

CARSON CITY PLANNING COMMISSION

Minutes of the October 30, 2002, Meeting

Page 1

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

PRESENT: Chairperson Allan Christianson, Vice Chairperson Richard Wipfli, and Commissioners Ron Allen, Mark Kimbrough, Wayne Pedlar, and Roger Sedway

STAFF PRESENT: Community Development Director Walter Sullivan, Senior Planner Lee Plemel, Senior Engineer Rob Fellows, Deputy District Attorney Melanie Bruketta, Recording Secretary Katherine McLaughlin, and Associate Planner Jennifer Pruitt (P.C. 10/30/02 Tape 1-0001)

NOTE: Unless otherwise indicated, each item was introduced by the Chairperson. Staff then presented or clarified the staff report/supporting documentation/slides. Any other individuals who spoke are listed immediately following the item heading. A tape recording of these proceedings is on file with 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. A quorum was present although Commissioner Peery was absent. Commissioner Allen led the Pledge of Allegiance. Chairperson Christianson welcomed Commissioner Allen to the Commission.

B. APPROVAL OF MINUTES - August 28, 2002 (1-0022) - Commissioner Pedlar moved to approve the Minutes of the August 28, 2002, meeting. Commissioner Wipfli seconded the motion. Motion carried 5-0-1-1 with Commissioner Allen abstaining and Commissioner Peery absent. (Commissioner Allen abstained as he was not on the Commission at the time of the meeting.)

C. PUBLIC COMMENTS (1-0031) - None.

D. AGENDA MODIFICATIONS (1-0039) - Comments noted that Cinderlite was scheduled for consideration after 5:30 p.m.

E. DISCLOSURES (1-0043) - Commissioner Allen disclosed a meeting with Trish Lincoln and Cindy Howard on Monday afternoon regarding the Cinderlite item. Commissioners Kimbrough and Pedlar and Chairperson Christianson disclosed their tours of the aggregate site. Commissioner Kimbrough also indicated that he had talked to Gary Lehman. Commissioner Pedlar disclosed his discussion of the sign ordinance with Chamber of Commerce Chief Executive Officer Larry Osborne. Commissioner Wipfli disclosed that he had toured the aggregate site two months ago and had met with Cindy Howard.

F. CONSENT AGENDA - U-90/91-18(a) - DISCUSSION AND ACTION ON A REQUEST FROM MICHELLE WILSON TO ASSUME THE APPLICANT'S STANDING WITH REGARD TO RONALD AND BEVERLY GUTZMAN'S SPECIAL USE PERMIT (1-0065) - Darren Selby requested the item be pulled from the Consent Agenda for discussion. Mr. Selby indicated that he had a copy of the Nevada Administrative Code Section 432A - Services and Facilities for Care of Children. Section 432A.240 Change of

CARSON CITY PLANNING COMMISSION

Minutes of the October 30, 2002, Meeting

Page 2

Ownership, Construction or Remodeling of Facilities. It allegedly requires that any change of ownership requires the facility to comply with the provisions of this Chapter and applicable Building and Safety Codes. The Special Use Permit should be reviewed for compliance with the current permit and to bring the facility into compliance with the current Codes related to handicapped facilities, parking, and the access ways. He alleged that the original Special Use Permit had contained only six conditions. The first condition had required landings at all of the exterior doors. The landing in the rear of the building allegedly fails to comply with the Code. ADA standards purportedly require the landing to be five feet by five feet at the entrance door. The current landing at this door is 3 foot 8 inches by 5 foot inches. Condition 2 allegedly requires two exits and explains the standards for these exit doors. Deadbolts with thumb turns are not allowed. There are thumb turn locks on all the doors at the facility. Condition 3 allegedly requires an access by a ramp for the physically handicapped. The ADA standard for the physically handicapped ramp is purportedly a 12 to 1 slope. The slope on the ramp is a little over 8 to 1, which is 33 percent less than it needs to be. The facility is in compliance with Conditions 4 and 5. Condition No. 6 purportedly requires the wall between the garage and the facility to meet one hour fire wall standards for occupancy separation unless this wall is converted into part of the daycare facility. This conversion was done several years ago. Purportedly the facility was out of compliance with this Condition during the first seven years. The one hour fire wall separating the garage and the daycare facility must be sheet rock with a rating of 5/8 inch Type X and must extend from the floor to the roof line on both sides of the wall. There is only one sheet of 5/8 Type X sheet rock on the garage side of the wall. There is no sheet rock on the other side of the wall in the attic space and the doors are not in compliance. The door between the garage and the daycare facility is purportedly not a one hour-rated door. There allegedly is an illegal penetration of the attic space between the garage and the attic space of the daycare facility. This was purportedly done with a cabinet door and a piece of sheet rock screwed on the back side of it. He felt that the facility needed a complete review by all of the entities. The driveway coming into the facility does not meet City standards. It should be 24 feet wide. It is allegedly 18 feet 5 inches wide. The owner is not in compliance with these four items on the Special Use Permit by current standards and the Nevada Administrative Code states that the City needs to relook at the facility when there is a change of ownership.

Discussion between Mr. Sullivan and Chairperson Christianson pointed out that the condition of the facility had been discussed in depth earlier this year as part of the review of the Special Use Permit. At that time it was felt that the facility had been found to be in compliance with the Code requirement. The application is not for a change of ownership. The Gutzmans will continue to own the property. The operator of the daycare center will be Michelle Wilson. The item had been agenzized to obtain her acknowledgement of the conditions of approval. The conditions raised by Mr. Selby are applicable under Condition No. 2 which requires the facility to conform to all City standards and requirements including but not limited to those of the City Health Department, Fire Department, Public Works, and the Building Division. The normal procedure is to have these Departments check the facility when the Business License application is circulated. Discussion between Mr. Sullivan and Chairperson Christianson also indicated that there is an ADA access standard mandated for handicapped individuals as well as for the fire wall. These items will be checked as part of the Business License process. Today's action merely accepts Ms. Wilson's letter indicating that she is accepting the conditions of approval. Discussion between Commissioner Pedlar and Deputy District Attorney Melanie Bruketta indicated that Ms. Bruketta was not aware of the referenced NAC requirements. Until she has had an opportunity to review the requirements, she could not give an opinion regarding their relevancy. Public comments were solicited but none were given. Chairperson Christianson then closed the public comment period.

CARSON CITY PLANNING COMMISSION

Minutes of the October 30, 2002, Meeting

Page 3

Michelle Wilson indicated that she had read the report and concurred with it. She indicated her desire to be the operator with the Gutzmans of the childcare facility. Additional public comments were solicited but none were made.

Commissioner Sedway moved that the Planning Commission accept the correspondence dated October 1, 2002, from Michelle Wilson as the new operator for the childcare facility at 2109 South Roop Street, Carson City, subject to the 1994 Special Use Permit conditions of approval. Commissioner Kimbrough seconded the motion. Motion carried 6-0

G. PUBLIC HEARING

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

SMITH (1-0255) - Senior Planner Lee Plemel, Community Development Director Walter Sullivan, Dennis Smith - Slides of the area were limned. The applicant's efforts to contact the adjacent property owner were explained. The continuance was requested due to the need to include the small area in the noticing process. If it is not included in the zone change, it will be considered "spot zoning". Zone changes are considered at the request of the property owner, the Planning Commission, and/or the Board of Supervisors. Staff was requesting direction from the Commission as the property owner has not come forward. Discussion described the zoning on the surrounding parcels. The property owners adjacent to the subject property have been noticed, which included the small parcel. Staff had not received any comments from any of these property owners. The notice had not included the small parcel. Discussion explained the zoning on the adjacent parcels. Mr. Smith indicated that the property owner was aware of the need for a continuance and had agreed to it. He also limned his attempts to contact the owner of the small parcel. He indicated his intent to continue trying to reach this individual. Public comments were solicited but none were given. Commissioner Pedlar moved to continue application Z-02/03-1, a Change of Land Use request from Western Engineering and Surveying Services, property owner: The Lloyd B. Austin DDS Ltd. Profit Sharing Trust, to change the zoning on a 7.95 acre parcel from Multi-Family Apartment to General Office and Conservation Reserve located on Moses Street, APN 009-151-50, and direct staff to re-notice the proposed change in zoning to include 531 Moses Street, APN 009-515-49, a 0.21 acre parcel zoned Multi-Family Apartment in the proposed General Office zoning district to bring the parcels into conformity with the Master Plan Land Use Map. Commissioner Allen seconded the motion. Motion carried 6-0.

