



**City Clerk's Office**  
1 E First Street  
2nd Floor  
Reno, NV 89501  
775-334-2030  
CityClerk@reno.gov



## City of Reno Notice of Appeal Form

Please complete this form to appeal a decision made by a City official, a hearing examiner, or the Planning Commission.

To be considered complete, the appeal must: (1) be in writing; (2) provide information addressing all of the items below; (3) be accompanied by the required appeal fee adopted by the City Council; and, (4) submitted to the City Clerk's Office or emailed to cityclerk@reno.gov.

**An incomplete form will be returned to you, and may result in a delay in scheduling your appeal.**

In addition, all appeals must be filed within the applicable period of limitations. For example, an appeal of a Planning Commission decision must be submitted to the City Clerk's Office within ten business days after the date of filing of notice of the decision with the City Clerk. (The City Clerk's Office maintains a list of common periods of limitations available upon request.)

**Untimely appeals will be rejected by the City Clerk, and any appeal fees paid will be returned.**

### 1. Type of Appeal (please select only one)

- RMC: Title 18 Code
- ☒ Planning Commission Decision
  - ☐ Hearing Examiner Decision
  - ☐ Minor Deviation
  - ☐ Minor Conditional Use Permit
  - ☐ Site Plan Review
  - ☐ Administrative Interpretation

- RMC: Administrative Code
- ☐ Code Enforcement Citation
  - ☐ Business License
  - ☐ Building Permit
  - ☐ Sign Permit
  - ☐ Other:

LDCA5-00022

### 2. Appellant Information:

Appellant Name: CLOP Reno NV, LLC

Authorized Representative: Garrett D. Gordon, Esq.

Address: One East Liberty Street, Suite 300, Reno, NV 89501

Telephone No.: 775-321-3420

Email Address: garrett.gordon@wbd-us.com

**3. Brief description of the action, decision, or order being appealed. (Please reference the project name, address, case number, citation number, or permit number, as applicable. Attach additional sheets, as necessary.)**

Appealing the Planning Commission's denial of Case No. LDC25-00022.

**4. Describe in detail how the action, decision, or order being appealed impacts you or your property, as applicable. (Attach additional sheets, as necessary.)**

See attached letter.

5. Describe in detail the reason(s) why the action, decision, or order being appealed should be reversed, modified or set aside. (Attach additional sheets, as necessary.)

See attached letter.

6. Please identify and attach all documentation/evidence that you would like considered supporting your appeal. (Attach additional sheets, as necessary.)

See attached letter.

7. Relief or action sought. (Attach additional sheets, as necessary.)

See attached letter.

**Appellant or Authorized Representative**

Signature (Print Name):

Garrett D. Gordon, Esq.

☒ By checking this box, I agree information is complete and I have authority to sign this form.

**For Office Use:**

Hearing Date: 3/12/2025

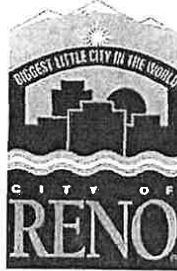
Hearing Time: 6pm

Hearing Location: City Council

☐ Via Zoom (Link emailed to information indicated above at least 5 business days prior to hearing)

Received by: JG

Mike Railey, Planning Manager  
Development Services Department  
P. O. Box 1900  
Reno, NV 89505  
(775) 393-1047



FILED THIS DATE  
1 / 16 / 25  
BY: [Signature]  
CITY CLERK

January 16, 2025

CLOP Reno NV, LLC  
c/o Dylan Rusk  
400 Water Street #200  
Excelsior, MN 55331

Subject: LDC25-00022 (Oppidan 5MW Data Center)  
APN: 082-101-86 (Ward 4)

Dear Applicant:

At the regular meeting of the Planning Commission on January 15, 2025, the Planning Commission, as set forth in the official record, denied your request for a conditional use permit to allow: 1) development of a data center, and 2) business operations between 11:00 p.m. and 6:00 a.m. The  $\pm 7.02$  acre site is located on the north side of North Virginia Street  $\pm 2,470$  feet east of its intersection with Stead Boulevard. The site is zoned Industrial Commercial (IC) and has a Master Plan land use designation of Industrial (I).

The decision of the Planning Commission may be appealed within ten business days by filing an appeal form with the Reno City Clerk together with the appropriate fees. The ten day appeal period starts the day after this notice is filed with the City Clerk. Appeals may be filed by any person who is aggrieved by the decision. The City Clerk's office is on the 2<sup>nd</sup> floor of Reno City Hall located at One East First Street, Reno, NV. The City Clerk shall set the appeal for public hearing before the City Council and mail a notice of the hearing to the appellant and all others who were mailed a notice of the hearing of the Planning Commission. The City Council may affirm, reverse, or modify the decision.

Sincerely,

Mike Railey, AICP, Planning Manager  
Development Services Department

LDC25-00022 (Oppidan 5MW Data Center) - JAF.doc



CLOP Reno NV, LLC  
RE: LDC25-00022 (Oppidan 5MW Data Center)  
Page 2

xc: 9630 N Virginia LLC  
3189 Airway Ave Ste B  
c/o Prism Realty Corp  
Costa Mesa, CA 92626

Stantec  
Jack Ammerman  
733 Marquette Ave Suite 1000  
Minneapolis, MN 55402

Mikki Huntsman, City Clerk  
Michael Mischel, P.E., Engineering Manager  
Steve Clement, Washoe County Tax Assessor



January 30, 2025

Mayor Hillary Schieve & Honorable City Council Members  
City of Reno  
1 East First Street  
Reno, Nevada 89505

Womble Bond Dickinson (US) LLP

One East Liberty Street  
Suite 300  
Reno, NV 89501-2128

VIA EMAIL (CITYCLERK@RENO.GOV)

RE: **Appeal of Planning Commission of Conditional Use  
Permit Case No. LDC25-00022 (Oppidan SMW  
Data Center).**

Garrett D. Gordon  
Partner  
Admitted in Nevada  
Direct Dial: 775.321.3420  
Direct Fax: 775.321.5569  
E-mail: Garrett.Gordon@wbd-us.com

Dear Mayor Schieve and Honorable City Council Members:

This office represents CLOP Reno NV, LLC, the applicant in the above-referenced matter (the "Applicant"). On January 15, 2025, the Planning Commission held a public hearing and denied the Applicant's request for a conditional use permit to allow: 1) the development of a data center and 2) business operations between 11:00 p.m. and 6:00 a.m. on the property known as Washoe County Assessor's Parcel 082-101-86, located at 9630 N. Virginia Street (the "Project").<sup>1</sup> The Project site is comprised of  $\pm 7.02$  acres located on the north side of North Virginia Street  $\pm 2,470$  feet east of its intersection with Stead Boulevard. The Project proposes the construction of a  $\pm 61,500$  square-foot industrial building with supporting mechanical equipment to be used as a data center on the subject site.

The purpose of this letter is to appeal the denial. The Planning Commission's decision to deny the Applicant's Project was both arbitrary and capricious and failed to adhere to the established criteria and findings required under the Reno Municipal Code ("RMC"). Rather than base its decision on substantial facts, evidence, and the requirements of the RMC, the Planning Commission based its decision upon anecdotal observations, speculative hypotheticals, and unsubstantiated personal assumptions regarding the potential future impact of the Project. Despite the substantial evidence presented to the Planning Commission demonstrating that the Project meets all the required findings under the RMC, the Planning Commission's decision was influenced by assumptions that were either unsupported by the administrative record or contrary to the evidence provided.

