IN THE SUPREME COURT OF THE STATE OF NEVADA

MARY LOU MCSWEENEY-WILSON,

Appellant/Petitioner,

vs.

No. 82806

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Jun 10 2021 05:52 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

District No. 20OC000051E

STOREY COUNTY COMMISSIONERS
AND STERICYCLE, INC.,

Respondents.

_____/

APPELLANT APPENDIX
VOLUME IV

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Docket 82806 Document 2021-16776

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A recent event showed that the smoke from wildfires in the western US has drifted as far east as New York and Washington DC, with residents there observing hazy skies and unusual sunrises. The Guardian, September 15, 2020.

Stericycle's biohazardous medical waste will be incinerated and 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 will travel hundreds of miles, adversely affecting not only Storey but surrounding counties, wildlife, rivers, and lakes.

"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 (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). Where, as here, circumstances afford reasonable time for deliberation before acting, we consider conduct to be conscience-shocking if it was taken with deliberate indifference toward a plaintiff's constitutional rights. *Lewis*, 523 U.S. 833 at 846. Cited in *Sylvia Landfield Trust v. City of L.A.* (9th Cir. 2013).

Argument – In this regard, the two voting commissioners, Jay Carmona and Marshall McBride, failed to make a meaningful analysis in determining the health, safety, and welfare of

our communities. Instead, some of the reasoning used seemed to shock the conscience and offend the community's sense of fair play and decency. Commissioner Carmona was quoted as saying that this biohazardous medical waste disposal through incineration was a "necessary evil," and there had to be "somewhere to dispose of this stuff." Obviously, this type of analysis ignored the extensive research and writing of Matthew Digesti and the over three-hundred pages of material submitted in the Blockchains, LLC's Objection to Special Use Permit 2020-021 Stericycle Inc. Medical Waste Incinerator Facility. Supplement to Petition, filed September 11, 2020, Exhibit 1.

In *U.S. v. Hanousek*, 176 F.3d 1116 (9th Cir. 1999), Public welfare legislation is designed to protect the public from potentially harmful or injurious items, see *Staples v. United States*, 511 U.S. 600, 607, 114 S.Ct. 1793, 128 L.Ed.2d 608 (1994), and may render criminal "a type of conduct that a reasonable person should know is subject to stringent public regulation and may seriously threaten the community's health or safety," see *Liparota v. United States*, 471 U.S. 419, 433, 105 S.Ct. 2084, 85 L.Ed.2d 434 (1985). It is well established that a public welfare statute may subject a person to criminal liability for his or her ordinary negligence without violating due process. See *United States v. Balint*, 258 U.S. 250, 252-53, 42 S.Ct. 301, 66 L.Ed. 604 (1922) ("[W]here one deals with others and his mere negligence may be dangerous to them, as in selling diseased food or poison, the policy of the law may, in order to stimulate proper care, require the punishment of the negligent person though he be ignorant of the noxious character of what he sells."); see also *Morissette v. United States*, 342 U.S. 246, 256, 72 S.Ct. 240, 96 L.Ed. 288 (1952) ("The accused, if he does not will the violation, usually is in a position to prevent it with no more care than society might reasonably expect and no more exertion than it might reasonably exact from one who assumed his responsibilities." Page 1122); *United States v.*

Dotterweich, 320 U.S. 277, 281, 64 S.Ct. 134, 88 L.Ed. 48 (1943) ("In the interest of the larger good it puts the burden of acting at hazard upon a person otherwise innocent but standing in responsible relation to a public danger."); *Staples*, 511 U.S. at 607 n. 3, 114 S.Ct. 1793 (reiterating that public welfare statutes may dispense with a "mental element").

Argument – In this regard, the future of our communities is at stake and in danger of future medical problems in the form of cancer, pregnancy complications, birth defects, and autism- among people who live within several miles of incinerators, not to mention, a drop in property values. Exhibit 8, footnote 1. Voting for Stericycle's special use permit to incinerate some of the most dangerous toxins into our air amounts to a violation of the commissioners' duty to maintain a healthy environment and their vote appears arbitrary and capricious. When balancing the financial benefit to Storey County with the obvious potential health, safety, and welfare, violation, the scale is markedly tipped against this vote.

Conclusion – Because of the foregoing, it is requested that this Court deny the State's motion to dismiss and either rescind the vote of the two commissioners based upon arbitrary and capricious action or Order that another vote be held where the residents of Rainbow Bend and Lockwood Community Corporation can present their opposition to the voting body.

DATED this 1st day of October, 2020.

By: 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 security number of any person.

DATED this 1st day of October, 2020

By: Mary Lou Wilson

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 1st day of October, 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
2355 Waukegan Road
Bannockburn, Ill. 60015

McDonald/Carano
100 West Liberty St
10th Floor
Reno, NV
89501

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

Exhibits in Support of Petition

Exhibit 1, Governor's Order for Protection under COVID-19, March 31, 2020

Exhibit 2, NRS 241.020 (4) (a)

Exhibit 3, Governor's Order to Stay Home for Person's Over the Age of Sixty-Five, Phase II, May 28, 2020

Exhibit 4, Petition of Residents of Rainbow Bend and Lockwood Community Corporation Opposed to Stericycle (Partial Showing Since the State's Motion to Dismiss Filed on September 23, 2020

EXHIBIT 1

EXHIBIT 1

DECLARATION OF EMERGENCY DIRECTIVE 010 STAY AT HOME ORDER

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(6) 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 (WHO) and United States Centers for Disease Control and Prevention (CDC) 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, *the rate of community spread of COVID-19 can only be reduced by minimizing contact between infected persons and non-infected persons; and*

WHEREAS, *public health experts and epidemiologists indicate that COVID-19 may spread from infected persons to non-infected persons prior to the expression of symptoms in the infected person; and*

WHEREAS, *immediate containment of the spread of COVID-19 is vital to protect the Health and Safety of the Nevada public; and*

WHEREAS, *on March 17, 2020, I directed Nevadans to implement physical distancing measures to minimize opportunities for the disease to spread from infected persons to non-infected persons; and*

WHEREAS, *on March 20, 2020, I issued Directive 003 pursuant to the March 12, 2020 Declaration of Emergency to facilitate the State's response to the COVID-19 pandemic and ordered the closure of all non-essential businesses, and restricted the activities of essential businesses to reduce opportunities for interpersonal contact whereby the novel coronavirus that causes COVID-19 may be spread from infected persons to non-infected persons; and*

WHEREAS, *on March 20, 2020, the Department of Public Safety promulgated emergency regulations defining essential and non-essential businesses, specifically including Essential Healthcare operations and Essential Infrastructure operations;*

WHEREAS, *on March 24, 2020, I issued Directive 007 pursuant to the March 12, 2020 Declaration of Emergency to facilitate the State's response to the COVID-19 pandemic and ordered Nevadans to cease congregating in public spaces; and*

WHEREAS, *on March 29, 2020, Donald J. Trump, President of the United States, recommended the continuation of limitations on gatherings through April 30, 2020; and*

WHEREAS, *as of March 31, 2020, the State of Nevada Department of Health and Human Services is reporting 1,113 positive cases of COVID-19, and 17 deaths resulting from COVID-19; and*

WHEREAS, *the Governor's COVID-19 Medical Advisory Team has advised that Nevada has not yet experienced its peak infection rates of the COVID-19 disease; 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:	The March 12, 2020 Declaration of Emergency is hereby extended to April 30, 2020. All Directives promulgated pursuant to this Declaration shall be in force for the duration that the Declaration of Emergency shall be in effect, unless specifically terminated by a subsequent order.
SECTION 2:	With limited exceptions identified below, all Nevadans are ordered to stay in their residences. Gatherings of individuals outside the home is prohibited, subject to the same exceptions.
SECTION 3:	Individuals may leave their residences to provide services, perform work necessary, or obtain services from Essential Healthcare operations (as defined by Section 1 (a) of the March 20, 2020 Emergency Regulations) on behalf of themselves, pets, or those in their household.
SECTION 4:	Individuals may leave their residences to provide services or perform work necessary to the operations of Essential Infrastructure operations (as defined by Section 1 (b) of the March 20, 2020 Emergency Regulations).
SECTION 5:	Individuals may leave their residences to perform work necessary or obtain services or goods necessary from other Essential Licensed Businesses (as defined by Section 1 of the March 20, 2020 Emergency Regulations).
SECTION 6:	This Directive does not prohibit individuals from engaging in outdoor activity, including without limitation, activities such as hiking, walking, or running, so long as the activity complies with all requirements of Emergency Directive 007, participants maintain at least 6 feet distancing from other individuals, and individuals do not congregate in groups beyond their household members.
SECTION 7:	Individuals experiencing homelessness are exempt from this Directive.
SECTION 8:	This Directive shall remain in effect until April 30, 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.

2020-03-31 Declaration of Emergency Directive 010 Stay at Home

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 March, in the year two thousand twenty.

Governor of the State of Nevada

Barbara K. Cegavske

Secretary of State

EXHIBIT 2

EXHIBIT 2

NRS 241.020 Meetings to be open and public; size of facilities; limitations on closure of meetings; notice of meetings; copy of materials; exceptions.

1. Except as otherwise provided by specific statute, all meetings of public bodies must be open and public, and all persons must be permitted to attend any meeting of these public bodies. A meeting that is closed pursuant to a specific statute may only be closed to the extent specified in the statute allowing the meeting to be closed. All other portions of the meeting must be open and public, and the public body must comply with all other provisions of this chapter to the extent not specifically precluded by the specific statute. Public officers and employees responsible for these meetings shall make reasonable efforts to assist and accommodate persons with physical disabilities desiring to attend.

2. If any portion of a meeting is open to the public, the public officers and employees responsible for the meeting must make reasonable efforts to ensure the facilities for the meeting are large enough to accommodate the anticipated number of attendees. No violation of this chapter occurs if a member of the public is not permitted to attend a public meeting because the facilities for the meeting have reached maximum capacity if reasonable efforts were taken to accommodate the anticipated number of attendees. Nothing in this subsection requires a public body to incur any costs to secure a facility outside the control or jurisdiction of the public body or to upgrade, improve or otherwise modify an existing facility to accommodate the anticipated number of attendees.

3. Except in an emergency, written notice of all meetings must be given at least 3 working days before the meeting. The notice must include:

(a) The time, place and location of the meeting.

(b) A list of the locations where the notice has been posted.

(c) The name and contact information for the person designated by the public body from whom a member of the public may request the supporting material for the meeting described in subsection 7 and a list of the locations where the supporting material is available to the public.

(d) An agenda consisting of:

(1) A clear and complete statement of the topics scheduled to be considered during the meeting.

(2) A list describing the items on which action may be taken and clearly denoting that action may be taken on those items by placing the term "for possible action" next to the appropriate item or, if the item is placed on the agenda pursuant to NRS 241.0365, by placing the term "for possible corrective action" next to the appropriate item.

(3) Periods devoted to comments by the general public, if any, and discussion of those comments. Comments by the general public must be taken:

(I) At the beginning of the meeting before any items on which action may be taken are heard by the public body and again before the adjournment of the meeting; or

(II) After each item on the agenda on which action may be taken is discussed by the public body, but before the public body takes action on the item.

→ The provisions of this subparagraph do not prohibit a public body from taking comments by the general public in addition to what is required pursuant to sub-subparagraph (I) or (II). Regardless of whether a public body takes comments from the general public pursuant to sub-subparagraph (I) or (II), the public body must allow the general public to comment on any matter that is not specifically included on the agenda as an action item at some time before adjournment of the meeting. No action may be taken upon a matter raised during a period devoted to comments by the general public until the matter itself has been specifically included on an agenda as an item upon which action may be taken pursuant to subparagraph (2).

(4) If any portion of the meeting will be closed to consider the character, alleged misconduct or professional competence of a person, the name of the person whose character, alleged misconduct or professional competence will be considered.

(5) If, during any portion of the meeting, the public body will consider whether to take administrative action regarding a person, the name of that person.

(6) Notification that:

(I) Items on the agenda may be taken out of order;

(II) The public body may combine two or more agenda items for consideration; and

(III) The public body may remove an item from the agenda or delay discussion relating to an item on the agenda at any time.

(7) Any restrictions on comments by the general public. Any such restrictions must be reasonable and may restrict the time, place and manner of the comments, but may not restrict comments based upon viewpoint.

4. Minimum public notice is:

(a) Posting a copy of the notice at the principal office of the public body or, if there is no principal office, at the building in which the meeting is to be held, and at not less than three other separate, prominent places within the jurisdiction of the public body not later than 9 a.m. of the third working day before the meeting;

(b) Posting the notice on the official website of the State pursuant to NRS 232.2175 not later than 9 a.m. of the third working day before the meeting is to be held, unless the public body is unable to do so because of technical problems relating to the operation or maintenance of the official website of the State; and

(c) Providing a copy of the notice to any person who has requested notice of the meetings of the public body. A request for notice lapses 6 months after it is made. The public body shall inform the requester of this fact by enclosure with, notation upon or text included within the first notice sent. The notice must be:

(1) Delivered to the postal service used by the public body not later than 9 a.m. of the third working day before the meeting for transmittal to the requester by regular mail; or

(2) If feasible for the public body and the requester has agreed to receive the public notice by electronic mail, transmitted to the requester by electronic mail sent not later than 9 a.m. of the third working day before the meeting.

5. For each of its meetings, a public body shall document in writing that the public body complied with the minimum public notice required by paragraph (a) of subsection 4. The documentation must be prepared by every person who posted a copy of the public notice and include, without limitation:

(a) The date and time when the person posted the copy of the public notice;

(b) The address of the location where the person posted the copy of the public notice; and

(c) The name, title and signature of the person who posted the copy of the notice.

6. If a public body maintains a website on the Internet or its successor, the public body shall post notice of each of its meetings on its website unless the public body is unable to do so because of technical problems relating to the operation or maintenance of its website. Notice posted pursuant to this subsection is supplemental to and is not a substitute for the minimum public notice required pursuant to subsection 4. The inability of a public body to post notice of a meeting pursuant to this subsection as a result of technical problems with its website shall not be deemed to be a violation of the provisions of this chapter.

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7. Upon any request, a public body shall provide, at no charge, at least one copy of:
(a) An agenda for a public meeting;
(b) A proposed ordinance or regulation which will be discussed at the public meeting; and
(c) Subject to the provisions of subsection 8 or 9, as applicable, any other supporting material provided to the members of the public body for an item on the agenda, except materials:
(1) Submitted to the public body pursuant to a nondisclosure or confidentiality agreement which relates to proprietary information;
(2) Pertaining to the closed portion of such a meeting of the public body; or
(3) Declared confidential by law, unless otherwise agreed to by each person whose interest is being protected under the order of confidentiality.
➥ The public body shall make at least one copy of the documents described in paragraphs (a), (b) and (c) available to the public at the meeting to which the documents pertain. As used in this subsection, "proprietary information" has the meaning ascribed to it in NRS 332.025.

8. Unless it must be made available at an earlier time pursuant to NRS 288.153, a copy of supporting material required to be provided upon request pursuant to paragraph (c) of subsection 7 must be:
(a) If the supporting material is provided to the members of the public body before the meeting, made available to the requester at the time the material is provided to the members of the public body; or
(b) If the supporting material is provided to the members of the public body at the meeting, made available at the meeting to the requester at the same time the material is provided to the members of the public body.
➥ If the requester has agreed to receive the information and material set forth in subsection 7 by electronic mail, the public body shall, if feasible, provide the information and material by electronic mail.

9. Unless the supporting material must be posted at an earlier time pursuant to NRS 288.153, the governing body of a county or city whose population is 45,000 or more shall post the supporting material described in paragraph (c) of subsection 7 to its website not later than the time the material is provided to the members of the governing body or, if the supporting material is provided to the members of the governing body at a meeting, not later than 24 hours after the conclusion of the meeting. Such posting is supplemental to the right of the public to request the supporting material pursuant to subsection 7. The inability of the governing body, as a result of technical problems with its website, to post supporting material pursuant to this subsection shall not be deemed to be a violation of the provisions of this chapter.

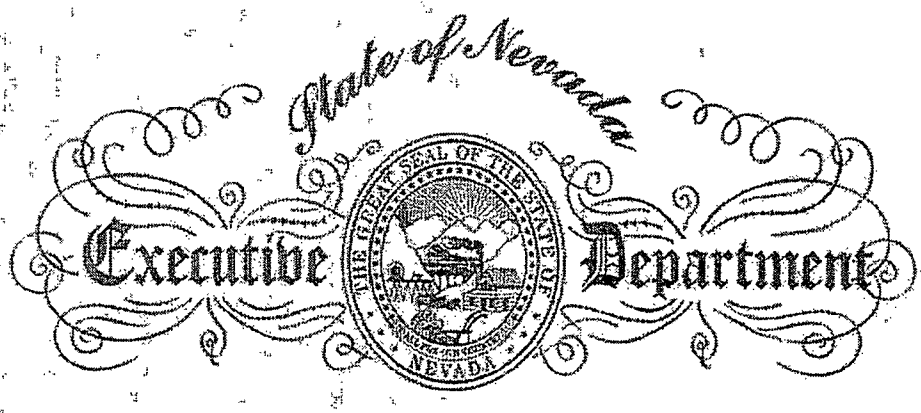
10. A public body may provide the public notice, information or supporting material required by this section by electronic mail. Except as otherwise provided in this subsection, if a public body makes such notice, information or supporting material available by electronic mail, the public body shall inquire of a person who requests the notice, information or supporting material if the person will accept receipt by electronic mail. If a public body is required to post the public notice, information or supporting material on its website pursuant to this section, the public body shall inquire of a person who requests the notice, information or supporting material if the person will accept by electronic mail a link to the posting on the website when the documents are made available. The inability of a public body, as a result of technical problems with its electronic mail system, to provide a public notice, information or supporting material or a link to a website required by this section to a person who has agreed to receive such notice, information, supporting material or link by electronic mail shall not be deemed to be a violation of the provisions of this chapter.

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.
(Added to NRS by 1960, 25; A 1977, 1099; 1109; 1979, 97; 1989, 570; 1991, 785; 1993, 1356, 2636; 1995, 562, 1608; 2001, 2395; 2003, 488; 2005, 2243; 2007, 1122; 2009, 2288; 2011, 2386, 2838; 2013, 729, 1884; 2015, 329, 1056; 2019, 3621)

NRS 241.023 Requirements for holding meeting by teleconference or videoconference.
1. A public body may conduct a meeting by means of teleconference or videoconference if:
(a) A quorum is actually or collectively present, whether in person or by means of electronic communication; and
(b) There is a physical location designated for the meeting where members of the public are permitted to attend and participate.
2. If any member of a public body attends a meeting by means of teleconference or videoconference, the chair of the public body, or his or her designee, must make reasonable efforts to ensure that:
(a) Members of the public body and members of the public present at the physical location of the meeting can hear or observe each member attending by teleconference or videoconference; and
(b) Each member of the public body in attendance can participate in the meeting.
(Added to NRS by 2019, 3618)

EXHIBIT 3

EXHIBIT 3



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:

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.
	Consistent with the *Nevada United: Roadmap to Recovery* plan for a federally supported,

SECTION 2:	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.
	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

SECTION 11:	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.
	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

SECTION 17:	occupan[illegible] 50% based on listed fire code capacity. Businesses are [illegible]ngly 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.
	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.

