

# CARSON CITY PLANNING COMMISSION

## Minutes of the January 26, 2005 Meeting

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A regular meeting of the Carson City Planning Commission was scheduled for 3:30 p.m. on Wednesday, January 26, 2005 in the Community Center Sierra Room, 851 East William Street, Carson City, Nevada.

**PRESENT:** Chairperson John Peery  
Vice Chairperson Mark Kimbrough  
Craig Mullet  
Steve Reynolds  
Roger Sedway  
Roy Semmens  
William Vance

**STAFF:** Walter Sullivan, Planning and Community Development Director  
Lee Plemel, Principal Planner  
Jennifer Pruitt, Senior Planner  
Heidi Eskew-Herrmann, Planning Technician  
Robb Fellows, Senior Project Manager  
Mary-Margaret Madden, Deputy District Attorney  
Kathleen King, Recording Secretary

**NOTE:** A tape recording of these proceedings is on file in the Clerk-Recorder's Office, and is available for review during regular business hours.

**A. ROLL CALL, DETERMINATION OF A QUORUM, AND PLEDGE OF ALLEGIANCE (1-0008)** - Chairperson Peery called the meeting to order at 3:32 p.m. Roll was called; a quorum was present. Commissioner Reynolds arrived at 3:34 p.m. Vice Chairperson Kimbrough led the Pledge of Allegiance.

**B. COMMISSION ACTION - APPROVAL OF MINUTES - January 6, 2005 (1-0028)** - Commissioner Semmens moved to approve the minutes. Commissioner Vance seconded the motion. Motion carried 6-0.

**C. PUBLIC COMMENT (1-0036)** - Environmental Specialist Joyce Peterson, of the Washoe Tribe of Nevada and California, expressed opposition to certain additions to Fuji Park and the Fairgrounds on behalf of the Washoe Tribe of Nevada and California Environmental Department. Chairperson Peery noted that the item to which Ms. Peterson was referring was agendaized, and requested her to present comments at the time the item was addressed by the Commission.

(1-0065) Mr. Sullivan distributed brochures on a series of Cable Communication Workshops scheduled for February 8, 9, and 10, and provided an overview of the same. He discussed the purpose of the workshops to receive advisory committee / commission member and public input in conjunction with the City's renewal of the cable franchise agreement. He read a portion of the brochure into the record, and requested the Commissioners to participate in one of the scheduled workshops. He advised that Peter Smith, President of the Community Access Television Foundation, had intended to provide a presentation to the Commission. Chairperson Peery offered to allow Mr. Smith to address the Commission upon his arrival.

**D. MODIFICATIONS TO THE AGENDA (1-0128)** - None.

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**E. DISCLOSURES (1-0131)** - Commissioner Vance advised of having received a telephone call from Gene Lepire with regard to item G-1. Vice Chairperson Kimbrough advised of having discussed item G-5 with a couple neighbors.

**F. CONSENT AGENDA (1-0143)** - None.

**G. PUBLIC HEARING**

**G-1. SUP-04-221 ACTION REGARDING A SPECIAL USE PERMIT APPLICATION FROM CARSON CITY PARKS DEPARTMENT (PROPERTY OWNER: CARSON CITY) TO ALLOW CONSTRUCTION IMPROVEMENTS SUCH AS OLD CLEAR CREEK ROAD STREET IMPROVEMENTS, WATER QUALITY BASINS, A PUBLIC FISHING POND, A CARETAKER'S RESIDENCE, AN ANNOUNCEMENT BOOTH, AND AN OVERFLOW PARKING LOT SOUTH OF THE PUBLIC FISHING POND TO FUJI PARK AND THE COUNTY FAIRGROUNDS, ON PROPERTY ZONED PUBLIC REGIONAL (PR) AND GENERAL COMMERCIAL (GC), LOCATED AT OLD CLEAR CREEK ROAD, 601 OLD CLEAR CREEK ROAD, AND 803 OLD CLEAR CREEK ROAD, APNs 009-303-02, 009-303-03, 009-303-05, AND 009-303-07 (1-0154)** - Chairperson Peery introduced the item. Ms. Pruitt noted that the subject construction improvements were previously approved by the Parks and Recreation Commission. She reviewed the staff report, and read into the record a letter received by fax on Monday, January 24<sup>th</sup> from Gene Lepire, Sr. Ms. Pruitt noted that copies of the letter were distributed to the Commissioners on Tuesday, January 25<sup>th</sup>, and to City staff. She narrated photographs of the subject area, including the areas designated for overflow parking and the urban fishing pond; improvements completed in previous phases of the project; and the existing announcer's booth, caretaker's quarters, and storage shed.

