CASON CITY PLANNING COMMISSION

Minutes of the November 19, 2002, Meeting

Page 1

A regularly scheduled meeting of the Carson City Planning Commission was held on Tuesday, November 19, 2002, at the Community Center Bonanza Room, 851 East William Street, Carson City, Nevada, beginning at 3:00 p..m

PRESENT: Chairperson Allan Christianson, Vice Chairperson Richard Wipfli, and Commissioners Ron

Allen, Mark Kimbrough, John Peery, Wayne Pedlar, and Roger Sedway

STAFF PRESENT: Community Development Director Walter Sullivan, Senior Planner Lee Plemel, Senior

Engineer Rob Fellows, Deputy District Attorney Jason Woodbury, Recording Secretary Katherine McLaughlin, and Associate Planner Jennifer Pruitt (P.C. 11/19/02 Tape 1-

0007.5)

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

- **A. ROLL CALL, DETERMINATION OF A QUORUM, AND PLEDGE OF ALLEGIANCE -** Roll call was taken. A quorum of the Commission was present although Commissioners Wipfli and Sedway had not yet arrived. Chairperson Christianson led the Pledge of Allegiance.
- B. APPROVAL OF MINUTES (1-0032.5) None.
- C. PUBLIC COMMENTS (1-0036.5) None.
- **D. AGENDA MODIFICATIONS (1-0053.5) -** None.
- **E. DISCLOSURES** (1-0056.5) None.
- F. CONSENT AGENDA (1-0061.5)
- F-1. D-02/03-5 ACTION TO ACCEPT AN OFFER OF DEDICATION OF RIGHT-OF-WAY FOR MOLLY DRIVE AND MILLENNIUM TERRACE
- F-2. D-02/03-6 ACTION TO ACCEPT AN OFFER OF DEDICATION OF ACCESS AND STORM DRAIN EASEMENT AT MOLLY DRIVE AND CORBETT
- F-3. V-96/97-4 ACTION ON THE REVIEW OF A PREVIOUSLY APPROVED VARIANCE FOR BRIAN SMITH
- F-4. U-96/97-5 ACTION ON THE REVIEW OF A PREVIOUSLY APPROVED SPECIAL USE PERMIT FOR BRIAN SMITH
- F-5. U-01/02-16 ACTION ON THE REVIEW OF A PREVIOUSLY APPROVED SPECIAL USE PERMIT FOR EVA SULPRIZIO Commissioner Pedlar moved that the Items on the Consent Agenda be approved as recommended by staff. Commissioner Peery seconded the motion. Motion carried 5-0.

G. PUBLIC HEARING

CASON CITY PLANNING COMMISSION

Minutes of the November 19, 2002, Meeting Page 2

G-1. U-02/03-14 - ACTION ON A SPECIAL USE PERMIT APPLICATION FROM SILVER

STATE CONSULTANTS (1-0168.5) - Associate Planner Jennifer Pruitt, Senior Planner Rob Fellows, Community Development Director Walter Sullivan, Applicant's Representative Julio Sandoval, Richard Rossi Louie Lucero, Marie Lucero - Slides of the site were displayed and explained. The fence has already been installed. Discussion noted a difference in elevations between the applicant and the neighbors. The law requiring property owners to perpetuate the drainage was noted. The developer constructed the applicant's home first. The direction of the drainage for the surrounding parcels was described as flowing to the front of those parcels. The applicant's parcel drains to the back of the lot. The adjacent property owner has documents allowing his property to drain to the north and/or south. He has expressed a willingness to support the application if the fence is not raised. The retaining wall is the property line for the other house. The last page of the packet illustrates the western property line which has two properties abutting the applicant. The retaining wall is located on the southern portion. The applicant would have to raise the back of the lot to force the water to drain to the street. As the applicant is in a basin, he needs a higher fence. Condition 6 will not block the drainage but allows it to flow to the street. (Commissioner Wipfli arrived—3:22 p.m. A quorum was present although Commissioner Sedway had not yet arrived.) The applicant and this neighbor need to develop a mechanism to address the drainage to perpetuate its flow to the street. It was hoped that the application will resolve future fencing problems. The Commission is to address the fence. The fence will dam the water's flow to the neighbor's property. Clarification indicated that the fence is six feet in height from one neighbor but at the adjacent lot it is 7-1/2 feet.

