

Approved March 1st, 2018

The Special Meeting of the Douglas County Board of County Commissioners was held on January 22, 2018 in the meeting room of the County Administration Building, 1616 8th Street, Minden, NV, beginning at 12:00 PM.

Call to Order

Commissioners Present:

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

Commissioners Absent: none

Staff Present:

Larry Werner, County Manager
Mary Anne Martin, Deputy District Attorney
Mimi Moss, Community Development Director
Heather Ferris, Planning Manager
Kathleen Schmidt, Deputy Clerk

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Chairman Thaler.

PUBLIC COMMENT (No Action)

Bob Ballou asked if the Housing Element would be revisited during this meeting. He stated that NRS (Nevada Revised Statutes) requires that the Master Plan address affordable housing, so any arguments that we don't need it are moot. What type of affordable housing is not spelled out and is up to the County residents and governments. He also addressed the bulky size of the Master Plan and was in favor of a smaller document that contained the Policies, Actions and Goals of the County. He appreciated the back-up material but was in favor of putting it in an appendix.

Stacy Sept, Douglas County resident, spoke regarding the Housing Element, giving statistics that support the need for affordable housing in Douglas County. She encouraged adoption of the Housing Element of the Master Plan.

Lynn Muzzy condemned the idea of affordable housing and apartment dwellings in Douglas County. He also criticized the Board for being distracted from their true purpose of serving the residents of Douglas County.

To review Mr. Muzzy's complete comments, please see the Supplemental Material.

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Jessica Bindley and Melissa Brown spoke as local Douglas County kids who have grown up and are now having a hard time finding affordable housing in Douglas County. They are employed adults with families, making a decent wage but can't afford to live in this area or find anyplace to rent under \$1500.

They hoped that affordable housing to all residents of Douglas County would be an issue important enough to be discussed.

Jack Jacobs thanked the Board for the process of receiving comments and updating the Master Plan. He was still working on the idea of agri-hoods and hoped to bring it forward in the next year or two.

Virginia Starrett stated her support for the methodology the County put in place to protect the rural character but chastised the County for the unprofessional presentation of the Master Plan Update.

To review Ms. Starrett's complete comments, please see the Supplemental Materials.

Jim Slade spoke about impact fees, growth management and effect of the boom/bust cycle on Nevada's economy. *To review Mr. Slade's complete comments, please see the Supplemental Materials.*

Tory Johnson expressed her concern about the impact the internet has had on commercial real estate and retail stores. She said the first question to ask is "what is the highest and best use of a property?" The answer may no longer be commercial and she suggested the renewed consideration of multi-family zoning within Commercial land use areas.

To review Ms. Johnson's complete comments, please see the Supplemental Materials.

Carl Schnook urged the Board to approve the Housing Element of the Master Plan, saying that the market will determine who lives in the Valley and who doesn't. If change is not made, Minden/Gardnerville will become a gated community to many people who work here. It's a shame that veterans who return from service can't afford to live in the county they grew up in. The attitude of "not in my backyard" from citizens will not help our community. He agreed that multi-use zoning could help and was glad to be a member of the Housing Task Force.

Chairman Thaler stated his intent to allow public comment after each Element is presented in alphabetical order.

Vice Chairman Penzel asked if the Board comments from the November meeting were noted.

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Mimi Moss, Community Development Director, clarified that the comments were taken into consideration and are being worked into the Plan; the comments do not need to be repeated.

Chairman Thaler noted that the next Master Plan meeting was scheduled for January 31, 2018.

Commissioner Walsh asked if the revised document would go back to the Planning Commission for review.

Ms. Moss answered that the updated document would still need to go to the Planning Commission.

APPROVAL OF AGENDA

MOTION to approve Agenda; carried.

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

ADMINISTRATIVE AGENDA

The Administrative Calendar will be handled as follows:

- (1.) The Chairman will read the agenda title into the public record.
- (2.) Staff will introduce the item and provide a report, if any.
- (3.) The applicant, if any, will have an opportunity to address the Board.
- (4.) The Board will then discuss the item. Once the Board has concluded their discussion, public comment will be allowed.
- (5.) Public comment will be allowed and is limited to three minutes per speaker.
- (6.) Once public comment is completed, the Board will then ask any follow-up questions and take action.

On agenda items that are agendized as a “presentation” with no action listed, public comment is not legally required and must be made at the beginning of the meeting.

