



Planning Commission Staff Report

Meeting Date: October 21, 2019

Agenda Item: 7A

SPECIAL USE PERMIT CASE NUMBER: SW15-002 (Turquoise Nevada, LLC)

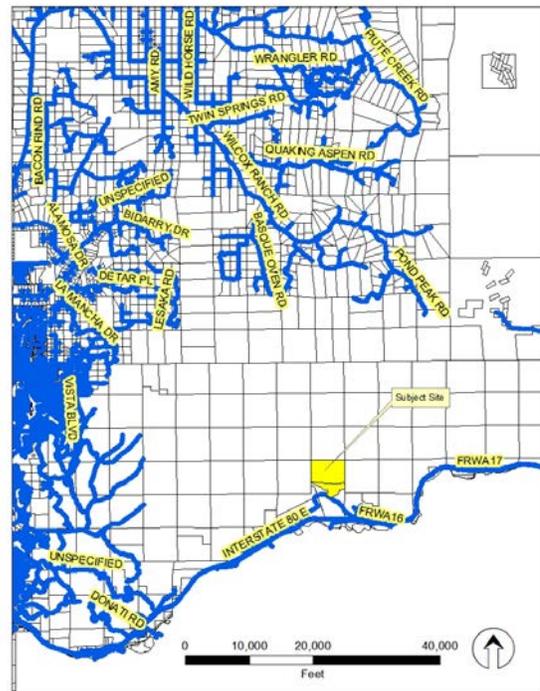
BRIEF SUMMARY OF REQUEST: Two-year extension of time for the approval of a special use permit for a 60MW Solar Energy project.

STAFF PLANNER: Roger Pelham, Senior Planner, 775.328.3622, rpelham@washoecounty.us

CASE DESCRIPTION

Hearing, discussion, and possible action to approve an extension of time for the approval of a special use permit for a 60MW Solar Energy project. The project includes a 585 acre photovoltaic field, a 60MW sub-station, and a 120Kv transmission line connecting the proposed new sub-station to the NV Energy Pah Rah sub-station. The project also includes up to 7,200 cubic yards of grading. The proposed extension will grant the applicant two additional years until September 30, 2021 to complete construction plans and obtain building permits for the project.

Applicant: Turquoise Nevada, LLC
 Property Owner: Turquoise Nevada, LLC
 Location: 21575 Interstate 80, Reno Technology Park
 APNs: 084-110-31, 084-110-32
 Parcel Size: ± 560 acres
 Master Plan: Industrial (I) and Rural (R)
 Regulatory Zone: Industrial (I) and General Rural (GR)
 Area Plan: Truckee Canyon
 Citizen Advisory Board: East Truckee Canyon
 Development Code: Authorized in Article 810, Special Use Permit and Article 812, Projects of Regional Significance
 Commission District: 4 – Commissioner Hartung



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 an extension of time two additional years until September 30, 2021 to complete construction plans and obtain building permits for Special Use Permit Case Number SW15-002 (Turquoise Nevada, LLC), subject to the previous conditions of approval, having affirmed all five findings in accordance with Washoe County Code Section 110.810.30. (Motion with Findings on Page 5)

