

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

MONDAY

9:00 A.M.

JULY 30, 2012

PRESENT:

Bob Larkin, Chairman
Bonnie Weber, Vice Chairperson
John Breternitz, Commissioner
Kitty Jung, Commissioner
David Humke, Commissioner

Amy Harvey, County Clerk
Katy Simon, County Manager
Paul Lipparelli, Legal Counsel

The Washoe County Board of Commissioners convened at 9:01 a.m. in special 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:

12-736 AGENDA ITEM 3 – PUBLIC COMMENT

Agenda Subject: “Public Comment. Comment heard under this item will be limited to two minutes per person and may pertain to matters both on and off the Commission agenda. The Commission will also hear public comment during individual action items, with comment limited to two minutes per person. Comments are to be made to the Commission as a whole.”

In response to the call for public comment, Jeff Church stated he supplied documents to the Board about his concerns. He noted he owned property in Reno and Washoe County and was a retired Reno Police Department Sergeant. He said during the last Board of Fire Commissioners combined meeting, he brought to that Board’s attention certain issues regarding the Staffing for Adequate Fire and Emergency Response (SAFER) Federal Emergency Management Administration (FEMA) grant to the City of Reno and the Truckee Meadows Fire Protection District and he was requesting an investigation of that grant. He suggested the entire date and submission issue of the awarded grant needed to be thoroughly investigated for compliance with FEMA rules, deadlines, fraud, date of signature and the undue influence of high-ranking FEMA officials, and the undue and improper influence from Senator Reid. He said it appeared the decision to increase the grant by approximately \$8 million was made long after the closing date (February 24, 2012) and signed on June 19, 2012. He asked if the Truckee Meadows Fire Protection District (TMFPD) Board had knowledge of, or approved, either the 2011 or the 2012 grant. If not, he wondered if that voided the grants. He asked who should get the grant money, if anyone, now that the joint applicants had divorced and were separate agencies. He also questioned who would be required to provide service to the areas as claimed in

the grant. He wondered if the second grant application and process were appropriate as it was signed by the TMFPD who had given notice to cancel the agreement as of July 21, 2012.

12-737 AGENDA ITEM 4 – ANNOUNCEMENTS

Agenda Subject: “Commissioners’/Manager’s Announcements, Requests for Information, Topics for Future Agendas, Statements Relating to Items Not on the Agenda and any ideas and suggestions for greater efficiency, cost effectiveness and innovation in County government. (No discussion among Commissioners will take place on this item.)”

Commissioner Humke made a request that the written document received from Mr. Church during public comment be entered into the record and placed on file with the Clerk.

Commissioner Weber stated she attended the Nevada Association of Counties meeting in Ely on Thursday and Friday.

Katy Simon, County Manager, gave kudos to the Nevada Department of Transportation because she was one of the thousands crossing the new Galena Creek Bridge, which turned out to be a very successful event. She thanked the firefighters who were also in attendance.

PUBLIC HEARINGS

12-738 AGENDA ITEM 5 – COMMUNITY SERVICES/COMMUNITY DEVELOPMENT

Agenda Subject: “Development Code Amendment Case Number DCA12-001 (Caretaker’s Residence) - Second reading and adoption of an Ordinance amending the Washoe County Code at Chapter 110, Article 302, Allowed Uses, and Article 304, Use Classification System, to define and allow a "Caretaker’s Residence - Attached" and (with an administrative permit) "Caretaker’s Residence - Detached" in industrial developments and providing for other matters properly relating thereto (Bill No. 1673)--Community Services/Community Development. (All Commission Districts).”

Chairman Larkin opened the public hearing by calling on anyone wishing to speak for or against the Development Code Amendment Ordinance.

Amy Harvey, County Clerk, read the title for Ordinance No. 1494, Bill No. 1673.

In response to the call for public comment, Robb Olson stated he was present representing the applicant, agreed with the staff report and would answer any questions.

Commissioner Humke inquired if such a caretaker’s residence would be permitted in a housing development that might be partially built but had not been sold. Roger Pelham, Senior Planner, responded no, but explained a different type of residence would be allowed temporarily. A construction factory could have a temporary residence during construction of a

subdivision, but this was considered a permanent use type that would be within an industrial development on larger parcels and would be used for 24/7 security. Commissioner Humke asked if a mobile home or office construction trailer would be permitted for this use because it could be a permanent improvement to the real estate. Mr. Pelham stated a manufactured home could be used for this use type if it were within an industrial development. Commissioner Humke said a built-but-not-occupied housing development did not constitute an industrial area. Mr. Pelham stated that was correct and explained that would be within a residential zone, most likely, a suburban zone.