**THE PROJECT MEETS ALL REQUIRED FINDINGS UNDER RMC.**

The RMC very clearly provides the specific findings and parameters that the Planning Commission (the "Commission") is to contemplate when considering a conditional use permit under RMC § 18.08.605(e) (the "Findings"). As provided in the Applicant and staff's presentation to the Planning Commission and the Staff Report,<sup>2</sup> all Findings can be made to support the Project. The two Findings that the

<sup>1</sup> Notice of Denial is attached hereto as Exhibit A.

<sup>2</sup> Staff Report attached hereto as Exhibit B.

Womble Bond Dickinson (US) LLP is a member of Womble Bond Dickinson (International) Limited, which consists of independent and autonomous law firms providing services in the US, the UK, and elsewhere around the world. Each Womble Bond Dickinson entity is a separate legal entity and is not responsible for the acts or omissions of, nor can bind or obligate, another Womble Bond Dickinson entity. Womble Bond Dickinson (International) Limited does not practice law. Please see [www.womblebonddickinson.com/us/legal-notice](http://www.womblebonddickinson.com/us/legal-notice) for further details.

commissioners who voted to deny the Project stated they could not make were Findings 4 and 6; as such, those are the two Findings that will be discussed at length below.

1. The proposed location of the use is in accordance with the objectives of this Title and the purpose of the zoning district in which the site is located.

The Project is located in the Industrial Commercial (“IC”) zoning district. The proposed use of a data center is now recognized as a permitted use in the IC zoning district with the approval of a conditional use permit. The purpose of the IC zoning district “is intended to provide for a mix of industrial, research and development, and commercial uses. Sites are commonly comprised of moderate-footprint buildings (generally less than 500,000 square feet) designed for warehousing, flex space, manufacturing, and supporting office uses.”<sup>3</sup> Data centers, like the proposed Project, typically have lower environmental impacts compared to traditional manufacturing or industrial uses. Developing the proposed Project in the IC zoning would support a more sustainable industrial growth in the IC zone than more resource-intensive industrial uses.

2. The proposed land use and project design is compatible with surrounding development.

The Project is compatible with the surrounding development for several reasons. The Project’s location in the IC zone places it adjacent to several other industrial uses. The nearest residentially zoned property is ±1,435 feet away and separated from the Project site by the freeway and other industrial uses. Although there is a nonconforming residential use abutting the Project site to the west, the proposed data center use is far less likely to disrupt any adjacent properties than other industrial uses that are permitted by right in the IC zone. Data centers generate significantly less noise pollution and less traffic and congestion than the other uses that are permitted by right on the subject property. Additionally, data centers generally have a lower visual impact than other traditional industrial uses. The Applicant’s thoughtful site design, including screening panels and landscaping, further reinforces the Project’s compatibility with the surrounding development, including the abutting nonconforming residential use.

3. The proposed land use and project design is consistent with applicable development standards.

The Project meets all applicable development and design standards, including all requirements set forth in RMC § 18.02.402 (Standards for IC zoning district).

4. Public services and facilities are available to serve the project, or will be provided with development.

There are sufficient public services and facilities available to serve the Project. Specifically, the Project meets the requirements for water and power services as evidenced by the Applicant’s engagement with both Truckee Meadows Water Authority (“TMWA”) and NV Energy.

---

<sup>3</sup> RMC § 18.02.40(a).

As demonstrated by the Retail Water Service Area Annexation Agreement (the "Annexation Agreement") executed by TMWA and the Project site property owner,<sup>4</sup> the water system in the area has sufficient capacity to serve the Project, which means that TMWA, being the *designated water utility provider*, has confirmed that it can meet the required service levels for the Project upon annexation of the Project site into TMWA's retail water service area. TMWA, as the designated water utility provider, is in the best position to know whether it can or cannot serve a project. The Commission's concerns regarding the ability of the existing water system to serve the Project despite TMWA's execution of the Annexation Agreement fall outside of the Commission's purview and are unsupported by the evidence presented in the application. TMWA, as the regional water authority for the Project area, is the sole entity responsible for determining the capacity and availability of water to serve the Project. TMWA conducted its own evaluation of the Project's water needs and confirmed its ability to provide adequate services to the Project, as evidenced by its willingness to enter into the Annexation Agreement. The Commission does not have the authority to substitute its own judgment regarding the water system's capacity over that of TMWA. TMWA is the only authority in the position to determine the sufficiency of water services.

Furthermore, staff explained to the Commission that TMWA does not provide will-serve letters until a project reaches the building permit stage of development. If, at the building permit stage, TMWA determines that it, in fact, cannot provide water services to the Project for whatever reason, then the Project would not be permitted to move forward. This process ensures that any project developed in the area can receive all necessary services. At this point, TMWA has determined that it can serve the Project.

In addition to available water services, the Applicant has secured a commitment from NV Energy to supply power to the Project. As stated by staff at the hearing, the Peavine Substation has already been approved for the area that will serve the Project and is currently under construction. The Project does not require identifying a new energy source or building another power plant. A portion of the excess power from the Peavine Substation will be utilized to service the Project. Despite assurances from staff and the commitment from NV Energy, some of the commissioners attempted to speculate on the impacts on future developments and hypothesizing that the power needed for this Project would take away available power to future developments that are not even currently proposed or in existence.

The Commission's concerns regarding the potential impact of providing power to the Project on future development in the area are not only outside the scope of this particular finding, but some of the commissioners' concerns were also entirely speculative, arbitrary, and unsupported by the facts in the record. The Commission essentially engaged in an exercise of forecasting the future availability of power without any evidence or facts to substantiate these concerns. The line of reasoning of these commissioners was not grounded in the factual record and flew in the face of the commitments already provided by NV Energy, thereby casting unnecessary doubt on the Project's impact.

The Commission's arbitrary and capricious focus on potential future impacts of the Project on the power utilities that are currently available and have already been committed to the Project was not only outside the scope of this particular finding, but it also placed an unfair burden on the Applicant to somehow address unfounded speculations about how the Project may or may not impact future power needs of other

---

<sup>4</sup> Retail Water Service Area Annexation Agreement attached hereto as Exhibit C.

developments. The Applicant cannot account for future power demand, and the Commission's focus on future impacts shifts an unjustifiable and unmeetable burden onto the Applicant, who has already met the requirements for public services and facilities as required by the RMC and to the satisfaction of staff.

During the Planning Commission hearing, several commissioners replaced their own interpretations of this finding and determined that it required the availability of public resources while also somehow not impacting public resources. The Commission's discussion of the Project's impact on public resources, rather than the availability of public services and facilities, demonstrates a fundamental misunderstanding of the relevant criteria and findings under the RMC. This finding requires evaluating whether *public services and facilities are available to serve the Project*, not an assessment of public resources. Section 18.04.503 of the RMC specifically provides that utilities and services encompass sewage, water, and electricity. Furthermore, it is generally understood that public services include sewage, water, and electricity, and facilities refer to the necessary infrastructure to deliver those services to a Project, not whether there are sufficient "resources" in a broader sense. Several commissioners specifically voted against the Project solely because they stated they could not make this finding, despite evidence to the contrary that there are public services and facilities available to serve the Project.

Furthermore, despite repeated attempts by staff, other commissioners, and the City Attorney to keep the discussion focused on the specific finding regarding the availability of public services and facilities to serve the Project, several commissioners veered off course and improperly expanded the inquiry. Instead of evaluating whether the Project could be adequately served by existing public services and facilities—as required by the RMC—they introduced speculative concerns about the potential impact on future ratepayers and the availability of services for hypothetical future developments that do not even exist. This line of questioning was entirely outside the scope of the relevant finding, which is solely concerned with whether the current, existing public services and facilities are sufficient to support the Project. The commissioners' focus on speculative future projects, which were not grounded in the record or any factual evidence, represents a fundamental misapplication of the legal standard. This finding is solely based on current and available data, not unfounded predictions or conjecture about potential impacts on services and developments that are not at issue and are irrelevant to the Project.