SECTION 24:	4. Estabilishments 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
	Effective 12:01 am on May 29, 2020, gyms, fitness facilities, and fitness studios, [illegible]

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SECTION 28:	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

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	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

	6. Establishments, including day and overnight spas, may reopen 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.

COVID-19 EMERGENCY DIRECTIVE 021 ORDERS

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

Re-Opening Response Plan (7/1/2020)

Executive
Governor
Lt. Governor
Secretary of State
Attorney General
State Treasurer
State Controller

Legislature
Legislature Website
NELIS
Legislature Meetings
Find Your Legislator
Nevada State Senate
Nevada State Assembly

Alerts
Amber Alerts
Consumer Affairs
Weather Alerts
211 - Service Information
511 - Road Conditions
911 - Emergency Help

Select Language

Has Met Section 508 WCAG 2.0 ADA Compliance

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Version 3.0.007

Secretary of State

Deputy Secretary of State

Governor Sisolak announces Stay at Home directive, extends closure date to the end of April

Executive

Governor

Lt. Governor

Secretary of State

Attorney General

State Treasurer

State Controller

Legislature

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Consumer Affairs

Weather Alerts

211 - Service Information

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Version: 3.0.007

EXHIBIT 4

EXHIBIT 4

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

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.

CR 20 OC 00005 1 E

Dept. 1

/

PETITION FOR NAMES, ADDRESSES, TELEPHONE NUMBERS, AGES OVER 55 YEARS AND UNDER 55 YEARS, AND WHETHER YOU GET NOTICE OF STOREY COUNTY COMMISSION MEETINGS OVER THE INTERNET

ON SEPTEMBER 10, 2020 AND SEEPTEMBER 11, 2020, the above-named petitioner, MARY LOU MCSWEENEY-WILSON, et al. petitioned the district court to review the approval of STERICYCLE BIOHAZARD MEDICAL WASTE DISPOSAL special use permit by the two commissioners, Jay Carmona and Marshall McBride, based upon research and writing of BLOCKCHAINS CORPORATION, showing it to be a dangerous company when incinerating biohazardous medical waste, which will impact the communities, wildlife, and surrounding rivers and lakes of RAINBOW BEND COMMUNITY, LOCKWOOD COMMUNITY CORPORATION and other residents of Storey County.

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If you are opposed to the special use permit for Stericycle to build and start incinerating biohazardous medical waste, will you consider signing the petition below.

DATED this 1st day of October, 2020.

By: Mary Lou Wilson
MARY LOU WILSON
Attorney At Law, Bar #3329
2064 Regent Street
Reno, Nevada 89509
Attorney for Petitioner

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 1st day of October, 2020

By: Mary Lou Wilson
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 1st day of October, 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

Ms. Ann Langer
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
2355 Waukegan Road
Bannockburn, Ill. 60015

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

EXHIBIT 1

NAME Charles Thompson ADDRESS 264 Ave De la D'Emerald TELEPHONE 775 772 3331
OVER 55 NO INTERNET NOTICE NO

NAME DENISE JONES ADDRESS 221 Ave De la D'Emerald TELEPHONE 7753780354
OVER 55 YES INTERNET NOTICE NO

NAME Jennifer Roberts ADDRESS 222 Ave De la D'Emerald TELEPHONE (209) 756-4858
OVER 55 INTERNET NOTICE No

NAME MEH ANDREINI ADDRESS 800 FERI RANCH TELEPHONE 775 342 2850
OVER 55 YES INTERNET NOTICE NO

NAME Gerald Chadwick ADDRESS 212 Blue De clair TELEPHONE 775 378-4217
OVER 55 yes INTERNET NOTICE NO

NAME Loretta Chadwick ADDRESS 212 Blue De clair TELEPHONE 775 378-4217
OVER 55 yes INTERNET NOTICE NO

NAME Pam Butler ADDRESS 243 Ave De La TELEPHONE 775 841 154
OVER 55 yes INTERNET NOTICE NO

NAME Christian Martinez ADDRESS 245 Ave De La Couleurs TELEPHONE 775 420 8481
OVER 55 INTERNET NOTICE NO

NAME GREG FERRY ADDRESS 248 AVE DE LA COULEUR TELEPHONE 775 425 1689 765-8240
OVER 55 X INTERNET NOTICE NO

NAME Krette ferry ADDRESS 248 Ave de la Couleurs TELEPHONE 775-762-8297
OVER 55 X INTERNET NOTICE NO

NAME Linda Thompson ADDRESS 101 Ave Bleu de clair TELEPHONE 530-355-4473
OVER 55 X INTERNET NOTICE NO

NAME Caitlyn Hauger ADDRESS 249 Ave de Couleurs TELEPHONE 775-851-9389
OVER 55 INTERNET NOTICE NO

NAME MICHAEL HAMLETT ADDRESS 250 AVE DE LA COULEURS TELEPHONE 955 1552
OVER 55 X INTERNET NOTICE NO

NAME Linda Scruton ADDRESS 305 AVE De la Couleurs TELEPHONE 408 425 8479
OVER 55 X INTERNET NOTICE NO

NAME Gabrielle Jaeger ADDRESS 332 Rue De la Jaune TELEPHONE 775-250-4520
OVER 55 X INTERNET NOTICE NO

EXHIBIT 1

NAME Rachel Dulco ADDRESS 288 Ave De la TELEPHONE 775-691-6252
OVER 55 NO INTERNET NOTICE D'Emerald Sparks NV 89434

NAME Lori Mueller ADDRESS 256 Ave de la Demerald TELEPHONE 775 842 2933
OVER 55 NO INTERNET NOTICE NO

NAME Devona Haren ADDRESS 257 Ave de la Demerald TELEPHONE 775-224-2219
OVER 55 NO INTERNET NOTICE NO

NAME Lorena Fleming ADDRESS 304 Rue de la Fauve TELEPHONE 775-742-5541
OVER 55 NO INTERNET NOTICE NO

NAME Esther Salazar ADDRESS 304 Rue de la Fauve TELEPHONE 775-378-1169
OVER 55 Yes INTERNET NOTICE NO

NAME Michael Fleming ADDRESS 304 Rue de la Fauve TELEPHONE 775-343-6602
OVER 55 NO INTERNET NOTICE NO

NAME Taylor Kent ADDRESS 269 Rue de la Fauve TELEPHONE 775-530-2531
OVER 55 NO INTERNET NOTICE NO

NAME Linda Rybrum ADDRESS 363 Rue De La Fauve TELEPHONE 775-303-3336
OVER 55 X INTERNET NOTICE NO

NAME Kim Gibson ADDRESS 298 Bleu De Clair TELEPHONE 775 351-8218
OVER 55 X INTERNET NOTICE NO

NAME Bob Inman ADDRESS 275 Ave De la Bleu TELEPHONE 775 530-5253
OVER 55 X INTERNET NOTICE NO

NAME Scott Inman ADDRESS 285 Ave De la Bleu TELEPHONE 775 530-2732
OVER 55 X INTERNET NOTICE NO

NAME Betty Turpin ADDRESS 106 Ave De LA Bleu TELEPHONE 775 342-6453
OVER 55 X INTERNET NOTICE NO

NAME Mike Turpin ADDRESS 106 Ave De LA Bleu TELEPHONE 775 342-6453
OVER 55 X INTERNET NOTICE NO

NAME Rodney Rice ADDRESS 277 Ave De la Bleu De Clair TELEPHONE 775 770 0826
OVER 55 X INTERNET NOTICE NO

NAME JAIME MAYA-LOPEZ ADDRESS 276 AVE DE LA BLEU DE CLAIR TELEPHONE 775 398 4275
OVER 55 NO INTERNET NOTICE

000791

Exhibit in Support of Petition for Individual Homeowners from Rainbow Bend and Lockwood Community Corporation

Exhibit 1, Petition of names, addresses, telephone numbers, ages above 55 and below 55, and whether notice of Storey County Commission meetings are received through the internet

EXHIBIT 1

EXHIBIT

EXHIBIT 1

NAME Ryan Hummel ADDRESS 86 cercle de la cerese TELEPHONE 775-240-7772
OVER 55 no INTERNET NOTICE Spectrum

NAME Amber Grant ADDRESS 86 Cercle De la Cerese TELEPHONE 775-687-1003
OVER 55 no INTERNET NOTICE spectrum

NAME Bonnie ADDRESS 81 Cercle de la Cerese TELEPHONE 775-342-6303
OVER 55 ✓ INTERNET NOTICE

NAME [illegible] ADDRESS 59 Cercle de la Cerese TELEPHONE 505 204 3278
OVER 55 ✓ INTERNET NOTICE Spectrum

NAME Todd Donahoe ADDRESS 70 CERCLE DE LA CERESE TELEPHONE 775-742-0806
OVER 55 NO INTERNET NOTICE Spectrum

NAME Colton Desrendes ADDRESS 72 Cercle de la Cerese TELEPHONE 408 348-3408
OVER 55 no INTERNET NOTICE no

NAME DANIEL PHILLIPS ADDRESS 73 CERCLE DE LA CERESE TELEPHONE 707-372-1858
OVER 55 YES INTERNET NOTICE YES

NAME Marcelaria Phillips ADDRESS 73 cercle de la cerese TELEPHONE 707 372 1858
OVER 55 ✓ INTERNET NOTICE ✓

NAME George Richey ADDRESS 168 Cercle de la Cerese TELEPHONE 775 391-7272
OVER 55 ✓ INTERNET NOTICE yes

NAME Barbara Richey ADDRESS 168 Cercle de la Cerese TELEPHONE (808) 634-8288
OVER 55 INTERNET NOTICE

NAME Melanie McLoggan ADDRESS 174 Cercle de la Cerese TELEPHONE 775-501-8380
OVER 55 No INTERNET NOTICE NO

NAME Michael McLoggan ADDRESS 174 cercle de la cerese TELEPHONE 775 501 8379
OVER 55 No INTERNET NOTICE NO

NAME Phillip Hilton ADDRESS 382 Rue De La Rouge TELEPHONE 775-636-1778
OVER 55 yes INTERNET NOTICE NO

NAME Carl Leiker ADDRESS 131 Rue De La Rose TELEPHONE 970 640-0461
OVER 55 X INTERNET NOTICE NO

NAME Joyce Leiker ADDRESS 131 Rue De La Rose TELEPHONE 775-772-5886
OVER 55 ✓ INTERNET NOTICE no

EXHIBIT 1

NAME Jim Leathers ADDRESS 77 Circle De Cerise TELEPHONE 775 636 5160
OVER 55 70 INTERNET NOTICE ✓

NAME Robert Bottencourt ADDRESS 401 Canyon Way Spc 40 TELEPHONE 775-203-6162
OVER 55 ✓ INTERNET NOTICE ✓

NAME Lisa O'Berry ADDRESS 401 Canyon Way #77 TELEPHONE 775-815-8816
OVER 55 58 yr INTERNET NOTICE ~~✓~~

NAME Sandra Beach ADDRESS 401 Canyon Way #81 TELEPHONE 775-303-4274
OVER 55 ✓ INTERNET NOTICE ✓

NAME Destiny Neeland ADDRESS 401 Canyon Way Sp 84 TELEPHONE 585-813-5[illegible] Marie 12 Brooklyn 6 Kennedy 5
OVER 55 INTERNET NOTICE

NAME D. Burnham ADDRESS 451 Can Way 66 TELEPHONE 775 682 1652
OVER 55 No INTERNET NOTICE No

NAME Thomas Swanson ADDRESS 451 Canyon Way TELEPHONE 799-0757
OVER 55 No INTERNET NOTICE No

NAME [illegible] ADDRESS 451 Spc. 51 TELEPHONE
OVER 55 yes INTERNET NOTICE No

NAME Robert Perez ADDRESS 451 Canyon Wy #53 TELEPHONE 224-7962
OVER 55 No INTERNET NOTICE Yes

NAME Kathryn Dunn ADDRESS 451 Spc 53 TELEPHONE 771-1989
OVER 55 Yes INTERNET NOTICE No

NAME [illegible] ADDRESS 451 Canyon Sp 56 TELEPHONE
OVER 55 No INTERNET NOTICE No

NAME Cheryl Pace ADDRESS 451 Canyon #58 TELEPHONE
OVER 55 YES INTERNET NOTICE NO

NAME Barbara Fourmer ADDRESS 401 Canyon Way TELEPHONE 378-0648
OVER 55 Yes INTERNET NOTICE No

NAME Karen Tuhus ADDRESS 401 Canyon Way #38 TELEPHONE 775-997-8383
OVER 55 yes INTERNET NOTICE —

NAME Diana Vasquez ADDRESS ~~#34 Lockwood~~ TELEPHONE
OVER 55 INTERNET NOTICE

yes NO 971 4659

000782

EXHIBIT 1

NAME Michael Wise ADDRESS 19 Ave De La Couleurs TELEPHONE 775-242-1694
OVER 55 NO INTERNET NOTICE NO

NAME Duane Yoakley ADDRESS 70 Ave De La Couleurs TELEPHONE 209-743-9834
OVER 55 yes INTERNET NOTICE NO

NAME GUS FRENZEN ADDRESS 325 RUE JEANNE TELEPHONE
OVER 55 ✓ INTERNET NOTICE NO

NAME Ed AWAN ADDRESS 25 Ave De La Couleurs TELEPHONE (510) 645-7565
OVER 55 YES INTERNET NOTICE NO

NAME Michelle Arrinsto ADDRESS 28 Ave De la Couleurs TELEPHONE 775-772-1027
OVER 55 NO INTERNET NOTICE NO

NAME Claudine Bonin Arrinsto ADDRESS 28 Ave De La Couleurs TELEPHONE 775-530-4733
OVER 55 yes INTERNET NOTICE NO

NAME Eva Jorges Eva Porges ADDRESS 169 Cercle De Cerese TELEPHONE 775-453-9877
OVER 55 ✓ INTERNET NOTICE NO

NAME DAVID BUDISH ADDRESS 172 CERCLE DE LA CERESE TELEPHONE 775-232-7800
OVER 55 YES INTERNET NOTICE NO

NAME Staci Harold ADDRESS 451 Canyon Wyle TELEPHONE 775 830 0051
OVER 55 NO INTERNET NOTICE NO

NAME Jennica Harold ADDRESS " " TELEPHONE
OVER 55 17 INTERNET NOTICE

NAME Jaidyn Harold ADDRESS " " TELEPHONE
OVER 55 14 0 INTERNET NOTICE

NAME Jensyn Harold ADDRESS " " TELEPHONE
OVER 55 12 0 INTERNET NOTICE

NAME Jordyn ADDRESS " " TELEPHONE
OVER 55 10 0 INTERNET NOTICE

NAME Jameson ADDRESS " " TELEPHONE
OVER 55 2 INTERNET NOTICE

NAME Julie ADDRESS " " TELEPHONE
OVER 55 1 INTERNET NOTICE

EXHIBIT 1

NAME Monique Dellwardt ADDRESS 45 Ave De la Argent TELEPHONE
OVER 55 NO INTERNET NOTICE NO

NAME Patricia MS Shall ADDRESS 49 Ave De La Argent TELEPHONE 775-745
OVER 55 X INTERNET NOTICE NO

NAME Michael Byrnes ADDRESS 42 Ave De La Argent TELEPHONE (775) 342-6261
OVER 55 No INTERNET NOTICE No

NAME Juan Suarez ADDRESS 50 Cour de la Celedon 209 TELEPHONE 642-9345
OVER 55 No INTERNET NOTICE NO

NAME [illegible] ADDRESS 1005 TELEPHONE
OVER 55 [illegible] INTERNET NOTICE NO

NAME Judith Mugsauer ADDRESS 1009 TELEPHONE 775-342-6014
OVER 55 yes INTERNET NOTICE NO

NAME Russel L. Jensen ADDRESS 1007 TELEPHONE 775-329-6430
OVER 55 yes INTERNET NOTICE No

NAME Dean Ohlson ADDRESS #7 AVE OF LA ARGENT TELEPHONE
OVER 55 yes INTERNET NOTICE NO

NAME [illegible] ADDRESS 1 Rue De La Argent TELEPHONE 775-[illegible]
OVER 55 X INTERNET NOTICE No

NAME Debra Patten ADDRESS 12 Rue. de la Couleurs 775-342-2425 TELEPHONE
OVER 55 yes INTERNET NOTICE NO

NAME Beverly Steele ADDRESS 17 Ave De La Couleurs TELEPHONE 762-7880
OVER 55 X INTERNET NOTICE No

NAME Lynn Jones ADDRESS 251 Ave De La Couleurs Sparks, NV 89431 TELEPHONE 775-997-8737
OVER 55 X INTERNET NOTICE

NAME MARK GARREST ADDRESS 251 AVE DE LA COULEURS TELEPHONE 775 997 8737
OVER 55 X INTERNET NOTICE Sparks, NV 89431

NAME Taylor Tobe ADDRESS 35 Ave De La Argent TELEPHONE 925-204-1070
OVER 55 no INTERNET NOTICE No!

NAME Kevin Andrews ADDRESS 35 Ave De La Argent TELEPHONE 925-204-1070
OVER 55 no INTERNET NOTICE NO!