Ms. Pruitt advised of having consulted with Mr. Fellows, Parks and Recreation Department, and other City staff with regard to the possibility of a traffic study. City staff is confident that a traffic study can be completed at a future date and is not necessary in conjunction with the subject special use permit. Any issues associated with the traffic study will be addressed at the appropriate time. Ms. Pruitt acknowledged that freeway project variables are another reason for postponing the traffic study to a future date. In response to a question regarding possible effects on the existing RV park and Bodine's restaurant, Mr. Fellows advised that the street improvements, including lane configuration and striping, which front Bodine's Restaurant were completed up to the Fuji Park boundary as part of a previous project. He acknowledged that the subject improvements shouldn't impact Mr. Lepire's RV park. Future improvements to the RV park will include relocation of the access point to coincide with access to Bodine's Restaurant. Commissioner Sedway inquired as to the Clear Creek stream environment zone and whether federal input was received on the project. Mr. Fellows advised that the actual stream zone and the delineation depicted on the Fuji Park and Fairgrounds Master Plan was submitted to and accepted by the Army Corps of Engineers prior to phase 1 of the project. The Army Corps review process included review of the delineations by the Nevada Department of Environmental Protection and the State Historic Preservation Office. Mr. Fellows acknowledged that the City has been working on the improvement project in conjunction with the Army Corps of Engineers for a number of years.

In response to a question, Ms. Pruitt clarified that Mr. Lepire's letter referred to a left turn lane from Old Clear Creek Road rather than from Highway 395. Chairperson Peery agreed, and discussed concerns that the left lane has a "dog leg" at the end which causes trailers to stack up into the "go straight" lane.

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Commissioner Vance confirmed this as Mr. Lepire's concern based on their telephone conversation. He advised of having observed traffic turning right from Clear Creek Road to Highway 395 South, and further confirmed that the right turn lane does stack up. He suggested that Mr. Lepire's concern is not invalid, but questioned whether it was appropriately addressed as part of this item. He expressed the opinion that adding a right turn lane in front of Bodine's Restaurant would be a great idea. In response to a question, Mr. Fellows advised that the right turn lane could be done in a number of different ways, such as in conjunction with the freeway project, as an RTC project, or as part of a Bodine's Restaurant improvement project. Ms. Pruitt acknowledged that Warehouse Way and Vista Grande Boulevard are one in the same. Chairperson Peery opened the item for public comment.

(1-0368) Environmental Specialist Joyce Peterson, of the Washoe Tribe of Nevada and California, read a prepared statement into the record opposing certain additions to Fuji Park and the Fairgrounds. She noted that the Washoe Tribe is both an upstream and downstream neighbor of Fuji Park. She complimented the City's "worthy efforts" in improving Fuji Park, and strongly objected to the location of the public fishing pond "so close to the Clear Creek stream environment zone in an area with potential soil and ground water contaminants." She advised of having more general comments and suggestions regarding water quality, best management practices, turf type, low water use, landscaping, use of native plants, irrigation and sewer systems, and the possibility of a bird watching blind. She suggested considering a task force to further study the feasibility of the public fishing pond, and recommended alternative locations. She requested the Planning Commission to disapprove SUP 04-221 "until important issues and concerns have been addressed." She advised she would submit initial written comments in that the notice was not received until Monday, January 24<sup>th</sup>.

In response to a question, Ms. Peterson explained that concerns associated with location of the urban fishing pond were two-fold; one had to do with a possible project with the U.S. Fish and Wildlife Service involving the Lahontan cutthroat trout, and the other had to do with the proximity of the pond to the Clear Creek stream environment, water quality considerations, and concerns over water contamination from subsurface flow due to the previous location of the kart track. In response to a question, Ms. Peterson advised of being new to the Washoe Tribe, and that she was unaware of whether these concerns had been addressed to the Parks and Recreation Commission. In response to a question, Mr. Fellows advised that the Washoe Tribe was on the Army Corps of Engineers distribution list for review of the stream zone delineation and waters of the United States. Commissioner Sedway commented that the Army Corps of Engineers tends to be very meticulous over involving any property owner which may be impacted by a development. He noted the extensive work invested in the Fuji Park and Fairgrounds Improvement Project, and expressed concern that the Washoe Tribe had either been excluded from the process or was just now coming forward. Mr. Fellows acknowledged that the U.S. Fish and Wildlife Service had been involved in approval of the urban fishing pond. Chairperson Peery thanked Ms. Peterson for her comments.