G-2. U-02/03-12 - ACTION ON A SPECIAL USE PERMIT APPLICATION FROM RHL

DESIGN GROUP, INC. (1-0425) - Community Development Director Walter Sullivan, Blythe Wilson - Mr. Wilson explained the need to replace the current signage. He also indicated that a Safeway representative was present. Public comments were solicited but none were given. Commissioner Wipfli moved to approve U-02/03-12, a Special Use Permit request from Suzanne Rusit, RHL Design, applicant, Carrington and Coddling, owner, to allow additional signage on Assessor's Parcel Number 002-072-14, property zoned Retail Commercial located at 2035 North Carson Street, based on seven findings and subject to seven conditions of approval contained in the staff report and with the understanding that any acknowledgements by (to) the Commission/Board by the applicant may be considered as further stipulations or conditions of approval on this application. Commissioner Pedlar seconded the motion. Motion carried 6-0. Chairperson Christianson passed the gavel to Vice Chairperson Wipfli. (A quorum was still present, including Chairperson Christianson. Commissioner Peery was absent as previously indicated.)

CARSON CITY PLANNING COMMISSION

Minutes of the October 30, 2002, Meeting

Page 4

G-3. A-02/03-9 - ACTION ON AN ORDINANCE AMENDING CARSON CITY DEVELOPMENT STANDARDS DIVISION 1.2, SITE DESIGN, AND DIVISION 1.10, PERSONAL STORAGE AND STORAGE CONTAINERS (1-0518) - Senior Planner Lee Plemel, Community Development Director Walter Sullivan, Chamber of Commerce Chief Executive Officer Larry Osborne, Shelly Aldean, Deputy District Attorney Melanie Bruketta - Discussion between staff and the Commission indicated that the storage containers could become permanent fixtures. The Community Development Director's ruling could be appealed to the Planning Commission. Fencing could be required if the storage container remains more than 90 days. The present Code does not allow the structures. In order to have one it would have to be fully screened and enclosed. Chairperson Christianson felt that the structures were a blight and questioned what would be acceptable screening. He also felt that the structures would take up valuable parking spaces. The business should consider relocating if the structures eliminated Code required parking and are needed on a permanent basis. The special use permit requirements will consider these site issues for permanent placement. Mr. Sullivan agreed that the business must show that there is a surplus of parking spaces available before the structures will be allowed in the parking area. Comments explained that the City is the applicant as there is a need for the structures throughout the community. Under the present Code, the suggested usage is illegal. Discussion felt that the structures should be hidden from public view and not placed at the front of the business. The example used in the slides was felt to be a poor example of how they could be made acceptable to the community. The merits of the proposal should be discussed and not the merits of the examples illustrated in the slides. The proposal will allow the temporary use of the storage containers upon approval by the Community Development Director. Staff was unsure whether Douglas County allows such containers but felt that with screening and placement at the side or rear of the building they are allowed in Washoe County. Chairperson Christianson questioned how the use would be policed and expressed his feeling that 90 days is too long for them to be at a location. He supported 30 days. Mr. Sullivan indicated that the Code Enforcement Officer will police the uses and explained his "tickler" system for notification when a permit expires. The Chamber of Commerce and merchants had requested the 60 to 90 day usage period primarily for Christmas items. Their need was described. Public comments were solicited.

Mr. Osborne explained the Chamber's involvement with staff on the revision. Businesses need a temporary storage facility adjacent to the business. He had photographs illustrating the ability to screen the structures and blend them with the building, however, had not been aware that staff did not have these pictures or he would have brought them with him. The structures are available in various colors. They are needed for 90 days. He described the business practice of constructing retail stores to the size needed by the occupant. Storage is at a premium and very limited. The structures will be used for seasonal inventory. It could be Christmas time or any other holiday season. He acknowledged that some businesses have a need for the structures for longer periods than suggested. He urged the Commission to be business friendly due to competition from the surrounding area. Vice Chairperson Wipfli acknowledged the businesses need for additional space and stressed the concerns regarding the colors and location. Additional public comments were solicited.

Ms. Aldean indicated that she did not represent Pier One, who was shown in the slides. She displayed photographs illustrating how the structures could be displayed in a "better light". She reiterated the need for retailers to have additional storage space and the need for the community to be business friendly. Her concerns about competition for retailers from an adjacent county were stressed. The structures should be allowed on a "semi-permanent" basis. Her Southgate Shopping Mall has five-and-a-half times the required amount of parking spaces. The structure uses

CARSON CITY PLANNING COMMISSION

Minutes of the October 30, 2002, Meeting

Page 5

one space. No one had complained about the structure to her knowledge. Pier One will have to go through the Special Use Permit process for a permanent structure. It will require mitigating the visual impacts. She expressed a willingness to work with staff and the applicant(s) to mitigate any visual impacts while accommodating their needs. She committed to screening the structure if the Code requires it and urged the Commission to include flexibility in the Code. Chairperson Christianson supported trying to retain the City's current businesses. Vice Chairperson Wipfli pointed out that the revision indicated that screening would be required if the structure is to remain more than 90 days. Ms. Aldean indicated a willingness to put the structure at the back of the business. She also indicated that Walmart had several of them at its former site and that they had blended well. The applications should be considered on a case-by-case basis. Mr. Plemel indicated that any "billboards" or advertising on structures that are to remain less than 90 days could be removed. Additional public comments were solicited but none were given.

Commissioner Pedlar supported Commissioner Kimbrough's request that advertising be eliminated. Mr. Sullivan added Section 9 "g" to the Design Standard indicating that: No commercial advertising shall appear on the containers. Commissioner Pedlar moved to recommend to the Board of Supervisors approval of A-02/03-9, a Zoning Ordinance Amendment to amend the Carson City Development Standards Division 1.10, Personal Storage and Storage Containers, to allow storage containers to be used within Industrial and Commercial Districts, and adding standards for the use of storage containers as recommended by staff including a section which will disallow advertising on temporary storage containers. Chairperson Christianson seconded the motion. Following Ms. Bruketta's request for an amendment to the standards and Vice Chairperson Wipfli's support for it, Commissioner Pedlar amended his motion to remove shall and replace it with may in Section 9b as he also desired to have the structures screened with either landscaping or a wall. Chairperson Christiansen concurred. Motion carried 6-0. Vice Chairperson Wipfli returned the gavel to Chairperson Christianson. (A quorum of the Commission was present although Commissioner Peery was absent as previously indicated.)