EXHIBIT 1

NAME William Roe ADDRESS 60 Bordeaux Cellars TELEPHONE 925-343-2444
OVER 55 yes INTERNET NOTICE No

NAME Dale Cain ADDRESS 68 De La Bleu TELEPHONE 775-233-5159
OVER 55 yes INTERNET NOTICE NO

NAME Brian Ball ADDRESS 121 Ave de la Bleu TELEPHONE 775-287-6942
OVER 55 NO INTERNET NOTICE NO

NAME Margaret David ADDRESS 68 TELEPHONE 343-6421
OVER 55 Y INTERNET NOTICE No

NAME Denise Henderson ADDRESS 216 Cercle de la Cerese TELEPHONE (775) 762-7100
OVER 55 yes INTERNET NOTICE NO

NAME Jack Henderson ADDRESS 216 Cercle de la Cerese TELEPHONE (805) 234-8178
OVER 55 NO INTERNET NOTICE NO

NAME Austin Weitler ADDRESS 218 Cercle de la Cerese TELEPHONE (775) 997-4676
OVER 55 NO INTERNET NOTICE No

NAME Connor Siggins ADDRESS 218 Cercle de la Cerese TELEPHONE 775-830-9841
OVER 55 No INTERNET NOTICE No

NAME Paul Faber ADDRESS 171 Cercle de la Cerese TELEPHONE 775-378-2848
OVER 55 No INTERNET NOTICE No

NAME Jacqueline Nina Barnfield ADDRESS 95 Cerese TELEPHONE 530) 208-7372
OVER 55 yes INTERNET NOTICE No

NAME Cathy Huddleson ADDRESS 306 Ave De La Couleurs TELEPHONE 925-595-0000
OVER 55 yes INTERNET NOTICE NO

NAME ROBT CURRAN ADDRESS 150 COULEURS TELEPHONE 335-6337
OVER 55 YES INTERNET NOTICE NO

NAME AURORA GRAY ADDRESS 37 DELA ARGENT TELEPHONE 775 323 7263
OVER 55 YES INTERNET NOTICE NO

NAME DAVID MASSEY ADDRESS 37 DE LA ARGENT TELEPHONE 846 5663
OVER 55 YES INTERNET NOTICE NO

NAME Gene Massman ADDRESS 46 Ave De la Argent TELEPHONE 772-5135
OVER 55 Yes INTERNET NOTICE No

000765

EXHIBIT 1

NAME Alejandro Garcia-Lopez ADDRESS 94 Cercle de la ceres TELEPHONE (775) 303-9249
OVER 55 No INTERNET NOTICE NO

NAME Alejandro Garcia-flores ADDRESS 94 Cercle de la cerese TELEPHONE 775 830-1189
OVER 55 NO INTERNET NOTICE NO

NAME Ellen Cullen ADDRESS 136 Rue de Noir TELEPHONE 775-250-3056
OVER 55 yes INTERNET NOTICE NO

NAME Tresa Harrell ADDRESS 133 Bleu TELEPHONE 702-375-4835
OVER 55 yes INTERNET NOTICE NO

NAME F. Jay Harrell ADDRESS 133 Bleu TELEPHONE 702 375-4835
OVER 55 yes INTERNET NOTICE NO

NAME Mark Crocco ADDRESS 147 BLUE TELEPHONE 916 716 5344
OVER 55 yes INTERNET NOTICE NO

NAME BETH PHILPOT ADDRESS 153 BLUE TELEPHONE 775-342-6217
OVER 55 yes INTERNET NOTICE NO

NAME Pam Conley ADDRESS 156 rue de la orange TELEPHONE 775-247-7259
OVER 55 No INTERNET NOTICE NO

NAME Sally Clark ADDRESS 159 LA ORANGE TELEPHONE 846-9139
OVER 55 No INTERNET NOTICE NO

NAME [illegible] ADDRESS 239 Chantrey TELEPHONE (702) 373-5734
OVER 55 yes INTERNET NOTICE No

NAME Zakry Dyson ADDRESS 166 rue de la [illegible] TELEPHONE 775-351-5564
OVER 55 no INTERNET NOTICE NO

NAME John Pennington ADDRESS 53 Ave. TELEPHONE 775-636-339
OVER 55 yes. INTERNET NOTICE NO

NAME DORIS KIMBERLIN ADDRESS #59 Cour de la CEDRANT 775 TELEPHONE 343-0650
OVER 55 YES INTERNET NOTICE NO

NAME RICHARD MORIN ADDRESS 56 Cour DE LA TELEPHONE 775-399-4714
OVER 55 72 INTERNET NOTICE NO

NAME Carol Rose ADDRESS 60 Cour de la Cedrant TELEPHONE 775 343-6464
OVER 55 yes INTERNET NOTICE No

EXHIBIT 1

NAME Shelley S. Miller ADDRESS 140 Cour De La Cerise TELEPHONE 343-0264
OVER 55 YES INTERNET NOTICE NO

NAME [illegible] ADDRESS 140 Cour De La Cerise TELEPHONE 343-0264
OVER 55 YES INTERNET NOTICE NO

NAME Lynn M. Smith ADDRESS 93 Cercle De La Cerise TELEPHONE 420-9170
OVER 55 YES INTERNET NOTICE NO

NAME [illegible] ADDRESS 93 Cercle De La Cerise TELEPHONE 925-391-4223
OVER 55 YES INTERNET NOTICE NO

NAME Nancy Flores ADDRESS 94 Cercle de la Cerise TELEPHONE (775) 303-4248
OVER 55 NO INTERNET NOTICE NO

NAME ROB DARR ADDRESS 144 CERCLE DE LA CERESE TELEPHONE 3426072
OVER 55 YES INTERNET NOTICE NO

NAME [illegible] ADDRESS 43 Cour De La Cerise TELEPHONE 775-722-6678
OVER 55 ✓ INTERNET NOTICE NO ?

NAME [illegible] ADDRESS 92 Cercle de la Cerise TELEPHONE 775-221-4641
OVER 55 NO INTERNET NOTICE NO

NAME [illegible] ADDRESS 91 Cercle de la Cerise TELEPHONE 702-441-1183
OVER 55 NO INTERNET NOTICE NO

NAME [illegible] ADDRESS 91 Cercle de la Cerise TELEPHONE 702-686-1754
OVER 55 NO INTERNET NOTICE NO

NAME [illegible] ADDRESS 138 Cercle de Cerise TELEPHONE 775-772-3088
OVER 55 YES INTERNET NOTICE NO

NAME Lisa Kramer ADDRESS 89 Cercle TELEPHONE 843-3340
OVER 55 NO INTERNET NOTICE 91 Cercle

NAME [illegible] ADDRESS 85 Cercle De La Cerise TELEPHONE 775 342 8349
OVER 55 YES INTERNET NOTICE NO

NAME MARK BARNES ADDRESS 62 Cour De La Cerise TELEPHONE 775-331-4347
OVER 55 ✓ INTERNET NOTICE Mbarnes50@gmail.com

NAME Michelle Newman ADDRESS 139 Cercle De La Cerise TELEPHONE 775-376-2310
OVER 55 NO INTERNET NOTICE Shellynv@gmail.com

EXHIBIT 1

NAME Rosemarie Austin ADDRESS 460 Rue de la Blanc TELEPHONE 702 232-1489
OVER 55 X INTERNET NOTICE NO

NAME JOAN EVANS ADDRESS 229 Rue de la Divorce TELEPHONE 775-846-7816
OVER 55 X INTERNET NOTICE

NAME KATHRYN QUIGLEY ADDRESS 358 Rue de la LAVANDA TELEPHONE 775-782-8109
OVER 55 ✓ INTERNET NOTICE RENOKATQ@gmail.com

NAME Merilee Nielsen ADDRESS 226 Rue de la Quiet TELEPHONE 775-342-6043
OVER 55 X INTERNET NOTICE NO

NAME Janice Kraft ADDRESS 317 Rue de la Lavanda TELEPHONE 775-300-8880
OVER 55 ✓ INTERNET NOTICE

NAME SHARON L. SARGENT ADDRESS 113 Rue De La Blanc TELEPHONE 209-206-2952
OVER 55 X INTERNET NOTICE sharonandbert6@gmail.com

NAME JEANNIE U. Hartley ADDRESS 20 Ave de la Coulee TELEPHONE 209-559-1734
OVER 55 ✓ INTERNET NOTICE NO

NAME Sharon D'Andrea ADDRESS 71 Cercle de la Cerese TELEPHONE 530-370-1972
OVER 55 X INTERNET NOTICE —

NAME GARY BLASUTTA ADDRESS 284 Rue De La Divorce TELEPHONE 775-370-5970
OVER 55 X INTERNET NOTICE NO

NAME [illegible] ADDRESS 267 Ave Emerald TELEPHONE 7753231665
OVER 55 INTERNET NOTICE NO

NAME Susan Reed ADDRESS 259 Ave. De la Emerald TELEPHONE 775-342-7765
OVER 55 ✓ INTERNET NOTICE

NAME DANIEL D. ROOT IV ADDRESS 259 AVE DE LAS ESMERALDA TELEPHONE 775-315-8741
OVER 55 ✓ INTERNET NOTICE

NAME GAYLE L. BAUSERMAN ADDRESS 227 Rue de la Divoire TELEPHONE 775-815-8782
OVER 55 ✓ INTERNET NOTICE NO

NAME Daniel P. Bennett ADDRESS 264 Ave De la Emerald TELEPHONE 775-450-8160
OVER 55 NO INTERNET NOTICE

NAME Sean Thomson ADDRESS 264 Ave De la Emerald TELEPHONE 775-391-9962
OVER 55 NO INTERNET NOTICE no

EXHIBIT 1

NAME DAVID HART ADDRESS 225 RUE DE LA DIVOIRE TELEPHONE 342-2527
OVER 55 X YES INTERNET NOTICE NO

NAME Rothie Bennett ADDRESS 244 AVE DE LA DEMERALD TELEPHONE 775 233-7654
OVER 55 X yes INTERNET NOTICE NO

NAME RICK VASQUEZ ADDRESS 192 DEMERALD TELEPHONE 559-361-1841
OVER 55 YES INTERNET NOTICE NO

NAME NORMA VASQUEZ ADDRESS 192 Demerald TELEPHONE 559-361-1842
OVER 55 YES INTERNET NOTICE NO

NAME ELSIE L. HOOK ADDRESS 189 Demerald TELEPHONE 342-0217
OVER 55 92 INTERNET NOTICE NO

NAME EDWARD HOOK ADDRESS 189 DEMERALD TELEPHONE 342-0207
OVER 55 INTERNET NOTICE NO

NAME Rebecca Flasch ADDRESS 191 ave de la demerald TELEPHONE 925 420 9590
OVER 55 INTERNET NOTICE NO

NAME Michael BANES ADDRESS 244 AVE DE LA Demerald 775 TELEPHONE 409-2009
OVER 55 X INTERNET NOTICE NO

NAME Debbie Tarson ADDRESS 244 Ave De La Demerald 775 TELEPHONE 544-6452
OVER 55 X INTERNET NOTICE NO

NAME John Allen ADDRESS 195 Ave De La Demerald TELEPHONE 775, 225, 2032
OVER 55 X INTERNET NOTICE NO

NAME Susan Allen ADDRESS 195 Ave de la Demerald TELEPHONE 775 217 2022
OVER 55 X INTERNET NOTICE NO

NAME DEBBIE S. DRAKE ADDRESS 205 RUE DE LA CHARTREUSE 775- TELEPHONE 560-6871
OVER 55 X INTERNET NOTICE NO

NAME DANNY R. CHETTENDER ADDRESS 223 Ave de la Demerald TELEPHONE 775 386-7652
OVER 55 X INTERNET NOTICE NO

NAME CARYN CHETTENDER ADDRESS 223 Ave de la Demerald TELEPHONE 775 232-5529
OVER 55 X INTERNET NOTICE NO

NAME Darlene Contrado ADDRESS 283 Rue De la Divoire TELEPHONE 775 990-2200
OVER 55 INTERNET NOTICE NO

EXHIBIT 1

NAME Bill Wilson ADDRESS 119 Ave De La Bleu TELEPHONE 775 737 8655
OVER 55 N INTERNET NOTICE YES

NAME Anita Wilson ADDRESS 119 Ave De La Bleu TELEPHONE 775 737 8232
OVER 55 Y INTERNET NOTICE No

NAME Lydia Garcia ADDRESS 66 Cercle De Cerese TELEPHONE 775-443-8095
OVER 55 ✓ INTERNET NOTICE No

NAME Ramon Andres ADDRESS 66 Cercle De Cerese TELEPHONE 775-224-1903
OVER 55 ✓ INTERNET NOTICE No

NAME Paula Olivas ADDRESS 82 Cercle De Cerese TELEPHONE 7604793361
OVER 55 No INTERNET NOTICE No

NAME Laiq Mir ADDRESS 78 Cercle de la Cerese TELEPHONE 338-9004
OVER 55 No INTERNET NOTICE No

NAME Nida Mir ADDRESS 78 Cercle de la Cerese TELEPHONE same address
OVER 55 No INTERNET NOTICE No

NAME Sahil Mir ADDRESS 78 Cercle de la Cerese TELEPHONE "
OVER 55 No INTERNET NOTICE No

NAME Neil Mir ADDRESS 78 Cercle de la Cerese TELEPHONE "
OVER 55 No INTERNET NOTICE No

NAME Lori L Jensen ADDRESS 401 Canyon Way #2 TELEPHONE 775-842-0992
OVER 55 No INTERNET NOTICE No

NAME Rod Anderson ADDRESS 401 Canyon Way #2 TELEPHONE 775 842 7775
OVER 55 Yes INTERNET NOTICE No

NAME Marvin T Pedersen ADDRESS 451 Canyon Way TELEPHONE 775-590 0735
OVER 55 ✓ INTERNET NOTICE No

NAME Anita Lawrence ADDRESS 379 Ave Colors TELEPHONE 775 881 5491
OVER 55 ✓ INTERNET NOTICE ✓

NAME Gina Bigney ADDRESS 336 Ave De La Couleurs TELEPHONE 775-219-6680
OVER 55 ✓ INTERNET NOTICE No

NAME Alan McCord ADDRESS 328 Rue De La Jaune TELEPHONE 775-762-4022
OVER 55 Yes INTERNET NOTICE No

EXHIBIT 1

NAME April Garrison ADDRESS 387 Coolewood TELEPHONE (775) 815-6685
OVER 55 NO INTERNET NOTICE yes Nevadarivergirl@yahoo.com

NAME Christina Olson ADDRESS 401 Canyon Way #78 TELEPHONE 775 247-1769
OVER 55 NO INTERNET NOTICE

NAME Wendi Baca ADDRESS 401 Canyon Way #4 Sparks NV 89434 TELEPHONE 775-247-2138
OVER 55 ✓ INTERNET NOTICE

NAME Diane Zygmunt ADDRESS 357 Rue De Lavonda Sparks NV 89434 TELEPHONE 775 341-4556
OVER 55 ✓ INTERNET NOTICE

NAME Ashley Fultz ADDRESS 401 Canyon 45 TELEPHONE (775) 224-0797
OVER 55 X INTERNET NOTICE

NAME Linda Kowalik ADDRESS 333 Rue De La Jaune TELEPHONE 775 384 6222
OVER 55 X INTERNET NOTICE

NAME Christopher Perrault ADDRESS 228 Rue De La Divine TELEPHONE (603) 905-4900
OVER 55 INTERNET NOTICE

NAME Tinbamatarin Muiyan ADDRESS 406 Ave De la Blue De Clair TELEPHONE 775 203-2698
OVER 55 INTERNET NOTICE

NAME Jerry Tate ADDRESS 501 Canyon Way TELEPHONE 775 203-1827
OVER 55 INTERNET NOTICE

NAME T.T. MARQUIS ADDRESS 170 AVE BLEUE DE CLAIR TELEPHONE 775 832-3414
OVER 55 INTERNET NOTICE

NAME Dean Prowse ADDRESS 30 AVE DE LA ARGENT TELEPHONE 775 502-7027
OVER 55 X INTERNET NOTICE

NAME Sarah Clark ADDRESS 401 Canyon Way Sp. 4 TELEPHONE 775-910-1837
OVER 55 INTERNET NOTICE

NAME Gordy Rose ADDRESS 401 Canyon Way #30 TELEPHONE 775/342-6124
OVER 55 INTERNET NOTICE

NAME [illegible] ADDRESS 401 Canyon Way #32 TELEPHONE 775-772-0990
OVER 55 yes INTERNET NOTICE No

NAME George M. Petroff ADDRESS 455 Canyon Way TELEPHONE 775-223-5369
OVER 55 YES INTERNET NOTICE NO

EXHIBIT 1

NAME Mary Lou Wilson ADDRESS 132 Rue de la Nuit TELEPHONE 775 771-8620
OVER 55 ✓ INTERNET NOTICE No

NAME Staci Sanchez ADDRESS 87 Cercle de La Ceresa TELEPHONE 775-379-9929
OVER 55 _____ INTERNET NOTICE NO

NAME Larry Huddleson ADDRESS 306 Ave De Lacalle TELEPHONE 775 301-0906
OVER 55 ✓ INTERNET NOTICE Y

NAME Vic [illegible] ADDRESS 82 Cercle de la Ceresa TELEPHONE 775 219-6297
OVER 55 No INTERNET NOTICE No

NAME Dominic Sanchez ADDRESS 87 cercle de la ceresa TELEPHONE 775-434-9272
OVER 55 NO INTERNET NOTICE No

NAME Teresa Hall ADDRESS 109 Bleu de Clair TELEPHONE 775-315-0166
OVER 55 No INTERNET NOTICE No Baby Matthew (1 year old)

NAME Donna Burns ADDRESS 92 Cercle de la Ceresa TELEPHONE 775-772-3685
OVER 55 NO INTERNET NOTICE NO Baby Lincoln (1 yrs old)

NAME Catrina Sanchez ADDRESS 87 cercle de la cerese TELEPHONE 775-379-9929
OVER 55 no INTERNET NOTICE no

NAME Mabel Wilson ADDRESS 132 Rue De La Nuit TELEPHONE 775-329-6945
OVER 55 ✓ INTERNET NOTICE ✓

NAME [illegible] ADDRESS 74 Cerceda TELEPHONE 376-1758
OVER 55 Y INTERNET NOTICE

NAME Jorge Gutierrez ADDRESS 9275 Moonset Ct TELEPHONE 775-200-2342
OVER 55 No INTERNET NOTICE No

NAME Alva Garton ADDRESS 401 #1 Canyon TELEPHONE 775-223-6200
OVER 55 55 INTERNET NOTICE

NAME Lydia Covego ADDRESS 419 Canyon Way TELEPHONE 775 233-9310
OVER 55 Yes INTERNET NOTICE no

NAME Alisen Olsen ADDRESS 411 Canyon Way TELEPHONE (775) 527-0987
OVER 55 no INTERNET NOTICE no

NAME Valerie Adair ADDRESS 411 Canyon Wy TELEPHONE 240-4599
OVER 55 Yes INTERNET NOTICE No

000794

EXHIBIT 1

NAME Damian M ADDRESS 451 Conjonway TELEPHONE 762-3573
OVER 55 NO INTERNET NOTICE None

NAME Patricia McCorel ADDRESS 328 Rue De La Jaune TELEPHONE 775-544-5912
OVER 55 Yes INTERNET NOTICE NO

NAME Frank D. Khan ADDRESS 327 De La TELEPHONE 530-218-5582
OVER 55 YES INTERNET NOTICE No

NAME Jean Green ADDRESS 327 Rue De La TELEPHONE 530-433-6527
OVER 55 Yes INTERNET NOTICE NO Jaune

