

Approved February 1st, 2018

The Special Meeting of the Douglas County Board of County Commissioners was held on December 4, 2017, in the meeting room of the County Administration Building, 1616 8th Street, Minden, NV, beginning at 9:00 AM.

Call to Order

Chairman Penzel called the meeting to order.

Commissioners Present:

Barry Penzel, Chairman
Steve Thaler, Vice Chairman
Nancy McDermid, Board Member
Larry Walsh, Board Member
Dave Nelson, Board Member

Commissioners Absent: None

Staff Present:

Kathy Lewis, Clerk-Treasurer
Doug Ritchie, Chief Civil Deputy District Attorney
Mary Ann Martin, Deputy District Attorney
Larry Werner, County Manager
Kathleen Schmidt, Deputy Clerk

INVOCATION

A Moment of silence was held for the invocation.

PLEDGE OF ALLEGIANCE Led by Chief Civil Deputy District Attorney Doug Ritchie

PUBLIC COMMENT

Bobby Wheeler expressed his concern about ordinance 2017-1494 regarding weapons and changing the rule/code on civilians discharging firearms south of the incorporated Ranchos housing tract. Mr. Wheeler stated that the ordinance is in place for the County, not allowing the discharge of a firearm within 1500 feet of a school district or a home. He said the amendment will change the distance to 5000 feet. Mr. Wheeler is concerned with the distance change and he urges the Board not to approve the ordinance as it is written and proposed. He said that parts of it are good with but he was never surveyed about his opinion on the change. Mr. Wheeler said that extending the ordinance to 5000 feet would close off the entire area south from 395 to the big ranch. He is not in favor of the extension and added that the sand pits are

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beyond the 1500 feet, and he would be happy to escort the Board down in a pit and show them there is no visual sight line to the school.

Mike Dodd said he agreed with Mr. Wheeler, and added that there has never been a safety issue with the shooting range. He added that 60 percent of people who shoot in the Ranchos are from California and they bring their trash. He said he voted for the Board and has trusted their influence. He does not want California to influence the County. Mr. Dodd stated that it is safe in the area in question and those carrying firearms over school property are not law-abiding and the Sheriff's Office will take care of them. He added that he lives 1700 feet from the area and he is part of a protective services team for his church and he trains people there and added it is the only place they can safely train.

Virginia Starrett said she objected to the Master Plan update on today's agenda and she added that the document is too dense and complex. She stated that the document is biased in its presentation and is dictatorial by allowing future commissioners to take actions that do not have proven community support. Ms. Starrett mentioned that the document is not constructed well, she said the outlines are an embarrassment; she added this is her beginning response to the document. She highlighted the effects of using the appropriate words when writing these documents and a meeting would not remedy those types of issues. Ms. Starrett said she is disappointed that the Board is not interested in getting valuable feedback and wants to rush through this vital document during a meeting. She is angry that there has been no attempt to show updates from the old Master Plan. Ms. Starrett said there is always a redline version when making changes to these types of documents.

APPROVAL OF AGENDA

MOTION to approve agenda; carried

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Nancy McDermid, Board Member
SECONDER:	Steve Thaler, Vice Chairman
AYES:	Penzel, Thaler, McDermid, Walsh, Nelson

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ADMINISTRATIVE AGENDA

1. For possible action. Discussion on the adoption of Resolution Number 2017R-088 (ref. DA 17-028), the 20-year update to the Douglas County Master Plan, amending all existing chapters with the exception of the Transportation Element and the Washoe Tribal Land Element, adding a new Public Safety Element, reorganizing certain Elements, and other properly related matters. Following a presentation from staff on each Chapter, including suggested changes, the Board will take public comment, deliberate, and vote on each Chapter, including any changes the Board wants to incorporate into the Master Plan. Finally, the Board will vote on the 20-year Master Plan Update Resolution 2017R-088, which will incorporate the previous votes on the individual Volume I Chapters. (Heather Ferris)

Chairman Penzel stated that he would like to see a prologue noting the changes in language with the Master Plan. He added that the disclaimer should read that the Master Plan is a guide, as described by the Nevada Supreme Court. He added that some members of the public take this document as law when its purpose is to provide a guideline for the laws. He proposed, as a matter of procedure, that before going into individual Elements, staff allow time for Commissioners to address their concerns regarding that Element. He advised that each Element will be heard and voted on individually.

Commissioner Nelson proposed that they make this a first reading of the document.

Commissioner McDermid stated that perhaps they call it a draft rather than a first reading, and have it brought back in a red line version and identify the changes between the draft and final adoption.

Commissioner Walsh said that he concurred that it should be a draft and asked for a redline copy long ago but was told there were too many changes. He believes the Board needs to see what's changed between the versions.

Vice Chairman Thaler agreed. He mentioned that he would like to consider today's version a draft and come back with a final copy.

Chairman Penzel noted that this is good instruction for staff, and he complimented the Board for going through a lot of background material and added that this is not a part-time job. He mentioned that this was a daunting amount of work by Community Development and it deserves the time to be reviewed.

Heather Ferris, Planning Manager, introduced Candace Stowell, consultant with Wells Barnett & Associates.

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Chairman Penzel asked that the Housing Element be presented first.

Candace Stowell, Wells Barnett & Associates presented the 2016 Master Plan Update and thanked the staff for their help in preparation.

Please see the full presentation in the supplemental materials.

Commissioner McDermid referenced page four in the background information, she stated that areas with a population of 45,000 would be required to have a planning commission but the slide said 25,000, and she asked which is correct.

Ms. Stowell stated that 25,000 is the appropriate number.

Chairman Penzel mentioned that the Board would ask questions as they go in the interest of time; he added that one requirement is for above-ground utility plans and there is not a section for it in the Master Plan.

Ms. Stowell replied that it is included in the Public Service Element.

Chairman Penzel mentioned that above-ground utility was mentioned but it does not have its own section. He added that it included 39 water systems, but he was not able to find that many systems. Chairman Penzel said he would include it in an Infrastructure Element, which is a primary Element for the County to grow. He mentioned that there has to be a better way to present the information. He noted that the Board sees this as a draft but the Planning Commission went after goals and didn't go through all of the background information and asked what this is supposed to look like, a plan or a compendium of comments.

Commissioner McDermid added that when the ten-year plan update was done, it took 18 months. She said that people all talked about how important agriculture was and they created the Agriculture Element from those comments. Commissioner McDermid said that in 2005-2006 infrastructure wasn't identified as important by the residents at that time but 10 years later infrastructure is identified as being important. She noted that the commission has to define what that consists of and the purpose of the discussion could be created.

Commissioner Walsh said he agrees with Commissioner McDermid and added that the Board has heard about infrastructure from residents and he would like to see an Element called infrastructure.

Commissioner McDermid stated that two of the sitting commissioners were not involved in the 2016 meetings because they were just elected. She added that their comments are not included in the information prior to 2017.

Chairman Penzel noted that the packet contains a compendium of comments but only Commissioner Walsh's comments are included in the prologue. He

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added that this document needs a methodology to get commissioners comments to the staff.

Ms. Stowell presented the 2016 Master Plan Update Process.

- 2016 Master Plan Survey
- 2016 Master Plan Stakeholder Interviews

The full Master Plan Update process is included in the supplemental meeting materials.

Larry Werner, County Manager, introduced Bill Brewer, Nevada Rural Housing Authority who acts as housing agent for workforce housing.

Ms. Ferris stated that the Housing Element begins on page 147.

Bill Brewer Nevada Housing Authority shared a presentation including:

- Cracking the Affordability Code
- Definition of "Affordable"
- The Affordability Problem
- The Affordability Problem continues
- How is this a Problem
- This may not be a problem if you are at 80% of the "median household income"
- The Affordability Problem, meeting the needs of our very low-income households
- The rest of the story, meeting the needs of our extremely low-income households
- Achieving Success, Other Alternatives
- Our Study

To review Mr. Brewer's full presentation please see the supplemental material.

