

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

TUESDAY

8:30 A.M.

NOVEMBER 5, 2019

CONCURRENT MEETING

PRESENT:

Vaughn Hartung, Chair
Marsha Berkbigler, Commissioner
Jeanne Herman, Commissioner
Bob Lucey, Vice Chair (via telephone)†

Jan Galassini, Chief Deputy County Clerk
Dave Solaro, Interim County Manager
Paul Lipparelli, Assistant District Attorney*

ABSENT:

Kitty Jung, Commissioner

The Washoe County Board of Commissioners convened at 8:30 a.m. with the Reno City Council in concurrent 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:

Chief Deputy County Clerk Jan Galassini indicated Assistant District Attorney Paul Lipparelli was delayed.

19-0833 **AGENDA ITEM 3** Public Comment.

Mr. Jeff Church brought up the inhumane treatment of homeless individuals near the Truckee River. He displayed a photograph of a protester carrying a weapon during a recent river walk. Mr. Church expressed frustration that none of the four action items heard during the prior day's Community Homelessness Advisory Board meeting received a vote. Displaying a picture of water test results that showed high coliform and E. coli counts in the river, he expressed concern that homeless individuals drank from that river. He urged the Board to give notice to the homeless people near the river and put up warning signs prohibiting swimming. His photos were placed on file with the Clerk.

Ms. Tammy Holt-Still displayed two pictures of water, copies of which were placed on file with the Clerk, and expressed concern about the maintenance of the pumps there. She claimed hundreds of millions of dollars were being spent to maintain a status quo in Swan Lake yet the water level in culverts was high, even without precipitation. She expressed frustration that it took her an hour to make it to the meeting due to traffic.

She contested proper infrastructure was not in place and expressed exasperation that the two boards wanted to continue building.

***8:38 a.m. Assistant District Attorney Paul Lipparelli arrived.**

Mr. Sam Dehne spoke about the Reno City Council giving \$7 million to purchase the *Reno Gazette-Journal's* building and spending \$30 million to rehabilitate it. He also discussed Reno City Attorney Karl Hall and Mike Kazmierski from the Economic Development Authority of Western Nevada.

19-0834 **AGENDA ITEM 4** Public Hearing: Master Plan Amendment Case Number WMPA19-0001 and Regulatory Zone Amendment Case Number WRZA19-0001 (Buck Drive) - The Washoe County Commission and the Reno City Council in joint session will affirm, reverse, or modify the decisions of their respective planning commissions that recommended approval of this item and, if approved by the County Commission and City Council:

(1) (Both Washoe County Commission and Reno City Council) Subject to a finding of conformance with the regional plan by the regional planning authorities, to approve a master plan amendment from the "Medium Density Suburban/Suburban Residential" (MDSSR) to the "Commercial" (C) master plan designation on one parcel of land, totaling approximately 1.003 acres; because the subject property is within the Reno-Stead Corridor Joint Plan, which is a master plan under the joint jurisdiction of the City of Reno and Washoe County, amendments require approval by both entities. If approved, authorize the chairs of each respective governing body to sign a resolution to this effect;

(2) (Only Washoe County Commission) Subject to final approval of the associated master plan change, to approve a regulatory zone amendment from the "Medium Density Suburban" (MDS) regulatory zone to the "General Commercial" (GC) regulatory zone on the same parcel of land, and, if approved, authorize the chair to sign a resolution to this effect. The existing manufactured home is subject to a condition precedent that the residence be removed before the amendments take effect.

Alan and Debra Squalia are the property owners; Christi Corp is the applicant's representative. The parcel associated with this request is APN: 552-190-03 (1.003 Acres). The subject parcel is located off of Lemmon Drive and Buck Drive, and is situated within the North Valleys Area Plan, the Reno-Stead Corridor Joint Plan and the North Valleys Citizen Advisory Board boundaries. Community Services (Commission District 5.)

