

Appendix A – PUD Justification

# WINSTON ENERGY PROJECT

## JUSTIFICATION LETTER

**PREPARED FOR:**

Winston FC Solar, LLC  
15445 Innovation Dr  
San Diego, CA 92128  
Contact: David Calderon  
David.Calderon@edf-re.com

**PREPARED BY:**

ICF  
3665 John F. Kennedy Parkway, Building 1, Suite 300  
Fort Collins, CO 80525  
Contact: Sarah Pritchard  
[sarah.pritchard@icf.com](mailto:sarah.pritchard@icf.com)

**October 2025**



## Introduction

The purpose of this Justification Letter is to provide rationale as to how the proposed Winston Energy Project complies with the standards and criteria established for Planned Unit Developments in Sections 15.349.01, 15.349.02 and Subsections 15.349.03 A - K of the Lyon County Land Use and Development Code. This document addresses the Planned Unit Development requirements applicable to the Winston Energy Project by code section and provides a direct response to each section or subsection, as applicable. Standards and criteria that are not applicable to this Project are indicated as such in each response. Supplemental details on the Winston Energy Project's purpose, facility components, development timeline, and operational characteristics are provided in the Project Narrative submitted as a part of this application package.

### 15.349.01 : Purpose

- A. *Planned unit development (PUD) is a land use designation designed to provide an overall planning and design approach for a single use development or a development incorporating a mix of uses. PUD allows for deviation from a strict application of dimensional and use limitations of the zoning district or districts in order to provide flexibility for landowners to creatively plan for the overall development of their land to achieve a more desirable environment than would be possible through strict application of the standard requirements of the zoning district.*

*While not to be considered as the explicit standards to be applied when evaluating a PUD, the general purpose or purposes for establishing a PUD may include one or more of the following:*

1. *Permit the integration rather than separation of uses so that necessary commercial, recreation, and educational facilities are conveniently located to housing;*

**Applicant Response:** Not applicable.

2. *Establish land use patterns that promote and expand opportunities for public transportation and for efficient, compact, networks of streets and utilities that lower development and maintenance costs and conserve energy;*

**Applicant Response:** Not applicable.

3. *Help preserve valued environmental resource lands and avoid development of natural hazard areas;*

**Applicant Response:** The Winston Energy site has been intentionally developed exclusively on private land, rather than incorporating development on adjacent BLM land. This approach supports Lyon County's desire to maintain public land for recreational and resource-oriented purposes. This siting decision also consistent with broader environmental goals by avoiding development on lands that may contain sensitive ecological resources or be subject to natural hazards. Public lands often encompass critical wildlife habitat, riparian corridors, and areas with unique geological or hydrological features that warrant protection. By focusing development on private land that has been evaluated for suitability and low environmental risk, the project minimizes potential impacts to valued resource lands and avoids areas prone to flooding, erosion, or other natural hazards.

4. *Help maintain and enhance surface and ground water quality and quantity, and to maintain air quality;*

**Applicant Response:** The Winston Energy Project will have a very small water demand during Project operations and will not release any water-borne or liquid pollutants into surrounding surface and groundwater resource. This supports the goal to maintain and enhance water quality and quantity by minimizing pollutant discharge into natural hydrologic systems. Additionally, solar energy production emits no air pollutants or greenhouse gases during operation, directly contributing to improved air quality and climate change mitigation.

5. *Help improve and enhance the County's trail and park system and maintain access to public lands;*

**Applicant Response:** Not applicable.

6. *Help protect and maintain critical wildlife habitat and migration corridors;*

**Applicant Response:** Not applicable.

7. *Establish incentives for applicants to assure that long term affordable housing will be developed;*

**Applicant Response:** Not applicable.

8. *Help provide for well-located, clean, safe, and pleasant industrial sites involving a minimum of strain on transportation facilities;*

**Applicant Response:** The Winston Energy Project site is located in an established industrial area, adjacent to the Walker River Substation (f.k.a. Fort Churchill Substation) and existing railroad infrastructure. Solar facilities are good neighbors, producing very little noise, no emissions, and requiring minimal maintenance, which helps preserve the safety and character of surrounding areas. The facility's clean and quiet operation also contributes to a safe and pleasant industrial environment, free from emissions, noise, or hazardous materials typically associated with traditional industrial activities. The project will not impact local traffic or roadways during operation, and existing infrastructure is sufficient to accommodate temporary construction traffic without affecting residential access.

