

STAFF REPORT FOR PLANNING COMMISSION MEETING NOVEMBER 17, 2010

FILE NO: SUP-10-090

AGENDA ITEM: H-2

STAFF AUTHOR: Jennifer Pruitt, Principal Planner

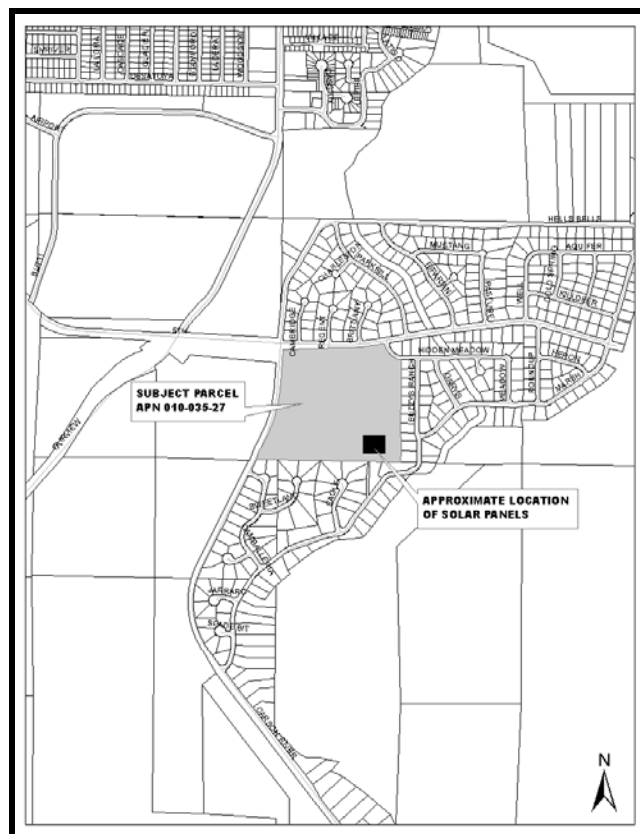
REQUEST: Approval of a Special Use Permit to allow the installation of ground mounted solar panels (photo-voltaic arrays) within the southeastern portion of the Eagle Valley Middle School campus.

APPLICANT / OWNER: Carson City School District

LOCATION: 4151 E. 5th Street

APN: 010-035-27

RECOMMENDED MOTION: “I move to approve SUP-10-090, a Special Use Permit application from the Carson City School District, to allow ground mounted solar panels, on property zoned Public, located at 4151 E. 5th Street, Assessor’s Parcel Number 010-035-27, based on seven findings and subject to the recommended conditions of approval contained in the staff report.”



RECOMMENDED CONDITIONS OF APPROVAL:

The following shall be completed prior to commencement of the use:

1. The applicant must sign and return the Notice of Decision / conditions of approval within 10 days of receipt of notification. If the Notice of Decision is not signed and returned within 10 days, the item will be rescheduled for the next Planning Commission meeting for further consideration.
2. The applicant shall meet all the conditions of approval and commence the use (obtain and maintain a valid building permit) for which this permit is granted within twelve months of the date of final approval. A single, one-year extension of time may be granted if requested in writing to the Planning and Community Development Division thirty days prior to the one-year expiration date. Should this permit not be initiated within one year and no extension granted, the permit shall become null and void.

Conditions required to be incorporated into the proposed development plan.

3. All development shall be substantially in accordance with the development plans approved with this application, except as otherwise modified by the conditions of approval herein.
4. All improvements shall conform to City standards and requirements.

The following shall be submitted or included as part of a building permit application:

5. The applicant shall obtain a building permit from the Carson City Building and Safety Division for the proposed construction.
6. The applicant shall submit a copy of the Notice of Decision / conditions of approval, signed by the applicant and owner.
7. Dust control measures must be employed during the construction period and also incorporated into the manufacturer recommended maintenance program.
8. The plan submitted will be revised to include a minimum 30 foot setback from the eastern property line. The revised plan will be submitted to the Planning Division for review prior to submittal for the required Building Permit.
9. Should the PV array cease to operate for a period of one year, or falls into a state of disrepair, it shall be considered abandoned and removed at the Carson City School District's expense.

LEGAL REQUIREMENTS: CCMC 18.02.050 (Review); 18.02.080 (Special Use Permits) and 18.04.170 (Public)

MASTER PLAN DESIGNATION: Public /Quasi Public

ZONING DISTRICT: Public (P)

KEY ISSUES: Will the proposed Photo Voltaic project cause material damage to surrounding properties? Is this an appropriate location for the proposed use?

SURROUNDING ZONING AND LAND USE INFORMATION

NORTH: Single Family 21,000-P- Residential
SOUTH: Single Family 21,000-P- Residential
EAST: Single Family 21,000-P- Residential
WEST: Public Regional-Open Space

SITE HISTORY

- On November 15, 2010, the applicant conducted a neighborhood meeting with property owners surrounding the proposed site development and solicit comments and suggestions.
- On August 04, 2009- City staff conducted a Major Project Reviewed (MPR-09-067) a plan to allow site improvements include, an upgrade of bus parking and circulation, teacher parking area, school district maintenance building, green house and nursery, park and track improvements, new bus barn w/ solar photo voltaic on roof, multiple wind turbines on site within the Public (P) zoning district. (The project was not pursued further by the School District.)
- On June 27, 2005- the Planning Commission reviewed and approved Special Use Permit (SUP-05-084) for the modifications to the existing Eagle Valley Middle School including a new storage building and other site improvements within the Public (P) zoning district.
- On June 28, 2000 - the Planning Commission reviewed and approved Special Use Permit (U-99/00-44) to allow a freestanding reader board sign (four feet by 8 feet) overall height of 12 feet on the Eagle Valley Middle School campus within the Public (P) zoning district.
- On July 31, 1996- the Regional Planning Commission reviewed and approved Special Use Permit (U-92/93-27) for the modifications to the existing Eagle Valley Middle School including three modular classrooms and other site improvements within the Public (P) zoning district.

ENVIRONMENTAL INFORMATION

- FLOOD ZONE: Zone X
- SLOPE/DRAINAGE: The site is improved.
- SOILS: 71- Urban Land

SITE DEVELOPMENT INFORMATION

1.PARCEL AREA: 39.22 Acres
2.PROJECT SITE AREA: Approximately 60,000 square feet
3.POJECT HEIGHT: Approximately eight feet in overall height
4.EXISTING LAND USE: Middle School Educational Facility

5. EXISTING STRUCTURE –

BUILDINGS FOOTPRINT: 89,408 Square feet
PROJECT AREA: 60,000 Square feet

6. REQUIRED SETBACKS: Set according to the approval of a Special Use Permit

7. PROVIDED SETBACKS: Northern: NA feet
Western: NA feet
Southern 55 feet
Eastern: 25

8. PARKING EXISTING: 100+ parking spaces on site

9. VARIANCES REQUESTED: None

DISCUSSION:

A Special Use Permit is required by CCMC Section 18.04.170, which states that:

- *The Conditional Uses in the Public District which require a Special Use Permit are: Buildings and facilities owned, leased or operated by the city of Carson City, Carson City Unified School District or any other district, state of Nevada or the government of the United States.*

All public district development standards relative to lot area, setbacks, building height, landscaping, off-street parking and signs shall be based on requirements and conditions of the Special Use Permit.

Eagle Valley Middle School was built approximately 30 years ago. Over the past few years, the Carson City School District has embarked on green energy projects. The savings generated by these projects increases the educational operating funds, which have a direct impact on teachers, students and Carson City.

Green energy is a term that describes environmentally friendly sources of power and energy. Unlike conventional energy sources such as oil, gas, coal etc., green energy typically refers to renewable and non-polluting energy sources. Consumers, businesses, and organizations can support the development of clean technologies by choosing to purchase green power instead of conventional electricity. In effect, this will reduce the environmental impact associated with conventional electricity generation and also increase their nation's energy independence.

Since January 2010, the School District has been involved in \$1.2 million dollars of green energy projects. There are a total of 12 projects related to energy efficiency, which include but are not limited to replacing old inefficient boilers, lighting retrofits and heat retrofits and replacements.

The applicant is proposing to locate an approximate 60,000 square foot ground mounted (eight feet in overall height) photovoltaic (PV) array system in the southeastern portion of the Eagle Middle School campus. The project site area is currently unimproved and is covered with sagebrush.

While the panels are made of tempered glass, it is quite strong. They pass hail tests, and are rated for snow load of 49 to 113 pounds per square foot depending on the manufacturer. The Northern Nevada average snow load requirements are 20 pounds per

square foot. As noted by the applicant the PV panels are also equipped with non-glare technology.

In reviewing the information provided by the applicant and the required findings as identified below, the findings to grant approval of this Special Use Permit can be made. Therefore, it is recommended that the Planning Commission approve this Special Use Permit application, SUP-10-090.

PUBLIC COMMENTS: Public notices were mailed on November 01, 2010 notices were sent to 70 adjacent property owners within 300 feet of the subject site pursuant to the provisions of NRS and CCMC. Any comments that are received after this report is complete will be submitted prior to or at the Planning Commission meeting, depending on their submittal date to the Planning Division.