G-4. A-02/03-8 - ACTION ON AN AMENDMENT TO CCMC 18.02.045 NOTICING OF PUBLIC RIGHT-OF-WAY ABANDONMENTS AND 18.02.070 MASTER PLAN (1-1054) - Community Development Director Walter Sullivan - Discussion between Commissioner Wipfli and Mr. Sullivan indicated that the process may streamline the notification process as the Master Plan and its special use permits could be considered at the same time. Public comments were solicited but none were given. Commissioner Kimbrough moved to approve A-02/03-8, an amendment to Title 18, Zoning, specifically 18.02.045, Noticing of Public Right-of-Way Abandonments; and 18.02.070, Master Plan, Master Plan (18.02.070(6), Initiation of Amendments and Elements, Types of Applications, Timing of Amendments, Frequency of Amendment, Completeness, Review Procedures, Noticing for the Master Plan Amendments (Elements), Commission Action, Commission Findings, Planning Commission Report, Denial, Appeal of Denial, Action by Board, and Effective Date. Commissioner Allen seconded the motion. Motion carried 6-0.

G-6. ACTION ON AN ORDINANCE AMENDING CARSON CITY DEVELOPMENT DIVISION 4, SIGNS (1-1245) - Community Development Director Walter Sullivan, Doreen Mack, Gloria Lee, Chamber of Commerce Chief Executive Officer Larry Osborne - Mr. Sullivan's introduction emphasized the need for the ordinance amendment to address the entire City and not just the downtown area. He also pointed out that the State controls signage on Carson Street and questioned whether the signage would provide the benefits Ms. Mack desired. Reasons for considering the signage generic and its use citywide were explained. The

CARSON CITY PLANNING COMMISSION

Minutes of the October 30, 2002, Meeting

Page 6

Redevelopment Authority Citizens Committee (RACC) had considered the request. They had supported the applicant, however, wanted the District Attorney's office to review the proposed verbiage and for the signs to be generic in nature. The Historic Resources Committee had not considered it. The applicant would own and maintain the signs. Discussion pointed out that a sign committee is currently working on the ordinance. It may be premature for the revision to be made without its involvement as the ordinance will impact the entire City. The committee had asked that the matter be continued until it has an opportunity to review the total impact. The committee felt that generic signage on Carson Street could be warranted as it may pull traffic from Carson Street. Commissioner Kimbrough explained that the motorist has a limited amount of time to read the signs. The signage should be restricted to three words per line and a total of three lines to be effective. Mr. Sullivan explained that a member of the sign committee is an NDOT employee. The signage will comply with State and Federal regulations. These regulations allow additional signage promoting parking, shopping, historical areas, etc. These signs could be placed along the freeway.

Ms. Mack indicated that she had read the staff report and disagreed with it. Photographs illustrating the proposed signs and ones allowed in Reno were given to the Commission. The purpose of the sign is to be pedestrian friendly and will alert them to businesses located within one block of Carson Street. The sign will be on Curry Street and not Carson Street. A description of the sign and its material was given. Justification for needing the signage was provided. The businesses have agreed to maintain the sign. She had purportedly talked to Parks Superintendent Scott Fahrenbruch and he had agreed that the signs could be placed in the planter boxes. The signs have been paid for and are needed for Christmas sales. She requested that the signs be allowed in the downtown area as it is different from the rest of the community. She had not worked with the sign committee regarding the design. When she started work on the concept, City Manager John Berkich had alleged indicated that no one had ever proposed the concept. Its concept was to promote Telegraph Square and not the entire community. Discussion between the Commission and Mr. Sullivan indicated that the City could approve the signage without NDOT's approval as it would be in the City's right-of-way and NDOT's. As the Code revision impacts the entire City, RACC had asked the District Attorney (DA) to review the amendment. Ms. Mack described the downtown area she felt the ordinance should pertain to and Reno's signage. She was agreeable to allowing the signage throughout the community. Commissioner Wipfli explained his support for the signage due to his feeling that it does not clutter the area, is generic, and provides direction to the businesses. He wanted her to work through the sign committee and for the DA to review the modification to ensure the ability to restrict it to the downtown area or a specific area. Ms. Mack explained that time is of the essence due to the need for the signs before the Christmas season begins. She agreed to work with the sign committee if a temporary variance is granted that will allow its immediate installation. The signs will be a model for other areas. Chairperson Christianson felt that the traffic in her area was mainly pedestrian, therefore, the sight distance concerns previously voiced were not valid. He supported Commissioner Pedlar's comments regarding the need to assist the downtown businesses and ensure that they prosper. Reasons for the proposed sign location were limned. Former Redevelopment Director Rob Joiner had allegedly told Ms. Mack to place the sign on private property.

Ms. Lee explained her contact with the property owner who approved the installation of the sign on her property. Clarification indicated that the exact location for the sign had not been established. Ms. Lee had originally opposed the signage. Now that she understands it and has seen the drawings, she supported it. She then hinted that there were different agendas involved with the signage. She also felt that the sign committee had

CARSON CITY PLANNING COMMISSION

Minutes of the October 30, 2002, Meeting

Page 7

not been organized before the concept was presented to RACC. Chairperson Christianson explained that the sign committee is part of the Chamber of Commerce and has been working on the ordinance for years. He acknowledged that the sign committee is not always active. He questioned whether there was a hidden agenda. His desire for all retail businesses in Carson City to be successful was noted. If the DA approves the modification, he could support it as he felt the concept of telling the pedestrian where the businesses are was valid.

Ms. Mack then described the size of the sign, the concern about the suggested location on private property, and the height of the wrought iron fence. The City's planter box was also suggested as a location for the sign as it would not require the sign to be as tall. Commissioner Sedway complimented her on the signage. He felt that the downtown area is unique and different from other areas of the community. Liability concerns were noted. He urged staff to move forward with the concept as quickly as possible.

Public comments were solicited. (1-1841) Mr. Osborne explained that the sign committee had been in existence for five years. It was reorganized as a result of the survey comments indicating concerns with the current ordinance. He agreed that retail businesses need to be promoted. The Chamber did not have a problem considering the concept, however, the concern is with its inclusion in the ordinance as it will allow off-premise signs throughout the community. He felt that the committee should finish its review of the ordinance by the end of the year. It had not considered billboards. Clarification indicated that the Chamber could support a trial period with a temporary variance. Mr. Osborne encouraged Ms. Mack to attend the next committee meeting. The Chamber's concerns about sign proliferation in the downtown area and the ability to have such off-premise signs throughout the community were noted. Commissioner Kimbrough pointed out that the signs would have an historical appearance which may not work elsewhere. Mr. Osborne explained that there are sign committee members who are from the downtown area. Discussion indicated that these individuals may not be from the Telegraph Square area. The proposed sign would not be on Carson Street even though it will be off-premise and off the major thoroughfare. Commissioner Kimbrough explained his involvement with a State task force on signs and was not sure whether the proposed concept would be allowed. He did not feel that the committee would have a concern with the proposed location. The task force had indicated that drivers will not have time to read the proposed signage, however, pedestrians could read it. The task force wants to keep generic signs on the main traffic routes. It had removed a sign in the gaslight district. Reasons for the removal were noted.

