

IN THE SUPREME COURT OF THE STATE OF NEVADA

CITY OF LAS VEGAS, A POLITICAL
SUBDIVISION OF THE STATE OF
NEVADA,

Appellant,

vs.

180 LAND CO., LLC, A NEVADA LIMITED-
LIABILITY COMPANY; AND FORE STARS,
LTD., A NEVADA LIMITED-LIABILITY
COMPANY,

Respondents.

180 LAND CO., LLC, A NEVADA LIMITED-
LIABILITY COMPANY; AND FORE STARS,
LTD., A NEVADA LIMITED-LIABILITY
COMPANY,

Appellants/Cross-Respondents,

vs.

CITY OF LAS VEGAS, A POLITICAL
SUBDIVISION OF THE STATE OF
NEVADA,

Respondent/Cross-Appellant.

No. 84345

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LAW OFFICES OF KERMITT L. WATERS

Kermitt L. Waters, Esq.

Nevada Bar No. 2571

kermitt@kermittwaters.com

James J. Leavitt, Esq.

Nevada Bar No. 6032

jim@kermittwaters.com

Michael A. Schneider, Esq.

Nevada Bar No. 8887

michael@kermittwaters.com

Autumn L. Waters, Esq.

Nevada Bar No. 8917

autumn@kermittwaters.com

704 South Ninth Street

Las Vegas, Nevada 89101

Telephone: (702) 733-8877

*Attorneys for 180 Land Co., LLC and
Fore Stars, Ltd.*

LAS VEGAS CITY ATTORNEY'S OFFICE

Bryan K. Scott, Esq.

Nevada Bar No. 4381

bscott@lasvegasnevada.gov

Philip R. Byrnes, Esq.

pbyrnes@lasvegasnevada.gov

Nevada Bar No. 166

Rebecca Wolfson, Esq.

rwolfson@lasvegasnevada.gov

Nevada Bar No. 14132

495 S. Main Street, 6th Floor

Las Vegas, Nevada 89101

Telephone: (702) 229-6629

Attorneys for City of Las Vegas

CLAGGETT & SYKES LAW FIRM

Micah S. Echols, Esq.

Nevada Bar No. 8437

micah@claggettlaw.com

4101 Meadows Lane, Suite 100

Las Vegas, Nevada 89107

(702) 655-2346 – Telephone

*Attorneys for 180 Land Co., LLC and
Fore Stars, Ltd.*

McDONALD CARANO LLP

George F. Ogilvie III, Esq.

Nevada Bar No. 3552

gogilvie@mcdonaldcarano.com

Amanda C. Yen, Esq.

ayen@mcdonaldcarano.com

Nevada Bar No. 9726

Christopher Molina, Esq.

cmolina@mcdonaldcarano.com

Nevada Bar No. 14092

2300 W. Sahara Ave., Ste. 1200

Las Vegas, Nevada 89102

Telephone: (702) 873-4100

LEONARD LAW, PC

Debbie Leonard, Esq.

debbie@leonardlawpc.com

Nevada Bar No. 8260

955 S. Virginia Street Ste. 220

Reno, Nevada 89502

Telephone: (775) 964.4656

SHUTE, MIHALY & WEINBERGER, LLP

Andrew W. Schwartz, Esq.

schwartz@smwlaw.com

California Bar No. 87699

(admitted pro hac vice)

Lauren M. Tarpey, Esq.

ltarpey@smwlaw.com

California Bar No. 321775

(admitted pro hac vice)

