

**City of Carson City
Agenda Report**

Date Submitted: December 28, 2010

Agenda Date Requested: January 6, 2010

Time Requested: 40 minutes

To: Mayor and Board of Supervisors

From: Public Works - Planning Division

Subject Title: Action regarding an appeal of the Planning Commission's decision to allow placement of photovoltaic arrays at Seeliger Elementary School on property zoned Public (P), located at 2800 S. Saliman Rd., APN 009-436-08. (SUP-10-089) (Lee Plemel)

Staff Summary: The Planning Commission approved a Special Use Permit for the installation of ground mounted photovoltaic arrays on approximately 60,000 square feet of property in the northwestern portion of the Seeliger Elementary School campus. Decisions of the Planning Commission may be appealed to the Board of Supervisors. The Board of Supervisors may uphold, modify or reverse the Planning Commission's decision.

Type of Action Requested:

Resolution

Ordinance

Formal Action/Motion

Other (Specify)

Does This Action Require A Business Impact Statement: Yes No

Planning Commission Action: Approved the Special Use Permit on December 1, 2010, by a vote of 6 ayes and 0 nays.

Recommended Board Action: I move to uphold the Planning Commission's decision to allow placement of photovoltaic arrays at Seeliger Elementary School on property zoned Public, located at 2800 S. Saliman Rd., APN 009-436-08, based upon the findings for approval and with the recommended conditions contained within the staff report to the Planning Commission.

Explanation for Recommended Board Action: See the attached staff memo and Planning Commission staff report for more explanation on the proposed action.

Applicable Statute, Code, Policy, Rule or Regulation: CCMC 18.02.060 (Appeals), 18.02.080 (Special Use Permits)

Fiscal Impact: N/A

Explanation of Impact: N/A

Funding Source: N/A

Alternatives:

- 1) If the Board of Supervisors finds that the Planning Commission erred in approving SUP-10-089, reverse the Planning Commission's decision and deny the Special Use Permit based upon findings for denial; or modify the approval.

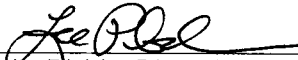
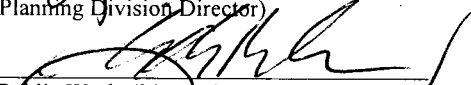
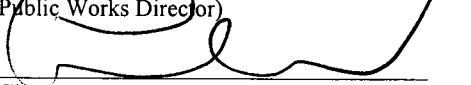

- 2) If additional information is submitted to the Board of Supervisors that the Board believes warrants further review and consideration on the application by the Planning Commission, refer the matter back to the Planning Commission.

Supporting Material:

- 1) Staff Memo to Board of Supervisors
- 2) Appellant's letter of appeal and justification
- 3) Planning Commission Case Record
- 4) Planning Commission packet

Prepared By: Janice Brod, Management Assistant V

Reviewed By:

 _____ (Planning Division Director)	Date: <u>12/28/10</u>
 _____ (Public Works Director)	Date: <u>12/28/10</u>
 _____ (City Manager)	Date: <u>12/28/10</u>
 _____ (District Attorney's Office)	Date: <u>12/28/10</u>

Board Action Taken:

Motion: _____	1) _____	Aye/Nay
	2) _____	_____

(Vote Recorded By)



Carson City Planning Division

108 E. Proctor Street
Carson City, Nevada 89701
(775) 887-2180
www.carson.org
www.carson.org/planning

MEMORANDUM

TO: Mayor and Board of Supervisors

FROM: Planning Division *af*

DATE: December 10, 2010

SUBJECT: MISC-10-109 (SUP-10-089) – Appeal of the Planning Commission’s decision to allow the placement of a photovoltaic array located at the Seeliger Elementary School campus.

BACKGROUND:

On December 07, 2010, the appellant submitted an appeal request as a result of the Planning Commission’s approval of SUP-10-089, a Special Use Permit application the placement of a ground mounted photovoltaic array (solar panels) on approximately 60,000 square feet of property located in the northwestern portion of the Seeliger Elementary Elementary School campus. The Planning Commission reviewed and approved the application by a vote of 6-0.

Refer to the attached staff report to the Planning Commission for a complete background on the Special Use Permit application. At the Planning Commission meeting the applicant provided an alternative plan amending the northern setback from 25 feet to 90 feet and a reduction of the over all height, as per the attached modified plan approved by the Commission.

The basis for appeal is pursuant to the submittal requirements of CCMC 18.02.120 (Appeals). The appellant’s letter of appeal is attached; the following are staff responses to the appellant’s letter.

1. The appellant claims the area in which the solar panels are proposed is “environmentally sensitive,” and that no evidence was submitted supporting the applicant’s statement that alternative locations on the site are not adequate.

Staff response: The area is sage brush and native vegetation and, per testimony at the meeting, the area is used as a play area by kids. The area is similar to other vacant lands in the city with native vegetation. There are no wetlands in the area, and no other evidence has been submitted that would indicate that the property would be considered as environmentally sensitive.

The solar company representing the school district provided testimony at the Planning Commission meeting indicating that alternative locations were considered and why those locations were not adequate. These reasons included

- A. The increased cost in locating the panels on the school roof, which would have to be upgraded to accommodate the solar panels.

- B. The lack of contiguous area large enough to accommodate the solar panels elsewhere on the site.
- C. The increased cost and decreased system efficiency in splitting the solar panels up onto various locations on the site.

2. The appellant claims the ground mounted photovoltaic array will be surrounded by a six and one half foot chain link fence, which will be a danger to the children playing in the area.

Staff response: The fence surrounding the solar panels is intended to keep children out of the area. Also the applicant noted at the Planning Commission meeting, that when the children are outside in the play area they are **ALWAYS** supervised accordingly. The applicant also addressed the cost and efficiency of placing the solar panels on shade structures as noted in #1, as suggested by the appellant.

3. The appellant states that the project will not promote the "peaceful enjoyment of the neighborhood," and that there will be a decrease in property value.

Staff response: As noted by the applicant, the solar panels do not make any noise but the required inverter does make a humming noise. Staff recommends that the inverter be located so it is as far from adjacent residents as possible while being in proximity to the solar panel field and not interfering with other on-site amenities. With regard to visual impacts, the solar panels will be no higher than a typical six-foot fence, which surround the school property.

The appellant also notes the proposed development did not comply with many elements of the Carson City Master Plan and the applicant did not supply impact study reports to verify their statements:

GOAL 1.1—PROMOTE THE EFFICIENT USE OF AVAILABLE LAND AND RESOURCES

1.4c—Protection of Existing Site Features:

Staff response: The applicant has noted at the Planning Commission meeting that the site selected is an efficient use of available land on the subject site.

GOAL 3.1—PROTECT ENVIRONMENTALLY SENSITIVE AREAS

3.1b—Environmentally Sensitive Areas

Staff response: See staff's response for item #1 on page one of the memorandum.

GOAL 4.1—PROMOTE RECREATIONAL EQUITY AT A NEIGHBORHOOD LEVEL

4.1b—Match Improvements to Demand and Current Standards

Staff response: The applicant has noted that the proposed project will not preclude the site from recreational equity at a neighborhood level.

GOAL 6.1—PROMOTE HIGH QUALITY DEVELOPMENT

6.1a—Durable Materials require the use of durable, long-lasting building materials for all new development

6.1b—Neighborhood Design

Staff response: The applicant has noted that the proposed photovoltaic array is made out of a very durable material.

The adjacent properties are located next to a school property and property owners should expect that uses can occur and structures associated with the school can be built on the property. This is factored into the value of surrounding homes. There is no evidence that the placement of solar panels or any other school use on the property will negatively impact the existing property values of adjacent properties.

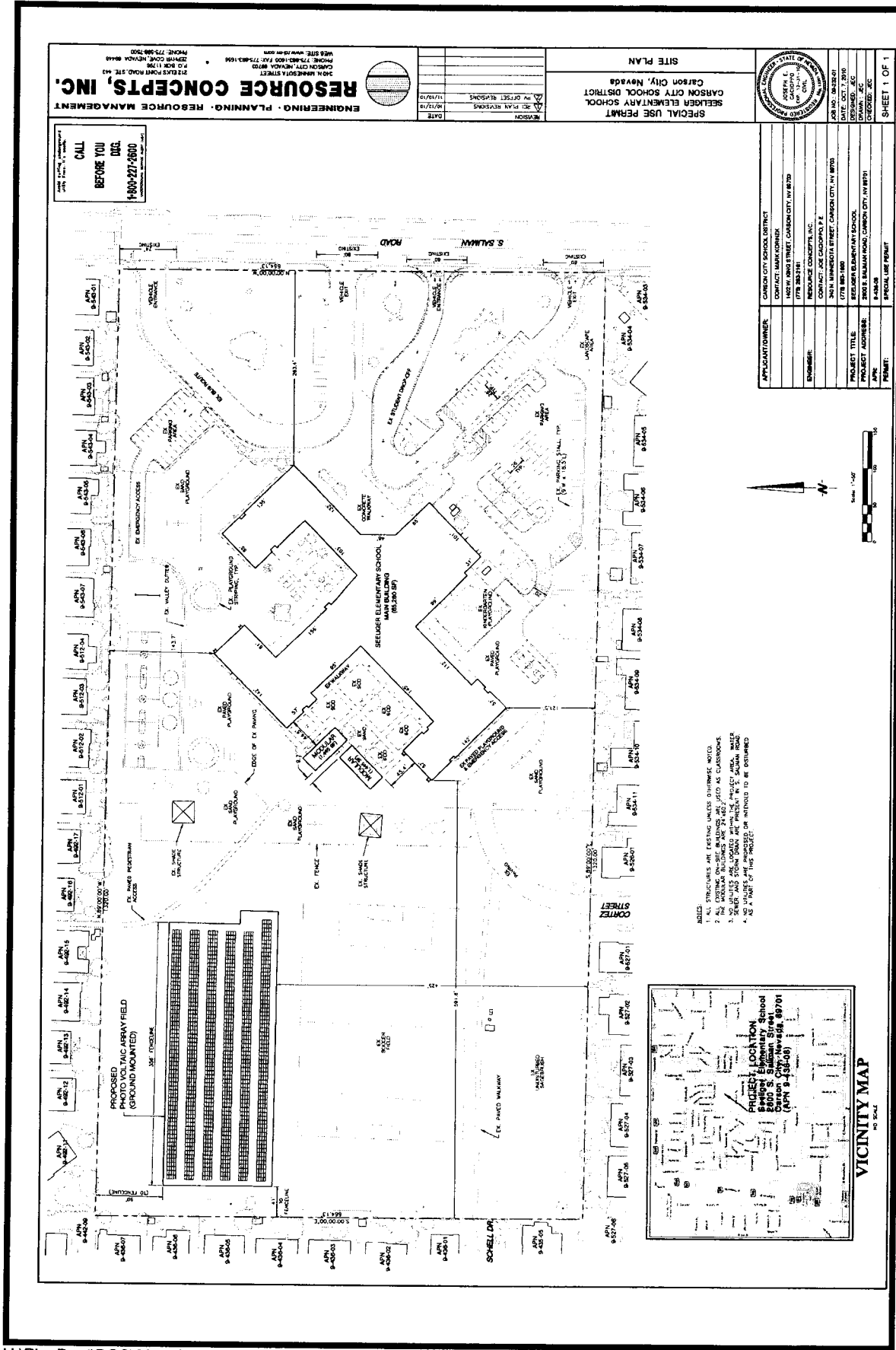
STAFF RECOMMENDATION:

Per the Carson City Municipal Code Section 18.02.060(2), the Board of Supervisors may affirm, modify or reverse the decision of the Planning Commission. Staff recommends that the Board of Supervisors affirm the Planning Commission's decision to approve SUP-10-089 to allow the placement of a photovoltaic array on the Seeliger Elementary School campus with the proposed revised plan and the original conditions of approval.

ALTERNATIVES

The Board of Supervisors may consider the following alternative actions in deciding the appeal of the Planning Commission's decision to modify the placement of the photovoltaic array for Special Use Permit SUP-10-089:

1. Modify the Planning Commission's decision and approve an alternative location for the placement of the photovoltaic array on the Seeliger Elementary School campus.
2. Approve the appeal and reverse the Planning Commission's decision to approve the placement of the photovoltaic array on the Seeliger Elementary School campus.
3. If additional information is submitted that requires further consideration in reviewing the Special Use Permit, the Board may consider referring the Special Use Permit application back to the Planning Commission with the appellant's concurrence.



RECEIVED

DEC 07 2010

CARSON CITY
PLANNING DIVISION

December 7, 2010

To: Carson City Planning Director

From: Paul T Eastwood, 1135 Shady Oak Dr. Carson City, NV 89701

Home: (775) 883-3192, Cell: (775) 230-0898

File # SUP – 10 – 089 I am appealing the decision to grant this permit.

1. The proposed location, northwest corner of Seeliger Elementary School property, is an environmentally sensitive and recreational area. Alternative locations are the northeast, north side, and the immediate back-side of the school or any combination of the three areas. The Hamilton Solar representative says the alternative locations are not adequate. There's no supporting evidence for their statement. Before the Planning Commission Hearing, I requested from the Carson City School District (email), the studies preformed that show why the alternative locations were not suitable. This information was never sent. Other impact studies were requested and not received. A qualified independent company should verify any/all this information.
2. The unit scheduled to be installed is the ground-mounted array type and will consume one and one half acres of this area. It will be surrounded by a six and one half foot high chain link fence. The surrounding area of the array will be used as a play ground by children. This will be a danger to children playing in this area. The shaded style should be used at one of the alternative locations. This way the panels will be out of reach of the children.
3. The instillation of an acre and a half, ground-mounted photovoltaic array, will not blend seamlessly with this established area, nor will it create peaceful enjoyment in the neighborhood. There are 24 homes that will have an unobstructed view of this mass of steel tubing and plastic panels. Commissioner Vance stated that sacrifices will have to be made. My neighbors and I disagree with this statement, because we are not willing to

accept the burden of a decrease in our property value to accommodate this project when there are other acceptable sites.

I am asking that a permit be granted with the following conditions:

1. That one of the alternative sites mentioned in this appeal should be used.
2. The shaded style units should be used.

In conclusion, the school district did not comply with many of the elements within the Carson City Master Plan (1.4c, 3.1b, 4.1b, 6.1b, 6.1c) and have not supplied any impact study reports to verify their statements. Therefore the original application (SUP – 10 – 089) should have been denied.

Sincerely,

A handwritten signature in cursive script that reads "Paul T. Eastwood". The signature is written in black ink and is positioned above the printed name.

Paul T Eastwood



RECEIVED

DEC 22 2010

CARSON CITY
PLANNING DIVISION

DEPARTMENT OF OPERATION SERVICES

P. O. Box 603
Richmond and Telegraph Street
Carson City, Nevada 89702

December 20, 2010

775.283.2175 Telephone
775.283.2191 Fax

To : Carson City Board of Supervisors
From: Mark Korinek, Manager of Operation Services, Carson City Schools
Date: December 20, 2010
Re : Reply to appeal filed 12/7/10 by Mr. Paul Eastwood in the matter of Special Use Permit #10-089 for installation of a ground mount Solar Photovoltaic Array at Al Seeliger Elementary School.

The solar array in question will be located on Carson City School District property within a fenced 1-1/3 acre area, behind Al Seeliger Elementary School. A recent survey of this area uncovered evidence of unauthorized and undesirable use, including fire pits, spent matches and fireworks, lighters, empty liquor bottles, and piles of trash. As part of the photovoltaic project at Seeliger Elementary, the District has a plan to revitalize this area both functionally and esthetically. This would be accomplished by building an interpretive natural habitat using indigenous plants and materials. The area would be complete with pathways, exhibits, and placards describing areas of the habitat and the benefits of renewable energy.

Our team of consultants on the District's Renewable team include the undersigned, Tony Turley, Fiscal Director for CCSD; Mike Mitchell, architect and former Director of Operations for 18 years at CCSD; Kevin Monsey, a skilled construction coordinator and manager; Joe Cacioppo, a Civil Engineer, and Hamilton Solar, the leader in public entity solar installs in the state of Nevada. Our team has been working together for 10 months analyzing each school site and areas within those sites to determine the correct placement of arrays in respect to location, orientation to the sun, space utilization, cost, neighborhood impact, and overall effectiveness.

CCSD successfully petitioned the Nevada Public Utilities Commission (PUC) to award us twice our original rebate requests to maximize efficiency by enlarging some systems. No other school district in Nevada recognized the advantages of


increasing their capacity to this level. In fact, to quote the State Energy Director, Jim Groth, "this is a gift to the school district and Carson City".

We have fully complied with the City's Special Use Permit process and received the recommendation of the planning staff to the Planning Commission. The District has always tried to be a good neighbor and in this particular situation has moved the project to the south 90 feet from home owners' property line. This distance is 3 times the required set-back. We have done this in order to preserve the distant view of the neighbors. (Please see the attached photos). We also agreed to lower the angle of the solar panels which reduces their efficiency by approximately 4%. This action lowers the back of the panels to a height of six feet four inches rather than the standard eight feet. We also conducted public meetings and neighborhood workshops providing information and asking for input. We believe these actions satisfy compliance accusations in the appeal regarding Carson City Master Plan 1.4c, 3.1b and 4.1b.

Carson City School District prides it self on being on the "cutting edge" of technology, be it in the classroom or in matters concerning energy efficiency. With the likelihood of a 10% budget cut in the near future, gained efficiency and cost recovery in utility expenditures helps put dollars back into the classroom and provide an education component in renewable energy as well. We conservatively estimate that the savings from all our solar projects to be \$400,000 per year, which is not only additional revenue for educational supplies but fiscally responsible to all our customers in Carson City.

Currently, Nevada is number 2 per capita in solar installations in the country and 12% of energy now produced is from renewable sources. This field could be Nevada's next industry boom. We understand that change is difficult and that's why we took some of our neighbor's suggestions and made adjustments. The rebate environment on PV Solar will never be better and we believe that now is the time to act. Thank you for your consideration.

Respectfully Submitted,

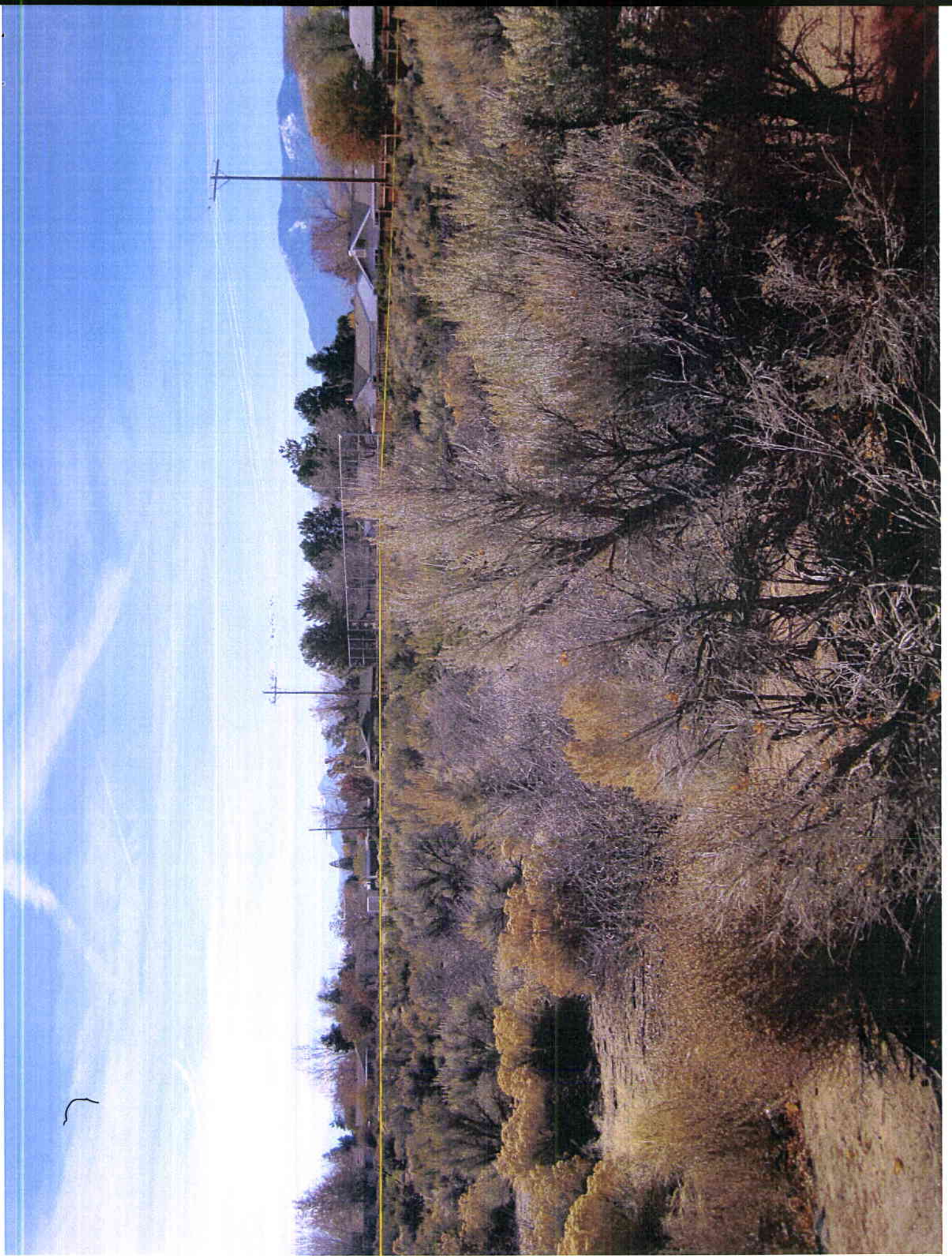


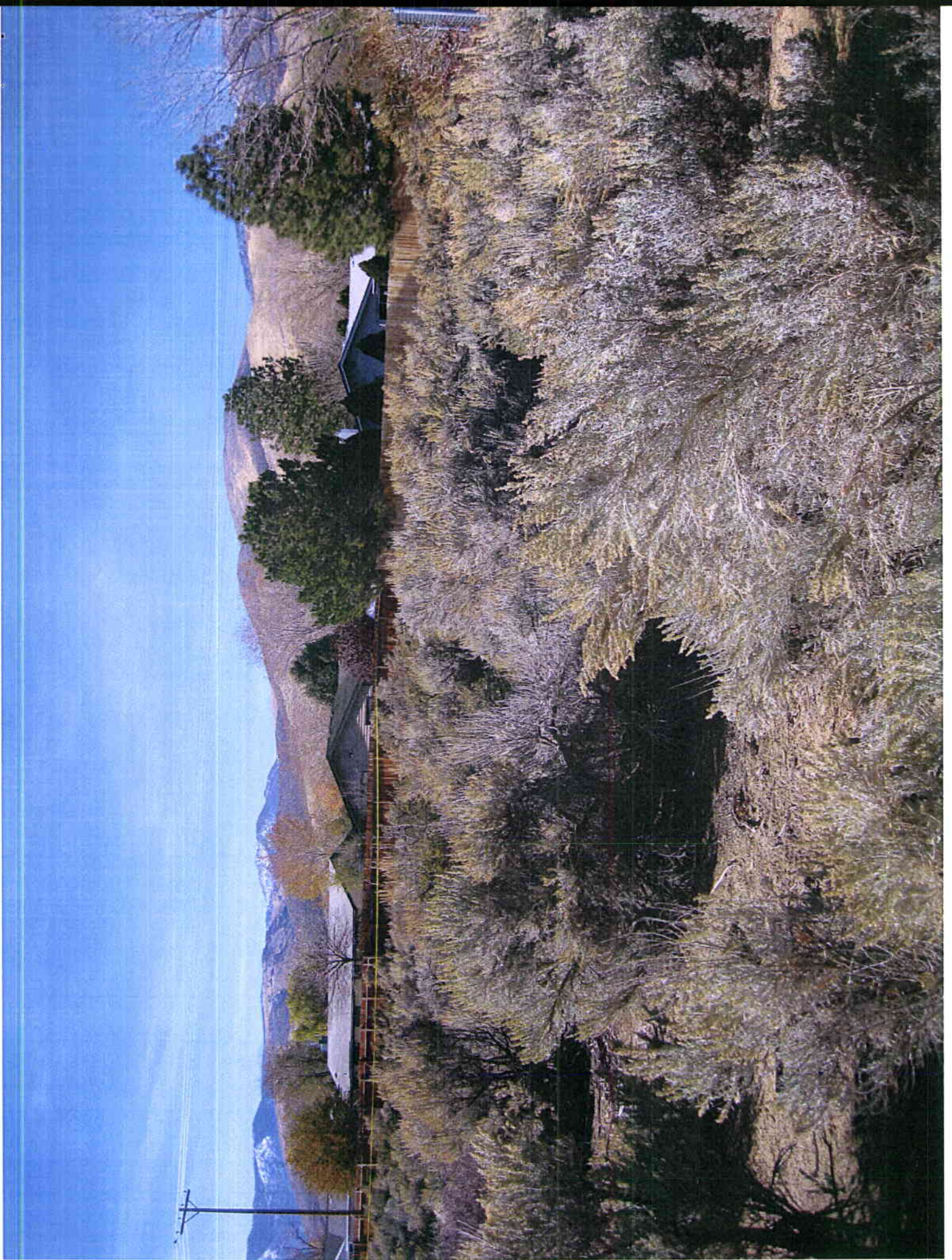
Mark Korinek

Cc – Planning Director









JOHN MUIR LAWS IS COMING TO OUR SCHOOL on NOVEMBER 22nd !!

