



Planning Commission Staff Report

Meeting Date: June 6, 2017

Subject: Special Use Permit Case Number WSUP17-0008
Applicant(s): Apple Inc./Data Center Infrastructure and Design
Agenda Item Number: 8B
Project Summary: New substation, expansion of an existing substation and adding the new 120 kV overhead transmission line
Recommendation: Approval with Conditions
Prepared by: Trevor Lloyd, Senior Planner
Washoe County Community Services Department
Planning and Development Division
Phone: 775.328.3620
E-Mail: tlloyd@washoecounty.us

Description

Special Use Permit Case Number WSUP17-0008 (Project Ohlone) – For possible action, hearing, and discussion on a request to construct a new 110 megawatt substation, to expand an existing substation by adding an additional 30 megawatts of capacity, to add the necessary 120 kV overhead transmission lines to connect the proposed substation to existing transmission lines, to vary the landscaping requirements per WCC section 110.412.40(a) by requiring no additional landscaping instead of the standard 20% landscaping area requirement, and to recommend that the Board of County Commissioners sponsor an amendment to the Truckee Meadows Regional Plan (TMRP) to identify the new locations of the substations and transmission lines to reflect such facilities on the Regional Utility Corridor map of the TMRP. If approved, the project will also require a conformance review with the Truckee Meadows Regional Plan as a Project of Regional Significance.

- Owner/Applicant: Apple Inc., Attn: Data Center Infrastructure and Design
- Location: 21505 East Interstate 80
- Assessor's Parcel Number(s): 084-110-29
- Parcel Size: 345.20 Acres
- Master Plan Category: Rural and Industrial
- Regulatory Zone: General Rural (GR) and Industrial (I)
- Area Plan: Truckee Canyon
- Citizen Advisory Board: East Truckee Canyon CAB
- Development Code: Article 810 (Special Use Permits)
- Commission District: 4 – Commissioner Hartung
- Section/Township/Range: Section 28 & 29, T20N, R22E, MDM, Washoe County, NV

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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 WSUP17-0008 are attached to this staff report and will be included with the Action Order.

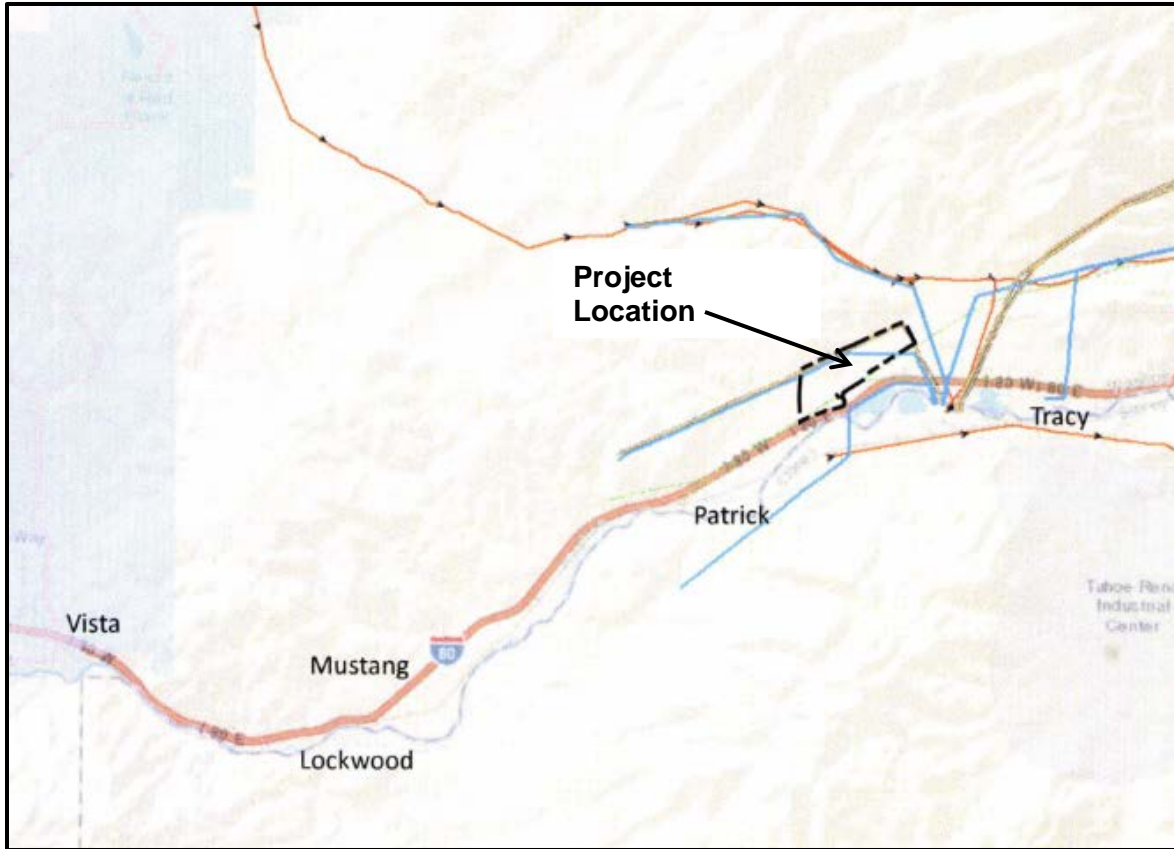
The subject property is designated as General Commercial (GC), Industrial (I) and General Rural (GR). The proposed use of new substation, expansion of an existing substation and associated transmission lines are collectively classified as a utility service use type which is permitted in the GC, I and GR regulatory zones with a special use permit per WCC 110.302.05.2 (Table of Uses – Civic Use Types). Therefore the applicant is seeking approval of this SUP from the Planning Commission.

