

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

TUESDAY

10:00 A.M.

JANUARY 17, 2023

PRESENT:

Vaughn Hartung, Chair

Alexis Hill, Vice Chair

Michael Clark, Commissioner

Mariluz Garcia, Commissioner

Jeanne Herman, Commissioner

Janis Galassini, County Clerk

Dave Solaro, Assistant County Manager

Nathan Edwards, Assistant District Attorney

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, County Clerk Jan Galassini called roll and the Board conducted the following business:

23-0019 AGENDA ITEM 3 Public Comment.

Ms. Diane Becker thanked the Commissioners for their service to the community and outlined her involvement in the Incline Village/Crystal Bay (IV/CB) community. She said the request to allow public comment for Board of County Commissioners' (BCC) meetings via Zoom was raised at a recent Citizen Advisory Board (CAB) meeting. She noted driving to the BCC meetings was difficult and even dangerous at times for residents of the IV/CB community. She urged the Board to consider making public comment via Zoom available. She suggested trying Zoom public comment during the winter to determine whether it was burdensome. She spoke about the benefits of communication between the public and the government. She encouraged the Board to set up a global process that would apply to all public hearings.

Mr. William T. Steward congratulated Commissioners Garcia and Clark on their elections. He expressed concern about delayed responses to emergency calls as a result of multiple dispatch locations. He knew cooperative work between the Regional Emergency Medical Services Authority (REMSA) and the Truckee Meadows Fire Protection District (TMFPD) had taken place, but he thought that needed to be broadened to include the Cities of Reno and Sparks. He observed that money was allocated for the enhanced 911 system and asked why the County could not have one single dispatch location to improve response times. He stated time was life and the winter weather caused delays in response times. He said he had expressed concerns about this for 30 years and asked how much longer it would take to solve this issue. He read from a Blue Ribbon Community article published in 2014 that discussed centralized dispatch. He inquired about the progress of regionalization.

Mr. Jim McNamara said he provided public comment a month prior regarding available housing inventory in Washoe County. A staff member followed him out of the meeting wanting further information. He stated he pulled up the County website which indicated there were 735 available beds and noted the website had not been updated so the information was from two years prior. He listed the unhoused citizen deaths in the County: 97 in 2022, 56 in 2021, and 19 in 2016. He conjectured the response would be different if those deaths were students or tourists. He asserted those individuals were the responsibility of the County and asked the Board to consider those numbers and what they meant. He requested some of the financial resources allocated to the Cares Campus the prior month be used to provide temporary housing for homeless citizens. He noted the community had an abundance of hotel rooms which could prevent a handful of deaths.

Mr. Mark Campbell, Manager of Dandini Spectrum Holdings LLC. (DSH), indicated DSH owned property at Dandini Boulevard and U.S. Highway 395 on which it planned to build 420 units of workforce housing. He said the City of Reno processed all the permits and DSH was ready to break ground. He had been working with County staff for some time regarding a water line easement and a fire access road. He indicated he received conflicting information from staff on this issue. He expected to have this project agendized for a BCC meeting in February but received an email on Friday indicating there was no appetite for a BCC agenda item at this time. He requested an opportunity to present this project to the Board. He spoke about the project and the benefits of providing more housing for the community.

Mr. Joseph Pelham said he adopted Mr. Campbell's comments as his own. He noted DSH had been working on the water line and emergency access road for several years. DSH participated in meetings with Brian deMunnik, the Director of the Public Safety Training Facility. He said in the past the DSH met with Mr. deMunnik, the executive board, Sheriff Darin Balaam, or other members of the community and received positive feedback, but then received email correspondence informing DSH the item would not be presented to the Board. He requested transparency and the opportunity to present these items to the Board. He noted DSH had a large financial partner that would be of great benefit to the community when multiple projects were built. He was aware that housing was a serious concern in the community. He requested the Board agendize this item for a future meeting.

Mr. Doug Flaherty provided a document that was distributed to the Board and placed on file with the Clerk. He alleged the BCC meeting was in violation of the Americans with Disabilities Act (ADA) Title II and the intent of the Nevada Open Meeting Law (OML). He said the County failed to allow access to electronic public comment during the meeting which resulted in discrimination against disabled individuals who were unable to travel to the meeting. He asserted the discrimination was magnified because Commissioners were able to access meetings electronically. He informed ADA Title II prohibited discrimination against people with disabilities and required state and local governments to give people with disabilities equal access to programs, services, and activities. He spoke about the requirements for making reasonable modifications to policies, practices, and procedures to avoid discrimination. He spoke about additional discrimination because public transportation information was not included for the IV/CB

area. He further alleged the meeting was in violation of the intent of Nevada Revised Statutes (NRS) 241, which stated the Legislature found and declared that all public bodies existed to aid and conduct the people's business with actions and deliberations conducted openly.

Mr. Jeff Church provided a card that was distributed to the Board and placed on file with the Clerk. He expressed concern about at-risk kids and noted the Washoe County School District (WCSD) was in charge of children until 2:30 p.m. The County was in charge of them after 2:30 p.m. and on weekends. He asserted a partnership between the County and the Cities of Reno and Sparks was needed to deal with at-risk kids so they could be set on a pathway to success rather than prison. He stated education in the County and the State of Nevada was not good. He wished to speak about the homeless and the gas tax. He asserted the gas tax did not need to increase every July 1 and said he had research to support his assertion. He inquired whether the Board could consider funding a temporary one-year investigator, perhaps retired law enforcement, to investigate voter fraud. He said the investigator could confirm whether there was voter fraud or not and could perhaps deter illegal voting. He mentioned his websites: Renotaxrevolt.com, WatchDogJeff.com, and [WatchDogJeff](#) on Twitter.

Ms. Ann Nichols provided a document that was distributed to the Board and placed on file with the Clerk. She informed the Tahoe Prosperity Center (TPC) was a non-profit conceived in 2010 as a self-appointed entity to improve the prosperity of Lake Tahoe. She said a study commissioned in 2010 supported the theory that investment in large development would help but it had not solved Tahoe's issues. She stated the 2012 Tahoe Regional Planning Agency (TRPA) Regional Plan that allowed more height, density, and coverage resulted in less affordable housing, more fires, invasive species, and less lake clarity. She indicated the TPC had 3 employees and 14 board members. She understood Vice Chair Hill was on that board. She said the County previously gave the TPC \$30,000 and now the TPC was requesting a \$40,000,000 investment. She stated the true beneficiaries of the proposal and the efficacy of the group remained unclear. She asked whether the proposal was the best use of taxpayer money and asserted any Commissioner with ties to the TPC should recuse themselves from any votes regarding that entity.

Mr. Nicholas St. Jon opined three minutes was not enough time for the public to provide information to the Board. He said he asked for more time on multiple occasions. He stated the NRS did not indicate a three-minute time limit, it only specified reasonable restriction of public comment. He asserted another mechanism was needed for people to have discussions with the representatives they voted into office. He expressed frustration because he was unable to receive a response to a simple question of whether his report was received. He said he had an investigation open with internal audit. Two review board meetings had taken place, but no one on the review panel had received his report. He indicated he produced a 65-page report which he stated was not reviewed by anyone on the panel. He said someone needed to investigate why the review had not been completed. He asserted the metal detector used for Chambers was illegal. He asked the Board to produce a policy that indicated why the Board had the authority to override the United States and Nevada Constitutions and NRS. He expressed an interest in meeting with Chair Hartung

to discuss election resolutions and reviewing his concerns.

County Clerk Jan Galassini advised the Board she received an emailed public comment from Ms. Elise Weatherly, which she placed on the record.

23-0020 AGENDA ITEM 4 Announcements/Reports.

Assistant County Manager Dave Solaro expressed appreciation for staff who ensured the unincorporated County roadways were safe and passable and that parks were open. He thanked the communications team for getting information to the public and the Washoe 311 staff who took phone calls. He noted staff had worked very hard.

Mr. Solaro asked Chair Hartung to come down to the podium. He presented a certificate and pin to commemorate Chair Hartung's ten years of continuous service to Washoe County. Chair Hartung thanked Mr. Solaro.

Commissioner Herman noted she had some repeat requests and some new ones. Based on her experience with the Sun Valley Citizen Advisory Board (CAB) she felt having developers present development projects to the public at (CAB) meetings worked well. She wanted to see development issues return to the CABs because the other way was not working, and it left people unhappy. She said there were issues raised during CAB meetings that had been resolved during the meeting. She did not see any reason why development issues could not return to the CABs.

Commissioner Herman thought it was a good idea for Commissioners to have a chance to talk to the people running for boards. She liked to talk to board candidates to find out about their experience, why they were interested in the position, and learn about them as people. She thought it was wonderful when citizens wanted to be public servants. She did not agree with the way the appointments appeared on an agenda without the Board getting to know who the candidates were.

Commissioner Herman noted she received her tax assessment and she expected it to be bad because houses were selling for such high prices. She was sure many seniors were alarmed to see their tax assessments. She believed the County should find a way to give seniors a decrease, maybe on a request basis. She said there should be a way the County could adjust tax rates. She acknowledged the rates could go down in the future but noted that taxes typically did not go down. She thought about the matter a lot but did not have a solution for it yet.

Commissioner Herman spoke about a time a young man came to a joint Board of County Commissioners' (BCC) meeting and drank Roundup. During that meeting, she wondered if he was drinking Roundup or green Jell-O water. She recalled everyone panicked about the incident and the County put measures in place which she believed were ridiculous, such as the kenneled area in front of the dais. There were also threats about installing bulletproof glass around the dais, to which she replied if that happened, she would sit down closer to the people. She felt it was a bother to have that

empty area in front of the dais and noted the Board often went into that area to take pictures. She recalled that in the past, public comments received via email were either read or briefly described if a person was for or against an issue. She noted that did not happen anymore and she felt it was a good idea to return to doing that because it gave the Board a better idea of what people were thinking. Otherwise, she explained, the Board did not find out what the emails were about until weeks later when the minutes were completed. She agreed with Ms. Diane Becker's public comment about those in Incline Village (IV) having a hard time getting to the BCC meetings. She said people in IV, Gerlach, and her District wished they could attend the meetings, but the meetings were difficult to get to. She thought what Ms. Becker proposed was a good idea and requested the Board consider Ms. Becker's suggestion.

Vice Chair Hill praised the County Manager's Office and Human Resources Manager Elizabeth Jourdin who organized the table at the Martin Luther King, Jr. dinner. She thought it was great to have County representation at the event. She noted County Manager Eric Brown was nominated for a community award, and although he did not win, it was an honor for him to be nominated in the presence of community members. She said it was a great, feel-good night and Commissioner Garcia was also in attendance. She mentioned the public comment regarding independent developer-initiated easements. She opined it would be helpful to have an easement policy brought to the Board because it seemed like there was a great deal of miscommunication regarding the matter. She thought the County could get people on a better track than the long, complicated issue which seemed to have occurred with the developers who spoke that day.

Commissioner Garcia spoke about the 35th Annual Martin Luther King, Jr. Birthday Gala and congratulated the Northern Nevada Black Cultural Awareness Society. She said the proceeds from the dinner went towards supporting five focal areas: cultural awareness education, faith-based engagement, holistic health, civic engagement, and professional development. She acknowledged and thanked all the local non-profit organizations whose work centered on Dr. Martin Luther King, Jr.'s legacy. She noted those groups did not work one weekend out of the year; they worked every single day.

Chair Hartung said he would love to have the CABs get development projects back. He explained that was where he began and before he worked on a CAB, he served on a design review committee for the Spanish Springs Elementary School. He was disappointed when the CABs stopped hearing about development projects. He was happy to have that conversation outside of the BCC meeting.

Chair Hartung reminded Commissioner Herman that the person who drank the Roundup first put on a gas mask. He noted it was a red flag when one person in a room had a gas mask on and nobody else had one. He recalled it was an interesting meeting.

Chair Hartung thanked staff and Mr. Eric Crump, Community Services Department Operations Division Director, for their hard work and responsiveness. He said Mr. Crump took action immediately on every call that was forwarded to him. He noted it had been a challenge, but he thought staff did a good job of being responsive. Snowplows

were running full-time, which was a challenge for the County. He thanked staff from the County and the Cities of Reno and Sparks for the overtime work they performed. He noted there were many requests for roads to be plowed. He addressed the people on school routes who wondered why their roads were now not being plowed. He informed those roads were not plowed when school was out. He said there was more snow to come and he was happy the reservoirs were being filled.

