



# Board of Adjustment Staff Report

Meeting Date: May 7, 2026

Agenda Item: 8A

AMENDMENT OF CONDITIONS CASE NUMBER:

WAC26-0005 (Black Rock 360) for Special Use Permit Case Number WSUP21-0012 (Black Rock 360)

BRIEF SUMMARY OF REQUEST:

To amend conditions of approval for WSUP21-0012 to extend the time

STAFF PLANNER:

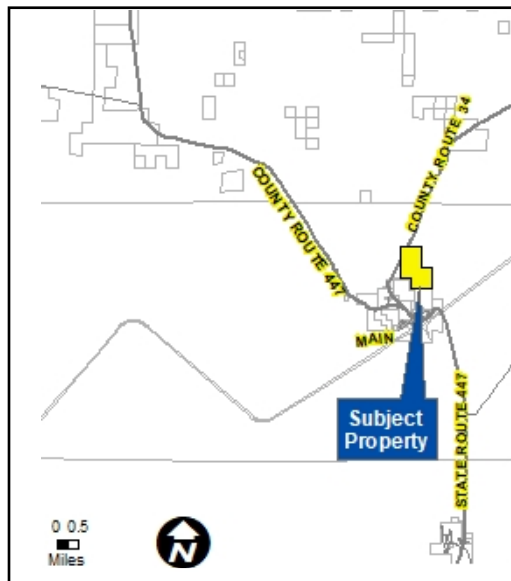
Julee Olander, Planner  
775.328.3627  
jolander@washoecounty.gov

## CASE DESCRIPTION

For hearing, discussion, and possible action to approve an amendment of conditions for WAC26-0005 (Black Rock 360) for Special Use Permit Case Number WSUP21-0012 (Black Rock 360) to provide additional 4-year extension of time for the project. WSUP21-0012 allows the establishment of inoperable vehicle storage and light wholesaling/storage/distribution use types and major grading per Washoe County code.

This application is submitted by applicant and property owner Burning Man Project. The subject property is located approximately 3000 ft north of downtown Gerlach (APN 071-150-01) and consists of approximately 360 acres.

The proposal is being reviewed under Development Code Article 206, High Desert Area; Article 302 Allowed Uses; & Article 810, Special Use Permit, and is situated within Commission District 5 - Commissioner Herman. The site is currently governed by the Rural Master Plan land use designation and the General Rural Regulatory Zone zoning district, falling within the boundaries of the High Desert Area Plan.



Vicinity Map

---

<b>STAFF RECOMMENDATION</b>		
<b>APPROVE</b>	<b>APPROVE WITH CONDITIONS</b>	<b>DENY</b>

---

**Staff Report Contents**

Amendment of Conditions ..... 4  
Site Plan..... 5  
Background ..... 6  
Evaluation of Amendment Request..... 6  
High Desert Planning Area ..... 6  
Reviewing Agencies ..... 6  
Motion ..... 8  
Appeal Process ..... 9

---

**Exhibits Contents**

Amended Conditions of Approval ..... Exhibit A  
Agency Comments ..... Exhibit B  
WSUP21-0012 Action Order Dated 6/8/21 ..... Exhibit C  
WAC23-0002 Action Order Dated 5/8/23 ..... Exhibit D  
Noticing Map ..... Exhibit E  
Project Application..... Exhibit F

### **Amendment of Conditions**

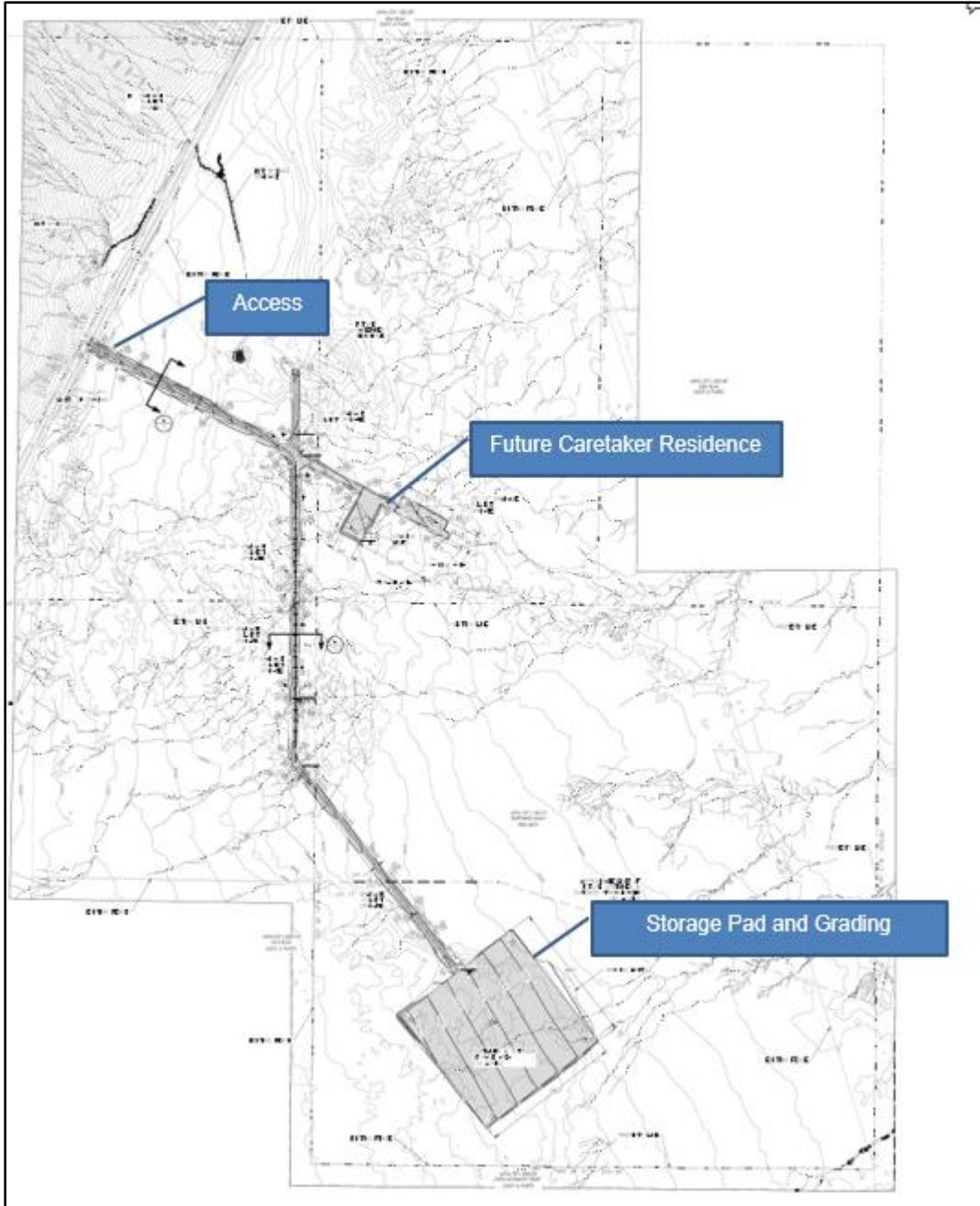
An amendment of conditions application is necessary in order to change a condition(s) of an approved discretionary permit, such as a special use permit, a variance, an abandonment of an easement or a tentative subdivision map. Some examples of why an amendment of conditions application is submitted are listed below:

- Change in operating hours
- Physical expansion
- Extend the expiration date of the discretionary permit
- Extend the time to complete phases of the approved project

The amendment of conditions request is required to be heard by the same board that considered the original application and only the specific amendment may be discussed and considered for approval. The amendment of conditions application is processed in the same manner as the original discretionary permit application, including a public hearing, noticing, possible involvement of a citizen advisory board, agency review and analysis, and satisfying the required findings. If the Board of Adjustment grants an approval of the amendment of conditions request, an amended Action Order is created along with amended conditions of approval.

The subject property is designated as General Rural (GR). The proposed use of operable/inoperable vehicle storage, light warehousing are classified as operable vehicle storage, inoperable vehicle storage, light warehousing use types, which are permitted in GR zoning in the High Desert Area Plan with a special use permit per WCC 110.206.10(b). The amendment of conditions seeks to amend conditions of approval for WSUP21-0012 to extend the time.

The conditions of approval for Amendment of Conditions Case Number WAC26-0005 is attached to this staff report and will be included with the amended action order.



Site Plan

## **Background**

On February 4, 2021 the Board of Adjustment approved WSUP21-0012 (Black Rock 360). The approval was for a special use permit for 30 acres of inoperable/operable vehicle storage, light wholesaling/ storage/distribution use type and major grading for 18 acres of disturbance, 9,000 cubic yards (cy) of cut, and 20,000 cy of fill. The applicant also requested to vary landscaping, screening, paved parking and container adjacency standards. The applicant's request was to approve a 5-acre annual expansion of the use over the next 4 years for a total of 30 acres of use area.

On May 4, 2023 the Board of Adjustment approved WAC23-0002 (Black Rock 360) for WSUP21-0012). The approval amended the approved site plan and extended the expiration date of the special use permit for an additional 3-years to May 4, 2026. The extension of time was needed for the development to meet the conditions from Northern Nevada Public Health (NNPH) and Nevada Department of Environmental Protection (NDEP), concerning water and wastewater management.

## **Evaluation of Amendment Request**

The applicant is requesting a time extension from May 4, 2026 to May 4, 2030. The application indicates that there are several issues that have impacted development of the site, including:

- The installation of a freshwater treatment system. The applicant has been working with NNPH and NDEP addressing questions and providing technical information on the water system. On November 12, 2025 NNPH approved the Preliminary Engineering Report (PER). The applicant will now need to proceed with full infrastructure and engineered submittal for a Water Plan to Operate;
- The installation of a wastewater treatment system. The applicant is proposing the use of a technology called DryVac for the wastewater system. The review was lengthy, however NDEP issued a discharge permit on September 1, 2025; and
- The applicant has been engaged in a legal settlement concerning water rights with the previous tenant of the property. These issues were resolved in later 2025 and now the applicant can legally move their water rights to commercial well on site and operate a commercial water system.

The applicant needs to resolve all issues concerning water and wastewater on the site, to meet all the required approved conditions. The applicant indicates that the time extension will allow all the previously approved conditions to be met. The applicant's request for an additional 4 years will not change the overall approved WSUP21-0012 conditions.

## **High Desert Planning Area**

The subject parcel is located within High Desert Planning Area and there are no relevant policies related to extension of time requests.

## **Reviewing Agencies**

The following agencies/individuals received a copy of the project application for review and evaluation.

Washoe County Board of Adjustment

Agencies	Sent to Review	Responded	Provided Conditions	Contact
BLM - NV State Office	X			
Washoe County Engineering (Land Development) (All Apps)	X	X		
NNPH Air Quality	X			
NNPH Environmental Health	X			
TMFPD	X	X		

All conditions required by the contacted agencies can be found in Exhibit A, Conditions of Approval.

**Staff Comment on Required Findings**

WCC Section 110.810.30, Article 810, *Special Use Permits*, requires that all of the following findings be made to the satisfaction of the Washoe County Board of Adjustment before granting approval of the request. Staff has completed an analysis of the special use permit application and has determined that the proposal is in compliance with the required findings as follows.

- a. 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.

*Staff Comment: There are no policies or action programs within the High Desert Planning Area that conflict with the proposal to amend a special use permit condition to allow an additional 4-years to meet the conditions from Northern Nevada Public Health (NNPH) and NDEP, concerning water and wastewater management. This request is consistent with the action programs, policies, standards and maps of the Master Plan and the High Desert Planning Area.*

- b. 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.

