IN THE SUPREME COURT OF THE STATE OF NEVADA

MARY LOU MCSWEENEY-WILSON,

Appellant/Petitioner,

vs.

No. 82806

Electronically Filed
Jun 10 2021 05:43 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

District No. 20OC000051E

STOREY COUNTY COMMISSIONERS
AND STERICYCLE, INC.,

Respondents.

_____/

APPELLANT APPENDIX
VOLUME III

MARY LOU MCSWEENEY-WILSON
Attorney At Law, Bar #3329
132 Rue De La Noir
Sparks, Nv. 89434
775-771-8620

Attorney for Appellant

KEITH LOOMIS
Assistant District Attorney
201 S. C. Street
Virginia City, Nevada 89440

STERICYCLE, INC.
c/o McDonald/Carano
Michael Pagni and Chelsea Latino
100 W. Liberty St.
10th Floor
Reno, Nevada 89501

Attorneys for Respondents

Docket 82806 Document 2021-16775

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CANYON GENERAL IMPROVEMENT DISTRICT

Meeting of The Board of Trustees
November 17, 2020

A G E N D A

8:00 p.m.
Canyon GID Office [illegible] Road.
[illegible] Meeting [illegible] see instructions to join in below

Note: Comments during items on the Agenda
May be limited at the discretion of the Chairman of the Board.

e of Allegiance
Order
all
sion/Action -- ***Approval of Agenda*** for November 17, 2020.
sion/Action -- ***Approval of Minutes*** September 16, 2020.
Comments for Agenda items only. (These comments have a three-minute time limit per p
sion/Action – ***Approval of the Treasurer's report.***
– ***Delinquencies***
sion/Action - ***Accept the resignation of Mr. Phillip Hilton from the CGID Board of Dir***
sion/Action – ***Appoint and swear in a new CGID Board Member to rep[illegible] Mr. Phillip***
ne applicants that were received by October 31, 2020.
sion – ***Interlocal Agreement with Tahoe Reno Industrial Park to sha[illegible] ver pla***
or.
sion/Action – ***Correspondence written to Board Members.***
eport – Management & staff will give report on status of daily operations.
Comments (These comments have a three-minute time limit per person)
[illegible]ments
[illegible]ext regular meeting date is ***December 16, 2020.***
- Adjournment.

EXHIBIT 7

EXHIBIT 7

EXHIBIT 8

EXHIBIT 8

000505

EXHIBIT 9

EXHIBIT 9

CLUBHOUSE CLOSED UNTIL FURTHER NOTICE

In following the Governors directive, due to COVID-19 concerns, the clubhouse is closed to all residents.

- **If you need to drop off a payment**, you will be allowed to do so, but no further use of the clubhouse will be permitted.

- **If you need to drop off or submit an Architectural Application**, please contact management to make other arrangements.

If you have any other questions or concerns regarding the closure of the clubhouse please contact management by either calling (775) 322-1400 or by emailing to andrea.klink@camcohevada.com.

We appreciate your patience during this world-wide situation.

Thank you!
Rainbow Bend
Board of Directors

EXHIBIT 10

EXHIBIT 10

Rainbow Bend Country Club, Inc.

NOTE: ALL

SOCIAL CLUB EVENTS WILL

MAY

CANCELLED

UNTIL FURTHER NOTICE FROM OUR GOVERNOR

"DUE TO THE "CDC" WARNING TO KEEP SOCIAL DISTANCES AS OF : 3/16/2020

EXHIBIT 11

EXHIBIT 11

000510

CLUBHOUSE

REMAINS CLOSED

FOR NOW!

Awaiting Clear Direction from CAMCO & Attorney

INFO ON RE-OPENING WILL BE POSTED SOON!

115200

CODE NO.
MARY LOU WILSON
Attorney at Law, Bar Number 3329
2064 Regent Street
Reno, Nevada 89509
775-771-8620
Attorney for Petitioner

FILED
2021 FEB 16 AM 9:28
STOREY COUNTY CLERK
BY DEPUTY

COPY

Wilson Copy

IN THE FIRST JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA,

IN AND FOR CARSON CITY

MARY LOU MCSWEENEY-WILSON,
Petitioners,

vs.

STOREY COUNTY COMMISSIONERS,

Respondents.

CR 20 OC 00005 1 E

Dept. 1

_____/

PETITIONER'S EVIDENTIARY HEARING STATEMENT

COMES NOW PETITIONER, and hereby provides this Evidentiary Hearing Statement consistent with the Notice of Witnesses and Exhibits for Hearing filed December 2, 2020, pursuant to FJDCR 4.5. Additional information and material added since the December 2, 2020 Notice.

Subpoenaed Witnesses:

1. Larry Huddleson, Homeowner's Board for Rainbow Bend and Canyon General Improvement District Board for Rainbow Bend, address is 306 Ave De La Couleurs, Sparks, Nevada 89434, 775-301-0306;

   Would be able to testify that there were no postings at the Canyon General Improvements District since March, 2020, because the office was closed per the governor's order. Would

be able to identify the Canyon General Improvement District location, which is housed in the same location as the Senior Center. Would be able to testify that the Senior Center has also been closed to the public since March, 2020, because of the governor's order.

Would be able to identify photographs of the Canyon General Improvement District office, which is also where the Senior Center is located within the same building. Would be able to testify that he never saw postings at the Rainbow Bend Clubhouse, since it has been closed from March, 2020 to date. Would be able to testify that he went to the Lockwood fire station and never saw a posting.

2. Scott Martin, Chief of Security for Rainbow Bend Community, 7445 Estates Road, Reno, Nevada 89506, 775-745-6272.

   Would be able to testify that he never received any request for posting or did any posting at the Rainbow Bend Clubhouse, which has been closed since March, 2020, pursuant to the governor's stay at home order.

   Will be able to identify photographs of the area of Rainbow Bend, Lockwood Correctional Corporation, Rainbow Bend Clubhouse, and surrounding areas.

3. Phillip Hilton, resident of Rainbow Bend, ran for Commissioner against Lance Gilman, resides at 382 Rue De La Rouge, Sparks, Nevada 89434, 775-745-6272.

   Will be able to testify regarding the lack of Notice provided at the Clubhouse, Senior Center, and Canyon General Improvement District, because of the governor's stay at home order since March, 2020.

   Will be able to testify that he had also checked at the Lockwood Fire Station, located at Lockwood Community Corporation, and was unable to see any postings.

Will be able to testify that he had also checked at the Virginia City Courthouse, Virginia City Post Office, and Mark Twain area and never saw any postings until recently.

Will testify that he had campaigned within Storey County because of the run for commissioner against Lance Gilman and would advise Petitioner that there were no postings in the areas of Storey County for Planning Commission meetings or Commissioner's meetings until recently.

Will be able to identify all photographs of the areas.

List of Exhibits/Photographs:

Exhibit 1, Gully between residences of Rainbow Bend, Lockwood, Nevada;

Exhibit 2, Bridge over to Lockwood Community Corporation;

Exhibit 3, Trailer homes at Lockwood Community Corporation;

Exhibit 4, Lockwood Community Senior Center, 800 Peri Ranch Road, also houses the Canyon General Improvement District;

Exhibit 5, Looking into the window of the Senior Center, which has been closed since March, 2020;

Exhibit 6, Canyon General Improvement District Agenda for the Board of Trustees, November 17, 2020, but that part of the building, including the senior center, has been closed to the public since March, 2020;

Exhibit 7, Canyon General Improvement District window looking through screen at the Storey County Board of County Commissioners Meeting November 16, 2020, Agenda, which has only recently been posted and has not had any postings since March, 2020, because of the governor's stay at home order;

Exhibit 8, Rainbow Bend Clubhouse, closed since March, 2020;

Exhibit 9, Rainbow Bend Clubhouse Notice of Closure until further Notice, except to drop off payment within the double door area of ten feet by ten feet through a mail slot;

Exhibit 10, Rainbow Bend Clubhouse Notice that all Social Club Events Remain Cancelled until further Notice from our Governor, due to the CDC Warning to Keep Social Distances as of March 10, 2020;

Exhibit 11, Rainbow Bend Clubhouse Remains Closed for Now, Awaiting Clear Direction from CAMCO and Attorney, Information on Re-Opening will be Posted Soon.

Exhibit 12, NRS 241.020, to include its legislative history, Assembly Bill No. 1, Chapter 23, approved February 17, 1960 (Statutes of Nevada, p. 26) and Assembly Bill No. 437, Chapter 527, approved May 14, 1977 (Statutes of Nevada, pp. 1099-1101). Filed as Notice of Additional Argument, filed February 12, 2021, which was referenced in the Opposition to Motion to Dismiss, Exhibit 2, filed October 1, 2020.

Exhibit 13, Governor Sisolac's Declaration of Emergency Directive 010 Stay at Home Order, dated March 31, 2020, filed in the Opposition to Motion to Dismiss, Exhibit 1, filed October 1, 2020, and in the Reply to Opposition to Motion to Dismiss, Exhibit 10, filed October 12, 2020.

Exhibit 14, Governor Sisolac's Declaration of Emergency Directive 021-Phase II Re-opening Plan, dated May 28, 2020, Section 8, that all vulnerable persons are strongly encouraged to stay at home to the greatest extent possible. . . vulnerable persons described in Section 5, to include individuals who are **sixty-five years of age and older**. All Nevadans are strongly encouraged to stay in their residences to the greatest extent possible. . . , Nevadans are urged to avoid travel to the greatest extent possible, filed in the Reply to Opposition to Motion to Dismiss, Exhibit 9, filed October 12, 2020 and in the Opposition to Motion to Dismiss, Exhibit 3, filed October 1, 2020.

Exhibit 15, Petition of Residents of Rainbow Bend and Lockwood Community Corporation Opposed to Stericycle, over two-hundred and fifty, filed in the Opposition to Motion to Dismiss, Exhibit 4, filed October 1, 2020.

Exhibit 16, Planning Commission Agenda for July 16, 2020, p. 2, Certificate of Service, showing physical posting, including Rainbow Bend Clubhouse; Lockwood Community/Senior Center; and Lockwood Fire Station, by Lyndi Renaud, secretary, filed in the Reply to Opposition to Motion to Dismiss, Exhibit 1, filed October 12, 2020.

Exhibit 17, Planning Commission Agenda for August 6, 2020, p. 2, Certificate of Service, showing physical posting, including Rainbow Bend Clubhouse; Lockwood Community/Senior Center; and Lockwood Fire Station, by Lyndi Renaud, secretary, filed in the Reply to Opposition to Motion to Dismiss, Exhibit 2, filed October 12, 2020.

Exhibit 18, Affidavit of Lyndi Renaud, (posted at the Rainbow Bend Clubhouse and Senior Center), filed in the Reply to Opposition to Motion to Dismiss, Exhibit 3, filed October 12, 2020.

Exhibit 19, Agenda of the Storey County Commissioner's of July 21, 2020, physical posting at the Virginia City post office, Storey County Court House, Virginia City Fire Department, Virginia City Highlands Fire Department, and the Lockwood Fire Department, by Vanessa Stephens, Clerk-Treasurer, filed in the Reply to Opposition to Motion to Dismiss, Exhibit 6, filed October 12, 2020.

Exhibit 20, Agenda of the Storey County Commissioners of August 18, 2020, physical posting at the Virginia City post office, Storey County Court House, Virginia City Fire Department, Virginia City Highlands Fire Department, and the Lockwood Fire Department, by Vanessa Stephens, Clerk-Treasurer, filed in the Reply to Opposition to Motion to Dismiss, Exhibit 7, filed October 12, 2020.

Exhibit 21, Governor Sisolak's Declaration of Emergency Directive 006, dated March 22, 2020, suspending the requirements of NRS 241.020(4)(a), that public notice of agendas be posted at physical locations, as well as the recitations of other prior actions taken by the governor, to include Declaration of Emergency Directive 003, ordering all nonessential businesses be closed by 11:59 p.m. on March 20, 2020, filed in the Reply to Opposition to Motion to Dismiss, Exhibit 8, filed October 12, 2020.

Exhibit 22, Minutes of Storey County Commission Meeting of August 18, 2020, approving the SUP of Stericycle, filed in the Reply to Opposition to Motion to Dismiss, Exhibit 11, filed October 12, 2020.

Exhibit 23, Declaration of Emergency Directive, 026, remains in effect until July 31, 2020, filed as State's Statement of Evidentiary Hearing, Exhibit 10, emailed February 12, 2021.

Exhibit 24, Declaration of Emergency Directive, 029, calls to government to enforce action, which jeopardizes the health, safety, and welfare of the communities, in effect until July 31, 2020, filed as State's Statement of Evidentiary Hearing, Exhibit 11, emailed February 12, 2021.

Exhibit 25, Minutes of Storey County Planning Commission of August 6, 2020, full discussion of Stericycle by Blockchains and Stericycle, voted five to one in favor of the SUP of Stericycle, filed Reply to Opposition to Motion to Dismiss, August 12, 2020, as Exhibit 5, and as State's Statement of Evidentiary Hearing, Exhibit 12, emailed February 12, 2021.

Exhibit 26, Tiffany Pieretti's email, showing only proof of September 28, 2020, to send postings to the fire stations.

Exhibit 27, Alicia Kittrell, emails showing posting at Senior Center, which has been closed since March, 2020.

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Exhibit 28, Declaration of Emergency Directive, 016, filed on Statement of Evidentiary Hearing, Exhibit 8, emailed on February 12, 2021.

Exhibit 29, Utah Physicians for a Healthy Environment, Stericycle, showing air pollution travels hundreds of miles, authored by Dr. Brian Moench, among others.

Statement of Relevant Facts:

Petitioner will present through her testimony that she was unaware of the request for the special use permit of Stericycle, since there were no postings in the usual places, where Rainbow Bend residents learn of upcoming Storey County Planning or Commissioner's meetings, including July and August, 2020, since the Rainbow Bend Clubhouse, Lockwood Senior Center, and Canyon General Improvement District locations were closed to the public as of March, 2020 per the Governor's Order. These three locations are typically where the Agendas are posted and viewed by Petitioner and residents of Rainbow Bend and upon information and belief, has been required for the last forty-four years pursuant to NRS 241.020.

Petitioner will present through her testimony that she never views any Agendas at the Lockwood Fire station because it is not located in Rainbow Bend but Lockwood Community Corporation, so it would not be a known location for posting to Petitioner.

Petitioner will present through her testimony that she did not view the Agendas via computer.

Petitioner will present through her testimony that the first time she was aware of the Stericycle special use permit was from a visit from Larry Huddleson, a neighbor, who offered written material regarding the biohazardous waste facility within the filing of the petitioner, to wit, early September, 2020.

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Petitioner will present through her testimony that upon reading the information that had been presented from Blockchains, encompassing over three hundred pages, [1]

Petitioner reviewed the NRS and located NRS 278.3195 and NRS 278.0235, which appeared to satisfy the standing and time requirements for judicial review.

Petitioner will present through her testimony that it was common for Commissioner Lance Gilman to always keep Rainbow Bend and Lockwood Community Corporation residence aware of upcoming events and conditions that affected the communities, as he was given the award of Honorary Mayor of Lockwood. Commissioner Gilman never advised our communities of the sale to Stericycle or its request for special use permit, despite his advising us of most of the other companies at TRI.

Petitioner will present through her testimony that most everyone from Rainbow Bend and Lockwood Community Corporation were unaware of Stericycle and when Petitioner and three other volunteer residents, Dave Hart, Lynn Smith, Merilee Miller, explained what the company did, received immediate signatures of opposition to the company in a separate petition, which was filed as Exhibit 4, in the Opposition to Motion to Dismiss, filed October 1, 2020, encompassing over two hundred and fifty (250) signatures, showing many residents over the age of fifty-five and not receiving notice of Storey County Agendas through the internet.[2]

Petitioner will present through her testimony that she has had numerous verbal and email contacts with Blockchains lawyers, Matthew Digesti and Rick Hsu, regarding their attempt to

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[1] As shown attached as Exhibit 1 within the Supplement to Petition filed September 11, 2020.

[2] Petitioner received these signatures quickly and is confident that many more residents of Rainbow Bend and Lockwood Community Corporation would sign this Petition opposing Stericycle's incineration of biohazardous toxic waste material, given additional time to receive these signatures.

preclude Stericycle from being at TRI, since the special use permit would adversely affect their property and they are the biggest landowner at that location, received written notice from Stericycle, and appeared at the Storey County Commissioner's meeting on August 18, 2020 to voice it's opposition to the incineration of toxic medical waste. [3]

Petitioner will present through her testimony that she has had numerous verbal and email contacts with a competing waste facility company, which does not incinerate waste, that have wanted to join in the petition against Stericycle, specifically, Fortunato Villamagna fvillamagna@msn.com, and John Combs jcombs@seer-corp.com, but was unsuccessful.

Petitioner will present through her testimony that she discovered the Utah Physicians study from the Blockchains documents and presented it as an exhibit, since it showed the air pollution would travel hundreds of miles. Given that information, Petitioner contacted Dr. Moench and spoke with him regarding the study. Petitioner requested that he be available to testify in the event that this Court finds she has standing to explain the study and its impact upon the Truckee Meadows should Stericycle be permitted to incinerate biohazardous medical waste.

Statement of Legal Issues:

1. Petitioner has standing to bring forward this Petition for judicial review under the statute and through equity, since she is an aggrieved party and would have participated had she received notice of Stericycle's special use permit request but did not know anything about the company's desire to incinerate biohazardous medical waste a few miles away from her home;
2. Petitioner asserts that the two commissioner's, McBride and Carmona, acted in an unreasonable manner when approving the special use permit in light of the information

[3] Petitioner attempted to have Blockchains join in the petition but was unsuccessful.

presented through Blockchains, given the potential dangers of air pollutants, that travel hundreds of miles.[4]

Statement of Relief Requested:

1. That this Court rescind the vote of the two commissioners based upon unreasonable decision-making.[5]
2. That this Court remand the vote of the two commissioners for another vote, where residents of Rainbow Bend and Lockwood Community Corporation would be provided proper notice and an opportunity to be heard, either through personal appearance, through a representative, or through writing to a new Storey County Commission meeting.

DATED this 13th day of February, 2021.

Mary Lou Wilson

MARY LOU WILSON
Attorney At Law, Bar #3329
2064 Regent Street,
Reno, Nevada 89509
Attorney for Petitioner
(775) 771-8620

AFFIRMATION PURSUANT TO NRS 239B.030

The undersigned does hereby affirm that the preceding document does not contain the social

DATED this 13th day of February, 2021.

MARY LOU WILSON
Attorney At Law, Bar #3329
2064 Regent Street, Reno, Nevada 89509
Attorney for Petitioner
775-771-8620

Mary Lou Wilson

[4] The district court has limited the scope of the first hearing to the standing issue only.

[5] The district court would determine the arbitrary and capricious decision making in a subsequent hearing if Petitioner satisfied the standing requirement.

000521

CERTIFICATE OF SERVICE

I, Mary Lou Wilson, hereby affirm that on the 16th day of February, 2021, I mailed the aforementioned document and sent a hard copy to the following parties at the following addresses through the U.S. Mail:

The Storey County Clerk of the Court
26 S. B Street
Drawer D
Virginia City, Nevada 89440

The Honorable James Wilson
c/o Billie Shadron, Administrative Assistant (emailed February 14, 2021)

Mr. Keith Loomis (emailed February 14, 2021)
Chief Deputy Storey County District Attorney's Office
201 S C St.
Virginia City, Nevada 89440

Commissioners Jay Carmona
and Marshall McBride
P.O. Box 176
26 South B Street
Virginia City, Nevada 89440

McDonald/Carano Law Firm (emailed February 14, 2021)
For Stericyle Biohazardous Medical Waste Disposal
100 Liberty Street
10th Floor, Suite 1000
Reno, Nevada 89501

Office of the Attorney General
100 North Carson Street
Carson City, Nevada 89701-4717

FILED

2021 FEB 12 PM 2:58

STOREY COUNTY CLERK

BY [illegible] DEPUTY

ANNE LANGER SBN #3345
KEITH LOOMIS SBN #1912
Storey County District Attorney's Office
201 S. C Street, P.O Box 496\Virginia City, NV 89440
Telephone (775) 847-0964
Attorneys for Respondent Storey County Commissioners

IN THE FIRST JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF STOREY

MARY LOU MCSWEENEY-WILSON, Petitioner vs. STOREY COUNTY COMMISSIONERS AND STERICYCLE, INC. Respondents.	Case No. 20 OC 000051E Dept. No. 1

STOREY COUNTY COMMISSIONERS EVIDENTIARY HEARING STATEMENT

COME NOW the Storey County Commissioners, by and through their attorney, Keith Loomis, Chief Deputy District Attorney for Storey County Nevada and submit this Evidentiary Hearing Statement pursuant to FJDCR 4.5.

1. WITNESSES

   a. LYNDI RENAUD

      i. Physical Address: 26 So. B Street, Virginia City, NV

      ii. Mailing Address: P.O. Box 176. Virginia City, NV

      iii. Telephone No.: (775) 847-0949

      iv. Email address: lrenaud@storeycounty.org

v. Summary of Testimony. Ms. Renaud is the planning assistant for the Storey County Planning Commission (Planning Commission) and is responsible for preparing agendas and posting or causing the posting of the agendas. She will testify that she prepared the agendas for the meetings at which the planning commission considered the special use permit for Stericycle, Inc.. She posted the agendas at several locations and emailed the agendas to Alicia Kittrell for posting at the Lockwood Senior Center. She also emailed the agenda to Tiffany Pieretti for posting at the Lockwood Fire Station.

- Also affidavit said RB Clubhouse
- RB Clubhouse & Senior Center closed March 2020

b. VANESSA STEPHENS

i. Physical Address: 26 S. B Street, Virginia City NV

ii. Mailing Address: P.O. Drawer D, Virginian City NV 89440

iii. Telephone No.: (775) 847-0969

iv. Email Address: vstephens @storeycounty.org.

v. Summary of Testimony: Ms. Stephens is the Storey County Clerk/Treasurer and is responsible for preparing and causing the posting of the agendas for the meetings of the Board of County Commissioners of Storey County. Ms. Stephens prepared the agendas for the meetings at which the Stericycle special use permit was considered by the Board of County Commissioners (Board). She also posted or caused the posting of the agendas for those meetings and emailed them to Tiffany Pieretti for posting at the fire stations in Storey County, including station 74 in Lockwood.

- Only proof of posting at the fire station 74 for September 2020

c. TIFFANY PIERETTI.

i. Physical Address: 145 No. C Street, Virginia City, NV

ii. Mailing Address: P.O. Box 603 Virginia City, Nevada 89447

iii. Telephone No.: (775) 847 0987.

iv. Email: tpierretti@storeycounty.org

v. Summary of Testimony: Ms. Pieretti is the administrative assistant in the business office of the Storey County Fire Protection District. She received the emailed agendas from Lyndi Renaud and Vanessa Stephens for the meetings of the Planning Commission and the Board at which the special use permit for Stericycle was considered. She emailed the agendas to all of the fire stations in Storey County for posting at the fire stations.

- Only shown proof of email in September, not July or August

d. EMILY RAW

i. Physical Address: 431 Canyon Way, Lockwood NV

ii. Mailing Address: 431 Canyon Way, Sparks, NV 89434

iii. Telephone No.: (775) 342-0220.

iv. Email: eraw@storeycounty.org

v. Summary of Testimony. Ms. Raw is a firefighter stationed at Station 74 in Lockwood Nevada. She received the emailed agendas from Tiffany Pieretti and posted them at the Lockwood fire station

- Only shown proof of email in September 2020, not July + August

e. Alicia Kittrell

i. Physical Address: 800 Peri Ranch Road, Lockwood Nevada

ii. Mailing Address: 800 Peri Ranch Road sparks NV 89434

- Senior Center closed March 2020
- Postings not viewed to public
- Not to use listserves to see the board

iii. Telephone No.: (775) 342-2840

iv. Email: Unknown

v. Summary of Testimony. Ms. Kittrell is the lunch coordinator at the Lockwood Senior Center. She received the agendas emailed to her by Lyndi Renaud and posted them at the Lockwood Senior Center.

f. MARY LOU McSWEENEY-WILSON

i. Her information is listed on her pleadings

- NO POSTINGS Clubhouse or Senior Center

ii. Summary of Expected Testimony. Ms. McSweeney-Wilson is the petitioner in this matter and can testify as to her lack of involvement in the special use permit proceedings and her access to the agendas relating to the special use permit proceedings.

2. List of Exhibits

a. Agenda for Planning Commission meeting of July 16, 2020. PLANNING JULY 16

b. Agenda of Planning Commission Meeting of August 6, 2020. Commission JULY 21

c. Agenda of Board of County Commissioners meeting of July 21, 2020. PLANNING AUG 6

d. Agenda of Board of County Commissioners meeting of August 18, 2020. Commission AUG 18

e. Schedule of Agendas posted by Alicia Kittrell. SENIOR CENTER CLOSED

f. Tiffany Pieretti e-mail ONLY SEPTEMBER PROOF

g. Governor Sisolak emergency directive 006

h. Governor Sisolak emergency directive 016

i. Governor Sisolak emergency directive 021

j. Governor Sisolak emergency directive 026

k. Governor Sisolak emergency directive 029

6

l. Minutes of Planning Commission meeting of August 8, 2020

m. Minutes of Board of County Commissioner minutes of August 18, 2020

Phillip + Sam

3. STATEMENT OF RELEVANT FACTS

Stericycle Inc, applied for a special use permit to construct an incinerator for the disposal of medical waste. The Storey County Planning Commission conducted hearings on the application on July 22, 2020 and August 8, 2020. The Planning Commission recommended approval of the special use permit. The Board of County Commissioners of Storey County held a hearing on the application on August 18, 2020. It approved the issuance of the special use permit. Ms. McSweeney-Wilson did not appear at any of the hearings nor did she submit any correspondence regarding the special use permit to either the Planning Commission or the Board of County Commissioners regarding the issuance of the special use permit. Ms. McSweeney-Wilson filed a petition to review the issuance of the special use permit on September 10, 2020.

28 DAYS DECISION MADE

(23 DAYS) August 18 to Sept. 10

4. STATEMENT OF LEGAL ISSUES

a. Ms. McSweeney-Wilson does not have standing to pursue a petition to review the issuance of the special use permit because she is not an aggrieved person. NRS 278.3195; *Kay v. Nunez,* 122 Nev. 1100(2006); *City of Las Vegas v. Eighth Judicial District Court,* 122 Nev. 1197 (2006).

1) appeal to participate
b) appeal PLANNING COMM.
COMM.
NO METHOD TO APPEAL
OUR DECISION

5. STATEMENT OF RELIEF REQUESTED

It is requested that the Petition for Review be dismissed.

Dated this 12th day of February, 2021.

By Keith Loomis
Keith Loomis, Chief Deputy District Attorney

CERTIFICATION OF SERVICE

I, Keith Loomis, certify that on the 12th day of February, 2021, I served the Evidentiary Hearing Statement by email on

1. Mary Lou McSweeney Wilson at hawklet2@aol.com
2. Michael Pagni at mpagni@mcdonaldcarano.com
3. Chelsea Latin at clatino@mcdonaldcarano.com

And by causing my office to mail the same to the above-named persons.

Dated this 12th day of February 2021.

Keith Loomis

List of Exhibits

July 16
July 21
Aug 6
Aug 18

1) 1. Agenda for Planning Commission meeting of July 16, 2020.

3) 2. Agenda of Planning Commission Meeting of August 6, 2020.

2) 3. Agenda of Board of County Commissioners meeting of July 21, 2020.

4) 4. Agenda of Board of County Commissioners meeting of August 18, 2020.

5. Schedule of Agendas posted by Alicia Kittrell. SENIOR CENTER CLOSED

6. Tiffany Pieretti e-mail FIRE STATION PROOF - SEPTEMBER

7. Governor Sisolak emergency directive 006

8. Governor Sisolak emergency directive 016

9. Governor Sisolak emergency directive 021

10. Governor Sisolak emergency directive 026

11. Governor Sisolak emergency directive 029

12. Minutes of Planning Commission meeting of August 6, 2020 where's July 16

13. Minutes of Board of County Commissioner minutes of August 18, 2020 where's July 21

Sam Tell

Sam Tell.

Phillip Hilton

EXHIBIT

1

Storey County Planning Commission
Meeting Agenda

Thursday July 16, 2020 at 6:00 p.m.
Storey County Courthouse, District Courtroom*
26 South B Street, Virginia City, NV

Jim Hindle – Chairman
Jim Collins – Planning Commissioner
Larry Prater– Planning Commissioner

Summer Pellett- Vice Chairman
Kris Thompson – Planning Commissioner
Adrianne Baugh – Planning Commissioner
Bryan Staples - Commissioner

No members of the public will be allowed in the District Courtroom due to concerns for public safety resulting from the COVID-19 emergency and pursuant to the Governor of Nevada's Declaration of Emergency Directive 006 Section 1 which suspends the requirement in NRS 241.023(1)(b) that there be a physical location designated for meetings of public bodies where members of the public are permitted to attend and participate.

Further, due to the Governor's mandated steps to protect against the spread of COVID-19, the Storey County Planning Commission is hosting a teleconference meeting this month. Members of the public who wish to attend the meeting remotely, may do so by accessing the following meeting on Zoom.com. Public comment may be made by communication through zoom.

***Join Zoom Meeting:** **https://us02web.zoom.us/j/86240708380** **Meeting ID: 862 4070 8380**

Dial by your location
+1 346 248 7799 US (Houston)
+1 669 900 6833 US (San Jose)
+1 253 215 8782 US
+1 301 715 8592 US
+1 312 626 6799 US (Chicago)
+1 929 205 6099 US (New York)
Meeting ID: 597 519 448
Find your local number: https://zoom.us/u/adi9WjdtNr

For additional information or supporting documents please contact the Storey County Planning Department at 775-847-1144.

All items include discussion and possible action to approve, modify, deny, or continue unless marked otherwise.

1. **Call to Order at 6:00 p.m.**
2. **Roll Call**
3. **Pledge of Allegiance**

4. **Discussion/For Possible Action:** Approval of Agenda for July 16, 2020.

5. **Discussion/For Possible Action:** Approval of Minutes for March 19, 2020.

6. **Discussion/For Possible Action:** Special Use Permit 2020-021 request by the applicant Stericycle, Inc. to construct and operate a medical and other special waste incinerator facility. The project has the potential to provide generation of excess power, which is considered an "electric or gas power generating plant" which is also subject to a special use permit. The subject property is located at 1655 Milan Drive, Tahoe-Reno Industrial Center, McCarran, Storey County, Nevada, a portion of Assessor's Parcel Number (APN) 005-111-73.

7. **Discussion/For Possible Action:** Bill 118/Ord 20-307 Text amendments to Storey County Code Title 17 Zoning Districts CR Commercial-Residential; C Commercial; R1 Single-Family; R2 Multi-Family Residential; E Estate; F Forestry; A Agriculture; I1 Light Industrial and I2 Heavy Industrial; NR Natural Resources and SPR Special Planning Review zones. Additions, modifications, elimination and clarifications including the listed land uses, minimum floor area, setbacks, minimum parcel area, distance between buildings and home enterprises are proposed.

8. **Discussion/For Possible Action:** Determination of next Planning Commission meeting.

9. **Discussion/For Possible Action:** Approval of Claims.

10. **Correspondence** (no action)

11. **Public Comment** (no action)

12. **Staff** (no action)

13. **Board Comments** (no action)

14. **Adjournment**

NO LANGUAGE RE: BIOHAZARDOUS WASTE INCINERATED PRODUCING DIOXINS THAT CAN KILL YOU

Notes:

- There may be a quorum of Storey County Commissioners in attendance, but no action or discussion will be taken by the Commissioners.
- Public comment will be allowed after each item on the agenda (this comment should be limited to the item on the agenda). Public comment will also be allowed at the end of each meeting (this comment should be limited to matters not on the agenda).
- Items on the agenda may be taken out of order, the public body may combine two or more agenda items for consideration, and the public body may remove an item from the agenda or delay discussion relating to an item on the agenda at any time.
- Additional information pertaining to any item on this agenda may be requested from Lyndi Renaud, Planning Department (775-847-1144).
- Supporting material is available to the public and may be obtained at http://www.storeycounty.org/agendacenter or the Storey County Courthouse, Planning Department, 26 South B Street, Virginia City, Nevada.

Certification of Posting

I, Lyndi Renaud, on behalf of the Storey County Planning Commission, do hereby certify that I posted, or caused to be posted, a copy of this Agenda at the following locations on or before July 7, 2020: Virginia City Post Office; Storey County Courthouse; Storey County Community Development; Virginia City Fire Station 71; Virginia City RV Park; Mark Twain Community Center; Rainbow Bend Clubhouse; Lockwood Community/Senior Center; Lockwood Fire Station; and the Virginia City Highlands Online Message Board. By Lyndi Renaud, Secretary

SCOTT MARTIN NEVER POSTED AT CLUBHOUSE AND NEVER RECD POSTING

I, Lyndi Renaud, planning assistant for the Storey County Planning Department, have custody of the records of the Storey County Planning Department and Planning Commission. I certify that the document to which this certification is affixed is a true and correct copy of the original in my custody.

L Renaud

Lyndi Renaud

000532

EXHIBIT

2

Storey County Planning Commission
Meeting Agenda

Thursday August 6, 2020 at 6:00 p.m.
Storey County Courthouse, District Courtroom*
26 South B Street, Virginia City, NV

Jim Hindle – Chairman
Jim Collins – Planning Commissioner
Larry Prater– Planning Commissioner

Summer Pellett- Vice Chairman
Kris Thompson – Planning Commissioner
Adrianne Baugh – Planning Commissioner
Bryan Staples - Commissioner

No members of the public will be allowed in the District Courtroom due to concerns for public safety resulting from the COVID-19 emergency and pursuant to the Governor of Nevada's Declaration of Emergency Directive 006 Section 1 which suspends the requirement in NRS 241.023(1)(b) that there be a physical location designated for meetings of public bodies where members of the public are permitted to attend and participate.

Further, due to the Governor's mandated steps to protect against the spread of COVID-19, the Storey County Planning Commission is hosting a teleconference meeting this month. Members of the public who wish to attend the meeting remotely, may do so by accessing the following meeting on Zoom.com. Public comment may be made by communication through zoom.

***Join Zoom Meeting:** **https://us02web.zoom.us/j/84581381514** **Meeting ID: 845 8138 1514**

Dial by your location
+1 346 248 7799 US (Houston)
+1 669 900 6833 US (San Jose)
+1 253 215 8782 US
+1 301 715 8592 US
+1 312 626 6799 US (Chicago)
+1 929 205 6099 US (New York)
Meeting ID: 597 519 448
Find your local number: https://zoom.us/u/adi9WjdtNr

For additional information or supporting documents please contact the Storey County Planning Department at 775-847-1144.

All items include discussion and possible action to approve, modify, deny, or continue unless marked otherwise.

1. **Call to Order at 6:00 p.m.**
2. **Roll Call**
3. **Pledge of Allegiance**
4. **Discussion/For Possible Action:** Approval of Agenda for August 6, 2020.
5. **Discussion/For Possible Action:** Special Use Permit 2020-021 request by the applicant Stericycle, Inc. to construct and operate a medical and other special waste incinerator facility. The project has the potential to provide generation of excess power, which is considered an "electric or gas power generating plant" which is also subject to a special use permit. The

000534

subject property is located at 1655 Milan Drive, Tahoe-Reno Industrial Center, McCarran, Storey County, Nevada, a portion of Assessor's Parcel Number (APN) 005-111-73.

6. **Discussion/Possible Action:** Special Use Permit Amendment 2017-020-A1-2020 by applicant Asia Union Electronic Chemicals – Reno, Inc. (AUECC). The applicant requests an amendment to Special Use Permit (SUP) Number 217-020 to modify the language associated with Conditions of Approval C, D, S, T and BB which relate to chemical and substance inventory, outdoor loading/unloading, water/fog deluge systems, bulk product loading/unloading, filling stations, training requirements, outdoor chemical storage, security footage storage and release reporting requirements. The subject property is located at 1400 Waltham Way, APN 004-091-81, McCarran, Storey County, Nevada.

7. **Discussion/Possible Action:** Special Use Permit 2020-026 is a request to allow for construction of a 110-foot high public service communication facility associated with the existing Storey County sewer treatment plant. The project includes a tower, equipment shelters and other associated equipment. The tower will be located on the property associated with the Storey County Wastewater Treatment Plant at 1001 Six Mile Canyon Road, Virginia City, Storey County, Nevada and being a portion of Assessor's Parcel Number (APN) 001-311-04.

Note for Item 8, additional information including, but not limited to, draft text may be obtained from the Planning Department at 775.847.1144 or planning@storeycounty.org, or viewed online at http://storeycounty.org/517/Updates. In addition to the provisions of the NRS, any person may complete and return to the Board a statement supporting or opposing the proposed amendments to the county code and/or zoning ordinance. These items may be heard and discussed together if determined appropriate by the planning commission.

8. **Discussion/For Possible Action:** Bill 118/Ord 20-307 Text amendments to Storey County Code Title 17 Zoning Districts CR Commercial-Residential; C Commercial; R1 Single-Family; R2 Multi-Family Residential; E Estate; F Forestry; A Agriculture; I1 Light Industrial and I2 Heavy Industrial; NR Natural Resources and SPR Special Planning Review zones. Additions, modifications, elimination and clarifications including the listed land uses, minimum floor area, setbacks, minimum parcel area, distance between buildings and home enterprises are proposed.

9. **Discussion/For Possible Action:** Determination of next Planning Commission meeting.

10. **Discussion/For Possible Action:** Approval of Claims.

11. **Correspondence** (no action)

12. **Public Comment** (no action)

13. **Staff** (no action)

14. **Board Comments** (no action)

15. **Adjournment**

Notes:

- There may be a quorum of Storey County Commissioners in attendance, but no action or discussion will be taken by the Commissioners.
- Public comment will be allowed after each item on the agenda (this comment should be limited to the item on the agenda). Public comment will also be allowed at the end of each meeting (this comment should be limited to matters not on the agenda).
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- Additional information pertaining to any item on this agenda may be requested from Lyndi Renaud, Planning Department (775-847-1144).
- Supporting material is available to the public and may be obtained at http://www.storeycounty.org/agendacenter or the Storey County Courthouse, Planning Department, 26 South B Street, Virginia City, Nevada.

Certification of Posting

I, Lyndi Renaud, on behalf of the Storey County Planning Commission, do hereby certify that I posted, or caused to be posted, a copy of this Agenda at the following locations on or before July 28, 2020: Virginia City Post Office; Storey County Courthouse; Storey County Community Development; Virginia City Fire Station 71; Virginia City RV Park; Mark Twain Community Center; Rainbow Bend Clubhouse; Lockwood Community/Senior Center; Lockwood Fire Station; and the Virginia City Highlands Online Message Board. By Lyndi Renaud, Secretary

I, Lyndi Renaud, planning assistant for the Storey County Planning Department, have custody of the records of the Storey County Planning Department and Planning Commission. I certify that the document to which this certification is affixed is a true and correct copy of the original in my custody.

L Renaud

Lyndi Renaud

006535

EXHIBIT

3

STOREY COUNTY BOARD OF COUNTY COMMISSIONERS MEETING

07/21/2020 10:00 A.M.

26 SOUTH B STREET, VIRGINIA CITY, NEVADA*

AGENDA

No members of the public will be allowed in the BOCC Chambers due to concerns for public safety resulting from the COVID-19 emergency and pursuant to the Governor of Nevada's Declaration of Emergency Directive 006 Section 1 which suspends the requirement in NRS 241.023(1)(b) that there be a physical location designated for meetings of public bodies where members of the public are permitted to attend and participate.

Further, due to the Governor's mandated steps to protect against the spread of COVID-19, the Storey County Board of County Commissioners are hosting a teleconference meeting this month. Members of the public who wish to attend the meeting remotely, may do so by accessing the following meeting on Zoom.com. Public comment may be made by communication through zoom.

***Join Zoom Meeting:** https://zoom.us/j/597519448 **Meeting ID: 597 519 448**

Dial by your location
+1 346 248 7799 US (Houston)
+1 669 900 6833 US (San Jose)
+1 253 215 8782 US
+1 301 715 8592 US
+1 312 626 6799 US (Chicago)
+1 929 205 6099 US (New York)
Meeting ID: 597 519 448
Find your local number: https://zoom.us/u/adi9WjdtNr

For additional information or supporting documents please contact the Storey County Clerk's Office at 775-847-0969.

MARSHALL MCBRIDE
CHAIRMAN

ANNE LANGER
DISTRICT ATTORNEY

JAY CARMONA
VICE-CHAIRMAN

LANCE GILMAN
COMMISSIONER

VANESSA STEPHENS
CLERK-TREASURER

Members of the Board of County Commissioners also serve as the Board of Fire Commissioners for the Storey County Fire Protection District, Storey County Brothel License Board, Storey County

Water and Sewer System Board and the Storey County Liquor and Gaming Board and during this meeting may convene as any of those boards as indicated on this or a separately posted agenda. All matters listed under the consent agenda are considered routine and may be acted upon by the Board of County Commissioners with one action, and without an extensive hearing. Any member of the Board or any citizen may request that an item be taken from the consent agenda, discussed, and acted upon separately during this meeting. Pursuant to NRS 241.020 (2)(d)(6) Items on the agenda may be taken out of order, the public body may combine two or more agenda items for consideration, and the public body may remove an item from the agenda or delay discussion relating to an item on the agenda at any time. The Commission Chair reserves the right to limit the time allotted for each individual to speak.

All items include discussion and possible action to approve, modify, deny, or continue unless marked otherwise.

1. **CALL TO ORDER REGULAR MEETING AT 10:00 A.M.**

2. **PLEDGE OF ALLEGIANCE**

3. **DISCUSSION/FOR POSSIBLE ACTION:**

   Approval of the Agenda for July 21, 2020

5. **DISCUSSION/FOR POSSIBLE ACTION:**

   Approval of the Minutes for June 16, 2020

6. **CONSENT AGENDA**

   I For possible action, approval of claims in the amount of $1,110,216.57

   II For possible action, approval of business license first readings:
   - **A. Empire Solar Group LLC** – Contractor / 9 Exchange Pl. Ste 400 ~ Salt Lake City, UT
   - **B. GROB Systems, Inc.** – Out of County / 1070 Navajo Dr. ~ Bluffton, OH
   - **C. Perfect Petals Floral Design** – General / 113 S. C St. ~ Virginia City , NV
   - **D. Virginia City Gallery of the West, LLC** – Home Business / 334 S. B St. ~ Virginia City, NV
   - **E. Virginia City Motorcycle Company** – Home Business / 448 Wagon Wheel Way ~ Dayton, NV
   - **F. Walker River Construction, Inc.** – Contractor / 31105 Pasture Rd ~ Schurz, NV

   III For possible action, approval of Justice Court Quarterly Report

   IV For possible action, approval of license board first readings:
   - A. General Business License – Senergy Petroleum LLC, petroleum distributor. 622 S 56th Ave., Phoenix, AZ 85043
   - B. General Business License – Tahoe House Hotel and Bar – 162 S C St, Virginia City, NV 89440. Applicant is Paul Hoyle
   - C. General Business License – Silver State Firearms; 1399 Highland Spur, VC Highlands, NV 89521. Applicants are: David Cooley and Tony Midmore

7. **PUBLIC COMMENT (No Action)**

8. **DISCUSSION ONLY (No Action - No Public Comment): Committee/Staff Reports**

9. **BOARD COMMENT (No Action - No Public Comment)**

10. **DISCUSSION/FOR POSSIBLE ACTION:**

Authorize the county manager to approve proposals from Sierra Builders and Pezzonella-Ferrari Consulting to complete the first phase of structural work to the Virginia City Freight Depot building consisting of structural repairs to the roof and addition of a fire suppression sprinkler system on an hourly basis with total amount not to exceed $199,550.00 for the construction work and $10,854.00 for the engineering design.

11. **DISCUSSION/FOR POSSIBLE ACTION:**

Approval of Memorandum of Understanding (MOU) between Storey County, Carson City, and the Truckee Meadows Water Authority (TMWA) as a preliminary expression of general intention and to provide the basis for negotiations of a definitive agreement with the State of Nevada with respect to deliveries of water from the State-owned Marlette Lake Water System. A definitive agreement is planned to be reached in two years.

12. **DISCUSSION/FOR POSSIBLE ACTION:**

Accept authorization of a contract between Storey County and BELFOR USA, Inc. to furnish materials, equipment, and subcontracted items and to perform COVID-19 deep cleansing and preventative treatment to county buildings in an amount not to exceed $13,000.00. Funding for this program will be paid from CARES Act funds.

13. **DISCUSSION/FOR POSSIBLE ACTION:**

Consideration and possible approval of amendment to lease of a portion of the County property on Peru Drive to provide internet service at market rate to the TRI GID.

14. **DISCUSSION/FOR POSSIBLE ACTION:**

Consideration and possible approval of USDA Amendment #2 to the Letter of Conditions for the Hillside Tanks Replacement Project for additional USDA Loan amount of $344,000. Funds are needed to make up the required shortfall to complete the project in its entirety. The amendment also requires the Water Enterprise Fund be responsible for any project cost overruns (project contingency) at an estimate amount of $212,815.

15. **DISCUSSION/FOR POSSIBLE ACTION:**

Consideration and possible approval of award of contract to low bidder, Farr Construction dba Resource Development Corporation for the Hillside Tank Project. This contract is for the low bid in the amount of $2,128,149.00 for the completion of the entire Hillside Tank Project.

16. **DISCUSSION/FOR POSSIBLE ACTION:**

Approval and acceptance of the Trial Court Improvement (TCI) grant from the Nevada Administrative Office of the Courts in the amount of $14,901.60. Project Total is $21,288.00. Match of $6,386.40 to be provided by the Virginia Township Justice Court. This will be used for a baggage scanner and hand-held metal detector for the entrance of the new court facility.

17. **DISCUSSION/FOR POSSIBLE ACTION:**

First Reading of Bill 118, Ordinance 20-307, text amendments to Storey County Code Title 17 Zoning Districts CR Commercial-Residential; C Commercial; R1 Single-Family; R2 Multi-Family Residential; E Estate; F Forestry; A Agriculture; I1 Light Industrial and I2 Heavy Industrial; NR Natural Resources and SPR Special Planning Review zones. Additions, modifications, elimination and clarifications including the listed land uses minimum floor area, setbacks, minimum parcel area, distance between buildings and home enterprises are proposed.

18. **DISCUSSION/FOR POSSIBLE ACTION:**

Consideration and possible approval of Resolution No. 20-585, a resolution setting grade and salary range of employees fixed by ordinance or resolution per NRS 245.045 for appointed Storey County officials for the 2020-2021 fiscal year. This resolution removes the budgeted position of Assistant Comptroller and unbudgeted position title of Assistant County Manager and adds budgeted position titles of Fire Marshal/Community Development Director, Dispatch Manager, Information Technology officer, HR Director, HR Generalist and Planning Manager.

19. **DISCUSSION/FOR POSSIBLE ACTION:**

Special Use Permit 2020-021 request by the applicant Stericycle, Inc., to construct and operate a medical and other special waste incinerator facility. The project has the potential to provide generation of excess power, which is considered an "electric or gas power generating plant" which is also subject to a special use permit. The subject property is located at 1655 Milan Drive, Tahoe-Reno Industrial Center, McCarran, Storey County, Nevada, a portion of Assessor's Parcel Number (APN) 005-111-73.

20. **DISCUSSION/FOR POSSIBLE ACTION:**

Approval of business license second readings:

A. **Ashman Company Auctioneers & Appraisals** – Out of County / 1415 Oakland Blvd. Ste 200 ~ Walnut Creek, CA
B. **Aspen Engineering LLC** – Professional / 4600 Kietzke Ln, # 0-264 ~ Reno, NV
C. **Best Buy Stores LP** – Contractor / 7601 Penn Ave ~ S. Richfield, MN
D. **Drillrite LLC** – Contractor / 233 Springfield Pkwy ~ Spring Creek, NV
E. **Fly Right LLC** – Contractor / 822 Wyoming Avenue ~ Reno, NV
F. **Holistic 20/20** – Home Business / 326 Rue De La Janue ~ Sparks NV
G. **Hotwire Electric LLC** – Contractor / 310 W. Williams Ave. Ste B. ~ Fallon, NV
H. **Mercury Clean Up, LLC** – Mining / 2443 Fair Oaks Blvd., PMB 516 ~ Sacramento, CA
I. **Pinyon Mountain Studios** – Home Business / 21535 Dortort Dr. ~ Reno, NV
J. **Servpro of Lyon and Storey Counties** – Contractor / 193 Shady Lane ~ Stateline, NV

K. **Shealo Group Corporation** – Out of County / 58555 Winnowing Cir. ~ N. South Lyon, MI

L. **Siddons Martin Emergency Group, LLC** – General / 3033 Waltham Way ~ McCarran, NV

M. **Cal-Sierra Technologies, Inc.** – Out of County / 39055 Hastings St. Ste. 103 ~ Fremont, CA

N. **CWX Architects Inc** – Out of County / 1680 Montclair Ave. Ste A ~ Reno, NV

21. **RECESS TO CONVENE AS THE STOREY COUNTY LIQUOR BOARD**

22. **DISCUSSION/FOR POSSIBLE ACTION:**

First reading for approval of a On-Sale Liquor License for the Tahoe House Hotel and Bar; 162 South C Street, Virginia City, NV 89440. Applicant is Paul Hoyle of Lark Lane Hospitality LLC.

23. **PUBLIC COMMENT (No Action)**

24. **ADJOURNMENT OF ALL ACTIVE AND RECESSED BOARDS ON THE AGENDA**

NOTICE:

- Anyone interested may request personal notice of the meetings.
- Agenda items must be received in writing by 12:00 noon on the Monday of the week preceding the regular meeting. For information call (775) 847-0969.
- Items may not necessarily be heard in the order that they appear.
- Public Comment will be allowed at the end of each meeting (this comment should be limited to matters not on the agenda). Public Comment will also be allowed during each item upon which action will be taken on the agenda (this comment should be limited to the item on the agenda). Time limits on Public Comment will be at the discretion of the Chairman of the Board. Please limit your comments to three minutes.
- Storey County recognizes the needs and civil rights of all persons regardless of race, color, religion, gender, disability, family status, or nation origin.
- In accordance with Federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, the USDA, its Agencies, offices, and employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, religion, sex, gender identity (including gender expression), sexual orientation, disability, age, marital status, family/parental status, income derived from a public assistance program, political beliefs, or reprisal or retaliation for prior civil rights activity, in any program or activity conducted or funded by USDA (not all bases apply to all programs). Remedies and complaint filing deadlines vary by program or incident.

  Persons with disabilities who require alternative means of communication for program information (e.g., Braille, large print, audiotape, American Sign Language, etc.) should contact the responsible Agency or USDA's TARGET Center at (202) 720-2600 (voice and TTY) or contact USDA through the Federal Relay Service at (800) 877-8339. Additionally, program information may be made available in languages other than English.

  To file a program discrimination complaint, complete the USDA Program Discrimination Complaint Form, AD-3027, found online at

http://www.ascr.usda.gov/complaint_filing_cust.html and at any USDA office or write a letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of the complaint form, call (866) 632-9992. Submit your completed form or letter to USDA by:

(1) mail: U.S. Department of Agriculture
Office of the Assistant Secretary for Civil Rights
1400 Independence Avenue, SW
Washington, D.C. 20250-9410;

(2) fax: (202) 690-7442; or

(3) email: program.intake@usda.gov.

USDA is an equal opportunity provider, employer, and lender.

Notice to persons with disabilities: Members of the public who are disabled and require special assistance or accommodations at the meeting are requested to notify the Commissioners' Office in writing at PO Box 176, Virginia City, Nevada 89440.

CERTIFICATION OF POSTING

I, Vanessa Stephens , Clerk to the Board of Commissioners, do hereby certify that I posted, or caused to be posted, a copy of this agenda at the following locations on or before 07/15/2020; Virginia City Post Office at 132 S C St, Virginia City, NV, the Storey County Courthouse located at 26 S B St, Virginia City, NV, the Virginia City Fire Department located at 145 N C St, Virginia City, NV, the Virginia City Highlands Fire Department located a 2610 Cartwright Rd, VC Highlands, NV and Lockwood Fire Department located at 431 Canyon Way, Lockwood, NV.

By Vanessa Stephens
Vanessa Stephens Clerk-Treasurer

CERTIFIED COPY
The document to which this certificate is attached is a full, true, and correct copy of the original on file and of record in this office.
Date October 12 2020
Storey County Clerk and Ex-Officio Clerk of the First Judicial District of the State of Nevada, in and for Storey County
By _____, Deputy

EXHIBIT

4

STOREY COUNTY BOARD OF COUNTY COMMISSIONERS MEETING

08/18/2020 10:00 A.M.

26 SOUTH B STREET, VIRGINIA CITY, NEVADA*

AGENDA

No members of the public will be allowed in the BOCC Chambers due to concerns for public safety resulting from the COVID-19 emergency and pursuant to the Governor of Nevada's Declaration of Emergency Directive 006 Section 1 which suspends the requirement in NRS 241.023(1)(b) that there be a physical location designated for meetings of public bodies where members of the public are permitted to attend and participate.

Further, due to the Governor's mandated steps to protect against the spread of COVID-19, the Storey County Board of County Commissioners are hosting a teleconference meeting this month. Members of the public who wish to attend the meeting remotely, may do so by accessing the following meeting on Zoom.com. Public comment may be made by communication through zoom.

***Join Zoom Meeting:** https://zoom.us/j/597519448 **Meeting ID: 597 519 448**

Dial by your location
+1 346 248 7799 US (Houston)
+1 669 900 6833 US (San Jose)
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+1 312 626 6799 US (Chicago)
+1 929 205 6099 US (New York)
Meeting ID: 597 519 448
Find your local number: https://zoom.us/u/adi9WjdtNr

For additional information or supporting documents please contact the Storey County Clerk's Office at 775-847-0969.

MARSHALL MCBRIDE
CHAIRMAN

ANNE LANGER
DISTRICT ATTORNEY

JAY CARMONA
VICE-CHAIRMAN

LANCE GILMAN
COMMISSIONER

VANESSA STEPHENS
CLERK-TREASURER

Members of the Board of County Commissioners also serve as the Board of Fire Commissioners for the Storey County Fire Protection District, Storey County Brothel License Board, Storey County

Water and Sewer System Board and the Storey County Liquor and Gaming Board and during this meeting may convene as any of those boards as indicated on this or a separately posted agenda. All matters listed under the consent agenda are considered routine and may be acted upon by the Board of County Commissioners with one action, and without an extensive hearing. Any member of the Board or any citizen may request that an item be taken from the consent agenda, discussed, and acted upon separately during this meeting. Pursuant to NRS 241.020 (2)(d)(6) Items on the agenda may be taken out of order, the public body may combine two or more agenda items for consideration, and the public body may remove an item from the agenda or delay discussion relating to an item on the agenda at any time. The Commission Chair reserves the right to limit the time allotted for each individual to speak.

All items include discussion and possible action to approve, modify, deny, or continue unless marked otherwise.

1. **CALL TO ORDER REGULAR MEETING AT 10:00 A.M.**

2. **PLEDGE OF ALLEGIANCE**

3. **DISCUSSION/FOR POSSIBLE ACTION:**

   Approval of the Agenda for August 18, 2020

4. **DISCUSSION/FOR POSSIBLE ACTION:**

   Approval of the Minutes for July 21, 2020

5. **CONSENT AGENDA**

   I For possible action, approval of claims in the amount of $912,292.23

   II For possible action, approval of business license first readings:
   - **A. AECOM Design, A Professional Corp.** – Professional / 8985 S. Eastern Ave Ste 130 ~ Las Vegas, NV
   - **B. Atlas Land Development, LLC** – Contractor / 4363 S. Jumbo Way ~ Carson City, NV
   - **C. Jimmy's LLC** – Out of County / 3475 Ormsby Ln. ~ Washoe Valley, NV
   - **D. Road and Highway Builders, LLC** – Contractor / 950 E. Mustang Rd. ~ Sparks, NV
   - **E. Tenaska Power Services Co** – Out of County / 300 E. John Carpenter Freeway Ste 1100 ~ Irving, TX

   III For possible action, approval of Assessor's Recommended Correction to 2019-20 Unsecured Tax Roll per NRS 361.768

6. **PUBLIC COMMENT (No Action)**

7. **DISCUSSION ONLY (No Action - No Public Comment): Committee/Staff Reports**

8. **BOARD COMMENT (No Action - No Public Comment)**

9 **DISCUSSION/FOR POSSIBLE ACTION:**

Consideration and setting of date for a public hearing on the proposed amended service plan of the TRI GID.

10. **DISCUSSION/FOR POSSIBLE ACTION:**

Consideration and possible approval of 2nd reading for General Home-Based Business License for Highland Arms, internet firearm sales. Applicants are Calvin, Pamela, and Jacob Willey, 2538 Cartwright Rd , Reno, NV 89521

11. **DISCUSSION/FOR POSSIBLE ACTION:**

Consideration and possible approval of 2nd reading for General Home-Based Business License for Silver State Firearms, 1399 Highland Spur, VC Highlands, NV 89521. Applicants are David Cooley and Tony Midmore.

12. **DISCUSSION/FOR POSSIBLE ACTION:**

Consideration and possible approval of 2nd reading for General Business License. Out of county Petroleum Distributor, Senergy Petroleum, 464 Andrews St, Ste. 1, North Las Vegas, NV 89081.

13 **DISCUSSION/FOR POSSIBLE ACTION:**

Consideration and possible approval of 2nd reading for General Business License for Tahoe House Hotel & Bar. 162 S C St., Virginia City, NV 89440. Applicant is Paul Hoyle, Lark Lane Hospitality

14. **RECESS TO CONVENE AS THE STOREY COUNTY LIQUOR BOARD**

15. **DISCUSSION/FOR POSSIBLE ACTION:**

Consideration and possible approval of 2nd reading for Liquor License for Tahoe House Hotel & Bar 162 S C St , Virginia City , NV 89440. Applicant is Paul Hoyle, Lark Lane Hospitality.

16. **DISCUSSION/FOR POSSIBLE ACTION:**

Consideration and possible approval of five-year contract with Lenslock for obtaining body cameras to replace the VieVu cameras for a cost of approximately $20,000.00 per year.

17 **RECESS TO RECONVENE AS THE STOREY COUNTY BOARD OF COUNTY COMMISSIONERS**

18. **DISCUSSION/FOR POSSIBLE ACTION:**

Special Use Permit Amendment 2017-020-A1-2020 by applicant Asia Union Electronic Chemicals - Reno, Inc (AUECC). The applicant requests an amendment to Special Use Permit (SUP) Number 217-020 to modify the language associated with Conditions of Approval

and BB which relate to chemical and substance inventory, outdoor loading/unloading, water/fog deluge systems, bulk product loading/unloading, filling stations, training requirements, outdoor chemical storage, security footage storage and release reporting requirements. The subject property is located at 1400 Waltham Way, APN 004-091-81, McCarran, Storey County, Nevada

19 **DISCUSSION/FOR POSSIBLE ACTION:**

Special Use Permit 2020-026 is a request to allow for construction of a 110-foot high public service communication facility associated with the existing Storey County sewer treatment plant. The project includes a tower, equipment shelters and other associated equipment The tower will be located on the property associated with the Storey County Wastewater Treatment Plant at 1001 Six Mile Canyon Road, Virginia City, Storey County, Nevada and being a portion of Assessor's Parcel Number (APN) 001-311-04

20. **DISCUSSION/FOR POSSIBLE ACTION:**

First reading of Bill 118, Ordinance 20-307, text amendments to Storey County Code Title 17 Zoning Districts CR Commercial-Residential ; C Commercial; R1 Single-Family; R2 Multi-Family Residential, E Estate, F Forestry, A Agriculture; I1 Light Industrial and I2 Heavy Industrial; NR Natural Resources and SPR Special Planning Review zones. Additions, modifications, elimination and clarifications including the listed land uses minimum floor area, setbacks, minimum parcel area, distance between buildings and home enterprises are proposed

21. **DISCUSSION/FOR POSSIBLE ACTION:**

Special Use Permit 2020-021 request by the applicant Stericycle, Inc , to construct and operate a medical and other special waste incinerator facility. The project has the potential to provide generation of excess power, which is considered an "electric or gas power generating plant" which is also subject to a special use permit The subject property is located at 1655 Milan Drive, Tahoe-Reno Industrial Center, McCarran, Storey County, Nevada, a portion of Assessor's Parcel Number (APN) 005-111-73.

22 **DISCUSSION/FOR POSSIBLE ACTION:**

Approval of business license second readings.

