

## CARSON CITY PLANNING COMMISSION

Minutes of the January 30, 2002, Meeting

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

**PRESENT:** Chairperson Alan Christianson, Vice Chairperson Richard Wipfli, and Commissioners Gayle Farley, William Mally, John Peery, Wayne Pedlar, and Roger Sedway,

**STAFF PRESENT:** Community Development Director Walter Sullivan, Senior Planners Skip Canfield and Lee Plemel, Senior Engineer John Givlin, Recording Secretary Katherine McLaughlin, Associate Planner Jennifer Pruitt, and Planning Technician Kevin Verre (P.C. 1/30/02 Tape 1-0001)

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

**A. ROLL CALL, DETERMINATION OF A QUORUM AND PLEDGE OF ALLEGIANCE -** Chairperson Christianson convened the meeting at 3:30 p.m. Roll call was taken. The entire Commission was present constituting a quorum. Commissioner Sedway lead the Pledge of Allegiance.

**B. COMMISSION ACTION - DISCUSSION AND ACTION TO APPROVE MINUTES - DECEMBER 19, 2001 (1-0018) -** Commissioner Pedlar moved to approve the Minutes of December 19, 2001. Commissioner Mally seconded the motion. Motion carried 7-0.

**C. PUBLIC COMMENTS (1-0026) -** Charles S. Watson, Jr., cofounder and director of the Nevada Outdoor Recreation Association in Carson City, expressed his feeling that nothing is being done to restore Lone Mountain. The City owns it and not the developer. Parks and Recreation Director Steve Kastens had purportedly informed him that it will be restored. It is being destroyed. It is time something is done about it. Mr. Sullivan indicated he would check with Mr. Kastens regarding its status. Mr. Watson then explained his concern about the Steinheimer wetlands and its riffraff which is near the St. Teresa's Catholic Church. This is a prime location for viewing the wild life. He had suggested to Mr. Kastens that a couple of pipes be installed in the riffraff to so that water could flow, otherwise the water and wild life will continue to eat away at the bank. A walkway could be placed to the end of area that will allow better and safer viewing of the wildlife. As this is City property, it should also be managed. Mr. Sullivan indicated that he would discuss this with Parks and Recreation Director Kastens and Open Space Manager Guzman

**D. AGENDA MODIFICATIONS (1-0066) -** A request had been made to continue Item G-7, a special use permit for the racetrack. The applicant had paid the necessary fee for the continuance. Action continuing the item should be considered when the item is reached on the agenda. Mr. Sullivan had advised several individuals that the item may be heard between 5 and 5:30 p.m. Mr. Sullivan then introduced Kevin Veere, the new Planning Technician. Chairperson Christianson welcomed Mr. Veere.

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**E. DISCLOSURES (1-0085)** - Commissioner Wipfli explained that he had been contacted by Kate Schulz. His discussion with her related to whether he had received any information on the racetrack. He also disclosed that he had a potential conflict of interest regarding Items G-4A and G-4B and would rec use himself. Commissioner Pedlar disclosed his discussion with a Mr. Anders regarding the racetrack. Commissioner Farley disclosed her working relationship with Barbara Burton, who is one of the racetrack owners. It will not influence her vote. Commissioner Sedway disclosed his intent to abstain on Item G-3, the special use permit for the Children's Home, due to his employment at the Hospital and the Hospital's involvement with the Children's Home on that parcel.

**F. CONSENT AGENDA (1-0116)**

**F-1. MPA-01/02-3 - DISCUSSION AND ACTION ON A REQUEST FROM DYNAMIC DIVERSIFIED DEVELOPMENT AND DAVE PFLUM**

**F-2. A-01/02-1 - DISCUSSION AND ACTION ON REVISIONS TO THE CARSON CITY MUNICIPAL CODE TITLE 18, ZONING** - Senior Planner Skip Canfield corrected Item F-2 to be a continuance rather than a withdrawal. Commissioner Mally moved to continue F-1 and F-2 to the February 27<sup>th</sup> meeting. Clarification indicated that F-2 is to be heard at a later date. Commissioner Mally amended his motion accordingly. Commissioner Peery seconded the motion. Motion carried 7-0.

