



Planning Commission Staff Report

Meeting Date: December 2, 2025

Agenda Item: 8A

AMENDMENT OF CONDITIONS CASE
NUMBER:

WAC25-0018 (Rock Springs Solar)
for WSUP21-0001

BRIEF SUMMARY OF REQUEST:

To amend a condition of approval to
extend the deadline to obtain building
permits to May 4, 2028

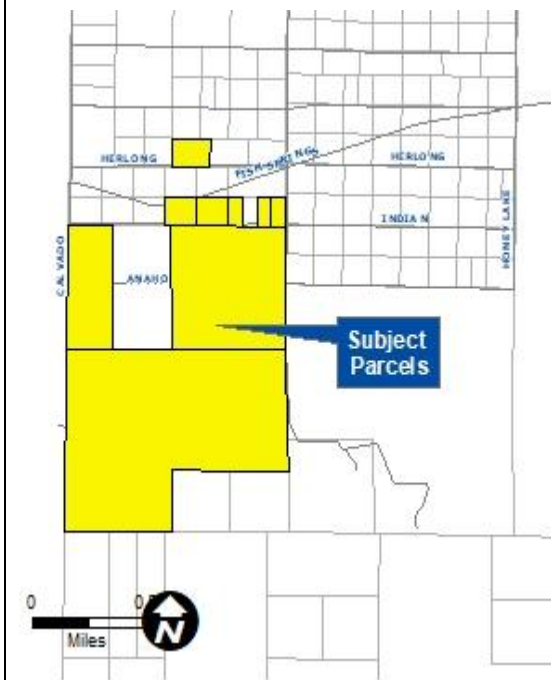
STAFF PLANNER:

Julee Olander, Planner
775.328.3627
jolander@washoecounty.gov

CASE DESCRIPTION

For hearing, discussion, and possible action to approve an amendment of conditions for Special Use Permit Case Number WSUP21-0001 to amend Condition 1(c), which requires building permits to be issued within five years from the date of Washoe County's approval of the special use permit. The amended condition extends the deadline to obtain building permits for two years, until May 4, 2028.

Applicant: CED Rock Springs
Solar LLC
Property Owners: CED Rock Springs
Solar LLC, Jeffrey
Wise, Cheryl J.
Lindsley et al, Julie
Skeen et al, & Ragnar
Kuehnert Living Trust
Location: Off Fish Springs Road
& Rainbow Way
APNs: 074-061-21, 29, 30,
36, 37 & 39 and 074-
040-20, 22, 25
Parcel Size: Total project – 660
acres
Master Plan: Rural (R)
Regulatory Zone: General Rural (GR)
Planning Area: High Desert
Development Code: Authorized in Article
810, Special Use
Permits
Commission District: 5 – Commissioner
Herman



STAFF RECOMMENDATION		
APPROVE	APPROVE WITH CONDITIONS	DENY

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WSUP21-0001 Action Order with Original Conditions of Approval.....	Exhibit B
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Amendment of Conditions

