

CARSON CITY PLANNING COMMISSION
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A regularly scheduled meeting of the Carson City Planning Commission was held on Wednesday, October 27, 2005, 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, Roy Semmens, and William Vance

STAFF PRESENT: City Engineer Larry Werner, Public Works Operations Manager Tom Hoffert, Principal Planner Lee Plemel, Senior Engineer Rob Fellows, Senior Planner Jennifer Pruitt, Deputy District Attorney Mary Margaret Madden, Recording Secretary Katherine McLaughlin, and Associate Planner Sean Foley (P.C. 10/27/04 Tape 1-0007)

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. The entire Commission was present, constituting a quorum. Commissioner Sedway led the Pledge of Allegiance.

B. APPROVAL OF MINUTES (1-0021) - None.

C. PUBLIC COMMENTS (1-0022) (1-0070) - Chairperson Peery explained Community Development Director Sullivan's absence and wished him a speedy recovery. He also commended Commissioner Semmens for attending the meeting in spite of his illness.

D. AGENDA MODIFICATIONS (1-0029) - Discussion indicated that an agenda had been circulated indicating Consent Agenda Items F-6 and 7 were for a billboard. They are for City wells. A later agenda corrected this error.

E. DISCLOSURES (1-0041) - None.

F. CONSENT AGENDA (1-0046)

F-1. U-96/97-16 - ACTION TO APPROVE THE REVIEW OF A PREVIOUSLY APPROVED SPECIAL USE PERMIT FOR SILVER OAK DEVELOPMENT COMPANY

F-2. MPA-04-178 - ACTION ON A REQUEST FOR A CONTINUANCE TO THE 11/17/04 MEETING FOR APPROVAL OF A MASTER PLAN ELEMENT FROM SIERRA PACIFIC POWER COMPANY

F-3. SUP-04-153 - ACTION ON A REQUEST FOR A CONTINUANCE TO THE 11/17/04 MEETING ON A SPECIAL USE PERMIT APPLICATION FROM SIERRA PACIFIC POWER COMPANY

F-4. SUP-04-157 - ACTION ON A REQUEST FOR A CONTINUANCE TO THE 11/17/04

MEETING ON A SPECIAL USE PERMIT APPLICATION FROM CINGULAR WIRELESS

F-5. VAR-04-158 - ACTION ON A REQUEST FOR A CONTINUANCE TO THE 11/17/04 MEETING ON A VARIANCE APPLICATION FROM CINGULAR WIRELESS

F-6. SUP-04-169 - ACTION ON A REQUEST FOR A CONTINUANCE TO THE 12/22/04 MEETING ON A SPECIAL USE PERMIT APPLICATION FROM THE CARSON CITY UTILITIES DIVISION

F-7. SUP-04-171 - ACTION ON A REQUEST FOR A CONTINUANCE TO THE 12/22/04 MEETING ON A SPECIAL USE PERMIT APPLICATION FROM THE CARSON CITY UTILITIES DIVISION - Commissioner Mullet moved to extend the continuation of the Consent Agenda Items to the November 17 meeting. Following a request for a modification to the motion, Commissioner Mullet amended his motion to approve the Consent Agenda with the modifications as noted. Commissioner Semmens seconded the motion. Motion carried 7-0.

G. PUBLIC HEARING (1-0076)

G-1. PRESENTATION REGARDING THE CITY'S WATER SYSTEM AND OTHER MATTERS RELATED THERETO - Public Works Utilities Manager Tom Hoffert, City Engineer Larry Werner - Mr. Hoffert gave a computerized slide presentation on the City's water system. Mr. Werner explained a computerized slide presentation on the City's water rights and the hydrological basins. (A copy of the slides are in the file.) Comments stressed well development and rehabilitation needs. Both Mr. Hoffert and Mr. Werner stressed that the City owns more than an adequate amount of water rights to meet the City's needs, however, production improvements are needed. Mr. Hoffert then explained the Federal Water Quality Regulations and, specifically, those related to arsenic. If each well must meet the standard, the City will have to remove seven wells from the system due to failure to meet the standard. If averaging is allowed, the City will be able to comply. Water supply alternatives, options, and estimated costs were limned. Funding for these improvements will require a five percent rate increase. The cost of the arsenic solution(s) is unknown at this time and was not included in the estimate. Discussion explained the well head treatment programs for arsenic and fluoride. Mr. Hoffert also indicated that the nitrate concerns in southeast Carson City had been addressed by requiring the abandonment of septic systems and connection to the City's sewer system. Staff is currently watching nitrate levels in the Lakeview, Timberline, and northeastern sections of the City. Discussion explained the analysis conducted when making recommendations to the Commission regarding development issues. Residential demand creates the biggest load on the system. The 7,500 gallon bench mark for consideration by the Growth Management Commission was established by the Board of Supervisors in 1989 or 1990. It was based on what was felt to be a level of service that could be provided and planned. Discussion indicated that reused water is a very important element to the conjunctive use plan. The City uses 100 percent of the reuse water every summer. More reuse water irrigation sites are being added annually. Examples were cited to illustrate the program. Future plans include adding Seeliger and Fremont Elementary Schools and Eagle Valley Middle School to the program. The need to seal the reservoir was indicated and will create the need for even more irrigation sites. Carson City is the sole water provider for the community with the exception of a few small mobile home parks. The City has emergency connections to the Stewart and Carson Indian Colonies and other private purveyors. Every year one or two of these private purveyors get out of the business due to the regulations and compliance costs. Their water rights are added to the City's. Mr. Hoffert felt that the City's water rate is among the lowest in the Western United States. He also indicated that a copy of the presentation will be made available to anyone wishing one. The number of wells owned and operated by the State were discussed.

