



WASHOE COUNTY
COMMUNITY SERVICES DEPARTMENT
Planning and Building Division
Planning Program

1001 EAST 9TH STREET
RENO, NEVADA 89512-2845
PHONE (775) 328-6100
FAX (775) 328.6133

Planning Commission Action Order
Special Use Permit Case Number WSUP21-0001

Decision: **Approval with Conditions**

Decision Date: May 4, 2021

Mailing/Filing Date: May 6, 2021

Property Owner: CED Rock Springs Solar, LLC, 100 Summit Lake Dr,
Valhalla, NY, 10595

Assigned Planner: Dan Cahalane, Planner
Washoe County Community Services Department
Planning and Building Division
Phone: 775.328.3628
E-Mail: dcahalane@washoecounty.us

Special Use Permit Case Number WSUP21-0001 (Rock Springs Solar) – For hearing, discussion and possible action to approve a special use permit for 1) the establishment of a 120MW photovoltaic generation facility and 84MW battery energy storage system which is an Energy Production, Renewable use type; 2) major grading for 627 acres of ground disturbance, including 426,000cy of cut and 426,000cy of fill for site preparation; and; 3) requests to vary height, landscaping and parking by allowing structures up to a maximum of 100 ft. tall from 35 ft. tall, waiving all landscaping requirements, and waiving the paved parking requirement. This project meets the standard for a project of regional significance because it will generate more than 5 MW of electricity, require construction of a substation and will require conformance review by the Regional Planning Commission. The substation will be located on APN 074-040-25. This project also requires an amendment to the Regional Utility Corridor Map of the 2019 Truckee Meadows Regional Plan.

- Applicant: CED Rock Springs Solar LLC
- Property Owner: Linda & Terry Bell; Cedar Lindsley Anderson; Luicinda Johnson; Robin & Randall Skipper; Ragnar Kuehnert Trust; Sam Lindsley; Julie Skeen & Peter LaBarge; and Pattee Williams
- Location: Approximately 45 miles northwest of Reno, near Flannigan
- APN: 074-061-21; 074-061-29; 074-061-30; 074-061-36;
074-061-37; 074-061-39; 074-040-20; 074-040-22; 074-040-25
- Parcel Size: Total project – 660 acres
- Master Plan: Rural
- Regulatory Zone: General Rural
- Area Plan: High Desert
- Citizen Advisory Board: Gerlach/Empire



INTEGRITY



EFFECTIVE
COMMUNICATION



QUALITY
PUBLIC SERVICE

To: CED Rock Springs Solar, LLC
Subject: WSUP21-0001
Date: May 6, 2021
Page: 2

- Development Code: Authorized in Article 302, 810 & 812
- Commission District: 5 - Commissioner Herman

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 five findings in accordance with Washoe County Code Section 110.810.30:

1. Consistency. That the proposed use is consistent with the action programs, policies, standards and maps of the Master Plan and the High Desert Area Plan;
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 an energy production, renewable use and major grading permit 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.

And having made the additional findings per 110.810.35:

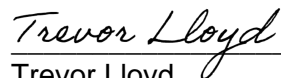
6. Environment. That the proposed development is not unduly detrimental to surrounding properties, land uses and the environment in general;
7. Impact on Scenic Resources. That the proposed development will not unduly block scenic views or degrade any surrounding scenic resources; and
8. Reclamation. That the proposed development will reclaim the site and all affected areas at the conclusion of the operation.

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.

To: CED Rock Springs Solar, LLC
Subject: WSUP21-0001
Date: May 6, 2021
Page: 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/DC/am

xc:

Applicant: CED Rock Springs Solar, LLC, 100 Summit Lake Dr, Valhalla, NY, 10595

Representatives: NewFields, 3265 N Fort Apache Rd, Las Vegas, NV 89129

Action Order xc: Jennifer Gustafson, District Attorney's Office; Keirsten Beck, Assessor's Office; Rigo Lopez, Assessor's Office; Tim Simpson, Utilities; Leo Vesely, Engineering and Capital Projects; Dale Way, Truckee Meadows Fire Protection District; Nevada Division of Environmental Protection, 901 South Stewart Street, Suite. 4001, Carson City, NV 89701-5249; Regional Transportation Commission; Truckee Meadows Regional Planning Agency; Gerlach/Empire Citizen Advisory Board, Chair.



Conditions of Approval

Special Use Permit Case Number WSUP21-0001

The project approved under Special Use Permit Case Number WSUP21-0001 shall be carried out in accordance with the conditions of approval granted by the Washoe County Planning Commission on May 4, 2021. 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 the Washoe County Health District, has jurisdiction over all public health matters in the Health District. Any conditions set by the Health District 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.