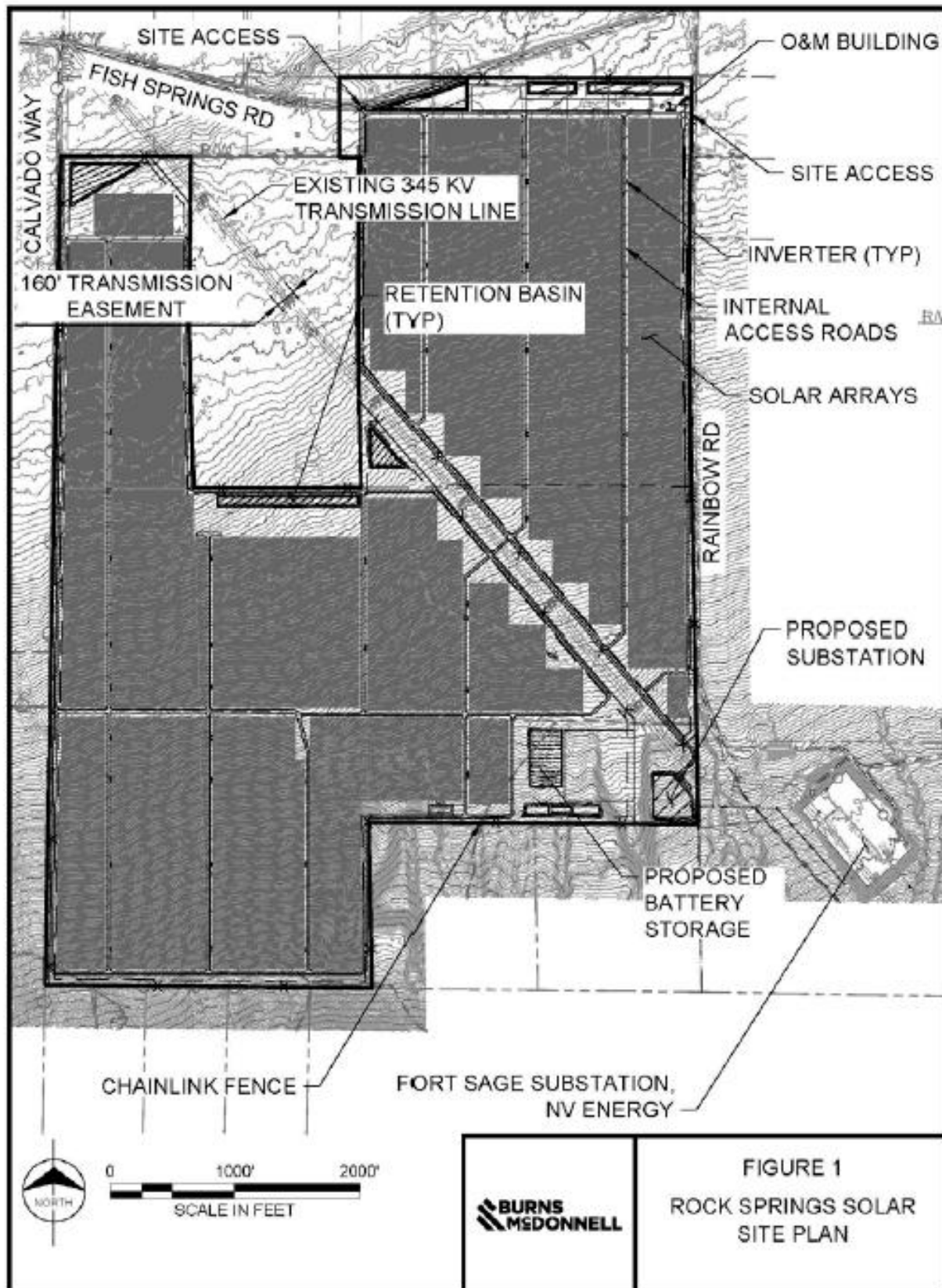
An amendment of conditions application is necessary in order to change a condition(s) of an approved discretionary permit, such as a special use permit, a variance, an abandonment of an easement or a tentative subdivision map. Some examples of why an amendment of conditions application is submitted are 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, agency review and analysis, and satisfying the required findings. If the Planning Commission grants an approval of the amendment of conditions request, an amended Action Order is created along with amended conditions of approval.

The subject property has a regulatory zone of General Rural (GR). The proposed use of a 120MW solar power facility with an 84MW battery energy storage system is classified as energy production, renewable use type, which is allowed in the GR regulatory zone provided the applicant obtain a special use permit per WCC 110.302.05.04.

The current request is to amend the conditions of approval for approved Special Use Permit Case Number WSUP21-0001. The conditions of approval for Amendment of Conditions Case Number WAC25-0018 are attached to this staff report and will be included with the amended action order.