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The City has 26 monitoring wells. Tahoe does not impact the City's production ability with the exception that if there is no recharge to the Lake, the City cannot obtain water to recharge the Eagle Valley basin. A regional memorandum of understanding on a regional water system for the Moundhouse area was described. The Carson River Subconservancy will oversee the movement of this water. None of Carson City's water leaves Carson City. Under the agreement, Moundhouse or the requesting agency/community will have to furnish Carson City with water to be wheeled through its system for Moundhouse or the designated area. Mr. Hoffert indicated that 1998 was the last year that the ground water table had not dropped. Mr. Werner explained the water transmission process which indicated that recharging the ground water table does not occur in one year. At least 20 percent of the recharge rate cannot be retracted from the water table. For this reason it was felt that during wet periods the water table will rise. Mr. Werner felt that the City is reaching a point where conservation measures must be taken as more water is being pulled from the aquifer than is being recharged. Commissioner Vance explained his concern about the Commission's continuing to approve locations using more than 7,500 gallons of water a day. If the City continues to draw more than is recharged and the drought continues, a crisis could be encountered in the future. Mr. Werner explained the philosophical questions involved with water usage in a desert and whether lawns are a necessity. In the future it may become necessary to curtail irrigation uses. Two day a week watering will provide the ability to manage the system. Discussion also indicated that expansion of the Marlette Reservoir and use of its water is being done under the State's purview. The City receives the water but the State controls its flow. Discussion also indicated that all of the users have water meters. The cost of water increases as the usage increases. The cost was felt to be significant for high end users. Discussion then explained that all of the City's reclaimed water is used for irrigation in the summer time. This will continue until the reservoir is lined. At that time the City will have more reclaimed water than it can use. A well was abandoned in Timberline due to its low production. The need for additional water sources in the Timberline area was explained. The Waterfall Fire had emphasized the need for additional sources in that area. The water used for the freeway comes from shallow wells. The City must seal the first 100 to 150 feet below the surface. It cannot draw from this aquifer. The contractor uses reclaimed water whenever it is available. Additional questions were solicited but none were asked. Chairperson Peery thanked Messrs. Werner and Hoffert for the presentation. No formal action was required or taken.

RECESS: A recess was declared at 4:40 p.m. The entire Commission was present when Chairperson Peery reconvened the meeting at 4:48 p.m., constituting a quorum.

G-2. TSM-04-168 ACTION REGARDING A TENTATIVE SUBDIVISION MAP APPLICATION FROM TRI-STATE SURVEYING (1-1115) - Senior Planner Jennifer Pruitt, Principal Planner Lee Plemel, Herman Bauer - Susan Antipa's email was referenced. (A copy is in the file.) Staff's responses to her concerns were limned. Discussion between Ms. Pruitt and the Commission indicated that the City does not enforce CC&Rs for either residents or businesses. The City does not have a noise ordinance at this time. Noise is controlled under the disturbing the peace ordinances. Commissioner Kimbrough encouraged the Applicant to include noise restrictions in the CC&Rs. Ms. Pruitt indicated for the record that the property is in an industrial district. There are quite a few uses allowed in that zone. The project should be treated the same as other developing projects in the area. It should not be limited at this time. The uses provided by the applicant are softer uses for this district. There is no guarantee, however, as to the type of uses that will eventually be found at the site.

Mr. Bauer indicated that he had read and concurred with the staff report. He acknowledged the concern encountered when residential uses abut industrial uses. He could sympathize with the residents. A buffer

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containing a fence with City approved landscaping will be placed on the north side of the structure. They will construct the building. The proposal provides for 12 tenants and/or businesses who will own their condos. They have the "site developments" for the building permits. The lighting will meet City Codes. No lighting will escape onto the neighbors. The noise issue will be addressed through other means. There will be a cabinet shop on the north side with a 50-foot setback. Commissioner Vance indicated that the condos are already for sale. Mr. Bauer indicated that he may have been premature in placing the sign on the property. He also explained that the CC&Rs will restrict the noise level of the tenants. The hours of operation are not spelled out at this time. No outside storage will be allowed.

Discussion between the Commission and staff indicated that the parcel is one acre in size and questioned how this had occurred due to the Conservation Reserve (CR) zoning around it. Commissioner Mullett felt that the CR zoning was an attempt to provide an adequate buffer to avoid conflicts with the adjacent residential uses. He urged staff to be cognizant of this impact and the need to maintain the industrial area. He hoped that the master plan will address this issue. Public comments were solicited but none were given.

Commissioner Reynolds moved to approve TSM-04-168, a Tentative Subdivision Map request from Tri-State Surveying for an Industrial Subdivision to allow the creation of parcels within an industrial zoning district located at 5225 Grumman Drive, Parcel Number 008-816-65, based on the findings and subject to the recommended conditions of approval contained in the staff report. Commissioner Vance seconded the motion. Motion carried 7-0.

G-3a. RECESS THE PLANNING COMMISSION AND CONVENE THE GROWTH MANAGEMENT COMMISSION (1-1500) - Following adjournment of the Planning Commission, Chairperson Perry immediately convened the Growth Management Commission. Please see its folder for Minutes of its meeting.

G-3b. ADJOURNMENT OF THE GROWTH MANAGEMENT COMMISSION AND RECONVENE THE PLANNING COMMISSION (1-1681) - Following adjournment of the Growth Management Commission, Chairperson Peery reconvened the Planning Commission. (The entire Commission was present, constituting a quorum.)

