



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
Adrienne 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)
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Meeting ID: 597 519 448

Find your local number: <https://zoom.us/j/86240708380>

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

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

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

4. **Discussion/For Possible Action:** Approval of Agenda for July 16, 2020.
5. **Discussion/For Possible Action:** Approval of Minutes for March 19, 2020.
6. **Discussion/For Possible Action:** Special Use Permit 2020-021 request by the applicant Stericycle, Inc. to construct and operate a medical and other special waste incinerator facility. The project has the potential to provide generation of excess power, which is considered an “electric or gas power generating plant” which is also subject to a special use permit. The subject property is located at 1655 Milan Drive, Tahoe-Reno Industrial Center, McCarran, Storey County, Nevada, a portion of Assessor’s Parcel Number (APN) 005-111-73.
7. **Discussion/For Possible Action:** Bill 118/Ord 20-307 Text amendments to Storey County Code Title 17 Zoning Districts CR Commercial-Residential; C Commercial; R1 Single-Family; R2 Multi-Family Residential; E Estate; F Forestry; A Agriculture; I1 Light Industrial and I2 Heavy Industrial; NR Natural Resources and SPR Special Planning Review zones. Additions, modifications, elimination and clarifications including the listed land uses, minimum floor area, setbacks, minimum parcel area, distance between buildings and home enterprises are proposed.
8. **Discussion/For Possible Action:** Determination of next Planning Commission meeting.
9. **Discussion/For Possible Action:** Approval of Claims.
10. **Correspondence** (no action)
11. **Public Comment** (no action)
12. **Staff** (no action)
13. **Board Comments** (no action)
14. **Adjournment**

Notes:

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

Certification of Posting

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



STOREY COUNTY PLANNING COMMISSION

Meeting and Public Workshop

Thursday March 19, 2020 6:00 p.m.
26 South B Street, District Courtroom,
Virginia City, Nevada

MEETING MINUTES

CHAIRMAN: Jim Hindle

VICE-CHAIRMAN: Summer Pellett

COMMISSIONERS:

Larry Prater, Kris Thompson, Jim Collins, Adrienne Baugh, Bryan Staples

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- 1. Call to Order:** The meeting was called to order by the Chairman at 6:01 P.M.
 - 2. Roll Call:** Jim Hindle, and via conference call Adrienne Baugh, Larry Prater, Summer Pellett. Jim Collins, Kris Thompson. Bryan Staples arrived in person at 6:20 p.m.

Also Present: Senior Planner Kathy Canfield, County Manager Austin Osborne and Chief Deputy District Attorney Keith Loomis (via conference call).

- 3. Pledge of Allegiance:** The Chairman led those present in the Pledge of Allegiance.
- 4. Discussion/Possible Action:** Approval of Agenda for March 19, 2020.

Senior Planner Canfield: Asked that Item 6 be continued to a future meeting date due to the Corona virus situation. Staff and the sheriff's office have not received any complaints regarding this home business. Canfield also asked that item 12 be continued to the next meeting to allow for additional discussion when there are more commissioners present in person, but if the commissioners are agreeable, there may still be action tonight on items 9, 10, and 11.

Motion: Amend to continue item 6 to a future meeting when appropriate and continue item 12 to the next scheduled planning commission meeting. , **Action:** Approve as amended, **Moved by** Commissioner Thompson, **Seconded by** Commissioner Prater, **Vote:** Motion carried by unanimous vote (**summary:** Yes=6).

No Public Comment.

- 5. Discussion/Possible Action:** Approval of Minutes for February 13, 2020.

Motion: Approval of Minutes for February 13, 2020, **Action:** Approve, **Moved by** Commissioner Thompson, **Seconded by** Commissioner Pellett, **Vote:** Motion carried by vote (**summary:** Yes=5, Abstain=Jim Collins).

No Public Comment.

6. **Discussion/For Possible Action:** Compliance Review of Special Use Permit 2019-001 issued to Stacy and Aaron Grimes which allows a home enterprise approved by the BOCC on February 19, 2019. The home enterprise consists of beekeeping (with a maximum of 10 hives), greenhouse(s) to grow produce and an aqua farm structure for raising fish. No retail sales of product will occur at the site. Per Condition U. of the SUP, a compliance review is required. The property is approximately 2.70 acres in size and is located at 144 Elizabeth Lane, Mark Twain, Storey County, Nevada, Assessor's Parcel Number (APN) 003-314-23.

Motion: Continue to future date when appropriate, **Action:** Approve, **Moved by** Commissioner Thompson, **Seconded by** Commissioner Baugh, **Vote:** Motion carried by unanimous vote (**summary:** Yes=6).

No Public Comment.

7. **Discussion/For Possible Action:** Special Use Permit 2020-012 by applicants Michelle Buckman and Jason Virden. This request is to operate a two-room rental bed and breakfast inn within an existing residence in the R1-Residential zone. The property owners will occupy the residence and parking for the inn will be provided onsite. The subject property is located at 120 N. Howard, Virginia City, Storey County, Nevada and having Assessor's Parcel Number 001-023-06.

Senior Planner Canfield: Summarized request by the applicants to operate a bed and breakfast (B & B) in their home in the R1 Residential zone. The applicants propose to utilize two bedrooms and common rooms for the B & B and will live onsite. There is adequate parking to accommodate the B & B. Staff received a letter of support from an adjacent neighbor. Staff has talked with the applicant and has proposed two additional conditions regarding an annual compliance review and a condition to control any noise issues. The applicants are agreeable to the additional conditions:

Annual Review. At a regularly scheduled public meeting on or about the month of May 2020, the Planning Commission, with coordination from the Permit Holder, shall review the operations at the property and determine any significant impacts of the proposed operation has on the adjacent neighborhood. At that time, if any negative impacts are identified and brought to the attention of the Planning Commission or County staff, additional mitigating conditions may be added to the Special Use Permit by the Board with action/recommendation by the Planning Commission. If no additional mitigation measures are imposed, no Board of County Commissioners review shall be required. At the Annual Review, the Planning Commission shall determine if further annual reviews are required.

Unlawful Noise. The Permit Holder shall be responsible for maintaining appropriate noise levels as defined in SCC 8.04. Furthermore, Permit Holder shall be responsible for quiet hours of 9:00 p.m. through 8:00 a.m. Sunday through Thursday.

Motion: In accordance with the recommendation by staff, the Findings of Fact under Section 3.A of this report and amending to add two additional conditions, and other findings deemed appropriate by the Planning Commission, and in compliance with the conditions of approval, I Jim Collins, recommend approval of Special Use Permit 2020-012 to operate a two-room bed and breakfast inn within an existing residence in the R1- Residential zone. The property owners will occupy the residence and two bedrooms, along with common rooms, will be available for guests. Parking for the inn will be provided onsite. The subject property is located at 120 N. Howard, Virginia City, Storey County, Nevada and having Assessor's Parcel Number 001-023-06. **Action:** Approve, **Moved by** Commissioner Collins, **Seconded by** Commissioner Baugh,

No Public Comment.

