

BOARD OF COUNTY COMMISSIONERS, WASHOE COUNTY, NEVADA

TUESDAY 3:00 P.M. NOVEMBER 24, 1998

PRESENT:

Joanne Bond, Chairman
Mike Mouliot, Vice Chairman (5:00 p.m. session only)
Sue Camp, Commissioner
Jim Galloway, Commissioner
Jim Shaw, Commissioner

Betty J. Lewis, County Clerk
Katy Simon, County Manager
Madelyn Shipman, Legal Counsel

The Board met in regular session in the Commission Chambers of the Washoe County Administration Complex, 1001 E. 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:

98-1108 AGENDA

In accordance with the Open Meeting Law, on motion by Commissioner Camp, seconded by Commissioner Shaw, which motion duly carried, Chairman Bond ordered that the agenda for the November 24, 1998 meeting be approved with the following amendments: Delete - Item No. 16A, Bid #2124-99 concerning the Washoe County Courts Complex Phase II - Law Library Remodel; Item No. 16B, Bid #2125-99 concerning the Law Library Remodel Furniture; Item No. 17A, Resolution concerning Transfer of Control of Nonexclusive Franchise for Cable TV Services from Media One of Nevada, Inc. to TCI; Item No. 17B, Resolution concerning Transfer of Control of Nonexclusive Franchise for Cable TV Services from TCI to AT&T Corporation.

PUBLIC COMMENTS

There was no response to the call for public comments.

MINUTES

On motion by Commissioner Galloway, seconded by Commissioner Camp, which motion duly carried, Chairman Bond ordered that the minutes of the regular meeting of October 27, 1998 be approved.

98-1109 SUN VALLEY LOOKING FINE IN '99 COMMUNITY CLEAN-UP CAMPAIGN - COMMUNITY DEVELOPMENT

Bob Webb, Community Development, recognized members of the Sun Valley Community Service Team, several of whom were present, as well as members of the Sun Valley Volunteer Looking Fine in '99 Committee. Dan Holly, Community Development, and member of the Sun Valley Community Service Team, presented several visual display boards depicting some of the projects and clean up efforts involved in the campaign, which projects were reviewed by Mr. Webb. Mr. Webb submitted a current Field Status Report dated November 15, 1998 and reviewed the status report of the progress of the Sun Valley Looking Fine in '99 community clean-up campaign as outlined in the agenda material dated November 9, 1998. He advised that the Community Service Team is still using December 31, 1999 as their target completion date; and that staff, however, would like to return to the Board in approximately 3 - 4 months after completion of the current inspection grid to report whether it appears that completion date is still viable. He then discussed the need for staff support at the storefront office for the Sun Valley Community Service Center/Sheriff's Field Office and emphasized the importance of keeping that office open during normal, County working hours.

Marge Cutler, member of the Looking Fine in '99 Volunteer Citizen's Committee, stated that everyone has worked very hard on this campaign and it has been a huge job. She thanked the Board, noting that without their approval and support, this endeavor could not have been accomplished.

Commissioner Camp applauded everyone involved with the campaign and commented that it is commendable that people took it upon themselves to make the project happen and make Sun Valley a desirable and safe place to live. Chairman Bond noted that there has been a decrease in police calls and she believes it is because the community has become very aware of the efforts being made through the clean-up campaign.

Upon recommendation of Bob Webb, Community Coordinator, on motion by Commissioner Galloway, seconded by Commissioner Shaw, which motion duly carried, Chairman Bond ordered that the following actions be taken:

1. That the update from the Sun Valley community service team on progress in the Looking Fine in '99 community clean-up campaign be acknowledged.
2. That the goals and efforts of the Looking Fine in '99 community clean-up campaign be validated and the completion criteria for Washoe County dedicated staff effort as part of the campaign be confirmed.
3. That the community service team staff support and job responsibilities for the Looking Fine in '99 community clean-up campaign and departmental staff support for the Sun Valley Community Service Center be approved.

98-1110 SEXUAL ASSAULT VICTIMS - MEDICAL CARE - PAYMENT

Pursuant to NRS 217.280 to 217.350, on motion by Commissioner Camp, seconded by Commissioner Galloway, which motion duly carried, Chairman Bond ordered that payments with funds from the District Attorney's account designated Sexual Assault Victims Expenses be authorized for initial emergency medical care or follow-up treatment for 39 victims of sexual assault in an amount totaling \$7,723.82 as set forth in a memorandum placed on file with the Clerk from Vickie Wedow, Administrative Assistant, District Attorney's Office, dated November 3, 1998.

98-1111 PROCLAMATION - FLOOD AWARENESS WEEK - DECEMBER 5-11, 1998

Katy Simon, County Manager, advised that the agenda incorrectly lists the dates proclaimed as Flood Awareness Week as December 4-11, 1998; and that the correct dates are December 5-11, 1998.

Upon recommendation of Press Clewe, Emergency Manager, on motion by Commissioner Camp, seconded by Commissioner Galloway, which motion duly carried, it was ordered that the following Proclamation be adopted and Chairman Bond be authorized to execute on behalf of the Board:

P R O C L A M A T I O N

WHEREAS, River Flooding and Flash Floods are identified as the nation's number one disaster problem, causing a national average of 200 fatalities every year; and

WHEREAS, There exists a present and continuing threat to the life and property of the people of Washoe County as increasing numbers of development occurs near rivers, streams and creeks and take part in diverse outdoor recreation activities in flash flood and river flood prone areas in Washoe County; and

WHEREAS, The National Weather Service, the University of Nevada, Reno Cooperative Extension Service, the Washoe County Division of Emergency Management, together with numerous city, county and state emergency response personnel, join in recognizing the need for a widespread awareness and education on river and flash flood dangers; and

WHEREAS, The University of Nevada, Reno Cooprivity Extension Service and the Washoe County Division of Emergency Management are collaborating to produce an educational and informative newspaper insert document, FLOOD FACTS, describing river and flash flood dangers, emergency protective measures and mitigation solutions, to be made public on Saturday, December 5, 1998; now therefore, be it

PROCLAIMED by the Board of County Commissioners of Washoe County, Nevada, That December 5-11, 1998 is designated as FLOOD AWARENESS WEEK in Washoe County and the Board calls upon all the people of Washoe County to recognize this special week and encourages everyone to become educated on the dangers of river and flash flooding that exists in Washoe County during all times of the year, every year.

98-1112 RESOLUTION - AMENDED TRUCKEE CANYON AREA PLAN - COMPREHENSIVE PLAN AMENDMENT CASE NO. CPA96-TC-1

Upon recommendation of Ron Kilgore, Community Development, on motion by Commissioner Camp, seconded by Commissioner Galloway, which motion duly carried, it was ordered that, based upon the finding of conformance with the Truckee Meadows Regional Plan, the following Resolution be adopted and Chairman Bond be authorized to execute:

RESOLUTION ADOPTING THE AMENDED TRUCKEE CANYON AREA PLAN (CPA96-TC-1) A PART OF THE WASHOE COUNTY COMPREHENSIVE PLAN

WHEREAS, Section 278.150 and 278.210, Nevada Revised Statutes, specifies that the Washoe County Planning Commission may prepare, adopt and amend a master (comprehensive) plan for all or any part of the County, subject to County Commission approval:

WHEREAS, the Washoe County Planning Commission has found that the TRUCKEE CANYON AREA PLAN, a part of the Washoe County Comprehensive Plan, and the most recent amendment, provides a long-term general plan for the development of the County including the subject matter currently deemed appropriate for inclusion in the Comprehensive Plan;

WHEREAS, Section 278.220, Nevada Revised Statutes, specifies that the Board of County Commissioners of Washoe County, Nevada, may adopt and endorse plans for Washoe County as reported by the Planning Commission, in order to conserve and promote the public health, safety and general welfare;

