

**BOARD OF COUNTY COMMISSIONERS
WASHOE COUNTY, NEVADA**

TUESDAY

10:00 A.M.

OCTOBER 11, 2016

PRESENT:

Kitty Jung, Chair
Bob Lucey, Vice Chair
Marsha Berkbigler, Commissioner
Vaughn Hartung, Commissioner
Jeanne Herman, Commissioner

Nancy Parent, County Clerk
John Slaughter, County Manager
Paul Lipparelli, Legal Counsel

The Washoe County Board of Commissioners convened at 10:00 a.m. in regular session in the Commission Chambers of the Washoe County Administration Complex, 1001 East Ninth Street, Reno, Nevada. Following the Pledge of Allegiance to the flag of our Country, the Clerk called the roll and the Board conducted the following business:

16-0860 AGENDA ITEM 3 Public Comment.

Rick Snow spoke about the burned home at 275 Magnolia Street in Lemmon Valley. He stated no action had occurred to remove the hazard. He said raccoons currently occupied the structure.

Dale Ehrgott spoke regarding a vacant home in Black Springs that had been overtaken by squatters. He stated the owner of the home was a convicted murderer and was on death row. He said the utilities were disconnected more than four years ago and the house was being inhabited illegally. He commented crime in the area had increased since the individuals overtook the residence and the neighbors were concerned for their safety. He indicated he contacted the City of Reno and the Sheriff's Office but he was unable to obtain assistance. He asked the Board to investigate the problem. He mentioned the neighbors discussed putting their property tax money into an escrow account until the matter was resolved. He provided documents, which were placed on file with the Clerk.

Elise Weatherly spoke regarding integrity, Hilary Clinton and Donald Trump. She mentioned an upheaval in Russia and thought everyone needed to prepare for war.

Sam Dehne spoke about Mike Kazmierski, the media, the *Reno Gazette-Journal*, the Reno City Council, and schools.

Jeff Church stated he ran the renopublicsafety.org website and he was opposed to WC-1, the Washoe County School District (WCSD) Capital Projects Funding Ballot Question. He stated the court ruling in a trial lawsuit troubled him and he thought the Registrar of Voters needed more oversight. He said he was informed that two of the Board of County Commissioners sat on the Political Action Committee (PAC) for the Washoe County School District (WCSD). He mentioned he requested information from the County regarding the member selection for the WCSD Oversight and Protection Committees but his request had not been completed. He spoke about the proposed cost of \$828 per square foot for the addition at Damonte High School. He stated a Guinn Center report indicated high school construction costs should only be \$295 per square foot. He provided a handout, which was placed on file with the Clerk.

Cathy Brandhorst spoke about matters of concern to herself.

Anthony Boggs spoke about property he purchased in the Rancho Haven area of Red Rock and the obstacles he encountered with the approval of a pole building plan. He stated the pole building plans he submitted to the Building and Safety Department were returned with more than 30 corrections. His engineer and architect made the corrections and the plans were resubmitted only to be returned with more than 20 new corrections. He indicated the Building and Safety Department would not meet with his engineers and architects to resolve the issues. He asked the Board for help.

Kenneth Sherer stated he was concerned about the issues Mr. Boggs brought forward. He said Mr. Boggs had invested money to build a home and he should be able to obtain a permit. He did not think the County was handling the process properly.

Janis Foltz was concerned about the proposed changes for cargo containers. She was opposed to the placement of cargo containers on residential parcels of 1.5 acres or larger. She thought cargo containers were meant for industrial use and would bring down the property value of a neighborhood. She submitted a document, which was placed on file with the Clerk.

Katherine Snedigar stated the County had abandoned their fiduciary responsibilities to the citizens of the County. She spoke regarding an email sent to the Board by Aaron West of the Nevada Builders Alliance that requested support for the nominees of Senate Districts 13, 15 and 25. She noted the names on the email were the same as the individuals who were chosen to fill the positions. She provided a copy of said email, which was placed on file with the Clerk.

Carol Burns wanted the County to assist with a disposal day in Sun Valley. In prior years Sun Valley had cleanup days in front of the Scolari's Food and Drug Store and Waste Management would deliver dumpsters so residents could dispose of large items free of charge. She requested that Sun Valley's free cleanup day be reestablished.

Kathy Bowling was opposed to cargo containers in residential areas. She stated mining and industrial areas were appropriate for cargo containers. She said the placement of the containers in residential areas would create a negative effect on the value of homes. She provided handouts, which were placed on file with the Clerk.

16-0861 AGENDA ITEM 4 Announcements/Reports.

In regards to Agenda Item 13, County Manager John Slaughter stated it was recommended to read the item and give direction, but not to conduct the first reading and introduction. He thought additional discussion needed to transpire before it was introduced.