Mr. Sandoval clarified that the fence is to be six feet in height but will be on a 12-1/2 inch retaining wall. If the fence is maintained, there should not be a drainage problem. The original fence blew down due to rot. The entire fence is on Mrs. Mendoza's property. The applicant's home was built one-and-a-half years before the neighbors. Its drainage was to flow one or two blocks along the back of the property and then into the street. Mr. Sandoval felt that the drainage issue will be back to the Commission for resolution within a short period of time. (Commissioner Sedway arrived at 3:27 p.m. The entire Commission was present, constituting a quorum.) The posts are ten feet in height and are not installed in concrete. If necessary, it will be reinforced in the future. Mr. Sandoval felt that the drainage would be addressed as part of Phase II.

Public comments were solicited. Mr. Rossi explained the location of his home. He had visited the site several times. The property slopes to the back of the lot. The backyard was compared to a marsh after a heavy rainstorm. He hoped that the fence would help solve the problem in the future. The block wall was installed when the house was constructed. It was assumed that the contractor had done the work. The back of that lot was raised to slope toward the street. The house on the opposite side of the fence purportedly drains toward Desert Peach. He indicated that his testimony was in support of the fence. Additional public comments were solicited but none were given. Public comment was then closed.

Mr. Lucero explained the location of his home and the drainage flow on his property. The developer had given him a drainage easement which allows the water to flow to the bottom and left. He did not have a problem with the fence, however, Ms. Mendoza alleges that the water from his property drains to their side and floods the property. He felt that the accumulated water came from her lot and needed to have an escape route along the back of the lots to the street. Garth Richards had purportedly visited the site and removed Mr. Lucero's fence. The block wall and fencing that was put up to replace it was left loose at one end. The wind then blew down several panels of this fence.

Page 3

He had suggested that Ms. Mendoza have Mr. Richards put the posts in and he would tack the panels on. He had shown her how his water drained to the left and not on her property. There is a drain under the concrete. Pictures had purportedly been taken to illustrate how the water runs off that property. The next thing he knew Mr. Richards was removing the fence. Half of the fence is purportedly his as it is on his property line. Chairperson Christianson explained that Ms. Mendoza claims the fence is entirely on her property. Mr. Lucero explained that his pictures show that the replacement fence is now on her property but the original fence was on his property. He did not oppose a higher fence as it will give him more privacy, however, was concerned about the difference in the fence description as on his side it is only six feet seven inches. The information he had received from staff shows that the fence is to be seven feet six inches in height. The fence should be the same height on both sides. His photographs of the area were given to the Commission. Chairperson Christianson explained that the Commission is considering only the fence. The other issues will have to be decided in the future. Clarification by Commissioner Sedway indicated that he would abstain on this item. Mr. Lucero discussed the photographs with the Commissioners.

Additional public comments were solicited. Ms. Lucero claimed that Ms. Mendoza wanted a ten-foot fence. They had attempted to get the City to look into the matter without success. She felt that the fence is to be on the property line and no where else. She could not understand why her fence was removed. The Commission attempted to tell her that this is a civil matter which the Commission could not mitigate. She did not care how tall the fence is. It is possible for her to see into Ms. Mendoza's home. She felt that she had been harassed for five years. Chairperson Christianson reminded her that this information does not relate to the fence and thanked her for her comments.

Commissioner Peery moved to approve U-02/03-14, a Special Use Permit request from Silver State Consultants to allow the placement of a 7.5 foot fence within the required side yard setback based on seven findings and subject to six 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 Kimbrough seconded the motion. Motion carried 6-0-1 with Commissioner Sedway abstaining. Mr. Sullivan briefly explained the appeal process. Clarification indicated that the fence is to be 7.5 feet tall as it currently is. Mr. Lucero reiterated his lack of understanding on how the fence could be 7.5 feet tall when his measurement showed it was 6.5 feet tall. Chairperson Christianson repeated that the fence as it is now is to remain and indicated that the drainage issue would have to be resolved elsewhere. Mr. Lucero indicated that there would be no continuation. He felt that staff should come over to his side and they would measure it together.

