

**CARSON CITY PLANNING COMMISSION**  
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A regular meeting of the Carson City Planning Commission was scheduled for 5:00 p.m. on Wednesday, January 26, 2011 in the Community Center Sierra Room, 851 East William Street, Carson City, Nevada.

**PRESENT:** Vice Chairperson Craig Mullet  
Commissioner Mark Sattler  
Commissioner James Shirk  
Commissioner George Wendell

**STAFF:** Lee Plemel, Planning Division Director  
Jennifer Pruitt, Principal Planner  
Jeff Sharp, City Engineer  
Randal Munn, Chief Deputy District Attorney  
Kathleen King, Deputy Clerk / Recording Secretary

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

**A. CALL TO ORDER, DETERMINATION OF A QUORUM, AND PLEDGE OF ALLEGIANCE (5:01:30)** - Vice Chairperson Mullet called the meeting to order at 5:31 p.m. Roll was called; a quorum was present. Chairperson Kimbrough and Commissioners Dhami and Vance were absent. Commissioner Shirk led the pledge of allegiance. (5:03:05) Vice Chairperson Mullet welcomed Commissioner Sattler. At his request, Commissioner Sattler provided background information on his employment and community service experience.

**B. COMMISSION ACTION ON APPROVAL OF MINUTES - December 1, 2010 and December 15, 2010 (5:02:27)** - Commissioner Wendell moved to approve the minutes, as presented. Commissioner Shirk seconded the motion. Motion carried 4-0.

**C. MODIFICATION OF AGENDA (5:02:54)** - None.

**D. PUBLIC COMMENTS (5:04:08)** - None.

**E. STAFF PUBLIC SERVICE ANNOUNCEMENTS (5:05:32)** - Mr. Plemel noted there were four of seven commissioners present, and advised that a majority vote of the quorum present would carry a motion.

**F. DISCLOSURES (5:06:12)** - None.

**G. CONSENT AGENDA (5:06:30)** - None.

**H. PUBLIC HEARING MATTERS:**

**H-1. SUP-08-046 ACTION TO CONSIDER A REQUEST FROM THE BOYS AND GIRLS CLUBS OF WESTERN NEVADA (PROPERTY OWNER: BOYS AND GIRLS CLUBS OF WESTERN NEVADA) FOR AN EXTENSION OF TIME FOR THE APPROVED SPECIAL USE PERMIT FOR THE CONSTRUCTION OF A RECREATION CENTER, ON PROPERTY ZONED PUBLIC REGIONAL (PR), LOCATED AT 1870 RUSSELL WAY, APN 002-101-87 (5:08:11)** - Vice Chairperson Mullet introduced this item, and Ms. Pruitt reviewed the agenda materials in conjunction with

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displayed slides. She provided background information on conditions of approval 6 and 31, and noted amendments to the same. She thanked Park Planner Vern Krahn for the agenda materials, commending the specificity and the “excellent overview of the project.” She emphasized the request for extension of time; that the subject project had been previously approved. In response to a question, she advised of having discussed the conditions of approval with Boys and Girls Clubs and Parks and Recreation Department representatives. She expressed the understanding that Boys and Girls Clubs representatives have no concerns with the June 30, 2011 deadline relative to condition of approval 6. She noted the opportunity for Boys and Girls Clubs representatives to appear before the commission to provide an alternate date. In response to a further question, she advised of having provided agenda materials to the Building Division. At the time the project is presented for building permit, the building codes in force will prevail over the project. Ms. Pruitt advised that Building Division representatives had no concerns and that their conditions of approval stand. In response to a further question regarding condition of approval 3, she expressed the understanding that the Boys and Girls Clubs facility was considered phase 1 and the subject portion of the project phase 2.

(5:17:30) Park Planner Vern Krahn commended Ms. Pruitt’s presentation, and provided background information on the request for extension of time. In response to a question, Mr. Krahn advised that the Board of Supervisors had previously chosen the Boys and Girls Clubs site for the recreation center and, therefore, other options have not been considered by staff. “We feel that it’s a good fit for our community to be joined with the Boys and Girls Clubs, ... and unless the Board of Supervisors gives us other direction, that’s where we’re going to continue to work at having to develop this project site.”

Vice Chairperson Mullet entertained public comment and, when none was forthcoming, a motion. **Commissioner Wendell moved to approve a five-year extension of SUP-08-046, a special use permit application based on the justification provided by the applicant and subject to the amended conditions of approval attached to the staff report. Commissioner Sattler seconded the motion. Motion carried 4-0.**

**H-2. SUP-10-117 ACTION TO CONSIDER A SPECIAL USE PERMIT REQUEST FROM THE CARSON CITY SCHOOL DISTRICT (PROPERTY OWNER: CARSON CITY SCHOOL DISTRICT) FOR A MAINTENANCE BUILDING IN THE PUBLIC ZONING DISTRICT, LOCATED AT 1140 WEST KING STREET, CARSON MIDDLE SCHOOL CAMPUS, APN 003-171-01** (5:21:18) - Vice Chairperson Mullet introduced this item. Mr. Plemel reviewed the agenda materials in conjunction with displayed slides, and noted staff’s recommendation of approval subject to the conditions contained in the staff report.

