A regularly scheduled meeting of the Carson City Planning Commission was held on Wednesday, July 25, 2001, 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 William

Mally, and Commissioners Gayle Farley, Wayne Pedlar, John

Peery, Roger Sedway, and Richard Wipfli

STAFF PRESENT: Community Development Director Walter Sullivan, Deputy

District Attorney Neil Rombardo, Senior Planner Skip Canfield, Associate Planner Jennifer Pruitt, and Recording Secretary Katherine McLaughlin (P.C. 7/25/01 Tape 1-0001)

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

- **A. ROLL CALL, DETERMINATION OF A QUORUM AND PLEDGE OF ALLEGIANCE -** Roll call was taken. A quorum was present although Commissioners Farley and Mally had not yet arrived.
- B. APPROVAL OF MINUTES (1-0018) None.
- **C. PUBLIC COMMENTS** (1-0019) Community Development Director Walter Sullivan welcomed Commission Peery to the Commission. (Commissioner Farley arrived during his comments--3:34 p.m. A quorum was present.)
- D. AGENDA MODIFICATIONS (1-0026) None.
- **E. DISCLOSURES** (1-0033) Commissioner Pedlar disclosed his discussions with various manufacturers regarding the Title 18 revisions. Commissioner Sedway disclosed his involvement with the Foundation at the Community College and his work with Ms. Jessie and Mr. Hershenow. He had not provided any input on its items before the Commission today.

F. PUBLIC HEARING

F-1. M-01/02-1 - PRESENTATION AND DISCUSSION ON THE WESTERN NEVADA COMMUNITY COLLEGE MASTER PLAN (1-0046) - Senior Planner Skip Canfield, Associate Planner Jennifer Pruitt, Community Development Director Walter Sullivan, Western Nevada Community College Representative Max Hershenow and Vice President of Institutional Advancement Helaine Jesse, Senior Engineer John Givlin - (Commissioner Mally arrived during Chairperson Christianson's reading of the heading--3:36 p.m. The entire Commission was present constituting a quorum.) Mr. Sullivan explained his discussion with City Engineer Larry Werner and Development Services Director Andrew Burnham indicated they do not have any concerns regarding the traffic circulation. Ongoing discussions are occurring between City staff and the College regarding transit and circulation issues at the College.

Mr. Hershenow had read the staff report and had no problems with it. He agreed that several issues are still being worked on. Discussion ensued between Mr. Hershenow and the Commission concerning the loop road which tied into Combs Canyon. A map was used to illustrate the roadway. Mr. Hershenow explained that the master plan does not address traffic circulation. The State had been asked to conduct a traffic study which will determine the traffic patterns. The plan calls for connecting the emergency exit to Combs Canyon. This will create another access route to the campus. Chairperson Christianson explained that this is a narrow road and that the access to Murphy from Combs Canyon has safety concerns. Mr. Hershenow agreed that the Combs Canyon development and road are issues still under discussion with City staff. He also acknowledged that there are huge drainage issues on the site. He felt that his description of the drainage areas clearly indicates that a large amount of the drainage

area will be dedicated to the City. Chairperson Christianson suggested that the retention ponds/drainage area be considered for a sports/recreational site. Mr. Hershenow responded that the recreational fields are closer to the campus core. The referenced area is under negotiations and its ownership has yet to be resolved. Ms. Jesse indicated that the 15 foot referenced basin will be "dedicated fee simple" to the City. Part of the discussions center around having the City landscape this area to make it aesthetically pleasing. The sports arena is to the north of it. She also indicated that it is a complex issue which involves several groups--FEMA, landowners, Board of Supervisors, Regents, NDOT, and homeowners. She then described negotiations with State Lands regarding an access route from Timberline to the Planetarium. This access would not be used to reach the Observatory. Clarification indicated that all of the area within the blue dotted line on the map belonged to the College. The College is giving the City 36 acres of land at the gravel pit and detention basin to help mitigate drainage for the entire City. The College is also giving the City utility easements, drainage easements, the retention basins, the V&T Bicycle Path easement, and a lot of work. The primary access to the Observatory is to be from Combs Canyon to Murphy up West Nye Lane. It had purportedly been discussed during the Observatory Special Use Permit process. Classes will be held at the Observatory Monday through Thursday. Ms. Jesse indicated that the City had requested the access route from Combs Canyon to the Library. She agreed that mitigation must be provided. Additional traffic will not occur until additional buildings are constructed on that portion of the campus. Murphy Drive is on the RTC program. The College did not propose to make any improvements to Murphy at this time. Commissioner Wipfli felt that if traffic is placed on Murphy, safety problems will be created at Combs. Ms. Jesse indicated that no changes beyond paving, curbs and gutters are proposed at that intersection. The Special Use Permit had not required any turn lanes.

Mr. Givlin indicated that negotiations are occurring with the College on the northwest drainage project and easements which will assist with the freeway project. In exchange for these items, the City has agreed to construct improvements to Combs Canyon Road, including its widening, curbs and gutters, sidewalks, Murphy Drive improvements, and consideration of the turning movements at Combs Canyon. Bicycle movements across Combs Canyon are also being considered by both the City and State. The City is negotiating, as a condition of the building permit, for the work on West Nye Lane. The City is planning to do this work for the College. The intent is to complete this work before the Observatory is completed.

Ms. Jesse also indicated that the sewer and water improvements are part of these negotiations. The building may be constructed before these improvements are made. The building will not be used until these connections are made.

Mr. Givlin explained the Murphy Road improvements and funding for them. Chairperson Christianson reiterated the safety concerns encountered at Murphy Drive and Combs Canyon. Mr. Givlin indicated that he is not the traffic engineer for this project. Murphy Drive is to have a pedestrian and bicycle path. It will have to be made safe for a bicyclist to cross Combs. Sight distance is part of the design considerations for bicycle paths. Mr. Sullivan indicated that staff understood the Commission's concerns and that he will take the comments to Development Services Director Andrew Burnham and RTC. An answer will be provided next month. Chairperson Christianson noted that this is the same point which had been discussed a year ago and four years ago. He did not wish to see the project move forward until this safety concern has been mitigated. Mr. Sullivan indicated that it would be addressed.

Mr. Hershenow then explained how the master plan had been developed. He described the core of the campus which he felt was modeled after UNR. Any point on the campus should be reachable within a five minutes walk although the Observatory is outside of the core due to its functional requirements. The plan will not be official until the Board of Regents considers it on August 16th. Commission comments will be taken into account. He committed to bringing the plan back to the Commission if the Board makes revisions. Commissioner Mally then suggested that a roadway be constructed along the south side to the Observatory. Mr. Hershenow explained that the V&T right-of-way includes a berm which provides flood protection for the campus. When the V&T berm is breached, the College endures flooding. Therefore, the loop road was not circulated in that direction. The Cedar Building forces the roadway to breach the V&T berm. This also creates a conflict with the bicycle path. Carson City had purportedly asked that they not create this conflict. Commissioner Mally felt that it would be easier to use this route as it would provide a better access route for the campus. Commissioner Wipfli supported his suggestion as he felt that a permanent access route would be required to reach the area below the Observatory. Mr.

Hershenow indicated that there are no plans for development of that area within the 20 year plan. Commissioner Wipfli explained his personal knowledge of how the berm had been constructed during and after the flood. He felt that with engineering it would be possible to construct a road around the Cedar Building and over the berm. Murphy Drive should not be the only consideration for an access route to the Observatory as the College owns the entire area. He supported the safety concerns at the proposed intersection of Murphy and Combs.

Chairperson Christianson questioned how the concerns regarding the safety of the pedestrians between the campus and the parking were to be addressed. Mr. Hershenow felt that lighting could be used to address this concern. The master plan had included consideration of a vertical parking structure, however, this had a cost issue. He agreed that the distance issue to the campus will have to be resolved. The master plan, as it is developed in the future, will address this issue.

Discussion indicated that the Commission did not have to take action on the preliminary master plan. It was presented in response to the Commission's request to know what the College's ten plans are. It will be referenced when the next Special Use Permit is requested. Commissioner Sedway questioned where the traffic study would be conducted. Mr. Hershenow indicated that this is an RTC requirement. He was unsure of the level or location but acknowledged that the State had agreed to conduct one at a future date. He also acknowledged the need for a traffic study of the entire campus. Commissioner Sedway felt that one is needed now. Clarification indicated that the report's statements that the City will improve Murphy and WNCC will improve West Nye did not mean that the Commission's concerns will be mitigated. Commissioner Sedway described Combs Canyon Road and stated his safety concerns with the proposed improvements to Murphy. As it is a public road, the College has the same right as any other developer to access it. He did not feel that the City would require any other developer to provide all of the necessary circulation routes on its "campus". The Combs Canyon issues needed to be resolved in a "larger fashion".

Ms. Jesse questioned the reasons the use of Murphy had not been raised during the Special Use Permit process for the Observatory. She volunteered to work with City staff to develop a plan which will address the intersection. She asked that the Commission not lose track of the purpose before it this even-

ing, which is an approval of the request to abandon a right-of-way. She pointed out the good working relationship currently enjoyed between the City and College and pledged to work within it to address the concern. She also felt that they should be allowed to use the public road.

Chairperson Christianson reiterated that the concern had been raised before when the sewer and water were approved to the "site". At that point Combs Canyon was to be left "alone". College Parkway was to connect to the campus.

Ms. Jesse felt that it was not a condition of the Observatory but reiterated her willingness to work on it as the Library and curb and gutters are all part of it. Chairperson Christianson reiterated the need to do something to the two intersections. Ms. Jesse then indicated that Combs Canyon is "not dedicated on their property line". They are working to get the road dedicated. Commissioner Mally questioned whether the Observatory had been predicated upon having College Parkway extended through the campus. Ms. Jesse responded that it had not. Commissioner Mally and Chairperson Christianson indicated that the Commission had only become aware of the Library within the last two months. Ms. Jesse responded that this is the reason for having a presentation on the Master Plan. The Observatory was placed in the northwest corner of the campus due to its unique requirements for night lighting, which she limned. The area which Commissioner Mally had suggested be used for access needs to be free of all light pollution. There is a plan for a planetary walkway that will connect the Planetarium with the Observatory. Chairperson Christianson felt that the reason the Commission had supported that concept had been based on the feeling that only a few cars would be traversing that area. Ms. Jesse agreed that the classes would hold 30 individuals. Chairperson Christianson felt this could have been the reason for approving the use of Murphy. Ms. Jesse reiterated her willingness to work with the City on the safety concerns.