Mr. Krahn provided background information on the concept and design of the urban fishing pond, the corresponding public hearing process, and the Question #1 funding allocated through the Nevada Department of Wildlife ("NDOW"). He advised that NDOW representatives are aware that Clear Creek is a potential habitat for the Lahontan cutthroat trout. He explained the purpose of the pond's location outside Clear Creek, the diversion mechanism associated with a new bridge structure, a separation which will ensure fish planted in the pond will be unable to get back upstream, and the mechanism for releasing pond water to the irrigation ditch to the south.

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With regard to concerns over water quality issues, Mr. Krahn advised that the pond will provide better opportunities than those which currently exist. The pond will have lots of vegetation around the edges, and will flow into a water quality basin prior to being released to the irrigation ditch. An additional storm water detention facility will collect any water flowing off the site prior to being released to the irrigation ditch. Mr. Krahn advised that City staff and the pond consultants have taken every precaution to address water quality issues associated with Clear Creek and its stream zone environment. He pointed out the location of the pond on a displayed photograph, and advised that any possible contamination from the previous kart track will be addressed as part of the construction process. He advised that U.S. Fish and Wildlife Service representatives attended a recent design status meeting, and expressed support for the project.

With regard to the Army Corps of Engineers, Mr. Krahn explained that the delineation designated on the Fuji Park and Fairgrounds Master Plan is only for the stream itself. The fishing pond will be separately permitted by the Army Corps. Paul Pugsley, of the Carson Valley Conservation District, has agreed to oversee the permitting process, and Mr. Krahn anticipates that it will take approximately 3-4 months. He acknowledged that the Washoe Tribe will have an opportunity to comment during the permitting process.

(1-0609) In response to a question, Tom Young, of Lumos & Associates, advised that the fishing pond will essentially “stay dry” during and up to a ten-year flood event. The pond will become flooded during larger storm events. Mr. Young explained that the location of the fishing pond is in a backwater condition. Clear Creek ponds up behind Highway 395 during high flood water events, such as occurred in 1997. The area would therefore “be a bigger pond in and of itself during a 100-year event.” Mr. Young acknowledged that an intermixing of pond fish and Clear Creek fish would occur. He advised that this possibility was discussed at a technical advisory committee meeting which took place last week, and at which NDOW representatives were in attendance.

Mr. Krahn acknowledged that many state and federal agencies have been involved in the design process associated with the fishing pond. He further acknowledged that additional agencies will be involved in the future, including the Army Corps of Engineers which conducts an open, public review process. Commissioner Sedway inquired as to whether the Washoe Tribe was noticed of any meetings associated with the Fuji Park and Fairgrounds improvement project. Mr. Krahn advised that there was no specific notice provided to the Washoe Tribe by the Parks and Recreation Department. All public hearings were noticed in accordance with the Nevada Open Meeting Law. In response to a question, Mr. Krahn advised that City staff and the pond design consultants have attempted to be proactive. He explained that NDOW representatives raised many of the same concerns expressed by Ms. Peterson during the conceptual stages of the process. He acknowledged that the fishing pond was designed in accordance with both state and federal guidelines. Mr. Krahn advised that the fishing pond will be established as a “put and take” facility by NDOW. He explained NDOW’s allocation process for planting fish across the State. The pond design will also provide the necessary habitat for any fish which happen to survive over the summer and winter months.

Chairperson Peery called for additional public, staff, and Commissioner comments; however, none were provided. **Vice Chairperson Kimbrough moved, with the understanding that the Washoe Tribe will have the opportunity to comment during the Army Corps of Engineers permitting process, to approve SUP-04-221, a special use permit request from Roger Moellendorf, Carson City Parks and Recreation Director, applicant, Carson City, owner, to allow improvements at the Carson City Fairgrounds / Fuji Park on Assessor’s Parcel Numbers 009-303-02, 009-303-03, 009-303-05, and 009-**

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**303-07, property zoned Public Regional / General Commercial located west of the intersection of Old Clear Creek Road and U.S. Highway 395 South, based on seven findings and subject to the conditions of approval contained in the staff report, and with the understanding that any acknowledgments to the Commission by the applicant may be considered as further stipulations or conditions of approval on this application. Commissioner Semmens seconded the motion. Motion carried 7-0.**

