

## Exhibit B – Taormina Timeline

6/6/2011

History of the Taormina Tower Project

Prepared for Storey County

DATE			EVENT	OUTCOME
Y	M	D		
1996	8		Chose Highland Ranches for permanent homestead	Hired Better Homes & Gardens Real Estate
1996	9		Toured & spoke with neighbors	"We believe in live and let live"
1996	10		Visit to Storey County Building Department to discuss building multi-tower ham radio station	"No tower/antenna ordinances. No building permits required"
1996	11		Received copies of the CC&R's from Realtor	No mention of towers or restrictions
1996	12		Asked Realtor to again check with Building Department on antennas and towers prior to making an offer	"No tower/antenna ordinances. No building permits required."
1997	5		Closed escrow on 370 Panamint.	Moved from Texas
1997	7		Called Building Department before putting up first tower	"No tower/antenna ordinances. No building permits required."
1997	10		Build out office in garage	Building inspectors made site inspections of office. Discussed the tower. No action or direction given.
1997	10		Completion of first 70' tower	(Currently Labeled Tower #1)
1997	11		Visit by Ed Dietrich of HRPOA	"Don't like the tower but nothing I can do about it as President of HRPOA."
1998	2		Underground electric failed due to faulty construction	Building inspectors made site inspections of electrical repairs. Discussed the towers. No action or direction given.
1998	6		Installed Tower #2 at 50'	(Currently Labeled Tower #2)
1999	4		1,000' driveway had to be rebuilt due to faulty construction	Building inspectors made site inspections of driveway. Discussed the tower. No action or direction given.
1999	6		SCC revised to include 45' height limit on Towers	
1999	7		Installed Tower at 32'	(Now Permitted as Conforming, Bldg. Permit # __)
2000	6		Retaining wall failed due to faulty construction	Building inspectors made site inspections of retaining wall. Discussed the towers. No action or direction.
2000	7		Installed 50' tower	(Removed 7/15/08)
2000	11	27	Visit from Inspector Rick McDowell from SCBD. Delivered a copy of the revised SCC showing 45' height restriction.	Inspector said the visit was informational and no action was required on my part.
2000	11	28	Wrote letter to SCBD providing FCC PRB1. Asked if there was any further action necessary.	Never received a response to this letter.

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Y	M	D	EVENT	OUTCOME
2001	5		Septic System failed due to faulty construction	Building inspectors made site inspections of new septic. Discussed the towers. No action or direction.
2001	5		Performed limited property line survey for new septic system.	Discovered house was NOT in the middle of the ten acres as shown on the official plat plan at the SCBD.
2003	7		Installed 40' rotating pole	(Removed in 2008)
2003	9		Installed conforming tower at 40'	(Now permitted as conforming, BP # 8316)
2007	7		Installed Tower #6 at 110'	(Currently Labeled Tower #3)
2007	9		Installed Tower #8 at 140'	(Currently Labeled Tower #4)
2007	9		Raised Tower #2 from 50' to 85'	(Currently Labeled Tower #2)
2008	4		Discussed plans for two new monopoles with Haymore	"No building permits required."
2008	5	15	Performed GPS Survey for bases for new monopoles	Discovered that house was 18' from the eastern property line. Discovered 50' tower encroaching on Meade land. (Abated July 14, 2008.)
2008	5	25	Two monopoles offloaded at bottom of driveway in view of Panamint Rd	In plain sight for all the world to see.
2008	6	6	Provided SCBD with courtesy copy of wet-stamped PE rendering from Artisan Engineering	"No building permits required."
2008	6	7	Minutes of HRPOA annual meeting show discussion of towers concluded that HRPOA had no jurisdiction.	
2008	6	7	Marked monopole base and anchor locations per new survey	Made plan to abate encroachment abatement on eastern property line.
2008	6	18	Phone call from Haymore. Neighbors complaining about new construction.	Volunteered to apply for building permit for the monopoles.
2008	6	23	First visit from Storey County Sheriff regarding tower construction work	Sheriff closed the complaint as unfounded.
2008	6	24	Minutes of HRPOA Board of Trustees Meeting show discussion of towers.	The Trustees were looking to the County to enforce height limitations.
2008	6	24	Notified Haymore I was aware of trespasses on eastern property line. Volunteered to remove the tower as quickly as possible.	Haymore acknowledged.
2008	6	25	Letter from Phyllis Blake notifying me of western boundary encroachment.	Requested easement; declined. Volunteered to fix the trespass as soon as possible. (Abated on July 14, 2008.)
2008	6	27	Building Permit 8354 granted for two monopoles	Foundation construction begun