OTHER CITY DEPARTMENT OR OUTSIDE AGENCY COMMENTS: The following comments were received from various city departments. Recommendations have been incorporated into the recommended conditions of approval, where applicable.

Building Division comments:

*These comments **do not** constitute a complete plan review, but are merely observations based on the information and plan sheets provided. The comments do not reflect all submittal requirements necessary for this project, but are those requirements that have generated concerns with similar projects in the past.*

GENERAL COMMENTS

1. The photovoltaic system requires an application for a Building Permit, issued through the Carson City Building Division. This will necessitate a complete review of the project to verify compliance with all adopted construction codes and municipal ordinances applicable to the scope of the project.
2. The plans submitted for review shall comply with the Carson City Building Division handout titled: Photovoltaic (Solar Electric) Systems.

Engineering Division comments:

- The Engineering Division has no preference or objection to the special use request.

Fire Department comments:

- The applicant must meet all codes and ordinances as they relate to this request.

Health Department comments:

- Carson City Health and Human Services has no comments regarding the project as described in the packet received. The applicant must meet all applicable codes and ordinances as they apply to this request.

FINDINGS: Staff recommends approval of the Special Use Permit based the findings below, pursuant to CCMC 18.02.080 (Special Use Permits), subject to the recommended conditions of approval, and further substantiated by the applicant's written justification.

As herein described, the proposed project is consistent with the following applicable goals and policies (in italics) of the Master Plan in accordance with the seven findings (in bold) required for approval of a Special Use Permit:

1. The use will be consistent with the objectives of the Master Plan elements.

Chapter 3: A Balanced Land Use Pattern

Establishing a balance of land uses within the community promotes vitality and long-term economic stability. A balanced community is able to provide employment opportunities for its residents as well as a diverse choice of housing, recreational opportunities, and retail services. Carson City strives to maintain its strong employment base and extensive network of public lands while increasing housing options and the availability of retail services to serve residents of the City and surrounding growth areas.

1. This project involves the installation of ground-mounted photovoltaic panels that will be installed in the northwest corner of the property. No development is associated with this project and this project will not have any adverse impacts to traffic, drainage, school capacity or other identified issues associated with managed growth within Carson City. As such, this project meets the provisions of the Growth Management Ordinance (1.Id, Municipal Code 18.12).

2. The purpose of this project is to utilize alternative energy solutions (solar energy) to assist in the powering of school facilities. This will not only provide a savings to the School District, but will also help reduce the overall demand on the power grid. Materials used in the construction will be sustainable building materials and construction techniques to promote water and energy conservation (1.le, f).

3. The proposed ground-mounted photovoltaic arrays are being installed on an existing elementary school site. The project does not generate any redevelopment or infill. As such, this project complies with the intent of the priority infill development area goals. (1.2a).

4. The existing school site has been an operating school for approximately thirty years. The school is located within an established residential community. As such, there are no direct connections to open space lands. However, this project will also not impede any pathway connections or easements that access public lands (1 .4a).

5. This project is not at the urban interface and will not impact existing site features, to include mature trees and character-defining features. All work associated with this project will occur within the existing school property (1.4c).

6. As presented by the applicant, the proposed ground-mounted photovoltaic arrays are set back a minimum of twenty feet from the site's north property line. Because this school site is zoned "Public," the Special Use Permit specifies the setback requirements. (2. id).

7. In accordance with Carson City requirements and the Special Use Permit, this project meets the required setback requirements and does not encroach on any identified sensitive areas. As such, there are no anticipated environmental impacts as a result of this project (3.lb).

8. This project involves the installation of ground-mounted photovoltaic arrays. The project is expected to reduce reliance on the power grid. The project is on the existing Eagle Valley Middle School site. Existing site conditions allow adequate access to the proposed project, without disrupting school operations or neighboring parcels. Installation of this proposed project will not impact these existing improvements.

Chapter 4: Equitable Distribution of Recreational Opportunities

Carson City residents are fortunate to have access to an extensive network of open lands both within and surrounding the community, as well as a range of more formal community and neighborhood parks and sports facilities. The City has developed an extensive park system (765 acres) and, with many partners, offers an extensive array of recreational programs. In addition, the City provides many recreation facilities (baseball/softball fields, soccer/football fields, tennis courts, playgrounds, picnic pavilions, etc.), as well as a community theater, aquatic facility with a 50 meter pool, a fairgrounds, and a number of natural parks and recreational pathways. In 1996 Carson City residents approved Ballot Question 18 – The Quality of Life Initiative, creating a supplemental sales tax revenue source (1/4 of a cent) for parks, open space, pathways and associated maintenance. This source has allowed development of many new facilities.

- Eagle Valley Middle School site is not only used by the School District, but is also used by the community. This project will not impact the community's use of its facilities. As such, Seeliger Elementary School will continue to provide facilities for community use (4.lb).

Chapter 5: Economic Vitality

Carson City derives its overall health and economic success from its ability to maintain a strong and diverse base of jobs, to provide a supply of varied housing choices for its employees, to provide a range of services and recreational opportunities for residents and visitors, and to generate tourism through the promotion of its unique characteristics and historic amenities. Furthermore, the City recognizes the revitalization of the Downtown as an important component of the community's long-term health and vitality. The Master Plan promotes the continued enhancement of the Downtown and surrounding residential neighborhoods as the focus of the community.

1. Being an existing middle school, the site serves the children residing in the surrounding community and does not distinguish between housing types or labor force populations (5. lj).
2. The existing school site employs faculty and staff to support the education of its student population. This work force and the community the school serves indirectly encourages the development of regional retail centers. Given the school's long-standing existence in the community, there are no new retail centers expected. There is some potential for this project to generate interest in the community with respect to

solar energy and alternative power supplies, which in turn might lead to retail centers seeing an increase in these types of businesses. (5.2a).

3. Eagle Valley Middle School has been a part of Carson City for approximately thirty years, and can arguably be considered a historic resource. This project involves the installation of photovoltaic arrays. The goal is to minimize dependence on the existing power grid that in turn will reduce operating costs for the School District. This type of green technology, while not related to heritage or tourism, allows our Capitol city to boast its interest in alternative and green energy solutions. This could draw visitors interested in these technologies to Carson City. (5.4a).

Chapter 6: Livable Neighborhoods and Activity Center

Carson City strives to be a city known for its safe, attractive and diverse neighborhoods, compact mixed-use activity centers, and its vibrant, pedestrian-friendly Downtown. Access to parks, pathways, open space, and recreational facilities will be emphasized and the incorporation of thoughtful design and site planning techniques will be encouraged in all development. New commercial development will be focused in pedestrian-friendly, mixed-use activity centers located along major thoroughfares where they will be readily accessible to surrounding neighborhoods and may ultimately be served by transit. New higher-density housing will be encouraged as part of the overall land use mix along the City's major gateway corridors and within the Downtown area to provide a more diverse selection of housing types and price ranges for residents within walking distance of the City's primary job and activity center.

1. This project involves the installation of ground-mounted photovoltaic arrays. As such, this green energy project will use durable, long-lasting building materials. (6.1 a).
2. Photovoltaic arrays are a relatively new addition to the south end of Carson City. This use will generate visual and technical interest due to its function and appearance. The arrays will be angled to the south to maximize exposure to the sun. It is important to the neighbors and the school district that the arrays are effective, without being a visual nuisance to the neighbors. (6.1b).
3. This project is surrounded by well-established residential development, and will comply with Carson City height, density and setback requirements. Because this school has been in existence for approximately thirty years, it is a staple in the community. The proposed green energy additions will be compatible with existing on-site uses and the community by reducing the dependence of the District on the existing power grid that in turn will reduce the demand for the community. (6.2a, 9.3b, 9.4a).

Chapter 7: A Connected City

A connected city allows residents to travel within the community, and to other centers within the region, in a variety of ways using a safe, efficient, multi-modal transportation system. Carson City will promote a sense of community by linking its many neighborhoods, employment areas, activity centers, parks, recreational amenities, and schools with an extensive system of interconnected roadways, multi-use pathways, bicycle facilities, and sidewalks. Additionally, the City will seek opportunities to expand existing transit services as feasible to increase travel choices for the community and to support a more compact pattern of growth.

1. Transit development patterns are not applicable. However, this green energy project may generate interest that may lead to visitors to see this technology. The existing pedestrian access routes along the perimeter of the school are well suited to accommodate this use.(11.2b).

2. Roadways exist throughout this area, and there is no reasonable ability to enhance roadway connections and/or networks. On-site transportation systems are currently in place and meet the needs of the site and the community. This photovoltaic array project will not impact existing on-site traffic patterns. (11 .2c).

3. Single-family residences surround the Eagle Valley Middle project site. Existing pathways consist of sidewalks and on-site walkways, which are intended to remain. The United Pathways Master Plan is not applicable to this project (12.la, c).

- 2. The proposed use will not be detrimental to the use, peaceful enjoyment, economic value, or development of surrounding properties or the general neighborhood; and will cause no noise, vibrations, fumes, odors, dust, glare or physical activity.**

During construction dust must be controlled and staff has recommended a condition of approval to this effect. Once complete, the proposed use should not create any objectionable noise, vibrations, odors, dust, glare or physical activity any more than the current use of the property does. As noted by the applicant the proposed solar panels are equipped with non-glare technology. Staff has included a condition of approval related to the manufacturers recommended dust control measures.