Furthermore, because Apple is functioning as a utility for this particular operation, and because the project involves construction of an electric substation, the transmission of over 60 kilovolts of electricity, and the capacity to generate over 30 megawatts of electricity, it meets the definition of a “project of regional significance” under NRS 278.026(6). Projects of regional significance must also be found in conformance with the regional plan by the regional planning authorities after approval is obtained at the local level. If this project is approved at the county level, it will also then be subject to regional conformance review by the regional planning authorities.

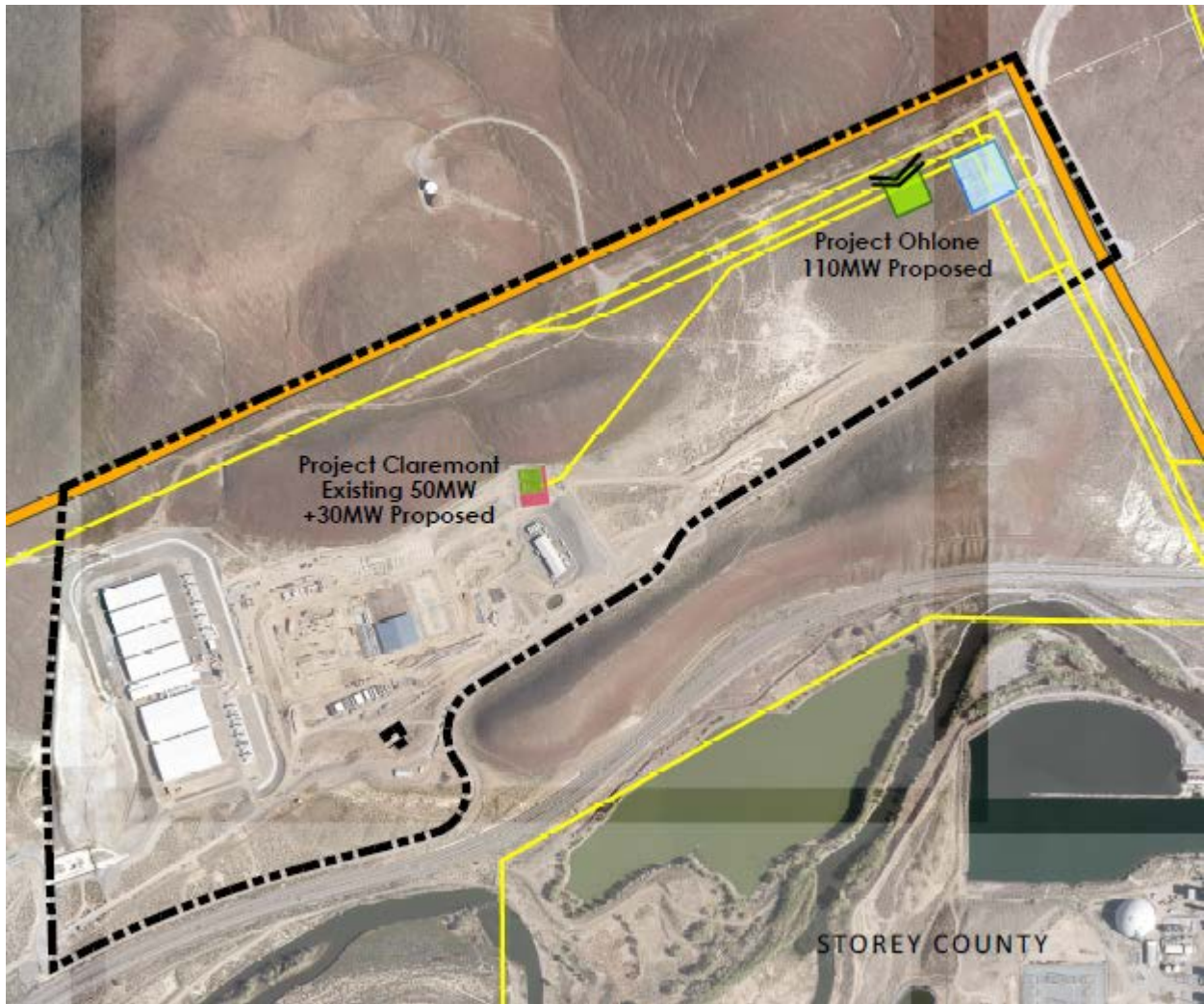
Additionally, the SUP ordinance allows variances to be granted in conjunction with the approval process per WCC 110.810.20(e). The applicant is seeking to vary the landscaping requirements. The Planning Commission will also be ruling on this request.