Commissioner Nelson suggested in regards to calculating the median price for Carson Valley, they should only use homes with 1100-1500 square feet on 1/4 acre lots, because he came up with 265,000 dollars. He asked why they would average everything when those bigger parcels would not be affordable.

Mr. Brewer stated that was just an example and agreed that a smaller home would be priced less. He reiterated that he used the median price, but the availability of smaller homes is extremely limited. Mr. Brewer stated that even a smaller sized home would not be affordable for a local teacher.

Vice Chairman Thaler asked how many homes are for sale under 300,000 dollars and asked if that is something they look into because affordable and available housing is what he thinks is most important. He added that the less available they are, the more expensive they become with supply and demand.

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Mr. Brewer stated that it is definitely limited, but he said the availability is becoming limited.

Vice Chairman Thaler added that the Lake has the same problem but at a different number. He said it's a market-driven industry, and you can't tell people how much they can make on a sale. He said that the bigger picture is that Douglas County is where everyone wants to live.

Mr. Brewer said that the amendment to the Housing Element hopes to address that.

Vice Chairman Thaler said he understands but it's still market driven and asked what's in it for the contractor to make only 10% on a home rather than 25-30%. He added that the County needs to be careful about creating incentives because it could create a bigger profit margin for contractors.

Mr. Werner stated that this discussion is in place to talk about standards and the County is not looking for a lot of federal subsidies. He said the tools to accomplish these things are provided by the Master Plan. Mr. Werner said this plan is not trying to answer all of the questions at this time but the County wants to have flexibility in the Master Plan to move ideas forward.

Commissioner McDermid wondered who decides where tax credits go for 320-350 units of housing.

Mr. Brewer replied that it is decided by population.

Commissioner McDermid said Tahoe Regional Industrial (TRI) Park has no housing in that area and has put more impact on housing around TRI. She said with companies like Switch and Tesla creating jobs, their biggest issue is housing for employees. Commissioner McDermid asked why the Nevada Housing Rural Authority (NRHA) wouldn't look at a different formula based on job creation. She added that Douglas County partnered with Sierra Colina and developed 54 homes, nine or ten were deed restricted, but the project went away due to a lawsuit. Commissioner McDermid stated that the concept was 9 deed restricted homes intermingled in the project but sell at a lower price for County employees, the Sheriff's Office, teachers and people working in the basin. She added that because of that the other homes would have a premium to help the developer. Commissioner McDermid stated that this type of development that makes sense for Douglas County because they want County employees to live amongst the population. She mentioned she was hoping the Housing Element would include an option for Genoa investors to allow deed restriction and intermix it if they wanted extra density for additional housing at a lower cost. Commissioner McDermid noted that it has to be a big enough development to be able to do it, but housing is the number one issue in Nevada. She noted that the problem with getting businesses into Douglas County is that employees have to live outside Douglas County and the County has lost business to other areas with less costly housing. She added that the County has to look at what tools they have, but she asked Mr. Brewer to talk to

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NRHA about needing a different formula or Clark County will always get the majority of the tax credits.

Commissioner Nelson stated that the 30 percent affordability is not a flat line 30 percent; he said that as people make more money, they can afford more for housing. He stated that he feels it's misleading to include high-income earners and call it 30 percent.

Vice Chairman Thaler asked about rental vacancies, and stated that a lot of people start out in rentals so where do they fit in Carson Valley.

Mr. Brewer replied that the vacancy rate in Carson Valley is almost at 100 percent, he added that virtually everything is filled and three to five percent vacancy rate would be healthy.

Vice Chairman Thaler asked Mr. Brewer without subsidies, what the rental rate was.

Mr. Brewer said depending on the quality of unit it's at 800 to 1200 dollars per month for a one bedroom unit.

Vice Chairman Thaler stated that the County also faces a lack of affordable rentals and would like to see that reflected in the discussion.

Mr. Brewer stated that while some renters will never be homeowners, there are still not a lot of units available and Douglas County is not alone in that regard, as Carson City and other Counties are the facing same issues.

Vice Chairman Thaler noted that Douglas County is not building here but Carson City is building rentals, he is not sure of the price but they are developing.

Mr. Brewer replied that there is not much building in Douglas County because most of the construction industry left during downturn along with tradesmen.

Commissioner Walsh said that Arbor Gardens is a deed restricted project in Douglas County and worked well. He also added, in regards to the 30 percent, that percentage is only the front end and does not include things on the back end like a car loan. Commissioner Walsh felt that 30 percent was misleading because it leaves out various other expenses a resident would need to live here. He also suggested the committee acquire a finance expert if they have not done so already.

Vice Chairman Thaler asked who enforces the rules in terms of deed restriction.

Chairman Penzel thanked Mr. Brewer for working with Welcome All Veterans Everywhere (WAVE) to get homeless veterans homes and asked what the role of government in housing is. He added that the County looks to government for a

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solution but its market-driven issue and it's hard to look at government for those types of solutions.

Mr. Brewer replied that the federal government provides funding opportunities; local governments can provide incentives to developers to provide affordable or multi-family housing.

Chairman Penzel said that one of the functions is land use and how it compliments affordable housing. He asked if the County is encouraging development in the valley; no, because they don't want floodplain or agriculture land taken up. He noted by doing that it will be costly because they have to get water and sewer in those undeveloped areas.

Member McDermid stated that when redevelopment area one was put in they took out a plan for 300 apartment units but it was never put back in and across from the Carson Plaza there is a lot of land zoned commercial. She added that land is out of view shed and is not owned by the County but in working with the owner, that is possibly a way to get greater density along with water and sewer that is already in place. Commissioner McDermid said that area could allow greater height and still put commercial properties in. She added that there are a few places where there could be something that doesn't impact the floodplain or the viewshed and could benefit jobs. She further explained that if there are possibilities to work with the owner of the land to find the best use of the land that could solve housing issues.

Chairman Penzel noted that the County has to also look at short term and long term. He added that in the long term the County would need to reorient where things will be built. Chairman Penzel stated that if there was a truck bypass through the Pinenuts, you could build there, but how to get infrastructure there is the issue.

Commissioner McDermid referenced the stakeholder interviews and asked why the only Tahoe interview was for the Fire District. She mentioned the various other stakeholders and added that they are huge employers for Douglas County but were not included in interviews. Commissioner McDermid said that in the 10-year update, they went to the 16 different communities for workshops to get their input.

Ms. Stowell presented the Housing Element, including:

- Housing Element-Crosswalk
- Housing Inventory 2010-2016
- Housing Wage vs. Minimum Wage

To review Ms. Stowell's full presentation please see the supplemental material.

Commissioner Nelson mentioned that the wage number reflects a single worker in the family and if there were two workers in the household they could make more.

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Commissioner McDermid added that these numbers don't include health care and based on salary, the Commissioners couldn't afford any of these homes. She added that a lot of people working leisure or hospitality couldn't either.

Vice Chairman Thaler referenced page 178 saying that it was all background for the goals and actions. He added that these are 2016 statistics and he wanted to make sure they are accurate when the rubber hits the road at the goals and actions. Vice Chairman Thaler reiterated the Chairman's point and wondered where the government steps in to help on these matters.

Chairman Penzel mentioned that the Board can see a lot of facts and data tables in this presentation but the main focus seemed to be hourly wage vs. the cost of housing. He said in reference to hourly wage the Board has no control over that except for County employees. He added that when he looks at the energy rebate program, he doesn't believe the people in that 30 percent are going to look for extra rebates. He stated that the role of government is to educate, do some land use planning and get out of the way of the market. Chairman Penzel mentioned that the County should only provide the infrastructure for housing and the Housing Element should be asked what is in the realm of possibility. He said that the growth management has stymied development in Douglas County and it is not sustainable; so what is sustainable he asked. Chairman Penzel stated that the County has to plan the land and the infrastructure to support it.

