons it is difficult to estimate the amount of rock which had to be removed. Industry standards indicate that a ten percent different is within an acceptable range. Commissioner Kimbrough encouraged staff to include a time restriction on the extraction permit and to define temporary. He did not wish to see an operation continue for years. Chairperson Christianson agreed. Mr. Watson also encouraged having a time limit.

Mr. Tanzi questioned the reasons the developer's calculations had missed the mark. His experience in an engineer's office was noted. He could understand having a ten percent range. He indicated that he had heard them working as late as 11:30 p.m. The crusher is a very noisy operation. When they had cut the hill down, it had been very, very dusty. Rock crushing will have the same problem. The adjacent property owners should not be damaged by their operation. They should be required to clean up the dirt and dust that they create. He urged the Commission to require the rock crushing to occur somewhere else. If they had cut the hill as the first phase of the development, they would not be facing the problems they have now.

Ms. Heinz felt that six months is a reasonable time limit. One year is not reasonable. Chairperson Christianson also felt that the hours would be restricted and that the use of the watering truck should be defined, etc. He thanked the speakers for putting their comments on the record. He advised them that they were welcome to return at the next meeting and put their comments on the record again.

Clarification for Mr. Longaberger indicated that a specific site is not the purpose of the discussion. The request is for a text amendment which will allow the developer to obtain a special use permit. The proposal is for any Limited Industrial site in the City. Mr. Longaberger encouraged the Commission to consider the air quality issues in the process. Additional comments were solicited.

Commissioner Sedway suggested that when the item is reagenized that the special use permit for the applicant also be agenized. This will allow the public to voice concerns/support for both the amendment and the proposed site. Discussion indicated that the special use permit could not be effective until second reading and adoption of the proposal by the Board of Supervisors.

Mr. Davis explained his employment with Granite Construction. He urged the Commission to consider in the process the balance/imbalance with import/export material. Cross sections and agricultural technology should not have missed the estimation. Purportedly if he had missed on his estimates by 60,000 yards, he would be out of a job. Granite's concern is whether the sale would be to the general public or a contractor. The concept will provide competition for Cinderlite and other fixed operators who must meet specific conditions and safety rules. This will not be a level playing field. Increased truck traffic will occur if the material is sold. Discussion indicated that the current process allows them to remove the material from the site. It may then be sold or given away. It does not get dumped in the desert. Selling the material would provide unfair competition for the fixed plants. Mr. Davis also felt that, if the material is crushed, it is most valuable when it is riffraff as it is needed at the Lake and meets TRPA requirements. Clarification indicated that currently a developer must use the material onsite or remove it from the City or to a fixed

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extraction facility. They cannot sell it to another developer.

Carson Quarry and Al's Plumbing owner Al Bernhard felt that the proposal would haunt the City if approved. It will no longer be necessary to calculate the amount of material that is available and needs to be removed. It will allow an extraction operation to operate for years. It needs to be capped. There are a lot of hills available for development. A subdivision could require a hillside to be removed. It could take two to five years to complete the removal. The extraction could continue throughout the entire process. Cinderlite's pit is an ongoing operation which started nine years ago. Mr. Bernhard owns the property that the crusher and dirt are being kept on. The operation had been going on for over a year. He now needs his property back. Mr. Sullivan agreed to keep Mr. Bernhard informed. Discussion also indicated that if the concept is not approved, the rocks would have to be hauled away from the site.

Mr. Daniels explained his employment writing specifications for what people do which created concerns with the concept as it contains relative terms and large numbers. Temporary should be spelled out in dates so that everyone understands the deadline. A waste transfer station is a temporary facility. No importation should be allowed to the site. Relative value should be spelled out as well as the terms "small" and "temporary". The process should be made specific, otherwise there will be problems.

Additional comments were solicited. Mr. Heinz indicated that he is a contractor and had lived here for 50 years. It is important that salvage operations be allowed. Excess materials are imported/exported. Too much material goes to either the dump or a crushing site. The proposal will "open a can of worms". If everyone begins selling the material, the price of his operation will drop until they stop his business. He preferred to have the Code remain as it is currently written. It is James Bawden's mistake. The other businesses should not bail him out. He would not like to have anyone use his property to stockpile the material or to see stockpiles throughout the community. He urged the Commission to maintain the current Code. Public testimony was closed.

Commissioner Peery moved to continue G-7, A-02/03-3 concerning Title 18.03.010 to a future meeting. Commissioner Sedway seconded the motion. Motion was voted and carried 6-0.

G-8. A-02/03-5 - ACTION ON REVISIONS TO THE FEE AND SERVICE CHARGES FOR THE PLANNING COMMISSION (2-1660) - Community Development Director Walter Sullivan explained City Manager John Berkich's direction that the item be continued indefinitely. He was unsure when the item would be returned. Public comments were solicited. None were given. Commissioner Wipfli moved to pull Item G-8 off the agenda until staff brings it back. Commissioner Farley seconded the motion. Motion carried 6-0.

H. INTERNAL COMMUNICATING AND ADMINISTRATIVE MATTERS (NON-ACTION ITEMS)

H-1. STAFF BRIEFING ON THE STATUS OF COMMISSION RECOMMENDATIONS TO THE BOARD OF SUPERVISORS AND CORRESPONDENCE TO THE COMMISSION (2-1711) - The Board had reviewed the Growth Management report and approved the three percent rate. The decrease in permits was created by truing up the permits to match the census. The Northridge Phase 10 final map was approved. The 18.03 childcare facility definition and its revisions are coming back to the Commission in August. Carrie Henson's

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appeal of a special use permit was continued by the Board based on the action taken on the previous item. The Board upheld the Commission's recommendation on the Fuji Park improvements. The Oak Street change of a land use ordinance was approved on first reading. It will be back to the Board for second reading tomorrow. A new housing rehabilitation program will go to the Board tomorrow.

H-2. FUTURE COMMISSION ITEMS AND DATES - The next meeting is scheduled for August 28.

I. ADJOURNMENT - Commissioner Peery moved to adjourn. Commissioner Wipfli seconded the motion. Motion carried 6-0. Motion carried 6-0. Chairperson Christianson adjourned the meeting at 8:30 p.m.

The Minutes of the July 31, 2002, Carson City Planning Commission meeting

ARE SO APPROVED ON August 28, 2002.

/s/
Allan Christianson, Chairperson