**G. PUBLIC HEARING (1-0143)**

**G-1. A-00/01-4 - DISCUSSION AND ACTION ON REVISIONS TO THE CARSON CITY MUNICIPAL CODE TITLE 18, ZONING** - Senior Planner Skip Canfield, Glen Owen, Community Development Director Walter Sullivan, Charles Watson, Jack Sharp, Carson City School District Superintendent Mary Pierczynski - Mr. Canfield's introduction included an explanation of the detailed notice which had been sent to the residents and the workshop which had been held to explain the purpose of the revisions. The need to revise Section 18.04 to include public community utility easements and facilities was explained. Staff comments from other City Departments had pointed out the need to include storm drainage and recharge water uses in the easements for Public Neighborhood (PN), Public Community (PC), and Public Region (PR) zones. A map delineating the Public zones was displayed and explained. Concerns had been raised by Pam Wilcox of State Lands about the impact the designations would have on other State Agencies. She is planning to meet with those agencies and then return to the City with their recommendation(s). Therefore, he asked that the State be removed from the changes. Their recommendation will be brought to the Commission in the future. The current zoning will remain on those parcels. The revised motion was then read into the record. The letters and memos which had been received since the packets were sent out were explained. Only the BLM lands included in the City's Joint Interface Plan are included in the changes. The remainder of the BLM land will retain its CR zoning designation. Glen Owen's letter concerns an easement which is not relevant to this proposal. Streets Operation Manager Flansberg and Utilities Manager Hoffert have been contacted about those concerns.

Public comments were solicited. Glen Owen used the map to show where his 3/4 acre parcel is located in a settlement basin. He had purportedly discussed his concerns with numerous current and former City Department heads/employees over the years. He did not want a park liability created when the settlement basin is converted into a park. At one time the City had attempted to acquire his property but this idea appears

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to have been abandoned. Mr. Canfield explained that staff is researching the question of the easement's ownership. Mr. Owen asked that the basin be excluded from the zoning change until he is certain of the impact the change will have. Mr. Sullivan explained his contact with City Engineer Larry Werner and that he would be contacting Mr. Owen soon. Mr. Owen indicated that he had talked to Mr. Werner before. Mr. Sullivan explained that the topic is not agendized. He had also asked Mr. Givlin and Mr. Fellows about it. Mr. Owen was skeptical that anyone would be contacting him. Chairperson Christianson urged Mr. Owen to contact Mr. Sullivan or himself if no contact is made or himself and gave out his personal telephone number.

Discussion between Chairperson Christianson and Mr. Watson explained that there would be no change in the current zoning of the Crest View Mobile Home Park.

Mr. Sharp explained the location of his home which backs up to the settlement basin referenced by Mr. Owen. He did not wish to have a park in that area due to the noise it would generate.

Superintendent Piercznski and Mr. Canfield explained the District's concerns that the change in the designation may limit the District's ability to use a site designed Public Neighborhood for a regional high school. Mr. Canfield explained that he had discussed this issue with School District Operations Director Mike Mitchell. He felt that the new concept would provide flexibility and the change in grades would be allowed. A special use permit would be required for all new uses on public zoned parcels. Traffic concerns had been used to justify the zoning designation. Elementary and middle schools will be located in Public Neighborhood zones as they generate less traffic than at a high school which is to be in the Public Region and the Public Community zone. Superintendent Piercznski asked for as much flexibility as is possible and that all of the District's properties be zoned Public Community as this allows all three types of schools to be located on the site. Mr. Sullivan explained that a zone change could be requested before the high school could be located on a Public Neighborhood or Public Community zoned lot. Mr. Sullivan pointed out that the Code would be changed as deemed appropriate in the future. He thanked Mr. Kastens, the Airport Authority, and the School District for asking staff to look at the uses and activities which should be allowed as permitted uses, i.e., playground amenities should be allowed as a permitted use in park and school areas which should streamline the process.

