

CARSON CITY REGIONAL PLANNING COMMISSION
Minutes of the September 29, 1999, Meeting
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A regularly scheduled meeting of the Carson City Regional Planning Commission was held on Wednesday, September 29, 1999, at the Community Center Sierra Room, 851 East William Street, Carson City, Nevada, beginning at 3:30 p.m.

PRESENT: Chairperson Vern Horton and Commissioners Keith Larkin,
William Mally, Alan Rogers, Roger Sedway and Richard Wipfli

STAFF PRESENT: Community Development Director Walter Sullivan, Deputy
District Attorney Neil Rombardo, Senior Planner Juan
Guzman, Parks Planner Vern Krahn, Associate Engineer Brian Matthews,
Assistant Engineer Angie Sturm, and Recording Secretary Katherine McLaughlin (R.P.C. 9/29/99 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 -
Chairperson Horton convened the meeting at 3:30 p.m. Roll call was taken and a quorum was present although Commissioner Christianson was absent. Chairperson Horton lead the Pledge of Allegiance.

B. APPROVAL OF MINUTES - August 25, 1999 (1-0012) - Commissioner Wipfli moved to approve the Minutes as read. Commissioner Mally seconded the motion. Motion carried 6-0.

C. PUBLIC COMMENTS (1-00025) - None.

D. MODIFICATIONS TO THE AGENDA (1-0033) - Mr. Sullivan introduced and welcomed Development Engineering Services Associate Engineer Brian Matthews and Assistant Engineer Angie Sturm. No modifications were made to the agenda.

E. DISCLOSURES (1-0041) - Commissioner Larkin explained his business relationship with Steve Kitson, who is the applicant for Item G-4, and indicated he would abstain on this item. Clarification for Mr. Kitson explained the reason for the abstention.

F. CONSENT AGENDA (1-0061)

F-1. M-99/00-3 - DISCUSSION AND ACTION ON AN APPEAL OF STAFF'S DECISION FROM PALMER AND LAUDER ENGINEERS

F-2. U-96/97-4, U-96/97-26 AND V-96/97-2 - DISCUSSION AND ACTION ON A REQUEST FROM ED WENINGER AND MIKE BELL - Chairperson Horton noted the withdrawal of Item F-1. Commissioner Rogers moved to approve Items F-1 and F-2 as recommended by staff. Commissioner Wipfli seconded the motion. Motion carried 6-0.

G. PUBLIC HEARING (1-0079)

G-1. MPE-96/97-3 - DISCUSSION AND ACTION TO APPROVE A RESOLUTION AND TO ADOPT THE OPEN SPACE MASTER PLAN - Community Development Director Walter Sullivan, Senior Planner Juan Guzman, Deputy District Attorney Neil Rombardo, Open Space Advisory Committee Chairperson Steve Hartman - Discussion ensued among staff and the Commission on whether the Commission could consider an amendment to the Master Plan during months other than January and July. Both Mr. Sullivan and Mr. Rombardo cited different Sections of the Code to support their positions. Commission comments supported hearing Mr. Hartman and any public comments with or without deliberation on the element. Staff, then, could resolve the issue prior to presentation to the Board of Supervisors and hold its presentation until January, if

deemed necessary. Mr. Hartman expressed the Committee's desire to have the element adopted. There is no official need to expedite the process. Although he did not wish to jeopardize the hard work and dedication of the Committee by proceeding, he felt that other Code/Statutes could be found to support proceeding at this time. The plan had had numerous public hearings and is, in fact, a community plan. He requested prior notification should a similar problem be encountered in the future which would him to provide input. He agreed to delay the application and offered to work with staff on the issue. **Commissioner Rogers moved to delay the item. Commissioner Wipfli seconded the motion.** Commissioner Sedway indicated that Mr. Hartman would have to live with the Commission's decision to delay it. He also felt that similar technicalities had occurred previously. A lot of people had put a lot of work into the element and its presentation today. Many were present. He could not see the downside to hearing the issue. If it turns out that the District Attorney's Office is correct, the Commission could bring the matter back and redo it. To postpone it for the sake of postponing it solely based upon the issues presented today is not advantageous. **The motion to delay the item was voted and carried 4-2-0-1 with Commissioners Sedway and Mally voting Naye and Commissioner Christianson absent.**

