A regularly scheduled meeting of the Carson City Regional Transportation Commission was held on Wednesday, October 27, 1999, at the Community Center Sierra Room, 851 East William Street, Carson City, Nevada, beginning at 3:30 p.m.

PRESENT: Chairperson Verne Horton, Vice Chairperson Allan Christianson, 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, Senior Engineer John Givlin, and Recording Secretary Katherine McLaughlin (R.P.C. 10/27/99 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 3:40 p.m. Roll call was taken. The entire Commission was present, constituting a quorum. Chairperson Horton lead the Pledge of Allegiance.

B. APPROVAL OF MINUTES - 12/2/98 AND 9/29/99 (1-0017 - Commissioner Wipfli moved to approve the Minutes as presented. Commissioner Mally seconded the motion. Motion carried 7-0.

C. PUBLIC COMMENTS (1-0025) - None.

D. MODIFICATIONS TO THE AGENDA (1-0035) - Community Development Director Walter Sullivan explained Carol Dotson's letter requesting a continuance of Item G-9. Staff also requested a continuance of Item G-4. Action on the continuances will be considered when the items are reached on the agenda.

(1-0446) Chairperson Horton announced that the Commission had received a letter requesting a continuance of Item G-9 for Sierra Pacific and that no testimony may be heard on this item.

E. DISCLOSURES (1-0064) - None.

F. CONSENT AGENDA (1-0087)

F-1. D-99/00-1 - DISCUSSION AND ACTION ON A REQUEST FROM CARSON CITY ON THE DEDICATION OF STREET RIGHT-OF-WAY

F-2. U-98/99-24 - DISCUSSION AND ACTION ON THE ANNUAL REVIEW OF A PREVIOUSLY APPROVED SPECIAL USE PERMIT APPLICATION FROM ANNE MARIE CARDINAL

F-3. U-98/99-61 - DISCUSSION AND ACTION ON AN ANNUAL REVIEW OF A PREVIOUSLY APPROVED SPECIAL USE PERMIT APPLICATION FROM BOB MCFADDEN

F-4. A-98/99-2 - DISCUSSION AND ACTION ON POTENTIAL AMENDMENTS TO THE PUBLIC ZONING DISTRICT - None of the Items were pulled for discussion. Commissioner Rogers moved to approve the Consent Agenda Items F-1 through F-4 as presented by staff. Commissioner Christianson seconded the motion. Motion carried 7-0.

G. PUBLIC HEARING (1-0087)

G-1. V-96/97-4 - DISCUSSION AND ACTION ON THE ANNUAL REVIEW OF A PREVIOUSLY APPROVED VARIANCE FOR BRIAN SMITH - Community Development Director Walter Sullivan, Carson Nugget General Manager and Executive Vice President Brian Smith - Mr. Smith explained the attempts to obtain assistance with the mitigation of the contamination and the lack of response from Shell Oil

Company. Reasons for requesting an annual review rather than the previous six month review were also noted. Discussion with the Commission described the landscaping and its success. Public testimony was solicited but none given. Commissioner Wipfli moved to approve a request from the Carson Nugget granting an extension of V-96/97-4, a variance from landscaping requirements on property zoned Downtown Commercial located at 617 North Carson Street, APN 4-263-01, subject to the original seven conditions of approval and amending Condition No. 6 to require that a report be submitted to the Community Development Department if soil remediation conditions change and that a report be submitted no later than October 2000 by a qualified engineer updating the status of the soil remediation required by Federal EPA standards. Commissioner Mally seconded the motion. Motion carried 7-0.