9. *Encourage innovations in residential, commercial and industrial development and renewal so that the growing demands of the population may be met by greater variety in type, design, and layout of buildings, and by the conservation and more efficient use of open space ancillary to the built environment;*

**Applicant Response:** The Winston Energy Project will introduce an innovative and sustainable form of industrial development that complements the County's broader goals for land use diversity and resource conservation. By utilizing private land for renewable energy generation and storage, the Project avoids encroachment on public lands and preserves open space for recreational and resource-oriented uses. The facility's modular design and low-impact footprint demonstrate flexibility in layout and land use, allowing for efficient integration into the surrounding landscape without disrupting the existing community character.

10. *Minimize the burden of traffic on roads and highways;*

**Applicant Response:** The Winston Energy Project will support Lyon County's transportation goals by proposing a use that requires minimal operational traffic on local roadways. The nature of the Winston Energy project limits on-site vehicle visits to infrequent, scheduled maintenance and emergency response only. Other industrial uses that may be sited in the proposed Project area would likely require heavy truck and passenger vehicle traffic to maintain daily operations. Through the Project's planning and design process, the Applicant has been proactively addressing potential transportation impacts and has ensured the Project is compatible with surrounding transportation infrastructure. Additionally, throughout the engineering and construction phases of the Project, the Applicant will regularly engage with the Nevada Department of Transportation (NDOT), Lyon County Public Works, local emergency management services, and adjacent property owners to ensure that that the Project does not have undue impacts to regional traffic, local access, or existing road infrastructure.

11. *Help ensure that the purposes, goals, objectives and policies of applicable Lyon County Comprehensive Master Plans and maps are achieved. (Ord. 603, 11-1-2018)*

**Applicant Response:** The Lyon County Master Plan's Land Use Policy No. LU 3.2 provides that Lyon County "encourages industrial development to locate in designated locations show on the Land Use Plan, where public facilities exist or are planned to accommodate such development cost-effectively [and] to coordinate industrial land use designation to avoid conflicting land uses". The Winston Energy Project supports Lyon County's commitment to ensuring industrial uses are located consistent with the future Land Use Plan in the following ways:

- The Winston Energy Project is located within an established industrial zone identified in the Land Use Plan, ensuring compatibility with surrounding uses.
- The Winston Energy Project is located directly adjacent to the Walker River Substation (f.k.a. Fort Churchill Substation), reducing the infrastructural demand, resources impacts, and visual contrast associated with transmission infrastructure.
- The facility's clean and quiet operation avoids conflicts with nearby land uses and contributes to a safe, orderly industrial environment.

Lyon County Master Plan's Land Use Policy No. LU 5.1 provides that Lyon County "will encourage development that incorporates...sustainable design and that reduces energy and resource consumption by minimizing resource consumption, energy use, and water use, [and] using renewable energy sources." The Winston Energy Project supports Lyon County's commitment to sustainable design and resource-conscious development in the following ways:

- The development of a 400 MW solar energy facility 400-megawatt (MW) photovoltaic (PV) solar energy facility (facility) and Battery Energy Storage System (BESS) will provide sustainable renewable energy resources to NV Energy's transmission system, serving both Lyon County residents, and residents throughout the state.

- The development of renewable energy resources in the region will contribute to the long-term resilience of Nevada’s energy infrastructure by diversifying the state’s energy resources.
- The Winston Energy Project is located directly adjacent to the Walker River Substation (f.k.a. Fort Churchill Substation), reducing the infrastructural demand, resources impacts, and visual contrast associated with transmission infrastructure.
- Unlike fossil fuel development, solar PV facilities require minimal water for operation. Water conservation is especially critical in Lyon County, where water resources are scarce, and better utilized for agricultural purposes.
- The proposed solar arrays will be installed in a manner that allows for the preservation of native vegetation and maintenance of existing soil integrity.

The Lyon County Master Plan’s Natural Resources Policy No. NR 3.1 provides that Lyon County “will protect the water supply and encourage efficient use of water resources.” The Winston Energy Project supports this policy in the following ways:

- The Project will have low water demand during Project operations.
- The Project will not produce waterborne pollutants, protecting surface and groundwater resources, and supports water quality goals.

