

CARSON CITY PLANNING COMMISSION

Minutes of the May 27, 2009 Meeting

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A regular meeting of the Carson City Planning Commission was scheduled for 5:00 p.m. on Wednesday, May 27, 2009 in the Community Center Sierra Room, 851 East William Street, Carson City, Nevada.

PRESENT: Chairperson Mark Kimbrough
Vice Chairperson Craig Mullet
Steve Reynolds
William Vance
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 public record, on file in the Clerk-Recorder's Office. These materials are available for review during regular business hours.

A. CALL TO ORDER, DETERMINATION OF QUORUM, AND PLEDGE OF ALLEGIANCE (5:00:55) - Chairperson Kimbrough called the meeting to order at 5:00 p.m. Roll was called; a quorum was present. Commissioners Bisbee and Peery were absent. Commissioner Vance led the pledge of allegiance. Commissioner Reynolds arrived at 5:09 p.m.

B. COMMISSION ACTION ON APPROVAL OF MINUTES - April 22, 2009 (5:01:48) - Commissioner Vance moved to approve the minutes. Vice Chairperson Mullet seconded the motion. Motion carried 4-0.

C. MODIFICATION OF AGENDA (5:02:26) - Mr. Plemel advised that items H-2(A), (B), and (C) would be withdrawn, pursuant to the applicant's written request, copies of which were distributed to the commissioners and staff prior to the start of the meeting.

D. PUBLIC COMMENTS (5:03:35) - None.

E. STAFF PUBLIC SERVICE ANNOUNCEMENTS (5:04:15) - Mr. Plemel advised of two Planning Commissioner terms which expire as of June 30, 2009, and that the City is accepting applications until June 5, 2009. Ms. Pruitt advised that May is Historic Preservation Month, and that the Carson City Historic Resources Commission is hosting a free presentation, entitled "The Proper Care and Treatment of Your Historic Masonry Building," at 5:30 p.m. on Thursday, May 28th in the Brewery Arts Center Performance Hall.

F. DISCLOSURES - None.

G. CONSENT AGENDA (5:06:25) - None.

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H. PUBLIC HEARING MATTERS:

H-1. SUP-09-039 ACTION TO CONSIDER A SPECIAL USE PERMIT APPLICATION FROM METCALF BUILDERS, INC. (PROPERTY OWNER: JACKSON FAMILY LIVING TRUST) TO INCREASE THE PERMITTED NUMBER OF RESIDENTIAL UNITS FROM 36 TO 48, ON PROPERTY ZONED GENERAL COMMERCIAL - PUD (GC - PUD), LOCATED AT 250 EAGLE STATION LANE, APN 009-123-39 (5:07:40) - Chairperson Kimbrough introduced this item, and Mr. Plemel reviewed the agenda report. He noted the findings delineated in the staff report, and staff's recommendation of approval. In response to a question, he advised that the applicant had recorded a map, creating two parcels, in order to "keep the approval active." He acknowledged that this commission approved the original special use permit more than two years ago.

(5:10:43) Jonathan Young, of Metcalf Builders representing Homeco 1, LLC, and the Jackson Family Trust, expressed agreement with staff's recommendations. In reference to a question regarding the May 18, 2009 letter, included in the agenda materials, from Southwest Gas Corporation Northern Nevada Division Vice President Dennis Redmond, Mr. Young advised of a "fairly decent" soundwall which is in the process of being erected. He further advised that the setback "has more than been exceeded in the [general commercial] zoning ..." from the eastern boundary. Commissioner Vance expressed concern over future noise complaints, and Mr. Young expressed understanding.

Mr. Plemel advised that the soundwall and potential noise issues were addressed as part of the original approval. "There was a stipulation regarding notification of the property owner." Mr. Plemel committed to reminding Southwest Gas Corporation representatives of the condition of approval. In addition, he committed to working with the property owner and the applicant to ensure "mechanisms are in place acknowledging that [Southwest Gas] is next door." "... the property owner should be put on notice in some form." Mr. Young agreed to ensuring this condition of approval is "duly noted." In response to a question, he advised that the project has reverted to a single-ownership. He responded to questions of clarification regarding the building design.