G-2.U-02/03-13 - ACTION ON A SPECIAL USE PERMIT APPLICATION FROM KYLE

AND VICTORIA HUDAK (1-1352.5) - Senior Planner Lee Plemel, Kyle Hudak - Slides were shown illustrating the addition. The late material which was distributed to the Commission and Clerk prior to the meeting had included a letter of support from the neighbor across the street from the applicant. The 1963 building is considered legal nonconforming as it was constructed before the setback and variance requirements were added to the Code. Mr. Hudak agreed with the staff report. Commissioner Kimbrough complimented him on his building. Public comments were solicited but none were given. Commissioner Pedlar moved to approve U-02/03-13, a Special Use Permit application from Kyle and Victoria Hudak to allow the expansion of existing nonconforming buildings located within the required front and side yard setbacks based on seven findings and subject to five 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 Allen seconded the motion. Motion carried 7-0.

Page 4

G-3. Z-02/03-1 - ACTION ON A CHANGE OF LAND USE REQUEST FROM DENNIS

SMITH, WESTERN ENGINEERING AND SURVEYING SERVICES (1-1622.5) - Senior Planner Lee Plemel, Deputy District Attorney Jason Woodbury, Community Development Director Walter Sullivan, Applicant Dennis Smith, Albert Le Balch, Senior Engineer Rob Fellows - Staff's attempts to contact the adjacent property owner were not successful. The proposed change is consistent with the Master Plan. Uses that would be allowed on the property were noted. Skip Canfield's letter was distributed to the Commission and Clerk and read into the record. (A copy is in the file.) Discussion ensued on the Statutory and City Code noticing requirements. The property taxes on the small parcel have been paid. Staff sent a notice to that address. It was returned undeliverable. Mr. Plemel indicated that other attempts to reach the owner are being pursued. Mr. Plemel committed to attempting to contact the owner prior to action by the Board of Supervisors. The proposed office commercial zoning will allow more uses than the multi-family apartment zoning does. It was felt that this change would enhance the property value. Mr. Woodbury opined that there would have to be a notice given to the property owner before the Board of Supervisors could act. Discussion pointed out the divergence in opinions between Mr. Canfield and staff. Commissioner Kimbrough felt that the general office zoning made more sense due to the topography and surrounding uses. Mr. Sullivan indicated for the record his attempt to contact the only Russell Best who is listed in the telephone directory. He left a message on the answering machine at that number asking that the individual return his call if he owned the parcel. He has not received a response to his telephone message. The undeliverable notice was sent to a Carson City address. He then listed the primary, accessory, and conditional uses for the multi-family apartment district and the general office zone. The proposed change is considered an upzone. Mr. Canfield's concerns regarding the ability to have general commercial uses on the property were explained.

Mr. Smith explained his efforts to contact the property owner and committed to continuing the attempt. He then explained some of the issues his client has encountered when trying to develop his property. Reasons for seeking the zone change included the traffic safety concerns. The tenants had been asked where they send the rent monies. A response to this inquiry was not provided. This is another avenue they were attempting to follow to find Mr. Best. Mr. Smith expressed the desire to add Mr. Smith's property to the zone change due to the feeling that his property is an eye sore and would be detrimental to his client's office complex.

Public testimony was solicited. Mr. Le Balch felt that splitting the property into two zoning districts was poor planning. He urged the Commission to make it either Conservation Reserve or General Office. He questioned whether the Conservation Reserve area would be dedicated to Open Space in the future or be developed at some future date. Commissioner Allen agreed that the Conservation Reserve area has steep topography. Mr. Le Balch also felt that its development would require a booster pump in order to have water service. Discussion indicated that the developer would have to pay for the booster pump. (Commissioner Pedlar stepped from the room at 4:15 p.m. and returned at 4:17 p.m. A quorum was present the entire time.) Mr. Sullivan explained that the creation of a parcel requires a minimum of 20 acres. Rezoning of a parcel is allowed on smaller lots. He also agreed that the topography for the slope supported the Conservation Reserve zoning. Mr. Le Balch urged the Commission to restrict development on the Conservation Reserve area. Mr. Sullivan noted that the City has split zoned parcels in the community, however, a parcel map has not been required in the past to split the parcel into different zoning districts. This would create a substandard parcel as one parcel, the 0.21 acre area, would be less than 20 acres. A variance would be required for this parcel. A special use permit is also required to show the proposed use. This will allow the Commission to control the usage. Mr. Fellows explained that a conservation easement could be placed on the

property which would eliminate the need to parcel the property. Mr. Sullivan agreed that this is another option and explained Open Space Manager Juan Guzman's plans for this program. Additional comments were solicited but none were given. Public testimony was closed.