Commissioner Clark displayed an image, copies of which were distributed to the Board and placed on file with the Clerk. He thought it was important everyone in Chambers was able to see the picture because a picture was worth a thousand words. The picture, he explained, was in the Reno-Gazette Journal (RGJ) on January 2, 2023. It showed an individual cooking chicken on an open flame on the Reno Justice Court (RJC) patio. He noted he was a real estate broker, mortgage broker, and property manager for 40 years and those duties included protecting the investment of the people whose properties he managed. He wondered why the County, which managed the courthouses, did not patrol to keep people and open flames out of that area. He asked what vendor patrolled that area, how much it was paid, and what the County asked of it. He was concerned because the individual was cooking over an open flame. He asked if there was 24-hour security and cameras at the location. If there were cameras, he wondered how the footage could be reviewed. He said the taxpayers' assets needed to be protected. He mentioned there were leaks at the courthouse and asked if those had been fixed. He noted he was in a similar situation in his former position as the Assessor and it took him five years to get the County to fix the leak in the roof of the Assessor's Office. He wanted to bring the lack of responsiveness in protecting public assets to the Board's attention. He noted the color picture in the article was much more revealing in showing the open flames hitting the wall of the courthouse.

Commissioner Clark referred to Ms. Becker's public comment and believed allowing public comment via Zoom was a good idea. He said the County was large and there were many reasons public comment should be allowed via Zoom such as weather, and for individuals who had difficulty getting to the meetings. Addressing Mr. Steward's comments about dispatch, he believed he had discussed those issues with the firefighter unions and those groups were in agreement. He opined line workers usually had a better idea about performing a job than management. He thought the County should talk to the unions, the firefighters, and the people who had to deal with the issue firsthand in order to find better solutions.

Commissioner Clark brought up the point Mr. Jim McNamara made during public comment about 97 homeless people dying. He said that point was well received, and he thought the message would have been received differently if it had been tourists or students who died. He noted the trend was increasing and said the County needed to figure out what was happening. As the former Assessor, he thought Mr. Mark Campbell's comments regarding 420 new units for workforce housing would be a big bump in the assessed value that could help the County coffers. He opined the proposal hit all the correct chords, such as a new water line, a new fire road, easements, and a new sewer line. It would give the County affordable properties, water and sewage to those properties, and a road to

serve the developments. He noted Mr. Campbell felt he had not been heard by the County, and Commissioner Clark asked for a discussion to take place with the Board to get more information on the project. He said Mr. Joseph Pelham's comments were in concert with that.

Regarding Mr. Doug Flaherty's comments, Commissioner Clark thought the Board should allow Zoom comments to be made. He said Mr. Jeff Church's comments were accurate, and he had not purchased gas in Washoe County in the past two years. He drove to Carson City for his gas because he would not pay an extra \$0.50 per gallon. He believed it put the local merchants at a disadvantage and did not help the residents to buy locally. He said the Board needed to research the matter and consider a cap of \$0.41 or \$0.42 per gallon extra for gas. He said Mr. Nicholas St. Jon brought up some issues that needed to be addressed. He asked the Board to research why the metal detector was needed.

Commissioner Clark thought Commissioner Herman's comments about the Board interviewing people who wanted to serve on boards made sense. When he was the Assessor, he did not feel it was right to talk about the people who were on the Board of Equalization (BOE). Now that he was not in that position, he could say that some of the people on that board did not know what they were doing. He wanted to have qualified people serving because the board was a buffer between the Assessor's valuation and the public's right to have a fair hearing. The people serving on the board needed to be qualified to answer questions and research what the Assessor did. He opined the system failed if the people could not trust it. He noted he had asked for the BOE appointments to be moved from the agenda at the last meeting. He said the BOE appointments were moved; however, the open enrollment period was not moved so people did not get a chance to volunteer for the board. He did not think it was right that people were unable to serve on boards because the cutoff period had passed before they heard about it. He noted the BOE appointments expired last June, and he wondered why seven months later everything had to move so quickly. He asked why the previous Board had not appointed the BOE members prior to the deadline. He spoke with the current Assessor, who told him the BOE had to begin within a week. He wondered why it only came to the Board at the last minute when the board appointments expired in June.

Commissioner Clark mentioned the other Commissioners who saluted and commented on the great job the staff did for the Martin Luther King, Jr. dinner. He took exception to that because he was not invited and did not hear about it until after the event was over. He felt like he was discriminated against because he did not receive an invitation to the dinner.

PROCLAMATIONS

23-0021 **5A1** Proclaim February 4, 2023 as World Cancer Day.

Commissioner Garcia read the Proclamation and presented it to Darcy Phillips of the Nevada Cancer Coalition. Ms. Phillips said some new data from the American Cancer Society (ACS) showed that prevention worked. She noted women aged

between 20 and 24, who had been the first cohort to receive the human papillomavirus (HPV) vaccine, demonstrated a 65 percent decrease in cervical cancer.

Chair Hartung thought that every person in Chambers had been touched by cancer through someone they knew, so he believed supporting cancer prevention efforts was very important. He thanked Ms. Phillips for the work she did.

There was no response to the call for public comment.

On motion by Commissioner Garcia, seconded by Vice Chair Hill, which motion duly carried on a 5-0 vote, it was ordered that Agenda Item 5A1 be adopted.

CONSENT AGENDA ITEMS – 6A1 THROUGH 6E1

23-0022 **6A1** Acknowledge the communications and reports received by the Clerk on behalf of the Board of County Commissioners, including the following categories: Communications; Monthly Statements/Reports; and Executed Contracts. Clerk. (All Commission Districts.)

23-0023 **6B1** Recommendation for the Board of County Commissioners to review and acknowledge receipt of the Washoe County Law Library Annual Report 2022. No fiscal impact. District Court. (All Commission Districts.)

23-0024 **6B2** Recommendation to reappoint one attorney member and appoint one non-attorney member to the Law Library Board of Trustees. It is recommended that Michael Kattelman serve as an attorney member for a two-year term expiring on January 31, 2025, and Aurora Partridge serve as a non-attorney member for a two-year term expiring January 31, 2025. Candidates will satisfy the attorney position and non-attorney position required for the Law Library Board of Trustees. No Fiscal Impact. District Court. (All Commission Districts.)

23-0025 **6C1** Recommendation to approve Commission District Special Fund disbursement, pursuant to NRS 244.1505, in the amount of [\$72,000.00] for Fiscal Year 2022-2023, to the following government entities and/or non-profit organizations created for religious, charitable, or educational purposes; District 5 Commissioner Jeanne Herman recommends the following:

- a [\$20,000.00] grant to Safe Embrace to support the organization’s efforts to provide compassionate and trauma-informed services to individuals suffering from domestic abuse, sexual violence or human trafficking;
- a [\$10,000.00] grant to the Vya Conservation District for the purpose of supporting natural resource conservation and ensuring sustainable use of northwestern Nevada’s natural resources;
- a [\$10,000.00] grant to the Washoe-Storey Conservation District for the

purpose of fostering environmental stewardship and management of natural resources;

- a [\$10,000.00] grant to the Reno Air Racing Association to support the Reno Air Races event and for its Pilot Training Scholarships and STEM initiatives;
- a [\$5,000.00] grant to the Food Bank of Northern Nevada to support the organization's efforts to provide food for families in need throughout the region;
- a [\$2,500.00] grant to Our Story, Inc. for the purpose of benefiting the Northern Nevada African American Firefighter Museum to reflect the unity of the historic Black Springs community and its volunteer fire department;
- a [\$2,500.00] grant to the Adopt A Vet Dental Program to provide free critical and life-saving dental care to impoverished veterans in Nevada;
- a [\$2,500.00] grant to the Washoe County Human Services Agency for the purpose of supporting the Men's CrossRoads program, a supportive living community providing drug- and alcohol-free housing and programming for men transitioning out of homelessness;
- a [\$2,500.00] grant to the Veterans Upward Bound Program at Truckee Meadows Community College for the purpose of supporting educational and career success for U.S. military veterans;
- a [\$2,500.00] grant to The Salvation Army to support its human trafficking survivor program;
- a [\$2,500.00] grant to the Veterans Guest House to support its mission of providing U.S. military service veterans and their families with caring support during times of medical need; and
- a [\$2,000.00] grant to the Center for Healthy Aging -for the purpose of supporting its intergenerational community garden site and indigenous food program.

Further, approve Resolutions necessary for same; and direct the Comptroller's Office to make the necessary disbursement of funds and net zero cross fund and/or cross function budget appropriation transfers. Manager's Office. (Commission District 5.)

23-0026

6C2 Recommendation to approve the County Manager's Office addition of an Assistant County Manager (pay grade M100) position and make the position effective July 1, 2023. A comprehensive review of Assistant County Manager positions, span of control and organizational makeup in comparison to like organizations nationwide was completed. It is determined that the addition of an Assistant County Manager position would result in higher organizational efficiency and enhanced public service, and direct Human Resources and Comptroller to make the necessary changes. Net fiscal impact is estimated at a [\$260,769-\$334,844*]. Manager's Office. (All Commission Districts.)

23-0027 **6D1** Approve the creation of one new full-time Bailiff position, pay grade J155, effective 01/30/2023; delimit two vacant part-time Bailiff positions (70004014 & 70004015); and authorize Human Resources to make the necessary changes. [Net fiscal impact is estimated at \$12,524 in salary savings.] Reno Justice Court. (All Commission Districts.)

23-0028 **6E1** Recommendation to accept Treasurer's status report for the period ending December 31, 2022, of payment of refunds and interest since last update in the amount of \$1,344,774.61 on certain property tax overpayments for residential properties at Incline Village/Crystal Bay, in compliance with the October 21, 2019 Order issued by the District Court in Village League to Save Incline Assets, Inc., et.al. vs. State of Nevada, et.al., Case No. CV03-06922, as modified and clarified by the settlement agreement regarding the processing of refunds. Treasurer. (All Commission Districts.)

Vice Chair Hill acknowledged Commissioner Herman's generous donations from special district funds to support several organizations and causes.

Commissioner Clark noted Item 6B2 was another reappointment to a board. He believed the County needed to do a better job of letting people know about available board appointments. He asked for an explanation of how County positions were advertised. He referred to Item 6C2 and inquired whether the County needed another Assistant County Manager (ACM). He said constituents felt they continued to receive fewer services and he observed the ACM position would cost the County almost a third of a million dollars. He questioned what services the County would receive for those funds.

With regard to Item 6B2 Assistant Court Administrator Emily Reed replied that all open positions for the Law Library Board of Trustees (LLBT) were posted on the Washoe County website and applications were accepted through the County's application system. She said that for this year, three applications were received for the non-attorney position and one application was received for the attorney position. The LLBT interviewed the candidates and voted to appoint Ms. Aurora Partridge for the non-attorney position. She noted Mr. Michael Kattelman was the only attorney who applied for the attorney position. She said positions were also posted on the Law Library website every year and she had not received any email inquiries.

Chair Hartung asked about the time requirements for board members. Ms. Reed replied the time commitment for LLBT members was minimal; the board met four times per year. Most meetings were held at lunchtime and could be attended via Zoom, both by board members and the public. She said board members had the option of volunteering for other projects. She mentioned Mr. Kattelman had been working on a long-standing project for the Law Library where he received funding for a video project for patrons which would improve access and explain some court processes. She said Mr. Kattelman's time commitment increased because he volunteered for the additional project. She indicated an annual luncheon was held for lawyers and library volunteers and LLBT members were asked to attend as well.

Chair Hartung referred to Item 6C2 noting the position had once been filled but the previous ACM retired. The position went into hiatus and was now being brought back. Director of Human Resources Patricia Hurley said the County previously had three ACMs but one of those positions was reclassified in 2019.

On the call for public comment, Ms. Vickie DiMambro said she was on the Board of Directors for Safe Embrace and had been associated with the organization since 2010. She thanked Commissioner Herman and the Board for the financial contribution and support. She stated that one in four women and one in seven men would experience domestic violence in their lifetime. She mentioned Safe Embrace had been operating since 2003, offering shelter, therapy, and transitional housing.

