



Attachment B

Planning Commission Action Order
Special Use Permit Case Number WSUP25-0006 (Sunseeker Solar)

Decision: **Approval with Conditions**
Decision Date: May 6, 2025
Mailing/Filing Date: May 9, 2025
Property Owner: UES
Staff Planner: Courtney Weiche Senior Planner
Phone: 775.328.3608
E-Mail: cweiche@washoecounty.gov

Special Use Permit Case Number WSUP25-0006 (Sunseeker Solar) [For possible action] – For hearing, discussion, and possible action to approve a special use permit for: 1) the establishment of a 250MW photovoltaic generation facility and a 200MW battery energy storage system, which is an energy production, renewable use; 2) construction of a 345 kV substation to connect to the previously approved 345 kV generation tie line (WSUP23-0003 – “Praana Transmission Line”), which is a utility services use; 3) major grading for 1,108 acres of ground disturbance; 4) a request to vary all parking design requirements; and 5) a request to vary landscaping design requirements. This project meets the standard for a project of regional significance because it will generate more than 5 MW of electricity and requires construction of a substation. It will require approval by the regional planning authorities before any approval at the county level would take effect. This project also requires a recommendation to amend the Regional Utility Corridor Map of the 2019 Truckee Meadows Regional Plan from the Board of County Commissioners to identify the location of the new substation. This project will also need to comply with all federal and state approvals before any approval at the county level would take effect.

- Applicant: Ulteira Group LLC, on behalf of Shreem Brzee Solar, LLC
- Property Owner: UES
- Location: 4 miles north of Fish Springs Road on Rainbow Way
- APN: 074-462-19, -18, -15, 14, -05, -03, -02, 074-461-24, -18, -17, -15, -13, -11, -07, -04, -03, -02, 074-432-01, 074-431-08, 074-161-14 and 074-162-06
- Parcel Size: 40ac, 40ac, 80ac, 10ac, 80ac, 139.7ac, 20.8ac, 20ac, 30ac, 40ac, 90ac, 40ac, 10ac, 10ac, 10ac, 10ac, 241ac, 160ac, 10ac, 8.8ac, 47.6ac
- Master Plan: Rural
- Regulatory Zone: General Rural

- Planning Area: High Desert
- Development Code: Authorized in Article 810, Special Use Permits
- Commission District: 5 – Commissioner Herman
- Staff: Courtney Weiche, Senior Planner
- Phone: 775.328.3608
- E-mail: cweiche@washoecounty.gov

Notice is hereby given that the Washoe County Planning Commission granted approval with conditions of the above referenced case number based on the findings in accordance with Washoe County Code Chapter 110 (Development Code) Article 810, *Special Use Permits*. If no appeals have been filed within 10 calendar days after the Mailing/Filing date shown on this Action Order, the approval by the Washoe County Planning Commission is final. If filed, an appeal stays any further action on the permit until final resolution of the appeal. An appeal shall be filed in accordance with the provisions found in Article 912, *Establishment of Commissions, Boards and Hearing Examiners*, of the Development Code. This decision is based on having made all three findings in accordance with Washoe County Code Section 110.806.30:

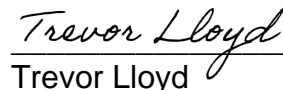
1. Consistency. That the proposed use is consistent with the action programs, policies, standards and maps of the Master Plan and the High Desert Planning Area.
2. Improvements. That adequate utilities, roadway improvements, sanitation, water supply, drainage, and other necessary facilities have been provided, the proposed improvements are properly related to existing and proposed roadways, and an adequate public facilities determination has been made in accordance with Division Seven.
3. Site Suitability. That the site is physically suitable for energy production, renewable use type, utility services use type, major grading and for the intensity of such a development.
4. Issuance Not Detrimental. That issuance of the permit will not be significantly detrimental to the public health, safety or welfare; injurious to the property or improvements of adjacent properties; or detrimental to the character of the surrounding area.
5. Effect on a Military Installation. Issuance of the permit will not have a detrimental effect on the location, purpose or mission of the military installation.

This Action Order is issued subject to the attached conditions and Washoe County development standards. Please contact the planner assigned to your project at the above-referenced phone number within seven days of receipt of this Order to review the steps necessary to satisfy the Conditions of Approval. Any business license, certificate of occupancy or final approval shall not be issued until all of the Conditions of Approval (attached) are satisfied. Additionally, compliance shall be required with all federal, state and local statutes, ordinances, and regulations applicable to the approved project.