Commissioner Berkgigler reminded the Commissioners that President Johnson from the University of Nevada Reno (UNR) had come before them with a request to merge the Cooperative Extension into the Department of Agriculture, but the Board had not agreed. However, President Johnson decided to merge the two entities anyway, which was UNR's right. She stated Cooperative Extension was supported by County money, not by the University. She indicated the County donated \$1.33 million to Cooperative Extension. She wanted a full audit to ensure the money that was donated was going to Cooperative Extension and not to the Department of Agriculture. She stated she received an email from It's My Community Store regarding issues related to their contract with the County. She was concerned that departments were still using other sources for supplies despite the fact that the Board voted unanimously to support Its My Community Store. She wanted a full report showing how many departments, were purchasing their supplies from It's My Community Store. She was pleased that Agenda Item 13 was not going to be introduced before changes were made.

Commissioner Lucey asked for a status report regarding an agreement with Waste Management. He was concerned about issues involving the Building and Planning Department and code enforcement and wanted to have a meeting to discuss possible resolutions. He noted "Walk to School Day with Washoe County" would take place on October 12th and he encouraged the Commissioners to walk with the children in their Districts.

Commissioner Hartung was curious about the Waste Management Agreement as well. He stated he received complaints from residents in his neighborhood about a house that had been inhabited by squatters. He said squatters were a real issue and law enforcement was not able to keep them away. He asked staff to research the issue and present possible solutions.

Chair Jung agreed there had to be a policy for homes that were known to be empty and attracting squatters. She asked for details regarding Anthony Boggs' pole building permit issue. She thought there would continue to be more creative homes such as pole buildings and she wanted the Planning and Building Department to be prepared.

CONSENT AGENDA ITEMS 5A through 5K

- 16-0862** **5A** Approve roll change requests, pursuant to NRS 361.765 and/or NRS 361.768, for errors discovered for the 2014/2015 and 2016/2017 secured tax roll and authorize Chair to execute the changes described in Exhibit A and direct the Washoe County Treasurer to correct the error(s). [cumulative amount of decrease to all taxing entities \$25,546.26]. Assessor. (Parcels are in Commission Districts 2, 4 & 5.)
- 16-0863** **5B** Approve payments totaling \$10,070.13 to vendors for assistance of 65 victims of sexual assault and authorize Comptroller to process same. NRS 217.310 requires payment by the County of total initial medical care of victims, regardless of cost, and of follow-up treatment costs of up to \$1,000 for victims, victim's spouses and other eligible persons. District Attorney. (All Commission Districts.)
- 16-0864** **5C** Recommendation to approve a 2016 Department of Homeland Security (DHS) State Homeland Security Program (SHSP) grant passed through the State of Nevada, Division of Emergency Management for [\$150,000 for a statewide Recovery project]; no match required; [\$16,300 for county and non-county travel for attendance to planning and training events] and[\$1,540 in food purchases]; retroactive from September 01, 2016 through August 31, 2018; and direct the Comptroller's Office to make the appropriate budget amendments. Manager. (All Commission Districts.)
- 16-0865** **5D** Approve amendments totaling an increase of [\$982.00] in both revenue and expense to the FY17 Assistant Secretary for Preparedness and Response (ASPR) Grant Program, IO 10708; and if approved direct the Comptroller's office to make the appropriate budget amendments. (All Commission Districts.)
- 16-0866** **5E** Approve amendments totaling an increase of [\$20,000] in both revenue and expense to the FY17 adopted budget for a Health District Workforce Development Plan Grant IO# 11331, and direct the Comptroller's office to make the appropriate budget amendments. (All Commission Districts.)
- 16-0867** **5F** Approve the Second Amended Agreement Regarding National Pollutant Discharge Elimination Storm Water Permit Implementation, between the City of Reno, the City of Sparks, and Washoe County, retroactive to June 22, 2014, to amend the term of the agreement to automatically renew every five years. (All Commission Districts.)
- 16-0868** **5G** Presentation regarding the Lake Tahoe Total Maximum Daily Load Program and recommendation to: 1) approve the Interlocal Agreement to Implement the Lake Tahoe Total Maximum Daily Load between Washoe

County and the Nevada Division of Environmental Protection; and 2) direct staff to initiate a preliminary study to address future program costs and funding alternatives [not to exceed \$45,000]. (Commission District 1.)

16-0869 **5H** Approve to accept a Federal Title IV-B Subpart 2 grant in the amount of [\$28,837; match of \$9,612] from the State of Nevada, Division of Child and Family Services to support caseworker visits retroactive to October 1, 2015 through September 30, 2016; authorize the Director of Social Services to execute the grant; and direct the Comptroller's Office to make the appropriate budget amendments. (All Commission Districts.)

16-0870 **5I** Recommendation to accept a Court Improvement Program sub-grant from the Department of Health and Human Services, Administration for Children and Family Services (ACF), awarded under the provisions of Section 13712 of Subchapter C., Part I of the Omnibus Budget Reconciliation Act of 1993; Grants for State Courts, in the amount of [\$10,000; \$3,333 County match required] retroactive to September 1, 2016 through August 31, 2017, to fund outcome evaluations of the Washoe County Department of Social Services College and Career Readiness Project; and authorize the Department to execute the sub-grant award and direct the Comptroller's Office to make the appropriate budget amendments. (All Commission Districts.)

