

SUPREME COURT OF NEVADA

Mcsweeney-Wilson v. Storey County Commissioners; and Stericycle, Inc.

Mcsweeney-Wilson · No. No. 82806 · Decided February 17, 2022

SUMMARY

The Nevada Supreme Court affirmed dismissal of Mary Lou McSweeney-Wilson's petition for judicial review challenging Storey County's approval of Stericycle, Inc.'s special land use permit. The court held that Wilson lacked standing under NRS 278.3195(4) because she did not participate in or appeal the relevant proceedings and was not an aggrieved person, and it rejected her due process arguments.

CASE DETAILS

COURT	Supreme Court of Nevada
WRITING FOR THE COURT	Justice Parraguirre; Senior Justice Hardesty; Senior Justice Mark Gibbons, participating under a general order of assignment
JURISDICTION	Nevada
DECIDED	February 17, 2022
DOCKET	No. 82806
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from a district court order dismissing a petition for judicial review of a county commission decision granting Stericycle, Inc. a special land use permit.
STANDARD OF REVIEW	De novo review of standing and an order granting a motion to dismiss.
PRECEDENTIAL VALUE	published
PARTIES	Mary Lou McSweeney-Wilson v. Storey County Commissioners, Stericycle, Inc.

TOPICS

[judicial review of agency action](#)[zoning](#)[administrative law](#)[statutory interpretation](#)[due process](#)

PRACTICE AREAS

[administrative law](#)[land use](#)[appellate procedure](#)[constitutional law](#)

QUESTIONS PRESENTED

1. Whether McSweeney-Wilson had standing under NRS 278.3195(4) to seek judicial review of the Storey County Commissioners' land use decision.
2. Whether Wilson should be excused from strictly complying with NRS 278.3195(4) because she was unaware of the meetings at which Stericycle's application was considered.
3. Whether the county's notice and meeting procedures deprived Wilson of due process.

HOLDINGS

1. A person may seek judicial review of a governing body's land use decision under NRS 278.3195(4) only if the person appealed a decision to the governing body in accordance with the applicable ordinance and is aggrieved by the governing body's decision. Wilson lacked standing because she did not participate in or appeal the relevant proceedings and did not show that she was aggrieved.
2. A party's alleged lack of awareness of the meetings concerning a land use application does not excuse strict compliance with NRS 278.3195(4)'s standing requirements.
3. Wilson's due process claim failed because she did not allege or demonstrate deprivation of a cognizable liberty or property interest.

KEY QUOTATIONS

“Under the plain language of NRS 278.3195, Wilson lacked standing to seek judicial review of the County Commissioners decision” (at 1)

FACTUAL BACKGROUND

The Storey County Commissioners granted Stericycle, Inc.'s application for a special land use permit. McSweeney-Wilson did not attend or participate in the planning commission or county commission meetings concerning the application and did not appeal the planning commission's recommendation that the application be approved. Her property was several miles outside the applicable notice zone, and she did not establish a cognizable liberty or property interest affected by the decision.

PROCEDURAL HISTORY

McSweeney-Wilson petitioned the district court for judicial review of the Storey County Commissioners' decision granting Stericycle's special land use permit. The district court allowed Stericycle to intervene and granted both respondents' motions to dismiss on the ground that Wilson lacked standing. The Supreme Court of Nevada reviewed the dismissal de novo and affirmed.

DISPOSITION

affirmed

CASES CITED

- *Arguello v. Sunset Station, Inc.*, 127 Nev. 365, 368, 252 P.3d 206, 208 (2011)

- Buzz Stew, LLC v. City of N. Las Vegas, 124 Nev. 224, 227-28, 181 P.3d 670, 672 (2008)
- Kay v. Nunez, 122 Nev. 1100, 1104, 1106, 146 P.3d 801, 805-06 (2006)
- City of N. Las Vegas v. Eighth Judicial Dist. Court, 122 Nev. 1197, 1206, 147 P.3d 1109, 1115 (2006)
- Malfitano v. Storey County, 133 Nev. 276, 282, 396 P.3d 815, 819-20 (2017)
- Pressler v. City of Reno, 118 Nev. 506, 510, 50 P.3d 1096, 1098 (2002)

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