G-4. SUP-04-123 - ACTION ON A SPECIAL USE PERMIT APPLICATION FROM PETER B. WILDAY, CASINO FANDANGO PROJECT (1-1685) - Senior Planner Jennifer Pruitt, Senior Engineer Rob Fellows, Principal Planner Lee Plemel, Architect Peter Wilday, Associate Planner Sean Foley - Ms. Pruitt indicated for the record that the Growth Management Commission had considered the project. The Major Project Review process had been used to analyze the plans. She indicated for the record that Mr. Wilday had provided a great deal of information including confirmation that there are more than 400 employees on the site. The application covers future plans for the site which were limned. Computerized photographs illustrating the site were shown and explained. Ms. Pruitt thanked Mr. Wilday for his cooperation and assistance. Discussion between Commissioner Sedway and Mr. Fellows explained the requirement to extend the waterline and the participation agreement that will be drafted to reimburse the Applicant for the costs encountered along vacant property. The need to solicit cooperation from the property owners for the street improvements was explained. Commissioner Sedway complimented Mr. Wilday for wanting to improve Curry Street. Reasons the street improvements were not made with the first phase of the Casino were explained. Clarification indicated that the infrastructure

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requirements are mandated by Code. These items were raised during the original Major Project Review process. There have been multiple phases to the project. The infrastructure improvements would have been required if the project had started with bare ground. Justification for requiring the Special Use Permit was provided. Clarification indicated that the conditions of approval included those required for the hotel and parking garage. Mr. Fellows also explained that Voltaire Canyon roadway will be improved only if and when the adjoining property is developed. The improved/correctly aligned intersection at Curry Street exists only on paper at this time. The intersection is not needed at this time for this project. If the MFA site is developed, the intersection will be improved.

Commissioner Mullet commended Mr. Wilday on the work that had been done to convert an empty building into a casino. Mr. Wilday explained the reasons a sign had not been removed and that the new sign is not completed. The former Supply One sign was removed and given to the High School. The sign and the parking banner on the leased "park and sale" auto lot will remain. Comments indicated that the sign that was to be removed is not in violation of the conditions of approval as the replacement sign is incomplete. Mr. Wilday felt that the new sign will be completed within a week or two. He indicated that he will "track it" to ensure completion and removal of the old sign. He then indicated that he had read the staff report and agreed with most of the conditions. Many of the conditions have already been met. He felt that as the original building contained 65,000 square feet, the improvements that have been made to the structure were "tenant improvements". Their landscaping and parking improvements were made to make the site more aesthetically pleasing. A signal on Carson Street is needed for safety reasons. The traffic report includes the traffic counts and criteria for both Carson Street and Curry Street, including local traffic. The preliminary plans and site design for the hotel and parking garage were described. He then described the plans for completion of the former Supply One building. They complete the "tenant improvements" for that building. He felt that a commitment had been made by Development Services Director Andrew Burnham to construct Curry Street before August 1 when they first discussed taking over Supply One and converting to a casino. The City's failure to meet the August 1 deadline had hurt the establishment. Then the City requested \$2,500 for a drainage survey of Voltaire. The Casino is responsible for half of the improvements to Curry Street along the frontage of their property. The entire distance of Curry Street from Koontz to Clearview needs to be improved. They have an established budget for their share of these improvements including the curb, water, sidewalk, and storm drain for Voltaire. Forty inch culverts to the detention basin have been installed. They should not be required to construct the Curry Street improvements for the entire distance. He was willing to commit to discussing with his neighbors the need to participate in the Curry Street improvements. He did not feel that they could afford more funding for roads. Chairperson Peery explained that Condition 12 requires them to "solicit" participation. The Commission/staff could not force him to pay for the entire project. Mr. Wilday indicated that he was "happy with that". He needed a clear understanding of their position. They want the road but cannot afford the entire roadway. Mr. Fellows corrected Condition 11 to read "the owner will be required to complete their street frontage improvements". Chairperson Peery and Mr. Wilday agreed to the correction. Mr. Wilday then used a map to illustrate the area now owned by Carson Gaming. The access to Casino Fandango could be aligned with the access to Eagle Station. The "Highway Department" had allegedly approved the "geometry" and sight distance. The detention basin and its drainage pipe were described. Comments pointed out that some people do not want to see another signal on Carson Street. Mr. Wilday explained that if the signals are synchronized they should work well and not slow the traffic.

Discussion explained a parking lot incident that had occurred. Ms. Pruitt justified Condition 15 which

required a 12-month review. Discussion also explained RTC's desire to have all of the improvements made to Curry Street at one time. It may be four to six years before this occurs. Public comments were solicited but none were given.

Mr. Foley used a "vicinity" map to explain the location of the Casino, Voltaire Canyon, Curry Street, and various improvements. Commissioner Kimbrough moved to approve SUP-04-045, a Special Use Permit request from Peter B. Wilday, applicant, The Steiner Group LLC, owner----. Discussion explained that The Steiner Group had owned the Supply One building. Escrow has closed on its sale to Carson Gaming. Commissioner Kimbrough amended his motion to indicated Carson Gaming Group, owner, and continued the motion to include allowing a commercial use of a casino complex which collectively exceeds 50,000 square feet in gross floor area on property zoned General Commercial located at 3800 South Carson Street, APN 009-153-03 and 009-195-04, based on seven findings and subject to the conditions of approval contained in the staff report. Commissioner Semmens seconded the motion. Motion carried 7-0.