16-0871 **5J** Recommendation to accept a Child Abuse and Neglect (CANS) Sub-Grant award from the State of Nevada – Division of Child and Family Services (DCFS) in the amount of [\$35,000; no County Match required], retroactive to July 1, 2016 through June 30, 2017 to support the staffing and ongoing operation of a child abuse and neglect hotline, converting the current call system into a computerized system, and authorize the Department to execute the sub-grant award and direct the Comptroller's Office to make the appropriate budget amendments. (All Commission Districts.)

16-0872 **5K** Recommendation to accept third supplemental grant award from the Nevada Aging and Disability Services Division for the following Older Americans Act Title III Programs: Nutrition Services Incentive Program [\$1,635; no match required] retroactive from October 1, 2015 through September 30, 2016; and direct Comptroller to make the appropriate budget amendments. Senior Services. (All Commission Districts.)

On the call for public comment, Elise Weatherly spoke regarding Agenda Item 5B which addressed 65 victims of sexual assault. She thought children should be taught the truth about sexuality to lessen the risk of being victimized.

Cathy Brandhorst spoke about matters of concern to herself.

On motion by Commissioner Hartung, seconded by Commissioner Lucey, which motion duly carried, it was ordered that Consent Agenda Items 5A through 5K be approved. Any and all Resolutions or Interlocal Agreements pertinent to Consent Agenda Items 5A through 5K are attached hereto and made a part of the minutes thereof.

BLOCK VOTE 8 THROUGH 11

16-0873 **AGENDA ITEM 8** Recommend to acknowledge receipt of Change Log for the 2016/2017 Assessment Roll that results in a net [increase of \$367,551,596] in assessed values. (Copy of log on file in County Manager's Office). Assessor. (All Commission Districts.)

On the call for public comment, Sam Dehne stated the Block Vote items did not receive the attention or credit they deserved.

On motion by Commissioner Lucey, seconded by Commissioner Hartung, which motion duly carried, it was ordered that Agenda Item 8 be acknowledged.

16-0874 **AGENDA ITEM 9** Recommendation to approve a sole source professional services agreement with The Children's Cabinet, Inc. to provide Safety Case Management Services in the amount of [\$400,000; no match required] as identified in the Department's FY17 Victims of Crime grant application and subsequent award for the remaining grant term, retroactively October 1, 2016 through June 30, 2017. Social Services. (All Commission Districts.)

On the call for public comment, Elise Weatherly questioned whether faith would be a factor over who provided the sole source professional services agreement with The Children's Cabinet, Inc. She was concerned it would be someone who did not have faith in the Bible.

Cathy Brandhorst spoke about matters of concern to herself.

On motion by Commissioner Lucey, seconded by Commissioner Hartung, which motion duly carried, it was ordered that Agenda Item 9 be approved.

16-0875 **AGENDA ITEM 10** Recommend to approve the sole source purchase of one (1) new Larue model D65 loader mounted snow blower from Snoquip, Inc., 3400 West Capitol Avenue, West Sacramento, CA [\$174,452.75] to replace existing unit #7290 assigned to Washoe County Roads that has reached the end of its useful life. Community Services. (All Commission Districts.)

There was no public comment on this item.

On motion by Commissioner Lucey, seconded by Commissioner Hartung, which motion duly carried, it was ordered that Agenda Item 10 be approved.

16-0876 **AGENDA ITEM 11** Recommendation to accept grant awards from the Nevada Aging and Disability Services Division for the following Older Americans Act Title III Programs: Congregate Meals [\$283,360 match of \$50,011 from ad valorem tax] and Home Delivered Meals [\$585,786; match of \$103,386 from ad valorem tax] retroactive from October 1, 2016 through September 29, 2017; and direct the Comptroller to make the appropriate budget amendments. Senior Services. (All Commission Districts.)

There was no public comment on this item.

On motion by Commissioner Lucey, seconded by Commissioner Hartung, which motion duly carried, it was ordered that Agenda Item 11 be accepted and directed.

16-0877 **AGENDA ITEM 6** Appearance: Mike Kazmierski, President and CEO Economic Development Authority of Western Nevada (EDAWN)

Mr. Kazmierski stated there had been open and consistent interactions between the County's staff and EDawn. He noted the County Manager and his staff had been supportive of the work EDawn had done. He was proud of the growth in the region and said they would continue to work towards making the community attractive to businesses and individuals. He conducted a PowerPoint presentation, which was placed on file with the Clerk. The slides were entitled: The New Reno-Sparks; EDawn's Mission "Primary" or "Base" Jobs; Updated Economic Development Stool; Prospect Visits per Month; Jobs Announced; 124 Companies Located FY 2012-2016; Percentage Change in Taxable Sales; 2016 EDawn New Companies Assisted; FY 2016 Assisted Expansion Projects; 2015-2016 Washoe County Projects; Pending Announcements; Hot Prospects; Tesla:Wow; Switch; FY 2015 Relocated Companies From; Types of Companies Relocated FY 2015; Economic Hot Spot MSA Rankings; Area Development Rankings; Components to BR&E Program; Retention Results/Initiatives; Workforce Consortium Partners; Burning Man Billboards; Attraction Campaign; Entrepreneurial Ecosystem; Entrepreneurial Development Success; Economic Planning Indicators Committee (EPIC) Report Out; EPIC Job Forecast Scenarios; EPIC Projection vs Actual – Jobs; Challenges to the New Reno-Sparks; Single-Family Home Value "Bubble"; and Reno-Sparks Apartment Vacancies and Rents. He thanked the Board for allowing him to present the exciting progress the region had made over the past five years.

