

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

TUESDAY

10:00 A.M.

OCTOBER 22, 2019

PRESENT:

Vaughn Hartung, Chair

Bob Lucey, Vice Chair

Marsha Berkbigler, Commissioner*

Kitty Jung, Commissioner*

Jeanne Herman, Commissioner

Nancy Parent, County Clerk

Dave Solaro, Interim County Manager

Paul Lipparelli, 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, the Clerk called the roll and the Board conducted the following business:

19-0802 **AGENDA ITEM 3** Appearance: Dr. Kristen McNeill, Interim Superintendent, and Katy Simon Holland, Board President Washoe County School District – Presentation and update on the Pathway to Positive Progress, Academic achievement and next steps in the search for a superintendent.

10:03 a.m. **Commissioners Berkbigler and Jung arrived.**

Dr. Kristen McNeill, Interim Superintendent for the Washoe County School District (WCSD), conducted a PowerPoint presentation, a copy of which was placed on file with the Clerk. She reviewed slides with the following titles: About WCSD; *New York Times* study...; Preparing a workforce (3 slides); and School Safety.

Dr. McNeill said enrollment had increased in WCSD schools for the first time in many months. Three new schools opened during the current year: Desert Skies Middle School, Sky Ranch Middle School, and Nick Poulakidas Elementary School. She noted the preliminary audited graduation rate for the 2019-20 academic year was 86 percent, an increase of 2 percent from the prior year. The final audit of graduation rates would be available from the Nevada Department of Education in December. She stated the WCSD was the largest employer in northern Nevada. She said there were over 14,000 school districts across the country and the *New York Times* ranked the WCSD in the top 18 percent. She mentioned the WCSD made significant efforts to train students for the workforce through career technical educational (CTE) programs. She invited the Commissioners to attend the eighth-grade career expo, which would also be attended by

many local companies, and she would provide the date. She noted local companies provided internship opportunities for students. She mentioned many high school students graduated with college credits as a result of the dual-credit program at Truckee Meadows Community College. She spoke about the arts careers and technology programs available to high school students through the Academy of Arts, Careers and Technology (AACT), which had a 100 percent graduation rate. She discussed school safety measures.

WCSD Board President Katy Simon Holland continued the presentation and reviewed slides with the following titles: New Schools (2 slides); More Schools on Deck; Repairs to Core Schools; and Budget Efficiency.

Ms. Simon Holland acknowledged the Commissioners' participation in committees which contributed to the WCSD. She mentioned the new schools opened in Spanish Springs, Sun Valley, and south Reno. She noted Nick Poulakidas Elementary School was an impressive facility with a maker space and a display of the geo-thermal equipment used to heat and cool the facility. Two new schools were planned for fall 2020, one of which was an elementary school named for police officer John Bohach who died in the line of duty. She reviewed plans for new schools opening in 2021, 2022, and in later years. She mentioned the WCSD had a successful community initiative in Cold Springs, which included neighbors in the selection of a school site for the new elementary school. She expressed gratitude for the assistance of Bob Lissner, Founder of Lifestyle Homes, in obtaining the property for the Cold Springs school at a reasonable price. She mentioned the WCSD Board of Trustees would name the new Wildcreek high school and the repurposed Hug High School CTE center on November 12. She said transportation was difficult for some students who attended the AACT, so the repurposed Hug High School CTE center would be a terrific addition to the north part of the district. She spoke about the community outreach involved in the renovations of Swope and O'Brien Middle Schools. She thanked Washoe County voters for investing in the education of WCSD students by voting for Washoe County Question 1 (WC1). She indicated almost 100 percent of WCSD construction contracts were awarded to local contractors, which resulted in local jobs.

Ms. Simon Holland stated the WCSD approved a balanced budget for the first time in 16 years, which resulted in many spending cuts that would impact classrooms, such as deferring textbooks. Science textbooks had not been updated in more than 10 years. She noted classroom sizes were increased two years earlier to help balance the budget. The average class size nationally was 15.96 students, but it was 25 in Nevada.

Dr. McNeill continued the presentation and reviewed the slide: Pathway to Positive Progress. She said she sought feedback from teachers and staff when she was appointed Interim Superintendent in July. She established a 120-day pathway to positive progress based on that feedback. Targets of the pathway were published on the WCSD website and updated every two weeks. She said the plan would begin on November 1 and would continue throughout the rest of the year with monthly updates. The plan incorporated community feedback and survey data from two different surveys that had been distributed to the public. An important component was the development of an information technology (IT) strategic plan, which the District previously lacked. She said the use policy for one-

to-one devices needed to be equitable throughout the district, so staff would research and present national best practices to the WCSD Board. She noted an employee suggestion program would be instituted to ensure communication could move from the classroom to the administration. She spoke about increasing communication regarding the complicated teacher allocation process. She said the WCSD only overaged 14 teachers for the current year, which was a significant reduction from previous years.

Ms. Simon Holland continued the presentation and reviewed the slide: What's Next, Superintendent Search. She commented the WCSD had its first virtual town hall meeting the prior day. There had been good participation at the forum and there was a question about teacher shortages, but she indicated there were only 23 teacher vacancies at the start of the school year. By comparison, she reported the Clark County School District had 700 teacher vacancies at the start of the year. She said staff recruited teachers at colleges and universities; the WCSD also attempted to interest high school students in becoming educators, mentoring them through the process. The District also offered mentoring for newly hired teachers to help work through the challenges of being a new teacher and stay in the position.

Ms. Simon Holland said the WCSD performed a search for a consultant to help find a superintendent. The WCSD Board decided they would perform an open competitive search rather than hiring from within. The search would be an inclusive process and she hoped the Commissioners would participate; students would also take part in the superintendent search. The plan was to hire the superintendent for the 2020-21 school year. She reported Dr. McNeill agreed to be a candidate for the position.

Commissioner Herman asked whether the list of schools needing repairs included Lemmon Valley Elementary School and other schools in the north valleys. Dr. McNeill replied she could supply a list of schools in the north valleys that would be repaired. She noted the WCSD would rebuild O'Brien STEM Academy after they received more community input. The first community meeting was held two weeks prior. Ms. Simon Holland thanked the County for its support with the Lemmon Valley Elementary School issues. She indicated the WCSD had performed a significant number of repairs at the school during the previous two years. She noted the WCSD's website for information on repairs and construction projects was www.wcsdbuilding.com. The website listed projects proposed in WC1, had photos before renovation, and provided bid information, final repair costs, and photos of completed projects.

Chair Hartung expressed appreciation for the thoughtful assessment of whether rebuilding a school was a better solution than renovation. He noted repairing a school was not possible in some instances because new technology was needed.

Vice Chair Lucey commented there were many statistics people were not aware of, and they needed to be disclosed. He mentioned the continued growth in the community created challenges with school capacity. He noted Nick Poulakidas Elementary School recently opened but was already at capacity. Many surrounding elementary schools remained at capacity despite the opening of the new school. He asked whether the issue

was due to a lack of classroom space or educators. He inquired which issue needed to be addressed first to reduce the student teacher ratio to a manageable level.

Dr. McNeill replied both issues needed to be addressed. She said the WCSD needed to recruit teachers aggressively. She stated enrollments were based on projections, but quick growth and housing issues in the region made it difficult to project future enrollment. She confirmed that Nick Poulakidas Elementary School opened at capacity and two portable buildings would be added to the school for the 2020-21 school year. She indicated the WCSD discussed accelerating the timeline for the school planned at Rio Wrangler, taking into account the re-zoning that would be required. She mentioned they had the first meeting to discuss high school re-zoning, which would be a lengthy and community-driven process. She stated the WCSD had to recruit teachers and create alternative licensure options for people whose degrees were not in education.

Commissioner Berkbigler said she tried to remind people who commented Nevada was at the bottom of school rankings that the WCSD was not at the bottom. She thought many residents were not aware of how large the school district was. The WCSD encompassed the north area of the County as far as the state border, as well as Incline Village to the south. She thanked Ms. Simon Holland and Dr. McNeill for the excellence of Incline Village schools, which appeared to work well. She also thanked them for allowing extended time to secure grant funding for the purchase of the old elementary school, which was intended to be a transportation hub.

Commissioner Jung asked how much thought, time, and effort went into giving a land use plan and development review. She knew the WCSD signed off on projects, but she wondered whether extended discussions took place regarding the roads, buses, and infrastructure required for a school built in a remote location. She noted there were times when land was given away because there was no infrastructure and nobody wanted to build on it. She asked how much involvement elected staff had and whether they received information from the regional plan.

Ms. Simon Holland replied she had a better understanding of components of the regional plan because she served on the Regional Planning Governing Board. She said WCSD staff worked closely with planning staff from the County and the Cities of Reno and Sparks. WCSD staff worked on a regional plan update working group, but the elected Board of Trustees had no sign-off capability. She said the WCSD was required to provide educational services if a development was approved. She indicated the District had assessed whether sites not located in a growth area could be sold or put to another use. She said there was significant coordination at the staff level but not necessarily at the elected official level.