Chairperson Kimbrough opened this item to public comment and, when none was forthcoming, entertained questions, comments, or a motion of the commissioners. **Vice Chairperson Mullet moved to approve SUP-09-039, a special use permit request to allow an increase in the number of permitted residential units from 36 to 48 in six buildings, on property in the general commercial planned unit development zoning district, located at 250 Eagle Station Lane, APN 009-123-38 and 009-123-39, based on the findings and conditions of approval contained in the staff report. Commissioner Vance seconded the motion. Motion carried 5-0.**

H-2(A). MPA-09-035 ACTION TO MAKE A RECOMMENDATION TO THE BOARD OF SUPERVISORS ON A MASTER PLAN AMENDMENT APPLICATION FROM PALMER ENGINEERING GROUP (PROPERTY OWNER: WEIKEL CARSON AIR PARK, LTD.) TO MODIFY THE MASTER PLAN DESIGNATION ON A PORTION OF THE PARCEL FROM INDUSTRIAL TO PUBLIC / QUASI-PUBLIC (P / QP), ON PROPERTY LOCATED AT 2222 COLLEGE PARKWAY, APN 005-011-03 - Withdrawn.

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H-2(B). ZMA-09-036 ACTION TO MAKE A RECOMMENDATION TO THE BOARD OF SUPERVISORS ON A ZONING MAP AMENDMENT APPLICATION FROM PALMER ENGINEERING GROUP (PROPERTY OWNER: WEIKEL CARSON AIR PARK, LTD.) TO CHANGE THE ZONING ON A PORTION OF THE PARCEL FROM LIMITED INDUSTRIAL (LI) TO PUBLIC REGIONAL (PR), LOCATED AT 2222 COLLEGE PARKWAY, APN 005-011-03

- Withdrawn.

H-2(C). SUP-09-037 ACTION TO CONSIDER A SPECIAL USE PERMIT APPLICATION FROM PALMER ENGINEERING GROUP (PROPERTY OWNER: WEIKEL CARSON AIR PARK, LTD.) TO ALLOW A CHARTER SCHOOL CAMPUS, ON PROPERTY TO BE ZONED PUBLIC REGIONAL (PR), LOCATED AT 2222 COLLEGE PARKWAY, APN 005-011-03

- Withdrawn.

H-3. SUP-09-034 ACTION TO CONSIDER A SPECIAL USE PERMIT REQUEST FROM JIM CLAGUE (PROPERTY OWNER: CARSON CITY) TO ALLOW THE TEMPORARY OPERATION OF A HOT PLANT FOR RUNWAY CONSTRUCTION AT THE CARSON CITY AIRPORT, ON PROPERTY ZONED PUBLIC REGIONAL (PR), LOCATED AT 2600 EAST COLLEGE PARKWAY, APN 005-011-01 (5:17:44) - Chairperson Kimbrough introduced this item. Ms. Pruitt reviewed the staff report in conjunction with displayed slides. She reviewed the public noticing process, as outlined in the agenda materials, and referred to an additional e-mail expressing support for the special use permit application distributed to the commissioners and staff prior to the start of the meeting. She continued narrating pertinent slides. She noted the findings, as outlined in the staff report, and staff's recommendation of approval subject to sixteen conditions. In response to a comment, Ms. Pruitt reviewed condition of approval 10 in conjunction with a displayed slide. She advised of extensive discussions with the applicant.

As a framework for the discussion, Mr. Plemel explained the purpose of the agenda item for the commission to consider whether or not to allow the temporary operation of the hot plant. Whether or not to realign the runway was not part of the consideration. Mr. Plemel summarized the effect of the decision for the "trucks to drive from somewhere else or ... all internal. The construction project is going to happen. ... How it's going to happen is part of the discussion tonight."

Carson City Airport Engineer Jim Clague, of PBS&J, introduced Carson City Airport Counsel Steve Tackes, Carson City Airport Authority Chair Steve Lewis, a PBS&J staff engineer, and Granite Construction Company representatives who were present in the meeting room. Mr. Clague narrated a PowerPoint presentation, copies of which were distributed to the commissioners and City staff.