Commissioner Hartung thanked Mr. Kazmierski for his hard work and commended the EDawn staff. He thought the EDawn staff could compete with any economic development group in the Nation.

Commissioner Lucey commended Mr. Kazmierski for the accomplishments. He thanked Mr. Kazmierski for turning around the economic

development in the County and the State. He stated recently he met with the State Department of Transportation and there were some concerns regarding traffic at the Tahoe-Reno Industrial Center (TRIC).

Mr. Kazmierski stated there were concerns regarding the increased traffic volume but they were working with the Regional Transportation Commission (RTC) and others to reduce the number of cars on the road at one time. He said they approached some of the companies located within the TRIC and proposed staggered shift times to reduce congestion. He commented traffic was much worse in other metro areas, but it was certainly a concern considering the continued economic growth.

In response to Commissioner Lucey's question regarding future growth in the TRIC and the North and South Valleys, Mr. Kazmierski stated in 10 to 20 years the amount of business sites in the areas would grow to nearly 25,000 from the current 5,000 sites. He indicated there would be increased demands that could possibly be mitigated but they needed to start preparing for the future.

In response to Commissioner Lucey's question regarding the constraints and strengths in the region, Mr. Kazmierski replied the biggest concerns were the schools and the workforce. Businesses would need an adequately trained workforce and if they were not available, businesses would not be enticed to relocate to the region. He noted businesses were attracted by the cost of doing business and by strategic locations. He was concerned about the possibility that WC-1, the Washoe County School District Capital Projects Funding Ballot Question, might not pass but thought the community would step forward to support local schools.

Commissioner Lucey wanted to know whether EDAWN and the surrounding Counties had discussed regional issues that spanned across Reno-Sparks, Fernley, Fallon and Silver Springs since economic growth would affect all the areas.

Mr. Kazmierski stated EDAWN collaborated with the Western Nevada Development District (WNDD), which consisted of 11 regions around Washoe County. He indicated when there were issues at WNDD; EDAWN would collaborate with them to obtain grants or other resources.

Commissioner Berkbigler thanked Mr. Kazmierski and said he was doing a great job.

Chair Jung stated Nancy McCormick, Vice President of Business Retention, Expansion and Workforce, would normally accompany Mr. Kazmierski when he conducted presentations. She said Ms. McCormick was one of the most capable professionals in Northern Nevada, if not the entire State. She was glad to see that EDAWN was using The Burning Man event as a draw because it was internationally known. She stated in Gerlach, many people from Burning Man were buying up the town because they wanted to retire there. She attended an annual luncheon where President Eric Johnson of the University of Nevada Reno (UNR) presented an update about what

UNR was doing. She said she impressed upon him that the Burning Man image was something that should be used to recruit more international and out-of-state students. She suggested creating learning programs such as managing large events, logistics for large events and large event planning. She said city planners should want to come to the region to learn about the Burning Man model. She wanted to know who was tracking the information about what the current citizens wanted in the region. She stated it was important to attract businesses to the region but it was also important to retain the established businesses and to continue to be loyal to them.

Mr. Kazmierski indicated they gathered information from businesses that were considering moving to the region, but they relied on Elected Officials to provide insight regarding the community's needs.

Chair Jung stated she wanted data not insight. She said she preferred to go to the constituents and ask what they wanted and what their fears were in terms of affordable housing. She wanted to attend a meeting with the County Manager, the City Mayors, Mr. Kazmierski and Commissioner Lucey to resolve the ownership of data gathering. She stated a professional should be hired to gather the data and the research costs should be shared. She feared there would be resentment from people who had stuck with the County through the recession and to ignore their needs was an injustice.

There was no public comment or action taken on this item.

16-0878 **AGENDA ITEM 7** Recommendation to authorize Washoe County Treasurer to auction all newly delinquent lands held in trust for a total amount not less than the amount of the taxes, costs, penalties and interest legally chargeable against the property with the exception of those parcels listed on Exhibit "A" and approve and execute the Resolution Authorizing the Washoe County Treasurer to Transfer to Other Governmental Entities, Real Property held in Trust Due to Property Tax Delinquencies and Other Matters Properly Related Thereto. Treasurer. (All Commission Districts.)

Commissioner Herman stated a lot of work had gone into the report. She said there were 10 parcels in Monte Cristo that she did not see on the tax roll.

Treasurer Tammy Davis stated she was not familiar with the Monte Cristo area. She would need parcel numbers to focus on them, but she noted the parcels on the list were private property. She indicated if the County owned the parcels, they would not be on the list. She stated she would meet with Commissioner Herman to answer her questions.

On the call for public comment, Cathy Brandhorst spoke about matters of concern to herself.