Ms. Mack agreed that sign clutter should be removed. The proposed sign condenses signage and removes clutter. Discussion between Ms. Mack and Chairperson Christianson explained the cost of the sign and her willingness to deal with its removal if the special use permit is not issued. Mr. Sullivan explained that the Code does not allow a temporary variance. The request will be submitted to the Board for consideration on November 7th. The ordinance revision requires two readings. The Planning Commission will consider the special use permit after the ordinance is adopted and published. The ordinance revision is presently being considered by the District Attorney's office. Her application included adding development standards for other commercial uses as well as for the downtown community directional signs. The special use permit will require an additional 30 days. Another option would allow staff to approve one sign per intersection without the special use permit requirement. (1-2075) Requirements for such signs were limned. Mr. Fellows noted the right-of-way encroachment permit requirement. Commissioner Kimbrough expressed his concerns about the lack of dimensions for the sign. Ms. Mack described the size of the sign and the planter where she proposed to place the sign. She felt that the signage would not be in the street right-

CARSON CITY PLANNING COMMISSION

Minutes of the October 30, 2002, Meeting

Page 8

of-way. The sign should not pose a hazard to the pedestrians. Commissioner Wipfli expressed a desire to support the request, however, without the dimensions and having the District Attorney and Engineering concerns addressed, he could not. He was also concerned about overriding staff's denial due to the lack of involvement by the sign committee. He was willing to support a temporary sign, however, it is not possible under the present Code. Ms. Mack urged the Commission to contact her contractor who she indicated is Arrowhead Sign. Commissioner Wipfli indicated a desire to have both the Historic Resources Commission and the sign committee consider the proposal. Commissioner Pedlar indicated that he did not have a problem with the sign, however, was concerned about the impact to the community as the signs will be allowed throughout the community. He also wanted a District Attorney's opinion. He was willing to consider a temporary sign on private property. He felt that the special use permit process was needed. He also urged her to work with the Chamber's sign committee and not rush the concept through the process. Ms. Mack felt that the sign should not be a problem in other areas. It would help eliminate sign clutter. As each area is unique, the sign could be beneficial to them. Clarification indicated that the sign could be placed on private property if it complies with sign requirements. Signage already located on the private property would have to be reduced if the proposed sign brings it over the amount of signage allowed on the site. The ordinance allows off-premise signage under the special use permit process in the GI and GC districts. The off-premise signs are not allowed in the downtown district. A banner is allowed. Commissioner Pedlar felt that the banner was a good example of the reasons for needing to work with the sign committee. Banners are only allowed in the downtown area. The Commission must consider the entire community and not one area even though he felt that the sign was done in a tasteful fashion. Clarification indicated that she would not be able to obtain a special use permit for the off-premise sign in the downtown area as the Code currently prohibits it. (Commissioner Sedway stepped from the room at 5:35 p.m. and returned at 5:40 p.m. A quorum was present the entire time.) The Commission could not consider amending her application to allow consideration of the off-premise signage due to the lack of proper notification and the Open Meeting Law. Ms. Mack stressed that time is of the essence due to the need to have the signs in place for the Christmas season. Mr. Sullivan explained staff's work with Ms. Mack to get the ordinance amendment completed in time to fit within Ms. Mack's schedule. He also emphasized that he was not aware of any "private agenda" and objected to such comments. He asked that proof of such be submitted so that this issue could be addressed. Ms. Mack acknowledged the work staff had dedicated to helping her bring forward the request. She also pointed out that she had not been the individual who had made the comment. Discussion pointed out that in order for the application to move forward this evening, the ordinance would have to be amended to allow staff to approve it or it would have to be approved as written with a contingency addressing the desire to have comments from Engineering and the District Attorney's office. (1-2405) An ordinance revision was read. The sign's clearance area still needed to be defined and would apply to the sign's location.

(1-2430) Commissioner Kimbrough moved to recommend denial of A-02/03-6, a request by Doreen Mack to amend CCMC Development Standards Division 4, Signs, Definitions and Other Commercial Uses, specifically Section 4.3 by adding 4.3.9.5, Downtown Community Business Directional Signs, and Section 4.7.5 by adding 4.7.5(f), Downtown Community Business Directional Signs and forward this recommendation of denial to the Board of Supervisors. Supervisor Pedlar seconded the motion. Commissioner Pedlar explained that his vote for denial is based on the ramifications to other businesses and not the specific sign. If the Board approves the application, the application will have to be considered for the special use permit. This will make the consideration of the special use permit near the end of November. There is an active committee currently reviewing the sign ordinance. He disclosed that he is a past Chamber of Commerce Chairperson and was aware of this committee's work even though he had

CARSON CITY PLANNING COMMISSION

Minutes of the October 30, 2002, Meeting

Page 9

not participated on the committee. He felt that there were a number of individuals on it who were willing to work with Ms. Mack and urged her to take advantage of their expertise and knowledge. He also felt that the application should have been submitted much earlier. Although Commissioner Wipfli planned to support the motion, he questioned whether this is the best course of action and suggested that the item be returned to staff for additional information. He felt that there has been an interest generated in having this type of signage in the downtown area. Mr. Sullivan supported the denial as it will allow the applicant to appeal the Commission's action and take the request to the Board of Supervisors. Commissioner Sedway requested that findings be made supporting the denial due to the Board's desire to have this information. Commissioner Kimbrough explained his reasons for denying the application were based on the fact that the sign could not be put on private property. It could be placed on public property by changing the ordinance which then impacts the entire community and presented questions to which he did not have the answers. Commissioner Sedway placed on the record his intent to vote against the motion as he felt that the five findings had been made. Ms. Mack explained that she had proposed the concept to the Redevelopment Authority Citizens Committee two years ago. Redevelopment Director Rob Joiner had advised her to take the concept to the Planning Commission. She had not been aware of the need to take the concept to any other committees. She was concerned about the need to go to the Board of Supervisors. Chairperson Christianson asked that the question wait until after the vote is taken and for Mr. Sullivan to address it then. He also indicated his intent to support a motion for approval with Mr. Sullivan's revisions. There had been an adequate amount of latitude provided to approve that it is good for the proposed area even though it may be necessary to revise the standards in the future. He also felt that Ms. Mack had moved as quickly as possible to bring the concept forward. He intended to vote against denial. Commissioner Wipfli pointed out the lack of details regarding the signage including its dimensions and the District Attorney's opinion. He liked the concept and wished to continue the item. He also suggested that a different approach be taken. He intended to support the denial due to the lack of information. Commissioner Allen also expressed a desire to approve the concept. He questioned the encroachment permit process and the amount of time required to complete it. Mr. Fellows explained the application, insurance, and fee requirements. The process is handled by staff and may take a few days to complete unless the Board needs to address the fee issue. He also felt that the encroachment permit could be handled under the special use permit and the encroachment permit processes. Discussion ensued on the whether to require a roll call vote. The motion to deny the application was voted and failed on a 3-3 vote with Commissioners Sedway and Allen and Chairperson Christianson voting Naye as a majority of the Commission must vote for a motion in order for it to pass. Commissioner Sedway pointed out that the application will be sent to the Board for a final decision. Discussion explained for Ms. Mack that the Board could override the denial. The District Attorney's opinion, the ordinance revisions in its proper format, the dimensions, and the specific location for the sign were to be included in the Board's packet. The Board's policy to return items to the Commission if new information is provided at the Board's meeting was acknowledged. It was felt that the proposed additions may be considered as new information. The information considered at the Commission's meeting should remain as is. Ms. Mack retrieved her photographs.

RECESS: A recess was declared at 5:55 p.m. A quorum of the Board was present when Chairperson Christianson reconvened the meeting at 6:02 p.m. Commissioner Peery was absent as indicated.

(1-2805) Commissioner Wipfli moved to approve a motion for reconsideration of Item G-6. Commissioner Pedlar seconded the motion. Motion carried 6-0.

CARSON CITY PLANNING COMMISSION

Minutes of the October 30, 2002, Meeting

Page 10

Commissioner Wipfli explained that he had focused his attention on the proposed sign and not the ordinance revisions. Although he had reservations regarding the revisions, he was willing to reconsider the motion. He apologized for only looking at the sign specific information and not the ordinance. Commissioner Pedlar explained the need to revote the original motion. The motion to deny the application was revoted and failed on 2-4 vote with only Commissioners Pedlar and Kimbrough voting to deny.

