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A regularly scheduled meeting of the Carson City Planning Commission was held on Wednesday, September 29, 2004, at the Community Center Sierra Room, 851 East William Street, Carson City, Nevada, beginning at 3:30 p.m.

PRESENT: Chairperson John Peery, Vice Chairperson Mark Kimbrough, and Commissioners Craig Mullet, Steve Reynolds, Roger Sedway, and William Vance

STAFF PRESENT: Community Development Director Walter Sullivan, Chief Deputy District Attorney Mark Forsberg, Senior Planner Rob Fellows, Recording Secretary Katherine McLaughlin, and Associate Planner Sean Foley (P.C. 9/29/04 Tape 1-0044)

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 - Chairperson Peery convened the meeting at 3:30 p.m. Roll call was taken. Commissioner Reynolds had not yet arrived. Commissioner Semmens was absent. Commissioner Mullet led the Pledge of Allegiance.

B. APPROVAL OF MINUTES - 8/25/04 PLANNING COMMISSION AND 8/25/04 GROWTH MANAGEMENT (1-0050) - Discussion among Commissioner Vance, Community Development Director Sullivan, and Recording Secretary McLaughlin indicated that Applicant Jaspal S. Sidhu had not verbally responded to the Commission's question regarding keeping the apartments vacant until the City has two wells on line. It was felt that Mr. Sidhu may have nodded. (Commissioner Reynolds arrived during this discussion. A quorum of the Commission was present although Commissioner Semmens was absent.) Commissioner Vance moved to approve the Minutes of the August 25, 2004, Growth Management Commission meeting and the August 25, 2004, Planning Commission meeting. Commissioner Reynolds seconded the motion. Motion was voted carried 5-0-1-1 with Commissioner Mullet abstaining and Commissioner Semmens absent.

C. PUBLIC COMMENT (1-0117) - None.

D. MODIFICATIONS TO THE AGENDA (1-0124) - Mr. Sullivan indicated that Items G-7, 8, and 9 will not be heard before 6 p.m.

E. DISCLOSURES (1-0131) - Commissioner Sedway stated for the record that he would recuse himself from Item G-6.

F. CONSENT AGENDA (1-0139) - None.

G. PUBLIC HEARING (1-0139)

G-1. SUP-04-152 - ACTION ON A SPECIAL USE PERMIT APPLICATION FROM CRAIG

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DEFRIEZ, NEVADA DIVISION OF STATE LANDS (1-0152) - Associate Planner Sean Foley, Nevada Public Works Board Representative Craig Defriez, Architect Terry Melby of Ganther Melby Architects and Planners, Senior Engineer Rob Fellows, Community Development Director Walter Sullivan, NevadaWorks Division Representative Peter Reinschmidt - Mr. Foley suggested Condition 4 be amended to require 18 months for commencement of the use to occur as Mr. Defriez had requested. Computerized photographs of the site were shown.

Mr. Melby explained that the National Emergency Management will be using the building. It is not part of the National Guard. Justification for delaying construction for 18 months was limned. He questioned the reasons for requiring Condition 17 and whether the same requirements will be mandated for small projects such as the security/guard shack at the main entrance. Other projects that are planned for the site were limned. The main entrance will remain where it is. Eventually a wrought iron fence will surround the entire complex. The Emergency Management location will include a mobile antenna. Everything is to be moved from the present Carson Street location to this property. They will comply with the other conditions. They will meet FEMA requirements for the site. The building elevations and architect's renderings were described. The structure will not be placed over a fault line as a fault line does not exist on the site. He allegedly had a copy of the geotechnical report supporting this statement. He asked that Condition 4 be eliminated or modified. He then explained that project funding takes several years to obtain. The funding requests are based on the best guesstimates possible, however, changes to the City Code sometimes have not been included. An example illustrating this problem is the City curb, gutter, and street improvements required from the main entrance to the future freeway. The State is willing to make these improvements prior to extension of the freeway, however, may not be able to make them at the time the building is constructed. This process is similar to that used with the National Guard building. Mr. Defriez indicated that State Public Works will add the curb, gutter, street improvements to the 2007 Statewide CIP paving projects. He did not feel that the project will be able to absorb within its proposed budget the estimated \$40,000 to \$50,000 required for the improvements. The improvements could also be absorbed within Phase 2 of the freeway project as part of the 2007 Statewide CIP paving projects.

Commissioner Kimbrough commended them on the aesthetics of the projects. Discussion among Commissioner Mullet, Mr. Foley, and Mr. Fellows explained the location, extent of the street improvements, and justified their needs. Discussion between Commissioner Reynolds and NevadaWorks Division Representative Pete Reinschmidt explained the staffing level during the week and during emergencies. The present Emergency Management office on South Carson Street will be moved to the site. Twelve Highway Patrol Dispatchers will be moved from the Reno Office to the site. Mr. Melby then explained the plans to relocate the detention basin. It will slow flood runoff and put it on State owned land.