**G-2. SUP-04-219 ACTION REGARDING A SPECIAL USE PERMIT APPLICATION FROM CARSON CITY DEVELOPMENT ENGINEERING SERVICES (PROPERTY OWNER: CARSON CITY) TO ALLOW EMERGENCY EXPANSION OF PHASE 2 OF THE VICEE CANYON DRAINAGE BASIN, ON PROPERTY ZONED PUBLIC REGIONAL (PR), LOCATED AT 2501 WEST COLLEGE PARKWAY, APN 007-521-02 (1-0736) -** Chairperson Peery introduced the item, and Ms. Eskew-Herrmann reviewed the staff report. She clarified the Public Comment section of the staff report in that, after checking again with the Sheriff's Department, she was informed 38 complaints have been received. Thirty-six of the 38 complaints were in regard to off-road vehicles in the area and three were in regard to noise. Ms. Eskew-Herrmann referred to a condition of approval requiring the applicant to post signs on the north side of the basin advising that off-road vehicles are illegal at the site. There are currently signs posted on the gate at end of Foothill Road prohibiting motorized vehicles. Ms. Eskew-Herrmann narrated photographs of the subject site.

In response to a question, Ms. Eskew-Herrmann advised that the applicant is interested in using the site, together with Western Nevada Community College, for outdoor recreational activities at some time in the future. Fencing may deter future uses. Vice Chairperson Kimbrough advised of various fence designs which allow pedestrian access, but deter motorized vehicles. Mr. Fellows explained that the City has entered into an agreement with WNCC to develop multi-use activities associated with the basin. In addition, WNCC will have access to their property to the west. Mr. Fellows suggested that adding signage would be more productive at the present time.

Mr. Fellows acknowledged that the project is in progress. He has been working with FEMA representatives on emergency protective measures in anticipation of flooding. At Chairperson Peery's request, Mr. Fellows explained the concern over flooding since the Waterfall Fire. In response to a question, Mr. Fellows advised that the basin as well as areas to the west of it are attractive to off-road vehicles. He explained that, when City staff begins to address the multi-use aspect of the area with WNCC representatives, the slopes of the basin and uses to be allowed in the area will be addressed. In response to a further question, Mr. Fellows advised that the basin is in the process of being excavated. The outlet will be slightly reconfigured and compacted to 95% in order to facilitate anticipated flow onto Foothill Road. The excavated dirt is being accepted by NDOT as part of the freeway construction. Chairperson Peery opened the item to public comment.

(1-0908) Corazon Rough advised that she resides twenty feet from the basin, and has experienced problems with noise. She expressed concerns regarding an outlet for the basin in the case of an overflow, dust control, and mosquito control. She noticed "a lot of mosquitos last summer," and that prior to the basin being constructed, "there was no problem." Mr. Fellows explained that the basin's outlet will direct any excess water to Foothill Road and then to Winnie Lane. He advised that the contract includes a dust control permit, and that water trucks have been on site when necessary. He will notify the City's Environmental Health Department of the mosquito problem.

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Chairperson Peery called for additional public, staff, and Commission comments; however, none were provided. **Commissioner Reynolds moved to approve SUP-04-219, a special use permit request from Larry Werner, Carson City Engineer, to allow the Emergency Phase 2 expansion of the Vicee Canyon retention basin in a public regional zoning district, located at 2501 West College Parkway, APN 007-521-02, based on seven findings and subject to the conditions of approval contained in the staff report. Commissioner Semmens seconded the motion. Motion carried 7-0.**

**G-3. AB-04-226 ACTION REGARDING AN ABANDONMENT OF PUBLIC RIGHT-OF-WAY APPLICATION FROM CHRISTIAN FUNK (PROPERTY OWNER: NEVADA WEST LAND LLC) TO ALLOW ABANDONMENT OF A PORTION OF LEPIRE DRIVE TOTALING APPROXIMATELY 2,111 SQUARE FEET, ON PROPERTY ZONED SINGLE FAMILY 12,000 (SF12), LOCATED AT 4041 AND 4045 LEPIRE DRIVE, APNs 010-352-23 AND 010-352-24 (1-0973)** - Chairperson Peery introduced the item, and Ms. Pruitt reviewed the staff report. She narrated a photograph, advised that there will be topographical changes to the subject lots, and reiterated that City staff is supportive of the right-of-way abandonment. In response to a question, Ms. Pruitt advised that the applicant was not in attendance at the meeting. Chairperson Peery opened the item for public comment; however, none was provided.