(1-2890) Discussion between Commissioner Wipfli and Mr. Sullivan explored the wording for a motion to approve the ordinance. Commissioner Wipfli moved to approve Developmental Standards Division 4 Section 4.7.5 Other Commercial Uses and a new Section 4.7.5.f Downtown Commercial Business Directional Sign Requirements for a Special Use Permit and in this case to have one sign per intersection in the Downtown Area of Carson City and to add to the Developmental Standards Division 4 Section 4.3 Definitions in a new Section 4.3.9.5 Downtown Community Business Directional Sign, community business directional sign is a permanent sign located within the public right-of-way in the Downtown Area with information regarding the local downtown businesses. Commissioner Sedway seconded the motion. Mr. Sullivan pointed out that the Engineering Department had indicated that an encroachment permit will be required. Commissioner Wipfli amended the motion to include the encroachment permit and that the sign would meet all City standards. Commissioner Sedway concurred. Commissioner Wipfli explained that Mr. Fellows had indicated that insurance would also be required and that the requirement that the sign should meet all City standards should address this standard. Commissioner Sedway again concurred. Motion carried 4-2 with Commissioners Kimbrough and Pedlar voting Naye.

G-7. U-70-30 - ACTION ON THE REVIEW AND RE-EXAMINATION OF A PREVIOUSLY APPROVED SPECIAL USE PERMIT APPLICATION FROM CINDERLITE TRUCKING CORPORATION (1-2962) - Senior Planner Lee Plemel; Senior Engineer Rob Fellows; Community Development Director Walter Sullivan; Applicant's Representatives Carol Dotson of Lumos and Associates, Pat Rogers of JDR Associates Environmental, and Lumos and Associates Project Engineer Randal Long; Bill Ehni; Tom Gray; Cyndi Howard; Lynn Zonoe; Tricia Lincoln, Deputy District Attorney Melanie Bruketta - Mr. Fellows explained that the process used for this site was different from that normally experienced. The applicant has recommended a slope of 1-1/2 to 1. Engineering or geotechnical support for this slope was requested. It should be reviewed by the Natural Resources and Conservation Service. The Parks and Recreation Department and other engineers have recommended 3 to 1 slopes. Reasons for recommending this gentler slope were provided. Mr. Fellows had also questioned the cost estimates for hydro-seeding and the portion allocated for labor. The reclamation's growth period is estimated to be three or more years. Additional oversight will be required to ensure that the erosion issues have been addressed. Bonding should be 150 percent of the amount established by the cost estimate. The additional fifty percent is to be used to handle any overages experienced at the time of planting which had not been provided in the original estimate or if the City is required to takeover the operation. He also asked to see the Nevada Department of Environmental Protection permits, the reclamation plan, more precise information regarding the boundary, and how the land and topographic contours relate to the boundaries. This information will be used at the time the reclamation permit is requested. This information will enable staff to determine whether it can support the plan or if additional conditions are required.

Mr. Plemel explained that the Brown and Caldwell Engineers' reclamation issues had only been received today. Their comments were based on the plan which had been given to them. Clarification indicated that this information

CARSON CITY PLANNING COMMISSION

Minutes of the October 30, 2002, Meeting

Page 11

had not been solicited by the City nor by a resident so far as Mr. Plemel knew. The letters of support from the Builders Association of Western Nevada and the Chamber of Commerce were read into the record.

Ms. Dotson briefly explained the history of the extraction site. The operations and reclamation plan had been developed to answer questions/conditions developed at the July 31st meeting. Seven conditions had been established at that time. She proposed to follow them and the Municipal Code requirements. The components included in the operation plan and their purposes were limned. The reclamation plan provides for revegetation of the site including its recontouring, top seeding, equipment removal, and bonding estimates. Public safety, welfare, and access to the resources were stressed. The operation was felt to be a valuable resource and of economic benefit to the community. Aerial slides illustrating the land uses, boundaries, and adjacent uses were shown and explained. The operation is half a mile from the residences. The extraction operation is an open pit conducted by free digging and ripping. Approximately 175,000 tons of material are removed annually. Material extracted by the dozers is moved by loading equipment. It is then crushed, screened and stockpiled until used. The stockpiles take up the majority of the site. Examples of uses for the material were provided. The operation employs six individuals and operates six to nine months a year. The permit conditions indicate the hours of operation are Monday through Friday 6 a.m. to 6 p.m. and on Saturday from 7 a.m. to 5 p.m. In actuality the operation is open five days a week from 7 a.m. to 4 p.m. for the six to nine month period. The material is hauled off the site by fleets/trucks operated by Cinderlite and other construction operators. The trucking requires an average of 15 daily trips. The safety and environmental concerns are addressed in the overall plan. The plan was briefly described including portions relating to dust control and security. Copies of the 11 inch by 7 inch map were available for distribution to anyone wanting one. Reclamation has occurred on the site for a number of years. She pointed to the reclamation locations. Some of this reclamation, however, has been disturbed and will have to be redone when the operation ceases. No top soil has been kept on-site for revegetation. Reclamation will include removal of the mined material, cleanup, and recontouring of the site. The slopes that will remain were described. They ranged between 1 to 1-1/2 and 1-1/2 to 2 percent slopes. Ditches for runoff and discharge points will be provided in the recontouring. The reclamation tasks were described. Six inches of top soil will be provided for reseeding. This top soil will be salvaged from the site and stored on-site. Organic material will be brought in to be mixed with this soil to ensure success of the revegetation operation. The reseeding program was limned. Reseeding is now being done on the 1-1/2 acres of BLM land. The reclamation map requested by Mr. Fellows has been developed. It was explained including the 8 foot by 400 foot berm and the use of hay bales to reduce erosion. The hay bales are to be replaced periodically/as needed overtime. The estimated reclamation costs had been given to staff as requested. Outside sources had purportedly checked the estimates and supported them. The equipment is already on-site, therefore, this cost will not be incurred. They had, however, included conservative estimates for it in the estimate that was based on an equipment rental rate. The hourly scale was based on the Davis-Bacon Wages and the Nevada Department of Labor costs and included overhead and normal fringe benefits/labor costs. Equipment figures included the estimated seed and top soil costs and delivery. The total was \$34,000. A 50 percent contingency was added for a grand total of \$66,000. A conceptual plan was shown illustrating how the area may appear after reclamation. They felt they had complied with the requirements and conditions. They were good neighbors. It is a family business. They have taken pride in their operation. The reclamation project is valid and should be accepted. (2-0218) Discussion among Ms. Dotson, Commissioner Pedlar, and Mr. Rogers explained that the reclamation estimates had been based on having an outside firm do the work. It does not include providing supervisors. Mr. Rogers felt that the equipment operators would not need supervision for this simple operation. Justification for using the Davis-Bacon Act to establish the wages was provided. If the

CARSON CITY PLANNING COMMISSION

Minutes of the October 30, 2002, Meeting

Page 12

current operator performs the reclamation duties, the actual wages will be much lower. A large project would have an add-on of ten percent for management, ten percent for profit, and between six and ten percent for contingencies. He felt that the fifty percent required by Carson City should more than adequately handle both the supervision and contingencies. The reclamation schedule called for doing all of the seeding at one time and at a time which is appropriate for reseeding. The plan requires the process to be continued more than a three to five year period and may be expanded to cover adjacent areas. An escalation clause was not included in the plan. Mr. Rogers agreed that the estimate could be obsolete in three to five years. He also acknowledged that, as the resources are used based upon demand, the life of the present site is difficult to estimate. When the operation expands to the adjacent area(s), the present site could be reclaimed. Commissioner Sedway pointed out that seven years ago the original closure date was to have occurred within a year. It did not happen. Mr. Rogers explained that other agencies require the costs to be updated periodically. Commissioner Sedway felt that a three to five percent annual escalation clause should be included in the bond. He also complimented them on the operational plan. Mr. Rogers indicated that the plan and bond estimate were in compliance with the Code requirements. Ms. Dotson felt that staff's annual review of the operational plans could consider the escalation issue and that staff could require the amendments based on price changes encountered at that time. Commissioner Pedlar noted that Brown and Caldwell had supported this approach.