The Lyon County Master Plan’s Natural Resources and Environmental Policy No. 4.1 provides that Lyon County will continue to maintain and work to improve air quality [and] encourage development of low pollution energy resources.” The Winston Energy Project supports this policy through the following strategies:

- By generating electricity from sunlight, solar facilities produce no air pollutants or greenhouse gases during operation, offering a clean alternative to fossil fuels. Their success demonstrates the viability of renewable energy, attracting investment, supporting policy goals, and encouraging broader adoption of low-emission technologies across the energy sector.

The Lyon County Master Plan’s Natural Resources and Environment Policy No. NR 5.1 further provides that “Lyon County will encourage the utilization of available renewable energy resources, such as solar radiation,” and that the County will “[i]dentify sites with significant solar resources that may be suitable for future utility-scale development” while “consider[ing] measures to encourage alternative energy development on these sites.” The Winston Energy Project supports Lyon County’s commitment to identifying sites with significant solar resources that may be suitable for future utility-scale development in the following ways:

- The Project is located in a compatible industrial zoning district, consistent with Lyon County Land Use designations that support utility-scale energy development.
- The site offers strong solar irradiance, making it ideal for renewable energy generation.

Lyon County Master Plan’s Natural Resources and Environmental Policy No. NR 8.2 states that Lyon County “ will minimize light pollution while allowing for adequate

lighting for safety and security... [and] implement lighting standards for... industrial properties to address issues such as avoiding light instruction onto neigh properties”. The Winston Energy Project supports Lyon County’s commitment to minimizing light pollution in the following ways:

- The Winston Energy Project operations require minimal nighttime lighting, and all light fixtures will be shielded and use downward-facing fixtures to prevent light pollution. Since solar energy is generated during daylight hours, the site remains largely inactive at night, preserving the natural night environment and reducing impacts on nearby communities and wildlife.

## **15.349.02 : Applicability**

*PUDs shall be permitted in Suburban and Rural Character Areas of Lyon County as identified in the Lyon County Comprehensive Master Plan and maps. PUDs may be permitted in all Suburban Character Area Zoning Districts provided the project, and its component elements and uses, is planned in a manner compatible with each and to the surrounding environment. (Ord. 603, 11-1-2018).*

**Applicant Response:** The Winston Energy Project is located within a “Rural Character District,” of Mason Valley, which is an area of “predominately undeveloped open space, in agricultural or resource-based use, or very low-density residential development with limited neighborhood commercial uses.” (L.C.C. § 15.300.02.). The Project area will be sited within the Heavy Industrial – Suburban (HI-S) and Rural Residential 20 Acre Minimum (RR-20) zone districts, which are located in Lyon County’s Suburban and Residential Character Districts, respectively.

## **15.349.03 : Standards and Criteria**

*The following standards and criteria shall govern PUD proposals within Lyon County:*

- A. *Proposed Uses: The use (or uses) proposed is (are) consistent with the goals and policies of the Lyon County Comprehensive Master Plan.*

**Applicant Response:** As outlined under Section 15.349.01.A.11. above\*, the Winston Energy Project’s use is consistent with multiple goals and policies outlined in the Lyon County Comprehensive Master Plan including:

- Goal LU 3: Diverse Economy
  - Policy LU 3.2: Business and Industry Locations that are Consistent with Future Land Use Plan
- Goal LU 5: Encourage Resource Sensitive Growth
  - Policy LU 5.1: Encourage Resource-Sensitive Growth and Sustainable Design
- Goal NR 3: Clean Water
  - Policy NR 3.1: Water Supply and Quality
- Goal NR 4: Clean Air
  - Policy NR 4.1: Clean Air

- Goal NR 5: Renewable Energy
  - Policy NR 5.1: Geothermal, Solar and Wind
- Policy NR 8.2: Dark Skies

\* Note: A description as to how the Winston Energy Project complies with each of these goals/policies is provided in the rationale under Section 15.349.01.A.11.