WHEREAS, A public hearing on the adoption of the Washoe County Comprehensive Plan, including the Truckee Canyon Area Plan, was held on May 21, 1991, with the most recent amendment to the TRUCKEE CANYON AREA PLAN being held on January 13, 1998, by the Board of County Commissioners of Washoe County, Nevada;

WHEREAS, At the conclusion of the public hearing, the Board of County Commissioners endorsed the amendment to the TRUCKEE CANYON AREA PLAN, a part of the Washoe County Comprehensive Plan, pursuant to Section 278.0282, Nevada Revised Statutes, for conformance review with the Truckee Meadows Regional Plan;

WHEREAS, A public hearing for the review of conformance of the Washoe County Comprehensive Plan, including the TRUCKEE CANYON AREA PLAN, was first held on October 23, 1991, with the most recent amendment to the TRUCKEE CANYON AREA PLAN being held on October 28, 1998, by the Truckee Meadows Regional Planning Commission, at which time the plan was deemed in conformance with the Truckee Meadows Regional Plan; and

WHEREAS, The amendment to the TRUCKEE CANYON AREA PLAN, a part of the Washoe County Comprehensive Plan, which is in conformance with the Truckee Meadows Regional Plan, has completed all the necessary requirements for adoption as specified in the Nevada Revised Statutes and Article 820, Amendment of Comprehensive Plan, of the Washoe County Development Code; now, therefore, it is hereby

RESOLVED, BY THE BOARD OF COUNTY COMMISSIONERS OF WASHOE COUNTY, NEVADA, That the Board does hereby adopt and endorse the amended TRUCKEE CANYON AREA PLAN, a part of the Washoe County Comprehensive Plan, to serve as a guide for the orderly growth and development of Washoe County, Nevada.

Mike Sullens, Purchasing Department, responded to questions of the Board regarding this item.

Upon recommendation of James Begbie, Acting District Health Officer, on motion by Commissioner Camp, seconded by Commissioner Galloway, which motion duly carried, Chairman Bond ordered that amendments in the amount of \$19,051 of offsetting expenditures in the FY 98/99 Air Quality Management Program to purchase a Honda Civic natural-gas powered sedan be approved and the following account transactions be authorized:

Account Number	Description	Increase(Decrease)Amount
002-1700-17230-7140	Other Professional Services	\$(19,051.00)
-7851	Vehicles	\$ 19,051.00

98-1114 BUDGET AMENDMENT - STATEWIDE WIC MARKETING PROGRAM - FISCAL YEAR 1998/1999

Upon recommendation of James Begbie, Acting District Health Officer, on motion by Commissioner Camp, seconded by Commissioner Galloway, which motion duly carried, Chairman Bond ordered that an amendment to the FY 98/99 Statewide WIC Marketing Program be approved and the following account transactions be authorized:

Account Number	Description	Increase(Decrease) Amount
002-1700-1707G2-4304	Medicaid	\$15,675.00
002-1700-1707G2-7001	Salaries	\$ 1,351.00
-7003	Overtime	1,079.00
-7042	Group Insurance	51.00
-7046	Workman's Comp	140.00
-7047	Unemployment	30.00
-7048	Retirement	253.00
-7050	Medicare	20.00
-7140	Other Professional Services	12,229.00
-7230	Educational Materials	116.00

-7250	Office Supplies	85.00
-7261	Postage	83.00
-7307	Auto Expense	799.00
-7322	Copy Machine	30.00
-7357	Printing	38.00
-7364	Registration	(306.00)
-7382	Telephone	125.00
-7620	Travel	1,175.00
	Total Expenditures	\$17,298.00

98-1115 MEDIUM TERM FINANCING - DEPARTMENT OF TAXATION - SPECIAL ASSESSMENT DISTRICT NO. 25 (CALLE DE LA PLATA)

Katy Simon, County Manager, read into the record the correspondence from the Department of Taxation dated November 17, 1998 [placed on file with the Clerk] regarding this matter.

Pursuant to NRS 350.089, on motion by Commissioner Camp, seconded by Commissioner Galloway, which motion duly carried, Chairman Bond ordered that approval of medium term financing from the Department of Taxation with regard to Special Assessment District No. 25 (Calle De La Plata) be acknowledged.

98-1116 ACCEPTANCE OF PROPOSAL - RFP NO. 2090-98 - IMAGE-ENABLED DOCUMENT RECORDING SYSTEM

This was the time to consider award of proposal, Notice to Proposers for receipt of sealed proposals having been published in the Reno Gazette-Journal on July 6, 1998, for an Image-Enabled Document Recording System for the Recorder's Office. Proof was made that due and legal Notice had been given.

Upon recommendation of Gary Goelitz, Senior Administrative Analyst, Matt Beckstedt, Management Information Services Director, and Jean Ely, Interim General Services Director, on motion by Commissioner Camp, seconded by Commissioner Galloway, which motion duly carried, Chairman Bond ordered that the proposal offered by Eagle Computer Systems under Request for Proposal No. 2090-98 for the acquisition of an Image-Enabled Document Recording System for the Recorder's Office be accepted. It was further ordered that the Purchasing and Contracts

Administrator be authorized to enter into negotiations with Eagle Computer Systems and Chairman Bond be authorized to execute the agreement upon receipt.

It was noted that the one-time capital outlay cost for the acquisition and installation of the image-enabled document recording system would be \$307,726, and funds for this capital improvement project are budgeted within budget unit 920244.

98-1117 AWARD OF BID - WATER BORNE TRAFFIC LINE PAINT - BID NO. 2114-99 - ROADS DIVISION

This was the time to consider award of bid, Notice to Bidders for receipt of sealed bids having been published in the Reno Gazette-Journal on October 20, 1998, for Water Borne Traffic Line Paint for the Roads Division of the Public Works Department. Proof was made that due and legal Notice had been given.

Bids, copies of which were placed on file with the Clerk, were received from the following vendors:

- Morton International
- Pervo Paint Company
- Sherwin Williams Co., Inc.

Cataphote, Inc. and Hawkins Traffic Safety Supply, Inc. submitted "No-Bid" responses; the bid of Kelly-Moore Paint Co., Inc. was disqualified because they did not return the entire bid document; and Construction Sealant Supply, Ennis Paint, Inc., Fuller Color Center, Highway Rentals, Inc., and Sierra Supply, Inc. failed to respond to the invitation to bid.

Upon recommendation of John Balentine, Purchasing and Contracts Administrator, on motion by Commissioner Camp, seconded by Commissioner Galloway, which motion duly carried, Chairman Bond ordered that Bid No. 2114-99 for Water Borne Traffic Line Paint for the Roads Division of the Public Works Department be awarded to the lowest responsive, responsible bidder, Morton Traffic Markings, in the estimated net amount of \$33,953.75. It was noted that this is a maintenance item and exact requirements are not known. It was further noted that this award shall be utilized from the date of bid award to October 31, 2000, with the County retaining the option for a one-year extension provided there is no increase in the cost of water borne traffic line paint and service is acceptable to Washoe County.

98-1118 AWARD OF BID - COOLING TOWER REPAIRS - BID NO. 2128-99 - DETENTION FACILITY - BUILDINGS AND GROUNDS

This was the time to consider award of bid, Notice to Bidders for receipt of sealed bids having been published in the Reno Gazette-Journal on October 22, 1998, for Cooling Towers Repairs for the Buildings and Grounds Division of the General Services Department. Proof was made that due and legal Notice had been given.

Bids, copies of which were placed on file with the Clerk, were received from the following vendors:

- Gardner Mechanical Services
- Yamas Controls Southwest
- Carrier Corporation

Upon recommendation of John Balentine, Purchasing and Contracts Administrator, on motion by Commissioner Camp, seconded by Commissioner Galloway, which motion duly carried, Chairman Bond ordered that Bid No. 2128-99 for Cooling Tower Repairs at the County Detention Facility on behalf of the Building and Grounds Division of the General Services Department be awarded to the lowest responsive, responsible bidder, Gardner Mechanical Services, Inc., in the amount of \$35,902.00. It was further ordered that the Purchasing and Contracts Administrator be authorized to execute the agreement with Gardner Mechanical Services, Inc. to perform the work.