(5:24:30) Darrin Berger, of Berger-Hannafin Architects representing the Carson City School District, introduced Carson City School District Operations Director Mark Korinek and Civil Engineer Joe Cacioppo. Mr. Berger acknowledged agreement with the conditions of approval included in the staff report. In reference to the displayed slides, he provided background information on the existing maintenance building, noting the need for additional space. He advised of the intent to consolidate an off-site cabinet shop in the new maintenance building. He provided additional background information on the various locations considered for the maintenance building. He reviewed the dimensions of the proposed metal building and advised that the color will match that of the middle school. He acknowledged that two existing containers will be removed.

Vice Chairperson Mullet entertained public comment and, when none was forthcoming, a motion. **Commissioner Shirk moved to approve SUP-10-117, a special use permit application to allow the**

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**construction of a maintenance building at the Carson Middle School, on property zoned public, located at 1140 West King Street, APN 003-171-01, based on seven findings and subject to the conditions of approval contained in the staff report. Commissioner Wendell seconded the motion. Motion carried 4-0.**

**H-3. SUP-10-114 ACTION TO CONSIDER A SPECIAL USE PERMIT REQUEST FROM THE RAINBOW CONSERVATION CORPS (PROPERTY OWNER: JOSEPH GONI) FOR A HEIGHT VARIANCE FOR THE INSTALLATION OF A WIND ENERGY TOWER AT 160 FEET, ON PROPERTY ZONED SINGLE FAMILY 6000 (SF6), LOCATED AT 7300 SCHULZ DRIVE, APN 010-671-02 (5:29:24)** - Vice Chairperson Mullet introduced this item. Ms. Pruitt provided an overview of her presentation and the applicant's presentation and proposed a method by which to provide the same. Ms. Pruitt oriented the commissioners to the subject property, using displayed slides, and reviewed the agenda materials in conjunction with additional slides. She reviewed the public noticing process, as outlined in the agenda materials, and advised of having received numerous telephone calls. She listed the names of those persons who had telephoned the Planning Division, and noted correspondence and informational materials provided. She referred to the written comments provided by the City's Engineering Division, Health and Human Services Department, Fire Department, Parks and Recreation Department, and Building Division. She noted the findings for approval and for denial incorporated in the staff report.

Vice Chairperson Mullet noted that the Schulz Ranch subdivision had been approved for 6,000 square-foot lots "which would all be to the north and west" of the subject property. "Since that subdivision approval is still active," he inquired as to the reason for not considering the less-than-one-acre lots "in the vicinity of this project." Ms. Pruitt read from Carson City Municipal Code Section 18.05.080(h)(i) relative to noise, and advised that the parcels to the north are currently larger than one acre. "In the future, ... if there are final maps recorded and they are smaller, that would be the case. But, currently, the lots are not less than one acre." Mr. Plemel noted that development of the subdivision is not guaranteed, "so we just have to go by what the parcel size is now pursuant to the code."

(5:46:02) Co-Owner of the Solar Store and Rainbow Conservation Corps Leslie Madeiros introduced her husband, Dennis, and narrated a PowerPoint presentation, copies of which were included in the agenda materials. Mr. Madeiros narrated those portions of the presentation relative to height and noise considerations. Ms. Madeiros reviewed the results of an independent measurement of ambient sound at all property lines, conducted by a Nevada-licensed engineer on January 22<sup>nd</sup> between 4:00 and 5:00 p.m. She requested the commission's consideration of the special use permit.

In response to a question, Ms. Madeiros suggested that the proposed 160-foot height is "reasonable" in consideration of the "mixed-suburban area." In response to a question, Mr. Madeiros advised that the proposed wind turbine has built-in automatic and manual speed controls "for very high winds." He explained the furling concept where "if the winds reach a time and speed that exceeds what is considered unsafe or higher than its rated value, the turbine will furl out of the wind and tip in an upward direction. There is also a manual mechanism at the base of the tower where that can be done manually and not depend upon the automatic mechanism." Mr. Madeiros provided background information on the Bergey founder's experience with manufacturing airplane propellers.

In response to a question, Mr. Plemel advised that the two residential wind turbines installed since adoption of the ordinance are located in neighborhoods zoned greater than one acre. In response to a question, Mr. Madeiros provided additional clarification of that portion of the applicant's presentation relative to noise. He acknowledged the possibility of installing two wind turbines at lower heights, noting the possible

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difficulty associated with finding two appropriate locations. He further acknowledged that wind turbine performance would decrease with less height. "... there's some practical limitations to this. You can go as big as you want. It's probably cost prohibitive and then, once you get over 200 feet, you violate FAA rules just based on the height independent of glide path. And if it's less, you're not even meeting the minimum national average which is about 10 kilowatt hours per year.