Additional comments were solicited but none were given. Commissioner Wipfli moved to approve a motion to recommend that the Board of Supervisors approve A-00/01-4, an ordinance adopting revisions to the Carson City Municipal Code Title 18, Zoning; proposed changes to Section 18.04.170 Public and adding Sections 18.04.175 Public Neighborhood, 18.04.180 Public Community and 18.04.185 Public Regional and proposed changes to the City's official zoning map to change certain public-owned and quasi-public owned properties from parcels currently zoned Public, Conservation Reserve, Single Family 6,000, Single Family 12,000, Single Family 21,000, Single Family One Acre, Single Family Two Acre, Single Family Five Acre, Mobile Home 6,000, Mobile Home 12,000, Mobile Home One Acre, Multi-Family Duplex, Agriculture, Limited Industrial, General Industrial, Airport Industrial Park, General Office, Residential Office, Retail Commercial, Downtown Commercial, Tourist Commercial, and General Commercial to Public Neighborhood, Public Community, and Public Regional, and parcels currently zoned Single Family 12,000-Planned Unit Development, Single Family 21,000-Planned Unit Development, Single Family Two Acre-Planned Unit Development, and General Commercial-Planned Unit Development to Public Neighborhood-Planned Unit Development and Public

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Community-Planned Unit Development excluding the State of Nevada, State of Nevada Department of Transportation and State of Nevada Division of State Lands parcel listed on the attached table; the subject State parcels will retain their current adopted zoning designations and the currently adopted Public purpose statement and use description shall remain only as it is relevant to the subject State parcels currently zoned Public. Commissioner Mally seconded the motion. Following a request for an amendment, Commissioner Wipfli amended his motion to include the School District's stipulation that they will add to Public Neighborhood the middle school and that the Public Regional will have middle school, high school, and elementary schools. Commissioner Mally continued his second. Motion carried 7-0.

Mr. Sullivan explained that Mr. Plemel will take the map outside the room to discuss the changes with the public. (1-1110) - Mr. Sullivan explained that Mr. Plemel felt the public discussion in the hall had been beneficial.

**G-2. U-00/01-23 - DISCUSSION AND ACTION ON A REVIEW OF A PREVIOUSLY APPROVED SPECIAL USE PERMIT FOR PALMER AND LAUDER ENGINEERS, INC. (1-0650) -** Associate Planner Jennifer Pruitt, Applicant Alcide Tonino - Mr. Tonino had read the report and agreed with it. Public comments were solicited but none given. Commissioner Pedlar moved to no longer require review of Special Use Permit U-00/01-23 to allow the continued use of two commercial coaches of 840 square feet and of 336 square feet for office space as well as employee restrooms based on seven findings and subject to six conditions of approval contained in the staff report and one new condition listed as Condition No. 7 with the understanding that any acknowledgements to the Commission or Board by the applicant may be considered as further stipulations or conditions of approval on this application. Commissioner Sedway seconded. Motion carried 7-0.

**G-3. U-01/02-22 - DISCUSSION AND ACTION ON A SPECIAL USE PERMIT APPLICATION FROM ARTHUR HANNAFIN (1-0702) -** Senior Planner Skip Canfield, Applicant and Children's Home Trustee Arthur Hannafin - Mr. Canfield agreed to the architect's request that Condition 6 be amended to allow leeway in the square footage and suggested that the square footage be "approximately" in the motion. Eagle Valley Road is to be maintained as it currently is. There will be an access provided through Silver Oaks as it develops out in the future. Staff had not received any calls from the Silver Oaks Development. Mr. Hannafin expressed the importance of the project to the Children's Home. He had read the staff report and concurred with it. Public comments were solicited but none were given. Commissioner Mally moved to approve U-01/02-22, a special use permit request from Arthur Hannafin, Applicant, Nevada Childrens Foundation, Inc., Owner, to expand an existing nonconforming use that will result in the new addition to the Eagle Valley Childrens Home on Assessor's Parcel Number 007-091-89, property zoned Conservation Reserve, located at 5000 Eagle Valley Ranch Road, based on seven findings and subject to six conditions of approval contained in the staff report changing the sixth condition to read either plus or minus or approximately the square footage of the new buildings. Commissioners Farley and Pedlar seconded the motion. Commissioner Mally amended his motion to include and with the understanding that any acknowledgements to the Commission/Board by the applicant may be considered as further stipulations or conditions of approval on this application. Commissioner Pedlar concurred. Mr. Hannafin clarified the address as being 2300 Eagle Valley Road. Commissioners Mally and Pedlar agreed to make the address correction. Motion carried 6-0-1 with Commissioner Sedway abstaining. Commissioner Mally commended Mr. Hannafin on his work at the

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Children's Home.