On motion by Commissioner Jung, seconded by Commissioner Breternitz, which motion duly carried, Chairman Larkin ordered that Ordinance No. 1494, Bill No. 1673, entitled, **"AN ORDINANCE AMENDING THE WASHOE COUNTY CODE AT CHAPTER 110, ARTICLE 302, ALLOWED USES, AND ARTICLE 304, USE CLASSIFICATION SYSTEM, TO DEFINE AND ALLOW A "CARETAKER'S RESIDENCE – ATTACHED" AND (WITH AN ADMINISTRATIVE PERMIT) "CARETAKERS RESIDENCE – DETACHED" IN INDUSTRIAL DEVELOPMENTS AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO"** be enacted, adopted and published in accordance with NRS 244.100.

12-739 AGENDA ITEM 6 – COMMUNITY SERVICES/COMMUNITY DEVELOPMENT

Agenda Subject: “Approve First Amendment to a Development Agreement for Case Number DA11-001 for Reno Technology Park and Sparks Energy Park, approved by Ordinance 1476; which amendment permits the construction and operation of a certain Technology Park in a Special Development Area and modifies Special Use Permit case numbers SW11-001, SW11-002 and SW11-003 accordingly; and also provides for future amendments to the Washoe County Master Plan and the Washoe County Development Code Specific to the Special Development Area and other matters properly related thereto-Community Services/Community Development. AND Second reading and adoption of an Ordinance pursuant to Nevada Revised Statutes 278.0201 through 278.0207 approving a first amendment to a development agreement for case number DA11-001 for Reno Technology Park and Sparks Energy Park, approved by Ordinance 1476;which amendment permits the construction and operation of a certain Technology Park in a Special Development Area and modifies Special Use Permit case numbers SW11-001, SW11-002 and SW11-003 accordingly; and also provides for future amendments to the Washoe County Master Plan and the Washoe County Development Code Specific to the Special Development Area and other matters properly related thereto.”

Chairman Larkin stated this item appeared to be styled as an amendment to the Development Agreement and asked for the proper order of business. Paul Lipparelli, Legal Counsel, informed the Board the agreement to be considered proposed changes to the Development Agreement (DA), which was attached to the Ordinance. He said by approving the DA, the Board would set in motion the changes necessary for Apple® to use the parcels located in the Technology Park. He explained that under State law, DA’s had to be approved by an Ordinance, and the second item was adoption of the Ordinance. Chairman Larkin questioned

Ordinances the Board enacted that had any substantial changes from the first reading to the second reading would precipitate a revision of the amendment process. He asked if this Ordinance was not of a regulatory nature and the course could be changed. Mr. Lipparelli explained there was a first reading of the Ordinance at a prior meeting and there were no changes from the initial introduction.

There was no response to the call for public comment.

Trevor Lloyd, Senior Planner, stated the changes being presented were a result of a boundary change that was created as a result from a request by the applicant. He presented an overhead showing the new boundary line. He explained the reason for the amendment to the DA was because the new property line extended into four different zoning categories. He said the new DA would recognize and establish those zoning categories to allow for a data center.

Amy Harvey, County Clerk, read the title for Ordinance No. 1495, Bill No. 1674.

Chairman Larkin opened the public hearing for anyone wishing to speak for or against the proposed Development Agreement and Ordinance. Hearing none, he closed the public hearing.

On motion by Chairman Larkin, seconded by Commissioner Breternitz, which motion duly carried, Chairman Larkin ordered that the first amendment to Development Agreement, Case No. DA11-001 be approved.

On motion by Chairman Larkin, seconded by Commissioner Breternitz, which motion duly carried, Chairman Larkin ordered that Ordinance No. 1495, Bill No. 1674, entitled, **"AN ORDINANCE PURSUANT TO NEVADA REVISED STATUTES 278.0201 THROUGH 278.0207 APPROVING THE FIRST AMENDMENT TO A DEVELOPMENT AGREEMENT FOR CASE NO DA11-001 FOR RENO TECHNOLOGY PARK AND SPARKS ENERGY PARK, APPROVED BY ORDINANCE 1476; WHICH AMENDMENT PERMITS THE CONSTRUCTION AND OPERATION OF A CERTAIN TECHNOLOGY PARK IN A SPECIAL DEVELOPMENT AREA AND MODIFIES SPECIAL USE PERMIT CASE NUMBERS SW11-001, SW11-002 AND SW11-003 ACCORDINGLY; AND ALSO PROVIDES FOR FUTURE AMENDMENTS TO THE WASHOE COUNTY MASTER PLAN AND THE WASHOE COUNTY DEVELOPMENT CODE SPECIFIC TO THE SPECIAL DEVELOPMENT AREA AND OTHER MATTERS PROPERLY RELATED THERETO,"** be approved, adopted and published in accordance with NRS 244.100.