Commissioner Jung thought a single point of entry for elementary and middle schools was an excellent idea. She cautioned against spending tax dollars on mass-shooter preparedness. She read about the commercialization of defense measures for schools, which was not based on reliable data. She encouraged prioritizing careful spending that was based on evidence. Ms. Simon Holland said there was Safe and Healthy Schools

Commission (SHSC) which Sheriff Balaam served on. The SHSC secured an audit of the District from non-profit national experts. The WCSD would work through the recommendations of the audit. The School Safety Advisory Council indicated the WCSD was ahead in terms of intelligent use of school safety measures. She noted the investment in social and emotional learning was an important aspect of school safety. She mentioned the Rand Corporation highlighted the WCSD as a leader in social and emotional learning.

Commissioner Jung said teaching youths to be more socially and emotionally adjusted was helpful for schools and places where those youths ended up. She said there was a national trend of parents having their gifted children classified as special needs to get them the services they needed. She inquired whether it was a phenomenon seen in the WCSD. She asked what was done to address the needs of students and educate them properly in an overcrowded environment, all with a lack of money.

Dr. McNeill responded the gifted and talented classification was included in the Individuals with Disabilities Education Act and 504 Plans. She said each school in the WCSD had a robust gifted and talented education (GTE) program. The middle schools had the magnet program and Hug High School had the GATE Institute. She said they made sure parents were informed about available options. All 2nd-grade students were screened for GTE and placement decisions were made from the results. She noted parents were included in the process because they could provide information about the student outside the classroom. Intelligence was diverse and it was important to identify the different types of intelligence. She stated the WCSD strongly encouraged teachers to get their GTE endorsement so they would be able to provide that instruction for all ability levels.

Commissioner Jung observed much was asked of teachers. She said there was a national movement to increase teacher salaries to six figures. She wondered where the community and the elected Board stood on that push for investing significant capital in teachers. She said a person's salary showed what was honored or dishonored in a capitalistic society. She indicated she was very supportive of providing a six-figure salary to all teachers from kindergarten through university. They educated and raised other people's children. Teachers were federally required to provide services to some students who were severely emotionally disabled. She acknowledged the financial limitations of the WCSD would not support six-figure salaries for teachers, but she would support the District in whatever way possible. She thought taxes needed to be raised for the District; WC1 had not gone far enough and was regressive.

Commissioner Jung reminded Ms. Simon Holland and Dr. McNeill of Commissioner Berkgigler's statement regarding poor publicity for the WCSD, noting stories about education in Nevada grouped the WCSD with other districts. The Clark County School District was very large so it eclipsed the accomplishments of the WCSD. She thought the public throughout the country was not aware of the distance between Las Vegas and Reno. She expressed concern about students repeatedly hearing their education was inferior because they might end up believing that was the case. She asked for consistent protection of the WCSD image in the media.

Ms. Simon Holland said the WCSD was present at an Economic Development Authority of Western Nevada (EDAWN) meeting the prior week discussing Nevada's state ranking as 48th in the nation in education funding. She expressed gratitude for the legislative efforts during the prior session but said much work remained to be done. She said the expected cost for educating a student in Nevada was \$9,238 and the amount available was \$7,200, while the national average was \$13,900. She stated EDAWN President and CEO Mike Kazmierski challenged the EDAWN Board and the business community to acknowledge the state's ranking was not good enough and additional revenue was required.

Chair Hartung thanked Ms. Simon Holland and Dr. McNeill for their leadership. He understood the daily struggles they dealt with but noted they had made progress.

19-0803 AGENDA ITEM 4 Public Comment.

Mr. Russ Earle, Silver Knolls Community Organization President and Assistant Director of the Washoe-Reno Smart Growth Alliance, said he was not against intelligent growth and asked the Board to uphold the Planning Commission's denial of the Silver Hills development plan. He said the developer had approval for 680 homes. It was suggested they increase the development to 780 homes, which would adhere to the current zoning, but the developer had not agreed. He said the developer requested more than a variance because the development required a change to the master plan. He contended the request would not adhere to section 278 of the Nevada Revised Statutes (NRS) and it would only benefit the developer at the expense of the welfare of the surrounding community. He said the developer would cite the need for housing, but there were over 50,000 approved units that were not yet built. He requested the Board not perpetuate the over-approval of development because it would negatively affect the market.

Ms. Tammy Holt-Still submitted a document for the Board, a copy of which was placed on the record. She asked why the County believed it could circumvent procedures with regard to sewer plants and development. She said the proposal to build a sewer plant in Silver Knolls had not been presented to the Nevada Division of Environmental Protection (NDEP). She asked why Washoe County approved something for development which the NDEP had not reviewed. She said the issue was due to the information provided by staff. She said the County made deals to profit developers instead of protecting citizens. She asserted developers needed to pay for proper infrastructure. The County wasted money fixing issues the developer should fix.

Dr. Larry Weiss, Chair of the Washoe County Senior Services Advisory Board (SSAB), spoke about Agenda Item 6F. He said he supported the appointment of Mark Miranda, Linda Hardie, and Danada Rausch to the SSAB.

Ms. Elise Weatherly spoke about gifted students, fidelity, integrity, and a professor who had extra-marital affairs. She displayed a document, a copy of which was placed on file with the Clerk.

Ms. Judith Miller thanked County planning staff for the proposal to regulate short-term rentals (STRs). She said the number of STRs in Incline Village needed to be addressed. She asserted STRs impacted the availability of housing for the Incline Village workforce and schools. Incline High School was at 52 percent capacity, the middle school was at 28 percent, and the elementary school was at 47 percent. She believed the reduced number of students despite the County growing was due to the proliferation of STRs. She opined a large economic base for the Incline community would not develop with STRs as they were. She hoped the Board adopted a cap on or reduction of vacation rental units.

Mr. Aaron Katz mentioned the County lost an assessment measure which would cost the County millions of dollars. He expressed frustration at the standby fee charged to Incline Village residents for public facilities such as parks, libraries, and the Public Defender's Office. He said residents complained to the County about the fee and were told they could do nothing. As solutions, he suggested the Board could remove members of the Incline Village General Improvement District (GID) or seek new legislation because he felt GIDs were an issue throughout the state.

Mr. Levi Hooper noted the donated items he delivered to the people living along the river had helped. He said the need for blankets increased because the weather was colder. He stated any donations would be welcomed and he provided his phone number. He expressed concern about the number of homeless individuals and thought each day brought more people to the tent area. He thanked everyone for their support.

Mr. Sam Dehne expressed frustration because the Washoe County School District presentation took longer than the 10 minutes allotted on the agenda, which delayed public comment. He spoke about the Wildcreek High School project and Economic Development Authority of Western Nevada President and CEO Mike Kazmierski.

Mr. Jeff Church displayed images of a homeless camp, copies of which were placed on file with the Clerk. He indicated the accumulation of garbage and homeless camps located on East Commercial Row near Sutro Street was out of control. He pointed out the individuals in the homeless camps had no bathroom facilities. He inquired about the lack of response from the Washoe County Health Department and the City of Reno. He stated the Reno City Attorney had issued an opinion that it was legal to enforce the camping laws and Mr. Church asked why they were not being enforced. He said he spoke with the owner of a vacant property used by homeless individuals and was encouraged about the possibilities for resolving the issue. He requested to speak with County staff about options for working with non-profit organizations to address homelessness issues. He said more programs like Crossroads were needed because they made a difference.

County Clerk Nancy Parent placed email correspondence from Ms. Annemarie Grant on the record.

19-0804 **AGENDA ITEM 5** Announcements/Reports.

Commissioner Berkbigler said she spoke with the Sheriff and the Fire Chief regarding regional dispatch, which she had worked on for the previous five years. She expressed frustration about the lack of progress establishing a regional dispatch system. She was aware of the agreement between the City of Reno and the County for crime scene dispatch. She thought the agreement needed to be terminated if a regional dispatch system was not established. She requested staff provide information about terminating the contract before the start of the new fiscal year.

Chair Hartung mentioned he continued to receive phone calls from constituents reporting speeding on Dolores Drive. He said something needed to be done about it.

CONSENT AGENDA ITEMS – 6A THROUGH 6I2

19-0805 **6A** Approval of minutes for the Board of County Commissioners' regular meetings of September 17, 2019 and September 24, 2019. Clerk. (All Commission Districts.)

19-0806 **6B** Recommendation to 1) approve roll change requests, pursuant to NRS 361.765 and/or NRS 361.768, for errors discovered on the 2018/2019 and 2019/2020 secured and unsecured tax rolls 2) authorize Chair to execute the changes described in Exhibits A and B and 3) direct the Washoe County Treasurer to correct the error(s). [cumulative amount of increase to all taxing entities \$842.02]. Assessor. (All Commission Districts.)

19-0807 **6C** Recommendation to approve the process and procedures associated with the collection of statutory fees and submittal of quarterly reports to the Nevada Division of Water Resources as required by NRS 540.061 through 540.091. Community Services. (All Commission Districts.)

19-0808 **6D** Recommendation to authorize the Tax Collector to strike names and amounts identified on delinquency/uncollectible Personal Property Tax list for fiscal years 2012-2013 through 2018-2019, totaling [\$40,830.07]. Comptroller. (All Commission Districts.)