A. **Adelita's Tamales** – Food Truck / 917 Desert Breeze Way ~ Fernley, NV
B. **Denmark Commerce Park Owner's Assoc.** – Non-Profit / 1485 La Briana Ave ~ Reno, NV
C. **G3 Solar, LLC** – Contractor / 272 W 200 N, #200 ~ Lindon, UT
D. **Hammond Homes and Construction LLC** – Contractor / 1780 Lattin Road ~ Fallon, NV
E. **Holder Construction Group LLC** – In-County Contractor / 2555 USA PKWY ~ McCarran, NV
F. **Iconic Concrete LLC** – Contractor / 2740 Beach River Dr ~ Reno, NV
G. **QA Group, LLC** – Out-of-County / 3400 E Third Ave Foster City, CA

H. Two Rivers Demolition, Inc. – Contractor / 2620 Mercantile Dr ~ Rancho Cordova, CA

23. **PUBLIC COMMENT (No Action)**

24. **ADJOURNMENT OF ALL ACTIVE AND RECESSED BOARDS ON THE AGENDA**

25. **CALL TO ORDER CLOSED SESSION AS THE 474 FIRE PROTECTION DISTRICT BOARD**

Call to order closed session pursuant to NRS 288.220 for the purpose of conferring with district and county management and legal counsel regarding labor negotiations with the Storey County Firefighters Association IAFF Local 4227 ***This meeting will commence immediately following the regular meeting of the Storey County Board of County Commissioners.***

NOTICE:

- Anyone interested may request personal notice of the meetings.
- Agenda items must be received in writing by 12:00 noon on the Monday of the week preceding the regular meeting. For information call (775) 847-0969
- Items may not necessarily be heard in the order that they appear
- Public Comment will be allowed at the end of each meeting (this comment should be limited to matters not on the agenda). Public Comment will also be allowed during each item upon which action will be taken on the agenda (this comment should be limited to the item on the agenda). Time limits on Public Comment will be at the discretion of the Chairman of the Board. Please limit your comments to three minutes.
- Storey County recognizes the needs and civil rights of all persons regardless of race, color, religion, gender, disability, family status, or nation origin.
- In accordance with Federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, the USDA, its Agencies, offices, and employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, religion, sex, gender identity (including gender expression), sexual orientation, disability, age, marital status, family/parental status, income derived from a public assistance program, political beliefs, or reprisal or retaliation for prior civil rights activity, in any program or activity conducted or funded by USDA (not all bases apply to all programs). Remedies and complaint filing deadlines vary by program or incident.

  Persons with disabilities who require alternative means of communication for program information (e.g., Braille, large print, audiotape, American Sign Language, etc.) should contact the responsible Agency or USDA's TARGET Center at (202) 720-2600 (voice and TTY) or contact USDA through the Federal Relay Service at (800) 877-8339. Additionally, program information may be made available in languages other than English.

  To file a program discrimination complaint, complete the USDA Program Discrimination Complaint Form, AD-3027, found online at http://www.ascr.usda.gov/complaint_filing_cust.html and at any USDA office or write a letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of the complaint form, call (866) 632-9992. Submit your completed form or letter to USDA by:

(1) mail: U.S. Department of Agriculture
Office of the Assistant Secretary for Civil Rights
1400 Independence Avenue, SW
Washington, D.C. 20250-9410;

(2) fax: (202) 690-7442; or

(3) email program.intake@usda.gov.

USDA is an equal opportunity provider, employer, and lender.

Notice to persons with disabilities: Members of the public who are disabled and require special assistance or accommodations at the meeting are requested to notify the Commissioners' Office in writing at PO Box 176, Virginia City, Nevada 89440.

CERTIFICATION OF POSTING

I, Vanessa Stephens , Clerk to the Board of Commissioners, do hereby certify that I posted, or caused to be posted, a copy of this agenda at the following locations on or before 08/12/2020; Virginia City Post Office at 132 S C St, Virginia City, NV, the Storey County Courthouse located at 26 S B St, Virginia City, NV, the Virginia City Fire Department located at 145 N C St, Virginia City, NV, the Virginia City Highlands Fire Department located a 2610 Cartwright Rd, VC Highlands, NV and Lockwood Fire Department located ~~at~~ 431 Canyon Way, Lockwood, NV

By Vanessa Stephens
Vanessa Stephens Clerk-Treasurer

CERTIFIED COPY
The document to which this certificate is
is attached is a full, true, and correct copy of the original on
file and of record in this office.
Date Oct. 5, 2020
Storey County Clerk and Ex-Officio Clerk of the First
Judicial District of the State of Nevada,
in and for Storey County
By _____, Deputy

EXHIBIT

5

Deleted Items 1208 Sent Items Inbox Unread Mail 168

Alicia Kittrell
jamesandalicia_kittrell@yahoo.com

Results By Date

Recover items recently removed from this folder

kittrell JandA
Re: Agenda Tue 9/8
Hi, Lyndi, so pleased that you are still safe!

kittrell JandA
Re: Agenda 7/28/2020
Hi, Lyndi, Done, stay well!!

kittrell JandA
Re: Agenda 7/7/2020
Done, Lyndi, So happy to hear from you!

kittrell JandA
Re: Agenda 3/10/2020
Done, Lyndi, Stay well!

kittrell JandA
Re: Agenda 2/4/2020
Done, Lyndi, cold, ain't it!

kittrell JandA
Re: Agenda 1/7/2020
Done, Lyndi, hope you are having fun

Search Complete.

Exhibit 3

EXHIBIT

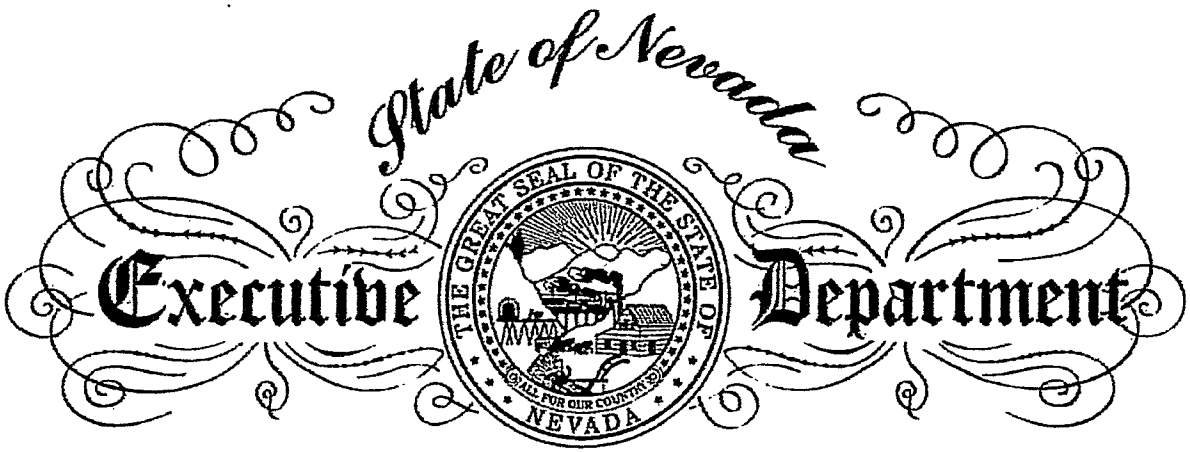
6

From: Tiffany Pieretti <tpieretti@storeycounty.org>
Sent: Monday, September 28, 2020 1:49 PM
To: Alexander Shepler <ashepler@storeycounty.org>; Brecken Hicks <bhicks@storeycounty.org>; Bryce Montoya <bmontoya@storeycounty.org>; Chris Barton <cbarton@storeycounty.org>; Chris Tillisch <ctillisch@storeycounty.org>; Daniel StClair <dstclair@storeycounty.org>; Dante Licata <dlicata@storeycounty.org>; Dennis Morin <dmorin@storeycounty.org>; Derek Giurlani <dgiurlani@storeycounty.org>; Emily Raw <eraw@storeycounty.org>; Erik Sesma <esesma@storeycounty.org>; Frederick Klingler <fklingler@storeycounty.org>; Greg Meyer <gmeyer@storeycounty.org>; Jack Bosley <jbosley@storeycounty.org>; James Morgan <jmorgan@storeycounty.org>; Jason Smith <jsmith@storeycounty.org>; Jason Speltz <jspeltz@storeycounty.org>; Jeremy Loncar <jloncar@storeycounty.org>; Jerry McCullough <JMcCullough@storeycounty.org>; Joe Martinez <jmartinez@storeycounty.org>; Joshua Halterman <jhalterman@storeycounty.org>; Matt Smith <msmith@storeycounty.org>; Matthew Dixon <mdixon@storeycounty.org>; Nick Revelle <nrevelle@storeycounty.org>; Phillip Glenn <pglenn@storeycounty.org>; Roy Thomsen <rthomsen@storeycounty.org>; Ryan Brandon <rbrandon@storeycounty.org>; Scott Rudnick <srudnick@storeycounty.org>; Shane Dixon <sdixon@storeycounty.org>
Subject: FW: Amended PC Agenda

Please post at stations. Thank you
Tiffany Pieretti
Administrative Assistant III

EXHIBIT

7



DECLARATION OF EMERGENCY
DIRECTIVE 006

WHEREAS, on March 12, 2020, I, Steve Sisolak, Governor of the State of Nevada issued a Declaration of Emergency to facilitate the State's response to the COVID-19 pandemic; and

WHEREAS, on March 13, 2020, Donald J. Trump, President of the United States declared a nationwide emergency pursuant to Sec. 501(b) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121-5207 (the "Stafford Act"); and

WHEREAS, the World Health Organization and United States Centers for Disease Control and Prevention have advised that there is a correlation between density of persons gathered and the risk of transmission of COVID-19; and

WHEREAS, close proximity to other persons is currently contraindicated by public health and medical best practices to combat COVID-19; and

WHEREAS, recreational social gatherings unnecessarily extend periods of interpersonal contact and promulgates spread of COVID-19; and

WHEREAS, certain non-essential activities result in the congregation of persons for extended periods of time; and

WHEREAS, NRS 414.060 outlines powers and duties delegated to the Governor during the existence of a state of emergency, including without limitation, directing and controlling the conduct of the general public and the movement and cessation of movement of pedestrians and vehicular traffic during, before and after exercises or an emergency or disaster, public meetings or gatherings; and

WHEREAS, Nevada Revised Statutes 414.060(3) states: "In performing his or her duties under this chapter and to effect its policy and purpose, the Governor may: (a) Make, amend and rescind the necessary orders and regulations to carry out the provisions of this chapter within the limits of the authority conferred upon the Governor in this chapter, with due consideration of the plans provided by the Federal Government;" and

WHEREAS, NRS 414.070 outlines additional powers delegated to the Governor during the existence of a state of emergency, including without limitation, enforcing all laws and regulations relating to emergency management and assuming direct operational control of any or all forces, including without limitation, volunteers and auxiliary staff for emergency management in the State; providing

for and compelling the evacuation of all or part of the population from any stricken or threatened area or areas within the State and to take such steps as are necessary for the receipt and care of those persons; and performing and exercising such other functions, powers and duties as are necessary to promote and secure the safety and protection of the civilian population; and

WHEREAS, on March 15, 2020, I directed executive branch agencies to close state offices to the public and to wind down in-person public services and to the extent practicable, transition services to online and over-the-phone services; and

WHEREAS, Nevada Revised Statutes 241.010 provides that "[i]n enacting this chapter, the Legislature finds and declares that all public bodies exist to aid in the conduct of the people's business. It is the intent of the law that their actions be taken openly and that their deliberations be conducted openly;" and

WHEREAS, the continued operations of state public bodies are essential to the State of Nevada; and

WHEREAS, on March 20, 2020, I issued Declaration of Emergency Directive 003 that ordered the closure of all Non-Essential Businesses by 11:59 p.m. on March 20, 2020, authorized criminal and civil penalties for Non-Essential Businesses that continued to operate in violation of that order, and authorized all local, city, and county governments along with the Office of the Attorney General to enforce that Directive; and

WHEREAS, immediate enforcement of Declaration of Emergency Directive 003 is vital to protect the Health and Safety of the public:

NOW THEREFORE, by the authority vested in me as Governor by the Constitution and the laws of the State of Nevada and the United States, and pursuant to the March 12, 2020, Emergency Declaration,

IT IS HEREBY ORDERED THAT:

SECTION 1: The requirement contained in NRS 241.023(1)(b) that there be a physical location designated for meetings of public bodies where members of the public are permitted to attend and participate is suspended.

SECTION 2: If a public body holds a meeting by means of teleconference or videoconference and a physical location where members of the public can attend is not provided, the public body must provide a means for the public to provide public comment, and post that means on the public notice agenda posted in accordance with NRS 241.020. Public comment options may include, without limitation, telephonic or email comment.

SECTION 3: The requirements contained in NRS 241.020(4)(a) that public notice agendas be posted at physical locations within the State of Nevada are suspended.

SECTION 4: Public bodies must still comply with the requirements in NRS 241.020(4)(b) and NRS 241.020(4)(c) that public notice agendas be posted to Nevada's notice website and the public body's website, if it maintains one along with providing a copy to any person who has requested one via U.S. mail or electronic mail.

SECTION 5: The requirement contained in NRS 241.020(3)(c) that physical locations be available for the public to receive supporting material for public meetings is suspended.

SECTION 6: If a public body holds a meeting and does not provide a physical location where supporting material is available to the public, the public body must provide on its public notice agenda the name and contact information for the person designated by the public body from whom a member of the public may request supporting material electronically and must post supporting material to the public body's website, if it maintains one.

SECTION 7: A public body that holds a meeting pursuant to this Executive Order must ensure that any party entitled to or required to appear before it shall be able to do so through remote means and fully able to participate in the agenda items that pertain to them.

SECTION 8: The requirements of NRS 241.033, NRS 241.034 are suspended for any actions necessary to enforce Declaration of Emergency Directive 003 against entities, owners, representatives, agents, or employees that continue to operate or assist in operation after 11:59 p.m. on March 2020. Public bodies enforcing Declaration of Emergency Directive 003 against entities, owners, agents, or employees pursuant to this section shall provide the responding party with at least 24 hours notice of a meeting to take action; and

SECTION 9: Public bodies may enforce Declaration of Emergency Directive 003 at an emergency meeting as authorized by NRS 241.020(11) and may make use of all other amendments to NRS chapter 241 included in this Executive Order.

SECTION 10: This Directive shall remain in effect until April 16, 2020, unless renewed by a subsequent Directive promulgated pursuant to the March 12, 2020 Declaration of Emergency to facilitate the State's response to the COVID-19 pandemic.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Nevada to be affixed at the State Capitol in Carson City, this 22nd day of March, in the year two thousand twenty.

Governor of the State of Nevada

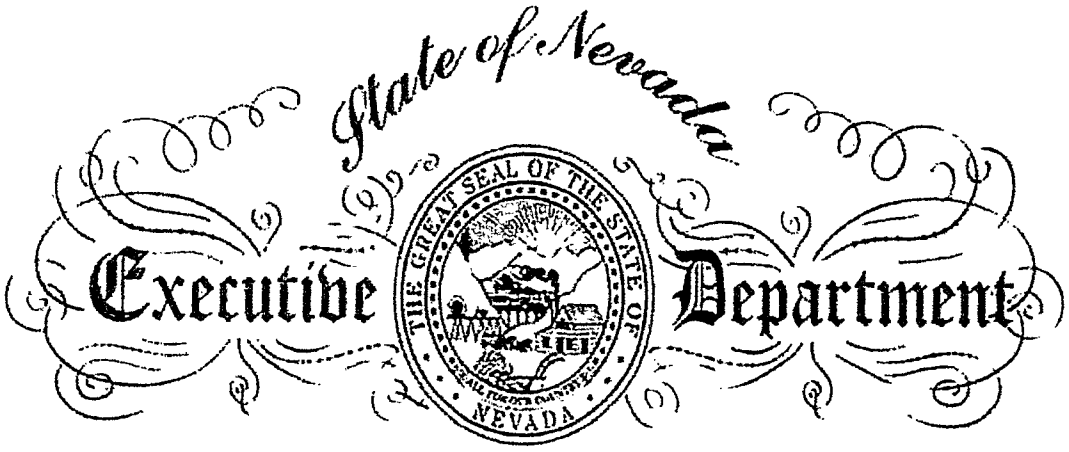
Barbara K. Cegavske

Secretary of State

Deputy Secretary of State

EXHIBIT

8



DECLARATION OF EMERGENCY DIRECTIVE 016

WHEREAS, *on March 12, 2020, I, Steve Sisolak, Governor of the State of Nevada issued a Declaration of Emergency to facilitate the State's response to the COVID-19 pandemic; and*

WHEREAS, *on March 13, 2020, Donald J. Trump, President of the United States declared a nationwide emergency pursuant to Sec. 501(b) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121-5207 (the "Stafford Act"); and*

WHEREAS, *since the March 12, 2020 Declaration of Emergency, I have issued fifteen Directives pursuant to that order to provide for the safety, wellbeing, and public health of Nevadans and the administration of the State of Nevada; and*

WHEREAS, *the ability of the novel coronavirus that causes COVID-19 to survive on surfaces for indeterminate periods of time renders some property unusable and contributes to contamination, damage, and property loss; and*

WHEREAS, *the propensity of the COVID-19 disease to spread via interpersonal contact precipitated the widespread closure of certain businesses and the imposition of limitations on other businesses; and*

WHEREAS, *on April 21, 2020, the National Governors Association issued guidance for a staged reopening that protects the public's health while laying a strong foundation for long-term economic recovery; and*

WHEREAS, *Nevada Revised Statutes 414.060 outlines powers and duties delegated to the Governor during the existence of a state of emergency, including without limitation, directing and controlling the conduct of the general public and the movement and cessation of movement*

of pedestrians and vehicular traffic during, before and after exercises or an emergency or disaster, public meetings or gatherings; and

WHEREAS, ***NRS 414.070*** *outlines additional powers delegated to the Governor during the existence of a state of emergency, including without limitation, enforcing all laws and regulations relating to emergency management and assuming direct operational control of any or all forces, including, without limitation, volunteers and auxiliary staff for emergency management in the State; providing for and compelling the evacuation of all or part of the population from any stricken or threatened area or areas within the State and to take such steps as are necessary for the receipt and care of those persons; and performing and exercising such other functions, powers and duties as are necessary to promote and secure the safety and protection of the civilian population; and*

WHEREAS, *Article 5, Section 1 of the Nevada Constitution provides: "The supreme executive power of this State, shall be vested in a Chief Magistrate who shall be Governor of the State of Nevada;" and*

NOW, THEREFORE, *by the authority vested in me as Governor by the Constitution and the laws of the State of Nevada and the United States, and pursuant to the March 12, 2020, Emergency Declaration,*

IT IS HEREBEY ORDERED THAT:

Declaration of Emergency Directive 16 Orders

SECTION 1: To the extent this Directive conflicts with earlier Directives or regulations promulgated pursuant to the March 12, 2020 Declaration of Emergency, the provisions of this Directive shall prevail.

SECTION 2: Effective May 1, 2020, non-essential retail businesses identified in Directive 003 Emergency Regulation NAC 414.XXX(2)(d), NAC 414.XXX(2)(g), and NAC 414.XXX(2)(k) may resume retail sales on a curbside or home delivery basis only. Businesses reopening under this provision must adopt measures promulgated by the Nevada State Occupational Safety and Health Administration to minimize the risk of spread of COVID-19 including social distancing and sanitation measures, and abide by all other guidance promulgated pursuant to this Directive. To the extent practicable, businesses must provide services in a manner disallowing the formation of queues whereby persons congregate in a manner that violates the social distancing guidelines above. All businesses are encouraged to permit their employees to work from home to the maximum extent practicable.

SECTION 3: Section 5 of Directive 003 is hereby amended. Effective May 1, 2020, licensed cannabis dispensaries may engage in retail sales on a curbside pickup or home delivery basis pursuant to guidance that shall be issued by the Department of Taxation in conjunction with the Cannabis Compliance Board, and subject to all local ordinances or municipal code. Retail cannabis dispensaries must adopt measures promulgated by Nevada State Occupational Safety and Health

Administration (OSHA) to minimize the risk of spread of COVID-19 including social distancing and sanitation measures. All retail cannabis dispensaries are encouraged to permit their employees to work from home to the maximum extent practicable.

SECTION 4: Directive 003, as amended herein is hereby extended until May 15, 2020, unless specifically terminated or extended by subsequent Directive.

SECTION 5: Directive 004 is hereby amended. Effective May 1, 2020, Department of Motor Vehicle (DMV) expiration dates referenced in Directive 004 for all commercial and commercial licenses, non-commercial and commercial instruction permits, identification cards, Driver Authorization Cards (DAC), vehicle or off-highway vehicle registrations, motor carrier active and temporary credentials, or any other credentials issued by the DMV as required by state law that have expired or will expire during DMV public office closures due to the COVID-19 State of Emergency shall be extended for a period of 90 days from the date DMV offices reopen to the public. Directive 004 is further amended to provide that the expiration date on said licenses, permits, cards, and other DMV credentials expiring within 30 days after DMV offices reopen to the public shall be extended for an additional 60 days from the date DMV offices reopen to the public. Where possible, DMV customers are strongly encouraged to renew said licenses, permits, cards and other DMV credentials through DMV's website, portal, or kiosks.

SECTION 6: Directive 006 is hereby extended from April 16, 2020 to May 15, 2020, unless specifically terminated or renewed by subsequent Directive.

SECTION 7: Directive 007 is hereby extended until May 15, 2020, unless specifically terminated or extended by subsequent Directive.

SECTION 8: Directive 010 is hereby extended until May 15, 2020. Directive 010 is hereby modified to the extent that individuals may leave their residences for the additional purpose of picking up goods at non-essential retail businesses offering curbside delivery pursuant to Section 2 of this Directive. Recognizing that COVID-19 is still present in Nevada and highly contagious, Nevadans are advised that they are safer at home and should avoid interpersonal contact with persons not residing in their households to the extent practicable. To reduce the spread of COVID-19 via respiratory transmission, the Nevada public should utilize face coverings in public spaces.

SECTION 9: Section 2 of Directive 013 is hereby amended. Golf, tennis, and pickleball activities may resume on May 1, 2020 if they are able to operate in a manner that is consistent with social distancing guidelines, can do so without violating the provisions set forth in Directive 007, adopt sanitation measures intended to reduce the spread of COVID- 19, and abide by all guidance promulgated pursuant to this Directive. This section shall not be construed to permit the reopening of businesses defined in Emergency Regulation NAC 414.XXX:(2)(a) through NAC 414.XXX:(2)Q), with the exception of retail businesses classified under NAC 414.:XX:X(2)(d), NAC 414.XXX:(2)(g), and NAC 414.XXX:(2)(k).

SECTION 10: Section 4 of Directive 013 is hereby amended. Effective May 1, 2020, places of worship may offer services on an in-car or drive-in basis, if these services allow

occupants to remain in their vehicles, can be held in a manner consistent with social distancing guidelines, implement precautions intended to reduce the spread of COVID-19, and abide by other guidance promulgated pursuant to this Directive. The prohibition of ten or more persons for indoor services shall remain in effect for the duration that this Directive shall be in effect, unless specifically terminated or renewed by subsequent order.

SECTION 11: All other provisions of Directive 013 shall be extended to May 15, 2020, unless specifically terminated or renewed by subsequent order.

SECTION 12: The Nevada State Occupational Safety and Health Ad.ministration (OSHA) shall continue to ensure that businesses reopened pursuant to this Directive or otherwise operating during the state of emergency provide adequate protections to their workers and adopt sanitation protocols that minimize the risk of spread of COVID-19 among their workforce.

SECTION 13: Gaming operations, not including licensed online gaming or mobile wagering operations, shall remain closed until the Gaming Control Board determines that operations may safely resume. The Gaming Control Board shall promulgate guidance for a phased and incremental resumption of gaming operations, as well as criteria regarding when operations may resume.

SECTION 14: Previous Directives not specifically referenced herein remain in effect for the duration that this Directive shall remain in effect, unless specifically terminated or extended renewed by subsequent Directive.

SECTION 15: This Directive shall remain in effect until May 15, 2020, unless extended or terminated by a subsequent Directive promulgated pursuant to the March 12, 2020 Declaration of Emergency to facilitate the State's response to the COVID-19 pandemic.

SECTION 16: No provision of this Directive or any previously issued Directive shall be construed to impose a termination date on the Declaration of Emergency for COVID-19 issued on March 12, 2020. The Declaration of Emergency shall remain in effect until the Chief Medical Officer notifies the Governor that the health event has been abated and the Governor issues an order terminating the emergency.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Nevada to be affixed at the State Capitol in Carson City, this 29th day of April, in the year two thousand twenty.

Governor of the State of Nevada

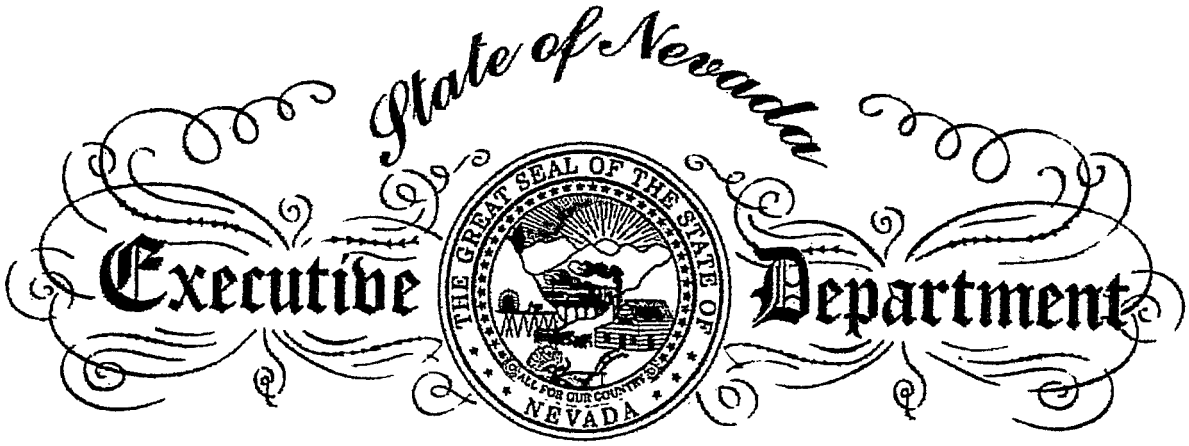
Barbara K. Cegavske

Secretary of State

Deputy Secretary of State

EXHIBIT

9



DECLARATION OF EMERGENCY

DIRECTIVE 021

PHASE TWO REOPENING PLAN

WHEREAS, in late 2019, the United States Centers for Disease Control and Prevention began monitoring an outbreak of respiratory illness caused by a novel coronavirus first identified in Wuhan, Hubei Province, China; and

WHEREAS, on February 11, 2020, the International Committee on Taxonomy of Viruses named this novel coronavirus "severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2);" and

WHEREAS, on February 11, 2020, the World Health Organization named the disease caused by SARS-CoV-2, "COVID-19:" and

WHEREAS, the World Health Organization advises that the novel coronavirus that causes COVID-19 virus is highly contagious, and spreads through respiratory transmission, and direct and indirect contact with infected persons and surfaces; and

WHEREAS, the World Health Organization advises that respiratory transmission occurs through both droplet and airborne transmission, where droplet transmission occurs when a person is within 6 feet of someone who has respiratory symptoms like coughing or sneezing, and airborne transmission may occur when aerosolized particles remain suspended in the air and is inhaled; and

WHEREAS, the World Health Organization advises that contact transmission occurs by direct contact with infected people or indirect contact with surfaces contaminated by the novel coronavirus; and

WHEREAS, some persons with COVID-19 may exhibit no symptoms but remain highly infectious; and

WHEREAS, on March 5, 2020, Clark County and Washoe County both reported the first known cases of COVID-19 in the State of Nevada; and

WHEREAS, on March 11, 2020, the World Health Organization declared COVID-19 a pandemic; and

WHEREAS, on March 12, 2020, I, Steve Sisolak, Governor of the State of Nevada issued a Declaration of Emergency to facilitate the State's response to the COVID-19 pandemic; and

WHEREAS, on March 13, 2020, Donald J. Trump, President of the United States declared a nationwide emergency pursuant to Sec. 501(b) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121-5207 (the "Stafford Act"); and

WHEREAS, on March 14, 2020, I formed a medical advisory team to provide medical guidance and scientifically based recommendations on measures Nevada could implement to better contain and mitigate the spread of COVID-19; and

WHEREAS, infectious disease and public health experts advised that minimizing interpersonal contact slows the rate at which the disease spreads, and is necessary to avoid overwhelming healthcare systems, commonly referred to as "flattening the curve"; and

WHEREAS, since the March 12, 2020 Declaration of Emergency, I have issued 20 Directives pursuant to that order to provide for the safety, wellbeing, and public health of Nevadans and the administration of the State of Nevada; and

WHEREAS, these Directives were promulgated to reduce interpersonal contact and promote social distancing to flatten the curve; and

WHEREAS, data showed that Nevada was one of the top five states in the United States for social distancing; and

WHEREAS, Nevada's medical experts indicate that the rate at which COVID-19 is spreading in the State of Nevada has effectively slowed to a level that does not jeopardize the state's healthcare system due, in part, to Nevadans following strict social distancing measures individually and pursuant to Directives I issued pursuant to the March 12, 2020, Declaration of Emergency; and

WHEREAS, although the danger to Nevadans from the COVID-19 disease has abated, the disease has not been eliminated and measures that protect safety, wellbeing, and public health of Nevadans must remain in effect; and

WHEREAS, on April 21, 2020, the National Governors Association issued guidance for a staged reopening that protects the public's health while laying a strong foundation for long-term economic recovery; and

WHEREAS, on April 30, 2020, I introduced the *Nevada United: Roadmap to Recovery* plan that outlined a phased approach to reopening Nevada businesses and industry; and

WHEREAS, the *Nevada United: Roadmap to Recovery* plan set forth a collaborative partnership between state and local governments that included the formation of the Local Empowerment Advisory Panel ("LEAP") to serve as a resource to local governments and local communities; and

WHEREAS, on May 9, 2020, the State of Nevada entered Phase One of the *Nevada United: Roadmap to Recovery* plan; and

WHEREAS, in the 19 days since Nevada entered Phase One, our state has experienced a consistent and sustainable downward trajectory in the percentage of positive COVID-19 cases, a decrease in the trend of COVID-19 hospitalizations, and a decline in our cumulative test positivity rate from a maximum rate of 12.2% on April 24, 2020 to 6.3% on May 27, 2020 with a 33-day downward trend; and

WHEREAS, the LEAP develops statewide guidelines for social distancing and phased reopening in consultation with local health authorities and other subject matter experts; and

WHEREAS, NRS 414.060 outlines powers and duties delegated to the Governor during the existence of a state of emergency, including without limitation, directing and controlling the conduct of the general public and the movement and cessation of movement of pedestrians and vehicular traffic during, before and after exercises or an emergency or disaster, public meetings or gatherings; and

WHEREAS, NRS 414.070 outlines additional powers delegated to the Governor during the existence of a state of emergency, including without limitation, enforcing all laws and regulations relating to emergency management and assuming direct operational control of any or all forces, including, without limitation, volunteers and auxiliary staff for emergency management in the State; providing for and compelling the evacuation of all or part of the population from any stricken or threatened area or areas within the State and to take such steps as are necessary for the receipt and care of those persons; and performing and exercising such other functions, powers and duties as are necessary to promote and secure the safety and protection of the civilian population; and

WHEREAS, the Nevada Attorney General opined in Opinion Number 95-03 that in times of emergency when the Governor's authority under Nevada Revised Statutes Chapter 414 is in effect, the powers of political subdivisions to control business activity is limited; and

WHEREAS, NRS 414.060(3)(f) provides that the administrative authority vested to the Governor in times of emergency may be delegated; and

WHEREAS, Article 5, Section 1 of the Nevada Constitution provides: "The supreme executive power of this State, shall be vested in a Chief Magistrate who shall be Governor of the State of Nevada;" and

NOW THEREFORE, by the authority vested in me as Governor by the Constitution and the laws of the State of Nevada and the United States, and pursuant to the March 12, 2020, Emergency Declaration,

IT IS HEREBY ORDERED THAT:

SECTION 1: To the extent this Directive conflicts with earlier Directives or regulations promulgated pursuant to the March 12, 2020 Declaration of Emergency, the provisions of this Directive shall prevail.

SECTION 2: Consistent with the *Nevada United: Roadmap to Recovery* plan for a federally supported, state managed, and locally executed reopening approach, county governments are hereby delegated the authority to impose additional COVID-19 related restrictions on businesses and public activities. Restrictions imposed by county government may exceed the standards imposed by Declaration of Emergency Directives or set forth under the LEAP guidelines, but in no case shall county-guidelines be more permissive than the provisions of this Directive.

SECTION 3: Businesses may adopt practices that exceed the standards imposed by Declaration of Emergency Directives, guidelines promulgated by the Nevada State Occupational Safety and Health Administration (NV OSHA) or LEAP guidelines, but in no case shall business practices be more permissive than the provisions of this Directive or those imposed by NV OSHA and the LEAP.

SECTION 4: Businesses performing non-retail services, including without limitation, legal services, accounting services, or real estate services, are encouraged to conduct business telephonically or virtually to the greatest extent practicable. These businesses are encouraged to permit employees to work from home to the greatest extent practicable.

SECTION 5: For the purposes of this Directive, "vulnerable persons" are defined as those who are at heightened risk of complications from COVID-19 disease, and include:

(1) Individuals who are 65 years of age and older;
(2) Individuals with chronic lung disease or moderate to severe asthma;
(3) Individuals who have serious heart conditions;
(4) Individuals who are immunocompromised;
(5) Pregnant women; or
(6) Individuals determined to be high risk by a licensed healthcare provider.

SECTION 6: All vulnerable persons are strongly encouraged to stay at home to the greatest extent possible, except when necessary to provide, support, perform, or operate necessary activities, minimum basic operations, critical government functions, necessary travel, or essential businesses.

SECTION 7: The phrase "social distancing" references guidance promulgated by the United States Centers for Disease Control and Prevention, including without limitation, maintaining at least six feet of physical distancing from other individuals. The phrase "sanitation requirements," "sanitation measures," and "sanitation guidelines" includes without limitation, washing hands with soap and water for at least twenty seconds as frequently as possible, using hand sanitizer, covering coughs or sneezes (into the sleeve or elbow, not hands), regularly cleaning high-touch surfaces, and not shaking hands.

SECTION 8: All Nevadans are strongly encouraged to stay in their residences to the greatest extent possible. Recognizing that COVID-19 is still present in Nevada and highly contagious, Nevadans are advised that they are safer at home and should avoid interpersonal contact with persons not residing in their households to the extent practicable. Nevadans are urged to avoid travel to the greatest extent practicable. To reduce the spread of COVID-19 via respiratory transmission, the Nevada public should utilize face coverings in public spaces.

SECTION 9: Pursuant to NRS 441A.180, persons testing positive for COVID-19 shall stay at home and "self-quarantine" for a minimum of two weeks, except as necessary to care for themselves or seek medical care. Persons determined to be in contact with an individual who tested positive for COVID-19 must quarantine and stay at home for two weeks, or until a negative test result has been received.

SECTION 10: Section 1 of Directive 007 is hereby further amended to provide that effective 12:01 am on May 29, 2020, the Nevada general public shall not gather in groups of more than fifty in any indoor or outdoor area subject to the limitations of this section, whether publicly owned or privately owned where the public has access by right or invitation, express or implied, whether by payment of money or not. Section 3 of Directive 007 shall remain in force.

SECTION 11: Communities of worship and faith-based organizations, including without limitation, churches, synagogues, mosques, and temples, are strongly encouraged to offer online and drive-up services to the greatest extent possible. Effective 12:01 am on May 29, 2020, consistent with other

Directives on public gatherings, houses of worship may conduct indoor in-person services in a manner so that no more than fifty persons are gathered, and all social distancing requirements are satisfied. This limitation shall not apply to houses of worship offering drive-up services pursuant to Section 10 of Directive 016. Houses of worship offering indoor, in-person services are encouraged to follow the guidelines promulgated by the LEAP, as well as the following provisions that are consistent with other Directives on public gatherings:

(1) Seating must be arranged to ensure a minimum of six feet of separation between congregants who do not reside in the same household.
(2) Participants, including leaders and staff, are encouraged to utilize face coverings to the greatest extent practicable.
(3) Houses of worship are encouraged to stagger services so that the entrance and egress of congregants for different services do not result in a gathering greater than fifty persons, and to provide proper sanitation between services.

SECTION 12: All employers must take proactive measures to ensure compliance with the social distancing and sanitation guidelines. All employers shall continue to require employees who interact with the public to wear face coverings, to the maximum extent possible, and shall abide by all other guidelines promulgated by NV OSHA.

SECTION 13: All businesses must adopt measures that meet or exceed the standards promulgated by NV OSHA to minimize the risk of spread of COVID-19. All businesses are encouraged to permit their employees to work from home to the maximum extent practicable. NV OSHA shall continue to ensure that businesses reopened pursuant to this Directive or otherwise operating during the state of emergency provide adequate protections to their workers and adopt sanitation protocols that minimize the risk of spread of COVID-19 among their workforce. NV OSHA shall enforce all violations of its guidance, protocols, and regulations.

SECTION 14: All employers are encouraged to consult guidelines issued by the LEAP for industry-specific information for operating in the phased reopening under the *Nevada United: Roadmap to Recovery* plan. The LEAP guidelines will be posted on the Nevada Health Response website at https://nvhealthresponse.nv.gov/.

SECTION 15: To the maximum extent practicable, employers and employees are strongly encouraged to incorporate the following protocols into their business operations:

(1) Encourage customers to wear face coverings
(2) Continue to encourage telework, whenever possible and feasible with business operations
(3) Return to work in phases
(4) Close common areas where personnel are likely to congregate and interact, or enforce strict social distancing protocols
(5) Strongly consider special accommodations for personnel who are members of a vulnerable population
(6) Encourage employees to do a self-assessment each day in order to check if they have any COVID-19 type symptoms, for example, fever, cough or shortness of breath
(7) Practice hand hygiene
(8) Perform frequent enhanced environmental cleaning of commonly touched surfaces
(9) Implement separate operating hours for vulnerable populations
(10) Provide signage advising the public of appropriate social distancing within the facility, including six feet of social distancing from other individuals; and

(11) Provide readily available hand sanitizer or other sanitizing products for employees and customers

SECTION 16: All employers operating under Phase Two are encouraged to accommodate vulnerable persons and workers caring for a child whose school or place of care is closed, or childcare provider is unavailable, for reasons related to COVID-19, by promoting telecommuting or other remote work options, flexible schedules, or other means. To the greatest extent possible, employers should extend similar accommodations to workers who live in the same household as a vulnerable person. Upon request, all employers covered by the Families First Coronavirus Response Act ("FFCRA") must provide leave to eligible employees as provided by the Act. Employers covered by the FFCRA must notify covered employees seeking accommodations of their eligibility. The provisions of this Section shall be in effect for the duration that the March 12, 2020 Declaration of Emergency shall be in effect, unless specifically terminated by a subsequent Directive.

SECTION 17: All businesses that engage in retail sales may continue to provide retail sales on a curbside or home delivery basis, or allow onsite customer access, with a maximum occupancy of 50% based on listed fire code capacity. Businesses are strongly encouraged to promote home delivery, curbside delivery, walk-up, drive-through, or window service whenever possible. Businesses must adopt measures promulgated by NV OSHA to minimize the risk of spread of COVID-19 including social distancing and sanitation measures, and abide by all other guidance promulgated pursuant to this and other Directives. To the maximum extent practicable, businesses must provide services in a manner disallowing the formation of queues whereby persons congregate in a manner that violates the social distancing guidelines above. All businesses are encouraged to permit their employees to work from home to the maximum extent practicable. Retail businesses operating in open-air malls or strip malls are expressly permitted to operate under the conditions set forth in this Directive.

SECTION 18: Effective 12:01 am on May 29, 2020, indoor malls may open to the public, and allow retail businesses to operate. Businesses engaged in retail sales at indoor malls are subject to the same restrictions as retail businesses operating at other locations, as provided in Section 17 of this Directive. Mall operators shall discourage the public from congregating by removing or prohibiting access to indoor and outdoor seating, except at food courts. Food courts may reopen to customers, but must abide by all restrictions imposed on restaurants pursuant to Section 25 of this Directive, including without limitation, sanitation protocols, and social distancing seating requirements.

SECTION 19: The limitations imposed on drive-in movie theaters in Section 14 of Directive 018 are hereby amended to provide that concession stands may serve food and drinks on a prepackaged basis only.

SECTION 20: Effective 12:01 am on May 29, 2020, non-retail indoor venues, including without limitation, indoor movie theaters, bowling alleys, or arcades may reopen to the public. Indoor movie theaters operating pursuant to this section must ensure that occupancy shall not exceed the lesser of 50% of the listed fire code capacity or fifty persons, and implement measures to ensure that all social distancing requirements are satisfied. All other businesses operating pursuant to this section must ensure that occupancy shall not exceed 50% of the listed fire code capacity, and implement measures to ensure that all social distancing requirements are satisfied. Businesses operating pursuant to this Section shall limit food and beverage sales to prepackaged products only.

SECTION 21: Effective 12:01 am on May 29, 2020, non-retail outdoor venues, including without limitation, miniature golf facilities, amusement parks, theme parks may reopen to the public. Businesses

operating pursuant to this section must ensure that occupancy shall not exceed 50% of the listed fire code capacity, and implement measures to ensure that all social distancing requirements are satisfied.

SECTION 22: Effective 12:01 am on May 29, 2020, musical performances, live entertainment, concerts, competitions, sporting events, and any events with live performances may resume, but shall remain closed for public attendance. Events held pursuant to this section may be recorded, filmed, streamed or broadcast to the public. Live events ordinarily regulated by the Nevada Athletic Commission or the Nevada Gaming Control Board must be approved by the applicable board prior to the event. All other live events under this Section must be approved by the Nevada Department of Business & Industry, Division of Industrial Relations prior to the event. Events held pursuant to this Section must additionally comply with all guidance promulgated by NV OSHA.

SECTION 23: Nail care salons and hair salons licensed by the Nevada Board of Cosmetology and barber shops licensed by the State Barber's Health and Sanitation shall continue to operate under the Phase One conditions set forth in Section 16 of Directive 018.

SECTION 24: Effective 12:01 am on May 29, 2020, estheticians and salons or businesses that provide aesthetic skin services, including without limitation, facials, hair removal, tanning, eyelash services, professional make-up artist services, eyebrow threading, and salt therapy, may reopen to the public pursuant to all protocols and guidelines promulgated by the Nevada State Board of Cosmetology and LEAP, as well as the following provisions:

(1) Partitions or walls between each chair or workstation are strongly encouraged.
(2) Establishments with walls or partitions between stations or chairs may utilize all stations, but under no circumstances may more than one customer or client be seated at any given station or chair.
(3) Establishments without walls or partitions between stations must only seat customers or clients at every other station or chair, or arrange stations or chairs so that a minimum of 6 feet of separation between customers is maintained.
(4) Establishments must not accept customers or clients on a walk-in basis, and estheticians and technicians must not serve or accept appointments for more than one customer at any given time.
(5) Customers waiting for appointments must wait outside the facility and must practice social distancing by maintaining a minimum of 6 feet of separation between customers not residing in the same household.
(6) Make-up application services must use disposable tools or sanitize tools between customers.
(7) Estheticians, technicians, and other employees must wear face coverings while interacting with customers and clients. Customers and clients should wear face coverings to the extent practicable.
(8) These businesses must follow the Enhanced Sanitation Guidelines for Salons in Response to COVID-19 issued by the Nevada State Board of Cosmetology. The Board is directed to take action, including the closure of salons and businesses, for all actions by licensees not in compliance with these Guidelines for Response to COVID-19.
(9) With the exception of pool usage pursuant to Section 29 of this Directive, steam rooms, saunas, portable saunas, vapor baths, salt therapy rooms, hot tubs, and other communal facilities shall remain closed to the public.

SECTION 25: Restaurants and food establishments shall continue to operate under the Phase One conditions set forth in Section 17 of Directive 018, but may additionally utilize tables and serve food within the bar area. Establishments operating under this provision shall abide by the following provisions:

(1) Establishments shall require employees to wear face coverings, and should encourage customers to wear face coverings to the maximum extent practicable.
(2) Areas within establishments that promote congregation, including without limitation, dance floors, arcade areas, billiards, and similar activities shall remain closed to the public.
(3) Customers may sit at and be served at bar tops only if bar top seating is limited such that barstools are spaced a minimum of six feet apart from other barstools of other customers not in the same party.
(4) Buffets, cafeterias, and self-serve dining facilities shall remain closed until further notice.

SECTION 26: Section 18 of Directive 018 is hereby amended to provide that effective 12:01 am on May 29, 2020, breweries, distilleries, and wineries not licensed to serve food may open to the public subject to the following provisions:

(1) Bartenders, waitresses, and other employees must wear face coverings.
(2) The maximum occupancy of these establishments during Phase Two shall not exceed 50% of the listed fire code capacity.
(3) Tables, booths, or seats must be spaced, or customers seated a minimum of 6 feet apart from other customers not in the same party. Customers sitting at a table or booth must only be served via table service and may not order from the bar top area.
(4) Customers may sit at and be served at bar tops only if bar top seating is limited such that barstools are spaced a minimum of six feet apart from other barstools of other customers not in the same party.
(5) Customers waiting to dine onsite must wait outside the establishment until they can be seated and must practice social distancing by maintaining a minimum of 6 feet of separation between customers not residing in the same household or in the same party.
(6) Breweries, distilleries, and wineries must continue to operate in a manner consistent with worker safety guidelines promulgated by the NV OSHA.

SECTION 27: The following non-essential businesses shall remain closed during Phase Two of the *Nevada United: Roadmap to Recovery* plan:

(1) Nightclubs
(2) Day clubs
(3) Brothels
(4) Adult entertainment facilities

SECTION 28: Effective 12:01 am on May 29, 2020, gyms, fitness facilities, and fitness studios, including but not limited to dance and yoga studios, may reopen to the public. Gyms, fitness facilities, and fitness studios that provide services to ten or fewer people at a time may reopen only if they are able to provide services in a manner that does not violate social distancing protocols. Establishments providing services to more than ten patrons at a time shall limit customer access so as not to exceed a maximum occupancy of 50% based on listed fire code capacity. All gyms, fitness facilities, and fitness studios must, without exception, abide by all protocols promulgated by NV OSHA, including sanitation protocols. In addition to the protocols promulgated by NV OSHA and the LEAP, all gyms, fitness facilities, and fitness studios must abide by the following provisions:

(1) Employees, trainers, and instructors must wear face coverings to the maximum extent practicable, and facilities should encourage patrons to wear face coverings to the maximum extent practicable.
(2) Regardless of listed fire code capacity, facilities must limit access to patrons to ensure that occupancy at any given time does not become sufficiently dense so as to violate social distancing protocols.
(3) Equipment must be regulated to ensure a minimum of six feet of social distancing between users, and equipment should be moved, designated inoperable, or turned off to ensure that social distancing standards are maintained.
(4) Group fitness classes must be limited to ensure at least six feet of separation between participants.
(5) Contact sports, including without limitation, martial arts, basketball, wrestling, and boxing may only be offered in a manner where participants do not physically contact other participants, or activities that require participants to perform within six feet of each other.
(6) Locker rooms, showers, steam rooms, saunas, portable saunas, vapor baths, salt therapy rooms, hot tubs, and other communal facilities, not to include restrooms, shall remain closed to the public.
(7) Pools may open to patrons, but all pool usage is subject to the provisions of Section 29 of this Directive.
(8) Child care facilities in gyms must remain closed.

SECTION 29: Effective 12:01 am on May 29, 2020, all public aquatic venues, may reopen to the public. For the purposes of this Directive, "public aquatic venues" shall include without limitation venues operated and managed by city and county governments; apartment complexes; home owners associations (HOAs); membership clubs including gyms or other privately owned aquatic centers accessible to the public through paid memberships or fees; schools; and hotels, motels, resorts, time-shares, and other guest lodging facilities. Facilities reopening pursuant to this section must abide by the following provisions:

(1) Capacity at all public aquatic venues shall be limited to a maximum occupancy of 50% based on listed fire code capacity.
(2) A minimum of six feet of social distancing between users is required in the pool, the pool deck, and any other areas at the facility. This limitation shall not apply to persons residing in the same household.
(3) Hot tubs shall remain closed to the public.
(4) Attendees should be encouraged to bring their own towels, equipment, and arrive and minimize the time spent in the facility by arriving and leaving wearing their swimsuit.
(5) Public aquatic venues with locker rooms shall limit access to lockers and locker rooms, but should maintain public restrooms and shower facilities and limit the number of users at any one time.
(6) Deck layouts and furniture in standing and seating areas must be arranged to maintain social distancing standards of at least six feet of separation between persons. This requirement shall not apply to persons residing in the same household.
(7) In addition to the provisions above, aquatic schools offering swim lessons must require instructors to wear face coverings to the maximum extent practicable, and limit access to one parent or guardian per student.
(8) Water parks shall control access to the public to ensure that the occupancy does not exceed 50% capacity based on applicable fire code or is sufficiently high that social distancing standards are violated. Water parks shall limit locker room access to restroom usage only.

All employees must wear face coverings to the maximum extent practicable. Concession sales at water parks must be limited to prepackaged foods only.

(9) In addition to the provisions above, all public aquatic venues are encouraged to abide by all other guidelines promulgated by the LEAP.

SECTION 30: Effective 12:01 am on May 29, 2020, museums, art galleries, zoos, and aquariums may reopen to the public. Capacity at these facilities shall be limited to the lesser of 50% based on listed fire code capacity or fifty persons. Interactive exhibits which encourage touching must remain closed and inaccessible to the public. Facilities operating pursuant to this Section must ensure that employees wear face coverings and shall abide by all other guidelines promulgated by NV OSHA.

SECTION 31: Effective 12:01 am on May 29, 2020, body art and piercing facilities may reopen to the public, subject to the following provisions:

(1) Capacity at these facilities shall be limited to a maximum occupancy of 50% based on listed fire code capacity.

(2) Partitions or walls between each workstation are strongly encouraged.

(3) Establishments with walls or partitions between workstations may utilize all stations, but under no circumstances may more than one customer or client be seated at any given station or chair.

(4) Establishments without walls or partitions between stations must ensure that a minimum of 6 feet of separation between customers is maintained.

(5) Establishments must not accept customers or clients on a walk-in basis, and artists must not serve or accept appointments for more than one customer at any given time.

(6) Customers waiting for appointments must wait outside the facility and must practice social distancing by maintaining a minimum of 6 feet of separation between customers not residing in the same household.

(7) Artists, employees, and customers must wear face coverings at all times. Body art and piercings that require mask removal, including without limitation, work around the mouth and nose are prohibited.

(8) Access must be limited to customers only; persons accompanying customers must not be inside the facility while services are performed.

(9) Artists and facilities operating pursuant to this section must abide by all sanitation and other guidelines promulgated by NV OSHA.

SECTION 32: Effective 12:01 am on May 29, 2020, trade schools and technical schools may reopen to the public. Occupancy in classrooms and instructional areas at schools operating pursuant to this Section shall be limited to the lesser of 50% of maximum occupancy of based on listed fire code capacity or fifty persons, and must abide by all guidelines promulgated by NV OSHA. These provisions shall not be construed to limit the reopening plans of Nevada System of Higher Education institutions, schools under county school districts, charter schools, and the University School for Profoundly Gifted Students.

SECTION 33: Summer camps may continue to operate pursuant to all applicable licensure, regulatory, and statutory requirements and are encouraged to following guidelines issued by the LEAP.

SECTION 34: Effective 12:01 am on May 29, 2020, massage therapists, massage establishments, and other professionals licensed by the Nevada State Board of Massage Therapy may reopen to the public subject to the following provisions:

(1) Massage establishments must follow all NV OSHA and Nevada State Board of Massage Therapy sanitization guidelines.

(2) Massage therapists, masseuses, and other employees must wear face coverings at all times. Establishments should strongly encourage customers to wear face coverings to the maximum extent practicable.

(3) Massage therapists and massage establishments must not accept customers or clients on a walk-in basis, and must not serve or accept appointments for more than one customer at any given time.

(4) Customers waiting for appointments must wait outside the facility and must practice social distancing by maintaining a minimum of 6 feet of separation between customers not residing in the same household.

(5) Out-call or in-home service are permitted, subject to all sanitation protocols and face covering requirements provided in this section.

(6) Establishments, including day and overnight spas, may reopen for massage services as allowed in the Phase 2 Directive. Spas or other establishments that open in Phase 2 must close and prohibit use of steam rooms, saunas, portable saunas, vapor baths, salt therapy rooms, hot tubs, and any other communal facilities (except for pools as allowed in the Phase 2 Directive).

(7) Persons licensed by the Nevada State Board of Massage Therapy must abide by all guidelines promulgated by the Board. The Board is directed to impose disciplinary measures against licensees who violate this provision.

SECTION 35: Directive 002 and Section 021 of Directive 018 are hereby terminated. The Nevada Gaming Control Board shall promulgate requirements for a phased and incremental resumption of gaming operations, with openings commencing no sooner than 12:01 am June 4, 2020. Failure of a gaming licensee to comply with any such requirements shall be considered injurious to the public health, safety, morals, good order and general welfare of the inhabitants of the State, and constitute a failure to comply with this Directive. The Nevada Gaming Control Board is hereby authorized to enforce this Directive as necessary, including, but without limitation, pursuing disciplinary action to limit, condition, suspend, and/or revoke a license, and/or impose a monetary fine against a licensee in accordance with the Gaming Control Act.

SECTION 36: Cannabis dispensaries shall continue to operate under the Phase One conditions set forth in Section 22 of Directive 018.

SECTION 37: Previous Directives not specifically referenced herein remain in effect for the duration specified in those specific Directives or subsequent extensions, unless specifically terminated or extended renewed by subsequent Directive. Directive 018 and all Directives incorporated by reference within Directive 018 with specific expiration dates are extended until June 30, 2020.

SECTION 38: Pursuant to NRS 414.060(3)(f), I hereby delegate to state agencies, and each county of this state, to include the consolidated municipality of Carson City, and local municipalities, the authority to adopt additional protective measures intended to combat the spread of COVID-19, including without limitation, stay at home and face covering orders, so long as those measures are at least as restrictive as those imposed by all Directives promulgated pursuant to the Declaration of Emergency for COVID-19 issued on March 12, 2020. Additional restrictive measures adopted by counties and municipalities may be implemented without additional approval by the State.

SECTION 39: Pursuant to NRS 414.060(3)(f), I hereby authorize all local, city, and county governments, and state agencies to enforce this Directive and regulations promulgated thereunder, including but not limited to, suspending licenses, revoking licenses, or issuing penalties for violating business, professional, liquor, tobacco, or gaming licenses issued by the local jurisdiction for actions that jeopardize the health, safety, or welfare of the public; conduct which may injuriously affect the public health, safety, or welfare; conduct that may be detrimental to the public peace, health, or morals; or any other applicable ordinance or requirement for such a license.

SECTION 40: The State of Nevada shall retain all authority vested in the Governor pursuant to NRS Chapter 414.

SECTION 41: This Directive shall remain in effect through June 30, 2020, unless terminated or extended by a subsequent Directive promulgated pursuant to the March 12, 2020 Declaration of Emergency to facilitate the State's response to the COVID-19 pandemic.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Nevada to be affixed at the State Capitol in Carson City, this 28th day of May, in the year two thousand twenty.

Governor of the State of Nevada

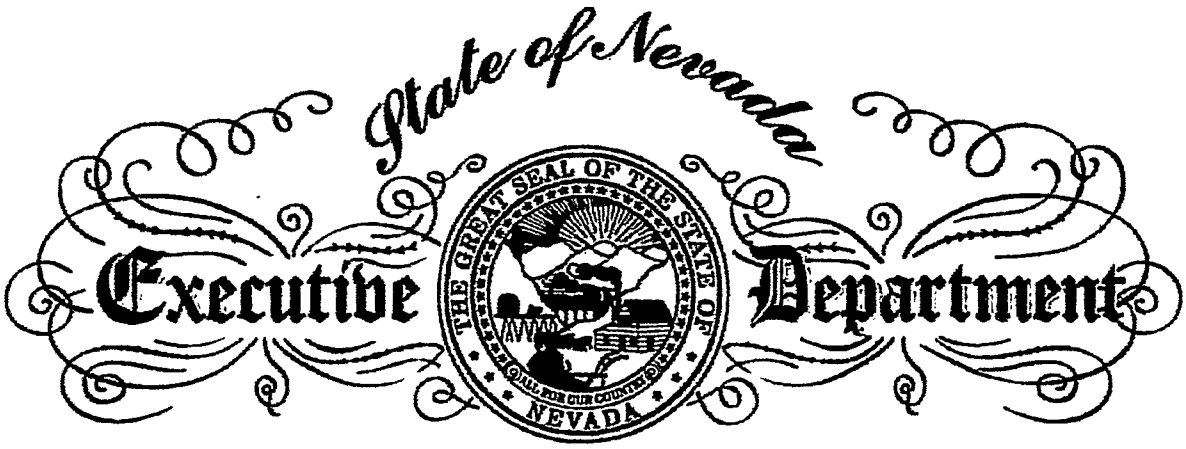
Barbara K. Cegavske

Secretary of State

Deputy Secretary of State

EXHIBIT

10



DECLARATION OF EMERGENCY

DIRECTIVE 026

WHEREAS, in late 2019, the United States Centers for Disease Control and Prevention began monitoring an outbreak of respiratory illness caused by a novel coronavirus first identified in Wuhan, Hubei Province, China; and

WHEREAS, on February 11, 2020, the International Committee on Taxonomy of Viruses named this novel coronavirus "severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2);" and

WHEREAS, on February 11, 2020, the World Health Organization named the disease caused by SARS-CoV-2, "COVID-19;" and

WHEREAS, the World Health Organization advises that the novel coronavirus that causes COVID-19 virus is highly contagious, and spreads through respiratory transmission, and direct and indirect contact with infected persons and surfaces; and

WHEREAS, the World Health Organization advises that respiratory transmission occurs through both droplet and airborne transmission, where droplet transmission occurs when a person is within 6 feet of someone who has respiratory symptoms like coughing or sneezing, and airborne transmission may occur when aerosolized particles remain suspended in the air and is inhaled; and

WHEREAS, the World Health Organization advises that contact transmission occurs by direct contact with infected people or indirect contact with surfaces contaminated by the novel coronavirus; and

WHEREAS, some persons with COVID-19 may exhibit no symptoms but remain highly infectious; and

WHEREAS, on March 5, 2020, Clark County and Washoe County both reported the first known cases of COVID-19 in the State of Nevada; and

WHEREAS, on March 11, 2020, the World Health Organization declared COVID-19 a pandemic; and

WHEREAS, on March 12, 2020, I, Steve Sisolak, Governor of the State of Nevada issued a Declaration of Emergency to facilitate the State's response to the COVID-19 pandemic; and

WHEREAS, on March 13, 2020, Donald J. Trump, President of the United States declared a nationwide emergency pursuant to Sec. 501(b) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121-5207 (the "Stafford Act"); and

WHEREAS, on March 14, 2020, I formed a medical advisory team to provide medical guidance and scientifically based recommendations on measures Nevada could implement to better contain and mitigate the spread of COVID-19; and

WHEREAS, infectious disease and public health experts advised that minimizing interpersonal contact slows the rate at which the disease spreads, and is necessary to avoid overwhelming healthcare systems, commonly referred to as "flattening the curve"; and

WHEREAS, since the March 12, 2020 Declaration of Emergency, I have issued 25 Directives pursuant to that order to provide for the safety, wellbeing, and public health of Nevadans and the administration of the State of Nevada; and

WHEREAS, these Directives were promulgated to reduce interpersonal contact and promote social distancing to flatten the curve; and

WHEREAS, on April 21, 2020, the National Governors Association issued guidance for a staged reopening that protects the public's health while laying a strong foundation for long-term economic recovery; and

WHEREAS, on April 30, 2020, I introduced the *Nevada United: Roadmap to Recovery* plan that outlined a phased approach to reopening Nevada businesses and industry; and

WHEREAS, the *Nevada United: Roadmap to Recovery* plan set forth a collaborative partnership between state and local governments that included the formation of the Local Empowerment Advisory Panel ("LEAP") to serve as a resource to local governments and local communities; and

WHEREAS, on May 9, 2020, the State of Nevada entered Phase One of the *Nevada United: Roadmap to Recovery* plan; and

WHEREAS, on May 29, 2020, the State of Nevada entered Phase Two of the *Nevada United: Roadmap to Recovery* plan; and

WHEREAS, prior to entering Phase Two, the State of Nevada experienced a consistent and sustainable downward trajectory in the percentage of positive COVID-19 cases, a decrease in the trend of COVID-19 hospitalizations, and a decline in our cumulative test positivity rate from a maximum rate of 12.2% on April 24, 2020 to 6.3% on May 27, 2020 with a 33-day downward trend; and

WHEREAS, the public safety threat posed by the SARS-CoV-2 has not yet abated; and

WHEREAS, the State of Nevada is experiencing an increase in both its cumulative test positivity rate and its seven-day moving average of daily new COVID-19 cases; and

WHEREAS, the State of Nevada is experiencing an increasing trend of hospitalizations for confirmed COVID-19 cases since May 31, 2020; and

WHEREAS, NRS 414.060 outlines powers and duties delegated to the Governor during the existence of a state of emergency, including without limitation, directing and controlling the conduct of the general public and the movement and cessation of movement of pedestrians and vehicular traffic during, before and after exercises or an emergency or disaster, public meetings or gatherings; and

WHEREAS, NRS 414.070 outlines additional powers delegated to the Governor during the existence of a state of emergency, including without limitation, enforcing all laws and regulations relating to emergency management and assuming direct operational control of any or all forces, including, without limitation, volunteers and auxiliary staff for emergency management in the State; providing for and compelling the evacuation of all or part of the population from any stricken or threatened area or areas within the State and to take such steps as are necessary for the receipt and care of those persons; and performing and exercising such other functions, powers and duties as are necessary to promote and secure the safety and protection of the civilian population; and

WHEREAS, Article 5, Section 1 of the Nevada Constitution provides: "The supreme executive power of this State, shall be vested in a Chief Magistrate who shall be Governor of the State of Nevada;" and

NOW THEREFORE, by the authority vested in me as Governor by the Constitution and the laws of the State of Nevada and the United States, and pursuant to the March 12, 2020, Emergency Declaration,

IT IS HEREBY ORDERED THAT:

SECTION 1: To the extent this Directive conflicts with earlier Directives or regulations promulgated pursuant to the March 12, 2020 Declaration of Emergency, the provisions of this Directive shall prevail.