Subject: WSUP25-0006 (Sunseeker Solar)
Page: Page 3 of 3

This Action Order does not authorize any development, to include building construction and grading, without the required permits from the Washoe County Planning and Building Division, Building Program.

Washoe County Community Services Department
Planning and Building Division



Trevor Lloyd
Secretary to the Planning Commission

TL/CW/BR

Enclosure: Conditions of Approval

Applicant: UES, on behalf of Shreem Brzee Solar, LLC

Property Owners: See Exhibit D

Action Order xc: Jennifer Gustafson, District Attorney's Office; Keirsten Beck, Assessor's Office; Rigo Lopez, Assessor's Office; Katrina Pascual, Utilities; Rob Wimer, Engineering and Capital Projects; Dale Way, Truckee Meadows Fire Protection District; Nevada Division of Environmental Protection; Truckee Meadows Regional Planning Agency.



Conditions of Approval

Special Use Permit Case Number WSUP25-0006

The project approved under Special Use Permit Case Number WSUP25-0006 shall be carried out in accordance with the conditions of approval granted by the Planning Commission on April 1, 2025. Conditions of approval are requirements placed on a permit or development by each reviewing agency. These conditions of approval may require submittal of documents, applications, fees, inspections, amendments to plans, and more. These conditions do not relieve the applicant of the obligation to obtain any other approvals and licenses from relevant authorities required under any other act.

Unless otherwise specified, all conditions related to the approval of this special use permit shall be met or financial assurance must be provided to satisfy the conditions of approval prior to issuance of a grading or building permit. The agency responsible for determining compliance with a specific condition shall determine whether the condition must be fully completed or whether the applicant shall be offered the option of providing financial assurance. All agreements, easements, or other documentation required by these conditions shall have a copy filed with the County Engineer and the Planning and Building Division.

Compliance with the conditions of approval related to this special use permit is the responsibility of the applicant, his/her successor in interest, and all owners, assignees, and occupants of the property and their successors in interest. Failure to comply with any of the conditions imposed in the approval of the special use permit may result in the institution of revocation procedures.

Washoe County reserves the right to review and revise the conditions of approval related to this Special Use Permit should it be determined that a subsequent license or permit issued by Washoe County violates the intent of this approval.

For the purpose of conditions imposed by Washoe County, "may" is permissive and "shall" or "must" is mandatory.

Conditions of approval are usually complied with at different stages of the proposed project. Those stages are typically:

- Prior to permit issuance (i.e., grading permits, building permits, etc.).
- Prior to obtaining a final inspection and/or a certificate of occupancy.
- Prior to the issuance of a business license or other permits/licenses.
- Some "conditions of approval" are referred to as "operational conditions." These conditions must be continually complied with for the life of the project or business.

The Washoe County Commission oversees many of the reviewing agencies/departments with the exception of the following agencies.

- **The DISTRICT BOARD OF HEALTH, through Northern Nevada Public Health (NNPH), has jurisdiction over public health matters. Any**

conditions set by NNPH must be appealed to the District Board of Health.

FOLLOWING ARE CONDITIONS OF APPROVAL REQUIRED BY THE REVIEWING AGENCIES. EACH CONDITION MUST BE MET TO THE SATISFACTION OF THE ISSUING AGENCY.

The conditions of approval shall apply to the project so long as the requirement contained within the condition language, codes, ordinances, and standards do not conflict with the requirements and stipulations that have been placed on the project through the Federal approval of the project.

Washoe County Planning and Building Division

1. The following conditions are requirements of Planning and Building, which shall be responsible for determining compliance with these conditions.

Contact Name – Courtney Weiche, Senior Planner, 775.328.3608, cweiche@washoecounty.gov

- a. **The applicant shall attach a copy of the action order approving this project to all permits and applications (including building permits) applied for as part of this special use permit.**
- b. **The applicant shall include a condition response memorandum with each subsequent permit application. That memorandum shall list each condition of approval, shall provide a narrative describing how each condition has been complied with, and the location of the information showing compliance with each condition within the improvement plan set that has been submitted.**
- c. The applicant shall demonstrate substantial conformance to the plans approved as part of this special use permit.
- d. The applicant shall submit construction plans, with all information necessary for comprehensive review by Washoe County, and all applicable building permits shall be issued within four years from the date of approval by Washoe County. The applicant shall complete construction within the time specified by the building permits.
- e. A note shall be placed on all construction drawings and grading plans stating:

NOTE

Should any cairn or grave of a Native American be discovered during site development, work shall temporarily be halted at the specific site and the Sheriff's Office as well as the State Historic Preservation Office of the Department of Conservation and Natural Resources shall be immediately notified per NRS 383.170.