Discussion between Commissioner Sedway and Mr. Foley explained that Condition 13 is required by Engineering. Condition 14 is case related. Clarification indicated that the requirements in Condition 14 could be added to Condition 13. Condition 14 was then eliminated. Public comments were solicited but none were given.

Clarification between Mr. Melby and Mr. Sullivan indicated that Condition 17 relates to buildings more than 20,000 square feet that create an impact on City infrastructure. Condition 17 was to be modified to state the requirement is for any building containing more than 20,000 square feet. Mr. DeFriez indicated that the site

work will commence in either February or March 2005. As grading/construction will commence before September 2005, Mr. Sullivan indicated that an extension of the permit will not be required. He also indicated that, as documentation indicating that no faults are on the site is available, the condition related to it could be eliminated. He also corrected the previous statement eliminating Condition 14 to be to eliminate Condition 13 and retain the original Condition 14. The conditions were renumbered in view of the elimination(s). Mr. DeFriez then stated that he accepted the conditions as changed and agreed with the staff report.

Commissioner Kimbrough moved to approve SUP-04-152, a Special Use Permit application from Craig DeFriez, Nevada State Public Works Board, to allow the construction of a 30,000 square foot emergency operations center building on property zoned Public generally located at the northwest corner of Edmonds and Fairview Drives, Assessor's Parcel Number 10-051-04 and -08, based on seven findings and subject to the recommended conditions of approval contained in the staff report with the exception of Number 13 which was eliminated. Discussion indicated that an extension of the Special Use Permit to 18 months was not needed. Commissioner Mullet seconded the motion. Motion carried 6-0.

G-2 AB-04-112 - ACTION ON AN ABANDONMENT OF PUBLIC RIGHT-OF-WAY APPLICATION FROM GRAY & ASSOCIATES (1-0575) - Associate Planner Sean Foley, Community Development Director Walter Sullivan, Chief Deputy District Attorney Mark Forsberg, Gray and Associates Representative Carrie Cates and Engineer Phil Milgiore - Discussion explained that the previous Lompa Road right-of-way is now called Russell Way. An explanation of the Statute allowing the return of dedicated right-of-way to the abutting property owner(s) without a charge was provided. Mr. Forsberg explained the difference between this abandonment request and the Ninth Street abandonment which had occurred some time ago. Ms. Cates explained the safety issue related to the freeway access to justify the abandonment request. Public comments were solicited but none were given. Ms. Cates agreed to the conditions in the report. Commissioner Vance moved to recommend that the Board of Supervisors approve application AB-04-112, a request to abandon a portion of Dori Way between Lompa Lane and U.S. Highway 50 East adjacent to APNs 008-161-28, -31, -55, and -56, based on seven findings and subject to four conditions of approval contained in the staff report. Commissioner Reynolds seconded the motion. Motion carried 6-0.

G-3. RECESS THE PLANNING COMMISSION AND CONVENE THE GROWTH MANAGEMENT COMMISSION (1-0738) - Following adjournment of the Planning Commission, Chairperson Perry immediately convened the Growth Management Commission. Please see its folder for Minutes of its meeting.

G-4. ADJOURNMENT OF THE GROWTH MANAGEMENT COMMISSION AND RECONVENE THE PLANNING COMMISSION (1-1314) - Following adjournment of the Growth Management Commission, Chairperson Peery reconvened the Planning Commission. (A quorum of the Commission was present, although Commissioner Mullet was absent.)

RECESS: A recess was declared at 4:47 p.m. A quorum of the Commission was present when Chairperson Peery reconvened the meeting at 4:57 p.m. Commissioner Semmens was absent as noted.

G-5. SUP-04-155 - ACTION ON A SPECIAL USE PERMIT APPLICATION FROM TAIT AND ASSOCIATES (1-1316) - Community Development Director Walter Sullivan; Carson-Tahoe Hospital Legal

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Counselor Michael Pavlakis, Chief Deputy District Attorney Mark Forsberg, Senior Engineer Rob Fellows, Tait and Associates Architect Douglas Gibson; Carson City Senior Center, Inc., Governing Board Chairperson Bruce Scott, Community Development Inc. Chief Financial Officer Greg Urrutia - (Commissioner Sedway recused himself during the disclosures. Commissioner Semmens was absent. A quorum was present.) Mr. Sullivan's introduction included an explanation of public comments received by the staff regarding the impact of the facility on adjacent residences and the possibility that heavy trucks will use Beverly rather than traverse the Long and Roop Street intersection. He noted that both Carson-Tahoe Hospital Legal Counsel Michael Pavlakis and Senior Center Executive Director Janice McIntosh were present. Justification for the proposed location is to be provided by the Applicant. The State Division of Housing has indicated that there is a tremendous need for low and moderate income housing for seniors. The project will meet some of this need. It will also meet the goals and objectives of the Housing Plan which calls for this type of housing. Discussion between Chairperson Peery and Mr. Sullivan indicated that Mr. Pavlakis' comments should be included at this point.