G-2. U-99/00-16 - DISCUSSION AND ACTION ON A SPECIAL USE PERMIT APPLICATION FROM LAVON SOLLBERGER (1-0188) - Mr. Sullivan, Lavon Sollberger - Ms. Sollberger indicated there would be no signage and explained her reasons for wishing to have a child care center in her home. She acknowledged the letter of opposition and explained her knowledge of the amount of time the adjacent neighbor, the McCartys, reside in their home inferring that they are away the majority of the time. She intended to take care of four children ranging in age from infant to six years in addition to her own two children. The noise generated would be the normal child noises heard throughout the neighborhood and should not pose a problem. The driveway had been expanded to allow additional parking. The camp trailer will be placed in the garage. Two vehicles can park in the driveway. She felt that there is adequate parking available with the on-street parking in front of her home. Public testimony was solicited but none given. Commissioner Mally moved to approve U-99/00-16, a special use permit request from Lavon and Patrick Sollberger to allow a child care facility, accessory to a primary residential use, for a maximum of six children in a Single Family 21,000-Planned Unit Development zoning district located at 4141 Spring Drive, APN 8-873-20, based on seven findings and subject to nine 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 6-1 with Commissioner Christianson voting Naye.

G-3. L-99/00-1 - DISCUSSION AND ACTION REGARDING A REQUEST TO APPROVE A LAND DIVISION MAP FROM JACK RANDELL (1-0298) - Mr. Sullivan, Jack Randell, Jerry Levon - Discussion between Mr. Sullivan and the Commission explained the size of the parcels and the parcel/subdivision process. The minimum lot size allowed in an agricultural zone is ten acres. A majority of the property is within the FEMA designated A flood zone which also impacts the development. The developer would have two years to comply with the tentative map conditions and finalize the map. Reasons for restricting the life of tentative maps were noted. Mr. Randall introduced property owners Bob Anderson and Kae Jarrard who were present. James Jarrard was out of town and unable to attend the meeting. The house referenced is the staff report is not on the parcel. They had read the staff report and concurred with the conditions. Public testimony was solicited. Mr. Levon questioned whether access to and the road along the Mexican Ditch would be maintained. This road is used by the public as a Parks' hiking/bicycle trail. Additional public testimony was solicited but none given. Mr. Randell apologized if the road was not shown on the map. He felt that the easement along the Mexican Ditch was for maintenance of the ditch and public uses. The trail will be continued through the property. There is no need to close the road. Additional public testimony was solicited but none given. Commissioner Rogers moved to approve L-99/00-1, a land division map for the division of land into large parcels for the Donald and William M. Anderson Trust, based on one finding and subject to eight conditions of approval contained in the staff report. Commissioner Christianson seconded the motion. Motion carried 7-0.

G-4. A-99/00-1 - DISCUSSION AND ACTION ON AMENDMENTS TO CARSON CITY MUNICIPAL CODE SECTION 18.02 (1-0485) - Mr. Sullivan requested continuance of this item to the special meeting scheduled for November 4. Commissioner Wipfli moved to continue Item G-4 to the next scheduled meeting as requested by staff. Commissioner Mally seconded the motion. Motion carried 7-0.

G-8. U-99/00-13 - DISCUSSION AND ACTION ON A SPECIAL USE PERMIT APPLICATION FROM DICK MILLS, PICK-N-PULL (1-0502) - Senior Planner Juan Guzman, Health Director Daren Winkelman, Community Development Director Walter Sullivan, Deputy District Attorney Neil Rombardo, Applicant's Representatives Carol Dotson and Glen Martel from Lumos and Associates, Margie Brown, and James Parker - Mr. Guzman's introduction referenced a letter of opposition which he had purportedly received but was not contained in the packet. The correspondent opposed the project due to the feeling that it would create a bad impression for the entrance to Carson City. Character letters had also been received and copies provided to the Board and Clerk. (Copies are in the file.) Discussion noted the colors of a storage facility located in the vicinity and questioned the colors proposed for the facility. Discussion also explained the type of uses allowed on the BLM property adjacent to the area including those portions currently being used by Carson City, the surrounding general industrial/commercial uses, the amount of screening which could be provided, the Board's consideration and direction on the temporary septic vault system, the period of time it would be allowed to remain in use, the need for the system to have a sunset date, the lack of knowledge as to when this date should be, Condition 16 mandating a noise report, and the project's ability to further the master plan goals. Mr. Sullivan requested Condition 6 be modified to remove the requirement that the approval be based on direction provided by the Board of Supervisors on October 21st as this had already occurred. Mr. Sullivan read Conditions 7 through 16 and explained the reasons for them. Mr. Sullivan cautioned the Commission to base their decision of approval or denial on CCMC 18.02.062, findings of fact.