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2008	6	28	Received letter from Howard Depew of HROPA stating they had no jurisdiction over size or quantity of towers on parcels	Forwarded to SCBD
2008	6	28	Removed encroachments on both properties	Notified neighbors that we would clean up the landscaping as quickly as possible
2008	6	30	Found cables cut and damaged.	Requested Sheriff do property checks.
2008	7	1	Memorandum from DDA Grant to Haymore. SCC restricts height of towers to 45'.	
2008	7	1	Inspector Gardner walked property lines, acknowledges trespasses abated.	
2008	7	3	Inspection by Gardner of foundation work.	Report states compliance with submitted plans, SCC and IBC.
2008	7	3	Received permission from Inspector Gardner to pour new bases and guy anchors for existing towers that had been encroaching.	Continued foundation construction.
2008	7	7	Received copy of DDA Grant memo	"In Mr. Taormina's case, your department has apparently already issued building permits for the towers he wishes to build. Presumably, this means that plans were submitted describing the proposed height of the towers (200' and 135'). As such, it would appear to me that you have waived the height limitations set out in SCC §17.12.044."
2008	7	8	Inspection by Haymore of foundation work	Signed off inspection report but added "variance required"
2008	7	8	Notified DA Swafford that I declined to apply for a variance.	
2008	7	10	Asked Haymore how to proceed in light of complaints and neighbor harassment.	Advised to clear trespasses as soon as possible.
2008	7	14	Dismantled tower encroaching on Meade property.	Last trespass issue resolved.

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Y	M	D	EVENT	OUTCOME
2008	7	16	Inspection by Gardner of foundation work	Signed off inspection, but Special Use Permit now required.
2008	7	17	Stop Work Order issued by Haymore	Variance required (again)
2008	7	17	Tower #1 raised from 70' to 140'	Completed before Stop Work Order
2008	7	18	Unable to understand the varying County positions	Retained zoning Attorney Fred Hopengarten, local Attorney Brian McMahon
2008	7	24	Inspection performed by PE Larry Prater of conforming 32' and 40' towers	Letter submitted to SCBD
2008	7	25	Applied for building permits for the two conforming towers below 45'	Date Stamped at SCBD
2008	8	1	Existing antenna restored to 70' level of Tower #1 with permission of SCBD	Neighbors claim violation of Stop Work Order
2008	8	14	Applied to SCBD for post-construction permit for Tower #1 (140')	Application never acted upon
2008	8	14	Applied to SCBD for post-construction permit for Tower #2 (85')	Application never acted upon
2008	8	14	Applied to SCBD for post-construction permit for Tower #4 (110')	Application never acted upon
2008	8	14	Applied to SCBD for post-construction permit for Tower #6 (140')	Application never acted upon
2008	8		Series of letters back and forth between Taormina attorneys and DDA Grant	
2008	9	16	Building Permit #8416 Granted for Tower #3 at 32'	
2008	9	16	Building Permit #8417 Granted for Tower #5 at 40'	
2008	9	24	Completion signed off by SCBD on Tower #3 at 32'	
2008	9	24	Completion signed off by SCBD on Tower #3 at 40'	
2008	9	30	Letter from DDA Grant requiring SUP for structures over 60' LONG.	County has now taken seven positions on required applications.
2008	9		Reached a stalemate in resolving the issues with DDA Grant	Options reviewed with attorneys
2008	11	17	HR resident Buddy Morton emails Haymore and Whitten requesting jail for violating Stop Work Order	All work since Stop Work Order allowed by SCBD.
2009	1	5	Informed by Whitten of upcoming nuisance hearing requested by Buddy Morton	Hearing postponed due to pending litigation over antennas.