98-1119 QUITCLAIM DEED - DEER PARK AND ARDMORE PARK TO CITY OF SPARKS - PUBLIC WORKS

Upon recommendation of James Gale, Sr. Property Agent, through David Roundtree, Public Works Director, on motion by Commissioner Camp, seconded by Commissioner Galloway, which motion duly carried, it was ordered that the Quitclaim Deed between Washoe County, Grantor, and City of Sparks, Grantee, concerning the transfer of Deer Park and Ardmore Park properties to the City of Sparks be approved and Chairman Bond be authorized to execute.

98-1120 QUITCLAIM DEEDS - GAYLE G. HORN TRUST - LYNN LLOYD - RED ROCK PAVING PROJECT - PUBLIC WORKS

Upon recommendation of James Gale, Senior Property Agent, through David Roundtree, Public Works Director, on motion by Commissioner Camp, seconded by Commissioner Galloway, which motion duly carried, it was ordered that the Quitclaim Deeds (two) between Washoe County and the Gayle G. Horn Trust and Lynn Lloyd concerning 32,800 feet of right-of-way needed to complete the Red Rock Road paving project be approved and Chairman Bond be authorized to execute.

98-1121 RIGHT-OF-WAY GRANT - MOUNT DIABLO

Upon recommendation of W. Dean Wall, Manager of Road Operations and Maintenance, Road Division, through David Roundtree, Public Works Director, on motion by Commissioner Camp, seconded by Commissioner Galloway, which motion duly carried, it was ordered that the Right-of-Way Grant between Washoe County and the Bureau of Land Management concerning a 70-foot-easement over land administered by the Bureau of Land Management in Northern Washoe County for the realignment of 2,000 square feet of roadway be approved and Chairman Bond be authorized to execute.

98-1122 WATER RIGHTS DEED - CITY OF SPARKS - PAVICH AND ASSOCIATES - FUTURE DEVELOPMENT - UTILITY SERVICES

Upon recommendation of John Collins, Manager, Utility Services Division, through Ed Schmidt, Director, Department of Water Resources, on motion by Commissioner Camp, seconded by Commissioner Galloway, which motion duly carried, it was ordered that the Water Rights Deed for 52.428 acre-feet of water rights being a portion of Permits 24493, Certificate 8058, further changed by application 64508, between City of Sparks, as Grantor, and Washoe County, as Grantee, be approved and Chairman Bond be authorized to execute. It was further ordered that the Utility Services Division Manager be directed to record the Water Rights Deed with the County Recorder.

It was noted that the City of Sparks is dedicating these water rights on behalf of Pavich and Associates, Inc., in support of future development.

98-1123 ACCEPTANCE OF DONATION - 1996 DODGE MAXIWAGON 15 PASSENGER VAN - SHERIFF

Upon recommendation of Richard Kirkland, Sheriff, on motion by Commissioner Camp, seconded by Commissioner Galloway, which motion duly carried, Chairman Bond ordered that the donation of a 1996 Dodge MaxiWagon 15 Passenger Van, VIN #2B5WB35Z1TK105185, which was purchased via the inmate commissary fund and at no cost to the taxpayer in the amount of \$14,205, be accepted.

98-1124 TRAFFIC ENFORCEMENT GRANT - NEVADA DEPARTMENT OF MOTOR VEHICLES, OFFICE OF TRAFFIC SAFETY - SHERIFF

Upon recommendation of Richard Kirkland, Sheriff, on motion by Commissioner Camp, seconded by Commissioner Shaw, which motion duly carried, it was ordered that \$77,500.00 in grant monies from the Nevada Department of Motor Vehicles Office of Traffic Safety for the Sheriff's Office be accepted and Chairman Bond be authorized to execute the Project Agreement Document.

It was further ordered that the revenue and expenditure budget adjustments reflected in the fiscal impact section for 15261G be approved; and that the Sheriff's Office be authorized to purchase the following capital outlay items: (FY99) seventeen car mounted single radar units, one laser based measuring system and needed accessories, one computer module and equipment to upgrade the Sheriff's Office traffic radar trailer. (FY00) twenty-two radar units for patrol vehicles and motorcycles. (FY01) nine car mounted radar units, and measuring equipment for accident investigation.

98-1125 "OVERFILLING" DEPUTY SHERIFF POSITIONS - JANUARY 1999 LAW ENFORCEMENT ACADEMY - FINANCE/SHERIFF

Ron Steele, Finance Division, provided background information and responded to questions of the Board regarding this item.

Upon recommendation of Ron Steele, Administrative Analyst, Finance Division, on motion by Commissioner Galloway, seconded by Commissioner Camp, which motion duly carried, Chairman Bond ordered that the "overfilling" of ten Deputy sheriff positions for the January 1999 law enforcement academy be authorized.

98-1126 MEDICAL SERVICES CONTRACT - KIDS Kottage - SOCIAL SERVICES

Sharon Gibbons, Social Services Department, provided information in response to questions raised at yesterday's caucus meeting and answered further questions of the Board regarding this item.

Upon recommendation of May Shelton, Director, Department of Social Services, on motion by Commissioner Galloway, seconded by Commissioner Shaw, which motion duly carried, it was ordered that the contract between Washoe County and Washoe Family Care concerning provision of medical services at the Kids Kottage for the examination, treatment, and immunization of children placed into County custody be approved and Chairman Bond be authorized to execute on behalf of the Commission.

It was noted that the contract covers the period from December 1, 1998, through June 30, 2000, with the possibility of three annual renewals; and that all services rendered under this contract are eligible for Medicaid reimbursement if the child treated is Medicaid-eligible.

98-1127 RESTORATION OF POSITION CONTROL NUMBER 99 (INTAKE SCREENER) - SOCIAL SERVICES

Upon recommendation of May Shelton, Director, Department of Social Services, on motion by Commissioner Camp, seconded by Commissioner

Shaw, which motion duly carried, Chairman Bond ordered that the restoration of position control number 99 in the Department of Social Services (Intake Screener) to a permanent, full-time position effective January 4, 1999, be approved.

98-1128 NEW PART-TIME POSITIONS - DISTRICT COURT

Katy Simon, County Manager, advised that, pursuant to discussion held at yesterday's caucus meeting, the recommendation has been adjusted to two part-time positions instead of three part-time positions.

Upon recommendation of Cathy Krolak, Court Administrator, on motion by Commissioner Camp, seconded by Commissioner Shaw, which motion duly carried, Chairman Bond ordered that two part-time (.50 fte each) positions with benefits be approved. It was further ordered that the following new classification and salary range be established and the Court be authorized to fund the positions for the remainder of FY 98/99 with existing appropriation authority and salary savings:

CLASSIFICATION/TITLE SALARY RANGE

Court Interpreter \$16.46 - \$22.10 per hour \$34,236.80 - \$45,968 per year

98-1129 RESOLUTION - NOTICE OF INTENT TO SELL COUNTY PROPERTY - APN 080-170-03 - PUBLIC WORKS

David Roundtree, Public Works Director, answered questions of the Board relative to the subject parcel and the road easement.

Katy Simon, County Manager, advised that, pursuant to staff review in response to discussion at yesterday's caucus meeting, it was determined that the proceeds of the sale would go to the Utility Division Enterprise Fund as opposed to the General Fund that was indicated in the agenda memorandum, as the original tax delinquency was from the Utility Fund.

Upon recommendation of James Gale, Senior Property Agent, through David Roundtree, Public Works Director, on motion by Commissioner Galloway, seconded by Commissioner Shaw, which motion duly carried, it was ordered that the following actions be taken:

1. The offer to purchase from D.P. Operating Partnership, L.P. for the amount of \$2,036.77 be accepted.
2. The following Resolution and Notice of Intent to Sell County property be adopted and Chairman Bond be authorized to execute, with the Resolution to be placed once per week for two weeks in the Reno-Gazette Journal, as required by NRS 244.282.