Mr. Pavlakis explained the Hospital's position that the proposed site was acquired for assisted living. The Hospital supports the proposed affordable housing project on the northern portion of the property. The Hospital has development rights to the southern portion of the parcel which is allegedly being separated by a lot line adjustment. He felt that the Senior Center is aware of the Hospital's objectives. Their joint efforts had allowed for completion of the single story Senior Center, additional parking, and resolution of drainage issues. He also indicated that the Hospital will join the request that Sierra Pacific allow drainage onto the utility easement parcel known as APN 002-193-01 and will request that, if and when it develops the southern portion of the property, it be allowed to drain to APN 002-193-01 also. Discussion between Mr. Pavlakis and the Commission indicated that the original plans for the southern portion of the parcel were to use it for health care related purposes. This includes expanding the physical therapy and adult or geriatric type of care, providing behavioral health services, expansion of the life stress aspects, providing some compliments to therapy services provided by the Hospital such as a gym/pool, and perhaps a separate medical office building. Commission comments expressed concern about the Hospital's plan to relocate the main facility and abandon the present facility. Mr. Pavlakis stressed that they are not vacating or abandoning the current medical facility. A number of options are being evaluated regarding its future uses. They include long term care, assisted living and nursing home operations. A continuation of the health care uses on Mountain Street will occur. He also indicated that two years ago the Hospital would have considered using it for senior housing. At this time other concepts are being considered which will not require a major transition in the usage or loss of the licensure.

Commissioner Mullet then explained his ice and snow safety concerns with the proposed location of the apartments. If the Center and Hospital exchange parcels, these risks will be alleviated. It also allows the apartments to face south, have a view of Jobs Peak rather than the cemetery, and alleviate the traffic concerns on Beverly.

Commissioner Sedway noted that he had recused himself and pointed out that the apartment complex will have 180 foot setback on the south side. The lot line adjustment will reduce the 180-foot setback. The plans indicate there is a 15-foot setback on the south side of the structure. The proposal is for an apartment building for long-term care. The Hospital will not "lend itself" to this type of design regarding the kitchen units, etc. Mr. Forsberg pointed out that, as Commissioner Sedway had recused himself, he could not discuss the

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application at the dias.

Mr. Fellows explained the Condition indicating that the City would not oppose drainage on APN 002-193-01 if Sierra Pacific agrees. He also indicated that one drainage facility for both the Hospital and the Senior Center is acceptable if Sierra Pacific agrees.

Mr. Gibson described the plans for the building. The south facing view from the second and third floor common areas are of Jobs Peak. Amenities on the first floor were described. Contingency plans include a required snow storage area on the southeast side of the structure. Justification for the proposed location included ease of access to the Senior Center. The site and landscape plans were summarized. Clarification indicated that Condition 8 related to lighting associated with the building and the parking lot. Staff will work with the Applicant on Condition 11 regarding fencing on the decks and porches. Wood fences with southern exposures deteriorate quickly. Mr. Gibson indicated that he had color samples with him. They plan to match the gray tones of the Senior Center. He also indicated a desire to modify the colors somewhat so that it is a "purplish tan" and that it will not be the color "eggplant". Mr. Gibson indicated for the record that they accepted the conditions of approval.

Commissioner Mullet elaborated on his recommendation that the structure be placed on the southern parcel. Mr. Gibson explained that the square footage and State mandated number of units eliminates the parking on the north side. He indicated that a great deal of redesign work had been undertaken to meet these requirements and to provide for the detention facility on the east side of the structure. They had placed the parking as far from the adjacent residences as possible.

Public comments were solicited. (1-1763) Mr. Scott indicated that the Center had a long history of working with the Hospital. He planned to continue that relationship and would cooperate with them on the proposed joint drainage project subject to Sierra Pacific's approval. The proposed drainage detention area is owned by the City. He reiterated for the record that they will cooperate with the Hospital in this regard. A lot of effort has been put into the location of the structure. He hoped that in the future it may be possible to construct additional units on the southern portion of the parcel. A lot line has been developed honoring the agreement between the Hospital, the Senior Center, and the City. The Hospital is not in a position to agree to allow additional units on the southern portion of the parcel at this time. The building location on the parcel was determined in an effort to allow maximum usage of the southern parcel if it is a reality in the future. He also committed to considering heated sidewalks in the pick up areas as a preventive measure and to eliminate the risks encountered on the north side of the building during the winter time. He urged the Commission to approve the project and thanked them for their time and consideration. He explained the composition of the Governing Board and the Senior Center Advisory Council. Carson City Senior Center, Inc., is a nonprofit corporation.

Discussion between Mr. Scott and Commissioner Mullet explained that the residents will be selected based upon income. The apartments are not for individuals with average or above average incomes. Discussion explained how the Senior Center had become aware of Community Development Inc., its role in developing low income senior housing, its ability to obtain funding for the proposed project, and Citizens for Affordable Housing's experience with the firm. Community Development Inc. is allegedly known in the State housing area, in affordable housing area, and throughout Northern Nevada.