Commissioner Clark referred to Agenda Item 6D1 and asked whether one full-time bailiff would be enough for the Reno Justice Court (RJC). He understood there was a backlog of people staying in jail and not having their cases heard in a timely manner. He thought the Board needed to discuss appointing a new judge for the RJC.

Chair Hartung indicated the Board was not agendized to talk about filling the judge position. He said Judge Scott Pearson and his colleagues split the caseload and left the position open, saving the County a substantial amount of money. He noted the courts had to decide whether they wanted to appoint a new judge and they decided not to ask for that at this time. Assistant County Manager Dave Solaro confirmed Chair Hartung's statements and noted the RJC said it wanted to hire for a full-time position as it was difficult to hire for two part-time positions.

On motion by Vice Chair Hill, seconded by Commissioner Herman, which motion duly carried on a 5-0 vote, it was ordered that Consent Agenda Items 6A1 through 6E1 be approved. Any and all Resolutions pertinent to Consent Agenda Items 6A1 through 6E1 are attached hereto and made a part of the minutes thereof.

BLOCK VOTE – 9, 10, 11, 12, 13, 17, 18, 19, 20

23-0029 **AGENDA ITEM 9** Recommendation to approve Amendment #1 to Lease Agreement between Mercey Springs 152 Partners, LLC and Washoe County for a 60-month term, commencing July 1, 2023 through June 30, 2028 [\$882,849.00 for the term of the 60 months, \$14,076.73/mo the first year then a 3% annual increase for years 2-5] for the continued occupancy and Common Area Maintenance (CAM) of the North Valleys Library located at the 1075 North Hills Blvd, Reno, Nevada. Community Services. (Commission District 2.)

There was no response to the call for public comment.

On motion by Vice Chair Hill, seconded by Commissioner Herman, which motion duly carried on a 4-1 vote with Commissioner Clark voting no, it was ordered that Agenda Item 9 be approved.

23-0030 **AGENDA ITEM 10** Recommendation to: (1) approve the purchase of ten (10) 2023 Chevrolet Tahoe Special Service Vehicles from Champion Chevrolet, 800 Kietzke Ln., Reno, NV 89502 with outfitting provided by Lehr Auto [\$929,534.60], to provide replacement units for the current active Washoe County Sheriff's Office patrol fleet, utilizing State of Nevada bid number 99SWC-S1495 pursuant to the joinder provision of NRS 332.195; and (2) authorize the Purchasing and Contract Manager to issue a purchase order. Community Services. (All Commission Districts.)

There was no response to the call for public comment.

On motion by Vice Chair Hill, seconded by Commissioner Herman, which motion duly carried on a 4-1 vote with Commissioner Clark voting no, it was ordered that Agenda Item 10 be approved and authorized.

23-0031 **AGENDA ITEM 11** Recommendation to adopt Resolution R23-02 to temporarily remove reclaimed water use rates for the 2023 irrigation season to encourage improved management practices of reclaimed water irrigation and reduction of potable water resources through increased use of reclaimed water. [Reductions in reclaim water rate revenues are estimated at \$350,000 in Fiscal Year 23 and \$750,000 in Fiscal Year 24]. Community Services. (Commission District 2.)

There was no response to the call for public comment.

On motion by Vice Chair Hill, seconded by Commissioner Herman, which motion duly carried on a 4-1 vote with Commissioner Clark voting no, it was ordered that Agenda Item 11 be adopted.

23-0032 **AGENDA ITEM 12** Recommendation to approve Amendment #2 to Lease Agreement between SREIT Sparks Business Center LLC and Washoe County for a 60-month term, commencing retroactively from January 1, 2023 through December 31, 2027 [\$1,147,948.80 for the term of 60 months; \$548,652.00 for the first 30 months and then \$599,296.80 for the remaining 30 months], for the continued occupancy of the Sparks Justice Court located at 1675 East Prater Way, Sparks, Nevada. Community Services. (Commission District 4.)

There was no response to the call for public comment.

On motion by Vice Chair Hill, seconded by Commissioner Herman, which motion duly carried on a 4-1 vote with Commissioner Clark voting no, it was ordered that Agenda Item 12 be approved.

23-0033 **AGENDA ITEM 13** Recommendation to approve budget amendments totaling an increase of [\$2,120,643; no county match] in both revenues and expenditures to the Immunization Program retroactive to July 1, 2022 through June 30, 2023 and direct the Comptroller’s Office to make the necessary budget amendments. Health District. (All Commission Districts.)

There was no response to the call for public comment.

On motion by Vice Chair Hill, seconded by Commissioner Herman, which motion duly carried on a 4-1 vote with Commissioner Clark voting no, it was ordered that Agenda Item 13 be approved and directed.

23-0034 **AGENDA ITEM 17** Recommendation to approve the acceptance of an additional Emergency Rental Assistance 2 allocation from the United States Department of the Treasury in the amount of [\$1,000,000.00; no county match], retroactive from May 10, 2021 through September 30, 2025; Retroactively authorize the County Manager to sign award documents, and direct the Comptroller’s Office to make the necessary budget amendments. Manager’s Office. (All Commission Districts.)

There was no response to the call for public comment.

On motion by Vice Chair Hill, seconded by Commissioner Herman, which motion duly carried on a 4-1 vote with Commissioner Clark voting no, it was ordered that Agenda Item 17 be approved, authorized, and directed.

23-0035 **AGENDA ITEM 18** Recommendation to approve an amendment to an Agreement for Professional Services between Washoe County and the Housing Authority of the City of Reno for payment processing services in support of the County’s Emergency Rental Assistance 2 allocation from the U.S. Department of the Treasury for a period from January 17, 2023 to September 30, 2025; and increase the cap of emergency rental assistance funds to be disbursed from \$4,300,000 to \$5,300,000 [administrative cost billable at 1.6% remains unchanged]; authorize the Purchasing and Contracts Manager to execute the amended agreement. Manager’s Office. (All Commission Districts.)

There was no response to the call for public comment.

On motion by Vice Chair Hill, seconded by Commissioner Herman, which motion duly carried on a 4-1 vote with Commissioner Clark voting no, it was ordered that Agenda Item 18 be approved, increased, and authorized.

23-0036 **AGENDA ITEM 19** Recommendation to approve a resolution to augment the Capital Improvements Fund in the amount of [\$2,950,907.35], and the Parks Capital Projects Fund in the amount of [\$490,785.42] to increase revenue, expenditure, and transfer authority for capital projects for fiscal year 2023 in accordance with Nevada Revised Statute (NRS) 354.598005; and direct the Comptroller to make the appropriate budget amendments. Manager's Office. (All Commission Districts.)

There was no response to the call for public comment.

On motion by Vice Chair Hill, seconded by Commissioner Herman, which motion duly carried on a 4-1 vote with Commissioner Clark voting no, it was ordered that Agenda Item 19 be approved and directed.

23-0037 **AGENDA ITEM 20** Recommendation to approve the reimbursement of costs incurred by the City of Reno, the City of Sparks, Truckee Meadows Fire Protection District, and Washoe County for expenses related to and in support of the Enhanced 911 Emergency Response System and portable event recording devices, as recommended by the 911 Emergency Response Advisory Committee on November 17, 2022, in an amount not to exceed [\$1,039,174.50] as specified within the adopted Enhanced 911 Fund's operating budget. Technology Services. (All Commission Districts.)

There was no response to the call for public comment.

On motion by Vice Chair Hill, seconded by Commissioner Herman, which motion duly carried on a 4-1 vote with Commissioner Clark voting no, it was ordered that Agenda Item 20 be approved.

23-0038 **AGENDA ITEM 7** Recommendation to approve the purchase of one (1) new Caterpillar model 950M Wheel Loader from Cashman Equipment Company, 600 W. Glendale Avenue, Sparks, NV 89431 [\$308,350.00 with a five (5) year guaranteed buyback of \$207,500.00], utilizing Sourcewell (a public agency created by the Minnesota legislature) contract #032119-CAT, pursuant to the joinder provision of NRS 332.195. Community Services. (All Commission Districts.)

Commissioner Clark asked whether the County had qualified employees to operate the new purchase. He requested clarification about the qualifications and training for someone to drive a snowplow. Chair Hartung observed the item referred to the purchase of a loader, not a snowplow. Community Services Department Operations Division Director Eric Crump confirmed the equipment was a Caterpillar loader, but it would be equipped with a snowplow and snow blower. He noted the County had 11 similar units which were used throughout the County to remove snow and were used for loader-type work during the summer. He said all equipment operators were required to have a commercial driver's license (CDL), so they had rigorous training. Operators received a lot of behind-the-wheel experience and the most experienced operators were assigned to

Incline Village.

Chair Hartung commended Mr. Crump for the contract which included a significant guaranteed buyback amount. Commissioner Clark asked whether the County had to sell the equipment back to that company or whether it could be sold elsewhere if it was possible to make a profit. Mr. Crump said the County had the option to buy the equipment. Staff previously found the specified buyback period covered all the warranty work after which things started to break down, so the cost of ownership would exceed the value of the equipment. He noted this model had been used for many years and there was a great market for it. He said the County also took some equipment to auction and benefited greatly from some of those sales.

There was no response to the call for public comment.

On motion by Vice Chair Hill, seconded by Commissioner Garcia, which motion duly carried on a 5-0 vote, it was ordered that Agenda Item 7 be approved.

23-0039 **AGENDA ITEM 8** Recommendation to accept a Commission for Cultural Centers and Historic Preservation Grant [in the amount of \$345,050.00 with Washoe County as grantee with a cash/in-kind match in the amount of \$10,000.00] and approve the Commission for Cultural Centers and Historic Preservation Funding Agreement CCCHP-21-06 with a grant period from final execution through August 2, 2024; to complete Phase 1 of the Galena Creek schoolhouse building restoration located in Phillip & Annie Callahan Park; and authorize the Assistant County Manager [Dave Solaro] to sign the Commission for Cultural Centers and Historic Preservation Funding Agreement CCCHP-21-06 and any subsequent documents related to the grant on behalf of the County; and direct the Comptroller's Office to make the necessary budget amendments. Community Services. (Commission District 2.)

Community Services Department Operations Division Director Eric Crump highlighted the grant from the Commission for Cultural Centers and Historic Preservation to begin the restoration efforts of the Galena Creek schoolhouse. He said the schoolhouse property was acquired by the County in 2006 and was added to the National Registry of Historic Places in 2011. The schoolhouse was built in 1940 by the Works Progress Administration which was one of President Roosevelt's New Deal programs. He displayed an image of the schoolhouse which was located in Phillip and Annie Callahan Park. He said the 2011 Master Plan, which included the schoolhouse, identified a connection between the developed portion of Callahan Park and the schoolhouse with the trail system and additional parking. He stated the grant would provide funding to begin the restoration efforts which would include design and construction permits, environmental testing, structural stabilization and retrofitting, and removal of non-historic elements. He said future funding would be sought for the final phase of the restoration efforts. He noted the County match would be solely provided through staff time for managing the project.

Commissioner Garcia said the schoolhouse was a beautiful place to invest in and she was glad some restoration work would be performed to preserve it. She expressed interest in touring the schoolhouse if possible during phase one or two of the restoration. She asked whether photos of the inside of the building were available. Mr. Crump said he could send photos that he believed were part of the Master Plan report.

Vice Chair Hill commended Mr. Crump, observing the Washoe County master planning process was spectacular. She looked forward to the strategic planning session on January 25 so Mr. Crump could suggest other investments needed for County parks. She expressed appreciation for the work Mr. Crump and his team performed.

Chair Hartung asked whether Mr. Crump had information about when the schoolhouse was last used. Mr. Crump replied he did not recall and was unsure of whether the information was in the report. He noted the schoolhouse was basically converted into a home which was why it had some non-historical elements.

Chair Hartung inquired whether anyone in the audience had attended the school. Ms. Cindy Cavallo responded and asked whether the funding was sufficient because the building had been vacant for some time. She questioned the quality of the repairs that could be performed. She noted her mother and sisters attended the school and she had located items and photos belonging to the school when handling her mother's trust. She expressed interest in assisting with the project if she could. She said she would appreciate touring the schoolhouse if possible.

