

## **CARSON CITY PLANNING COMMISSION**

### **Minutes of the May 25, 2005 Meeting**

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A regular meeting of the Carson City Planning Commission was scheduled for 3:30 p.m. on Wednesday, May 25, 2005 in the Community Center Sierra Room, 851 East William Street, Carson City, Nevada.

**PRESENT:** Chairperson John Peery

Vice Chairperson Mark Kimbrough  
Craig Mullet  
Steve Reynolds  
Roger Sedway  
Roy Semmens  
William Vance

**STAFF:** Walter Sullivan, Planning and Community Development Director

Jennifer Pruitt, Senior Planner  
Sean Foley, Associate Planner  
Robb Fellows, Chief Storm Water Engineer  
Mary-Margaret Madden, Deputy District Attorney  
Kathleen King, Recording Secretary

**NOTE:** A tape recording of these proceedings is on file in the Clerk-Recorder's Office, and is available for review during regular business hours.

**A. CALL TO ORDER, DETERMINATION OF A QUORUM, AND PLEDGE OF ALLEGIANCE** (1-0007) - Chairperson Peery called the meeting to order at 3:33 p.m. Roll was called; a quorum was present. (1-0020) Commissioner Reynolds led the pledge of allegiance.

**B. COMMISSION ACTION; APPROVAL OF MINUTES - March 30, 2005 and April 27, 2005** (1-0012) - Commissioner Semmens moved to approve the minutes. Commissioner Reynolds seconded the motion. Motion carried 7-0.

**C. PUBLIC COMMENT** (1-0029) - None.

**D. MODIFICATIONS TO THE AGENDA** (1-0035) - None.

**E. DISCLOSURES** (1-0037) - Chairperson Peery advised he would be recusing himself from discussion and action on item G-6.

**F. CONSENT AGENDA** (1-0044) - None.

**G. PUBLIC HEARING**

(1-0065) Chairperson Peery recessed the Planning Commission meeting and convened the Growth Management Commission meeting. Roll for the Growth Management Commission was called; a quorum was present.

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**G-1. GM-05-057 ACTION ON CARSON CITY'S 2005 GROWTH MANAGEMENT PROGRAM TO RECOMMEND TO THE BOARD OF SUPERVISORS A GROWTH MANAGEMENT RESOLUTION FOR THE SELECTION OF A GROWTH MANAGEMENT RATE AND NUMBER OF RESIDENTIAL BUILDING PERMIT ENTITLEMENTS (1-0071) -** Chairperson Peery introduced this item, and Ms. Pruitt reviewed the staff report. She expressed appreciation for the assistance of Management Assistant RoseMary Johnson in preparing the annual report. She provided background information on the Growth Management Program. She emphasized that the City's Growth Management Ordinance was not established to regulate population growth. It is only associated with building permit allocations and the 7,500 gallon-per-day commercial / industrial threshold limit. Ms. Pruitt referred to page 38 of the agenda materials, and provided an overview of the 2004 entitlement report. She reviewed demographic information also included in the agenda materials. She described the information provided by the Planning and Community Development Department regarding available lots in Carson City. She reviewed staff's recommended action.

Chairperson Peery reviewed statistical information over several years. Ms. Pruitt acknowledged that the "ceilings" are set to accommodate increases in building permits. In response to a question, Ms. Pruitt explained that approving a 2% growth limit would leave the possibility of an insufficient number of building permit allocations. Mr. Sullivan responded to questions regarding the Schulz Ranch development. He advised that any discussion to change the 3% growth rate would need to include the building community in order that financial arrangements can be made with lending institutions.

Commissioner Vance suggested there were significant doubts in the documentation supporting the 3% growth rate. He discussed fire and utilities projections, and suggested seriously considering the City's infrastructure. He expressed the opinion that if the City experienced two years of 3% growth, there would be major problems because of insufficient staffing and infrastructure. Mr. Sullivan agreed the annual trend should be considered, and that another year like the last two would indicate the need to discuss a change in the 3% growth rate. He advised there are sufficient water rights to accommodate a population of 80,000. He acknowledged production and distribution issues, and advised that the City had applied for five new wells in the last year. City staff will be working on the associated distribution issues. Mr. Sullivan acknowledged the School District had provided no response. Commissioner Vance reviewed portions of Public Works Operations Manager Tom Hoffert's water allocation report. He reiterated his concern over infrastructure. Mr. Sullivan advised that one aspect of the master plan update includes growth management, and suggested Commissioner Vance's concerns would be addressed.

In response to a question, Mr. Fellows advised that all five wells have been drilled and are in the process of being equipped. In response to a further question, he advised that two of the wells were redrills and three were new. All five are scheduled to go into full production. Commissioner Reynolds expressed the understanding that most City departments were prepared to handle a 3% growth rate. Mr. Sullivan advised of having reviewed Fire Department response maps, as part of the master plan update. These maps will be presented to the Commission and the public in the near future. Mr. Sullivan advised of comments from different departments, in the past, indicating that a 3% rate would cause a bind. He noted this is not the purview of the Commission, but that of the Board of Supervisors. It is more a fiscal issue in terms of manpower and budgets. He acknowledged the Fire Department's concerns associated with growth

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management, the community, and response times.