Commissioner Pedlar supported Commissioner Sedway's belief that the College should be allowed to use the public roadway. He agreed that some mitigation may be required but the entire problem does not belong to the College. The College has expressed a willingness to work with the City through the dedication of land, etc. Mr. Givlin explained the two funded projects on Murphy Drive. Sight distances must be part of the consideration for

crossing Combs Canyon Road. Commissioner Pedlar pointed out the need for the sight distance to consider both the vehicular and bicyclists' needs. Mr. Givlin then explained that the south side of Murphy at Combs Canyon included funding for improvements in addition to the bicycle trail and that it is to be widened to West Nye Lane. This project is being done by the City in return for some improvements the College is making elsewhere. Commissioner Pedlar stated for the record that he had heard that the College is willing to work with the City and address the issue. The record, as he had read it, did not indicate that the Observatory would create a huge amount of traffic and that the College had indicated that it would be the access route to the Observatory. Chairperson Christianson reiterated that this had been supported based on the fact that there would not be that much traffic. The traffic will still have to use Combs Canyon. The funding for the improvements to Murphy and Combs cannot be discussed. Mr. Sullivan committed to having an answer for the Commission at the next meeting.

Ms. Jesse thanked the Commission for its time and pointed to the joint use memorandum of understanding between the City, College, and School District for the athletic fields which she felt is a visionary document. There is a defined partnership which she wished to maintain. Chairperson Christianson indicated that the Commission did not wish to impede the College's master plan in the future, however, its concerns need to be worked out with the City. He thanked the College for developing the master plan and making the presentation. It is a visionary plan. Commissioner Farley also thanked her for her efforts.

Public comments were solicited. Charles Noftsker indicated his familiarity with the intersection and suggested that a stop sign be used to address the concerns. Chairperson Christianson elaborated on the safety concerns and his feeling that a stop sign may not address the concern. Mr. Noftsker elaborated on his concerns regarding the intersection of Timberline and Combs. Chairperson Christianson indicated that staff will be working on it. Additional public comments were solicited but none given. No formal action was required or taken.

- **F-2. AB-01/02-1 DISCUSSION AND ACTION ON A REQUEST FROM MAX HERSHENOW** (**PROPERTY OWNER: BOARD OF REGENTS--UNR**) (**1-0774**) Associate Planner Jennifer Pruitt, Western Nevada Community College Representative Max Hershenow Mr. Hershenow had read the report and concurred with it. Public testimony was solicited but none given. Commissioner Sedway moved to approve a motion to recommend that the Board of Supervisors approve application AB-01/02-1, an abandonment request from Max Hershenow, Board of Regents--University of Nevada, Reno, for an area consisting of approximately 57,360 square feet located along the northern property line of APN 007-091-82, based on seven findings and subject to four conditions of approval contained in the staff report 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 Mally seconded the motion. Motion carried 7-0.
- **F-3.** AB-01/02-2 DISCUSSION AND ACTION ON A REQUEST FROM CLARK RUSSELL (1-0840) Associate Planner Jennifer Pruitt, Deputy District Attorney Neil Rombardo, Community Development Director Walter Sullivan, Applicant's Representative Todd Russell Mr. Rombardo expressed concern that adequate documentation had not been provided regarding the title of the right-of-way. As this information had not been furnished, he felt that the application is incomplete. He also asked that the word "if" be removed from Condition 1 which would then require the legal title. He recommended that the item be continued. The abandonment is an important issue and knowledge concerning the title should be provided prior to abandonment. He also pointed out that the dedication issue is pending before the Nevada Supreme Court. Mr. Sullivan felt that Condition 5, which he read, addressed this issue. A preliminary title report had been furnished. The Commission's role is to determine whether there would be material damage to the public if the street is abandoned. The dedication and payment requirement are under the Board of Supervisors' purview. Mr. Rombardo pointed out the need for a finding regarding whether the street had been dedicated. If the Commission decided to move forward with the application, he again that the term "if" be removed.

Mr. Russell indicated that they were prepared to go forward on the abandonment under whatever ruling the Supreme Court makes. If the Court rules the street was not dedicated, they were willing to pay for it. He then described the legal issue regarding whether the street had been dedicated. The issue before the Commission relates to any impediment to the public if the street is abandoned. Sierra Pacific has indicated its agreement to the abandonment. He also felt that Condition 5 covered Mr. Rombardo's concern. If the street was dedicated

originally, there will be no cost to his Applicant for the abandonment. The need for the parking garage requires that the application be considered now. The Supreme Court process could take two years or more.

Mr. Rombardo indicated that the documents which are agreed to during the abandonment process will determine if the Commission is harming its case by moving forward. He reiterated the need for the Commission to know whether the street is dedicated or not. Commissioner Peery supported Mr. Rombardo. Commissioner Pedlar felt that Condition 5 addressed the issue. Mr. Rombardo reiterated his concern that the Commission could not make the necessary finding as required by ordinance.

Mr. Russell stipulated that they were willing to comply with the Supreme Court ruling and purchase the right-ofway if it is determined that the right-of-way had not been dedicated. This process would not harm the City in any capacity. The time already spent on the legal issue was described. Mr. Rombardo reiterated his concern and recommendation that the item be continued until the information is provided. Mr. Russell indicated that a title report will not be provided until after the Supreme Court rules. This is the reason Condition 5 had been included. Comments indicated the need for the Applicant to move forward with the garage. Mr. Rombardo questioned what would happen if the City decides that it does not wish to abandon the property until money is received. An answer could not be provided for this question. It may be that money is the inducement to the deal. Commissioner Wipfli felt that the abandonment is either advantageous or not. The money portion is not normally considered by the Commission. Placing the street on the tax roles will be advantageous to the City. Commissioner Pedlar pointed out that the Board of Supervisors could set reasonable compensation if the street is not dedicated. The Applicant had stipulated to pay reasonable compensation for it if the Supreme Court rules it was not dedicated. He supported Commissioner Wipfli's statement that the decision is whether the abandonment will serve a good public purpose. He supported moving forward with the issue. Mr. Rombardo then explained that the term "reasonable" is arbitrary. Equity law says that "latches attaches" which means that the applicant would not have to pay for the right-of-way as he had already spent money constructing the garage. If there is a dispute over the amount the City establishes for the street and the amount the Applicant considers to be reasonable, the Court will be asked to decide what is reasonable. This will incur more time and money fighting the case which could be avoid if more information is provided in the beginning. Commissioner Pedlar pointed out that the court process could be pursued today if the Applicant is insistent upon having the property and the amount is not felt to reasonable. Chairperson Christianson expressed his desire to see the project move forward rather than wait for the Supreme Court decision. The project will provide both sales and ad valorem taxes.

Commissioner Wipfli supported Mr. Rombardo's recommendation that "if" be removed from Condition 1. Mr. Russell agreed with this change. Public comments were solicited. None were given.

Commissioner Mally moved to approve a motion to recommend that the Board of Supervisors approve application AB-01/02-2, an abandonment request from Clark Russell, Clark and Jean Russell Trust, for an area consisting of approximately 11,220 square feet located on Ninth Street between Curry Street and Nevada Street along the southern property line of APN 003-081-14 based on seven findings and subject to five conditions of approval with Condition 1 being changed to remove the word "if". Commissioner Wipfli seconded the motion. Commissioner Mally amended his motion to include the stipulation by Mr. Russell that they will go either way on the compensation of Ninth Street based on the Supreme Court decision as Mr. Russell had stated on the record. Commissioner Peery explained that he typically did not like loose ends, however, he felt it was best to go forward with the project. Therefore, he would reluctantly agree. Commissioner Wipfli continued his second. The motion was voted and carried 7-0.

AGENDA SCHEDULE (1-1142) - Community Development Director Sullivan explained that several individuals had asked him when Item F-9 would be heard. Item F-7 had been scheduled for 5:15 p.m. Then Item F-8 is to be considered. He felt that it would take at least 1-1/2 hours to complete these two items. Chairperson Christianson felt that a dinner recess should be taken. Mr. Sullivan indicated it would be after 6:30 p.m. before Item F-9 would be considered. Clarification for Doug Hone indicated that the Industrial portion of Title 18 is to be continued. Title 17, the other portions of Title 18, and the Development Standards with the exception of RV parks will be discussed and acted upon. Mr. Hone felt that the mobile home park portion was to be continued. Zone changes had not been agendized. Mr. Rombardo reminded Chairperson Christianson that these issues had not been

agendized and recommended that he discuss them with Mr. Sullivan off the record. Chairperson Christianson acknowledged the need to know when items are scheduled and urged Mr. Hone to discuss it with Mr. Sullivan.

- U-99/00-8 DISCUSSION AND ACTION ON THE TWO YEAR REVIEW OF A PREVIOUSLY APPROVED SPECIAL USE PERMIT FOR CHARLES AND TAMARA NOFTSKER (1-1205) - Associate Planner Jennifer Pruitt, Charles Noftsker - Mr. Noftsker explained that they would no longer need the Special Use Permit for the RV as indicated in his letter, however, the gas has not been turned on in the new mobile. It should be occupied by the end of the month. He asked that the special use permit for the RV be allowed to remain in effect until the end of the month. He stipulated that it would not be used after the end of the month. Public comments were solicited but none given. Discussion between the Commission and Ms. Pruitt explained that the Special Use Permit process allows neighbors to express any concerns. As the Special Use Permit is no longer needed, these concerns were felt to have been addressed. Mr. Noftsker explained that he had complied with all of the conditions and stipulations required under the Special Use Permit process. The permit is no longer needed. The neighbor's concerns were, therefore, felt to have been eradicated. Ms. Pruitt explained that a larger mobile home had been placed on the lot. This had eliminated the need for the RV. The larger mobile home is allowed in that district. Public comments were solicited but none given. Commissioner Wipfli moved to rescind Special Use Permit U-99/00-8, a request from Charles and Tamara Noftsker for hardship care housing and that the file be closed. Following a request for an amendment, Commissioner Wipfli continued his motion to include with the stipulation that he will have it continued to the end of the month as he had agreed. Commissioner Mally seconded the motion. Motion carried 7-0.
- F-5. U-00/01-6 - DISCUSSION AND ACTION ON THE REVIEW OF A PREVIOUSLY APPROVED SPECIAL USE PERMIT FOR EUGENIO G. BASA (1-1312) - Senior Planner Skip Canfield, Eugenio "Eric" Basa - Mr. Canfield's introduction included a summary of his efforts to work with Mr. Basa. Mr. Basa's use requires more parking than is provided by the site. Mr. Basa is the landlord for a business which is occurring without the benefit of a business license. This business also has a very large parking demand. Mr. Canfield agreed that there are sewer line issues involved which impact the landscaping requirement. Neither a satisfactory landscaping plan nor a parking plan have been submitted. A screened trash enclosure has not been provided. The unlicensed business is still in operation. Therefore, staff recommended that Mr. Basa be allowed three months to comply with the conditions. The Special Use Permit should then be revoked based on his failure to comply. Mr. Canfield also recommended that the unlicensed use be immediately halted. He indicated a special use permit for off-site parking could address some of the parking concerns, however, the application for the special use permit had been rejected as it was incomplete. Discussion explained the status of the unlicensed volleyball sports club arena. This use requires 71 parking spaces in addition to Mr. Basa's 31 parking spaces. The parking area is not striped at this time. Commissioner Pedlar explained his personal tour of the site on Sunday. Today he noticed that a backhoe is on-site. Mr. Canfield explained the need for the sewer line to cross the storage facility's private easement. He referenced his letters to illustrate his efforts to get something done.