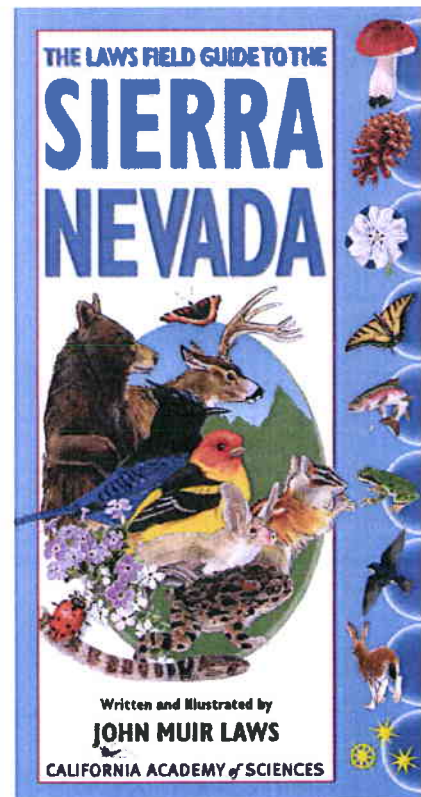
Following Muir's Footsteps



Presented by John (Jack) Muir Laws and funded by a grant made available through the **Nature Conservancy**, *Following Muir's Footsteps* integrates science, language arts and art to inspire students in grades K-5 to discover the ecological diversity and become stewards of our own backyard, the Sierra Nevada. The assemblies are Monday, Nov. 22nd at 10:00 and 2:00.

Jack Laws, is an inspirational and award winning author, illustrator and environmentalist with over 25 years of experience. A complete classroom set of his books, The Laws Field Guide to the Sierra Nevada and Opening the World Through Nature Journaling will be donated to our library for teacher/student use.

He will also present an in-service to ALL TEACHERS on the morning of the 22nd. His assemblies are aimed to share his passion of our area with students. Jack initiated this program to tap into the innate love of nature that all children have, present them an understanding of our natural history, and to engender a personal commitment of stewardship from all.



For more information contact Patrick Flynn or visit his website:
<http://www.johnmuirlaws.com/index.html>

TIMELINE ON ENERGY EFFICIENCY PROGRAM AND PV SOLAR ARRAYS

- **2/9/10 – School Board Mtg – Received NV Energy rebates and presentation to the Board on Energy efficiencies and conservation program**
- **3/4/10 – Master Plan Meeting – It was recommended by the committee that the district pursue as much NV Rebates as possible and what is not awarded in step 1 to apply for in additional steps.(also 2/11 & 2/25/10 minutes)**
- **3/23/10 – School Board Mtg – PV presentation and approval by the Board to file for rebates**
- 4/21/10 – File for Rebates with NV Energy
- **5/18/10 – Joint Board Mtg with City Supervisors – Meeting / Discussion with both Boards and School Districts plans for PV was discussed**
- **5/19/10 – School Special Budget Hearing – Final Budget for SY11 approved. CIP plan presented and approved which included PV Solar Arrays**
- 5/20/10 – Awarded – 6each 50kw step 1 rebate reservations @\$5/watt
- 7/20/10 – Awarded – 9each 50kw step 2 rebate reservations @ \$4.90/watt & 5each 50kw step 3 rebate reservations @ \$ 4.80/watt
- **8/23/10 – Debt Mngmnt Comm. – CIP approved by Debt Management Committee**
- **9/14/10 – School Board Mtg – Presentation on Debt Management Policy and CIP, Report of approval by Debt Management Committee, and PV Solar Presentation on all sites and Medium Term Financing**
- 9/22/10 – Mtg – reviewed PV plans with City Planning
- **9/28/10 – School Board Mtg – Presentation on Medium Term Financing for PV Solar Project**
- 10/5/10 – Mtg – Special Use Permit application submitted
- 10/6/10 – Mtg – Report to school principals at Principals Meeting
- 10/12/10 – SUP Meeting and Review with City Planning
- 10/25/10 – City Mails SUP Notice
- 11/2/10 – CCSD mails Information Night Invitations to same SUP Notice mailing list
- **11/8/10 – CMS PV Info Mtg**
- **11/9/10 – NPUC approves CCSD's petition**
- **11/10/10 – Seeliger PV Info Mtg**
- **11/15/10 – EVMS PV Info Mtg**
- 12/1/10 – Planning Commission Meeting (continued 12/15)
- 12/3/10 – Met neighbors at EVMS
- 12/15/10 – Approval of EVMS project and Planning Commission
- 7/20/11 – Construction must be complete

- **Bold Public Meetings**

RESOURCE CONCEPTS, INC.
 ENGINEERING · PLANNING · RESOURCE MANAGEMENT
 340 N. ANNENBOST STREET
 CARSON CITY, NEVADA 89703
 PHONE: 775.966.7500
 FAX: 775.966.7501
 212 ELVIS HIGHT ROAD STE. 413
 CARSON CITY, NEVADA 89444



REVISION	DATE
RCI PLAN REVISIONS	11/17/10
BY OFFSET REVISIONS	11/17/10

SPECIAL USE PERMIT
SEELIGER ELEMENTARY SCHOOL
 CARSON CITY SCHOOL DISTRICT
 Carson City, Nevada
SITE PLAN

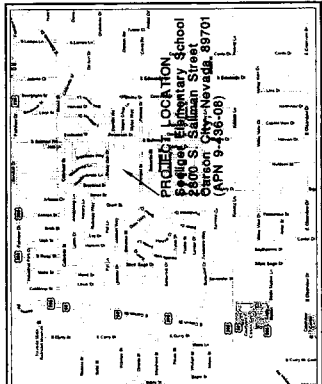
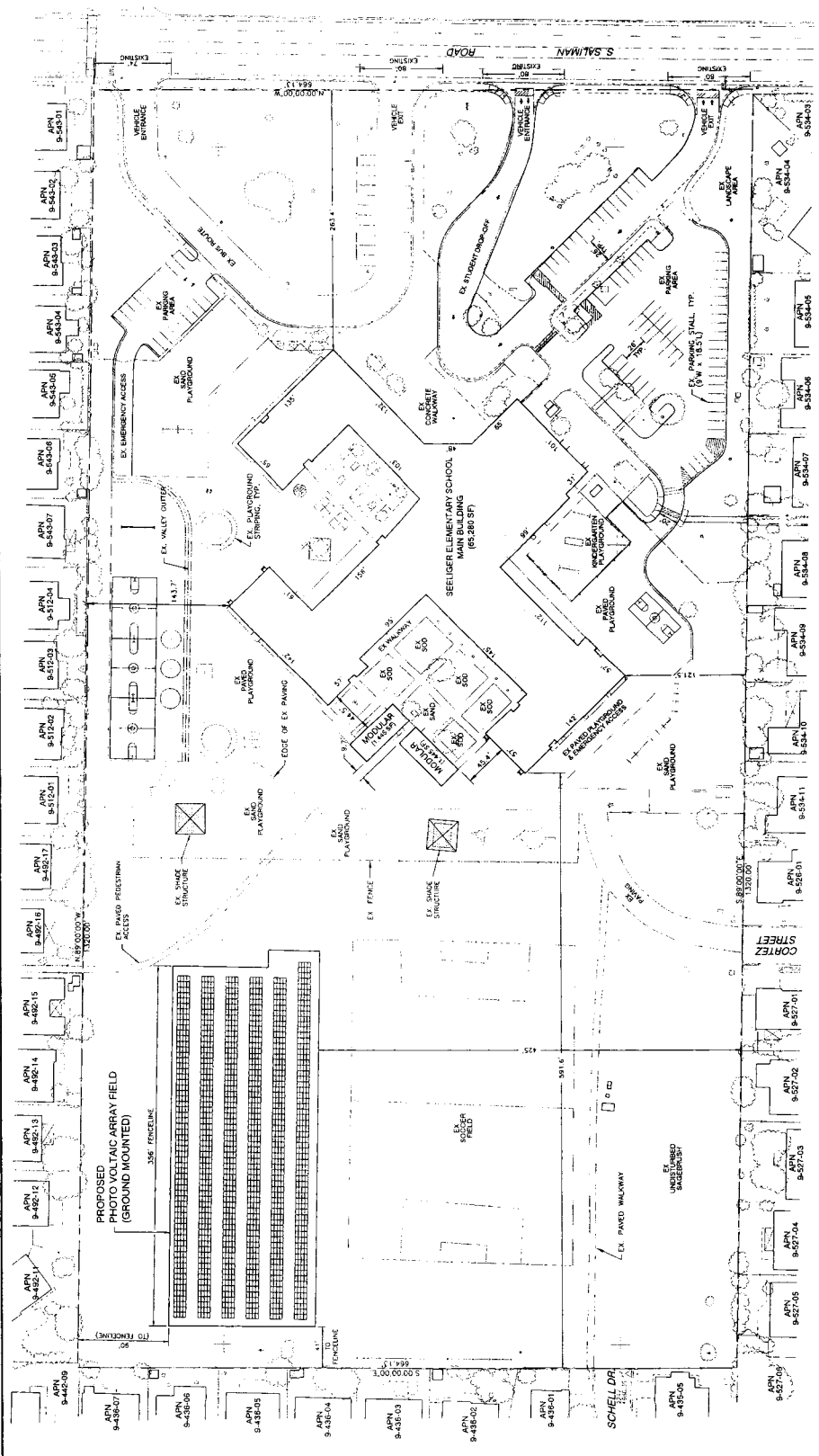


APPLICANT/OWNER: CARSON CITY SCHOOL DISTRICT
CONTACT: MARK KORNBER
 1405 W. KING STREET, CARSON CITY, NV 89703
 (775) 282-2481
ENGINEER: RESOURCE CONCEPTS, INC.
CONTACT: JOE CACIOPPO, P.E.
 340 N. MINNESOTA STREET, CARSON CITY, NV 89703
 (775) 883-1800
PROJECT TITLE: SEELIGER ELEMENTARY SCHOOL
PROJECT ADDRESS: 2800 S. SALAMAN ROAD, CARSON CITY, NV 89701
APN: 9-534-08
PERMIT: SPECIAL USE PERMIT

RECEIVED
DEC 06 2010
CARSON CITY
PLANNING DIVISION

- NOTES**
1. ALL STRUCTURES ARE EXISTING UNLESS OTHERWISE NOTED
 2. THE EXISTING "BUILDING" ARE TO BE USED AS CLASSROOMS
 3. NO UTILITIES ARE LOCATED WITHIN THE PROJECT AREA. WATER, SANITARY AND GAS UTILITIES ARE TO BE DISTURBED AND REPLACED AS A PART OF THIS PROJECT.
 4. AS A PART OF THIS PROJECT.

CALL BEFORE YOU DIG.
 1-800-277-2600
 NEVADA STATE AGENCY
 1100 S. 2ND ST., SUITE 200
 LAS VEGAS, NV 89102



VICINITY MAP
 NO SCALE



(SENT OFF Dec. 20, 2010)
MONDAY

December 17, 2010 A.

TO: CARSON CITY PLANNING Commission
FROM: MR. DENI FRENCH
301 BOULDER DRIVE
CARSON CITY, NEVADA 89706

RECEIVED

DEC 22 2010

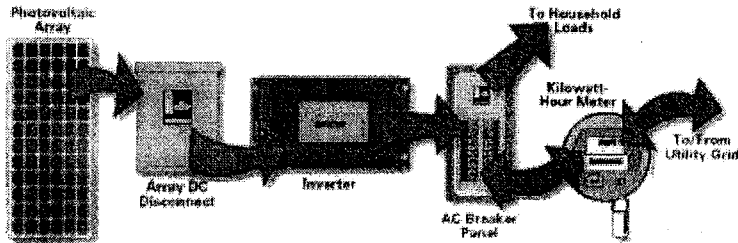
CARSON CITY
PLANNING DIVISION

* REGARDING : SOLAR PANELS ON SCHOOL GROUNDS.

While The contractors have assured the community that the panels are not hazardous. ACCORDING TO THE CONTRACTOR THE NOISE FROM THE INTVERTER WILL NOT EXSED 65dB. Witch, he suggested, he would liken to a conversational level as if a person was talking at a normal level. Continually ☹.

Well, I for one would not wish to hear a person talking all day, while trying to enjoy the peace of my own yard. Fortunately I'm not in that position that will be an issue. However what I found as I looked into the 65 dB level. Really concerned me, and as I looked into NIOSE EXSPOSURE, I found others have the same concerns... id like you all to know that it will make a difference where the inverter boxes get located!

* Because they, DO MAKE NOISE!



diagramed from: Solar Energy...Reduce Energy Consumption with Our Solar Power Systems.
www.FoothillsEnergySolutions.com

Chart used is from: WHO | Occupational and community noise... Health impact. The recognition of the noise as a serious **health hazard** as opposed to a nuisance is a recent development and the **health effects of the hazardous noise** ...www.who.int/mediacentre/factsheets/fs258/en

"Noise can cause hearing impairment, interfere with communication, disturb sleep, cause cardiovascular and **psycho-physiological effects, reduce performance, and provoke annoyance responses and changes in social behavior**. The main social consequence of hearing impairment is the inability to understand speech in normal conditions, which is considered a severe social handicap".

"WHO: Has responded in two main ways: by developing and promoting the concept of noise management, and by drawing up **community noise guidelines**. The field is marked by a scarcity of literature, especially for developing countries. Some 20 years after its last publication on noise, WHO has issued Guidelines for Community Noise? This publication, the outcome of a WHO expert task force meeting in London in March 1999, includes guideline values for community noise (listing also critical health effects ranging from annoyance to hearing impairment), for example: (ref Guidelines p. XVIII)".

Environment	Critical health effect	Sound level dB(A)*	Time hours
Outdoor living areas	Annoyance	50 - 55	16
Indoor dwellings	Speech intelligibility	35	16
Bedrooms	Sleep disturbance	30	8
School classrooms	Disturbance of communication	35	During class
Industrial, commercial and traffic areas	Hearing impairment	70	24
Music through earphones	Hearing impairment	85	1
Ceremonies and entertainment	Hearing impairment	100	4

I HAVE THE HOPE MY MESSAGE AND THE INFORMATION REVIEWED AND CONSITURATED.

THANK YOU SINCERELY,

Deni

MR. DENI FRENCH ☺

*US NATIONAL
INSTITUTES OF HEALTH
ORGANIZATIONAL
SCHOOL YARD
LEVEL
55dBA (PLAY TIME)
COMMUNITY NOISE GUIDELINE
VALUES LIST!
SCHOOL ROOM (SPEECH
INTERFERENCE)
LEVEL
35 dBA (6 hours)*

*COPIES SENT TO:
Board of Supervisors
Board of Education
Planning Commission
etc. maybe others.*

Rea Thompson - Seeliger Photovoltaic Array Placement

RECEIVED

From: <NVWILL@aol.com>
To: <planning@carson.org>
Date: 12/26/2010 9:13 AM
Subject: Seeliger Photovoltaic Array Placement

DEC 27 2010

CARSON CITY
PLANNING DIVISION

My objection to the placement of the photovoltaic arrays is blockage of mountain views and probable loss in home property value.

Our home location is APN-9-492-16 as shown on plans SUP-10-089. We purchased our home in 1978 and regret both possible loss of mountain views and loss in property value.

Thanks for your further consideration !

Sincerely,

William & Sylvia Eckert
1201 Shady Oak Dr.
Carson City, NV 89701

Rea Thompson - Comments for File SUP-10-089 Photo-voltaic SUP

RECEIVED

DEC 27 2010

CARSON CITY
PLANNING DIVISION

From: Gabe Anguiano <gabe.anguiano@gmail.com>
To: <planning@carson.org>
Date: 12/23/2010 7:07 PM
Subject: Comments for File SUP-10-089 Photo-voltaic SUP

YES to the project. I'm the owner at 2900 Cortez St. and I feel that there should be MORE projects such as this. It's progressive,

Best regards,

Gabe Anguiano

Wednesday, December 29, 2010

nevadaappedl.com LOCAL • A3

Petition filed to halt solar project construction

Nevada Appeal Staff Report

A hearing to determine the future of the Carson City School District's solar energy project is set Thursday in Carson City District Court.

The Northern Nevada Building and Construction Trades Council filed a petition Monday to stop fur-

ther progress on the district's plans to build solar energy arrays at five schools.

The petition asserts that the district did not bid the project according to Nevada law and should be required to re-bid the \$10.5 million projects.

Superintendent Richard Stokes said the district believes it met the

bid requirements described in state statute when it joined onto a contract established by the City of Sparks and Hamilton Solar for a similar solar project this year.

The school solar project is one of many being built by public agencies within the state.

The Carson City Planning Commission recently approved

special-use permits for the construction of photovoltaic structures at Eagle Valley and Carson middle schools as well as Seeliger Elementary School.

There also are plans for the photovoltaic structures at Carson High School and Fritsch Elementary School, however a special-use permit is not required for those.

A rebate program sponsored by NV Energy is expected to pay for approximately 92 percent of the cost if completed by July 20.

The district estimates it will save around \$400,000 in annual electrical costs once the solar projects are completed.

The hearing is set for 9 a.m. Thursday.

CARSON CITY PLANNING COMMISSION

CASE RECORD

MEETING DATE: December 1, 2010

AGENDA ITEM NO.: H-1

APPLICANT(s) NAME: Carson City School District
PROPERTY OWNER(s): Carson City School District

FILE NO. SUP-10-089*

ASSESSOR PARCEL NO(s): 009-436-08
ADDRESS: 2800 S. Saliman Rd.

APPLICANT'S REQUEST: Action to consider a Special Use Permit request to allow placement of photovoltaic arrays at Seeliger Elementary School on property zoned Public (P).

COMMISSIONERS PRESENT: KIMBROUGH MULLET VACANT
 DHAMI SHIRK VANCE WENDELL

STAFF REPORT PRESENTED BY: Jennifer Pruitt **REPORT ATTACHED**
STAFF RECOMMENDATION: **CONDITIONAL APPROVAL**
APPLICANT REPRESENTED BY: Mark Korinek, School District; Chad Dickenson, Hamilton Solar;
Anthony Turley, Finance Director for School District

APPLICANT/AGENT WAS PRESENT AND SPOKE

APPLICANT/AGENT INDICATED THAT HE HAS READ THE STAFF REPORT, AGREES AND UNDERSTANDS THE FINDINGS, RECOMMENDATIONS, AND CONDITIONS, AND AGREES TO CONFORM TO THE REQUIREMENTS THEREOF.

PERSONS SPOKE IN FAVOR OF THE PROPOSAL **PERSONS SPOKE IN OPPOSITION OF THE PROPOSAL**

DISCUSSION, NOTES, COMMENTS FOR THE RECORD:

Mark Korinek: Ground mount is much cheaper. Setback from north property line increased to 90 feet. Panels lowered from 8' to 6', which equals a 4-5% loss.

Chad Dixon: (Solar panel installer for project)-Fixed panels will be installed, not adjustable. Explained other locations that were explored. Noise: Inverted 65 dB maximum.

Public Comment:

Paul Eastwood: (adjacent neighbor, Shady Oak Dr. resident)-It's an "environmentally sensitive" area and a recreation area. Carson City Master Plan was intended to protect residents from this type of development. Should be built in "non-populated" areas; other areas are available. Not opposed to solar but opposed to location.

Flora Todd: (Baker Dr. resident, western neighbor)-Area is used as undeveloped play area. Western side setback was reduced from 60 feet to 41 feet from original plan. Existing site features will be impacted even though the area is unimproved. Protecting the children is important. Lead toxins from panels. Who will require removal if they fall into disrepair? (required by condition of approval). Would not object to a school building on the same location.

Bill Eckert: (1201 Shady Oak)-Concerned mostly about visibility. Will hate to lose view. Concerned with reduced property value. Overhead lines?

Deni French: Not a surrounding resident. Solar panels should not be placed on school property. School is a natural resource. Against project. Delay on vote. Issue is rushed, more time is needed. Covered parking is an option. They should have selected an American product.

Jim Growth: (Director, Nevada State Office of Energy, resident of Carson City)-Supports this project. There are 15 existing Nevada projects and 15 projects underway. Has not heard of lead being an issue in panel installations. This is a significant gift for Carson City.

Patrick Pittenger: (resident east of Saliman Road)-The field is used by many kids in the area as recreational resource. There is a cost associated with losing that.

Sam Flakus: (Long St. area resident)-The savings of using solar panels to the School District results in a savings to all City tax payers.

Commissioners:

Craig Mullet: School District should work with neighbors if fence screening becomes necessary to mitigate visual impacts. Total costs, need 725,000 kw-550,000 kw solar annual average, depends on tilt angle.

Bill Vance: This project sets a good example for all schools. Get sturdiest type of panels to protect from vandals.

Malkiat Dhami: Are these fixed?

APPEAL PROCESS MENTIONED AS PART OF THE RECORD

MOTION WAS MADE TO APPROVE WITH THE FINDINGS AND CONDITIONS OF THE STAFF REPORT AS MODIFIED

#8: 90' setback on north and 41' setback on west.

MOVED: Vance SECOND: Wendell PASSED: 6/AYE 0/NO 0/ABSTAIN 0/ABSENT

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A meeting of the Carson City Planning Commission was scheduled for 1:00 p.m. on Wednesday, December 1, 2010 in the Community Center Sierra Room, 851 East William Street, Carson City, Nevada.

PRESENT: Chairperson Mark Kimbrough
Vice Chairperson Craig Mullet
Commissioner James Shirk
Commissioner William Vance
Commissioner George Wendell

STAFF: Lee Plemel, Planning Division Director
Jennifer Pruitt, Principal Planner
Jeff Sharp, City Engineer
Joel Benton, Senior Deputy District Attorney
Kathleen King, 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 (1:00:22) - Chairperson Kimbrough called the meeting to order at 1:00 p.m. Roll was called; a quorum was present. Commissioner Wendell led the pledge of allegiance. Commissioner Dhami arrived at 1:17 p.m.

B. COMMISSION ACTION ON APPROVAL OF MINUTES - October 27, 2010 (1:01:08) - Commissioner Wendell moved to accept the minutes, as presented. The motion was seconded and carried 5-0.

C. MODIFICATION OF AGENDA (1:02:02) - Mr. Plemel advised that item H-4 had been withdrawn by the applicant by a letter received prior to the meeting. Copies of said letter were distributed to the commissioners and staff prior to the start of the meeting. (4:26:42) At Mr. Plemel's suggestion, Chairperson Kimbrough modified the agenda to address items H-6(A) and (B) together.

D. PUBLIC COMMENTS (1:03:10) - Chairperson Kimbrough entertained public comment. (1:05:50) Bob Walters, a resident of Buzzy's Ranch Road, expressed concern over the solar panel project proposed for Eagle Valley Middle School. He circulated photographs among the commissioners and staff, and narrated the same. He expressed concern over installing the photovoltaic "grid in the yard across the street from me." He noted "the proposed grid ... is 60,000 feet." He advised of having called the Planning Division to inquire as to the size of a billboard. He acknowledged the necessity of billboards in consideration of commerce, but described them as "a blemish." He advised that billboard dimensions are 10 feet by 40 feet, or 400 square feet, and compared the dimensions to 60,000 feet "of solar grid coming down that hill." He further advised of having "computed it and it comes up to 150 billboards." He requested the commission to acknowledge the number of acres available at Eagle Valley Middle School, and to consider installing the photovoltaic grid "away from the residences." He suggested Carson River Road "or away from the residences" or "on the roof" as alternative locations. He expressed the opinion that "it's not clear enough ... to give the approval for Eagle Valley at this time." In response to a question,

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Mr. Plemel clarified the purpose of the subject item. He advised that public comment would be entertained during each agenda item, at which time the commission would be permitted to enter into discussion.