- B. *Site Area: The minimum site area required for a proposed PUD is five (5) acres. The tract or tracts of land included in a proposed PUD must be in a single ownership or under the development control of a joint application of owners or authorized agents of the property involved.*

**Applicant Response:** The Winston Energy Project will encompass approximately 2,374 acres of land across 11 parcels, as outlined in the Application Form. All landowners of the PUD's involved parcels have entered into long-term lease agreements with Winston FC Solar, LLC and will be managed by the applicant under unified development control per said agreements.

- C. *Design: The PUD will comply with the Lyon County Design Criteria and Improvement Standards and specifications contained in appendix B on file in the County.*

**Applicant Response:** Not applicable.

- D. *Density: The allowable residential density shall be established for the subject property, using the net density acreage as defined in chapter 1200 of this title, appendix A. An increase in residential density above the maximum residential density allowed in the existing underlying zoning district may be proposed and can be permitted. The applicant must mitigate increased density, and the level of mitigation shall increase as the proposed density increases. At a minimum, the applicant must explain how the increase can be offset through provision of usable open space and amenities, innovative site design, architectural variety, and quality of construction or promulgates a master plan goal/policy/strategy and demonstrate that any adverse impacts can be mitigated. If the PUD is to be developed in phases, the County may allow for a greater concentration of density or intensity of land use within a section of the development as long as the increase is offset by a reciprocal decrease in density or intensity of land use in any completed prior section of development or by an appropriate reservation of common open space on the remaining land by a grant of permanent protective easement as proscribed in subsection [15.340.08A4](#) of this title or by covenant in favor of the County.*

**Applicant Response:** The Winston Energy Project does not include any proposed residential development. As such, these density requirements are not applicable.

- E. *Bulk Requirements: Building and parking area setbacks, minimum lot area, lot coverage and building height must conform to the requirements of the equivalent zoning district or the existing underlying zoning for a majority of the PUD unless deviations from those underlying zoning development standards are proposed, considered and approved as a part of the review process. Any such deviation(s) must be justified by the applicant by addressing the allowable modifications contained in chapters 340 through 349 of this title where appropriate, and the exceptions criteria of subsection M of this section.*

**Applicant Response:** A majority of the proposed PUD is located in the Heavy Industrial – Suburban (HI-S) zone district, and as such, the Winston Energy Project is consistent with the requirements of the HI-S zone district under Section 15.314.02 of the Lyon County Code.

- *15.314.02.B: Building Setbacks* – The Winston Energy Project layout is consistent with the building setbacks outlined in Section 15.314.02.B. Please see the attached Project Setback Map for specific Project setbacks.
- *Parking Area Setbacks* - There are no parking area setback requirements under the requirements for the HI-S zone district in Section 15.314.02.
- *15.314.02.C: Building Form Requirements* – There are no floor area ratio requirements in this zone district. Building height requirements are addressed under Subsection 15.314.02.F.2., as identified by the code.
- *15.314.02.E: Minimum Lot Requirements* - All parcels involved in this PUD are at least 7,000 square feet and at least 50 feet wide, consistent with this code requirement.
- *15.314.02.F.1: Minimum Lot Frontage* – The Project’s combined lot frontage is approximately 1.2 miles on either side of Sierra Way. Accordingly, these frontages are well above the 30 feet minimum required by this code section, thus the Project is in compliance with the lot frontage requirement for the HI-S zone district.
- *15.314.02.F.2: Building Height* – The Winston Energy Project will include an Operation and Maintenance Building that will be no larger than 25 feet tall, as outlined in the Project Narrative. Accordingly, the Project does not include any buildings that reach or exceed the 45 foot threshold for additional height-related setbacks under this code section. Accordingly, all buildings are compliant with the building height requirements for the HI-S zone district.

*F. Commercial Design: Commercial building placement and architectural design shall conform to the intent of Chapter 360 of this title, commercial design standards.*

**Applicant Response:** The Winston Energy Project does not include any proposed commercial development. As such, these commercial design criteria are not applicable.

*G. Residential Design: Multi-family housing placement and design shall conform to the intent of chapter 348, "Multi-Family Residential Design Standards", of this title.*

**Applicant Response:** The Winston Energy Project does not include any proposed residential development. As such, these residential design criteria are not applicable.

