

A special meeting of the Carson City Regional Planning Commission was held on Monday, March 18, 1996, at the Carson City Administrative Complex, 2621 Northgate Lane, Suite 59, Carson City, Nevada, beginning at 12 Noon.

COMMISSIONERS PRESENT: Chairperson Alan Rogers, Vice Chairperson Vern Horton, and Commissioners William Mally, Maxine Nietz, and Deborah Uhart

STAFF PRESENT: Community Development Director Walter Sullivan, Parks and Recreation Director Steve Kastens, Deputy District Attorney Mark Forsberg, and Recording Secretary Katherine McLaughlin (R.P.C. 3/18/96 Tape 1-0001.5)

**A. ROLL CALL AND DETERMINATION OF A QUORUM** - Chairperson Rogers convened the meeting at 12:20 p.m. Roll call was taken. A quorum was present although Commissioner Horton had not yet arrived and Commissioners Christianson and Pozzi were absent.

**B. PUBLIC COMMENTS (1-0008.5)** - Mr. Sullivan advised the Commission of the March 28 special meeting in the Sierra Room at 6 p.m. and the March 27 regular meeting in the Sierra Room at 3 p.m. The packets should be ready for distribution on Wednesday at 5 p.m.

**C. PUBLIC HEARING (1-0036.5)**

**C-1. MPE-95/96-1 - DISCUSSION AND POSSIBLE ACTION ON A RESOLUTION FROM CARSON CITY (CARSON RIVER ADVISORY COMMITTEE) TO ADOPT A MASTER PLAN LAND USE SUB-ELEMENT, SPECIFICALLY, THE CARSON RIVER MASTER PLAN (1-0036.5)** - Mr. Sullivan introduced Carson River Advisory Committee Member and Historic Architectural Review Committee Member Mike Drews. Member Drews requested questions or comments.

Public comments were solicited. (1-0051.5) Don Langson read the clause from Resolution No. 1994-R-32 indicating "the City respects the rights and concerns of private landowners along the River by stating there is no present intent to use the powers of eminent domain now or in the foreseeable future" and questioned if this is still the City's intent. The same resolution also indicated the Citizens Task Force was to recommend a course of action for the future of the Carson River public lands. He felt that a large portion of the Master Plan deals with the private lands. He questioned the authority for dealing with private lands. Mr. Sullivan explained the history of the committee and its duties. He did not feel that the City's intent to not use eminent domain had changed. (Commissioner Horton arrived during his comments--12:22 p.m. A quorum was present as indicated although Commissioners Christianson and Pozzi were absent.) Mr. Sullivan felt that both private and public lands were to be included in the Master Plan guidelines. Mr. Langson continued to stress that private lands had not been included in the resolution and that their charge should have been restricted to public lands. Mr. Sullivan responded by explaining the purpose as established in Resolution No. 1993-R-52. Mr. Langson felt that this had been the intent but this was not legally the case. Member Drews further expounded on the Board's direction to the Committee as well as the Committee's goals, which had been approved by the Board. Member Drews also explained for Mr. Langson that Federal funds would be solicited for various projects. The Army Corps of Engineers' jurisdiction over the Silver Saddle wetlands was noted as well as several other environmental agencies and controls. Federal funding may be used for the sewer projects as well as for housing. The Plan includes handicapped access. Mr. Langson then referenced Section VII-4 on individual property owners' setback requirement of 50 feet from the mean high water mark and Section VII-19 on the wildlife protection buffer requirement of 300 feet. Member Drews explained that there is a greater setback requirement for public property with the exception of trails. The attempt was to be more lenient with private property and it is requested that the setback be a minimum of 50 feet. Mr. Langson felt that the buffer should be "firmed up", otherwise, what is recommended becomes the law. He did not feel that the designations private and public clarified it. He then reference Sections VII-4 and VII-5. The difference between the individual property owner and the PUD developer were explained which was the reason for the difference in setback requirements. Member Drews then explained the prohibition against construction in the 100 year floodplain and the desire to avoid the loss of developable property by using transfer of density. Mr. Sullivan explained the difference between the floodplain and floodway