The complete application is available on the Washoe County Planning and Development website at the following link:

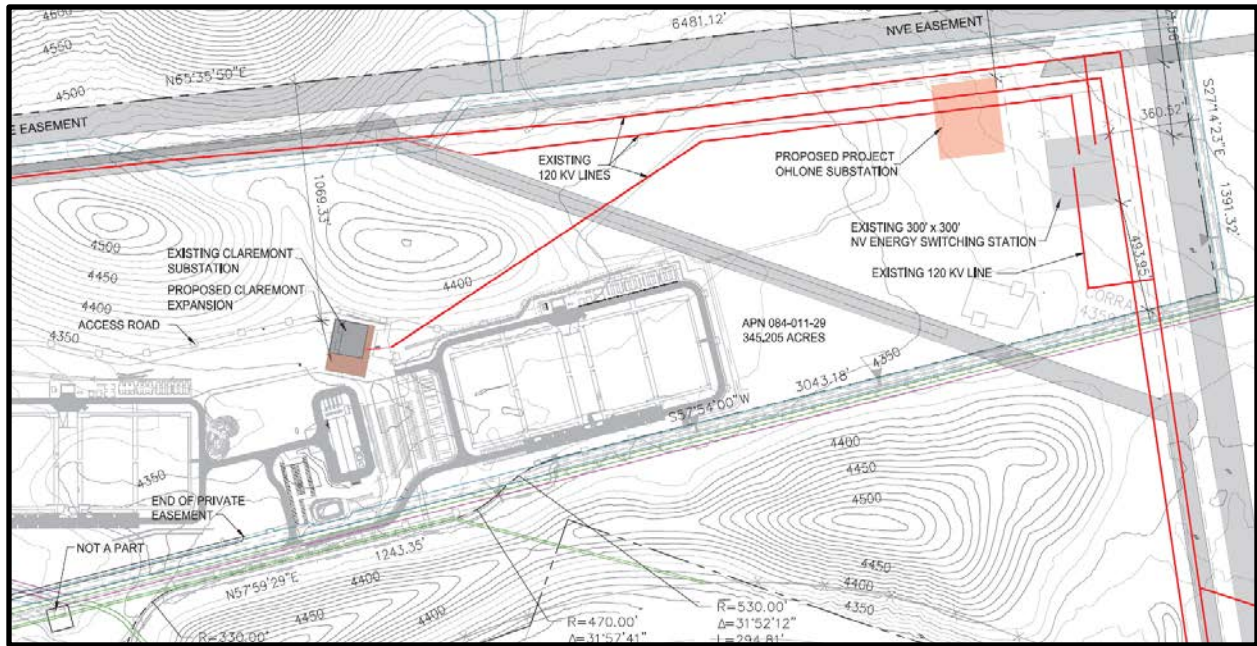
https://www.washoecounty.us/csd/planning_and_development/applications/files-planning-development/comm_dist_four/2017/files/WSUP17-0008_ap.pdf