Commissioner Humke asked what the timeline was and if there were any further changes anticipated by this land user or any other applicants. Trevor Lloyd, Senior Planner, responded there was an aggressive schedule and it was anticipated to go through all the necessary changes by the end of September to ensure there would be no further complications down the road. Those changes included an amendment to the development code, an amendment to the Master Plan, as well as a regulatory zone amendment. He noted they were about half way through that process. He explained all of that would require Planning Commission approval, a

neighborhood meeting, approval by the Board of County Commissioners for the Master Plan amendment, and regulatory zone and development code amendments. He said a meeting also had been scheduled with regional planning.

Commissioner Humke asked Mr. Lloyd if he considered this a competitive process. Mr. Lloyd thought this process demonstrated that Washoe County was being very supportive and accommodating, which was important when prospective businesses were looking at different jurisdictions. He believed it was very positive for Washoe County and once the first user came in, he anticipated numerous other uses would follow suit and want to locate to this data center facility.

12-740 AGENDA ITEM 7 – COMMUNITY SERVICES/COMMUNITY DEVELOPMENT

Agenda Subject: “Recommendation to approve a resolution to initiate an amendment to the Washoe County Code at Chapter 110, Article 302, Allowed Uses, and Article 304, Use Classification System, to establish a new classification of use identified as “Data Center” and specify in which zoning districts and under what conditions it will be permitted-- Community Services/ Community Development. (All Commission Districts.)”

Chairman Larkin asked Trevor Lloyd, Sr. Planner, if the data centers were becoming more prevalent throughout the Country and wondered if this would initiate a code amendment that would specify type, nature and style of data centers. Mr. Lloyd stated that was correct. Chairman Larkin asked Mr. Lloyd to describe to the Board the process. Mr. Lloyd stated it would go through the Washoe County Planning Commission, but not the Regional Planning Governing Board. Chairman Larkin stated it was a local code amendment but had regional significance. Mr. Lloyd stated it had regional implications but he did not think it would impact the regional plan. He clarified the schedule by stating a neighborhood meeting had been scheduled and an “all” Community Advisory Boards (CAB’s) meeting workshop had been set. He said a Planning Commission meeting would be held on August 21st and then the item would be brought back to this Board in September. Chairman Larkin asked if any calls had been received regarding this issue. Mr. Lloyd stated no, but there had not yet been any formal notice on this item. Chairman Larkin received a call from Mr. Foley and encouraged Mr. Lloyd to call him and address his concerns.

Chairman Larkin asked what the final product returning to this Board would be. Mr. Lloyd stated it would be a definition for data centers. He said when the County’s uses were established, no one anticipated this type of use; therefore, the Code needed to be amended to reflect this use. Chairman Larkin asked how many data centers were currently located in the United States. Mr. Lloyd responded there were numerous and one was just approved by the City of Reno.

There was no response to the call for public comment.

On motion by Chairman Larkin, seconded by Commissioner Humke, which motion duly carried, it was ordered that Agenda Item 7 be approved. The Resolution is attached hereto and made a part hereof.

12-741 AGENDA ITEM 8 – COMMUNITY SERVICES

Agenda Subject: “Recommendation to approve the creation of 6 new positions for the Community Services Department’s leadership roles as authorized by the County Commission to include: 1.0 FTE Director of Community Services, Pay Grade ZZ, (annual value \$180,676.62 including benefits); 1.0 FTE Division Director Operations Community Services Department, Pay Grade WW, (annual value \$152,447.53 including benefits); 1.0 FTE Division Director Engineering and Capital Projects Community Services Department, Pay Grade VV, (annual value \$144,010.05 including benefits); 1.0 FTE Division Director Finance and Administration Community Services Department, Pay Grade UU, (annual value \$136,536.11 including benefits); 1.0 FTE Division Director Planning and Development Community Services Department, Pay Grade UU, (annual value \$136,536.11 including benefits); and 1.0 FTE Division Director Programs and Projects Community Services Department, Pay Grade UU, (annual value \$136,536.11 including benefits); as evaluated by the County’s Hay Group Consultant for management level positions. Positions are anticipated to be filled by internal candidates. [\$886,742.53 total annual cost including benefits which will be fully offset by replacing/eliminating existing positions and funded by resources available in the Community Services Department’s adopted annual budget]--Community Services. (All Commission Districts.)”