19-0809 **6E** Recommendation to acknowledge the grant award from the Office of Traffic Safety to the Second Judicial District Court, in the amount of [\$30,000], (\$30,000 in-kind match required), to support the Specialty Court programs, effective retroactively October 1, 2019 through September 30, 2020. District Court. (All Commission Districts.)

- 19-0810** **6F** Recommendation to appoint Mark Miranda and Linda Hardie [District 3], and Danada Rausch [District 4] to the Washoe County Senior Services Advisory Board for the four year term effective October 1, 2019 through September 30, 2023. Human Services Agency. (All Commission Districts.)
- 19-0811** **6G** Recommendation to approve a Supplemental FFY17 Department of Homeland Security (DHS) Complex Coordinated Terrorism Attack (CCTA) grant passed through the State Homeland Security Program (SHSP) awarding [\$69,287.00, (no County match required)], for a CCTA Exercise; retroactive from July 1, 2019 to December 31, 2019; If approved authorize the County Manager or his designee to sign the grant award documents; and direct the Comptroller's Office to make the necessary budget amendments. Manager's Office. (All Commission Districts.)
- 19-0812** **6H1** Recommendation to authorize the Washoe County District Attorney to sign and submit a request for Washoe County to be excluded from the opioid litigation negotiation class established by the order of the U.S. District Court on September 11, 2019 in Case No. 1:17-md-2804. District Attorney. (All Commission District)
- 19-0813** **6H2** Recommendation to accept increased funding for a Deputy District Attorney for the provision of continuing prosecutor services related to the High Intensity Drug Trafficking Areas (HIDTA) Task Force in the amount of [\$45,000] from the Office of National Drug Control Policy award to Nevada HIDTA for the period July 1, 2018 through December 31, 2019. District Attorney. (All Commission Districts.)
- 19-0814** **6H3** Recommendation to accept an Amended Notice of Subaward for the 2020 Victims of Crime Act (VOCA) grant to the District Attorney's Office in the amount of [\$79,734; \$19,933.50 required match], from the State of Nevada Department of Health and Human Services Division of Children and Family Service (DCFS) to provide funding for an existing part-time Victim Witness Advocate and a new intermittent-hourly Victim Witness Advocate position as approved by the Job Evaluation Committee, along with related travel, equipment, and victim services; from July 1, 2019 through December 31, 2019. Direct Human Resources to create the necessary positions and direct the Comptroller to make the necessary budget amendments and retroactively authorize the District Attorney to sign the grant agreement. This award represents 40% of total FY2020 award. District Attorney. (All Commission Districts.)

19-0815 **6H4** Recommendation to accept an Amended Notice of Subaward for the 2020 Victims of Crime Act (VOCA) grant to the District Attorney’s Office in the amount of [\$27,221; \$6,806 required match], from the State of Nevada Department of Health and Human Services Division of Children and Family Service (DCFS) to provide counseling services from July 1, 2019 through December 31, 201-9. Direct the Comptroller to make the necessary budget amendments and retroactively authorize the District Attorney to sign the grant agreement. This award represents 40% of total FY2020 award. District Attorney. (All Commission Districts.)

19-0816 **6I1** Recommendation to accept the 2020 Office of Traffic Safety grant [amount not to exceed \$25,000.00, 25% cash match required] as administered through the State of Nevada Department of Public Safety Office of Traffic Safety, to cover overtime costs related to conducting DUI saturation patrols, for the retroactive grant term of October 1, 2019 through September 30, 2020 and if approved, direct Comptroller’s Office to make the necessary budget amendments. Sheriff. (All Commission Districts)

19-0817 **6I2** Recommendation to accept a Justice Assistance Grant award [amount not to exceed \$35,000.00, no County match required] as administered through the State of Nevada Department of Public Safety Office, Office of Criminal Justice Assistance, to cover the cost of training and travel associated with the training for the Special Operations Division, for the retroactive grant period of October 1, 2019 through September 30, 2020 and if approved, direct Comptroller’s Office to make the necessary budget amendments. Sheriff. (All Commission Districts)

On the call for public comment Ms. Elise Weatherly spoke about system integration. She opined some women stayed with unfaithful husbands to avoid changing their name.

On motion by Commissioner Berkbigler, seconded by Vice Chair Lucey, which motion duly carried on a 5-0 vote, it was ordered that Consent Agenda Items 6A through 6I2 be approved.

19-0818 **AGENDA ITEM 7** Recommendation to approve an Employment Agreement for Eric Brown to serve as Washoe County Manager including provisions for salary, benefits, duration and other provisions common to executive employment contracts including those of previous county managers. Manager’s Office. (All Commission Districts.)

Interim County Manager Dave Solaro stated the Board had provided direction to staff following negotiations with Mr. Eric Brown regarding his employment contract. He announced Mr. Brown accepted the employment agreement and was present in Chambers.

There was no response to the call for public comment.

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

11:09 a.m. **The Board recessed.**

11:14 a.m. **The Board reconvened with all members present.**

BLOCK VOTE – 8 THROUGH 13

11:19 a.m. **Commissioner Jung left the meeting.**

19-0819 **AGENDA ITEM 8** Recommendation to acknowledge receipt of Change Log for the 2019/2020 Assessment Roll that results in a net increase of [\$477,658,806] in assessed values. Assessor. (All Commission Districts.)

There was no response to the call for public comment.

On motion by Vice Chair Lucey, seconded by Commissioner Berkgigler, which motion duly carried on a 4-0 vote with Commissioner Jung absent, it was ordered that Agenda Item 8 be acknowledged.

19-0820 **AGENDA ITEM 9** Recommendation to acknowledge payment to IBM in an amount [not to exceed \$300,000] to build and provide one year of service for INSPIRES for the period October 15, 2019 - October 15, 2020. District Court. (All Commission Districts.)

There was no response to the call for public comment.

On motion by Vice Chair Lucey, seconded by Commissioner Berkgigler, which motion duly carried on a 4-0 vote with Commissioner Jung absent, it was ordered that Agenda Item 9 be acknowledged.

19-0821 **AGENDA ITEM 10** Recommendation to approve the revised Interlocal Contract Between Public Agencies between the State of Nevada Department of Health and Human Services Health Care Financing and Policy and Welfare and Supportive Services Divisions and Washoe County to maintain the County Match Program, under Title XIX of the Social Security Act, assistance to individuals in long term care facilities retroactive to July 1, 2019 to June 30, 2021 for a projected amount of [\$5,000,000] per fiscal year. Human Services Agency. (All Commission Districts.)

There was no response to the call for public comment.

On motion by Vice Chair Lucey, seconded by Commissioner Berkbigler, which motion duly carried on a 4-0 vote with Commissioner Jung absent, it was ordered that Agenda Item 10 be approved.

19-0822 **AGENDA ITEM 11** Recommendation to recognize funds received from FEMA through the State of Nevada for the January and February 2017 flooding events be recognized in the special revenue funds that were responsible for the expense with all remaining reimbursements to be recognized in the General Fund Contingency Account excluding projects B60, D56 and F59. Comptroller. (All Commission Districts.)

There was no response to the call for public comment.

On motion by Vice Chair Lucey, seconded by Commissioner Berkbigler, which motion duly carried on a 4-0 vote with Commissioner Jung absent, it was ordered that Agenda Item 11 be recognized.

19-0823 **AGENDA ITEM 12** Recommendation to accept a Traffic Safety Resource Prosecutor (TSRP) grant to the District Attorney's Office in the amount of [\$200,000, \$50,000 cash match], from the State of Nevada Department of Public Safety Office of Traffic Safety to fund personnel and required training; retroactive from October 1, 2019 through September 30, 2020, if approved, direct the Comptroller to make the necessary budget amendments and authorize Human Resources to reclassify the existing Deputy District Attorney III position, pay grade TT to Deputy District Attorney IV, pay grade UU [Net annual fiscal impact is estimated at \$15,550], and retroactively authorize the District Attorney to sign the grant agreement. District Attorney. (All Commission Districts.)

There was no response to the call for public comment.

On motion by Vice Chair Lucey, seconded by Commissioner Berkbigler, which motion duly carried on a 4-0 vote with Commissioner Jung absent, it was ordered that Agenda Item 12 be accepted, directed, and authorized.

19-0824 **AGENDA ITEM 13** Recommendation to accept an Amended Notice of Subaward for the 2020 Victims of Crime Act (VOCA) grant to the District Attorney's Office in the amount of [\$123,233.00; \$30,808.25 required match], from the State of Nevada Department of Health and Human Services Division of Children and Family Service (DCFS) to provide for intermittent-hourly Victim Witness Advocate and Forensic Interviewer positions as approved by the Job Evaluation Committee; from July 1, 2019 through December 31, 2019. Direct Human Resources to create the necessary positions and direct the Comptroller to make the necessary budget amendments and retroactively authorize the District Attorney to sign the

grant agreement. This award represents 40% of total FY2020 award. District Attorney. (All Commission Districts.)

There was no response to the call for public comment.