**G-4A. AB-01/02-6 - DISCUSSION AND ACTION ON A REQUEST FROM RICHARD WIPFLI AND G-4B. DISCUSSION AND ACTION ON A VARIANCE REQUEST FROM RICHARD WIPFLI (1-0830)** - Associate Planner Jennifer Pruitt, Applicants Brenda Wipfli and Gary Kilty, Senior Engineer John Givlin, Community Development Director Walter Sullivan, Michael Davies - Commissioner Wipfli recused himself and stepped from the room—4:20 p.m. (A quorum was still present.) Chairperson Christianson complimented the applicants on the project and expressed his feeling that it would be an improvement to the area. Public comments were then solicited.

Mr. Davies of 507 East Spear expressed his concern about what would happen to the property and where the tenants will park. Chairperson Christianson indicated that the parking is included in the report and is adequate for residential units of this size. The Commission cannot discuss the ownership items. Mr. Davies felt that a rental will cause problems based on his experience with the current tenant, which he explained. Chairperson Christianson felt that the rental rate for a new home would address the issue. Commissioner Farley explained that the Commission could not be involved in that issue due to the Federal fair housing regulations. Comments acknowledged that such items do impact the value of his home and his concern about the current resident. Additional comments were solicited but none given. Public comments were then closed.

Discussion between Commissioner Mally and Ms. Pruitt indicated the abandonment is only for the Wipfli property. Mr. Givlin indicated that there is a stipulation that the remainder will be abandoned. Mr. Sullivan indicated that staff will follow up on that and get the adjacent property owners to bring forward the abandonment(s). It could be before the Commission in either February or March. Ms. Pruitt indicated that the property owners have been contacted. Mr. Rombardo explained his concern about the lack of notification as to whether the property had been dedicated. He requested that Conditions 1 be modified to remove "if" and require that a title search will be conducted as required in Condition 4. Chairperson Christianson read the revision. Commissioner Peery moved to approve a motion recommending that the Board of Supervisors approve AB-01/02-6, an abandonment request from Richard Wipfli/Wipfli Family Trust and G. R. Kilty for a portion of East Spear Street and a portion of Anderson Street, approximately seven feet wide by 198 feet long for a total of 1,386 square feet, on property zoned General Office located adjacent to Assessor's Parcel Number 004-231-04 based on one finding and six areas of concern and subject to four conditions of approval contained in the staff report and the deletion of "if" from Condition No. 1 to be "shall be" and with the understanding that any acknowledgements to the Commission or Board by the applicant may be considered as further stipulations or conditions of approval on this application. Commissioner Mally seconded the motion. Motion carried 6-0-1 with Commissioner Wipfli abstaining.

Commissioner Peery moved to approve V-01/02-3, a variance request from Richard Wipfli to vary the front, side and rear yard setbacks on property zoned General Office, located at 514 Spear Street, APN 004-231-04, based on seven findings and subject to seven conditions of approval in the staff report with the understanding any acknowledgements to the Commission/Board by the applicant may be considered as further stipulations or conditions of approval on this application. Following a request for an amendment, Commissioner Peery amended his motion to include Wipfli Family Trust and G. R. Kilty. Commissioner Mally seconded the motion. Motion carried 6-0-1 with Commissioner Wipfli abstaining.