Site Plan

Background and Evaluation of Amendment Request

The Planning Commission approved WSUP21-0001 on May 4, 2021 to establish a 120-MW solar photovoltaic generation facility with an 84MW battery energy storage system. The site includes nine parcels of approximately 660 acres and is roughly 45 miles north of Reno on the Nevada/California border. The approved special use permit also includes a request for major grading to disturb 627 acres, including 426,000cy of cut and 426,000cy of fill and modifications to the Washoe County Development Code's height, landscaping, and parking standards to allow the substation height to exceed 35ft, waiver of all landscaping standards, and waiver of all parking design standards. This project met the standard for a project of regional significance because it will generate more than 5 MW of electricity and requires a new substation. On December 9, 2021 the Regional Planning Governing Board (RPGGB) adopted "A mapping amendment to Map 3 of the 2019 Regional Plan to add a new regional utility site, on ±660 contiguous acres across 9 parcels, located approximately 45 miles northwest of Reno, near Flannigan".

The applicant is now requesting an additional two years to obtain issued building permits. The original condition 1(c) requires building permits to be obtained within five years from Washoe County's approval of the special use permit (See Exhibit B). The five year allowance expires on May 4, 2026. This proposal would extend the expiration date to May 4, 2028. There are no other proposed changes to the conditions for WSUP21-0001.

The applicant provided the following statement in their application concerning the reason for not being able to meet the current condition:

"[T]he Project has encountered significant delays beyond the Applicant's control. Additional setbacks arose from a transmission right-of-way threat in 2022- 2023, when a California rural electric cooperative threatened to condemn a right-of-way through the Project site, necessitating potential reconfiguration and halting progress until resolved. Tariff and pricing uncertainties have also emerged from recent U.S. trade policies, including increases to Section 201 tariffs and proposed broader tariffs, which have disrupted manufacturing, increased costs for imported components, and created uncertainty in construction pricing and Power Purchase Agreement (PPA) negotiations. Finally, interconnection and PPA delays have stemmed from NV Energy's interconnection schedule setbacks and ongoing PPA shortlisting processes, impacting progress despite the Project being shortlisted in multiple negotiations without a confirmed PPA as of this date."

The applicant further states:

"The Project is expected to begin construction within the extended period, targeting a commercial operation date (COD) in late 2028 or early 2029, subject to PPA finalization . . ."

See Exhibit E, pages 1 & 2.

High Desert Planning Area

The subject parcel is located within the High Desert Planning Area. Staff was unable to find any relevant policies related to amending a condition of approval for an approved special use permit for communication facilities use type.

Reviewing Agencies

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

Agencies	Sent to Review	Responded	Provided Conditions	Contact
NV Division of Natural Heritage	X			
Washoe County Parks & Open Space	X			
Washoe County Sewer	X			
Washoe County Water Rights Manager (All Apps)	X			
Washoe County Engineering (Land Development) (All Apps)	X	X		Robert Wimer, rwimer@washoecounty.gov
NNPH Air Quality	X			
NNPH Environmental Health	X	X		James English, jenglish@nnph.org
TMFPD	X	X		Brittany Lemon, blemon@tmfpd.us

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 Planning Commission 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.

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.
Staff Comment: The proposed amendment is to extend the deadline to obtain building permits to May 4, 2028. This change will not impact 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.
Staff Comment: The proposed amendment is to extend the deadline to obtain building permits to May 4, 2028. This change will not impact the utilities, roadway improvements, sanitation, water supply, drainage, and other necessary facilities or 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.

Staff Comment: The proposed amendment is to extend the deadline to obtain building permits to May 4, 2028, which will not impact the site suitable for an energy production use type.

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.

Staff Comment: The proposed amendment is to extend the deadline to obtain building permits to May 4, 2028. This change 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 the military installation.

Staff Comment: There are no military installations within the noticing area of the proposed facility.

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;

Staff Comment: The proposed amendment is to extend the deadline to obtain building permits to May 4, 2028, which will not impact the environment. The applicant will still be required to meet all approved conditions as founding in Exhibit A.