The plan submitted will be revised to include a minimum 30 foot setback from the eastern property line. The revised plan will be submitted to the Planning Division for review prior to submittal for the required Building Permit.

It is not anticipated that the PV array will be detrimental to the use, peaceful enjoyment, economic value, or development of surrounding properties or the general neighborhood.

- 3. The project will have little or no detrimental effect on vehicular or pedestrian traffic.**

The site is served by an adequate existing street network. Pedestrian movement would not be affected.

- 4. The project will not overburden existing public services and facilities, including schools, police and fire protection, water, sanitary sewer, public roads, storm drainage and other public improvements.**

The proposed project will have no impact on the existing public services and facilities, including schools, police and fire protection, water, sanitary sewer, public roads, storm drainage and other public improvements.

- 5. The project meets the definition and specific standards set forth elsewhere in this Title 18 for such particular use and meets the purpose statement of that district.**

Public uses, such as schools, are a primary purpose of the Public district – including split-zoned parcels. A school (and its accessories) is a conditional use in the Public zoning district. Upon approval of the Special Use Permit with the recommended conditions of approval, the proposed PV project will be in conformance with the requirements of the Carson City Municipal Code and related Development Standards.

6. The project will not be detrimental to the public health, safety, convenience and welfare.

In addition to the issues addressed in this Special Use Permit, the proposed PV project will require a building permit, related reviews and inspections and will therefore not be detrimental to the public health, safety, convenience and welfare.

The applicant is proposing to enclose the PV array with security fencing material to be determined at a later date.

7. The project will not result in material damage or prejudice to other property in the vicinity.

At this time there is no change proposed for the use of the subject site. The site will continue to be used as a Secondary Educational facility. Staff has recommended an additional setback from the eastern property line to mitigate any perceived impacts to the property owners' to the immediate east.

Should the PV array cease to operate for a period of one year, or falls into a state of disrepair, it shall be considered abandoned and removed at the Carson City School District's expense.

Respectfully submitted,

PUBLIC WORKS, PLANNING DIVISION

Jennifer Pruitt

Jennifer Pruitt, AICP, LEED AP
Principal Planner

Attachments:

Application (SUP-10-090)
Building Division comments
Engineering Division comments
Health Department
Fire Department

**Engineering Division
Planning Commission Report
File Number SUP 10-090**

TO: Planning Commission

FROM Rory Hogen, E. I.

DATE: October 25, 2010 **MEETING DATE:** November 17, 2010

SUBJECT TITLE:

Action to consider an application for a Special Use Permit from Carson City School District to allow placement of photovoltaic arrays at Eagle Valley Middle School, 4151 E. Fifth St., apn 10-035-27 and zoned public (P).

RECOMMENDATION:

The Engineering Division has no preference or objection to the special use request.

DISCUSSION:

The Engineering Division has reviewed the conditions of approval within our areas of purview relative to adopted standards and practices and to the provisions of CCMC 18.02.080, Conditional Uses.

CCMC 18.02.080 (2a) - Adequate Plans

The information submitted by the applicant is adequate for this analysis.

CCMC 18.02.080 (5a) - Master Plan

The request is not in conflict with any Engineering Master Plans for streets or storm drainage. Construction must not block natural and existing drainage.

CCMC 18.02.080 (5c) - Traffic/Pedestrians

The proposal will have little effect on traffic or pedestrian facilities.

CCMC 18.02.080 (5d) - Public Services

Existing facilities are not impacted.

File # (Ex: MPR #07-111)	<i>SUP – 10- 090</i>
Brief Description	<i>Eagle Valley Middle School, Photovoltaic</i>
Project Address or APN	<i>APN #010-035-27</i>
Bldg Div Plans Examiner	<i>Kevin Gattis</i>
Review Date	<i>November 17, 2010</i>
Total Spent on Review	

BUILDING DIVISION COMMENTS:

These comments do not constitute a complete plan review, but are merely observations based on the information and plan sheets provided. The comments do not reflect all submittal requirements necessary for this project, but are those requirements that have generated concerns with similar projects in the past.

GENERAL COMMENTS

1. The photovoltaic system requires an application for a Building Permit, issued through the Carson City Building Division. This will necessitate a complete review of the project to verify compliance with all adopted construction codes and municipal ordinances applicable to the scope of the project.
2. The plans submitted for review shall comply with the Carson City Building Division handout titled: Photovoltaic (Solar Electric) Systems.



CARSON CITY FIRE DEPARTMENT

"Service with Pride. Commitment. Compassion"

MEMORANDUM

TO: Community Development

FROM: Duane Lemons, Fire Inspector

DATE: October 18, 2010

SUBJECT: AGENDA ITEMS FOR NOVEMBER 17, 2010 PLANNING COMMISSION MEETING.

We reviewed the agenda items for the November 17, 2010 Planning Commission Meeting and have the following comments:

- SUP-10-086 We have no comments or concern with this request.
- ZMA-10-087 LLC We have no comments or concern with this request.
- SUP-10-088 Carson City, Granite Construction / CC Airport Authority The applicant must meet all codes and ordinances as they relate to this request.
- SUP-10-89, SUP-10-090, SUP-10-091 Carson City School Dist. The applicant must meet all codes and ordinances as they relate to this request.

DL/llb

From: Teresa Hayes
To: MPR Committee
Date: 11/5/2010 9:14 AM
Subject: Planning commission comments 11/17/10

10-088

Carson City Health and Human Services has no comments regarding the project as described in the packet received. The applicant must meet all applicable codes and ordinances as they apply to this request. Et. Seq.

10-089

10-090

10-091

Carson City Health and Human Services has no comments regarding the project as described in the packet received. The applicant must meet all applicable codes and ordinances as they apply to this request. Et. Seq.

Teresa Hayes, R.E.H.S.
Environmental Health Specialist II
Carson City Health and Human Services
900 E. Long St
Carson City, NV 89706
Phone: (775) 887-2190 ext 7227
Fax: (775) 883-4701

e-mail: thayes@carson.org

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Carson City Planning Division
108 E. Proctor Street • Carson City NV 89701
Phone: (775) 887-2180 • E-mail: planning@carson.org

FILE # SUP - 10 - SUP - 10 - 090

CARSON CITY SCHOOL DISTRICT

PROPERTY OWNER

P.O. BOX 603, CARSON CITY, NEVADA 89702

MAILING ADDRESS, CITY, STATE, ZIP

(775) 283-2000

(775) 283-2090

PHONE #

FAX #

Name of Person to Whom All Correspondence Should Be Sent

MARK KORINEK

APPLICANT/AGENT

P.O. BOX 603, CARSON CITY, NEVADA 89702

MAILING ADDRESS, CITY, STATE ZIP

(775) 283-2181

(775) 283-2191

PHONE #

FAX #

mkorinek@carson.k12.nv.us

E-MAIL ADDRESS

FOR OFFICE USE ONLY:

CCMC 18.02

SPECIAL USE PERMIT

FEE: \$2,450.00 MAJOR
\$2,200.00 MINOR (Residential zoning districts)

+ noticing fee and CD containing application digital data (all to be submitted once the application is deemed complete by staff)

SUBMITTAL PACKET

- ☐ 6 Completed Application Packets (1 Original + 5 Copies) including:
 - ☐ Application Form
 - ☐ Site Plan
 - ☐ Building Elevation Drawings and Floor Plans
 - ☐ Proposal Questionnaire With Both Questions and Answers Given
 - ☐ Applicant's Acknowledgment Statement
 - ☐ Documentation of Taxes Paid-to-Date (1 copy)
 - ☐ Project Impact Reports (Engineering) (4 copies)

Application Reviewed and Received By:

Submittal Deadline: See attached PC application submittal schedule.

Note: Submittals must be of sufficient clarity and detail such that all departments are able to determine if they can support the request. Additional information may be required.

Project's Assessor Parcel Number(s):

010-035-27

Street Address

EAGLE VALLEY M.S. - 4151 E. 5TH STREET, CARSON CITY, NV 89701

ZIP Code

Project's Master Plan Designation

PUBLIC

Project's Current Zoning

PUBLIC

Nearest Major Cross Street(s)

CARSON RIVER ROAD

Briefly describe your proposed project: (Use additional sheets or attachments if necessary). In addition to the brief description of your project and proposed use, provide additional page(s) to show a more detailed summary of your project and proposal. In accordance with Carson City Municipal Code (CCMC) Section: _____, or Development Standards, Division _____, Section _____, a request to allow as a conditional use is as follows:

THIS PROJECT INVOLVES THE INSTALLATION OF SOLAR PANELS (PHOTO-VOLTAIC ARRAYS) ALONG THE SOUTH PORTION OF THE PROPERTY, BEHIND THE MAIN BUILDING.

PROPERTY OWNER'S AFFIDAVIT

I, RICHARD STOKES, being duly deposed, do hereby affirm that I am the record owner of the subject property, and that I have knowledge of, and I agree to, the filing of this application.

