



Planning Commission Staff Report

Meeting Date: October 16, 2023

Agenda Item: 8D

AMENDMENT OF CONDITIONS CASE NUMBER: WAC23-0012 (Apple) for WSUP18-0010

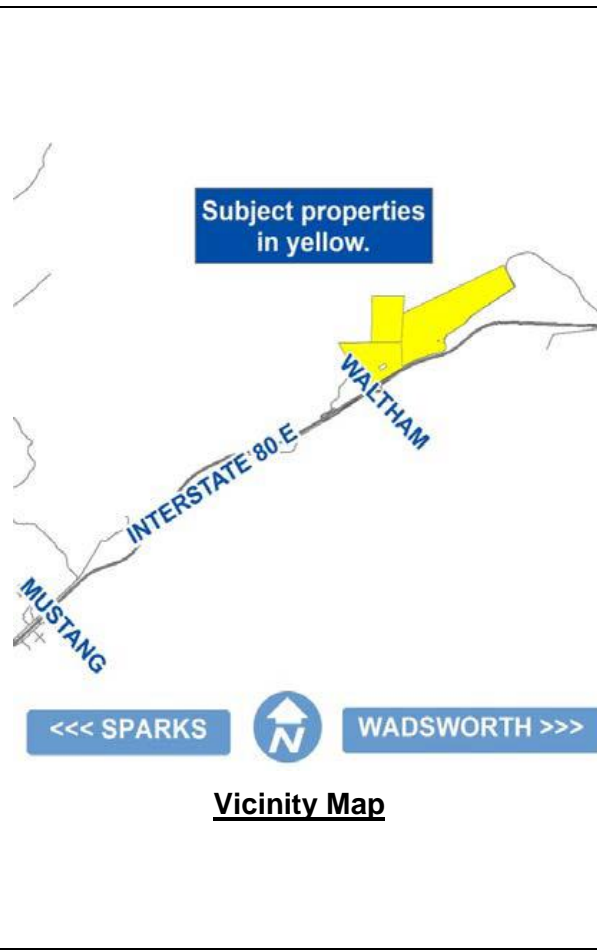
BRIEF SUMMARY OF REQUEST: Removal of the three (3) year time limit for the issuance of building permits for the first phase of construction of the Sunol Substation.

STAFF PLANNER: Tim Evans, Planner
Phone Number: 775.328.2314
E-mail: TEvans@washoecounty.gov

CASE DESCRIPTION

For hearing, discussion, and possible action to approve an amendment of conditions for Special Use Permit Case Number WSUP18-0010 to remove the 3-year time limit for the issuance of building permits for the first phase of construction of the Sunol Substation and instead provide a 10-year time limit for the issuance of building permits for all phases of construction. The approved project consists of a 300 MW substation, switching station, transmission lines, and associated equipment.

Applicant: Apple, Inc.
Property Owner: Apple, Inc.
Location: 21505 Reno Technology Park West, Reno, NV 89434
APN: 084-110-20; 084-110-29; and 084-191-07
Parcel Size: 120 acres, 345.23 acres, and 147.28 acres
Master Plan: Rural, Industrial, Commercial
Regulatory Zone: Industrial (I), General Rural (GR), and General Commercial (GC)
Area Plan: Truckee Canyon
Development Code: Authorized in Article 810, Special Use Permit
Commission District: 4 – Commissioner Andriola



STAFF RECOMMENDATION

APPROVE

**APPROVE WITH
CONDITIONS**

DENY

POSSIBLE 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 WAC23-0012 for Apple, Inc., with the amended Conditions of Approval included as Exhibit A to this matter, having made all five findings in accordance with Washoe County Code Section 110.810.30

(Motion with Findings on Page 7)

Staff Report Contents

Amendment of Conditions 3

Site Plan 4

Background and Evaluation of Amendment Request 5

Truckee Canyon Area Plan 6

Reviewing Agencies..... 6

Recommendation..... 6

Motion..... 7

Appeal Process..... 8

Exhibits Contents

Conditions of ApprovalExhibit A

Agency Comments.....Exhibit B

Special Use Permit WSUP18-0010 Action Order.....Exhibit C

Public Notice Exhibit D

Project ApplicationExhibit E

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 approved 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 regulatory zones of General Commercial (GC), General Rural (GR) and Industrial (I). The proposed use of a 300-megawatt substation and necessary supporting transmission line which is classified as a utility service use is allowed in the GC, GR and I regulatory zones with the approval of a special use permit per WCC Section 110.302.05.2 (Civic Use Types). The special use permit for the proposed facility was approved with conditions on July 3, 2018. The applicant is now requesting that Condition 1(b) of the approved special use permit be amended. This condition provides that building permits must be issued for the first phase of the substation within three (3) years from the date of approval of the special use permit by the Planning Commission.