(6:17:13) Solar Store Manager James Madeiros advised of a grant from Nevada Energy for \$30,000 to purchase one wind generator. "We want to make the best use of our client's money that we can." Ms. Madeiros advised of the requirement for the grant funding to be used by July 2011. Mr. Madeiros acknowledged that as the height of the tower is decreased, the decibel level increases slightly. In response to a question, Ms. Madeiros advised that the two residential wind turbines installed in Carson City are 45 feet tall.

Commissioner Wendell advised that one of the residential wind turbines was installed approximately 100 to 150 feet from his residence, and that he can hear it even inside his home. Ms. Madeiros expressed the opinion that a lower height "for this particular machine is not an option at all. The manufacturer doesn't even sell it ...". In response to a further question, Mr. Madeiros provided additional clarification of the anticipated decibel level. He advised that "the bigger the turbine, there's a tendency to be lower [decibels], mostly because they can turn a lot slower. ... and then you worry about low frequency noise." He acknowledged that the independent test data indicates that the proposed wind turbine will move slower and emit less noise. (6:23:37) James Madeiros advised that the Bergey wind generator "is designed to operate at a lower rpm, creating less noise."

Commissioner Sattler suggested considering that the noise from a wind turbine is continual. "You may have 50 or 60 decibels briefly [such as from a passing truck] and it's gone where this is going to be there constantly." Vice Chairperson Mullet noted that Mr. Goni currently has solar panels, and inquired as to the reason for the additional power generation. He suggested reducing the proposed wind turbine height to 100 feet would then meet the setback requirements and also provide for 12,000 kilowatt hours of energy production. Ms. Madeiros advised of "another option between the 100 and the 140. There is a 120-foot tower by this manufacturer as well and that possibly would also meet the setbacks and some of the other requirements. So, it's not an either / or. There are other options." Vice Chairperson Mullet discussed concerns relative to noise for the adjacent residents. Mr. Madeiros provided additional clarification relative to sound measurement. In response to a comment, Mr. Madeiros referred to informational materials included in the applicant's presentation relative to wind energy generation. In reference to the applicable municipal code, Commissioner Sattler expressed the opinion that Carson City is "not unreasonable." He noted the proposed height at "2 2/3 taller than the 60-foot limit and it still doesn't meet the setback." Discussion followed.

Commissioner Shirk commended the project as "something we need to do as a community," but expressed concern over the anticipated noise and the proposed height in consideration of the adjacent residents. He suggested amending the proposed project "or look[ing] at it in a different perspective if you want to go forward." He expressed the opinion there are "ways of doing it that would accommodate what you're looking for and the neighbors could well adjust to this direction that we're headed ...". In response to a question, Mr. Madeiros advised that more technical data could be provided to Mr. Goni, but that the decision is his to make. Mr. Madeiros acknowledged the possibility of decreasing the proposed height with Mr. Goni's concurrence. In response to a question, Ms. Madeiros suggested that a 100-foot tower would

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meet the setback requirement. Mr. Madeiros noted that the 120-foot tower “would miss by two feet.” He acknowledged that the decibels would increase by approximately 2, if the height of the tower was decreased.

Vice Chairperson Mullet entertained public comment, and provided direction with regard to the same. (6:38:49) Ann Essex-Bankston referenced her correspondence and the Lawrence University study, included in the agenda materials. She requested the commission to table the item “because there are some very important issues that have not been addressed.” In response to a question, she advised that some of the Solar Store information is incorrect. She further advised that the wind tower decibels will be “anywhere from 45 to 80 ..., and that is not at the point of the tower. That is out further.” Ms. Essex-Bankston advised that “a great deal of the Solar Store’s information that was up here on the board tonight, no one got in the packet. ... This is all new information that I’m not able to address.” Ms. Essex-Bankston distributed, to the commissioners and staff, and reviewed informational materials from Bergey and from the National Renewable Energy Laboratory. She suggested that an independent analyst “check the information with Solar Store because it is so completely different from the information that I’ve received and some of the questions that you also asked.” Ms. Essex-Bankston advised that her residence and that of a neighbor is “directly in front of that tower ..., and there is housing all the way down that road ...” She described the area as “rural,” and advised “there is no commercial traffic out there whatsoever.” She advised that she does not work outside her home due to caring for a handicapped daughter. She described her street as “very peaceful [and] quiet ... It’s a whisper compared to Carson City.” She expressed the opinion that the 160-foot tower is unnecessary. “Wind power is a back up for solar. It always has been.” She noted that Mr. Goni lives at his property alone, and advised that the 13,000 kilowatts of energy would be more appropriate for a family of four. She expressed the opinion that with the existing solar panels and “a 60-foot tower ..., he would have plenty of power.” She expressed support for renewable energy, and the opinion “that this is just a little overboard for the neighborhood.” She advised of earthquake faults in the area, and expressed concern over the wind turbine collapsing. She distributed additional informational materials to the commissioners and staff, and advised of “several elderly couples that live very close to Mr. Goni’s property. Plus there are two disabled residences; one is mine and there’s another one that’s two houses down that’s also in the direct line of this tower.” She described the photographs included in the applicant’s presentation as “a very bad misrepresentation of our neighborhood.” She distributed, to the commissioners and staff, photographs she had taken and narrated the same. She reviewed the Lawrence University informational materials she had previously distributed. She emphasized that “the most important thing [she’s] learned from this whole experience is that no human being hears the same way that another one does. You may hear that wind tower and I may not. We won’t know ‘til it goes up.” Ms. Essex-Bankston also distributed to the commissioners and staff a conference paper, entitled *Acoustic Tests of Small Wind Turbines* from the National Renewable Energy Laboratory. She advised that her handicapped daughter is required to take many medications and doesn’t sleep well at night. She further advised that the biomass facility installed at the Nevada State Prison could be heard inside her residence “upwind ... with all [her] windows and doors and shut and [her] swamp cooler on ...” She reminded the commissioners that the height of the proposed wind turbine would be “over two and a half times the 60-foot allotted amount.” She expressed the belief that the City’s requirements were “for good reason,” and requested the commissioners to make their decision “so that it protects everyone and not just one person on one property.”