7. Impact on Scenic Resources. That the proposed development will not unduly block scenic views or degrade any surrounding scenic resources; and

Staff Comment: The proposed amendment is to extend the deadline to obtain building permits to May 4, 2028. This change will not unduly block scenic views or degrade surrounding scenic resources.

8. Reclamation. That the proposed development will reclaim the site and all affected areas at the conclusion of the operation.

Staff Comment: The proposed amendment to extend the deadline to obtain building permits to May 4, 2028 will not affect area. Conditions of approval (See Exhibit A) requiring a reclamation plan and reclamation bond for the proposed facility.

Recommendation

After reviewing, Amendment of Conditions Case Number WAC25-0018 is being recommended for approval with conditions. Staff offers the following motion for the Commission'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 Planning Commission approve Amendment of Conditions Case Number WAC25-0018 for CED

Rock Springs Solar LLC, with the amended conditions included as Exhibit A to this matter, having made all five findings in accordance with Washoe County Code Section 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 a renewable energy production 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.

Appeal Process

Planning Commission action will be effective 10 calendar days after the written decision is filed with the Secretary to the Planning Commission 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).



Amended Conditions of Approval

Amendment of Conditions Case Number WAC25-0018

For Special Use Permit Case Number WSUP21-0001

The project approved under Amendment of Conditions Case Number WAC25-0018 the project approved under Special Use Permit Case Number WSUP21-0001 shall be carried out in accordance with the Amended Conditions of Approval granted by the Board of Adjustment 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 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 WSUP20-0019 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 WSUP20-0019 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 WSUP20-0019 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 WSUP20-0019 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, 775.328.3627, jolander@washoecounty.gov

- a. **The applicant shall attach a copy of the action order approving this project to all permits and applications (including building permits) applied for as part of this special use permit.**
- b. The applicant shall 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 **by May 4, 2028**. 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.
- l. 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 – Robert Wimer, P.E. 775.328.2059, rwimer@washoecounty.gov

- 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 – Timber Weiss, 775.954.4626, twiess@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 – Faye-Marie Pekar, 775.328.3611, fpekar@washoecounty.gov

- 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 regard to phasing of the project, dust control measures being employed during the course of construction and a long term dust control plan for the 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 –Brittany Lemon, 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 ***



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



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:

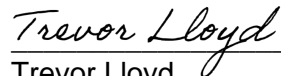
6. Environment. That the proposed development is not unduly detrimental to surrounding properties, land uses and the environment in general;
7. Impact on Scenic Resources. That the proposed development will not unduly block scenic views or degrade any surrounding scenic resources; and
8. Reclamation. 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 ***



Date: October 21, 2025

To: Julee Olander, Planner

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

Re: Amendment of Conditions Case WAC25-0018 for WSUP21-0001
APN: 074-061-21, 29, 30, 36, 37 & 39 and 074-040-20, 22, 25

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 WSUP21-0001 to extend the expiration date by two additional years from April 2026 to April 2028. 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 the property owner.

WAC25-0018
EXHIBIT C

From: [Lemon, Brittany](#)
To: [Olander, Julee](#)
Subject: WAC25-0018 (Rock Springs Solar) for WSUP21-0001
Date: Thursday, October 23, 2025 9:42:12 PM

Hi Julee,

TMFPD's comments remain the same for this project.

Please let me know if you have any questions or concerns.

Thank you!

Brittany Lemon

Fire Plans Examiner | Truckee Meadows Fire & Rescue

blemon@tmfpd.us

3663 Barron Way, Reno, NV 89511

**WAC25-0018
EXHIBIT C**

October 23, 2025

Washoe County Community Services
Planning and Development Division

RE: Rock Springs Solar; Multiple APNs
Amendment of Conditions; WAC25-0018

Dear Washoe County Staff:

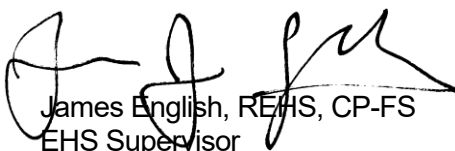
The following conditions are requirements of Northern Nevada Public Health (NNPH), Environmental Health Division, (EHS) which shall be responsible for determining compliance with these conditions.