*Staff Comment: The request to amend a special use permit conditions to allow an additional 4-years to meet the conditions and will not impact utilities, roadway improvements, sanitation, water supply, drainage, and other necessary facilities are either available or have been provided. The proposed 4-years extension will allow the applicant to better meet all improvements required on the site, including sanitation, water supply, and drainage.*

- c. Site Suitability. That the site is physically suitable for an operable vehicle storage, inoperable vehicle storage, and light warehousing and storage use and for the intensity of such a development.

*Staff Comment: The request is to amend a special use permit approved conditions, which already approved the site being physically suitable for an operable vehicle storage, inoperable vehicle storage, and light warehousing and storage use. The amendment of the special use permit is to allow an additional 4-years to meet the conditions from NNPH and NDEP, concerning water and wastewater management, which will not impact the site suitability.*

- d. 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.

*Staff Comment: The request to amend a special use permit conditions to allow an additional 4-years to meet the approved conditions and will not impact the public health, safety or welfare; be injurious to the property or improvements of adjacent properties; or detrimental to the character of the surrounding area. The amendment to allow an additional 4-years, concerning water and wastewater requirements will confirm that the public health, safety or welfare needs are met.*

- e. 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.

*Staff Comment: There is no military installation within the required noticing distance for this application. Therefore, there is no effect on a military installation.*

#### Recommendation

After a thorough review and analysis, Amendment of Conditions Case Number WAC26-0005 is being recommended for approval with conditions. Staff offers the following motion for the Board's consideration.

#### **Motion**

I move that, after giving reasoned consideration to the information contained in the staff report and information received during the public hearing, the Washoe County Board of Adjustment approve Amendment of Conditions Case Number WAC26-0005 for Burning Man Project, with the conditions included as Exhibit A having made all five findings in accordance with Washoe County Code Section 110.810.30, subject to the conditions contained in Exhibit A to the Staff Report.

- (a) 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;
- (b) 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;
- (c) Site Suitability. That the site is physically suitable for an operable vehicle storage, inoperable vehicle storage, and light warehousing and storage use and for the intensity of such a development;
- (d) 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;
- (e) 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.

**Appeal Process**

Board of Adjustment action will be effective 10 calendar days after the written decision is filed with the Secretary to the Board of Adjustment and mailed to the applicant(s), unless the action is appealed to the Washoe County Board of County Commissioners, in which case the outcome of the appeal shall be determined by the Washoe County Board of County Commissioners. Any appeal must be filed in writing with the Planning and Building Division within 10 calendar days from the date the written decision is filed with the Secretary to the Planning Commission and mailed to the applicant(s).

Applicant/Owner: Pete Dronkers

Representatives: Derek Wilson



# Amended Conditions of Approval

Amendment of Conditions Case Number WAC26-0005 (Black Rock 360)  
for Special Use Permit Case Number WSUP21-0012 (Black Rock 360)

The project approved under Amendment of Conditions Case Number WAC26-0005 (Black Rock 360) for Special Use Permit Case Number WSUP21-0012 (Black Rock 360) shall be carried out in accordance with the Amended Conditions of Approval granted by the Board of Adjustment on May 7, 2026. 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 or to abide by all other generally applicable Codes, and neither these conditions nor the approval by the County of this project/use override or negate any other applicable restrictions on uses or development on the property.

**Unless otherwise specified**, all conditions related to the amendment of conditions approval regarding the Special Use Permit Case Number WSUP21-0012 (Black Rock 360) 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 amended conditions of approval related to the Special Use Permit Case Number WSUP21-0012 (Black Rock 360) 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 amended conditions imposed regarding the approved Special Use Permit Case Number WSUP21-0012 (Black Rock 360) may result in the initiation of revocation procedures.

Washoe County reserves the right to review and revise the amended conditions of approval related to this Special Use Permit Case Number WSUP21-0012 (Black Rock 360) 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.

## Washoe County Amended Conditions of Approval

- 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.

### **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 – Julee Olander, Planner, 775.328.3627, jolander@washoecounty.gov**

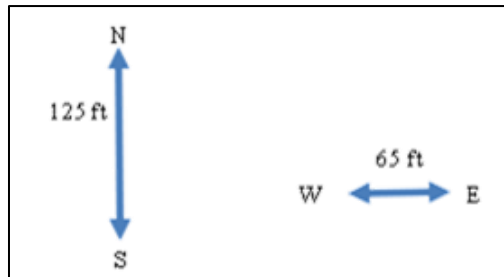
- a. **The applicant shall attach a copy of the action orders approving this project for WSUP21-0012 to all permits and applications (including building permits) applied for as part of this approval.**
- b. The applicant shall submit construction plans, with all information necessary for comprehensive review by Washoe County, and initial building permits shall be issued by **May 4, 2030**. 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.

The proposed SUP allows for up to 30 acres of operable vehicle storage, inoperable vehicle storage, and light warehousing and storage use types

- c. The formal landscaping standards found in WCC 110.412.40a-d and WCC 110.412.45a-f shall be waived.
- d. Applicant shall provide a noxious weed plan in accordance with HD 2.2.
- e. The screening standards outlined in WCC 110.412.55 shall be varied to require the applicant to provide the following screening requirements around the entire storage area:
  - i. A 4ft berm, as measured from the cargo container pad base. This berm shall at a minimum:
    1. Have slopes of 3:1ft
    2. Be maintained with natural vegetation

Washoe County Amended Conditions of Approval

- f. Cargo containers shall comply with the following placement, orientation, and color requirements to allow:
  - i. The cargo container grouping standards required per WCC 110.306.10(g) shall be varied to conform to the following standards: c
    - 1. Cargo container groupings shall not to exceed 125ft in the north-south axis (15 containers)
    - 2. Cargo container groupings shall not exceed 65ft in the east-west access (8 containers)



