

CARSON CITY REGIONAL PLANNING COMMISSION
Special July 18, 1996, Joint Meeting with the Carson City
Board of Supervisors - Page 1

A special joint meeting of the Carson City Regional Planning Commission and the Carson City Board of Supervisors was held during the regularly scheduled Board of Supervisors meeting on Thursday, July 18, 1996, at the Community Center Sierra Room, 851 East William Street, Carson City, Nevada, during the evening session which began at 6 p.m.

COMMISSIONERS PRESENT: Chairperson Alan Rogers and Members William Mally,
Maxine Nietz, Archie Pozzi, and Deborah Uhart

SUPERVISORS PRESENT: Marv Teixeira Mayor
Janice Ayres Supervisor, Ward 2
Tom Tatro Supervisor, Ward 3
Kay Bennett Supervisor, Ward 4

STAFF PRESENT: City Manager John Berkich, Community Development
Director Walter Sullivan, Public Works Director Aldean;
Utilities Director Dorothy Timian-Palmer, Deputy District Attorney Paul Lipparelli, Senior Planner Sandra Danforth, and Recording Secretary Katherine McLaughlin (B.O.S. 2-0745.5)

NOTE: Mayor Teixeira reconvened the Board session at 6 p.m. A quorum of the Board was present although Supervisor Smith was absent. Regional Planning Commissioner-Elect Richard Wipfli was also present. (See Board of Supervisors file for Minutes for this date for action/discussion on its other agenda items.)

A. ROLL CALL AND DETERMINATION OF A QUORUM - Following Mr. Lipparelli reminder, Chairperson Rogers convened the Planning Commission at 6:30 p.m. Roll call was taken. A quorum of the Commission was present although Commissioners Horton and Christianson were absent.

B. PRESENTATION OF CERTIFICATES OF APPRECIATION TO THE TECHNICAL ADVISORY COMMITTEE MEMBERS - Pulled.

C. PUBLIC HEARING - M-95/96-22 - DISCUSSION AND POSSIBLE ACTION WITH THE BOARD OF SUPERVISORS REGARDING ADOPTION OF A MASTER PLAN LAND USE ELEMENT - THE LAND USE ELEMENT OF THE MASTER PLAN INCLUDES BOTH TEXT AND MAP INDICATING LAND USE DESIGNATIONS (PLANNING COMMISSION APPROVED 7-0-0-0) (1-1165.5) - Mr. Sullivan, Richard Meason's attorney Monique Laxalt Urza, Mr. Lipparelli, Principal Planner Rob Joiner, Consultant Randy Walter, Landmark Homes Representative Ron Kipp - Mr. Sullivan explained the Board's direction at the last meeting for written comments be submitted to staff. Staff had not received any comments from anyone. Mayor Teixeira explained that he had discussed his concerns with Mr. Walter and Supervisor Tatro. He felt that there had been a lot of discussions as well as give and take which had occurred in the interim. He felt certain that there would continue to be discussion.

Ms. Urza iterated her reasons for recommending denial of the element based on the City's failure to appropriately notify the impacted property owner(s) and specifically her client. A written letter of objection was presented to the Board and Clerk. Mr. Meason lives in Stagecoach. Comments noted that the item had been in the media for over two years and that there had been approximately 35 different meetings. Ms. Urza explained that the Master Plan would reduce the zoning on Mr. Meason's property from one resident per ten acres to one resident per 40 acres. She then read her letter into the record. (A copy is in the file.) Ms. Urza indicated she would distribute a copy of the case Berman versus Board of Commissioners of Lower Medion to the Board later in the meeting, however, this did not occur.