Mr. Fellows described the bonding options. Commissioner Pedlar supported including an escalation clause. The interest on a cash bond could be used to offset the escalation clause. Annual review should include the adequacy of the bond. Mr. Fellows explained his preference that the Davis-Bacon Wages not be used to establish the labor costs. He asked that the individuals performing the work be listed separately with an estimated wage/labor cost. This allows staff to determine whether all of the necessary items have been included in the estimate. The City would not have to pay the Davis-Bacon Wages unless the project is over \$100,000. Commissioner Pedlar felt that the use of the Davis-Bacon Wages provided the necessary padding to handle any item that had been missed. Mr. Fellows explained that the hydro seeding could increase the estimate. The labor costs were not seen as the problem with the estimate. It may be necessary to reseed the slopes several times. Chairperson Christianson felt that an annual review should occur and would address the concern. Mr. Fellows agreed and explained staff's concern about the slope as it may create areas where rock will be found without vegetation. Additional information is needed from the Natural Resources and Conservation Service. If they agree that revegetation can occur on the proposed slopes, then staff will support the request. Commissioner Sedway questioned whether the reclamation effort was to be as a one time effort or if it will be phased over a 20-year period. He also questioned when the reclamation effort commences.

Mr. Rogers indicated that the reclamation effort could be phased with Cinderlite performing the work. The bond is provided as a method of handling the worst case scenario which would have the City perform the work. It would not be phased under this scenario. Commissioner Sedway reiterated his question regarding when reclamation will begin. Mr. Rogers felt that this could be a condition of approval and updated annually. Ms. Dotson explained that the map had included work which is to be accomplished within the next three months on the one-and-a-half acre BLM site. It is difficult to determine when other portions of the reclamation effort will be done, however, it should be within three to five years. If it is possible, a portion will be done annually. The annual review will discuss the reclamation plan. Efforts to revegetate the one area were pointed to to illustrate the problems with performing the work before the area is completely closed. She committed to doing what they could when they could. She reiterated

CARSON CITY PLANNING COMMISSION

Minutes of the October 30, 2002, Meeting

Page 13

the intent to leave the present area within a span of three to five years. She also pointed out that stockpiling of top soil requires space and impacts the plan.

Mr. Rogers reiterated what he felt was the engineering concerns—the steepness of the slope and the bond estimate. Staff had asked for a line-by-line estimate. He felt that the reclamation plan provided this information. Some assumptions had been included in the reclamation plan and the bond estimate. Davis-Bacon wages had been used to provide a conservative estimate. The hydro seeding costs are only a small component of the estimate. He did not believe that the seed estimate would be off more than ten percent. He also felt that it is possible to reclaim the slopes at the suggested 1-1/2 to 1 ratio. Justification for this slope was provided. Topography and geological reasons for his belief that revegetation could be done at the site were limned. Discussion indicated that the one-and-a-half acre BLM area had been revegetated and resloped. The Commission asked for examples of similar revegetation efforts. Mr. Rogers indicated that he had seen it on similar slopes at this ratio which had occurred naturally. Commissioner Kimbrough felt that the bond estimate had include an adequate amount for revegetation. He suggested that guarantees that the plan would be successful be included within it. Discussion acknowledged that revegetation on such slopes is difficult, takes time, and requires the proper amount of moisture. Mr. Long pointed out that the operation had been there for over 30 years with the approved 1-1/2 to 1 slope. It would be difficult to change the slope at this point. He felt that there is a seed mixture available with the necessary chemical compound to make it successfully adhere to the top soil when reclaimed.

Public comments were solicited. Mr. Ehni explained the location of his residence and his employment background. He felt that the site had not been a gravel pit until after Mr. Lehman took over the operation. He expressed a desire for the report to include the daily tonnage which had been removed from the site as the rate of removal has accelerated over the last few years. He pointed out that Figure 1 did not include a scale bar. He also found it disturbing that the open pit mine is within 12,000 feet of the downtown area. Expansion will make it half-of-a-mile in diameter. It should not be allowed to be that close to the Capitol. He opposed any additional operations at the site. The adjacent residents had welcomed Mr. Lehman as he had indicated that he would cleanup the site which had become an illegal dump. He felt that a home was to be built on the site. This did not happen. The operation should not be in the Conservation Reserve district. Clarification indicated that a house could be built on each 40-acre site. Mr. Ehni felt that houses should be put on the land and the excavation operation halted. The reclamation costs should be carefully evaluated. He acknowledged the private property rights but felt that open pit mines should not be allowed within one mile of residences. The report indicates there are residences within 1,000 feet of the operation. This puts the open pit mine in a residential area. He agreed that the pit had been there before the residences came. His problem occurred when the operation went from a burrow pit to an open pit mine.

Mr. Gray explained the location of his residence and his employment background. He also indicated that the Nevada Department of Environmental Protection, Bureau of Mining and Reclamation, did not have authority over gravel pit operations. Common practice for other mines indicates that reclamation can occur on slopes of 3 to 1 or 2-1/2 to 1. The steeper slope may not be revegetated successfully due to higher erosion factors. Six inches of top soil is not adequate to provide the necessary growing median. Although the Bureau allows the miners to suggest the seeding mixture, the Bureau will not allow them to use a minimum of less than 12 inches of top soil. Reasons for this requirement were limned. Without 12 inches of top soil, there will be patches with no top soil or seed. The Bureau prefers 18 inches. He also cautioned the Commission to be certain that the bond is adequate to cover the costs due

CARSON CITY PLANNING COMMISSION

Minutes of the October 30, 2002, Meeting

Page 14

to the Bureau's experience when it must takeover sites where the operator has gone bankrupt or abandoned the site. For this reason the Bureau encourages recurrent reclamation efforts while the operation is still viable and has a cash flow.