Mr. Woodbury suggested that the motion include the four findings in the staff report. Commissioner Wipfli moved approve application Z-02/03-1, a Change of Land Use request from Western Engineering and Surveying Services, property owner: The Lloyd B. Austin DDS Limited Profit Sharing Trust, to change the zoning of a 7.95 acre parcel from Multi-Family Apartment to General Office and Conservation Reserve located on Moses Street, APN 009-151-50, and to change the zoning of a 0.21 acre parcel from Multi-Family Apartment to General Office, located at 531 Moses Street, APN 009-151-49, based on the four findings in the staff report. Commissioner Pedlar seconded the motion. Mr. Smith agreed to entertain a conservation easement on the portion which is to be designated Conservation Reserve. He explained that they did not have any intent to develop that portion which was the reason for the request that it be zoned Conservation Reserve. Motion carried 7-0.

M-02/03-3 - DISCUSSION AND ACTION ON THE REVIEW OF THE PROCESSING G-4. OF APPLICATIONS FOR THE PLANNING COMMISSION (1-2961.5) - Community Development Director Walter Sullivan, Senior Engineer Rob Fellows, Discussion ensued regarding who should make the determination that it is an emergency and a continuation should be allowed; the deadline for requesting a continuance without a penalty; whether the proposed 43 day process provided adequate time for staff's review of the application; the possibility of providing a preliminary decision; the Major Project Review process and how it would fit into the program; and how the change would provide staff with better information and require less "leg work" for staff. Ten days were needed to develop the preliminary decision. The proposed program will require the application to be heard after day 35. A continuation fee will be assessed if the item is listed on the agenda published in the newspaper which occurs on day 21. Continuations could be granted for unforeseen emergencies such as family illness or weather conditions which prohibit the consultant/applicants attendance at the meeting. If the procedure is approved, an operational plan will be developed and presented to the Commission. It should cover all foreseeable situations that may occur under the program. Com-missioner Peery felt that the program should be merciful if an occasion occurs that has not been foreseen. Commissioner Kimbrough asked that the process include a list of items which will allow a continuance. Mr. Sullivan felt that staff will have meet with the applicant before day 20 so that the continuation deadline of the 21st would be doable. The deadline for appeals would not be changed. Commissioner Pedlar pointed out that emergency continuations will require the applicant to appear before the Commission to seek a continuance. There should not be a controversy over the reason for the continuance. If there is controversy over a project, a continuation should be requested earlier in the process. He also felt that the process should be clearly spelled out. The media agenda should indicate what has been continued. Commissioner Sedway apologized for being late and thanked staff for the review. He also felt that the program would address the issues and that it was the large projects which have been the problem. He asked that the agenized item be heard even if there are small issues remaining to be resolved between the applicant and staff or if staff has recommended denial. The public should understand the issues and that the Commission has the ability to continue the item if deemed appropriate and the applicant requests it. The process should eliminate what has become an automatic last minute continuation of an item. Public comments were solicited but none were given. Commissioner Sedway moved that the Planning Commission approve and adopt the recommended Planning Commission application timeline process with the 43 day schedule. Discussion indicated that under the current process an application must be submitted by the 20th of a month. The

proposed process will cause the deadline for submitting applications to "float" as the meeting date will be used as the 43rd day and the deadlines will be worked backwards from that date. Commissioner Sedway continued his motion to include requiring continuances to be received on or before day 21 without a fee penalty, after day 21 with a payment of a fee penalty to day 35, after day 35 it is the Planning Commission's policy that no continuances will be considered unless it was a family emergency; secondly it is the Planning Commission's policy that requested continuances unless approved by two-thirds majority vote of the Planning Commission will be automatically scheduled for the following month from the requested continuance date; lastly, continuances for unexpected personal matters such as unexpected death or illness will be automatically continued to the following month with or without payment of the continuance fee. Commissioner Pedlar seconded the motion. Discussion indicated that day 21 is for staff comments to be completed. Following Mr. Sullivan's request for an amendment and Commission discussion as to whether the continuance fee should be \$150 or \$250 and whether the continuance fee should be required for unexpected emergencies, Commissioner Sedway amendedhis motion to adopt staff's recommendation that the fee after day 35 be left, as he preferred, at \$150 and waive it under the death or illness. Commissioner Pedlar concurred. Motion carried 7-0.

