01/18/23 BCC AGENDA SHEET

UPDATE

ELECTRIC GENERATING STATION (TITLE 30)

MAULE AVE/REDWOOD ST

PUBLIC HEARING
APP. NUMBER/OWNER/DESCRIPTION OF REQUEST
UC-22-0459-1984 DEVELOPMENT LLC:

HOLDOVER USE PERMITS for the following: **1)** a 230kV electric substation; **2)** 230kV transmission lines; **3)** increase the height of utility structures; and **4)** waive trash enclosure.
WAIVERS OF DEVELOPMENT STANDARDS for the following: **1)** waive off-site improvements (curb, gutter, sidewalk, streetlights, and partial paving); and **2)** allow modified driveway design standards.
DESIGN REVIEWS for the following: **1)** a proposed 230kV substation with associated equipment; **2)** proposed utility structures (200kV to 230kV transmission lines); and **3)** finished grade on 9.0 acres in an M-D (Designed Manufacturing) Zone.

Generally located on the south side of Maule Avenue and the west side of Redwood Street within Enterprise. MN/rk/syp (For possible action)

RELATED INFORMATION:

APN:
List on file

USE PERMITS:
1. A 230kV substation with associated equipment in an M-D Zone.
2. Public utility structures (200kV to 230kV transmission lines).
3. Increase the height for public utility structures from 110 feet to 160 feet where 35 feet and 50 feet is permitted per Table 30.40-1 through Table 30-40-5.
4. Waive trash enclosure requirement.

WAIVERS OF DEVELOPMENT STANDARDS:
1. Waive full off-site improvements including curb, gutter, sidewalk, streetlights, and partial paving width along Redwood Street where required per Section 30.52.050.
2. a. Reduce the approach distance from a driveway to an intersection along Maule Avenue to 127 feet where 150 feet is the minimum per Uniform Standard Drawing 222.1 (a 15% reduction).
   b Reduce the departure distance from an intersection to a driveway along Badura Avenue to 69 feet where 190 feet is the minimum per Uniform Standard Drawing 222.1 (a 64% reduction).
   c. Allow 24 foot wide pan driveways where commercial curb return driveways are required per Uniform Standard Drawing 224.

DESIGN REVIEWS:

1. A 230kV electric substation with associated equipment.
2. Public utility structures (200kV to 230kV overhead transmission line corridors connecting the proposed electric substation).
3. Increase finished grade to 72 inches (6 feet) where a maximum of 36 inches (3 feet) is the standard per Section 30.32.040 (a 100% increase).

LAND USE PLAN:

ENTERPRISE - BUSINESS EMPLOYMENT

BACKGROUND:

Project Description

General Summary

- Site Address: N/A
- Site Acreage: 9
- Project Type: Electric substation and public utility transmission lines
- Utility Pole and Tower Height (feet): 110 to 160

Site Plans

The plans depict an electrical substation site with associated equipment located on the west side of Redwood Street between Maule Avenue and Badura Avenue. The transmission corridor will generally start at the northeast corner of Warm Springs Road and Rainbow Boulevard heading east to Redwood Street, then turning north along the west side of Redwood Street to the substation's southeast corner, then turning west along the south property line, then eventually terminating in the proposed substation. The other transmission corridor will generally start on the proposed substation sites north property line, head east along Maule Avenue to the northeast corner of the site, cross Maule Avenue to the north side of the street and continue east to Jones Boulevard, then cross Jones Boulevard heading northeast and terminating in an approved substation location near Roy Horn Way. The equipment associated with the electrical substation will be surrounded by a 14 foot high, split-face CMU wall which will include street landscaping outside the wall. Access to the site is limited to a curb cut located along Maule Avenue to the north and Badura Avenue to the south. Both access points will be secured by a gate and set back 25 feet from the public right-of-ways.