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Mr. Urrutia explained his private nonprofit firm is from Caldwell, Idaho, and summarized its Nevada involvement. The project will use tax credits which will restrict the income level of the tenants. Estimates of the rental rates were described. The advantage provided by having the property, and not having to acquire it, assists in keeping these rates down and reduces the debt required to finance the project. He indicated that it will be at least 18 months before the doors are opened. Fifty individuals have already indicated an intent to apply for the units. The applications are taken on a first come, first serve basis. Each applicant must qualify based on income. It is a highly regulated field with IRS oversight. Annual compliance is monitored for 15 years.

Commissioner Kimbrough applauded Mr. Urrutia for his candor. He complimented Mr. Scott on getting this type of housing for the community. He felt that it is a great project. Additional public comments were solicited but none were given.

Discussion between Commissioner Vance and Mr. Sullivan indicated that if the Hospital decides to construct a three-story structure, it will be required to obtain a special use permit as the property is zoned Public.

Commissioner Vance moved to approve Special Use Permit SUP-04-155, a Special Use Permit request from Tait and Associates, Inc., property owner Carson City--Carson City Senior Citizens Center, to allow a 49 multi-unit apartment, senior housing project on property zoned Public Regional located at 1101 Beverly Drive, APN 002-121-09, based on seven findings and subject to 12 conditions of approval contained in the staff report. Commissioner Kimbrough seconded the motion. Motion carried 5-0-1-1 with Commissioner Sedway abstaining and Commissioner Semmens absent.

RECESS: A recess was declared at 5:46 p.m. A quorum of the Commission was present when Chairperson Peery reconvened the meeting at 6:04 p.m. Commissioner Semmens was absent as indicated.

G-6. ZCA-04-109 - ACTION ON A ZONING CODE AMENDMENT TO AMEND THE CARSON CITY MUNICIPAL CODE SECTION 18.05.030 (1)(B) (1-2115) - Community Development Director Walter Sullivan, Chief Deputy District Attorney Mark Forsberg, Elaine Shields, Pam Bell, Dolores McJunkin, April Pogue - Copies of the proposed ordinance were distributed to the audience. (A copy is in the file.) Mr. Sullivan corrected the new Ordinance Section to be Section C. Mr. Sullivan read the final draft of the ordinance into the record and indicated suggested revisions. He then read Supervisor Aldean's letter dated September 29, 2004, into the record. Jackie Bridges' telephone call supporting the ordinance was noted. Becky Beinsenstein's letter was referenced. Her concerns related to the term "infirm" and the lack of a definition for it and temporary. The final draft of the ordinance requires an annual review. Mr. Sullivan then explained his reasons for recommending that a 20-foot setback be required for the SF6 zoning district. Chairperson Peery supported the restrictions and expressed concern about the term infirmity. Discussion between the Commission and Mr. Sullivan indicated that the use may not be grandfathered. Only three applications had been approved for the use prior to 2002. Once the use is allowed, individuals residing in the RV will be allowed to remain so long as the need exists even though the RV is more than 15 years old. Commissioner Sedway felt that the lot size should not prohibit the use if all of the requirements can be met with the exception of the 20-foot setback. The individual should be allowed to seek a variance in such cases. He also felt that 16-year-old RVs/trailers which are in "beautiful" shape should be allowed. Mr. Sullivan then explained the fire wall requirements when buildings are placed within three feet of each other. He also

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encouraged the Commission to be inclusionary in defining the standards under which a variance is to be granted. Commissioner Sedway felt that the standards should not pose a problem for the applicants. They should be allowed to present their cases. Mr. Sullivan explained that the City does not enforce the CC&Rs. He also indicated that the City Code does not prohibit storage of RVs on SF6 lots. The RV must not, however, block the sidewalk or be occupied. Storage of RVs does not require screening or setbacks. Discussion explained that the SF6 zoning district does not allow guest quarters. Zoning districts which allow they have a 10-foot setback requirement. Removal of the RV/trailer within 30 days of the date the use is terminated will be left up to the applicant. Staff will enforce the removal clause on a complaint or notification basis. The notification process was described. Commissioner Mullet recommended revising the ordinance to require the applicant to notify staff when the need no longer exists and to immediately remove the unit. Mr. Forsberg pointed out that if the unit is unoccupied, it is no longer necessary to have a Special Use Permit. He indicated that notification is required to allow due process to occur and provides an opportunity to protest the decision by the Director, Commission and/or Board of Supervisors. He also noted that it would be difficult for staff to determine that an occupant is "healthy," which would invalidate the use. Commissioner Mullet explained his belief that the annual medical statement will validate continuing the use. Once the individual no longer lives on the property or an annual medical statement is not provided, the use should cease. The applicant should notify the Department and cease the use within 30 days. Mr. Forsberg explained that including the notification process in the ordinance will provide staff with the ability to notify the applicant if it is discovered that they are no longer in compliance. Commissioner Mullet felt that the City should not be forced to monitor and enforce the ordinance. The burden should fall on the applicant to meet the City standards and remove the unit if no longer needed. The applicant could store the vehicle but should not occupy it. Mr. Forsberg justified the changes which had been made to the ordinance since the Commission originally considered it. The changes require the infirmed individual to reside in the self-contained unit with the caregiver residing in the mobile home/residence. Mr. Sullivan explained the reasons for requiring the RV to comply with the Building Code. It was also pointed out that a physician will be determining the need for the individual to have a caregiver rather than City staff. Discussion explained the concern that a physician will issue a statement for any reason unless administrative standards are established. The physician's statement should be an objective opinion. Commissioner Kimbrough explained that the cost to bring the RV into compliance with City Codes could be expensive. He also pointed out that RVs are not constructed for winter use. (2-0012) Commissioner Mullet concurred. They felt that the RV was originally to be used as a spare bedroom for the caretaker. The proposed ordinance makes it a permanent residence for the infirmed. Mr. Forsberg explained the reasons for wanting the unit to be connected to City utilities. He also pointed out that it may be difficult/impossible for severely infirmed individuals to get in and out of an RV. Mr. Sullivan explained that the Building Code will address how the unit is to be connected to the utilities. He also urged the Commission to consider all cases rather than specific ones. The ordinance has broad implications. Chairperson Peery expressed his support for allowing the Director and Code Enforcement Officer to have discretion in making decisions regarding the use. They will undoubtedly bring revisions back for consideration in the future. He also indicated a desire to better define "infirmed". Clarification indicated that it may be possible for the unit to be connected to electricity but not the sewer and water utilities. Public comments were then solicited. Chairperson Peery thanked the audience for its patience.