Contact Name – James English - jenglish@washoecounty.us

- a) Condition #1: EHS has reviewed the application as submitted and has no concerns with the approval of the application as submitted and the extension to receive building permits by two additional years.

If you have any questions or would like clarification regarding the foregoing, please contact James English, EHS Supervisor at jenglish@washoecounty.us regarding all NNPH comments.

Sincerely,



James English, REHS, CP-FS
EHS Supervisor
Environmental Health Services
Northern Nevada Public Health





Date: October 25, 2025

To: Julee Olander, Planner

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

Re: Amendment of Conditions Case Number WAC25-0018 (Rock Springs Solar) for
WSUP21-0001

GENERAL PROJECT DISCUSSION

For hearing, discussion, and possible action to approve an amendment of conditions for Special Use Permit Case Number WSUP21-0001. To amend Condition 1.c, requiring initial building permits to be issued within five years from the date of approval by Washoe County for two years more years, from May 4, 2021 to May 4, 2028.

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

This project will require ground water rights in support of the commercial activities proposed. The application as submitted does not include any specific information regards water rights. The applicant shall be aware that there no unappropriated water rights which remain available within Honey Lake Basin where this project is located.

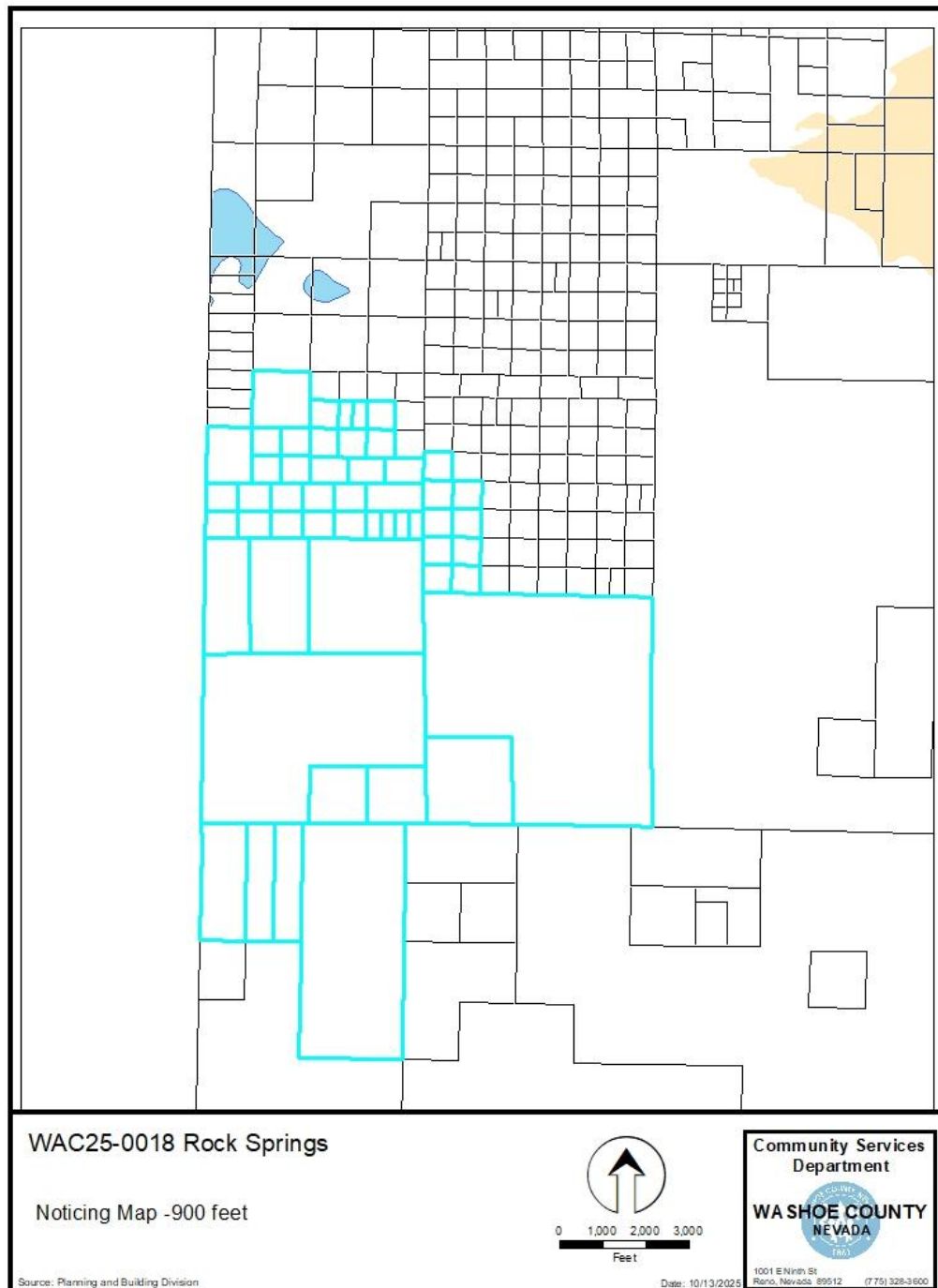
Conditions:

- 1) 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.
- 2) 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.
- 3) 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.
- 4) 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.
- 5) For the operational phase the proof of adequate water rights per item # 1 above shall be provided before Final inspection sign-off.

**WAC25-0018
EXHIBIT C**

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 900 foot radius of the subject property, noticing 46 separate property owners.



NOTICING MAP

September 17, 2025

Trevor Lloyd, Planning Manager
Community Services
Washoe County
1001 E. Ninth Street, Bldg. A
Reno, NV 89512

Re: Request for Extension of Time for Special Use Permit WSUP21-0001

Dear Trevor,

CED Rock Springs Solar, LLC (Applicant), a fully owned subsidiary of RWE Renewables Americas, LLC, respectfully requests an extension of Special Use Permit WSUP21-0001 for the Rock Springs Solar Project, from its current expiration date of April 2026 by an additional two (2) years, to April 2028. This extension aligns with a pending two-year compliance extension for the Project's Utility Environmental Protection Act (UEPA) permit (PUCN Docket 20-12032, motion to extend to March 2028) and is necessary to accommodate unforeseen delays in project development, as detailed below.

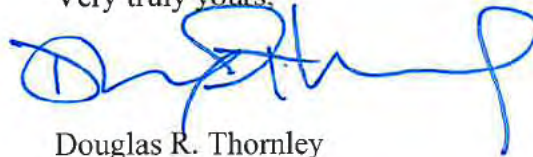
No changes are proposed to the Project's scope, site plan, capacity (120 MW photovoltaic solar generation with 120 MW battery energy storage system), grading (627 acres of disturbance with balanced cut/fill of approximately 426,000 cubic yards), variances (height, landscaping, parking), or other approved elements. Already reviewed and approved as a project of regional significance by the Regional Planning Commission on December 6, 2021, the requested extension—which solely extends the permit duration without altering substantive aspects of the approval—does not trigger new regional review.

Despite diligent efforts, the Project has encountered significant delays beyond the Applicant's control. Additional setbacks arose from a transmission right-of-way threat in 2022-2023, when a California rural electric cooperative threatened to condemn a right-of-way through the Project site, necessitating potential reconfiguration and halting progress until resolved. Tariff and pricing uncertainties have also emerged from recent U.S. trade policies, including increases to Section 201 tariffs and proposed broader tariffs, which have disrupted manufacturing, increased costs for imported components, and created uncertainty in construction pricing and Power Purchase Agreement (PPA) negotiations. Finally, interconnection and PPA delays have stemmed from NV Energy's interconnection schedule setbacks and ongoing PPA shortlisting processes, impacting progress despite the Project being shortlisted in multiple negotiations without a confirmed PPA as of this date.

