

CARSON CITY PLANNING COMMISSION
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A regular meeting of the Carson City Planning Commission was scheduled for 5:00 p.m. on Wednesday, February 24, 2010 in the Community Center Sierra Room, 851 East William Street, Carson City, Nevada.

PRESENT: Chairperson Mark Kimbrough
Vice Chairperson Craig Mullet
Commissioner Malkiat Dhami
Commissioner Roger Stockton
Commissioner William Vance
Commissioner George Wendell

STAFF: Lee Plemel, Planning Division Director
Jennifer Pruitt, Principal Planner
Jeff Sharp, City Engineer
Joel Benton, Senior Deputy District Attorney
Kathleen King, Recording Secretary

NOTE: A recording of these proceedings, the commission's agenda materials, and any written comments or documentation provided to the recording secretary during the meeting are part of the public record. These materials are available for review, in the Clerk's Office, during regular business hours.

A. CALL TO ORDER, DETERMINATION OF QUORUM, AND PLEDGE OF ALLEGIANCE (5:00:36) - Chairperson Kimbrough called the meeting to order at 5:00 p.m. Roll was called; a quorum was present. Commissioner Reynolds was absent. Commissioner Vance led the pledge of allegiance.

B. COMMISSION ACTION ON APPROVAL OF MINUTES - January 27, 2010 (5:01:42) - Commissioner Vance moved to approve the minutes. Vice Chairperson Mullet seconded the motion. Motion carried 6-0.

C. MODIFICATION OF AGENDA (5:02:11) - None.

D. PUBLIC COMMENTS (5:02:18) - None.

E. STAFF PUBLIC SERVICE ANNOUNCEMENTS (5:02:56) - None.

F. DISCLOSURES (5:03:01) - None.

G. CONSENT AGENDA - None.

H. PUBLIC HEARING MATTERS:

H-1. PRESENTATION AND DISCUSSION ONLY REGARDING THE PROPOSED DOWNTOWN NUGGET ECONOMIC DEVELOPMENT PROJECT, INCLUDING A NEW LIBRARY AND LEARNING CENTER, BUSINESS INCUBATOR, DIGITAL MEDIA LAB, AND OTHER COMMERCIAL DEVELOPMENT (5:04:23) - Chairperson Kimbrough introduced this item, and Mr. Plemel provided background information. He explained that, at the time this item was requested to be agendized, staff anticipated there would be more information than what is actually available at this point in time. He introduced Business Development Manager Joe McCarthy, and reviewed the agenda materials. He encouraged the commissioners to visit the *Nevada Appeal* website to review the relevant articles, particularly as published in the Sunday, February 21st edition. He advised that the Board of

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Supervisors had established a citizens advisory committee to review the proposed development agreement and finance plan once these documents become available. He further advised that this item would be re-generated at such time as the project is more viable. He noted the possibility that the project will be presented to the commission, but clarified "if it complies with all of the standards of the downtown mixed-use development code ..., then it could be a by-right use." In conjunction with displayed slides, he provided background information on the downtown mixed-use code.

In response to a question, Mr. McCarthy provided the web addresses for "Downtown Answers" and "Nevada's Working Capital." Commissioner Vance expressed an interest in a presentation to the commission once the plan is more complete. Mr. McCarthy advised that Carson Nugget, Inc. President Steve Neighbors is in the process of identifying a "master developer team that will move the project forward." Mr. McCarthy reviewed Mr. Neighbors' qualifications for the master developer team, including the ability to communicate with the community throughout the process. He anticipates the commission will be "one of the first steps." He acknowledged that Mr. Neighbors is researching other communities with similar private / public projects.

Vice Chairperson Mullet expressed support for the concept, and for as many public presentations as possible. He expressed support for the proposed new library, and the opinion that such a facility, as part of the proposed project, will require a special use permit. He expressed support for designating the project area as a special planning area ("SPA"). He described details of a proposed site design which had been published, and suggested revisions to the same. He further suggested, "The more we can talk about it, the more we can look at the layout before they get so far into it that then it's hard to turn the train around ...". He suggested requesting a District Attorney's opinion regarding "the definition of what is public and ... how that relates to public / private and how our zoning requirements relate to that."