Chairperson Rogers responded by noting that all notifications had been in compliance with State statutes and with consultation by attorneys. When this issue has been raised in the past, each parcel was individually considered to determine the impact of the Master Plan on those parcels. Meetings were held with the property owners and the majority of the problems were mitigated. There had been no complaints at the last meeting about a failure to work with the individuals. He also stressed that the Master Plan is not a rezone. He felt that the lawsuits cited were

rezoning issues and not Master Plan issues. The normal process is for rezoning to be considered after adoption of the Master Plan, if desired. At that time the notifications indicated and procedures outlined must be adhered to. He felt that the effort was an attempt to accomplish a "healthy economy to preserve an environment". This is one of the goals in the Plan. No one area had been targeted for future acquisition. The Plan is an attempt to preserve the quality of life which is what is seen when looking at the mountains.

Mr. Sullivan also indicated that legal notifications were made as required and with consultation from the attorneys. He was surprised and shocked at Mr. Meason's approach as he is working with him currently on a development potential for the property. He had just received responses from the different Departments on the proposal and had planned to meet with Mr. Meason on these replies. He had had a meeting with Mr. Meason some 60 to 75 days ago at Resource Concepts where Mr. Berkich and Utilities Director Timian-Palmer were present. We discussed the Master Plan at that meeting. Principal Planner Joiner had discussed the Master Plan with Mr. Meason before that date. Mr. Joiner had even visited the property and walked it. Mr. Sullivan then explained the differences between the Master Plan map and the Zoning Map. Nevada cases have indicated that the Master Plan and Zoning do not have to match perfectly. Attorney General's Opinion 84-6 allows the present zoning to remain until the City and the Commission consider future rezoning requests. The Master Plan is a flexible guideline for the future. This rezoning will be done in a phased fashion over time. Staff could not address all of them at one time due to the magnitude of the different changes. There is no taking.

Mr. Lipparelli questioned Ms. Urza regarding her position on the noticing. Ms. Urza responded that she could not state whether the City had failed to notify the property owner as required by Statute for Master Plans. She felt that there were constitutional grounds for the objection. She indicated that she may, after adequate time for research, indicate that there has been a failure. She felt certain that there must be direct notification to the property owner of any change in the Master Plan zoning. She then reiterated her request as a minimum that the matter be continued. Mayor Teixeira then indicated that her case had been presented and staff and the Commission had rebutted. He felt that everyone understood the issues and indicated that the Board would continue deliberation on the Plan. He thanked her for her input.

(2-1545.5) Supervisor Tatro recommended having definitions in Chapter I-1 for SPA and SPD and that Chapter IV-2 and Implementation Strategy 1.9.1 should indicate that the SPA process is voluntary. Mr. Joiner indicated that Title 18 indicates the SPA process is voluntary. Mr. Joiner also indicated that Chapter IV-27 and Strategy 9.3.7 had been changed to five years instead of two years for updating the Streets and Highways element. Supervisor Tatro then explained a change to Chapter VI-10 which would allow amendments to the Master Plan more often than once every six months. Chairperson Rogers explained that a formal review would occur every two years. Amendments could be requested at every meeting. Supervisor Tatro explained that his desire is to not hold amendments until the formal review process occurs. Chairperson Rogers and Mr. Sullivan explained that a separate review could occur whenever requested. Changes to the service boundary does not impact the land use designation. Mr. Sullivan agreed that service boundary amendments would not be held semi-annually. They will be reviewed when submitted. Chapter VIII-1 will be expanded to clarify the oversizing which could be required for utilities within a SPA. Supervisor Tatro then questioned the noticing given to property owners who have land designated as SPAs. Mr. Sullivan agreed to hold the SPA portion if so desired. He then explained for the public the terms SPA and SPD. The need to have considered SPA within the Master Plan element was outlined. If so desired, they could each be considered individually by the Commission. Chairperson Rogers iterated his reasons for recommending against holding the SPA/SPDs. He felt that they were good examples of the innovation used in the Master Plan. A lot of time had been dedicated to this area and trying to be sure that they will work. The property owners had been intimately involved in this process. It is a voluntary process. These four individuals had attended all of the meetings. Delaying the process would force them to do additional steps which would be an unnecessary burden for them. When the SPA/SPDs are developed, zoning issues will be addressed. These zoning issues will have to be advertised/noticed. The first few SPA/SPDs will be a test of the process. If it does not work, the Commission/staff/property owners are willing to admit it and adjust the process. Supervisor Bennett pointed out that the SPAs are along the Carson River. The Carson River Advisory Committee and the property owners had dedicated a lot of time and effort on this area. She supported Chairperson Rogers' recommendation and urged the Board to allow the process to remain in the Master Plan element.