396 Hayes Street

San Francisco, California 94102

Telephone: (415) 552-7272

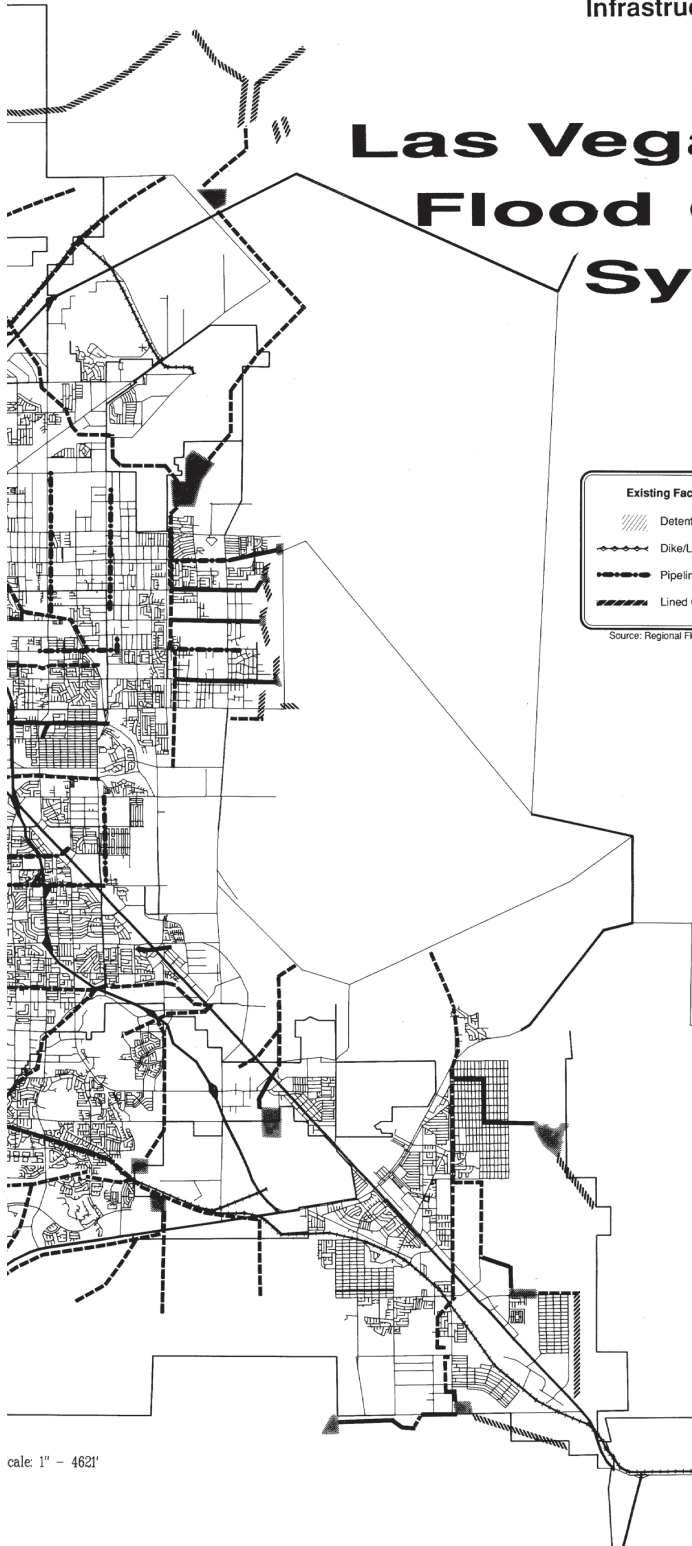
Attorneys for City of Las Vegas

IV-28b Infrastructure

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Las Vegas Valley Flood Control System



Legend

Existing Facilities

- Detention Basin
- Dike/Levee
- Pipeline
- Lined Channel

Proposed Facilities

- Detention Basin
- Dike/Levee
- Pipeline
- Lined Channel

Source: Regional Flood Control District and the City of Las Vegas, Dept. of Public Works