Senior Planner Canfield read the findings into the record.

- (1) This approval is for Special Use Permit 2020-012 to operate a two-room bed and breakfast inn within an existing residence in the R1- Residential zone. The property owners will occupy the residence and two bedrooms, along with common rooms, will be available for guests. Parking for the inn will be provided onsite. The subject property is located at 120 N. Howard, Virginia City, Storey County, Nevada and having Assessor's Parcel Number 001-023-06.
- (2) The proposed project complies with the general purpose, goals, objectives, and standards of the county master plan, this title, and any other plan, program, map, or ordinance adopted, or under consideration pursuant to 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 proposed project 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 conforms to the 2016 Storey County Master Plan for the Ophir Neighborhood Area Specific Plan portion of Virginia City in which the subject property is located. A discussion supporting this finding is provided in Section 2.D of this staff report and the contents thereof are cited in an approval of this Special Use Permit.
- (7) The conditions under the Special Use Permit do not conflict with the minimum requirements in Storey County Code Sections 17.03.150 - Special Use Permit, 17.12 – General Provisions, and Section 17.16 R1 Residential.

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

- 8. Discussion/For Possible Action:** Parcel Map 2020-013 is a request by applicants Rich, Doreen and Diane Bacus to create two parcels from one previously consolidated parcel. Originally, the land in question was two individual parcels of land. The two original parcels were consolidated into one legal lot of record in 2013. This Parcel map will divide the consolidated parcel into two individual parcels, returning the land to two parcels. The property is located at 140 South Q Street, Virginia City, Storey County, Nevada and having Assessor's Parcel Number 001-257-08.

Commissioner Collins recused himself from this agenda item due to a conflict of interest.

Senior Planner Canfield: Summarized the request by the applicants. This parcel was originally two lots (4 & 5). The previous owners recorded a lot consolidation to combine the two lots into one legal lot of record. The current owners would like to divide the parcel into two lots again in order to build a house on the vacant portion of the lot. The new lot line will be approximately 15 feet to the south from where the old lot line existed. Side Setbacks for the existing home will still be compliant and each lot will be over the minimum square footage of 5,000 square feet. No comments have been received from the public regarding the project.

No Public Comment.

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 Summer Pellett, recommend approval of Parcel Map 2020-013 to create two parcels from one previously consolidated parcel. Originally, the land in question was two individual parcels of land. The two original parcels were consolidated into one legal lot of record in 2013. This Parcel map will divide the consolidated parcel into two individual parcels, returning the land to two parcels. The property is located at 140 South Q Street, Virginia City, Storey County, Nevada and having Assessor's Parcel Number 001-257-08. **Action:** Approve, **Moved by** Commissioner Pellett, **Seconded by** Commissioner Prater,

Senior Planner Canfield read the findings into the record:

- (1) This approval is for Parcel Map 2020-013 to create two parcels from one previously consolidated parcel. Originally, the land in question was two individual parcels of land. The two original parcels were consolidated into one legal lot of record in 2013. This Parcel map will divide the consolidated parcel into two individual parcels, returning the land to two parcels. The property is located at 140 South Q Street, Virginia City, Storey County, Nevada and having Assessor's Parcel Number 001-257-08.
- (2) The Parcel Map complies with NRS 278.461 through 278.469 relating to the division of land into four or less parcels.
- (3) The Parcel Map complies with all Federal, Nevada State, and County regulations pertaining to Parcel Maps and allowed land uses.

- (4) The Parcel Map will not impose substantial adverse impacts or safety hazards on the abutting properties or the surrounding vicinity.
- (5) The conditions under this Parcel Map do not conflict with the minimum requirements in Storey County Code Chapters 17.16 R1 Residential Zones or any other Federal, Nevada State, or County regulations.
- (6) The Parcel Map conforms to the 2016 Storey County Master Plan for the Silver Star Neighborhood Area Specific Plan area of Virginia City in which the subject property is located. A discussion supporting this finding for the special use permit is provided in Section 2.C of this staff report.

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

Note for Items 9,10,11,12 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.

9. **Discussion/For Possible Action:** Bill 115/ Ord 20-304 Text amendments to Storey County Code Title 17 Administrative Provisions to clarify and modify language, and align to NRS noticing requirements in sections 17.03.050, 17.03.060, 17.03.070 and 17.03.080.

Senior Planner Canfield: Revisions and updates to Title 17 have been discussed including items 9, 10 and 11 for a year and a half now. If there are any issues or concerns that the planning commission or the public still have regarding the updates of items 9, 10 and 11, items can be continued to the next meeting when there are more commissioners in attendance in person to facilitate a discussion. Otherwise, if there are no further concerns, action may be taken tonight on items 9, 10 and 11. There are members of the public that have been patiently waiting for updates and revisions to be approved so they may proceed with their projects.

Public Comment: Clay Mitchell, VC resident – Regarding the term “Director” in Administrative Provisions it specifically states that applications be submitted to the “Director”. Would like some clarification on what is meant by “Director”. “Director” in 17.10 Definitions refers to the Director of the planning, building or other department as designated by the Board of County Commissioners. This provision states that an application has to be turned in by a certain day to the “Director”. Wondering if it would be better to state that the application must be turned in to the planning department instead of “Director”. Mitchell asked if the “Director” position currently exists, and does not want language like this to jam someone up in turning in an application.

County Manager Osborne: When amending the prior version of Title 17. Bob Morris, outside legal counsel advised that the county follow the protocol of using “Director” of whatever function it is, such as planning or building, etc. and then throughout the rest of the document it would just state “Director”. Bob Morris said that it is the “Director’s” department but that in formality it would be the “Director”, but the Director can delegate anyone to do anything within the department. This term is all over the county codes not just in this Title. When Bob Morris was assisting us in this title, he suggested using “Director of Planning” as the language in Title 17 and other Titles. Senior Planner Canfield is the designated director of the planning department.

Deputy D.A. Loomis: Concurred with the county manager that the “Director” can delegate authority within the department.

Chairman Hindle: Shared the example of when someone goes to the recorder’s office to record something, they generally deal with a deputy recorder. It is still technically the recorder accepting it, and the same would be true in the clerk’s or assessor’s office. Hindle asked Loomis if this is correct.

Deputy D.A. Loomis: Concurred with Chairman Hindle’s statement.

Senior Planner Canfield: Added that the “Director” language is not new, this is existing text in the code. Not aware of anyone being turned away because of this language.

Motion: Approve Bill 115/ Ord 20-304 Text amendments to Storey County Code Title 17 Administrative Provisions to clarify and modify language, and align to NRS noticing requirements in sections 17.03.050, 17.03.060, 17.03.070 and 17.03.080.