Planner Chris Bronczyk conducted a PowerPoint presentation and reviewed slides with the following titles: Concurrent Meeting; Overview of MPA/RZA; Overview of Parcel; Vicinity; Reno-Stead Corridor Joint Plan; Regulatory Zone; Compatibility; Public Notice & CAB/NAB; Pattern of Growth; Existing Residence; MPA Recommendation; and RZA Recommendation.

Mr. Bronczyk explained the Master Plan Amendment was heard by Reno and Washoe County's Planning Commissions on May 7, 2019. He pointed out the proposed change would maintain the general commercial designation that was found in parcels to the south and west of the property. Citing the compatibility slide, he remarked it was a generic swap which would result in no additional impacts, though the applicant would need to provide significant screening and buffering to the adjacent residential properties.

Councilmember Brekhus asked how often a condition precedent was used. Mr. Bronczyk responded it was not used regularly but legal counsel believed they could move forward with it. Councilmember Brekhus thanked him for introducing a new concept to her, which she indicated might have value as they redid their code.

Vice Mayor Duerr stated she thought a commercial designation would produce less wastewater than a residential one. Mr. Bronczyk agreed, saying calculations predicted a less intense use. He pointed out there was a potential for three dwelling units if the parcel stayed zoned as residential.

Vice Mayor Duerr stated she and several Councilmembers and Commissioners attended a meeting about the north valleys, where she learned Washoe County adopted a 1.5 to 1 increase in stormwater capacity. Chair Hartung responded that was for one particular project that was not relevant to this discussion.

Councilmember Brekhus asked whether there was septic and well service on the premises. Mr. Bronczyk said the applicant indicated there was, but the plan was to hook it up to municipal sewer and water systems if the proposal was approved.

Commissioner Herman inquired whether this parcel would be serviced by the Stead Sewer Plant and discharged into Swan Lake. Mr. Bronczyk replied it was his understanding it would hook up to the Truckee Meadows Water Reclamation Facility (TMWRF) in Sparks.

Councilmember Brekhus posed the question of whether the City of Reno had a flow agreement with Washoe County for unincorporated growth to TMWRF. Vice Mayor Duerr replied she learned at the prior day's meeting that there was a Buck Drive diversion which took effluent to TMWRF and she believed there was an agreement. Assistant Reno City Manager Bill Thomas said there was a long practice of considering individual cases but he did not know whether there was a specific agreement between the two entities. Ordinances within the City of Reno created a process where unincorporated properties could connect to City utility systems. Councilmember Brekhus pointed out the City of Sparks had an agreement with the County. Mr. Thomas added the City was working with the County's utilities division to explore some type of agreement in the north valleys.

On the call for public comment, Ms. Tammy Holt-Still displayed several documents, copies of which were placed on file with the Clerk. Referencing an Environmental Protection Agency standard, she compared the stormwater runoff for a single dwelling on an acre parcel to high-density development, which she considered

commercial zoning to be. She declared not taking care of stormwater runoff would result in a continuation of the problems that area was currently encountering.

Mr. Sam Dehne spoke about several projects that had been approved since 1993. He praised Ms. Holt-Still's expertise and recommended the boards to listen to her.

Chair Hartung invited Michael Railey, Planning Manager at Christy Corporation, to make any comments. Mr. Railey noted he prepared a presentation but it would repeat much of Mr. Bronzcyk's presentation. He offered to answer any questions.

Commissioner Herman expressed concern about the uncertainty around stormwater and sewer service. Mr. Railey pointed out that, while a specific project was not being proposed, connecting the parcel to the Buck Drive interceptor to transport sewer waste to TMWRF was the obvious option. He indicated the parcel would connect to the existing high-tech stormwater vault system or a new, comparable system. This would be engineered based on the final user of the site.

Chair Hartung said he believed the current code prohibited any increase in water flow from the property after development, a point confirmed by Mr. Railey.