(6:52:31) Del Biassi, introduced two Cub Scouts in the audience who were working on their citizenship badges. Mr. Biassi advised that he was a formerly “uninformed party,” and that he was a “former sound engineer” with a degree in electrical engineering. He provided background information on his experience with Maytag and General Electric “where we had to deal with minimizing sound for appliances.” He questioned the applicant’s data “on ambient decibels,” and suggested “get[ting] some independent

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information.” He advised of not having been “in the field” for several years, “but the chart they showed did not look right to me.” He noted the importance of frequency when considering sound levels.

(6:53:43) Ron Cobb, representing Land Strategies, advised of having served as a planning commissioner in both Washoe County and the City of Reno for a combined period of 12 years. He expressed understanding for the commission’s responsibility over the subject decision. “These kinds of issues, when we’re starting to integrate things into our neighborhoods and our rural areas, are very sensitive ...” He expressed the opinion that Planning Division staff has the responsibility to educate the commissioners “in these sensitive, integrated type of things.” He suggested that the method by which new technology is integrated is the most important consideration. He advised that the special use permit, which was the subject of item F-1, includes an “active, ... tentative map. There’s ... 525 future residents of Carson City and we only have one time to do it right.” He expressed support for renewable energy and, in consideration of the information presented, asked the applicant to request a continuance. “And during the postponement, I would ask that the staff and Planning Commission have a workshop done for wind turbines or renewables ...” He advised that First Bank and FB Holdings intends to hold the adjacent property until the real estate market recovers. He reiterated the importance of “do[ing] it right.”

(6:58:22) Sandra Reid described the location of her property “across from Mr. Goni’s property ...” She expressed the opinion that the height of the proposed wind turbine is “rather frightening” to a neighbor, Mr. Robey, “as well as the noise.” She advised that Mr. Robey spoke to Ms. Pruitt by telephone. She expressed the belief that the direction of the wind was “stated in error ... because we’ve had the property since 1994 and many of the storms come from the south to the north.” She advised of having six trees blown down in the past few years. She agreed with earlier descriptions of the area as rural and advised “we are used to quiet evenings.” She discussed concerns relative to the wind turbine harming birds, and advised there are several property owners in the area who keep horses. She described the appearance of the wind turbine as “about 15 stories high,” and wondered “about the wind ... in the afternoon.” She expressed the opinion that the wind direction was erroneously represented by the applicants “because ... it really goes straight down 395.” She expressed the further opinion that the ambient noise in the area “is really lower than stated ... especially in the evening. A regular conversation level can be heard about four houses away because it is quite quiet most of the time.” She expressed the opinion that some of the elderly neighbors would be opposed to “that big wind turbine ...” She acknowledged the need for “other ways to generate our electricity ..., but one can tell that ... Mr. Goni also has a very extensive solar system on his property and he could possibly expand his solar energy and not have to use a wind turbine.” Ms. Reid thanked the commission for the opportunity to testify.

(7:07:20) Keith Barnett advised that he lives across the street from the subject property, and hadn’t realized the item was agendaized “because [he] rent[s].” In consideration of the quietness of the area, he advised of having been inside his home and hearing his next door neighbors just walking on the gravel. He expressed concern over a “constant noise.” He further advised of being able to hear the cows on the prison property behind his residence. He emphasized the quietness of the neighborhood “particularly at night.”