5. The characteristics of the use as proposed and as may be conditioned are reasonably compatible with the types of use permitted in the surrounding area.

The characteristics of the Project are reasonably compatible with the types of uses permitted in the surrounding area for several reasons. First, the Project is located in the IC zoning district, which is designed and intended to accommodate a wide range of industrial and commercial uses. Second, the operations of the Project occur entirely indoors; it generates very little traffic and has very minimal external impact on the surrounding area. In addition to aligning with the purposes and intent of the IC zoning district, the Project is a compatible and beneficial development with the surrounding area.

6. The granting of the conditional use permit will not be materially detrimental to the public health, safety, or welfare. The factors to be considered in evaluating this application shall include: Property damage or nuisance resulting from noise, smoke, odor, dust, vibration, or illumination; and any hazard to persons and property.

The Project will have no material detrimental impact on the public health, safety, or welfare. The Project's site plan is designed thoughtfully to operate in a manner that ensures minimal disruption to the surrounding area. The Project will not produce smoke, odors, dust, vibrations, or excessive illumination, which are very common nuisances associated with other industrial, manufacturing, or warehouse-type uses that would be permitted by right on the Project site. The level of noise and traffic generated by the Project is so minimal that it is practically negligible because the nature of the Project is such that the sound levels are relatively low, and daily traffic is limited to security staff going to and from work. Beyond security staff, the only other traffic expected to be generated by the Project are the occasional maintenance vehicles and deliveries.

Compared to other uses allowed by right on the site, the Project presents an even more minimal impact on public health, safety, and welfare. Under the current IC zoning, a variety of more intense industrial, manufacturing, and warehouse uses could be permitted without needing a use permit, such as a large-scale warehouse or distribution center. Many of the uses allowed by right are known to generate far greater environmental and public health impacts, including higher noise and traffic levels. Staff echoed this fact at the hearing by stating to the Commission that "this project by comparison has a much lower potential impact than any other uses that could be developed by right on this site." Additionally, Condition 9 of the Project specifically limits the use of the emergency backup generators to be used during power failures and necessary periodic testing or maintenance, which is only to occur during the daytime.

Contrary to the hypothetical concerns some of the commissioners raised during the hearing, a data center is a low-impact use in terms of environmental and public health considerations. No factual basis supports the claim that the data center would pose any detrimental material threat to the surrounding area. The Applicant has made every effort to demonstrate that the Project will operate with minimal external impact and will comply with all relevant regulations and conditions of approval.

#### **THE PLANNING COMMISSION'S DECISION WAS ARBITRARY AND CAPRICIOUS.**

In Nevada, the standard of review for whether a decision by a public body is arbitrary and capricious is primarily governed by the principles of administrative law. The Supreme Court of Nevada has stated that the central inquiry when determining whether an action is arbitrary and capricious is whether there is substantial evidence to support the decision.<sup>5</sup> "Substantial evidence is that which a reasonable mind might accept as adequate to support a conclusion."<sup>6</sup> To make the finding that a public body's decision was arbitrary and capricious, "the [C]ourt must consider whether the decision was based on a consideration of the relevant factors and whether there has been a clear error of judgment."<sup>7</sup> When determining whether a public body's action was arbitrary and capricious, the Court's review is limited to the record that the public body relied on when it issued its decision. The Commission's decision to deny the Project was not based on the facts or evidence in the record but instead was based on conjecture, speculation, and irrelevant factors introduced by certain commissioners during the hearing.

<sup>5</sup> See *United Exposition Serv. Co. v. State Indus. Ins. Sys.*, 109 Nev. 421, 424 (Nev. 1993).

<sup>6</sup> *Id.*

<sup>7</sup> *Citizens to Pres. Overton Park, Inc. v. Volpe*, 401 U.S. 402, 416 (1971).

The Commission's role is to make factual findings based on the application and evidence before them, guided by the standards set in the RMC. However, several commissioners failed to adhere to these findings. Despite a warning from City Attorney Karl Hall that they were veering outside the legal boundaries of their review, these commissioners continued to stray from the required Findings and introduce irrelevant and emotionally charged statements into their public deliberations that bore no relation to the facts of the application or the required Findings. One commissioner even attempted to influence the testimony of staff by attempting to have staff state on the record that the Project could somehow be indirectly linked to fire hazards and climate change despite absolutely no evidence to support this wild speculation. The attempt by this commissioner to extract a statement from staff that could support the commissioner's preconceived biases against the Project underscores just how arbitrary the denial was.

This same commissioner went as far as comparing the fire risk that the Project could hypothetically cause to the recent devastating fires in Los Angeles. This commissioner's comparison to the Los Angeles fires, without any factual basis or relevance to the proposed Project, was inappropriate and an attempt to inflame irrational fears towards the Project. There is no evidence that this Project would pose any more of a threat to causing fires or contributing to global warming than any other use that is permitted by right on the Project site that would not require review by the Commission. This commissioner's comment was wholly speculative and lacked any factual foundation. The Commission is required to make its decisions based on the facts in the record and the findings required by the RMC—not on conjecture and inflammatory rhetoric.

Another example of the Commission's arbitrary and capricious line of questioning during the hearing was a question raised by another commissioner regarding the Project's use of an evaporative cooling system. The Applicant explained their decision to use an evaporative cooling system over other cooling options because it is the most efficient cooling system for the particular climate of the area in which the Project is located in. The commissioner fallaciously suggested, without evidence, that evaporative cooling systems are not allowed in southern Nevada and asked the Applicant to explain why it should be permitted in northern Nevada. This line of questioning by the commissioner was again outside the legal boundaries of the Commission's review of the Findings, but it also placed an unfair burden on the Applicant to somehow justify why two different jurisdictions in Nevada have different regulations governing evaporative cooling systems. This line of questioning was again irrelevant and unsupported by substantial evidence or any evidence for that matter.

The commissioners who voted to deny the Project justified their decision by stating that they were unable to make Finding 4 or Finding 6, despite substantial evidence in the record and staff's comprehensive analysis of the required Findings. However, as outlined above, these commissioners could not make these findings because they disregarded the overwhelming evidence before them and instead relied on baseless speculation and inflammatory statements that were not grounded in the facts in the record. While commissioners are entitled to express their personal opinions, their responsibility is to base their decisions on the facts, the law, and the applicable findings—not to deny an application due to personal biases or unfounded assumptions. The denial of the Project was not rooted in any factual analysis but rather in unrealistic and irrelevant hypotheticals, which unfairly shifted the burden of proof onto the Applicant. The commissioners essentially demanded that the Applicant disprove speculative and outlandish assumptions, a task that is not only impossible but also entirely outside the applicable standards of the RMC. We

respectfully request that the City Council recognize the arbitrary and capricious nature of the Commission's denial and overturn it.

Sincerely,

**Womble Bond Dickinson (US) LLP**

*Garrett D. Gordon*

Garrett D. Gordon



**EXHIBIT A**

**NOTICE OF DENIAL**

**EXHIBIT B**  
**STAFF REPORT**

**PLANNING COMMISSION  
STAFF REPORT**

---

**Date:** January 15, 2025

**To:** Reno City Planning Commission

**Subject:** Staff Report (For Possible Action): Case No. LDC25-00022 (Oppidan 5MW Data Center) - A request has been made for a conditional use permit to allow: 1) development of a data center, and 2) business operations between 11:00 p.m. and 6:00 a.m. The ±7.02 acre site is located on the north side of North Virginia Street ±2,470 feet east of its intersection with Stead Boulevard. The site is zoned Industrial Commercial (IC) and has a Master Plan land use designation of Industrial (I).