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**G-5. U-01/02-21 - DISCUSSION AND ACTION ON A SPECIAL USE PERMIT APPLICATION FROM PETER EARLE (1-1129)** - Associate Planner Jennifer Pruitt, Applicant Pete Earle - (Commissioner Wipfli returned during Chairperson Christianson's reading of the agenda item--4:26 p.m. The entire Commission was present, constituting a quorum) Ms. Pruitt explained that the writer of the letter in opposition had withdrawn the letter. The lot size is 1.15 acres.) Mr. Earle had read the staff report and concurred with the findings. Discussion explained that he needed the garage for storage of an RV and a truck which are too tall for the current garage. Mr. Earle did not propose to conduct business from the garage. Commissioner Farley explained her concern that other individuals may in the future wish to conduct business out of the garage. Public comments were solicited but none were given. Commissioner Pedlar moved to approve U-01/02-21, a special use permit request from Peter Earle, property owner Fritz and Lang T. Bongers, to allow a 1632 square foot accessory structure in a Single Family One Acre zoned district located at 4733 Conte Drive, APN 010-203-01, based on seven findings and subject to nine conditions of approval contained in the staff report and with the understanding that any acknowledgements to the Commission by the applicant may be considered as further stipulations or conditions of approval on this application. Commissioner Wipfli seconded the motion. Motion carried 7-0.

**G-6. Z-01/02-3 - DISCUSSION AND ACTION ON A CHANGE OF LAND USE REQUEST FROM KEITH RUBEN, R. O. ANDERSON ENGINEERING, INC. (1-1227)** - Senior Planner Skip Canfield, Community Development Director Walter Sullivan, Applicant Keith Ruben, General Partner of R.I.D.L. Lynn Hettrick - The property does not have a physical address as it is vacant. Mr. Canfield used Exhibit 3 in the packet to explain the location and the impact the freeway will have on Olson Tires' access. As the applicant owns both parcels, they requested a zone change. Justification for granting the request was provided. The parcel on the east side will retain its Mobile Home 12,000 zoning designation as the owner failed to respond to the City's inquiry. The realignment of Lompa is required by NDOT who owns the other adjacent parcels. NDOT has not yet acquired a right-of-way through the Applicant's parcel. The impact of the zone change on NDOT's ability to acquire the property was questioned. Mr. Canfield explained that he had not considered the location of Lompa but had considered the surrounding zones. He agreed that the change could increase the property value. Mr. Sullivan explained that this issue is NDOT's problem. He had discussed this issue with NDOT 12 years ago and been advised by NDOT's legal counsel that the property owner should be allowed to develop as he/she desires and that the property can neither be predispositioned nor the property owner denied his/her use. He agreed that the property value may increase and pointed out that the revised street plan would reverse the building access. This issue will also be considered in the appraisal process. Discussion noted that NDOT may never get to this area.

Mr. Ruben described the access restrictions to the Olson Tire site. There will not be a direct access to the property from either Dori or the current alignment of Lompa Lane. This will create a negative impact on the property values for both the current Olson Tire location and its adjacent parcel. He had read the report and concurred with its conclusions. The road restrictions were delineated. Mr. Ruben was not certain whether they will have the first right of refusal to acquire the Dori Way property owned by NDOT.

Mr. Hettrick indicated he had unsuccessfully negotiated with the State on the first right of refusal to acquire the Dori Way parcel. They are the only adjacent property owner. NDOT rules require that they have the first right of refusal. They have remodeled their building and had attempted to get NDOT to purchase their property

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in 1993. The Mobile Home zoning designation had been applied when they had obtained a building permit to remodel the Olson Tire building. The request is to return the zoning to its original designation. Public comments were solicited but none given.

Commissioner Farley moved to approve Z-01/02-3, a change of land use request from Keith Ruben, applicant representing Lynn Hettrick, R.I.D.L., property owner, to change the zoning designation from Mobile Home 12,000 to General Commercial, APN 008-161-55, located north of US 50 East and east of Dori Way and recommend the Board of Supervisors approve the request based on the ability to make the findings contained in the staff report. Commissioner Pedlar seconded the motion. Motion carried 7-0.