(7:09:11) Joseph Goni apologized to his neighbors, and discussed the importance of “decid[ing] as a nation and as a community and private land owners what direction we’d like to go in. Depending on oil, foreign countries, or get involved and try to correct solutions instead of complaining about everything.” Mr. Goni expressed the belief that he “was doing a good thing here by recycling ... water, saving 20,000 gallons of potable water for our community to grow; generate electricity.” He thanked the Planning Division staff and the commissioners for their hard work. He discussed the intent to use “a 14,000 gallon recovery tank so [he] can get ... 47 to 50 percent of the ... potable water to water ... 200 trees which hopefully will take

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out the carbon dioxide that [he] exhales as a human being and those cows ...” He explained the reason for the wind turbine, and discussed the need “to make hard decisions.” He discussed differences between the Bergey and Skyfire wind turbines. In response to a previous suggestion, he advised of a willingness to install two wind turbines at a decreased height. “You can’t do that ..., but now you’re encroaching closer and closer to the border which we have a conflict of ordinance, number one. Number two, because of the turbulence of the two machines in relationship placing the two turbines on my single two and a half acre property, with buildings, if my ... representatives ... can come up with a solution, I’d be more than happy to go along with it.” Mr. Goni discussed his desire to “get off oil. This renewable energy comes from the sun and the wind.” He expressed no desire to upset his neighbors. “They’re protecting their investment. I understand all of that.” In consideration of the neighbors’ concerns, he expressed apology for having “upset people. ... I just want to give back what I take out.”

Vice Chairperson Mullet entertained additional public comment and, when none was forthcoming, entertained rebuttal from the applicant’s representatives. (7:16:39) James Madeiros emphasized the importance of “minimiz[ing] the amount of collateral damage that this proposed unknown wind turbine can cause. Therefore, we are willing to concede to stay within the 1:1 height restriction. That would mean you giving us permission for a 100-foot tower; tip to blade, 111 feet. A two-foot variance, consistent with the SPA Schulz Ranch project, there’s a minimum of 30-foot easements there so I don’t think safety will be any issue should you make your decision tonight to allow for us to have a 100-foot tower with an 11-foot tip to blade. So, 111 feet. We would be glad to accept that. Also, because this is a different machine than what we have normally seen here in Carson City, it would be a very important step forward for wind generation to see how this wind generator is much, much different.” Mr. Madeiros reiterated that the NV Energy grant funding will expire in July, and advised that installation will take approximately four months to accomplish.

(7:18:30) Ms. Madeiros advised that the letter certifying the decibel level “was a scientific letter and the data is scientific. It’s not an opinion or what they think or what they heard. This was from James J. Swan, who is a professional engineer. The letter was given to Jennifer [Pruitt]. It was just done last Saturday so it was not in the original packet. So this is not a subjective situation. It was measured with a decibel meter and certified by this engineer. It was not an opinion.” Ms. Madeiros offered copies of the letter to any interested party, and provided a copy to Ms. Pruitt.

Vice Chairperson Mullet entertained additional questions or comments of the commissioners. Commissioner Sattler noted that a 111-foot wind turbine would be “55 feet above what is in the municipal code.” In response to a question, Mr. Plemel advised there are two lots to the east that would require 25 decibels. In response to a further question, Ms. Pruitt advised that the lots “on the other side” will be smaller than one-acre lots. She acknowledged the potential of the proposed wind turbine affecting 100 lots. Vice Chairperson Mullet inquired as to recourse once the wind turbine is installed. Mr. Plemel noted that “sound is a difficult thing to get a real good understanding of, and especially as it relates to background noise at the same time.” He advised of having relied on certified information and calculations of how the sound degenerates with distance to property lines. He noted that the municipal code doesn’t say “you can’t hear it. You hear 50 decibels. There’s no question about that.” In consideration of the 25-decibel standard, he agreed that “you could stand anywhere in Carson City, on the most rural street where there’s not a wind turbine in sight, it’s never going to be 25 decibels with ambient noise. But what we would look for, with those coming in, is either that unit has to be quieter to start with or it’s much farther from the property line.” He advised that staff is struggling with enforcement due to the ambient noise issue. “It’s difficult after the fact. We rely on certified ... information up front that these units produce a certain amount of noise and, by the degeneration of noise, it’s going to meet that standard at the property line.”

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Commissioner Sattler reiterated that a 111-foot wind turbine would “still not ... meet the height and if we hold true to the two bank lots, we’re not going to make the noise standard.” He expressed uncertainty as to how to proceed. Mr. Plemel concurred with the information presented that the wind turbine will be 50 decibels or less at the property line but not meet the 25 decibel standard. Commissioner Sattler noted that “we’re still missing two of the three or four parameters of the municipal code on our third unit.” Commissioner Wendell recalled the amount of commission, staff, and public meeting time spent establishing the current ordinance. In consideration of “the amount of effort and the time and expense that went into developing the ordinance,” he expressed no desire “to deviate from the ordinance.” Vice Chairperson Mullet commended Mr. Goni for his good intentions toward the environment, but expressed the opinion “this is a real stretch.”