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In response to a question, Mr. Sullivan advised that the figures listed on the Current Distribution table, at page 29 of the staff report, represent actual allotments. He explained the allocation process. In response to a further question, he advised that the Planning Commission has the authority to reallocate building permits from one category to another. In response to a further question, Mr. Sullivan advised the base figure is established by the City's census figures. Any left over are returned to the Building Department.

Chairperson Peery called for public comment.

(1-0434) Marilyn Payne, a resident of Carson City, expressed the opinion that 3% is a very high growth rate, one of the highest in the U.S. She advised there's not that much buildable land within the Carson City limits, and inquired as to the reason for the 3% recommendation. She expressed the opinion that the infrastructure question is a serious one. She advised that Pinion Hills residents don't have water or sewer, and discussed the limited amount of ground water. Based on her experience, she advised that the actual cost benefit of development versus infrastructure "never works out." She suggested that a 1.5% growth limit is more typical and still considered high.

(1-0487) Joe Allec discussed transportation safety issues, and suggested that more tourist attractions should be considered for the City. He suggested acquiring the Stewart Indian School facility. Chairperson Peery suggested that Mr. Allec participate in the Envision Carson City master planning process.

Chairperson Peery called for additional public comment and, when none was provided, entertained a motion. **Commissioner Semmens moved to recommend approval of the 3% maximum growth rate for 2006, based on Option 1, setting the Year 2006 building permit number at 708 residential building permits, and the 2007 maximum building permit number at 715 residential permits, and Commercial / Industrial threshold limit shall be 7,500 gallons per day of water usage, and to return the water that was left over from 2005 into the 2006. Commissioner Reynolds seconded the motion. Motion carried 7-0.**

Mr. Sullivan acknowledged the Board of Supervisors will be presented the Commission's recommendation at their second meeting in July. Chairperson Peery recessed the Growth Management Commission at 4:12 p.m. and reconvened the Planning Commission meeting.

**G-2. SUP-05-046 ACTION REGARDING A SPECIAL USE PERMIT APPLICATION FROM FERNANDO ENSENAT (PROPERTY OWNER: TIMOTEO AND EMERENCIANA RUVALCABA, TIMOTEO RUVALCABA RAMOS) TO ALLOW A TWO-FAMILY DWELLING (DUPLEX), ON PROPERTY ZONED RETAIL COMMERCIAL (RC), LOCATED AT 3200 CARMINE STREET, APN 008-302-17 (1-0560)** - Chairperson Peery introduced this item, and Mr. Sullivan reviewed the staff report. He referred to a letter, distributed to the Commissioners and staff, expressing a preference for a commercial development rather than the proposed duplex. Based on the application and staff's review of the property, Mr. Sullivan advised of the recommended approval subject to ten conditions. Mr. Foley narrated slides pertinent to this item. In response to a question, he explained that the property is proposed to be utilized similar to a SF6,000 lot. In response to a question, Mr. Fellows referred to condition of approval #6, and advised that the minimum public utility easement and drainage

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requirement is 5 feet.

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(1-0674) Mr. Ensenat, representing the property owner, advised of having submitted all proposed floor plans and setbacks to the Planning Division. He described the existing building, which was constructed in 1935, as an “eyesore to the neighborhood.” He discussed the proposal to construct a two-story duplex which he anticipates will benefit the neighborhood. Mr. Ensenat was unaware as to whether the structure to the east of the subject property was used for a residence or an office. He acknowledged agreement with the conditions of approval outlined in the staff report. Chairperson Peery called for public comment.

(1-0716) Robert Fitz, owner of the property to the west of the subject property, expressed opposition to the proposed development because of concerns over vandalism, burglary, and the potential for increased activity in the evening. He expressed the opinion that the setbacks normally required for a duplex should apply to the proposed development. In response to a question, he reiterated his concern over increased activity in the area during the evening and nighttime hours. Mr. Sullivan advised Mr. Fitz that the developer would be required to provide 5' setbacks.

(1-0757) Al McCaughan, owner of the property directly behind the subject property, agreed with an earlier description of the property as “a junkyard.” He inquired as to the required setback between his and the subject property, and expressed a preference for “some kind of barrier.” He advised of a compatible co-existence between the single family residences and the businesses in the area over the years. In response to a question, Mr. McCaughan advised of having kids come through his yard and jump the fence. Commissioner Vance advised that the plans depict almost 60' between Mr. McCaughan’s property and the subject property, together with a walled-in backyard. Commissioner Mullet suggested that the residential development will decrease the “traffic of kids or vandals” in the area.

Chairperson Peery called for additional public comment and, when none was forthcoming, entertained a motion. **Commissioner Vance moved to approve SUP-05-046, a special use permit application from Fernando Ensenat to allow a duplex, on property zoned retail commercial, located at 3200 Carmine Street, APN 008-302-17, based on seven findings and subject to the ten recommended conditions of approval contained in the staff report. Vice Chairperson Kimbrough seconded the motion. Motion carried 7-0.**

