

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

TUESDAY

10:00 A.M.

JANUARY 9, 2018

PRESENT:

**Bob Lucey, Chair**  
**Marsha Berkbigler, Vice Chair**  
**Kitty Jung, Commissioner**  
**Vaughn Hartung, Commissioner**  
**Jeanne Herman, Commissioner**

**Nancy Parent, County Clerk**  
**John Slaughter, County Manager**  
**Paul Lipparelli, Deputy District Attorney**

The Washoe County Board of Commissioners convened at 10:00 a.m. in regular session in the Commission Chambers of the Washoe County Administration Complex, 1001 East Ninth Street, Reno, Nevada. Following the Pledge of Allegiance to the flag of our Country, the Clerk called the roll and the Board conducted the following business:

**18-0003      AGENDA ITEM 3 Public Comment.**


Ms. Tammy Holt-Still said there was still standing water in Lemmon Valley. She indicated some residents from Lemmon Valley had received letters from Governor Brian Sandoval which stated Washoe County was responsible for the balance of the Lemmon Valley flood issues. She displayed an email that she sent to the County on December 27th regarding the flooding issues in Lemmon Valley and said the email remained unanswered. She stated there were issues that needed to be addressed before additional damage was done. She displayed photos of current flooding in Lemmon Valley. She brought t-shirts for the Commissioners and the County Manager. She provided documents, which were placed on file with the Clerk.

Dr. Richard Simmonds D.V.M., M.S., DACLAM spoke regarding Agenda Items 16 and 17. He remarked that he was active in many local and State organizations involved in animal related issues. He stated his comments were his own and did not represent the opinions or positions of any other organization. He stated he was supportive of the name change from kennel cattery permits to variance permits and thought the change would eliminate confusion. He indicated he was opposed to abolishing the Animal Control Board. He stated County residents who possessed a wide range of public opinions and expertise regarding companion and exotic animals were represented by the Animal Control Board. He thought the Board had functioned well and efficiently for more than a decade. He believed this Board did not receive sufficient data to evaluate the value of the Animal Control Board. He noted a detailed analysis listed the results of the Animal Control Board's decisions over the past 10 years and documented how often

<SKIP TO PAGE 23>

On motion by Commissioner Hartung, seconded by Commissioner Jung, which was duly carried with Commissioner Lucey absent, it was ordered to remove raptors from the Ordinance, change the appeal process time from 14 to 30 days and remove the spay or neuter requirements for tier 3 exotic animals.

Bill No. 1794 was introduced by Commissioner Hartung and legal notice for final action of adoption was directed.



**18-0033**      **AGENDA ITEM 18** Public hearing and discussion to affirm, modify or reverse the Board of Adjustment's denial of an appeal of staff's decision to deny a building permit for a retractable private communication antenna taller than 45-feet tall, and to allow the antenna to extend up to 72-feet tall without what staff and the Board of Adjustment determined is the Code required Administrative Permit. Generally, the applicant contends that the Code does not require an Administrative Permit as long as the antenna is no taller than 45 feet when retracted, and alternatively that an Administrative Permit requirement would violate State and Federal law that limits local government's ability to regulate amateur radio communications structures. The site is located at 4765 Giles Way west of Lakeshore Drive and east of Scripps State Wildlife Management Area. Section 31, T17N, R20E, MDM, Washoe County, NV. The parcel (APNs: 050-530-30) is ±1.55-acres in size and is within the boundaries of the South Valleys Area Plan. The Master Plan Category is Suburban Residential, and the Regulatory Zone is Low Density Suburban (LDS - 1 dwelling unit per acre). The appellant and property owner is Richard Stone. Community Services Department. (Commission District 2.)

The Chair opened the public hearing by calling on anyone wishing to speak for or against this Agenda Item.

Planning Manager Trevor Lloyd stated this item was an appeal of a decision by the Board of Adjustment (BOA), which originated from a staff denial of a building permit for a 72-foot retractable private communication tower. He conducted a PowerPoint presentation with slides entitled: Appeal of BOA Decision WBLD17-1001171 – Richard Stone; Vicinity Map; Proposed Private Communication Tower; Justification for Denial; and Possible Motion for TM16-009 & SW16-003. Mr. Lloyd explained the maximum height for a private communication tower was 45 feet.

Discussion took place between Chair Berkbigler, Commissioner Hartung, Commissioner Jung, Mr. Lloyd and the appellant Mr. Richard Stone. It was determined that other similar towers in the area had not been required to obtain an administrative permit. The administrative permit would cost the appellant \$2,000. After discussion, it was agreed by all parties that the tower was retractable and should not require an administrative permit.

Commissioner Jung stated the language needed to be clarified and she said Mr. Stone should be grandfathered in.

On motion by Commissioner Jung, seconded by Commissioner Hartung, it was ordered to deny the Board of Adjustment's decision and allow the appellant to obtain a building permit.

Paul Lipparelli stated to overturn a decision of a lower body there needed to be findings to support the Board's decision. He said the findings could include: the tower in its retracted state did not exceed the maximum height; in order to be useful as an amateur radio tower it needed to be higher than Code allowed otherwise it would not serve the intended purpose, and federal regulations stated local governments were not able to regulate amateur radio operators to the extent that would force them out of business.

On the call for public comment, Mr. Tim Stoffel stated an amateur radio operator would need an antenna that tall in Washoe Valley to be able to transmit or receive any signal.

Cathy Brandhorst spoke about matters of concern to herself.

On motion by Commissioner Jung, seconded by Commissioner Hartung, which motion duly carried with Commissioner Lucey absent, it was ordered to reverse the Board of Adjustment's decision and allow the appellant to obtain a building permit based on the findings: the tower in its retracted state did not exceed the maximum height; in order to be useful as an amateur radio tower it needed to be higher than Code allowed otherwise it would not service the purpose; and federal regulations stated local governments were not able to regulate amateur radio operators to the extent that would force them out of business.

**18-0034**      **AGENDA ITEM 19** Public Hearing: Second reading and possible adoption of an ordinance approving a Development Agreement regarding Tentative Subdivision Case Number TM14-001 (Pebble Creek Estates) which approved (on July 1, 2014) development of an 83-lot, single-family residential subdivision. Lots range in size from 35,025 to 53,072 square feet. The applicant and property owner is Mystic Mountain, LLC, attn.: Jesse Haw, 550 West Plumb Lane #B505, Reno, NV 89509. This agreement extends the deadline for filing the first in a series of final subdivision maps from July 1, 2018 to July 1, 2020. The subject site is located at the western terminus of Pebble Creek Drive, approximately ¼ mile west of its intersection with Pyramid Highway. The parcel is ±83.27 acres in size and has a regulatory zone of Low Density Suburban (LDS). The parcel is located within the Spanish Springs Area Plan, and is situated in portions of Sections 11 and 14, T21N, R20E, MDM, Washoe County, Nevada. (APN: 538-171-08) Community Services Department. (Commission District 4.)

The Chair opened the public hearing by calling on anyone wishing to speak for or against adoption of said Ordinance.