



Storey County Board of County Commissioners

Agenda Action Report

Meeting date: July 1, 2014

Estimate of time required: 30 Minutes

Agenda: Consent [] Regular agenda [X] Public hearing required []

1. Title: 1. Approval of Resolution 14-405 which determines that Storey County does not approve a boundary line adjustment between Storey County and Washoe County pursuant to provisions in Senate Bill (SB) 272 Sections 1 and 3(2). For further clarification, Section 1 of SB 272 pertains to property now situated in Storey County in an area more commonly referred to as "Sunny Hills". This action does not involve the area referenced in Section 1.5 of SB 272 adjacent to the Tahoe-Reno Industrial Center. Boundary line resolutions for Section 1.5 were approved by both the Storey County and Washoe County Boards of Commissioners on June 17, 2014 as provided for in Section 2 (3) of SB 272.

2. Approval of Resolution 14-406 rescinding Resolution 14-397 which called for an advisory question to be placed on the November 2014 General Election ballot relative to a possible boundary line adjustment between Storey County and Washoe County in an area more commonly referred to as "Sunny Hills". If Resolution 14-405 is passed, this action would eliminate any applicability of the results of a General Election advisory question. If approved, this resolution also provides notice to the clerk the ballot question is withdrawn.

2. Recommended motion:

1. Move to approve Resolution 14-405 which determines that Storey County does not approve of a boundary line adjustment in the area commonly referred to as Sunny Hills.

2. If Resolution 14-405 is approved; Move to approve Resolution 14-406 rescinding Resolution 14-397 which authorized placement of an advisory question regarding a boundary line adjustment in an area commonly referred to as Sunny Hills. If Resolution 14-405 is not approved; Move to retain the provisions of Resolution 14-397 and reject approval of Resolution 14-406.

3. Prepared by: Pat Whitten

Department: County Commissioner's

Telephone: 847-0968

4. Staff summary: Note: This report encompasses two agenda item. See page 2 for summary.

5. Supporting materials:

- A. Draft Resolution 14-405
- B. Draft Resolution 14-406

- C. Approved Resolution 14-397
- D. May 6, 2014 Commission Meeting Minutes
- E. Correspondence from Sunny Hills representative dated February 15, 2013 which includes maps and the target property legal description.
- F. SB 272 Bill as enrolled from the 2013 Legislative session.

6. **Fiscal impact:** No negative fiscal impact known. These actions would prevent potential loss of ad valorem revenues.

Funds Available: _____ Fund: _____ Comptroller

7. **Legal review required:**

_____ District Attorney

8. **Reviewed by:**

_____ Department Head

Department Name: Commissioner's Office

 County Manager

Other agency review: _____

9. **Board action:**

- | | | | |
|--------------------------|----------|--------------------------|-----------------------------|
| <input type="checkbox"/> | Approved | <input type="checkbox"/> | Approved with Modifications |
| <input type="checkbox"/> | Denied | <input type="checkbox"/> | Continued |

Agenda Item No.

2. **Staff Summary (continued):**

1. Resolution 14-405, if approved, would provide a conclusive determination of the second component of legislation enacted during the 2013 Legislative Session under Senate Bill (SB) 272. Sections of SB 272 identified specific land areas in an area commonly referred to as "Sunny Hills" and authorized a boundary line change between Storey and Washoe Counties contingent upon passage by resolution of both County Boards of Commissioners. Project proponents for Sunny Hills have met with Commissioners and staff and held public meetings in an effort to gain public and government support of their project. During these meetings and in following discussions it has become abundantly clear that a very large majority of our citizens strongly prefer to not authorize a boundary line adjustment to further facilitate development. Staff acknowledges that there are a limited number of voices saying there may be room for compromise and negotiation. However, there is very strong consensus that any development of the scope being suggested will significantly deteriorate the quality of life in our communities and pose greatly increased risks for wild land fire occurrences. Additionally, it has been determined by legal counsel, there is no method or authority provided under Nevada Revised Statutes that allows financial compensation between Counties nor to our citizens to compensate for lost revenue and degraded quality of life. Commissioner Sjovangen has requested consideration of a vote that determines, by resolution that Storey County does not approve of a boundary line adjustment in the

Sunny Hills area, adjacent to our Highlands community. Staff fully concurs with this request and recommends Commission approval of Resolution 14-405.