Ms. Shields provided her definition of infirmed and explained her mother and husband's infirmities. The trailer is used as an extra bedroom. It has electrical service. It is not connected to the other utilities. It is more than 15 years old but is well maintained. The residence is used for cooking, etc. The propane tanks

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were removed. The trailer had purportedly been there for six years. She urged the Commissioners to visit the site. Chairperson Peery explained that the Commission is considering the community as a whole and not her specific case. Efforts were being made to provide a reasonable compromise for all. Discussion indicated that the neighbor who complained about the trailer and its use would see the trailer regardless of where it is placed on the property. Ms. Shields felt that the neighbor should leave them alone as they leave her/him alone. Chairperson Peery reiterated that the Commission is trying to find a reasonable solution for the entire community and not just her case. Discussion indicated that the trailer is a 1986 model but had been "well taken care of". Ms. Shields alleged that within a mile of her residence are others who are doing the same thing she is. She felt that it is better than being homeless.

Discussion between the Commission and Mr. Sullivan indicated that the 15-year limit was not a federal guideline. It was an arbitrary number selected by staff based on the surrounding counties 15-year limit. Commissioner Mullet pointed out the difficulty getting financing for a mobile home that is more than 15 years old. Chairperson Peery suggested that the ordinance be discretionary and allow well-maintained trailers. Mr. Sullivan asked for a standard in order to keep from being subjective, arbitrary, and capricious in considering the trailer/RV. Chairperson Peery expressed a desire to use a safety deadline. Commissioner Mullet pointed out that a one-year-old trailer that has been "trashed" may not be acceptable even though the age fits the criteria. He suggested that the Building/Health Department certify the unit. He was uncertain whether the industry has standards that could assist the Departments in their certification. Discussion justified the inclusion of an appeal process within the ordinance. Commissioner Sedway reiterated his contention that a variance process needed to be included. Discussion indicated that the Director's decision is appealable. Ms. Shields indicated that the lot is one-third of an acre and that a physician's letter had been submitted to Mr. Sullivan. Additional comments were solicited.

Ms. Bell gave the Commission a packet of information. (A copy was not given to the Clerk or staff.) Ms. Bell requested the term infirmed be defined and time limits be included in the definitions of temporary and permanent. She felt that a blind person who needed assistance does not have a temporary condition. Photographs of a neighbor's RV were included in her packet. She urged the Commission to consider the lot size and location of the unit in its deliberations. The State and City have funds to assist with the placement of individuals in assisted care facilities. She questioned how the City will control illegal dumping of waste products from self-contained units. She asked that a telephone be required in the unit in case an emergency occurs. An easement to allow emergency access to the unit and residence was requested. Temporary utility lines must be maintained, particularly in the winter time. She asked that the unit be in good condition rather than a new abused unit. A panel of three or more people should consider the applications. This will reduce the emotional elements in the deliberations. She clarified that her concern is not the storage of the unit on the lot but rather the use that disturbs her. Fire danger created by the use was stressed to illustrate her point. She felt that her home was 20 to 30 feet from the neighbor's unit. They have a nice view of everything she does. For this reason she urged the Commission to consider the setback. Commissioner Mullet pointed out that apartment dwellings and one story residences have the same problem when in neighborhoods with two story residences. The Commission is attempting to ensure that the unit has safe utility connections. Storage of an empty, unused unit is another issue. Ms. Bell stressed her belief that a six-year period is not temporary. The unit should not be allowed to create a multi-family zone. She reiterated her desire to have definitions of infirmed and temporary. She expressed her belief that the use will depreciate the value of her home. She encouraged the Commission to make the ordinance for temporary illnesses and not permanent illnesses. The