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 – Dan Cahalane, dcahalane@washoecounty.us , 775-328-3628

- 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 demonstrate substantial conformance to the plans approved as part of this special use permit. The Planning and Building Division shall determine compliance with this condition.
- c. The applicant shall submit construction plans, with all information necessary for comprehensive review by Washoe County, and initial building permits shall be issued within **five** years from the date of approval by Washoe County. The applicant shall complete construction within the time specified by the building permits. Compliance with this condition shall be determined by the Planning and Building Division.
- d. 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.

- e. The business license will be obtained to for the new use.
- f. The substation and connecting electrical infrastructure shall be exempt from the height restrictions for General Rural regulatory zones per WCC table 110.406.05.1
- g. Fencing surrounding the facility shall be painted a color that blends in with the surroundings and shall not have slats in accordance with High Desert Policy 2.13.
- h. The facility shall be exempted from the parking standard requirements found in WCC 110.410.25(a, c-g) except for the required ADA parking spot, unless exempted under the federal machine space exemption, in order to maintain the High Desert character under High Desert Policy 2.13
- i. The facility shall be exempted from the formal landscaping standards found in WCC 110.412.45(a-d) and 110.412.50(a-g) in order to maintain the High Desert character under High Desert Policy 2.13.
- j. The applicant shall provide detailed soils and geo-technical studies as part of the required grading permit plans per High Desert Policy 11.1. These plans shall comply with WCC 110.438.45-100. The applicant shall abide by all recommendations of the provided geotechnical studies per High Desert Policy 11.2.
- k. The applicant shall provide improved drainage in their final grading plans along the edges of the proposed site to mitigate any impacts to access roads and or legal developments in

the area or provide proof that there is no increased runoff from the proposed project. Applicant shall maintain all improved drainage areas throughout the life of the proposed project. These conditions are designed to satisfy High Desert Policy 15.3.

- I. In conformance with 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. 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. reclamation success criteria; and appropriate monitoring provisions.
- m. Prior to the issuance of building/grading permits, the applicant shall post a financial assurance for reclamation for eighty percent (80%) of the total reclamation costs as identified in the reclamation plan per condition 1l.
 1. At a minimum, revegetation of the site must result in eighty percent (80%) re-establishment of vegetation prior to the release of the bonds in accordance with High Desert Policy 6.4.
- n. Any contractor's yard created to manage the construction of the site shall comply with all provisions of WCC 110.310.45
- o. The following **Operational Conditions** shall be required for the life of the business:
 - i. 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 and/or the administrative permit to meet with Planning and Building to review conditions of approval prior to the final sale of the site and/or the administrative permit. Any subsequent purchaser/operator of the site and/or the administrative permit 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.
 - iv. This special use permit shall remain in effect as long as the business is in operation and maintains a valid business license.

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 – Leo Vesely, P.E., 775-328-3600

- a. 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. All grading shall comply with County Code Article 438, Grading Standards. Silts shall be controlled on-site and not allowed onto adjacent property.

- b. The developer shall obtain from the Nevada Division of Environmental Protection a Stormwater Discharge Permit and submit a copy to the Engineering Division prior to issuance of a grading permit.
- c. The applicant shall complete and submit the Construction Permit Submittal Checklist, the Performance Standards Compliance Checklist, and pay the construction stormwater inspection fee prior to approval of a grading/building permit.
- d. A grading bond of \$2,000/acre of disturbed area shall be provided to the Engineering Division prior to any grading.
- e. Estimated total earthwork volumes and area of disturbance shall be indicated on the grading plans.
- f. Prior to the issuance of the grading permit, applicant shall demonstrate they have legal access to their parcels including access across any private property and BLM lands.
- g. All disturbed areas left undeveloped for more than 30 days shall be treated with a dust palliative. Disturbed areas left undeveloped for more than 45 days shall be revegetated. Specifications for revegetation procedure and seed mix shall be prepared by a licensed landscape architect.
- h. A drainage report prepared by a licensed engineer shall be submitted to the Engineering Division for review and approval. The report shall include the locations, points of entry and discharge, flow rates and flood limits of all 5- and 100-year storm flows impacting both the site and offsite areas and the methods for handling those flows. The report shall include all storm drain pipe and ditch sizing calculations and a discussion of and mitigation measures for any impacts on existing offsite drainage facilities and properties.
- i. Any increase in peak stormwater runoff flow rate resulting from the development and based on the 5 year and 100 storm(s) shall be detained onsite.
- j. Provide a construction haul route plan and address the construction traffic impacts to the local streets for accessing the project site. With the haul route plan also include the proposed mitigations to these impacts.

Washoe County Water Rights

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

Contact Name – Vahid Behmaram, vbehmaram@washoecounty.us

- a. The applicant and County personnel shall estimate the post construction projected annual ground water demand for the project to the satisfaction of Washoe County. Applicant and the Washoe County staff may seek input from the Nevada Division of Water Resources in this determination.
- b. Adequate ground water rights for both the construction phase and per the estimate in item # 1 shall be transferred to an appropriate ground water well / wells on parcels associated with this application. Transfer of these water rights may require filing of applications with the Nevada Division of Water Resources.
- c. The water rights shall be in conformance with article 422 of the Washoe County development code and in conformance with the High Desert Area Plan.