In response to a question, Mr. Tackes advised that the project was submitted to the bid process "with the longer hours." In response to an additional question, Mr. Tackes explained that the contract had been awarded subject to special use permit and FAA approval. (5:49:44) Granite Construction Company Chief Estimator Paul Harding advised of no problem with modifying the hours of operation for the hot plant to 5:00 a.m. to 8:00 p.m. He clarified there are time constraints included in the contract which may require "working longer days. It is not our intention, right now, to be working ... 'til 8:00 at night." Mr. Harding acknowledged no objection to changing the hours of operation for the rock crusher to 7:00 a.m. to 8:00 p.m. and for the hot plant to 5:00 a.m. to 8:00 p.m. In response to a question, he discussed unforeseen circumstances which may require a longer work day. He acknowledged that working until 8:00 p.m. would

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be unusual. In response to a question, Mr. Harding described the subject rock crusher as fairly typical. In response to an additional question, he explained the design and operation of the hot plant using the photograph included in the PowerPoint presentation. In response to an additional question, he expressed hesitation over limiting the rock crushing operation to 20 days in consideration of unforeseen circumstances and unknown variables. In response to a comment, he advised that the rock crushing operation is “minimal compared to the rest of the work ... we’re actually doing to construct the runways.” He responded to questions regarding the proposed use of straw bales to mitigate noise. In response to a question, Mr. Clague discussed the intent to attempt to mitigate noise from the beginning of the project, not after complaints are received.

In response to a question, Mr. Clague advised that over 400 invitations were sent for the neighborhood meetings. He acknowledged a willingness to continue working together with the neighbors. Ms. Pruitt explained one of the reasons for the 400-plus invitations was the requirement to notify every resident in a mobile home park. Mr. Tackes advised of having been through the neighborhood meeting process, in conjunction with developing the airport master plan and with other airport projects. “We’re on a first-name basis with ... a lot of our neighbors.” Mr. Tackes advised that the airport has been in its present location “longer than all of the neighbors have,” and that airport representatives “value our relationship with the neighbors.” In response to a question, Mr. Clague advised that the rock will continue to be stockpiled if not used in the project. Mr. Tackes advised that not utilizing the stockpiled rock will “put us in a bad position with our neighbors on Apollo Drive ...” He acknowledged the stockpiled rock would need to “sit there until we can figure out some other way to move it.” In response to a question, Mr. Clague advised that the FAA will allow retention of the existing runway designations.

Chairperson Kimbrough opened this item to public comment. (6:00:35) Keith Berry, a resident of the Comstock Mobile Home Park on College Parkway, expressed concern over inconveniences to the neighbors. He described an experience with the freeway construction project at a previous residence on Bodie Drive. He advised of a familiarity with rock crushing operations and the odor associated with the asphalt manufacturing process. He expressed concern over inconvenience to “all of the residents in the Comstock Mobile Home Park.” He expressed a preference for all the work to be done off site and hauled in to the airport. He suggested that hay bales will be an insufficient barrier against “the smell, the dust, and the noise from this operation.” He inquired as to who will have responsibility for “policing this,” and expressed concerns over deviations. He acknowledged a sense of relief over learning that the rock crushing and hot plant operations are anticipated to take place over a period of days rather than weeks and months. He reiterated concerns over deviations to the anticipated schedule. In response to a comment, Mr. Clague advised of having designated an access point at the corner of Bowers Lane and Arrowhead Drive at which there is an existing gate. College Parkway is proposed to be used for hauling material off site.

(6:07:32) Sylvia Kasparie, a resident of Harrison Lane, expressed concern over a petroleum-based odor associated with the hot plant operation. Due to an asthma condition, she requested to be notified. Mr. Clague advised there will be a petroleum-based odor associated with the paving project. He was uncertain as to whether the odor would be part of the portable hot plant operation. Mr. Tackes noted that the prevailing winds usually blow from the west to the east. In response to a question, Mr. Harding anticipated more of an odor associated with paving the runway than from the hot plant.

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(6:10:20) Ken Welch, of 4220 Apollo Drive, acknowledged the benefits of an on-site hot plant operation in consideration of the costs of fuel and transportation of raw material. He confirmed that the Airport Authority has always worked closely with the adjacent neighbors, and recommended approving the special use permit.

(6:11:25) Carol Riley, a resident of the Comstock Mobile Home Park, inquired as to the proximity to the mobile home park of the hot plant and rock crushing operations. Mr. Clague pointed out the proposed location of the hot plant on a displayed photograph. Chairperson Kimbrough acknowledged the hot plant and rock crushing operations will run seven days a week. He responded to additional questions regarding the project time line and project phases. Ms. Riley advised of no problem with the project.

Mr. Clague anticipates receiving a grant offer from the FAA within the next two weeks, at which time the Airport Authority will be able to enter into the contract with Granite Construction. The two-phase project is anticipated to begin in late June or early July. Mr. Clague advised of plans for additional work at the airport which is contingent on future FAA funding. He acknowledged the future plans are not part of the subject special use permit. Mr. Clague further acknowledged the contract includes grading and that Granite will be working for the entire contract period. He discussed the benefit, to the airport and the surrounding community, to keep the project on site.