In response to a question, Mr. Fellows explained that the small parcel to the south was not included because it contains a storm drain facility. He advised that open space access is to the west. **Commissioner Semmens moved to recommend that the Board of Supervisors approve application AB-04-226, a request to abandon a portion of Lepire Drive adjacent to APNs 010-352-23 and 010-352-24, based on seven findings and subject to the four conditions of approval contained in the staff report. Commissioner Vance seconded the motion. Motion carried 7-0.**

**G-4. MISC-04-217 DISCUSSION REGARDING A MOBILE HOME PARK CLOSURE REQUEST FROM J.D.S. CORPORATION (PROPERTY OWNER: CLAM CORPORATION) REGARDING THE J.D.S. MOBILE HOME PARK PURSUANT TO THE PROVISIONS OF NRS 278.0232, ON PROPERTY ZONED GENERAL COMMERCIAL (GC), LOCATED AT 5650 SOUTH CARSON STREET, APN 009-303-08 (1-1067)** - Chairperson Peery introduced this item. In response to a question, Mr. Sullivan explained the provisions of NRS 278.0232 which require a property owner to present a report to the Planning Commission outlining closure of a mobile home park. He advised that Ms. Madden had researched the statutory requirements. He reviewed the January 26, 2005 memo, and the other agenda materials pertinent to this item.

(1-1169) Joe Masini, of J.D.S. Corporation, reviewed the process by which he had notified each of the affected mobile home owners. He advised that most of the mobile homes are so old, they cannot be moved. He reviewed the statutory obligation to compensate the owners fair market value less the reasonable cost of transporting and disposing of the mobile homes.

Chairperson Peery opened the item for public comment; however, none was provided. He thanked staff and Mr. Masini for their presentations.

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**G-5. ZCA-04-222 ACTION REGARDING A ZONING ORDINANCE AMENDMENT TO MODIFY THE CARSON CITY MUNICIPAL CODE, CHAPTER 18.15, COMMUNICATIONS FACILITIES AND EQUIPMENT, TO ALLOW THE CONSTRUCTION OF NEW COMMUNICATION STRUCTURES FOR THE PLACEMENT OF WIRELESS COMMUNICATIONS ANTENNAS IN THE SINGLE FAMILY 5 ACRE ZONING DISTRICT SUBJECT TO PERFORMANCE STANDARDS AND UNDER CERTAIN CONDITIONS ONLY (1-1239)** - Chairperson Peery introduced this item, and Mr. Plemel reviewed the staff report. He pointed out, on a displayed map, and described the two areas in Carson City zoned single family five acre ("SF5A"). Mr. Plemel referred to the letters, included in the agenda materials, in support of the proposed amendment, and advised that City Treasurer Al Kramer, a resident of the Clear Creek area, had been earlier present at the meeting also in support of the proposed amendment.

In response to a question, Mr. Plemel explained the requirement, under the current Code, that co-location on an existing structure be offered to other providers. In response to a further question, he discussed the struggle in drafting the ordinance using the term "stealth," and specifying the type of facility allowed versus allowing the Commission to review each application on a case-by-case basis. He referred to a recently approved flag pole antenna on the south end of town which is classified as stealth technology "because it doesn't look like a cell tower. The antennae are inside the structure." He advised that stealth design can be specific to color, topography, paint, internal panels, etc. In response to a question, Mr. Plemel pointed out quarter-mile intervals along the Highway 50 West corridor, and speculated the potential for three antennas if "spaced out perfectly." He advised that the one-mile radius standard is one among many to require the applicant's justification of a certain location and the reason for not co-locating on an existing antenna. In response to a further question, he advised that the one-mile radius standard is used in Douglas County. He did not know how it would translate to coverage in the Clear Creek area or other mountainous areas. He acknowledged that "stealth" is a generic term to allow the Planning Commission flexibility in deciding each application. Its definition would be different depending upon the environment.

In response to a question, Mr. Plemel advised of discussions with various cellular carriers regarding co-location and minimum separation requirements. He noted the administrative permit process outlined in CCMC 18.15.025(2)(a) which addresses co-location on existing facilities. Additional height requirements would be subject to Commission review. Commissioner Mullet expressed a concern that the proposed amendment may not be achievable. In response to a question, Mr. Plemel advised that cellular carriers work well together with regard to co-location.

Commissioner Vance commented that although stealth is hard to define, "we'll know it when we see it." He noted that each application will be submitted to the Planning Commission for review, and that at some point in time sharing antennas will mean adding frequencies which will add nothing visually to the cell towers.