Mr. Rombardo read CCMC 18.02.062 Subsection 5 delineating the necessity for the Commission to make a finding based on the preponderance of evidence before approving the application.

Additional discussion occurred between the Commission and Mr. Winkelman on Condition 6 and the need to clearly designate that the vault is a temporary solution, the time when the applicants will be required to connect to the sewerline, and various amendments to it. Commissioner Rogers suggested that the term temporary be defined as "until the period when the City is ready to have the connection made". Clarification indicated that Pick-N-Pull would be required to maintain the policies regarding prohibiting vehicular work in the exterior parking lot and leaving children unsupervised in vehicles for the lifetime of the special use permit. Discussion explained that when the master plan service area is redefined and the area falls within the new definition, the City sewerline extension program will be followed. This will determine when the site must be connected to the sewerline. The Code mandates connections when the line is within 400 feet or when a system fails. There are already numerous septic systems in the vicinity. Mr. Sullivan encouraged the Commission to leave Condition 6 as he had amended it. Based on the Board action, staff will continue to work with the applicant to determine a feasible alternative.

(1-1075) Ms. Dotson explained her tour of Pick-N-Pull facilities. There are 19 other facilities located in seven states with various land use applications. The firm's overall philosophy was noted. Aerial photographs displaying several of the locations were distributed to the Commission and briefly described. (These photos were returned to Ms. Dotson during the break which follows the motion.) The operation from acquisition through recycling was limned. Photographs illustrating the operations were also displayed. The average life of a vehicle at the site is 60 days. The site plan for the 13 acres, the surrounding uses, the access points, the parking lot, the landscaping/screening, the fencing, and the detention area were then explained. (1-1354) Mr. Martel described the proposed location of the V&T right-of-way. Ms. Dotson then delineated the building size, the bay sizes, its elevation which is 20 feet, its varying metal texture, the purpose of the doors and windows, its earth tone colors, its landscaping, and its lighting which will not be used at night. The facility includes a self-service bay, a full-service bay, and an area for removal of fluids, a recycling/storage area, and the crushing/removal area. Approximately 350 vehicles will be processed monthly. The self-service area requires 90 days turnaround time for the vehicles. The full-service area requires a 200 day turnaround time. Justification for the letters of support from other communities was provided including the benefits which she felt the communities had received from the operation.