NAME Fran Richardson ADDRESS 326 Jaune TELEPHONE 775-722-[illegible]
OVER 55 YES INTERNET NOTICE ~~[illegible]~~ NO LA JAUNE

NAME John YORK ADDRESS 399 Rue De TELEPHONE 775-782-[illegible]
OVER 55 ✓ INTERNET NOTICE

NAME Kathryn Sugle ADDRESS 358 Rue de la Lavanda TELEPHONE 775-722-8609
OVER 55 ✓ INTERNET NOTICE

NAME Savannah Ascoche ADDRESS 355 Rue De la Lavanda TELEPHONE 775-860-7223
OVER 55 NO INTERNET NOTICE NO

NAME DENISE FULLER-HILTON ADDRESS 382 Rue de la Rouge TELEPHONE 775-843-3912
OVER 55 ✓ INTERNET NOTICE NO

NAME ADDRESS TELEPHONE
OVER 55 INTERNET NOTICE

NAME ADDRESS TELEPHONE
OVER 55 INTERNET NOTICE

NAME ADDRESS TELEPHONE
OVER 55 INTERNET NOTICE

NAME ADDRESS TELEPHONE
OVER 55 INTERNET NOTICE

NAME ADDRESS TELEPHONE
OVER 55 INTERNET NOTICE

NAME ADDRESS TELEPHONE
OVER 55 INTERNET NOTICE

EXHIBIT 1

NAME Sterling Cope ADDRESS 297 Ave de la Bleu De Ciel TELEPHONE 775 379 9413
OVER 55 ✓ INTERNET NOTICE

NAME MARTHA LOVELESS ADDRESS 286 EMS TELEPHONE 335 7627
OVER 55 ✓ INTERNET NOTICE

NAME DALI LORENZEN ADDRESS 167 CERCLE DE CELESE TELEPHONE 775-3386590
OVER 55 NO INTERNET NOTICE YES

NAME James Stanek ADDRESS 1619 Blue Chir TELEPHONE 775-630-630
OVER 55 ✓ INTERNET NOTICE NO

NAME ADDRESS TELEPHONE
OVER 55 INTERNET NOTICE

NAME ADDRESS TELEPHONE
OVER 55 INTERNET NOTICE

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OVER 55 INTERNET NOTICE

NAME ADDRESS TELEPHONE
OVER 55 INTERNET NOTICE

NAME ADDRESS TELEPHONE
OVER 55 INTERNET NOTICE

EXHIBIT 1

NAME Dethma Marwa ADDRESS 35 Peri Ranch TELEPHONE 775378-0103
OVER 55 yes INTERNET NOTICE no

NAME _____ ADDRESS _____ TELEPHONE _____
OVER 55 _____ INTERNET NOTICE _____

NAME _____ ADDRESS _____ TELEPHONE _____
OVER 55 _____ INTERNET NOTICE _____

NAME _____ ADDRESS _____ TELEPHONE _____
OVER 55 _____ INTERNET NOTICE _____

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OVER 55 _____ INTERNET NOTICE _____

NAME _____ ADDRESS _____ TELEPHONE _____
OVER 55 _____ INTERNET NOTICE _____

NAME _____ ADDRESS _____ TELEPHONE _____
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NAME _____ ADDRESS _____ TELEPHONE _____
OVER 55 _____ INTERNET NOTICE _____

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

FILED
2020 OCT 12 PM 3:56
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, 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

REPLY TO OPPOSITION TO MOTION TO DISMISS 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

COME NOW the Storey County Commissioners by and through their attorney, Keith Loomis Chief Deputy District Attorney for Storey County, Nevada and files this Reply to the Opposition to the Motion to Dismiss Petition for District Court Review. This Reply is based upon the attached Memorandum of Points and Authorities, the exhibits attached thereto and any argument that may be heard on this matter.

Dated this 12th day of October, 2020

Keith Loomis

Keith Loomis, Chief Deputy District Attorney

MEMORANDUM OF POINTS AND AUTHORITIES

1. Preliminary Matter

The caption in this case identifies the Petitioners as Mary Lou McSweeney -Wilson, et al, Homeowners of Rainbow Bend Community and Storey County Residents. Neither the homeowners of Rainbow Bend nor the residents of Storey County are identified as legal entities. Rather they are simply groups of unknown and unnamed people. Under NRCP 10(a) a caption of a complaint is required to name all parties[1].

Under the similar rule in the federal courts, Fed R. Civ. P 10(a), it has been stated that the purpose of the rule is to apprise the parties of their opponents and it protects the public's legitimate interests in knowing all facts and events surrounding court proceedings. *Doe v. Rostker,* 89 FRD 158, 160 (N.D. Calif. 1981), *see also, Thompson v. Kramer*, 1994 U.S. Dist. LEXIS17790. In *Nat'l. Commodity and Barter Assoc. v. Gibbs,* 866 F. 2d 1240, 1245 (10th Cir. 1989) the failure of plaintiffs to expressly name the members of an organization in the caption of a complaint violated Fed R. Civ. P 10(a) and deprived the court of jurisdiction over unnamed members because no action had been commenced with them. Similarly, the identification of parties by an "et al" designation did not satisfy the requirement that parties be named. *Ferdik v. Bonzeet,* 886 F.d 1240,1245 (10th Cir. 1989) *see also Allen v. Amtrak,* 2004 U.S. Dist. LEXIS24846.

Consequently, the only party actually named in the caption is Ms. Wilson. There is no showing that the homeowners of Rainbow Bend or the Storey County residents have authorized Ms. Wilson to represent them, nor has a class action been authorized to represent them. Additionally, Ms. Wilson only asserts in the heading to the caption and in her signature blocks

[1] Under NRCP 3, a complaint includes a petition commencing a civil action. See Advisory Committee note to NRCP 3

000798

that she represents a single petitioner. That must be the only person she has the authority to represent i.e., herself. The only petitioner that is truly before the court is accordingly, Ms. Wilson. The issue is whether she has standing to challenge the issuance of the special use permit to Stericycle in her individual capacity.

2. Factual Background and Procedural Timeline

The Stericycle application for a special use permit was first heard by the Storey County Planning Commission (Planning Commission) on July 16, 2020. (See, Exhibit "1" attached hereto). It was continued on that date to August 6, 2020 to gather further information (See, Exhibit "4" at pages 1-6, attached hereto). On both occasions the planning assistant caused the agenda for the meeting to be physically posted at numerous locations within Storey County including the Storey County Courthouse, the Lockwood Community/Senior Center and the Lockwood Fire Station. (See, Exhibits "1", "2" and "3" attached hereto). The agendas were also posted on the Storey County website. [2](See, Exhibit "3" attached hereto). The planning assistant mailed notice of the Stericycle application to all owners of property within 300 feet of the proposed location of the incinerator facility as required by NRS 278.315(3) (See, Exhibit "3" attached hereto). The Planning Commission ultimately recommended approval of the Stericycle special use permit by a vote of 5-1 with one abstention. (See, Exhibit "5" at page 6, attached hereto).

The Stericycle application first appeared on the agenda of the Board of County Commissioners of Storey County (Board) on July 21, 2020. (See, Exhibit "6" attached hereto). The Board caused the agenda to be physically posted at 5 locations within the County, including

[2] https://www.storeycounty.org/agendacenter.

the Storey County Courthouse and the Lockwood Fire Department (See, Exhibit "6" attached hereto). It was also posted on the Storey County website at https://www.storeycounty.org/agendacenter. The Board continued the hearing scheduled for July 21, 2020 to the Board meeting of August 18, 2020, as the Planning Commission had not yet completed its work. The County Clerk again posted the agenda for the meeting of August 18, 2020, at 5 locations in the County (See, Exhibit "7" attached hereto) and on the County website. (https://www.storeycounty.org/agendacenter).

The notices given by the Planning Commission and the Board of County Commissioners exceeded the requirements of the Open-Meeting law as modified by Governor Sisolak's Emergency Directive 006. (See, Exhibit "8" attached hereto). Directive 006 deleted the requirement that agendas be posted at physical locations. See Exhibit "8" at Section 3. The point is that plenty of notice was given.

At the time of the hearings, the State of Nevada was under Governor Sisolak's Phase 2 Reopening Plan pursuant to Declaration of Emergency Directive 021, issued on May 28, 2020. See, Exhibit 9 attached hereto.[3] By this directive most businesses were allowed to reopen and many activities were allowed to resume albeit with restrictions. Moreover, Governor Sisolak's stay at home order (Directive 010, Exhibit 10) stated that it did not prohibit individuals from "engaging in outdoor activity, including without limitation, activities such as hiking, walking, or running, so long as the activity complied with all requirements of Emergency Directive 007 i.e.,

[3] https://gov.nv.gov/News/Emergency_Orders/2020/2020-05-28_-_COVID-19_Declaration_of_Emergency_Directive_021_-_Phase_Two_Reopening_Plan_(Attachments)/

participants must maintain at least 6 feet of distance from other individuals, and individuals do not congregate in groups beyond their household members."[4]

Clearly the directives did not prohibit Ms. Wilson from leaving her house to engage in any number of activities. Nor has Ms. Wilson alleged that she did stay home. Her pleadings show that she has given her address for receiving mail as being an office located in Reno. Furthermore, the Bar Directory identifies her as having an e-mail address of hawklet2@aol.com, suggesting she has access to the internet. Ms. Wilson has not alleged that she lacks access to the internet. Further, Ms. Wilson has not even alleged that she lacked notice of the hearings. Clearly, she was capable of receiving notice if she had made an effort to be informed.

3. Ms. Wilson is not an aggrieved party, and therefore, she does not have standing to bring a petition for judicial review

NRS 278.315 authorizes counties to create by ordinance planning commission, boards of adjustment and hearing officers to make various planning decisions. It also provides that if such entities are created that either "an applicant or a protestant" may appeal to the governing body pursuant to an ordinance adopted in accordance with NRS 278.3195. See NRS 278.315(6). Ms. Wilson cites NRS 278.3195 as her authority for bringing this case. Subsection 1 of this statute provides in part:

> 1. Except as otherwise provided in NRS 278.310, each governing body shall adopt an ordinance providing that any person who is aggrieved by a decision of:
>
> (a) The planning commission, if the governing body has created a planning commission pursuant to NRS 278.030;
>
> (b) The board of adjustment, if the governing body has created a board of adjustment pursuant to NRS 278.270;
>
> (c) A hearing examiner, if the governing body has appointed a hearing examiner pursuant to NRS 278.262; or

[4] https://gov.nv.gov/News/Emergency_Orders/2020/2020-03-31_-_COVID-19_Declaration_of_Emergency_Directive_010_-_Stay_at_Home_Order_(Attachments)/

(d) Any other person appointed or employed by the governing body who is authorized to make administrative decisions regarding the use of land,
may appeal the decision to the governing body.

Storey County has not created a board of adjustment, does not have a hearing examiner and the planning commission is advisory only to the Board of County Commissioners. Storey County does authorize the planning director to make decisions on minor matters. SCC 17.03.110. Accordingly, Storey County has enacted by ordinance Storey County Code section 17.03.130 to provide for an appeal process from the planning director's decision to the Board of County Commissioners. SCC 17.03.130(B)(1) addresses standing to bring an appeal. It provides:

> The applicant or any aggrieved party, defined as a person with a legal or equitable interest in the property affected by the final decision or property located within the notice area of the property that is entitled by law to notice, may file an appeal **provided that the appellant has participated in the administrative process before filing the appeal.** (emphasis added).

Consequently, where an appeal is authorized, the Storey County requires that the party appealing must have participated in the administrative process in order to have standing to appeal.

In sum, NRS 278.315 requires an appellant to be an applicant or a protestant, NRS 278.3195 requires an appellant to be an aggrieved party and Storey County requires an appellant to be the applicant or an aggrieved party. These all relate to the internal appeal process.

The process for an external appeal, i.e., to the district court is addressed in subsection 4 of NRS 278.3195. This subsection provides for a petition for judicial review to the district court as follows:

> 4. Any person who:
> (a) Has appealed a decision to the governing body in accordance with an ordinance adopted pursuant to subsection 1; and

(b) Is aggrieved by the decision of the governing body, may appeal that decision to the district court of the proper county by filing a petition for judicial review…

By this provision even the process of seeking review by the district court requires the party to be an aggrieved party. The fact that there was no internal appeal provision available in the circumstances of this case, does not excuse a party from being an aggrieved party in order to seek review. Rather, participation in the planning process is required. The reason for this interpretation is exemplified in the present case.

The County went through fairly extensive efforts to give notice to the public that Stericycle applied for a use permit to operate a medical waste incinerator. Those efforts went beyond that required by Governor Sisolak's Emergency directive 006 which excused the obligation to physically post the agendas. Further, three hearings on the Stericycle application were held over the course of two months, two in the planning commission and one before the Board of County Commissioners. Proponents and opponents of the Stericycle application made their cases at all three of the hearings and submitted numerous documents into the record supporting and opposing the application. Blockchains provided extensive documentation and argument in opposition to the issuance of the special use permit. (See, Board and Commission Minutes attached hereto as Exhibit "11", and Exhibits "4"and "5"). Ms. Wilson was nowhere to be seen or heard throughout these proceedings. Yet she now wants all the time and effort put into the process set aside so that she can belatedly be heard. The law dictates how a planning process is to be conducted. Ms. Wilson has not shown that she is an aggrieved party.

4. A Substantive Due Process Claim has No Bearing on Standing.

In order to have standing to pursue a petition for judicial review to challenge the action of the Board of County Commissioners to grant a special use permit to Stericycle, it is submitted

Ms. Wilson must be an aggrieved party. Ms. Wilson cannot meet that requirement. Therefore, the Petitioner attempts to transform her grievances by framing them into a substantive due process claim to bypass the specific statutory path to judicial review. However, a claim that there is a constitutional violation in the form of due process does not provide an independent basis for standing, and the statute is entirely undermined if dissatisfied people can come to the Court seeking relief under the Constitution without qualifying as an aggrieved party.

The Due Process Clause of the Fourteenth Amendment protects persons against deprivations of "life, liberty, or property." U.S. Const. amend. XIV, § 1. In order to establish a violation of a right to substantive due process, it must be shown that: 1). there is a protected property interest; 2). there is a deprivation of that interest; 3). actions taken were so far beyond the outer limits of legitimate governmental action that no process could cure the deficiency. *Sylvia Development Corp. v. Calvert County*, MD. 48 F.3d 810, 827 (4th Cir. 1995). Any substantive due process violation must "shock the conscience." *Sacramento County v. Lewis*, 523 U.S. 833, 847 (1998); *United Artists v. Warrington*, 316 F.3d 392, 394-95 (3d Cir. 2003) (extending the conscience shocking standard to land use cases). Petitioner not only fails to allege all the required elements, but she also tries to bolster her blanket statements about arbitrary actions shocking the conscience by attaching extraneous materials outside the administrative record, which are not properly considered even if Petitioner has standing.

As set forth above, a substantive due process claim goes well beyond the purview of a petition for judicial review, and even if permitted within the context of a petition for judicial review, it is premature at this juncture because it is an attack on the merits of the decision made by the BOCC. The Court's function in disposing of a petition for judicial review is "to determine, <u>based on the administrative record</u>, whether substantial evidence supports the administrative

decision." *Kay v. Nunez,* 122 Nev. 1100, 146 P.3d 801, 805 (2006) (emphasis added); See also, *City of Las Vegas v. Laughlin*, 111 Nev. 557, 558, 893 P.2d 383, 384 (1995). "The grant or denial of a special use permit is a discretionary act." *Nevada Contractors v. Washoe County*, 106 Nev. 310, 313, 792 P.2d 31,33 (1990). "If this discretionary act is supported by substantial evidence, there is no abuse of discretion. Without an abuse of discretion, the grant or denial of a special use permit shall not be disturbed. *Id* Accordingly, the hearing of an unplead substantive due process claim must await the outcome of a decision on standing.

5. Conclusion

There was an extensive process undertaken by which Stericycle ultimately obtained a special use permit to operate a medical waste incinerator. Ms. Wilson did not participate in that process. Consequently, she is not an aggrieved party and does not have standing to petition this court for judicial review of a process she made no effort to participate in. It is therefore respectfully submitted that her petition should be dismissed.

Dated this 12th day of October, 2020.

ANNE LANGER, District Attorney

By: Keith Loomis

Keith Loomis
Chief Deputy District Attorney

AFFIRMATION PURSUANT TO NRS 239B.030

The undersigned does hereby affirm that the preceding document does not contain the personal information as defined in NRS 603A.040 of any person

Dated this 12th day of October, 2020.

Keith Loomis

Keith Loomis SBN 1912

INDEX OF EXHIBITS ATTACHED

REPLY TO OPPOSITION TO MOTION TO DISMISS 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

Case No. 20 OC 00005 1E / Department 1

EXHIBIT #	DESCRIPTION	# of Pages
1	Planning Commission Agenda for 7-16-2020	2
2	Planning Commission agenda for 8-6-2020	2
3	Affidavit Lyndi Renaud	3
4	Minutes of Planning Commission meeting of 7-16-2020	6
5	Minutes of Planning Commission meeting of 8-6-2020	12
6	BOCC agenda for 7-21-2020	6
7	BOCC agenda for 8-18-2020	6
8	Governors Directive 006	3
9	Governors directive 021	12
10	Governors Directive 010	3
11	Minutes BOCC meeting of 8-18-2020	15

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**

000809

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

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.

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Dial by your location
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+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:

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- 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 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

000813

EXHIBIT 3

AFFIDAVIT OF LYNDI RENAUD

I, Lyndi Renaud declare as follows:

1. I am the planning assistant for the Storey County Planning Department.
2. My duties include preparing agendas for the meetings of the Storey County Planning Commission and providing for giving notice of the meetings and agendas to the public and other parties.
3. I also prepare the minutes of the meetings and retain custody of those minutes and the agendas.
4. In addition to posting or causing the posting of the agendas for the meetings of the Storey County Planning Commission I also send the agenda to the Storey County website.
5. I did physically post or cause to be physically posted the agendas for the meetings of the Planning Commission held on July 16, 2020 and August 6, 2020 at more than 4 locations in Storey County and did post the agenda to the Storey County website, all of which occurred 10 days in advance of those meetings.
6. I also mailed notice of the Stericycle application to all owners of property within 300 feet of the property on which Stericycle sought a special use permit

Further your affiant sayeth naught.

I declare under the penalty of perjury that the foregoing is true and correct.

Dated this 9th day of October, 2020.

Lyndi Renaud

Lyndi Renaud_

EXHIBIT 4

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"

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

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

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EXHIBIT 5

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 6

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. **Shcalo 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
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 W. Hess, *Deputy*

EXHIBIT 7

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

EXHIBIT 8

State of Nevada

Executive Department

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 conttaindicated 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

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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.