Ms. Howard expressed her feeling that the issues were one of contracts and accountability. She, too, had questioned when the reclamation efforts were to commence. She felt that the pit was at its ultimate size and was to have slopes of 3 to 1. She was also concerned about reclamation promises which she felt were to have been kept in 1993 and 1999. The present plan is to use the site for stockpiling, crushing, etc. This will not allow its revegetation. She referenced a memo from the Recreation Department indicating concerns about the visual impact on the Open Space plan and skyline which is protected by the Hillside Ordinance. The site borders public lands which she felt should be accessible. The bond limit should be based on slopes of 1-1/2 to 1. The memo also indicates that revegetation cannot occur on such slopes. It asked for slopes of 3 to 1. There were to be only 15 trucks a day. A limit had not been placed on the size of the truck loads. She urged the Commission to retain Condition 18 and hold the line at 15 trucks per day. Restoration was to occur during and at the end of the operation. The north slope was to have been done by August 1994. Later it was promised to be done by December 2000. The lack of a security fence was emphasized. The public's access to the area and the possibility that the individuals may not know about the pit were a concern which a fence could eliminate. There are three subdivisions in the vicinity. She had moved into her home in 1989. Mr. Lehman reopened the pit in 1993. Individuals who had purchased or built in the area after that date should not complain about the operation. The residents had complained about the failure to adhere to the conditions in 1995. Staff did not follow through on the complaint(s). Staff is now recommending a show cause hearing. The boundaries, slopes and grades have been exceeded. If an alternative besides its closure was possible, she would support it. The promises which had been made should now be kept. Goni Road is not safe for the trucks of the size now being used to haul the material. The operation is impacting the residents' lives and the value of their homes. The reason for the number of residential sales in the area is due to the impact the operation has on the residents. When they first acquire the home, they feel that the impact will not be of the magnitude it becomes. Discussion indicated that some of the residents have been there for more than 20 years and that the trucks travel at the posted speed limit. Mr. Sullivan pointed out that the reasons for the sales was Ms. Howard's opinion and asked that the discussion return to the agenzized item. Commission comments expressed the feeling that there is a contradiction between the demand for housing in the area and the impact of the operation. Commissioner Wipfli explained that if the operation is closed tomorrow, someone else will bring the same material to the community due to the local demand for it. This will require someone's street to be used to transport the material in the large trucks. Its closure will only solve her immediate problem. He had visited the site and found it to be clean. He requested specifics such as widening Goni Road and moving the school bus stops on it to mitigate the impacts. Ms. Howard felt that the site was to have been there for a brief period. That time frame has expired. The Conservation Reserve district does not allow an extraction operation. There should be one home on each 40 acres. It is time to address the impacts. They should not be allowed to expand. Commissioner Pedlar pointed out that the expansion will require another Special Use Permit. This evening's discussion does not deal with it. Ms. Howard reiterated her request that the slopes be held at 3 to 1 and reclamation occur.

Ms. Zonoe explained the location of her residence and her professional background. She felt that BLM is a good neighbor. Slope restoration is difficult in areas with slopes of more than 3 to 1. She encouraged staff and the Commission to work with BLM on the impacts as BLM deals with open pit mines all the time. Monitoring should

CARSON CITY PLANNING COMMISSION

Minutes of the October 30, 2002, Meeting

Page 15

be required and include weed abatement. The revegetation success criteria should be set at 80 percent. It will take a minimum of two years to completely revegetate the site. She also felt that supervision over the manual labor crews is necessary. The City should also provide oversight, otherwise, compliance may not occur. The neighborhood and community need to know that the reclamation plan will be implemented.

Ms. Lincoln felt that the 15 truck trips a day had been averaged over a year and that only Cinderlite trucks had been included in this count. She alleged that there are a number of other truckers hauling material from the site who do not observe the speed limit. She has occasionally called the construction firm about truckers speeding. She was not sure who regulates their use. The road was constructed for residential use and not heavy trucks. The truckers should be required to reconstruct the road when their use destroys it. Commissioner Pedlar explained that they can be made to repair/reconstruct the road if their use creates more than normal wear and tear. (Supervisor Sedway stepped from the room at 7:53 p.m. and returned at 7:55 p.m. A quorum was present the entire time.) Ms. Lincoln also felt that the prices of the residences are the reason people are buying in the area, specifically, if they cannot see the pit. Her personal involvement as a driver on Goni with a bicyclist and a large truck was explained to illustrate her safety concerns. The roadway is not wide enough to safely accommodate this traffic. She asked that this safety problem be addressed. The truck volume is greater during the summertime than in the fall/winter. The wintertime volume is acceptable but not the summertime's. She was also concerned about the truck traffic particularly when the school buses are using the roads. She suggested that a road be cut through to Washoe Valley for the trucks. She also expressed her concerns about having a contract that leaves 25 percent of the conditions unmet year after year. They should be brought into compliance. Commissioner Wipfli explained that Basalite and other truckers use the roads and obtain materials in the vicinity. The residents should not cite only one construction operation. If Cinderlite is gone, the others will still be there. The road was built to industrial standards and can handle the heavy trucks. Additional public comments were solicited. None were given.

(2-1560) Discussion indicated that Mr. Fellows needed additional information regarding the slope and its stability from Natural Resources and Conservation as well as that for the restoration cost estimate. The staff report included options which were noted. Staff supported Option 1 which would direct the applicant to submit the needed information and delay a decision to a future meeting. Discussion supported the suggestion to obtain information from BLM regarding the slopes and reclamation efforts. Ms. Dotson indicated that they were willing to provide a breakdown on the labor costs if the total amount of the estimate is acceptable to the City. She also felt that the difficulty with the slope was created when the mining began. The map they had used for mining had indicated the slope would be 1-1/2 to 1. They had purportedly obtained that map from City staff. She was willing to contact BLM. If it is possible during revegetation, they will lesson the slope. She had not been aware of the need to submit the plans to other agencies. She was willing to do so. Mr. Fellows showed her the condition requiring its submittal to them. Ms. Dotson felt that this condition had been changed since it was originally required. She also felt that the rock type located at the site will not create a stability problem.

Commissioner Pedlar expressed his feeling that the applicant had responded to the City's concerns. A lot of work and money had already been spent on the studies. He was concerned about the additional studies now being requested by staff. He felt that staff should deal with the information that had been furnished. If the question dealt with the slope or the assumptions, additional information could be requested. He wished to approve the permit as he believed that the applicant was in substantial compliance with the conditions. Additional information is needed

CARSON CITY PLANNING COMMISSION

Minutes of the October 30, 2002, Meeting

Page 16

on the potential of working with BLM to soften the slopes. Some monitoring of the revegetation should occur for a period of two or three years. This should be incorporated in the conditions and could impact the cost estimate. The additional information should be considered by the Commission sometime during the next year. He had visited the pit and felt that it was well run. All of the current permits should be supplied to the City. There has been no record of violations. If have been issued, copies should be given to the City along with the ultimate resolution of such cites. This should include any dust control items.

Commissioner Wipfli supported Commissioner Pedlar's comments regarding the need to obtain assistance/information from BLM on the slopes. Ms. Dotson concurred. Commissioner Wipfli also felt that the residents should work with the operator to resolve the issues. Communication between them is necessary and has been occurring. Bicycle and pedestrian lanes or road widening may be needed. A schedule of when Mr. Lehman's trucks are working heavier than other periods may help mitigate some of the concerns. Unknown items are often the irritant. Commissioner Pedlar suggested that the School District be contacted about relocating the school bus stops.

Discussion between Commissioner Kimbrough and Mr. Fellows indicated that the original 1993 map had contained slopes of 1-1/2 to 1 and that a later map had indicated slopes of 2 to 1 in addition to a condition indicating that the slopes are to be approved by Conservation Resources Services. This agency was replaced by Natural Resource Conservation Services. Commissioner Kimbrough felt that a reclamation guarantee should be included in the conditions due to lack of information indicating the success of reclamation at the desired slope. Ms. Dotson pointed out that the plan included a large component of monitoring in the requirements. It was felt that the seed mixture and application process would be successful. Mr. Rogers had purportedly acknowledged that the slope would make reclamation difficult but it is not impossible. The soil additives will help achieve the desired success. Factual data on them and monitoring could be provided and would be helpful. Discussion between Chairperson Christianson and Mr. Sullivan described a site which had been difficult to revegetate and recommended annual monitoring. Mr. Rogers felt that this should be considered as part of the operations.