Chairperson Kimbrough called for additional public comment and, when none was forthcoming entertained additional questions, comments, or a motion. **Commissioner Wendell moved to approve SUP-09-034, a special use permit application to allow the temporary operation of a hot plant for the Runway 9/27 and Taxiway Realignment project at the Carson City Airport, on property zoned public regional, located at 2600 East College Parkway, APN 005-011-01, based on seven findings and subject to the conditions of approval contained in the staff report, and subject to amendment to conditions of approval 5 and 6 limiting the hours of operation from 7:00 a.m. to 8:00 p.m. daily. Commissioner Vance seconded the motion. Motion carried 5-0.** Chairperson Kimbrough commended the Carson City Airport representatives on their interaction with the surrounding community.

H-4. ZCA-127 ACTION TO CONSIDER AN ORDINANCE AMENDING THE CARSON CITY MUNICIPAL CODE, TITLE 18, ZONING, CHAPTER 18.05, GENERAL PROVISIONS, ADDING SECTION 18.05.080, SMALL WIND TURBINES, TO PROVIDE STANDARDS FOR THE PLACEMENT AND USE OF SMALL WIND TURBINE GENERATORS (6:19:45) - Chairperson Kimbrough introduced this item. Mr. Plemel reviewed the staff report in conjunction with a PowerPoint presentation. Consistent with staff's original recommendation, he modified the staff report to recommend allowing the property owner to decide whether or not to conduct a site wind analysis. He reviewed the provisions of the ordinance pertinent to an external shut-off requirement, certification, and repair / removal. He acknowledged that all wind energy conversion systems ("WECS") will require a building permit. Discussion took place regarding the Aesthetics and Maintenance and Height portions of the proposed ordinance. In response to a question, Mr. Plemel advised of having roughly calculated that 15 percent of the total residential lots in Carson City are one acre or larger. He acknowledged that the special use permit process is available to property owners with smaller lots.

Chairperson Kimbrough opened this item to public comment. (6:48:20) Bruce Kittess advised of having learned even more about WECS since the last commission meeting. He expressed the understanding that Nevada is a "Dillon Rule" state in that "each city and county must comply with state statutes." He

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expressed opposition to the proposed ordinance, “because I believe POPs ... (propeller on pole) have no place in residential neighborhoods, no place on any size residential lot.” He lives in “a residential neighborhood, not on a ranch or a farm.” He expressed the opinion that “POPs will prove to be hazardous, noisy, and unsightly. In some cases, they will further depress residential property values. They will conflict with the quiet enjoyment of my home.” Mr. Kittess expressed no objection to solar systems “in any zone as they are quiet, safe, and relatively easier to maintain.” He expressed the opinion that wind turbines belong in commercially-operated wind farms “and / or ... by our public utility, NV Energy.” He suggested the possibility that NV Energy may be “behind this legislation, pushing wind turbines on to homeowners in order to minimize or hold their PUC requirement for wind generation.” He expressed opposition to the subject ordinance “because no matter what criteria or standards you recommend to our supervisors, given the NRS weasel language, your ordinance will be challenged in court and the plaintiff will prevail.” He expressed the opinion that imposing height requirements “won’t make any difference ... because I could come and say, ‘Gee whiz, you’ve caused my wind turbine not to work.’” He expressed opposition to the “NRS provision overriding private covenants,” characterizing it as unconstitutional in that “the state has impaired private contract.” He expressed opposition to his federal tax dollars “subsidizing POPs in residential neighborhoods.” He expressed opposition to “paying NV Energy a monthly tax so they can give my money to subsidize a POP.” “If, in fact, our supreme court confirms every citizen is entitled to own a wind turbine, then, at the very least, the citizens should purchase one at the market price with no government subsidies.” Mr. Kittess expressed an interest in having read in the *Nevada Appeal* that Carson City is proposing to install solar systems on ten City buildings. He inquired as to the reason for not proposing to install wind turbines. He expressed disappointment, but no surprise, over not seeing any City representative at “Senator Windbag’s SB114 hearing.” He expressed the opinion that Carson City has “acquiesced to a lousy statute.” He suggested “what’s good for the goose is good for the gander. May each legislator, each supervisor, each supporter of this nonsense statute find a 60-foot turbine next to his or her home.”