On motion by Vice Chair Lucey, seconded by Commissioner Berkbigler, which motion duly carried on a 4-0 vote with Commissioner Jung absent, it was ordered that Agenda Item 13 be accepted, directed, and authorized.

PUBLIC HEARINGS

19-0825 **AGENDA ITEM 14** Public Hearing: Second reading and possible action to adopt an ordinance amending Chapter 65 of the Washoe County Code by expanding the permissible use of the 911 telephone line surcharge to include the purchase and maintenance of portable event recording devices and vehicular event recording devices for use by law enforcement agencies, including the Washoe County School District Police, as well as the Washoe County Department Of Alternative Sentencing, in accordance with the 2019 Nevada Legislature's enactment of Senate Bill ("SB") 89; by clarifying the powers and duties of The 911 Emergency Response Advisory Committee; and by amending the advisory committee membership, terms of appointment and quorum provisions; and other matters properly relating thereto. Manager's Office. (All Commission Districts.)

Government Affairs Liaison Jamie Rodriguez said this item pertained to the implementation of Senate Bill 89 from the previous legislative session. She noted implementation of the amendment would be brought back to the Board because it required changes to the 5-year master plan.

Nancy Parent, County Clerk, read the title for Ordinance No. 1643, Bill No. 1830.

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.

On motion by Commissioner Berkbigler, seconded by Vice Chair Lucey, which motion duly carried on a 4-0 vote with Commissioner Jung absent, it was ordered that Ordinance No. 1643, Bill No. 1830, be adopted, approved, and published in accordance with NRS 244.100.

19-0826

AGENDA ITEM 15 Public Hearing: Possible adoption of Master Plan Amendment Case Number WMPA19-0003 (Village Green) - Which amends the Washoe County Master Plan, Spanish Springs Area Plan and Appendix D - Village Green Commerce Center Specific Plan, the amendment would include the following:

1. Amend the Spanish Springs Area Plan Policy SS.5.1 to exclude the Village Green Commerce Center Specific Plan as specified within the plan;
2. Update the Village Green Commerce Center Specific Plan assessor's parcel numbers to reflect the removal of APN 534-561-09 which was removed from the specific plan in 2014;
3. Update the Village Green Commerce Center Specific Plan maps (Figure D-1; Location Map, Figure D-2: Specific Plan Land Uses, and Figure D-5: Business Park Buffering) in order to reflect the removal of APN 534-561-09;
4. Update the Village Green Commerce Center Specific Plan - Goal One under Specific Plan Goals for Protect the Natural Environment to add the language "where feasible";
5. Increase the building height to 40 feet from 35 feet in the Village Green Commerce Center Specific Plan for APN: 534-561-10;
6. Replace the western theme architecture standards with contemporary industrial theme standards in the Village Green Commerce Center Specific Plan for APN: 534-561- 10;
7. Change the landscaping requirement from 20% to 15% in the Village Green Commerce Center Specific Plan for APN: 534-561-10;
8. Remove Village Green Commerce Center Specific Plan phasing standards as the existing phasing plan is outdated and no longer functions properly with the proposed specific plan changes;
9. Remove the sustainability standards in the Village Green Commerce Center Specific Plan for APN: 534-561-10 and require future development to comply with all Washoe County code requirements; and
10. Remove Village Green Commerce Center Specific Plan maintenance contact information and update the definition of the master developer.

The Board may adopt, not adopt, or modify the master plan amendment. The affected area is the Village Green Commerce Center Specific Plan of the Spanish Springs Area Plan. And if approved, authorize the Chair to sign the resolution adopting the amendment, subject to favorable conformance review by the Regional Planning authorities. Community Services. (Commission District 4.)

Chair Hartung commented he attended the Citizen Advisory Board meeting and understood the agenda item.

11:24 a.m. **Commissioner Jung returned to the meeting.**

There was no response to the call for public comment.

On motion by Vice Chair Lucey, seconded by Commissioner Berkbigler, which motion duly carried on a 5-0 vote, it was ordered that Agenda Item 15 be adopted and authorized, and staff be directed to submit Master Plan Amendment Case Number WMPA19-0003 (Village Green) to the Truckee Meadows Regional Planning Agency for review for conformance with the Truckee Meadows Regional Plan.

19-0827 **AGENDA ITEM 16** Public hearing: Second reading and possible adoption of an ordinance amending the Regional Road Impact Fee (RRIF) General Administrative Manual (GAM) and the RRIF Capital Improvement Plan (CIP) with revised fees. The RRIF is an NRS chapter 278B impact fee designed to generate revenue for the construction of regional roads and associated improvements in the community that was first passed in 1996 and has since been periodically amended upon the adoption by the Regional Transportation Commission (RTC) of updated versions of the GAM, CIP and fees. Changes to the dollars per vehicle mile traveled (\$/VMT) and updates to the vehicle miles traveled (VMT) for the land use categories results in revised fees in both the North and South Service Areas. The revised fees range from a 43% decrease in some categories to a 47% increase in some categories in the North Service Area and a 53% decrease in some categories to a 22% increase in some categories in the South Service Area. The amount of the fees is based on the most recent version of the CIP in effect and is calculated according to the formula set forth in the GAM. The current amendments to the GAM consist of the 6th Edition RRIF GAM that has been approved by RTC for recommendation to governing bodies of the county and cities, as well as associated updates to the CIP and fees; and for other matters necessarily connected therewith and pertaining thereto.

And if approved, authorize the Chair to sign the resolution adopting the amendment to the Regional Road Impact Fee (RRIF) General Administrative Manual (GAM) and the RRIF Capital Improvement Plan (CIP) with revised fees. Community Services. (All Commission Districts.)

Nancy Parent, County Clerk, read the title for Ordinance No. 1644, Bill No. 1831.

Chair Hartung opened the public hearing by calling on anyone wishing to speak for or against adoption of said Ordinance. There was no response to the call for public comment.

Commissioner Berkbigler asked whether the motion needed to be read for the record. Chair Hartung believed it did not. Assistant District Attorney Paul Lipparelli said the title was read by the Clerk and could be adopted by reference.

Commissioner Jung said she would not support the Ordinance. She stated it incentivized sprawl, gave developers more money for regional roads the further away they were, and affected air quality. She asked the Regional Transportation Commission liaisons

to inquire whether a percentage of the gas tax could be used for the Sheriff's Office, the jail, or the courts. She said the ordinance did not support the Master Plan.

On motion by Commissioner Berkbigler, seconded by Vice Chair Lucey, which motion duly carried on a 4-1 vote with Commissioner Jung voting "no", it was ordered that Ordinance No. 1644, Bill No. 1831, be adopted, approved, and published in accordance with NRS 244.100.

11:31 a.m. **The Board recessed.**

3:00 p.m. **The Board reconvened with all Commissioners present. Chief Deputy County Clerk Jan Galassini took over for the Clerk.**

19-0828 **AGENDA ITEM 17** Public Hearing: Appeal of the denial, by the Washoe County Planning Commission of Master Plan Amendment Case Number WMPA17-0010 and Regulatory Zone Amendment Case Number WRZA17-0005 (Silver Hills). Master Plan Amendment Case Number WMPA17-0010 (Silver Hills), seeks to amend the Washoe County Master Plan, North Valleys Area Plan including:

1. Remove four parcels of land totaling \pm 780.32 acres from the Silver Knolls Suburban Character Management Area (SKSCMA); and
2. Create a "Silver Hills Suburban Character Management Area" (SHSCMA) and add the four parcels of land totaling the \pm 780.32 acres to the SHSCMA; and
3. Amend the North Valleys Area Plan Character Management Area map to reflect the removal of four parcels of land totaling the \pm 780.32 acres from the SKSCMA and into the SHSCMA; and
4. Create a character statement for the SHSCMA.
5. Create a new land use policy: NV.1.8 to allow the following regulatory zones in the SHSCMA:
 - a. Public/Semi-public Facilities (PSP)
 - b. Low Density Suburban (LDS 1 - One unit per acre)
 - c. Low Density Suburban-Two (LDS 2 - Two units per acre)
 - d. Medium Density Suburban-Three (MDS 3 - Three units per acre)
 - e. Parks and Recreation (PR)
 - f. Open Space (OS)
 - g. Neighborhood Commercial (NC)
 - h. Specific Plan (SP)
6. Create a new "Goal Seven" within the North Valleys Area Plan for the proposed SHSCMA, to establish a land use pattern, site development guidelines, and architectural guidelines that will implement and preserve the Silver Hills community character as described in the North Valleys Vision and Character Statement, as they are proposed to be amended.
7. Renumber the remainder of the North Valleys Area Plan to allow the insertion of the new Goal Seven.