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1. For possible action. Discussion on 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 elements, and other properly related matters. Following presentation from staff on each Chapter, including suggested changes, the Board will take public comment and deliberate. The Board of Commissioners will vote on each Chapter providing direction to staff regarding any changes that need to be incorporated. The final decision regarding the 2016 Master Plan Update will likely be made by the Board of Commissioners at a future date. (Heather Ferris)

Candace Stowell, Wells, Barnett, & Associates, presented the Conservation Element, per NRS 278.160 (p. 59 of the packet) and summarized the changes in the Goals, Policies and Actions; Conservation Element-Open Space Protection; Conservation Issues & Opportunities; Conservation Element-Goal Categories (Goal 13 is the only new goal).

Vice Chairman Penzel was concerned that a lot of abstract information was gathered and presented as fact. He was bothered with the way the Master Plan Update was written and the general tenor of the document. He mentioned that he had 90 comments on different items within the Conservation Element, such as the environmental focus on endangered plants, the noise section, as well as air and water quality. He suggested that the County focus on the things we really can control.

Chairman Thaler asked if there were specific policies that needed to be addressed.

Ms. Stowell presented Conservation Goal 1, which was a compilation of Goal 4 and 9; the existing actions have been revised.

Chairman Thaler informed that the new additions came from public comment during outreaches.

Commissioner McDermid noted Action 1.1, Low Impact Development Ordinance, and suggested a language change from "reduce" to "eliminate"; she doesn't want any pollutants to impact the water.

Vice Chairman Penzel noted that it was a good point but it is part of the Code now. He provided the example of the Sharkey's development. He also noted the enforcement issue, which is done well at Tahoe.

Commissioner McDermid clarified that TRPA (Tahoe Regional Planning Agency) doesn't mandate or enforce; the enforcement is done through the EPA (Environmental Protection Agency). On the Nevada side, it's the interlocal agreement; on the California side, it's by permit.

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Vice Chairman Penzel remarked that his point was the difference of enforcement between the lake and the valley.

Commissioner McDermid stated that the Stateline Storm water Association has looked at the runoff from storm water for decades. The TMDL (Total Maximum Daily Load) is a new requirement of the EPA; everywhere else in the country, it has to do with water quality but at Lake Tahoe, it has to do with water clarity.

Chairman Thaler asked staff if the word "reduce" can be changed to restrict or eliminate.

Larry Werner, County Manager, mentioned that it is impossible to reduce all pollutions; to use the wording "to eliminate" would be an unattainable goal. Although he understood Commissioner McDermid's point of view, the wording "to reduce" would be a more practical.

Commissioner McDermid asked if they would require the water/oil separators to be cleaned.

Mr. Werner explained that the goal is to make sure the separators are cleaned and maintained. He reminded that the legal definition of pollutants includes nitrates and phosphates, which are a pollutant to the Carson River but not to the point of violation.

Commissioner McDermid countered that they were not talking about ag land but focusing on new development.

Chairman Thaler suggested that they would see the details when it came to the Board as an ordinance.

Ms. Moss stated that he was correct; there is no ordinance in place right now for low impact development but it is a tool to reduce pollutants. The key is the request to develop a program to maintain storm water drainage.

Commissioner McDermid thought that was done in Lake Tahoe.

Ms. Moss agreed, stating that we are bound by the TMDL program at the lake.

Vice Chairman Penzel responded that in the valley, responsibility falls to the ranchers and farmers, and the question is who will do it and who will pay for it. He wondered if the language includes "shall", how it was different than an ordinance.

Mary Ann Martin, District Deputy Attorney, stated that "shall" is a "must do" requirement.

Vice Chairman Penzel asked if that meant there would be a penalty for not doing it.

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Ms. Martin clarified that it does not; if an ordinance was brought before the Board, they would have the opportunity to vote on it and set the threshold they deem as reasonable. This is an encouragement to bring the ordinance forward.

Vice Chairman Penzel used the example of Policy 1.6 and suggested that a resident would interpret it as saying the County has to pay for it.

Ms. Moss explained that Policy 1.6 is reiterating what is already in the Design Manual. It could be deleted but she felt it was important to keep the policy in place to show its importance to the County.

Vice Chairman Penzel suggested the language should read "the County encourages maintenance of ___ which is codified in the Design Manual" so people know it's already there.

Commissioner McDermid indicated that no one would know some of these things were already in the Design Manual or Code unless we provide a way to reference the information. She noted Policy 1.5 which says "Douglas County will support" and questioned the difference between will and shall.