Mr. Basa indicated that he had read the staff report. He could not obtain a estimate for the landscaping until the sewer line is installed. The parking could not be addressed until the lot is repayed after the sewer line is installed. The adjacent property owner, a Mike Lee, had overlooked his agreement that would have allowed him to cross the private easement. He had since obtained a letter from Mr. Lee agreeing to allow him to cross the private easement. He displayed "colored pictures" indicated that Mary McQuery was installing the sewer line. He had installed a "pump station" to pump the sewer to the City's line. Green House Garden and Dayton Valley Turf will give him a bid once the sewer line is extended. Chairperson Christianson explained his concern that Mr. Basa would return in three months and tell them that he could not do the landscaping as it is the wrong time of the year. If this occurs, he felt that he would not be sympathetic at that time. Mr. Basa indicated that the three months would be adequate. He agreed that this is a stipulation. He then described the status of the sewer line. His neighbors are willing to allow him to use a portion of their parking area. He indicated that he had a copy of the business license. There are 42 parking spaces on site. Dick Atkins' letter indicates that there is 37 spaces on his site that he can use after hours for the volleyball court. He then described the volleyball clinic which he felt had created the parking concern. The parking area is not lined, therefore, the vehicles used more space than is necessary. The parking lot cannot be done until the sewer is completed. He felt that the parking issue can be worked out. He expressed his intent to be a good neighbor and resolve any issues immediately. The sewer line should be completed within a few days.

Mr. Canfield pointed out that the notice of decision which Mr. Basa had signed includes the requirement that a landscaping and a parking plan be provided to City staff. He wanted to see an approvable plan before it is installed. Mr. Basa indicated that he would have the two plans to staff as soon as the sewer line is completed.

Commissioner Wipfli explained his recollection of the discussion one year ago. He had been prepared to revoke the permit this evening. He stressed the seriousness of the failure to comply with the conditions. He would not take it well if the conditions are not met in three months. Clarification between Mr. Canfield and Commissioner Pedlar indicated that all of the conditions should have been completed within a year of the date when the permit was approved. The landscaping plan must be approved and installed by October. Public comments were then solicited but none given.

Commissioner Pedlar moved to continue the review of the Special Use Permit U-00/01-6 to the October regularly scheduled Planning Commission meeting. Commissioner Mally seconded the motion. Motion carried 7-0. (Commissioner Mally then stepped from the room--5:10 p.m. A quorum was still present.)

F-6. U-00/01-7 - DISCUSSION AND ACTION ON A PREVIOUSLY APPROVED SPECIAL USE PERMIT FOR VINCENT L. EUSE, DVM (1-1660) - Associate Planner Jennifer Pruitt, Dr. Vincent L. Euse - Dr. Euse had read the staff report and agreed with it. Public comments were solicited but none given. Commissioner Peery moved to no longer require a review of Special Use Permit U-00/01-7, a request from Vincent L. Euse, DVM, for an approximately 600 square foot detached crematory to an existing veterinary hospital of approximately 3,200 square feet on property located at 3309 North Carson Street, APN 008-081-07. Commissioner Wipfli seconded the motion. Motion carried 6-0-1 with Commissioner Mally absent.

BREAK: A recess was declared at 5:10 p.m. The entire Commission was present when Chairperson Christianson reconvened the meeting at 5:15 p.m., constituting a quorum.

F-7. M-00/01-8 - DISCUSSION AND ACTION ON AN APPEAL OF A STAFF DECISION FROM JACK AND MARGARET RUCKMAN (1-1725) - Community Development Director Walter Sullivan, Applicants' Attorney Michael Matuska, Redevelopment Director and former Principal Planner Rob Joiner, Deputy District Attorney Neil Rombardo, Century 21 Heritage West Realtor Mimi Toft, Building Official Phil Herrington, Plans Examiner Lynn Winters, Donna Calhoun, Bob Hickox, Sam Martini, Builders Association of Western Nevada (BAWN) President Ron Kipp, Carson-Douglas-Lyon-Tahoe Board of Realtors Executive Officer Marilyn Koschella, Stephen Lincoln with Remax Action Group, William Arends, Barry Wynott - Discussion between the Commission and Mr. Sullivan explained the reason for agendizing the item at a specific time and for a meeting with representatives of the manufactured home dealers regarding the requirements for mobile homes going into stick built residential areas.

Mr. Matuska thanked the Commission for continuing the hearing to this evening. He had received the staff report but none of the recent information. He had not had an opportunity to review either the petition or the photographs. Chairperson Christianson indicated that his letter was included in the packet of information provided to the Commission and is part of the official record. Mr. Matuska corrected his letter to indicate that the area does not have any CC&Rs, therefore, he could not provide a copy for the record. He also indicated for the record that a copy of the recent stop work order and the order rescinding that stop work order should be included in the record. Mr. Sullivan indicated that a rescinding order had not been issued. Mr. Joiner explained his letter rescinding the stop work order and replacement of the work permit. A notice to comply was then issued.

Mr. Matuska then referenced his letter to quote NRS 278.02.095 which permitted installation of manufactured homes in residential areas. Mr. Rombardo briefly described the difference of opinion between himself and Mr. Matuska concerning the City's ability to regulate the roof's pitch, color and appearance. His definition of appearance means that it should be similar to the roofs on surrounding homes. Mr. Matuska then quoted from the Municipal Code to indicate that the City's ordinance goes further than that spelled out in the Statutes. He had not been able to find any plat or subdivision phase covering the roof pitch of the area. There is considerable deviation in the roof pitches throughout the area as well as differences in style and the quality of houses. The area's standard could be described as containing an incredible variation in sizes, height, style, and value of the houses.

Photographs of these buildings were allegedly submitted to the Commission displaying this variation. He asked that a realtor be allowed to testify on the character of the neighborhood and the impact such a house has on that neighborhood due to his feeling that the City had approved a subjective standard.

Discussion between Chairperson Christianson and Mr. Sullivan indicated that one of the photographs Mr. Matuska had submitted was of an outbuilding. It is not a structure for living. Mr. Matuska disagreed as the house sets along the front of the road. The pitch of the roof should apply to the outbuildings as well as the houses. The house next to the Ruckmans also has a very flat roof.

Mr. Sullivan responded by noting that the issue is the pitch of the roof. Mr. Matuska's letter points out there are no CC&Rs or Building Code addressing the pitch of the roof or the appearance. Carson City's stick built homes do not require specified roof pitches. The only two examples requiring a specified roof pitch are in the Historic District, which this area is not part of, and when placing manufactured homes in a stick built area. There is no standards for outbuildings, their roof pitch, or the stick built houses. Senate Bill 323 resulted in 278.02.095 and addresses the pitch on manufactured homes when located in a stick built area. He asked former Principal Planner Rob Joiner and City Building Official Phil Herrington to testify on the legislative hearings regarding SB 323.

Mr. Matuska questioned whether the criteria was subjective or objective. As the ordinance reads "consistent with subdivision phase or plat" which have yet to be identified, it is subjective. The purpose of SB 323/NRS 278.02.095 is to allow manufactured homes in stick built areas. It also indicates that standards on the manufactured homes must be objective and cannot be adopted to discourage or impede. He questioned the reasons none of the other buildings have a roof pitch restriction while the manufactured homes do. He reread NRS 278.02.095.3.

Commissioner Sedway pointed out that Mr. Ruckman and his representative had signed statements documenting the requirement of a 4 and 12 roof pitch. He had hoped that Mr. Ruckman would have stated that he had made a mistake. The residence was constructed and the fix is past being possible due to the cost. A lot of time and effort has been spent on the issue.

Mr. Matuska felt that Mr. Ruckman was sorry. His attitude at the last meeting was due to his fight for his home. If the roof pitch issue is not resolved, the home may remain vacant. There are no options for him.

Commissioner Farley pointed out that the issue is one of non-compliance. The Applicant had signed a document that very clearly indicates there is supposed to be a 4 and 12 pitch. Mr. Matuska responded by expressing his feeling that Mr. Ruckman should not be punished for being indigent. Mr. Ruckman had not completed the application nor measured the roof pitch. The manufacturer had submitted the specifications to Carson City. The contractor who had submitted the application may eventually have to answer to Carson City or the Ruckmans. The issue before the Commission is whether the condition is legal and enforceable. Non-compliance was only discovered after the building permit was issued and the home was moved to the site. Commissioner Mally felt that the manufacturer had submitted information, which was somewhere within the packet, indicating that the roof pitch was 4 and 12. Mr. Matuska indicated he was not aware of this statement.

Mr. Sullivan corrected the second paragraph of Mr. Matuska's letter by indicating that the contractor, John Carricaburu, had submitted the application. Commissioner Pedlar referenced Exhibit 5 of Mr. Matuska's letter which was part of the original packet and indicated the siding is primarily wood and that the roof is a slope of 4 and 12. The letter had been signed by Mr. Carricaburu. Commissioner Pedlar felt that this was the original intent and that if the builder had failed to comply, Mr. Ruckman should seek recourse against him. Mr. Matuska agreed that the City had relied upon this information. It was an unfortunate set of circumstances under which Mr. Carricaburu had signed the document as he was acting outside the scope of his license. This has come to be a problem for both the Ruckmans and the City. The issue is whether the City can enforce the requirement of a 4 and 12 roof. The Ruckmans had not deliberately moved the house onto the lot knowing that the roof slope was not 4 and 12. He reiterated his feeling that the issue is one related to the ability to enforce the requirement. The Statute indicates that the standards must be objective. He did not feel it was as none of the other houses in the neighborhood had the 4 and 12 pitch. Commissioner Farley pointed out that this is the first manufactured home installed in a stick built area in the City since the law was adopted. History could not be reviewed. This is the

reason for it being an emotional issue and so important to the City. Mr. Matuska noted that as the Ruckmans had received a permit referencing the home, everything was approved. They were very upset when they discovered the roof pitch did not comply. He reiterated his contention that the standard was subjective.

