

12/04/24 BCC AGENDA SHEET

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

UC-24-0576-PABCO BUILDING PRODUCTS, LLC:

USE PERMITS for the following: **1)** a large scale, electric generation facility (solar); and **2)** public utility structures (electric substation, 69kV overhead transmission lines, and BESS facility) and associated equipment.

WAIVERS OF DEVELOPMENT STANDARDS for the following: **1)** increase structure height; **2)** eliminate street landscaping; and **3)** waive full off-site improvements.

DESIGN REVIEW for a large scale, solar electric generation facility and public utility structures and associated equipment on a 331.0 acre portion of 1,710.86 acres in an IL (Industrial Light) Zone and an IH (Industrial Heavy) Zone.

Generally located on the east and west sides of Pabco Road and the southwest side of the Union Pacific Railroad right-of-way within the Northeast County Planning Area. MK/hw/kh (For possible action)

RELATED INFORMATION:

APN:

141-00-001-003; 141-00-001-004; 142-00-001-003; 142-00-001-010 ptn

USE PERMITS:

WAIVERS OF DEVELOPMENT STANDARDS:

1. Increase the height of public utility structures to 72 feet where 50 feet is the maximum permitted per Section 30.02.19B (a 44% increase).
2. Eliminate street landscaping along Pabco Road where street landscaping is required per Section 30.04.01D (a 100% reduction).
3. Waive full off-site improvements where required per Section 30.04.08C.

LAND USE PLAN:

NORTHEAST COUNTY - BUSINESS EMPLOYMENT

BACKGROUND:

Project Description

General Summary

- Site Address: 4001 State Highway 147
- Site Acreage: 331 (site)/1,710.86 (overall)
- Project Type: Solar electric generation facility & public utility structures
- Building Height (feet): 72 (maximum)

Site Plans

The plans show that the proposed solar electric generation facility will be located on a 331 acre portion of 1,710 acres located on both sides of Pabco Road, approximately 5.3 miles southwest of Las Vegas Boulevard North. The plans show that the proposed solar panels will be located to the north and west of the existing solar electric generation facility and will be broken-up into 16 array blocks of varying sizes. The plans show that Array Blocks 1 through 8 will be located on the east side of Pabco Road and to the north and west of the existing solar generation facility with these array blocks mostly located on APN 142-00-001-010 (west of the existing facility). Array Block 6, however, is shown to be split by Pabco Road with Array Blocks 9 through 16 being primarily located on the west side of Pabco Road but east of the existing overhead transmission line corridor. The array blocks located on the west side of the site are generally split into a north and south portion by an existing underground powerline right-of-way and are arranged around a wash system with a 25 foot buffer that runs north-south through that portion of the site. The wash system effectively splits both the northern and southern halves of the western portion of the site into 5 array groups. Blocks 6, 9, and a portion of 10 are located on the northern side of the powerline right-of way and the remaining portion of Block 10 as well as Blocks 11 through 16 are located on the southern side.

The plans also show that there will be several public utility structures, consisting of a BESS system area, a substation, and 69kV overhead transmission lines located on the site. The plans show that both the BESS system and the substation will be located in the southwestern portion of the site located within the southeastern grouping of arrays, directly to the south of Array Block 15, with the BESS system north of the substation area. The 69kV overhead transmission lines are shown to connect directly with the proposed substation and run south of the substation and then crossing east across Pabco Road and then continuing south. The lines will continue south until they reach the existing access road to the gypsum mining operation and continue northeast to connect with the existing substation in the central portion of APN 142-00-001-003.

The plans further show that there will be 3 separate sets of security fencing on the site. The fencing will completely encircle the eastern set of arrays, the northern sets of arrays on the western portion of the property, and the southern sets of arrays on the western portion of the site. Access to each set of arrays will be accessed through gated, 16 foot wide driveways that will access 16 foot wide improved roadways within the interior of each set of arrays. These interior roadways will generally run through each array block allowing access to the panel and power conversion equipment. The southwestern set of arrays will be accessed from Pabco Road on the southern end of the grouping. The northwestern set of arrays will also be accessed from Pabco Road on the northern end of the grouping, and the northeastern set of arrays will have 2 access points from Pabco Road with 1 driveway on the northern and southern portion of the grouping.

Landscaping

The plans show that there is no proposed landscaping besides the natural landscaping that will remain on-site.