- d. A business license shall be obtained for the new use.
- e. Construction hours are 7am to 7pm Monday through Saturday.

Washoe County Conditions of Approval

- f. The following **Operational Conditions** shall be required for the life of the business:
 - i. After a business license has been issued, this special use permit shall remain in effect until or unless it is revoked or is inactive for one year.
 - ii. Failure to comply with any of the conditions of approval shall render this approval out of conformance and subject to revocation.
 - iii. The applicant and any successors shall direct any potential purchaser/operator of the site to meet with Planning and Building to review conditions of approval prior to the final sale of the site or operation of the site, as applicable. Any subsequent purchaser/operator of the site shall notify Planning and Building of the name, address, telephone number, and contact person of the new purchaser/operator within 30 days of the final sale and/or operation.
 - iv. This special use permit shall remain in effect as long as the business is in operation, is in compliance with these conditions of approval, and maintains a valid business license.
- g. The facility shall be exempted from the parking standard requirements found in WCC 110.410.25(a, c-g), except for the required accessible parking space.
- h. The facility shall be exempted from the landscaping requirements found in the Washoe County Development Code (Chapter 110), Article 412.
- i. No construction shall occur March 1 – May 15, during sage-grouse lekking and breeding season.
- j. Pursuant to Washoe County Code Section 110.810.35(c), a reclamation plan shall be prepared prior to the issuance of building or grading permits. This shall ensure that the solar panels and associated infrastructure are properly decommissioned, and the site is restored at the end of the solar facility's useful life. The plan shall be developed in consultation with the Nevada Department of Wildlife and/or the Nevada Department of Environmental Protection, and Washoe County Engineering. At a minimum, the plan will include:
 - i. existing site conditions;
 - ii. the area of impact (to include all portions of the subject site);
 - iii. reclamation goals and methods;
 - iv. measures to prevent the spread of noxious weeds;
 - v. analysis of reclamation costs;
 - vi. reclamation success criteria; and appropriate monitoring provisions.
- k. Prior to the issuance of building/grading permits, the applicant shall post a financial assurance for reclamation for one hundred percent (100%) of the total reclamation costs as identified in the reclamation plan per condition 1h.
- l. All structures comply with applicable setbacks or a reversion to acreage shall occur prior to issuance of building permits so that no solar panel arrays or structures cross property lines.
- m. Any signage on the parcel shall adhere to the applicable requirements of WCC Article 505, *Sign Regulations*.

Washoe County Conditions of Approval

- n. As part of the building permit application submittal for the project, a lighting plan showing the location and configuration of all proposed exterior lighting including a detail of the parking lot light fixtures, pole heights, security lighting, and wall mounted illumination fixtures. Parking lot areas shall be depicted showing lumen isolines demonstrating compliance with the provisions of the Washoe County Development Code.
- o. Pursuant to WCC Section 110.414.21(a)(1), any lighting facilities shall be so installed as to reflect away from adjoining properties. Covers must be installed on all lighting fixtures and lamps must not extend below the bottom of the cover.
- p. Pursuant to WCC Section 110.414.21(a)(2), exterior light fixtures within one hundred (100) feet of a residential use shall not exceed a height of twelve (12) feet. A note shall be placed on the building plans stating any exterior light fixtures within one hundred (100) feet of a residential use will not exceed a height of twelve (12) feet.
- q. The proposed fence, including entry gates, shall be coated with a Sudan brown or similar coating.
- r. All structures similar in appearance to cargo containers shall be painted in compliance with WCC 110.306.10(g).

Washoe County Engineering and Capital Projects

- 2. The following conditions are requirements of the Engineering Division, which shall be responsible for determining compliance with these conditions.