(6:53:05) George Hauser, a custom home builder, advised of having constructed “all solar homes with PV and with wind.” He expressed regret over the opposition to wind power, describing it as “the oldest power source in the world,” dating back to 2 B.C. He expressed the opinion that the United States “is not really doing enough.” He expressed the opinion that 60-foot towers are unnecessary, and that “looks is everything.” He advised of new WECS products, and expressed opposition to “airplane propeller” systems “because those are commercial anyway.” He described horizontal axis wind turbines which “look nicer than a street light” and are very, very quiet. He advised that wind power is very inexpensive and makes sense. He expressed a strong belief that each individual should have a choice. He expressed concern over terrorist activity, and suggested that citizens with their own power and water supplies will be safer. “I think it’s much more serious ... than we think.” Mr. Hauser circulated among the commissioners and Planning Division staff informational materials on new WECS products. He urged the commissioners’ consideration of new products and the method by which to accommodate them. He noted that very few property owners have “one acre plus,” and that “we got wind every day.” He commended the commissioners’ consideration of the issue, and expressed the opinion that the majority of people welcome the idea.

(6:58:17) Dave Campbell, a Carson City resident, expressed the opinion that visual impact “merits respect.” He advised of having paid “\$200,000 for [his] view.” With regard to noise, he advised of having met with Mr. Plemel, and he explained the difference between dB and dB(A). He expressed the opinion that 50 dB(A) is not a good standard just because Washoe County uses it. He noted Mr. Hauser’s testimony regarding WECS that operate at 4.5 dB, and previous meeting testimony regarding systems which operate

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at 8 dB. He advised that noise doubles for every increase of 3 dB. He expressed opposition to 50 or 55 dB being measured from the fence line, reminding the commissioners of the comparison to a "loud conversation." He inquired of the commissioners as to whether they had heard a device generating 50 dB. If not, he questioned the rationale behind considering it as a reasonable standard. He proposed including a penalty in the ordinance for pure tones, i.e., a squeaky bearing. He reviewed mathematical calculations demonstrating the differences in total energy between 8 dB and 50 dB. In consideration of an "unsophisticated buyer," he suggested that the vendor be required to provide a site wind analysis.

(7:04:21) Lakeview Property Owners Association President Richard Schneider expressed agreement with the previous comments. He suggested "this is an emotional issue," and that "the big hanging point ... is what is it going to do to property values." He requested each of the commissioners to consider the effect of a wind energy conversion system "being erected next to your house." He expressed support for technology, and requested the commissioners to consider prudence and conservatism. He suggested starting with a limitation to three-acre lots, opening the opportunity to "a few properties, see how these things play out ..." He further suggested "there is a reason that the City restricts amateur radio towers," prohibits cattle slaughtering on residential property, etc. He acknowledged the tough decision, but requested the commission to consider "the older citizens ... whose portfolios are now thirty to fifty percent less than they were several months ago." He reiterated concerns over aesthetics and property values.

(7:07:16) Tim Howard, a Carson City resident, provided background information on his residence in Carson City and his work experience. He expressed the opinion that each Carson City resident should have the opportunity to "generate his own free energy from a wind turbine ... regardless of parcel size." He expressed concern over the proposed lot size and setback requirements limiting most residents from installing a WECS. In reference to aesthetics and maintenance, he advised that "the structure is already painted by the manufacturer or ... galvanized by the manufacturer so that there is no need to be painting it and painting it." He expressed concern over safety issues associated with a painting requirement. He expressed agreement that a site analysis should be an individual decision. He advised that an external shut-off is required by NV Energy. He advised of evidence, from other states, that WECS increase property values depending upon efficiency. He expressed the opinion that WECS are more effective, efficient, and require less maintenance than solar systems.

(7:15:26) Dave Hampton, a Carson City resident, "highlighted the difficulty of Mr. Plemel's job by suggesting ... the hypothetical consideration" that Harley Davidson decided to manufacture wind generators.

(7:15:58) Tim Canavarro expressed concern over lot size restrictions in consideration of Mr. Hauser's descriptive information indicating the size of some WECS as comparable to "a chimney." Mr. Canavarro advised that his residence is on "less than a quarter acre," and expressed concern over being unable to "take advantage of that free wind, free energy." In consideration of "today's energy concerns," he expressed concern over eliminating 85 percent of the population. With regard to the site wind analysis, he suggested designating a zoning area which would provide for eligibility without a special use permit.