Elevations

The plans show that the gen-tie, 69kV overhead transmission line structure will primarily be tall pole-like structures with conductor structures typically 53 feet off the ground. The elevations

indicate that these structures will vary in height between 60 feet and 65 feet. Within the electrical substation and switch yard area, various steel pole towers, transformers, and similar structures will be used. The tallest structure within the substation is anticipated to be 72 feet tall. The BESS shelter buildings will be 8 foot tall buildings with painted metal exteriors with various window and cutouts within the exterior of the buildings. Finally, the exterior security fencing is shown to be 8 feet tall with some fencing containing barbed wire that is at least 6 feet about the ground.

Applicant’s Justification

The applicant states that the proposed facility will be used to generate and provide sustainable power from solar photovoltaic panels. They state that site will be accessed from public roads and the existing facilities are being serviced from similar existing road and access drives. The site is outside of Hydrographic Basin 212 and the proposed project will not increase traffic volumes nor create lighting, noise, odor, dust, or other adverse impacts from the project. The applicant also states that the proposed height of any structures on-site are like those already in the area. The applicant also indicates the site will be active all year and will to contribute at least 3 operation and maintenance jobs.

Prior Land Use Requests

Application Number	Request	Action	Date
ADR-22-900824	500kV overhead transmission lines within an existing transmission line corridor	Approved by ZA	February 2023
ADR-19-900913	500kV overhead transmission lines within an existing transmission line corridor	Approved by ZA	January 2020
ADR-0484-14	Railcar loading system addition to an existing gypsum mining operation	Approved by ZA	June 2014
DA-0206-12	Negotiated Development Agreement for a solar electric generation station	Approved by BCC	June 2012
UC-0429-10	Electric generation station (solar) and public utility structures (electric switch yard and substations) with all ancillary uses	Approved by BCC	October 2010
WS-0595-07	Expansion of a warehouse facility in conjunction with an existing gypsum mining and processing facility	Approved by PC	July 2007
UC-2008-03	Expansion of an existing gypsum mining and processing facility	Approved by PC	February 2004
UC-0418-03	Allowed overhead power lines in conjunction with an existing gypsum mining and processing facility	Approved by PC	April 2003
UC-0377-03	Allowed an overhead power transmission line within an existing power corridor	Approved by PC	May 2003
UC-0046-98	Allowed for a gypsum mining and processing facility with a warehouse with increased height	Approved by PC	March 1998
UC-1926-97	Allowed a mill building and warehouse in conjunction with an existing gypsum mining and processing facility	Approved by PC	December 1997

Prior Land Use Requests

Application Number	Request	Action	Date
ZC-53-86	Reclassified the site from R-U to M-2 zoning for a gypsum mining and processing facility	Approved by BCC	March 1986

Surrounding Land Use

	Planned Land Use Category	Zoning District (Overlay)	Existing Land Use
North & West	Open Lands	RS80	Undeveloped BLM Land
South	Business Employment	RS80	Mining operation & undeveloped
East	Open Lands & Business Employment	RS80	Existing solar facility & undeveloped

Related Applications

Application Number	Request
ZC-24-0575	A zone change of the site from the RS80 zone to the IL zone is a companion item on this agenda.

STANDARDS FOR APPROVAL:

The applicant shall demonstrate that the proposed request is consistent with the Master Plan and is in compliance with Title 30.

Analysis

Comprehensive Planning

Use Permits

A special use permit is considered on a case by case basis in consideration of the standards for approval. Additionally, the use shall not result in a substantial or undue adverse effect on adjacent properties, character of the neighborhood, traffic conditions, parking, public improvements, public sites or right-of-way, or other matters affecting the public health, safety, and general welfare; and will be adequately served by public improvements, facilities, and services, and will not impose an undue burden.

Overall, staff finds that there is a significant history of electricity generation, transmission lines, and heavy industry on both the subject site and the surrounding area. In addition, staff finds that there is already an existing and operating solar photovoltaic electric generation facility adjacent to the site, as well as other public utility structures, an overhead transmission line corridor, and a mining operation on-site. Given the overall visual and environmental impacts that such facilities cause, staff finds that to reduce impacts on the environment and the rural character of the area it is best to concentrate these types of structures in certain areas, such as the subject site, where there will be no new visual or environmental impacts. Given that the addition of the proposed solar photovoltaic electric generation facility, substation, and other public utility structures

advances Master Plan Policies 3.2.1 and 3.2.2, which encourage the development of renewable energy and related distribution facilities, staff can support these requests.