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occupants should find a larger home or make different living arrangements to handle the permanent, long-term illnesses. She also felt that a year was too long for reconsideration. She urged the permit to be granted in six month increments. She stressed the need for the applicant to address neighborhood complaints and to provide screening. Mr. Sullivan and Chairperson Peery explained the staffing for Code Enforcement. Discussion indicated that Code Enforcement is currently handled on a complaint basis only. Additional public comments were solicited. (Commissioner Sedway stepped from the room—7:33 p.m.—and returned at 7:35 p.m. A quorum was present the entire time.)

Ms. McJunckin questioned the reasons for having to defend herself against “penny ante things” and a constantly complaining neighbor. Chairperson Peery asked her to remain on the agenda topic and to avoid personal matters. Ms. McJunckin explained her need for assistance and indicated that her daughter and her son-in-law are helping her. Chairperson Peery explained that the Commission is attempting to find a reasonable compromise that will allow the use to occur. Ms. McJunckin expressed her hope that this will occur. She also indicated her desire to get along with her neighbors. She did not feel that she needed to be in either a convalescent home or hospital. Additional public comments were solicited.

Ms. Pogue felt that it was a noble endeavor to take care of the elders, however, she has a neighbor who occupies a RV that makes her feel like she is living next to a RV lot. She questioned the term infirmed and asked if alcoholics or “druggies” will be allowed to stay there. She supported having an independent physician provide the statement due to her belief that “doctors will sign off on anything”. She supported a restriction on the minimal lot size. Additional comments were solicited but none were given. Chairperson Peery closed public comments.

Mr. Sullivan explained the direction he received when asked to draft an ordinance and procedure for handling the situation. When the process was started there were two potential applications. Now there is only one. Only three applications were received for the use prior to 2002. For that reason, the ordinance was eliminated.

Commissioner Reynolds explained his need for additional information prior to being asked to vote on the ordinance. He felt that three to six years is not a temporary situation. A limit should be placed on the length of time the use is allowed. A short period of time should be allowed during which other options are explored.

Commissioner Kimbrough reiterated his concern about the use of RVs for permanent living arrangements, specifically during the wintertime. He indicated that he would support the ordinance if the unit is required to be connected to water and electrical utilities as mandated in the Code with a signed sewage removal contract. The unit should be connected to the ground and part of the house. He also felt that a year should be an adequate amount of time with a six-month extension to find another alternative. Otherwise, the unit will be there for five or six years.

Commissioner Mullet supported having the utility connections meet the Code specifications. A year time limit was too short for him. There should be a time restriction and a definition of temporary spelled out. He also wanted to see the language regarding the age of the unit revised to consider the condition of the unit. If the unit is not self-contained, the caregiver/infirmed will have to use the primary residence for kitchen and restroom facilities. The term infirmed must be addressed and include medical terms and disability claims. It should not be a perpetual migraine or alcoholism. Although he understood the desire to have a specified

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lot size, such a restriction limits the options for individuals on smaller lots. It may be acceptable to the neighbors to allow the use for one year on smaller lots as they know the use is temporary until a more permanent solution can be found.

Commissioner Vance felt that the rights and property values of the neighbors need to be considered. The minimum lot size should be 8,000 square feet. A limit on the duration is needed. He suggested one year with a one year extension as the maximum period. Mr. Sullivan indicated that staff had copies of the ordinances from surrounding counties. He had not read Lyon County's ordinance. Discussion indicated that he had copies of the Reno, Sparks and Washoe County ordinances. Mr. Sullivan had not discussed their enforcement procedures.

Discussion between Mr. Sullivan and Commissioner Sedway indicated that it is not legal to permanently live in an RV. Commissioner Sedway indicated a willingness to support an ordinance that will allow living in a RV to occur under specific conditions for an established timeframe. He had problems with restricting the age of the unit to 15 years and requiring a lot to be at least 8,000 square feet. This is an emotional, volatile situation. A variance process should be provided. He believed that the examples that were illustrated by photographs during the meeting would fail to be approved. The neighbors' rights need to be voiced. He could support the ordinance as written with a variance process added or have all applications for this use come to the Commission. Under this process each application will be considered on its own merits.

Chairperson Peery supported the one year timeframe. He suggested that Section 1, Page 1, read: "While providing a temporary living location for a person with a medically certifiable handicapping, debilitating, or end of life issue that constitutes a serious infirmity". This terminology will "sew it up". It will help the residents and the physician as it establishes parameters. An independent physician will not be willing to certify something that is nebulous under this particular definition. The setbacks will take care of the lot size issue as the use will either meet or not meet the requirements. If it does not, a variance could be requested. He felt that the Commission should stick to this requirement rather than be bias or exclusionary with the lot sizes as the setbacks have already been established.