**G-3. SUP-05-047 ACTION REGARDING A SPECIAL USE PERMIT APPLICATION FROM WILLIAM LANDRY TO ALLOW A SINGLE-FAMILY DWELLING, ON PROPERTY ZONED RETAIL COMMERCIAL (RC), LOCATED AT 4889 VOLTAIRE STREET, APN 009-283-07** (1-0819) - Chairperson Peery introduced this item, and Mr. Sullivan reviewed the staff report and the public comment received. He advised of staff’s recommended approval, subject to the eleven conditions contained in the staff report. Vice Chairperson Kimbrough expressed the understanding that the dwelling is designed to be temporary in nature, and that similar dwellings typically serve a purpose in RV communities which have the necessary hookups. He expressed surprise that the Carson City Municipal Code did not have zoning restrictions “because if it’s allowed here, [he] could picture it anywhere in this community.” He inquired as to whether there has ever been some type of design required which would limit this type of structure from beginning to come into the City. Mr. Sullivan reviewed design standards

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for manufactured homes in residential zones. He noted the special use permit required for the subject dwelling to be placed in a commercial zone, and advised that design is considered as part of the process. Staff considered the special use permit request from the standpoint of a temporary dwelling. In response to a question, Mr. Sullivan suggested asking the applicant to define "temporary."

Mr. Sullivan acknowledged the applicant could have no other residential use on the property without coming back before the Commission. He advised there is no existing septic system on the property. In response to a question, Mr. Fellows advised that the City sewer is presently inaccessible. Once phase 2 of the freeway is completed, the City will provide gravity sewer to the area. Mr. Fellows acknowledged the property owner is allowed to have a septic system given the inaccessibility of the City sewer line.

Mr. Foley clarified setback information included in the staff report: the eastern setback, excluding the deck, is 395' away from the east property line; the building would be 174' from the rear property line. Mr. Foley advised of the property owner's intent to eventually develop the property commercially. He advised of an abandoned well on the property, and that Public Works is requiring the property owner to extend the water line from the end of Voltaire Street. With regard to the site plan, the applicant indicates a 20' wide driveway which has since been revised to 14 feet.

(1-0976) Bill Landry acknowledged having read the staff report, and expressed his agreement. In response to an earlier question, Mr. Landry expressed the opinion that, as soon as the freeway is complete, "things are going to change in the neighborhood." He advised this defines "temporary." In response to a question, Mr. Fellows advised the freeway is anticipated to be completed in 3-5 years. In response to a question, Mr. Landry advised he will use the dwelling as a residence. He further advised he will have the dwelling constructed. Chairperson Peery opened this item to public comment.

(1-1017) Tony Pilant advised of living across the street from the subject property, and that he has "watched the history of this property for about eight years." He expressed a preference for residential development of the property. He inquired as to the definition of "temporary," and what the property owner's plans are once water, electricity, and the septic system are available. Chairperson Peery advised that anything beyond the current application would require an entirely new special use permit application process.

Chairperson Peery acknowledged that the structure could stay on the property indefinitely unless the action specifies a period of time. Commissioner Sedway noted that "temporary" is usually not defined. Mr. Sullivan acknowledged that the owner can develop the property according to uses approved within the retail commercial zoning district without having to appear before the Commission. A permitted retail commercial use would require filing building plans with the Building Department. Any additional residential uses would require another special use permit application. **Commissioner Reynolds moved to approve SUP-05-047, a special use permit application from William Landry to allow a single-family dwelling, on property zoned retail commercial, located at 4889 Voltaire Street, APN 009-283-07, based on seven findings and subject to the recommended conditions of approval contained in the staff report. Commissioner Semmens seconded the motion. Motion carried 6-1.**

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**G-4. SUP-05-050 ACTION REGARDING A REQUEST FOR A SPECIAL USE PERMIT APPLICATION FROM THE PEDRO COSCARART FAMILY TRUST TO ALLOW PERMANENT USE OF A METAL STORAGE CONTAINER BUILDING, ON PROPERTY ZONED RETAIL COMMERCIAL (RC), LOCATED AT 730 BASQUE WAY, APN 008-125-36 (1-1139)** - Chairperson Peery introduced this item. Ms. Pruitt reviewed the staff report and narrated pertinent slides. She advised of staff's recommendation to paint the storage container to blend with the building color. She further advised of staff's recommended approval of the special use permit. Commissioner Mullet suggested extending the fence an additional three feet rather than requiring the applicant to paint the storage container. Ms. Pruitt advised of the requirement for the applicant to abide by the engineering and permit requirements for a taller fence. In response to a question, Mr. Fellows advised there will be 30 - 40' from the fence to the north property line, which is quite a distance from the location of the Wal-Mart driveway. He pointed out the property line and the Wal-Mart driveway on a displayed slide.

(1-1259) Pedro Coscarart explained the purpose for the storage container. He acknowledged having read and agreed to the staff report.

Chairperson Peery called for public comment; however, none was provided. Commissioner Sedway referred to Title 18, Division 1.10, included in the agenda materials, and agreed that the height of the fence should be extended. Chairperson Peery agreed. Commissioner Vance suggested revisiting the Fast Glass item. Mr. Sullivan explained that Mr. Coscarart would be required to submit a modified special use permit application. He reviewed the requirements for constructing an 8' fence. He expressed understanding of the Commissioners' concerns over aesthetics, but expressed the opinion that a simple paint job will accomplish blending the unit with the building. In response to a question, Mr. Sullivan advised that most storage containers are in parking lots without any fencing. He suggested allowing the applicant to paint the fence, and that the Commission could revisit the item in six months to determine whether the fence should be extended. **Commissioner Sedway moved to approve SUP-05-050, a special use permit application from Pedro Coscarart, to allow the placement of one 8' x 20' (160 square foot) metal storage container, on property zoned retail commercial, located at 730 Basque Way, APN 008-125-36, based on seven findings and subject to the conditions of approval contained in the staff report.** Commissioner Semmens seconded the motion. Motion carried 7-0.