Katy Simon, County Manager, stated the agenda item was being amended to take action only on the 1.0 FTE Director of Community Services, Pay Grade ZZ (annual value of \$180,676.62 including benefits), and the 1.0 FTE Division Director of Operations, Pay Grade WW (annual value of \$152,447.53 including benefits). She mentioned the positions were anticipated to be filled by internal candidates. She said once the decisions were made by staff as to who the successful candidates were they then would go back and eliminate positions based on who got the new jobs. She said there would be an item on the Board’s agenda for August 14, 2012 to appoint the new Director of Community Services.

Rosemary Menard, Acting Director Community Services, stated the Board directed staff to develop this organization in August 2011 and in January 2012 code language was formulated to create the new department. She said on June 26, 2012 she presented to the Board the organizational structure and the definition of the leadership roles and positions.

Commissioner Jung stated she would like the record to reflect the reason why Washoe County did the re-organization and consolidation of many different agencies. She said this would save money in salary costs and other benefits and the positions promised to be cost neutral. Ms. Menard stated that was correct. She clarified that the June 26th staff report listed positions that had been eliminated including three department heads and an assistant county manager. She explained this process allowed for that to happen and those positions did not need to be re-filled because of the consolidation of departments. She said cost savings had been realized already.

Katy Simon, County Manager, thanked Ms. Menard and all staff that made this come together.

There was no response to the call for public comment.

On motion by Commissioner Jung, seconded by Commissioner Weber, which motion duly carried, it was ordered that Agenda Item 8, as amended, be approved.

12-742 AGENDA ITEM 9 – EMERGENCY ITEMS

There were no emergency items.

12-743 AGENDA ITEM 10 – PUBLIC COMMENT

Agenda Subject: “Public Comment. Comment heard under this item will be limited to two minutes per person and may pertain to matters both on and off the Commission agenda. The Commission will also hear public comment during individual action items, with comment limited to two minutes per person. Comments are to be made to the Commission as a whole.”

There was no response to the call for public comment.

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9:35 a.m. There being no further business to discuss, the meeting was adjourned without opposition.

ROBERT M. LARKIN, Chairman
Washoe County Commission

ATTEST:

AMY HARVEY, County Clerk and
Clerk of the Board of County Commissioners

*Minutes Prepared by:
Jaime Deller, Deputy County Clerk*



WASHOE COUNTY COMMISSION

1001 E. 9th Street
P.O. Box 11130
Reno, Nevada 89520
(775) 328-2005

**RESOLUTION
INITIATING AN AMENDMENT TO THE WASHOE COUNTY DEVELOPMENT CODE AT
ARTICLE 302, ALLOWED USES AND 304, USE CLASSIFICATION SYSTEM**

WHEREAS, Section 110.818.05(a) of the Washoe County Development Code, specifies that the Board of County Commissioners may initiate an amendment to the Development Code through resolution;

WHEREAS, such amendments responds to an emerging technology/industry which are identified as data centers use types;

WHEREAS, it is anticipated that Washoe County will receive additional applications to establish these data center uses throughout the unincorporated Washoe County in the future;

WHEREAS, such amendments will greatly improve Washoe County's ability to effectively regulate these data center facilities;

RESOLVED, BY THE BOARD OF COUNTY COMMISSIONERS OF WASHOE COUNTY, NEVADA That the Board does hereby approve an initiation to amend the Washoe County Code at Chapter 110, Article 302, Allowed Uses, and Article 304, Use Classification System, to establish a new classification of use identified as "Data Center".

ADOPTED This 30th day of July, 2012.

WASHOE COUNTY COMMISSION

A handwritten signature in black ink that reads "Robert M. Larkin".

Robert M. Larkin, Chair

The seal of Washoe County, State of Nevada, is circular. It features a central figure holding a scale of justice, surrounded by the text "SEAL OF WASHOE COUNTY" and "STATE OF NEVADA".

ATTEST:
A handwritten signature in black ink that reads "Amy Harvey".
Amy Harvey, County Clerk