G-2. Z-99/00-1 - DISCUSSION AND ACTION ON A REZONING REQUEST FROM VIRGINIA G. ORCUTT (1-0308) - Community Development Director Sullivan, Virginia Orcutt - Commissioner Wipfli stepped from the room during Mr. Sullivan's introduction--3:55 p.m.--and returned during Ms. Orcutt's comments--3:57 p.m. (A quorum was present the entire time.) Ms. Orcutt had read the staff report and concurred with it. She briefly described her plans to expand the State Parole and Probation office, which she felt would improve the neighborhood. Public testimony was solicited but none made. Commissioner Mally moved that the Planning Commission approve Z-99/00-01, a request from Virginia G. Orcutt for a motion to prepare an ordinance for first reading to change the land use district from Multi-Family Apartments to Retail Commercial on Assessor's Parcel Number 2-131-03 and recommend to the Board of Supervisors adoption of said ordinance based on the finding contained in the staff report. Commissioner Wipfli seconded the motion. Motion carried 6-0.

G-3. Z-99/00-07 - DISCUSSION AND ACTION ON A VARIANCE APPLICATION FROM JANE CHESNEY-STAEHLI (1-0390) - Community Development Director Sullivan, Jane Chesney-Staehli - Ms. Chesney-Staehli explained the purpose of the application and the need for a variance. Public testimony was solicited but none given. Commissioner Wipfli moved approve V-99/00-07, a variance request from Jane C. Staehli to vary from the minimum rear yard setback requirement of ten feet to the proposed five foot setback on property zoned Single Family 6,000 located at 503 West Robinson Street, APN 3-232-06, 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 Mally seconded the motion. Motion carried 6-0.

G-4. U-99/00-12 - DISCUSSION AND ACTION ON A SPECIAL USE PERMIT APPLICATION FROM STEVE AND LINDA KITSON (1-0469) - Senior Planner Guzman, Linda Kitson, Steve Kitson - Commissioner Larkin reiterated his intent to abstain on this item. Discussion between Commissioner Mally and Mr. Guzman explained that there would be water and sewer connections to the building. Ms. Kitson explained the purpose of the building and the reason for needing water and sewer connections. Public testimony was solicited but none made. Commissioner Mally moved to approve U-99/00-12, a special use permit request from Steve and Linda Kitson to allow a detached accessory structure, which with the existing accessory structures on site, exceeds fifty percent of the square footage of the primary structure in a Mobile Home 12,000 zoning district located at 2402 Sneddon Way, APN 8-174-19, based on seven findings and subject to seven conditions of approval contained 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 Wipfli seconded the motion. Motion carried 5-0-1-1 with Commissioner Larkin abstaining and Commissioner Christianson absent.

Discussion between Mr. Kitson and Mr. Guzman indicated that the building size is restricted to 310 square feet.

G-5. U-99/00-15 - DISCUSSION AND ACTION ON A SPECIAL USE PERMIT APPLICATION FROM ROLLAND AND IRENE WEDDELL (1-0549) - Community Development Director Sullivan - The applicant was not present. Public testimony was solicited but none given. Mr. Sullivan noted the Utility condition

stipulating the location of the septic system. The existing system is located in the front yard and will not pose a problem. Commissioner Rogers moved to approve U-99/00-15, a special use permit from Rolland and Irene Weddell to construct a pool house which exceeds 50 percent of the primary structure on property zoned Single Family One Acre located at 4771 Conte Drive, APN 10-203-08, based on seven findings and subject to six conditions contained in the staff report. Commissioner Wipfli seconded the motion. Motion carried 6-0.