Ms. Martin acknowledged that both are the same; there is no discernable difference.

Commissioner Walsh regarded Vice Chairman Penzel's suggestion of "Douglas County supports the implementation" and reminded that the Master Plan is a planning document and is not written as law.

Ms. Moss explained that "will/shall" is usually used for action items the County needs to implement. Policy items are a general statement that focuses on goals and action items. She noted that the example of Action 1.5 would involve a lot of people and resources; the question is if you serious about that program and do we need an action item? The existing plan has a lot of language that supports or encourages. The current plan tries to take a stronger stand on issues that have been deemed more important by previous Board direction.

Vice Chairman Penzel felt the difference between a policies, goal or action was a nebulous difference and didn't see it as a transition that was easily supported. There needs a logical process and he was confused by the use of will/shall. He thought that a policy that has been approved by the Board becomes an action item to the staff, but that difference gets lost in the translation. The policy should be the vision of the goal and the action items follow.

Chairman Thaler noted that not every policy has an action item. This is just a Plan.

Vice Chairman Penzel thought every policy should have an action item.

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Ms. Stowell clarified that the policies help build what the actions will be and a way of doing things to support the specific goal. Actions are specific steps to meet the goal.

Vice Chairman Penzel read Conservation Action 1.3 and felt that it was not connected to the Master Plan anywhere else. He also wondered if anyone knew what 303d impaired waters were and where they would find that information.

Ms. Stowell explained that a list of the impaired waters with map was contained in the Conservation Element.

Vice Chairman Penzel felt that if a person had to refer to another document in order to understand a portion of the Master Plan that the Action Item falls apart. He thought it should be clear, straightforward and simple.

Commissioner Walsh asked how a developer would comply with Policy 1.2.

Ms. Moss explained that with a land use change, they look at the land use for that community as well as the other elements of the plan, such as the policies, to identify which policies are appropriate to the request.

Commissioner Walsh felt that it was still subjective, since some policies may apply but others may not.

Ms. Moss repeated it depends on what policies are appropriate, because not every policy will speak to the requested change. An applicant would have to argue how a specific policy applies to the requested change. The design standards and the Code are set up to handle requirements that will be put into place as the process of development occurs.

Vice Chairman Penzel said it was arbitrary and capricious and gave the impression that staff could pick and choose what applied. They want to create a clean document, specifying what it is or it isn't allowed. He read Policy 1.3 and wondered how it differed from an action item.

Ms. Moss remarked that it is more forceful in that the County is making a statement that they need to do this. The question is if you want to require all private underground drainage systems to be cleaned and inspected on a frequent basis.

Vice Chairman Penzel said that in order to implement that, they would have to pass an ordinance or it would have to be in Code.

Chairman Thaler said that looking at the history of the Master Plan, action items have been added to policies in order to give direction to staff. The direction can be changed at the Planning Commission or at the Boards discretion.

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Ms. Stowell noted that Policy 1.3 comments came from the Chamber of Commerce and was an adjustment to an existing policy.

Vice Chairman Penzel countered that it was not a new policy but should be an action item. The problem was with the retroactivity of the policy; words matter. He felt they were worried about words and not getting anything done. He also thought that whoever was working on an item should be named for clarity.

Chairman Thaler asked Vice Chairman Penzel if he had any recommended policy changes; we are not here to debate this but to make changes.

MOTION to return the Conservation Element to staff to be rewritten and annotated; motion made by Vice Chairman Penzel, seconded by Commissioner Nelson; motion suspended for Public Comment.

Chairman Thaler remarked that the problem was what is not clear to Vice Chairman Penzel might be clear to others.

PUBLIC COMMENT

Bob Ballou noted that if action items were inserted below each policy, it would be clearer and easier to read. He also suggested that if a policy is already implemented as an ordinance, it should be annotated. He offered the possibility of substituting the word “minimize” instead of “reduce” in Action 1.1 regarding and asked for clarification on the meaning of “assist in the provision of a regular cleaning program”, wondering if it meant each resident was to clean out their own culvert. There is a retention pond on his property that he didn't buy into it and would be expensive to clean out. It would be helpful to have these things made clearer.

Franklin Harry Ernst, stated that he thought the Master Plan was far too complicated and reads like compiled literature to reflect thoughts. He agreed that annotations and bullet points would be very helpful. It is intended use is as a reference guide and it should be simplified.

