



Carson City Planning Division

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MEMORANDUM

Board of Supervisors Meeting of April 4, 2019

TO: Board of Supervisors **LATE MATERIAL**

FROM: Heather Ferris, Associate Planner **Meeting Date: 04/04/19**
Item #: 20

DATE: April 3, 2019

SUBJECT: Appeal of the Planning Commission's approval of a Special Use Permit (SUP-18-181) for an extended stay (maximum 180 days) RV park on property zoned Tourist Commercial (TC), located at 1400 Old Hot Springs Road, APN: 008-123-40.

On April 2, 2019 the Planning Division received the attached letter from the appellant, citing additional specific issues that were not addressed in their original letter of appeal and therefore were not addressed in the staff report provided in your packet. Below staff offers a response to issues raised in the attached letter.

1. Airport Safety:

Staff comments: The appellant notes the Carson City Airport Authority's issues with the 2016 proposal. The 2016 proposal was withdrawn. The current application, SUP-18-181, has also been reviewed by the Airport Authority. Staff worked with the Airport Manager, Ken Moen to incorporate conditions of approval that will help to mitigate safety concerns related to the airport. The Planning Commission's approved Conditions of Approval include two opportunities for notifying guests of their proximity to the airport and potential for low flying aircraft and associated noise. Conditions related to the airport include requirements for **(1)** an FAA Form 7460-1 review which provides the FAA with notice of the proposed project and gives them an opportunity to review the project for obstructions and other hazards (Condition 24); **(2)** the recordation of an avigation and noise easement in favor of the airport (Condition 25); **(3)** installation of signage notifying the guests of the proximity to the airport and the potential for low flying aircraft and associated noise (Condition 26); **(4)** implementation of a notification process for all guests notifying them of the proximity to the airport and associated noise, requiring guests to sign an acknowledgment of the notification (Condition 30); and **(5)** submittal of a refuse and disposal plan for review and approval by the Airport Manager, to mitigate potential for an increase in bird population on-site and the possibility of bird strikes (Condition 16).

2. Residential Use:

Staff comments: Pursuant to Carson City Municipal Code (CCMC) 18.04.140, a Recreational Vehicle Park is an allowed use in the Tourist Commercial zoning district with a maximum stay of 30 days, subject to completing a Major Project Review. Additionally, all requirements of CCMC 18.09.050 *RV Park Requirements* must be met. The permitted density of an RV park cannot exceed 30 RV sites per acre. The project site is 38.61 acres. Therefore, with 277 RV spaces, the total density is 7.17 spaces per acre which is well below the allowed maximum.

RV Parks with maximum stays of 180 days require review and approval of a Special Use Permit. Per CCMC a 180 day stay is considered transient for the purposes of land use. “*Transient dwelling purposes*” is defined as “*the continual rental of an RV space or spaces to the same person for a period not to exceed 28 days (short-term) or 180 days (extended stay).*”

There was discussion at the Planning Commission meeting about the difficulties of enforcing time limits in RV parks. It was noted that the majority (if not all) of the existing RV parks are “grandfathered” regarding long-term stays, i.e. they were in existence before time limits were imposed by the Carson City Municipal Code and may continue to operate as long-term stay RV parks.

Staff acknowledges that there is currently not a comprehensive Code Enforcement program to monitor length of stays in various transient occupancy facilities around the City. However, it does not prevent enforcement in the future should there be complaints regarding a particular establishment or if other problems related to the length of stay are identified by Code Enforcement staff. The question of whether or not the City currently has the capacity to provide citywide enforcement regarding this issue is not a valid reason for denying the permit. The Special Use Permit application is specifically to extend the permitted stay from 30 days up to 180 days. If tenants stay longer, that would be a violation of the Special Use Permit and would make the Special Use Permit subject to revocation by the Planning Commission. It is no more difficult to enforce a 180-day limit than a 30-day limit.

a. Transient occupancy tax

Staff comments: The RV park will have to comply with City code requirements to pay transient lodging tax, as applicable or not, and as may be amended by the Carson City Board of Supervisors over time (Condition 31). This means, generally, for shorter stays 28 days or less, where the Transient Occupancy Tax should apply, the operator is required to collect the tax. For longer stays, longer than 28 days, the tax would not apply.

3. Planning Commission:

Staff comments: A copy of the minutes from the January 30, 2019 Planning Commission meeting are included in your packets, beginning on page 680.