Action: Approve, **Moved by** Commissioner Staples, **Seconded by** Commissioner Baugh, **Vote:** Motion carried by unanimous vote (**summary:** Yes=7).

10. Discussion/For Possible Action: Bill 116/Ord 20-305 Text amendments to Storey County Code Title 17 Zoning adding, modifying, clarifying, elaborating upon, and consolidating land use and other terms and definitions in Chapter 17.10 Definitions and as those terms and definitions apply to and within all regulatory zones and all other provisions in the zoning ordinance. Terms include Animal Boarding and Grooming, Beekeeping, Crisis Care Facility, Equestrian Establishments, Veterinary Services and Wild Animal Keeping.

Senior Planner Canfield: One item in the definitions has been revised since the last planning commission meeting. The language regarding an RV Park requiring a watchman's dwelling has been added to the definition of RV Park to be consistent with the language in Title 8.24. Staff is looking for a recommendation for approval if there is no further discussion on the definitions.

No Public Comment.

Motion: Approve Bill 116/Ord 20-305 Text amendments to Storey County Code Title 17 Zoning adding, modifying, clarifying, elaborating upon, and consolidating land use and other terms and definitions in Chapter 17.10 Definitions and as those terms and definitions apply to and within all regulatory zones and all other provisions in the zoning ordinance. Terms include Animal Boarding and Grooming, Beekeeping, Crisis Care Facility, Equestrian Establishments, Veterinary Services and Wild Animal Keeping. **Action:** Approve, **Moved by** Commissioner Staples, **Seconded by** Commissioner Pellett, **Vote:** Motion carried by unanimous vote (**summary:** Yes=7).

Discussion/For Possible Action: Bill 117/Ord 20-306 Text amendments to Storey County Code Title 17 Zoning Chapter 17.12 General Provisions adding, modifying and clarifying provisions within the chapter including home enterprises, height of buildings and structures, accessory buildings and shipping containers, accessory dwellings, Comstock Historic District standards, setback encroachments, perimeter fencing, public utility uses, minimum lot area, off-street parking, open storage, general provisions for all zones including crisis care and wireless communications facilities, and property located within mapped FEMA floodplain.

Senior Planner Canfield: Discussions and revisions to General Provisions has been ongoing for a year and a half now, and we have a couple of citizens that are waiting for the update to be approved in order to utilize some of the changes. Canfield said that if the planning commission is comfortable with the changes, a recommendation to the board can be made tonight.

Public Comment:

Clay Mitchell, VC resident: In reading the section regarding Shipping Containers, it appears that they will only be allowed to be used for storage. Asked for confirmation that this means they can't be used for a workshop or office space. Mitchell said he believes that it states they are to be used for storage only in several places in the code.

Senior Planner Canfield: Under "shipping containers" General Provisions it does state that they not include any plumbing fixtures. Do not see any language referencing storage only.

County Manager Osborne: The way staff is approaching this is to treat shipping containers as accessory structures and not accessory dwellings. If you look at barns, sheds, shacks and other types of accessory uses and shipping containers are in that section, they are treated the same way, just no plumbing allowed.

Deputy D.A. Loomis: Language stating the shipping containers be used solely for the purpose of storage is being eliminated in this revision.

Clay Mitchell, VC resident: Regarding accessory dwellings and minimum square footage requirements in zoning districts; commented that it is restrictive to only allow family members to live in accessory dwellings. Would like to see them be allowed as small rental units. Allowing them to be small rental units as opposed to only allowing family members helps people when affordability of a first home is not feasible. Mitchell said he understands concerns about density increases but feels that it is too restrictive to only allow family to occupy an accessory dwelling.

Senior Planner Canfield: The language is similar to what is already in the code (family only occupation), and staff is not proposing changes to that, but simply inserting the chart referencing allowed family members. Once you allow rental units, you are really looking at what the definition of "single family dwelling" and "multi-family dwelling" is; that is a bigger discussion than what we are looking at tonight.

Chairman Hindle: Believes the intent is to not let single family residential parcels turn in to multi family residential rentals. Said he believes that is why it was written this way.

County Manager Osborne: The county does allow this kind of housing in the Commercial Residential zoning areas. It allows single family and multi family and all different kinds of configurations. Single family residential zones in the peripheries are just for that; one home. The multi family and commercial residential zones are appropriate for these types of densities and uses (rentals).

Additional brief discussion between the public, staff and the commission on size and allowances for accessory dwellings.

Motion: Approve Bill 117/Ord 20-306 Text amendments to Storey County Code Title 17 Zoning Chapter 17.12 General Provisions adding, modifying and clarifying provisions within the chapter including home enterprises, height of buildings and structures, accessory buildings and shipping containers, accessory dwellings, Comstock Historic District standards, setback encroachments, perimeter fencing, public utility uses, minimum lot area, off-street parking, open storage, general provisions for all zones including crisis care and wireless communications facilities, and property located within mapped FEMA floodplain.

Action: Approve, **Moved by** Commissioner Pellett, **Seconded by** Commissioner Thompson, **Vote:** Motion carried by unanimous vote (**summary:** Yes=7).

11. 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.

Motion: Continue to next planning commission meeting, **Action:** Approve, **Moved by** Commissioner Prater, **Seconded by** Commissioner Thompson, **Vote:** Motion carried by unanimous vote (**summary:** Yes=7).

No Public Comment.

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

Motion: Next planning commission meeting to be held on April 16, 2020 at 6:00 P.M. at the Storey County Courthouse, Virginia City, Nevada, **Action:** Approve, **Moved by** Commissioner Thompson, **Seconded by** Commissioner Baugh, **Vote:** Motion carried by unanimous vote (**summary:** Yes=7).

No Public Comment

13. Discussion/Possible Action: Approval of claims – None

14. Correspondence (No Action) – None except letter of support discussed during item 7.

15. Public Comment (No Action) – None

16. Staff (No Action) – None

17. Board Comments (No Action) – None

18. Adjournment (No Action) - The meeting was adjourned at 7:28 pm.

Respectfully Submitted, By Lyndi Renaud

**Storey County
Planning Department**
Storey County Courthouse
26 South B Street, PO Box 176, Virginia City, Nevada 89440
Phone 775-847-1144 – Fax 775-847-0949
planning@storeycounty.org



To: Storey County Planning Commission

From: Storey County Planning Department

Meeting Date: July 16, 2020 at 6:00 p.m.

Meeting Location: Storey County Courthouse, 26 S. B Street, Virginia City, Nevada, via Zoom

Staff Contact: Kathy Canfield

File: Special Use Permit File 2020-021

Applicant: Stericycle, Inc.