**From:** Jeff Foster, Associate Planner

---

**Ward #:** 4

**Case No.:** LDC25-00022 (Oppidan 5MW Data Center)

**Applicant:** CLOP Reno NV, LLC

**APN:** 082-101-86

**Request:** **Conditional Use Permit:** To allow 1) development of a data center and; 2) business operations between 11:00 p.m. and 6:00 a.m.

**Location:** See Case Maps (**Exhibit A**)

**Proposed Motion:** Based upon compliance with the applicable findings, I move to approve the conditional use permit, subject to the conditions listed in the staff report.

**Summary:** The ±7.02 acre site is located on the north side of North Virginia Street ±2,470 feet east of its intersection with Stead Boulevard. The proposed conditional use permit (CUP) would allow a data center with 24-hour operations. Key project issues include: 1) compatibility with surrounding uses and; 2) site design. These issues are mitigated through project design, code compliance, and/or conditions of approval. Staff recommends approval subject to all proposed conditions.

**Background:** According to application materials, the parcel historically contained residential uses dating back to the 1950's. From the early 2000's through at least 2021, the western portion of the site was used for outdoor storage (primarily vehicles and trailers). By 2023, the last private residences were demolished, and the site is currently vacant.

**Discussion:** The project proposes construction of a ±61,500 square-foot industrial building with supporting mechanical equipment to be used as a data center on the subject site. On January 25, 2024, the definition of a data center was incorporated into the Reno Municipal Code (RMC) through an Administrative Interpretation/Decision (ADM24-00020) as "A facility used primarily for the storage, management, processing, and transmission of digital data, and which houses computer and/or network equipment, systems, servers, appliances, and other associated components related to digital data operations. Such facilities may also include air handlers, power generators, water cooling and storage facilities, utility substations, and other associated utility infrastructure to support sustained operations of a data center."

A data center is now recognized as a permitted use in the IC zoning district with approval of a CUP. It is acknowledged that there will be significantly less truck traffic, loading/unloading, and dock doors for a data center as opposed to a warehouse or distribution center. Since data centers typically do not require many dock doors, the data center use standards limit the number of dock doors to three per building. Required parking for a data center is the same as a warehouse or distribution center (one space per 3,300 square feet of building area).

**Analysis:**

**Compatibility with Surrounding Uses:** The general development pattern along North Virginia Street in the project vicinity is industrial in nature with some existing nonconforming residential uses occurring. Land uses immediately surrounding the site consist of warehouse or distribution center uses to the north and south, a mobile home park to the west, and an undeveloped parcel to the east being utilized for outdoor storage. The land uses immediately surrounding the site are summarized in the table below.

Adjacent Properties		
	Zoning	Use
North	IC	Warehouse or distribution center
East	MS	Undeveloped parcel used for outdoor storage
South	IC	Warehouse or distribution center
West	MS	Mobile home park

The applicant requests to allow indoor operations 24 hours a day. This geographic area is generally characterized by industrial zoning and uses that would allow for 24-hour indoor operations by

right. The nearest residentially zoned property is  $\pm 1,435$  feet away and separated from the site by a freeway and other industrial land uses. However, there is a mobile home park abutting the site to the west. As conditioned, the indoor operation is not anticipated to have impacts upon this residential use. Regarding exterior operations and the proposed location of the truck dock on the northwest corner near the mobile home park, staff recommends **Condition 5** to limit the hours of truck arrivals/departures, idling, and on-site movement. For the western property line adjacent to the mobile home park, an acoustical study prepared for the project shows that the project should not exceed the maximum allowable noise level (49 dB for nighttime noise level between 10 p.m. and 7 a.m.) during the typical operational scenario (no more than 50% of the rooftop exhaust fans and condenser units running simultaneously per the design intent). However, the typical condition (48 dB) is close to the maximum allowable noise level. Therefore, the acoustical consultant recommended mitigations be added to account for reasonable error by either manufacturer noise data, the SoundPlan model, or field conditions (**Conditions 6 and 7**). Restricted construction hours will further reduce potential impacts on the existing residential use (**Condition 8**). Given all of the above, the proposed use is generally compatible with existing land uses in the area.

**Site Design:** In addition to the data center building, the proposed site plan includes a backup generator yard on the northern side of the building with  $\pm 7$  emergency generators (only used during a power failure and during necessary periodic daytime testing or maintenance per **Condition 9**), water tanks, parking, landscaping, security/screening fencing, and a stormwater detention basin (**Exhibit B**). Nineteen parking spaces are required and provided. A truck dock is proposed at the northwest corner of the building and is not visible from North Virginia Street. Two drive-in doors, which will only be used during buildout of the data halls, are located on the eastern side of the building. Proposed site lighting meets code requirements and no lighting is directed onto adjacent properties.

The proposed generators on the northern side of the building will be screened from the mobile home park by architecturally compatible perforated metal screen panels and the  $\pm 8$  foot tall perimeter security/screening fence (**Exhibit C**). The applicant proposed a change in the design of the security fence in response to a specific request made at the Ward 4 Neighborhood Advisory Board meeting on December 19, 2024 (**Condition 10**). The applicant also proposed adding a row of six evergreen trees along the western property boundary to provide improved screening (**Condition 11**). Water tanks on the southwestern corner of the building facing North Virginia Street, which are  $\pm 19$  foot tall, are also proposed to be screened with architecturally compatible perforated metal screen panels. Rooftop mechanical equipment will be screened by parapet walls.

Elevations for the proposed  $\pm 32/\pm 39$  foot tall (top of roof/top of tallest parapet), single story building are shown in **Exhibit D**. The south street facing façade appears to meet the required wall articulation per RMC 18.04.1103(c)(2)(a) for horizontal articulation and 18.04.1103(c)(2)(b)(2) for vertical articulation. For horizontal articulation, RMC 18.04.1103(c)(2)(a)(2) allows an

alternative method to provide equal or greater architectural interest, including additional landscaping with shade trees and screening vegetation. Nine additional trees, primarily evergreen, are shown between North Virginia Street and the building, in addition to the required front yard landscape and street trees, to further screen the south elevation. To meet the vertical articulation requirement, perforated metal panels, which will be taller than the concrete parapet, are proposed along the south façade.

The project proposes landscaping in compliance with the IC zone, which requires 100% of the front yard (driveways excepted) to be landscaped (**Exhibit E**). Landscaping to provide parking area screening from view of North Virginia Street has been included per code. In addition to meeting the horizontal articulation requirement, additional (enhanced) landscaping is provided above code between North Virginia Street and the building to help obscure the screening/security fence, water tank screening panels, and building (**Condition 12**).

To further sustainability initiatives, the applicant has proposed **Conditions 13-18** requiring design of the entire roof structure to support photovoltaic (PV) arrays, installation of  $\pm 5,500$  square feet of PV arrays on the rooftop, installation of conduit to support future electric vehicle charging, installation of low flow domestic water fixtures, utilization of low volatile organic compound (VOC) materials, and best practices in source separation and diversion of construction debris from the landfill where possible during construction.

**Traffic, Access and Circulation:** The proposed data center project is anticipated to generate 61 daily trips, including six (6) P.M. peak hour trips. This trip generation is well below RMC requirements for a traffic entry and access study. With this very low trip generation, the proposed project is not expected to have any significant impact on local traffic operations or surrounding roadway infrastructure. The project will pay standard regional road impact fees that are used to mitigate impacts on the regional roadway network.

