



**LYON COUNTY**  
**COMMUNITY DEVELOPMENT DEPARTMENT**

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**STAFF REPORT**

Lyon County Planning Commission

PLZ-15-0005 Special Use Permit for Solar Electrical Energy Generation Facility

Meeting Date: March 10, 2015

Property Owner: John Zwart

Applicant: Sierra Pacific Power Company dba NV Energy

Area Location: Smith Valley

Parcel Number: (APN) 010-301-10

Master Plan: Agricultural

Zoning: RR-5 (Fifth Estate-Rural Residential 20 acre minimum)

Case Planner: Paul Esswein

Community Development Director Approval: RGL

**Request:**

The applicant is requesting a special use permit to construct and operate a photovoltaic solar electrical energy generation facility.

**Location:**

The property is located at 274 Lower Colony Road, Wellington, NV

**Size:**

The subject parcel totals approximately 22 acres in size.

**Background:**

Chapter 10.03.02.C of the Lyon County Code allows for "Utility and Public Uses and Serving Centers" to be located on properties within the Rural Residential Zoning Districts, with the requirement for a Special Use Permit. A commercial, solar electrical energy generation facility qualifies as a Utility.

Historically, the property was used for hay and alfalfa production.

**Project Description:**

The applicant wishes to construct and operate a solar electrical energy generation facility on the subject parcel. The project consists of installation of a one (1) megawatt solar photovoltaic array and two (2) megawatt hour integrated battery storage on approximately 6 acres of the 22 acre site adjacent to the Smith Valley Substation. The project is designed to address customer service issues experienced during summer peak demand periods.

The site plan submitted by the applicant indicates that the solar panels and battery system will occupy approximately 6 acres in the southwest corner of the subject parcel immediately

adjacent to Lower Colony Road. Approximately 5 acres immediately north of the proposed project will be retained for possible expansion in the future.

Per the site plan, the facility will be enclosed by a six (6) foot security fence with access to the site via two driveways located on Lower Colony Road.

The solar panels will be placed to face to the southwest in 24 tiers of varying length, ranging in size from approximately 30 feet long by 9 feet wide by 13 feet high to 470 feet long by 9 feet wide by 13 feet high. A 20 foot by 30 foot control enclosure is located in the northwest corner of the enclosed area. The battery system will be located to the east of the control enclosure.

**Staff Review and Comments:**

The property is zoned RR-5 (Rural Residential-20 acre minimum) and has a master plan designation of Agricultural (LCCMP County-wide Component adopted December 23, 2010). The proposed use carries the necessity for a special use permit in the RR-5 zoning district.

**Access:**

The subject property is located at 274 Lower Colony Road, approximately 500 feet north of the intersection of Wild Peach Lane and Lower Colony and 2700 feet south of Artist View Drive. It is anticipated that any traffic impact after construction will be limited to occasional maintenance vehicles and personnel.

Access to the site and all construction traffic should be restricted to Lower Colony Road. Encroachment permits will be required by the Nevada Department of Transportation.

All road, access, parking and driveway improvements will be required to conform to Lyon County and Smith Valley Fire Protection District requirements. Internal access roads must meet emergency vehicle standards including turn-around areas.

**Drainage and Grading:**

No provision for drainage has been identified on the site plan. The project will be required to meet the drainage guidelines adopted by Lyon County.

Minimal grading is proposed which entails minor clearing or grubbing. Dust control measures have not been proposed. The staff is concerned regarding the potential for creating dust both during construction and through the life of the facility. Dust control should be a required component of an operational plan.

**Water and Waste Water:**

The project will not utilize water or septic.

**Emergency Services:**

The subject parcel lies within the Smith Valley Fire Protection District boundaries. The Fire District provides fire and emergency medical services to the subject parcel. The Lyon County Sheriff's Department provides law enforcement services.