Property Owner: Tahoe-Reno Industrial Center, LLC

Property Location: 1655 Milan Drive, McCarran, Storey County, Nevada, APN 005-111-73

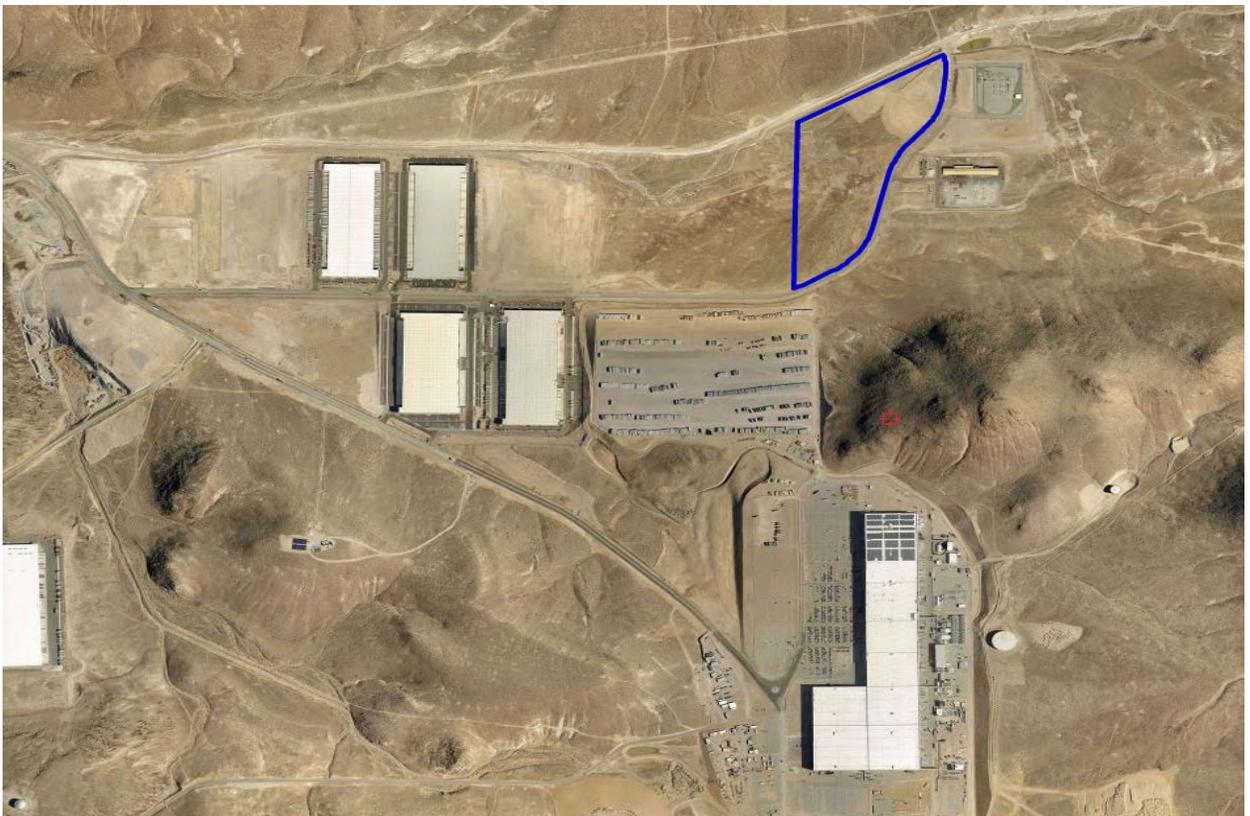
Request: Special Use Permit 2020-021 request by the applicant Stericycle, Inc., to construct and operate a medical and other special waste incinerator facility. The project has the potential to provide generation of excess power, which is considered an “electric or gas power generating plant” which is 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.

1. Background & Analysis

A. Site Location and Characteristics. The property is located within the Tahoe-Reno Industrial Center in McCarran, Storey County, Nevada. The property is located at the southwest corner of Milan Drive and Clark Station Road. The site is zoned I-2, Heavy Industrial with the I-S (Special Industrial Zone) overlay and is an undeveloped parcel. The parcel is approximately 45 acres in size and is proposed to be divided so that the facility will occupy approximately 20 acres of the parcel. Surrounding land uses include vacant land to the north and west, NV Energy substation and AZZ Incorporated (a galvanizing facility) to the east, and a mixture of vacant land and warehousing to the south.



Vicinity Map



Property Location

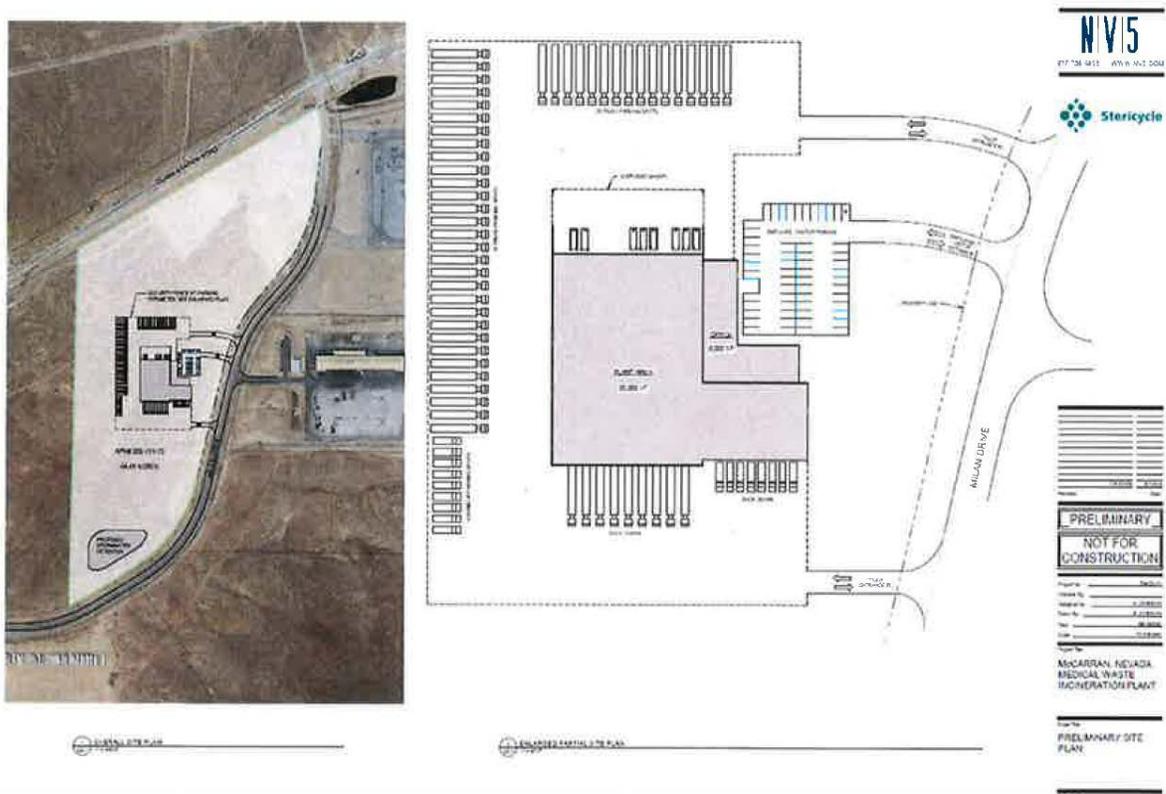


Existing Development

B. Proposed Use. The applicant, Stericycle Inc., is proposing to construct and operate a medical waste and other specialty waste incinerator facility. 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 United 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.