Landscaping

The street landscaping consists of a 27 foot wide landscape area with a detached sidewalk along Badura Avenue. Maule Avenue shows an attached sidewalk with 24 feet of landscaping behind the sidewalk. Redwood Street shows a 20 foot wide landscape buffer in front of the perimeter wall of the site. The entire property will be enclosed by a 14 foot high, split-face CMU wall.

Elevations

The plans depict 23 power poles and towers with varying heights shown at 110 feet, 115 feet, and 160 feet as measured to the top of the structure.

Applicant's Justification

The applicant indicates the height of the proposed pole is designed in accordance with the requirements for a 230 kilovolt high voltage line and the proposed project is compatible with adjacent uses in terms of scale, site design, and operating characteristics. No employees will be permanently stationed at this location; however, employees will visit periodically for maintenance. The pole and overhead lines will be in operation 24 hours a day, 365 days a year.

Prior Land Use Requests

Application Number	Request	Action	Date
VS-22-0460	Vacated easements and right-of-way	Approved by BCC	October 2022
TM-22-500164	Commercial subdivision	Approved by BCC	October 2022
ZC-0502-06	Reclassified both parcels (substation) of this site to M-D zoning for a beverage distribution center including accessory office area	Approved by BCC	May 2006

Surrounding Land Use

	Planned Land Use Category	Zoning District	Existing Land Use
North	Business Employment	C-2	Automobile dealership & undeveloped
South	Business Employment	C-2 & R-4	Undeveloped
East	Business Employment	C-2	Undeveloped
West	Business Employment	C-2	Fleet parking lot

This site is located within the Public Facilities Needs Assessment (PFNA) area.

STANDARDS FOR APPROVAL:

The applicant shall demonstrate that the proposed request meets the goals and purposes of Title 30.

Analysis

Current Planning

Use Permits

A use permit is a discretionary land use application that is considered on a case by case basis in consideration of Title 30 and the Master Plan. One of several criteria the applicant must establish is that the use is appropriate at the proposed location and demonstrate the use shall not result in a substantial or undue adverse effect on adjacent properties.

Use Permits #1 through #3 & Design Reviews #1 & #2

Due to the growing energy demands of Clark County and the need to expand or add additional facilities, staff finds the proposed joint project with NV Energy and Switch Data Center operation is compatible with adjacent uses in terms of scale and operating characteristics. The existing and planned land use adjacent to the site (north, east, and west) is comprised of existing and planned office/warehouse and commercial uses. The proposed pole and overhead lines will not generate traffic, noise, or odor impacts. Additionally, no impacts to existing public safety or

utility services are perceived as a result of this project; therefore, staff can support this portion of the request.

Use Permit #4
No employees will be permanently stationed at this location; however, employees will visit periodically for maintenance and scheduled inspections; therefore, staff can support the elimination of the trash enclosure requirement.

Waivers of Development Standards
According to Title 30, the applicant shall have the burden of proof to establish that the proposed request is appropriate for its existing location by showing that the uses of the area adjacent to the property included in the waiver of development standards request will not be affected in a substantially adverse manner. The intent and purpose of a waiver of development standards is to modify a development standard where the provision of an alternative standard, or other factors which mitigate the impact of the relaxed standard, may justify an alternative.

Public Works - Development Review
Waiver of Development Standards #1
Historical events have demonstrated how important off-site improvements are for drainage control. Additionally, full width paving allows for better traffic flow, and sidewalks on public streets provide safer pathways for pedestrians and for children to walk to school. Therefore, staff cannot support the waiver of development standards for full off-site improvements on Redwood Street.

Waivers of Development Standards #2a & #2b
Staff has no objection to the reduced approach distance for the Maule Avenue driveway or the departure distance for the Badura Avenue driveway. As this is an electric substation with limited times of access, traffic at the driveways will be minimal.

Waiver of Development Standards #2c
Staff has no objection to the reduced driveway width and the use of Uniform Standard Drawing 224 for the Maule Avenue and Badura Avenue driveways. As this is an electric substation with limited times of access, traffic at the driveways will be minimal.