8. Create Policy NV.7.1 to require that at least 50% of the residential parcels located to the east of Red Rock Road and within the SHSCMA are at least one acre in size.
9. Create Policy NV.7.2 to require a minimum lot size of one-half acre for residential parcels located to the east of Red Rock Road and within the SHSCMA, and to allow a residential density of three dwellings to the acre for the area of the SHSCMA located to the west of Red Rock Road.
10. Create Policy NV.7.3 to require new subdivision established within the SHSCMA to include an open space buffer of at least 50 feet in width adjacent to any dwellings existing prior to the adoption of the SHSCMA and to require that all new parcels within 200 feet of existing parcels match the size of the existing parcels.
11. Create policies NV.7.4 through NV.7.11 to establish development standards within the SHSCMA (similar to policies NV.4.6 through NV.4.10 from the SKSCMA) including: varied building setbacks, varied architectural elevations, “open-fencing”, minimum 2-car residential garages, “dark-sky” exterior lighting, new dwellings located adjacent to existing dwellings to be single-story in height, landscaping that emphasizes, native vegetation and implementation of these standards through actions by Washoe County.

AND

Regulatory Zone Amendment Case Number WRZA17-0005 (Silver Hills), which seeks to amend the regulatory zone on four parcels of land totaling \pm 780.32 acres, from Low Density Suburban (LDS) to Specific Plan (SP), with the intent of approving a specific plan allowing the development of 1,872 dwelling units. The overall residential density requested is approximately 2.5 dwellings to the acre. The development pattern proposed is similar to a common-open-space subdivision with lots as small as 3,700 square feet on the west side of Red Rock Road and lots as small as $\frac{1}{2}$ acre on the east side of Red Rock Road. The specific plan also provides for a total of 45,000 square feet of floor area for commercial uses and 15 acres for Personal Storage and 15 acres for Storage of Operable Vehicles uses types.

The applicant is Lifestyle Homes TND, LLC. The subject site is located on both the east and west sides of Red Rock Road, north of its intersection with Silver Knolls Boulevard. The Assessor’s Parcel Numbers are 087-309-10, 087-390-13, 086-232-31 and 086-203-05. The parcel sizes are \pm 308.6, \pm 243.02, \pm 190.03 and \pm 38.67 acres, which total \pm 780.32 acres. The master plan category of all parcels is Suburban Residential (SR), the current regulatory zone for all parcels is Low Density Suburban (LDS) which allows one (1) dwelling per acre. The proposed regulatory zone is Specific Plan (SP) with the intent of allowing \pm 2.5 dwellings per acre, overall density. The subject site is located within the North Valleys Area Plan and within the North Valleys Citizen Advisory Board area. Amendment of the Master Plan and Regulatory zone are Authorized in Washoe County

Development Code Article 820, Amendment of Master Plan and Article 821, Amendment of Regulatory Zone.

AND

If approved, authorize the Chair to sign the resolutions included as Attachments G and H to this report, subject to a finding of conformance with the regional plan as applicable. Community Services. (Commission District 5.)

Chair Hartung asked Assistant District Attorney Paul Lipparelli for guidelines for the proceedings. He noted the review was for a master plan amendment (MPA) and a regulatory zone amendment (RZA) and asked whether two votes were required. Mr. Lipparelli replied the application was for an MPA and RZA and the Planning Commission (PC) denied the amendment, so the item under review was an appeal of the denial. Typically, an appellate board could affirm the denial of the application, reverse the denial, or approve a modification that was somewhere in between. He clarified modification was not an option for this agenda item because it was a denial and only an approval could be modified. The Board had the option to reverse the PC's denial and grant approval or uphold the decision and deny the appeal. His recommendation for the proceedings was for the Board to hear a report from staff and a presentation from the appellant, take public comment, then deliberate and vote. Chair Hartung asked whether the Board could make amendments to the language of the agreements or whether the decision was a simple yes or no. Mr. Lipparelli said it was not a definite decision; the Board had the opportunity to place reasonable conditions on the approval based on the standards of the Code. The Board could ask the developer to alleviate any concerns the Commissioners might have. He clarified it was not a subdivision project, so the Board would not engage in bargaining approval of a map. He said the findings made by the Board to grant a master plan approval were contained in the Development Code.

Planning Manager Trevor Lloyd conducted a PowerPoint presentation, a copy of which was provided to the Clerk, and reviewed slides with the following titles: Location; MPA Request Overview; RZA Request Overview; Background; Requested Land Use Plan; Public Review Process; Result of North Valleys Area Plan Visioning Workshops; Basis for PC Denial – MPA; Basis for PC Denial – RZA; Basis for Appeal (8 slides); MPA Possible Motion; RZA Possible Motion; and Questions.

Mr. Lloyd said the agenda was an appeal of the PC's decision to deny the MPA and RZA for the Silver Hills development. He mentioned the property was located on the north side of Red Rock Road in the North Valleys Area Plan (NVAP), approximately three miles north of US 395. He stated the proposed intensification was very involved and required a number of amendments to the Washoe County Master Plan and the NVAP. In addition to the 11 Master Plan modifications that would need to be made, a new regulatory zone would need to be created in the specific plan with an accompanying handbook for the property. He stated the existing density was one unit per acre throughout the 780 acres.

Mr. Lloyd said the applicant wanted to create a master-planned community which would include some innovative planning concepts that evolved over time. The

developer had performed a lengthy public outreach process. Some of the features proposed by the developer were: providing a wider mix of housing; preserving key natural features; providing for parks, open space, public facilities, and community amenities; providing buffering and lot-matching along the perimeter of the development; establishing innovative concepts such as agrihoods, orchards, and garden-ponds; establishing trails and natural open space; and promoting a walkable community throughout the development by using significant greenery.

Mr. Lloyd reiterated the proposal had gone through a substantial public outreach process which included neighborhood meetings, Citizen Advisory Board meetings, and three visioning workshops. The result of the visioning workshops was the opinion that the proposed changes were not wanted. He indicated the basis for the PC's denial was the inability to meet four of the six required findings found in Article 820, two findings from Article 422 involving water and sewer resource requirements, and findings from the requirements of the NVAP. It was determined the proposal was not in conformance with the Regional Plan. He said the proposal used density from areas that exceeded 30 percent in slope, which was a violation of the Regional Plan. He noted policy NV1.1 identified all the allowed character management areas (CMAs), but the new Silver Hills CMA was not contemplated. He said Policy NV1.5 identified regulatory zones allowed but this proposed regulatory zone was not one currently listed under the policy. Policies NV 4.1 and 4.2 required at least 50 percent of new parcels to be one acre in size, but the proposed development was a significant departure from those policies. The Master Plan required higher density to be in close proximity to commercial zoning, but the applicant contended the new commercial area proposed within the handbook would resolve this issue. He stated the 3,700 square foot lots were incompatible with the surrounding .5-acre lots. He mentioned there were concerns regarding the availability of services and facilities such as traffic, water, sewer, and police protection. He said a master plan was a dynamic document subject to change; it was not a static document. It was inevitable that things would change over time and it was expected the development plans would change. He indicated staff who reviewed the RZA and the PC made similar findings, which were the basis for denial of the RZA.

Mr. Lloyd summarized the appeal and the basis for the appeal. He said the applicants contended the project was consistent with the master plan. He reviewed the 11 reasons cited by the developer as the basis for the appeal. The applicants indicated all necessary services and facilities would be provided prior to construction, and they believed the proposed use was consistent with NVAP policies. He said the applicant contended the PC had not asked questions or articulated the findings that were the basis for denial. He countered that the rationale for the PC's denial was outlined in the staff report and the presentation delivered to the PC. He concluded the Board was presented with two requests, one for the MPA and one for the RZA. He offered two possible motions for denial of the appeal and said two motions for approval were in the staff report.

Chair Hartung asked how staff arrived at the decision to recommend a denial of the proposal. Mr. Lloyd said staff performed a professional analysis which reviewed NVAP policies, the provisions of the Development Code, and the policies of the

Regional Plan. Staff was unable to make the required findings based on the analysis and felt the proposal was not consistent with the policies. He stated the policies and rationale for the decision were outlined in the staff report. Chair Hartung inquired whether the recommendation was based on the language of the current NVAP. Mr. Lloyd said yes.

Commissioner Jung asked for clarification regarding law enforcement services. Mr. Lloyd noted finding 4 pertained to the availability of facilities. Commissioner Jung asked whether that included law enforcement facilities. Mr. Lloyd said a letter from the Sheriff's Office (SO) indicated the development would increase the burden on the SO. Commissioner Jung asked whether the SO was always consulted about land use decisions for development. Mr. Lloyd replied the SO was typically a reviewing agency. Commissioner Jung asked whether all first responders were included as a reviewing agency. Mr. Lloyd replied the Truckee Meadows Fire Protection District (TMFPD) was included as well. The TMFPD made it clear they could serve the project with the increased intensification. Commissioner Jung noted the TMFPD was not mentioned in the conditions and inquired whether only those who objected were mentioned. Mr. Lloyd confirmed only findings which could not be made were referenced.

Garrett Gordon of Lewis Roca Rothgerber Christie LLP asked for time parameters for the appellant's presentation. Chair Hartung directed that 15 minutes be given for the presentation with the possibility of extended time.