Virginia Starrett implored that the motion include that staff put this section in parallel structure, which is the correct grammatical format. She felt the Master Plan should not include any action items, only policies and goals. The Master Plan should be a document that survives time, therefore it doesn't need every detail.

Jim Durso agreed with the theme of simplification and thanked the staff that has put time into document. He felt there was a lot of good information, although it became overwhelming. He quoted the Record Courier as saying that the Public Services and Facilities Elements were the only elements required for a community of 50,000 people. He wondered how useful the document was in its current form. He thought the Master Plan currently reads like a legal document, using the example of the Growth Management Policy 1.1. He

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suggested that the Master Plan be limited to goals & policies and indicated that rethinking the structure is a worthwhile endeavor.

Jim Slade argued that we have a good Master Plan but the challenge is to follow it. He suggested that we use current format for now and if another format is preferred for the next update, let staff know now. If you want to start over, just call it the 25 year review. He preferred to let the County Code and Design Manual deal with the specifics as the Master Plan is the general goals and principles. He felt the Conservation Element was linked to the Growth Element. He reminded that TDRs (Transfers of Development Rights) are a bonus, not the driver of growth. He thought the County should pursue buying TDRs and water rights and consider a land trust.

Carl Schnook supported the thought of keeping it simple and letting the ordinances deal with the specifics. The Nevada Supreme Court states that this is a guideline, not law; the Master Plan is a policy document only.

Commissioner McDermid noted that she got a lot of emails about the phrase "economically feasible" in Conservation Goal 12 and asked for confirmation that there are noise standards currently in place.

Vice Chairman Penzel appreciated the public input and was willing to amend his motion to have Conservation Element rewritten to contain only the Policy and Goals sections.

Commissioner Walsh asked if he wanted to remove the action items from the Element.

Vice Chairman Penzel agreed that the action items could be a separate document and thought it would be best give them to staff and the Planning Commission to make a plan to accomplish them.

Chairman Thaler objected to the original motion because it was too vague. He preferred to make the motion more specific. The bigger question is where do we go next because they could repeat the same process for each element.

Vice Chairman Penzel restated his amended motion to rewrite the Element to include goals and policies with annotations.

Ms. Moss asked for confirmation that the Board wanted each Master Plan Element to include only the goals and policies with no action items included.

Vice Chairman Penzel clarified that they want to keep the action items in a separate item or addendum.

Ms. Moss informed that there were no actions items identified before 2008; the Master Plan was very general and many items were not implemented. She asked if they could delete policies that had already been implemented to their satisfaction.

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Vice Chairman Penzel preferred the word “accomplished”; he would like to see a record of policies accomplished in a separate addendum.

Ms. Moss stated that information would be included in the action matrix, what had been completed and what was still needs to be done. Policies are not action items and not included in action matrix.

Vice Chairman Penzel asked if those items would be in a separate element or included within the Conservation Element.

Ms. Moss reaffirmed that all action items for the Master Plan are in the Implementation Element.

Commissioner McDermid referenced the Strategic Plan poster on the wall and compared it to the Master Plan in the light of the County priorities. The Elements are the critical components of the Master Plan with their policies and

goals. The important question is how to achieve a Strategic Priority or Master Plan goal. The Action items should identify where things are achieved or accomplished, such as a design code or ordinance. She would include past accomplishments so the public can look at a goal, see what the plan is and what has been done in the past to accomplish the goal.

Ms. Moss indicated that the matrix was set up that way, as well as showing the past, present, and future.

Commissioner McDermid requested that staff remove Action Item 9, put it in the matrix and identify a timeline.

Ms. Moss reminded that when they were reviewing the Agriculture Element, the Boards direction was to move the text of the plan into Volume II, and was hoping that the motion would include similar language, as she was concerned about consistency with other elements.

Vice Chairman Penzel restated his motion.

MOTION to return the Conservation Element to staff to rewrite the Element, to drop the current verbiage and move it to the addendum similar to the Agriculture Element, to contain only Policies and Goals in the Element, and if a policy or goal is currently in Code or Ordinance, then annotate and remove all action items to Element 12, the Implementation Element; carried.

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

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Chairman Thaler suggested that they do a joint meeting with the Planning Commission and give staff direction on the Master Plan regarding the look, format, structure, and content.