**G-5. SUP-05-065 ACTION REGARDING A REQUEST FOR A SPECIAL USE PERMIT APPLICATION FROM TONY PSARRAS OF WIENERSCHNITZEL RESTAURANT (PROPERTY OWNER: ANTHONY PSARRAS AND MARY DITTLER-BARRAS) TO ALLOW PERMANENT PLACEMENT OF SIX METAL STORAGE CONTAINERS, ON PROPERTY ZONED GENERAL COMMERCIAL (GC), LOCATED AT 3359 HIGHWAY 50 EAST, APN 008-303-02 (1-1378)** - Chairperson Peery introduced this item. Ms. Pruitt reviewed the staff report, and narrated pertinent slides. In response to a question, she advised there are 32 feet between the storage containers.

(1-1476) Tony Psarras acknowledged his agreement with the staff report. In response to a question, he advised that the storage containers are only used to 30% capacity in order to accommodate walk space. He acknowledged that all the storage is related to the Wienerschnitzel restaurant.

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Chairperson Peery called for public comment; however, none was provided. Vice Chairperson Kimbrough suggested developing certain standards for storage containers. In response to a question, Mr. Sullivan advised the Building Department does not regulate storage units; they are regulated under the Zoning Code. **Commissioner Semmens moved to approve SUP-05-065, a special use permit application from Tony Psarras to allow the placement of six 8' x 40' (320 square foot) metal storage containers, on property zoned general commercial, located at 3359 Highway 50 East, APN 008-303-02, based on seven findings and subject to the conditions of approval contained in the staff report. Commissioner Vance seconded the motion. Motion carried 7-0.**

Chairperson Peery recessed the meeting at 5:08 p.m. and stepped from the dais.

**G-6. SUP-05-008 ACTION REGARDING A SPECIAL USE PERMIT APPLICATION FROM APS ENERGY SERVICES (PROPERTY OWNER: STATE OF NEVADA) TO ALLOW THE OPERATION OF A RENEWABLE ENERGY CENTER CONSISTING OF ONE BIOMASS-WOOD FIRED BOILER, CO-GENERATION PLANT AND PHOTOVOLTAIC FACILITY AT THE NORTHERN NEVADA CORRECTIONAL CENTER, ON PROPERTY SPLIT ZONED PUBLIC (P) AND AGRICULTURAL (A), LOCATED AT 1721 SNYDER AVENUE, APN 010-281-46 (1-1565)** - Vice Chairperson Kimbrough reconvened the meeting at 5:19 p.m., and introduced this item. Ms. Pruitt reviewed the staff report, and advised of having received 243 written oppositions to the special use permit. Sixteen letters of support had been received, including a letter from the Nevada State Office of Energy. Ms. Pruitt advised that the applicant had been very patient, professional, and helpful to staff since the last Commission meeting. She provided an overview of the neighborhood meeting held on May 16<sup>th</sup>. Invitations were sent to 175 people and, pursuant to Mr. Sullivan's direction, Planning and Community Development Department staff called all the citizens for whom phone numbers were available to remind them of the neighborhood meeting. Approximately 45-65 people attended, and Ms. Pruitt advised of a great deal of interaction between the applicant's team and the citizens. The applicant additionally provided, by mail, an informational sheet to the 175 citizens regarding items of concern discussed at the April Commission meeting.

Mr. Sullivan reviewed the 25 conditions of approval for the benefit of the public. Ms. Pruitt read into the record revised conditions of approval #16 and #19, copies of which were included in the late material distributed to the Commissioners and staff prior to the start of the meeting. In response to a question, Ms. Pruitt advised that Carson City Renewable Energy is the contractor which will provide fuel to the applicant.

(1-1948) Jay Johnson, Business Development Manager for APS Energy Services, expressed appreciation to Ms. Pruitt, members of the Planning and Community Development Department, and the Commission. He advised that the applicant accepts the conditions of approval, as revised. He clarified that APS Energy Services is the general contractor for the project; the owner is Northern Nevada Correctional Center ("NNCC"); and Carson City Renewable Resources is the fuel supplier. He explained the contractual relationship, as part of an economic development plan, between the City and Carson City Renewable Resources to establish a business near the landfill to remove woody, biomass products. He discussed a poll conducted by the *Nevada Appeal* last week, in which 404 people participated and 91% were supportive of the use of woody biomass to generate electricity at the NNCC. He advised that the project has been in

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development for over four years, and that the renewable energy center is phase 2 of an energy conservation plan. He advised that the project will benefit the forest, the landfill, the Department of Corrections, and the air quality in the greater Carson Valley / Tahoe Basin. He reviewed a list of representatives of various involved and supportive agencies and organizations in attendance at the meeting, and provided an overview of the presentation.