- ii. Cargo container groupings shall be separated by a minimum of 20ft. Cargo containers less than 20ft apart shall be considered part of a single grouping.
  - iii. Cargo containers grouping shall be painted a single solid, muted color that blends in with the surrounding vegetation or topography in accordance with WCC 110.306.10(g)iii
  - iv. Cargo containers shall be placed on pads to mitigate impacts to the ground
- g. Cargo containers shall be placed on pads or risers to avoid deterioration and soil contamination.
  - h. No person shall be allowed to live within a cargo container.
  - i. All vehicles stored on the site, operable or not, shall have ground protectors provided to mitigate any leakage.
  - j. Applicant shall not use semi-trailers for long term storage of other materials wherein long term storage is more than 1 month.
  - k. Parking standards shall be varied to require no paved parking or maneuvering areas in order to better fit the High Desert character. Applicant shall use aggregate base.
  - l. Applicant shall secure all open storage areas using chain link fencing, cargo container walls, or a combination of the two.
  - m. In conformance with High Desert Policy 6.4, prior to the issuance of grading permits, the applicant shall post a revegetation/reclamation bond for eighty percent (80%) of the total revegetation/reclamation costs.
  - n. 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.

- o. The business license will be obtained to for the new use.
- p. 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. Use of heavy machinery is limited to the hours of 0800-1800 Monday-Saturday.
  - v. This special use permit shall remain in effect as long as the business is in operation and maintains a valid business license. The applicant is responsible for providing the following documentation with their annual business license renewal:
    - 1. Three copies of the planned layout of the cargo containers on a site plan
      - a. These layout plans shall be distributed to Washoe County Planning, Truckee Meadows Fire Protection District, and Washoe County Code Enforcement.
    - 2. Applicant shall submit photos proving that the shipping containers are meeting color requirements.

**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 – Robert Wimer, PE, 775.328.2059, [rwimer@washoecounty.gov](mailto:rwimer@washoecounty.gov)**

## Washoe County Amended Conditions of Approval

- 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. Silts shall be controlled on-site and not allowed onto adjacent property.
- b. For construction areas larger than 1 acre, the developer shall obtain from the Nevada Division of Environmental Protection a Stormwater Discharge Permit or Waiver for construction and submit a copy to the Engineering Division prior to issuance of a grading permit.
- c. The developer shall complete and submit the Construction Permit Submittal Checklist and pay the Construction Stormwater Inspection Fee prior to obtaining a grading permit. The County Engineer shall determine compliance with this condition.
- d. Exported materials shall not be sold without the proper business license.
- e. A grading bond of \$2,000/acre of disturbed area shall be provided to the Engineering Division prior to any grading.
- f. Cross-sections indicating cuts and fills shall be submitted when applying for a grading permit. Estimated total volumes shall be indicated.
- 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. Methods and seed mix must be approved by the County Engineer with technical assistance from the Washoe-Storey Conservation District. The applicant shall submit a revegetation plan to the Washoe-Storey Conservation District for review.

### **DRAINAGE (COUNTY CODE 110.416, 110.420, and 110.421)**

- h. A detailed hydrology/hydraulic report prepared by a registered 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.

### **Truckee Meadows Fire Protection District**

3. 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 – Jenny Williamson, Fire Marshall, 775.444.8521,  
jewilliamson@tmfpd.us**

## Washoe County Amended Conditions of Approval

- 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/>

### **Washoe County Health District**

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

**Contact Name – Wesley Rubio, 775.328.2434, wrubio@nnph.org**

- a. The application will include site plans and proposed infrastructure. None of the proposed infrastructure has been reviewed and cannot be considered approved as this is only a time extension request.
- b. Until such time as permanent water and wastewater/sewage disposal systems are approved and installed no events or uses of the property can take place as noted in a letter sent on June 16, 2022 (See Exhibit B).
- c. All associated plans and permits must be routed to the WCHD for review and approval as associated with WAC23-0002 and WSUP21-0012
- d. WCHD will not allow the use of any holding tanks for the temporary or permanent storage of wastewater or sewage.

### **Washoe County Air Quality Management**

5. The following conditions are requirements of Washoe County Air Quality Management, which shall be responsible for determining compliance with these conditions.

**Contact Name – Genine Rosa, 775.784.7204, grosa@nnph.org**

- a. Dust Control Permit will be required prior to breaking ground, failure to do so may result in enforcement action resulting in a Notice of Violation with associated fines

### **Bureau of Land Management**

6. The following conditions are requirements of the Bureau of Land Management, which shall be responsible for determining compliance with these conditions.

**Contact Name – Julie McKinnon, jmckinnon@blm.gov**

- a. The Black Rock SUP proposal depicts the new access road and other proposed improvements, within the private land parcel 071-150-01, owned by Burning Man Project. If any action occurs on public lands, adjacent to the private land, a ROW or land use permit from the BLM may be necessary.

BLM retained and interest in ditches and canals and all minerals associated with parcel 071-150-01.

**\*\*\* End of Amended Conditions \*\*\***



Date: March 20, 2026

To: Julee Olander, Planner

From: Janelle K. Thomas, P.E., Senior Licensed Engineer  
Robert Wimer, P.E., Licensed Engineer

Re: Amendment of Conditions Case WAC26-0005 for Black Rock 360 WSUP21-0012  
APN: 071-150-01

### **GENERAL COMMENTS**

Washoe County Engineering staff have reviewed the above referenced application. The Amendment of Conditions case is to amend the conditions for Special Use Permit Case Number WSUP21-0012 to extend the expiration date for four years from May 4, 2026, to May 4, 2030. The Engineering and Capital Projects Division recommends approval with no additional comments or conditions of approval based upon our review of the site and the application prepared by Rubicon Design Group.

#1 Board of Adjustment – Julee Olander [jolander@washoecounty.gov](mailto:jolander@washoecounty.gov) 775-328-3627

Amendment of Conditions Case Number WAC26-0005 (Black Rock 360)

TMFPD Comments by Jenny Williamson:

1. No comments for this project.



Date: March 17, 2026

To: Julee Olander, Planner

From: Timber Weiss, P.E., Licensed Engineer

Re: Amendment of Conditions Case Number WAC26-0005 (Black Rock 360) for Special Use Permit Case Number WSUP21-0012 (Black Rock 360)

## GENERAL PROJECT DISCUSSION

For hearing, discussion, and possible action to approve an amendment of conditions for a 4 year extension of time for Special Use Permit Case Number WSUP22-0012. This permit was to establish an inoperable vehicle storage, light wholesaling/storage/distribution use type and major grading permit, to allow.