Commissioner McDermid said she doesn't think they've come up to the max amounts of allowed developments since they put in the growth management ordinance. She believes it's the market that has been stopping Douglas County's development.

Chairman Penzel said that the County does restrict uses of land available, which affects supply and demand for the market.

Commissioner McDermid said in reference to the growth management ordinance that identifies how many allocations that can be given out. She added that there are so many approved, but never built to the max. She added that it's not the Master Plan or growth management has prohibited developers from building housing but may be other external factors.

Chairman Penzel differed and pointed to the parks. He added that when they wanted to build 6,000 homes, the County said no.

Commissioner McDermid rebutted that there were issues of traffic and water that were not adequately addressed in that plan. She said that there was concern that if everything on Buckeye road was filled in, well how does the water move. She mentioned that if findings could've been made, it would've been approved.

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Commissioner Nelson agreed with Commissioner McDermid that this is a not growth management problem but it's a multitude of problems. He stated that the County wants to stay rural and to preserve land. Commissioner Nelson also added that the County preserved 22,000 acres in conservation easements and that takes land out of the available land in the pool. He stated that the County needs to decide what it wants whether that is unlimited growth with cheaper homes or lots of preserved land with high priced homes. He added that impact fees increase the prices of homes.

Commissioner McDermid said that she does concur to some extent, but there are places that could have a higher density that wouldn't impact the floodplains and viewshed. She added that development rights have been stripped off and can't be developed, which means the County needs to look at acreage for those areas not in conservation easements. Commissioner McDermid stated that this makes the rest of the land more valuable and the County needs to be reasonable in looking at other areas where development is appropriate. She mentioned that the lands adjacent to the urban services are the ones that need to be identified and incentivized. Commissioner McDermid said that Douglas County can't force anyone to hook up to public water; the State of Nevada approves that. She mentioned that the County has more influence on sewer and when a septic tank is within 330 feet of a sewer line they must connect.

Mimi Moss, Community Development Director, stated that the purpose of providing the data in the Housing Element is to show where the County is today. She reiterated that the focus is the data, does the County have a problem and can they do something else to assist the community in having adequate housing.

Chairman Penzel referenced the housing market summary on page 155, saying that it provides no new information and what he would like to know is what do the professionals in the housing market think about it. He knows the County is limited because of the number of allocations received and the Tahoe Regional Planning Authority (TRPA). Chairman Penzel asked whether or not the Board should go after the TRPA to get more housing allocations. He added that the summary doesn't add to what the Board already knows. He stated that the summary says housing prices in East Fork and the Tahoe Township are rebounding but there have not been any more units added. Chairman Penzel said that the Topaz Regional Estates (TRE) is the one area the County could expand in but the majority of homes are mobile homes and that's not correct. He clarified that those are actually manufactured homes. He added that if they were to restart the process he would prefer a smaller plan stating what the goals are, and eliminate the rest of the verbiage. Chairman Penzel stated this should be easy for the public to understand in order to educate the residents.

Vice Chairman Thaler said that he uses that information as backup material because it changes with time. He believes they need to tell the future to some extent but he is not opposed to the background information and he believes the data can be construed a number of ways. He mentioned that this is a plan only

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to give direction; the Board is here to create policies to direct staff on how to deal with the public that comes to them. He added that it is the Boards job to make sure the policy and directives give staff direction where to go. Vice Chairman Thaler stated that the County has to set good goals and objectives and it is not about approving the Master Plan, but laying the groundwork for when someone needs a Master Plan amendment.

Larry Werner, County Manager, stated that statute requires the background material and the data has to be a part of the update.

Commissioner McDermid said that she has made it a practice to make data-driven decisions. She referenced page 57 of the Housing Element goals and asked if the three goals are already in the Master Plan.

Ms. Stowell asked if she could summarize the issues and go through each goal for a full understanding.

Chairman Penzel said that if data-driven decisions are the goal, then why is there nothing that says we have to amend the code and then there is a goal to amend the code. He added when there is no data why would the code be amended. He understands the idea of having at least one handicap access on each home but that is not typical for all families. He added that he planned ahead when he bought his house and added one. He also wondered why the County would change the code when there's no data to back it up if that will only drive the cost of the homes up.

Ms. Moss said she would like to discuss each one of these proposed changes and some are already in the Master Plan today.

Commissioner McDermid asked if the three code changes were already in the Master Plan.

Ms. Stowell said that the three in question are already in the existing Master Plan

Commissioner McDermid referenced housing action 1.1 and asked if that was part of the American Disabilities Act.

Ms. Stowell presented the Housing Element Issues & Opportunities including the pros/cons of deed-restricted homes.

To review Ms. Stowell's full presentation please see the supplemental material.

Vice Chairman Thaler asked how Ms. Stowell knew which homes are deed restricted and what happens to the home after the 15-year deed restriction.

Ms. Stowell stated that realtors pull up the property and will be able to see if there is a deed restriction or not. She also replied saying there are no restrictions after 15 years.

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Vice Chairman Thaler asked how often someone tries to buy a deed-restricted home.

Ms. Ferris stated that it has only happened once in the two and a half years she has worked for Douglas County.

Ms. Moss replied that several have been resold but they have to come through Community Development.

Commissioner McDermid asked if the deed restriction can be extended once the 15 years runs out.

Ms. Moss said that there is no provision to extend that.

McDermid followed up by asking if 15 years is the average for deed restrictions and asked if property taxes are treated the same in deed-restricted homes.

Ms. Stowell said that it is up to County ordinance and Douglas County set a standard for 15 years owner-occupied and 30 years for rentals. She also said that some complexes are tax exempt; it just depends on the funding source.

Ms. Stowell continued presenting the Housing Element Issues & Opportunities.

Chairman Penzel stated that the goals, actions, and policies all seem to be artificial discriminators. He asked why the divisions instead of making a list.

Ms. Stowell stated that the Master Plan sets big picture goals of what is to be accomplished and policy defines how to do things. She added that the actions break it down and actually get something done; she hoped to show in the data that there are issues and that with these goals and policies they can help the County.

Chairman Penzel referenced the housing presentation and stated that policies 3.1, 4.1, and 4.2 all had actions associated. He wondered how in terms of visibility, is it a good thing for everyone to have a ramp leading into their single-family dwelling. He asked how the 40-80 unit numbers from housing policy 4.1 and 4.2 were chosen.

Commissioner McDermid stated that the Board is only talking about Minden/Gardnerville and Indian Hills for housing goal 4. She added that she would rather be proactive than have something mandated by the state or federal government. Commissioner McDermid mentioned that Douglas County has an older demographic and that it is only going to get older.

Chairman Penzel asked if Minden/Gardnerville and Indian Hills agreed that they wanted those units or is the County directing them.

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Commissioner McDermid said that these would be areas elderly would try to be in because of services and it is the job of the staff to reach out to those areas and gauge interest in the homes.

Vice Chairman Thaler said that the area has to be close to utilities and services, and wondered if staff worked with them to make sure County policies are in line with what those areas want.

Ms. Stowell mentioned that the 2011 Master Plan had this exact wording and set the stage for parkway vista in Gardnerville. She added that developers have also worked with those town managers.

Commissioner Walsh asked what items are eligible for project cost reductions.

Ms. Stowell replied that some policies haven't been elaborated on yet, but it was put in during 2011 Master Plan.

Commissioner Walsh believes developers might think the reduction would come from the Town rather than the County because the wording is ambiguous.

Ms. Moss asked if they could walk through each of the goals to get some perspective before questions.

Chairman Penzel asked if they understand how difficult it is to work through the updates and comparisons without confusion that would need questions to be answered.