RESOLUTION AND NOTICE OF INTENT TO SELL COUNTY PROPERTY

WHEREAS, Washoe County is the owner of a 60,306 sq. ft. parcel located near Lear Boulevard and Military Road in Lemmon Valley within Section 33, T.21N., R.19E., M.D.B.&M., Assessor's Parcel Number 080-170-03, and;

WHEREAS, pursuant to NRS 244.281 the County of Washoe has the power to sell the subject property, and;

WHEREAS, Washoe County has received an offer to purchase the property for \$2,036.77, and;

NOW, THEREFORE, BE IT RESOLVED AND ORDERED BY THE BOARD OF COUNTY COMMISSIONERS OF WASHOE COUNTY that Washoe County will accept additional offers to purchase this property through James R. Gale, Sr. Property Agent at P. O. Box 11130, Reno, Nevada 89520 or at a public hearing of the Board of Washoe County Commissioners scheduled for 5:00 PM on Tuesday, December 22, 1998.

3. That a public hearing be set for 5:00 PM on Tuesday, December 22, 1998 to open any other sealed bids received, as required by NRS 244.282
4. That Chairman Bond be authorized to execute a Quitclaim Deed and Resolution selling the property to the highest bidder, (at or above the appraised value), when presented.

It was noted that the property is a long and narrow parcel located in Lemmon Valley and is a non-buildable site which Washoe County has no present or future use for; and that the parcel was acquired by the Washoe County Utility Division from the Washoe County Treasurer as a tax-delinquent parcel for the amount of \$2,036.77, the amount being offered by D. P. Operating Partnership, L.P.

98-1130 FY 1997-98 ANNUAL REPORT - HUMAN SERVICE CONSORTIUM

Upon recommendation of Michael McMahon, Human Service Coordinator, on motion by Commissioner Shaw, seconded by Commissioner Camp, which motion duly carried, Chairman Bond ordered that the Washoe County Human Service Consortium Annual Report for Fiscal Year 1997-98 be accepted.

98-1131 PROPOSED REORGANIZATION OF COUNTY REPORTING STRUCTURE

Katy Simon, County Manager, reviewed background information regarding the proposed reorganization of the County reporting structure and recognized and thanked the members of the reorganization task force for their very hard work on this project. She then reviewed the organizational structure of the two proposed alternatives for consideration by the Board and advised that they represent the final consensus proposal from the task force; that the proposals were discussed with all department heads and major division heads and approximately 170 employees at two different open employee meetings, as well as via phone and e-mail, etc.; and that no occupied positions are being proposed for elimination.

Legal Counsel Shipman, member of the task force, stated that Alternative A, which utilizes two Assistant County Manager positions, was recommended by the task force because of its consideration of fiscal constraints and recognition that creation of the Finance Department was the highest priority.

Ms. Simon advised that the elected department heads have requested that the County Manager continue as their direct liaison rather than working through an Assistant County Manager, which she supports; and that the proposed structure includes that Board appointed department heads, such as District Health, Truckee Meadows Fire Protection District, Cooperative Extension, etc. would also work directly through the County Manager. In response to questions raised at yesterday's caucus meeting, she discussed fiscal impact figures provided by Charlene Vinella, Personnel Division, noting that a complete fiscal impact analysis will be presented to the Board when the Ordinance changes are submitted. She advised that Howard Reynolds, Assistant County Manager, is the Chief Negotiator for Washoe County, and under Alternative A, he would not be able to continue those labor negotiations; that, therefore, under Alternative A, the County would need to contract for labor negotiations which

are estimated to be approximately \$90,000 for the County and \$45,000 for Truckee Meadows Fire Protection District, if single year contracts are negotiated; and that the estimate for a third Assistant County Manager including retirement would be \$113,000 assuming hiring 50% into the salary range. Ms. Vinella provided further comments relative to fiscal impact and responded to questions of the Board.

Commissioner Galloway commented that it appears that there would be no money saved by adopting Alternative A utilizing two Assistant County Managers. He noted that the County has proven labor negotiation results with Mr. Reynolds, and contracting that service out would create an unknown situation. Chairman Bond stated that she would not want to lose the track record and history of Mr. Reynolds. Ms. Simon explained that, under either alternative, a Finance Department is created, which would create one net addition of a Finance Director position.

A discussion then commenced relative to the department head positions appointed by the Board. County Manager Simon stated that there has been a concern for some time about how difficult it is for the Manager to supervise a person who is appointed directly by the Board when the Manager does not have the authority to hire and fire and discipline that person; that there is no intent to change the statutory authority of the Board to appoint those people; and that what they are proposing is a delegation of authority whereby the Board would still confirm the appointments, but the County Manager would supervise those department heads through an Assistant County Manager position. Commissioner Galloway stated that this change was not his understanding and he is not prepared to support it at this time; and that the Board will need to take some time to define the issues. Chairman Bond stated that it was not her understanding that the Board would only be confirming an appointed position that would be recommended by the Manager, and noted that she would want the appointed department heads to be able to address the Board directly if they felt it was necessary. Ms. Simon stated that she understood that this was what the Board was requesting and would recommend that the matter come back for further discussion at a later meeting to clarify these issues. She requested Board direction regarding their wishes relative to this issue. Commissioner Galloway commented that he could support the change if it would leave the appointment process unchanged, provide the County Manager with an oversight and reporting responsibility, and provide the appointee with the ability to address the Board in an emergency or if there is disagreement with the County Manager, etc. County Manager Simon stated that they would always have that right; that there is no problem with bringing a number of people before the Board for interview and appointment; and that staff will come back with clarification of procedural recommendations.

On motion by Commissioner Galloway, seconded by Commissioner Shaw, which motion duly carried, Chairman Bond ordered that the Washoe County Reorganization - Alternative B [utilizing three Assistant County Manager positions] concerning the reorganization of the County's reporting structure, as outlined in the agenda memorandum dated November 16, 1998 [placed on file with the Clerk] be endorsed and staff be directed to develop any necessary policies and/or ordinances needed to implement such reorganization.

98-1132 REVIEW OF 1998 ELECTION PROCESS

Katy Simon, County Manager, discussed issues relative to staff's recommendation to recruit a task force to review the 1998 Election. She reviewed issues that have been identified that may be the subject of the task force review and stated that they want to make sure that the members of the task force are knowledgeable voters that broadly represent geographic areas and a cross section of the community. Legal Counsel Shipman added that, while the task force should include a broad diversity of political parties, it would be inappropriate for a member to act as a spokesperson for a certain political party, as this should not be a political process, but rather an objective focus on the process itself.

Commissioner Galloway suggested that consideration be given to people who served on the certification committee for the election board, not only in this election but in another election where different equipment and procedures were used. County Manager Simon commented that a lot of people have expressed an interest in helping with the process including academic and political science people; that other jurisdictions, County Clerks and Registrars, as well as County staff members, may be able to assist as ex-officio members. Commissioner Shaw suggested that input from Commissioners Camp and Mouliot be obtained before they leave the Board at the end of the year, because of their experience with this year's election process. Ms. Simon advised that she would solicit those comments and provide a status report in mid-December. Commissioner Galloway requested that staff prepare a list of people who have served on election boards for the last few elections.

Following further discussion, upon recommendation of Katy Simon, County Manager, on motion by Commissioner Shaw, seconded by Commissioner Galloway, which motion duly carried, Chairman Bond ordered that staff be directed to identify and recruit volunteers for a task force to review the 1998 Election and to make recommendations for future elections.

It was further ordered that the task force be comprised of approximately eight to 15 members who should be knowledgeable voters, broadly geographically representative of the citizens of Washoe County with a cross of age, gender, ethnic, political party and employment dimensions; and that staff be directed to also identify and recruit ex-officio members, who may include clerks and registrars from other counties, civil division and finance staff, and possibly consulting support.

It was further ordered that the task force nominees be brought back for appointment by the Board no later than January, 1999, in order to complete their review no later than April, 1999.