(1:12:46) Joe Childs advised of having taken a day off from work to attend the November 17th meeting; that he is a resident of Buzzy's Ranch Road, and that the proposed site "will not be in [his] view." He expressed concern over the extent of the proposed project in consideration of "the visual aspect" for the homeowners. He discussed the noise associated with converting solar energy, and expressed concern for the adjacent residents. He acknowledged that homes were constructed around Eagle Valley Middle School, but stated, "We didn't build our homes around factories." He commended Eagle Valley Middle School as "a good neighbor," but expressed concern over the impact of the proposed project on the surrounding homeowners. He requested the commissioners to carefully consider the special use permits. He advised that Hamilton Solar was urged to meet with the property owners following a neighborhood meeting held at Eagle Valley Middle School. In reference to Mr. Walters' comments, Mr. Childs noted that the proposed photovoltaic panels equate to "a lot of billboards. And then we've also got noise." Mr. Childs strongly urged the commission to consider denying the special use permits "for these projects as they stand until we get more information." Chairperson Kimbrough entertained additional public comment; however, none was forthcoming.

E. STAFF PUBLIC SERVICE ANNOUNCEMENTS (1:16:04) - Mr. Plemel apologized to the citizens and the commissioners, and explained the posting error associated with the November 17th Notice of Meeting. He advised that Commissioner Heath had submitted written resignation following a move from Carson City. He further advised that applications are being accepted in the City Manager's office through December 29, 2010. [Commissioner Dhami arrived at 1:17 p.m.]

F. DISCLOSURES (1:17:43) - None.

G. CONSENT AGENDA (1:17:55) - None.

H. PUBLIC HEARING MATTERS:

H-1. SUP-10-089 ACTION TO CONSIDER A SPECIAL USE PERMIT APPLICATION FROM THE CARSON CITY SCHOOL DISTRICT (PROPERTY OWNER: CARSON CITY SCHOOL DISTRICT) TO ALLOW PLACEMENT OF PHOTOVOLTAIC ARRAYS AT SEELIGER ELEMENTARY SCHOOL, ON PROPERTY ZONED PUBLIC (P), LOCATED AT 2800 SOUTH SALIMAN ROAD, APN 009-436-08 (1:19:12) - Chairperson Kimbrough introduced this item, and Ms. Pruitt proposed a method by which to conduct the presentation. Ms. Pruitt oriented the commissioners to the subject property, using a displayed aerial photograph, and reviewed the proposal as outlined in the agenda materials. She reviewed the agenda materials, as well as late materials distributed prior to the start of the meeting. She reviewed the public noticing process, as outlined in the agenda materials, and the resulting responses. She noted the written comments received from the City's Building and Engineering Divisions and the Fire and Health and Human Services Departments, also included in the agenda materials. She advised of a meeting with the Seeliger Elementary School neighbors, conducted by School District representatives, on November 10th. She narrated pertinent photographs, which were displayed in the meeting room. She noted staff's recommendation of approval.

Mr. Benton advised that his portion of the presentation would be applicable to the three special use permits which are the subject of items H-1, H-2, and H-3. He further advised that the commission has the authority

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to regulate planning and zoning issues, pursuant to Chapter 278 of the Nevada Revised Statutes. He noted a specific restriction on the commission's authority relative to solar energy systems. "The current restriction on the authority of the Planning Commission in Carson City to regulate solar panels is enacted in [NRS] 278.0208, and it provides that a governing body, which would be Carson City, cannot take any action that prohibits or unreasonably restricts or has the effect of prohibiting or unreasonably restricting the owner of real property from using a system for obtaining solar energy." Mr. Benton noted that the definition of "prohibit" is clear, and read into the record the definition of "unreasonably restrict the use of a system."

(1:30:45) Carson City School District Operations Manager Mark Korinek introduced Civil Consultant Joe Cacciopo, and provided background information on the School District's interest in pursuing solar energy. Mr. Korinek reviewed the special use permit application in conjunction with displayed photographs. He acknowledged agreement with the conditions of approval, as outlined in the staff report. He further acknowledged that the project plans are not yet finalized. In response to a further question, he expressed a willingness to schedule another neighborhood meeting.

(1:36:53) Hamilton Solar Principal Chad Dickason responded to questions of clarification relative to the proposed solar panel design and the durability of the proposed solar panels. (1:39:17) Carson City School District Finance Director Anthony Turley responded to questions regarding the anticipated rebates. Mr. Dickason responded to questions relative to solar energy production. "We expect it to cover about 70 to 80 percent of the current usage. That, in conjunction with some other efforts ... for energy efficiency should get that school ... closer to zero." Mr. Dickason responded to additional corresponding questions of clarification regarding energy production and the proposed design. With regard to condition of approval 8, Vice Chairperson Mullet requested the applicant's representatives to consider a minimum 90-foot setback from the northern property line. In response to a further question, Mr. Dickason explained efficiencies associated with inverter design and placement. In conjunction with a displayed site map, he responded to additional questions regarding sites considered for the photovoltaic array. In response to further questions, he discussed the noise associated with the photovoltaic array, the color of the solar panels, the proposed fencing and landscape.

Chairperson Kimbrough requested the applicant's representatives to note the citizens comments in order to answer questions following public comment. He entertained public comment, and requested the citizens to limit their comments to three minutes. (1:52:12) Paul Eastwood, a resident of Shady Oak Drive, described the location of his residence "in the immediate impact area for the ... proposed solar array system in the northeast corner of Seeliger School." He expressed no opposition to solar energy, but discussed concerns over the proposed site and the type of solar array system ... He advised that the proposed site, in the northwest corner of Seeliger School "is an environmentally sensitive ... and recreational area used by the local residents in the community." He expressed concern over the proposed ground-mounted solar array "consum[ing] almost 1.5 acres," and over the "features of the ground-mounted solar array." He advised of having read the application materials as well as the City's comprehensive master plan. "... it seems that the Carson City master plan is a document that was designed to protect Carson's community, the neighborhoods within the community, and the residents within those neighborhoods against this type of development." Mr. Eastwood quoted portions of the comprehensive master plan. He advised that approving the special use permit application will "destroy a wildlife habitat." He described the proposed area as "one of the most scenic parks areas within Carson City," and advised that installation of the ground-mounted solar panels "will be a visual nuisance and will have a negative effect on the use, peaceful

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enjoyment of the surrounding properties in the neighborhood.” He expressed the opinion that “structures like this should be hidden from sight in non-populated areas and designed and built in order to disguise their true purpose.” He suggested that alternative sites “are available for consideration, and would comply with the Carson City master plan and the residents’ requests.” In consideration of the “acre and a half ... there is more than enough room to install the shaded type.” Mr. Eastwood discussed costs associated with the project. Chairperson Kimbrough commended Mr. Eastwood on his effective method of getting information to the media and his “well written documents to be part of the public process.”

(1:59:09) Flora Todt, a resident of Baker Drive, expressed support for solar projects and alternative energy and discussed concerns regarding the proposed site as “an existing play area for children.” She read a written statement into the record. In response to a question, she advised of no objections to the School District having proposed “a classroom cluster in the same location.” In response to a further question, she reiterated that the ground-mounted solar panels will not be installed close enough to her residence to be visible. She reiterated her “main concern” as “the safety of the children and doing the right thing and not creating another avenue for them to vandalize.” She expressed concern over “creating additional, hidden ... blind alleys around this project for additional mischief, and out of the view of the administrators of the school.” Ms. Todt expressed the opinion that the solar panels should be “up off the ground, provide the permanent shade ...”

(2:06:28) Bill Eckert, a resident of Shady Oak Drive, discussed concerns regarding the visibility of the proposed ground-mounted solar panels, over decreasing property values, and the method by which the solar energy is converted. “Does that mean more lines running across the top of our house?”

(2:09:05) Deni French advised that he would not be visually affected by the solar panel array. He expressed amazement and appreciation over “the work that’s been behind this,” and discussed concerns over the proposed project “feeling very rushed.” He expressed a preference for no solar panel arrays to be installed at any school campus. In consideration of the size of the proposed project, he noted “it’s bigger than the facility it’s supposed to be supporting.” He expressed offense over the product being manufactured outside the United States “because of this time crunch,” and over the price. He requested the commission to consider denying the special use permit.

(2:14:13) Nevada State Office of Energy Director Jim Groth clarified that his comments were made as a Carson City resident, and expressed strong support for the proposed project “that’s been offered as a gift.” He advised that he works closely with American Recovery and Reinvestment Act funding and has been “heavily involved in provisioning \$10.2 million to the State of Nevada for the 17 school districts ...” He stated that “no school district, in all the monies that have been provisioned ... have ... gotten this type of a lion’s share of rebate money across the State of Nevada. This is a situation, quite literally, that Washoe County schools or Clark County schools would be dying to have. It’s a situation that they will quickly, if these monies cannot be used by July 2011, ... snap up ... It’s a fantastic opportunity.” Mr. Groth discussed related bill draft requests to be proposed during the 2011 Legislative session. He responded to questions of clarification regarding the proposed location for the solar panel array; project time line requirements associated with the rebates; “myths” associated with lead contamination; and similar projects in other Nevada communities and associated public comment. In response to a further question, he stated, “You get the most bang for the buck in low-mounted, fixed, tracking ... solar. It’s a stanchioned, metal system on piers, typically, and it’s very low to the ground, very solid, very stable, very robust ... and the least expensive.”

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(2:26:21) Patrick Pittenger, a resident of Kingsley Lane, advised that the proposed location is referred to as “the field” by area families. He provided anecdotal information on the method by which his children have utilized the field over the years, and described it as “a tremendous resource.” He acknowledged the benefits of the proposed project, but noted the “cost” associated with locating the solar panel array at the proposed site.

(2:28:28) Sam Flakus, a Carson City resident, acknowledged the “monetary crunch” being experienced by every school district and governmental agency and discussed the savings associated with the proposed project.

Chairperson Kimbrough entertained additional public comments and, when none were forthcoming, closed public comment. He invited the applicants to provide additional testimony in response to the public comment provided. (2:30:32) Mr. Korinek commended Mr. Groth’s comments as having “made a good case for what we are trying to do.” Mr. Korinek expressed the opinion that “we still will have an area that can be used for recreation and educational purposes. There’s been a lot of liability issues in that area and we’re trying to clean that up as well.” With regard to concerns over lead contamination, Mr. Korinek explained that “the only lead that is talked about in solar panels is in the solder and this is lead-free solder in the panels that we will be using.”

(2:31:27) With regard to solar panel manufacture, Mr. Dickason advised that the “solar industry is definitely an environmental movement and so we’re hyper-concerned about environment-related issues.” He described the proposed solar panels as “solid-state technology, using high temper glass encased in silicon.” In the manufacturing process, leads are attached to the solar cells and those leads are soldered onto the panels. “Most of the time, that is lead-free solder. They actually do it by hand because ... lead-free solder is much more fragile. In the manufacturing process, there’s an encapsulent that covers that.” Mr. Dickason advised that the solar industry “is working on ... PV cycle. ... It’s an industry push to establish the recycling process now even though these panels won’t need to be recycled for 25 or 30 years down the road. ... The way the panels are manufactured, being a high-tempered glass, the chances of anything, glass shards or ... lead breaking out of the panels or anything along those lines, is extremely limited to the point that the federal government does not require an MSDS sheet for the solar panels.” Mr. Dickason described “thin-film solar panels” which are not being proposed for this project. In response to a previous question, he advised of no plans to use flood lights with the solar panel array proposed for the Seeliger Elementary School site. “The intent of the security cameras, if those are put in at some point in the future by the school district, would be to monitor the area.” In response to a previous question, Mr. Dickason advised that the system wiring will be underground. “Because of that, we’re going to be collecting the power through ... four-inch conduits running from the array to the inverter location. The inverter, at the present time, is going to be on the edge of the field. It will go from the array to the inverter, which is a power conditioner. ... from a visual standpoint, you’re looking at about 4-foot by 8-foot ... is the pad that we’re going to pour to put that inverter in place. And then the wiring ... will be through three or four inch conduit, from that point into the school, and interconnected. There is going to be no overhead wiring on that.” In response to a question, Mr. Dickason advised that the exact inverter location has not yet been determined. “When we have a long-distance wire run, sometimes it makes more sense to put it right at the array.” In response to a question, Mr. Dickason advised that the School District will be responsible for maintenance around the solar panel array. He discussed maintenance contract options.

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In response to a question, Mr. Turley discussed School District supervision responsibility over the proposed area to be fenced. In response to a question, Mr. Dickason advised that solar panels are quiet. Any noise is associated with the inverter. In response to a further question, he anticipates construction of the project would take three to four weeks, depending upon the weather. In response to a further question, Mr. Turley was uncertain as to the impact of the loss of the open space on the community's children. "If you look at the footprint of what we're doing, we're using about 30 percent of that open space for this project. So, there's still 70 percent of that sage brush and open area overall." Mr. Turley described paths to provide "access around the solar panels ... We feel like, although we are taking something away, we're actually giving something back as well by creating that habitat and the teaching opportunities with that." In response to a question, Mr. Turley advised that the construction time lines have not yet been finalized, "but we need to be complete with the projects by the 20th of July. Once we have approval, then we can sit down and finalize the project time frame." Mr. Turley responded to additional questions of clarification relative to the project time line and the rebates.

In response to a comment, Mr. Dickason explained the purposes for reducing the system to six feet: "that allows us to reduce the visual impact. The second thing is it allows us to reduce the actual footprint ... We were trying to be accommodating to the neighbors in both footprint as well as the visual impact." In response to a question, Mr. Dickason advised that the cost of the solar panels "have dropped about 60 percent in the last eighteen months. That's what's making all this possible." He explained that the solar panels are connected "in strings of twelve." In response to a question, Mr. Turley advised that the conservative estimated savings for the School District is \$400,000. "... we're looking at probably \$20,000 and \$30,000 a year in maintenance costs." Mr. Turley advised that no determination has yet been made with regard to in-house or contract maintenance. In response to a question, Mr. Dickason advised that the solar panel manufacturer provides a 25-year warranty as part of the project. The inverter manufacturer provides a 7-year warranty. "There is coverage for the School District from the warranties ..." Mr. Turley explained the computerized monitoring system which will be installed as a component of the system.

Chairperson Kimbrough expressed appreciation for the citizens' attendance and participation. In response to a previous question, Ms. Pruitt clarified that Carson City will enforce condition of approval 9. Chairperson Kimbrough entertained additional comments or questions of the commissioners. Vice Chairperson Mullet discussed a preference to include a condition of approval requiring "dark-skies lighting" if such a decision is made in the future. In addition, he discussed the possibility of including a condition to provide for additional screening if the proposed screening is insufficient. Mr. Plemel acknowledged that the applicant's representatives had stipulated a larger setback to address the neighborhood concerns. He requested the commission to provide specific direction as to revision of condition of approval 8, based on the applicant's presentation. He further advised that any future lighting is required to meet the dark skies provisions of the Carson City Municipal Code. Discussion took place regarding a condition of approval relative to screening, and Mr. Korinek acknowledged that the School District would continue to work with the neighbors regarding future concerns. He suggested a solid fence may "fit more into the decor" on the north side. Additional discussion followed.

Chairperson Kimbrough entertained additional commissioner comments or questions. Commissioner Vance expressed strong support for the proposed and similar projects in the community, and suggested the possibility of making sacrifices to accommodate the same. He commended the project being located on School District property in consideration of the "message to our students that we can have alternative ways." He expressed the hope that teachers will incorporate the solar panel array into their lesson plans.

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Chairperson Kimbrough entertained a motion and, in response to a question, provided direction with regard to the same. **Commissioner Vance moved to approve SUP-10-089, a special use permit application from the Carson City School District, to allow ground-mounted solar panels, on property zoned Public, located at 2800 Saliman Road, APN 009-436-08, based on seven findings and subject to the recommended conditions of approval contained in the staff report, including a condition of a 41-foot setback on the west side of the project and a 90-foot setback on the north side of the project. Commissioner Wendell seconded the motion. Motion carried 6-0.** Chairperson Kimbrough thanked the citizens for their attendance and participation. Mr. Plemel reviewed the appeal procedures.

H-2. SUP-10-090 ACTION TO CONSIDER A SPECIAL USE PERMIT APPLICATION FROM THE CARSON CITY SCHOOL DISTRICT (PROPERTY OWNER: CARSON CITY SCHOOL DISTRICT) TO ALLOW PLACEMENT OF PHOTOVOLTAIC ARRAYS AT EAGLE VALLEY MIDDLE SCHOOL, ON PROPERTY ZONED PUBLIC (P), LOCATED AT 4151 EAST FIFTH STREET, APN 010-035-27 (3:03:47) - Chairperson Kimbrough introduced this item, and Ms. Pruitt reviewed the agenda materials in conjunction with displayed slides. Ms. Pruitt noted staff's recommendation of approval, and advised that any future lighting would be subject to the requirements of the Carson City Municipal Code relative to dark skies.

(3:08:13) Mr. Korinek acknowledged agreement with the conditions of approval, and reviewed the proposed design. Mr. Dickason provided additional clarification regarding the design. Mr. Korinek described future revisions to the adjacent parking area. In response to a question, Mr. Dickason advised that "every site has an optimal location. ... It just means that if it were next to a road, ... there would have to be a little bit more maintenance, a little more cleaning ..." He responded to additional questions regarding the south-southeast slope, the height of the solar panels, fixed versus "tracker" solar panels, maintenance, and solar panel and associated infrastructure color. Mr. Turley responded to questions regarding other sites considered and the proposed site. Mr. Dickason provided additional clarification.

Chairperson Kimbrough entertained public comment. (3:24:15) In reference to earlier comments, Bob Walters advised that the solar panel array will be adjacent to his front yard. He pointed out the Mexican Ditch Trail on a displayed aerial photograph, and expressed the opinion that the solar panel array will represent "an incredible scar on the side of a hill for these people to look at."

(3:26:12) Paul Eastwood expressed opposition to Hamilton Solar refusing to disclose "the price of manufactured goods to [the commission]." He referenced a requirement of the American Recovery and Reinvestment Act for "the use of American iron, steel, and manufactured goods ..." He expressed the belief that Hamilton Solar should be required to "disclose a project of this size." He expressed a preference for Hamilton Solar to supply the commission with "the quotes that they received from American companies for the materials that they are using." Chairperson Kimbrough advised that such matters were outside the purview of the commission.

(3:28:21) Deni French advised of having attended the neighborhood meeting at which the proposed site was discussed. He expressed the opinion that "time restraints are the only reason that they're having to pick that location." He expressed a preference for the design to be reconfigured to "another structural, like a roof situation, a set shade area ..." He expressed opposition to using any product not manufactured in the United States. "The timing is a push; the pricing is a push." He expressed concern with regard to the solar panels containing lead.

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(3:32:08) Diane Bensen described the location of her residence as “directly at the southwest corner of that property.” She pointed out a preferable location, using a displayed aerial photograph, and stated, “The beauty of that site is no one would see it.”

Chairperson Kimbrough advised that the special use permit approval is relevant to the project and “any setbacks ...” He noted the opportunity for the applicant to revisit some of the issues presented during public comment. Mr. Korinek advised of being “very familiar with the site ...,” and expressed a willingness to meet with Ms. Bensen and Mr. Walters. He further advised of having talked with Mr. Walters on several occasions. He further advised that the proposed project is not American Recovery and Reinvestment Act funded.

Chairperson Kimbrough entertained additional public comment and, when none was forthcoming, additional comments, questions, or a motion of the commissioners. **Commissioner Wendell moved to approve SUP-10-090, a special use permit application from the Carson City School District to allow ground-mounted solar panels, on property zoned Public, located at 4151 East Fifth Street, APN 010-035-27, based on seven findings and subject to the recommended conditions of approval contained in the staff report. Commissioner Dhami seconded the motion.** Vice Chairperson Mullet expressed the opinion that the location is subject to the commission’s approval. In response to a question, Mr. Plemel advised that the setbacks had been modified. With regard to the public testimony relative to alternative locations, he expressed concern over placing the solar array in the southwest corner of the property. He recommended continuing the item if the location is to impact other neighbors than those who were already provided notice. Discussion took place regarding condition of approval 8, and Chairperson Kimbrough provided Mr. Plemel an opportunity to confer with legal counsel. Mr. Plemel advised that the commission’s approval “should be for a certain location with certain setbacks.” He clarified there would be some leeway within the certain setbacks, “but no closer than the setbacks that are established by this approval.” In response to a question, Mr. Turley explained the financing mechanism for the project.

Mr. Plemel responded to additional questions of clarification regarding condition of approval 8. Mr. Cacciopo explained the revisions to the plans relative to the setback. Mr. Plemel responded to questions of clarification regarding the possibility of an alternative location, and discussion followed. Based on the discussion, Chairperson Kimbrough requested Commissioner Wendell to rescind his motion. **Commissioner Wendell so rescinded his motion. Commissioner Dhami rescinded his second.** Chairperson Kimbrough entertained a motion to continue. **Commissioner Wendell moved to continue SUP-10-090 to the December 15th meeting of the Planning Commission. Vice Chairperson Mullet seconded the motion. Motion carried 6-0.** Chairperson Kimbrough recessed the meeting at 3:53 p.m. and reconvened at 4:00 p.m.

H-3. SUP-10-091 ACTION TO CONSIDER A SPECIAL USE PERMIT APPLICATION FROM THE CARSON CITY SCHOOL DISTRICT (PROPERTY OWNER: CARSON CITY SCHOOL DISTRICT) TO ALLOW PLACEMENT OF PHOTOVOLTAIC ARRAYS AT CARSON MIDDLE SCHOOL, ON PROPERTY ZONED PUBLIC (P), LOCATED AT 1140 WEST KING STREET, APN 003-171-01 (4:01:02) - Chairperson Kimbrough introduced this item. Ms. Pruitt reviewed the agenda materials in conjunction with displayed slides. (4:06:05) Mr. Korinek acknowledged agreement with the conditions of approval. Mr. Dickason responded to questions regarding the bollards included in the project design. Commissioner Shirk commended the applicant’s representatives on their willingness to work with the neighbors and the citizens on their attendance and participation. In response to a question,

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Mr. Korinek advised of five schools scheduled for solar panel installation. He further advised of having considered all the school sites. "... the orientation, the size of the site, the type of roof, and space restrictions basically is why we chose these sites." Vice Chairperson Mullet noted the agenda materials included no comments from the neighbors. Mr. Korinek estimated that a half dozen people attended the neighborhood meeting relative to the subject item. He expressed the opinion that the subject site is "oriented so well and the systems fit in so well that it wasn't ... it's not blocking the view to Slide Mountain or anything."

Chairperson Kimbrough entertained public comment. (4:09:34) Mike Mitchell, on behalf of Tom Badillo, discussed concerns over "the property owners on the south side of King Street may not have understood that these solar array panels are not covering the whole parking lot. The actual aisle-ways are still open." Mr. Mitchell further conveyed Mr. Badillo's concerns regarding detrimental effects to the aesthetics of Carson Middle School.

(4:10:58) Deni French expressed support for utilization of the parking facility covers. He expressed concern over sending the wrong message "that we're rushing into this without considering real important involvement, this community, the State, and the country as far as what we're going to have to rush through to save a dollar or just to fit a deadline."

Chairperson Kimbrough entertained additional public comment and, when none was forthcoming, additional questions, comments, or a motion of the commissioners. In reference to the public testimony, Vice Chairperson Mullet expressed confidence that the School Board and School District representatives have conducted sufficient research into the costs associated with the subject and other two projects. **Commissioner Wendell moved to approve SUP-10-091, a special use permit application from the Carson City School District to allow solar panels on supporting car port structures, on property zoned public, located at 1140 West King Street, APN 003-171-01, based on seven findings and subject to the recommended conditions of approval contained in the staff report. Vice Chairperson Mullet seconded the motion. Motion carried 6-0.**

H-4. SUP-10-088 ACTION TO CONSIDER A SPECIAL USE PERMIT APPLICATION FROM THE CARSON CITY AIRPORT AUTHORITY (PROPERTY OWNER: CARSON CITY) FOR A HOT PLANT AND ROCK CRUSHER FOR PROCESSING OF ROCK MATERIALS, ON PROPERTY ZONED PUBLIC REGIONAL (PR), LOCATED AT 2600 EAST COLLEGE PARKWAY, APN 005-011-01 - Withdrawn.

