



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, Adrienne 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, Adrienne 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 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.

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 employ 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 impact 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