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Y	M	D	EVENT	OUTCOME
2010	6	30	On-site meeting with Haymore, Jim Miller and Jerry Antinoro. Walked the property and discussed how to do maintenance and repairs while the project was on hold.	Authorized to finish installing any antennas on existing towers that were ready to go on 7/17/2008 and that I could perform all necessary maintenance and repairs without further approvals
2010	10	17	Filed suit in Federal Court	
2010	0		Series of court motions and responses	
2010	6	17	USDC decision	
2010	7	6	Post-judgment motion	
2010	9	9	USDC decision	
2010	12	29	Special Use Permit application submitted to SCBD	
2011	1	7	Osborne requested clarification of issues	Letter submitted to SCBD
2011	2	18	Preliminary Staff Report issued	
2011	2	25	Notified SCBD of errors in Preliminary Staff Report	Acknowledged our input
2011	3	3	Dean Haymore stated at Planning Commission Meeting that he attended the lawsuit settlement conference and that HRPOA was not there but they were parties in the mediator's decision	HRPOA representatives continued to insist that we owed them attorney's fees plus interest.
2011	3	3	SUP application heard at Storey County Planning Commission	Commissioners voted to recommend four existing lattice towers
2011	4	28	Submitted supplemental report to SCBD post Planning Commission Meeting Minutes being ratified	Acknowledged our input
2011	5	2	Staff Report for County Commissioners Published	Supplied addenda to SCBD
2011	5	3	Question from Commission about building permits being filed	Haymore states that all permits applied for, but not granted pending the SUP outcome, but he has all data required to act.
2011	5	3	County Commissioners hear SUP application	Postponed action pending further review

**Exhibit C – E-mail: County Manager to County Commission, June 6, 2011**

**Tom Taormina**

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**From:** Pat Whitten <pwhitten@storeycounty.org>  
**Sent:** Tuesday, June 07, 2011 10:06 AM  
**To:** Vanessa Dufresne; Jessie Fain  
**Cc:** Bill Maddox; hopengarten@post.harvard.edu; Tom (tt@taorminagroup.com)  
**Subject:** FW: SUP 2011-010 (Antenna Towers)  
**Attachments:** Tower Timeline Differential Recap 0611.xlsx

Please consider the following as part of the Public Record regarding the matter appearing on the County Commission Agenda of June 7, 2011. Thank you...



**Pat Whitten**  
County Manager  
Storey County  
  
(775) 847-0968 (Office)  
(775) 721-7001 (Cell)  
[PWhitten@StoreyCounty.org](mailto:PWhitten@StoreyCounty.org)

**From:**  
Pat  
Whitten  
**Sent:**  
Tuesday,  
June 07,  
2011  
10:10

powered by: **visionASP**

AM

**To:** Bob Kershaw; Bum Hess (ghess@storeycounty.org); Bill Sjovangen  
**Cc:** Bill Maddox; dhaymore@storeycounty.org; Austin Osborne; 'hopengarten@post.harvard.edu'; Tom (tt@taorminagroup.com)  
**Subject:** SUP 2011-010 (Antenna Towers)

June 6, 2011

Commissioners,

Upon my return this morning, I had the opportunity to review documentation submitted to you for consideration at your June 7<sup>th</sup> meeting with respect to Special Use Permit Application 2011-010 (Taormina). After several conversations and emails throughout the day and evening with our Senior Planner, District Attorney, the applicant and his counsel, I believe it important to provide you the following update based on the most recent information available: (Please note I consider the following as a matter of "public record" based on the nature of the communications addressed to you)

- Shortly after noon today, you received an email from Mr. Taormina's counsel suggesting the most recent staff report for your June 7<sup>th</sup> meeting did not mention a suggested alternative that has been discussed by the applicant and staff during the interim period between scheduled meetings. Specifically, in effort to provide some basis for a possible "negotiated compromise" as required in the FCC PRB-1 Ruling, the applicant thru his counsel, has proposed a sixth alternative motion (F) as they outlined at the May 3<sup>rd</sup> meeting. Although staff (including your counsel) has not had the opportunity to discuss in detail the proposed language, as submitted it reads:

**ALTERNATIVE: MOTION F:** In accordance with the recommendation of the Community Development Department that this use is in accordance with section 17.62.010 (see letter of April 28, 2011), to grant a Special Use Permit for Planning Case No. 2011-010, allowing the Applicant to maintain **three existing amateur radio antenna lattice towers (not to exceed 140, 140 and 110 feet in height) and to install two monopole towers for which building permit # 8354 has previously been granted (not to exceed 175 and 140 feet in height)**. "Existing" contained herein means that each permitted tower will remain at or lower than its current height and at or less than its structure face. This motion allows the permit holder to move the permitted towers around the property, so long as there are no more than five antenna support structures greater than 45 feet in height, and each tower remains in compliance with the limitations of this Special Use Permit, and the applicable Storey County Building Code, including setbacks and noise requirements for the use of an emergency power generator. This Special Use Permit shall be

valid only so long as Mr. or Mrs. Taormina, or a close family member (son, daughter, niece, nephew) is a resident at the location.

Please note this contains revised language from the earlier referenced email as it provides for a possible reclamation process after the Taormina's no longer have resident property interests. Should you wish to consider this alternative, staff believes your motion could be based on the "findings of facts" outlined in Enclosure 1, excluding Finding 3 as approval may appear to impose greater impacts on the surrounding environment than what was deemed acceptable and appropriate by the planning commission based on findings..

- In further discussion with the applicant's counsel late this afternoon, a limited number of questions were also posed regarding the staff report for the June 7<sup>th</sup> meeting. Specifically, these are:
  - The paragraph prefacing the staff recommendation "presented motions" states "*The subsequent three motions, C,D and E, offer alternatives in accordance with federal rulings that authorize the Governing Board to "attempt to negotiate a compromise with the applicant" in order to "reasonably accommodate" amateur radio antenna towers.*"  
The applicant, thru his counsel wishes to point out a more correct phrasing might be "***The subsequent three motions, C,D and E, offer alternatives in accordance with federal rulings that require the Governing Board to "attempt to negotiate a compromise with the applicant" in order to "reasonably accommodate" amateur radio antenna towers.***"  
Staff takes no exception to this word alteration as it appears consistent with our understanding of PRB-1.
  - The applicant, thru his counsel also questioned differences in timelines previously provided by the applicant (as requested), versus that provided by staff. Specifically, there are several events that appear on the applicant's timeline but not on staff's. In reviewing these, many appear to be events that cannot be reasonably validated by the County records or routine processes such as his "tour with neighbors" in September 1996 or a conversation with Ed Dietrich of the HROPA in November 1997.  
However, several appear to at least involve County action or interface that most likely occurred and might possibly be verified thru an extensive search of other records not specifically and directly related to the tower permitting process. These would include matters such as multiple building inspections for electrical service, driveway renovation and retaining wall construction, as well as other on-site visits, contacts or meetings with our Building Department, Sheriff's Office or other agencies such as the HRPOA. The applicant's counsel has provided a timeline recap which I have attached. The areas highlighted are primarily the ones requested to be considered as having occurred despite current lack of documentation to verify. While not all of the items shown in Mr. Hopengarten's submitted timeline were included in the draft developed by county staff, included as "Enclosure 3" of the Staff Summary report, Mr. Hopengarten's timeline was made part of the final document and included therein as "Enclosure 5". Also, County staff proposed no challenge to the statements exhibited in the applicant's summary timeline. Staff believes in the strong probability that these events did occur on or about the dates provided by the applicant and recommends you consider them as factual in order to assess the overall timeline of events
  - Also reflected in the attached timeline recap on lines 60 thru 64, applicant's counsel has questioned the staff report accuracy where we state "application(s) not acted upon due to pending litigation". This would pertain to applications for construction permits for towers 1, 2, 4 and 6 and the staff report wording would possibly lead one to believe there was actual litigation pending at the time of application in August 2008 which there was not. As indicated in both the applicant and staff provided timelines, legal action did not occur until October 2010. While staff confirms we took no action due to concerns of possible legal action, there clearly was no legal action pending until over 2 years after application submittal.

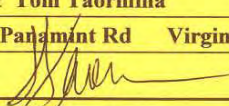
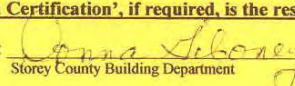
This concludes my update. I apologize for the last minute nature but feel it important that you have as much information as possible in advance of your meeting in order to make the most appropriate decision.