On motion by Commissioner Hartung, seconded by Commissioner Lucey, which motion duly carried, it was ordered that Agenda Item 7 be authorized and approved. The Resolution for same is attached hereto and made a part of the minutes thereof.

16-0879 **AGENDA ITEM 12** Possible action to introduce and conduct a first reading of an ordinance amending Washoe County Code Chapter 110 (Development Code) within Article 306, Accessory Uses and Structures, at Section 110.306.10, Detached Accessory Structures to add regulations governing the establishment of agricultural hoop houses and high tunnels, including requiring them to meet detached accessory structure placement standards and height limitations for the applicable regulatory zone, but exempting them from general lot coverage limitations; within Article 902, Definitions, at Section 110.902.15, General Definitions to add a definition for “Hoop House/High Tunnel”; and other matters necessarily connected therewith and pertaining thereto. And, if supported, set the public hearing for second reading and possible adoption of the Ordinance for November 15, 2016. Community Services. (All Commission Districts.)

Nancy Parent, County Clerk, read the title for Bill No. 1771.

On the call for public comment, Kathrine Snedigar stated it was not clear why this item was an issue that needed approval. She read the Washoe County Development Code Section 110.100.05, which stated if a specific use was not included in the Code, then it was not allowed. She said it was not the right or authority of the Board to tell property owners what they could or could not do on their properties. She could not understand how hoop houses could be regulated on private property. She provided a handout, which was placed on file with the Clerk.

Vicky Maltman stated hoop houses allowed people to grow their own vegetables and herbs and to extend the growing time. She said the use of hoop houses was helping citizens to increase personal sustainability. She indicated she would rather see hoop houses on properties rather than the of piles of trash she had seen.

George Lee thought the item was not a matter of regulation. He referred to the photos that were being projected and stated they depicted rural properties, not housing developments. He stated they were temporary structures and should not be regulated because they were not permanent structures. He indicated the people who placed hoop houses on their properties were attempting to defeat the weather and extend the growing period of their gardens. He did not believe this was a decision that public officials should be making.

Joannah Schumacher stated she represented a large group of bi-partisan men and women who had a problem with this regulation. She thought it was discriminatory, especially to the young millennials who focused on recycling. She said the latest regulation stated there could not be any products used that were rigid to build a

hoop house. She noted the millennials used anything they could, including corrugated material, recycled material or any material that would work to build a hoop house. She indicated the citizens were trying to do what was best for their families and the County should not be involved in how they accomplished the task. The ability to grow food for consumption was a right. She stated if people were worried about protecting their property values they should find a homeowners association (HOA) who would protect it for them.

Chair Jung asked Director of Community Services Department Dave Solaro to review the history of this item, the direction staff was given and what this item was attempting to address.

Mr. Solaro conducted a PowerPoint presentation, which was placed on file with the Clerk. He stated in March of 2015, residents came before the County requesting the ability to erect hoop house on their properties without any regulations. The County agreed and there was an exception created in the Building Code that allowed these structures to be built without requiring building permits. He said since that time, there had been issues about meeting the requirements of the Building Code because hoop houses were structures. He explained while they were attempting not to regulate or require permits for hoop houses, they needed to amend the Chapter 100 of the Building Code to define hoop houses and high tunnels. He commented one of the differences between a green house, which was a permanent structure, and a hoop house, which was a temporary structure, was the rigid materials used to build them. He said the goal was to allow people to build hoop houses on their properties at their own risk without regulations or permits.

Chair Jung stated building the hoop house issue was brought to the County by farmers such as Urban Roots. She noted prior to adding the exception to the Code, hoop houses were prohibited because they did not exist in the Building Code.

Mr. Solaro stated there was immense agitation from the retail growers because it did not exist in the Building Code. He indicated staff could not find anyone to perform a wind or structure analysis on a hoop house or high tunnel, which would allow them to be built within the guidelines of the Building Code. He explained hoop houses were for private use and were used to extend the growing season.

Commissioner Berkbigler stated the County wanted people to be able to erect hoop houses on their private property.

Mr. Solaro stated hoop houses would be defined under Detached Accessory Structures with setback and height requirements. The structures could not be near the property line and could not be taller than 35 feet.

Commissioner Berkbigler was confused about why people were coming forward to express concerns about the County deregulating hoop houses. She thought the goal was to allow people to have them without a permit.

Commissioner Hartung stated the County was attempting to process an orderly deregulation. He did not understand why people were upset about the change.

Commissioner Herman thought the height limit would restrict the square footage of a hoop house. She inquired whether there was a square footage restriction.

Mr. Solaro stated the height restriction for a hoop house or high tunnel was 35 feet. He stated most houses were not 35 feet tall but the owner could erect a hoop house up to that height. He indicated there was no restriction on the square footage for that type of structure.

In response to Commissioner Herman's question regarding fees, Mr. Solaro indicated there were no requirements for fees or permits. He stated if the Ordinance was introduced, the item would come back for a second reading on October 25th. He said there would also be a first reading for Building Code Chapter 100 to change the permitting requirement.