H-5. ZCA-10-095 ACTION TO MAKE A RECOMMENDATION TO THE BOARD OF SUPERVISORS ON AN ORDINANCE AMENDING THE CARSON CITY MUNICIPAL CODE, TITLE 18, ZONING, TITLE 18 APPENDIX, DEVELOPMENT STANDARDS, DIVISION 4, SIGNS, SECTION 4.4.7, ADMINISTRATION, EXCEPTIONS, TO MODIFY THE REGULATIONS RELATING TO THE TEMPORARY DISPLAY OF BANNERS AND OTHER TEMPORARY SIGN DEVICES, AND OTHER MATTERS PROPERLY RELATED THERETO (4:15:05) - Chairperson Kimbrough introduced this item. Mr. Plemel reviewed the agenda materials and responded to corresponding questions of clarification. Discussion ensued, and Vice Chairperson Mullet suggested requesting the Chamber of Commerce to notify their membership of the proposed ordinance. Mr. Plemel responded to additional questions of clarification relative to sign design and terminology.

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Chairperson Kimbrough entertained additional questions or comments and, when none were forthcoming, a motion. **Commissioner Vance moved to recommend to the Board of Supervisors approval of an ordinance amending the Carson City Municipal Code, Title 18, Appendix, Development Standards, Division 4, Signs, Section 4.4, Administration, Subsection 4.4.7, Exceptions, to modify the time limits and placement regulations for temporary, on-site advertising devices, based on the findings contained in the staff report. Commissioner Wendell seconded the motion. Chairperson Kimbrough entertained public comment and, when none was forthcoming, called for a vote on the pending motion. Motion carried 6-0.**

H-6(A) MPA-10-086 ACTION TO ADOPT A RESOLUTION MAKING A RECOMMENDATION TO THE BOARD OF SUPERVISORS REGARDING A MASTER PLAN AMENDMENT TO CHANGE THE LAND USE MAP DESIGNATION OF PROPERTY LOCATED IN AND AROUND THE VICINITY OF THE CARSON CITY LANDFILL, FLINT DRIVE AREA, CHANGING AN APPROXIMATE 15-ACRE PORTION OF APN 008-011-19, EAST OF THE V&T RAILROAD TRACK, FROM PUBLIC CONSERVATION TO PUBLIC / QUASI - PUBLIC; CHANGING APN 008-521-20 FROM PUBLIC CONSERVATION (311 ACRES) AND MIXED-USE COMMERCIAL (65 ACRES) TO PUBLIC / QUASI - PUBLIC (193 ACRES), OPEN SPACE (135 ACRES), AND MIXED-USE COMMERCIAL (48 ACRES); AND CHANGING APNs 008-531-03 (178 ACRES), 10-011-01 (108 ACRES), AND 10-011-29 (520 ACRES) FROM PUBLIC CONSERVATION TO PUBLIC / QUASI - PUBLIC; and H-6(B) ZMA-10-087 ACTION TO MAKE A RECOMMENDATION TO THE BOARD OF SUPERVISORS REGARDING AN ORDINANCE TO CHANGE THE ZONING DESIGNATIONS OF PROPERTY LOCATED IN AND AROUND THE VICINITY OF THE CARSON CITY LANDFILL, FLINT DRIVE AREA, CHANGING APN 008-011-19 FROM GENERAL INDUSTRIAL TO GENERAL COMMERCIAL (25 ACRES) AND PUBLIC REGIONAL (15 ACRES); CHANGING APN 008-521-20 FROM CONSERVATION RESERVE TO PUBLIC REGIONAL (328 ACRES) AND GENERAL COMMERCIAL (48 ACRES); AND CHANGING APNs 008-531-03 AND 10-011-01 AND -29 FROM CONSERVATION RESERVE TO PUBLIC REGIONAL (4:26:42) - Mr. Plemel introduced these items and reviewed the agenda materials in conjunction with displayed slides. In response to a question, he reviewed the existing uses on the subject properties.

Chairperson Kimbrough entertained public comment. (4:34:45) In response to a question, Mr. Plemel provided background information on and explained to Deni French the Omnibus Public Lands Management Act. In response to a further question, Mr. Plemel advised of no plans to expand the existing landfill.

Chairperson Kimbrough entertained additional questions, comments, or a motion of the commissioners. **Vice Chairperson Mullet moved to adopt Resolution No. 2010-PC-R-3, recommending to the Board of Supervisors approval of MPA-10-086, a master plan amendment to change the land use designation of public property located in the vicinity of Flint Drive in the Carson City Landfill, as published on the agenda and presented by staff, based on the findings contained in the staff report. Commissioner Vance seconded the motion. Motion carried 6-0.**

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Vice Chairperson Mullet moved to recommend to the Board of Supervisors approval of ZMA-10-087, a zoning map amendment to change the zoning designation of public property, located in the vicinity of Flint Drive and the Carson City Landfill, as published on the agenda and presented by staff, based on the findings contained in the staff report. Commissioner Wendell seconded the motion. Motion carried 6-0.

H-7. MPA-10-085 ACTION TO MAKE RECOMMENDATIONS TO THE BOARD OF SUPERVISORS ON THE ANNUAL MASTER PLAN REPORT, INCLUDING RECOMMENDED ACTIONS FOR THE IMPLEMENTATION OF THE GOALS AND POLICIES OF THE MASTER PLAN, AND OTHER MATTERS PROPERLY RELATED THERETO (4:40:07) - Chairperson Kimbrough introduced this item, and Mr. Plemel reviewed the agenda materials. Mr. Plemel responded to questions of clarification regarding the terminology included in the agenda report. Discussion took place regarding digital LED signage, the Office of Business Development, and staff reductions in the Planning Division over the past three years.

Chairperson Kimbrough entertained public comment. (4:58:49) Deni French thanked the commission and the Planning Division staff for their service to the community. Chairperson Kimbrough commended Planning Division staff on "a great job."

Chairperson Kimbrough entertained a motion. Vice Chairperson Mullet moved to recommend to the Board of Supervisors the master plan action plan priorities identified in the 2011 Action Plan, as provided by staff for consideration in establishing City and staff goals for 2011. Commissioner Wendell seconded the motion. Motion carried 6-0.

H-8. MISC-10-105 ACTION TO ELECT A PLANNING COMMISSION CHAIRMAN AND VICE CHAIRMAN FOR THE PERIOD DECEMBER 2010 TO NOVEMBER 2011 (4:59:51) - Chairperson Kimbrough advised of having spoken to Vice Chairperson Mullet, who indicated a willingness to retain his position. Chairperson Kimbrough expressed a willingness to retain his position, and entertained a motion. Commissioner Wendell moved to retain Mark Kimbrough as commission chair for the period December 2010 to November 2011, and to retain Craig Mullet as commission vice chair for the same period. Commissioner Vance seconded the motion. Chairperson Kimbrough entertained discussion and, when none was forthcoming, called for a vote on the pending motion. Motion carried 6-0.

I. ADMINISTRATIVE MATTERS

I-1. DIRECTOR'S REPORT TO THE PLANNING COMMISSION AND FUTURE AGENDA ITEMS (5:01:07) - Mr. Plemel advised of an extension of the Mills Landing tentative subdivision map, and reviewed the tentative December 15th commission agenda. Chairperson Kimbrough requested staff to consider agendizing a presentation on smart growth. Mr. Plemel reminded the commissioners that the December 15th meeting will commence at 1:30 p.m. in order to accommodate the Airport Authority meeting which begins at 6:00 p.m.

I-2. COMMISSIONER REPORTS / COMMENTS - None.

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J. ACTION TO ADJOURN (5:03:10) - Vice Chairperson Mullet moved to adjourn the meeting at 5:03 p.m. Commissioner Wendell seconded the motion. Motion carried 6-0.

The Minutes of the December 1, 2010 Carson City Planning Commission are so approved this _____ day of January, 2010.

MARK KIMBROUGH, Chair

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A regular meeting of the Carson City Planning Commission was scheduled for 1:30 p.m. on Wednesday, December 15, 2010 in the Community Center Sierra Room, 851 East William Street, Carson City, Nevada.

PRESENT: Chairperson Mark Kimbrough
Vice Chairperson Craig Mullet
Commissioner Malkiat Dhami
Commissioner James Shirk
Commissioner William Vance
Commissioner George Wendell

STAFF: Lee Plemel, Planning Division Director
Jennifer Pruitt, Principal Planner
Jeff Sharp, City Engineer
Joel Benton, Senior Deputy District Attorney
Kathleen King, 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 (1:29:55) - Chairperson Kimbrough called the meeting to order at 1:29 p.m. Roll was called; a quorum was present. Vice Chairperson Mullet led the pledge of allegiance.

B. COMMISSION ACTION ON APPROVAL OF MINUTES (1:30:35) - None.

C. MODIFICATION OF AGENDA (1:30:40) - None.

D. PUBLIC COMMENTS (1:30:43) - None.

E. STAFF PUBLIC SERVICE ANNOUNCEMENTS (1:31:47) - Mr. Plemel announced the ribbon cutting ceremony commemorating the opening of the Roop Street widening project at 2:00 p.m. on Thursday, December 16th.

F. DISCLOSURES (1:32:32) - None.

G. CONSENT AGENDA (1:32:42) - Chairperson Kimbrough entertained requests to hear items separate from the consent agenda. Mr. Plemel provided an overview of the two consent agenda items. When no requests to separately hear items were forthcoming, Chairperson Kimbrough entertained a motion to approve the consent agenda. **Commissioner Vance moved to approve the consent agenda, as published. Vice Chairperson Mullet seconded the motion. Motion carried 6-0.**

G-1. SUP-05-221 ACTION TO APPROVE A REQUIRED FIVE-YEAR REVIEW OF AN EXISTING SPECIAL USE PERMIT FOR RICK CORRELLI (PROPERTY OWNER: CURRY STREET PROPERTY, LLC) FOR FOUR METAL STORAGE CONTAINERS, ON PROPERTY ZONED GENERAL COMMERCIAL (GC), LOCATED AT 3640 SOUTH CURRY STREET, APN 009-151-40

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G-2. SUP-05-218 ACTION TO CONSIDER A REQUIRED FIVE-YEAR REVIEW OF AN EXISTING SPECIAL USE PERMIT FOR WILLIAM CASPARIS (PROPERTY OWNER: WESTERN STATES STORAGE) FOR 29 METAL STORAGE CONTAINERS, ON PROPERTY ZONED GENERAL COMMERCIAL (GC), LOCATED AT 5861 AND 5853 SOUTH CARSON STREET, APN 009-304-06

H. PUBLIC HEARING MATTERS:

H-1. SUP-10-090 ACTION TO CONSIDER A SPECIAL USE PERMIT APPLICATION FROM THE CARSON CITY SCHOOL DISTRICT (PROPERTY OWNER: CARSON CITY SCHOOL DISTRICT) TO ALLOW PLACEMENT OF PHOTOVOLTAIC ARRAYS AT EAGLE VALLEY MIDDLE SCHOOL, ON PROPERTY ZONED PUBLIC (P), LOCATED AT 4151 EAST FIFTH STREET, APN 010-035-27 (1:35:36) - Chairperson Kimbrough introduced this item. Ms. Pruitt oriented the commissioners and the public to the location of the subject property, using a displayed aerial photograph, and reviewed the agenda materials in conjunction with additional slides. She noted a necessary amendment to condition of approval number 8, depending upon the location designated by the commission. In response to a question, she provided explanation relative to staff's recommended motion.

(1:40:08) Carson City School District Operations Manager Mark Korinek expressed appreciation for the opportunity to have continued the subject item in order to accommodate further discussion with the neighbors. Carson City School District Finance Director Anthony Turley distributed, to the commissioners and staff, a matrix ranking "pros and cons of each of the sites." Mr. Korinek advised of having met with several neighbors at the site on Friday, December 2nd. He reviewed the rankings matrix, and advised of the preference for the original site, as presented at the December 1st Planning Commission meeting. Mr. Turley advised that the School Board, at their December 14th meeting, had expressed a preference "not to put something in the middle of the property because of the restrictions that would cause on future use of the property." Mr. Korinek acknowledged that "Option C" would be a "fill option." He advised that one of the neighbors "had a two or three page alternative area to look at. We went and looked at each of those items. Her last item on that was, if we did have to go with the original, could you please do these seven different bullet points which would include moving the portables that are already up there. ... we can move two out of the three and spin one of them so that we can make it more of an elongated array." Mr. Korinek reviewed additional suggestions from the neighbor, including retaining walls, lower the array with the grading, screening "on her side near the fence. We offered to plant some trees along there and along the south edge where the shade trees from the City are vacant right now. And, actually, to put it as close to the fence as possible so that when they were looking out, it would be closer to the fence and they wouldn't see as much of the array." Mr. Korinek expressed the belief "we can do 95 percent of those bullet points that she was asking for."

Vice Chairperson Mullet expressed a preference for Option C, but commended the suggestion to "stretch ... it out ...; make it more linear east to west, following those ... elevation lines." In response to a comment, Mr. Korinek advised of testing scheduled for the week of December 20th "to find out where the rocks are." He noted this as "one of the reasons we would ask for an opportunity to have the alternate location." He responded to corresponding questions of clarification. Mr. Turley responded to additional questions regarding the funding mechanism. Mr. Korinek responded to additional questions of clarification relative to the rankings matrix. In response to a question, he referred to passage of the school bond and discussed proposals to address traffic issues at the school. In response to a further question, he described the anticipated visibility of Option C from the adjacent neighborhood.

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In response to a question, Hamilton Solar Principal Chad Dickason described details of the electrical design. In response to a question, Mr. Turley explained the rebates are “based on a specific amount per watt of installed capacity. So, regardless of the cost, the rebate stays the same for the wattage that we’re putting in.” Mr. Korinek acknowledged agreement with the conditions of approval.

Chairperson Kimbrough opened this item to public comment. (1:56:22) Deni French inquired as to the conditions of approval, including revisions to the same. Chairperson Kimbrough acknowledged that the same conditions of approval will apply to any of the alternative sites. Mr. French discussed decibel levels associated with the inverter, and expressed the opinion that any existing natural area “should be left natural on school grounds.”

(1:59:39) Mark Newman, “a neighbor across Fifth Street north of Option C,” acknowledged that the area is hilly. He expressed uncertainty over approving the special use permit “understanding it is the school’s property and they were probably there before my house was built.” He advised that Option B is “hidden by the school, hidden by the track,” and discussed its various benefits.

(2:03:20) Bob Walters reminded the commission that the solar panel array will be clearly visible from the trail system in the area. He expressed concern over the “intimate closeness” between the proposed location for the solar panel array and the adjacent residences. He expressed a preference for locating the solar panel array in the middle of the track.

Chairperson Kimbrough entertained additional public comment and, when none was forthcoming, requested the applicant’s representatives to return to the podium to answer questions posed during public comment. Mr. Turley advised that the solar panels are designed to absorb light. He further advised that no final determination had yet been made regarding the location of the inverter. He expressed understanding for the visibility of the solar panel array from the neighborhoods depending upon where it is located. “There is no location on the property where we can hide from [every]body’s view.” Mr. Turley expressed a willingness to cooperate with the neighbors, but reiterated “there’s no location that will please everybody.” In response to a previous question, he advised that the annual projected savings for all the photovoltaic projects is \$400,000. He discussed costs associated with the various options. In response to a previous question, he explained the detriments associated with locating the solar panel array in the middle of the track.

In response to a previous question, Mr. Plemel reviewed the conditions of approval. In response to a question, Mr. Turley advised that the School District’s preferred options are A and C because of location. In response to a further question, he stated, “The further you do the setback, the more it’s going to go up the hill. In this case, the setback actually increases the visibility ...” Mr. Turley provided additional clarification of one neighbor’s preference “that the setback be smaller and closer to the fence ... because it will be less visible up the hill.”

Discussion took place regarding the various options, and Mr. Benton reminded the commission of the statutory prohibition against unreasonably restricting the use of a solar energy device. In response to a comment, Mr. Benton advised that the special use permit holder would decide on a location if provided with alternatives. In response to a comment, Mr. Plemel advised that every property owner “around the whole school site was noticed and they were noticed of these four potential options for this site. ... the public was made aware that [Option] C is a potential location ...” In response to a question, Mr. Plemel provided background information on the origin of the four options. Additional discussion followed, and Chairperson Kimbrough entertained a motion. **Commissioner Wendell moved to approve SUP-10-090,**

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a special use permit application from the Carson City School District to allow ground-mounted solar panels in location A and, in consideration of developmental problems with A, that C be considered as the one and only alternative, as shown on the revised plan, on property zoned Public, located at 4151 East Fifth Street, APN 010-035-27, based on seven findings and subject to the recommended conditions of approval contained in the staff report, in addition to the recommendation of the Parks and Recreation Department. Commissioner Dhimi seconded the motion. Chairperson Kimbrough entertained discussion on the motion. In response to a question, Mr. Plemel advised that the recommended conditions of approval indicate a 30-foot setback. Mr. Korinek acknowledged his agreement with the conditions of approval. In response to a question, Mr. Plemel advised that the commission determines setbacks on public property by special use permit. "Thirty [feet] was recommended as a standard that's used elsewhere adjacent to residential properties, but in the Public district, the ... setbacks are determined by the special use permit." Chairperson Kimbrough entertained additional discussion and, when none was forthcoming, called for a vote on the pending motion. **Motion carried 4-2.** In response to a comment, Mr. Benton advised that the commission's action leaves determination of location to the School District. Mr. Plemel explained the appeal process. Chairperson Kimbrough recessed the meeting at 2:35 p.m.

H-2. SUP-10-104 ACTION TO CONSIDER A SPECIAL USE PERMIT APPLICATION FROM THE BREWERY ARTS CENTER (PROPERTY OWNER: BREWERY ARTS CENTER / CARSON CITY) FOR SITE IMPROVEMENTS FOR AN OUTDOOR PLAZA AND EVENTS AREA AND ASSOCIATED USES IN THE PUBLIC REGIONAL ZONING DISTRICT, LOCATED AT 449 WEST KING STREET, APNs 003-206-01, 003-206-02, AND 003-207-04 (2:42:10) -

Chairperson Kimbrough reconvened the meeting at 2:42 p.m., and introduced this item. Ms. Pruitt reviewed the agenda materials. In response to a question, Mr. Sharp advised that street reconfiguration is within the purview of the Regional Transportation Commission for recommendation to the Board of Supervisors.

(2:50:24) Architect John Copoulos, representing the Brewery Arts Center, commended Ms. Pruitt's presentation. Mr. Copoulos provided background information on the Brewery Arts Center's design goals "generally to improve the facility and to provide greater cultural programming for the community ... after acquisition of St. Teresa's Catholic Church ..." The Brewery Arts Center Master Plan evolved from the opportunity to close the portion of Minnesota Street between the two properties "to try and use the site as ... an arts and cultural campus." Mr. Copoulos discussed current uses of the properties, reviewed the special use permit application, and various details of the Brewery Arts Center Master Plan. He requested the commission's support of the special use permit application, and acknowledged agreement with the conditions of approval. He acknowledged having received redevelopment funds for the project. In response to a further question, he advised that the proposed roofed amphitheater is oriented to the south and may accommodate solar panels. Discussion took place regarding various community events which could be accommodated at the Brewery Arts Center property. Mr. Copoulos responded to questions, and discussion ensued, regarding parking, the neighborhood buffer, and necessary utilities relocation. He acknowledged the possibility that the design may change, and assured the commission that any significant changes will be resubmitted to the commission.

Chairperson Kimbrough entertained public comment. (3:10:02) Jack Mitchell advised of having corresponded with Planning Division staff and that he represents the trust which owns the office building at 400 West King Street. He further advised of having begun requesting information relative to parking in December 2008. He commended the project as "beautiful," and discussed the parking contract between 400 West King Street and the Brewery Arts Center. He discussed current parking uses, and expressed concern over creating "a parking nightmare in that whole area for blocks around ..." He acknowledged that

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the parking contract has been in place “for years.” In response to a further question, Mr. Mitchell explained ownership of the 400 West King Street building. Discussion followed and, in response to a comment, Mr. Mitchell discussed an informational meeting held at the Brewery Arts Center on September 23, 2010 at which parking issues were not agendized. “... this is the first time [he’s] had an opportunity to really speak on that.” Chairperson Kimbrough expressed understanding for Mr. Mitchell’s concerns, and thanked him for his attendance and participation.

Chairperson Kimbrough entertained additional commissioner questions or comments. In response to a question, Mr. Plemel advised “this is certainly not a site that meets a suburban parking requirement ...” He provided historic information on the Brewery Arts Center’s expansion over the years, and associated parking requirements. He advised “this is a grandfathered use. It does not necessarily meet a current parking code, nor ... would we ever, on this site, get to meeting a standard for a ... brand new theater on a new lot somewhere else in the City ...” Discussion followed, and Mr. Plemel acknowledged that the Brewery Arts Center Master Plan calls for “30 less off-street parking spaces.” He advised that the “same thing occurred at the Presbyterian Church as they expanded on their block ...” He noted it is the nature of the historic district. Ms. Pruitt expressed the understanding that Brewery Arts Center representatives intend to honor the existing agreement for the 400 West King Street property. She advised that the Brewery Arts Center currently holds events in the parking lot area by special use permit, “and people arrange to park on the streets where they can park for those events.” Chairperson Kimbrough discussed the possibility of shuttle service to and from Brewery Arts Center events. (3:25:04) Mr. Copoulos advised that Brewery Arts Center events which require additional parking are scheduled for “off-hours to the normal business of the neighborhood. ... it’s seemed to work fine in the past because ... it’s nights and weekends and there is no traffic, there is no parking nights and weekends.”

Chairperson Kimbrough entertained additional public comment. (3:26:33) In response to a question, Mr. Plemel provided background information, for the benefit of Deni French, on the expansion of Grace Bordewich School and the corresponding parking variance.

Chairperson Kimbrough entertained additional commissioner discussion or a motion. **Commissioner Vance moved to approve SUP-10-104, a special use permit application from John P. Copoulos (property owner: Brewery Arts Center) to approve the conceptual plan for the Brewery Arts Center, located in the Public Regional zoning district, subject to the conditions and based on the findings contained in the staff report. Commissioner Wendell seconded the motion. Motion carried 6-0.** Mr. Plemel reviewed the appeal process.

I. STAFF REPORTS:

I-1. DIRECTOR’S REPORT TO THE PLANNING COMMISSION AND FUTURE AGENDA ITEMS (3:28:55) - Mr. Plemel reminded the commissioners that the January meeting will be regularly scheduled on the last Wednesday at 5:00 p.m. He reviewed the outcome of commission recommendations to the Board of Supervisors during the month of December. He reviewed the tentative January commission agenda. In response to a question, he advised that the application period for the vacant commission seat will be open until the end of December. The Board of Supervisors will interview applicants in January.

I-2. COMMISSIONER REPORTS / COMMENTS (3:31:28) - Chairperson Kimbrough commented on the billboards located on Washoe tribal land adjacent to Highway 50 West. Mr. Plemel acknowledged that Carson City prohibits “moving, changing billboards.”

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J. ACTION TO ADJOURN (3:32:51) - Vice Chairperson Mullet moved to adjourn the meeting at 3:32 p.m. Commissioner Wendell seconded the motion. Motion carried 6-0.

The Minutes of the December 15, 2010 Carson City Planning Commission meeting are so approved this _____ day of January, 2010.

MARK KIMBROUGH, Chair

STAFF REPORT FOR PLANNING COMMISSION MEETING NOVEMBER 17, 2010

FILE NO: SUP-10-089

AGENDA ITEM: H-1

STAFF AUTHOR: Jennifer Pruitt, Principal Planner

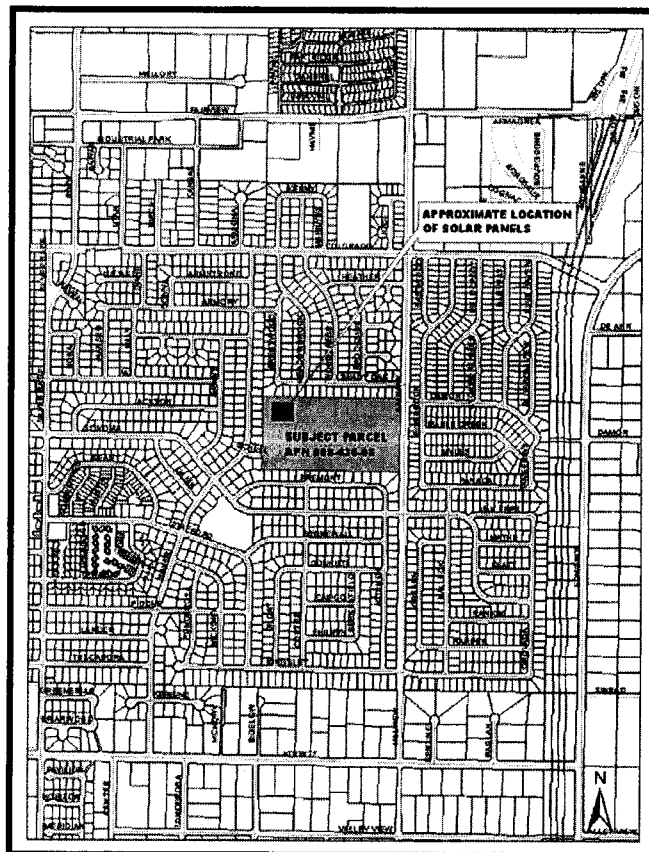
REQUEST: Approval of a Special Use Permit to allow the installation of ground mounted solar panels (photo-voltaic arrays) within the northwestern portion of the Seeliger Elementary School campus.