Richard W. Stokes
Signature

1402 W. KING ST. CARSON CITY, NV
Address
89701

6 OCT. 2010
Date

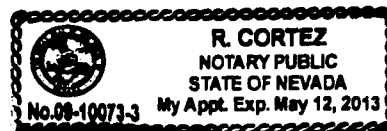
Use additional page(s) if necessary for other names.

STATE OF NEVADA
COUNTY Carson

On October 6, 2010, Richard Stokes

personally appeared before me, a notary public, personally known (or proved) to me to be the person whose name is subscribed to the foregoing document and who acknowledged to me that he/she executed the foregoing document.

R. Cortez
Notary Public



NOTE: If your project is located within the historic district, airport area, or downtown area, it may need to be scheduled before the Historic Resources Commission, the Airport Authority, and/or the Redevelopment Authority Citizens Committee prior to being scheduled for review by the Planning Commission. Planning personnel can help you make the above determination.

SPECIAL USE PERMIT APPLICATION QUESTIONNAIRE
CARSON CITY SCHOOL DISTRICT
EAGLE VALLEY MIDDLE SCHOOL – PHOTOVOLTAIC ARRAYS

Question 1. How will the proposed development further and be in keeping with, and not contrary to, the goals of the Master Plan Elements?

The following addresses the five themes of the Master Plan policies, contained within the Master Plan Policy Checklist supplied by Carson City as a part of the Special Use Permit application packet.

Chapter 3: A Balanced Land Use Pattern

1. This project involves the installation of ground-mounted photovoltaic panels that will be installed along the south boundary, behind the main building. No development is associated with this project and this project will not have any adverse impacts to traffic, drainage, school capacity or other identified issues associated with managed growth within Carson City. As such, this project meets the provisions of the Growth Management Ordinance (1.1d, Municipal Code 18.12).
2. The purpose of this project is to utilize alternative energy solutions (solar energy) to assist in the powering of school facilities. This will not only provide a savings to the School District, but will also help reduce the overall demand on the power grid. Materials used in the construction will be sustainable building materials and construction techniques to promote water and energy conservation (1.1e, f).
3. The proposed ground-mounted photovoltaic arrays are being installed on an existing middle school site. The project does not generate any redevelopment or infill. As such, this project complies with the intent of the priority infill development area goals. (1.2a).

4. The existing school site has been an operating school for approximately thirty years. The school is located within an established residential community. As such, there are no direct connections to open space lands. However, this project will also not impede any pathway connections or easements that access public lands (1.4a).
5. This project is not at the urban interface and will not impact existing site features, to include mature trees and character-defining features. All work associated with this project will occur within the existing school property (1.4c).
6. This project is on an existing school site, within the boundaries of the City of Carson, and is not adjacent to other city or county boundaries, or public lands. As such, coordination with regard to compatibility, access and amenities is not applicable to this project (1.5a,b).
7. The project site is within an existing school site, which is located in a primarily single-family residential zoning district. As such, mixed-use criteria are not applicable to this project (2.1b, 2.2b, 2.3b, Land Use Districts, Appendix C).
8. The proposed ground-mounted photovoltaic arrays are set back a minimum of twenty feet from the site's south property line. Because this school site is zoned "Public," the Special Use Permit specifies the setback requirements. As such, this project meets adopted standards for transitions between non-residential and residential zoning districts (2.1d).
9. In accordance with Carson City requirements and the Special Use Permit, this project meets the required setback requirements and does not encroach on any identified sensitive areas. As such, there are no anticipated environmental impacts as a result of this project (3.1b).

10. The existing Eagle Valley Middle School site is not within a primary floodplain or geological hazard area (3.3d, e).
11. This project involves the installation of ground-mounted photovoltaic arrays. The project is expected to reduce reliance on the power grid. The project is on the existing Eagle Valley Middle School site. Existing site conditions allow adequate access to the proposed project, without disrupting school operations or neighboring parcels. Installation of this proposed project will not impact these existing improvements.
12. The project site is an existing middle school site. No off-site development is associated with this project and this project is not within an identified Specific Plan Area.

Chapter 4: Equitable Distribution of Recreational Opportunities

1. The Eagle Valley Middle School site is not only used by the School District, but is also used by the community. This project will not impact the community's use of its facilities. As such, Eagle Valley Middle School will continue to provide facilities for community use (4.1b).
2. Eagle Valley Middle School is not located in a designated open space area or within the area of the Carson River. As such, this policy is not applicable (4.3a).

Chapter 5: Economic Vitality

1. Being an existing middle school, the site serves the children residing in the surrounding community and does not distinguish between housing types or labor force populations (5.1j).
2. The existing school site employs faculty and staff to support the education of its student population. This work force and the community the school serves indirectly encourages

the development of regional retail centers. Given the school's long-standing existence in the community, there are no new retail centers expected. There is some potential for this project to generate interest in the community with respect to solar energy and alternative power supplies, which in turn might lead to retail centers seeing an increase in these types of businesses. (5.2a).

3. This project involves the installation of ground-mounted photovoltaic arrays and does not involve retail space. As such, encouraging reuse or redevelopment of underused retail spaces is not applicable (5.2b).
4. Eagle Valley Middle School has been a part of Carson City for approximately thirty years, and can arguably be considered a historic resource. This project involves the installation of photovoltaic arrays. The goal is to minimize dependence on the existing power grid that in turn will reduce operating costs for the School District. This type of green technology, while not related to heritage or tourism, allows our Capitol city to boast its interest in alternative and green energy solutions. This could draw visitors interested in these technologies to Carson City. (5.4a).
5. This project will have no direct impact on revitalization of the downtown core. However, alternative energy projects such as this one might spark similar interests within Carson City that in turn could generate some downtown core revitalization through retail and tourism uses that are interested in these energy solutions. (5.6a).
6. This project does not incorporate additional housing in or around the downtown area (5.6c).

Chapter 6: Livable Neighborhoods and Activity Center

1. This project involves the installation of ground-mounted photovoltaic arrays. As such, this green energy project will use durable, long-lasting building materials. (6.1a).

2. Photovoltaic arrays are a relatively new addition to the east side of Carson City. This use will generate visual and technical interest due to its function and appearance. The arrays will be angled to the south to maximize exposure to the sun. It is important to the neighbors and the school district that the arrays are effective, without being a visual nuisance to the neighbors. (6.1b).
3. This project involves the installation of ground-mounted photovoltaic arrays. Architectural features are limited the arrays, which will by their nature provide some visual interest. This project will not impact existing landscaping or site access and is consistent with Carson City development standards (6.1c).
4. This project is surrounded by well-established residential development, and will comply with Carson City height, density and setback requirements. Because this school has been in existence for approximately thirty years, it is a staple in the community. The proposed green energy additions will be compatible with existing on-site uses and the community by reducing the dependence of the District on the existing power grid that in turn will reduce the demand for the community. (6.2a, 9.3b, 9.4a).
5. This project is not located in an identified Mixed-Use Activity Center area (7.1a, b).
6. The project is not located downtown (8.1a, b, e).
7. This project involves the installation of ground-mounted photovoltaic arrays. This project will not have a development component and as such, will not impact housing mixtures or densities. (9.1a).

Chapter 7: Livable Neighborhoods and Activity Center

1. Transit development patterns are not applicable. However, this green energy project may generate interest that may lead to visitors to see this technology. The existing pedestrian access routes along the perimeter of the school are suitable to accommodate this use. (11.2b).
2. Roadways exist throughout this area, and there is no reasonable ability to enhance roadway connections and/or networks. On-site transportation systems are currently in place and meet the needs of the site and the community. This photovoltaic array project will not impact existing on-site traffic patterns. (11.2c).
3. Single-family residences surround the Eagle Valley Middle School project site. Existing pathways consist of sidewalks and on-site walkways, which are intended to remain. The United Pathways Master Plan is not applicable to this project (12.1a, c).

Question 2. Will the effect of the proposed development be detrimental to the immediate vicinity? To the general neighborhood?

A. Describe the general types of land uses and zoning designations adjoining your property.

North: Single-family residences, (SF 21-P) zoning

East: Single-family residences, (SF 21-P) zoning

South: Single-family residences, (SF 21) zoning

West: Public Regional, (PR) zoning

B. Explain why your project is similar to existing development in the neighborhood, and why it will not hurt property values and cause problems, such as noise, dust, odors, vibration, fumes, glare, or physical activity, etc., with neighboring property owners. Will the project involve any uses that are not contained within a building? If yes, please describe. Explain how construction-generated dust (if any) will be controlled. Have other properties in your area obtained approval of a similar request? How will your project differ in appearance from your neighbors?

Eagle Valley Middle School was built approximately thirty years ago. The school has been in existence longer than most of the current residences that surround it. This project will not hurt property values or cause problems such as noise, dust, odors, vibration, fumes, glare or physical activity because the current use of the site will not change. Given that this project involves the installation of photovoltaic arrays, neighbors might be concerned about glare. Glare will not be an issue. The panels will be located along the south property line, and face south. In addition, they are equipped with non-glare technology. Similar panels are being used at airports, to include the San Francisco International Airport and the Yuma Arizona airport, with another installation proposed at the Fresno, California airport. This combined with no anticipated increase in the school's population will help ensure there is no adverse impact to property values. This project will not impact existing school operations or activities.