(7:17:53) Fred Daniels, a Carson City resident, discussed his 50-year career as a professional mechanical engineer. He suggested including clarification of the City's requirements. He further suggested specifying a corrosive-resistant material such as aluminum or stainless steel. With regard to the height restriction, he expressed concern over the point at which the tower height would be measured. He suggested additional

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clarification of 20 hZ in the ordinance. He inquired as to the specifics of a wind analysis, advising of “at least 20 microclimates here in Carson City.” He suggested additional clarification of the term “industry standard” in the proposed ordinance.

(7:22:15) Gary Carsten advised of having been involved with the wind turbine issue since the 2005 legislative session at which AB236 amended the statute, “mandating local governments to govern the implementation of wind turbines.” He expressed no personal opposition, but suggested general opposition “boils down to size matters.” He expressed concern that the proposed 90-foot height requirement doesn’t consider blade height. He expressed the opinion that the WECS should be required to be neighborhood compatible.

(7:23:55) Gary Kilty, a Carson City resident, advised of the intent to install a wind generator on his property. He expressed support for renewable energy, and the opinion that the United States is “behind a lot of other countries ...” With regard to concerns over noise, he expressed the understanding that the dB from a WECS is no different than that which is generated by a transformer which sits outside of many homes. He expressed agreement that requiring paint maintenance “is a very valid issue.” “Something delivered as a packaged product, whether it be galvanized or a baked-on enamel paint,” he expressed opposition to being required to paint. “The same thing goes for the wind generator itself.” Mr. Kilty advised of having heard a great deal of testimony in opposition to the proposed ordinance. “Being in the industry and seeing what’s happening in a lot of other countries,” he expressed strong support. He acknowledged “valid issues on both sides,” but expressed the opinion that “we need to push in the renewable energy market.”

(7:25:58) Leslie Madeiros, of the Solar Store, expressed the opinion that, as the price of energy continues to increase, homes with renewable energy systems will increase in value. She encouraged everyone to drive by the Nevada National Guard location at Fairview and Edmonds Drive to view the recently-installed wind generator and five photovoltaic panels. She also encouraged everyone to stop their vehicle and listen to the sound generated from the wind generator there.

Chairperson Kimbrough closed public comment, and entertained additional comments and questions of the commissioners. Commissioner Reynolds re-emphasized that the issue “remains a moving target.” In consideration of the public testimony and wind turbines in general, he noted that each residence has “3 or 4 turbines ... that turn around and pump the warm air out when the wind blows.” He suggested the future of wind turbines may be “three or four mounted on a house in the same manner as those hot air pumps are mounted ...” He suggested that public buildings may accommodate four or five that wouldn’t look any different than a HVAC unit. In consideration of the proposed ordinance, Commissioner Reynolds expressed uncertainty over a parcel size restriction and suggested a 1:1.2 setback. In consideration of the number of WECS per parcel, he suggested that one per parcel may be the answer now but expressed the opinion that the future will be more than one per parcel if wind energy is found to be a usable resource. Commissioner Reynolds expressed no serious concern over structure colors “as long as it’s not gawdy.” He suggested that galvanized steel seems to be less obtrusive than “something reflective.” In consideration of noise levels, he suggested a restriction to 30 or 35 dB(A) “and let everything be quieter than that.” He expressed agreement with allowing individual property owners to consider whether or not to conduct a site wind analysis prior to installation. He expressed further agreement with a maximum height restriction, and suggested limiting the height to between 60 and 75 feet.

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Discussion took place with regard to the method by which to consider this item, and the commissioners proceeded to review the recommendations outlined in the staff report. In consideration of a minimum lot size, Commissioner Reynolds reiterated support for no minimum with a 1:1.2 setback and a height restriction. Commissioner Vance suggested that for large WECS, a one-acre minimum may be reasonable. "But for some of the newer stuff, it's totally unreasonable." Mr. Benton discussed the commission's purview to make recommendations based upon the type of WECS. He expressed concern over being too specific, however, in consideration of having to constantly amend the code. He advised establishing requirements for vertical-type WECS, and then establishing requirements "for all other types." Discussion followed, and Commissioner Reynolds expressed support for making recommendations based on what is known today. "A month or six months from now, we'll know more." Commissioner Reynolds suggested no minimum lot size for vertical WECS and requiring a 1:1.2 setback; horizontal WECS would require a one-acre minimum. Additional discussion followed. In response to a question, Commissioner Reynolds explained the intent of the suggested 1:1.2 setback requirement. With the intent of providing a stricter setback, Mr. Plemel suggested, for simplicity's sake, to keep the recommendation at 1:1.1. Chairperson Kimbrough summarized the discussion, as follows: that vertical WECS would have a setback ratio, not a lot size limitation and the horizontal WECS would be limited to one acre. Mr. Plemel requested the commissioners to take action on each recommendation. Additional discussion took place regarding the minimum lot size recommendation. Chairperson Kimbrough entertained a motion. Commissioner Wendell moved to determine a one-acre minimum lot size in consideration of the ordinance. Motion died for lack of a second. **Commissioner Vance moved to determine a lot size for a horizontal axis wind energy conversion system at one acre, and for a vertical axis at no minimum.** Mr. Benton recommended no lot size for a vertical-axis WECS and, for all other types, a minimum lot size of one acre. **Commissioner Vance so amended his motion. Commissioner Reynolds seconded the motion.** In response to a question, Commissioner Vance repeated the motion, as follows: **the minimum lot size for a horizontal-axis WECS be one acre and no minimum lot size for all other WECS, including the vertical-axis WECS.** **Commissioner Reynolds continued his second. Motion carried 5-0.**