Ms. Stowell continued the presentation.

Commissioner McDermid asked about current County code and wondered if it was possible for a person to rent out four of the rooms in a five-bedroom home.

Ms. Stowell stated that current code limits four unrelated persons from living in a single dwelling.

Commissioner McDermid asked why they would remove the limits.

Ms. Stowell said so that as long as people are living in a functional household they don't have to prove relation.

Commissioner McDermid asked when the action was to take place when an item is listed as a goal.

Ms. Moss said that timelines have been identified and they will be implemented based on priority.

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Vice Chairman Thaler stated that this goes on now and there is no enforcement. He also added that this is prevalent in university towns.

Ms. Stowell stated that actions 1.1-1.3 are in the current Master Plan, 1.4 is but has been revised, 1.5-1.6 are new actions. She added that Housing Goals 2, 3, and 4 are the same as what is in the Master Plan.

Chairman Penzel referenced housing goal 2 and wondered where the policy was.

Ms. Stowell said that they can develop a policy for that goal.

Commissioner McDermid asked about Douglas County's formula for deed-restricted housing. She added that staff mentioned that action 5.1 would amend the density bonus to require developers to include a percentage but there is no formula.

Ms. Moss stated that would be determined by a code amendment, and if action item is sufficient then the development code amendment would be brought forward.

Commissioner McDermid said that if the goal is to increase the availability of homeownership opportunities there should be incentive to provide affordable units.

Ms. Moss said the code allows for up to a 25% bonus depending on density, she added that Arbor Gardens got a density bonus and they entered into an affordable housing agreement with the County.

Commissioner McDermid stated that what the County currently has in place has only produced Arbor Gardens and that needs to change because it is not working.

Ms. Moss agreed with Commissioner McDermid and said the issue goes back to market rate and how to incentivize a developer and one way to do that is to have density bonuses. She said these things are measures that have worked in other communities, but so far it hasn't worked here.

Chairman Penzel asked why the policy isn't reflected in the presentation.

Ms. Moss said that they can identify policy under section two to broaden it so the policy will support efforts needed to increase incentives for affordable units.

Chairman Penzel said that they should have a debate on what that policy is and he added that all of the actions that could be done to support the policy should be memorialized in the Master Plan.

Vice Chairman Thaler thinks the staff is walking a fine line. He believes the Board is trying to find a balance. He mentioned that Arbor Gardens worked but

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wondered what made it work. Vice Chairman Thaler believes staff is trying to create policies that will change the way developers think when they come into Douglas County. He added that they should not change it too much or that's all the County will have. Vice Chairman Thaler wondered if the development of 40-80 units for the elderly in action 4.2 was the minimum. He thinks the language should only show the minimum terms.

Commissioner McDermid referenced housing goal 5 and said she likes the verbiage of affordable ownership because it is trying to bring in people with a vested interest in Douglas County.

Ms. Stowell continued her presentation.

Commissioner McDermid asked why not persuade people to go commercial as well and asked what incentives developer would receive.

Ms. Moss stated that it is based on the amount of vacant commercial space and property. She said there is sufficient commercial property but not sufficient mixed-use commercial. Ms. Moss said it gets the higher population in urban service boundaries rather than outer areas. She also said the hope is that if encouraged to change, there will also have incentives for when they decide to develop multi-family. Ms. Moss mentioned that it is one step in the changeover to hopefully have developers practice appropriate land use for multi-family density.

Commissioner Walsh referenced policy 5.1 and asked if the community land trusts are in reference to private non-profits.

Ms. Stowell said there are many models of community land trusts.

Commissioner Nelson asked if they could include single-family residences (SFR) with an SFR 12000 in the rezone grouping.

Ms. Moss said this question deals with affordable homeownership and most single-family development isn't affordable. She added that the County has sufficient single family homes, they're just not affordable. Ms. Moss stated that the way to make it affordable is to allow higher densities and smaller lots. She said this is mainly talking about affordability for underserved population numbers.

Chairman Penzel referenced page 172 and said the Multi-Family Residential (MFR) zoning is not outside of urban service areas. He also wondered if the County should be looking to expand beyond that if they can get services to it.

Ms. Stowell said that it is in line with the Master Plan in terms of keeping the line between urban and rural.

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Chairman Penzel said that specifically, the Master Plan has done 3 amendments that have caused consternation among residents, Corley Ranch and 2 in Minden.

Ms. Moss said that the cost of infrastructure would exceed any land cost savings and that is the reason for encouraging increased density because the infrastructure is already there. She added that the basis of a Master Plan is to identify where the County has services and where the County wants to have the density; everything else is a rural area with other types of services.

Chairman Penzel noted that Minden Gardnerville Sanitation District (MGSD) has discussed a plan to provide sewer down to Ray May Drive because development failed there.

Ms. Moss said that area was not planned that way and if they plan for the County and it's needed then they can say they will provide services in the future. She added that there are still lots of development that can take place within the urban service boundaries. Ms. Moss asked what the Board wants to promote.

Chairman Penzel said those are all good questions and should be included in this discussion.

Commissioner McDermid stated that the urban service boundaries are what dictate whether or not a development will happen.

Ms. Moss said that it is not automatic but if service providers can serve the area it is positive to make the findings in order to approve that development.

Commissioner McDermid asked when the urban service boundaries were updated last.

Ms. Stowell stated that there was a slight adjustment for the Peri amendment down at Pine Nut and the realignment of Muller.

Commissioner McDermid said that the development of travel plaza by the Tribe brought urban services which enabled Corley Ranch to be completed. She added that with the Peri boundary some were in and some were out. Commissioner McDermid said that if they want to incentivize development where it is already adjacent to urban services, then the County needs to identify those parcels and change the boundaries. She added that all the items are interrelated and the County needs to determine what boundaries they want to develop.

Ms. Moss said that they would address that in the land use Element and they will talk about the Town's plans to expand those boundaries.

Chairman Penzel said that there is no urban service area in Johnson Lane; that area does, however, have urban services. He added that they listed the

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Johnson Lane area as having 17,000 acres but included Bureau of Land Management (BLM) land and asked why that is in the urban service area. Chairman Penzel referenced page 252.

Commissioner Walsh said the Board is talking hypotheticals about developments but the population goal is set to 70,000 people. He added that the County has all the land use designations on the books that the County will ever use and then some.

Ms. Stowell continued her presentation, addressing:

- Housing Goal 6
- Housing Goal 7

Commissioner Thaler said this could have been summarized by saying the only changes in action was 1.5, 1.6, 2.1, 4.1, 5.1 and 5.3. He asked if everything else was in the Master Plan.

Ms. Stowell said there was a deletion in Goal 6 about priority needs for special needs populations.

Chairman Penzel said he doesn't think that should be deleted but maybe ceded it to the Tahoe Regional Planning Authority (TRPA).

Ms. Stowell said that those area plans serve as plans for Housing Elements for those areas.

PUBLIC COMMENT

Jeri Johnson, USDA Rural Development, stated that they have a program for multi-family housing developments and it makes direct loans to purchase homes. She added that they provide loans and grants in rural areas similar to FHA insurance. She suggested that the Master Plan be more concise, she added that they may want to use the Economic Development template because that makes it easier to apply for federal funds.

Chairman Penzel mentioned that this board has approved three additional multi-family projects.

Bill Chernock, Executive Director of Carson Valley Chamber of Commerce, stated that the Board is being tough on staff regarding the format of the Master Plan. He said that the Boards predecessors determined the format would be an update of what has been there since 1996. Mr. Chernock said that it is too late to be taking staff to task and this is what was dictated to staff; in terms of the inclusion of data, it has a current accumulation of data and everything is right there. He added that the Board is making the same mistake of confusing the Master Plan with the code of specific requests. He mentioned that they have been working on it for two years and this makes good steps towards the goal of fixing the trouble in the rental market. Mr. Chernock said the plan includes language that may relieve that stress and that is critical.