G-5. SUP-04-170 - ACTION ON A SPECIAL USE PERMIT APPLICATION FROM THE CARSON CITY UTILITIES DIVISION (1-2542) - Associate Planner Sean Foley, Public Works Operations Manager Tom Hoffert - Jeff Rauh's fax was read. (A copy is in the file.) Slides illustrating the site were explained. Mr. Hoffert indicated that this was the first he had heard of any concerns regarding the well or its lighting. He agreed to look at alternative lighting for the well. Reasons for having the wells lite were explained. The location and visible equipment at the new well site were described. Reasons for needing to replace the present well were explained. The older well will be used during emergencies only. The first well was located at the site in 1981. Its use was commenced in 1986. The life span of casings/pumps and materials that will expand their lives were limned. Commissioner Kimbrough suggested that the motion include requiring controlled lighting to be used. He acknowledged that there are some valid reasons for having the well lite. Mr. Hoffert explained that the pump itself is submersed and the only noise that is produced is a clicking in the electrical switching equipment. The new well, while outside the building, will not add any more noises than the original well. Public comments were solicited but none were given. Commissioner Vance moved to approve SUP-04-170, a Special Use Permit application from Tom Hoffert, Carson City Utilities Division, to allow a potable water well approximately 30 feet to the north of an existing well and well building on property zoned Public Community, PC, located at 5340 Hells Bells Road, Assessor's Parcel Number 010-021-43, based on seven findings and subject to the recommended conditions of approval contained in the staff report. Commissioner Semmens seconded the motion and indicated that Mr. Hoffert had corrected the distance to be 50 feet rather than the 30 feet that had been indicated in the motion. Motion was voted and carried 7-0.

G-6. SUP-04-172 - ACTION REGARDING A SPECIAL USE PERMIT APPLICATION FROM CARSON CITY UTILITIES DIVISION (1-2848) - Associate Planner Sean Foley, Principal Planner Lee Plemel, Senior Engineer Rob Fellows, Public Works Operations Manager Tom Hoffert - Mr. Foley's introduction added a condition requiring landscaping for screening from the public right-of-way. Discussion explained that Carson City owns the detention basins. The College owns the area around it. Foothill Road may be extended through the area in the future. Mr. Fellows explained that the well site is outside the road right-of-way. When the roadway is developed, it will be considered a local street and will be 28 feet wide. The City has a 60-foot right-of-way. Mr. Hoffert agreed with the report. The meeting held with the neighbors was explained. The neighbors had expressed concerns about the impact the well will have on their private wells. City Code and State Statutes require them to connect to the City

system at the City's cost if their private wells fail. Discussion indicated that the residents' private wells are normally in a different aquifer than the City's. A resident had requested and the City is establishing a monitoring program to check the ground water and determine if an impact is created. Another resident, who resides near the planetarium, receives recharge from the west. The recharge reaches her location before it reaches the City's. Mr. Hoffert felt that the chances are slim that the City's well will impact her well based on their 17-year experience with one of her adjacent neighbors. He then elaborated on the requirement that the City connect any impacted residents at the City's cost. He explained the regulations that allow single family residents to have a well without owning water rights until City water becomes available. Residents with wells can refurbish the well but are not allowed to deepen them. The City has extended the water line when residents have "lost" their wells and are economically unable to refurbish them. Justification for leaving the well at the proposed site was provided. Public comments were solicited but none were given. Commissioner Semmens moved to approve SUP-04-172, a Special Use Permit application from Tom Hoffert, Carson City Utilities Division, to allow a potable water well located within an existing right-of-way, Foothill Road, on property zoned Single Family 2 Acre, SF2A, located at 2100 Foothill Road, adjacent to Assessor's Parcel Number 008-071-02, based on seven findings and subject to the recommended conditions of approval contained in the staff report. Commissioner Vance seconded the motion. Motion carried 7-0.

G-7. SUP-04-173 - ACTION REGARDING A SPECIAL USE PERMIT APPLICATION FROM CARSON CITY UTILITIES DIVISION (1-3195) - Associate Planner Sean Foley, Public Works Operations Manager Tom Hoffert - Mr. Foley indicated that landscaping is being required for the site. Mr. Hoffert explained the noticing provided by his Department which had included the Lakeview Estates Homeowners Association. He had worked with the "direct" neighbors. The proposal is to redrill an existing well in Lakeview. The well had originally produced approximately 60 gallons a minute. It is needed as an emergency water source. A lot of money had already been spent attempting to refurbish the well without success. Therefore, a new well is being drilled. The panel adjacent to the road is a telephone switching panel. The original well was contained within a fenced area. An exploratory well was drilled last spring to determine if the City should continue to attempt to have a well at that site. They had worked with the adjacent neighbor on the split rail fencing and will work with the neighborhood on the landscaping. Mr. Hoffert agreed with the staff report and its findings. He described the plan to provide an irrigation line for the landscaping. The well location was described. The only noise created by the pump is the clicking electrical switching noises. He felt that the telephone switching gear and Sierra Pacific's transformer will make more noise than the pump. He also indicated that they will use fire retardant materials and sink the well as deep as possible. Reasons for sinking the well as deep as possible were explained. He hoped that the source will provide a minimum of 50 gallons a minute and hoped that it would be in the 200 gallons a minute range. Lakeview needs at least 500 gallons a minute, however, during an emergency with the community's support a 50 gallon a minute well will go a long way toward meeting health and sanitary needs. Public comments were solicited but none were given. Commissioner Mullet moved to approve SUP-04-173, a Special Use Permit application from Tom Hoffert, Carson City Utilities Division, to allow a potable water well approximately 15 feet to the northwest of an existing well in an existing utility easement on property zoned Single Family One Acre, SF1A, located at 4351 Combs Canyon Road, Assessor's Parcel Number 007-164-08, based on seven findings and subject to the recommended conditions of approval contained in the staff report. Commissioner Semmens seconded the motion and noted that Mr. Hoffert had indicated that the well site would be 15 feet to possibly 25 feet from the existing well. Motion carried 7-0.

RECESS: A recess was declared at 6:31 p.m. The entire Commission was present when Chairperson Peery reconvened the meeting at 6:38 p.m., constituting a quorum.

