

04/02/24 PC AGENDA SHEET

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

WS-24-0012-NEVADA POWER COMPANY:

WAIVER OF DEVELOPMENT STANDARDS to exceed the maximum decibel levels in conjunction with an electrical substation and battery energy storage system on 60.1 acres in an IH (Industrial Heavy) Zone.

Generally located on the south side of Wally Kay Way, 4,000 feet west of Hidden Valley Road within Moapa. MK/jm/ng (For possible action)

RELATED INFORMATION:

APN:

042-05-301-005

LAND USE PLAN:

NORTHEAST COUNTY (MOAPA) - BUSINESS EMPLOYMENT

BACKGROUND:

Project Description

General Summary

- Site Address: 501 Wally Kay Way
- Site Acreage: 60.1
- Project Type: Electrical substation with battery energy storage system

Site Plan & Request

The plan depicts an approved existing electrical substation (UC-23-0242). Access to the area is from 4 driveways off Wally Kay Way. The driveways lead to gates to gain access to the elements of the substation. The plan depicts a chain-link fenced in area that houses a control building and electrical structures and equipment. The equipment is expected to operate twice a day, for approximately 2 hours each time. When operating, the noise levels in Table 30.04-12 will be exceeded.

Applicant's Justification

The applicant is requesting to exceed the maximum allowable decibel level approximately 2 times daily for 2 hour intervals during peak demand hours. They anticipate that peaks will occur mid-morning or evening. The applicant had an acoustical analysis performed in September 2023. The noise map, from the acoustical analysis, predicts the new equipment within the substation will have noise above the allowed Title 30 limits when measured at the property lines, however no sensitive receptors were found at the limits of the property.

Prior Land Use Requests

Application Number	Request	Action	Date
UC-23-0498	Use permit and design review for public utility structures	Approved by PC	November 2023
UC-23-0242	Use permit and design review for public utility structures and a waiver for landscaping and off-site improvements	Approved by BCC	July 2023
UC-20-0130	Use permit and design review for public utility structures	Approved by ZA	March 2020
UC-0488-17	Use permit and design review for a telecommunications tower	Approved by PC	August 2017
NZC-1044-08	Reclassified from R-U and R-A to M-2 zoning, use permit for a landfill facility with waivers for outside storage, paving, landscaping, off-site improvements, parking, and trash enclosures	Approved by BCC	January 2009
WS-0149-06	Waiver to reduce on-site parking and landscaping and design review for a public utility warehouse	Approved by PC	March 2006
MP-1734-05	Mixed-use planned community	Approved by BCC	March 2007
SC-1456-01	Street name changes	Approved by PC	January 2002
WS-0792-01	Waiver to reduce setbacks	Approved by PC	August 2001
ZC-1080-00	Reclassified from M-3 to M-2 zoning	Approved by BCC	September 2000
UC-1305-95	Telecommunications tower, antenna, and power generation station	Approved by PC	September 1995

Surrounding Land Use

	Planned Land Use Category	Zoning District (Overlay)	Existing Land Use
North	Business Employment	RS80 & IH	Undeveloped
South, East, & West	Business Employment	IH	Undeveloped

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**Waiver 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.

The proposed waiver of development standards to exceed maximum daytime and nighttime decibel levels should not negatively impact the surrounding area. The remote location reduces the negative impacts of excess noise. The excess sound appears to only impact small portions of the adjacent parcels.

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

- 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

- No comment.

Fire Prevention Bureau

- Applicant is advised to submit plans for review and approval prior to installing any gates, speed humps (speed bumps not allowed), and any other Fire Apparatus Access Roadway obstructions; and that fire/emergency access must comply with the Fire Code as amended.

Southern Nevada Health District (SNHD) - Engineering

- Applicant is advised to contact the SNHD Environmental Health Division at septics@snhd.org or (702) 759-0660 to obtain written approval for a Tenant Improvement, so that SNHD may review the impact of the proposed use on the existing Individual Sewage Disposal (Septic) System.

Clark County Water Reclamation District (CCWRD)

- Applicant is advised that there are no public sanitary sewer facilities available in the vicinity of the parcel and none are planned within the next 5 years.

TAB/CAC:

APPROVALS:

PROTESTS:

APPLICANT: ENERGY VAULT

CONTACT: LISA WARREN, ENERGY VAULT, 4360 PARK TERRACE DRIVE, SUITE 100, WESTLAKE VILLAGE, CA 91361