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Bill Souligny, Chairmen of Minden Town Advisory Board, stated that the Town's involvement in the update is nonexistent because they were bypassed and not included in an advisory opinion. He added that they have been discouraged from independently bringing advisory. Mr. Souligny said both Gardnerville and Minden are updating Plans for Prosperity and are working on developing their own community plans. He mentioned that they were told that when Prosperity Plans were brought forth the Towns would be included in the Master Plan by reference. Mr. Souligny said that he didn't see that language in the Master Plan and asked that it be included. He stated that they would appreciate a roundtable discussion. He mentioned that the language for reducing rates for water needs to come out, the Town has worked for two years to develop good rates and if they can't reduce or subsidize they will operate at a loss.

Lynn Muzzy stated that the Housing Element posits a preexisting need for affordable housing, but wondered why its the Counties job to facilitate it. He mentioned that the Board just approved hundreds of apartment units in the County and that complex will increase the number of 911 calls. He added that the taxes the properties pay will not come close to paying for those services and he believes there will be more graffiti and gang activity with affordable housing. Mr. Muzzy asked how the labor pool is strengthened by attracting workers who currently can't afford to live here. He asked why Douglas County has to suffer increased crime and traffic congestion to help out low paying employers. He said if employers don't pay their employees enough to live here then that is a problem with the business, not the County. Mr. Muzzy said that now that the freeways are expanded it makes commuting easier.

Virginia Starrett said that she agrees with Mr. Muzzy that County government doesn't need to spend a lot of time and money to figure out affordable housing. She mentioned that the process has been handled backward, instead of looking at the old plan and seeing what works and what doesn't; the time has been spent patching up an old document that hasn't been working.

David Maxwell said that the Housing Element creates a lot more work for the County; it wants to create a dedicated division for housing, a tax task force and to amend the growth management ordinance, explore initiatives to landlords to accept vouchers. He added that these additional tasks make taxpayers nervous because adding costs to the County generally adds taxes. He asked if these issues are really the responsibility of the government. Mr. Maxwell asked if NRS says the County has to provide affordable housing to residents. He mentioned that the high cost of housing is a part of the market and if employers want employees to live nearby they can pay a higher wage. He added that the Board can't solve a market problem with government, and he suggests reducing the scope of the Housing Element.

Terry Faff said that the reason for residents being at the bottom of the pay scale is capitalism. He added that Douglas County is a hard County to develop in and it is going to take a whole 180-degree turn to solve it. He said it would

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behoove the County to go out and make concessions with developers. Mr. Faff said the Board needs to think outside the box on how to solve the problems. He stated that they should look at SFR1s with 1/2 acre. He added that the County should let them build another unit to rent out if parking was provided. He said this would give assistance to retired people.

Jennifer Davidson, Minden Town Manager, stated that the primary concern of the Housing Element was a fear that the pendulum would swing in the opposite direction. She added that when you incentivize landowners to rezone parcels to multifamily and mixed-used commercial in urban service areas those areas are the Towns. Ms. Davidson said blanket statements suggesting rezoning without definition could bring unintended consequences. She believes that with the Plan for Prosperity, they could reduce costs for developers.

Bob Ballou said the location for potential MFR or Multi-Use Commercial (MUC) in the north valley is an excellent location and has the closest access to Tahoe-Reno Industrial Center (TRIC) He added that in terms of visibility he said his Mom was wheelchair bound and it was quite the task moving around in a small house.

Commissioner McDermid said she hopes staff realizes they aren't taking shots at them, but in the 1996 Master Plan if you owned agriculture land, owners were allowed one-acre zoning. She said that changed in 1996 to 1 per 19 acres, and that has protected the valley over last 20 years. She added that in 10-year update allowed two acres of rezoning if you owned 100 acres. Commissioner McDermid said that the Master Plan has served the County well, it is imperfect but it's a plan. She said Douglas County may have high barriers to enter but it has protected this County. She said someone determined to develop will do their homework and if they can't make a return on their investment they are going down the road. She said this is not California and this County does not want to be like California. She stated that this is one of the few states where the state legislature controls what happens in the local communities. Commissioner McDermid said the population base for Nevada is in Clark County so they will always have the most say.

Chairman Penzel said that the Board needs to review what we are doing with the Towns and incorporate Plans for Prosperity into the Master Plan. He stated that the water rates are a concern and also need to be reviewed. Chairman Penzel stated that he doesn't know what the legal requirement for affordable housing per 1000 residents is but it needs to be reviewed. He does not think it's a question of throwing this plan out but making it the best possible plan. He affirmed that the County is not creating a housing department, and it's not the same thing as the task force. He believes the County should think outside the box in all aspects and that is why he wants to work with Towns.

Ms. Moss stated that policy 3.1 reducing rates is not a new policy but has been amended previously and the new language talks about reduced fees instead of a waiver. She added that it is not mandated but gives the ability to reduce fees; Douglas County reduces building permit fees when it's energy efficient. She

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added that additional units on 1/2 acre lots are already allowed. She mentioned that policy 5.2 rezoning includes Minden, Gardnerville, and Indian Hills.

Commissioner McDermid referenced policy 5.2 in regards to Commissioner Nelson's comments; she stated that he was talking about rezoning parcels to SFR.

Ms. Moss suggested they remove specifics and just encourage rezoning in general.

Commissioner Nelson said that economically if you increase the supply, the price should go down.

Vice Chairman Thaler stated that the home prices aren't going to come down. He added that the Housing Element is 32 pages long and only three pages of actual policy. Vice Chairman Thaler still believes this should be considered a draft. He wants to see the Town plans before the final version. He mentioned that a lot of this has to do with understanding the Master Plan and making sure everyone is on the same page.

Chairman Penzel added that the Board is limited by the number of meetings they can do, so that is why everything is being addressed now.

Chairman Penzel called for a one hour break.

Chairman Penzel reconvened the meeting. All Commissioners were present.

Ms. Moss asked if they wanted to take action on the Housing Element.

Chairman Penzel stated that it would not be appropriate to take action on this item because it is being called a draft.

Ms. Moss said that the Board needs to at least give direction to staff on making changes.

Commissioner Walsh said they do need to provide direction to staff because they have not yet done so.

Vice Chairman Thaler asked Ms. Moss if she wanted to go through the changes suggested going through the changes and go from there.

Ms. Moss said based on comments received on goals and policies, staff would recommend they add a policy to housing goal 2, asking Douglas County to work with housing partners to provide information on affordable housing. She added that housing action 4.2; staff would recommend a rewrite to state develop a minimum of additional 40-80 units of affordable rental units within ten years. Ms. Moss said for housing policy 5.2 staff would recommend a

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rewrite to say encourage property owners to rezone parcels to encourage higher densities in urban service areas in Douglas County.

Chairman Penzel expressed his frustration that he had commented on the data Elements but saw no changes to the data in the Housing Element.

Ms. Moss offered that some of the data could be incorporated into Volume II if the Board would prefer.

Chairman Penzel felt the information included was not data but rather, an explanation. They had debated the verbiage of data and expected to see some changes made.

Ms. Moss maintained that Community Development needs a consensus from the Board, not just the opinion of a few Commissioners. The redline version wouldn't happen with this plan because of reformatting and little change from the last version. There were a number of tables and maps added to this Update. She went on to say if the Board wants a redline version, they would have to start all over because some of the Draft Elements had been released to the public when the Board asked about the redline version and they had to move forward in the same format.

Chairman Penzel believed that the whole process had not worked well. Each draft Element was sent out, the Planning Commission and the public made comments but this is the only opportunity for the Board to discuss the Elements as a corporate body and he felt their comments had been dismissed and not included.