Commissioner Pedlar felt that no information had been submitted indicating that a 4 and 12 roof pitch could not be obtained on a manufactured home or that such a roof would create an undue economic hardship on the buyer to prohibit its acquisition. He felt that if the builder had not supplied the product as contracted, he should look to the builder. The pitch description is an objective, measurable way to define the roof. He was not aware of any reason a manufactured home could not be provided with a 4 and 12 roof pitch. Mr. Matuska felt that this was not the issue. The issue is whether the City's ordinance is objective in compliance with the Statute. The subdivision plat and CC&Rs are nonexistent. Therefore, there is no standard for the area. The variety of homes in the area also establishes a lack of a standard. He then reiterated his desire to have a profession place information on the record regarding the standard for the neighborhood. Chairperson Christianson pointed out that this would be the professional's opinion and that other professionals may disagree with her. Mr. Matuska indicated that it would be part of the record.

Ms. Toft explained her background in real estate and tour of the area. There is no conformity in the neighborhood. The homes are on one acre. This is the only commonality among the homes. There is no roof pitches, architecture, nothing. No two houses looked alike. It appears as if the neighbors are concerned that a manufactured home will devaluate their homes. She purported to have proof to the contrary. She did not believe that the roof pitch was the real issue. The real issue appeared to her to be that the neighbors do not want a manufactured home in the neighborhood. She indicated that her proof and comparisons were in single family residential area which are not zoned manufactured homes in Carson City. There are purportedly six homes in the same price range as the Applicants--\$190 to \$300,000 range. They are on one acre off of Edmonds. She had sold one of those manufactured homes in 1999 for \$210,000. It was smaller than the Ruckmans' home. She purported to have pictures and documents for the Commission of the other homes. This material included a comparative market analysis which indicates they had not devalued the neighborhood. She also indicated that, in her opinion, some of the homes in the Goni area may devaluate the Ruckmans' house. Commissioner Farley pointed out that the location has a lot to do with the prices and that they were discussing two different areas. Ms. Toft felt that the areas were similar although the Edmonds area is not adjacent to a manufacturing area. Clarification indicated she was discussing the Gentry area off Edmonds. Ms. Toft then indicated that the Ruckmans' east property line abuts the industrial zone. That building has a flat roof. One block south there are two different industrial buildings with flat roofs. The reason she used these examples was to indicate that anything different will devaluate the home such as the industrial park. Mr. Matuska indicated that this is the character of the area. Commissioner Pedlar pointed out that the industrial zone has an entirely different set of standards than that of a single family zone. He was certain that the Ruckmans had been aware of the industrial zone and the impact it will have on the value of any house they placed there. He felt that the basic issue was that the owner had signed a document agreeing to do something which he later failed to do. Ms. Toft felt that Mr. Ruckman did not know what he had signed. She agreed that this was too bad. The pitch is not a real estate issue. She offered to give her information to the Commission but elected to not do so.

Mr. Matuska reiterated his contention that the standard is subjective. The ordinance is not valid as it does not contain the standard as the City lacks a standard for stick built homes and industrial structures. There is no subdivision plat or standard. He also indicated that staff had recommended against using landscaping to mitigate the pitch. He then questioned the status of the stop work order and the staff recommendation.

Mr. Sullivan asked that Mr. Joiner and Mr. Herrington speak to the legislative issues. He corrected the record regarding Ms. Toft's comments to indicate that the home she had cited is not a manufactured home. It is a modular house that was constructed to the Uniform Building Code (UBC), which a manufactured house is not. Modular homes have been allowed in stick built areas for several years. Stick built homes are constructed to the UBC. Manufactured homes/mobile homes are constructed to HUD standards. Staff had not included the roofs in the industrial area in its consideration of the pitch standard for the residential area. The building permit indicates that the standard terms mean 51 percent and immediate vicinity means within 300 feet. Mr. Carricaburu had been found to not have the proper licenses to do business in Carson City. Therefore, Mr. Ruckman signed for the permit as the owner/builder. He is responsible for all of the items in the permit.

(1-2540) Mr. Joiner displayed the legislative history which documented the number of hearings and time spent discussing the issue. He then explained that the bill was read on the floor of the Senate on March 5, 1999, and passed to the Committee on Government Affairs. Testimony began on March 24. Individuals and groups who had testified before both the Senate and House and their committees were listed. Amendments to the bill had included a limitation on the square footage and an age restriction. The original bill had contained a roof pitch of 3 and 12. After much debate on this pitch and a display of slides illustrating different pitches which could be constructed, it was decided the CC&Rs and the building standards should be used even though testimony against the use of CC&Rs was given. Reasons for this opposition were provided. Mr. Matuska's issue of discrimination had also been discussed at length. Mr. Joiner also pointed out that a room addition would have to meet the HUD requirements and that the local building officials are not qualified to inspect HUD requirements. Manufactured Housing officials will be required to make these inspections. He then read statements made by Senators Amodei and Raggio regarding the amendment that "local governments shall adopt standards". This made SB 323 a general policy which does not prohibit the Carson City Board of Supervisors from addressing HUD standards and infill scenarios. Other planning departments could have different standards. Senator Raggio noted that the addition to Subsection 2 and the change of "may" to "shall" means that they have to be treated the same as the other homes. He also indicated that the local governments may adopt standards. Senator Amodei also indicated that design standards could be used when infill occurs. Senator Raggio noted that the local governments had to adopt the standards and the amendment required that the foundations are to be UBC approved, that local requirements regarding the roof must be established and could be a higher pitch than otherwise required, and that more strict standards could not be adopted than that required within the bill. Less restrictive standards could be adopted. The April 5 first reading of the amendments indicates that the roof appearance considers all of the design issues. The bill states that the roof must be similar in color, material, appearance and siding to that in the community. The pitch standard was not spelled out in an attempt to be objective and meet the criteria established by the neighborhood. The experience of the Historic District was described to illustrate how the process would work. The same standard was then used for the manufactured homes. This is the first manufactured home installed in the community. Special forms describing the process were designed to make the standard clear. A review of the area indicated that the 4 and 12 pitch with a 16 inch overhang appeared to match the surrounding neighborhood. The manufactured home, however, has a 2.5 to 12 pitch. There is one home with a 3.5 pitch. All of the rest are in the 3.5 to 5 range. He felt that the law was very clear regarding the intent and the requirements. Discussion between Mr. Joiner and the Commission indicated that the application forms were included in the packet for both Mr. Ruckman and Mr. Carricaburu. This was the form that was created after the bill became law.

(1-2910) Mr. Joiner then described the process used to create the form and identified the individuals who had worked on it. He also indicated that several other individuals had inquired about the process to install manufactured homes in stick built areas, however, only the Ruckmans' had submitted the application and moved forward. The Ruckmans' contractor was from out-of-state. Staff had attempted to assist him. Clarification indicated that the manufactured home had been known as a mobile home. Commissioner Peery then indicated that he had owned the home Ms. Toft had referenced. It was a modular home. He was unsure whether the comparisons were valid. Mr. Joiner agreed as the modular home had been constructed to the UBC requirements. Manufactured homes are constructed to the Housing and Urban Development standards (HUD). They are different standards.

Mr. Herrington confirmed Mr. Joiner's comments regarding the legislative process. He expressed a willingness to explain the contact his Department had had with the contractor and the owner, if desired.

Ms. Winters explained that the Department was advised on Friday afternoon that the manufactured home had arrived and did not meet the pitch requirements. It takes approximately eight hours to set a manufactured home.

Mr. Sullivan explained the direction he had received from his superior(s) to use landscaping to mitigate the impact. A landscaping plan was developed. The contractor agreed to it. The Ruckmans indicated that they would obtain signatures from the ten neighbors. Three signatures were obtained that were in the immediate vicinity. Two other signatures were from residents 800 feet away. They were not included in the count. The landscaping was to be in the City right-of-way and not adjacent to the home. Mr. Ruckman did not wish to continue with this effort and appealed staff's decision. The neighborhood standard must be complied with and the roof pitch is one of those standards.

Mr. Joiner then referenced Section 3 of the bill and explained that the testimony during the legislative process indicated that it does not mean that local governments could not adopt ordinances restricting the ability to install manufactured homes in stick built areas. In areas without CC&Rs prohibiting the manufactured homes, they can be placed if they meet the standards of the area. The manufactured home must also meet the requirement that it is providing affordable housing. He did not believe that this is the case as indicated by Ms. Toft.

Mr. Sullivan indicated that the Commission had the staff report. Mr. Matuska had had it for over a month. The neighbors also received copies.

Mr. Rombardo felt that the intent of the law is to allow the manufactured homes into the stick built areas. Creating an objective standard of 4 and 12 for all manufactured homes would reduce the possibility of putting them in. An example was used to illustrate this process which had a manufactured home with a 4 and 12 pitch attempting to go into an area with flat roofs. This would be more restrictive than the program used by the City which would consider the neighborhood standard. He was comfortable with the forms created by City staff.

Mr. Matuska responded by questioning the City's action plan. The landscaping plan is the issue. As the lot is located in a one acre residential area, the validity of the 300 foot standard was questioned. One of the two lots which would be inside the 300 foot radius does not have the 4 and 12 roof pitch. This is a discriminatory ordinance. Discussion indicated that the 300 feet is mandated by Code.

Mr. Sullivan reiterated the report on staff's review of the roof pitches for residences within the 300 foot area and others within the immediate area. He felt that the mobile home's roof was 2 or 2.5 to 12. There were two that were 4 and 12s. The average for the area is 4 and 12. Staff was willing to accept 4 and 12.