Mr. Solaro corrected the date of the second reading to November 15th.

Bill No. 1771 was introduced by Commissioner Hartung, and legal notice for final action of adoption was directed.

16-0880 **AGENDA ITEM 13** Discussion, possible further direction to staff, and possible action to introduce and conduct a first reading of an ordinance amending Washoe County Code Chapter 110 (Development Code) within Article 306, Accessory Uses and Structures, at Section 110.306.10, Detached Accessory Structures to update the definition of cargo containers by adding other terms by which they are commonly described and noting their original purpose as a storage and shipping vessel, to exempt cargo containers on properties over 1 acre in size from several existing placement and aesthetic regulations, to remove cargo container size limitations, to apply existing cargo container fencing/screening/painting requirements to all parcels 1 acre or less in size, to allow for minor damage on cargo containers, to eliminate additional cargo container placement constraints on corner and through lots, to require minimum separation between cargo containers and other types of structures, to allow for multiple cargo containers to be placed side-by-side in certain circumstances, to specify if or what type of placement permit is needed for a cargo container based on parcel size, and to eliminate language addressing cargo container foundations, tie-downs or other safety apparatuses already governed by Washoe County Code Chapter 100; within Article 902, Definitions at Section 110.902.15, General Definitions to add a definition for "Cargo Container"; and other matters necessarily connected therewith and pertaining thereto. And, if supported, set the public hearing for second reading and possible adoption of the Ordinance for November 15, 2016. Community Services. (All Commission Districts.)

County Manager John Slaughter recommended not conducting the first reading on this item. He suggested allowing staff to make a short presentation to hear public comment and for the Board to provide additional direction to staff.

Director of Community Services Dave Solaro apologized to the Board and the public. He stated he was attempting to deregulate this item and the previous item with a less restrictive Code, but putting both of the first readings on the same agenda caused some confusion in the community. The intent was to completely separate the two topics and present them at different times. He stated the direction from the Board was to establish a process that would allow residents to place cargo containers on their properties without requiring a building permit. He explained the history of the issue spanned back many years with numerous attempts to establish regulations that would be appropriate for the residents and the County. He stated the focus was to establish standards to allow the containers in residential areas. He exhibited a PowerPoint presentation and reviewed slides entitled: Development Code Amendment DCA16-005; Misinformation on Taxes; What structures are affected; What structures are not affected; Background; Proposed Changes; and 1 Acre Threshold. He stated staff held workshops and received feedback from the public, which indicated that the regulations were still overly restrictive. In September of 2016, staff went to the Planning Commission and it was recommended to continue to require a placement permit for properties that were one acre or less and to require screenings pursuant to Development Code standards to lessen the unsightly appearance. He stated the owners of properties that were 1 to 10 acres would not be required to obtain a permit although the owner would receive an informational packet which would include the required standards. He explained the owners of parcels that were 10 acres or larger would not be required to obtain a permit, adhere to special placement requirements or to uphold any aesthetic standards. He stated they were attempting to create a process which would not require every structure to have a permit. He noted the direction of the Board was clear that containers on parcels of less than a one acre should be required to complete the permitting process to ensure compliance. Mr. Solaro provided documents from the Community Services Department, which were placed on file with the Clerk.

In response to Commissioner Hartung's question about the definition of one acre or less, Mr. Solaro explained the definition was based on the physical size of a parcel not an average of the area.

Commissioner Berkbigler was concerned about containers being placed on less than one acre. She agreed that containers on one acre or less should require strict screening standards but she also thought parcels of up to five acres should have the same requirements. She thought homeowners associations (HOAs) and General Improvement Districts could control some of the standards but she was concerned they would not be able to control all of the standards. She indicated there needed to be a process that would not offend people who lived in very rural areas where the containers might diminish the view of trees or mountains. She stated she was not comfortable with the language.

Chair Jung stated an introduction would not take place on this item. Further direction to staff would be given during the meeting

In response to Commissioner Herman's question as to whether a cargo container regulation could be specific to District 5, Chair Jung replied any changes would affect the entire County. They would not be specific to one area.

Chair Jung asked Legal Counsel to research whether spot zoning could be legally utilized in land use planning.

On the call for public comment, Katherine Snedigar thought the Board was working for the industry and not the individuals. She indicated she knew people with one-third acre parcels that had the containers and they were not distinguishable as containers. She stated the Board was not an HOA and should not be attempting to mandate what could be done on private property.

Nanette S. Fink-Eaton said she would appreciate it if all cargo container regulations were removed. She was grateful that Mr. Solaro was attempting to deregulate them and she stated it was not a positive result for the City of Reno when they attempted to regulate containers. She stated HOAs were a force for regulating the standards of containers in most areas and the County should not attempt to regulate them. She noted property owners had rights and she thought this was unfair.

Vicky Maltman stated she did not mind the containers especially when neighbors had them behind a fence with landscaping in front of them. She thought it looked better to have a container on a piece of property rather than junk lying around a yard. She asked the Board to stop regulating cargo containers.