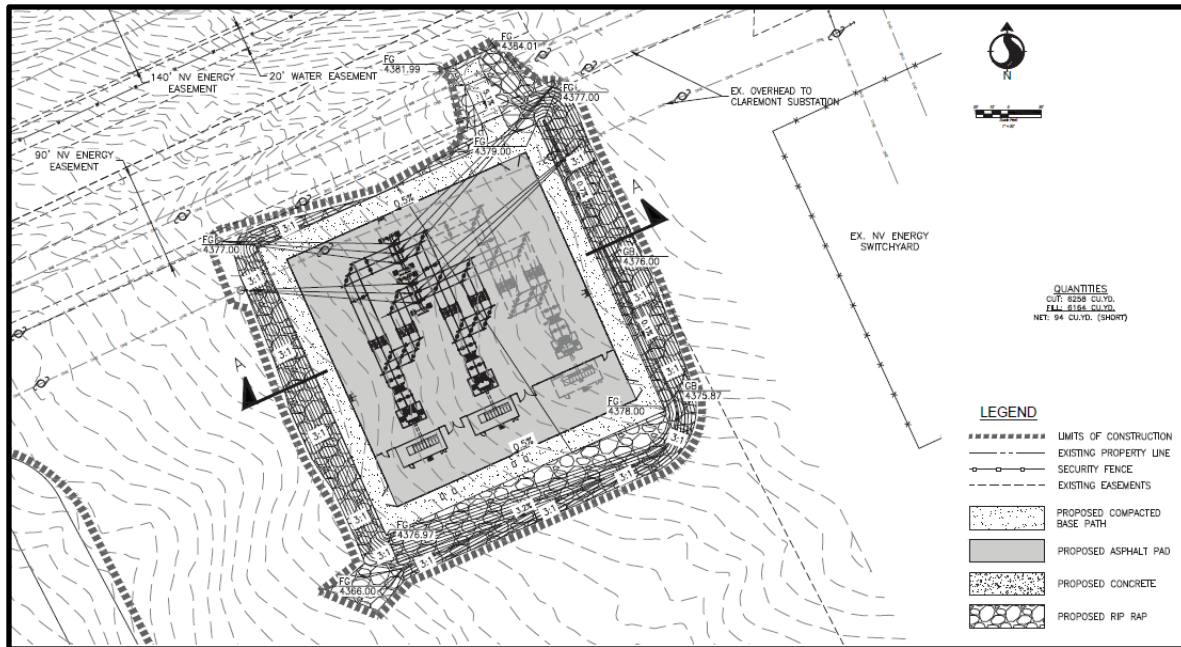
Vicinity Map



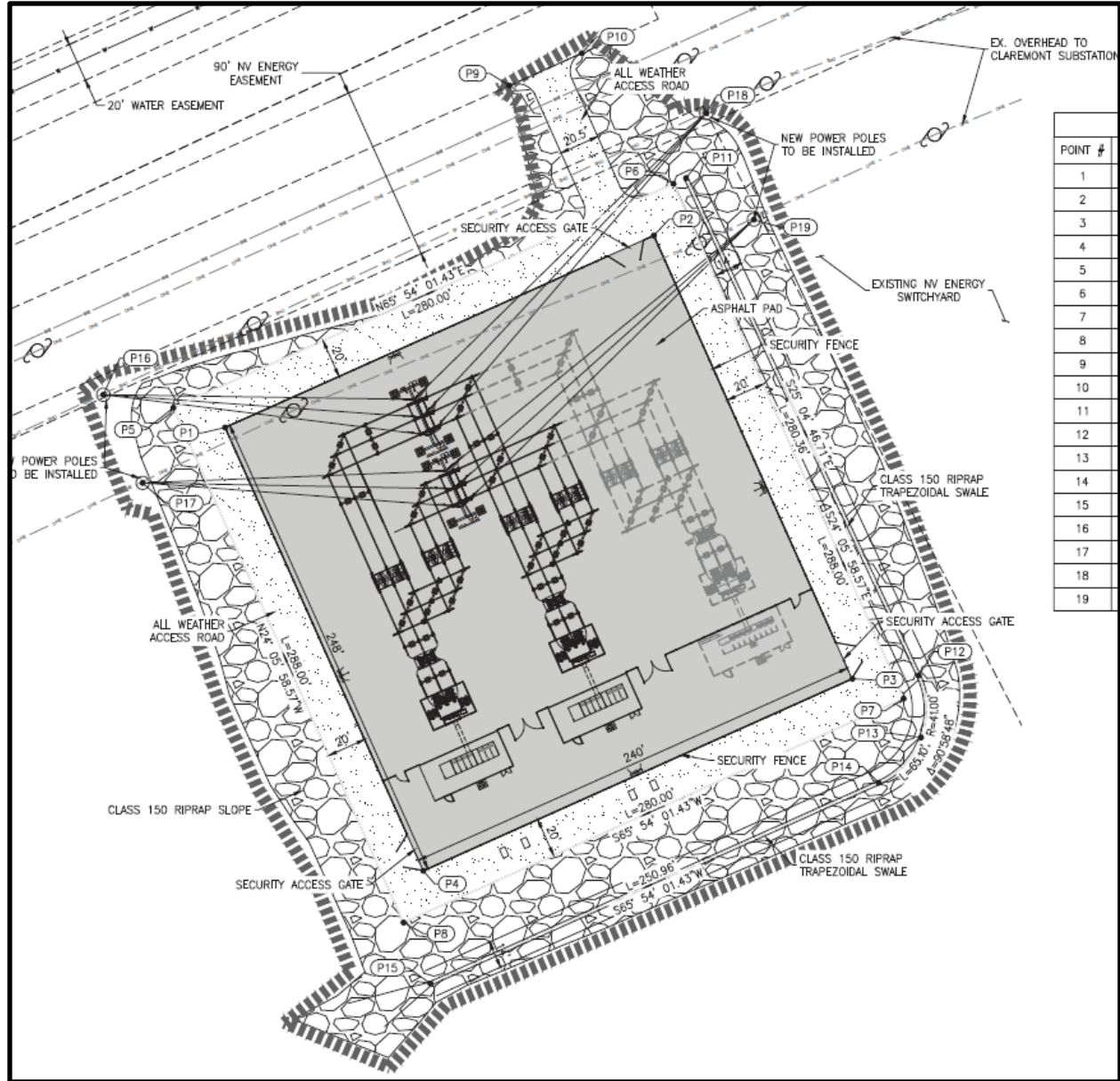
Site Plan for Apple Substation(s)



Overall Site Plan for Apple Substation(s)



Ohlone Substation Site Plan



Enlarged Site Plan for New Substation

Project Evaluation

The applicant is asking to construct a new 110 megawatt substation and expand an existing substation by adding an additional 30 megawatts of capacity within their 345.23 acre property. The proposed new substation and existing substation expansion will help support the continued expansion of the Apple Data Center.

The proposed substation (project Ohlone Substation), substation expansion (Claremont Substation Expansion) and transmission lines are needed to support expanding data center operations and were essentially addressed with the original Special Use Permit and development agreement, and the conditions approved with the Special Use Permit provide the necessary criteria for the newly proposed request. Staff recommends that this proposed Special Use Permit comply with all applicable conditions of the original Special Use Permits (SW11-001/SW11-003).

The proposed substation will be approximately 59,600 square feet in size and will consist of two MW transformers, two switchgear houses, two 115kV breakers, four group operated disconnect switches; two group operated load break switches; steel structures and overhead busing and overhead transmission connections to the existing 120kV transmission lines. The substation will be fenced and include emergency yard lighting. An all-weather road with base material will be constructed to the new substation.