SECTION 2: Directive 004 shall terminate on June 30, 2020 at 11:59 pm. All Department of Motor Vehicles (DMV) commercial and non-commercial licenses, commercial and non-commercial instruction permits, identifications cards, Driver Authorization Cards (DAC), vehicle or off-highway vehicle registrations, motor carrier active and temporary credentials, or any other credentials issued by the DMV as required by state law that have expired or will expire between March 12, 2020 and July 15, 2020, shall be valid until September 13, 2020 at 11:59 PM. Where possible, DMV customers are strongly encouraged to renew said licenses, permits, cards and other DMV credentials through DMV's website, portal, or kiosks to the greatest extent practicable.

SECTION 3: Directive 006 is hereby extended to July 31, 2020 at 11:59 pm, unless specifically terminated prior to that date or renewed by subsequent Directive.

SECTION 4: Public Gatherings. Directive 007 and all provisions amended by subsequent directives are hereby extended to July 31, 2020, unless specifically terminated prior to that date or renewed by subsequent Directive.

SECTION 5: Directive 009 (Revised) shall terminate on June 30, 2020 at 11:59 pm. All time tolled by Section 2 shall recommence effective July 31, 2020 at 11:59 pm. All licenses and permits issued by the State of Nevada, Boards, Commissions, Agencies, or political subdivisions, that expired between March 12, 2020 and June 30, 2020 because reduced government operations due to the state of emergency made timely renewal of the license or permit impracticable or impossible, shall be

deemed valid and expire on September 28, 2020 at 11:59 pm. This provision shall not be construed to extend to any license within the scope of Directive 011.

Persons referenced in Section 4 of Directive 009 (Revised) subject to the provisions of NRS 76.130 and whose annual business license renewal fee was due between March 12, 2020 and July 31, 2020, shall be entitled to a grace period expiring on September 30, 2020 to pay the fee without suffering any of the consequences or penalties resulting from the application of subsections 4 and 5 of that statute.

SECTION 6: Provisions of Directive 016 not amended by subsequent directives are hereby terminated. Provisions of Directive 016 amended by subsequent directives shall remain in effect as amended.

SECTION 7: Directive 017 shall terminate on June 30, 2020 at 11:59 pm.

SECTION 8: Directive 021, Phase Two of the *Nevada United: Roadmap to Recovery* plan, is hereby extended to July 31, 2020 at 11:59 pm, unless specifically terminated prior to that date or renewed by subsequent Directive.

SECTION 9: This Directive shall remain in effect through July 31, 2020 at 11:59 pm, unless terminated or extended by a subsequent Directive promulgated pursuant to the March 12, 2020 Declaration of Emergency to facilitate the State's response to the COVID-19 pandemic.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Nevada to be affixed at the State Capitol in Carson City, this 29th day of June, in the year two thousand twenty.

Governor of the State of Nevada

Barbara K. Cegavske

Secretary of State

Deputy Secretary of State

EXHIBIT

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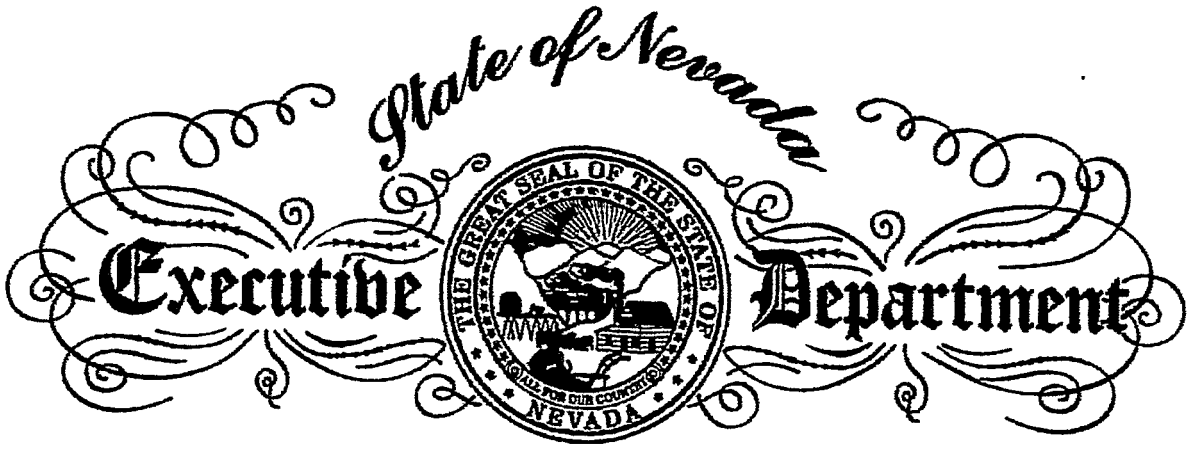

DECLARATION OF EMERGENCY

DIRECTIVE 029

WHEREAS, in late 2019, the United States Centers for Disease Control and Prevention began monitoring an outbreak of respiratory illness caused by a novel coronavirus first identified in Wuhan, Hubei Province, China; and

WHEREAS, on February 11, 2020, the International Committee on Taxonomy of Viruses named this novel coronavirus "severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2);" and

WHEREAS, on February 11, 2020, the World Health Organization named the disease caused by SARS-CoV-2, "COVID-19;" and

WHEREAS, the World Health Organization advises that the novel coronavirus that causes COVID-19 virus is highly contagious, and spreads through respiratory transmission, and direct and indirect contact with infected persons and surfaces; and

WHEREAS, the World Health Organization advises that respiratory transmission occurs through both droplet and airborne transmission, where droplet transmission occurs when a person is within 6 feet of someone who has respiratory symptoms like coughing or sneezing, and airborne transmission may occur when aerosolized particles remain suspended in the air and is inhaled; and

WHEREAS, the World Health Organization advises that contact transmission occurs by direct contact with infected people or indirect contact with surfaces contaminated by the novel coronavirus; and

WHEREAS, some persons with COVID-19 may exhibit no symptoms but remain highly infectious; and

WHEREAS, on March 5, 2020, Clark County and Washoe County both reported the first known cases of COVID-19 in the State of Nevada; and

WHEREAS, on March 11, 2020, the World Health Organization declared COVID-19 a pandemic; and

WHEREAS, on March 12, 2020, I, Steve Sisolak, Governor of the State of Nevada issued a Declaration of Emergency to facilitate the State's response to the COVID-19 pandemic; and

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WHEREAS, on March 13, 2020, Donald J. Trump, President of the United States declared a nationwide emergency pursuant to Sec. 501(b) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121-5207 (the "Stafford Act"); and

WHEREAS, on March 14, 2020, I formed a medical advisory team to provide medical guidance and scientifically based recommendations on measures Nevada could implement to better contain and mitigate the spread of COVID-19; and

WHEREAS, infectious disease and public health experts advised that minimizing interpersonal contact slows the rate at which the disease spreads, and is necessary to avoid overwhelming healthcare systems, commonly referred to as "flattening the curve"; and

WHEREAS, since the March 12, 2020 Declaration of Emergency, I have issued 28 Directives pursuant to that order to provide for the safety, wellbeing, and public health of Nevadans and the administration of the State of Nevada; and

WHEREAS, these Directives were promulgated to reduce interpersonal contact and promote social distancing to flatten the curve; and

WHEREAS, on April 30, 2020, I introduced the *Nevada United: Roadmap to Recovery* plan that outlined a phased approach to reopening Nevada businesses and industry; and

WHEREAS, the *Nevada United: Roadmap to Recovery* plan set forth a collaborative partnership between state and local governments that included the formation of the Local Empowerment Advisory Panel ("LEAP") to serve as a resource to local governments and local communities; and

WHEREAS, on May 9, 2020, the State of Nevada entered Phase One of the *Nevada United: Roadmap to Recovery* plan; and

WHEREAS, on May 29, 2020, the State of Nevada entered Phase Two of the *Nevada United: Roadmap to Recovery* plan; and

WHEREAS, prior to entering Phase Two, Nevada experienced a consistent and sustainable downward trajectory in the percentage of positive COVID-19 cases, a decrease in the trend of COVID-19 hospitalizations, and a decline in our cumulative test positivity rate from a maximum rate of 12.2% on April 24, 2020 to 6.3% on May 27, 2020 with a 33-day downward trend; and

WHEREAS, the intensity of COVID-19 infections in Nevada is exceedingly fluid. As of July 28, 2020, the State of Nevada has experienced over fifty days of an increasing trend of hospitalizations for confirmed COVID-19 cases; and

WHEREAS, as of July 28, 2020, the State of Nevada has experienced forty days of an increasing trend in its cumulative test positivity rate of COVID-19 cases; and

WHEREAS, as of July 28, 2020, there is no cure or vaccine for the COVID-19 disease; and

WHEREAS, because the virus causing COVID-19 is novel, scientific and medical treatment knowledge about the virus and how to limit its spread is improving regularly; and

WHEREAS, NRS 414.060 outlines powers and duties delegated to the Governor during the existence of a state of emergency, including without limitation, directing and controlling the conduct of the general public and the movement and cessation of movement of pedestrians and vehicular traffic during, before and after exercises or an emergency or disaster, public meetings or gatherings; and

WHEREAS, NRS 414.060(3)(f) provides that the administrative authority vested to the Governor in times of emergency may be delegated; and

WHEREAS, Article 5, Section 1 of the Nevada Constitution provides: "The supreme executive power of this State, shall be vested in a Chief Magistrate who shall be Governor of the State of Nevada;" and

NOW, THEREFORE, by the authority vested in me as Governor by the Constitution and the laws of the State of Nevada and the United States, and pursuant to the March 12, 2020, Emergency Declaration,

IT IS HEREBY ORDERED THAT:

SECTION 1: To the extent this Directive conflicts with earlier Directives or regulations promulgated pursuant to the March 12, 2020 Declaration of Emergency, the provisions of this Directive shall prevail.

SECTION 2: The *Nevada United: Roadmap to Recovery* plan is hereby reaffirmed. This plan provides for a federally supported, state managed, and locally executed reopening approach, under which county governments and local municipalities are delegated the authority to impose additional COVID-19-related restrictions on businesses and public activities. Restrictions imposed by county government or local municipalities may exceed the standards imposed by Declaration of Emergency Directives and any State or federal guidelines to the extent reasonable, or set forth under the LEAP guidelines, but in no case shall such local guidelines be more permissive than the provisions of this Directive and the disease management plans it authorizes.

SECTION 3: The importance of the State's county and city governments committing significant energy, resources, and time to enforcing the provisions of this and previous directives and in mandating conformance with health and safety standards central to the continuing fight against COVID-19 is reaffirmed here in the strongest possible form. Local governments and individuals, businesses, and other organizations may adopt practices that exceed the standards imposed by Declaration of Emergency Directives and the disease management plans they authorize, guidelines promulgated by the Nevada State Occupational Safety and Health Administration (NV OSHA) or LEAP guidelines, but in no case shall business practices be more permissive than the provisions of this Directive, its authorized disease management plans, or those imposed by NV OSHA and the LEAP.

SECTION 4: All directives promulgated pursuant to the March 12, 2020 Declaration of Emergency or subsections thereof set to expire on July 31, 2020, shall remain in effect for the duration of the current state of emergency, unless terminated prior to that date by a subsequent directive or by operation of law associated with lifting the Declaration of Emergency. Of note, Phase Two of the *Nevada United: Roadmap to Recovery* remains in effect. Directive 026, Section 8, extending Directive 021, Phase Two of the *Nevada United: Roadmap to Recovery* plan, is hereby extended until the earlier of termination of these provisions by a subsequent directive or termination of the March 12, 2020 Declaration of Emergency to facilitate the State's response to the COVID-19 pandemic.

SECTION 5: The provisions of Section 4 do not extend to the recommencement of certain actions or directives, including Directive 025, previously terminated by express or implied order, or previously allowed to expire by operation of law.

SECTION 6: Pursuant to NRS 414.060(3)(f), I hereby authorize and renew my call to all local, city, and county governments, and state agencies to enforce this Directive and regulations promulgated thereunder, including but not limited to, suspending licenses, revoking licenses, or issuing penalties for violating business, professional, liquor, tobacco, or gaming licenses issued by the local jurisdiction for actions that jeopardize the health, safety, or welfare of the public; conduct which may injuriously affect the public health, safety, or welfare; conduct that may be detrimental to the public peace, health, or morals; or any other applicable ordinance or requirement for such a license.

SECTION 7: The State of Nevada shall retain all authority vested in the Governor pursuant to NRS Chapter 414.

SECTION 8: This Directive is effective at 11:59 p.m. on Friday, July 31, 2020 and shall remain in effect until terminated by a subsequent directive promulgated pursuant to the March 12, 2020 Declaration of Emergency, or dissolution or lifting of the Declaration of Emergency itself, to facilitate the State's response to the COVID-19 pandemic.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Nevada to be affixed at the State Capitol in Carson City, this 31st day of July, in the year two thousand twenty.

Governor of the State of Nevada

Barbara K Cegavske

Secretary of State

Deputy Secretary of State

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EXHIBIT

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STOREY COUNTY PLANNING COMMISSION

Thursday August 6, 2020 6:00 p.m.
26 South B Street, District Courtroom,
Via Zoom
Virginia City, Nevada

MEETING MINUTES

CHAIRMAN: Jim Hindle VICE-CHAIRMAN: Summer Pellett

COMMISSIONERS:
Larry Prater, Kris Thompson, Jim Collins, Adrianne Baugh, Bryan Staples

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1. **Call to Order:** The meeting was called to order by the Chairman at 6:00 P.M.

2. **Roll Call via Zoom:** Jim Hindle, Adrianne Baugh, Larry Prater, Kris Thompson. Summer Pellet, Jim Collins, Bryan Staples joined the meeting at 6:45 p.m.

   Also Present: Senior Planner Kathy Canfield, County Manager Austin Osborne, Chief Deputy District Attorney Keith Loomis, County Commissioner Jay Carmona and County Commissioner Lance Gilman.

3. **Pledge of Allegiance:** The Chairman led the Pledge of Allegiance.

4. **Discussion/Possible Action:** Approval of Agenda for August 6, 2020.

   Motion: Approval of Agenda for August 6, 2020, **Action:** Approve, **Moved by** Commissioner Prater, **Seconded by** Commissioner Thompson, **Vote:** Motion carried by unanimous vote (**summary:** Yes=6).

   Public Comment: Sam Toll said he received an email stating a planning commission agenda had been posted. Asked if there were any changes to the agenda because he could not view it at the time.

   Chairman Hindle clarified that it was correspondence. The agenda has not changed since the original date of posting.

5. **Discussion/For Possible Action:** Special Use Permit 2020-021 request by the applicant Stericycle, Inc. to construct and operate a medical and other special waste incinerator facility. The project has the potential to provide generation of excess power, which is considered an "electric or gas power generating plant" which is also subject to a special use permit. The subject property is located at 1655 Milan Drive, Tahoe-Reno Industrial Center, McCarran, Storey County, Nevada, a portion of Assessor's Parcel Number (APN) 005-111-73.

   Chairman Hindle clarified that this was an item that was continued from the last planning commission meeting.

   Commissioner Thompson recused himself from this item due to a pecuniary interest he has as project manager in a transaction between the TRI Center and the applicant.

   Senior Planner Canfield: Stericycle is proposing to construct and operate a medical waste and other specialty waste incinerator facility to be located at 1655 Milan Drive. The site is zoned I-2, Heavy Industrial with the I-S (Special Industrial Zone) overlay and is an undeveloped parcel. This was continued from the last meeting in which some commissioners asked for written answers

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to questions and concerns raised in correspondence and during the planning commission meeting. Stericycle has provided a written response that was forwarded to the planning commissioners earlier in the week and posted to the website. Staff also received additional correspondence from an adjacent property owner in opposition to the project. The correspondence was also posted to the website and forwarded to the planning commissioners. In addition, Staff received a letter of opposition a couple of hours ago. That was posted to the website and forwarded to the planning commissioners.

Stericycle is prepared to answer any questions following a brief presentation.

Dominic Culotta: Executive V.P. and Chief Engineer for Stericycle: Stericycle has received, reviewed and taken in to consideration feedback from the community and Stericycle takes this very seriously. The updated presentation reflects this. At this time of pandemic this type of facility is critical, necessary, and timely to support our healthcare communities. Culotta presented an overview of the proposed facility (see attached presentation), explained how the incinerators work, and highlighted the rigorous environmental and safety standards that guide the operation. Stericycle will work to be a model and corporate citizen and valuable member of the community. Introduced members of the Stericycle team (presentation).

- -50,000 square feet facility will be located on 20 acres at 1665 Milan. All processing will be contained within the building. No waste material will be stored. Facility will be fully fenced and video monitored for security, and will not be open to the general public. Facility will receive 10-15 trailers per day and employee 30 full time team members. Site was intentionally oversized to provide a buffer to minimize impact to neighbors and wildlife.
- Incinerators are small in comparison to municipal solid waste incinerators. Incinerators intended to be placed in this facility are designed to process 3.5 tons per hour as opposed to municipal facilities which are much larger and may process as much as 70 tons or more per hour.
- Traffic impact is very small with proposed 10 to 15 trailers per day. Employment is estimated to be 30 full time skilled and trained team members with good benefits and wages.
- Construction phase of the project will support many jobs.
- Facility will process certain types of waste designated for incineration such as waste pharmaceuticals, trace chemotherapy drugs and pathological waste which often come from hospitals, universities, special service centers, and pharmaceutical centers. Incineration of these types of medical waste is the environmental best practice for disposal. Stericycle is committed to safety of the environment. Implemented a program in the last 18 months that includes a centralized global focus on safety which includes advanced safety programs.
- Facility based in North Salt Lake City, Utah remains fully operational and compliant. The violation that has been brought up by those opposed to this facility in Storey County occurred 9 years ago and has been the only citation for emissions violation experienced in the facilities 24 year history of operation. Results from two separate subsequent county department of health studies have demonstrated that emissions from the facility present no health risks to the surrounding community, however the community around us in North Salt Lake City was re-zoned to residential. The facility was starting to age and is not optimally located and lacks adequate processing capacity. This is what drove our decision to seek a better alternative. The proposed facility in Storey County will be the most technologically advanced of its kind and will adhere to the most stringent environmental standards than are required at all of our other facilities. Stericycle is subject to stringent federal and state regulations under the EPA, Hospital Medical Infectious Waste Incinerator Waste regulations. We follow a proven air pollution control process for best in class emission results. All testing of facilities is done by a third party and submitted to the State Bureau of Air Quality.
- Regarding community engagement, we reached out to the American Wild Horse Campaign and have had productive meetings thus far regarding traffic safety, vehicle strikes (horses), access to drinking water and having sustainable habitat for the wild horses. Committed to further supporting measures to ensure the safety of the wild horses.
- Stericycle has a large local customer base which includes multiple doctor's offices, labs, international airports, retail as well as the Douglas County School District and the Washoe County Sheriff and Health District, and also provide service to federal, state and local governments and all branches of the military.
- Stericycle is committed to being fully transparent and will work with the public officials and members of the local community.

Commissioner Baugh: Informed the commission that she was contacted by Will Adler, local representative for Stericycle. He reached out and we spoke. Baugh said she does not have an opinion one way or the other regarding her decision on the special use permit.

Chairman Hindle added that he had an email exchange with the Adlers (Will and Sarah). They introduced themselves and said they would be participating in the process. Hindle told them that they were welcome additions from the standpoint that if they had any additional information they could add to help with the decision that would be appreciated. Nothing further from there was discussed.

Commissioner Prater: Also spoke with Sarah Adler a couple of times and was invited out to look at the site, but was unable to make it because of other obligations. He told Sarah that he is keeping an open mind. Prater has a question for Mr. Culotta and told him that he has been reviewing Stericycle's response from July 31st and the Blockchains correspondence that was 14 pages of comment followed by roughly 320 pages of background information. They put a lot of time and effort into a response to this

(SUP request) and have asked the planning commission to deny the permit. Prater said he was bothered a bit by Stericycle's response to the activity in North Las Vegas. The letter states that you (Stericycle) had an approval but then backed out of it because of lack of infrastructure. Blockchain's says that no, there was no approval. Said he called county staff and thankfully Senior Planner Canfield is very careful with these sorts of issues and had researched the activity in Las Vegas. Turns out that both of you were right in that you did receive a special use permit, it expired in two years, then Stericycle asked for it to be renewed and at that time their staff recommended denial. Prater said he assumes shortly after that it was decided to withdraw the application stating that the reason was lack of infrastructure.

Dominic Culotta: Executive V.P. and Chief Engineer for Stericycle: Said that in looking at the North Las Vegas area, and the issues that were coming up, Stericycle allowed that permit to expire. They tried to renew the permit since it had already been issued previously and tried to work out the infrastructure issues. The concerns around the issues with infrastructure was what really drove us (Stericycle) to decide to let the permit expire. The main reason for attempting to renew the permit was simply to keep the opportunity open, but it was pretty clear to Stericycle that it was not the best place to be.

Dale Rich, V.P. of Incinerator Operations for Stericycle: Said that Dominic is correct. Stericycle allowed that permit to expire. The infrastructure challenges were significant and ultimately, we made the decision to withdraw the application (SUP).

Discussion continued between Commissioner Prater and Dominic Culotta regarding the issue of the North Las Vegas facility and the attempted permit renewal and circumstances related to it, specifically that Staff in Las Vegas recommended denial.

Selin Hoboy, V.P. of Government Affairs and Compliance for Stericycle: Would like to focus on why Stericycle wants to build this facility in Storey County. Hoboy said that they found the needed infrastructure here. That was part of the reason why we (Stericycle) didn't further pursue the permit in Las Vegas. This location is ideal for Stericycle's long range vision plan for this type of facility, incineration, with the Heavy Industrial overlay zoning and the project conforms with the Master Plan.

Chairman Hindle: Opened Public Comment.

Matthews Digesti, Vice President of Government Affairs for Blockchains LLC: Submitted Statement below:

I. Introduction

Chairman Hindle and Members of the Planning Commission. I am Matt Digesti, Vice President of Government Affairs for Blockchains, LLC. I'm here to speak in opposition to the Special Use Permit requested by Stericycle. Although I have provided you a detailed Opposition, I take this opportunity to highlight three important points: First, why Blockchains is here. Second, why Stericycle is here. And third, why the Special Use Permit should be denied.

II. First, why is Blockchains here?
Blockchains is here because we care about Storey County. When founder Jeffrey Berns decided to build a high-tech community, he carefully considered many sites in the U.S. He chose Storey County to develop a world-class, cutting-edge business and technology park integrated with a master-planned residential community. This development builds upon the evolution already taking place at TRIC with the likes of Tesla, Google and Switch already investing billions into the County.

- Mr. Berns acquired 60,000 acres in McCarran and Painted Rock.
- He made the largest monetary land investment in Storey County history.
- He has created 100+ high paying jobs in Storey County, and
- He has long-term plans to create thousands of high paying jobs with future investments in the billions of dollars.

Yet, these transformational plans could be destroyed by a single company – Stericycle.

III. Second, why is Stericycle here?

I don't need to rehash what was filed in our written statement. Frankly, we would be here all night. Stericycle is here for one reason – it cannot get approved to operate anywhere else. So why would Storey County, with such a positive and historical track record of supporting innovate land development, welcome a business that could threaten the future of that development? Our hope is that Storey County will deny the special use permit application.

IV. Lastly, why should the special use permit be denied?

The special use permit should be denied for three reasons. First, the project causes a substantial detriment to the public good. Utah has determined that Stericycle is dangerous to the public. North Las Vegas concluded the same thing. The wild horse population is also at risk – polluted water sources, altered migration patterns, and increased vehicle-horse accidents harm the public good. Put bluntly, Stericycle significantly increases the risk to the public, the environment, and the wild horse population.

Second, the project is not consistent with the Master Plan. In McCarran, we have Tesla, Switch, Google, and several other Fortune 500 companies. Stericycle is asking you to approve a medical waste incinerator in the middle of these high-tech businesses. This is incompatible and inconsistent. The problem is compounded with the residential component of Blockchains' future development plans. No one wants to live or work next to a polluting medical waste incinerator with a significant history of accidents causing substantial harm to the public.
Lastly, Stericycle made a lot out of the fact that there is new leadership. A new CEO, a board creating unique sub committees. That new leadership was in place when Stericycle told this Commission about the reasons it abandoned North Las Vegas. It left out the fact the staff in North Las Vegas recommended denial. It was not an oversight. It was a choice, by Stericycle's new and improved leadership, to leave out critical information to this Commission. They are requesting your approval on the one hand, while not being transparent on the other.

V. Conclusion

Thank you for your time. I ask that you carefully consider our paperwork and vote to recommend DENIAL of Stericycle's special use permit application. I have prepared a written statement of my comments and ask the Clerk to attach my statement to the Minutes of this Meeting.

Commissioner Prater: Said he has a question for Mr. Digesti. In response to Stericycle's plans you mentioned several times plans that Blockchains has for its properties which included residential. Surely you are aware that there is no allowance for residential development in the Master Plan or in the zoning for TRI.

Mr. Digesti: Commented to Commissioner Prater that he is correct that within the industrial center residential development is not allowed, however part of the land purchase included an area called Painted Rock. When we speak of residential development that is just one piece of the entire development. Residential will sit outside of the industrial center, but the high tech business park sits partially within and partially outside of the industrial center. Painted Rock is obviously close enough to this proposed project and could be impacted.

Greg Hendricks, American Wild Horse Campaign: Thanked the Stericycle staff as well as Mr. Adler for their time listening to our concerns and requests related to mitigation on impacts to the wild horses. The American Wild Horse Campaign still has concerns with the impact to the wild horses, habitat and to our volunteers out at the site being in close proximity to the construction area and also the final facility. One of the elements that we would like to bring up is that we currently have no really detailed mitigation plan from Stericycle.
We would like to see prior to approval or at least a contingency put in writing to address some of the specific concerns that we provided to them relating to lighting and traffic on Milan, and fence setbacks so that there isn't a trap next to the road where the entrance and exit will be. Recommend that a mitigation plan be developed in writing and presented either prior to or during the approval process including mitigation for Blockchain's concern as it related to wild horses.

Sam Toll: Said he is calling in from Gold Hill where his house is perhaps the farthest away from this facility that it could be. Speaking in opposition of the special use permit. Toll said he shares the concerns that Mr. Digesti from Blockchains brought up, and also concerned about the wild horses. Said that even though he didn't participate in the vote, it is his understanding that Storey County voted against Yucca Mountain when the opportunity was presented before the voters. By the board approving these types of businesses, both Stericycle and the Asian Chemical company we are setting a precedent to invite similar types of companies in to Storey County. It's important to recognize the types of firms that we are going to let in and be cautious about what the long term impact is for this type of development not only to the horses but the impact to our first responders. Toll stated that if there is an accident what type of equipment and dangers are they going to be facing when they enter a dangerous situation at either of the two facilities (Stericycle, AUECC). Said he has talked to folks within the fire department and there is a very big concern about training, equipment and potential for personal injury and what could be released into the environment. Encouraged the board not to approve this permit.

Dominic Culotta: Stericycle started about 30 years ago because of the crisis of needles washing up on the Atlantic seaboard shoreline. We set out with the purpose to improve the safety of the communities and the environment. Currently we treat about 900k tons of medical waste each year and another 42k tons of pharmaceuticals. We are about protecting people, promoting public health and safeguarding the environment. We are trusted by hospitals, healthcare companies, and government. We are very safe and when you look at the grand scale of what Stericycle handles and the amount of issues that have actually occurred, there will be some, and there will be some exceptions, but we are highly committed to continuously improve and do it significantly. Culotta stated that in the first half of 2020 versus the first half of 2019, a 31% improvement in the safety frequency of our employees. We do protect all the environments around us. Stericycle has seven incinerating facilities, 46 (inaudible) facilities, and 130 transport sites, and in regard to that, we have minimal concerns and continue to get better and better as we go forward. Mr. Culotta discussed the leadership changes that have occurred in the last 18 months and various other pertinent aspects of the Stericycle company and the appropriateness of the TRIC site.

Commissioner Baugh: Said to Dominic Culotta to be cautious in stating statistics from the first six months of last year versus the first six months of this year. Baugh said that she is not sure and nobody knows how much demand you had, and that kind of thing. It was a very different six months of the year from 2019 and 2020 due to the Covid situation. Baugh also stated that she is disappointed to not see a written plan to address the horses.

Commissioner Collins: Said he cares about horses, but this is an industrial park and said he understand that they (Stericycle) are going to address some things for the horse community. Collins said he thinks this (project) would fit in to the industrial park, it is not a residential area.

Chairman Hindle: Asked Mr. Culotta if Stericycle has other US based facilities and has Stericycle had issues with governmental regulators in those facilities, and whether or not the government agencies have shut down facilities due to non-compliance issues.

Dominic Cullota: Said they have about 180 facilities spread across the United States. The companies have two core businesses, the medical waste and the document destruction (shredding). Some are transportation facilities and (inaudible), and seven incinerators. The incinerators are in Kansas, Louisiana, North Carolina to the east. Generally, issues arise because of areas right next to us are rezoned to residential.

Dale Rich, V.P. of Incinerator Operations: Stated that none of the incinerator facilities have been closed down and no regulatory actions have occurred to even suggest that. All of the facilities are in compliance with emission standards and permitting. Said that at present they conduct emissions testing on an annual basis, and the testing has been successful. From an impact perspective in regard to the Utah facility, a government agency conducted two health studies and those studies concluded that an older facility, one that's been operating for years, with lesser technology had no measurable impact on the environment.

Chairman Hindle: Asked staff if they know the number of hazardous operations there are in TRIC.

Austin Osborne, County Manager: Stated that there are quite a few companies at TRIC that are classified in one way or another and this board approved another medical waste processing facility a year or two ago. There are companies that deal with hazardous substances and have special use permits such as high volumes of ammunition and manufacturing of military arms, hydrogen and gas to diesel processing, a company that transfers medical waste and other municipal waste into diesel fuel, a company that manufactures gas and diesel. Said that if you visit a Golden Gate Petroleum gas station, most of that fuel comes from the TRIC. There are a few additional companies that deal in hazardous substances that are quite volatile but do not require a special use permit.

Chairman Hindle: Asked staff how active NDEP is in the TRIC.

Also confirmed that the staff report states that the proposed parcel is zoned I2 heavy industrial and all the adjacent properties to this parcel are zoned I2 heavy industrial. It does not abut to a parcel with a less intensive industrial zoning. Senior Planner Canfield confirmed Hindle's statement.

Austin Osborne, County Manager: NDEP (Nevada Division of Environmental Protection) is involved in air emissions and water monitoring, compliance, and regulatory measures. NDEP follows NRS and NAC. They are the authority in the state of Nevada for monitoring all environmental matters. I believe Stericycle will also be under EPA air regulations according to the process they will be using.

Senior Planner Canfield: Said that NDEP issues their own permits, follows up and monitor the permits. Storey County does not have air quality regulations, we look to NDEP to have the expertise to do that.

County Manager Osborne: Regarding the master plan and residential uses at TRIC; the master plan prohibits residential uses in TRIC. The zoning also prohibits residential uses at TRIC as does the Development Agreement between TRIC and the county. Residential uses are not compatible with industrial and heavy intense uses that TRIC is designed to accommodate.

Osborne stated that he has worked in Planning on staff for about 10 years and was on the planning commission prior to that. In all of these cases including this one, the Storey County Fire Chief and Storey County Fire Protection District was intimately involved in the development of these staff reports for companies and they have no concerns as far as being able to respond to the types of emergency, medical, fire and other types of responses to this use as well as any other use out at TRIC and across the county.

Commissioner Pellett: Stated that looking at this from a planning perspective, this area has been zoned heavy industrial since 1999 and it also carries the land use designation as well. Some of the issues that could arise with this type of use are being mitigated. Stericycle is going to be subject to federal regulations, the EPA and NDEP, which are included in the conditions of approval. Pellet said that from a planning perspective she typically relies on those agencies to properly do their job in making sure that the environmental impacts are meeting all of the standards that are put in place at both the federal and state level. According to the staff report the applicant is proposing to fall within those regulations, and this is heavy industrial zoning and a heavy industrial land use.

This is the type of use that fits in to the TRIC, and regarding the wild horse issue, 10 to 15 trucks a day doesn't seem to be anything that is not typical already at TRIC. Said she would assume that many other land uses out there have a higher impact when it comes to truck traffic. Does not see how we can discuss the horses being at risk specifically due to Stericycle. Also, it has already been mentioned that other incinerator facilities exist at TRIC. Pellett said that she is having a hard time seeing that this proposed use would not be acceptable in heavy industrial zoning in an industrial park.

Motion: In accordance with the recommendation by staff, the Findings of Fact under Section 3.A of this report with the addition of Finding 8 (added by Senior Planner Canfield), and other findings deemed appropriate by the Planning Commission, and in compliance with the conditions of approval, I Summer Pellett, recommend approval of Special Use Permit 2020-021, to construct and operate a medical and other special waste incinerator facility. The project has the potential to provide generation of excess power, which is considered an "electric or gas power generating plant" which is also subject to a special use permit. The subject property is located at 1655 Milan Drive, Tahoe-Reno Industrial Center, McCarran, Storey County, Nevada, a portion of Assessor's Parcel Number (APN) 005-111-73., **Action:** Approve, **Moved by** Commissioner Pellett, **Seconded by** Commissioner Staples,

Senior Planner Canfield read the findings into the record:

(1) This approval is for Special Use Permit 2020-021, a request by the applicant Stericycle, Inc., to construct and operate a medical and other special waste incinerator facility. The project has the potential to provide generation of excess power, which is considered an "electric or gas power generating plant" which is also subject to a special use permit. The subject property is located at 1655 Milan Drive, Tahoe-Reno Industrial Center, McCarran, Storey County, Nevada, a portion of Assessor's Parcel Number (APN) 005-111-73.

(2) The Special Use Permit conforms to the 2016 Storey County Master Plan for the McCarran planning area in which the subject property is located. A discussion supporting this finding for the Special Use Permit is provided in Section 2.E of this staff report and the contents thereof are cited in an approval of this Special Use Permit.

(3) The subject property is located within an existing industrial neighborhood in the McCarran area of Storey County. The zoning is based on the 1999 Storey County Zoning Ordinance which identifies this property as I-2 Heavy Industrial. The proposed facility is defined as a "recycling facilities and operations involving use, recovery or residue of hazardous materials and/or wastes" and has an incinerator and has the potential to provide an "electric or gas power generating plant" and requires a Special Use Permit.

(4) Granting of the Special Use Permit, with the conditions of approval listed in Section 4 of this report, will not under the circumstances of the particular case adversely affect to a material degree the health or safety of persons/property in the neighborhood of the subject property. The project is expected to meet the safety and health requirements for the subject area. The use will also be subject to building and fire plan review in order to ensure compliance with federal, state and other codes.

(5) The Special Use Permit will not impose substantial adverse impacts or safety hazards on the abutting properties or the surrounding area, and it will comply with all federal, state and county regulations.

(6) The conditions under the Special Use Permit do not conflict with the minimum requirements in the 1999 Storey County Zoning Ordinance Sections 17.37 I-2 Heavy Industrial and 17.62 Special Uses.

(7) Granting of the Special Use Permit will not, under the circumstances of the particular case, adversely affect to a material degree the health or safety of persons working in the neighborhood or area of the subject property and will not be materially detrimental to the public welfare or materially injurious to property improvements in the neighborhood or area of the subject property.

(8) Granting of the Special Use Permit would not be incompatible with or detrimental to the surrounding area.

Commissioner Prater requested a roll call vote.

Vote: Motion carried by vote (**summary:** Yes=5, Pellett, Staples, Hindle, Baugh, Collins, Nay=1, Prater).
Chairman Hindle Recessed meeting for 5 minutes after allowing Commissioner Thompson to rejoin the meeting.

6. **Discussion/Possible Action:** Special Use Permit Amendment 2017-020-A1-2020 by applicant Asia Union Electronic Chemicals – Reno, Inc. (AUECC). The applicant requests an amendment to Special Use Permit (SUP) Number 2017-020 to modify the language associated with Conditions of Approval C, D, S, T and BB which relate to chemical and substance inventory, outdoor loading/unloading, water/fog deluge systems, bulk product loading/unloading, filling stations, training

000533

requirements, outdoor chemical storage, security footage storage and release reporting requirements. The subject property is located at 1400 Waltham Way, APN 004-091-81, McCarran, Storey County, Nevada.

Senior Planner Canfield: Stated that this is an amendment to a special use permit issued to AUECC in September of 2017. AUECC has activated their SUP and have been doing construction on the site. They are getting close to finishing construction and would soon like to begin operations. The request is to amend some of the language in the SUP specifically five different conditions out of the 33 conditions that were approved in 2017. When AUECC originally began this process with Storey County the SUP was their first step and since this use was so unique, staff completed a very detailed review of the project which resulted in very detailed conditions of approval. What AUECC is finding now is that sometimes the very detailed conditions don't necessarily match with the other regulatory agencies' best practices and regulations that they are requiring. Staff is proposing to modify five conditions so that AUECC can meet the requirements of the other agencies along with county requirements. In no way do any of these modifications change the safety requirements that we have placed on the project, it is just looking at different ways to reach the same goal. AUECC staff is here tonight and have a brief presentation.

Curtis Dove, Global CEO for AUECC: He introduced Danielle Knight, Environmental Health and Safety Manager and Jared Kerney, Plant Manager. Mr. Dove said they are at the completion phase of the project and looks at this as the "as built" situation after they have gone through the detailed design and regulatory compliance and permits.

Danielle Knight shared her screen for the presentation: A quick recap of who AUECC is; a purifier of commonly used industrial grade chemicals specifically acids and bases with a few solvent processes. All of the processes involve filtration, dilution, absorption and condensation. These are very simplistic processes not involving a chemical reaction. The end consumer would be those manufacturers of computer chips. In September of 2017, our SUP was issued. There were some broad brushstrokes used in the language that could prohibit AUECC from operating all of the processes and compliance with other regulatory agencies. Over the past three years we (AUECC) have had a plethora of other agencies that we have to comply with including federal, state and of course the special use permit. AUECC falls under the NDEP Chemical Accident Prevention Program (CAPP). It is a very involved process designed to go through each one of AUECC's processes item by item to ensure that all the industry standards are considered. We want to ensure that the SUP accurately reflects how the systems are going to run. Special Use Permit Clarifications:

-Generalized language was used to limit the chemical list; however, this would prevent AUECC from having diesel fuel required to run fire water pumps and simple water treatment chemicals used for drinking water disinfection.

-Forklift limitations that restricted moving "bulk" containers; however, bulk is not defined. It is required to use forklifts to move 55 gallon drums and Intermediate Bulk Containers (IBC) aka totes.

-Language in the existing SUP does not apply to all AUECC chemicals, Example: Water Fog Deluge would not be appropriate for Sulfuric Acid (a water reactive chemical with negligible vapor pressure)

-In cooperation with County Departments over the past year, AUECC has prepared these clarifications for consideration.

-As requested by County officials, these clarifications have been assessed by a third party consultant, McGinley and Associates.

Senior Planner Canfield: Stated that this application has also been reviewed by the county Fire Marshal Martin Azevedo. He is available tonight to answer any questions.

Martin Azevedo, Fire Marshal: Said that everyday chemicals like diesel or gasoline are defined within Fire code section 105. This basically states what they can have in the building and outside the building without a permit. They do fall under the State Fire Marshal guidelines for permitting. Said he has reviewed those documents with the State Fire Marshal's office and have had conversations with (inaudible) regarding this. Said he is confident with the permitting process with the State.

Commissioner Prater: Asked the applicant why there is a problem with 24/7 surveillance.

Danielle Knight: Said they are not trying to overlook the 24/7 surveillance, however the way section in the current SUP is written requires AUECC to maintain 90 days of video footage and that gets into a data management problem. We (AUECC) are compliant with the Department of Homeland Security requirements and that is a non-prescriptive standard that only requires something that is more appropriate for our operation. From a data management standpoint 90 days of data video management would be poor resolution as compared to thirty days. We are proposing to store thirty days of footage which is the standard for Department of Homeland Security, thirty days of 24/7 surveillance footage.

Senior Planner Canfield: Stated that the condition will say that surveillance must comply with the Department of Homeland Security recommendations.

Planning staff did not receive any comments from the public regarding this item.

Chairman Hindle opened Public Comment. There was none.

Motion: In accordance with the recommendation by staff, the Findings of Fact under Section 5.A of this report, and other findings deemed appropriate by the Planning Commission, and in compliance with the conditions of approval, I Larry Prater, recommend approval of Special Use Permit Amendment 2017-020-A1-2020 to modify the language associated with Conditions of Approval C, D, S, T and BB which relate to chemical and substance inventory, outdoor loading/unloading, water/fog deluge systems, bulk product loading/unloading, filling stations, training requirements, outdoor chemical storage, security footage storage and release reporting requirements. The subject property is located at 1400 Waltham Way, APN 004-091-81, McCarran, Storey County, Nevada., **Action:** Approve, **Moved by** Commissioner Prater, **Seconded by** Commissioner Thompson,

Senior Planner Canfield read the findings into the record:

(1) This approval is for Special Use Permit Amendment 2017-020-A1-2020 by applicant Asia Union Electronic Chemicals – Reno, Inc. (AUECC). The applicant requests an amendment to Special Use Permit (SUP) Number 217-020 to modify the language associated with Conditions of Approval C, D, S, T and BB which relate to chemical and substance inventory, outdoor loading/unloading, water/fog deluge systems, bulk product loading/unloading, filling stations, training requirements, outdoor chemical storage, security footage storage and release reporting requirements. The subject property is located at 1400 Waltham Way, APN 004-091-81, McCarran, Storey County, Nevada.

(2) The Amended Special Use Permit 2017-020-A1-2020 conforms to the 2016 Storey County Master Plan for the McCarran planning area in which the subject property is located.

(3) Granting of the Amended Special Use Permit 2017-020-A1-2020 modifying Conditions of Approval C, D, S, T and BB, will not under the circumstances of the particular case adversely affect to a material degree the health or safety of persons/property in the neighborhood of the subject property and will not be materially detrimental to the public welfare or materially injurious to property improvements in the neighborhood or area of the subject property.

(5) The Amended Special Use Permit 2017-020-A1-2020 modifying Conditions of Approval C, D, S, T and BB will not impose substantial adverse impacts or safety hazards on the abutting properties or the surrounding area, and it will comply with all federal, state and county regulations.

(6) The conditions under the Amended Special Use Permit 2017-020-A1-2020 modifying Conditions of Approval C, D, S, T and BB do not conflict with the minimum requirements in the Storey County Zoning Ordinance.

Vote: Motion carried by unanimous vote (**summary:** Yes=7).

Commissioner Thompson left the meeting due to another obligation.

7. **Discussion/Possible Action:** Special Use Permit 2020-026 is a request to allow for construction of a 110-foot high public service communication facility associated with the existing Storey County sewer treatment plant. The project includes a tower, equipment shelters and other associated equipment. The tower will be located on the property associated with the Storey County Wastewater Treatment Plant at 1001 Six Mile Canyon Road, Virginia City, Storey County, Nevada and being a portion of Assessor's Parcel Number (APN) 001-311-04.

   Senior Planner Canfield: Summarized the request for a tower to house public service equipment that is associated with the Virginia City Wastewater treatment plant. The plant is on Storey County property that was acquired from the Bureau of Land Management (BLM) and as such the land must be used for public service or recreation land uses. The tower will be approximately 110 feet tall and will allow for wireless communications at the sewer treatment plant along with providing some other public services at that area of town which has limited coverage. The project is going through the Comstock Historic District review and staff is recommending approval. During the noticing period there have been no public comments received. James Deane IT Director is here to answer questions if needed.

James Deane, IT Director: Said that this tower is for all internal Storey County usage and to support of the existing water treatment plant microwave shop and water tower. It will also be a relay point for our "in town" building to building microwave communications. In the future we will probably use it for the new approved Motorola 911 radio system replacement.

Chairman Hindle: Asked for public comment, there was none.

Motion: In accordance with the recommendation by staff, the Findings of Fact under Section 3.A of this report, and other findings deemed appropriate by the Planning Commission, and in compliance with the conditions of approval, I Adrianne Baugh, recommend approval of Special Use Permit 2020-026 to allow for construction of a 110-foot high public service communication facility associated with the existing Storey County sewer treatment plant. The project includes a tower, equipment shelters and other associated equipment. The tower will be located on the property associated with the Storey County Wastewater Treatment Plant at 1001 Six Mile Canyon Road, Virginia City, Storey County, Nevada and being a portion of Assessor's Parcel Number (APN) 001-311-04., **Action:** Approve, **Moved by** Commissioner Baugh, **Seconded by** Commissioner Staples,

Senior Planner Canfield read the findings into the record:

(1) This approval is for Special Use Permit 2020-026 to allow for construction of a 110-foot high public service communication facility associated with the existing Storey County sewer treatment plant. The project includes a tower, equipment shelters and other associated equipment. The tower will be located on the property associated with the Storey County Wastewater Treatment Plant at 1001 Six Mile Canyon Road, Virginia City, Storey County, Nevada and being a portion of Assessor's Parcel Number (APN) 001-311-04.

(2) The Special Use Permit conforms to the 2016 Storey County Master Plan for the Public Facilities designated area in which the subject property is located. A discussion supporting this finding for the Special Use Permit is provided in Section 2.D of this staff report and the contents thereof are cited in an approval of this Special Use Permit. The Special Use Permit complies with the general purpose, goals, objectives, and standards of the county master plan, the zoning ordinance and any other plan, program, map or ordinance adopted, or under consideration pursuant to the official notice by the county.

(3) The proposal location, size, height, operations, and other significant features will be compatible with and will not cause substantial negative impact on adjacent land uses, or will perform a function or provide a service that is essential to the surrounding land uses, community, and neighborhood.

(4) The Special Use Permit will result in no substantial or undue adverse effect on adjacent property, the character of the neighborhood, traffic conditions, parking, public improvements, public sites or right-of-way, or other matters affecting the public health, safety, and general welfare, either as they now exist or as they may in the future be developed as a result of the implementation of the provisions and policies of the county master plan, this title, and any other plans, program, map or ordinance adopted or under consideration pursuant to an official notice, by the county, or other governmental agency having jurisdiction to guide growth and development.

(5) The proposed use in the proposed area will be adequately served by and will impose no undue burden on any of the improvements, facilities, utilities, or services provided by the county or other governmental agency having jurisdiction in the county.

(6) The Special Use Permit, with the recommended conditions of approval, complies with the requirements of Chapters 17.03.150 – Special Use Permit, 17.12 – General Provisions, and 17.32 - Forestry Zone.

(7) The proposed project is an accessory use to the existing Storey County sewage treatment plant, and therefore is consistent with the land acquisition requirements of Patent 27-2014-0006.

Vote: Motion carried by unanimous vote (**summary:** Yes=6).

8. **Discussion/For Possible Action:** Bill 118/Ord 20-307 Text amendments to Storey County Code Title 17 Zoning Districts CR Commercial-Residential; C Commercial; R1 Single-Family; R2 Multi-Family Residential; E Estate; F Forestry; A Agriculture; I1 Light Industrial and I2 Heavy Industrial; NR Natural Resources and SPR Special Planning Review zones. Additions,

modifications, elimination and clarifications including the listed land uses, minimum floor area, setbacks, minimum parcel area, distance between buildings and home enterprises are proposed.

Senior Planner Canfield: This is the last phase of the Title 17 update. We have had thirteen planning commission meetings to discuss these changes. We have adopted the three other pieces of this Title (General Provisions, Administrative Provisions and Definitions). Staff is updating the zoning district sections to make them more consistent and align with each other. Updates include the changes to General Provisions and Definitions. The amendments will address the setbacks for the R1, R2, CR and the E zones as well as the I1 and I2. The update is also adjusting allowable uses in the Forestry (F), Agriculture (A), and Natural Resources (NR) zones. We have also added language to make consistent the minimum home size of 800 square feet for a one bedroom, 1000 square feet for a two bedroom and 1200 square feet for a three bedroom, where a single family dwelling is allowed. This language is currently in the Estate and R1 zoning. CR zoning already allows a home under 800 square feet with a special use permit. Commissioner Pellet raised the issue of minimum home size and that it warranted more discussion.
Any changes that are proposed will not affect the 10 acres and 1 acre homeowner's associations because they already have a minimum home size set at 1200 square feet.
Staff is recommending to keep the 800 square foot minimum in all zones, but understands that there are some other opinions on this. Staff did receive a letter this afternoon from Mr. Herrington objecting to Tiny Homes concept being allowed in the Estate zoning. This was forwarded to the commissioners.

Commissioner Prater: Said that he agrees with Mr. Herrington and doesn't think Tiny Homes are appropriate here.

Commissioner Pellett: Asked staff if the 800 square feet is chosen for a reason and where does the 800 square feet come from. Proposes a size that would still allow for proper ingress and egress and all meets all requirements of the building code, and one that works for the resident.

Chairman Hindle: Really talking not about Tiny Homes, but small construction.

Commissioner Staples: Asked if current existing structures are "grandfathered" in if setbacks change and ownership changes. (brought up in reference to a letter from resident Clay Mitchell).

Senior Planner Canfield: Setbacks are proposed to be less restrictive so that would not be an issue, however if something was legally established and the zoning changed it would be "grandfathered" in or legally non-conforming. Ownership changes won't affect the zoning.

Discussion between Commissioners Pellett, Staples, Chairman Hindle and staff regarding an inquiry from Clay Mitchell and whether or not the setback change and wording which included a property he owns will be affected negatively.

Clay Mitchell, Gold Hill property owner: Said he has an industrial building in I2 zoning that encroaches in to the 50' setback that is proposed to be added in 17.35.050 because it abuts on another I2 parcel that has an existing residential use. Said he doesn't believe that it is a permitted use but is a "grandfathered" use. Concern is that the proposed setback language would somehow invalidate future industrial uses because it is within that setback.

Senior Planner Canfield: The language now states that the setback in the I2 zone is 50 feet. We are not proposing to change Clay's situation at all. The proposed new language states "the required distance between the building and the property line is ~~20~~ *0* feet. *The principal building must be setback at least 50 feet from an abutting CR, E, R1, R2, and SPR zone and existing residential uses. Building setbacks must also conform to section 17.34.060 and building and fire codes."*

Canfield said that we can remove the wording "and existing residential uses".

Gary Mack, Highlands resident: Thanked the commission for letting him speak and apologized that this is late in the review process. Commented on the minimum home sizes in the 40 acres. Stated that there are roughly 593 lots in the E40 zone. Approximately 23 of those are "coded" now as single family residence which means 570 are vacant lots. There is no POA in the 40s to assist with road maintenance and the county doesn't provide any kind of infrastructure, maintenance, or snow removal during the winter months. The 40s are a very unique area. Per existing county requirements nobody can build a house on a property in the 40s or anywhere else in the county unless they have a producing well or are connected to a municipal water system and have a State septic system, etc. Then and only then can they talk to the county about a building permit. What that means for people in the 40s is that you have to build an access road to your property which can be a complex and costly thing, then level out the land for a well and septic and bring power in to run the well. All of those steps are not easy and are extensive due to rough terrain including finding a contractor willing to do the work that is needed, all the grading, etc. A land owner that is dedicated to living off grid in a self sufficient way and have the resources, before they build a house, and invest a 100k dollars before they even break ground for a house, should be able to build smaller than the required 800 square feet minimum home requirement. Mack said that in his research he did not find that the minimum 800 square feet is rooted in the IRC (International

Residential Code). It does state that there must be "living space", bathroom, kitchen, etc. and there are certain sizes for the rooms and the setbacks that go into those rooms, but there is no minimum requirement for a house. In 2015 the IRC implemented Appendix Q in draft form and believes that addresses homes that are less than 400 square feet. Clearly the IRC doesn't contemplate 800 square feet as the minimum house. Many people that own property in the 40s own it as an investment and don't plan on living here and want to flip it at some point. Said that is going to be difficult based on what he just talked about. There are people that would like to build a small home and live in the 40s off grid full time. Unfortunately, the cost of all the things outlined can be prohibitive. In addition, many people don't feel the need to build a house that is larger than they need or desire and unnecessarily impacts the rugged and unique environment out in the 40s. Said that he respectfully asks that the commission give serious consideration to lowering the minimum house size in the E40 zone. Clearly house sizes need to meet the IRC. Nobody is arguing for a house that does not meet the IRC code. Said he is in a "social group" of about 23 people and has reached out to them and gotten some positive responses, no negative responses except maybe from John Herrington (reference to letter regarding home size submitted). Comment on Tiny Homes; these are mobile, they're on a trailer bed, two or three hundred square feet and nobody out here (40s) wants that. Said that he is suggesting 500 or 600 square feet as a minimum.

John Herrington, 40 acre property owner: Said he agrees with Gary (Mack) that we are in a rugged area but said nobody goes out and buys 40 acres in Nevada without knowing that there's going to be substantial expense. Mentioned a couple of his neighbors who have invested six to seven hundred thousand dollars to build their homes, and to have a neighbor come in that's going to put a small house that doesn't meet the Storey County Master Plan as it is, we need to consider that substantially.

Commissioner Prater: Said he has lived in the Highlands for 40 years and does not want to see tiny houses popping up around here. Said he thinks that on a 40 acre property, anything less than 2000 square feet is inappropriate. Bring a travel trailer in if it is just to visit the property. It (maintaining the minimum home size) protects our property values.

Clay Mitchell, Virginia City resident: Said he appreciates the work that has been done to make the zoning districts align with each other, cleans things up and makes things easier to understand. Mitchell said he would also advocate for reducing the minimum house size to allow for flexibility and freedom for use of your property. Said he is not advocating for one particular zone because he agrees that consistency is preferrable throughout the county zoning ordinance. If there is a need to have a stricter standard in a particular zone, he would not be necessarily opposed to that. There are many homes in Virginia City and other parts of the county smaller than 800 square feet. The proposed change is to carry that 800 square feet minimum in all zones. Does not think it is good policy to be more restrictive than the county needs to be and if there is a need, there are HOAs that can assign further restrictions. Mitchell said he thinks the right solution for the county as a whole is more broad, more open, and more freedom as opposed to less. Not advocating for Tiny Homes that are not up to code, but homes that meet all the building codes.

Gary Mack, 40s resident: Said his perspective is that the property owner should be able to do fundamentally what they want as long as they're not interfering with other people and causing havoc to neighbors etc. Said he understands the concern about having a $500k house sitting next to a $150k house, but sadly or realistically that's life the way things are. Asked the commissioners how they are grounding that minimum. It is not in the IRC. The 800 square feet seems arbitrary. Said he is not advocating for three or four hundred square foot homes.

Senior Planner Canfield: Said that Jana Seddon, the assessor couldn't be with us tonight. She has concerns from the aspect of having a house too small because of the potential of it being picked up and easily moved or pieces left behind and property being left. She didn't necessarily have an opinion on 800 square feet or what size it should be, but just had concerns with a small home being easily moved and real property disappearing overnight.

County Manager Osborne: Said the assessor has expressed concern and we are not talking on her behalf necessarily. She has said that when you get under that 800 square feet, you start getting into the DOT standards for measurements. Unlike a mobile home that can be moved, but it is quite an operation to do that, a "tiny house" that is approximately 10 feet wide by however many feet long, etc. can be hooked up and trailered away. If the property owner does not pay their taxes the county is obligated by law to hold the property and go through the necessary procedures to auction the property, and if the house is missing in a case like this a county cannot deal with property properly because the home has been removed and it becomes complicated. Processes like this can take years and years to try to straighten these types of things, out so that the county can auction the properties.

Chairman Hindle: Clarified that what we are discussing are homes less than 800 square feet on a permanent foundation, constructed to building codes, meaning a permanent home, not something that can be hauled away easily. Commissioner Pellett concurred and stated that her assumption would be that the county is not collecting many more taxes on an 800 square foot home as opposed to a 600 square foot home.

Senior Planner Canfield: Clarified that the revision is written to make every zoning district that allows for single family dwellings consistent with the existing minimum home size of 800 square feet for 1 bedroom, 1000 square feet for 2 bedrooms and 1200 square feet for 3 bedrooms. This is the existing code language in the R1 and Estate zones. Said she added that language to the other zoning districts that allow for a single family residence. The new discussion is whether or not to change the minimum home size in any residential zone. There is existing language in the CR zone that allows for a less than 800 square feet dwelling with a special use permit and that is not changing.

Commissioner Hindle asked the commission if it would like to make a motion to approve the bill as it is or amend the bill.

Discussion continued regarding the pros and cons of adjusting the minimum home size in single family residential zones and how to potentially amend the code to include building requirements for small homes and how that would work with areas that are governed by an HOA. Discussion also included the idea of simply using building code to dictate minimum home size which could allow for a very small home. Discussion on "arbitrary" minimum home size continued.

County Manager Osborne: Commented that whatever the commission decides to do, they should establish some limit to protect to people that are not protected by HOA requirement such as people in the R1 zone in Virginia City or the E1 zone in Mark Twain or the Highland 40 acre area. They invest in a 1500 square foot home or a manufactured/modular home for example and expect their neighbors to have a somewhat similar situation and expect them to be able to invest in their property. Having no limitation whatsoever opens it up to quite virtually anything being built next door and may create a very interesting situation.

Commissioner Collins: Commented that for probably about 35 years when he first wanted to build a house, the Building Department told him that he couldn't build anything less than 800 square feet. The minimum has been around for a very long time.

The commission decided to continue this item to the next planning commission for further discussion.

No additional Public Comment

Motion: Continue this item to the next planning commission meeting, **Action:** Approve, **Moved by** Commissioner Prater, **Seconded by** Commissioner Collins, **Vote:** Motion carried by unanimous vote (**summary:** Yes=6)

9. **Discussion/Possible Action:** Determination of next planning commission meeting.

Motion: Next planning commission meeting to be held on August 20, 2020 at 6:00 P.M. at the Storey County Courthouse, Virginia City, Nevada, Via Zoom, **Action:** Approve, **Moved by** Commissioner Staples, **Seconded by** Commissioner Prater, **Vote:** Motion carried by unanimous vote (**summary:** Yes=6).

No Public Comment

10. **Discussion/Possible Action:** Approval of claims – None

11. **Correspondence (No Action)** – Letter of correspondence received prior to the meeting will be added to the record in the Meeting Minutes. Distributed to the planning commissioners via email prior to the meeting and posted as correspondence on the website. See attached correspondence.

12. **Public Comment (No Action)** – None

13. **Staff (No Action)** – None

14. **Board Comments (No Action)** – Commissioner Prater asked that Kathy be included on her own screen.

15. **Adjournment (No Action)** - The meeting was adjourned at 9:09 p.m.

Respectfully Submitted, By Lyndi Renaud

EXHIBIT

13

STOREY COUNTY BOARD OF COUNTY COMMISSIONERS MEETING

TUESDAY, AUGUST 18, 2020 10:00 A.M.