Commissioner Sedway thanked the staff for including the intent to hear the item at the next Commission meeting as this was an issue of discussion as to whether it could be agenized for that meeting. Mr. Sullivan expressed the intent to work with all applicants to inform them of the new policy.

RECESS: A recess was declared at 4:53 p.m. The entire Commission was present when Chairperson Christianson reconvened the meeting at 5 p.m., constituting a quorum.

ACTION ON REVISIONS TO THE FEE AND SERVICE CHARGES FOR THE PLANNING COMMISSION APPLICATIONS AND PLANNING AND COMMUNITY DEVELOP-MENTMATTERS UNDER CCMC18.02.055 (2-0731.5) - Community Development Director Walter Sullivan, Builders Association of Western Nevada (BAWN) Representative Rick DeMars - Staff had discussed the proposed fee schedule with the Chamber of Commerce and BAWN. The previous action established the continuation fee at \$150. The proposed fees do not recover 100 percent of the cost incurred for the applications. Other entities subsidize their Planning Commission and Planning and Community Development applications. Mr. Sullivan complimented Associate Planner Jennifer Pruitt for her work on the program. The BAWN and Chamber of Commerce letters were read into the record. Both supported the proposed fee structure. Commissioner Sedway explained his belief that the fee for an appeal should be zero. Reasons for this recommendation were limned. Commissioner Peery felt that the recommended \$25 was reasonable. Clarification indicated that the applicant was not required to pay a fee to appeal the Commission's action as the application fee had included an allocation for an appeal. All other appellants are assessed the fee due to the noticing requirements and staff time required to handle the appeal. Commissioner Pedlar felt that there should be a token fee required of anyone appealing the Commission's actions with the exception of the applicant. Otherwise, appeals could become a stalling tactic/nuisance concern. He did not feel that a fee of \$25 or \$50 was an insurmountable cost. Mr. Sullivan explained the problems encountered with a funeral home application several years ago which had required the Board to hear the matter on at least three separate occasions. Staff has since restricted the appeals to individuals who participate in the process and that all of the appeals are to be heard at one time rather than making it a revolving door. A review of the appeals

indicates that approximately 5-6 percent of the Commission's decisions have been appealed since the 1980s. The Board has upheld two-thirds of the Commission's decisions. He had not conducted a study of the cost to handle appeals and could support the Commission's decision regarding its fee as there are valid points for both views. Clarification indicated that the District Attorney's office had issued an opinion which supported the decision to have all of the appeals considered at one time and that the appellant has participated in the process. This included the submission of a letter or email. The appeal must be based on the information provided at the Commission hearing, otherwise the Board will return the item to the Commission for reconsideration. Commissioner Wipfli supported Commissioner Pedlar's comments due to his feeling that the proposed fee is a nominal amount, otherwise the process could become a revolving door as it is in an adjacent county. The fee should be less than \$100. Commissioner Pedlar suggested that the fee be \$55. The majority of the appeals are from the applicant. His application fee included the fee for an appeal. The remainder had been from groups of individuals who should be able to handle the \$50 fee relatively easily. The \$50 fee will discourage nuisance appeals. Commissioner Allen supported the \$50 fee. Mr. Sullivan suggested that the fee be left at \$25 for this year and next year and increased to \$50 the following year. Commissioner Kimbrough supported the \$50 fee. Discussion indicated that appeals by nonprofit organ-izations could be waived. Individuals at or below the poverty level are addressed under a different code and have their fees waived. Commissioner Wipfli expressed his concern about the fact that the \$25 fee does not cover all of the costs but was willing to accept either the \$25 or \$50 fee as neither is exorbitant. Mr. Sullivan felt that there had never been any discussion concerning the appeal fee. The appellant has always paid it. Commissioner Peery reiterated his support for the \$25 fee.