Mr. Matuska questioned the reasons the Ruckmans had been required to cover a ten acre area to obtain signatures if the standard was 300 feet. This is discriminatory. Staff should have reviewed it if they had opposed the landscaping rather than have the Ruckmans. Chairperson Christianson noted that the landscaping had been withdrawn. Mr. Rombardo also indicated that Section G of the Statute requires consideration of the area within the subdivision plat. This could be more than the 300 feet. Mr. Matuska then referenced the ordinance to point out that it does not specifically state pitch. It does state "similar color, material, and appearance". He then opined that Sections G and C were separate and could not be considered together. Senator Raggio's comments were cited to support his contention. Mr. Rombardo felt that the City could control the siding, roofs, and appearance on the manufactured homes. It does not say that the same is true for stick built homes. Mr. Matuska returned to his question concerning landscaping. Chairperson Christianson reiterated that the landscaping was not a consideration. Mr. Matuska then reiterated his contention that landscaping and the roof and slope are not imposed on other houses. There is an incredible variation between the other houses. Chairperson Christianson expressed his feeling that variation is good. Mr. Matuska agreed and indicated that the area does not have a standard for roof slopes.

Public comments were then solicited. Chairperson Christianson requested that the comments be brief and to the point. Repetition should be avoided if at all possible. Ms. Calhoun explained that she had made her remarks at the previous meeting and submitted a petition containing over 120 names. She read her prepared statement into the record explaining her location and that her roof has a 5 to 12 pitch. She felt that she would have questioned any statement indicating the pitch of her roof and determined if the roof matched it before signing the permit application. She opposed using landscaping as a form of mitigation. The home should be in compliance with their own plans and the Code. The case is a test of the ordinance which should be upheld. The neighborhood opposes the house with its pitch. She polled the audience to illustrate the opposition. The home does not look like the surrounding stick built homes. The ordinance requires it to be similar. She urged the Commission to tell the Ruckmans to fix it or move it. She found the house to be offensive as it is a manufactured home and found, specifically, that the roof pitch was objectionable. She acknowledged that she would not be happy with a stick built home that has a flat roof but the ordinance allows it. She also opposed the houses which had been brought in from other areas. They are not that nice looking and some are fairly small but the ordinance allows them. Commissioner Sedway explained that if the Commission orders the manufactured home removed, it is possible for a stick built house with a 2 and 12 pitch or a flat roof to be constructed on the site. Ms. Calhoun emphasized that the issue is compliance with the Code and the building permit agreement. The "case" would also establish a

precedence that the City will follow its guidelines. Public support was indicated for her position.

Additional public comment were solicited. Mr. Hickox gave a copy of his statement to the Clerk and read it into the record. (A copy is in the file.) He supported the Ruckmans and urged the Commission to issue an "occupation permit". He also indicated that several of his neighbors supported his position.

Mr. Martini explained that he lived across the street from the Ruckmans' house. He had signed Mr. Ruckman's petition supporting the landscaping. He had not understood it and now wished to withdraw his support. The house should comply with the neighborhood standard or be removed. (Commissioner Pedlar stepped from the room-6:38 p.m. A quorum was still present.)

(2-0025) Mr. Kipp explained BAWN's involvement with the Legislature and the statute. There is no objection to modular housing in residential districts due to the quality control provided over the construction. Manufactured homes are constructed to HUD's code. This is not the same building code. BAWN had objected to the lack of overhang, foundation, and roof pitch for manufactured homes. They had supported Mr. Joiner and the compromise which had restricted the roof pitch. If a 4 and 12 roof pitch is called for, that is what should be there. (Commissioner Pedlar returned at 6:40 p.m. A quorum was present.) His experience indicates that if he failed to comply with any Code requirement, he would be required to fix it or pay the owner back.

Mr. Sullivan explained for Commissioner Wipfli that staff had explored the cost to remedy the pitch. The contractor had indicated that these options were either too expensive or that the manufactured home factory would not honor it unless it was constructed at the factory. Commissioner Wipfli felt that the factory should be the one doing the remedy. This avenue may be cheaper than the current process.

Mr. Kipp explained the slope provided by the 4 and 12 pitch for Commissioner Peery.

Ms. Koschella explained that she represented the Board of Realtors and their opposition to Ms. Toft's comments. Ms. Toft's comments should reflect that she is speaking only for herself. The Realtors are very concerned that the Commission adhere to the ordinance as written. The City should enforce the ordinance as written as this is the first use of the it. The contractor had signed off on it and should be held accountable for his/her work. Discussion indicated Ms. Koschella was not a realtor. She also indicated that the Realtors would not have a problem with the roof pitch if it is 4 and 12.

Mr. Lincoln explained his involvement with the Legislature and drafting of the ordinance. The attempt was to have the manufactured home comply with the standards of the surrounding existing neighborhood. This was the reason they had finally agreed to support the ordinance as proposed by Senator Amodei. The local Board of Realtors had vehemently opposed the proposal originally due to the concern that this type of an incident would occur. This is still their position. The house should fit with the neighborhood. (Commissioner Mally stepped from the room--6:45 p.m. A quorum was still present.)

Mr. Arends explained that he resides four doors away from the Ruckmans and how he had become aware of the mobile home between 4:30 and 4:45 p.m on a Friday afternoon. The Building Department was not open at that time. By Monday morning the mobile home sections were together, the roof was on, and the siding was fixed. At 8 a.m. on Monday he contacted the Building Department. He had constructed over 30 of the homes in the neighborhood beginning in the 1970s. A 4 and 12 roof is the minimum standard he felt is in the area. Over the years the roofs have become steeper and steeper. The average today is between 5 and 6 to 12. He was certain that if they had averaged the neighborhood, the pitch would be 5 and 12. The City had never dictated what the pitch of the houses should be. A 4 and 12 pitch is used to keep the ice from building on the roof. The pitch does not have anything to with the snowload. The roof is engineered to handle the snowload. He described how the pitch is created and explained that he had measured six homes in the neighborhood. He was unsure whether a second roof could be placed on top of the current roof due to the difference in the design standards for mobile homes. He was certain that it could be engineered and constructed. He was not an engineer and could not tell the Commission how to do it. (Commissioner Mally returned--6:50 p.m. A quorum was present.)

Mr. Wynott indicated he lived on Goni. As a mobile home, it is a good looking one, however, it sticks out in the

neighborhood due to the current roof pitch. The pitch should be changed to 4 and 12. The proposal will grant a variance and allow the Ruckmans "to go around minimum requirements". This case will establish a precedence which will allow the next mobile home to have a variance to its pitch or corners. He urged the Commission to maintain reasonable standards as had been established and to uphold the ordinance. Additional comments were solicited but none given.

Discussion between Commissioner Farley and Mr. Sullivan indicated that owner/builder-contractor must comply with City Code. When the Ruckmans purchased the home, they should have been aware of the City standard. His involvement with Mr. Carricaburu had been when the options were being discussed. Mr. Carricaburu had been willing to do whatever was necessary at that time, however, he had to report to Mr. Ruckman first.

Ms. Winters explained that Mr. Carricaburu had been introduced to her by Mr. Ruckman as being the contractor and his representative. When the time came to issue the permit, it was discovered that Mr. Carricaburu did not have a valid business license. Mr. Carricaburu does not have a City business license. He is a general contractor but cannot do mobile homes. A State license is required to install mobile homes. A business license is also required for a general contractor to do business in Carson City.

Commissioner Pedlar moved that the Planning Commission deny M-00/01-8, an appeal of the staff's decision and require full and complete Code compliance with regard to the manufactured home at 5177 Goni Road, APN 008-816-04 including, but not limited to, a roof pitch of 4 to 12. Commissioners Wipfli and Farley seconded the motion.

Commissioner Sedway felt that findings should be made to support the motion. He hoped that the matter would be appealed to the Board of Supervisors. It was a sad day for Carson City. The "Welcome Wagon" had been replaced with a petition to keep people out. He was amazed that the Ruckmans desire to live in this neighborhood with the petitions that have been signed. He acknowledged that the Ruckmans had screwed up. They had signed documents stating that they would comply with a 4 and 12 roof pitch. Staff did what they had to do. There is no doubt in his mind that, which is why he hoped it goes to a higher authority, the attorney for the Ruckmans makes valid points and questions the validity and responsibility of staff to set these guidelines. He believed that staff had the right to set the guidelines but that needs to be challenged. If it is not challenged on this, it will be at some other point in time. He would vote against the motion. He came to the meeting supporting the motion, however, after listening to the testimony, discussion is about a 2 and 12 roof pitch. Two hours have been spent on the topic. Staff has been dealing with it since January. This is a roof pitch that if it was any other type of construction in the entire town would never be an issue. The Commission's purpose is to make decisions regarding variances, etc. He found it incredibly sad that this much discussion has occurred on a 2 and 12 roof pitch. A person could tear the mobile down and construct a flat roof.

Commissioner Wipfli also felt sad for the applicant but the case is so important to the City. He believed that the manufactured homes and the stick built homes can cohabitate. It is just that they set up guidelines and the City set up guidelines which he felt were fair. If they are adhered to people will feel comfortable in their stick built community knowing that what will be brought into the community is compatible. He was sorry that the Ruckmans got caught up in the cogs on the wheels in this issue. He still believed that there is a remedy through the manufacturer. He had sketched a remedy on his paper but it is so important that the first one, especially, come through and that people living in stick builts in the same neighborhood feel comfortable with the manufactured homes coming into the neighborhood so that they will work in the neighborhood. If the Commission does not do it right today, it will be worse and people living in the homes will feel even less confident with the manufactured homes. He would vote for the motion as he believed that it is the only way he could deal with it.

Commissioner Mally believed that Mr. Joiner had stated that when they looked at the area, they found roof pitches which were 3 and 12. That is only a half inch difference from what the Ruckmans have. That is per running foot, running horizontally and vertically according to the pitch design. He could not see that there was a lot of difference. There is only an 1-1/2 inch difference between a 2-1/2 inch pitch and a 4 inch pitch. He had to agree with Commissioner Sedway that this is a sad day for all of us.

Commissioner Pedlar felt that both Commissioners Sedway and Mally had made valid points. He was

disappointed in some of the comments which had been made regarding its being a manufactured home, therefore, it devalued the community. He disagreed stringently with this point. However, what he had had presented as evidence is a building permit that was signed by the representative of the owner that he would be able to do a certain thing. He did not do that. He did not believe that this was done deliberately, however, he did not comply with his agreement. He firmly believed that if he was that individual he would ask his attorney if he had cause to sue the builder/contractor to fix what was not done properly. He believed that the City staff process was reasonable. Their actions had been reasonable in terms of determining what the roof pitch was. The case boils down to the owner's failure to comply with his agreement. He had personally toured the neighborhood. He did not, personally, have a problem with the house in that neighborhood. He did not consider it to be out of place, however, it does not meet the requirement that the owner signed to meet. The City has rules. As long as those rules are reasonable, which he believed this is, he should support staff as they are enforcing a reasonable rule established through due process through the Commission and Board. He agreed with Commissioner Sedway as he would like to see the decision go to the next higher level and have it clarified. He would vote to deny the appeal due to the applicant's failure to live up to the permit conditions which he had agreed with.