2. In May of this year, The Board of Commissioners voted unanimously to approve Resolution 14-397 which started the process of instructing the County Clerk to place an advisory question on the November 2014 General Election ballot pertaining to the Sunny Hills boundary line adjustment. At this meeting, the question was raised as to whether this action could be rescinded or withdrawn. Our Clerk advised us that placement could be voided or withdrawn by subsequent action, so long as that occurred on or before July 21st.

If, the Board of Commissioners approves Resolution 14-405 determining they will not approve a boundary line adjustment for the Sunny Hills area as provided for in SB 272 Section 3(2), this action would eliminate any applicability of the results of a General Election advisory question. Staff recommends approval contingent on approval of Resolution 14-405. Should Resolution 14-405 not pass or be heard, staff recommends rejection of Resolution 14-406 and leaving the provisions of Resolution 14-397 in effect.

STOREY COUNTY RESOLUTION 14-405

Declining to approve a boundary line adjustment between Storey County and Washoe County pursuant to provisions in Section 1 of Senate Bill (SB) 272 of the 2013 Legislative Session

Whereas, the Nevada State Legislature enacted Senate Bill 272 during its 2013 Legislative Session authorizing a revision of the boundary line between Storey County and Washoe County upon the adoption of resolutions by the Storey and Washoe County Boards of Commissioners; and

Whereas, Section 1 of Senate Bill 272 identifies land now in Storey County that would move in to Washoe County to facilitate development, an area more commonly referred to as “Sunny Hills”; and

Whereas, any action on Section 1 is completely independent of action taken on land identified in Section 1.5 of SB 272.; and

Whereas, Project proponents for “Sunny Hills” have approached the Storey County Commissioners, Staff and our Citizens in an effort to gain approval from the Board of County Commissioners as authorized in Section 1 of SB 272; and

Whereas, Although a limited number of voices of the citizens of Storey County have expressed some interest in negotiating a boundary line adjustment, the overwhelming majority have expressed strong and deeply held beliefs that facilitating development in this area will be a detriment to their quality of life; and

Whereas, There is no method provided in Nevada Revised Statutes to allow financial compensation between Counties and/or to our citizens to compensate for lost revenue and degraded quality of life.

Now Therefore, the Board of County Commissioners of Storey County hereby resolve to decline any consideration of a Resolution as provided for in Section 1 of Senate Bill 272 of the 2013 Nevada Legislative Session, pursuant to Section 3(2) of that act, to the boundary line between Storey County and Washoe County.

Passed, Approved and Adopted this 1st day of July, 2014, by Storey County Honorable Board of Commissioners.

Marshall McBride, Chairman,
Storey County Board of Commissioners

Date

Attest:

Vanessa Stephens, Storey County Clerk

Date

STOREY COUNTY RESOLUTION 14-406

**A Resolution rescinding approval of Resolution 14-397 placing an advisory question on the November 2014 General Election ballot regarding a boundary line adjustment between Storey County and Washoe County in area more commonly referred to as “Sunny Hills”.
If approved, this item also provides notice to the clerk of the ballot question withdrawal by the Board.**

Whereas, On May 5, 2014, the Storey County Board of Commissioners voted unanimously to approve Storey County Resolution 14-395; and

Whereas, Resolution 14-395 resolved to place an advisory question on the November 2014 General Election ballot regarding passage of a future Resolution pertaining to Section 1 of Senate Bill 272 which specifically identifies land now in Storey County that would move in to Washoe County to facilitate development, an area more commonly referred to as “Sunny Hills”; and

Whereas, Project proponents for “Sunny Hills” have approached the Storey County Commissioners, Staff and Citizens in an effort to gain approval from the Board of County Commissioners as authorized in Section 3(2) of SB 272; and

Whereas, while some citizens of Storey County have expressed interest in negotiating a boundary line adjustment, the overwhelming majority have expressed strong and deeply held beliefs that facilitating development in this area will be a detriment to their quality of life and pose greatly increased wild land fire risks; and

Whereas, There is no method provided in Nevada Revised Statutes to allow financial compensation between Counties and/or to our citizens to compensate for lost revenue and degraded quality of life; and

Whereas, the Storey County Board of Commissioners are scheduled to consider Resolution 14-405 which would decline to approve the boundary line adjustment referenced above; and,

Whereas, approval of Resolution 14-405 would eliminate any applicability of the results of a General Election advisory question.