4. Water:

Staff comments: The Special Use Permit includes a condition of approval, Condition 2, requiring approval of Growth Management application GM-18-190. The Growth Management Commission approved the Growth Management application on January 30, 2019 as well. The decision on the Growth Management application was not appealed and therefore cannot be considered by the Board of Supervisors. Approval of the Growth Management application would also be required in the event this is RV park was intended for a maximum of a 30 day stay.

5. Zoning

Staff comments: There has not been a recent action to change the zoning on this parcel. City records show the zoning of the subject property as Tourist Commercial (TC) going back to 1977. As the name of the zoning district implies, it allows a range of uses, most of which are intended to attract tourists and allow associated commercial uses (see CCMC 18.04.140 for a complete list of uses).

During the last Master Plan update in 2004-2006, staff approached the property owner at that time to see if there was an alternative land use for the property that would be acceptable to the property owner. The property owner at the time was adamant that the Master Plan designation and zoning of the property remain the same for the future use of the property.

Regardless, the property is, in fact, currently zoned TC and the property owner is allowed to operate uses that are permitted within the TC zoning district.

An RV Park with stays of 30 days or less is a primary permitted use in the Tourist Commercial zoning district. A Special Use Permit is only required in the event the applicant wishes to offer extended stays (more than 30 days, up to a maximum of 180 days) to their guests. Therefore, the Planning Commission's approach to the review of this project was to evaluate the difference in the impact of the 30 day stays versus the extended stays. When considering issues such as traffic, noise, privacy for neighboring residents, proximity to the airport, etc. there is no additional impact of an extended stay RV Park beyond the impacts that would be realized with stays of 30 days or less.

RE: Sierra Skies RV Resort, SUP-18-181

Carson City Board of Supervisors:

We are writing because of our opposition to the SUP-18-181 approved on 1/30/19 by the Carson City Planning Commission authorizing an increase from 30 day stays to 180 day stays for guests at the proposed Sierra Skies RV Resort.

HISTORY Our neighborhood has fought for decades to bring reason and a priority on safety for the community to the discussion of the development of the parcel located just east of our homes where the proposed RV Park is planned to be built. Several of us have been in touch with the FAA and NDOT regarding our concerns that an RV park might be built on this parcel in the flight path of the Carson City Airport. Both agencies have confirmed that the density of the population at the RV Park combined with the amount of fuel, both propane and gasoline, that will be at the park are valid concerns that should be taken very seriously. Should there be a plane crash at the RV Park, the damage to people and property could be extensive, and this is without the extended stays that will serve to greatly increase the occupancy and density. They also stated that it is a local issue and up to the local authorities to act in the best interests of the public safety.

AIRPORT SAFETY In November of 2016, the Carson City Airport Authority Board addressed the extended stay issue at their meeting. Several pilots, including some on the board, stated that if a plane were having trouble, especially during takeoff, the parcel where the RV Park is proposed to be built is exactly where it would come down. At that time, they voted to support the neighborhood in its opposition to the extended stays. The developer withdrew that SUP application, but has re-applied.

Will the owner of the RV Park be disclosing this information to its residents?
How will the owner insure the residents will not be using drones during their stay?

RESIDENTIAL USE The planning commission voted 4-2 to increase guest stays from 30 to 180 days. We strongly disagree with this decision and believe this will only lead to people living at the RV Park as full time residents. According to the project designer, the guests can leave for one night and then come back in for another 180 days, essentially making it a high density residential use, which it is not zoned for and is not safe in the flight path of the airport. Guests could conceivably live in the RV Park for an indefinite period of time. Because of these extended stays, they will likely bring larger propane tanks, increasing the amount of fuel on site. This is very different from RV enthusiasts traveling, following the good weather and staying as tourists. In addition, room tax is only required for the first 28 days, so the residents will not have to pay room tax for the additional 152 nights for each 180 day stay. Contrary to the purpose of bringing tourists to town, the residents likely will not be spending as if on vacation at the local restaurants and other attractions, such as the casinos.

The developer of the RV project argues that the 180 day stays will draw high end "guests". We completely disagree. Allowing 180 day stays, which can be renewed indefinitely, will only encourage long-term residential use. At full capacity, there could be 277 RV's with many hundreds of residents. How can this residential use be allowed under the tourist/commercial zoning? It will also serve to increase the occupancy at the RV Park and the fuel stored there, consequently increasing the likelihood of danger should there be a plane crash.

How will "high end" be determined and the others be discriminated against?
Who will track how long extended stay residents are living at the park?
Will children of the extended stay residents be enrolled in local schools?