APPLICANT / OWNER: Carson City School District

LOCATION: 2800 S. Saliman Road

APN: 009-436-08

RECOMMENDED MOTION: “I move to approve SUP-10-089, a Special Use Permit application from the Carson City School District, to allow ground mounted solar panels, on property zoned Public, located at 2800 Saliman Road, Assessor’s Parcel Number 009-436-08, based on seven findings and subject to the recommended conditions of approval contained in the staff report.”



RECOMMENDED CONDITIONS OF APPROVAL:

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

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

Conditions required to be incorporated into the proposed development plan.

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

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

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

LEGAL REQUIREMENTS: CCMC 18.02.050 (Review); 18.02.080 (Special Use Permits) and 18.04.170 (Public) and NRS 111.239

MASTER PLAN DESIGNATION: Public /Quasi Public

ZONING DISTRICT: Public (P)

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

SURROUNDING ZONING AND LAND USE INFORMATION

NORTH: Single Family 6,000- Residential
SOUTH: Single Family 6,000- Residential
EAST: Single Family 6,000- Saliman Road/Residential
WEST: Single Family 6,000- Residential

SITE HISTORY

- On November 10, 2010 – the applicant conducted a neighborhood meeting with property owners surrounding the proposed site development and solicited comments and suggestions.
- On June 30, 2004, the Planning Commission approved a Special Use Permit (SUP-04-097) for two shade structures on site, staff recommended approval.
- On May 13, 1999, the Planning Commission approved the installation of a pylon sign of 38.25 square feet, overall height of 13 feet on site, staff recommended approval.
- On October 20, 1987 – the Board of Supervisors approved a Special Use Permit (U-87/888-51) for additional classrooms on this site; Regional Planning Commission and staff had recommended approval.

ENVIRONMENTAL INFORMATION

- FLOOD ZONE: Zone XS
- SLOPE/DRAINAGE: The project is currently unimproved.
- SOILS: 61- Surprise Gravelly Sandy Loam
- SEISMIC ZONE: Zone II

SITE DEVELOPMENT INFORMATION

1.PARCEL AREA: 20 Acres
2.PROJECT SITE AREA: Approximately 60,000 square feet
3.POJECT HEIGHT: Approximately eight feet in overall height
4.EXISTING LAND USE: Elementary Educational Facility
5.EXISITNG STRUCTURE –
BUILDING FOOTPRINT: 65,219 Square feet

6.REQUIRED SETBACKS: Set according to the approval of a Special
Use Permit
7.PROVIDED SETBACKS: Northern: 20 feet
Western: 61 feet
Southern 422 feet
Eastern: NA
8.PARKING EXISITNG: 85 parking spaces

9.VARIANCES REQUESTED: None

DISCUSSION:

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

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

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

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

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

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

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

While the panels are made of tempered glass, it is quite strong. They pass hail tests, and are rated for snow load of 49 to 113 pounds per square foot depending on the manufacturer. The Northern Nevada average snow load requirements are 20 pounds per square foot. As noted by the applicant the PV panels are also equipped with non-glare technology.

Residential Neighbors Concerns:

As of the writing of this staff report, emails have been submitted expressing concerns regarding the proposed development. Generally, these concerns are regarding security fencing, height of PV array, costs related to the proposed project life of the PV arrays, visual impact to the adjoining parcels and consideration of removing an existing screening fence related to the soccer field on site. Following is some discussion addressing these concerns and other potential development impacts.

Security Fencing:

The proposed project perimeter will be secured by six-foot fencing material that will be determined at a later date. The applicant has noted to staff that the exact fencing material has not been determined yet.

Costs related to the proposed project:

The applicant has provided some information related to the proposed project and that information has been passed onto the concerned citizens. Staff has also provided the concerned citizens with the direct contact form the School District to address any additional funding related questions. (note: The cost-benefit analysis is generally not within the purview of the Planning Commissions decision to approve or deny a project.)

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

Visual impact:

The applicant is proposing to locate an approximate 60,000 square foot ground mounted photovoltaic (PV) array system in the northwest corner of the Seeliger Elementary School campus. The structures are eight feet in overall height. The project site is currently unimproved and is covered with sagebrush.

To improve the visual impact of the proposed project, the development plan submitted will be revised to include a minimum 30 foot setback from the northern property line. The Carson City Municipal Code has a provision for commercial uses adjacent to residential uses to observe a minimum of a 30 foot setback per 18.04.195 Non-residential Districts Intensity and Dimensional Standards.

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

Removal of existing screening fencing for soccer field:

The Planning Division staff has been in contact with the Parks and Recreation Department and the "official" position of the Parks and Recreation Department is that the fence is on school district property and the School District can leave it up, modify it, or take it down. It is the belief of the Parks and Recreation Department that the fence was installed there to protect the adjacent neighbors from stray soccer balls from both school recesses and Carson City recreational soccer programs. It is the Planning Division's recommendation that the School District and the concerned citizen and the other adjacent property owner work together to resolver the soccer field issues, which is not directly related to the Special Use permit associated with the PV array request.

In reviewing the information provided by the applicant and the required findings as identified below, the findings to grant approval of this Special Use Permit can be made.

Therefore, it is recommended that the Planning Commission approve this Special Use Permit application, SUP-10-089.

PUBLIC COMMENTS: Public notices were mailed on November 01, 2010 notices were sent to 178 adjacent property owners within 300 feet of the subject site pursuant to the provisions of NRS and CCMC. Public written comments have been provided with concerns related to the proposed project received by November 8, 2010 have been addressed in this staff report. Any comments that are received after this report is complete will be submitted prior to or at the Planning Commission meeting, depending on their submittal date to the Planning Division.

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

Building Division comments:

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

GENERAL COMMENTS

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

Engineering Division comments:

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

Fire Department comments:

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

Health Department comments:

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

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

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

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

Chapter 3: A Balanced Land Use Pattern

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

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

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

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

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

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

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

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

Chapter 4: Equitable Distribution of Recreational Opportunities

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

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

Chapter 5: Economic Vitality

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

1. Being an existing elementary school, the site serves the children residing in the surrounding community and does not distinguish between housing types or labor force populations (5. lj).
2. The existing school site employs faculty and staff to support the education of its student population. This work force and the community the school serves indirectly encourages the development of regional retail centers. Given the school's long-standing existence in the community, there are no new retail centers expected. There is some potential for this project to generate interest in the community with respect to solar energy and alternative power supplies, which in turn might lead to retail centers seeing an increase in these types of businesses. (5.2a).

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

Chapter 6: Livable Neighborhoods and Activity Center

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

1. This project involves the installation of ground-mounted photovoltaic arrays. As such, this green energy project will use durable, long-lasting building materials. (6.1 a).
2. Photovoltaic arrays are a relatively new addition to the south end of Carson City. This use will generate visual and technical interest due to its function and appearance. The arrays will be angled to the south to maximize exposure to the sun. It is important to the neighbors and the school district that the arrays are effective, without being a visual nuisance to the neighbors. (6.1b).
3. This project is surrounded by well-established residential development, and will comply with Carson City height, density and setback requirements as recommended by staff. Because this school has been in existence for approximately thirty years, it is a staple in the community. The proposed green energy additions will be compatible with existing on-site uses and the community by reducing the dependence of the District on the existing power grid that in turn will reduce the demand for the community. (6.2a, 9.3b, 9.4a).
4. This project involves the installation of ground-mounted photovoltaic arrays. This project will not have a development component and as such, will not impact housing mixtures or densities. (9. 1a).

Chapter 7: A Connected City

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

1. Transit development patterns are not applicable. However, this green energy project may generate interest that may lead to visitors to see this technology. The existing pedestrian access routes along the perimeter of the school are well suited to accommodate this use.(11.2b).
 2. Roadways exist throughout this area, and there is no reasonable ability to enhance roadway connections and/or networks. On-site transportation systems are currently in place and meet the needs of the site and the community. This photovoltaic array project will not impact existing on-site traffic patterns. (11 .2c).
 3. Single-family residences surround the Seeliger Elementary School project site. Existing pathways consist of sidewalks and on-site walkways, which are intended to remain. The United Pathways Master Plan is not applicable to this project (12.la, c).
- 2. The proposed use will not be detrimental to the use, peaceful enjoyment, economic value, or development of surrounding properties or the general neighborhood; and will cause no noise, vibrations, fumes, odors, dust, glare or physical activity.**

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

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

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

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

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

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

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

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

The purposes of the P District is to achieve the following:

- 1. To accommodate the wide range of public institutional and auxiliary uses which are established in response to the health, safety, cultural and welfare needs of the citizens of the City.*
- 2. To organize the assemblage of specific, nonprofit and profit public facilities into efficient functionally compatible, and attractively planned administrative centers in conformance with the master plan;*
- 3. To establish site plan approval for many uses thereby ensuring compatibility with adjacent more restrictive districts.*

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

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

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

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

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

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

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

Respectfully submitted,

PUBLIC WORKS, PLANNING DIVISION

Jennifer Pruitt

Jennifer Pruitt, AICP, LEED AP
Principal Planner

Attachments:

- Application (SUP-10-089)
- Building Division comments
- Engineering Division comments
- Health Department
- Fire Department
- Neighborhood meeting flyer
- Public comments
- Nevada Appeal 11-12-2010

**Engineering Division
Planning Commission Report
File Number SUP 10-089**

TO: Planning Commission
FROM: Rory Hogen, E. I.
DATE: October 25, 2010 **MEETING DATE:** November 17, 2010

SUBJECT TITLE:

Action to consider an application for a Special Use Permit from Carson City School District to allow placement of photovoltaic arrays at Seeliger Elementary School, 2800 S. Saliman Rd., apn 09-436-08 and zoned public (P).

RECOMMENDATION:

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

DISCUSSION:

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

CCMC 18.02.080 (2a) - Adequate Plans

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

CCMC 18.02.080 (5a) - Master Plan

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

CCMC 18.02.080 (5c) - Traffic/Pedestrians

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

CCMC 18.02.080 (5d) - Public Services

Existing facilities are not impacted.

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

10-088

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

10-089

10-090

10-091

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

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

e-mail: thayes@carson.org

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CARSON CITY FIRE DEPARTMENT

"Service with Pride. Commitment. Compassion"

MEMORANDUM

TO: Community Development

FROM: Duane Lemons, Fire Inspector

DATE: October 18, 2010

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

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

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

DL/llb

File # (Ex: MPR #07-111)	<i>SUP – 10- 089</i>
Brief Description	<i>Seeliger School, Photovoltaic</i>
Project Address or APN	<i>APN #009-436-08</i>
Bldg Div Plans Examiner	<i>Kevin Gattis</i>
Review Date	<i>November 17, 2010</i>
Total Spent on Review	

BUILDING DIVISION COMMENTS:

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

GENERAL COMMENTS

1. The photovoltaic system requires an application for a Building Permit, issued through the Carson City Building Division. This will necessitate a complete review of the project to verify compliance with all adopted construction codes and municipal ordinances applicable to the scope of the project.

2. The plans submitted for review shall comply with the Carson City Building Division handout titled: Photovoltaic (Solar Electric) Systems.



Carson City Building Division

Kevin Gattis, Chief Building Official

Photovoltaic (Solar Electrical) Systems Plan Submittal Requirements

Scope:

This information is applicable to photovoltaic panels or arrays installed as a supplemental power source to the available power feed from your local utility. Photovoltaic panels installed as part of a stand-alone alternative power system for a dwelling, in lieu of power from your local utility. These requirements are applicable to both residential and commercial installations.

For submittal purposes, it is assumed the system design may include battery storage with an inverter to convert the Direct Current (DC) to Alternating Current (AC), or a system with Direct Current (DC) converted to Alternating Current (AC), which is then utilized onsite or sold back to the utility. For systems designed to strictly use DC power with DC utilization equipment, please contact the Carson City Building Division staff for further information and requirements.

General Information:

- These permits are issued to a Nevada licensed **Electrical Contractor** possessing Carson City Business License. The Electrical Contractor shall possess a Nevada State Contractors Board (NSCB) licensing type C-2 or C-2g. **OR** residential installations being issued to an **owner/builder** in compliance with the requirements of Nevada Revised Statute (NRS) 624.031. **OR** issued to a contractor or party approved at the discretion of the Chief Building Official.
- Due to Carson City's snow and wind loads, roof mounted systems shall include design by a Nevada licensed Engineer. The design shall take into consideration the dead load from the system components, as well as the potential for accumulated drifting snow and any wind loading placed on the attachments.

NOTE: This requirement is not applicable to ground mounted systems; however, a mounting detail, furnished from the manufacturer will be required as a part of the plan submittal, or a mounting detail from the Electrical contractor installing the system will be accepted as an alternative.

- All ground mounted systems, and all commercial roof mounted systems shall comply with the requirements of the Carson City Planning Division. For additional information, please contact the Carson City Planning Division at (775) 887-2180.
- Plans shall be on **11" x 17" or larger** paper sizes, and all design sheets within the plan set should be the same size. The plans shall be designed to comply with applicable minimum approved scale. In addition, the plan cover sheet shall allow enough space on the cover sheet to allow staff to insert the necessary approvals, which translate to a blank area roughly 4" x 8 ½".
- Plans shall be **photocopies, or original blue or black ink drawings**. The use of colored ink, other than blue or black, or the use of colored ink beyond that which is used for licensing seals and/or original signatures on plan sets, would constitute grounds for an automatic rejection of the application. Plans with original pencil drawings or notes will be rejected.
- Plans shall be fully dimensioned, and drawn to an **approved architectural scale 1/4"=1'-0" minimum**, with plan **details and elevations prepared using a 1/2"=1'-0" or greater scale**. The scale shall be indicated on each page, and separate detail or elevation. **Site plans** shall be fully dimensioned and drawn to one of the following **approved engineering scales: 1"=10', 1"=20' & 1"=30'**

108 E. Proctor St., Carson City, NV 89701
(775) 887-2310

- **When plans are prepared by an Owner/Builder**, in compliance with Nevada Revised Statute (NRS), the plan set must have the owner's name and address printed under the heading of "Designer" the cover sheet. Below this information shall be an original signature with date of signing. To avoid confusing this signature with a copy or facsimile, Carson City Building Division staff recommends that this signature be in colored ink. (Some color other than black)
- **Plans prepared by a Nevada licensed Electrical Contractor** shall have the following information on the printed in a on the Cover Sheet of the plan set:
 - Business Name
 - Business Address
 - Bid Limit
 - License Classification Type
 - License Number
 - License Expiration Date
 - Name of Qualified Employee, with an original signature
- **Plans prepared by a Nevada licensed Registered Design Professional** (Architect, Residential Designer, or Engineer) shall comply with the applicable Nevada Administrative Code (NAC) for their licensure

Submittal

- A minimum submittal shall include the following items. Incomplete plan submittals will not be accepted:
 - **Two (02) complete sets of plans for Residential Systems or Three (03) complete sets for Commercial Systems** - which shall include the following, as applicable:
 - **Cover Sheet** – Indicate the project address, contractor(s) contact information, code(s) & adopted amendments used, Seismic Zone, Wind Load, Snow Load, and allowing an area for Carson City Building Division approval stamps and redline comments.
 - **Site Plan (Ground mounted systems only)** – The Site Plan shall indicate the location of the photovoltaic panels or arrays, with all underground electrical conduit(s) including material type and sizes (Ex.: 3" PVC, 2 ½" RMC, etc.). Show the location of the electrical main service panel with amperage (100 Amp, 200 Amp, etc.), voltage and phasing identified. Also, indicate the transfer switch type (automatic versus manual) at the service.

NOTE: For residential properties on well and/or septic one (01) additional site plan shall be submitted for review by the Carson City Health & Human Services Dept. (HHS)

For Site Plan design requirements, please refer to the following Carson City Building Division handouts, as applicable: COMMERCIAL SUBMITTAL REQUIREMENTS: New Construction & Additions or RESIDENTIAL PLAN SUBMITTAL REQUIREMENTS: One & Two Family Dwellings and Accessory Structures

- **Foundation Plan (Ground mounted systems only)** – This is a dimensioned plan view of the footing locations, with details showing the footing designs.

- **Roof Plan** – This is a plan view of the panels and system installation. Typically, this plan sheet include the mounting details, unless prepared separately by a Registered Design Professional (Architect, Residential Designer, or Engineer)
- **Building Elevation / Screening Detail (Commercial only)** – A building elevation is used to establish that the roof mounted panels on commercial buildings are not seen from street level. This typically includes a screening detail, if necessary, to shield the collectors from street level. Please contact the Planning Division for clarification.
- **Floor Plan** – This is a scaled **Electrical Floor Plan** of the photovoltaic equipment room or building used to house the batteries, inverter and any applicable equipment. The Floor Plan must include the type, location and size of all vents used to vent the gases from the battery banks, if applicable.
- **Electrical One-Line Diagram** – This is a line drawing, which shows the components of the system, and their relationship to each other in the installation. This is not a scaled drawing, but is merely a conceptual representation of the system design used to verify compliance. The one-line diagram shall show the photovoltaic panels or arrays, the Over Current Protection Device (OCPD) type rating and size (circuit breaker, fuse, etc.), the conductor sizes/types and the wiring method used, with panel voltage, phasing, and size in amperes. Show the inverter type and rating along with the type and size of all system batteries.

NOTE: Indicate if the photovoltaic panels will be wired in series (voltage multiplied – individual module times voltage) or parallel (current multiplied – individual module times ampere). If this information is not provided, staff will assume that the modules are wired in parallel.

- Provide a **Load Calculation** of the total ampere and voltage generated by the photovoltaic array.

Note: A 125% short circuit increase is required on the photovoltaic array, and a further 125% increase is required on the conductor size. ('05 NEC 690.8(A)(1) & 690.8(B)(1))

- Two (02) copies of the **manufacturer's specifications** for the panels, inverter, DC voltage panels, with Over Current Protection Device (OCPD), etc

NOTE: This information may be 8 ½" x 11" copies, submitted as supplemental supporting documents to the plans, which are 11" x 17" minimum.

Rea Thompson - Special Use Permit SUP-10-089

From: <Fjrboat@aol.com>
To: <planning@carson.org>
Date: 11/11/2010 9:02 PM
Subject: Special Use Permit SUP-10-089

RECEIVED

NOV 12 2010

CARSON CITY
PLANNING DIVISION

Dear Sirs:

Placing solar panels at ground level on school grounds does not sound like a good idea.

1) I could not find the cost of the project but it is well known that it takes many years to recoup the price of solar panels.

2) Schools are a common target of vandals. I think a big flat glass like surface would be a tempting target for rocks and tagging. Can we afford to keep the solar panels clean and working after installation?

It would seem the school district has a hard enough time just keeping the roofs fixed.

Fred Reust
629-9040
fjrboat@aol.com

From: <Fjrboat@aol.com>
To: <JPruitt@carson.org>
Date: 11/5/2010 8:25 PM
Subject: Special use permit SUP-10-089

Jennifer Pruitt

In regards to the solar panels at Seeliger Elementary school.

How much will the whole project cost?

Who pays how much?

Who or what department will be responsible for maintenance?

Fred Reust

[_fjrboat@aol.com_](mailto:fjrboat@aol.com) (mailto:fjrboat@aol.com)

(775)629-9040

From: "Todt, Flora" <ft@ivgid.org>
To: "JPruitt@carson.org" <JPruitt@carson.org>
CC: "planning@carson.org" <planning@carson.org>, "unclescottyboy@charter.net...
Date: 11/4/2010 12:16 PM
Subject: Public Hearing for Special Use Permit file#SUP-10-089

Good Afternoon Jennifer-

I live at 2801 Baker Dr., Carson City, NV. I have a some questions regarding the solar energy project :

1. What is the plan to secure (fence/screen) the area around the project to protect it from the children playing in the field?
2. What is the maximum height of the panels after installation?
3. What type of ground surface will the panels be mounted to?
4. What is the cost of the project?
5. What funds are paying for the project?
6. What is the pay-back period for the investment?
7. What is the annual maintenance expense, and has this cost been budgeted for?
8. Are the setbacks sufficient to eliminate shading on the panels, caused by existing structures and vegetation?
9. What is the life of the solar panels?
10. Will the depreciation of the asset be fully funded? What will be the annual depreciation expense for the asset?
11. What is the visual impact to the adjoining parcels?
12. Please consider removing the 30+' chain-link fence at the end of the field - this is a safety concern and hazard - as children climb it on a regular basis and fall, throw things, hang things on the top of the fence, etc.. We are afraid that one day someone will get badly hurt from a fall.

If I have not contacted the correct person about these matters, please forward or let me know who I should contact. Should you have any questions, please feel free to contact me at my home #884-2187 or in my office at 775-832-1337.

Thank you for your time and consideration-

Flora L. Todt

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NOV 10 2010

CARSON CITY
PLANNING DIVISION

November 10, 2010

Comments: File # SUP – 10 – 089

Let me start by saying that I am in favor of solar power and the fact that the Carson City School District can save tens of thousands of dollars per year on electricity generated by installing Photovoltaic Array systems is the right way we should go as a community. But at what cost to our environmentally sensitive, recreational, and residential areas are we willing to go to save money. The site selected for this project is in the northwest corner of Seeliger Elementary School property. Sixty thousand (60,000) square feet (approximately one and a half acres) is the area needed for the photovoltaic panels. The entire area behind Seeliger Elementary School has been used by the local community for approximately 38 years. The soccer field was added before my home purchase (1135 Shady Oak Dr.) in September of 1992.

The particular area selected for the installation of the ground-mounted photovoltaic array is an environmentally sensitive area. It is a habitat for wild life within Carson City. Numerous types of birds (Blue Jays, Mountain Jays, Doves, Owls, Quail, sparrows, etc.) can be seen at any time of the year nesting in this location. Rabbits, squirrels, scorpions, lizards, bats also inhabit this property.

The community uses this area for recreation. Children and adults use the dirt paths to walk their pets, ride their bicycles or just take a stroll to enjoy this desert environment within the city limits. Children play war games with air-soft guns, play tag, hide and seek, etc. This recreational facility is used daily, year round by the local residents and community.

Nothing less than breath taking can describe the beautiful view from the back yards of the homes surrounding this park. Sage brush and other similar types of vegetation landscape the north and south sides of a lush green soccer field. With all the daily activity, it is amazing how it has survived in such excellent condition.

1. Environmentally Sensitive Area: An Environmentally Sensitive Area is a type of designation for an agricultural area which needs special protection because of its landscape, wildlife or historical value (Wikipedia).

I have several questions pertaining to the application.

Chapter 3: A Balanced Land Use Pattern

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

1.4c-Protection of Existing Site Features

I believe the boundary between School District Property and a residential area is an Urban Interface. The grating of an Environmentally Sensitive/recreational area and the installation of an eight foot tall Photovoltaic array system, approximately one and one half acres in size, is disturbing character-defining features, and is visible from other locations in the community.

Number nine (9) states that: In accordance with Carson City requirements and Special Use Permit, this project meets the required setback requirements and does not encroach on any identified sensitive areas. As such, there are no anticipated environmental impacts as a result of this project (3.1b).

In Guiding Principal 3: Stewardship of the Natural Environment

The City will identify and strive to conserve its natural, scenic, and environmentally sensitive areas including important wildlife habitat, and visually sensitive areas.

3.1b-Environmentally Sensitive Areas

Environmentally Sensitive Area within the community should be protected using available tools, such as development setbacks, dedication, or other mechanisms.

The north and south areas behind Seeliger School is an Environmentally Sensitive Area.

Chapter 4: Equitable Distribution of Recreational Opportunities

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

The statement is in conflict with Chapter Four's (4) opening statement. Guiding Principle 4-An Integrated, Comprehensive Parks, Recreation, and Open Space System and Goal 4.1- Promote Recreational Equality at a Neighborhood Level.