Mr. Plemel assured the commission of significant public involvement in the proposed project. He did not necessarily agree with the suggestion to create a new SPA to encompass the project area. In response to a comment, he advised of no requirement to rezone property which is owned by the City or the State. He advised that the downtown mixed-use code allows a library by right, subject to the standards; allows a transit passenger facility, public plaza squares, and community amenities as contemplated by the proposed project. He assured the commission of the full intent to solicit "a lot of public discussion on what the library looks like and how it fits into the overall project." He further advised that the project is not proposed in a vacuum between the Nugget and the Carson City Redevelopment Authority. "The State is a big stakeholder in this." Mr. Plemel expressed appreciation for the comments, and advised he would convey the commission's emphasis on the public process. Discussion followed, and Mr. McCarthy commended the downtown mixed-use code. Chairperson Kimbrough entertained public comment; however, none was forthcoming.

H-2. ZCA-10-010 ACTION TO MAKE A RECOMMENDATION TO THE BOARD OF SUPERVISORS REGARDING A ZONING CODE AMENDMENT, AN ORDINANCE AMENDING THE CARSON CITY MUNICIPAL CODE, TITLE 18, ZONING, CHAPTER 18.04, USE DISTRICTS, SECTION 18.04.081, MANUFACTURED OR MOBILE HOMES AUTHORIZED, TO ALLOW MANUFACTURED OR MOBILE HOMES THAT ARE MORE THAN 15 YEARS OLD TO BE PLACED WITHIN MOBILE HOME PARKS UNDER CERTAIN CIRCUMSTANCES (5:34:09) - Chairperson Kimbrough introduced this item, and Mr. Plemel reviewed the agenda materials. He read into the record a letter from Steven Schnell for Larry Schnell, owner of the Lone Mountain Mobile Home Court. In response to a question, Mr. Plemel advised that the ordinance would be enforced through the building permit process. Commissioner Vance expressed concern that the ordinance is "a little bit

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subjective, and will be hard to enforce.” Mr. Plemel responded to questions of clarification, and discussed difficulties associated with making the provisions of the ordinance as objective as possible. Commissioner Stockton expressed concern over the “vagueness of the ordinance” in consideration of subjective interpretation “of what is an acceptable mobile home.” He expressed concern over enforcement “since the City will not have any real jurisdiction, from a building code standpoint, of what kind of conditions these mobile homes are in.” He requested staff to address these issues, if possible. In consideration of the concerns regarding subjectivity, Mr. Plemel advised that planning and design criteria often deal in “shades of grey, so it’s not really uncharted territory enforcing these types of standards.” He noted the appeal process, and advised of no anticipation of major problems “with this type of language.”

In response to a question, Mr. Plemel advised that the definition of “manufactured home” references a certain State housing standard. In response to a further question, he advised that State law allows manufactured homes in single-family residential zoning districts as long as they meet certain design criteria. Vice Chairperson Mullet expressed concern that the proposed ordinance “goes backward from ... the original reasoning for doing this. ... we’re just negating that ...” In response to a comment, Mr. Plemel advised that the 15-year-old designation was first imposed by Lyon County; “so we picked it.” He advised of jurisdictions throughout Nevada that have different age limits. “It ranges. ... Some use a fixed date, based on the manufactured home, and some use 15 years. But we ended up with 15 because that’s what Lyon [County] did.” In response to a question, Mr. Plemel explained that mobile home park owners have more control over their tenants. He further explained that one of the original issues was relative to assessed value. “The Assessor’s issue with that is placing it for real property on a lot which we’re still not allowing the older ones on that. The Assessor has no issue with allowing them in mobile home parks from that standpoint.”

Chairperson Kimbrough entertained public comment. (5:51:50) Mary Fischer advised that she and her husband, Al, own the Cottonwood Mobile Home Park. She stated, “Our business is renting mobile home spaces.” She advised that the Cottonwood Mobile Home Park has been in town for 50 years, and expressed the opinion that “it is probably one of the nicer parks in town.” She explained that the Cottonwood Mobile Home Park is “a 55+ park,” and advised that at least half of the tenants are over the age of 70 years. She described the location of the park in a large grove of cottonwood trees, and invited the commissioners to drive through. She explained that the lots are mainly determined by the location of the cottonwood trees and, therefore, the size of mobile home which can be accommodated is very specific. “We cannot get a double-wide or even a ... 16-foot wide into most of our spaces. In those spaces that we can and it is aesthetically pleasing, that it doesn’t take up the whole lot, we certainly have put them.” Ms. Fischer speculated that most mobile home parks in Carson City have vacancies. She advised of a space in the Cottonwood Mobile Home Park which has been vacant for over 18 months, and “we have not had anybody that has a unit that will fit in there come by.”