DISTRICT COURTROOM
26 SOUTH B STREET, VIRGINIA CITY, NEVADA

MINUTES

MARSHALL MCBRIDE
CHAIRMAN
ATTORNEY

ANNE LANGER
DISTRICT

JAY CARMONA
VICE-CHAIRMAN

LANCE GILMAN
COMMISSIONER
TREASURER

VANESSA STEPHENS
CLERK-

ROLL CALL via zoom: Chairman McBride, Vice-Chairman Carmona, Commissioner Gilman, County Manager Austin Osborne, Clerk & Treasurer Vanessa Stephens, Deputy District Attorney Keith Loomis, Tourism Director Deny Dotson, Sheriff Gerald Antinoro, Fire Chief Jeff Nevin, Emergency Management Director Joe Curtis, Senior Planner Kathy Canfield, Senior Center Director Stacey York, Human Resources Director Jeanne Greene, Public Works Director Jason Weizrbicki, Recorder Marney Hansen-Martinez, Communications Director Dave Ballard, Community Chest Director Erik Schoen

1. CALL TO ORDER REGULAR MEETING AT 10:00 A.M.
Meeting was called to order by Chairman McBride at 10:00 A.M.

2. PLEDGE OF ALLEGIANCE
Chairman McBride led the Pledge of Allegiance.

3. DISCUSSION/POSSIBLE ACTION: Approval of Agenda for August 18, 2020.
County Manager Austin Osborne requested item 20 be continued to September 15, 2020. Move item 16 following item 17.
Public Comment: None

Motion: I move to approve the Agenda for August 18, 2020, with the changes requested, **Action:** Approve, **Moved by:** Vice Chairman Carmona, **Seconded by:** Commissioner Gilman, **Vote:** Motion carried by unanimous vote, **(Summary:** Yes=3)

4. DISCUSSION/POSSIBLE ACTION: Approval of the Minutes for July 21, 2020.
Public Comment: None

Motion: I move to approve the Minutes for July 21, 2020, **Action:** Approve, **Moved by:** Vice Chairman Carmona, **Seconded by:** Commissioner Gilman, **Vote:** Motion carried by unanimous vote, **(Summary:** Yes=3)

5. CONSENT AGENDA:

I. For possible action, approval of claims in the amount of $912,292.23

II. For possible action, approval of business license first readings:

A. AECOM Design, A Professional Corp. - Professional / 8985 S. Eastern Ave Ste 130 ~ Las Vegas, NV
B. Atlas Land Development, LLC - Contractor / 4363 S. Jumbo Way ~ Carson City, NV
C. Jimmy's LLC - Out of County / 3475 Ormsby Ln. ~ Washoe Valley, NV
D. Road and Highway Builders, LLC - Contractor / 950 E. Mustang Rd. ~ Sparks, NV
E. Tenaska Power Services Co - Out of County / 300 E. John Carpenter Freeway Ste 1100 ~ Irving, TX

Public Comment: None

Motion: I move to approve today's Consent Agenda, Action: Approve, Moved by: Vice Chairman Carmona, Seconded by: Commissioner Gilman, Vote: Motion carried by unanimous vote, (Summary: Yes=3)

6. PUBLIC COMMENT (No Action) None

7. DISCUSSION ONLY (No Action - No Public Comment): Committee/Staff Reports

Sheriff Antinoro:

- Long time Storey County resident, Jim Watson, passed away.
- With the start of school, be on the look-out for kids and school buses out and around. There will be extra enforcement in school zones.

Erik Schoen, Community Chest/Library Director:

- This is the last week for the summer program which has been very successful. With the protocol in place, there were no known cases of Covid 19.
- The library was used as another classroom. This will continue through the fall. People with a Storey County library card will be able to access all resources "virtually".
- Early childhood education will continue to be offered throughout the fall - accommodating up to 18. Some part-time and some full time.
- Before and after school programs will be offered to elementary students, Monday through Thursday, and all day on Friday. Looking at staffing to provide the same programs for middle-school students after school. There are capacity issues, they will do the best they can.
- The tech-center in the library will be staffed by a teacher providing support for students accessing on-line school programs.

Deny Dotson, VCTC Director:

- The VCTC is very concerned with the shutdown and effects on revenue, especially from tourism tax and lodging. Mr. Dotson reviewed the figures (note: difficult to hear him via zoom). Some good news there.
- Hard decisions have been made regarding events - there are concerns with the fall.
- A lot of resources will be going to marketing with radio and billboards.

Joe Curtis, Emergency Management Director:

- Only 5 new cases reported in the Quad County area with 22 recoveries.
- Since March 1, there have been 886 cases - 732 recoveries. 139 still active, 15 deaths.
- In 5 months, there have been only 6 cases in Storey County.
- Reminder - there is potential for exposure within 15 minutes at 6 feet distance.

- The Governor's order still stands for 50% of fire rating occupancy - or 50 people total, whichever is less. Social distancing and masking are still in place.
- At the last test site on August 11, 140 tests were given. Two nurses, a representative from Carson City Health, 4 paid Storey County staff, and 3 Jeep Posse volunteers participated.
- Jeep Posse members have been a huge help at all test sites - with set-up/take down of cones and tables and chairs, in decisions regarding flow of traffic and traffic control.
  They are always available, show up on time, and are committed to assist in the process. Many of the members have completed County-required MIMS, incident command training.
- The next test date is August 28 at the Lockwood Senior Center, 10am to 11am. Test results should be received in 7 to 10 days. People are lining up about one hour before.
- Tests must be conducted for the next 2 ½ years.
- Plans are being made for the "long haul" and for flu vaccinations, as well as Covid vaccinations when available.
- Equipment has been acquired for the test sites, with more that needs to be acquired to take care of the process - the only outside assistance would be nurses to administer the tests.
- Since the beginning of Covid, Emergency Management and Community Relations have been working about 100% on Covid-related processes and issues.

Chairman McBride asked if (the County) is still required to test 2% of its population per month.

Mr. Curtis: We are far exceeding that.

Austin Osborne, County Manager:

- Working with NACO, the District Attorney, and our team on the mechanics of the program for the $200,000 grant to be invested in our communities.
- A "town hall" open-air meeting will be held August 27 in Lockwood, 5pm to 6pm. This will take place north of the Truckee River Bridge in an area where people can drive in and stop. People are asked to wear facemasks.
- Working on a request from the last workshop to post the "capital improvement plan" on the link. It is already posted in the budget. A more "user friendly" version is being created.

Vice Chairman Carmona "applauds" the Town Hall meetings. This is an important time to communicate with the community.

Vanessa Stephens, County Clerk:

- This year every active registered voter will receive a mail-in ballot. In addition, we will have the normal polling place. If a voter chooses to not use the mail-in ballot, they can come and vote on a machine as in the past.
- Everyone is encouraged to make sure voter registration is up-to-date. Contact the Clerk's Office with any questions.

8. BOARD COMMENT (No Action - No Public Comment)
Vice Chairman Carmona:

- A lot of institutional knowledge has been lost with the passing of Jim Watson.

9. DISCUSSION /POSSIBLE ACTION: Consideration and setting of date for a public hearing on the proposed amended service plan of the TRI GID.

Deputy District Attorney Loomis explained a requirement for amending the service plan is that the Board set a date for a public hearing. Notice must be published. The date being considered is September 15, 2020.

Public Comment: None

Motion: I, Jay Carmona, move to set the 15th day of September 2020, 10:30 AM, as the date for a public hearing to consider possible approval of an amended service plan for the TRI GID, and authorize the clerk to publish notice of the hearing and to notify interested parties of the public hearing, **Action:** Approve, **Moved by:** Vice Chairman Carmona, **Seconded by:** Commissioner Gilman, **Vote:** Motion carried by unanimous vote, **(Summary:** Yes=3)

10. **DISCUSSION/POSSIBLE ACTION:** Consideration and possible approval of 2nd reading for General Home-Based Business License for Highland Arms, internet firearm sales. Applicants are Calvin, Pamela, and Jacob Willey, 2538 Cartwright Rd., Reno, NV 89521.

Sheriff Antinoro said applicants' background has been reviewed - they are pending Federal firearms license approval contingent on County granting business license. The business will primarily be internet and gun-show based. Applicants are connected with a tree service and a long-time gun shop in Reno. There is nothing prohibiting them from having this license.
Public Comment: None

Motion: I, Jay Carmona, motion to approve the 2nd reading for General Home-Based Business License for Highland Arms, internet firearm sales. Applicants are Calvin, Pamela, and Jacob Willey, 2538 Cartwright Rd., Reno, NV 89521e, **Action:** Approve, **Moved by:** Vice Chairman Carmona, **Seconded by:** Commissioner Gilman, **Vote:** Motion carried by unanimous vote, **(Summary:** Yes=3)

11. **DISCUSSION/POSSIBLE ACTION** : Consideration and possible approval of 2nd reading for General Home-Based Business License for Silver State Firearms, 1399 Highland Spur, VC Highlands, NV 89521. Applicants are: David Cooley and Tony Midmore.

Sheriff Antinoro: Applicants are pending Federal Firearms License approval contingent on issuance of County's business license. Applicants will primarily be manufacturing custom firearms. Nothing in their background prohibits this license.
Public Comment: None

Motion: I, Jay Carmona, motion to approve the 2nd reading for General Home-Based Business License for Silver State Firearms, 1399 Highland Spur, VC Highlands, NV 89521. Applicants are: David Cooley and Tony Midmore, **Action:** Approve, **Moved by:** Vice Chairman Carmona, **Seconded by:** Commissioner Gilman, **Vote:** Motion carried by unanimous vote, **(Summary:** Yes=3)

12. DISCUSSION/POSSIBLE ACTION: Consideration and possible approval of 2nd reading for General Business License. Out of county Petroleum Distributor, Senergy Petroleum, 464 Andrews St, Ste. 1, North Las Vegas, NV 89081.

Sheriff Antinoro explained Senergy Petroleum will not have an office in Storey County, however they will provide goods and services through local distributors. Nothing was found to preclude them from this license.
Public Comment: None

Motion: I, Jay Carmona, motion to approve the 2nd reading for General Business License. Out of county Petroleum Distributor, Senergy Petroleum, 464 Andrews St, Ste. 1, North Las Vegas, NV

89081, Moved by: Vice Chairman Carmona Seconded by: Commissioner Gilman, Vote: Motion carried by unanimous vote, (Summary: Yes=3)

13. DISCUSSION/POSSIBLE ACTION: Consideration and possible approval of 2nd reading for General Business License for Tahoe House Hotel & Bar. 162 S C St., Virginia City, NV 89440. Applicant is Paul Hoyle, Lark Lane Hospitality.

Sheriff Antinoro: Background has been completed on this applicant. Mr. Hoyle has a history in the hotel industry and will make a good addition to the community.
Public Comment: None

Motion: I, Jay Carmona, motion to approve 2nd reading for General Business License for Tahoe House Hotel & Bar. 162 S C St., Virginia City, NV 89440. Applicant is Paul Hoyle, Lark Lane Hospitality, Moved by: Vice Chairman Carmona Seconded by: Commissioner Gilman, Vote: Motion carried by unanimous vote, (Summary: Yes=3)

14. RECESS TO CONVENE AS THE STOREY COUNTY LIQUOR BOARD

15. DISCUSSION/POSSIBLE ACTION: Consideration and possible approval of 2nd reading for Liquor License for Tahoe House Hotel & Bar. 162 S C St., Virginia City, NV 89440. Applicant is Paul Hoyle, Lark Lane Hospitality.

Sheriff Antinoro: There is nothing that would preclude Mr. Hoyle from holding a liquor license. He has 20+ years in the hospitality industry based on the reports.

Chairman McBride disclosed he holds a liquor license on C Street, not in proximity to this hotel. Voting on this issue one way or the other would have no affect on this license.
Public Comment: None

Motion: I, Jay Carmona, motion to approve the 2nd reading for Liquor License for Tahoe House Hotel & Bar. 162 S C St., Virginia City, NV 89440. Applicant is Paul Hoyle, Lark Lane Hospitality, Action: Approve, Moved by: Vice Chairman Carmona, Seconded by: Commissioner Gilman, Vote: Motion carried by unanimous vote, (Summary: Yes=3)

17. RECESS TO RECONVENE AS THE STOREY COUNTY BOARD OF COUNTY COMMISSIONERS

16. DISCUSSION/POSSIBLE ACTION : Consideration and possible approval of five-year contract with Lenslock for obtaining body cameras to replace the VieVu cameras for a cost of approximately $20,000.00 per year.

Sheriff Antinoro: Some years ago, a contract with VieVu was entered into for body cameras mandated by the Legislature. VieVu has new owners. There have been issues in keeping the cameras "up and running" and looking at (VieVu), the price goes up significantly to renew the contract and up-grade cameras. Lenslock has a very reliable product, which (the Sheriff) has been testing the last few months, with a very good price. In discussion with the District Attorney's Office, it is probably cheaper to pay off the existing contract with VieVu due to their failure to uphold their end of the contract.

Chairman McBride: It was an "unfunded" mandate, right?

Sheriff Antinoro: At the time, there was an option to initiate a surcharge on the telephone system to

be used for payment of the cameras. The Commission opted not to do that. This is an option moving forward, but he doesn't think anyone wants any increases in taxes or surcharges.

Chairman McBride: Isn't this is a significant increase as opposed to VieVu?

Sheriff Antinoro: It is a significant increase, however it is the most cost effective contract. The company who bought VieVu was quite higher. As this is mandated across the country, there are not a lot of options. This is about the best price.

Deputy District Attorney Loomis: He has looked over the contract and the provisions for termination. The contract could be terminated for "breach" - but the breach standards are very vague. He advised the Sheriff to pay the termination fee, which isn't that high - establishing the breach would be harder. Among other items, the contract with Lenslock has significant limited liability which is not unusual. It is not the greatest, but a contract we have to live with.
Public Comment: None

Motion: I, Jay Carmona, motion to approve the 1st reading for the approval of the 1st reading for cancelling the VieVu camera system and replacing with LensLock camera system, **Action:** Approve, **Moved by:** Vice Chairman Carmona,

Commissioner Gilman asked the Sheriff how he evaluates the (current) camera system and its value to the community. Sometimes these things are not as effective as we would like.

Sheriff Antinoro: Agrees they are not as effective as they would like them to be. He said he testified against them at the Legislature because they really don't accomplish what was intended. They do provide insight in the event of ending up in court on a case. This was implemented because of allegations of police misconduct, shootings, or things of that nature - which have not been an issue in Storey County. It's not uncommon that a camera gets pulled off in a scuffle - you don't necessarily get a good image. The same if someone is being chased because of the way the camera bounces around. A camera in the patrol vehicle versus on the body would be his preference. It was found that the cameras being replaced were not very durable. These (new cameras) have a stronger mounting unit and controls keeping them on. They are not what they could be - we are stuck unless the Legislature changes something.

Commissioner Gilman commented they rarely "roll something back". In watching the news, they (cameras) do not seem to be very effective.

Seconded by: Commissioner Gilman, **Vote:** Motion carried by unanimous vote, **(Summary:** Yes=3)

21. DISCUSSION/POSSIBLE ACTION: Special Use Permit 2020-021 request by the applicant Stericycle, Inc., to construct and operate a medical and other special waste incinerator facility. The project has the potential to provide generation of excess power, which is considered an "electric or gas power generating plant" which is also subject to a special use permit. The subject property is located at 1655 Milan Drive, Tahoe-Reno Industrial Center, McCarran, Storey County, Nevada, a portion of Assessor's Parcel Number (APN) 005-111-73.

Commissioner Gilman recused himself from vote and discussion on this item as he holds a pecuniary interest in land that is the subject matter of this item.

Senior Planner Kathy Canfield: This application is for a Special Use Permit - a medical waste facility in the Tahoe-Reno Industrial Center. The project is in I-2, heavy industrial zoning, with an I-S overlay. Ms. Canfield described the building - all activities will take place within the building. Applicant is required to obtain permits from Nevada Division of Environmental Protection (NDEP) who regulates emission standards and is permitting authority for air quality.

This project was discussed at the last Planning Commission meeting. Four items of correspondence opposing the project have been received. All items are on the website. The Planning Commission voted 5 to 1 for approval, with one recusal. Staff recommends approval.

Dominic Culotta, Executive Vice President and Chief Engineer of Stericycle introduced the Stericycle team and presented an overview of Stericycle's operations. The plant will be built on a 20-acre parcel on Milan Drive, zoned for heavy industrial with an I-S (Special Industrial Zone) overlay. Approximately 5 acres will be developed for the facility and parking. The rest will be a buffer zone to minimize impact on wildlife and neighbors. Operations will be contained within the 50,000 square foot facility.

Mr. Culotta reviewed the operation of the incinerators which are small compared to large municipal waste incinerators. Traffic impact will be small, with only 10 to 15 trailers expected per day. Construction will support many jobs. The facility will process certain types of medical waste designated for incineration as a best practice.

Mr. Culotta explained the focus on safety which includes enhanced training programs. There is a committee dedicated to health and safety. He addressed issues raised about the Stericycle facility in Utah, as well as in North Las Vegas. A letter has been submitted outlining legal reasons why this is not relevant to the law. A violation at North Salt Lake City, mentioned by those opposed to the facility in Storey County, occurred nine years ago and is the only citation for emission violation in the history of its operation. That facility remains in full operation, in compliance, with a permit through 2022. He discussed concerns with the proposed North Las Vegas facility. That application was withdrawn prior to approval or denial due to a lack of readily available access to water and other utilities.

Mr. Culotta reviewed reasons Stericycle decided on the TRI location for its new facility, including infrastructure, logistics, and the Master Plan. He presented a diagram showing the "state of the art" incineration process that will be installed including an air pollution abatement system. Concerns regarding effect on the environment have been heard. (Stericycle) is subject to stringent federal and state air regulations and follow a proven air pollution control process. The new incinerator will be subject to the most stringent emission standards in any incinerator category. Testing is required by the EPA - with samples and analysis submitted by a third party.

They have reached out to the American Wildhorse Campaign and will hold quarterly meetings throughout this process and believe they will make a positive contribution to the safety and well-being of wild horses.

Stericycle is committed to supporting these missions and participating with business owners of TRI. In addition, they service businesses in Storey, surrounding districts, and counties. This includes doctors, offices, labs, airports, retail, all branches of military, Federal, State, and local governments - as well as others. Mr. Culotta thanked the Board for the opportunity to present this item.

Chairman McBride: What were the negative findings by the Planning Commission in North Las Vegas that were leading to denial of (Stericycle's) SUP?

Dale Rich of Stericycle: The same type of rhetoric and documents being brought forward now may have influenced the decision process. There was not an actual hearing - there was no vote and the application was pulled based on lack of infrastructure.

Selin Hoboy: They were originally approved for the facility in the North Las Vegas situation. Two years later when obtaining a special use permit there was some political opposition in North Las Vegas. Similar information in terms of history at other facilities and the North Salt Lake situation was brought forward. As part of their package, that information was submitted as part of their concerns from a safety perspective. That is why they moved to deny the permit. At the same time, (Stericycle) looked at what was happening in that area and made the decision that the facility would not fit within their time-period and withdrew the application.

Chairman McBride: Special Use Permits are inherent to concern and criticism - that's why they're special use permits. Has Stericycle purchased the property where they plan on building? What is the estimated cost of the facility- how much will you be into it when built out?

Mr. Culotta: They have entered into a contract to purchase the land. Approximately $40 million - $14 million could be local. The planning phase and design are underway. When finalized, they can be more cost specific.

Chair McBride: Will the facility be equipped with new equipment or used from other facilities?

Mr. Culotta: The plan is for new equipment.

Mr. Rich: It will be all new with systems based on the latest technology advances.

Chair McBride: New equipment is usually cleaner and more efficient. Will rules be utilized that are put in place by the Treasury Department taking advantage of Storey County as an "opportunity zone"?

Ms. Hoboy responded they are looking at those opportunities - however they wanted to get through this process, then look at the next step and options.

Chair McBride: Will (Stericycle) be asking the Governor's Department of Economic Development for tax abatements?

Ms. Hoboy: They will be looking at what economic opportunities there are within the State. At this point, they have not planned for those - inaudible and plan on funding those themselves. Inaudible. With the potential equipment they are proposing as a "waste energy facility", there might be some options there.

Chair McBride: These questions are asked because we like to have businesses, especially high-tech, move into the industrial park. It doesn't appear (Stericycle) will have a big impact on services, but we like to make sure everyone is paying their fair share.

Vice Chairman Carmona asked how many employees would be working at the facility when it's "up and running".

Mr. Culotta: Approximately 30 employees when it's fully in operation. New technology is very automated. Some others will be coming and going.

Vice Chair Carmona asked Mr. Culotta to explain what would be coming out of the "stack" - would it be equal to emissions from a diesel truck?

Dale Rich: The facility is considered a minor source. Emissions would be fairly low and deminimus- compare it to about 10 trucks driving down the highway.

Vice Chair Carmona: If this is considered a low impact, what would be considered a high impact?

Mr. Rich: High impact would be a very large facility - power plants, manufacturing facilities with enormous emission potential. Our emissions are very low when compared to very large plants.

Vice Chair Carmona: The reality is this is a world where waste is generated that has to be brought down to the safest levels. There has to be place to get rid of this stuff. There will be real time monitoring of the stacks so if there is an issue or failure- what would be the procedure?

Mr. Rich: Emissions will be monitored based on permit conditions per Nevada and EPA regulations. "Site specific" operating parameters will be monitored continuously and recorded. There are "safety's" built in to the facility to stop the process of waste - a "lock-out" condition. Before operation begins, very extensive initial performance testing is done. The parameters established during testing must be complied with at all times. They will continuously "self-report" to NDEP - the regulatory agency. Reports are sent out detailing any deviations. Violations that would occur are reported by Stericycle.

Vice Chair Carmona assumes (Stericycle) would be working with Storey County Emergency Management and if there was an issue (the County) would be notified so the situation could be handled on this end.

Chair McBride asked how many Federal and State "oversight" agencies do you report to or are overseen by?

Ms. Hoboy: Approximately 10 to 15 agencies. There may be a permit for wastewater. We will need Federal and State OSHA permits, as well as permits from Department of Transportation, Nevada Bureau of Air Quality, and Title 5 Air Permit. We are preparing for any additional solid waste permits from the State and any other County permits as needed.

Public Comment:
Greg Hendricks, American Wild Horse Campaign : He is relaying appreciation to Stericycle Management Group for openness and willingness to discuss wild horse mitigation impact relating to this facility, its construction, and operation. Their openness is most appreciated. Discussions will continue on a quarterly basis. A commitment letter to continue mitigation discussions has been received. American Wild Horse Connection has been involved in rescue and discussion regarding that - we thank (Stericycle) for that. It's great to see a company look at situations prior to build so that appropriate actions and mitigation are built in - reducing impact on the wild horses.

Mathew Digesti, Vice President-Government Affairs for Blockchains LLC: Speaking in opposition to the Special Use Permit requested by Stericycle. A detailed opposition has been provided outlining legal reasons why the SUP does not meet standards for approval. At this time, they would like to focus on the issue of safety in Storey County. It is this (Board's) responsibility to protect the health and welfare of County residents, businesses, and thousands of employees working in close proximity to Stericycle's proposed bio-hazardous site.

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Mr. Digesti reviewed other locations where Stericycle's operations were ultimately denied, including in Utah, Arizona, Oakland, and North Las Vegas. Contrary to Stericycle assertions, substantial negative findings were made and are in the staff report. This company has been all over the western United States looking to create a most dangerous, known bio-hazardous service. They have been appropriately challenged or denied everywhere they've been.

Mr. Digesti reviewed various negative issues with Stericyle -including, bio-hazardous pollution, environmental hazards, accidents, fines, and more. In addition, stock prices have declined for five years because the company is harmful and dishonest, among other things. There have been no presentations, no experts, no questions or findings of fact from the County about medical incineration technology or the harmful impact when an accident does happen.

Stericycle did admit to several accidents - the technology is not foolproof. This is not an acceptable risk - it was not to the City of North Las Vegas, Utah, Arizona, or California. What has Stericycle done to make Storey County an acceptable location?

Mr. Digesti feels the Commission does not have enough information regarding impacts. And even if they had enough information, they believe approving the SUP is not worth sacrificing Storey County's future.

Sam Toll: Echos what Mr. Digesti has said and expressed disapproval at the Planning Commission. He is skeptical of "self-reporting" - whether mining income for taxes, or emissions from this proposed facility. His "backyard" is as far away from this facility as you can get. By approving this type of business, the bar is set for other businesses to come in with hazardous materials. With almost a dozen of these types if businesses in the County, it sets a dangerous precedent. Mr. Toll agrees with what's happening at the industrial park and is encouraged by the diversity of businesses. This kind of business does not belong near Lockwood and Rainbow Bend. Mr. Toll explained how OSHA was turned away from investigating a dangerous machine at Tesla. He encouraged the Commissioners to reject this Special Use Permit.

Philip Hilton: Has there been any environmental study/studies? Getting environmental waste in and out of the area - has there been a study of traffic impacts? I-80 corridor is prone to accidents, especially in winter. What would the impact be if there was a spill on the highway?

Vice Chairman Carmona: Thinks they said about 15 trucks per day.

Chairman McBride: Yes, 10 to 15 trucks per day. (The County) has a hazmat team and we work with Washoe County. The Fire Department is properly trained and equipped to handle any hazmat accident that would occur - whether with this company or anyone else on the I-80 corridor.

Vice Chairman Carmona: Unless there are other questions or concerns that haven't been addressed that would cause putting this off for two weeks, he is confident with answers received. Accusations have been made which he has not seen much evidence in support. He feels they have met all requirements for the heavy industrial zone agreed to 10 years ago with the Master Plan amendment. He is ready to move forward unless there are other concerns raised that have not been addressed.

Chairman McBride: Has confidence in the Planning Commission and Planning staff. He does respect the one dissenting vote on the Commission. He does not, however, see anything that would deter going forward with this.

Ms. Canfield read the Findings of Fact:

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This approval is for Special Use Permit 2020-021, a request by the applicant Stericycle, Inc., to construct and operate a medical and other special waste incinerator facility. The project has the potential to provide generation of excess power, which is considered an "electric or gas power generating plant" which is also subject to a special use permit. The subject property is located at 1655 Milan Drive, Tahoe-Reno Industrial Center, McCarran, Storey County, Nevada, a portion of Assessor's Parcel Number (APN) 005-111-73.

The Special Use Permit conforms to the 2016 Storey County Master Plan for the McCarran planning area in which the subject property is located. A discussion supporting this finding for the Special Use Permit is provided in Section 2.E of this staff report and the contents thereof are cited in an approval of this Special Use Permit.

The subject property is located within an existing industrial neighborhood in the McCarran area of Storey County. The zoning is based on the 1999 Storey County Zoning Ordinance which identifies this property as I-2 Heavy Industrial. The proposed facility is defined as a "recycling facilities and operations involving use, recovery or residue of hazardous materials and/or wastes" and has an incinerator and has the potential to provide an "electric or gas power generating plant" and requires a Special Use Permit.

Granting of the Special Use Permit, with the conditions of approval listed in Section 4 of this report, will not under the circumstances of the particular case adversely affect to a material degree the health or safety of persons/property in the neighborhood of the subject property. The project is expected to meet the safety and health requirements for the subject area. The use will also be subject to building and fire plan review in order to ensure compliance with federal, state and other codes.

The Special Use Permit will not impose substantial adverse impacts or safety hazards on the abutting properties or the surrounding area, and it will comply with all federal, state and county regulations.

The conditions under the Special Use Permit do not conflict with the minimum requirements in the 1999 Storey County Zoning Ordinance Sections 17.37 I-2 Heavy Industrial and 17.62 Special Uses.

Granting of the Special Use Permit will not, under the circumstances of the particular case, adversely affect to a material degree the health or safety of persons working in the neighborhood or area of the subject property and will not be materially detrimental to the public welfare or materially injurious to property improvements in the neighborhood or area of the subject property.

Granting of the Special Use Permit would not be incompatible with or detrimental to the surrounding area.

Motion: In accordance with the recommendation by staff and the Planning Commission, the Findings of Fact under Sesction 3.A of this report, and other findings deemed appropriate by the Board of County Commissioners, and in compliance with the conditions of approval, I, Jay Carmona, move to approve of Special Use Permit 2020-21, to construct and operate a medical and other special waste incinerator facility. The project has the potential to provide generation of excess power, which is considered and electric or gas power generating plant which is also subject to a special use permit. The subject property is located at 1655 Milan Drive, Tahoe-Reno Industrial Center, McCarran, Storey County, Nevada, a portion of Assessor's Parcel Number (APN) 005-111-73, Action: Approve,

Moved by: Vice Chairman Carmona, Seconded by: Chairman McBride, Vote: Motion carried by unanimous vote, (Summary: Yes=2)

19. DISCUSSION /FOR POSSIBLE ACTION: Special Use Permit 2020-026 is a request to allow for construction of a 110-foot high public service communication facility associated with the existing Storey County sewer treatment plant. The project includes a tower, equipment shelters and other associated equipment. The tower will be located on the property associated with the Storey County Wastewater Treatment Plant at 1001 Six Mile Canyon Road, Virginia City, Storey County, Nevada and being a portion of Assessor's Parcel Number (APN) 001-311-04.

Senior Planner Kathy Canfield explained this Special Use Permit is for a tower to house public service equipment at the wastewater treatment plant. This will allow for wireless communication at the plant along with providing public service for that area of town that currently has limited coverage.
The Planning Commission voted 6-0 for approval and is currently in review with the Historic Commission.

Commissioner Gilman said this is something that has been needed for the health and safety of those in the area.
Public Comment: None

Ms. Canfield read the Findings of Fact:

This approval is for Special Use Permit 2020-026 to allow for construction of a 110-foot high public service communication facility associated with the existing Storey County sewer treatment plant. The project includes a tower, equipment shelters and other associated equipment. The tower will be located on the property associated with the Storey County Wastewater Treatment Plant at 1001 Six Mile Canyon Road, Virginia City, Storey County, Nevada and being a portion of Assessor's Parcel Number (APN) 001-311-04.

The Special Use Permit conforms to the 2016 Storey County Master Plan for the Public Facilities designated area in which the subject property is located. A discussion supporting this finding for the Special Use Permit is provided in Section 2.D of this staff report and the contents thereof are cited in an approval of this Special Use Permit. The Special Use Permit complies with the general purpose, goals, objectives, and standards of the county master plan, the zoning ordinance and any other plan, program, map or ordinance adopted, or under consideration pursuant to the official notice by the county.

The proposal location, size, height, operations, and other significant features will be compatible with and will not cause substantial negative impact on adjacent land uses, or will perform a function or provide a service that is essential to the surrounding land uses, community, and neighborhood.

The Special Use Permit will result in no substantial or undue adverse effect on adjacent property, the character of the neighborhood, traffic conditions, parking, public improvements, public sites or right-of-way, or other matters affecting the public health, safety, and general welfare, either as they now exist or as they may in the future be developed as a result of the implementation of the provisions and policies of the county master plan, this title, and any other plans, program, map or ordinance adopted or under consideration pursuant to an official notice, by the county, or other governmental agency having jurisdiction to guide growth and development.

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The proposed use in the proposed area will be adequately served by and will impose no undue burden on any of the improvements, facilities, utilities, or services provided by the county or other governmental agency having jurisdiction in the county.

The Special Use Permit, with the recommended conditions of approval, complies with the requirements of Chapters 17.03.150 - Special Use Permit, 17.12 - General Provisions, and 17.32 - Forestry Zone.

The proposed project is an accessory use to the existing Storey County sewage treatment plant, and therefore is consistent with the land acquisition requirements of Patent 27-2014-0006.

Motion: In accordance with the recommendation by staff and the Planning Commission, the Findings of Fact under Section 3.A of this report, and other findings deemed appropriate by the Board of County Commissioners, and in compliance with the conditions of approval, I, Jay Carmona, move to approve Special Use Permit 2020-026 to allow for construction of a 110-foot high public service communication facility associated with the existing Storey County sewer treatment plant. The project includes a tower, equipment shelters and other associated equipment. The tower will be located on the property associated with the Storey County Wastewater Treatment Plant at 1001 Six Mile Canyon Road, Virginia City, Storey County, Nevada and being a portion of Assessor's Parcel Number (APN) 001-311-04, **Action:** Approve, **Moved by:** Vice Chairman Carmona, **Seconded by:** Chairman McBride, **Vote:** Motion carried by unanimous vote, **(Summary:** Yes=2)

18. DISCUSSION/POSSIBLE ACTION : Special Use Permit Amendment 2017-020-A1-2020 by applicant Asia Union Electronic Chemicals - Reno, Inc. (AUECC). The applicant requests an amendment to Special Use Permit (SUP) Number 217-020 to modify the language associated with Conditions of Approval C, D, S, T and BB which relate to chemical and substance inventory, outdoor loading/unloading, water/fog deluge systems, bulk product loading/unloading, filling stations, training requirements, outdoor chemical storage, security footage storage and release reporting requirements. The subject property is located at 1400 Waltham Way, APN 004-091-81, McCarran, Storey County, Nevada.

Ms. Canfield explained this is an amendment to the previously issued Special Use Permit, modifying language in 5 of 33 conditions of approval in the original Special Use Permit. At the time of approval, AUECC was an unique business and was given a very detailed review resulting in very detailed conditions of approval. AUECC has since gone to other agencies with similar review processes - some of the (County's) very detailed conditions of approval do not allow the other agencies flexibility to put in their best practices. The recommendation is to modify language to make it more flexible for AUECC to meet requirements of other agencies and the County's SUP by taking out some very specific technical language. None of this changes any safety requirements of the project. Planning Commission voted 7-0 for approval.

Danielle Knight, Environmental Health and Safety Manager at AUECC, introduced several members of the AUECC team. Ms. Knight reviewed AUECC's operations - refining chemistry to a level of ultra-pure chemicals used in semi-conductors to manufacture computer chips. The 2017 Special Use Permit was their first permit obtained. They are now ready for production and would like to revise that permit to insure it matches all other regulatory requirements and includes all stipulations needed for them to conduct business.

Ms. Knight explained changes needed to be made to the original SUP. Including the list of chemicals required to be on site for day to day operations that are not in the original SUP. Also, clarification of items to be moved by forklifts. Some highly technical items could be misconstrued to apply to all their

products. They are clarifying language to differentiate what technology applies to what chemicals. The changes have been assessed by a third-party consultant.

Commissioner Gilman: This is a wonderful company - they have invested millions to move forward in the process. It's very proper to be clarifying the SUP language.
Public Comment: None

Ms. Canfield read the Findings of Fact:

This approval is for Special Use Permit Amendment 2017-020-A1-2020 by applicant Asia Union Electronic Chemicals - Reno, Inc. (AUECC). The applicant requests an amendment to Special Use Permit (SUP) Number 217-020 to modify the language associated with Conditions of Approval C, D, S, T and BB which relate to chemical and substance inventory, outdoor loading/unloading, water/fog deluge systems, bulk product loading/unloading, filling stations, training requirements, outdoor chemical storage, security footage storage and release reporting requirements. The subject property is located at 1400 Waltham Way, APN 004-091-81, McCarran, Storey County, Nevada.

The Amended Special Use Permit 2017-020-A1-2020 conforms to the 2016 Storey County Master Plan for the McCarran planning area in which the subject property is located.

Granting of the Amended Special Use Permit 2017-020-A1-2020 modifying Conditions of Approval C, D, S, T and BB, will not under the circumstances of the particular case adversely affect to a material degree the health or safety of persons/property in the neighborhood of the subject property and will not be materially detrimental to the public welfare or materially injurious to property improvements in the neighborhood or area of the subject property.

The Amended Special Use Permit 2017-020-A1-2020 modifying Conditions of Approval C, D, S, T and BB will not impose substantial adverse impacts or safety hazards on the abutting properties or the surrounding area, and it will comply with all federal, state and county regulations.

The conditions under the Amended Special Use Permit 2017-020-A1-2020 modifying Conditions of Approval C, D, S, T and BB do not conflict with the minimum requirements in the Storey County Zoning Ordinance.

Motion: In accordance with the recommendation by staff and the Planning Commission, the Findings of Fact under Section 5.A of this report, and other findings deemed appropriate by the Board of County Commissioners, and in compliance with the conditions of approval, I, Jay Carmona, move to approve Special Use Permit Amendment 2017-020-A1-2020 to modify the language associated with Conditions of Approval C, D, S, T and BB which relate to chemical and substance inventory, outdoor loading/unloading, water/fog deluge systems, bulk product loading/unloading, filling stations, training requirements, outdoor chemical storage, security footage storage and release reporting requirements. The subject property is located at 1400 Waltham Way, APN 004-091-81, McCarran, Storey County, Nevada, **Action:** Approve, **Moved by:** Vice Chairman Carmona, **Seconded by:** Commissioner Gilman, **Vote:** Motion carried by unanimous vote, **(Summary:** Yes=3

20. DISCUSSION/ FOR POSSIBLE ACTION: First reading of Bill 118, Ordinance 20-307, text amendments to Storey County Code Title 17 Zoning Districts CR Commercial-Residential ; C Commercial; R1 Single-Family; R2 Multi-Family Residential; E Estate; F Forestry; A Agriculture; I1 Light Industrial and I2 Heavy Industrial; NR Natural Resources and SPR Special Planning Review zones. Additions, modifications, elimination and clarifications including the listed land uses minimum

floor area, setbacks, minimum parcel area, distance between buildings and home enterprises are proposed.

Continued to September 15, 2020.

22. DISCUSSION/ FOR POSSIBLE ACTION: Approval of business license second readings:
A. Adelita's Tamales - Food Truck / 917 Desert Breeze Way ~ Fernley, NV
B. Denmark Commerce Park Owner 's Assoc. - Non-Profit / 1485 La Briana Ave ~ Reno, NV
C. G3 Solar, LLC - Contractor / 272 W 200 N. #200 ~ Lindon, UT
D. Hammond Homes and Construction LLC - Contractor / 1780 Lattin Road ~ Fallon, NV
E. Holder Construction Group LLC - In-County Contractor / 2555 USA PKWY ~ McCarran, NV
F. QA Group, LLC - Out-of-County / 3400 E. Third Ave ~ Foster City, CA
G. Iconic Concrete LLC - Contractor / 2740 Beach River Dr ~ Reno, NV
H. Two Rivers Demolition, Inc. - Contractor/2620 Mercantile Dr. ~ Rancho Cordova, CA

County Manager Osborne: Community Development recommends approval of Items A through H.

Public Comment: None

Motion: I, Jay Carmona, motion to approve the Second Reading of Business Licenses A. through H., Action: Approve, Moved by: Vice Chairman Carmona, Seconded by: Commissioner Gilman, Vote: Motion carried by unanimous vote, (Summary: Yes=3

23. PUBLIC COMMENT (No Action) None

24. ADJOURNMENT OF ALL ACTIVE AND RECESSED BOARDS ON THE AGENDA
The meeting was adjourned by the Chair at 12:01 PM

Respectfully submitted,

By:_____
Vanessa Stephens Clerk-Treasurer

000615

Michael A.T. Pagni (NSBN 6444)
Chelsea Latino (NBSN 14227)
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Attorneys for Respondent Stericycle, Inc.

FILED
2021 FEB 12 PM 2:14
STOREY COUNTY CLERK
BY [signature]
DEPUTY

FIRST JUDICIAL DISTRICT COURT OF NEVADA

STOREY COUNTY

* * * * *

MARY LOU MCSWEENEY-WILSON, Petitioner, vs. STOREY COUNTY COMMISSIONERS; and STERICYCLE, INC., Respondents.	CASE NO.: 20 OC 00051E DEPT NO.: 1

STERICYCLE, INC.'S HEARING STATEMENT

Pursuant to FJDCR 4.5, Respondent Stericycle, Inc. ("Stericycle") hereby submits its hearing statement in advance of the hearing scheduled for February 19, 2021 ("Hearing").

I. STATEMENT OF RELEVANT FACTS

In June of 2020, Stericycle applied to Storey County for a special use permit ("SUP") for the development of a medical and other specialty waste incinerator facility at 1655 Milan Drive in the Tahoe-Reno Industrial Center (the "SUP Application"), a 107,000 acre industrial park specifically zoned to be developed with heavy industrial uses. *See* Petition for District Court Review ("Petition") at 4; *see also id.* at Ex. 1, p. 7. After considering the SUP Application at two regularly scheduled public meetings on July 16, 2020 and August 6, 2020, the Storey County Planning Commission recommended the approval of Stericycle's SUP Application to the Storey County Board of County Commissioners ("Board"). *See id.* at Ex.

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1, p. 7. The Board approved Stericycle's SUP Application at a regularly scheduled meeting on August 18, 2020. *Id.* at Ex. 1. This action followed.

On September 10, 2020, Petitioner Mary Lou McSweeney-Wilson ("Petitioner")—who concedes she lives 12 miles away from the subject property, did not appear in opposition of Stericycle's SUP Application at either Planning Commission meeting, did not appeal the decision of the Planning Commission to the Board, and did not appear in opposition of Stericycle's SUP Application at the Board meeting—commenced this action, seeking judicial review of the Board's decision under NRS 278.3195. *See generally* Petition; Supplement to Petition for District Court Review ("Supplement"). As set forth in the Petition, Petitioner asks the Court to "rescind" the Board's approval of the SUP, as well as interpret or otherwise rewrite NRS 278.315(3) to require that written notice be sent to Petitioner and other owners of property located over 63,000 feet outside of the 300-feet notice area, and order the Board to conduct another public meeting. *See id.* Ultimately, Stericycle intervened and both the Board and Stericycle moved to dismiss the Petition. *See* October 27, 2020 Order Granting Stericycle, Inc.'s Motion to Intervene.

On September 23, 2020, the Board filed a Motion to Dismiss for Lack of Standing, which was fully briefed and submitted on October 12, 2020 ("Board's MTD"). Stericycle likewise filed a Motion to Dismiss on October 28, 2020, which motion was fully briefed and submitted on November 23, 2020 ("Stericycle's MTD") (collectively, the "MTDs"). Both MTDs are scheduled to be heard at the Hearing.[1]

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[1] Notably, before Stericycle was granted intervention, Petitioner filed "Oppositions" to the requests for submissions of the Board's MTD and Stericycle's Motion to Intervene on October 14 and October 19, 2020, respectively. In addition, and among multiple other rogue filings, Petitioner filed a Motion for Leave of Court to Allow for the Oppositions to Request Submission Filed by the State and Stericycle ("Petitioner's Leave Motion") on October 26, 2020, as well as a Motion for Leave to Supplement Opposition to Motion to Intervene on October 27, 2020. These motions are moot as it pertains to Stericycle, which has since been granted intervention, and therefore should not be entertained at the Hearing.

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II. LEGAL ISSUES

The single dispositive legal issue for the Court is whether Petitioner has standing to seek judicial review under NRS 278.3195(4) where it is undisputed that she has not "appealed a decision to the governing body in accordance with an ordinance adopted pursuant to subsection 1" as required by the plain language of the statute. NRS 278.3195(4) (affording a limited right to judicial review to a person who (a) has filed an administrative appeal *and* (b) is aggrieved by the final administrative decision). The Nevada Supreme Court has already answered this question, repeatedly holding that "NRS 278.3195(4) is clear and unambiguous," *Kay v. Nunez*, 122 Nev. 1100, 1104, 146 P.3d 801, 805 (2006), and that "its plain language, even when liberally construed and broadly interpreted, requires a petitioner to have appealed to the governing body," *Holt-Still v. Washoe Cty. Bd. of Cty. Comm'rs*, No. 78784, 2020 WL 3570377 at *2 (Nev. June 30, 2020). Because Petitioner concedes she did not file an administrative appeal, the plain language of NRS 278.3195(4) compels dismissal of Petitioner's Petition.

Moreover, Petitioner was not "aggrieved" by the Board's decision as required by the plain language of NRS 278.3195(4)(b). Specifically, as an owner of property located farther than 63,000 feet beyond the 300-feet notice area set forth in NRS 278.315(3), Petitioner cannot establish that she has a legal or equitable interest in "property affected by the final decision or property located within the notice area of the property that is entitled by law to notice." SCC § 17.03-130(B)(1). Therefore, Petitioner lacks standing to obtain judicial review of the Board's decision and this case should be dismissed with prejudice.[2]

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[2] While the Court can dispose of this matter under NRS 278.3195(4) alone, as set forth in Stericycle's MTD, dismissal with prejudice is warranted in any event because Petitioner not only lacks standing to seek extraordinary writ relief with respect to the Board's decision, but she is also time-barred from doing so. *See* Stericycle's MTD at 8-11; *Garmong v. Lyon Cty. Bd. of Comm'rs*, No. 74644, 2019 WL 1989191, at *2 (Nev. May 3, 2019) (concluding that citizen lacked standing to seek writ relief based on a generalized injury because NRS 34.170 requires a writ petitioner to show a direct and substantial interest in obtaining extraordinary relief).

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III. EVIDENCE

The Court need not hear any evidence to determine, as a matter of law, that Petitioner is precluded from seeking judicial review under NRS 278.3195(4) as detailed in Stericycle's MTD. While Petitioner should not be permitted to introduce evidence surrounding notice to avoid dismissal under the plain and clear statutory language, Stericycle is not responsible for noticing meetings under NRS Chapter 278 and therefore has no evidence to proffer on this red-herring issue. To the extent Petitioner attempts to introduce evidence attached to any filing in this case or otherwise, including with respect to nonexistent procedural irregularities, Stericycle reserves the right to use, rely upon, and/or challenge any such exhibit, testimony, or other evidence proffered by any other party in this case.

IV. REQUESTED RELIEF

Stericycle respectfully requests that the Petition be dismissed because Petitioner has neither filed an administrative appeal nor demonstrated she is aggrieved, and Petitioner therefore lacks standing to obtain judicial review based on the plain language of NRS 278.3195(4). Moreover, this case should be dismissed with prejudice because Petitioner likewise lacks standing to obtain extraordinary or other judicial relief based on "potential" generalized harm to the public and unverified procedural irregularities during a global pandemic, and in any event, is time barred from doing so. *See* NRS 278.0235 (providing a 25-day filing deadline); *Washoe Cty. v. Otto*, 128 Nev. 424, 435, 282 P.3d 719, 727 (2012) (providing that where original filing "failed to invoke the district court's jurisdiction, it could not properly be amended outside of the filing deadline").

Dated this 12th day of February, 2021.

McDONALD CARANO, LLP

By _____
Michael A.T. Pagni (NSBN 6444)
Chelsea Latino (NBSN 14227)

Attorneys for Respondent Stericycle, Inc.

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CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b) and FJDCR 4.5A(2)(A), I hereby certify that I am an employee of McDONALD CARANO LLP and that, on February 12, 2021, I caused the foregoing STERICYCLE, INC.'S HEARING STATEMENT to be served on the following parties via e-mail and U.S. Mail as follows:

Mary Lou Wilson
2064 Regent Street
Reno, NV 89509
hawklet2@aol.com

Anne Langer
Keith Loomis
Storey County District Attorney's Office
201 S. C Street, P.O. Box 496
Virginia City, NV 89440
kloomis@storeycounty.org

By: _____
An Employee of McDonald Carano LLP

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ANNE LANGER SBN #3345
KEITH LOOMIS SBN #1912
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Attorneys for Respondent Storey County Commissioners

FILED
2021 JAN 21 PM 3:21
STOREY COUNTY CLERK
BY [signature]
DEPUTY

IN THE FIRST JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF STOREY

MARY LOU MCSWEENEY-WILSON, Petitioner vs. STOREY COUNTY COMMISSIONERS AND STERICYCLE, INC. Respondents.	Case No. 20 OC 000051E Dept. No. 1

STOREY COUNTY COMMISSIONERS MOTION IN LIMINE

COME NOW, the Storey County Commissioners, by and through their attorney Keith Loomis Assistant District Attorney for Storey County Nevada and move to limit the introduction of evidence and testimony in the hearing to be held in this matter on February 19, 2021. This motion is based upon the attached Memorandum of Points and Authorities, the pleadings and exhibits on file in this matter and any argument that may be heard on this matter. The undesigned further certifies that on January 14, 2021 he contacted Mary Lou and Mike Wilson by telephone pursuant to FJDCR 3.7 to resolve the need for this motion. We were unable to resolve the issue presented.

Dated this 20th day of January, 2021.

[signature]
Keith Loomis Assistant District Attorney
For Storey County, Nevada

MEMORANDUM OF POINTS AND AUTHORITIES

Introduction

In a pleading titled Notice of Witnesses and Exhibits for Hearing (Notice) filed on November 32 (sic) 2020, Ms Wilson asserted that she intended to call three witnesses and to introduce eleven exhibits at the hearing of this matter. Ms. Wilson asserted that the witnesses needed "[T]o be called to discuss the lack of notice to the areas of Rainbow Bend and Lockwood Community Corporation…" (Notice pg. 1). The purpose of the photographs was apparently to identify "[A]reas where Notice would have been located had not the Governor's order to stay at home been in place" (Id.) Evidence to be admissible must be relevant. NRS 48.025. Irrelevant evidence is not admissible NRS 48.025(2). Relevant evidence: "means evidence having any tendency to make the existence of any fact that is of consequence to the determination of the action more or less probable than it would be without the evidence. NRS 48.015.

In this case the point of the hearing to be held on February 19, 2021, is to determine whether Ms. Wilson has standing to proceed with her Petition for Review, not whether the Rainbow Bend and Lockwood Community Corporation had notice of the hearings. Additionally, the question of whether agendas were posted at the Senior Center or Fire Station are irrelevant in light of Governor Sisolak's Emergency Directive 006 in which the Governor suspended the requirement for the physical posting of agendas. For these reasons the proposed testimony and exhibits are irrelevant and should not be allowed as evidence in the hearing of February 19, 2021.

Argument

1. **The issue of whether agendas were posted at public locations in or around Rainbow Bend is not relevant to the issue of standing.**

The issue in this case is one of whether Ms. Wilson has standing to request a review of the proceedings leading to the issuance of a special use permit to Stericycle Inc. That issue depends on whether Ms. Wilson participated in the hearings at which the special use permit was considered, and was aggrieved by the outcome of those proceedings. See NRS 278.3195; *Kay v. Nunez,* 122 Nev. 1100 (2006). Ms. Wilson has not asserted that she was subject to the request that people over the age of 65 should stay at home as set forth in Governor Sisolak's Emergency Directive 021 at section 4, 5. (Exhibit 1). Nor has she asserted that she lacked internet access by which she could have obtained notice of the hearings if she were so inclined[1]. Whether the communities of Rainbow Bend or Lockwood Community Corporation had notice of the hearings is a separate issue from whether Ms. Wilson has standing to seek judicial review of proceedings, in which, she did not participate.

2. The issue of whether notices of the meetings were posted is also irrelevant because Governor Sisolak's emergency directive 006 suspended the requirement for posting agendas.

Governor Sisolak's Emergency Directive 006 in section 3 provides: "**The requirements contained in <u>NRS 241.020</u>(4)(a) that public notice agendas be posted at physical locations within the State of Nevada are suspended.**" (emphasis added)(Exhibit 2). This directive was to remain in effect until April 16, 2020 unless renewed by a subsequent directive. In Emergency Directive 016, Section 6, the suspension of the physical posting of agendas was extended to May 15, 2020 unless terminated or renewed by a subsequent directive. (Exhibit 3). In Emergency

[1] Pursuant to NRS 241.020(4) a member of the public may request that agendas for public hearings be mailed to him/her by US mail or by electronic mail. Such a request is good for six months. Under NRS 241.020(6) if a public body maintains a website, which Storey County does (https://www.storeycounty.org/AlertCenter.aspx), it is required to post notice of its meetings on that website.

Directive 026, Section 3, governor Sisolak extended the suspension of posting agendas to July 31, 2020 unless sooner terminated or extended. (Exhibit 4). Finally, in Emergency Directive 029, section 4, Governor Sisolak again extended the suspension of the requirement for the physical posting of agendas stating:

> **All directives promulgated pursuant to the March 12, 2020 Declaration of Emergency or subsections thereof set to expire on July 31, 2020, shall remain in effect for the duration of the current state of emergency, unless terminated prior to that date by a subsequent directive or by operation of law associated with lifting the Declaration of Emergency. (emphasis added).**

(See Exhibit 4). In this case hearings were held before the Planning Commission on July 16, 2020, and August 6, 2020. (Exhibits 6 and 7). Initially the matter was scheduled to be heard by the Board of County Commissioners (Board) on August 7, 2020. (Exhibit 8). Due to the second hearing before the Planning Commission the matter was actually heard by the Board on August 18, 2020. (Exhibit 9). No new directives affecting the posting of agendas was issued prior to the Board hearing on August 18, 2020. Indeed, the suspension of the requirement for the physical posting of agendas remains to this day.[2] Inasmuch as there is no requirement that agendas be physically posted, testimony and exhibits directed towards showing that agendas were not physically posted are again irrelevant.

CONCLUSION

Petitioner's intent to introduce testimony and evidentiary exhibits as to the lack of physical posting of agendas will introduce irrelevant material. They are not relevant to the issue of whether Ms. Wilson has standing to seek judicial review of the process for granting a special use permit to Stericycle. They are additionally irrelevant because, because Governor Sisolak

[2] All of Governor Sisolak's Emergency Orders and Emergency Directives can be found at: https://gov.nv.gov/News/Emergency_Orders/Emergency_Orders/

suspended the requirement that agendas be posted during all times relevant to these proceedings. It is therefore respectfully submitted that this court should bar the introduction of irrelevant testimony and exhibits.

Dated this 20th day of January, 2021.

Anne Langer Storey County District Attorney

By _____
Keith Loomis Assistant District Attorney

LIST OF EXHIBITS

1. Governor Sisolak Emergency Directive 021
2. Governor Sisolak Emergency Directive 006.
3. Governor Sisolak Emergency Directive 016.
4. Governor Sisolak Emergency Directive 026.
5. Governor Sisolak Emergency Directive 029.
6. Planning Commission Agenda and Minutes for meeting of July 16, 2020.
7. Planning Commission Agenda and Minutes for meeting of August 6, 2020.
8. Storey County Commissioner Agenda and Minutes for meeting of August 7, 2020.
9. Storey County Commissioner Agenda and Minutes for Meeting of August 18, 2020.

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CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I certify that I am an employee of STOREY COUNTY DISTRICT ATTORNEY'S OFFICE and that on this day I personally served a true and correct copy of the STOREY COUNTY COMMISSIONER'S MOTION IN LIMINE by:

- ☑ U.S. Mail
- ☐ Facsimile Transmission
- ☐ Personal Service/Hand-Delivery
- ☐ Reno-Carson Messenger Service

addressed to the following:

Mary Lou Wilson, Esq.
Mike Wilson, Esq.
2064 Regent St.
Reno, NV 89509

Michael A. T. Pagni, Esq.
Chelsea Latino, Esq.
McDonald Carano
100 W. Liberty St., 10th Flr.
Reno, NV 89501

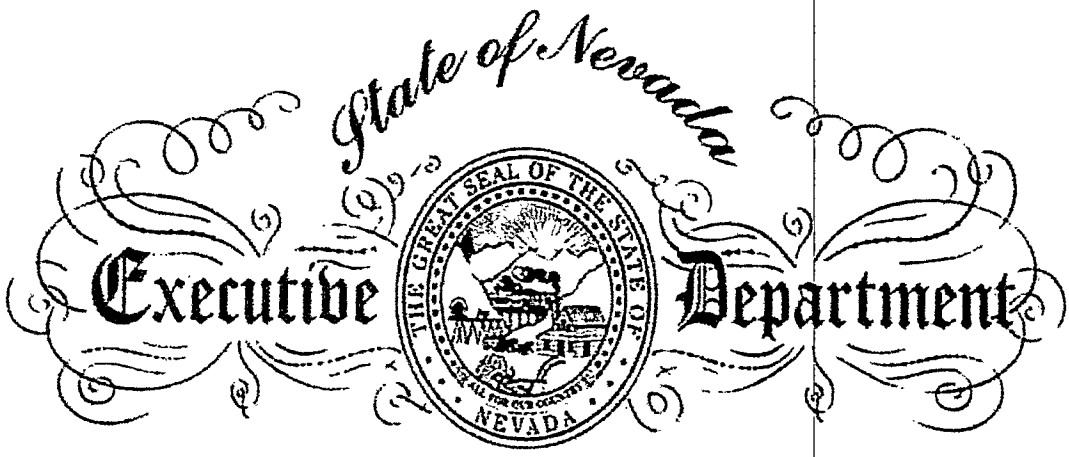
Dated this 21st day of January, 2021.

Teresa Sargent

Teresa Sargent

EXHIBIT

1



DECLARATION OF EMERGENCY DIRECTIVE 021 - PHASE TWO REOPENING PLAN

WHEREAS, in late 2019, the United States Centers for Disease Control and Prevention began monitoring an outbreak of respiratory illness caused by a novel coronavirus first identified in Wuhan, Hubei Province, China; and

WHEREAS, on February 11, 2020, the International Committee on Taxonomy of Viruses named this novel coronavirus "severe acute respiratory syndrome coronavirus 2 (SARS-Co V-2);" and

WHEREAS, on February 11, 2020, the World Health Organization named the disease caused by SARS-CoV-2, "COVID-19:" and

WHEREAS, the World Health Organization advises that the novel coronavirus that causes COVID-19 virus is highly contagious, and spreads through respiratory transmission, and direct and indirect contact with infected persons and surfaces; and

WHEREAS, the World Health Organization advises that respiratory transmission occurs through both droplet and airborne transmission, where droplet transmission occurs when a person is within 6 feet of someone who has respiratory symptoms like coughing or sneezing, and airborne transmission may occur when aerosolized particles remain suspended in the air and is inhaled; and

WHEREAS, the World Health Organization advises that contact transmission occurs by direct contact with infected people or indirect contact with surfaces contaminated by the novel coronavirus; and

WHEREAS, some persons with COVID-19 may exhibit no symptoms but remain highly infectious; and

WHEREAS, on March 5, 2020, Clark County and Washoe County both reported the first known cases of COVID-19 in the State of Nevada; and

WHEREAS, on March 11, 2020, the World Health Organization declared COVID-19 a pandemic; and

WHEREAS, on March 12, 2020, I, Steve Sisolak, Governor of the State of Nevada issued a Declaration of Emergency to facilitate the State's response to the COVID-19 pandemic; and

WHEREAS, on March 13, 2020, Donald J. Trump, President of the United States declared a nationwide emergency pursuant to Sec. 501(b) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121-5207 (the "Stafford Act"); and

WHEREAS, on March 14, 2020, I formed a medical advisory team to provide medical guidance and scientifically based recommendations on measures Nevada could implement to better contain and mitigate the spread of COVID-19; and

WHEREAS, infectious disease and public health experts advised that minimizing interpersonal contact slows the rate at which the disease spreads, and is necessary to avoid overwhelming healthcare systems, commonly referred to as "flattening the curve"; and

WHEREAS, since the March 12, 2020 Declaration of Emergency, I have issued 20 Directives pursuant to that order to provide for the safety, wellbeing, and public health of Nevadans and the administration of the State of Nevada; and

WHEREAS, these Directives were promulgated to reduce interpersonal contact and promote social distancing to flatten the curve; and

WHEREAS, data showed that Nevada was one of the top five states in the United States for social distancing; and

WHEREAS, Nevada's medical experts indicate that the rate at which COVID-19 is spreading in the State of Nevada has effectively slowed to a level that does not jeopardize the state's healthcare system due, in part, to Nevadans following strict social distancing measures individually and pursuant to Directives I issued pursuant to the March 12, 2020, Declaration of Emergency; and

WHEREAS, although the danger to Nevadans from the COVID-19 disease has abated, the disease has not been eliminated and measures that protect safety, wellbeing, and public health of Nevadans must remain in effect; and

WHEREAS, on April 21, 2020, the National Governors Association issued guidance for a staged reopening that protects the public's health while laying a strong foundation for long-term economic recovery; and

WHEREAS,on April 30, 2020, I introduced the *Nevada United: Roadmap to Recovery* plan that outlined a phased approach to reopening Nevada businesses and industry; and

WHEREAS, the *Nevada United: Roadmap to Recovery* plan set forth a collaborative partnership between state and local governments that included the formation of the Local Empowerment Advisory Panel ("LEAP") to serve as a resource to local governments and local communities; and

WHEREAS,on May 9, 2020, the State of Nevada entered Phase One of the *Nevada United: Roadmap to Recovery* plan; and

WHEREAS,in the 19 days since Nevada entered Phase One, our state has experienced a consistent and sustainable downward trajectory in the percentage of positive COVID-19 cases, a decrease in the trend of COVID-19 hospitalizations, and a decline in our cumulative test positivity rate from a maximum rate of 12.2% on April 24, 2020 to 6.3% on May 27, 2020 with a 33-day downward trend; and

WHEREAS,the LEAP develops statewide guidelines for social distancing and phased reopening in consultation with local health authorities and other subject matter experts; and

WHEREAS,NRS 414.060 outlines powers and duties delegated to the Governor during the existence of a state of emergency, including without limitation, directing and controlling the conduct of the general public and the movement and cessation of movement of pedestrians and vehicular traffic during, before and after exercises or an emergency or disaster, public meetings or gatherings; and

WHEREAS,NRS 414.070 outlines additional powers delegated to the Governor during the existence of a state of emergency, including without limitation, enforcing all laws and regulations relating to emergency management and assuming direct operational control of any or all forces, including, without limitation, volunteers and auxiliary staff for emergency management in the State; providing for and compelling the evacuation of all or part of the population from any stricken or threatened area or areas within the State and to take such steps as are necessary for the receipt and care of those persons; and performing and exercising such other functions, powers and duties as are necessary to promote and secure the safety and protection of the civilian population; and

WHEREAS,the Nevada Attorney General opined in Opinion Number 95-03 that in times of emergency when the Governor's authority under Nevada Revised Statutes Chapter 414 is in effect, the powers of political subdivisions to control business activity is limited; and

WHEREAS,NRS 414.060(3)(f) provides that the administrative authority vested to the Governor in times of emergency may be delegated; and

WHEREAS, Article 5, Section 1 of the Nevada Constitution provides: "The supreme executive power of this State, shall be vested in a Chief Magistrate who shall be Governor of the State of Nevada;" and

NOW, THEREFORE, by the authority vested in me as Governor by the Constitution and the laws of the State of Nevada and the United States, and pursuant to the March 12, 2020, Emergency Declaration,

IT IS HEREBY ORDERED THAT:

COVID-19 EMERGENCY DIRECTIVE 021 ORDERS

SECTION 1: To the extent this Directive conflicts with earlier Directives or regulations promulgated pursuant to the March 12, 2020 Declaration of Emergency, the provisions of this Directive shall prevail.

SECTION 2: Consistent with the *Nevada United: Roadmap to Recovery* plan for a federally supported, state managed, and locally executed reopening approach, county governments are hereby delegated the authority to impose additional COVID-19 related restrictions on businesses and public activities. Restrictions imposed by county government may exceed the standards imposed by Declaration of Emergency Directives or set forth under the LEAP guidelines, but in no case shall county-guidelines be more permissive than the provisions of this Directive.