The Regional Transportation Commission (RTC) classifies North Virginia Street as a Moderate Access Control Arterial in the 2050 Regional Transportation Plan. RTC has a roadway improvement project planned in this area that would widen North Virginia Street and provide a center left turn lane. The project proposes to provide a six foot sidewalk along the project frontage; the location of this sidewalk will be coordinated with RTC to minimize risk of it needing to be relocated in the future (**Condition 19**).

**Public Utilities:** Sanitary sewer from the site will be treated at the Reno-Stead Water Reclamation Facility (RSWRF). There is limited sewer capacity remaining at RSWRF, which is connected to a short-term capacity project that diverts or “shaves” the raw sewage flow to a pipe that is used to pump sludge to the Truckee Meadows Water Reclamation Facility (TMWRF) for processing. The limit on sewer capacity was primarily to allow the remaining flow potential to be used to reduce

the volume of effluent going to Swan Lake, which reduces the potential for flooding from this source. Since that time, a project was constructed to pump water directly out of Swan Lake during the irrigation months (April through October) and has been very effective in managing the water level at the lake. The long-term solution for increasing wastewater treatment capacity is the expansion of RSWRF from two million gallons per day (MGD) to four MGD and the Advanced Purified Water Facility and American Flat Aquifer Storage and Recovery project (LDC25-00013), which was recently approved by the Planning Commission.

The applicant will be required to apply for a sewer will-serve and pay sewer connection fees prior to permit issuance consistent with the established sewer allocation program. The time frame for building permit application specified in **Condition 2** has been adjusted in case the applicant is not able to secure a sewer will-serve in advance of the project as a result of the wastewater treatment capacity constraints.

Water will be provided by Truckee Meadows Water Authority Water (TMWA). A will-serve from TMWA will be required prior to any permit requests to develop the site. Electricity and gas will be provided by NV Energy. Regarding power supply for the proposed data center, the applicant has provided a will serve letter from NV Energy to supply the necessary power to operate the data center. Existing overhead power lines along the site frontage are required to be undergrounded or a waiver obtained per RMC 18.04.503(c).

**Hydrology:** The project is in the FEMA Flood Zone Unshaded X, an area of minimal flood hazard. Final design shall incorporate measures to ensure that there is no net increase in the regulatory 100-year water surface elevation of Silver Lake. Volumetric mitigation shall be a minimum 1.3:1 when located within watershed areas contributing to closed basins, based on the 100-year 10-day storm event. Volumetric mitigation is typically satisfied with an onsite retention basin(s); a retention/detention basin is proposed. A final drainage report will be required at the time of building permit to ensure the proposed facilities are adequate to serve the site.

**Master Plan Conformance:** The subject site has a Master Plan land use designation of Industrial (I) and is located along a Suburban Corridor within the Industrial/Logistics Employment Areas per the Structure Plan Framework of the Reno Master Plan. The Industrial land use designation is intended to support industrial uses, including manufacturing/processing operations, maintenance and repair shops, and warehousing and distribution facilities. As proposed and with the recommended conditions, the proposed project is in substantial conformance with the Master Plan land use designation and the following applicable Master Plan goals and policies:

- GP 1.1A: City-Focused Economic Development Strategy
- GP 1.3E: Advanced Telecommunications Technologies
- GP 1.4B: Culture of Innovation

- C-SC.17: Infill and Redevelopment
- DPEA-G.3: Parking, Loading and Storage
- EA-ILA.1: Overall Mix
- EA-ILA.7: Varied Design

**Public and Stakeholder Engagement:** The proposed project was reviewed by various City divisions and partner agencies. Comments received were incorporated into this report (**Exhibit F**). A courtesy notice was sent out to surrounding property owners upon initial submittal of the project. One opposition comment was received regarding data center energy use and appropriateness of the proposed location for data center use. The applicant presented their project at the December 19, 2024, Ward 4 Neighborhood Advisory Board meeting. Public comment cards were received with questions about wildfires, power outages and solar energy (**Exhibit G**). Any future comments will be forwarded to the Planning Commission as they are received.

**Recommended Conditions of Approval:** All conditions shall be met to the satisfaction of Development Services Department staff, unless otherwise noted.

1. The project shall comply with all applicable City codes, plans, reports, materials, etc., as submitted. In the event of a conflict between said plans, reports, materials and City codes, City codes in effect at the time the application is submitted shall prevail.
2. The applicant shall apply for a building permit for the entire project within 36 months of the date of approval of the conditional use permit review application and maintain the validity of that permit, or the conditional use permit approval shall be null and void.
3. Prior to the issuance of any building permit or business license associated with this project, the applicant shall attach a copy of the final approval letter. The approval letter shall accompany a narrative provided by the applicant that describes how the requested permit addresses each of the approved conditions of approval.
4. The applicant, developer, builder, property owner, or business proprietor, as applicable, shall continuously maintain a copy of this approval letter on the project site during the construction and operation of the project/business. The project approval letter shall be posted or made readily available upon demand by City staff.
5. Commercial truck arrival, departures, and on-site movement shall be limited to between the hours of 6:00 a.m. and 11:00 p.m. during standard operations. Commercial truck idling is prohibited on the site. Prior to the issuance of a building permit for vertical construction, the applicant shall have plans approved demonstrating that signage shall be installed



adjacent to the dock and drive-up doors informing vehicle operators that idling is prohibited.

6. Prior to approval of a building permit for site improvements, the applicant shall submit plans demonstrating that the 8-foot-tall perimeter security/screening fence on the west and north sides of the site on the preliminary site plan has been replaced with an 8-foot-tall solid metal wall in the same footprint/alignment.
7. Prior to approval of a building permit for vertical construction, the applicant shall submit plans demonstrating a layer of 2-inch-thick fiberglass batt insulation will be installed above the ACT ceiling shown for the data halls to upgrade the isolation of data center noise through the roof.
8. Hours of construction, including grading, shall be limited to between the hours of 7:00 a.m. and 6:00 p.m., Monday through Friday, and between 8:00 a.m. and 6:00 p.m. on Saturday. There shall be no construction on Sundays. This condition shall not apply to dust control or storm water management operations. A note to this effect shall be placed on the title sheet of all building permit plan sets. A sign with the approved construction hours shall be posted on site for the full duration of construction activity. If the construction hours need to be varied for the pouring of concrete slabs, interior construction hours or other modifications, a plan detailing the construction operations and provisions to minimize impacts on nearby residential areas shall be submitted and approved to the satisfaction of the Administrator.
9. Emergency backup generators shall only be used during power failures and during necessary periodic testing or maintenance (to occur during the daytime only).
10. Prior to approval of a building permit for site improvements, the applicant shall submit plans demonstrating that the security fence specification has been changed to eliminate the curved anti-climb feature.
11. Prior to approval of a building permit for site improvements, final landscaping plans shall include a row of at least six evergreen trees along the western property boundary to provide enhanced screening.
12. Prior to approval of a building permit for site improvements, final landscaping plans shall demonstrate enhanced landscaping (additional trees) along the south elevation as shown on the preliminary landscape plan. These shall be a mixture of deciduous and evergreen trees to provide year-round screening to the satisfaction of the Administrator.