Commissioner Peery felt that in multiple documents it is inarguable that there were both a CC&R set for the roof pitch as in Item G under the agreement signed by Mr. Carricaburu and certainly under the letter dated 12/15 which specifically cites roof covering and, of course, slope and ease sloping 4 and 12 that this was the case. He admitted that it is a little mean spirited in some respects to be arguing this point but, since it is a precedence in law in the community, a very important one, there is nothing he could do but vote to deny the appeal.

Chairperson Christianson noted his lengthy involvement with the Commission and in some of the things which had gone on when this first came to light at the State Senate. He had felt from the beginning that the City's power as a local government was being usurped by those authorities. This is similar to mandates without revenue. It is something that they required. He was in favor of this hearing from the beginning. What tempers his feelings on this is that there were things in place. The City had done its work to the extent it had been allowed to do by the State under the Nevada Revised Statutes. He, too, had to vote to deny the appeal. It is unfortunate that this type of thing creates such animosity among the neighborhood. If we have laws, however, we must be ruled by them. The rules were in place. Although he questioned the motives and how much was actually known about signing off on the 4 and 12, that is what happened. We must make a decision. The decisions which the Commission makes is appealable to the Board. Mr. Sullivan will advise us of those procedures following the vote.

Commissioner Farley explained that she had worked on the bill at the Legislature. It was very emotional for her and a lot of other people in the community. The reason that the City had made the ordinance this exact was so that this exact situation would not happen. She was very sorry that it happened to these people. She felt terrible about it. Carson City is not an unfriendly town. It is a very friendly town. It is a wonderful town. She felt that if in the beginning they had tried to fix the roof instead hiring attorneys they may have been ahead more financially. She hoped that they decide to fix the roof and stay here and find out that we are a wonderful community. She was sorry if her comments had offended anyone because this is really a sad day.

The motion to deny the appeal was voted and carried 5-2 with Commissioners Sedway and Mally voting Naye. Mr. Sullivan briefly described the appeal process.

F-8. S-01/02-1 - DISCUSSION AND ACTION ON A TENTATIVE MAP FOR HIDDEN MEADOW ESTATES UNIT 4 FROM ALEXANDER BERNHARD (2-0489) - Senior Planner Skip Canfield, Applicant's Representative Jack Randell, Community Development Director Walter Sullivan, Senior Engineer John Givlin, John Chamberlain, Marta Adams, Everett Hill, Mrs. Hill, Al Bernhard - Mr. Canfield corrected Condition 20 to have the two inch caliber trees planted at 100 foot intervals and not at the ten feet that was indicated.

Mr. Randell indicated they had received the staff report and agreed with it although they did wish to discuss two items. Condition 8 requires the utility lines to be buried. There is a transmission line along the eastern boundary of the site. They plan to leave this line in place. Item 16 of the staff report requires them to obtain letters from all of the utility companies, etc., regarding access to Sweetland Circle. He questioned what would happen if one of

the companies refuses to give them the letter due to its dislike for having to use a private access. All of the improvements for that area will be developed at the same standard as that required for dedi-

cated roadways. They hoped that by doing this the road could be dedicated in the future if the homeowners do not

want to keep it as a private roadway.

He also asked, as another option, if it would be possible to dedicate the road without starting the process over if the utility companies do not provide the letters. Mr. Sullivan explained that the private property owners abutting the roadway would be able to dedicate the roadway to the City. The City will then verify that the roadway does meet the City standards before accepting it. Mr. Randell explained Mr. Bernhard's desire to have an exclusive area which included a private roadway. Mr. Sullivan explained his concern regarding the lot sizes along the roadway due to problems encountered in another subdivision with private roadways. He asked that the potential property buyers be notified that they are to maintain the road including snow removal, crack sealing, chip sealing, etc., as it is a private roadway. Discussion explained the problems with the other subdi-

vision and questioned the wisdom of having the private street. Mr. Sullivan explained that this is a cul-de-sac and his reasons for recommending the noticing. Commissioner Pedlar recommended the CC&Rs include this notice.

Mr. Randell agreed although he was unsure how this would be done. Discus-

sion between Mr. Rombardo and Commissioner Pedlar indicated that the CC&Rs could include a clause relating to specific lots and the requirement that they must maintain the street. Comments also noted that the City does not enforce the CC&Rs. Liens can be placed against the property by the homeowners' association for fees incurred maintaining the roads. The plan is to gate the community. Mr. Randell then explained that his request for clarification regarding the letters related to what format the City would accept and how to handle the condition if the companies refuse to issue a letter.

Mr. Sullivan explained the request for written acceptance by the utility companies was an attempt to eliminate a service problem if the gate(s) are closed. If the utility company(ies) do not want to submit written acceptance, then Mr. Randell/Bernhard may wish to dedicate the street. The final map will be verified by the staff and will include checking the street and making the change. Private roads must be constructed to City street standards. Mr. Randell indicated that each of the lots will meet the City zoning standards if the street right-of-way is subtracted for the dedicated roadway. Mr. Givlin felt that the proposed roadway would meet any reasonable City standards when constructed.

Mr. Chamberlain felt that the proposed subdivision would meet the characteristics of the adjacent subdivision. He then expressed his concern with the proposed intersection of Cambelleria Drive and Buzzy Ranch Road. He suggested that a second exit be provided to Carson River Road rather than Buzzy Ranch Road. Cambelleria could provide an emergency access to Buzzy Ranch Road but should be gated so that through traffic will not be allowed. Another alternative would be to provide a walking path from Buzzy Ranch Road. The closure will eliminate extra traffic and headlights shining into the houses along Buzzy Ranch Road. Drainage concerns relating to Unit 4 should be addressed to prohibit overflow into Units 1 and 2. He used Ms. Adams' photographs to illustrate erosion concerns. He was also concerned that individuals may construct a house and not have the financial wherewithal to landscape the area. He then explained the photograph showing a dump truck and a "frame for a tank" which had been stored on one of the lots since December. At various times there had been between five and six other pieces of construction equipment stored on the lot. He asked that a mitigation measure be added prohibiting storing of construction equipment beyond 24 hours or a reasonable period after the equipment is no longer needed. Hillside cuts were pointed to which he felt had been there for some time. Their concern with the removal of sagebrush is its elimination of the "natural look of the hillsides" and the creation of "blank areas which do not blend into the surrounding area". He also asked that the hours of construction be limited to 7 a.m. and 7 p.m. Monday through Saturday rather than the current program of 6 or 6:15 a.m. These requirements should be made a part of the CC&Rs and enforced. Chairperson Christianson pointed out that the CC&Rs are not enforced by the City. The neighborhood must enforce them. Mr. Chamberlain indicated that they had not discussed any of the items with Mr. Bernhard or Mr. Randell. He had attempted to contact Mr. Randell and Ms. Pruitt last Friday. Commissioner Sedway indicated that the construction hours were part of the Conditions of Approval. They may not be part of the CC&Rs. Conditions of Approval can be enforced by the City. Mr. Canfield explained that Condition 10 restricts the construction hours but allows Sunday construction from 7 a.m. to 5 p.m. Mr. Chamberlain indicated that he had not received the City's packet. If the item is covered, he would accept it. Mr. Canfield then explained the City's complaint form which could be completed regarding the stored equipment.

Discussion ensued between Commissioner Sedway and Mr. Givlin concerning the erosion issues. Mr. Givlin explained the reseeding requirements mandated for graded areas. The question regarding the areas Mr. Chamberlain had illustrated is when was it done and why. The reseeding is part of the Conditions of Approval. Mr. Chamberlain reiterated his concerns. Mr. Givlin explained that the property owner above is responsible for runoff and erosion. His Department had recommended that the grading be minimized as much as possible. Grading should occur on a lot-by-lot basis as needed. Condition 4 addresses this concern. Mr. Chamberlain described the location of the lot in his illustration. He also explained that he had not taken the photographs and asked that Ms. Adams be allowed to explain their purposes.

(1-1035) Ms. Adams explained that the steep slope Commissioner Peery had referenced was above her home. She also distributed copies of the photographs to the Commission. (A copy was not given to the Clerk nor the staff.) She complimented Mr. Bernhard on the quality of Unit 3. She then described the photographs. Purportedly, the graded area above her home had been seeded, however, it had failed to "take". Drainage problems created by the grading were noted. She questioned the "shelf's stability". She had been forced to mitigate the erosion problems she had experienced. Unit 4 will have two lots directly "over her". The engineering report was felt to be "cursory" at best. Without adequate engineering reports, the slope's stability was uncertain. The Hillside Ordinance does not apply to this property. She acknowledged the aesthetics provided by the slope. She had not been aware that there would eventually be two large lots above her. An "unmitigated roadway" clearly illustrated the erosion problems found in the area. She had negotiated with the builder when she purchased her home on mitigation work caused by the erosion of the roadway. She had also done additional mitigation efforts at her own expense. She is not "equipped" to continue to afford or make these improvements. She urged the Commission to hold the developer to a higher standard and address these conditions. She also felt that it should not be necessary for her to litigate these erosion problems if damage occurs to her property due to failure on that lot. She urged the Commission and Board of Supervisors to use NRS 278.b.010 to 330 to assess impact fees against the developer for mitigation of her concerns. This would include appropriate engineering and infrastructure. These costs should not be passed on to either the public or surrounding landowners. She also explained that the lack of development on the hillside had afforded her with privacy. The acquisition and development of the property will impact her privacy in the future.

Discussion ensued between the Commission and Mr. Givlin regarding the intent to minimize the grading for the infrastructure requirements and that the grading be conducted on a lot-by-lot basis as needed. Mr. Givlin asked that Mr. Randell respond to questions concerning the amount of grading which has already occurred and how it will be handled.