***The Community Services Department (CSD) recommends approval of this project with the following Water Rights conditions:***

Prior to any grading or development of this property, the applicant shall acquire water rights that support this project and provide copies of the issued water right permits to Washoe County Engineering.



# WASHOE COUNTY

## COMMUNITY SERVICES DEPARTMENT

### Planning and Building

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

## Board of Adjustment Action Order

### Special Use Permit Case Number WSUP21-0012 (Black Rock 360)

Decision: Approval with Conditions

Decision Date: June 3, 2021

Mailing/Filing Date: June 8, 2021

Applicants: Burning Man Project

Assigned Planner: Dan Cahalane, Planner  
 Washoe County Community Services Department  
 Planning and Building Division

Phone: 775.328.3628

E-Mail: [dcahalane@washoecounty.us](mailto:dcahalane@washoecounty.us)

**Special Use Permit Case Number WSUP21-0012 (Black Rock 360)** – For hearing, discussion, and possible action to approve a special use permit for 30 acres of inoperable/operable vehicle storage, light wholesaling/storage/distribution use type and major grading for 18 acres of disturbance, 9,000cy of cut, and 20,000cy of fill. The applicant is requesting to vary landscaping, screening, paved parking and container adjacency standards. The applicant is also requesting to approve a 5-acre annual expansion of the use over the next 4 years for a total of 30 acres of use area.

- Applicant/Property Owner: Burning Man Project
- Location: Approximately 3000ft north of downtown Gerlach
- APN: 071-150-01
- Parcel Size: 360 acres
- Master Plan: Rural
- Regulatory Zone: General Rural
- Area Plan: High Desert
- Citizen Advisory Board: Gerlach/Empire
- Development Code: Authorized in Article 206, 810
- Commission District: 5- Commissioner Herman

Notice is hereby given that the Washoe County Board of Adjustment granted approval with conditions for the above referenced case number based on the findings in accordance with Washoe County Development Code Article 810, Special Use Permit. If no appeals have been filed within 10 calendar days from the Mailing/Filing Date shown on this Action Order, the approval by the Washoe County Board of Adjustment is final. If filed, an appeal stays any further action on the decision until final resolution of the appeal. An appeal shall be filed in accordance with the provisions found in Article 912 of the Washoe County Development Code.

The action was based on the following 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;



To: Burning Man Project  
Subject: Special Use Permit Case Number WSUP21-0012  
(Black Rock 360)  
Date: June 8, 2021  
Page 2 of 3

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 operable vehicle storage, inoperable vehicle storage, and light warehousing and storage use 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 7 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 are satisfied. Additionally, compliance shall be required with all federal, state, and local statutes, ordinances, and regulations applicable to the approved project.

**This Action Order does not authorize grading or building without issuance of the necessary permits from the Washoe County Planning and Building Division.**

Washoe County Community Services Department  
Planning and Building Division



Trevor Lloyd  
Secretary to the Board of Adjustment

TL/DC/df

Attachments: Conditions of Approval

Applicant: Burning Man Project  
660 Alabama St.  
San Francisco, CA 94110  
[chef@burningman.org](mailto:chef@burningman.org)

Representatives: Christy Corporation  
1000 Kiley Pkwy.  
Sparks, NV, 89436  
[mike@christynv.com](mailto:mike@christynv.com)

To: Burning Man Project  
Subject: Special Use Permit Case Number WSUP21-0012  
(Black Rock 360)  
Date: June 8, 2021  
Page 3 of 3

Action Order xc: Mike Large, District Attorney's Office; Keirsten Beck, Assessor's Office; Rigo Lopez, Assessor's Office; Tim Simpson, Utilities; Jen Heeran, 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; G/E Citizen Advisory Board



# Conditions of Approval

Special Use Permit Case Number WSUP21-0012

The project approved under Special Use Permit Case Number WSUP21-0012 shall be carried out in accordance with the conditions of approval granted by the Board of Adjustment on June 3, 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, 775-328-3628, [dcahalane@washoecounty.us](mailto:dcahalane@washoecounty.us)**

- 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 two 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. The proposed SUP allows for up to 30 acres of operable vehicle storage, inoperable vehicle storage, and light warehousing and storage use types
- e. The formal landscaping standards found in WCC 110.412.40a-d and WCC 110.412.45a-f shall be waived.
- f. Applicant shall provide a noxious weed plan in accordance with HD 2.2.
- g. The screening standards outlined in WCC 110.412.55 shall be varied to require the applicant to provide the following screening requirements around the entire storage area:
  - i. A 4ft berm, as measured from the cargo container pad base. This berm shall at a minimum:
    1. Have slopes of 3:1ft
    2. Be maintained with natural vegetation
- h. Cargo containers shall comply with the following placement, orientation, and color requirements to allow:
  - i. The cargo container grouping standards required per WCC 110.306.10(g) shall be varied to conform to the following standards: c
    1. Cargo container groupings shall not to exceed 125ft in the north-south axis (15 containers)
    2. Cargo container groupings shall not exceed 65ft in the east-west access (8 containers)



- ii. Cargo container groupings shall be separated by a minimum of 20ft. Cargo containers less than 20ft apart shall be considered part of a single grouping.