13. Prior to approval of a building permit for vertical construction, the applicant shall demonstrate that the entire roof structure has been designed with a load capacity that can support a photovoltaic (PV) system array.
14. Prior to approval of a building permit for vertical construction, the applicant shall submit plans to install  $\pm 5,500$  square feet of PV arrays on the rooftop.
15. Prior to approval of a building permit for site improvements, the applicant shall submit plans demonstrating installation of conduit to support future electric vehicle (EV) charging.
16. Prior to approval of a building permit for vertical construction, the applicant shall submit plans specifying installation of low flow domestic water fixtures for pantries, restrooms, and other areas of the building. This shall not apply to hose bibs serving exterior equipment areas.
17. Prior to approval of a building permit for vertical construction, the applicant shall submit plans specifying utilization of low volatile organic compound (VOC) materials on the building shell and interior finishes of the building.
18. Prior to approval of a building permit for vertical construction, the applicant shall submit plans with a note on the title page and in the construction notes requiring source separation and diversion of construction debris from the landfill where possible. This shall be incorporated into the General Contractor's scope and shall be tracked as part of the project.
19. The proposed frontage improvements shall be reviewed by RTC to ensure no conflict with proposed widening of North Virginia Street. Documentation clearly indicating this coordination has taken place shall be provided prior to approval of any permit for site improvements.

**Findings:**

**General Review Criteria:** The decision-making body shall review all development applications for compliance with the applicable general review criteria stated below.

- 1) Consistency with the Reno Master Plan: The proposed development shall be consistent with the Reno Master Plan. The decision-making authority:
  - a. Shall weigh competing plan goals, policies, and strategies; and
  - b. May approve an application that provides a public benefit even if the development is contrary to some of the goals, policies, or strategies in the Reno Master Plan.

- 2) Compliance with Title 18: The proposed development shall comply with all applicable standards in this Title, unless the standard is lawfully modified or varied. Compliance with these standards is applied at the level of detail required for the subject submittal.
- 3) Mitigates Traffic Impacts: The project mitigates traffic impacts based on applicable standards of the City of Reno and the Regional Transportation Commission.
- 4) Provides Safe Environment: The project provides a safe environment for pedestrians and people on bicycles.
- 5) Rational Phasing Plan: If the application involves phases, each phase of the proposed development contains all of the required streets, utilities, landscaping, open space, and other improvements that are required to serve or otherwise accompany the completed phases of the project, and shall not depend on subsequent phases for those improvements.

**Conditional Use Permit**: In addition to meeting the criteria in Section 18.08.304(e), *Approval Criteria Applicable to all Applications*, the following findings shall be made prior to granting a conditional use permit:

- 1) The proposed location of the use is in accordance with the objectives of this Title and the purpose of the zoning district in which the site is located;
- 2) The proposed land use and project design is compatible with surrounding development;
- 3) The proposed land use and project design is consistent with applicable development standards;
- 4) Public services and facilities are available to serve the project, or will be provided with development;
- 5) The characteristics of the use as proposed and as may be conditioned are reasonably compatible with the types of use permitted in the surrounding area; and
- 6) The granting of the conditional use permit will not be materially detrimental to the public health, safety, or welfare. The factors to be considered in evaluating this application shall include:
  - a) Property damage or nuisance resulting from noise, smoke, odor, dust, vibration, or illumination; and
  - b) Any hazard to persons and property.

**Attachments:**

Exhibit A - Case Maps  
 Exhibit B - Preliminary Site Plan  
 Exhibit C - Sightline Study  
 Exhibit D - Preliminary Elevations  
 Exhibit E - Preliminary Landscape Plan  
 Exhibit F - Agency Comments  
 Exhibit G - Public Comments



**EXHIBIT C**  
**ANNEXATION AGREEMENT**

APN: 082-101-86

**When Recorded, Return to:**

Truckee Meadows Water Authority  
Attn: Annie Paylor, Land Agent  
P O Box 30013  
Reno, NV 89520-3013  
TMWA WO: 23-9134

DOC #5382511

05/26/2023 08:54:56 AM  
Electronic Recording Requested By  
TRUCKEE MEADOWS WATER AUTHORITY  
Washoe County Recorder  
Kalie M. Work  
Fee: \$43.00 RPTT: \$0  
Page 1 of 10

---

**RETAIL WATER SERVICE AREA ANNEXATION AGREEMENT**

THIS RETAIL WATER SERVICE AREA ANNEXATION AGREEMENT ("Annexation Agreement"), entered into this 25<sup>th</sup> day of May, 2023 ("Effective Date"), by and between TRUCKEE MEADOWS WATER AUTHORITY (the "Authority"), a Joint Powers Authority entity created pursuant to a cooperative agreement among the cities of Reno, Nevada, Sparks, Nevada and Washoe County, Nevada pursuant to N.R.S. Chapter 277, and 9630 N. VIRGINIA, LLC, a Nevada limited liability company, (referred to as "Developer" or "Owner" in this Agreement and exhibits attached hereto, and together with Authority collectively hereinafter referred to as "Parties");

WITNESSETH:

WHEREAS, Owner owns certain real property more particularly described on Exhibit "A" and depicted in Exhibit "A-1" attached hereto incorporated herein by this reference ("Property", or "Owner's Project"), located outside of Authority's current retail water service area.

WHEREAS, Owner desires the Authority to expand its retail water service area to provide water service to the Property.

WHEREAS, on December 31, 2014, Authority acquired the water utility system of the Washoe County Department of Water Resources and the South Truckee Meadows General Improvement District, and as a result, new customers may be eligible to annex into the Authority service area based upon their proximity to existing Authority facilities, availability of water resources, or cost-effectiveness.

WHEREAS, based upon these criteria, Authority has determined it is appropriate that Authority provide service to Owner and accordingly, Owner's property may be annexed into Authority's retail water service area.

WHEREAS, the expansion of Authority's retail water service area may require dedication of certain real property or water system facility improvements to facilitate the efficient management and operation of Authority's system to include the Property in its retail water service area.

WHEREAS, Authority is willing to expand its retail water service area to include water service to the Property and Owner agrees to the expansion of Authority's retail water service area upon the terms and conditions set forth in this Agreement, subject to and on the express condition that Owner fully and completely perform the terms and conditions set forth in this Agreement.

NOW, THEREFORE, in consideration of the mutual covenants and conditions herein contained, the Parties agree as follows:

1. Expansion of Water Service Area. Authority agrees to expand its retail water service area as set forth in Exhibits "A" and "A-1" attached hereto to provide water service for the Property; provided, however, that such expansion of the Authority's retail water service area is specifically conditioned upon execution of this Agreement by Owner and the Authority, and the complete and satisfactory performance of the terms and conditions in Section 2 herein by Owner and its permitted successors and assigns, to the extent applicable.

2. Conditions to Annexation. The following conditions must be satisfied within the time frames stipulated below or this Agreement shall automatically terminate, and the Property shall be deemed de-annexed from the Authority retail service area.

2.1 Construction/Dedication of Facility Improvements. No off-site improvements are required as a condition of expanding the Authority's retail water service area to include the Property, except those improvements reflected in applicable WSF Charges (as defined below), which the Property shall be subject to as shown in Exhibit "B" attached hereto and incorporated herein by this reference. Owner shall submit a complete Application for New or Modified Water Service and enter a Water Service Agreement with Authority for the completion of required Water Facilities (or portions thereof, for phased development) no later than twenty-four (24) months from the Effective Date of this Annexation Agreement, or this Agreement shall automatically terminate, and the Property shall be deemed de-annexed from the Authority retail service area. For phased development, Owner shall continue to submit complete Applications for New or Modified Water Service and enter into Water Service Agreements for subsequent phases no later than twenty-four months from the Effective Date of the previous Water Service Agreement, or portions of the Property not actively receiving water service from Authority shall be deemed de-annexed from the Authority retail service area. Authority shall have no obligation to provide water service to any portion of the Property until required water system facilities are completed to the satisfaction of Authority.

2.2 Dedication of Real Property. No dedication of real property is required as a condition of expanding the Authority's retail water service area to include the Property.