Waivers of Development Standards

The applicant shall have the burden of proof to establish that the proposed request is appropriate for its proposed location by showing the following: 1) the use(s) of the area adjacent to the subject property will not be affected in a substantially adverse manner; 2) the proposal will not materially affect the health and safety of persons residing in, working in, or visiting the immediate vicinity, and will not be materially detrimental to the public welfare; and 3) the proposal will be adequately served by, and will not create an undue burden on, any public improvements, facilities, or services.

Waiver of Development Standards #1

When it comes to the height of public utility structures, the proposed utility structures come in a variety of shapes and heights but are similar to structures that are currently found in the area. Staff finds that the number of additional towers and their heights should not create any undue burdens in the area given that such towers already exist and the scale of the towers in relation to the site should not increase any visual burden. In addition, the nearest residential use is nearly 6.5 miles away to the west across several mountains and would not be affected by the additional height of the towers. For these reasons, staff can support this request.

Waiver of Development Standards #2

Given the rural nature of the site and the fact that this site will be virtually unmanned, staff sees no issue with regard to the lack of street landscaping. Due to the rural and heavy industrial nature of the site, the lack of pedestrians in the area, and the generally low heat vulnerability of the area due to natural vegetation at the site, such street landscaping would not serve much purpose. In addition, while staff typically prefers some landscaping be present, staff finds that added landscaping would be out of place and natural landscaping would be a preferable choice for the area. In addition, the lack of landscaping is typical for the projects in the area. For these reasons, staff can support this request.

Design Review

Development of the subject property is reviewed to determine if 1) it is compatible with adjacent development and is harmonious and compatible with development in the area; 2) the elevations, design characteristics and others architectural and aesthetic features are not unsightly or undesirable in appearance; and 3) site access and circulation do not negatively impact adjacent roadways or neighborhood traffic.

Overall, staff finds that the design of the proposed solar electric generation facility, substation, BESS facility, and utility towers are similar to those in the area and elsewhere in the County. The proposed structures properly account for existing topographical features and are integrated into the existing solar generation facilities nearby. The proposed facilities are concentrated in areas with existing electric generation and heavy industry far from any existing residential or heavily travel rights-of-way. In addition, the facility has mitigated possible visual effects and environmental impact by locating along a transmission corridor and in an area with other renewable energy and electrical substation projects. Finally, given the existing uses in the area

the proposed facilities and their design should not create any increase in lighting, noise, odor, dust, or other adverse impacts. For these reasons and the fact that the design of the site accounts for the surrounding area as much as possible, staff can support this request.

Public Works - Development Review

Waiver of Development Standards #3

Staff has no objection for the request to not install full off-site improvements. The site is a remote solar energy generating facility and will not see any public traffic.

Staff Recommendation

Approval.

If this request is approved, the Board and/or Commission finds that the application is consistent with the standards and purpose enumerated in the Master Plan, Title 30, and/or the Nevada Revised Statutes.

PRELIMINARY STAFF CONDITIONS:

Comprehensive Planning

- Prior to the issuance of building and grading permits, or subdivision mapping, mitigate the impacts of the project including, but not limited to, issues identified by the technical reports and studies, and issues identified by the Board of County Commissioners or commit to mitigating the impacts of the project by entering into a Development Agreement with Clark County;
- Prior to the issuance of building and grading permits, enter into a Performance Agreement with Clark County or provide evidence of an agreement with the Bureau of Land Management which includes a Decommissioning Plan specifying the actions to be taken by the Developer or County in the event construction of the project is stopped or abandoned;
- Bond or other form of financial security, acceptable to Clark County or the Bureau of Land Management, shall be provided with the Performance Agreement as security of the full and complete fulfillment of the decommissioning actions identified in the Decommissioning Plan;
- Applicant is advised within 2 years from the approval date the application must commence or the application will expire unless extended with approval of an extension of time; a substantial change in circumstances or regulations may warrant denial or added conditions to an extension of time; the extension of time may be denied if the project has not commenced or there has been no substantial work towards completion within the time specified; changes to the approved project will require a new land use application; and the applicant is solely responsible for ensuring compliance with all conditions and deadlines.

Public Works - Development Review

- Drainage study and compliance;
- Execute a Restrictive Covenant Agreement (deed restrictions).

Fire Prevention Bureau

- No comment.

Clark County Water Reclamation District (CCWRD)

- Applicant is advised that there are no public sanitary sewer facilities available in the vicinity of the parcel.

TAB/CAC:

APPROVALS:

PROTESTS:

APPLICANT: PANAMINT CAPITAL

CONTACT: PANAMINT CAPITAL, 917 TAHOE BOULEVARD, SUITE 202, INCLINE VILLAGE, NV 89451