G-6. U-99/00-14 - DISCUSSION AND ACTION ON A SPECIAL USE PERMIT APPLICATION FROM RUSSELL MCCORKLE (1-0621) - Community Development Director Sullivan, Russell McCorkle - Discussion between staff and the Commission explained that the fence had already been installed and the complaint which Community Development had received about it. The Sheriff's Office had informed Mr. Sullivan that there had been several complaints filed by the applicant concerning vandalism and thefts. The last complaint was approximately one year ago. Mr. McCorkle presented photographs, news articles, and a letter supporting the fence to the Commission. Its purpose and design were described. Mr. McCorkle then described the deer problems he had encountered. Mr. Sullivan described the complaint. The fence does not comply with the Code restrictions, which were discussed. The complainant had neither signed a formal complaint nor responded to the notification. Commissioner Wipfli noted the uniqueness of the fence and a desire to avoid establishing a precedence allowing six foot fences throughout the community. In this case, the neighbors apparently "love" it. Commissioner Rogers commended Mr. McCorkle on his display and work constructing the unique fence. He also noted that he did not often oppose staff's recommendation. Commissioner Rogers moved to approve U-99/00-14, a request from Russell McCorkle to allow a fence in height in excess of six feet on property located at 217 Tacoma Avenue, APN 9-144-15, based on----. Discussion ensued on the need to make findings and to include conditions. Mr. Sullivan read the standard conditions into the record. Commissioner Rogers amended his motion to include based on seven findings in the staff report and the five conditions of approval. Commissioner Sedway seconded the motion. Commissioner Larkin noted the uniqueness of the wrought iron, ornate fence and his feeling that such fences should be considered on a case-by-case basis. Chairperson Horton felt that special use permits do not establish precedence as each must be considered on its own merits. A hardship is not required for a special use permit. Comments had indicated that the hardship may be self-imposed due to the items found in the front yard. Chairperson Horton felt that the hardships is vandalism which is not self-imposed. Motion carried 6-0. Mr. McCorkle took back his photographs, news articles, etc.

BREAK: A recess was declared at 4:31 p.m. A quorum of the Commission was present at 4:43 p.m. when Chairperson Horton reconvened the meeting. Commission Christianson was absent as previously indicated.

G-7. A-98/99-2 - DISCUSSION AND ACTION REGARDING POTENTIAL AMENDMENTS TO THE PUBLIC (P) ZONING DISTRICT (1-0938) - Mr. Guzman explained the School District's request for additional time to analyze the proposal. Meetings are still scheduled for CRAC, BLM, State Lands, and the Forest Service. Descriptions of the proposed categories were provided. It classes similar uses together in an attempt to advise the public as to the type of uses which will be allowed. Special use permits will be required and allow the public to discuss and determine whether the proposed use fits within the neighborhood. A governmental entity must own the property in order for it to be zoned public. Commissioner Rogers expressed his concern about allowing privately owned companies to utilize publicly owned property, i.e., utility companies having electrical substations in a publicly owned park. Mr. Guzman responded by explaining that some of these uses are allowed by lease or franchise. Examples were cited to illustrate his point. Mr. Sullivan explained the franchise agreements and that the proposal will provide the bridge over areas which are not already established. Commissioner Rogers voiced his concern about a procedure that allows the City to negotiate a contract with privately owned utility companies and then apply for a special use permit. This will place the Commission in the middle between the neighborhood which opposes the facility and the City who has applied for the permit. The proposed zone change allows this scenario to occur. The public district should not allow use by private utilities. Private utilities should acquire the sites and stand alone. Chairperson Horton pointed out that, although he could agree with Commissioner Rogers' point, the requirement could pose an undue hardship on an existing community. Mr. Guzman then explained the franchise agreement terms granting the City Engineer/Public Works Director the ability to approve permits for utilities. This individual had refused to accept this responsibility and has routinely asked the Board for direction or required a special use permit. Staff was recommending to the Board a procedure which would bridge the gap between the franchise agreement and the zoning district which is similar to the land

use process. Justification for allowing utility companies to use public lands was provided by Mr. Guzman. Commissioner Wipfli felt that the public land should remain open, otherwise, it would be too restrictive. If public land cannot be used for electrical services, the utility could be forced onto school properties. He also felt that when the private utility could acquire property, it does so. Otherwise, the Commission could point it out when the permit is requested. Commissioner Mally provided an example to support Commissioner Wipfli's position. Discussion explored the concept further including the procedures to change the land use. Chairperson Horton requested the Commission hold off on the deliberations until after public comments have been provided. (1-1394) Discussion then explained the current procedure and the need to obtain a change of land use for these uses. This procedure provides for the public forum and eliminates the need for a special use permit. Commissioner Rogers supported the current process rather than requiring a special use permit. Chairperson Horton again requested public comments be heard before deliberations occur. Commissioner Rogers protested the termination of questioning. Chairperson Horton ruled that if the questions are facts, they would be appropriate at this time.

(1-1438) Public testimony was then requested. Craig Steele explained his discussion with Mr. Guzman and his suggestion that the intensity of the use be calculated into the zoning designations. Zoning provides for orderly growth within the community. Such growth must be consistent with the Master Plan. The zoning map is a tool for development of the Master Plan. Examples supporting his suggestion and this definition were provided. He urged the Commission to establish thresholds and intensity of uses as it would be more informative to a person considering purchasing a home in the vicinity of a park than the proposed category(ies). Discussion ensued between the Commission and Mr. Steele on this concept including several examples. Additional public comments were solicited but none given.