Mr. Forsberg explained the Board of Supervisors does not like to make substantial changes during a meeting without taking the time to determine the impact that will be created. He recommended the change be restricted to establishment of a time limit. He also expressed his opinion that the change in terminology regarding infirmed may not have been adequately agenzized to notify individuals who may be opposed to the revision. Both he and Chairperson Peery recommended that the item be continued. Commissioner Sedway also suggested that a continuance be considered to allow staff time to analyze the changes. He felt that a consensus may not be reached due to the different opinions that had been expressed. **Supervisor Sedway moved to continue the Item to the next appropriate Planning Commission meeting. Commissioner Vance seconded the motion.** Commissioner Kimbrough pointed out that direction had not been provided in the motion to bring the matter back. Both Commissioner Sedway and Chairperson Peery felt that this was implied. Commissioner Vance suggested an amendment to the motion. **Commissioner Sedway concurred and amended his motion to include that the item be brought back at the next Planning Commission meeting and be amended as suggested by the Commission. Commissioner Vance continued his second. The motion was voted and carried 6-0.**

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Discussion among the Commission ensued on having the Director hear the applications rather than the Commission and questioned how the application will be handled if all of the setback requirements are met but the unit is visible from the adjacent property owner's window(s). Mr. Forsberg pointed out that a motion had been approved to continue the item without the applicant expressing a willingness to grant the continuance. Mr. Sullivan indicated support for the continuance and indicated that a workshop will be needed to discuss the changes due to the diversity expressed by the Commission. He also indicated a desire to discuss the ordinance with the Board of Supervisors, Mr. Forsberg, and Ms. Pruitt. Justification for having the Director hear the applications was based on the ability to conduct a meeting soon without requiring the Commission to have a special meeting. He also felt that a more friendly environment as created by a staff hearing would reduce the emotional nature of the applications. He thanked the Commission for granting the continuance. Commissioner Mullet pointed out that a guest home and a storage facility can be constructed in the setbacks with a variance. The ordinance is not as straight forward as it seems. Mr. Forsberg felt that the direction that had been provided may allow staff to craft an ordinance which may obtain passage by the Commission, however, it may not be exactly as stated by the Commission. Chairperson Peery commended the staff and audience on their participation. There is a diversity of views on the topic. It is a profound issue that is heart felt and needs time and sensitivity.

RECESS: A recess was declared at 8:05 p.m. A quorum of the Commission was present at 8:10 p.m. when Chairperson Peery reconvened the meeting. Commissioner Semmens was absent as indicated.

G-7. VAR-04-154 - ACTION ON A VARIANCE APPLICATION FROM JENNIFER VERIVE AND GARY CAIN (3-0007) - Senior Planner Jennifer Pruitt, Jennifer Verive, Gary Cain, Mark Lopiccolo - Ms. Pruitt noted that this is the first application under the recently revised Code process. She also noted for the record that the structure to the west of the property is zoned Residential Office and is being used for commercial uses. Commercial uses have a zero setback requirement. The referenced lot to the west was at one time a part of the applicant's lot. Discussion explained the alternations which have been made to the building. The Historic Commission had approved these changes. The garage will attach to the rear of the new structure. The garage will be approximately 3½ feet from the property line. The setbacks and the access to the garage were described. Onstreet parking will not be removed. The garage will cover the area currently used for onsite parking. This onsite parking area has been accessed from the adjacent property. Clarification indicated that the garage could be constructed to the lot line by Code.

Ms. Verive described the "new additions" as being renovations to additions that had been made some time ago. They had allegedly been done without permits. Permits were obtained for the renovations. They had read the staff report and concurred with it. Commissioner Mullet explained his interest in and tour of the building when it was for sale. He commended them on their improvements. Commissioner Vance also complimented them on their efforts. Ms. Verive complimented City staff and the Historic Commission for their assistance. Public comments were solicited but none was given.

Commissioner Mullet moved to approve VAR-04-154, a Variance request from Jennifer Verive and Gary Cain to allow a reduction in the setback requirement when adjacent to a residential district from 10 feet to approximately 3½ feet for the expansion of the existing residence/commercial use located at 412 North Curry Street, APN 003-225-10, based on three findings and subject to eight conditions of approval contained in the staff report. Commissioner Reynolds seconded the motion. Motion carried 6-0. Chairperson Peery and Mr.

Sullivan thanked them for their patience.