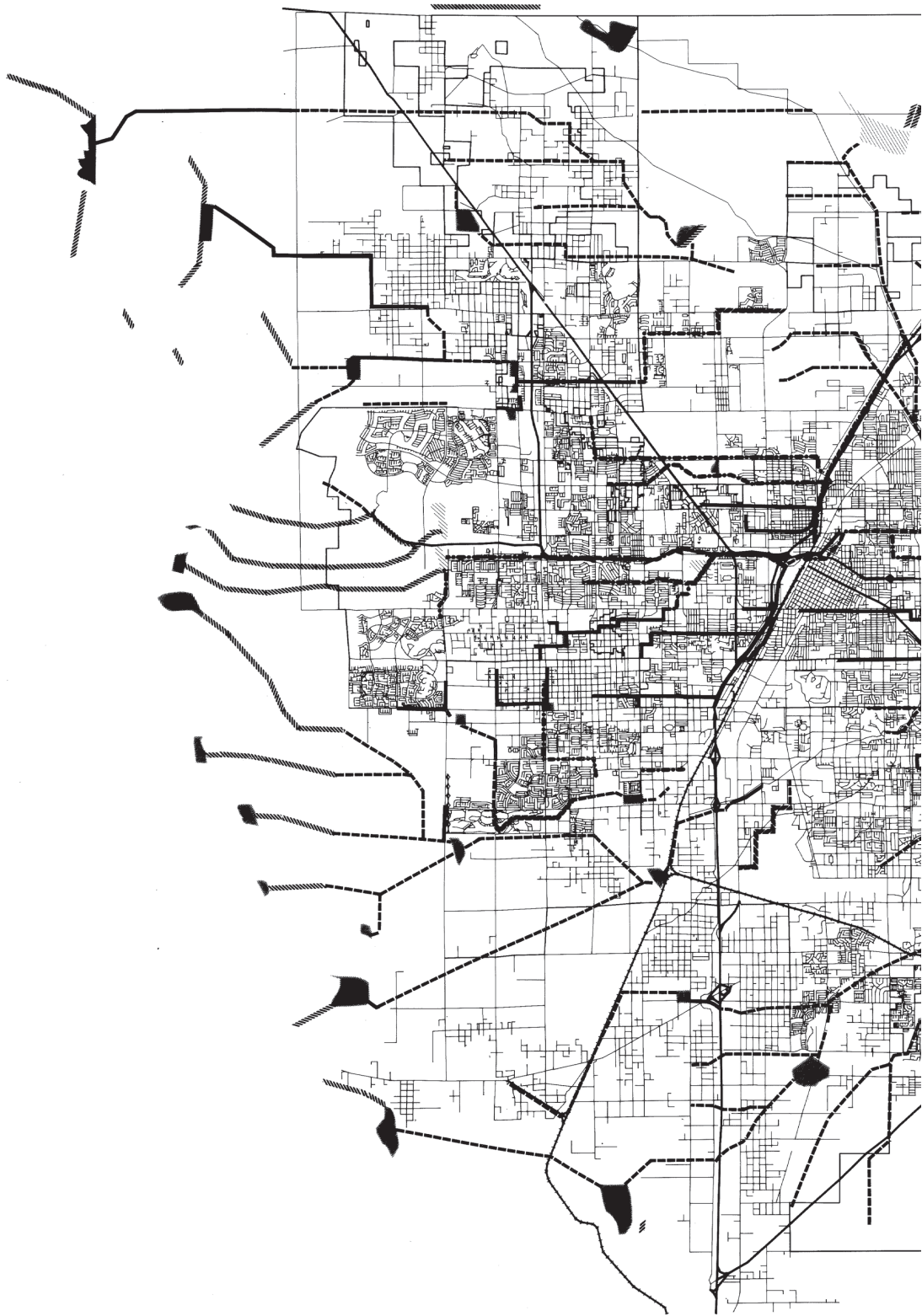


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Geographic Information Systems

scale: 1" = 4621'

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with our co-permittees, the City is evaluating the quality of stormwater runoff in the Las Vegas Valley, and the best management practices needed to enhance that quality.

Issue 3: Water Management

When flooded, basins and drains contain a precious resource. Under natural circumstances, some of this water would sink into the earth and recharge the water table. With the proliferation of man-made basins, floodways and channels, however, normal recharge patterns are altered. The flood control system consolidates floodwaters, providing the potential for their use in other ways. Among them could be lakes, irrigation. Still another is to use collected stormwater to recharge the aquifer. This may continue to balance the use of groundwater and the requirement to take no more than is replenished annually.

4C. Flood Control System Goal, Objectives, Policies and Programs

Goal: Efficient, cost-effective provision of public facilities and services.

Objective A: Provide a diversified, efficient flood control system to protect life and property from severe flood damage at a reasonable cost.