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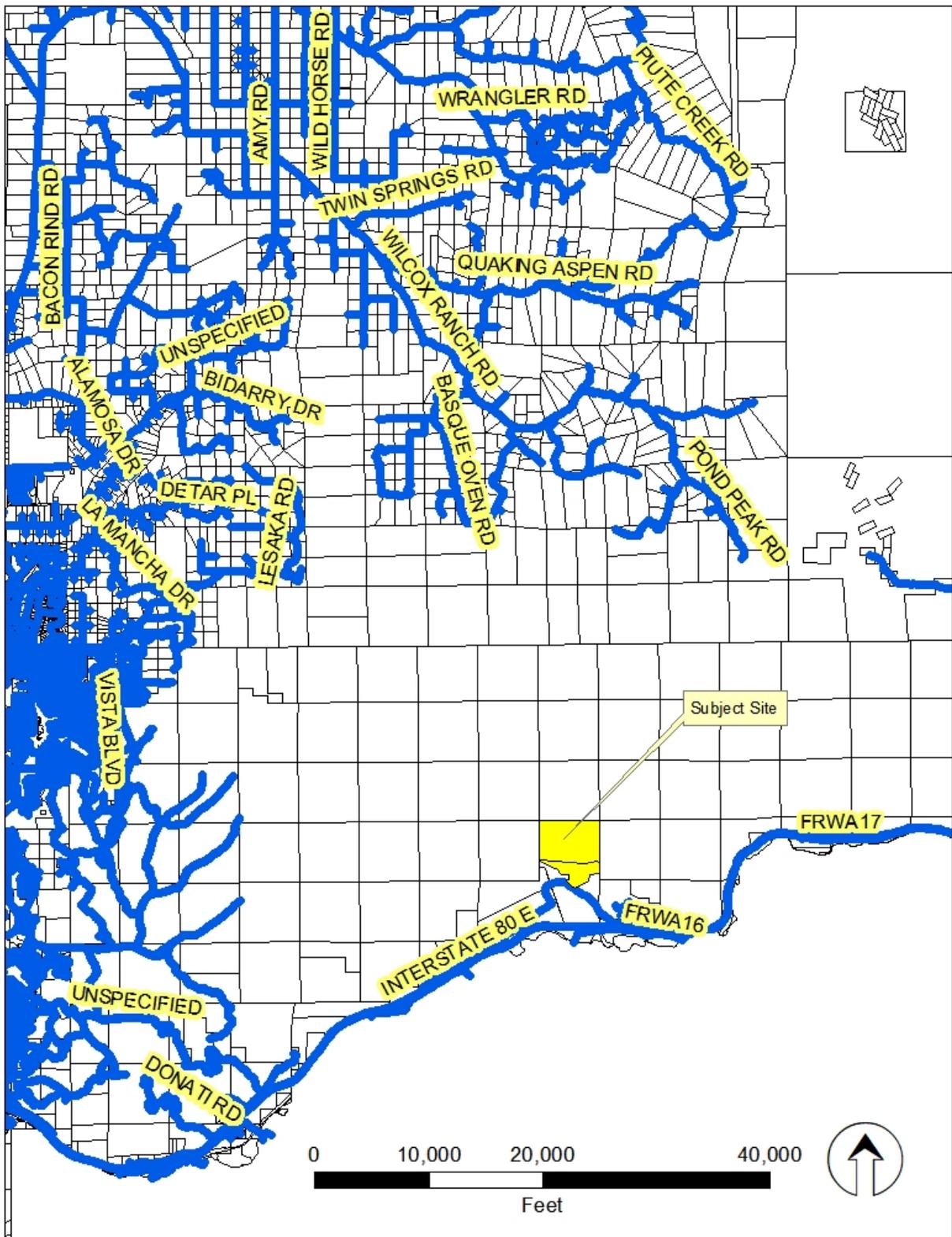
Special Use Permit

The purpose of a special use permit is to allow a method of review to identify any potential harmful impacts on adjacent properties or surrounding areas for uses that may be appropriate within a regulatory zone; and to provide for a procedure whereby such uses might be permitted by further restricting or conditioning them so as to mitigate or eliminate possible adverse impacts. If the Planning Commission grants an approval of the special use permit, that approval is subject to conditions of approval. Conditions of approval are requirements that need to be completed during different stages of the proposed project. Those stages are typically:

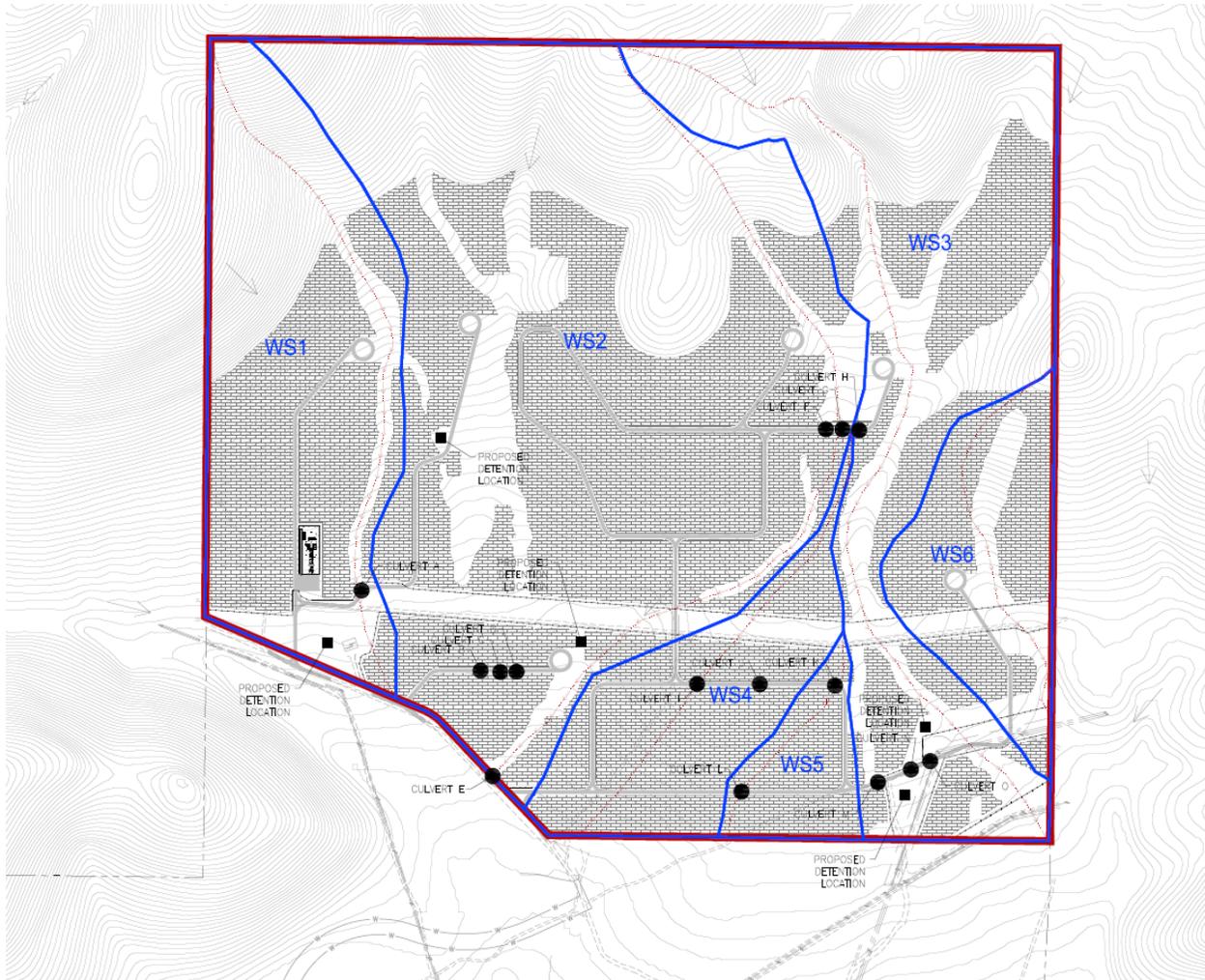
- Prior to permit issuance (i.e. a grading permit, a building permit, etc.)
- Prior to obtaining a final inspection and/or a certificate of occupancy on a structure
- Prior to the issuance of a business license or other permits/licenses
- Some conditions of approval are referred to as “operational conditions.”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