(2-1599.5) Commissioner Allen suggested that the minor application fee be reduced as it is possible that the suggested \$500 fee could be more than the cost to do the project. Developers have the ability to pass the fee onto the buyers. Mr. Sullivan explained that the actual mailing costs will be assessed. The variance fee currently is \$250. The proposal increases it to \$375 and then \$500 later. Commissioners Allen, Peery and Pedlar supported this "family rate". Commissioner Kimbrough expressed the hope that with the fee increases the Department will receive additional funding. He asked that the record show that some of the fee enhancement be used to provide an enhancement to the Department which the public could see. He also indicated that the entire fee did not have to be used for the Department. Commissioner Pedlar explained his position that the General Fund provides some funding for the Department. The fee increases should not be used to justify a staff increase. The budget process should determine the need for additional staff. The increased fees should reduce General Fund support even though the Department is not considered an enterprise fund. Chairperson Christianson felt that the fee increases were the City's attempt to recover the loss in sales taxes created by the relocation of Walmart. He also felt that it was shortsighted for the City to increase the fees without looking at the entire budgetary needs. Mr. Sullivan explained his attempts to increase the fees over the last ten years and the funding that was provided 18 months ago to conduct a study on the fees. Discussion indicated the feeling Washoe and Douglas County fees were less than Carson City's. Chairperson Christianson asked BAWN Representative Rick DeMars to address comments he had received from a developer that it costs more to do a house in Carson City than the other counties. Commissioner Peery felt that additional staff is needed by the Department and, specifically, for increased Code Enforcement due to the growth that has occurred in the area.

Commissioner Sedway reiterated his position that the fees are not under the Commission's purview. Justification of his position included the reasons for the increases and the comments which the Commission had just made. He felt

Page 8

that it compromised the Commission's purposes. Elected officials should be the ones to address the fee issue. It should not be a competition issue with the surrounding counties.

(2-2001.5) Public comments were solicited. Mr. DeMars explained BAWN's work with staff on the fees. He hoped that the Commission would not wait 15 years for another increase. He asked that a decision be made so that the builders' budget could be adjusted to handle the fee increases. He felt that the Carson City fees were in line with the surrounding counties' fees. Discussion among Mr. DeMars, Chairperson Christianson, and Commissioner Wipfli pointed out the infrastructure costs to do infill projects in the older sections of the City. The land in the Silver Oaks area is valuable which causes the homes to be more expensive. The City has the state of the art water and sewer plants which other communities do not have. For these reasons Commissioner Wipfli felt that the products were different and should not be compared. Mr. DeMars also pointed out that builders have gone to Washoe County and Reno and Sparks and have quickly returned to Carson City due to the problems they had encountered there. He felt that they receive fantastic service from Carson City and that is it a good working environment. Discussion also pointed out that land is becoming a prime commodity in the City. Growth in Douglas County has been limited until a court decision is received. The City's three percent growth management ordinance allows latitude for planning by the developers.

Mr. Sullivan asked that the motion reference document 10/9/02. Additional public comments were solicited but none were given. Mr. Sullivan also indicated that the appeal fee would be \$25 for this year and next and increased to \$50 in calendar year 2004. Special Use Permit fee for minor projects for calendar year 2003 will be \$375 and increased to \$500 in 2004. Continuances will be \$150 as indicated in the previous item. Commissioner Kimbrough moved to approve A-02/03-05 and recommend the fee options as amended be approved. Commissioners Pedlar, Peery, and Allen seconded the motion. Motion carried 6-0-1 with Commissioner Sedway abstaining.