(1-2028) Nevada Fire Safe Council Executive Director Elwood Miller expressed support for the project. He provided background information on the mission of the Nevada Fire Safe Council. He advised that one of the greatest obstacles to accomplishing the mission of the Nevada Fire Safe Council is disposal of accumulated fuel from hazardous fuel reduction projects. It is anticipated that the efforts to reduce hazardous fuels will generate “literally tons of woody material.” Mr. Miller reviewed three disposal processes: chipping, stacking and burning, and transporting the material to a landfill. Chipping and blowing the material back on site does not reduce the fuel volume; it only changes the character of the fuel. Decomposition in the local environment is slow, the presence of thick layers of chips inhibit establishment of desirable vegetation and plants, and there is a definite limit to the amount of material a site can absorb. Combustion, as part of the stacking and burning method, is generally incomplete, adding more smoke and undesirable levels of greenhouse gases into the air. Mr. Miller noted the ever-present possibility of fire escaping containment, and advised that air quality concerns continue to narrow the burning window each year. He expressed appreciation for Carson City Renewable Resources locating its operation next to the landfill to assist in developing ways to divert the material from the landfill, thereby increasing the life of the landfill and reducing the amount of organic matter deposited. He advised that decomposing organic matter produces far more environmentally damaging bio-gases than even an open burning operation. Mr. Miller advised that none of the three disposal methods described capture the energy contained in the woody material and convert it to a useful purpose. The Nevada Fire Safe Council is supportive of a commercial infrastructure which can utilize the material and turn it to a useful purpose. The proposed integrated energy project is a very viable method to begin development of that kind of infrastructure. Mr. Miller advised the Nevada Fire Safe Council supports approval of the special use permit, and installation of the proposed combined heat and power plant.

(1-2124) Lori Bagwell, of the Department of Corrections, provided background information on development of the project, and implementation of phase 1 to change all the water components at the NNCC. She advised that the NNCC’s water consumption will be reduced by 30 million gallons, as a result. She described phase 2 of the project, and advised that the \$6.3 million project will save approximately \$500,000 per year in utility costs. Once the project is paid for, the result will be a net savings to Nevada taxpayers of \$3 million. Ms. Bagwell reviewed the NNCC inmate and staff population, and advised that the project would not go forward if it had not been determined to be safe. In response to a question, Ms. Bagwell advised that APS Energy Services was the appropriate bidder. She responded to additional questions regarding other projects constructed by APS Energy Services.

(1-2184) State Office of Energy Acting Director Peter Konesky advised that the proposed project is in keeping with State and federal policy. He further advised that over 95% of the energy used in the State is imported at a cost to the residents of over \$3 billion per year. He expressed support for the project as a way to use alternate energy sources for providing energy to the State. He discussed the U.S. Forest Service

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Fuels for Schools program, and advised that the project is considered a model for other prisons in the State. He advised that approximately 2 billion gallons of fuel are used each year; only 700,000 gallons are produced by the oil wells and refineries within the State. Nevada has no coal or natural gas production. Mr. Konesky advised that the Office of Energy is considering the project as a pilot to mitigate costs and reduce the taxpayers' burden.

(1-2249) Rich Minetto, of RM Engineering, representing APS Energy Services, provided background information on his utilities experience. He referred to the neighborhood meeting, and advised that the intent was not to sway public opposition into public support for the project, but to provide information relative to the project. He advised that some of the project opponents have provided misinformation in terms of safety and impacts on the local community and environment. He narrated a slide presentation, copies of which were provided to the Commissioners and staff. In response to an earlier question, he reviewed other projects constructed and being constructed by APS Energy Services. Mr. Minetto acknowledged that the Ely plant is in full operation, and that the photograph included in the PowerPoint presentation depicts the lack of visible pollutants. He explained that a steam plume may be visible in higher humidity. In response to a question, Mr. Minetto advised that approximately 22 tons per day can be burned in one boiler. He described the method by which the figure was generated.

In response to a question, Mr. Minetto advised of a proposal to construct a facility, similar to the Ely facility, at South Lake Tahoe High School. He clarified that APS Energy Services is not involved in that project. He acknowledged that the proposed facility would meet the requirements of the California Air Quality Resources Board ("CAQRB"). He reviewed the requirements, and acknowledged that the TRPA follows the standard of the CAQRB. In response to a further question, Mr. Minetto discussed the method by which the Emissions Comparison and Emissions Impact figures were developed by Air Quality Specialist Ray Kapahi. He advised that Mr. Kapahi had distributed preliminary plume dispersion models at the neighborhood meeting. Mr. Minetto responded to additional questions regarding the method by which NNCC will certify that only clean-burning wood will be used as a fuel source. He acknowledged that the fuel testing will be done independently, and he described the testing process. In response to a further question, Mr. Minetto advised that the facility will be designed as a base load machine. Provided that energy can be sold to Sierra Pacific Power Company, the facility will operate "24/7, 365." He described the varying operational requirements during the summer and winter months. He advised that 3-4 weeks per year have been built into the model during which time the plant would be inoperational to accommodate maintenance and repairs.

In response to a question, Mr. Minetto advised that the pertinent Nevada statute requires submission of an annual report, including fuel, performance, heat content, efficiency, and thermal requirements. Required emissions reporting will be established by the Air Quality Board at the time the permit application is submitted. Typically, for a facility of this nature, Mr. Minetto anticipates an annual testing and reporting procedure. The Air Quality Board may require additional conditions. Mr. Minetto advised that the plant must burn clean to burn efficiently in order to maintain the economics of the project. A continuous control system will be built into the facility.