The Smith Valley Fire Protection District is the agency having jurisdiction regarding compliance with the International Fire Code. The proposed project will need to conform to the Fire Code as required by the Fire District, including but not limited to, emergency access, water supply, fire flows and building construction.

### **Compatibility with Surrounding Uses**

After construction, the proposed use is not anticipated to have continuing traffic, noise or environmental impacts. Visual impacts are most likely to be the most apparent continuing impacts.

The proposed facility will be a significant man-made addition to the rural, agricultural neighborhood. The solar panels will create a substantial contrast with the existing visual qualities of the neighborhood. This impact will be particularly noticeable to the residences on adjacent and nearby parcels such as APNs 010-301-014, 009-091-001, 010-301-008, and 009-201-011.

The installation will have an industrial character. The height of the photovoltaic panels at approximately 13 feet will be similar to a single story building. The proposed land coverage of approximately six acres is similar to a 261,360 square foot building.

Cessation of irrigated agricultural uses on the subject parcel is a significant concern. If the land is not properly maintained, there will be an increased risk of and potential for dust, weeds and rodent infestation. These consequences will be detrimental to surrounding agricultural uses and the peaceful enjoyment of nearby residential properties.

No ornamental or screening landscaping or other visual mitigation measures are proposed on the site. No ongoing maintenance procedures or mitigation measures for the control of dust, weeds or rodents have been proposed. No specific mitigation measures have been submitted as part of this application.

### **Permitting:**

Air quality and/or other environmental permit(s) from the Nevada Division of Environmental Protection may be required due to the amount of land that will be disturbed or other development impacts.

An encroachment permit from the Nevada Department of Transportation is required for any work performed within the right of way for Lower Colony Road.

A grading permit will be required to address land modifications and drainage unless a building permit, including grading plans, is submitted and approved. A building permit or permits are required for construction of the facility, including the photovoltaic panels, structures and other components.

### **Considerations and Requirements for Granting Approval:**

When considering applications for a special use permit, the commission should evaluate the impact of the special use on, and its compatibility with, surrounding properties and neighborhoods to ensure the appropriateness of the use at a particular location.

Chapter 10.12.01(B) of the Lyon County Code stipulates that:

*The Commission shall, at the public hearing, hear and consider such testimony, written communications or documents as presented relative to the permit application. Said Commission, at the conclusion of the hearing, shall recommend: issuance, conditional issuance or denial of the permit or the modified permit.*

**Staff Recommendation:**

Staff recommends approval of this request with the recommended findings and the imposition of the 12 conditions of approval suggested below.

**Suggested Motion:**

If the Commission determines that there is sufficient reason to issue a special use permit to this applicant, the Commission should make findings in support of the request and move to recommend the issuance of the special use permit with conditions as listed below. The Planning Commission may wish to consider a motion similar to the following:

**The Lyon County Planning Commission finds that the proposed use at the specified location:**

- A. Is consistent with the general purpose and intent of the applicable zoning district regulations;
- B. Will not cause an adverse, visual impact to the surrounding area
- C. Will not be detrimental to the use, peaceful enjoyment, economic value, or development of surrounding properties or the general neighborhood; and is compatible with and preserves the character and integrity of adjacent development and neighborhoods or includes improvements or modifications either on-site or within the public right-of-way to mitigate development related to adverse impacts such as noise, vibrations, fumes, odors, dust, glare or physical activity;
- D. Will not be detrimental to the public health, safety, convenience and welfare; and
- E. Will not result in material damage or prejudice to other property in the vicinity.