(1-1500) Mr. Martel stipulated Pick-N-Pull's intent to connect to the sewerline as soon as possible after the line is extended to the area. The vault is merely a temporary solution. He then described the 50 foot difference in elevation from the front of the site to the rear. This is impossible to completely screen. For this reason efforts had been expended to "dress up the front" as much as possible and to buffer the adjacent neighbors within the easements on their parcels. Concerns with Condition 7 and the need to provide screening for the V&T and the proposed V&T right-of-way were explained. Discussions with Shelly Aldean and Norm Williams had included the potential of a berm with landscaping. The property owner and the applicant do not feel that it should be their problem to screen the V&T at this point due to the lack of knowledge on the route and the actual impact. The property owner felt that the V&T should be required to undertake the screening even though everyone supported the V&T and the economic benefits it would provide the community. Trees were not proposed for the entire perimeter. They would be placed 1,000 feet back along the northern and southern boundaries and heavily along the NDOT right-of-way. The vertical and horizontal changes to the building has adequately addressed Condition 9. Wainscoting could be used to further breakup the line if the Commission so desired. He did not believe that there would be two extreme slopes required in grading. There is a 50 foot elevation but final grading could not be determined until later in the process which created problems with Condition 13. The eight foot solid metal fence is 100 percent sight obscuring. At the Sparks site, the vehicles for recycling reach a height of 16 foot by the end of each month. The vehicles may remain longer if prices fluctuate. Condition 15, therefore, needed to be reconsidered. The crusher is 16 feet tall and will be seen above the fence. The vehicles are to be stacked to the east of the easterly building where all of the processing occurs. It is located back approximately 1200 feet, which is where the vehicles are to be stacked. A noise study could be conducted of the Sparks' crusher if so desired. The hours of operation are from "6 a.m. to 8 p.m. in the summer on Saturdays". The crusher operates two to four hours a day. He agreed that the wording of Condition 11 was "interesting". Pick-N-Pull intends to prohibit repairs on site in the parking lot and leaving children in vehicles. This is their policy. Due to safety concerns, they will guard against these occurrences. It may be possible, however, for it to happen as an oversight. The "holding tank" will be discussed further with Development Services Manager Azad and the State. Discussion with the Commission indicated the crusher is a continuance pressure, hydraulic operation. There is no pounding. Motion detector lighting is used in the yard at night. Continuous lighting is not used. A full-time guard is not employed. The eight foot fence was established by the need for security. The BLM building on Deer Run Road was cited as an illustration of the difficulty to obscure the entire site due to the topography. It has a six foot sight obscuring fence, however, the road overlooks the warehouse area. The air conditioning equipment on the building is screened. Clarification reiterated that the entire perimeter would not be landscaped and the V&T landscaping will be considered in the future. The remainder will be the responsibility of the adjacent property owner when his/her parcel(s) are developed. Mr. Martel felt that a compromise would be reached between the V&T engineers and Pick-N-Pull on the landscaping. He agreed that Lumos and Associates is one of the engineers for the V&T.

(1-1750) Public testimony was solicited. Ms. Brown explained her ownership of ABC Heating, the changes experienced in the neighborhood during that period, and the improvements along Highway 395 which have occurred and were felt to be positive changes. She did not feel that Pick-N-Pull belonged on a "main road". Pick-N-Pull could not screen the site effectively. Her personal experience with Pick-N-Pull and tour of the Sparks site were described. Her safety concerns with turning highway movements were noted. She hoped that the Commission would deny the special use permit.

Following Mr. Martel's description of the grading and landscaping on the southern parcel and its easement, Mr. Parker indicated that there is no easement there. Ms. Dotson indicated that they had been told that the easement existed. The applicant had indicated that if the easement is not there, the landscaping will be placed on his parcel and not encroach on Mr. Parker's property. Mr. Parker indicated that there had been discussions concerning this concept, however, he had never agreed. Additional public testimony was solicited but none given.

Mr. Martel then stipulated that only if the slope easement does exists will construciton upon it occur. There will be no encroachment onto Mr. Parkers property unless the easement exists. The slope will be maintained on the Pick-N-Pull site. Ms. Dotson indicated that the same landscaping plan would be used.

Commissioner Mally moved to approve U-99/00-13, a special use permit by Dick Mills, Pick-N-Pull, property owner: John Serpa, an auto dismantling and recycling facility within property zoned General Industrial, GI, consisting of approximately 13 acres within APNs 8-611-16, 8-611-17, 18, and 19 and a portion of 8-911-03 based on seven findings and subject to 16 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. Following a request for clarification, Commissioner Mally amended his motion to include deletion of the last sentence in Condition 6. Commissioner Wipfli concurred. Motion was voted and carried 7-0. (Commissioner Christianson stepped from the room at 5:32 p.m. A quorum was still present.)

G-9. U-99/00-17 - DISCUSSION AND ACTION ON A SPECIAL USE PERMIT REQUEST

FROM SIERRA PACIFIC POWER COMPANY (1-1915) - Chairperson Horton explained Ms. Dotson's letter requesting a continuance to the November 16th meeting. Commissioner Rogers moved that Item G-9 be continued to the next general Planning Commission meeting. Mr. Sullivan explained that the next regularly scheduled meeting was tentatively scheduled for November 16. Commissioner Mally seconded the motion. (Commissioner Christianson returned--5:33 p.m. The entire Commission was present constituting a quorum.) Following discussion, Commissioner Rogers amended his motion to continue the item to the next regularly scheduled meeting. Commissioner Mally concurred. Motion carried 7-0.