G-8. ZCA-04-128 - ACTION REGARDING A ZONING CODE AMENDMENT APPLICATION TO AMEND DEVELOPMENT STANDARDS DIVISION 1, SECTION 1.14; CCMC TITLE 18.03, 18.04, 18.05, 18.06, 18.07, AND 18.12 (3-0340) - Senior Planner Jennifer Pruitt, Community Development Director Walter Sullivan - The modifications will correct technical errors and consistency issues in addition to matching the Building Code references with the Building IBC Codes. Commissioner Mullet commended staff on its efforts and explained his review of the ordinance. He felt that it made the Code more readable and understandable. He indicated concerns related to care facilities which he intends to address with the Legislature. The placement of a halfway house for drug addicts or alcoholics in a neighborhood environment should not be allowed. Although there are occasional changes in numerical sites, there are occasions when the numbers are written out and vice versa. He felt that the revisions were cumbersome for the public and asked that the clerical errors be separated from the other changes. He asked that the ordinance be continued/tabled until he has an opportunity to discuss them with staff. Ms. Pruitt welcomed his comments as the main objective is to make sure the Code functions correctly. The numbers one through ten should be written out and all numbers above that should be written numerically. She agreed that there was a lot of information contained in the ordinance. Commissioner Vance also felt that the ordinance should be reviewed publicly. Public comments were solicited but none were given. Commissioner Mullet reiterated his request for a continuance. Mr. Sullivan invited the Commissioners to individually meet or telephone staff. Justification for some of the changes was provided. Reasons for leaving all of the changes in one package including the sections which are deleted were explained. He concurred that it is difficult to read due to editorial requirements. There are 80 pages of text involved in the changes. A lot of work had gone into the ordinance. Chairperson Peery applauded staff's efforts. Mr. Sullivan reiterated staff's invitation to meet or talk with the Commissioners individually or in a special meeting. Chairperson Peery indicated that he had heard the Applicant request the item be tabled. Commissioner Mullet moved to table Item G-8, ZCA-04-128, to the next monthly meeting. Commissioner Vance seconded the motion. Motion carried 6-0.

H. STAFF REPORTS (NONACTION ITEMS) (3-0572)

H-1. REPORT ON BOARD OF SUPERVISORS ACTION ON PRIOR PLANNING COMMISSION APPLICATIONS - Community Development Director Sullivan explained that the Board of Supervisors had presented former Commissioners Wipfli and Christianson with the Commission's Resolutions of Commendation and plaques. Messrs. Wipfli and Christianson had asked that the Commission be thanked for the recognition and wished the Commissioners success in the future. The Master Plan work schedule was presented to and adopted by the Board. Principal Planner Plemel explained that the Board had acknowledged the Consultant's presence. Chairperson Peery complimented Mr. Plemel on his news coverage of the master plan. Mr. Sullivan noted Senior Planner Pruitt's involvement in the Master Plan review. He explained that the Open Space tax deferrals were approved. The Board will consider the two rezoning and tentative subdivision map applications on the 7th. No formal action was required or taken.

H-2. MPA-04-127-STATUS REPORT ON THE COMPREHENSIVE MASTER PLAN AND PARKS, RECREATION AND TRAILS PLAN (3-0633) - Principal Planner Lee Plemel - Efforts to inform the public about the first round of neighborhood meetings were noted. The logo is "Envision Carson City". An illustration of it was shown. The website is up and running. The schedule of meetings has been published

by the media. David Morgan was thanked for his assistance with educating the public. Thirty second advertisements are running on CAT-10, the Community Bulletin Board, and KPTL. Some of the Charter Cable channels will also air these advertisements. Flyers will be sent home with the elementary students. He will be working with the *Nevada Appeal* and the *Reno Gazette Journal* to get the news articles out about the meetings. He will continue to contact the Commissioners by email. No formal action was required or taken.

H-3. MISC-04-179 - STATUS REPORT ON THE NUMBER OF GROWTH MANAGEMENT ENTITLEMENTS TAKEN IN CY 2003 AND CY 2004 (3-0684) - Community Development Director Sullivan highlighted the staff report. He also indicated that Public Works Operations Manager Hoffert and Senior Public Works Operations Chief Horton will explain the increased water usage at the next Planning Commission meeting. Their report will clearly indicate that the City is not growing beyond the confines of the Growth Management Ordinance. Chairperson Peery pointed out that this issue has been politicized. The City is in its sixth year of drought. The residents must be asked to reduce their personal water usage. The City has adequate resources and is building on its ability to pump more water. Discussion between Mr. Sullivan and Commissioner Reynolds pointed out that last month a “hook” had been included in some approvals. Tonight the same “hook” was not included. It was suggested that the five applications for new wells, which have been submitted, may be the reason for dropping the “hook”. The recent increase in commercial entitlements was felt to be unprecedented. It is normal for only one application to be received by staff. There have been two or three years where no applications were submitted. This year there have been five or six applications. There may be one more application. The Commission may need to look into this area. Commissioner Vance explained that personal friends allege that there is a drop in their water pressure. They believe they are located in the same pressure zone as the Hampton Suites. They have reported it and were told “that’s the way it is”. Mr. Sullivan felt that the water system report next month should be very informative. Their questions should be included in the discussion. No formal action was taken or required.

I. ACTION ON ADJOURNMENT (3-0796) - Commissioner Reynolds moved to adjourn. Commissioner Sedway seconded the motion. Motion carried 6-0.

The Minutes of the September 29, 2005, Carson City Planning Commission meeting

ARE SO APPROVED ON April 27, 2005.

/s/

John Peery, Chairperson