The conditions of approval for Amendment of Conditions Case Number WAC23-0012 are attached to this staff report as Exhibit A and will be included with the amended action order. The amended Condition 1(b) provides that building permits must be issued for all phases of the substation within ten (10) years from the date of approval of the special use permit by the Planning Commission (i.e., July 3, 2028).



Site Plan

Background and Evaluation of Amendment Request

On July 3, 2018, the Planning Commission approved Special Use Permit WSUP18-0010 for the following:

- 1) The construction and operation of a 300 MW substation, an NVE switching station, 2 back-up generators, and 120 kV transmission line connection to the NV Energy Pah Rah switching station.
- 2) A 120 kV transmission line from the Pah Rah switching station to the Patrick substation located on the south side of I-80, in Storey County.
- 3) Grading in excess of 5,000 cubic yards of material.

The project met the standard for a project of regional significance, requiring conformance review by the Truckee Meadows Regional Planning Agency, and required subsequent action by the Washoe County Board of Commissioners to sponsor an amendment to the Truckee Meadows Regional Plan to identify the location of the new sub-station and transmission line(s) on the Regional Utility Corridor Map of the Truckee Meadows Regional Plan.

On June 27, 2023, Apple, Inc., submitted an application for a building permit (WBLD23-102070) for the first phase of project construction. Upon review of the building permit by Planning staff on June 30, 2023, it was determined that the three (3) year time limit for issuance of the building permit for the first phase had passed. That time limit was required in Condition 1(b) of the Conditions of Approval for Special Use Permit WSUP18-0010, which states the following:

The substation is planned to be constructed in phases to support the phased construction of the data center buildings. Construction plans shall be submitted and building permits issued for the first phase of the substation within three years from the date of approval by Washoe County. Construction of the remaining phases of the substation shall be completed within ten (10) years from approval by Washoe County.

In order to meet the condition, the construction plans would have had to have been submitted and the building permit(s) issued for the first phase no later than July 3, 2021.

Corrections were requested for the building permit on June 30, 2023, and the applicant reached out to Planning staff on July 25, 2023, to discuss the building permit. Planning staff informed the applicant that planning review of the building permit could not be approved and provided two (2) possible solutions to move forward with the building permit -- submitting an application for another special use permit or amending the time limit for building permit issuance for the first phase set forth in Condition 1(b) of Special Use Permit Case Number WSUP18-0010.

On August 8, 2023, Apple, Inc. submitted an amendment of conditions application (WAC23-0012). The applicant is requesting to amend Condition 1(b) of approved Special Use Permit Case Number WSUP18-0010 to remove the three (3) year time limit for building permit issuance for the first phase of the substation. The new Condition 1(b) instead provides that there is a ten (10) year time limit for building permit issuance for all phases of the project from the original approval of the special use permit by the Planning Commission.

Included in the amendment of conditions application, the applicant provided a narrative with the following reason for not meeting the three (3) year time limit:

The primary factor for delay in construction to the West Campus Substation was the unprecedented and unforeseeable Covid Global Pandemic. Whereas all industry and daily life were impacted during this period, the construction industry in particular was disrupted in ways it had never before seen. Starting at the most basic level, mining and production of commodities used in construction from iron ore to wood products to oil-based products were developed at a much slower rate. This resulted in higher prices and

scarcer availability. The worldwide supply chain was essentially ground to a halt during this period, again making products scarcer and prices much higher. Factories and production zones were completely shut down in many cases, and standard construction materials were simply not available. Simultaneously, the cost of any available goods spiked. On a local level, the availability of working crews dwindled as Stay at Home orders were enforced. Most construction projects did not fall into the “Essential Worker” category, and even when these orders were lifted or reduced, widespread trepidation to return to the working environment was prevalent. Demand for higher or hazard pay was prevalent for the few workers willing to return to work. Working conditions also required an increased level of sanitization, separation, and sequencing so that adequate space could be provided. This impacted the efficiencies of the workforce and increased the time and cost for the same task that was previously agreed upon. All of these factors lead to a disadvantageous time period to conduct construction activities, and it was determined to halt progress until a safer, more predictable, and stabilized economy returned.

Truckee Canyon Area Plan

The subject parcel is located within the Truckee Canyon Area Plan. There are no other relevant policies related to amending a special use permit condition to amend a building permit time limit.