*H. Parking: Parking shall be provided as required by chapter 401 of this title, parking and loading. Further reductions in the amount of parking to be provided may be proposed by the applicant but shall be approved only if they meet the exceptions criteria of subsection M3 of this section.*

**Applicant Response:** The proposed Operations and Maintenance Building is consistent with both the “Indoor storage/warehousing/vehicle service/manufacturing area” and “Offices” uses outlined under Section 15.401.03.B. The Applicant has proposed 13 parking spaces to accompany the Operations and Maintenance Building, which at 3,600 square feet, totals 1 parking space per 276 square feet, complying with the parking requirements for both the

“Indoor storage/warehousing/vehicle service/manufacturing area” and “Offices” uses of the building.

- I. *Open Space: The minimum amount of area to be designated and preserved as common open space in any planned unit development shall be twenty percent (20%). Each planned unit development proposal shall identify all areas proposed as common open space meeting the requirements contained in section 15.340.08 of this title. Where a decrease in the required common open space is proposed the applicant shall provide a detailed justification addressing the criteria for exception to the common open space requirement outlined in subsection M of this section. For nonresidential development the common open space requirement can be met by providing a minimum of twenty percent (20%) of the development as landscaped area, which exceeds the minimum standards imposed.*
  1. *Usable common open space in residential PUDs shall be sited and improved to provide active recreational amenities intended to provide appropriate opportunities for physical activity and interaction among residents within the development. Except where inventoried significant natural resources or Flood Hazard Zone are present on site, one hundred percent (100%) of the required usable common open space area shall be improved for active or passive recreational use. Usable common open space in Rural Character Areas of Lyon County may retain agricultural/ranching uses, operations and related support structures to continue the agricultural/ranching uses subject to a restrictive covenant recorded on the common open space areas outlining the remaining agricultural/ranching uses and activities to continue on the open space areas while extinguishing any residual development rights from the designated open space areas.*
  2. *Development within Historic Character Areas shall provide usable common open space improvements which enhance the pedestrian environment and are appropriate to these higher density areas. Such improvements may include, but are not limited to, the following: hardscaped courtyards; weather canopies; water features and drinking fountains; benches or low walls with seating areas; free-standing planters; play structures; public art or other pedestrian space or design features integrated into the overall design of the development.*
  3. *Open space deemed unusable shall be placed under permanent protective easement as proscribed in section 15.340.08 of this title, with evidence provided at the time of application that the proposed easement holder has or will accept the easement and perpetual management and maintenance as required by section 15.340.08 of this title.*

**Applicant Response:** Section 15.349.03.M.4. of the Lyon County Code offers the opportunity for a reduction in the minimum open space requirements outlined above. The Applicant is requesting a reduction in the minimum 20% open space requirement as the location of the Winston Energy Project is within ¼ mile walking distance of the Mason Valley Wildlife Management Area, a publicly accessible, active open space, consistent with the open space reduction requirements. Accordingly, the Winston Energy Project is proposing 281 acres of open space outside of the Project’s fenced area. This open space totals approximately 11.8% of the total Project Area.

In addition to complying with the requirement to reduce the minimum open space requirement, it is important to note that the Project and the local community would not benefit from the incorporation of additional open space beyond what is proposed. The requirement for a PUD to

incorporate open space is typically intended to preserve areas as residential or commercial amenities, such as community gathering spaces and opportunities for access to recreational facilities. However, a utility-scale solar project, such as the Winston Energy Project, is by nature a secured, fenced, and operational energy generation site that cannot reasonably provide public recreational or residential amenity functions without compromising safety and operations. These conditions are incompatible with the public access expectations of typical open space requirements.

Additionally, the Project Area is in an already developed industrial area of Lyon County and surrounded by existing open space (i.e. BLM land and the Mason Valley Wildlife Management Area). As such, the public would not significantly benefit from additional open space in the vicinity of the Project, and such requirement would place an undue burden on the Applicant. Accordingly, this requirement should be considered not applicable to the Winston Energy Project.