98-1133 SCOTT PROPERTY - SPHERE OF INFLUENCE APPLICATION - CITY OF RENO

Mike Harper, Special Projects Manager, advised that the Scott Property Sphere of Influence Application to the City of Reno has been forwarded to the Board by the City of Reno for comments, which is a courtesy that the City of Reno and the City of Sparks provide to the County on proposed Sphere of Influence changes.

Barb Santner, Planner and Landscape Architect for the firm of Jeff Codega Planning and Design, representing applicants Brad and Linda Scott, reviewed the application and utilized the document camera to display exhibits of the subject property and surrounding area. She advised that the application is for a Sphere of Influence change for future annexation; and that the property is 80 acres, rectangular in shape, and is contiguous to the proposed Somersett Project. Ms. Santner then responded to questions of the Board regarding access issues, distance from Mogul, ridge lines, rural reserve areas, etc.

Chairman Bond noted that one of the major concerns of the citizens in the area of the Somersett development was that dedicated open spaces would be provided. Commissioner Galloway stated that this appears to be a piecemeal retrofit and he would prefer to see plans come in at the beginning as part of a larger whole. Commissioner Shaw stated that he was under the impression that open space would be provided so that people in Mogul would not feel the onslaught of the Somersett development in their back yard, and it is his belief that this project should also provide a buffer zone. Ms. Santner advised that, while there is no solid open space on the east and south edges, there are portions of open space that are still rural reserve because of the steepness and topography; that Mr. Codega advised that during the Somersett approval process negotiations and meetings, there was an offer to dedicate some of that open space to Washoe County, but it was never specifically asked for

and, therefore, that did not occur.

Brad Scott, applicant, described the topography of the property to the east and stated that all of his property is part of and is viewed from the large valley that becomes Somerset; that the property to the right of the subject is where the transition begins to take shape and then slope down towards Mogul; that there is nothing on his property that will be seen from the developments in Mogul; that he owns the ridge that separates his property from Mogul; and that the property south of his parcel is privately owned and has extremely steep topography with extensive drainage and is not something that could be developed.

Commissioner Galloway questioned whether any adjacent property might submit an application for another sphere change for development. Chairman Bond noted that she is also concerned that another property owner could come forth in the future and more piecemeal development would occur and eventually result in Mogul being contiguous to the City of Reno boundaries.

Mr. Scott advised that there is more of a topographical division with the properties in this area; that his property slopes down into the draw that is now Somerset; and that the other properties all slope in the opposite direction into Mogul, making it difficult to build in some of those areas.

Discussion then commenced relative to the buffer zone and Commissioner Galloway commented that it would seem appropriate to do a similar extension of the rural reserve buffer as that of Somerset to the southern edge of the Scott property. Mr. Scott noted that he was at the Somerset meetings where the buffer zone was considered, and when it came to the issue of who was going to own, maintain, and take responsibility for the liability, etc., all the Boards backed away.

Brent Harper, Chair, Verdi Citizen Advisory Board, advised that the Somerset process has been an aggravating, angry, and tough process for them; that they were promised by Somerset that there would be a buffer that would be dedicated to the County in order to make it impossible for other subdivisions to annex onto them because they could not be contiguous; that it was not presented to them as something they would have to negotiate and fight for and they are angry that now the buffer is not available to them; and that the people from Mogul and Verdi are adamantly opposed to any more annexation and expansion of the City of Reno Sphere of Influence. He stated that he thinks the statement that annexation could not continue down the south side of the subdivision is false, as the terrain in that area is no worse than the terrain in the Somerset subdivision.

Commissioner Shaw stated that he is not comfortable with the application unless there is some commitment for a large buffer; and that he feels that a commitment was made to the people of Mogul regarding a buffer and he would not want to go against that commitment.

Commissioner Galloway commented that, to the extent feasible, if the subject becomes an addition to the Sphere, the rural reserve buffer zone around the edges of Somerset should be continued around the external edges of the subject parcel and dedicated to the County, as that is the only way to prevent expansion of the Sphere; and that the access road should be abandoned to assure that Somerset Road could be used for ingress and egress.

Commissioner Camp noted that the comment should also be made that the Somerset buffer zone was probably not pursued, but it was promised to the people in Mogul.

Chairman Bond advised that she has requested that the District Attorney's Office review the feasibility of dedicating the ridge lines and open spaces to the County instead of including them in the Sphere of Influence.

Following further discussion, the Board directed that the following comments be forwarded to the City of Reno relative to the Sphere of Influence application:

1. That the issue of dedication of the open space to the County should be considered as part and parcel of this issue.
2. That the rural reserve land use should be contiguous around the entire proposal as is represented in the current approved Somerset project.
3. That there is a desire to abandon the easement, e.g. access road, to insure that access from this particular proposal would not go south to Mogul.
4. That the comments submitted by the CAB also be forwarded, which is that the offer of the buffer for Somerset was not carried through, and that they are opposed to further annexation.

98-1134 BILL NO. 1222 - ORDINANCE NO. 1046 - AMENDING WCC EXPANDING GREATER TRUCKEE MEADOWS & ENVIRONS CONGESTED AREA

5:00 p.m. This was the time set in a Notice of Public Hearing published in the Reno Gazette-Journal on November 13, 1998, to consider second reading and adoption of Bill No. 1222. Proof was made that due and legal Notice had been given.

The Chairman opened the public hearing and called on anyone wishing to speak for or against the adoption of said Ordinance. There being no response, the hearing was closed.

On motion by Commissioner Galloway, seconded by Commissioner Shaw, which motion duly carried, Chairman Bond ordered that Ordinance No. 1046, Bill No. 1222, entitled, "AN ORDINANCE AMENDING THE WASHOE COUNTY CODE BY EXPANDING THE GREATER TRUCKEE MEADOWS AND ENVIRONS CONGESTED AREA AND EXPANDING THE SPANISH SPRINGS CONGESTED AREA TO PROHIBIT THE DISCHARGE OF FIREARMS," be approved, adopted and published in accordance with NRS 244.100.

98-1135 ABANDONMENT CASE NO. AB8-12-98 - NORTH LAKE SUBDIVISION PROPERTY OWNER'S ASSOCIATION APN: 123-161-all)

5:00 p.m. This was the time set in a Notice of Public Hearing published in the Reno Gazette-Journal on November 13, 1998, to consider the recommendation of the Washoe County Planning Commission to conditionally approve, Abandonment Case No. AB8-12-98 on behalf of the North Lake Tahoe Subdivision Property Owner's Association to abandon the offered for dedication upon the roadways within the Official Map of North Lake Subdivision, Tract Map. No. 920, Washoe County. The subdivision includes Northlake Drive and Northlake Circle and is situated east of State Highway 28 in Crystal Bay. North Lake Subdivision is designated Medium Density Suburban (MDS) in the Tahoe Area Plan and situated in a portion of Section 19, T16N, R18E, MDM, Washoe County, Nevada (Roadways adjacent to APN: 123-161-all). Proof was made that due and legal Notice had been given.

Sharon Kvas, Department of Community Development, provided background information and answered questions of the Board regarding the

abandonment request.

Chairman Bond opened the public hearing by calling on anyone wishing to speak regarding the abandonment. There being no response, the hearing was closed.