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
BLM - NV State Office	X			
BLM - Winnemucca Dist. Office	X			
Environmental Protection	X			
NDOW (Wildlife)	X			
Washoe County Building & Safety	X	X	X	Scott Huntley; shuntley@washoecounty.gov
Washoe County Water Rights Manager (All Apps)	X	X		
Washoe County Engineering (Land Development) (All Apps)	X	X		
WCHD Air Quality	X			
WCHD Environmental Health	X	X	X	Jim English, jenglish@washoecounty.gov; Wes Rubio, wrubio@washoecounty.gov
TMFPD	X	X	X	Brittany Lemon, BLeMon@tmfpd.us
Truckee Meadows Regional Planning	X			
Washoe-Storey Conservation District	X			
Regional Transportation Commission	X			

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

Recommendation

Those agencies which reviewed the application recommended conditions in support of approval of the Amendment of Conditions request. Therefore, after a thorough review and analysis,

Amendment of Conditions Case Number WAC23-0012 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 WAC23-0012 for Apple, Inc., with the amended Conditions of Approval included as Exhibit A to this matter, having made all five 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 Truckee Canyon Area Plan.

Staff Comment: There are no policies or action programs within the Washoe County Master Plan or the Truckee Canyon Area Plan addressing the proposal to amend a special use permit condition to amend a time limit for building permit submittal. This request is consistent with the action programs, policies, standards and maps of the Master Plan and the Truckee Canyon 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.

Staff Comment: The request to amend a special use permit's Conditions of Approval to amend the time limit for the issuance of a building permit will not impact utilities, roadway improvements, sanitation, water supply, drainage, and other necessary facilities. Such items are either available or have been provided.

- (c) **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 request is to amend a special use permit's conditions of approval to amend the time limit for building permit issuance. This will not impact the site suitability. The site has already been deemed physically suitable for this type of development with the approval of Special Use Permit Case Number WSUP18-0010.

- (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's conditions of approval to amend the time limit for building permit issuance 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 special use permit was reviewed for issuance not being detrimental as part of the original approval of Special Use Permit Case Number WSUP18-0010.

- (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.

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).

Applicant/Owner: Apple, Inc.; l_york@apple.com; One Apple Way-MS, Cupertino, CA 95014

Representatives: Navix; 11235 SE 6th Street, Suite 150, Bellevue, WA 98005



Amended Conditions of Approval

Amendment of Conditions Case Number WAC23-0012
For Special Use Permit Case Number WSUP18-0010

The project approved under Amendment of Conditions Case Number WAC23-0012 for Special Use Permit Case Number WSUP18-0010 shall be carried out in accordance with the amended conditions of approval granted by the Planning Commission on October 3, 2023, as well as the original conditions of approval granted by the Planning Commission on July 3, 2018. To the extent these amended conditions of approval conflict with any conditions granted on July 3, 2018, these amended conditions of approval shall prevail. 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 (WAC23-0012) regarding Special Use Permit Case Number WSUP18-0010 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 (WAC23-0012) related to Special Use Permit Case Number WSUP18-0010 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 WSUP18-0010 may result in the initiation of revocation procedures.

Washoe County reserves the right to review and revise the amended conditions of approval related to Special Use Permit Case Number WSUP18-0010 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 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 – Tim Evans, Planner, 775.328.2314, TEvans@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 approval.**
- b. Condition 1(b) of the Conditions of Approval for Special Use Permit Case Number WSUP18-0010 previously approved on July 3, 2018, is amended to read as follows:

The substation is planned to be constructed in phases to support the phased construction of the data center buildings. All necessary building permits for construction of the facility shall be submitted to the Washoe County Building Program for all phases of the project within ten (10) years from the date of approval of Special Use Permit Case Number WSUP18-0010 by the Washoe County Planning Commission. Failure to abide by this condition will result in automatic revocation of the special use permit.

- c. In addition to the amendment of condition 1(b), the applicant shall meet all other conditions of approval previously approved on July 3, 2018, for Special Use Permit Case Number WSUP18-0010.

Washoe County Planning and Building Division

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

Contact Name – Scott Huntley, Interim Building Official, 775.784.7242, shuntley@washoecounty.gov

- a. Building permits shall be reviewed, issued, and inspected on all items the power is not transmitted through. Examples include grading, footings, walls, and structures other than power transmission equipment.

Truckee Meadows Fire Protection District (TMFPD)

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

Contact Name – Brittany Lemon, Fire Captain, 775.326.6079, blemon@tmfpd.us

- a. The 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/>).
- b. The project will require a vegetation management plan in accordance with Appendix B of the International Wildland Urban Interface Code (IWUIC).