**G-7. U-01/02-18 - DISCUSSION AND ACTION ON A SPECIAL USE PERMIT APPLICATION FROM GLEN MARTEL (1-1492)** - Senior Planner Lee Plemel; Community Development Director Walter Sullivan; Deputy District Attorney Neil Rombardo; Glen Martel; Dave Deiter; Nevada and California Washoe Tribal Counsel Tim Seward; Juli McKean; Lisa Young; Washoe Tribal Chairperson, Vice Chairperson of the Nevada and California Tribal Council, and Vice Chairperson of the Stewart Tribal Community Wanda Batchelor; Rosalie Dieter; Warren Andrews; Janet George; Jim Peacock - Prior to the meeting, Mr. Plemel had distributed a letter from the applicant to the Clerk and Commission. (A copy is in the file.) He read the letter into the record. It included a schedule of events, proposed rules for the operation of the track, a brief history of the various activities which have been occurring at the site, the proposed plan for the commercial coach, proposed mitigation measures which the operator wished to discuss with the adjacent residents, and a request for a continuance. The fee for continuing the item had been paid. Staff supported the continuance as it will allow time for the neighbors, the applicant and staff to work together. In response to a question regarding the race period, Mr. Sullivan asked that the Commission limit the discussion to the continuance. Staff had not had an opportunity to analyze the letter in depth. The other issues should be discussed at the February meeting. Mr. Rombardo indicated for the record that he had notified the applicant that he had blocked a public road and that Public Works had been asked to handle the issue. The Commission could not consider this issue. Mr. Sullivan reiterated that only the continuance could be considered at this time. Comments also reiterated that the letter requesting a continuance spoke to the reasons for the request.

Mr. Martel explained that they had contacted the individuals as requested. There are two different groups involved. Those conversations did not occur until this month due to the holidays and other problems. The process has taken longer than envisioned and feedback has not occurred. Due to the need for additional discussion, the continuance was requested. Some of the neighbors were advised about the request for a continuance. The letter was an attempt to let everyone know where they were on the process. Auto racing has historically occurred on Saturday evenings. This practice is to be continued. The motocross racing season should be between March and October. Practice is February through October. He had talked to the neighbors and Public Works about the access from Race Track Road and an attempt is being made to resolve that issue.

Public comments were solicited. Mr. Deiter felt that the motocross was an illegal expansion of the race track. The grandfather rights were lost in the late 1970s when the track had not operated for approximately 18 months. The residents are unable to enjoy their area from February through October. The stock car racing

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is on Saturdays with special events on Memorial Day and the 4<sup>th</sup> of July. When combined with the driving school, this appears to be a seven day a week operation that runs nine months a year. Chairperson Christianson felt that the request was for the school on Tuesdays and Thursdays only. Mr. Deiter felt that with the motorcycles it was too much. The noise level from the facility is overwhelming. The racing does not end at 11:30 p.m. Partying, loading of the vehicles, the generators, loud speakers, and lights, etc., continue past 4 a.m. The Sheriff's Office does not respond. The residents were willing to sign the complaints but the Sheriff's Office will not come. Chairperson Christianson explained that the Commission cannot tell the Sheriff's Office what to do. Mr. Deiter felt that Mr. Rombardo should tell the Sheriff's Office that they should protect the residents and that they would then respond. Chairperson Christianson advised him that the Commission could not discuss this issue as it is not agenized.

Additional comments were solicited. Mr. Seward explained his understanding of the request. They had not yet received a City response to their November 27<sup>th</sup> letter. They requested an opportunity to discuss it with staff. There had allegedly not been any effort on the applicant's part to contact the Tribe. As the Tribe has property adjacent to the racetrack, this discussion should occur. They were also troubled about the practice of allowing nonconforming uses to occur on tribal property. They were attempting to resolve these issues with the City Manager. Examples of the concerns were cited. Mr. Rombardo and Chairperson Christianson pointed out that these issues were not on the agenda. Mr. Seward stated his reasons for bringing them up.

Ms. McKean indicated that she had talked with Mr. Martel about some of the issues. She felt that, until the issues are resolved, the track should not be opened or used. She also asked what the tribal issues were. Proof was requested that the motocross should be allowed. Mr. Martel had purportedly been told that the residents objected to it and did not want to see it continue. Chairperson Christianson explained his personal contact with an individual who indicated that the motocross was there in the 1970s. Commissioner Pedlar explained that there were news articles which had purportedly been given to staff showing that motocross had occurred there annually since 1978. Ms. McKean reiterated her request for additional proof about the motocross as the referenced news article did not contain a date when the article was written. Commissioner Mally noted that in 1978 there had been a period when water restrictions did not allow them to have motocross activities. Mr. Plemel felt that this testimony was discussed at the last meeting. Commissioner Mally requested that this issue be researched. Commissioner Sedway indicated that he had personally checked the news article and that it was from March 22, 1978.