It being the consensus of the Board that NRS 278.840 is being complied with and that the abandonment of the property described in the aforesaid Notice appears to be in the best interest of the public and that no person would be materially injured thereby, on motion by Commissioner Shaw, seconded by Commissioner Mouliot, which motion duly carried, Chairman Bond ordered that Abandonment Case No. AB8-12-98 for North Lake Tahoe Subdivision Property Owner's Association, be approved subject to the following conditions:

CONDITIONS:

1. Prior to the recordation of the Resolution and Order of Abandonment, the applicant shall submit legal descriptions to the County Engineer for review and approval and legal descriptions shall be prepared by a registered professional.
2. Retention of all public utility easements.
3. Washoe County will only abandon the right to accept the streets offered for dedication on the North Lake Subdivision Tract Map 920.
4. The applicant shall comply with all conditions necessary to effect the Resolution and Order of Abandonment within two years from the date of the action by the Board of County Commissioners or this conditional abandonment will be null and void.
5. The applicant shall provide CC&R's or other legally recorded document that provides for the continuing maintenance of the roadways within the North Lake Subdivision to the satisfaction of the staff of the Department of Community Development prior to the recordation of the Order of Abandonment. Such document shall require a snow removal contract that commences snow removal of contract properties upon an accumulation of 4 inches at lake level and every 24 hours thereafter during a storm event.
6. The applicant shall provide a letter from North Lake Tahoe Fire Protection District, Washoe County Sheriff's Office, Incline Village Substation and Incline Village General Improvement District, indicating that a procedure is in place to provide for safety services to the subdivision residents to the satisfaction of the Department of Community Development.
7. The applicant shall provide a letter to the Department of Community Development staff from the State of Nevada, Division of State Lands, 333 W. Nye, Rm. 118, Carson City, NV 89706 and U.S. Forest Service, Lake Tahoe Basin Management Unit, 870 Emerald Bay Rd., Suite #1, South Lake Tahoe, CA 96150, indicating that a procedure to provide access for maintenance of parcels held in the public trust within the North Lake Subdivision has been assured.

98-1136 COMPREHENSIVE PLAN AMENDMENT CASE NO. CPA98-F-1 MOSTAEDI, HAMACHER, JOHN & NEWTON - APPEAL

5:00 p.m. This was the time set in a Notice of Public Hearing, published in the Reno Gazette-Journal on November 13, 1998 to consider four appeals to reverse the Washoe County Planning Commission action to DENY an amendment initiated by Washoe County Planning Commission to

the Forest Area Plan, being a part of the Washoe County Comprehensive Plan, by redesignating Assessor Parcel Numbers 47-161-12 and 13 from Medium Density Suburban (MDS) to Neighborhood Commercial/Office (NC) to recognize the development potential of Special Use Permit with Site Review Case No. SPW7-29-96 (WOODS VILLAGE). The 1.105-acre property is located at 16955 Mt. Rose Highway at the treeline and situated in a portion of Section 3, T17N, R19E, MDM, Washoe County, Nevada; by redesignating Assessor Parcel Number 047-162-07 from Low Density Suburban (LDS) to Neighborhood Commercial/Office (NC) to recognize the development potential of Site Review Case No. SR4-6-97 (GALENA CENTRE).

The 56-acre property is located at 16770 Mt. Rose Highway and situated in a portion of Section 3, T17N, R19E, MDM, Washoe County, Nevada; and by redesignating Assessor Parcel Numbers 047-162-08 from Low Density Suburban (LDS) to Neighborhood Commercial/Office (NC) to recognize the development potential of Site Review Case No. SR12-14-96 (GALENA VILLAGE). The 76 acre property is located at 16750 Mount Rose Highway (SR 431) at the treeline and situated in a portion of Section 3, T17N, R19E, MDM, Washoe County, Nevada. by redesignating Assessor Parcel Number 47-161-08 from Medium Density Suburban (MDS) to Neighborhood Commercial/Office (NC) to recognize the development potential of Site Review Case No. SR7-18-97 (MT. ROSE ANTIQUES). The 43 acre parcel is located at 16805 Mt. Rose Highway at the treeline and is situated in a portion of Section 3, T17N, R19E, MDM, Washoe County, Nevada. All the above parcels are situated in the Forest Area Plan. The amendment request would allow a net increase in Neighborhood Commercial/Office (NC) development potential of up to 5.85 acres. The parcels are found within the Pleasant Valley Hydrographic Basin.

Administrative changes are necessary to reflect the changes requested within this application, including a revised Public Services and Facilities Map and a revised table of land use acreage. Additionally, administrative changes are requested to re-designate a portion of Assessor Parcel Number 048-120-22 from Open Space (OS) to Park and Recreation (PR) to acknowledge the use of the federal lands as a portion of East Bowl of the Mt. Rose (formerly Slide Mountain) Ski Resort. The property is situated in the Forest Area Plan and within a portion of Section 19 and 20, T17N, R19E, MDM, Washoe County, Nevada. The parcel is found within the Washoe Valley Hydrographic Basin.

All the above parcels are situated in the Forest Area Plan. The parcels are designated as "Suburban" on the Truckee Meadows Regional Plan land use diagram, therefore a Regional Plan amendment should not be required.

Sharon Kvas, Department of Community Development, reviewed background information regarding the Comprehensive Plan Amendment stating that there are two components to this request, one being staff initiated and the other on appeal from a decision of the Planning Commission; that she would request that the Board bifurcate this into two sections as the staff initiated portion is becoming a very timely issue. Ms. Kvas advised that approximately one year ago staff brought to the Board a Comprehensive Plan Amendment in the Forest Area which included changing 65,000 acres of General Rural owned by the Forest Service to Open Space; that unfortunately in that process they changed a particular area to Open Space which is Forest Service property and the ski run for Slide Mountain; and that due to the fact that a ski mountain cannot be located in Open Space, staff is requesting that this error be rectified by redesignating that portion of Slide Mountain from Open Space to Park & Recreation.

Chairman Bond opened the public hearing and called on anyone wishing to speak. There being no response, the public hearing was closed.

On motion by Commissioner Galloway, seconded by Commissioner Camp, which motion duly carried, Chairman Bond ordered that a technical

denial by the Washoe County Planning Commission concerning Administrative Changes only to re-designate a portion of Assessor Parcel Number 048-120-22 from Open Space (OS) to Park and Recreation (Parks & Recreation Department) to acknowledge the use of the federal lands as a portion of East Bowl of the Mt. Rose (formerly Slide Mountain) Ski Resort, the property being situated in the Forest Area Plan and within a portion of Section 19 and 20, T17N, R19E, MDM, Washoe County, Nevada in the Washoe Valley Hydrographic Basin be reversed subject to the following findings:

FINDINGS:

1. The administrative change amendments to the Forest Area Plan will not adversely affect the implementation of the policies and action programs of the Conservation Element or the Population Element of the Washoe County Comprehensive Plan.
2. The administrative change amendments to the Forest Area Plan respond to changed conditions and/or further studies that have occurred since the plan was adopted by the Board of County Commissioners.
3. The administrative change amendments to the Forest Area Plan will promote the desired pattern for the orderly physical growth of the County and guides development of the County based on the projected population growth with the least amount of natural resource impairment and the efficient expenditure of funds for public services.
4. The proposed amendment to the Forest Area Plan is the first amendment to the Plan in 1998, and therefore does not exceed the three permitted amendments as specified in Section 110.820.05 of the Washoe County Development Code.
5. The Washoe County Planning Commission public hearing, prior to the adoption of the proposed amendment to the Forest Area Plan, and the related changes to the text and maps of the plan, has been properly noticed in a newspaper of general circulation in the County as prescribed under NRS 278.210(1).
6. The Washoe County Planning Commission gave reasoned consideration to information contained within the staff report and information received during the public hearing.
7. The Washoe County Commission gave reasoned consideration to information contained within the reports transmitted to the Washoe County Planning Commission and the Washoe County Commission, and information received during the Washoe County Commission public hearings.

Chairman Bond opened the public hearing regarding the appeal of the Comprehensive Plan Amendment.

Ms. Kvas reviewed background information and answered questions of the Board regarding history of the properties and the appeals stating that one of the main reasons for appealing this item was that the applicants felt that the properties have been historically designated as commercial; that a neighborhood/office designation would be highly compatible with the surrounding area; that the neighborhood/commercial/office land use designation was added to the Development Code after over a year of work by staff, interested citizens, and CAB members; that granting this designation would appropriately represent the approved use of the land for the projects; and that the applicants have already had considerable expenses relating to some of these projects.