SECTION 3: Businesses may adopt practices that exceed the standards imposed by Declaration of Emergency Directives, guidelines promulgated by the Nevada State Occupational Safety and Health Administration (NV OSHA) or LEAP guidelines, but in no case shall business practices be more permissive than the provisions of this Directive or those imposed by NV OSHA and the LEAP.

SECTION 4: Businesses performing non-retail services, including without limitation, legal services, accounting services, or real estate services, are encouraged to conduct business telephonically or virtually to the greatest extent practicable. These businesses are encouraged to permit employees to work from home to the greatest extent practicable.

SECTION 5: For the purposes of this Directive, "vulnerable persons" are defined as those who are at heightened risk of complications from COVID-19 disease, and include:

1. Individuals who are 65 years of age and older;
2. Individuals with chronic lung disease or moderate to severe asthma;
3. Individuals who have serious heart conditions;
4. Individuals who are immunocompromised;
5. Pregnant women; or
6. Individuals determined to be high risk by a licensed healthcare provider.

SECTION 6: All vulnerable persons are strongly encouraged to stay at home to the greatest extent possible, except when necessary to provide, support, perform, or operate necessary activities, minimum basic operations, critical government functions, necessary travel, or essential businesses.

SECTION 7: The phrase "social distancing" references guidance promulgated by the United States Centers for Disease Control and Prevention, including without limitation, maintaining at least six feet of physical distancing from other individuals. The phrase "sanitation requirements," "sanitation measures," and "sanitation guidelines" includes without limitation, washing hands with soap and water for at least twenty seconds as frequently as possible, using hand sanitizer, covering coughs or sneezes (into the sleeve or elbow, not hands), regularly cleaning high-touch surfaces, and not shaking hands.

SECTION 8: All Nevadans are strongly encouraged to stay in their residences to the greatest extent possible. Recognizing that COVID-19 is still present in Nevada and highly contagious, Nevadans are advised that they are safer at home and should avoid interpersonal contact with persons not residing in their households to the extent practicable. Nevadans are urged to avoid travel to the greatest extent practicable. To reduce the spread of COVID-19 via respiratory transmission, the Nevada public should utilize face coverings in public spaces.

SECTION 9: Pursuant to NRS 441A.180, persons testing positive for COVID-19 shall stay at home and "self quarantine" for a minimum of two weeks, except as necessary to care for themselves or seek medical care. Persons determined to be in contact with an individual who tested positive for COVID-19 must quarantine and stay at home for two weeks, or until a negative test result has been received.

SECTION 10: Section 1 of Directive 007 is hereby further amended to provide that effective 12:01 am on May 29, 2020, the Nevada general public shall not gather in groups of more than fifty in any indoor or outdoor area subject to the limitations of this section, whether publicly owned or privately owned where the public has access by right or invitation, express or implied, whether by payment of money or not. Section 3 of Directive 007 shall remain in force.

SECTION 11: Communities of worship and faith-based organizations, including without limitation, churches, synagogues, mosques, and temples, are strongly encouraged to offer online and drive-up services to the greatest extent possible. Effective 12:01 am on May 29, 2020, consistent with other Directives on public gatherings, houses of worship may conduct indoor in-person services in a manner so that no more than fifty persons are gathered, and all social distancing requirements are satisfied. This limitation shall not apply to houses of worship offering drive-up services pursuant to Section 10 of Directive 016. Houses of worship offering indoor, in-person services are encouraged to follow the guidelines promulgated by the LEAP, as well as the following provisions that are consistent with other Directives on public gatherings:

1. Seating must be arranged to ensure a minimum of six feet of separation between congregants who do not reside in the same household.
2. Participants, including leaders and staff, are encouraged to utilize face coverings to the greatest extent practicable.
3. Houses of worship are encouraged to stagger services so that the entrance and egress of congregants for different services do not result in a

gathering greater than fifty persons, and to provide proper sanitation between services.

SECTION 12: All employers must take proactive measures to ensure compliance with the social distancing and sanitation guidelines. All employers shall continue to require employees who interact with the public to wear face coverings, to the maximum extent possible, and shall abide by all other guidelines promulgated by NV OSHA.

SECTION 13: All businesses must adopt measures that meet or exceed the standards promulgated by NV OSHA to minimize the risk of spread of COVID-19. All businesses are encouraged to permit their employees to work from home to the maximum extent practicable. NV OSHA shall continue to ensure that businesses reopened pursuant to this Directive or otherwise operating during the state of emergency provide adequate protections to their workers and adopt sanitation protocols that minimize the risk of spread of COVID-19 among their workforce. NV OSHA shall enforce all violations of its guidance, protocols, and regulations.

SECTION 14: All employers are encouraged to consult guidelines issued by the LEAP for industry-specific information for operating in the phased reopening under the *Nevada United: Roadmap to Recovery* plan. The LEAP guidelines will be posted on the Nevada Health Response website at https: //nvhealthresponse.nv.gov/.

SECTION 15: To the maximum extent practicable, employers and employees are strongly encouraged to incorporate the following protocols into their business operations:

1. Encourage customers to wear face coverings
2. Continue to encourage telework, whenever possible and feasible with business operations
3. Return to work in phases
4. Close common areas where personnel are likely to congregate and interact, or enforce strict social distancing protocols
5. Strongly consider special accommodations for personnel who are members of a vulnerable population
6. Encourage employees to do a self-assessment each day in order to check if they have any COVID-19 type symptoms, for example, fever, cough or shortness of breath
7. Practice hand hygiene
8. Perform frequent enhanced environmental cleaning of commonly touched surfaces
9. Implement separate operating hours for vulnerable populations
10. Provide signage advising the public of appropriate social distancing within the facility, including six feet of social distancing from other individuals; and
11. Provide readily available hand sanitizer or other sanitizing products for employees and customers

SECTION 16: All employers operating under Phase Two are encouraged to accommodate vulnerable persons and workers caring for a child whose school or place of care is closed, or childcare provider is unavailable, for reasons related to COVID-19, by promoting telecommuting or other remote work options, flexible schedules, or other means. To the greatest extent possible, employers should extend similar accommodations to workers who live in the same household as a vulnerable person. Upon request, all employers covered by the Families First Coronavirus Response Act ("FFCRA") must provide leave to eligible employees as provided by the Act. Employers covered by the FFCRA must notify covered employees seeking accommodations of their eligibility. The provisions of this Section shall be in effect for the duration that the March 12, 2020 Declaration of Emergency shall be in effect, unless specifically terminated by a subsequent Directive.

SECTION 17: All businesses that engage in retail sales may continue to provide retail sales on a curbside or home delivery basis, or allow onsite customer access, with a maximum occupancy of 50% based on listed fire code capacity. Businesses are strongly encouraged to promote home delivery, curbside delivery, walk-up, drive-through, or window service whenever possible. Businesses must adopt measures promulgated by NV OSHA to minimize the risk of spread of COVID-19 including social distancing and sanitation measures, and abide by all other guidance promulgated pursuant to this and other Directives. To the maximum extent practicable, businesses must provide services in a manner disallowing the formation of queues whereby persons congregate in a manner that violates the social distancing guidelines above. All businesses are encouraged to permit their employees to work from home to the maximum extent practicable. Retail businesses operating in open-air malls or strip malls are expressly permitted to operate under the conditions set forth in this Directive.

SECTION 18: Effective 12:01 am on May 29, 2020, indoor malls may open to the public, and allow retail businesses to operate. Businesses engaged in retail sales at indoor malls are subject to the same restrictions as retail businesses operating at other locations, as provided in Section 17 of this Directive. Mall operators shall discourage the public from congregating by removing or prohibiting access to indoor and outdoor seating, except at food courts. Food courts may reopen to customers, but must abide by all restrictions imposed on restaurants pursuant to Section 25 of this Directive, including without limitation, sanitation protocols, and social distancing seating requirements.

SECTION 19: The limitations imposed on drive-in movie theaters in Section 14 of Directive 018 are hereby amended to provide that concession stands may serve food and drinks on a prepackaged basis only.

SECTION 20: Effective 12:01 am on May 29, 2020, non-retail indoor venues, including without limitation, indoor movie theaters, bowling alleys, or arcades may reopen to the public. Indoor movie theaters operating pursuant to this section must ensure that occupancy shall not exceed the lesser of 50% of the listed fire code capacity or fifty persons, and implement measures to ensure that all social distancing requirements are satisfied. All other businesses operating pursuant to this section must ensure that occupancy shall not exceed 50% of the listed fire code capacity,

and implement measures to ensure that all social distancing requirements are satisfied. Businesses operating pursuant to this Section shall limit food and beverage sales to prepackaged products only.

SECTION 21: Effective 12:01 am on May 29, 2020, non-retail outdoor venues, including without limitation, miniature golf facilities, amusement parks, theme parks may reopen to the public. Businesses operating pursuant to this section must ensure that occupancy shall not exceed 50% of the listed fire code capacity, and implement measures to ensure that all social distancing requirements are satisfied.

SECTION 22: Effective 12:01 am on May 29, 2020, musical performances, live entertainment, concerts, competitions, sporting events, and any events with live performances may resume, but shall remain closed for public attendance. Events held pursuant to this section may be recorded, filmed, streamed or broadcast to the public. Live events ordinarily regulated by the Nevada Athletic Commission or the Nevada Gaming Control Board must be approved by the applicable board prior to the event. All other live events under this Section must be approved by the Nevada Department of Business & Industry, Division of Industrial Relations prior to the event. Events held pursuant to this Section must additionally comply with all guidance promulgated by NV OSHA.

SECTION 23: Nail care salons and hair salons licensed by the Nevada Board of Cosmetology and barber shops licensed by the State Barber's Health and Sanitation shall continue to operate under the Phase One conditions set forth in Section 16 of Directive 018.

SECTION 24: Effective 12:01 am on May 29, 2020, estheticians and salons or businesses that provide aesthetic skin services, including without limitation, facials, hair removal, tanning, eyelash services, professional make-up artist services, eyebrow threading, and salt therapy, may reopen to the public pursuant to all protocols and guidelines promulgated by the Nevada State Board of Cosmetology and LEAP, as well as the following provisions:

1. Partitions or walls between each chair or workstation are strongly encouraged.
2. Establishments with walls or partitions between stations or chairs may utilize all stations, but under no circumstances may more than one customer or client be seated at any given station or chair.
3. Establishments without walls or partitions between stations must only seat customers or clients at every other station or chair, or arrange stations or chairs so that a minimum of 6 feet of separation between customers is maintained.
4. Establishments must not accept customers or clients on a walk-in basis, and estheticians and technicians must not serve or accept appointments for more than one customer at any given time.
5. Customers waiting for appointments must wait outside the facility and must practice social distancing by maintaining a minimum of 6 feet of separation between customers not residing in the same household.

6. Make-up application services must use disposable tools or sanitize tools between customers.
7. Estheticians, technicians, and other employees must wear face coverings while interacting with customers and clients. Customers and clients should wear face coverings to the extent practicable.
8. These businesses must follow the Enhanced Sanitation Guidelines for Salons in Response to COVID-19 issued by the Nevada State Board of Cosmetology. The Board is directed to take action, including the closure of salons and businesses, for all actions by licensees not in compliance with these Guidelines for Response to COVID-19.
9. With the exception of pool usage pursuant to Section 29 of this Directive, steam rooms, saunas, portable saunas, vapor baths, salt therapy rooms, hot tubs, and other communal facilities shall remain closed to the public.

SECTION 25:

Restaurants and food establishments shall continue to operate under the Phase One conditions set forth in Section 17 of Directive 018, but may additionally utilize tables and serve food within the bar area. Establishments operating under this provision shall abide by the following provisions:

1. Establishments shall require employees to wear face coverings, and should encourage customers to wear face coverings to the maximum extent practicable.
2. Areas within establishments that promote congregation, including without limitation, dance floors, arcade areas, billiards, and similar activities shall remain closed to the public.
3. Customers may sit at and be served at bar tops only if bar top seating is limited such that barstools are spaced a minimum of six feet apart from other barstools of other customers not in the same party.
4. Buffets, cafeterias, and self-serve dining facilities shall remain closed until further notice.

SECTION 26:

Section 18 of Directive 018 is hereby amended to provide that effective 12:01 am on May 29, 2020, breweries, distilleries, and wineries not licensed to serve food may open to the public subject to the following provisions:

1. Bartenders, waitresses, and other employees must wear face coverings.
2. The maximum occupancy of these establishments during Phase Two shall not exceed 50% of the listed fire code capacity.
3. Tables, booths, or seats must be spaced, or customers seated a minimum of 6 feet apart from other customers not in the same party. Customers sitting at a table or booth must only be served via table service and may not order from the bar top area.
4. Customers may sit at and be served at bar tops only if bar top seating is limited such that barstools are spaced a minimum of six feet apart from other barstools of other customers not in the same party.

5. Customers waiting to dine onsite must wait outside the establishment until they can be seated and must practice social distancing by maintaining a minimum of 6 feet of separation between customers not residing in the same household or in the same party.
6. Breweries, distilleries, and wineries must continue to operate in a manner consistent with worker safety guidelines promulgated by the NV OSHA.

The following non-essential businesses shall remain closed during Phase Two of the *Nevada United: Roadmap to Recovery* plan:

SECTION 27:

1. Nightclubs
2. Day clubs
3. Brothels
4. Adult entertainment facilities

Effective 12:01 am on May 29, 2020, gyms, fitness facilities, and fitness studios, including but not limited to dance and yoga studios, may reopen to the public. Gyms, fitness facilities, and fitness studios that provide services to ten or fewer people at a time may reopen only if they are able to provide services in a manner that does not violate social distancing protocols. Establishments providing services to more than ten patrons at a time shall limit customer access so as not to exceed a maximum occupancy of 50% based on listed fire code capacity. All gyms, fitness facilities, and fitness studios must, without exception, abide by all protocols promulgated by NV OSHA, including sanitation protocols. In addition to the protocols promulgated by NV OSHA and the LEAP, all gyms, fitness facilities, and fitness studios must abide by the following provisions:

SECTION 28:

1. Employees, trainers, and instructors must wear face coverings to the maximum extent practicable, and facilities should encourage patrons to wear face coverings to the maximum extent practicable.
2. Regardless of listed fire code capacity, facilities must limit access to patrons to ensure that occupancy at any given time does not become sufficiently dense so as to violate social distancing protocols.
3. Equipment must be regulated to ensure a minimum of six feet of social distancing between users, and equipment should be moved, designated inoperable, or turned off to ensure that social distancing standards are maintained.
4. Group fitness classes must be limited to ensure at least six feet of separation between participants.
5. Contact sports, including without limitation, martial arts, basketball, wrestling, and boxing may only be offered in a manner where participants do not physically contact other participants, or activities that require participants to perform within six feet of each other.
6. Locker rooms, showers, steam rooms, saunas, portable saunas, vapor baths, salt therapy rooms, hot tubs, and other communal facilities, not to include restrooms, shall remain closed to the public.

7. Pools may open to patrons, but all pool usage is subject to the provisions of Section 29 of this Directive.
8. Child care facilities in gyms must remain closed.

SECTION 29:

Effective 12:01 am on May 29, 2020, all public aquatic venues, may reopen to the public. For the purposes of this Directive, "public aquatic venues" shall include without limitation venues operated and managed by city and county governments; apartment complexes; home owners associations (HOAs); membership clubs including gyms or other privately owned aquatic centers accessible to the public through paid memberships or fees; schools; and hotels, motels, resorts, time-shares, and other guest lodging facilities. Facilities reopening pursuant to this section must abide by the following provisions:

1. Capacity at all public aquatic venues shall be limited to a maximum occupancy of 50% based on listed fire code capacity.
2. A minimum of six feet of social distancing between users is required in the pool, the pool deck, and any other areas at the facility. This limitation shall not apply to persons residing in the same household.
3. Hot tubs shall remain closed to the public.
4. Attendees should be encouraged to bring their own towels, equipment, and arrive and minimize the time spent in the facility by arriving and leaving wearing their swimsuit.
5. Public aquatic venues with locker rooms shall limit access to lockers and locker rooms, but should maintain public restrooms and shower facilities and limit the number of users at any one time.
6. Deck layouts and furniture in standing and seating areas must be arranged to maintain social distancing standards ~~of~~ at least six feet of separation between persons. This requirement shall not apply to persons residing in the same household.
7. In addition to the provisions above, aquatic schools offering swim lessons must require instructors to wear face coverings to the maximum extent practicable, and limit access to one parent or guardian per student.
8. Water parks shall control access to the public to ensure that the occupancy does not exceed 50% capacity based on applicable fire code or is sufficiently high that social distancing standards are violated. Water parks shall limit locker room access to restroom usage only. All employees must wear face coverings to the maximum extent practicable. Concession sales at water parks must be limited to prepackaged foods only.
9. In addition to the provisions above, all public aquatic venues are encouraged to abide by all other guidelines promulgated by the LEAP.

SECTION 30:

Effective 12:01 am on May 29, 2020, museums, art galleries, zoos, and aquariums may reopen to the public. Capacity at these facilities shall be limited to the lesser of 50% based on listed fire code capacity or fifty persons. Interactive exhibits which encourage touching must remain closed and inaccessible to the

public. Facilities operating pursuant to this Section must ensure that employees wear face coverings and shall abide by all other guidelines promulgated by NV OSHA.

SECTION 31:

Effective 12:01 am on May 29, 2020, body art and piercing facilities may reopen to the public, subject to the following provisions:

1. Capacity at these facilities shall be limited to a maximum occupancy of 50% based on listed fire code capacity.
2. Partitions or walls between each workstation are strongly encouraged.
3. Establishments with walls or partitions between workstations may utilize all stations, but under no circumstances may more than one customer or client be seated at any given station or chair.
4. Establishments without walls or partitions between stations must ensure that a minimum of 6 feet of separation between customers is maintained.
5. Establishments must not accept customers or clients on a walk-in basis, and artists must not serve or accept appointments for more than one customer at any given time.
6. Customers waiting for appointments must wait outside the facility and must practice social distancing by maintaining a minimum of 6 feet of separation between customers not residing in the same household.
7. Artists, employees, and customers must wear face coverings at all times. Body art and piercings that require mask removal, including without limitation, work around the mouth and nose are prohibited.
8. Access must be limited to customers only; persons accompanying customers must not be inside the facility while services are performed.
9. Artists and facilities operating pursuant to this section must abide by all sanitation and other guidelines promulgated by NV OSHA.

SECTION 32:

Effective 12:01 am on May 29, 2020, trade schools and technical schools may reopen to the public. Occupancy in classrooms and instructional areas at schools operating pursuant to this Section shall be limited to the lesser of 50% of maximum occupancy of based on listed fire code capacity or fifty persons, and must abide by all guidelines promulgated by NV OSHA. These provisions shall not be construed to limit the reopening plans of Nevada System of Higher Education institutions, schools under county school districts, charter schools, and the University School for Profoundly Gifted Students.

SECTION 33:

Summer camps may continue to operate pursuant to all applicable licensure, regulatory, and statutory requirements and are encouraged to following guidelines issued by the LEAP.

SECTION 34:

Effective 12:01 am on May 29, 2020, massage therapists, massage establishments, and other professionals licensed by the Nevada State Board of Massage Therapy may reopen to the public subject to the following provisions:

1. Massage establishments must follow all NV OSHA and Nevada State Board of Massage Therapy sanitization guidelines.

2. Massage therapists, masseuses, and other employees must wear face coverings at all times. Establishments should strongly encourage customers to wear face coverings to the maximum extent practicable.
3. Massage therapists and massage establishments must not accept customers or clients on a walk-in basis, and must not serve or accept appointments for more than one customer at any given time.
4. Customers waiting for appointments must wait outside the facility and must practice social distancing by maintaining a minimum of 6 feet of separation between customers not residing in the same household.
5. Out-call or in-home service are permitted, subject to all sanitation protocols and face covering requirements provided in this section.
6. Establishments, including day and overnight spas, may reopen for massage services as allowed in the Phase 2 Directive. Spas or other establishments that open in Phase 2 must close and prohibit use of steam rooms, saunas, portable saunas, vapor baths, salt therapy rooms, hot tubs, and any other communal facilities (except for pools as allowed in the Phase 2 Directive).
7. Persons licensed by the Nevada State Board of Massage Therapy must abide by all guidelines promulgated by the Board. The Board is directed to impose disciplinary measures against licensees who violate this provision.

SECTION 35: Directive 002 and Section 021 of Directive 018 are hereby terminated. The Nevada Gaming Control Board shall promulgate requirements for a phased and incremental resumption of gaming operations, with openings commencing no sooner than 12:01 am June 4, 2020. Failure of a gaming licensee to comply with any such requirements shall be considered injurious to the public health, safety, morals, good order and general welfare of the inhabitants of the State, and constitute a failure to comply with this Directive. The Nevada Gaming Control Board is hereby authorized to enforce this Directive as necessary, including, but without limitation, pursuing disciplinary action to limit, condition, suspend, and/or revoke a license, and/or impose a monetary fine against a licensee in accordance with the Gaming Control Act.

SECTION 36: Cannabis dispensaries shall continue to operate under the Phase One conditions set forth in Section 22 of Directive 018.

SECTION 37: Previous Directives not specifically referenced herein remain in effect for the duration specified in those specific Directives or subsequent extensions, unless specifically terminated or extended renewed by subsequent Directive. Directive 018 and all Directives incorporated by reference within Directive 018 with specific expiration dates are extended until June 30, 2020.

SECTION 38: Pursuant to NRS 414.060(3)(f), I hereby delegate to state agencies, and each county of this state, to include the consolidated municipality of Carson City, and local municipalities, the authority to adopt additional protective measures intended to combat the spread of COVID-19, including without limitation, stay at home and face covering orders, so long as those measures are at least as

restrictive as those imposed by all Directives promulgated pursuant to the Declaration of Emergency for COVID-19 issued on March 12, 2020. Additional restrictive measures adopted by counties and municipalities may be implemented without additional approval by the State.

SECTION 39: Pursuant to NRS 414.060(3)(f), I hereby authorize all local, city, and county governments, and state agencies to enforce this Directive and regulations promulgated thereunder, including but not limited to, suspending licenses, revoking licenses, or issuing penalties for violating business, professional, liquor, tobacco, or gaming licenses issued by the local jurisdiction for actions that jeopardize the health, safety, or welfare of the public; conduct which may injuriously affect the public health, safety, or welfare; conduct that may be detrimental to the public peace, health, or morals; or any other applicable ordinance or requirement for such a license.

SECTION 40: The State of Nevada shall retain all authority vested in the Governor pursuant to NRS Chapter 414.

SECTION 41: This Directive shall remain in effect through June 30, 2020, unless terminated or extended by a subsequent Directive promulgated pursuant to the March 12, 2020 Declaration of Emergency to facilitate the State's response to the COVID-19 pandemic.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Nevada to be affixed at the State Capitol in Carson City, this 28th day of May, in the year two thousand twenty.

Governor of the State of Nevada

Barbara K. Cegavske

Secretary of State

Deputy Secretary of State

EXHIBIT

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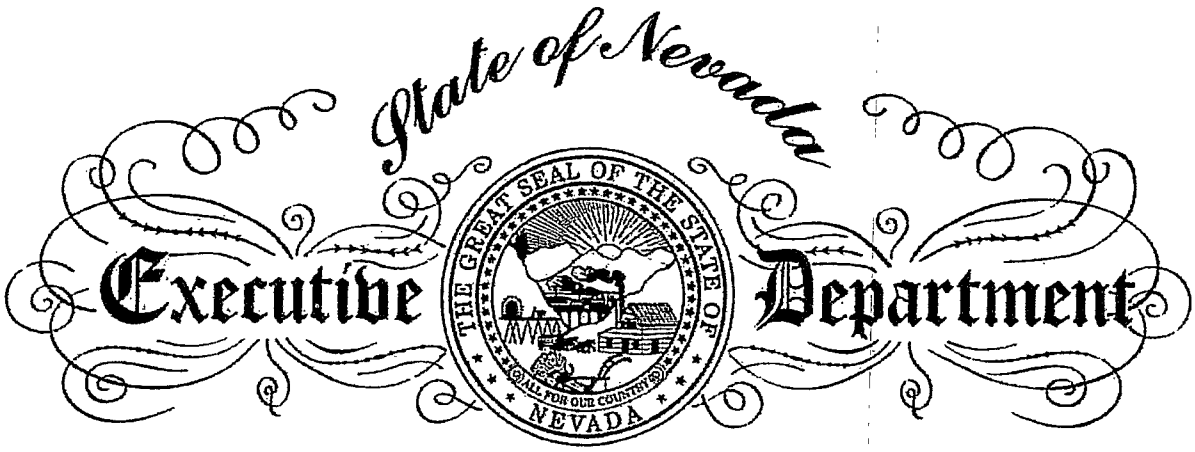


DECLARATION OF EMERGENCY
DIRECTIVE 006

WHEREAS, on March 12, 2020, I, Steve Sisolak, Governor of the State of Nevada issued a Declaration of Emergency to facilitate the State's response to the COVID-19 pandemic; and

WHEREAS, on March 13, 2020, Donald J. Trump, President of the United States declared a nationwide emergency pursuant to Sec. 501(b) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121-5207 (the "Stafford Act"); and

WHEREAS, the World Health Organization and United States Centers for Disease Control and Prevention have advised that there is a correlation between density of persons gathered and the risk of transmission of COVID-19; and

WHEREAS, close proximity to other persons is currently contraindicated by public health and medical best practices to combat COVID-19; and

WHEREAS, recreational social gatherings unnecessarily extend periods of interpersonal contact and promulgates spread of COVID-19; and

WHEREAS, certain non-essential activities result in the congregation of persons for extended periods of time; and

WHEREAS, NRS 414.060 outlines powers and duties delegated to the Governor during the existence of a state of emergency, including without limitation, directing and controlling the conduct of the general public and the movement and cessation of movement of pedestrians and vehicular traffic during, before and after exercises or an emergency or disaster, public meetings or gatherings; and

WHEREAS, Nevada Revised Statutes 414.060(3) states: "In performing his or her duties under this chapter and to effect its policy and purpose, the Governor may: (a) Make, amend and rescind the necessary orders and regulations to carry out the provisions of this chapter within the limits of the authority conferred upon the Governor in this chapter, with due consideration of the plans provided by the Federal Government;" and

WHEREAS, NRS 414.070 outlines additional powers delegated to the Governor during the existence of a state of emergency, including without limitation, enforcing all laws and regulations relating to emergency management and assuming direct operational control of any or all forces, including, without limitation, volunteers and auxiliary staff for emergency management in the State; providing

for and compelling the evacuation of all or part of the population from any stricken or threatened area or areas within the State and to take such steps as are necessary for the receipt and care of those persons; and performing and exercising such other functions, powers and duties as are necessary to promote and secure the safety and protection of the civilian population; and

WHEREAS, on March 15, 2020, I directed executive branch agencies to close state offices to the public and to wind down in-person public services and to the extent practicable, transition services to online and over-the-phone services; and

WHEREAS, Nevada Revised Statutes 241.010 provides that "[i]n enacting this chapter, the Legislature finds and declares that all public bodies exist to aid in the conduct of the people's business. It is the intent of the law that their actions be taken openly and that their deliberations be conducted openly;" and

WHEREAS, the continued operations of state public bodies are essential to the State of Nevada; and

WHEREAS, on March 20, 2020, I issued Declaration of Emergency Directive 003 that ordered the closure of all Non-Essential Businesses by 11:59 p.m. on March 20, 2020, authorized criminal and civil penalties for Non-Essential Businesses that continued to operate in violation of that order, and authorized all local, city, and county governments along with the Office of the Attorney General to enforce that Directive; and

WHEREAS, immediate enforcement of Declaration of Emergency Directive 003 is vital to protect the Health and Safety of the public:

NOW THEREFORE, by the authority vested in me as Governor by the Constitution and the laws of the State of Nevada and the United States, and pursuant to the March 12, 2020, Emergency Declaration,

IT IS HEREBY ORDERED THAT:

SECTION 1: The requirement contained in NRS 241.023(1)(b) that there be a physical location designated for meetings of public bodies where members of the public are permitted to attend and participate is suspended.

SECTION 2: If a public body holds a meeting by means of teleconference or videoconference and a physical location where members of the public can attend is not provided, the public body must provide a means for the public to provide public comment, and post that means on the public notice agenda posted in accordance with NRS 241.020. Public comment options may include, without limitation, telephonic or email comment.

SECTION 3: The requirements contained in NRS 241.020(4)(a) that public notice agendas be posted at physical locations within the State of Nevada are suspended.

SECTION 4: Public bodies must still comply with the requirements in NRS 241.020(4)(b) and NRS 241.020(4)(c) that public notice agendas be posted to Nevada's notice website and the public body's website, if it maintains one along with providing a copy to any person who has requested one via U.S. mail or electronic mail.

SECTION 5: The requirement contained in NRS 241.020(3)(c) that physical locations be available for the public to receive supporting material for public meetings is suspended.

SECTION 6: If a public body holds a meeting and does not provide a physical location where supporting material is available to the public, the public body must provide on its public notice agenda the name and contact information for the person designated by the public body from whom a member of the public may request supporting material electronically and must post supporting material to the public body's website, if it maintains one.

SECTION 7: A public body that holds a meeting pursuant to this Executive Order must ensure that any party entitled to or required to appear before it shall be able to do so through remote means and fully able to participate in the agenda items that pertain to them.

SECTION 8: The requirements of NRS 241.033, NRS 241.034 are suspended for any actions necessary to enforce Declaration of Emergency Directive 003 against entities, owners, representatives, agents, or employees that continue to operate or assist in operation after 11:59 p.m. on March 2020. Public bodies enforcing Declaration of Emergency Directive 003 against entities, owners, agents, or employees pursuant to this section shall provide the responding party with at least 24 hours notice of a meeting to take action; and

SECTION 9: Public bodies may enforce Declaration of Emergency Directive 003 at an emergency meeting as authorized by NRS 241.020(11) and may make use of all other amendments to NRS chapter 241 included in this Executive Order.

SECTION 10: This Directive shall remain in effect until April 16, 2020, unless renewed by a subsequent Directive promulgated pursuant to the March 12, 2020 Declaration of Emergency to facilitate the State's response to the COVID-19 pandemic.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Nevada to be affixed at the State Capitol in Carson City, this 22nd day of March, in the year two thousand twenty.

Governor of the State of Nevada

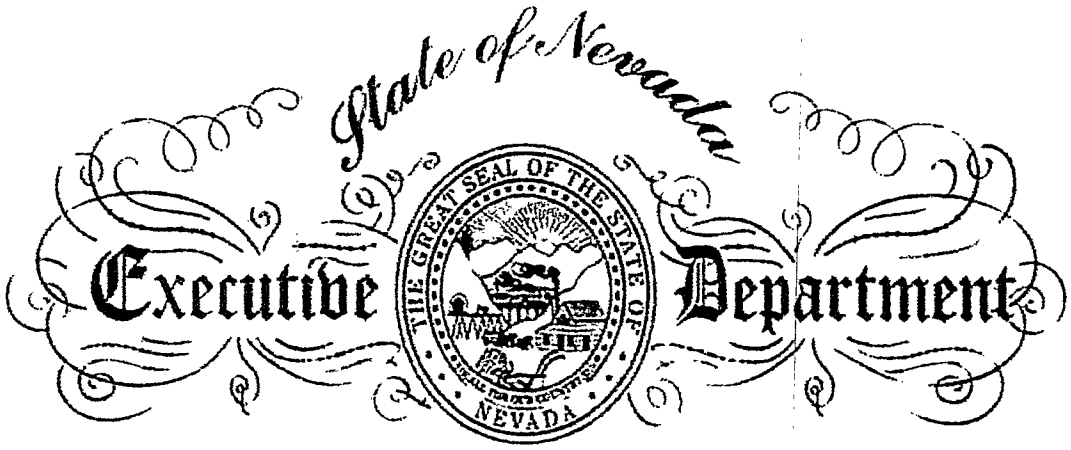
Barbara K. Cegavske

Secretary of State

Deputy Secretary of State

EXHIBIT

3



DECLARATION OF EMERGENCY DIRECTIVE 016

WHEREAS, *on March 12, 2020, I, Steve Sisolak, Governor of the State of Nevada issued a Declaration of Emergency to facilitate the State's response to the COVID-19 pandemic; and*

WHEREAS, *on March 13, 2020, Donald J. Trump, President of the United States declared a nationwide emergency pursuant to Sec. 501(b) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121-5207 (the "Stafford Act"); and*

WHEREAS, *since the March 12, 2020 Declaration of Emergency, I have issued fifteen Directives pursuant to that order to provide for the safety, wellbeing, and public health of Nevadans and the administration of the State of Nevada; and*

WHEREAS, *the ability of the novel coronavirus that causes COVID-19 to survive on surfaces for indeterminate periods of time renders some property unusable and contributes to contamination, damage, and property loss; and*

WHEREAS, *the propensity of the COVID-19 disease to spread via interpersonal contact precipitated the widespread closure of certain businesses and the imposition of limitations on other businesses; and*

WHEREAS, *on April 21, 2020, the National Governors Association issued guidance for a staged reopening that protects the public's health while laying a strong foundation for long-term economic recovery; and*

WHEREAS, *Nevada Revised Statutes 414.060 outlines powers and duties delegated to the Governor during the existence of a state of emergency, including without limitation, directing and controlling the conduct of the general public and the movement and cessation of movement*

of pedestrians and vehicular traffic during, before and after exercises or an emergency or disaster, public meetings or gatherings; and

WHEREAS, ***NRS 414.070*** *outlines additional powers delegated to the Governor during the existence of a state of emergency, including without limitation, enforcing all laws and regulations relating to emergency management and assuming direct operational control of any or all forces, including, without limitation, volunteers and auxiliary staff for emergency management in the State; providing for and compelling the evacuation of all or part of the population from any stricken or threatened area or areas within the State and to take such steps as are necessary for the receipt and care of those persons; and performing and exercising such other functions, powers and duties as are necessary to promote and secure the safety and protection of the civilian population; and*

WHEREAS, *Article 5, Section 1 of the Nevada Constitution provides: "The supreme executive power of this State, shall be vested in a Chief Magistrate who shall be Governor of the State of Nevada;" and*

NOW, THEREFORE, *by the authority vested in me as Governor by the Constitution and the laws of the State of Nevada and the United States, and pursuant to the March 12, 2020, Emergency Declaration,*

IT IS HEREBEY ORDERED THAT:

Declaration of Emergency Directive 16 Orders

SECTION 1: To the extent this Directive conflicts with earlier Directives or regulations promulgated pursuant to the March 12, 2020 Declaration of Emergency, the provisions of this Directive shall prevail.

SECTION 2: Effective May 1, 2020, non-essential retail businesses identified in Directive 003 Emergency Regulation NAC 414.XXX(2)(d), NAC 414.XXX(2)(g), and NAC 414.XXX(2)(k) may resume retail sales on a curbside or home delivery basis only. Businesses reopening under this provision must adopt measures promulgated by the Nevada State Occupational Safety and Health Administration to minimize the risk of spread of COVID-19 including social distancing and sanitation measures, and abide by all other guidance promulgated pursuant to this Directive. To the extent practicable, businesses must provide services in a manner disallowing the formation of queues whereby persons congregate in a manner that violates the social distancing guidelines above. All businesses are encouraged to permit their employees to work from home to the maximum extent practicable.

SECTION 3: Section 5 of Directive 003 is hereby amended. Effective May 1, 2020, licensed cannabis dispensaries may engage in retail sales on a curbside pickup or home delivery basis pursuant to guidance that shall be issued by the Department of Taxation in conjunction with the Cannabis Compliance Board, and subject to all local ordinances or municipal code. Retail cannabis dispensaries must adopt measures promulgated by Nevada State Occupational Safety and Health

Administration (OSHA) to minimize the risk of spread of COVID-19 including social distancing and sanitation measures. All retail cannabis dispensaries are encouraged to permit their employees to work from home to the maximum extent practicable.

SECTION 4: Directive 003, as amended herein is hereby extended until May 15, 2020, unless specifically terminated or extended by subsequent Directive.

SECTION 5: Directive 004 is hereby amended. Effective May 1, 2020, Department of Motor Vehicle (DMV) expiration dates referenced in Directive 004 for all commercial and commercial licenses, non-commercial and commercial instruction permits, identification cards, Driver Authorization Cards (DAC), vehicle or off-highway vehicle registrations, motor carrier active and temporary credentials, or any other credentials issued by the DMV as required by state law that have expired or will expire during DMV public office closures due to the COVID-19 State of Emergency shall be extended for a period of 90 days from the date DMV offices reopen to the public. Directive 004 is further amended to provide that the expiration date on said licenses, permits, cards, and other DMV credentials expiring within 30 days after DMV offices reopen to the public shall be extended for an additional 60 days from the date DMV offices reopen to the public. Where possible, DMV customers are strongly encouraged to renew said licenses, permits, cards and other DMV credentials through DMV's website, portal, or kiosks.

SECTION 6: Directive 006 is hereby extended from April 16, 2020 to May 15, 2020, unless specifically terminated or renewed by subsequent Directive.

SECTION 7: Directive 007 is hereby extended until May 15, 2020, unless specifically terminated or extended by subsequent Directive.

SECTION 8: Directive 010 is hereby extended until May 15, 2020. Directive 010 is hereby modified to the extent that individuals may leave their residences for the additional purpose of picking up goods at non-essential retail businesses offering curbside delivery pursuant to Section 2 of this Directive. Recognizing that COVID-19 is still present in Nevada and highly contagious, Nevadans are advised that they are safer at home and should avoid interpersonal contact with persons not residing in their households to the extent practicable. To reduce the spread of COVID-19 via respiratory transmission, the Nevada public should utilize face coverings in public spaces.

SECTION 9: Section 2 of Directive 013 is hereby amended. Golf, tennis, and pickleball activities may resume on May 1, 2020 if they are able to operate in a manner that is consistent with social distancing guidelines, can do so without violating the provisions set forth in Directive 007, adopt sanitation measures intended to reduce the spread of COVID- 19, and abide by all guidance promulgated pursuant to this Directive. This section shall not be construed to permit the reopening of businesses defined in Emergency Regulation NAC 414.XXX:(2)(a) through NAC 414.XXX:(2)Q), with the exception of retail businesses classified under NAC 414.:XX:X(2)(d), NAC 414.XXX:(2)(g), and NAC 414.XXX:(2)(k).

SECTION 10: Section 4 of Directive 013 is hereby amended. Effective May 1, 2020, places of worship may offer services on an in-car or drive-in basis, if these services allow

occupants to remain in their vehicles, can be held in a manner consistent with social distancing guidelines, implement precautions intended to reduce the spread of COVID-19, and abide by other guidance promulgated pursuant to this Directive. The prohibition of ten or more persons for indoor services shall remain in effect for the duration that this Directive shall be in effect, unless specifically terminated or renewed by subsequent order.

SECTION 11: All other provisions of Directive 013 shall be extended to May 15, 2020, unless specifically terminated or renewed by subsequent order.

SECTION 12: The Nevada State Occupational Safety and Health Ad.ministration (OSHA) shall continue to ensure that businesses reopened pursuant to this Directive or otherwise operating during the state of emergency provide adequate protections to their workers and adopt sanitation protocols that minimize the risk of spread of COVID-19 among their workforce.

SECTION 13: Gaming operations, not including licensed online gaming or mobile wagering operations, shall remain closed until the Gaming Control Board determines that operations may safely resume. The Gaming Control Board shall promulgate guidance for a phased and incremental resumption of gaming operations, as well as criteria regarding when operations may resume.

SECTION 14: Previous Directives not specifically referenced herein remain in effect for the duration that this Directive shall remain in effect, unless specifically terminated or extended renewed by subsequent Directive.

SECTION 15: This Directive shall remain in effect until May 15, 2020, unless extended or terminated by a subsequent Directive promulgated pursuant to the March 12, 2020 Declaration of Emergency to facilitate the State's response to the COVID-19 pandemic.

SECTION 16: No provision of this Directive or any previously issued Directive shall be construed to impose a termination date on the Declaration of Emergency for COVID-19 issued on March 12, 2020. The Declaration of Emergency shall remain in effect until the Chief Medical Officer notifies the Governor that the health event has been abated and the Governor issues an order terminating the emergency.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Nevada to be affixed at the State Capitol in Carson City, this 29th day of April, in the year two thousand twenty.

Governor of the State of Nevada

Barbara K. Cegavske

Secretary of State

Deputy Secretary of State

EXHIBIT

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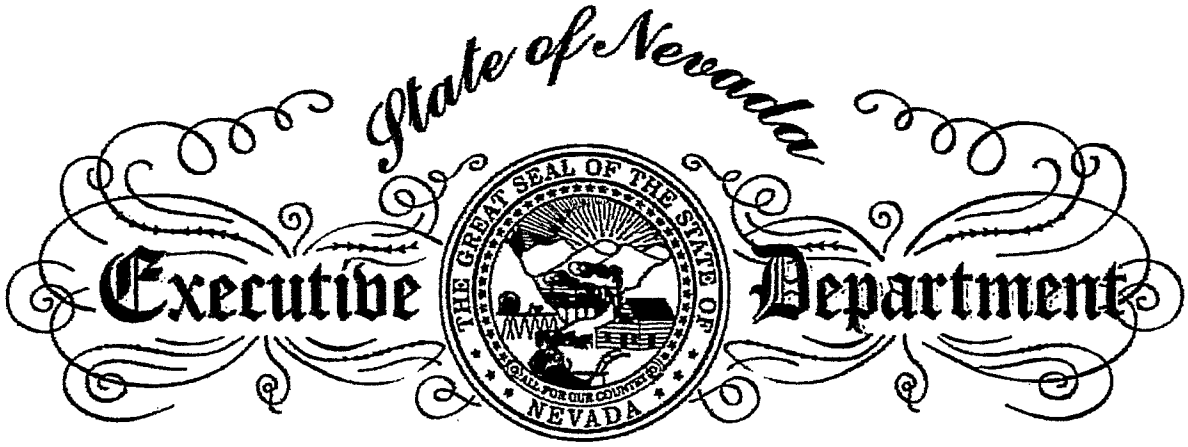

DECLARATION OF EMERGENCY

DIRECTIVE 026

WHEREAS, in late 2019, the United States Centers for Disease Control and Prevention began monitoring an outbreak of respiratory illness caused by a novel coronavirus first identified in Wuhan, Hubei Province, China; and

WHEREAS, on February 11, 2020, the International Committee on Taxonomy of Viruses named this novel coronavirus "severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2);" and

WHEREAS, on February 11, 2020, the World Health Organization named the disease caused by SARS-CoV-2, "COVID-19;" and

WHEREAS, the World Health Organization advises that the novel coronavirus that causes COVID-19 virus is highly contagious, and spreads through respiratory transmission, and direct and indirect contact with infected persons and surfaces; and

WHEREAS, the World Health Organization advises that respiratory transmission occurs through both droplet and airborne transmission, where droplet transmission occurs when a person is within 6 feet of someone who has respiratory symptoms like coughing or sneezing, and airborne transmission may occur when aerosolized particles remain suspended in the air and is inhaled; and

WHEREAS, the World Health Organization advises that contact transmission occurs by direct contact with infected people or indirect contact with surfaces contaminated by the novel coronavirus; and

WHEREAS, some persons with COVID-19 may exhibit no symptoms but remain highly infectious; and

WHEREAS, on March 5, 2020, Clark County and Washoe County both reported the first known cases of COVID-19 in the State of Nevada; and

WHEREAS, on March 11, 2020, the World Health Organization declared COVID-19 a pandemic; and

WHEREAS, on March 12, 2020, I, Steve Sisolak, Governor of the State of Nevada issued a Declaration of Emergency to facilitate the State's response to the COVID-19 pandemic; and

WHEREAS, on March 13, 2020, Donald J. Trump, President of the United States declared a nationwide emergency pursuant to Sec. 501(b) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121-5207 (the "Stafford Act"); and

WHEREAS, on March 14, 2020, I formed a medical advisory team to provide medical guidance and scientifically based recommendations on measures Nevada could implement to better contain and mitigate the spread of COVID-19; and

WHEREAS, infectious disease and public health experts advised that minimizing interpersonal contact slows the rate at which the disease spreads, and is necessary to avoid overwhelming healthcare systems, commonly referred to as "flattening the curve"; and

WHEREAS, since the March 12, 2020 Declaration of Emergency, I have issued 25 Directives pursuant to that order to provide for the safety, wellbeing, and public health of Nevadans and the administration of the State of Nevada; and

WHEREAS, these Directives were promulgated to reduce interpersonal contact and promote social distancing to flatten the curve; and

WHEREAS, on April 21, 2020, the National Governors Association issued guidance for a staged reopening that protects the public's health while laying a strong foundation for long-term economic recovery; and

WHEREAS, on April 30, 2020, I introduced the *Nevada United: Roadmap to Recovery* plan that outlined a phased approach to reopening Nevada businesses and industry; and

WHEREAS, the *Nevada United: Roadmap to Recovery* plan set forth a collaborative partnership between state and local governments that included the formation of the Local Empowerment Advisory Panel ("LEAP") to serve as a resource to local governments and local communities; and

WHEREAS, on May 9, 2020, the State of Nevada entered Phase One of the *Nevada United: Roadmap to Recovery* plan; and

WHEREAS, on May 29, 2020, the State of Nevada entered Phase Two of the *Nevada United: Roadmap to Recovery* plan; and

WHEREAS, prior to entering Phase Two, the State of Nevada experienced a consistent and sustainable downward trajectory in the percentage of positive COVID-19 cases, a decrease in the trend of COVID-19 hospitalizations, and a decline in our cumulative test positivity rate from a maximum rate of 12.2% on April 24, 2020 to 6.3% on May 27, 2020 with a 33-day downward trend; and

WHEREAS, the public safety threat posed by the SARS-CoV-2 has not yet abated; and

WHEREAS, the State of Nevada is experiencing an increase in both its cumulative test positivity rate and its seven-day moving average of daily new COVID-19 cases; and

WHEREAS, the State of Nevada is experiencing an increasing trend of hospitalizations for confirmed COVID-19 cases since May 31, 2020; and

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WHEREAS, NRS 414.060 outlines powers and duties delegated to the Governor during the existence of a state of emergency, including without limitation, directing and controlling the conduct of the general public and the movement and cessation of movement of pedestrians and vehicular traffic during, before and after exercises or an emergency or disaster, public meetings or gatherings; and

WHEREAS, NRS 414.070 outlines additional powers delegated to the Governor during the existence of a state of emergency, including without limitation, enforcing all laws and regulations relating to emergency management and assuming direct operational control of any or all forces, including, without limitation, volunteers and auxiliary staff for emergency management in the State; providing for and compelling the evacuation of all or part of the population from any stricken or threatened area or areas within the State and to take such steps as are necessary for the receipt and care of those persons; and performing and exercising such other functions, powers and duties as are necessary to promote and secure the safety and protection of the civilian population; and

WHEREAS, Article 5, Section 1 of the Nevada Constitution provides: "The supreme executive power of this State, shall be vested in a Chief Magistrate who shall be Governor of the State of Nevada;" and

NOW THEREFORE, by the authority vested in me as Governor by the Constitution and the laws of the State of Nevada and the United States, and pursuant to the March 12, 2020, Emergency Declaration,

IT IS HEREBY ORDERED THAT:

SECTION 1: To the extent this Directive conflicts with earlier Directives or regulations promulgated pursuant to the March 12, 2020 Declaration of Emergency, the provisions of this Directive shall prevail.

SECTION 2: Directive 004 shall terminate on June 30, 2020 at 11:59 pm. All Department of Motor Vehicles (DMV) commercial and non-commercial licenses, commercial and non-commercial instruction permits, identifications cards, Driver Authorization Cards (DAC), vehicle or off-highway vehicle registrations, motor carrier active and temporary credentials, or any other credentials issued by the DMV as required by state law that have expired or will expire between March 12, 2020 and July 15, 2020, shall be valid until September 13, 2020 at 11:59 PM. Where possible, DMV customers are strongly encouraged to renew said licenses, permits, cards and other DMV credentials through DMV's website, portal, or kiosks to the greatest extent practicable.

SECTION 3: Directive 006 is hereby extended to July 31, 2020 at 11:59 pm, unless specifically terminated prior to that date or renewed by subsequent Directive.

SECTION 4: Public Gatherings. Directive 007 and all provisions amended by subsequent directives are hereby extended to July 31, 2020, unless specifically terminated prior to that date or renewed by subsequent Directive.

SECTION 5: Directive 009 (Revised) shall terminate on June 30, 2020 at 11:59 pm. All time tolled by Section 2 shall recommence effective July 31, 2020 at 11:59 pm. All licenses and permits issued by the State of Nevada, Boards, Commissions, Agencies, or political subdivisions, that expired between March 12, 2020 and June 30, 2020 because reduced government operations due to the state of emergency made timely renewal of the license or permit impracticable or impossible, shall be

deemed valid and expire on September 28, 2020 at 11:59 pm. This provision shall not be construed to extend to any license within the scope of Directive 011.

Persons referenced in Section 4 of Directive 009 (Revised) subject to the provisions of NRS 76.130 and whose annual business license renewal fee was due between March 12, 2020 and July 31, 2020, shall be entitled to a grace period expiring on September 30, 2020 to pay the fee without suffering any of the consequences or penalties resulting from the application of subsections 4 and 5 of that statute.

SECTION 6: Provisions of Directive 016 not amended by subsequent directives are hereby terminated. Provisions of Directive 016 amended by subsequent directives shall remain in effect as amended.

SECTION 7: Directive 017 shall terminate on June 30, 2020 at 11:59 pm.

SECTION 8: Directive 021, Phase Two of the *Nevada United: Roadmap to Recovery* plan, is hereby extended to July 31, 2020 at 11:59 pm, unless specifically terminated prior to that date or renewed by subsequent Directive.

SECTION 9: This Directive shall remain in effect through July 31, 2020 at 11:59 pm, unless terminated or extended by a subsequent Directive promulgated pursuant to the March 12, 2020 Declaration of Emergency to facilitate the State's response to the COVID-19 pandemic.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Nevada to be affixed at the State Capitol in Carson City, this 29th day of June, in the year two thousand twenty.

Governor of the State of Nevada

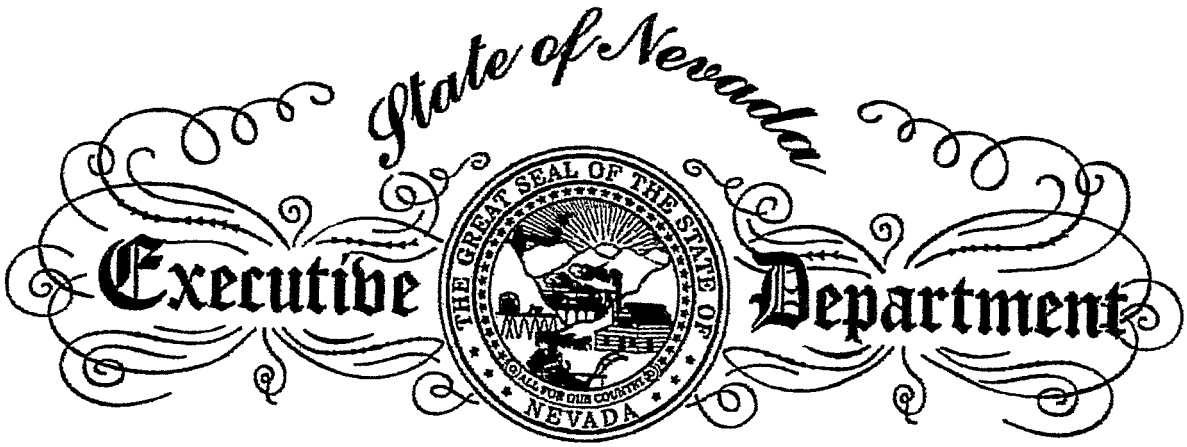
Barbara K. Cegavske

Secretary of State

Deputy Secretary of State

EXHIBIT

5



DECLARATION OF EMERGENCY

DIRECTIVE 029

WHEREAS, in late 2019, the United States Centers for Disease Control and Prevention began monitoring an outbreak of respiratory illness caused by a novel coronavirus first identified in Wuhan, Hubei Province, China; and

WHEREAS, on February 11, 2020, the International Committee on Taxonomy of Viruses named this novel coronavirus "severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2);" and

WHEREAS, on February 11, 2020, the World Health Organization named the disease caused by SARS-CoV-2, "COVID-19;" and

WHEREAS, the World Health Organization advises that the novel coronavirus that causes COVID-19 virus is highly contagious, and spreads through respiratory transmission, and direct and indirect contact with infected persons and surfaces; and

WHEREAS, the World Health Organization advises that respiratory transmission occurs through both droplet and airborne transmission, where droplet transmission occurs when a person is within 6 feet of someone who has respiratory symptoms like coughing or sneezing, and airborne transmission may occur when aerosolized particles remain suspended in the air and is inhaled; and

WHEREAS, the World Health Organization advises that contact transmission occurs by direct contact with infected people or indirect contact with surfaces contaminated by the novel coronavirus; and

WHEREAS, some persons with COVID-19 may exhibit no symptoms but remain highly infectious; and

WHEREAS, on March 5, 2020, Clark County and Washoe County both reported the first known cases of COVID-19 in the State of Nevada; and

WHEREAS, on March 11, 2020, the World Health Organization declared COVID-19 a pandemic; and

WHEREAS, on March 12, 2020, I, Steve Sisolak, Governor of the State of Nevada issued a Declaration of Emergency to facilitate the State's response to the COVID-19 pandemic; and

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WHEREAS, on March 13, 2020, Donald J. Trump, President of the United States declared a nationwide emergency pursuant to Sec. 501(b) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121-5207 (the "Stafford Act"); and

WHEREAS, on March 14, 2020, I formed a medical advisory team to provide medical guidance and scientifically based recommendations on measures Nevada could implement to better contain and mitigate the spread of COVID-19; and

WHEREAS, infectious disease and public health experts advised that minimizing interpersonal contact slows the rate at which the disease spreads, and is necessary to avoid overwhelming healthcare systems, commonly referred to as "flattening the curve"; and

WHEREAS, since the March 12, 2020 Declaration of Emergency, I have issued 28 Directives pursuant to that order to provide for the safety, wellbeing, and public health of Nevadans and the administration of the State of Nevada; and

WHEREAS, these Directives were promulgated to reduce interpersonal contact and promote social distancing to flatten the curve; and

WHEREAS, on April 30, 2020, I introduced the *Nevada United: Roadmap to Recovery* plan that outlined a phased approach to reopening Nevada businesses and industry; and

WHEREAS, the *Nevada United: Roadmap to Recovery* plan set forth a collaborative partnership between state and local governments that included the formation of the Local Empowerment Advisory Panel ("LEAP") to serve as a resource to local governments and local communities; and

WHEREAS, on May 9, 2020, the State of Nevada entered Phase One of the *Nevada United: Roadmap to Recovery* plan; and

WHEREAS, on May 29, 2020, the State of Nevada entered Phase Two of the *Nevada United: Roadmap to Recovery* plan; and

WHEREAS, prior to entering Phase Two, Nevada experienced a consistent and sustainable downward trajectory in the percentage of positive COVID-19 cases, a decrease in the trend of COVID-19 hospitalizations, and a decline in our cumulative test positivity rate from a maximum rate of 12.2% on April 24, 2020 to 6.3% on May 27, 2020 with a 33-day downward trend; and

WHEREAS, the intensity of COVID-19 infections in Nevada is exceedingly fluid. As of July 28, 2020, the State of Nevada has experienced over fifty days of an increasing trend of hospitalizations for confirmed COVID-19 cases; and

WHEREAS, as of July 28, 2020, the State of Nevada has experienced forty days of an increasing trend in its cumulative test positivity rate of COVID-19 cases; and

WHEREAS, as of July 28, 2020, there is no cure or vaccine for the COVID-19 disease; and

WHEREAS, because the virus causing COVID-19 is novel, scientific and medical treatment knowledge about the virus and how to limit its spread is improving regularly; and

WHEREAS, NRS 414.060 outlines powers and duties delegated to the Governor during the existence of a state of emergency, including without limitation, directing and controlling the conduct of the general public and the movement and cessation of movement of pedestrians and vehicular traffic during, before and after exercises or an emergency or disaster, public meetings or gatherings; and

WHEREAS, NRS 414.060(3)(f) provides that the administrative authority vested to the Governor in times of emergency may be delegated; and

WHEREAS, Article 5, Section 1 of the Nevada Constitution provides: "The supreme executive power of this State, shall be vested in a Chief Magistrate who shall be Governor of the State of Nevada;" and

NOW, THEREFORE, by the authority vested in me as Governor by the Constitution and the laws of the State of Nevada and the United States, and pursuant to the March 12, 2020, Emergency Declaration,

IT IS HEREBY ORDERED THAT:

SECTION 1: To the extent this Directive conflicts with earlier Directives or regulations promulgated pursuant to the March 12, 2020 Declaration of Emergency, the provisions of this Directive shall prevail.

SECTION 2: The *Nevada United: Roadmap to Recovery* plan is hereby reaffirmed. This plan provides for a federally supported, state managed, and locally executed reopening approach, under which county governments and local municipalities are delegated the authority to impose additional COVID-19-related restrictions on businesses and public activities. Restrictions imposed by county government or local municipalities may exceed the standards imposed by Declaration of Emergency Directives and any State or federal guidelines to the extent reasonable, or set forth under the LEAP guidelines, but in no case shall such local guidelines be more permissive than the provisions of this Directive and the disease management plans it authorizes.

SECTION 3: The importance of the State's county and city governments committing significant energy, resources, and time to enforcing the provisions of this and previous directives and in mandating conformance with health and safety standards central to the continuing fight against COVID-19 is reaffirmed here in the strongest possible form. Local governments and individuals, businesses, and other organizations may adopt practices that exceed the standards imposed by Declaration of Emergency Directives and the disease management plans they authorize, guidelines promulgated by the Nevada State Occupational Safety and Health Administration (NV OSHA) or LEAP guidelines, but in no case shall business practices be more permissive than the provisions of this Directive, its authorized disease management plans, or those imposed by NV OSHA and the LEAP.

SECTION 4: All directives promulgated pursuant to the March 12, 2020 Declaration of Emergency or subsections thereof set to expire on July 31, 2020, shall remain in effect for the duration of the current state of emergency, unless terminated prior to that date by a subsequent directive or by operation of law associated with lifting the Declaration of Emergency. Of note, Phase Two of the *Nevada United: Roadmap to Recovery* remains in effect. Directive 026, Section 8, extending Directive 021, Phase Two of the *Nevada United: Roadmap to Recovery* plan, is hereby extended until the earlier of termination of these provisions by a subsequent directive or termination of the March 12, 2020 Declaration of Emergency to facilitate the State's response to the COVID-19 pandemic.

SECTION 5: The provisions of Section 4 do not extend to the recommencement of certain actions or directives, including Directive 025, previously terminated by express or implied order, or previously allowed to expire by operation of law.

SECTION 6: Pursuant to NRS 414.060(3)(f), I hereby authorize and renew my call to all local, city, and county governments, and state agencies to enforce this Directive and regulations promulgated thereunder, including but not limited to, suspending licenses, revoking licenses, or issuing penalties for violating business, professional, liquor, tobacco, or gaming licenses issued by the local jurisdiction for actions that jeopardize the health, safety, or welfare of the public; conduct which may injuriously affect the public health, safety, or welfare; conduct that may be detrimental to the public peace, health, or morals; or any other applicable ordinance or requirement for such a license.

SECTION 7: The State of Nevada shall retain all authority vested in the Governor pursuant to NRS Chapter 414.

SECTION 8: This Directive is effective at 11:59 p.m. on Friday, July 31, 2020 and shall remain in effect until terminated by a subsequent directive promulgated pursuant to the March 12, 2020 Declaration of Emergency, or dissolution or lifting of the Declaration of Emergency itself, to facilitate the State's response to the COVID-19 pandemic.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Nevada to be affixed at the State Capitol in Carson City, this 31st day of July, in the year two thousand twenty.

Governor of the State of Nevada

Barbara K Cegavske

Secretary of State

Deputy Secretary of State

EXHIBIT

6

Storey County Planning Commission
Meeting Agenda

Thursday July 16, 2020 at 6:00 p.m.
Storey County Courthouse, District Courtroom*
26 South B Street, Virginia City, NV

Jim Hindle – Chairman
Jim Collins – Planning Commissioner
Larry Prater– Planning Commissioner

Summer Pellett- Vice Chairman
Kris Thompson – Planning Commissioner
Adrianne Baugh – Planning Commissioner
Bryan Staples - Commissioner

No members of the public will be allowed in the District Courtroom due to concerns for public safety resulting from the COVID-19 emergency and pursuant to the Governor of Nevada's Declaration of Emergency Directive 006 Section 1 which suspends the requirement in NRS 241.023(1)(b) that there be a physical location designated for meetings of public bodies where members of the public are permitted to attend and participate.

Further, due to the Governor's mandated steps to protect against the spread of COVID-19, the Storey County Planning Commission is hosting a teleconference meeting this month. Members of the public who wish to attend the meeting remotely, may do so by accessing the following meeting on Zoom.com. Public comment may be made by communication through zoom.