It should be noted that the submitted site plan design is conceptual only. This Special Use Permit addresses the use on the property. The applicant has provided a site plan to convey their current ideas for the site, but the overall layout, parking, access and building(s) pattern may change upon submittal of construction permits.

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.



Conceptual Site Layout

- C. **Special Use Permit.** This property is subject to the provisions of the 1999 Zoning Ordinance of Storey County. The property is zoned I-2, Heavy Industrial and as stated in Section 17.37.040, “Recycling facilities and operations involving use, recovery or residue of hazardous materials and/or wastes” and “incinerators, of any type and used for any purpose”. 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.
- D. **Biohazardous Waste.** The waste streams that the facility will process are considered biohazardous as they potentially can be contaminated with infectious agents that may be a threat to public health if not handled and disposed of properly. These wastes include:
- Regulated Medical Waste as a special category of solid waste as defined by the State of Nevada, the County, OSHA or USDOT, sharps waste, APHIS waster or Regulated Garbage as regulated under USDA
 - Other healthcare products (used, unused or expired specified by manufacture for destruction
 - Partially used or unused pharmaceuticals (hazardous or nonhazardous) for destruction
 - Other special solid wastes for destruction as requested by generator for incineration (for witness destruction)

- Document or product destruction (i.e. for HIPAA or other privacy related matters)
- Special wastes from law enforcement (as requested such as controlled witness destruction) or DEA related controlled substances and waste from healthcare facilities
- Outdated, off-specification or unused consumer commodities
- Recalled or outdated disposable medical equipment or supplies
- Confidential records/proprietary packaging and products

All other RCRA (Resource Conservation and Recovery Act) defined hazardous wastes or radioactive wastes will not be treated at this facility. Stericycle has a waste acceptance protocol (WAP) as part of all contracts with customers for which customers are responsible to adhere to, for which Stericycle periodically monitors; specifically, all wastes are monitored for radioactivity prior to processing.

Waste material is delivered to the facility by truck in Department of Transportation (DOT) compliant single-use fiberboard and plastic containers, and reusable containers, which are unloaded and either placed in a designated storage area for later processing, transfer or are staged for immediate processing. All trailers containing waste will be unloaded at a dock. Most single use and reusable bins are opened, the contents emptied into the feed apron loading bin for processing. The reusable containers are rinsed out, recovered and placed in the return load-out area.

All of the above referenced medical wastes are not considered or regulated by the U.S. Environmental Protection Agency (EPA) Resource and Conservation Recovery Act (RCRA) as hazardous waste and under Nevada Division of Environmental Protection (NDEP) regulations can be disposed of in a standard landfill without treatment. Some jurisdictions have adopted more stringent requirements for disposal, including the State of California and both Washoe and Clark Counties in Nevada. Regardless of where a waste is ultimately disposed, the local regulations at the point of generation apply to the disposal.

- E. **Facility Process Overview.** The medical waste arrives at the site by truck in single use fiberboard or plastic containers, or reusable containers. The trucks unload directly into the facility at the loading docks. At no time are the boxes or containers exposed or stored outdoors. Once inside the facility, the boxes or the reusable container content are emptied into a feed apron loading bin for processing.

In some instances, storage of the medical waste in the delivery trucks may be required due to adverse weather conditions, facility breakdowns or maintenance, or high receipt volume. All trailers will remain closed and locked and all waste will be secure.

A two-stage process first thermally sanitizes and reduces the waste in a Controlled Air Rotary Kiln, Primary Combustion Chamber, which is followed by a Secondary Combustion Chamber, to fully combust the resulting off-gas containing volatile organic compounds at temperatures of approximately 1800 to 2000 degrees Fahrenheit. This thermal reduction/destruction process reduces the waste volume by over 80% on a

weight basis (over 95% on a volume basis) to ash residual. Resultant ash residual generated at the site is collected and secured and taken to the landfill.

- F. Safety Issues.** In the event of a spill or release of the medical waste, properly trained facility personnel will clean up the released materials. The wastes do not represent an airborne threat. A “portal of entry” (a site where an infectious agent enters the body such as ingestion, break in the skin, etc.) is needed for the waste to represent a threat to humans. The medical waste is a solid product and cannot “flow” out of the facility. A cleanup of any released materials is essentially the same as cleaning up garbage that has spilled with the difference being the training and personal protective equipment (gloves, face shields, protective garments) is required to ensure no direct body contact with the medical waste occurs. Similarly, if one of the delivery trucks is involved in an accident the vehicle and waste containers would be properly labeled such that responders would be aware of the contents and proper cleanup would occur.

Stericycle employees receive training upon hiring and annually as required by all Federal and State regulations. Stericycle conducts over thirty training programs including Bloodborne Pathogens, Spill Response, Waste Acceptance Protocol, Confined Space, Emergency Action Plans, DOT Hazardous Materials, First Aid and Incinerator Specific Training. Stericycle employs specialized and trained maintenance personnel.

As stated in Section 1.D, above, all of the above referenced medical wastes are not considered or regulated by the U.S Environmental Protection Agency (EPA) Resource and Conservation Recovery Act (RCRA) as hazardous waste and under Nevada Division of Environmental Protection (NDEP) regulations can be disposed of in a standard landfill without treatment.

All permitting and reporting will be performed per federal, State of Nevada and Storey County requirements. The facility will be subject to Title 40 of Federal regulations (*40 CFR Part 60 – Standards of Performance for New Stationary Sources, Subpart Ec, Standards of Performance for Hospital/Medical/infectious Waste incinerators for Which Construction is Commenced After June 20, 1996*) which provides federally enforceable standards of performance for facilities of this type. These standards include limits on emitted air pollutants, air quality compliance testing and monitoring and reporting requirements. The Nevada Division of Environmental Protection – Bureau of Air Pollution Control, will be the regulatory authority responsible for issuing and enforcing the air quality operating permit for the proposed facility.

2. Compatibility and Compliance

- A. Compatibility with surrounding uses and zones.** The following table documents land uses, zoning classifications and master plan designations for the land at and surrounding the proposed project.