George Lee thought the cost of inspections and enforcement for cargo containers would be an issue if the regulations were complaint driven. He was concerned about possible fees for being out of compliance and wondered if aesthetics would be based on the individual taste of a disgruntled neighbor.

Kathy Bowling was concerned about the appearance of cargo containers and did not want them in her neighborhood. She provided a handout and some photos, which were placed on file with the Clerk.

Joannah Schumacher stated individuals needed to resolve cargo container issues with the neighbors who had them on their properties. She said the County was not an HOA and did not need to regulate containers. She wanted her rights as a property owner to be preserved.

Carole Fineberg was opposed to this item because of government over-reaching into every aspect of the citizen's lives.

Commissioner Herman wanted her District to be exempt from this regulation. She stated cargo containers were personal property and not attached in any way to the land. She feared the County could be sued just as the City of Reno was for over-reaching. She said the containers were better than people leaving their belongings scattered around their properties.

Commissioner Hartung stated on page 3 of the draft Code it stated there could only be one cargo container per parcel that was less than five acres in size. He stated if he had two pods they would fit on his 1 1/3 acre parcel without a problem. He did not want the County to act as an HOA and he thought it was important for people to realize the intent was to deregulate the containers.

Commissioner Lucey said he had great concern on both sides of the issue because of the varying landscape within his District. He stated in his opinion, the County should not be the entity to regulate cargo containers. He wanted to review options with Mr. Solaro because size and position were an important aspect of the placement of the containers.

Commissioner Berkbigler stated she completely agreed that the Board should not be telling people what they could do on their private property. She said most of the areas that had issues with the containers had HOAs. She indicated some of the HOAs were relying on the County to create the standards for them to follow. She said they needed to resolve the issue while making both sides happy.

Chair Jung stated these were all good points and she thought people who currently had cargo containers should be grandfathered-in. She thought the issue needed to be a complaint driven process and many of the concerns would resolve themselves. She thought properties larger than 1 1/2 acres should be allowed to have cargo containers. She asked staff to come back to the Board with more information.

Commissioner Berkbigler stated she received concerns from both sides of the issue. She wanted to see this item resolved. She agreed with grandfathering-in the property owners who currently had the containers on their properties. She also agreed a complaint driven process could alleviate many of the concerns.

Commissioner Hartung liked the complaint driven process also. He believed there should be a minimum one acre parcel threshold.

The Ordinance was not introduced. The Agenda Item was sent back to staff with direction.

16-0881 **AGENDA ITEM 14** Update and possible direction to staff on the Washoe County Economic Development and Conservation Act. (Washoe County Federal Lands Bill). Manager. (All Commission Districts.)

County Manager John Slaughter provided an update. He stated staff was planning at least one additional lands bill forum in early November and individuals would be able to give feedback online. He stated staff would be attending the Reno City Council Meeting because their agenda included land bill issues.

Commissioner Berkbigler provided a copy of a letter she received from the University of Nevada Reno (UNR), which was placed on file with the Clerk.

Commissioner Lucey stated there were discussions with the Nevada Department of Transportation (NDOT) in regards to economic development and the Conservation Act. He wanted to view the maps again to ensure that conservation areas were clearly outlined because the intent was to conserve certain pieces of open land and open use. He thought the Board should direct staff to have further discussions with NDOT Director Rudy Malfabon and the Regional Transportation Commission (RTC) regarding any future infrastructure needs.

Commissioner Herman stated there were still concerns about land use and she wanted the Board to be aware of the existing uses on land that was being considered for disposal.

There was no public comment on this item.

16-0882 **AGENDA ITEM 15** Discussion and possible direction to staff regarding Washoe County's Bill Draft Request of proposed changes to Regional Planning Governing Board for the 2017 Nevada Legislative Session and other legislative issues proposed by legislators, or by other entities permitted by the Nevada State Legislature to submit bill draft requests, or such legislative issues as may be deemed by the Chair or the Board to be of critical significance to Washoe County. Manager. (All Commission Districts.)

Al Rogers stated the Board made the decision to submit a Bill Draft Request (BDR) on August 23rd. He said the BDR language was submitted to the State prior to the deadline. He indicated more direction was required for the pre-filing of the BDR which would be due by November 16th, and he wanted to submit it as soon as possible. He said staff needed clear direction for each of the key points and he wanted to touch on each item separately. He noted one of the points was to possibly expand the Regional Planning Governing Board (RPGGB) by adding adjacent Counties and municipalities in the future. He said another point was that Board membership would be equal between said municipalities and other agencies. He also wanted the Board to consider making the RPGGB an Advisory Board and to contemplate reducing the power of the Board. He stated currently the RPGGB only allowed Washoe County Commissioners from Districts 4 and 5 to be on the Board. He stated those were the items of concern that he needed clear direction for.

Commissioner Hartung thought the RPGB needed to be involved in a wider area than just the local service area. He stated many things were happening at the Tahoe Regional Industrial Center (TRIC) that would affect the entire region. He thought the County should be able to give feedback as a region, especially when projects affected housing and transportation.