Chair Hartung asked for confirmation that this item was just the acceptance of the grant and that the restoration could end up costing the County more money to complete phase two. Mr. Crump said the grant would be used for phase one and he hoped to complete the restoration in two phases. He indicated the process of structural analysis and the development of construction and design plans would determine what phase two would look like. He said phase one would focus on preventing the continued decline of the building. Chair Hartung approved of the grant amount for a \$10,000 match.

There was no response to the call for public comment.

On motion by Commissioner Garcia, seconded by Vice Chair Hill, which motion duly carried on a 5-0 vote, it was ordered that Agenda Item 8 be accepted, approved, authorized, and directed.

23-0040 **AGENDA ITEM 14** Recommendation to receive and accept the report on the January 6, 2023, Declaration of State of Emergency by the Washoe County Manager. This report will include the basis for the declaration, the actions taken under it, and the current status of the emergency circumstances in the county. This item will also include possible ratification of the declaration. If ratified, it will remain in effect until February 6, 2023, unless terminated earlier or further specifically extended by the Manager or Board based on circumstances in existence at the time. If not ratified, the declared state of emergency will terminate on January 17, 2023. Manager's

Office. (All Commission Districts.)

Emergency Management Administrator Kelly Echeverria noted the County had been going through a number of storms that started before January 6. She said County Manager Eric Brown signed the declaration of State of Emergency (SE) which let community partners and the public know this was a serious event. The SE was a recognition that damage and harm could result from this event and informed citizens they needed to be prepared with food and water reserves. She noted the SE also made it possible for the County to procure things needed for the emergency and work around those guidelines. She observed the community had seen variations of primarily localized flooding. She said the SE was extended through February 6 because of the continued storms in the weather forecast.

Chair Hartung mentioned he had a conversation with Manager Brown when the atmospheric rivers showed up on the weather forecast and they agreed about the need to be nimble. He said he specifically asked for a 30-day sunset on the SE, so the Board could extend it if needed, but it could also be terminated at the end of January.

Commissioner Clark thanked Commissioner Herman for being a constant champion of District 5 and Manager Brown for taking fast action declaring the SE. He asked whether the Manager's Office staff could put some of the actions taken as part of the SE on the record. He inquired whether there was an emergency plan for delivering Meals on Wheels to seniors during storms. Ms. Echeverria said the County had a Continuity of Operations Plan which should provide coverage if Meals on Wheels was impacted in some way. Commissioner Clark expressed concern about food delivery when travel was impacted by storms. Ms. Echeverria said the response would depend on what was inhibiting meal delivery. She stated the County might rely on the jails or volunteer agencies, such as the Red Cross or the Salvation Army, if meal delivery was impacted by a food shortage. Commissioner Clark reiterated his request for confirmation that the County had some type of plan to deliver food to homebound seniors during storms. Ms. Echeverria replied that Meals on Wheels as a program had its own plan, but the County also had a Continuity of Operations Plan.

Assistant County Manager Dave Solaro said staff was monitoring the closed basins to ensure the plan established between 2017 and 2019 was followed. He thought staff did a good job of communicating some of the next steps to the community and the Board. He said a few of the media partners picked up information as well. He noted the SE allowed staff to move several things fairly quickly. He thought having the ability to work a little outside of the employment agreements, such as calling people in to perform the work, was a very important aspect of the SE declaration. He noted that equipment operators were tired, but they were also excited by the work and providing for the safety of the community.

Chair Hartung thanked the Truckee Meadows Fire Protection District (TMFPD) for organizing the tree limb drop-off sites in collaboration with the County's regional partners Keep Truckee Meadows Beautiful (KTMB), the City of Reno, and the

City of Sparks. He said those efforts were part of the SE. He observed the weather was very unpredictable, so he believed the County had taken appropriate action.

There was no response to the call for public comment.

On motion by Commissioner Herman, seconded by Vice Chair Hill, which motion duly carried on a 5-0 vote, it was ordered that Agenda Item 14 be received and accepted.

23-0041 **AGENDA ITEM 15** Discussion and approval of the 2023 Washoe County State Legislative Principles, including an update and direction to staff regarding the 82nd Session of the Nevada Legislature. The principles are meant to serve as a framework of guidance to staff, lobbyists and elected officials in representing the County before the Nevada Legislature and provide a means to advance and protect the County's interests on issues at the state level. Among other things, they address legislative, regulatory, administrative and fiscal impact issues that may arise during the legislative session. Approval of principles may include but is not necessarily limited to the following overarching categories: respect for governmental roles in delivering quality public service, economic strength and diversity, and effective communication. This item may also include designation of specific commissioners to serve as liaisons to the county legislative team and efforts during the legislative session. Manager's Office. (All Commission Districts.)

Chair Hartung introduced Government Affairs Liaison Cadence Matijevich and spoke about her work experience and involvement in the community.

Ms. Matijevich said she felt privileged to be serving as the Government Affairs Liaison for Washoe County. She expressed gratification for the opportunity to serve the County, the Board, and the community, noting that in her role she would advocate at the State Legislature on behalf of the community. She said this agenda item was the 2023 Washoe County State Legislative Principles. The legislative session would begin in 21 days and would meet for 120 days. She indicated the principles were intended to guide her and other members of the County lobbying team as they advocated for measures beneficial to the community and provided understanding and compromise on issues not necessarily as beneficial. She said three primary governing principles were set forth in the County's Legislative Principles: respect for governmental roles in delivering quality public service, economic strength and diversity, and effective communication. The staff report included additional details and highlighted some of the County's primary legislative interests. She noted the staff report discussed how and when a position would be presented to the Board. She said the item also provided an opportunity for the Board to name up to two Board members as liaisons for the County lobbying team. She displayed a slide with the staff recommendation for this item.

Vice Chair Hill welcomed Ms. Matijevich and said she looked forward to a good legislative session. She stated she previously contacted Ms. Matijevich via email about Lake Tahoe issues which she hoped would receive support from the Governor, including transportation funding and operational funding for County partners. She asserted those issues were essential, so she wanted to ensure they were not unintentionally overlooked.

Commissioner Clark thanked Ms. Matijevich and expressed appreciation for the plan. He noted he was a liaison for the Washoe County Human Services Agency Senior Advisory Board and had attended its meetings for the past several months. He said the State Medicare reimbursement rates were making it almost impossible to obtain bids for case management and health-related programs for Daybreak and the Homemaker Program. He indicated approximately 450 seniors were on the waitlist and 23 percent of the County's population was over the age of 60 so he believed the issue needed to be prioritized. Chair Hartung offered to discuss Commissioner Clark's concerns outside of the meeting. He mentioned he had been advocating for an increase in Daybreak services for most of his tenure on the Board.

Commissioner Herman acknowledged Ms. Matijevich's qualifications and thanked her for accepting the job. She looked forward to working with Ms. Matijevich. She commented she had many ideas about how to use the County's one bill draft request (BDR) such as addressing election issues or annexation which was driving development. She observed there was much work to be done.

Chair Hartung asked for clarification about what staff was requesting. Ms. Matijevich said staff was requesting approval of the principles and an indication of whether the Board wanted to designate up to two Commissioners to serve as legislative liaisons.

Assistant District Attorney Nathan Edwards indicated he reviewed the staff report and determined the list was broad enough to encompass the comments made by Commissioners about Lake Tahoe, transportation issues, and those types of things.

Chair Hartung observed not all the issues would necessarily require legislative action. He suggested asking the Director of the Nevada Department of Transportation (NDOT) to have a conversation with the Board regarding some of the transportation concerns once the new Governor's cabinet settled in.

Assistant County Manager Dave Solaro asked whether the Board wanted to designate up to two Commissioners to serve as legislative liaisons as part of the motion. Chair Hartung said historically the Chair and one other Commissioner served as liaisons but he had no objection to changing that.

Vice Chair Hill said that in her experience the liaisons met and reviewed the bills but any major decisions went before the Board for a vote. She wanted to clarify that she and Commissioner Herman would not be dictating action and any decisions would be presented to the Board for a vote.

There was no response to the call for public comment.

On motion by Vice Chair Hill, seconded by Commissioner Garcia, which motion duly carried on a 5-0 vote, it was ordered that Agenda Item 15 be approved.

23-0042 **AGENDA ITEM 16** Recommendation to appoint two regular members to serve on the Washoe County Board of Equalization with terms to expire June 30, 2026; and appoint one alternate member with a term to expire June 30, 2023. Applicants include: James Ainsworth, John Briscoe, Roger Edwards, Barbara "Bobbi" Lazzarone, and Rob Pierce. Manager's Office. (All Commission Districts.)

Commissioner Clark said he had another person whose application he wanted to submit. He observed the board members had termed out the previous June and the Board of County Commissioners (BCC) was now rushing to appoint new board members. He referred to Commissioner Herman's comment about having applicants speak with the BCC and provide some information about themselves. He believed it was time for new people to have time to serve on the Board of Equalization (BOE). Chair Hartung asked whether the application Commissioner Clark wanted to submit could be accepted as it was not part of the public record. Assistant District Attorney Nathan Edwards asked whether the application was received after the agenda was posted. He said only the members listed in the agenda item could be considered. He clarified that any additional materials received from applicants listed on the agenda could be distributed to the Board and had to be made available to the public.

Chair Hartung believed the application was not for anyone listed on the agenda. Commissioner Clark said it was not and observed that when he asked for the item to be moved to a different agenda he was not told the application deadline would not be changed.

Vice Chair Hill said she did not disagree with Commissioner Clark's statements about better advertisement for board positions, obtaining more diverse applicants, and getting more people involved in the County. She agreed with Commissioner Herman's statement about vetting applicants before their appointments were agendized. She was unsure about the reason for the delay and believed the issue needed to be discussed but she thought the responsible thing was for the Board to move forward with the appointments. She observed there would be a whole year to advertise for this board, and acknowledged these were important positions. She did not want to delay the appointment.

Commissioner Clark believed this item should be used as a learning opportunity, and have the applicants briefly interview before the Board. He said staff should look to the future to prevent this type of situation. He understood the County Assessor needed board members appointed, and the Clerk's Office needed to have a meeting with the BOE members. He asked whether the Commissioners knew the applicants and had watched them serve on the BOE. Chair Hartung said he had observed Mr. James Ainsworth and he knew Mr. Rob Pierce who served on other boards. He agreed with the suggestion about having board members appear before the Board prior to being appointed.

Vice Chair Hill moved to appoint Mr. James Ainsworth and Mr. Rob Pierce to the BOE. Commissioner Garcia seconded the motion.

Commissioner Clark nominated Mr. Roger Edwards for the BOE. He said Mr. Edwards served on the Planning Commission for about eight years. Chair Hartung stated a motion and a second was under consideration and a second round of voting would take place if the motion failed.

There was no response to the call for public comment.

On motion by Vice Chair Hill, seconded by Commissioner Garcia, which motion duly carried on a 4-1 vote with Commissioner Clark voting no, it was ordered that Mr. James Ainsworth and Mr. Rob Pierce be appointed as regular members to the Washoe County Board of Equalization and Ms. Barbara “Bobbi” Lazzarone be appointed as the alternate member.

23-0043 **AGENDA ITEM 21** Introduction and first reading of an ordinance amending Washoe County Code Chapter 2 by adopting Supplement 16 and all clerical and technical corrections made therein; and if supported, set the public hearing for second reading and possible adoption of the ordinance on February 14, 2023. If passed, Supplement 16 will codify ordinances 1632, 1654, 1666, 1667, 1680, 1681, 1682, 1683 and 1684. This supplement does not include Washoe County Development Code (Chapter 110), which is published separately from the general Washoe County Code. District Attorney. (All Commission Districts.)

The Chair opened the public hearing by calling on anyone wishing to speak for or against adoption of said Ordinance. There being no response, the hearing was closed.

County Clerk Jan Galassini read the title for Bill No. 1889.

Bill No. 1889 was introduced by Vice Chair Hill, and legal notice for final action of adoption was directed.