Washoe County Health District (WHCD) – Environmental Health Services (EHS)

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

Contact Name – James English, EHS Supervisor, jenglish@washoecounty.us

- a. All subsequent building permits and plan reviews for the proposed future development must be routed to the WCHD for review and approval prior to permit issuance or construction.

*** End of Amended Conditions ***

From: [Lemon, Brittany](#)
To: [Evans, Timothy](#)
Cc: [Way, Dale](#)
Subject: WAC23-0012 (Apple) for WSUP18-0010 Conditions of Approval
Date: Thursday, August 17, 2023 12:40:18 PM
Attachments: [image001.png](#)

Hi Tim,

“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/>.

This project will require a vegetation management plan in accordance with Appendix B of the International Wildland Urban Interface Code (IWUIC).

Thank you,

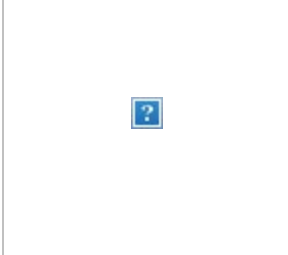
Brittany Lemon

Fire Captain - Fire Prevention | Truckee Meadows Fire & Rescue

blemon@tmfpd.us | Office: 775.326.6079 | Cell: 775.379.0584

3663 Barron Way, Reno, NV 89511

tmfpd_final_sunset_logo



“Committed to excellence, service, and the protection of life and property in our community”

From: [Roman, Brandon](#)
To: [Evans, Timothy](#)
Subject: FW: August Agency Review Memo II
Date: Tuesday, August 22, 2023 7:34:59 AM
Attachments: [image006.png](#)
[image007.png](#)
[image008.png](#)
[image009.png](#)
[image010.png](#)
[image011.png](#)
[image012.png](#)
[image013.png](#)
[image014.png](#)
[image015.png](#)
[August Agency Review Memo II.pdf](#)

Agency Comments for you regarding Item #1 WAB23-0003 (Waterman) and Item #4 WAC23-0012 (Apple). See attachment for reference.

From: Huntley, Scott <SHuntley@washoecounty.gov>
Sent: Tuesday, August 22, 2023 7:04 AM
To: Roman, Brandon <BRoman@washoecounty.gov>
Cc: Mullin, Kelly D. <KMullin@washoecounty.gov>
Subject: RE: August Agency Review Memo II

Brandon:

No comment on item 1.

On Items 4 we will need to issue permits, review, and inspect all items the power is not transmitted through. Examples include grading, footings, walls, structures other than power transmission equipment.

Thanks

Have some kudos to share about a Community Services Department employee or experience? Submit a nomination for a Washoe Star by clicking this link: [WASHOE STAR](#)



Scott Huntley,
Interim Building Official
Building Division | Community Services Department|
Monday -Thursday 6:00 AM - 2:30 PM
shuntley@washoecounty.gov Office: 775.784.7242 Cell 775.745.5906
Visit us first online: www.washoecounty.gov/csd
For Building call (775) 328-2020
Email: Building@washoecounty.gov



Connect with us: [cMail](#) | [Twitter](#) | [Facebook](#) | www.washoecounty.us



Date: August 2, 2023

To: Tim Evans, Planner

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

Re: Amendment of Conditions Case WAC23-0012 for WSUP18-0010
APN: 084-110-20, 084-110-29, 084-191-07

GENERAL COMMENTS

Washoe County Engineering staff has reviewed the above referenced application. The Amendment of Conditions case is to approve an Amendment of Conditions to remove the 3-year time limit for the first phase of construction of the Sunol Substation associated with the approved Special Use Permit Number WSUP18-0010. The Engineering and Capital Projects Division recommends approval with no comments and conditions of approval which supplement applicable County Code and are based upon our review of the site and the application prepared by Navix.

Date: August 24, 2023

To: Tim Evans, Planner

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

Re: Amendment of Conditions Case Number WAC23-0012 (Apple) for WSUP18-0010
APNs 080-635-01, 080-730-21 & 552-210-07

GENERAL PROJECT DISCUSSION

For hearing, discussion, and possible action to approve an amendment of conditions for Special Use Permit Case Number WSUP18-0010 to remove the 3-year time limit for the first phase of construction of the Sunol Substation, which consists of a 300 MW substation, switching station, transmission lines, and associated equipment.

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

No water rights conditions for this abandonment.

