

To: Carson City Airport Authority members
From: Steven E. Tackes, Esq., Airport Counsel
Re: Airport Counsel briefing for meeting of February 15, 2017

1. FOR POSSIBLE ACTION: TO APPROVE A CARSON CITY PLANNING DIVISION PROPOSAL FOR ZONING CODE CHANGES AND ZONING MAP AMENDMENTS FOR PROPERTIES NEAR THE CARSON CITY AIRPORT (ZCA-16-176 AND ZMA-16-175). (S. Pansky)

Staff Summary: The Board of Supervisors has directed the Carson City Planning Division staff to initiate Zoning Code and Zoning Map Amendments in the vicinity of the Carson City Airport based on preliminary meetings with stakeholders last year and further refinement of the proposal. The Zoning Code Amendment (ZCA-16-176) will create a new zoning district called General Industrial Airport (GIA), which would allow the manufacturing uses in the Limited Industrial (LI), General Industrial (GI) and Air Industrial Park (AIP) zoning districts, but would prohibit certain commercial uses and prohibit state-legal but federally-illegal land uses on parcels that are adjacent to the Airport. The Zoning Map Amendment (ZMA-16-175) will change the zoning districts on parcels generally located north of Arrowhead Drive and on parcels east of the Airport and south of Arrowhead Drive. The Amendment will also correct zoning on the main Carson City Airport parcel to change the current split-zone designation of Public Regional (PR) and Limited Industrial (LI) to Public Regional (PR) only.

This item is from the City Planning Department.

Background and legal counsel advice: In December of 2015, Supervisor Bonkowski approached me and asked that a representative of the Authority participate in a meeting of interested property owners to consider zoning changes to the industrial areas around the Airport. Two Authority members and I attended that meeting. At that meeting, we learned that the current zoning was a mix of 3 zoning categories with different permitted uses and was seen as an impediment to development in the area. By switching the developable area to a newly created General Industrial Airport zoning with a broader scope, it was felt that better land utilization would occur while keeping intact the general notion that industrial and Airport are compatible uses. The bulk of landowner comments supported that view and supported, in general, the change being proposed by the City. The input from then Chairman Karl Hutter and others was that this appeared to be a positive change. At that meeting we mentioned the unique issues of medicinal marijuana use (legal in the state but still illegal under federal law) and that the Airport Grant Assurances prohibit violations of federal law. As a result, the Staff agreed to take concern into consideration.

The uses are identified in the attachments to the City's memo if you want to compare them. For the most part, the new reference to General Industrial Airport captures the uses permitted in the different areas and brings some uniformity to the zoning.

The City Staff incorporated a provision that protects the federal funding interests of the Airport, specifically, where the code speaks of marijuana cultivation, the proposed language adds the clause: **“except on properties that share any portion of the a boundary with the Carson City Airport, until such time as the use becomes permissible by United States federal law.”**

The FAA Grant Assurances, specifically No. 21, address compatible land use by the Grant Sponsor, ie. Carson City.

21. It will take appropriate action, to the extent reasonable, including the adoption of zoning laws, to restrict the use of land adjacent to or in the immediate vicinity of the airport to activities and purposes compatible with normal airport operations, including landing and takeoff of aircraft. In addition, if the project is for noise compatibility program implementation, it will not cause or permit any change in land use, within its jurisdiction, that will reduce its compatibility, with respect to the airport, of the noise compatibility program measures upon which Federal funds have been expended.

FAA AIP Grant Assurances https://www.faa.gov/airports/aip/grant_assurances/media/airport-sponsor-assurances-aip.pdf

The proposed change in zoning appears to be compatible with normal airport operations.

Assuming you agree with this policy position,

Recommended Motion. I move we approve the Carson City Planning Division proposal.

2. FOR POSSIBLE ACTION: TO APPROVE THE REQUEST BY WES ABENDROTH TO CONSTRUCT A 10X20 FOOT MEZZANINE TO BE USED AS A PILOT LOUNGE AND TO CONSTRUCT A ROLL UP DOOR ON THE SIDE OF HIS HANGAR. (W. Abendroth)

Staff Summary: Wes Abendroth is requesting to construct a pilot lounge and storage mezzanine within his hangar T-17. Pilot lounges or crew rest areas may be allowed with prior approval of the Airport Authority and Carson City, but shall not be used as permanent living facilities.

Counsel advice: No information appears to have been provided on this. There is no explanation of the proposed construction, plans or drawings to review. It is unclear if the construction was approved by the Condo Association.

The legal requirements for construction are set forth in Title 19, recently amended.

19.02.020.340 APPROVAL OF CONSTRUCTION. No buildings, structures, tie-downs, ramps, paving, taxi areas, or any other improvement or addition on the Airport, shall be placed or constructed on the Airport, or altered or removed without the prior approval of the Airport Authority. In the event of any construction, the Airport Authority may, in its discretion, require an appropriate bond to guarantee the completion of the construction in accordance with the Airport Authority approval. All construction plans shall be submitted for Carson City approval within 60 days of Airport Authority approval. Without Airport Authority approval no Carson City permits will be issued, except that permits to be issued under the Carson City over-the-counter permit criteria shall not require prior approval by the Airport Authority. All construction shall be completed within the schedule set forth in the lease. In the absence of lease requirements, all construction shall be completed within 6 months. Any modification that would require a Carson City building permit off the Airport shall require one on the Airport. Prior to any such modifications, two sets of plans must be submitted to the Airport Manager to be reviewed by the Airport Manager and Airport Engineer, and any requesting Authority member. Responses to questions or requests for additional information shall be provided to the Airport Manager within 10 calendar days. Except as noted above, all plans must be stamped or signed by the Airport Manager or Airport Engineer prior to commencement of the modifications. The Airport Authority will maintain one copy for its files and any future inspections.

Per the ordinance, absent a description of the construction and evidence of its justification, it is unclear how to meet the above ordinance or how the Airport Manager and Engineer can know whether it is OK for them to sign off on plans to the Carson City Building Dept. No recommendation has been provided to counsel.

Recommended Motion. ????

2. FOR POSSIBLE ACTION: TO DIRECT STAFF TO REVISE THE AIRPORT LAYOUT PLAN AND THE AIRPORT CAPITAL IMPROVEMENT PLAN TO INCLUDE THE REPLACEMENT OF THE CEILOMETER, CENTRAL DATA PLATFORM, UHF AND VHF RADIO TRANSMITTERS FOR THE AUTOMATED WEATHER OBSERVATION SYSTEM. (T. Rowe, B. Fitzgerald)

Staff Summary: The existing Airport Weather Observation System (AWOS) was installed and became operational in August, 2010. Since that time, the replacement equipment and the technology connected with reporting the weather has evolved. Currently, new ceilometers and Central Data Platforms are incompatible with the existing AWOS equipment, and barring a failure, the system should be upgraded within the near future. The VHF and UHF radios used for transmitting weather information are nearly 7 years old and should be replaced at the same time as the AWOS upgrade. By adding the project to the ALP and the ACIP, it gives the FAA the ability to program funds to offset the cost to the Airport.

This is the Airport Manager's item and the Airport Engineer. No information has been provided to counsel. No recommendation has been provided to counsel.

Recommended Motion. ???

- I. LEGAL COUNSEL'S REPORT (Non-Action Item).
Nothing to report at this time.