Policy A1: Develop a two-tiered flood control system which will include an appropriate mix of large regional and smaller city neighborhood flood control facilities.

Program A1.1: Provide stormwater channel and drain improvements in accordance with the adopted stormwater management program for the City.

Policy A2: Continue to have the City cooperate in the implementation of the adopted Master Plan of the Clark County Regional Flood Control District. This Plan provides for construction and maintenance of the large regional component of the City's flood control system, including detention basins, drainage channels and storm drains.

Policy A3: Develop neighborhood master plans consisting of relatively small city drains and other flood control facilities to safely convey flood and nuisance flows to the larger regional facilities. These plans shall be prioritized as part of the capital facilities programming process.

Policy A4: Review plans for new development of property under zoning and subdivision regulations to ensure property drainage in accordance with City Uniform Regulations for the Control of Drainage and the Clark County Regional Flood Control District's Hydrologic Criteria and Drainage Design Manual.

Program A4.1: Review development plans to incorporate, where required, the neighborhood storm drain system plans for the City and the master plan for Clark County Regional Flood Control District.

Program A4.2: The City shall inventory all its natural wash channels as well as those within two miles upstream in areas that may be annexed.

Program A4.3: Based on the results of Program 2, the City shall determine if it is necessary to reserve rights-of-way for natural wash channels sufficient to convey the one hundred year flood.

Policy A5: Investigate and, where necessary, implement funding mechanisms for city neighborhood stormwater capital programs. Funding sources may include, but not be limited to, special improvement districts or stormwater utility fees.

Policy A6: Inspect and maintain existing stormwater facilities to provide for the safe and efficient passage of flood water.

Policy A7: Maintain a broadly based Flood Hazard Reduction Program which meets the requirements of the National Flood Insurance Program (NFIP). The City shall also participate in the federal Community Rating System, thus assuring the availability of flood insurance to city residents and businesses at the least possible cost.

Policy A8: Continue to update Flood Insurance Maps for existing to create new maps for developing areas, subject to FEMA.

Objective B: Have the City continue to participate in a multi-jurisdictional effort to develop, implement and monitor quality standards for stormwater discharge.

Policy B1: Require drainage designs to encourage participation among municipalities, private developers and regional agencies in the control of flood waters and the use of the stormwater drainage system for other purposes such as recreational uses and aquifer recharge.

Program B1.1: Form a joint task force with the City Parks and Leisure Department, Regional Flood Control and the Clark County Parks and Leisure Department to develop an inventory of the existing and proposed drainage systems and their use for recreational facilities.

Program B1.2: Utilize the inventory of Program B1.1 to prepare a plan for joint use of flood control and park facilities.

Program B1.3: Begin investigation of the potential for using stormwater to recharge the aquifer.

Policy B2: Investigate land development grading requirements to determine if nuisance flows and first storm runoff should be retained on site.

Program B2.1: Investigate the technical requirements of land grading, to include lessons learned from previous design and construction efforts at controlling site runoff, and the environmental and engineering effects of on-site retention of runoff.

Program B2.2: Based on the results of Program B2.1, develop and adopt ordinances, review procedures or standards for approval of on-site retention and its integration into the City flood control program.

Policy B3: Develop a comprehensive Stormwater Quality Management Plan in accordance with our NPDES stormwater quality permit.

Program B3.1: Meet first year requirements of the permit.

Program B3.2: Inventory existing stormwater facilities.

Program B3.3: Establish a stormwater quality monitoring program.

Policy B4: Modify the City's uniform regulations as needed in order to implement stormwater quality discharge standards as they are developed by the State and the U.S. Environmental Protection Agency.

Program B4.1: Have the City arrange and hold a meeting with all appropriate entities and agencies in the Valley. The outcome of the meeting will be to establish individual stormwater quality responsibilities and to prepare a funding strategy.