The Planning Commission is asked to vary the standards of the Development Code by removing the requirements for landscaping around the newly proposed substation and the expansion of the existing substation. Specifically, section 110.412.40(a) of the Washoe County Code requires a minimum of twenty (20) percent of the total developed land area shall be landscaped. However, due to the remote location of the substations and the natural screening of the two sites which almost entirely obscures the visibility of the sites from passing vehicles on Interstate 80 as well surrounding uses, the landscaping requirement would be essentially useless at these locations. Section 110.810.20(d) authorizes the Planning Commission to vary standards of the Development Code as part of the approval of a special use permit application.

If the Planning Commission decides to approve this proposed Special Use Permit, the request will be forwarded to the Regional Planning Commission for a conformance review with the Truckee Meadows Regional Plan for a Project of Regional Significance (PRS). The project has been determined to be a PRS because it involves the construction of a power substation and transmission lines over 60 kV. Additionally, Washoe County will need to sponsor an amendment to the Truckee Meadows Regional Plan (TMRP) to identify the new locations of the substations and transmission lines to reflect such facilities on the Regional Utility Corridor map of the Truckee Meadows Regional Plan. Such an amendment to the TMRP will require approval by the Regional Planning Commission (RPC) and the Regional Planning Governing Board (RPGB).

East Truckee Canyon Citizen Advisory Board (ETCCAB)

The proposed project was sent to the East Truckee Canyon Citizen Advisory Board (ETCCAB) members for comment. At this time no responses have been received from individual CAB members. No ETCCAB meeting was scheduled during the review cycle for this item.

Reviewing Agencies

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

- Washoe County Community Services Department
 - Planning and Development Division
 - Engineering and Capital Projects Division
 - Utility (Sewer) Services
 - Parks and Open Space
- Washoe County Health District
- Truckee Meadows Fire Protection District
- Regional Transportation Commission
- Reno-Tahoe Airport Authority
- Nevada Department of Transportation
- Truckee Meadows Regional Planning Agency

Three out of the ten above listed agencies/departments provided comments and/or recommended conditions of approval in response to their evaluation of the project application. Most of the respondents indicated that all of their comments and conditions of the original Special Use Permit(s) were still applicable and there was no need to provide additional comments. Only the Engineering and Capital Projects Division and the Health District – Vector Control, provided additional conditions. A summary of these agency's comments/conditions of approval and their contact information is provided. The Conditions of Approval document is attached to this staff report as Exhibit A and will be included with the Action Order if the Special Use Permit is approved by the Planning Commission.

- Washoe County Planning and Development ensured that all of the applicable conditions of Special Use Permits SW11-001 and SW11-003 shall still apply.
Contact Trevor Lloyd, 775.328.3620, tlloyd@washoecounty.us
- Washoe County Engineering and Capital Projects addressed grading, drainage, erosion, easements, slope stabilization, additional permitting, etc.
Contact: Leo Vesely, 325-8032, ivesely@washoecounty.us
- Washoe County Health District addressed water quality water infrastructure, solid waste management, etc.
Contact: James English, 328-6810, jenglish@washoecounty.us

Staff Comment on Required Findings

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

1. Consistency. That the proposed use is consistent with the action programs, policies, standards and maps of the Master Plan and the Truckee Canyon Area Plan.

Staff Comment: The proposed use is consistent with the action programs, policies, standards and maps of the Master Plan and the Truckee Canyon Area Plan; specifically Policy TC.1.3 which seeks to preserve the visual qualities of the Truckee Canyon by placing these facilities behind several large hills obscuring them from travelers along Interstate 80

2. Improvements. That adequate utilities, roadway improvements, sanitation, water supply, drainage, and other necessary facilities have been provided, the proposed improvements are properly related to existing and proposed roadways, and an adequate public facilities determination has been made in accordance with Division Seven.

Staff Comment: Adequate utilities have been established with the existing developments of the site to support the proposed projects.

3. Site Suitability. That the site is physically suitable for proposed substations and transmission lines, and for the intensity of such a development.

Staff Comment: The substations and transmission lines are necessary to support the existing and expanding data center operations and the site is physically suitable for such 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.