4.la-Maintain/Enhance Existing Facilities: Improve the quality of existing park and recreational facilities.

4.lb-Match Improvements to Demand and Current Standards: I do not understand the connection between, new development (the addition of a Photovoltaic System in an existing recreational area) will provide park facilities commensurate with demand created and consistent with the City's adopted standards. After reading all of Chapter 4, "The City will place an emphasis on establishing more parks with a natural character, where possible, in response to expressed community preference". This project will destroy approximately one and one half acres of a wildlife habitat/recreational area in the northwest corner behind Seeliger Elementary School.

Chapter 6: Livable Neighborhoods and Activity Centers

The applicant states in number two (2): Photovoltaic arrays are relatively new addition to the south end of Carson City. This use will generate visual and technical interest due to its function and appearance. The arrays will be angled to the south to maximize exposure to the sun. It is important to the neighbors and the school district that the arrays are effective and without being a visual nuisance to the neighbors (6.lb).

The applicant states in number three (3): This project involves the instillation of ground-mounted photovoltaic arrays. Architectural features are limited. The arrays, which by their nature, provide some visual interest. This project will not

impact existing landscaping or site access and is consistent with Carson City development standards (6.lc).

Chapter 6 states: Carson City strives to be a city known for safe, attractive and diverse neighborhoods, compact mixed-use activity centers, and its vibrant, pedestrian-friendly Downtown. Access to parks, pathways, open space, and recreational facilities will be emphasized and the incorporation of thoughtful design and site planning techniques will be encouraged in all development.

- a. Encouraging infill and redevelopment that blends seamlessly with established areas in the City.

Guiding Principle 6: Quality Design and Development: Carson City will project a positive image for the community by promoting a high standard of design and the use of durable long-lasting materials for all development and by ensuring that infill and redevelopment is of a scale and character that is compatible with and enhances the surrounding development context. These policies should be reviewed and applied in conjunction with the detailed Land Use Policies contained in Chapter 3.

Goal 6.I-Promote High Quality Development

6.lb-Neighborhood Design: Promote variety and visual interest in the design of new neighborhoods through the incorporation of varied lot sizes, building styles and color, garage orientation, and other features, as consistent with the land use policies contained in Chapter 3 of this Plan.

6.lc-Variety and Visual Interest: Promote variety and visual interest in design of new development through the incorporation of well-articulated building facades, clearly defined entrances and pedestrian connections, landscaping, and other features as consistent with the City's Development Standards.

My concern with 6l.b is that because of the size and area (eight feet in height and approximately one and one half acres in area) this will be of a negative visual interest and is far beyond a negative visual nuisance.

And also with 6.lc, the impact will be devastating to the environmentally sensitive area. Approximately one and one half acres (60,000 square feet) of wildlife inhabited, recreational area will be destroyed with the instillation of the photovoltaic array.

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

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

Applicants answer: The subject property has been used as a school for approximately thirty years. There will be no change to the use of the property. The new photovoltaic arrays will be placed in the northwest portion of the property, away from existing school operations. This project will make the site more energy efficient by using green technology, and will have no negative impact on the use, peaceful enjoyment or development of the surrounding properties within the neighborhood.

In fact, with the instillation of the photovoltaic array, one and one half acres of environmentally sensitive/recreational land, used by the residents and community will be unusable. The size and magnitude of the photovoltaic array will have a negative impact on the land and the individuals that live in Carson City. There is nothing peaceful or enjoyable about a structure this size in a well established neighborhood.

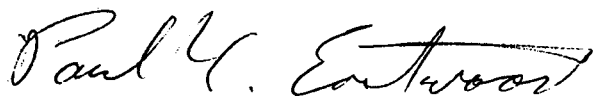
Summary: There are three problems with the proposed instillation of the photovoltaic array system.

1. This is an environmentally sensitive area that is the home for wildlife within the Carson City, City limits. I don't know of any other areas like this in our community. We should preserve its natural beauty for future generations.
2. 60,000 square feet of recreational land will be lost, that children and adults use on a daily basis. Can we afford to give away more park space to projects like this?
3. Visual nuisance is an understatement. This structure is going to be located directly in my back yard, a short distance from my property line and it looks like the backside of a bleacher at a football field. I can visualize what an unsightly mass of steel and glass this is going to be.

There are two alternative sites. First is in front of Seeliger Elementary School, and the second is the paved area behind the school or a combination of both areas. The two are large enough and will be as attractive as the Carson Middle School project. That would be a positive, visual interest and design, and also show we care about our environment.

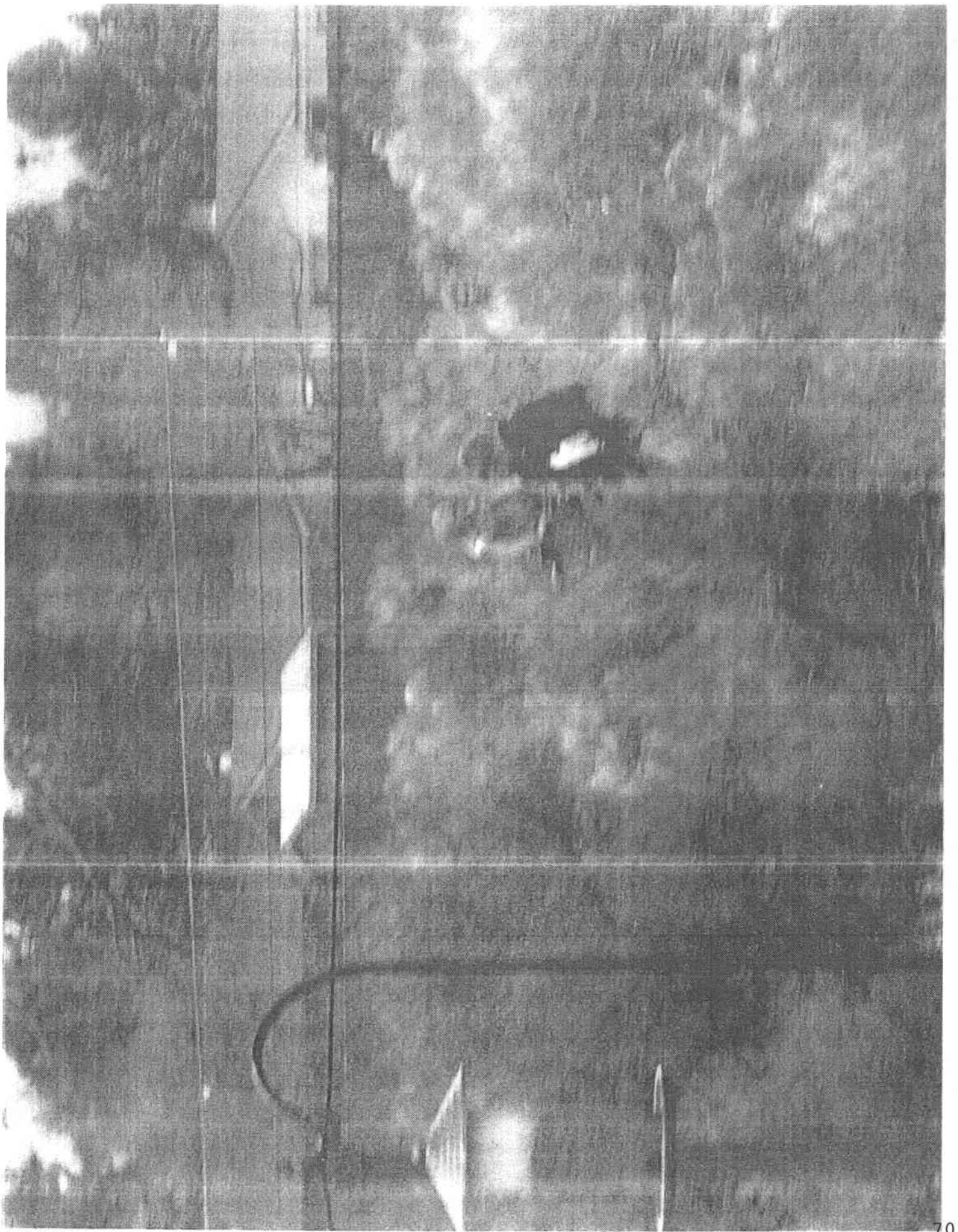
Thank you for your consideration,

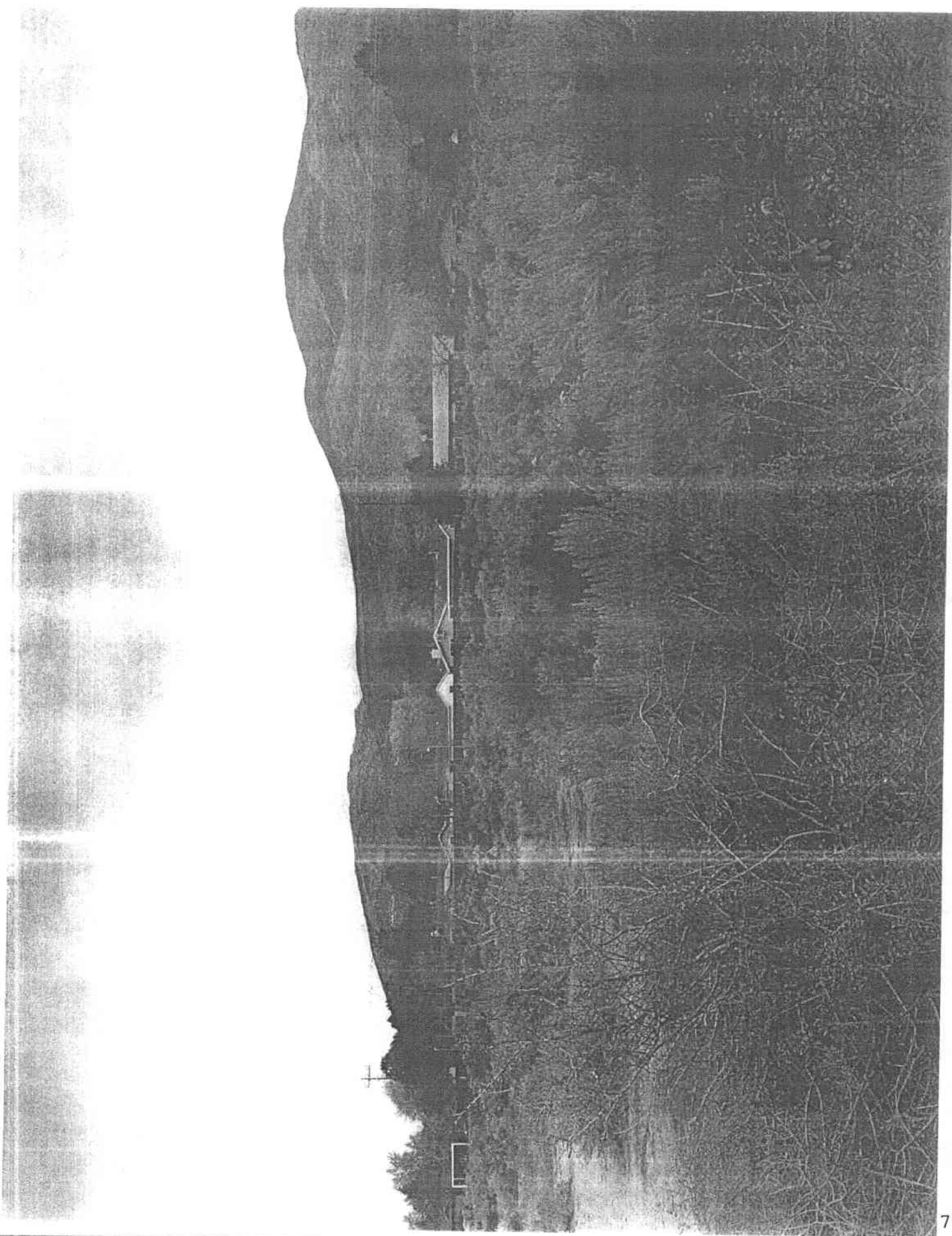
Paul T. Eastwood

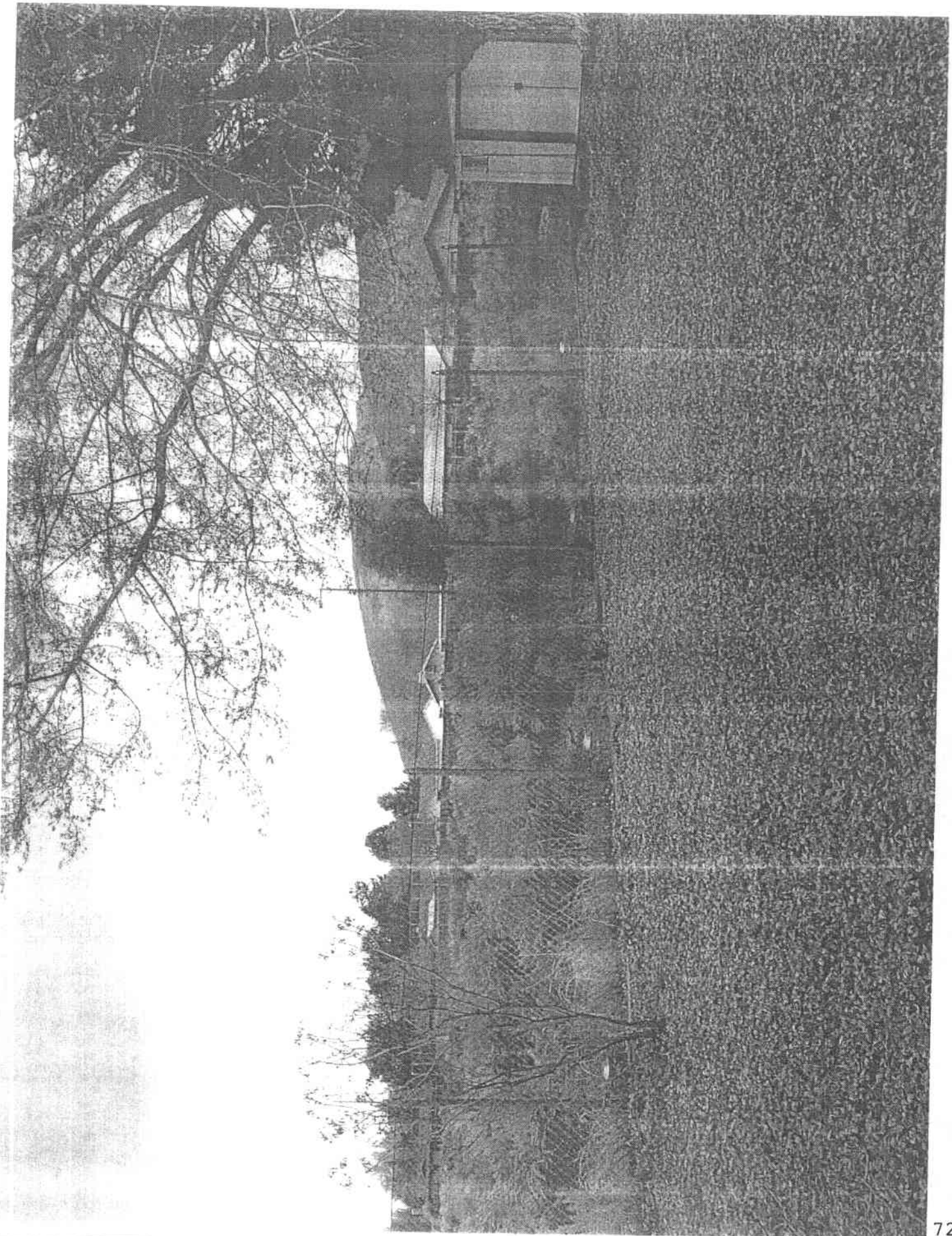


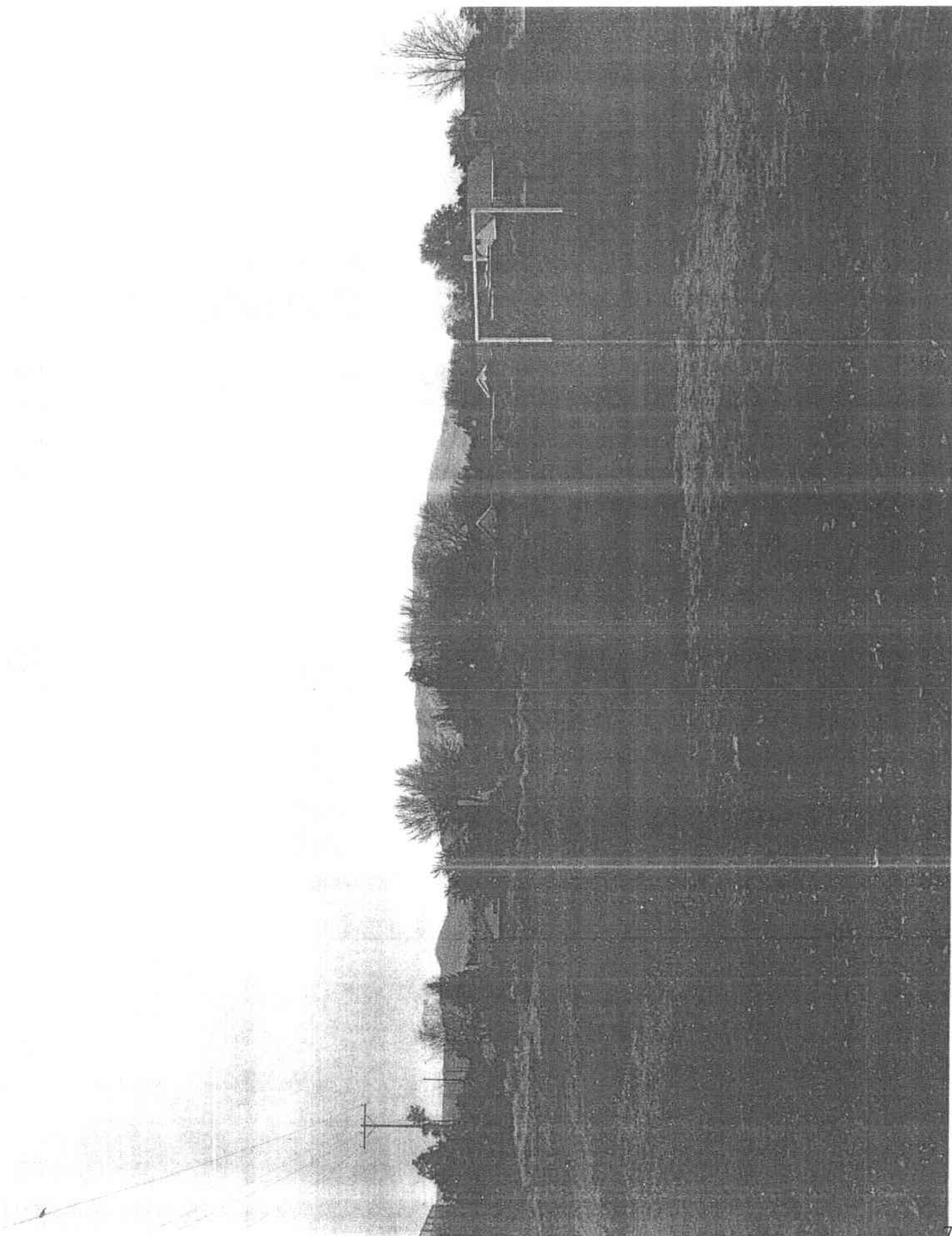
Owner/resident 1135 Shady Oak Dr.