PLANNING COMMISSION In addition to our concerns over safety, we want to note that at the Planning Commission Meeting on 1/30/19, one commissioner stated her bias toward the developer, saying that he did good projects and she trusted him. She also said that when her family moved to Carson City, they lived in an RV Park, using it as their full-time residence. We believe that she not only recommended the developer to the other commissioners and attendees, but also approved of and encouraged the use of the Sierra Skies RV Park for *residential* use, even though the property is zoned tourist/commercial. We believe she influenced the commission vote and should have recused herself given her bias toward the developer and her own family's experience of using an RV park as a residence, which is exactly what our community is fighting against. Had she recused herself instead of encouraging the residential use as a good thing and vouching for the developer, the vote may have had a different result. **The statements made by the commissioner only serve to confirm our stance that this project, especially if extended stays are allowed, will become residential, high occupancy, high density, and not in accord with the zoning. Again, we are concerned about public safety and the proximity to the airport.**

How can the Planning Commission's vote be considered unbiased?

WATER In order to accommodate these extended stay, residential occupants, the RV Park has requested (approved?) an increase in water usage from the zoned amount of 15,500 gallons to 68,500 gallons per day (247 gallons per site), while Carson City residents are being told to conserve water, water their yards every other day and residents with wells have been asked to put meters on their wells.

ZONING According to long-time residents in our neighborhood, they were not notified when the tourist/commercial zoning was created for this property. It is hard to believe that the intention at the time was for the outcome to be a high occupancy, extended stay RV Park with large amounts of fuel in the flight path of the airport. Especially with the real outcome being high-density residential, not tourist/commercial. The neighbors who know the history of this property would have preferred it be zoned residential with 1+ acre lots, which would be lower density, but were not given the opportunity to weigh in. This may seem irrelevant, but not when you consider the history in this neighborhood of citizens trying to be reasonable and emphasize public safety.

NRS 40.215 #9: "Recreational vehicle park" means an area or tract of land where lots are rented or held out for rent to accommodate a recreational vehicle *overnight or for less than 3 months*.

In the end, it is as the FAA and NDOT both stated. It is up to the local authorities to consider what is best for the community and legal, given the protections zoning is designed to provide. Increasing the stays to 180 days is out of line with the zoning because it will establish *high-density residential use*. This is not in the best interests of the community, and puts public safety at risk.

We have repeatedly over many years made our concerns known, as the public record shows.

We appreciate your time and consideration in this matter.