Staff Comment: The proposed substations and transmission lines will be located in an area with a high concentration of transmission lines and other appurtenances. There are no residential, civic or other similar uses within close proximity to the subject property and the proposed uses will not result in a significant detrimental impact to public health safety or welfare.

5. Effect on a Military Installation. Issuance of the permit will not have a detrimental effect on the location, purpose or mission of the military installation.

Staff Comment: There are no military installations within the required 3,000 foot noticing distance to the subject property, therefore this finding is not applicable to this special use permit.

Recommendation

Those agencies which reviewed the application recommended conditions in support of approval of the project. Therefore, after a thorough analysis and review, Special Use Permit Case Number WSUP17-0008 is being recommended for approval with conditions. Staff offers the following motion for the Board's consideration.

Motion

I move that, after giving reasoned consideration to the information contained in the staff report and information received during the public hearing, the Washoe County Planning Commission approve with conditions Special Use Permit Case Number WSUP17-0008 for Apple Inc., 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 Area Plan;
2. Improvements. That adequate utilities, roadway improvements, sanitation, water supply, drainage, and other necessary facilities have been provided, the proposed improvements are properly related to existing and proposed roadways, and an adequate public facilities determination has been made in accordance with Division Seven;
3. Site Suitability. That the site is physically suitable for a proposed substation, substation expansion 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;
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 Development Division within 10 calendar days after the written decision is filed with the Secretary to the Planning Commission and mailed to the applicant.

xc: Owner/Applicant: Apple Inc., Attn: Data Center Infrastructure and Design, 1 Infinite Loop
MS 174-2DCA, Cupertino, CA, 95014

Representatives: Stantec Consulting Services, Inc., 6995 Sierra Center Parkway, Reno, NV
89511



EXHIBIT A

Conditions of Approval

Special Use Permit Case Number WSUP17-0008

The project approved under Special Use Permit Case Number WSUP17-0008 shall be carried out in accordance with the Conditions of Approval granted by the Planning Commission on June 6, 2017. 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.

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 agency.

- **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 Division

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

Contact Name – Trevor Lloyd, 775.328.3620, tlloyd@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. 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. 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.

- e. The applicant shall comply with all applicable conditions of Special Use Permit case numbers SW11-001 and SW11-003 and such conditions shall 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. The special use permit shall comply with all applicable conditions of approval from SW11-001 and SW11-003

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. 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.
- b. All existing and proposed easements shall be shown on the site and/or grading plan. The County Engineer shall determine compliance with this condition.
- c. The applicant 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 or building permit.
- d. A grading bond of \$2,000/acre of disturbed area shall be provided to the Engineering Division prior to issuance of a grading or building permit.
- e. 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 re-vegetated. Methods and seed mix must be approved by the County Engineer with technical assistance from the Washoe-Storey Conservation District.

Washoe County Health District

3. 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 Name – Wes Rubio, 775.328.2635, wrubio@washoecounty.us
James English 775.328.2610, jenglish@washoecounty.us

- a. If any water is proposed to be utilized on site it will require an official Water Project to be submitted to WCHD for review per NAC445A.
- b. If any restrooms or other facilities are proposed for this site then a separate approval from the State of Nevada, NDEP, Bureau of Water Pollution Control is required as part of any future Health District approvals.
- c. Upon submittal of building plans, all existing utilities and specifically water infrastructure must be identified on all plans to ensure any proposed installation will not be in conflict with the existing infrastructure.

Washoe County Conditions of Approval

- d. The facility must be in compliance with all WCHD Regulations Governing Solid Waste Management and any other potential regulations depending upon proposed operations.

*** End of Conditions ***



WASHOE COUNTY

COMMUNITY SERVICES DEPARTMENT

Engineering and Capital Projects Division

"Dedicated to Excellence in Public Service"

1001 East 9th Street PO Box 11130 Reno, Nevada 89520 Telephone: (775) 328-2040 Fax: (775) 328-3699

INTEROFFICE MEMORANDUM

DATE: May 04, 2017
TO: Trevor Lloyd, Planning and Development Division
FROM: Leo R. Vesely, P.E., Engineering and Capitol Projects Division
SUBJECT: **WSUP17-0008**
APN 084-110-29
PROJECT OHLONE

I have reviewed the referenced special use permit case and recommend the following conditions:

1. 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.
2. All existing and proposed easements shall be shown on the site and/or grading plan. The County Engineer shall determine compliance with this condition.