areas and the restriction on construction in a floodway. Mr. Langson explained that his concern is the interpretation which will be used in the future. He felt this was an architectural control which should not have been allowed. Mr. Drews questioned him on his terminology and explained that the Committee was not interested in architectural controls but only placement. Mr. Langson then expressed his feeling that the individual land owner was being opened to lawsuits from individuals hurt using the public access easement. Member Drews responded by explaining that under the Statutes this liability was not present. Deputy District Attorney Forsberg explained the plan, while establishing a setback, does not guarantee public access to the area. Member Drews explained that a private property owner had expressed a desire to allow public access, however, had been concerned about the liability. Mr. Forsberg explained that the Statute does not require the property owner to keep the property safe from injury to anyone using the land for recreational purposes. Mr. Langson continued to stress his point that that individual could file a lawsuit. Mr. Forsberg indicated that the law does not have anything to do with the Plan and that the Plan would not expand the property owner's liability. Mr. Langson continued to stress that a lawsuit could be filed. Mr. Langson felt that this was supported by the fact that if he constructed a mobile home park and the occupants are given notice of the airport and its noise, the occupants could complain regardless of the notice. Mr. Langson then questioned whether the City would provide indemnity from such a lawsuit. Mr. Forsberg stressed that the Plan would not offer the public access to private property. If anyone crossed through the property or setback, he/she would be trespassing. As a trespasser, the individual would lose the protection of civil law. Mr. Sullivan indicated that if its is a public access which is maintained by the City, the City would be sued. Mr. Langson indicated that if the City is not the legal owner, then the private property owners would also be sued. Mr. Langson cited Page VII-2 to illustrate his contention that architectural designs were being imposed by the Plan and that the City should not mandate these items. Mr. Sullivan explained that the Committee was merely recommending to the Board of Supervisors that at a future date the City should establish these guidelines and standards. The Committee felt that these items should be included in those standards. Mr. Langson expounded on his belief that these were private decisions and not the public's concern. He then questioned what would happen to the beavers if all the trees are wired. Mr. Kastens felt that this would never be completely accomplished. Mr. Langson felt that such treatment was not fair to the animals who had been there before mankind. The beavers should be left alone to adapt to its changing environment. Mr. Kastens then explained that a survey of the trees had been conducted and those trees which were to be saved had been wrapped. The beavers could have the remainder. The beavers provide a good thinning and control mechanism. Member Drews noted that there had been studies which support the advantages to to having beavers as they improve the natural habitat. The Committee is now in the process of establishing the implementation plan. This process will consider the natural resource issues. Mr. Langson felt that nature knows best in the long run and should be left alone. Mr. Sullivan returned to Mr. Langson's original question and noted that Page I-4 contains the Committee's goals and mission statement. Number 2 of the goals calls for the development of a plan for the safety and security of the public, wildlife, and natural resources on public and private lands. Number 4 is to develop private land policies. Member Drews indicated that these goals had been included in a "yellow" pamphlet. Mr. Sullivan and Member Drews stressed that the Board of Supervisors had approved both of these items and that they had been developed with public input. Chairperson Rogers also noted that the Plan was to provide recommendations for setbacks and zoning for private lands. Mr. Langson felt that the document had expanded the Committee's original purpose. Additional public testimony was solicited but none given. Chairperson Rogers closed public testimony.

Chairperson Rogers noted that there were five Commissioners present and that the Master Plan amendment or change requires five affirmative votes. Commissioner Nietz began the discussion by questioning if legal camping and legal motorized watercraft are allowed in reference to Page IV-4. Discussion indicated that illegal camping is to be discouraged. Legal camping would be encouraged if and when sites are developed. Commissioner Nietz felt that these restrictions would be difficult to enforce. Chairperson Rogers felt that motorized watercraft would "take care of itself". Commissioner Nietz felt that this issue should be addressed through a noise ordinance. She then voiced her objection to Page VI-4 dealing with the protection of private property rights. She felt it was the private citizen's responsibility to watch over its government and its activities. She acknowledged that the paragraph had been changed from the original statement. Member Drews explained that this paragraph mirrored the Title 18 statements. Chairperson Rogers pointed out a potential conflict with Page VII-3, first paragraph. Mr. Sullivan indicated his support for the paragraph as he had authored it. It was an effort to support notification efforts which are in accordance with the Code and Statutes. Member Drews outlined the Committee's rationale concerning its inclusion in the Plan as being to indicate that the laws for noticing would be adhered to. Commissioner Nietz suggested clarification of the priorities being protected in Paragraph 3 on page VII-1 as she felt that private