Commissioner Reynolds noted a consistent concern, from the citizens who provided written comments,

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associated with ash. Mr. Minetto advised that ash comes out the bottom of the boiler, is handled by a conveyer system, and either transported to the landfill or used for such things as roadbed material, fertilizer,

etc. He advised that Stan Raddan, of Carson City Renewable Resources, has offered to take the ash to mix with soil for mine reclamation. He explained that particulates are different than ash and are microscopic in size. There will be no visible particulates coming from the stack.

Commissioner Mullet inquired as to the truck route, and Mr. Minetto advised that Edmonds Drive is not rated for the type of truck necessary to transport the wood chip material. In response to a question, Nevada Division of Forestry Staff Forester Jenny Scanland advised that NDF, the U.S. Forest Service, and the Bureau of Land Management do prescribed pile burning. National Fire Plan funding has been allocated to projects for actively reducing fuels. Because of the "intense amount of fuel," Ms. Scanland advised that NDF will continue to burn as well as chip. On behalf of State Forester Pete Anderson, Ms. Scanland expressed support for the project in order to reduce pile burning. Mr. Minetto acknowledged that the particulates emitted from the stack would be comparable to that which is emitted from three residential-type wood stoves.

Mr. Minetto commented on the number of sport utility vehicles and full-sized cars in the parking lot. He stated "this is the type of facility we need to build in this State." He advised that the facility will start the infrastructure for taking the wood from the forests and using it for other means that will reduce the overall pollution in the country, reduce the reliance on foreign oil sources, and reduce Nevada's dependence on other states for energy sources.

Vice Chairperson Kimbrough thanked Mr. Minetto for his presentation. He provided direction with regard to public comment.

(1-3329) Tom Baker, of the U.S. Forest Service, discussed his residency in Carson City. He discussed the National Fire Plan and the Healthy Forest Restoration Act, which require federal lands agencies to find ways to utilize wood removed from public lands. He provided background information on three grants developed through the U.S. Forest Service, the Nevada Division of Forestry, the Nevada Fire Safe Council, State Economic Development, and other agencies, to demonstrate the feasibility of a biomass project at the landfill. Carson City Renewable Resources subsequently located its operation at the landfill. Mr. Baker advised that the proposed facility will help to contain costs at the NNCC and extend the life of the City's landfill. He expressed support for the project. He commented that the proposed facility "takes everything full circle" from harvesting fuels to utilization. He advised that the U.S. Forest Service hopes to cut future costs of harvesting biomass from public lands.

(1-3436) Don Parents expressed concern there is no way to know the plant will work. He advised of suffering from asthma, and expressed concern over inversion layers. He noted that Montana and Wyoming, locations of other, similar facilities, have "wide open spaces." He expressed a preference that transportation of materials take place from 8:00 a.m. to 7:00 p.m. He expressed concern over how to know the facility will burn clean.

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(1-3503) Carol Howell advised she didn't understand the percentages presented. She inquired as to the comparison between the facility smoke stack and "three home fire places." She advised of being present at the last meeting, and that there will be only twelve jobs created by the facility. She referred to a comment, made at the last meeting, regarding reduction in residents' utility bills, and advised of never having heard this from the utility companies. She suggested better ways to reduce utility costs at the prison "than polluting our air." She discussed charts and information presented at the neighborhood meeting, and advised that it was "obscure." She expressed concern over the proximity of the Edmonds Sports Complex to the facility. In response to a question, Ms. Pruitt advised that the tally of all letters, faxes, e-mails, and petitions received was 243. Ms. Howell advised of representing ten other people who were unable to attend the meeting. She expressed opposition to the project until "clear answers" can be provided. In response to an earlier comment, Mr. Sullivan advised that wood burning stoves are allowed in Carson City.

(2-0070) Scott Leftwich advised of having lived adjacent to the Prison for the past 14 years, referred to the Regional Emissions Comparison, and discussed calculations based on the information provided. He expressed the opinion that the conditions of approval should include the requirement for additional testing and reporting. He expressed the further opinion that the impact of the emissions will be City-wide, and that the "right thing to do is to put this some place else."

(2-0172) Stan Raddan, of Carson City Renewable Resources, provided background information on his experience and discussed the methods by which wood is prepared for burning. He assured the Commissioners that the staff of Carson City Renewable Resources "looks at every load that comes in," that all contaminants are separated out, and that only hard wood will be used for burning at the proposed facility.

(2-0207) Community Biomass Technologies President Chuck Weiss discussed the wood materials harvested from fuels reduction projects as a resource. He read prepared remarks into the record, and expressed support for the proposed project.

(2-0236) Marilyn Payne provided information on her experience, and expressed support for renewable energy. She expressed concern over the 15-year life cycle for fuels in the surrounding 50-mile area. She discussed prescribed burning, and expressed concern that the proposal is not a "healthful proposition for this small community." She noted there is no ambient air quality monitoring in Carson City, and expressed concern over the emissions.

(2-0342) Carleen Kline, a resident of South Edmonds Drive, inquired as to whether it's safe to assume that the other prison facilities in town "might go the same route." She stated that if this is the case, the residents in the area will be "between two of these smoke stacks."