Commissioner Berkbigler moved to adopt the amendment to the Washoe County Master Plan, change the regulatory zone of the parcel, and authorize the Chair to sign the two Resolutions as laid out in the staff report. Chair Hartung seconded the motion. There was a brief discussion with Assistant District Attorney Paul Lipparelli where Commissioner Berkbigler confirmed her motion adopted both the County-only action as well as the joint planning action which would also be considered by the Reno City Council. The seconder agreed.

On motion by Commissioner Berkbigler, seconded by Chair Hartung, which motion duly carried on a 2-1 vote with Vice Chair Lucey and Commissioner Jung absent, and Commissioner Herman voting "no", it was ordered that Agenda Item 4 be approved, adopted, and authorized.

Councilmember Brekhus asked whether the Board of County Commissioners (BCC) had the authority to take action with only three Commissioners. Chair Hartung pointed out the BCC had a quorum with three members present.

Mr. Lipparelli stated typical action required a majority of the quorum to carry a motion; however master plans sometimes required a greater number of votes. He deferred to staff members with more knowledge of the nuances.

Chair Hartung suggested calling Vice Chair Lucey on the phone, adding the Vice Chair was watching the meeting.

Planning Manager Trevor Lloyd confirmed Nevada Revised Statutes (NRS) required a supermajority to take action on master plan amendments, and he suggested getting Vice Chair Lucey on the phone.

While staff attempted to call Vice Chair Lucey, the Reno City Council voted to adopt the proposed amendment.

Councilmember Brekhuis mentioned she was the lead staff planner on this master plan in 1999 and the County at the time wanted the process of convening both bodies on plan amendments. She did not believe it was required by NRS and the cumbersome nature of convening both these bodies as well as both planning commissions made joint planning fall out of favor. She indicated she advocated for joint plans for the north valleys and Verdi since 2014 as a way to avoid regional conflict. She pointed out the City of Reno had land use appeals in Verdi and the north valleys slated through February. She requested staff attorneys work with attorney Norm Azevedo since the terminology for amending joint plans was different, and the terminology for amending regional plans did not require joint meetings. Vice Mayor Duerr suggested the Councilmember bring that up either at a regional planning meeting or at a Reno City Council meeting.

† 9:09 a.m. Vice Chair Lucey joined the meeting via telephone.

Mr. Lipparelli asked whether Vice Chair Lucey was familiar with the application and the materials submitted on this matter and he indicated he was. The Vice Chair confirmed subsequent queries by Mr. Lipparelli by saying he had been watching the meeting from home and had no questions or concerns prior to voting on the matter.

Mr. Lipparelli indicated he consulted with planning staff and determined State law did not mandate a supermajority of the BCC for a master plan amendment, though this was a requirement of the Planning Commission. However, County Code included a requirement that a majority of the membership of the BCC approve a master plan amendment, which would be three votes.

Chair Hartung reviewed the motion on the floor with Vice Chair Lucey, who said he understood.

On motion by Commissioner Berkbigler, seconded by Chair Hartung, which motion duly carried on a 3-1 vote with Commissioner Jung absent and Commissioner Herman voting “no”, it was ordered that Agenda Item 4 be approved, adopted, and authorized.

19-0835 **AGENDA ITEM 5** Public Comment.

Ms. Tammy Holt-Still indicated she would lodge a complaint with the Attorney General because Vice Chair Lucey was not present when roll call for this meeting was taken and he was only called when the required vote was not reached. She felt the item should have been postponed and expressed concern about Washoe County’s transparency.

19-0836 **AGENDA ITEM 6** Announcements/Reports.

Commissioner Berkbigler expressed frustration that both boards and their staff had to be present to vote on a 1-acre parcel. She asked Interim County Manager to provide direction about how to address this issue. She noted she was in favor of transparency but she felt whichever agency housed this parcel should have been the one to take action on it. Chair Hartung agreed and expressed interest in eliminating joint planning areas.

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9:16 a.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:
Derek Sonderfan, Deputy County Clerk*