

CARSON CITY REGIONAL PLANNING COMMISSION
Minutes of the Special May 14, 1997, Meeting
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A special meeting of the Carson City Regional Planning Commission was held on Wednesday, May 14, 1997, at the Community Center Sierra Room, 851 East William Street, Carson City, Nevada, beginning at 6 p.m.

PRESENT: Chairperson Verne Horton, Vice Chairperson Alan Rogers, and
Commissioners Allan Christianson, William Mally, Archie Pozzi,
and Richard Wipfli

STAFF PRESENT: Community Development Director Walter Sullivan, Utilities
Director Dorothy Timian-Palmer, Deputy Utilities Director
Jay Ahrens, Health Officer Daren Winkelman, Deputy District Attorney
Mark Forsberg, Senior Planner Sandra Danforth, Assistant Fire Chief Steven Mihelic, Senior Engineer John Givlin, Associate Planner Tara Hullinger, and Recording Secretary Katherine McLaughlin (P.C. 5/14/97 Tape 1-0001.5)

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 6:03 p.m. Roll call was taken. A quorum was present although Commissioners Rogers and Christianson had not yet arrived and Commissioner Uhart was absent. Chairperson Horton lead the Pledge of Allegiance.

B. PUBLIC COMMENTS (1-0010.5) - None. (Commissioner Christianson arrived at this point--6:08 p.m. A quorum was present as indicated.)

C. MODIFICATIONS TO THE AGENDA (1-0015.5) - None.

D. PUBLIC HEARINGS (1-0018.5)

D-1. U-96/97-51 - DISCUSSION AND POSSIBLE ACTION ON A SPECIAL USE PERMIT APPLICATION FROM THE STATE PUBLIC WORKS BOARD (1-0025.5) - Senior Planner Sandra Danforth, State Public Works Board Administrator, Division of Museums and History Representative Greg Corbin - Mr. Corbin indicated he did not have any questions or statements to make. He felt that all of the concerns had been resolved. Fire sprinklers will be installed in the existing building. Public testimony was solicited but none given. Commissioner Mally moved that the Planning Commission approve U-96/97-51, for the State of Nevada State Lands Division, an addition to an existing structure on Public zoned property, 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 or Board by the applicant may be considered as further stipulations or conditions of approval on this application. Commissioner Pozzi seconded the motion. Motion carried 5-0.

D-2. U-96/97-53 - DISCUSSION AND POSSIBLE ACTION ON A SPECIAL USE PERMIT APPLICATION FROM EL AERO SERVICES (1-0092.5) - Associate Planner Tara Hullinger, Applicant's Representative Glen Martel, Carson City Airport Authority Member George Weeks and Chairperson Neil Weaver, Deputy District Attorney Mark Forsberg, Assistant Fire Chief Steve Mihelic - During Ms. Hullinger's introduction, Commissioner Rogers arrived--6:12 p.m. (A quorum was present as previously indicated.) Mr. Martel used a copy of the airport plot plan to illustrate the location and explain the application. He indicated that the applicant does not have any problems with the conditions recommended by staff. He had meet with Assistant Fire Chief Mihelic and developed a fuel containment plan which Environmental Control Manager Ken Arnold and EPA Representative Robert Saunders purportedly supported.

(1-0172.5) Public testimony was then solicited. Mr. Weeks opposed the application. The application had

purportedly been submitted to the Commission without a review by the Authority. The Authority had originally opposed the application based primarily on the lack of adequate information which the applicant had been requested to submit. The site plan and the proposed property lease were among the missing documents. Concerns with the sublease were delineated. The proposed site has an underground storage tank which must be removed due to environmental concerns. When the tank is removed any environmental contamination must be mitigated. The date when an above-ground fueling facility could be constructed has yet to be determined. The proposed site is in front of the terminal and restaurant. The Authority leased an adjacent site to another FBO who is constructing an above-ground fueling facility. The Authority did not feel that a second above ground fueling station was necessary at this time in this vicinity. The Airport Master Plan indicates the area should become a terminal ramp, therefore, the proposed use is inappropriate. He felt that El Aero was circumventing the Airport Authority and violating the terms of its contract. The application for a special use permit is premature until it is determined whether there is underground contamination. The Commission's action on the permit would prohibit the Airport Authority from exercising its authority to control construction and operation of the airport and could even violate the NRS. The District Attorney's opinion concern the vote by Authority Chairperson Weaver should be ignored until the legal issue proves otherwise.