G-8. MISC-04-174 - ACTION REGARDING AN APPEAL OF A STAFF DECISION DENYING WATCHMAN'S QUARTERS (2-0059) - Senior Planner Jennifer Pruitt, Principal Planner Lee Plemel, Architect Rob Darney, Deputy District Attorney Mary Margaret Madden, Gerald Madison - Discussion explained the difference between a watchman's quarters and mother-in-law or guest quarters. It was felt that the appeal letter clearly indicated that the proposed use is for living quarters and not for security or watchmen's quarters. The watchman's quarters are self-contained dwelling units that include restrooms. They comply with setback requirements and are to be used by someone who needs to be on a site and is not charged rent. Watchman's quarters could be either a mobile home or a stick built structure. A conflict within the Code appears to allow watchman's quarters to be part of the main structure, however, a majority of them are detached accessory structures. The proposed unit is to be part of the main structure. It was felt that the Board had attempted to protect the Limited Industrial (LI) District when it eliminated the residential uses. The Board recently approved residential uses in the downtown commercial district. This allows an apartment over commercial uses. Other commercial districts allow residential uses as a conditional use requiring a special use permit. Residential uses in the LI districts are prohibited. Discussion pointed out that there is no clear distinction between the amenities in the units. The decision has been based on intended use and the district's uses. Bedrooms are not considered when evaluating the application. The line is drawn based on intended use. Commissioner Mullet explained his experience with watchman's quarters indicated they are to provide security for outside storage beyond that provided by the Sheriff's Office. The use of watchmen's quarters in Moundhouse was explained to illustrate the need and intent. Discussion indicated that the zoning behind Albertson's is Residential Commercial and that the residential uses are allowed with a special use permit. Commissioner Semmens pointed out the expressed intent to convert the area into an office space in the future.

Mr. Darney indicated that he agreed with the staff report except for the denial. He felt that there is no difference between a watchman's quarters and residential usage. The amenities are the same. The building design contained extra space for a future office. The owner wants to reside there and not commute. This is allowed in the downtown area. The proposed residential use will be for two years. The use will provide security and convenience for the owner. It will eliminate the need for him to commute to a residence when he has worked late. Commissioner Reynolds explained that his review of the Code indicates that the Director does not have the ability to allow the proposed residential use in a LI district. Mr. Darney reiterated his feeling that the use and amenities were the same.

Ms. Madden agreed that the Code as written indicates they are both the same, however, watchmen are for security purposes. If the proposed use is allowed, it will become common at every location where a pawn shop is located. The precedent that has been established in the past is that watchmen are used for outside security. Discussion also pointed out that the zoning is where the line prohibiting the use is drawn. It is outright prohibited in the LI zone. Neither temporary nor permanent residential usage is allowed in the LI zone except that required for a watchman.

Discussion between the Commission and Mr. Darney indicated that originally the owner wants to stay at the office location two nights a week, however, when his home is "redone" he will use it as temporary living quarters until he reorganizes his three businesses and moves each business into one portion of the

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building. This plan will transfer the living area into a third office. Commissioner Mullet read the Code restriction indicating that the watchman's quarters are solely for security purposes. Justification for this restriction in the LI district was provided. Mr. Darney pointed out that there is a bank on the corner from the property. The uses within the district are changing. He also pointed out that the use is allowed in the Redevelopment district. Examples of similar uses within the vicinity were cited to illustrate his belief that the use should be allowed. Chairperson Peery explained that a chess club had been prohibited from having a club house/meet-ing room in the LI zone due to the opposition from the area. Mr. Darney felt that the traffic in the area clearly indicates that the zoning will become Residential Commercial in the future. He reiterated that it will be unnecessary to change the building's design if the use is not allowed. He then explained his reasons for feeling that the use should be allowed as it is in the downtown historic district. Commissioner Kimbrough suggested that he broach the question during the comprehensive master plan process.

(2-0468) Mr. Madison felt that the ruling could be made either way. The structure meets all of the requirements. He did not want to rent the unit. He wanted to have additional onsite security for his businesses. He hoped to retire soon and do part-time work. At that time he may need a location where he can come and go as he pleases and wanted the flexibility to live at the site, if desired. It is cheaper to install the restroom and kitchen amenities at this time than after the building is completely constructed. He urged the Commission to overturn the denial as he met all of the requirements for security needs. There are security and watchman's quarters in the area. It will not establish a precedence for other requests. Each case should be decided upon its merits. His use will not increase the traffic impact. He appreciated the Commission's time and effort and thanked them for considering the issue. Discussion between Mr. Madison and Commissioner Vance indicated that Mr. Madison did not see a difference between the residential use and a watchman's quarters. He also indicated that he wanted security for his businesses. The unit is part of the building. Commissioner Vance pointed out that residential uses in the LI district are prohibited by Code. He did not believe that the Commission had the flexibility that Mr. Madison felt they had.

Commissioner Vance moved to deny MISC-04-174, a request from Rob Darney, applicant, Gerald Madison, owner, to allow a watchman's quarters on property zoned Limited Industrial at 1924 East College Parkway, APN 002-053-06, based on a prohibition of residential uses in the Limited Industrial zoning district. Commissioner Semmens seconded the motion and corrected the Assessor's Parcel Number to be 002-653-06. Commissioner Vance concurred with the amendment. Commissioner Semmens indicated that the issue is clear to him in the outline. Commissioner Reynolds expressed his feeling that there is a need to protect the LI zoning. He understood the applicant's concerns. There may be a lot of people living in the district without approval. The Commission should protect the zoning. He did not believe that the area will continue to be used as LI in the future. Commissioner Kimbrough felt that if he built a building at the proposed cost, he would be upset if he could not live there. He also pointed out that families and LI uses do not mix. He must respect that. The precedent will hurt the Commission in the future. They are constantly receiving flyers about lawsuits from that type of acts. He respected the LI uses that are there and would, therefore, deny the request. Commissioners Sedway and Vance indicated that they did not have any additional comments. Commissioner Mullet expressed his belief that his comments had already been made. He could also see the possibility that in the future the zoning will change to something else. Until that time, however, he believed that he must maintain the zoning requirements as they exist in the Code today. Chairperson Peery indicated that, while he sympathized and empathized with the applicant and wished him well when the zoning change occurs,

there is no ambiguity between the Code and what he as a Commissioner must do. He must support the denial. The motion was voted and carried on 6-1 vote with Commissioner Sedway voting Naye. Mr. Plemel briefly described the appeal process. Chairperson Peery thanked them for attending the meeting and speaking. He did not feel that the Commission had any wiggle room in this case.