The project will involve some clearing, grubbing and grading required to level the site and anchor the support posts. However, any construction-generated dust will be kept to a minimum with the use of air and water dust palliatives.

C. Provide a statement explaining how your project will not be detrimental to the use, peaceful enjoyment or development of surrounding properties and the general neighborhood.

The subject property has been used as a school for approximately thirty years. There will be no change to the use of the property. The new photovoltaic arrays will be placed along the south portion of the property, away from existing school operations. This project will make the site

more energy efficient by using green technology, and will have no negative impact on the use, peaceful enjoyment or development of the surrounding properties within the neighborhood.

D. Consider the pedestrian and vehicular traffic that currently exists on the road serving your project. What impact will your development have when it is successfully operating? Will vehicles be making left turns? Will additional walkways and traffic lights be needed? Will you be causing traffic to substantially increase in the area? What will be the emergency vehicle response time? State how you have arrived at your conclusions. What City departments have you contacted in researching your proposal? Explain the effect of your project with the existing traffic in the area.

Eagle Valley Middle School has been in operation at this site as a school for approximately thirty years. Because this project involves the installation of ground-mounted photovoltaic arrays, there is no increase to the student body and as such, will not have any negative impact to pedestrian or vehicular traffic. Traffic patterns and turning maneuvers will not change as a result of this project. Emergency vehicle response time will not be adversely impacted.

During installation, construction and delivery equipment will be minimal. Staging, if needed, will occur on Eagle Valley Middle School property and will not impact neighborhood traffic.

E. Explain any short-range and long-range benefit to the people of Carson City that will occur if your project is approved.

The site has been used as a school for approximately thirty years, and the Carson City School District plans to continue to utilize this middle school for years to come. Reducing operating costs and the demand on our local utilities has been an ongoing pursuit of the School District. This project is projected to generate a net savings to the District of approximately \$70,000 per year. This will allow the School District to use that savings for other operating needs. As with the rest of our community, this economy has caused many people to maintain their properties

with less available money. The School District is no different. This is both a short and long term benefit to the District and the community. The community indirectly benefits by the District being able to maintain their facilities with more available funds. In addition, the reduced power demand by the District reduces the strain on the community's power grid.

Question 3. Has sufficient consideration been exercised by the applicant in adapting the project to existing improvements in the vicinity?

A. How will your project affect the school district? Will your project add to the student population or will it provide a service to the student population? How will your project affect the Sheriff's Office?

Eagle Valley Middle School is part of the Carson City School District, which is the applicant. This project involves the installation of ground-mounted photovoltaic arrays. This green energy project will have a positive impact to the District and the school by reducing their reliance on the community's power grid and thereby generating a net savings to the District's power bill of approximately \$70,000 per year. This will allow the School District to use that savings for other operating needs

This project will not increase the student population, nor will it impact the Sheriff's Office.

B. If your project will result in the covering of land area with paving or a compacted surface, how will drainage be accommodated?

The project is to be located in a currently undeveloped portion of the school. This project will not create any impervious ground surfaces. Run-off from the array structure will discharge onto the existing undeveloped ground. Since the existing ground appears to have adequate infiltration characteristics, only minor drainage provisions will be provided to keep excess water away from the south property line.

C. Are the water supplies serving your project adequate to meet your needs without degrading supply and quality to others in the area? Is there adequate water pressure? Are the lines in need of replacement? Is your project served by a well?

This project involves the installation of ground-mounted photovoltaic arrays. It will have no impact on the water supply system.

D. Is there adequate capacity in the sewage disposal trunk line that you will connect to in order to serve your project, or is your site on a septic system?

This project involves the installation of ground-mounted photovoltaic arrays. It will have no impact on the sanitary sewer system.

E. What kind of road improvements are proposed or needed to accommodate your project? Have you spoken to Development Engineering or Regional Transportation regarding road improvements?

Road improvements are not required to serve this project. The existing road system to the school and surrounding neighborhood will not be impacted by this project. However, City planning and engineering departments have been made aware of this project.

F. Indicate the source of the information that you are providing to support your conclusions and statements made in this packet.

The conclusions to support the information contained herein is from input from School personnel, the consulting engineer, the photovoltaic array consultant, and City Engineering, Planning & Building Department staff.

G. If outdoor lighting is to be a part of the project, please indicate how it will be shielded from adjoining property and the type of lighting provided.

No outdoor lighting is associated with this project.

H. Describe the proposed landscaping, including screening and arterial landscape areas.

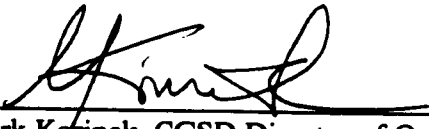
No new landscaping is proposed for this project. Upon installation of the ground-mounted photovoltaic arrays, the disturbed ground will be covered with gravel or similar material to minimize erosion and dust.

I. Provide a parking plan for your project. If you are requesting approval for off-site parking within 300 feet, provide plans showing (1) parking on your site, (2) parking on the off-site parking lot; and (3) how much of the off-site parking area is required for any business other than your own.

This project does not require parking and does not impact existing parking facilities. The existing parking lot and the number of existing parking spaces within the lot will not be impacted. There is no request for additional or off-site parking.

ACKNOWLEDGMENT OF APPLICANT

I certify that the foregoing statements are true and correct to the best of my knowledge and belief. I agree to fully comply with all conditions as established by the Planning Commission/Board of Supervisors. I am aware that this permit becomes null and void if the use is not initiated within one-year of the date of the Planning Commission/Board of Supervisors approval; and I understand that this permit may be revoked for violation of any of the conditions of approval. I further understand that approval of this application does not exempt me from all City Code requirements.



Mark Korinek, CCSD Director of Operations
Applicant

10/7/10
Date

**SPECIAL USE PERMIT APPLICATION
PROJECT IMPACT REPORT STATEMENT
CARSON CITY SCHOOL DISTRICT
EAGLE VALLEY MIDDLE SCHOOL – PHOTOVOLTAIC ARRAYS**

This green energy project is proposed to help reduce School District operating costs, reduce the District's reliance on the existing power grid and continue to improve their energy efficiency. The project involves installation of a ground-mounted photovoltaic array (solar energy) system along the southern portion of the Eagle Valley Middle School property. The amount of space anticipated for these panels is approximately 60,000 square feet.

It is important to note that this work does not increase the student body or staff populations. This project will reduce School District operating costs, reduce the District's reliance on the existing power grid and continue to improve their energy efficiency. As such, demands on traffic, drainage, water and sewer are not anticipated to increase as a result of this project.

The following information discusses the impacts related to traffic, drainage, water and sewer:

TRAFFIC: Currently, there are approximately 620 students and 55 staff at Eagle Valley Middle School. These numbers will not change as a result of this project. This project will have no impact to on-site or neighboring traffic. Because there is no population or traffic increase as a result of this project, no calculations or studies have been prepared.

DRAINAGE: This proposed green energy project will not generate any additional impervious surface. The proposed photovoltaic array system will be installed on undeveloped land. The existing soil has demonstrated an apparent ability to reasonably infiltrate run-off. While preliminary at this time, this project intends to cover the surface disturbed by this installation with gravel or other similar materials to help reduce the potential for erosion or dust. In addition, the area will be graded to help ensure adjacent properties are not impacted by

unanticipated run-off. Drainage details specific to this project will be submitted as part of the anticipated building permit submittal.

WATER: Currently, there are approximately 620 students and 55 staff at Eagle Valley Middle School. These numbers will not change as a result of this project. This project will have no impact on the existing water demand.

Landscape areas and irrigation will not be impacted as a result of this project.

Since this project does not involve domestic or irrigation water, no water calculations will be provided to the City.

SEWER: Currently, there are approximately 620 students and 55 staff at Eagle Valley Middle School. These numbers will not change as a result of this project. This project will have no impact on the existing sanitary sewer demand.

SPECIAL USE PERMIT APPLICATION
GREEN ENERGY PROJECTS – SUPPLEMENTAL INFORMATION
CARSON CITY SCHOOL DISTRICT
EAGLE VALLEY MIDDLE SCHOOL – PHOTOVOLTAIC ARRAYS

In addition to the three Special Use Permit applications for the photovoltaic array projects, which will each generate 300 kilowatts of power, the Carson City School District has been actively pursuing conservation, renewable and green energy projects for several years. The past and present goal of the District is to use capital funds to reduce operating costs. The savings generated by this improved energy efficiency increases the educational operating funds, which have a direct impact on teachers and students. It also provides renewable educational opportunities to the students.

Two other photovoltaic projects are planned at District sites. These two projects will generate an additional one-megawatt of power. These alternative energy projects will save the District approximately \$200,000 in annual utility charges, and reduce the District's reliance on the City's power grid. Other alternative energy projects being considered involve the use of wind generation energy.

Since January 2010, the School District has been involved in approximately \$1.2M of green energy projects. There are twelve of these energy efficient projects, which include replacing old inefficient boilers, lighting retrofits, and heat pump retrofits and replacements.