BREAK: A recess was declared at 5:35 p.m. Chairperson Horton reconvened the meeting at 5:50 p.m. The entire Commission was present, constituting a quorum.

G-5. DISCUSSION, ACTION AND COMMENTS REGARDING A PRESENTATION BY ALAN ROGERS ON PARLIAMENTARY RULES OF ORDER (1-1971) - Commissioner Rogers cited examples of modifications which he felt would shorten the meetings and explained his reasons for recommending changing the By-Law reference to Roberts' Rules of Order. He suggested a definition of a motion to continue be developed and included in the By-Laws as Roberts' Rules fails to establish a procedure for continuances. The Commission purportedly uses only four or five, counting the motion to continue, motions. Those motions could be defined within the By-Laws procedures and not require modifying the current procedures. Questions could then be referred to the By-Laws. The Chairperson could be authorized under these revisions to establish procedures. If no objections are posed by the Commission, the Chairperson's ruling would stand. Challenges would be handled by a majority vote of the Commission. A majority would over-rule the Chairperson and establish the procedure. Public participation would be allowed as had always occurred. Under Commissioner Rogers suggestion two or three pages would be added to the By-Law procedures which would spell out how meetings would be conducted. This would eliminate the need to keep a copy of Roberts' Rules on hand. The process would not violate State Statutes or the Municipal Code. A statement to this effect could be included in the By-Laws. He then suggested that a procedure be developed which would allow amendments to motions, establish committees, and that a majority rules. The pros and cons of his suggestions were discussed. Any motions not covered by the five Commissioner Rogers had listed could be covered under the "main" motion which fit a category for anything that is required. He then indicated that under the five categories there would be subcategories which would be included under the main category heading. Under this process the Chairperson would then indicate that this is the procedure to be followed. He felt that elimination of the second would shorten the meeting as it allows discussion to occur immediately after the motion is made. All items must close with a positive vote. If a motion is denied, a second motion must be made which should be made by an individual on the majority side. Discussion pointed out that a motion is not official until recognized by the Chair. If the majority of the Commission supports the motion, they would have to over-ride the Chair's failure to accept the motion and force a vote on the motion. This process is called a "vote to over-ride". The Chair has the ability to determine that the motion is out of order or indicate that he/she does not recognize the motion and would call for a new motion unless over-ridden. Mr. Rombardo indicated a desire to verify the Board of Supervisors' procedures due to a general rule mandating that their rules will be followed. Chairperson Horton indicated that a vote would not be taken on the proposal due to a desire to allow Commissioner Rogers to continue to refine the proposal. Mr. Sullivan suggested that Commissioner Rogers, Mr. Rombardo, and he meet, review the revisions, and develop a draft of the revised By-Laws. He supported the positive motion requirement. Discussion ensued on a desire to reduce the length of the motions when a lot of parcels and addresses are included. Board procedures in such instances were described. Chairperson Horton felt that they should be read at some point during the discussion by someone either in the introduction or during the motion. Discussion ensued concerning the need for a motion of continuance. The pros and cons of having a second were reiterated. Commissioner Rogers then indicated that all of his suggestions had not been in the Roberts' Rules but had followed the Commission's established procedures which he felt should be in the By-Laws. Commissioner Sedway commended Commissioner Rogers on his efforts. No formal action was taken or required.