Ms. Fischer provided background information on becoming a licensed mobile home dealer. She reviewed tenant maintenance requirements at the Cottonwood Mobile Home Park, and discussed efforts to avoid subjectivity. She expressed concern over the 15-year age limit. “Fifteen years is now down into a 1995” model. She explained that the criteria for “a good unit is not the age ... so much as the up[keep] and the quality of the unit when it was built.” She provided detailed examples, and requested permission to allow older units, and to make the standards as objective as possible. She suggested the ordinance language should read “that all units be equipped with commercially-manufactured skirting which shall be professionally installed with top and bottom rails.” She suggested “leav[ing] out the color entirely,” and advised that nearly all skirting is tan, white, or cream in color.

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Commissioner Vance commended the Fischers on the beauty of the Cottonwood Mobile Home Park. He agreed that quality has less to do with age and more to do with initial construction. A brief discussion followed, and Commissioner Vance expressed concern over the possibility of other mobile home park owners abusing the exception. Ms. Fischer suggested that “if a park owner is going to abuse it, you know that they’re abusing some other parts of their responsibilities in maintaining their places to start with.” In response to a question, she explained the circumstances associated with the one rental unit at the Cottonwood Mobile Home Park. She expressed the preference for owner-occupied units.

In response to a question, Ms. Fischer advised of having purchased the Cottonwood Mobile Home Park in 1961. She acknowledged having driven through other mobile home parks in town and a familiarity with their conditions. Commissioner Wendell inquired as to the recourse available for “seeing some correction being made in some of these parks where these homes are dilapidated ...” Ms. Fischer acknowledged the deplorable condition of mobile homes in some of the parks around town. She discussed the importance of “health standards, trash standards, and nuisance standards ... within the City ordinances.” She expressed the opinion that these standards “should be enforced to the very fullest. If you did that, I imagine that parks would clean up.” She suggested the possibility that some of the mobile home park owners don’t enforce standards because of a fear of losing tenants. She was uncertain as to the ordinance provisions to address dilapidated properties, and expressed regret over the lack of “pride of ownership” represented at certain properties. In response to a comment, she expressed the opinion that some of the dilapidated homes will not be removed “until such time as they ... catch fire.” She expressed a preference that inspections be required as part of the purchase of a manufactured or mobile home. “If that were the case, a lot of things would be fixed and cleaned up when it changed hands.” Ms. Fischer explained that revised standards at the Cottonwood Mobile Home Park are not imposed on existing tenants “until you sell.” She expressed the belief that poorly maintained parks “don’t have any vacancies” and, therefore, won’t be seeking new tenants. Commissioner Wendell observed that poorly maintained mobile home parks seem to have become low income housing areas. In response to a question, Ms. Fischer advised that mobile home parks are some of the most regulated businesses in the State. She referenced NRS Chapter 118B, and advised of the annual requirement for 8 hours of continuing education. She further advised of a statewide organization to which a majority of the mobile home park owners belong. “We do a lot of encouraging on how to take care of a park, but ... there’s nothing that forces somebody ...” In reference to a previous comment, Ms. Fischer advised that all mobile home parks are “in many respects ... low income housing.” This is one reason to consider “the cost of people coming in.”

Commissioner Dhimi commended the beauty of the Cottonwood Mobile Home Park and the condition of the mobile homes there. In response to a question, Ms. Fischer explained, “I can’t bring in a mobile home that will fit in the [vacant space] unless I get something that is older than 15 years.” In response to a further question, she expressed opposition to “be begging ... every time.” She expressed the opinion that the 15-year age limit “is very, very arbitrary. I do not think it solves what you people want it to solve ... The parks that are well run are going to stay well run and they’re going to keep the units looking nice and the parks that aren’t well run, that are junky, are going to stay junky. This particular ordinance doesn’t do anything except make it harder for the parks that are trying to do a good job to ... stay in business.” Ms. Fischer referred to the Board of Supervisors’ consideration of increasing utility rates, and reiterated that many of the Cottonwood Mobile Home Park tenants are on fixed incomes.