4B.4 Evaluation & Implementation Matrix

The following Flood Control System Evaluation and Implementation Matrix (EIM - see next page) was prepared as a measurable summary of the above Flood Control System Policies and Programs. The EIM is to be used:

- as a method of measuring the implementation progress of the General Plan
- as a budgeting document for specific Flood Control System programs
- as a tool for further developing work programs

The following abbreviations apply to the Evaluation and Implementation Matrix

City Departments

CA City Attorney
CM City Manager
CP Community Planning
FN Finance
PL Parks and Leisure
PW Public Works

Other Agencies/Jurisdictions

CC Clark County
CCPR Clark County Parks and Recreation
LVVWD Las Vegas Valley Water District
RFC Clark County Regional Flood Control District

4C.4 EVALUATION IMPLEMENTATION MATRIX: FLOOD CONTROL SYSTEM

POLICY (PROGRAM)	SUMMARY	RESPONSIBLE DEPARTMENTS	FY OF IMPLEMENTATION	SPECIFIC ACTION/PRODUCT	REMARKS
A1(A1.1)	Adopt stormwater management program to coordinate regional and local flood control facilities. Provide stormwater channel and drain improvements.	PW CM RFC	1992	Coordinated flood control program, reviewed annually.	
A2	Continue existing program of CCRFCD program implementation.				
A3	Develop, prioritize local flood control plans in accordance with adopted local and regional standards and adopted capital programs.	PW FN RFC	1992	City CIP based on CCRFCD plans and neighborhood needs.	
A4(A4.1)	City review of development plans in accordance with adopted local and regional standards; require developer to incorporate appropriate neighborhood drain system plans into project.	PW RFC	Ongoing	Continue to require developer to incorporate neighborhood drainage improvements into development plans.	
A4(A4.2)	Inventory natural wash channels, including those within 2 miles upstream of annexable areas.	PW	1993	Inventory of natural washes in City and in areas likely to be annexed.	
A4(A4.3)	Determination of right of way reservation in natural wash channels to accommodate 100 year flood.	PW, CP, CM	1993	Review of wash inventory; map of 100 year flood plains; report on effect on land uses due to potential reservation of rights of way.	
A5	Investigate, develop funding mechanisms for local stormwater capital programs.	PW CP CA	1992	Inventory of funding sources, strategy for use, use of known sources.	

POLICY (PROGRAM)	SUMMARY	RESPONSIBLE DEPARTMENTS	FY OF IMPLEMENTATION	SPECIFIC ACTION/PRODUCT	REMARKS
A6	Inspection, maintenance of existing stormwater facilities.	PW	Ongoing	Facilities maintenance	
A7	Maintain a flood hazard reduction program; participate in the federal Community Rating System to lower costs of flood insurance.	PW	Ongoing	Program participation and documented actions to reduce insurance costs to citizens.	
A8	Continue existing program of updating flood maps.	PW	Ongoing	Best available maps.	
B1(B1.1)	Joint task force to inventory existing and proposed drainage system for multiple uses such as recreation.	PW PL CP RFC CCPR	1992	Inventory and program for multiple use of drainage systems.	
B1(B1.2)	Prepare a plan for joint use of parks and flood control facilities.	CP PL PW RFC CCPR	1993	Plan for joint parks, flood control use.	
B1(B1.3)	Investigate potential for use of stormwater to recharge aquifer.	PW LWWD CC	1993	Report on recharge of aquifer by stormwater.	Reduce consumption of potable water to recharge aquifer.
B2(B2.1.2)	Investigate land grading requirements to determine potential for requiring on-site drainage retention.	PW Engineering Firms CA	1993, '94	Study '93, possible programs, ordinance revisions requiring on-site retention.	Possibly coordinate any requirements with other entities in order to provide uniform guidelines.
B3(B3.1-3)	Develop, implementation stormwater quality master plan in accordance with existing federal permit.	PW RFC FN	1992-1994	Document conformance with permit requirements; inventory stormwater facilities (1993); establish stormwater quality monitoring program ('94).	

POLICY (PROGRAM)	SUMMARY	RESPONSIBLE DEPARTMENTS	FY OF IMPLEMENTATION	SPECIFIC ACTION/PRODUCT	REMARKS
B4(B4.1)	Modify City regulations to implement quality discharge standards, as developed by the state and Environmental Protection Agency (EPA), as necessary, to implement possible funding strategy for stormwater quality management responsibilities by entities.	PW CA CCRCD	1992	Meeting with entities, agencies; develop program assigning responsibilities, funding strategy.	Possible interlocal agreements or memorandum of understanding for responsibilities, timing, funding.