Supervisor Ayres explained her contact with staff on the element. She urged the Board to remember the purpose

and mission statements which she read from the Master Plan text. The document is dynamic and could be modified as time dictates.

Supervisor Bennett explained her meeting with staff. She then reviewed her revisions to the Master Plan and her reasons for recommending the revisions. A list is included in the file. She also requested an amendment to the Parks and Recreation Open Space on Page IV-3 Goal 8, the development of a system of entryway elements which would create a sense of entry into Carson City and promote the quality of life. This will enable the City to master plan the corridor entryways along the major highways into Carson City. The Transportation Element should include automobiles, bicycles, pedestrians, etc.

Mayor Teixeira urged the Board to adopt the Plan as written. Amendments could be made in the future. It is an innovative and dynamic guideline. He felt that the majority of the document would stand even though some portions may be challenged. Concerns were expressed by both Mayor Teixeira and Supervisor Bennett about the service boundary lines. Mayor Teixeira stressed the importance of having had public input into the process. Only one person was opposing the plan out of the total population of 47,000. He felt that proved that the homework had been done. Communication and mitigation procedures had been utilized. He refused to "nit-pick" the document due to this preparedness. He admitted it is not perfect. It will be amended. He acknowledged the dedication and efforts expended on the plan. It ties into the strategic plan and the vision preference study. Supervisor Bennett reiterated her request that the revisions be made. Mayor Teixeira felt that the Board had previously indicated that an aggregate resource study would be performed. The budget would determine whether the Streets and Highways element could be updated every five years.

Supervisor Bennett then reiterated her request that the Transportation Element include more than streets and highways. It should involve all forms of movement by people. Mr. Sullivan explained that the NRS requires a streets and highways transportation element which is described in Subsection N. Subsection O deals with a transit plan which covers transit lines, rapid transit, street car, motor coach, trolley lines, etc. Subsection P is the comprehensive transportation plan including rights-of-ways, terminals, grade separation, viaducts, ports, harbor, aviation, and related facilities. Some of Supervisor Bennett's items have been requested. Staff will return during the budget session and make requests for these areas. Mayor Teixeira supported having them added in the future. Supervisor Bennett urged inclusion of the verbiage as this would allow future amendment and provide the budget. Next month she will ask the Regional Transportation Commission to establish a committee on transportation to consider these other elements. Commissioner Uhart pointed out that trails/bikepaths/walkways are addressed in several other elements of the plan. Public comments have not been considered on these points. She suggested that these issues be discussed at a future meeting and that the document be adopted as it is written. Supervisor Bennett responded by expressing her opinion that the Commission had had 30 days to consider her comments as she had pointed them out at the last meeting. Mayor Teixeira pointed out that there is no problem with the aggregate recommendation. Mr. Sullivan explained that Streets and Highway, Transportation, and Transit are all separate elements of the Master Plan. They are interrelated to the land use, its goals, and implementation strategies. The proposed plan addresses different aspects of each. He agreed that the Streets and Highways element needed to be reconsidered as it was last studied in 1990. Staff will return during the budget to discuss the Transportation, Transit, and Streets and Highway elements.

(2-2209.5) Mr. Walter felt that these items could be added to the document. The timing for this addition was left to the Board. The Planning

Commission and staff have both expressed their intent to discuss it. These were examples of items which needed to be incorporated and the Plan amended accordingly. This is a part of the normal ongoing process. The verbage in the current draft has been reviewed word by word. The proposed revisions have not been considered in detail and the Commission would like to do so before implementation. Chairperson Rogers indicated that the Commission had heard these items before. Supervisor Bennett's request was included in various locations throughout the element. He felt that the four items could be adopted and added to the element knowing that the process would recognize the implementation strategy. Funding will have to be found/allocated for it. He felt that the requests were in harmony and supported their inclusion. Mayor Teixeira reiterated his desire to approve the document and not delay the process while the elements are being drafted. Supervisor Bennett agreed.