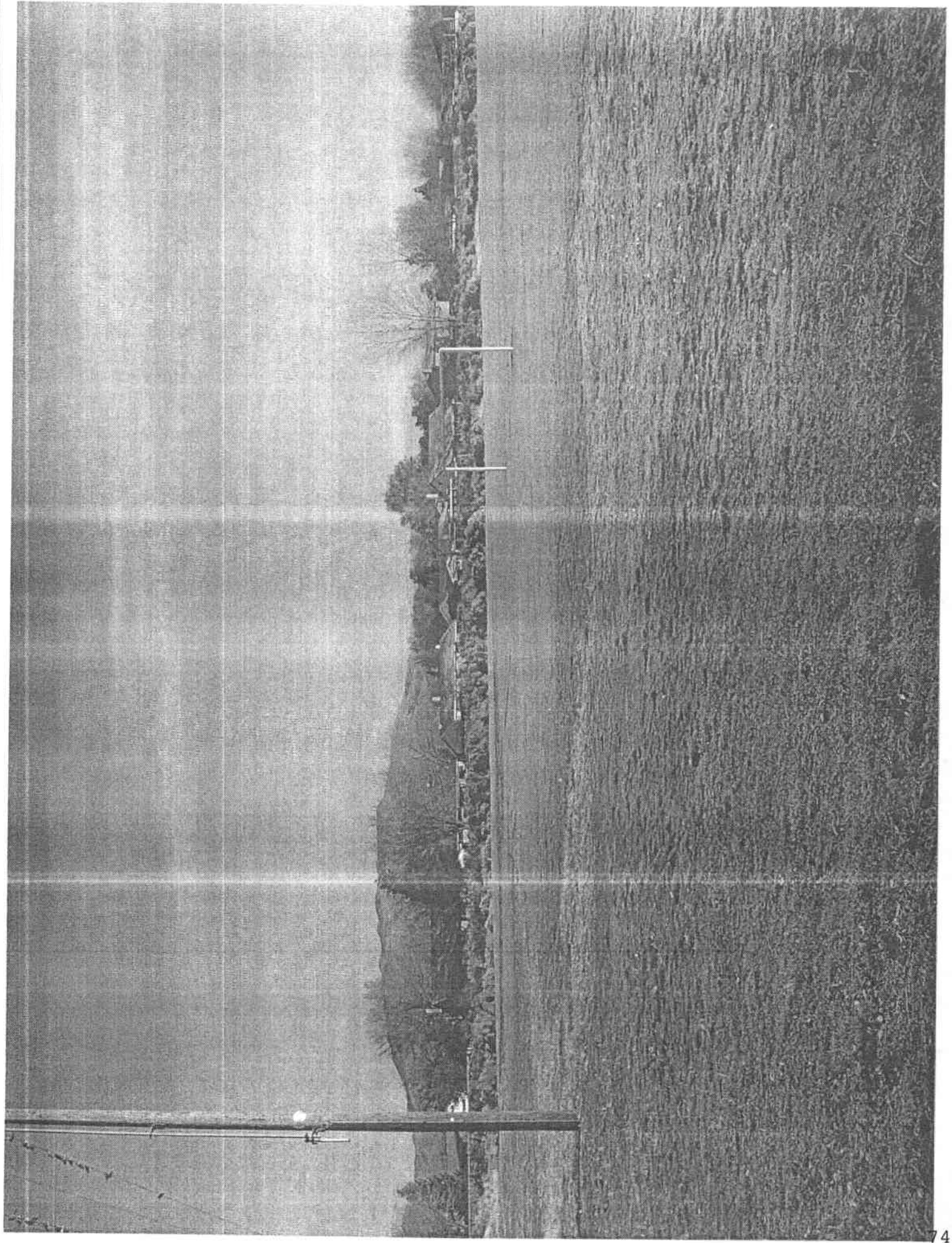
Carson City, NV 89701

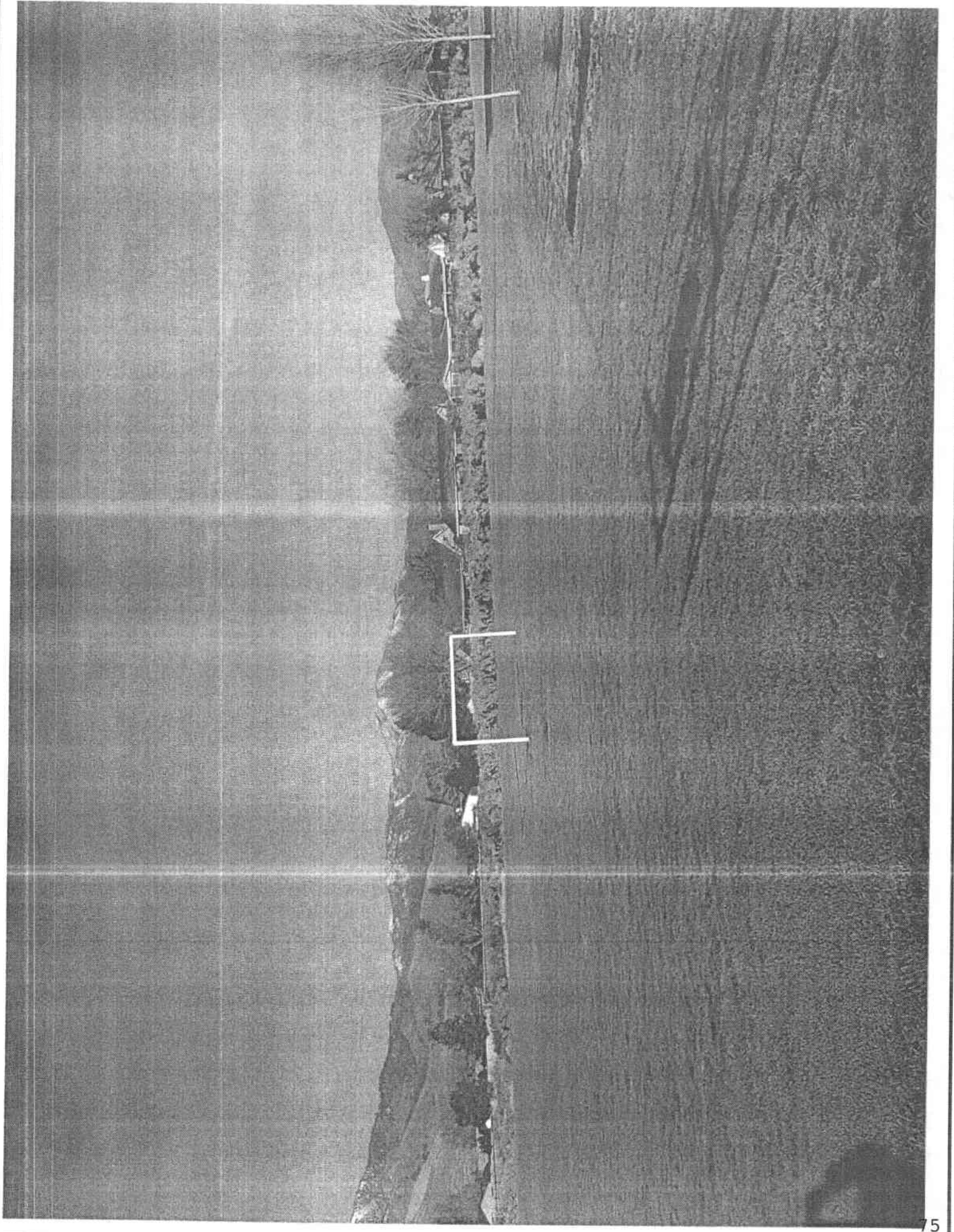


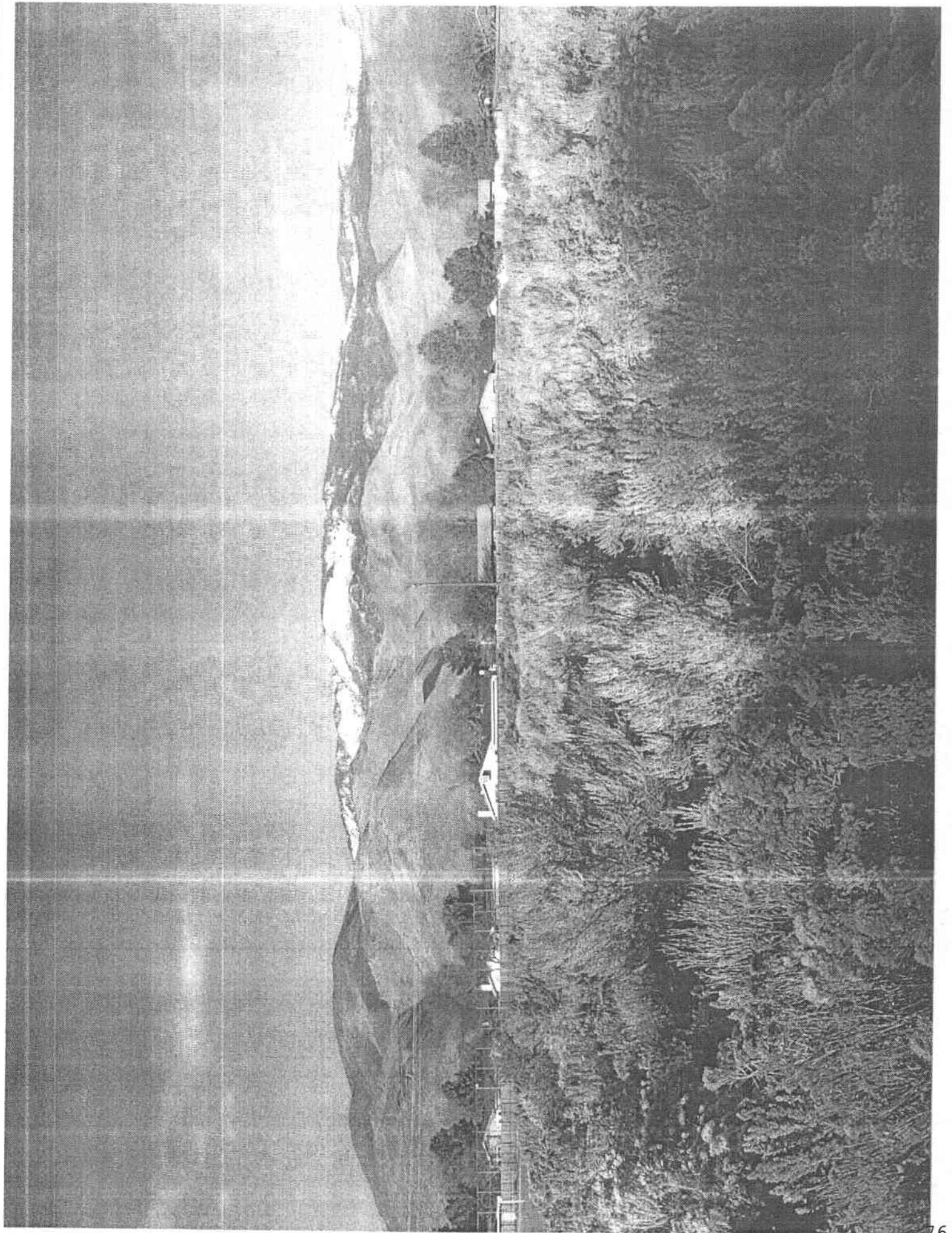


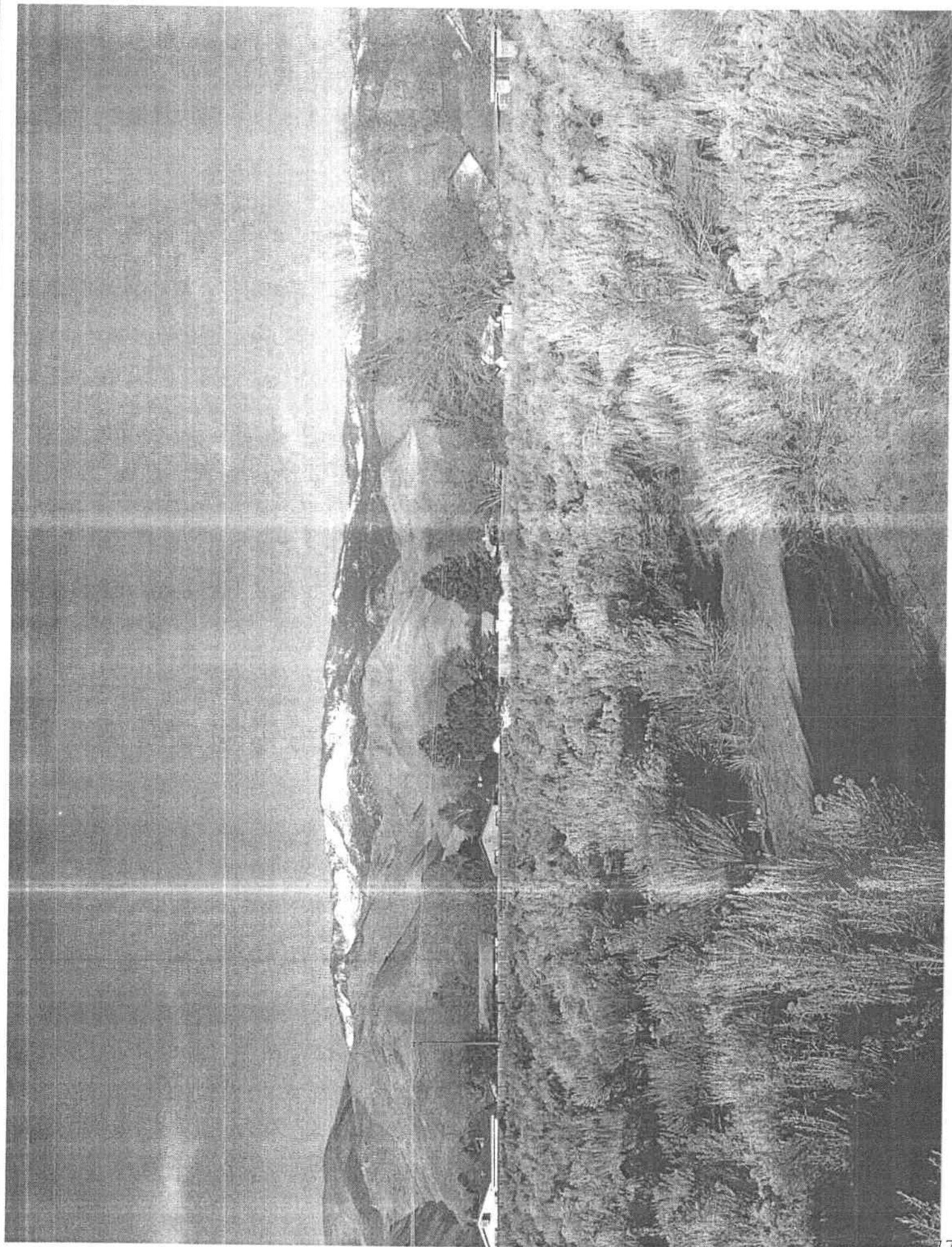


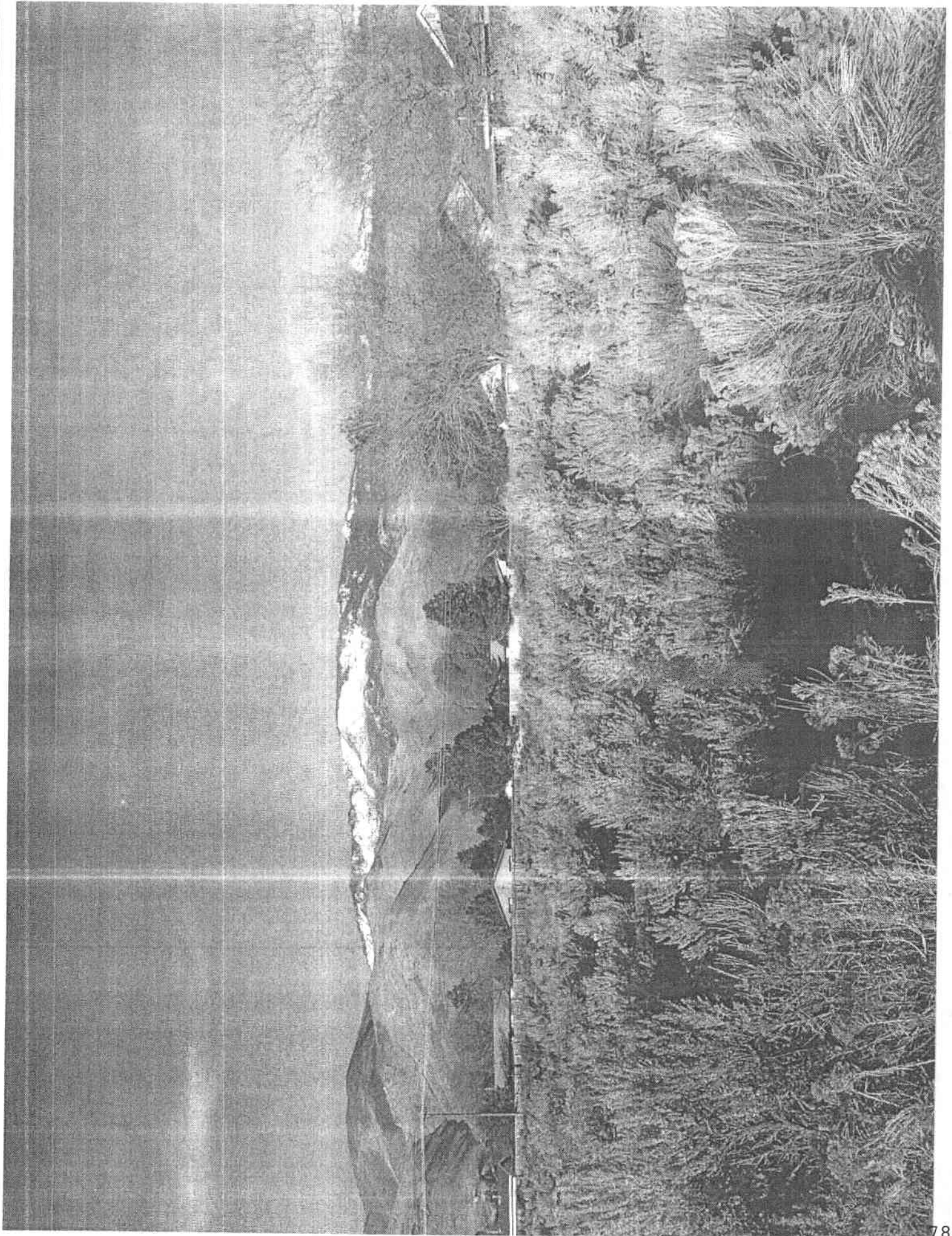












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Carson City Planning Division
108 E. Proctor Street · Carson City NV 89701
Phone: (775) 887-2180 · E-mail: planning@carson.org

FOR OFFICE USE ONLY:

CCMC 18.02

OCT 15 2010

FILE # SUP - 10 - SUP 10 - 089

SPECIAL USE PERMIT

CARSON CITY
PLANNING DIVISION

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

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

SUBMITTAL PACKET

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

Application Reviewed and Received By:

Submittal Deadline: See attached PC application submittal schedule.

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

CARSON CITY SCHOOL DISTRICT

PROPERTY OWNER

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

MAILING ADDRESS, CITY, STATE, ZIP

(775) 283-2000

(775) 283-2090

PHONE #

FAX #

Name of Person to Whom All Correspondence Should Be Sent

MARK KORINEK

APPLICANT/AGENT

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

MAILING ADDRESS, CITY, STATE ZIP

(775) 283-2181

(775) 283-2191

PHONE #

FAX #

mkorinek@carson.k12.nv.us

E-MAIL ADDRESS

Project's Assessor Parcel Number(s):

009-436-08

Street Address

SEELIGER ELEM. - 2800 S. SALIMAN ROAD, CARSON CITY, NV 89701

ZIP Code

Project's Master Plan Designation

PUBLIC

Project's Current Zoning

PUBLIC

Nearest Major Cross Street(s)

SONOMA STREET

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

THIS PROJECT INVOLVES THE INSTALLATION OF SOLAR PANELS (PHOTO-VOLTAIC ARRAYS) WITHIN THE NORTHWEST PORTION OF THE PROPERTY.

PROPERTY OWNER'S AFFIDAVIT

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

Richard W. Stokes
Signature

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

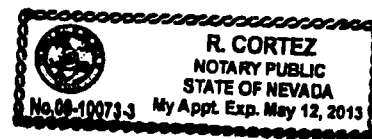
6 OCT. 2010
Date

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

STATE OF NEVADA)
COUNTY Carson)

On October 6, 2010, Richard Stokes personally appeared before me, a notary public, personally known (or proved) to me to be the person whose name is subscribed to the foregoing document and who acknowledged to me that he/she executed the foregoing document.

R. Cortez
Notary Public



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

**SPECIAL USE PERMIT APPLICATION QUESTIONNAIRE
CARSON CITY SCHOOL DISTRICT
SEELIGER ELEMENTARY SCHOOL – PHOTOVOLTAIC ARRAYS**

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

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

Chapter 3: A Balanced Land Use Pattern

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

such, this project complies with the intent of the priority infill development area goals. (1.2a).

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

sensitive areas. As such, there are no anticipated environmental impacts as a result of this project (3.1b).

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

Chapter 4: Equitable Distribution of Recreational Opportunities

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

Chapter 5: Economic Vitality

1. Being an existing elementary school, the site serves the children residing in the surrounding community and does not distinguish between housing types or labor force populations (5.1j).

2. The existing school site employs faculty and staff to support the education of its student population. This work force and the community the school serves indirectly encourages the development of regional retail centers. Given the school's long-standing existence in the community, there are no new retail centers expected. There is some potential for this project to generate interest in the community with respect to solar energy and alternative power supplies, which in turn might lead to retail centers seeing an increase in these types of businesses. (5.2a).
3. This project involves the installation of ground-mounted photovoltaic arrays and does not involve retail space. As such, encouraging reuse or redevelopment of underused retail spaces is not applicable (5.2b).
4. Seeliger Elementary School has been a part of Carson City for approximately thirty years, and can arguably be considered a historic resource. This project involves the installation of photovoltaic arrays. The goal is to minimize dependence on the existing power grid that in turn will reduce operating costs for the School District. This type of green technology, while not related to heritage or tourism, allows our Capitol city to boast its interest in alternative and green energy solutions. This could draw visitors interested in these technologies to Carson City. (5.4a).
5. This project will have no direct impact on revitalization of the downtown core. However, alternative energy projects such as this one might spark similar interests within Carson City that in turn could generate some downtown core revitalization through retail and tourism uses that are interested in these energy solutions. (5.6a).
6. This project does not incorporate additional housing in or around the downtown area (5.6c).

Chapter 6: Livable Neighborhoods and Activity Center

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

Chapter 7: Livable Neighborhoods and Activity Center

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

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

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

North: Single-family residences, (SFR 6,000) zoning

East: Single-family residences, (SFR 6,000) zoning

South: Single-family residences, (SFR 6,000) zoning

West: Single-family residences, (SFR 6,000) zoning

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

No outdoor lighting is associated with this project.

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

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

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

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

ACKNOWLEDGMENT OF APPLICANT

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



Mark Korinek, CCSD Director of Operations
Applicant

10/7/10

Date

**SPECIAL USE PERMIT APPLICATION
PROJECT IMPACT REPORT STATEMENT
CARSON CITY SCHOOL DISTRICT
SEELIGER ELEMENTARY SCHOOL - PHOTOVOLTAIC ARRAYS**

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

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

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

TRAFFIC: Currently, there are approximately 720 students and 70 staff at Seeliger Elementary School. These numbers will not change as a result of this project. This project will have no impact to on-site or neighboring traffic. Because there is no population or traffic increase as a result of this project, no calculations or studies have been prepared.

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

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

WATER: Currently, there are approximately 720 students and 70 staff at Seeliger Elementary School. These numbers will not change as a result of this project. This project will have no impact on the existing water demand.

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

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

SEWER: Currently, there are approximately 720 students and 70 staff at Seeliger Elementary School. These numbers will not change as a result of this project. This project will have no impact on the existing sanitary sewer demand.

**SPECIAL USE PERMIT APPLICATION
GREEN ENERGY PROJECTS – SUPPLEMENTAL INFORMATION
CARSON CITY SCHOOL DISTRICT
SEELIGER ELEMENTARY SCHOOL – PHOTOVOLTAIC ARRAYS**

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

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

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

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

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

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

RESOURCE CONCEPTS, INC.
 ENGINEERING · PLANNING · RESOURCE MANAGEMENT

CALL BEFORE YOU DIG.
 1-800-277-2800



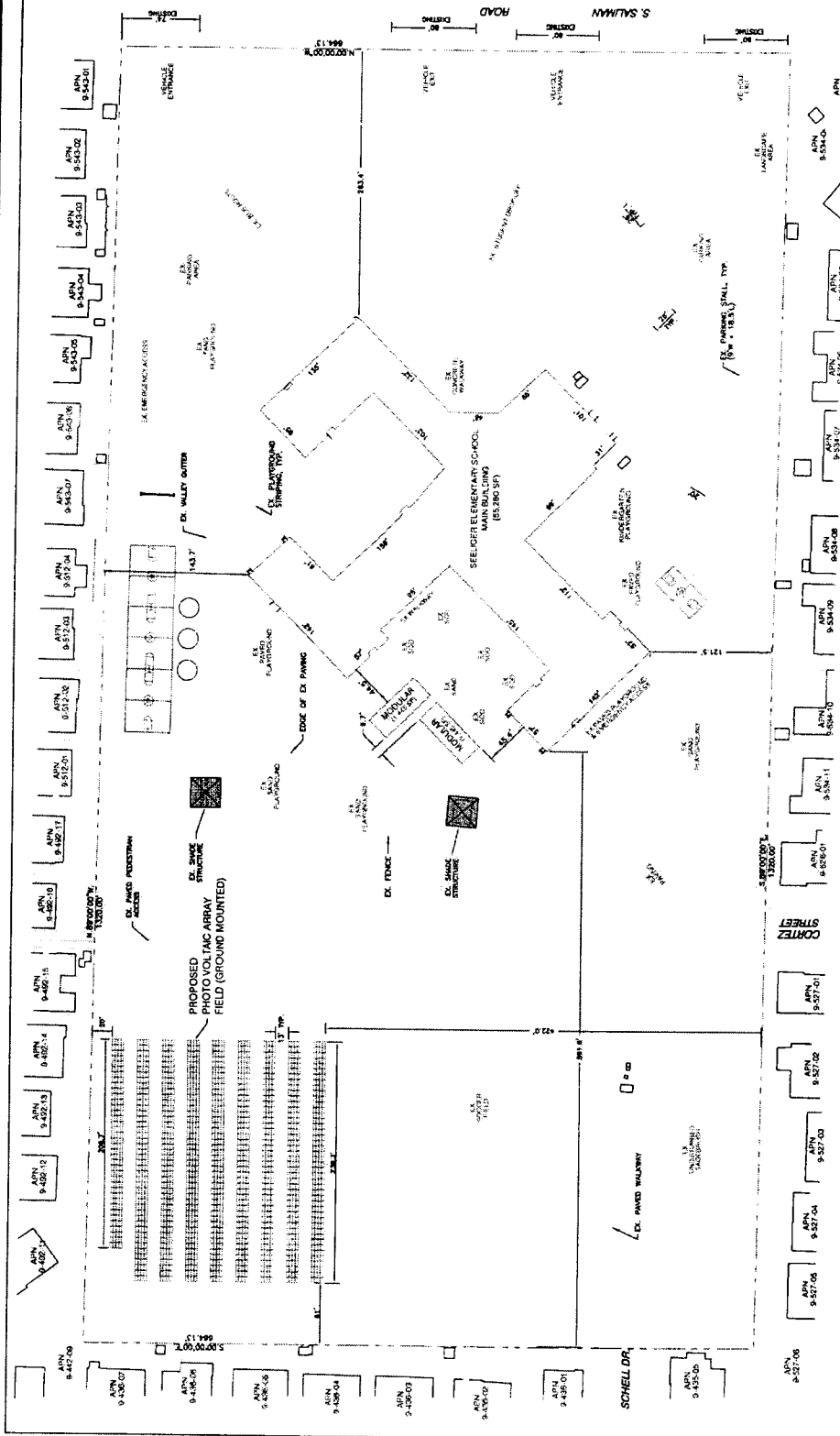
210 N. MINNESOTA STREET
 CARSON CITY, NEVADA 89701
 PHONE: 775.443.1943 FAX: 775.443.1944
 2700 W. POINT MOUNT ROAD, STE. 100
 CARSON CITY, NEVADA 89702
 PHONE: 775.582.7505

NO. 1	DATE	DESCRIPTION
1	12/18/05	AS BUILT
2	12/18/05	AS BUILT
3	12/18/05	AS BUILT
4	12/18/05	AS BUILT
5	12/18/05	AS BUILT

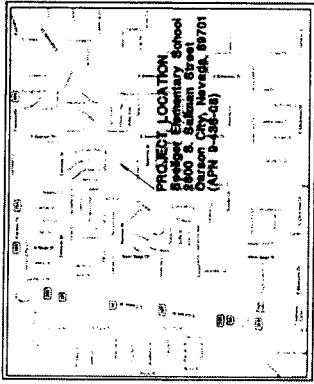
SPECIAL USE PERMIT
 BEDEKER ELEMENTARY SCHOOL
 CARSON CITY SCHOOL DISTRICT
 CARSON CITY, NEVADA

APPLICANT/TOWNER	CARSON CITY SCHOOL DISTRICT CONTACT: MARK KORINEK 1402 W. 99th STREET CARSON CITY, NV 89703 (775) 242-2781
ENGINEER	RESOURCE CONCEPTS, INC. CONTACT: JEFF CROCCIPPIO, P.E. 11791 90th STREET SUN VALLEY 1 ELEMENTARY SCHOOL 2800 S. SULLIVAN ROAD, CARSON CITY, NV 89701 9-498-08
PROJECT TITLE	SPECIAL USE PERMIT
PROJECT ADDRESS	2800 S. SULLIVAN ROAD, CARSON CITY, NV 89701
DATE	12/18/05
CHECKED BY	JFC
DATE	12/18/05
PROJECT ADDRESS	2800 S. SULLIVAN ROAD, CARSON CITY, NV 89701
PROJECT TITLE	SPECIAL USE PERMIT

SHEET 1 OF 1



- NOTES:
1. ALL STRUCTURES ARE EXISTING UNLESS OTHERWISE NOTED.
 2. ALL EXISTING ON-SITE BUILDINGS ARE LISTED AS CLASSROOMS.
 3. NO UTILITIES ARE LOCATED WITHIN THE PROJECT AREA. WATER, SEWER AND STORM DRAIN ARE PRESENT IN S. SULLIVAN ROAD.
 4. AS A PART OF THIS PROJECT, OR WITHIN TO BE OBTAINED.