Ms. Moss asked if the example of the request for an Infrastructure Element was what the Chairman meant.

Chairman Penzel answered that the Infrastructure Element comments were in addition to the comments they wanted to be included. He had heard the County Manager say that the Infrastructure Element was in the five-year plan but maintained that it doesn't give us a policy towards infrastructure or tell public works what we want to do as a policy matter for infrastructure.

Ms. Moss explained that the Public Service and Facilities Element talks about improvements the County are planning for the future.

Chairman Penzel insisted that it doesn't discuss roads, broadband or anything besides flood and some stormwater issues.

Ms. Moss stated that there is a new policy for a broadband initiative in the Public Service and Facilities Element.

Mr. Werner commented that the roads are discussed in the Transportation Element, which is pending approval.

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Ms. Moss directed that stormwater and flooding are discussed in the Conservation Element. She instructed that each Element is specific to its own area.

Chairman Penzel remarked that if Community Development just wanted the Board to comment on the goals as the Planning Commission did, they could've saved a lot of time.

Ms. Moss responded that was not the case; the Planning Commission reviewed the complete document and there are changes made based on their comments. They have provided new issues in each Element and are asking for the Board's input on anything that is out of line, incorrect, irrelevant or missing from the Housing Element.

Commissioner Walsh noted that they had talked about incorporating the Plans for Prosperity, but felt that before any Element was approved; the Transportation Plan and Infrastructure Element need to be approved because they impact everything. He preferred that no action be taken at this time.

Mr. Werner reminded that there is a reference to the Plan for Prosperity for each of the Towns under the Land Use Element. The Towns provide their plans, the County works with them and if they need to modify service boundaries, then it would come back to the Board for a final decision. The current language allows for the Towns to work on their own Plans and then the County updates the Master Plan when appropriate. He didn't feel that the County wanted to give the ability to move urban boundaries to the towns but wanted to retain their involvement with that change.

Chairman Penzel asked what if the Towns have a really great idea.

Mr. Werner responded that they bring it to the County and finish their Plan. He didn't know what else they would do that would be different than that process.

Commissioner Walsh understood that Mr. Souigny from Minden wanted people to talk to them, including a roundtable discussion with the Board. This is a 20-year plan and he didn't want to have to change it in six months because someone got a new idea. He felt it would be better to listen to them now.

Mr. Werner answered that the Town Plans are not ready yet and we're talking about it being several years before they were completed. This Master Plan is a 20-year plan that gets reviewed every five years and Master Plan amendments are done twice a year. He stated that the County can't delay the Master Plan Update while waiting for everyone to get their plans in place; however, there is an opportunity to make amendments during the update process. He also maintained that they can't do an infrastructure plan until they know what will happen with the land use, which reflects back as part of the capital improvement program and is not identified at this level.

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Commissioner Walsh felt that infrastructure will drive the land use in the future. Since we know what the population goals are, we should be able to figure out what capacities would be required or where properties will develop. He felt the process was currently going backward.

Mr. Werner countered that Commissioner Walsh's idea would require us to tell people where they would have to develop. Where would we put the pipelines and infrastructure if the land use has not been designated?

Chairman Penzel suggested that we put the infrastructure where we want development, rather than have people try to hook up to a current system that might not be where we want development. He noted Corley, Peri, and Godecke properties as examples.

Ms. Moss asserted that is the reason Community Development asked Minden and Gardnerville to update their Plan for Prosperity to identify the land uses they see as appropriate for their Urban Service Boundary, as well as the water/sewer purveyor boundaries. That boundary update will have to come before this board as a Master Plan amendment. Mr. Souligny was asking the County to automatically accept whatever the Town adopts.

Chairman Penzel stated that he didn't hear it phrased that way. He heard that they would like the County to consider accepting whatever the Town adopts in their Plan.

Ms. Moss clarified that Community Development is already in discussion with the Towns, acting as their advisor in cases of land use since they don't have planning staff that could assist them with identifying proper land uses if they want to expand their urban service boundary. She respectfully disagreed with Mr. Souligny's statement, confirming that the consultant has worked with the Towns on the Master Plan Update. She felt his comment was a false statement because Community Development is very willing to work with the Towns and they have made themselves available for assistance. The Urban Service Boundary not just a line on a map; everything affected by the land use change needs to be considered.

Commissioner McDermid understood Mr. Souligny's statement to mean that when the Towns complete their Plan for Prosperity update, they would be accepted into the Master Plan. She hoped the Valley Vision Plan was also included in the Master Plan, which Ms. Moss confirmed. Commissioner McDermid felt that the Infrastructure Element shouldn't be included in the Master Plan because it is part of the capital improvement plan; they are separate documents but need to be integrated and work together. Capital improvement plan identifies projects and needs. She didn't know how to look at the land use until they know Minden/Gardnerville's plan aside from looking at it from a County perspective. Any changes in land use will have to be considered in the transportation and capital improvement plans.

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Commissioner Thaler proposed a tentative approval of the Housing Element including staff recommendations. He asked what the Board was afraid will come back and bite us. A tentative approval allows for things to be addressed and adapted.

Chairman Penzel explained that he was not afraid, but wanted to make it the best plan possible. He didn't feel that this was a plan; rather, it was a compilation of facts. He suggested that the housing market analysis is completed by a real estate group, instead of a five-sentence summary that is based on someone's opinion. He wanted to see a fact-based information based on the housing market. He wanted to know the significance of the facts.

Commissioner Thaler regarded that this is a moving target and they should take the facts as they are. The facts as presented as well as the possible extra information that could be added will probably not change the policy and action items of what the County is willing to do to set the way for the future of the County.

Chairman Penzel said that if that's the case, then all the Board needed to see was the goals and policies and they don't need the background data.

Commissioner Thaler suggested that the background data is put it in another binder and that we keep the data for posterity.

Commissioner McDermid pointed out that the Planning Commission is required to have two members of its board involved in the real estate industry.

Ms. Moss clarified that was previously the requirement but had been amended and is not a requirement anymore.

Commissioner McDermid confirmed that the current Planning Commission has two members that are in real estate and they recommended approval. She suggested that the Board approve the draft version only and staff can make the changes requested based on the discussion and public comment.

Commissioner Walsh brought up the conversation regarding the comparative redline version and felt there needed to be a specific direction for staff. He also wondered if it was possible to just have the goals and policies in the Master Plan Update and put the remainder of the data in another binder.

Chairman Penzel commented that most of the comments made by the Planning Commission referred only to the goals and not to the background data.

Commissioner McDermid asked Commissioner Walsh if he would be willing to agree to a tentative approval of the draft Housing Element.

Commissioner Walsh replied that he would agree on a tentative approval for the goals, policies, and actions as well to put the additional information in an appendix.

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Ms. Moss informed that Volume II has historical data and can include some of the extra information from the Housing Element; however, she judged that some basic data needs to remain in the Housing Element, such as population and housing numbers.

Commissioner Walsh agreed and suggested that the exhibits and maps be included.

Ms. Moss indicated that she understood the direction of the Board to sift through the data, moving the extra information to Volume II, which she advised would be a better option than an appendix.

Chairman Penzel appreciated the effort to make the Update more concise.

Vice-Chairman Thaler didn't see the redline version as a big deal since they were just talking about the goals, policies and action items, which haven't changed much over the last 20 years.

Commissioner McDermid reiterated that the software used for the update didn't allow or made it difficult to provide a redline version.

Chairman Penzel asked if the update was a Word document.

Ms. Moss clarified that when they started the update process, they had released two or three Elements to the public and then someone asked about a redline version. The format had already been started and it would've been very difficult to go back and use another version. She offered that moving forward, whatever is added or changed from this document can be redlined.

Commissioner McDermid asked if implementations and actions were considered the same thing.