Mr. Gordon conducted a PowerPoint presentation, a copy of which was placed on file with the Clerk. He reviewed slides with the following titles: Silver Hills Master Plan and Specific Plan; Community Outreach; Legal Findings; Development Code Finding (2 slides); Legal Finding: "Compatible Land Uses" (2 slides); Legal Finding: "Response to Changed Conditions"; Development Feasibility; Area Plan Finding: "Availability of Planned Facilities"; "Availability of Planned Facilities" (5 slides); Summary of Applicable Goals and Policies; Character Statement; Article 422; and Additional Specific Plan Conditions (3 slides).

Mr. Gordon said three generations of the Lissner family were present in Chambers on behalf of Lifestyle Homes (LH). He mentioned the project development had been going on for over two years. He said the developer had an economic development study, a stormwater study, a water study, and added input from a traffic engineer. He asserted the developer could meet all six findings of the Development Code. He emphasized the Silver Hills Character Statement would include a requirement that Swan and Silver Lakes' levels be maintained at or below pre-development flows. He said every future tentative map brought before the Board would have to prove the flows were at or below pre-development levels. He indicated the appellant proposed four additional conditions based on the input from the PC, the public, and other stakeholders.

Mike Railey, Planning Manager at Christy Corporation, Ltd., conducted a PowerPoint presentation, a copy of which was placed on file with the Clerk. He reviewed slides with the following titles: Silver Hills Specific Plan; Community Character; Open Space; Green Space and Common Areas; Parks; Agrihood (2 slides); Balanced Land Use;

Public Facilities; A Variety of Single Family Options; Perimeter Interface; Responsible Development; and Implementation of Smart Growth.

Mr. Railey said the developer decided to generate a specific plan because it created a custom-tailored zoning code, allowing them to incorporate the concerns from the neighborhood and stakeholders into standards for which they would then be accountable with future tentative maps. He emphasized the development preserved over 20 percent of the site for open space. The limited commercial use included in the proposal was intended for everyday neighborhood services, such as coffee shops and restaurants.

Commissioner Jung asked how the voluntarily imposed conditions would be enforced. Mr. Gordon replied the Community Services Department (CSD) would verify that all tentative maps complied with the handbook and any permitted construction would require a sign-off of compliance. He said the developer would be required to fix previous construction before approval of the next tentative map. Commissioner Jung asked how long the completion of the development would take since they would only build 150 units per year. Mr. Gordon replied the condition allowed 150 units per year until construction commenced on phase 1B. The condition would continue until the improvements were completed on Red Rock Road, which were set to begin in 2022 or 2023. They believed they could keep up with market demand and finish construction toward the end of the project.

Vice Chair Lucey requested a timeline for services pertaining to traffic and levels of service on Red Rock Road. Mr. Gordon replied it would take a couple of years just to design the project and home construction was anticipated to begin sometime between 2021 and 2023. By that time, the Regional Transportation Plan's expansion of Red Rock Road would be underway, along with the expansion of U.S. Route 395 by the Nevada Department of Transportation (NDOT). The self-imposed 150-unit-per-year limit would also help avoid issues.

Vice Chair Lucey indicated he was unable to locate the traffic study within his information packet, but a letter from the Regional Transportation Commission (RTC) listed the current standard for Red Rock Road as service level D. He noted the development was planned for level C and asked whether this was required by RTC. Mr. Gordon responded that RTC required service level D in most jurisdictions, but the NVAP and the County required level C for this development.

Vice Chair Lucey inquired about the level of service currently required in the area, and whether the traffic study included an assessment of the current traffic load on Red Rock Road. Paul Solaegui, Owner of Solaegui Engineers, stated service level C or better was currently achieved on Red Rock Road north of Moya Boulevard. He said NDOT had a count station there which logged about 4,500 trips per day. The level C standard in the RTC system was 14,800, leaving capacity for about 10,000 additional trips per day before level of service C would be exceeded; level D would be exceeded at about 17,000 trips per day. Growth was planned in the area and the RTC's model took that into account when programming the widening of Red Rock Road.

Vice Chair Lucey stated he received an email from Patrick Mohn with the Nevada Division of Environmental Protection (NDEP) which stated the NDEP understood Silver Hills would be served by a community water tower and the local wastewater treatment plant. Vice Chair Lucey said there had been discussion of current sewer capacity issues and asked how those needs had been assessed. Mr. Gordon said the plan was for Silver Hills to be serviced by the Stead facility but the developer understood that, prior to the approval of a tentative map, a study would be needed to ensure there would be sufficient capacity. The developer planned to hire experts to create a facilities plan with each tentative map to address the concerns of the public and ensure capacity would not be exceeded.

Vice Chair Lucey said the developer's presentation indicated an intent to improve public safety by building facilities in the development area to help with police and fire needs, but he asked how they intended to staff these resources since just building facilities was not enough. Mr. Gordon responded the developer would pay one-time assessment fees of \$300 to the Truckee Meadows Fire Protection District (TMFPD) and the Sheriff's Office for every home sold; this could end up being a substantial sum. Mr. Gordon stated the Sheriff had indicated concerns about being able to serve the area, so the developer hoped these fees would help mitigate those issues.

Chair Hartung asked what the developer would do if the development was allowed a certain number of equivalent residential units (ERUs) from the Reno-Stead plant but was later told the plant was at capacity and could not serve any more. Mr. Gordon answered they would not build past capacity. For example, with the first 150 units, a facility plan and tentative map would be prepared, and a will-serve letter would be required for the final map. Chair Hartung asked for clarification that the developer did not intend to obtain a will-serve letter for all 1,871 units at once, and Mr. Gordon agreed that was not the intent and it would not be fair to other developers. If no more capacity remained after 300 units, he said, a new treatment plant would need to be constructed by the developer. Chair Hartung wanted to ensure the County and its residents would not be expected to pay for that plant, and Mr. Gordon said the facility plan held the developer responsible for evaluating and addressing the need for a new treatment facility; this condition was memorialized in the plan documents and would be considered throughout the duration of the project. Chair Hartung noted he had also received several emails from constituents who were concerned about the odor from treatment plants in the neighborhood, but he said he had toured newer facilities which were surprisingly tidy and odor-free.

Chair Hartung asked whether the dedicated open space would be deed restricted to ensure it would remain open space indefinitely. He explained he had lived in Spanish Springs for many years and had seen previously-dedicated open space areas in the Wingfield Springs development later change to residential zoning. Mr. Gordon said he wanted to be as agreeable as possible to the Chair's suggestions, but deed restriction could be difficult from a legal perspective for a number of reasons.

Chair Hartung requested Mr. Lipparelli opine on this subject. Mr. Lipparelli responded a deed restriction was a private covenant which required a party to have an interest in the property in order to be able to enforce a covenant placed against the title to

the land. In some ways, he continued, open space designations in master plans, regulatory zone maps, and County codes could be more effective than deed restrictions. Mr. Gordon hoped it might give Chair Hartung some comfort to know the open space in Silver Hills would be given to the homeowners association (HOA). Although he was not certain, Mr. Gordon thought the open space land in the case of Wingfield Springs might have been retained by the developer, which would explain why it had later been converted to a different use.

Chair Hartung asked about stormwater and whether it would be detained or retained on the property. He explained detention implied temporary storage until the water could be allowed to flow off its terminus point, Silver Lake, whereas retention implied storing the water, such as in ponds, and using it for beneficial purposes. Mr. Gordon replied there would be a combination of both retention and detention. Some initial analysis had been done in the feasibility study regarding ponds, but a master hydrology study would need to be prepared prior to the tentative map. The developer felt it was important to go above and beyond the minimum requirements of the Development Code in order to give an extra layer of protection to the community.

Chair Hartung asked whether a mini storm drain facility with its own conveyance channels would be installed within the boundary of the plan area to serve the development. He sought confirmation that it would be maintained by the HOA and not become the responsibility of Washoe County taxpayers. Mr. Railey confirmed the conveyance channels and detention or retention basins would be in the development's open space areas and maintained by the HOA, not the County.

Chair Hartung spoke about water infrastructure in the nearby Silver Knolls area being served by a small municipal water company which had experienced problems with high arsenic levels. He asked whether he had correctly heard that Silver Hills planned to install infrastructure to serve Silver Knolls Park. He asked whether this would remove the park from the water company's responsibility, thus reducing the pumping of groundwater which could allow the arsenic levels to drop. Mr. Gordon confirmed this was correct. He said the arsenic issues had been brought up during visioning workshops and, as a result, the developers of Silver Hills had added language to their master plan's character statement providing support to Silver Knolls Mutual Water Company customers by extending water infrastructure to the park as well as to Silver Knolls. Chair Hartung asked whether residents would be forced to switch over. Mr. Gordon responded the developer would bring the infrastructure to Silver Knolls, but residents would not be required to connect to it. Chair Hartung asked whether this meant residents would also have the option to tap into the Truckee Meadows Water Authority system if the arsenic problems with Silver Knolls Mutual Water Company worsened, and Mr. Gordon confirmed that would be the case.

Vice Chair Lucey said he understood the Lissners and LH had conveyed a piece of property to the Washoe County School District (WCSD) for the construction of an elementary school in the area; he asked where the school would be located. Mr. Gordon replied the school Vice Chair Lucey was referring to was actually in Cold Springs, but he

noted the developer had also designated an area within the Silver Hills plans for another elementary school if the WCSD desired. However, the WCSD had provided a letter in support of the development, which indicated they anticipated no negative impact to area schools or their capacity.