(2-0364) Doug Minter expressed concern with regard to health problems. He inquired as to whether an environmental assessment will be required, together with an environmental impact statement.

(2-0412) Roger Mitchell distributed documentation to the Commissioners which he reviewed, and expressed concern with regard to health issues.

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Vice Chairperson Kimbrough closed public testimony. In response to a question, Mr. Minetto discussed the comparison between emissions from the controlled burn of the boiler to the number of fire places that would produce an equivalent amount. He explained that a fire place to a wood boiler is not a fair comparison, and that the figures were compiled to provide the public information other than "fifty pages" of technical material. He advised the purpose of the analogy was to communicate that the emissions from the stack compared to burning the same amount of wood in fire places would be equivalent to 3-5 fire places.

In response to the question regarding job creation, Mr. Minetto advised that Carson City Renewable Resources will need personnel for transport and fuel handling. The boiler plant will be operated with existing inmate labor. Additional laborers were anticipated for forest clearing. With regard to the reduction in utility costs, Mr. Minetto advised of a very detailed cash flow and project cost estimate which was presented to the State Department of Corrections for approval. He explained that the special use permit process will determine whether or not the project can be constructed on the property. The final reports have not yet been submitted to the State Department of Corrections for approval to construct the facility. In response to a question regarding the possibility of a natural gas plant, Mr. Minetto advised that Southwest Gas does not offer a cogeneration gas tariff. In addition, the fuel price, at \$28.50 per ton, is one-third less than the current natural gas tariff rate. With regard to utility reduction, Mr. Minetto advised that utility costs at the prison cannot be compared to residential costs; "it's not a residential load." The prison is a "24/7 campus." Mr. Minetto advised that the prison is conducting a comprehensive energy retrofit. In response to a further question, Mr. Minetto advised that the prison is not required by the State Air Quality Board to submit an annual emissions report. There is no documented information available as to what is presently emitted from the stack. Mr. Minetto advised of having previously explained to Mr. Leftwich that the emissions would be cleaner once the facility is constructed than what is presently emitted.

In response to a question, Mr. Minetto advised of an estimated 29 million gallon net reduction in total water as a result of the comprehensive energy retrofit at NNCC. He reviewed details of the retrofit. In response to a further question Mr. Minetto advised of an abundant fuel supply for 50 years within a 50-mile radius. He advised that the State is considering entering into a firm fuel contract for 12-15 years. He acknowledged that the life of the boiler plant is 20 years, and advised that the fuel contract will match the life of the equipment. In response to a question, Mr. Minetto advised that Carson City is considered a compliance area. According to the State, there are only two non-compliant areas: Clark County and Washoe County. Carson City is, therefore, not obligated to reduce burning during the time Washoe County is obligated to reduce burning. If Carson City was to become a non-compliant area, every major and minor source emitter would be required to file an emissions plan, and the Air Quality Board would impose regulations.

In response to a question, Mr. Minetto advised that the Department of Corrections will issue a RFP, similar to the proposed project, for six prisons in southern Nevada. He clarified there is no sufficient fuel supply for any large-scale biomass plant. He advised that the proposed project will require Carson City Renewable Resources to "gear up substantially" to deliver fuel. There are no plans for any other biomass wood burning facilities. With regard to monitoring, Mr. Minetto reiterated that the special use permit application is the first step of the process. A UEPA permit will be required to be filed with the Public Utilities

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Commission of Nevada. In order to file the UEPA permit application and the air quality permit application, the project will be submitted to a process whereby all the issues discussed at this meeting will be addressed. A substantial investment is required to submit the permits. Without the special use permit, there is no reason to apply for the other permits. Mr. Minetto advised that the UEPA process will require an environmental impact statement. With regard to a reduction in utility bills, he advised that the overall electric and gas bills for the NNCC will be reduced which will result in a decrease of the State required budgets. He discussed benefits in increased power supply as a result of the facility.

In response to a question, Mr. Minetto advised that the Regional Emissions Comparison analysis assumes the same 16,000 tons / year of dry wood "would be burned somewhere." He noted the cumulative impact, disregarding other environmental concerns such as inversions, based on the equivalent amount of wood being prescribe burned versus being burned in the controlled system. The purpose of the comparison was to provide a magnitude to indicate the proposed facility would be well below what is burned in open land.

Commissioner Sedway expressed the opinion that the concept presented was excellent. He commended the State on its efforts in working together with federal agencies to clear hazardous fuels from the forests. He expressed understanding for the purpose of first applying for the special use permit, but expressed concern over the emissions. He inquired as to whether air quality reports would be available from other, similar facilities "to truly define what is coming out of that stack." He expressed support for the project "as long as we know what comes out of that stack does not affect people's health." Mr. Minetto pointed out that the conditions of approval provide for revocation of the special use permit if the air quality and UEPA permits are not obtained for the project. He advised that the plant cannot be constructed without the air quality or UEPA permits. In terms of air quality, he advised that the Environmental Protection Agency is responsible for setting limits, on a federal basis, to protect air quality and human health. Each state has the ability to establish higher standards or to adopt the EPA regulations for emissions. The State of Nevada has adopted the EPA regulations. Preliminary studies indicate that the risk of getting cancer "standing on the street at rush hour in Carson City is 120 in 2 million. The risk of getting the same cancer via the proposed facility is 2 in 2 million. Mr. Minetto noted that living near the plant is less risky than just living in Carson City with background emissions from automobiles. He acknowledged that the Ely plant has passed all EPA standards. Mr. Sullivan reviewed the four conditions of approval which focus on air quality: #12, #15, #19, and #24.