Ms. Kvas stated that three Planning Commissioners denied this request as they felt that the site review process was established to mitigate any impacts on surrounding properties and development; and that if a neighborhood commercial designation were to be granted, a process would not exist to mitigate impacts in the future.

In response to Commissioner Galloway's inquiry regarding which of these properties would be non-conforming for the plans that have already been proposed for these properties, Ms. Kvas stated that all of the plans conform to the site review; that none of the plans conform to the existing land use zoning; and that all four properties are non-conforming regardless of a deed restriction unless the deed restriction is connected to the change of zoning.

Galena Village

Appellant Tom Clydesdale stated that he is requesting permanent zoning on this property to neighborhood/commercial for a variety of reasons, mainly historic use; that this property has been zoned commercial since 1970 and has had businesses there since that time; that most of the neighbors knew this was zoned commercial when they purchased their property; that this represents a property rights issue; that the property was previously downzoned without any compensation to the property owners; that they have put a lot of time and money into their project in addition to the initial purchase price; that they already have permits for the project; that some site work has been done; and that he would not agree to a deed restriction on his property.

Galena Centre

The appellant was not present and Ms. Kvas read an appeal letter into the record which requested permanency in zoning for this project. Ms. Kvas stated that this property consists of a duplex unit and that the applicant is desirous of converting the larger portion of the duplex to professional offices to include ten parking spaces and landscaping.

Mt. Rose Antiques

Carol Dotson, Lumos and Associates, representing Mt. Rose Antiques and owner Shirley Newton, stated that in September, 1997 a site plan was approved on this site for the refurbishment and reopening of an existing commercial antique business; that this site has been zoned C-1 since the early 1960's; that when Ms. Newton purchased the site, previous approvals had been secured to commercial developments on this site; that they are requesting permanency in zoning; that the land use designation with an approved site plan review has been an issue from a financial lending institution standpoint for the business development of the overall project; and that they have prepared a deed restriction in response to concerns expressed by members of the Mt. Rose/Geiger Grade Citizen Advisory Board.

* * * * *

Howard Reynolds, Assistant County Manager replaced County Manager Katy Simon at the meeting.

* * * * *

Woods Village

Alex Fittinghoff, representing Woods Village, stated that Woods Village consists of two properties; that Craig Cunningham, owner of Galena Forest Inn, is in the process of interior remodeling; that there are misconceptions on the part of his neighbors as to what his intent is; that the other property is owned by National Land Company, a parent company of St. James Village, which consists of two buildings. Mr. Fittinghoff stated that one reason they put these two applicants together was to accommodate bringing utilities into the site as they ultimately become available; and that NDOT desired to have the driveways together to enable one good access with a deceleration lane.

Dave Kladney, Vice Chairman, Mt. Rose/Steamboat Citizen Advisory Board, stated that with regard to Galena Village, one of the conditions of approval for Mr. Clydesdale's current project is that no on-sale or off-sale liquor shall be sold on the property which is a large concern of the citizens in the area as there are 11 bars currently located on the Mt. Rose Highway; that five people have been killed near this property; that the roadway is not well policed as it is located far out in the County; that by the year 2007 this section of roadway will not meet the necessary level of service; that Mr. Clydesdale does not want to deed restrict his property; and that if the Board now grants neighborhood/commercial zoning he can do whatever he wants under those uses which the CAB opposes.

Dennis Callahan, representing Jack Callahan, Jr., Sharon Cox and Ray Callahan, stated that this property was zoned C-1 and C-2 under the old zoning; that during the planning process, specifically the Forest Area Planning process, there were many community meetings that were well attended and well noticed; that during those meetings, commercial development along the Mt. Rose Highway was discussed at length with much citizen input; that there were discussions about the appropriateness of commercial zoning in the area; that it was determined that those locations were not conducive to commercial development as that area of Mt. Rose highway is very dangerous; that there was a five-year window of opportunity that ended June 30, 1997 for individuals to use their commercial zoning or lose it; that during that five-year period he was notified of the constraints and deadlines of what he could do with his property; that notifications from the County were very clear; and that all of the individuals who purchased these properties should have been aware of the restrictions on the lots when they were purchased. In conclusion, Mr. Callahan stated that the community is not requesting that anything be taken away from the property owners; that many of them already have approved projects; that he is requesting the denial of neighborhood/commercial use which would broaden the scope of what these property owners can do with their property; and that he opposes deed restrictions as he believes they are unenforceable.

Karen Mullen, 16919 Mt. Rose Highway, presented maps to the Board outlining residential properties in the area which total 25 residences and advised that all the other properties are residential in nature which previously had C-1 or C-2 zoning; that this zoning was abolished and was the reason for the transition process being established; that everyone had due notice; that lengthy meetings were held regarding this issue and she would request that the same process be continued; that she is opposed to blanket neighborhood commercial zoning; and that she does not believe that deed restrictions are the answer to the problem.

Ms. Kvas stated that the idea of deed restrictions was not presented to the Planning Commission; that this was considered after the Planning Commission meeting by a small group of individuals.

Craig Cunningham stated that he recently purchased the Galena Forest Restaurant and described his plans for remodeling the restaurant. He advised that he is proposing to have a bar in the restaurant which will have a separate entrance and would not be considered a stand alone bar; that this restaurant was grandfathered in for this use; that he has agreed to limit his uses through restrictions; and that he has agreed to a stipulation of not serving alcoholic beverages as a primary use on his property which he is willing to place on a deed restriction.

Susan Herz Callahan stated that she is opposed to neighborhood/commercial zoning as it would degrade the quality of life in the neighborhood and is not true to the process they were asked to be a part of during the Forest Area Plan development.

Russ Carpenter, Secretary/Treasurer Galena Steamboat Citizen Advisory Board, stated that the concerns expressed by the CAB is that the Forest Area Plan is a very special place and certain measures need to be taken to protect this area; that he does not believe the neighborhood/commercial zoning is compatible in the area; and that the willingness of some of the property owners to deed restrict their properties is very commendable and should be considered.

There being no one else wishing to speak, the public hearing was closed.

Ms. Kvas then responded to questions raised by the Board concerning neighborhood/commercial zoning and the use of deed restrictions.

Madelyn Shipman, Assistant District Attorney, discussed deed restrictions stating that the Board would be unable to condition an approval; that deed restrictions would make the County a party to the enforcement and would require the approval by the County for any one to deviate from them and would create policy issues; that each deed restriction would have to be considered separately as an issue on a future agenda in conjunction with this item.

Ms. Kvas explained that the Development Code is very specific with regard to not placing conditions on change of land uses and Comprehensive Plan Amendments and the issue of deed restrictions never came up at the Planning Commission as this would be a de facto condition that would go against the entire basis of the code which is the main argument against deed restrictions from staff's point of view.

Following discussion, on motion by Commissioner Galloway, seconded by Commissioner Mouliot, which motion duly carried, Chairman Bond ordered that Comprehensive Plan Amendment Case No. CPA98-F-1 be continued to December 15, 1998 to consider the presentation and unconditional approval of deed restrictions barring noxious uses relating to the above-referenced properties.