3. Conditions of Water Service. Owner acknowledges and agrees that this Annexation Agreement merely addresses conditions required for the expansion of Authority's retail water service area, and that Owner must independently comply with all applicable requirements in Authority's Rules before the Authority has any obligation to provide water service to the Property, including without limitation (i) submitting and receiving approval from the Authority of appropriate applications for service; (ii) dedicating sufficient Water Resources to the Authority and receiving a Will Serve Commitment for service to the Property; (iii) in addition to any dedication requirements in Section 2 of this Annexation Agreement, dedicating appropriate easements and other real property required for service; (iv) in addition to any dedication requirements in Section 2 of this Annexation Agreement, installing, constructing and dedicating subdivision or on-site water system facility additions, improvements or modifications or further additions, improvements, extensions or modifications to Authority's Water System Facilities as necessary to provide the requested new service(s) or modification of service(s) to the Property; (v) payment of Area Facility Charges, Supply-Treatment Facility Charges and Storage Charges (collectively "WSF Charges"); and (vi) satisfying such other terms and conditions pursuant to the Authority's Rules and any requirements of any local governmental entity with jurisdiction over the Property as necessary to obtain a Will-Serve Commitment letter from the Authority for the delivery of water to the Property. Owner shall submit such applications and execute such other documents required by Authority's Rules and procedures prior to being eligible for the delivery of water to the Property. All such conditions, dedications, additions, improvements, extensions and modifications shall be made in accordance with the Authority's Rules and regulations in effect at the time Authority and Owner enter into any agreement or agreements for the specific dedication, additions, improvements or modifications required to provide water service to the Property.

4. General Terms

4.1 Owner acknowledges and agrees that it is entering this Annexation Agreement voluntarily, that the expansion of Authority's service area is specifically conditioned on Owner's performance of all terms and conditions contained herein, and that if any of the provisions of this Annexation Agreement are deemed unenforceable or if Owner fails to perform any of its obligations hereunder, Authority is under no obligation to expand its service area to include any portion of the Property for which the Authority has not previously entered an agreement to provide water service. Nothing in this paragraph shall be construed to grant Owner a right, and Owner specifically waives any right, if any exists, to dispute any of the terms and conditions of this Annexation Agreement under Rule 8 in Authority's Rules, as such may be amended from time to time. Upon annexation of the Property, the Parties acknowledge and agree that both are bound by the terms and conditions of the rules and regulations adopted by Authority, as the rules and regulations may be amended from time to time, and as such rules may exist at the time service is applied for or requested for the Property or certain phases of the Property.

4.2. Any written notices or communications required hereunder shall be served by placing such notices in the U.S. Mail, postage prepaid, properly addressed to the following:

To: Authority                      Truckee Meadows Water Authority  
   Attn. General Manager  
   P.O. Box 30013  
   Reno, NV 89520-3013

To: Owner                            9630 N. Virginia, LLC,  
   Attn.: Eric Eklund  
   3189 Airway Ave Suite B.  
   Costa Mesa, CA 92626

4.3. This Annexation Agreement shall inure to and be binding upon the parties, their respective successors and assigns.

4.4. This Annexation Agreement shall not be modified except in writing, signed by all parties.

4.5. This Annexation Agreement represents the entire agreement between the Parties related to the expansion of the Authority's retail water service area and supersedes all prior representations and agreements whether written or oral with respect to the covenants and conditions provided herein; provided, however, that the obligations set forth in this Annexation Agreement shall be in addition to, and do not supersede or replace, any obligations that may be imposed upon Owner under Authority's Rules.

4.6. This Annexation Agreement and terms and conditions herein shall run with the land and be binding upon and inure to the benefit and burden of the parties to the agreement and their heirs, successors and assigns and any future owners of the Property.

4.7. Neither this Annexation Agreement nor any of the terms set forth herein shall be effective or binding on Authority until this Annexation Agreement is executed by Authority, and the Authority will be under no obligation to execute this Annexation Agreement if not executed and returned by Owners to the Authority by August 2, 2023.



IN WITNESS WHEREOF, the Parties hereto have executed this Annexation Agreement effective as of the Effective Date first written above.

**AUTHORITY:**  
**TRUCKEE MEADOWS WATER**  
**AUTHORITY**, a Joint Powers Authority

By: [Signature]  
Name: John R. Zimmerman  
Title: General Manager

**OWNER:**  
**9630 N. VIRGINIA ST,**  
a Nevada limited liability company

By: [Signature]  
Name: Brook Morris  
Title: Manager

STATE OF NEVADA )  
 ) ss  
COUNTY OF WASHOE )

This instrument was acknowledged before me on May 25<sup>th</sup>, 2023,  
by \_\_\_\_\_, as \_\_\_\_\_ of 9630 N. VIRGINIA  
LLC, a Nevada limited liability company therein named.

\_\_\_\_\_  
NOTARY PUBLIC

STATE OF NEVADA )  
 ) ss  
COUNTY OF WASHOE )

This instrument was acknowledged before me on May 25<sup>th</sup>, 2023,  
by John R. Zimmerman as General Manager,  
TRUCKEE MEADOWS WATER AUTHORITY, on behalf of said Joint Powers Authority  
therein named.



[Signature]  
NOTARY PUBLIC

### ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California  
County of Orange

On May 12, 2023 before me, June M. Kishishita, Notary Public  
(insert name and title of the officer)

personally appeared Brook Morris  
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature June M. Kishishita (Seal)

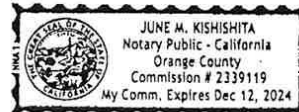


EXHIBIT "A"

LEGAL DESCRIPTION OF PROPERTY SUBJECT TO TMWA ANNEXATION

**PARCEL A**

All that certain land situate within a portion of the South One-Half (S1/2) of Section Eight (8), Township Twenty (20) North, Range Nineteen (19) East, Mount Diablo Meridian (MDM), City of Reno, County of Washoe, State of Nevada, being the exterior boundary of those parcels of land as described in Grant, Bargain, and Sale Deed Number 5288106, recorded March 24, 2022 and Grant, Bargain, and Sale Deed Number 5288105, recorded March 24, 2022 all of the Official Records of Washoe County, Nevada, and more particularly described as follows:

**BEGINNING** at the southeast corner of that parcel of land as described in said Grant, Bargain, and Sale Deed Number 5288105 and bearing North 52°04'22" West a distance of 2837.69 feet from the southeast corner of said Section 8, also being coincident with the northerly line of North Virginia Street;

**THENCE** coincident with said northerly right-of-way line, North 61°12'43" West a distance of 731.35 feet to the southwest corner of that parcel of land as described in said Grant, Bargain, and Sale Deed 5288106;

**THENCE** coincident with the westerly line of that parcel of land, as described in said Grant, Bargain, and Sale Deed 5288106, North 28°47'17" East a distance of 418.00 feet to the northwest corner of said parcel of land;