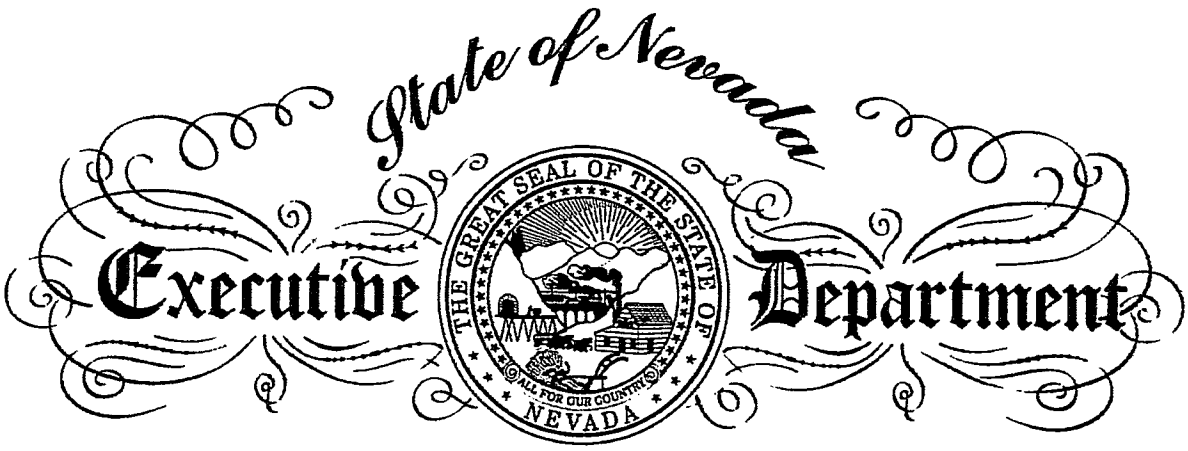
Governor of the State of Nevada

Barbara K. Cegavske

Secretary of State

Deputy Secretary of State

EXHIBIT 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

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:

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.

(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.

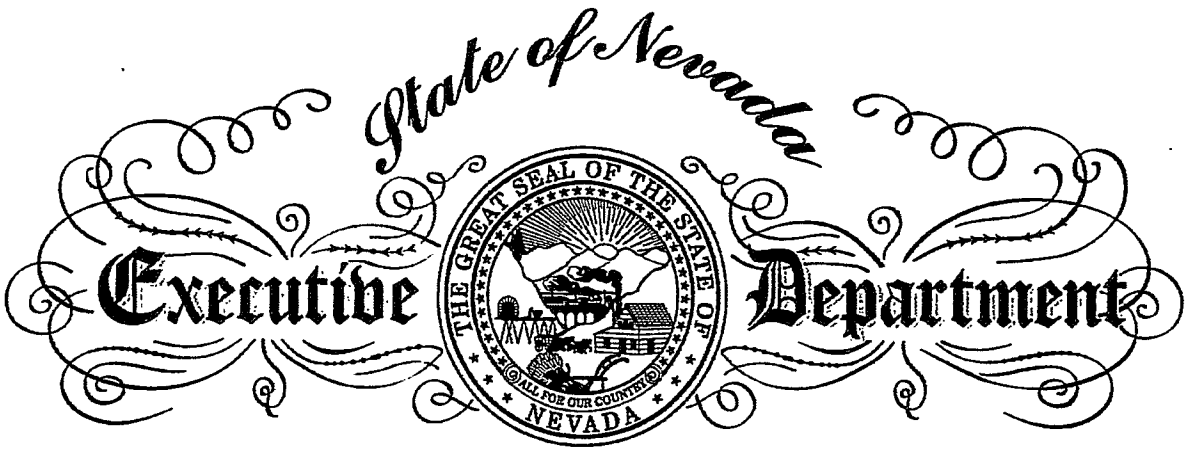
Governor of the State of Nevada

Barbara K. Cegavske

Secretary of State

Deputy Secretary of State

EXHIBIT 10



DECLARATION OF EMERGENCY

DIRECTIVE 010

STAY AT HOME ORDER

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, the rate of community spread of COVID-19 can only be reduced by minimizing contact between infected persons and non-infected persons; and

WHEREAS, public health experts and epidemiologists indicate that COVID-19 may spread from infected persons to non-infected persons prior to the expression of symptoms in the infected person; and

WHEREAS, immediate containment of the spread of COVID-19 is vital to protect the Health and Safety of the Nevada public; and

WHEREAS, on March 17, 2020, I directed Nevadans to implement physical distancing measures to minimize opportunities for the disease to spread from infected persons to non-infected persons; and

WHEREAS, on March 20, 2020, I issued Directive 003 pursuant to the March 12, 2020 Declaration of Emergency to facilitate the State's response to the COVID-19 pandemic and ordered the closure of all non-essential

businesses, and restricted the activities of essential businesses to reduce opportunities for interpersonal contact whereby the novel coronavirus that causes COVID-19 may be spread from infected persons to non-infected persons; and

WHEREAS, on March 20, 2020, the Department of Public Safety promulgated emergency regulations defining essential and non-essential businesses, specifically including Essential Healthcare operations and Essential Infrastructure operations;

WHEREAS, on March 24, 2020, I issued Directive 007 pursuant to the March 12, 2020 Declaration of Emergency to facilitate the State's response to the COVID-19 pandemic and ordered Nevadans to cease congregating in public spaces; and

WHEREAS, on March 29, 2020, Donald J. Trump, President of the United States, recommended the continuation of limitations on gatherings through April 30, 2020, and

WHEREAS, as of March 31, 2020, the State of Nevada Department of Health and Human Services is reporting 1,113 positive cases of COVID-19, and 17 deaths resulting from COVID-19; and

WHEREAS, the Governor's COVID-19 Medical Advisory Team has advised that Nevada has not yet experienced its peak infection rates of the COVID-19 disease; 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: The March 12, 2020 Declaration of Emergency is hereby extended to April 30, 2020. All Directives promulgated pursuant to this Declaration shall be in force for the duration that the Declaration of Emergency shall be in effect, unless specifically terminated by a subsequent order.

SECTION 2: With limited exceptions identified below, all Nevadans are ordered to stay in their residences. Gatherings of individuals outside the home is prohibited, subject to the same exceptions.

SECTION 3: Individuals may leave their residences to provide services, perform work necessary, or obtain services from Essential Healthcare operations (as defined by Section 1(a) of the March 20, 2020 Emergency Regulations) on behalf of themselves, pets, or those in their household.

SECTION 4: Individuals may leave their residences to provide services or perform work necessary to the operations of Essential Infrastructure operations (as defined by Section 1(b) of the March 20, 2020 Emergency Regulations).

SECTION 5: Individuals may leave their residences to perform work necessary or obtain services or goods necessary from other Essential Licensed Businesses (as defined by Section 1 of the March 20, 2020 Emergency Regulations).

SECTION 6: This Directive does not prohibit individuals from engaging in outdoor activity, including without limitation, activities such as hiking, walking, or running, so long as the activity complies with all requirements of Emergency Directive 007, participants maintain at least 6 feet distancing from other individuals, and individuals do not congregate in groups beyond their household members.

SECTION 7: Individuals experiencing homelessness are exempt from this Directive.

SECTION 8: This Directive shall remain in effect until April 30, 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 31st 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 11

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)

000872

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.

005373

- 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.

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

000886

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 attached document by:

- ☑ U.S. Mail
- ☐ Facsimile Transmission
- ☐ Personal Service/Hand-Delivery
- ☐ Reno-Carson Messenger Service
- ☐ E-Filing effected by eFlex or CM/ECF

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 12th day of October, 2020.

Debra Burns

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

COPY

FILED
2020 OCT 14 PM 3:
STOREY COUNTY CLERK
BY DEPUTY

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.

CR 20 OC 00005 1 E

Dept. 1

_____/

OPPOSITION TO REQUEST FOR SUBMISSION BASED UPON NOTICE OF DECLARATIONS CONTRADICTING THE STATE'S REPLY TO OPPOSITION TO MOTION TO DISMISS REGARDING JUDICIAL REVIEW OF SUP OF STREICYCLE, WHICH WAS APPROVED ON AUGUST 18, 2020

ON SEPTEMBER 10, 2020 AND SEEPTEMBER 11, 2020, the above-named petitioner, MARY LOU MCSWEENEY-WILSON, et al. petitioned the district court to review the approval of STERICYCLE BIOHAZARD MEDICAL WASTE DISPOSAL special use permit by the two commissioners, Jay Carmona and Marshall McBride, based upon research and writing of BLOCKCHAINS CORPORATION, showing it to be a dangerous company when incinerating biohazardous medical waste, which will impact the communities, wildlife, and surrounding rivers and lakes of RAINBOW BEND COMMUNITY, LOCKWOOD COMMUNITY CORPORATION and other residents of Storey County.

Thereafter, the State filed a Motion to Dismiss on September 23, 2020 and an Opposition to the Motion to Dismiss was filed on October 1, 2020. The State filed a Reply to the Opposition of the Motion to Dismiss on October 12, 2020 and Request for Submission. This opposition to Request for Submission shows two declarations in contradiction to the State's Exhibit 4.

Within the Reply, the State alleged that there were physical postings done on locations within Lockwood, Nevada, and supported this with a declaration of Lyndi Renaud. Exhibit 4.

However, attached are two declarations showing that there were no physical postings at the Lockwood Club House, 500 Ave De La Claire, Rainbow Bend, Lockwood, Nevada or the Storey County Senior Center, located at 800 Peri Ranch Road, Lockwood, Nevada, which is where Rainbow Bend residence would have received physical notice regarding the July 16, 2020 and August 6, 2020 Planning Commission Meetings. These two buildings have been closed to the public since March, 2020.

Counsel has attempted to locate whether postings were done at the Fire station located in Lockwood Community Corporation, (LCC), which is not located in Rainbow Bend, but the fire chief, Jeff Nevin, 775-847-0954, has not returned the telephone call.

DATED this 14th day of October, 2020.

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 security number of any person.

DATED this 14th day of October, 2020

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

CERTIFICATE OF SERVICE

I, Mary Ann Wilson, hereby affirm that on the 14th day of October, 2020, 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

Mr. Keith Loomis
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
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

Exhibits in Support of Notice of Errors

Exhibit 1, Declaration of Scott Smith

Exhibit 2, Declaration of Beth Kempf

EXHIBIT 1

EXHIBIT 1

State of Nevada)

: ss

County of Storey)

I, Scott Martin, hereby declare under penalty of perjury, that the following is a true statement to the best of my recollection.

1. That I am an employee of Rainbow Bend Homeowner's Association, and patrol chief for the community;

That I am in charge of posting documents received from Storey County to be posted at the Club House in Rainbow Bend, which is located at 500 Ave De La Claire, Rainbow Bend, Lockwood, Nevada;

2. That I have been employed since April, 2020, and have not received any documents for posting within the last six months, except recently for October, 2020;

3. That the last posting received was for the October 1, 2020, revised agenda for the Storey County Planning Commission meeting, which was received for posting on October 7, 2020;

4. That documents for posting are normally received through faxes from Storey County, and can prove the faxes received and not received for posting at the Club House;

EXHIBIT 2

EXHIBIT 2

5. That I am positive that I have not received any postings for the Club House for six months, except this newest posting in October, 2020;

6. That the Club House has been closed since March, 2020, as per the Governor's Order.

7. That I have kept old postings and can prove that I have not received any posting for at least six months, except the recent postings for October, 2020.

Further your declarant sayeth not.

Dated this 14 day of October, 2020.

Scott Martin

Scott Martin, Employee of Rainbow Bend

Witness Witness

State of Nevada)

: ss

County of Storey)

I, Larry Huddleson, hereby declare under penalty of perjury, that the following is a true statement to the best of my recollection.

1. That I am the chairman of the CGID (Canyon General Improvement District) for Rainbow Bend Community and Lockwood Community Corporation;

2. That I spoke with Beth Kempf on October 14, 2020 at approximately 2:00 p.m. after being told that she advised counsel, Mary Lou Wilson, that the GID did the posting for the Senior Center, 800 Peri Ranch Road, Lockwood, Nevada;

3. That I advised Beth Kempf through the telephone at 775-848-3205, that the GID was never responsible for posting any Storey County Planning or Commission meetings at the Senior Center and that she would have been the person responsible for the posting at the Senior Center location, since she was the Senior Center Director;

4. That Beth Kempf advised me that she never received or posted any Storey County Planning or Commission meeting documents or notices at the Senior Center within the last six months, which would include July 15, 2020 and August 6, 2020;

Further your declarant sayeth not.

Dated this 14 day of October, 2020.

Larry Huddleson

Larry Huddleson, CGID, Chairman

Mary Lou Stilson / Natalie Nelson

Witness Witness

Michael A.T. Pagni (NSBN 6444)
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Attorneys for Respondent Stericycle, Inc.

FILED

2020 OCT 28 PM 1:09

STOREY COUNTY CLERK

BY _____ DEPUTY

FIRST JUDICIAL DISTRICT COURT OF NEVADA

STOREY COUNTY

* * * * *

MARY LOU MCSWEENEY-WILSON, ET. AL., HOMEOWNERS OF RAINBOW BEND COMMUNITY AND STOREY COUNTY RESIDENTS, Petitioners, vs. STOREY COUNTY COMMISSIONERS; and STERICYCLE, INC., Respondents.	CASE NO.: 20 OC 00051E DEPT NO.: 1

STERICYCLE, INC.'S MOTION TO DISMISS

Respondent Stericycle, Inc. ("Stericycle") moves to dismiss the Petition for District Court Review filed on September 10, 2020 ("Petition") by Petitioners Mary Lou McSweeney-Wilson, et al., Homeowners of Rainbow Bend Community and Storey County Residents ("Petitioners").[1] This Motion is made and based on the following memorandum of points and authorities, the exhibits attached hereto, all of the pleadings and papers on file in this action, and any oral argument that the Court may order in this matter. An original and a copy of a proposed order granting this Motion are attached hereto as **Exhibit 1** and **Exhibit 2**, respectively, pursuant to FJDCR 3.10.

[1] The Petition does not cite, and Stericycle is unaware of, any legal authority permitting Ms. Wilson to sue in a representative capacity on behalf of other unidentified parties. NRCP 17(b)(1).

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MEMORANDUM OF POINTS AND AUTHORITIES

I. INTRODUCTION

Petitioners Mary Lou Wilson and an unknown number of unidentified homeowners of Rainbow Bend Community and "Storey County Residents" seek judicial review of the Storey County Board of Commissioner's (the "Board") August 20, 2020 unanimous approval of the issuance of a special use permit to Stericycle. Citing to NRS 278.3195 and NRS 278.0235 as the purported basis of the Court's jurisdiction, Petitioners request the Court "rescind" the Board's approval "based upon the potential violation to the health, safety, and welfare of Storey County and its surrounding areas." Pet. at 18; *see also* Supp. to Pet. at 1. However, the Petition suffers from multiple independent jurisdictional defects which compel dismissal.

First, Petitioners lack standing to seek judicial review. NRS 278.3195(4) affords a limited right to request judicial review of final local zoning and land use planning decisions only to a person who has filed an administrative appeal *and* is aggrieved by the administrative decision. Because Petitioners neither filed an administrative appeal nor have demonstrated they are aggrieved, Petitioners lack standing to obtain judicial review based on the plain language of NRS 278.3195(4).

Second, while a challenge to the Board's decision may have been more properly presented as a petition for writ of mandamus, Petitioners independently lack standing to obtain writ relief based on "potential" generalized harm to the public at large and nonexistent procedural irregularities. In any event, Petitioners are precluded from seeking writ relief because the 25-day limitations period in NRS 278.0235 has expired. Accordingly, not only do Petitioners lack standing to seek writ relief, but they are time-barred from doing so. Thus, leave to amend would be futile and the Petition should be dismissed with prejudice.

II. FACTUAL BACKGROUND

On or about June 23, 2020, Stericycle applied for a special use permit ("SUP") for development of a medical and other specialty waste incinerator facility at 1655 Milan Drive in the Tahoe-Reno Industrial Center ("TRI Center") (the "SUP Application"), which is approximately 15 miles east of the Rainbow Bend Community. *See* NRS 47.130. The TRI

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Center is a 107,000 acre industrial park located in the northern portion of Storey County, the entirety of which is zoned I-2 Heavy Industrial.[2] I-2 Heavy Industrial zoning "is intended to provide areas for the development and operation of industrial and manufacturing uses which, by nature of their intensity, may be incompatible with other types of land use activities." 1999 Code § 17.37.020. The TRI Center is expressly authorized and intended to be developed with "heavy industrial" uses and "production processes which should not be located near residential or commercial uses due to the intensive nature of the industrial activity and/or the scale of operation," including specifically, "[i]ncinerators, of any type and used for any purpose." Resolution at Ex. C, p. 11; 1999 Code § 17.37.040(R).

Given the SUP Application's compliance with TRI Center zoning, planning staff prepared a staff report recommending approval with conditions of Stericycle's SUP Application. *See* Storey Cty. Planning Comm'n Meeting Agenda Packet at pp. 3-19 (Aug. 6, 2020), https://www.storeycounty.org/AgendaCenter/ViewFile/Agenda/_08062020-880.[3] The Storey County Planning Commission ("Planning Commission") considered the SUP Application at two regularly scheduled, public meetings on July 16, 2020 and August 6, 2020. *See* Storey Cty. Bd. of Comm'rs Meeting Agenda Packet at pp. 408-09 (Aug. 18, 2020), https://storeycounty.org/AgendaCenter/ViewFile/Agenda/_08182020-889; *see* Pet. at Ex. 1. In addition to reviewing the staff report and recommended findings, the Planning Commission heard from members of the public and representatives from Stericycle. By majority vote on August 6, 2020, the Planning Commission recommended approval of Stericycle's SUP Application to the Board. *Id.*

---

[2] Pursuant to NRS 278.0201 through 278.02053, development on the property is governed by a Development Agreement and Development Handbook adopted by Storey County on February 1, 2000 and the Storey County Zoning Ordinance adopted July 1, 1999 ("1999 Code"). The 1999 Code, as well as the Resolution Determining Similar Uses In The I-2 Heavy Industrial Zone adopted May 3, 2005 ("Resolution"), are judicially noticeable matters of law under NRS 47.140(4) and available online at the following link: https://www.storeycounty.org/309/Zoning-Ordinances.