Carson Middle School is now equipped with a state of the art HVAC temperature control system that regulates the building with outside air. This air constitutes over fifty percent of the required cooling load. The temperature control system is linked to the lighting system, which together condition each area within the building for less operating cost. To further reduce operating costs, hallways and classrooms take advantage of natural lighting due to the installation of skylights equipped with lighting sensors and mechanical blinds to maximize the use of natural sunlight.

The middle school also incorporated two trash compactors, which have already saved the District approximately \$40,000 in landfill disposal fees, not to mention a reduction in vehicle emissions.

These combined energy efficient and green energy projects have already generated a savings to the Carson City School District of approximately \$500,000. With substantially reduced operating budgets, these savings have been instrumental in helping to meet operating needs and directly supporting the needs of our students by making funds available to their classrooms.



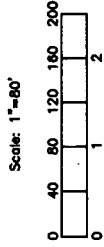
Find out if you're in a flood zone.
Call
BEFORE YOU DIG.
1-800-227-2600
NATIONAL FLOOD HAZARD CENTER (NFHC)

DESCRIPTION	EXISTING	PROPOSED
FLOOD ZONES	ZONE B	ZONE B
EARTHQUAKE FAULTING	N/A	N/A
PROPERTY SIZE (ACRES)	39.2	39.2
EX. BUILDINGS (SQ. FT.)	64,208	64,208
NEW BUILDINGS (SQ. FT.)	-	-
INTENDED USE	SCHOOL	SCHOOL
PAVED SURFACES (ACRES)	2.8	2.8
*PARKING SPACES	104	104
**OFFSITE PARKING	-	-
OCCUPANT LOAD	730	730
OCCUPANCY TYPE	GROUP E	GROUP E
BUILDING TYPE	TYPE V - NO HOUR	TYPE V - NO HOUR
FIRE SYSTEM	N/A	N/A
FIRE ALARM	-	-
HAZARDOUS MATERIALS	N/A	N/A
FLAMMABLE MATERIALS	N/A	N/A

NOTES:
1. PROPERTY LINES AND INFORMATION SHOWN ON THIS PLAN IS APPROXIMATE AND WILL BE VERIFIED PRIOR TO BUILDING PERMIT SUBMITTAL.

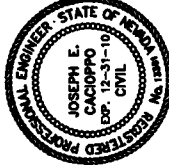
PROPOSED SITE AREA DISTRIBUTION			
DESCRIPTION	AREA (SF)	AREA (AC)	
PHOTOVOLTAIC PANELS	60,000 SF	1.4 AC	

NOTE: THE QUANTITIES SHOWN ABOVE ARE APPROXIMATE.



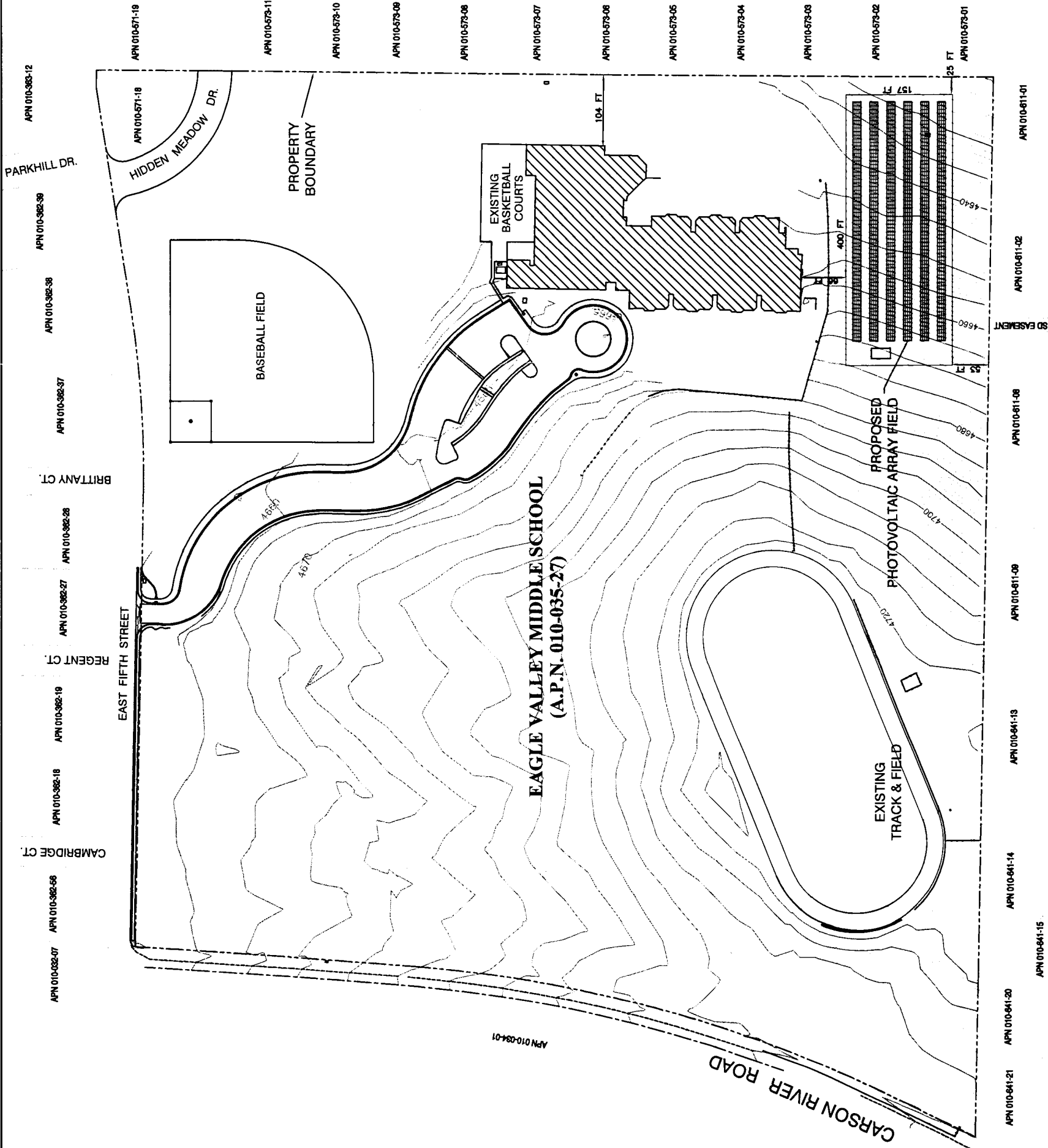
SPECIAL USE PERMIT APPLICATION
EAGLE VALLEY MIDDLE SCHOOL
4151 E. 5TH STREET
CARSON CITY, NEVADA

SITE PLAN



APPLICANT/OWNER:	CARSON CITY SCHOOL DISTRICT
CONTACT:	MARK KORINEK
	1402 W. KING STREET, CARSON CITY, NV 89703
	(775) 283-2000
ENGINEER:	RESOURCE CONCEPTS, INC.
	CONTACT: JOE CACIOPPO, P.E.
	340 N. MINNESOTA STREET, CARSON CITY, NV 89703
	(775) 883-1600
PROJECT TITLE:	EAGLE VALLEY MIDDLE SCHOOL PHOTOVOLTAIC ARRAYS
PROJECT ADDRESS:	4151 EAST FIFTH STREET, CARSON CITY, NEVADA
APN:	010-035-27
PERMIT:	SPECIAL USE PERMIT

JOB NO:	09-232-01
DATE:	Oct. 7, 2010
DESIGNED:	JEC
DRAWN:	JEC
CHECKED:	JEC
SHEET 1 OF 1	



Ground Mount Structure
 Typical Design

Revisions

Date of Issue: 01 July 2010
 Issued For: Permit
 Drawn By: CHH
 Checked By: CHH
 Scale: 1/4" = 1'-0"
 Project No.: 1000190