Sincerely,

Sammy L. Lubert 1001 Markway ee

Orlanna 1097 Mark Way

Michael 1001 Mark Way

Mary M 1001 Mark Way

Carolyn Garrett 909 Mark Way

Julie Arroyo 749 Mark Way

Eric Antala 810 Mark Way CC 89706

Verge E. Antala 810 Mark Way

Jevannah Antala 810 Mark Way CC 89706

Kenneth W. Simon 750 Mark Way

Jean R. Seymour 750 MARK WAY CC NV 89706

Joseph Walker 4097 Louise Dr. C.L. 89706

CH 4097 Louise Dr C.C.NV 89706

Keeper Miller 2530 DANON RD, CANV 89707

John M. Proulx 4000 Louise Drive CC 8

Phillip Ware 969 Mark Way

Mary Ware 969 Mark Way

Jensen Ware 969 Mark Way

Robert Kells 980 MARK WAY

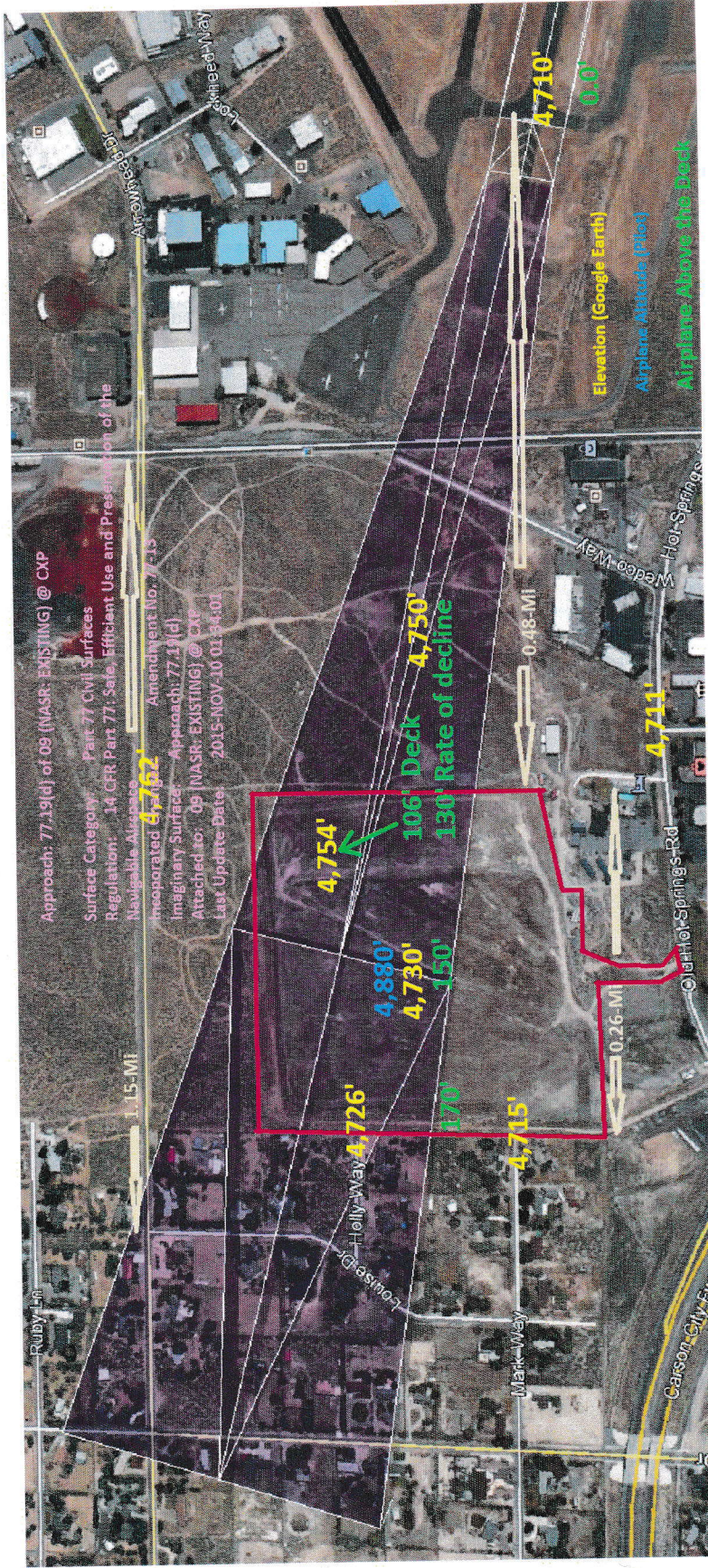
John Schi 1050 MARK WAY

Attached:
Crash zone diagram
Land use in zone

Alexandra Dattill 909 Mark Way
Rob M... 4097 Louise Dr.
Bruce K... 819 Mark Way
FA Johnson 1413 Louise Dr.

Item F6 Special Use Permit –
 File No. SUP-16-160
 November 30, 2016 Plan Commission Meeting Appeal
 Submitted Monday, December 12, 2016

Aerial view demonstrating implications for noise and safety:



Departure

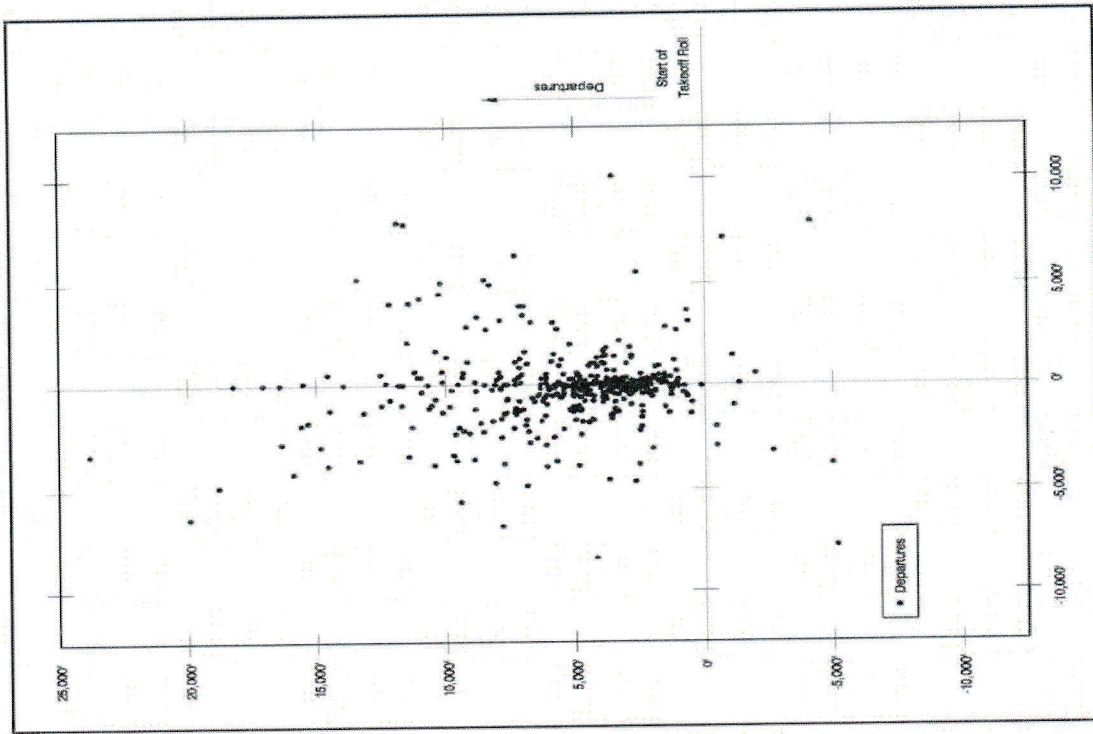


FIGURE E8
Departure Accidents

E-33

California Airport Land Use Planning Handbook

Note the cluster of accidents within one mile!

Arrival

E AIRCRAFT ACCIDENT CHARACTERISTICS

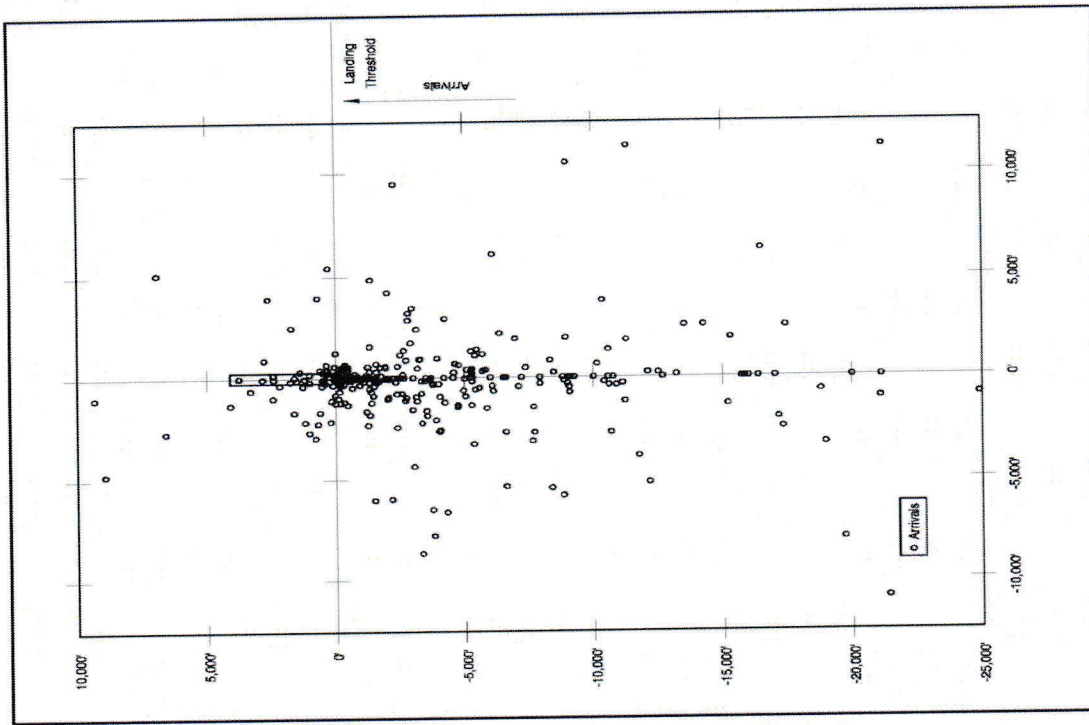


FIGURE E7
Arrival Accidents

Note the cluster of accidents within one mile!