Mr. Guzman responded by expressing his feeling that the issues were philosophical and that Mr. Steele was more concerned with the actual zoning. Mr. Steele was requesting that the designation include a great deal of thought on the level of usage. Mr. Guzman had attempted to do this with broad, general categories.

Mr. Steele clarified that he owns more than one parcel and that his comments should not be limited to one parcel.

Mr. Guzman explained his concerns with establishing specific uses within a zoning district which eliminates the ability to impose conditions upon that use. Zoning considerations only address the appropriateness of the proposed use. The special use permit process allows fine tuning and mitigation procedures.

Commissioner Sedway expressed his understanding of the concept and Mr. Steele's proposal, however, felt that the current process was not broken and should be left as is. He applauded the effort. The Commission would have to analyze each parcel to determine its classification/category before the proposal would be finalized. This process could be opening a can of worms and that it was not necessary to get that specific particularly as 100 percent of the future uses cannot be foreseen. These exceptions would still have to be analyzed by the Commission which would defeat the proposal. He then indicated his support for the current public forum process that allows discussion of the pros and cons of having utilities on publicly owned property. Excluding such property from the process could be, in his opinion, short-sighted.

Commissioner Rogers agreed that the proposal would eliminate some of the flexibility currently allowed. He questioned what was broken in the current process which mandated a change which would allow utilities to be included in the process. Mr. Guzman then explained the current District Attorney's opinion which prohibits utilities from using property currently designated Public. Community Development's reasoning which allow the usage was based on the designation of City owned and operated well sites, the sewer treatment facility, etc., as public. The Board of Supervisors had indicated that there is a wide conglomeration of permitted land uses currently allowed in the Public zoned district which are subject to the special use permit process. All of the other land use districts clearly spell out what uses are allowed. Examples were provided. The proposal will narrow and clarify these uses for the community. Criteria analyzed for change of land uses were then described including when special use permits are required. The proposed amendments' impact on this process were explained. Clarification indicated that the process would mandate the use of special use permits for all publicly zoned districts. Reasons for not allowing specific uses within the district were provided. Commissioner Rogers supported the special use permit process and disagreed with the classifications. The designations should be used for planning purposes. Allowing the uses to remain open is better for the City but the residents need more

assurances as to the type of uses which will be allowed. Examples cited were: Public Use--Open, Public Use--Office, Public Use--Utility, etc. He suggested the matrix be reevaluated. Chairperson Horton supported his comments and noted that the comments were similar to Mr. Steele's. He acknowledged that this could create a difficulty for codification but urged staff to try. Commissioner Larkin also supported Commissioner Rogers as he felt that the special use permit would be more flexible. Clarification indicated that the Commission would eventually determine the designation for each undeveloped public parcel.

Commissioner Sedway explained the requirement for a public entity to change the zoning on any property it acquires the minute it is owned by the entity. He questioned whether the proposed change would prohibit a public entity from accepting donated property in an area which is not zoned public. Examples were discussed. Mr. Guzman responded by explaining the designation and used the City's Northgate Complex and the Clear Creek Youth Center to illustrate publicly owned properties which are not designated Public. Discussion pointed out that the public zoned property does not designate open space. Discussion explored both the current and proposed program by using the School District and Hospital as examples. Commissioner Sedway questioned the need to change the zoning if a residence it acquires continues to be used as a residence. Mr. Sullivan supported his contention to allow the property to remain zoned residential so long as it is used in that fashion. He then questioned whether the intensity of the use should be considered in the zoning designation. Under this concept property designated as future school sites could be constructed without acquiring a special use permit. Other public property with projects which will intensify the usage above the designated threshold would be required to obtain a special use permit. Commissioner Rogers pointed out that the large controversial public issue items had related to the school's proposed use of portable units to meet expansion needs and the parks' proposed use of porta-potties. The proposal will not allow for public comment. Public participation should be recognized and allowed. Chairperson Horton agreed. Mr. Sullivan then explained the policy requiring the hospital to change the land use designation when it acquires property. Commission comments supported consideration of this policy including utilities' use of publicly zoned areas. Mr. Sullivan proposed that staff develop a draft from this evening's discussion and that Mr. Guzman should wait until after the next Commission meeting before making a presentation to any more of the users, committees, and commissions. After the Commission considers that draft, additional presentations will be made to the different committees, commissions, and users. Chairperson Horton supported this approach. Commissioner Rogers supported having one or two Commissioners meet with staff and Mr. Steele/or a member of public to draft the ordinance. The draft would be presented at the next meeting for comments/action. Mr. Guzman expressed his intent to provide the Board of Supervisors with a status report explaining the request to slow down the process. Chairperson Horton indicated this would provide the community with a better proposal. Commissioner Sedway asked Mr. Guzman to attend the Hospital Board meeting tomorrow evening to educate the Board about the proposal.