In response to a question, Mr. Plemel advised that the two existing wind turbines were installed according to the provisions of the ordinance. There were no variances. Mr. Plemel acknowledged having received an official complaint relative to noise associated with one of the wind turbines. He further acknowledged that the wind turbine was compliant with all code requirements at the time of installation. He further acknowledged that the special use permit process is provided “for cases where they exceed the code requirements.” He referred the commissioners to the findings as part of their decision. Commissioner Shirk commended Mr. Goni’s direction, expressed uncertainty that the proposed project meets the ordinance criteria, and suggested refining it “just a little bit.” Mr. Goni acknowledged the understanding that he could install a 60-foot wind turbine on his property according to the existing ordinance regulations without a special use permit. He expressed a willingness to abide by the commissioners’ decision.

Vice Chairperson Mullet entertained additional commissioner questions or comments and, when none were forthcoming, a motion. **Commissioner Wendell moved to deny SUP-10-114, a special use permit request from Rainbow Conservation Corps (property owner: Joseph Goni) for the installation of a 160-foot wind turbine, on property zoned single-family 6,000, located at 7300 Schulz Drive, APN 010-671-02, based on the inability to make the required findings for approval as identified in the staff report. Commissioner Sattler seconded the motion.** Commissioner Shirk inquired as to the possibility of considering the Solar Store representatives’ suggestion of a 111-foot wind turbine. Vice Chairperson Mullet advised that the motion states the proposed wind turbine is not compliant. He suggested that the applicant could return with a different proposal or install a wind turbine according to the existing ordinance regulations. He suggested another option to continue the item to a future meeting with a modified height. Mr. Plemel advised of the requirement to ask the maker of the motion to amend his motion. Commissioner Wendell advised of no desire to amend his motion. Vice Chairperson Mullet called for a vote on the pending motion; **motion carried 3-1.** Mr. Plemel reviewed the appeal process. Vice Chairperson Mullet recessed the meeting at 7:34 p.m. and reconvened at 7:45 p.m.

**H-4. SUP-10-115 ACTION TO CONSIDER A SPECIAL USE PERMIT APPLICATION FROM ROBERT F. MATTHEWS (PROPERTY OWNER: C.B. MADDOX) FOR AN ASPHALT PLANT AND AGGREGATE CRUSHING FACILITY WITH A 1.5 MEGAWATT WIND TURBINE AT A HEIGHT OF 225 FEET PLUS BLADE HEIGHT, ON PROPERTY ZONED GENERAL INDUSTRIAL (GI), LOCATED ON THE SOUTH SIDE OF HIGHWAY 50 EAST NEAR THE LYON COUNTY BORDER, APNs 008-611-31, -33, -35, AND -37 (7:45:45) -** Vice Chairperson Mullet introduced this item. Ms. Pruitt noted that Planning Division staff has been in contact with the applicant and his representatives on a weekly basis. She advised that, on January 19, 2011, the applicant submitted a request for continuance of the wind turbine portion of the subject special use permit. She further advised

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that Planning Division staff supports said continuance. She reviewed the agenda materials in conjunction with displayed slides, emphasizing that the conditions of approval were specific only to the asphalt plant and aggregate crushing facility operations.

(7:56:24) Susan Dorr, of Manhard Consulting representing Robert F. Matthews and Far West Aggregate and Asphalt, provided an overview of her presentation. In response to a question, Vice Chairperson Mullet provided direction relative to the presentation. Ms. Dorr presented the application in conjunction with displayed slides. In response to a question, she advised that the facility components are portable. "It's not a permanent operation." In response to a further question, she estimated the depth of the pit at 60 from the top of the screening berm. She acknowledged that the tops of the silos would be approximately 15 feet above the surface. She and Mr. Matthews responded to questions of clarification relative to access to and from Highway 50, traffic levels, the pit depth, and the silo height.

In response to a question, Ms. Pruitt advised that the subject project was submitted to the major project review process, and that the three parking places were calculated based on the same. She further advised that Planning Division staff conferred with Building Division staff relative to parking, and that everyone was comfortable with the three parking spaces. She noted that more parking could be accommodated on the large site. In response to a question, Ms. Dorr explained that some of the facility staff will be truck drivers and some will be operators. She expressed a willingness to provide for more parking, if necessary. In response to a question, she advised of having conferred with Ken Dorr, the V&T Railway Reconstruction Commission engineer. She and Mr. Dorr have attempted to contact the V&T Railway Reconstruction Commission Chair and "have received no word back at this point." She expressed the belief that the V&T Railway Reconstruction Commission was likely notified of this item as one of the adjacent property owners. Ms. Pruitt acknowledged the accuracy of the statement.