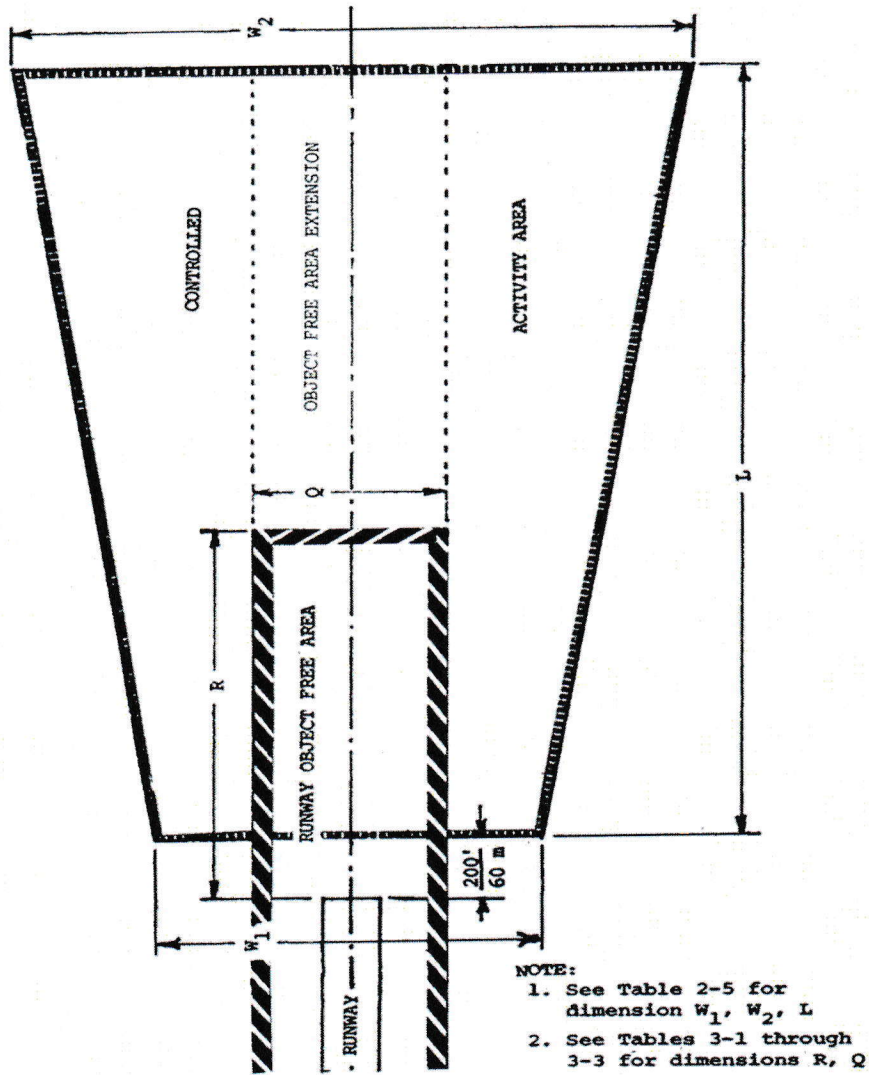
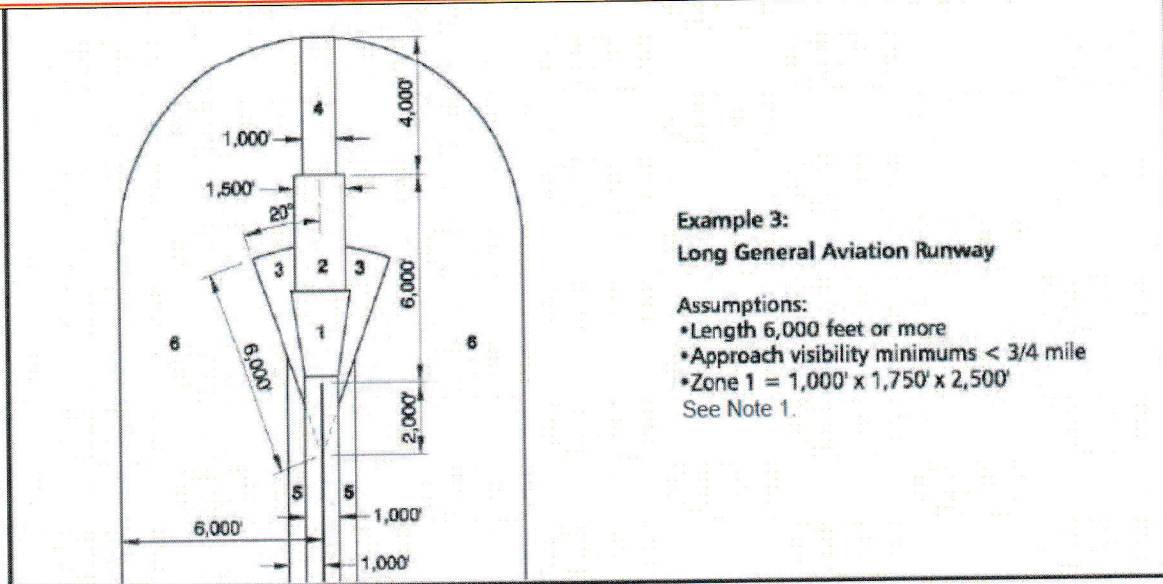


Figure 2-3. Runway protection zone

From the end of the runway, critical length for surface protection zones per the Airport Planning Manual is 1,700 (0.32-mi.) to 2,500 (0.47-mi.) lineal feet! The subject is less than ½ mile (2,640-l.f.) from the end of the runway, i.e. the beginning of Zone 2.