***Join Zoom Meeting:** **https://us02web.zoom.us/j/86240708380** **Meeting ID: 862 4070 8380**

Dial by your location
+1 346 248 7799 US (Houston)
+1 669 900 6833 US (San Jose)
+1 253 215 8782 US
+1 301 715 8592 US
+1 312 626 6799 US (Chicago)
+1 929 205 6099 US (New York)
Meeting ID: 597 519 448
Find your local number: https://zoom.us/u/adi9WjdtNr

For additional information or supporting documents please contact the Storey County Planning Department at 775-847-1144.

All items include discussion and possible action to approve, modify, deny, or continue unless marked otherwise.

1. **Call to Order at 6:00 p.m.**
2. **Roll Call**
3. **Pledge of Allegiance**

4. **Discussion/For Possible Action:** Approval of Agenda for July 16, 2020.

5. **Discussion/For Possible Action:** Approval of Minutes for March 19, 2020.

6. **Discussion/For Possible Action:** Special Use Permit 2020-021 request by the applicant Stericycle, Inc. to construct and operate a medical and other special waste incinerator facility. The project has the potential to provide generation of excess power, which is considered an "electric or gas power generating plant" which is also subject to a special use permit. The subject property is located at 1655 Milan Drive, Tahoe-Reno Industrial Center, McCarran, Storey County, Nevada, a portion of Assessor's Parcel Number (APN) 005-111-73.

7. **Discussion/For Possible Action:** Bill 118/Ord 20-307 Text amendments to Storey County Code Title 17 Zoning Districts CR Commercial-Residential; C Commercial; R1 Single-Family; R2 Multi-Family Residential; E Estate; F Forestry; A Agriculture; I1 Light Industrial and I2 Heavy Industrial; NR Natural Resources and SPR Special Planning Review zones. Additions, modifications, elimination and clarifications including the listed land uses, minimum floor area, setbacks, minimum parcel area, distance between buildings and home enterprises are proposed.

8. **Discussion/For Possible Action:** Determination of next Planning Commission meeting.

9. **Discussion/For Possible Action:** Approval of Claims.

10. **Correspondence** (no action)

11. **Public Comment** (no action)

12. **Staff** (no action)

13. **Board Comments** (no action)

14. **Adjournment**

Notes:

- There may be a quorum of Storey County Commissioners in attendance, but no action or discussion will be taken by the Commissioners.
- Public comment will be allowed after each item on the agenda (this comment should be limited to the item on the agenda). Public comment will also be allowed at the end of each meeting (this comment should be limited to matters not on the agenda).
- Items on the agenda may be taken out of order, the public body may combine two or more agenda items for consideration, and the public body may remove an item from the agenda or delay discussion relating to an item on the agenda at any time.
- Additional information pertaining to any item on this agenda may be requested from Lyndi Renaud, Planning Department (775-847-1144).
- Supporting material is available to the public and may be obtained at http://www.storeycounty.org/agendacenter or the Storey County Courthouse, Planning Department, 26 South B Street, Virginia City, Nevada.

Certification of Posting

I, Lyndi Renaud, on behalf of the Storey County Planning Commission, do hereby certify that I posted, or caused to be posted, a copy of this Agenda at the following locations on or before July 7, 2020: Virginia City Post Office; Storey County Courthouse; Storey County Community Development; Virginia City Fire Station 71; Virginia City RV Park; Mark Twain Community Center; Rainbow Bend Clubhouse; Lockwood Community/Senior Center; Lockwood Fire Station; and the Virginia City Highlands Online Message Board. By Lyndi Renaud, Secretary

I, Lyndi Renaud, planning assistant for the Storey County Planning Department, have custody of the records of the Storey County Planning Department and Planning Commission. I certify that the document to which this certification is affixed is a true and correct copy of the original in my custody.

L Renaud

Lyndi Renaud

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STOREY COUNTY PLANNING COMMISSION
Meeting

Thursday July 16, 2020 6:00 p.m.
26 South B Street, District Courtroom, Via Zoom
Virginia City, Nevada

MEETING MINUTES

CHAIRMAN: Jim Hindle VICE-CHAIRMAN: Summer Pellett

COMMISSIONERS:
Larry Prater, Kris Thompson, Jim Collins, Adrianne Baugh, Bryan Staples

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1. **Call to Order:** The meeting was called to order by the Chairman at 6:02 P.M.

2. **Roll Call via Zoom:** Jim Hindle, Adrianne Baugh, Larry Prater, Kris Thompson. Bryan Staples.
   Absent: Summer Pellett, Jim Collins

   Also Present: Senior Planner Kathy Canfield, County Manager Austin Osborne, Chief Deputy District Attorney Keith Loomis, County Commissioner Jay Carmona and County Commissioner Lance Gilman.

3. **Pledge of Allegiance:** The Chairman led the Pledge of Allegiance.

4. **Discussion/Possible Action:** Approval of Agenda for July 16, 2020.

   Motion: Approval of Agenda for July 16, 2020, **Action:** Approve, **Moved by** Commissioner Thompson, **Seconded by** Commissioner Baugh, **Vote:** Motion carried by unanimous vote (**summary:** Yes=5).

   Senior Planner Canfield: Discussion but no action tonight on item 7 zone text amendment.

   No Public Comment.

5. **Discussion/Possible Action:** Approval of Minutes for March 19, 2020.

   Motion: Approval of Minutes for March 19, 2020, **Action:** Approve, **Moved by** Commissioner Thompson, **Seconded by** Commissioner Prater, **Vote:** Motion carried by unanimous vote (**summary:** Yes=5).

   No Public Comment.

6. **Discussion/For Possible Action:** Special Use Permit 2020-021 request by the applicant Stericycle, Inc. to construct and operate a medical and other special waste incinerator facility. The project has the potential to provide generation of excess power, which is considered an "electric or gas power generating plant" which is also subject to a special use permit. The subject property is located at 1655 Milan Drive, Tahoe-Reno Industrial Center, McCarran, Storey County, Nevada, a portion of Assessor's Parcel Number (APN) 005-111-73.

   Commissioner Thompson recused himself from this item due to a pecuniary interest he has as project manager in a transaction between the TRI Center and the applicant. Thompson said after conferring with Chief Deputy D.A. Loomis that he may provide factual information during public comment.

Senior Planner Canfield: Stericycle is proposing to construct and operate a medical waste and other specialty waste incinerator facility to be located at 1655 Milan Drive. The site is zoned I-2, Heavy Industrial with the I-S (Special Industrial Zone) overlay and is an undeveloped parcel. The surrounding properties both developed and undeveloped are also zoned heavy industrial. Access to the property will be from Electric Avenue then to Milan Drive. There will be no outside storage on the property other than enclosed trucks that may be parked on the property. The applicant will be required to obtain an air quality emissions permit from the State. NDEP regulates the state requirements and is the permitting authority for the air emissions. Prior to any construction permits being issued for the incinerator, NDEP permits will be required.
The construction is anticipated to consist of a single 50,000+ square foot building which includes both the incinerator/processing activities, warehousing, and office space. The site will include parking for the approximate 30+ onsite employees along with truck parking. The Stericycle company has a document destruction subsidiary which may also be included at the site. The site has been designed to allow for expansion in the future. With the construction of the proposed facility, Stericycle will be able to service a large regional area processing waste from Nevada, the Western Unites States and Canada. An average of 10-15 trailers per day will generally be received at this facility. All loading, unloading storage and processing areas are housed inside of the building. The facility will operate 7 days a week, 24 hours a day.
The site will contain two rotary Kiln Thermal Reduction/Destruction units (incinerators) which allows for not only future expansion, but for operations to continue while maintenance work occurs on one or the other of the devices. Stericycle is also focused on innovative ways to reuse energy that is generated at the site. As part of the on-going design, Stericycle is evaluating the use of self-generated steam to power internal operations, as well as future potential for commercial sale to neighboring properties. Staff received two letters of correspondence in opposition to the special use permit; one from an adjacent property owner and one from a wild horse advocate group. Both letters have been forwarded to the planning commissioners earlier today (correspondence attached).

Chairman Hindle asked the commissioners if there was any comment prior to viewing the presentation from the applicant.

Commissioner Prater motioned to continue this item to the next planning commission meeting or an appropriate time, due to the letters of opposition from Blockchains and the Wild Horse Campaign plus the correspondence from Fire Chief Nevin and Chief Deputy D.A. Loomis regarding the potential height of the building and the impact that it could have on Storey County's treasury. Prater said that all three have very legitimate concerns. He said he would like to continue this so the applicant can address these concerns in writing to allow the commissioners to review it.

Commissioner Baugh: Stated that she would like to see the presentation first before potentially continuing the item.

Chairman Hindle: Motion fails for lack of a second.

Selin Hoboy, V.P. of Government Affairs and Compliance for Stericycle: Thanked the commission for the opportunity to present their special use permit request for a new state of the art medical waste incinerator facility. Medical waste includes things that you might find at a doctor's or medical office, labs, hospitals and research facilities, and during Covid 19 this includes PPE (personal protection equipment). (See attached power point presentation).

Cassie Bittorf, Strategic Development Manager for Stericycle: Introduced Kristin Marshall, Director of Global Engineering, Dale Rich, Director of Incinerator Operations, and Jennifer (inaudible), VP of inaudible, Joe Karnes, and Senior Project Manager.

Ms. Bittorf presented information about Stericycle Inc.:

- 31-year-old publicly traded corporation (NASDAQ: SRCL) based in Illinois
- 2019 revenues of approximately **$3.3B**
- Employs **17,500** team members across operations in the U.S. and 18 countries
- **Vision and Purpose**: To protect people and brands, promote health, and safeguard the environment
- Core service lines include **regulated medical waste management** and **secure information destruction**
- Services include compliant collection, transportation and treatment of medical waste, collection/disposal of pharmaceutical waste and consulting/training programs to help educate our customers on the proper handling of these regulated waste streams.
- Services provide critical business support functions to our customers who face significant potential liability for non-compliance of regulations

Joe Karnes, Senior Project Manager for Stericycle Inc.: Played a short video on "What Happens to Medical Waste"

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Ms. Bittorf continued with her presentation after the video.

- 50,000 square feet facility will be located on 20 acres at 1665 Milan. All processing will be contained within the building. No waste material will be stored. Facility will be fully fenced and video monitored for security, and will not be open to the general public. Facility will receive 10-15 trailers per day and employee 30 full time team members

- Focus on healthcare providers, but also support a wide range of businesses including manufacturers, financial services, professional services, retail, and government agencies

- Stericycle will be able to service a large regional area containing waste from Nevada, the Western United States and Canada

- Market leader in North America

- Stericycle is continuously focused on environmental empact and innovative ways to reuse energy. As part of ongoing design, Stericycle is evaluating the use of self-generated steam to power internal operations, as well as future potential sale to neighboring properties.

- Stericycle is subject to stringent Federal and State air quality regulations under the EPA for Hospital Medical Infectious Waste Incinerator (HMIWI) regulations and operates well within the air emission limits of its permits which have been established by the EPA. The industry and facility are one of the most highly regulated and controlled of any heavy industry. At an existing Stericycle facility, regular routine testing verifies that Stericycle operates within and well below the limits of its facilities. All testing is administered by a third party.

- Stericycle will comply with Storey County zoning ordinance with regard to nuisances to neighboring properties. We intend to comply by maintaining operations indoors, install advanced air pollution control systems and create a buffer of undeveloped land between our facility and neighboring properties. The twenty acre parcel is oversized by design.

- All Stericycle employees are trained to properly handle the waste containers and equipment. Employees involved with the transfer will wear proper safety equipment as determined by the job safety analysis. Employees receive training upon hire and annually as required by all Federal and State regulations. Training includes DOT Training, Emergency Action Plan, Fire Safety, Spill Control, OSHA training including Bloodborne Pathogens, Hazard Communication, Person protective equipment (PPE), Lockout, machine guarding, confined spaces, and job safety analysis. Training also included Title V Incinerator Operator training and certification and Waste Acceptance Protocols.

Chairman Hindle: Asked commission members if they have any questions of the applicant.

Commissioner Prater: Said that he appreciates what Stericycle is trying to do and has done in the past but said he has concerns over the correspondence received and the issue of the facilities in Utah and Southern Nevada. Said he is also concerned with the issues raised by the Wild Horse Campaign. These issues weren't addressed in Stericycle's presentation. Concerned that if the commission acts in haste tonight that there will be future repercussions. Prater said he would like to see the applicant respond specifically to the allegations from Blockchains about issues with the Utah Plant and in Southern Nevada and also respond to the issues raised by the Wild Horse Campaign; would like to see these responses in writing. Prater stated that he is still proposing a motion to continue this item. Said he also has concerns that were raised by Chief Deputy D.A. Loomis and Fire Chief Nevin about the height of the building affecting the county financially.

Chairman Hindle: Asked if there was a second to Prater's motion to continue this item.

Commissioner Staples: Said he would like to second the motion but would like a discussion following the motion.

Chairman Hindle: Asked other board members for comment.

Commissioner Staples: Commented to Commissioner Prater that he has read both the letters from Blockchains and the Wild Horse Campaign. Some of the issues raised in these letters such as compliance and environmental issues, are directly addressed in the special use permit (staff report). The only issue not addressed is the wild horse issue. Not sure about the concern with the building height because he hasn't seen a letter regarding that. Said that "being an old OSHA compliance officer", he spent all morning scouring the internet regarding the citations referenced in the letters of correspondence. Said this is totally different than what you read in the newspapers, and said that there is a lot more information out there than what is currently in front of us.

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Commissioner Baugh: Said she agrees with both Commissioner Staples and Prater that even though some of the issues addressed in the staff report, more discussion needs to be had regarding the wild horses and some of the other issues raised.

Chairman Hindle: Asked counsel if the commission is getting into trouble continuing this item since they have approved a similar special use permit in TRI.

Chief Deputy D.A. Loomis: Each application must be evaluated on its individual merits. The previous applicant had a different set up as to how they were operating their medical waste incinerator facility.

Senior Planner Canfield: Addressed the concern Commissioner Prater had about the additional height and the email from Chief Nevin. The question regarding the height was raised by Staff to Chief Nevin about an existing requirement at TRI that requires companies with height over 55 feet cooperate in a program to purchase a ladder truck. Staff asked for clarification from the Fire Chief in order to address a recommended condition of approval in the SUP. This is not an outstanding concern by Staff or Chief Nevin. This was simply Staff and Chief Nevin discussing something through email.

Selin Hoboy, V.P. of Government Affairs and Compliance for Stericycle: Said she would like to clarify a claim made in the letter from the Wild Horse Campaign which stated that Stericycle is no longer operating in North Salt Lake. That is incorrect. Stericycle is still operating an incinerator facility in North Salt Lake and is compliant with the regulations there. The facility did have an incident in 2011 and went through the process and settled with the State to avoid further litigation. Said they have been operating there for the last 30 years and have not had an incident since 2011 and are compliant. The property there was zoned industrial and was re-zoned and now there are residents that are only 50 feet away from Stericycle's facility. This is one of the reasons that Stericycle is looking to put a facility here at TRI. Other location that were considered lacked infrastructure necessary for the plant's operations. Hoyboy said that regarding issues raised about the wild horses, based on studies done by government agencies that show there was no environmental impact for emissions the Salt Lake plant. Stericycle's new facility will be almost a hundred fold **less** emissions because of stringent regulations for new facilities under the EPA Clean Air Act. We feel that this facility will not have a negative impact on the horse community.

Commissioner Prater: Asked if the applicant can respond to the allegations regarding the North Las Vegas facility.

Selin Hoboy, V.P. of Government Affairs and Compliance for Stericycle: North Las Vegas was a facility at an industrial park in Las Vegas. We went through the permitting and special use permit (SUP) process there as well. Ultimately hoped to have infrastructure set up there, but proximity to water, electricity and gas was going to be a major cost to the company and essentially ended up withdrawing the application for the SUP request.

Commissioner Hindle asked for **Public Comment:**

County Manager Austin Osborne: Stated that regarding the height and the "ladder consortium", said he had a conversation with the Fire Chief Nevin. Nevin said he did not have concerns with the height of the building nor did he have any adverse comments regarding this (SUP). In the past the "ladder consortium" has been referenced in special use permit conditions that are already required by the county. It is a condition which says the permit holder must contribute to the purchase of the ladder truck that the county has already purchased to service heights above 55 feet.

Commissioner Baugh: Commented that after "Googling" the applicant, saw that they have a facility in Fernley and said she is not sure how that differs from the one proposed and why is this proposed at TRI when it is so close to an existing facility.

Selin Hoboy, V.P. of Government Affairs and Compliance for Stericycle: To clarify, the facility in Fernley is a transportation storage disposal facility that is a hazardous waste facility which is regulated under the EPA. Stericycle recently divested that business and no longer own that facility.

Greg Hendricks, American Wild Horse Campaign: Said he is the Director of Operations and oversees the Virginia Range Fertility Control Program for the wild horses through the Department of Agriculture. There is a significant water source adjacent to the proposed facility that has existed. It is called Milan Pond. This generates high wild horse traffic which generates potential conflicts or impacts, i.e. horses on the roadway, water, and safety issues. Hendricks stated that he hopes the planning commission will consider asking for a detailed review of some of the questions that were raised so that we can come back and look at potential mitigation if needed. Said he is glad to hear that there is generator backup proposed for the facility. It appears that some of the concerns have been addressed but would like to see them addressed in writing.

Matthews Digesti, Vice President of Government Affairs for Blockchains LLC: Blockchains is an adjacent property owner and owns approximately 67,000 acres in what we (Blockchains) now refer to as Innovation Park. Blockchains has made substantial financial investments in Storey County with the public goal of developing a world class blockchain power high tech business park. This evolution is already taking place resulting in thousands of jobs and increased tax base in Storey

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County with the addition of Tesla, Panasonic, Google and Switch. These are global brand name tech companies that laid the foundation for Blockchains to develop what we believe to be the gold standard for technology parks in Storey County.

Digesti listed some concerns with the special use permit request including:

- Time needed to review this application with experts in order to advise us on what the possible adverse impacts are.
- Applicants proposed use is extremely transformative and should not be decided upon in this short time frame.
- 10 to 15 trailers per day filled with biohazard waste will be received by the facility, traffic concerns.
- Waste Management has a facility in Storey County but there is nothing surrounding it because it is an extreme use. Near that location would be a much better compatible location for this type of facility rather than the location that is being considered today.
- Concerned with the procedure for noticing that has occurred. Noticing must occur 10 days preceding the hearing of owners within 300 feet of the proposed property in question. We have only had four days to review this application. Appreciate Commissioner Prater's concerns and would like more time to review the proposed use. If the board would like to go forward with a decision tonight, Blockchains requests a denial of the application.
- Staff report fails to provide support for the findings for approval. It does not show that there will be no adverse affects on adjacent property owners.
- Tesla and Panasonic operate directly south and employ thousands of people on a daily basis. This proposed use does not purport with that neighborhood character.
- Traffic studies have not been completed. Concerned with potential accidents and transporting of hazardous materials and how accidents would be mitigated.
- Public Health Impacts and Public Safety.

Digesti on behalf of Blockchains requested that determination of this application be postponed until the next meeting, or if not we ask that the application be denied.

Deb Walker, American Wild Horse Campaign: Encouraged (our?) group to get together and discuss those concerns (Blockchains?) in a serious manner. Walker said she deals with the volunteers in their program who come out to the industrial park and work. Concerned with safety of the horses on the roadway. Horse strikes are plentiful. Would like to know what kind of safety structure might be put in place on that heavily traveled road whether it be lights, road strips, reminder to drivers, etc. so that we don't see the horse strikes that are already happening increase. About 75 to 80% of Nevadans support the horses living in their habitat.

Kris Thompson, project manager Tahoe Reno Industrial Center (TRIC): Said he is going to be limited in what he comments on. The fact that a facility generates thermal energy and heat in their processing is not unusual in TRIC. There are manufacturing companies, processing companies, data storage companies all many times bigger than this proposed facility that all generate heat in their process and have had to apply for air quality permits under federal law. Managing thermal energy, managing heat and air quality is not unusual. For TRIC this is a large swath of businesses. The technology we see coming into the park is far different that what we saw back in the '30s when you would see the smoke stacks billowing smoke that you could see for miles. This proposed project is certainly not anything unusual for the industrial park. A 50,000 square foot facility is very small in the scheme of things at TRIC. Many of the facilities are in the million square foot range which is twenty times larger than this one. Tesla for example has over seven million square feet of operating space for manufacturing and processing. They have massive cooling towers which cleanse the air before it is dispelled into the atmosphere. Switch is a data storage business with a million square foot facility. They are planning 12 or 15 data centers. Much more thermal energy creation and management is being had elsewhere in the park than this relatively small proposed facility will create.
Thompson said regarding the wild horses, most people in the county know that the wild horses have been near and dear to his heart. TRIC has spent a great deal of financial and political capital over the years in support of them. Thompson said that the water facility at Milan that has been mentioned was his fault. Back in 2015 he said he was working with the AWHC (American Wild Horse Campaign) and they jointly came up with the idea to have watering stations in different locations around the park, and the Milan watering station was his first commitment. The TRIGID has committed hundreds of thousands of gallons of water free during the hot weather months. The Milan Pond's primary purpose is a drainage basin to capture storm water coming out of the eastern watershed (Eagle Valley). The horses travel from the east out toward Lyon County to get to this pond. They come in from Clark Station Road and then go back out. This facility is away from the path of travel (vehicle traffic). Thompson said he takes the wild horses very seriously and if he thought that this project was going to harm the horses, he would be the first one to oppose it.

Chairman Hindle: Closed public comment and reminded the board that what we are discussing is a motion for a continuance to the next meeting relative to a written response from the applicant to the issues addressed in the two letters of correspondence we received.

Motion: Continue to next planning commission meeting, **Action:** Approve, **Moved by** Commissioner Prater, **Seconded by** Commissioner Staples, **Vote:** Motion carried by vote (**summary:** Yes=3, Nay=1, Jim Hindle). Commissioner Thompson recused himself from this item.

7. **Discussion/For Possible Action:** Bill 118/Ord 20-307 Text amendments to Storey County Code Title 17 Zoning Districts CR Commercial-Residential; C Commercial; R1 Single-Family; R2 Multi-Family Residential; E Estate; F Forestry; A Agriculture; I1 Light Industrial and I2 Heavy Industrial; NR Natural Resources and SPR Special Planning Review zones. Additions, modifications, elimination and clarifications including the listed land uses, minimum floor area, setbacks, minimum parcel area, distance between buildings and home enterprises are proposed.

   Chief Deputy D.A. Loomis stated that this item cannot be heard tonight due to noticing requirements. Bill 118/Ord 20-307 must be posted on the website, not just the zoning district drafts. There may not be discussion or action at this time. Item is deferred to next meeting.

8. **Discussion/Possible Action:** Determination of next planning commission meeting.

   Motion: Next planning commission meeting to be held on August 6, 2020 at 6:00 P.M. at the Storey County Courthouse, Virginia City, Nevada, Via Zoom, **Action:** Approve, **Moved by** Commissioner Prater, **Seconded by** Commissioner Baugh, **Vote:** Motion carried by unanimous vote (**summary:** Yes=5).

   No Public Comment

9. **Discussion/Possible Action:** Approval of claims – None

10. **Correspondence (No Action)** – Distributed to the planning commissioners via email prior to the meeting. See attached letters.

11. **Public Comment (No Action)** – None

12. **Staff (No Action)** – None

13. **Board Comments (No Action)** – Commissioner Prater said he is concerned with some of the people that spoke tonight saying that they got late notice of everything going on. Understands that these are troubled times and it's hard to get stuff out there but the applicant, blockchains and the horse people all said that they got short notice.

    Senior Planner Canfield said that the notices were sent out ten days before the meeting as per required by NRS. A notice did go to Blockchains because they are an adjacent property owner. Said she believes that the horse advocacy group received notice from Blockchains because they are not a property owner in the vicinity. If there was a delay in receiving the notice, it may be because of the postal service and what is happening in the world lately.

    County Manager Osborne: Clarified that the county has been advised in the past and in the present to follow the NRS on all noticing requirements and do nothing more or nothing less in order to maintain consistency.

14. **Adjournment (No Action)** - The meeting was adjourned at 7:37p.m.

Respectfully Submitted, By Lyndi Renaud

I, Lyndi Renaud, planning assistant for the Storey County Planning Department, have custody of the records of the Storey County Planning Department and Planning Commission. I certify that the document to which this certification is affixed is a true and correct copy of the original in my custody.

L Renaud

Lyndi Renaud

EXHIBIT

7

Storey County Planning Commission
Meeting Agenda

Thursday August 6, 2020 at 6:00 p.m.
Storey County Courthouse, District Courtroom*
26 South B Street, Virginia City, NV

Jim Hindle – Chairman
Jim Collins – Planning Commissioner
Larry Prater– Planning Commissioner

Summer Pellett- Vice Chairman
Kris Thompson – Planning Commissioner
Adrianne Baugh – Planning Commissioner
Bryan Staples - Commissioner

No members of the public will be allowed in the District Courtroom due to concerns for public safety resulting from the COVID-19 emergency and pursuant to the Governor of Nevada's Declaration of Emergency Directive 006 Section 1 which suspends the requirement in NRS 241.023(1)(b) that there be a physical location designated for meetings of public bodies where members of the public are permitted to attend and participate.

Further, due to the Governor's mandated steps to protect against the spread of COVID-19, the Storey County Planning Commission is hosting a teleconference meeting this month. Members of the public who wish to attend the meeting remotely, may do so by accessing the following meeting on Zoom.com. Public comment may be made by communication through zoom.

***Join Zoom Meeting:** **https://us02web.zoom.us/j/84581381514** **Meeting ID: 845 8138 1514**

Dial by your location
+1 346 248 7799 US (Houston)
+1 669 900 6833 US (San Jose)
+1 253 215 8782 US
+1 301 715 8592 US
+1 312 626 6799 US (Chicago)
+1 929 205 6099 US (New York)
Meeting ID: 597 519 448
Find your local number: https://zoom.us/u/adi9WjdtNr

For additional information or supporting documents please contact the Storey County Planning Department at 775-847-1144.

All items include discussion and possible action to approve, modify, deny, or continue unless marked otherwise.

1. **Call to Order at 6:00 p.m.**
2. **Roll Call**
3. **Pledge of Allegiance**
4. **Discussion/For Possible Action:** Approval of Agenda for August 6, 2020.
5. **Discussion/For Possible Action:** Special Use Permit 2020-021 request by the applicant Stericycle, Inc. to construct and operate a medical and other special waste incinerator facility. The project has the potential to provide generation of excess power, which is considered an "electric or gas power generating plant" which is also subject to a special use permit. The

subject property is located at 1655 Milan Drive, Tahoe-Reno Industrial Center, McCarran, Storey County, Nevada, a portion of Assessor's Parcel Number (APN) 005-111-73.

6. **Discussion/Possible Action:** Special Use Permit Amendment 2017-020-A1-2020 by applicant Asia Union Electronic Chemicals Reno, Inc. (AUECC). The applicant requests an amendment to Special Use Permit (SUP) Number 217-020 to modify the language associated with Conditions of Approval C, D, S, T and BB which relate to chemical and substance inventory, outdoor loading/unloading, water/fog deluge systems, bulk product loading/unloading, filling stations, training requirements, outdoor chemical storage, security footage storage and release reporting requirements. The subject property is located at 1400 Waltham Way, APN 004-091-81, McCarran, Storey County, Nevada.

7. **Discussion/Possible Action:** Special Use Permit 2020-026 is a request to allow for construction of a 110-foot high public service communication facility associated with the existing Storey County sewer treatment plant. The project includes a tower, equipment shelters and other associated equipment. The tower will be located on the property associated with the Storey County Wastewater Treatment Plant at 1001 Six Mile Canyon Road, Virginia City, Storey County, Nevada and being a portion of Assessor's Parcel Number (APN) 001-311-04.

Note for Item 8, additional information including, but not limited to, draft text may be obtained from the Planning Department at 775.847.1144 or planning@storeycounty.org, or viewed online at http://storeycounty.org/517/Updates. In addition to the provisions of the NRS, any person may complete and return to the Board a statement supporting or opposing the proposed amendments to the county code and/or zoning ordinance. These items may be heard and discussed together if determined appropriate by the planning commission.

8. **Discussion/For Possible Action:** Bill 118/Ord 20-307 Text amendments to Storey County Code Title 17 Zoning Districts CR Commercial-Residential; C Commercial; R1 Single-Family; R2 Multi-Family Residential; E Estate; F Forestry; A Agriculture; I1 Light Industrial and I2 Heavy Industrial; NR Natural Resources and SPR Special Planning Review zones. Additions, modifications, elimination and clarifications including the listed land uses, minimum floor area, setbacks, minimum parcel area, distance between buildings and home enterprises are proposed.

9. **Discussion/For Possible Action:** Determination of next Planning Commission meeting.

10. **Discussion/For Possible Action:** Approval of Claims.

11. **Correspondence** (no action)

12. **Public Comment** (no action)

13. **Staff** (no action)

14. **Board Comments** (no action)

15. **Adjournment**

Notes:

- There may be a quorum of Storey County Commissioners in attendance, but no action or discussion will be taken by the Commissioners.
- Public comment will be allowed after each item on the agenda (this comment should be limited to the item on the agenda). Public comment will also be allowed at the end of each meeting (this comment should be limited to matters not on the agenda).
- Items on the agenda may be taken out of order, the public body may combine two or more agenda items for consideration, and the public body may remove an item from the agenda or delay discussion relating to an item on the agenda at any time.
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- Supporting material is available to the public and may be obtained at http://www.storeycounty.org/agendacenter or the Storey County Courthouse, Planning Department, 26 South B Street, Virginia City, Nevada.

Certification of Posting

I, Lyndi Renaud, on behalf of the Storey County Planning Commission, do hereby certify that I posted, or caused to be posted, a copy of this Agenda at the following locations on or before July 28, 2020: Virginia City Post Office; Storey County Courthouse; Storey County Community Development; Virginia City Fire Station 71; Virginia City RV Park; Mark Twain Community Center; Rainbow Bend Clubhouse; Lockwood Community/Senior Center; Lockwood Fire Station; and the Virginia City Highlands Online Message Board. By Lyndi Renaud, Secretary

I, Lyndi Renaud, planning assistant for the Storey County Planning Department, have custody of the records of the Storey County Planning Department and Planning Commission. I certify that the document to which this certification is affixed is a true and correct copy of the original in my custody.

L Renaud

Lyndi Renaud

STOREY COUNTY PLANNING COMMISSION

Thursday August 6, 2020 6:00 p.m.
26 South B Street, District Courtroom,
Via Zoom
Virginia City, Nevada

MEETING MINUTES

CHAIRMAN: Jim Hindle VICE-CHAIRMAN: Summer Pellett

COMMISSIONERS:
Larry Prater, Kris Thompson, Jim Collins, Adrianne Baugh, Bryan Staples

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1. **Call to Order:** The meeting was called to order by the Chairman at 6:00 P.M.

2. **Roll Call via Zoom:** Jim Hindle, Adrianne Baugh, Larry Prater, Kris Thompson. Summer Pellet, Jim Collins, Bryan Staples joined the meeting at 6:45 p.m.

   Also Present: Senior Planner Kathy Canfield, County Manager Austin Osborne, Chief Deputy District Attorney Keith Loomis, County Commissioner Jay Carmona and County Commissioner Lance Gilman.

3. **Pledge of Allegiance:** The Chairman led the Pledge of Allegiance.

4. **Discussion/Possible Action:** Approval of Agenda for August 6, 2020.

   Motion: Approval of Agenda for August 6, 2020, **Action:** Approve, **Moved by** Commissioner Prater, **Seconded by** Commissioner Thompson, **Vote:** Motion carried by unanimous vote (**summary:** Yes=6).

   Public Comment: Sam Toll said he received an email stating a planning commission agenda had been posted. Asked if there were any changes to the agenda because he could not view it at the time.

   Chairman Hindle clarified that it was correspondence. The agenda has not changed since the original date of posting.

5. **Discussion/For Possible Action:** Special Use Permit 2020-021 request by the applicant Stericycle, Inc. to construct and operate a medical and other special waste incinerator facility. The project has the potential to provide generation of excess power, which is considered an "electric or gas power generating plant" which is also subject to a special use permit. The subject property is located at 1655 Milan Drive, Tahoe-Reno Industrial Center, McCarran, Storey County, Nevada, a portion of Assessor's Parcel Number (APN) 005-111-73.

   Chairman Hindle clarified that this was an item that was continued from the last planning commission meeting.

   Commissioner Thompson recused himself from this item due to a pecuniary interest he has as project manager in a transaction between the TRI Center and the applicant.

   Senior Planner Canfield: Stericycle is proposing to construct and operate a medical waste and other specialty waste incinerator facility to be located at 1655 Milan Drive. The site is zoned I-2, Heavy Industrial with the I-S (Special Industrial Zone) overlay and is an undeveloped parcel. This was continued from the last meeting in which some commissioners asked for written answers

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to questions and concerns raised in correspondence and during the planning commission meeting. Stericycle has provided a written response that was forwarded to the planning commissioners earlier in the week and posted to the website. Staff also received additional correspondence from an adjacent property owner in opposition to the project. The correspondence was also posted to the website and forwarded to the planning commissioners. In addition, Staff received a letter of opposition a couple of hours ago. That was posted to the website and forwarded to the planning commissioners.

Stericycle is prepared to answer any questions following a brief presentation.

Dominic Culotta: Executive V.P. and Chief Engineer for Stericycle: Stericycle has received, reviewed and taken in to consideration feedback from the community and Stericycle takes this very seriously. The updated presentation reflects this. At this time of pandemic this type of facility is critical, necessary, and timely to support our healthcare communities. Culotta presented an overview of the proposed facility (see attached presentation), explained how the incinerators work, and highlighted the rigorous environmental and safety standards that guide the operation. Stericycle will work to be a model and corporate citizen and valuable member of the community. Introduced members of the Stericycle team (presentation).

- -50,000 square feet facility will be located on 20 acres at 1665 Milan. All processing will be contained within the building. No waste material will be stored. Facility will be fully fenced and video monitored for security, and will not be open to the general public. Facility will receive 10-15 trailers per day and employee 30 full time team members. Site was intentionally oversized to provide a buffer to minimize impact to neighbors and wildlife.
- Incinerators are small in comparison to municipal solid waste incinerators. Incinerators intended to be placed in this facility are designed to process 3.5 tons per hour as opposed to municipal facilities which are much larger and may process as much as 70 tons or more per hour.
- Traffic impact is very small with proposed 10 to 15 trailers per day. Employment is estimated to be 30 full time skilled and trained team members with good benefits and wages.
- Construction phase of the project will support many jobs.
- Facility will process certain types of waste designated for incineration such as waste pharmaceuticals, trace chemotherapy drugs and pathological waste which often come from hospitals, universities, special service centers, and pharmaceutical centers. Incineration of these types of medical waste is the environmental best practice for disposal. Stericycle is committed to safety of the environment. Implemented a program in the last 18 months that includes a centralized global focus on safety which includes advanced safety programs.
- Facility based in North Salt Lake City, Utah remains fully operational and compliant. The violation that has been brought up by those opposed to this facility in Storey County occurred 9 years ago and has been the only citation for emissions violation experienced in the facilities 24 year history of operation. Results from two separate subsequent county department of health studies have demonstrated that emissions from the facility present no health risks to the surrounding community, however the community around us in North Salt Lake City was re-zoned to residential. The facility was starting to age and is not optimally located and lacks adequate processing capacity. This is what drove our decision to seek a better alternative. The proposed facility in Storey County will be the most technologically advanced of its kind and will adhere to the most stringent environmental standards than are required at all of our other facilities. Stericycle is subject to stringent federal and state regulations under the EPA, Hospital Medical Infectious Waste Incinerator Waste regulations. We follow a proven air pollution control process for best in class emission results. All testing of facilities is done by a third party and submitted to the State Bureau of Air Quality.
- Regarding community engagement, we reached out to the American Wild Horse Campaign and have had productive meetings thus far regarding traffic safety, vehicle strikes (horses), access to drinking water and having sustainable habitat for the wild horses. Committed to further supporting measures to ensure the safety of the wild horses.
- Stericycle has a large local customer base which includes multiple doctor's offices, labs, international airports, retail as well as the Douglas County School District and the Washoe County Sheriff and Health District, and also provide service to federal, state and local governments and all branches of the military.
- Stericycle is committed to being fully transparent and will work with the public officials and members of the local community.

Commissioner Baugh: Informed the commission that she was contacted by Will Adler, local representative for Stericycle. He reached out and we spoke. Baugh said she does not have an opinion one way or the other regarding her decision on the special use permit.

Chairman Hindle added that he had an email exchange with the Adlers (Will and Sarah). They introduced themselves and said they would be participating in the process. Hindle told them that they were welcome additions from the standpoint that if they had any additional information they could add to help with the decision that would be appreciated. Nothing further from there was discussed.

Commissioner Prater: Also spoke with Sarah Adler a couple of times and was invited out to look at the site, but was unable to make it because of other obligations. He told Sarah that he is keeping an open mind. Prater has a question for Mr. Culotta and told him that he has been reviewing Stericycle's response from July 31st and the Blockchains correspondence that was 14 pages of comment followed by roughly 320 pages of background information. They put a lot of time and effort into a response to this

(SUP request) and have asked the planning commission to deny the permit. Prater said he was bothered a bit by Stericycle's response to the activity in North Las Vegas. The letter states that you (Stericycle) had an approval but then backed out of it because of lack of infrastructure. Blockchain's says that no, there was no approval. Said he called county staff and thankfully Senior Planner Canfield is very careful with these sorts of issues and had researched the activity in Las Vegas. Turns out that both of you were right in that you did receive a special use permit, it expired in two years, then Stericycle asked for it to be renewed and at that time their staff recommended denial. Prater said he assumes shortly after that it was decided to withdraw the application stating that the reason was lack of infrastructure.

Dominic Culotta: Executive V.P. and Chief Engineer for Stericycle: Said that in looking at the North Las Vegas area, and the issues that were coming up, Stericycle allowed that permit to expire. They tried to renew the permit since it had already been issued previously and tried to work out the infrastructure issues. The concerns around the issues with infrastructure was what really drove us (Stericycle) to decide to let the permit expire. The main reason for attempting to renew the permit was simply to keep the opportunity open, but it was pretty clear to Stericycle that it was not the best place to be.

Dale Rich, V.P. of Incinerator Operations for Stericycle: Said that Dominic is correct. Stericycle allowed that permit to expire. The infrastructure challenges were significant and ultimately, we made the decision to withdraw the application (SUP).

Discussion continued between Commissioner Prater and Dominic Culotta regarding the issue of the North Las Vegas facility and the attempted permit renewal and circumstances related to it, specifically that Staff in Las Vegas recommended denial.

Selin Hoboy, V.P. of Government Affairs and Compliance for Stericycle: Would like to focus on why Stericycle wants to build this facility in Storey County. Hoboy said that they found the needed infrastructure here. That was part of the reason why we (Stericycle) didn't further pursue the permit in Las Vegas. This location is ideal for Stericycle's long range vision plan for this type of facility, incineration, with the Heavy Industrial overlay zoning and the project conforms with the Master Plan.

Chairman Hindle: Opened Public Comment.

Matthews Digesti, Vice President of Government Affairs for Blockchains LLC: Submitted Statement below:

I. Introduction

Chairman Hindle and Members of the Planning Commission. I am Matt Digesti, Vice President of Government Affairs for Blockchains, LLC. I'm here to speak in opposition to the Special Use Permit requested by Stericycle. Although I have provided you a detailed Opposition, I take this opportunity to highlight three important points: First, why Blockchains is here. Second, why Stericycle is here. And third, why the Special Use Permit should be denied.

II. First, why is Blockchains here?

Blockchains is here because we care about Storey County. When founder Jeffrey Berns decided to build a high-tech community, he carefully considered many sites in the U.S. He chose Storey County to develop a world-class, cutting-edge business and technology park integrated with a master-planned residential community. This development builds upon the evolution already taking place at TRIC with the likes of Tesla, Google and Switch already investing billions into the County.

- Mr. Berns acquired 60,000 acres in McCarran and Painted Rock.
- He made the largest monetary land investment in Storey County history.
- He has created 100+ high paying jobs in Storey County, and
- He has long-term plans to create thousands of high paying jobs with future investments in the billions of dollars.

Yet, these transformational plans could be destroyed by a single company – Stericycle.

III. Second, why is Stericycle here?

I don't need to rehash what was filed in our written statement. Frankly, we would be here all night. Stericycle is here for one reason – it cannot get approved to operate anywhere else. So why would Storey County, with such a positive and historical track record of supporting innovate land development, welcome a business that could threaten the future of that development? Our hope is that Storey County will deny the special use permit application.

IV. Lastly, why should the special use permit be denied?

The special use permit should be denied for three reasons. First, the project causes a substantial detriment to the public good. Utah has determined that Stericycle is dangerous to the public. North Las Vegas concluded the same thing. The wild horse population is also at risk – polluted water sources, altered migration patterns, and increased vehicle-horse accidents harm the public good. Put bluntly, Stericycle significantly increases the risk to the public, the environment, and the wild horse population.

Second, the project is not consistent with the Master Plan. In McCarran, we have Tesla, Switch, Google, and several other Fortune 500 companies. Stericycle is asking you to approve a medical waste incinerator in the middle of these high-tech businesses. This is incompatible and inconsistent. The problem is compounded with the residential component of Blockchains' future development plans. No one wants to live or work next to a polluting medical waste incinerator with a significant history of accidents causing substantial harm to the public.
Lastly, Stericycle made a lot out of the fact that there is new leadership. A new CEO, a board creating unique sub committees. That new leadership was in place when Stericycle told this Commission about the reasons it abandoned North Las Vegas. It left out the fact the staff in North Las Vegas recommended denial. It was not an oversight. It was a choice, by Stericycle's new and improved leadership, to leave out critical information to this Commission. They are requesting your approval on the one hand, while not being transparent on the other.

V. Conclusion

Thank you for your time. I ask that you carefully consider our paperwork and vote to recommend DENIAL of Stericycle's special use permit application. I have prepared a written statement of my comments and ask the Clerk to attach my statement to the Minutes of this Meeting.

Commissioner Prater: Said he has a question for Mr. Digesti. In response to Stericycle's plans you mentioned several times plans that Blockchains has for its properties which included residential. Surely you are aware that there is no allowance for residential development in the Master Plan or in the zoning for TRI.

Mr. Digesti: Commented to Commissioner Prater that he is correct that within the industrial center residential development is not allowed, however part of the land purchase included an area called Painted Rock. When we speak of residential development that is just one piece of the entire development. Residential will sit outside of the industrial center, but the high tech business park sits partially within and partially outside of the industrial center. Painted Rock is obviously close enough to this proposed project and could be impacted.

Greg Hendricks, American Wild Horse Campaign: Thanked the Stericycle staff as well as Mr. Adler for their time listening to our concerns and requests related to mitigation on impacts to the wild horses. The American Wild Horse Campaign still has concerns with the impact to the wild horses, habitat and to our volunteers out at the site being in close proximity to the construction area and also the final facility. One of the elements that we would like to bring up is that we currently have no really detailed mitigation plan from Stericycle.
We would like to see prior to approval or at least a contingency put in writing to address some of the specific concerns that we provided to them relating to lighting and traffic on Milan, and fence setbacks so that there isn't a trap next to the road where the entrance and exit will be. Recommend that a mitigation plan be developed in writing and presented either prior to or during the approval process including mitigation for Blockchain's concern as it related to wild horses.

Sam Toll: Said he is calling in from Gold Hill where his house is perhaps the farthest away from this facility that it could be. Speaking in opposition of the special use permit. Toll said he shares the concerns that Mr. Digesti from Blockchains brought up, and also concerned about the wild horses. Said that even though he didn't participate in the vote, it is his understanding that Storey County voted against Yucca Mountain when the opportunity was presented before the voters. By the board approving these types of businesses, both Stericycle and the Asian Chemical company we are setting a precedent to invite similar types of companies in to Storey County. It's important to recognize the types of firms that we are going to let in and be cautious about what the long term impact is for this type of development not only to the horses but the impact to our first responders. Toll stated that if there is an accident what type of equipment and dangers are they going to be facing when they enter a dangerous situation at either of the two facilities (Stericycle, AUECC). Said he has talked to folks within the fire department and there is a very big concern about training, equipment and potential for personal injury and what could be released into the environment. Encouraged the board not to approve this permit.

Dominic Culotta: Stericycle started about 30 years ago because of the crisis of needles washing up on the Atlantic seaboard shoreline. We set out with the purpose to improve the safety of the communities and the environment. Currently we treat about 900k tons of medical waste each year and another 42k tons of pharmaceuticals. We are about protecting people, promoting public health and safeguarding the environment. We are trusted by hospitals, healthcare companies, and government. We are very safe and when you look at the grand scale of what Stericycle handles and the amount of issues that have actually occurred, there will be some, and there will be some exceptions, but we are highly committed to continuously improve and do it significantly. Culotta stated that in the first half of 2020 versus the first half of 2019, a 31% improvement in the safety frequency of our employees. We do protect all the environments around us. Stericycle has seven incinerating facilities, 46 (inaudible) facilities, and 130 transport sites, and in regard to that, we have minimal concerns and continue to get better and better as we go forward. Mr. Culotta discussed the leadership changes that have occurred in the last 18 months and various other pertinent aspects of the Stericycle company and the appropriateness of the TRIC site.

Commissioner Baugh: Said to Dominic Culotta to be cautious in stating statistics from the first six months of last year versus the first six months of this year. Baugh said that she is not sure and nobody knows how much demand you had, and that kind of thing. It was a very different six months of the year from 2019 and 2020 due to the Covid situation. Baugh also stated that she is disappointed to not see a written plan to address the horses.

Commissioner Collins: Said he cares about horses, but this is an industrial park and said he understand that they (Stericycle) are going to address some things for the horse community. Collins said he thinks this (project) would fit in to the industrial park, it is not a residential area.

Chairman Hindle: Asked Mr. Culotta if Stericycle has other US based facilities and has Stericycle had issues with governmental regulators in those facilities, and whether or not the government agencies have shut down facilities due to non-compliance issues.

Dominic Cullota: Said they have about 180 facilities spread across the United States. The companies have two core businesses, the medical waste and the document destruction (shredding). Some are transportation facilities and (inaudible), and seven incinerators. The incinerators are in Kansas, Louisiana, North Carolina to the east. Generally, issues arise because of areas right next to us are rezoned to residential.

Dale Rich, V.P. of Incinerator Operations: Stated that none of the incinerator facilities have been closed down and no regulatory actions have occurred to even suggest that. All of the facilities are in compliance with emission standards and permitting. Said that at present they conduct emissions testing on an annual basis, and the testing has been successful. From an impact perspective in regard to the Utah facility, a government agency conducted two health studies and those studies concluded that an older facility, one that's been operating for years, with lesser technology had no measurable impact on the environment.

Chairman Hindle: Asked staff if they know the number of hazardous operations there are in TRIC.

Austin Osborne, County Manager: Stated that there are quite a few companies at TRIC that are classified in one way or another and this board approved another medical waste processing facility a year or two ago. There are companies that deal with hazardous substances and have special use permits such as high volumes of ammunition and manufacturing of military arms, hydrogen and gas to diesel processing, a company that transfers medical waste and other municipal waste into diesel fuel, a company that manufactures gas and diesel. Said that if you visit a Golden Gate Petroleum gas station, most of that fuel comes from the TRIC. There are a few additional companies that deal in hazardous substances that are quite volatile but do not require a special use permit.

Chairman Hindle: Asked staff how active NDEP is in the TRIC.

Also confirmed that the staff report states that the proposed parcel is zoned I2 heavy industrial and all the adjacent properties to this parcel are zoned I2 heavy industrial. It does not abut to a parcel with a less intensive industrial zoning. Senior Planner Canfield confirmed Hindle's statement.

Austin Osborne, County Manager: NDEP (Nevada Division of Environmental Protection) is involved in air emissions and water monitoring, compliance, and regulatory measures. NDEP follows NRS and NAC. They are the authority in the state of Nevada for monitoring all environmental matters. I believe Stericycle will also be under EPA air regulations according to the process they will be using.

Senior Planner Canfield: Said that NDEP issues their own permits, follows up and monitor the permits. Storey County does not have air quality regulations, we look to NDEP to have the expertise to do that.

County Manager Osborne: Regarding the master plan and residential uses at TRIC; the master plan prohibits residential uses in TRIC. The zoning also prohibits residential uses at TRIC as does the Development Agreement between TRIC and the county. Residential uses are not compatible with industrial and heavy intense uses that TRIC is designed to accommodate.

Osborne stated that he has worked in Planning on staff for about 10 years and was on the planning commission prior to that. In all of these cases including this one, the Storey County Fire Chief and Storey County Fire Protection District was intimately involved in the development of these staff reports for companies and they have no concerns as far as being able to respond to the types of emergency, medical, fire and other types of responses to this use as well as any other use out at TRIC and across the county.

Commissioner Pellett: Stated that looking at this from a planning perspective, this area has been zoned heavy industrial since 1999 and it also carries the land use designation as well. Some of the issues that could arise with this type of use are being mitigated. Stericycle is going to be subject to federal regulations, the EPA and NDEP, which are included in the conditions of approval. Pellet said that from a planning perspective she typically relies on those agencies to properly do their job in making sure that the environmental impacts are meeting all of the standards that are put in place at both the federal and state level. According to the staff report the applicant is proposing to fall within those regulations, and this is heavy industrial zoning and a heavy industrial land use.

This is the type of use that fits in to the TRIC, and regarding the wild horse issue, 10 to 15 trucks a day doesn't seem to be anything that is not typical already at TRIC. Said she would assume that many other land uses out there have a higher impact when it comes to truck traffic. Does not see how we can discuss the horses being at risk specifically due to Stericycle. Also, it has already been mentioned that other incinerator facilities exist at TRIC. Pellett said that she is having a hard time seeing that this proposed use would not be acceptable in heavy industrial zoning in an industrial park.

Motion: In accordance with the recommendation by staff, the Findings of Fact under Section 3.A of this report with the addition of Finding 8 (added by Senior Planner Canfield), and other findings deemed appropriate by the Planning Commission, and in compliance with the conditions of approval, I Summer Pellett, recommend approval of Special Use Permit 2020-021, to construct and operate a medical and other special waste incinerator facility. The project has the potential to provide generation of excess power, which is considered an "electric or gas power generating plant" which is also subject to a special use permit. The subject property is located at 1655 Milan Drive, Tahoe-Reno Industrial Center, McCarran, Storey County, Nevada, a portion of Assessor's Parcel Number (APN) 005-111-73. , **Action:** Approve, **Moved by** Commissioner Pellett, **Seconded by** Commissioner Staples,

Senior Planner Canfield read the findings into the record:

(1) This approval is for Special Use Permit 2020-021, a request by the applicant Stericycle, Inc., to construct and operate a medical and other special waste incinerator facility. The project has the potential to provide generation of excess power, which is considered an "electric or gas power generating plant" which is also subject to a special use permit. The subject property is located at 1655 Milan Drive, Tahoe-Reno Industrial Center, McCarran, Storey County, Nevada, a portion of Assessor's Parcel Number (APN) 005-111-73.

(2) The Special Use Permit conforms to the 2016 Storey County Master Plan for the McCarran planning area in which the subject property is located. A discussion supporting this finding for the Special Use Permit is provided in Section 2.E of this staff report and the contents thereof are cited in an approval of this Special Use Permit.

(3) The subject property is located within an existing industrial neighborhood in the McCarran area of Storey County. The zoning is based on the 1999 Storey County Zoning Ordinance which identifies this property as I-2 Heavy Industrial. The proposed facility is defined as a "recycling facilities and operations involving use, recovery or residue of hazardous materials and/or wastes" and has an incinerator and has the potential to provide an "electric or gas power generating plant" and requires a Special Use Permit.

(4) Granting of the Special Use Permit, with the conditions of approval listed in Section 4 of this report, will not under the circumstances of the particular case adversely affect to a material degree the health or safety of persons/property in the neighborhood of the subject property. The project is expected to meet the safety and health requirements for the subject area. The use will also be subject to building and fire plan review in order to ensure compliance with federal, state and other codes.

(5) The Special Use Permit will not impose substantial adverse impacts or safety hazards on the abutting properties or the surrounding area, and it will comply with all federal, state and county regulations.

(6) The conditions under the Special Use Permit do not conflict with the minimum requirements in the 1999 Storey County Zoning Ordinance Sections 17.37 I-2 Heavy Industrial and 17.62 Special Uses.

(7) Granting of the Special Use Permit will not, under the circumstances of the particular case, adversely affect to a material degree the health or safety of persons working in the neighborhood or area of the subject property and will not be materially detrimental to the public welfare or materially injurious to property improvements in the neighborhood or area of the subject property.

(8) Granting of the Special Use Permit would not be incompatible with or detrimental to the surrounding area.

Commissioner Prater requested a roll call vote.

Vote: Motion carried by vote (**summary:** Yes=5, Pellett, Staples, Hindle, Baugh, Collins, Nay=1, Prater).
Chairman Hindle Recessed meeting for 5 minutes after allowing Commissioner Thompson to rejoin the meeting.

6. **Discussion/Possible Action:** Special Use Permit Amendment 2017-020-A1-2020 by applicant Asia Union Electronic Chemicals – Reno, Inc. (AUECC). The applicant requests an amendment to Special Use Permit (SUP) Number 2017-020 to modify the language associated with Conditions of Approval C, D, S, T and BB which relate to chemical and substance inventory, outdoor loading/unloading, water/fog deluge systems, bulk product loading/unloading, filling stations, training

requirements, outdoor chemical storage, security footage storage and release reporting requirements. The subject property is located at 1400 Waltham Way, APN 004-091-81, McCarran, Storey County, Nevada.

Senior Planner Canfield: Stated that this is an amendment to a special use permit issued to AUECC in September of 2017. AUECC has activated their SUP and have been doing construction on the site. They are getting close to finishing construction and would soon like to begin operations. The request is to amend some of the language in the SUP specifically five different conditions out of the 33 conditions that were approved in 2017. When AUECC originally began this process with Storey County the SUP was their first step and since this use was so unique, staff completed a very detailed review of the project which resulted in very detailed conditions of approval. What AUECC is finding now is that sometimes the very detailed conditions don't necessarily match with the other regulatory agencies' best practices and regulations that they are requiring. Staff is proposing to modify five conditions so that AUECC can meet the requirements of the other agencies along with county requirements. In no way do any of these modifications change the safety requirements that we have placed on the project, it is just looking at different ways to reach the same goal. AUECC staff is here tonight and have a brief presentation.

Curtis Dove, Global CEO for AUECC: He introduced Danielle Knight, Environmental Health and Safety Manager and Jared Kerney, Plant Manager. Mr. Dove said they are at the completion phase of the project and looks at this as the "as built" situation after they have gone through the detailed design and regulatory compliance and permits.

Danielle Knight shared her screen for the presentation: A quick recap of who AUECC is; a purifier of commonly used industrial grade chemicals specifically acids and bases with a few solvent processes. All of the processes involve filtration, dilution, absorption and condensation. These are very simplistic processes not involving a chemical reaction. The end consumer would be those manufacturers of computer chips. In September of 2017, our SUP was issued. There were some broad brushstrokes used in the language that could prohibit AUECC from operating all of the processes and compliance with other regulatory agencies. Over the past three years we (AUECC) have had a plethora of other agencies that we have to comply with including federal, state and of course the special use permit. AUECC falls under the NDEP Chemical Accident Prevention Program (CAPP). It is a very involved process designed to go through each one of AUECC's processes item by item to ensure that all the industry standards are considered. We want to ensure that the SUP accurately reflects how the systems are going to run. Special Use Permit Clarifications:

-Generalized language was used to limit the chemical list; however, this would prevent AUECC from having diesel fuel required to run fire water pumps and simple water treatment chemicals used for drinking water disinfection.

-Forklift limitations that restricted moving "bulk" containers; however, bulk is not defined. It is required to use forklifts to move 55 gallon drums and Intermediate Bulk Containers (IBC) aka totes.

-Language in the existing SUP does not apply to all AUECC chemicals, Example: Water Fog Deluge would not be appropriate for Sulfuric Acid (a water reactive chemical with negligible vapor pressure)

-In cooperation with County Departments over the past year, AUECC has prepared these clarifications for consideration.

-As requested by County officials, these clarifications have been assessed by a third party consultant, McGinley and Associates.

Senior Planner Canfield: Stated that this application has also been reviewed by the county Fire Marshal Martin Azevedo. He is available tonight to answer any questions.

Martin Azevedo, Fire Marshal: Said that everyday chemicals like diesel or gasoline are defined within Fire code section 105. This basically states what they can have in the building and outside the building without a permit. They do fall under the State Fire Marshal guidelines for permitting. Said he has reviewed those documents with the State Fire Marshal's office and have had conversations with (inaudible) regarding this. Said he is confident with the permitting process with the State.

Commissioner Prater: Asked the applicant why there is a problem with 24/7 surveillance.

Danielle Knight: Said they are not trying to overlook the 24/7 surveillance, however the way section in the current SUP is written requires AUECC to maintain 90 days of video footage and that gets into a data management problem. We (AUECC) are compliant with the Department of Homeland Security requirements and that is a non-prescriptive standard that only requires something that is more appropriate for our operation. From a data management standpoint 90 days of data video management would be poor resolution as compared to thirty days. We are proposing to store thirty days of footage which is the standard for Department of Homeland Security, thirty days of 24/7 surveillance footage.

Senior Planner Canfield: Stated that the condition will say that surveillance must comply with the Department of Homeland Security recommendations.

Planning staff did not receive any comments from the public regarding this item.

Chairman Hindle opened Public Comment. There was none.

Motion: In accordance with the recommendation by staff, the Findings of Fact under Section 5.A of this report, and other findings deemed appropriate by the Planning Commission, and in compliance with the conditions of approval, I Larry Prater, recommend approval of Special Use Permit Amendment 2017-020-A1-2020 to modify the language associated with Conditions of Approval C, D, S, T and BB which relate to chemical and substance inventory, outdoor loading/unloading, water/fog deluge systems, bulk product loading/unloading, filling stations, training requirements, outdoor chemical storage, security footage storage and release reporting requirements. The subject property is located at 1400 Waltham Way, APN 004-091-81, McCarran, Storey County, Nevada., **Action:** Approve, **Moved by** Commissioner Prater, **Seconded by** Commissioner Thompson,

Senior Planner Canfield read the findings into the record:

(1) This approval is for Special Use Permit Amendment 2017-020-A1-2020 by applicant Asia Union Electronic Chemicals – Reno, Inc. (AUECC). The applicant requests an amendment to Special Use Permit (SUP) Number 217-020 to modify the language associated with Conditions of Approval C, D, S, T and BB which relate to chemical and substance inventory, outdoor loading/unloading, water/fog deluge systems, bulk product loading/unloading, filling stations, training requirements, outdoor chemical storage, security footage storage and release reporting requirements. The subject property is located at 1400 Waltham Way, APN 004-091-81, McCarran, Storey County, Nevada.

(2) The Amended Special Use Permit 2017-020-A1-2020 conforms to the 2016 Storey County Master Plan for the McCarran planning area in which the subject property is located.

(3) Granting of the Amended Special Use Permit 2017-020-A1-2020 modifying Conditions of Approval C, D, S, T and BB, will not under the circumstances of the particular case adversely affect to a material degree the health or safety of persons/property in the neighborhood of the subject property and will not be materially detrimental to the public welfare or materially injurious to property improvements in the neighborhood or area of the subject property.

(5) The Amended Special Use Permit 2017-020-A1-2020 modifying Conditions of Approval C, D, S, T and BB will not impose substantial adverse impacts or safety hazards on the abutting properties or the surrounding area, and it will comply with all federal, state and county regulations.

(6) The conditions under the Amended Special Use Permit 2017-020-A1-2020 modifying Conditions of Approval C, D, S, T and BB do not conflict with the minimum requirements in the Storey County Zoning Ordinance.

Vote: Motion carried by unanimous vote (**summary:** Yes=7).

Commissioner Thompson left the meeting due to another obligation.

7. **Discussion/Possible Action:** Special Use Permit 2020-026 is a request to allow for construction of a 110-foot high public service communication facility associated with the existing Storey County sewer treatment plant. The project includes a tower, equipment shelters and other associated equipment. The tower will be located on the property associated with the Storey County Wastewater Treatment Plant at 1001 Six Mile Canyon Road, Virginia City, Storey County, Nevada and being a portion of Assessor's Parcel Number (APN) 001-311-04.

   Senior Planner Canfield: Summarized the request for a tower to house public service equipment that is associated with the Virginia City Wastewater treatment plant. The plant is on Storey County property that was acquired from the Bureau of Land Management (BLM) and as such the land must be used for public service or recreation land uses. The tower will be approximately 110 feet tall and will allow for wireless communications at the sewer treatment plant along with providing some other public services at that area of town which has limited coverage. The project is going through the Comstock Historic District review and staff is recommending approval. During the noticing period there have been no public comments received. James Deane IT Director is here to answer questions if needed.

James Deane, IT Director: Said that this tower is for all internal Storey County usage and to support of the existing water treatment plant microwave shop and water tower. It will also be a relay point for our "in town" building to building microwave communications. In the future we will probably use it for the new approved Motorola 911 radio system replacement.

Chairman Hindle: Asked for public comment, there was none.