Commissioner Lucey said he was pleased with the additions that had been made to the BDR thus far. He agreed with Commissioner Hartung's comments and believed the County's stance should be regional. He recalled President and CEO of the Economic Development Authority of Western Nevada Mike. Kazmierski stated earlier that economic growth would influence multiple counties. He indicated USA Parkway was extended to Lyon County with the anticipation of moving workers to and from Lyon County. He said Mr. Kazmierski also indicated some of the impacts of the growth would greatly affect the Reno-Sparks area, along with the unincorporated areas of the County. He thought the discussion should take place with other entities rather than only with Reno and Sparks. He stated the RPGB was developed almost 30 years ago as a no-growth model and it continued to operate in that manner. He noted currently there was a need for more flexibility as the region evolved into a new economic situation.

Commissioner Berkbigler stated she agreed with the points that were made by Mr. Rogers. She wanted to add that the Statutes allowed Clark County to have one representative for each of their local governments. She thought it was advisable to review the Clark County model for governing and consider using their model to expand the region. She was concerned about how the County was spending taxpayers' dollars in regards to overseeing the Regional Transportation Commission (RTC), Truckee River Flood Project (TRFP), and the Truckee Meadows Water Authority (TMWA). She thought the money could be used better elsewhere. She said it was a waste to have two agencies overseeing the same entities. She wanted the Legislature to look at this issue. She stated the RPGB was needed, but they needed to determine what the region would require in 10 years. She said that should be the focus.

Chair Jung stated she had different feedback than the other Commissioners. She thought the Board should be guiding the BDR for it to be successful. She said if the Board was not guiding the request then it was a waste of tax dollars and staff time. She did not agree that the region would expand to other counties because she did not think the counties would agree to more government oversight. She thought to change RPGB to an Advisory Board would be wasteful. She agreed with Commissioner Berkbigler that there was a duplication of services and she had argued that the RPGB, RTC, TRFP and TMWA should all come together under Washoe County and consolidate. She said there were small numbers of staff with small budgets making six figure salaries and she did not think that was necessary. She did not agree with the Nevada Revised Statute which dictated which two Commissioners were required to be on the RPGB. She said that was her most important concern at this time. She noted the Cities did not have that requirement placed upon them. She asked staff when they worked with the Commissioners to ensure their main goal was to get the BDR passed, otherwise she wanted them to stop wasting time and withdraw it. She was not trying to alienate Reno

and Sparks considering the relationship the County had built with them. She wanted to make certain this was not going to irritate the Cities, and if it was, then the County should withdraw the request out of respect.

Commissioner Lucey said the money could be spent wiser in regards to service redundancy, missuses of policing powers and overstepping the boundaries of each of the other individual entities. He stated there had not been much push-back on this topic but he heard people agree that reform was needed. He agreed that the relationships with the Cities, which had been fostered over the past few years, were important and he treasured them.

There was no public comment on this item.

Commissioner Berkbigler stated this was in no way a competition between Reno and Sparks. She thought it would benefit Reno and Sparks because the goal was to establish what the community would be doing in 10 years and the path to get there. She said the Legislature would be the one to make the decision and she thought they needed the opportunity to tell the County what was not going to work.

Commissioner Herman said her biggest concern was the annexation problem with Reno. She thought there was a need for the RPGB to join forces with the County on planning issues.

16-0883 **AGENDA ITEM 16** Possible Closed Session for the purpose of discussing labor negotiations with Washoe County, Truckee Meadows Fire Protection District and/or Sierra Fire Protection District per NRS 288.220.

There was no need for a Closed Session.

16-0884 **AGENDA ITEM 17** Public Comment.

Elise Weatherly spoke regarding the flag and the pledge of allegiance.

Kathy Bowling stated a vehicle struck a deer in her neighborhood. She asked for more deer crossing signs in the Callahan Road area and she hoped that would get drivers to slow down. She presented photos, which were placed on file with the Clerk.

16-0885 **AGENDA ITEM 18** Announcements/Reports.

This item was not addressed during the meeting.

COMMUNICATIONS AND REPORTS

The following communications and reports were received, duly noted, and ordered placed on file with the Clerk:

COMMUNICATIONS:

16-0886 Reno-Sparks Convention and Visitors Authority (RSCVA) minutes from January 2015 – December 2015 for the RSCVA public meetings. (Copies of the minutes are located in RSCVA Red Book No. 8)

16-0887 Washoe County Health District Enhancing Quality of Life. Regulations of the Washoe County District Board of Health Governing Food Establishments. Adopted by the Washoe County District Board of Health on August 25, 2016. Approved by the Nevada State Board of Health on September 9, 2016.

MONTHLY FINANCIAL STATEMENTS:

16-0888 Monthly Statement of the Washoe County Treasurer for month ending July 31, 2016.

16-0889 Monthly Statement of the Washoe County Treasurer for month ending August 31, 2016.

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1:04 p.m. There being no further business to discuss, the meeting was adjourned without objection.

KITTY K. JUNG, Chair
Washoe County Commission

ATTEST:

NANCY PARENT, County Clerk and
Clerk of the Board of County Commissioners

*Minutes Prepared by:
Doni Gassaway, Deputy County Clerk*