Mr. Sullivan discussed the "stealth" term and explained the purpose in using it in the proposed amendment was to provide flexibility to the Commissioners and staff. He requested input from the Commissioners with regard to use of the term in the language of the proposed amendment. Chairperson Peery commented that the term "stealth" is analogous to "hidden, camouflaged, or inconspicuous." Vice Chairperson Kimbrough expressed support for the term because it is used in the industry. Mr. Plemel advised of a suggested revision by the District Attorney's staff in Section 18.15.025 between proposed paragraphs 1A and 1B, that the word "and" should be changed to the word "or."

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Rama Sethi-Gulati, of Applied Wireless Consulting, Inc., advised of having spoken with Mr. Plemel about the proposed amendment to the ordinance. She confirmed that “stealth” is an industry term meaning “unobtrusive,” and that it provides a wide latitude in interpretation depending upon the environment. There are many stealth designs, and Ms. Sethi-Gulati expressed the opinion that it is in the best interest of the City to interpret the term in order to exercise control over each application. With regard to co-location, Ms. Sethi-Gulati advised that all carriers have reciprocal agreements. She explained that the industry has evolved to realize the importance of cooperation in providing coverage and service. Facilities are engineered for multiple carriers, and she explained the method by which other carriers accomplish co-location while maintaining the stealth design.

In response to a question, Ms. Gulati advised that antenna height depends on multiple factors, including topography, each carrier’s frequency, and existing facilities. In response to a further question, she explained the method by which facility height requirements are determined. She advised that carriers prefer to co-locate than install a new facility, which is very expensive. Commissioner Mullet noted that if the height of a tree pole exceeds that of other trees in the area, the design cannot be considered stealthy. Chairperson Peery thanked Ms. Sethi-Gulati, and opened this item for public comment.

(1-1841) Carol Sala, a home owner in the Mexican Dam / Carson River Road area, expressed opposition to a general zone change. She expressed understanding of the need for cell service in the Clear Creek area, but advised that there is no problem with cell service in her area of town. She expressed an additional concern that the Carson River area is geographically different, and requested the Commissioners to consider an alternative to “a blanket change to the ordinance.”

Mr. Plemel clarified a misunderstanding on the part of several citizens present with regard to the agenda. Chairperson Peery apologized to the citizens on behalf of the Commission.

(1-1923) Tom Hall, a property owner in the Mexican Dam area, expressed opposition to the proposed ordinance, and advised that this is the general consensus of the majority of Mexican Dam area residents. He expressed concern with regard to antenna height, and discussed his experience with phone and other utility service in the area since 1986.

(1-1954) Jim Alexander, a resident of Jeffrey Pine Lane, respectfully requested the Commission to approve this item. He provided historic information on phone service in the area of Clear Creek since construction of the Job Corps Youth Camp in 1963. He advised that the overland phone service was lost during the Waterfall Fire, and that there are approximately “25-40 residences / families affected by this scattered all up and down Clear Creek Road.” He further advised that his property, which is approximately 1200 to 1400 feet from the proposed tower location, has trees which are in excess of 100 feet in height. He discussed the archaic nature of the phone line which also prevents the residents of Clear Creek from acquiring other services such as cable, DSL, broadband, etc. He advised of sporadic problems with the telephone service, and that every phone line in the area is still routed through a switchboard at the Youth Camp. He discussed occasional emergency situations, and expressed the hope that the Commissioners “can live with the idea that there are two five-acre zoning areas” in Carson City. He noted that the ordinance provides for each applicant to appear before the Commission and justify their request. He advised that the Clear Creek residents have no objection to the use of the mono-pine tower. He commented that the structure height “is a clever addition to the ordinance because it would preclude the use of a lot of these

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towers in areas where they're probably not aesthetically acceptable." He urged the Commissioners to consider the special needs of the Clear Creek area "because we have no other alternative on the horizon that could ever give us any kind of service up there."

Mr. Sullivan provided Mr. Alexander a brochure for the Cable Communications Workshop and invited him to attend and participate. Mr. Sullivan reminded the Commissioners of the alternative outlined in the staff report to approve cell tower facilities only in the SF5A zone at Clear Creek and exclude the SF5A zone at the Carson River.

(1-2079) Dixie Bush, a resident of Old Clear Creek Road, requested the Commissioners to consider the lack of phone service in emergency situations. She agreed with the alternative which would limit the facilities to the Clear Creek area.