Sheet Contents

Ground Mount Structure
 Typical Design
 Ground Mount Structure

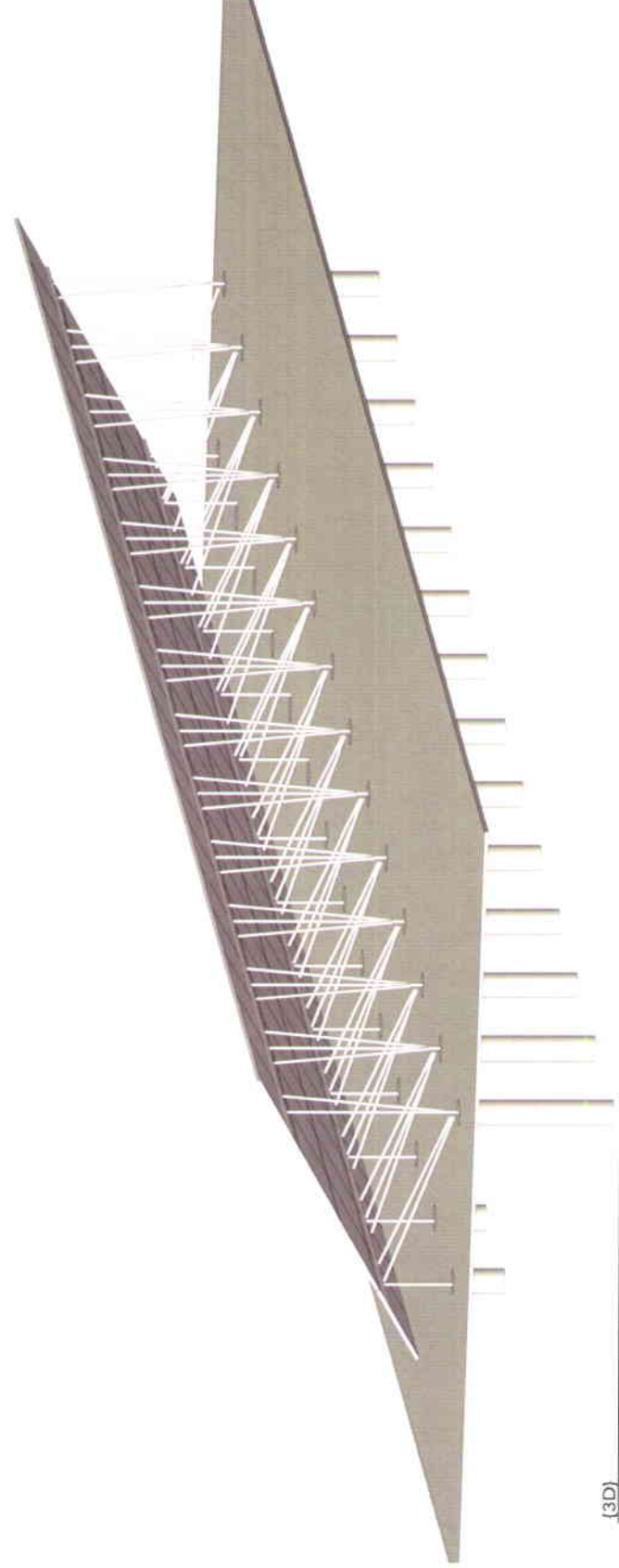
Sheet Number
E0.1



Footings and Framing Plan
 Scale: 1/4" = 1'-0"



Site Plan
 Scale: 1/4" = 1'-0"



(3D)
 Scale: 1/4" = 1'-0"

GROUND-MOUNTED SYSTEM (MAX HEIGHT = 8 FT)

SNAPNRACK GROUND RAIL

SNAPNRACK MODULE MID CLAMPS

SNAPNRACK PIPE TO RAIL

CONNECTOR

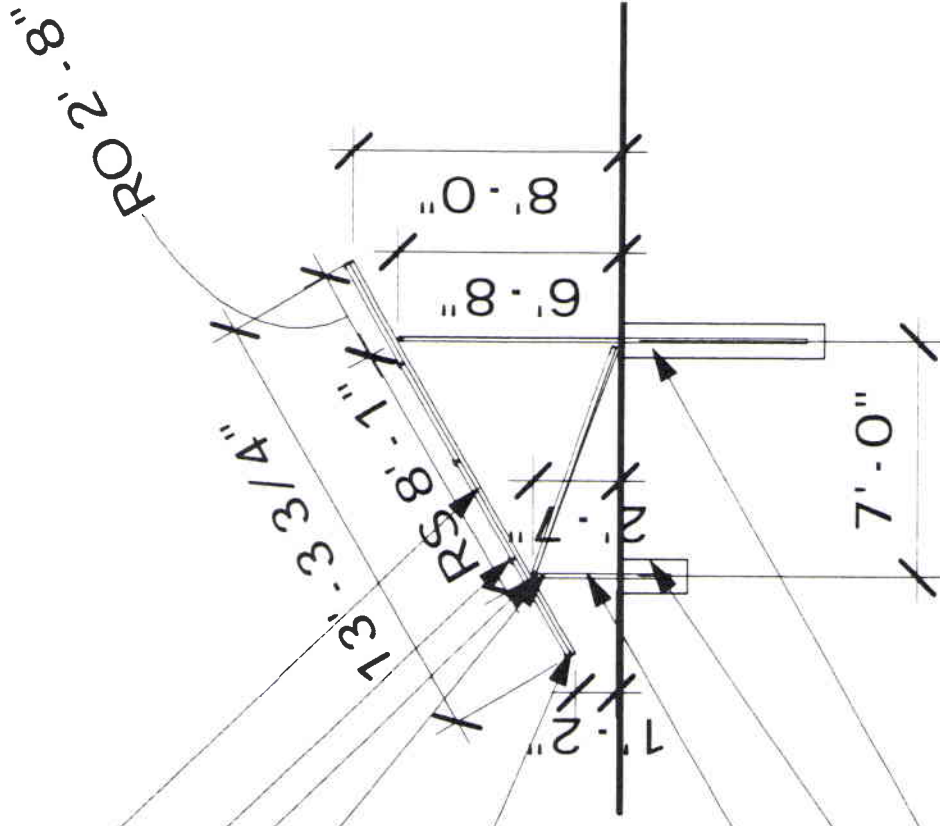
KEE KLAMP OR EQUIVALENT

SINGLE SICKET SWIVEL

CONNECTORS FOR ANGLED

BRACES TO VERTICAL PIPE

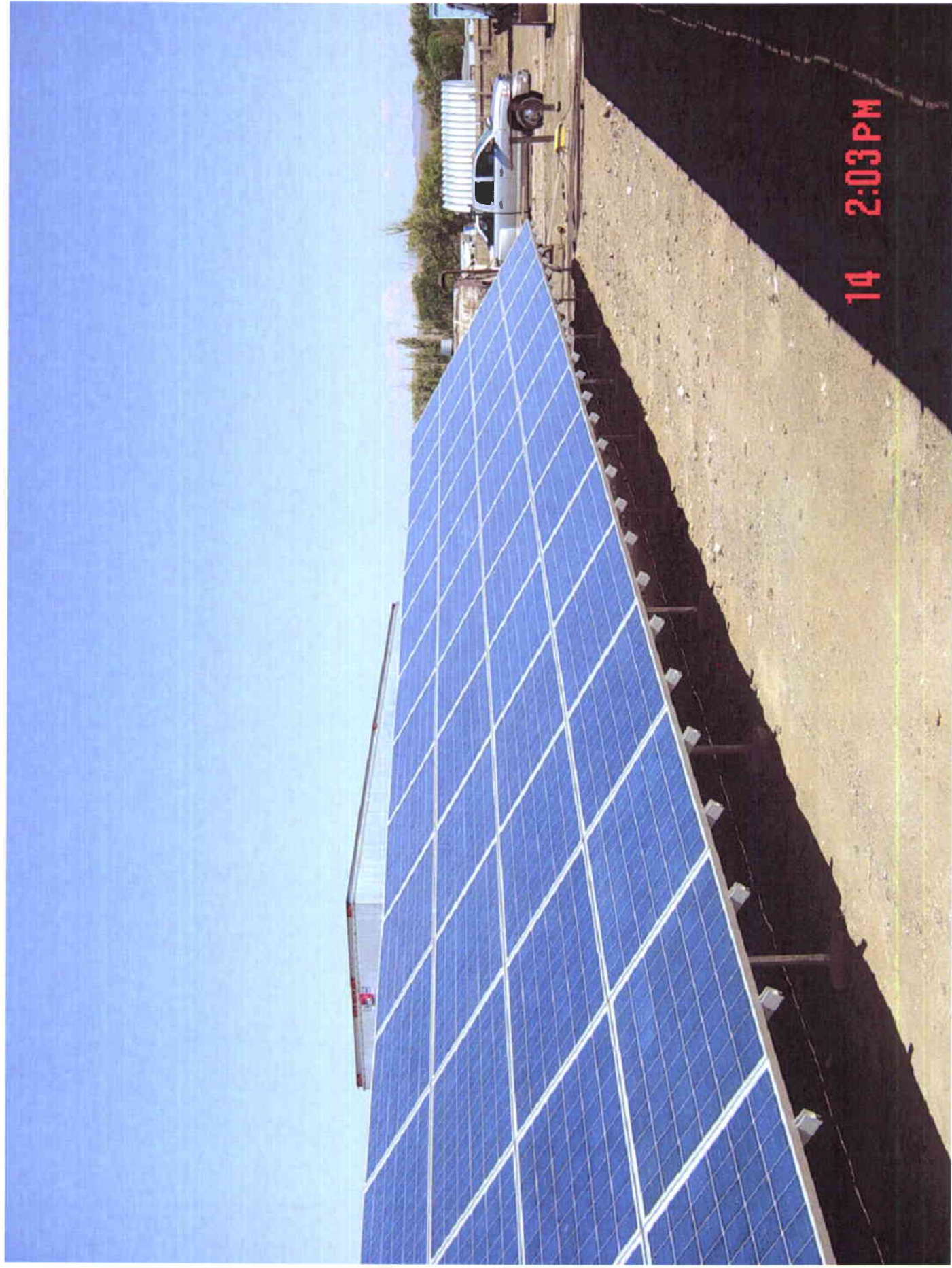
SNAPNRACK MODULE END CLAMPS



POST 1 1/2" SCHEDULE
#40 GALVANIZED PIPE

FRONT PIER, 12" DIAM. CONCRETE

BACK PIER, 12" DIAM.
CONCRETE





Senate Bill No. 114—Senator Schneider

CHAPTER.....