98-1137 COMPREHENSIVE PLAN AMENDMENT CASE NO. CPA98-NV-1 LEMMON VALLEY LAND COMPANY - APPEAL

5:00 p.m. This was the time set in a Notice of Public Hearing, published in the Reno Gazette-Journal on November 13, 1998, to consider an appeal of the Planning Commission's denial of a request to amend the North Valleys Area Plan, being part of the Washoe County Comprehensive Plan, by re-designating Assessor's Parcel Numbers (APNs) 80-191-02 & 80-191-03 from Medium Density Suburban (MDS: max 3 dwelling per acre) to High Density Suburban (HDS: max 7 dwelling per acre); APN 80-191-112 from General Rural (GR: max 1 dwelling per 40 acres) to HDS; 80-281-01 & from General Rural and Low Density Suburban (LDS: max 1 dwelling per acre) to LDS and MDS; APN 80-461-27 from GR to Parks and Recreation (PR: max 0 dwelling per acre); APN 80-461-30 from GR, MDS and Public and Semi-Public (PSP: max 0 dwelling per acre) to PR and HDS; APNs 80-635-01, 80-542-26 & 80-635-02 from MDS to Low Density Rural (LDR: max 1 dwelling per 10 acres); APNs 80-671-08, 55 thru 57, and 80-722-03 from GR to Open Space (OS: max 0 dwelling per acre); APNs 80-721-02, 03, 05, 80-730-11 & 12 from GR to LDS and MDS; APNs 80-721-06 thru 08, 80-730-14, 16, 17, 89-030-01 thru 09 from GR to MDS; APNs 80-723-01 & 80-721-04 from MDS to LDS and MDS; APN 89-020-01, 89-020-02 & 89-020-10 from GR to LDS; 80-723-02 from GR and MDS to MDS; APN 80-730-21 from GR and MDS to GR and MDS; APN 80-730-13 from GR to GR, LDS and MDS; APN 80-730-15 from GR to GR and MDS; APNs 552-221-006, 007, 008 & 009 from GR and MDS to GR; APN 80-723-03 from MDS to GR. Assessor's Parcel Numbers 80-191-16, 80-191-20, 80-542-26, 80-730-20, 80-730-22, 80-730-27, 80-730-28, 80-730-33, 552-210-10 & 552-210-13 are

included in the application, but are not being requested for any change in their current land use designations.

In addition, the applicant is appealing the Planning Commission's denial of a text change to the North Valleys Area Plan to permit dedication of required water rights for the area encompassed by the Lemmon Valley Visioning Study at the time of building permit, instead of at the time of application for a Comprehensive Plan Amendment and re-adoption of text and graphics reflecting changes to the North Valleys Plan land uses, streets and highways and text. The parcels are located on each side of Lemmon Valley Drive north of the intersection with Military Road in the Lemmon Valley portion of the Lemmon Valley Hydrographic Basin, wholly in or in portions of Sections 11, 14, 22, 23, 26, 27, 28, 34 & 35, T21N, R19E, and within a portion of Section 3, T20N, R19E, MDM The parcels are designated as "Rural" and "Rural Reserve" on the Truckee Meadows Regional Plan land use diagram, therefore a Regional Plan Amendment will be required.

Commissioner Camp disclosed that her company does business with CFA, Inc. who is representing the applicant; and that she is not involved with this project.

Chairman Bond opened the public hearing and called on anyone wishing to speak.

Michael Harper, Department of Community Development, reviewed background information regarding the appeal stating that the zoning had been changed on this property in 1993 via a Master Plan and zoning map; that in 1996 the applicant approached staff desiring to retain the May, 1993 zoning; that they were offered three options (1) to pursue a Master Plan Amendment, (2) to pursue the Site Review which was available to them but would require a development for the entire property, and (3) staff's suggestion that they consider engaging in a collaborative planning process with the public to develop a Visioning Study. Mr. Harper advised that the applicant opted for the Visioning Study process; that the County hired a facilitator to help with this process; and that the applicant funded the cost for the facilitator.

Mr. Harper further explained that the Visioning process was completed in November, 1996; that in May, 1997, two documents were produced out of that process, one being the Visioning Study and Development Handbook produced by the applicant; that these documents were presented to the CAB for their review in June, 1997 at which time they endorsed the process; that in August, 1997 the process was presented to the Planning Commission for acknowledgment; that the CPA was filed and was completed in conformance with the Visioning Study; that two primary issues that remained concerns were the expansion of Lemmon Drive and the issue of water rights; and that staff has received correspondence from Sierra Pacific Power Company indicating a willingness to participate in a wholesale agreement with the County for the provision of water contingent upon the infrastructure being developed by the applicant.

In conclusion, Mr. Harper stated that the applicant felt a need to keep faith with the group that had been involved with the Visioning Study and felt that the handbook should be incorporated as part of the approval process; and that the Board could acknowledge the covenant and accept being a party to it, however, this could not be accomplished at tonight's meeting as this was not placed on the agenda.

Steven Peek, Appellant and Vice President of Lemmon Valley Land Company, gave an overhead presentation concerning the historical background regarding the subject property, its ownership and development dating back to 1956 at which time their family purchased 8,000 acres in Lemmon Valley for development purposes; that over the ensuing 20 years they developed existing subdivisions in Lemmon Valley, created road networks and put many of the water systems in place; that in 1992, the County initiated designations on the Master Plan map, that if implemented, would have reduced the development potential of the property; that they were given a five-year transition period to develop

their land in accordance with their historical zoning of 2,147 dwelling units; that as the transition period was approaching an end, they met with Mr. Harper and other staff members to discuss their options; and that they chose a process that would involve the community which was unanimously endorsed and resulted in allowing Lemmon Valley Land Company to retain its zoning. Mr. Peek stated that the previous zoning implemented many year ago does not work well today; that it would be more appropriate to utilize open space, define better uses for the land, to create buffer zones, and to change densities in some areas.

Mr. Peek stated that it was his belief that they had several green lights and proceeded with the comprehensive plan amendment; that he would request that the Board uphold his appeal and allow him to come back to the Board in the near future to present a document that would address outstanding concerns; that the covenant would reflect that Washoe County is a party to the document as the enforcing agency; and that it should include a statement that the Visioning Study Handbook may not be changed except at the sole discretion of the Board after proper noticing and hearings on any such change.

Melissa Lindell, CFA, Inc., representing applicants, Lemmon Valley Land Company, reviewed history of the land being discussed and described via overhead projection the project, proposed densities and open space areas. Ms. Lindell then answered questions of the Board regarding the visioning process.

Several individuals spoke in support of the Comprehensive Plan Amendment stating that the comprehensive plan amendment is based on the Visioning Study which was a result of tremendous community input; that it was endorsed by the Planning Commission and as a result, should be upheld; that the Peeks have the right to develop their land as they desire; and that the Peeks have always been very honorable and have attempted to accommodate neighborhood concerns.

Numerous individuals spoke in opposition to the appeal citing the following reasons:

- Improper notification
- That the Master Plan should be upheld
- That the Visioning Study is flawed and not supported by the entire community
- That many properties are located within the floodplain
- That they desire to preserve views and rural lifestyles
- That this project would create overcrowding of schools
- That the project would impact wildlife habitat
- That an inadequate water supply already exists in the Valley
- That this would create increased traffic and negative impacts on emergency services
- Insufficient infrastructure issues
- concerns regarding shifting of densities
- No protection for Swan Lake

In conclusion, Mr. Peek stated that members of the public have presented a lot of misinformation to the Board regarding this project; that they are proposing lots ranging in size from 1/3 acre 1 acre for the purpose of maintaining open space; and that he has the right to develop his land

consistent with the zoning that currently exists in addition to a more appropriate plan which he is presenting today.

There being no one else wishing to speak, Chairman Bond closed the public hearing.

Following discussion, Commissioner Shaw moved to deny the appeal and uphold the decision of the Planning Commission to deny the Comprehensive Plan Amendment and Commissioner Mouliot seconded the motion. Following discussion Commissioner Mouliot withdrew his second and the motion died for lack of a second.

Following discussion, on motion by Commissioner Galloway, seconded by Commissioner Camp, which motion duly carried, with Commissioner Shaw voting "no," Chairman Bond ordered that the appeal of Comprehensive Plan Amendment Case No. CPA98-NV-1 for Lemmon Valley Land Company be continued (the public hearing portion being closed) to December 8, 1998 to allow staff to review a proposed covenant relating to the property to be agendized separately and heard in conjunction with this item; that the Development Handbook reflect that no density transfers be allowed; that a map be prepared indicating floodplain areas and identifying lots which would have to be removed because of their location in such areas.

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There being no further business to come before the Board, the meeting adjourned at 11:15 p.m.

JOANNE BOND, CHAIRMAN
Washoe County Commission

ATTEST: BETTY J. LEWIS, County Clerk