	Land Use	Master Plan Designation	1999 Zoning Code for TRI Center
Applicant's Land	vacant	Industrial	I-2 Heavy Industrial
Land to the North	vacant	Industrial	I-2 Heavy Industrial
Land to the East	NV Energy Substation, Industrial Galvanizing Facility	Industrial	I-2 Heavy Industrial
Land to the South	Vacant, truck storage	Industrial	I-2 Heavy Industrial
Land to the West	Vacant, warehousing	Industrial	I-2 Heavy Industrial

This property is located within the IS Overlay (Special Industrial Zone) area within the TRI Center. This project does not require or utilize any of the incentives provided for the IS Overlay and is consistent, as conditioned, with the I2 Heavy Industrial as identified in Chapter 17.37 of the 1999 Storey County Zoning Code.

- B. **Compliance with required height limitations.** The 1999 Storey County Zoning Ordinance Section 17.37.080 states: “No building shall have a height greater than six (6) stories or seventy-five (75) feet, not including silos, stacks, or equipment.” Based on the submitted application, the applicant has stated the maximum height proposed for the building will not exceed the 75-foot height limitation. It is anticipated the height for the stacks will be between 75-feet and 150-feet and will depend largely on the NDEP requirements related to air quality. The additional height for the stacks and associated equipment are exempted as stated above from the 75-foot height limitation.
- C. **Compliance with required setbacks.** The 1999 Storey County Zoning Ordinance Section 17.37.080 states: No building shall be located closer than fifty (50) feet to any property line. The property will be approximately 20 acres in size and is of such a configuration that this requirement can be met. As a condition of the building permit, the applicant will be required to demonstrate that no structure will encroach into the required 50 foot setback or demonstrate that a Waiver from the Building Official as identified in the Development Agreement for the TRI Center has been granted to allow encroachment into the setback.
- D. **General use allowances and restrictions.** The 1999 Storey County Code Section 17.62, Special Uses (which refers to Section 17.60) identifies the administration for the Board and Planning Commission for allowing special use permits. The use of “recycling facilities and operations involving use, recovery or residue of hazardous materials and/or wastes”, incinerators and electric or gas power generating plants” are uses subject to a Special Use Permit. Approval of a Special Use Permit “may only be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of any ordinance or resolution and under such conditions as the board may deem necessary to assure that the general purpose and intent of this ordinance will be observed, public safety and welfare secured and substantial justice done.” The approval, approval with conditions, or denial of the Special Use Permit must be based on findings of fact that the proposed use is appropriate or inappropriate in the location. The findings listed in Section 3 of this staff report are the minimum to be cited in an approval.

- E. **Conformance with the 2016 Storey County Master Plan.** This project is located within the Tahoe-Reno Industrial Center which the Master Plan states “provides for light industrial, heavy industrial, commercial, and industrial commercial uses and zones pursuant to the Development Agreement between Storey County and the Tahoe-Reno Industrial Center, LLC.” The property and the Tahoe-Reno Industrial Center are located in the McCarran Area Plan which the Master Plan states “depicts a homogenous planned industrial center located toward the north-central part of Storey County nine miles east of Lockwood. It is home to the Tahoe-Reno Industrial Center and is dedicated solely to manufacturing, utility power production, warehousing and distribution, and other heavy- and light-industrial, and commercial uses. The industrial center has grown to become a major regional hub for distribution, alternative energy production, digital data management, and highly intensive and experimental industries.” The proposed use of “recycling facilities and operations involving use, recovery or residue of hazardous materials and/or wastes” is consistent with the heavy industrial use statements for the Tahoe-Reno Industrial Center.

3. Findings of Fact

- A. **Motion for approval.** The following Findings of Fact are evident with regard to the requested special use permit when the recommended conditions of approval in Section 4, Recommended Conditions of Approval, are applied.
- (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.

B. Motion for denial. Should a motion be made to deny the Special Use Permit request, the following findings with explanation why should be included in that motion.

- (1) This denial 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 conditions under the Special Use Permit conflict with the minimum requirements in the 1999 Storey County Zoning Ordinance Sections 17.37 I-2 Heavy Industrial, 17.62 Special Uses.
- (3) The conditions under the Special Use Permit do not adequately mitigate potential adverse impacts on surrounding uses or protect against potential safety hazards for surrounding use.

4. Recommended Conditions of Approval

- A. Special Use Permit.** This approval is for 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.
- B. Requirements.** The Permit Holder shall apply for all required permits and licenses, including building and fire permits, for the project within 24 months from the date of

final approval of this Special Use Permit, and continuously maintain the validity of those permits/licenses, or this approval shall be null and void. This permit shall remain valid as long as the Permit Holder, its heirs, assigns, or successors remain in compliance with the terms of this permit and Storey County, Nevada State, and federal regulations.

- C. **Permit Contents.** This permit incorporates by reference the standards, objectives, conditions, terms and requirements of all plans, including the operating plan, safety plan, training plan, and closure plan, to be submitted separately from this permit. The requirements of all submitted plan, along with support material submitted with the application, become part of this Special Use Permit.
- D. **Allowed Modes of Transport.** The facility may receive and distribute medical waste and the resultant ash/paste via truck and rail. All loading and unloading of materials must occur within an enclosed structure. The structure must meet the requirements of this special use permit with regard to emergency spill and containment. The Storey County Community Development Department and Fire Protection District plan review are required for any proposed rail spur facilities.
- E. **Storage.** This permit does not authorize any outdoor storage at the site. All storage of all materials transported to the site and the byproduct created at the site shall be contained within the proposed building or within an enclosed truck trailer while awaiting unloading or delivery.
- F. **Taxes.** Before obtaining a building permit, the Permit Holder must show the building department valid evidence that all property taxes on the land are paid-to-date.
- G. **Emergency Management Plan.** The Permit Holder must submit an emergency plan to the Storey County Fire Protection District, Community Development, Emergency Management and Planning Departments for review and approval at the time of construction plan submittal. At a minimum, the elements of the plan must include disaster management, Emergency Medical Services (EMS), and environmental protection. This plan shall include industry best practices implementation in addition to local, state and federal requirements. Specific items to be included in the plan are as follows. The following list is not exhaustive; the County may impose additional requirements as necessary. Requirements of State and federal agencies which fulfill the following may suffice when documentation thereof is submitted to the governing body and to Storey County.
- Basic company, owner, site, and emergency contact information
 - Plot Plan (detailed drawings) of the site and access points
 - Site evacuation, gathering points and emergency procedure
 - Area evacuation and emergency procedure for each applicable emergency situation
 - Initial and ongoing training and education of county and fire district emergency response personnel applicable to the subject use, and at the permit holder's expense