**Based on the aforementioned findings, the Lyon County Planning Commission recommends approval of the Special Use Permit for Sierra Pacific Power Company, dba NV Energy, to operate a one (1) megawatt solar photovoltaic array and two (2) megawatt hour integrated battery storage solar electrical energy generation facility (APN 010-301-10 (PLZ-15-0005), subject to the following conditions:**

- 1. The applicant shall comply with all State, County, federal and special district rules and regulations as they apply to this special use permit.
- 2. The applicant shall comply with all applicable fire, building, zoning and improvement code requirements.
- 3. The applicant shall acquire all State, County and special purpose district permits and obtain all necessary public inspections. This includes, but is not limited to, an air quality permit from the Nevada Division of Environment Protection.
- 4. The applicant shall maintain a Lyon County business license while occupying the premises.
- 5. The applicant shall provide an operational plan that sets forth how the facility will be maintained to mitigate any nuisances to surrounding properties including but not limited to dust, weeds and rodents. The plan must be submitted to the Community Development Department and approved by the Community Development Director before any final inspection is performed by Lyon County.

6. Prior to commencement of the use, the applicant shall provide to the Lyon County Planning Department evidence of the issuance of an encroachment permit and satisfactory completion of all improvements required by the Nevada Department of Transportation, or documentation that no new encroachment permit and/or improvement are required.
7. Commencement of the use is contingent upon satisfactory completion of all required access, driveway and parking improvements to County and International Fire Code standards, as required by the Lyon County Community Development Department and Smith Valley Fire Protection District.
8. If outdoor lighting is provided, it shall comply with the outdoor lighting requirements of Chapter 10.20 of the Lyon County Code.
9. The applicant shall comply with Lyon County's 1996 drainage guidelines, as revised.
10. All of the requirements placed on the special use permit by the County Building Official, Smith Valley Fire Protection District, Community Development Director, and other agencies with jurisdiction shall be met prior to the applicant commencing use of the site.
11. No change in the terms and conditions of the special use permit, as approved shall be undertaken without first submitting the changes to Lyon County and having them modified through a public hearing process.
12. The substantial failure to comply with any conditions imposed on the issuance of a special use permit or the operation of a special use in a manner that endangers the health, safety or welfare of Lyon County or its residents or the violation of ordinances, regulations or laws in the special use or the nonuse of the permit for a year may result in the institution of revocation proceedings.

**Alternatives to the Staff Recommendation:**

**Alternative Motion for Continuance:**

If the Planning Commission determines that additional information, discussion and public review are necessary for a more thorough review of the proposed special use permit; the Planning Commission should make appropriate findings and move to **continue** the Public Hearing with a specific time period for the applicant to provide additional specific information necessary for the analysis of the request. The Planning Commission may wish to consider a motion similar to the following:

**The Planning Commission finds that:**

- A. Additional information, discussion and public review are necessary for a more thorough review of the proposed special use permit.

**Based on the above findings and with the applicant's concurrence, the Lyon County Planning Commission continues the request for a Special Use Permit for Sierra Pacific Power Company, dba NV Energy to operate a one (1) megawatt solar photovoltaic array and two (2) megawatt hour integrated battery storage solar electrical energy generation facility (APN 010-301-10 (PLZ-15-0005), for \_\_ days.**

**Alternative Motion for Denial:**

If the Commission determines that the request for a Special Use Permit should be **denied**, the Commission must make findings supporting a denial. The Planning Commission may wish to consider a motion similar to the following:

**The Lyon County Planning Commission finds that:**

- A. The proposed use will be detrimental to the use, peaceful enjoyment, economic value, or development of surrounding properties or the general neighborhood; and is incompatible with and detrimental to the character and integrity of adjacent development and neighborhoods, nor has the applicant proposed mitigation of adverse impacts such as noise, vibrations, fumes, odors, dust, glare or physical activity related to the proposed project.
- B. The proposed use will be detrimental to the public health, safety, convenience and welfare; and
- C. The proposed use will result in material damage or prejudice to other property in the vicinity.

**Based on the aforementioned findings, the Lyon County Planning Commission recommends denial of the special use permit for a Special Use Permit for Sierra Pacific Power Company, dba NV Energy to operate a one (1) megawatt solar photovoltaic array and two (2) megawatt hour integrated battery storage solar electrical energy generation facility (APN 010-301-10 (PLZ-15-0005)).**