- iii. Cargo containers grouping shall be painted a single solid, muted color that blends in with the surrounding vegetation or topography in accordance with WCC 110.306.10(g)iii
- iv. Cargo containers shall be placed on pads to mitigate impacts to the ground
- i. Cargo containers shall be placed on pads or risers to avoid deterioration and soil contamination.
- j. No person shall be allowed to live within a cargo container.
- k. All vehicles stored on the site, operable or not, shall have ground protectors provided to mitigate any leakage.
- l. Applicant shall not use semi-trailers for long term storage of other materials wherein long term storage is more than 1 month.
- m. Parking standards shall be varied to require no paved parking or maneuvering areas in order to better fit the High Desert character. Applicant shall use aggregate base.
- n. Applicant shall secure all open storage areas using chain link fencing, cargo container walls, or a combination of the two.
- o. In conformance with High Desert Policy 6.4, prior to the issuance of grading permits, the applicant shall post a revegetation/reclamation bond for eighty percent (80%) of the total revegetation/reclamation costs.
- p. 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.

- q.
- r. The business license will be obtained to for the new use.
- s. 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. Use of heavy machinery is limited to the hours of 0800-1800 Monday-Saturday.
  - v. This special use permit shall remain in effect as long as the business is in operation and maintains a valid business license. The applicant is responsible for providing the following documentation with their annual business license renewal:

1. Three copies of the planned layout of the cargo containers on a site plan
  - a. These layout plans shall be distributed to Washoe County Planning, Truckee Meadows Fire Protection District, and Washoe County Code Enforcement.
2. Applicant shall submit photos proving that the shipping containers are meeting color requirements.

### **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 – Walt West, PE [wwest@washoecounty.us](mailto:wwest@washoecounty.us)**

- 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. Silts shall be controlled on-site and not allowed onto adjacent property.
- b. For construction areas larger than 1 acre, the developer shall obtain from the Nevada Division of Environmental Protection a Stormwater Discharge Permit or Waiver for construction and submit a copy to the Engineering Division prior to issuance of a grading permit.
- c. The developer shall complete and submit the Construction Permit Submittal Checklist and pay the Construction Stormwater Inspection Fee prior to obtaining a grading permit. The County Engineer shall determine compliance with this condition.
- d. Exported materials shall not be sold without the proper business license.
- e. A grading bond of \$2,000/acre of disturbed area shall be provided to the Engineering Division prior to any grading.
- f. Cross-sections indicating cuts and fills shall be submitted when applying for a grading permit. Estimated total volumes shall be indicated.
- 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. Methods and seed mix must be approved by the County Engineer with technical assistance from the Washoe-Storey Conservation District. The applicant shall submit a revegetation plan to the Washoe-Storey Conservation District for review.

#### **DRAINAGE (COUNTY CODE 110.416, 110.420, and 110.421)**

- h. A detailed hydrology/hydraulic report prepared by a registered 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.

### **Washoe County Health District**

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

**Contact Name – Wes Rubio, wrubio@washoecounty.us**

- a. The site must either connect to the existing permitted water system or become an additional permitted system. This will require a Water Project submittal directly to the Health District in accordance with NAC 445A.
- b. The site will be required to obtain permitting as a commercial septic system with NDEP, Bureau of Water Pollution Control.
- c. Portable restrooms will not be allowed as a permanent sewage disposal option for the site and are only allowed in conjunction with permitted temporary events. Therefore, a commercial septic system will be required based on the proposed use.

**Washoe County Air Quality Management**

4. The following conditions are requirements of Washoe County Air Quality Management, which shall be responsible for determining compliance with these conditions.

**Contact Name – Genine Rosa, grosa@washoecounty.us**

- a. Dust Control Permit will be required prior to breaking ground, failure to do so may result in enforcement action resulting in a Notice of Violation with associated fines

**Bureau of Land Management**

5. The following conditions are requirements of the Bureau of Land Management, which shall be responsible for determining compliance with these conditions.

**Contact Name – Julie McKinnon, jmckinnon@blm.gov**

- a. The Black Rock SUP proposal depicts the new access road and other proposed improvements, within the private land parcel 071-150-01, owned by Burning Man Project. If any action occurs on public lands, adjacent to the private land, a ROW or land use permit from the BLM may be necessary.
- b. BLM retained and interest in ditches and canals and all minerals associated with parcel 071-150-01.

\*\*\* End of Conditions \*\*\*



# Board of Adjustment Action Order

Amendment of Conditions Case Number WAC23-0002 (Black Rock 360) for WSUP21-0012

Decision: **Approval with Conditions**  
 Decision Date: May 4, 2023  
 Mailing/Filing Date: May 8, 2023  
 Property Owner: Burning Man Project  
 Staff Planner: Julee Olander, Planner  
 Phone: 775.328.3627  
 E-Mail: jolander@washoecounty.gov

**Amendment of Conditions Case Number WAC23-0002 (Black Rock 360** – For hearing, discussion, and possible action to approve an amendment of conditions for Case Number WSUP21-0012, in order to amend the approved site plan and to extend the expiration date of the special use permit for an additional 3-years to meet the conditions from Washoe County Health District and NDEP, concerning water and wastewater management.

- Applicant / Owner: Burning Man Project
- Location: 550 State Route 34
- APN: 071-150-01
- Parcel Size: 360 acres
- Master Plan: Rural (R)
- Regulatory Zone: General Rural (GR)
- Area Plan: High Desert
- Development Code: Authorized in Article 810, Special Use Permits
- Commission District: 5 – Commissioner Herman

Notice is hereby given that the Washoe County Board of Adjustment granted approval with conditions for the above referenced case number based on the findings in accordance with Washoe County Development Code Article 810, Special Use Permits. If no appeals have been filed within 10 calendar days from the Mailing/Filing Date shown on this Action Order, the approval by the Washoe County Board of Adjustment is final. If filed, an appeal stays any further action on the decision until final resolution of the appeal. An appeal shall be filed in accordance with the provisions found in Article 912 of the Washoe County Development Code. The action was based on the following findings in accordance with Washoe County Code Section 110.810.30:

- (a) 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;
- (b) 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;

To: Burning Man Project  
Subject: WAC23-0002  
Mailing Date: May 8, 2023  
Page: Page 2 of 2

- (c) Site Suitability. That the site is physically suitable for an operable vehicle storage, inoperable vehicle storage, and light warehousing and storage use and for the intensity of such a development;
- (d) 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;
- (e) 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 7 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 are satisfied. Additionally, compliance shall be required with all federal, state, and local statutes, ordinances, and regulations applicable to the approved project.