Discussion took place with regard to the number of WECS per parcel, and **Commissioner Vance moved to recommend one WECS per parcel for parcels less than one acre and one per acre for parcels greater than one acre.** **Commissioner Wendell seconded the motion.** Following discussion, Commissioner Vance restated the motion, as follows: **one WECS per parcel for parcels less than one acre and one WECS per acre for parcels greater than one acre.** In response to a question, Commissioner Vance acknowledged the intent to recommend one WECS per acre regardless of the number of acres. **Commissioner Wendell continued his second.** Commissioner Reynolds expressed concern over a five-acre parcel being allowed to have five WECS in consideration of previous discussion regarding "a learning curve." He expressed the opinion that a proposal for five WECS on a five-acre parcel should be subject to the special use permit process. In reference to the recommendations outlined in the staff report, Commissioner Wendell noted that the noise provisions would prohibit five WECS on a five-acre parcel because of the harmonic effect. He further noted that a larger unit would be much more cost effective for a larger parcel. In response to a question, Mr. Plemel advised that WECS would be strictly for on site use. In reference to testimony provided by a NV Energy representative at a previous commission meeting, Commissioner Wendell advised that NV Energy is in no position to buy back power. "They build up a reserve for the individual user." Following additional clarification of the intent of the motion, Chairperson Kimbrough called for a vote. **Motion carried 5-0.**

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In response to a question, Mr. Plemel advised that any given setback ratio is farther if you measure from the property line. Discussion followed, and Chairperson Kimbrough entertained a motion. **Commissioner Wendell moved to recommend a 1.1-foot setback from residential property lines for every one foot of WECS height. Commissioner Reynolds seconded the motion.** Commissioner Vance noted that "height" referred to the tallest point of the WECS. In response to a question, Mr. Plemel advised that height is measured from the ground, just as for any other structure. There are no other methods to measure height in Carson City. Chairperson Kimbrough called for a vote on the pending motion; **motion carried 5-0.**

Chairperson Kimbrough reviewed the staff report relative to maximum height, and entertained a motion. **Commissioner Wendell moved to recommend a maximum height, subject to setback requirements, of 60 feet. Commissioner Reynolds seconded the motion.** In response to a question, Commissioner Wendell suggested that specifying the maximum height subject to setback requirements would prevent any conflict between the two. Chairperson Kimbrough called for a vote on the pending motion; **motion carried 5-0.** In response to a comment, Mr. Benton advised that each recommended requirement is independent of the other.

Chairperson Kimbrough reviewed the staff report relative to required permits, and entertained a motion. **Commissioner Vance moved to recommend not requiring a special use permit for WECSs which meet the ordinance standards. Commissioner Wendell seconded the motion. Motion carried 5-0.**

Chairperson Kimbrough reviewed that portion of the staff report pertinent to color and painting requirements. Commissioner Wendell expressed agreement with public testimony and with Commissioner Vance's earlier comments to "stay away from painting." Commissioner Wendell expressed a preference to exclude any requirement having to do with painting, and include requirements for certain colors such as tan, sand, grey, black, or white. He pointed out that painting can be an expensive, ongoing process. Commissioner Vance suggested the original recommendation for a neutral color without requiring painting. He reiterated a previously stated comment that painting a WECS could significantly affect its performance. Chairperson Kimbrough entertained a motion. **Commissioner Wendell moved to recommend the originally-proposed language, as follows: "machine must be non-reflective, tan, sand, grey, black, or similar colors; galvanized steel towers need not be painted. Commissioner Vance seconded the motion.** Mr. Plemel requested clarification with regard to the support structures and, following a brief discussion, advised he would strike the word "lattice." Chairperson Kimbrough called for a vote on the pending motion; **motion carried 5-0.** In response to a request for additional clarification, Mr. Plemel advised that the word "painted" would be deleted from Section 18.05.080(2)(h)(I).