**WASHOE COUNTY
HEALTH DISTRICT**
ENHANCING QUALITY OF LIFE

August 25, 2023

Washoe County Community Services
Planning and Development Division

RE: Apple; 084-110-20 & 29 and 084-191-07
Amendment of Conditions; WAC23-0012

Dear Washoe County Staff:

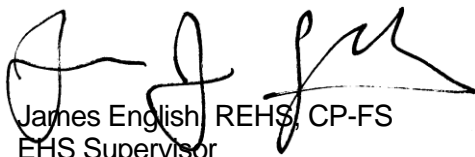
The following conditions are requirements of the Washoe County Health District, Environmental Health Services Division, (WCHD), which shall be responsible for determining compliance with these conditions.

Contact Name – James English - jenglish@washoecounty.us

- a) Condition #1: The WCHD has reviewed this application and has no objections to the approval of the proposed amendment of conditions.
- b) Condition #2: If the amendment is approved, all subsequent building permits and plan reviews for the proposed future development must be routed to the WCHD for review and approval prior to permit issuance or construction.

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

Sincerely,



James English, REHS, CP-FS
EHS Supervisor
Environmental Health Services
Washoe County Health District





WASHOE COUNTY
COMMUNITY SERVICES DEPARTMENT
Planning and Building Division
Planning Program

1001 EAST 9TH STREET
 PO BOX 11130
 RENO, NEVADA 89520-0027
 PHONE (775) 328-6100
 FAX (775) 328.6133

Planning Commission Action Order
Special Use Permit Case Number WSUP18-0010

Decision: **Approval with Conditions**

Decision Date: July 3, 2018

Mailing/Filing Date: July 6, 2018

Property Owner: Apple Inc.
 Attn: Troy Hinson
 One Apple Way – MS
 Cupertino, CA 95014

Assigned Planner: Eva Krause, AICP, Planner
 Washoe County Community Services Department
 Planning and Building Division
 Phone: 775.328.3628
 E-Mail: ekrause@washoecounty.us

Special Use Permit Case Number WSUP18-0010 (Sunol Substation) – For possible action, hearing, and discussion to approve the construction and operation of a 300 MW substation, a NV Energy switching station, emergency back-up generators, and 120 kV transmission line connections to the NV Energy Pah Rah switching station. The project will also add a 120 kV transmission line from the proposed switching station to the Patrick substation located on the south side of I-80, in Storey County. The project also includes grading in excess of 5,000 cubic yards of material and to modify the landscaping requirements per WCC section 110.412.40(a) by requiring no additional landscaping instead of the 20% landscaping area requirement. The construction of a new sub-station will require a conformance review with the Truckee Meadows Regional Plan for a Project of Regional Significance and will, if approved by the Washoe County Planning Commission, require subsequent action by the Washoe County Board of Commissioners to sponsor an amendment to the Truckee Meadows Regional Plan to identify the location of the new sub-station and transmission line(s) on the Regional Utility Corridor Map of the Truckee Meadows Regional Plan.

- Owner/Applicant: Apple, Inc.
- Location: 21505 Reno Technology Park West
- Assessor’s Parcel Numbers: 084-110-20, 084-110-29, 084-191-07
- Parcel Size: 612.51 Acres
- Master Plan Categories: Commercial, Industrial, Rural
- Regulatory Zones: GC, GR, I
- Area Plan: Truckee Canyon
- Citizen Advisory Board: East Truckee Canyon
- Development Code: Authorized in Article 810 & 812
- Commission District: 4 – Commissioner Hartung



To: Apple, Inc.
Subject: WSUP18-0010
Date: July 6, 2018
Page: 2

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) Articles 810 and 812. 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 Truckee Canyon 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 the proposed substation and transmission lines, 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; and
5. Effect on a Military Installation. Issuance of the permit will not have a detrimental effect on the location, purpose or mission of the military installation.

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

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.

To: Apple, Inc.
Subject: WSUP18-0010
Date: July 6, 2018
Page: 3

Washoe County Community Services Department
Planning and Building Division


Trevor Lloyd
Secretary to the Planning Commission

TL/EK/ks

xc:

Owner/Applicant: Apple Inc., Attn: Troy Hinson, One Apple Way – MS, Cupertino CA 95014
(thinson@apple.com)

Representative: Stantec Consulting Services, Inc., Attn: Cynthia Albright, 6995 Sierra
Center Parkway, Reno, NV 89511 (cynthia.albright@stantec.com)

Action Order xc: Nathan Edwards, District Attorney's Office; Keirsten Beck, Assessor's
Office; Cori Burke, Assessor's Office; Tim Simpson, Utilities; Leo Vesely,
Engineering and Capital Projects; Lisa Beaver, 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; East Truckee Canyon Citizen Advisory Board, Chair



Conditions of Approval

Special Use Permit Case Number WSUP18-0010

The project approved under Special Use Permit Case Number WSUP18-0010 shall be carried out in accordance with the Conditions of Approval granted by the Planning Commission on July 3, 2018. 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 the Planning and Building Division, which shall be responsible for determining compliance with these conditions.