Mr. Gordon requested permission to ask members of the audience who were in favor of the Silver Hills development to stand. Those in favor stood. Chair Hartung requested respect from all public commenters, some of whom expressed frustration that many of those standing might have been paid to be there.

Chair Hartung asked Mr. Lloyd whether the housing/jobs balance for the development took into account the 5,000 acres of the airport for which Dermody Properties was developing a master plan that would result in new industrial and commercial jobs. Mr. Lloyd deferred to Senior Planner Roger Pelham, who stated that had not been taken into account as it was outside the North Valleys area and within the City of Reno.

Chair Hartung noted Washoe County Development Code 110.820.25 allowed the appellant to rebut any comments made during public comment because the item was an appeal. He mentioned Mr. Gordon would be given a small amount of time after public comment to make rebuttals.

On the call for public comment, the following people spoke in opposition to the appeal of the denial of the MPA and RZA for the Silver Hills development: Mr. Russell Earle; Mr. Tom Riffel; Mr. Ray Lake; Mr. Steven Keller; Mr. Rob Pierce; Ms. Bonnie Klud; Mr. Lou Christensen; Ms. Kim Reily; Mr. Jon Stamps; Mr. John Howe; Mr. Ramie Pratt; Ms. Vicky Shea; Ms. Lily Gabriel; Mr. Louis Gabriel; Mr. Richard Gabriel; Ms. Jessica Gardner; Ms. Gina St. Ores; Ms. Jan Bishop; Ms. Bette Schmidt; Mr. Steve Wolgast; Mr. Larry Stamps; Ms. Jane Wardlaw; and Ms. Nancy Horvath.

The above individuals expressed concerns including: the fire hazards associated with increased density; the issue of having only one way in and out of the North Valleys area; the inadequacy of the \$300 per-unit contribution to fire and police; the ability of the TMFPD to serve the project only because they would get a new fire station if the project was approved; the slow response times for fire protection in the North Valleys; a lack of a place for sewage from the new development to go; the concern of possible flooding; sewer treatment concerns needing to be addressed before additional density was approved; the inability of Red Rock Road to handle the additional traffic generated by 1,872 more homes; the insufficient funding provided by the developer to widen Red Rock Road; the timing of the feasibility study for Red Rock Road not being an accurate representation of congestion on that road; the lack of alternative escape routes when an emergency caused Red Rock Road to close; the change in California's requirements to replace any imported water; the use of a deep well as a water supply taking water from the strata that supplied private wells; the project not fitting the neighborhood or the area plan already in place; the capacity of the Reno/Stead Water Reclamation Facility; the lack of a place for the 11,000 acre feet of water imported into the North Valleys to go; the claim that many of the supporters in the room were employed by the developer; the Citizen Advisory

Boards' (CAB) recommended denial of the project; the number of traffic signals which would be required on Red Rock Road; the lack of a need for a new community because the Silver Knolls community was already there; the cost and low priority of widening Red Rock Road; the estimated 15,000 homes already under development in the North Valleys; the inconsistency between prices quoted by the developers and the existing real estate market in Silver Knolls; the denial of the project by three entities; safety concerns; a lack of sustainable water, sewer, and traffic flow; long-term problems caused by large growth; the project's non-alignment with the new Washoe County Regional Plan; the existence of better locations in the County for the project; the remoteness of the location; the larger sizes of lots for existing homes; current public safety issues in Silver Knolls; potential property insurance rate increases; the inability for existing residents to retain their lifestyle and enjoy large open spaces; the quality of life of existing residents; the project's promotion of sprawl; inconsistent density matching with all parcels on the perimeter of the project; increased wildfire danger; increased noise and reduced air quality; the belief that the approval of the project represented spot zoning; the concern that lower-priced housing would cause home values to go down and undermine the investment of existing residents; and the large number of units already approved for development that had not yet been built.

The above individuals made the following suggestions: to allow the developer to build the 780 homes previously approved; for Commissioner Jung to recuse herself because she was not impartial; to maintain the original area plan; to uphold the Master Plan to help minimize the negative aspects of growth; to build a new access road to the North Valleys before any additional development was approved.

The following people spoke in support of the appeal of the denial of the MPA and RZA for the Silver Hills development: Mr. Richard Lace; Mr. Sean Whisler; Mr. Bob Corrado; Mr. Leon Hayes; Mr. Don Tatro; Ms. Monica DuPea; Ms. Nina Shapey; Mr. Art Moreno; Ms. Pandora Gulan; Ms. Gail Haney; Ms. Megan Murray; Mr. Dwight Millard; Mr. Peter Lissner; Mr. Heath Bogle; Mr. Dustin Lissner; Ms. Lynzee Lai; Mr. Gordon Gossage; Mr. Gary Crosswhite; Mr. Brady Finch; Ms. Lisa Finch; Mr. Aaron West; Ms. Wendy Baroli; Mr. Ian Satterfield; Mr. Jon Shafer; Mr. Scott Shandrew; Mr. Michael Kimmel; Ms. Jill Heaton; Mr. Sean Osterhagen; Mr. David Ward; Mr. Greg Jepsen; Mr. Cody Kay; Ms. Sandra Rodriguez; and Mr. Robert Whatley.

The above individuals expressed the following reasons for supporting the project: the need for new affordable housing; the inclusion of complementary land use with slightly higher density to offset some of the construction and development costs; the need for housing other than high-density units; the project being an example of conscientious development; the tight Cold Springs community being the result of the development built by LH; the donation of a much-needed middle school and the infrastructure to build it; the contributions made by the Lissners to schools and the community; the insular and inclusive nature of LH communities; the ability for multiple generations to live in close proximity because of the mixed housing types; the addition of open space; the opportunity provided by LH for local jobs in the construction industry; the supply of new homes helping resolve rising home prices; LH's plan to solve some development issues through their use of effluent; the facilities plan and addition of self-imposed conditions; the wrongness of

curbing development to prevent change; the character of the neighborhood; the high cost of local rental rates; the large population of 18 to 30 year old County residents who could not afford local housing because the net worth of millennials was approximately half of what the previous generation earned; the increased debt incurred by millennials; a reduction in displacement spurred by smart housing for all income levels; a lack of a pathway for young people to live in the area long term; a demonstration to the younger generation that their community leaders supported them; LH's support of local business owners; the quality of homes LH built; the amenities included in the project creating a very positive quality of life; the enjoyment of events and amenities in LH communities by residents from surrounding areas; safety; the value of agrihoods for families; the affordability of Mr. Lissner's homes; the limited number of homes, 3,000 over 30 years, that LH built; the property where the development would be built being owned by LH; the guarantee that LH would repair issues with any of their homes; the reliance of LH employees on the construction income; the predicted 30 percent increase in County residents by the 2032 census; the safety of children walking to and from school; the fact that 50 percent of LH buyers were repeat buyers; the assurance that the project would not be built right away; conformance with the revised Reno Master Plan and the Regional Master Plan, which both called for more efficient use of resources; the need for housing in the North Valleys for the many industrial employees working in that area; the reduced impact on infrastructure by providing housing near industrial jobs; the inclusion of an agrihood to provide healthy food that was not available in the North Valleys; access to family activities without the need to drive; the environmental benefits of an agrihood; the concern that the project would be annexed by the City of Reno if it was not approved by the County; the fire station proposed in the project reducing response time in the North Valleys; the reduction in profit LH made when selling homes to veterans; the belief that the fear of change should not prevent development; approval of a local developer being preferable to waiting for a national builder at a later time; the additional supply of homes helping retain faculty and staff at the University of Nevada, Reno; the lack of issues in LH communities that typically occurred in developments built by national builders; the repeated modification of the project to address the concerns of all stakeholders; and the potential to modify the project as it progressed.

Mr. J. Allen and Mr. Gordon Astrom were called but were not present to speak.

Documents were submitted by: Ms. Bonnie Klud; Ms. Lily Gabriel; and Ms. Wendy Baroli. Correspondence received from Mr. Steve Hartman and Ms. Tammy Holt-Still was placed on the record.

Commissioner Herman thanked everyone for speaking. She knew it was difficult to speak up. She commented she had sold many LH properties as a real estate agent and confirmed the subdivisions were as described by the public commenters. She said she previously promised not to approve any development that would put additional water into Swan Lake so she would vote against the project.

Chair Hartung allowed Mr. Gordon five minutes to rebut public comments.

Mr. Gordon stressed nobody was paid to be at the meeting. He noted the self-imposed impact fee would create \$1.1 million for fire and sheriff services. He addressed traffic concerns by clarifying the project had a unit cap based on the widening of US 395. The development was part of RTC's plan to widen Red Rock Road. The RTC and NDOT timelines would expand right on time for building. Regarding water and sewer concerns, he pointed out the developer had performed feasibility studies and they included a self-imposed facilities plan. He addressed Commissioner Herman's concerns by asserting their character statement indicated the development would not put any water into Swan and Silver Lakes that exceeded pre-development flows. He stated the project was in conformance with the Regional Plan and it was far below what the Master Plan had grandfathered them into, which was seven units per acre. He said the fire department had no safety concerns with the development. He asserted the development had more fire defenses by including fire defensible space and fire-resistant plants.