LRV/lrv

WSUP17-0008
EXHIBIT B



WASHOE COUNTY
COMMUNITY SERVICES
INTEGRITY COMMUNICATION SERVICE

P.O. Box 11130
Reno, Nevada 89520-0027
Phone: (775) 328-3600
Fax: (775) 328-3699

May 1, 2017

TO: Trevor Lloyd, Senior Planner, CSD, Planning & Development Division

FROM: Vahid Behmaram, Water Management Planner Coordinator, CSD

SUBJECT: Special Use Permit Case Number WSUP17-0008 (Project Ohlone)

Project description:

The applicant is proposing to construct a new 110 megawatt substation, to expand an existing substation by adding an additional 30 megawatts of capacity and adding the necessary 120 kV overhead transmission lines to connect the proposed substation to existing transmission.

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

- 1) 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.

WSUP17-0008
EXHIBIT C

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

May 3, 2017

Trevor LLOYD, Senior Planner
Washoe County Community Services
Planning and Development Division
PO Box 11130
Reno, NV 89520-0027

RE: Project Ohlone; APN 084-110-29
Special Use Permit; WSUP17-0008

Dear Mr. Lloyd:

The Washoe County Health District, Environmental Health Services Division (WCHD) has reviewed the above referenced project. Approval by the WCHD is subject to the following conditions:

1. The WCHD has reviewed the proposed special use permit and has the following comments regarding this proposal:
 - a. If any water is proposed to be utilized on site it will require an official Water Project to be submitted to WCHD for review per NAC445A.
 - b. If any restrooms or other facilities are proposed for this site then a separate approval from the State of Nevada, NDEP, Bureau of Water Pollution Control is required as part of any future Health District approvals.
 - c. Upon submittal of building plans, all existing utilities and specifically water infrastructure must be identified on all plans to ensure any proposed installation will not be in conflict with the existing infrastructure.
 - d. The facility must be in compliance with all WCHD Regulations Governing Solid Waste Management and any other potential regulations depending upon proposed operations.

If you have any questions or would like clarification regarding the foregoing, please contact Wes Rubio, Senior Environmental Health Specialist at wrubio@washoecounty.us regarding all Health District comments.

Sincerely,



James English, REHS, CP-FS
EHS Supervisor
Waste Management/Land Development Programs

JE:wr

Cc: File - Washoe County Health District



OFFICIAL NOTICE OF PUBLIC HEARING

DATE: May 26, 2017

You are hereby notified that the **Washoe County Planning Commission** will conduct a public hearing at the following time and location:

6:30 p.m., Tuesday, June 6, 2017
Washoe County Commission Chambers
1001 East Ninth Street, Building A, Reno, NV 89512

Special Use Permit Case Number WSUP17-0008 (Project Ohlone) – For possible action, hearing, and discussion on a request to construct a new 110 megawatt substation, to expand an existing substation by adding an additional 30 megawatts of capacity, to add the necessary 120 kV overhead transmission lines to connect the proposed substation to existing transmission lines, to vary the landscaping requirements per WCC section 110.412.40(a) by requiring no additional landscaping instead of the standard 20% landscaping area requirement, and to recommend that the Board of County Commissioners sponsor an amendment to the Truckee Meadows Regional Plan (TMRP) to identify the new locations of the substations and transmission lines to reflect such facilities on the Regional Utility Corridor map of the TMRP. If approved, the project will also require a conformance review with the Truckee Meadows Regional Plan as a Project of Regional Significance.

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- Staff: Trevor Lloyd, Senior Planner
Washoe County Community Services Department
Planning and Development Division
- Phone: 775.328.3620
- E-mail: tlloyd@washoecounty.us

As an owner of property in the vicinity, you are invited to present testimony relative to these matters.

To access additional information about this item, please visit our website at www.washoecounty.us/csd/planning_and_development/, choose **Boards and Commissions**, then **Planning Commission**, click on **2017** and choose the meeting date. A staff report related to this public hearing will be posted on Friday, four days prior to the meeting.