Ms. Moss responded that every action item has to be implemented and they are compiled together in a table for staff to follow up.

Commissioner McDermid understood that previously they had implementation strategies that followed the goals, policies and action items but they weren't necessarily adopted or utilized.

Ms. Moss explained that they weren't in the same format but they were the steps that need to be done to implement the Master Plan.

MOTION to approve the draft version Housing Element presented today and incorporate the public comment and Board comments as necessary and to direct staff wherever possible, to start with goals and policies and condense or move the supporting information to Volume II; Carried.

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RESULT:	APPROVED [UNANIMOUS]
MOVER:	Nancy McDermid, Board Member
SECONDER:	Steve Thaler, Vice Chairman
AYES:	Penzel, Thaler, McDermid, Walsh, Nelson

Ms. Stowell presented the County Profile-Crosswalk, which was a comparison based on Commissioner Walsh's comments, and ensured that the data was current.

Please see the full presentation in the supplemental materials.

Chairman Penzel made a suggestion about including a disclaimer that states that according to the Nevada Supreme Court, the Master Plan is a guide and can be changed by the Board of County Commissioners but changes should be made after thoughtful discussion.

Commissioner McDermid thought it would be helpful if the Supreme Court case was referenced by name or title where the Master Plan is talked about as a guide.

Ms. Moss suggested that the disclaimer is placed in the executive summary.

Commissioner Thaler offered that it might be a good idea to add it after page 1 and before the Table of Comments.

Commissioner McDermid reminded that it was imperative to reference the Nevada Revised Statutes.

Ms. Moss acknowledged that they can add a separate page to the document for the disclaimer.

Chairman Penzel proposed that all the historical information should be placed in Chapter 1 Profile History, rather than scattered throughout the document.

Commissioner Walsh commented that it was hard to distinguish the colors of the map on page 35 due to a condensed version of the map and suggested a darker color.

Chairman Penzel mentioned that the comment applied to all the maps in the update document.

Ms. Moss informed that they were running out of colors to use for the maps.

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PUBLIC COMMENT

Bill Chernock, Carson Valley Chamber of Commerce, apologized for the tone of his earlier comments. He felt the County Profile metrics were incredibly important to the business community, as it gives them the ability to send someone to the Master Plan to see all of the data in one place, which is very valuable. He also mentioned that the housing information from Nevada Rural Housing would soon be available to the Commissioners.

MOTION to accept the tentative draft version of the County Profile as presented by staff with adjustments; Carried.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Steve Thaler, Vice Chairman
SECONDER:	Larry Walsh, Board Member
AYES:	Penzel, Thaler, McDermid, Walsh, Nelson

Ms. Stowell presented the Agriculture Element-Crosswalk.

Please see the full presentation in the supplemental materials.

Vice-Chairman Thaler asked that they use the same format to review as they did the last Element, talking about the new policies and goals as compared to the current.

Chairman Penzel stated that he had two issues with the Transfer of Development Rights (TDR) program, noting that the remarks in the Element instruct the County to begin purchasing TDR's. He felt that was a bad idea because the County is trying to get roads built and taking money from roads to buy TDR's would leave residents understandably upset. He also noted the discussion on a quarter-cent sales tax and the suggestion to buy open space with that revenue. Again, he felt the roads were a higher priority. By 2029, the authority for the tax goes away but he felt this was not the time to debate that issue. He likened it to the carbon credit program in California, which no one has bought into. He believes TDR's should have a bank which is run by the agriculture community; he doesn't think the County should run it.

Vice Chairman Thaler asked to see the map that shows which parcels have had the development rights stripped off. He wondered if that information should be included in the Agriculture and the Conservation Elements.

Ms. Stowell explained that the Elements with the most overlap were the Growth Management, Agriculture, and Conservation Elements. In an effort to reduce redundancy, the open space acquisition is only mentioned in the Conservation Element.

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Vice Chairman Thaler replied that the TDR has a dual purpose of conservation, giving up one piece of land to protect another, and as a tool for the ranchers.

Commissioner McDermid noted the map of Douglas County farmland on page 47 which highlights farmland of statewide importance; she wondered why that land was important to the state.

Ms. Stowell answered that the United States Department of Agriculture (USDA) provided information from their soil surveys that identify prime farmlands soils of statewide importance; however, their map doesn't necessarily represent the location of current agriculture land.

Commissioner McDermid mentioned the vast amount of land shown in the southern part of the County and wondered if the state was interested in purchasing that land since they considered it of statewide importance.

Ms. Stowell responded that it was simply to give more information on where prime soil lands were located in Douglas County based on the criteria for different soil types.

Commissioner Walsh commented on the mention of agri-hoods and the example is given of Ashland, Virginia. He thought it was interesting but didn't really have a place in Douglas County's Master Plan because it is so different from our community.

Commissioner Nelson added to the TDR comments, wondering when the farmers actually put their land in conservation, when they bank it or when the TDR is sold?

Mr. Werner inserted that if there is a discussion on changing the TDR program, it would need to be a separate distinct topic to be discussed aside from the Master Plan.

Chairman Penzel maintained that it does discuss the quarter-cent sales tax and ways it could be used.

Mr. Werner said that information was given just for the historic value, stating that it had been brought forward and then defeated.

Ms. Moss informed that the County has an open space plan that identifies tools for creating easements for conservation, one of which was the Purchase Development Right program which failed on the initiative in 2000. That tool is still in the agriculture preservation plan today.

Chairman Penzel expressed that was part of his frustration, the tax failed but the bureaucracy keeps it going.

Ms. Moss remarked that the Master Plan survey identified the need to preserve agricultural lands.

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Chairman Penzel indicated that the residential vote eliminated the tax.

Ms. Moss considered that the tax was voted down in 2000 and this is the 2016 update. The question is do we keep that language to consider resurrecting the tax at some point in the future, noting that the State law will go away in time. The information is included only for the purpose of identifying the possibility. It is not a new idea, having already been included in the Open Space Plan and the Agriculture and Conservation Elements. The Master Plan survey from the residents wanted to preserve open space and that is one of the tools.

Commissioner McDermid indicated that from a historical standpoint, it was important to include the information that the tax failed. Whether or not the tool of a tax gets used is another discussion for another day.

Chairman Penzel maintained that it was defeated and didn't see any purpose in bringing it forward.

Commissioner McDermid considered that they should put it in its timeframe, just four years after the Master Plan was adopted. We now have a different population and Southern Nevada Public Lands Management Act (SNPLMA) funds will not always be available for conservation easements, which tie the water to the land in perpetuity and protect our water.

Chairman Penzel estimated that the TDR program is where it is and will remain there because no one wants to change it.

Commissioner Walsh felt that the TDR management shouldn't be County's business but should be run by the agriculture community.

Commissioner McDermid questioned if the agriculture community wants to be in charge of the TDR program and suggested that the County not put it on them unless it's something they want.

Chairman Penzel clarified that he had discussed it with them and they didn't reject it but they weren't enthusiastic about it either because they don't know what it entails. He felt that it could be presented to them and they could decide whether it was something they wanted to manage. He wondered who would make a formal offer to the agriculture community to study out the TDR program and their possible involvement.

Mr. Werner reminded that the Master Plan just refers to the TDR program; the management of the program is not part of the Master Plan.

Ms. Moss explained that the current process has an application form that will be submitted to the County. She added that based on the information received, the County will certify the number of development rights and ensure that the documents are recorded. Ms. Moss stated that property owners don't go through the process until they have a buyer in the wings and know what they

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will get for it. The rancher holds the development rights today, and if someone else is taking care of the bank, the rancher would have to give up the TDR and put them in the bank. She mentioned that the owners will have to take a big risk and might not want to take the risk. Ms. Moss said that the bank idea was if the County was to purchase the rights instead of a developer and it would be an amendment to the development code.