Mr. Gordon noted millennials who commented during the proceedings attested to the urgent need for affordable housing. In reference to the Gabriel family, he mentioned the developer would match their property's density and there would be a 50-foot buffer alongside their property. As examples of the appellant's commitment to the community, Mr. Gordon stated many existing residents connected to the natural gas line that LH ran through Silver Knolls. Additionally, Mr. Lissner gave land to the fire station expansion in Cold Springs and put two full-time kindergarten aids into the local elementary school. He asked the Board to approve the appeal with the additional conditions covered in the presentation.

Vice Chair Lucey thanked everyone who spoke at the meeting. He noted it was a challenging project. He heard similar concerns at a meeting two years previous for a development in his area, but he pointed out no building had yet taken place. He stated growth was inevitable and it was due to the costs and challenges in the surrounding states. He opined it was a well thought out project. He reviewed the proposal and had asked questions the Planning Commission failed to ask. He listened to the younger generations who wanted to purchase a home. He spoke about the challenges he faced when he purchased his first home and was aware of the issues faced by first-time homebuyers. His neighbors paid \$2,400 per month to rent a home because they could not find a home to purchase. There were not enough homes to fill the needs of the community.

Vice Chair Lucey reminded residents that infrastructure was the result of development and it was based on the needs of the community. He noted he was on the RTC Board and confirmed Red Rock Road would be improved. He mentioned the County relied on property tax and consolidated tax (c-tax) to provide services for the community. Taxes for one dwelling unit per acre resulted in a low tax base with which to provide services to all residents. He said residents constantly asked for more police, fire protection, human services, and senior services, which were paid for by property tax and c-tax. He considered it shortsighted to limit development simply to prevent changes in lifestyle. He indicated he would support the project and urged residents to be more accepting.

Commissioner Berkbigler thanked everyone who attended the meeting to discuss a project which was good for northern Nevada. She noted she moved to Reno in 1959 and had witnessed the growth; she realized not all growth was respected. She also knew the Lissner family and had studied their projects. She believed LH was the type of developer that was needed in the community because they lived in the area, cared about the community, and put time and effort into schools. The project showed that the young people of the community would be able to purchase affordable homes. She strongly supported the project.

Chair Hartung expressed concerned about Red Rock Road and wanted to see another point of access into the valley. He noted many public commenters spoke about the length of time they had lived in the area. He lived in Spanish Springs for more than 30 years and, though the neighborhood had changed significantly in that time, it had not changed his lifestyle. He acknowledged people who were concerned about lifestyle changes would have to adapt to not being able to use private property the way they used it before. He noted the Lissners would maintain equestrian trails as part of the project. He clarified the term 'approved but not built' was not used right. Just because development was approved did not mean the permit on the property was approved. He noted everyone present was part of growth. He was on the CAB that approved the first shopping center in Spanish Springs. He remarked people complained because they felt the community was being degraded but now everyone used those shops. He admitted his neighborhood still sometimes had slow Sheriff response times because of the size of coverage. In reference to a comment about the Board slowing down growth in the area, he replied the Board did not cause growth, but they responded to it and tried to do so responsibly. In response to the update regarding the Regional Plan, he noted the Silver Knolls area was designated as Tier 3 while the surrounding area was Tier 2, which was 30 units per acre. Denying the project could cause it to be annexed by the City of Reno, where it could become a larger issue.

Chair Hartung mentioned school sites were designated by the developer in Spanish Springs but the Washoe County School District (WCSD) would not build on those sites and wanted to build somewhere else. He asked whether the developer would be willing to move the site designated for the school based on the WCSD's response to growth. Mr. Railey replied the development handbook indicated the school site was subject to relocation.

Chair Hartung asked whether the development would use ground water. Mr. Railey responded no, the developer would connect to the TMWA system and import water. Chair Hartung asked whether the developer would build sewer infrastructure before building any homes. Mr. Railey replied yes, and the developer would also provide a facilities plan before the first tentative map was filed.

Chair Hartung noted the developer mentioned they would provide fire hydrants for community use. Mr. Railey said that was correct, it was one of the additional conditions. Chair Hartung clarified the developer agreed to put fire hydrants and potentially make water available to the water system on the north end of the development abutting the

small park. Mr. Railey said that was correct. Chair Hartung sought confirmation the developer would supply water capacity for Silver Knolls Park. Mr. Railey said they would.

Chair Hartung asked Mr. Lipparelli whether he needed anything. Mr. Lipparelli replied the Board had two choices: to uphold or reverse the decision. He noted staff had prepared model motions and findings in the staff report. If the Board decided to accept a motion for approval of the project, the developer offered six additional conditions as stated by Mr. Gordon. If the Board approved the project, the motion would need to include not only what staff suggested but also the six additional, self-imposed conditions. There was also a model motion in the staff report to deny the project. He mentioned any departures from the findings in the staff report needed to be stated in the motion.

Attempting to clarify the condition regarding flooding, Chair Hartung asked whether the developer would retain 1.5 gallons of water for every gallon that flowed from the development. Mr. Gordon replied that was correct.

Vice Chair Lucey moved that the Washoe County Board of Commissioners reverse the decision of the Planning Commission and approve Master Plan Amendment Case Number WMPA17-0010, being able to make at least three of the six general findings of fact required by WCC Section 110.820.15(d) and all twelve findings required by the North Valleys Area Plan. He read the entire suggested motion from the staff report. He made the findings of consistency with the Master Plan, compatible land uses, and response to change conditions. He mentioned his motion included all findings listed in the staff report as well as the self-conditions stated by the appellant. Commissioner Berkgigler seconded the motion.

Mr. Lipparelli stated it was not necessary for the motion to have a recitation of all the findings, but he suggested specifying whether the motion made only three of the six findings or whether the Board stated that all findings were met. He noted Findings 7 through 18 related to the NVAP and he believed Vice Chair Lucey's motion indicated those 12 findings were met; he recalled Vice Chair Lucey's motion only made three of the first six findings.

Vice Chair Lucey replied only three of the six findings were necessary. However, he amended his motion to indicate he could find five of the six findings by including the availability of facilities and desired pattern growth findings. He stated the sixth condition, the effect on military installations, was not applicable. The seconder agreed with the amendment.

On motion by Vice Chair Lucey, seconded by Commissioner Berkgigler, which motion duly carried on a 4-1 vote with Commissioner Herman voting "no", it was ordered that the Washoe County Board of Commissioners Washoe County Board of Commissioners reverse the decision of the Planning Commission and approve Master Plan Amendment Case Number WMPA17-0010, making five of the six general findings of fact required by WCC Section 110.820.15(d) with the effect on military installations being not applicable, and all twelve findings required by the North Valleys Area Plan. Additionally,

it was ordered that County staff be directed to forward WMPA17-0010 for a determination of conformance with the Truckee Meadows Regional Plan by the Truckee Meadows Regional Planning Commission, and the Chair be authorized to sign the resolution included as Attachment G to the staff report, subject to a finding of conformance with the regional plan as applicable.

Vice Chair Lucey then moved that the Washoe County Board of County Commissioners reverse the decision of the Planning Commission and approve Regulatory Zone Amendment Case Number WRZA17-0005, making all of the following findings in accordance with Washoe County Code Section 110.821.15 and all eight findings required by WCC Section 110.442.55.10.

Mr. Lipparelli asked whether the motion included making all of the findings 1-15 listed in the staff report. Vice Chair Lucey replied it did.

On motion by Vice Chair Lucey, seconded by Commissioner Berkbigler, which motion duly carried on a 4-1 vote with Commissioner Herman voting “no”, it was ordered that the Washoe County Board of Commissioners reverse the decision of the Planning Commission and approve Regulatory Zone Amendment Case Number WRZA17-0005, making findings 1 through 15 as listed in the staff report. Additionally, it was ordered that an amendment to the North Valleys Regulatory Zone Map be adopted subject to final approval of the associated Master Plan change, and the Chair be authorized to sign the resolution included as Attachment H to the staff report, subject to a finding of conformance with the regional plan as applicable.

19-0829 AGENDA ITEM 18 Public Comment.

Mr. Russell Earle, Mr. John Mikelonis, and Mr. Frederick DeVries were called but were not present to speak.

19-0830 AGENDA ITEM 19 Announcements/Reports.

Chair Hartung asked for an update regarding the request to add a soccer field to Lazy 5 Regional Park. Interim County Manager Dave Solaro replied the unsolicited request for the soccer field had not been received. Chair Hartung said he would ask the requestor to submit the unsolicited request to staff.

Commissioner Herman commended Chair Hartung on the proceedings.

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7:02 p.m. There being no further business to discuss, the meeting was adjourned without objection.

VAUGHN HARTUNG, Chair
Washoe County Commission

ATTEST:

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

Minutes Prepared by:
Carolina Sticklely, Deputy County Clerk