Contact Name – Eva Krause (775) 328-3628, ekrause@washoecounty.us

- a. 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.
- b. The substation is planned to be constructed in phases to support the phased construction of the data center buildings. Construction plans shall be submitted and building permits issued for the first phase of the substation within three years from the date of approval by Washoe County. Construction of the remaining phases of the substation shall be completed within ten (10) years from approval by Washoe County.
- c. The applicant shall attach a copy of the action order approving this project to all administrative permit applications (including building permits) applied for as part of this special use permit.
- 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 applicant shall comply with all applicable conditions of Special Use Permit case numbers SW11-001 and SW11-003 and such conditions shall be deemed satisfied by the agencies identified within the condition of approval for these special use permits.
- f. The applicant shall present a valid will serve letter from the water utility serving the project prior to issuance of the Building Permit for this project. If the project has no additional water demand, a letter stating that fact from the water utility will suffice.
- g. Prior to issuance of any building or grading permits, the applicant shall contact the Nevada Division of Environmental Protection (NDEP) to determine if the following permits are required: construction stormwater, working in waterways, dust control and air quality permits for the emergency generators.
- h. The applicant shall consult with the Washoe Storey Conservation District and prepare a revegetation plan for all disturbed areas within the project area.

Washoe County Engineering and Capital Projects Division

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

Contact Name – Leo Vesely, (775) 328-2313, lvesely@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.
- d. If material is to be exported from the site, the plans shall note where exported materials will be taken and a grading permit shall be obtained for the import site. 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. 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 (WCC Sections 110.416, 110.420, and 110.421)

- g. 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.
- h. Any increase in storm water runoff resulting from the development and based upon the 5-year and 100-year storm shall be detained on site to the satisfaction of the County Engineer.
- i. Sediment loading to the detention basin shall be estimated and accounted for with the design of the detention basin.
- j. Standard reinforced concrete headwalls or other approved alternatives shall be placed on the inlet and outlet of all drainage structures and rip rap shall be used to prevent erosion at the inlets and outlets of all pipe culverts to the satisfaction of the County Engineer.
- k. The developer shall provide pretreatment for petrochemicals and silt for all storm drainage from the site to the satisfaction of the County Engineer.

Washoe County Health District

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

Contact Name – Wesley Rubio, (775) 328-2434, wrubio@washoecounty.us

- a. Upon submittal of the building plans, all existing infrastructure may need to be identified on the site plan where overhead lines are proposed.

Truckee Meadows Fire Protection District

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

Contact Name – Lisa Beaver, (775) 326-6005, lbeaver@tmfpd.us

- a. A vegetation management plan shall be provided for the substation that demonstrates the management and elimination of vegetation within the interior of the sub-station. The plan shall also demonstrated defensible space from the adjoining wildland area.
- b. Upon submittal of the building plans, the applicant shall provide plans for the installation of generator backup and secondary containment for liquid filled transformers.

Nevada Department of Environmental Protection (NDEP).

5. The following conditions were provided by NDEP. It is the developer’s responsibility to identify and acquire all necessary NDEP permits.