Ms. Young explained her feeling that Mr. Seward should not have been cut off. She asked that he be allowed to continue his statements. Chairperson Christianson explained that he had followed the advice given by Mr. Rombardo. Mr. Rombardo indicated that Mr. Seward could speak so long as he remains on the topic.

Mr. Seward reiterated his concerns with nonconforming uses on the property adjacent to tribal areas. They have not heard anything from the Planning Department and Commission regarding their November letter. Mr. Sullivan indicated that they had received the letter. The issues were to be discussed at the public hearing. He expressed a willingness to discuss the issues with Mr. Seward. Mr. Seward expressed concerns about the impacts to Clear Creek and the adjacent Indian community as well as water quality and encroachment issues. They looked forward to meeting with staff on those issues. They have discussed it with the City Manager. In response to Commissioner Mally's questions, Mr. Seward explained the location of the Stewart facility which

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is across Clear Creek about 250 yards and adjacent to the racetrack. Although the Commission does not have any control over the Tribal uses nor does the Tribe have control over City land, there is a good neighbor policy to try to work together. They have been meeting regularly with the City Manager. They had come to the Commission meeting as the matter is before it and not the City Manager.

Additional comments were solicited. Ms. Batchelor explained the Tribal Council's meeting and reiterated the Tribe's concerns about the expansion and the impacts it would/could have on their community which is located across the street from the track. She felt that it would impact their quality of life. They did not object to the continuance as a conclusion should be reached based on the facts.

Ms. Deiter explained her research of the property title indicates that the property was sold in 1979. It was then held by a Nevada charter corporation until 1981 when it was conveyed back. She thought that once the title is broken, the grandfather clause should be broken. Mr. Rombardo explained that as long as the uses are the same, the use is allowed to continue. According to Ms. Deiter, they had not allowed race cars and it is now a different usage. Mr. Rombardo responded that this could be a flaw in the grandfathered status if it is correct.

Additional comments were solicited. Mr. Andrews explained his notice of the continuance and his lack of time to review the letter. He felt that the residents should have been notified earlier and that the notice should have been in writing. He also felt that this was another example of the disrespect shown for the neighbors. They should be restricted to what they have been allowed and nothing more. He was confused and nervous about the dates and times for the racing and closures that had been stated. He questioned the meaning of closing the racing at 11:30 p.m. and the amount of additional time they needed. The process has taken longer than envisioned and feedback has not occurred. Chairperson Christianson explained that the racing is to be over at 11:30 p.m. The continuance will allow time to address his concerns. Mr. Andrews felt that, if the facts are in black and white and can't be disputed, we could go from there.

Ms. George requested clarification about the motocross practice times on Saturdays and Sundays and the racing times on Tuesdays and Thursdays. Commissioner Pedlar explained that practices are to be held two nights a week from 4 p.m. to 9 p.m. and that racing will be on either Friday or Sunday. Chairperson Christianson encouraged everyone to meet with staff and the applicant to clarify the issues including the racing periods.

Ms. George explained her concerns about the watering, which she felt did not occur. Sunday they had groomed the track area but not watered it. Chairperson Christianson indicated that this issue should be checked into. There is no problem with the use of effluent. Ms. George reminded him that they had not watered the area. Chairperson Christianson again stated that if the Commission continues the item, there will be 30 days for the issues to be resolved.

Additional public comments were solicited. Mr. Peacock explained his problem with the use of the effluent is that it blows onto his property. Chairperson Christianson noted that it should not hurt him. The golf course uses effluent for irrigation. Mr. Peacock explained that he had a choice in its contact. His grandchild is playing in it. Chairperson Christianson indicated that staff would look into it. Mr. Peacock explained that two of his adjacent neighbors have stated that the motocross fumes are so bad you must leave your home. Its is

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a pollutant. Discussion noted that the engines are similar to the autos which are raced one-half mile away. The motocross is adjacent to the residences.