The conditions of approval for Special Use Permit Case Number SW15-002 are attached to this staff report and will be included with the action order.

The subject property is designated as Industrial (I) and General Rural (GR). The proposed extension of the approval of a 60MW Solar Energy project is permitted in I and GR with approval of a special use permit per WCC Table 110.302.05.4. Therefore the applicant is seeking approval of extension of this SUP from the Planning Commission.



Vicinity Map



Site Plan

Special Use Permit Time Extension Evaluation

The Special Use Permit for Turquoise Solar was approved by the Washoe County Planning Commission on July 7, 2015. Improvements to provide approximately 10MW of power have been constructed at this time. The developer is now requesting an extension (see attached application). Staff believes that the fact that the circumstances surrounding the proposed development have not substantially changed, and that the applicant has been working on final design for the remainder of the project, provides sufficient cause to justify approval of an extension.

Condition of approval number 1(b) is proposed to read as follows, "The applicant shall submit complete construction plans and building permits shall be issued on or before September 30, 2021. The applicant shall complete construction within the time specified by the building permits".

Recommendation

The circumstances surrounding the proposed development have not substantially changed, and the applicant has been working on final design, is sufficient cause to justify approval of an extension. Therefore, Special Use Permit Case Number SW15-002 is being recommended for extension 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 an extension of time two additional years until September 30, 2021 to complete construction plans and obtain building permits for Special Use Permit Case Number SW15-002 (Turquoise Nevada, LLC), subject to the previous conditions of approval, having affirmed 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;
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 60MW solar facility and sub-station, 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, 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.

Applicant: Turquoise Nevada, LLC c/o Greenbacker Renewable Energy Company
LLC, Attn: Joshua Beeson, 11 E 44th Street, 1200, New York, NY 10017

Exhibit A



Planning Commission Action Order

Special Use Permit Case Number SW15-002

Decision: Approval with Amended Conditions

Decision Date: July 7, 2015

Mailing/Filing Date: July 14, 2015

Applicant/Property Owner: Turquoise Solar LLC

Assigned Planner: Eva M. Krause - AICP, Planner
Washoe County Community Services Department
Planning and Development Division

Phone: 775.328.3796

Email: ekrause@washoecounty.us

Special Use Permit Case Number SW15-002 (Turquoise Solar, LLC) – Hearing, discussion, and possible action to provisionally approve a 60MW Solar Energy project. The project includes a 585 acre photovoltaic field, a 60MW sub-station, and a 120Kv transmission line connecting the proposed new sub-station to the NV Energy Pah Rah sub-station. The project also includes up to 7,200 cubic yards of grading. 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 provisionally 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.

- Applicant: Turquoise Solar, LLC
- Property Owner: Stonefield, Inc.
- Location: 21575 Interstate 80, Reno Technology Park
- Assessor's Parcel Numbers: 084-110-26, 084-110-24, 084-110-27
- Parcel Size: 784.68 acres
- Master Plan Category: Industrial and Rural (I) (R)
- Regulatory Zone: Industrial and General Rural (I) (GR)
- Area Plan: East Truckee Canyon
- Citizen Advisory Board: Truckee Canyon
- Development Code: Authorized in Article 810, Special Use Permit and Article 812, Projects of Regional Significance

- Commission District: 4 – Commissioner Hartung
- Section/Township/Range: Section 21, T20N, R22E, MDM, Washoe County, NV

Notice is hereby given that the Washoe County Planning Commission granted approval with amended conditions of the above referenced case number based on the findings in accordance with Washoe County Development Code Article 810, Special Use Permit and Article 812, Projects of Regional Significance. If no appeals have been filed within 10 days after issuance of the decision, the approval by the Washoe County Planning Commission is final. If filed, an

To: Turquoise Solar, LLC
Subject: Special Use Permit Case Number SW15-002
Date: July 8, 2015
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appeal stays any further action on the permit until final resolution of the appeal. If the end of the appeal period falls on a non-business day, the appeal period shall be extended to include the next business day. An appeal shall be filed in accordance with the provisions found in Article 912 of the Washoe County Development Code.