[3] The Court may take judicial notice of this and the other documents cited herein, which are matters of public record whose accuracy cannot reasonably be disputed. NRS 47.130. *Cf. Baxter v. Dignity Health*, 131 Nev. 759, 764, 357 P.3d 927, 930 (2015) (providing that a court may "consider unattached evidence on which the complaint necessarily relies if: (1) the complaint refers to the document; (2) the document is central to the plaintiff's claim; and (3) no party questions the authenticity of the document.").

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The Board considered Stericycle's SUP Application at a regularly scheduled, public hearing on August 18, 2020. *See* Storey Cty. Bd. of Comm'rs Meeting Minutes at pp. 6-12 (Aug. 18, 2020), https://storeycounty.org/AgendaCenter/ViewFile/Minutes/_08182020-889. The Board heard from planning staff, representatives of Stericycle, and members of the public. Based on compliance with the unique, intense industrial zoning within the TRI Center and satisfaction of applicable findings, the Board approved Stericycle's SUP Application by unanimous vote. *Id.* After notice of the Board's final decision was filed with the County Clerk on August 20, 2020, Petitioners filed the Petition initiating this action on September 10, 2020.

III. ARGUMENT

As detailed below, Petitioners have no right to judicial review under NRS 278.3195 or the Storey County Code ("SCC"). Moreover, while a challenge to the Board's decision may have been more properly presented to the district court through a petition for writ of mandamus, Petitioners independently lack standing to obtain extraordinary relief and are otherwise time-barred from doing so pursuant to NRS 278.0235. Accordingly, this Court must dismiss as a matter of law based on lack of jurisdiction or, alternatively, based on the applicable statute of limitations. *See* NRCP 12(b)(1), (5); *see also Washoe Cty. v. Otto*, 128 Nev. 424, 431, 431, 282 P.3d 719, 725 (2012) (providing that noncompliance with the statutory requirements for judicial review is grounds for dismissal for lack of jurisdiction); *Bemis v. Estate of Bemis*, 114 Nev. 1021, 1024, 967 P.2d 437, 439 (1998) ("A court can dismiss a complaint for failure to state a claim upon which relief can be granted if the action is barred by the statute of limitations.").

A. Petitioners Lack Standing to Seek Judicial Review Under NRS 278.3195.

Because petitions for judicial review are statutory creations, the Legislature may limit the availability of judicial review. *See State Dep't of Health & Human Servs. v. Samantha, Inc.*, 133 Nev. 809, 814, 407 P.3d 327, 330 (2017) (acknowledging that a statute limiting the availability of judicial review is well-established as "legislative prerogative"); *Washoe Cty. v. Otto*, 128 Nev. 424, 431, 431, 282 P.3d 719, 724 (2012) (explaining that "[c]ourts have no

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inherent appellate jurisdiction over official acts of administrative agencies except where the legislature has made some statutory provision for judicial review"). When the Legislature creates a specific procedure for judicial review, "'[s]trict compliance with the statutory requirements is a precondition to jurisdiction by the court of judicial review,' and '[n]oncompliance with the requirements is grounds for dismissal.'" *Id.*, 282 P.3d at 725 (quoting *Kame v. Emp. Sec. Dep't*, 105 Nev. 22, 769 P.2d 66 (1989) (alterations in original).

Petitioners seek judicial review under NRS 278.3195. Pet. at 18 (requesting "that this Court grant review and rescinding [sic] of the Storey County Commissioner's vote approving the Special Use Permit for Stericycle"); *see also* Supp. to Pet. at 1. NRS 278.3195(1) requires local governments to adopt an ordinance allowing "any person who is aggrieved by a decision" of a planning commission created under NRS 278.030 or "other person appointed or employed by the governing body who is authorized to make administrative decisions regarding the use of land" to "appeal the decision to the governing body." NRS 278.3195(1)(a), (d). The ordinance adopted by Storey County in accordance with NRS 278.3195(1) is codified at Section 17.03.130 of the Storey County Code of Ordinances ("SCC"). *See* SCC § 17.03.130(A) (allowing an "applicant or any aggrieved party" to appeal certain "administrative decision[s]" to the Board within 10 days of the written administrative decision, which may be affirmed, modified, or reversed by the Board); *id.* § 17.03.130(B)(1) (conferring standing to file an administrative appeal to the applicant or any aggrieved party who has participated in the administrative process).

After the governing body renders its decision in an administrative appeal, judicial review is available to a limited category of persons, as follows:

> Any person who:
>
> (a) Has appealed a decision to the governing body in accordance with an ordinance adopted pursuant to subsection 1; and
>
> (b) Is aggrieved by the decision of the governing body,
>
> may appeal that decision to the district court of the proper county by filing a petition for judicial review within 25 days after the date of filing of notice of the decision with the clerk or secretary of the governing body, as set forth in NRS 278.0235.

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NRS 278.3195(4). Accordingly, NRS 278.3195(4) affords a limited right to request judicial review of final local zoning and land use planning decisions only to a person who (1) has filed an administrative appeal and (2) is aggrieved by the administrative decision. As the Nevada Supreme Court held in *Kay v. Nunez*, 122 Nev. 1100, 1105, 146 P.3d 801, 804 (2006), and has concluded on multiple occasions, "NRS 278.3195(4) is clear and unambiguous, and thus, we follow its plain meaning." *See also City of Reno v. Citizens for Cold Springs*, 126 Nev. 263, 270, 236 P.3d 10, 15 (2010) (acknowledging that "the express language in NRS 278.3195(4) . . . sets forth that a person who administratively appeals a zoning decision under the applicable ordinance to the governing board and is aggrieved by the board's decision may appeal by timely filing a petition for judicial review in district court").

Based on the plain language of NRS 278.3195(4), Petitioners have no right to judicial review because Petitioners never appeared at nor appealed the Planning Commission's decision, never appeared at nor participated in the hearing before the Board, and fail to establish they are "aggrieved" for purposes of standing to seek judicial review. *See Kay*, 122 Nev. at 1106, 146 P.3d at 806 (holding that "NRS 278.3195(4) governs a party's standing to challenge the Board's decision in the district court").

First, not only did Petitioners fail to participate in any administrative appeal, they concede they "were unaware" of Stericycle's SUP Application and the three public hearings at which it was discussed. Pet. at 17. Judicial review is clearly not available because Petitioners did not appeal to the governing body as required by NRS 278.3195(a)(4) nor exhaust administrative remedies by appearing before the Planning Commission or Board, and, therefore, there is no decision of which Petitioners could demonstrate they were aggrieved as required by NRS 278.3195(4)(b). *See Holt-Still v. Washoe Cty. Bd. of Commr's*, No. 78784, 2020 WL 3570377 at *2 (Nev. June 30, 2020) ("Because appellants did not appeal to the governing body, the district court correctly concluded that they lacked standing to petition for judicial review.").

Second, Petitioners fail to demonstrate they were "aggrieved" under NRS 278.3195(1) and SCC § 17.03.130(B). Both SCC § 17.03.130(B)(1) and NRS 278.3195(4) require that Petitioners demonstrate they are "aggrieved" to have standing. The term "aggrieved party" is

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"defined as a person with a legal or equitable interest in the 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); *see also Va. Beach Beautification Comm'n v. Bd. of Zoning Appeals*, 344 S.E.2d 899, 902 (Va. 1986) (recognizing that aggrieved in the land-use context requires an "immediate, pecuniary and substantial interest" such that the land use decision would "amount to a denial of some personal or property right different from that suffered by the public generally"). According to the allegations of the Petition, Petitioners are homeowners of Rainbow Bend Community, which is over 15 miles west of the subject property for which the SUP was granted and well beyond the 300-foot notice area. *See* Pet. at 1, 17; Supp. to Pet. at 1-2; NRS 278.315(3)(b)-(c) (requiring notice be sent to owners and certain tenants of property "located within 300 feet of the property in question"); SCC § 17.03.070(B)(2)-(3) (same). Furthermore, Petitioners fail to allege, let alone demonstrate, how development 15 miles away and downwind of their property, within an existing 107,000 acre industrial park that has already been approved for the specific, intended purpose of aggregating the largest, most intense heavy industrial land uses in the County in one location miles away from residential uses, adversely and substantially affects their property. TRI Center was created for the express purpose of establishing compatibility of intense industrial uses, and those heavy industrial entitlements are decades old and well beyond legal challenge by Petitioners here. Given that Petitioners are not "aggrieved" parties and did not participate at any of the public hearings before the Planning Commission as required by SCC § 17.03.130(B)(1), they lacked standing to administratively challenge the Planning Commission's decision and, therefore, they also lack standing to challenge the Board's decision in this Court under NRS 278.3195(4). *Cf. Kay*, 122 Nev. at 1106-07, 146 P.3d at 805-06 (acknowledging that a party must have standing to challenge the land use decision administratively in order to challenge that decision judicially).

Alternatively, Petitioners cannot satisfy the "appeal" requirement under NRS 278.3195(4)(a) because the there was no "administrative decision" to appeal under SCC § 17.03.130(A). The Planning Commission's recommendation for approval of Stericycle's SUP

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FILED
2020 NOV 13 PM 1:11
STOREY COUNTY CLERK
BY _____ DEPUTY

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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 FILED BY STERICYCLE

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 filed by Stericycle October 28, 2020

//.

ARGUMENTS AGAINST THE MOTION TO DISMISS

This Court filed Notice of Entry of Order permitting Stericycle to intervene in the judicial review process on October 28, 2020. Stericycle filed a Motion to Dismiss Petitioner on October 28, 2020. This Opposition to Petitioner being dismissed from the litigation follows.

Stericycle alleged that Petitioner lacked standing. MTD, p. 2.

Standing: The Motion to Dismiss argued that there was a limited right to request judicial review of final local zoning and land use planning decisions only to a person who has filed an administrative appeal and is aggrieved by the administrative decision. Because Petitioner neither filed an administrative appeal nor have demonstrated that they are aggrieved, Petitioner lacked standing to obtain a judicial review. Furthermore, Stericycle asserted that maybe a petition for writ of mandamus would have been an option but then claimed it would not have worked because Petitioner is only suggesting potential harm. And, in any event, Petitioner should be dismissed because it was outside the twenty-five-day limitation period. MTD, p. 2.

Argument - However, Petitioner was not provided with Notice of the Planning and/or Commissioner's meetings to oppose the special use permit because of the Governor's stay at home directive due to the COVID-19 world pandemic.

The only time Petitioner learned of the special use permit was through word of mouth after the vote had already been cast. As shown in other filed documents, Petitioner received over two hundred and fifty signatures from residents in Rainbow Bend and Lockwood Community Corporation showing an opposition to Stericycle, many of critical ages protected by the Governor's Order, and showing that these residents did not receive notice through the internet. All other areas of Notice provided to Rainbow Bend and Lockwood Corporation Community have been closed, including the Club House, Senior Center, and Fire Department.

Facts presented by Stericycle: Stericycle launches into a history of receiving the special use permit through compliance with TRI Center zoning, planning, preparation of staff report and application. MTD, pp. 3-4.

Argument – Petitioner does not contest that Stericycle complied with whatever conditions necessary for its application before the Planning and Commissioner's meetings. The only problem with the vote for the special use permit, which was approved by Commissioners McBride and Carmona was that Petitioner and the residents of Rainbow Bend and Lockwood Community Corporation were not provided proper Notice to oppose the special use permit. Had Notice been provided, there would be a majority of residents actively opposing such a dangerous company, which incinerates biohazardous waste material. The petition for judicial review questions the lack of Notice given to residents of Rainbow Bend and Lockwood Community Corporation and the lack of meaningful analysis taken by the two commissioner's when making a decision that would adversely affect the health and safety of the communities, in an arbitrary and capricious manner, without regard for their constituents.

Argument of Stericycle: Stericycle alleged that Petitioner had no standing, should have filed a petition for writ of mandamus, and was time barred. MTD, p. 4.

Argument – However, the judicial review was available to Petitioner as the first line of review from the two commissioner's vote, the petition for writ of mandamus would be appropriate if this Court were to dismiss or deny relief, since it is the next step after exhausting the State remedy, and Petitioner complied with the twenty-five day rule, since the vote was case on August 18, 2020 and the Petition for Judicial Review was filed on September 10th and Supplement filed on September 11, 2020.

000907

Continued Argument of Stericycle: Stericycle argued that Petitioner is not an aggrieved party and does not fall within the statute. MTD, p. 5.

Argument – However, as stated within the Opposition to Motion to Dismiss filed against the State, Petitioner is an aggrieved party, since it is the closest large residential area from Stericycle's intended location.

As stated within the prior Opposition to Motion to Dismiss, 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, would topple the statutory requirement of over 400,000.

Stericycle argued that Petitioner was not an aggrieved party. MTD, p. 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, Opposition to Motion to Dismiss against the State.

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, Opposition to Motion to Dismiss against the State.

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.

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Thus, Petitioner could not have been an "aggrieved party" as discussed within the State's Motion to Dismiss, and within Stericycle'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, Opposition to Motion to Dismiss against the State.

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.

Stericycle argued that Petitioner failed to comply with the plain language of the statute because Petitioner failed to appear or appeal the planning commission's decision. MTD, p. 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. 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, as shown with the majority of signatures received 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, and generally their inability to receive notice of Storey County activities through the internet. Exhibit 4, Opposition to Motion to Dismiss from the State.

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, Opposition to Motion to Dismiss from the State 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.

A recent event showed that the smoke from wildfires in the western US has drifted as far east as New York and Washington DC, with residents there observing hazy skies and unusual sunrises. The Guardian, September 15, 2020.

Stericycle's biohazardous medical waste will be incinerated and 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 will travel hundreds of miles, adversely affecting not only Storey but surrounding counties, wildlife, rivers, and lakes.

"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 (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). Where, as here, circumstances afford reasonable time for deliberation before acting, we consider conduct to be conscience-shocking if it was taken with deliberate indifference toward a plaintiff's constitutional rights. *Lewis*, 523 U.S. 833 at 846. Cited in *Sylvia Landfield Trust v. City of L.A.* (9th Cir. 2013).

Argument – In this regard, the two voting commissioners, Jay Carmona and Marshall McBride, failed to make a meaningful analysis in determining the health, safety, and welfare of our communities. Instead, some of the reasoning used seemed to shock the conscience and offend the community's sense of fair play and decency. Commissioner Carmona was quoted as saying that this biohazardous medical waste disposal through incineration was a "necessary evil," and there had to be "somewhere to dispose of this stuff." Obviously, this type of analysis ignored the extensive research and writing of Matthew Digesti and the over three-hundred pages of material submitted in the Blockchains, LLC's Objection to Special Use Permit 2020-021 Stericycle Inc. Medical Waste Incinerator Facility. Supplement to Petition, filed September 11, 2020, Exhibit 1.

In *U.S. v. Hanousek*, 176 F.3d 1116 (9th Cir. 1999), Public welfare legislation is designed to protect the public from potentially harmful or injurious items, see *Staples v. United States*, 511 U.S. 600, 607, 114 S.Ct. 1793, 128 L.Ed.2d 608 (1994), and may render criminal "a type of conduct that a reasonable person should know is subject to stringent public regulation and may seriously threaten the community's health or safety," see *Liparota v. United States*, 471 U.S. 419, 433, 105 S.Ct. 2084, 85 L.Ed.2d 434 (1985). It is well established that a public welfare statute may subject a person to criminal liability for his or her ordinary negligence without violating due process. See *United States v. Balint*, 258 U.S. 250, 252-53, 42 S.Ct. 301, 66 L.Ed 604 (1922)

("[W]here one deals with others and his mere negligence may be dangerous to them, as in selling diseased food or poison, the policy of the law may, in order to stimulate proper care, require the punishment of the negligent person though he be ignorant of the noxious character of what he sells."); see also *Morissette v. United States*, 342 U.S. 246, 256, 72 S.Ct. 240, 96 L.Ed. 288 (1952) ("The accused, if he does not will the violation, usually is in a position to prevent it with no more care than society might reasonably expect and no more exertion than it might reasonably exact from one who assumed his responsibilities." Page 1122); *United States v. Dotterweich*, 320 U.S. 277, 281, 64 S.Ct. 134, 88 L.Ed. 48 (1943) ("In the interest of the larger good it puts the burden of acting at hazard upon a person otherwise innocent but standing in responsible relation to a public danger."); *Staples*, 511 U.S. at 607 n. 3, 114 S.Ct. 1793 (reiterating that public welfare statutes may dispense with a "mental element").

Argument – In this regard, the future of our communities is at stake and in danger of future medical problems in the form of cancer, pregnancy complications, birth defects, and autism- among people who live within several miles of incinerators, not to mention, a drop in property values. Exhibit 8, footnote 1. Voting for Stericycle's special use permit to incinerate some of the most dangerous toxins into our air amounts to a violation of the commissioners' duty to maintain a healthy environment and their vote appears arbitrary and capricious. When balancing the financial benefit to Storey County with the obvious potential health, safety, and welfare, violation, the scale is markedly tipped against this vote.

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.

Conclusion – Because of the foregoing, it is requested that this Court deny Stericycle's Motion to Dismiss.

Petitioner requests a hearing with the ability to call witnesses in support of the petition for judicial review.

DATED this 11th day of November, 2020.

By: 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 security number of any person.

DATED this 11th day of November, 2020

By: Mary Lou Wilson

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

000917

CERTIFICATE OF SERVICE

I, Mary Lou Wilson, hereby affirm that on the 11th day of November, 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

000918

Michael A.T. Pagni (NSBN 6444)
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clatino@mcdonaldcarano.com

Attorneys for Respondent Stericycle, Inc.

FIRST JUDICIAL DISTRICT COURT OF NEVADA

STOREY COUNTY

* * * * *

MARY LOU MCSWEENEY-WILSON, ET. AL., HOMEOWNERS OF RAINBOW BEND COMMUNITY AND STOREY COUNTY RESIDENTS, Petitioners, vs. STOREY COUNTY COMMISSIONERS; and STERICYCLE, INC., Respondents.	CASE NO.: 20 OC 00051E DEPT NO.: 1

REPLY MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF STERICYCLE, INC.'S MOTION TO DISMISS

I. Introduction

Stericycle's Motion presents the Court with a straightforward legal question—whether Petitioners have standing to seek judicial review of the Board's approval of Stericycle's SUP Application under NRS 278.3195(4). Despite that Petitioners' opposition is anything but straightforward, the undisputed facts and governing law allow only one conclusion: Petitioners lack standing to challenge the Board's approval of Stericycle's SUP Application under NRS 278.3195(4) or otherwise. Petitioners' conclusory arguments to the contrary are fatally flawed in that they ignore, misstate, or otherwise misapprehend the issue before the Court, and nothing in the opposition can salvage the multiple jurisdictional defects which compel dismissal of the petition.

McDONALD CARANO
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II. In no event can Petitioners establish they have standing to seek judicial review or relief under NRS 278.3195(4) and NRS 278.0235.

