



WASHOE COUNTY

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STAFF REPORT BOARD MEETING DATE: November 28, 2017

DATE: October 23, 2017
TO: Board of County Commissioners
FROM: Dave Solaro, Arch., P.E., Assistant County Manager
Manager’s Office, 328-3600, dsolaro@washoecounty.us
THROUGH: John Slaughter, County Manager
SUBJECT: Introduction and first reading of an Ordinance pursuant to Nevada Revised Statutes 278.0201 through 278.0207 approving the Amended and Restated Development Agreement with Apple, Inc. for Case Number DA11-001 for Reno Technology Park and Sparks Energy Park, approved by Ordinance 1476; which amendment permits the construction and operation of a certain Technology Park, and other matters properly related thereto; and if approved, schedule the public hearing, for the second reading and possible adoption of the Ordinance for December 12, 2017. (Commission District 4.)

SUMMARY

The Washoe County Commission will introduce and hold the first reading of an ordinance adopting an Amended and Restated Development Agreement with Apple, Inc. for Case Number DA11-001 relating to development within the Reno Technology Park and Sparks Energy Park as approved with Special Use Permit Case Numbers SW11-001, SW11-002 and SW11-003. The County Commission will also set the public hearing, possible approval of the amendment, and second reading and possible adoption of the ordinance for December 12, 2017.

Washoe County Strategic Objective: Proactive economic development and diversification.

PREVIOUS BOARD ACTION

Washoe County Commission:

- On August 9, 2011, the Special Use Permit for the power plant (SW11-001) was approved by the Washoe County Commission.
- On November 8, 2011, the Development Agreement for DA11-001 was approved as an ordinance by the Washoe County Commission.
- On July 30, 2012, a first amendment to the Development Agreement for DA11-001 was approved as an ordinance by the Washoe County Commission.

Washoe County Planning Commission:

- On July 5, 2011, the Special Use Permits for the power plant, water tanks and data center (SW11-001, SW11-002 & SW11-003) were approved by the Washoe County Planning Commission.

BACKGROUND

According to NRS Section 278.0201, Washoe County may enter into an agreement with any person having a legal or equitable interest in land for such matters as the permitted uses of the land, the density or intensity of its use, the maximum height and size of the proposed buildings and any provisions for the dedication of any portion of the land for public use.

The Development Agreement for the Reno Technology Park and Sparks Energy Park between Washoe County and Unique Infrastructure Group, LLC was approved in 2011 to address permitted uses throughout the Reno Technology Park and Sparks Energy Park (also known as the “Technology Park”).

Following the approval of the first amendment to the Development Agreement, Washoe County initiated an amendment to the both Master Plan and Regulatory Zoning maps for the East Truckee Canyon planning area to change the Open Space master plan category and regulatory zoning to a Rural master plan category and a General Rural regulatory zone within a “Special Development Area.” These changes were needed to avoid future potential conflicts with development of the approved Technology Park. Additionally an amendment to the Development Code (WCC Chapter 110) was completed creating a new commercial use type that better describes the data center technology and its associated facilities. This Code Amendment was needed to respond to the commercial use (data centers) which was not envisioned in the early nineties when the Table of Uses was first established within the Development Code.

In September of 2017 United Infrastructure Group, LLC assigned its interest in the 2011 Development Agreement to Apple, Inc. as part of a property purchase. The purpose of this Development Agreement amendment is to respond to changing circumstances that have come about as a result of sale of the Technology Park. This amendment includes minor changes requested by the new owner, and Washoe County staff to capture the current status of the Technology Park, and provide for the continuation of existing Special Use Permits pertinent to the Technology Park.

Washoe County has prepared these amendments to ensure that the amended Development Agreement substantially conforms with the Washoe County Master Plan, its associated Regulatory Zoning, and the Washoe County Development Code.

The findings to support the Development Agreement are:

1. That entering into such an amended agreement is in the best interest of Washoe County and would promote the public interest and welfare of the County because the Technology Park is a significant investment in the community; is of national importance that will attract economic attention to the region; will diversify the County’s economic base; will generate high paying employment; will stimulate

- economic and housing demand in the area; and, will increase both property tax and electric provider license revenues;
2. That the construction of the Technology Park by its new owner is imminent and within the parameters contemplated in the Development Agreement; and
 3. That the amendment is consistent with the Washoe County Master Plan in that it is compatible with and does not pose a direct conflict to the Plan, especially considering that the project has previously been determined to be compatible with the Master Plan and the Truckee Meadows Regional Plan by the Truckee Meadows Regional Planning Commission, and this amendment does not alter the project description that was so determined, it only clarifies the owner, modifies the construction schedule supporting the Technology Park, removes requirements specific to the water system no longer necessary by Washoe County, and defines the current status of the project.

FISCAL IMPACT

None

RECOMMENDATION

It is recommended that the Board of County Commissioners hold the introduction and first reading of an Ordinance pursuant to Nevada Revised Statutes 278.0201 through 278.0207 approving the Amended and Restated Development Agreement with Apple, Inc. for Case Number DA11-001 for Reno Technology Park and Sparks Energy Park, approved by Ordinance 1476; which amendment permits the construction and operation of a certain Technology Park, and other matters properly related thereto; and if approved, schedule the public hearing, for the second reading and possible adoption of the Ordinance for December 12, 2017.

POSSIBLE MOTION

Should the Board agree with staff's recommendation, a possible motion would be:

“Move to hold the introduction and first reading of an Ordinance pursuant to Nevada Revised Statutes 278.0201 through 278.0207 approving the Amended and Restated Development Agreement with Apple, Inc. for Case Number DA11-001 for Reno Technology Park and Sparks Energy Park, approved by Ordinance 1476; which amendment permits the construction and operation of a certain Technology Park, and other matters properly related thereto; and if approved, schedule the public hearing, for the second reading and possible adoption of the Ordinance for December 12, 2017.”

Attachments: A. Ordinance
B. Amended and Restated Development Agreement

cc: Apple Inc., Attn: Sr. Director, Real Estate and Development, 1 Infinite Loop,
Cupertino, CA 95014