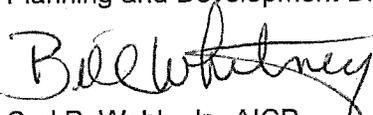
This decision is based on having made all five findings in accordance with Washoe County Development Code Section 110.810.30:

1. Consistency. That the proposed use is consistent with the action programs, policies, standards and maps of the Master Plan and the Truckee Canyon;
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 60MW solar facility and sub-station, and for the intensity of such a development;
4. Issuance Not Detrimental. That issuance of the permit will not be significantly detrimental to the public health, safety or welfare; injurious to the property or improvements of adjacent properties; or detrimental to the character of the surrounding area;
5. Effect on a Military Installation. Issuance of the permit will not have a detrimental effect on the location, purpose or mission of the military installation.

This Action Order grants approval 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. A 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 Building and Safety Division.

Washoe County Community Services Department
Planning and Development Division


for Carl R. Webb, Jr., AICP
Secretary to the Planning Commission

To: Turquoise Solar, LLC
Subject: Special Use Permit Case Number SW15-002
Date: July 8, 2015
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CRW/EK/df

Attachments: Amended Conditions of Approval

Applicant/Developer: Turquoise Solar LLC
One Sansome Street, Suite 2900
San Francisco, CA 94104
jill.daniel@estuarycapitalpartners.com

Property Owner: Stonefield Inc.
355 Boxing Way
Sparks NV 89434
gary@wildisland.com

Representative: Stantec Consulting Services Inc.
Cynthia Albright, AICP
6995 Sierra Center Parkway, Suite 200
Reno NV 89511
Cynthia.albright@stantec.com

Action Order xc: Nathan Edwards, Esq., District Attorney's Office; Carol Buonanoma, Assessor's Office (CAAS); Theresa Wilkins, Assessor's Office; Leo Vesely, Engineering and Capital Projects Division; Jim Shaffer, Health, Chris Anderson, Health; Mark Freese, NDOW; East Truckee Meadows Citizen Advisory Board, Chair.



Amended Conditions of Approval

Special Use Permit Case Number SW15-002

The project approved under Special Use Permit Case Number SW15-002 shall be carried out in accordance with the Conditions of Approval granted by the Planning Commission on July 7, 2015. 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 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 Development 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 initiation of revocation procedures.

Operational Conditions are subject to review by the Planning and Development Division prior to the renewal of a business license each year. Failure to adhere to the Operational Conditions may result in the Planning and Development Division recommending that the business license not be renewed until conditions are complied with to the satisfaction of Washoe County.

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 Development

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

Contact: Eva M. Krause, 775.328.3796, ekrause@washoecounty.us

- a. The applicant shall demonstrate substantial conformance to the plans approved as part of this special use permit.
- b. The applicant shall submit complete construction plans and building permits shall be issued within two years from the date of approval by Washoe County and the Truckee Meadows Regional Planning Agency. The applicant shall complete construction within the time specified by the building permits.
- 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. Deleted.
- e. A note shall be placed on all construction drawings and grading plans stating:

NOTE

Should any prehistoric or historic remains/artifacts be discovered during site development, work shall temporarily be halted at the specific site and the State Historic Preservation Office of the Department of Museums, Library and Arts shall be notified to record and photograph the site. The period of temporary delay shall be limited to a maximum of two (2) working days from the date of notification.

- f. The applicant shall submit a decommissioning plan prior to the issuance of a grading and/or building permit. The decommissioning plan will specifically address the removal of the racking/mounting system and all panels, the removal of all inverters, the removal of all/any structural foundations, and all other associated appurtenances that include the entire solar project, and provide for revegetation. The decommissioning plan will contain a cost estimate for all aspects of the site reclamation, and a financial assurance in the amount of the cost estimate, which shall be provided to the Planning and Development Division.

The amount for the salvaged materials shall not be part of the consideration in the decommissioning cost estimate. The applicant shall be required to secure a letter of credit or other form of security sufficient to cover the obligations under the decommissioning plan.

- g. The following **Operational Conditions** shall be required for the life of the development:
1. This special use permit shall remain in effect until or unless it is revoked or is inactive for one year.
 2. Failure to comply with the Conditions of Approval shall render this approval null and void.
 3. The applicant and any successors shall direct any potential purchaser/operator of the site and/or the special use permit to meet with the Planning and Development Division to review Conditions of Approval prior to the final sale of the site and/or the special use permit. Any subsequent purchaser/operator of the site and/or the special use permit shall notify the Planning and Development Division of the name, address, telephone number, and contact person of the new purchaser/operator within 30 days of the final sale.
 4. This special use permit shall remain in effect as long as the use is in operation and maintains a valid business license.