Now, Therefore, the Board of County Commissioners of Storey County hereby resolve to rescind Storey County Resolution 14-397. This item also provides notice to the clerk of the ballot question withdrawal by the Board.

Passed, Approved and Adopted this 1st day of July, 2014, by Storey County Honorable Board of Commissioners.

Marshall McBride, Chairman,
Storey County Board of Commissioners

Date

Attest:

Vanessa Stephens, Storey County Clerk

Date

C

Resolution No. 14-397

**A Resolution of the Storey County Board of County Commissioners
to place an advisory question on the ballot
at the 2014 general election regarding a revision to the boundary
between Storey County and Washoe County.**

Whereas, the Nevada State Legislature, has amended NRS 243.240 to allow the revision of the boundary line between Storey County and Washoe County effective on the adoption of a resolution by the Boards of County Commissioners of Storey County and Washoe County.

Whereas, the Storey County Board of County Commissioners desires that this advisory question be placed on the 2014 general election ballot so that the citizens of Storey County may vote on the question.

Whereas, the result of the voting on this question does not place any legal requirement on the Board.

Whereas, there is a time limitation of June 30, 2015, that the Boards of Storey and Washoe Counties must act by if there is to be a revision in the boundary.

The Board of County Commissioners resolves to place the following advisory question on the 2014 general election ballot:

Should the Storey County Board of County Commissioners pass a resolution revising the boundary between Storey County and Washoe County that would result in approximately 1192 acres of property currently in Storey County becoming part of Washoe County?

A. The explanation of the question.

The question asks if approximately 1192 acres in Storey County should become part of Washoe County. The property is part of what is known as Sunny Hills. (See attached map)

The Sunny Hills property lies in both Washoe and Storey County. Currently there is no infrastructure in Storey County to support the development of the Sunny Hills property inside Storey County. The Sunny Hills property located in Washoe County is identified in the Truckee Meadows Regional Plan and is included within the Truckee Meadows Service Area in the City of Reno's Sphere of Influence. This area is currently planned to be served by infrastructure located within the City of Reno and Washoe County.

The Nevada Legislature passed SB 272 during the 2013 session. SB 272 amended the statutory provisions in NRS section 243.340 to allow two boundary changes between the counties. Any revision requires the approval of both Storey and Washoe County. The two boundary line revisions are contained in section 1 and section 1.5 of chapter 94, Statutes of

Nevada 2013, at pages 307 and 310, respectively. Section 1 describes a boundary change that would include approximately 1192 acres of property (part of Sunny Hills) currently in Storey County into Washoe County. Section 1.5 describes a boundary change of land in currently in Washoe County north of the Truckee River and south of I-80 east of Mustang and west of Waltham Way that would become part of Storey County. This question only addresses the section 1 boundary change.

In order to make the boundary adjustment in section 1 of the act effective, the boards of county commissioners of both Washoe and Storey County, before June 30, 2015, must pass a resolution approving the revisions to the boundary line between the counties.

B. The digest:

1. If the Storey and Washoe Boards pass a resolution revising the boundary, Storey County will lose the real property tax revenue paid by the property and Washoe County will gain the real property tax revenue. Storey County may also lose revenue because there is a possibility that the development of the property would increase its value and generate more real property tax. Storey County may have to provide services that would be paid for by the increase in revenue.

2. Existing laws that will be changed by the approval of a resolution by both Storey and Washoe County Boards to revise the boundary between the counties:

- a) NRS 243.333 Boundary of Storey County
- b) NRS 243.340 Boundary of Washoe County

If the Boards of County Commissioners of both counties approve a resolution moving the boundary to include the approximately 1192 acres into Washoe County, the appropriate version of NRS 243.340 will become effective. The Boards may adopt both boundary revisions, either of the revisions, or none of the revisions.

C. The result of the voting on this question does not place any legal requirement on the governing body, any member of the governing body or any officer of the political subdivision.

Adopted this 6 day of May 2014 by the following vote:

Vote: Ayes: Commissioners:

McBride
Gilman
Sjovangen

Nays: Commissioners:

None

Absent: Commissioners: None



Marshall McBride, Chairman
Storey County Board of Commissioners

Attest:



Vanessa Stephens
Clerk & Treasurer, Storey County