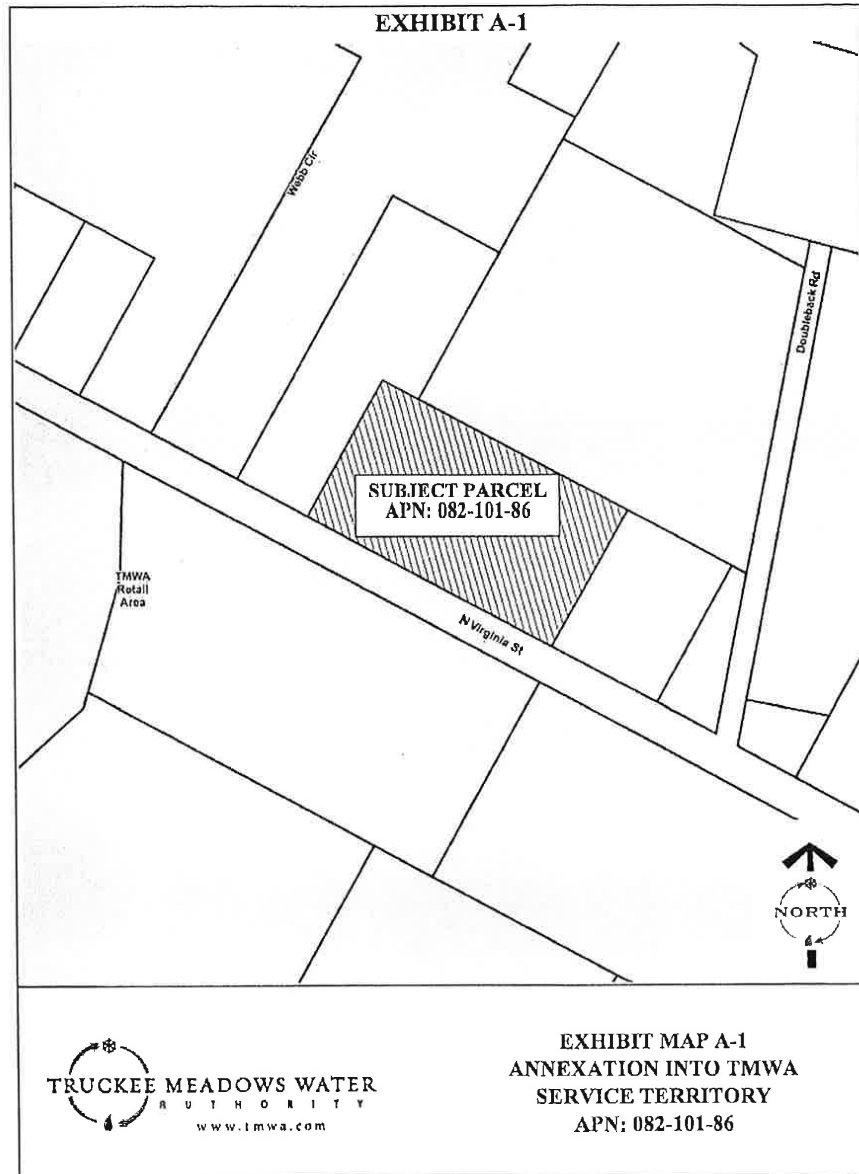
**THENCE** along the northerly line of said parcels of land, South 61°12'43" a distance of 731.35 feet to the northeast corner of that parcel of land as described in said Grant, Bargain, and Sale Deed Number 5288106;

**THENCE** along easterly line of said parcel, South 28°47'17" West a distance of 418.00 feet to the southeast corner of said parcel and being the **POINT OF BEGINNING**.

Containing 7.02 acres of land, more or less.

**BASIS OF BEARINGS** for this description is the Nevada State Plane Coordinate System of 1983, West Zone, NAD 08/94.

APN: 082-101-86



## EXHIBIT B

**9630 N Virginia St ANNEXATION (23-9134)**  
**SUMMARY OF APPROXIMATE COSTS TO BE PAID BY DEVELOPER**

**Table 1: Estimated Major Water Facility Costs**

Description	Quantity	Unit	Unit Cost	Cost
Area 10 Facility Charge <sup>5</sup>	4.1	MDD, gpm	\$6,695	\$27,449.50
Total				\$27,449.50

*1. All facilities would be permitted, designed, and built by the developer and then dedicated to TMWA.*

*2. All costs are the responsibility of the developer.*

*3. The cost opinion does not include meters, meter assemblies, backflow devices, and any associated private fire loop for the Project.*

**Notes:**

1. Fish Springs Ranch, LLC water resources will be dedicated for this project.
2. Water System Facility Charges are determined based on the maximum day demand (MDD) of the development. The above MDD is estimated and will be determined at the time final development plans are submitted with a formal application for water service. All facility requirements listed above are preliminary and are subject to change during the final planning and design process.
3. Review of conceptual plans or tentative maps by TMWA does not constitute an application for service, nor implies a commitment by TMWA for planning, design or construction of the water facilities necessary for service. The extent of required off-site and on-site water infrastructure improvements will be determined by TMWA upon receiving a specific development proposal or complete application for service and upon review and approval of a water facilities plan by the local health authority. Because the NAC 445A Water System regulations are subject to interpretation, TMWA cannot guarantee that a subsequent water facility plan will be approved by the health authority or that a timely review and approval of the Project will be made. The Applicant should carefully consider the financial risk associated with committing resources to their project prior to receiving all required approvals. After submittal of a complete Application for Service, the required facilities, the cost of these facilities and associated fees will be estimated and will be included as part of the Water Service Agreement necessary for the Project. All fees must be paid to TMWA prior to water delivery to the Project.



## WASHOE COUNTY RECORDER

OFFICE OF THE RECORDER  
KALIE M. WORK, RECORDER

1001 E. NINTH STREET  
RENO, NV 89512  
PHONE (775) 328-3661  
FAX (775) 325-8010

### LEGIBILITY NOTICE

The Washoe County Recorder's Office has determined that the attached document may not be suitable for recording by the method used by the Recorder to preserve the Recorder's records. The customer was advised that copies reproduced from the recorded document would not be legible. However, the customer demanded that the document be recorded without delay as the parties rights may be adversely affected because of a delay in recording. Therefore, pursuant to NRS 247.120 (3), the County Recorder accepted the document conditionally, based on the undersigned's representation (1) that a suitable copy will be submitted at a later date (2) it is impossible or impracticable to submit a more suitable copy.

By my signing below, I acknowledge that I have been advised that once the document has been microfilmed it may not reproduce a legible copy.

Annie Paylor  
Signature

5/25/23  
Date

ANNIE PAYLOR  
Printed Name

**PAYMENT DATE**  
 01/30/2025  
**COLLECTION STATION**  
 7933 - Front Desk 2  
**RECEIVED FROM**  
 APPEAL FEE - LDC25-00022  
**DESCRIPTION**  
 AUBREY POWELL

City of Reno  
 1 East First Street  
 Reno, NV 89501

**PAID**  
**JAN 30 2025**  
**CITY OF RENO**

**BATCH NO.**  
 2025-00003092  
**RECEIPT NO.**  
 2025-00169386  
**CASHIER**  
 Gutierrez, Jennifer

PAYMENT CODE	RECEIPT DESCRIPTION	TRANSACTION AMOUNT																
6901	Copies/Miscellaneous 00100-0000-5780-1099 Other income \$103.00	\$103.00																
	<table><tr><td>Total Cash</td><td>\$0.00</td></tr><tr><td>Total Check</td><td>\$0.00</td></tr><tr><td>Total Charge</td><td>\$103.00</td></tr><tr><td>Total Wire</td><td>\$0.00</td></tr><tr><td>Total Other</td><td>\$0.00</td></tr><tr><td>Total Remitted</td><td>\$103.00</td></tr><tr><td>Change</td><td>\$0.00</td></tr><tr><td>Total Received</td><td>\$103.00</td></tr></table>	Total Cash	\$0.00	Total Check	\$0.00	Total Charge	\$103.00	Total Wire	\$0.00	Total Other	\$0.00	Total Remitted	\$103.00	Change	\$0.00	Total Received	\$103.00	
Total Cash	\$0.00																	
Total Check	\$0.00																	
Total Charge	\$103.00																	
Total Wire	\$0.00																	
Total Other	\$0.00																	
Total Remitted	\$103.00																	
Change	\$0.00																	
Total Received	\$103.00																	
Total Amount:		\$103.00																

Customer Copy