Contact Name – Contact Name – Robert Wimer, P.E., 775.328.2059, RWimer@washoecounty.gov

- a. The applicant shall include a condition response memorandum with each subsequent permit application. That memorandum shall list each condition of approval, shall provide a narrative describing how each condition has been complied with, and the location of the information showing compliance with each condition within the improvement plan set that has been submitted.
- b. A complete set of construction improvement drawings, including an on-site grading plan, shall be submitted when applying for a building/grading permit. Grading shall comply with best management practices (BMP's) and shall include detailed plans for grading, site drainage, erosion control (including BMP locations and installation details), slope stabilization, and mosquito abatement. Placement or removal of any excavated materials shall be indicated on the grading plan. Silts shall be controlled on-site and not allowed to be conveyed onto adjacent property.

DRAINAGE (COUNTY CODE 110.416, 110.420, and 110.421)

Contact Information: Robert Wimer, P.E. (775) 328-2059

- c. The following note shall be added to the construction drawings; "All properties, regardless of if they are located within or outside of a FEMA designated flood zone, may be subject to flooding. The leasee is required to maintain all drainage easements and natural drainages and not perform or allow unpermitted and unapproved modifications to the property that may have detrimental impacts to surrounding properties."

TRAFFIC AND ROADWAY (COUNTY CODE 110.436)

Contact Information: Mitchell Fink, P.E. (775) 328-2050, mfink@washoecounty.gov

- e. Provide a construction haul route plan and address the construction traffic impacts to the local streets and Washoe County maintained roadways for accessing the project site. With the haul route plan also include the proposed mitigations to these impacts to the satisfaction of the County Engineer.

Washoe County Water Rights

3. The following conditions are requirements of the Water Rights Division, which shall be responsible for determining compliance with these conditions.

Contact Names – Timber Weiss, P.E., 775.954.4626, tweiss@washoecounty.gov

- a. Unlawful use of water may be subject to fines and penalties identified in NRS 533, as enforced by the Nevada State Engineer. Prior to the approval of any building or grading permit for this project, the applicant shall upload a copy of an approved water right permit and lease agreement as attachments to the grading permit application.

Northern Nevada Department of Public Health

4. The following condition is a requirement of the Northern Nevada Department of Public Health, which shall be responsible for determining compliance with this condition.

Contact Name – AQM Plan Review Staff, Title, 775.784.7200, aqmdplans@nnph.org

- a. The AQMD will require a Dust Control Permit for any disturbance of 1 acre or more and a Supplemental Dust Control Plan. The Supplemental Dust Control Plan will need to include specifics in regard to phasing of the project, dust control measures being employed during the course of construction and a long-term dust control plan for the Solar Project. The Dust Control Permit Application and Supplemental Dust Control Plan will need to be reviewed by the AQMD prior to the issuance of a Dust Control Permit. The construction of the project may also require the use of mobile stationary source equipment such as aggregate crushers and screens. These pieces of equipment will require a Stationary Source permit with the AQMD prior to their use.
- b. In regard to permanent Stationary Source permitting, it is the AQMD's understanding that the Solar Project will construct a photovoltaic array system without the use of any motive fluids. This type of system will not require a Stationary Source permit, however, the AQMD will need a better understanding of any support structures or equipment to determine if any additional Stationary Source permits will be required. This equipment may include but is not limited to fuel burning equipment, emergency generators, etc. that have the potential to emit 5 tons per year of criteria air pollutants.

Truckee Meadows Fire Protection District

5. The following condition is a requirement of the Truckee Meadows Fire Protection District, which shall be responsible for determining compliance with this condition.

**Contact Name – Dale Way, Title, Fire Deputy Chief, 775.326.6005,
dway@tmfpd.us**

- a. This project shall meet and comply with all requirements of currently adopted TMFPD fire codes, ordinances, and standards at the time of construction to include infrastructure for fire apparatus access roads and water supply.
<https://tmfpd.us/fire-code/>

Nevada Department of Wildlife

6. The following condition is a requirement of the Nevada Department of Wildlife, which shall be responsible for determining compliance with this condition.

**Contact Name –Katie Andrie, Western Region Supervising Habitat Biologist,
775.688.1145, kmandrie@ndow.org**

- a. The project proponent should consider participating in compensatory mitigation to offset both direct and indirect impacts to wildlife and habitat from the proposed action. The Department is requesting a meeting to provide more detail on recommendations, input, and further discussion regarding different potential mitigation options.

*** End of Conditions ***