Ground Mount Structure

Typical Design

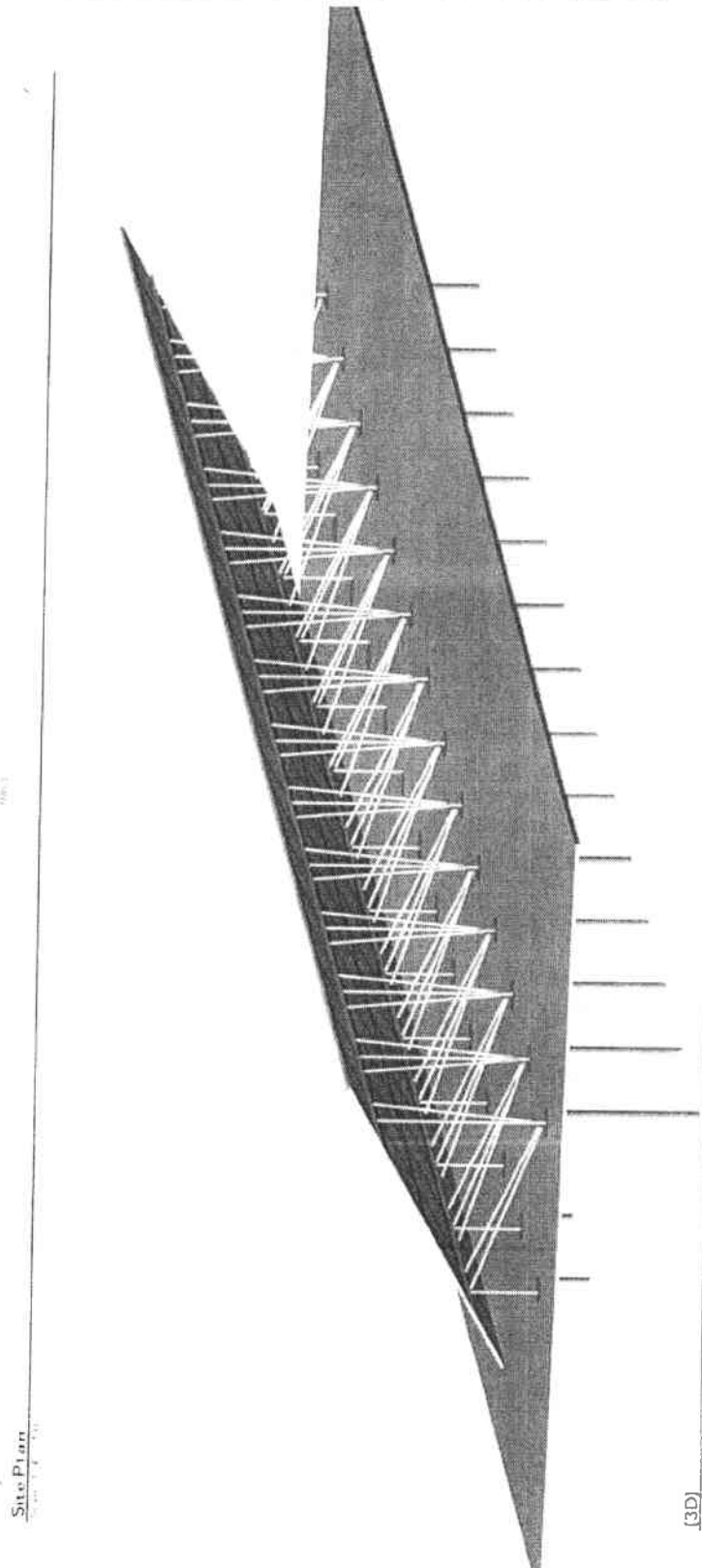
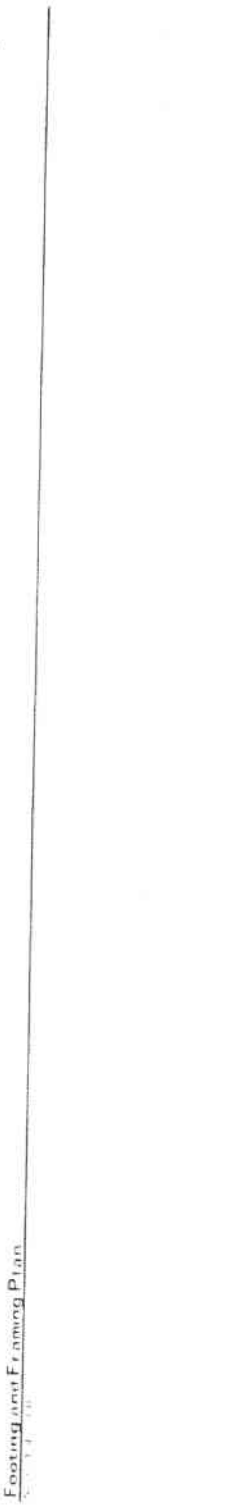
Microarray

Project No: 10000-001
Project Name: Ground Mount Structure
Client: Hamilton Solar
City: Tomball, TX
Date: 12/14/10

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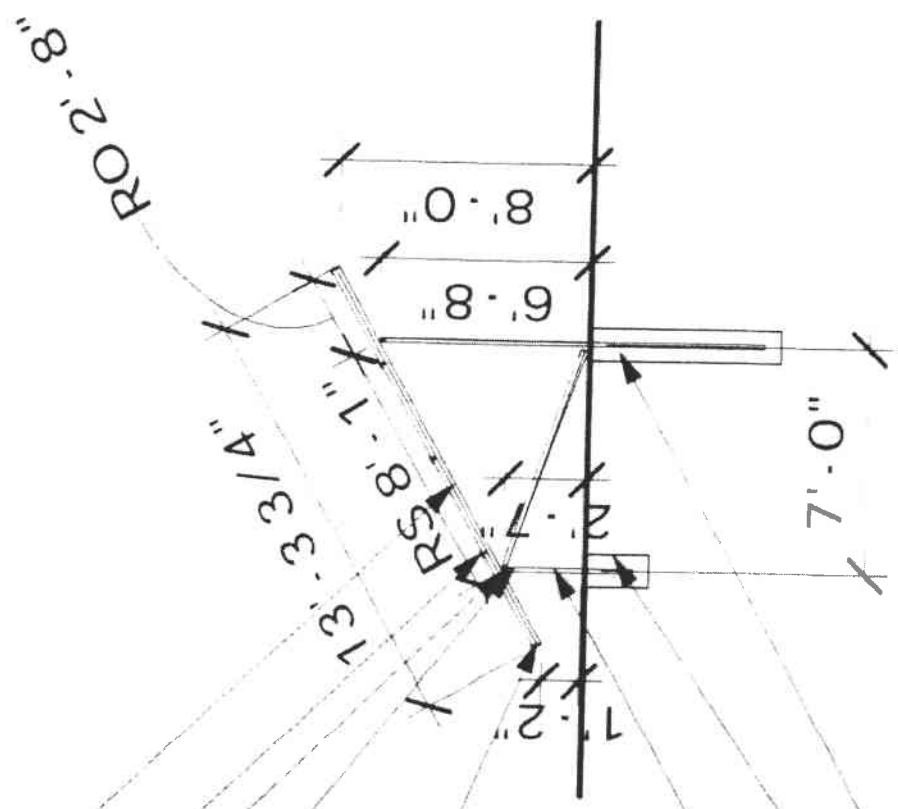
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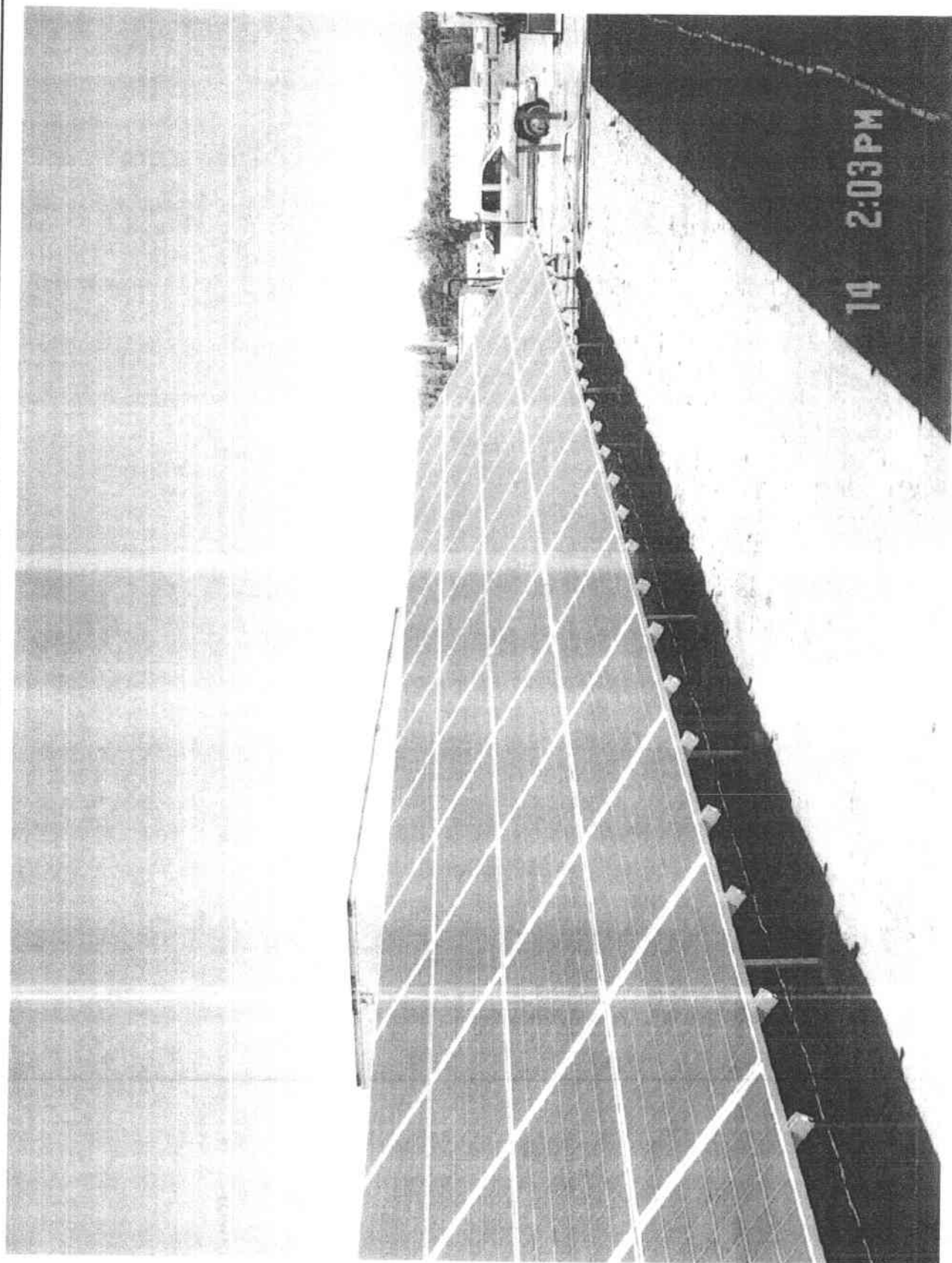


GROUND-MOUNTED SYSTEM
 (MAX HEIGHT = 8 FT)

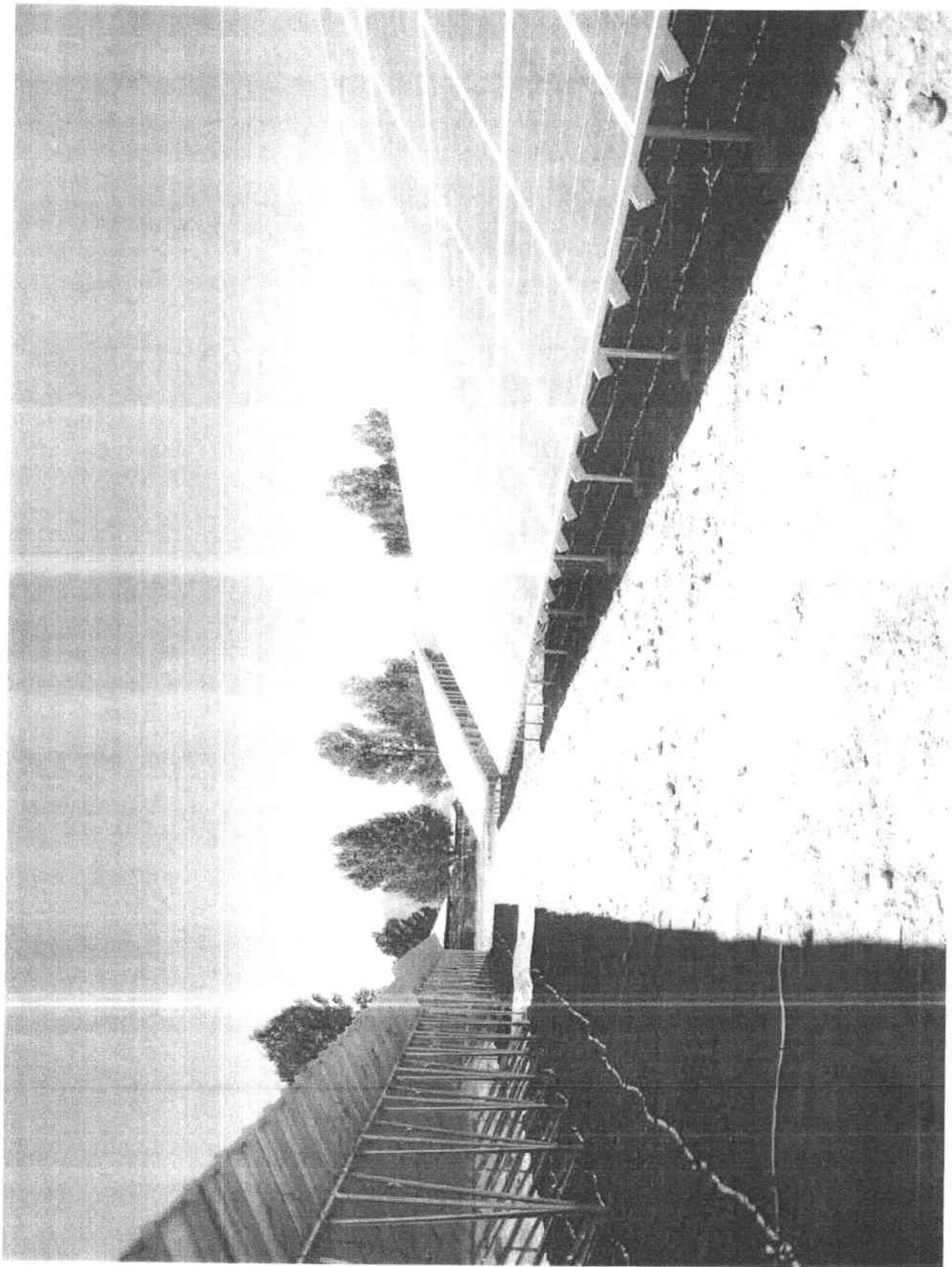
- SNAPRACK GROUND RAIL
- SNAPRACK MODULE MID CLAMPS
- SNAPRACK PIPE TO RAIL CONNECTOR
- KEEP KLAMP OR EQUIVALENT SINGLE SICKET SWIVEL CONNECTORS FOR ANGLED BRACES TO VERTICAL PIPE
- SNAPRACK MODULE END CLAMPS



- POST 1 1/2" SCHEDULE #40 GALVANIZED PIPE
- FRONT PIER, 12" DIAM. CONCRETE
- BACK PIER, 12" DIAM. CONCRETE



RESOURCE CONCEPTS, INC.





Carson City School District
1402 West King Street, Carson City NV 89703
(775) 283-2000 - Fax: (775) 283-2090



NEIGHBORHOOD MEETING

Dear Parents & Neighbors:

The Carson City School District is inviting you to attend a neighborhood meeting to introduce plans to install solar panels (photovoltaic arrays) at Seeliger Elementary School.

The meeting is scheduled for:

Wednesday, November 10, 2010

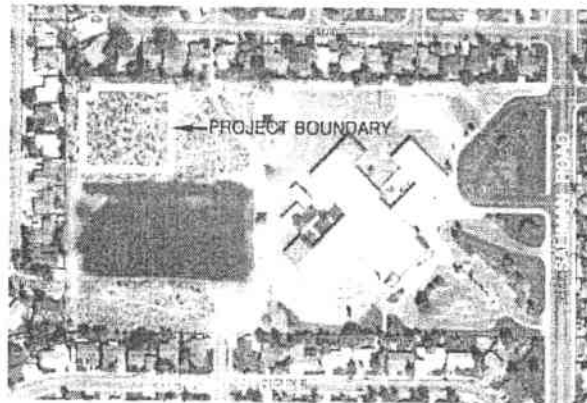
6:30 pm

Seeliger Elementary School Library

The purpose of this alternative energy project is to help offset utility costs necessary to operate our schools. Savings generated by implementing alternative energy will be used to supplement the District's reduced operating budget, which directly benefits students and their classrooms. Initial purchase of this system is paid for at a reduced rate and reimbursed by NV Energy rebates.

School District staff and consultants, as well as representatives from Hamilton Solar, will be present to explain the proposed project and answer any questions. Please note that similar neighborhood meetings are being held at Carson Middle School (Monday, Nov. 8 @ 6:30pm) and at Eagle Valley Middle School (Monday, Nov. 15 @ 6:30pm).

We look forward to this opportunity to meet with you.



Resource Concepts, Inc. • 340 N. Minnesota Street, Carson City, Nevada 89703 • (775) 883-1600

Senate Bill No. 114-Senator Schneider

CHAPTER.....

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

Legislative Counsel's Digest:

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

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

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

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

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



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



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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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





TURKEY TROT

On Thanksgiving morning work up an appetite and help the ballet — **PAGE A15**

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- Classifieds **A19**
- Weather **A27**
- Sports **B1**



SHANNON UIZ/NEVADA APPEAL
The Incline High School JROTC Color Guard marches in the Virginia City Veterans Day Parade on Thursday.

...dave with flag-waving revelers Thursday, cheering those past and present Americans who've served their country.

Some 48 Veterans Day parade entries sauntered down C Street, portions of which still held the light snow that fell earlier in the week. Steve Ritter of Washoe Valley said he'll attend no other Veterans Day Parade.

"There's no politics here," said Ritter. "This parade means what it's supposed to mean."

Vietnam veteran Chuck Fulcher of Carson City said he is also loyal to Virginia City's parade.

When Fulcher returned from Vietnam in 1969, the reception for service members

Fulcher's back and proclaimed what a good guy he is. "We're bringing these guys home better than we were brought. By us honoring those coming home it's allowed us to be honored, too."

The parade's grand marshal, 91-year-old John Koch, was stationed in the Aleutian Islands during World War II for 28 months of his "4-year-1-month-and-18-day" enlistment in "Uncle Sam's Army."

Koch said he was glad to be part of the parade, especially since the only requirement was that he be able to wave. "And I can wave," he said with a wink.

This was the 17th year that

See **Parade, Page A6**

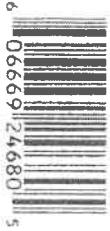
Neighbors question site of school solar project

BY TERI VANCE

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Paul Eastwood considers himself an environmentalist.

"I'm a tree hugger," he explains.

That's why it makes it hard, he said, to oppose the Carson City School District's proposal to install 1,500 solar panels in a field behind Seeliger Elementary School.

"I'm all for solar panels. I'm all for green energy," he said. "Everybody wants it to go in, but the placement of the panels is going to be a problem."

The field is adjacent to the backyard of the home he's lived in for 18 years.

The panels, he said, will obstruct the view — one of the reasons he bought the house — as well as negatively impact wildlife and the qual-

ty of life for residents and children who play in the field.

"I purchased this property because of the area, the beautiful scenery from my backyard," he said. "Now, I'm going to be looking at something that looks like the backside of old bleachers."

He said the roughly 2.5 acres of sagebrush, marked by trails, is used year-round by residents to walk dogs or for

children to ride bikes and play.

School district officials are planning to install solar panels at three sites to increase energy efficiency and reduce operating costs. Officials hope to have the panels installed by August.

The nearly \$11 million installation cost will be reduced to \$975,000 after rebates from the power com-

pany, said Tony Turkey, finance director for the Carson City School District.

"Rebates are covering 90 percent of the costs of this project," he said. "That's why we decided to go forward with this."

He said a conservative estimate is that the school district would save \$400,000

See **Solar, Page A4**

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Sandoval will keep veterans services chief

(AP) — Nevada Gov.-elect Brian Sandoval says he will reappoint Caleb Cage as director of veterans services.

The Republican governor-elect announced his intent Thursday as the



Caleb Cage

nation observed Veterans Day. Cage is a Reno native who was first appointed to the post in July by outgoing Gov.

Jim Gibbons. A 2002 graduate of West Point, Cage achieved the rank of captain. He served in Iraq and was awarded the Army's Bronze Star medal.

The state Office of Veterans Services provides assistance to Nevada's veterans, active military personnel and their families. It also oversees two veteran memorial cemeteries and the Nevada State Veterans Home.

SOLAR

From Page A1

energy costs annually.

Officials are hosting town hall meetings at the different schools to inform neighbors of the plan.

However, Eastwood contends, residents should have been included in the planning phase.

"It's disturbing we weren't consulted in any of this. I found out on Friday or Saturday of last week that they were having the neighborhood meeting this week," he said. "That really doesn't give me enough time to get prepared. As far as I'm concerned, I've been clotheshlined."

He said he would like to see other options considered for the structures. He cited the plan at Carson Middle School, where the panels will be built like carports and a bus shelter in the parking lot.

The panels at Seeligert will take up about 1.5 acres of the 2.5-acre lot. The front of the panels will start about 18 inches off the ground and rise to 6 feet, 4 inches tall.

Planners say the layout that works well at the mid-



Paul Eastwood discusses plans by the school district to install large solar panels at Seeligert Elementary School, only 20-feet from his backyard fence.

dle school would not be feasible at Seeligert.

"At Carson Middle School, the parking lot is a perfect north-south orientation," said Chad Dickason of Hamilton Solar.

"Unfortunately, the parking lot at this school is not set up the same way."

About 20 people attended the meeting this week at Seeligert.

Neighbor Flora Todi said officials should consider the cost to erect the solar structures.

"We also have to assign value to green space," she said. "I think we're dismiss-

ing that."

Mark Korinek, director of operations for the school district, said he has consulted with a teacher at the school who would be interested in creating a natural habitat around the solar panels, which would be fenced in, along with infor-

mational displays about clean energy.

He said the structured nature area may be better than the open space that exists now, where he's found everything from liquor bottles to porriographic magazines tossed in the brush. "Hopefully it will give kids more ownership of the area," he said.

Meetings were held at Carson Middle and Seeligert Elementary schools this week. The third is 6:30 p.m. Monday at Eagle Valley Middle School.

School officials will go before the Carson City Planning Commission on Wednesday for approval.

IF YOU GO

WHAT: Community meeting to discuss solar project

WHEN: 6:30 p.m.

Tuesday

WHERE: Library of Eagle Valley Middle School

WHAT: Carson City Planning Commission meeting

WHEN: 1:30 p.m.

Wednesday

WHERE: Carson City Community Center, 531 E. William St.

holiday open house!



Police: Materials for meth lab found in Saliman Road condo