Vice Chairperson Kimbrough requested the Commissioners' input. Commissioner Semmens expressed agreement with Commissioner Sedway's comments. He expressed support for the project if the health issues can be addressed. Commissioner Reynolds referred to the Local Emissions Impact, included in the applicant's presentation materials, and expressed concern over what would be added to the existing particulates at any given time in Carson City. He suggested this is "a tough thing for a Planning Commission to measure." In consideration of the requirements the applicant will have to meet, Commissioner Reynolds expressed support for the project going on to the next step. He agreed that burning slash in the boiler plant will be more beneficial to the area than burning it in slash piles out in the field. Commissioner Mullet expressed support for the project's merits. He read condition of approval #12 into the record, and noted that the project is required to be submitted to "two or three more agencies" to acquire permits and approvals. If the permits are not acquired, the special use permit will be revoked.

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Commissioner Mullet advised of being put out of his home for three nights during the Waterfall Fire, and expressed support for hazardous fuel reduction projects. He reiterated his support for the project provided the required permits are obtained. Commissioner Vance expressed wholehearted support for the project, and the hope that "it will become a shining example of future Carson City projects." He discussed the benefit to future generations of renewable energy, and advised that if the project was proposed for near his home he would be supporting it with the same level of enthusiasm. Vice Chairperson Kimbrough provided background information on his resources experience. He expressed support for the project. He noted that the UEPA process will include public scoping and other opportunities for community involvement. He entertained a motion. **Commissioner Vance moved to approve SUP-05-008, a special use permit application from William Travers to allow a renewable energy center at the Northern Nevada Correctional Center, on property zoned public and agriculture, located at 1721 Snyder Avenue, APN 010-281-46, based on seven findings and subject to the recommended conditions of approval, as amended, and contained in the staff report. Commissioner Mullet seconded the motion. Motion carried 6-0-1.**

Vice Chairperson Kimbrough recessed the meeting at 7:40 p.m. and Chairperson Peery reconvened at 7:41 p.m.

#### **H. STAFF REPORTS:**

**H-1. REPORT ON BOARD OF SUPERVISORS ACTION ON PRIOR PLANNING COMMISSION APPLICATIONS (2-1021)** - Mr. Sullivan advised that the final subdivision map on Grumman Drive was submitted to the Board of Supervisors and unanimously approved. The majority of discussion at the May 19<sup>th</sup> Board of Supervisors meeting focused on the Race Track master plan amendment. Area A was approved by the Board with a stipulation, by the applicant, to accept a landscape maintenance district. Mr. Sullivan provided background information on legislation allowing landscape maintenance districts. Area B was referred back to the Planning Commission to be discussed in conjunction with the master plan. The design guidelines were approved as well.

Mr. Sullivan reported that the master plan amendment for Lepire Drive was approved by the Board of Supervisors. The action has the effect of changing the zoning from industrial to commercial. With regard to the zoning, the Board of Supervisors approved all but two parcels to be changed from industrial to general commercial. The two parcels were Mr. Aiken's, which location Mr. Sullivan described, and the parcel on the north side of Lepire Drive.

Mr. Sullivan reported that Mr. Serrano's special use permit for the duplex was remanded back to the Planning Commission. Mr. Serrano has requested to present the project as a single-family dwelling. Mr. Sullivan responded to questions regarding the Schulz Ranch / Race Track development. The next step is for the developer to file a tentative subdivision map.

**H-2. MPA-04-127 STATUS REPORT ON ACTIVITIES RELATED TO "ENVISION CARSON CITY," THE UPDATE OF THE CARSON CITY MASTER PLAN AND THE PARKS, RECREATION, AND TRAILS PLAN (2-1158)** - Mr. Sullivan provided an overview of the public

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workshop held on May 9<sup>th</sup>. He expressed appreciation to the Commissioners who had attended. He advised of locations for master plan information and surveys, and that comments will be collected until June 17<sup>th</sup>. He encouraged the Planning Commissioners to complete the survey. He advised of a joint meeting between this Commission and the Board of Supervisors scheduled for July 7<sup>th</sup>. Public comments, surveys, and information will be provided and summarized. Staff will be seeking direction to narrow the three scenarios into a preferred land use plan. Mr. Sullivan reviewed the future public process to review the preferred land use plan and consider developing policies. He advised that over 700 responses had been received, to date, to the Citywide survey distributed by the Parks and Recreation Department. The survey included general land use questions, and Mr. Sullivan advised that 600 responses made the survey statistically valid. The responses will be provided for review by the Commissioners at the next meeting.

Mr. Sullivan advised that the Brown Street SPA will be submitted to the Planning Commission at the June 29<sup>th</sup> meeting.

**I. ACTION ON ADJOURNMENT (2-1225)** - Commissioner Semmens moved to adjourn the meeting at 7:52 p.m. Commissioner Vance seconded the motion. Motion carried 7-0.

The Minutes of the May 25, 2005 meeting of the Carson City Planning Commission are so approved this 29<sup>th</sup> day of June, 2005.

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JOHN PEERY, Chair