12:11 p.m. **The Board recessed.**

1:00 p.m. **The Board reconvened with all members present.**

23-0044 **AGENDA ITEM 22** Public Hearing: Second reading and adoption of an ordinance amending Washoe County Code Chapter 110 (Development Code), Article 220 (Tahoe Area), Section 110.220.145 (Incline Village Commercial Regulatory Zone Special Area 1) to add single family dwellings, limited to air space condominiums, as an allowed use in Incline Village Commercial Regulatory Zone Special Area 1; and to amend Section 110.220.150 (Incline Village Commercial Regulatory Zone Special Policies) referring to land use to add Tahoe Area Plan Policy LU2-9 [Single family dwellings shall only be allowed in the Incline Village Commercial

regulatory zone when they are part of a mixed-use development or when they are affordable housing units] as a special policy; and all matters necessarily connected therewith and pertaining thereto. Community Services. (All Commission Districts.)

The Chair opened the public hearing.

County Clerk Jan Galassini read the title for Ordinance No. 1696, Bill No. 1888.

Senior Planner Courtney Weiche conducted a PowerPoint presentation, a copy of which was placed on file with the Clerk, and reviewed slides with the following titles: WDCA22-0002; Development Code Amendment Request; Background; a map; DCA Text Amendment (2 slides); Public Outreach and Comment; DCA Findings (2 slides); Nov. 1, 2022; Possible Motion; Thank you.

Ms. Weiche clarified this Development Code amendment request was applicant-driven, not something the County initiated. She said this was no different from any other planning application and the County had no obligation to process and review the application for consistency with the applicable plans. She reviewed a map that outlined Special Area 1 (SA1) which was identified as a town center. She noted the map was a visual representation of what would change the Development Code; it would essentially add single-family dwellings as an allowed use in SA1. She said staff believed the Development Code amendment findings could be made.

Chair Hartung asked for clarification about the people signed in for public comment. Ms. Galassini said 13 people signed in for Item 22.

Mr. Lew Feldman, from Feldman Thiel LLP., conducted a PowerPoint presentation, a copy of which was placed on file with the Clerk. He reviewed slides with the following titles: Development Code Amendment; Nine 47 Project; Need for Proposed Development Code Amendment (2 slides); Proposed Development Code Amendment; Special Area 1; Proposed Development Code Amendment; Development Code Amendment Justification (2 slides); Response to Comments re Workforce Housing; Benefits of Amendment (2 slides); Transition Infill; Community Support.

Mr. Feldman indicated he spoke on behalf of the applicant. He explained the request was project-driven as there was an approved multi-dwelling project called 947 on Tahoe Boulevard. He said it was an infill project, noting the Tahoe Regional Planning Agency (TRPA) required that a project first be approved as a multi-family residential project in order for it to be subdivided. The developer in this case was deep into the process and discovered an anomaly in the area plan zoning. He stated that generally speaking when multi-family development was a permissible use it was available for a two-step subdivision. The first step was the approval of the project as a multi-family project and the second was the subdivision into air space condominiums. He noted that single-family in this particular zone was not an allowed use which he thought was stunning. He said there was no intention to prohibit the two-step subdivision process, it was simply changing an

allowed form of ownership from rentals to sales. He spoke about the nine vacant parcels along Tahoe Boulevard, two of which were the 947 parcels, three others were owned by PalCap, and two parcels were publicly owned. He said only one other parcel might be eligible for the benefit of this development. He indicated the fear that the zone would become nothing but condominiums was inaccurate. He stated the applicant supported the staff recommendation to add condominiums within a mixed-use project or for affordable housing. He said the amendment would not dramatically change the character but it would be consistent with the TRPA goal of trying to incentivize environmental redevelopment and concentrate on development in town centers. He noted that when the regional plan was updated in 2012 the idea was to try and incentivize through area plans. He indicated this opportunity to replace legacy development with contemporary environmentally friendly development within town centers was the perfect infill project.

Mr. Feldman observed that Incline Village (IV) had a shortage of housing across all income levels including workforce housing. He said construction could start May 1 as no further discretionary approvals would be required to build 40 multi-family residential units at 947. He stated this site would not be workforce housing. He noted there were significant challenges to constructing workforce housing anywhere, but especially in Tahoe with the scarcity and cost of land. He thought some incentives would be required that did not currently exist. He hoped another parcel controlled by the developer might be available for workforce housing. He believed the amendment would further the vision of the area plan. He mentioned the project would include a multi-use trail along the frontage and would enhance stormwater management and property taxes. He spoke about the outreach efforts for the project.

Vice Chair Hill asked whether the County Code or the Tahoe Area Plan currently outlined workforce housing initiatives to serve as incentives for developers. Ms. Weiche said there were policies that referenced affordable housing such as the policy linked to this special area to have development that would encourage mixed-use or affordable housing. She indicated she was becoming more familiar with affordable housing and the housing initiatives of Washoe County. She thought there were policies, but she was not aware of specific incentives.

Vice Chair Hill understood the Board would be discussing policies formally at the strategic planning session on January 25. She wanted clarification for the public because she thought there were some misunderstandings about workforce housing locations. She said there were many zones for which further study had been requested as well as incentives for that type of housing but whether that had been done or whether it was still in the policy-building process needed to be clarified. Ms. Weiche agreed with Vice Chair Hill's statements.

Division Director of Planning and Building Kelly Mullin confirmed that housing, incentives, and other options for the Board to consider would be discussed at the strategic planning workshop the following week.

On the call for public comment, Ms. Diane Becker provided a document that was distributed to the Board and placed on file with the Clerk. She observed the request was applicant-driven and a separate proposed amendment to the Tahoe Area Plan was currently being developed by the County to encourage affordable and workforce housing. The amendment would be discussed at the January 25 meeting. She said there was no reason for this amendment to move forward before workforce housing was discussed. She noted the developer had been advised this type of building was not allowed in a town center. She said the applicant was asked why it was not building affordable workforce housing and the response was that it was not required. She asserted that affordable and workforce housing was needed and expressed concern about losing workers and ethnic communities. She said there were 13 public comments at the prior Citizen Advisory Board (CAB) meeting, and all were opposed to the amendment.

Mr. Larry Wodarski, the owner of Incline Property Management, expressed support for the amendment to allow condominium form of ownership for IV and the 947 project. He said the amendment would bring IV's Development Code into conformance with the rest of the basin. He stated the face of IV remained stagnant for 25 years. New commercial property owners in IV were trying to make a difference, improve buildings, and engage with civic leadership. The developer of the 947 Tahoe Project was one of those new driving forces. He stated the small business owners expressed a strong desire to have full-time residents who would patronize their businesses year-round. He believed the amendment would add 40 condominium units in the center of the village, transform a blighted space, and extend the main commercial center. He urged the Board to support and approve the amendment.

Mr. Randall Fleisher provided a document that was distributed to the Board and placed on file with the Clerk. He was a ten-year resident of IV and one of the developers of the 947 Tahoe Boulevard project. He expressed support for the amendment, stating he worked tirelessly over the past three years with the County, TRPA, and the Incline Village General Improvement District (IVGID) to provide housing in IV. He believed the 947 project would fulfill the needs of the Tahoe Area Plan. He said the benefits of the project that supported the area plan included: direct access to the walking and bike path, increased density and walkability to the core of IV, reduced daily trip count, and upgraded stormwater management controls. He spoke about his community outreach and reported the development had a diverse and majority support of the community. He indicated the concern that the whole downtown would be condominiumized was unfounded. He said the amendment would not prohibit workforce housing. He asked the Board to approve the amendment.

Ms. Lisa Fleisher, a resident and small business owner in IV, asserted this item was a zoning issue not a workforce housing issue. She said the zoning would be changed in this area, but workforce housing would not be prevented. She did not think the area was originally intended to be just workforce housing. She noted that in most instances multi-family housing did not exclude condominiums. She did not think the intention was to stop condominiums from being built. In response to concerns about the mass production of condominiums, she stated there was no space for that and the cost would be prohibitive. She said her business depended on people who lived in the area who were not hampered

by weather to patronize local businesses. She hoped the Board would support the proposed amendment.

Ms. Helen Neff stated the amendment was wide sweeping and went against the vision statement of the plan and the needs of the community. She noted there were various strip malls that could be defined as teardown properties and could become luxury condominiums. She asked the Board to find a workable and agreeable compromise, stating there were solutions that could fulfill everyone's needs. She said Ms. Weiche mentioned the County had an interest in exploring a definition of mixed-use which would be included in a proposed amendment, but she could not see that a definition of mixed-use was available. She asserted IV needed workforce, affordable, and rental housing. She questioned the need for such a wide-sweeping change. She clarified that her intention was not to hamper development or financial gains, she just wanted proper planning for the community.

Mr. Doug Flaherty provided a document that was distributed to the Board and placed on file with the Clerk. He expressed concern because Vice Chair Hill had to ask whether workforce or affordable housing was already in the code. He said the 947 project was confusing the issue and this request was really about an extensive area plan amendment. He said the 947 Tahoe condominiums would not be affordable and were not in line with policy LU5-3, preferred areas for affordable employee housing. He observed the community still had short-term rental (STR) issues. He said the developer only attended one community meeting to discuss the project. He asked the Board to delay the amendment to allow for more community meetings.

Mr. Mordechai Richler told a story about how one's actions could affect others. He stated he knew Mr. Randall Fleisher, one of the developers of the 947 project, and considered him to be a good neighbor. He said residents were not always able to choose their neighbors or developers, but today they could choose a developer who was a good neighbor and understood community responsibility.

Ms. Hang Talbot mentioned she owned a small business in IV and was a 16-year resident of the area. She voiced strong support for the 947 Tahoe project and the area plan amendment to allow for the condominium form of ownership. She said the 947 project had already been approved for the rental form of ownership but she believed the community would benefit more from condominiums. She noted condominiums would bring part-time and full-time residents to the community. The area plan amendment was necessary to update old Development Code. She said Mr. Fleisher cared for the community and also planned for workforce housing in IV. She indicated the 947 project would contribute millions of dollars and help the struggling local economy.

Ms. Stacey Hanna said she had been a resident of IV since 1979 and was the agent on record for the 947 Tahoe project. She strongly supported the project and the plan amendment which would allow for condominium ownership. She felt this form of ownership would benefit the local community. She observed the 947 project was already approved for rentals for 40 multi-family units, but she was convinced the community would benefit from permanent ownership. She thought the only issue being addressed was

whether the units would be for sale or rent. She believed the project would provide much-needed revenue to the community from taxes, jobs, and activity during the construction period. She asserted there was an urgent need for newly constructed condos and homes in the area. The amendment would update the Development Code by allowing single-family ownership which would raise property values and attract more investment. She encouraged the Board to allow the amendment.

Ms. Tracy Owen Chapman provided a document that was distributed to the Board and placed on file with the Clerk. She was a long-term resident of Lake Tahoe and a business owner. She expressed support for the 947 project and the amendment to allow for condominium form of ownership. She said she was assisting with outreach for the project. She highlighted a letter written by the TRPA planner who was involved from the start. The letter demonstrated that the intention was not to prevent condominium form of ownership, especially when multi-family units were being allowed in that location. She also highlighted letters from a diverse group of community residents who hoped for the approval of the amendment and the 947 project.

Mr. Royal Kuckhoff voiced strong support for the 947 Tahoe condominium project. He noted the project was already approved for rentals and he opined that having pride of ownership would be preferable. He understood the homeowners association (HOA) would not allow STRs for the project. The 947 project was within a ten-minute walk from the core businesses in the middle of town. He noted the property had been sitting vacant for decades and was an eyesore. He mentioned the project would bring millions of dollars to the community and the region from annual taxes, jobs, and new economic activity during construction. He mentioned the seasonality of the Tahoe area and observed many businesses would benefit from the addition of local homeowners.

Ms. Ann Nichols from the North Tahoe Preservation Alliance (NTPA) stated the issue was not about whether someone was a good neighbor, it was about hijacking the area plan process. She recalled the applicant said this amendment was not applicant driven during a prior meeting, but staff just said it was applicant driven. She sympathized with the developer who started the project in the wrong zone, but she would rather the County change the zoning for that one site. She stated the site was not infill, it was at the end of the road. She hoped the Board would slow down and think about this amendment and not be pushed into a decision.

Mr. Dale E. Smith asked the Board to approve this item and amend the County Development Code to allow air space condominiums in SA1 of the IV Commercial Regulatory Zone. He said the amendment was similar to other Tahoe Basin plan areas which allowed multi-family dwellings alongside air space condominiums. He asserted the amendment was consistent with the Washoe County Master Plan, would allow for more desirable land development within this regulatory zone, and help the plan area deliver on its goals to concentrate development in town centers. He opined the 947 project was the kind of development IV needed and that it would provide a positive economic benefit to the local economy. He urged the Board to approve the amendment.