These delays risk the permit expiring before construction can commence, potentially requiring a full re-application and wasting resources, but the Applicant continues to actively develop the Project, demonstrating commitment and progress through completed site design, secured UEPA permit from the Public Utilities Commission of Nevada (PUCN Docket 20-12032, with a pending motion for a two-year compliance extension to March 2028), maintained land options with eight private landowners, and coordinated efforts with agencies such as NDOW, TMFPD, and WCHD. This two-year extension aligns closely with the requested UEPA compliance extension to March 2028, providing necessary flexibility to account for ongoing market and regulatory uncertainties, maximizing efficiency, avoiding permit lapse, and supporting Nevada's clean energy goals by facilitating the Project's eventual completion. The Project is expected to begin construction within the extended period, targeting a commercial operation date (COD) in late 2028 or early 2029, subject to PPA finalization and interconnection, and upon completion, it will deliver significant benefits, including 150-200 construction jobs, 5 permanent jobs, and substantial tax revenues (~\$3.5 million in sales/use taxes and ~\$600,000 in annual property taxes).

The requested extension does not alter the Project's character, intensity, or impacts, and no intervening changes in conditions or plan revisions have occurred that would affect the analysis underlying the original and amended approvals. We respectfully request that this matter be scheduled for the next available Planning Commission hearing. Please do not hesitate to contact me should you require any additional information.

Very truly yours,



Douglas R. Thornley
Of Counsel
for Holland & Hart LLP

DRT:
AttachmentsEnclosures
cc: {name}|\n

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

Amendment of Conditions Development Application Submittal Requirements

Applications are accepted on the 8th of each month. If the 8th falls on a non-business day, applications will be accepted on the next business day.

If you are submitting your application online, you may do so at [OneNV.us](https://www.onenv.us)

1. **Fees:** See Master Fee Schedule. **Most payments can be made directly through the OneNV.us portal.** If you would like to pay by check, please make the check payable to Washoe County and bring your application and payment to the Community Services Department (CSD).
2. **Development Application:** A completed Washoe County Development Application form.
3. **Owner Affidavit:** The Owner Affidavit must be signed and notarized by all owners of the property subject to the application request.
4. **Proof of Property Tax Payment:** The applicant must provide a written statement from the Washoe County Treasurer's Office indicating all property taxes for the current quarter of the fiscal year on the land have been paid.
5. **Application Materials:** The completed Amendment of Conditions Application materials.
6. **Site Plan Specifications:**
 - a. Lot size with dimensions drawn using standard engineering scales (e.g. scale 1" = 100', 1" = 200', or 1" = 500') showing all streets and ingress/egress to the property.
 - b. Show the location and configuration of all proposed buildings (with distances from the property lines and from each other), all existing buildings that will remain (with distances from the property lines and from each other), all existing buildings that will be removed, and site improvements on a base map with existing and proposed topography expressed in intervals of no more than five (5) feet.
 - c. Show the location and configuration of wells, septic systems and leach fields, overhead utilities, water and sewer lines, and all easements.
 - d. Show locations of parking, landscaping, signage and lighting.
7. **Application Map Specifications:** Map to be drawn using standard engineering scales (e.g. scale 1" = 100', 1" = 200', or 1" = 500') clearly depicting the area subject to the request, in relationship to the exterior property lines. All dimensions and area values shall be clearly labeled and appropriate symbols and/or line types shall be included in the map legend to depict the map intent.
8. **Building Elevations:** All buildings and structures, including fences, walls, poles, and monument signs proposed for construction within the project shall be clearly depicted in vertical architectural drawings provided in accurate architectural scale. Architectural elevations of all building faces shall be presented.
9. **Submission Packets:** One (1) packet and a flash drive. Any digital documents need to have a resolution of 300 dpi. If materials are unreadable, you will be asked to provide a higher quality copy. The packet shall include one (1) 8.5" x 11" reduction of any applicable site plan, development plan, and/or application map. Labeling on these reproductions should be no smaller than 8 point on the 8.5" x 11" display. Large format sheets should be included in a slide pocket(s). Any specialized reports identified above shall be included as attachments or appendices and be annotated as such.