In response to a question regarding the concerns raised by residents of the Mexican Dam / Carson River area, Mr. Sullivan acknowledged that any kind of cell tower proposed to be installed would require a special use permit. He reviewed noticing requirements for rural areas. He acknowledged that the special use permit requirement would protect the Carson River area residents in the sense that cell tower construction will not be a primary permitted use.

(1-2154) Mark Kaminsky, a resident of the Mexican Dam area, expressed support for "the alternative to address the two communities uniquely." He advised of having experienced no problem with cell service in his neighborhood, and acknowledged that the service is clearly needed in the area of Clear Creek. He expressed a preference for cell towers to be excluded in the area of Mexican Dam.

(1-2176) Patricia Riggs, a resident of Clear Creek, discussed her experience with the lack of cell service in the area. She advised that Old Clear Creek Road is not maintained by Carson City or Douglas County, and discussed concerns with regard to emergency access. She requested the Commissioners to approve the item for the residents of Clear Creek.

(1-2206) Stephanie Baselli, President of the Mexican Dam Homeowners Association, advised of having contacted "at least 80% of the people within our community," the majority of which opposed the amendment. She advised that the homeowners association has previously turned down requests to install HAM radio towers. She expressed support for the alternative approach so that the Mexican Dam residents would not be affected.

(1-2235) Sharon Arnold, a Clear Creek resident, discussed the need for cell service because of the unreliable phone service and unmaintained road.

(1-2253) Paul Desormier, a Mexican Dam resident, expressed support for the alternative approach outlined by staff.

(1-2267) Dave Marson, a Clear Creek resident, expressed concern with regard to road maintenance and the lack of cell service.

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Chairperson Peery called for additional public comment; however, none was provided. Vice Chairperson Kimbrough commented on the importance of the public hearing process. Chairperson Peery requested each of the Commissioners to provide input. Commissioner Sedway acknowledged the clear indication of the need for cell service in the Clear Creek area, and expressed support for the alternative approach in that cell service seems to be adequate in the area of Mexican Dam. Commissioner Vance agreed. Commissioner Mullet acknowledged the need for cell service in the area of Clear Creek, but expressed concern with regard to lightly approaching ordinance amendments. He discussed the importance of considering this matter seriously in that other areas of town, such as Lakeview and Timberline, also lack cable service and experience cell phone problems. Vice Chairperson Kimbrough advised of four major incidents on the Spooner highway, which he experienced as a former peace officer, and that "there's a lot of blank pockets there." He expressed support for cell service in the Clear Creek area. Commissioner Reynolds expressed support for the ordinance change specific to Clear Creek. Commissioner Semmens expressed support for the proposed amendment, and noted that the Mexican Dam residents will be protected by the special use permit requirement. He stated that the Clear Creek residents "definitely need that tower." He advised of having served as a law enforcement officer in Carson City for 22 years, and discussed the need for adequate communication for law enforcement and emergency personnel in the Brunswick Canyon area. Chairperson Peery expressed concern with regard to limiting the amendment to a particular area because of possible perceptions of spot zoning. He expressed support for the overall amendment, and allowing the process to take care of residents in particular areas. **Commissioner Vance moved to recommend the Board of Supervisors approval of ZCA-04-222, a zoning code amendment to amend the Carson City Municipal Code, Title 18, Zoning, Section 18.15, Communication Facilities and Equipment, to allow new wireless communication structures within the single family five acre zoning district in the Clear Creek area for the placement of antenna structures, as a conditional use, under certain circumstances, subject to the findings contained in the staff report. Vice Chairperson Kimbrough seconded the motion. Motion carried 5-2.**

Mr. Sullivan advised that the staff will modify the proposed amendment to specify range, township, and section according to the Commission's action. Chairperson Peery thanked the citizens for their attendance and participation.

## H. STAFF REPORTS

**H-1. REPORT ON BOARD OF SUPERVISORS ACTION ON PRIOR PLANNING COMMISSION APPLICATIONS (1-2473)** - Mr. Sullivan reported on the Board of Supervisors actions at their December 16, 2004 meeting, including: Approval of the Silver Oak Planned Unit Development amendment to transfer a portion of the property to the Carson-Tahoe Regional Medical Center, approval of the master plan amendment, and approval, on second reading, of the zone change from SF12,000 residential zoning to retail commercial zoning; approval, on second reading, of the mobile home and manufactured housing ordinance with no public comment at the Board of Supervisors level. Mr. Sullivan advised that Ms. Pruitt is in the process of leading a team to develop City standards for tracking and enforcement, and to develop an outreach program to inform the real estate industry, the mobile home dealer industry, mobile home transportation and set up industry, etc. of the new Code requirement. Assessor Dave Dawley will inform the other counties of the new requirement. Mr. Sullivan reported that RV temporary occupancy for the infirm was approved by the Board of Supervisors. He advised that the Commissioners' concerns were conveyed to the Board of Supervisors; however, the Board of Supervisors omitted the time frame with the understanding that the temporary occupancy permit will have to be renewed annually. Mr.