G-9. ZCA-04-190 - ACTION ON A ZONING CODE AMENDMENT TO AMEND TITLE 18 BY ADDING SECTION 18.04.08 (2-0659) - Senior Planner Jennifer Pruitt, Principal Planner Lee Plemel, Jan Baldwin, Deputy District Attorney Mary Margaret Madden, Stu Knapp - Discussion between the Commission and Ms. Pruitt and Mr. Plemel provided a definition of the differences between mobile homes on lots and in mobile home parks as well as between mobile homes and manufactured homes. Neither manufactured homes nor mobile homes are constructed to UBC standards. Manufactured homes are regulated by the State. Manufactured homes and mobile homes are constructed to HUD standards. Ms. Pruitt modified Subsection B of the ordinance to read: "Any mobile or manufactured home installed in Carson City must be constructed or manufactured not more than fifteen (15) years prior to the date of the application for the mobile or manufactured home lot development permit or replacement of the mobile within mobile home districts or placement of a mobile home upon a space within a mobile home park...." This adds the mobile home park element to the ordinance. The amendment was made at Community Development Director Sullivan's request. Discussion indicated that any mobile home more than 15 years old would not be allowed to be moved within the City. Information regarding similar restrictions in the surrounding counties was contained in the packet. The Department's notification procedures were limned. Commissioner Kimbrough expressed his preference to have a date rather than an age restriction. Ms. Pruitt pointed out that Lyon County's ordinance states the age. In response to the Commission's questions on the need for the ordinance, the purpose statement was read. An appeal process had not been included in the ordinance. The ordinance would prohibit importation of mobile homes more than 15 years old. Commissioner Mullet felt that once a mobile home is placed on a permanent foundation, it is difficult to move it. He also preferred establishing a year rather than using the age. If financing is available for the unit, the individual should be allowed to move it. He also felt that mobile home parks should be changed to manufactured homes based on information he had obtained from Nevada Manufactured Housing and legislation enacted during the last legislative session. Manufactured housing requires a foundation in order to obtain financing. Mr. Plemel corrected previous statements that had indicated it would not be able to relocate a mobile that is more than 15 years old. The 15-year restriction starts with the date that the lot development permit is acquired. For example, if a 14-year-old mobile home is moved into the City, it could be relocated two years later even if the mobile is more than 15 years old. He read the ordinance section indicating that any existing mobile home in Carson City can be relocated including any older mobile homes that were legally authorized originally. He suggested that clarifying language be added to this section of the ordinance. Commission comments suggested that the ordinance be continued until Mr. Sullivan is present to explain it.

Public comments were then solicited. Ms. Baldwin felt that the issue is the low tax base for older mobile homes. Her experience in mobile home sales and mobile home park management was indicated. She sells a lot of older units for individuals who are going into assisted living facilities. The units are the only asset many of these individuals have. A majority of the people would move their homes if it is legally possible. The mobile homes provide low cost housing for seniors who cannot afford anything else. Discussion between the Commission and Ms. Baldwin indicated that the electrical wiring issue was addressed by HUD in 1976. When Ms. Baldwin sells a mobile home, she attempts to have it inspected for safety reasons. The aluminum wiring concern can allegedly be mitigated with a "copper pig tail". She

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also felt that the furnaces and metal roofs had been “updated”. She believed that the ordinance would allow parks to restrict the age of the mobiles to 15 years or newer. Ms. Madden read Section 18.04.081.B. Discussion indicated that it would be possible to relocate older mobiles if they meet this standard. Ms. Baldwin suggested that the 1982 HUD standard be used rather than an age. Comments indicated that Carson City may become the dumping ground for older mobile homes as the surrounding counties will not allow them to be moved. Ms. Baldwin pointed out that Carson City does not have cheap lots for their placement. Additional comments were solicited.

Mr. Knapp was concerned about the ability to move mobile homes in the City as he owns a mobile home park. He questioned whether the ordinance would make it impossible to sell older mobiles and how they can evict anyone if it is implemented. Chairperson Peery indicated that the ordinance would not impact his ability to evict someone. Mr. Knapp felt that the age was not a concern. He also indicated that land for a mobile home is not cheap. Commissioner Mullet explained that the ordinance will prohibit an individual from bringing a unit into Carson City that is more than 15 years old. Mr. Knapp felt that there are enough existing mobile homes in Carson City that this prohibition would not impact his mobile home park.