Washoe County Engineering and Capital Projects

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

Contact: Leo Vesely, P.E., 775.325.8032, 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. 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 owner/developer shall obtain from the Nevada Division of Environmental Protection a Stormwater Discharge Permit for construction and submit a copy to the Engineering Division prior to issuance of a grading permit.
- c. The owner/applicant shall complete and submit the Construction Permit Submittal Checklist, the Performance Standards Compliance Checklist prior to obtaining a grading/building permit. The County Engineer shall determine compliance with this condition.
- d. A grading bond of \$2,000/acre of disturbed area shall be provided to the Engineering Division prior to any grading.

Washoe County Conditions of Approval

- e. If the import or export of materials is required, the applicant shall indicate on the plans where the exported material will be taken or where the imported material will be coming from, and a grading permit shall be obtained for the import/export site.
- f. Estimated total earthwork volumes and area of disturbance shall be indicated on the grading plans.
- g. Access roads serving the project shall be all-weather and shall be surfaced with a minimum of six (6) inches of Type 2 Class B aggregate road base or approved equal and shall be provided with adequate roadside drainage and cross drainage consistent with County drainage standards..
- h. A 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.
- i. Any increase in storm water runoff resulting from the development of the site shall be detained on site to the satisfaction of the County Engineer.

Washoe County Planning and Development - Water Management Coordinator

3. The following conditions are requirements of the Water Management Coordinator, who shall be responsible for determining compliance with these conditions.

Contact: Vahid Behmaram, 775.954.4647

- a. Require valid will serve from water purveyor for the permanent water demands for this project and associated facilities.
- b. Require acknowledgment from water purveyor of their ability to provide water for the temporary water demand during construction phase.

Washoe County Health District

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

Contact: J.L. Shaffer, 775.785.4599, jshaffer@washoecounty.us

- a. The Health District will require percolation testing at or near the design grade of the proposed detention basins' representative materials, to determine the soils ability to receive & infiltrate storm water. The maximum drain time of 7 days is required after a storm event per Truckee Meadows Regional Drainage Manual (Section 1302.1). The maximum drain time of 7 days is required as well for nuisance water runoff.

Washoe County Conditions of Approval

- b. The four new detention basins will require our standard design of a cobble rock lined low flow channel, one foot deep and 2-3 feet wide connecting the inlet(s) to the outlet pipe. In addition, we will require over excavating below the low flow channel with a cobble lined infiltration trench design 2 feet wide and 3 feet deep the length of the basin to reduce the downstream effects of storm water runoff.
- c. If vegetation is planted in the detention basins, no planting shall occur within one foot on either side of the low flow channel. The following maintenance language shall be noted on the civil plans, "all vegetation, debris and blockages shall require removal in the low flow channel including one foot on either side of the channel on an annual basis. The maintenance will mitigate insect development by preventing standing water from ponding longer than 7 days" (040.022).
- d. Based on the hydrologic conditions, if high velocity flows are channelized the Health District will require low flow channels lined with 8-10 inch rock within the flow line (040.02).
- e. Prior to the sign off of the building plans the above detail designs are required on the plans and a scheduled compliance inspection with the Vector-Borne Diseases Program is required for the above condition(s).

For the following conditions, Contact: Chris Anderson, PE, 775.328.2632, canderson@washoecounty.us

- f. The project proposes approximately 3,000 feet of six (6) inch water main and is a modification to a Public Water System Reno Technology Park Water Company NV0001132. Prior to any construction of the water system, a Water Project submittal must be made to, and approved by, this Division per NAC445A.6669.
- g. Division records indicate there is an existing 525 deep well (Permit 2125) within the boundaries of the proposed project. The well must be identified on the plans. Any proposed use of the well must meet the requirements of the Washoe County Health District Regulations Governing Well Construction.

Truckee Meadows Fire Protection District

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

Contact: Amy Ray, 326-6000, aray@fmfpd.us

- a. This project shall meet the requirements of Washoe County Code 60. Plans for the project shall be submitted for review and approval.

Nevada Department of Wildlife

6. The following conditions are requirements of Nevada Department of Wildlife which shall be responsible for determining compliance with these conditions.