**This Action Order does not authorize grading or building without issuance of the necessary permits from the Washoe County Planning and Building Division.**

Washoe County Community Services Department  
Planning and Building Division



Trevor Lloyd  
Secretary to the Board of Adjustment

TL/JO/AA

Attachments: Conditions of Approval

Applicant/Owner: Burning Man Project  
[chef@burningman.org](mailto:chef@burningman.org)

Representatives: Christy Corporation  
[mike@christynv.com](mailto:mike@christynv.com) & [lisa@christynv.com](mailto:lisa@christynv.com)

Action Order xc: Mike Large, District Attorney's Office; Keirsten Beck, Assessor's Office; Rigo Lopez, Assessor's Office; Rob Wimer / Stephen Hein, Engineering and Capital Projects; Brittany Lemon / Dale Way, Truckee Meadows Fire Protection District; James English, Health District



# Amended Conditions of Approval

Amendment of Conditions Case Number WAC23-0002 for  
Special Use Permit Case Number WSUP21-0012

The project approved under Amendment of Conditions Case Number WAC23-0002 for Special Use Permit Case Number WSUP21-0012 shall be carried out in accordance with the Amended Conditions of Approval granted by the Board of Adjustment on May 4, 2023. 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 or to abide by all other generally applicable Codes, and neither these conditions nor the approval by the County of this project/use override or negate any other applicable restrictions on uses or development on the property.

**Unless otherwise specified**, all conditions related to the amendment of conditions approval regarding the Special Use Permit Case Number WSUP21-0012 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 amended conditions of approval related to the [Special Use Permit Case Number WSUP21-0012 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 amended conditions imposed regarding the approved [Special Use Permit Case Number WSUP21-0012 may result in the initiation of revocation procedures.

Washoe County reserves the right to review and revise the amended conditions of approval related to this Special Use Permit Case Number WSUP21-0012 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 – Julee Olander, Planner, 775.328.3627, [jolander@washoecounty.gov](mailto:jolander@washoecounty.gov)**

- a. **The applicant shall attach a copy of the action orders approving this project for WAC23-0002 AND WSUP21-0012 to all permits and applications (including building permits) applied for as part of this approval.**
- b. The applicant shall submit construction plans, with all information necessary for comprehensive review by Washoe County, and initial building permits shall be issued by May 4, 2026. 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.
- c. The application shall meet the amended site plan approved under Case Number WAC23-0002 on May 4, 2023.

**Truckee Meadows Fire Protection District**

2. 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 – Brittany Lemon, Fire Captain, 775.326.6079, [blemon@tmfpd.us](mailto:blemon@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/>

**Washoe County Health District**

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

**Contact Name – James English, 775.328.2434, [jenglish@washoecounty.us](mailto:jenglish@washoecounty.us)**

- a. The application will include site plans and proposed infrastructure. None of the proposed infrastructure has been reviewed and cannot be considered approved as this is only a time extension request.
- b. Until such time as permanent water and wastewater/sewage disposal systems are approved and installed no events or uses of the property can take place as noted in a letter sent on June 16, 2022 (See Exhibit B).
- c. All associated plans and permits must be routed to the WCHD for review and approval as associated with WAC23-0002 and WSUP21-0012

- d. WCHD will not allow the use of any holding tanks for the temporary or permanent storage of wastewater or sewage.

\*\*\* End of Amended Conditions \*\*\*

## Public Notice

Pursuant to Washoe County Code Section 110.810.25 public notification consists of notification by mail of at least 30 separate property owners within a minimum 500-foot radius of the subject property. This proposal was noticed within a 3,500 foot radius of the subject property, noticing 33 separate property owners.



NOTICING MAP

Community Services Department  
Planning and Building  
AMENDMENT OF CONDITIONS  
APPLICATION



Community Services Department  
Planning and Building  
1001 E. Ninth St., Bldg. A  
Reno, NV 89512-2845

Telephone: 775.328.6100

## Washoe County Development Application

Your entire application is a public record. If you have a concern about releasing personal information, please contact Planning and Building staff at 775.328.6100.

<b>Project Information</b>		Staff Assigned Case No.: _____	
Project Name: Black Rock 360			
Project Description: Black Rock 360 Special Use Permit WSUP21-0012			
Project Address: 550 STATE ROUTE 34 WASHOE COUNTY NV 89412			
Project Area (acres or square feet): 360 acres			
Project Location (with point of reference to major cross streets <b>AND</b> area locator): Highway 34, 1 mile north of downtown Gerlach			
Assessor's Parcel No.(s):	Parcel Acreage:	Assessor's Parcel No.(s):	Parcel Acreage:
071-150-01	360		
Indicate any previous Washoe County approvals associated with this application: Case No.(s). WSUP21-0012			
<b>Applicant Information</b> (attach additional sheets if necessary)			
<b>Property Owner:</b>		<b>Professional Consultant:</b>	
Name: Burning Man Project		Name: Rubicon Design Group	
Address: [REDACTED]		Address: [REDACTED]	
Zip: 94110		Zip: 89523	
Phone: [REDACTED]	Fax: [REDACTED]	Phone: [REDACTED]	Fax: [REDACTED]
Email: [REDACTED]		Email: [REDACTED]	
Cell: [REDACTED]	Other: [REDACTED]	Cell: [REDACTED]	Other: [REDACTED]
Contact Person: Pete Dronkers		Contact Person: Derek Wilson	
<b>Applicant/Developer:</b>		<b>Other Persons to be Contacted:</b>	
Name: Burning Man Project		Name:	
Address: [REDACTED]		Address:	
Zip: 94110		Zip:	
Phone: [REDACTED]	Fax: [REDACTED]	Phone:	Fax:
Email: [REDACTED]		Email:	
Cell: [REDACTED]	Other: [REDACTED]	Cell:	Other:
Contact Person: Pete Dronkers		Contact Person:	
<b>For Office Use Only</b>			
Date Received:	Initial:	Planning Area:	
County Commission District:		Master Plan Designation(s):	
CAB(s):		Regulatory Zoning(s):	

February 2024

## Amendment of Conditions Application Supplemental Information

(All required Information may be separately attached)

### Required Information

1. The following information is required for an Amendment of Conditions:
  - a. Provide a written explanation of the proposed amendment, why you are asking for the amendment, and how the amendment will modify the approval.
  - b. Identify the specific Condition or Conditions that you are requesting to amend.
  - c. Provide the requested amendment language to each Condition or Conditions, and provide both the **existing** and **proposed condition(s)**.