- ◆ *Zone 1:* Runway protection zone and within runway object free area adjacent to the runway;
- ◆ *Zone 2:* Inner approach/departure zone;
- ◆ *Zone 3:* Inner turning zone;
- ◆ *Zone 4:* Outer approach/departure zone;
- ◆ *Zone 5:* Sideline zone; and
- ◆ *Zone 6:* Traffic pattern zone (not applicable to large air carrier airports).



Example 3:
Long General Aviation Runway

Assumptions:
 •Length 6,000 feet or more
 •Approach visibility minimums < 3/4 mile
 •Zone 1 = 1,000' x 1,750' x 2,500'
 See Note 1.

FIGURE 3A

Safety Compatibility Zone Examples – General Aviation Runways

Evidence of Risk: Note Maximum Residential Densities, i.e. 1-Unit per 10 to 20-acres.

Nature of Risk

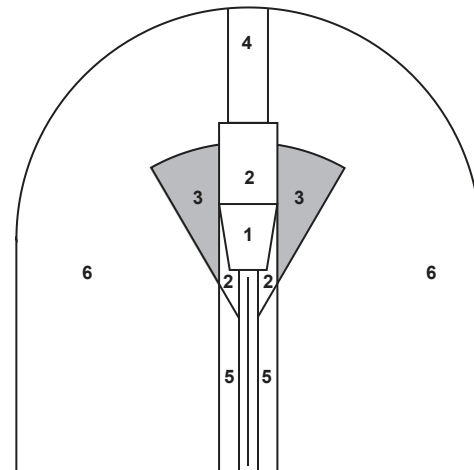
- Normal Maneuvers
 - Aircraft—especially smaller, piston-powered aircraft— turning base to final on landing approach or initiating turn to en route direction on departure
- Altitude
 - Less than 500 feet above runway, particularly on landing
- Common Accident Types
 - Arrival: Pilot overshoots turn to final and inappropriately cross controls the airplane rudder and ailerons while attempting to return to the runway alignment causing stall, spin, and uncontrolled crash
 - Departure: Mechanical failure on takeoff; low altitude gives pilot few options on emergency landing site; or, pilot attempts to return to airport and loses control during tight turn
- Risk Level
 - Moderate to high
 - Percentage of near-runway accidents in this zone: 4% - 8%



TURNING TO FINAL

Basic Compatibility Policies

- Normally Allow
 - Uses allowed in Zone 2
 - Greenhouses, low-hazard materials storage, mini-storage, warehouses
 - Light industrial, vehicle repair services
- Limit
 - Residential uses to very low densities
 - Office and other commercial uses to low intensities
- Avoid
 - Commercial and other nonresidential uses having higher usage intensities
 - Building with more than 3 aboveground habitable floors
 - Hazardous uses (e.g., aboveground bulk fuel storage)
- Prohibit
 - Major shopping centers, theaters, meeting halls and other assembly facilities
 - Children’s schools, large daycare centers, hospitals, nursing homes
 - Stadiums, group recreational uses



Refer to Chapter 3 for dimensions.

	Maximum Residential Densities	Maximum Nonresidential Intensities	Maximum Single Acre
	Average number of dwelling units per gross acre	Average number of people per gross acre	3x the Average number of people per gross acre
Rural	See Note A	50 – 70	150 – 210
Suburban	1 per 2 - 5 ac.	70 – 100	210 – 300
Urban	See Note B	100 – 150	300 – 450
Dense Urban	See Note B	See Note B	See Note B

Note A: Maintain current zoning if less than density criteria for suburban setting.

Note B: Allow infill at up the average of surrounding residential area.