Discussion among Mr. Plemel, Ms. Madden and the Commission indicated a need to wordsmith the ordinance so that it clearly indicates those mobile homes more than 15 years old could be moved within Carson City. They would not be allowed to immigrate to Carson City. This provision will prohibit dumping older mobiles from other areas into Carson City. Mr. Plemel reiterated that the ordinance would not prohibit the relocation of older mobile homes that are in use or that were legally placed after the adoption of the ordinance. He suggested that the Commission adopt the ordinance and allow staff to make the revision before submitting the ordinance to the Board of Supervisors. Commissioner Semmens reiterated the suggestion that the item be tabled until Mr. Sullivan is present. **Commissioner Semmens moved to continue Item G-9, ZCA-04-190, to the Commission meeting on November 17. Commissioner Vance seconded the motion** and asked that staff look at using the HUD adoption date instead of 15 years. Statements had been made indicating that some counties are using dates instead of years. He also requested that choices regarding the date be provided as a 1980 mobile home may be as safe as one in 1990 or 2000. Commissioner Kimbrough felt that the City would not become a dumping ground for older mobiles due to the cost of the lots. He asked that data on the cost of the lots in the City be provided and whether mobile home parks already restrict the age of mobiles on their own. Comments indicated that the information on the mobile home parks is in the staff report. Clarification indicated that Commissioner Kimbrough’s request on the mobile home lots was to include manufactured home lots as well. Commissioner Sedway expressed his concerns about an ordinance that is exclusionary and discriminatory. History had not been provided illustrating that Carson City is or will become the dumping ground. He did not understand why the mobile homes, parks, and manufactured homes had to be protected for the public health, safety and welfare. Without history supporting the need, he found it to be discriminatory. Commissioner Mullet indicated that he had similar concerns. He could remember when aluminum wiring was used in stick built homes. They have not been banned or reconstructed. He wanted to see the Fire Marshall’s log as he had not seen in the paper that there were more mobile home or manufactured homes having fires. He also wanted to see a clarification on the definition. The ordinance should be done right and match the new trend or recommended changes suggested by the State. He felt that the manufactured and mobile home fire rate is the same for stick built homes. He questioned why are we attacking manufactured homes and mobile homes. Chairperson Peery noted that a motion and second were made to continue the item. He then indicated that the Commission had a heavy carryover to next

month's meeting. He suggested that the continuance date be left to staff. **Commissioner Semmens amended his motion to change the date to allow staff to determine when the item will be brought back. Commissioner Vance concurred. The motion was then voted and carried 6-1 with Commissioner Sedway voting Naye.**

G-10. ZCA-04-128 - ACTION ON A ZONING CODE AMENDMENT APPLICATION FROM CARSON CITY TO AMEND DEVELOPMENT STANDARDS DIVISION 1 AND CCMC 18.03, 18.04, 18.05, 18.06, 18.07, AND 18.12 (2-1410) - Senior Planner Jennifer Pruitt, Principal Planner Lee Plemel - Ms. Pruitt noted for the record that the staff and the public use Title 18 daily. Staff wants to be sure the document works properly and is user friendly. Many of the suggested changes were made in this vein. Staff has been keeping a list of the inconsistencies or sections needing clarification since the 2002 major Title 18 revision. Staff is attempting to take the long list and make the changes in reasonable portions. Discussion explained the purpose for adding guest building to the definitions on Page 5; reasons for eliminating mobile RV space on Page 9; Federal regulations regarding home gun sales including the need for a business license in order to obtain a Federal license; elimination of the basement in the calculations on Page 13, Item 7; the need to list guest buildings more than once, and the difference between guest structures and guest buildings Ms. Pruitt explained that the document had a lot of staff input which included other Departments. Chairperson Peery complimented staff on the document. Discussion indicated that Mr. Sullivan will make the decision regarding mobile homes/manufactured homes. Comments indicated that the State consistently uses both interchange-ably Public comments were solicited but none were given. Commissioner Reynolds moved to approve ZCA-04-128, a zoning code amendment to amend the Carson City Municipal Code Development Standards Division 1 as so noted on the draft and as recommended by staff. Commissioner Vance seconded the motion. Motion carried 7-0.

G-11. ZCA-04-109 - ACTION REGARDING A ZONING CODE AMENDMENT TO AMEND THE CARSON CITY MUNICIPAL CODE MODIFYING SECTION 18.05 (2-1728) - Senior Planner Jennifer Pruitt, Principal Planner Lee Plemel, Deputy District Attorney Mary Margaret Madden - Chairperson Peery presented a letter he had received regarding the item to staff. He explained that all correspondence should be sent to the Department and distributed to staff rather than being sent to him personally. He directed staff to address the contents of the letter. He asked that the public be more timely in the submittal of correspondence to allow the Commission appropriate time to understand their concerns. He also pointed out that the Commission's late packets are becoming quite thick and time is needed to provide a fair and complete hearing. Ms. Pruitt noted for the record that the Commission had reviewed this item at its last meeting. There was a great deal of discussion regarding it at that time. The Commission directed staff to review the comments presented at that time and to return to the Commission with the revisions as indicated. The revisions in bold type need to be addressed by the Commission this evening. The changes were reviewed. Community Development Director Sullivan had requested that the record indicate the change in Subsection 4 which read: "The subject parcel must be of sufficient size of a minimum of 12,000 square feet, so the proposed self-contained travel trailer or recreational vehicle can be accommodated on the site, while meeting all yard setback requirements as required by the Carson City Municipal Code for the applicable zoning district or by this section" and changed the comma to be a period at the end of section. Staff then requested that the following be inserted after section. so that it reads: "...section. The Planning Commission/Director, on a case by case basis, may vary the lot size to a minimum of 6,000 square feet, based upon additional documentation submitted by the applicant requesting a variance to land area and without opposition by the adjacent neighbors, with the exception of rear yard setbacks in the Single Family 6,000 zoning district where a proposed unit under this section

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must be placed a minimum of 20 feet from the rear yard property line.” Mr. Sullivan had purportedly requested that the record also indicate that hookups for water utilities must go through the proper permitting process. Gas could be used if the appropriate permit is obtained for installation. Propane would be allowed only with approval. Electricity would be allowed if a permit is pulled from the Building Department and the required RV plug is used. Mr. Sullivan also wanted the record to show that sewer is an option to pumping as the individual could run a line to the sewer lateral under the permitting process.