Vice Chairperson Mullet entertained additional questions or comments of the commissioners and, when none were forthcoming, requested Ms. Dorr to proceed with that portion of the presentation relative to the proposed wind turbine. A video presentation was displayed in the meeting room, and Ms. Dorr reviewed that portion of the agenda materials relative to the proposed wind turbine in conjunction with displayed slides.

In response to a question, Ms. Dorr expressed the belief that the proposed wind turbine would have no significant impact on the Dayton Air Park "because ... it's actually further away than the Carson Airport." Mr. Matthews advised that FAA representatives will provide a determination relative to site acceptability as well as a maximum height. "That will include the Carson Airport, the closed Carson-Parker Airport, and Dayton Valley ...; all air facilities in the area." In response to a comment, Ms. Dorr advised of the intent to provide conceptual photographs from the Moundhouse side during the next presentation. Discussion followed and Mr. Matthews acknowledged that the top of the blade measures 345 feet. In response to a question, he advised "the ultimate goal was to plant trees down the berm ... and then when they come through on the V&T, all they'll see is a nice tree berm." Commissioner Shirk expressed concern over the proposed white color for the facilities. In response to a question, Mr. Matthews provided background information on the various county representatives who have expressed an interest in purchasing excess power at a discount. He responded to additional questions of clarification relative to a proposed third-party power purchase agreement. He estimated that half of Carson City's power could be provided through purchase of the excess power from the wind turbine operation. In response to a question, he reiterated that FAA representatives will determine a maximum height for the proposed wind turbine. He advised that one

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of the only high pressure gas mains in the State is “right across the way. So we already have a facilities update and the design is already done to put gas into the plant. So we’ll actually start off on gas. There’ll never be any diesel burned on site.” Mr. Matthews anticipates the facility will be the “cleanest” in the area.

Vice Chairperson Mullet entertained public comment. (8:46:12) Airport Authority Counsel Steve Tackes suggested a possible misunderstanding in that the Carson City Airport Authority voted against the project. He advised that Airport Manager Casey Pullman’s letter indicates that the FAA will make a determination which could conclude the project. He advised that Airport Authority representatives have been conferring with FAA representatives, and have received “very different messages than what was just represented ...” He noted that the Carson City Airport “sits on the valley floor. The proposed wind mill site is up on a hill at least 300 feet above the valley floor ...” In reference to the video presentation, Mr. Tackes emphasized the height of the structure. He advised of Airport Authority concerns over aircraft hitting the wind turbine. He further advised that Part 77 of the FAA Regulations defines safe airspace around airports. He described the safe airspace area “as a shallow cone that extends from the surface of the airport that extends up and away from the airport. It does increase as you get further from the airport, but when you’re going uphill in the same direction, ... those two somewhat offset each other.” Mr. Tackes advised that FAA representatives are considering the proposed wind turbine from the standpoint of visual flight rules. “To the extent that you can see really well ... and you can just fly based on your ability to see, the extension of the safe air space is not as far out as if it’s cloudy and you’re flying solely on instruments.” Mr. Tackes advised that the Carson City Airport has an instrument approach, and that Airport Authority representatives have been working, for the last four years, on a straight-in instrument approach. He further advised that 95.5 percent of the time, prevailing winds are from the west based on the airport wind study. He explained that airplanes would “ordinarily land ... flying into the wind, into the west. ... And so, this is the primary corridor for landing airplanes at the airport. And, therefore, that’s where we’ve applied for the straight-in approach.” In reference to FAA Regulations, Part 77, Mr. Tackes explained that the proposed wind turbine “pierces that ... airspace. As a result, it is very likely that the Federal Aviation Administration will be concerned about the height of this wind mill.” Mr. Tackes expressed support for the concept and for renewable energy, but advised of the concern over “strict and simple safety.” He expressed additional concern over any attempt to blend the wind turbine color with the surrounding terrain.

Mr. Tackes expressed concern that Airport Manager Casey Pullman’s letter is being “read ... too narrowly.” He advised that the Airport Authority members, all of whom are pilots, considered the proposed wind turbine from the standpoints of the FAA and general use. “Most of the traffic that approaches our airport from the east flies over that Highway 50 corridor ... for good reason. The road is generally the lowest point as they pass and so (a) you can see movement so you know you’re in the right place; and (b) you’re less likely to hit anything if you’re over that low point. To put something really high right in that location is kind of counterproductive to that safety concern. To the extent we can fly around these things ... and fly above them, certainly we do. The concern here, though, is that this structure actually pierces that safety area.” Mr. Tackes advised that Airport Authority engineers have also carefully considered the proposed wind turbine and have expressed extreme concern over safety. He further advised that he will request the Airport Authority engineers to contact the applicant and his representatives to consider a solution.