Commission Sedway acknowledged the community benefits of the operation and the efforts to be a good neighbor. Discussion ensued between Commissioner Sedway and Mr. Plemel regarding whether the operation was in compliance with the Conditions and Commissioner Sedway's belief that Condition 17 was not in compliance. Mr. Plemel indicated that staff's difficulty with it is due to the lack of a plan for reclamation and information on the items contained within it. The Soil Conservation District had not indicated the slope that is needed. Commissioner Sedway indicated that closure of the operation was not a viable option. He could support amending the operational plan. He did not believe that the residents wanted closure to occur. They do, however, want enforcement of the agreement that had been made. There should be time specific deadlines included within the revegetation plan. An expansion of the operation should not be allowed until revegetation at the present site occurs. Lumos' report indicates that revegetation cannot occur so long as the operation is ongoing. This makes reclamation impossible at any time in the future. His approval of any future special use permit application for expansion of the site will be difficult to obtain due to this failure. He was also disappointed that Mr. Lehman had signed in 1994 a statement indicating that revegetation would occur within a year. It never occurred. He also felt that Mr. Lehman knew when he signed it that it would be impossible to comply with this requirement. The residents had supported his operation based on this commitment. Mr. Lehman has done a good job of maintaining the operation and being a good neighbor with this exception. The failure to revegetate was a major concern but does not warrant closure. He supported approval of

CARSON CITY PLANNING COMMISSION
Minutes of the October 30, 2002, Meeting
Page 17

the operational plan with some modification being allowed within the present plan or in the future regarding the revegetation.

Commissioner Kimbrough disclosed that he had visited the site earlier in the day. He felt that expansion would have to occur or reclamation would not occur. Commissioner Sedway felt that the reclamation effort had been a self-imposed condition.

RECESS: A recess was declared at 8:22 p.m. A quorum of the Commission was present when Chairperson Christianson reconvened the meeting at 8:32 p.m. Commissioner Peery was absent as indicated.

(2-2076) Commissioner Pedlar indicated that he was drafting a motion and asked Mr. Sullivan to summarize the items which he felt the Commission and staff wished to have to finalize the issues. These items included the four Engineering concerns—rehabilitation, reclamation, revegetation of the slopes, and the proper slopes which should be allowed, reclamation monitoring which will include developing a plan with the success ratio and the two issues raised regarding the inclusion of BLM, a review of the truck traffic, a review of the safeguards around the site, and the timeframe on the existing operation. The calculations which would provide information regarding the life of the site were limned. The calculations will help the public understand the life span and reclamation issues. His discussion with Commissioner Pedlar indicated that Mr. Fellows and Lumos and Associates should work together on the cost estimates. Discussion indicated that the volume of truck traffic had not been previously conditioned. The traffic enforcement issues should be handled by the Sheriff's Office. Chairperson Christianson felt that the City should be aware of the truck volume and that Mr. Lehman had access to this information. He also pointed out that the major traffic concern(s) appears to be with non-Cinderlite trucks. Commissioner Wipfli asked that the "health and safety" of the road also be considered including the bicycle safety and pedestrian issues. Mr. Sullivan felt that Condition 9 addressed this issue and indicated that Street Operations Manager John Flansberg would be asked to evaluate its use and safety. The roadway does not currently have curbs, gutter, or sidewalks as it is a rural area. A wider roadway may be able to address the concerns. Chairperson Christianson asked for information regarding the depth of the base for the road. His knowledge of problems with the road in 1994 and the lack of similar problems today were cited to explain this request. Mr. Sullivan felt that Mr. Flansberg would be able to provide this information.

Discussion ensued between Commissioner Pedlar and Mr. Sullivan concerning the present safeguards and the need for more to secure the site. These safeguards could include six foot chainlink fences, signage, and/or range fencing. Commissioner Pedlar indicated that he was still working on the motion. Commissioner Wipfli suggested that the motion be for a continuance. Mr. Sullivan agreed that staff had requested a continuance to the December 18 meeting, however, the applicant had requested finalization of the matter as it was felt that the operation was in compliance. Commissioner Allen supported staff's recommendation that the item be continued due to the need to address the outstanding issues. Ms. Dotson indicated that she opposed a continuance. Commissioner Pedlar reiterated his belief that the conditions had been complied with and his intent to vote against a continuance. Additional information could be requested within the conditions which had already been applied to the use. A two to six month review would indicate whether this had been accomplished. Ms. Bruketta supported a continuance. Commissioner Pedlar respectfully disagreed. Clarification indicated that the Commission could continue the item without the applicant's support. The applicant could appeal the decision to the Board of Supervisors. Commissioner Wipfli moved to continue the item. Commissioner Allen seconded the motion. Following a request for an

CARSON CITY PLANNING COMMISSION

Minutes of the October 30, 2002, Meeting

Page 18

amendment, Commissioner Wipfli amended his motion to continue U-79-30, Cinderlite Special Use Permit to compile additional information, specifically the four items from Engineering and staff's concerns regarding reclamation, the proper slopes, monitoring program, the truck base road material, the timeframe for the existing operation, and safeguards around the site. Commissioner Allen concurred. The motion was voted and carried 4-2-0-1 with Commissioner Pedlar and Chairperson Christianson voting Naye and Commissioner Peery absent. Discussion indicated that the date for continuance had not been included in the motion. The item will be brought back when the issues have been resolved.

G-5. A-02/03-3 - DISCUSSION AND ACTION ON A REVIEW OF THE PROCESS IN PREPARING AN APPLICATION FOR CONSIDERATION BY THE PLANNING COMMISSION INCLUDING THE POSSIBLE ESTABLISHMENT OF A CONTINUANCE DEADLINE DATE (2-2495)

- Community Development Director Walter Sullivan - Discussion pointed out that staff's recommendation had not been included in the packet. Staff had attempted to illustrate the proposed process, however, the matter had become convoluted. A continuance/deferral was suggested as staff was still working to finalize the timelines. At this time it was felt that staff would need ten days to review the application for completeness. A continuance should be requested two to three weeks prior to the meeting date so that proper notification in the newspaper could be provided. It was felt that a decision on the timeframes could be finalized before the November meeting. Commissioner Pedlar moved to continue Item G-5 to the November 2002 Planning Commission meeting. Commissioner Allen seconded the motion. Discussion indicated the November meeting would be on Tuesday, the 19th, in the Sierra Room. The December meeting was scheduled for the 18th. The motion to continue the item to November was voted and carried 6-0.

H. INTERNAL COMMUNICATIONS AND ADMINISTRATIVE MATTERS (2-2565)

H-1. STAFF BRIEFING ON THE STATUS OF COMMISSION RECOMMENDATIONS TO THE BOARD OF SUPERVISORS - The ordinance modification for youth recreational facilities, and the abandonments of Drayco, Morgan Mill Road, Cochise, Roland and Pioneer had been approved. Doreen Mack's sign ordinance modification, the second reading of the youth recreational facilities ordinance, the Highway 50 billboard appeal, Northridge Phase 11 final map, four street name changes, and four dedications will be considered by the Board at its next meeting.

H-2. FUTURE COMMISSION ITEMS AND DATES (2-2596) - The Nugget landscaping, a childcare center, an expansion of a nonconforming structure, an application for fence higher than six feet, the Planning Commission's fees and service charges, and a double faced off-premise sign are to be considered at the next meeting. Title 18 revisions were distributed to the Commission and Clerk. (A copy is in the file.) The majority of the Code amendments were considered housekeeping items. Mr. Sullivan then explained that former Senior Planner Skip Canfield had resigned and wished him success in his new position with State Lands.

I. ADJOURNMENT (2-2656) - Commissioner Wipfli moved to adjourn. Commissioner Allen seconded the motion. The motion carried 6-0. Chairperson Christianson adjourned the meeting at 8:55 p.m.

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

ARE SO APPROVED ON February 26, 2003.

CARSON CITY PLANNING COMMISSION
Minutes of the October 30, 2002, Meeting
Page 19

/s/
Richard Wipfli, Chairperson