Commissioner Nelson felt that the public would like to see a rewrite. He would like the 2011 Update to hold for the next two to three years and start work on joint meetings or a committee to handle more direct work with the process. He thought the input from the public didn't happen for this update and wondered where some of these things came from. He indicated it was time to step back and stop beating each issue to death; they need to decide where they want to go and how do they want to get there.

Commissioner Walsh agreed that there was a lot of work put into it already but felt it would be a waste to set it aside for three years. He felt the County owed it to the public to get a document out to them and get it done right. He suggested that the wording "where economically feasible" should be removed completely. He would like to continue and have the joint meeting with the Planning

Commission, and asked if that meeting would be before or after staff makes changes.

Chairman Thaler advised that they meet before changes are made so they can agree on what they want before more work is put into the update.

Commissioner McDermid agreed with the suggested process with the Planning Commission.

Vice Chairman Penzel would like more input with staff and the Planning Commission through the whole update process. He noted that the air pollution from the MINDEN GARDNERVILLE SANITATION DISTRICT plant was not addressed at all. He would like them to agree with the Board on a format and put the information collected into that format, including the idea that some elements could be eliminated. He was in agreement to meeting with the Planning Commission.

Chairman Thaler remarked that they have work to do. The Master Plan can be difficult to read but it should be easy for public to read. He suggested that staff not go down any rabbit holes until they meet with Planning because they all need to get on the same page. The Board's intent is to get the Master Plan updated, even if it means a new look. The 2011 Update stays in place for the moment. He asked the Board to write their specific suggested changes and get them to staff.

MOTION to continue the Master Plan update to a later date and direct staff to set up a joint meeting of the Board of County Commissioners and Planning Commission within the next 60 days to address the look, format, structure and content of the 20 year Master Plan Update; motion made by Chairman Thaler and seconded by Commissioner Nelson.

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Vice Chairman Penzel supposed that this motion would suspend the action of the motion he previously made.

Mr. Werner stated that he understood the intent of the motion and would work with staff and come back with a mock-up and then take it to Planning. However, the timeframe is a concern due to budget meetings coming up.

Commissioner McDermid said that the important this is an understanding between Planning and the Board regarding the Master Plan. The Board is in agreement that the goals and policies of each element be included and action items be held elsewhere and would like the Planning Commission to weigh in on that concept.

Chairman Thaler amended his motion to remove 60 days' timeline.

Chairman Penzel indicated that the first rewrite shouldn't be with Planning.

Commissioner McDermid liked the County Manager's suggestion to come to the Board with a mock up format.

Chairman Thaler suggested that staff bring a mock up to Board, then the Board can have a joint meeting with Planning and then the Master Plan would come back to Board for approval.

PUBLIC COMMENT

Bob Ballou noted that he thought pages 59-86 of the Conservation Element didn't need to be included in the Master Plan text but could be in the back up document. He agreed that the County Manager should bring the format first and test the mock up before rewriting the whole thing.

Bill Chernock, Carson Valley Chamber of Commerce, appreciated the Board's desire to provide the best document possible. He felt the document was being taken to task for being both too specific and not specific enough. He asked the Board to please figure out a direction before moving forward.

Franklin Harry Ernst asked what this will cost the County in terms of money and man hours to recreate. He implied that the County needs to decide where they want to put their money.

Jim Slade commented that today's meeting was a prime example of dysfunctional government. He indicated that the current format was used for a reason and suggested completing the 2016 update as it is and make suggestions for the next update.

Carl Schnook understood that the Master Plan update is not an easy process but it has created an onerous, encumbered document for our County. He compared the Master Plan to a political party's platform statement of general goals.

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Chairman Thaler restated his motion to continue the Master Plan update to a later date and direct staff to set up a joint meeting of the Board of County Commissioners and Planning Commission to address the look, format and structure of the 20 year Master Plan Update; carried.

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

CLOSING PUBLIC COMMENT (No Action)

Jim Slade stated that if you want to sell the public on slow steady growth, you should show how you've previously supported that growth. He felt the best way to do that is to wipe away all of the excess allocations. The County haven't been using up current allocations and a boom/bust economy is not good for the

County. It would give residents confidence and possibly get a one-time sales tax increase approved.

ADJOURNMENT

There being no further business to come before the Board, the meeting adjourned at 2:31pm.

Respectfully submitted:

Steven Thaler, Chairman
Douglas County Board of Commissioners

ATTEST:

Kathy Lewis, Clerk-Treasurer