Notes:

- (i) Application and map submittals must comply with all specific criteria as established in the Washoe County Development Code and/or the Nevada Revised Statutes.

- (ii) Appropriate map engineering and building architectural scales are subject to the approval of the Planning and Building and/or Engineering and Capital Projects.
- (iii) All oversized maps and plans must be folded to a 9" x 12" size.
- (iv) Based on the specific nature of the development request, Washoe County reserves the right to specify additional submittal packets, additional information and/or specialized studies that clarify the potential impacts and potential conditions of development in order to minimize or mitigate impacts resulting from the project. No application shall be processed until the information necessary to review and evaluate the proposed project is deemed complete by the Director of Planning and Building.
- (v) **Labels:** If the assigned planner determines the abandonment will affect the access to a mobile home park, the applicant will be required to submit a list of mailing addresses for every tenant residing in the mobile home park.

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.

Project Information		Staff Assigned Case No.: _____	
Project Name: Rock Springs Solar (RSS)			
Project Description: CED Rock Springs Solar, LLC (Applicant) requests extension of an approved special use permit (WSUP21-0001) to construct a solar plus battery energy storage system on approximately 660 acres in Washoe County; see WSUP21-0001, WAC23-0003			
Project Address: Multiple parcels; see WSUP21-0001			
Project Area (acres or square feet): Approximately 660 acres; see WSUP21-0001			
Project Location (with point of reference to major cross streets AND area locator):			
Assessor's Parcel No.(s):	Parcel Acreage:	Assessor's Parcel No.(s):	Parcel Acreage:
Multiple parcels; see WSUP21-0001	Approximately 660 acres		
Indicate any previous Washoe County approvals associated with this application: Case No.(s). WSUP21-0001 and WAC23-0003			
Applicant Information (attach additional sheets if necessary)			
Property Owner:		Professional Consultant:	
Name: Multiple parcels; see WSUP21-0001 and WAC23-0003		Name: Holland & Hart LLP	
Address:		Address: 5470 Kietzke Lane, Suite 100	
Zip:		Reno, NV Zip: 89511	
Phone:	Fax:	Phone: 775.327.3000	Fax:
Email:		Email: DRThornley@hollandhart.com	
Cell:	Other:	Cell: 775.857.8905	Other:
Contact Person:		Contact Person: Doug Thornley	
Applicant/Developer:		Other Persons to be Contacted:	
Name: CED Rock Springs Solar LLC		Name: Scott Risley	
Address: 100 Summit Lake Dr., Suite 210		Address: 101 West Broadway, Suite 1120	
Vahalla, NY	Zip: 10595	San Diego, CA	Zip: 92101
Phone: 914-286-7041	Fax:	Phone: 619-507-4130	Fax:
Email: mapellip@conedceb.com		Email: risleys@conedceb.com	
Cell: 914-400-6165	Other:	Cell: 619-787-4227	Other:
Contact Person:		Contact Person:	
For Office Use Only			
Date Received:		Initial:	
County Commission District:		Planning Area:	
CAB(s):		Master Plan Designation(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)**.

CED Rock Springs Solar, LLC, requests a two-year extension of Special Use Permit WSUP21-0001 for the 120 MW Rock Springs Solar Project (with 120 MW battery storage) from April 2026 to April 2028, aligning with a pending UEPA permit extension to March 2028. The extension addresses unforeseen delays including a 2022-2023 transmission right-of-way threat, U.S. trade tariff uncertainties, and NV Energy interconnection/PPA setbacks.

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.

None; the amendment relates only to the period for which the approved special use permit remains valid and active. No changes are proposed to the project's scope, site plan, or approvals.