Design Review #3
This design review represents the maximum grade difference within the boundary of this application. This information is based on preliminary data to set the worst case scenario. Staff will continue to evaluate the site through the technical studies required for this application. Approval of this application will not prevent staff from requiring an alternate design to meet Clark County Code, Title 30, or previous land use approval.

Department of Aviation
The development will penetrate the 100:1 notification airspace surface for Harry Reid International Airport. Therefore, as required by 14 CFR Part 77, and Section 30.48.120 of the Clark County Unified Development Code, the Federal Aviation Administration (FAA) must be notified of the proposed construction or alteration.

Staff Recommendation
Approval of the use permits, waiver of development standards #2, and the design reviews; denial of waiver of development standards #1.

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:

Current Planning
If approved:

- Applicant is advised that the installation and use of cooling systems that consumptively use water are prohibited; the County is currently rewriting Title 30 and future land use applications, including applications for extensions of time, will be reviewed for conformance with the regulations in place at the time of application; 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; and that this application must commence within 4 years of approval date or they will expire.

Public Works - Development Review

- **Construct full off-site improvements on Redwood Street by March of 2025;**
- Comply with approved drainage study PW21-16235;
- Full off-site improvements on Badura Avenue and Maule Avenue;
- Right-of-way dedication to include 30 feet for Maule Avenue, 35 feet to the back of curb for Badura Avenue, and associated spandrel;
- Design Review required to address the location of each pole;
- Execute a Restrictive Covenant Agreement (deed restrictions).
- Applicant is advised that the installation of detached sidewalks will require the vacation of excess right-of-way and the dedication to back of curb and granting necessary easements for utilities, pedestrian access, streetlights, and traffic control.

Department of Aviation

- Applicant is required to file a valid FAA Form 7460-1, "Notice of Proposed Construction or Alteration" with the FAA, in accordance with 14 CFR Part 77, or submit to the Director of Aviation a "Property Owner's Shielding Determination Statement" and request written concurrence from the Department of Aviation;
- If applicant does not obtain written concurrence to a "Property Owner's Shielding Determination Statement," then applicant must also receive either a Permit from the Director of Aviation or a Variance from the Airport Hazard Areas Board of Adjustment (AHABA) prior to construction as required by Section 30.48 Part B of the Clark County Unified Development Code; applicant is advised that many factors may be considered before the issuance of a permit or variance, including, but not limited to, lighting, glare, graphics, etc.;

- No building permits should be issued until applicant provides evidence that a "Determination of No Hazard to Air Navigation" has been issued by the FAA or a "Property Owner's Shielding Determination Statement" has been issued by the Department of Aviation.
- Applicant is advised that the FAA's determination is advisory in nature and does not guarantee that a Director's Permit or an AHABA Variance will be approved; that FAA's airspace determinations (the outcome of filing the FAA Form 7460-1) are dependent on petitions by any interested party and the height that will not present a hazard as determined by the FAA may change based on these comments; that the FAA's airspace determinations include expiration dates; and that separate airspace determinations will be needed for construction cranes or other temporary equipment.

Fire Prevention Bureau

- Provide a Fire Apparatus Access Road in accordance with Section 503 of the International Fire Code and Clark County Code Title 13, 13.04.090 Fire Service Features.
- 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.

Clark County Water Reclamation District (CCWRD)

- No comment.

TAB/CAC: Enterprise - approval of use permits, waiver of development standards #2 and the design review; denial of waiver of development standards #1 (complete off-sites within 2.5 years).
APPROVALS: 1 card
PROTESTS: 6 cards, 2 letters

COUNTY COMMISSION ACTION: October 4, 2022 – HELD – To 10/19/22 – per the applicant.

COUNTY COMMISSION ACTION: October 19, 2022 – HELD – To 12/07/22 – per the applicant.

COUNTY COMMISSION ACTION: December 7, 2022 – HELD – To 01/18/23 – per the applicant.

APPLICANT: STEPHAN ATKIN
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