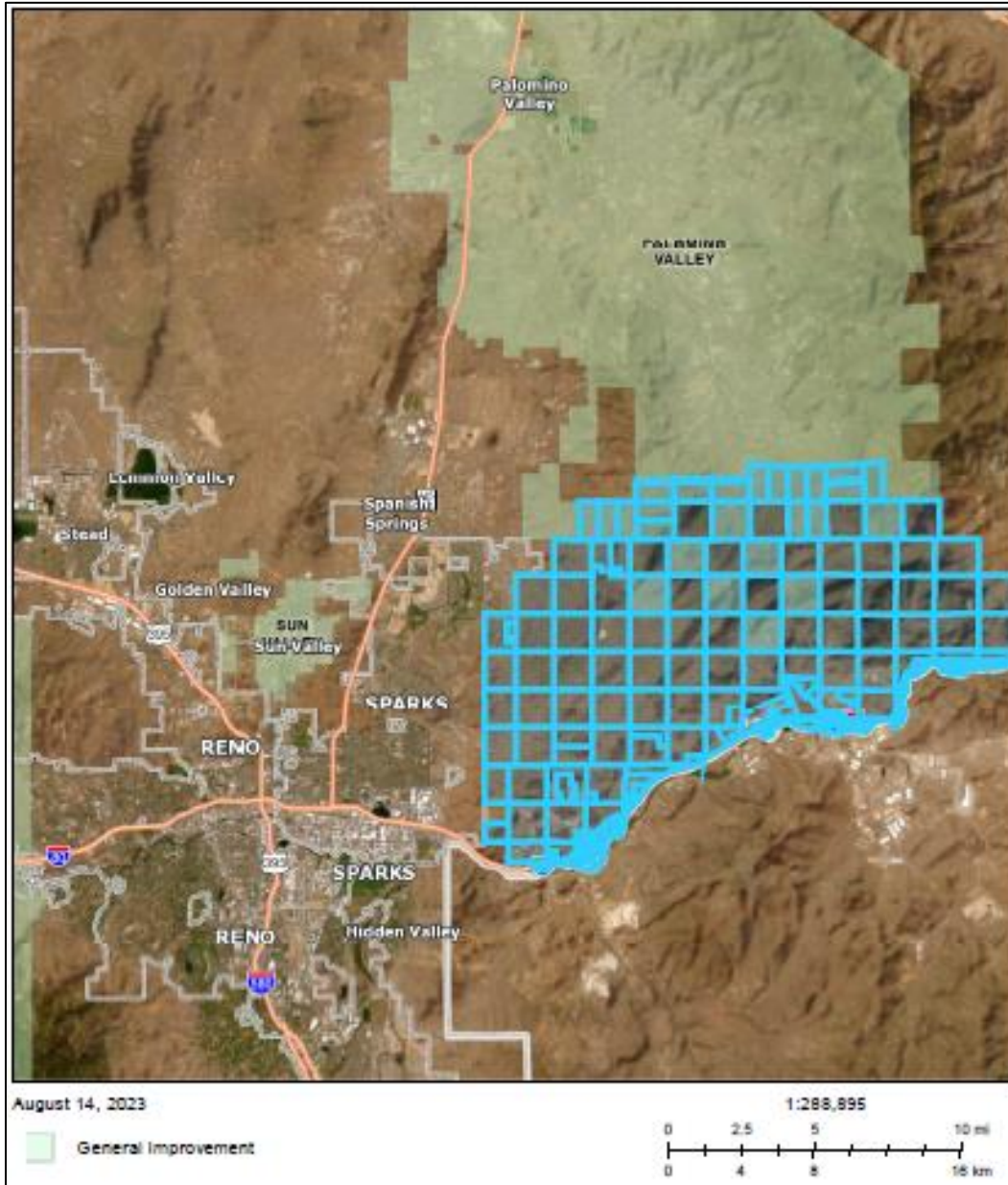
Contact Name – Patrick A. Mohn, (775) 687-4684, pmohn@ndep.nv.gov

- a. The project may require the following permits:
- i. Construction Stormwater
 - ii. Working in Waterways
 - iii. Dust Control
 - iv. Air Permit(s) for emergency generators
- b. If the substation has personnel staffing the facility the method(s) of sewage disposal will need to be identified.

*** End of Conditions ***

Public Notice

Washoe County Code requires that public notification for a special use permit must be mailed to a minimum of 30 separate property owners within a minimum 500-foot radius of the subject property a minimum of 10 days prior to the public hearing date. A notice setting forth the time, place, purpose of hearing, a description of the request and the land involved was sent within a 30,000-foot radius of the subject property. A total of 50 separate property owners were noticed a minimum of 10 days prior to the public hearing date.