- Emergency contact procedures, including for the NDEP, Dispatch 9-1-1, and Storey County Emergency Services
- Facility shut-down and startup procedure
- Special training and identification of any funding for the Fire District and Emergency Management to address site specific hazards
- Emergency vehicle access, circulation, and staging
- Documenting and reporting of emergency situations, including spills and gassing-off of any product.
- Post disaster management, cleanup, and material disposal
- Documenting and reporting of NDEP and other environmental permits and notices
- Stormwater drainage and detention will be submitted for review and approval during the plan review and permitting processes
- Facility Closure Plan
- Risk Management Plan
- Industry Best Practices shall be utilized when developing any plans for the facility
- Complete index of MSDS/SDS shall be provided to the Storey County Fire Protection District, Storey County Community Development Department, Storey County Local Emergency Planning Committee, Storey County Emergency Management and Storey County Planning Department
- Community Right to Know Plan and Information shall be maintained and provided at all times within the facility.
- Copy of all Fire Marshall Permits for Hazardous Materials shall be maintained onsite and available upon request to Storey County.
- Dates, time and attendees of all drills held at facility shall be maintained on site and available upon request to Storey County

H. Transfer of Rights. This Special Use Permit shall inure to the record owner of the Subject Property and to the Permit Holder and shall run with the land defined herein. This Special Use Permit, subject to its terms and conditions, may be transferred by the Permit Holder, its successors, heirs or assigns. Any/all transfers of Special Use Permit 2020-021 shall be advised in writing to Storey County Planning Department 180 days prior to assignee taking over operation of facility. The operators of the facility must sign and accept all stipulations and requirements of the Special Use Permit 2020-021. The operators of the facility must within 90 days of this notice contact Storey County in order to schedule a consultation with the Storey County Fire District, Emergency Management Department, and all other applicable federal, state, and local emergency response agencies, and demonstrate the ability to maintain the level of security, safety, and conformance with the requirements of this special use permit, including the codes and regulations of the applicable agencies during and after the transition to new ownership.

I. Abandonment. In the event that the use authorized by this Special Use Permit is abandoned for a period of more than twenty-four (24) calendar months from the date of last producing operations, this permit shall become null and void and a new Special Use Permit shall be required. In the event of a force Majeure such as and not limited to

a flood, damage or destruction of the access to the site, earthquake, or other events beyond the control of Storey County or the Permit Holder, the period of abandonment shall not be deemed to commence until such time as the permit holder may be found to once again have reasonable access to the site. In this connection, the permit holder shall reasonably attempt to establish access to the site.

- J. **Closure.** The Permit Holder shall be responsible for the cost for the closure of this facility as permitted under Special Use Permit 2020-021. Complete closure shall consist of providing reclamation that would eliminate any hazardous materials or environmental damage to the existing site or adjacent areas proven to be contaminated by the Applicant's processes.
- K. **Post-Closure Monitoring.** In the event that the permit lapses or the use is discontinued or abandoned, the Permit Holder, its heirs, assigns or successors shall remain responsible for environmental monitoring and post-closure maintenance. Under no circumstances shall Storey County, its officers, or representatives bare any cost or responsibility for the deconstruction, disassembly, or removal of equipment or environmental monitoring or clean-up.
- L. **Nuisances.** As stated in Section 17.12.100(A) of the Storey County Zoning Code, noise, smoke, odor, gases, or other noxious nuisances shall be controlled so as not to become objectionable, or adversely affect the properties in the vicinity, and shall not be detrimental to the public health, safety and welfare.
- M. **Separate Permits Required.** This Special Use Permit shall not be construed to be a permit for design or construction. A separate Storey County plan review, fire safety review, and building permit will be required. Any required state or federal air quality control permit must be obtained for the project. A copy of any NDEP (Nevada Department of Environmental Protection) approval shall be forwarded to Storey County Planning Department for inclusion with the Special Use Permit. If there is a violation of NDEP permit, Storey County shall be notified of the violation, corrective action to be taken and date to be completed.
- N. **Legal Responsibility.** Issuance of this permit does not convey property rights of any sort or any exclusive privilege; nor does it authorize any injury to persons or property, any invasion of other private rights, or any infringement of state or local laws or regulations.
- O. **Indemnification.** The Permit Holder warrants that the future use of land will conform to the requirements of the County of Storey, State of Nevada, and applicable federal regulatory and legal requirements for the production, refining, purification, processing, dilution, blending, distribution and use of hazardous and non-hazardous chemical products associated with the microelectronics industry; further, the Permit Holder warrants that continued and future use of the land shall so conform. The Permit Holder, its assigns, heirs or successors, agrees to hold Storey County, its officers, and representatives harmless from the costs associated with any environmental damage, environmental liability, and any/all other claims now existing or which may occur as a result of this special use permit.
- P. **Liability Insurance.** The Permit Holder, as well as its assigns, heirs or successors, shall

provide proof of insurance to Storey County and maintain a satisfactory liability insurance for all aspects of this operation under Special Use Permit 2020-021 for a minimum amount of \$5,000,000.00 (five million dollars).

- Q. Operations Safety.** The facility/site design and layout must meet all Storey County adopted model codes and amendments, as well as Federal, State and County environmental, best practices and health/safety requirements.

Emergency response plans and protocols must be established, documented and practiced prior to operations commencing on site. All operators must be trained and certified, and plant management will be trained in incident command. Drills must be practiced annually and jointly with the local emergency responders (at the discretion of the emergency responders).

All loading and unloading of materials, along with storage of materials must occur within the structure.

- R. Safety.** The following security measures must be implemented at a minimum.

- All staff shall be trained for spill containment and cleanup. A copy of the training shall be submitted to Storey County.
- All medical waste shall be double contained.
- The property shall be enclosed with a minimum 6-foot high fence and entrances shall be gated.
- The premises must be well lit in order to maintain property security. The lighting plan shall be designed to provide necessary operation, but not be over obtrusive to avoid safety hazard(s) for adjacent right-of-ways and/or light pollution, and shall comply with Chapter 8.02 of the Storey County Code.
- No outside storage of materials is permitted or proposed with this application. All materials will be housed either in the main building or in separate accessory buildings, or temporarily within enclosed trucks waiting for unloading into the facility, designed to meet the requirements of this special use permit and any federal, state, and local regulations.

- S. State/Federal Taxes.** Whenever Nevada law requires the payment of a sales and/or use tax, all materials and equipment purchased or rented for this project should be received in Storey County and the value reported as 'county-of-delivery' on the Nevada Dept. of Taxation form TXR-01.01 'Sales/Use Tax Return'. Proof of appropriate reporting is required prior to a 'Certificate of Occupancy' being issued. Additionally, when applicable, the Permit Holder shall be responsible for reporting and paying all Federal Motor Fuels and Lubricants taxes.

- T. Emergency Training.** The Permit Holder shall provide and/or pay for any and all special training and/or equipment needed for the Storey County personnel that is required due to the operation of the facility. This may include plugging, diking, air monitoring, Level A response suits or any other item required to properly and safely respond to the facility. This may also include medical equipment specifically needed for exposure to specific

products, including body substance isolation (BSI) personal protective equipment (PPE) as needed when operating within the facility.