4D Solid Waste

4D.1 Background

Solid waste management includes the collection, transportation, treatment, and disposal of waste. It is a crucial part of the city's infrastructure, and provides the basis for long range waste management planning within the area.

Waste management is an efficient system for the collection and disposal of waste products generated by households, industry and commercial enterprises. Solid waste can be broadly classified in the following categories: Garbage, rubbish, ashes, street refuse, building wastes and industrial wastes. Waste can be liquid and solid, hazardous and non-hazardous. Examples include motor oil, household solvents, containers and food.

Collection

Solid waste collection is usually accomplished by picking up refuse at their sources by collection trucks. Refuse can be collected in mass, or it can be sorted at collection for disposal as garbage or used as recyclable materials.

Liquid, non-hazardous wastes are usually collected through a sewer system. Liquid, hazardous wastes are treated in two ways. One is at the waste source to neutralize hazardous components and then placed in the sewer system. The other is to collect non-treated hazardous wastes in vehicles or containers for disposal in specialty sites.

Transfer stations can be utilized to supplement collection of either solid wastes or hazardous liquid wastes. Transfer stations are used if the hauling distances of the collection vehicles from waste source to waste disposal site are great enough to economically justify transfer of wastes from the

smaller collection vehicles to the large transfer vehicles.

Disposal

Solid waste can be disposed of in several ways:

1. Sanitary landfill - Unsorted solid waste is placed in cells; these are confined areas in which solid waste is spread and compacted in layers by bulldozers. At the end of each day, or more frequently, the waste is covered with a thin layer of soil, which is also compacted. This hastens the decomposition of organic materials. When a cell becomes full, the operation is repeated in the next cell.
2. Recycling - reusable solid wastes such as paper, aluminum, glass, or steel can be removed from the waste stream and disposed of at recycling centers for their eventual reuse.
3. Waste-to-energy facilities - refuse can be disposed of at a waste-to-energy facility where waste is incinerated to produce heat for either steam production or electrical generation.
4. Compost - biodegradable waste such as tree trimmings, grass, or kitchen wastes can be composted to produce a humus-like product. Humus can be used either commercially for fertilizer or for land reclamation projects or for the final cover at landfills.

Liquid, non-hazardous wastes are usually treated at a waste water treatment facility with the liquid waste being disposed of in a lake or treated for reuse as reclaimed water. The resulting sludge can be disposed of in the following ways.

- a) Sanitary landfill - sludge can be mixed with solid wastes at a landfill and covered with a daily layer of soil.

- b) Sludge farming - sludge can also be air dried at "sludge farms" composted and used for either commercial or land reclamation uses.

- c) Incineration - in this disposal method sludge is mixed with either solid wastes or other combustible material to be incinerated. The resulting heat can be used to produce steam for either commercial use or electrical generation.

Liquid, hazardous wastes are either treated on-site to neutralize hazardous materials or disposed of at a Class I waste site (a landfill which has been approved for receiving hazardous materials). Other disposal methods are currently being analyzed but none are available yet.¹

Existing Conditions

Silver State Disposal Service Inc., offers curbside solid waste collection for all residences of the City of Las Vegas, North Las Vegas, Clark County, Henderson, Logandale, Laughlin, Moapa Valley, Overton, Glendale, Mountain Springs and Blue Diamond.

Silver State Disposal offers commercial waste collections of all types to all businesses in these areas. The residential service offered by Silver State Disposal consists of unlimited quantity of materials picked up twice weekly, and once a week pickup of heavy items. They will also pickup household hazardous waste four times a year and they have just instituted a new recycling program. Every two weeks the curbside recycling pickup program will collect aluminum, tin, plastic, paper, magazines, glass, cardboard and waste oil.

Facilities

There are a variety of facilities connected with the collection, transfer and disposal of solid waste. They are shown on Map 6. The solid waste transfer station at 315 W. Cheyenne Avenue,