Mr. Sullivan then explained the Airport Authority's request to develop an airport district outside of the public zone, Mr. Guzman's contact with the Washoe Tribe, and its request that its property be designated Washoe Tribe. Comments indicated that action would not be taken. Discussion ensued concerning the zoning of a public entity's property if the zone change is denied. Commissioner Sedway explained the previous zoning for the medical complex adjacent to the Hospital which it now owns. Under the original zoning, a special use permit would not be required for expansion/change in medical uses.

G-8. DISCUSSION, ACTION AND COMMENTS REGARDING A PRESENTATION BY ALAN ROGERS ON PARLIAMENTARY RULES OF ORDER (1-2717) - Chairperson Horton passed the gavel to Commissioner Rogers after he read the title and stepped from the room--6:12 p.m. (A quorum was still present.) Acting Chairperson Rogers explained his review of Roberts Rules indicated that there are several methods of changing the parliamentary procedures which would simplify the meetings. Examples were cited. He had, however, not had time to complete his written presentation and have the District Attorney's office review it. He requested a continuance. Chairperson Horton returned at 6:15 p.m. and Acting Chairperson Rogers returned the gavel. (A quorum was present although Commissioner Christianson was absent.) Commissioner Wipfli expressed his desire to retain the current policy requiring a second after a motion is made and requiring the Chairperson to call for a motion to adjourn. Chairperson Horton pointed out that although the Chairperson has a "lot of authority", his actions could be challenged by another Member.

Mr. Steele then explained a situation he had encountered during his tenure on the Planning Commission where a motion had been defeated and the Chairperson moved to the next item. He felt that no action had been taken as a result of that vote and requested that Commissioner Rogers include in his research whether the Commission needs to take affirmative action on any item heard. Commissioner Rogers indicated that the procedures he had reviewed required a positive motion if the original motion is denied.

G-9. DISCUSSION AND ACTION ON THE REGIONAL PLANNING COMMISSION'S DECEMBER AND DECEMBER 1999 MEETING DATES (1-2963) - Discussion ensued between the staff and the Commission on its policy to move the November meeting to December and the December meeting to January and the dates which the Commissioners could attend. The By-Laws require monthly meetings. A procedure which had been used to comply with it was noted. Discussion pointed out the need to review/revise the By-Laws as there are several other items which are no longer considered the policy/procedure. Other examples were noted. Chairperson Horton indicated the Commission's preference, if possible, to defer the November meeting to December 1 and the December meeting to the first Wednesday in January. Both the meeting date issue and the By-Laws are to be agendized for the October meeting. No formal action was taken.

H. INTERNAL COMMUNICATIONS AND ADMINISTRATIVE MATTERS (NON-ACTION) (1-3128)

H-1. STAFF BRIEFING REGARDING THE STATUS OF COMMISSION RECOMMENDATIONS TO THE BOARD OF SUPERVISORS AND CORRESPONDENCE TO THE COMMISSION - Mr. Sullivan reported on the master plan amendments and the hotel/transient ordinance revisions. Sid Williams' letter requesting an extension of his special use permit was noted. Mr. Sullivan indicated it is allowed and that he will send him a letter informing him of its extension.

H-2. FUTURE COMMISSION ITEMS AND DATES (1-3165) - Public hearings will be held the end of October on the Titles 17 and 18 revisions. The public zone revisions will also be agendized for the October meeting. The October agenda appears to be moderate for the next meeting with ten to 12 items. Chairperson Horton requested the Commission keep the information related to Item G-1.

J. ADJOURNMENT (1-3205) - Commissioner Wipfli moved to adjourn. Chairperson Horton seconded the motion. Motion carried. Chairperson Horton adjourned the meeting at 6:30 p.m.

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1999. ARE SO APPROVED ON__October_27__,

____/s/_____

Vern Horton, Chairperson