(1-0266.5) Airport Authority Chairperson Weaver indicated he was testifying reluctantly. He recapped the Authority's involvement with the application. The original application had only vaguely referenced the proposed site. Tangible plans were not provided. Therefore, the Authority had denied the application and forwarded it to the Commission. He then explained that a written lease between El Aero and Tiffany Productions does not exist. Efforts to determine the type and criteria needed to determine the feasibility of the application were described. The lack of this information further frustrated their attempts to determine the safety issues, whether services could be provided to the site, the actual site proposed for the facility, etc. An attempt had been made to meet with the applicant and discuss other alternatives. Conflicts between different portions of the Airport Master Plan and how staff had interpreted those pages were noted. He felt that the Commission would approve the application and that the entire issue had already been approved. It was a "done deal". A second fueling facility is needed, however, not at the proposed site. Competition would be the best thing for the airport. He felt that the community would not be well served if the Commission allows the applicant to circumvent the Authority. He urged the Commission to return the proposal to the Authority. Discussion indicated that there is no conclusive information as to whether the underground tank is leaking. It will take approximately one year to monitor the site before it will be determine whether it is contaminated. If a leak has occurred, it may be several years before a tank could be constructed. Clarification indicated the Authority was not opposed to having a second fueling facility but only to the location. El Aero has one of the largest leases at the airport but a different site could not be found. The Master Plan is ten years old and needs to be reconsidered. UPS has indicated a desire to bring larger planes into the airport. The runway could handle larger airplanes, however, the taxiways and ramps cannot. Large aircraft cannot be maneuvered around some of the current operations. Development at the airport is now being located on the north side due to aforementioned problem on the south side. Safety concerns with the proposed site were reiterated. He questioned whether a fueling facility should be located in front of the terminal. He felt that to continue to violate and change the Master Plan would jeopardize the FAA grants. These grants had been the backbone of the airport and had provided funding for expansion and infrastructure. FAA may not give the airport funds for commissioning a new Master Plan.

Commissioner Christianson indicated that this places the Commission in the middle of a quandary as to whom to believe--staff or the Airport Authority. Chairperson Weaver explained his reasons for feeling that until the airport grows to an adequate size there would always be conflict of interest votes. He felt that his vote had been based upon a document drafted to meet the public interest.

(1-0501.5) Commissioner Rogers then explained his review of the Master Plan indicates that there has been "consistent inconsistency" with it. The entire issue is one of "competition". The Commission is not an airport planner. He felt that the proposed site was less of a hazard than having two separate sites. A spill would occur regardless of the site. Precautions could mitigate the spill regardless of the location. The conflict is over whether to have a centralized site or a distributed site for fueling. The proposal would support the centralized concept which the infrastructure argument also supported. He did not feel that it was the Commission's job to make a decision on the legal issues. The Commission should only consider the land use issues based upon the application as submitted. The legal issues should be addressed at a different level.

Additional public comments were solicited but none given.

(1-0550.5) Mr. Forsberg indicated that there is a lease for a fueling station at the proposed site. Tiffany Production has a lease with the Airport Authority which allows it to have a fueling station on the site. The lease also creates an obligation for Tiffany Production to provide fuel at the airport. The problem is that the City must remove the underground fuel tanks as required by Federal laws. This eliminates a portion of Tiffany Production's lease. He then explained the conflict of interest issue as Mr. Weaver will soon provide fuel at the airport in direct competition to this applicant. He was not attempting to indicate to the contrary that Mr. Weaver had anything other than the best interest of the airport in his heart. The Carson City Code of Ethics prohibits a individual from participating in such items. Also, the pending lawsuit on another issue is not binding on this application, however, that lawsuit had been based upon action taken by both the Airport Authority and the Commission as separate entities to deny a project. The Commission had acted as recommended by the Authority when it took this action on that project.