Mr. Cliff Low observed this item would affect him indirectly and noted the agenda had it labeled as all commission districts. He hoped someone asked staff from the Planning Department to explain why this item was listed as all commission districts. He opined this item was not just an IV matter it was an amendment to the Development Code and the area plans. He mentioned Envision Washoe 2040 which was underway and would amend the Master Plan and the Development Code. He believed every change to the Development Code or an area plan chipped away at them and tended to destroy what they stood for. He thought the Board would set a precedent if it approved this amendment. He noted a future development that might not have the support of so many people could be presented in this District in the future and the precedent set by this amendment could result in a legal issue.

Ms. Galassini advised the Board she received an emailed public comment from Mr. Bill Watson, which she placed on the record.

Vice Chair Hill expressed appreciation for everyone who spoke to the Board about their position on the zone change. She said she thought about this issue thoroughly and acknowledged that a developer-driven area plan amendment was tough for people to consider. She knew people were reactive, but those types of requests happened often. The TRPA reviewed the requests regularly and the Board saw code inconsistencies frequently. She said she was in support of this item because there was no consistency in the policies with the different area plan amendments that called out possible workforce housing. She hoped the Board would support her in proceeding with a moratorium on STRs, which was something she asked for during a December meeting. She thought the Board would discuss workforce housing solutions on January 25. She mentioned many community members expressed concern about the changes to the area plan amendment adopted in 2021, so the Board was consistently re-analyzing how to do the best for the community. She looked forward to staff providing workforce housing incentives that did not currently exist, broadening the definitions of mixed-use, and ensuring that development that made sense for the community was allowed.

Commissioner Herman asked whether this type of request was truly common. Vice Chair Hill confirmed it was common and something the TRPA reviewed. Commissioner Herman asked for confirmation that this amendment was broadly based throughout the whole County. Vice Chair Hill said it was a Tahoe Area Plan amendment and she was unsure why the agenda said all commission districts. Ms. Weiche indicated this was a Development Code amendment, the area plan was not being amended. The area plan was adopted separately. She said the regulation to allow single-family was only specified within the Development Code which applied broadly to the entire County but was specific to the Tahoe Area. On paper, the amendment only applied to SA1 in the Tahoe area. It was adopted as part of the Development Code amendment which affected all of Washoe County. Vice Chair Hill asked for confirmation that the amendment would only apply to the IV Commercial Regulatory Zone for SA1. Ms. Weiche said that was correct.

Commissioner Clark observed this situation involved private property ownership. He noted affordable and workforce housing would not necessarily be built in that location. He expressed concern about the possible strain the project might put on IV, such as traffic.

Chair Hartung observed there were several parcels in that area and asked what would happen if the owner of one of those parcels wanted to build condominiums. Ms. Weiche said if the amendment was adopted it would become an allowed use but a project would first need to be approved as either a mixed-use or a multi-family development. Chair Hartung asked for confirmation that a project would still need a zone change even though single-family dwellings limited to air space condominiums would become an allowed use. Ms. Weiche said a zone change would not be needed but the project would need to go through the TRPA's permit process which was part of its two-step subdivision process. She said the project would need to get a TRPA permit and have a tentative map approved in order to subdivide; the subdivision component was from the condominium. She acknowledged it was a confusing regulatory environment. She explained the regulatory zone would not change; it would still be the IV Commercial Regulatory Zone to SA1. This amendment would change the allowed uses in that regulatory zone. It would add single-family residential which all properties would be able to pursue subject to a TRPA permit. The development would be a multi-family dwelling project or a mixed-use project which was required for the Master Plan, the area plan, and a tentative map.

Chair Hartung asked whether the developer had to do a traffic study and an impact study of the region for the TRPA permit. Ms. Weiche said the applicant who requested this Development Code amendment had already obtained approval for a multi-family dwelling project and a TRPA permit. As part of any TRPA permit, a plethora of documentation and an environmental review was required. She said all of that had already occurred as part of the multi-family dwelling project. She said the County would be an applicant to the TRPA if the amendment was adopted and County staff would compile all the studies and an initial environmental checklist. She clarified the specifics of the 947 Tahoe multi-family project that the TRPA already approved looked specifically at the development proposal including height and density. She said this Development Code amendment would be an Area Plan amendment for the County going forward.

Chair Hartung knew Lake Tahoe was a sensitive place, very constrained in terms of resources, and that finding developable property was difficult. He believed Vice Chair Hill looked at the pros and cons of this amendment and he would depend on her judgment. He understood planning documents constantly changed. He recognized the need for change, but he wanted to be considerate of the types of changes which might affect future generations.

On motion by Vice Chair Hill, seconded by Commissioner Herman, which motion duly carried on a 5-0 vote, it was ordered that Ordinance No. 1696, Bill No. 1888, be adopted, approved, and published in accordance with NRS 244.100.

23-0045

AGENDA ITEM 23 Public Hearing: Appeal of the Planning Commission's denial of a proposed amendment to Washoe County Code Chapter 110 (Development Code), Articles 302, 304 and 410 related to cannabis consumption lounges (WDCA22-0003). The Board of County Commissioners (Board) shall consider the appeal based on the record before the Planning Commission as well as testimony and materials submitted at the Board's public hearing. The Board may affirm or reverse the Planning Commission's decision. If the Board reverses the Planning Commission's decision, the Board may:

Introduce and conduct a first reading of two ordinances. The first ordinance is an ordinance amending Washoe County Code Chapter 25 (Business Licenses, Permits, and Regulations) at section 25.013 (Definitions) to update various definitions related to marijuana (cannabis), including adding definitions for retail and independent cannabis consumption lounges; and at sections 25.700 through 25.792 (Marijuana Establishments) to create the necessary code language to facilitate the Board of County Commissioner's policy direction to allow and regulate cannabis consumption lounges as provided during its regular meeting of September 20, 2022. Amendments to these sections incorporate new or revised definitions and add or delete regulations resulting from amendments to Nevada Revised Statutes Chapters 678A-D (Regulation of Cannabis) adopted by the 2021 Nevada legislature, and add cannabis consumption lounges into the County's existing business licensing process by creating new cannabis establishment use types for independent and retail cannabis consumption lounges; and all matters necessarily connected therewith and pertaining thereto.

The second ordinance is an ordinance amending Washoe County Code Chapter 110 (Development Code), at Articles 302 (Allowed Uses), 304 (Use Classification System), and 410 (Parking and Loading) to create the necessary code language to facilitate the Board's policy direction regarding cannabis consumption lounges as provided during its regular meeting of September 20, 2022. The ordinance amends: (1) Article 302 (Allowed Uses) by adding new uses to Table 110.302.05.3 to allow retail and independent cannabis consumption lounges; (2) Article 304 (Use Classification System) by adding use definitions for retail and independent cannabis consumption lounges; and (3) Article 410 (Parking and Loading) by adding parking standards to Table 110.410.10.3 for retail and independent cannabis consumption lounges; and all matters necessarily connected therewith and pertaining thereto.

If the Board introduces and conducts the first readings, the Board is asked to set the public hearing for second reading and possible adoption of both Ordinances for February 14, 2023. Community Services. (All Commission Districts.)

Chair Hartung expressed surprise that this was one item rather than two. He asked Assistant District Attorney Nathan Edwards whether the Board should ask County Clerk Jan Galassini for an Ordinance number. He noted the first part of this item was the Planning Commission's denial so the Board would first need to either uphold or overturn the denial which would require a separate vote. The second step would be the introduction and first reading if the Board overturned the denial. Mr. Edwards said that was correct and clarified the public hearing on the Planning Commission's denial only pertained to the Development Code. The Licensing Code and other provisions outside the Development Code were not within the province of the Planning Commission. He recommended the Board open up the item, hear from staff, take public comment, and then discuss whether or not it wanted to reverse the Planning Commission's decision or not. One of the Commissioners could introduce the Ordinance if the Planning Commission's decision was reversed.

Chair Hartung asked whether the first reading of the Ordinance was needed if the Board were to uphold the denial of the Planning Commission. Mr. Edwards said no, the item would not go forward if the denial was upheld. He stated that a Development Code amendment required a separate initiation and review process that would go through the Planning Commission and then to the Board of County Commissioners (BCC). A regular code amendment would only initiate through the BCC under Chapter 2 of the County Code and both of those pieces were involved with this overall package.

Chair Hartung asked whether the Clerk should provide an Ordinance number or wait to see if the denial was upheld. Mr. Edwards said the Board should open the hearing to discuss whether or not the decision was upheld before asking the Clerk for a number.

Planning Manager Chad Giesinger conducted a PowerPoint presentation, a copy of which was placed on file with the Clerk. He reviewed slides with the following titles: WDCA22-0003 – Cannabis Consumption Lounges; Chad Giesinger, Planning Manager; Subject; Background (2 slides); AB 341/CCB Regulations; Background (5 slides); Retail Consumption Lounges; Location of Existing Retail Dispensaries; Independent Consumption Lounges; State/CCB Licensing Parameters; Existing Regulations; Proposed Amendments to Ch. 110 (5 slides); CAB Input/ Agency Outreach; Summary of CAB Input; Proposed Amendments to Ch. 25; Amendment Adoption Timeline; Possible Motion; Thank you.

Mr. Giesinger said the first part of this item was the appeal of the Planning Commission's denial of WDCA22-0003 which pertained only to the Development Code amendments that were necessary to authorize the use of a cannabis consumption lounge. The third part of this item was the introduction and first reading of amendments to Chapter 25 which was the business license code (BLC).

Chair Hartung asked for confirmation that the Cities of Reno and Sparks would not have to abide by the same approval or denial as the County. Mr. Giesinger confirmed that regulations passed by the Board would only apply to the unincorporated

County.

Mr. Giesinger noted every consumption lounge would be required to have an adopted mitigation plan approved by the Cannabis Compliance Board (CCB). The plan had elements that would allow for requesting a temporary closure if the Washoe County Sheriff's Office (WCSO) experienced issues. He displayed a Commercial Use Types table highlighting the proposed amendments. He said the proposed parking standards were the same for a consumption lounge as would be required for a dispensary. He noted the conversion of existing square footage would not require additional parking. Most parking standards were based on square footage and employees. He spoke about the all Citizen Advisory Board (CAB) workshop held by staff, noting it was common practice to hold one meeting for a Development Code amendment. He confirmed this item applied to all commission districts so it would potentially be Countywide subject to zoning. In response to concerns expressed at the CAB meeting regarding impaired driving, he acknowledged there were no public transit options to most of the dispensary areas. He noted the date for the second reading listed on the timeline slide was incorrect, the second reading and adoption of the Ordinance would be on February 14. He reviewed the three possible motions. He mentioned all cannabis uses paid the same business license fee as any other business and if the Board wanted to change the fee that would require a change to the business license fee schedule and would need to be done at a later date. He noted the 3 percent tax imposed on cannabis sales would apply to the limited retail sales allowed within consumption lounges.

Commissioner Clark mentioned he received a campaign contribution from Mr. Edward Alexander which he had not cashed. He wanted to put the information on the record and wanted to make it clear it would not affect his vote on this item. He observed this was a sensitive issue in the community and he would not want anyone to think his thought processes were altered by campaign contributions. He noted he heard concerns from neighbors about potential driving under the influence (DUI) issues and law enforcement impacts. He asked how the County could work with SoL Cannabis to ensure people would not smoke or ingest cannabis and drive if this item was approved. He mentioned two of the City of Reno's downtown mini-marts had their liquor licenses revoked because of alleged service calls to those locations. He asked whether a similar mechanism could be used to suspend or revoke a cannabis lounge license. He acknowledged this was a controversial matter, but he believed it did not make sense for the County to be left behind in the State either. He noted there were 17 counties in the State and about 20 licenses awarded. Of those 20 licenses, only one was awarded in Washoe County. He mentioned he heard about the harvest odor nuisance and suggested holding some type of forum involving Mr. Alexander where the issue could be discussed with those affected by the odors.

Mr. Edwards thanked Commissioner Clark for the disclosure which was above and beyond the requirements according to Nevada Revised Statutes (NRS) 281A. He asked Commissioner Clark to clarify who Mr. Alexander was. Commissioner Clark explained Mr. Alexander was one of the principal owners of SoL Cannabis.