Chairman Penzel mentioned that the Corley family identified development rights along the river.

Ms. Moss said they did but it's not a complete process until a map comes forward for the development.

Chairman Penzel wondered if the County would lose the preservation along the river if a developer was to go elsewhere for development rights. He also wondered if an independent bank held the rights would the County have a perfect preservation situation for that property. He would prefer an independent bank doing this.

Ms. Moss clarified that the County would need money in that bank.

Chairman Penzel disagreed and said he believed it wouldn't and that it depends on what the contract says.

Vice Chairman Thaler asked about action item 4.1 and whether or not it was a new item.

Commissioner McDermid referenced page 60 and asked if it was 2.1 rewritten. She stated that holding title to the land is just as important as holding title to the water rights. She wondered about the benefits and if this was a better than conservation easements. She followed up by asking what happens to the development rights that the County holds. Commissioner McDermid inquired if this would supersede 2.1, because continuous development, as the County has seen, has changed from 1996. She also wondered about the advantage of creating 100-acre minimums.

Ms. Stowell replied that the idea of 100-acre minimums has been around for a few years and it allows for more intense uses on larger pieces of land.

Ms. Moss stated it would be for industrial concessions allowing other uses of land with less impact on the neighborhood.

Commissioner McDermid asked if it meant that someone, who owned 100 acres in a 100-acre zoning district, could have 9 districts on her property. She wondered if uses would have to be agriculturally based.

Ms. Moss explained that the proposal would allow for that scenario and then they would amend the development code, amend the zoning district, and create the special uses allowed. Ms. Moss added that the property owner would have

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to request a zone change. She went on to say that if someone with that much land wanted to have that much storage they could.

Commissioner McDermid believes that additional criteria should be required.

Ms. Moss said that there will be more research needed to develop more requirements. She stated that the reason for the 100-acre increase is because it's a higher standard.

Commissioner Walsh said this would lead to clustering; he asked if there is any consensus as to who might want to participate in the TDR program. He believes that would be a good place to start.

Ms. Moss said that they have not done that at this time.

Chairman Penzel said it's a requirement to have 100 acres in order to be appointed to the agriculture association.

Commissioner McDermid asked Ms. Moss to explain the language.

Ms. Moss wanted to inform the Board that they are bringing this forward at the request of the agriculture community.

Commissioner McDermid said she is all for the agriculture community, but before proceeding it would be nice to know why they want it changed.

Commissioner Walsh reiterated that he wants them to get a consensus and would like to see it added to the action item.

Ms. Moss stated they could do that and if there is no consensus, then she will give that information to the Board.

Vice Chairman Thaler said he is not opposed but is concerned that it will come back with major implications and he's not sure if the Board would go for that.

Ms. Stowell presented Agriculture Element-Proposed Goals, Policies, and Actions.

- Agriculture Goal 1
- Agriculture Policy 1.7
- AG Action 1.1 (New)

Please see the supplemental material for the full presentation.

Chairman Penzel asked how many different overlays exist.

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Ms. Stowell stated that the existing overlay applies only to the Gardnerville Ranchos.

Chairman Penzel said that the way this is written, it appears people with less than one acre of the property would be allowed to raise chickens and that would cause a lot of public outcries.

Ms. Moss said that if the Board wants to change the code.

Commissioner McDermid said it reads like it will create new opportunities and wondered if a resident brought it forward.

Ms. Moss explained that residents want to do more on less than an acre, and it is based on survey comments, as well as from other residents regarding chickens in residential zones.

Commissioner McDermid asked what they could create, aside from the size of the property, and stated that if Minden didn't want chickens within their Town boundary, the County should respect that. She stated that if Indian Hills had 1/2 acre and they were ok with it that is one thing; she asked how many chickens they would allow. Commissioner McDermid said the County shouldn't create the opportunities and should be done by the Towns.

Ms. Moss said they could rewrite that portion because they do need to amend the development code.

Mr. Werner suggested that it read County will evaluate possibilities for opportunities.

Commissioner Nelson said that one lady with 5 acres had 8-10 cows all pregnant. He believed she had way too many animals and had to scale back.

Commissioner Walsh said he liked the County Manager's suggestion to evaluate.

Ms. Stowell presented Agriculture Goal 2 and 3

- Agriculture 2.8
- Agriculture Action 2.1 (New)
- Agriculture Policy 3.3
- Agriculture Policy 3.4
- Agriculture Action 3.1

Please see the full presentation in the supplemental material.

Chairman Penzel stated that Action item 2.1 would benefit from using the word evaluate instead of the word examine and added that Action 3.1 is too broad.

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Commissioner McDermid said that if there is an amendment made to the development code, it will have to go before the Planning Commission and the Board. She added that staff will have to work to find out what that will look like and it will be thoroughly examined in public hearings so she is ok with leaving it in.

Ms. Stowell presented Agriculture Goal 4

- Agriculture Action 4.1 (New)

Please see the supplemental material to view the presentation.

PUBLIC COMMENT

Bill Chernock clarified that a lot of the comments came from the chamber with the full endorsement of the Farm Bureau and the Agriculture Association. He added that his only question on the action items should be whether or not these action items are worth examining. He added that on open space acquisition, he understands it's been defeated but people always bring up preserving the open space and maybe they value it more now than they did in 2000.

David Maxwell said that a lot of language has "shall" used and maybe that creates too much work for the County which could cause the need for more employees. He suggested that they reword these action items using words like "will" or "encourage" to avoid the contractual requirement to do these things.

Bob Ballou asked if in agriculture goal 1 the word productivity should have been productive.

Terry Faff stated that protecting the wetland and view space would be all of Douglas County and he believes the County should be careful about doing something forever. He added that most of Douglas County's agriculture is beef and alfalfa to feed them. Mr. Faff used the example of Hellwinkle Ranch, a conservation easement property that he suspects will be turned over to someone else and it won't be used for anything. He added that the County should be careful about protecting agriculture forever.

Chairman Penzel addressed the shall/will point because when people think shall means it's required, but the wording should read "may", "could", etc.

Commissioner McDermid thinks the word will is stronger than shall; shall is not a declarative word. She mentioned that the language has been there since 2008, and the County wanted strong language for the agriculture community.

Chairman Penzel suggested revising language, to avoid running into problems.

MOTION to approve the Agriculture Element with the changes proposed including some of the changes to the wording; Carried

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RESULT:	APPROVED [UNANIMOUS]
MOVER:	Nancy McDermid, Board Member
SECONDER:	Larry Walsh, Board Member
AYES:	Penzel, Thaler, McDermid, Walsh, Nelson

Commissioner McDermid said they would need to go through it individually and determine the language of the policy.

Ms. Moss stated that if directed by the Board, staff can do that before final approval.

Commissioner McDermid likes the way the wording is right now since agriculture is an important part of the community.

Vice Chairman Thaler said he doesn't want to go beyond 5 pm and he does not think it's effective to go on.

Mr. Werner said that they would need additional dates, so they identified January 11, 22, 30 and 31 as possible meeting dates.

Vice Chairman Thaler asked the County Manager to have staff update their calendars so they can get a better idea.

Mr. Werner asked how many days they would need for four to five-hour meetings.

Chairman Penzel said Mr. Werner should plan for the week of January 22 and have four Elements on each day.

Mr. Werner said that doesn't fit everyone's schedule and suggested January 22, 30 and 31

Ms. Moss said they will advertise for all Elements and cover as much as possible.

CLOSING PUBLIC COMMENT

Bob Ballou stated that words have meaning and he would prefer to stick with current language because words like should are not definitive.

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ADJOURNMENT

There being no further business to come before the Board, the meeting adjourned at 4:24 PM

Respectfully submitted:

Steven J. Thaler, Chairman
Douglas County Board of Commissioners

ATTEST:

Kathy Lewis, Clerk-Treasurer