G-6. A-02/03-10 - DISCUSSION ONLY REGARDING REVISIONS/AMENDMENTS TO

CCMC TITLE 18 (ZONING) AND DEVELOPMENT STANDARDS (2-2399) - Community Development Director Walter Sullivan, Senior Planner Lee Plemel, Associate Planner Jennifer Pruitt - The suggested revisions were reviewed and discussed with the exception of the "typographical errors" found on the first four pages of the staff report. It was felt that the "light and glare" ordinance should not be enforced in residential zones at this time due to the impact it would have on Code Enforcement. It was also felt that the residential CC&Rs could handle this issue. Notice alerting the developers about this issue could be provided as part of the subdivision process. Consensus supported notifying 30 separately owned property owners when there are not 30 separately owned property owners within the statutory 300 feet noticing area. The amended list of findings for Section 18.02.075 was supported. Discussion ensued concerning the zoning districts which allow billboards and whether to revise the listing. Mr. Plemel indicated that billboards are allowed in the GI and GC zones. For this reason staff was requesting that they be removed from the PR zone. Discussion and formal action will be taken by the Commission at the next meeting. Public comments were solicited. Al LeBalch pointed out that the Statutes require notification be given to an area of 1500 feet when hazardous materials are involved. Mr. Sullivan indicated that the Code had referenced this Statute. Mr. LeBalch suggested that the distance be included in the Code. He also pointed out that the suggested definitions for the industrial areas had been rejected by the Board, however, the definitions had not been removed from the Code. His list was to be provided to staff. Chairperson Christianson thanked him for his list. Mr. Sullivan agreed to add the listing to the packet for presentation to the Commission for action at the next meeting. An example of the

need for the change was provided. No formal action was taken or required.

G-7. ACTION TO ELECT A CHAIRPERSON AND VICE CHAIRPERSON (2-3488) - The elected officers will take office at the next meeting. Chairperson Christianson thanked the Commissioners for their support during his tenure as Chairperson and assured them that the selected person would provide the Commission with sound guidance. Commissioner Pedlar moved to nominate Commissioner Wipfli as Chairperson. Commissioner Peery seconded the motion. Additional nominations were solicited but none were made. Commissioner Allen moved to close the nominations. Commissioner Kimbrough seconded the motion. Motion carried 6-0-1 with Commissioner Wipfli abstaining. The motion to appoint Commissioner Wipfli as Chairperson was voted and carried unanimously.

(3-0030) Commissioner Wipfli moved to nominate Commissioner Peery as Vice Chairperson. Commissioners Sedway and Kimbrough seconded the motion. Additional nominations were solicited but none were given. Commissioner Allen moved to close nominations. Commissioner Kimbrough seconded the motion. Motion carried 6-0-1 with Commissioner Peery abstaining. The motion to appoint Commissioner Peery as Vice Chairperson was voted and carried unanimously.

H. INTERNAL COMMUNICATIONS AND ADMINISTRATIVE MATTERS - NON-ACTION ITEMS

BRIEFING ON THE STATUS OF COMMISSION RECOMMENDATIONS TO THE BOARD OF SUPERVISORS (3-0060) - The Board had overturned the Commission's decision regarding the billboard. The final map for Northridge 11 was approved. The Code amendment for Doreen Mack was approved with substantial rewording. The Planning Commission will have a special meeting on December 5 to consider her application. The Code amendment for youth recreational facilities was approved on first and second readings. The Boys and Girls Club will soon submit a special use permit application. The Code amendment for the temporary aggregate operation and the special use permit for it were denied. New language has been proposed by Scott Heaton. He will ask the Board to return the item to the Commission for consideration at its next meeting. The Board will consider the master planelements, the personal storage containers, and second reading of the ordinance regarding the downtown directional signs at its Thursday meeting. Mr. Sullivan explained the reasons the City's billboard ordinance had not been challenged. If the billboard complies with the Code it should be allowed. This was the reason the Board had overturned the Commission's decision. To do otherwise could create a constitutional issue which could toss the City's ordinance out and allow them to be located everywhere. Problems encountered in Washoe County, Reno and Sparks were noted. Eventually the sites will be used and additional billboards will be prohibited. Mr. Sullivan explained the Board's review process for the planning fees. It will be considered as a resolution on December 19. Notices will be placed in the newspaper.

Chairperson Christianson wished all a happy Thanksgiving. He thanked the Commissioners for attending the meeting as he would not have been able to attend the meeting if held on the last Wednesday of the month. Mr. Sullivan thanked Mr. Swope for taping the meeting and staff for having it in a different meeting room. He also wished everyone a happy Thanksgiving.

Page 10

H-2.	FUTURE COMMISSION ITEMS AND DATES - No discussion occurred beyond that it	n
the preceding	neeting.	

I.	ADJOURNN	MENT (3-0399) -	Commissioner F	Peery moved to adjour	n. Commission	oner Kimbro	ugh
secondo	ed the motion.	Motion carried un	animously. Cha	irperson Christianson	adjourned the	meeting at	6:15 p.m.

The Minutes of the November 19, 2002, Carson City Planning Commission meeting