Commissioner Garcia agreed with many of the comments regarding the expedited timeline of this item and that perhaps there had not been enough public outreach. She reviewed the documents pertaining to this item from a Washoe County Health District (WCHD) perspective. She pointed out that slide 6 talked about indoor air quality, ventilation standards, and health standards for food preparation. She said slide 22 addressed how the WCHD had reached an agreement with the CCB to take the lead responsibility for enforcement of health-related regulations inside cannabis consumption lounges and slide 23 talked about food service workplace safety. She stated she did not take this decision lightly and that she cared deeply about the health and wellness of staff in those facilities and the people in the surrounding neighborhoods. She understood this item focused on SoL Cannabis, but she wanted to ensure everything was arranged with the WCHD if other businesses applied for this type of use. She asked for confirmation that Mr. Alexander's facility design was for an outdoor consumption lounge. Mr. Giesinger said that was his understanding.

Commissioner Garcia referred to regulation 15.055 which addressed odor mitigation, noting it was of concern to her. She knew there were regulations about how close the lounges could be to parks, swimming pools, and schools, stating there were still many residents who needed to be considered. She asked whether Mr. Giesinger could provide content related to the health aspect of outdoor facilities. Mr. Giesinger said there was no history for an outdoor lounge and how that would be addressed by health regulations. He understood the WCHD would not regulate outdoor consumption areas so it came down to what other elements would be included in the Ordinance. He noted the current proposal for amending Chapter 25 would not allow smoking the flower in any outdoor area. Staff felt the restriction was a reasonable compromise considering the lack of a regulatory history for addressing an outdoor lounge area. He said there was no outdoor use of any type of cannabis under the current BLC.

Commissioner Garcia indicated the business owner said he would be moving forward with a company called Fogco to deal with the odor remediation. She said Fogco was a fan used in other industries that neutralized with safe additives creating an invisible barrier. She asked whether there was an odor mitigation component for the outdoor space. Mr. Giesinger said there was no regulation at the State level and the CCB would be taking the lead on the indoor air quality aspect. He believed the Nevada Administrative Code (NAC), not the NRS, had many detailed provisions for indoor air quality. In terms of the indoor air quality issues and concerns over the exposure of workers, he understood there would be a separate glassed-in area in the case of indoor consumption. Only people consuming products would be in the separate space, so employees would not be in smoke-filled areas that would also have ventilation standards. He mentioned that indoor ventilation was very expensive according to Mr. Alexander. In response to Commissioner Clark's question about revocation, he said there was already a component in the BLC. All business licenses could be revoked for cause, so the revocation could be tied to instances of increased impaired driving. He said there were also provisions in the CCB regulations empowering local law enforcement to temporarily close those facilities. He stated there was also a procedure for suspending licenses that would require a board hearing.

Chair Hartung asked whether the lounge area would be walled off so employees would not be subject to errant smoke. Mr. Giesinger understood that was the case. Chair Hartung asked whether there were any standards for indoor air quality. Mr. Giesinger replied there were no standards at the County level, it was all at the State level.

Chair Hartung asked how a person's impairment would be determined and what type of impairment test would be used. He inquired how a person's consumption of edibles and the rate at which they metabolized the edibles would be taken into account. Mr. Giesinger said he understood the concern, noting the Ordinances before the Board did not address impairment and that the existing driving laws contained in chapters of the County Code would be enforced. He heard from the WCSO that officers were trained to deal with all types of impairment including methamphetamine, alcohol, and marijuana. Chair Hartung asked for confirmation that no sobriety test was available, saying even blood tests could be subjective. Mr. Giesinger replied he was not aware of an industry-standard test. He thought relatively good blood tests could be taken after the fact, but it took weeks to receive results. Chair Hartung said he received over 40 emails in opposition to this item.

Chair Hartung asked about the number of parking spaces per 1,000 square feet and whether they would be the same as restaurants. He noted lounges would be making edibles that people would consume, similar to eating at a restaurant. Mr. Giesinger said lounges would get five parking spaces per 1,000 square feet which was the same as retail dispensaries. He believed a restaurant required more parking spaces; it depended on the type of eating. He noted a bar required more spaces, but a liquor store did not.

Chair Hartung asked Mr. Giesinger about the yearly revenue from cannabis sales. Mr. Giesinger explained that any application fee would probably pale in comparison to the 3 percent tax on retail cannabis sales. He said he could share the revenue reports with the Commissioners.

Chair Hartung noted he served on the Regional Transportation Commission (RTC) and received a report each year about the number of vehicle fatalities. He said there had been 348 lives lost the prior year through December 5. The number of fatalities had decreased by 2.5 percent, but the top contributing factors were impairment and speeding. He indicated he would be less concerned if the lounges were associated with a hotel so impaired driving would not be an issue. He noted the dispensaries in the unincorporated County were remote and public transportation was not readily available. Spanish Springs had no public transportation including micro transit and most people would be unlikely to take a bus to patronize a cannabis lounge, so impaired driving was a big concern. Commissioner Clark echoed Chair Hartung's concerns about impaired driving and lack of public transportation. He observed the lounge was a significant distance away and Uber service was not always available. He said he spoke to Mr. Alexander about mini-buses or airport-type shuttles to transport people from hotels, but the issue of impaired drivers would be a concern until the number of people who would be leaving the venue was known.

On the call for public comment, Mr. William Naylor considered the handling of this Development Code amendment to be very poor. He said an expedited schedule resulted in a lack of citizen input, noting only 13 people attended the CAB meeting. He agreed with the Planning Commission's denial, observing the appeal was based on the findings the department claimed could be made. He spoke about finding number two, stating impaired drivers on the road would impact public safety. He referred to finding number three and argued that recent non-binding legislative action was a changed condition and that bringing people into a neighborhood to consume drugs was not a more desirable utilization of land within the regulatory zones. With regard to finding number four, he asserted the contaminated wastewater from cannabis consumption lounges was overlooked. He voiced concerns about the conservation element, sustainable use of natural resources, excessive environmental damage, and improvement of existing water quality well-head protection. He asserted the proposed amendment did not address those issues and compromised Master Plan policies. He requested the Board uphold the denial.

Ms. Diane Becker provided a document that was distributed to the Board and placed on file with the Clerk. She observed smoking or ingesting marijuana impaired perception and motor skills. She cited several articles from the Centers for Disease Control and Prevention (CDC), the National Institute of Health (NIH), and a Canadian health institute regarding studies that found cannabis use impaired perception and caused an increase in driving accidents. She disagreed with staff's statements about the impact of a cannabis lounge being the same as a dispensary and believed having a cannabis lounge was a step too far. She asked for the Board to regard Incline Village (IV) separately when considering allowing cannabis lounges. She mentioned the curvy mountain roads would be particularly precarious for impaired drivers. Many streets in IV had no sidewalks, so people and school children often walked on the road itself. She observed regulation 15.080 was the solitary section that addressed impaired driving and it only stated the cannabis lounge should set up an impaired driving mitigation plan. She believed the County needed to develop a mitigation plan based on analysis and what other jurisdictions were doing. She suggested the County opt out of cannabis lounges until it could see what worked in other communities.

Ms. Nancy Aldred stated she lived in the closest residential neighborhood to SoL Cannabis and had dealt with smelly exhaust since it opened. She said Mr. Alexander promised significant changes to odor abatement at neighborhood meetings but nothing had been done to date. She shared her husband contacted Division Director of Air Quality Management Francisco Vega regarding the odor which occurred in the evenings. Her husband was told that employees did not work evenings and could only go out during daytime hours. She said a fog filtration system was installed at the facility three years prior and it either did not work or had not been turned on. She alleged SoL Cannabis did not do what it promised. She believed having a lounge so far out of town without public transportation did not make sense and would be unsafe. She hoped the Board supported the decision of the Planning Commission.

Ms. Helen Neff asked the Board to support the decision of the Planning Commission. She said she submitted written comments with numerous objections, especially regarding impaired driving. She indicated impaired drivers were identified in most cases after a crash occurred and after innocent people were harmed. She observed the Nevada Highway Patrol (NHP) had jurisdiction over State routes and asked whether the NHP was consulted about this item. She said the question of whether to test for impairment was at the discretion of law enforcement officers. She spoke about an accident she was involved in when she was hit while crossing State Route 28 in which she alleged the driver showed signs of impairment. She said per the trooper's discretion the driver was not tested for impairment. She asked the Board not to put more impaired drivers on the streets.

Ms. Maureen Collins asked how a SoL Cannabis lounge would meet the needs of the community with respect to economic impacts, and how much of a negative impact it would have on residents of the area. She opined SoL would not provide much economic benefit but there would be significant negative impacts. She said the current SoL Cannabis customers purchased products and took them home for consumption which did not present a negative impact. She spoke about the lack of public transportation and noted lounge patrons would have to wait two or more hours before they were competent to drive home. She believed SoL Cannabis was uncooperative and displayed a lack of effort toward odor mitigation. She asserted effective filtration systems were available, noting other growers utilized those systems. She said live bands played at SoL Cannabis on its elevated porch and disturbed residents. She asked whether the Board would trust this venue owner to be responsible for others. She thought cannabis lounges made sense in urban settings, not in urban areas, and believed it would cause an increase in the number of impaired drivers.

Ms. Marilyn Naylor provided a document that was distributed to the Board and placed on file with the Clerk. She was one of the citizens who joined forces with Washoe County Parks and Open Space in 2008 to apply for the Nevada State Washoe Valley Scenic Byway (NSWVSB). She spoke about the mission of the NSWVSB and the visitors of the various parks in the area and bicyclists and motorists of the scenic loop. She expressed concern about the approval of a cannabis consumption lounge in Washoe Valley that would add impaired drivers to the roadways which would endanger motorists, bicyclists, and wildlife. She asked the Board to uphold the denial of the Planning Commission. She hoped to open lines of communication and continue working together as partners in the development of Envision Washoe 2040.

Mr. Cliff Low believed this item was only on the agenda because the last Commission voted three to two to bring this forward and expedite it. He observed that two of those three Commissioners were no longer on the Board. He spoke with a former Commissioner three and a half years prior regarding whether a Board was bound to the commitments made by a previous Commission and was told that was not the case. He opined this appeal should be denied both on the basis of process and substance. He believed the item showed it was rushed, the CAB meeting was rushed and poorly attended, and there was little time for public input. He observed there were supposed to be reports from the WCHD and the WCSO. He referred to the County's mission to provide and sustain a safe,

secure, and healthy community and asked what part of the mission was fulfilled by cannabis consumption lounges. He said a claim was made at the Planning Commission meeting about there being five bars in Washoe Valley and noted none of those establishments had billboards trying to draw people in from all over. He asserted SoL Cannabis had not shown itself to be a good neighbor and anything it said could not be enforced. He asked the Board to deny this item.

Ms. Grace Crosley expressed displeasure about this item, noting one significant difference between cannabis lounges and bars was the air pollution. She noted that people walking by a bar did not consume second-hand alcohol. She observed the cannabis lounges had air quality standards for inside the lounge, but outdoor consumption could expose others to second-hand smoke or vapor. She mentioned a study that compared the contents of second-hand smoke to the contents of second-hand marijuana smoke and found they had about the same number of carcinogens. She believed this was an opportunity to set a precedent about how marijuana would be used such as not allowing airborne products. She challenged the Board to look at alternatives, especially by disallowing cannabis lounges to operate without ensuring they were not polluting the air.

Mr. Doug Flaherty, a former Battalion Chief in Orange County, said he responded to hundreds of serious traffic incidents during his career. He spoke about two particularly serious accidents, both involving cannabis and alcohol consumption. He asked the Board to reject the appeal.

Ms. Galassini advised the Board she received 17 emailed public comments, which she placed on the record.

Commissioner Clark requested a recess.

Chair Hartung clarified that for a motion to uphold the denial, a “yes” vote would uphold the denial and a “no” vote would overturn it.

On motion by Commissioner Herman, seconded by Chair Hartung, which motion duly carried on a 3-2 vote with Vice Chair Hill and Commissioner Garcia voting no, it was ordered that the Planning Commission’s decision in WDCA22-0003 be upheld.