Contact: Mark Freese, 775.688.1145, markfreese@ndow.org

- a. Transmission lines and all electrical components should be designed, installed, and maintained in accordance with the Avian Power Line Interaction Committee's (APLIC's) Suggested Practices for Avian Protection on Power Lines (APLIC 2006) and Reducing Avian Collisions with Power Lines (APLIC 2012) to reduce the likelihood of large bird electrocutions and collisions.
- b. Deleted.
- c. Migratory water birds utilize the Truckee River as a migratory corridor. It has been hypothesized that some birds may mistake solar panels for a lake (i.e. termed "Lake Effect") and attempt to land. No studies exist to support or refute this hypothesis. Kagan et al. (2014) analyzed avian mortality at a photovoltaic solar power plant in California and documented mortalities for an array of waterbird species, with the primary cause of death being blunt trauma (birds colliding with structures associated with the solar facility). As such, we recommend developing a monitoring plan to detect such impacts and a contingency plan to respond to these potential impacts.
- d. Increased development typically results in increased scavengers and predators. To prevent this and the subsequent imbalance in predator's and prey in this area, we recommend storing trash and food in closed and secured containers, which would be removed as necessary, to reduce the attractiveness to scavengers and predators, particularly ravens. We also suggest promptly removing road-killed and incidentally killed wildlife within the project area.
- e. All surface disturbing activities should occur outside of the migratory bird nesting period (February 1 to August 15 for raptors and April 15 to July 15 for all other avian species). If surface disturbing activities are to occur during this period, pre-construction avian surveys would be conducted in appropriate habitats by qualified biologists prior to surface disturbing activities commencing. The exact area to be surveyed would be based on the scope of the surface disturbing. If ground disturbing activities do not take place within 14 days, the areas would need to be resurveyed. If nesting migratory birds are present, appropriate buffers determined by the NDOW, in coordination with the USFWS, would be applied until an approved biologist determines the young have fledged or the nest has failed.
- f. To prevent entrapment of wildlife, all steep-walled trenches, auger holes, or other excavations would be covered at the end of each day or when long breaks in construction activity are expected.

*** End of Conditions ***

Exhibit B

Greenbacker

RENEWABLE ENERGY COMPANY



August 22, 2019

Mr. Trevor Lloyd
Washoe County Community Services Department
Planning and Development Division
1001 E. Ninth Street, Building A
Reno, NV 89512

**Subject: Turquoise Nevada LLC Special Use Permit (Case Number SW15-002)
Extension of Time Request Application**

Dear Trevor,

Turquoise Nevada LLC ("Turquoise") hereby submits this Extension of Time Request Application for its approved Special Use Permit (Case Number SW15-002) for a 60 megawatt solar photovoltaic power project at the Reno Technology Park in the Truckee Canyon.

On January 11th, 2019 Greenbacker Renewable Energy Corporation acquired Turquoise Nevada LLC from Turquoise Solar LLC. Turquoise Solar submitted its Special Use Permit Application to Washoe County on May 15, 2015. The Special Use Permit Application was approved by the Washoe County Planning Commission on July 7, 2015 subject to the Amended Conditions of Approval. The Amended Conditions of Approval included Condition 1.b. which stated, "The applicant shall submit complete construction plans and building permits shall be issued within two years from the date of approval by Washoe County and the Truckee Meadows Regional Planning Agency." The project was approved by the Truckee Meadows Regional Planning Commission on September 9, 2015 and by the Truckee Meadows Regional Planning Governing Board on September 10, 2015 under Regional Plan Amendment 15-003.

The development of a large-scale solar project requires many multi-disciplinary activities, a significant investment of time, and cooperation with numerous parties in the community. Turquoise Solar applied for its special use permit very early in its project development process. It is typical for large-scale solar projects to require at least two years -- and in some cases, a much longer period of time -- to complete all development steps before construction plans can be finalized.

Turquoise Solar has worked steadily on the development of the project since the receipt of these approvals and has made significant progress. Turquoise has achieved the following milestones:

- In March 2016, Turquoise Solar entered into an Interconnection Agreement with NV Energy. Under this agreement, Turquoise Solar will deliver its energy to NV Energy's transmission system. Turquoise Solar has provided NV Energy with all cash deposits and financial security required under this agreement. NV Energy has begun making upgrades to its transmission system to prepare for Turquoise Solar.
- In May and June 2017, Turquoise Solar exercised its options to purchase the 560 acres of land comprising its project site. The firm also secured related easements and water rights.
- On September 5th, 2017 the Washoe County Planning Commission granted a two-year extension for Turquoise Solar's Conditional Use Permit.
- Turquoise Solar subsequently divided the project into two phases of 10MW and 50MW.

GREENBACKER RENEWABLE ENERGY COMPANY LLC
11 E 44TH STREET, 1200, NEW YORK, NY 10017 646 556 6613

**SW15-002
EXHIBIT B**

Greenbacker

RENEWABLE ENERGY COMPANY



- In October 2017, Turquoise Solar, through its subsidiary Turquoise Nevada, entered into a long-term renewable power purchase agreement with NV Energy and Apple, Inc. through NV Energy's GreenEnergy Rider program for the 50MW phase of the project.
- On February 27, 2018 the Public Utilities Commission of Nevada approved the long-term renewable power purchase agreement between Turquoise Nevada LLC and NV Energy.
- On September 7, 2018 Building permits were issued for construction of Turquoise's 10 megawatt phase and substation construction
- In October 2018, NV Energy completed necessary transmission upgrades from NV Energy and Turquoise Nevada, LLC began constructing necessary equipment for the Turquoise solar array to interconnect with NV Energy equipment with the desired electricity specifications.
- In January 2019, Greenbacker Renewable Energy Company finalized the acquisition of Turquoise Nevada, LLC from Turquoise Solar LLC, whose ultimate owners were Sumitomo Corporation of Americas and Estuary Capital Partners.
- June 2019: Greenbacker began procuring key equipment for the 50 megawatt solar array.
- August 2019: Greenbacker is finalizing the Engineering, Procurement, and Construction ("EPC") Agreement with McCarthy Building Companies.
- August 2019: Turquoise's 10 megawatt phase and substation have been substantially constructed

Greenbacker Renewable Energy Company has invested over \$8 million in the development of the project to date. We are excited about the progress that we have made and we look forward to supplying renewable energy to Northern Nevada.