(2-2265.5) Mr. Kipp suggested the front cover include a statement that "This Master Plan Land Use Element Text and Map do not change the zoning which exists the day that it is adopted." Mayor Teixeira indicated that this could not legally be done. Mr. Kipp expounded on his reasons for the request. Chairperson Rogers felt that a note indicating this statement could be added to the title page. Mayor Teixeira felt that it would indicate that the elements could not be implemented. This would mean the entire effort was not serious. The Master Plan by itself would not change the zoning but as the Plan is followed, the zoning will eventually change.

(2-2342.5) Ms. Urza then requested that Mr. Meason's property not be included in the Master Plan and that his area be continued. She felt that the Master Plan would impact the property value. The zoning would definitely change the value and, based on Mayor Teixeira's comments on the intent to follow the Plan, this would occur.

Mr. Lipparelli recommended the Commission act on the changes proposed before the Board adopt the Master Plan.

(2-2409.5) Commissioner Nietz moved that the language as presented to the Planning Commission tonight on behalf of Supervisor Bennett be incorporated in the appropriate places in the Draft Land Use Element of the Master Plan. Commissioner Pozzi seconded the motion. Following discussion on whether to include Supervisor Tatro's comments in the motion, Mayor Teixeira indicated there should be two separate motions. Chairperson Rogers pointed out the typographical error in 9.3.7 which should be corrected with the change. The motion to approve the addition to the Draft land Use Element of the Master Plan was voted and carried 5-0-0-2 with Commissioners Christianson and Horton absent.

(2-2430.5) Chairperson Rogers indicated that Supervisor Tatro's changes were: 1. Definitions for SPA and SPD are to be included at the first occurrence; 2. Chapter 4, Page 2, 1.9.1 should indicate that the SPA/SPD process is voluntary; and in 9.3.7 the Master Plan update will occur every five years. Discussion indicated this change had already been made. Chairperson Rogers then indicated that the item on Section 6.1 was a clarification. Commissioner Nietz moved that the changes to the Draft Land Use Element of the Master Plan as enumerated by Chairperson Rogers be incorporated in the appropriate places. Commissioner Pozzi seconded the motion. Questions were solicited but none made. Motion carried 5-0-0-2 with Commissioners Christianson and Horton were absent.

Mayor Teixeira asked Chairperson Rogers if there were any other changes which should be made this evening based on the testimony given. Chairperson Rogers felt that there were none. The discussion had fairly well covered the topic. He expressed his gratitude for the Board's time and support for the process. It had been a long process with several requests for funding from the Board, which had been provided.

Supervisor Ayres moved that the Board of Supervisors adopt the Master Plan Land Use Element, both text and map, as presented to the Board this evening with the additional language incorporated by Supervisor Bennett and Supervisor Tatro as approved by the Planning Commission this evening. Supervisor Bennett seconded the motion. Comments were solicited but none made. The motion was voted and carried 3-1-0-1 with Supervisor Tatro voting Naye and Supervisor Smith absent.

D. ADJOURNMENT - (2-2801.5) There being no other matters for discussion by the Planning Commission, Commissioner Pozzi moved to adjourn. Commissioner Uhart seconded the motion. Motion carried 5-0-0-2 with Commissioners Christianson and Horton absent. Chairperson Rogers adjourned the Planning Commission at 7:40

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p.m.

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.

The Minutes of the Special July 18, 1996, Joint Meeting of the Carson City Regional Planning Commission and the Carson City Board of Supervisors

1996.

ARE SO APPROVED ON_September_25,

/s/ _____
Alan Rogers, Chairperson