Mr. Plemel acknowledged that the variance process is an alternative to the existing ordinance provisions. He further acknowledged the significant fees associated with a variance application. Ms. Fischer commended the commissioners on their commitment to the community.

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(6:19:53) Jan Baldwin provided background information on her experience as a used mobile home dealer, a real estate broker, and a mobile home park manager. She explained the difference between mobile and manufactured homes, and expressed disagreement with using age as a criteria. In reference to earlier comments, she advised that an annual fee is paid to the City's Health Department, by the mobile home park she manages, to conduct an annual inspection. She expressed agreement with revising the requirement for skirting to match the mobile home. She advised that she will not list in "slum lord parks." "Most of the parks that I do deal in have very high standards." In response to a question, she expressed support for requiring professional installation of mobile home skirting. In response to a further question, she expressed the opinion that the previous revision which changed the criteria "to 15 years" created a problem. She acknowledged a preference for ordinance language which "would give the Health Department a few more teeth in order to maintain these parks ..." She acknowledged the understanding that the proposed ordinance will affect only mobile homes to be sited in mobile home parks.

(6:29:25) Jim Thorpe advised of having moved to Carson City in 1935 and that he and his wife have owned the Hillside Mobile Home Park since 1963. (6:30:54) Mae Thorpe advised of having been married to Jim for 62 years, and of having started building the Hillside Mobile Home Park in 1963. She expressed the opinion that the Hillside Mobile Home Park is a nice park, and advised that their tenants are 55+ years of age. She advised of tenant regulations requiring property maintenance. She further advised of a space which has been vacant for three years, and of having submitted a variance application to the commission. "It was a big fee for ... a year and if you didn't find a mobile that could fit into it within that time, then we'd have to do it all over again." Mr. Thorpe advised that all of the Hillside Mobile Home Park units are over 30 years old, and that some of the tenants have lived there all their lives. Mrs. Thorpe advised of not having raised rents for the past two to three years. "We're trying to make a home for people that can't afford living any place else."

(6:36:01) Al Fischer suggested consulting with the Fire Department "on some of the junk that's in these ... parks just from the standpoint of safety."

Chairperson Kimbrough observed that the majority of the citizens present in the meeting room had provided testimony, closed public comment, and entertained a motion. **Commissioner Vance moved to recommend to the Board of Supervisors approval of ZCA-10-010, an ordinance amending the Carson City Municipal Code, Title 18, Zoning, Chapter 18.04, Use Districts, Section 18.04.081, Manufactured or Mobile Homes Authorized, to allow manufactured homes or mobile homes that are more than 15 years old to be placed within mobile home parks under certain circumstances, based on the findings contained in the staff report. Commissioner Wendell seconded the motion.** In response to a question, **Commissioner Vance amended his motion to modify Section 18.04.081(b)(1), as follows: "All units shall be equipped with commercially-manufactured skirting, which shall be professionally installed with a top and bottom railing;"**. **Commissioner Wendell continued his second.** Chairperson Kimbrough entertained discussion on the motion. Commissioner Stockton commended the citizens on their attendance and participation, and discussed the value of their testimony in consideration of this item. Commissioner Wendell agreed. Chairperson Kimbrough called for a vote on the pending motion. **Motion carried 6-0.** Mr. Plemel advised that the subject ordinance would be presented to the Board of Supervisors, for first reading, at their March 18th meeting.

I. ADMINISTRATIVE MATTERS:

I-1. COMMISSIONER REPORTS / COMMENTS (6:42:46) - None.

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I-2. DIRECTOR'S REPORT TO THE PLANNING COMMISSION AND FUTURE AGENDA ITEMS (6:42:55) - Mr. Plemel reviewed the tentative March commission agenda and the February 11th memo which was included in the agenda materials. Discussion followed.

J. ACTION ON ADJOURNMENT (6:47:50) - Commissioner Stockton moved to adjourn the meeting at 6:47 p.m. Commissioner Wendell seconded the motion. Motion carried 6-0.

The Minutes of the February 24, 2010 Carson City Planning Commission meeting are so approved this 31st day of March, 2010.

MARK KIMBROUGH, Chair