AN ACT relating to energy; requiring the Director of the Office of Energy to make certain determinations relating to systems for obtaining solar energy; prohibiting certain restrictions on the use of systems for obtaining solar energy or wind energy; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law sets forth a prohibition against covenants, restrictions or conditions contained in deeds, contracts or other legal documents which prohibit or unreasonably restrict an owner of property from using a system for obtaining solar energy on his property. (NRS 111.239, 278.0208) **Sections 2 and 3** of this bill include within the prohibition any such covenant, restriction or condition which has the effect of prohibiting or unreasonably restricting the property owner from using a solar energy system. **Sections 2 and 3** also describe an unreasonable restriction on the use of a system for obtaining solar energy as including: (1) the placing of a restriction or requirement that decreases the efficiency or performance of a system for obtaining solar energy by more than 10 percent of the amount that was originally specified for the system, as determined by the Director of the Office of Energy; and (2) the prohibition of a system for obtaining solar energy that uses components painted with black solar glazing.

Section 1 of this bill requires the Director, if requested to make a determination concerning the efficiency or performance of a system for obtaining solar energy pursuant to **section 2 or 3**, to make the determination within 30 days after receiving the request. If the Director needs additional information to make the determination, **section 1** authorizes the Director to request that information from the person requesting the determination and requires the Director to make the determination within 15 days after receiving the additional information.

Sections 1.5 and 2.5 of this bill set forth a prohibition against covenants, restrictions or conditions contained in deeds, contracts or other legal documents, and against local ordinances, regulations or plans, which prohibit or unreasonably restrict an owner of property from using a system for obtaining wind energy on his property. **Sections 1.5 and 2.5** describe an unreasonable restriction on the use of a system for obtaining wind energy as the placing of a restriction or requirement on the use of a system for obtaining wind energy which significantly decreases the efficiency or performance of the system and which does not allow for the use of an alternative system at a substantially comparable cost and with substantially comparable efficiency and performance. **Sections 1.5 and 2.5** do not prohibit reasonable restrictions: (1) imposed pursuant to a determination by the Federal Aviation Administration that the installation of the system for obtaining wind energy would create a hazard to air navigation; or (2) relating to the height, noise or safety of a system for obtaining wind energy.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 701.180 is hereby amended to read as follows:
701.180 The Director shall:



1. Acquire and analyze information relating to energy and to the supply, demand and conservation of its sources.
2. Utilize all available public and private means to provide information to the public about problems relating to energy and to explain how conservation of energy and its sources may be accomplished.
3. Review and evaluate information which identifies trends and permits forecasting of the energy available to the State. Such forecasts must include estimates on:
 - (a) The level of demand for energy in the State for 5-, 10- and 20-year periods;
 - (b) The amount of energy available to meet each level of demand;
 - (c) The probable implications of the forecast on the demand and supply of energy; and
 - (d) The sources of renewable energy and other alternative sources of energy which are available and their possible effects.
4. Study means of reducing wasteful, inefficient, unnecessary or uneconomical uses of energy and encourage the maximum utilization of existing sources of energy in the State.
5. Encourage the development of:
 - (a) Any sources of renewable energy and any other energy projects which will benefit the State; and
 - (b) Any measures which conserve or reduce the demand for energy or which result in more efficient use of energy.
6. In conjunction with the Desert Research Institute, review policies relating to the research and development of the State's geothermal resources and make recommendations to the appropriate state and federal agencies for establishing methods of developing the geothermal resources within the State.
7. Solicit and serve as the point of contact for grants and other money from the Federal Government and other sources to promote:
 - (a) Energy projects that enhance the economic development of the State;
 - (b) The use of renewable energy; and
 - (c) The use of measures which conserve or reduce the demand for energy or which result in more efficient use of energy.
8. Coordinate the activities and programs of the Office of Energy with the activities and programs of the Task Force, the Consumer's Advocate and the Public Utilities Commission of Nevada and other federal, state and local officers and agencies that promote, fund, administer or operate activities and programs related to the use of renewable energy and the use of measures which



conserve or reduce the demand for energy or which result in more efficient use of energy.

9. *If requested to make a determination pursuant to NRS 111.239 or 278.0208, make the determination within 30 days after receiving the request. If the Director needs additional information to make the determination, he may request the information from the person making the request for a determination. Within 15 days after receiving the additional information, the Director shall make a determination on the request.*

10. Carry out all other directives concerning energy that are prescribed by the Governor.

Sec. 1.5. Chapter 111 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *Except as otherwise provided in subsection 2, any covenant, restriction or condition contained in a deed, contract or other legal instrument which affects the transfer or sale of, or any other interest in, real property and which prohibits or unreasonably restricts the owner of the property from using a system for obtaining wind energy on his property is void and unenforceable.*

2. *The provisions of subsection 1 do not prohibit a reasonable restriction or requirement:*

(a) *Imposed pursuant to a determination by the Federal Aviation Administration that the installation of the system for obtaining wind energy would create a hazard to air navigation; or*

(b) *Relating to the height, noise or safety of a system for obtaining wind energy.*

3. *For the purposes of this section, "unreasonably restricts the owner of the property from using a system for obtaining wind energy" includes the placing of a restriction or requirement on the use of a system for obtaining wind energy which significantly decreases the efficiency or performance of the system and which does not allow for the use of an alternative system at a substantially comparable cost and with substantially comparable efficiency and performance.*

Sec. 2. NRS 111.239 is hereby amended to read as follows:

111.239 1. Any covenant, restriction or condition contained in a deed, contract or other legal instrument which affects the transfer ~~to~~ or sale of, or any other interest in, real property ~~that~~ and which prohibits or unreasonably restricts or has the effect of prohibiting or unreasonably restricting the owner of the property from using a system for obtaining solar ~~for wind~~ energy on his property is void and unenforceable.



2. For the purposes of this section, ~~["unreasonably restricts the use of a system for obtaining solar or wind energy" means]~~ *the following shall be deemed to be unreasonable restrictions:*

(a) *The placing of a restriction or requirement on the use of ~~[such]~~ a system for obtaining solar energy which ~~[significantly]~~ decreases the efficiency or performance of the system by more than 10 percent of the amount that was originally specified for the system, as determined by the Director of the Office of Energy, and which does not allow for the use of an alternative system at a substantially comparable cost and with substantially comparable efficiency and performance.*

(b) *The prohibition of a system for obtaining solar energy that uses components painted with black solar glazing.*

Sec. 2.5. Chapter 278 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *Except as otherwise provided in subsection 2:*

(a) *A governing body shall not adopt an ordinance, regulation or plan or take any other action that prohibits or unreasonably restricts the owner of real property from using a system for obtaining wind energy on his property.*

(b) *Any covenant, restriction or condition contained in a deed, contract or other legal instrument which affects the transfer or sale of, or any other interest in, real property and which prohibits or unreasonably restricts the owner of the property from using a system for obtaining wind energy on his property is void and unenforceable.*

2. *The provisions of subsection 1 do not prohibit a reasonable restriction or requirement:*

(a) *Imposed pursuant to a determination by the Federal Aviation Administration that the installation of the system for obtaining wind energy would create a hazard to air navigation; or*

(b) *Relating to the height, noise or safety of a system for obtaining wind energy.*

3. *For the purposes of this section, "unreasonably restricts the owner of the property from using a system for obtaining wind energy" includes the placing of a restriction or requirement on the use of a system for obtaining wind energy which significantly decreases the efficiency or performance of the system and which does not allow for the use of an alternative system at a substantially comparable cost and with substantially comparable efficiency and performance.*



Sec. 3. NRS 278.0208 is hereby amended to read as follows:

278.0208 1. A governing body shall not adopt an ordinance, regulation or plan or take any other action that prohibits or unreasonably restricts *or has the effect of prohibiting or unreasonably restricting* the owner of real property from using a system for obtaining solar ~~for wind~~ energy on his property.

2. Any covenant, restriction or condition contained in a deed, contract or other legal instrument which affects the transfer ~~of~~ or sale ~~of~~, or any other interest in , real property ~~that~~ *and which* prohibits or unreasonably restricts *or has the effect of prohibiting or unreasonably restricting* the owner of the property from using a system for obtaining solar ~~for wind~~ energy on his property is void and unenforceable.

3. For the purposes of this section, ~~the use of a system for obtaining solar or wind energy~~ *the following shall be deemed to be unreasonable restrictions:*

(a) *The placing of a restriction or requirement on the use of ~~such~~ a system for obtaining solar energy which ~~significantly~~ decreases the efficiency or performance of the system by more than 10 percent of the amount that was originally specified for the system, as determined by the Director of the Office of Energy, and which does not allow for the use of an alternative system at a substantially comparable cost and with substantially comparable efficiency and performance.*

(b) *The prohibition of a system for obtaining solar energy that uses components painted with black solar glazing.*

Sec. 4. This act becomes effective upon passage and approval.