Ms. Adams expressed her concern regarding the Hillside Ordinance and the aesthetics degradation. She also felt that the developer should be required to illustrate a need for grading and developing Unit 4 at this time in view of the drought conditions and the amount of large residential lots found in the community. The odd lot configuration maximizes the views. Proof should be provided illustrating that the hillside is sufficiently stable and can support the residences. The homes will impact her aesthetics. The plans appeared to indicate that the drainage channel will remove the sagebrush buffer zone along Carson River Road in Unit 2. She then explained her belief that excavation has occurred prior to the City approving the map. Her photos purportedly illustrated this excavation activity on top of the mountain. Discussion between Chairperson Christianson and Mr. Sullivan indicated that Ms. Adams should submit a written complaint so that staff can investigate the matter. The Conditions of Approval are appropriate for subdivisions. Ms. Adams indicated that she would do so. She felt that the application failed to address the soil's ability to drain and that the soil does not drain well. She had not seen the revegetation plans. She explained her contact with Mr. Bernhard prior to acquiring her home. She felt that the property was owned by BLM and had known that discussions were occurring regarding a property transfer. She had not been aware of the intent to have 30 homes on the hillside. She had informed Mr. Bernhard about her drainage concerns a few days ago. She had not reviewed the application with the developer or his representative.

Mr. Hill indicated that his home was being constructed in Phase 2 on Lot 15. Ms. Adams' concerns were also his. He then expressed his desire to have one more item added to the record, which he was unsure whether the Commission could control, that the powerlines at the top of the hill will be in the backyards of the properties in Phase 4 as well as his backyard. They make a lot of noise. There is 11 or 12 homes currently under construction. The noise from the powerlines is not noticed during the daytime. On the weekends if the wind is blowing, the whistling is very loud. His efforts to have Sierra Pacific address had been unsuccessful.

Ms. Hill explained their concern with the drainage and the powerline. The noise makes it impossible to enjoy their backyard. The lines also impact the aesthetics. She felt that the lines posed a hazard to the residents particularly during bad weather. Chairperson Christianson noted that the City has powerlines throughout the community which withstand the weather. Commissioner Pedlar pointed out that the powerlines were there before the development occurred. Ms. Hill indicated that Sierra Pacific had stated they had already moved the lines once and were not interested in burying them. Commissioner Pedlar explained that it was unfair to make the power company bury the lines as it had been there first. Ms. Hill felt that the builder could move the lines.

Mr. Randell indicated that he could not respond to the powerline issue. The wall and engineering issues will be addressed as development occurs. He agreed that a high standard should be required for the development as they had been in the past. He had not attempted to meet with the previous speakers. He agreed to attempt to answer their questions. The roadway that had been referenced is not part of Phase 4. This work had been done as part of the Roop Street extension several years ago and had been permitted. Mr. Bernhard purposed to use the site for grading material in Phase 4. Additional public comments were solicited but none given.

Commissioner Wipfli moved to approve S-01/02-1, a Tentative Subdivision Map for Hidden Meadows Estates Unit 4 from Alexander Bernhard, Bernhard Family Trust, consisting of 30 single family dwelling units on 21.428 acres east of Carson River Road, north of Buzzys Ranch Road, Assessor's Parcel Numbers 010-611-17 and 010-071-28, based on five findings and subject to six conditions of approval in the staff report and with the understanding that any acknowledgements to the Commission/Board by the applicant may be considered as further stipulations or conditions of approval on this application. Commissioner Peery seconded the motion. Following a request for an amendment, Commissioner Wipfli amended his motion to indicate that there were 21 conditions of approval. Commissioner Peery concurred. Commissioner Mally pointed out that AT&T Cablevision is no longer doing business in this area and suggested that it be replaced by "and any other television entity". Mr. Sullivan indicated that AT&T is the present franchise holder. When the firm is transferred, the condition will still apply. Following additional discussion, Commissioner Wipfli amended his motion to correct Condition 20 regarding the placement of the two inch trees every 100 feet rather than the ten feet as written. Commissioner Peery concurred.

Commissioner Sedway noted that the project will work well when finished, however, was concerned about the fact that the project had been developed in a "vacuum". People will be impacted and should have been involved in the process. There are outstanding concerns which may be addressed very easily. He could not vote to support the project based on this failure.

Mr. Bernhard noted that he had been available to discuss the concerns with any and all individuals throughout the process. His name and telephone number is on the for sale sign on the property. He had informed an unnamed lady of what he had intended to do. He was willing to provide a 150 percent bond if the City desired for the protection of Ms. Adams. He was upset that there had been comments that he was not available. This is the first time he had ever encountered any complaints with his projects. He had always provided more landscaping than required by the City. He was willing to install the trees at the ten foot distance if desired. His reputation is based on the lots which he had developed in the area. They were better than the standards had required. This helps sell the projects. He had been asked to develop a private lot area and had, as a result, provided ten lots for that purpose. He was willing to post a sign on the gate indicating it is a private street that is maintained by the property owners. The photographs were part of Hidden Meadows Phase 2. One of the gentlemen who had spoken owns one of the lots which had been part of the trade with BLM. The equipment had been placed on the lot to provide the drainage improvements which the City had required. It had been used on a daily basis. He apologized if the equipment had remained parked for more than a week. Other jobs may have taken precedence. But the equipment was still needed and was used in the vicinity. Chairperson Christianson explained that Commissioner Sedway's comments had not been related to the quality of his construction. Preemptive work helps smooth things over and make the project more palatable to the surrounding community. Mr. Bernhard felt that the photographs had been misleading. They had known that it was a construction project from the beginning. The trade with BLM had created three additional lots. The road was for the burrow pit. They should have been aware of it and the plans for additional homes above them when they acquired their lots/homes. He also explained his ownership of additional land above Ms. Adams' residence. The School District had asked him to use some of the material from the pit for a school site and for property for another school site. This site is not needed at this time. He has also been using the pit for material to landscape some of the other lots.

Commissioner Farley explained that her personal involvement with Mr. Bernhard indicated that he normally returns calls after 8 p.m. She urged the other speakers to contact him.

Commissioner Sedway apologized for offending Mr. Bernhard, however, there are three individuals who had concerns which could have been addressed prior to the meeting. Chairperson Christianson supported his comments.

Mr. Bernhard indicated that he had attempted to meet with Ms. Adams at the job site. He had informed her that she could and should speak at the meeting if she desired. This is part of the public process. He felt that it was wrong to indicate that he had done the work without a permit and was not available. All of his work had been done with permits. Chairperson Christianson felt that this would have been determined when Ms. Adams went to the City offices. Mr. Bernhard felt that this would be a waste of her time.

Mr. Canfield reiterated his offer for Community Development, Engineering, and other City staff and Mr. Bernhard to meet with Ms. Adams regarding her concerns. Additional comments were solicited but none given. The motion to approve the tentative map as conditioned was voted and carried 7-0.

BREAK: A recess was declared at 8:12 p.m. The entire Commission was present when Chairperson Christianson reconvened the meeting at 8:22 p.m., constituting a quorum.

F-9. A-00/01-4 - DISCUSSION AND ACTION REGARDING REVISIONS TO CCMC TITLE 17, SUBDIVISIONS; CCMC TITLE 18, ZONING; AND DEVELOPMENT STANDARDS (1-1788) - Community Development Director Walter Sullivan, Don Langson, Gary Nigro, Deputy District Attorney Neil Rombardo - Action was not to be taken on the Industrial Section. Discussions are still being held between the Chamber of Commerce Manufacturers' Association and Mr. Serpa on this section. The Development Standards dealing with functions the Commission oversee are included in the packet. The map revisions deal with the industrial zone. Therefore, map revisions had not been presented for consideration this evening. Letters supporting continuing the Industrial Section were noted. A decision regarding the Tourist Commercial zone was solicited. The Board of Supervisors will receive whatever portions of the revisions approved by the Commission. Action will be requested after the entire Title revisions are submitted. Time will be provided for the Board to study the revisions before approval is requested. Title 17, if approved this evening, and the Development Standards may be held pending completion of Title 18. The other portions of the Development Standards may be completed by the middle of September.

Public comments were solicited. Mr. Langson thanked the Commission and staff for their work on the revisions. He felt that the RV parks should be a primary permitted use in Tourist Commercial (TC) and not a conditional use as indicated on Page 177 of Title 18.

Mr. Sullivan explained that Chairperson Christianson had supported having it as a permitted use when the Commission had discussed this portion of the Code. Staff's reason for wanting to have it as a conditional use is based on the RV parks being a quasi-residential zone which is to be of short term duration. Mr. Langson had purportedly recommended that it be a permitted use along with the highway and tourist commercial uses. Staff's recommend-

ation provides an extra review by the Commission as is required in other commercial districts for RV parks. Discussion pointed out that the RV park ordinance had not been reviewed. Its length of stay is still under discussion. Once Titles 17 and 18 and the Development Standards have been finalized, staff committed to working on the RV ordinance. Mr. Sullivan suggested that a 30 or 45 day stay or less be allowed for the RV parks in TC zones as a permitted use. Longer periods should require a special use permit. Otherwise, they are quasi-residential uses in a commercial zones. Chairperson Christianson and Commissioner Pedlar agreed. Mr. Langson also agreed. He wished to construct an RV park for stays of 30 days or less. He wanted the same treatment that the RV parks in the community have. Mr. Sullivan then explained his intent, if there are two different ordinances with different time limits, for enforcement of the new codes to receive a higher priority than currently provided.

Commissioner Wipfli explained his feeling that the City had never had the enforcement needed to control the period of stay, therefore, he supported a special use permit requirement as it provides for better control.

Discussion indicated that Mr. Sullivan did not have the manpower at this time to provide for enforcement beyond that arising from a complaint. Discussion between the Commission and Mr. Sullivan explained that the request for a major project review depends on the developer if the zone allows the use as a primary permitted use. Mr. Sullivan committed to treating Mr. Langson the same as other developers.

Mr. Langson indicated that an RV park was always a conditional use in his zone. He then corrected the statement to indicated that originally it had been a primary permitted use and had erroneously been changed by staff to a conditional use as a result of an RV park ordinance change. Mr. Sullivan disagreed by explaining that the RV ordinance had required a special use permit. Title 18 regarding TC had not been changed. Both ordinances have a clause indicating that whatever rule is more strict in enforcing the regulations prevails. This was the subject of a court case. RV uses in the TC zone were then made conditional.

Discussion ensued concerning the number of parcels zoned TC which could have RV parks that indicated Mr. Langson owns the majority of the parcels in the TC zone.