Motion: In accordance with the recommendation by staff, the Findings of Fact under Section 3.A of this report, and other findings deemed appropriate by the Planning Commission, and in compliance with the conditions of approval, I Adrianne Baugh, recommend approval of Special Use Permit 2020-026 to allow for construction of a 110-foot high public service communication facility associated with the existing Storey County sewer treatment plant. The project includes a tower, equipment shelters and other associated equipment. The tower will be located on the property associated with the Storey County Wastewater Treatment Plant at 1001 Six Mile Canyon Road, Virginia City, Storey County, Nevada and being a portion of Assessor's Parcel Number (APN) 001-311-04., **Action:** Approve, **Moved by** Commissioner Baugh, **Seconded by** Commissioner Staples,

Senior Planner Canfield read the findings into the record:

(1) This approval is for Special Use Permit 2020-026 to allow for construction of a 110-foot high public service communication facility associated with the existing Storey County sewer treatment plant. The project includes a tower, equipment shelters and other associated equipment. The tower will be located on the property associated with the Storey County Wastewater Treatment Plant at 1001 Six Mile Canyon Road, Virginia City, Storey County, Nevada and being a portion of Assessor's Parcel Number (APN) 001-311-04.

(2) The Special Use Permit conforms to the 2016 Storey County Master Plan for the Public Facilities designated area in which the subject property is located. A discussion supporting this finding for the Special Use Permit is provided in Section 2.D of this staff report and the contents thereof are cited in an approval of this Special Use Permit. The Special Use Permit complies with the general purpose, goals, objectives, and standards of the county master plan, the zoning ordinance and any other plan, program, map or ordinance adopted, or under consideration pursuant to the official notice by the county.

(3) The proposal location, size, height, operations, and other significant features will be compatible with and will not cause substantial negative impact on adjacent land uses, or will perform a function or provide a service that is essential to the surrounding land uses, community, and neighborhood.

(4) The Special Use Permit will result in no substantial or undue adverse effect on adjacent property, the character of the neighborhood, traffic conditions, parking, public improvements, public sites or right-of-way, or other matters affecting the public health, safety, and general welfare, either as they now exist or as they may in the future be developed as a result of the implementation of the provisions and policies of the county master plan, this title, and any other plans, program, map or ordinance adopted or under consideration pursuant to an official notice, by the county, or other governmental agency having jurisdiction to guide growth and development.

(5) The proposed use in the proposed area will be adequately served by and will impose no undue burden on any of the improvements, facilities, utilities, or services provided by the county or other governmental agency having jurisdiction in the county.

(6) The Special Use Permit, with the recommended conditions of approval, complies with the requirements of Chapters 17.03.150 – Special Use Permit, 17.12 – General Provisions, and 17.32 - Forestry Zone.

(7) The proposed project is an accessory use to the existing Storey County sewage treatment plant, and therefore is consistent with the land acquisition requirements of Patent 27-2014-0006.

Vote: Motion carried by unanimous vote (**summary:** Yes=6).

8. **Discussion/For Possible Action:** Bill 118/Ord 20-307 Text amendments to Storey County Code Title 17 Zoning Districts CR Commercial-Residential; C Commercial; R1 Single-Family; R2 Multi-Family Residential; E Estate; F Forestry; A Agriculture; I1 Light Industrial and I2 Heavy Industrial; NR Natural Resources and SPR Special Planning Review zones. Additions,

modifications, elimination and clarifications including the listed land uses, minimum floor area, setbacks, minimum parcel area, distance between buildings and home enterprises are proposed.

Senior Planner Canfield: This is the last phase of the Title 17 update. We have had thirteen planning commission meetings to discuss these changes. We have adopted the three other pieces of this Title (General Provisions, Administrative Provisions and Definitions). Staff is updating the zoning district sections to make them more consistent and align with each other. Updates include the changes to General Provisions and Definitions. The amendments will address the setbacks for the R1, R2, CR and the E zones as well as the I1 and I2. The update is also adjusting allowable uses in the Forestry (F), Agriculture (A), and Natural Resources (NR) zones. We have also added language to make consistent the minimum home size of 800 square feet for a one bedroom, 1000 square feet for a two bedroom and 1200 square feet for a three bedroom, where a single family dwelling is allowed. This language is currently in the Estate and R1 zoning. CR zoning already allows a home under 800 square feet with a special use permit. Commissioner Pellet raised the issue of minimum home size and that it warranted more discussion.
Any changes that are proposed will not affect the 10 acres and 1 acre homeowner's associations because they already have a minimum home size set at 1200 square feet.
Staff is recommending to keep the 800 square foot minimum in all zones, but understands that there are some other opinions on this. Staff did receive a letter this afternoon from Mr. Herrington objecting to Tiny Homes concept being allowed in the Estate zoning. This was forwarded to the commissioners.

Commissioner Prater: Said that he agrees with Mr. Herrington and doesn't think Tiny Homes are appropriate here.

Commissioner Pellett: Asked staff if the 800 square feet is chosen for a reason and where does the 800 square feet come from. Proposes a size that would still allow for proper ingress and egress and all meets all requirements of the building code, and one that works for the resident.

Chairman Hindle: Really talking not about Tiny Homes, but small construction.

Commissioner Staples: Asked if current existing structures are "grandfathered" in if setbacks change and ownership changes. (brought up in reference to a letter from resident Clay Mitchell).

Senior Planner Canfield: Setbacks are proposed to be less restrictive so that would not be an issue, however if something was legally established and the zoning changed it would be "grandfathered" in or legally non-conforming. Ownership changes won't affect the zoning.

Discussion between Commissioners Pellett, Staples, Chairman Hindle and staff regarding an inquiry from Clay Mitchell and whether or not the setback change and wording which included a property he owns will be affected negatively.

Clay Mitchell, Gold Hill property owner: Said he has an industrial building in I2 zoning that encroaches in to the 50' setback that is proposed to be added in 17.35.050 because it abuts on another I2 parcel that has an existing residential use. Said he doesn't believe that it is a permitted use but is a "grandfathered" use. Concern is that the proposed setback language would somehow invalidate future industrial uses because it is within that setback.

Senior Planner Canfield: The language now states that the setback in the I2 zone is 50 feet. We are not proposing to change Clay's situation at all. The proposed new language states "the required distance between the building and the property line is ~~20~~ *0* feet. *The principal building must be setback at least 50 feet from an abutting CR, E, R1, R2, and SPR zone and existing residential uses. Building setbacks must also conform to section 17.34.060 and building and fire codes."*

Canfield said that we can remove the wording "and existing residential uses".

Gary Mack, Highlands resident: Thanked the commission for letting him speak and apologized that this is late in the review process. Commented on the minimum home sizes in the 40 acres. Stated that there are roughly 593 lots in the E40 zone. Approximately 23 of those are "coded" now as single family residence which means 570 are vacant lots. There is no POA in the 40s to assist with road maintenance and the county doesn't provide any kind of infrastructure, maintenance, or snow removal during the winter months. The 40s are a very unique area. Per existing county requirements nobody can build a house on a property in the 40s or anywhere else in the county unless they have a producing well or are connected to a municipal water system and have a State septic system, etc. Then and only then can they talk to the county about a building permit. What that means for people in the 40s is that you have to build an access road to your property which can be a complex and costly thing, then level out the land for a well and septic and bring power in to run the well. All of those steps are not easy and are extensive due to rough terrain including finding a contractor willing to do the work that is needed, all the grading, etc. A land owner that is dedicated to living off grid in a self sufficient way and have the resources, before they build a house, and invest a 100k dollars before they even break ground for a house, should be able to build smaller than the required 800 square feet minimum home requirement. Mack said that in his research he did not find that the minimum 800 square feet is rooted in the IRC (International

Residential Code). It does state that there must be "living space", bathroom, kitchen, etc. and there are certain sizes for the rooms and the setbacks that go into those rooms, but there is no minimum requirement for a house. In 2015 the IRC implemented Appendix Q in draft form and believes that addresses homes that are less than 400 square feet. Clearly the IRC doesn't contemplate 800 square feet as the minimum house. Many people that own property in the 40s own it as an investment and don't plan on living here and want to flip it at some point. Said that is going to be difficult based on what he just talked about. There are people that would like to build a small home and live in the 40s off grid full time. Unfortunately, the cost of all the things outlined can be prohibitive. In addition, many people don't feel the need to build a house that is larger than they need or desire and unnecessarily impacts the rugged and unique environment out in the 40s. Said that he respectfully asks that the commission give serious consideration to lowering the minimum house size in the E40 zone. Clearly house sizes need to meet the IRC. Nobody is arguing for a house that does not meet the IRC code. Said he is in a "social group" of about 23 people and has reached out to them and gotten some positive responses, no negative responses except maybe from John Herrington (reference to letter regarding home size submitted). Comment on Tiny Homes; these are mobile, they're on a trailer bed, two or three hundred square feet and nobody out here (40s) wants that. Said that he is suggesting 500 or 600 square feet as a minimum.

John Herrington, 40 acre property owner: Said he agrees with Gary (Mack) that we are in a rugged area but said nobody goes out and buys 40 acres in Nevada without knowing that there's going to be substantial expense. Mentioned a couple of his neighbors who have invested six to seven hundred thousand dollars to build their homes, and to have a neighbor come in that's going to put a small house that doesn't meet the Storey County Master Plan as it is, we need to consider that substantially.

Commissioner Prater: Said he has lived in the Highlands for 40 years and does not want to see tiny houses popping up around here. Said he thinks that on a 40 acre property, anything less than 2000 square feet is inappropriate. Bring a travel trailer in if it is just to visit the property. It (maintaining the minimum home size) protects our property values.

Clay Mitchell, Virginia City resident: Said he appreciates the work that has been done to make the zoning districts align with each other, cleans things up and makes things easier to understand. Mitchell said he would also advocate for reducing the minimum house size to allow for flexibility and freedom for use of your property. Said he is not advocating for one particular zone because he agrees that consistency is preferrable throughout the county zoning ordinance. If there is a need to have a stricter standard in a particular zone, he would not be necessarily opposed to that. There are many homes in Virginia City and other parts of the county smaller than 800 square feet. The proposed change is to carry that 800 square feet minimum in all zones. Does not think it is good policy to be more restrictive than the county needs to be and if there is a need, there are HOAs that can assign further restrictions. Mitchell said he thinks the right solution for the county as a whole is more broad, more open, and more freedom as opposed to less. Not advocating for Tiny Homes that are not up to code, but homes that meet all the building codes.

Gary Mack, 40s resident: Said his perspective is that the property owner should be able to do fundamentally what they want as long as they're not interfering with other people and causing havoc to neighbors etc. Said he understands the concern about having a $500k house sitting next to a $150k house, but sadly or realistically that's life the way things are. Asked the commissioners how they are grounding that minimum. It is not in the IRC. The 800 square feet seems arbitrary. Said he is not advocating for three or four hundred square foot homes.

Senior Planner Canfield: Said that Jana Seddon, the assessor couldn't be with us tonight. She has concerns from the aspect of having a house too small because of the potential of it being picked up and easily moved or pieces left behind and property being left. She didn't necessarily have an opinion on 800 square feet or what size it should be, but just had concerns with a small home being easily moved and real property disappearing overnight.

County Manager Osborne: Said the assessor has expressed concern and we are not talking on her behalf necessarily. She has said that when you get under that 800 square feet, you start getting into the DOT standards for measurements. Unlike a mobile home that can be moved, but it is quite an operation to do that, a "tiny house" that is approximately 10 feet wide by however many feet long, etc. can be hooked up and trailered away. If the property owner does not pay their taxes the county is obligated by law to hold the property and go through the necessary procedures to auction the property, and if the house is missing in a case like this a county cannot deal with property properly because the home has been removed and it becomes complicated. Processes like this can take years and years to try to straighten these types of things, out so that the county can auction the properties.

Chairman Hindle: Clarified that what we are discussing are homes less than 800 square feet on a permanent foundation, constructed to building codes, meaning a permanent home, not something that can be hauled away easily. Commissioner Pellett concurred and stated that her assumption would be that the county is not collecting many more taxes on an 800 square foot home as opposed to a 600 square foot home.

Senior Planner Canfield: Clarified that the revision is written to make every zoning district that allows for single family dwellings consistent with the existing minimum home size of 800 square feet for 1 bedroom, 1000 square feet for 2 bedrooms and 1200 square feet for 3 bedrooms. This is the existing code language in the R1 and Estate zones. Said she added that language to the other zoning districts that allow for a single family residence. The new discussion is whether or not to change the minimum home size in any residential zone. There is existing language in the CR zone that allows for a less than 800 square feet dwelling with a special use permit and that is not changing.

Commissioner Hindle asked the commission if it would like to make a motion to approve the bill as it is or amend the bill.

Discussion continued regarding the pros and cons of adjusting the minimum home size in single family residential zones and how to potentially amend the code to include building requirements for small homes and how that would work with areas that are governed by an HOA. Discussion also included the idea of simply using building code to dictate minimum home size which could allow for a very small home. Discussion on "arbitrary" minimum home size continued.

County Manager Osborne: Commented that whatever the commission decides to do, they should establish some limit to protect to people that are not protected by HOA requirement such as people in the R1 zone in Virginia City or the E1 zone in Mark Twain or the Highland 40 acre area. They invest in a 1500 square foot home or a manufactured/modular home for example and expect their neighbors to have a somewhat similar situation and expect them to be able to invest in their property. Having no limitation whatsoever opens it up to quite virtually anything being built next door and may create a very interesting situation.

Commissioner Collins: Commented that for probably about 35 years when he first wanted to build a house, the Building Department told him that he couldn't build anything less than 800 square feet. The minimum has been around for a very long time.

The commission decided to continue this item to the next planning commission for further discussion.

No additional Public Comment

Motion: Continue this item to the next planning commission meeting, **Action:** Approve, **Moved by** Commissioner Prater, **Seconded by** Commissioner Collins, **Vote:** Motion carried by unanimous vote (**summary:** Yes=6)

9. **Discussion/Possible Action:** Determination of next planning commission meeting.

Motion: Next planning commission meeting to be held on August 20, 2020 at 6:00 P.M. at the Storey County Courthouse, Virginia City, Nevada, Via Zoom, **Action:** Approve, **Moved by** Commissioner Staples, **Seconded by** Commissioner Prater, **Vote:** Motion carried by unanimous vote (**summary:** Yes=6).

No Public Comment

10. **Discussion/Possible Action:** Approval of claims – None

11. **Correspondence (No Action)** – Letter of correspondence received prior to the meeting will be added to the record in the Meeting Minutes. Distributed to the planning commissioners via email prior to the meeting and posted as correspondence on the website. See attached correspondence.

12. **Public Comment (No Action)** – None

13. **Staff (No Action)** – None

14. **Board Comments (No Action)** – Commissioner Prater asked that Kathy be included on her own screen.

15. **Adjournment (No Action)** - The meeting was adjourned at 9:09 p.m.

Respectfully Submitted, By Lyndi Renaud

I, Lyndi Renaud, planning assistant for the Storey County Planning Department, have custody of the records of the Storey County Planning Department and Planning Commission. I certify that the document to which this certification is affixed is a true and correct copy of the original in my custody.

L Renaud

Lyndi Renaud

EXHIBIT

8

STOREY COUNTY BOARD OF COUNTY COMMISSIONERS MEETING

07/21/2020 10:00 A.M.

26 SOUTH B STREET, VIRGINIA CITY, NEVADA*

AGENDA

No members of the public will be allowed in the BOCC Chambers due to concerns for public safety resulting from the COVID-19 emergency and pursuant to the Governor of Nevada's Declaration of Emergency Directive 006 Section 1 which suspends the requirement in NRS 241.023(1)(b) that there be a physical location designated for meetings of public bodies where members of the public are permitted to attend and participate.

Further, due to the Governor's mandated steps to protect against the spread of COVID-19, the Storey County Board of County Commissioners are hosting a teleconference meeting this month. Members of the public who wish to attend the meeting remotely, may do so by accessing the following meeting on Zoom.com. Public comment may be made by communication through zoom.

***Join Zoom Meeting:** https://zoom.us/j/597519448 **Meeting ID: 597 519 448**

Dial by your location
+1 346 248 7799 US (Houston)
+1 669 900 6833 US (San Jose)
+1 253 215 8782 US
+1 301 715 8592 US
+1 312 626 6799 US (Chicago)
+1 929 205 6099 US (New York)
Meeting ID: 597 519 448
Find your local number: https://zoom.us/u/adi9WjdtNr

For additional information or supporting documents please contact the Storey County Clerk's Office at 775-847-0969.

MARSHALL MCBRIDE
CHAIRMAN

JAY CARMONA
VICE-CHAIRMAN

LANCE GILMAN
COMMISSIONER

ANNE LANGER
DISTRICT ATTORNEY

VANESSA STEPHENS
CLERK-TREASURER

Members of the Board of County Commissioners also serve as the Board of Fire Commissioners for the Storey County Fire Protection District, Storey County Brothel License Board, Storey County

Water and Sewer System Board and the Storey County Liquor and Gaming Board and during this meeting may convene as any of those boards as indicated on this or a separately posted agenda. All matters listed under the consent agenda are considered routine and may be acted upon by the Board of County Commissioners with one action, and without an extensive hearing. Any member of the Board or any citizen may request that an item be taken from the consent agenda, discussed, and acted upon separately during this meeting. Pursuant to NRS 241.020 (2)(d)(6) Items on the agenda may be taken out of order, the public body may combine two or more agenda items for consideration, and the public body may remove an item from the agenda or delay discussion relating to an item on the agenda at any time. The Commission Chair reserves the right to limit the time allotted for each individual to speak.

All items include discussion and possible action to approve, modify, deny, or continue unless marked otherwise.

1. **CALL TO ORDER REGULAR MEETING AT 10:00 A.M.**

2. **PLEDGE OF ALLEGIANCE**

3. **DISCUSSION/FOR POSSIBLE ACTION:**

   Approval of the Agenda for July 21, 2020

5. **DISCUSSION/FOR POSSIBLE ACTION:**

   Approval of the Minutes for June 16, 2020

6. **CONSENT AGENDA**

   I For possible action, approval of claims in the amount of $1,110,216.57

   II For possible action, approval of business license first readings:
   - **A. Empire Solar Group LLC** – Contractor / 9 Exchange Pl. Ste 400 ~ Salt Lake City, UT
   - **B. GROB Systems, Inc.** – Out of County / 1070 Navajo Dr. ~ Bluffton, OH
   - **C. Perfect Petals Floral Design** – General / 113 S. C St. ~ Virginia City , NV
   - **D. Virginia City Gallery of the West, LLC** – Home Business / 334 S. B St. ~ Virginia City, NV
   - **E. Virginia City Motorcycle Company** – Home Business / 448 Wagon Wheel Way ~ Dayton, NV
   - **F. Walker River Construction, Inc.** – Contractor / 31105 Pasture Rd ~ Schurz, NV

   III For possible action, approval of Justice Court Quarterly Report

   IV For possible action, approval of license board first readings:
   - A. General Business License – Senergy Petroleum LLC, petroleum distributor. 622 S 56th Ave., Phoenix, AZ 85043
   - B. General Business License – Tahoe House Hotel and Bar – 162 S C St, Virginia City, NV 89440. Applicant is Paul Hoyle
   - C. General Business License – Silver State Firearms; 1399 Highland Spur, VC Highlands, NV 89521. Applicants are: David Cooley and Tony Midmore

7. **PUBLIC COMMENT (No Action)**

8. **DISCUSSION ONLY (No Action - No Public Comment): Committee/Staff Reports**

9. **BOARD COMMENT (No Action - No Public Comment)**

10. **DISCUSSION/FOR POSSIBLE ACTION:**

Authorize the county manager to approve proposals from Sierra Builders and Pezzonella-Ferrari Consulting to complete the first phase of structural work to the Virginia City Freight Depot building consisting of structural repairs to the roof and addition of a fire suppression sprinkler system on an hourly basis with total amount not to exceed $199,550.00 for the construction work and $10,854.00 for the engineering design.

11. **DISCUSSION/FOR POSSIBLE ACTION:**

Approval of Memorandum of Understanding (MOU) between Storey County, Carson City, and the Truckee Meadows Water Authority (TMWA) as a preliminary expression of general intention and to provide the basis for negotiations of a definitive agreement with the State of Nevada with respect to deliveries of water from the State-owned Marlette Lake Water System. A definitive agreement is planned to be reached in two years.

12. **DISCUSSION/FOR POSSIBLE ACTION:**

Accept authorization of a contract between Storey County and BELFOR USA, Inc. to furnish materials, equipment, and subcontracted items and to perform COVID-19 deep cleansing and preventative treatment to county buildings in an amount not to exceed $13,000.00. Funding for this program will be paid from CARES Act funds.

13. **DISCUSSION/FOR POSSIBLE ACTION:**

Consideration and possible approval of amendment to lease of a portion of the County property on Peru Drive to provide internet service at market rate to the TRI GID.

14. **DISCUSSION/FOR POSSIBLE ACTION:**

Consideration and possible approval of USDA Amendment #2 to the Letter of Conditions for the Hillside Tanks Replacement Project for additional USDA Loan amount of $344,000. Funds are needed to make up the required shortfall to complete the project in its entirety. The amendment also requires the Water Enterprise Fund be responsible for any project cost overruns (project contingency) at an estimate amount of $212,815.

15. **DISCUSSION/FOR POSSIBLE ACTION:**

Consideration and possible approval of award of contract to low bidder, Farr Construction dba Resource Development Corporation for the Hillside Tank Project. This contract is for the low bid in the amount of $2,128,149.00 for the completion of the entire Hillside Tank Project.

16. **DISCUSSION/FOR POSSIBLE ACTION:**

Approval and acceptance of the Trial Court Improvement (TCI) grant from the Nevada Administrative Office of the Courts in the amount of $14,901.60. Project Total is $21,288.00. Match of $6,386.40 to be provided by the Virginia Township Justice Court. This will be used for a baggage scanner and hand-held metal detector for the entrance of the new court facility.

17. **DISCUSSION/FOR POSSIBLE ACTION:**

First Reading of Bill 118, Ordinance 20-307, text amendments to Storey County Code Title 17 Zoning Districts CR Commercial-Residential; C Commercial; R1 Single-Family; R2 Multi-Family Residential; E Estate; F Forestry; A Agriculture; I1 Light Industrial and I2 Heavy Industrial; NR Natural Resources and SPR Special Planning Review zones. Additions, modifications, elimination and clarifications including the listed land uses minimum floor area, setbacks, minimum parcel area, distance between buildings and home enterprises are proposed.

18. **DISCUSSION/FOR POSSIBLE ACTION:**

Consideration and possible approval of Resolution No. 20-585, a resolution setting grade and salary range of employees fixed by ordinance or resolution per NRS 245.045 for appointed Storey County officials for the 2020-2021 fiscal year. This resolution removes the budgeted position of Assistant Comptroller and unbudgeted position title of Assistant County Manager and adds budgeted position titles of Fire Marshal/Community Development Director, Dispatch Manager, Information Technology officer, HR Director, HR Generalist and Planning Manager.

19. **DISCUSSION/FOR POSSIBLE ACTION:**

Special Use Permit 2020-021 request by the applicant Stericycle, Inc., to construct and operate a medical and other special waste incinerator facility. The project has the potential to provide generation of excess power, which is considered an "electric or gas power generating plant" which is also subject to a special use permit. The subject property is located at 1655 Milan Drive, Tahoe-Reno Industrial Center, McCarran, Storey County, Nevada, a portion of Assessor's Parcel Number (APN) 005-111-73.

20. **DISCUSSION/FOR POSSIBLE ACTION:**

Approval of business license second readings:

A. **Ashman Company Auctioneers & Appraisals** – Out of County / 1415 Oakland Blvd. Ste 200 ~ Walnut Creek, CA
B. **Aspen Engineering LLC** – Professional / 4600 Kietzke Ln, # 0-264 ~ Reno, NV
C. **Best Buy Stores LP** – Contractor / 7601 Penn Ave ~ S. Richfield, MN
D. **Drillrite LLC** – Contractor / 233 Springfield Pkwy ~ Spring Creek, NV
E. **Fly Right LLC** – Contractor / 822 Wyoming Avenue ~ Reno, NV
F. **Holistic 20/20** – Home Business / 326 Rue De La Janue ~ Sparks NV
G. **Hotwire Electric LLC** – Contractor / 310 W. Williams Ave. Ste B. ~ Fallon, NV
H. **Mercury Clean Up, LLC** – Mining / 2443 Fair Oaks Blvd., PMB 516 ~ Sacramento, CA
I. **Pinyon Mountain Studios** – Home Business / 21535 Dortort Dr. ~ Reno, NV
J. **Servpro of Lyon and Storey Counties** – Contractor / 193 Shady Lane ~ Stateline, NV

K. **Shealo Group Corporation** – Out of County / 58555 Winnowing Cir. ~ N. South Lyon, MI

L. **Siddons Martin Emergency Group, LLC** – General / 3033 Waltham Way ~ McCarran, NV

M. **Cal-Sierra Technologies, Inc.** – Out of County / 39055 Hastings St. Ste. 103 ~ Fremont, CA

N. **CWX Architects Inc** – Out of County / 1680 Montclair Ave. Ste A ~ Reno, NV

21. **RECESS TO CONVENE AS THE STOREY COUNTY LIQUOR BOARD**

22. **DISCUSSION/FOR POSSIBLE ACTION:**

First reading for approval of a On-Sale Liquor License for the Tahoe House Hotel and Bar; 162 South C Street, Virginia City, NV 89440. Applicant is Paul Hoyle of Lark Lane Hospitality LLC.

23. **PUBLIC COMMENT (No Action)**

24. **ADJOURNMENT OF ALL ACTIVE AND RECESSED BOARDS ON THE AGENDA**

NOTICE:

- Anyone interested may request personal notice of the meetings.
- Agenda items must be received in writing by 12:00 noon on the Monday of the week preceding the regular meeting. For information call (775) 847-0969.
- Items may not necessarily be heard in the order that they appear.
- Public Comment will be allowed at the end of each meeting (this comment should be limited to matters not on the agenda). Public Comment will also be allowed during each item upon which action will be taken on the agenda (this comment should be limited to the item on the agenda). Time limits on Public Comment will be at the discretion of the Chairman of the Board. Please limit your comments to three minutes.
- Storey County recognizes the needs and civil rights of all persons regardless of race, color, religion, gender, disability, family status, or nation origin.
- In accordance with Federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, the USDA, its Agencies, offices, and employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, religion, sex, gender identity (including gender expression), sexual orientation, disability, age, marital status, family/parental status, income derived from a public assistance program, political beliefs, or reprisal or retaliation for prior civil rights activity, in any program or activity conducted or funded by USDA (not all bases apply to all programs). Remedies and complaint filing deadlines vary by program or incident.

  Persons with disabilities who require alternative means of communication for program information (e.g., Braille, large print, audiotape, American Sign Language, etc.) should contact the responsible Agency or USDA's TARGET Center at (202) 720-2600 (voice and TTY) or contact USDA through the Federal Relay Service at (800) 877-8339. Additionally, program information may be made available in languages other than English.

  To file a program discrimination complaint, complete the USDA Program Discrimination Complaint Form, AD-3027, found online at

http://www.ascr.usda.gov/complaint_filing_cust.html and at any USDA office or write a letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of the complaint form, call (866) 632-9992. Submit your completed form or letter to USDA by:

(1) mail: U.S. Department of Agriculture
Office of the Assistant Secretary for Civil Rights
1400 Independence Avenue, SW
Washington, D.C. 20250-9410;

(2) fax: (202) 690-7442; or

(3) email: program.intake@usda.gov.

USDA is an equal opportunity provider, employer, and lender.

Notice to persons with disabilities: Members of the public who are disabled and require special assistance or accommodations at the meeting are requested to notify the Commissioners' Office in writing at PO Box 176, Virginia City, Nevada 89440.

CERTIFICATION OF POSTING

I, Vanessa Stephens , Clerk to the Board of Commissioners, do hereby certify that I posted, or caused to be posted, a copy of this agenda at the following locations on or before 07/15/2020; Virginia City Post Office at 132 S C St, Virginia City, NV, the Storey County Courthouse located at 26 S B St, Virginia City, NV, the Virginia City Fire Department located at 145 N C St, Virginia City, NV, the Virginia City Highlands Fire Department located a 2610 Cartwright Rd, VC Highlands, NV and Lockwood Fire Department located at 431 Canyon Way, Lockwood, NV.

By Vanessa Stephens
Vanessa Stephens Clerk-Treasurer

EXHIBIT

9

STOREY COUNTY BOARD OF COUNTY COMMISSIONERS MEETING

08/18/2020 10:00 A.M.

26 SOUTH B STREET, VIRGINIA CITY, NEVADA*

AGENDA

No members of the public will be allowed in the BOCC Chambers due to concerns for public safety resulting from the COVID-19 emergency and pursuant to the Governor of Nevada's Declaration of Emergency Directive 006 Section 1 which suspends the requirement in NRS 241.023(1)(b) that there be a physical location designated for meetings of public bodies where members of the public are permitted to attend and participate.

Further, due to the Governor's mandated steps to protect against the spread of COVID-19, the Storey County Board of County Commissioners are hosting a teleconference meeting this month. Members of the public who wish to attend the meeting remotely, may do so by accessing the following meeting on Zoom.com. Public comment may be made by communication through zoom.

***Join Zoom Meeting:** https://zoom.us/j/597519448 **Meeting ID: 597 519 448**

Dial by your location
+1 346 248 7799 US (Houston)
+1 669 900 6833 US (San Jose)
+1 253 215 8782 US
+1 301 715 8592 US
+1 312 626 6799 US (Chicago)
+1 929 205 6099 US (New York)
Meeting ID: 597 519 448
Find your local number: https://zoom.us/u/adi9WjdtNr

For additional information or supporting documents please contact the Storey County Clerk's Office at 775-847-0969.

MARSHALL MCBRIDE
CHAIRMAN

ANNE LANGER
DISTRICT ATTORNEY

JAY CARMONA
VICE-CHAIRMAN

LANCE GILMAN
COMMISSIONER

VANESSA STEPHENS
CLERK-TREASURER

Members of the Board of County Commissioners also serve as the Board of Fire Commissioners for the Storey County Fire Protection District, Storey County Brothel License Board, Storey County

Water and Sewer System Board and the Storey County Liquor and Gaming Board and during this meeting may convene as any of those boards as indicated on this or a separately posted agenda. All matters listed under the consent agenda are considered routine and may be acted upon by the Board of County Commissioners with one action, and without an extensive hearing. Any member of the Board or any citizen may request that an item be taken from the consent agenda, discussed, and acted upon separately during this meeting. Pursuant to NRS 241.020 (2)(d)(6) Items on the agenda may be taken out of order, the public body may combine two or more agenda items for consideration, and the public body may remove an item from the agenda or delay discussion relating to an item on the agenda at any time. The Commission Chair reserves the right to limit the time allotted for each individual to speak.

All items include discussion and possible action to approve, modify, deny, or continue unless marked otherwise.

1. **CALL TO ORDER REGULAR MEETING AT 10:00 A.M.**

2. **PLEDGE OF ALLEGIANCE**

3. **DISCUSSION/FOR POSSIBLE ACTION:**

   Approval of the Agenda for August 18, 2020

4. **DISCUSSION/FOR POSSIBLE ACTION:**

   Approval of the Minutes for July 21, 2020

5. **CONSENT AGENDA**

   I For possible action, approval of claims in the amount of $912,292.23

   II For possible action, approval of business license first readings:
   - **A. AECOM Design, A Professional Corp.** – Professional / 8985 S. Eastern Ave Ste 130 ~ Las Vegas, NV
   - **B. Atlas Land Development, LLC** – Contractor / 4363 S. Jumbo Way ~ Carson City, NV
   - **C. Jimmy's LLC** – Out of County / 3475 Ormsby Ln. ~ Washoe Valley, NV
   - **D. Road and Highway Builders, LLC** – Contractor / 950 E. Mustang Rd. ~ Sparks, NV
   - **E. Tenaska Power Services Co** – Out of County / 300 E. John Carpenter Freeway Ste 1100 ~ Irving, TX

   III For possible action, approval of Assessor's Recommended Correction to 2019-20 Unsecured Tax Roll per NRS 361.768

6. **PUBLIC COMMENT (No Action)**

7. **DISCUSSION ONLY (No Action - No Public Comment): Committee/Staff Reports**

8. **BOARD COMMENT (No Action - No Public Comment)**

9. **DISCUSSION/FOR POSSIBLE ACTION:**

Consideration and setting of date for a public hearing on the proposed amended service plan of the TRI GID.

10. **DISCUSSION/FOR POSSIBLE ACTION:**

Consideration and possible approval of 2nd reading for General Home-Based Business License for Highland Arms, internet firearm sales. Applicants are Calvin, Pamela, and Jacob Willey, 2538 Cartwright Rd., Reno, NV 89521.

11. **DISCUSSION/FOR POSSIBLE ACTION:**

Consideration and possible approval of 2nd reading for General Home-Based Business License for Silver State Firearms, 1399 Highland Spur, VC Highlands, NV 89521. Applicants are: David Cooley and Tony Midmore.

12. **DISCUSSION/FOR POSSIBLE ACTION:**

Consideration and possible approval of 2nd reading for General Business License. Out of county Petroleum Distributor, Senergy Petroleum, 464 Andrews St, Ste. 1, North Las Vegas, NV 89081.

13. **DISCUSSION/FOR POSSIBLE ACTION:**

Consideration and possible approval of 2nd reading for General Business License for Tahoe House Hotel & Bar. 162 S C St., Virginia City, NV 89440. Applicant is Paul Hoyle, Lark Lane Hospitality.

14. **RECESS TO CONVENE AS THE STOREY COUNTY LIQUOR BOARD**

15. **DISCUSSION/FOR POSSIBLE ACTION:**

Consideration and possible approval of 2nd reading for Liquor License for Tahoe House Hotel & Bar 162 S C St., Virginia City, NV 89440. Applicant is Paul Hoyle, Lark Lane Hospitality

16. **DISCUSSION/FOR POSSIBLE ACTION:**

Consideration and possible approval of five-year contract with Lenslock for obtaining body cameras to replace the VieVu cameras for a cost of approximately $20,000.00 per year.

17. **RECESS TO RECONVENE AS THE STOREY COUNTY BOARD OF COUNTY COMMISSIONERS**

18. **DISCUSSION/FOR POSSIBLE ACTION:**

Special Use Permit Amendment 2017-020-A1-2020 by applicant Asia Union Electronic Chemicals - Reno, Inc. (AUECC). The applicant requests an amendment to Special Use Permit (SUP) Number 217-020 to modify the language associated with Conditions of Approval C, D, S, T

and BB which relate to chemical and substance inventory, outdoor loading/unloading, water/fog deluge systems, bulk product loading/unloading, filling stations, training requirements, outdoor chemical storage, security footage storage and release reporting requirements. The subject property is located at 1400 Waltham Way, APN 004-091-81, McCarran, Storey County, Nevada.

19. **DISCUSSION/FOR POSSIBLE ACTION:**

Special Use Permit 2020-026 is a request to allow for construction of a 110-foot high public service communication facility associated with the existing Storey County sewer treatment plant. The project includes a tower, equipment shelters and other associated equipment. The tower will be located on the property associated with the Storey County Wastewater Treatment Plant at 1001 Six Mile Canyon Road, Virginia City, Storey County, Nevada and being a portion of Assessor's Parcel Number (APN) 001-311-04.

20 **DISCUSSION/FOR POSSIBLE ACTION:**

First reading of Bill 118, Ordinance 20-307, text amendments to Storey County Code Title 17 Zoning Districts CR Commercial-Residential ; C Commercial; R1 Single-Family; R2 Multi-Family Residential; E Estate; F Forestry, A Agriculture; I1 Light Industrial and I2 Heavy Industrial; NR Natural Resources and SPR Special Planning Review zones. Additions, modifications, elimination and clarifications including the listed land uses minimum floor area, setbacks, minimum parcel area, distance between buildings and home enterprises are proposed.

21. **DISCUSSION/FOR POSSIBLE ACTION:**

Special Use Permit 2020-021 request by the applicant Stericycle, Inc., to construct and operate a medical and other special waste incinerator facility. The project has the potential to provide generation of excess power, which is considered an "electric or gas power generating plant" which is also subject to a special use permit. The subject property is located at 1655 Milan Drive, Tahoe-Reno Industrial Center, McCarran, Storey County, Nevada, a portion of Assessor's Parcel Number (APN) 005-111-73.

22. **DISCUSSION/FOR POSSIBLE ACTION:**

Approval of business license second readings:

A. **Adelita's Tamales** – Food Truck / 917 Desert Breeze Way ~ Fernley, NV
B. **Denmark Commerce Park Owner's Assoc.** – Non-Profit / 1485 La Briana Ave ~ Reno, NV
C. **G3 Solar, LLC** – Contractor / 272 W 200 N. #200 ~ Lindon, UT
D. **Hammond Homes and Construction LLC** – Contractor / 1780 Lattin Road ~ Fallon, NV
E. **Holder Construction Group LLC** – In-County Contractor / 2555 USA PKWY ~ McCarran, NV
F. **Iconic Concrete LLC** – Contractor / 2740 Beach River Dr ~ Reno, NV
G. **QA Group, LLC** – Out-of-County / 3400 E. Third Ave ~ Foster City, CA

H. **Two Rivers Demolition, Inc.** – Contractor / 2620 Mercantile Dr. ~ Rancho Cordova, CA

23. **PUBLIC COMMENT (No Action)**

24. **ADJOURNMENT OF ALL ACTIVE AND RECESSED BOARDS ON THE AGENDA**

25. **CALL TO ORDER CLOSED SESSION AS THE 474 FIRE PROTECTION DISTRICT BOARD**

Call to order closed session pursuant to NRS 288.220 for the purpose of conferring with district and county management and legal counsel regarding labor negotiations with the Storey County Firefighters Association IAFF Local 4227. ***This meeting will commence immediately following the regular meeting of the Storey County Board of County Commissioners.***

NOTICE:

- Anyone interested may request personal notice of the meetings.
- Agenda items must be received in writing by 12:00 noon on the Monday of the week preceding the regular meeting. For information call (775) 847-0969.
- Items may not necessarily be heard in the order that they appear.
- Public Comment will be allowed at the end of each meeting (this comment should be limited to matters not on the agenda). Public Comment will also be allowed during each item upon which action will be taken on the agenda (this comment should be limited to the item on the agenda). Time limits on Public Comment will be at the discretion of the Chairman of the Board. Please limit your comments to three minutes.
- Storey County recognizes the needs and civil rights of all persons regardless of race, color, religion, gender, disability, family status, or nation origin.
- In accordance with Federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, the USDA, its Agencies, offices, and employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, religion, sex, gender identity (including gender expression), sexual orientation, disability, age, marital status, family/parental status, income derived from a public assistance program, political beliefs, or reprisal or retaliation for prior civil rights activity, in any program or activity conducted or funded by USDA (not all bases apply to all programs). Remedies and complaint filing deadlines vary by program or incident.

  Persons with disabilities who require alternative means of communication for program information (e.g., Braille, large print, audiotape, American Sign Language, etc.) should contact the responsible Agency or USDA's TARGET Center at (202) 720-2600 (voice and TTY) or contact USDA through the Federal Relay Service at (800) 877-8339. Additionally, program information may be made available in languages other than English.

  To file a program discrimination complaint, complete the USDA Program Discrimination Complaint Form, AD-3027, found online at http://www.ascr.usda.gov/complaint_filing_cust.html and at any USDA office or write a letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of the complaint form, call (866) 632-9992. Submit your completed form or letter to USDA by:

(1) mail: U.S. Department of Agriculture
Office of the Assistant Secretary for Civil Rights
1400 Independence Avenue, SW
Washington, D.C. 20250-9410;

(2) fax: (202) 690-7442; or

(3) email: program.intake@usda.gov.

USDA is an equal opportunity provider, employer, and lender.

Notice to persons with disabilities: Members of the public who are disabled and require special assistance or accommodations at the meeting are requested to notify the Commissioners' Office in writing at PO Box 176, Virginia City, Nevada 89440.

CERTIFICATION OF POSTING

I, Vanessa Stephens , Clerk to the Board of Commissioners, do hereby certify that I posted, or caused to be posted, a copy of this agenda at the following locations on or before 08/12/2020; Virginia City Post Office at 132 S C St, Virginia City, NV, the Storey County Courthouse located at 26 S B St, Virginia City, NV, the Virginia City Fire Department located at 145 N C St, Virginia City, NV, the Virginia City Highlands Fire Department located a 2610 Cartwright Rd, VC Highlands, NV and Lockwood Fire Department located at 431 Canyon Way, Lockwood, NV

By Vanessa Stephens
Vanessa Stephens Clerk-Treasurer

CERTIFIED COPY
The document to which this certificate is is attached is a full, true, and correct copy of the original on file and of record in this office.
Date Oct. 5, 2020
Storey County Clerk and Ex-Officio Clerk of the First Judicial District of the State of Nevada, in and for Storey County
By _____, Deputy

STOREY COUNTY BOARD OF COUNTY COMMISSION ERS MEETING

TUESDAY, AUGUST 18, 2020 10:00 A.M.

DISTRICT COURTROOM
26 SOUTH B STREET, VIRGINIA CITY, NEVADA

MINUTES

MARSHALL MCBRIDE
CHAIRMAN
ATTORNEY

ANNE LANGER
DISTRICT

JAY CARMONA
VICE-CHAIRMAN

LANCE GILMAN
COMMISSIONER
TREASURER

VANESSA STEPHENS
CLERK-

ROLL CALL via zoom: Chairman McBride, Vice-Chairman Carmona, Commissioner Gilman, County Manager Austin Osborne, Clerk & Treasurer Vanessa Stephens, Deputy District Attorney Keith Loomis, Tourism Director Deny Dotson, Sheriff Gerald Antinoro, Fire Chief Jeff Nevin, Emergency Management Director Joe Curtis, Senior Planner Kathy Canfield, Senior Center Director Stacey York, Human Resources Director Jeanne Greene, Public Works Director Jason Weizrbicki, Recorder Marney Hansen-Martinez, Communications Director Dave Ballard, Community Chest Director Erik Schoen

1. CALL TO ORDER REGULAR MEETING AT 10:00 A.M.
Meeting was called to order by Chairman McBride at 10:00 A.M.

2. PLEDGE OF ALLEGIANCE
Chairman McBride led the Pledge of Allegiance.

3. DISCUSSION/POSSIBLE ACTION: Approval of Agenda for August 18, 2020.
County Manager Austin Osborne requested item 20 be continued to September 15, 2020. Move item 16 following item 17.
Public Comment: None

Motion: I move to approve the Agenda for August 18, 2020, with the changes requested, **Action:** Approve, **Moved by:** Vice Chairman Carmona, **Seconded by:** Commissioner Gilman, **Vote:** Motion carried by unanimous vote, **(Summary:** Yes=3)

4. DISCUSSION/POSSIBLE ACTION: Approval of the Minutes for July 21, 2020.
Public Comment: None

Motion: I move to approve the Minutes for July 21, 2020, **Action:** Approve, **Moved by:** Vice Chairman Carmona, **Seconded by:** Commissioner Gilman, **Vote:** Motion carried by unanimous vote, **(Summary:** Yes=3)

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5. CONSENT AGENDA:

I. For possible action, approval of claims in the amount of $912,292.23

II. For possible action, approval of business license first readings:

A. AECOM Design, A Professional Corp. - Professional / 8985 S. Eastern Ave Ste 130 ~ Las Vegas, NV
B. Atlas Land Development, LLC - Contractor / 4363 S. Jumbo Way ~ Carson City, NV
C. Jimmy's LLC - Out of County / 3475 Ormsby Ln. ~ Washoe Valley, NV
D. Road and Highway Builders, LLC - Contractor / 950 E. Mustang Rd. ~ Sparks, NV
E. Tenaska Power Services Co - Out of County / 300 E. John Carpenter Freeway Ste 1100 ~ Irving, TX

Public Comment: None

Motion: I move to approve today's Consent Agenda, **Action:** Approve, **Moved by:** Vice Chairman Carmona, **Seconded by:** Commissioner Gilman, **Vote:** Motion carried by unanimous vote, **(Summary:** Yes=3)

6. PUBLIC COMMENT (No Action) None

7. DISCUSSION ONLY (No Action - No Public Comment): Committee/Staff Reports

Sheriff Antinoro:

- Long time Storey County resident, Jim Watson, passed away.
- With the start of school, be on the look-out for kids and school buses out and around. There will be extra enforcement in school zones.

Erik Schoen, Community Chest/Library Director:

- This is the last week for the summer program which has been very successful. With the protocol in place, there were no known cases of Covid 19.
- The library was used as another classroom. This will continue through the fall. People with a Storey County library card will be able to access all resources "virtually".
- Early childhood education will continue to be offered throughout the fall - accommodating up to 18. Some part-time and some full time.
- Before and after school programs will be offered to elementary students, Monday through Thursday, and all day on Friday. Looking at staffing to provide the same programs for middle-school students after school. There are capacity issues, they will do the best they can.
- The tech-center in the library will be staffed by a teacher providing support for students accessing on-line school programs.

Deny Dotson, VCTC Director:

- The VCTC is very concerned with the shutdown and effects on revenue, especially from tourism tax and lodging. Mr. Dotson reviewed the figures (note: difficult to hear him via zoom). Some good news there.
- Hard decisions have been made regarding events - there are concerns with the fall.
- A lot of resources will be going to marketing with radio and billboards.

Joe Curtis, Emergency Management Director:

- Only 5 new cases reported in the Quad County area with 22 recoveries.
- Since March 1, there have been 886 cases - 732 recoveries. 139 still active, 15 deaths.
- In 5 months, there have been only 6 cases in Storey County.
- Reminder - there is potential for exposure within 15 minutes at 6 feet distance.

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- The Governor's order still stands for 50% of fire rating occupancy - or 50 people total, whichever is less. Social distancing and masking are still in place.
- At the last test site on August 11, 140 tests were given. Two nurses, a representative from Carson City Health, 4 paid Storey County staff, and 3 Jeep Posse volunteers participated.
- Jeep Posse members have been a huge help at all test sites - with set-up/take down of cones and tables and chairs, in decisions regarding flow of traffic and traffic control.
  They are always available, show up on time, and are committed to assist in the process. Many of the members have completed County-required MIMS, incident command training.
- The next test date is August 28 at the Lockwood Senior Center, 10am to 11am. Test results should be received in 7 to 10 days. People are lining up about one hour before.
- Tests must be conducted for the next 2 ½ years.
- Plans are being made for the "long haul" and for flu vaccinations, as well as Covid vaccinations when available.
- Equipment has been acquired for the test sites, with more that needs to be acquired to take care of the process - the only outside assistance would be nurses to administer the tests.
- Since the beginning of Covid, Emergency Management and Community Relations have been working about 100% on Covid-related processes and issues.

Chairman McBride asked if (the County) is still required to test 2% of its population per month.

Mr. Curtis: We are far exceeding that.

Austin Osborne, County Manager:

- Working with NACO, the District Attorney, and our team on the mechanics of the program for the $200,000 grant to be invested in our communities.
- A "town hall" open-air meeting will be held August 27 in Lockwood, 5pm to 6pm. This will take place north of the Truckee River Bridge in an area where people can drive in and stop. People are asked to wear facemasks.
- Working on a request from the last workshop to post the "capital improvement plan" on the link. It is already posted in the budget. A more "user friendly" version is being created.

Vice Chairman Carmona "applauds" the Town Hall meetings. This is an important time to communicate with the community.

Vanessa Stephens, County Clerk:

- This year every active registered voter will receive a mail-in ballot. In addition, we will have the normal polling place. If a voter chooses to not use the mail-in ballot, they can come and vote on a machine as in the past.
- Everyone is encouraged to make sure voter registration is up-to-date. Contact the Clerk's Office with any questions.

8. BOARD COMMENT (No Action - No Public Comment)
Vice Chairman Carmona:

- A lot of institutional knowledge has been lost with the passing of Jim Watson.

9. DISCUSSION /POSSIBLE ACTION: Consideration and setting of date for a public hearing on the proposed amended service plan of the TRI GID.

Deputy District Attorney Loomis explained a requirement for amending the service plan is that the Board set a date for a public hearing. Notice must be published. The date being considered is September 15, 2020.

Public Comment: None

Motion: I, Jay Carmona, move to set the 15th day of September 2020, 10:30 AM, as the date for a public hearing to consider possible approval of an amended service plan for the TRI GID, and authorize the clerk to publish notice of the hearing and to notify interested parties of the public hearing, **Action:** Approve, **Moved by:** Vice Chairman Carmona, **Seconded by:** Commissioner Gilman, **Vote:** Motion carried by unanimous vote, **(Summary:** Yes=3)

10. DISCUSSION/POSSIBLE ACTION: Consideration and possible approval of 2nd reading for General Home-Based Business License for Highland Arms, internet firearm sales. Applicants are Calvin, Pamela, and Jacob Willey, 2538 Cartwright Rd., Reno, NV 89521.

Sheriff Antinoro said applicants' background has been reviewed - they are pending Federal firearms license approval contingent on County granting business license. The business will primarily be internet and gun-show based. Applicants are connected with a tree service and a long-time gun shop in Reno. There is nothing prohibiting them from having this license.
Public Comment: None

Motion: I, Jay Carmona, motion to approve the 2nd reading for General Home-Based Business License for Highland Arms, internet firearm sales. Applicants are Calvin, Pamela, and Jacob Willey, 2538 Cartwright Rd., Reno, NV 89521e, **Action:** Approve, **Moved by:** Vice Chairman Carmona, **Seconded by:** Commissioner Gilman, **Vote:** Motion carried by unanimous vote, **(Summary:** Yes=3)

11. DISCUSSION/POSSIBLE ACTION : Consideration and possible approval of 2nd reading for General Home-Based Business License for Silver State Firearms, 1399 Highland Spur, VC Highlands, NV 89521. Applicants are: David Cooley and Tony Midmore.

Sheriff Antinoro: Applicants are pending Federal Firearms License approval contingent on issuance of County's business license. Applicants will primarily be manufacturing custom firearms. Nothing in their background prohibits this license.
Public Comment: None

Motion: I, Jay Carmona, motion to approve the 2nd reading for General Home-Based Business License for Silver State Firearms, 1399 Highland Spur, VC Highlands, NV 89521. Applicants are: David Cooley and Tony Midmore, **Action:** Approve, **Moved by:** Vice Chairman Carmona, **Seconded by:** Commissioner Gilman, **Vote:** Motion carried by unanimous vote, **(Summary:** Yes=3)

12. DISCUSSION/POSSIBLE ACTION: Consideration and possible approval of 2nd reading for General Business License. Out of county Petroleum Distributor, Senergy Petroleum, 464 Andrews St, Ste. 1, North Las Vegas, NV 89081.

Sheriff Antinoro explained Senergy Petroleum will not have an office in Storey County, however they will provide goods and services through local distributors. Nothing was found to preclude them from this license.
Public Comment: None

Motion: I, Jay Carmona, motion to approve the 2nd reading for General Business License. Out of county Petroleum Distributor, Senergy Petroleum, 464 Andrews St, Ste. 1, North Las Vegas, NV

89081, **Moved by:** Vice Chairman Carmona **Seconded by:** Commissioner Gilman, **Vote:** Motion carried by unanimous vote, **(Summary:** Yes=3)

13. DISCUSSION/POSSIBLE ACTION: Consideration and possible approval of 2nd reading for General Business License for Tahoe House Hotel & Bar. 162 S C St., Virginia City, NV 89440. Applicant is Paul Hoyle, Lark Lane Hospitality.

Sheriff Antinoro: Background has been completed on this applicant. Mr. Hoyle has a history in the hotel industry and will make a good addition to the community.
Public Comment: None

Motion: I, Jay Carmona, motion to approve 2nd reading for General Business License for Tahoe House Hotel & Bar. 162 S C St., Virginia City, NV 89440. Applicant is Paul Hoyle, Lark Lane Hospitality, **Moved by:** Vice Chairman Carmona **Seconded by:** Commissioner Gilman, **Vote:** Motion carried by unanimous vote, **(Summary:** Yes=3)

14. RECESS TO CONVENE AS THE STOREY COUNTY LIQUOR BOARD

15. DISCUSSION/POSSIBLE ACTION: Consideration and possible approval of 2nd reading for Liquor License for Tahoe House Hotel & Bar. 162 S C St., Virginia City, NV 89440. Applicant is Paul Hoyle, Lark Lane Hospitality.

Sheriff Antinoro: There is nothing that would preclude Mr. Hoyle from holding a liquor license. He has 20+ years in the hospitality industry based on the reports.

Chairman McBride disclosed he holds a liquor license on C Street, not in proximity to this hotel. Voting on this issue one way or the other would have no affect on this license.
Public Comment: None

Motion: I, Jay Carmona, motion to approve the 2nd reading for Liquor License for Tahoe House Hotel & Bar. 162 S C St., Virginia City, NV 89440. Applicant is Paul Hoyle, Lark Lane Hospitality, **Action:** Approve, **Moved by:** Vice Chairman Carmona, **Seconded by:** Commissioner Gilman, **Vote:** Motion carried by unanimous vote, **(Summary:** Yes=3)

17. RECESS TO RECONVENE AS THE STOREY COUNTY BOARD OF COUNTY COMMISSIONERS

16. DISCUSSION/POSSIBLE ACTION : Consideration and possible approval of five-year contract with Lenslock for obtaining body cameras to replace the VieVu cameras for a cost of approximately $20,000.00 per year.

Sheriff Antinoro: Some years ago, a contract with VieVu was entered into for body cameras mandated by the Legislature. VieVu has new owners. There have been issues in keeping the cameras "up and running" and looking at (VieVu), the price goes up significantly to renew the contract and up-grade cameras. Lenslock has a very reliable product, which (the Sheriff) has been testing the last few months, with a very good price. In discussion with the District Attorney's Office, it is probably cheaper to pay off the existing contract with VieVu due to their failure to uphold their end of the contract.

Chairman McBride: It was an "unfunded" mandate, right?

Sheriff Antinoro: At the time, there was an option to initiate a surcharge on the telephone system to

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be used for payment of the cameras. The Commission opted not to do that. This is an option moving forward, but he doesn't think anyone wants any increases in taxes or surcharges.

Chairman McBride: Isn't this is a significant increase as opposed to VieVu?

Sheriff Antinoro: It is a significant increase, however it is the most cost effective contract. The company who bought VieVu was quite higher. As this is mandated across the country, there are not a lot of options. This is about the best price.

Deputy District Attorney Loomis: He has looked over the contract and the provisions for termination. The contract could be terminated for "breach" - but the breach standards are very vague. He advised the Sheriff to pay the termination fee, which isn't that high - establishing the breach would be harder. Among other items, the contract with Lenslock has significant limited liability which is not unusual. It is not the greatest, but a contract we have to live with.
Public Comment: None

Motion: I, Jay Carmona, motion to approve the 1st reading for the approval of the 1st reading for cancelling the VieVu camera system and replacing with LensLock camera system, **Action:** Approve, **Moved by:** Vice Chairman Carmona,

Commissioner Gilman asked the Sheriff how he evaluates the (current) camera system and its value to the community. Sometimes these things are not as effective as we would like.

Sheriff Antinoro: Agrees they are not as effective as they would like them to be. He said he testified against them at the Legislature because they really don't accomplish what was intended. They do provide insight in the event of ending up in court on a case. This was implemented because of allegations of police misconduct, shootings, or things of that nature - which have not been an issue in Storey County. It's not uncommon that a camera gets pulled off in a scuffle - you don't necessarily get a good image. The same if someone is being chased because of the way the camera bounces around. A camera in the patrol vehicle versus on the body would be his preference. It was found that the cameras being replaced were not very durable. These (new cameras) have a stronger mounting unit and controls keeping them on. They are not what they could be - we are stuck unless the Legislature changes something.

Commissioner Gilman commented they rarely "roll something back". In watching the news, they (cameras) do not seem to be very effective.

Seconded by: Commissioner Gilman, **Vote:** Motion carried by unanimous vote, **(Summary:** Yes=3)

21. DISCUSSION/POSSIBLE ACTION: Special Use Permit 2020-021 request by the applicant Stericycle, Inc., to construct and operate a medical and other special waste incinerator facility. The project has the potential to provide generation of excess power, which is considered an "electric or gas power generating plant" which is also subject to a special use permit. The subject property is located at 1655 Milan Drive, Tahoe-Reno Industrial Center, McCarran, Storey County, Nevada, a portion of Assessor's Parcel Number (APN) 005-111-73.

Commissioner Gilman recused himself from vote and discussion on this item as he holds a pecuniary interest in land that is the subject matter of this item.

Senior Planner Kathy Canfield: This application is for a Special Use Permit - a medical waste facility in the Tahoe-Reno Industrial Center. The project is in I-2, heavy industrial zoning, with an I-S overlay. Ms. Canfield described the building - all activities will take place within the building. Applicant is required to obtain permits from Nevada Division of Environmental Protection (NDEP) who regulates emission standards and is permitting authority for air quality.

This project was discussed at the last Planning Commission meeting. Four items of correspondence opposing the project have been received. All items are on the website. The Planning Commission voted 5 to 1 for approval, with one recusal. Staff recommends approval.

Dominic Culotta, Executive Vice President and Chief Engineer of Stericycle introduced the Stericycle team and presented an overview of Stericycle's operations. The plant will be built on a 20-acre parcel on Milan Drive, zoned for heavy industrial with an I-S (Special Industrial Zone) overlay. Approximately 5 acres will be developed for the facility and parking. The rest will be a buffer zone to minimize impact on wildlife and neighbors. Operations will be contained within the 50,000 square foot facility.

Mr. Culotta reviewed the operation of the incinerators which are small compared to large municipal waste incinerators. Traffic impact will be small, with only 10 to 15 trailers expected per day. Construction will support many jobs. The facility will process certain types of medical waste designated for incineration as a best practice.

Mr. Culotta explained the focus on safety which includes enhanced training programs. There is a committee dedicated to health and safety. He addressed issues raised about the Stericycle facility in Utah, as well as in North Las Vegas. A letter has been submitted outlining legal reasons why this is not relevant to the law. A violation at North Salt Lake City, mentioned by those opposed to the facility in Storey County, occurred nine years ago and is the only citation for emission violation in the history of its operation. That facility remains in full operation, in compliance, with a permit through 2022. He discussed concerns with the proposed North Las Vegas facility. That application was withdrawn prior to approval or denial due to a lack of readily available access to water and other utilities.

Mr. Culotta reviewed reasons Stericycle decided on the TRI location for its new facility, including infrastructure, logistics, and the Master Plan. He presented a diagram showing the "state of the art" incineration process that will be installed including an air pollution abatement system. Concerns regarding effect on the environment have been heard. (Stericycle) is subject to stringent federal and state air regulations and follow a proven air pollution control process. The new incinerator will be subject to the most stringent emission standards in any incinerator category. Testing is required by the EPA - with samples and analysis submitted by a third party.

They have reached out to the American Wildhorse Campaign and will hold quarterly meetings throughout this process and believe they will make a positive contribution to the safety and well-being of wild horses.

Stericycle is committed to supporting these missions and participating with business owners of TRI. In addition, they service businesses in Storey, surrounding districts, and counties. This includes doctors, offices, labs, airports, retail, all branches of military, Federal, State, and local governments - as well as others. Mr. Culotta thanked the Board for the opportunity to present this item.

Chairman McBride: What were the negative findings by the Planning Commission in North Las Vegas that were leading to denial of (Stericycle's) SUP?

Dale Rich of Stericycle: The same type of rhetoric and documents being brought forward now may have influenced the decision process. There was not an actual hearing - there was no vote and the application was pulled based on lack of infrastructure.

Selin Hoboy: They were originally approved for the facility in the North Las Vegas situation. Two years later when obtaining a special use permit there was some political opposition in North Las Vegas. Similar information in terms of history at other facilities and the North Salt Lake situation was brought forward. As part of their package, that information was submitted as part of their concerns from a safety perspective. That is why they moved to deny the permit. At the same time, (Stericycle) looked at what was happening in that area and made the decision that the facility would not fit within their time-period and withdrew the application.

Chairman McBride: Special Use Permits are inherent to concern and criticism - that's why they're special use permits. Has Stericycle purchased the property where they plan on building? What is the estimated cost of the facility- how much will you be into it when built out?

Mr. Culotta: They have entered into a contract to purchase the land. Approximately $40 million - $14 million could be local. The planning phase and design are underway. When finalized, they can be more cost specific.

Chair McBride: Will the facility be equipped with new equipment or used from other facilities?

Mr. Culotta: The plan is for new equipment.

Mr. Rich: It will be all new with systems based on the latest technology advances.

Chair McBride: New equipment is usually cleaner and more efficient. Will rules be utilized that are put in place by the Treasury Department taking advantage of Storey County as an "opportunity zone"?

Ms. Hoboy responded they are looking at those opportunities - however they wanted to get through this process, then look at the next step and options.

Chair McBride: Will (Stericycle) be asking the Governor's Department of Economic Development for tax abatements?

Ms. Hoboy: They will be looking at what economic opportunities there are within the State. At this point, they have not planned for those - inaudible and plan on funding those themselves. Inaudible. With the potential equipment they are proposing as a "waste energy facility", there might be some options there.