- d. For the construction phase, proof of adequate water rights shall be provided prior to start of the construction phase. These water rights may be temporary in nature, and rely on Temporary permits from the Nevada Division of Water Resources.
- e. For the operational phase the proof of adequate water rights per item # 1 above shall be provided before Final inspection sign-off.

Washoe County Parks Program

- 4. The following conditions are requirements of the Washoe County Parks Program, which shall be responsible for determining compliance with these conditions.

Contact Name – Sophia Kirschenman, skirschenman@washoecounty.us

- a. The applicant shall consult with the USFWS to determine whether an incidental take permit is required for the proposed solar project. If this permit is required, it must be received prior to issuance of grading and/or building permits.
- b. The application indicates that no export or import of material is anticipated with the proposed project. Should importation of earthen materials be necessary, those materials shall be “certified weed free” to prevent the spread of noxious weeds in Washoe County.
- c. In conformance with the High Desert Area Plan Policy 2.2, prior to the issuance of building or grading permits, the applicant shall prepare a noxious weed management plan in consultation with the Washoe County Health Department, the University of Nevada Cooperative Extension, and/or the Washoe Storey Conservation District.
- d. The highlighted portions of the attached document (See Exhibit D), Measures to Prevent the Spread of Noxious and Invasive Weeds During Construction (attached hereto), shall be included in the final plan set notes.
- e. The application states that a revegetation plan is being prepared for review. Prior to the issuance of building/grading permits, the applicant shall submit a revegetation plan, prepared by a qualified professional, to Washoe County Parks for review and approval. At a minimum, the plan will include:
 - a. Existing site conditions;
 - b. The area of impact (to include all disturbed undeveloped portions of the subject site);
 - c. Restoration goals;
 - d. Selection of native/perennial adapted plants or seed mixes;
 - e. Revegetation methods;
 - f. Measures to prevent the spread of noxious weeds;
 - g. Revegetation success criteria; and appropriate monitoring provisions.

Washoe County Health District - EHS

- 5. The following conditions are requirements of the Washoe County Health District – Environmental Health Services, which shall be responsible for determining compliance with these conditions.

Contact Name – David Kelley, Dakelly@washoecounty.us

- a. Septic disposal is proposed as part of this plan. State of Nevada Bureau of Water Pollution (BWPC) should be consulted as they have jurisdiction over commercial septic systems. Any necessary building permits will need to match the BWPC approved septic in order to be approved by EHS during the plan review process.

- b. Future well installation is proposed as part of this plan. Permits for well installation will be required from EHS and approval from TMWA may be required if in TMWA's service area. State of Nevada Bureau of Safe Drinking Water should be consulted to determine if a public water system permit is required.

Washoe County Health District - AQM

6. The following conditions are requirements of the Washoe County Health District – Air Quality Management, which shall be responsible for determining compliance with these conditions.

Contact Name – Genine Rosa, GRosa@washoecounty.us

- a. The AQMD will require a Dust Control Permit for the 660 acres of disturbance and a Supplemental Dust Control Plan from Rock Springs Solar. The Supplemental Dust Control Plan will need to include specifics in regards to phasing of the project, dust control measures being employed during the course of construction and a long term dust control plan for the Rock Springs 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.
- b. 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. 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 2 pounds per day of criteria air pollutants or 1 pound a day of toxic air pollutants.

State Historic Preservation Office

7. The following conditions are requirements of the State Historic Preservation Office, which shall be responsible for determining compliance with these conditions.

Contact Name – Rebecca Lynn Palmer, rlpalmer@shpo.nv.gov

- a. If Indian burials are identified or disturbed during the course of grading or construction of this project, state law requires that all work in the vicinity of the find cease and the person shall immediately report the discovery and the location of the Indian burial site to the State Historic Preservation Office (NRS 38.170.1(a)).

Truckee Meadows Fire Protection District

8. The following conditions are requirements of the Truckee Meadows Fire Protection District, which shall be responsible for determining compliance with these conditions.

Contact Name – Dale Way / Brittany Lemon, dway@tmfpd.us / blemon@tmfpd.us

- a. Shall complete a Hazardous Materials Management Plan (HMMP) for the site. (2018 IFC 407.6 / 5001.5.1) prior to construction.
- b. Shall complete a Hazardous Materials Inventory Statement (HMIS) for the site. (2018 IFC 407.5 / 5001.5.2) prior to construction.
- c. Energy Storage Systems shall comply with NFPA 855, 2020 Edition.

*** End of Conditions ***