Petitioners do not dispute that, under the plain meaning of NRS 278.3195(4), judicial review is available only to a person who both filed an administrative appeal and is aggrieved by the administrative decision. *Kay v. Nunez*, 122 Nev. 1100, 146 P.3d 801 (2006) ("NRS 278.3195(4) is clear and unambiguous, and thus, we follow its plain meaning."). Further, it is uncontested that Petitioners neither filed an administrative appeal nor participated in the administrative process as required by NRS Chapter 278 and the Storey County Code. On this basis alone, Petitioners lack standing under the plain meaning of NRS 278.3195(4) and, thus, this Court lacks jurisdiction to consider the petition. *See Holt-Still v. Washoe Cty. Bd. of Commr's*, No. 78784, 2020 WL 3570377 at *2 (Nev. June 30, 2020) ("Because appellants did not appeal to the governing body, the district court correctly concluded that they lacked standing to petition for judicial review.").

Petitioners erroneously argue that a "petition for writ of mandamus would be appropriate if this Court were to dismiss or deny relief, since it is the next step after exhausting the State remedy." Opp'n at 3. To the contrary, there are significant differences between an extraordinary writ and petition for judicial review. *Kay*, 122 Nev. at 1105, 146 P.3d at 805 (explaining the procedural distinctions between a writ of mandamus and petition for judicial review). Specifically, a district court may have appellate jurisdiction to consider a petition for judicial review where such right is created by statute, whereas extraordinary writs implicate the courts' original jurisdiction. *See id.* Not only do Petitioners lack standing to seek extraordinary writ relief given that they rely on a generalized injury that is speculative at best and otherwise based on nonexistent procedural irregularities, but any attempt to invoke the Court's original jurisdiction in this regard would be time-barred under NRS 278.0235. *See* Mot. at 8-11; *see also Garmong v. Lyon Cty. Bd. of Comm'rs*, No. 74644, 2019 WL 1989191, at *2 (Nev. May 3, 2019) (affirming district court's dismissal of writ petition challenging a governing body's issuance of a special use permit based on lack of standing). Thus, leave to amend would be futile and the petition should be dismissed with prejudice.

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III. Petitioners' notice arguments lack merit and are insufficient to avoid dismissal.

Petitioners contend they do not dispute "that Stericycle complied with whatever conditions necessary for its application before the Planning and Commissioner's meetings," suggesting that the "only problem" with the Board's decision is that they "were not provided proper Notice to oppose the special use permit." Opp'n at 3. In doing so, Petitioners make vague allegations of due process violations and erroneously invite the Court to rewrite or otherwise expand the statutory notice provisions under Nevada's land use and open meeting laws. *See id.* at 6-12. Petitioners arguments lack merit and, in any event, are insufficient to circumvent the unassailable legal authority that NRS 278.3195(4) does not afford them a right of judicial review of the Board's decision.

Petitioners argue that they "were unable to view the agendas as posted because of the governor's emergency order to stay home" and that those residents who have computers "were unaware of receiving notice through the internet." Opp'n at 4, 7. However, Petitioners concede that they are not entitled by law to receive notice under NRS 278.315(3) because they do not own or occupy property "located within 300 feet of the property in question." *See* SCC §§ § 17.03.070(B)(2)-(3), 17.03.130(B)(1). Nor do Petitioners argue that notice was not provided as required under Nevada's open meeting laws. *See* NRS 241.020.[1] Of course, there can be no open meeting or due process violation based on lack of notice where no right to notice exists in the first place, and Petitioners arguments with respect to notice should be rejected. *See, e.g.*, *Hillside Cmty. Church v. Olson*, 58 P.3d 1021, 1026, 1030-31 (Colo. 2002) (concluding that, because there can be no property right in mere procedure under the due process clause, neighboring property owners had no cognizable property interest in notice of and an opportunity participate in a special use permit hearing or in having the challenged special use permit denied).

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[1] *See also* Nev. Exec. Dep't, Declaration of Emergency Directive 006 § 3 (March 22, 2020) (suspending the requirement that public notice agendas be posted at physical locations under NRS 241.020, and explaining that notice need only be posted online and provided via email or mail upon request), https://gov.nv.gov/News/Emergency_Orders/2020/2020-03-22_-_COVID-19_Declaration_of_Emergency_Directive_006/.

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The Court should likewise reject Petitioners' erroneous invitation to expand "the statute requiring Stericycle provide written notice to businesses and residences within three hundred feet." Opp'n at 11. Under the most basic principles of statutory construction, courts follow a statute's plain meaning absent an ambiguity. *Kay*, 122 Nev. at 1105, 146 P.3d at 804-05. Petitioners' conclusory argument for expanding NRS 278.315's notice requirements is futile as not only have they failed to show that the statute is ambiguous, but they have not shown that the plain meaning of any of its provisions was unintended. *See Edwards v. Emperor's Garden Rest.*, 122 Nev. 317, 330 n.38, 130 P.3d 1280, 1288 n.38 (2006) (recognizing that courts need not consider claims of error by a party who neglects their "responsibility to cogently argue, and present relevant authority, in support").

IV. Conclusion

For the foregoing reasons, Stericycle respectfully requests that the Court grant the Motion to Dismiss and dismiss the Petition with prejudice.

Dated this 23rd day of November, 2020.

McDONALD CARANO, LLP

By _____

Michael A.T. Pagni (NSBN 6444)
Chelsea Latino (NBSN 14227)
100 West Liberty Street, 10th Floor
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PHONE 775.788.2000 • FAX 775.788.2020

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CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I hereby certify that I am an employee of McDONALD CARANO LLP and that I served the foregoing REPLY IN SUPPORT OF STERICYCLE, INC.'S MOTION TO DISMISS by causing true and correct copies thereof enclosed in sealed envelopes, upon which first class postage was prepaid, in the United States mail addressed to the following parties at the addresses listed below:

Mary Lou Wilson
2064 Regent Street
Reno, NV 89509

Anne Langer
Keith Loomis
Storey County District Attorney's Office
201 S. C Street, P.O. Box 496
Virginia City, NV 89440

I declare under penalty of perjury that the foregoing is true and correct.

Dated this 23rd day of November, 2020.

By: Michael A. Billino
An Employee of McDonald Carano LLP

McDONALD CARANO
100 WEST LIBERTY STREET, TENTH FLOOR • RENO, NEVADA 89501
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ANNE LANGER SBN #3345
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Telephone (775) 847-0964
Attorneys for Respondent Storey County Commissioners

FILED
2020 DEC 28 PM 2:45
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, ET AL., HOMEOWNERS OF RAINBOW BEND COMMUNITY, AND STOREY COUNTY RESIDENTS, Petitioners vs. STOREY COUNTY COMMISSIONERS AND STERICYCLE, INC. Respondents.	Case No. 20 OC 000051E Dept. No. 1

STOREY COUNTY COMMISSIONER'S MOTION TO CORRECT CAPTION

COMES NOW, Respondent Storey County Commissioners by and through their attorney, Keith Loomis, Deputy District Attorney for Storey County, Nevada and moves to correct the caption in this case. This motion is based upon the attached Memorandum of Points and Authorities, the pleadings on file in this matter and any argument that may be heard on this matter. The undersigned certifies that pursuant to FJDCR 3.7 he telephonically contacted opposing counsel, Mary Lou McSweeney-Wilson Esq. on December 28, 2020 to confer about possible resolution of the issue raised by this motion and that we were unsuccessful in resolving the issue.

Dated this 28th day of December, 2020.

[signature]
Keith Loomis, Assistant District Attorney

MEMORANDUM OF POINTS AND AUTHORITIES

Introduction

The caption in Petitioner's pleading entitled Petition for District Court Review of Storey County Commissioner's Vote to Permit Stericycle's Special Use Permit, in Violation of Public Health, Safety and Welfare (hereafter Petition) identifies the petitioners as Mary Lou McSweeney-Wilson et al., Homeowners of Rainbow Bend Community and Storey County Residents. Neither the Homeowners of Rainbow Bend Community or the Residents of Storey County are identified as legal entities in the Nevada Secretary of State's website. https://esos.nv.gov/EntitySearch/OnlineEntitySearch. Ms. Wilson does not plead that she appears on behalf of or represents either the Homeowners of Rainbow Bend Community or Storey County Residents. Under First Judicial District Court Rule 3.2(a) an attorney representing the party filing a pleading is required to identify who the attorney represents. In this case Ms. Wilson has satisfied this requirement by stating she is "Attorney for Petitioner". See Petition @ pg. 1 ln 4. If this were a typo, one would not expect it to be repeated. Yet at every location where she identifies who she represents, it is solely the "Petitioner". See Petition at pg. 18 ln. 9 and ln. 18. Indeed, at one point Ms. Wilson confirms the individual nature of her representation by asserting: "MARY LOU WILSON, RESIDENT OF RAINBOW BEND COMMUNITY, et al, asks this court...." Petition @ pg. 16 lns. 19-23. Nor is there any indication that these entities, if they are such, or their individual members have consented to participation in this action. For these reasons, the caption should be corrected to identify Mary Lou McSweeney-

Wilson as the sole petitioner in this case.[1]

1. NRCP 10(a) sets the requirement for a caption.

NRCP 10(a) states:

> (a) **Caption; Names of Parties.** Every pleading must have a caption with the court's name, the county, a title, a case number, and a Rule 7(a) designation. The caption of the complaint must name all the parties; the caption of other pleadings, after naming the first party on each side, may refer generally to other parties.

While fictitious names may be used to identify an unknown defendant in a complaint, (See NRCP 10(d)) there is no provision for including fictitious plaintiffs. Rather the rule requires that the plaintiff "name all of the parties" in the complaint.[2] In the Advisory Committee note to the 2019 amendment to Rule 10, it is stated that the Nevada Rule generally conforms to FRCP 10 except in certain respects not relevant here. Accordingly reference to cases deciding issues under the similar federal rule will be helpful.

Under Fed. R. Civ. P 10(a) it has been stated that the purpose of the rule is to apprise the parties of their opponents and to protect the public's legitimate interests in knowing all the facts and events surrounding court proceedings. *Doe v. Rostker,* 89 FRD 158, 160 (N.D. Calif. 1981); see also *Thompson v. Kramer,* 1994 U.S. Dist. EXIS 17790. Accordingly it appears particularly appropriate here that the public know who is actually pursuing this suit. In *Nat'l. Commodity and Barter Assoc. v. Gibbs*, 886 F. 2d 1240, 1245 (10th Cir. 1989) the failure of plaintiffs to

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[1] It is acknowledged that under NRCP 9(a) a party need not allege their capacity to sue, the party's authority to sue or be sued in a representative capacity or the legal existence of an organized association of persons that is made a party. A party can put these matters in issue by a specific denial that they exist and support the denial with any supporting facts that are peculiarly within the party's knowledge. Storey County has not yet been required to file a responsive pleading admitting or denying the allegations of the Petition. It is nevertheless assumed that this motion constitutes such a specific denial and the assertions of this motion provide the supporting facts in support of the denial.

[2] The Advisory Committee notes to NRCP rules 3 and 7 state: "As used in these rules, "complaint" includes a petition or other document that initiates a civil action."

expressly name as plaintiffs, the members of an organization whose rights had been violated in the caption of a complaint violated Fed. R. Civ. P. 10(a) and deprived the court of jurisdiction over the unnamed plaintiffs. The court noted that the federal rules make no provision for suits brought by persons using fictitious names or for anonymous plaintiffs. Similarly, the identification of parties by an "et al" designation does not satisfy the requirement that all parties be named in the caption. *Ferdik v. Bonzelet,* 963 F.2d 1258 (9th Cir. 1992); see also *Allen v. Amtrak,* 2004 U.S. Dist. LEXIS 24846.

In sum, a person is not allowed to pursue claims through fictitious names nor by designating plaintiffs through an et al identification. Here, neither the Homeowners of Rainbow Bend Community nor the Storey County Residents are identified as legal entities in the records of the Nevada Secretary of State. If they are not legal entities, then they are fictitious names which should not be allowed per NRCP 10(a). It is therefore respectfully requested that the caption in this matter be amended to reflect that Mary Lou McSweeney-Wilson is the sole plaintiff in this matter.

Dated this 28th day of December, 2020.

Anne Langer, Storey County District Attorney

By _____
Keith Loomis, Assistant 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 STOREY COUNTY COMMISSIONER'S MOTION TO CORRECT CAPTION by:

- ☑ U.S. Mail
- ☐ Facsimile Transmission
- ☐ Personal Service/Hand-Delivery
- ☐ Reno-Carson Messenger Service

addressed to the following:

Mary Lou Wilson, Esq.
2064 Regent St.
Reno, NV 89509

Michael A. T. Pagni, Esq.
McDonald Carano
100 W. Liberty St., 10th Flr.
Reno, NV 89501

Chelsea Latino, Esq.
McDonald Carano
100 W. Liberty St., 10th Flr.
Reno, NV 89501

Dated this 28th day of December, 2020.

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

COPY

FILED
JAN - 4 2021
Storey Co. Clerk
Deputy

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 STOREY COUNTY COMMISSIONER'S MOTION TO CORRECT CAPTION FILED DECEMBER 28, 2020

COMES NOW MARY LOU MCSWEENEY-WILSON, et.al., Homeowners of RAINBOW BEND COMMUNITY, and Storey County Residents, and hereby Opposes the Motion to Correct Caption

Petitioner relies solely upon the document filed on October 1, 2020, to include the language of Homeowners of Rainbow Bend Community, and Storey County Residents, which included over two-hundred and fifty (250) signatures received as Exhibit 4 of that document to show that these residents of Rainbow Bend and Lockwood Community Corporation agreed that had they were against the actions by the two commissioners to approve the special use permit for

Stericycle and did not receive Notice of the Agenda. Had they received Notice of Stericycle's special use permit request, they would have been against it.

It should be noted that these signatures were received in a short time in order to timely file the Opposition to Motion to Dismiss and had Petitioner received more time to receive signatures of residents against the Stericycle special use permit, there would have been many more signatures received.

When looking specifically upon Exhibit 4 of the filed document, it is clear that these residents of Rainbow Bend and Lockwood Community Corporation, all Storey County Residents, took the time to sign their names, addresses, telephone numbers, and whether they received internet notice of the Stericycle special use permit. Many of these signatures also show a protected class of persons, over fifty-five years of age, regarding the governor's Order. All these folks were not given written notice of the opportunity to voice their opinion against Stericycle due to the governor's Order to stay at home.

Law

There shall be but one form of civil action, and law and equity may be administered in the same action Section 14 of Article 6 of the Nevada Constitution.

The Nevada Rules of Civil Procedure for the Nevada District Courts, section 1, Rule 2 provides "There is one form of action – the civil action."

In *Casino Operations, Inc. v. Graham*, 476 P.2d 953, 86 Nev. 764 (Nev. 1970), 4 NRCP 1: 'These rules govern the procedure in the district courts in all suits of a civil nature whether cognizable as cases at law or in equity, with the exceptions stated in Rule 81. They shall be construed to secure the just, speedy, and inexpensive determination of every action.

In *Cadle Co. v. Woods & Erickson, LLP*, 345 P.3d 1049, 131 Nev. Adv. Op. 15 (Nev. 2015), the Court stated, "As federal courts have recognized, the long-standing distinction between law and equity, though abolished in procedure, continues in substance, *Coca–Cola Co. v. Dixi–Cola Labs.*, 155 F.2d 59, 63 (4th Cir.1946); 30A C.J.S. Equity § 8 (2007). A judgment for damages is a legal remedy, whereas other remedies, such as avoidance or attachment, are equitable remedies. See 30A C.J.S. Equity § 1 (2007). Nevada's fraudulent transfer statute creates equitable remedies including avoidance, attachment, and, subject to principles of equity and the rules of civil procedure, injunction, receivership, or other relief. See NRS 112.210.

In *Awada v. Shuffle Master, Inc.*, 173 P.3d 707, 123 Nev. 613 (Nev. 2007), Nevada district courts have discretion to bifurcate equitable and legal issues raised in a single action, conduct a bench trial on the equitable issues, and dispose of the remaining legal and equitable issues in the action, so long as the disposal of those issues is available under Nevada law.

Because of the efforts placed by these residents of Rainbow Bend and Storey County when signing the petition presented within Exhibit 4 of the Opposition dated October 1, 2020, it is requested that this Court maintain the caption as it so reads.

DATED this 4th 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

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 4th 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

CERTIFICATE OF SERVICE

I, Mary Lou Wilson, hereby affirm that on the 4th 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 Bichazardous 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

FILED

2021 JAN -8 PM 3:46

STOREY COUNTY CLERK

BY _____ 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, ET AL., HOMEOWNERS OF RAINBOW BEND COMMUNITY, AND STOREY COUNTY RESIDENTS, Petitioners vs. STOREY COUNTY COMMISSIONERS AND STERICYCLE, INC. Respondents.	Case No. 20 OC 000051E Dept. No. 1

STOREY COUNTY COMMISSIONERS REPLYTO OPPOSITION TO MOTION TO STOREY COUNTY COMMISSIONERS MOTION TO CORRECT CAPTION FILED DECEMBER 28, 2020

COME NOW THE STOREY COUNTY COMMISSIONERS, by and through their undersigned attorney, Keith Loomis and submit their Reply to Petitioner's Opposition to Storey County Commissioners' Motion to Correct Caption. This Reply is based upon the attached Memorandum of Points and Authorities.

Dated this 8th day of January, 2021.

ANNE LANGER Storey County District Attorney

By _____
Keith Loomis, Assistant District Attorney

MEMORANDUM OF POINTS AND AUTHORITIES

Petitioner opposes the Motion to Correct Caption largely on the basis that some people provided their signatures on a document in which they identified their name, address, phone number, whether they were over the age of 55[1], and apparently whether they have access to the internet. The signature pages do not indicate that the signers desired to be parties to a lawsuit seeking review of the Stericycle special use permit proceedings. Nor do they indicate that Petitioner has been authorized to represent them in these proceedings. Petitioner provides no legal authority as to why these person or groups of persons should be included in the caption.

There are a number of issues which are clear. First, Petitioner does not assert that the Homeowners of Rainbow Bend Community is a legal entity. Second, Petitioner has not asserted that the Storey County Residents is a legal entity[2]. Third, Petitioner has made no effort to justify the et al. designation. Petitioner acknowledges that there is but one action, a civil action in which both claims at law and in equity can be raised, She acknowledges that the rules governing those proceedings in the district courts are the Nevada Rules of Civil Procedure. One of those rules is Rule 10. Rule 10(a) requires that the caption of the complaint name all parties. The

---

[11] Petitioner suggests that persons over 55 are a protected class of persons in accordance with Governor Sisolak's directives. Governor Sisolak's directives however, identify as vulnerable persons people over the age of 65, not 55. Vulnerable persons are strongly encouraged to stay home. See Emergency Directive 021 sections 5 and 6 attached as Exhibit 3 to Petitioners Opposition to Motion to Dismiss Petition for District Court Review of Storey County Commissioners etc. filed October 1, 2020 (hereafter Opposition to Motion to Dismiss Petition. Of the signatures, 70 stated they were 55 or younger including signatures for people who represented their ages as being 1, 2, 10, 12 and 14; another 18 did not indicate one way or another whether they were older than 55. Only 3 actually identified their ages as being over 65.