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Sullivan responded to questions regarding the time frame and annual permit requirements. He reported that the subdivision map for 13 units on the top of Lepire Drive was approved as a final map, and the project is underway.

Mr. Sullivan reported on the actions taken by the Board of Supervisors at their January 6, 2005 meeting, as follows: Final readings took place on the Carson-Tahoe zone change, and second readings took place on the mobile and manufactured housing ordinance. Ms. Pruitt, on behalf of the Historic Resources Commission, presented information on the certified local government grant program and presented Historic Preservation Awards. Mr. Sullivan discussed the Historic Resources Commission's request to schedule a joint meeting with the Planning Commission in the near future to discuss issues of mutual concern. Mr. Sullivan reported that the right-of-way abandonment on Telegraph Street, between Roop and Pratt Streets, was approved. He advised that the abandonment heard at this meeting will be scheduled for presentation at the February 3<sup>rd</sup> Board of Supervisors meeting. He noted that the applicant, Christian Funk, will need to agree to the conditions of approval.

**H-2. MPA-04-127 UPDATE TO THE PLANNING COMMISSION ON ACTIVITIES RELATED TO "ENVISION CARSON CITY," THE UPDATE OF THE CARSON CITY MASTER PLAN AND THE PARKS, RECREATION, AND TRAILS PLAN (1-2640)** - Mr. Plemel referred to the January 6<sup>th</sup> joint workshop between this Commission and the Board of Supervisors, and advised that City staff is in the process of meeting with economic consultants in order to make decisions regarding land use alternatives. With regard to considering BLM properties for potential development, Mr. Plemel advised that staff's approach will include a slope analysis, using the City's hillside ordinance as a threshold to compare proximity of existing development and services, and relating it to viewshed analysis, part of which was completed in the Open Space Master Plan element. He expressed a concern that there has been some misinterpretation of the discussion that the City will expand onto BLM properties. He clarified that staff is analyzing the potential and, based on that, will have further discussion as the master planning process progresses.

Mr. Plemel advised that staff is working on specific plan areas, and apologized for the earlier misunderstanding on the part of the citizens. He had assured the citizens at a previous workshop they would receive personal notification of any future meetings. He advised that March 3<sup>rd</sup> is the tentative date for the next public open house. The time and location will be announced in the next couple weeks.

Commissioner Reynolds commented on the openness of the Carson City Planning and Community Development Department, and complimented Mr. Plemel and Planning and Community Development Department staff on their interest in providing accurate information to the community. He expressed the hope that staff will track down how the misinformation was conveyed, and the concern that no one involved in the Envision Carson City process would feel disaffected. Mr. Plemel acknowledged that the website is the best method for obtaining general information about upcoming meetings. He discussed the importance of ensuring that questions are addressed to the right Planning and Community Development Department staff person. Commissioner Vance advised that the Envision Carson City website is helpful, but expressed concerns with regard to maintenance of the City's website with regard to meetings.

Vice Chairperson Kimbrough expressed an interest in discussion of the viewshed areas in an educational, open forum with opportunity to address the issue of planning in some cities where the viewshed becomes developed in order to save whatever "little bit of irrigated, agricultural land" is available. Mr. Plemel

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advised that this will be a part of the discussion, and that it was the intent of the evaluation. He clarified that the analysis is not just to determine what property would be developable, but designating the land use needed to achieve the desired build out, as a community. He acknowledged that the discussions will be held in a public forum because BLM land includes the Urban Interface Plan which has existing designations for public use or open space. Vice Chairperson Kimbrough commended Mr. Plemel on the master plan process, and the way City staff and the consultants have involved the public.

**I. ACTION ON ADJOURNMENT (1-2874)** - Commissioner Semmens moved to adjourn the meeting at 6:01 p.m. Commissioner Vance seconded the motion. Motion carried 7-0.

The Minutes of the January 26, 2005 meeting of the Carson City Planning Commission are so approved this 23<sup>rd</sup> day of February, 2005.

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JOHN PEERY, Chair