Mr. Tackes additionally noted economic considerations in that over \$30 million has been invested in the Carson City Airport over the past five years. He described the Carson City Airport as one of the “economic engines for Carson City,” and expressed concern over “work[ing] at odds with that.” He responded to questions of clarification regarding the runway improvements “which takes it a little more toward the golf course and a little bit away from the houses.” He advised that the traffic pattern altitude was also increased “out of sensitivity to the people that live there.” He stated that “a thousand feet above a windmill is fine.

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... The problem is if you're coming down on an instrument approach, you can't see ... and you're descending ... into an area that already has some mountains and now has something steep sticking up. That's where the real issue is." Mr. Tackes suggested "there's lots of places you can put windmills in Carson City that don't bother the airport." He expressed the opinion that the Carson-Parker air strip is still usable.

In response to a question, Mr. Tackes referred to the minutes of the Airport Authority meeting which were included in the agenda materials. He noted that the Airport Authority's vote "was pretty clear that they disapproved it for a number of reasons. One is the piercing of that air space." He related Airport Authority Vice Chair John Kelly's comments, as reflected in the minutes. He described Mr. Kelly as a "skilled pilot in a number of different aviation platforms, but he primarily flies helicopters and they frequently fly in bad weather fairly close to the ground so they can see where they are." Mr. Tackes explained that "aircraft that legitimately fly in bad weather, close the ground, like helicopters, this presents a real threat to them." In response to a further question, Mr. Tackes expressed the hope that by putting the applicant's representatives and Airport Authority engineers in contact, they'll develop a solution and then the Airport Authority can re-agendize the item. He reiterated that the Airport Authority had denied the project "on more than one basis."

Vice Chairperson Mullet noted the previous testimony and suggested that lighting may be an additional consideration for the applicants to address in their next presentation. (8:58:09) Mr. Matthews advised that there are "20,000 of these in service all over the world and ... it's not the first time we've encountered an airplane." He advised of the possibility of built-in strobes on the blade tips and the top of the turbine. He expressed a willingness to address all of the Airport Authority issues during the next presentation.

Vice Chairperson Mullet entertained additional public comment. (8:58:47) Pastor Ken Haskins advised that First Christian Church "owns the property right across Highway 50 which is approximately 40 acres. It's not industrial; it's commercial property." He advised of never having been contacted by the applicant or his representative. He expressed support for the asphalt plant and aggregate crushing facility, and concern over the visual impacts of the proposed wind turbine at the City's eastern portal. He discussed various suggestions for development of the City's eastern portal to attract visitors.

(9:01:27) Tim McCartle advised that he owns a tire store "right at the bottom of that hill." He expressed concerns relative to traffic issues and access to his store, and expressed opposition to the asphalt plant and aggregate crushing facility.

Vice Chairperson Mullet entertained additional public and commissioner comments. When none were forthcoming, he reminded the commissioners that the action would be relative only to the asphalt plant and aggregate crushing facility. In response to a comment, Mr. Plemel advised that access to the property is under Nevada Department of Transportation control. He expressed the opinion that the site for the proposed operation is good in consideration of access to and from a state highway, rather than driving through a residential neighborhood. Vice Chairperson Mullet entertained a motion. **Commissioner Wendell moved to approve the asphalt plant and aggregate crushing facility portion of SUP-10-115, a special use permit application from Robert F. Matthews, and to continue, at the request of the applicant, the 2.5 megawatt wind turbine portion of SUP-10-115 indefinitely, on property zoned general industrial, APNs 008-611-31, -33, -35, and -37, based on seven findings and subject to the conditions of approval related to the asphalt plant and aggregate crushing facility contained in the staff report. Commissioner Sattler seconded the motion. Motion carried 4-0.**

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**I. STAFF REPORTS:**

**I-1. DIRECTOR'S REPORT TO THE PLANNING COMMISSION AND FUTURE AGENDA ITEMS (9:05:47)** - Mr. Plemel reported that the Board of Supervisors had accepted the master plan annual report, as recommended by the commission. The Board of Supervisors also approved, on first reading, the rezoning and master plan amendment of the Flint Drive / landfill area. Mr. Plemel reported on the two appeals to the Board of Supervisors of the School District's special use permit application to install solar panel arrays at Seeliger Elementary and Eagle Valley Middle Schools. He advised that the commission's approval of the Seeliger Elementary School location was upheld by the Board of Supervisors, and that the Board modified the commission's action to approve installation of the solar panel array at Eagle Valley Middle School site C. Mr. Plemel reviewed the tentative agenda for the February commission meeting.

**I-2. COMMISSIONER REPORTS / COMMENTS (9:08:05)** - None.

**J. ACTION TO ADJOURN (9:08:11)** - Commissioner Wendell moved to adjourn the meeting at 9:08 p.m. Commissioner Sattler seconded the motion. Motion carried 4-0.

The Minutes of the January 26, 2011 Carson City Planning Commission meeting are so approved this 23<sup>rd</sup> day of February, 2011.

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MARK KIMBROUGH, Chair