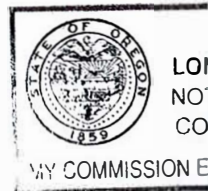
Public Notice Map

Amendment of Conditions Case Number WAC23-0012

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.: <u>WAC23-0012</u>	
Project Name: Sunol Substation			
Project Description: New 300 MW substation, switching station, transmission lines and associated equipment			
Project Address: 21505 Reno Technology Park West			
Project Area (acres or square feet): 13.4 acres			
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:
084-110-20	120	084-191-07	147.28
084-110-29	345.23		
Indicate any previous Washoe County approvals associated with this application: Case No.(s). WSUP18-0010 Approved with Conditions, WBLD23-102070			
Applicant Information (attach additional sheets if necessary)			
Property Owner:		Professional Consultant:	
Name: Apple, Inc.		Name: Navix	
Address: One Apple Way-MS Cupertino, CA Zip: 95014		Address: 11235 SE 6th Street, Suite 150 Bellevue, WA Zip: 98005	
Phone: 775.360.0006 Fax:		Phone: 425.458.7896 Fax:	
Email: l_york@apple.com		Email:	
Cell: Other:		Cell: Other:	
Contact Person: Lindsey York		Contact Person: Jenelle Teflin	
Applicant/Developer:		Other Persons to be Contacted:	
Name:		Name:	
Address:		Address:	
Zip:		Zip:	
Phone: Fax:		Phone: Fax:	
Email:		Email:	
Cell: Other:		Cell: Other:	
Contact Person:		Contact Person:	
For Office Use Only			
Date Received: Initial:		Planning Area:	
County Commission District:		Master Plan Designation(s):	
CAB(s):		Regulatory Zoning(s):	



December 2018

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)**.

Paragraph 1.B. "The applicant shall submit complete construction plans and building permits for the first phase of the substation and the switching station and the construction shall be completed within three years from the date of approval by Washoe County."

Propose to remove the time limit from this section.

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.

1. Consistency. No changes proposed.
2. Improvements. No changes proposed.
3. Site Suitability. No changes proposed.
4. Issuance Not Detrimental. No changes proposed.
5. Effect on a Military Installation. No changes proposed.

We propose removing the time limit from paragraph 1.B. We were unable to complete construction within three years from the original date of approval due to COVID. No other conditions are to be modified and no other changes are proposed.

No changes to project description. Apple to construct a new 300 megawatt substation, a new NV Energy switching station and new 120kV power transmission lines within three parcels totaling 612.51 acres. These proposed new facilities will help support the continued expansion of the Apple Data Center in the Truckee Canyon.

1. A paragraph in the narrative particularly about what specifically during COVID stopped the project from moving forward (e.g., lack of contractors).

The primary factor for delay in construction to the West Campus Substation was the unprecedented and unforeseeable Covid Global Pandemic. Whereas all industry and daily life were impacted during this period, the construction industry in particular was disrupted in ways it had never before seen. Starting at the most basic level, mining and production of commodities used in construction from iron ore to wood products to oil-based products were developed at a much slower rate. This resulted in higher prices and scarcer availability. The worldwide supply chain was essentially ground to halt during this period, again making products more scarce and prices much higher. Factories and production zones were completely shut down in many cases, and standard construction materials were simply not available. Simultaneously, the cost of any available goods spiked. On a local level, the availability of working crews dwindled as Stay at Home orders were enforced. Most construction projects did not fall into the "Essential Worker" category, and even when these orders were lifted or reduced, widespread trepidation to return to the working environment was prevalent. Demand for higher or hazard pay was prevalent for the few workers willing to return to work. Working conditions also required an increased level of sanitization, separation, and sequencing so that adequate space could be provided. This impacted the efficiencies of the workforce and increased the time and cost for the same task that was previously agreed upon. All of these factors lead to a disadvantageous time period to conduct construction activities, and it was determined to halt progress until a safer, more predictable, and stabilized economy returned.

2. Provide some background/discussion concerning the building permit (WBLD23-102070) that was recently applied for.

Building permit WBLD23-102070 was intended to be a grading only permit for the substation project. It was determined that since this project will also include fencing and paving, the permit needed to be reflected as a "civil improvement" permit rather than just a grading permit. We submitted this permit application because Apple has a deadline to have the substation pad ready for NV Energy by October of 2023, and we needed to get the project properly permitted before any work could commence. However, it was determined by Washoe County that we would need to submit an amendment of conditions application before we would be able to proceed with the civil improvement permit.

3. Also, in reviewing prior emails between you and Chris Bonczyk, Senior Planner, concerning the building permit, and reviewing the Amendment of Conditions narrative submitted, there seems as though there are changes to the grading. Please provide a breakdown of what the changes are and provide any site plan(s) and/or grading plan(s) that support that information.

Per the latest RMR.21 – Sunol Substation plans dated 6/22/23 submitted under building permit WBLD23-102070, the earthwork volumes are estimated to be approx. 123,897 CY of cut and 123,897 CY of fill to achieve a balanced site. In the previously submitted Sunol substation plans dated 11/9/18, the earthwork volumes were estimated to be approx. 301,543 CY of cut and 300,355 CY of fill, for a net cut of 1,188 CY. Maximum grade differentials from existing to finished grade in the latest plans are approximately 13'. In the previously submitted SUP application, grade differentials were estimated up to 21'.