- U. **Emergency Response Training.** The facility shall be an active member of the Storey County Local Emergency Planning Committee. This includes participation as requested for drills.
- V. **Water and Sewer Connection.** The Permit Holder shall provide a 'Will Serve' letter from Tahoe-Reno Industrial Center General Improvement District to the Storey County Building Department for the necessary water and sewer to operate the facility prior to any construction permits being granted for the property.
- W. **Environmental Monitoring.** Before operations commence, the Permit Holder shall submit to Storey County a copy of the environmental monitoring requirements applicable to the facility under the environmental permits issued for the facility. The Permit Holder shall include storm water management measures on its site plan which shall be submitted to Storey County Community Development Department for approval. Community Development.
- X. **Incident Reporting.** Any uncontrolled release of hazardous materials shall be required to be reported immediately to Storey County Emergency Dispatch via 9-1-1. The incident shall be immediately reported to Storey County Community Development and Planning Departments and the Nevada Division of Environmental Protection (NDEP). The Permit Holder shall comply with the NDEP's clean-up requirements and provide Storey County Emergency Management and Fire District a copy of NDEP's completion of remediation. All hazardous materials incident clean-up and response costs shall be borne by the permit holder as part of the issuance of this special use permit. Incidents exceeding a standard first alarm response will be billed to the company. If mutual aid is warranted to suppress an incident, those costs shall also be funded by the company.
- Y. **Fluid Containment.** The Permit Holder shall construct containment systems in areas where fuels and other types of hazardous materials are being stored or processed to prevent spills, if any, from entering the environment. The containment system shall be designed and installed to the satisfaction of the Storey County Community Development Department and in accordance with model codes.
- Z. **Air Emissions.** Air emissions from the facility shall meet the Nevada Division of Environmental Protection permit requirements. Copies of the annual reports of environmental quality, necessary to comply with the requirements of the permit issued by the Bureau of Air Pollution Control, Nevada Division of Environmental Protection (NDEP) shall be submitted to Storey County Planning Department. In the event that there is an air discharge in excess of the standards approved by NDEP under the construction or operating permit, the permit holder shall provide Storey County Planning Department a copy of any notice of the event or plan to remediate the event submitted to NDEP. If the Permit Holder is required by the Bureau of Air Pollution Control, Nevada Division of Environmental Protection to prepare a report on the event, the permit holder shall submit a copy of the report to Storey County Planning Development. There shall be no obnoxious odors released into the air that are a

nuisance to abutting properties. The facility will be subject to Title 40 of Federal regulations (*40 CFR Part 60 – Standards of Performance for New Stationary Sources, Subpart Ec, Standards of Performance for Hospital/Medical/infectious Waste incinerators for Which Construction is Commenced After June 20, 1996*) which provides federally enforceable standards of performance for facilities of this type. Although the proposed facility is not considered an incinerator, based on meetings with regulatory authorities, the facility will be subject to these same standards and requirements.

- AA. Drainage Protection.** All process drains around each unit and site drainage shall be designed to prevent the discharge of oils to the sewer or septic system and or storm drain systems. All site drainage shall be designed as not to adversely impact surrounding property owners.
- BB. Nevada Division of Environmental Protection (NDEP).** The Permit Holder shall demonstrate all required permits from the NDEP have been obtained prior to commencing the project.
- CC. Power Generation.** This permit acknowledges the potential for generation of excess power. Any proposed power purchase agreement or connection to a power facility is a private agreement and Storey County is not a part of any discussions or negotiations between other parties. Any proposed physical connections (such as power lines) may require future Storey County review and/or permitting.
- DD. Compliance.** The use on the subject property, along with the medical waste materials transported to the site, must comply with all applicable federal, state, and county codes and regulations and the submitted plans and reports, as approved. The Permit Holder must provide the community development department plans drawn to scale prior to obtaining a building permit. The Permit Holder shall be responsible for maintaining the premises and managing operations in accordance with all conditions and stipulations set forth by this Special Use Permit and all other federal, Nevada State, and Storey County codes and regulations. Failure to comply with the requirements herein shall elicit a written warning to the Permit Holder by Storey County on the first and second offense. A third offense shall warrant Storey County to revoke the Special Use Permit. Storey County shall reserve the right to conduct periodic reviews of the Permit Holder's compliance with all conditions and stipulations of the Special Use Permit. In the event of a life safety issue, standard stop work orders and red tags will be issued as approved within the fire and building codes.

Storey County may refer this Special Use Permit to the Board of County Commissioners for show-cause hearing for revocation based on reasons listed in this section. The procedures for show-cause will be pursuant to Storey County Code. The continuation of uses of a revoked Special Use Permit is a violation of SCC Title 17 (Zoning) and will be punishable as provided for therein or other applicable codes. The Special Use Permit may be referred to show-cause for the following reasons:

- Failure to comply with the SUP conditions, or federal, state, and county regulations, without appropriate remedy;
- Any misrepresentation made in the application for the SUP or in other official

documents, or amendments thereof, submitted to a federal, state, or local agency;

- Failure to provide notice to the county on violations, disasters, notice of decisions, and other such correspondence from federal, state, and local agencies as required in this SUP.

EE. **Fire.** The applicant shall meet all regulations identified by the Storey County Fire Protection District for development of this property. The project shall be evaluated to determine if there are any applicable elements of the proposed project that may require inclusion in the respiratory consortium, the hose and nozzle consortium, ladder reimbursement consortium and/or foam consortium at the time of construction plan submittal. The Fire Protection District shall have the final authority on participation.

5. Public Comment

As of July 7, 2020, Staff has not received any comments from the public.

6. Power of the Board & Planning Commission

At the conclusion of the hearing, the Planning Commission must take such action thereon as it deems warranted under the circumstances and announce and record its action by formal resolution, and such resolution must recite the findings of the Planning Commission upon which it bases its decision. The decision of the Planning Commission in the matter of granting the Special Use Permit is advisory only to the Board of County Commissioners and that governing body must consider the report and recommendation and must make such a decision thereon as it deems warranted.

7. Proposed Motions

This section contains two motions from which to choose. The motion for approval is recommended by staff in accordance with the Findings of Fact under Section 3.A of this report. Those findings should be made part of the approval motion. A motion for denial may be made and that motion should cite one or more of the findings shown in Section 3.B. Other findings of fact determined appropriate by the Planning Commission should be made part of either motion.

A. Recommended motion for approval

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 (planning commissioner), 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.

B. Alternative motion for denial

Against the recommendation by staff, but in accordance with the Findings of Fact under Section 3.B of this report, and other findings deemed appropriate by the Planning Commission, I (planning commissioner), recommend denial 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.