Turquoise Nevada LLC respectfully requests an extension time of two years for our Special Use Permit in order to construct and complete this 50MW solar energy generating facility. We would be very pleased to answer any questions or provide any further information that may be helpful.

Sincerely

Joshua Beeson

Josh Beeson
Project Manager
Phone: (720) 609-7993
Email: joshua.beeson@greenbackercapital.com

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GREENBACKER RENEWABLE ENERGY COMPANY LLC
11 E 44TH STREET, 1200, NEW YORK, NY 10017 646 556 6613

**SW15-002
EXHIBIT B**

Exhibit C



Amended Conditions of Approval

Special Use Permit Case Number SW15-002

The project approved under Special Use Permit Case Number SW15-002 shall be carried out in accordance with the Conditions of Approval granted by the Planning Commission on **October 21, 2019**. 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 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 Development 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 initiation of revocation procedures.

Operational Conditions are subject to review by the Planning and Development Division prior to the renewal of a business license each year. Failure to adhere to the Operational Conditions may result in the Planning and Development Division recommending that the business license not be renewed until conditions are complied with to the satisfaction of Washoe County.

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 Development

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

Contact: Roger Pelham, 775.328.3622, rpelham@washoecounty.us

- a. The applicant shall demonstrate substantial conformance to the plans approved as part of this special use permit.
- b. The applicant shall submit complete construction plans and building permits shall be issued on or before September 30, 2021.** The applicant shall complete construction within the time specified by the building permits.
- 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. Deleted.
- e. A note shall be placed on all construction drawings and grading plans stating:

NOTE

Should any prehistoric or historic remains/artifacts be discovered during site development, work shall temporarily be halted at the specific site and the State Historic Preservation Office of the Department of Museums, Library and Arts shall be notified to record and photograph the site. The period of temporary delay shall be limited to a maximum of two (2) working days from the date of notification.

- f. The applicant shall submit a decommissioning plan prior to the issuance of a grading and/or building permit. The decommissioning plan will specifically address the removal of the racking/mounting system and all panels, the removal of all inverters, the removal of all/any structural foundations, and all other associated appurtenances that include the entire solar project, and provide for revegetation. The decommissioning plan will contain a cost estimate for all aspects of the site reclamation, and a financial assurance in the amount of the cost estimate, which shall be provided to the Planning and Development Division.

The amount for the salvaged materials shall not be part of the consideration in the decommissioning cost estimate. The applicant shall be required to secure a letter of credit or other form of security sufficient to cover the obligations under the decommissioning plan.

- g. The following **Operational Conditions** shall be required for the life of the development:
1. This special use permit shall remain in effect until or unless it is revoked or is inactive for one year.
 2. Failure to comply with the Conditions of Approval shall render this approval null and void.
 3. The applicant and any successors shall direct any potential purchaser/operator of the site and/or the special use permit to meet with the Planning and Development Division to review Conditions of Approval prior to the final sale of the site and/or the special use permit. Any subsequent purchaser/operator of the site and/or the special use permit shall notify the Planning and Development Division of the name, address, telephone number, and contact person of the new purchaser/operator within 30 days of the final sale.
 4. This special use permit shall remain in effect as long as the use is in operation and maintains a valid business license.

Washoe County Engineering and Capital Projects

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

Contact: Leo Vesely, P.E., 775.325.8032, 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. 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 owner/developer shall obtain from the Nevada Division of Environmental Protection a Stormwater Discharge Permit for construction and submit a copy to the Engineering Division prior to issuance of a grading permit.
- c. The owner/applicant shall complete and submit the Construction Permit Submittal Checklist, the Performance Standards Compliance Checklist prior to obtaining a grading/building permit. The County Engineer shall determine compliance with this condition.
- d. A grading bond of \$2,000/acre of disturbed area shall be provided to the Engineering Division prior to any grading.

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- e. If the import or export of materials is required, the applicant shall indicate on the plans where the exported material will be taken or where the imported material will be coming from, and a grading permit shall be obtained for the import/export site.
- f. Estimated total earthwork volumes and area of disturbance shall be indicated on the grading plans.
- g. Access roads serving the project shall be all-weather and shall be surfaced with a minimum of six (6) inches of Type 2 Class B aggregate road base or approved equal and shall be provided with adequate roadside drainage and cross drainage consistent with County drainage standards..
- h. A 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.
- i. Any increase in storm water runoff resulting from the development of the site shall be detained on site to the satisfaction of the County Engineer.