3:35 p.m. **The Board recessed.**

3:41 p.m. **The Board reconvened with all members present.**

23-0046 **AGENDA ITEM 24** Public Hearing: Master Plan Amendment Case Number WMPA22-0006 & Regulatory Zone Amendment Case Number WRZA22-0007 (Calle de la Plata and Village Green Commerce Center Specific Plan).

Recommendation to:

(1) Adopt an amendment to the Spanish Springs Area Plan, which is a

component of the Washoe County Master Plan, to change the master plan land use designation from Rural Residential (RR) to Industrial (I) on APN: 534-561-09, which is ±10.4 acres in size;

- (2) Adopt an amendment to the Washoe County Master Plan, Spanish Springs Area Plan, Appendix D - Village Green Commerce Center Specific Plan to add APN 534-561-09 (located at 365 Calle De La Plata) to the plan area;
- (3) Adopt amendments to the Washoe County Master Plan, Spanish Springs Area Plan, Appendix D - Village Green Commerce Center Specific Plan, to include the following:
 - a. Update acreage to include APN 534-561-09;
 - b. Remove specific references to APN 534-561-10 and update all requirements to be the same for all parcels;
 - c. Add a Utilities section requiring undergrounding utilities;
 - d. Amend and update the following sections of the Specific Plan: Development Standards; Site Planning: Building Height and Fences and Walls; Architecture; Turf Areas: Buffer Yards; and Public Trail Easement.
 - e. Remove the following sections of the Specific Plan: Specific Plan Goals; Land Use Classifications; Transportation Infrastructure; Site Planning: Building Site Coverage, Parking, Circulation & Sidewalks; Architecture: General Guidelines, Energy Efficient Tenant Criteria, Figures D-3 & D-4, Building Massing and Form, Mechanical Equipment, and Building Materials; Signs; portions of Landscaping; Turf Areas: Planting Palette and Parking Lot Landscaping; Subsequent Review Requirements; Project Financing; Maintenance; Administrative Approval for Minor Revisions; Design Flexibility; Omissions; and Definitions.

AND

- (4) Adopt, subject to final approval of the associated Master Plan Amendment and a finding of conformance with the Truckee Meadows Regional Plan, an amendment to the Spanish Springs Regulatory Zone Map, to change the regulatory zone from Medium Density Rural (MDR) (1 dwelling unit per 4 acres) to Industrial (I) (10,000 SF minimum lot size) on APN 534-561-09, which is ±10.4 acres in size. The Board of County Commissioners may adopt the proposed amendments, may further modify the proposed amendments and refer the matter back to the Planning Commission for its report in accordance with NRS 278.220(4), or may deny the proposed amendments after the public hearing.

If approved, authorize the Chair to sign the resolutions to that effect. Community Services. (Commission District 4)

Chair Hartung said this issue started years prior when a zone change took place for an area called Village on the Green, which was originally a green industrial park. He explained the parcel in question was previously zoned industrial and commercial, including the 20-acre flood detention basin parcel. The green industrial park was supposed to be able to generate all of its own power via solar and wind generation. The Commission approved the green park at the time, but the parcels all reverted to the bank with the downturn of the economy. He informed that a 10-acre parcel in the middle of those 40 acres was zoned industrial and commercial. When the bank sold the parcel, it could not sell it as industrial. The owner appeared before the Board to request the parcel be changed back to medium-density rural (MDR). He said the current request was to change the parcel from MDR back to industrial. He noted the parcels to the right were all zoned general rural (GR) and were non-conforming parcels. He reiterated this item was a request to revert this parcel to industrial and commercial from MDR and there was a residential dwelling unit of the parcel that would become a non-conforming use of the residential dwelling.

Planner Julee Olander displayed a parcel map. She said the request was to have this parcel rezoned industrial and moved back into the Village Green Specific Plan. She noted the Specific Plan would also be updated; there was some language in the plan that was primarily for the large parcel to the right of the parcel highlighted on the map. She said the plan had gone through several renditions and the current rendition was the latest update toward being viable for the property owners to develop industrial uses while still being sensitive to the residential properties to the south. She stated the plan had some specific standards in the Specific Plan that limited height and required certain setbacks. Any development would not be the large, tall buildings seen across the street in a parcel that was zoned straight industrial.

Chair Hartung observed the parcels to the north were zoned medium-density suburban (MDS). He said he would be resistant if it was a standalone parcel and the request was to make it industrial. He spoke with Director of Engineering and Capital Projects Dwayne Smith about ingress and egress. He noted directly to the south there were bridle paths and he spoke to many residents who indicated they did not want more residential dwelling units there.

On the call for public comment, Mr. Aaron Gustin indicated he lived directly to the south of the parcel. He spoke about the warehouses across the highway that used LED lighting which was not turned off until about 9:30 p.m. He inquired whether the lighting could be reduced to limited lighting after perhaps 7:00 p.m. He indicated the flood detention area was one of the main attractions when he purchased his home. He observed that area was included in the project, and he wondered whether he would still be liable to pay for the facility. He hoped the debt would be included in the project if it encompassed the flood detention area. He expressed concern about whether the flood detention area would be able to absorb the additional water which would flow down once more parcels were developed. He understood the parcels would be developed and hoped something good could be built there.

Ms. Carolina Flores, a real estate agent, spoke on behalf of the owner of the ten acres of raw land south of 365 Calle De La Plata. She said she and the owner were in agreement about the rezoning change for 365 Calle De La Plata, stating the Board was authorized and approved to do the zoning change.

Chair Hartung observed the project would ultimately feed into the stormwater utility and that the developer would have to mitigate the impact. He explained that currently the upper right-hand corner of the map showed what looked like a road but it was the extension of the waterway which flowed out of Griffith Canyon. He stated this item was not a project, so lighting standards and specific development of the parcel were not being reviewed at this time. He understood the concerns of neighbors and thought those issues could be mitigated. With respect to the stormwater utility, he believed the development would have to conform to the Washoe County Drainage Manual. He thought the capacity of the detention pond would likely need to be increased and then the developer would have to pay its fair share of the stormwater utility. Ms. Olander confirmed the developer would need to manage any kind of water flow on the property and that would be included in any building permits. She pointed out that the Specific Plan included some strong language regarding lighting standards that went above the normal requirements in industrial areas.

Chair Hartung observed the stormwater utility was not extant when he moved to Spanish Springs 36 years prior and the flooding was significant. He thought this request was legitimate and appropriate. He said he would understand if the Board did not want to support this item, but he believed a future request would likely be for residential development because it was already MDR. He noted a request was already made to convert everything to MDS which would potentially add a few hundred houses to that side of the highway. He was supportive of this change which was a reversion. He said development standards could be addressed when the property was developed in the future.

Vice Chair Hill mentioned there was a large setback required as part of the development. There was a 50-foot setback which included a buffer, and that would be required for any development. Chair Hartung stated nothing would change with the detention facility, a 50-foot setback already existed. He said the property to the south was already industrial.

On motion by Chair Hartung, seconded by Vice Chair Hill, which motion duly carried on a 5-0 vote, it was ordered that Master Plan Amendment Case Number WMPA22-0006 be adopted as listed in the staff report.

23-0047 **AGENDA ITEM 25** Public hearing: Second reading and adoption of an ordinance amending Washoe County Code Chapter 100 (Buildings and Construction) to reflect that a stand-alone Department of Building and Safety no longer exists and that its functions are part of the Planning and Building Division within the Community Services Department. Amendments to this chapter include updates to the nomenclature and structure of the business unit and positions providing building and safety

services to the Washoe County community; and other matters necessarily connected therewith and pertaining thereto. Community Services. (All Commission Districts.)

The Chair opened the public hearing by calling on anyone wishing to speak for or against adoption of said Ordinance. There being no response, the hearing was closed.

County Clerk Jan Galassini read the title for Ordinance No. 1697 Bill No. 1887.

On motion by Vice Chair Hill, seconded by Commissioner Herman, which motion duly carried on a 5-0 vote, it was ordered that Ordinance No. 1697, Bill No. 1887, be adopted, approved, and published in accordance with NRS 244.100.

23-0048 **AGENDA ITEM 26**

1. Conduct a second reading regarding adoption of an ordinance amending the Washoe County Code (“WCC”) in Chapters 50 and 70 concerning vehicles and traffic violations in order to convert most of those violations to civil infractions instead of criminal misdemeanor offenses. This amendment is necessary to comply with updates made in Nevada Revised Statutes (“NRS”) Chapters 483 through 484E, inclusive; 486; and 490 in the 2021 Legislative Session. State statute updates require many WCC traffic violations to be reduced from misdemeanor offenses to civil infractions unless state law provides that the violation shall be charged as a misdemeanor.

2. If supported, adopt and enact the new ordinance by title.
Title: An ordinance amending Washoe County Code (“WCC”) Chapter 50 (Public Peace, Safety and Morals) and Chapter 70 (Vehicles and Traffic) by repealing sections duplicative of state law requiring a new resident to obtain a Nevada driver’s license; by amending the penalty section in WCC Chapter 50 to be punishable as a civil penalty of not more than \$500 in lieu of a misdemeanor citation; by amending WCC Chapter 70 to retain a misdemeanor citation for the following offenses: not obeying a police officer’s orders; not obeying traffic control devices; interfering with traffic control devices; hitting a pedestrian in a crosswalk; walking along highways while not on paved portion of roadway or crosswalk or intoxicated; speeding over 30 miles per hour or more than limit; driving without a license; driving with a suspended license; drinking while driving; failing to stop at the scene of an accident; failing to give notice of accident; reckless driving; and failing to appear in court; by amending WCC Chapter 70 to provide for a civil penalties for the following offenses: crossing at other than crosswalk; speed limit fine; angle parking in certain incidences; and providing that a civil penalty shall be the default penalty for a violation of Chapter 70 in accordance with Assembly Bill 116 of the 2021 Nevada Legislative Session; and by amending WCC Chapter 70 to specify gross

misdemeanor penalties for off-highway vehicle violations; driving under the influence; and other matters necessarily connected therewith and pertaining thereto. District Attorney. (All Commission Districts.)

The Chair opened the public hearing by calling on anyone wishing to speak for or against adoption of said Ordinance. There being no response, the hearing was closed.

County Clerk Jan Galassini read the title for Ordinance No. 1698, Bill No. 1885.

On motion by Vice Chair Hill, seconded by Commissioner Herman, which motion duly carried on a 5-0 vote, ordered that Ordinance No. 1698, Bill No. 1885, be adopted, approved, and published in accordance with NRS 244.100.

23-0049 **AGENDA ITEM 27** Public Comment.

Mr. Doug Flaherty provided a document that was distributed to the Board and placed on file with the Clerk. He observed the Commissioners were considered stewards of the Lake Tahoe Basin. He read from the document he provided regarding a Butte County civil grand jury report from 2009. He spoke about aggressive development and fire danger and asserted there was a difference between a fire evacuation plan and an evacuation route assessment.

County Clerk Jan Galassini advised the Board she received an emailed public comment from Ms. Elise Weatherly, which she placed on the record.

23-0050 **AGENDA ITEM 28** Announcements/Reports.

Vice Chair Hill expressed interest in receiving a property and lease analysis for Washoe County. She said she had been happy to approve the leases, especially for the North Valleys Library, but she thought the Board needed to consider what capital projects were needed to get the County out of leases and really invest in the community. She mentioned that Commissioners could request agenda review with staff prior to meetings so they could have clarity and understanding of agenda items. She suggested the County Manager and staff consider this.

Commissioner Clark agreed with Vice Chair Hill's suggestion about the County looking at facilities to purchase, perhaps with some involvement from others in the community such as developers. He said he did not have all the details about the library such as square footage or the monthly lease amount. He observed the lease would not renew until June, but the Board took action at this meeting, and he would have liked more information. He noted leasing was a good option at times but sometimes there was residual value from owning. He said properties usually retained about 25 percent of their value no matter the age or condition. He indicated he would appreciate information about agenda items prior to meetings.

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4:16 p.m. There being no further business to discuss, the meeting was adjourned without objection.

VAUGHN HARTUNG, Chair
Washoe County Commission

ATTEST:

JANIS GALASSINI, County Clerk and
Clerk of the Board of County Commissioners

*Minutes Prepared by:
Carolina Stickley and Evonne Strickland, Deputy County Clerks*