FIGURE 4D

Safety Zone 3 – Inner Turning Zone

Nature of Risk

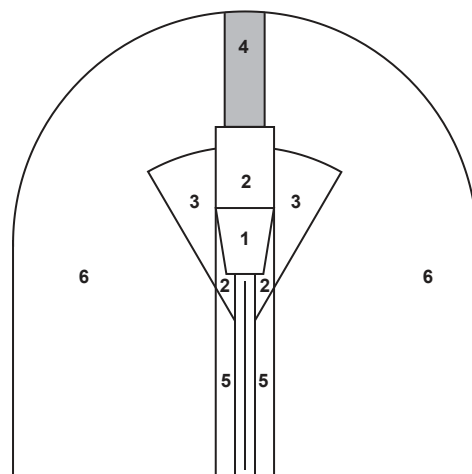
- Normal Maneuvers
 - Approaching aircraft usually at less than traffic pattern altitude. Particularly applicable for busy general aviation runways (because of elongated traffic pattern), runways with straight-in instrument approach procedures, and other runways where straight-in or straight-out flight paths are common
- Altitude
 - Less than 1,000 feet above runway
- Common Accident Types
 - Arrival: Pilot undershoots runway during an instrument approach, aircraft loses engine on approach, forced landing
 - Departure: Mechanical failure on takeoff
- Risk Level
 - Moderate
 - Percentage of near-runway accidents in this zone: 2% - 6%



LONG FINAL

Basic Compatibility Policies

- Normally Allow
 - Uses allowed in Zone 3
 - Restaurants, retail, industrial
- Limit
 - Residential uses to low density
- Avoid
 - High-intensity retail or office buildings
- Prohibit
 - Children’s schools, large daycare centers, hospitals, nursing homes
 - Stadiums, group recreational uses
- Other Factors
 - Most low to moderate intensity uses are acceptable. Restrict assemblages of people
 - Consider potential airspace protection hazards of certain energy/industrial projects



Refer to Chapter 3 for dimensions.

	Maximum Residential Densities	Maximum Nonresidential Intensities	Maximum Single Acre
	Average number of dwelling units per gross acre	Average number of people per gross acre	3x the Average number of people per gross acre
Rural	See Note A	70 – 100	210 – 300
Suburban	1 per 2 - 5 ac.	100 – 150	300 – 450
Urban	See Note B	150 – 200	450 – 600
Dense Urban	See Note B	See Note B	See Note B

Note A: Maintain current zoning if less than density criteria for suburban setting.
 Note B: Allow infill at up average density/intensity of comparable surrounding users.

FIGURE 4E

Safety Zone 4 – Outer Approach/Departure Zone

Nature of Risk

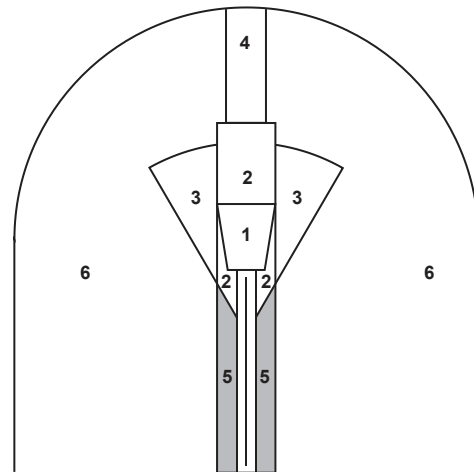
- Normal Maneuvers
 - Area not normally overflown; primary risk is with aircraft (especially twins) losing directional control on takeoff, excessive crosswind gusts or engine torque
- Altitude
 - Runway elevation
- Common accident types
 - Arrival and Departure: Aircraft losing directional control and veering off the side of the runway
- Risk Level
 - Low to moderate
 - Percentage of near-runway accidents in this zone: 3% - 5%



INITIAL LIFT-OFF OR LANDING TOUCHDOWN

Basic Compatibility Policies

- Normally Allow
 - Uses allowed in Zone 4 (subject to height limitations for airspace protection)
 - All common aviation-related activities provided that FAA height-limit criteria are met
- Limit
 - Nonresidential uses similarly to Zone 3
- Avoid
 - Residential uses unless airport related (noise usually also a factor)
 - High-intensity nonresidential uses
- Prohibit
 - Stadiums, group recreational uses
 - Children’s schools, large daycare centers, hospitals, nursing homes



Refer to Chapter 3 for dimensions.

	Maximum Residential Densities	Maximum Nonresidential Intensities	Maximum Single Acre
	Average number of dwelling units per gross acre	Average number of people per gross acre	3x the Average number of people per gross acre
Rural	See Note A	50 – 70	150 – 210
Suburban	1 per 1 - 2 ac.	70 – 100	210 – 300
Urban	See Note B	100 – 150	300 – 450
Dense Urban	See Note B	See Note B	See Note B

Note A: Maintain current zoning if less than density criteria for suburban setting.
 Note B: Allow infill at up the average of surrounding residential area.

FIGURE 4F
Safety Zone 5 – Sideline Zone