- J. *Connectivity: Planned unit developments shall provide vehicular, bicycle, pedestrian or equestrian connections to adjacent and nearby residential areas, transit stops, neighborhood activity centers and other neighborhood facilities in the following manner:*
1. *In PUDs that are five (5) acres or more in size, full street connections with spacing of no more than six hundred feet (600') between these connections shall be provided except where barriers such as topography, railroads, or pre-existing development prevent their construction.*
  2. *Within PUDs in which full street connections are not possible, bicycle and pedestrian connection on public easements or rights-of-way shall be provided with spacing of no more than four hundred feet (400') between connections except where barriers such as topography, railroads, or pre-existing development prevent their construction.*
  3. *In PUDs, opportunities to incrementally extend and connect proposed new streets with existing streets in adjacent or nearby areas shall be considered in addition to addressing street connectivity recommendations shown on the County-Wide Integrated Roadway Network Maps contained within appendix B of the Lyon County Comprehensive Master Plan on file in the County.*
  4. *The use of cul-de-sac designs and closed street systems shall be limited to circumstances in which barriers such as topography, railroads, arterial highways, or pre-existing development prevent full street extensions. When permitted, cul-de-sacs shall have a maximum length of two hundred feet (200') and shall serve no more than twenty five (25) dwelling units.*
  5. *Narrow street designs for local streets may be permitted with approval of the County Engineer, Road Superintendent and Fire Chief of the local Fire Protection District, provided that other minimum dimensional requirements are met for travel lanes, bike lanes, parking lanes and sidewalk widths or other suitable alternative facilities (such as grade-separated bike lanes and sidewalks, designated parking areas, etc.) are provided.*

6. *Where site conditions are favorable to stormwater infiltration "green streets" designs may be utilized. Permissible design elements and facilities include, but are not limited to, minimizing paving and/or using pervious paving materials, maximizing street tree coverage, using multi-functional open drainage systems in lieu of more conventional curb-and-gutter systems, reducing cul-de-sac radii and using vegetated islands in the center, and minimizing the negative effects of stream crossings.*

**Applicant Response:** The Winston Energy Project is a unique use type for a PUD application as it does not include any residential or commercial uses and will not be publicly accessible at any time during construction, operation, or decommissioning. The Project Area will be fenced off to public access and all internal roads will require gate access by authorized personnel. Accordingly, the specific connectivity-related requirements outlined in this code section do not apply to the Winston Energy Project. However, the applicant has included a Connectivity Analysis as a part of this application submittal that addresses how the Project will connect with existing roadways/vehicular connections, as required under subsection 15.349.07.10.

- K. *Employment Or Commercial Designations: Planned unit development in areas designated employment or commercial on the Lyon County Comprehensive Master Plan Map may allow mixed industrial, commercial, and residential uses subject to the following:*

1. *The site proposed for the PUD is not less than twenty (20) gross acres in size.*
2. *The PUD preliminary development plan shall indicate the approximate size, general location, and character of use of all areas of the site which the applicant designates for uses other than those allowed by the Lyon County Comprehensive Master Plan Map and this title.*

**Applicant Response:** The Winston Energy Project is not located in in an Employment or Commercial designation per the 2020 Lyon County Master Plan. Accordingly, this criterion is not applicable.

- L. *Buffers: Planned unit developments shall establish adequate buffer zones between dissimilar uses within the development and between dissimilar uses and/or densities exterior to the planned unit development. Special design considerations such as height controls, density controls, architectural modifications, and landscaping buffers shall be incorporated in any portion of the development which adjoins a previously approved land use or division of land.*

**Applicant Response:** The Winston Energy Project implements a combination of vegetative screening and large separation distances to ensure adequate buffer zones between dissimilar uses exterior to the Project. The Applicant has prepared a Conceptual Landscape Plan as a part of this application package, which outlines the location, density, and vegetation types of the Project's landscape buffers. Additionally, the Project has been designed in a manner to prevent impacts to dissimilar uses including residential uses and public ROWs. The Project's solar arrays are setback at least 300 feet from neighboring public ROWs including U.S. Alt 95 and Sierra Way, while larger Project components including the BESS and Substation are located near the center of the Project area to minimize visual and noise impacts to surrounding uses. Similarly, the nearest non-participating residential structure is approximately 1,400 feet away from the southern Project's boundary, further minimizing the potential for conflicts with neighboring

residents. Finally, the Project was intentionally located adjacent to other industrial uses to minimize impacts to other land use types. Neighboring industrial uses include the Walker River Substation, the Fort Churchill Generating Station, the Fort Churchill Solar, the Wabuska geothermal power plant, railroad corridor, and the proposed Lux Solar Center and Monarch data center.