Please see attachment

2. Describe any potential impacts to public health, safety, or welfare that could result from granting the amendment. Describe how the amendment affects the required findings as approved.

Please see attachment

# Amendment of Conditions Application

## Supplemental Information

### WSUP 2022-0012

#### Required Information

#### 1. The following information is required for an Amendment of Conditions:

a. Provide a written explanation of the proposed amendment, why you are asking for the amendment, and how the amendment will modify the approval.

The proposed amendment requests a four year extension of time. No changes to the site plan or scope of the SUP are proposed. As such, Burning Man Project has not included revised site plans with this application.

Several factors have impacted the construction timeline for this project and Burning Man Project's ability to meet the Conditions of Approval:

- Condition 3 of the Action Order requires design, approval, and installation of a freshwater treatment system. Burning Man pursued this process diligently but the Preliminary Engineering Report (PER) for the freshwater treatment system, submitted in August of 2023, required more agency review time than anticipated due to the unconventional nature of the broader water system. Burning Man Project worked cooperatively with Northern Nevada Public Health and NDEP Bureau of Safe Drinking Water to address questions and provide additional technical information about the water system before proceeding with full infrastructure engineering and submission of the Water Plan to Operate . However, this process has consumed most of the SUP timeline, with NNPH issuing approval of the PER on November 12, 2025.

- Similar to the freshwater system, Condition 3 also requires design, approval, and installation of a wastewater treatment system. The proposed wastewater treatment system utilizes a distinctive technology called DryVac, which converts sewage into inert biosolids and high quality, near-potable water. Such a system has not been reviewed in Washoe County prior to this SUP. The review process was both complex and time consuming but ultimately has been successful, and this system is moving toward construction. NDEP issued its discharge permit for the DryVac system on September 1, 2025. This permit is valid until September 1, 2030. Again, this process has consumed most of the SUP timeline. The wastewater system is fundamental to the entire project, as it would not be possible to complete other portions of the SUP without it. It was therefore decided to prioritize the permitting of the wastewater system. This permit has been received, and the project is ready to move ahead.
- For the last two years, Burning Man Project has been engaged in a legal settlement with Ormat Technologies, the geothermal development company who previously owned the federal geothermal leases underlying The 360 property. Ormat and the Bureau of Land Management filed protests against Burning Man Project's water rights diversion application to the State Engineer regarding the water well drilled on the property in 2023. This was because the well produced hot water, which Ormat considered an infringement on their geothermal leasehold. Burning Man Project could not build our planned water system until these protests were dropped, which occurred in late 2025. Burning Man Project is now legally entitled to move our water rights to this commercial well in order to operate the water system.

**b. Identify the specific Condition or Conditions that you are requesting to amend.**

The SUP expiration date; this is the date by which all Conditions of Approval should be met. Per the SUP Action Order for WAC2023-002, the deadline for receipt of initial building permits is May 4, 2026. Burning Man

Project requests a 4-year extension to May 4, 2030. This timeframe will allow us to reach key construction milestones in a deliberate and sequential manner to meet the Conditions of Approval and develop the infrastructure necessary for long term property development and sustainable use.

**c. Provide the requested amendment language to each Condition or Conditions, and provide both the existing and proposed condition(s)**

See 1a above.

**2. Describe any potential impacts to public health, safety, or welfare that could result from granting the amendment.**

Granting the amendment could be considered a benefit to the area as it will allow for continued investment in the site and a completion of the infrastructure installation currently underway.

**Describe how the amendment affects the required findings as approved**

The requested amendment does not affect the required findings, as reviewed at the original SUP approval hearing. The project's land uses, intensity and magnitude are not changed

**1. Consistency:** 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:** The requested amendment has no impact on the provision of utilities and infrastructure at the site. Proposed land uses, intensities, and layout remain unchanged. The project has been previously reviewed for compliance with Division 7 and meets the requirements.

**3. Site Suitability:** The site is physically suitable for an operable vehicle storage, inoperable vehicle storage, and light warehousing and storage use and for the intensity of such a development.

**4. Issuance Not Detrimental:** Issuance of the amendment will not be 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 a military installation.

**AUTHORIZATION OF AUTHORITY**

Washoe County Planning and Building Division  
1001 E. Ninth Street  
Bldg A  
Reno, NV 89512

To whom it may concern:

I, Nanci Peterson, am a Corporate Officer of Burning Man Project. This letter is to authorize Peter Dronkers of Burning Man Project, 50 South Virginia Street, Third Floor, Reno, NV 89501, to act as the authorized agent of Burning Man Project in signing and submitting Burning Man Project's Amendment of Conditions application for WSUP21-0012. The subject parcel is known as Black Rock 360, APN # 071-150-01, near Gerlach, NV.

IN WITNESS WHEREOF, I have executed this release at Gerlach NV on the 9th day of MARCH, 20 26.

Nanci Peterson  
Printed Name

Nanci Peterson  
Signature

STATE of NEVADA, County of Washoe  
Subscribed and sworn to before me this 9th day of MARCH, 20 26  
by Nanci Peterson

Susan Jackson  
Notary Public in and for said county and state

My commission expires: 9/27/28