[2] As of July 2019, the population of Storey County was estimated at 4,258 by the Nevada State Demographers Office, 2019 Governors Certified Series at pg. 20. https://tax.nv.gov/Publications/Population Statistics and Reports.

caption of the Petition in this case, a complaint under the NRCP, includes a variety of persons or entities which are not parties. It appears that the addition of non-parties, surplusage, in the Petition is designed to make the Petition appear more weighty than it really is. The inclusion of this surplusage does not further the public interest in knowing the facts and circumstances actually raised in this proceeding.

Petitioner suggests that because non-parties did not receive written notice of the special use permit application by Stericycle that the caption should remain the same.[3] The Legislature however, has only required that a notice of a hearing on a special use permit in a county with less than 100,000 persons be sent to each owner of real property, as determined by the assessors records, within 300 feet of the location of the property where the special use permit will be utilized. See NRS 278.315(3)(b). Accordingly, Petitioner's complaint requires a legislative solution, not a litigated solution. There is no reason to allow the continued violation of the NRCP by allowing Petitioner to promote a false caption. It is therefore respectfully submitted that the caption should be corrected by identifying Petitioner as the sole petitioner in this case.

AFFIRMATION PURSUANT TO NRS 239B.030

The undersigned does hereby affirm that the preceeding document does not contain the personal information of any person.

Dated this 8th day of January, 2021.

ANNE LANGER, Storey County District Attorney

By: _____
Keith Loomis, Assistant District Attorney

[3] It should be noted that of the signatories, 18 stated they received internet notice. It is unclear what they meant by this, but it appears clear they had internet access.

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 COMMISSIONERS REPLY TO OPPOSITION TO MOTION TO STOREY COUNTY COMMISSIONERS MOTION TO CORRECT CAPTION FILED DECEMBER 28, 2020 by:

- ☑ U.S. Mail
- ☐ Facsimile Transmission
- ☐ Personal Service/Hand-Delivery
- ☐ Reno-Carson Messenger Service

addressed to the following:

Mary Lou Wilson, Esq.
2064 Regent St.
Reno, NV 89509

Michael A. T. Pagni, Esq.
McDonald Carano
100 W. Liberty St., 10th Flr.
Reno, NV 89501

Chelsea Latino, Esq.
McDonald Carano
100 W. Liberty St., 10th Flr.
Reno, NV 89501

Dated this 8th day of January, 2021.

Debra Burns

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

FILED
2020 OCT 12 PM 3:57
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, 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

REPLY TO OPPOSITION TO MOTION TO DISMISS 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

COME NOW the Storey County Commissioners by and through their attorney, Keith Loomis Chief Deputy District Attorney for Storey County, Nevada and files this Reply to the Opposition to the Motion to Dismiss Petition for District Court Review. This Reply is based upon the attached Memorandum of Points and Authorities, the exhibits attached thereto and any argument that may be heard on this matter.

Dated this 12th day of October, 2020

Keith Loomis

Keith Loomis, Chief Deputy District Attorney

MEMORANDUM OF POINTS AND AUTHORITIES

1. Preliminary Matter

The caption in this case identifies the Petitioners as Mary Lou McSweeney -Wilson, et al, Homeowners of Rainbow Bend Community and Storey County Residents. Neither the homeowners of Rainbow Bend nor the residents of Storey County are identified as legal entities. Rather they are simply groups of unknown and unnamed people. Under NRCP 10(a) a caption of a complaint is required to name all parties[1].

Under the similar rule in the federal courts, Fed R. Civ. P 10(a), it has been stated that the purpose of the rule is to apprise the parties of their opponents and it protects the public's legitimate interests in knowing all facts and events surrounding court proceedings. *Doe v. Rostker,* 89 FRD 158, 160 (N.D. Calif. 1981), *see also, Thompson v. Kramer*, 1994 U.S. Dist. LEXIS17790. In *Nat'l. Commodity and Barter Assoc. v. Gibbs,* 866 F. 2d 1240, 1245 (10th Cir. 1989) the failure of plaintiffs to expressly name the members of an organization in the caption of a complaint violated Fed R. Civ. P 10(a) and deprived the court of jurisdiction over unnamed members because no action had been commenced with them. Similarly, the identification of parties by an "et al" designation did not satisfy the requirement that parties be named. *Ferdik v. Bonzeet,* 886 F.d 1240,1245 (10th Cir. 1989) *see also Allen v. Amtrak,* 2004 U.S. Dist. LEXIS24846.

Consequently, the only party actually named in the caption is Ms. Wilson. There is no showing that the homeowners of Rainbow Bend or the Storey County residents have authorized Ms. Wilson to represent them, nor has a class action been authorized to represent them. Additionally, Ms. Wilson only asserts in the heading to the caption and in her signature blocks

[1] Under NRCP 3, a complaint includes a petition commencing a civil action. See Advisory Committee note to NRCP 3

that she represents a single petitioner. That must be the only person she has the authority to represent i.e., herself. The only petitioner that is truly before the court is accordingly, Ms. Wilson. The issue is whether she has standing to challenge the issuance of the special use permit to Stericycle in her individual capacity.

2. Factual Background and Procedural Timeline

The Stericycle application for a special use permit was first heard by the Storey County Planning Commission (Planning Commission) on July 16, 2020. (See, Exhibit "1" attached hereto). It was continued on that date to August 6, 2020 to gather further information (See, Exhibit "4" at pages 1-6, attached hereto). On both occasions the planning assistant caused the agenda for the meeting to be physically posted at numerous locations within Storey County including the Storey County Courthouse, the Lockwood Community/Senior Center and the Lockwood Fire Station. (See, Exhibits "1", "2" and "3" attached hereto). The agendas were also posted on the Storey County website. [2](See, Exhibit "3" attached hereto). The planning assistant mailed notice of the Stericycle application to all owners of property within 300 feet of the proposed location of the incinerator facility as required by NRS 278.315(3) (See, Exhibit "3" attached hereto). The Planning Commission ultimately recommended approval of the Stericycle special use permit by a vote of 5-1 with one abstention. (See, Exhibit "5" at page 6, attached hereto).

The Stericycle application first appeared on the agenda of the Board of County Commissioners of Storey County (Board) on July 21, 2020. (See, Exhibit "6" attached hereto). The Board caused the agenda to be physically posted at 5 locations within the County, including

[2] https://www.storeycounty.org/agendacenter.

the Storey County Courthouse and the Lockwood Fire Department (See, Exhibit "6" attached hereto). It was also posted on the Storey County website at https://www.storeycounty.org/agendacenter. The Board continued the hearing scheduled for July 21, 2020 to the Board meeting of August 18, 2020, as the Planning Commission had not yet completed its work. The County Clerk again posted the agenda for the meeting of August 18, 2020, at 5 locations in the County (See, Exhibit "7" attached hereto) and on the County website. (https://www.storeycounty.org/agendacenter).

The notices given by the Planning Commission and the Board of County Commissioners exceeded the requirements of the Open-Meeting law as modified by Governor Sisolak's Emergency Directive 006. (See, Exhibit "8" attached hereto). Directive 006 deleted the requirement that agendas be posted at physical locations. See Exhibit "8" at Section 3. The point is that plenty of notice was given.

At the time of the hearings, the State of Nevada was under Governor Sisolak's Phase 2 Reopening Plan pursuant to Declaration of Emergency Directive 021, issued on May 28, 2020. See, Exhibit 9 attached hereto.[3] By this directive most businesses were allowed to reopen and many activities were allowed to resume albeit with restrictions. Moreover, Governor Sisolak's stay at home order (Directive 010, Exhibit 10) stated that it did not prohibit individuals from "engaging in outdoor activity, including without limitation, activities such as hiking, walking, or running, so long as the activity complied with all requirements of Emergency Directive 007 i.e.,

[3] https://gov.nv.gov/News/Emergency_Orders/2020/2020-05-28_-_COVID-19_Declaration_of_Emergency_Directive_021_-_Phase_Two_Reopening_Plan_(Attachments)/

participants must maintain at least 6 feet of distance from other individuals, and individuals do not congregate in groups beyond their household members."[4]

Clearly the directives did not prohibit Ms. Wilson from leaving her house to engage in any number of activities. Nor has Ms. Wilson alleged that she did stay home. Her pleadings show that she has given her address for receiving mail as being an office located in Reno. Furthermore, the Bar Directory identifies her as having an e-mail address of hawklet2@aol.com, suggesting she has access to the internet. Ms. Wilson has not alleged that she lacks access to the internet. Further, Ms. Wilson has not even alleged that she lacked notice of the hearings. Clearly, she was capable of receiving notice if she had made an effort to be informed.

3. Ms. Wilson is not an aggrieved party, and therefore, she does not have standing to bring a petition for judicial review

NRS 278.315 authorizes counties to create by ordinance planning commission, boards of adjustment and hearing officers to make various planning decisions. It also provides that if such entities are created that either "an applicant or a protestant" may appeal to the governing body pursuant to an ordinance adopted in accordance with NRS 278.3195. See NRS 278.315(6). Ms. Wilson cites NRS 278.3195 as her authority for bringing this case. Subsection 1 of this statute provides in part:

> 1. Except as otherwise provided in NRS 278.310, each governing body shall adopt an ordinance providing that any person who is aggrieved by a decision of:
>
> (a) The planning commission, if the governing body has created a planning commission pursuant to NRS 278.030;
>
> (b) The board of adjustment, if the governing body has created a board of adjustment pursuant to NRS 278.270;
>
> (c) A hearing examiner, if the governing body has appointed a hearing examiner pursuant to NRS 278.262; or

[4] https://gov.nv.gov/News/Emergency_Orders/2020/2020-03-31_-_COVID-19_Declaration_of_Emergency_Directive_010_-_Stay_at_Home_Order_(Attachments)/

(d) Any other person appointed or employed by the governing body who is authorized to make administrative decisions regarding the use of land,
may appeal the decision to the governing body.

Storey County has not created a board of adjustment, does not have a hearing examiner and the planning commission is advisory only to the Board of County Commissioners. Storey County does authorize the planning director to make decisions on minor matters. SCC 17.03.110. Accordingly, Storey County has enacted by ordinance Storey County Code section 17.03.130 to provide for an appeal process from the planning director's decision to the Board of County Commissioners. SCC 17.03.130(B)(1) addresses standing to bring an appeal. It provides:

> The applicant or any aggrieved party, defined as a person with a legal or equitable interest in the property affected by the final decision or property located within the notice area of the property that is entitled by law to notice, may file an appeal **provided that the appellant has participated in the administrative process before filing the appeal.** (emphasis added).

Consequently, where an appeal is authorized, the Storey County requires that the party appealing must have participated in the administrative process in order to have standing to appeal.

In sum, NRS 278.315 requires an appellant to be an applicant or a protestant, NRS 278.3195 requires an appellant to be an aggrieved party and Storey County requires an appellant to be the applicant or an aggrieved party. These all relate to the internal appeal process.

The process for an external appeal, i.e., to the district court is addressed in subsection 4 of NRS 278.3195. This subsection provides for a petition for judicial review to the district court as follows:

4. Any person who:
(a) Has appealed a decision to the governing body in accordance with an ordinance adopted pursuant to subsection 1; and

(b) Is aggrieved by the decision of the governing body, may appeal that decision to the district court of the proper county by filing a petition for judicial review...

By this provision even the process of seeking review by the district court requires the party to be an aggrieved party. The fact that there was no internal appeal provision available in the circumstances of this case, does not excuse a party from being an aggrieved party in order to seek review. Rather, participation in the planning process is required. The reason for this interpretation is exemplified in the present case.

The County went through fairly extensive efforts to give notice to the public that Stericycle applied for a use permit to operate a medical waste incinerator. Those efforts went beyond that required by Governor Sisolak's Emergency directive 006 which excused the obligation to physically post the agendas. Further, three hearings on the Stericycle application were held over the course of two months, two in the planning commission and one before the Board of County Commissioners. Proponents and opponents of the Stericycle application made their cases at all three of the hearings and submitted numerous documents into the record supporting and opposing the application. Blockchains provided extensive documentation and argument in opposition to the issuance of the special use permit. (See, Board and Commission Minutes attached hereto as Exhibit "11", and Exhibits "4"and "5"). Ms. Wilson was nowhere to be seen or heard throughout these proceedings. Yet she now wants all the time and effort put into the process set aside so that she can belatedly be heard. The law dictates how a planning process is to be conducted. Ms. Wilson has not shown that she is an aggrieved party.

4. A Substantive Due Process Claim has No Bearing on Standing.

In order to have standing to pursue a petition for judicial review to challenge the action of the Board of County Commissioners to grant a special use permit to Stericycle, it is submitted

Ms. Wilson must be an aggrieved party. Ms. Wilson cannot meet that requirement. Therefore, the Petitioner attempts to transform her grievances by framing them into a substantive due process claim to bypass the specific statutory path to judicial review. However, a claim that there is a constitutional violation in the form of due process does not provide an independent basis for standing, and the statute is entirely undermined if dissatisfied people can come to the Court seeking relief under the Constitution without qualifying as an aggrieved party.

The Due Process Clause of the Fourteenth Amendment protects persons against deprivations of "life, liberty, or property." U.S. Const. amend. XIV, § 1. In order to establish a violation of a right to substantive due process, it must be shown that: 1). there is a protected property interest; 2). there is a deprivation of that interest; 3). actions taken were so far beyond the outer limits of legitimate governmental action that no process could cure the deficiency. *Sylvia Development Corp. v. Calvert County*, MD. 48 F.3d 810, 827 (4th Cir. 1995). Any substantive due process violation must "shock the conscience." *Sacramento County v. Lewis*, 523 U.S. 833, 847 (1998); *United Artists v. Warrington*, 316 F.3d 392, 394-95 (3d Cir. 2003) (extending the conscience shocking standard to land use cases). Petitioner not only fails to allege all the required elements, but she also tries to bolster her blanket statements about arbitrary actions shocking the conscience by attaching extraneous materials outside the administrative record, which are not properly considered even if Petitioner has standing.

As set forth above, a substantive due process claim goes well beyond the purview of a petition for judicial review, and even if permitted within the context of a petition for judicial review, it is premature at this juncture because it is an attack on the merits of the decision made by the BOCC. The Court's function in disposing of a petition for judicial review is "to determine, <u>based on the administrative record</u>, whether substantial evidence supports the administrative

decision." *Kay v. Nunez,* 122 Nev. 1100, 146 P.3d 801, 805 (2006) (emphasis added); See also, *City of Las Vegas v. Laughlin,* 111 Nev. 557, 558, 893 P.2d 383, 384 (1995). "The grant or denial of a special use permit is a discretionary act." *Nevada Contractors v. Washoe County,* 106 Nev. 310, 313, 792 P.2d 31,33 (1990). "If this discretionary act is supported by substantial evidence, there is no abuse of discretion. Without an abuse of discretion, the grant or denial of a special use permit shall not be disturbed. *Id* Accordingly, the hearing of an unplead substantive due process claim must await the outcome of a decision on standing.

5. Conclusion

There was an extensive process undertaken by which Stericycle ultimately obtained a special use permit to operate a medical waste incinerator. Ms. Wilson did not participate in that process. Consequently, she is not an aggrieved party and does not have standing to petition this court for judicial review of a process she made no effort to participate in. It is therefore respectfully submitted that her petition should be dismissed.

Dated this 12th day of October, 2020.

ANNE LANGER, District Attorney

By: Keith Loomis

Keith Loomis
Chief Deputy District Attorney

AFFIRMATION PURSUANT TO NRS 239B.030

The undersigned does hereby affirm that the preceding document does not contain the personal information as defined in NRS 603A.040 of any person

Dated this 12th day of October, 2020.

Keith Loomis

Keith Loomis SBN 1912

INDEX OF EXHIBITS ATTACHED

REPLY TO OPPOSITION TO MOTION TO DISMISS 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

Case No. 20 OC 00005 1E / Department 1

EXHIBIT #	DESCRIPTION	# of Pages
1	Planning Commission Agenda for 7-16-2020	2
2	Planning Commission agenda for 8-6-2020	2
3	Affidavit Lyndi Renaud	3
4	Minutes of Planning Commission meeting of 7-16-2020	6
5	Minutes of Planning Commission meeting of 8-6-2020	12
6	BOCC agenda for 7-21-2020	6
7	BOCC agenda for 8-18-2020	6
8	Governors Directive 006	3
9	Governors directive 021	12
10	Governors Directive 010	3
11	Minutes BOCC meeting of 8-18-2020	15

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**

000952

Docket 82652 Document 2021-08349

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

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.

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***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

000955

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.
- 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

AFFIDAVIT OF LYNDI RENAUD

I, Lyndi Renaud declare as follows:

1. I am the planning assistant for the Storey County Planning Department.
2. My duties include preparing agendas for the meetings of the Storey County Planning Commission and providing for giving notice of the meetings and agendas to the public and other parties.
3. I also prepare the minutes of the meetings and retain custody of those minutes and the agendas.
4. In addition to posting or causing the posting of the agendas for the meetings of the Storey County Planning Commission I also send the agenda to the Storey County website.
5. I did physically post or cause to be physically posted the agendas for the meetings of the Planning Commission held on July 16, 2020 and August 6, 2020 at more than 4 locations in Storey County and did post the agenda to the Storey County website, all of which occurred 10 days in advance of those meetings.
6. I also mailed notice of the Stericycle application to all owners of property within 300 feet of the property on which Stericycle sought a special use permit

Further your affiant sayeth naught.

I declare under the penalty of perjury that the foregoing is true and correct.

Dated this 9th day of October, 2020.

Lyndi Renaud

Lyndi Renaud_

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"

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.

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

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

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

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. **Shcalo 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 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*

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.

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***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

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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, 1

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

State of Nevada

Executive Department

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

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.

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:

Tracie Lindeman
Clerk of the Nevada Supreme Court
201 South Carson Street
Carson City, Nevada 89701

The Honorable Judge James Todd Russell
The First Judicial District Court
Department 1
885 East Musser Street
Carson City, Nevada 89701

Keith Loomis
Assistant District Attorney
Storey County District Attorney
201 S. C. Street
Virginia City, Nevada 89440

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