In response to a question, Mr. Plemel advised that the definition for a residential-use WECS was reduced to 10 kW. He further advised that the requirement for an exterior, manual shut-off switch had been added.

Discussion took place with regard to noise requirements, and Commissioner Vance suggested 25 dB for less than one acre. Mr. Plemel reviewed that portion of the staff report pertinent to noise, and suggested that the commission consider whether 50 dB is an appropriate noise level at a residential property line. Discussion ensued, and **Commissioner Reynolds moved to recommend that no wind machine or combination of wind machines on a single parcel shall create noise that exceeds the maximum of 25 decibels (dBA) at any property line for parcels less than one acre, and will not exceed a maximum of 50 decibels (dBA) at any property line for parcels of one acre or larger.** Commissioner Wendell

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seconded the motion. Commissioner Reynolds acknowledged the intent to establish the standard for 50 decibels (dBA) at the property line for commercial, public, or non-residential, regardless of the type of land use, unless a special use permit application is submitted. Chairperson Kimbrough called for a vote on the pending motion; **motion carried 5-0.**

Commissioner Wendell suggested that installing a WECS without a site wind analysis would be foolish. Commissioner Vance agreed, and expressed the hope that consumers would also consider the source of the site wind analysis. **Commissioner Wendell moved to eliminate the requirement for a site wind analysis. Commissioner Reynolds seconded the motion. Motion carried 5-0.**

With regard to wind machine certification, Mr. Plemel advised of having recently attended a planning conference session where he learned that many jurisdictions across the country are struggling with the same issues. He further advised of having conducted research but was unable to find a specific WECS safety certification. He explained the intent of the language to prohibit "home-made" WECS. He acknowledged the requirement for a building permit and that the Building Division will verify the engineering specifications. He advised of a required certification in order to qualify for the NV Energy rebate. Following discussion, Chairperson Kimbrough entertained a motion. **Commissioner Wendell moved to require all WECS to have been constructed in accordance with industry standards and certified safe. Commissioner Reynolds seconded the motion. Motion carried 5-0.**

Chairperson Kimbrough entertained a motion. **Commissioner Reynolds moved to recommend to the Board of Supervisors approval of ZCA-08-127, a zoning code amendment to modify the Carson City Municipal Code, Title 18, Chapter 18.03, Definitions, to amend the definition of "wind energy conversion facility," to add a definition for "wind machine," and Chapter 18.05, general provisions, to add Section 18.05.080, Private Use Wind Energy Conversion Systems, to establish specific standards and criteria for such systems, as recommended by staff, and to include all recommended modifications based upon discussion and actions during this meeting. Commissioner Wendell seconded the motion. Motion carried 5-0.**

(8:40:59) Mr. Plemel thanked the commissioners for their patience and diligence with this item. Chairperson Kimbrough commended Mr. Plemel for the method by which the recommendations were presented in the staff report.

H-5. DISCUSSION ONLY REGARDING PLANNING COMMISSION MEETING PROCEDURES FOR REVIEWING APPLICATIONS (8:40:19) - Chairperson Kimbrough introduced and provided background information on this item. He advised of having discussed meeting procedures with the other commissioners since the last meeting, and commended them on the method by which the previous item was addressed.

I. ADMINISTRATIVE MATTERS

I-1. COMMISSIONER REPORTS / COMMENTS - None.

I-2. DIRECTOR'S REPORT TO THE PLANNING COMMISSION (8:41:50) - Mr. Plemel reviewed the Planning Director's report, copies of which were provided to the commissioners.

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I-3. FUTURE AGENDA ITEMS (8:43:44) - Mr. Plemel reviewed the tentative agenda for the July commission meeting.

J. ACTION ON ADJOURNMENT (8:44:30) - A motion was made, seconded, and carried to adjourn the meeting at 8:44 p.m.

The Minutes of the May 27, 2009 Carson City Planning Commission meeting are so approved this 24th day of June, 2009.

MARK KIMBROUGH, Chair