Washoe County Planning and Development - Water Management Coordinator

3. The following conditions are requirements of the Water Management Coordinator, who shall be responsible for determining compliance with these conditions.

Contact: Vahid Behmaram, 775.954.4647

- a. Require valid will serve from water purveyor for the permanent water demands for this project and associated facilities.
- b. Require acknowledgment from water purveyor of their ability to provide water for the temporary water demand during construction phase.

Washoe County Health District

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

Contact: J.L. Shaffer, 775.785.4599, jshaffer@washoecounty.us

- a. The Health District will require percolation testing at or near the design grade of the proposed detention basins' representative materials, to determine the soils ability to receive & infiltrate storm water. The maximum drain time of 7 days is required after a storm event per Truckee Meadows Regional Drainage Manual (Section 1302.1). The maximum drain time of 7 days is required as well for nuisance water runoff.

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- b. The four new detention basins will require our standard design of a cobble rock lined low flow channel, one foot deep and 2-3 feet wide connecting the inlet(s) to the outlet pipe. In addition, we will require over excavating below the low flow channel with a cobble lined infiltration trench design 2 feet wide and 3 feet deep the length of the basin to reduce the downstream effects of storm water runoff.
- c. If vegetation is planted in the detention basins, no planting shall occur within one foot on either side of the low flow channel. The following maintenance language shall be noted on the civil plans," all vegetation, debris and blockages shall require removal in the low flow channel including one foot on either side of the channel on an annual basis. The maintenance will mitigate insect development by preventing standing water from ponding longer than 7 days" (040.022).
- d. Based on the hydrologic conditions, if high velocity flows are channelized the Health District will require low flow channels lined with 8-10 inch rock within the flow line (040.02).
- e. Prior to the sign off of the building plans the above detail designs are required on the plans and a scheduled compliance inspection with the Vector-Borne Diseases Program is required for the above condition(s).

For the following conditions, Contact: Chris Anderson, PE, 775.328.2632, canderson@washoecounty.us

- f. The project proposes approximately 3,000 feet of six (6) inch water main and is a modification to a Public Water System Reno Technology Park Water Company NV0001132. Prior to any construction of the water system, a Water Project submittal must be made to, and approved by, this Division per NAC445A.6669.
- g. Division records indicate there is an existing 525 deep well (Permit 2125) within the boundaries of the proposed project. The well must be identified on the plans. Any proposed use of the well must meet the requirements of the Washoe County Health District Regulations Governing Well Construction.

Truckee Meadows Fire Protection District

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

Contact: Amy Ray, 326-6000, aray@fmfpd.us

- a. This project shall meet the requirements of Washoe County Code 60. Plans for the project shall be submitted for review and approval.

Nevada Department of Wildlife

6. The following conditions are requirements of Nevada Department of Wildlife which shall be responsible for determining compliance with these conditions.

Contact: Mark Freese, 775.688.1145, markfreese@ndow.org

- a. Transmission lines and all electrical components should be designed, installed, and maintained in accordance with the Avian Power Line Interaction Committee's (APLIC's) Suggested Practices for Avian Protection on Power Lines (APLIC 2006) and Reducing Avian Collisions with Power Lines (APLIC 2012) to reduce the likelihood of large bird electrocutions and collisions.
- b. Deleted.
- c. Migratory water birds utilize the Truckee River as a migratory corridor. It has been hypothesized that some birds may mistake solar panels for a lake (i.e. termed "Lake Effect") and attempt to land. No studies exist to support or refute this hypothesis. Kagan et al. (2014) analyzed avian mortality at a photovoltaic solar power plant in California and documented mortalities for an array of waterbird species, with the primary cause of death being blunt trauma (birds colliding with structures associated with the solar facility). As such, we recommend developing a monitoring plan to detect such impacts and a contingency plan to respond to these potential impacts.
- d. Increased development typically results in increased scavengers and predators. To prevent this and the subsequent imbalance in predator's and prey in this area, we recommend storing trash and food in closed and secured containers, which would be removed as necessary, to reduce the attractiveness to scavengers and predators, particularly ravens. We also suggest promptly removing road-killed and incidentally killed wildlife within the project area.
- e. All surface disturbing activities should occur outside of the migratory bird nesting period (February 1 to August 15 for raptors and April 15 to July 15 for all other avian species). If surface disturbing activities are to occur during this period, pre-construction avian surveys would be conducted in appropriate habitats by qualified biologists prior to surface disturbing activities commencing. The exact area to be surveyed would be based on the scope of the surface disturbing. If ground disturbing activities do not take place within 14 days, the areas would need to be resurveyed. If nesting migratory birds are present, appropriate buffers determined by the NDOW, in coordination with the USFWS, would be applied until an approved biologist determines the young have fledged or the nest has failed.
- f. To prevent entrapment of wildlife, all steep-walled trenches, auger holes, or other excavations would be covered at the end of each day or when long breaks in construction activity are expected.

*** End of Conditions ***