property rights, wildlife, wildlife habitat, and natural and cultural resources are often in conflict with one another. Member Drews explained the Committee's intent to conduct a Coordinated Resource Management Program (CRMP) and establish mitigation procedures. Commissioner Nietz then questioned the exceptions provided in the PUD process as a developer would routinely use the exemptions to avoid providing the buffer. Mr. Sullivan explained that the Committee's intent had been to seek compromises and mitigation procedures and gain open space for public use. A PUD allows these procedures to be utilized. He suggested the paragraph be rewritten. Member Drews explained that in areas where there are cut banks, it may be impractical to provide a 300 foot buffer. Commissioner Nietz felt that the problem was with the word "location" and not topography. Mr. Sullivan explained that the location issue had not been related to the river parcels. The paragraph indicates that there should be a 300 foot buffer for properties along the river. If the property does not abut the river, the property would not have to meet the 300 foot buffer requirement. Also, remnant parcels may not have any property left for development if the 300 foot buffer is provided. Commissioner Nietz continued to expound on her concerns that it would open the door and provide a way to avoid the requirement. Mr. Sullivan agreed to clarify the paragraph. Commission discussion suggested that the buffer is referencing property adjacent to the river. Exceptions are in reference to parcels not abutting the river. Member Drews explained the Committee's intent and Commissioner Nietz expressed the desire to have the developers be able to work with staff as the future parcel configurations have not been determined. She also indicated there were several editorial comments and agreed to provide Member Drews with a copy. She then questioned the difference in Section VII, Pages 8, 9, 10, and 16 regarding trails in sensitive areas. She felt these sections were in conflict. Member Drews agreed that the intent was to stay out of sensitive areas, however, the CRMP would address those areas. Further discussion indicated the fourth paragraph on Page VII-8 should be eliminated as the intent is contained in the first paragraph on Page VII-7. Commissioner Nietz then suggested the compatible uses be clarified to indicate what it is compatible with. Member Drews felt it was with the area, which Chairperson Rogers indicated was his understanding. Commissioner Nietz then suggested that safe barbecue pits be placed in designated areas for use, otherwise, unsafe pits may be developed. Chairperson Rogers felt that contained stoves and barbecues should be allowed. Member Drews felt that they would be allowed in developed areas such as Camp Carson and Riverview Park. Chairperson Rogers suggested that the term picnicking be defined. This could include the use of contained stoves but prohibit the use of an open fire. Discussion ensued between Commissioner Nietz and Mr. Sullivan on the Open Space Tax program and density transfers used in PUDs which are discussed on Page VII-3. Commissioner Nietz then explained that the history had included a person by the name of "Simpson", however, there had been no other reference to that individual. She suggested his role be clarified. She then commended the Committee on its Plan which Commissioner Horton echoed. Discussion ensued on the Commission's options. Commissioner Nietz then moved that the Planning Commission adopt the Resolution recommending approval of the Carson River Master Plan sub-element based upon the findings discussed in the staff report with the Carson River Master Plan as submitted dated 2/20/96 with the recommendations for changes as discussed by the Commissioners at today's hearing. Commissioner Horton seconded the motion. Motion was voted and carried 5-0.

**B. PUBLIC COMMENT** - None present.

**D. ADJOURNMENT** - There being no other business before the Commission, Commissioner Nietz moved to adjourn. Commissioner Horton seconded the motion. Motion carried 5-0. Chairperson Rogers adjourned the meeting at 1:15 p.m.

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.

The Minutes of the Special March 18, 1996, Carson City Regional Planning Commission meeting

ARE SO APPROVED ON \_\_\_\_\_, 1996.

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Alan Rogers, Chairperson