Discussion ensued on jurisdictional authority over the airport. Mr. Forsberg indicated that the Airport Authority has the power to make recommendations to the Commission. The Commission is not bound by those recommendations. This is the same as the Board of Supervisor's review of the Commission's recommendations. He did not feel that the issue raised regarding this issue was relevant to the Commission's consideration. He also felt that the suggestion that City staff had considered the issue unobjectively and that it is a "done deal" is incorrect. Staff had done an excellent job analyzing the issues. There had been a great deal of difficulty in making the recommendations due to all of the interests involved. Staff's report is a well thought-out, unbiased, and careful discussion of all of the issues.

(1-0645.5) Discussion between Mr. Forsberg and Commissioner Mally indicated that the ground would be tested for contamination. It could take years before construction is allowed particularly if there is contamination. An above ground fueling facility could be constructed if there is no contamination.

Assistant Fire Chief Mihelic explained the testing program. It is possible to have contaminated ground with an above-ground fueling facility as proposed. The contamination would continue to be mitigated. This is occurring at other sites in Carson City. Temporary structures are installed which allow both operations to occur. It is a business decision which must be considered when contamination is discovered. If you have enough money, the problem can be fixed.

Supervisor Wipfli moved to approve U-96/97-53, a special use permit request from El Aero, Carson City property owner, to allow a self-service aircraft fueling station located at the Carson City Airport, Assessor's Parcel Number 8-133-07, based on seven findings and subject to eight 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 Mally seconded the motion. Motion was voted and carried 6-0. Ms. Hullinger briefly described the appeal process.

D-3. MPE-96/97-1 - DISCUSSION AND POSSIBLE ACTION ON A REQUEST FROM CARSON CITY TO ADOPT THE 1997 MASTER PLAN HOUSING ELEMENT (1-0725.5) - Community Development Director Walter Sullivan and Vasey Engineer Consultant Andy Burnham - Mr. Burnham indicated that the revisions requested during the April meeting had been made. The plan is doable. He supported the Builders' recommendation that the plan be implemented and not "shelved". The next phase of implementation included a thorough review of the ordinances. Public comments were solicited but none given. Commissioner Mally moved that the Planning Commission adopt Resolution No. 1997-5C-2, a resolution of the Carson City Regional Planning Commission approving MPE-96/97-1, the adoption of the Carson City Housing Plan as an element of the Carson City Master Plan. Commissioners Pozzi and Wipfli seconded the motion. Following discussion, Commissioner Mally corrected the Resolution No. to be 1997-PC-2. Commissioners Pozzi and Wipfli continued their seconds. Mr. Sullivan corrected the Resolution on Page 2, Line 13, to indicate that there had been four public hearings on the element--January 15, February 26, April 16, and April 30--and that Page 2, Line 16 be corrected to indicate the date of May 14 and Line 27 to also be May 14. Commissioner Mally agreed to include these revisions in his motion. Commissioners Wipfli and Pozzi seconded the amendment. The motion was voted and carried 6-0.

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RECESS THE REGIONAL PLANNING COMMISSION (1-0890.5) - There being no other matters for consideration as the Regional Planning Commission, Chairperson Horton recessed the Regional Planning Commission and immediately convened the Growth Management Commission. (For this portion of the agenda please see the Growth Management Minutes for this date.)

RECONVENE THE REGIONAL PLANNING COMMISSION - The Growth Management Commission was recessed at 7:29 p.m. and the Regional Planning Commission was immediately reconvened. (A quorum of the Planning Commission was present as indicated.)

E. ADJOURNMENT - Commissioner Christianson moved to adjourn. Commissioners Wipfli and Pozzi seconded the motion. Motion carried 6-0. Chairperson Horton adjourned the meeting at 7:30 p.m.

The Minutes of the Special May 14, 1997, Carson City Regional Planning Commission meeting

A R E S O A P P R O V E D

ON ____August_27____, 1997.

____/s/____

Verne Horton, Chairperson