Chair McBride: These questions are asked because we like to have businesses, especially high-tech, move into the industrial park. It doesn't appear (Stericycle) will have a big impact on services, but we like to make sure everyone is paying their fair share.

Vice Chairman Carmona asked how many employees would be working at the facility when it's "up and running".

Mr. Culotta: Approximately 30 employees when it's fully in operation. New technology is very automated. Some others will be coming and going.

Vice Chair Carmona asked Mr. Culotta to explain what would be coming out of the "stack" - would it be equal to emissions from a diesel truck?

Dale Rich: The facility is considered a minor source. Emissions would be fairly low and deminimus- compare it to about 10 trucks driving down the highway.

Vice Chair Carmona: If this is considered a low impact, what would be considered a high impact?

Mr. Rich: High impact would be a very large facility - power plants, manufacturing facilities with enormous emission potential. Our emissions are very low when compared to very large plants.

Vice Chair Carmona: The reality is this is a world where waste is generated that has to be brought down to the safest levels. There has to be place to get rid of this stuff. There will be real time monitoring of the stacks so if there is an issue or failure- what would be the procedure?

Mr. Rich: Emissions will be monitored based on permit conditions per Nevada and EPA regulations. "Site specific" operating parameters will be monitored continuously and recorded. There are "safety's" built in to the facility to stop the process of waste - a "lock-out" condition. Before operation begins, very extensive initial performance testing is done. The parameters established during testing must be complied with at all times. They will continuously "self-report" to NDEP - the regulatory agency. Reports are sent out detailing any deviations. Violations that would occur are reported by Stericycle.

Vice Chair Carmona assumes (Stericycle) would be working with Storey County Emergency Management and if there was an issue (the County) would be notified so the situation could be handled on this end.

Chair McBride asked how many Federal and State "oversight" agencies do you report to or are overseen by?

Ms. Hoboy: Approximately 10 to 15 agencies. There may be a permit for wastewater. We will need Federal and State OSHA permits, as well as permits from Department of Transportation, Nevada Bureau of Air Quality, and Title 5 Air Permit. We are preparing for any additional solid waste permits from the State and any other County permits as needed.

Public Comment:
Greg Hendricks, American Wild Horse Campaign : He is relaying appreciation to Stericycle Management Group for openness and willingness to discuss wild horse mitigation impact relating to this facility, its construction, and operation. Their openness is most appreciated. Discussions will continue on a quarterly basis. A commitment letter to continue mitigation discussions has been received. American Wild Horse Connection has been involved in rescue and discussion regarding that - we thank (Stericycle) for that. It's great to see a company look at situations prior to build so that appropriate actions and mitigation are built in - reducing impact on the wild horses.

Mathew Digesti, Vice President-Government Affairs for Blockchains LLC: Speaking in opposition to the Special Use Permit requested by Stericycle. A detailed opposition has been provided outlining legal reasons why the SUP does not meet standards for approval. At this time, they would like to focus on the issue of safety in Storey County. It is this (Board's) responsibility to protect the health and welfare of County residents, businesses, and thousands of employees working in close proximity to Stericycle's proposed bio-hazardous site.

Mr. Digesti reviewed other locations where Stericycle's operations were ultimately denied, including in Utah, Arizona, Oakland, and North Las Vegas. Contrary to Stericycle assertions, substantial negative findings were made and are in the staff report. This company has been all over the western United States looking to create a most dangerous, known bio-hazardous service. They have been appropriately challenged or denied everywhere they've been.

Mr. Digesti reviewed various negative issues with Stericyle -including, bio-hazardous pollution, environmental hazards, accidents, fines, and more. In addition, stock prices have declined for five years because the company is harmful and dishonest, among other things. There have been no presentations, no experts, no questions or findings of fact from the County about medical incineration technology or the harmful impact when an accident does happen.

Stericycle did admit to several accidents - the technology is not foolproof. This is not an acceptable risk - it was not to the City of North Las Vegas, Utah, Arizona, or California. What has Stericycle done to make Storey County an acceptable location?

Mr. Digesti feels the Commission does not have enough information regarding impacts. And even if they had enough information, they believe approving the SUP is not worth sacrificing Storey County's future.

* Sam Toll: Echos what Mr. Digesti has said and expressed disapproval at the Planning Commission. He is skeptical of "self-reporting" - whether mining income for taxes, or emissions from this proposed facility. His "backyard" is as far away from this facility as you can get. By approving this type of business, the bar is set for other businesses to come in with hazardous materials. With almost a dozen of these types if businesses in the County, it sets a dangerous precedent. Mr. Toll agrees with what's happening at the industrial park and is encouraged by the diversity of businesses. This kind of business does not belong near Lockwood and Rainbow Bend. Mr. Toll explained how OSHA was turned away from investigating a dangerous machine at Tesla. He encouraged the Commissioners to reject this Special Use Permit.

* Philip Hilton: Has there been any environmental study/studies? Getting environmental waste in and out of the area - has there been a study of traffic impacts? I-80 corridor is prone to accidents, especially in winter. What would the impact be if there was a spill on the highway?

Vice Chairman Carmona: Thinks they said about 15 trucks per day.

Chairman McBride: Yes, 10 to 15 trucks per day. (The County) has a hazmat team and we work with Washoe County. The Fire Department is properly trained and equipped to handle any hazmat accident that would occur - whether with this company or anyone else on the I-80 corridor.

Vice Chairman Carmona: Unless there are other questions or concerns that haven't been addressed that would cause putting this off for two weeks, he is confident with answers received. Accusations have been made which he has not seen much evidence in support. He feels they have met all requirements for the heavy industrial zone agreed to 10 years ago with the Master Plan amendment. He is ready to move forward unless there are other concerns raised that have not been addressed.

Chairman McBride: Has confidence in the Planning Commission and Planning staff. He does respect the one dissenting vote on the Commission. He does not, however, see anything that would deter going forward with this.

Ms. Canfield read the Findings of Fact:

This approval is for Special Use Permit 2020-021, a request by the applicant Stericycle, Inc., to construct and operate a medical and other special waste incinerator facility. The project has the potential to provide generation of excess power, which is considered an "electric or gas power generating plant" which is also subject to a special use permit. The subject property is located at 1655 Milan Drive, Tahoe-Reno Industrial Center, McCarran, Storey County, Nevada, a portion of Assessor's Parcel Number (APN) 005-111-73.

The Special Use Permit conforms to the 2016 Storey County Master Plan for the McCarran planning area in which the subject property is located. A discussion supporting this finding for the Special Use Permit is provided in Section 2.E of this staff report and the contents thereof are cited in an approval of this Special Use Permit.

The subject property is located within an existing industrial neighborhood in the McCarran area of Storey County. The zoning is based on the 1999 Storey County Zoning Ordinance which identifies this property as I-2 Heavy Industrial. The proposed facility is defined as a "recycling facilities and operations involving use, recovery or residue of hazardous materials and/or wastes" and has an incinerator and has the potential to provide an "electric or gas power generating plant" and requires a Special Use Permit.

Granting of the Special Use Permit, with the conditions of approval listed in Section 4 of this report, will not under the circumstances of the particular case adversely affect to a material degree the health or safety of persons/property in the neighborhood of the subject property. The project is expected to meet the safety and health requirements for the subject area. The use will also be subject to building and fire plan review in order to ensure compliance with federal, state and other codes.

The Special Use Permit will not impose substantial adverse impacts or safety hazards on the abutting properties or the surrounding area, and it will comply with all federal, state and county regulations.

The conditions under the Special Use Permit do not conflict with the minimum requirements in the 1999 Storey County Zoning Ordinance Sections 17.37 I-2 Heavy Industrial and 17.62 Special Uses.

Granting of the Special Use Permit will not, under the circumstances of the particular case, adversely affect to a material degree the health or safety of persons working in the neighborhood or area of the subject property and will not be materially detrimental to the public welfare or materially injurious to property improvements in the neighborhood or area of the subject property.

Granting of the Special Use Permit would not be incompatible with or detrimental to the surrounding area.

Motion: In accordance with the recommendation by staff and the Planning Commission, the Findings of Fact under Sesction 3.A of this report, and other findings deemed appropriate by the Board of County Commissioners, and in compliance with the conditions of approval, I, Jay Carmona, move to approve of Special Use Permit 2020-21, to construct and operate a medical and other special waste incinerator facility. The project has the potential to provide generation of excess power, which is considered and electric or gas power generating plant which is also subject to a special use permit. The subject property is located at 1655 Milan Drive, Tahoe-Reno Industrial Center, McCarran, Storey County, Nevada, a portion of Assessor's Parcel Number (APN) 005-111-73, **Action:** Approve,

Moved by: Vice Chairman Carmona, **Seconded by:** Chairman McBride, **Vote:** Motion carried by unanimous vote, **(Summary:** Yes=2)

19. DISCUSSION /FOR POSSIBLE ACTION: Special Use Permit 2020-026 is a request to allow for construction of a 110-foot high public service communication facility associated with the existing Storey County sewer treatment plant. The project includes a tower, equipment shelters and other associated equipment. The tower will be located on the property associated with the Storey County Wastewater Treatment Plant at 1001 Six Mile Canyon Road, Virginia City, Storey County, Nevada and being a portion of Assessor's Parcel Number (APN) 001-311-04.

Senior Planner Kathy Canfield explained this Special Use Permit is for a tower to house public service equipment at the wastewater treatment plant. This will allow for wireless communication at the plant along with providing public service for that area of town that currently has limited coverage.
The Planning Commission voted 6-0 for approval and is currently in review with the Historic Commission.

Commissioner Gilman said this is something that has been needed for the health and safety of those in the area.
Public Comment: None

Ms. Canfield read the Findings of Fact:

This approval is for Special Use Permit 2020-026 to allow for construction of a 110-foot high public service communication facility associated with the existing Storey County sewer treatment plant. The project includes a tower, equipment shelters and other associated equipment. The tower will be located on the property associated with the Storey County Wastewater Treatment Plant at 1001 Six Mile Canyon Road, Virginia City, Storey County, Nevada and being a portion of Assessor's Parcel Number (APN) 001-311-04.

The Special Use Permit conforms to the 2016 Storey County Master Plan for the Public Facilities designated area in which the subject property is located. A discussion supporting this finding for the Special Use Permit is provided in Section 2.D of this staff report and the contents thereof are cited in an approval of this Special Use Permit. The Special Use Permit complies with the general purpose, goals, objectives, and standards of the county master plan, the zoning ordinance and any other plan, program, map or ordinance adopted, or under consideration pursuant to the official notice by the county.

The proposal location, size, height, operations, and other significant features will be compatible with and will not cause substantial negative impact on adjacent land uses, or will perform a function or provide a service that is essential to the surrounding land uses, community, and neighborhood.

The Special Use Permit will result in no substantial or undue adverse effect on adjacent property, the character of the neighborhood, traffic conditions, parking, public improvements, public sites or right-of-way, or other matters affecting the public health, safety, and general welfare, either as they now exist or as they may in the future be developed as a result of the implementation of the provisions and policies of the county master plan, this title, and any other plans, program, map or ordinance adopted or under consideration pursuant to an official notice, by the county, or other governmental agency having jurisdiction to guide growth and development.

The proposed use in the proposed area will be adequately served by and will impose no undue burden on any of the improvements, facilities, utilities, or services provided by the county or other governmental agency having jurisdiction in the county.

The Special Use Permit, with the recommended conditions of approval, complies with the requirements of Chapters 17.03.150 - Special Use Permit, 17.12 - General Provisions, and 17.32 - Forestry Zone.

The proposed project is an accessory use to the existing Storey County sewage treatment plant, and therefore is consistent with the land acquisition requirements of Patent 27-2014-0006.

Motion: In accordance with the recommendation by staff and the Planning Commission, the Findings of Fact under Section 3.A of this report, and other findings deemed appropriate by the Board of County Commissioners, and in compliance with the conditions of approval, I, Jay Carmona, move to approve Special Use Permit 2020-026 to allow for construction of a 110-foot high public service communication facility associated with the existing Storey County sewer treatment plant. The project includes a tower, equipment shelters and other associated equipment. The tower will be located on the property associated with the Storey County Wastewater Treatment Plant at 1001 Six Mile Canyon Road, Virginia City, Storey County, Nevada and being a portion of Assessor's Parcel Number (APN) 001-311-04, **Action:** Approve, **Moved by:** Vice Chairman Carmona, **Seconded by:** Chairman McBride, **Vote:** Motion carried by unanimous vote, **(Summary:** Yes=2)

18. DISCUSSION/POSSIBLE ACTION : Special Use Permit Amendment 2017-020-A1-2020 by applicant Asia Union Electronic Chemicals - Reno, Inc. (AUECC). The applicant requests an amendment to Special Use Permit (SUP) Number 217-020 to modify the language associated with Conditions of Approval C, D, S, T and BB which relate to chemical and substance inventory, outdoor loading/unloading, water/fog deluge systems, bulk product loading/unloading, filling stations, training requirements, outdoor chemical storage, security footage storage and release reporting requirements. The subject property is located at 1400 Waltham Way, APN 004-091-81, McCarran, Storey County, Nevada.

Ms. Canfield explained this is an amendment to the previously issued Special Use Permit, modifying language in 5 of 33 conditions of approval in the original Special Use Permit. At the time of approval, AUECC was an unique business and was given a very detailed review resulting in very detailed conditions of approval. AUECC has since gone to other agencies with similar review processes - some of the (County's) very detailed conditions of approval do not allow the other agencies flexibility to put in their best practices. The recommendation is to modify language to make it more flexible for AUECC to meet requirements of other agencies and the County's SUP by taking out some very specific technical language. None of this changes any safety requirements of the project. Planning Commission voted 7-0 for approval.

Danielle Knight, Environmental Health and Safety Manager at AUECC, introduced several members of the AUECC team. Ms. Knight reviewed AUECC's operations - refining chemistry to a level of ultra-pure chemicals used in semi-conductors to manufacture computer chips. The 2017 Special Use Permit was their first permit obtained. They are now ready for production and would like to revise that permit to insure it matches all other regulatory requirements and includes all stipulations needed for them to conduct business.

Ms. Knight explained changes needed to be made to the original SUP. Including the list of chemicals required to be on site for day to day operations that are not in the original SUP. Also, clarification of items to be moved by forklifts. Some highly technical items could be misconstrued to apply to all their

products. They are clarifying language to differentiate what technology applies to what chemicals. The changes have been assessed by a third-party consultant.

Commissioner Gilman: This is a wonderful company - they have invested millions to move forward in the process. It's very proper to be clarifying the SUP language.
Public Comment: None

Ms. Canfield read the Findings of Fact:

This approval is for Special Use Permit Amendment 2017-020-A1-2020 by applicant Asia Union Electronic Chemicals - Reno, Inc. (AUECC). The applicant requests an amendment to Special Use Permit (SUP) Number 217-020 to modify the language associated with Conditions of Approval C, D, S, T and BB which relate to chemical and substance inventory, outdoor loading/unloading, water/fog deluge systems, bulk product loading/unloading, filling stations, training requirements, outdoor chemical storage, security footage storage and release reporting requirements. The subject property is located at 1400 Waltham Way, APN 004-091-81, McCarran, Storey County, Nevada.

The Amended Special Use Permit 2017-020-A1-2020 conforms to the 2016 Storey County Master Plan for the McCarran planning area in which the subject property is located.

Granting of the Amended Special Use Permit 2017-020-A1-2020 modifying Conditions of Approval C, D, S, T and BB, will not under the circumstances of the particular case adversely affect to a material degree the health or safety of persons/property in the neighborhood of the subject property and will not be materially detrimental to the public welfare or materially injurious to property improvements in the neighborhood or area of the subject property.

The Amended Special Use Permit 2017-020-A1-2020 modifying Conditions of Approval C, D, S, T and BB will not impose substantial adverse impacts or safety hazards on the abutting properties or the surrounding area, and it will comply with all federal, state and county regulations.

The conditions under the Amended Special Use Permit 2017-020-A1-2020 modifying Conditions of Approval C, D, S, T and BB do not conflict with the minimum requirements in the Storey County Zoning Ordinance.

Motion: In accordance with the recommendation by staff and the Planning Commission, the Findings of Fact under Section 5.A of this report, and other findings deemed appropriate by the Board of County Commissioners, and in compliance with the conditions of approval, I, Jay Carmona, move to approve Special Use Permit Amendment 2017-020-A1-2020 to modify the language associated with Conditions of Approval C, D, S, T and BB which relate to chemical and substance inventory, outdoor loading/unloading, water/fog deluge systems, bulk product loading/unloading, filling stations, training requirements, outdoor chemical storage, security footage storage and release reporting requirements. The subject property is located at 1400 Waltham Way, APN 004-091-81, McCarran, Storey County, Nevada, **Action:** Approve, **Moved by:** Vice Chairman Carmona, **Seconded by:** Commissioner Gilman, **Vote:** Motion carried by unanimous vote, **(Summary:** Yes=3

20. DISCUSSION/ FOR POSSIBLE ACTION: First reading of Bill 118, Ordinance 20-307, text amendments to Storey County Code Title 17 Zoning Districts CR Commercial-Residential ; C Commercial; R1 Single-Family; R2 Multi-Family Residential; E Estate; F Forestry; A Agriculture; I1 Light Industrial and I2 Heavy Industrial; NR Natural Resources and SPR Special Planning Review zones. Additions, modifications, elimination and clarifications including the listed land uses minimum

floor area, setbacks, minimum parcel area, distance between buildings and home enterprises are proposed.

Continued to September 15, 2020.

22. DISCUSSION/ FOR POSSIBLE ACTION: Approval of business license second readings:

A. Adelita's Tamales - Food Truck / 917 Desert Breeze Way ~ Fernley, NV
B. Denmark Commerce Park Owner 's Assoc. - Non-Profit / 1485 La Briana Ave ~ Reno, NV
C. G3 Solar, LLC - Contractor / 272 W 200 N. #200 ~ Lindon, UT
D. Hammond Homes and Construction LLC - Contractor / 1780 Lattin Road ~ Fallon, NV
E. Holder Construction Group LLC - In-County Contractor / 2555 USA PKWY ~ McCarran, NV
F. QA Group, LLC - Out-of-County / 3400 E. Third Ave ~ Foster City, CA
G. Iconic Concrete LLC - Contractor / 2740 Beach River Dr ~ Reno, NV
H. Two Rivers Demolition, Inc. - Contractor/2620 Mercantile Dr. ~ Rancho Cordova, CA

County Manager Osborne: Community Development recommends approval of Items A through H.

Public Comment: None

Motion: I, Jay Carmona, motion to approve the Second Reading of Business Licenses A. through H., **Action:** Approve, **Moved by:** Vice Chairman Carmona, **Seconded by:** Commissioner Gilman, **Vote:** Motion carried by unanimous vote, **(Summary:** Yes=3

23. PUBLIC COMMENT (No Action) None

24. ADJOURNMENT OF ALL ACTIVE AND RECESSED BOARDS ON THE AGENDA
The meeting was adjourned by the Chair at 12:01 PM

Respectfully submitted,

By:_____
Vanessa Stephens Clerk-Treasurer

ANNE LANGER SBN #3345
KEITH LOOMIS SBN #1912
Storey County District Attorney's Office
201 S. C Street, P.O Box 496\Virginia City, NV 89440
Telephone (775) 847-0964
Attorneys for Respondent Storey County Commissioners

FILED
2021 JAN 22 PM 3:45
STOREY COUNTY CLERK
BY _____
DEPUTY

IN THE FIRST JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF STOREY

MARY LOU MCSWEENEY-WILSON, Petitioner vs. STOREY COUNTY COMMISSIONERS AND STERICYCLE, INC. Respondents.	Case No. 20 OC 000051E Dept. No. 1

CORRECTED STOREY COUNTY COMMISSIONERS MOTION IN LIMINE

COME NOW, the Storey County Commissioners, by and through their attorney Keith Loomis Assistant District Attorney for Storey County Nevada and move to limit the introduction of evidence and testimony in the hearing to be held in this matter on February 19, 2021. This motion is based upon the attached Memorandum of Points and Authorities, the pleadings and exhibits on file in this matter and any argument that may be heard on this matter. The undesigned further certifies that on January 14, 2021 he contacted Mary Lou and Mike Wilson by telephone pursuant to FJDCR 3.7 to resolve the need for this motion. We were unable to resolve the issue presented.

Dated this 22nd day of January, 2021.

Keith Loomis

Keith Loomis Assistant District Attorney
For Storey County, Nevada

MEMORANDUM OF POINTS AND AUTHORITIES

Introduction

In a pleading titled Notice of Witnesses and Exhibits for Hearing (Notice) filed on November 32 (sic) 2020, Ms Wilson asserted that she intended to call three witnesses and to introduce eleven exhibits at the hearing of this matter. Ms. Wilson asserted that the witnesses needed "[T]o be called to discuss the lack of notice to the areas of Rainbow Bend and Lockwood Community Corporation..." (Notice pg. 1). The purpose of the photographs was apparently to identify "[A]reas where Notice would have been located had not the Governor's order to stay at home been in place" (Id.) Evidence to be admissible must be relevant. NRS 48.025. Irrelevant evidence is not admissible NRS 48.025(2). Relevant evidence: "means evidence having any tendency to make the existence of any fact that is of consequence to the determination of the action more or less probable than it would be without the evidence. NRS 48.015.

In this case the point of the hearing to be held on February 19, 2021, is to determine whether Ms. Wilson has standing to proceed with her Petition for Review, not whether the Rainbow Bend and Lockwood Community Corporation had notice of the hearings. Additionally, the question of whether agendas were posted at the Senior Center or Fire Station are irrelevant in light of Governor Sisolak's Emergency Directive 006 in which the Governor suspended the requirement for the physical posting of agendas. For these reasons the proposed testimony and exhibits are irrelevant and should not be allowed as evidence in the hearing of February 19, 2021.

Argument

1. **The issue of whether agendas were posted at public locations in or around Rainbow Bend is not relevant to the issue of standing.**

The issue in this case is one of whether Ms. Wilson has standing to request a review of the proceedings leading to the issuance of a special use permit to Stericycle Inc. That issue depends on whether Ms. Wilson participated in the hearings at which the special use permit was considered, and was aggrieved by the outcome of those proceedings. See NRS 278.3195; *Kay v. Nunez,* 122 Nev. 1100 (2006). Ms. Wilson has not asserted that she was subject to the request that people over the age of 65 should stay at home as set forth in Governor Sisolak's Emergency Directive 021 at section 4, 5. (Exhibit 1). Nor has she asserted that she lacked internet access by which she could have obtained notice of the hearings if she were so inclined[1]. Whether the communities of Rainbow Bend or Lockwood Community Corporation had notice of the hearings is a separate issue from whether Ms. Wilson has standing to seek judicial review of proceedings, in which, she did not participate.

2. The issue of whether notices of the meetings were posted is also irrelevant because Governor Sisolak's emergency directive 006 suspended the requirement for posting agendas.

Governor Sisolak's Emergency Directive 006 in section 3 provides: "**The requirements contained in NRS 241.020(4)(a) that public notice agendas be posted at physical locations within the State of Nevada are suspended.**" (emphasis added)(Exhibit 2). This directive was to remain in effect until April 16, 2020 unless renewed by a subsequent directive. In Emergency Directive 016, Section 6, the suspension of the physical posting of agendas was extended to May 15, 2020 unless terminated or renewed by a subsequent directive. (Exhibit 3). In Emergency

[1] Pursuant to NRS 241.020(4) a member of the public may request that agendas for public hearings be mailed to him/her by US mail or by electronic mail. Such a request is good for six months. Under NRS 241.020(6) if a public body maintains a website, which Storey County does (https://www.storeycounty.org/AlertCenter.aspx), it is required to post notice of its meetings on that website.

Directive 026, Section 3, governor Sisolak extended the suspension of posting agendas to July 31, 2020 unless sooner terminated or extended. (Exhibit 4). Finally, in Emergency Directive 029, section 4, Governor Sisolak again extended the suspension of the requirement for the physical posting of agendas stating:

> **All directives promulgated pursuant to the March 12, 2020 Declaration of Emergency or subsections thereof set to expire on July 31, 2020, shall remain in effect for the duration of the current state of emergency, unless terminated prior to that date by a subsequent directive or by operation of law associated with lifting the Declaration of Emergency. (emphasis added).**

(See Exhibit 4). In this case hearings were held before the Planning Commission on July 16, 2020, and August 6, 2020. (Exhibits 6 and 7). Initially the matter was scheduled to be heard by the Board of County Commissioners (Board) on July 21, 2020. (Exhibit 8). Due to the second hearing before the Planning Commission the matter was actually heard by the Board on August 18, 2020. (Exhibit 9). No new directives affecting the posting of agendas was issued prior to the Board hearing on August 18, 2020. Indeed, the suspension of the requirement for the physical posting of agendas remains to this day.[2] Inasmuch as there is no requirement that agendas be physically posted, testimony and exhibits directed towards showing that agendas were not physically posted are again irrelevant.

CONCLUSION

Petitioner's intent to introduce testimony and evidentiary exhibits as to the lack of physical posting of agendas will introduce irrelevant material. They are not relevant to the issue of whether Ms. Wilson has standing to seek judicial review of the process for granting a special use permit to Stericycle. They are additionally irrelevant because, because Governor Sisolak

[2] All of Governor Sisolak's Emergency Orders and Emergency Directives can be found at: https://gov.nv.gov/News/Emergency_Orders/Emergency_Orders/

suspended the requirement that agendas be posted during all times relevant to these proceedings. It is therefore respectfully submitted that this court should bar the introduction of irrelevant testimony and exhibits.

Dated this 22nd day of January, 2021.

Anne Langer Storey County District Attorney

By _____

Keith Loomis Assistant District Attorney

LIST OF EXHIBITS

1. Governor Sisolak Emergency Directive 021
2. Governor Sisolak Emergency Directive 006.
3. Governor Sisolak Emergency Directive 016.
4. Governor Sisolak Emergency Directive 026.
5. Governor Sisolak Emergency Directive 029.
6. Planning Commission Agenda and Minutes for meeting of July 16, 2020.
7. Planning Commission Agenda and Minutes for meeting of August 6, 2020.
8. Storey County Commissioner Agenda and Minutes for meeting of July 21, 2020.
9. Storey County Commissioner Agenda and Minutes for Meeting of August 18, 2020.

ADDENDUM

The exhibits attached to the County Commissioners Motion in Limine have not changed and are hereby incorporated in the Corrected Motion as if fully set forth herein.

CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I certify that I am an employee of STOREY COUNTY DISTRICT ATTORNEY'S OFFICE and that on this day I personally served a true and correct copy of the CORRECTED STOREY COUNTY COMMISSIONER'S MOTION IN LIMINE by:

- ☑ U.S. Mail
- ☐ Facsimile Transmission
- ☐ Personal Service/Hand-Delivery
- ☐ Reno-Carson Messenger Service

addressed to the following:

Mary Lou Wilson, Esq.
Mike Wilson, Esq.
2064 Regent St.
Reno, NV 89509

Michael A. T. Pagni, Esq.
Chelsea Latino, Esq.
McDonald Carano
100 W. Liberty St., 10th Flr.
Reno, NV 89501

Dated this 22nd day of January, 2021.

Teresa Sargent

Teresa Sargent

CODE NO.
MARY LOU WILSON
Attorney at Law, Bar Number 3329
2064 Regent Street
Reno, Nevada 89509
775-771-8620
Attorney for Petitioner

FILED
2021 JAN 25 PM 2:32
STOREY COUNTY CLERK
BY _____
DEPUTY

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Wilson Copy

IN THE FIRST JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA,

IN AND FOR CARSON CITY

MARY LOU MCSWEENEY-WILSON,
Petitioner,

vs

STOREY COUNTY COMMISSIONERS,

Respondents.

20 OC 00005 1E

Dept. 1

_____/

OPPOSITION TO MOTION AND CORRECTED MOTION IN LIMINE

COMES NOW MARY LOU MCSWEENEY-WILSON and her co-counsel, MICHAEL E. WILSON, and hereby Opposes the Motion and Corrected Motion in Limine.

The Nevada Legislature adopted Chapter 241 of the Nevada Revised Statute and thereby gave each citizen of this State, "standing," to be informed, and take whatever action they deem necessary at least three (3) days before that action is taken by their elected officials. NRS 241.020 (4) (a).

The Nevada Legislature specifically provided that internet notice was insufficient to provide notice when it required an additional minimum physical posting of the agendas three (3) days before a public body that could take action to affect its citizens.

//

Therefore, on its face, the Nevada Legislature, the duly elected representatives of the people of the State of Nevada, required physical posting, which was later suspended by the governor's executive emergency orders as discussed within the State's Motion in Limine. MIL, pp. 3-4.

As a result of the governor's emergency orders suspending the physical notice requirement of the open meeting law, the governor has specifically undermined the actions deemed necessary for proper notice by the Nevada Legislature.

The obvious unintended consequences of this action by the governor, resulted in the very issue we have before this Court, to wit, where two commissioners voted to allow a special use permit for a company to incinerate biohazardous medical waste, which has been determined to be incredibly toxic. Exhibit 8, Petition for District Court Review, filed September 10, 2020, (showing Utah Physicians Study asserting that the toxins from Stericycle's incineration can travel hundreds of miles).

The governor must not have realized what mischief could occur under his directive or expected public officials to take actions that would endanger the health, safety, and welfare, of the very community that the commissioners have promised to protect.

Again, this was not the approval of some mundane action, like approval of a 7-11 Store, but something having significantly more negative consequences for the inhabitants of Storey County residents and the surrounding areas.

The witnesses that have been subpoenaed, Scott Martin, Larry Huddleson, and Phillip Hilton, will testify that the certification of posting by Lindi Renaud, planning assistant to the Storey County Planning Department that the Agendas of July 16, 2020 and August 6, 2020, (Planning Commission), were physically posted at "Rainbow Bend Clubhouse, Lockwood Community/Senior Center; Lockwood Fire station" are wrong. Reply to Opposition to Motion to

Dismiss, filed October 12, 2020, Exhibit 1, p. 2, Certification of Posting and Exhibit 2, p. 2, Certification of Posting.

The witnesses that have been subpoenaed, Scott Martin, Larry Huddleson, and Phillip Hilton, will testify that the certification of posting by Vanessa Stephens, Storey County Clerk, that the Agendas of July 21, 2020 and August 18, 2020, (Storey County Commission), were physically posted at the Lockwood Fire Department, located at 431 Canyon Way, Lockwood, Nevada, is wrong. Corrected Motion in Limine, filed January 22, 2021, Exhibit 8, p. 7, Certification of Posting and Exhibit 9, p. 6, Certification of Posting.

The physical postings of Agendas in Virginia City, Highlands, and Mark Twain areas are forty-five- minute drive, each way, from Lockwood, Nevada.

In addition, the witnesses will testify that Rainbow Bend and Lockwood Community Corporation residents received physical notice of Agendas at the Rainbow Bend Club House, Rainbow Bend and Lockwood Community Senior Center, and the Canyon General Improvement District, which are all located within walking distance of Rainbow Bend and Lockwood Community Corporation communities. No postings were in any of these places since March, 2020, and these locations were closed to the public.

Therefore, these witnesses are relevant to prove that no physical posting of Agendas of July 16, 2020 and August 6, 2020, (Planning Commission), and July 21, 2020 and August 18, 2020, (Storey County Commission), Agendas ever took place in Lockwood, Nevada, regardless of what these two County employees claimed under penalty of perjury.

Moreover, it must be remembered that the governor's emergency executive orders required the inhabitants of Nevada to shelter in place or lose their lives during this world-wide pandemic,

which upon information and belief, is the first time in the history of the United States, where this has occurred.

Therefore, even if physical postings would have occurred of the Agendas of July 16, 2020 and August 6, 2020, (Planning Commission), and July 21, 2020 and August 18, 2020, (Storey County Commission), in the Lockwood area of Storey County, none of the Storey County residents could have left their homes to read the Agendas without the possibility of losing their life because of the impact of COVID-19.

As such, the calling of the three (3) witnesses previously subpoenaed and provided to the State and Stericycle, are relevant to the discussion of standing.

It should be noted that the State was the party that placed the Certification of Postings at issue in their Reply to the Opposition to Motion to Dismiss, filed on October 12, 2020.

These three witnesses should be permitted to testify in rebuttal of the State's claim regarding posting, since they are relevant to the issue of standing.

And, it should be remembered, that such harmful actions could have occurred in any county of this State.

DATED this 25th day of January, 2021.

By: Mary Lou Wilson

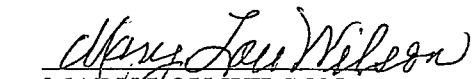
MARY LOU WILSON
Attorney At Law, Bar #3329
2064 Regent Street
Reno, Nevada 89509
Attorney for Petitioner
775-771-8620

000728

AFFIRMATION PURSUANT TO NRS 239B.030

The undersigned does hereby affirm that the preceding document does not contain the social security number of any person.

DATED this 25th day of January, 2021.

By: 

MARY LOU WILSON
Attorney At Law, Bar #3329
2064 Regent Street
Reno, Nevada 89509
Attorney for Petitioner

CERTIFICATE OF SERVICE

I, Mary Lou Wilson, hereby affirm that on the 25th day of January, 2021, I mailed the aforementioned document and sent a hard copy to the following parties at the following addresses through the U.S. Mail:

The Storey County Clerk of the Court
26 S. B Street
Drawer D
Virginia City, Nevada 89440

Assistant District Attorney Keith Loomis
Storey County District Attorney
201 S C St.
Virginia City, Nevada 89440

Commissioners Jay Carmona
and Marshall McBride
P.O. Box 176
26 South B Street
Virginia City, Nevada 89440

Stericyle Biohazardous Medical Waste Disposal
c/o McDonald/Carano
100 West Liberty Street
10th Floor
Reno, Nevada 89501

Office of the Attorney General
100 North Carson Street
Carson City, Nevada 89701-4717

ANNE LANGER SBN #3345
KEITH LOOMIS SBN #1912
Storey County District Attorney's Office
201 S. C Street, P.O Box 496\Virginia City, NV 89440
Telephone (775) 847-0964
Attorneys for Respondent Storey County Commissioners

FILED

2021 JAN 29 AM 10: 02

STOREY COUNTY CLERK

BY A Duke
DEPUTY

IN THE FIRST JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF STOREY

MARY LOU MCSWEENEY-WILSON, Petitioner vs. STOREY COUNTY COMMISSIONERS AND STERICYCLE, INC. Respondents.	Case No. 20 OC 000051E Dept. No. 1

STOREY COUNTY COMMISSIONERS REPLY TO OPPOSITION TO MOTION AND CORRECTED MOTION IN LIMINE

COME NOW the Storey County Commissioners by and through their attorney Keith Loomis, Assistant District Attorney for Storey County, Nevada and replies to the opposition to the motion and corrected motion in limine. This reply is based upon the attached Memorandum of Points and Authorities, the pleadings and documents before the court and any argument that may be heard on the matter.

Dated this 28th day of January, 2021.

Keith Loomis

Keith Loomis, Assistant District Attorney

MEMORANDUM OF POINTS AND AUTHORITIES

In opposition to the motion in limine, Ms. Wilson suggests that the Governor has exceeded his authority in dispensing with the requirement for the physical posting of agendas pursuant to his emergency directive 006. She asserts that it was the Legislature which required that notice of a meeting must be given at least three days before a public body may take an action following the giving of the notice. This assertion is just not accurate. NRS 241.020(3) provides in part: "3. **Except in an emergency**, written notice of all meetings must be given at least 3 working days before the meeting."(emphasis added). This subsection addresses when a notice must be given. Subsection 4 of NRS 241.020 then addresses how the notice is to be given. Notice of a meeting, however, need not be given if an emergency exists. NRS 214.020(11) defines what an emergency under NRS 241.020(3) constitutes. It provides:

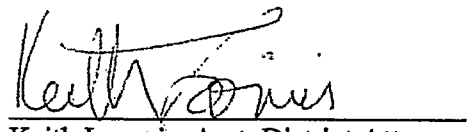
> 11. As used in this section, "emergency" means an unforeseen circumstance which requires immediate action and includes, but is not limited to:
> (a) Disasters caused by fire, flood, earthquake or other natural causes; or
> (b) Any impairment of the health and safety of the public.

Clearly, an out-of-control worldwide pandemic qualifies as either a disaster caused by natural causes or as something which impairs the health and safety of the public. Clearly, the Legislature contemplated and authorized the waiving of notice of meetings in emergency situations. The Governor is authorized to declare emergencies pursuant to NRS 414.060. Once an emergency is declared, the governor is authorized by NRS 414.070(7) to: "7. To perform and exercise such other functions, powers and duties as are necessary to promote and secure the safety and protection of the civilian population." This he has done. But even in Emergency Directive 006, he did not waive

all requirements for giving public notice of the meetings of public bodies. The only aspect he waived was the physical posting of agendas in four locations.

Ms. Wilson suggests that because of a shelter in place order issued by Governor Sisolak, residents of Rainbow Bend and Lockwood could not leave their residences unless willing to risk the loss of their lives to the pandemic. It is not the residents of Rainbow Bend or Lockwood, however, that have brought this suit. Rather, it is Ms. Wilson who is challenging the Stericycle special use permit. She has not asserted that she did not have or was unable to have notice of Stericycle's application for a special use permit. Accordingly, testimony and evidence directed to the issue of the posting of agendas is simply not relevant to the determination of Ms. Wilson's standing to challenge the issuance of the special use permit. It is therefore respectfully submitted that the motion in limine should be granted.

Dated this 28th day of January, 2021.



Keith Loomis, Asst. District Attorney

ANNE LANGER SBN #3345
KEITH LOOMIS SBN #1912
Storey County District Attorney's Office
201 S. C Street, P.O Box 496\Virginia City, NV 89440
Attorneys for Respondents

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2020 SEP 23 PM 3:21
STOREY COUNTY CLERK
BY aDuke
DEPUTY

IN THE FIRST JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

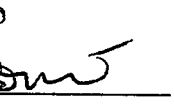
IN AND FOR THE COUNTY OF STOREY

MARY LOU MCSWEENEY-WILSON, ET AL., HOMEOWNERS OF RAINBOW BEND COMMUNITY, AND STOREY COUNTY RESIDENTS, Petitioners vs. STOREY COUNTY COMMISSIONERS, Respondents.	Case No. 20 OC 000051E Dept. No. 1

MOTION TO DISMISS FOR LACK OF STANDING

Comes now the Respondent Storey County Commissioners by and through their attorney Keith Loomis, Chief Deputy District Attorney for Storey County Nevada, and moves to dismiss the Petition for District Court Review of Storey County Commissioners Vote to Permit Stericycle's Special Use Permit, in Violation of Public Health, Safety and Welfare (hereinafter Petition) for failure of the Petitioner to have standing to bring the claim. This motion is based upon the

attached Memorandum of Points and Authorities, the pleadings on file with the Court and any argument that may be heard on this matter.



Keith Loomis,
Chief Deputy District Attorney
For Storey County, Nevada

MEMORANDUM OF POINTS AND AUTHORITIES

Introduction.

This case involves the grant of a special use permit by the Board of County Commissioners of Storey County (hereinafter Board) authorizing Stericycle, Inc. to construct and operate a medical and other special waste incinerator facility. Petitioner, Mary Lou McSweeney-Wilson (hereinafter Wilson), is apparently a resident of the Rainbow Bend community in Storey County, Nevada. (See Petition at pg. 16 ln 19-29). Wilson challenges the decision of the Board and asks this Court to review and rescind the decision granting Stericycle the authority to construct and operate the incinerator material. Alternatively, in the Supplement to the Petition, Wilson asks that the Court require Storey County to hold a new hearing on the Stericycle application and that all of the residents of Rainbow Bend and Lockwood be provided notice of the new hearing. Wilson asserts that she has the authority to pursue a petition for judicial review on essentially two bases.

Those bases are, first, pursuant to an administrative appeal authorized by NRS 278.3195 and, second, pursuant to NRS 278.0235. As to the first basis, there is no administrative appeal process as the Board is the only entity authorized to grant or deny special use permits. Moreover, Wilson has not alleged that she participated in the process by which the special use permit was granted. Accordingly, Wilson lacks standing to pursue the Petition.

As to the second basis, NRS 278.035 is not an independent source of authority upon which to bring a petition for judicial review. Rather it is basically a statute of limitations setting forth the time limit within which an authorized action must be brought. Consequentially, Wilson does not have standing to bring the Petition for judicial review and, therefore, the Petition should be dismissed.

NRS 278.3195 Requires that a Party Seeking Judicial Review of a Planning and Zoning Decision be an Aggrieved Party Which Wilson is not.

The Nevada Legislature has required that boards of county commissioners adopt ordinances providing for appeals by "aggrieved" persons to the boards of county commissioners from planning and zoning decisions made by lower entities or persons. NRS 278.3195. In Storey County, the Storey County Planning Commission (hereinafter Commission) has no authority to make planning and zoning decisions. The Commission's authority is limited to making recommendations to the Board. Storey County Code Section 17.03.090.

(hereinafter SCC 17.03.090).[1] In such case there is no requirement that an ordinance be adopted allowing an appeal from the planning commission action to the Board.

It appears somewhat anomalous that in the absence of an appeal process a party cannot bring a petition for judicial review from a final decision of a board of county commissioners. The situation is simply not addressed in NRS 278.3195. Assuming that a petition for judicial review can be brought to address a decision of the board of county commissioners, cases interpreting NRS 278.3195 are illuminating.

In *Kay v. Nunez,* 122 Nev. 1100 (2006), the Court addressed standing to bring a petition for judicial review under the circumstances set forth in NRS 278.3195(4). The Court held that under this statute, a party who participated in the appeal process had standing to file a petition for judicial review in a planning and zoning case if they were an aggrieved party. This holding was under a statutory provision which, at that time, was applicable to counties over 400,000 population. The provision stated that a party was an aggrieved party if the person appeared, either in person, through an authorized representative or in writing, before the

[1] Storey County Planning Director does have the authority to make decisions on minor matters. See e.g., SCC 17.03.110. As to these decisions, Storey County has adopted ordinance provisions providing for appeals from the decision of the Director to the Board . SCC.17.03.130. In order to pursue the appeal the aggrieved party must have participated in the administrative process. SCC 17.03.130.

lower decision-making entity on the matter which is the subject of the decision. Thus, under the statute applicable to the most populous county, the aggrieved party must have participated in the administrative process.

Further, in *City of N. Las Vegas v. Eighth Judicial District Court,* 122 Nev. 1197 (2006) the Court went on to explain that the categories of aggrieved parties could be expanded to include persons other than those participating in the administrative process if allowed by the ordinance adopted pursuant to NRS 278.3195. In this case, Storey County has not expanded the scope of aggrieved parties by its ordinances. The only reasonable conclusion to be drawn from these cases is that in order to have standing to pursue a petition for judicial review, the party seeking judicial review must have participated in the proceedings to which they now object. Wilson has not alleged that she participated in that process. Accordingly, Wilson does not now have standing to pursue a petition for judicial review of a decision in which she did not participate.

NRS 278.0235 sets a Time Limit on When an Action Contesting a Planning and Zoning Decision Must be Made and is not an Independent Source of Authority for the Filing of a Petition for Judicial Review.

NRS 278.0235 provides as follows:

> **NRS 278.0235 Actions against agency: Commencement.** No action or proceeding may be commenced for the purpose of seeking judicial relief or review from or with respect to any final

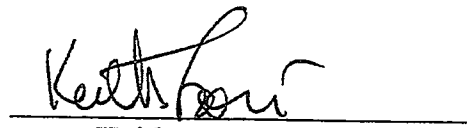
action, decision or order of any governing body, commission or board authorized by NRS 278.010 to 278.630, inclusive, unless the action or proceeding is commenced within 25 days after the date of filing of notice of the final action, decision or order with the clerk or secretary of the governing body, commission or board.

The plain language of this statute makes it clear that this statute does not provide an independent basis for filing a petition for judicial review. It only sets the time frame within which such an action must be brought.

Conclusion

In order to have standing to pursue a petition for judicial review of a planning and zoning decision, the Petitioner must have participated in the proceedings for which the party seeks review. There is no allegation of any participation in the proceedings for which Wilson now seeks judicial review. Accordingly, it is respectfully submitted that the Petition should be dismissed.

Dated this 23rd day of September, 2020.



Keith Loomis SBN 1912
Chief Deputy District Attorney
Storey County, Nevada

CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I certify that I am an employee of STOREY COUNTY DISTRICT ATTORNEY'S OFFICE and that on this day I personally served a true and correct copy of the MOTION TO DISMISS by:

- ☑ U.S. Mail
- ☐ Facsimile Transmission
- ☐ Personal Service/Hand-Delivery
- ☐ Reno-Carson Messenger Service

addressed to the following:

Mary Lou Wilson, Esq.
2064 Regent Street
Reno, NV 89509
Attorney for Petitioner

with a courtesy copy sent to:

Mary Lou Wilson
hawklet2@aol.com

Dated this 23rd day of September, 2020.

Debra Burns

FILED

2020 OCT -1 AM 11:09

STOREY COUNTY CLERK

BY A Duke DEPUTY

CODE NO.
MARY LOU WILSON
Attorney at Law, Bar Number 3329
2064 Regent Street
Reno, Nevada 89509
775-771-8620
Attorney for Petitioner

COPY

IN THE FIRST JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA,

IN AND FOR CARSON CITY

MARY LOU MCSWEENEY-WILSON, ET. AL.,
HOMEOWNERS OF RAINBOW BEND COMMUNITY,
AND STOREY COUNTY RESIDENTS,
Petitioners,

vs.

STOREY COUNTY COMMISSIONERS,

Respondents.

20 OC 00005 1E

Dept. 1

OPPOSITION TO MOTION TO DISMISS PETITION FOR DISTRICT COURT REVIEW OF STOREY COUNTY COMMISSIONERS VOTE TO PERMIT STERICYLE'S SPECIAL USE PERMIT, IN VIOLATION OF PUBLIC HEALTH, SAFETY, AND WELFARE

COMES NOW MARY LOU MCSWEENEY-WILSON, et.al., Homeowners of RAINBOW BEND COMMUNITY, and Storey County Residents, and hereby Opposes the Motion to Dismiss Petition for District Court Review of Storey County Commissioners Vote to Permit Stericyle's Special Use Permit in violation of the Public Health, Safety, and Welfare of the community, through its operation of biohazardous medical waste disposal through incinerators.

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ARGUMENTS AGAINST THE MOTION TO DISMISS

The State's District Attorney's Office, through its Chief Deputy, Keith Loomis, filed a Motion to Dismiss Petition on September 23, 2020. Mr. Loomis uses the term "apparently a resident" to describe Petitioner's link to the Rainbow Bend Community, in Storey County, Nevada. Motion to Dismiss, hereinafter called MTD, p. 2. Petitioner owns and has lived in Rainbow Bend Community for the past nine years.

Within the State's Motion, it alleged that Petitioner requested this Court to review and rescind the decision of the Storey County Commissioners because of the special use permit granted to Stericycle, a biohazardous medical waste disposal company that uses incineration as a means to exterminate this material.

The incineration lets off pollutants into the air that is extremely toxic, can carry for hundreds of miles, and is a danger to the health, safety, and welfare of the public. Exhibit 8 within the Petition filed September 10, 2020 (Utah Physicians for Healthy Environment). [1]

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[1] **Exhibit 8, from Petition filed September 10, 2020: Utah Physicians for Healthy Environment's article**

This article regarding Stericycle, states that during start-ups, shut downs, and upset conditions, and incinerator completely bypasses their pollution control equipment, emitting raw, concentrated smoke. Studies of the industry show that these conditions exist about 10% of the time, and during these conditions the amounts of dioxins released can equal two-years-worth of emissions found during normal conditions. Small, even brief exposures to toxins, like those from Stericycle, can have profound, lifelong impacts if the exposure occurs during critical stages of ***fetal development.*** There is no law requiring incineration, including medical waste. 98% of the nation's medical waste incinerators in the nation have been closed in the past fifteen years.

Incineration does not remove toxins and actually creates new ones by merely concentrating and redistributes existing ones. Emissions from incinerators are probably the most toxic type of air pollution and include the ***deadliest compounds known to science***: Dioxins, Furans, Heavy Metals, Radioactive Elements, and even Prions (the highly infective proteins that cause the ***100% fatal human "Mad Cow" disease.*** Because incinerator emissions contain

The reason that the Utah physicians authored this article is because they had endured Stericycle and observed its devastating effects upon the population first-hand.

Obviously, should this Court find that the threat to the public is so great and apparent, the request to review and rescind the Commissioners decision approving this dangerous company would be the best remedy Petitioner seeks.

In the alternative, should this Court feel that further Notice be made to residence of Storey County, because of Stericycle's failure to provide written notice as they did for Blockchains Company, which was within three hundred feet of their facility, Petitioner requested that a new hearing be held so that residents of Rainbow Bend and Lockwood Community Corporation, encompassing stick built, manufactured, and trailer park homes, in the number of five hundred, be allowed to voice their opposition to Stericycle's special use permit. These two communities are approximately twelve miles away from Stericycle's location.

However, as stated in the Petition, according to the Utah Physicians for Healthy Environment article, the toxic fumes travel hundreds of miles. This study would prove that not only Petitioner and her communities within Storey County would be adversely affected by Stericycle's incineration of toxic biohazard medical waste, but neighboring counties of Washoe, Carson,

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these deadly toxins, large medical studies show increased rates of serious diseases like ***cancer, pregnancy complications, birth defects, and autism-among people who live within several miles of incinerators.*** Utah has the highest rates of autism in the nation, double the national average. Widespread suspicion in Foxboro, the closest subdivision to Stericycle that there were high rates of serious diseases including cancer is what prompted the residents to contact the Utah Physicians for a Healthy Environment for help. This is not just a one neighborhood issue. **Emissions from incinerators can travel hundreds of miles.** Residence throughout Salt Lake, Davis, Utah, and Weber counties are undoubtedly being affected.

Douglas, Lyon, Churchill, and bodies of water, such as Truckee River, Lakes Tahoe and Pyramid, would be included. Additionally, protected wildlife, such as the wild Mustangs that roam these precious lands would be impacted by this toxic waste.

Therefore, the statute requiring Stericycle provide written notice to businesses and residences within three hundred feet is insufficient and should be expanded, since the intent of the statute was not meant for companies that incinerate biohazardous medical waste, which floats through the air hundreds of miles. Exhibit 8 within the Petition filed September 10, 2020 and footnote 1.

As stated within the supplement to petition filed September 11, 2020, this statute clearly stated that companies such as Stericycle had to provide written notice within ten days of the commissioner's hearing to allow for opposition. Blockchains received that written notice and immediately launched its opposition in the form of extensive research, which Petitioner attached to the petition and supplement. Petition filed September 10, 2020, with accompanying eight exhibits, and Supplement to Petition filed September 11, 2020, with accompanying exhibit, Blockchains Objection to Special Use Permit 2020-021 Stericycle Inc. Medical Waste Incinerator Facility. NRS 278.315 (3).

Although Rainbow Bend and Lockwood Community Corporation are not within three hundred feet of Stericycle, they are the closest communities to Stericycle, approximately twelve miles away, and would have the most impact from the air pollution because of living and enjoying their properties, not just working at or near the business site.

Standing: The Motion to Dismiss argued that Petitioner does not have a bases to request an administrative appeal under the statutes because the Board is the only entity authorized to grant or deny special use permits, Petitioner did not participate in the process, whereby a special use

permit was granted, the twenty-five day time limit, does not apply to Petitioner, and the statute's intent was provided for "aggrieved" persons. MTD p. 3.

Thereafter, the State retreated from its position, when arguing that the Petitioner was not specifically addressed in NRS 278.3195, and stated that even if Petitioner could bring this action for judicial review, case law showed Petitioner was excluded. MTD, p. 4.

The State cited *Kay v. Nunez*, 122 Nev. 1100 (2006) to persuade this Court that the appellate review process dealt with counties over 400,000, which Petitioner and the residences of Storey County do not meet the population requirement.

Argument - However, if this Court relied upon the Utah study presented within the Petition as Exhibit 8, and footnote 1, the surrounding counties adversely affected by the air pollution from this toxic biohazardous medical waste would adversely affect Washoe, Carson, Douglas, Lyon, and Churchill counties, surely toppling the numbers mentioned of over 400,000.

The State also argued *Kay v. Nunez* showed that the aggrieved party appeared, either in person, through authorized representative, or in writing before the lower decision-making entity on the matter. The "aggrieved party" must have participated in the administrative process. MTD, pp. 4-5.

Argument – No notice was given to be able to participate in the administrative process

Petitioner would have gladly participated in the administrative process of August 18, 2020, where the two commissioners voted to approve Stericycle's special use permit to incinerate biohazardous medical waste, had not she and others within Rainbow Bend and Lockwood Community Corporation not been subjected to the Governor's Order for protection under COVID-19, to stay inside. Exhibit 1.

In addition, the requirements of the open meeting law, as found in NRS 241.020(4)(a) required the posting of a copy of the agenda at the principal office of the Storey County Commission as well as not less than three other separate prominent places within the jurisdiction. Exhibit 2.

However, residents of Rainbow Bend and Lockwood Community Corporation, were unable to view the agendas as posted because of the governor's emergency order to stay home.

Thus, Petitioner could not have been an "aggrieved party" as discussed within the State's Motion to Dismiss, because Petitioner was unaware of the action to be taken by the two commissioners.

Interestingly, our state's governor has noted persons particularly susceptible to COVID-19 and in need of protection, to include residents over the age of sixty-five, which Rainbow Bend and Lockwood Community Corporation fall into with more than half of its residents over the age of sixty-five. Exhibits 3.

The State also cited *City of N. Las Vegas v. Eighth Judicial District Court*, 122 Nev. 1197 (2006), for the proposition that aggrieved persons could be expanded to include others not participating in the administrative process if allowed by the ordinance adopted pursuant to NRS 278.3195. The State argued that Storey County had not expanded the scope of aggrieved parties by its ordinances. MTD, p. 5.

Argument - However, the failure to adopt the county ordinance that would allow for the expansion of aggrieved persons is inaction by the county commissioners to prevent any review of their actions. This is particularly offensive during the worldwide pandemic to sneak such a hazardous company's activities past the voting public.

Stericycle's special use permit is not likened to a 7-11 store.

The State argued that NRS 278.0235 setting a time limit for filing a petition for judicial review of twenty-five days after the decision of the county commissioners was made does not apply to Petitioner because it does not provide an independent basis for filing a petition for judicial review. MTD, pp. 5-6.

Argument – However, given the fact that Petitioner and residents of Rainbow Bend and Lockwood Community Corporation did not receive written notice from Stericycle, as they did for Blockchains, and the governor's Order to stay inside the house, especially if you were over the age of sixty-five and/or in compromised health, and Petitioner and her surrounding communities were unable to voice any opposition to the two commissioner's vote.[2] Furthermore, Petitioner's documents were filed within twenty-five days of the August 18, 2020, vote approving Stericycle, to wit, September 10th and 11th 2020.

Argument – Petitioner was an "aggrieved person," did not have proper written Notice, despite being the closest residential communities near Stericycle, and was unable to oppose the special use permit vote because of COVID-19 restrictions from the governor.

Petitioner, along with other residents of Rainbow Bend and Lockwood Community Corporation would have opposed the special use permit, which was sought by Stericycle and approved by the Storey County Commissioners on August 18, 2020.

In fact, Petitioner has already received many signatures from both Rainbow Bend and Lockwood Community Corporation showing opposition to the actions of the two commissioners, along with their address, telephone number, notation of persons above the age of fifty-five years,

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[2] Upon information and belief, it should be noted that there have been no cases of COVID-19 in both Rainbow Bend or Lockwood Community Corporation because of the governor's order to stay inside.

and generally their inability to receive notice of Storey County activities through the internet. Exhibit 4, some signatures received within the time period of the State's Motion to Dismiss filing, which are expected to increase in number when Petitioner continues to go door to door explaining the Commissioners' vote for Stericycle and the research provided by Blockchains.

Due Process:

"To establish a substantive due process claim, a plaintiff must, as a threshold matter, show a government deprivation of life, liberty, or property." *Nunez v. City of Los Angeles*, 147 F.3d 867, 871 (9th Cir. 1998). Citing *Capp v. Cnty. of San Diego*, 940 F.3d 1046 (9th Cir. 2019.

"[T]he relevant inquiry is not whether [Recchia] should have been [afforded a hearing] in this particular case, but whether the statutory procedure itself is incapable of affording due process." *Soranno's Gasco, Inc. v. Morgan*, 874 F.2d 1310, 1318 (9th Cir. 1989) (citing *Hodel v. Va. Surface Mining & Reclamation Ass'n*, 452 U.S. 264, 302, 101 S.Ct. 2352, 69 L.Ed.2d 1 (1981)). Cited in *Recchia v. City of L. A. Dep't of Animal Servs.*, 889 F.3d 553 (9th Cir. 2018).

Argument – In this regard, Petitioner claims that the failure to receive notice and the governor's mandate to stay home, prevented her and the other residents to oppose Stericycle and violated their due process rights. The worldwide pandemic prevented the normal course of procedures permitting voicing strong opposition to this biohazardous medical waste, which will be incinerated and spew the most dangerous pollutants for hundreds of miles.

"Substantive due process protects individuals from arbitrary deprivation of their liberty by government." *Brittain v. Hansen*, 451 F.3d 982, 991 (9th Cir.2006) (citing *Cnty. of Sacramento v. Lewis*, 523 U.S. 833, 845–49, 118 S.Ct. 1708, 140 L.Ed.2d 1043 (1998)); see also *Action Apartment Ass'n, Inc. v. Santa Monica Rent Control Bd.*, 509 F.3d 1020, 1026 (9th Cir.2007) ("An arbitrary deprivation of [rights in real property] may give rise to a viable substantive due

process claim in any case in which the Takings Clause does not provide a preclusive cause of action."). To constitute a violation of substantive due process, the alleged deprivation must **"shock the conscience and offend the community's sense of fair play and decency."** *Marsh v. Cnty. of San Diego*, 680 F.3d 1148, 1154 (9th Cir.2012) (citation and internal quotation marks omitted); see also *Nunez v. City of Los Angeles*, 147 F.3d 867, 871 (9th Cir.1998). Cited in *Li v. Ruiz*, 922 F.2d 844 (9th Cir. 1990).

Argument – In this regard, the research done and presented during the commissioners hearing by Blockchains and attached as exhibits in both the petition and supplement indeed shock the conscience and offend the communities of Rainbow Bend and Lockwood Community Corporation and sense of fair play and decency. It is clear from Petitioner's going door to door in the communities that many residents still do not know about Stericycle, the research done showing the violations and state's that have fined the company for wrongdoing, and how close the location is to our land. Many residents do not have computers and if they did have computers were unaware of receiving notice through the internet. Exhibit 4, where many residents have checked "no" when asked whether they had received notice of the Storey County Commissioner's vote regarding the Stericycle special use permit of August 18, 2020.

"To establish a violation of substantive due process, the plaintiffs must prove that the government's action was **'clearly arbitrary and unreasonable, having no substantial relation to the public health, safety, morals, or general welfare.'** " (quoting *Village of Euclid v. Ambler Realty Co.*, 272 U.S. 365, 395, 47 S.Ct. 114, 121, 71 L.Ed. 303 (1926). Cited in *Halverson v. Skagit County*, 42 F.3d 1257 (9th Cir. 1995).

In their complaint, plaintiffs contend that the defendants enacted the Agreement without first giving public notice to property owners and without holding a public hearing. This appears to be

the basis of plaintiffs' claim that the Agreement violates procedural due process. Zoning decisions that affect a large number of people, as opposed to zoning decisions targeted at a small number of individuals, do "not ordinarily give rise to constitutional procedural due process requirements." *Harris v. County of Riverside*, 904 F.2d 497, 502 (9th Cir.1990); see also *Nasierowski Bros. Inv. Co. v. City of Sterling Heights*, 949 F.2d 890, 896 (6th Cir.1991). The Agreement covers a large area of land and it is not specifically targeted at a small number of property owners. Therefore, constitutional procedural due process requirements are not applicable to the adoption of the Agreement.

Plaintiffs also appear to assert in their complaint that under California Government Code §§ 65901, 65905, 65910 and 65091, the City and the County were required to provide notice and a hearing prior to the adoption of the Agreement. However, these sections of the California Government Code do not apply to the adoption of the Agreement. Furthermore, exhibits presented by defendants demonstrate that notice was published and posted regarding the defendants' intent to adopt the Agreement at specific meetings, and also that notice was published and a public hearing was held on the redevelopment plan prior to its adoption. Cited in *Christensen v. Yolo County Bd. of Sup'rs*, 995 F.2d 161 (9th Cir. 1993).

Argument – This is not the situation in the above-referenced petition for district court review, because if the Court is persuaded by the Utah Physicians study, the incineration toxic waste material covers over hundreds of miles and adversely affects not only Storey, but Washoe, Carson, Douglas, Lyon, and Churchill counties, and federally protected wild Mustangs, including bodies of water, such as the Truckee River, Pyramid, and Tahoe lakes. Furthermore, as stated, because of the governor's order, Petitioner and residents of Rainbow Bend and Lockwood Community Corporation stayed at home and did not risk the COVID-19 infection.

CERTIFICATE OF SERVICE

I, Mary Lou Wilson, hereby affirm that on the 23rd day of March, 2021, I e-filed the aforementioned document through the Master List of e-filers and sent a hard copy of the same to the following through the U.S. Mail as follows:

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