Chairperson Peery explained that discussion at the previous meeting had supported a minimum lot size of 8,000 square feet. The square footage was changed as the City has few, if any, lots of that size. There are a lot of lots containing 12,000 square feet in the City. He did not wish to be exclusionary and wished to allow 6,000 square foot lots to apply if it is possible. Commissioner Mullet felt that the temporary living quarters were to be used by the caregiver rather than the infirmed individual. He supported providing the option of allowing either one to reside in the RV. He asked that Subsection 2 be revised for that reason. Justification for requiring the caregiver to reside in the RV/travel trailer was based on the fact that a wheel chair could not be used inside the RV. He also supported Mr. Sullivan’s suggested period in Subsection 4. Mr. Plemel agreed to revise and clarify Subsection 2 to allow either or as suggested. Commissioner Vance expressed his opinion that the Commission should make the decision on the Special Use Permit and not the Director. Applications for the special use permit should include notice to the neighbors. None of the neighbors should object to the permit for it to be issued. He wanted a sketch of the lot. The permit should be valid for six months with one six-month extension allowed. He was concerned that if self-contained units are used for this purpose and water is connected, they will not have the trailer pumped or connected to the sewer lateral. Therefore, he wanted the unit to be connected to the sewer if a water connection is provided. Chairperson Peery explained that a one year permit with a one year extension allowed for a specified period of time which would not impose a large burden on staff to enforce nor be an imposition on the applicant. It does not, however, prevent the applicant from seeking special consideration. The intent is that the use be temporary and not permanent.

Public comments were solicited but none were given. Commissioner Sedway expressed his opinion that there would not be a lot of requests for the special use permit. He urged the Commission to adopt the ordinance as written and modify it if necessary later. Commissioner Mullet felt that the Commission should hear the applications. If there are few, the ordinance can be modified to allow the Director to handle them. Commissioner Semmens felt that it should remain Commission/Director and if Mr. Sullivan thinks the Commission needs to hear the application, he can pass it on to the Commission. Otherwise, he can make the decision. Commissioner Reynolds supported the one year permit with a one year extension. He did not have an opinion regarding who should make the decision. Commissioner Kimbrough supported changing Subsection 2 to allow either the caregiver or the infirmed to use the unit. The Commission should hear all requests for an extension. Commissioner Vance wanted the Commission to hear the applications to ensure that the neighbors are notified about the proposed use and can bring issues to the Commission. Mr. Sullivan should also bring applications to the Commission when he desires to do so. He wanted the adjacent neighbors to have an opportunity to discuss the use. Chairperson Peery indicated that he could accept the ordinance as written. There is an administrative layer. The Commission to should provide oversight and be the next step and hear appeals. The ordinance is a beginning. Commissioner Semmens pointed out that the Commission could amend the ordinance if desired in the future. Ms. Madden concurred. Commissioner Mullet moved to recommend a motion to the Board of Supervisors an ordinance amending Carson City Municipal Code Title 18, Zoning, Section

18.05.030.1(b) to add temporary occupancy for the care of the infirm while residing in a self-contained travel trailer or recreational vehicle and other matters related thereto with changes as discussed, that it be handled by the Director, the one change to Section 1b2 to clarify either/or will live in the temporary facility, and the changes stated by the Planning Department under Section 4, second paragraph on setbacks for 6,000 square feet. Commissioner Semmens seconded the motion. Motion carried 6-1 with Commissioner Vance voting Naye.

G-12. ACTION TO APPROVE THE CHANGE OF DATES FOR THE PLANNING COMMISSION MEETINGS FROM NOVEMBER 24 AND DECEMBER 29, 2004, TO NOVEMBER 17 AND DECEMBER 22, 2004 (2-2329) - Discussion ensued on whether the Commissioners could or could not attend a meeting on November 17 and December 22. Comments also explained the difficulty encountered in obtaining a room on December 15. Principal Planner Plemel indicated that the deadline for submittal of information for the packets will be changed accordingly. Commissioner Sedway moved to approve the following dates as the regular meeting dates for the Carson City Planning Commission November 17, 2004, and December 22, 2004. Commissioner Vance seconded the motion. Motion carried 7-0.

H. STAFF REPORTS (NON-ACTION ITEMS)

H-1. REPORT ON BOARD OF SUPERVISORS ACTION ON PREVIOUSLY REVIEWED PLANNING COMMISSION APPLICATIONS (2-2469) - Principal Planner Lee Plemel explained the Board's action on the tentative subdivision map for the property on Carmine Street, the zone change ordinances for Palo Verde Drive and Ann and Curry Streets, and the Dori Way street abandonment. No formal action was required or taken.

H-2. MPA-04-127 - STATUS REPORT REGARDING THE COMPREHENSIVE MASTER PLAN AND PARKS, RECREATION AND TRAILS PLAN (2-2525) - Principal Planner Lee Plemel thanked the Commissioners who had attended the workshops. Attendance at the workshops was limned. The comments will be assimilated and an issue paper developed. He hoped to have a joint meeting of the Commission and the Board of Supervisors on January 6 on the findings and potential alternatives. In December work will commence to develop the snapshot of Carson City documents. Advertising efforts will continue. Commission comments commended staff on the workshops. The questions had been thoughtful and helpful. Mr. Plemel felt that the workshops were beginning to show similarities and diversities. Mr. Plemel also noted that there were new faces at the meetings and thanked the participants for coming. Discussion indicated that the letter from Mr. Canfield with all of his ideas had been mistakenly given to the Commission. No formal action was required or taken.

I. ACTION TO ADJOURN (2-2580) - Commissioner Semmens moved to adjourn. Commissioner Mullet seconded the motion. Motion carried 7-0. Chairperson Peery adjourned the meeting at 8:47 p.m.

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ARE SO APPROVED ON April 27, 2005.

/s/ _____
John Peery, Chairperson