Mr. Langson explained his reasons for not wanting to have to go through the special use permit process--time, money, extra efforts which he felt had been arbitrary, etc. Many originally permitted uses had purportedly been removed from the TC zone due to staff's feeling that they were not tourist related. The special use permit further restricts the tourist oriented use. Mr. Sullivan felt that the list of permitted uses had been expanded a great deal from the original list. He acknowledged that Mr. Langson had gone through the process to have a mobile home park, which had been denied. Mr. Langson had also gone through the RV park process, which had been approved.

Mr. Sullivan reiterated his suggestion that the permitted use for RV parks be restricted to 30 days and that special use permits be required for longer periods of stay. Chairperson Christianson supported this suggestion. Mr. Langson agreed and requested that he be treated the same as all of the other RV parks. He did not propose to violate the City ordinances, however, the RV ordinance does not exist. Discussion ensued concerning the Commission's direction sometime ago regarding the length of stay which should be allowed in the RV parks and hotel/motels. Chairperson Christianson reiterated his support for a permitted use under 30 days and a conditional use over that period. Mr. Sullivan felt that when the RV park ordinance is reviewed by the Commission there may be one or two standards--a 30 day restriction and/or something different. City enforcement will be required regardless of the length. He felt that Mr. Langson had valid concerns and that all RV park providers should comply with the same standard. Code enforcement will not occur until the Code is revised. No one will be grandfathered under the TC zone. Commissioner Wipfli supported fair treatment for all RV parks. Comments pointed out the need for playground areas, and similar amenities, when longer stays are allowed. Commissioner Sedway suggested that Mr. Langson provide some of these amenities for a portion of his park if he planned to have RVs staying for longer periods as this will eliminate any policing problems. Mr. Langson explained the rental rates for both types of users. Mr. Sullivan also explained that older RV parks are not grandfathered although they may attempt to use this as an argument point. Commissioner Wipfli questioned whether the 30 day period is the correct number. Chairperson Christianson explained that Thousand Oaks RV Parks require a one week break in usage at it membership parks. Discussion questioned whether an individual could legally check out and drive around the block and re-enter.

Mr. Nigro suggested that RVs be allowed to stay during the summer months. The remainder of the year should be restricted to 30 days. Longer periods should require the special use permit. Chairperson Christianson pointed out that the schools now operate year-round.

Commissioner Sedway moved that the RV parks be permitted uses in Tourist Commercial for not exceeding 30 days and that after 30 days a conditional use permit would be required. Commissioner Farley seconded the motion. Motion carried 7-0.

Discussion reiterated the intent to revisit this issue under the RV ordinance. Mr. Langson indicated that the RV design standards are also under discussion. Chairperson Christianson expressed his desire to have all of the sites be "pull throughs" with a large turning radius.

Mr. Nigro explained his concerns with Title 18 and its Limited Industrial regulation 18.04.27, page 178, specifically uses which he felt were inconsistent and inappropriate when abutting residential areas--feed store, motor cycle accessory, propane/butane sales, automotive/motorcycle/trailer or trucks, tractor/truck/recreational vehicle repair/maintenance, oil service filling stations, crating and hauling--which Chairperson Christianson indicated was not a garbage depot but could be a moving or truck terminal--amusement arcade, bowling alley, gaming, nightclubs, bars with or without live entertainment, restaurants such as McDonalds, dog kennels and boarding facilities, taxidermist, furniture refinishing, pest control, sandblasting, grinding and sharpening of tools, machine shops, temporary outdoor displays, adult entertainment facilities, mausoleum, child care facilities due to the odors and noise created by such uses. He requested at least a thousand feet restriction between his home and a cellular telephone antenna. None of these uses should be allowed to abut a residential area. Chairperson Christianson pointed out that they should be allowed in a commercial zone. Mr. Nigro purported to represent his neighbors and that they all opposed the uses as they impact the value of the homes currently occupied and those under construction or proposed to be constructed in the future. Chairperson Christianson explained his knowledge of the zoning for Mr. Nigro's area indicated that the commercial zone was already zoned commercial when Mr. Millard obtained his residential approvals. Mr. Sullivan explained the uses which are allowed in Limited Industrial (LI) zones. The zoning had been the same for the last 10 or 12 years. Commissioner Pedlar explained how that zoning had been established. The purpose of the LI zone is to be a buffer between more intensive manufacturing areas and residential. The purposed list is more restrictive than the current list is. A stamping plant is currently allowed. Mr. Sullivan reiterated the intent to address this portion of the Code in depth at the next regular meeting and suggested that Mr. Nigro make his comments at that time. Mr. Nigro felt that a six story building would infringe on his privacy. Chairperson Christianson responded that six story buildings are not allowed. Mr. Nigro felt that even a three story building would infringe on his privacy. Mr. Sullivan encouraged Mr. Nigro to contact the Chamber of Commerce. Commissioner Pedlar asked him to contact him after the meeting to discuss his issues. Mr. Nigro indicated that he understood the need for commercial and industrial developments. He hoped that the development would occur in a progressive fashion with the least offensive activities being closest to the residential areas under a planned process. Commissioner Pedlar explained that this is the intent of the zone. Mr. Nigro continued to stress that the land is vacant at this time and the residential homes are there. He agreed that the property owner should be allowed to use the area as zoned, however, it should have the least offensive uses abut the residential area. Chairperson Christianson reiterated the invitation to attend the next Planning Commission meeting, which is on August 29. Mr. Sullivan also suggested that he discuss his issues with staff at his office as there are setbacks, etc., which may mitigate some of his concerns.

(2-3110) Additional public comments were solicited but none given. Mr. Rombardo indicated there had been a miscommunication between Mr. Canfield and himself. He had been unable to submit a report due to this lack of communication. He then briefly described his recommendations and reasons for them commencing with Section 18.02.085, Page 149--Administrative Variances due to the feeling that it is vague and may be unconstitutional as the discretion is placed in the hands of one individual. Discussion explored the arbitrary and capricious nature of having one individual make the decision. Commission comments expressed the desire to expedite the process for small variances. Mr. Sullivan felt that the Department had been directed by both the Commission and Board of Supervisors and that NRS 278.319 allowed the process to occur, which he read into the record. A hearing will be conducted and notices will be provided. The process will be similar to that used by Hearing Examiners. Mr. Rombardo indicated that his office is aware of 278.319 and that it had not been challenged. Comments also indicated that staff is at an impasse on the issue. Commissioner Pedlar moved that the Commission approve the Administrative Variance Section of the ordinance as prepared by staff. Mr. Rombardo indicated that Section 18.02.105 has the same concerns and suggested that the motion include it. Comments indicated that Mr. Rombardo would make his case to the Board when the revisions are considered. Commissioner Wipfli seconded the motion. Comments indicated that a motion was not necessary and Commissioner Pedlar withdrew his motion. Commissioner Wipfli withdrew his second.

Mr. Rombardo then explained that Chapter 2.12 still needed amending to correct Regional Planning Commission to be Planning Commission. Mr. Sullivan indicated that these changes were to be made. Any references containing Regional Planning Commission should be brought to staff's attention.

(3-0001) Mr. Rombardo referenced 18.04.120, Pages 168 and 169 - Neighborhood Business - and explained that liquor stores, tobacco shops, car/automobile washes, and quickie lube shops are not neighborhood businesses and

fail to comply with the district's use description. Mr. Sullivan explained the revision which included automobile services--gas, maintenance, an repair services. Body repair shops are not included. Quick lubes had also been removed. Mr. Rombardo also referenced 18.04.140.3 - TC area but discussion did not explain the concern. Mr. Rombardo pointed out that the miscommunication had include a failure to obtain an updated copy of the revisions. Mr. Sullivan asked that the matter be tabled to allow the District Attorney's Office an opportunity to review the revisions. Commissioner Peery supported his recommendation and explained his concern about giving the Board of Supervisors an incomplete document. Commissioner Peery then moved to table the issue. Commissioner Wipfli seconded the motion. Motion carried 7-0.

G. INTERNAL COMMUNICATIONS AND ADMINISTRATIVE MATTERS

- G-1. STAFF REPORT ON THE STATUS OF COMMISSION RECOMMENDATIONS TO THE **BOARD OF SUPERVISORS (3-0075)** - Mr. Sullivan explained the Commissions recommendations to the Board regarding the abandonment of Arrowhead and Graves Lane had been approved. The Slot World abandonment request was continued for 90 days at the applicant's request. There had been concerns expressed by an adjacent property owner which need to be evaluated. It will be presented to the Board in September/October. The bike plan amendments, Airport master plan, Millennium plan, Northridge Unit 7, the Builders Association of Western Nevada zone change for its office, dedications of small parcels along the linear park were all approved. Mr. Plemel's work on a process which will obtain State funding for industrial upgrades or low income apartment improvements was described. The two policies and business impact statements were approved by the Board. Economic development funding requests for Foothill Gardens and Broadleaf Apartments will be presented to the Board in the near future. The ordinances on second reading and the Growth Management allocations at a three percent rate were approved. Thirty percent of the allotments for this year have been taken. The yearly average has been in the 50 to 60 percent range. Mr. Brown's appeal of the Commission's decision regarding the Frontier Plaza sign was heard by the Board. The Board reversed the Commission's decision on a 4-1 vote. Two stipulations were given. One prohibits signage on Winnie Lane. The second prohibits advertising in the parking lot. The shopping center will attempt to curtail this activity as it is prohibited in the CC&Rs for the center. Comments indicated that the sign may be filled in with empty boards or when advertisements are sold. An arch is to be at the bottom of the sign. A resolution of commendation for former Commissioner Rogers will be submitted to the Board at its next meeting. Comments indicated that staff had not been informed that Albertson's is closing any local stores or delaying its North Carson Street project.
- G-2. FUTURE COMMISSION ITEMS (3-0175) There are a lot of items for consideration at the next meeting. Discussion indicated a desire to schedule a dinner recess or commence the meeting earlier--2 p.m. An appeal had been submitted on the Cricket cellular tower. It will be considered by the Board on August 16. Discussion also indicated that the cellular tower on Duck Hill would not be used by Cricket. Other cellular tower users have colocated on that tower. Additional comments were solicited but none given.
- **H. ADJOURNMENT (3-0205)** Commissioner Wipfli moved to adjourn. Commissioner Farley seconded the motion. Motion carried 7-0. Chairperson Christianson adjourned the meeting at 9:40 p.m.

The Minutes of the July 25, 2001, Carson City Planning Commission meeting

ARE SO APPROVED ON____October_24, 2001.

Allan Christianson, Chairperson