An unidentified female indicated that the motorcycles are two stroke engines while the autos are four stroke. This creates a difference in the pollution. She asked that, if the continuance is allowed, nothing be allowed at the track. Chairperson Christianson explained that the Commission could not decide that.

Mr. Martel felt that the frustration was quite evident. His memo on the talking points had been sent three weeks ago to the individuals on his list. He had allegedly contacted at least once all of the individuals who had contacted him. Some had been contacted three or four times. His name and number is on the memo and anyone wishing to contact him was urged to do so. He was available during normal working hours and was willing meet with anyone. He hoped that the issues could be resolved within the next 30 days. Mr. Martel agreed to provide staff with timely updates. There had been a cutback in motocross racing in June and July of 1976 due to drought conditions. Motocross racing had occurred at Prison Hill during that break. This was prior to the zone change. He did not feel that there had been a break in the use. Motocross racing was conducted there last year.

Mr. Rombardo indicated that the City had taken a position on what is allowed at the track. This information is included in a memo to Community Development. If the applicant fails to comply, the City will take appropriate steps.

Mr. Givlin explained that the reclaimed water should not be drunk nor should an individual have prolonged contact with it. It does not pose a health hazard if used to water the racetrack.

Commissioner Sedway moved to continue Item U-01/02-18, a special use permit request from Jim Bawden, owner Burton Family Holdings, until the February 27<sup>th</sup> Planning Commission meeting. Commissioners Mally and Pedlar seconded the motion. Motion carried 7-0.

### **H. INTERNAL COMMUNICATIONS AND ADMINISTRATIVE MATTERS**

**H-1. STAFF BRIEFING REGARDING THE STATUS OF COMMISSION RECOMMENDATIONS TO THE BOARD OF SUPERVISORS AND CORRESPONDENCE TO THE COMMISSION (1-2558)** - The Title 18 revisions and Development Standards were adopted. The Board had also adopted the RV campgrounds revisions which had been overlooked. Mr. Sullivan thanked his staff for their efforts during his illness. The agenda for next month includes the racetrack and a master plan amendment for two segments of that immediate area. The Commission was urged reread the section on Special Planning Areas in the Master Plan. (Chairperson Christianson passed the gavel to Vice Chairperson Wipfli and stepped from the room--5:52 p.m. A quorum was still present.) There are funds for one or two Commissioners to attend the April 13-17 National Planning Conference in Chicago. Some of its seminars were described. He planned to send Senior Planners Canfield and Plemel and Associate Planner Pruitt. The Commissioners were urged to attend. Next year's conference will be in Denver. (Chairperson Christianson returned at 5:54 p.m. The entire Commission was present, constituting a quorum.)

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Chairperson Christianson explained that he had cutoff Mr. Seward based on Mr. Rombardo's advice. He apologized if it seemed that he was curt in doing so. He felt that there should have been a more focused presentation on the nonconforming issues. Mr. Sullivan indicated that he understood and that staff would apologize to him. He also felt that as an attorney he should have known what the restrictions are. Chairperson Christianson encouraged staff to have a meeting with the residents and concerned individuals.

Commissioner Sedway requested that a listing of what is allowed there and what is being requested be developed. This should open it so that the audience will be able to understand what the restrictions are. Mr. Sullivan agreed and explained that the application had been changed. There are issues there to which responses have not been given. Staff hoped to be able to stop them if they are not grandfathered. Commissioner Sedway felt that there may not be enough time to answer all of the issues. Mr. Sullivan felt that a response should be provided by the next meeting.

Mr. Sullivan urged the Commission to reread the packet again and do as much research as is possible. New copies of the staff report will be provided. The proof will be there and the decision will be made based on facts.

**I. ADJOURNMENT (1-2814)** - Commissioner Peery moved to adjourn. Commissioner Wipfli seconded the motion. Motion carried 7-0. Chairperson Christianson adjourned the meeting at 6 p.m.

The Minutes of the January 30, 2002, Carson City Planning Commission meeting

ARE SO APPROVED ON March 27, 2002.

/s/

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Allan Christianson, Chairperson