Respectfully submitted:

Pat Whitten  
County Manager

*(Orange highlighting not in the original.)*

**Exhibit D – Building Permit No. 8354**

<b>Permit No.</b> <b>8354</b>	<b>Storey County Building Dept.</b> P O Box 526 Virginia City Nevada 89440 ~ (775) 847-0966	<b>Date</b> 6/27/08
<b>RESIDENTIAL</b>		
WORK DESCRIPTION: <b>Erection of two Ham Radio Towers</b>		
WORK LOCATION ADDRESS: <b>370 Panamint RD</b>		AREA: <b>VR</b>
APN: <b>003-431-18</b>	ZONE:	FLOOD:
OCCUPANCY or INTENDED USE:		
ESTIMATED WORK COMMENCEMENT DATE: <b>6/27/08</b>		ESTIMATED COMPLETION DATE: <b>6/27/09</b>
MOBILE HOME / TRAVEL TRAILER:	MAKE:	MODEL:
	YEAR:	SIZE:
		SERIAL #:
SCHOOL TAX RECEIPT #: <i>When required, pay \$500 to Storey County Clerk at Courthouse</i>		SPECIAL CONDITIONS:
CONTRACTOR: <b>Owner Builder</b>		PHONE:
ADDRESS:	NV LIC #:	Exp. Limit: \$
	SC LIC #:	Exp.
<b>ALL MATERIALS USED FOR THIS PROJECT SHOULD BE RECEIVED IN STOREY COUNTY AND THE VALUE REPORTED AS 'COUNTY-OF-DELIVERY' ON THE NEVADA DEPARTMENT OF TAXATION FORM TXR-01.01 'SALES/USE TAX RETURN'.</b> <i>If you require further information, please call (775) 847-0966.</i>		
OWNER / Permittee (Print): <b>Tom Taormina</b>		PHONE: <b>847-7929</b>
ADDRESS (Mailing): <b>370 Panamint Rd Virginia City Highlands, NV 89521</b>		
OWNER SIGNATURE: 	AUTHORIZED BUILDER / AGENT:	
LIVING AREA: Sq Ft @ \$61.10 = \$	BLDG FEE: <b>\$111.25</b>	PLOT PLAN: \$
CONCRETE SLAB: Sq Ft @ \$16.10 = \$	PLAN RWV FEE: <b>\$72.31</b>	SIGNS: \$
STD T-FOUNDATION: Ln Ft @ \$25.00 = \$	ELECTRICAL: \$	SPEC INSP: \$
GARAGE: Sq Ft @ \$19.48 = \$	MECHANICAL: \$	Temp TRAILER: \$
FINISHED GARAGE: Sq Ft @ \$23.21 = \$	PLUMBING: \$	STOVE / Fireplace: \$
WOOD DECKS: Sq Ft @ \$ 5.62 = \$	: \$	: \$
SYN/COMP DECKS: Sq Ft @ \$ 9.96 = \$	: \$	: \$
WOOD DECK: Sq Ft @ \$12.00 = \$	PARK TAX: \$	: \$
BASEMENT: Sq Ft @ \$15.54 = \$	<b>TOTAL PERMIT FEE: \$183.51</b>	
TOTAL VALUATION: <b>\$5,000.00</b>	<input type="checkbox"/> PLAN REVIEW ONLY	Check #: <b>6566</b>
<input type="checkbox"/> Est. Cost <input type="checkbox"/> Actual Contract	<input type="checkbox"/> FULL PERMIT	Receipt #: <b>10337</b>
<p>Permission is hereby granted to do the work described in this application and ONLY in accordance with the Rules, Regulations, and Ordinances of the County of Storey. Inspection MUST be called for within 180 days of issuance of permit or permit is void. Permit may be renewed for 50% of the original "Permit Fee".</p> <p style="text-align:center;"><b>State 'Health Certification', if required, is the responsibility of the "Permittee".</b></p> <p style="text-align:center;">By:  Storey County Building Department</p>		
Assessor Dept	Fire Dept	Sheriff Dept