G-6. M-99/00-4 - DISCUSSION AND ACTION ON REVISIONS TO THE BY-LAWS OF THE REGIONAL PLANNING COMMISSION (1-2530) - Mr. Sullivan suggested the Commission's name be revised to Planning Commission in compliance with the Statutes. This eliminates the word "Regional" from the title. Housekeeping revisions were described. Justification for revising the monthly meeting schedule when holidays fall during the last week of the month amended the By-Laws to indicate that the meeting will be held the week before. Discussion indicated that a meeting must be held each month and could, therefore, not be held during the following week. Discussion explored several alternatives to the revised language and whether the meeting requirement would be violated if a meeting is agendized and the intent is to conduct same, however, circumstances prevent its occurrence. Mr. Sullivan requested action on the suggested revisions and consideration of Commissioner Rogers revisions in December or January. (Commissioner Christianson left the meeting during the following discussion. A quorum was still present.) Discussion explained the current procedure for appointing a Chairperson Pro-Temore. Commissioner Rogers added to Section E. 4. the ability of the Chair or Vice Chair to appoint a Chair Pro-Tem if the Chair or Vice are required to leave the room. Mr. Sullivan indicated this could be added during the next revision(s). Mr. Sullivan continued his explanation of the revisions. Additional work will be undertaken on Section 5. The need to adjourn by a vote was discussed. Additional discussion occurred on the reasons for requiring action on a request for a continuance. Discussion explored the term "lobbying" and when it should be disclosed. The term is to be discussed further when the revisions are reconsidered. Commissioner Rogers suggested that the disclosure requirement also be included under the Code of Ethics Section. This item is to be included in the next revision. Commissioner Rogers moved to adopt the changes to the Carson City Planning Commission By-Laws as listed in the staff report and, following discussion with Mr. Sullivan regarding the revisions, as underlined and bracketed items are shown in the staff report with the exception of Section II Paragraph A on Page 3 under regular meetings it shall say: "unless otherwise agreed upon by the Commission and pursuant to NRS 278.050 the Commission may hold its regular meeting on the last Wednesday of each calendar month" He then expressed a willingness to insert the word typically between May and hold and that this was the only amendment which had been made to the staff report. Commissioner Wipfli seconded the motion. Motion carried 6-0-1 with Commissioner Christianson absent.

G-7. DISCUSSION AND ACTION ON THE REGIONAL PLANNING COMMISSION'S NOVEMBER AND DECEMBER 1999 MEETING DATES (1-3387) - Mr. Sullivan explained the proposed meeting dates, locations, and times. Comments indicated a desire to have the meeting televised and a need to have a larger facility than that suggested for the November 16th meeting. Commissioner Rogers moved that the Commission schedule its December meeting on December 20 and that the Commission direct staff to determine the schedule of the Sierra Room and notify the Chairperson of its available dates so that our November meeting could be in this room which will be approved by the individual members when staff contacts them about the date and that the date be sometime during the week prior to Thanksgiving week. Commissioner Mally seconded the motion. Motion carried 6-0-1 with Commissioner Christianson absent.

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

H-1. STAFF BRIEFING ON THE STATUS OF COMMISSION RECOMMENDATIONS TO THE BOARD OF SUPERVISORS AND CORRESPONDENCE TO THE COMMISSION (1-3515) (1-3542) - Mr. Sullivan indicated the Commission had received all of the correspondence prior to the meeting. The Virginia Orcutt change of zoning request had been approved on first reading. Second reading will be on November 4. The resolutions of commendation for Tara Hullinger and Kathy Lawrence had been approved. Discussion explained that a letter had been sent to the Army Corps of Engineers requesting removal of the Commission and Department from its mailing list. The wetland duties have been assigned to Development Engineering and the Utility Departments. Purportedly "everyone in the City receives these documents".

H-2. FUTURE COMMISSION ITEMS AND DATES (1-3542) - None.

I. ADJOURNMENT (1-3575) - Commissioner Sedway moved to adjourn. Commissioner Wipfli seconded the motion. Motion carried 6-0. Chairperson Horton adjourned the meeting at 6:55 p.m.

The Minutes of the October 27, 1999, Carson City Regional Planning Commission meeting

ARE SO APPROVED ON__November_22__, 1999.

_/s/_______________________________________

Verne Horton, Chairperson